

**KARNATAKA LOKAYUKTA**

NO:UPL0K-1/DE /12/2017

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:13.5.2020

**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )****Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Enquiry against (1)  
Smt.Sangeetha Biradar, Panchayath  
development officer, Farahathabad grama  
panchayath, Kalaburagi Taluk and District and  
(2) Sri.Sandeep Jinde, Panchayath development  
officer, Farahathabad grama panchayath,  
Kalaburagi Taluk and District - reg.

Ref: 1. G.O.No. Gra A Pa/668/GraPamKa/2016 dated:  
29.12.2016

2. Nomination Order No: UPL0K-1/DE /12/2017  
Bangalore dated: 6.1.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1)  
Smt.Sangeetha Biradar, Panchayath development officer,  
Farahathabad grama panchayath, Kalaburagi Taluk and  
District and (2) Sri.Sandeep Jinde, Panchayath development  
officer, Farahathabad grama panchayath, Kalaburagi Taluk  
and District (hereinafter referred to as the Delinquent  
Government Official for short "**DGO No.1 and 2** ").



2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 6.1.2017 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 and 2.
3. 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.
4. The copies of the same were issued to the DGOs No.1 and 2 calling upon them to appear before the Enquiry Officer and to submit written statement of defence.
5. The Article of charges framed by the ARE-9 against the DGOs is as under :

**ANNEXURE-I**  
**CHARGE**

You-DGO No.1 and 2 except issuing the notices no prompt attempts are made for removing and evicting the hotels and other petty shops which are causing nuisance to the primary Health centre, Farathabad village in spite of the resolution passed in the General Body meeting of the Gram Panchayath,

thereby you-DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you-DGO have

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guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

## **6. ANNEXURE NO.II**

### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

The allegation in the complaint is that;

- Public place in front of Primary Health Centre of Farahathabad village has been encroached by some persons.
- There are Hotels, Mutton Shop, Barber Shop and other petty shops in the encroached area and are badly affecting public health.
- The Medical Officer of Primary Health Centre has also given representations to Grama Panchayath stating that the hospital environment and patients health is being affected due to disturbances & nuisance caused by hotels, mutton stall, etc., and has sought for removal of the same.
- There is rampant sale of liquor illegally & is causing nuisance in the evening hours.
- In spite of repeated representations to remove the said encroachment and in spite of Grama Panchayath resolution authorizing the Panchayath Development Officer and the President of Grama Panchayath to take appropriate action, by heeding to political pressure, no action has been taken by you-DGO No.1 and 2.

The matter was referred for investigation to SP, Karnataka Lokayukta, Kalaburgi who in turn has submitted his report dated 29.08.2015 along with report of Police Inspector – James Minajes dated 28.08.2015. In the report, the I.O. has stated that;



- There are Hotels, Mutton Stall, Barber Shop and other petty shops such as pan shop, Iron shop scrap dealer shop in the place stated to be belonging to PWD department.
- Smt. Sugura and Sri. Siddaramappa have obtained power connection to the pan shop and hotel run by them respectively.
- The Medical Officer of Primary Health Centre has given representations in the year 2011 by stating the bad affects & nuisance caused by the said petty shops.
- Even though notices for eviction is given and resolutions are passed in the Grama Panchayath, no real efforts are made to evict them.
- In spite of evicting them, Grama Panchayath has issued licence to one Shri. Rukmuddin, Scrap Dealer for running shop in the year 2014-15. Therefore you-DGO No.1 and 2 have committed misconduct and are responsible for your inaction in evicting hotel and other petty shops from the encroached public place by taking action as per Sec. 72 of Karnataka Panchayath Raj Act, 1993.

You-DGO No.1 have submitted your comments dated 27.12.2015 stating that in spite of issuing notice of eviction dated 29.11.2011, 26.11.2013 and 08.01.2015, due to non co-operation of the Grama Panchayath members, the encroachers who are running petty shops have not been evicted. Further, stated that you-DGO No.1 will evict them with the co-operation of new members of Grama Panchayath elected for the period from 2015 to 2020. Hence, prayed to drop from the proceedings against you-DGO No.1.

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The You-DGO No.2 have submitted your comments stating that the notices dated 05.03.2013 and 26.11.2013 were issued under Sec. 72 of the Karnataka Panchayath Raj Act, 1993. The Grama Panchayath has not come forward to evict them by taking definite decision. Therefore you-DGO were not able to take action for evicting the encroachers during your tenure. Hence prayed to drop from the proceedings.

You DGO No.1 and 2 have submitted the copy of Grama Panchayath resolution. The resolution dated 25.02.2013 at Sl.No. 16, the Grama Panchayath has passed unanimous resolution to evict all the petty shops in front of Primary Health Centre of Farahatabad village. Also in subsequent resolution dated 04.09.2013, 30.06.2014, 01.09.2014, decision is taken by the Grama Panchayath repeatedly to evict petty shops.

The complainant has submitted his rejoinder dated 16.03.2016 reiterating the complaint allegations.

In view of report of SP, Karnataka Lokayukta, Kalaburgi, the comments of you-DGO No.1 and 2 cannot be accepted at this stage.

In spite of passing of resolution before the General Body Meeting of Grama Panchayath, you-DGO No.1 and 2 being the Panchayath Development Officer's have not taken action for removing and evicting the hotels and other petty shops which are causing nuisance to the Primary Health Centre of Farahatabad village. Except issuing of notices, no prompt effort to remove the encroachments is shown to have been taken by

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you-DGO No.1 and 2. Your comments to drop the proceedings are not satisfactory.

Therefore, you-DGO No.1 and 2 are prima-facie found guilty for your inaction in taking steps to evict the petty shops which are being run illegally in the public place.

The said facts and materials on record show that you-DGO No.1 and 2 being Public/Government Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Public/Government Servants and thereby committed misconduct and made yourself liable for disciplinary action.

Since said facts supported by the materials on record prima facie show that you-DGO No.1 and 2 being Public/Government servants, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966 and under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957. Hence, the charge.

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**7.** The DGO No.1 and 2 has appeared on 8.5.2017 before this enquiry authority in pursuance to the service of the Article of charges.

**8.** Plea of the DGOs No.1 and 2 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

**9.** The DGOs No.1 and 2 have submitted written statement, DGOs No.1 has stated in the written statement.

that she has joined service on 20.12.2013 and was on training for a period of 3 months and took the charge from DGO no. 2 on 8.4.2014 as Panchayath development officer Farahathabad grama panchayath, Kalaburagi Taluk, District and worked till 29.12.2015. Further she has submitted that she was on leave upto 15 days for her marriage and immediately transferred to Saradgi (b) grama panchayath, Kalaburagi taluk. There after again transferred to Kinnisadak grama panchayath Kalaburagi. Further she has submitted that grama panchayath issued notice dtd: 29.11.2011, 5.3.2013, 26.11.2013, & 8.1.2015 to the concerned parties the same could not be effectively implemented for non corporation of grama panchayath members who need to take definite decision. Further she has submitted that the alleged occupants has also pleaded time to evict. Further she has submitted that in her tenure general body meeting was held no 30.6.2014 but no resolution was passed to removing the hotel and other petty shops and in the 2<sup>nd</sup> general body meeting held on 1.9.2014 the president was absent an account of which meeting was adjourned as action will be initiated only after discussing with the president of grama panchayath. Further she has submitted that on 5.1.2015 office of the Panchayath development officer received a letter from Srirama sena for taking necessary action for eviction. Subsequently the Panchayath development officer office received another letter dtd: 12.1.2015 requesting not to demolish or evict the occupants and same were placed for further discussion before the general body meeting of the grama panchayath. DGO No.1 further submitted that no



further general body meeting was called as code of conduct for grama panchayath election was called from 10.5.2015 to 7.6.2015 and on 29.5.2015 1<sup>st</sup> page of voting of grama panchayath was held and 2<sup>nd</sup> page of voting of grama panchayath was held on 2.6.2015, counting was held on 5.6.2015, after that 20 days selection of president and vice president was in process.

**10. DGO** further submitted that complainant Sri.S.Sharma Shivakumar, Member of Farahathabad grama panchayath is always in the habit of creating trouble to DGO no.1 taking advantage that she is a lady, in this connection she had lodged the complaint in the jurisdictional police station. The complainant filed false complaint against her. Hence pray for drop the charges leveled against her.

**11. DGOs No.2** has stated in the written statement that he has joined for the service in the year 2010 as Panchayath development officer and later on 22.8.2012 transferred to Farahathabad grama panchayath and worked till 8.4.2014. Further he has submitted that he has issued notice dtd: 5.3.2013, 26.11.2013, to the unauthorized occupants the same could not be effectively implemented for non cooperation of grama panchayath member who need to take definite decision. Further the occupants has pleaded time to evict. DGO no.2 further submitted that in his tenure the general body meeting was held but resolution was passed for removing the hotels and other petty shops. Further submitted that no further general body meeting was called as election were called for grama panchayath, taluk panchayath, zilla panchayath, MLA and MP election. Further submitted that



the DGO not committed any misconduct or dereliction of duty. Hence pray for drop the charges leveled against them.

**12.** The disciplinary authority has examined the complainant Sri.S.Sharma Shivakumar, Member of Farahathabad grama panchayath Kalaburgi Taluk and District as Pw.1, Sri. James Minajes, the then Police Inspector, Karnataka Lokayukta Kalaburgi is the Investigating officer in the case and he has examined as PW-2. and **Ex.P-1 to ExP-21** are got marked. DGO no. 1 Smt.Sangeetha Biradar, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District has examined himself as DW-1. and DGO no.2 Sri.Sandeep Jinde, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District has examined himself as DW-2 and has got marked **Ex.D-1** document.

**13.** The second oral statement of DGO No.1 and 2 have been recorded. The DGO No.1 and 2 have submitted written arguments. Heard the submissions of the disciplinary authority and DGOs No.1 and 2 both the 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 DGOs No.1 and 2.

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**15.** The disciplinary authority has examined the complainant Sri.S.Sharma Shivakumar, Member of Farahathabad grama panchayath, Kalaburgi Taluk and District, as Pw.1. PW-1 has deposed in his evidence that adjacent to the compound wall of primary health center of Farahathabad Kalaburgi taluk, some peoples un lawfully occupied public place and running the hotel, mutton shop, salons and other shops illegally and further after evening illegally sale the liquor it causes public nuisance and also nuisance to patients and others who are attending primary health centre. Further deposed that in the alleged hotels prepared the food with eggs, fry food with oil, it causes untenable odorous to the patients in the said hospitals. The concerned medical officer of the primary health centre also submitted the application to the grama panchayath to stop the illegal activities and vacate the unauthorized occupants from the said place, but DGO as a Panchayath development officer of the grama panchayath except issuing notice no action was taken, for that reason he has submitted the complaint to the Karnataka Lokayukta office Kalaburagi.

**16.** Sri. James Minajes, the then Police Inspector, Karnataka Lokayukta Kalaburgi is the Investigating officer in the case and he has examined as PW-2. PW-2 has deposed in his evidence that he has received the letter dtd: 6.5.2015 in the complaint in respect of No. compt UPLOK/GLB 8026/2015 DRE-3 to submit the report on the basis of complaint filed by the PW-1. Further he has deposed that on 24.8.2015 he has recorded the statement of complainant PW-



1, at that time PW-1 furnished notice dtd: 8.1.2015 which was issued by the grama panchayath to the unauthorized occupants and further deposed that on 25.8.2015 he has recorded the statement of secretary of the said grama panchayath Smt. Gunsanparveen at that time she had furnished copy of the resolution dtd: 18.8.2012 , 25.2.2013, 4.9.2013, 30.6.2014, 1.9.2014 of the grama panchayath Farahathabad. Further she had furnished certified copy of the notice dtd: 29.11.2011, 5.3.2013, 26.11.2013 & 8.1.2015, which were issued to the unauthorized occupants. Further he has deposed that the said Smt. Gunsanparveen also furnished copy of the letter dtd: 5.1.2015 of Srirama sene grama gataka Farahathabad and dtd: 12.1.2015 a requisition of veerakannadigara sene grama gataka Farahathabad.

**17. PW-2** Further he has deposed that on 26.8.2015 recorded the statement of Kalyani D/o Narasappa Thalwar, Smt. Sugura W/o Abhumiya, Siddarama S/o Manika rao madiwala, Ruknudeen S/o Mehabub sab, Jaleel S/o Babasab, Siddaramappa S/o Shivanna Thalwar, Sharanabasava S/o Naganna and Mohamad Ali S/o Abdul Rehaman. Further he has deposed that the same Kalyani D/o Narasappa Thalwar was running a hotel without permission, Smt. Sugura W/o Abhumiya, was running pan shop without obtaining any permission, Siddarama S/o Manika rao madiwala, was running iron shop without obtaining permission, Ruknudeen S/o Mehabub sab, was running scrape materials shop, Jaleel S/o Babasab was running the pan shop, Siddaramappa S/o Shivanna Thalwar was running hotel, Sharanabasava S/o Naganna was running

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salon shop, Mohamad Ali S/o Abdul Rehaman was running a mutton shop without renewing the license obtained from the grama panchayath in the year 2007-08. PW-2 further deposed that on 26.8.2015 the medical officer of the primary health centre submitted the letter to him stating that on 16.1.2011 submitted his letter to the grama panchayath to stop the nuisance caused by the persons who are running the hotels and other shops adjacent to the said primary health centre. Further he has deposed that he had conducted the spot inspection and found that the above said persons unauthorizedly running the hotel, pan shop mutton shop, scrape materials shop, etc., except the DGO no.1 and 2 issued the notice to the said persons to evict, no further action was not taken by them.

**18.** DGO no. 1 Smt.Sangeetha Biradar, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District has examined herself as DW-1. DW-1 has deposed in her evidence that she was working as a Panchayath development officer in Farahathabad grama panchayath from 8.4.2014 to 29.12.2015. Further he has deposed that the then Panchayath development officer issued a notice on 19.11.2011 to 26.11.2013 to the unauthorized occupants to evict from the said place. On 8.1.2015 she has also issued notice to the said persons but on 12.1.2015 letter was submitted by the Veerakannadiga Grama gataka had requesting that not to take action against the said person. Further deposed that she has brought the said facts to the notice of higher officer but grama panchayath, taluk panchayath and zilla panchayath election was declared due

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to that no action was taken during that time. DW-1 further admitted in her cross examination that she has not produced any document to show that she has brought to the notice of the higher authority in respect of issue the notice to the unauthorized occupants to evict from the alleged place. Further she admitted that except issue notice no action was taken by her during her period against the alleged unauthorized occupants.

**19.** DGOs No. 2 has examined Sri.Sandeep Jinde, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District has examined himself as DW-2. DW-2 has deposed in his evidence that he was working as a Panchayath development officer of the said grama panchayath from 2.8.2012 to 8.4.2014. Further admitted that on 5.3.2012 and 26.11.2013 he had issued the notice to the person who were running the hotel, petty shop etc., in front of the Primary Health Center of the Farahathabad and further deposed that the said facts brought to the notice of general body of the said grama panchayath. But in the general body meeting not taken any proper decision and further deposed that in the meanwhile the grama panchayath election was declared and for that unable to concentrate on the said facts and thereafter he has hand over the charge to the DGO no.1 on 8.4.2014.

**20.** Ex.P1 is the complaint letter dtd: 27.3.2015 from the PW-1 to the SP., Karnataka Lokayukta Kalaburagi. Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1 to the Karnataka Lokayukta office. Ex.p-4 is the notice

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dtd: 8.1.2015 from the President and Panchayath development officer of the Farahathabad grama panchayath. Ex.P-5 is the comments and other documents submitted by DGO no. 1 to the DRE-3 Karnataka Lokayukta, Bengaluru. Ex.P-6 is the rejoinder dtd: 16.3.2016 submitted by PW-1 to the DRE-3 Karnataka Lokayukta, Bengaluru. Ex.P-7 is the written statement of PW-1 dtd: 24.8.2015. Ex.p-8 is the written statement of Smt. Gulanasa Paraveen dtd: 25.8.2015. Ex.P-9 is the written statement of Sri. Kalyani S/o Narasappa Thalawar dtd: 26.8.2015. Ex.P-10 is the written statement of Smt. Sugura dtd: 26.8.2015. Ex.P-11 is the written statement of Sri.Siddrama dtd: 26.8.2015. Ex.P-12 is the written statement of Sri.Rukamuddin dtd: 26.8.2015. Ex.P-13 is the written statement of Sri. Jaleel dtd: 26.8.2015. Ex.P-14 is the written statement of Sri. Sharanabasava dtd: 26.8.2015. Ex.P-15 is the written statement of Sri.Siddaramappa dtd: 26.8.2015. Ex.P-16 is the written statement of Sri.Mohammad Ali dtd: 26.8.2015. Ex.P-17 is the letter from medical officer PHC Farahathabad to the PI Karnataka Lokayukta Kalaburagi. Ex.P-18 is the extract section 72 of panchayath Raj Rules 1993. Ex.P-19 is the investigation report dtd: 28.8.2015 of PI Karnataka Lokayukta Kalaburagi. Ex.P-20 is the investigation report dtd: 29.8.2015 of SP Karnataka Lokayukta Kalaburagi to the DRE -3 Karnataka Lokayukta Bengaluru. Ex.P-21 is the comments dtd: 25.6.2016 submitted by DGO no. 2.

**21. Ex.D-1** is the complaint copy dtd: 19.3.2015 submitted by DGO no.1 to the PSI Farahathabad Police station.

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**22.** Perused the evidence of Pw-1, PW-2, and DW-1, DW-2 along with document produced by the both side. As per the document the DGO no.2 working as a Panchayath development officer of the Farahathabad grama panchayath from 22.8.2012 to 8.4.2014 and DGO no. 1 was working as a Panchayath development officer of the said grama panchayath from 8.4.2014 to 29.12.2015. The PW-1 is the complainant he had submitted his complaint before the PI Karnataka Lokayukta Kalaburagi on 27.3.2015, i.e., Ex,P-1, Ex.P-4 is the copy of the notice dtd: 8.1.2015 which is issued by the DGO no. 1 along with the president of the grama panchayath to the alleged unauthorized occupants. Ex.p-5 is the comments and documents submitted by the DGO no.1 in her comments she has admitted that except she has issued the notice to the alleged unauthorized occupants and has not taken any action against them. Ex.P-5 page no. 91-92 is a notice dtd: 29.11.2011 issued by the DGO no. 2 to the unauthorized occupants by name Shivanna, Malkappa, and 8 other persons based on the letter submitted by the medical officer Primary Health Centre Farahathabad. Ex.P-5 page no. 93-94 is the is a notice dtd: 26.11.2013 issued by the DGO no. 2 to the unauthorized occupants by name Shivanna, Malkappa, and 8 other persons based on the letter submitted by the medical officer Primary Health Centre Farahathabad. Ex.P-5 page no. 95 is the is a notice dtd: 5.3.2013 issued by the DGO no. 2 to the unauthorized occupants by name Abdulla based on the letter submitted by the medical officer Primary Health Centre Farahathabad. Ex.P-5 page no. 96-97 is the is a notice dtd: 8.1.2015 issued by the DGO no. 1 to

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the unauthorized occupants by name Shivanna, Malkappa, and 8 other persons based on the letter submitted by the medical officer Primary Health Centre Farahathabad. Ex.P-5 page no. 98 is the letter dtd: 5.1.2015 of Srirama seena Grama gataka Farahathabad to the Panchayath development officer grama panchayath Farahathabad. As per the above said documents the DGO no. 1 and 2 only issued notice to the unauthorized occupants who were running the hotels and other shops and caused nuisance to the Primary Health Centre but not taken any action to stop the said public nuisance and evict them from the said place in accordance with law.

**23.** Ex.P-5 page no. 99 -101 is the copy of the resolution dtd: 18.8.2012. As per the said resolution the subject matter item no. 7 is related to alleged fact. As per the said resolution the general body decided to issue notice to the unauthorized occupants to evict them. Ex.P-5 page no. 102-104 is the copy of the resolution dtd: 25.5.2013. As per the said resolution the subject matter item no. 16 is related to alleged fact. As per the said resolution the general body decided to take action to evict the unauthorized occupants and also if some of them obtained the license from the grama panchayath to run the shops said, license shall be cancelled. As per the above said resolution, the resolution already passed by the grama panchayath to take action against the unauthorized occupants and cancelled the license if any obtained from the said grama panchayath even though that the DGOs as Panchayath development officer of the said grama panchayath not taken further action except issue

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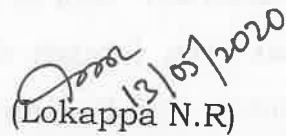


repeated notice. **Ex.P-5** page no. 105-106 is the copy of the resolution dtd: 4.09.2013. As per the said resolution the subject matter item no. 10 is related to alleged fact. As per the said resolution the general body decided to announce the eviction notice through the loudspeaker and fixed the date to evict alleged shops for that issue notice to the said unauthorized occupants as a final warning. Thereafter the DGOs as Panchayath development officer of the said grama panchayath not taken any further action against them except issue notice and also same facts not brought to the notice of the higher authority to initiate further action as per law. **Ex.P-5** page no. 107-109 is the copy of the resolution dtd: 30.6.2014. As per the said resolution the subject matter item no. 5 is related to alleged fact. As per the said resolution the general body decided to issue further notice even though earlier resolution passed to evict the said alleged unauthorized occupants. **Ex.P-5** page no. 110-112 is the copy of the resolution dtd: 1.9.2014. As per the said resolution the subject matter item no. 4 is related to alleged fact. As per the said resolution the general body not decided anything regarding said matter as the president of the said grama panchayath was absent. The above said all the facts depicts that even though the medical officer of the primary Health Centre of Farahathabad submitted his complaint before the grama panchayath in the year 2011 regarding the public nuisance caused by the alleged unauthorized occupants who were running the hotels and other shops besides the said primary Health Centre, the DGOs as Panchayath development officer of the said grama



panchayath not taken proper action except issue repeated notice to the said unauthorized occupants. Further the above said material evidence reveals that even though the said grama panchayath already decided to evict them in the year 2012 on the basis of complaint filed by the medical officer, the DGO's as Panchayath development officer of the said grama panchayath placed the same subject matter before the general body again and again without said subject placed before the higher authority i.e., Executive officer, Taluk panchayath, to take proper action in accordance with section 72, 75 of the Karnataka grama panchayath Act 1993 and Karnataka panchayath raj (removal of encroachments) Rules 2011. The above said act of the DGOs itself comes under the misconduct and dereliction of duty. There is no material evidence from the side of the DGOs to disbelieve the evidence of the disciplinary authority. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGOs No.1 and 2.

**24.** In the above said facts and circumstances, charge leveled against the DGOs No.1 and 2 is proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.

  
(Lokappa N.R.)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

Pw.1	Sri.S.Sharma Shivakumar, Member of Farahathabad grama panchayath Kalaburgi Taluk and District
PW-2	Sri. James Minajes, the then Police Inspector, Karnataka Lokayukta Kalaburgi

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

Ex.P1	Ex.P1 is the complaint letter dtd: 27.3.2015 from the PW-1 to the SP., Karnataka Lokayukta Kalaburagi.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1 to the Karnataka Lokayukta office.
Ex.P- 4	Ex.p-4 is the notice dtd: 8.1.2015 from the President and Panchayath development officer of the Farahathabad grama panchayath.
Ex.P5	Ex.P-5 is the comments and other documents submitted by DGO no. 1 to the DRE-3 Karnataka Lokayukta, Bengaluru.
Ex.P6	Ex.P-6 is the rejoinder dtd: 16.3.2016 submitted by PW-1 to the DRE-3 Karnataka Lokayukta, Bengaluru.
Ex.P7	Ex.P-7 is the written statement of PW-1 dtd: 24.8.2015.
Ex.P8	Ex.p-8 is the written statement of Smt. Gulanasa Paraveen dtd: 25.8.2015.
Ex.P9	Ex.P-9 is the written statement of Sri. Kalyani S/o Narasappa Thalawar dtd: 26.8.2015.
Ex.P10	Ex.P-10 is the written statement of Smt. Sugura dtd: 26.8.2015.
Ex.P-11	Ex.P-11 is the written statement of Sri.Siddrama dtd: 26.8.2015.

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Ex.P-12	Ex.P-12 is the written statement of Sri.Rukamuddin dtd: 26.8.2015.
Ex.P-13	Ex.P-13 is the written statement of Sri. Jaleel dtd: 26.8.2015.
Ex.P-14	Ex.P-14 is the written statement of Sri. Sharanabasava dtd: 26.8.2015.
Ex.P-15	Ex.P-15 is the written statement of Sri.Siddaramappa dtd: 26.8.2015.
Ex.P-16	Ex.P-16 is the written statement of Sri.Mohammad Ali dtd: 26.8.2015.
Ex.P-17	Ex.P-17 is the letter from medical officer PHC Farahathabad to the PI Karnataka Lokayukta Kalaburagi.
Ex.p-18	Ex.P-18 is the extract section 72 of panchayath Raj Rules 1993.
Ex.P-19	Ex.P-19 is the investigation report dtd: 28.8.2015 of PI Karnataka Lokayukta Kalaburagi.
Ex.P-20	Ex.P-20 is the investigation report dtd: 29.8.2015 of SP Karnataka Lokayukta Kalaburagi to the DRE -3 Karnataka Lokayukta Bengaluru.
Ex.P-21	Ex.P-21 is the comments dtd: 25.6.2016 submitted by DGO no. 2.

**iii) List of witnesses examined on behalf of DGO.**

DW-1	Smt.Sangeetha Biradar, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District
DW-2	Sri.Sandeep Jinde, Panchayath development officer, Farahathabad grama panchayath, Kalaburagi Taluk and District

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**iv) List of documents marked on behalf of DGO**

Ex.D-1	complaint copy dtd: 19.3.2015 submitted by DGO no.1 to the PSI Farahathabad Police station
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(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE/12/2017/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **15/05/2020**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Smt. Sangeetha Biradar, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District.
- 2) Sri Sandeep Jinde, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District – Reg.

- Ref:- 1) Govt. Order No.ಗ್ರಾಅಪ 668 ಗ್ರಾಪಂಕ 2016, Bengaluru dated 29/12/2016 – 2/1/2017.
- 2) Nomination order No.UPLOK-1/DE/12/2017, Bengaluru dated 6/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru
  - 3) Inquiry Report dated 13/5/2020 of Additional Registrar of Enquiries-9 Karnataka Lokayukta, Bengaluru

The Government by its order dated 29/12/2016 – 2/1/2017 initiated the disciplinary proceedings against (1) Smt. Sangeetha Biradar, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District and (2) Sri Sandeep Jinde, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/12/2017, Bengaluru dated 6/1/2017 nominated Additional Registrar

of Enquiries 9, 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.

3. The DGO-1 Smt. Sangeetha Biradar, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District and DGO-2 Sri Sandeep Jinde, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District was tried for the following charge:-

“You DGO No.1 and 2 except issuing the notices, no prompt attempts are made for removing and evicting the hotels and other petty shops, which are causing nuisance to the Primary Health Centre, Farahatabad Village inspite of the resolution passed in the General Body meeting of the Grama Panchayath. Thereby, you – DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you – DGOs are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Smt. Sangeetha Biradar, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District and DGO-2 Sri Sandeep Jinde, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and 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 DGOs 1 & 2;

(i) DGO-1 Smt. Sangeetha Biradar is due to retire from service on 31/12/2046.

(ii) DGO-2 Sri Sandeep Jinde is due to retire from service on 31/8/2043.


7. Having regard to the nature of charge proved against DGOs 1 Smt. Sangeetha Biradar and DGO-2 Sri Sandeep Jinde;

(i) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-1 Smt. Sangeetha Biradar, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District with cumulative effect and also for imposing penalty of deferring the promotion of DGO-1 Smt. Sangeetha Biradar by four years whenever, she becomes due for promotion.

(ii) It is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Sandeep Jinde, Panchayath Development Officer, Farahatabad Grama Panchayath, Kalaburagi Taluk and District with cumulative effect and also for imposing penalty of deferring the promotion of DGO-2 Sri Sandeep Jinde by four years, whenever he becomes due for promotion.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 15/5  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru