

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/102/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:14.9.2021

:: ENQUIRY REPORT ::

:: Present ::
(PUSHPAVATHI.V)
Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru

Sub: Departmental Inquiry against
Sri.S.V.Mallappadavar Grama
Panchayath Development Officer,
Maladinni Grama Panchayath, Gokak
Taluk, Belagavi District - reg.

Ref: 1. G.O.No. GraAaPa 870 GraPamKa 2016
dated: 9.1.2017.

2.Nomination Order No: UPLOK-
1/DE/102/2017/ARE-9 Bangalore
dated:23.1.2017 of Hon'ble
Upalokayukta-1

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This Departmental Inquiry is initiated against Sri.S.V.Mallappadavar Grama Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District (hereinafter referred to as the Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 23.1.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to issue

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Articles of charges and to conduct the inquiry against the aforesaid DGO.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charge issued by the ARE-9 against the DGO are as under :

ANNEXURE-I
CHARGE

You-DGO has misappropriated in drawing an amount of Rs.2,95,896/- for disbursing the labourers as per the extract of cash book and the bank passbook pertaining to fund-II thus you have, thereby you-DGO has failed to maintain absolute integrity and devotion to duty, and acted in a manner of unbecoming of a Government Servant and thereby committed official misconduct as enumerated u/s 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

You-DGO have offered comments denying the complaint allegations. Thereafter, the mater was referred to superintendent of Police, Karnataka Lokayukta, Belagavi.

On 27/10/2016, the Superintendent of Police, Karnataka Lokayukta, Belagavi has submitted a report that, you-DGO have drawn an amount of Rs.2,95,896/o for disbursing to the labourers. But, you-DGO have not

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done so. The Investigating Officer has referred the extract of cash book and extract of bank passbook pertaining to fund-II to substantiate the above misappropriation.

There is prima facie material indicating misappropriation of a sum of Rs.2,95,896/- by you-DGO during the period from 1/4/2012 to 31/3/2015.

Since the said facts and materials on record prima-facie shows that you-DGO have committed misconduct as per Rule 3(1)(ii) to (iii) of KCS (Conduct) Rules, 1966, and u/r 14-A of KCS (CC&A) Rules 1957. Hence the charge.

5. The copies of the same are issued to the DGO calling upon him to appear before this authority and to submit written statement.

6. The DGO appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGO in his written statement has admitted that he was working as Panchayath Development Officer during the period of allegations involved in Maladinni Grama Panchayath. But denied specifically the allegations made in the Article of charge with regard to misappropriation of Rs.2,95,896/- and prayed to drop the charge leveled against him.

8. The disciplinary authority has examined the complainant Sri. Pundalika Mokashappa Jogannavar as

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PW.1. Sri.Parashuram Ramachandra Dhabali, Police Inspector, Karnataka Lokayukta Belagavi as PW-2 and got marked documents as **Ex.P-1 to ExP-15**.

9. Thereafter, second oral statement of DGO has been recorded. DGO submitted he has got his evidence. So, opportunity is provided to him to adduce evidence. Accordingly, DGO got examined himself as DW-1 and got marked documents as **Ex.D-1 to Ex.D-19**.

10. The DGO has not submitted written brief. Heard, submissions of both the side. I answer the above charges in the **AFFIRMATIVE** for the following;

REASONS

11. The allegations in the Article of charge is that the DGO has drawn cheques for Rs. 2,95,896/- between 1.4.2012 to 31.3.2015 for disbursing payment to the labourers in the name of one Prakash Uppin and S.B.Chandaragi. Thereby misappropriated the above said amount.

12. **PW-1** has deposed in consonance with his complaint. During the cross examination, he has admitted, that he has given false complaint against the DGO on listening to persons who were not in good terms with DGO. But, the case is proceeded against the DGO on the report of PW-2. He in his chief examination has deposed in consonance with his report marked at Ex.P-15. He has also produced some documents and identified them during his chief examination. Among which, the most important document is Ex.P-14, the pass book of Maladinni Grama

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Panchayath and cash book (total 40 pages). I have perused the pass book and cash book. As per cash book, the DGO has issued eleven cheques in favour of one Prakash Uppin as detailed below

Sl. No.	Date	Cheque No.	Amount
1	28.3.2014	034803	26919-00
2	8.5.2014	034806	11264-00
3	31.5.2014	034808	6000-00
4	1.9.2014	034812	11000-00
5	8.12.2014	034814	13000-00
6	30.12.2014	034816	16000-00
7	3.2.2015	034821	23543-00
8	3.2.2015	034822	23543-00
9	5.3.2015	034823	27450-00
10	16.3.2015	034827	18500-00
11	23.3.2015	034828	19000-00

13. Similarly, he has issued cheques in favour of one Shivananda Chandargi as detailed below;

Sl. No.	Date	Cheque No.	Amount
1	18.10.2012	016033	15017-00
2	31.12.2012	016040	35000-00
3	10.4.2013	016044	21596-00
4	21.11.2014	034813	12610-00
5	12.3.2015	034825	15460-00

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14. I have perused the pass book. Among the above said cheques, the cheque No. 34806 dated: 8.5.2014 for Rs. 11,264/- was issued infavour of Prakash Uppin and the cheque bearing No. 016044 dtd: 10.4.2013 for Rs. 21,596/- infavour of S.B. Chandaragi. All cheques have been encashed. There is no dispute as to Prakash Uppin and S.B.Chandaragi were the staff of Maladinni Grama Panchayath. DW-1 during his chief examination has produced as many as 19 documents. Among which Ex.D-1 is deposit register in respect of project carried out under MGNREGA scheme for the year 2013-14. Ex.D-2 is deposit register in respect of project carried out under MGNREGA scheme for the year 2014-15. Ex.D-3 is the action plan for the year 2012-13 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-4 is the additional action plan for the year 2012-13 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-5 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-6 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-7 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-8 is the TSP action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-9 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-10 is the SCP additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-11 is the action plan for the

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year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-12 is the SCP action plan (ಘೋಷವಾಕೆ) for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-13 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-14 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-15 is the action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme. Ex.D-16 is the document that includes cash memos, cash paid receipts, tax invoices, bills. Ex.D-17 is meeting proceedings. Ex.D-18 is certified copy of the proceedings book. Ex.D-19 is statement of account pertaining to Maladinni Grama Panchayath.

15. The DGO has not explained as to how Ex.D-1 to Ex.D-15 are relevant to disprove the allegations made against him. During his chief examination as DW-1, he has stated that Ex.D-16 was produced towards expenditure in connection to Rs. 2,95,896/- alleged to be misappropriated. He states, I have produced Ex.D-16, which includes cash memos, cash paid receipts, tax invoices, bills. Some disclose some materials were being purchased on different dates from various shops by Maladinni Grama panchayath. But, there is no office order for purchase of the materials shown in Ex.D-16 (bills, Tax invoices, cash memos, cash paid receipts).

16. Further learned counsel for DGO during the cross examination of PW-2 at Page no. 7 para No. 10 suggested as follows; “ಸದರಿ ಹಣ ಗ್ರಾಮ ಪಂಚಾಯ್ತಿಯಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಶ್ರೀ. ಪ್ರಕಾಶ

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ಉಪ್ಪಿನ ಮತ್ತು ಎಸ್.ಬಿ.ಚಂದ್ರಗಿ ರವರ ಸಂಬಳದ ಸಂಬಂಧ 2012-15 ರವರೆಗೆ ಕಂತುಗಳಾಗಿ ನೀಡಲಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ.” In this way, the DGO has taken contention that the alleged cheques in favour of Prakash Uppin and S.B.Chandargi are issued towards their salary which had to be paid to them between 2012-15. But, this contention is contrary to the statement of DGO made during his chief examination at Page No. 5, para No. 6 which reads as follows;

“ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಹೇಳಿರುವ ರೂ. 295896/- ರೂಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ದಿ: 1.4.2012 ರಿಂದ 31.3.2015ರವರೆಗಿನ ನಿಧಿ -2ರಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಖರ್ಚಿನ ಬಗ್ಗೆ ಇರುವ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದೇನೆ. ಇವುಗಳನ್ನು ನಿ.ಡಿ.16 (33 ಹಾಳೆಗಳು) ಎಂದು ಗುರುತಿಸಲಾಯಿತು.”

17. This shows that, the DGO is not firm on the contention taken by him. Further in respect of above two contrary contentions also, he has not produced office orders i.e., to say, there is no office order as to the alleged cheques issued in favour of Prakash Uppin and S.B.Chandargi towards salary which had to be paid to them between 2012 to 2015. Further, there is no office order to purchase the materials shown in Ex.D-16 and that alleged cheques were issued to Prakash Uppin and S.B.Chandargi towards purchase of materials shown in said cash memos, cash paid receipts, tax invoices, bills. Even otherwise, there is no explanation as to why cheques have been issued to Prakash Uppin and S.B.Chandargi for purchase of materials shown in Ex.D-16 instead of

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issuing cheques directly to shops where the materials have been purchased. Further, there are no details/ calculations as to the salary of Prakash Uppin and S.B.Chandargi between 2012 to 2015 so as to relate the amount mentioned in the alleged cheques towards their salary.

18. Further Ex.D- 17 and 18 are the meeting proceedings and proceedings book. Both documents no way Exhibits relevancy to the allegations. Ex.D-19 is the statement of account of Maladinni Grama Panchayath. The entries of said document are same as entries of Ex.P-14 the pass book. This document also shows that 4 cheques have been debited in favour of S.B.Chandaragi – and 10 cheques have been debited in favour of Prakash Uppin. These documents in no way help DGO to disprove the allegations made against him. .

19. Thus, overall examination of the evidence on record establishes the charge leveled against DGO. Hence I proceed to record the following:-

FINDINGS

16. The Disciplinary Authority has proved the charges leveled agsint DGO.

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14.9.2014
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

PW.1	Sri. Pundalika Mokashappa Jogannavar, R/o Benachi Maradi village and Post, Gokak Taluk, Belagavi District original
PW-2	Sri.Parashuram Ramachandra Dhabali, Police Inspector, Karnataka Lokayukta Belagavi original

ii) **List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.P-1 is the detailed complaint dated: 29.4.2015 submitted by PW-1
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint submitted by PW-1 in form No.1 and 2
Ex.P-4	Ex.P-4 is the comments submitted by the DGO
Ex.P 5	Ex.P-5 is the rejoinder submitted by PW-1
Ex.P6	Ex.P-6 is the letter and documents submitted by PW-1
Ex.P7	Ex.P-7 is the letter and documents submitted by PW-1
Ex.P8	Ex.P-8 is the letter and documents submitted by PW-1
Ex.P9	Ex.P-9 is the report submitted by PW-2
Ex.P10	Ex.P-10 is the written statement of Somappa Veerabhadrappe Mallappadavar Panchayath development officer
Ex.P11	Ex.P-11 is the written statement of Ex. President Sri. Lakappa Ramoji Maladinni Grama Panchayath
Ex.P12	Ex.P-12 is the written statement of Sri. Maruthi Lakshman Yadrami the then Panchayath development officer
Ex.P13	Ex.P-13 is the photographs submitted along with report (three photographs)
Ex.P14	Ex.P-14 is the documents submitted by

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	Maruthi Lakshman Yadrami
Ex.P-15	Ex.P-15 is the letter dated: 27.10.2016 from SP, Karnataka Lokayukta Belagavi to the ADGP, Karnataka Lokayukta Bengaluru.

iii) List of witnesses examined on behalf of DGO.

DW-1	Sri.S.V.Mallappadavar Grama Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District original
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iv)

List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is deposit register in respect of project carried out under NREGA scheme for the year 2013-14.
Ex.D-2	Ex.D-2 is deposit register in respect of project carried out under NREGA scheme for the year 2014-15.
Ex.D-3	Ex.D-3 is the action plan for the year 2012-13 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-4	Ex.D-4 is the additional action plan for the year 2012-13 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-5	Ex.D-5 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-6	Ex.D-6 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-7	Ex.D-7 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-8	Ex.D-8 is the TSP action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.

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Ex.D-9	Ex.D-9 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-10	Ex.D-10 is the SCP additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-11	Ex.D-11 is the action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-12	Ex.D-12 is the SCP action plan (ಫೋಷವಾರೆ) for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-13	Ex.D-13 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-14	Ex.D-14 is the additional action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme.
Ex.D-15	Ex.D-15 is the action plan for the year 2013-14 in Maladinni Grama Panchayath under MGNREGA scheme
Ex.D-16	Ex.D-16 is the Tax invoice, Bill, Receipt, cash credit etc.,
Ex.D-17	Ex.D-17 is the Grama Panchayath Gothuvali certified copies
Ex.D-18	Ex.D-18 is the Grama Panchayath proceedings
Ex.D-19	Ex. D.19 is the statement of accounts in Account No. 17190037185

Pu. V. 14.9.2017
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/102/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **21/09/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri S.V.Mallappadavar, Panchayath Development
Officer, Maladinni Grama Panchayath, Gokak Taluk,
Belagavi District – Reg.

- Ref:- 1) Govt. Order No. ಗೃಲಪ/870/ಗೃಪಂಕಾ/2016, Bengaluru dated
9/1/2017
- 2) Nomination order No.UPLOK-1/DE/102/2017,
Bengaluru dated 23/1/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 14/9/2021 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 9/1/2017 initiated the disciplinary proceedings against Sri S.V. Mallappadavar, Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/102/2017 Bengaluru dated 23/1/2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri S.V.Mallappadavar, Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District was tried for the following charge:-

“You DGO has misappropriated in drawing an amount of Rs.2,95,896/- during the period from 1/4/2012 to 31/3/2015 for distributing to the labourers as per the extract of cash book and the bank pass book pertaining to Fund-II and thereby you DGO has failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant and thereby committed official misconduct as enumerated u/S. 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against the DGO Sri S.V.Mallappadavar, Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District.

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

6. As per the First Oral Statement submitted by DGO, he has retired from service on 30/5/2020 (during the pendency of inquiry).

7. Having regard to the nature of charge proved against DGO Sri S.V.Mallappadavar, Panchayath Development Officer, Maladinni Grama Panchayath, Gokak Taluk, Belagavi District, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO Sri S.V. Mallappadavar for a period of 5 years and also for recovering a sum of Rs.2,95,896/-, being the amount misappropriated by DGO, from the pension payable to DGO Sri S.V.Mallappadavar.

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

Connected records are enclosed herewith.

B.S. Patil 21/9/21
(JUSTICE B.S.PATIL)
Upalokayukta,
State of Karnataka,
Bengaluru