

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/119/2016

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:14.11.2019

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sri.Basavaraj Soodi, Panchayatha Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk, Raichur District - reg.

Ref: 1. G.O.No.Gra A Pa 156 Gra Pam Ka 2016
Bengaluru dated: 28.3.2016

2. Nomination Order No: UPLOK-1/DE/119/2016
Bangalore Dt: 28.4.2016 of Hon'ble Upalokayukta-1

* * * * @ * * * *

This Departmental Enquiry is initiated against Sri.Basavaraj Soodi, Panchayatha Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk, Raichur District (hereinafter referred to as the Delinquent Government Official for short "**DGO**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 28.4.2016 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-6 to frame the charges and to conduct the enquiry against the aforesaid DGO.

3. By order No. UPLOK-1/DE/2016 dtd: 3.8.2016 the



enquiry was transferred from Additional Registrar Enquiries-6 to Additional Registrar Enquiries-9 on the orders of Hon'ble Lokayukta.

4. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges.

5. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

6. The Article of charges framed by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

You, DGO- Basavaraj Soodi while working as PDO, Kalamangi Grama Panchayath on the date of selecting the Smt. Ambamma as beneficiary in the Gram Sabha on 16/09/2011 under the Indira Awaz Housing Schme and approval of the same by the General Body of Panchayath on 12/10/2011. Even though Smt. Ambamma w/o Hanumanthappa, had an RCC house. You have not properly conducted local investigation and placed the list of beneficiaries before the General Body on 12/10/2011. Further Rs. 40,000/- was released to the Smt. Ambamma to construct the house. After that Smt. Ambamma reimbursed the benefit of Rs.40,000 released to her by depositing

an

Rs.25,000/- and Rs.15,000/- on 22.06.2015 and 30.06.2015 to Indira Awaz Scheme S.B. A/c No.30197568168 in SBI, Sindhanur Branch thereby, committed the irregularities and misconduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

7. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

Sri. A complaint has been filed by Sri Tirupathi s/o Rudrappa Gundad, R/o Kalamangi Village, Sindhanur Taluk, Raichur District (herein after referred to as 'complainant' for short), against Sri Amargundappa, Panchayath Development Officer, Kalamangi Grama Panchayathi, Kalamangi, Sindhanur Taluk, Raichur district (herein after referred to as '1st respondent' for short), alleging that, the 1st respondent allowed the Gram Panchayath members to work as coolies and paid the amount under "NREG" scheme for the year 2011-12 and granted houses under "Indira Awaz Scheme" to Smt. Ambamma beneficiary at Sl. NO. 74 who had an RCC house and Smt. Laxmi and other beneficiaries at Sl. No. 75 and 76 of the list, who are not the resident of Kalamangi village and selected one Smt. Laxmi w/o Venkobaiah at Sl. No. 82 as beneficiary who had also an house and drawn the amount by showing the false account. The 1st respondent has also selected Smt. Neelamma w/o Durgappa Badigera for the benefit of Krushi Honda, who had already had a Krushi Honda, in her land, and dug a Krushi Honda in the land of Hanumanthappa s/o Chandrappa by

or

using machine instead of giving work to the coolies under "NREG" Scheme".

On the calling the comments of 1st respondent, he has denied the allegation contending that, the beneficiaries selected for the "Indira Awaz Scheme" are the local villagers as per the residential certificate and Annual Income Certificate. Krushi Honda was dug in the land of the Hanumanthappa by engaging a coolies and new Krushi Honda was dug in the land of Smt. Neelamma and Smt. Ambamma reimbursed the benefit of Rs.40,000 released to her by depositing Rs.25,000/- and Rs.15,000/- on 22.06.2015 and 30.06.2015 to Indira Awaz Scheme S.B. A/c No.30197568168 in SBI, Sindhanur Branch and prayed to close the complaint.

Thereafter, a rejoinder was called from the complainant. Complainant has not filed any rejoinder. Hence, complaint was referred to Superintendent of Police, Karnataka Lokayukta, Raichur for investigation and report. In turn, Superintendent of Police entrusted the investigation to the Deputy Superintendent of Police, Raichur (herein after referred to as 'I.O.' for short). I.O. submitted a report that, work under NREG scheme was done by the 311 job card holders and amount is transferred to the post office account of the coolies. Even though Smt. Chandramma is the beneficiary for the Indira Awaz is a permanent resident of Kalamangi, she went to Bangalore for her livelihood and another beneficiary Smt. Hamapamma is the resident of Thorivihal for the last 10 years. No amount is granted to another beneficiary Smt. Laxmi w/o Venkobaiah, new Krushi

an

Honda is dug in the land of the Hanumanthappa s/o Chandrappa Badigera. But only the allegation against Ambamma w/o Hanumanthappa who is selected as a beneficiary under "Indira Awaz Scheme" in spite of having a RCC house is established.

On calling the information of the PDO and the then President of Kalamangi Grama Panchayathi, it is found that, one Sri Basavaraj Soodi was the PDO of Kalamangi Grama Panchayath and one Sri Ningappa was the President of the said Grama Panchayath on 16/09/2011 and 12/10/2011 i.e., at the relevant time. Therefore, since it is reported that, the said Ningappa is not holding any post in the said grama panchyath. Sri Basavaraj Soodi the then PDO is impleaded as 2nd respondent and called his reply to the Investigation report.

2nd respondent is not disputed that, that, he was the PDO of the Kalamangi Grama Panchayath on 16/09/2011 and 12/10/2011, when Smt. Ambamma was selected as beneficiary in the grama Sabha and Panchayath General Body. Since she was the BPL card holder and ration card holder without LPG and her annual income was less than Rs. 32,000/- and she was entitle for the benefit under "Indira Awaz Scheme".

A careful consideration of the material on record disclose that:-

- (i) 2nd respondent was working as PDO, Kalamangi Grama Panchayath on the date of selecting the Smt. Ambamma as beneficiary in the Gram Sabha on 16/09/2011 and approval of the same by the General Body of Panchayath

Ja

on 12/10/2011. Even though Smt. Ambamma w/o Hanumanthappa, had an RCC house. 2nd respondent has not properly conducted a local investigation and placed the list of beneficiaries before the General Body on 12/10/2011. Thereby, committed the irregularities.

In view of the facts and material on record, the reply of 2nd respondent is not found satisfactory to drop the proceedings.

The facts and material on record prima facie show that the 2nd respondent, being a Government Servant, has failed to maintain absolute devotion to duty and acted in a manner unbecoming of a Government Servant and thereby committed misconduct and made himself liable for disciplinary action.

Since said facts and material on record prima-facie show that the 2nd respondent has committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the 2nd respondent and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal), Rules, 1957. Hence, the charge.

- @ -

8. The DGO has appeared on 15.9.2016 before this enquiry authority in pursuance to the service of the Article of charges.

an

9. Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

10. The DGO has submitted written statement stating that, he had joined to government service on 28.1.2008, during 2011 he was working as a panchayath development officer in Kalamangi grama panchayath. Sri.Amaragundappa PDO of Kalamangi grama panchayath denied the allegation of the complainant and contended in his comments that the beneficiaries selected for Indira awas sheme are the local villagers as per the residential certificate and annual income certificate and Smt. Ambamma reimbursed the benefits of Rs. 40,000/- released to her by depositing Rs. 25000/- and Rs. 15000/- on 22.6.2015 and 30.6.2015 to Indira Awas scheme S. B Account no. 301976168 in SBI Sindhanur branch and prays to close the complaint. Further submitted that the Investigating officer submitted the report after spot inspection made by him and stated in his report that the allegations made in the complaint are all not proved except the allegation against Ambamma W/o Hanumanthappa who is selected as a beneficiary under Indira Awas scheme in spite of having a RCC house.

11. DGO further submitted that the DGO was working as a Panchayath Development officer of Kalamangi grama panchayath on 16.9.2011 and 12.10.2011 when Smt. Ambamma was selected as a beneficiary in grama sabha and panchayath general body. Since she was the BPL card holder and ration card holder without LPG and her family annual income was less than 32000/- and she was entitled for the benefits of indira awas scheme. Further submitted that he

9

has approved the decision of the general body panchayath after inspecting the place and after going thoroughly the contents in property register maintained by the panchayath, that property belongs to Smt. Ambamma. Further during the year 2010-11 was a vacant site and no structure was built in the said vacant site prior to 16.9.2011. Further submitted during the investigation the Investigating officer has not called the DGO to assist the investigation in the matter. But without properly looking into the documents or papers submitted the report. Under these facts and circumstances of the case in the absence of misconduct continuation of proceedings put DGO into grate hardship and injustice because he is innocent person and he never involved in such alleged incident in his carrier. Hence pray for drop the charge leveled against him.

12. The disciplinary authority has examined the complainant Sri.Tirupathi S/o Rudrappa Gundad, R/o Kalamangi Village, Sindhanur Taluk, Raichur District as Pw.1, Sri.S.B.Patil, S/o Basavanthappa Patil, the then Deputy Superintendent of Police, Karnataka Lokayukta, Raichur is the Investigating officer of the case and he has examined as PW-2. Sri. Amaragundappa, S/o Shivarudrappa, the then PDO of Kalamangi grama panchayath Sindhanur Taluk is examined as PW-3 and **Ex.P1 to ExP17** are got marked. DGO Sri.Basavaraj Soodi, Panchayatha Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk, Raichur District has examined himself as DW-1 and has got marked **Ex.D-1 to Ex.D-3** documents.

gr

13. The second oral statement of DGO has been recorded on 27.8.2018. The DGO has submitted written arguments. Heard the submissions of the disciplinary authority and DGO's side. I answer the above charge in **AFFIRMATIVE** for the following;

REASONS

14. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO.

15. The disciplinary authority has examined the complainant Sri.Tirupathi S/o Rudrappa Gundad, R/o Kalamangi Village, Sindhanur Taluk, Raichur District as Pw.1. PW-1 has deposed in his evidence that the DGO was working as a PDO of Kalamangi grama panchayath, Kalamangi Village, Sindhanur Taluk, Raichur District. Further deposed that during his period he has misappropriate the funds with members of the grama panchayath under the MGNREG Scheme. Further selected Smt. Ambamma as a beneficiary under the Indira Awas scheme even though she was not eligible. Further this witness not supported his own complaint but turned hostile.

16. Sri.S.B.Patil, S/o Basavanthappa Patil, the then Deputy Superintendent of Police, Karnataka Lokayukta, Raichur is the Investigating officer of the case and he has examined as PW-2. PW-2 has deposed in his evidence that he has received the file of the COMPT/ UPLOK GLB 1414/2013 ARE-4 for investigation on 7.8.2014. The said complaint consist five allegation against the grama

92

panchayath Kalamangi, after investigation he has found that 95 beneficiaries was selected under the Indira Awas scheme for the year 2011-12 but the PDO of the said grama panchayath without inspecting the spot selected the beneficiary sl.no. 74, Smt. Ambamma W/o Hanumanthappa even though she was having RCC house. Further he has deposed that the said PDO and president of the said grama panchayath without following the guidelines of the said scheme selected Smt. Ambamma as a beneficiary by misutilising his power. Further he has deposed that except said allegation other allegation made in the complaint are not proved for that he has submitted the report on 20.12.2014 along with documents.

17. Sri. Amaragundappa, S/o Shivarudrappa, the then PDO of Kalamangi grama panchayath Sindhanur Taluk is examined as PW-3. PW-3 has deposed in his evidence that he was working as a PDO of the kalamangi grama panchayath from April 2012 to Oct-2013. Further deposed that the said Ambamma W/o Hanumanthappa selected as a beneficiary under the housing scheme for that granted Rs. 75000/- for construction of the house. Further deposed that Rs. 40,000/- released to her and then she has reimbursed the said amount to the government.

18. DGO Sri.Basavaraj Soodi, Panchayatha Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk, Raichur District has examined himself as DW-1 and DW-1 has deposed in his evidence that he was working as a PDO of the kalamangi grama panchayath from

gn

1.6.2010 to 31.3.2012. Further deposed that on 16.9.2011 call the grama sabha for selecting the beneficiary under the Indira Awas housing scheme for the year 2011-12. In the said grama sabha people of the village and member of the grama panchayath selected the beneficiaries. Further deposed that he has verified the documents and property of the said beneficiaries. On 12.10.2011 the general body meeting of the grama panchayath called in that general body the list of the beneficiaries approved and same was sent to the Rajive Gandhi Rural Housing Ltd., through the taluk panchayath Sindhanur. Further deposed that at the time of selected the beneficiaries the said Ambamma w/o Hanumanthappa having only vacant site and not constructed any RCC building in her property.

19. Ex.P1 is the letter from Panchayath development officer, Grama Panchayath, Kalamangi to the PW-1. Ex.p-2 are the documents pertaining to job card of MGNREG (Ex.P-2 contains 29 sheets) Ex.P-3 is the list of beneficiaries and their details in form no. 17. Ex.P-4 is the photographs. Ex.P-5 are the photographs. Ex.P-6 is the details complaint copy submitted by PW-1 to the Hon'ble Lokayukta, Karnataka Lokayukta Bengaluru. Ex.P-7 and 8 is the form no. 1 and 2 submitted by PW-1 in Karnataka Lokayukta institution. Ex.P-9 are the documents produced by the PW-1 along with the complaint. Ex.P-10 is the investigation report submitted by PW-2. Ex.P-11 are the photographs submitted by Investigating officer along with the investigation report. Ex.P-12 are the documents submitted by Investigating officer along with the investigation report (total sheets 23). Ex.P-13

qr

is the comments submitted by the DGO along with the documents. Ex.P-14 is the comments dtd: 24.3.2015 submitted by the DGO along with the documents. Ex.P-15 is the comments dtd: 27.2.2015 submitted by the DGO along with the documents. Ex.P-16 is the comments dtd: 14.11.2013 submitted by the DGO. Ex.P-17 is the documents submitted by the DGO.

20. Ex.D-1 is the mutation register extract. Ex.D-2 is the documents submitted by DGO. Ex.D-3 is the agreement copy submitted by the DGO.

21. Perused the evidence of Pw-1, PW-2, PW-3 and DW-1 along with document produced by the both side. As per the document the DGO was working as PDO kalamangi grama panchayath from 1.6.2010 to 31.3.2012. charge framed against the DGO is that while working as a PDO of Kalamangi grama panchayath selected Smt. Ambamma as a beneficiary even though she had a RCC hous, without properly conducted the local investigation and placed the list of the beneficiary before the general body on 10.12.2011. Ex.P-1 is the complaint. Ex.P-3 is the document produced by the complainant. As per the Ex.P-3 95 beneficiaries selected under the Indira Awas housing scheme in Kalamangi grama panchayath for the year 2011-12 and said list approved by the taluk panchayath on 10.11.2011. Smt. Ambamma W/o Hanumanthappa B., is one of the beneficiary in Sl. No. 74 the said list sent by the DGO as a PDO of Kalamangi grama panchayath. The Ex.P-4 is the photo of the house of the Smt. Ambamma W/o Hanumanthappa. This photo not

ja

disputed by the DGO in his evidence also at the time of cross examination of PW-1 to 3. The said photographs reveals that at the time of selecting the said Smt. Ambamma W/o Hanumanthappa as a beneficiary she was already having the RCC housing and constructed the house portion in continuation of the same after selected her as a beneficiary. Ex.P-10 is the report submitted by PW-2, he also stated that in his report page no. 118 that, at the time of spot inspection he has found that the said Ambamma already having the RCC house even though that the DGO as a PDO of the said grama panchayath selected her as a beneficiary without proper local inspection. Ex.P-11 page no. 122 is the photographs of the house of Smt. Ambamma which was taken at the time of spot inspection made by PW-2. The Ex.P-12 is the document produced by the PW-2 which document collected during the time of the spot inspection. Ex.P-12 page no. 126-133 is the proceedings related to the grama sabha held on 16.9.2011. As per the said document Smt.Ambamma W/o Hanumanthappa B., selected as one of the beneficiary on that time the DGO was working as a PDO of the said grama panchayath. Ex.P-12 page no. 139 to 149 document related to Smt.Ambamma W/o Hanumanthappa B., in respect of selecting her as a beneficiary under the Indira awas housing scheme. As per the said document she has executed the mortgage deed on 7.6.2012 in respect of the property no. 4-260. In the said document the boundary of the said property is shown as towards the east the plot belongs to the Sharanegowda Halimane, towards the west the house of Hanumanthappa Badegera who is none other than the

or

husband of the Ambamma. It disclose that even though the house is there in the name of husband of the Ambamma she was selected as a beneficiary. Ex.P-12 page no. 146 is the Xerox copy of the BPL card in respect of family of Hanumanthappa and Ambamma, their family includes 10 members. Ex.P-12 page no. 148 the copy of the challen as per the said documents Smt. Ambamma paid the building tax and water tax in respect of property no. 4-260. As per the Ex._12 page no. 149 Smt. Ambamma w/o Hanumanthappa.B, received Rs. 40,000/- as a beneficiary under the said scheme. Ex.P-13 is the comments and documents submitted by Sri. Amaragundappa Kalamangi grama panchayath who was working as a PDO after the DGO transferred from the said grama panchayath. As per his comments, Smt. Ambamma w/o Hanumanthappa Badegera remitted the amount of Rs. 25000/- and 15000/- on 22.6.2015 and 30.6.2015 respectively which amount received by her in respect of construction of house as a beneficiaries. Question is arise on what reason said Ambamma remitted the said amount to the government. If really she was selected as a beneficiary under the Inidra awas scheme by following all the guidelines of the said housing scheme question of remitted the amount does not arise. Either DGO or the said Amaragundappa PDO of the Kalamangi grama panchayath not properly explained regarding the same. Ex.P-13 produced the documents in respect of the property of the Ambamma W/o Hanumanthappa. Ex.p-14 letter dtd: 19.3.2015 of PDO of the Kalamangi grama panchayath along with the documents in respect of the Ambamma W/o

an

Hanumanthappa. In the said records foundation stage photographs of the alleged house not shown in the record. As per the Ex.P-14 page no. 181 -182 BPL card the family of the Ambamma W/o Hanumanthappa having 10 members and as per Ex.P-14 page no. 183-184 income certificate issued by the Tahasildar Sindhanur on 24.11.2009 yearly income of her family is Rs. 10,000/-. Ex.P-14 page no. 185 is the report in respect of verifying the foundation work of the house of Ambamma W/o Hanumanthappa. As per the said document photographs was taken in respect of the said stage but either DGO or concerned PDO not produced the said photographs in this case. Ex.D3 is plot agreement Xerox copy, as per the said document on 11.3.2010 Manthappa S/o Rudrappa halemani sold the plot (site) measuring 23X 60 ft., in sy. No. 185 of Kalamangi village for Rs. 2000/- to the Smt.Ambamma W/o Hanumanthappa Badigera. In the said plot agreement shown the boundary of the said property as towards the east property of Sharanagowda master towards the west property of Hanumanthappa Badigera. His document also shows that the said Ambamma W/o Hanumanthappa already having the house in the name of her husband. In the housing scheme house allotted to the person who are not having residential house more over the Ex.D-3 is not a sale deed and also in the said document the plot No. 4-260 not mentioned as mentioned in the mortgage deed. Ex,.D-1 mutation. As per the Ex.D-1 the mutation order passed by the PDO of the Kalamangi grama panchayath on 5.10.2010 it disclose that the said order passed by the DGO as a PDO of the said grama panchayath. The DGO has



passed the mutation order Ex.D-1 in respect of the alleged property without obtaining the register sale deed in respect of the said property, only based on the alleged plot agreement passed mutation order Ex.D-1. The above said all documents clearly reveals that the DGO himself colluded with the said Ambamma W/o Hanumanthappa Badigera has created the documents in respect of the alleged plot no. 4-260 even though the said Ambamma W/o Hanumanthappa having the RCC residential house and selected her as a beneficiary under Indira awas scheme. After the PW-2 submitted his report on 20.12.2014 as per Ex. P-10 the said Ambamma W/o Hanumanthappa knowing the fact that she was selected as a beneficiary under the housing scheme even though she has RCC house and receiving the benefit under the said scheme then she has immediately remitted the grant amount of Rs. 25000/- and 15000/- on 22.6.2015 and 30.6.2015 respectively received by her to the government. The DGO not disputed the fact that the said Ambamma W/o Hanumanthappa deposited the said amount. Further DGO failed to give proper explanation why the said Ambamma W/o Hanumanthappa remitted the said amount to the government. The said facts and circumstance clearly reveals that the DGO while working as a PDO of Kalamangi grama panchayath selected Smt. Ambamma W/o Hanumanthappa as a beneficiary even though she had an RCC house without properly conducted local investigation and placed the list of beneficiaries before general body meeting of the grama panchayath. Thereby the disciplinary authority has succeeded to prove the charge leveled against the DGO.

an

22. In the above said facts and circumstances, charge leveled against the DGO is proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.

Josa 14/11/19
(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Tirupathi S/o Rudrappa Gundad, R/o Kalamangi Village, Sindhanur Taluk, Raichur District original dtd: 19.7.2017
PW-2	Sri.S.B.Patil, S/o Basavanthappa Patil, the then Deputy Superintendent of Police, Karnataka Lokayukta, Raichur original dtd:8.6.2018
PW-3	Sri. Amargundappa, S/o Shivarudrappa, the then PDO of Kalamangi grama panchayath Sindhanur Taluk original dtd:18.7.2018

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

Ex.P1	Ex.P1 is the letter from Panchayath development officer, Grama Panchayath, Kalamangi to the PW-1.
Ex.P 2	Ex.p-2 are the documents pertaining to job card of MGNREG (Ex.P-2 contains 29 sheets)
Ex.P-3	Ex.P-3 is the list of beneficiaries and their details in form no. 17.

a

Ex.P4	Ex.P-4 is the photographs.
Ex.P5	Ex.P-5 are the photographs.
Ex.P6	Ex.P-6 is the details complaint copy submitted by PW-1 to the Hon'ble Lokayukta, Karnataka Lokayukta Bengaluru.
Ex.P-7 & 8	Ex.P-7 and 8 is the form no. 1 and 2 submitted by PW-1 in Karnataka Lokayukta institution.
Ex.P-9	Ex.P-9 are the documents produced by the PW-1 along with the complaint.
Ex.P-10	Ex.P-10 is the investigation report submitted by PW-2.
Ex.P-11	Ex.P-11 are the photographs submitted by Investigating officer along with the investigation report.
Ex.P-12	Ex.P-12 are the documents submitted by Investigating officer along with the investigation report (total sheets 23).
Ex.P-13	Ex.P-13 is the comments submitted by the DGO along with the documents.
Ex.P-14	Ex.P-14 is the comments dtd: 24.3.2015 submitted by the DGO along with the documents.
Ex.P-15	Ex.P-15 is the comments dtd: 27.2.2015 submitted by the DGO along with the documents.
Ex.P-16	Ex.P-16 is the comments dtd: 14.11.2013 submitted by the DGO.
Ex.P-17	Ex.P-17 is the documents submitted by the DGO.

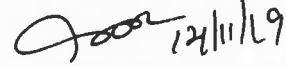
iii) List of witnesses examined on behalf of DGO.

DW-1	DGO Sri.Basavaraj Soodi, Panchayatha Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk, Raichur District original dtd: 27.8.2018
------	---

am

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the mutation register extract.
Ex.D-2	Ex.D-2 is the documents submitted by DGO.
Ex.D-3	Ex.D-3 is the agreement copy submitted by the DGO.



(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/119/2016/ARE-9

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **18/11/2019**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Basavaraj Soodi, the then Panchayath
Development Officer, Kalamangi Grama Panchayath,
Sindhanur Taluk (presently working as Panchayath
Development Officer, Udbala Grama Panchayath,
Sindhanur Taluk, Raichur District – Reg.

Ref:-1) Government Order No. ಸ್ರಾಪ/156/ಸ್ರಾಪಂಕಾ/2016 Bengaluru
dated 28/03/2016

2) Nomination order No.UPLOK-1/DE/119/2016
Bengaluru dated 28/04/2016 of Upalokayukta-1,
State of Karnataka, Bengaluru.

3) Inquiry Report dated 14/11/2019 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 28/03/2016 initiated the disciplinary proceedings against Sri Basavaraj Soodi, the then Panchayath Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk (presently working as Panchayath Development Officer, Udbala Grama Panchayath, Sindhanur Taluk, Raichur 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/119/2016 dated 28/04/2016 nominated Additional Registrar of Enquiries-6, 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. Subsequently by Order No. UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-9 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGO.

3. The DGO Sri Basavaraj Soodi, the then Panchayath Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk (presently working as Panchayath Development Officer, Udbala Grama Panchayath, Sindhanur Taluk, Raichur District was tried for the following charge:-

“You, DGO – Basavaraj Soodi while working as PDO, Kalamangi Grama Panchayath on the date of selecting Smt. Ambamma as beneficiary in the Gram Sabha on 16/09/2011 under the Indira Awaz Housing Scheme and approval of the same by the General Body of Panchayath on 12/10/2011, even though Smt. Ambamma w/o Hanumanthappa, had an RCC house. You have not properly conducted local investigation and placed the list of beneficiaries before the General Body on 12/10/2011. Further, ₹40,000/- was released to Smt. Ambamma to construct the house. After that Smt. Ambamma reimbursed the benefit of ₹40,000/- released to her by depositing ₹25,000/- and ₹15,000/- on 22/6/2015 and 30/6/2014 to Indira Awaz Scheme S.B. A/c. No. 30197568168 in SBI, Sindhanur Branch, thereby committed the irregularities and 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-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge

against DGO Sri Basavaraj Soodi, the then Panchayath Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk (presently working as Panchayath Development Officer, Udbala Grama Panchayath, Sindhanur Taluk, Raichur 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.

6. As per the First Oral Statement submitted by DGO Sri Basavaraj Soodi, he is due to retire from service on 31/07/2043.

7. Having regard to the nature of charge proved against DGO Sri Basavaraj Soodi, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Basavaraj Soodi, the then Panchayath Development Officer, Kalamangi Grama Panchayath, Sindhanur Taluk (presently working as Panchayath Development Officer, Udbala Grama Panchayath, Sindhanur Taluk, Raichur District), with cumulative effect and also for deferring the promotion of DGO Sri Basavaraj Soodi by four years, whenever he become due 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

18/11

