

KARNATAKA LOKAYUKTA

No:COMPT/UPLOK/MYS/147/2008 /DRE-5

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, Dtd:05/04/2019

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

Sub: Proceedings against Sri Timmashetty the then Secretary, (retired as Panchayath Development Officer) Anemahal Grama Panchayath, Sakaleshpura Taluk, Hassan district for failure to report compliance of the objections raised in the audit report for the year 2007-08 of Anemahal Gram Panchayath, Sakaleshpura Taluk, Hassan District – reg.,

An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri Manjaiah, S/o Late Siddaiah, Kowdahalli Grama village, Kasaba Hobli, Anemahal Post, Sakaleshpura Taluk, Hassan District (hereinafter referred to as '**complainant**' for short) against (1) Sri Timmashetty Secretary, Anemahal Grama Panchayath, Sakaleshpura Taluk, Hassan, (2) Sri Suresh, Bill Collector, Anemahal Grama Panchayati, Sakaleshpura Taluk, Hassan and (3) Smt. Rukmini, Ex-President, Anemahal Grama Panchayath, Sakaleshpura Taluk,

Hassan (hereinafter referred to as '**respondent Nos. 1 to 3**' for short).

2. This complaint is filed alleging the following;
 - a. There is misappropriation of amount received by auctioning the sand during the year 2005-06;
 - b. The amount reserved for drinking water and road was misappropriated;
 - c. The amount meant for 18%, SC/ST welfare was misappropriated;
 - d. The amount meant for street lights, open well, drainage, housing scheme was misappropriated;
 - e. The tax amount collected was misappropriated;
 - f. There is misappropriation of amount meant for training of computer education.
3. The first respondent Sri Thimmashetty, the then secretary has submitted a report regarding the above allegations, stating that; during the year 2005-06 no amount was collected by the Gram Panchayath by auctioning the sand. During the year 2007-08, a sum of Rs.28,200/- was released for maintenance of hand pump bore well; Rs.16,000/- was released for minor

water supply and drinking water. The same amount was utilized for the above purposes. The amount meant for SC/ST welfare was utilized for medical treatment, house repair, and education of SC/ST people. The street lights were installed in the presence of Panchayath Members. During the year 2007-08 the repair works of drains were not undertaken. The tax collected was remitted to the bank and no recommendation was made for providing computer education from the Taluk Panchayath. Therefore, he requested for closure of complaint. The first respondent has enclosed the extract of registers in relation to the amount spent for repairs of bore well, taps, etc., and the amount spent for SC/ST welfare.

4. The Executive Officer of Taluk Panchayath, Sakaleshpura has submitted a report dated 23/11/2010 in relation to the allegations made in the complaint as follows:-

a. He has furnished the orders relating to the grants released, extract of pass book, vouchers and D.C. Bill extracts, quotations in relation to the amounts released for maintenance of hand pump bore well, and minor water supply schemes.

b. He has furnished the details of vouchers, D.C. Bills and pass book relating to the expenditure incurred towards 20% of grant for SC/ST welfare and maintenance of street lights.

c. He has also furnished the general receipts, cash book extracts and challans for having collected the tax and remittance of the same into the bank.

d. He has also furnished the copy of the audit report of the Gram Panchayath for the year 2007-08.

5. On perusal of the complaint, reply of first respondent and the report of Executive Officer, Taluk Panchayath, Sakaleshpura, it is seen that the complaint allegations are general in nature. No specific allegations regarding misappropriation of amount under various heads are made. However, the copy of the audit report for the year 2007-08 of the Anemahal Grama Panchayath, furnished by the Executive Officer, Taluk Panchayath, Sakaleshpura indicates that the following objections were raised:

a. Out of the total amount of Rs.5,87,239/- held in objection for the years 1994-95 to 2005-06, an amount of Rs.5,00,092/- was recovered. The remaining amount was not recovered.

b. For the year 2006-07 and 2007-08 deficiency with regard to deduction of the income tax, royalty, sales tax out of the bills

amounting to Rs.5,700/- were not remitted to the Government.

c. For the year 2006-07 an amount of Rs.4,15,910/- was re-appropriated from fixed grant.

6. Considering the observations made in the audit report of Anemahal Gram Panchayath for the year 2006-07 and 2007-08, the statement made by respondent no.1 in his reply dated 27/12/2008 with regard to remittance of funds deducted at the Gram Panchayath to the bank every month appears to be incorrect. The respondent no.1 has not furnished any document to substantiate the contention raised by him with regard to such remittance in the bank. Therefore, the defense raised by the respondent no.1 runs counter to the objections raised in the audit report as detailed above.
7. The duties of the Gram Panchayath with respect to the audit reports are narrated in detail in section 246 of Karnataka Panchayath Raj Act, 1993. Sub-section-6 of section-246 mandates that on receipt of the audit report, Gram Panchayath shall either remedy any defects or irregularities which have been pointed out in the report and send to the Executive Officer within three months an intimation of its having done so, or shall within the same period furnish to the Executive Officer any further explanation in regard to such defects or irregularities. From the statement of respondent no.1 it appears that


no such compliance report as enumerated in section-246(6) of Karnataka Panchayath Raj Act was submitted to Executive Officer, Taluk Panchayath Sakaleshpura. Therefore, there exists prima facie case of misconduct on the part of respondent no.1. for his failure to comply with the objections raised in the audit report of Anemahal Gram Panchayath for the year 2006-07 and 2007-08. As such the respondent no.1 has contravened section-246(6) of Karnataka Panchayath Raj Act, 1993. The act of respondent no.1 has resulted in dereliction of his duties and misconduct as defined in Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules, 1966.

8. The material on record indicates that the respondent no.1 has retired from service on 31/07/2016 on attaining the age of superannuation as Panchayath Development Officer of Anemahal Gram Panchayath. Since, the dereliction of duty on the part of respondent no.1 as indicated above is with regard to failure on his part to remit Rs. 5,700/- as indicated in the audit report of Anemahal Gram Panchayath referred to above, he is liable to be subject to disciplinary proceedings as per rule 214(2)(b)(i) of KCSR 1957.
9. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **respondent No. 1- Sri Timmashetty** the then Secretary, (retired as

Panchayath Development Officer) Anemahal Grama Panchayath, Sakaleshpura Taluk, Hassan district, **(Date of retirement 31/07/2016)** by according sanction/permission to initiate disciplinary proceeding against respondent no.1 as provided u/r 214(2)(b)(i) of KCSR 1957 since he has retired from service and to entrust the inquiry to this Authority.

10. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within one month from the date of receipt of this report, as to the action taken or proposed to be taken on the basis of this report.

Connected records are enclosed.


(Justice N. ANANDA),
Upalokayukta-1, 5/4
State of Karnataka.

