

KARNATAKA LOKAYUKTA

No.COMPT/UPLOK/BGM-3247/2014/PP

M.S. Building,
Dr. B.R. Ambedkar Road,
Bangalore.

Ph:22257013

Fax:22258284

Dated: 24/03/2017

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

Sub: Proceedings against (1) Sri Mahibooba Huseini Mudagal, the then President, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (2) Sri K.B. Shivanagi, Retd. Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (3) Sri Lakshmana Hanamantha Naavi, the then Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (4) Sri Bhajanthri M.L, Panchayath Development Officer, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District (5) Smt. Kamalabai W/o Shankaragowda Kalakeri, the then President, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District (6) Sri S.H. Halakeri, Secretary, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District (7) Sri Jayakumar Devara Navadagi, the then Panchayath Development Officer, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District about their misconduct as Public/Govt. servants - reg.

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On the complaint filed by Sri Ninganagowda Shasappa Biradar, R/o Haranala Grama & Post, Sindagi Taluk, Vijapur District (herein after referred to as complainant for short) against (1) Sri Mahibooba Huseini Mudagal, the then President, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (2) Sri K.B. Shivanagi, Retd. Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (3) Sri Lakshmana Hanamantha Naavi, the then Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District (4) Sri Bhajanthri M.L,

N. Shivanagi

Panchayath Development Officer, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District (5) Smt. Kamalabai W/o Shankaragowda Kalakeri, the then President, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District (6) Secretary, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District (7) Sri Jayakumar Devara Navadagi, the then Panchayath Development Officer, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District [hereinafter referred to as Respondents (1) to (7) respectively] alleging that the respondents have created fake job cards under MGNREGA Scheme and misappropriated a sum of Rs.1,17,33,601/- during the period between 2010-11 and 2014-15, investigation was taken up after invoking power vested u/s. 9 of Karnataka Lokayukta, 1984.

2. At this stage the matter was referred to Superintendent of Police, Karnataka Lokayukta, Vijayapura for investigation u/s 15(3) of Karnataka Lokayukta Act. The Superintendent of Police, KLA, Vijayapura submitted Investigation report, the extract of which is as follows:-

ಅ.ನಂ	ವಿವರ	ಪುಟ ಸಂಖ್ಯೆ	ಅವ್ಯವಹಾರ
1)	ಸರಕಾರಿ ನೌಕರ ಪರಸ್ಥಳ ಒಂದೇ ಕುಟುಂಬಕ್ಕೆ ಅನೇಕ ಜಾಬ್ ಕಾರ್ಡ್	1 ರಿಂದ 8	3,64,060.00
2)	ಒಂದೇ ವ್ಯಕ್ತಿಗೆ ಎರಡಕ್ಕಿಂತ ಹೆಚ್ಚು ಜಾಬ್ ಕಾರ್ಡ್	9 ರಿಂದ 39	6,92,185.00
3)	2010-11 ರಿಂದ 2014-15 ಎನ್.ಎಂ.ಆರ್ ಖರ್ಚಿನ ಯಾದಿ	40 ರಿಂದ 61	56,69,952.00
4)	2010-11 ರಿಂದ 2014-15ರ ಪಂದ್ಸ್ ಖರ್ಚಿನ ಯಾದಿ	62 ರಿಂದ 76	50,07,404.00
	ಒಟ್ಟು		1,73,33,601.00

3. The investigating officer has recorded the statements of witnesses and collected the list of fake job cards. The investigating officer has opined that the respondents during the above period have misused their office to create fake job cards

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and misappropriated the funds of Rs.1,17,33,601/- under MGNREGA Scheme.

4. The comments offered by Respondents 1, 4, 5 and 7 are not satisfactory. The respondents 2, 3 and 6 though served with notice and copy of complaint, have not offered comments. There is prima facie material to indict respondents 1 to 7.

5. Since the Respondents are Government Servants and the material on record prima facie shows that they have committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966 and therefore, acting u/S. 12(3) of Karnataka Lokayukta Act, 1984, now, recommendation is made against **Respondent No.3 Sri Lakshmana Hanamantha Naavi, the then Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District; Respondent No.4 Sri Bhajanthri M.L, Panchayath Development Officer, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District; Respondent No.6 Sri S.H. Halakeri, Secretary, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District; Respondent No.7 Sri Jayakumar Devara Navadagi, the then Panchayath Development Officer, Haranala Gram Panchayath, Sindagi Taluk, Vijapur District** for initiation of departmental proceedings and also to entrust the enquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 to conduct enquiry.

6. Since Respondent No.2 Sri K.B. Shivanagi, Retd. Panchayath Development Officer, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District is a retired Govt. servant, recommendation is made for initiation of departmental


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proceedings and also to entrust the enquiry to this Authority **under 214(2)(b)(i) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957** to conduct enquiry.

7. Since **Respondent No.1 Sri Mahibooba Huseini Mudagal**, the then President, Haranala Grama Panchayath, Haranala, Sindagi Taluk, Vijapur District and **Respondent No.5 Smt. Kamalabai W/o Shankaragowda Kalakeri**, the then President, Haranala Grama Panchayath, Sindagi Taluk, Vijapur District are Elected Representatives action has to be initiated against them under Panchayathraj Act.

8. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority to intimate this Authority within **3 months** 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) 24/3
Upalokayukta,
Karnataka State, Bengaluru.

AP 24/3/14