

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/GLB-1542/2017/ARE-5

Multi-storied Building  
Dr.B.R. Ambedkar Veedhi,  
Bangalore,  
Dated:05/04/2018.**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA  
ACT, 1984**

Sub: Proceedings against:

- (1) Yankappa, Panchayath Development Officer, Salagunda Grama Panchayath, Sindhanur Taluk, Raichur District.
- (2) Eramma, President, Salagunda Grama Panchayath, Salgunda, Sindhanur Taluk, Raichur District- reg.

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1. On the basis of complaint filed by Bheemanna s/o Ambanna Bommanal, Salagund Post, Sindhanur Taluk, Raichur District (hereinafter referred to as 'complainant' for short) against (1) Yankappa, Panchayath Development Officer, Salagunda Grama Panchayath, Sindhanur Taluk, Raichur District and (2) Eramma, President, Salagunda Grama Panchayath, Salagunda, Sindhanur Taluk, Raichur District (hereinafter referred to as Respondent No.1 and 2 respectively) alleging that Respondents have committed misconduct, an investigation was taken up Under Section 9 of Karnataka Lokayukta Act, 1984.

**2. ACCORDING TO THE COMPLAINANT:**

During 2015-16 and 2016-17, out of the grants released by the Government and the tax amount collected and deposited to the bank account is withdrawn by the Respondents through others as below:

i) In the name of and through Mahesha, Sindhanur from P.K.G.B. bank, Somlapura and Axis Bank, Somlapura.

Dated	Division	Cheque No.	Amount
16.5.2016	P.K.G.B. Somalapura	316	Rs. 74,990/-
16.5.2016	P.K.G.B.Somalapura	319	Rs. 18,623/-
14.07.2016	Axis Bank, Sindhanur	197273	Rs. 27,490/-
14.07.2016	Axis Bank, Sindhanur	197266	Rs. 23,182/-
14.07.2016	Axis Bank, Sindhanur	197265	Rs. 13,800/-
14.07.2016	Axis Bank, Sindhanur	197263	Rs. 23,136/-
14.07.2016	Axis Bank, Sindhanur	197262	Rs. 23,138/-
28.04.2016	Axis Bank, Sindhanur	197241	Rs. 31,053/-

ii) In the name of and through C.B.Mohan, Sindhanur from P.K.G.B. bank and Axis Bank, Somlapura.

Dated	Division	Cheque No.	Amount
22.6.2015	P.K.G.B. Somalapura	2754	Rs. 26,000/-
30.5.2016	P.K.G.B.Somalapura	323	Rs.43,960/-
16.06.2016	Axis Bank, Sindhanur	197251	Rs. 20,837/-
22.09.2016	P.K.G.B. Somalapura	323	Rs. 25,200/-

iii) In the name of Ahmad Sab, Sapai Grama Panchayath, Salagunda.

Dated	Division	Cheque No.	Amount
27.7.2015	P.K.G.B. Somalapura	4890	Rs. 3500/-

14.03.2015	P.K.G.B.Somalapura	2904	Rs.6000/-
06.09.2016	P.K.G.B.Somalapura	2999	Rs. 4000/-
04.09.2016	P.K.G.B. Somalapura	3355	Rs. 1000/-
05.11.2016	P.K.G.B. Somalapura	3366	Rs.4500/-
30.01.2017	P.K.G.B. Somalapura	3372	Rs.4500/-
21.04.2017	P.K.G.B. Somalapura	500008	Rs.2500/-

iv) Cheques are issued in the name of Nagaraja s/o Dyavanna without any reason.

Dated	Division	Cheque No.	Amount
24.04.2017	P.K.G.B. Somalapura	500013	Rs. 4400/-
24.04.2017	P.K.G.B. Somalapura	500012	Rs. 4600/-

v) In the name of Venkatesh and Anilraj, Contractors by creating bogus documents.

Dated	Division	Cheque No.	Amount
14.12.2015	P.K.G.B. Somalapura	2890	Rs. 185850/-
15.12.2015	P.K.G.B. Somalapura	2887	Rs.181599/-

vi) In the name of Mounesh, Contractor by creating bogus documents.

Dated	Division	Cheque No.	Amount
26.12.2016	Axis Bank, Sindanur	197290	Rs. 74,120/-

vii) Cheques for excess amount than the amount agreed are in the name of Nirupadi, Contractor.

Dated	Division	Cheque No.	Amount
02.03.2017	Exis Sindanur Bank,	212809	Rs. 35745/-
02.03.2017	Axis Sindanur Bank,	212836	Rs. 35744/-
02.03.2017	Axis Sindanur Bank,	212818	Rs. 35745/-

viii) In the name of Prakash, Contractor by creating false documents:

Dated	Division	Cheque No.	Amount
13.4.2016	P.K.G.B.Somalapura	308	Rs.92000/-

ix) In the name of Honnurappa s/o Thimmamma and Veeresh s/o Sanneerappa, by creating false documetnms.

Dated	Division	Cheque No.	Amount
19.3.2016	P.K.G.B.Somalapura	305	Rs.7000/-
19.3.2016	P.K.G.B.Somalapura	307	Rs.9600/-
18.4.2016	P.K.G.B.Somalapura	314	Rs.4000/-

3. Respondents have submitted joint comments dt: 8.10.2017 denying the allegations. They have submitted that:

i) Mahesh is the Contractor. The amount is paid to him towards the works executed by him and bills are produced.

ii) C.B. Mohan had repaired the bore well and amount is paid to him towards repairing of bore well and voucher is produced.

iii) Amount is paid to Ahmed Sab towards small functions arranged in the Grama Panchayath and vouchers are produced.

iv) Amount is paid to Nagaraja towards amount spent for Dr.B.R.Ambedkar Jayanthi and bills are produced.

v. a) Amount is paid to Contractor Venkatesh and Anil Raj towards works taken up as per action plan and bills are produced.

b) Amount is paid to Contractor Mounesh towards filling of lakes and bills are produced.

c) Amount is paid to Contractor Nirupadi towards the works which are sanctioned in action plan and executed and no excess amount is paid and action plan is produced.

d) Amount is paid to the Complainant Honnurappa and Veeresh towards repairs of drinking water works and the vouchers are produced.

4. Documents collected during investigation show that:

i) None of the agreement executed by the Contractor containing the date of execution of agreement.

ii) The date of estimate and date of technical sanction for estimate are not entered in the Contract certificate.

iii) In contract certificate issued in respect of desilting of existing drainages for Ward No.1 at Salagunda Village in Sindanur Taluk, the date of taking measurement is mentioned as 20.4.2017. But the cheque No.197266 is issued on 12.7.2016 for Rs.23,182/-

Therefore, even before inspecting the work, cheque is issued to the Contractor.

iv) In the agreements entered into with contractors, the time limit for completing the contract and default clause are not mentioned.

v) In contract certificate issued in respect of clearing garbage and drainage near Rasoolamma Maszid, Cheque for Rs.23,136/- is issued to the contractor on 12.7.2016. But it is mentioned in the Contract certificate that the measurement was recorded on 20.4.2017. Therefore amount is paid to the contractor even before inspecting the work.

vi) An amount of Rs.2500/- is paid to Ahmed, Contractor towards photographs on 10.4.17. But the photographs and receipts are issued by Sri.Rama colour lab for taking photographs in the name of Grama Panchayath.

vii) On 10.6.2015 cheque for Rs.26,000/- is issued to C.B. Mohan towards repairs of all hand pumps situated in the limits of Grama Panchayath. An amount of Rs.43,960/- is paid to C.B.Mohan on 23.5.2016 through cheque 000323 towards repairing hand pumps of bore wells which were in the limits of Gram Panchayath and camps. Again cheque for Rs.20,837/- is paid to C.B.Mohan for repairing hand pumps of bore wells of all ward camps of Grama Panchayath.

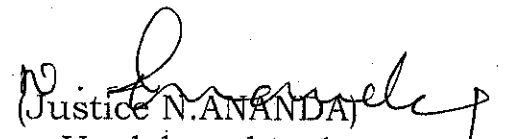
viii. There is no date for cheque Nos.212809, 212810 and 212811.

5. In view of the above illegalities, comments submitted by Respondents are not acceptable to drop the proceedings against them.

6. Since the said facts and materials on record prima facie show that (1) Yankappa, Panchayath Development Officer, Salagunda Grama Panchayath, Sindhanur Taluk, Raichur District and (2) Eramma, President, Salagunda Grama Panchayath, Salagunda, Sindhanur Taluk, Raichur District 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-1- Yankappa, Panchayath Development Officer,** Salagunda Grama Panchayath, Sindhanur Taluk, Raichur District (date of retirement is 31.5.2042) and to entrust the inquiry to the Hon'ble Upalokayukta-1 under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Further it is also recommended to take action against **Respondent No.2 - Eramma, President,** Salagunda Grama Panchayath, Salagunda, Sindhanur Taluk, Raichur District under the provisions of Karnataka Panchayath Raj Act.

7. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984 the Competent Authority to intimate the Hon'ble Upalokayukta-1 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,  
KARNATAKA STATE,  
BENGALURU. 6/4

