

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/8/2010/ARE-4

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **16/11/2019**

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri Yallappa Kannappanavar, the then District  
Manager, D. Devaraj Urs Backward Classes and  
Karnataka Minorities Development Corporation  
Limited, Vijayapura (Presently retired) – Reg.

Ref:- 1) Government Order No.ಅಸಂಇ 380 ಅಸಂಯೋ 2009  
Bengaluru dated 15/12/2009

2) Nomination order No.LOK/INQ/14-A/8/2010,  
Bengaluru dated 19/7/2010 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 12/11/2019 of Additional  
Registrar of Enquiries-4, Karnataka Lokayukta,  
Bengaluru

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The Government by its Order dated 15/12/2009, initiated the disciplinary proceedings against Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes & Karnataka Minorities Development Corporation Limited, Vijayapura (hereinafter referred to as Delinquent Board Official, for short as DBO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/8/2010, Bengaluru dated 19/7/2010 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DBO for the alleged charge of misconduct, said to have been committed by him.

3. The DBO Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes & Karnataka Minorities Development Corporation Limited, Vijayapura was tried for the following charges:-

**“Charge No.1:**

That, you DBO, Yallappa Kannappanavar, while working as the District Manager of Sri D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited at Bijapur and during the year 1999-2002, sanctioned loan to 250 beneficiaries who were not the holders of B.P.L. card and thereby committed irregularity with malafide intention and failed to maintain absolute integrity and devotion to duty which act is unbecoming of Board Servant and thus committed misconduct as enumerated u/Rule 3(1) (i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

**Charge No.2:**

That, you DBO, Yallappa Kannappanavar, while working as District Manager of said Board at Bijapur selected Smt. Aminabi Mohiddin Dafedar, as beneficiary though she is not resident of Ambalanuru Village as beneficiary for tailoring and she is the wife of Sri Mohiddin Dafedar who is working as Seizing Agent and thus committed irregularities with malafide intention failing to maintain absolute integrity and devotion to duty and thus you committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

**Charge No.3:**

That, you DBO while working as the District Manager of said Board at Bijapur, selected Mahadevi Sharanappa Helavar, Mallamma Ramachandra Lingadahalli, Saraswathi Basappa Helavar, Akkamma Pompaiah Hiremath, Basamma Pompaiah Hiremath as residents of Ambalanoor Village though they are not residents of that village and has sanctioned them loan by violating rules and thereby committed irregularity failing to maintain absolute integrity and devotion to duty and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

**Charge No.4:**

That you DBO, while working as the District Manager of said Board at Bijapur during the year 1999 to 2003, 63 beneficiaries are selected and loans sanctioned who belong to same village namely Kudari Salavadagi and you DBO assuring the beneficiaries has collected ₹5,000/- to ₹9,000/- from them and thereby, committed irregularity failing to maintain absolute integrity, devotion to duty and thus committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Services (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 charges 1 to 3 against DBO Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes & Karnataka Minorities Development Corporation Limited, Vijayapura (presently

retired) and the Disciplinary Authority has failed to prove the above Charge No.4 against DBO Sri Yallappa Kannappanavar.

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to hold that Charge Nos. 1 to 3 are proved against DBO Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes & Karnataka Minorities Development Corporation Limited, Vijayapura and Charge No.4 is not proved against DGO Sri Yallappa Kannappanavar.

7. As per the First Oral Statement submitted by DBO, he has retired from service on 31/8/2014 (during the pendency of inquiry).


8. It is hereby recommended to exonerate the DBO Sri Yallappa Kannappanavar of the aforestated charge No.4.

9. Having regard to the nature of charges 1 to 3 proved against DBO Sri Yallappa Kannappanavar, it is hereby recommended to the Government for imposing penalty of withholding 20% of pensionary benefits payable to DBO Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes & Karnataka Minorities Development Corporation Limited, Vijayapura (presently retired). If the pensionary benefits were already disbursed to DBO, it is recommended to Government to

recover 20% of the pensionary benefits already paid to DBO Sri Yallappa Kannappanavar.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 16/11  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru



**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/8/2010/ARE-4

M.S.Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 12/11/2019

**INQUIRY REPORT**

**Sub:** Departmental Inquiry against,

- 1) Sri Yallappa Kannappanavar  
The then District Manager  
D. Devaraj Urs Backward Classes  
and Karnataka Minorities Development  
Corporation Limited  
**Bijapur (Now retired)**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BGM/124/2004/DRE-2  
dated: 27/2/2009
  - 2) Govt. Order. No. ಅಸಂಇ 380 ಅಸಂಯೋ 2009,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 15/12/2009
  - 3) Order No.LOK/INQ/14-A/8/2010  
Dtd.19/07/2010 of the Hon'ble  
Upalokayukta

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1. This Departmental Inquiry is directed against Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited, **Bijapur District (Now retired)** (herein after referred to as the Delinquent Board Officer/Official in short "DBO")

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: 19/07/2010 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 DBO. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, 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 DBO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Articles of Charges framed by ARE-4 against the DBO is below:

**ANNEXURE NO.I**

**CHARGES**

**CHARGE NO.1:**

*That, you DBO, Yallappa Kannappanavar, while working as the District Manager of Sri D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited at Bijapur and during the year 1999-2002, sanctioned loan to 250 beneficiaries who were not the holders of B.P.L card and thereby committed irregularity with malafide intention and failed to maintain absolute integrity and devotion to duty which act is unbecoming of Board Servant and thus committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*



**CHARGE NO.2:**

*That, you DBO, Yallappa Kannappanavar, while working as the District Manager of said Board at Bijapur selected Smt. Aminabi Mohiddin Dafedar, as beneficiary though she is not resident of Ambalanuru village as beneficiary for tailoring and she is the wife of Sri Mohiddin Dafedar who is working as seizing agent and thus committed irregularities with malafide intention failing to maintain absolute integrity and devotion to duty and thus you committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

**CHARGE NO.3:**

*That, you DBO while working as the District Manager of said Board at Bijapur, selected Mahadevi Sharanappa Helavar, Mallamma Ramachandra Lingadahalli, Saraswathi Basappa Helavar, Akkamma Pompaiah Hiremath, Basamma Pompaiah Hiremath as residents of Ambalanoor village though they are not residents of that village and has sanctioned them loan by violating rules and thereby committed irregularity failing to maintain absolute integrity and devotion to duty and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

**CHARGE NO. 4:-**

*That you DBO, while working as the District Manager of said Board at Bijapur, during the year 1999 to 2003, 63 beneficiaries are selected and loans sanctioned who belonging to same village namely Kudari Salavadagi and you-DBO assuring the beneficiaries has collected Rs. 5,000/- to Rs. 9,000/- from them and thereby, committed irregularity failing to maintain absolute integrity and devotion to duty and thus committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

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

*The complainant namely Sri Sheik Amir Dastagir Sab Yarnal, Jalanagar, Hudco, Bijapur district filed complaint alleging that there are irregularities, illegalities and misappropriation of fund by DBO with regard to sanction of loans and in implementation of new Swarna Maa Scheme during the year 2001—02 in Backward Class and Minorities Development Board Limited (for short "BC & MD Board"). The Superintendent of Police, Karnataka Lokayukta, Bijapur conducted Preliminary investigation and noticed that during the year 1999-2002 loan has been sanctioned to 250 beneficiaries who were not the BPL Card holders. One Smt. Ameenabi Mohiddin Dafedar is not resident of Ambalanoor village but, she was selected as beneficiary for tailoring. She was the wife of one Sri Modi Dafedar who was working as Seizing Agent of BC & MD Board. Further, Smt. Mahadevi*

*Sharanappa Helavar, Smt. Mallamma Ramachandra lingadahalli Smt. Saraswathi Basappa Helavar, Smt. Akkamma Pompaiah Hiremath Smt. Basamma Pompaiah Hiremath were not the residents of Ambalanoor village but, they were sanctioned loan by violating the rules. Further, during the year 1999 to 2003, 63 beneficiaries were selected and loans were sanctioned who belong to same village by name Kundari Salavadgi village and DBO by assuring the beneficiaries had collected Rs. 5,000/- to Rs. 9,000/- from them. After preliminary investigation of Superintendent of Police, Lokayukta, Bijapur, further investigation was taken up and comments of DBO was called. The DBO filed comments denying the allegations made in the complaint of the complainant Sri Sheik Amir Dastagir Sab Yarnal. Further investigation was completed by collecting all materials and there was prima facie case of irregularities and illegalities committed by DBO in new Swarna Maa scheme during the year 2001-2002 in granting loans and selecting beneficiaries for the scheme by the DBO as Manager of BC & MD Board. The replies of the DBO was considered and same was not satisfactory and not acceptable. As such, a report u/Sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government of Karnataka, the Competent Authority, to initiate departmental proceedings against the DBO. Accordingly, the Government issued the order cited above at reference No.1 for departmental proceedings against the DBO and thus, the instant proceedings has been initiated.*

5. DBO appeared before this Inquiry Authority on 28/02/2011 and on the same day his First Oral statement

was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DBO pleaded not guilty and claims to hold an inquiry.

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

On 20/04/2011 the DBO has filed his detailed written statement along with the copies of documents and the gist of the same is as follows;-

The DBO worked as District Manger, D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited, Bijapur, from 11/06/2001 to 19/07/2003. Regard charge No.1 it is stated that the loan has been given to 250 persons who were not having BPL cards. But it is not stated under which scheme loan was sanctioned. The loan was sanctioned under new Swarna Maa loan scheme in the year 2001-2002. In that scheme it is not mandatory that the person to whom loan is given should possess the BPL card. It is sufficient if that person is the member of a Swa-Sahayaka Group. Regarding Charge No.2 it is alleged the wife of the seizing agent has been selected for tailoring loan even though she was not eligible for the same. The District Committee selected 819 person by taking into consideration of Swa-Sahayaka groups prepared by Taluk Panchayath and Child Welfare Department. On the basis of the same the beneficiaries are selected. The loans were given to the beneficiaries by conducting grand function participated by the incharge District Minister. Intentionally the wife of the seizing agent by name Smt. Ameenabi has not been selected and the above said list of beneficiaries was prepared urgently. Regarding charge No.3 it is alleged that the persons mentioned in charge No.3 are not the residents of Ambalanoor village,

and they are not entitled for sanction of loan. The loans were given to the members of the Swa-Sahayaka groups prepared by the Taluk Panchayath. There is no misconduct by the DBO. Regarding charge No.4 it is stated that the cheques have been issued to the beneficiaries in the function held on 08/09/2002 and the DBO has not received any bribe from any of the beneficiary as alleged in the charge No. 4.

7. In the written statement of defence filed on 21/12/2011 the DBO has contended that, the Superintendent of Police, Karnataka Lokayukta, Bijapur conducted a false investigation and filed a false investigation report against the DBO. The averments made in the investigation report are false and fabricated and they are far from truth. Charge Nos.1 to 4 are all false and DBO has not committed any misconduct as alleged.

8. The DBO has filed the statement of defence and the gist of the same is as follows;-

Charge NO.1 there is no rule that the beneficiaries should possess BPL card and hence the charge No.1 is baseless. Regarding charge No.2 the wife of seizing agent has been selected as one of the beneficiary along with 818 other persons and that list has been selected on the basis of details of the Swa-Sahayaka groups prepared by the taluk panchayath. Regarding Charge No.3 it is alleged that the persons mentioned in charge No.3 are not the residents of Amabalanoor village. The persons mentioned in charge No.3 were found in the details of the Swa-sahayaka groups prepared by the Taluk Panchayath. Regarding charge No.4 the DBO has not received Rs. 5000/- or any amount. It is alleged

that the DBO has received Rs. 5,000/- to Rs. 9000/- bribe from each of the beneficiary for sanction of loan and the same is false. The DBO has not received any bribe amount from any of the beneficiary for sanction of the loan. Hence, DBO prays to exonerate him from the charges leveled against him in this case.

9. In order to substantiate the charge leveled against the DBO, 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, the Second Oral Statement of DBO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DBO examined himself as DW1, and got marked document at Ex.D1 and closed his evidence. Hence, recording the answers of DBO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

10. The order sheet discloses that inspite of issue of witness summons and NBW to CW1 several time his presence was not secured and the NBW was returned unexecuted on the ground that he left the given address about 4 years back and his whereabouts not known. Even then again NBW was reissued to CW1 with a direction to trace the address of CW1 and to execute the NBW but even then the NBW issued to CW1 was not executed and hence my learned predecessor proceeded with the inquiry holding that the presence of CW1 was not secured inspite of issue of NBW several times.

11. The Disciplinary Authority has not filed any written brief, but DBO has submitted his written brief. Oral arguments of the P.O. was heard.

12. Upon consideration of the oral and documentary evidence placed on record, the defence of DBO, the only points, that arises for the consideration of this inquiry authority is:-

1) Whether the Disciplinary Authority satisfactorily proved the charge No.1 framed against DBO?

2) Whether the Disciplinary Authority satisfactorily proved the charge No.2 framed against DBO?

3) Whether the Disciplinary Authority satisfactorily proved the charge No.3 framed against DBO?

4) Whether the Disciplinary Authority satisfactorily proved the charge No.4 framed against DBO?

5) What order?

13. My finding on the above points are as follows

Point No.1: In the “ **AFFIRMATIVE**”

Point No.2: In the “ **AFFIRMATIVE**”

Point No.3: In the “ **AFFIRMATIVE**”

Point No.4: In the “ **NEGATIVE**”

Point No.5: As per the final order for the following:

**:: REASONS ::**

**14. Point NO.1:** Charge No.1 is to the effect that the DBO sanctioned the loan to 250 beneficiaries who were not the holders of the BPL card and thereby committed the irregularity. It is not in dispute that at the relevant point of time the DBO was working as District Manager of D. Devaraj

Urs Backward Classes and Karnataka Minorities Development Corporation Limited, at Bijapura.

15. The complainant is one Sri Sheik Amir Dastagir Sab Yaranal of Bijapura and the complaint lodged by him is at Ex.P4, Ex.P5 is the Form No. 1, Ex.P6 is Form No.2. In Ex.P1 the complainant has made several allegations against the DBO and the documents annexed to the complaint had been sent to the Superintendent of Police, Karnataka Lokayukta, Bijapura for investigation and to report. The Superintendent of Police, Karnataka Lokayukta, Bijapura entrusted the work to Police Inspector, Sri S.M. Nagaraj (PW3) who was working as Police Inspector in Karnataka Lokayukta, Bijapura and PW3 conducted the investigation and gave his report as per Ex.P1 to the S.P. Bijapura and the S.P. Karnataka Lokayukta, Bijapura in turn has sent the report-Ex.P1 along with his letter (Ex.P2) to this office.

16. PW1 Sri Ravikumar H. Nayak, has deposed that from September 2002 to May 2005 he was working as Superintendent of Police, Karnataka Lokayukta, Vijayapura. He has deposed that the complaint of this case and the documents annexed to the same were sent to him for investigation and to report and he received the same on 13/09/2004 and entrusted the said work to Sri S.M. Nagaraju who was working as Lokayukta Inspector. He has deposed that the said inspector give his report which is at Ex.P1 and he examined that report and sent that report along with his letter and his letter is at Ex.P2. In Ex.P4-complaint number of allegations have been made against the DBO but the report of



PW3 is only regarding charge Nos. 1 to 3. I have stated above about the charge No.1.

17. PW3 is the above said Sri S.M. Nagaraju and he has deposed that Ex.P4 is the complaint, Ex.P7 are the xerox copies of the documents filed by the complainant along with the complaint consisting of 14 sheets. He has deposed that one of the allegation in the complaint was to the effect that the loans have been given under new New Swarna-maa scheme and in the documents maintained in the office of the DBO the BPL card number of the beneficiaries is mentioned. But the BPL card numbers mentioned in the same does not tallying falling with the BPL card number maintained in the revenue office who issues the BPL card. Ex.P7 consists of 14 sheets and it contains the details of the beneficiaries to whom the loans have been sanctioned under the new Swarna-maa scheme. Ex.P7 is the taluk wise list and it contains the name of the beneficiaries. Their caste, their village, their BPL card No. and for what purpose the loan is given and how much loan is given and how much subsidy is given and in the same it is also mentioned to which Swa-sahayaka sangha they belong. Ex.P7 is signed by the District Manager-D.B.O. It can also be stated that the loans have been given to the persons mentioned in Ex.P7 on the ground that all of them were having BPL cards and their card number are also mentioned.

18. PW3 has deposed that he wrote letter to the Tahasildar of all the taluks of Vijayapura district to give information whether the persons mentioned in Ex.P7 are holding BPL Cards as mentioned in Ex.P7 or not. He has deposed that the Tahasildar of Sindhagi has given the report dated:

17/01/2005 to the effect that out of 126 beneficiaries mentioned in Ex.P7 of Sindhagi taluk, 51 persons does not hold BPL Card and that reply is at Ex.P8 along with enclosures. Ex.P8 clearly discloses that out of 126 beneficiaries 51 persons does not hold BPL Cards and the card numbers mentioned against their names in Ex.P7 is false. Hence, it has to be said that 51 persons were not at all holding BPL Card and even then they have been selected as beneficiaries and granted the loans.

19. PW3 has further deposed that the information given by the Tahasildar of Basavanabagewadi taluk is at Ex.P8(a) and the Tahasildar has reported that out of 212 beneficiaries of Basavanabagewadi taluk 111 persons does not hold BPL card. Hence, it has to be said that out of 212 persons of Basavanabagewadi Taluk to whom the loans have been sanctioned ~~and~~ 111 persons were not having BPL Cards. But in Ex.P7 the BPL card number of those 111 persons is mentioned which is false.

20. PW1 has further deposed that Ex.P8(b) is the report of Tahasildar of Vijayapura wherein it is stated that out of 111 beneficiaries of Vijayapura taluk 95 persons were not having the BPL cards. Ex.P8(b) and its enclosures supports the above said evidence of PW3. As stated above in Ex.P7 it is stated that all 111 beneficiaries of Vijayapura taluk were having BPL cards and the card numbers are also mentioned. But in view of Ex.P8(b) it has to be said that out of 111 beneficiaries of Vijayapura taluk 95 beneficiaries were not having BPL cards and the BPL cards number mentioned against their names in Ex.P7 is false.

21.— Thus PW3 has deposed that out of the beneficiaries mentioned in Ex.P7 totally 257 beneficiaries were not having BPL cards and even then the DBO has sanctioned loan to them without verifying whether they are having BPL cards or not .

22. Ex.P7 is not denied by the DBO. As stated above, in Ex.P7 BPL card numbers of each beneficiary is mentioned. In otherwords as per Ex.P7 all the beneficiaries mentioned in Ex.P7 were having BPL cards and their card Numbers are mentioned against their names in Ex.P7. In view of Ex.P8 the reply given by the Tahasildar of Sindagi, Basavanabagewadi and Vijayapura taluk 257 beneficiaries mentioned in Ex.P7 were not at all having BPL cards and even then, the loan have been given to them by quoting fictitious/false card numbers against their names in Ex.P7.

23. DW1 is the DBO and he has deposed that for grant of loan under new Swarna-maa scheme the possessing of a BPL card was not necessary and by that time BPL card was also not in existence and by considering the income certificate given by the Tahasildar and other documents the beneficiaries were selected. In case the BPL card was not at all in existence at that time there was no necessity of mentioning the BPL card number of the beneficiaries in Ex.P7 which clearly shows that the above said contention of the DBO is false and the BPL card was in existence when the loans were given to the beneficiaries as per Ex.P7. As stated above, the DBO has contended that there was no rule that the beneficiaries under the said scheme should hold BPL card. But the DBO has not produced any circular of the State of Karnataka to that effect. On the ~~the~~

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other hand, one of the column of Ex.P7 is the BPL ~~card~~<sup>c</sup>ard number which clearly supports the case of the Disciplinary Authority that the beneficiaries under the scheme should possess BPL card and the person not holding BPL card were not entitled for the loan/subsidy under the above said scheme. More over as stated above, the report of the Tahasildar, Ex.P8 clearly shows that the BPL card was in existence at that time and some of the beneficiaries mentioned in Ex.P7 were having BPL cards as mentioned in Ex.P7. As stated above, the DBO has deposed that on the basis of the income certificate issued by the Tahasildar the loans have been given under the above said scheme. But the DBO has not produced any income certificate issued by the Tahasildar in respect of the any of the beneficiary mentioned in Ex.P7. On the other hand, the column of BPL card Number mentioned in Ex.P7 and that column filled up in respect of all the beneficiaries mentioned in Ex.P7 clearly shows that the loans have been sanctioned to the beneficiaries mentioned in Ex.P7 on the ground that they were BPL card holders. As stated above, Ex.P8 discloses that out of the beneficiaries mentioned in Ex.P7 257 beneficiaries were not at all holding BPL card and hence it has to be said that the DBO has sanctioned the loans to the above said 257 beneficiaries even though they were not having BPL cards. In otherwords it has to be said that the DBO has selected the above said 257 beneficiaries even though they were not having BPL cards and granted loan to them under the above said scheme. The DBO has also not produced the BPL card of the above said 250 beneficiaries to prove that they had produced their BPL cards and he believed the same as true and genuine. In the absence of the same it

has to be said that the Disciplinary Authority has proved the charge No.1. For the reasons stated above, I answer this point in the affirmative.

**24. Point No.2:** The charge No.2 is to the effect that the DBO selected Smt. Aminabi Mohinddin Dafedar, as one of the beneficiary though she is not the resident of Ambalanuru village and granted loan for tailoring even though she is the wife of Sri Mohiddin Dafedar who was working as seizing agent in the office of the DBO and thereby committed misconduct.

25. PW3 has deposed that Smt. Aminabi was the wife of Sri Mohinddin Dafedar and Sri Mohiddin Dafedar was working as seizing agent in the office of the DBO and she was not entitled for tailoring loan and even then she has been granted the loan. It is not the contention of the DBO that, Sri Mohiddin Dafedar was not working as seizing agent in his office when the tailoring loan was sanctioned to Smt. Aminabi. It is also not the contention of the DBO that Smt. Aminabi is not the wife of Sri Mohinddin Dafedar. PW3 has deposed that Ex.P9 contains the copies of the documents regarding Smt. Aminabi. Ex.P9 is the letter of Tahasildar, Basavanabagewadi addressed to Police Inspector, Karnataka Lokayukta, Vijayapura dated: 01/02/2005 and the last name in page No.2 of the same is Sri Aminabi Mohiddin Dafedar and in the same it is stated that she is not the resident of Ambalanuru village and she is the resident of Kuduri salavadagi village. It is not in dispute that the said Smt. Aminabi has been granted loan on the ground that she is the resident of Ambalanuru village,. Page Nos. 3 to 5 of Ex.,P9 is the xerox copy of the partnership deed which discloses that the husband of Smt. Aminabi and Sri Maiboob

Husainbasaha Dafedar are the partners of the business by name M/s Rehan Agencies, Bijapur, and they are the seizing agents of the office of the DBO and other offices mentioned in the same when the husband of Smt. Aminabi is working as the seizing agent in the office of the DBO she was not entitled for tailoring loan and even then she has been granted the loan.

26. DW1 who is the DBO has deposed that the list of beneficiaries were selected by the Taluk committee and nobody had objected for the loan to Smt. Aminabi on the ground that she is not the resident of Ambalanuru village. He has also deposed that he was not able to know that the husband of Smt. Aminabi was working as seizing agent and in view of the name of Smt. Aminabi mentioned in the list of beneficiaries she was selected as one of the beneficiary. It is pertinent to note that even if the name of Smt. Aminabi was found in the list of beneficiaries sent by the Taluk Committee nothing prevented the DBO from holding inquiry about the above said list to ascertain whether the persons mentioned in the above said list are eligible for loan or not. In his cross-examination DW1 has deposed as follows:-

”ಸಾಲ ಕೋರಿ ಅರ್ಜಿ ಬಂದಾಗ ಪ್ರಾಥಮಿಕ ಪರಿಶೀಲನೆಯನ್ನು ನಾವೇ ಮಾಡುತ್ತಿದ್ದೇವು. ಪ್ರಾಥಮಿಕ ಪರಿಶೀಲನೆಯ ಸಮಯದಲ್ಲಿ ಸಾಲ ಕೋರಿ ಬಂದ ಅರ್ಜಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಲಗತ್ತಾದ ಅಗತ್ಯ ದಾಖಲೆಗಳು ಮೂಲ ದಾಖಲೆಗಳು ಇರುತ್ತವೆ ಅಥವಾ ದೃಢೀಕೃತ ಪ್ರಮಾಣೀಕೃತ ಪ್ರತಿಗಳಾಗಿರುತ್ತವೆ. ನಾನು ಆ ರೀತಿ ಪರಿಶೀಲನೆ ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಕೊಟ್ಟಿರುವ ದಾಖಲೆಗಳು ನಿಜವೋ ಅಥವಾ ಇಲ್ಲವೋ ಎಂಬ ಬಗ್ಗೆ ತಹಶೀಲ್ದಾರ್ ರವರಿಗೆ ಅಥವಾ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯ ಮುಖ್ಯಸ್ಥರಿಗೆ ಪತ್ರ ಬರೆದು ಖಚಿತಪಡಿಸಿಕೊಂಡಿಲ್ಲ. ಆ ರೀತಿ ಪತ್ರ ಬರೆದು ದಾಖಲೆಗಳ ಬಗ್ಗೆ ಖಚಿತ ಪಡಿಸಿಕೊಳ್ಳಲು

ತೋಂದರೆಯೇನೂ ಇರಲಿಲ್ಲ. ಆ ರೀತಿ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ಮೇಲೆ ನಾವು ತಯಾರು ಮಾಡಿದ ಪಟ್ಟಿ ಮತ್ತು ಅದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಜಿಲ್ಲಾ ಸಮಿತಿಗೆ ಕಳುಹಿಸುತ್ತೇವೆ. ಜಿಲ್ಲಾ ಸಮಿತಿಯ ಮೀಟಿಂಗ್ ಅನ್ನು ಕರೆಯುತ್ತಿದ್ದುದು ನಾನೇ. ನಾನು ತಯಾರು ಮಾಡಿಕೊಟ್ಟ ಪಟ್ಟಿ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಜಿಲ್ಲಾ ಸಮಿತಿಯವರು ಅನುಮೋದನೆ ಮಾಡುತ್ತಾರೆ ಎಂಬ ಪ್ರಶ್ನೆಗೆ ಸಾಕ್ಷಿ ಪರಿಶೀಲನೆ ಮಾಡಿ ಅನುಮೋದನೆ ಮಾಡುತ್ತಾರೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಸಾಲ ಕೇಳಿ ಅರ್ಜಿ ಕೊಟ್ಟ ಫಲಾನುಭವಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅವರ ಸ್ಥಳೀಯ ವಾಸದ ಬಗ್ಗೆ ನಾನು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಪತ್ರ ಬರೆದು ಅಲ್ಲಿಂದ ವರದಿ ಪಡೆದುಕೊಂಡಿಲ್ಲ. ಆ ರೀತಿ ಪತ್ರ ಬರೆದು ವರದಿ ಪಡೆದುಕೊಳ್ಳಲು ತೋಂದರೆಯೇನೂ ಇರಲಿಲ್ಲ.”

27. Hence, it has to be said that the DBO was entitled to verify the list to ascertain whether all the persons mentioned in the list are entitled for loan or not. Hence, I hold that just by contending that he was not able to verify whether Smt. Aminabi mentioned in the list of beneficiary is the wife of the seizing agent or not cannot escape his liability. Hence, it has to be said that the DBO has committed irregularity in selecting Smt. Aminabi as one of the beneficiary even though she was not entitled for loan. Hence, answer this point in the affirmative.

**28. Point No.3:** - Charge No.3 to the effect that DBO has selected Mahadevi Sharanappa Helavar, Mallamma Ramachandra Lingadahalli, Saraswathi Basappa Helavar, Akkamma Pompaiah Hiremath, Basamma Pompaiah Hiremath as residents of Ambalanuru village even though they are not the residents of the said village and sanctioned loan to them by violating the rule and thereby committed the misconduct.

29. It is not in dispute that the loans have been sanctioned to the above said six persons as residents of Ambalanuru village. DW1 who is the DBO has deposed that the Taluk Committee prepared the list of beneficiaries and he was not empowered to verify whether the above said beneficiaries were the residents of Ambalanoor village or not. As stated above, DW1 in his cross-examination has clearly deposed that when the loan applications were given he was doing the preliminary verification and verifying the documents provided along with the loan applications. As stated above, he has deposed that he was preparing the list of beneficiary and sending that list along with the documents to District Committee for approving the same. He has deposed that he did not write any letter to the Tahasildar to ascertain whether the above said persons are the residents of Ambalanoor village or not. Ex.P9 contains the loan applications and other documents of the above said beneficiaries which includes the residence certificate given by the Village Accountant. But as stated above, the first two sheets of Ex.p9 is the report given by Tahasildar, Basavanabagevadi and in the same it is clearly mentioned that the above said persons are not the residents of Ambalanuru village and in the same it is stated that Mallamma Ramachandra Lingadahalli, Saraswathi Basappa Helavar, Mahadevi Sharanappa Helavar are residents of Kudurisalavadagi village, Basamma Pompaiah Hiremath, and Akkamma Pompaiah Hiremath, are the residents of Vijayapura. The DBO has not written any letter to the Tahasildar, Basavanabagevadi to ascertain whether the above said five persons are the residents of Ambalanuru village or not and he has simply relied upon the residence certificate



issued by the Village Accountant which is false. As stated above, nothing prevented the DBO from ascertaining the residence of the above said five persons by writing letter to the Tahasildar, Basavanabagewadi. It is pertinent to note that when the loans are sanctioned the DBO should have taken at most care to ascertain whether the documents produced by the persons seeking the loan are genuine or not. As stated above, when the residence certificate produced by the above five persons issued by the Village Accountant are false certificates and without ascertaining whether the same are genuine or not, ~~the~~ <sup>At</sup> the DBO has included them in the list of beneficiaries. The DBO has contended that the loans were sanctioned to number of persons and the loans were distributed in the public function presided by the incharge District Minister and the xerox copy of the invitation of that function is at Ex.D1. Only on the ground that to large number of persons the loans were sanctioned within a short time and that the loans were distributed in the public functions, the DBO cannot escape from his responsibility of verifying the documents given by the applicant for loan. The DBO has sanctioned the loan and selected the above said five persons as beneficiaries.

30. In the written arguments the learned counsel for the DBO has contended that the government has given the permission to conduct the inquiry only regarding the allegations of receiving illegal gratification and there is no permission to conduct the inquiry regarding charge Nos. 1 to 3. I have perused sec. 12(3) report of Hon'ble Upalokayukta dated: 27/02/2009 sent to the disciplinary authority. In the same it

is clearly mentioned that the investigation report and other materials placed on record discloses that the DBO has committed serious irregularities and illegalities in implementation of new Swarana Maa scheme and also in granting loans and selecting the beneficiaries for the schemes as Manger of BC and MD limited., Bijapura. Thus in Sec. 12(3) report there is mention about charge Nos. 1 to 3 apart from charge No.4. In the government order there is also mention about the same in para No.1 but in the last para there is no mention of the same but on that ground only it cannot be said that the disciplinary authority has not entrusted the Hon'ble Upalokayukta to conduct the inquiry regarding charge Nos. 1 to 3 against the DBO. It is pertinent to note that in the government order it is not mentioned that the Hon'ble Upalokayukta is not entitled for conduct the inquiry against the DBO regarding charge Nos. 1 to 3 and that the inquiry should be only in respect of Charge No. 4. As stated above, there is mention of the I.O. report in Sec. 12(3) report and the DBO has not challenged the Article of Charge before the competent authority regarding Charge Nos.1 to 3. Hence, the above said arguments of the learned counsel for the DBO cannot be given much weight at this stage of the inquiry as both the parties have adduced evidence also regarding all the charges framed against the DBO. For the reasons stated above I answer this point in the affirmative.

**31. Point No.4:-** PW2 is Smt. Latha and she has deposed that from 09/07/2009 to April 2012 she was working as Deputy Registrar of Enquiries-2 in Karnataka Lokayukta, Bengaluru. She has deposed that she has verified the complaint and the

documents of this inquiry and from of the papers she came to know that the DBO was receiving Rs. 5,000/- to Rs. 9,000/- as bribe for granting the loans and the report u/sec. 12(3) report is at Ex.P3.

32. PW3 has not at all deposed that the DBO collected Rs. 5,000/- to Rs. 9,000/- from each beneficiary for sanction of loan. He has deposed that he has not investigated regarding charge No.4 as he did not find any documents in support of charge No.4. No document is also marked on the side of the Disciplinary Authority which supports charge No. 4. In the statement of Smt. Geetha Mallikarjuna Byakod and Smt. Renuka recorded by PW2 it is stated that they were granted loan of Rs. 10,000/- each and when they met one Sri Salim who was working in the society of Kuduresalavadagi he gave them Rs. 8,000/- each and told them that Rs. 1,000/- is the share amount and Rs. 1,000/- is the expenses. In the statements of Smt. Shankaravva, Smt. Sharadha and Smt. Sharma parveen it is stated that they have received the entire loan amount of Rs. 10,000/- each. Thus even in the statements recorded by PW2 no where it is stated that the DBO received Rs. 5,000/- to Rs. 9,000/- for grant of loan from any of the beneficiary. It is also pertinent to note that no beneficiary has been examined to prove that the DBO took Rs. 5,000/- to Rs. 9,000/- from the beneficiary to sanction loan. Thus there is not even any oral evidence to prove that the DBO took bribe of Rs. 5,000/- to Rs. 9,000/- from each of the beneficiary to sanction loans to 63 persons to Kudurisalavadagi village. In fact not even one beneficiary out of the above said 63 benficiariy of Kudurisalavadagi village

mentioned in charge No.4 has been examined to prove charge No.4. In the absence of the same it has to be said that the disciplinary authority has failed to prove the charge No.4. For the reasons stated above I answer this point in the negative.

33. Thus the DBO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant in respect of charge Nos. 1 to 3. Hence, I answer the point Nos.1 to 3 in the affirmative and point No.4 in the negative.

34. **Point NO.5:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge Nos.1 to 3 against the DBO-Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited, **Bijapur District (Now retired).***

*The Disciplinary Authority has failed proved the charge No.4 against the DBO-Sri Yallappa Kannappanavar, the then District Manager, D. Devaraj Urs Backward Classes and Karnataka Minorities Development Corporation Limited, **Bijapur District (Now retired).***

35. Hence this report is submitted to Hon'ble Upalokayukta -1 for kind perusal and for further action in the matter.

Dated this the 12<sup>th</sup> day of November, 2019

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

**:: ANNEXURE ::**

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

PW-1 : Sri Ravikumar H. Nayak (I.O.)  
PW-2:Smt. Latha (Scrutiny officer)  
PW-3:Sri S.M. Nagaraj (another I.O.)

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

DW-1:Sri Yallappa Kannappanavar (DBO)

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

Ex.P-1: Original report of Police Inspector, Karnataka Lokayukta, Bijapura addressed to the S.P. Karnataka Lokayukta, Bijapura dated: 06/04/2005  
Ex.P-1(a): Relevant entry in Ex.P1  
Ex.P-2: Original report of S.P. dated: 06/04/2005 addressed to Sri V.R. Hosur, Senior APP, KLA, Bengaluru  
Ex.P-2(a): Relevant entry in Ex.P2  
Ex.P3: Original 12(3) report  
Ex.P-4: Original letter of Sri S.D. Yaranala dated; 19/07/2004  
Ex.P5: Original Form No.1  
Ex.P6: Original Form No.2  
Ex.P7:Xerox copy of the file of the complainant (containing 14 sheets)  
Ex.P8:Original report given by the Tahasildar with xerox copy of the enclosures (containing 36 sheets)

Ex.P8(a,b): Relevant entries in Ex.P8

Ex.P9:Original report given by the Tahasildar dated;  
01/02/2006 with xerox copy of the enclosures (25  
sheets)

Ex.P10:Original letter of District Manager, dated: 01/02/2005  
addressed to Police Inspector, Karnataka Lokayukta,  
Bijapura with xerox copy of the enclosures  
(containing 39 sheets)

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

Ex.D-1:Xerrox copy of the ceremony card

Dated this the 12<sup>th</sup> day of November, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.