

KARNATAKA LOKAYUKTA

No.Compt.Uplok.BD.402/2017

M.S.Building,
Bangalore,
Dated:8.1.2019

REPORT U/S 12(3) OF KARNATKA LOKAYUKTA ACT 1989

Sub:- Complaint against Sri Vishwanath,
Tahsildar,Gubbi, Tumkur Dist.- Reg.

The complainant Sri A.Mallikarjuna, S/o Alegowda, NS Road, Chelur, Gubbi Taluk, Tumkur Dist. (hereinafter referred as complainant in short) has filed this complaint against Sri Vishwanath, Tahsildar, Gubbi Taluk, Tumkur Dist. (hereinafter referred as respondent) and the same is taken up for investigation u/s 9 of the Karnataka Lokayukta Act, 1984.

2. In the complaint, it is stated that the complainant had a dairy farm having 125 cattle at Revenale village of Gubbi taluk. In the month of February 2017 there was draught and there was scarcity of fodder and therefore Tumkur district administration had opened Goshala at Ranganahalli village of Gubbi taluk, which was under the supervision of respondent. Complainant took about 70 cattle to the Goshala of Ranganahalli and from 2/2/2017 till 6/2/2017, the fodder of 6 Kg per cattle per day was supplied, but on 7/2/2017 the quantity of fodder was reduced by 1 Kg stating that the numbers of cattle brought by the complainant are more. The

complainant requested the respondent to supply the fodder as per the government norms, but the respondent has refused to supply the fodder and thereby the respondent has indulged in misappropriation of the funds released for supply of fodder. The complainant protested illegal acts of respondent before Nada Kacheri, for which respondent lodged a false complaint and the Chelur police arrested the complainant even though the complainant was fighting for his lawful rights. It is alleged that the respondent misusing his powers denied to supply the fodder to the cattle of complainant and denied the right of complainant in getting fodder. Hence it is prayed to take necessary action against the respondent for misappropriating the funds.

3. Respondent submitted his comments denying the allegations and stated that complainant was running private dairy farm at Angasandra village having 130 cattle and he was forcing to supply the fodder to his 70 cattle at Ranganahalli Goshala. Since the farmers of the Angasandra Gram Panchayath have protested against the supply of fodder to the cattle of private dairy farm and on the direction of the Deputy Commissioner of Tumkur, the supply of fodder was stopped. It is stated that the District Administration has taken decision not to supply fodder to the private dairy farm, and therefore the fodder to the cattle of complainant was not supplied and there was no dereliction of duty on his part.

4. In the rejoinder, complainant has reiterated the allegations made in the complaint.

5. On going through the complaint, comments and the documents placed on record, it reveals that on 26.12.2016, Goshala was opened at Ranganahalli village. The said document is marked as Flag-A. The Govt. order bearing No.AH&F 71 AHP 2012 dt.1.8.2012 is marked as Flag-B. The said Govt. order disclose that the Govt. has ordered to supply minimum 5 to 8 KG of fodder to each cattle and 30 grams of mineral mixtures. Complainant has also produced the letter dt.16.11.2016 addressed to the Dy. Director of Animal Husbandry and Veterinary Services, Tumkur, the Tahsildar, Tumkur, directing to open the Goshala in the drought affected area of the Tumkur Dist.. It is also stated that the Tahsildar shall follow rules of KTPP in purchasing the fodder and shall maintain the register in respect of purchase and distribution of fodder. The said letter is flagged as Flag-C. Respondent has not produced any document to show that he has followed the KTPP rules while purchasing the product and also the register maintained.

6. Complainant who was running private dairy farm has requested for supply of fodder to his cattle vide his request letter Flag-D. It is stated in the complaint that initially from

2/2/2017 to 6/2/2017 the fodder was supplied at the rate of 6 Kg per cattle, but from 7/2/2017 the respondent started supplying fodder at the rate of 5 kg. When protested by complainant, the respondent stopped supplying the fodder to the cattle of complainant from 8/2/2017. But the letter produced by the complainant dated 5/2/2017 clearly discloses that the Deputy Director of Animal Husbandry and Veterinary Services, Tumkur has informed the respondent that the fodder cannot be denied to the cattle which are brought to the Goshala. The said letter of Deputy Director dated 5/2/2017 is marked as Flag-E.

7. The complainant has also produced a letter dated 4/2/2017 addressed to the Deputy Director of Animal Husbandry, Tumkur, wherein it is stated by the Tahasildar, Gubbi i.e the respondent that as per the orders of the Deputy Commissioner Goshala is opened at Ranganahalli village and everyday he is distributing 5500 kg of fodder to the cattle at the above said Goshala. The said letter is Flagged as Flag-F.

8. Thus from the document flagged as 'F', it reveals that the Goshala opened at Ranganahalli was under the control of the respondent. The letter addressed to Commissioner of Animal Husbandry and veterinary services Bangalore dated 8/2/2017 discloses that on an average everyday 800 cattle were fed at Ranganahalli Goshala and the fodder purchased per day was

5500 kg and therefore each cattle approximately gets 6 ½ kg of fodder per day.


9. The averments of comments discloses that from 8/2/2017 respondent refused to supply the fodder to the cattle of complainant, but on 5/2/2017 only the respondent was informed that the fodder cannot be denied to any cattle (Flag-E). Respondent, in the comments, stated that the Deputy Commissioner has ordered not to supply the fodder to private dairy farm cattle, but the respondent has not produced any such order or directions issued by the Deputy Commissioner. The respondent has reduced quantity of fodder supply without any directions and thereby the respondent has indulged in misappropriation of the funds released for purchase of fodder.

10. By denying the fodder to the cattle of the complainant, the respondent has misused his power. The respondent has not produced the copy of the register to show that he was purchasing the fodder as per the KTPP Rules and was distributing. Thus the respondent has committed dereliction of duty and misconduct.

11. Therefore, in exercise of the powers vested u/s 12(3) of the Karnataka Lokayukta Act, 1984, this recommendation is made to the Competent Authority to initiate departmental disciplinary enquiry against the respondent and to entrust enquiry to Upalokayukta.

12. Further, as per Sec.12(4) of the Karnataka Lokayukta Act, the competent authority is required to intimate the action taken or proposed to be taken on this report within one month from the date of receipt of this report.

Copies of connected records are enclosed.


(**JUSTICE N.ANANDA**)
Upalokayukta,
State of Karnataka. 