

KARNATAKA LOKAYUKTA

No. COMPT/UPLOK/BGM-699/2015/PP

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru. Date: 22/05/2020.**SPECIAL REPORT UNDER SECTION 12(5) OF
KARNATAKA LOKAYUKTA ACT, 1984**

- Sub: 1. Report of Hon'ble Upa Lokayukta U/s. 12(3) of Karnataka Lokayukta Act dated 11/07/2017.
2. Proceedings against Sri. Basavaraj Annasaheb Gundakalle, Ex-President and Member, Town Panchayath, Sadalaga (presently Town Municipal Council, Sadalaga), Chikkodi Taluk, Belagavi District about his misconduct as Public Servant – reg.

* * * * *

The complaint is filed by Sri. Dareppa Ramappa Hawaldar, R/o Sadalaga (Dange Plot) Post, Chikkodi Taluk, Belagavi District (herein after referred as complaint) against (1) Malakapure S.K, Chief Officer (Retd.) Chikkodi Taluk, Belgaum (2) Basavaraja Annasaheba Gundakalle, The then President, At present Member, Town Panchayath, Sadalaga Chikkodi Taluk, Belgaum (3) Dandagi V.B, Junior Engineer, Town Panchayath, Sadalaga Chikkodi Taluk, Belgaum (5) D.M Gurav, SDA, Town Panchayath, Sadalaga, Chikkodi Taluk, Belgaum and (6) Abdul Gani, A.E.E., O/o. D.U.D.C.,

Belgaum D.C. Office, Belgaum. The Respondent No.1, 3, 5 & 6 being Government Servants commits misconduct colluding with Respondent No.2 Sri. Basavaraja Annasaheba Gundakalle, The then President,At present Member,Town Panchayath,Sadalaga Chikkodi Taluk, Belgaum an investigation was taken up U/s.9 of Karnataka Lokayukta Act, 1984.

2. According to complaint:-

In Sadalaga Village that the Respondents have prepared action plan to planting of 950 Saplings at the cost of Rs.4,68,000/-. The Respondents have paid a sum of Rs.2,91,046/- to the contractor even though, only 15 Saplings have been planted, investigation was taken up after invoking power.

3. After conducting detailed investigation as there was prima-facie case to be proceed against Respondent No.1, 3, 5 & 6 U/s.12(3) K.L. Act. Respondents have failed through enquiry regarding illegal activities alleged by complaint. They have committed dereliction of duties and have failed planting of Saplings.

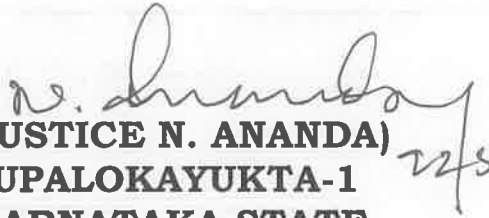
4. Hence a report U/s.12(3) of Karnataka Lokayukta Act was sent to the Government recommending initiation of Departmental Enquiry against Respondent No.1, 3, 5 & 6

KCSR Rules 1966 and **against Respondent No.2 who is elected representative/public servant an recommendation was made that action has to be taken initiated against him under KARNATAKA MUNICIPALITY ACT, 1961.**

5. After the receipt of Report U/s.12(3) of K.L. Act 1984, the Competent Authority i.e. Government was pleased to pass an Government Order No.ನಅಇ 76 ಡಿಎಂಕೆ 2017 Bangalore, dated 05/12/2017 approving to conduct enquiry U/R 14(A) KCS (CCA) Rules against Respondent No.1, 3, 5 & 6. In the said order it is mentioned that the Respondent No.1 who is retired in the year 2014 after 4 years of this case process, hence in view of KCSR 214(2)(b)(i) there is no provision to hold enquiry against Respondent No.1. As per Government Order enquiry against Respondent No.3, 5 & 6 is pending before Addl. Registrar of Enquires-7 (UPLOK-1/DE-1166/2017)

6. Further, as per the recommendation made against Respondent No.2 (U/s.12(3) of K.L. Act dated 11/07/2017) Sri. Basavaraja Annasaheba Gundakalle, The then President, At present Member, Town Panchayath, Sadalaga Chikkodi Taluk, Belgaum compliance report as required U/s.12(4) is not received from the Competent Authority.

7. The investigation clearly revealed Respondent No.2 has committed misconduct, failed to maintain dereliction of duty.
8. However in spite of repeated reminders to the Competent Authority, there has been no proper response by the Competent Authority on the report dated 06/11/2019, 06/01/2020 & 01/02/2020 sent by this authority U/s. 12(3) of the Karnataka Lokayukta Act, 1984.
9. Failure on the part of the Competent Authority in not taking action against Respondent No.2 as per the report U/s. 12(3) dated 11/07/2017 of Karnataka Lokayukta Act, 1984 and for entrusting enquiry against Respondent to this authority, deserves a Special report in the matter.
10. Hence this Special Report is submitted U/s. 12(5) of the Karnataka Lokayukta Act, 1984 to His Excellency the Governor of Karnataka.


(JUSTICE N. ANANDA)
UPALOKAYUKTA-1
KARNATAKA STATE.