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KARNATAKA LOKAYUKTA

NO: COMPT/UPLOK/BGM/9108/2017/DRE4

MS Building,

Dr.B.R.Ambedkar Veedhi,

Bengaluru, Date:16/02/18

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

**Sub:** Proceedings against 1) Smt.Yellavva Basappa Narti - Then President, 2)Sri.A.K.Dharmanna - Panchayat Development Officer & 3) Sri.Ismailsab A Rajekhanavar - Member, all are of Shirur Gram Panchayat, Kundgol taluk, Dharwad district, about their misconduct as Public\ Govt. servants - reg.

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On the complaint filed by Sri.Basavaraj @ Basappa Parasappa Saraswati, Shirur post, Kundgol taluk, Dharwad district (hereinafter referred to as `complainant`) investigation was undertaken against 1)Smt.Yellavva Basappa Narti - Then President, 2)Sri.A.K.Dharmanna - Panchayat Development Officer & 3) Sri.Ismailsab A Rajekhanavar - Member, all are of Shirur Gram Panchayat, Kundgol taluk, Dharwad district (hereinafter referred to as `respondents No.1, 2 & 3`, respectively - for short).

*n. Srinivas*

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2. Brief allegation is that the respondents without formation of Krishi Honda and bund in complainant's land, have fabricated bills to misappropriate money.

3. Comments were called from the respondents. They have submitted comments.

4. Respondents No.1 to 3 offered comments stating that Krishi Honda was formed in the land of Sri.Parasappa Basappa Sarasvati. However, the name is wrongly mentioned as Sri.Basappa Parasappa Sarasvati (in short, Sri.Basappa Pa Sarasvati). In the year 2016-17 under MGNREGA Scheme Krishi Honda was formed in Sy.No.251/1 of Sri.Parasappa Basappa Sarasvati. Reference to the name of Sri.Basavaraj @ Basappa Parasappa Sarasvati and the name mentioned in the muster roll and other documents i.e., Sri.Basappa Parasappa Sarasvati are not related to each other and the complaint is motivated.

5. The respondents have produced certain documents, in which following discrepancies were found -

- 1) In the copy of the muster roll bearing No.2347 for payment of wages for the period between 20/06/16 and 26/06/16, the name of work is

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mentioned as "Basappa Pa Sarasvati - ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". The words "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" are hand written. As per the copy of Form No.8 issued by Village Accountant, Shirur village, Sarasvati Parasappa Basappa owns land bearing Sy.Nos.245/2 and 251/1 totally measuring 4 aces 37 guntas in Shirur village;

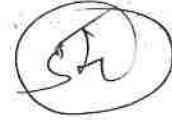
- 2) As per the certificate dated:09/06/17 of Village Accountant, Shirur village it is stated that Sri.Sarasvati Basavaraja Parasappa is a resident of Shirur village and he does not own any land in Shirur village;
- 3) In the copy of the statement of expenditure on Muster roll, the name of work was shown as "Basappa Pa Sarasvati" and Muster roll numbers are shown as 2347 dated:01/09/16 and 2348 dated:06/07/16 and 14/07/16. But, the name of work is not mentioned. In the succeeding column the work is shown as Parasappa P Sarasvati - construction of bund and the Muster roll number is shown as 4097 dated:16/11/2016. The respondents have not explained as to why they have not mentioned the nature of work and survey number of the land in the statement of expenditure on muster roll in relation to muster roll No:2347 and 2348;

*N. Srinivas*

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- 4) In the copy of muster roll No.2347, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" between the period 20/06/16 and 26/06/16. The total amount of expenditure shown under MGNREGA wages is ₹21,408/-;
- 5) As per the copy of muster roll No.2348, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". It is stated that financial sanction was granted on 04/04/16 under No.33888. It is relevant to state that even in relation to muster roll No.2347, the sanction order number is shown as 33888 dated:04/04/16;
- 6) The respondents have not contended that a bund was constructed in the land of Sri.Parasappa P Sarasvati. In muster roll No.4097, mention of the name of Sri.Parasappa P Sarasvati showing sanction order No.33897 dated:04/04/16 and in muster rolls No.2347 and 2348, mention of the name of Basappa Pa Sarasvati showing sanction order No.33888 dated:04/04/16 creates suspicion about the maintenance of records and execution of work by respondents;
- 7) In the copy of muster roll No.2347 it is stated that wages to labourer under MGNREGA for the period from 20/06/16 to 26/06/16 were

v. Shandy



transferred on 01/09/16, after a lapse of two and half months. It is not clear as to why there is delay in crediting the wages to the account of labourers under MGNREGA. In the copy of muster roll No.2347 there is reference to measurement book No.240 page No.44. The respondents have not produced the copy of measurement book. They have deliberately withheld the production of copy of measurement book.

6. The replies submitted by the respondents were not found convincing or satisfactory to drop the proceedings against them. Thus, investigation substantiated the allegation against the respondents.

7. The materials available on record *prima facie* disclose that the respondent No.1 and 3 are elected representatives and respondent No.2 being public servant, have failed to maintain absolute integrity and devotion to duty. Respondent No.2 committed misconduct attracting 3(1) of KCS (Conduct) Rules 1966 and liable for disciplinary action.

8. The respondents No.1 and 3 being elected representatives Competent Authority requires taking action against them under the provisions of Karnataka Panchayath Raj Act, 1993.

*Mr. Shrawan*

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9. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to permit to initiate disciplinary proceedings against respondent No.2 and to entrust the enquiry to this Authority under Rule 14-A of KCS (CCA) Rules.

10. Further, as per section 12(4) of Karnataka Lokayukta Act 1984, the Competent Authority is required to intimate to this authority within three months from the date of receipt of this report.

Copies of connected records are enclosed.

*N. Ananda*  
(JUSTICE N.ANANDA) 17/2  
Upalokayukta-1,  
Karnataka State.

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