

KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/105/2017/ARE-13

M.S. Building,
Dr.B.R. Ambedkar Road,
Bangalore-56001
Date: 29/03/2021.**: Present:****Patil Mohankumar Bhimanagouda**
Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Smt. S. Usha, Panchayath Development
Officer, Peeranawadi Grama Panchayath,
Belagavi Taluk and District -reg.**Ref :-** 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BGM-5949/2014/PP
dated:26/11/2016.2) Govt. Order No. ಗ್ರಾಅಪ/869/ಗ್ರಾಪಂಕಾ/2016
ಬೆಂಗಳೂರು, dated:09/01/2017.3) Nomination Order No.UPLOK-1/DE/
105/2017, Bengaluru, dated:
24/01/2017.

1. This departmental enquiry is directed against Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and District (herein after referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation, a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-1, vide order dated:24/01/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-1 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. The Additional Registrar Enquiries-1 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 Articles of Charge. Copies of same were issued to the DGO calling upon her to appear before this authority and to submit written statement of her defence. Later on the file was transferred from ARE-1 to ARE-7.
4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta dated:06/08/2018 this enquiry file was transferred from ARE-7 to ARE-13.
5. The Articles of Charge framed by ARE-1 against the DGO are as below:

ANNEXURE-1**Charge:-**

6. While you DGO Smt. S. Usha, working as Panchayath Development Officer in Peeranawadi Grama Panchayath of Belgaum Taluk and District, along with Smt. Krishnabai Peeraji Aptekar, the then President and Smt. Gulabi Prahallad Aptekar, the then Member of Grama Panchayath, Peeranawadi, had selected Sri. Shankar Shantharam Kavanekar as a beneficiary under Nirmal Bharath Abhiyan Scheme to pay Government subsidy for construction of toilet and Sri. Shankar Shantharam Kavanekar is a retired official and his son Sri. Omkar S. Kavanekar is working as a teacher and therefore Sri. Shankar Shantharm Kavanekar was not eligible for the benefits under Nirmal Bharath Abhiyan and inspite of that cheque in respect of subsidy amount was issued to him by you and therefore committed illegalities in selecting Sri. Shankar Shantharam Kavanekar as a beneficiary under Nirmal Bharath Abhiyan and making payment of the subsidy amount and therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore

you are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

ANNEXTURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

7. **Brief facts of the case are :-** The complainant has alleged that the respondents 1 and 2 have illegally issued cheques to one Sri Balu Annappa Aptekar, though he had not constructed any toilet under Nirmal Bharat Abhiyan Yojana. Similarly, cheque has been issued to Gulabi Prahlad Aptekar, even though she had not constructed toilet. Similar mischief was committed in relation to constructed by Sri Shantaram S.Kavanekar.

- i. On the said complaint, the comments of the respondents called for.
- ii. The respondents have offered comments denying the complaint allegations. At this juncture, the matter was referred to KLA Police, Belgaum. On 11/12/2014, the Superintendent of Police, KLA, Belgaum has submitted report.
- iii. In the report it is stated that during spot inspection it was noticed that Balu Annappa Aptekar had

constructed toilet in the site VPC No.1163, for which he was a joint owner.

- iv. In relation to Smt. Draupadi Rukmanna Aptekar, she had constructed toilet in VPC House No.112/B of which her husband Sri Rukmanna Mallappa Aptekar was the owner.
- v. In relation to Shantaram S. Kavanekar it is stated that the house VPC No.434, does not stand in his name. Sri. Shankar Shantharam Kavanekar was the owner of house VPC No.434 and he is working as Village Accountant. His son Sri Omkar S. Kavanekar is working as Teacher. Sri Shankar Shantharam Kavanekar is a retired official and he is not eligible for the benefits under Nirmal Bharat Abhiyan Scheme. Even then he was selected as beneficiary and cheque was issued by PDO namely Smt. Usha and President, Smt. Krishnabai Peeraji Aptekar of Peeranawadi Gram Panchayath. It is opined that, Respondents 1 and 2 have committed illegalities in the matter of selection of Sri. Shankar Shanataram Kavanekar as one of the beneficiary under Nirmal Bharath Abhiyan.

8. In the circumstances, the comments offered by the respondents are not satisfactory. Hence, there is misconduct on the part of the respondents. On enquiry it has been found that Smt.Krishnabai Peeraji Aptekar, the then President and Smt.Gulabi Prahlad Aptekar, the then Member of the Grama Panchayath are not holding any post or position in the village Panchayath. Therefore, action cannot be initiated against R2 and R3 under Panchayath Raj Act.
9. Since, the Respondent No.1 is Government Servant and the material on record prima facie shows that she has committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966 and therefore, acting U/S. 12(3) of Karnataka Lokayukta Act 1984, now, recommendation is made against Respondent Smt.S.Usha, Panchayath Development Officer, Peeranwadi Gram Panchayath, Belagavi Taluk and District for initiation of departmental proceedings and also to entrust the enquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 to conduct enquiry.
10. Since said facts and material on record prima facie show that, the respondents/DGO Smt.S.Usha has committed grave misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent

Authority to initiate disciplinary proceedings against the respondents for misconduct under Rule 3(1) (i) to (iii) of KCS(Conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon`ble Upalokayukta. Hence, the charge.

11. The DGO appeared before this Enquiry Authority on 05/04/2017 and on the same day her First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed her written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that, she has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, she prayed to exonerate her from the charge framed in this case.

12. In order to substantiate the charge, the Disciplinary Authority examined two witnesses as PW-1 and PW-2 and got marked the documents at Ex.P-1 to Ex.P-5 and closed the evidence.

13. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein she has submitted that, the witnesses have deposed falsely against her. The DGO has led

evidence on her behalf. She got herself examined as DW-1 and closed her side.

14. The Advocate for DGO filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

15. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority and the DGO by way of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

Point No-1: Whether the Disciplinary Authority has proved the charge against the DGO.

Point No-2: what order?

16. My finding on the point No-1 is held in the **“Affirmative”** for the following:

:: REASONS ::

17. **Point No-1:-** The Complainant has been examined as PW-1. He has reiterated the facts stated in the complaint. He states that, he knows the DGO and she was working as PDO of Peeranawadi Grama Panchayath from 2012 to 2014. The Central Government

Scheme Nirmal Bharath Abhiyana was introduced in Peeranawadi Grama Panchayath during her period and each beneficiary was entitled for subsidy of Rs.4,700/- for constructing a toilet in his house. However, the DGO has violated the norms and given the subsidy to the persons, who have already constructed the toilets in their houses. He further states that, the DGO has committed irregularities, while preparing the list of beneficiaries. The DGO has given subsidy to the persons, who are not eligible to be the beneficiaries. He further states that the subsidy amount should have been directly transferred to the bank account of the beneficiaries. However, the DGO has issued bearer cheques to the beneficiaries.

18. PW-1 further states that, One Shantharam Kavanekar of Peeranawadi is a retired Village Accountant. He has already had one toilet in the ground floor of his house. However, the DGO has selected him as beneficiary under Nirmal Bharath Abhiyana Scheme and released the subsidy amount to Shantharam Kavanekar retired Village Accountant/Government Servant. The DGO has committed irregularity in selecting the retired Government Servant as beneficiary. Hence, in this regard he has lodged a complaint. The Form No.1 and 2 are at Ex.P-1 and Ex.P-2. The signatures of the complainant are at Ex. P-1(a) and Ex.P-2(a) respectively.

19. After lodging of the complaint, this institution directed the Superintendent of Police, Karnataka Lokayukta, Belagavi to conduct investigation and submit his report. The Superintendent of Police inturn deputed Sri. Ganapathi Patil, Dy.S.P., Karnataka Lokayukta, Belgavi as investigation officer and directed him to conduct the investigation and submit his report.

20. The Investigation Officer was summoned and examined as PW-2. He states that, from 13/02/2013 to 12/02/2015 he has worked as Dy.S.P., Karnataka Lokayukta, Belagavi. On 07/08/2014 the Superintendent of Police, Karnataka Lokayukta, Belagavi directed him to conduct investigation in this matter and submit his report. PW-2 further states that, he has investigated into the matter. He visited Peeranawadi Grama Panchayath and conducted the investigation. He further submits that, the complainant had totally made 4 allegations. He has recorded the statements of the witnesses, verified the documents in Peeranawadi Grama Panchayath, conducted the spot panchanama and investigated into the matter. He further submits that, he has submitted his report to the Superintendent of Police, Karnataka Lokayukta, Belagavi on 09/11/2014.

21. PW-2 further states that, Sri Shantharam S Kavanekar is not the owner of house bearing VPC No.434 and cheque was not issued to him. He further states that, house bearing VPC No.434 is owned

by Sri Shankar Shantharam Kavanekar and he is retired Village Accountant. The son of Sri Shankar Shantharam Kavanekar is working as a teacher. The said Sri Shankar Shantharam Kavanekar is a retired Government Servant and hence, he is not entitled to be a beneficiary under the Nirmal Bharath Abhiyana. However, the DGO has illegally selected him as the beneficiary under the Nirmal Bharath Abhiyana and issued the cheque for the subsidy amount. He further states that the DGO Smt. S. Usha, PDO, of Peeranawadi Grama Panchayath and President of Peeranawadi Grama Panchayath Smt. Krishnabai Peeraji Aptekar are responsible for this irregularity. PW-2 further states that, the DGO has violated the Government norms and illegally selected Sri. Shankar Shantharam Kavanekar a retired Government Servant as a beneficiary under the Nirmal Bharath Abhiyana.

22. PW-2 further states that, in this regard he has conducted a detailed investigation and submitted his report. He identifies his report at Ex.P-3 and his signature on the report at Ex.P-3(a).

23. PW-2 further states that, based upon his report at Ex.P-3, the Superintendent of Police, Karnataka Lokayukta, Belagavi submitted his report to the Karnataka Lokayukta office on 11/12/2014. He identifies the report of Superintendent of Police, Karnataka Lokayukta, Belagavi, it is marked as Ex.P-4 and the signatures of Superintendent of Police, Karnataka Lokayukta, Belagavi are at Ex.

P-4(a) and Ex.P-4(b). PW-2 further states that, Sri Shankar Shantharam Kavanekar is retired village accountant. The pension of the said Sri Shankar Shantharam Kavanekar has been fixed by the Accountant General, Karnataka and in this regard he has produced the A.G Slip pertaining to finalization of pension claims of Sri Shankar Shantharam Kavanekar. The said document is at Ex.P-5.

24. After closer of evidence of Disciplinary Authority, the DGO got herself examined as DW-1. She states that, the complainant has filed a false and frivolous complaint. She categorically denies of having misappropriated public funds under the Nirmal Bharath Abhiyana. DW-1 further states that, the complainant was the Vice President of Peeranawadi Grama Panchayath during the period when the DGO was PDO of Peeranawadi Grama Panchayath. A no-confidence motion was passed unanimously against the Vice President of Peeranawadi Grama Panchayath. Because of that grudge the complainant has filed a false complaint.

25. DW-1 further states that, Shankar Shantharam Kavanekar was not selected under Nirmal Bharath Abhiyana by the DGO alone. The elected representatives, the village accountant and officials of the Peeranawadi Grama Panchayath have taken a collective decision. The said Sri Shankar Shantharam Kavanekar

was a landless person and aged person. He did not have toilet in his house. Hence, he was selected as a beneficiary. DW-1 further states that, she has not committed any irregularities and she has not misused or misappropriated the Government funds. The complainant has lodged a false complaint. Hence, she prays for exonerating her.

26. DW-1 has been cross examined by the Learned Presenting Officer. In the cross examination she categorically admits certain vital aspects of the case of the Disciplinary Authority. I would like to reproduce the said portion of cross examination of DW-1.

“ನನ್ನ ಅವಧಿಯಲ್ಲಿ ಶ್ರೀ ಶಂಕರ್ ಸಂತುರಾಮ್ ಕವನೇಕರ್ ಇವರ ಹೆಸರಿನಲ್ಲಿದ್ದ ಗ್ರಾಮ ಪಂಚಾಯತಿ ನಂ.434 ನೇದ್ದರ ಮನೆಗೆ ಶೌಚಾಲಯ ಕಟ್ಟಿಕೊಳ್ಳಲು ನಿರ್ಮಲ ಭಾರತ ಅಭಿಯಾನದಲ್ಲ ಫಲಾನುಭವಿಯೆಂದು ಗುರುತಿಸಿ ಆಯ್ಕೆ ಮಾಡಲಾಗಿತ್ತು ಮತ್ತು ಅವರು ಶೌಚಾಲಯ ಕಟ್ಟಿದ ನಂತರ ಅವರಿಗೆ ನಿರ್ಮಲ ಭಾರತ ಅಭಿಯಾನದಡಿ ಸಜ್ಜಿಡಿ ಹಣವನ್ನು ಅವರಿಗೆ ಚೆಕ್ ಮುಖಾಂತರ ಸಂದಾಯ ಮಾಡಲಾಗಿದೆ. ಶ್ರೀ ಶಂಕರ್ ಸಂತುರಾಮ್ ಕವನೇಕರ್ ಇವರು ನಿವೃತ್ತ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿರುವುದು ನಿಜ”.

27. DW-1 has categorically admitted that Sri Shankar Shantharam Kavanekar was selected as a beneficiary under the

Nirmal Bharath Abhiyana by Peeranawadi Grama Panchayath during her tenure as PDO of Peeranawadi Grama Panchayath. She has further admitted that, the said Shankar Shantharam Kavanekar is a retired government servant i.e., retired village accountant.

28. The advocate for DGO has filed his written submissions. I have carefully gone through the written submissions. However, the contentions taken up by the advocate for DGO cannot be accepted. The DGO is responsible and in charge official of Peeranawadi Grama Panchayath. The DGO being the PDO of Peeranawadi Grama Panchayath is the responsible officer and she has to follow the Rules and Regulations of the Government, strictly. She has to advise the elected representatives of the Peeranawadi Grama Panchayath with regard to the Rules and Regulations framed by the Government with regard to several schemes implemented by the Government.

29. I have carefully gone through the evidence of PW-1 and PW-2 and the documentary evidence produced by the Disciplinary Authority. I have carefully gone through the documents at Ex.P-1 to Ex.P-5. More particularly the report of the I.O at Ex.P-3 dated 09/12/2014 and the report of the Superintendent of Police, Karnataka Lokayukta, Belagavi at Ex.P-4. The investigation

officer/PW-2 has conducted a detailed investigation and he has submitted his report.

The relevant portion of the report of I.O is as follows:

“ಆಪಾದನೆ ತರಲಿ ನಮೂದಿಸಿದ ಶ್ರೀ ಶಂಕರ ಸಂತುರಾಮ ಕವನೇಕರ ಇವರ ಹೆಸರಿನಲ್ಲಿದ್ದು, ಸದರಿಯವರು ನಿವೃತ್ತ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿ ಇದ್ದು, ಇವರ ಮಗ ಓಂಕಾರ ಎಸ್.ಕವನೇಕರ ಇವರು ಶಿಕ್ಷಕರಿರುತ್ತಾರೆ. ಇವರು ನಿರ್ಮಲ್ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಯಾಗಲು ಅನರ್ಹರಾಗಿದ್ದರೂ ಸಹ ಇವರನ್ನು ಆಯ್ಕೆ ಮಾಡಿ ಶ್ರೀಮತಿ. ಉಷಾ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಗ್ರಾಮ ಪಂಚಾಯತಿ ಪೀಠನವಾಡಿ, ತಾ: ಬೆಳಗಾವಿ ಹಾಗೂ ಶ್ರೀಮತಿ ಕೃಷ್ಣಾಬಾಯಿ ಪಿರಾಜಿ ಅಪ್ಪೇಕರ, ಅಧ್ಯಕ್ಷರು, ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಪೀಠನವಾಡಿ, ತಾ:ಬೆಳಗಾವಿ ಇವರಿಗೆ ಚೆಕ್ ನೀಡಿ ಸರ್ಕಾರದ ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿದ್ದು ಕಂಡು ಬರುತ್ತದೆ”.

30. I have carefully gone through the A.G Slip of Shankar Shantharam Kavanekar at Ex.P-5 issued by the Accountant General, Karnataka. It is observed that, the Shankar Shantharam Kavanekar has retired from service and his pension claim has been finalized. From perusal of Ex.P-5 it is quite clear that, Sri Shankar Shantharam Kavanekar is a retired government servant and hence, he is not entitled to be a beneficiary under Nirmal Bharath Abhiyana. However, the DGO has illegally selected

Shankar Shantharam Kavanekar as beneficiary under the Nirmal Bharath Abhiyana and issued cheque with regard to subsidy amount.

31. The evidence of PW-2 places the actual facts on record. Nothing is elicited in the cross examination of PW-2 to disbelieve or discredit his version. The DGO has not led any evidence to show that, PW-2 failed to record and report the actual facts and that his evidence cannot be believed. The evidence of PW-2 and his report at Ex.P-3 therefore deserve to be believed, so also the report of the Superintendent of Police, Karnataka Lokayukta, Belagavi at Ex.P-4. Hence, I believe the reports at Ex.P-3 and Ex.P-4 and evidence of I.O/PW-2. On careful perusal of the evidence of Disciplinary Authority, I am of the opinion that, the charge leveled against the DGO has been proved. Hence, on appreciation of the evidence of complainant/PW-1 and the Investigation Officer/PW-2, I am of the opinion that, the Disciplinary Authority has proved the charge leveled against the DGO. Accordingly I answer point No-1 in the **“Affirmative”**.

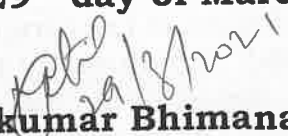
Point No.2: For the reasons stated in Point No-1, I proceed to pass the following,

:: FINDINGS ::

The Disciplinary Authority has proved the charge against the DGO Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and District

32. This report is submitted to Hon'ble Upa Lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

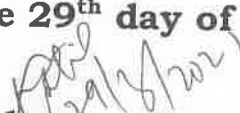
Dated this the 29th day of March 2021


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURES

Witness examined on behalf of the Disciplinary Authority
PW-1: Peeraji Sulagekar (Original)
PW-2: Ganapathi Patil (Original)
Witness examined on behalf of the Defence
DW-1: Smt. S. Usha (Original)
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Form No-I (Original)
Ex. P-1(a): Signature of the complainant
Ex.P-2: Form No-II (Original)
Ex. P-2(a): Signature of the complainant
Ex.P-3: Report of I.O (Original)
Ex. P-3(a): Signature of the Dy.S.P.
Ex.P-4: Report of the Superintendent of Police, Karnataka Lokayukta, Belagavi (Original)
Ex. P-4(a): Signature of the S.P.
Ex. P-4(b): Signature of the S.P.
Ex.P-5: The A.G. Slip pertaining to finalization of pension claims of Sri. Shankar Shantharam Kavanekar (xerox copies)
Documents marked on behalf of the DGO
Nil

Dated this the 29th day of March 2021


(Patil Mohankumar Bhimanagouda)
 Additional Registrar Enquiries-13
 Karnataka Lokayukta
 Bangalore.

KARNATAKA LOKAYUKTA

No.Uplok-1/DE/105/2017/ARE-13

M.S. Building,
Dr. B.R. Ambedkar Road,
Bangalore-56001
Date: 29/03/2021.

:: NOTE ::

Sub:- Departmental enquiry against,
Smt. S. Usha, Panchayath Development
Officer, Peeranawadi Grama Panchayath,
Belagavi Taluk and District -reg.

Ref :-1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BGM-5949/2014/PP
dated:26/11/2016.

2) Govt. Order No. ಗ್ರಾಅಪ/869/ಗ್ರಾಪಂಕಾ/2016
ಬೆಂಗಳೂರು, dated:09/01/2017.

3) Nomination Order No.UPLOK-1/DE/
105/2017, Bengaluru, dated:
24/01/2017.

With reference to the subject and reference cited above, original report in sealed cover and connected original records as per Pherist are submitted herewith for kind perusal and needful.

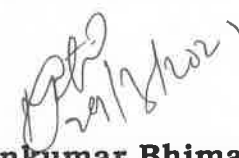
File No.	Particulars of Documents	Page Nos.
File 1	Order Sheet File (Original).	1-18
File 2	Documents containing : I.12(3) of the K.L Act, 1984 in Compt/Uplok/BGM-5949/2014/PP dated:26/11/2016 (xerox).	19-22
	II. Govt Order No. ಗ್ರಾಅಪ/869/ಗ್ರಾಪಂಕಾ/2016 ಬೆಂಗಳೂರು, dated:09/01/2017 (xerox).	23-25

	III. Nomination Order No. UPLOK-1/DE/105/2017, Bengaluru, dated: 24/01/2017 (xerox)	26-27
	IV. Articles of charge dated: 23/02/2017 (Original).	28-36
	V. First Oral Statement of DGO dated: 05/04/2017 (Original)	37
	VI. Written statement of DGO dated : 31/07/2017, page no. 38-48 originals, page no.49-58 True copies, page no. 59-67 originals, page no. 68 True copy, page no.69 xerox copy, page no.70-71 true copies.	38-71
	VII. Second Oral Statement of DGO dated : 10/12/2019 (Original)	72
	VIII. Written Argument of DGO dated 17/03/2021 (Original).	73-76
File 3	Witness examined on behalf of the Disciplinary Authority	
	PW-1: Peeraji Sulagekar (Original)	77-79
	PW-2: Ganapathi Patil (Original)	80-83
	Witness examined on behalf of the Defence	
	DW-1: Smt. S. Usha (Original)	84-93
File 4	Documents marked on behalf of the Disciplinary Authority	
	Ex. P-1: Form No-I (Original) Ex. P-1(a): Signature of the complainant	94-95
	Ex.P-2: Form No-II (Original) Ex. P-2(a): Signature of the complainant	96
	Ex.P-3: Report of I.O (Original) Ex. P-3(a): Signature of the Dy.S.P.	97-100
	Ex.P-4: Report of the Superintendent of Police, Karnataka Lokayukta, Belagavi (Original) Ex. P-4(a): Signature of the S.P. Ex. P-4(b): Signature of the S.P.	101-104

	Ex.P-5: The A.G. Slip pertaining to finalization of pension claims of Sri. Shankar Shantharam Kavanekar (xerox copies)	105-106
	Documents marked on behalf of the DGO	
	Nil	

D.O.R of the DGO is 31/01/2037.

Receipt of the above report and original records may kindly be acknowledged.


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta,
Bangalore.

To:

The Hon'ble Upa Lokayukta-1,
Karnataka Lokayukta,
Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/105/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **31/03/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Smt. S. Usha, Panchayath Development Officer,
Peeranawadi Grama Panchayath, Belagavi Taluk and
District - Reg.

- Ref:- 1) Govt. Order No. ಗ್ರಾಒಪ/869/ಗ್ರಾಪಂಕಾ/2016, Bengaluru dated
9/1/2017.
- 2) Nomination order No.UPLOK-1/DE/105/2017,
Bengaluru dated 24/1/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 29/03/2021 of Additional
Registrar of Enquiries-13, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 9/1/2017 initiated the disciplinary proceedings against Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and 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/105/2017, Bengaluru dated 24/1/2017 nominated Additional Registrar of Enquiries-1, 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 her. Subsequently, by Order No. UPLOK-1/DE/2017, dated 6/7/2017, Additional Registrar of Enquiries-7,

Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again as per Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and District was tried for the following charge:-

“While you DGO Smt. S. Usha, working as Panchayath Development Officer in Peeranawadi Grama Panchayath of Belgaum Taluk and District, along with Smt. Krishnabai Peeraji Aptekar, the then President and Smt. Gulabi Prahallad Aptekar, the then Member of Grama Panchayath, Peeranawadi, had selected Sri. Shankar Shantharam Kavanekar as a beneficiary under Nirmal Bharath Abhiyan Scheme to pay Government subsidy for construction of toilet and Sri. Shankar Shantharam Kavanekar is a retired official and his son Sri. Omkar S. Kavanekar is working as a teacher and therefore Sri. Shankar Shantharm Kavanekar was not eligible for the benefits under Nirmal Bharath Abhiyan and inspite of that cheque in respect of subsidy amount was issued to him by you and therefore committed illegalities in selecting Sri. Shankar Shantharam Kavanekar as a beneficiary under Nirmal Bharath Abhiyan and making payment of the subsidy amount and therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and 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, she is due to retire from service on 31/1/2037.
7. Having regard to the nature of charge proved against DGO Smt. S. Usha, Panchayath Development Officer, Peeranawadi Grama Panchayath, Belagavi Taluk and District, it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO Smt. S. Usha with cumulative effect.
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE B.S.PATIL)

Upalokayukta
State of Karnataka,
Bengaluru

