

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/11/2016/ARE-14

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 02/08/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi (Presently Chief Officer, Town Municipal Council, Sadalaga);
- 2) Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi – Reg.

Ref:- 1) Government Order No.ನೃಇ 117 ಡಿಎಂಕೆ 2015 Bengaluru dated 27/11/2015

2) Nomination order No.UPLOK-1/DE/11/2016, Bengaluru dated 7/1/2016 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 31/7/2019 of Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 27/11/2015, initiated the disciplinary proceedings against (1) V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi (presently working as Chief Officer, Town Municipal Council, Sadalaga) and (2) Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 & DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/11/2016, Bengaluru dated 7/1/2016 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. 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 DGOs 1 & 2. Again, by Order No. UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 and 2.

3. The DGO-1 V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi (presently working as Chief Officer, Town Municipal Council, Sadalaga) and DGO-2 Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi was tried for the following charge:-

“That you DGO No.1 Sri V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi and you DGO No.2 Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi colluded with each other and created two bogus sale deeds in respect of purchase of open space which was not in existence for construction of toilets in Kushtagi Town and drawn the amount of ₹4,80,000/- by opening bogus accounts in the Bank and thereby misappropriated the said amount and caused financial loss of ₹4,80,000/- to the State Government in violation of allotment order made by the Planning Director, District Development Cell, Koppal and therefore you the DGOs 1 and 2 have failed to maintain absolute integrity and devotion to duty and

committed an act which is unbecoming of a government Servant and hence 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-14) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi (presently working as Chief Officer, Town Municipal Council, Sadalaga) and DGO-2 Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi

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.

6. As per the First Oral Statement submitted by DGO 1 Sri V.S. Lautney, he is due to retire from service on 31/5/2024.

7. Having regard to the nature of charge proved against DGO-1 Sri V.S. Lautney and DGO-2 Sri Abdul Khadar;

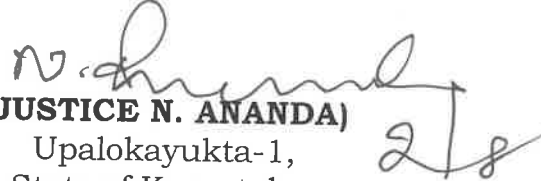
- (i) it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO-1 V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi with cumulative effect and also for recovering a sum of ₹2,40,000/- from the salary

and other allowances payable to DGO-1 Sri V.S. Lautney;

(ii) it is hereby recommended to the Government for imposing penalty of withholding two annual increments payable to DGO-2 Sri Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi with cumulative effect and also for recovering a sum of ₹2,40,000/- from the salary and other allowances payable to DGO-2 Sri Abdul Khadar.

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-11/2016/ARE-14

M.S. Building
 Dr.B.R. Ambedkar Road
 Bangalore-560 001
 Date:31/07/2019

ENQUIRY REPORT

Present : Smt. K.Bhagya, Additional
 Registrar of Enquiries-14
 Karnataka Lokayukta
 Bangalore.

Sub: Departmental enquiry against (1) Sri. V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi, presently Chief Officer, Town Municipal Council, Sadalaga and (2) Sri. Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi – regarding.

- Ref:** 1. Report u/s 12(3) of the K.L Act,1984 in Compt/Uplok/GLB-241/2014, ARE-3 Dtd:29.09.2015.
 2. Government Order No. ನಅಇ/117/ಡಿಎಂಕೆ/2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:27/11/2015.
 3. Nomination Order No:UPLOK-1/DE/11/2016 Bengaluru, Dated: 07/01/2016 of Hon'ble Upalokayukta-1, State of Karnataka, Bangalore.
 4. Note No.Uplok-1&2/DE/Transfers/2018, Bengaluru, Dt: 6.8.2018.

* * * *

The complainant by name Sri. Mohammed Buran S/o Khaja Hussain, R/o Adaviraya Colony, Kushtagi, Koppal District has filed the complaint against this DGO alleging misconduct and dereliction of duty.

2. After completion of the investigation, a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act as



per reference No.1. In pursuance of the report, the Government of Karnataka was pleased to issue the G.O. Dtd:27.11.2015 authorizing the Hon'ble Upalokayukta to hold enquiry as per reference No.2. In pursuance of the G.O., the nomination was issued by the Hon'ble Upalokayukta-1 on 07.01.2016 authorizing ARE-1 to hold enquiry and to report as per reference No. 3 and this file is transferred from ARE-7 to ARE-14 as per reference No.4.

3. On the basis of the nomination, the Articles of Charge against the DGO, framed by the then Additional Registrar of Enquiries-1 which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No.II are the following and the same was sent to the DGO, on 02.03.2017.

ANNEXURE-I
CHARGE:

4. **That you DGO No.1 Sri. V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi and you DGO No.2 Sri. Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi colluded with each other and created two bogus sale deeds in respect of purchase of open space which was not in existence, for construction of toilets in Kushtagi Town and drawn an amount of Rs.4,80,000/- by opening bogus accounts in the bank and thereby misappropriated the said amount and caused financial loss of Rs.4,80,000/- to the State Government in violation of allotment order made by the Planning Director, District Development Cell, Koppal and therefore you the DGO 1 and 2 have failed to maintain absolute integrity and devotion to duty and committed an act which is**



unbecoming of a Government Servant and hence you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

5. Thus you the DGO., being the Government/public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE-II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

6. **Brief facts of the case are:-** Sri Mohammad Buran S/o Khaja Hussain, R/o Adaviraya Colony, Kushtagi, in Koppal District has filed a complaint against Sri. V.S. Lautney – the then Chief Officer, TMC Kushtagi, in Koppal District and 2) Sri Abdul Khader, the then SDA, O/o TMC, Kushtagi in Koppal District alleging misappropriation of funds. So, an Investigation was taken up u/s 9 of the Karnataka Lokayukta Act, 1984.
7. According to the Complaint: The complainant alleges that the respondents No.1 and 2 for the year 2011-12 have misappropriated an amount of Rs. 4,80,000/- by showing the expenditure towards the purchase of sites for construction of toilets and hence action may be taken against them.
8. Comments were called for from respondent No.1 and 2. Respondent No.1 and 2 in their comments denied any illegality or misappropriation and have produced the copies of the Sale deeds.



9. Later on the matter was referred to Deputy Superintendent of Police, Karnataka Lokayukta, for Koppal District (hereinafter referred to as I.O. for short), for verification of the actual places of open spaces said to have been purchased by respondents 1 and 2 and report.
10. Accordingly, I.O. has reported that he has recorded the statements of Sri Syed Min Hajudin- Manager of Pattan Panchayath, Kushtagi, who has stated that during course of investigation Sri Veeresh Savadi - Jr. Engineer was directed to visit the open spaces and report, who in turn has reported that he has visited the places and checked the boundaries and found no open spaces as mentioned in the sale deeds. The boundaries shown relates to the tank and in the year 2008-09, a toilet was constructed and another boundary relates to a toilet constructed for women which is near APMC godown. According to the Manager, the two open spaces are in fact not in existence. The IO has recorded the statements of Shivaputrappa s/o Rudrappa, Kukanapalli, resident of Vidhya Nagar, Kushtagi and Sri Gundappa s/o Amarappa Hosamani, resident of Kushtagi who have also stated that the two open spaces are not in existence. The IO has produced the two photographs for having visited the places shown in the boundaries.
11. Thereafter, when comments of the respondent 1 and 2 were again called for, on the said report, respondent No.1 has denied the report of the IO that the open spaces are not in existence and clarifies that he purchased the property on the basis of report of Engineer but has not produced the report of the



Engineer who has identified the property. Respondent No.2 has submitted comments stating that considering the draft of sale deed, guidelines of the market rates which were placed before him he prepared the cheques as per the orders of Chief officer and he is unaware as to the actual existence of the open spaces and he has no concern with it.

12. A careful consideration of the material on record shows that:

- a) There exist no two open spaces which were purchased by the respondent No.1 for which the cheques were prepared by respondent No.2 who was dealing with the case files. An amount of Rs.2,40,000/- and another amount of Rs.2,40,000/- is paid to the alleged vendors making a total pecuniary loss of Rs.4,80,000/- to the state.
- b) Copies of the Bank statements in respect of the two vendors produced by the IO shows that the cheques are credited to their account on 1.6.2011 and on that day only, in respect of Budan Sab a sum of Rs.2,37,600/- is drawn by self cheque and another amount of Rs. 2,400/- is drawn by self cheque leaving a balance of Rs. 250/- in the account.
- c) In respect of second cheque in the name of Shamshad account is opened on 31.5.2011, the cheque is credited on 1.6.2011 and an amount of Rs.2,400/- and Rs. 2,37,600/- is withdrawn on that day only leaving a balance of Rs.250/- as on 1.6.2011.
- d) This shows the account was opened only for the purpose of depositing the cheques and withdrawing the amount. Hence the bank documents also prima

facie shows unnatural conduct in withdrawing the amount leaving Rs. 250/- in the account.

- e) Respondents No.1 and 2 are responsible in the creation of bogus sale deeds and causing pecuniary loss of Rs. 4,80,000/- to the State Government in violation of the allotment order made by the Planning Director, District Development Cell, Koppal on 15.6.2009 and thereby have misappropriated the public money of Rs. 4,80,000/-.
- f) Therefore, there is serious financial irregularity by Respondents No.1 and 2 and that loss is required to be recovered from them.

13. In view of the said facts and material on record, reply of respondents are not found satisfactory to drop the proceedings.

14. Since said facts and material on record prima-facie show that you DGO 1 and 2 have committed misconduct under Rule 3(1)(ii) & (iv) of KCS (Conduct) Rules, 1966, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against you DGO 1 and 2. The Government after consideration of materials has entrusted enquiry to Hon'ble Upalokayukta. Hence the charge.

15. In view of the facts stated above and on considering the material on record, comments of the DGO have not been found satisfactory to drop the proceedings.

16. Said facts supported by the material on record show that the DGO being a public servant, has failed to maintain absolute integrity beside devotion to duty and acted in a manner



unbecoming of Government servant and thereby committed misconduct and made himself liable for disciplinary action.

17. Since said facts and material on record prima facie show that the DGO had committed misconduct under Rule 3(1) of the KCS Conduct Rules, 1966, recommendation is made under Sec. 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO and entrusted the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
18. The said Articles of Charge served on the DGO 1 & 2. The DGO 1 had appeared before this authority on 30-05-2016. DGO 2 had appeared before this authority on 19-08-2016 and their First Oral Statement under Rule 11(9) of the KCS(CCA) Rules, 1957 was recorded. The DGO-1 & 2 had denied the charge.
19. The DGO-1 & 2 had filed their written statement. The DGO-1 has contended that, the Investigating Officer during the investigation has committed procedural errors which have affected the genuineness of the investigation. The Investigating Officer has not provided him an opportunity of being heard and he has taken the decision of filing the charge sheet exparte which is completely unlawful. He is completely innocent of the allegations made against him in the said articles of charge.



20. He has further contended that, as per the circular notification of DC, Koppal, dated:15-06-2009, a sum of Rs.5,00,000/-(Rupees Five Lakhs only) was released from the Government for the purpose of purchasing suitable place for construction of public toilets within the territorial jurisdiction of town municipal council, Kushtagi. In order to comply the duties entrusted by the higher authorities, he has acted in good faith as a public servant and accordingly has purchased a specific site for the purpose of constructing public toilets. Further, the president of local body of town municipal council also has given the approval for the said purpose hence his act is covered by both the Government instrumental orders as well as the supreme body of the local Government also has given the approval for his act, which cannot be later vitiated by any other means.

21. He has further contended that, after the said approvals, he made an official public notification with regard to the said purpose. The order was subjected to revenue circle Inspector of Kushtagi. Accordingly the said order was published for the knowledge of the general public. Followed by the public notification, two applications were received by the office one from Mustafa S/o Bashu Sab and another one being Buddain Sab S/o Raje Sab, both were residents of Kushtagi. Thereafter, both the applications and documents of title annexed there with were sent for scrutiny to the revenue officers. Thereafter, both applications were



examined and documents were scrutinized by revenue officers. After the reports were received, they were kept for the approval of the meeting held by TMC members wherein all the members after a detailed discussion have given their no objection by way of passing a resolution.

22. He has further contended that, the Junior Engineer of the concerned department Sri Raju Chavan was given special instruction to verify and find out the boundaries of these two different properties. Accordingly Junior Engineer, Raju Chavan, and Revenue officer Chiranjeevi Doddamani had jointly visited the properties and they have prepared proper boundaries of the properties after verification. Then they have submitted their report that both the properties are fit for the construction of public toilets. Even after that, he has keenly verified each and every document and has given his consent for purchase of those properties which were not only approved by the president of the local body but also all concerned officers. Thereafter on 27-5-2011 the property No.1433/103 & 3322/2, both measuring 30x40sq.ft. by paying each Rs.2,40,000/-documentation was done. The DGO-2 was intimated by him to collect all the original documents along with boundaries of both the properties from respective owners. Accordingly the DGO-2 has acted upon. In this regard separate cheques in the name of the respective property owners were prepared and handed over to both the sellers after taking their signature in the cheque register and counter- folio of the cheque



books. Thereafter DGO-2 had taken the lawful custody of those documents.

23. He has further contended that, the complainant by name Mohammed Burhan was also an elected member of the local body who was very much present in all the meetings at the time of purchase of the said property. Now the same person is acting as the President of Kushtagi TMC. For the sake of getting unlawful publicity by victimizing the DGOs, especially the DGO-1 has filed false, frivolous complaint. Hence prayed to exonerate him from the present proceedings.

24. The DGO-2 also filed his written statement in which he had taken the same contentions as taken by the DGO-1 as above. He has taken one more contention that as per the direction of DGO-1 only he has prepared to cheques and handed over the same to DGO-1. He has also contended that he was working as SDA from 6-1-2011 to 31-03-2011 and from 1-4-2011 to 31-07-2012. He has also contended that, when the 2 properties bearing No.1433/103-2/3322/1 & 1433/103-2/3322/2 were purchased one Parushuram Ram Lingappa was working as Bill collector & one Shivaputrappa S/o Rudrappa was working as Daily wages worker and one Chiranjeeve Doddamani was working as Case Worker in the said Office of Kushtagi. Further S.R. Paniraj, S.M. Khateem & Ferozkhan were working as Managers & one K.M. Khazee was working as Assistant



Engineer & Revanasiddappa, Khaza Hussain were working as Junior Engineers, they were colluded together and put up the file, thereafter closed the said file by using their influence. Enquiry has to be conducted against them also and not against him only. If an enquiry will be conducted against the above said officials and officers, the truth will come out. Hence prayed to exonerate him from the present proceedings.

25. The Disciplinary Authority has examined one witness by name Sri Raviprakash as PW-1 & the IO Chikkareddy got examined as PW-2, Ex.P.1 to 21 got marked on the side of prosecution. As the DGO-1 & 2 did not appear before this authority, the recording of SOS has been dispensed with.

26. Heard the argument of Presenting Officer.

27. The points that arise for my consideration are:

**Point No.1 :Whether the charges levelled
against the DGO-1 & 2 are proved by the
Disciplinary Authority?**

Point No.2 : What order?

My answers to the above points are as under:

Point No. 1 : In the Affirmative.

Point No.2 :As per final order for the following:



REASONS

28. **Point No.1:** The Complainant by name Mohammed Buran S/o Khaja Hussain, R/o Adaviraya Colony, Kushtagi, Koppal District filed a complaint against these DGOs alleging misconduct while discharging their duty as a Government Servants.
29. The complaint of the complainant is that, the respondents No.1 and 2 for the year 2011-12 have misappropriated an amount of Rs. 4,80,000/- by showing the expenditure towards the purchase of sites for construction of toilets and hence action may be taken against them.
30. The defence of DGO-1 is that the Investigating Officer during the investigation has committed procedural errors which have affected the genuineness of the investigation. The Investigating Officer has not provided him an opportunity of being heard and he has taken the decision of filing the charge sheet exparte which is completely unlawful. He is completely innocent of the allegations made against him in the said articles of charge.
31. He has further contended that, as per the circular notification of DC, Koppal, dated:15-06-2009, a sum of Rs.5,00,000/-(Rupees Five Laks only) was released from the Government for the purpose of purchasing suitable place for construction of public toilets within the territorial jurisdiction of town municipal council, Kushtagi. In order to comply the duties entrusted by the higher authorities, he has acted in



good faith as a public servant and accordingly has purchased a specific site for the purpose of constructing public toilets. Further, the president of local body of town municipal council also has given the approval for the said purpose hence his act is covered by both the Government instrumental orders as well as the supreme body of the local Government also has given the approval for his act, which cannot be later vitiated by any other means.

32. He has further contended that, after the said approvals, he made an official public notification with regard to the said purpose. The order was subjected to revenue circle Inspector of Kushtagi. Accordingly the said order was published for the knowledge of the general public. Followed by the public notification, two applications were received by the office one from Mustafa S/o Bashu Sab and another one being Buddain Sab S/o Raje Sab, both were residents of Kushtagi. Thereafter, both the applications and documents of title annexed there with were sent for scrutiny to the revenue officers. Thereafter, both applications were examined and documents were scrutinized by revenue officers. After the reports were received, they were kept for the approval of the meeting held by TMC members wherein all the members after a detailed discussion have given their no objection by way of passing a resolution.

33. He has further contended that, the Junior Engineer of the concerned department Sri Raju Chavan was given special



instruction to verify and find out the boundaries of these two different properties. Accordingly Junior Engineer, Raju Chavan, and Revenue officer Chiranjeevi Doddamani had jointly visited the properties and they have prepared proper boundaries of the properties after verification. Then they have submitted their report that both the properties are fit for the construction of public toilets. Even after that, he has keenly verified each and every document and has given his consent for purchase of those properties which were not only approved by the president of the local body but also all concerned officers. Thereafter on 27-5-2011 the property No.1433/103 & 3322/2, both measuring 30x40sq.ft. by paying each Rs.2,40,000/-documentation was done. The DGO-2 was intimated by him to collect all the original documents along with boundaries of both the properties from respective owners. Accordingly the DGO-2 has acted upon. In this regard separate cheques in the name of the respective property owners were prepared and handed over to both the sellers after taking their signature in the cheque register and counter folio of the cheque books. Thereafter DGO-2 had taken the lawful custody of those documents.

34. He has further contended that, the complainant by name Mohammed Burhan was also an elected member of the local body who was very much present in all the meetings at the time of purchase of the said property. Now the same person is acting as the President of Kushtagi TMC. For the sake of getting unlawful publicity by victimizing the DGOs ,



especially the DGO-1 has filed false, frivolous complaint. Hence prayed to exonerate him from the present proceedings.

35. The defence of DGO -2 is also that of the DGO-1, as above. He has taken one more contention that as per the direction of DGO-1 only he has prepared to cheques and handed over the same to DGO-1. He has also contended that he was working as SDA from 6-1-2011 to 31-03-2011 and from 1-4-2011 to 31-07-2012. He has also contended that, when the 2 properties bearing No.1433/103-2/3322/1 & 1433/103-2/3322/2 were purchased one Parushuram Ram Lingappa was working as Bill collector & one Shivaputrappa S/o Rudrappa was working as Daily wages worker and one Chiranjeeve Doddamani was working as Case Worker in the said Office of Kushtagi. Further S.R. Paniraj, S.M. Khateem & Ferozkhan were working as Managers & one K.M. Khazee was working as Assistant Engineer & Revanasiddappa, Khaza Hussain were working as Junior Engineers, they were colluded together and putup the file, thereafter closed the said file by using their influence. Enquiry has to be conducted against them also and not against him only. If an enquiry will be conducted against the above said officials and officers, the truth will come out. Hence prayed to exonerate him from the present proceedings.

36. Here one witness i.e. complainant by name Raviprakash H got examined as PW-1. At this juncture, it is necessary to mention here that earlier there were two complaints. One



from Mohammed Burhan & another from Raviprakash H against the same DGOs making the same allegations in their respective complaints filed in the year 2013 & 2014. But report under section 12(3) Karnataka Lokayukta Act 1984 was sent on the basis of complaint filed by Sri Mohammed Burhan S/o Khaza Hussain. Later, at the time of enquiry, the said Mohammed Burhan did not appear before this authority. So the Presenting Officer had filed a memo praying this authority for issuance of summons to another complainant by name Raviprakash H as well as to the IO Chikkareddy. Later the advocate for DGO had filed an application under rule 28(B) of KCS, CCA praying this authority to discharge DGO-1 as one strange witness by name Mr.Raviprakash H got examined as PW-1 before this authority. But the said application was rejected by this authority assigning the reason that the said Raviprakash H is not a stranger but he had also lodged a complaint against these DGOs alleging the same as alleged by the complainant Mr. Mohammed Burhan. Later, the Advocate for DGO-1 had filed a memo stating that the DGO-1 had preferred a writ before the Hon'ble High Court of Karnataka against the order passed by this authority. But thereafter this authority has not received any order of '**Stay**' from the Hon'ble High Court of Karnataka. So it has proceeded further. But the DGOs had not cross examined the PW-1 & PW-2.

37. The complainant Raviprakash H got examined as PW-1. He has deposed in his Chief Examination before this



authority saying that the DGO-1 was working as Chief Officer of TMC, Kushtagi & DGO-2 was working as SDA in the said TMC during the year 2011-12. In the said year the Government had sanctioned Rs.4,80,000/-to TMC, Kushtagi for construction of two toilets in the town. But no toilet room was constructed by the DGOs in the town. But they had drawn an amount of Rs.4,80,000/-showing that land for construction of toilets were purchased from Mr. Mustafa S/o Bashu Sab & from Sri. Buddainsab. They had opened bank accounts in the name of those two persons and had credited the amount to the said accounts. He had not seen any such persons by name Mustafa & Buddainsab living in Kushtagi Town. The DGOs had created documents showing the Government land as the land belonging to Mustafa & Buddainsab & drawn the amount. DGO 1 & 2 have misappropriated the amount of the Government by creating documents. After he obtaining the documents under RTI Act, he came to know about the misappropriation of the Government money by the DGOs. Then he had lodged this complaint to this Institution.

38. The complaint is marked as Ex.P.1, the Form No.1 & 2 are marked as Ex.P.2 & 3 respectively. The affidavit of the complainant on the stamp paper is marked as Ex.P.4. The reply given by the complainant Raviprakash dated:10-03-2015 is marked as Ex.P.5. Two photographs are marked as Ex.P.6 & Ex.P.7. Property register extract ie., Form No.3 in the name of Mustafa & in the name of Buddainsab got

marked as Ex.P.8 & 9. Demand register extract is marked as Ex.P.10. The mahazar drawn at two spots are marked as Ex.P.11 & 12. The report by the IO dated:19-08-2014 to ARE-3 is marked as Ex.P.13. The copies of Treasury cheque-folios are marked as Ex.P.14 & 15. General Cash book extract of the Kushtagi TMC is marked as Ex.P.16. Cheque receipt register is marked as Ex.P.17. Account pay in slip is marked as Ex.P.18. The account statement of Saptagiri Sowharda Pattina Sahakari Niyamitha Main Branch are marked as Ex.P.19 & 20. The report of IO dated:17-03-2015 is marked as Ex.P.21. These are all the documents on which the complainant has relied upon.

39. Here, at this juncture it is necessary to mention that from the earlier stage itself the DGOs were not ready to cross examine the PW-1 & 2, even though sufficient opportunity had been given to him. Later the DGO-1 & 2 had stopped to appear before this authority saying that a writ petition is pending before the Hon'ble High Court of Karnataka. But they did not obtain any kind of order from the Hon'ble High Court of Karnataka.
40. As already observed above, here the allegation of the complainant is that, without purchasing any lands for constructing two toilets in Kushtagi town, both these DGOs got created the documents and misappropriated an amount of Rs.4,80,000/-. Regarding this allegation, the DYSP, Karnataka Lokayukta, Koppal District had conducted



investigation as per the direction of Hon'ble Lokayukta and he gave his report. The said IO also got examined as PW-2 before this authority. He has deposed before this authority as, “ದೂರಿನಲ್ಲಿ ಆಪಾದಿಸಲಾದ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ಕೊಟ್ಟು ಪರಿಶೀಲಿಸಿದಾಗ ಎರಡು ಕ್ರಯ ಪತ್ರಗಳಲ್ಲಿ ನಮೂದಿಸಿದ ಚಕ್ರಬಂದಿ ಪ್ರಕಾರ ನಿವೇಶನಗಳು ಸ್ಥಳದಲ್ಲಿ ಅಸ್ತಿತ್ವದಲ್ಲಿ ಇಲ್ಲದೇ ಇರುವುದು ಕಂಡುಬಂತು. ಸ್ಥಳದಲ್ಲಿ ನಿಶಾನೆ ಪಿ-6 ಮತ್ತು ಪಿ-7 ರಂತೆ ಘೋಷಣೆಗಳನ್ನು ಪಡೆದಿದ್ದೇನೆ. ಸ್ಥಳದಲ್ಲಿ ನನ್ನ ಜೊತೆ ಹಾಜರು ಇದ್ದ ಅಧಿಕಾರಿಗಳಾದ ಶ್ರೀ ಸೈಯದ್ ಮಿನ್ ಹಾಜುದಿನ್, ಗುಂಡಪ್ಪ ಮತ್ತು ಶಿವಪುತ್ರಪುರವರ ಹೇಳಿಕೆಗಳನ್ನು ಪಡೆದಿದ್ದೇನೆ. ಪುರಸಭೆ ಕಚೇರಿಗೆ ಭೇಟಿ ಕೊಟ್ಟು ನಿಶಾನೆ ಪಿ-8 ಮತ್ತು 9ರಂತೆ ಎರಡು ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಆಸ್ತಿ ತೆರಿಗೆಯ ರಿಜಿಸ್ಟರ್ ಪ್ರತಿಯನ್ನು ಪಡೆದಿದ್ದೇನೆ. ಎರಡು ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನಿಶಾನೆ ಪಿ-10 ರಂತೆ ಡಿಮ್ಯಾಂಡ್ ರಿಜಿಸ್ಟರ್ ಪ್ರತಿಯನ್ನು ಪಡೆದಿದ್ದೇನೆ. ದಿನಾಂಕ:20-05-2014ರಂದು ಕಿರಿಯ ಅಭಿಯಂತರರು ಆಪಾದಿಸಲಾದ ಸ್ಥಳದಲ್ಲಿ ಮಾಡಿದ ಪಂಚನಾಮೆಯ ಪ್ರತಿಗಳನ್ನು ನಿಶಾನೆ ಪಿ-11 ಮತ್ತು 12ರಂತೆ ಪಡೆದಿದ್ದೇನೆ. ಈ ಬಗ್ಗೆ ನಿಶಾನೆ ಪಿ-13 ರಂತೆ ನಾನು ವರದಿಯನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ್ದೇನೆ. ದಿನಾಂಕ:28-02-2015 ರಂದು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ-1 ರವರ ಕಚೇರಿಯಿಂದ ಬಂದಿರುವ ಪತ್ರದಲ್ಲಿ ದೂರಿನಲ್ಲಿ ನಮೂದಿಸಿದ ಎರಡು ನಿವೇಶನಗಳ ಹಣಕಾಸಿನ ವ್ಯವಹಾರಗಳ ಬಗ್ಗೆ ಕುರಿತು ವಿಚಾರಣೆ ಮಾಡಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿತ್ತು. ದಿನಾಂಕ:17-03-2015 ರಂದು ಕುಷ್ಠಗಿ ಪುರಸಭೆ ಮತ್ತು ಉಪಖಜಾನೆ, ಹೆಚ್.ಬಿ.ಹೆಚ್.ಬ್ಯಾಂಕ್, ಸಪ್ತಗಿರಿ ಸೌಹಾರ್ದ ಕ್ರೆಡಿಟ್ ಕೋ-ಆಪರೇಟಿವ್ ಬ್ಯಾಂಕ್‌ಗಳಿಗೆ ಭೇಟಿ ನೀಡಿದ್ದೇನೆ. ದಿನಾಂಕ:27-05-2014ರಂದು ಶ್ರೀ ಬುಡನ್ ಸಾಬ್‌ರವರ ಹೆಸರಿನಲ್ಲಿ ಶೌಚಾಲಯ ಜಾಗ ಖರೀದಿಸಿದಂತೆ ಬಿಲ್ ಬಾಬು ಖಜಾನೆ ಚೆಕ್ ಸಂ:183407 ನೇದ್ದರ ಮುಖಾಂತರ ರೂ.2,40,000/-ಚೆಕ್‌ಅನ್ನು ಶ್ರೀ ಬುಡನ್‌ಸಾಬ್‌ರವರ ಹೆಸರಿಗೆ ಕುಷ್ಠಗಿ ಪುರಸಭೆ ಕಚೇರಿಯಿಂದ ನೀಡಿದ್ದರು. ದಿನಾಂಕ:27-05-2014ರಂದು ಶ್ರೀ ಮುಸ್ತಾಫ್ ರವರ ಹೆಸರಿನಲ್ಲಿ ಶೌಚಾಲಯ ಜಾಗ ಖರೀದಿಸಿದಂತೆ ಬಿಲ್ ಬಾಬು ಖಜಾನೆ ಚೆಕ್ ಸಂ:183408ನೇದ್ದರ ಮುಖಾಂತರ ರೂ.2,40,000/- ಚೆಕ್‌ಅನ್ನು ಶ್ರೀ ಮುಸ್ತಾಫ್‌ರವರ ಹೆಸರಿಗೆ ಕುಷ್ಠಗಿ ಪುರಸಭೆ ಕಚೇರಿಯಿಂದ ನೀಡಿದ್ದರು. ಕುಷ್ಠಗಿ ಪುರಸಭೆ ಕಚೇರಿಯ ಸಾಮಾನ್ಯ ನಗದು ಪುಸ್ತಕದಲ್ಲಿ ರೂ.4,80,000/-ಖರ್ಚು ಮಾಡಿದ್ದ ಬಗ್ಗೆ ನಮೂದು ಮಾಡಿದ್ದಾರೆ. ದಿನಾಂಕ:27-05-2011ರಂದು 2ಚೆಕ್‌ಗಳನ್ನು ಉಪಖಜಾನೆ, ಕುಷ್ಠಗಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿ



ಸ್ವೀಕೃತಿ ಪಡೆದಿದ್ದಾರೆ. ಖಜಾನೆಯಿಂದ ಹೆಚ್.ಬಿ.ಹೆಚ್. ಬ್ಯಾಂಕಿಗೆ ಒಟ್ಟು ರೂ.4,80,000/-ಗಳು ಜಮಾ ಮಾಡಿರುತ್ತಾರೆ. ಶ್ರೀ ಬುಡನ್ ಸಾಬ್‌ರವರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಬ್ಯಾಂಕ್ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಹಾಗೂ ಶ್ರೀಮತಿ ಶಂಶದ್ ಬೇಗಂ ರವರ ಹೆಸರಿನ ಬ್ಯಾಂಕ್ ಖಾತೆ ನಕಲು ನಿಶಾನೆ ಪಿ-19 ಮತ್ತು 20 ರಂತೆ ದಿನಾಂಕ:1-6-2011 ರಂದು ತಲಾ ರೂ.2,40,000/- ಗಳು ಸಪ್ತಗಿರಿ ಸೌಹಾರ್ದ ಪತ್ತಿನ ಸಹಕಾರ ಬ್ಯಾಂಕ್ ಕುಷ್ಠಗಿನಲ್ಲಿ ಜಮಾ ಆಗಿರುತ್ತದೆ". Thus, as per IO's report and evidence these DGO -1 & 2 got created the documents as if two persons by name Sri Budansab & Sri Mustafa sold out the property to construct toilets, even though there were no such vacant places and no such two persons by name Budansab & Mustafa. The documents got marked through the IO reveal that these DGOs by colluding each other, created the documents and drawn an amount of Rs.4,80,000/-, by opening two fictitious accounts.

41. As already observed above, here the DGOs had not cross examined the PW-1 as well as the IO, even though they have taken some specific defence in their respective written statements.

42. Hence under the above said facts and circumstances, it can be held that, DGO-1 & 2 had committed misconduct & dereliction of duty while discharging his duty. On appreciation of entire oral and documentary evidence it can be said without any hesitation that that the charge levelled against the DGO-1 & 2 have been proved. Hence, I answer Point No.1 in the **...affirmative.**



43. Point No. 2: For the reasons stated above, I proceed to pass the following:

ORDER

The Disciplinary Authority has proved the charge framed against the DGO-1 & 2 i.e., 1) V.S. Lautney, the then Chief Officer, Town Municipal Council, Kushtagi, presently Chief Officer, Town Municipal Council, Sadalaga and (2) Sri. Abdul Khadar, Second Division Assistant, Town Municipal Council, Kushtagi, Koppal District

This report be submitted to the Hon'ble Upalokayukta-I in a sealed cover forthwith.

Dated this the 31st July 2019


(K.BHAGYA)

Additional Registrar Enquiries-14
Karnataka Lokayukta
Bengaluru.

ANNEXURES

Sl. No.	Particulars of Documents
1	Witness examined on behalf of the Disciplinary Authority
	PW-1: Sri. Raviprakash (Original)
	PW-2: Sri M.H. Chikkareddy (Original)
2	Documents marked on behalf of the Disciplinary Authority Ex.P-1 to Ex.P-21
	Ex. P-1: Complaint dated:19-5-2014 of Raviprakash H Kelagade (Original)
	Ex. P-2: Form No.I (Original)
	Ex. P-3: Form No.II (Original)
	Ex. P-4: Affidavit of the Complainant dated:13-12-2013 (Original)
	Ex. P-5: Reply given by the complainant Raviprakash dated:10-03-2015 (Original)
	Ex. P-6 & Ex.P-7: Two photographs (Original)
	Ex. P-8:Form No.3 in the name of Mustafa(Certified Copy I)
	Ex. P-9: Form No.3 in the name of Buddainsab (Certified Copy)
	Ex. P-10:Demand Reg.Extract (Certified Copy)
	Ex. P-11: Mahazar (Certified Copy)
	Ex. P-12: Witness Mahazar (Certified Copy)
	Ex. P-13: The report by the IO dated:19-08-2014 to ARE-3 (Original)
	Ex.P-14: Treasury cheque-folios(Certified Copy)
	Ex.P-15: Treasury cheque-folios(Certified Copy)
	Ex.P-16: General Cash Book extract(Certified Copy)
	Ex.P-17: General receipt register extract (Certified Copy)
	Ex.P-18: Account pay in slip (Certified copy)
	Ex.P-19: The account statement of Saptagiri Sowharda Pattina Sahakari Niyamitha Main Branch (Certified copy)
	Ex.P-20: The account statement of Saptagiri Sowharda Pattina Sahakari Niyamitha Main Branch (Certified copy)
	Ex.P-21: The report of IO dated:17-03-2015(Original)

Dated this the 31st July 2019
(K.BHAGYA)Additional Registrar Enquiries-14
Karnataka Lokayukta
Bangalore.