

KARNATAKA LOKAYUKTA

No. Compt/Uplok/GLB-7664/2015/DRE-3 M.S. Building,
Dr. Ambedkar Veedhi,
Bangalore-560 001,
Date: 12.05.2017.

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

Sub: Proceedings initiated against (1) Shri. Ajith Kumar, Panchayath Development Officer, Hukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (2) Smt. Mallamma W/o Siddappa, President of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (3) Smt. Channamma, the then President of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (4) Shri. Dhoolappa, the then Panchayath Development Officer, Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (Presently working as Secretary Grade-2, Chatnalli Grama Panchayath, Shahapur Taluk, Yadagir District), (5) Shri. Maharudrappa, the then Panchayath Development Officer of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (Presently residing at Ajeed Colony, Station area road, Yadagir), (6) Shri. Shanthagowda S/o Sahebgowda, Member of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District and (7) Shri. Shivarudra, Bill Collector, Haranagera, Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, regarding their misconduct as Government/Public Servant - reg.

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. Shanthappa B. Salimani, Haranagera village, Hukkinala Post, Shahapur Taluk, Yadagir District (hereinafter referred to as 'complainant' for short) against (1) Shri. Ajith Kumar, Panchayath Development Officer, Hukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (2) Smt. Mallamma W/o Siddappa, President of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (3) Smt. Channamma, the then President of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District, (4) Shri. Dhoolappa, the then Panchayath Development Officer, Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (Presently working as Secretary Grade-2, Chatnalli Grama Panchayath, Shahapur Taluk, Yadagir District), (5) Shri. Maharudrappa, the then Panchayath Development Officer of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (Presently residing at Ajeed Colony, Station area road, Yadagir), (6) Shri. Shanthagowda S/o Sahebgowda, Member of Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District and (7) Shri. Shivarudra, Bill Collector, Haranagera, Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (hereinafter referred to as 'respondents 1 to 7 respectively' for short).

2. The complainant alleges that;

- **Shri. Shantha gowda** S/o Sahebagowda, Member of the Grama Panchayath and the nominated member of APMC got sanctioned 3 houses in the name of his family members i.e.

(a) House has been granted in the name of his **wife** Smt. Sangamma under Indira Awaz Yojana for the year 2011-12

(b) House is granted in the name of his **daughter-in-laws** Smt. Basamma and Smt. Manjamma both W/o Amaresh gowda under Basava Housing Scheme for the year 2010-11.

(c) House is granted in the name of his **daughter** Smt. Channamma W/o Ninganagowda Kannehalli even though she was married to Kannehalli village 15 years back under Basava Housing Scheme for the year 2013-14.

- **Smt. Mallamma** W/o Siddappa Poojari, Member of the Grama Panchayath and Ex-President got sanctioned a house in **her** name under Basava Housing Scheme for the year 2010-11 and also got granted a house in the name of her **husband** under Indira Awaz Yojana for the year 2011-12.

- **Shri. Shivarudra** S/o Mallanna, Bill Collector of the Grama Panchayath got granted houses in the name of his family members i.e.,

(a) In the name of his **elder sister** Basamma W/o Rudra gowda, r/o Singanahalli under Basava Housing Scheme and also under Indira Awaz Yojana for the year 2010-11 and 2012-13

(b) In the name of his **grandmother** Somavva W/o Bheemanagowda r/o Singanahalli under Basava Vasathi Yojana for the year 2013-14.

(c) In the name of his **aunt** Rachamma W/o Basanagowda R/o Singanahalli for the year 2012-13. Even though they are not the residents of

Hukkinala Grama Panchayath limits. They are residing at Singanahalli which comes within the limits of Madarakki village Panchayath.

- In spite of complaints to higher authorities, no action has been taken. Hence has prayed to take action against the respondent.

3. In support of the complaint, the complainant has produced list of beneficiaries under various schemes and also the copies of voter's list of the village Kannahalli for the year 2013 and of the village Singanahalli for the year 2014 & other documents.

4. The respondent no.1 has submitted his comments stating that the notice dated 16.04.2015 was issued to the beneficiaries under various housing schemes who have been illegally selected through RPAD. Further states that the notices have been refused by the said beneficiaries. Further states that the respondent had taken charge of Panchayath Development Officer, Grama Panchayath, Ukkinala on 04.12.2013.

5. The respondent no.1 has produced notice issued by the Chief Executive Officer to him dated 25.02.2015 observing that the houses have been illegally granted and asking his explanation as to why action shall not be taken against him. He has produced the explanation dated 02.03.2015 given by him to the Chief Executive Officer, Zilla Panchayath, Yadagir for the said notice, in which he has stated that names of the President and Panchayath Development Officers who are working at relevant point of time.

6. On the basis of the comments of respondent no.1, respondents no.2 to 7 were added and their comments was

called. Respondents no.4 and 5 have submitted their comments. Respondents no.3,6 and 7 have not submitted their comments inspite of service of this office endorsement. Respondent no.2 has refused to receive this office endorsement and therefore her comments is taken as not filed.

7. Respondent no.4 in his comments dt.31.03.2017 states that there are no allegations against him in the complaint and hence has prayed to drop him from the proceedings.

8. The present Executive Officer, Taluk Panchayath, Shahpur has submitted the copy of joint report of Ombudsman and the then Executive Officer, Taluk Panchayath, Shahpur dt.17.08.2015 in which it is clearly stated that there are discrepancies in selection of 11 ineligible beneficiaries. The list of 11 ineligible beneficiaries is also provided along with the report. The list of ineligible beneficiaries corresponds with that of the list of beneficiaries given by the complainant alleging that the family members of respondents no.2,6 and 7 have been illegally selected.

9. The details of 11 ineligible beneficiaries selected by Ukkinala Grama Panchayat are as follows:

Sl. No.	Name of the beneficiary	Housing Scheme & Year	Beneficiary Code	Bank Account No.	Date	Amount Paid	Name of PDO
1	Basamma W/o. Ambreshgowda	BHS 2010-11	27066	11044100017437	18/11/2013 14/10/2014	34500 20000	Dhoolap Ajit Kur
2	Manjamma W/o. Ambreshgowda	BHS 2010-11	132890	11044100018560	30/10/2013 25/06/2014	14500 60000	Dholapp Ajit Kur
3	Chanamma W/o. Ningannagowda Kanneli	BHS 2013-14	141596	11044100009880	04/07/2014 04/07/2014 21/11/2014	59800 30000 24700	Ajit Kur Ajit Kur Ajit Kur
4	Sangamma W/o. Shantagowda	IAY 2011-12	90222	11044100300872	25/10/2012 10/06/2013 17/01/2014 30/04/2014	10000 10000 15000 15000	Dhoolap Dhoolap Ajit Kur Ajit Kur
5	Basamma W/o.	BSH	132785	11044100017706	26/10/2013	14500	Dhoolap

	Rudragowda	2010-11			01/07/2014	40000	Ajit Kur
6	Somavva W/o. Bheemanagowda	BSH 2013-14	141597	11044100009881	14/05/2014	30000	Ajit Kur
					11/05/2014	30000	Ajit Kur
					01/07/2014	30000	Ajit Kur
					01/07/2014	24500	Ajit Kur
7	Basamma W/o. Rudragowda	IAY 2012-13	132132	Same beneficiary at Sl. No.5	17/01/2014	15000	Dhoolap
					10/03/2014	20000	Ajit Kur
					30/04/2014	40000	Ajit Kur
8	Rachamma W/o. Basanagowda Singanalli	IAY 2012-13	132153	11044100300870	12/11/2013	15000	Dhoolap
					10/03/2014	20000	Ajit Kur
					30/04/2014	15000	Ajit kur
					27/06/2015	25000	Ajit Kur
9	Mallamma W/o. Siddappa	IAY 2011-12	90244	11044100300874	25/10/2012	10000	Dhoolap
					10/06/2013	10000	Dhoolap
10	Mallamma W/o. Siddappa	BHS 2010-11	132914	11044100018568	07/10/2013	14500	Dhoolap
11	Siddappa S/o. Mallappa Pujari	BHS 2010-11	132838	11044100018530	28/06/2014	40000	Ajit Kur
					07/10/2013	14500	Dhoolap
					14/10/2014	40000	Ajit Kur

10. All the beneficiaries are stated to be relatives of Respondents no.2,6 and 7 who are the President, Member and Bill Collector of Ukkinala Grama Panchayat. The Joint report of Executive Officer and Ombudsman Dt.17.08.2015 reveal that there are illegalities in selection of the above said 11 beneficiaries. The notice issued by Chief Executive Officer to Respondent no.1, Panchayath Development Officer clearly reveal that all the above said 11 beneficiaries are the relatives of Respondents no.2, 6 and 7. Therefore, it can be inferred that respondents no.2, 3, and 6 being the, the then Presidents and Members of Ukkinala Grama Panchayat have misused their position to gain favour in selecting the above said 11 ineligible beneficiaries illegally violating the guidelines of the housing schemes. Similarly respondent no.7 has also misused his position as Bill Collector in Grama Panchayat to gain favour in selecting his relatives (who are not residents residing within the jurisdiction of Ukkinala Grama Panchayat) as beneficiaries under different housing schemes.

11. The joint report of Ombudsman and Executive Officer dt.17/08/2015 go to show that respondent no.1 and respondent no.4 being the Panchayath Development Officers of Ukkinala Grama Panchayat have released the funds to the above stated 11 ineligible beneficiaries by uploading data in GPS. Therefore, the comments of respondents no.1 and 4 cannot be accepted at this stage. The respondents no.3, 6 and 7 have not submitted their comments inspite of service of this office endorsement. Respondent no.2 has refused to receive this office endorsement. Therefore adverse inference is to be drawn against them for the above said misuse of power which amounts to misconduct.

12. Respondent no.5 in his comments states that he had worked at Ukkinala Grama Panchayat in the year 2011-12 upto 26.12.2011. He is stated to be retired on 31.08.2014. Nothing is stated in the joint report of Executive Officer and Ombudsman against respondent no.5. Also the respondent no.5 had retired on 31.08.2014 and incident is of the year 2011. 4 years from the date of incident lapses in the year 2015. Therefore no action can be initiated against respondent no.4 under Section 214(2)(b) of KCSR's. Hence, no action is proposed against him.

13. There are prima-facie materials to indict respondents 1 to 4, 6 & 7 for the above said misconduct. Hence, the respondents 1 to 4, 6 & 7 have failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government/Public Servant for which they have made themselves liable for departmental action.


14. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against

the respondents 1 & 4 i.e., **Shri. Ajith Kumar**, Panchayath Development Officer, Ukkinala Grama Panchayath, Shahapur Taluk, Yadagir District (Date of Retirement **31.07.2042**) & **Shri. Dhoolappa**, the then Panchayath Development Officer, Ukkinala Grama Panchayath (Presently working as Secretary Grade-2, Chatnalli Grama Panchayath, Shahapur Taluk, Yadagir District) (Date of retirement **31.05.2029**) and entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

15. Since, respondents 2, 3, 6 & 7 are public servants i.e., President, Member and Bill Collector of Ukkinala Grama Panchayath, the recommendation is made to the Competent Authority to initiate action against them under the provisions of Karnataka Panchayath Raj Act.

16. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate to 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, 12/3
State of Karnataka.