

KARNATAKA LOKAYUKTA

COMPT/UPLOK/MYS/3934/2014/ARE-20

M.S. Building
Dr. B.R. Ambedkar Veedhi
Bengaluru, dated: 17-8-2022

**REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: The Government be directed to recover the amount of Rs.1,90,52,777/- from the respondents as pointed out in the investigation report Dy.SP., Karnataka Lokayukta, Mandya also for initiation of criminal proceedings against them - Reg.

This complaint is filed by one Sri. Sathish T. S/o. Late Thimmaiah, ("complainant" for short) R/o. H.No.212, Masthanna Devasthana Beedi, Shivapura, Maddur Town-571 429, Mandya District **against** (1) Sri.Manjegowda, ("Resp.No.1" for short), the then Tahsildar, Maddur Taluk, Mandya District, (2) Sri. Prasad, Taluk Tahsildar, Tahsildar Office, Maddur Taluk, Mandya District ("Resp.No.2" for short) and (3) Sri. Jagadeesh ("Resp.No.3" for short), Case Worker, Tahsildar Officer, Maddur Taluk, Mandya District

2. Investigation was taken up U/Sec.9 of Karnataka Lokayukta Act-1984.

3. The allegations of the complainant are as under;

The respondents having collected the penalty amount in raids conducted by them against the persons engaged in illegal mining and transportation have not remitted the same to the Government. On 18-1-2018 the respondent Nos.1 and

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2 personally appeared before Hon'ble Upalokayukta and submitted that an amount of Rs.1,90,52,777/- collected as penalty has been remitted to the Government, pertaining to the period from 1-1-2014 to 31-3-2014. In pursuance of the same the Resp.No.1 submitted the letter dated 25-6-2018 along with the list of amount annexed to the letter. When asked for further details of having remitted the amount the Resp.No.1 produced the vouchers only to the extent of Rs.37,85,390/-. In view of the same when asked to submit Challan copies from the present Tahsildar, Maddur Taluk. However the documents submitted by the Tahsildar along with tabular statement revealed that the figure of recovery amount did not tally with the same with a shortage of Rs.54,47,001/-.

4. In pursuance of above the Dy.SP., KLA, Mandya as per order dated 22-11-2014 was called upon to submit his investigation report with present position. In pursuance of the same the enquiry report submitted by PI, KLA, Mandya dated 12-12-2017 is in affirmative against the respondents. It is the conclusion of Investigating Officer that the respondents gave false endorsements dated 28-10-2014 to the complainant in respect of non-ferrous mining and metallurgical that the information pertaining to the period from April-2012 to July-2012 is not available and that no information from Police Department is received in respect of the period from 1-4-2012 to 31-3-2014. It is also the conclusion of Investigating Officer that there is dereliction of duty by the respondents in not crediting the penalty amount to the Government and also of having destroyed the necessary files in respect of the same i.e. non-ferrous mining and metallurgical industries.

5. The Resp.No.1 in his comments submits that the case worker of the office is directly responsible for the incident. He is reported to duties as Maddur Tahsildar on 7-3-2014. Further he submits that the endorsement in question of non-availability is given on the basis of the information available in the office and that he is not responsible for the same. He further submits that he is retired on 30-6-2018.

6. The Resp.Nos.2 and 3 in their comments submit that the Dy. Commissioner and the Revenue Officials including Taluk Administration constituted a Task Force under the Dy. Commissioner as President as per the resolution dated 17-7-2009 and that they themselves used to conduct illegal mining and transport of mines and minerals as the Police had no authority for auction of the sand while the penalty amount was being credited to the Government by the Revenue Authorities themselves. The Resp.No.2 retired on 28-2-2015.

7. The incident in question pertains to the year 2012 to 2014. When the complaint was filed by the complainant the incident was two years old. Further all the respondents were the employees of the Government then.


8. Further the Government reserves the right of recovery of pecuniary loss to it from the concerned persons. Having regard to these circumstances based upon the material on record such recommendation with finding against the respondents could be made. Accordingly, a recommendation U/Sec. 12(1) of the Karnataka Lokayukta Act, 1984 is made to the Competent Authority/Government directing, to recover the amount Rs.1,90,52,777/- as pointed out in the investigation report of Dy.SP., Karnataka Lokayukta, Mandya,

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from the respondents for having caused loss to the Government and also for initiation of criminal proceedings against them, in accordance with law.

11. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority is required 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 K.N. PHANEENDRA]
UPALOKAYUKTA-2
STATE OF KARNATAKA

KARNATAKA LOKAYUKTA

COMPT/UPLOK/MYS/3934/2014/ARE-20

M.S. Building
Dr. B.R. Ambedkar Veedhi
Bengaluru, dated: 17-8-2022

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

Sub: Proceedings initiated against Sri. Jagadeesh, Case Worker, Tahsildar Officer, Maddur Taluk, Mandya District (Resp.No.3) about his misconduct as Public/Government servants - Reg.,

This complaint is filed by one Sri. Sathish T. S/o. Late Thimmaiah, ("complainant" for short) R/o. H.No.212, Masthanna Devasthana Beedi, Shivapura, Maddur Town-571 429, Mandya District **against** (1) Sri.Manjegowda, ("Resp.No.1" for short), the then Tahsildar, Maddur Taluk, Mandya District, (2) Sri. Prasad, ("Resp.No.2" for short) Taluk Tahsildar, Tahsildar Office, Maddur Taluk, Mandya District and (3) Sri. Jagadeesh ("Resp.No.3" for short), Case Worker, Tahsildar Officer, Maddur Taluk, Mandya District

2. Investigation was taken up U/Sec.9 of Karnataka Lokayukta Act-1984.


3. The allegations of the complainant are as under;

The respondents having collected the penalty amount in raids conducted by them against the persons engaged in illegal mining and transportation have not remitted the same to the Government. On 18-1-2018 the respondent Nos.1 and 2 personally appeared before Hon'ble Upalokayukta and submitted that an amount of Rs.1,90,52,777/- collected as

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penalty has been remitted to the Government, pertaining to the period from 1-1-2014 to 31-3-2014. In pursuance of the same the Resp.No.1 submitted the letter dated 25-6-2018 along with the list of amount annexed to the letter. When asked for further details of having remitted the amount the Resp.No.1 produced the vouchers only to the extent of Rs.37,85,390/-. In view of the same when asked to submit Challan copies from the present Tahsildar, Maddur Taluk. However the documents submitted by the Tahsildar along with tabular statement revealed that the figure of recovery amount did not tally with the same with a shortage of Rs.54,47,001/-.

4. In pursuance of above the Dy.SP., KLA, Mandya as per order dated 22-11-2014 was called upon to submit his investigation report with present position. In pursuance of the same the enquiry report submitted by PI, KLA, Mandya dated 12-12-2017 is in affirmative against the respondents. It is the conclusion of Investigating Officer that the respondents gave false endorsements dated 28-10-2014 to the complainant in respect of non-ferrous mining and metallurgical that the information pertaining to the period from April-2012 to July-2012 is not available and that no information from Police Department is received in respect of the period from 1-4-2012 to 31-3-2014. It is also the conclusion of Investigating Officer that there is dereliction of duty by the respondents in not crediting the penalty amount to the Government and also of having destroyed the necessary files in respect of the same i.e. non-ferrous mining and metallurgical industries.



5. The Resp.No.1 in his comments submits that the case worker of the office is directly responsible for the incident. He is reported to duties as Maddur Tahsildar on 7-3-2014. Further he submits that the endorsement in question of non-availability is given on the basis of the information available in the office and that he is not responsible for the same. He further submits that he is retired on 30-6-2018.
6. The Resp.Nos.2 and 3 in their comments submit that the Dy. Commissioner and the Revenue Officials including Taluk Administration constituted a Task Force under the Dy. Commissioner as President as per the resolution dated 17-7-2009 and that they themselves used to conduct illegal mining and transport of mines and minerals as the Police had no authority for auction of the sand while the penalty amount was being credited to the Government by the Revenue Authorities themselves. The Resp.No.2 retired on 28-2-2015.
7. Though as per records the Resp.No.1 is retired on 30-6-2018 and Resp.No.2 is retired on 28-2-2015 respectively. The incident in question pertain to the year 2012 to 2014. Hence the DE cannot be instituted against Resp.Nos.1 and 2 viz., Sri.Manjegowda, the then Tahsildar, Maddur Taluk, Mandya District and Sri. Prasad, Taluk Tahsildar, Tahsildar Office, Maddur Taluk, Mandya District. Hence proceedings against Resp.Nos.1 and 2 is dropped.
8. The facts and materials on record prima-facie show that, the respondent No.3 (Sri. Jagadeesh - as per records the date of birth of Resp.No.3 is 20-5-1980 and date of retirement is 31-5-2040 has committed misconduct as per Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules, 1966. 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.3 - Sri. Jagadeesh, Case Worker, Tahsildar Officer, Maddur Taluk, Mandya District and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

9. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within three 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 K.N. PHANEENDRA]
UPALOKAYUKTA-2
STATE OF KARNATAKA.