

**KARNATAKA LOKAYUKTA**

No:Compt/Uplok/GLB-2562/2014/ARE-5

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

Dated: 27/12/2017

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

Sub: Proceedings against (1)Sri.Shaila G  
Poleshi, the then PDO, Hanamasagar  
Grama Panchayath , Kustagi Taluk,  
Koppal District and (2)Smt.Lalithamma  
w/o Ramanna, President, Hanamasagar  
Grama Panchayath, Kustagi Taluk, Koppal  
District - regarding their misconduct as  
public servants -reg.

\*\*\*\*\*

On the basis of complaint filed by Sri.Mallappa s/o. Yallappa  
Badami, Hanamasagar Village, Kustagi Taluk, Koppal District  
(hereinafter referred to as 'complainant' for short) against  
Sri.Shrishaila Poleshi, the then PDO, Hanamasagar Grama  
Panchayath, Kustagi Taluk, (hereinafter referred to as Respondent  
No.1) alleging misconduct, an investigation was taken up after  
invoking Section 9 of Karnataka Lokayukta Act, 1984.

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

Respondents have selected their relatives as beneficiaries under  
housing schemes. They have selected rich persons as beneficiaries  
though they are not eligible for the benefit.

3. At the first instance, complaint was registered only against  
Respondent No.1- Sri.Shrishaila Poleshi, the then PDO,  
Hanamasagar Grama Panchayath, Kustagi Taluk. Later

Smt.Lalithamma w/o Ramanna, President, Hanamasagar, Grama Panchayath, Kustagi Taluk and Sri. Sharanappa Yellappa Hullur, Member, Hanamasagar Grama Panchayath, Kustagi Taluk are impleaded as Respondent No.2 and 3 as allegation is made against them also in the Complaint.

4. Respondent No.1 has submitted comments stating that beneficiaries are not identified twice under housing scheme and the beneficiaries selected are eligible for the benefit. He has further stated that disciplinary proceedings are pending against him.
5. Respondent No.2 and 3 have submitted comments. Their comments are same as that of Respondent No.1.
6. CEO, Z.P., Koppal was called upon to state the stage of disciplinary enquiry initiated against Respondent No.1-Srishaila Poleshi. CEO has submitted reply dt: 3.2.2015. It is stated in the reply that Executive Officer, Taluk Panchayath, Kustagi has submitted report dt: 17.5.2014 and the report of Executive Officer is that amount is paid to beneficiaries who have not completed construction of houses and documents were not maintained and guide lines of Housing schemes are violated. After receiving the report of Executive Officer, show cause notices were issued to (1) S.S.Sarangamath, the then PDO, (2) Shivaputrappa Chandrappa Sajjana, the then President of Grama Panchayath, (3) Srishaila Poleshi, the then PDO, (Respondent No.1), (4) Lalithamma, present President of Grama Panchayath,(Respondent No.2) (5) Geetha Iyappa, the then PDO and 6) Mallamma Hullappa, the previous President of Grama Panchayath as case of misappropriation of Rs.2,79,000/- was prima facie made out against them. CEO has

further stated that Lalithamma, the President of Grama Panchayath had received grant of Rs.1,19,400/-. Shivaputrappa Chandrappa Sajjana, the then President of Grama Panchayath had received grant of Rs.1,10,000/- and Mallavva Hullappa , the previous President had received grant of Rs.50,000/- and proposal is sent to the Government to cancel their membership and steps are also taken to recover the amount which is misappropriated or to file criminal case against them. That Article of charges is already served against Respondent No.1. Srishaila Poleshi, PDO, and Geetha Iyappa , the previous PDO.

7. In the letter dt:28.10.2016 CEO has submitted that amount misappropriated has been recovered from Geetha, Mallavva, Lalithamma, Shivaputrappa Chandrappa Sajjana and Srishaila G.Poleshi.
8. In the letter dt: 8.3.2017 CEO has stated that Project Director, DRDA (Z.P.Koppal) was appointed as Inquiry officer and he has submitted report dt: 3.2.2017 and he has recovered amount of Rs.89,451/- from S.S.Sarangamath, the previous PDO. CEO has enclosed the report dt: 23.2.2017 of Project Director, DRDA, Z.P., Koppal.
9. The report of Project Director, DRDA ( Z.P., Koppal) dt: 23.2.2017 is that an amount of Rs.89,451/- has been recovered from S.S.Sarangamath, the then Secretary, Grade-1, Hanumasagar Grama Panchayath , presently retired PDO, Kukanoor Grama Panchayath , Yelaburga Taluk and amount is credited to the concerned account.

10. The report of Project Director, DRDA ( Z.P., Koppal) does not state any regular disciplinary proceedings being held against Respondent Nos.1 and 2.

11. Since no regular Disciplinary proceedings are initiated and held against Respondents, CEO was called upon to state whether regular enquiry was held against Respondents? If so, to furnish the copy of articles of charges served on them and inform the present stage of enquiry.

12. CEO has submitted copy of Memo dt: 7.7.2017 addressed to the Project Director, DRDA Cell, Z.P., Koppal to hold enquiry against Respondent- Sri Shaila Poleshi and Geetha, PDO and submit the enquiry report.

12. The report of Project Director, DRDA ( Z.P., Koppal) which is stated to be the enquiry report, is not the enquiry report in disciplinary proceedings.

13. Though the CEO has stated that the amount misappropriated is recovered from Respondent Nos.1 and 2 and others, mere recovery of amount is not a ground not to initiate disciplinary proceedings for the misconduct. There are no records to show that disciplinary proceedings are initiated against Respondent No. 1 and 2.

14. The report of CEO , Z.P. , Koppal dt: 3.2.2015 and the documents collected during investigation is show that:

(a) Respondent No.1 - Srishaila Poleshi, the then PDO, Hanumasagara Grama Panchayath, Kustagi Taluk, Koppal district. Respondent No.2 - Lalithamma, President, Hanumasagara Grama Panchayath, Kustagi Taluk, Koppal

district – have paid amount to beneficiaries who have not completed construction of houses and documents were not maintained by them and guide lines of Housing schemes are violated by them.


(b) As seen from the letter dt: 28.10.2016 of CEO, Z.P., Koppal, Respondent No.1- Srishaila G.Poleshi has misappropriated Rs.63,391/- and the same is recovered from him. Respondent No.2 – Lalithamma has been misappropriated Rs.63,391/- and the same is recovered from her.

15. Therefore, the comments submitted by Respondent Nos. 1 and 2 are not acceptable to drop the proceedings against them. With respect of Respondent No.3- Sharanappa Yellappa Hullur, the CEO has submitted in the report dt:11.02.2015 that proposal is sent to the Government on 8.9.2014 to cancel the membership of Respondent No.3. Executive Officer in the letter dt 24.2.2016 written to the CEO has stated that the term of member is already closed.

16. Since the said facts and materials on record prima facie show that Respondent No.1- Sri.Shrishail Poleshi, the then PDO, Hanamasagar Grama Panchayath, Kustagi Taluk, Respondent No.2- Smt.Lalithamma w/o Ramanna, President, Hanamasagar, Grama Panchayath, Kustagi Taluk 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.1- Sri.Shrishail Poleshi, the then PDO, Hanamasagar Grama

Panchayath, Kustagi Taluk and to entrust the inquiry to the Hon'ble Upalokayukta-1 against him 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-Smt.Lalithamma w/o Ramanna, President, Hanamasagar, Grama Panchayath, Kustagi Taluku under the provisions of Karnataka Panchayath Raj Act.

17. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984 the Competent Authority to intimate 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) 27/12  
Upalokayukta-1,  
KARNATAKA STATE,  
BENGALURU.