

**KARNATAKA LOKAYUKTA**

No. Compt/Uplok/BCD-4535/2015/DRE-2      M.S. Building,  
 Dr. Ambedkar Veedhi,  
 Bangalore-560 001,  
 Date: 23.09.2017.

**REPORT UNDER SECTION 12(3) OF  
 KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings initiated against  
 Shri. Narasimha Naik, Bill Collector,  
 Kittanahalli Grama Panchayath,  
 Dasanapura Hobli, Kadabagere Post,  
 Bengaluru North Taluk, Bengaluru,  
 regarding his misconduct as  
 Government Servant - reg.

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An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. C. Venkatesh S/o Late Chikkavenkataiah, Manchana Bele Colony, Dasanapura Hobli, Kadabagere Post, Bengaluru North Taluk, Bengaluru (hereinafter referred to as 'complainant' for short) against Shri. Narasimha Naik, Bill Collector, Kittanahalli Grama Panchayath, Dasanapura Hobli, Kadabagere Post, Bengaluru North Taluk, Bengaluru (hereinafter referred to as 'respondent' for short).

2) The complainant alleges that the respondent is working as Bill Collector at Kittanahalli Grama Panchayath, Dasanapura Hobli, Bengaluru North Taluk. By misusing his position, he has got allotted about 10 to 15 sites under various housing schemes in the name of his wife Munirathna and has secured Hakku Pathras. He has stated that property no. 63/21 (Sy.No. 22)

Property No. 54 (Sy.No. 22) of Kadabagere Grama Panchayath, Property No. 15/15 of Kachohalli Grama Panchayath, Property No. 279/548 of Machohalli Grama Panchayath and Property No. 186 (Sy.No. 77) of Kittanahalli Grama Panchayath are allotted in the name of respondent's wife Smt. Munirathna D/o Madappa. By alleging that he has acquired assets illegally has prayed for appropriate action.

3) The matter was referred to ADGP, Karnataka Lokayukta, Bengaluru for investigation. The S.P.-2, Karnataka Lokayukta, Bengaluru has submitted his report dated 06.07.2017 along with report of Shri. N.V. Mahesh, Police Inspector, Karnataka Lokayukta, Bengaluru dated 19.06.2017.

In the report I.O. has stated that the respondent working as Bill collector at Kittanahalli Grama Panchayath has got allotted 5 sites in the name of his wife Munirathna in the limits of Dasanapura, Kadabagere, Machohalli and Kachohalli Grama Panchayaths under various housing schemes of the Government. He has given the list of five properties standing in the name of respondent's wife which are as follows;

Sl. No.	Computerized Property No.	Property number as per Panchayath Records	Sy.No.	Extent and property type
1	150200201401000065	63/21	22/**/*	Housing- 83.61 Sq.Mtrs.
2	150200201401020004	54	22/**/*	-
3	150200201400320037	15/15	96/**/*	Housing -

			107/**/*	55.74 Sq. Mtrs
4	150200201400900313	279/548	85/**/*	Housing - 111.48 Sq. Mtrs
5	Kittanahalali Grama Panchayath	184	77	-

4) Comments were called from the respondent by forwarding copy of the complaint along with copy of the I.O. report dated 19.06.2017. The respondent has submitted his comments dated 30.08.2017 stating that he is working as Bill Collector at Kittanahalli Grama Panchayath from the year 2000. The properties stated in the complaint will not come within the jurisdiction of Kittanahalli Grama Panchayath.

Property bearing no. 63/21 is standing in the name of Manjunatha, Property No. 54 is standing in the name of Hanumantharaju, Property No. 15/15 is standing in the name of Munirathna and Property No. 548 is standing in the name of Basavarajaiah. Property No. 15/15 was allotted to Munirathna before her marriage with him. Due to political ill will, the present complaint is filed and hence has prayed to close the complaint. He has produced copies of form no. 9 and 11 showing that the alleged properties are standing in the name of the above said persons. He has also produced copy of the sale deed dated 29.09.2014, wherein his wife Munirathna had sold site property bearing no. 548 allotted to her under the housing scheme to one R.S. Basavarajaiah for total consideration of Rs.9,60,000/-. The complainant along with form no. 1 and 2

has produced copies of form no. 9 with respect to the above said properties which clearly go to show that the name of Munirathna is mentioned in owner's column and the mode of acquisition is mentioned as "through Hakku Pathra" under housing schemes. There is no explanation from the respondent as to how some of the above said properties have been transferred in the name of other persons mentioned in his comments.

5) The documents produced by the complainant along with form no. 1 and 2 and the documents collected by the I.O. clearly show that the above stated 5 properties have been allotted to the respondent's wife Smt. Munirathna under various housing schemes of the Government. The same could not have happened without misuse of his position by the respondent. Moreover the salary of the respondent per month is Rs.12,520/- as stated by him in his service particulars enclosed to his comments. The yearly income of the respondent is more than Rs.1,25,000/- per year. As per the information given by Rajiv Gandhi Vasathi Nigama Niyamitha dated 09.01.2017 (Collected by I.O.), the eligibility criteria for selecting the beneficiaries under housing scheme are as follows;

4.1 ನಿವೇಶನ ರಹಿತರು ನಿವೇಶನ ಸೌಲಭ್ಯವನ್ನು ಪಡೆಯಲು ಹೊಂದಿರಬೇಕಾದ ಅರ್ಹತೆಗಳು:

ಅರ್ಜಿದಾರರು ನಿವೇಶನ ಯೋಜನೆಗಳಡಿಯಲ್ಲಿ ಸೌಲಭ್ಯವನ್ನು ಪಡೆಯಲು ಈ ಕೆಳಕಂಡ ಎಲ್ಲಾ ಅರ್ಹತೆಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಹೊಂದಿರಬೇಕಾಗಿರುತ್ತದೆ.

4.1.1 ಅರ್ಜಿದಾರರು ಕಡ್ಡಾಯವಾಗಿ ಮಹಿಳೆಯಾಗಿರಬೇಕು (ವಿವಾಹಿತ ಅಥವಾ ಏಕ ಮಹಿಳಾ ಒಡೆತನ ಗೃಹಿಣಿ) ಮಾಜಿ ಯೋಧರು ವಿಧುರರು, ಅಂಗವಿಕಲರು, ಹಿರಿಯನಾಗರಿಕರಾಗಿದ್ದಲ್ಲಿ ಪುರುಷರು ಸಹ ಅರ್ಹರಾಗಿರುತ್ತಾರೆ.

4.1.2 ಫಲಾನುಭವಿಯು ಸಂಬಂಧಪಟ್ಟ ಗ್ರಾಮೀಣ ಪ್ರದೇಶದಲ್ಲಿ ವಾಸವಾಗಿರಬೇಕು.

4.1.3 ಅರ್ಜಿದಾರರ ಕುಟುಂಬವು ಆರ್ಥಿಕವಾಗಿ ಮತ್ತು ಸಾಮಾಜಿಕವಾಗಿ ಹಿಂದುಳಿದಿದ್ದು ವಾರ್ಷಿಕ ಆದಾಯ ರೂ.32,000/-ಕ್ಕಿಂತ ಕಡಿಮೆ ಇರಬೇಕು.

4.1.4 ಅರ್ಜಿದಾರರು ಕುಟುಂಬವು ವಸತಿ ಮತ್ತು ನಿವೇಶನ ರಹಿತರಾಗಿದ್ದು, ಅರ್ಜಿದಾರರು ಅಥವಾ ಕುಟುಂಬದ ಯಾವುದೇ ಸದಸ್ಯರ ಹೆಸರಿನಲ್ಲಿ ಕರ್ನಾಟಕದ ಯಾವುದೇ ಭಾಗದಲ್ಲಿ ಸ್ವಂತ ಮನೆ ಅಥವಾ ನಿವೇಶನವನ್ನು ಹೊಂದಿರಬಾರದು.

4.1.5 ಬೇರೆ ಯಾವುದೇ ಯೋಜನೆ/ಇಲಾಖೆಯಿಂದ ಈಗಾಗಲೇ ವಸತಿ/ನಿವೇಶನ ಸೌಲಭ್ಯ ಪಡೆದಿರಬಾರದು.


6) One of the eligibility criteria is that the beneficiary's yearly income should be less than Rs.32,000/- and should not have availed benefits under any of the Government housing schemes. But the yearly income of the respondent is more than Rs.1,25,000/- and also his wife Munirathna is repeatedly selected as beneficiary. The above said site properties have been allotted to an ineligible beneficiary. It seems that the respondent got allotted the site properties by providing false information. The same could not have happened without misuse of respondent's position. Under the circumstances, misconduct can be inferred against the respondent on the face of the records. Since the respondent is a Bill Collector, who is a contract based employee, the rules under KCSR are not applicable.

7) Under the circumstances, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to remove respondent/**Shri. Narasimha Naik**, Bill Collector, Kittanahalli Grama

Panchayath, Dasanapura Hobli, Kadabagere Post, Bengaluru North Taluk, Bengaluru from the post of Bill Collector.

8) Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate to this Authority within one month from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.

  
(Justice N. ANANDA),  
Upalokayukta-1, 23/11  
State of Karnataka.