

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/153/2018/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 30.10.2021

**:: ENQUIRY REPORT ::****:: Present ::****(Pushpavathi.V)**

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

Sub: Departmental Enquiry against Sri. M.H.Ballary,  
Panchayath Development Officer, Sonna Gram  
Panchayath, Bilagi Taluk, Bagalkote District -  
reg.

Ref: 1. G.O.No. 88 ಗ್ರಾಒಪ 88 ಗ್ರಾಪಂಕಾ 2018 Bengaluru Dated:  
8.3.2018

2. Nomination Order No: UPLOK-1/DE/153/2018/ARE-9  
Bangalore dated: 21.3.2018 of Hon'ble Upalokayukta-1

\* \* \* \* @ \* \* \* \*

This Departmental Enquiry is initiated against Sri.  
M.H.Ballary, Panchayath Development Officer, Sonna Gram  
Panchayath, Bilagi Taluk, Bagalkote District (hereinafter  
referred to as the Delinquent Government Official for short  
"DGO").

2. In pursuance of the Government Order cited above at  
reference No.1, Hon'ble Upalokayukta vide order dated  
21.3.2018 cited above at reference No.2 has nominated  
Additional Registrar of Enquiries-9 to frame the charges and  
to conduct the enquiry against the aforesaid DGO.

30.10.2021

3. Additional Registrar of Enquiries-9 has issued the Articles of charges to the DGO, enclosing 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 in support of the charges and called him to appear before the Enquiry Officer and to submit written statement of defence.

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

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

**Charge:-**

That you - DGO as PDO, Sonna Gram Panchayath, Sonna, Bilagi Taluk, Bagalkote District allotting house to beneficiary Smt. Jayashri though she is a retired government employee and not eligible for allotment of house under Ashraya Scheme without verifying the fake income certificate produced by Jayashri and the benefit has been extended to her.

Thereby you- DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

5. The DGO appeared on 28.4.2018 before this inquiry authority in pursuance to the service of the Article of charges.

*Handwritten signature and date: 28.10.2018*

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

7. The DGO has submitted written statement and prayed to drop the charge leveled against them.

8. The disciplinary authority has examined the complainant Sri. Srishaila Huchappa Baragundi as PW.1 and Sri. Mallikarjuna Thodalabagi as PW.2 and got marked documents **Ex.P-1 to ExP-8**.

9. The second oral statement of DGO has been recorded. At the stage of recording defence evidence, DGO No. 1 has filed Application No. 1385/2019 before Hon'ble KSAT.

10. Hon'ble KSAT passed orders on 16.6.2021 which is as under;

*"The application is allowed and the Government Order bearing No. ಗ್ರಾಒಪ 88 ಗ್ರಾಪಂಕಾ 2018 ಬೆಂಗಳೂರು ದಿ: 8.3.2018 (Annexure-A6) passed by the 1<sup>st</sup> respondent and the Article of charge bearing No. UPLOK-1/DE 153/2018/ARE-9 dated: 4.4.2018 (Annexure-A7) passed by the 2<sup>nd</sup> respondent are quashed."*

11. On receipt of the above orders of the Hon'ble Karnataka Administrative Tribunal, opinion of CLC was sought and it is opined that the order of the KSAT is not fit to be challenged before the Hon'ble High court. Therefore, further proceedings against DGO are discontinued and inquiry is closed.

*P*  
*30-10-2021*

12. Hence, report is submitted to Hon'ble  
Upalokayukta for further action.

*Pushpa V 30.10.2018*

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

PW.1	Sri. Srishaila Huchappa Baragundi, Nagarala, Beelagi Taluk, Bagalkote District Original
PW.2	Sri. Mallikarjuna Thodalabagi, Executive Engineer Taluk Panchayath, Beelagi Original

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

Ex.P1 to Ex.P-4	Ex.P-1 to Ex.p-4 are the complaint in form No. 1 and 2 filed by PW-1
Ex.P5	Ex.P-5 are the documents submitted by PW-1 along with complaint
Ex.P6	Ex.P-6 is the letter dated: 5.7.2018 from Tahasildar to complainant ( PW-1)
Ex.P 7	Ex.P-7 is the letter dated: 4.8.2018 of Sri. D.Ravikumar, ಸಹಾಯಕ ಪ್ರಧಾನ ವ್ಯವಸ್ಥಾಪಕರು (ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ) ಹಾಗೂ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ to complainant ( PW-1)
Ex.P8	Ex.P-8 xerox copy of the photos

**iii) List of Additional documents**

1	Letter dtd:15.9.2021 of chairman legal cell-2 Karnataka Lokayukta Bengaluru along with copy of legal opinion and copy of the final order of KAT Application No. 1385/2019
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*Regd. V 30.10.2021*

(PUSHPAVATHI.V

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/153/2018/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **02/11/2021**

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri M.H.Ballary, Panchayath Development Officer,  
Sonna Grama Panchayath, Bilagi Taluk, Bagalkot  
District - Reg.

- Ref:- 1) Govt. Order No. ಸ್ರಾಅಸ 88 ಸ್ರಾಪಂಕಾ 2018, Bengaluru dated  
8/3/2018.
- 2) Nomination order No.UPLOK-1/DE/153/2018,  
Bengaluru dated 21/3/2018 of Upalokayukta-1,  
State of Karnataka, Bengaluru
- 3) Report dated 30/10/2021 of Additional Registrar of  
Enquiries-9, Karnataka Lokayukta, Bengaluru

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The Government by its order dated 8/3/2018 initiated the disciplinary proceedings against Sri M.H.Ballary, Panchayath Development Officer, Sonna Grama Panchayath, Bilagi Taluk, Bagalkot 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/153/2018 Bengaluru dated 8/3/2018 nominated Additional Registrar of Enquiries-9, 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.

3. The DGO Sri M.H.Ballary, Panchayath Development Officer, Sonna Grama Panchayath, Bilagi Taluk, Bagalkot District was tried for the following charge:-

“That you – DGO as PDO, Sonna Gram Panchayath, Sonna, Bilagi Taluk, Bagalkote District allotting house to beneficiary Smt. Jayashri though she is a retired Government employee and not eligible for allotment of house under Ashraya Scheme without verifying the fake income certificate produced by Smt. Jayashri and the benefit has been extended to her.

Thereby, you – DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government servant and thus you are guilty of misconduct u/r 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) has reported that the DGO has filed an Application No.1385/2019 before the Hon'ble Karnataka State Administrative Tribunal, challenging the Government order dated 8/3/2018 by which the Government has entrusted the inquiry against the DGO and the Articles of charges dated 4/4/2018 issued against the DGO. The Hon'ble Tribunal after hearing has quashed the above said Government order dated 8/3/2018 and the Articles of Charges dated 4/4/2018 by its Order dated 16/6/2021. This institution has taken a decision that the Order dated 16/6/2021 of the Hon'ble Tribunal is not fit to be challenged before the Hon'ble High Court of Karnataka by filing Writ petition. Therefore, the Inquiry officer has closed further proceedings against the DGO.



5. On re-consideration of report of Inquiry officer and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the conclusion reached by Inquiry officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to close further proceedings against DGO Sri M.H.Ballary, Panchayath Development Officer, Sonna Grama Panchayath, Bilagi Taluk, Bagalkot District.

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

Connected records are enclosed herewith.



**(JUSTICE B.S.PATIL)**  
Upalokayukta,  
State of Karnataka,  
Bengaluru

