

**KARNATAKA LOKAYUKTA**

NO:LOK/DE/181/2015/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:15.7.2022

**:: ENQUIRY REPORT ::**

**:: Present ::**

**( S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Inquiry against (1)  
Sri.Kallappa V., the then Executive  
Officer, Taluk Panchayath, Harihara,  
Davanagere District and (2)  
Sri.Sadashivam, the then Accounts  
Assistant, Taluk Panchayath, Harihara,  
Davanagere District - reg.

Ref: 1. G.O.No.GraAaPa 26 VSeB 2015 dated:  
31.3.2015

2.Nomination Order No: LOK  
/DE/181/2015/ARE-9 Bangalore  
dated:9.4.2015 of Hon'ble Lokayukta

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This Departmental Inquiry is initiated against (1) Sri.Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara, Davanagere District and (2) Sri.Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District (hereinafter referred to as the Delinquent Government Officials for short "DGO No.1 and 2").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Lokayukta vide order dated 9.4.2015 cited above at reference No.2 has nominated Additional Registrar of Enquiries-7 (in short ARE-7) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-7) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-7 against the DGOs are as under :

**ANNEXURE-I**  
**CHARGE**

*That you – DGO No. 1 Sri. Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara, Davanagere District and (2) Sri. Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District while discharging your duties:*

*You-DGO No. 1 is responsible for the loss of Government funds in respect of the road works along with the divisional accountant, Sri. Vagheesh K.M., for not carrying out the duties assigned in accordance with PWD Accounts Code para -20 and you – DGO No. 2 in accordance with the provisions of para -24A of the PWD Accounts Code and Sri. K.H.Rudraiah, the then Junior Engineer for preparation of defective estimate and non –execution of the items of excavation of drains; non –compaction of field metal and gravel using road roller etc., as stated in the I.O's report.*

*and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.*

## **ANNEXURE-II**

### **STATEMENT OF IMPUTATION OF MISCONDUCT**

An investigation was taken up under section 9 of Karnataka Lokayukta Act 1984, on the complaint filed by Sri. A.Ajjanna S/o Narayana Reddy, Member, Grama panchayath, Nandigavi, Harihara Taluk, Davanagere District (hereinafter referred to as complainant for short), against (1) Sri. Kallappa V., the then Executive Officer, Taluk panchayath Harihara Taluk, Davanagere District and (2) Sri.Sadashivam, the then Accounts Assistant, Taluk panchayath Harihara Taluk, Davanagere District (hereinafter referred to as Delinquent Government Officials, in short "DGO no. 1 and 2") alleging that they being Government servants have committed misconduct.

**According to the complainant:-** The DGOs by misusing their official powers have created false bills as if houses were constructed under Ashraya Scheme, Indira Awaz Scheme and Ambedkar Scheme and the bills were passed and the amounts were misappropriated by showing old existing houses and they have also created false documents and committed many irregularities in effecting repair to the road from Nandigavi Bus stand to Harijan Colony and a sum of Rs. 50,000/- was misappropriated without effecting any repair to the road from Nandigavi Bus stand to Harijan colony and the DGOs also

misappropriated the amount by creating false bills in respect of the repair work of the pipeline and other works.

Thereafter, the complaint was referred to the Chief Engineer, TAC in Karnataka Lokayukta i.e., our institution for investigation and report. Sri.Syed Naheemulla Sha Khadri, Executive Engineer-1, TAC, Karnataka Lokayukta Bengaluru (who will be hereinafter referred to as "IO" for short). After investigation, the IO submitted his report and stated that DGO No. 1 is responsible for the loss of Government funds in respect of the road works along with the Divisional Accountant, Sri. Vagheesh K.M., for not carrying out the duties assigned in accordance with PWD Accounts Code para -20 and DGO No. 2 in accordance with the provisions of para -24A of the PWD Accounts Code and Sri. K.H.Rudraiah, the then Junior Engineer for preparation of defective estimate and non execution of the items of excavation of drains; non -compaction of field metal and gravel using road roller etc., In the report of the IO a detailed discussion is made about the lapses of the DGO No. 1 and 2 in para No. 3.04.01, 3.04.02, 3.04.03 and 3.04.04.

Thereafter, comments /objections have been called for from the DGOs on the said report and complaint.

- a) Accordingly, the DGO No. 1 has stated in his reply that he is basically a Technical Officer and on deputation he had assumed the office of the Executive officer and for speedy implementing of rural schemes technical sanctions were used to be given at his level only and therefore, he had given technical sanction for Rs. 50,000/- and that he had inspected the works. Some defects could not be inspected through over sight and due to rush of work and that the payments

were used to be made for the works executed stage –wise under Indira Awas Scheme and there was no misappropriation. The payments were used to be made according to the availability and release of funds and he has prayed for exonerating him.

- b) The DGO No.2 has stated in his reply that the work was departmentally undertaken and metal was collected by labours (Departmental) from nearby open land and not purchased from private party and therefore, the recovery of royalty was not affected.

**Consideration of material on record shows that:**

**The DGO No. 1 is responsible for the loss of Government funds in respect of the road works along with the Divisional Accountant, Sri. Vagheesh K.M., for not carrying out the duties assigned in accordance with PWD Accounts Code para -20 and the DGO No. 2 in accordance with the provisions of para -24A of the PWD Accounts Code and Sri. K.H. Rudraiah, the then, Junior Engineer for preparation of defective estimate and non – execution of the items of excavation of drains; non compaction of field metal and gravel using road roller etc., as stated in the I.O's report.**

In view of the facts stated above and on considering the material on record, comments of the DGOs have not been found satisfactory to drop the proceedings.

Said facts supported by the material on record show that the DGOs, being public servants, have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming

of Government servants, and thereby committed misconduct and made themselves liable for disciplinary action.

Since said facts and material on record prima facie show that the DGOs have committed misconduct under Rule 3 (1) of the KCS Conduct Rules, 1966, recommendation is made under Section 12(3) of the Karnataka Lokayukta Act, to the competent Authority to initiate disciplinary proceedings against the DGOs and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Lokayukta to conduct departmental/ disciplinary proceedings against the DGO No. 1 and 2 and to submit report. Hence, the charge.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. The DGO No. 1 & 2 appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO No.1 &2 have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGO No.1 has submitted written statement. In his written statement, he has stated that he denies the charges and the statement of imputations of misconduct delivered against him. Further he submits that the complaint is filed on 7.4.2002 by the complainant and the enquiry is ordered on 31.3.2015 after a lapse of nearly 13 years. Even the complaint is filed after nearly 1 year 3 months of the work

being carried out. The work is that of a employment assurance program of the government. This was for generating work for the rural flock under employment assurance program. The program was formulated with the intent to provide a fixed number of assured employments for the unemployed by the government. The nature of work taken up was in consonance with program. He submitted that he worked as Executive Officer from 1999 upto 19.10.2003 and above charges are not tenable. Further submitted that the investigation was carried out in the absence of him, he further submitted that he passed and paid for the work carried out as per the bills submitted by the concerned engineer for the work of improvements to road from bus stand to A.K. colony in Nandigrama as per the procedures. He further submitted that the duties assigned in accordance with PWD accounts code para 20 is itself vague from the very fact that para 20 pertains to the duties and responsibilities of the Divisional Accountant and not to him. He submitted that the IO has not understood under what program of works, the work has been taken up and the mode of payment made for the work. The IO has not justified as to how he has applied provisions of the public works departmental codal rules and the public works departmental accounts code for the work taken up under the employment assurance program. The apportionment of financial loss made in the IO report is errors as the same is made by considering the provisions of the departmental code. With these grounds, he prayed to drop the charges leveled against him.

8. DGO No.2 has submitted written statement, in his written statement he has submitted that he has worked and passed the bills

according to the rules and regulations. Hence, with these grounds, he prayed to drop the charges leveled against him.

9. As per the orders of Hon'ble Lokayukta vide order No. UPLOK-1 & 2/DE/Transfers/2018 Bengaluru dated: 6.8.2018 this enquiry file was transferred to Additional Registrar of Enquiries—13 and again on 18.1.2021 this enquiry file was transferred from Additional Registrar of Enquiries-13 to Additional Registrar of Enquiries- 9.

10. The disciplinary authority has examined the Investigation officer Sri. S.N.Sha Khadri, the then Executive Engineer TAC Karnataka Lokayukta Bengaluru as PW-1 and got marked documents as **Ex.P-1 to ExP-9**.

11. At the stage of recording evidence of PW-1, DGO No. 2 was reported to be dead on 8.5.2016 and death certificate was produced and same was verified and confirmed through Police Inspector, Karnataka Lokayukta, Davanagere vide letter dated: 4.2.2019. Hence proceedings against DGO No. 2 has been abated.

12. Thereafter, second oral statement of DGO No.1 has been recorded. DGO No. 1 Sri.Kallappa V., the then Executive Officer, has got examined himself as DW-1 and got marked one documents as **Ex.C-1 to Ex.C-6**.



13. Heard the submissions of Presenting Officer and DGO No.1 submitted written brief. Perused the entire records. The only point that arise for my consideration is:

**1. Whether the Disciplinary Authority proves the charge framed against the DGOs ?**

My finding on the above point is in **AFFIRMATIVE** in respect of DGO No. 1 for the following:

**REASONS**

14. PW-1 is the investigating officer. According to PW-1, he verified the complaint Ex.P-1, form No.I and II- Ex.P-2 and 3 and on 19.01.2004, he visited the spot along with the complainant, President of Nandigavi Grama Panchayath, Secretary, members of Nandigavi Grama Panchayath, Executive Officer, Taluk Panchayath of Harihara and the public. He found that from Nandigavi Bus stand to Harijana colony metal road was formed. Length and width and thickness of road was in accordance with the estimate. But, according to the estimate, instead of forming drainage on both sides to an extent of 140 Mtrs, only 60 Mtrs length stone slab drainage was formed, but the remaining 80 Mtrs mud drainage was not formed and also no documents were produced to show that metal road was cured with water and road roller was used to strengthen the road.

15. Further PW-1 has deposed that the concerned officers have not produced any document to show that they have spent amount according to the estimate and Rs.364/- was produced towards water

cost. Transportation expenditure details were not produced to show that the amount was spent as per the estimate to transport the sand and metal. Documents were not produced to show that the royalty and sales tax was paid. For the above works technical and administrative approval was not obtained. Accordingly, he submitted his report as Ex.P-8 along with copies of estimate Ex.P-4, sketch Ex.P-5, copy of resolution Ex.P-6 and spot mahazar Ex.P-7.

16. Further, according to PW-1, DGO No.1 and Junior Engineer Sri.Rudraiah and Accountant Sri. Vageesh are the responsible officers. DGO No.2 is responsible for not maintaining the documents and registers. Therefore, DGO No.1 and 2 have committed dereliction of duty.

17. In the cross examination, PW-1 has deposed that he has examined the complaint allegations, Ashraya and Indira Awaz Schemes. In the said schemes funds were released in favour of ineligible persons. He has not secured the documents of the lands of Sakamma and Ananda Reddy. In spite of his request the complainant and Executive Officer Taluk Panchayath, Harihara, Secretary Nandigavi Grama Panchayath not furnished the documents. On 5.1.2004 he issued a request letter to Executive Officer Taluk Panchayath to furnish the documents as per Ex.C-1. A copy of Ex.C-1 also was forwarded to the complainant to furnish the documents.

18. Further PW-1 has deposed that the other beneficiaries also informed that Sakamma and Ananda Reddy were not the eligible beneficiaries. He admits that in his report he has not mentioned about the documents furnished by the complainant. In his report he has

mentioned about the procedure for selection of beneficiaries. The beneficiaries' list was forwarded to Taluk Panchayath. The Taluk Panchayath has approved the beneficiaries list Ex.C-2. The resolution dated: 20.5.1999 was passed in Nandigavi Grama Panchayath meeting as per Ex.C-3. Complainant has also put his signature to the resolution as a member of Grama Panchayath.

19. Further PW-1 has deposed that he does not know that CEO of Zilla Panchayath and District Commissioner will take final decision in respect of the beneficiaries list prepared under Ashraya committee. He admits that Executive Officer Taluk Panchayath will have no authority in selection of beneficiaries list in the Grama Panchayath and his duty is only to consolidate the beneficiaries list and to forward it to Zilla Panchayath. As per Ex.P- 4 and 5 estimate and lead chart was prepared. The estimate amount is Rs.50,000/-. He has mentioned in his report that Superintending Engineer has to approve the lead chart.

20. PW-1 has further deposed in his cross examination that the work was executed under Employees Assurances Scheme. He admits that the said scheme was made in order to provide work to the labourers. He admits that on that basis the estimate was prepared. For the question that collecting metal, murrum, storing, loading, unloading, transportation, and spreading was included in the estimate, PW-1 has deposed that those are applicable only for two items. For the question whether he has examined the NMR bills?, PW-1 has deposed that NMR's were provided to him. For the question, under which provision Superintending Engineer will approve the lead

chart?, PW-1 has deposed that it is in KPWD code but he does not remember at present. For the suggestion, quarry material was not included in Ex.P-4 but collecting, storing, loading and transporting a metal available by road side only was included, PW-1 has deposed that lead charges are shown in Ex.P-4.

21. Further PW-1 has deposed in his cross examination that he has seen Ex.p-4 to 6. Ex.P-6 is prepared to collect the material. He admits that Ex.C-4 is the bill prepared in respect of storing and transporting the materials. He admits that Ex.C-4 muster roll was prepared to spread the materials with the help of labours. In his report he has not mentioned whether the work was executed under NAREGA scheme or under PWD. But in Ex.P-7 he has mentioned in the mahazar that the work was executed under employment assurance scheme. He denies that without following employment assurance scheme he considered that it was work executed under PWD and submitted a false report. Further, PW-1 has denied rest of the suggestions made by learned defence assistant.

22. DW-1 is DGO No.1 he worked as Executive Officer in the office of Taluk Panchayath, Harihara from 06.03.2000 to 23.10.2012, and now he is retired on superannuation. The payment has been paid to the local labourer's engaged as per the norms of the program who had executed the work as such the question of loss of government funds in respect of the said road work did not arise.

23. It is submitted that there is an error in the understanding of the investigating officer as he has pointed out irrelevant aspects

contrary to the work carried out and the program under which the work had been taken up. There is no consonance to the findings and inferences drawn by the investigating officer against him (DGO No.1) with reference to the actions taken by him pertaining to the alleged work. The Investigating officer's report is based on erroneous assumptions and presumptions due to lack of proper understanding about the program under which the work had been taken up and the perusal of documents pertaining to the alleged work and the procedures followed for the execution of the work. The Investigating officer has construed that the work taken up as under the PWD fund heads and applied the conditions as applicable to the departmental procedures for a contracted or tendered work which are not applicable as far as it pertains to the program under which the alleged work was taken up for implementation. Further deposed that on the above aspects the charges are not tenable as the findings are not specific on him and also the report is erroneous as irrelevant and faulty inferences have been drawn by the Investigating officer.

**24.** The investigation is carried out in his absence. Further deposed that he has processed the bills submitted by the concerned engineer for the work of improvements of road from bus-stand to A.K. Colony in Nandigrama. As per the procedures the same will be done at the grama panchayath and not at the taluk panchayath level and it is an accepted fact that the work has been carried out and the findings pertain to the illogical findings of the investigating officer which are irrelevant to the work executed under the Employment Assurance program of the Government.

25. The charge that he is responsible for the loss of the Government funds in respect of the road works along with the Divisional accountant Sri. Vagheesh. K.M for not carrying out the duties assigned in accordance with PWD Accounts Code para 20 is itself vague from the very fact that para 20 pertains to the duties and responsibilities of the Divisional Accountant and not to him who was the Executive Officer in the rank of Assistant Executive Engineer of the PWD.

26. DW-1 has further deposed that he has not acted in violation of any rules, conditions, or guidelines that are applicable to the impugned work. The allegation that DW-1 being government servants have failed to maintain absolute integrity and acted in a manner unbecoming of the government servant and thus committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (conduct) Rules, 1966 is completely incorrect.

27. DW-1 in his cross examination admits that during his tenure in Davanagere District Harihara Taluk, Nandigavi village from bus stand to Harijana colony for road work, funds were released from the Government. DW-1 has further deposed that he does not remember that according to estimate on both sides of the road 140 Mts, length mud drainage was to be formed. Therefore it is clear that the estimated length of road is 140 Mtrs. But 60 Mtrs length drainage is formed, remaining 80 Mtrs., length drainage is not formed. DW-1 has not produced the expenditure bills. DW-1 has voluntarily deposed that during year 2002 he was transferred to some other place. During the year 2004 the government officer came to the spot but no

intimation was given to him. Therefore he could not appear and could not produce the documents. But now in this enquiry he could produce the documents. For the suggestion that approved list and transportation expenditure details was not furnished, DW-1 has deposed that he was not present at that time. DW-1 has voluntarily deposed that at that time he was transferred to some other place. DW-1 has not explained what was the difficulty for him to produce the documents now.

28. In the cross examination DGO has not denied that according to the estimate on both sides of the road 140 ft., length mud drainage was to be formed. DW-1 denies that only 60 Mtrs., length stone slab drainage was formed. But he has not produced any document to show that actually in the spot 140 ft., length mud drainage was formed. Ex.P-7 mahazar shows non execution of the work. According to the mahazar only 60 Mtrs., length drainage was formed.

29. PW-1 the investigation officer has clearly deposed that according to the estimate 140 Mtrs., length drainage was to be formed, but actually in the spot only 60 Mtrs., length drainage was formed. Further PW-1 has deposed that for his examination no documents were produced to show that the metal road was cured with water and road roller was used to strengthen the road. Even documents were not maintained to show that Rs. 364/- was spent towards water cost. Documents were not produced to show that royalty and sales tax was paid from bill amount. Technical and Administrative approval was obtained. Except the denial nothing much is elicited from PW-1 in order to disbelieve his evidence.

30. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGO No.1. Due to death of DGO No.2 on 8.5.2016, proceedings against him has been abated. Hence, I proceed to record the following:-

**FINDINGS**

31. The Disciplinary Authority has proved the charges leveled against DGO No.1. The proceedings against DGO No. 2 have abated. Hence, this report is submitted to Hon'ble Lokayukta for further action.

32. Date of retirement of DGO No. 1 is 31.12.2016.

sd/-

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.



**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW.1	Sri. S.N.Sha Khadri, the then Executive Engineer TAC Karnataka Lokayukta Bengaluru Original
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.p-1 is the detailed anonymous complaint filed in Karnataka Lokayukta office.
Ex.P 2 and 3	Ex.p-2 and 3 are the complaint in form No. 1 and 2 filed by Sri. Ajjanna in Karnataka Lokayukta office on 9.4.2002
Ex.P-4	Ex.P-4 is the estiamte
Ex.P-5	Ex.P-5 is the map
Ex.P-6	Ex.P-6 is he meeting resolution dtd: 22.8.2000
Ex.P-7	Ex.P-7 is the mahazar dtd: 19.1.2004
Ex.P-8	Ex.P-8 is the investigation report dtd: 27.1.2004
Ex.P-9	Ex.P-9 is the extract of KPWD Accounts Code.

**iii) List of witnesses examined on behalf of DGO**

DW-1	DGO No. 1 Sri.Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara, Davanagere District Original.
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**iv) List of documents marked on behalf of DGO**

Ex.C-1	Ex.C-1 is the letter dtd: 5.1.2004 from Executive Engineer TAC Karnataka Lokayukta Bengaluru to the Executive Officer Taluk panchayath Harihar, Davanagere.
Ex.C-2	Ex.C-2 is the approved list of Harihara Taluk, Nandigavi grama panchayatha for year 1999-2000 to 2001-2002

	pertaining to Ashraya, Ambedkar and Indira Awas scheme.
Ex.C-3	Ex.C-3 is the resolution dated: 20.5.1999 was passed in Nandigavi Grama Panchayath meeting
Ex.C-4	Ex.C-4 is the first and final bill prepared in form PWG-32 in respect of storing and transporting the materials
Ex.C- 5	Ex.C-5 is the muster roll (nominal roll of labour employed) ZPCA No. 115590
Ex.C- 6	Ex.C-6 is the muster roll (nominal roll of labour employed) period from 1.4.2001-27.4.2001

sd/-

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.LOK/DE/181/2015/ARE-9

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001  
Date:**06/08/2022**

**To**

Sri L.K. Atheeq, IAS  
Addl. Chief Secretary to Government,  
Rural Development & Panchayath Raj Department  
Multi Storied Buildings,  
Bengaluru

Respected Sir,

Sub:-Departmental inquiry against;

- 1) Sri Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara Taluk, Davanagere District;
- 2) Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District - Reg.

Ref:- 1) Govt.Order No.೧೨೨೨ 26 ವಿಜೇಬಿ 2015, Bengaluru dated 31/3/2015.

- 2) Nomination order No.LOK/DE/181/2015, Bengaluru dated 9/4/2015 of Lokayukta, State of Karnataka, Bengaluru
- 3) Inquiry Report dated 15/7/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru
- 4) Recommendation dated 1/8/2022 of Hon'ble Lokayukta, State of Karnataka.

With reference to the above, I am directed to forward herewith the recommendation of Hon'ble Lokayukta dated 1/8/2022 along with inquiry report and connected records as per the index below in respect of the Departmental inquiry against Sri Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara Taluk, Davanagere District and Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District.

File No.	Particulars	Page No.
	Sealed cover containing the recommendation dated 1/8/2022 of Hon'ble Lokayukta and report of inquiry officer (both in original)	In a sealed cover
File No.1	Order Sheet file - original	1-29
File No.2	1. 12(3) Report dt: 29.12.2014 (xerox)	30-35
	2. Government Order dt: 31.3.2015 (xerox)	36-38
	3. Nomination Order dt: 9.4.2015 (xerox)	39-40

	4. copy of Article of Charges dt: 17.7.2015 served copy (original)	41-47	
	5. First Oral Statement of DGOs (Original)	48-49	
	6. Written statement of the DGO No.1 (Original)	50-58	
	7. Second Oral Statement of DGO-1 (original)	59	
	8. Written defence and written brief of DGO-1 (original )	60-85	
	9. Additional documents, such as letter dtd:4.2.2019 of Police Inspector Karnataka Lokayukta Davanagere; letter dtd: 28.1.2019 of ARE-13 Karnataka Lokayukta Bengaluru, Death certificate of DGO No. 2; memo dtd: 26.9.2017 etc., original-86, 89, xerox -87, 88,90-91	86-91	
	<b>Deposition File</b>		
File No.3	Pw.1	Deposition of Sri. S.N. Sha Khadri, the then Executive Engineer TAC Karnataka Lokayukta Bengaluru Original	92-99
	DW-1	Deposition of Sri.Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara, Davanagere District Original.	100-113
	<b>List of Documents Marked on Behalf of Disciplinary Authority</b>		
File No.4	Ex.P1	Ex.p-1 is the detailed anonymous complaint filed in Karnataka Lokayukta office. Original	114-115
	Ex.P 2 & 3	Ex.p-2 and 3 are the complaint in form No. 1 and 2 filed by Sri. Ajjanna in Karnataka Lokayukta office on 9.4.2002 Original	116-118
	Ex.P 4	Photocopy of estimate	119-120
	Ex.P 5	Photocopy of map	121
	Ex.P6	Photocopy of meeting resolution dtd: 22.8.2000	122-123
	Ex.P7	mahazar dtd: 19.1.2004 (original)	124
	Ex.P8	investigation report dtd: 27.1.2004 (original)	125-137
	Ex.P9	Photocopy of Extract of KPWD Accounts Code.	138-139

<b>Documents marked on behalf of DGO</b>		
ExC-1	Letter dtd: 5.1.2004 from Executive Engineer TAC Karnataka Lokayukta Bengaluru to the Executive Officer Taluk panchayath Harihar, Davanagere.( Original)	140-141
ExC-2	Approved list of works of Harihara Taluk, Nandigavi Grama Panchayath for year 1999-2000 to 2001-2002 pertaining to Ashraya, Ambedkar and Indira Awas scheme. original	142-152
ExC-3	Resolution dated: 20.5.1999 passed in Nandigavi Grama Panchayath meeting xerox 153-164, 166-169, 171-174 attested-165,170	153-174
ExC-4	Attested copy of First and final bill prepared in form PWG-32 in respect of storing and transporting the materials	175
ExC-5	Muster roll (nominal roll of labour employed) ZPCA No. 115590 (attested 176-177, 180-181, 190 xerox -178-179, 182-189, 191)	176-191
Ex.C-6	Muster roll (nominal roll of labour employed) period from 1.4.2001-27.4.2001 (attested 192-193, 196-199 xerox 194-195,200-203)	192-203

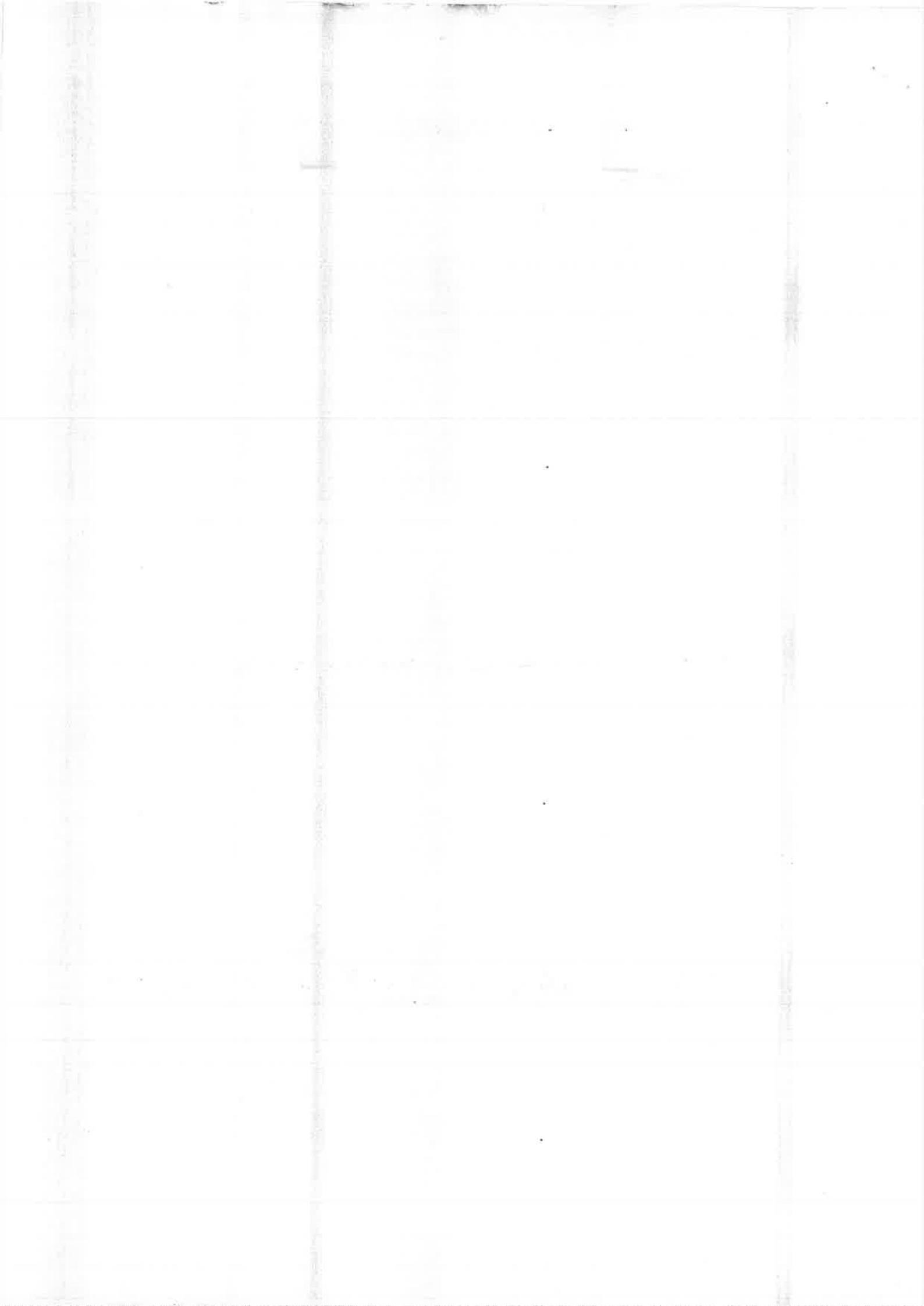
The receipt of the sealed cover containing the original recommendation dated 1/8/2022 of Hon'ble Lokayukta and inquiry report and the records as per index may kindly be acknowledged.

Yours faithfully,



**(USHARANI)**

Registrar  
Karnataka Lokayukta,  
Bengaluru



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.LOK/DE/181/2015/ARE-9

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001  
Date:**01/08/2022**

**RECOMMENDATION**

Sub:-Departmental inquiry against;

- 1) Sri Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara Taluk, Davanagere District;
- 2) Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District - Reg.

Ref:- 1) Govt.Order No.ಗ್ರಾಅಪ 26 ಎಸೆಬಿ 2015, Bengaluru dated 31/3/2015.

- 2) Nomination order No.LOK/DE/181/2015, Bengaluru dated 9/4/2015 of Lokayukta, State of Karnataka, Bengaluru
- 3) Inquiry Report dated15/7/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

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The Government by its order dated31/3/2015 initiated the disciplinary proceedings against 1) Sri Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara Taluk, Davanagere District and (2) Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, Davanagere District (hereinafter referred to as Delinquent Government Officials 1 & 2, (for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/DE/181/2015, Bengaluru dated 9/4/2015 nominated Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry

against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No.UPLOK-1&2/ DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again by order dated 18/1/2021 the Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to proceed with the Departmental inquiry against DGOs 1 and 2.

3. The DGO-1 Sri Kallappa V, the then Executive Officer, Taluk Panchayath, Harihara and DGO-2 Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara were tried for the charge that in respect of formation of drainage on both sides of road from Nandigavi Bus stand to Harijan colony, instead of forming 140 meters of drainage as provided in the estimate, only 60 meters of stone slab drainage was formed and there are no documents to show that the metal road was cured with water and road roller was used to strengthen the road. Thereby, the DGO-1 is responsible for causing loss to the Government exchequer along with Sri Vageesh K.M., Divisional Accountant by not discharging the duties assigned in accordance with Paragraph 20 of the PWD Accounts Code. Further, the DGO-2 is responsible for not maintaining the documents and Registers in respect of execution of the above work as required under Paragraph 24A of the PWD Accounts Code. Thus, both DGOs 1 and 2 have committed misconduct.



4. The inquiry officer in his report dated 15/7/2022, has reported that during the pendency of inquiry, the DGO-2 Sri Sadashivam, the then Accounts Assistant, Taluk Panchayath, Harihara, died on 8/5/2016 and hence he has recorded the abatement of disciplinary proceedings against DGO-2.

5. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri Kallappa V., the then Executive Officer, Taluk Panchayath, Harihara, Davanagere District

6. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer.

7. As per the charge proved against the DGO-1, he is responsible for causing loss to the Government exchequer by spending amount for the portion of drainage work which was not executed at all, which amounts to grave misconduct on his part.

8. As per First Oral Statement submitted by DGO-1 Sri Kallappa V., he has retired from service on 31/12/2016 (during the pendency of inquiry).

9. Having Regard to the nature of charge proved against DGO-1 Sri Kallappa V., the then Executive officer, Taluk Panchayath, Harihara, it is recommended to the Government for

imposing penalty of withholding 10% of pension payable to DGO-1 Sri Kallappa V for a period of 3 years.

10. In respect of DGO-2 Sri Sadashivam, it is hereby recommended to Government to record the abatement of disciplinary proceedings against him, in view of his death on 8/5/2016.

11. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

*B.S. Patil* 1/8/22

**(JUSTICE B.S.PATIL)**

Lokayukta,  
State of Karnataka,  
Bengaluru