



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/36/2010/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 25.09.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri M.Veereshappa, the then Secretary, (now retired) Anavatti Grama Panchayath, Soraba Taluk, Shimoga District- reg.

Ref:- 1) Government Order No. RDP 352 GPS 2009 dated 26.02.2010.

2) Nomination order No. LOK/INQ/14-A/36/2010 dated 16.08.2010 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 21.09.2019 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 26.02.2010, initiated the disciplinary proceedings against Shri M.Veereshappa, the then Secretary, (now retired) Anavatti Grama Panchayath, Soraba Taluk, Shimoga District [hereinafter referred to as Delinquent Government Official, for short as

'DGO' ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/36/ 2010 dated 16.08.2010, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct said to have been committed by him.

3. The DGO Sri M.Veereshappa, the then Secretary, (now retired) Anavatti Grama Panchayath, Soraba Taluk, Shimoga District, was tried for the following charge:-

"That You M.Veereshappa, DGO while working as Anavatti Grama Panchayath Secretary, in Soraba Taluk, had created duplicate receipt books and mis-used revenue funds collected from public to the tune of Rs.1,08,025/- without remitting to the village panchayath Account failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Government servant and thus you committed

misconduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO Sri M.Veereshappa, the then Secretary, (now retired) Anavatti Grama Panchayath, Soraba Taluk, Shimoga District.

5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

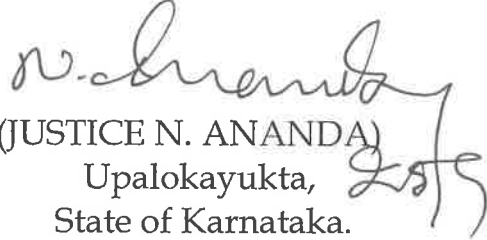
6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO Sri M.Veereshappa, has retired from service on 31.5.2011.

7. Having regard to the nature of charge '*proved*' against DGO Sri M.Veereshappa, the then Secretary, (now retired) Anavatti Grama Panchayath, Soraba Taluk, Shimoga District,

i) it is hereby recommended to the Government to impose penalty of 'recovering a sum of Rs.1,08,025/- from the pension payable to DGO Sri M.Veereshappa'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/36/2010/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 21/09/2019

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

Sri M. Veereshappa  
The then Secretary  
Anavatti Grama Panchayath  
Anavatti, Soraba Taluk  
**Shimoga District (Now retired)**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BD/463/2006/ARLO-1  
Dated: 25/09/2009
  - 2) G.Order. No. ಗ್ರಾಅಪ 352 ಗ್ರಾಪಂಕಾ 2009,  
Bengaluru, dated: 26/02/2010
  - 3) Order No.LOK/INQ/14-A/36/2010  
Bangalore dated: 16/08/2010  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against one Sri M. Veereshappa, the then Secretary, Anavatti Grama Panchayath, Anavatti, Soraba Taluk, **Shimoga District (Now retired)** (herein after referred to as the Delinquent Government Official in short "DGO")

2. After completion of the investigation a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No.1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 16/08/2010 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Article of Charges framed by ARE-4 against the DGO is as below;

**ANNEXURE NO. 1**  
**CHARGE**

*That, you M-Veereshappa, the DGO while working as Anavatti village panchayath Secretary in Soraba Taluk had created duplicate receipt books and misused revenue funds collected from public to the tune of Rs. 1,08,025/- without remitting to the village panchayath Account failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Government Servant and thus you committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

**ANNEXURE NO. 2**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant namely N. Sridhar s/o Narasimharao of Anavatti in Soraba Taluk filed complaint*

*alleging that when the DGO was working as Anavatti village panchayath Secretary, created duplicate receipt books and misused revenue fund collected from public. Further, the DGO misappropriated public funds of the said village panchayath. The concerned higher authority did not take any action against the DGO. The allegations of the complainant was investigated u/Sec. 9 of the Karnataka Lokayukta Act and the comments of the DGO was called. The DGO filed his comments denying all the allegations made in the complaint. Afterwards, rejoinder of the complainant was also called. The complainant reiterated the contents of his complaint and furnished several documents in support of his allegations. Thereafter, report of the Chief Executive Officer of Zilla Panchayath, Shimoga was called and he submitted report stating that notice was issued to the DGO for recovery of misappropriated and misused fund to the tune of Rs. 1,09,843/-. The complaint was investigated by the Technical Audit Cell of the office of the Lokayukta. After investigation, Audit Officer of the Technical Audit Cell filed report stating that, amount of Rs. 1,08,025/- has been collected by DGO from villagers and khatedars. The said amount was not accounted and not remitted to the Village Panchayath account. Further, the report was filed stating that an amount of Rs. 28,818/- and another sum of Rs. 25,000/- in respect of water supply management scheme and electricity bill were not deposited to village panchayath account and not remitted to MESCOM. Further, there was report that an amount of Rs. 2,000/- was collected in excess from one Sri Danareddy by*

*manipulating receipts and said amount has been misappropriated by the DGO. It is also stated that an amount of Rs. 28,818/- was remitted to bank on 28/07/2007 by the DGO. The comments of the DGO was called on the report of TAC. On examination of the materials placed on records, the explanation given by DGO was not satisfactory. But, the material collected showed prima facie case of misappropriation by the DGO by manipulating and non-maintaining account properly. There was also prima facie case to show dereliction of duty and grave misconduct committed by the DGO. As such, a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to Government recommending to initiate departmental proceedings against the DGO. Accordingly, this proceedings initiated by the Government as per the Government Order cited above at reference No.1. Hence, this proceedings.*

5. DGO appeared before this Inquiry Authority on 07/03/2011 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. DGO has filed his written statement as follows:-

The DGO has filed his written statement denying the allegations made in the Articles of Charge. The DGO has not committed any misconduct and he has prayed for conducting the inquiry with permission to cross-examine the witnesses.



7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all three witnesses as PW1 to PW3 and got marked documents at Ex.P1 to P10. After closing the evidence of the Disciplinary Authority, on behalf of the DGO, DGO has been examined as DW1 and two witnesses examined as DW2 and DW3 and got marked documents at Ex.D1 to D9 closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority has not filed the written brief, but on the side of the DGO written brief has been filed. Oral arguments of the Presenting Officer and the learned counsel for the DGO was heard. The points, that arise for the consideration of this inquiry authority are:-

Point NO.1:-Whether the Disciplinary Authority satisfactorily proved the charges framed against DGO?

Point NO.2:- What order?

9. My finding on the above points are as follows:-

Point No.1: In the “ **AFFIRMATIVE**”

Point No.2: As per the final order for the following:

**:: REASONS ::**

**10. Point No.1:** The charge framed against the DGO is to the effect that the DGO while working as Anavatti village Panchayath Secretary in Sorba Taluk had created duplicate receipt books and misused revenue fund collected from the public to the tune of Rs. 1,08,025/- without remitting to the

Village Panchayath Account and thereby he has failed to maintain absolute integrity and devotion to duty.

11. The complainant is one Sri Sridhar and the copy of the complaint filed by him before the Lokayukta Police is at Ex.P1. Ex.P1 is dated: 21/08/2006. Ex.P2 is the Form No.1 and Ex.P3 is the Form No.2. The gist of Ex.P1 is to the effect that from last 7 years the DGO is working as Secretary of Anvatti Grama Panchayath and from 31/05/2006 he is on suspension and the DGO has issued duplicate receipts and the amount collected from the same is used by himself without remitting the same to the Government. Higher Officers of DGO are also helping the DGO in his illegal activities.

12. The complainant has been examined as PW1 and he has deposed that from 1999 to 2006 the DGO worked as Secretary of Anavatti Grama Panchayath and he had not maintained proper records also and he has also not produced the records before the Auditor of Zilla Panchayath. He had not maintained the records regarding the amount collected regarding action of panchayath shop etc., and hence he has filed the complaint.

13. PW1 has been cross-examined to the effect that between himself and the panchayath there was civil suit and that he was the accused in numbers of criminal cases. His cross-examination is also to the effect that he had illegally occupied the property of the panchayath and in that connection suits were also filed against him and those suits were decreed and against the same he had preferred Regular Appeal and those appeals have been dismissed. In fact the DGO has been examined as DW1 and he has also deposed about the same

and produced some documents also in support of the same. Ex.D2 is the copy of the letter of the Dy.S.P., Shikaripur in which it is mentioned that PW1 was the accused in number of criminal cases mentioned in the same and in those cases he has been acquitted and in the same criminal case 'B' report submitted. In the same it is stated that PW1 is a person having roudy activities. Ex.D2 contains the details of the cases registered against PW1 from 1980 to 2007. Ex.D7 is the certified copy of the judgment passed in Regular Appeal which discloses that the Appeal preferred by PW1 against the Secretary, Anavatti Grama Panchayath regarding the judgment passed in O.S. No. 83/1998 has been dismissed. DW1 has deposed that in view of the DGO taking initiative to evict PW1 from the encroached portion of the bus-stand, PW1 had ill-will against him. The records produced by the DGO shows that there are several criminal cases filed against PW1 and some of the cases were filed by the Grama Panchayath, Anavatti and that PW1 was having ill-will against the DGO, but on that ground only it cannot be said that the complaint of PW1 is false. It is pertinent to note that in this there is special Audit Report and also the report of the TAC and only those reports have to be considered for deciding the charge framed against the DGO and the charge framed against the DGO cannot be decided on the basis of the oral evidence of PW1 stated above. More over the charge alleged against the DGO is to the effect that he misappropriated the amount of the village panchayath and the same has to be proved on the basis of the documents and not on the basis of the oral evidence of PW1 or on the basis of the averments made in the complaint-Ex.P1.

14. It is not in dispute that from 1996 to 2006 the DGO was working as the Secretary of the Anavatti Grama Panchayath of Soraba Taluk.

15. PW2 is Smt. Narmada Ananda, and she has deposed that from 2003-2009 she was working as Assistant Planning Officer, Zilla Panchayath, Shivamoga. She has deposed that the Chief Executive Officer of Zilla Panchayath directed herself Sri K.L. Subramanya and others to examine the Accounts of Anavatti Grama Panchayath and to give the report. She has deposed that accordingly they went to Anavatti grama panchayath and examined the available documents on 28<sup>th</sup> and 29<sup>th</sup> of November 2006. She has deposed as follows:-

“ನಾವು ಪರಿಶೀಲನೆಗೆ ಹೋದ ಸಮಯದಲ್ಲಿ ನಾವು ಕೇಳಿದ ದಿನವಹಿ ನಿರ್ವಹಿಸುವ ನಗದು ವಹಿ ಪುಸ್ತಕ, ಮಳಿಗೆಗಳ ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ಕಡತ ಸಂತೆ ಮಾರುಕಟ್ಟೆ ದೊಡ್ಡಿ ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ಕಡತ, ವಿಶ್ವಬ್ಯಾಂಕ್ ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯ ವೆಚ್ಚದ ಓಚರ್‌ಗಳು ಮಳಿಗೆ ಮತ್ತು ಸಂತೆ ಮಾರುಕಟ್ಟೆ ಹರಾಜಿನ ಕರಾರು ದಾಖಲೆಗಳನ್ನು ತಪಾಸಣೆಗೆ ಹಾಜರುಪಡಿಸಲಿಲ್ಲ.”

16. She has deposed that the Secretary who was on duty told that those documents have not been handed over to him when he took charge. She has deposed that the Secretary produced the remaining documents and some receipts books only. She has deposed that the villagers showed the receipts for having paid the amount to the grama panchayath. But the receipts books in respect of those receipts were not found in the stock register of the panchayath. She has deposed that the total amount of the receipts showed by the villagers was Rs. 1,08,025/- and there was no document also to show that the above said amount was credited to the grama panchayath

account. She has also deposed about some other amounts also not credited to the panchayath account and there is no charge against the DGO in respect of the same. The charge against the DGO is only regarding about said amount of Rs. 1,08,025/-. She has deposed that the report given by her is at Ex.P5. She has deposed that she has mentioned in page No. 2 of her report about the above said amount of Rs. 1,08,025/-. In Ex.P5 it is mentioned as follows;-

1. ಗ್ರಾಮಸ್ಥರಿಗೆ/ಖಾತೆದಾರರಿಗೆ ನೀಡಿದ ರಶೀದಿಗಳಲ್ಲಿ ಸಂಬಂಧಿಸಿದ ರಶೀದಿ ಪುಸ್ತಕ ದಾಸ್ತಾನು ವಹಿಯಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲ. ಇಂತಹ ರಶೀದಿಗಳಿಂದ ಸ್ವೀಕರಿಸಿದ ಹಣವನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತ್ ನಿಧಿಗೆ/ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಜಮಾ ಮಾಡಿಲ್ಲ. ರೂ. 1,08,025/-

ಖಾತೆದಾರರಿಂದ ಸ್ವೀಕರಿಸಿದ ಮೊತ್ತದ ರಶೀದಿ ಪುಸ್ತಕ ಲಭ್ಯವಿಲ್ಲದಿರುವ ಬಗ್ಗೆ

| ಕ್ರ.ಸಂ. | ರಶೀದಿ ಪುಸ್ತಕ ಸಂಖ್ಯೆ | ರಶೀದಿಗಳ ಕ್ರಮ ಸಂಖ್ಯೆ |        | ಸಂಖ್ಯೆಗಳು | ಮೊತ್ತ  |
|---------|---------------------|---------------------|--------|-----------|--------|
| 1       | 3152                | 157591 ರಿಂದ 157600  |        | 2         | 23000  |
| 2       | 3190                | 159451              | 159500 | 19        | 7125   |
| 3       | 3108                | 155301              | 155400 | 02        | 60000  |
| 4       | 3104                | 155151              | 155200 | 1         | 6000   |
| 5       |                     | 316551              | 316600 | 1         | 17900  |
|         |                     |                     |        | 25        | 108025 |

17. She has deposed that the receipt book Numbers stated above were not at all mentioned in the stock register and the copy or duplicate of the receipts stated above were also not found in the panchayath records and the total amount of the receipts stated above had also not been credited to the panchayath account. Thus she has deposed that the 25 receipts shown by the villagers for having paid the amount to

the panchayath records were not shown in the stock register of the above said panchayat. Thus it is her case that by issuing unauthenticated receipts the DGO had collected the amount of Rs. 1,08,025/- and not credited the same to the panchayath account. She has deposed that there was no document to show that the above said amount had been credited to the account of the village panchayath. She has denied the suggestion of the learned counsel for the DGO to the effect that the amount of Rs. 60,000/- collected under the receipt book No. 3108 had been credited to the panchayath account even prior to her audit. The DGO has not produced any documents to show that the amount of Rs. 60,000/- had been collected under the receipt book No. 3108. The DGO has produced Ex.D5 the copy of the saving bank account pass-book. He relies upon ex.D5(a) and Ex.D5(b) entries. Ex.D5(a) shows that on 23/03/2005 an amount of Rs. 30,000/- has been credited to the account of the panchayath and Ex.D5(b) shows that on 30/03/2005 an amount of Rs. 30,000/- has been credited to the panchayath account. In Ex.D5 there is no mention that the said amounts had been received by cash by issue of the receipts of receipt book No 3108. On the other hand, the DGO who has been examined as DW1 has deposed that Sri Ganesh Thimmapuri paid Rs. 60,000/- regarding Anvatti Santhe auction by way of two cheques of Rs. 30,000/- each and he uncashed those cheques on 23/03/2005 and 30/03/2005 and on those days itself he has remitted Rs. 30,000/- each to the panchayath account. It is pertinent to note that in case Sri Ganesh Thimmapuri had given the cheques for Rs. 30,000/- each in favour of the panchayath the DGO could have directly given the cheques for encashment

and that the amount be credited to the account of the village panchayath and there was no necessity for the DGO to encash the cheque and credit the amount by way of cash. More over the DGO has not produced the copy of the receipts issued in favour Sri Ganesh Thimmapuri to show that he had issued two receipts for Rs. 30,000/- each by receiving the amount by way of cheque from Sri Ganesh Thimmapuri and it cannot be said that the amount of Rs. 60,000/- mentioned in Ex.D5 (a) and (b) are the amounts that the DGO had received from Sri Ganesh Thimmapuri under the receipts of receipt book No. 3108.

18. PW3 is Sri M. Thimmaiah, and he has deposed that from 1997 to 2015 he was working in technical wing of Karnataka Lokayukta, Bengaluru and as per the directions of Hon'ble Upalokayukta the Chief Engineer of Technical Section had entrusted him the work of conducting the investigation and to giving the report in respect of the allegations made in the complaint and other documents and he examined the documents along with the special audit report as per Ex.P5 and gave the report along with annexures and his report is at Ex.P6. He has also deposed that an amount of Rs. 1,08,025/- had been collected by the DGO from the villagers and that amount has not been credited to the account of the panchayath. In Ex.P6 he has observed as follows:-

“It is observed in the Special Audit Report that the following receipt books and the amount of Rs. 1,08,025/- collected from the villagers and the khatadars has not been accounted and remitted to grama panchayath account”.

| Sl. No., | Receipt book No. | Receipt Nos. |        | No. of receipts | Amount   |
|----------|------------------|--------------|--------|-----------------|----------|
| 1        | 3152             | 157591<br>to | 157600 | 2               | 23,000   |
| 2        | 3190             | 159451       | 159500 | 19              | 7,125    |
| 3        | 3108             | 155301       | 155400 | 02              | 60,000   |
| 4        | 3104             | 316551       | 316600 | 1               | 17,900   |
| Total    |                  |              |        |                 | 1,08,025 |

The Audit has observed that the above 5 Receipt Books were not accounted in the Stock Register of the Receipt Books. Based on the receipts shown by the villagers and the khatadars of the Grama panchayath a sum of Rs. 1,08,025/- said to have been collected was not accounted and remitted to concerned grama panchayat Account as seen from the remittance register. The details of receipts issued and the amount collected is enclosed to this report as Annexure-II.

19. The above said Annexure-2 is marked as Ex.P8. In Ex.P8 the details of the 25 receipts are given. According to the same under receipt No. 155362 dated: 30/03/2005 Rs. 30,000/- has been received and under receipt No. 155360 dated: 23/03/2005 Rs. 30,000/- has been received from Sri Ganesh Thimmapuri regarding santé haraju. No where in the same it is mentioned that the said amount had been received by way of cheque and when the DGO has not produced the copy of the above said receipts, it cannot be said that the amount of Rs. 60,000/- credited to the panchayath account as per Ex.D5(a) and (b) are the amounts that was received by the DGO under the above said receipts. In Ex.P8 it is stated that the above said two receipts bears receipt book No. 3108 and the DGO has also not produced the copy of that receipt book



to support his evidence stated above. Hence, the evidence of the DGO to the effect that the amounts mentioned in Ex.D5(a) and (b) is the amount received from Sri Ganesh Thimmapuri cannot be accepted and as stated above in Ex.D5 (a) and (b) there is no mention that the amounts credited under Ex.D5(a) and (b) are the amounts received from Sri Ganesh Thimmapuri under receipt Nos. 155360 and 1565362.

20. The records disclose that a letter dated: 24/11/2015 had been issued to CEO, from ARE-4 to produce the attested receipt books mentioned in the table Ex.P6 stated above and the CEO, Zilla Panchayath, Shivamoga has sent the letter dated: 13/01/2016 along with the copy of the letter addressed to the Executive Officer, Taluk Panchayath, Soraba from Anavatti grama panchayath dated:11/01/2006 which discloses that only the receipt book bearing NO. 3104 is available and the receipt books No. 3152, 3190, 3108 are not available. The certified copies of the available receipts in respect book 3104 are also sent bearing receipt Nos. 155151 to 155161. Thus even in the year 2016 the PDO of Anavatti Grama Panchayath has given the report that the receipt books 3152, 3190 and 3108 are not found which supports the evidence of DW2 and DW3 stated above. The DGO has produced Ex.D9 the copy of the letter written by the DGO to the Panchayath Secretary of Anavatti Grama Panchayath dated: 19/09/2008 in support of his case that he has handed over the receipt books to his successor but in view of the letter of the PDO of Anavatti Grama Panchayath dated: 31/01/2016 stated above Ex.D9 cannot be given any weight. Hence, the contention of the DGO that he had handed over the above said

receipt books to his successor cannot be believed. Hence, it has to be said that the disciplinary authority has proved that the DGO had collected the amount of Rs. 1,08,025/- from the public by issuing the receipts and those receipts had not been taken to the stock register and the above said amount of Rs. 1,08,025/- had also not been credited to the panchayath account by the DGO.

21. DW1 who is the DGO has deposed that on 28/07/2007 he has credited the amount of Rs. 56,075 to the panchayath account and the xerox copy of the challen is at Ex.P9(a). He has also deposed that on the same day he has remitted an amount of Rs. 28,818/- also as per Ex.P9(b). It is pertinent to note that Ex.P9(a) and P9(b) the copy of the challen are dated: 28/07/2007 where as the DGO had collected the amount in the year 2005-2006 itself. Hence, even if the DGO has remitted the above said amounts at a later date it amounts to temporary misappropriation of the amount belonging to the panchayath. Ex.D6 is the copy of the pass book and the above said panchayath which discloses that on 28/07/2007 the amount of Rs. 56,075/- has been credited to the account. But as stated above, the above said credit is made long after the receipt of the amount from the public by the DGO.

22. DW2 is one Sri Ajim Sab, and he has deposed that he is working as Anavatti grama panchayath member from the year 2001 and the DGO has worked as Secretary of the said panchayath 1999 to 2006. He has deposed that there was no complaint against the DGO for having misappropriated the panchayath amount. He has deposed that the name of the complainant (PW1) is in the roudy list of Anavatti police

station. He has also deposed about the other cases filed against PW1. Only on the basis of his oral evidence the above said case of the disciplinary authority cannot be brushed aside as false.

23. DW3 is one Sri Parashuram and he has deposed that from 1996 he is working as Waterman of Anavatti grama panchayath and the DGO has worked as the Secretary of the said panchayath from 1999 to 2006. He has deposed that there was no complaint against the DGO while he was working in the above said panchayath. On the basis of the above said evidence also it cannot be said that the DGO has not misappropriated the panchayath amount when there is documentary evidence to show that the DGO had not credited the amounts of Rs. 1,08,025/- as and when received from the villagers even after issuing the receipts.

24. Ex.D3 is the copy of the Articles of Charge framed against the DGO by the Disciplinary Authority. Ex.D3 shows that totally six charges were framed against the DGO and out of the same charge No. 2 is to the effect that the DGO had collected the amounts from the villagers by giving receipts which were not taken to the stock register and also not credited the amounts to the grama panchayath account and thereby committed the misconduct. Ex.D4 is the copy of the inquiry report. Ex.D4 shows that the inquiry officer was one Sri N. Subbarao, retired District and Sessions Judge and he has given findings that charge No. 2 is proved and the remaining charges are not proved. He has mentioned in his report that PW2 had given the report regarding the DGO issuing 25 receipts to the villagers and collecting the amount

under the same and those receipts were not mentioned in the stock book of the said panchayath and the total amount collected under the 25 receipts was Rs. 1,08,025/-. He has mentioned in his report that the photostand copies of some of those 25 receipts have been marked as Ex.P7(a) to (l) in that inquiry. Thus even in the above said inquiry the charge No.2 has been held as proved. No doubt charge No.2 stated above and the charge framed in this inquiry are one and the same. It is not the case of the DGO that he has preferred any appeal above the said report Ex.D4 dated: 20/03/2012. Thus the above said report also supports the case of the disciplinary authority in this inquiry.

25. No doubt regarding the charge framed in this inquiry there was already a departmental inquiry and the findings is also given as per Ex.D4. But the DGO has not produced any documents to show that any punishment has been imposed on him as per the report Ex.D4 regarding the charge No.2 mentioned in Ex.D4 being proved. Hence, this inquiry can be proceeded as per law.

26. As stated above, the DGO has not proved that the amount of Rs. 60,000/- deposited to the grama panchayath account as per Ex.D5(a) and (b) pertains to the amount collected under receipt No. 155360 and 155362 mentioned in Ex.P8. As stated above, the amount of Rs. 56,075 and Rs. 28,818 has been credited to the panchayath account by the DGO on 28/07/2007 as per Ex.P9(a) and (b) which is long after the amount collected under the above said 25 receipts mentioned in Ex.P8. For the reasons stated above, it has to be said that the disciplinary authority has proved that the DGO

by issuing the receipts not taken to the panchayath stock register collected Rs. 1,08,025/- from the villagers and misappropriated the same without crediting the same to the panchayath account in time as per law.

27. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant. Hence, I answer this point in the **AFFIRMATIVE**.

**28. Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge against DGO-Sri M. Veereshappa, the then Secretary, Anavatti Grama Panchayath, Anavatti, Soraba Taluk, Shimoga District (Now retired).*

29. Hence this report is submitted to Hon'ble Upalokayukta-2 for kind perusal and for further action in the matter.

Dated this the 21<sup>st</sup> day of September, 2019

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

**:: ANNEXURE ::****LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

- PW-1:Sri Sridhar (complainant)  
 PW-2:Smt. Narmada Anand (I.O.)  
 PW-3:Sri M. Thimamaih @ Venkatesh T.M. (another I.O)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

- DW-1:Sri M. Veereshappa (DGO)  
 DW-2:Sri Ajim Sab (witness)  
 DW-3:Sri Parashuram (witness)

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

- Ex.P-1: Original complaint  
 Ex.P-2:Original Form No.1  
 Ex.P-3: Original Form No.2  
 Ex.P-4: Original letter of complainant dated: 28/12/2006  
 Ex.P-5:Certified copy of the special audit report (containing total 6 sheets)  
 Ex.P-6:Original Investigation report  
 Ex.P-6(a); Relevant entry in Ex.P6  
 Ex.P-7:Xerox copy of the letter dated: 17/10/2008 of Chief Executive Officer, Zilla panchayath, Shivamoga addressed to Chief Engineer, Karnataka Lokayukta, Bengaluru with xerox copy of the enclosures  
 Ex.P-8: Certified copy of the receipt numbers containing sheet  
 Ex.P-9:Certified copy of the challen  
 Ex.P-9(a,b): Relevant entries in Ex.P9  
 Ex.P-10: Certified copy of the amount paid receipt dated: 14/08/2001  
 Ex.P-10(a,b): Relevant entries in Ex.P10

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

- Ex-D1:Xerox copy of the reply of DGO dated: 27/11/2006  
 Addressed to DRE-3, Karnataka Lokayukta, Bengaluru  
 Ex-D2:Xerox copy of the Deputy Superintendent of Police, Shikaripura addressed to S.P. Shivamoga  
 Ex-D3:Certified copy of the notice dated: 28/01/2009(containing five sheets)  
 Ex-D4:Xerox copy of the investigation report  
 Ex-D5:Certified copy of the savings book account extract (containing three sheets)  
 Ex.D5(a,b): Relevant entries in Ex.P5  
 Ex.D6: Certified copy of the savings book account extract  
 Ex.D6(a): Relevant entry in Ex.D6

- Ex-D7: Certified copy of the judgment passed in Regular Appeal  
No. 10/2017
- Ex-D8: Certified copy of the judgment passed in Regular  
Appeal No. 22/2017
- Ex-D9: Certified copy of the reply dated: 19/09/2008 of DGO  
Addressed to Secretary, Grama Panchayath, Anavatti

Dated this the 21<sup>st</sup> day of September, 2019

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

