

**KARNATAKA LOKAYUKTA**

Compt/Uplok/GLB-2903/2014/ARE-5

Multi-storied Building,  
Dr.B.R. Ambedkar Veedhi,  
Bangalore,

Dated: 03/04/2019.

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

Sub: Proceedings against:(1)Sri.Amareshappa Badiger, PDO(Retired), Narakaladinni Grama Panchayath, Taluk Lingasugur, Raichur District(Respondent No.1), (2) Abid Ali, Junior Engineer, PRE Sub.Divn, Lingasugur Taluk, Raichur Dist(Respondent-3), (3)Veeranna, the then PDO, Narakaladinni Grama Panchayath presently at Bilagi Taluk Panchayath, Bagalkot Dist.(Respondent-5),(4) Sri.Mruthyunjaya, J.E, KBJNL, Alamatti (Respondent No.6), (5)Mahadevaiah, Executive Officer (Retd), Taluk Panchayath, Lingasugur (Respondent No.7), (6) Sri.Amarappa Hunakunti , PDO, Narakaladinni Grama Panchayath, Narakaladinni Grama Panchayath, Lingasugur Taluk, Raichur District(Respondent No.14), (7) Sri.Ramappa Nadageri, PDO, Narakaladinni Grama Panchayath, Lingasugur Taluk, Raichur District (Respondent No.15), (8) Amaresh, Computer Operator, Narakaladinni Grama Panchayath, Lingasugur Taluk, Raichur District (Respondent No.16) and (9)Devaraj Gorebal- Computer Operator, Mavinabhavi Grama Panchayath, Lingasugur Taluk, Raichur District (Respondent No.17) regarding their misconduct as public servants-reg.

\*\*\*\*\*

On the basis of complaint filed by Sri.Durugesh s/o.Siddappa Kavithala r/o. Chitapura, Lingasugur Taluk, Raichur District (hereinafter referred to as 'complainant' for short) against



Amareshappa Badigera, P.D.O., Narakaladinni Grama Panchayath, Lingasugur Taluk and others (hereinafter referred to as Respondent No.1), alleging that the Respondents have committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

**2. According to the Complainant :-**

Respondents have created bogus bills in respect of works executed under Employment Guarantee Scheme during 2012-13 and 2013-14. Respondents have created bogus job cards in the names of labourers and misappropriated about Rs.40 to Rs.50 lakhs.

3. Report was called for from S.P., Karnataka Lokayukta, Raichur on the Complaint. Investigation has been conducted by Police Inspector, Karnataka Lokayukta; Raichur (I.O. for short) I.O has submitted report to S.P. Karnataka Lokayukta, Raichur. In turn S.P., Lokayukta, Raichur has submitted report of I.O. dt: 23.1.2017.

4. Report of I.O. and the documents collected during investigation show that:

(a) Special Social Auditor has submitted report during 2013-2014 stating that two job cards have been issued for the same family. Attendance for 14 days has been given to the family members though they have not worked. Attendance is marked for dead persons and who are married and residing in another village.

(b) I.O. has produced document-1 in support of the allegation. In the document-1, at pages 39 to 42, the names of coolie labourers who had not worked and still

ns. *[Handwritten signature]*

their attendance is marked in the attendance register 'present' is mentioned. The names of labourers who are not residents of the village and the names of family for whom more than two job cards are issued and names of labourers who are dead is mentioned in document-1 at pages 39 to 42.

(c) During 2013-14 Social Auditor has submitted report that attendance has been given to all members of the family where none attended and attendance is given to five members of the same family though only one member of the family had attended the work. (The list of said families is at page 176 and 183 in document-1 produced by the I.O.).

(d) During 2014-15 Social Auditor has submitted in the report that the works at spot did not tally with the photographs produced and the works executed. That works executed are of substandard in respect of works at Sl.Nos.6, 16, 22, 24,34, 46, 51 and 54 and therefore 80% of amount paid is to be recovered. (The list of said work and the photographs are at pages 53 to 62 of document -1 produced by the I.O.).

(e) Respondent No.1 Amaresh Badigera, the previous PDO- has produced photographs of drain work of Rehabilitation work of Basavasagara and drawn amount. He has created documents in respect of plantation work which is not executed and misappropriated the amount. (I.O. has produced photographs to show that the work is not executed. Photos are at pages 1 to 4 of document No.2).

*N. Chand*

(f) Between 1.1.2012 to 1.8.2016 about Rs.6,80,230-00 has been credited to the account of Computer Operator-Devaraj Gorebal, Narakaladinni, Grama Panchayath, Lingasugur Taluk, Raichur District by Respondent No.1 without crediting that amount to the account of labourers. Copy of bank statement of Devaraj Gorebal is produced by the I.O., as document-6. Bank statement show that Rs.6,80,230/- is credited to the account of Devaraj Gorebal between 2.8.2013 to 7.7.2014 through NEFT from NAREGA funds. Out of that amount Rs.6,63,600/- is withdrawn. Opening balance was Rs.108 and closing balance is Rs.16,738/- . (Amount withdrawn that is Rs.6,63,600/- + Closing balance Rs.16,738 - Opening balance Rs.108 = Rs.6,80,230/-).

f. Beneficiaries (1)Smt.Laxmibai (2) Huligemma (3) Shantamma have not completed construction of houses under housing scheme. But bogus documents have been created as if Rs.12,500/- and Rs.15,000/- has been paid to Smt.Laxmibai and as if Rs.15,000/- and Rs.20,000/- has been paid to Huligemma. Beneficiary P.Uma has not constructed house. She has received the amount by showing land adjacent to her house.

g. Records in respect of works executed under 12<sup>th</sup> and 13<sup>th</sup> finance scheme were not available.

h. Officers responsible for illegalities committed are:

(1) Amaresha Badiger (retired),



- (2) S.R.Patil (Retd), Watershed Department.
- (3) Abid Ali, J.E. PRE Sub.Divn, Lingasugur,
- (4) Mainuddin, J.E. PRE Sub.Divn, Lingasugur.
- (5) Veeranna, PDO, Bilagi Taluk Panchayath, Bagalkot District,
- (6) Mruthyunjaya , JE, KBJNL , Alamatti,
- (7) Mahadevaiah, Executive Officer (Retd), Taluk Panchayath, Lingasugur,
- (8) S.H.Kopparada, the then Executive Officer, Taluk Panchayath, Lingasugur,
- (9) B.B.Kulakarni, Executive Officer (Retd), Taluk Panchayath, Lingasugur,
- (10) Sharanappa Handigola, the then Executive Officer, Lingasugur Taluk Panchayath,
- (11) Pranesh Rao, the then Executive Officer, Taluk Panchayath, Lingasugur,
- (12) Veeranna Charanthi Matha, PDO,
- (13) Shivananda Kallapur, PDO,
- (14) Amarappa Hunakunti , PDO,
- (15) Ramappa Nadageri, PDO.

4. After receiving the report of I.O., Respondent No.2-S.R.Patil (Retd), Watershed dept., Respondent No.3-Abid Ali, J.E., PRE Sub.Divn, Lingasugur, Respondent No.4-Moinuddin, J.E. PRE Sub.Divn, Lingasugur Respondent No.5 Veeranna, PDO, Bilagi Taluk Panchayath, Bagalkot District, Respondent No.6.Mruthyunjaya , JE, KBJNL , Alamatti, Respondent No.7- Mahadevaiah, Executive Officer (Retd), Taluk Panchayath, Lingasugur, Respondent No.8- S.H.Kopparada, the then Executive Officer, Taluk Panchayath, Lingasugur, Respondent No.9-B.B.Kulakarni, Executive Officer

*S. Shivananda*

(Retd), Taluk Panchayath, Lingasugur, Respondent No.10- Sharanappa, the then Executive Officer, Lingasugur Taluk Panchayath, Respondent No.11-Sri.Pranesh Rao, the then Executive Officer, Taluk Panchayath, Lingasugur, Respondent 12-Veeranna Charanthi Matha, PDO, Respondent No.13-Shivananda Kallapur, PDO, Respondent No.14-Amarappa Hunakunti, PDO, Respondent No.15- Ramappa Nadageri, PDO have been impleaded as Respondents Nos.2 to 15 and copy of Complaint and report of I.O. were sent to Respondent Nos.1 to 15 for their comments/reply. Thereafter Amaresh, Computer Operator, Narakaladinni Grama Panchayath, Lingasugur Taluk, Raichur District and Sri.Devaraja Gorebal, Computer Operator, Mavinabhavi Grama Panchayath, Lingasugur Taluk, Raichur District have been impleaded as Respondents Nos.16 and 17 and copy of Complaint and report of I.O. were sent to Respondent Nos.16 17 for their comments/reply.

5. Respondent Nos.1 to 5 and 8 to 14, 16 and 17 have submitted comments. Respondent -5 and Respondent -12 are one and the same person. Respondent - 6, 7 and 15 are served, but they have not submitted comments.

6. Respondent No.1 has submitted comments denying the allegations. He has submitted that no amount is paid to labourers who have not worked and who are dead and who are residents of other villages. He has further stated that no bogus bills are prepared in the names of labourers and contractor and no illegality is committed by him.

7. Respondent No.2 has submitted comments stating that he retired on 31.3.2014. That the work of preparing job cards, payment to

*webrandy*

labourers and contractor and the other allegations made in the complaint do not pertain to his jurisdiction.

8. Respondent No.3 has submitted comments stating that the works executed are not of substandard and no bogus bills are prepared and allegations made in the complaint are false.

9. Respondent No.4 has submitted comments stating that he is concerned only with the execution of civil works and he is not concerned with administration of Grama Panchayath.

10. Respondent No.5 has submitted comments that he worked in Narakaladinni Grama Panchayath from 25.9.2013 to 13.1.2014 and his name is not mentioned anywhere in the complaint and no illegality has committed during his tenure.

11. Respondent No.8 has submitted comments stating that he worked as Executive Officer from 3.8.2012 to 13.9.2012 in Lingasugur Taluk Panchayath as incharge Executive Officer and the allegations made in the complaint pertain to the period 2013-14 and he worked only for one month and he is not responsible for the allegations made in the complaint. He has further stated that PDO is responsible for identifying the beneficiaries and make payment to the beneficiaries and he has not accorded approval for any action plan during his period.

12. Respondent No.9 has submitted comments stating that he retired on 31.8.2014. He worked as incharge Executive Officer of Lingasugur Taluk Panchayath from 8.11.2013 to 9.12.2013 that is only for one month and he is not responsible for the allegations made in the complaint.

*v. Aravind*

13. Respondent No.10 has submitted comments dt: 29.6.2017. He has submitted that he worked as incharge Executive Officer from 9.12.2013 to 2.1.2014 in Lingasugur Taluk Panchayath. Grama Panchayath is responsible for validation of job cards. The concerned engineer of the Grama Panchayath has to prepare estimate for the work and obtained administrative sanction and get the work implemented through Panchayath Raj Engg. Sub.divn and Executive Officer is not concerned with the said work. The materials required for the works will be purchased from the vendors and amount will be paid directly to the vendors from the account of the Government through EFMS and details of the vendor is uploaded in the website. He has submitted report against PDO/Secretary as no order was obtained from him while implementing the works under Employment Guarantee scheme. On the basis of his report, order has been passed by Z.P. to remove Computer Operator and to initiate action under CCA Rules against PDO/Secretary.
14. Respondent No.11 has submitted comments dt:28.6.2017 stating that he took charge as in charge Executive Officer of Lingasugur Taluk Panchayath on 27.8.2014. Grama Panchayath Development Officer is responsible for issuing job card, for identifying the labourers and record measurement in NMR. He has further stated that the allegations pertain to the period 2012-13 and he was not the Executive Officer during 2012-13.
15. Respondent -5 and Respondent -12 are one the same person.
16. Respondent No.13 has submitted comments stating that he worked from 18.9.2012 to 4.10.2012 only and allegations made in the report of I.O. do not pertain to his period.

*n. Inwards*



17. Respondent No.14 has submitted comments stating that Amaresh Badigera, PDO, referred in the report of I.O. is PDO of Narakaladinni Grama Panchayath, Lingasugur Taluk and where as he is in charge PDO of Bhatakanur Grama Panchayath.

18. But in the report of I.O it is clearly stated that previously he was P.D.O. of Narakaladinni Grama Panchayath.

19. Respondent No.16 has submitted joint comments dt: 12.3.2015 denying the Complaint allegations. Respondent No.17 has submitted comments dt:14.3.2018 by denying that an amount of Rs.6,80,230/- was credited to his bank account No.10766100013376 from 1.1.2012 to 1.8.2016. But he has admitted that an amount of Rs.5,81,975/- was credited to his savings bank account from Narakaladinne Grama Panchayath account No.10766100012243 and thereafter as per the instruction of PDO, Narakaladinne Grama Panchayath he was deposited an amount of Rs.5,79,800/- out of Rs.5,81,975/- on 8.5.2014. On perusal, the admission of the 17<sup>th</sup> Respondent depicts that the amount which is to be credited to the account of labourers it is in the savings bank account of 17<sup>th</sup> Respondent -Devaraj Gorebala till 8.5.2014.

20. In view of the above, the comments of the Respondent -16 Amaresh, Computer Operator and 17-Devaraja Gorebal, Computer Operator are not acceptable to drop the proceedings against them.

21. In view of report of I.O. which prima facie show that attendance is given to labourers who had not worked, bogus documents are created in respect of work not executed and amount has been credited to the account of Computer Operator by Respondent No.1

*v. d. nanda*

without crediting the amount to the account of labourers and records were not maintained in respect of the work executed under 12<sup>th</sup> and 13<sup>th</sup> finance scheme, the comments submitted by Respondents -1 - Amareshappa Badigere, the then PDO, Narakaladinni Grama Panchayath , Respondent No.3- Abid Ali, Junior Engineer, PRE Sub.Divn, Lingausugur , Raichur District, Respondent No.5 Veeranna , the then PDO and Respondent No.14- Amarappa Hunukunti- PDO , Narkaladinni Grama Panchayath are not acceptable to drop the proceedings against them.


22. Respondent Nos.2, 4 and 8 to 11 and 13 have explained that they have not executed the works complained.

23. Since the said facts and materials on record prima facie show that Respondent No.1 -Amareshappa Badiger (retired), Respondent No.3- Sri.Abid Ali, J.E. PRE Sub.Divn, Lingasugur, Respondent No.5- Veeranna, PDO, Bilagi Taluk Panchayath, Bagalkot District, Respondent No.6- Sri.Mruthyunjaya , JE, KBJNL , Alamatti, Respondent No.7-Mahadevaiah, Executive Officer (Retd), Taluk Panchayath, Lingasugur, Respondent No.14-Sri.Amarappa Hunakunti , PDO, Narakaladinni Grama Panchayath and Respondent No.15- Sri.Ramappa Nadageri, PDO, Narakaladinni Grama Panchayath, ; Respondent No.16- Amaresh, Computer Operator, Narakaladinni Grama Panchayath and 17-Devaraja Gorebal, Computer Operator 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.3- Sri.Abid Ali, J.E. PRE Sub.Divn, Lingasugur, Respondent No.5-

*N. Chandrashekar*

Veeranna, PDO, Bilagi Taluk Panchayath, Bagalkot District, Respondent No.6- Sri.Mruthyunjaya , JE, KBJNL , Alamatti Respondent No.14-Sri.Amarappa Hunakunti , PDO, Narakaladinni Grama Panchayath and Respondent No.15- Sri.Ramappa Nadageri, PDO, Narakaladinni Grama Panchayath 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 initiate disciplinary proceedings against Respondent No.1 -Amareshappa Badiger (Retired on 30.6.2015) and Respondent No.7-Mahadevaiah, Executive Officer under rule 214(2)(b) of KCSRS since they have retired and also to take action against Respondent No.16- Amaresh, Computer Operator, Narakaladinni Grama Panchayath and Respondent No.17-Devaraja Gorebal, Computer Operator in accordance with Law as they are temporary employees.

21. 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.

M

3/4

