

KARNATAKA LOKAYUKTA

Compt/Uplok/BGM-489/2007
& 487/2007/ARE-5

Multi-storied Building,
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated:26/09/2016

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

Sub: Proceedings against 1)Sri.M.S.Masuthi- the then Secretary, Thamba Grama Panchayath, presently Atharga Grama Panchayath Indi Taluk, 2) Smt.Shanthabai M.Bandawala- the then President, Thamba Grama Panchayath, 3)Sri.P.Sevanaik- The then Executive Officer, Indi taluk, 4) Dr.D.R.Chikkond, the then Executive Officer, Indi Taluk, 5)Dr.V.K.Deshpande, the then Executive Officer, Indi Taluk and 6)Sri.Rajkumar Parve, Executive Officer , Indi Taluk - regarding their misconduct as public servants -reg.

On the basis of complaint filed by Sri.Bheemanna Thippanna Allolli, Hon.President, Grama Hitharakshana Vedike, Thamba Village, Indi Taluk, Bijapur District (hereinafter referred to as 'complainant' for short) against Members, Thamba Grama Panchayath (hereinafter referred to as Respondent No.1) alleging misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. According to the Complainant: -

The works executed by Thamba Grama Panchayath during 2005-06 and 2006-07 are of substandard and the members of Thamba Grama Panchayath have executed works of Thamba Grama Panchayath by themselves and they have misappropriated amount by creating bogus bills.

3. Complaint was referred to CE, T.A.C., Lokayukta for investigation and report. Investigation has been conducted by A.S.-2, TAC, Lokayukta (I.O. for short) on the instructions of C.E., T.A.C. The report of I.O. disclose that C.E.O was directed to submit information and documents in respect of the works executed and he has not furnished the same. That E.O. had instructed the Manager of Indi Taluk Panchayath to submit report and he has reported that documents are not available in Thamba Grama Panchayath except Audit report for the year 2005-06. The E.O. has reported in his letter dt 22.8.2012 that the documents are not available.

4. I.O. has stated that investigation could not be taken up for want of documents. He has further stated that the Secretary and P.D.O. of Grama Panchayath have a duty to maintain documents concerning accounts in prescribed form and they have to maintain and preserve vouchers and acquaintances carefully in the office when they are not sent elsewhere for audit, but the Secretary/P.D.O. of Thamba Grama Panchayath have not maintained documents concerning the accounts and they have failed to produce documents for verification and thereby they have misappropriated the grant released by the Government. That the CEO and Executive Officer have also failed to take action against the concerned even on coming to know that the accounts and documents are not maintained and available. Therefore the Executive Officers, President

and Secretary who had worked during the relevant period has been impleaded as Respondent Nos.2 to 8.

5. The action complained pertain to the period 2007 and the Secretary Sri.A.M.Masuthi-Respondent No.2 has retired and the term of President Smt.Shanthabai M.Badadhala-Respondent No.3 has expired. Therefore D.E. cannot be initiated against them.

6. Copy of Complaint and report of I.O. were sent to Respondent Nos.4 to 8 for their reply.

7. Respondent No.4-Sri.P.Sevanaik has submitted reply dt: 25.8.2014 stating that he has retired and the work complained have not been executed during his period. Respondent No.5.Dr.D.R.Chikkond has submitted reply stating that he had worked from 21.9.2005 to 21.10.2005 and the works complained do not pertain to his period. Respondent No.6 has submitted reply stating that Respondent No.2 and 3 have misappropriated Rs.5,87,090-00 and action can be taken against them. Respondent No.7 has submitted reply stating that no complaints were received during his period and he had worked from March 2006 to 13.7.2007. Respondent No.8 has received our letter, but he has not submitted reply.

8. The report of I.O. prima facie show that grant released by the Government during 2005-06 and 2006-07 has been misappropriated without maintaining accounts and documents in respect of works executed and the Secretary and P.D.O. are responsible for maintaining accounts and documents and they have failed to maintain them. That E.O. had to inspect annually the accounts of Grama Panchayath and report the same to C.E.O. and he has failed to conduct annual

inspection of accounts and C.E.O. has not taken any action against the officers responsible for not maintaining the accounts and documents inspite of coming to know about not maintaining/non availability of accounts and documents.

9. The report of I.O. and the letter of Executive Officer dt: 6.2.2014 show that Respondent No.3 was the President during 2005-2007 and she is not the President now. That Respondent No.2 M.S.Masuthi, the then Secretary has retired on 30.6.2012. Respondent No.4 has submitted in his reply that he has retired. Respondent No.5 has submitted that he has worked for only one month from 21.9.2005 to 21.10.2005 and the complaint do not pertain to his period. Therefore, no report is made against Respondent No. 5.


10. Respondent Nos. 6 to 8 were the then Executive Officers. Respondent No.6 and 7 have not denied the irregularities found by the I.O. in his report.

11. The report of I.O. prima facie show that Respondent Nos.6 to 8 being the Executive Officers have failed to inspect the accounts annually and report the same to CEO and they have failed to take action against the Secretary and P.D.O. for not maintaining the documents and for not producing the documents for verification . Therefore the replies of respondent nos. 6 to 8 are not acceptable to drop the proceedings against them.

12. Since the said facts and materials on record prima facie show that Respondent No. 2-Sri.M.S.Masuthi- the then Secretary, Thamba Grama Panchayath presently Atharga Grama Panchayath

Indi Taluk, Respondent No.3-Smt.Shanthabai M.Bandawala- the then President, Thamba Grama Panchayath, Respondent No.4-Sri.P.Sevanaiak- The then Executive Officer Indi taluk, Respondent No.6. Dr.D.R.Chikkond, the then Executive Officer, Indi Taluk, Respondent No.7-Dr.V.K.Deshpande, the then Executive Officer, Indi Taluk and Respondent No.8-Sri.Rajkumar Parve, Executive Officer , Indi Taluk, have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Respondent No.6- Dr.D.R.Chikkond, the then Executive Officer, Indi Taluk Panchayath, Respondent No.7- Dr.V.K.Deshpande, the then Executive Officer, Indi Taluk and 8) Sri.Rajkumar Parve, Executive Officer , Indi Taluk, and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Further, recommendation is also made to the Competent Authority to direct the Authorities concerned to recover the amount misappropriated from Respondent Nos.2 to 4 under Karnataka Panchayath Raj Act.

13. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984 the Competent Authority to intimate 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, 29/9
KARNATAKA STATE,
BENGALURU.



