



**KARNATAKA LOKAYUKTA**

No:LOK/INQ/14A/478/2014/ARE-7

Multi Storied Building  
Dr B.R.AmbedkarVeedhi  
Bengaluru – 560 001  
Date: 23-06-2020

**RECOMMENDATION UNDER RULE 14A(2)(d) of Karnataka  
Civil Service (Classification, Control and Appeal) Rules,  
1957.**

**Sub:-** Departmental Enquiry against 1) Dr.K.Ramakrishnappa, Additional Director, Incharge Director of Horticulture Department, Bangalore, 2) Sri.Srikanth.S.K. Joint Director, Horticulture Department, Bangalore 3) Smt.Hemavathi, Senior Assistant Director, Horticulture Department, Zilla Panchayath, Bagalkote District, 4)Sri.Mohammed Ali, Senior Assistant Director, Horticulture Department, Zilla Panchayath, Indi Taluk, Bijapur District, 5) Sri.Chandru C., Assistant Director, Horticulture Department, Watershed Development Department, Mysore District 6) Sri.Rajkumar Theggi, Assistant Horticulture Officer, Horticulture Department, Bijapur 7) Sri.Veeresh Katti, Assistant Horticulture Officer, Bijapura, 8) Sri.Shashidhar, Senior Assistant Director, Horticulture Department, Bijapura, presently working as Assistant Director of Horticulture, ZP, Sira and 9) Sri.P.M.Melmani, Assistant Horticulture Officer, Horticulture Department, Bijapur -reg.,

**Ref:-**

1. Report u/s 12(3) of the K.L Act, 1984 in Compt/Lok/BGM/36/2010/ARE-9, Dtd., 05.08.2014.
2. Government Order No.ಕೃತೋಇ 1 ತೋಸೇಪ 2010 (ಭಾಗ-2), ಬÉAUÀಳೂರು, ದಿ:26-8-2014.
3. Nomination Order No:LOK/INQ/14-A/478/2014, dtd:27/08/2014 of the Hon'ble Lokayukta, Bangalore.

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The Enquiry report dated 17-03-2020 in No: LOK/INQ/14A/478/2014/ARE-7 submitted by the Additional Registrar of Enquiries-7 (hereinafter referred to as '**the Enquiry Officer**') Karnataka Lokayukta has been placed before me.

2. Pursuant to the report dated 05-08-2014 submitted by the then Hon'ble Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984 (hereinafter referred to as '**the Act**'), the Government of Karnataka by means of its Government Order No.ಕೃತೋಇ 1 ತೋಸೇಪ 2010 (ಭಾಗ-2), ಬೆಂಗಲೂರು, ದಿ:26-8-2014 while accepting the recommendation made u/Sec. 12(3) of the Act, initiated Disciplinary proceedings against (1) Dr.K.Ramakrishnappa, Additional Director, Incharge Director of Horticulture Department, Bangalore, 2) Sri.Srikanth.S.K. Joint Director, Horticulture



Department, Bangalore 3) Smt.Hemavathi, Senior Assistant Director, Horticulture Department, Zilla Panchayath, Bagalkote District, 4) Sri.Mohammed Ali, Senior Assistant Director, Horticulture Department, Zilla Panchayath, Indi Taluk, Bijapur District, 5) Sri.Chandru C., Assistant Director, Horticulture Department, Watershed Development Department, Mysore District 6) Sri.Rajkumar Theggi, Assistant Horticulture Officer, Horticulture Department, Bijapur 7) Sri.Veeresh Katti, Assistant Horticulture Officer, Bijapura, 8) Sri.Shashidhar, Senior Assistant Director, Horticulture Department, Bijapura, presently working as Assistant Director of Horticulture, ZP, Sira and 9) Sri.P.M.Melmani, Assistant Horticulture Officer, Horticulture Department, Bijapur -reg., (hereinafter referred to as **Delinquent Government Officers 1 to 9, for short DGO 1 to 9**) and entrusted the same to the Hon'ble Lokayukta to conduct an enquiry with regard to the allegations made against the DGO under Rule 14-A of Karnataka Civil Services (CCA) Rules, 1957.

3. Subsequent to the receipt of the said Government Order dated 26-08-2014, the then Hon'ble Lokayukta by means of Nomination Order No.LOK/INQ/14-A/478/2014



dated 27-08-2014, nominated the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and conduct an inquiry against the DGOs.

4. The Inquiry Officer has framed the Articles of charges against the DGO. It is useful to extract the Article of charges framed against the DGO, which reads as hereunder:

**CHARGE**

That you the Government servants mentioned in the above subject (hereafter referred as DGO., Nos.1 to 9) while discharging your duties:

- i) Out of 111 works of NHMS excess payments were made to 12 beneficiaries in respect of the agricultural ponds/community tanks and excess payments were made to 3 beneficiaries in respect of drip irrigation units and in all a sum of Rs.6,54,317/- excess payment was made by you-DGOs., though the beneficiaries were not eligible for the said amount.
- ii) As per the guidelines only 45 community tanks/ agricultural ponds were to be constructed in a sum of Rs.450 lakhs in all 337 community tanks/agricultural ponds were constructed by



spending amount of Rs.679.25 lakhs which was in violation of the guidelines. You - DGO., Nos.1 and 2 have given approval for 379 community tanks/agricultural ponds and they could not have also given technical sanction or other sanction for Rs.2,437 lakhs.

- iii) The size of the community tank dug was certainly less than the size for which the amount was paid and it is clear that excess payment is made by you - DGO., No.3 to admitted that, one Sri.Basappa Bhemappa Kondi had availed of subsidy amount of Rs.42,000/- for drip irrigation unit in his land bearing Sy.No.1043/1 by showing the grapes crops standing in the land bearing Sy.No.1032. DGO-3 could have initiated criminal action against beneficiary for false statement or misrepresentation. In addition, you DGO., No.3 is a responsible Government Servant could not have acted only on the representation of the beneficiary. You could have taken the assistance of village officers like Village Accountant and others before releasing the said amount. Thus, there is dereliction of duty and negligence on the part of the DGO., No.3.
- iv) You - DGO., No.4 is responsible for the payment of Rs.19,697/- to one Sri.Mallesh Dattu Goundi in respect of a pond constructed in Sy.No.91 of Nandaragi Village. The pond was constructed in the month of July 2010. It was DGO., No.4 who inspected the said pond and reported the



existence. However, at the time of inspection by the Joint Director of Horticulture and Drip Irrigation, Lalbagh, Bangalore dated.17.7.2009 in Sy.No.91 there was no agricultural pond. Therefore, it is clear that, a false report was given by you-DGO., No.4, on the basis of which the payment was made through cheques dated.8.8.2008.

- v) There was misappropriation of funds in respect of agricultural ponds in Sy. Nos.109/1 and 109/2 and you - DGO., No.5 is responsible for the same and it is clear that the agricultural ponds were not there in Sy. Nos.109/1 and 109/2, but, agricultural pond was there in Sy.No.91 of Nandaragi Village.
- vi) The measurements were taken by the I.O. of TAC, KLA, Bangalore in the presence of panchas, some of the DGOs., and others. Whereas the measurements submitted by you - DGO., No.6 is not taken in the presence of any independent person. Even the payment made is in excess according to the measurements taken by you - DGO., No.6.
- vii) As per the report of the TAC, KLA, Bangalore no plastic lining was there. In the tank of the beneficiary Sri.Vittal S. Poojar, who was entitled to Rs.2,93,173/- and excess sum of Rs.77,617/- is paid by you - DGO., No.7 and he has produced the sanction order dated:3.9.2007 and in the said order it is clearly stated that this work is of the



year 2006-07. Therefore, it is not covered under the period of 2008-09.

viii) It is stated in the report of the TAC, KLA, Bangalore that there was no plastic lining to the said community tank in the year 2008-09. Hence, the explanation given by you - DGO., No.8 cannot be accepted.

ix) You - DGO., No.9 in your comments has stated that, in case of payment made to Sri.Somnath Sangnal no excess payment is made and that only a sum of Rs.7,33,400/- is paid and not Rs.8,33,400/- as stated in the report of the I.O. and that there was plastic lining to the said tank. The report of the I.O. is to the effect that there was no plastic lining to the said community tank. Even if the payment made is Rs.7,33,400/- the cost of the plastic lining was paid in excess. As per the statement submitted by you - DGO., No.9 only, you - DGO., No.9 is the officer who has made the inspection of the 5<sup>th</sup> Stage i.e, plastic lining and as per the report of the I.O. there was no plastic lining to the said community tank. Therefore, the comment of you-DGO., No.9 cannot be accepted and you-DGO., No.9 is responsible for the payment made in respect of plastic lining.

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.

5. The DGOs, after service of the Article of charges, denied the charges leveled against them.

6. In the course of inquiry proceedings, on behalf of Disciplinary Authority, three witnesses were examined as PW-1 to PW-3 and 24 documents were marked as Ex.P-1 to P-24. DGOs 3, 4 and 5 have examined themselves as DW-1 to 3 besides examining 3 other witnesses as DW-4 to DW-6 and got marked 66 documents as Ex.D-1 to D-66 in support of their defense.

7. The Inquiry Officer on the basis of the evidence adduced in the course of enquiry found that the Disciplinary Authority has failed in proving the charges leveled against DGO-1 and 2 whereas the charges leveled against the DGOs 3 to 9 have been established by it.

8. I have gone through the report of the Inquiry Officer and also the evidence available on record. The substance of the charge leveled against the DGOs is that the DGOs 1 and 2 have approved construction of 379 agricultural ponds instead of constructing 45 of such ponds at an estimated cost of Rs. 450 Lakhs. Due to such excess






construction an amount of Rs. 2,437 Lakhs were spent. So far as DGOs 3 to 9 are concerned, it is alleged that they have permitted payment of excess money to the beneficiaries in individual cases during the period 2008-09 at Bijapura District.


9. The Enquiry Officer, after elaborately discussing the evidence of PWs and the evidence adduced by DGOs has found that the DGOs 3 to 9 are guilty of misconduct.

10. It is the defense of DGOs 1 and 2 that they have acted in accordance with the guidelines issued by the Government while according sanction for construction of agricultural ponds during the year 2008-09 and that there is no dereliction of duty on their part. In his report the enquiry officer has recorded a finding that out of 379 agricultural ponds sanctioned by them 212 projects were cancelled and only 167 ponds were constructed. He has opined that the sanctions were necessary to commence the work and said sanction did not carry any financial burden to the State Exchequer as the farmers were entitled to the amount of subsidy only on satisfactory completion of the project. The task of examining the construction of ponds and to release subsidy on satisfactory completion of such project was with DGOs no. 3 to 9. Therefore the Enquiry Officer has



concluded that by according sanction DGO 1 and 2 have not committed any act of misconduct. It is useful to extract relevant portion of the findings recorded by the Enquiry Officer with respect to the charges leveled against DGO 1 and 2 which is as under:-

*"42. The charges are based on the materials of allegations and the comments submitted by the Government servant. Even thereafter, in this enquiry DGO No.1 & 2 have filed the detailed written statement and produced certain documents along with written statement. The documents are in file. The documents disclosing the nature and extent of the power in sanctioning the projects, obligations to consider the factors in approving the proposal for subsidy are only filed with written statement. In the written statement DGO-1 and 2 have specifically stated that, total sanctioned projects for water tanks was 379 among them 212 were cancelled. Therefore, only 167 ponds were constructed for irrigation. Even among total sanctioned ponds DGO-1 had sanctioned for 162 and DGO-2 sanctioned 182 ponds and remaining 35 were sanctioned by one Sri Vijaykumar. The sanctions were necessary to commence the tank works and said sanction did not carry any financial burden to the State exchequer. Because, the technical sanction enabled the eligible farmers for financial*



assistance as **back ended subsidy**. Accordingly, farmers were entitled to the amount of subsidy only on the satisfactory completion of the project. Process of examining the tanks and to release the subsidy on satisfactory completion was vested with respondent No. 3 to 9 only. Without the technical sanction, even after satisfactory completion of the water tanks, farmers would not be entitled to the financial assistance of the subsidy. These facts are clear from the written statement and the documents produced by DGO No. 1 and 2. PW-1 in his cross-examination has not brought in any materials contrary to these obligations. As such, the misconduct against DGO No. 1 and 2 is not made out."

11. Having gone through the entire material placed on record, I have no good reason to differ with the opinion of the Enquiry Officer with respect to the fact that the disciplinary authority has failed to prove charges leveled against DGOs 1 and 2. As indicated above the only allegation based on which DGOs 1 and 2 are charged relating to their act of according sanction for construction of more number of agricultural ponds than the one prescribed by the Government. It is needless to point out that in the absence of any convincing and acceptable evidence establishing that such approval was given by DGOs 1 and 2 for



extraneous consideration, I am of the considered opinion that mere act of granting approval by them does not amount to misconduct or dereliction of duty on their part. Therefore the conclusion reached by the enquiry officer that their defense has not been substantiated is required to be accepted.

12. so far as DGOs 3 to 9 are concerned, it is alleged that they are guilty of misconduct as they have failed to submit accurate report while making recommendation while payment of subsidy amount in individual cases without proper verification of actual execution of work related to construction of agricultural ponds. Due to the act of DGOs 3 to 9, subsidy amount has been paid to some of the farmers without actual construction of farm pond and in some cases though there is construction, such construction was defective or the subsidy amount has been paid in excess than the actual eligibility of such beneficiary. It is indicated that in some cases without there being plastic lining put up in the agricultural pond, excess amount is paid to the farmers. It is useful to extract the relevant portion of the enquiry report which reads as under:-

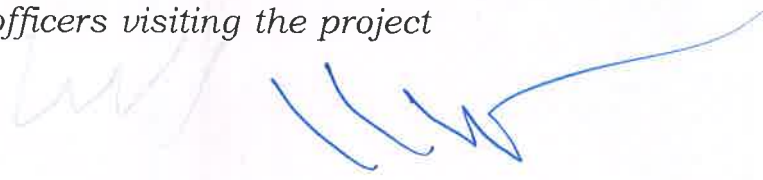
30. *“Disciplinary Authority in support of the allegations has examined 3 witnesses and got marked 24 documents. On the other hand the*



questionnaire of the DGO., Nos.1 & 2 were recorded. DGO No.3, 4 and 5 have examined themselves as DW-1 to 3 and DW-4 is the Accounts Superintendent accompanying PW-1 in preparing Ex.P-1 report examined by DGO No.6 to 9 and one FDC and one SDC, then working in the office of Senior Deputy Director of Horticulture, are examined as DW-5 and 6. Ex.D-1 to 66 and Ex.C-1 are marked.

31. PW-1 is the Assistant Executive Engineer in Technical Wing of Karnataka Lokayukta, who headed the technical teams as per the direction of Hon'ble Lokayukta. PW-1 with his team verified the implementation of the scheme and the loss caused therein. The teams of technical investigation visited the project implemented area on one hand and verified the records connected with implementation of the project. Records of the definite project which was visited by technical team were verified by the accounts superintendent who reported the findings to PW-1.

32. The allegation of misappropriation in implementing the project was first reported by the Director of Horticulture. Certain superior officers of Horticulture Department had visited the spot, examined the implementation and reported the inconsistency, in implementation and impropriety involved in release of the funds. Some of such officers visiting the project



area earlier were also the part of the technical team formed by the order of Hon'ble Lokayukta.

33. PW-2, Assistant Executive Engineer working under PW-1, headed one of the teams visited other place of implementation in Indi taluk and recorded the findings. PW-3 is another engineer, who visited the project areas in the year 2014 as per the orders of Enquiry Officer, ARE-9.
34. According to the Article of Charges 45 tanks both agricultural and community tanks were to be constructed out of 450 lakhs in Bijapur District for the year 2008-09. But, 448 community tanks are constructed with technical sanction to 2,437 lakhs. In this regard general violation of entire project is alleged against DGO No.1 and 2 who were, the incharge Director and Joint Director of Horticulture respectively. Whereas, DGO No.3 to 9 are concerned with implementation of irrigation projects in NHMS at definite places in Bijapur District. The charges have specifically disclosed the amount and the project area involving impropriety and inconsistency. These places are visited by the team in between 14-07-2011 to 23-07-2011. Advance notices to the respective Horticulture and PWD officers in general and the officials of Village offices in

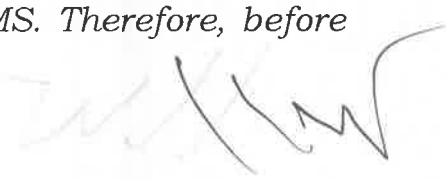


*particular were also issued. The notices were dtd:06-07-2011.*

35. *PW-1 has submitted a report marked as Ex.P-1 disclosing the inconsistency in implementing the project. Ex.P-2 to 4 are Annexure explanations to Ex.P-1 report. Ex.P-5 is the report filed by PW-2. Ex.P-7 is the report of Director of Horticulture, which at the first instance disclosed misappropriation in implementation of the projects under NHMS. Ex.P-13 is the report of PW-3 for observing similar facts after Ex.P-1 report.*

36. *PW-1 with the team visited the project field and recorded the measurements of the pond. The Accounts Superintendent (DW-4) examined the records relating to the construction and sanction of the funds to the visited tanks. Further, the rules governing release of the amount to the respective visited projects was considered. The inconsistencies noticed in relation to the release of amount, based on guidelines are reported to PW-1 for submitting Ex.P-1 report.*

37. *Before appreciating the evidence of the witnesses in this enquiry, it is necessary to note that the DGO's herein are the officials personally monitored the implementation of the project. Thereby, the officials knew the guidelines and the records to be maintained in implementation of the NHMS. Therefore, before*



commencing this enquiry it is obvious that the DGO's are aware of the implementation and the facts observed in the Ex.P-1, 7 & 13 reports. Thereby DGOs had the occasion to explain their bonafied conduct in the commission of the lapses observed in Ex.P-1, 7 & 13.

38. It is also noticed from Ex.P-1 report, in para-4.01 only 111 project places have selected, visited and examined. Out of these projects excess payments were made to 12 beneficiaries of different taluks for which DGO No.3 to 9 are found liable. Each project of excess payment along with official liable for such excess payment are identified with the amount involved therein, are separately disclosed in para 3.06.02 of Ex.P-1, they are as follows:

| ಕ್ರ. ಸಂ. | ಫಲಾನುಭವಿಯ ವಿವರ                                                                   | ಪಾವತಿಸಬೇಕಾದ ಮೊತ್ತ ರೂ. | ಪಾವತಿಸಲಾದ ಮೊತ್ತ ರೂ. | ಹೆಚ್ಚುವರಿಯಾಗಿ ಪಾವತಿಸಿದ ಮೊತ್ತ ರೂ. | ಸ್ಥಳ ತಪಾಸಣೆ ಮಾಡಿರುವ ಅಧಿಕಾರಿ                                                                                               |
|----------|----------------------------------------------------------------------------------|-----------------------|---------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| 1        | ಶ್ರೀ.ಸೋಮನಾಥ<br>ಆನಂದ ಸನ್ನಾಳ,<br>ಸ.ನಂ.375,<br>ಕೆ.ಸಿದ್ದಾಪುರ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು | 5,60,210.00           | 8,33,400.00         | 2,73,190.00                      | ಶ್ರೀಮತಿ.ಹೇಮಾವತಿ,<br>ಹಿ.ಸ.ತೋ.ನಿ.,<br>ಶ್ರೀ.ಶಶಿಧರ್,<br>ಹಿ.ಸ.ತೋ.ನಿ.,<br>ಶ್ರೀ.ವೀರೇಶ್ ಕಟ್ಟೆ,<br>ಸ.ತೋ.ಅ.,<br>ಶ್ರೀ.ಪಿ.ಎಂ.ಮೇಲ್ಮನಿ. |



|   |                                                                                                |          |             |           |                         |        |
|---|------------------------------------------------------------------------------------------------|----------|-------------|-----------|-------------------------|--------|
|   |                                                                                                |          |             |           | ಸ.ತೋ.ಅ.,                |        |
| 2 | ಶ್ರೀ.ವಿಠಲ<br>ಸೋಮಣ್ಣ<br>ಪೂಜಾರ,<br>ಸ.ನಂ.405/1,<br>ಕೆ.ಸಿದ್ದಾಪುರ,<br><br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು       | 2,93,173 | 3,70,790.00 | 77,617.00 | ಶ್ರೀ.ವೀರೇಶ್<br>ಸ.ತೋ.ಅ., | ಕಟ್ಟೆ, |
| 3 | ಶ್ರೀ.ಪಾಂಡು<br>ರಾಮಣ್ಣ ಸಾಲಿ,<br>ಸ.ನಂ.277/1,<br>ಹೊನವಾಡ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು              | -        | 19,697.00   | 19,697.00 | ಶ್ರೀ.ವೀರೇಶ್<br>ಸ.ತೋ.ಅ., | ಕಟ್ಟೆ, |
| 4 | ಶ್ರೀ.ಮಾದೇವ<br>ರಾಮಣ್ಣ ಸಾಲಿ,<br>ಸ.ನಂ.280/1ಎ/2ಎ,<br>ಹೊನವಾಡ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು          | -        | 19,697.00   | 19,697.00 | ಶ್ರೀ.ವೀರೇಶ್<br>ಸ.ತೋ.ಅ., | ಕಟ್ಟೆ, |
| 5 | ಶ್ರೀ.ಸಿದ್ದಪ್ಪ ಬೀರಪ್ಪ<br>ಪಂಡೆಗಾಂವಿ,<br>ಸ.ನಂ.743/4+576,<br>ಹೊನವಾಡ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು  | -        | 18,000.00   | 18,000.00 | ಶ್ರೀ.ವೀರೇಶ್<br>ಸ.ತೋ.ಅ., | ಕಟ್ಟೆ, |
| 6 | ಶ್ರೀ.ಸಿದ್ದಯ್ಯ<br>ಮಲ್ಲಯ್ಯ<br>ಸತ್ತೀಗೇರಿ,<br>ಸ.ನಂ.722/2ಎ,<br>ಹೊನವಾಡ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು | -        | 20,250.00   | 20,250.00 | ಶ್ರೀ.ವೀರೇಶ್<br>ಸ.ತೋ.ಅ., | ಕಟ್ಟೆ, |

|    |                                                                                                     |              |             |             |                                                                   |
|----|-----------------------------------------------------------------------------------------------------|--------------|-------------|-------------|-------------------------------------------------------------------|
| 7  | ಶ್ರೀ.ಪ್ರಕಾಶ್<br>ಭೀಮಣ್ಣಗೌಡ<br>ಬಿರಾದರ್,<br>ಸ.ನಂ.19/2ಎ,<br>ಬಾಬಾನಗರ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು             | 2,02,125.00  | 2,85,000.00 | 82,875.00   | ಶ್ರೀಮತಿ.ಹೇಮಾವತಿ,<br>ಹಿ.ಸ.ತೋ.ನಿ.,                                  |
| 8  | ಶ್ರೀ.ಶಿವಶಂಕರಪ್ಪ<br>ಸಿದ್ದರಾಮಪ್ಪ<br>ಹನಗಂಡಿ,<br>ಸ.ನಂ.118/1,<br>ಸಾವನಹಳ್ಳಿ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು | 4,84,333.00  | 5,07,100.00 | 2,276.00    | ಶ್ರೀ.ರಾಜಕುಮಾರ್ ತಗ್ಗಿ,<br>ಸ.ತೋ.ಅ.,                                 |
| 9  | ಶ್ರೀ.ರಾಜನಗೌಡ<br>ಸಂಗನಗೌಡ<br>ಚಿಕೊಂಡ,<br>ಸ.ನಂ.213/142,<br>ಜಾಲಗೇರಿ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು              | 2,76,137.00  | 2,77,450.00 | 1,313.00    | ಶ್ರೀ.ವೀರೇಶ್ ಕಟ್ಟಿ,<br>ಸ.ತೋ.ಅ.,                                    |
| 10 | ಶ್ರೀ.ಮಲ್ಲೇಶ್ ದತ್ತು<br>ಗೌಂಡಿ, ಸ.ನಂ.91,<br>ನಂದಿ ಗ್ರಾಮ                                                 | -            | 19,697.00   | 19,697.00   | ಶ್ರೀ.ಮೊಹಮದಾಲಿ,<br>ಸ.ತೋ.ಅ., ಇಂಡಿ<br>ಶ್ರೀ.ಚಂದ್ರು, ಸ.ತೋ.ಅ.,<br>ಇಂಡಿ, |
| 11 | ಶ್ರೀ.ಗಣಪತಿ<br>ರಾಮಣ್ಣ ಗೌಂಡಿ,<br>ಸ.ನಂ.109/1, ನಂದಿ<br>ಗ್ರಾಮ                                            | -            | 19,697.00   | 19,697.00   | ಶ್ರೀ.ಎಸ್.ಎಸ್.ಪಾಟೀಲ್,<br>ಸ.ತೋ.ಅ., ಇಂಡಿ                             |
| 12 | ಶ್ರೀ.ಸಿದ್ದರಾಮಪ್ಪ<br>ಕುಂಬರ್,<br>ಸ.ನಂ.109/2,<br>ನಂದಿ ಗ್ರಾಮ                                            | -            | 19,697.00   | 19,697.00   |                                                                   |
|    | ಒಟ್ಟು                                                                                               | 18,15,978.00 | 24,10,475   | 5,94,497.00 |                                                                   |

and 3 project places of drip irrigation are separately disclosed in para 3.06.03 of Ex.P-1, they are as follows:.

| ಕ್ರ. ಸಂ. | ಫಲಾನುಭವಿಯ ವಿವರ                                                                     | ಪಾವತಿಸಬೇಕಾದ ಮೊತ್ತ ರೂ. | ಪಾವತಿಸಲಾದ ಮೊತ್ತ ರೂ. | ಹೆಚ್ಚುವರಿಯಾಗಿ ಪಾವತಿಸಿದ ಮೊತ್ತ ರೂ. | ಸ್ಥಳ ತಪಾಸಣೆ ಮಾಡಿರುವ ಅಧಿಕಾರಿ                                                                               |
|----------|------------------------------------------------------------------------------------|-----------------------|---------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1        | ಶ್ರೀ.ಬಸಪ್ಪ<br>ಭೀಮಣ್ಣ ಕೊಂಡಿ,<br>ಸ.ನಂ.1032,<br>ಕನ್ನಮಡಿ ಗ್ರಾಮ,<br>ಬಿಜಾಪುರ<br>ತಾಲ್ಲೂಕು | -                     | 42,000.00           | 42,000.00                        | ಶ್ರೀ.ಮೊಹಮದಾಲಿ,<br>ಸ.ತೋ.ಅ., ಇಂಡಿ<br>ಶ್ರೀ.ಚಂದ್ರು, ಸ.ತೋ.ಅ.,<br>ಇಂಡಿ<br>ಶ್ರೀ.ಎಸ್.ಎಸ್.ಪಾಟೀಲ್,<br>ಸ.ತೋ.ಅ., ಇಂಡಿ |
| 2        | ಶ್ರೀ.ಪಂಚಪ್ಪ<br>ಭೀಮರಾಯ<br>ಬಿರಾದಾರ,<br>ಸ.ನಂ.399/2,<br>ಬಬಲಾದ ಗ್ರಾಮ,<br>ಇಂಡಿ ತಾಲ್ಲೂಕು  | 31,160.00             | 40,200.00           | 9,040.00                         |                                                                                                           |
| 3        | ಶ್ರೀ.ಅಣ್ಣಪ್ಪ ಸಿದ್ದಪ್ಪ<br>ಸುಧಾಮ,<br>ಸ.ನಂ.796/3,<br>ತಡವಲಗ ಗ್ರಾಮ,<br>ಇಂಡಿ ತಾಲ್ಲೂಕು    | 33,820.00             | 42,600.00           | 8,780.00                         |                                                                                                           |
|          | <b>ಒಟ್ಟು</b>                                                                       | <b>64,980.00</b>      | <b>1,24,800.00</b>  | <b>59,820.00</b>                 |                                                                                                           |

Therefore it was up to the DGOs to make out the incorrectness of the findings recorded in Ex.P-1 and other reports, such as Ex.P-5, 7 and 13.

39. In the cross examination of PW-1, DGO No.1 has questioned the correctness of the figures in relation to the documents and it is stated that, Accounts Superintendent (DW-4) who was part of the team has examined the records of the ponds which were visited by the team of PW-1, 2 and others. Thereby, it is contended that Account Superintendent is the proper witness to explain the amount of disclosed in Ex.P-1. Disciplinary Authority has not examined the Accounts Superintendent. On the other hand DGO No.6 to 9 have examined the Accounts Superintendent as DW-4. Said witness in his examination in chief has stated about examining the relevant materials relating to the allegations against DGO No.6 to 9. Said witness is cross examined by the Presenting Officer for Disciplinary Authority. Wherein the materials examined being sufficient to make out the allegations against the DGOs is coming out. Report of the witness is marked at Ex.P-21 and enclosures are marked at Ex.P-22 to 24.

40. The DGOs neither in the cross examination of the witnesses nor in their evidence, have brought in the definite guidelines of NHMS whereby the payment of the amount by the DGOs against the ponds of particular sizes could be justified. Therefore, DW-4 who assisted PW-1 in ascertaining the allegations, even when examined for the defence, is not




able to substantiate either the construction of the pond being accordance with guidelines or able to justify payment alleged against the DGOs. Therefore, PW-1 being unable to substantiate the charges cannot be accepted at all.

41. DGO No.1 in defence has contended in the cross examination of PW-1 that, the technical sanction of the projects was all in permitted limits. Further, DGO No.1 & 2 are not personally involved in disbursing the amount to the beneficiaries. It is also suggested that all proposals sanctioned by the DGOs are not implemented by the farmer. Further, after the technical sanction, concerned Deputy Director of District issues administrative and final sanctions. It is also suggested that the name of DGO No.1 was not mentioned in the report submitted by Technical Audit Cell and explanation was not sought during investigation. All these suggestions relating to the defence of DGO No.1 & 2 are not admitted. Witness expressed the ignorance.

42. ...

43. DGO No.3 in her cross examination of PW-1, has suggested the period of her office and the payment of Rs.42,000/- is justified as subsidy to Sy.No.1043/1A. It is definite allegations that amount of Rs.42,000/-is released without the implementation of the drip irrigation. It is also




noticed from the records that said beneficiary had repaid the amount. But, at the time of sanction the DGO No.3 has misrepresented Sy.No.1032 being Sy.No.1043/1. The beneficiary misrepresenting the Sy.No. is caused by the carelessness of the official in not properly ascertaining the land through other village officers. DGO No.3 in her explanation has accepted the misrepresentation by the beneficiary to get the sanction of subsidy. Latter on repayment of the subsidy amount, whether received improperly or not, has disclosed the careless approach of DGO No.3 in identifying the beneficiary. This fact, noticed by PW-1 during the investigation is not rebutted. It is also relevant to note that, the public, misrepresenting the Government servant for the benefit, always run the risk of being prosecuted by the Government servant or department. DGO No.3 acting upon the misrepresentation, soon after its discovery, has not prosecuted the beneficiary. There is no explanation for this omission.

44. DGO No.4 in the cross examination of PW-1 has elicited that the subsidy for the Drip Irrigation to the extent of Rs.42,000/- is investigated by the Accounts Superintendent. It is also suggested that, the payment of Rs.19,697/- is incorrectly stated for being paid to one Mallesh Goundi. It is suggested that



these amounts are released by DGO No.5 and not by DGO No.4, as DGO No.4 was on leave. PW-1 express the ignorance. Therefore, from the answers of PW-1, it is clear that the payment of subsidy for the Drip Irrigation to the extent of Rs.42,000/- and Rs.19,697/- have to be examined in the evidence of DW-4, the Accounts Superintendent. Said witness is not at all cross examined by DGO No.1 to 5. Therefore, misappropriation reported in Ex.P-1 are on the basis of the information furnished by DW-4. Even when witness was available the DGOs without cross examining DW-4 with cogent materials to rebut the allegations have failed to substantiate the defence.

45. In this regard DGO-4 in his evidence has produced as many as 25 documents from Ex.D-22 to 46. These documents are the CTC's relating to the leave, the receipts, sanction order, bills of confirmation issued by the beneficiaries, such as Ganapathi Goundi, Siddaramappa Kumbar, Mallesh Goundi. From these documents the payment of subsidy and the necessary documents required for the release of amount are coming out. The facts to be examined in this enquiry are not only about procedure in releasing the subsidy, but the propriety of releasing the subsidy even when there were no ponds. Because action plan relates to the year 2008-09. During the period



amount is released and it is noticed in the investigation that pond is came to be constructed in the month of July 2010. Subsidy being released earlier in the point of time is not in dispute. But, existence of pond in Sy.No.109/1 and 109/2 as on the date of release of subsidy is not coming out from these documents produced by DGO No.4. Not only in the cross examination of PW-1 by DGO No.4 even the defence evidence led by this DGO No.4 as DW-2 and the documents produced in support of the evidence have failed to rebut the allegations of charge.

46. In this regard it is important to note that the cheques were issued on 8.8.2008. It is further stated in page No.6 at note No.3.06.03 of Ex.P-1 report that, the person who inspected the spot in Sy.No.91 was Sri.Mohammed Ali-DGO No.4. The pond was constructed in the month of July 2010 in Sy.No.91 of Nandaragi Village belonging to Sri.Mallesh Dattu Goundi. Though, there was no pond but, all the 3 cheques were issued on 8.8.2008. Because, at the time of the inspection of Sy.No.91, there was no agricultural pond as per the report of the Joint Director of Horticulture and Drip Irrigation, Lalbagh, Bangalore dated.17.7.2009. As already pointed out the agricultural pond in the land bearing Sy.No.91 of Sri.Mallesh Dattu Goundi was constructed in





the month of July 2010 (as per the comment of DGO No.4). Therefore, it is clear that, a false report was given by DGO No.4 on the basis of which the payment was made through cheques dated.8.8.2008. Therefore, the defence canvassed by DGO No.4 in this regard cannot be accepted at all.

47. But, from the document produced by DGO No.4 along with comments i.e., the document dated.11.7.2008 bearing No.ಕ್ರಸಂ.ತೋಟನಿ/ಸತೋಟ-1/ಹನಿಯೋ/91/2008-09 ದಿ:11.7.2008, it is clear that the sanction order was made in respect of 2 acres 20 guntas of Sri.Panchappa Bheemrao Biradar on the basis of inspection made on 16.6.2008 by Senior Assistant Director of Horticulture, ZP, Indi. Therefore, on 16.6.2008 it was DGO No.4 who was Senior Assistant Director of Horticulture, ZP, Indi and therefore he is responsible for the payment of excess amount to Sri.Panchappa Bheemaraya Biradar. In this regard there is clear description at entry No.2 para No.3.06.03 of Ex.P-1. Therefore, the defence of DGO No.4 cannot be accepted at all.

48. As per the records submitted by the DGO No.4, when he inspected Sy. No.796/3 of Tadavalaga Village there was lemon crop to the extent of 4 acres. The amount of Rs.42,600/- was paid under NHMS and in the month of July 2011 when it was inspected by TAC, KLA,

Bangalore there was lemon crop only in 3 acres and 5 guntas of land. There are no document produced by the DGO No.4 to corroborate the lemon crop for 4 acres. Therefore, his defence that when he had visited the land in question there was lemon crop to the extent of 4 acres cannot be accepted.

49. DGO No.5 in his cross examination of PW-1, has suggested for being incharge from 05-07-2008 to 14-08-2009 and the notice of spot inspection by PW-1 was not within his knowledge and he was not aware of the facts recorded by either PW-2 or 3. PW-1 in the cross examination has stated that the Director of Horticulture i.e., Official Superior of DGO No.5 was already informed about the visit. PW-1 has further clarified that the misappropriation observed against DGO No.5 is falling in Indi taluk and it was inspected by PW-2 & 3. Therefore, PW-1 has not personally visited the tanks or irrigation projects carried on in Indi taluk.

50. PW-2 in this evidence has stated for visiting Indi taluk on 18-07-2011, after issuing notice. Even in the cross examination of PW-2 it is suggested that from 19-06-2007 to 13-11-2008 DGO No.4 was SADH and during leave period of 05-07-2008 to 15-08-2008 DGO No.5 was incharge of DGO No.4. In the cross examination of PW-2, it is suggested for not personally



visiting the tanks and spots of irrigation projects, and the witness has not verified the files. Therefore, it is clear that the records related to these projects are prepared and verified by DW-4 only. The allegations against DGO No.5 are for the release of subsidy for the tank in Sy.No.91, 109/1 and 109/2. It is noticed in the spot inspection that, tank in Sy.No.109/1 and 109/2 were not constructed at all. Tank in Sy.No.91 is came to be constructed in the year 2010. The amount of subsidy released for the work in the year 2007-08 or 2008-09 is released without the works on the ground.

51. In this regard the records produced by DGO No.4 & 5 are necessary to be appreciated. DGO No.4 is examined as DW-2 and DGO No.5 is examined as DW-3. DGO No.4 in his evidence has produced the documents at Ex.D-22 to 46 and DGO No.5 has produced the documents at Ex.D-47 to 52. The documents produced by DGO No.4 are RTC, CTC, acknowledgement for the receipt of subsidy issued by the beneficiaries i.e., Ganapathi Goundi, Siddaramappa Kumbar, Mallesh Goundi along with sanction order, confirmation letter and bills. The documents issued by the beneficiaries are not in dispute. Other records such as sanction order, bills are not signed by DGO No.4. They are signed by DGO No.5.

Thereby, it is contended that DGO No.4 was not involved in the release of these subsidy. However, the documentation for the release of subsidy begins only after commencing the work for constructing the tank in respective Sy.Nos. These reports of tank being constructed are submitted by DGO No.4 himself. The release of amount of subsidy is not in dispute. Even DGO No.5 signing the bills for the release of subsidy on the basis of sanction order is also not in dispute. However, the report for the existence of tank in these Sy.No's is not corroborated by DGO No.4. Therefore, the documents marked at Ex.D-47 to 52 are acted upon only on a false report of DGO No.4.


52. In the cross examination by the DGO No.6 to 9 to PW-1 it is suggested that the plastic lining work was completed. Further, the amount of subsidy released to these beneficiaries was less than the amount they are entitled. Thereby it is contended that, any misconduct is not committed by these DGOs. Existence of plastic linings in irrigation tank is one of the conditions for the approval of subsidy to water tanks. Absence of plastic lining is noticed, same is reported through the photographs. It is contended that in the cross examination that, proper amount is released against these tanks the witness is not aware of amount of proper subsidy to be released. It is already stated by



PW-1 in his report for personally visiting the spot with witness and recorded the findings. But, records relating tanks and amount of subsidy are verified by the Accounts Superintendent. Therefore, the amount of proper subsidy as entitled to, can be appreciated only in the evidence of Accounts Superintendent, who is examined as DW-4. Therefore inability of PW-1 or 2 to admit the suggestion for proper amount of subsidy cannot rebut the allegations.

53. DW-4 is examined in chief by DGO No.6 to 9, has stated for verifying the records relating to the tanks of Somanath, of Siddapur Village in Sy.No.375 and admitted for the subsidy amount of Rs.7,33,400/- being paid. In this regard it is further clarified in the same evidence that said Somanath was entitled to total subsidy amount of Rs.7,64,210/-. Deficit payment of Rs.31,190/- is justified by the DGO, is not admitted.

54. Similarly, in respect of pond in the land of Vital Poojari i.e., Sy.No.401 of Siddapur Village. It is stated that the beneficiary was entitled to Rs.3,90,235/- and the amount released is Rs.3,70,786/-. Thereby Rs.19,449/- being short of the amount entitled was sought to be justified. Witness does not admit the justification. Thereby it was up to the DGO No.7 to 9 to justify the amount so released. In this



regard DW-4 was even treated hostile and cross examined by the Advocate for DGO No.6 to 9. Even in the cross examination just amount of subsidy being released confronted is not admitted. Therefore, it was up to the DGOs to establish said amount of subsidy as just and proper. DGO No.6 to 9 did not examine themselves. Nor any of the specific guidelines relating to sanction of the subsidy is confronted to witness.

55. In addition it is noticed on the report of Technical Audit Cell marked at Ex.P-1, the measurements were recorded in the presence of the witness. Whereas, the measurements recorded by DGO No.6 being inconsistent, the corroboration for the recorded measurement of DGO No.6 is not produced. Even the payment of subsidy as found at S.No.8 of Ex.P-1 i.e., Shivashankarappa Hanagandi is excess.

56. Similarly in connection with DGO No.7, excess payment of subsidy amount of Rs.77,617/- is paid to one Vital S. Poojar as noticed in SlNo.2 of Ex.P-1 document. In addition a beneficiary by name Siddiah M. Sathigeri is sanctioned with subsidy by the order dtd:03-09-2007. Whereas, the work was completed in the year 2006-07, as could be noticed in Sl.No.6 of Ex.P-1.

57. In respect of DGO No.8 sanction of subsidy is justified with plastic lining. Whereas Technical



*Audit Cell has reported the absence of plastic lining and impropriety in grant of subsidy DGOs similarly justified the payment to one Somanath Sannal. But, incorrect payment is observed in Sl.No.1 of Ex.P-1.*

58. *It is important to note that, PW-3 in his report has observed that, the beneficiaries are bound to keep the ponds and tanks in good condition otherwise the very purpose of the NHMS would be defeated and the very purpose of the mission in which crores of amount is spent would be nullified. As such measurements of the tanks not matching with guidelines cannot qualify for the benefit. For which the DGOs are liable.*

59. *DW-5 & 6 Ministerial staffs serving in the office of the DGOs. They are expected to assist the DGO in documentation of the duties discharged by the DGOs. Now by virtue of the inspection reports and explanations offered about the implementation of the schemes the allegations are corroborated. DW-5 & 6 have no personal knowledge about the implementation of the scheme. Nor, hold any responsibility in the implementation of the scheme. Even in the cross examination both of the witnesses have admitted for preparing the bills at the instructions of their officers who are the DGOs herein. Therefore, DGOs are the only competent persons to explain the complained misconduct.*



*The examination of the ministerial staff further cannot corroborate the defense.*

60. *The facts and reasons observed by PW1 & 2 along with DW-4 in the Ex.P-1, 5 and 21. Reports are not challenged nor rebutted by the corroborative evidence. Therefore, such defense of DGO No.6 to 9 cannot be accepted.*

61. *In view above discussion, it is clear that the Disciplinary Authority have proved the charges against the DGO No.1 to 9. Accordingly above point is answered in affirmative."*

13. DGO-3 has examined herself as DW-1 and she has marked Ex.D.1 to Ex.D.21. It is her contention that she has worked from 18-06-2007 to 04-10-2008 as Senior Assistant Director, Horticulture Department, Bijapur and thereafter she was transfer to Bagalakote. She has placed reliance on the admission of PW-1 to the effect that no payments were made during her tenure of office at Bijapura. The allegations against her relates to excess payment of Rs. 42,000/- made to Sri. Ummanna Sabhu Yankanchi with respect to the construction of agriculture pond at Survey no. 1043/1A of Kanamadi village. At para 3 of her affidavit DGO-3 admits that the said amount was





paid to the beneficiary under bill dated 08/08/2008 in accordance with the spot inspection and sanction order dated 24/06/2008. Therefore it is clear that the payment were made during the period while DGO-3 was working as Senior Assistant Director at Bijapura. Her stand that she was not working as Senior Assistant Director at Bijapura is unacceptable. Therefore misconduct on her part as alleged in the charges are proved. As such the report of the enquiry officer holding her guilty of misconduct is required to be accepted.

14. DGO-4 has examined himself as DW-2 and got marked Ex.D.22 to Ex.D.46. During his cross examination suggestions were put to the effect that he had paid an amount of Rs. 19,697/- to Sri. Mahadevappa Siddaramappa Kumbar for having constructed agricultural pond at Survey no. 91 of Nandaragi village in the year 2008 and the Director, Horticulture Directorate, Bengaluru had constituted an investigation team which had submitted report that no such construction of pond was found on the said land. To this suggestion DGO no. 4 has pleaded ignorance and he has not denied those suggestions. The



report submitted by PW-2 is marked as Ex.P-5. This record indicates dereliction of duty and misconduct on the part of DGO-4. The DGO-4 has failed to place any evidence or material to reject the evidence adduced by disciplinary authority which establishes misconduct of DGO-4. Therefore the finding of the Enquiry Officer that DGO-4 is also guilty of misconduct does not warrant any interference.

15. DGO-5 has examined himself as DW-3 and he has got marked Ex.D.47 to Ex.D.52. It is his contention that he has worked from 13/09/2007 to 21/10/2008 as Assistant Director of Horticulture at Indi. He admits as being incharge Senior Assistant Director of Horticulture at Indi from 05/07/2008 to 14/08/2008 that is the period when DGO No. 4 had availed leave. It is his defense that he had conducted no spot inspection during the above mentioned period to any of the lands where agricultural ponds were proposed for construction. However he admits that DGO-4 (DW-2) had conducted such spot inspection and prepared reports which were forwarded by DGO-5 for release of payments. In his affidavit, DW-3 (DGO-5) has narrated the



procedure followed by Horticulture Department for releasing the payment towards construction of agriculture ponds. He has also narrated his role while he was acting as incharge Senior Assistant Director of Horticulture at Indi. It is useful to extract the relevant portion of his affidavit which reads as under:-

3. *"I further state that, as far as procedure pertaining to release of funds to beneficiary of farm pond is concerned, any application seeking subsidy from the Horticultural department, should be submitted to jurisdictional Senior Assistant Director of Horticulture, along with all necessary documents. It is further submitted that, after receipt of such documents and application, the jurisdictional Senior Assistant Director of Horticulture shall inspect the specified work and draw report to that effect. Once it is found that the report substantiate various other conditions, recommendation along with entire file shall be forwarded to jurisdictional Deputy Director of Horticulture. The deputy Director of Horticulture shall scrutinize the file and if everything is intact, shall draw cheque in favour of concerned beneficiary. The said*



cheque along with concerned file shall come back to the office of Senior Assistant Director of Horticulture and it shall be in the possession of concerned case worker. The concerned case worker shall in turn issue the cheque to the beneficiary and shall take their signature. Later it shall be presented for counter signature by Senior Assistant Director of Horticulture.

4. I state that, in the case in hand, as stated earlier, I took charge only on 05/07/2008. I have neither entertained any fresh application nor have conducted any field inspection. I state that, I have forwarded pre prepared files to the office of Deputy Director of Horticulture, Bijapur. Even the reports that are submitted by the Joint Director of Horticulture and also the article of charges reflect that the inspection and file was pre prepared by my predecessor. I just forwarded the file to Deputy Director of Horticulture, Bijapur. I state that the then Deputy Director of Horticulture named C.S. Mulige has drawn all three cheques. I state that, after verification of documents, the Deputy Director of Horticulture, Bijapur should pass cheques. There are no allegations leveled against then above



*named C.S. Mulige, Deputy Director of Horticulture, Bijapur. Thus, entire file was in accordance to the requirement, thus necessary action initiated by Deputy Director of Horticulture, Bijapur."*

16. Apart from the above, it is the defense of DGO-5 that the Joint Director of Horticulture, Bengaluru has submitted report that DGO-4 had prepared the reports which were forwarded by DGO-5 as such he had not committed any act of misconduct. However the copy of such report relied upon by DGO-5 has not been furnished. Therefore the contentions raised by DGO-5 that he had merely forwarded reports prepared by DGO-4 and that he had no role in releasing payment to the beneficiaries cannot be accepted because while acting as incharge Senior Assistant Director of Horticulture, Indi it was duty on the part of DGO-5 to verify the truthfulness or otherwise of the report which were prepared by DGO-4 before forwarding them to the jurisdictional Deputy Director of Horticulture. Having forwarded such reports prepared by DGO-4, DGO-5 cannot contend that error, if any, in those reports are to be attributed to DGO-4 and not to him. Since DGO-5 has forwarded those reports, it makes him equally


liable as if he had prepared those reports for release of amount. Therefore the finding of the enquiry officer holding him guilty of misconduct is required to be accepted.

17. So far as DGOs 6 to 9 are concerned, though they have cross examined the witnesses examined on behalf of Disciplinary Authority, they have failed to step into witness box and examine themselves. However DW-4, Sri. Venkataramana.K., Retired Accounts Superintendent who had worked in the institution from 2008 to 2012, has been examined by them. He had submitted report at Ex.P.21 based on the spot inspection report submitted by PW-1 which has been marked at EX.P.1 to Ex.P.20. Through DW-4, Ex.P.22 to 24 have been marked which have been identified by him where the details of the officers who were responsible for making excess payment of Rs. 6,54,317/- has been admitted to be true. During chief examination of DW-4 by DGOs 6 to 9 nothing worthy of rendering assistance to their defense has been elicited. Therefore the finding of Enquiry Officer holding them guilty of misconduct is required to be accepted.



18. Having gone through the report of the Enquiry Officer and evidence of PW-1 to PW-3 and DW-1 to DW-6, I do not find any justification to take a view different from the one taken by the Enquiry Officer. The evidence on record supports the conclusion reached by the Enquiry Officer. Therefore, the conclusion of the Enquiry Officer is required to be accepted as correct.


19. It is needless to point out that agricultural ponds are constructed to assist the farmers to have regular water source for cultivation of lands so that their income out of agricultural operation may go up and their life may become more comfortable. When the State Government, keeping in mind the larger public interest of the farmers, has introduced the scheme of construction of agricultural ponds, it is the duty of every officer starting from top to bottom to implement the project faithfully, effectively and without giving scope for any mal-administration. Otherwise not only huge money of exchequer goes waste but it also results in denial of construction of ponds intended to benefit the farmers and they will be made to totally depend upon vagaries of nature for rain and water source.



Therefore the conduct of the DGOs deserves to be dealt with seriously and a strong message also should be sent to officials of other departments who may be tempted to follow the precedent of misconduct practiced by the DGOs.

20. It is needless to point out that every public servant who is entrusted with the responsibility of executing public works with the sufficient funds placed at his disposal by State Government is a trustee of such funds and he/they have the responsibility of getting the works executed strictly in terms of the norms laid down. In the light of what is stated above, and keeping in mind that the DGO 9 has already retired from service and also the nature of misconduct that is proved against him, I am of the view that interest of justice would be met if the DGO 9 is denied 20% (twenty percent) of pension payable to him monthly for a period of 03 years (three years).

21. So far as DGOs 3 to 8 are concerned, they are in service. I deem it just and fair to recommend the Competent Authority to deny 3 increments (three





increments) for a period of 5 years (five years) without cumulative effect.

22. In the light of the discussion made above, I make the following recommendation:

- 1) The enquiry report dated 17/03/2020 submitted by Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru holding that the charges against DGOs 1 and 2 are not proved and that the charges leveled against DGOs 3 to 9 are proved, is required to be accepted.
- 2) The DGO 9, Sri.P.M.Melmani, Assistant Horticulture Officer, Horticulture Department, Bijapur, may be denied 20% (twenty percent) of pension payable to him monthly for a period of 03 years (three years) from the date of denied.
- 3) The DGOs 3 to 8 that is 3) Smt.Hemavathi, Senior Assistant Director, Horticulture Department, Zilla Panchayath, Bagalkote District,
- 4) Sri.Mohammed Ali, Senior Assistant

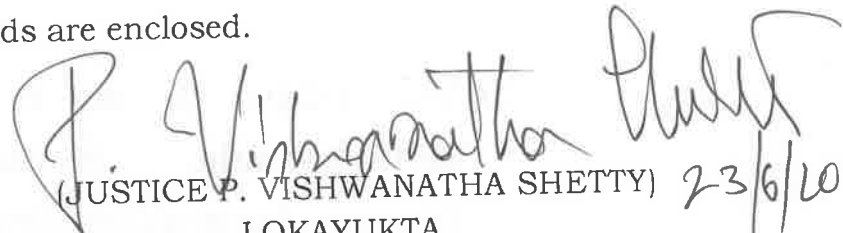


Director, Horticulture Department, Zilla Panchayath, Indi Taluk, Bijapur District, 5) Sri.Chandru C., Assistant Director, Horticulture Department, Watershed Development Department, Mysore District 6) Sri.Rajkumar Theggi, Assistant Horticulture Officer, Horticulture Department, Bijapur 7) Sri.Veeresh Katti, Assistant Horticulture Officer, Bijapura, 8) Sri.Shashidhar, Senior Assistant Director, Horticulture Department, Bijapura, presently working as Assistant Director of Horticulture, ZP, Sira, may be denied 3 increments (three increments) from the date of denied for a period of 5 years (five years) without cumulative effect.

Accordingly, recommendation is made to the Government.

23. Action taken in the matter be intimated to this Authority within three months from the date of receipt of the recommendation.

Connected records are enclosed.

  
(JUSTICE P. VISHWANATHA SHETTY) 23/6/2020  
LOKAYUKTA  
STATE OF KARNATAKA, BENGALURU