

**KARNATAKA LOKAYUKTA**

No. Compt/Uplok/GLB-7742/2015/DRE-3

M.S. Building,  
Dr. Ambedkar Veedhi,  
Bangalore-560 001,  
Date: 02.12.2016**REPORT UNDER SECTION 12(3) OF  
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings initiated against (1) Smt. Gangamma S. Hosalli, President of Honagera Grama Panchayath, Yadagir Taluk and District, (2) Shri. Manappa Kongandi, Panchayath Development Officer, Honagera Grama Panchayath, Yadagir Taluk and District and (3) Shri. Ishappa S/o Basavarajappa Ryaka, Computer Operator, Honagera Grama Panchayath, Yadagir Taluk and District, regarding their misconduct as Government/Public Servant - reg.

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An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. Shivappa S/o Maragappa Kolli, at and Post Honagera, Yadagir Taluk and District (hereinafter referred to as 'complainant' for short) against (1) Smt. Gangamma S. Hosalli, President of Honagera Grama Panchayath, Yadagir Taluk and District, (2) Shri. Manappa Kongandi, Panchayath Development Officer, Honagera Grama Panchayath, Yadagir Taluk and District and (3) Shri. Ishappa S/o Basavarajappa Ryaka, Computer Operator, Honagera Grama Panchayath, Yadagir Taluk and District (hereinafter referred to as 'respondents 1 to 3 respectively' for short).

2. The allegation in the complaint is that the respondents 1 to 3 have committed misappropriation in the execution of works under MGNREGA scheme for the year 2013-14. The complainant has produced the orders of Ombudsmen, Zilla Panchayath, Yadagir dated 29.11.2014/02.12.2014, copy of the criminal case at Yadagir Rural Police Station in Cr.No.151/2015 against respondents 1 to 3 for the offences punishable under Sec. 406, 409, 420, 468, 471 r/w 34 of IPC.
3. As per the report of Ombudsmen all the 3 respondents are found to have misappropriated public funds to the tune of Rs.24,360/- each by creating false documents.
4. The report of Chief Executive Officer, Zilla Panchayath, Yadagir dtd. 21/25.08.2015 would reveal that respondent no.2 - Shri. Manappa Kongandi, PDO of Honagera Grama Panchayath and respondent no.3 - Shri. Ishappa Ryaka, Computer Operator has deposited a sum of Rs. 24,360/- each on 23.06.2015 and 27.06.2015 respectively. Also it is stated that action has been initiated against respondent no.1 by issuing notice under Sec. 157(2) of Karnataka Panchayath Raj Act, 1966 for recovery of misappropriated money. But nothing is on record to show that the alleged money has been recovered from respondent no.1.
5. The respondents 1 and 3 have not submitted their comments in spite of receipt of this office endorsement. The respondent no.2 is reported to be dead. In view of the report of Ombudsmen, prima-facie dereliction of duty can be inferred against the respondents 1 and 3. Hence, the respondents 1 and 3 have failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government/Public Servant.

6. Since, respondent no.2 – Shri. Manappa Kongandi is reported to be dead, no action is proposed against him.

7. The letter dated 07.05.2015 addressed to the Executive Officer, Taluk Panchayath, Yadagir by the Panchayath Development Officer, Grama Panchayath, Honagera reveals that the respondent no.3 has been terminated from the post of Data Entry Operator on 07.05.2015 in view of the report of Ombudsmen, Zilla Panchayath, Yadagir with respect to creation of false documents and misappropriation of money. It is ascertained from the PDO of the Grama Panchayath, Honagera that the respondent no.3 after his termination from the post of Data-Entry-Operator has been elected as member of the said Grama Panchayath.

8. Sec. 12(d) of the Karnataka Panchayath Raj Act, 1993 reads as follows;

**Sec. 12. Disqualification for members.**- *A person shall be disqualified for being chosen and for being a member of a Grama Panchayat,-*

(a) .....

(b) .....

(c) .....

(d) *if he has been dismissed from service under any local authority;*

In the case on hand the respondent no.3 has been removed from his post of Data-Entry-Operator for his alleged misappropriation of money under MGNREG Scheme for the year 2013-14 by creating false documents. Under the above said

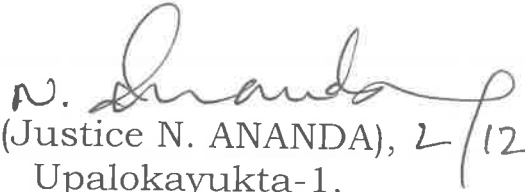
statutory provision of law, in view of his dismissal/removal from the post of Data-Entry-Operator, the respondent no.3 shall be disqualified from the membership of the Grama Panchayath.

9. Further, it is ascertained that the respondent no.1 - Smt. Gangamma S Hosalli who was the then President of Honagera Grama Panchayath is not holding any post in the said Panchayath for the present. But, as per the report of Ombudsmen, the respondent no.1 has not paid misappropriated money of Rs.24,360/- and the same is to be recovered from her.

10. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate action against the respondent **no.1 Smt. Gangamma S. Hosalli**, the then President of Honagera Grama Panchayath, Yadagir Taluk and District for recovery of an amount of Rs.24,360/- and to take action against respondent **no.3 - Shri. Ishappa S/o Basavarajappa Ryaka**, the then Computer Operator, Honagera Grama Panchayath, Yadagir Taluk and District for his removal under the provisions of Karnataka Panchayath Raj Act, 1993.

11. 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, the action taken or proposed to be taken on this report.

Connected records are enclosed.

  
(Justice N. ANANDA), 2/12  
Upalokayukta-1,  
State of Karnataka.