

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/106/2015/ ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 02/05/2018

RECOMMENDATION

Sub:- Departmental inquiry against Sri S.P.Kadabalakatti,
Panchayath Development Officer, Rajur Grama
Panchayath, Rona Taluk, Gadag District.

Ref:- 1) Government Order No.ಗ್ರಾಅಪ/53/ಗ್ರಾಪಂಚ/2015, Bengaluru
dated 19/2/2015

2) Nomination order No.UPLOK-1/DE/106/2015,
Bengaluru dated 3/3/2015 of Upalokayukta-1, State
of Karnataka, Bengaluru

3) Inquiry Report dated 28/4/2018 of Additional
Registrar of Enquiries-4, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 19/2/2015,initiated the disciplinary proceedings against Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajur Grama Panchayath, Rona Taluk, Gadag 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/106/2015, Bengaluru dated 3/3/2015 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajur Grama Panchayath, Rona Taluk, Gadag District was tried for the following charges:-

CHARGE-1

“That, you – DGO Sri S.P.Kadabalakatti while working as Panchayath Development Officer, Rajura Grama Panchayath, Rona Taluk, Gadag District during the year 2011-12 issued the cheques to beneficiaries under Indira Awaz Yojane without obtaining the signatures of beneficiaries.

CHARGE-2:

That you – DGO selected 16 persons beneficiaries for Indira Awaz Yojane even though they had paid tax to Gram Panchayath for having owned the house properties in their name.

CHARGE-3

That you – DGO has issued cheques to the beneficiaries despite of no balance in the Gram Panchayath Account.

CHARGE -4

That you – DGO have spent only Rs.12,000/- out of Rs.20,682/- (i.e., 20% of grant) for the development of SC/ST during the year 2011-12 and spent only Rs.3,900/- by distributing the books to 12 SC/ST students value of Rs.300/- to each student and not maintained and submitted the proper account in that regard to the Executive Officer of Taluk Panchayath, Rona.

CHARGE - 5

That you - DGO have spent an amount of Rs.2,80,242/- without action plan. Out of grant of Rs.3,96,626/- under 13th Finance Yojane.

CHARGE -6

That you - DGO have shown on expenses of Rs.24,000/- for repair of drinking water pipeline in Dinduru Village and Rs.35,000/- for levelling the roads in Dindur Village for spreading the gravel/murram and showed sheets of billing on 7/2011 and 7/2012 without date and regarding measurement book.

Thereby, you - DGO being a government servant failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of a Government Servants and thereby committed misconduct as enumerated U/R. 3(1)(i) to (iii) of 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 charges 1 and 3 to 6 against DGO Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajur Grama Panchayath, Rona Taluk, Gadag District.

5. On re-consideration of inquiry report, 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 that charges 1 and 3 to 6 are proved against DGO Sri S.P.Kadabalakatti. It is recommended to

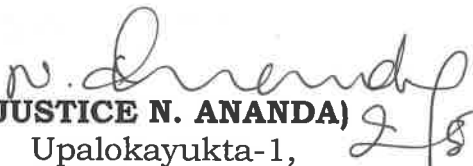
Government to exonerate the DGO Sri S.P.Kadabalakatti in respect of charge No.2 levelled against him.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/7/2025.

7. Having regard to the nature of charges proved against DGO, Sri S.P. Kadabalakatti, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajur Grama Panchayath, Rona Taluk, Gadag District, with cumulative effect and deferring the promotion of DGO Sri S.P.Kadabalakatti by four years, whenever he becomes due to for promotion.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/106/2015/ARE-4

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 28/04/2018

ENQUIRY REPORT

Sub: Departmental Enquiry against,

Sri S.P. Kadabalakatti
Panchayath Development Officer
Rajura Grama Panchayathi
Rona Taluk
Gadag District

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BGM/1931/2012/ARLO-1 dated: 12/01/2015
 - 2) Govt. Order. No.RDP 53 GPS 2015, Bangalore dated: 19/02/2015
 - 3) Order No.UPLOK-1/DE/106/2015 Dtd.03/03/2015 of the Hon'ble Upalokayukta

1. This Departmental Enquiry is directed against Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajura Grama Panchayathi, Rona Taluk, Gadag 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 Upalokayukta, vide order dated: 03/03/2015 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. 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 DGO 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 DGO is below;

ANNEXURE NO.I

CHARGE-1

That, you-DGO Sri S.P. Kadabalakatti while working as Panchayath Development Officer, Rajura Grama Panchayath, Rona Taluk, Gadag District during the year 2011-12 issued the cheques to beneficiaries under Indira Awaz Yojane without obtaining the signatures of beneficiaries.

CHARGE-2

That you- DGO selected 16 persons beneficiaries for Indira Awaz Yojane even though they had paid Tax to Gram Panchayath for having owned the house properties in their name.

CHARGE-3

That you-DGO has issued cheques to the beneficiaries despite of no balance in the Gram Panchayath Account.

CHARGE-4

That you-DGO have spent only Rs.12,000/- out of Rs.20,682/- (i.e. 20% of grant) for the development of SC/ST during the year 2011-12 and spent only Rs.3900/- by distribute the books to 13 SC/ST Students value of Rs.300/- to each student and not maintained and submitted the proper account in that regard to the Executive Officer of Taluk Panchayath, Rona.

CHARGE-5

That you-DGO have spent an amount of Rs.2,80,242/- without action plan. Out of grant of Rs.3,96,626/- under 13th Finance Yojane.

CHARGE-6

That you-DGO have shown on expenses of Rs.24,000/- for repair of drinking water pipeline in Dinduru Village and Rs.35,000/- for levelling the roads in Dindur village for spreading the gavel/Murrum and showed sheets of billing on 7/2011 and 7/2012 without date and regarding Measurement Book.

Thereby, you-DGO being a government servant failed to maintain absolute integrity and devotion to duty, the said act of you were un-becoming of a Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಗದಗ ರವರು ದಿನಾಂಕ 26.04.2012ರಂದು ಸಾರ್ವಜನಿಕರಿಂದ ಅಹವಾಲು ಸ್ವೀಕರಿಸುವ ಕುರಿತು ರೋಣ ತಾಲ್ಲೂಕು ಕೇಂದ್ರಕ್ಕೆ ಹೋದಾಗ ರಾಜೂರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಬಗ್ಗೆ ದೂರುಗಳು ಬಂದಿದ್ದರಿಂದ, ಅವರು ಶ್ರೀ ಗಂಗಾಧರ-ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ರೋಣ ರವರೊಂದಿಗೆ ಸದರಿ ರಾಜೂರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗೆ ಭೇಟಿ ಕೊಟ್ಟಿದ್ದರು. ಸದರಿ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಕೆಲವು ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಈ ಕೆಳಕಂಡ ನ್ಯೂನತೆಗಳು ಕಂಡುಬಂದಿರುತ್ತವೆ:-

ಅ) 2011-12ನೇ ಸಾಲಿನಲ್ಲಿ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆಯ ಒಟ್ಟು 44 ಫಲಾನುಭವಿಗಳಲ್ಲಿ ಇಬ್ಬರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ಸದಸ್ಯರುಗಳನ್ನು ಫಲಾನುಭವಿಗಳನ್ನಾಗಿ ಆಯ್ಕೆ ಮಾಡಿರುವುದು;

ಆ) ಚೆಕ್ ವಿತರಣೆ ಮಾಡಿದ ಬಗ್ಗೆ ಫಲಾನುಭವಿಗಳಿಂದ ಸಹಿ ಪಡೆಯದೆ ಇರುವುದು; ಕೆಲವೊಂದು ಕಡೆ ಚೆಕ್ ವಿತರಣೆ ಮಾಡಿದ್ದರೂ, ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು ಸಹಿ ಮಾಡದೆ ಇರುವುದು ಹಾಗೂ ಚೆಕ್ ವಿತರಣೆ ಮಾಡದೇ ಇದ್ದರೂ ಕೂಡ ಫಲಾನುಭವಿಗಳಿಂದ ಸಹಿ ಪಡೆದಿರುವುದು;

ಇ) 16 ಮಂದಿ ಗ್ರಾಮಸ್ಥರು ಹಾಗೂ ಸದಸ್ಯರು ಮನೆ ಕರ ತುಂಬಿದ್ದರೂ ಸಹ, ಅವರಿಗೆ ಮನೆ ಇಲ್ಲ ಎಂದು ಫಲಾನುಭವಿಗಳಾಗಿ ಆಯ್ಕೆ ಮಾಡಿರುವುದು;

ಈ) ಬ್ಯಾಂಕ್ ಖಾತೆಯಲ್ಲಿ ಹಣ ಇಲ್ಲದೇ ಇದ್ದರೂ ಸಹ, ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್ ವಿತರಣೆ ಮಾಡಿರುವುದು; ಫಲಾನುಭವಿಗಳು ಸದರಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಮನೆಗಳ ಫೋಟೋಗಳಲ್ಲಿ ಹಲವು

ವ್ಯತ್ಯಾಸಗಳಿದ್ದರೂ ಸಹ ಅವುಗಳನ್ನು ಪರಿಶೀಲಿಸದೇ ಹಣ ಮಂಜೂರು ಮಾಡಿರುವುದು;

ಉ) ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಶೇ.20ರ ಅನುದಾನದಲ್ಲಿ ಎಸ್.ಸಿ./ಎಸ್.ಟಿ. ಸೌಲಭ್ಯ ಒದಗಿಸುವ ಬಗ್ಗೆ ಖರ್ಚು ಮಾಡಿದ ವಿವರ ಕುರಿತು ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ರೋಣ ರವರು ರಾಜುರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ಬಗ್ಗೆ ನೀಡಿದ ಪ್ರಗತಿಯ ವರದಿಯಲ್ಲಿ 2011-12ನೇ ಸಾಲಿಗೆ ಒಟ್ಟು ರೂ.20,682/- ಗಳನ್ನು ಅನುದಾನ ನಿಗದಿಪಡಿಸಿದ್ದು, ಅದರಲ್ಲಿ ರೂ.12,000/- ಹಣ ಖರ್ಚಾಗಿ ರೂ.8682/- ಹಣ ಬಾಕಿ ಉಳಿದಿದ್ದರೂ, ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ವಹಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಸದರಿ ಸಾಲಿನಲ್ಲಿ ಒಟ್ಟು 13 ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ತಲಾ ರೂ.300/- ಗಳಂತೆ ಒಟ್ಟು ರೂ.3900/- ಗಳನ್ನು ವಿತರಿಸುವುದಾಗಿ ನಮೂದು ಮಾಡಿರುವುದು ಹಾಗೂ ಅದರ ಬಗ್ಗೆ ಚೆಕ್ ಬುಕ್‌ನಲ್ಲಿ ತೋರಿಸಲು, ಪಿಡಿಓ ರವರು ಯಾವುದೇ ದಾಖಲಾತಿ ಹಾಜರುಪಡಿಸದೇ ಮಾರ್ಚ್-2012ರಲ್ಲಿ ಸದರಿ ಅನುದಾನದ ಹಣವನ್ನು ಚೆಕ್ ಮುಖಾಂತರ ಪಡೆದಿರುವುದಾಗಿ ಮಾಹಿತಿಯ ನೀಡಿದ್ದು, ಸದರಿ ವ್ಯತ್ಯಾಸದ ಬಗ್ಗೆ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಸೂಕ್ತ ವಿವರಣೆ ನೀಡದೇ ಇರುವುದು, ಸದರಿ ಅನುದಾನದ ಸಮರ್ಪಕ ಅನುಷ್ಠಾನವಾಗಿಲ್ಲದಿರುವುದು;

ಊ) 2011-12ನೇ ಸಾಲಿನ 13ನೇ ಹಣಕಾಸು ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಒಟ್ಟು ರೂ.3,96,626/- ಹಣವು ಬಂದಿದ್ದು, ಕ್ರಿಯಾ ಯೋಜನೆಗೆ ಅನುಮೋದನೆ ಇಲ್ಲದೆಯೇ, ವಿವಿಧ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಒಟ್ಟು ರೂ.2,80,242/- ಹಣ ಬಳಕೆ ಮಾಡಿರುವುದು ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಯಿಂದ ಕಂಡುಬಂದಿದ್ದು;

ಋ) ಸದರಿ 13ನೇ ಹಣಕಾಸು ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ 1) ದಿಂಡೂರು ಗ್ರಾಮದಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಪೈಪ್‌ಲೈನ್ ಕಿತ್ತು ಮರುಜೋಡಣೆ ಮಾಡುವ ಕಾಮಗಾರಿ ಬಿಲ್ಲು ಮೊತ್ತ ರೂ.24,000/- ಮತ್ತು 2) ದಿಂಡೂರು ಗ್ರಾಮದ ಓಣಿಗಳಲ್ಲಿ ಮರ್ರಂ ರಸ್ತೆ ಸಾಪು ಮಾಡುವ ಕಾಮಗಾರಿ ಬಿಲ್ಲು ಮೊತ್ತ ರೂ.35,000/- ಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ,

ಕೆಲವು ದಾಖಲಾತಿಗಳಿಗೆ ದಿನಾಂಕವನ್ನು ನಮೂದಿಸದೇ ಬಿಲ್ ಮಾಡಿದ ಹಾಳೆಗೆ 7/2011 ಮತ್ತು 7/2012 ಎಂದು ನಮೂದಿಸಿದ್ದು, ಕಾಮಗಾರಿ ಮಾಡಿದ ಕಾರ್ಮಿಕರ ಸಹಿಯಲ್ಲಿ ಕೆಲವೊಂದು ಹೆಚ್ಚೆಚ್ಚಿನ ರುಜುಗಳನ್ನು ಒಬ್ಬರೇ ಮಾಡಿದಂತಿದ್ದದ್ದು ಹಾಗೂ ಮೇಲ್ಕಂಡ ಎರಡು ಕಾಮಗಾರಿಗಳ ಕ್ರಿಯಾ ಯೋಜನೆಗೆ ಅನುಮೋದನೆ ಪಡೆಯದೆಯೇ ಕಾಮಗಾರಿ ಮಾಡಿರುವುದು ದಾಖಲೆಗಳ ಪರಿಶೀಲನೆಯಿಂದ ಪತ್ತೆಯಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ, ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಂಡ ಬಗ್ಗೆಯೇ ಅನುಮಾನ ಮೂಡಿರುತ್ತದೆ;

ಎ) ರೋಣ ತಾಲ್ಲೂಕ್ ಪಂಚಾಯತ್‌ನ ವಿವಿಧ ಯೋಜನೆಗಳ, ಮಾರ್ಚ್-2012ರ ಪ್ರಗತಿಯ ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಿದ ಅಂಶಗಳು ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನಿಂದ ಕೈಗೊಂಡ ಕಾಮಗಾರಿಗಳ ನೈಜತೆಯಲ್ಲಿ ತುಂಬಾ ವ್ಯತ್ಯಾಸಗಳಿರುವುದು.

ಈ ಮೇಲ್ಕಂಡ ವರದಿಯನ್ನು ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಧಾರವಾಡ ರವರಿಗೆ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಗದಗ (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರಿಗೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ, ತನಿಖಾಧಿಕಾರಿಯವರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ವರದಿ ಸಲ್ಲಿಸಿದಾಗ ಆ ವರದಿ ಮತ್ತು ದಾಖಲೆಗಳ ಆಧಾರದ ಮೇಲೆ ಕಲಂ 7(2) ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಅಡಿಯ ಅಧಿಕಾರದಡಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿವರ ಮೇಲೆ ಪ್ರಕರಣದ ತನಿಖೆಗೆ ಕೈಗೊಂಡಿದ್ದಿದೆ.

ಅ) 2011-12ನೇ ಸಾಲಿನಲ್ಲಿ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳಿಗೆ ಸಹಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳದೆ ಚೆಕ್ ವಿತರಣೆ ಮಾಡಿದ್ದು ನಿಜವೆಂದು, ಇನ್ನು ಮುಂದೆ ಹೀಗಾಗದಂತೆ ಎಚ್ಚರವಹಿಸುವುದಾಗಿ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ;

ಆ) ಗ್ರಾಮ ಪಂಚಾಯತ್ ನಿಯಮಾನುಸಾರ ಫಲಾನುಭವಿಗಳ ಹೆಸರಿನಲ್ಲಿ ಕೇವಲ ಜಾಗವಿದ್ದಾಗ, ದಾಖಲು ಮಾಡುವಾಗ ಭೂಮಿ ಕರವನ್ನು ಆಚರಣೆ ಮಾಡಿ, ನಿಯಮಾನುಸಾರ ಅವರಿಗೆ ಮನೆ ಇಲ್ಲದಿದ್ದರೂ, ದಾಖಲು ಮಾಡಲಾಗಿರುತ್ತದೆ;

ಇ) ಬ್ಯಾಂಕ್ ಖಾತೆಯಲ್ಲಿ ಹಣವಿಲ್ಲದಿದ್ದರೂ ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್ ಕೊಟ್ಟಿರುವುದು ನಿಜ ಎಂದು ಒಪ್ಪಿ, ಇನ್ನು ಮುಂದೆ ಬ್ಯಾಂಕಿನ ಖಾತೆಯಲ್ಲಿ ಹಣವಿದ್ದ ಬಗ್ಗೆ ಖಾತರಿ ಮಾಡಿಕೊಂಡು ಚೆಕ್ ನೀಡುವುದಾಗಿ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ;

ಈ) ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಶೇ.20ರ ಅನುದಾನದಲ್ಲಿ ಎಸ್.ಸಿ./ಎಸ್.ಟಿ. ಪಂಗಡಗಳಿಗೆ ಸೌಲಭ್ಯ ಒದಗಿಸುವ ಖರ್ಚು ಮಾಡಿದ ವಿವರಗಳ ಬಗ್ಗೆ ಕೆಲಸದ ಒತ್ತಡದಲ್ಲಿ ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್‌ಗೆ ಕಳುಹಿಸಿದ ಪ್ರಗತಿ ಪತ್ರಿಕೆಯಲ್ಲಿ ನಜರ್‌ಚುಕಿ ಆಗಿರುವುದರಿಂದ, ಸದರಿ ಪ್ರಗತಿ ಪತ್ರಿಕೆಯಲ್ಲಿ ಹೊಂದಾಣಿಕೆ ಮಾಡಿಕೊಳ್ಳಲಾಗಿರುತ್ತದೆ. ಇನ್ನು ಮುಂದೆ ಹೀಗಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳುತ್ತೇನೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ;

ಉ) 2011-12ನೇ ಸಾಲಿನ 13ನೇ ಹಣಕಾಸು ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಮೂಲಭೂತ ಸೌಕರ್ಯ ಒದಗಿಸಬೇಕಾಗಿರುವುದರಿಂದ, ಕ್ರಿಯಾ ಯೋಜನೆಗೆ ಮಂಜೂರಾತಿ ಪಡೆಯದೆ ಹಣವನ್ನು ಖರ್ಚು ಮಾಡಲಾಗಿರುತ್ತದೆಂದು ಮತ್ತು ಇನ್ನು ಮುಂದೆ ಮಂಜೂರಾತಿ ದೊರೆತ ನಂತರವೇ ಕ್ರಿಯಾ ಯೋಜನೆಯಂತೆ ಖರ್ಚು ಮಾಡಲಾಗುತ್ತದೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ;

ಊ) 13ನೇ ಹಣಕಾಸು ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ 1) ದಿಂಡೂರು ಗ್ರಾಮದಲ್ಲಿನ ಕುಡಿಯುವ ನೀರಿನ ಪೈಪ್‌ಲೈನ್ ಮೇಲಿಂದ ಮೇಲೆ ಕೀಳುತ್ತಿದ್ದರಿಂದ, ನೀರಿಗೆ ತೊಂದರೆಯಾಗಬಾರದೆಂಬ ದೃಷ್ಟಿಯಿಂದ ರೂ.24,000/- ಗಳನ್ನು ಖರ್ಚು ಮಾಡಲಾಗಿದೆಯೆಂದು, 2) ದಿಂಡೂರು ಗ್ರಾಮದ ಓಣಿಗಳಲ್ಲಿ ಮರ್ರಂ ರಸ್ತೆ ಸಮತಟ್ಟು ಮಾಡುವ ಕಾಮಗಾರಿಯು ಸಾರ್ವಜನಿಕರಿಗೆ ಅಡ್ಡಾಡಲು ತುಂಬಾ ತೊಂದರೆಯಾಗುವುದರಿಂದ, ಎನ್.ಎಂ.ಆರ್. ಮುಖಾಂತರ ಕೆಲಸ

ನಿರ್ವಹಿಸಿದ್ದು, ನಜರ್‌ಚುಕಿಯಿಂದ ದಿನಾಂಕದಲ್ಲಿ ವ್ಯತ್ಯಾಸವಾಗುತ್ತದೆ ಎಂದು ಮತ್ತು ಅಳತೆ ಪುಸ್ತಕ ಬರೆಸಲು ಸಾಧ್ಯವಾಗಲಿಲ್ಲವೆಂದು, ಇನ್ನು ಮುಂದೆ ಅಳತೆ ಪುಸ್ತಕ ಬರೆಯಿಸಿ ಪಾವತಿಸುವುದಾಗಿ ಒಪ್ಪಿಕೊಂಡಿರುತ್ತಾರೆ.

ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ:-

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಉತ್ತರದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಗಳು ತಮ್ಮ ವಿರುದ್ಧದ ವರದಿಯಲ್ಲಿ ಮಾಡಿದ ಆಪಾದನೆಗಳನ್ನು ಒಪ್ಪಿಕೊಂಡಿದ್ದು, ಇನ್ನು ಮುಂದೆ ಹೀಗಾಗದಂತೆ ನೋಡಿಕೊಳ್ಳುವುದಾಗಿ ತಿಳಿಸಿದ್ದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ದುರ್ವರ್ತನೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

ಆದುದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀಡಿರುವ ಉತ್ತರವನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಅವರ ವಿರುದ್ಧದ ನಡವಳಿಗಳನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣಗಳನ್ನು ತೋರಿಸಿರುವುದಿಲ್ಲ ಎಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ಸಂಗತಿಗಳು, ಮಾಹಿತಿ, ದಾಖಲಾತಿ ಹಾಗೂ ಆಧಾರಗಳಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿದ್ದುಕೊಂಡು ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೇ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು, ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ

ನಿಷ್ಕೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966ರ (3) (1) (i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

5. DGO appeared before this Enquiry Authority on 25/04/2015 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an enquiry.

6. DGO has filed the written statement contending that the charge appear to be based on the report of the police inspector dated: 10/05/2012. The Police Inspector has not properly appreciated and verified the documents before signing his findings. It is also false to state that the DGO has issued the cheques without proper verification. In the demand register of the property there is no separate column for land tax and house tax. Only one column is made available for both house tax and land tax. The tax paid by all the 16 beneficiaries is

regarding open site only. The cheques have been issued by DGO under the impression that corresponding amount is available in the account and immediately after realising the shortage of an amount to honour the cheques steps were taken to take back the cheques and it is an error of judgment. The records regarding spending of the amount for SC/ST students has been properly maintained. As there was urgent basic necessity of supply drinking water, the work has been executed and afterwards the action plan has been approved. The entries in the measurement book has to be made only by the A.E.E., and J.E., The non-mentioning of the date on the bill is on account of oversight. Hence, he prays to exonerate him from the charges leveled against him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all one witness as PW1 and got marked documents at Ex.P1 to P14. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO being recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DW1 examined and got marked documents at Ex.D1 to D6 and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority through the Presenting Officer and as well as the DGO submitted their separate written brief. In addition arguments on both the sides being heard. The points that arise for the consideration of this enquiry authority are:-

- 1) Whether the Disciplinary Authority satisfactorily proved the charge No.1 framed against DGO?
- 2) Whether the Disciplinary Authority satisfactorily proved the charge No.2 framed against DGO?
- 3) Whether the Disciplinary Authority satisfactorily proved the charge No.3 framed against DGO?
- 4) Whether the Disciplinary Authority satisfactorily proved the charge No.4 framed against DGO?
- 5) Whether the Disciplinary Authority satisfactorily proved the charge No.5 framed against DGO?
- 6) Whether the Disciplinary Authority satisfactorily proved the charge No.6 framed against DGO?
- 7) What order?

9. My finding on the above points are as follows

Point No.1: In the “ **AFFIRMATIVE**”

Point No.2: In the “ **NEGATIVE**”

Point No.3: In the “ **AFFIRAMTIVE**”

Point No.4: In the “ **AFFIRMATVE**”

Point No.5: In the “**AFFIRMATIVE** ”

Point No.6: In the “**AFFIRMATIVE** ”

Point No.7: As per the final order for the following:

:: REASONS ::

10. **Point NO.1:** It is not in dispute that at the relevant point of time the DGO was working as the Panchayath Development Officer, Rajura Grama Panchayathi, Rona Taluk,

Gadag District. Charge No. 1 is to the effect that the DGO during the year 2011-2012 issued the cheques to the beneficiaries under "Indira Awaz Yojane" without obtaining signatures of beneficiaries.

11. PW1 has deposed that from November 2010 to October 2013 he was working as Gadag Lokayukta police station as Police Inspector. He has deposed that on 26/04/2012 he had gone to Rona for receiving the grievance of the public and there were complaints in respect of Rajur grama panchayath and hence he visited the said panchayath along with the Executive Officer of Rona Taluk by name Sri Gangadhar and enquired the DGO who was working as Panchayath Development Officer in the above said panchayath and also examined the documents of above said panchayath and found several irregularities.

12. PW1 has further deposed that for the year 2011-12 there were 44 beneficiaries under "Indira Awaz Yojane" and when he verified the registers he found that the cheques had been issued to the beneficiaries without obtaining their signatures. He has deposed that in that respect he collected the certified copies of the documents and they are at Ex.P1. Ex.P1 contains 37 sheets. Ex.P1 also contains the certified copy of the register which was kept in the above said panchayath for issuing the cheques to the beneficiaries and those cheques have been issued in stages depending on the progress in the construction. Ex.P1 shows that a sheet each has been maintained for each beneficiary regarding cheques issued to the beneficiary. Ex.P1 shows that the signatures of some of the beneficiaries have not been obtained in respect of the

cheques issued to them. In other words in respect of some cheques signatures of the beneficiaries are found and in respect of some cheques signatures of the beneficiaries are not found.

13. Thus Ex.P1 shows that the signature of all the beneficiaries are not obtained in respect of all the cheques issued to them.

14. DW1 is the DGO and in his cross-examination he admits that Ex.P1 is the certified copy of the register of the above said panchayath and he admits that in Ex.P1 the signatures of some of the beneficiaries are not found for having received the cheques. He has deposed that the above said register was a temporary register kept for issue of cheques and the signatures of the beneficiaries will be taken to another register. DW1 admits that, Ex.P14 is the comments submitted by him in this case and in the same he has admitted that in future he will see that the signatures of the beneficiaries will be taken immediately after the issue of the cheques. The above said averments made in Ex.P14 shows that DGO also admits that he had not taken the signatures of some of the beneficiaries after issue of cheques to them to the cheque issue register the certified copy of which is at Ex.P1. In Ex.P14 no where the DGO has stated that Ex.P1 is the copy of temporary register kept regarding the issue of cheques and signatures of the beneficiaries will be taken in another register whenever cheques were issued to the beneficiaries.

15. DGO has produced Ex.D1 as the document which contains the signatures of the beneficiaries for having received

the cheques. Ex.D1 consists of 9 sheets and it seems Ex.D1 has been created after the inspection by PW1 and after the comments of the DGO stated above only to over-come the charge framed against the DGO stated above. In Ex.D1 shows that, they are the copies of the bills which certifies the progress made in the construction and in the same cheque No. date and amount is mentioned and signature of the beneficiary is taken. But as stated above there is a separate cheque issue register to which the DGO is expected to take the signature of the beneficiaries to whom the cheques have been issued. But as stated above in the cheque issue register the signatures of some of the beneficiaries are not taken even though the cheques have been issued. Hence I hold that, the Disciplinary Authority has proved that the DGO had issued the cheques to some of the beneficiaries without obtaining their signatures in the cheque issue register, copy of which is at Ex.P1.

16. In fact PW1 has deposed that to the cheque issue register the PDO and panchayath President have to sign for having issued the cheque and in respect of some of the cheques issued there is no signature of the President or PDO. But the charge No.1 is only to the effect that the PDO has issued the cheques without obtaining the signatures of the beneficiaries in the cheque issue register. As stated above, the DGO also admits that in cheque issue register the signatures of some of the beneficiaries are not found for having received the cheques and the perusal of Ex.P1 also shows that the signatures of many beneficiaries who have been issued with cheques under the above said Yojana have not signed for

having received the cheque. Hence I answer this point in the affirmative.

17. Point NO.2: Charge No.2 is to the effect that the DGO selected 16 persons as beneficiaries for Indira Awaz Yojane even though they had paid Tax to grama panchayath for having owned the house properties in their names. PW1 has deposed that even though some of the villagers had paid the house tax they have been selected as beneficiary under the above said scheme and thereby the DGO has committed misconduct. He has deposed that he has noted the names of the 16 persons who have paid the house tax to the panchayath and the names of those 16 persons are at Ex.P2. Ex.P2 is the letter of PW1 to the S.P. Karnataka Lokayukta, Dharwad, in which it is stated that the 16 persons mentioned in the same in para No.2 have paid the house tax to the panchayath and hence they were not eligible to get houses under "Indira Awaz Scheme". PW1 has not collected any document to prove that 16 persons named in Ex.P2 have got their own houses and that they have paid the house tax. He has only deposed that when he questioned the DGO regarding the same DGO did not give satisfactory answer and told that, panchayath members have selected the list of beneficiaries for the above said scheme. I feel PW1 should have collected the documents to show that the 16 persons mentioned in Ex.P2 have got their own houses are that they have paid taxes to their houses and hence they were not eligible of the above said scheme.

18. DW1 who is the DGO has produced the assessment extract copies of which are at Ex.D2 to show that the persons

named in Ex.P2 had only vacant sites and hence they were selected under the above said scheme for construction of the houses. He has also deposed that, the beneficiaries under the above said scheme were selected by the committee and not by himself. He has deposed that in the demand register extract there is no separate column for land tax and house tax and only one column is made available in demand register for the payment of land tax as well as house tax and tax paid by the 16 beneficiaries stated above is only in respect of open sites and not in respect of houses. As stated above there is no documents produced on the side of the disciplinary authority to show that 16 persons named in Ex.P2 or any of them owned houses and has paid the house tax and hence I hold that the Disciplinary Authority has failed to prove charge No.2 satisfactorily. Hence I answer the above point in the negative.

19. Point NO.3:- Charge NO.3 is to the effect that the DGO has issued cheques to the beneficiaries despite no balance in the grama panchayath account. PW1 has deposed that the DGO has issued the cheques bearing Nos. 46250 to 46265 (16 cheques) amounting to Rs. 2,65,000/- even though there was no balance in the account of the panchayath. Issuance of cheques bearing the above said numbers is not in dispute and PW1 in his cross-examination has deposed that he has not produced any bank extract to show that in the bank account of the panchayath there was no balance amount sufficient to honour the cheques issued.

20. DW1 has deposed that cheques were issued under the impression that corresponding amount is available in the account of the panchayath and immediately after realising the

shortage of amount to honour the cheques steps were taken to take back all those cheques. It is pertinent to note that the DGO cannot issue cheques under the impression that there is corresponding amount available in the account. He has to see what is the balance amount available in the account of the panchayath before issuing the cheque. The above said case of DW1 itself show that he had issued cheques to the beneficiaries even though there was no amount to honour the cheques in the account of the complainant. Hence, even though PW1 has not produced the bank account extract of the panchayath as stated above in view of the above said defence of the DGO it has to be said that disciplinary authority has proved its case stated above. Even in Ex.P14 the DGO has stated that after coming to know that there is no sufficient amount in the Indira Awas Yojana bank account of the panchayath cheques issued to the beneficiaries have been taken back. In Ex.P14 it is further stated that in future the DGO will not give roam to such lapses. Thus Ex.P14 and the evidence of PW1 shows that DGO had issued cheques to the beneficiaries under the above said scheme even though under the above said scheme there was no balance in the panchayath account to honour the cheques. Hence I answer this point in the affirmative.

21. **Point NO.4:-** Charge No.4 is to the effect that the DGO has spent only Rs. 12,000/- out of Rs. 20,682/- for the development of SC/ST during the year 2011-2012 and spent only Rs. 3,900/- for distribution of books to 13 SC/ST students at the rate of Rs. 300/- to each student and not

maintained and submitted the proper account in that regard to the Executive Officer of Taluk Panchayath, Rona.

22. As stated above charge No.4 is to the effect that the DGO has not maintained and submitted the proper accounts regarding spending of 3,900/- towards distribution of books to 13 SC/ST students at the rate of Rs. 300/- per student. PW1 has deposed that the above said amount of Rs. 3,900/- has been spent between 22/12/2011 to 20/05/2012 and in that respect the DGO has not produced the cheque book for having paid the amount. Ex.P4(a) is the copy of the document which shows the list of 13 students to whom books have been distributed worth of Rs.300/- each and the date on which the books have been distributed to them is also mentioned in the same. Ex.P4(a) is not in dispute.

23. DW1 who is the DGO has deposed in his evidence that it is only after the completion of the financial year the report has to be submitted to the Executive Engineer and DW1 visited the said panchayath on 26/04/2012 which is immediately after the financial year and before the submission of the report and there was no irregularity. The DGO has also produced Ex.D3 which consists of numbers of sheets and one of the document marked a Ex.D3 is the copy of the cash bill dated: 25/02/2012 of Vidyasagar book depot, Ganjendragada, which shows that, the books worth Rs. 3,850/- has been produced by the President of the above said panchayath. Ex.P4(a) shows that the books have been distributed between 22/12/2011 to 20/02/2012. But the above said receipt is dated: 25/02/2012. Which is after the distribution of the books as per Ex.P4(a) and hence the same cannot be believed. Another

document marked as Ex.D3 is regarding purchase of King size note book for Rs. 258/- by the above said panchayath and it is also dated: 25/02/2012. Hence, the above said document produced by the DGO cannot be believed and it has to be said that they have been created by the DGO in order to over-come the above said charge. When the books have been issued between 22/12/2011 to 20/02/2012 books should have been purchased prior to 22/12/2011. But the documents produced by the DGO shows the date of purchase as 25/02/2012. Hence, it has to be said that the DGO has not maintained proper accounts for having purchased the books for distribution to SC/ST students. It is not the case of the Disciplinary Authority that the DGO has not distributed the books to the SC/ST students as mentioned in Ex.P4(a) and that he has misappropriated the amount. Hence, it can be said that the DGO has failed to maintain proper accounts for the above said expenditure of Rs. 3,900/- and the Disciplinary Authority has proved charge No. 4. Hence, I answer this point in the affirmative.

24. **Point NO.5:-** Charge No. 5 is to the effect that the DGO has spent an amount of Rs. 2,80,242/- without action plan out of the grant of Rs. 3,96,626/- under 13th Financial year.

25. PW1 in his evidence has deposed that “ಅದರಲ್ಲಿ ಕ್ರಿಯಾ ಯೋಜನೆಗೆ ಅನುಮೋದನೆ ಇಲ್ಲದೇ ವಿವಿಧ ಕಾಮಗಾರಿಗಳಿಗೆ ಒಟ್ಟು ರೂ. 2,80,242/-ಗಳನ್ನು ಬಳಕೆ ಮಾಡಿರುವುದು ಸಂಬಂಧಪಟ್ಟ ರಿಜಿಸ್ಟ್ರಾರ್‌ಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಕಂಡು ಬಂದಿರುತ್ತದೆ”. He has deposed that relevant document is at Ex.P5 and the relevant entry is at Ex.P5(a). Ex.P5 shows that the approximate amount sanctioned is Rs. 3,96,626/-. PW1 has

further deposed that Ex.P6 is the document to show the expenditure of Rs. 2,80,242 up to 29/12/2011 for which there is no prior permission stated above. Ex.P6 shows that up to the above said date an amount of Rs.2,80,242/- has been spent for various works.

26. DW1 has deposed that the resolution was passed in the village panchayath for providing urgent basic amenities like drinking water and hence thereafter action plan was prepared and submitted to the Taluk panchayath for the approval and in the mean time large section of people of area started agitating for the delay in providing the drinking water and hence as per advise of the elected representatives the DGO informed the Taluk Panchayath and the Executive Officer orally permitted him to proceed with the works with an assurance that the action plan will be approved in the due course of time and hence he implemented the works. Thus the DGO also admits that without prior approval of the action plan from the Taluk Panchayath Executive Officer the works have been executed. The DGO has not examined the Executive Officer to prove that the Executive Officer had orally permitted the DGO to proceed with the work with an assurance that the action plan will be approved in due course of time. It is not in dispute that the action plan has to be approved by the Taluk Panchayath before executing the work. But in this case the work has been executed without the approval of the action plan by the Taluk Panchayath and the above said excuse given by the DGO for carrying out the work without approval of Taluk Panchayath cannot be accepted and it is also not proved. It is also pertinent to note that only because the

elected representatives and villagers agitated for the delay in providing the drinking water the work was executed without action plan approved by the Taluk panchayath cannot be accepted. If there was any urgency the action plan could have got approved by the Taluk Panchayath immediately and afterwards the work could have been executed.

27. Even in Ex.P14 the DGO has stated that the work was executed in view of the urgency and approval of action plan was taken afterwards. Hence, the Disciplinary Authority has proved this point. Accordingly I answer this point in the affirmative.

28. **Point NO. 6:** Charge No.6 is to the effect that DGO has shown an expense of Rs. 24,000/- for repair of drinking water pipeline in Dinduru village and Rs. 35,000/- for leveling the roads in Dindur Village by spreading the gavel/Murrum and showed sheets of billing on 7/2011 and 7/2012 without date and entries in measurement book. PW1 has deposed that regarding the above said two works, two files were produced before him and vouchers were not dated and only numbers mentioned as 7/2011 and 7/2012 and no M.B. was produced in respect of the above said two works. It is not in dispute that the above said two amounts have been spent out of the panchayath funds and the documents in that respect is the copy of the pass book of the panchayath (one sheet) marked as Ex.P7(a).

29. DW1 has deposed that the expenditure incurred under the bill NO. 7/2011 and 7/2012 are towards repair of drinking water, pipeline and leveling the roads. In so far as the

measurement is concerned it is the duty of A.E.E., and J.E., to note in the measurement book and so far as non-mentioning the date on the bill is concerned, it is only on account of oversight. Thus DGO admits that he has not mentioned the dates on the above said bills but he contends that it was by oversight. It is not the case of the Disciplinary Authority that the DGO has not spent the amount of Rs. 24,000/- and Rs. 35,000/- stated above, but it is the case of the Disciplinary Authority that he has not mentioned the dates in the bill 7/2011 and 7/2012 and there was no entry in the M.B. regarding above said work. PW1 admits in his cross-examination that, DGO has no power to make any entry in the M.B. book. Hence it has to be said that entries in the M.B. has to be made by the concerned A.E.E. or J.E. In this case it is the case of the Disciplinary Authority that M.B. was not produced in respect of the above two works of the DGO to ascertain whether there was mention in the M.B. regarding the above said works or not. Even in his evidence the DGO has not produced the copy of the M.B. to show that in the M.B. entries are made regarding the above said work. Hence, it has to be said that the disciplinary authority has proved that the DGO has disbursed the above said amount without mentioning the date and without producing the M.B for inspection also. Thus the disciplinary authority has proved Point No.6 satisfactorily. Hence, I answer this point in the affirmative.

30. In this case it is not the case of the Disciplinary Authority that, the DGO has misappropriated any amount in respect of any of the charge stated above. It is the case of the

disciplinary authority that he has violated the procedure prescribed before release of the amount and before implementing the works. As stated above, the Disciplinary Authority has proved the same satisfactorily in respect of Point Nos. 1,3 to 6 and the disciplinary authority has failed to prove point No.2.

31. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant.

32. Point NO.7:- For the reasons discussed above, I proceed to pass the following:-

:: ORDER ::

*The Disciplinary Authority has satisfactorily proved the charge Nos. 1, 3 to 6 and thereby proved that, DGO-Sri S.P. Kadabalakatti, Panchayath Development Officer, Rajura Grama Panchayathi, Rona Taluk, **Gadag District** committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 28th day of April, 2018

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

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

PW-1 :-Sri Sanganagowda (Police Inspector, I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

DW-1:- Sri S.P. Kadabalakatti (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1: Certified copy of description of beneficiaries under Indira Awaz Yojana during the year 2011-12
- Ex.P-2: Certified copy of the letter of Police Inspector, Karnataka Lokayukta, Gadag dated: 10/05/2012
- Ex.P-3: Certified copy of the estimate report
- Ex.P3(a): Relevant entry in Ex.P3
- Ex.P-4: Certified copy of the book distribution extract for year 2011-2012
- Ex.P4(a): Relevant entry in Ex.P4
- Ex.P-5: Certified copy of the 13th financial scheme for the year 2011-12
- Ex.P-5(a): Relevant entry in Ex.P5
- Ex.P-6: Certified copy of the cash book extract showing amount of Rs. 2,80,242/-
- Ex.P-7: Certified copy of the cash book extract showing cheque register No. 242464 with certified copy of the enclosures
- Ex.P-7(a): Relevant entry in Ex.P7
- Ex.P-8,P9: Certified copy of the bills (cheque NOs. 242463 and 242462 respectively)
- Ex.P-10: Certified copy of the voucher
- Ex.P-11: Certified copy of the muster roll
- Ex.P-12: Certified copy of the letter of PDO, Grama Panchayath, Rajur, Rona Taluk, Gadag dated: 04/01/2012 addressed to E.O. Taluk Panchayath, Rona (containing three sheets)
- Ex.P-13: Certified copy of the letter of E.O. Taluk Panchayath, Rona dated: 23/01/2012 addressed to Panchayath Development Officer, Rajuru (containing three sheets)
- Ex.P14: Comments of the DGO (original)

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D-1:-Certified copy of the report (containing 9 sheets)
- Ex.D-2:-Demand register extract (containing 15 sheets)

- Ex.D-3:-Original certified affidavit letter given by PDO, Grama Panchayath, Rajur with certified copy of the enclosures (containing 12 sheets)
- Ex.D-4:-Certified copy of the proceedings book (containing 5 sheets)
- Ex.D-5:-Certified copy of the estimate value of 0.24 lakhs (containing 8 sheets)
- Ex.D-6:- Certified copy of the estimate value of 0.35 lakhs (containing 26 sheets)

Dated this the 28th day of April, 2018

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

