

KARNATAKA LOKAYUKTA

No.COMPT/UPLOK/BGM-2057/2013/PP

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Dated 29/06/2016

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

Sub: Proceedings against (1) Sri Jiddi L.B., Panchayath Development Officer, Aalur Grama Panchayathi, Indi Taluk, Vijapura District and (2) Sri Annappa, President, S/o Bhimrao Ahirsang, Aalur Grama Panchayathi, Indi Taluk, Vijapura District about their misconduct as Public/Govt. servants – reg.

On the basis of a complaint filed by Smt. Sunanda, W/o Lakshman Hosmani, R/o Ingalagi, Indi Taluk, Vijapura District (here-in-after referred to as 'complainant' for short) alleging that **(1) Sri Jiddi L.B., Panchayath Development Officer, Aalur Grama Panchayath, Indi Taluk, Vijapura District and (2) Sri Annappa, President, S/o Bhimrao Ahirsang, Aalur Grama Panchayath, Indi Taluk, Vijapura District** (here-in-after referred to as 'Respondent No.1 and 2 for short) have misappropriated the amount released in favour of beneficiaries under 'Basava Ashraya Housing Schemes' and also under various other developmental schemes of the Aalur Grama Panchayath, thereby, the respondents being Public/Govt. Servants, have committed misconduct. Accordingly, an investigation was taken up u/sec. 9 of Karnataka Lokayukta Act.

2. Brief Facts of the Case:

The allegations made in the complaint are that the respondents have misappropriated the amount released in favour of beneficiaries under "Basava Ashraya Housing Schemes" and also in the works of preparation of agricultural ponds, maintenance of roads, maintenance of burial grounds, maintenance of

ladies toilets and other schemes. She further alleged that the respondents paid only Rs.15,000/- to her mother instead of paying Rs.1 lakh towards the construction of house. Sri Ganapathi has not been paid for preparation of farm ponds. Besides, the respondents have allotted house to the sister of 2nd respondent who is not residing in Ingalagi village after her marriage. The respondents created bogus bills under MGNREGA scheme and misappropriated the amount.

3. On the said complaint, comments of the Respondents were called for. Respondents submitted a joint comments denying the allegations, stating that the works under MGNREGA scheme were executed as per guidelines issued under MGNREGA and the works have been completed satisfactorily. Even payment has been made to the labourers through cheques.

4. On the said comments of the respondents, a rejoinder was called for from the complainant. But, the complainant did not submit the rejoinder. At this stage, it was felt that the matter has to be got investigated by Lokayukta police at Vijapur. Accordingly, the matter was referred to Superintendent of Police, Karnataka Lokayukta, Vijapur who in turn entrusted the case to Police Inspector, Karnataka Lokayukta, Vijapur (I.O.) for investigation. The I.O. after investigation submitted his report dt.20.2.2015. The I.O. has observed that under Basava Vasathi Yojane 2010-11 Smt. Sunanda Lakshmana Hosamani was selected as the beneficiary under the said scheme. But, pertaining to her case, it is the observation of the I.O. that the records have not been maintained by the respondents properly. In those records signature of the Panchayath Development Officer and the President were not found. For the reason that Smt. Sunanda Hosamani constructed the house by spending more than the amount estimated. She was not given the estimated amount either by way of cheque or cash by the Housing Corporation. The Village Panchayath officials concerned have not maintained the records pertaining to this beneficiary.

5. Under the Ashraya Yojane for the period 2011-12 Smt. Danavva W/o Siddappa Honakore has been shown as the beneficiary under the said Ashraya Scheme. An amount of Rs.10,000/- by way of cheque No.756810 dtd.1.3.2012 has been given to her by the village panchayathi. But, on spot inspection by the I.O. it has been found that no house has been constructed in the place where it ought to have been constructed. Even the photos of the house have not been enclosed to the file pertaining to the said beneficiary.

6. Under Action Plan of MGNREGA Scheme for the year 2012-13 one Sri Ganapathi Appanna Honakatti is shown to have been selected as the beneficiary for the construction of agricultural pond in his land. The I.O. has made an observation on his spot inspection that he found the agricultural pond constructed by the said beneficiary.

7. Smt. Shekubai Bheemaraya Ahirasanga is found to have been selected as the beneficiary under Indira Avas Scheme for the period 2011-12. The said beneficiary is none other than the sister of the then President of Ingalagi Grama Panchayath and during his tenure as President of said village panchayath, said Smt. Shekubai Bheemaraya Ahirasanga has been selected as the beneficiary under the said Indira Avas scheme. It has also been observed by the I.O. that the records pertaining to her case has not been maintained properly. Further it has been observed that the photos of the house said to have been constructed by the beneficiary are not enclosed. Even the PDO and the President have not signed any of the documents pertaining to her case. On spot inspection the I.O. has found a Zinc sheet shed in place where a house ought to have been constructed.

8. With regard to the allegation of asphaltting of road from Alur to Ingalagi, the I.O. on spot inspection has observed that the same has been asphalted.

9. With regard to the allegation that in the construction of Ambedkar Bhavana bogus bills have been prepared with regard to the CD construction to the road from Maragemma Temple to Alur road and also with regard to the formation of

burial ground in Ingalagi village the I.O. has observed that for the period 2010-11 and 2012-13 there is no such action plan and those works have not been sanctioned by the concerned.

10. With regard to construction of agricultural pond in the land of Siddappa Bheemaraya Kumbara under MGNAREGA scheme 2012-13, it is the observation of the I.O. that the work has not been executed in accordance with the sanctioned plan and estimate. In order to show that the said work was approved under NREGA for the year 2012-13 the approved list enclosed by I.O. confirms the said fact.

11. With regard to the allegation of misappropriation of fund with reference to the amount to be given to the labourers under NREGA scheme have been misappropriated by the respondents. I.O. has made an observation that the complainant has given a separate complaint to Hon'ble Upa Lokayukta and the same has been registered as case No.Compt/Uplok/BGM/2568/2013 and in that case he has submitted a separate investigation report. Therefore, this allegation has not been considered for the purpose investigation of this case.

12. With regard to allegation that the sanctioned well has not been constructed in sy.no.247/6, 248/1 & 225/5 but the bill has been passed in this regard. A spot inspection was held and it has been found that the said common well (40 x 40) is found to have been constructed in the land of Sri A.B. Ahirasanga, the President of Ingalagi Grama Panchayathi. It is the observation of the I.O. that the said construction of well seems to be not in the year 2012-13. Therefore, the said President and the PDO is to be held responsible for the fact that even though the said well is not constructed in the year 2012-13, they have prepared the bill for the said construction of well showing the expenditure for the period 2012-13.

13. Apart from these on verification of documents produced by the complainant, it is clear that Sadashivaiah Bheemashya Honnakore died on 10.10.2010. The death certificate of said Sadashivaiah Bheemashya Honnakore confirms the death of the said person. The job card No. of said Sadashivaiah Honnakore is 07-003-030-008/40. But, the respondents have shown in the record

that he worked till 21/01/2013 and amount shown to have been paid to him. The statement showing that said Sadashiva Honnakore worked and was paid for the work done by him. Similarly, Sri Santhosh Kumbhar has been shown as the beneficiary under NREGA Scheme. But said Santhosh kumbhar was an employee in UNIQ Detective and Security Services Private Ltd during the month of March 2013 and November 2012. But the statement produced show that the said Santhosh Kumbhar worked on 15.3.2013, 7.11.2012, 24.11.12, and 7.3.13. So the pay slip issued by the UNIQ Detective and Security Services Pvt. Ltd. in the name of Sri Santhosh Kumbhar for the months of March 2013 and November 2012 belie the fact that he was the beneficiary under NREGA Scheme in the month of March 2013 and November 2012. Further it has been shown by the complainant that Smt. Savithri Siddappa Honakore was given in marriage to one Sri Ravajappa of Maharashtra. Since then she has been living with her husband in Maharashtra State but the respondents have shown her name as the beneficiary under NREGA scheme and claimed the amount in her name. The Wedding Card produced in the case confirms the fact that Smt. Savithri was married to Sri Ravajappa on 27.5.2005. The statement produced shows that said Smt. Savithri Honakore worked on 7.3.12, 20.3.12, 18.12.12, 3.1.13, 13.1.13 & 07.02.13, even though she has not worked during the said period. These documents also show that the respondents made false claim by creating false documents.


14. Therefore, the copy of the investigation report was sent to the Respondents for their reply on the said report. For that, the respondents gave their reply. However, when considered the same (reply), it has been found not satisfactory in view of the above discussed circumstances of the case.

15. A careful consideration of the facts and material on record, show that the respondents, being Public/Govt. Servants, have failed to maintain absolute integrity besides absolute devotion to duty and acted in a manner unbecoming of Public/Government Servants and thereby committed misconduct under 3(1) (i), (ii) & (iii) of KCS (CCA) Rules, 1957 and Karnataka Panchayathraj Act, 1993 made themselves liable for disciplinary action.

16. Since said facts and material on record prima-facie show that the respondent has committed misconduct, now, acting u/sec. 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent No.1 and to entrust the enquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control & Appeal), 1987. Since Respondent No.2 being the President of Aalur Village Panchayath, action against him is to be initiated under Karnataka Panchayathraj Act.

17. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority **to intimate this Authority within three months** from the date of receipt of this report the action taken or proposed to be taken on this report against the respondent.

Connected records are enclosed.


(JUSTICE N. ANANDA) 30/6
Upa Lokayukta
Karnataka State, 29/6/16
Bengaluru.