

KARNATAKA LOKAYUKTA

No. COMPT/UPLOK/BGM-127/2011/PP

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.

Date: 30/06/2020.

**SPECIAL REPORT TO HIS EXCELLENCY THE
GOVERNOR OF KARNATAKA UNDER SECTION
12(5) OF THE KARNATAKA LOKAYUKTA ACT, 1984**

- Sub: Complaint against Respondents No.
- (1) Sri Kadappa Bhimappa Kurbet, The Then president, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District.
 - (2) Sri Shashikanth Appanna Hosamani, Secretary, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District,
 - (3) Sri Appasab Mutagi, Clerk, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District,
 - (4) Sri Sanju Bajirao Pandav, Peon, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District.

- Ref: (1) Report u/s 12(3) of Karnataka Lokayukta Act 1984, dated: 18/01/2014.
(2) GO No. ಗೌಅಪ 104 ಗೌಪಂಕಾ 2016, Bangalore dated, 21/03/2016.

- (1) The Complaint was filed by Sri Shivaji Shetteppa Gadivaddara, Madihalli Grama, Madihalli Post, Hukkeri Taluk, Belgaum District (here in after referred to as complainant) against (1) Sri Kadappa Bhimappa Kurbet, The Then president, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District, (2)

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Sri Shashikanth Appanna Hosamani, Secretary, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District, (3) Sri Appasab Mutagi, Clerk, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District, (4) Sri Sanju Bajirao Pandav, Peon, Madihalli Grama Panchayath, Madihalli Grama, Hukkeri Taluk, Belgaum District. (here in after referred to as Respondents No. 1 to 4) being Government servants have committed misconduct, an investigation was taken up under section 9 of Karnataka Lokayukta Act 1984.

(2) According to the Complainant:-

It is alleged in the complaint that the respondents have opened false bank accounts under MGNREGES during 2009-10 and misappropriated the amount. In spite of complaint, the concerned officers have not taken any action hence the complainant requested for taking action against respondents.

(3) After conducting detailed investigation ,as there was prima-facie case to proceed against Respondent 2 to 4, a report Under section 12(3) of Karnataka Lokayukta Act was sent to Competent Authority observing as follows:

On this subject order has been passed by OMBUDSMAN, MGNREGA, Belgaum which discloses that NREGA Authorities of Madihalli Gram Panchayath

have created false documents in the names of brothers of the complainant to the extent of 16,140/- though they have not attended coolie work. It is found that Respondent No. 2 to 4 have jointly and severally responsible for creating false job cards. Hence a report under section 12(3) of Karnataka Lokayukta Act was sent to the Government recommending initiation of Departmental Enquiry against the Respondent No. 2 to 4 for misconduct as enumerated in Rule 3(1) of KCS (Conduct) Rules 1966 and to entrust the enquiry to this authority under Rule 14 A of KCS (CCA) Rules. Several remainders are issued to the Government. Complete compliance report as required under section 12(4) of Karnataka Lokayukta Act is not received from Competent Authority.

(4) The Government (RDPR) Department has issued GO at ref-2 instituting departmental action only against Respondent No. 2. Action Taken Report with respect to Respondent No. 3 and 4 are not received from competent authority. Several remainders through DO letters are issued to the Government.

(5) The Investigation clearly revealed that Respondent 3 and 4 have failed to maintain devotion to duty, and committed

misconduct enumerated in II of sub Section (1) of Rule 3 of KCS (conduct) Rules 1966.

- (6) Hence inaction of competent authority to send Action Taken Report with respect to Respondent No. 3 as recommended in report under section 12(3) of Karnataka Lokayukta Act is not found justify.
- (7) Hence it is opined that a special report under section 12(5) of Karnataka Lokayukta Act is required to be made and accordingly the special report is made to your Excellency in exercise of the power confirmed upon me under (5) of section 12 of Karnataka Lokayukta Act 1984.


(JUSTICE N. ANANDA)

**Upalokayukta
Karnataka State,
Bengaluru.**