

**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/152/2016/ARE-13

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-56001,  
Date: 23/03/2019.**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Enquiry against, Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, Presently working as PDO, at Kusanooru Grama Panchayath, Kalaburgi District.

**Ref :** 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/GLB-29/2012/ARE-5, dt.04/05/2016.

2) Govt. Order No.ಗ್ರಾಅಪ/267/ಗ್ರಾಪಂಕಾ/2016, ಬೆಂಗಳೂರು, dated :20/05/2016.

3) Nomination Order No.UPLOK-1/DE/152/2016, Bangalore, Dated : 25/05/2016 of the Hon'ble Upalokayukta-1, Bangalore.

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1. This Departmental Enquiry is directed against Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, Presently working as PDO, at Kusanooru Grama Panchayath, Kalaburgi District (herein after referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta-1, vide order dated: 25/05/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-5 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. Later on it was transferred to ARE-7. The Additional Registrar Enquires-7 prepared Articles of Charges, Statement of Imputations of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon her to appear before this Authority and to submit written statement of her defence.
4. As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-7 to ARE-13.
5. The Article of Charges framed by ARE-7 against the DGO is as below:

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

6. That you-DGO Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, presently working as PDO, at Kusanooru Grama Panchayath, Kalaburgi Taluk & District, while discharging your duties:

- i. You-DGO has made payment in excess of Rs.10,000/- to Smt.Malamma within a period of 100 days.
- ii. You-DGO has entered the name of Smt. Kamala Bai, who is dead, in the attendance sheet showing her attendance from 04-06-2009 to 12-06-2009 (in the death certificate of Kamalabai, date of death is 27-05-2009) and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

**ANNEXURE-II**  
**STATEMENT OF IMPUTATION OF MISCONDUCT**

7. An investigation was taken up under section 9 of Karnataka Lokayukta Act 1984, on the complaint filed by Sri. Murahari S/o Gopal, President, Karnataka Prantha Raitha Sangha, R/o Haranura Jevargi Taluk, Kalaburgi District (hereinafter referred to as complainant for short), against Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, presently working as PDO, at Kusanooru Gram Panchayath, Kalaburgi Taluk & District (hereinafter referred to as Delinquent Government Official, in short DGO) alleging that she is being a Government Servant, has committed misconduct.

**8. According to the Complainant/Petitioner):** a) The DGO has not paid the full salary for the labourers; b) Job Card has been issued in the name of Smt. Kamalabai, who is dead; c) Though the maximum salary payable to one family is Rs.10,000/- more than Rs.20,000/- has been paid to same family, d) Though the cost of labour for the work carried out by labourers in the land of farmers is Rs.15,000/-, only Rs.10,000/- is paid to the labourers; e) DGO has prepared action plan during 2010-11 under Employment Guarantee Scheme in the manner he likes without bringing it to the knowledge of Taluk Panchayath or Zilla Panchayath; f) There is variation in the list of labourers to whose account amount is

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deposited in the bank and the list of labourers in the NMR Attendance Register.

9. Then DGO was called upon to file her comments. The DGO has submitted comments denying the allegations made against her.

10. **Consideration of material on record shows that:**

i) The DGO has made payment in excess of Rs.10,000/- to Smt. Malamma within a period of 100 days.

ii) The DGO has entered the name of Smt.Kamala Bai, who is dead, in the attendance sheet showing her attendance from 04/06/2009 to 12/06/2009 (in the death certificate of Kamalabai, date of death is 27/05/2009).

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

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

of a Government servant, and thereby committed misconduct and made herself liable for disciplinary action.

13. Since said facts and material on record prima facie show that the DGO has committed misconduct under Rule 3(1) of the KCS Conduct Rules, 1966, recommendation is made under Section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

14. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.

15. Though the AOC was duly served on the DGO, she remained absent and hence she was placed Ex-parte. Since the DGO remained Ex-parte the question of recording FOS, SOS and Questionnaire does not arise.

16. In order to substantiate the charge, the Disciplinary Authority examined in all two witnesses as PW-1 to PW-2 and got marked documents at Ex.P-1 to P-3 and closed the evidence. Since the DGO remained ex-parte, the question of recording FOS, SOS, Defence

evidence and questionnaire as provided U/Rule 11(9), 11(16), 11(17) and Rule 11(18) of Karnataka Civil Services(CC & A) Rules 1957 does not arise.

17. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the only point that arises for my consideration is as under:

***Whether the Disciplinary Authority has satisfactorily proved that, the DGO who was working as the Panchayath Development Officer of Haranuru Grama Panchayath of Jevargi Taluka District Gulbarga during the year 2009-10 and 2010-11 has made payment in excess of Rs.10,000/- to Smt.Malamma within a period of 100 days and the DGO has entered the name of Smt. Kamala Bai, who is dead, in the attendance sheet showing her attendance from 04-06-2009 to 12-06-2009 though the Death Certificate shows that Kamalabai has expired on 27-05-2009 and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a***

***Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.***

18. My finding on the above point is held in “**Affirmative**” for the following:

**:: REASONS ::**

19. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The Complainant by name Sri. Murahari S/o Gopal Dasar resident of Haranuru Village has been examined as PW-1. He has reiterated the facts stated in the complaint. He states that, he knows the DGO and in the year 2010 she was working as Panchayatha Development Officer of Haranuru Grama Panchayath, taluka Jevargi. He further states that, the DGO had hired the services of 50 labourers under the Rural Employment Guarantee Scheme. However, he has not paid the wages, though the names of the labourers was entered in NMR book. He further states that, the DGO has cheated the labourers by not giving them the wages. He identifies his complaint at Ex.P-1 and P-2 in Form No.1 and 2.



20. The evidence of PW-1 has totally remained unchallenged. Even though the notice was duly served on the DGO, she has remained Ex-parte.

21. PW-2 Thimmaiah M S/o Thimmaiah is the expert working in TAC of Karnataka Lokayukta, Bengaluru. He states that, from June 1997 to June 2015 he has worked in TAC and he has retired in June 2015 as Assistant Controller. He further states that, he received the file from the office of Hon'ble Upalokayukta to investigate the matter. There were allegations that, for the year 2010-11 under the Mahatma Gandhi National Rural Employment Guarantee Scheme, irregularities were done by the DGO. He further states that, he summoned the necessary documents and verified the documents pertaining to Mahatma Gandhi National Rural Employment Guarantee Scheme for the year 2010 and 2011-12. He further states that, he verified the job cards and corresponding bank accounts for the year 2011-12 under the Mahatma Gandhi National Rural Employment Guarantee Scheme.

22. PW-2 further states that, the complainant had alleged that, more than Rs.10,000/- was paid to a single person and excess amount above Rs.10,000/- was paid to Smt.Malamma and others.

23. PW-2 further states that, the complainant had further alleged that, though Kamalabai w/o Parashuram resident of Revanur

Village had expired, her name was shown in the Attendance Register and wages were paid. PW-2 further states that, on verification of the records, he found the Smt. Kamalabai w/o Parashuram had expired on 27/05/2009. He further states that, the family members of her family i.e her son Ramesh, daughter in law of Kasthurabai had worked under the Mahatma Gandhi National Rural Employment Guarantee Scheme from 23/07/2010 to 06/08/2010, from 10/08/2010 to 23/08/2010 and from 22/10/2010 to 05/11/2010 and accordingly the wages were paid to Ramesh S/o Parashuram through Krishna Grammena Bank, Branch Jevargi. He has submitted his report as per Ex.P-3.

24. The evidence of PW-2 has totally remained unchallenged. Even though the notice was duly served on the DGO, she has remained Ex-parte.

25. On perusal of the bank statement produced by the Complainant with regard to excess payment made, it is observed that an amount of Rs.7,000-00 has been credited to the wages account of Smt.Malamma on 15.12.2010 and again an amount of Rs.7,000/- has been credited to her account on the same day. Therefore within a period of 100 days an amount of Rs.14,000/- has been credited to the account of Smt.Malamma.

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26. The Complainant/PW-1 has produced the death certificate of Kamamma and computer statement showing the days during which the labourers had worked in the week. As seen from the death certificate, the date of death of Kamamma is 27.05.2009. But, on perusal of the statement, it is shown that she has worked from 4.6.2009 to 12.6.2009.

27. Hence, the documents produced by the Complainant/Pw1 show that an amount in excess of Rs.10,000/- has been credited to the account of Malamma i.e., Rs.14,000/- has been paid on 15.12.2010. First time Rs.7,000/- has been paid and again on the same day another Rs.7,000/- has been deposited to the account of Smt.Malamma, which is not permissible under law.

28. It is further observed that Smt.Kamamma who has expired on 27.05.2009, is shown to have worked for nine days from 4.6.2009 to 12.6.2009. The wages have been credited to the account of dead person and the dead person is shown to have worked even after her death. Therefore, this act of the DGO amounts to misconduct.

29. On careful perusal of the documents furnished along with the report, i.e. NMR Register and bank statement, it is observed that, the guide lines and rules laid down under the Mahatma Gandhi National Rural Employment Guarantee Scheme have not been followed. It is observed that, the DGO has made payment in excess

of Rs.10,000/- to Smt. Malamma within a period of 100 days. It is also further observed that, though Smt.Kamalabai has died on 27/05/2009, her name is appearing in the attendance sheet showing her attendance from 04/06/2009 to 12/06/2009. It is pertinent to note that, Smt. Kamalabai has expired on 27/05/2009. In spite it Smt. Kamalabai is shown to be alive and worked from 04/06/2009 to 12/06/2009. The name of a dead person is shown in the Attendance Register for having worked from 04/06/2009 to 12/06/2009. Hence, on careful perusal of the records I, am of the opinion that, the DGO has committed irregularities by making payment in excess of Rs.10,000/- to Smt.Malamma within a period of 100 days. It is also further observed that, though Smt.Kamalabai has died on 27/05/2009, her name is appearing in the attendance sheet showing her attendance from 04/06/2009 to 12/06/2009. It is pertinent to note that, Smt. Kamalabai has expired on 27/05/2009. Hence, the Disciplinary Authority has proved that, the DGO has committed misconduct. On careful appreciation of the oral and documentary evidence adduced by the disciplinary Authority, I am opinion that, the Disciplinary Authority has proved its case.

30. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral

and documentary evidence I hold that the charge leveled against the DGO., is established. Hence, I answer point No.1 in the "Affirmative".

**:: ORDER ::**

***The Disciplinary Authority has proved the charge against the DGO Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, Presently working as PDO, at Kusanooru Grama Panchayath, Kalaburgi District.***

31. This report is submitted to Hon'ble Upa-lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 23<sup>rd</sup> day of March 2019**

**(Patil MohanKumar Bhimanagouda)**

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

**ANNEXURE**

<b>Witness examined on behalf of the Disciplinary Authority</b>
PW-1: Sri. Murahari (Original)
PW-2: Sri. Thimmaiah M @ Venkatesh T.M. (Original)
<b>Witness examined on behalf of the DGO Nil</b>
<b>Documents marked on behalf of the Disciplinary Authority</b>
Ex.P-1: Complaint in Form No-1 (Original) Ex. P-1(a): Relevant entry in Ex.P-1.
Ex.P-2: Complaint in Form No-2 (Original) Ex. P-2(a): Relevant entry in Ex.P-2.
Ex. P-3: M. Thimmaiah, Accounts Controller, TAC, Bengaluru report dated 28/03/2013 (Originals).
Ex.P-3(a): Relevant entry in Ex.P-3, page no. 32-41 originals, page no.42-46 xerox copies.
<b>Documents marked on behalf of the DGO Nil</b>

**Dated this the 23<sup>rd</sup> day of March 2019**

**(Patil MohanKumar Bhimanagouda)**

Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/152/2016/ARE-13

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 26/03/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against Smt. Sujatha, the then Panchayath Development Officer, Haranuru Grama Panchayath, Jewargi Taluk (presently working as Panchayath Development Officer, Kusanoor Grama Panchayath, Kalaburagi Taluk & District) – Reg.

Ref:- 1) Government Order No. ಗ್ರಾಒಪ 267 ಗ್ರಾಪಂಕಾ 2016,  
Bengaluru dated 20/5/2016

2) Nomination order No. UPLOK-1/DE/152/2016,  
Bengaluru dated 25/5/2016 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 23/3/2019 of Additional  
Registrar of Enquiries-13, Karnataka Lokayukta,  
Bengaluru.

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The Government by its Order dated 20/5/2016 initiated the disciplinary proceedings against Smt.Sujatha, the then Panchayath Development Officer, Haranuru Grama Panchayath, Jewargi Taluk (Kalaburagi District) Presently working at Kusanoor Grama Panchayath, Kalaburagi Taluk & 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/152/2016, Bengaluru dated 25/5/2016 nominated Additional Registrar of Enquiries-5, 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 her. Subsequently, by Order No. UPLOK-1/DE/2016, dated 3/6/2016 the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again, by Order No. UPLOK-1 & 2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Smt. Sujatha, the then Panchayath Development Officer, Haranuru Grama Panchayath, Jewargi Taluk (Kalaburagi District) Presently working at Kusanoor Grama Panchayath, Kalaburagi Taluk & District was tried for the following charges:-

“That you – DGO Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, presently working as PDO at Kusanooru Grama Panchayath, Kalaburagi Taluk & District, while discharging your duties:-

- i) You – DGO has made payment in excess of Rs.10,000/- to Smt. Malamma within a period of 100 days.
- ii) You – DGO has entered the name of Smt. Kamala Bai, who is dead, in the attendance sheet showing her attendance from 04/06/2009 to 12/06/2009 (in the death certificate of Kamalabai, date of death is 27/5/2009) and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”



4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO Smt. Sujatha, the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, presently working as PDO at Kusanooru Grama Panchayath, Kalaburagi Taluk & 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 information furnished by inquiry officer, the DGO is due to retire from service on 31/12/2023.

7. Having regard to the nature of charge proved against DGO Smt. Sujatha, the then the then PDO, Haranuru Grama Panchayath, Jevargi Taluk, presently working as PDO at Kusanooru Grama Panchayath, Kalaburagi Taluk & District, it is hereby recommended to the Government for imposing penalty of reducing the pay in the time scale of pay by four lower stages, with cumulative effect on DGO Smt. Sujatha and also for imposing penalty of recovering a sum of Rs.10,000/- from the pay and allowances payable to DGO Smt.Sujatha.

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

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