

KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/142/2012

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:7.2.2020

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

Sub: Departmental Enquiry against Sri.K.Neelappa,
Grama Panchayathi Secretary, Huligi, Munira
Bad Taluk, Koppal District - reg.

Ref: 1. G.O.No. RDP 113 RPS 2012 dated: 13.3.2012
2. Nomination Order No: LOK/INQ/14-A/142/2012
Bangalore dated: 5.4.2012 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sri.K.Neelappa, Grama Panchayathi Secretary, Huligi, Munira Bad Taluk, Koppal 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 5.4.2012 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-4 to frame the charges and to conduct the enquiry against the aforesaid DGO.

3. Additional Registrar of Enquiries-4 has prepared Articles of charges, statement of imputations of misconduct,

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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 DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

5. The Article of charges framed by the ARE-4 against the DGO is as under :

ANNEXURE-I
CHARGE

That, you Sri.K.Neelappa, the DGO, while working as secretary at Huligi grama panchayathi in Koppal district for the period from 23.1.2010 to 4.10.2010 spent Rs. 4,20,000/- under "Sampoorna Swachatha Andolana" for 140 beneficiaries but, out of them only 49 beneficiaries have received the benefit and remaining 91 beneficiaries are fictitious persons, not residing within the limits of Huligi gram panchayath and further you created bogus bills and records, thus you committed loss to the tune of Rs. 2,73,000/- to the government Exchequer and also caused financial misappropriation failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a government servant and thereby committed mis-conduct as enumerated under rule 3(1) (i) to (iii) of Karnataka civil service (conduct) rules 1966.

6. ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

The complainant viz., Sri.Amaresh S/o Huligemma Giddali R/o Huligi - Munirabad in Koppal Taluk and District filed a complaint alleging creation of bogus bills, records and also misappropriation of government funds sanctioned for "Sampoorna Swachatha Andolana". The complaint was taken up for investigation and it was referred to chief executive officer of zilla panchayath at Koppal for preliminary investigation and report. The Chief Executive officer in turn entrusted the investigation to the director of planning of zilla panchayath in Koppal (herein after referred to as the investigating officer for short the I.O) the I.O conducted investigation at Huligi along with panchayath development officer of Huligi Grama Panchayathi and submitted his report. According to report of the I.O., the DGO created bogus bills and records for spending fund of Rs. 4,20,000/- for 140 beneficiaries. But, out of them only 49 beneficiaries have received the benefit and remaining 91 beneficiaries are fictitious persons not residing within the limits of Huligi grama panchayath. Thus, the DGO committed financial loss of Rs. 2,73,000/- to the government exchequer and also casued financial mis-appropriation. After receipt of the said report, comments of the respondent was called. The DGO submitted his reply. The reply submitted by

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the DGO was not satisfactory and not convincing to drop the proceedings. The allegations of the complainant, report of the I.O and reply submitted by the DGO and other materials on record prima facie showed that, the DGO being a government servant, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a government servant. As the facts and materials on record prima facie showed that, the DGO has committed mis-conduct as per rule 3(1) (i) and (iii) of KCS (Conduct) rules, 1966 a report under section 12(3) of the Karnataka Lokayukta Act was sent to the competent authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry to the Hon'ble Upalokayukta under rule 14-A of the Karnataka Civil Services (classification, Control and Appeal) 1957. Accordingly the competent authority initiated disciplinary proceedings against the DGO and entrusted the enquiry under rule 14-A of the KCS (CCA) Rules 1957 to the Hon'ble Upalokayukta. Hence this charge.

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7. By order No.ಕಲೋ/ಸಬ್ಬಂದಿ-1/54/2013-14 ದಿ: 1.3.2014 the enquiry was transferred from Additional Registrar Enquiries-4 to Additional Registrar Enquiries-5 and again by order No.UPLOK-1/DE /2016 Bengaluru dtd: 3.8.2016 the enquiry was transferred from Additional Registrar Enquiries-5 to Additional Registrar Enquiries-9 on the orders of Hon'ble Upalokayukta-1.

8. The DGO has appeared on 25.6.2012 before this enquiry authority in pursuance to the service of the Article of charges.

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 was working as a grama panchayath secretary at Huligi grama panchayath Koppal taluk and district from 23.1.2010 to 4.10.2010. Further submitted that "Sumpurna swachatha Andholana" was implemented at Huligi grama panchayath during that period. The beneficiaries under this scheme was identified by the president and members of the Huligi grama panchayath and case work has been done by Mr. K.Rudraiah Herimatt. The 91 beneficiaries out of 140 beneficiaries were not fictitious as each of the beneficiaries had their own accounts in pragathi gramena bank. Further submitted that he has not drawn any amount under the scheme. The beneficiaries have been issued cheques of Rs. 3000/- each signed by the president of the panchayath and himself. Further submitted the government of India had awarded Nirmala grama puraskara for the effective implementation of the scheme. The government of Karnataka vide government order no. Gra Aa Pa/RANINAIMI/Sum Swa AM/ 185 /2010-11 dtd: 23.4.2011 had awarded cash prices of Rs. 4,00,000/- for the success of the said scheme. Hence pray for drop the charges leveled against him.

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11. The disciplinary authority has examined the the complainant Sri.Ambarish S/o Huligemme, Agriculturist, Hulagi Taluk, Koppal district as Pw.1, Sri.S.G.Koravar, S/o Shankarappa Gangappa Koravar, Deputy Secretary, Zilla panchayath, Dharwad is the Investigating officer in the case and he has examined as PW-2. Sri.H.N.Siddaramappa, S/o Nanjundappa H.C., Panchayath development officer, H.D.Pura, Holalkere Taluk Chitradurga District is examined as PW-3 and **Ex.P-1 to ExP-93** are got marked. DGO Sri. Sri.K.Neelappa, Grama Panchayathi Secretary, Huligi, Munira Bad Taluk, Koppal District has examined himself as DW-1. and has got marked **Ex.D-1 to Ex.D6** documents.

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

REASONS

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

14. The disciplinary authority has examined the complainant Sri.Ambarish S/o Huligemme, Agriculturist, Hulagi Taluk, Koppal district as PW-1. PW-1 has deposed in his evidence that DGO was working as a secretary grama panchayath Huligi during the year 2010-11 . During that time Showchalaya scheme for every house was introduced in

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the Koppal district zilla panchayath Koppal. For construction of toilet, grama panchayath was issued the sanctioned order and for each construction Rs. 3500/- was fixed. Further he has deposed that some of the toilets were constructed in their village by the panchayath and in respect of some of the toilets rooms amount was misappropriated by the grama panchayath chairman and secretary. Further the document created as sanction of toilets room to one person and affixing the photo of different person and prepared the bill and amount was drawn. For that he has obtained the documents after applying by filing the application under RTI. Then filed the complaint before the O/o Karnataka Lokayukta office.

15. Sri.S.G.Koravar, S/o Shankarappa Gangappa Koravar, Deputy Secretary, Zilla panchayath, Dharwad is the Investigating officer in the case and is examined as PW-2. PW-2 has deposed in his evidence that he was working as director of planning zilla panchayath Koppal District from 4.7.2008 to 31.3.2011. Further he has deposed that as per the order dtd: 24.3.2011 of the CEO Zilla panchayath Koppala he had visited the Huligi grama panchayath Koppal taluk for inspect the spot in respect of construction of the toilet room under the Sumpurna swachatha Andholana scheme on 25.3.2011 and 29.3.2011. At the time of spot inspection Sri.Huchamanavar, Executive officer Taluk panchayath Koppala and Sri.H.N.Siddaramappa Panchayath development officer, Huligi grama panchayath were there. After spot inspection he has submitted the joint report on 29.3.2011 to the CEO zilla panchayath Koppala. Further

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deposed that at the time of spot inspection he had also verified the documents in respect of the 140 beneficiaries who were selected under the above said scheme. After verifying the documents he had found that only 49 beneficiaries had received the amount in respect of construction of toilet rooms remaining 91 beneficiaries were fake beneficiaries and there is no documents regarding the amount received by the said alleged 91 beneficiaries. Further he has deposed that Rs. 2,73000/- is misappropriated by the then secretary of the Huligi grama panchayath by name Sri.K.Neelappa who is none other than DGO. Further he has deposed that some of the beneficiaries had given the statement before him and after investigation he has submitted his report Ex. P-91 along with Ex.p-92 documents to the CEO zilla panchayath Koppala.

16. Sri.H.N.Siddaramappa, S/o Nanjundappa H.C., Panchayath development officer, H.D.Pura, Holalkere Taluk Chitradurga District is examined as PW-3. PW-3 has deposed in his evidence that he was working as a Panchayath development officer of Huligi grama panchayath from 22.6.2010 to 12.9.2013 . Further he has deposed that before he had taken the charge of the Panchayath development officer of the said grama panchayath implementation of "sumpurna swachatha Andholana" completed and amount in respect of the same was paid by the concerned grama panchayath secretary who is none other than DGO Sri. Neelappa. Further he has deposed that he was present at the time of spot inspection and verification of documents made by the PW-2 on 25.3.2011 and 29.3.2011. Further he has deposed that he has submitted all the documents in respect



of 140 beneficiaries under the above said scheme before the PW-2 for verification. At the time of document verification he has found that 49 beneficiaries had received the amount and documents are correct in respect of the said beneficiaries. In respect of remaining 91 beneficiaries there was no records in respect of payment of the amount and also found that in respect of the said beneficiaries documents were all fake documents. Further he has deposed that total amount shown as expenditure in respect of the implementation of the said scheme was Rs. 4,20,000/- as per the records it was found that Rs. 2,73,000/- is misappropriated. Further he has deposed that some of the beneficiaries had given the statement before the PW-2. Further he has deposed that the document were created in respect of some beneficiaries without construction of the toilet rooms under the said scheme and draw the amount.


17. DGO has examined Sri. K.Neelappa, Grama Panchayathi Secretary, Huligi, Munira Bad Taluk, Koppal District is examined himself as DW-1. DW-1 has deposed in his evidence that all the 140 beneficiaries were selected by the president and member of the grama panchayath, The said beneficiaries were not familiar to him, at the time of selection of the beneficiaries list he was not working as a secretary of the said grama panchayath. But he has admitted that he was working as a secretary at the time of payment of the amount to the respective beneficiaries. Further he has deposed that photos of the respective beneficiaries were kept in the respective file of the beneficiaries and amount in respect of the construction of the toilet rooms disbursed to each

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beneficiaries through the cross cheque. No one beneficiaries had made any complaint regarding not receiving the said amount. Further deposed that the complainant filed the false complaint against him.

18. Sri.Lakshmana S/o Mariyappa R/o Hulikere Koppala taluk is examined as DW-2. DW-2 has deposed in his evidence that he was residing at Lingapura in Huligi village panchayath limit from 2002-2012. Further he has deposed that the complainant Sri.Amareesh had got certain difference with the DGO for the complainant made false allegation against the DGO. Further he has deposed that Swacha Bharath Andholana had been implemented in the said grama panchayath. Central government had also given appreciation letter to the said grama panchayath.

19. Ex.P-1 and 2 are the complaint in form no. 1 and 2 filed by PW-1 in Karnataka Lokayukta office. Ex.P-3 are the documents related to Smt. Lakshmava Hanumava Hulagi including one photo file no. 201. Ex.P-4 are the documents related to Smt. Gangamma vyamappa Hulagi including one photo file no. 200. Ex.P-5 are the documents related to Smt. Ningava Thimanna Hulagi including one photo file no. 158. Ex.P-6 are the documents related to Sri.Rathnappa Mariyappa Hulagi including one photo file no. 270. Ex.P-7 are the documents related to Sri.Rachappa Sharavaiah Hulagi including one photo file no. 269. Ex.P-8 are the documents related to Smt. Hussenamma Jamali Hulagi



file no. 268. Ex.P-9 are the documents related to Smt. Gangamma Krishnappa Hulagi including one photo file no. 267. Ex.P-10 are the documents related to Smt. Hulagappa Kanakappa Hulagi including two photo file no. 254. Ex.P-11 are the documents related to Smt. Anjaneya s/o Huligamma Hulagi including three photo file no. 258. Ex.P-12 are the documents related to Smt. Kalava Mylappa Hulagi including one photo file no. 153. Ex.P-13 are the documents related to Smt. Manthagappa Hulagappa Hulagi including two photo file no. 255. Ex.P-14 are the documents related to Smt. Fakeerappa s/o ambamma Hulagi including two photo file no. 239. Ex.P-15 are the documents related to Smt. Maruthi Basappa Hulagi including two photo file no. 235. Ex.P-16 are the documents related to Smt. Huligamma s/o Kantappa Hulagi including one photo file no. 154. Ex.P-17 are the documents related to Smt. Huligavva Thippanna Hulagi including one photo file no. 265. Ex.P-18 are the documents related to Smt. Yelappa s/o Basappa Hulagi including two photo file no. 266. Ex.P-19 are the documents related to Smt. Shivaputhrava Shankaraiah including one photo file no. 202. Ex.P-20 are the documents related to Smt. Lakshmi Hanumanayak Hulagi including two photo file no. 206. Ex.P-21 are the documents related to Smt. Shankamma Hulagappa Hulagi including two photo file no. 207. Ex.P-22 are the documents related to Smt.

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Fakeerava Hanumanthappa Hulagi including two photo file no. 208 Ex.P-23 are the documents related to Smt. Chanamma Devappa Hulagi including two photo file no. 209 Ex.P-24 are the documents related to Smt. Nagappa Hanumappa Hulagi including two photo file no. 211 Ex.P-25 are the documents related to Smt. Jambava Eraiah Hulagi including one photo file no. 261 Ex.P-26 are the documents related to Smt. Rathamma Mariyappa Hulagi including two photo file no. 220 Ex.P-27 are the documents related to Smt. Basamma Raghavendra Hulagi including two photo file no. 225 Ex.P-28 are the documents related to Smt. Shanthamma Erappa Hulagi including two photo file no. 226 Ex.P-29 are the documents related to Smt. Suresh Ramachandra Hulagi including two photo file no. 227 Ex.P-30 are the documents related to Smt. Ashoka Harishandra Hulagi including two photo file no. 228 Ex.P-31 are the documents related to Smt. Manava Lakappa Lambadi Hulagi including two photo file no. 233 Ex.P-32 are the documents related to Smt. Rachamma Sharavaiah Hulagi including one photo file no. 219 Ex.P-33 are the documents related to Smt. Basavaraj Parashappa Hulagi including two photo file no. 212 Ex.P-34 are the documents related to Smt. Shekarava Huligava Hulagi including one photo file no. 171 Ex.P-35 are the documents related to Smt. Huligava Erava Bellary Hulagi including one photo file no. 168 Ex.P-36 are the



documents related to Smt. Kalavathi Bhogajappa Hulagi including two photo file no. 231 Ex.P-37 are the documents related to Smt. Gangamma Kitappa Hulagi including two photo file no. 222. Ex.P-38 are the documents related to Smt. Seethamma Rupalnayak Hulagi including two photo file no. 205 Ex.P-39 are the documents related to Smt. Govindappa Narayanappa Shavar Hulagi including two photo file no. 183 Ex.P-40 are the documents related to Smt. Hanumanthanna Govindappa Hulagi including one photo file no. 182 Ex.P-41 are the documents related to Smt. Krishna s/o Hanumanthappa Uppara Hulagi including one photo file no. 157 Ex.P-42 are the documents related to Smt. Jayashree Nagaraj Hulagi including two photo file no. 239 Ex.P-43 are the documents related to Smt. Anasuya Huchirappa Hulagi including two photo file no. 232 Ex.P-44 are the documents related to Smt. Basvanthappa Hanumanthappa Hulagi including two photo file no. 234 Ex.P-45 are the documents related to Smt. Rachappa Erappa Hulagi including two photo file no. 236 Ex.P-46 are the documents related to Smt. Huligamma Thayappa Hulagi including two photo file no. 237 Ex.P-47 are the documents related to Smt. Verupaksha Hanumappa Hulagi file no. 240 Ex.P-48 are the documents related to Smt. Fakeerava Hanumappa Hulagi including three photos file no. 245 Ex.P-49 are the documents related to Smt. Huligava Ramappa Hulagi including two photo file

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no. 252 Ex.P-50 are the documents related to Smt. Thilasappa Chennappa Hulagi including two photo file no. 256 Ex.P-51 are the documents related to Smt. Devamma w/o Krishna Hulagi including two photo file no. 257 Ex.P-52 are the documents related to Smt. Renuka w/o Sunkappa Hulagi including two photo file no. 259 Ex.P-53 are the documents related to Nagaraj s/o Bhimappa Hulagi including one photo file no. 261 Ex.P-54 are the documents related to Rathna Verupaksha Hulagi including one photo file no. 263 Ex.P-55 are the documents related to Ramappa Mriyappa Hulagi including one photo file no. 264 Ex.P-56 are the documents related to Smt. Eramma Erriswamy Hulagi including one photo file no. 271 Ex.P-57 are the documents related to Smt. Ningappa Hanumappa Hulagi file no. 273 Ex.P-58 are the documents related to Smt. Verupaksha Hanumappa Hulagi including one photo file no. 274 Ex.P-59 are the documents related to Smt. Shanthamma Manjunatha Hulagi including one photo file no. 275 Ex.P-60 are the documents related to Smt. Venkappa Chennappa Hulagi including one photo file no. 276 Ex.P-61 are the documents related to Smt. Hanumanthappa Ambanna Hulagi including one photo file no. 277 Ex.P-62 are the documents related to Smt. Renamma Sunkappa Hulagi including one photo file no. 279 Ex.P-63 are the documents related to Smt. Hanumanthappa Kanakappa Hulagi including one



photo file no. 282 Ex.P-64 are the documents related to Smt. Shanthamma Hanumanthappa Halli Hulagi including one photo file no. 283 Ex.P-65 are the documents related to Smt. Rudrappa Verabhadrapa Hulagi including one photo file no. 284 Ex.P-66 are the documents related to Smt. Mahemud Musthap Hulagi file no. 287 Ex.P-67 are the documents related to Smt. Vasudhamma Verupakshappa Hulagi including one photo file no. 289 Ex.P-68 are the documents related to Smt. Lakshava Venkappa Hulagi including one photo file no. 290 Ex.P-69 are the documents related to Smt. Sahera Begum Anwar Pasha Hulagi including one photo file no. 151 Ex.P-70 are the documents related to Smt. Shankarappa Bharamappa Hulagi including two photo file no. 172 Ex.P-71 are the documents related to Smt. Sheshagiri rao Hulagi including one photo file no. 184 Ex.P-72 are the documents related to Smt. Venkolu Hulageppa Hulagi including two photo file no. 185 Ex.P-73 are the documents related to Smt. Gangamma Rudrappa Hulagi including two photo file no. 186 Ex.P-74 are the documents related to Smt. Hulagappa Shankarappa Hulagi including two photo file no. 187 Ex.P-75 are the documents related to Smt. Bhimappa Sanjeevappa Hulagi including two photo file no. 188 Ex.P-76 are the documents related to Smt. Balappa Venkatesh Hulagi including two photo file no. 189 Ex.P-77 are the documents related to Smt. Rangappa.

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Parasappa Hulagi including one photo file no. 190 Ex.P-78 are the documents related to Smt. Hanumappa Mangalappa Hulagi including two photo file no. 192 Ex.P-79 are the documents related to Smt. Mabusab allasab Hulagi including two photo file no. 194 Ex.P-80 are the documents related to Smt. Husenavva Husenappa Hulagi including one photo file no. 195 Ex.P-81 are the documents related to Smt. Mysub musthap Hulagi including one photo file no. 203 Ex.P-82 are the documents related to Smt. Hanumanthappa Kampli Dhurgappa Hulagi including one photo file no. 204 Ex.P-83 are the documents related to Smt. Shekarappa Srinivasa Haleningapura Hulagi including two photo file no. 210 Ex.P-84 are the documents related to Smt. Shivakumar Kalakappa Hulagi including two photo file no. 214 Ex.P-85 are the documents related to Smt. Anasamma Hanumanthappa Hulagi including two photo file no. 215 Ex.P-86 are the documents related to Smt. Shankarappa Megharaj, Hulagi including two photo file no. 223 Ex.P-87 are the documents related to Smt. Annapurna Chandrappa Hulagi including two photo file no. 224 Ex.P-88 are the documents related to Smt. Nagaraj Bhimappa Hulagi including two photo file no. 229 Ex.P-89 is the comments submitted by the DGO Ex.P-90 are the documents submitted by the DGO along with the comments. Ex.P-91 are the reports dtd: 25.3.2011 and

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29.3.2011 submitted CEO and PW-2. Ex.P-92 are the documents submitted by the CEO and PW-2. Ex.P-93 is the letter dtd: 2.4.2011 from Secretary grama panchayath Munirabhad to ARE-6 karnataka Lokayukta, Bangalore.

20. Ex.D-1 is the letter dtd: 28.8.2010 from Secretary vice president, and CEO zilla panchayath Koppal to EO Taluk panchayath Koppal. Ex.D-2 is the letter dtd: 28.8.2010 from member taluk panchayath Hulige taluk Koppa to CEO zilla panchayath Koppal Ex.D-3 is the beneficiaries list regarding payments made dtd: 16.4.2012 Ex.D-4 is the copy of the cheques dtd: 25.3.2010 regarding payments. Ex.D-5 is the proceedings dtd: 23.4.2011 from Director, additional secretary of Government of Karnataka, RDPR. Ex.D-6 is the affidavit dtd: 28.6.2017 regarding the construction of toilets by the beneficiaries.

21. Perused the evidence of Pw-1, PW-2, PW-3 and DW-1 and DW-2 along with document produced by the both side. As per the document the DGO working as a secretary of the Huligi grama panchayath from 23.1.2010 to 4.10.2010. There is no dispute from the side of the DGO regarding 140 beneficiaries selected under the "sumpurna swachatha Andholana scheme". The PW-2 is the Investigating officer clearly deposed in his evidence that as per the direction of the CEO zilla panchayath Koppala he had visited the said grama panchayath and verified the documents related to the 140

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beneficiaries under the above said scheme and spot inspection along with Executive officer taluk panchayath Koppala Sri.Huchammanavar and Panchayath development officer of the said grama panchayath by name Sri.Siddaramappa who is examined as PW-3. PW-2 clearly deposed in his evidence that out of 140 beneficiaries only 49 beneficiaries had received the amount in respect of construction of the toilet room under the "sumpurna swachatha Andholana scheme" and remaining 91 beneficiaries were not received the amount and the documents related to the said beneficiaries are fake and created documents. Further he has clearly deposed that Rs. 2,73,000/- mis appropriated by the concerned grama panchayath secretary by creating the documents. The same facts was supported by the PW-3 the then Panchayath development officer of the said grama panchayath. Ex.P-3 to Ex.P.88 are the documents in respect of the some of the beneficiaries . On perusing all the said documents signature of the beneficiaries not tallied with the alleged payment register maintained by the DGO which is marked as Ex.P-92. Further the Ex.P-7 and Ex.P-71 are the documents related to the Rajappa S/o Shavaiah and Sheshagiri Rao S/o Raghavendra Rao but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. The Ex.P-11 and Ex.P-60 are the documents related to Sri. Anjanaiah S/o Hulagamma and Smt. Shanthamma W/o Manjunatha but the photos in the said two documents are one and the same and the photo is related

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to a male not female. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Ex.P-18 and Ex.P86 are the documents related to Sri.Yelappa S/o Basappa and Shankarappa S/o Megharaja but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. The Ex.P-22 and Ex.P42 are the documents related to Sri.Fakeramma W/o Hanumanthappa and Jayashree W/o Nagaraj but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Ex.P-35 and Ex.P54 are the documents related to Sri.Huliyava S/o Erappa Bellary and Rathna W/o Verupakshi but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Ex.p-26 and Ex.P-51 are the documents related to Sri.Rathnamma W/o Mariyappa and Devamma W/o Krishna but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Ex.P58 and Ex.P65 are the documents related to Sri. Verupaksha S/o Hanumappa and Rudrappa S/o Verupakshappa but the photos in the said two documents are one and the same. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Ex.P-59 and Ex.p.63 are the documents related to Smt.Shanthappa

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S/o Manjunatha and Hanumanthappa S/o Kanakappa but the photos in the said two documents are one and the same and the photo is related to a male not female. In the said documents date of payment not mentioned and also signature of the beneficiaries look like a created one. Further Ex.P-67 document related to Sri.Vasuramma S/o Verupakshappa there is no signature of the beneficiary. Ex.P69 document related to the Syeda Begum S/o Anwar Sab but photo related to the Huligamma w/o Hanumanthappa. Ex.P-32 the document related to the Rachama w/o Sharavaiah but photo is related to Mariyava W/o Sathyappa Haleningapura. In Ex.P-35 beneficiary name is Huliyava W/o Irrappa Bellary but beneficiary signature shown as one L.B.Huligappa. Ex.p-43 document related to the Anusuya W/o Huchangappa but there is no signature of the beneficiary. The above said all documents appears that created documents. In support of the same PW-2 submitted his joint report Ex.p91 in the said report he had clearly stated that the DGO as a Secretary of the said grama panchayath draw the amount in the name of 91 fake beneficiaries and misappropriated the amount of Rs. 2,73,000/-. The said report supported by the PW-3 the then Panchayath development officer of the said grama panchayath. Ex.P92 is the document produced by the PW-2 along with his report. Ex.P-92 page no. 564 to 566 the copy of the mahazar drawn by the PW-2 in the presence of the villagers on 29.3.2011 at Huligi village as well Haleningapura village. In the said documents mentioned the fake beneficiaries names and list who were not residing in the said two village. Further Ex.p92 page no. 567 to 582 are the

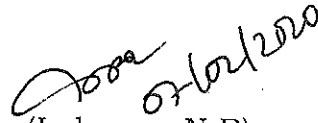
register copy regarding the payment of the amount to the beneficiaries, alleged signature of the beneficiaries in the said documents not tallied with the alleged signature of beneficiaries in the Ex.P-3 to 88. Ex.P-92 page no. 583 - 587 are the statement given by some of the beneficiaries before the PW-2 and 3 at the time of spot inspection and document verification. In the said statement also some of the beneficiaries clearly stated that they have not constructed the toilet rooms. Ex.p-93 is the report submitted by the CEO, Zilla panchayath, Koppala dtd: 2.4.2011. In the said report also he has stated that 91 beneficiaries were fake and documents created in respect of the said beneficiaries and misappropriated the amount of Rs. 2,73,000/- by the secretary of the said grama panchayath. The DGO produced the Ex.D-1 is the document dtd: 28.8.2010 of president of the said grama panchayath and himself, to show that there was no misappropriation of the any amount in respect of the said scheme, but to support the same there is no material evidence. Further Ex.D-2 is the letter given by the one of the member of the taluk panchayath to the CEO zilla panchayath Koppala for withdrawing the complaint. Ex.D-3 regarding payment of the amount of Rs. 3000/- to the respective beneficiaries through their bank account in pragathi gramena bank, Hitnal branch Koppal Taluk. Ex.D-4 the Xerox copy of the pragathi gramena bank cheque issued by the Huligi grama panchayath in respect of the beneficiaries. But the cheque numbers in Ex.D-3 and 4 not tallied. Ex.D-6 affidavit dtd: 6.6.2017 with bond paper dtd: 18.11.2019. The DGO produced the said document to defend



himself and to show that the alleged beneficiaries had received the amount under the said scheme. The alleged signature of the beneficiaries in the said document also not tallied with the alleged signature of the beneficiaries in Ex.P-3-88 and document produced by the PW-2 i.e., Ex.P-92.

22. Considering the above said all facts with documents there is no material evidence from the side of the DGO to show that disputed beneficiaries were the resident of the Huligi grama panchayath limits and they are receiving the said amount. The documents produced by the Panchayath development officer of the said grama panchayath before the PW-2 itself appears that the said documents are all fake and created one. There is no sufficient materials from the side of the DGO to disbelieve the evidence of PW-1 to 3 and report submitted by the PW-2. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGO. Further the DGO had responsible for the amount of Rs. 2,73,000/- which is caused loss to state exchequer.

23. In the above said facts and circumstances, charge leveled against the DGO is proved. Further DGO held responsible for the amount of Rs. 2,73,000/- which caused loss to the state exchequer. 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.Ambarish S/o Huligemme, Agriculturist, Hulagi Taluk, Koppal district as Pw.1 original dtd: 19.12.2014
PW-2	Sri.S.G.Koravar, S/o Shankarappa Gangappa Koravar, Deputy Secretary, Zilla panchayath, Dharwad is the Investigating officer in the case and he has examined as PW-2. original dtd: 11.9.2018
PW-3	Sri.H.N.Siddaramappa, S/o Nanjundappa H.C., Panchayath development officer, H.D.Pura, Holalkere Taluk Chitradurga District is examined as PW-3 original dtd: 11.9.2018

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

Ex.P1 &2	Ex.P-1 and 2 are the complaint in form no. 1 and 2 filed by PW-1 in Karnataka Lokayukta office.
Ex.P 3	Ex.P-3 are the documents related to Smt. Lakshmava Hanumava Hulagi including one photo file no. 201.
Ex.P- 4	Ex.P-4 are the documents related to Smt. Gangamma vyamappa Hulagi including one photo file no. 200.
Ex.P5	Ex.P-5 are the documents related to Smt. Ningava Thimanna Hulagi including one photo file no. 158.
Ex.P6	Ex.P-6 are the documents related to Sri.Rathnappa Mariyappa Hulagi including one photo file no. 270.

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Ex.P-7	Ex.P-7 are the documents related to Sri.Rachappa Sharavaiah Hulagi including one photo file no. 269.
Ex.P-8	Ex.P-8 are the documents related to Smt. Hussenamma Jamali Hulagi file no. 268.
Ex.P-9	Ex.P-9 are the documents related to Smt. Gangamma Krishnappa Hulagi including one photo file no. 267.
Ex.P-10	Ex.P-10 are the documents related to Smt. Hulagappa Kanakappa Hulagi including two photo file no. 254.
Ex.P-11	Ex.P-11 are the documents related to Smt. Anjaneya s/o Huligamma Hulagi including three photo file no. 258.
Ex.P-12	Ex.P-12 are the documents related to Smt. Kalava Mylappa Hulagi including one photo file no. 153.
Ex.P-13	Ex.P-13 are the documents related to Smt. Manthagappa Hulagappa Hulagi including two photo file no. 255.
Ex.P-14	Ex.P-14 are the documents related to Smt. Fakeerappa s/o ambamma Hulagi including two photo file no. 239.
Ex.P-15	Ex.P-15 are the documents related to Smt. Maruthi Basappa Hulagi including two photo file no. 235.
Ex.P-16	Ex.P-16 are the documents related to Smt. Huligamma s/o Kantappa Hulagi including one photo file no. 154.
Ex.P-17	Ex.P-17 are the documents related to Smt. Huligavva Thippanna Hulagi including one photo file no. 265.
Ex.P-18	Ex.P-18 are the documents related to Smt. Yelappa s/o Basappa Hulagi including two photo file no. 266.
Ex.P-19	Ex.P-19 are the documents related to Smt. Shivaputhrava Shankaraiah including one photo file no. 202.
Ex.P-20	Ex.P-20 are the documents related to

	Smt. Lakshmi Hanumanayak Hulagi including two photo file no. 206.
Ex.P-21	Ex.P-21 are the documents related to Smt. Shankamma Hulagappa Hulagi including two photo file no. 207
Ex.P22	Ex.P-22 are the documents related to Smt. Fakeerava Hanumanthappa Hulagi including two photo file no. 208
Ex.P23	Ex.P-23 are the documents related to Smt. Chanamma Devappa Hulagi including two photo file no. 209
Ex.P24	Ex.P-24 are the documents related to Smt. Nagappa Hanumappa Hulagi including two photo file no. 211
Ex.P25	Ex.P-25 are the documents related to Smt. Jambava Eraiah Hulagi including one photo file no. 261
Ex.P26	Ex.P-26 are the documents related to Smt. Rathamma Mariyappa Hulagi including two photo file no. 220
Ex.P27	Ex.P-27 are the documents related to Smt. Basamma Raghavendra Hulagi including two photo file no. 225
Ex.P28	Ex.P-28 are the documents related to Smt. Shanthamma Erappa Hulagi including two photo file no. 226
Ex.P29	Ex.P-29 are the documents related to Smt. Suresh Ramachandra Hulagi including two photo file no. 227
Ex.P30	Ex.P-30 are the documents related to Smt. Ashoka Harishandra Hulagi including two photo file no. 228
Ex.P31	Ex.P-31 are the documents related to Smt. Manava Lakappa Lambadi Hulagi including two photo file no. 233
Ex.P32	Ex.P-32 are the documents related to Smt. Rachamma Sharavaiah Hulagi including one photo file no. 219
Ex.P33	Ex.P-33 are the documents related to Smt. Basavaraj Parashappa Hulagi

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	including two photo file no. 212
Ex.P34	Ex.P-34 are the documents related to Smt. Shekarava Huligava Hulagi including one photo file no. 171
Ex.P35	Ex.P-35 are the documents related to Smt. Huligava Erava Bellary Hulagi including one photo file no. 168
Ex.P36	Ex.P-36 are the documents related to Smt. Kalavathi Bhogajappa Hulagi including two photo file no. 231
Ex.P37	Ex.P-37 are the documents related to Smt. Gangamma Kitappa Hulagi including two photo file no. 222.
Ex.P38	Ex.P-38 are the documents related to Smt. Seethamma Rupalnayak Hulagi including two photo file no. 205
Ex.P39	Ex.P-39 are the documents related to Smt. Govindappa Narayanappa Shavar Hulagi including two photo file no. 183
Ex.P40	Ex.P-40 are the documents related to Smt. Hanumanthanna Govindappa Hulagi including one photo file no. 182
Ex.P41	Ex.P-41 are the documents related to Smt. Krishna s/o Hanumanthappa Uppara Hulagi including one photo file no. 157
Ex.P42	Ex.P-42 are the documents related to Smt. Jayashree Nagaraj Hulagi including two photo file no. 239
Ex.P43	Ex.P-43 are the documents related to Smt. Anasuya Huchirappa Hulagi including two photo file no. 232
Ex.P44	Ex.P-44 are the documents related to Smt. Basvanthappa Hanumanthappa Hulagi including two photo file no. 234
Ex.P45	Ex.P-45 are the documents related to Smt. Rachappa Erappa Hulagi including two photo file no. 236
Ex.P46	Ex.P-46 are the documents related to Smt. Huligamma Thayappa Hulagi



	including two photo file no. 237
Ex.P47	Ex.P-47 are the documents related to Smt. Verupaksha Hanumappa Hulagi file no. 240
Ex.P48	Ex.P-48 are the documents related to Smt. Fakeerava Hanumappa Hulagi including three photos file no. 245
Ex.P49	Ex.P-49 are the documents related to Smt. Huligava Ramappa Hulagi including two photo file no. 252
Ex.P50	Ex.P-50 are the documents related to Smt. Thilasappa Chennappa Hulagi including two photo file no. 256
Ex.P51	Ex.P-51 are the documents related to Smt. Devamma w/o Krishna Hulagi including two photo file no. 257
Ex.P52	Ex.P-52 are the documents related to Smt. Renuka w/o Sunkappa Hulagi including two photo file no. 259
Ex.P53	Ex.P-53 are the documents related to Nagaraj s/o Bhimappa Hulagi including one photo file no. 261
Ex.P54	Ex.P-54 are the documents related to Rathna Verupaksha Hulagi including one photo file no. 263
Ex.P55	Ex.P-55 are the documents related to Ramappa Mriyappa Hulagi including one photo file no. 264
Ex.P56	Ex.P-56 are the documents related to Smt. Eramma Erriswamy Hulagi including one photo file no. 271
Ex.P57	Ex.P-57 are the documents related to Smt. Ningappa Hanumappa Hulagi file no. 273
Ex.P58	Ex.P-58 are the documents related to Smt. Verupaksha Hanumappa Hulagi including one photo file no. 274
Ex.P59	Ex.P-59 are the documents related to Smt. Shanthamma Manjunatha Hulagi including one photo file no. 275

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Ex.P60	Ex.P-60 are the documents related to Smt. Venkappa Chennappa Hulagi including one photo file no. 276
Ex.P61	Ex.P-61 are the documents related to Smt. Hanumanthappa Ambanna Hulagi including one photo file no. 277
Ex.P62	Ex.P-62 are the documents related to Smt. Renamma Sunkappa Hulagi including one photo file no. 279
Ex.P63	Ex.P-63 are the documents related to Smt. Hanumanthappa Kanakappa Hulagi including one photo file no. 282
Ex.P64	Ex.P-64 are the documents related to Smt. Shanthamma Hanumanthappa Halli Hulagi including one photo file no. 283
Ex.P65	Ex.P-65 are the documents related to Smt. Rudrappa Verabhadrappe Hulagi including one photo file no. 284
Ex.P66	Ex.P-66 are the documents related to Smt. Mahemud Musthap Hulagi file no. 287
Ex.P67	Ex.P-67 are the documents related to Smt. Vasudhamma Verupakshappa Hulagi including one photo file no. 289
Ex.P68	Ex.P-68 are the documents related to Smt. Lakshava Venkappa Hulagi including one photo file no. 290
Ex.P69	Ex.P-69 are the documents related to Smt. Sahera Begum Anwar Pasha Hulagi including one photo file no. 151
Ex.P70	Ex.P-70 are the documents related to Smt. Shankarappa Bharamappa Hulagi including two photo file no. 172
Ex.P71	Ex.P-71 are the documents related to Smt. Sheshagiri rao Hulagi including one photo file no. 184
Ex.P72	Ex.P-72 are the documents related to Smt. Venkolu Hulageppa Hulagi including two photo file no. 185

Ex.P73	Ex.P-73 are the documents related to Smt. Gangamma Rudrappa Hulagi including two photo file no. 186
Ex.P74	Ex.P-74 are the documents related to Smt. Hulagappa Shankarappa Hulagi including two photo file no. 187
Ex.P75	Ex.P-75 are the documents related to Smt. Bhimappa Sanjeevappa Hulagi including two photo file no. 188
Ex.P76	Ex.P-76 are the documents related to Smt. Balappa Venkatesh Hulagi including two photo file no. 189
Ex.P77	Ex.P-77 are the documents related to Smt. Rangappa Parasappa Hulagi including one photo file no. 190
Ex.P78	Ex.P-78 are the documents related to Smt. Hanumappa Mangalappa Hulagi including two photo file no. 192
Ex.P79	Ex.P-79 are the documents related to Smt. Mabusab allasab Hulagi including two photo file no. 194
Ex.P80	Ex.P-80 are the documents related to Smt. Husenavva Husenappa Hulagi including one photo file no. 195
Ex.P81	Ex.P-81 are the documents related to Smt. Mysub musthap Hulagi including one photo file no. 203
Ex.P82	Ex.P-82 are the documents related to Smt. Hanumanthappa Kampli Dhurgappa Hulagi including one photo file no. 204
Ex.P83	Ex.P-83 are the documents related to Smt. Shekarappa Srinivasa Haleningapura Hulagi including two photo file no. 210
Ex.P84	Ex.P-84 are the documents related to Smt. Shivakumar Kalakappa Hulagi including two photo file no. 214
Ex.P85	Ex.P-85 are the documents related to Smt. Anasamma Hanumanthappa

	Hulagi including two photo file no. 215
Ex.P86	Ex.P-86 are the documents related to Smt. Shankarappa Megharaj, Hulagi including two photo file no. 223
Ex.P87	Ex.P-87 are the documents related to Smt. Annapurna Chandrappa Hulagi including two photo file no. 224
Ex.P88	Ex.P-88 are the documents related to Smt. Nagaraj Bhimappa Hulagi including two photo file no. 229
Ex.P89	Ex.P-89 is the comments submitted by the DGO
Ex.P90	Ex.P-90 are the documents submitted by the DGO along with the comments.
Ex.P91	Ex.P-91 are the reports dtd: 25.3.2011 and 29.3.2011 submitted CEO and PW-2.
Ex.P92	Ex.P-92 are the documents submitted by the CEO and PW-2.
Ex.P93	Ex.P-93 is the letter dtd: 2.4.2011 from Secretary grama panchayath Munirabhad to ARE-6 karnataka Lokayukta, Bangalore.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO Sri. Sri.K.Neelappa, Grama Panchayathi Secretary, Hulagi, Munira Bad Taluk, Koppal District has examined himself as DW-1 original dtd: 24.5.2019
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter dtd: 28.8.2010 from Secretary vice president, and CEO zilla panchayath Koppal to EO Taluk panchayath Koppal.
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Ex.D-2	Ex.D-2 is the letter dtd: 28.8.2010 from member taluk panchayath Hulige taluk Koppa to CEO zilla panchayath Koppal
Ex.D-3	Ex.D-3 is the beneficiaries list regarding payments made dtd: 16.4.2012
Ex.D-4	Ex.D-4 is the copy of the cheques dtd: 25.3.2010 regarding payments.
Ex.D-5	Ex.D-5 is the proceedings dtd: 23.4.2011 from Director, additional secretary of Government of Karnataka, RDPR.
Ex.D-6	Ex.D-6 is the affidavit dtd: 28.6.2017 regarding the construction of toilets by the beneficiaries.

Jan 07/02/2020

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/142/2012/ARE-9

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **11/02/2020**

RECOMMENDATION

Sub:- Departmental inquiry against Sri K. Neelappa, Grama Panchayath Secretary, Huligi, Munirabad Taluk, Koppal District - Reg.

Ref:-1) Government Order No.ಗ್ರಾಅಪ/113/ಗ್ರಪಂಚಾ/2012 Bengaluru dated 13/03/2012.

2) Nomination order No.LOK/INQ/14-A/142/2012 Bengaluru dated 05/04/2012 of Upalokayukta-1, State of Karnataka, Bengaluru.

3) Inquiry Report dated 07/02/2020 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 13/03/2012 initiated the disciplinary proceedings against Sri K. Neelappa, Gram Panchayath Secretary, Huligi, Munirabad Taluk, Koppal 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. LOK/INQ/14-A/142/2012 dated 05/04/2012 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently by Order No. LOK/INQ/14A/2014 dated 14/3/2014 the Additional Registrar of

Enquiries-5 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGO. Again 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 K. Neelappa, Gram Panchayath Secretary, Huligi, Munirabad Taluk, Koppal District was tried for the following charge:-

“That, you Sri K.Neelappa, the DGO, while working as Secretary at Huligi Grama Panchayathi in Koppal District for the period from 23/01/2010 to 04/10/2010 spent Rs.4,20,000/- under “Sampoorna Swachatha Andolana” for 140 beneficiaries but, out of them only 49 beneficiaries have received the benefit and remaining 91 beneficiaries are fictitious persons, not residing within the limits of Huligi Gram Panchayath and further you created bogus bills and records, thus you committed loss to the tune of Rs.2,73,000/- to the Government Exchequer and also caused financial misappropriation failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (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 has proved the above charge against DGO Sri K. Neelappa, Gram Panchayath Secretary, Huligi, Munirabad

Taluk, Koppal District. Further, the Inquiry Officer has held that the DGO Sri K. Neelappa is responsible for causing loss to the State Exchequer in a sum of Rs.2,73,000/-.


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 K. Neelappa, he is due to retire from service on 31/05/2022.

7. Having regard to the nature of charge proved against DGO Sri K. Neelappa, it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.2,73,000/- from the salary and other allowances payable to DGO Sri K. Neelappa, Gram Panchayath Secretary, Huligi, Munirabad Taluk, Koppal District. If the entire amount cannot be recoverable from the salary and allowances, the remaining amount shall be recovered from the pensionary benefits payable to DGO Sri K. Neelappa.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 11/2
Upalokayukta-1,
State of Karnataka,
Bengaluru

