

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/127/2015/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 02-02-2018**:: ENQUIRY REPORT ::****:: Present ::**( Lokappa N.R )  
Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
BangaloreSub: Departmental Enquiry against Sri. Abdul  
Salam- the then Executive Officer, Taluk  
Panchayath, Aland, Kalaburgi District - reg.Ref: 1) Government Order No. ಗ್ರಾಅಪ 52 ಎಸೆಬಿ 2015  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19/02/2015.2) Nomination Order No: Uplok-1/DE/  
127/2015, Bangalore dated 12/03/2015.

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This Departmental Enquiry is initiated against Sri. Abdul Salam- the then Executive Officer, Taluk Panchayath, Aland, Kalaburgi District (hereinafter referred to as the "Delinquent Government Official" in short "DGO").

In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta-I vide order dated 12/03/2015 cited at reference No.2 has Nominated Addl. Registrar of Enquiries-6 to frame the charges and to conduct the enquiry against the aforesaid DGO.



Later vide Order No.Uplok-1/DE/2016 Bangalore, dated: 3.8.2016 of Hon'ble Upalokayukta-1 this file has been transferred to ARE-9.

Addl. Registrar of Enquiries-6 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. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit his written statement of defence.

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

### **ANNEXURE-I**

#### **CHARGE**

ನೀವು ಶ್ರೀ ಅಬ್ದುಲ್ ಸಲಾಂ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಆ.ಸ.ನೌ ಎಂದು ಸಂಬೋಧಿಸಲ್ಪಡುವ) ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆಯ ಆಳಂದ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಯಾಗಿದ್ದ ಅವಧಿಯಲ್ಲಿ ನರೋಣಾ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದ ಶ್ರೀ. ಗುಂಡಪ್ಪ ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಸದಸ್ಯರಾಗಿದ್ದ ಶ್ರೀ ರಶೀದ್ ಖಜೂರಿ ಯವರು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿದ್ದ ಮರಳು ತೆರಿಗೆ ಆದಾಯವನ್ನು ವಸೂಲಿ ಮಾಡುವ ಬಗ್ಗೆ ದಿ: 14/3/2012ರ ನಿಮ್ಮ ಪತ್ರದಲ್ಲಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಾಗಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಗೆ ಪತ್ರ ಬರೆದು ತಿಳಿಸಿದ ನಂತರ ಸದರಿ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡ ಹಣ ವಸೂಲಾತಿಗೆ ಸೂಕ್ತ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳದೇ ಇದ್ದಾಗ ದಿ.14/06/2012ರ ನನಪೋಲೆ ನೀಡಿ ಕ್ರಮ ತೆಗೆದುಕೊಂಡ ಬಗ್ಗೆ 09/07/2012 ರೊಳಗಾಗಿ ತಿಳಿಸಲು ಕೇಳಲಾಗಿದ್ದರೂ ಸಹ ನಿಳಿಸದೇ ಹೋದಿರಿ ಹಾಗೂ ಈ ಬಗ್ಗೆ ನೀವು ಉತ್ತರ ನೀಡದೇ ಹೋದ ಬಗ್ಗೆ ದಿ: 25/07/2012ರ ಕಾರಣ ಕೇಳುವ ನೋಟೀಸ್ ನೀಡಿದ್ದರೂ ಸಹ ನೀವು ಕಾರಣ ನೀಡದೇ, ನಿಮ್ಮ ಸರ್ಕಾರಿ

ಕಾರ್ಯನಿರ್ವಹಿಸುವಲ್ಲಿ ಸಂಪೂರ್ಣ ನಿಷ್ಠೆ ಪ್ರದರ್ಶಿಸದೇ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿ ವ್ಯವಹರಿಸಿ ಕೆ.ಸಿ.ಎಸ್ (ನಡವಳಿಕೆ) ನಿಯಮಗಳು 1966ರ ನಿಯಮ 3(1)(ii) ಹಾಗೂ (iii) ರಲ್ಲಿ ಹೇಳಿದ ದುರ್ನಡತೆ ಎಸಗಿರುವಿರಿ.

### **ANNEXURE-II**

#### **STATEMENT OF IMPUTATION OF MISCONDUCT:**

On the basis of a complaint filed by Sri. Basaiah R. Matapathi R/o. Naronā in Alanda Taluk of Gulbarga District, against Sri. Abdul Salam-Executive Officer of Taluk Panchayath of Aland in Gulbarga District alleging their misconduct, an investigation has been taken up invoking Sec.9 of Karnataka Lokayukta Act.

1. According to the complainant: the complainant has filed complaint alleging that there is mismanagement and misappropriation of funds at Naronā Gram Panchayath and in that connection, Hanuman Temple Trust Committee of Naronā, held a meeting on 29/06/2003 and submitted a charter of eleven demands to the Chief Executive Officer of Gulbarga Zilla Panchayath, and submitted another representation to the Executive officer of Taluk Panchayath at Aland on 30/06/2003, reiterating said demands. As the demands raised were not fulfilled, the members of Hanuman Temple trust took to fasting to protest inaction. After that, on 01/07/2003, the Executive Officer of Taluk Panchayath at Aland, gave written assurance to the fasting members that a detailed investigation will be made about demands put forth by them and submit a report. But, since no action was taken by the said

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Executive Officer of Taluk Panchayath at Aland, complaint is filed.

2. Thereafter, a report was called from the Executive Officer of Taluk Panchayath at Aland, and Chief Executive Officer of Zilla Panchayath at Gulbarga, on the complaint. Then said Executive Officer submitted a report dated 10/03/2004. On receipt of report of said Executive Officer, further action taken report was called for from the then Executive Officer of Taluk Panchayath at Aland.
3. Then that Executive Officer has submitted that Sri. Gundappa Sarasambi - Former President of Naronna Gram Panchayath is due for a sum of ₹9,585/- to said Panchayath besides ₹95,675/- of revenue of Sandy Tax. So, a Show cause Notice dated 28/02/2012 was issued to DGO's Predecessor Sri. Santhappa Takkalaki.
4. For that, the DGO sent a letter dated 14/03/2012 stating that steps will be taken to recover the said dues. So, by letter dated 29/03/2012, the DGO was asked to report whether it is possible to recover dues of Naronna Gram Panchayath from the former President Sri. Gundappa Sarasambi and former Member Sri. Rasheed Kajuri under Karnataka Panchayath Raj Act, 1993 and, if it is possible, why delay has been caused to recover it and also instructed to report crime number registered in the police station against said persons.



5. But, the DGO failed to reply for that. Thereafter, reminder dated 27/04/2012 issued to DGO by name was served on him on 14/05/2012. For that, the DGO sent reply letter dated 20/07/2012 stating no criminal case is registered in the Narona Police Station on the basis of his letters and also stated that the former President-Sri. Gundappa Sarasambi and former Member-Sri. Rasheed Kajuri are not residing at Narona/Head quarters. But, DGO has not stated whether or not, they have any immovable property and whether it is possible to recover said amount or not. So, reminder (No.2) dated 14/06/2012 was issued to DGO by name again for that and directed to send reply on or before 09/07/2012. It was served on him on 03/08/2012. Then also DGO failed to reply.

6. So, Show Cause Notice dated 25/07/2012 was issued to him by name, calling upon him to show cause on or before 24/08/2012 as to why disciplinary action should not be initiated against him for not responding to our letters and reminders. Even then also, he failed to show any cause (as he failed to reply it) for that though it was served on him on 10/08/2012.

7. Therefore, an investigation was taken up against the DGO and an observation note was sent to him (DGO) to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him (DGO) about his said misconduct. However, for that, he submitted his reply.

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But, the same is not found satisfactory or convincing to drop the proceedings as ordered in file.

8. Said facts and material on record prima-facie show that the DGO has failed to maintain absolute devotion to duty and acted in a manner unbecoming of a Government Servant by not responding to repeated correspondence i.e., not filing report and not recovering the amount due to Panchayath from concerned and thereby committed misconduct under Rule 3(1) (ii & iii) of KCS (Conduct) Rules, 1966, So, report under Section 12(3) of the Karnataka Lokayukta Act, was made recommending Competent authority to initiate disciplinary proceedings against the DGOs to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hence, the charge.

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The DGO has appeared on 05/11/2015 before enquiry authority in pursuance to the service of Article of Charges.

Plea of DGO has been recorded. He has not pleaded guilty and claimed for holding enquiry.

**The DGO has submitted his Written statement is that,**

This DGO working as Executive Officer, Taluk Panchayath, Alanda in the year 2011-12 & 2012-13 for a period of one and half year. The only charge leveled against the DGO is about negligence in his supervision and control over gram panchayats of the taluk, as a Chief Executive officer, Taluk



Panchayat Aland and also alleged delay caused in the investigation report on the complaint made during 2003-04 by some persons. Further submit that, obviously delay is caused in the matter of investigation not by one officer but all the officers who worked in 2002-03 to 2014-15 for the administrative reason. Due to shortage of hands at root level/ referring the matter to Audit party/ inspection officers and due to transfer of officer/ Officials at all stages and office the delay is not at all one point and by one officer it is naturally collateral responsibility of all persons like gram panchayat President and member of the Gram Panchayat Narona and supporting staff of the Panchayat. If the gram panchayat Chirman, member, PDO and other field staff were all alert in their functioning the sincerity, this would have not happened. By Referring these points will not necessary to this that the DGO is shirking from his responsibility. It is a collateral responsibility and all single officer cannot be solely held responsible for it. In this case there is no malafied intention of any personal gain of the DGO, who has all obedient and sincerely discharged his duty and EO, Taluk panchayat, Aland during his office tenure of one and half years between 2011-12 and 2012-13. In fact there were not any complaints of misusing funds/misappropriation of government money/Tampering of records. Thus, the charge are bald and vague the enquiry conduct bald and vague charges rendered the whole proceedings initiated and it become infructuous. Hence, prayed for drop the proceedings.



The disciplinary authority has examined the complainant Sri. Basaiah Rachaiah Mathapati as PW.1 and Ex.P1 to P5 are got marked. The DGO has not examined any witness and not got marked any documents.

The disciplinary authority and DGO has filed the written in brief and heard the submissions. I answer the above charges in **AFFIRMATIVE** for the following:

### REASONS

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

4) The disciplinary authority has examined PW.1- Sri. Basaiah Rachaiah Mathapati. He deposed in his Chief examination that, from the year 1998 to 2003 there was a misappropriation of funds in Naron gram panchayath. For that, on behalf of the Hunuman Temple Trust Committee, complainant and other protested regarding the misappropriation, put forth 11 points demands. A letter was addressed to the EO of Alanda during June 2008 regarding their demands, for the same EO of Taluk Panchayat Aland has came to the spot and gave assurance in writing that all the grievance would be investigated and report would be submitted to the concerned. But since from the said dated E.O did not take any action on his written assurance. For that, he has submitted his complaint to the Hon'ble Upalokayukta office in November 2003. Considering the above said period the DGO was not working in the above said year, he was working from the year 2011-12 and 2012-13, for the period of





one and half year. As per his written brief recover the Rs.1,60,960/- from the President of Naronna Gram Panchayat to the various dates and same was submitted by him on 6/3/2003 to the Hon'ble Uplokayukta and remaining Rs.28,500/- was the balance amount of misappropriation amount on 12/7/13 and then he transferred to the other taluk on 12/10/13. Further, he admitted that he received the show cause notice from the Hon'ble Upalokayukta through ARE- 6 on 25/7/2012 and also receiving the reminder notice dt: 27/4/12, 14/6/12 and further he submit his report to the Lokayukta office as per rules.

5) **The charge leveled against the DGO is that,** the DGO submit his letter on 14/3/12 in the complaint No.Compt/Uplok/GLB/844/2003/ARE-6 and under take to take action regarding recovery of misappropriation amount from the then President of Naronna Gram Panchayat Sri Gundappa and the then member of the said Gram Panchayat Sri Rasheed Khazuri. But, DGO not submit his report or reply regarding the same. For that, issued reminder on 14/6/12 to submit action taken report within 9/7/2012. Even though that the DGO not replied, then issue show cause notice on 25/7/2012 even though that he has not replied. The said act of the DGO is amounts to not maintaining devotion to duty and not maintain absolute integrity and also it amounts to dereliction of duty. Perusing the records of complaint No.Compt/Uplok/GLB/844/2003/ARE-6. The DGO submit his letter to the ARE-6 on 14/3/2012 and stated as follows;



“ನರೋಣ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಪಡೆದ ಮುಂಗಡ ಹಣ ಮರುಪಾವತಿ ಮಾಡದೇ ಇರುವುದರಿಂದ ಅವರಿಗೆ ಸಾಕಷ್ಟು ಸಲ ನೋಟೀಸಿನ ಮುಖಾಂತರವಾಗಿ ತಿಳಿಸಿದ್ದರೂ ಸಹ ಅವರು ನರೋಣ ಗ್ರಾಂ ಪಂಚಾಯತಿಗೆ ಹಣ ತುಂಬಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸದರಿಯವರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಕೇಸ್ ದಾಖಲು ಮಾಡಲು ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್‌ವರಿಗೆ ದಿ: 7/12/12 ರಂದು ಪತ್ರಬರೆದು ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸುವಂತೆ ಕೋರಲಾಗಿದೆ. ಈ ಬಗ್ಗೆ 7/12/12 ರಂದು ತಮ್ಮ ಕಛೇರಿ ಈ ಬಗ್ಗೆ ದಿ: 7/12/12ರಂದು ಪತ್ರದ ಮೂಲಕ ವಿವರಣೆ ಸಲ್ಲಿಸಲಾಗಿದೆ. ಅದರ ಪ್ರತಿಯನ್ನು ಈ ಪತ್ರದ ಜೊತೆಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳ ಪ್ರಕಾರ ಈಗಾಗಲೇ ಎರಡು ಜನ ಸಿಬ್ಬಂದಿಗಳಿಂದ ಹಣ ವಸೂಲು ಮಾಡಲಾಗುತ್ತದೆ ಸದಸ್ಯರುಗಳ ಮತ್ತು ಅಧ್ಯಕ್ಷರುಗಳ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಕೇಸ್ ದಾಖಲು ಮಾಡಲಾಗಿದೆ. ಆದ್ದರಿಂದ ತಾವು ನನ್ನ ಮೇಲೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳಬಾರದೆಂದು ಕೋರಲಾಗಿದೆ.”

6) After that ARE-6 in the above said case issue notice to the DGO dt: 29/3/12 to submit his answer regarding the recovery of the amount from Gundappa, Ex.President and Rasheed Khazuri, Ex.Member of Naronna gram panchayat. After that, the DGO submit the letter dt 20/4/2012 to the ARE-6 and stated that ;

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ 1)ಶ್ರೀ ಗುಂಡಪ್ಪ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು, ನರೋಣ ರೂ.97,500/-, 2) ಶ್ರೀ ರಶೀದ್ ಖಜೂರು, ರೂ.9,585/-, 3) ಅಧ್ಯಕ್ಷರು ದುರುಪಯೋಗ ಪಡಿಸಿದ ಸಂತೆ ಹಣ ರೂ.95,675/- ಹೀಗೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ದುರುಪಯೋಗವಾದ ಹಣಕ್ಕೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ಸಬ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ಪೊಲೀಸ್ ಠಾಣೆ ನರೋಣ ರವರಿಗೆ ಉಲ್ಲೇಖಿತ-1ರನ್ವಯ ಪತ್ರ ಬರೆದು ಸದರಿಯವರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲು ಮಾಡಿ ಹಣ ವಸೂಲಿ ಮಾಡುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ. ಆದರೆ ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್ ನರೋಣ ರವರು ಸದರಿಯವರ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲ ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸದಸ್ಯರು ಕೇಂದ್ರ ಸ್ಥಾನದಲ್ಲಿ ವಾಸಿಸುತ್ತಿಲ್ಲ ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ಸದರಿ ವಿಷಯವು ತಮ್ಮ ದಯಾಪರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

7) After that, ARE-6 the above said case issued reminder No.1 dt 27/4/12 as directed by the Hon'ble Upalokayukta-1 as follows;



ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, 1)ಶ್ರೀ ಗುಂಡಪ್ಪ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು, ನರೋಣ ರೂ.97,500/-, 2) ಶ್ರೀ ರಶೀದ್ ಖಜೂರು, ರೂ.9,585/-, 3) ಅಧ್ಯಕ್ಷರು ದುರುಪಯೋಗ ಪಡಿಸಿದ ಸಂತೆ ಹಣ ರೂ.95,675/- ಹೀಗೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ದುರುಪಯೋಗವಾದ ಹಣಕ್ಕೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದಾಖಲಾದ ಕೇಸುಗಳ ಸಂಖ್ಯೆಯನ್ನು ತಿಳಿಸಿರಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ಯ ಅಧಿನಿಯಮದಡಿ ದುರುಪಯೋಗವಾದ ಹಣ ದೊರಕಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವೆ ಅಥವಾ ಇಲ್ಲವೇ? ಒಂದು ವೇಳೆ ಸಾಧ್ಯವಿದ್ದಲ್ಲಿ ಯಾಕೆ ದೊರಕಿಸಿಕೊಂಡಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ವಿವರನೆಯನ್ನು ಈ ಈ ಕಛೇರಿಗೆ ದಿ: 25/4/2012ರೊಳಗಾಗಿ ಸಲ್ಲಿಸಲು ಉಲ್ಲೇಖಿತ ಪತ್ರದ ಮೂಲಕ ಸೂಚಿಸಲಾಗಿತ್ತು ಆದರೆ ಇದುವರೆಗೂ ಉತ್ತರ ಸಲ್ಲಿಸಿಲ್ಲ. ದಿ: 25/5/12ರೊಳಗಾಗಿ ನಿಮ್ಮ ಉತ್ತರವನ್ನು ಈ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸಲು ಮತ್ತೊಮ್ಮೆ ಸೂಚಿಸಲಾಗಿದೆ.

ಹೀಗೆ ಸೂಚಿಸಲು ಗೌ. ಉಪಲೋಕಾಯುಕ್ತ-1 ರವರಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

8) The said reminder notice personally received by the DGO on 14/5/12. After that he had not replied then ARE-6 in the above said case issued reminder No.2 dt 14/6/12 as directed by the Hon'ble Upalokayukta-1 as follows;

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, 1)ಶ್ರೀ ಗುಂಡಪ್ಪ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು, ನರೋಣ ರೂ.97,500/-, 2) ಶ್ರೀ ರಶೀದ್ ಖಜೂರಿ, ರೂ.9,585/-, 3) ಅಧ್ಯಕ್ಷರು ದುರುಪಯೋಗ ಪಡಿಸಿದ ಸಂತೆ ಹಣ ರೂ.95,675/- ಹೀಗೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ದುರುಪಯೋಗವಾದ ಹಣಕ್ಕೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದಾಖಲಾದ ಕೇಸುಗಳ ಸಂಖ್ಯೆಯನ್ನು ತಿಳಿಸಿರಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ಯ ಅಧಿನಿಯಮದಡಿ ದುರುಪಯೋಗವಾದ ಹಣ ದೊರಕಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವೆ? ಅಥವಾ ಇಲ್ಲವೇ? ಒಂದು ವೇಳೆ ಸಾಧ್ಯವಿದ್ದಲ್ಲಿ ಯಾಕೆ ದೊರಕಿಸಿಕೊಂಡಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ವಿವರನೆಯನ್ನು ಈ ಈ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸಲು ಉಲ್ಲೇಖಿತ ಪತ್ರ ಮತ್ತು ನೆನಪೋಲೆಗಳ ಮೂಲಕ ಸೂಚಿಸಲಾಗಿತ್ತು ಆದರೆ ಇದುವರೆಗೂ ಉತ್ತರ ಸಲ್ಲಿಸಿರುವುಲ್ಲ. ದಿ: 9/7/12ರೊಳಗಾಗಿ ನಿಮ್ಮ ಉತ್ತರವನ್ನು ಈ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸಲು ಮತ್ತೊಮ್ಮೆ ಸೂಚಿಸಲಾಗಿದೆ.

ಹೀಗೆ ಸೂಚಿಸಲು ಗೌ. ಉಪಲೋಕಾಯುಕ್ತ-1 ರವರಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

9) The said reminder notice personally received by the DGO on 3/7/2012. After that he had not replied then ARE-6 in the above said case issued Show cause notice dt 25/7/2012 as directed by the Hon'ble Upalokayukta-1 as follows;

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಪತ್ರಗಳ ಮೂಲಕ 1)ಶ್ರೀ ಗುಂಡಪ್ಪ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು, ನರೋಣ ರೂ.97,500/-, 2) ಶ್ರೀ ರಶೀದ್ ಖಜೂರಿ, ರೂ.9,585/-, 3) ಅಧ್ಯಕ್ಷರು ದುರುಪಯೋಗ ಪಡಿಸಿದ ಸಂತೆ ಹಣ ರೂ.95,675/-

ಗೌ

ಹೀಗೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ದುರುಪಯೋಗವಾದ ಹಣಕ್ಕೆ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲಿ ದಾಖಲಾದ ಕೇಸುಗಳ ಸಂಖ್ಯೆಯನ್ನು ತಿಳಿಸಿರಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ಯ ಅಧಿನಿಯಮದಡಿ ದುರುಪಯೋಗವಾದ ಹಣ ದೊರಕಿಸಿಕೊಳ್ಳಲು ಸಾಧ್ಯವೇ? ಅಥವಾ ಇಲ್ಲವೇ? ಒಂದು ವೇಳೆ ಸಾಧ್ಯವಿದ್ದಲ್ಲಿ ಯಾಕೆ ದೊರಕಿಸಿಕೊಂಡಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ವಿವರಣೆಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿತ್ತು ದಿ:27/4/2012 ಮತ್ತು 14/6/2012ರ ಪತ್ರ ಖುದ್ದು ನಿಮಗೆ ಜಾರಿಯಾಗಿರುತ್ತದೆ. ಆದರೂ ಸಹ ನಿಮ್ಮಿಂದ ಯಾವುದೇ ಉತ್ತರ ಬಂದಿರುವುದಿಲ್ಲ.

ನೀವು ವಿವರಣೆಯನ್ನು ಸಲ್ಲಿಸದೇ ಇರುವುದು ನಮ್ಮ ಪತ್ರ, ನೆನಪೋಲೆಗಳಿಗೆ ಸ್ಪಂದಿಸದೇ ಇರುವುದು ನಿಮ್ಮ ಕರ್ತವ್ಯಕ್ಕೆ ನಿರ್ಲಕ್ಷ್ಯಮಾಡಿದ್ದೀರಿ ಹಾಗೂ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ ತೋರಿದ್ದೀರಿ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಯಾಕೆ ಕೈಗೊಳ್ಳಬಾರದು ಎಂಬ ಬಗ್ಗೆ ಕಾರಣ ದಿ: 24/8/2012ರೊಳಗೆ ತಿಳಿಸಬೇಕೆಂದು ಸೂಚಿಸಲಾಗಿದೆ. ತಪ್ಪಿದಲ್ಲಿ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು

ಹೀಗೆ ಸೂಚಿಸಲು ಗೌ. ಉಪಲೋಕಾಯುಕ್ತ-1 ರವರಿಂದ ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

10) The said show cause notice personally received by the DGO on 10/8/2012 but, not replied. Then Are-6 issued the Observation Note as directed by the Hon'ble Upalokayukta-1 dt: 21/9/2012 to the DGO regarding proceeding against DGO regarding his misconduct as a public servant. In the said Observation Note para No.4 & 5 stated as follows:

*4. so as ordered by the Hon'ble Upalokayukta this Observation Note sent to you-respondent to show cause as to why recommendation be not made to your competent authority for initiating disciplinary proceedings against you-respondent for your said misconduct.*

*5. Your reply in this regard should reach this office within 15 days from the date of receipt of this observation note, failing which it will be deemed that you-respondent have nothing to offer and proceeded with further in the matter as is permissible under law against you respondent.*

11) Said Observation Note served to the DGO to submit his reply. The DGO send his reply on 16/10/2012 and same was



received by the scrutiny officer on 19/10/2012. In the said reply stated as follows ;

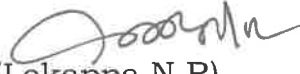
ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಪತ್ರದನ್ವಯ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಪೂರ್ವಕವಾಗಿ ಸಲ್ಲಿಸುವುದೇನೆಂದರೆ ಆಳಂದ ತಾಲೂಕಿನ ನರೋಣ ಗ್ರಾಮ ಪಂಚಾಯತದ ಶ್ರೀ ಬಸಯ್ಯ ಮಠಪತಿ, ನರೋಣ ಇವರು ಸಲ್ಲಿಸಿರುವ ದೂರಿನನ್ವಯ ಈ ಕೆಳಗೆ ತೋರಿಸಿದ ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ಗುಂಡಪ್ಪ ಇವರಿಂದ ರೂ.97,500/- ವಸೂಲಿ ಮಾಡಿ ನರೋಣ ಗ್ರಾಮ ಪಂಚಾಯತಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಶ್ರೀ ರಶೀದ್ ಖಜೂರಿ ಇವರಿಂದ ರೂ.9585/- ವಸೂಲಿ ಮಾಡಿ ಹಣವನ್ನು ನರೋಣ ಗ್ರಾಮ ಪಂಚಾಯತ ಖಾತೆ ಸಂ.2031065231ಕ್ಕೆ ಜಮೇ ಮಾಡಲಾಗಿದೆ. ಅದರಂತೆ, ಇನ್ನೂ ರೂ.95,675/- ಅಧ್ಯಕ್ಷರ ಸಂತೆ ಹಣ ಇದರಲ್ಲಿ ರೂ.13,100/- ಗುಂಡಪ್ಪ ಸರಸಂಬಿ ಮಾಜಿ ಅಧ್ಯಕ್ಷರು, ಗ್ರಾಮ ಪಂಚಾಯತ ನರೋಣ ಇವರಿಂದ ವಸೂಲು ಮಾಡಲಾಗಿದೆ. ಅದನ್ನೂ ಸಹ ನರೋಣ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಖಾತೆ ಸಂ.2031065231ಕ್ಕೆ ದಿ: 16/10/2012 ರಂದು ಜಮಾ ಮಾಡಲಾಗಿದೆ. ವಸೂಲಿ ಮಾಡಿರುವ ದಾಖಲಾತಿಗಳು ಈ ಪತ್ರಕ್ಕೆ ಲಗತ್ತಿಸಲಾಗಿದೆ. ಇನ್ನೂ ಬಾಕಿ ಉಳಿದ ರೂ.82,575/- 3 ಜನ ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಇರುವುದರಿಂದ ಅವರ ಅಧಿಕೃತ ಅವಧಿ ನಿಖರವಾಗಿ ತಿಳಿಯದೇ ಇರುವುದರಿಂದ ಯಾರಿಂದ ಎಷ್ಟೆಷ್ಟು ವಸೂಲು ಮಾಡಬೇಕೆಂದು ತಿಳಿಯಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ ಸದರಿ ಬಾಕಿ ಉಳಿದಿರುವ ಹಣವನ್ನು ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರ ಅವಧಿಯನ್ನು ನಿಖರವಾಗಿ ತಿಳಿದುಕೊಂಡು ಅವರಿಂದ ವಸೂಲಿ ಮಾಡಲಾಗುವುದು. ಕಾರಣ ನನಗೆ ಒಂದು ತಿಂಗಳು ಕಾಲಾವಕಾಶ ನೀಡಲು ಕೋರಲಾಗಿದೆ ಹಾಗೂ ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬಾರದೆಂದು ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳಲಾಗಿದೆ.

12) Perused the above said reply given by the DGO to the Observation Note dt: 21/9/2012 the DGO not given proper answer in the said reply to said observation note. The said observation note issued on 17/9/2012 but, the DGO send his reply on 19/10/2012 to the ARE-6. The DGO failed to given explanation and reasons for not given reply to the reminders No.1 and 2 and Show cause notice issued by the ARE-6 as directed by the Hon'ble Upalokayukta. This fact reveals that, he had intentionally dishonor the letter issued by the ARE-6 which letters issued as directed by the Hon'ble Upalokayukta-1. The said facts and materials show on record that the DGO had committed misconduct as being a public servant he has failed to discharge his duty with maintaining devotion to duty, he acted in a manner unbecoming of a public servant by not

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responding to the above said reminder No.1 and 2 and show cause notice issued by the ARE-6 as directed by the Hon'ble Upalokayukta.

13) In the event of the above circumstances, the charge leveled against the DGO is proved. Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.



(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore

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

PW.1	Basaiah Rachaiah Mathapati (original)
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Complaint dt: 15/11/2003 (original)
Ex.P1(a)	Signature
Ex.P2	Complaint Form No.I (original)
Ex.P2(a)	Signature
Ex.P3	Complaint Form No.II (original)
Ex.P3(a)	Signature
Ex.P4	Copy of the letter dt: 30 <sup>th</sup> June 2003 (Xerox)
Ex.P5	Written Assurance by the E.O dt: 10/7/2003 (Xerox)

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

NIL

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

NIL



(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/127/2015/ ARE-9

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

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri Abdul Salam, the then Executive Officer, Taluk Panchayath, Aland, Kalaburagi District – Reg. .

Ref:- 1) Government Order No. ಗ್ರಾಅಪ 52 ಎಸೇಬಿ 2015, Bengaluru dated 19/2/2015

2) Nomination order No.UPLOK-1/DE/127/2015, Bengaluru dated 12/3/2015 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 2/2/2018 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 19/2/2015, initiated the disciplinary proceedings against Sri Abdul Salam, the then Executive Officer, Taluk Panchayath, Aland, Kalaburagi 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/127/2015, Bengaluru dated 12/3/2015, nominated Additional Registrar of Enquiries-6, Karnataka Lokayukta, Bengaluru, as 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 Abdul Salam, the then Executive Officer, Taluk Panchayath, Aland, Kalaburagi District was tried for the following charge:-

“ನೀವು ಶ್ರೀ ಅಬ್ದುಲ್ ಸಲಾಂ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ, ಆ.ಸ.ನೌ ಎಂದು ಸಂಬೋಧಿಸಲ್ಪಡುವ) ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆಯ ಆಳಂದ ತಾಲ್ಲೂಕಾ ಪಂಚಾಯತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಯಾಗಿದ್ದ ಅವಧಿಯಲ್ಲಿ ನರೋಣಾ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದ ಶ್ರೀ ಗುಂಡಪ್ಪ ಹಾಗೂ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಸದಸ್ಯರಾಗಿದ್ದ ಶ್ರೀ ರಶೀದ್ ಖಜೂರಿಯವರು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡಿದ್ದ ಮರಳು ತೆರಿಗೆ ಆದಾಯವನ್ನು ವಸೂಲಿ ಮಾಡುವ ಬಗ್ಗೆ ದಿ. 14/03/2012ರ ನಿಮ್ಮ ಪತ್ರದಲ್ಲಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದಾಗಿ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಗೆ ಪತ್ರ ಬರೆದು ತಿಳಿಸಿದ ನಂತರ, ಸದರಿ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡ ಹಣ ವಸೂಲಾತಿಗೆ ಸೂಕ್ತ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳದೇ ಇದ್ದಾಗ, ದಿ.14/06/2012ರ ನೆನಪೋಲೆ ನೀಡಿ ಕ್ರಮ ತೆಗೆದುಕೊಂಡ ಬಗ್ಗೆ ದಿ. 09/07/2012ರೊಳಗಾಗಿ ತಿಳಿಸಲು ಕೇಳಲಾಗಿದ್ದರೂ ಸಹ ತಿಳಿಸದೇ ಹೋದಿರಿ ಹಾಗೂ ಈ ಬಗ್ಗೆ ನೀವು ಉತ್ತರ ನೀಡದೇ ಹೋದ ಬಗ್ಗೆ ದಿ. 25/07/2012ರ ಕಾರಣ ಕೇಳುವ ನೋಟೀಸ್ ನೀಡಿದರೂ ಸಹ ನೀವು ಕಾರಣ ನೀಡದೇ, ನಿಮ್ಮ ಸರ್ಕಾರಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುವಲ್ಲಿ ಸಂಪೂರ್ಣ ನಿಷ್ಠೆ ಪ್ರದರ್ಶಿಸದೇ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿ ವ್ಯವಹರಿಸಿ ಕೆ.ಸಿ.ಎಸ್ (ನಡವಳಿಕೆ) ನಿಯಮಗಳು 1966ರ ನಿಯಮ 3(1)(i) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದ ದುರ್ನಡತೆ ಎಸಗಿರುವಿರಿ.”

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 the DGO Sri Abdul Salam, the then Executive Officer, Taluk Panchayath, Aland, Kalaburagi District.

5. On re-consideration of report of inquiry, 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 he is due to retire from service on 30/6/2018.

7. Having regard to the nature of charge proved against DGO Sri Abdul Salam, date of retirement of DGO, and the time that may be required for issuance of I & II Show cause notices before passing final orders, it is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO Sri Abdul Salam, the then Executive Officer, Taluk Panchayath, Aland, Kalaburagi District, for a period of 5 years.

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

