

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-1/DE/158/2015

ENQUIRY REPORT Dated: 20/05/2020

Enquiry Officer: V.G.Bopaiah
Additional Registrar Enquiries-11
Karnataka Lokayukta, Bengaluru.

Delinquent Government Official Number 1: Sri. R.H.Kulkarni

Discharged duties as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District from 28.1.2009 to 4.9.2013.


Due for retirement of superannuation on 30.06.2020.

Delinquent Government Official Number 2: Sri V.R.Basavanagoudar

(Name written by him as V.R.Basanagoudar on the note sheet on 27.9.2016).

Discharged duties as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District from 12.8.2010 to 22.9.2011. Retired on superannuation on 31.1.2014.

Delinquent Government Official Number 3: Sri. Chandrashekhara Ramatheli (Name written by him as Chandrashekar Rama Teli on the note sheet on 27.9.2016).


20.5.2020

Discharged duties as Panchayath Development Officer, Hunagunda Grama Panchayathi, Uttara Kannada District during 2010-2011.

Retired on superannuation on 31.05.2014.

1. Background for initiating the present inquiry against delinquent official number 1 (in short, "DGO1"), delinquent Government Official number 2 (in short, "DGO2") and delinquent Government official number 3 (in short, "DGO3") needs to be stated in brief. Joint complaint of dated 3.9.2011 of the complainants by name Rudrappa V.Badigera and Mariyappa Fakirappa Benakanahalli, residents of Hunagunda, Mundagoda Taluk, Uttara Kannada District against DGO3 and Siddappa Hadapada who then was the president of Hunagunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District came to be registered in COMPT/UPLOK/BGM/264/2011/ARE-6. It is alleged in the complaint that in connection with removal of silt stored in Basaveshwaragudi tank expenditure of a sum of Rs. 81,500/- towards wages of 652 labourers is shown and in connection in with removal of silt stored in Veerabhadreshwaragudi tank expenditure of a sum of Rs. 1,96,750/- towards wages of 1574 labourers is shown and thereby funds are misappropriated.
2. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-1 Karnataka referred the matter to the Chief Executive Officer, Zilla


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Panchayathi, Uttara Kannada District. Afterwards, the Chief Executive Officer, Zilla Panchayath, Karavara, Uttara Kannada District placed report stating that report placed by the Executive Officer, Taluk Panchayathi, Mundagoda and Executive Engineer attached to Panchayath Raj Engineering Sub-Division, Mundagoda pointed out that allegations are far away from truth. In order to ascertain the correctness or otherwise of the said joint report, Hon'ble Upalokayukta-1 Karnataka referred the matter to the Chief Engineer, Technical Audit Cell attached to Karnataka Lokayukta, Bengaluru to investigate and to place report. The Chief Engineer attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru called for report from the Chief Executive Officer, Zilla Panchayath, Karawara, Uttara Kannada District. Thereafter, the Chief Executive Officer, Zilla Panchayathi, Karawara, Uttara Kannada District entrusted the matter to the Chief Accounts Officer (hereinafter will be referred to as "Investigating Officer to conduct investigation. The Investigating Officer conducted investigation and submitted report.

3. On the basis of the report of the Investigating Officer and materials on record, Hon'ble Upalokayukta-1 prima facie found that DGO1, DGO2, DGO3 and Sri Siddappa Hadapada the then President and the sitting elected member of Grama Panchayathi, Hunagunda spent a sum of Rs. 1,96,750/- towards removal of silt which was settled in Sri Veerabhadreshwaragudi and spent a sum of Rs. 85,000/- towards removal of silt which was settled in Sri. Basaveshwaragudi without approval from the competent authority. Hon'ble Upalokayukta-1 Karnataka prima facie found that DGO1 wrongfully entered the works executed in respect of approved work and disbursed a sum of Rs. 1,96,750/- and a sum of Rs. 85,000/- to the labourers who have not indulged in the above works. Hon'ble

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Upalokayukta-1, Karnataka prima facie found that subsequent to entrustment of the complaint for investigation to the Chief Executive Officer, Zilla Panchayathi, Uttara Kannada District, DGO1 and DGO2 in collusion with Siddappa Hadapada and DGO3 placed false report dated 27.12.2011 before the Chief Executive Officer, Zilla Panchayathi, Uttara Kannada District stating that approved works are duly executed. Hon'ble Upalokayukta-1 Karnataka prima facie found that DGO1, DGO2, DGO3 and Siddappa Hadapada attempted to screen the truth and to divert the line of investigation.

4. After having prima facie arrived at the above conclusion, Hon'ble Upalokayukta-1 Karnataka , in exercise of the powers conferred upon under section 12(3)of the Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against DGO1, DGO2 and DGO3 under Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules 1966 and since DGO2 and 3 are retired from service to accord permission under Rule 214(2)(b) of The Karnataka Civil Services Rules and to entrust the inquiry against DGO1, DGO2 and DGO3 to Hon'ble Upalokayukta, Karnataka Under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hon'ble Upalokayukta-1 Karnataka has been pleased to recommend to initiate suitable action as contemplated under section 43-A of The Karnataka Panchayath Raj act against Siddappa Hadapada.
5. Subsequent to the report dated 7.2.2015 under section 12(3) of Karnataka Lokayukta Act, 1984, government Order bearing number ಗ್ರಾಅಪ 29 ಇಎನ್‌ಕ್ಯೂ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 17-03-2015 has been issued by the Under Secretary (Services-A) to the Government of Karnataka, Department of Rural Development and Panchayathi Raj, entrusting the inquiry against DGO1, DGO2 and DGO3 to Hon'ble

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Upalokayukta-1 Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 with sanction under rule 214 (2)(b)(i) of The Karnataka Civil Services Rules in respect of DGO2 and DGO3. It is stated further in the said Government Order that action against Siddappa Hadapada will be initiated under section 43-A of The Karnataka Panchayath Raj Act.

6. Subsequent to the Government order ಗ್ರಾಅಪ 29 ಇಎನ್‌ಕ್ಯೂ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 17-03-2015 Order number UPLOK-1/DE/158/2015 Bengaluru, dated 25.3.2015 has been ordered by Hon'ble Upalokayukta-1 Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry officer to frame charges and to conduct departmental inquiry against DGO1, DGO2 and DGO3.
7. Articles of Charge dated 17.4.2015 at Annexure-1 which includes statement of Imputation of misconduct at Annexure-11 framed against DGO1, DGO2 and DGO3 by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru is the following:

“ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ:

ನೀವು 1) ಆರ್.ಹೆಚ್.ಕುಲಕರ್ಣಿ, ಅಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಮುಂಡಗೋಡ, 2) ಶ್ರೀ.ವಿ.ಆರ್.ಬಸನಗೌಡರ್, ಅಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಮುಂಡಗೋಡ ಹಾಗೂ 3) ಶ್ರೀ.ಚಂದ್ರಶೇಖರ ರಾಮತೇಲಿ, ಅಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹುನಗುಂದ, ಮುಂಡಗೋಡ, ಜಿಲ್ಲಾ ಉತ್ತರ ಕನ್ನಡ (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ) ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯವನ್ನು ತೋರಿಸಿ :

- (1) ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕಿನ ಹುನಗುಂದ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ 2010-11ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಅನುಮೋದನೆಯಾದ

 20.5.2015

ಹುನಗುಂದ ಗ್ರಾಮದ ಶ್ರೀ ವೀರಭದ್ರೇಶ್ವರ ಮತ್ತು ಶ್ರೀ ಬಸವೇಶ್ವರ ಗುಡಿಗಳ ನೀರಿನ ಹೊಂಡಗಳಲ್ಲಿಯ ಹೂಳು ಎತ್ತಿಸುವ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಜವಾಬ್ದಾರಿ ಇದ್ದ 1 ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವು, ಸದರಿ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಅಂದಾಜು ವೆಚ್ಚದ ಪಟ್ಟಿ ತಯಾರಿಸದೇ ಇದ್ದ ಹಾಗೂ ಅನುಮೋದನೆಯಾಗದ, ಮತ್ತು ಆ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಅನುಮೋದನೆ ಪಡೆಯದೆ ಇರುವ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು, ಮೀಸಲಾಗಿದ್ದ ಹಣದಲ್ಲಿ ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಮತ್ತು ರೂ.85,000/- ಅನುಮೋದನೆಯಾಗದ ಕಾಮಗಾರಿಗಳ ಸಲುವಾಗಿ ವಿನಿಯೋಗ ಮಾಡಿರುತ್ತೀರಿ.

- (2) 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಅನುಮೋದನೆಯಾದ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ತಪ್ಪಾಗಿ ದಾಖಲಿಸಿ, ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಹಾಗೂ ರೂ.85,000/- ಗಳನ್ನು ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸದೇ ಇದ್ದ, ಕೂಲಿಕಾರರಿಗೆ ತಪ್ಪಾಗಿ ವಿತರಣೆ ಮಾಡಿರುತ್ತೀರಿ.
- (3) ಈ ಸಂಸ್ಥೆಯ ಆದೇಶದಂತೆ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಆಪಾದನೆಗಳ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡುವಂತೆ 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ನಿಮಗೆ ಸೂಚಿಸಲಾಗಿ, 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವುಗಳು, 3ನೇ ಆ.ಸ.ನೌಕರರೊಂದಿಗೆ ಹಾಗೂ ಶ್ರೀ.ಸಿದ್ದಪ್ಪ ಹಡಪದ-ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪ್ರಸ್ತುತ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ರವರುಗಳೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ, ನಿರ್ವಹಿಸದೇ ಇದ್ದ ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ನಡವಳಿಕೆಗಳನ್ನು ತಯಾರಿಸಿ, ದಿನಾಂಕ: 06/09/2011ರ ತಪ್ಪು ನಡವಳಿಕೆಯ ಆಧಾರ ಒದಗಿಸಿ, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳಿಗೆ ದಿನಾಂಕ: 27/12/2011ರ ತಪ್ಪು ವರದಿ ಸಲ್ಲಿಸಿ, ತನಿಖೆಯ ದಿಕ್ಕನ್ನು ಬದಲಾಯಿಸಿರುತ್ತೀರಿ.
- (4) 1 ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರುಗಳಾದ ನೀವುಗಳು, ಈ ಸಂಸ್ಥೆ ಕೈಗೊಂಡ ದೂರಿನ ತನಿಖೆಯಲ್ಲಿ ಸತ್ಯಾಂಶ ಬೆಳಕಿಗೆ ಬಾರದಂತೆ ಮಾಡುವ ಎಲ್ಲಾ ರೀತಿಯ ವೈಯಕ್ತಿಕ ಹಾಗೂ ಸಾಂಘಿಕ ಪ್ರಯತ್ನ ಮಾಡಿ, ತನಿಖೆಯ ದಿಕ್ಕು ತಪ್ಪಿಸುವ ಪ್ರಯತ್ನ ಮಾಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು

ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರುಗಳಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು

 30.5.2015

ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಅಂತ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಶ್ರೀ.ರುದ್ರಪ್ಪ ವೀರಭದ್ರಪ್ಪ ಬಡಿಗೇರ-ಉಪಾಧ್ಯಕ್ಷರು, ಭಾರತೀಯ ಕಿಸಾನ್ ಸಂಘ, ಮುಂಡಗೋಡ, ಹುನಗುಂದ ತಾಲ್ಲೂಕು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಹಾಗೂ ಶ್ರೀ.ಮರಿಯಪ್ಪ ಫಕೀರಪ್ಪ ಬೆನಕನಹಳ್ಳಿ-ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಹುನಗುಂದ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹುನಗುಂದ ಗ್ರಾಮ ತಾಲ್ಲೂಕು ಮುಂಡಗೋಡ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ 'ದೂರುದಾರ ನಂ. 1 ಮತ್ತು 2' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಈ ದೂರನ್ನು, ಶ್ರೀ. ಚಂದ್ರಶೇಖರ್ ರಾಮತೇಲಿ - ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಹಾಗೂ 2) ಶ್ರೀ. ಸಿದ್ದಪ್ಪ ಹಡಪದ- ಅಧ್ಯಕ್ಷರು, ಹುನಗುಂದ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧ ದಾಖಲಿಸಿ ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕಿನ ಹುನಗುಂದ ಗ್ರಾಮದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿರುವ ಜಲಭರಿತವಾದ ಶ್ರೀ.ವೀರಭದ್ರೇಶ್ವರ ಗುಡಿಯ ಹಾಗೂ ಶ್ರೀ. ಬಸವೇಶ್ವರ ಗುಡಿಯ ಹೊಂಡಗಳ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸದೇ ಕಾಮಗಾರಿ ಹೆಸರಿನಲ್ಲಿ ಖರ್ಚು ಹಾಕಿ ಹಣದ ದುರುಪಯೋಗ ಮಾಡಿದ್ದಾರೆಂದು ಆರೋಪಿಸಿದ್ದಾರೆ.

2. ನದರಿ ದೂರನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡು, ದೂರಿನಲ್ಲಿನ ಸತ್ಯಾಂಶ ಅರಿಯಲು, ದೂರನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆ ಮತ್ತು ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳಿಗೆ ದೂರಿನಲ್ಲಿರುವ ಆಪಾದನೆಗಳ ಬಗ್ಗೆ ವರದಿ ಕೇಳಲಾಗಿ, ದಿನಾಂಕ: 03/04/2012ರ ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಅವರು ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ ಹಾಗೂ ಮುಂಡಗೋಡ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿ ಉಪ ವಿಭಾಗದ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರಿಂದ ಪಡೆದ ಜಂಟಿ ವರದಿಯ ಆಧಾರದಿಂದ, ದೂರಿನಲ್ಲಿ ಮಾಡಿದ ಆಪಾದನೆಗಳು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿವೆಯೆಂದು ವರದಿ ನೀಡಿದರು. ಕಾರಣ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಯಲ್ಲಿಯ ತಾಂತ್ರಿಕ ವಿಭಾಗದ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್ ರವರಿಗೆ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡಲು ಕೇಳಲಾಗಿತ್ತು. ತಾಂತ್ರಿಕ ಇಲಾಖೆಯ ಮುಖ್ಯ ಇಂಜಿನಿಯರ್ ರವರು ಪುನಃ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿಯ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರಿಗೆ, ಈ ಮೊದಲು ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ ಹಾಗೂ ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗದ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ ರವರ ಜಂಟಿ ವರದಿಯನ್ನು ದೂರುದಾರರು ಅಲ್ಲಗಳೆದು ಮತ್ತಷ್ಟು ನಿಖರವಾದ

 20-5-2012

ಆಪಾದನೆಗಳನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಮನಃ ದೂರುದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ ವಿವರವಾದ ವರದಿಯನ್ನು ಕಳುಹಿಸಲು ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಯ, ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರ ರವರನ್ನು ಕೇಳಲಾಗಿ, ಅದರಂತೆ, ಸದರಿ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರ ಅವರ ಅಧೀನ ಅಧಿಕಾರಿಯಾದ ಶ್ರೀ.ಟಿ.ಆಂಜನೇಯ, ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಕಾರವಾರ ರವರಿಗೆ ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆಯನ್ನು ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ದೂರನ್ನು ವಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಶ್ರೀ.ಟಿ.ಆಂಜನೇಯ, ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಕಾರವಾರ (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿ' ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವುದು) ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆ ಮಾಡಿ, ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ವರದಿಯನ್ನು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಯ, ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರ ಇವರು ಒಪ್ಪಿಕೊಂಡು ಸದರಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

3. ತನಿಖಾಧಿಕಾರಿಯವರು, ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 3, 1) ಆರ್.ಹೆಚ್.ಕುಲಕರ್ಣಿ, ಅಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಮುಂಡಗೋಡ, 2) ಶ್ರೀ.ವಿ.ಆರ್.ಬಸನಗೌಡರ್, ಅಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಮುಂಡಗೋಡ ಹಾಗೂ 3) ಶ್ರೀ.ಕೆ.ಹೆಚ್.ಶಿವಕುಮಾರ್ ರಾಮತೇಲಿ, ಅಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹುನಗುಂದ, ಮುಂಡಗೋಡ, ಜಿಲ್ಲಾ ಉತ್ತರ ಕನ್ನಡ (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ) ರವರುಗಳು ತಮ್ಮ ಕರ್ತವ್ಯ ವಾಲನೆಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ನಿರ್ಲಕ್ಷ್ಯವನ್ನು ತೋರಿಸಿದ್ದಾರೆಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ:

- (1) ಹುನಗುಂದ ಗ್ರಾಮದ ವೀರಭದ್ರೇಶ್ವರ ಗುಡಿ ಹೊಂಡ ಹೂಳಿತ್ತುವ 2010-11ನೇ ಸಾಲಿನ ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳಲು ರೂ.2,00,000/- ಮೊತ್ತದ ಅಂದಾಜುಪಟ್ಟಿಗೆ ಮಂಜೂರಿ ನೀಡಿದ್ದರೂ, ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳದೇ, ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ರೂ.1,96,750/-ಗಳನ್ನು ಕೂಲಿಕಾರರಿಗೆ ಪಾವತಿಸಲಾಗಿದೆ;
- (2) ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸದೇ ಇದ್ದರೂ ಸಹ ನಿರ್ವಹಿಸಲಾಗಿದೆ ಎಂದು ಸೂಚಿಸುವ ವಿವರಗಳನ್ನು ದಾಖಲಿಸಲಾಗಿದೆ;
- (3) ಹುನಗುಂದ ಗ್ರಾಮದ ಶ್ರೀ. ಬಸವೇಶ್ವರ ಗುಡಿ ಹೊಂಡದ ಹೂಳಿತ್ತುವ ಕಾಮಗಾರಿಯನ್ನು ರೂ.2,00,000/- ಅಂದಾಜು ವೆಚ್ಚದೊಂದಿಗೆ 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ಮಂಜೂರಿ ಮಾಡಿದ್ದರೂ ಸಹ, ಆ ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳದೇ, ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ರೂ.85,000/- ಗಳನ್ನು ಕೂಲಿಕಾರರಿಗೆ ವಿತರಣೆ ಮಾಡಲಾಗಿದೆ;

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(4) ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಸದರಿ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಅಳವಡಿಸಿದ ಮತ್ತು ಮಂಜೂರಿಯಾದ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸದೇ ಇದ್ದರೂ ಸಹ, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆ ಎಂದು ಸೂಚಿಸುವ ವಿವರಗಳನ್ನು ದಾಖಲಿಸಲಾಗಿದೆ.

4. ನೀವುಗಳು ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಗಳನ್ನು ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮೇಲೆ ಹೇಳಿದಂತೆ ಸರ್ಕಾರಿ ಹಣವನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರುಗಳಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಸರ್ಕಾರಕ್ಕೆ ಆರ್ಥಿಕ ನಷ್ಟವನ್ನು ಉಂಟು ಮಾಡಿ ಹಣವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ ಎಂಬುದಾಗಿ ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
5. ಆದುದರಿಂದ, ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ, ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಸ್ಪಷ್ಟವಾಗುತ್ತದೆ.

(i) ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕಿನ ಹುನಗುಂದ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ 2010-11ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಅನುಮೋದನೆಯಾದ ಹುನಗುಂದ ಗ್ರಾಮದ ಶ್ರೀ ವೀರಭದ್ರೇಶ್ವರ ಮತ್ತು ಶ್ರೀ ಬಸವೇಶ್ವರ ಗುಡಿಗಳ ನೀರಿನ ಹೊಂಡಗಳಲ್ಲಿಯ ಹೂಳು ಎತ್ತಿಸುವ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಜವಾಬ್ದಾರಿ ಇದ್ದ 1 ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರು, ಸದರಿ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಅಂದಾಜು ವೆಚ್ಚದ ಪಟ್ಟಿ ತಯಾರಿಸದೇ ಇದ್ದ ಹಾಗೂ ಅನುಮೋದನೆಯಾಗದ, ಮತ್ತು ಆ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಅನುಮೋದನೆ ಪಡೆಯದೆ ಇರುವ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು, ಮೀಸಲಾಗಿದ್ದ ಹಣದಲ್ಲಿ ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಮತ್ತು ರೂ.85,000/- ಅನುಮೋದನೆಯಾಗದ ಕಾಮಗಾರಿಯಗಳ ಸಲುವಾಗಿ ವಿನಿಯೋಗ ಮಾಡಿದ್ದಾರೆ;

(ii) 1ನೇ ಆ.ಸ.ನೌಕರರು ಅನುಮೋದನೆಯಾದ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ತಪ್ಪಾಗಿ ದಾಖಲಿಸಿ, ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಹಾಗೂ ರೂ.85,000/- ಗಳನ್ನು ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸದೇ ಇದ್ದ ಕೂಲಿಕಾರರಿಗೆ ತಪ್ಪಾಗಿ ವಿತರಣೆ ಮಾಡಿದ್ದಾರೆ;

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(iii) ಈ ಸಂಸ್ಥೆಯ ಆದೇಶದಂತೆ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಆಪಾದನೆಗಳ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡುವಂತೆ 1 ಮತ್ತು 2ನೇ ಎದುರುದಾರರಿಗೆ ಸೂಚಿಸಲಾಗಿ, 1 ಮತ್ತು 2ನೇ ಎದುರುದಾರರು, 3 ಮತ್ತು ಶ್ರೀ.ಸಿದ್ದಪ್ಪ ಹಡಪದ-ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪ್ರಸ್ತುತ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತ್, ಹುನಗುಂದ ರವರೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ, ನಿರ್ವಹಿಸದೇ ಇದ್ದ ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ನಡವಳಿಕೆಗಳನ್ನು ತಯಾರಿಸಿ, ದಿನಾಂಕ: 06/09/2011ರ ತಪ್ಪು ನಡವಳಿಕೆಯ ಆಧಾರ ಒದಗಿಸಿ, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳಿಗೆ ದಿನಾಂಕ: 27/12/2011ರ ತಪ್ಪು ವರದಿ ಸಲ್ಲಿಸಿ, ತನಿಖೆಯ ದಿಕ್ಕನ್ನು ಬದಲಾಯಿಸಿದ್ದಾರೆ;

(iv) 1 ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರು, ಈ ಸಂಸ್ಥೆ ಕೈಗೊಂಡ ದೂರಿನ ತನಿಖೆಯಲ್ಲಿ ಸತ್ಯಾಂಶ ಬೆಳಕಿಗೆ ಬಾರದಂತೆ ಮಾಡುವ ಎಲ್ಲಾ ರೀತಿಯ ವೈಯಕ್ತಿಕ ಹಾಗೂ ಸಾಂಘಿಕ ಪ್ರಯತ್ನ ಮಾಡಿ, ತನಿಖೆಯ ದಿಕ್ಕು ತಪ್ಪಿಸುವ ಪ್ರಯತ್ನ ಮಾಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

6. ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿಯನ್ನು ಪಡೆದ ನಂತರ, ದೂರಿನ ಪ್ರತಿ ಹಾಗೂ ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು, ಕಾರವಾರ ಇವರು ನೀಡಿದ ವರದಿಯ ಪ್ರತಿಯನ್ನು 3ನೇ ಆ.ಸ.ನೌಕರರು ಮತ್ತು ಶ್ರೀ.ಸಿದ್ದಪ್ಪ ಹಡಪದ-ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪ್ರಸ್ತುತ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತ್, ಹುನಗುಂದ ರವರಿಗೆ ಕಳುಹಿಸಿ ಅವರ ಆಕ್ಷೇಪಣೆ/ಉತ್ತರ ಕೇಳಲಾಗಿ, ಅವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆ/ಉತ್ತರಗಳಲ್ಲಿ ಈ ಕೆಳಗಿನಂತೆ ಹೇಳಿದ್ದಾರೆ.

(1) ಎರಡೂ ಹೊಂಡಗಳಲ್ಲಿರುವ ನೀರನ್ನು ಹೊರಹಾಕಿ ಹೊಳೆತ್ತುವ ಕಾಮಗಾರಿಯನ್ನು ತೆಗೆದುಕೊಂಡಲ್ಲಿ ಬೇಸಿಗೆಯಲ್ಲಿ ನೀರಿನ ಕೊರತೆಯಾಗುತ್ತದೆ ಎಂದು ಗ್ರಾಮದ ಜನರು ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ವಿರೋಧಿಸಿದ ಕಾರಣ ಮತ್ತು ಸದರಿ ಕಾಮಗಾರಿಗಳ ಸಲುವಾಗಿ ಕ್ರಮವಾಗಿ 123 ಹಾಗೂ 50 ಜನರು ಕೂಲಿಗಾಗಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದ ಮೇರೆಗೆ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಅಂದಾಜು ಮಾಡಿದ ಮತ್ತು ಅಳವಡಿಸಿಕೊಂಡ ಹೊಂಡಗಳಲ್ಲಿಯೂ ಹೊಳೆತ್ತುವ ಕಾಮಗಾರಿಯ ಬದಲಾಗಿ, ಅರ್ಜಿ ಹಾಕಿಕೊಂಡ ಕೂಲಿಕಾರರಿಗೆ ಕೆಲಸ ನೀಡಲು, ಹೊಂಡಗಳ ಸುತ್ತಲೂ ಹೊಳು ತೆಗೆಯುವ, ಗಿಡಗಂಟೆಗಳನ್ನು ತೆಗೆಯುವ ನೀರಿನ ಮೇಲೆ ಇರುವ ಬಳ್ಳಿಗಳನ್ನು ತೆಗೆಯುವ, ಆನೆ ಹೊಂಡದ ಸುತ್ತಲಿನ ಹೊಳೆತ್ತುವ, ಗಿಡಗಂಟೆಗಳನ್ನು ತೆಗೆದು ಹಾಕುವ ಹಾಗೂ ಸ್ಮಶಾನಗಟ್ಟಿಯಲ್ಲಿ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆ;

(2) ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರು ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ ಉಪವಿಭಾಗ ಮುಂಡಗೋಡ ರವರು ಹುನಗುಂದ ಗ್ರಾಮದ ಶ್ರೀ.ವೀರಭದ್ರೇಶ್ವರ ಗುಡಿಹೊಂಡ ಹೊಳೆತ್ತುವ

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ಕಾಮಗಾರಿಯನ್ನು ನೋಡಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ 1574 ಮಾನವ ದಿನಗಳಿಗೆ ರೂ.1,96,750/- ಪಾವತಿಸಲು ಹಾಗೂ ಶ್ರೀ. ಬಸವೇಶ್ವರ ಗುಡಿ ಹೊಂಡ ಹೂಳೆತ್ತುವ ಕಾಮಗಾರಿ ಕೆಲಸವನ್ನು ನೋಡಿ ಕೆಲಸ ನಿರ್ವಹಿಸಿದ ಬಗ್ಗೆ 680 ಮಾನವ ದಿನಗಳ ಕಾಮಗಾರಿ ದಾಖಲಿಸಿ ಕೂಲಿ ಹಣ ರೂ.85,000/- ಗಳನ್ನು ಪಾವತಿಸಲು ಸೂಚಿಸಿದ ಮೇರೆಗೆ ಕೂಲಿಕಾರರ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳಿಗೆ ಹಣ ಜಮಾ ಮಾಡಲಾಗಿದೆ.

7. 3ನೇ ಆ.ಸ.ನೌಕರರು ಮತ್ತು ಶ್ರೀ.ಸಿದ್ದಪ್ಪ ಹಡಪದ-ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪ್ರಸ್ತುತ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತ್, ಹುನಗುಂದ ರವರು ಸಲ್ಲಿಸಿದ ಆಕ್ಷೇಪಣೆಗಳಲ್ಲಿ ಹೇಳಿರುವ ವಿವರಣೆ ಹಾಗೂ ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಗಳು, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕಾರವಾರ್ ರವರ ವರದಿ ಪರಿಗಣಿಸಿ, ಈ ಕೆಳಗೆ ಹೇಳಿದವರನ್ನು 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರನ್ನಾಗಿ ನೇರ್ಪಡೆ ಮಾಡಲಾಗಿದೆ.

(1) ಶ್ರೀ. ಆರ್.ಹೆಚ್.ಕುಲಕರ್ಣಿ-ಹಿಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿ, ಮುಂಡಗೋಡ, ಪ್ರಸ್ತುತ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಪಿಡಬ್ಲ್ಯೂಡಿ ಉಪವಿಭಾಗ, ಹಳಿಯಾಳ;

(2) ಶ್ರೀ. ವಿ.ಆರ್. ಬಸವನಗೌಡರ್-ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ, ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ) ಹಾಲಿ ವಾಸ ಲಕ್ಷ್ಮೀ ನಿವಾಸ, ಪ್ಲಾಟ್ ನಂ.24, ಜಯನಗರ, ಧಾರವಾಡ.

8. 1ನೇ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಿಗೆ ದೂರಿನ ಹಾಗೂ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿಯ ಮುಖ್ಯ ಲೆಕ್ಕಾಧಿಕಾರಿಯವರ ವರದಿಯ ಮೇಲೆ ಆಕ್ಷೇಪಣೆ/ಉತ್ತರ ಕೇಳಲಾಗಿ:

(1) 1ನೇ ಆ.ಸ.ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆ/ಉತ್ತರದಲ್ಲಿ, ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ತಮ್ಮ ಹಂತದಲ್ಲಿ ಇಂಟಿಗ್ರೇಟೆಡ್ ಮ್ಯಾನೇಜ್‌ಮೆಂಟ್ ಇನ್‌ಫಾರ್ಮೇಷನ್ ಸಿಸ್ಟಮ್‌ನ ಮೂಲಕ ನಿರ್ವಹಿಸಿದ ಹಾಜರಿ ಪಟ್ಟಿಗಳನ್ನು ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಪಾವತಿಸಲು ಸೂಚಿಸಿದೆ ಎಂದಿದ್ದಾರೆ.

(2) 2ನೇ ಆ.ಸ.ನೌಕರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ/ಉತ್ತರದಲ್ಲಿ ಅನುಮೋದಿಸಿದ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸದೇ, ಅವುಗಳ ಹೆಸರಿನಲ್ಲಿ ಎನ್.ಎಮ್.ಆರ್. ತಯಾರಿಸಿ ಪಂಚಾಯತ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪವಿಭಾಗದ ಎ.ಇ.ಇ. ಅವರಿಂದ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ದಾಖಲಿಸಿ, ತಮ್ಮ ಗಮನಕ್ಕೆ ತರದೇ, ಕೂಲಿ ಜನರಿಗೆ ಹಣ ಪಾವತಿ ಮಾಡಲಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ.

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9. ತನಿಖಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವರದಿ, ಅವರು ಪಡೆದಂತಹ ದಾಖಲಾತಿಗಳು ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 3 ಮೇಲ್ಮೂಲಕ್ಕೆ ದುರ್ನಡತೆಯನ್ನು ಏಸಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಕನಾಟಕ ರಾಜ್ಯ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾನೂನು ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದ್ದಾರೆ. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 3 ಇವರುಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ, ಆದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮಗಳ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.”

8. In response to due service of articles of charge DGO1 to DGO3 entered appearance before this authority on 29.4.2015. In the course of first oral statement of DGO1, DGO2 and DGO3 recorded on 29.4.2015 they pleaded not guilty subsequently, DGO1 to DGO3 have engaged Advocate for their defence.
9. In the course of written statement filed on 10.6.2015 by DGO1 it is contended that the inquiry proceedings are not maintainable and the there is no compliance of Rule 11(4) of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. It is contended that in the absence of specific complaint against DGO1 within the ambit of section 9 of the Karnataka Lokayukta Act 1984 proceedings should not have been initiated against DGO1. It is contended that in the absence of show cause notice to DGO1 proceedings against DGO1 are illegal. It is contended that complaint is politically motivated. It is contended that investigation is barred by section 8 of The Karnataka Lokayukta Act, 1984. It is contended that there is no compliance of Rule 5 of The Karnataka Lokayukta Rules. It is contended that there is no compliance of section 9 of The Karnataka Lokayukta Act, 1984. It is contended that complainants have not levelled specific allegations against

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DGO1. It is contended that there are no specific imputations levelled against DGO1 in the report of the Investigating Officer.

10. In the course of written statement of DGO1 filed on 10.6.2015 it is contended that proceedings are not maintainable and that statements of witnesses and documents are not furnished along with the articles of charge. It is contended that the complaint is politically motivated. It is contended that the complaint is not supported by the affidavit and that complaint dated 3.9.2011 is not specifically against DGO1. It is contended that commencement of investigation without causing show cause notice to DGO1 is illegal. It is contended that investigation is hit by section 8 of The Karnataka Lokayukta Act, 1984. It is contended that there is no compliance of Rule 5 of The Karnataka Lokayukta Rules, 1985. It is contended that report of investigation was not served on DGO1. It is contended that there is no compliance of section 9 of The Karnataka Lokayukta Act, 1984. It is contended that the alleged act of misconduct does not find place in the report of the investigating officer.
11. In the course of written statement of DGO2 filed on 15.2.2015 it is contended that his tenure as Executive Officer, Taluk Panchayathi, Mundagoda was from 12.8.2010 to 22.9.2011 and therefore he is not responsible for the alleged charges. He has denied the alleged charge.
12. In the course of written statement of DGO3 filed on 10.6.2015 it is contended that since DGO3 retired from service proceedings could not be continued against him. It is contended that there is no compliance of Rule 11(4) of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and equally there is no compliance of section 9 of The Karnataka Lokayukta Act,

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1984. It is contended that in the absence of show cause notice to DGO3 proceedings should not have been initiated against DGO3. It is contended that investigation is barred by section 8 of The Karnataka Lokayukta Act, 1984. It is contended that the complainant have not levelled specific allegations against DGO3 and that there are no specific imputations of misconduct in the report of the Investigating Officer. He has denied the charges levelled against him.

13. The disciplinary authority has examined the complaint number 2 by name Sri. Mariyappa as PW1 and the Investigating Officer Sri. Anjaneya.D as PW2 before the then Additional Registrar, Enquiries-11 Karnataka Lokayukta, Bengaluru. During evidence of PW1 original complaint dated 3.9.2011 in a single sheet signed by him and signed by the complainant number 1 is marked as per Ex P1 and original affidavit dated 3.9.2011 in a single sheet signed by him and complainant number 1 is marked as per Ex P2. During evidence of PW2 attested copy of action plan in a single sheet is marked as per Ex P3, attested copy of nominal muster roll in twelve sheets is marked as per Ex P4, attested copy of measurement book in a single sheet is marked as per Ex P5, attested copy of estimate in there sheets for removal of silt in Veerabhadreshwaragudi tank is marked as per Ex P6, attested copy of estimate in four sheets for removal of silt in Basaveshwaragudi tank is marked as per Ex P7, attested copy of measurement book in a single sheet is marked as per Ex P8, attested copy of nominal muster roll in six sheets is marked as per Ex P9 and original report in thirteen sheets of PW2 is marked as per Ex P10, signature of PW 2 found on sheet number 13 of Ex P10 is marked as per Ex P10(a).

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14. In the course of second oral Statement of DGO1 and DGO2 recorded on 5.2.2018 they have stated that they would get examined themselves as defence witness and that they would examine defence witness. In the course of second oral Statement of DGO3 recorded on 20.1.2018 he has stated that he would get examined himself as defence witness. He has stated that he does not intend to examine defence witness.
15. DGO1 got himself examined as DW1. DGO2 got himself examined as DW2. DGO3 has not adduced defence evidence.
16. Incriminating circumstances which appeared in the evidence of PW1 and PW2 are put to DGO1 and DGO3 by way of questionnaire and their answers are recorded. They have stated that removal of sediment in the tanks is completed and payment is made. They have admitted the duties and responsibilities of Panchayathi Development Officer, Section Officer and Assistant Executive Engineer.
17. In the course of written argument of the presenting officer reference is made to evidence on record. It is sought to contend that charges stand established.
18. In the course of written argument dated 3.8.2013 signed by the Advocate for DGO1 and DGO3, apart from reiterating the defence put forward in the written statement of DGO1 and DGO3 it is contended that removal of silt in the tank of Veerabhadreshwaragudi is admitted by PW1 and PW2. It is contended that after checking the measurements DGO1 approved payment to labourers in respect of the executed work. It is contended that DGO1 and DGO3 have not misappropriated the funds. It is sought to contend that charges are not established.
19. Despite opportunity DGO2 has not filed written argument.

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20. In tune with the article of charge, points which arise for consideration are the following:

Point number 1:- Whether stands established that during the tenure of DGO1 as Assistant Executive Engineer, Panchayathi Raj Engineering Sub-division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO3 as Panchayath Development Officer, Hungunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District, without executing the work of removal of silt of Veerabhadreshwaragudi tank and without executing the work of removal of silt of Basaveshwaragudi tank within the jurisdiction of Hunagunda Grama Panchayathi, Munagoda Taluk, Uttara Kannada District as approved by the action plan under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10, without obtaining approval from the competent authority spent a sum of Rs.1,96,750/- out of a sum of Rs.2,00,000/- for removal of silt from Veerabhadreshwaragudi tank and without obtaining approval from the competent authority spent a sum of Rs. 85,000/- out of sum of Rs. 2,00,000/- reserved for removal of silt from Basaveshwaragudi tank and thereby DGO1 to DGO3 are guilty of misconduct within the purview of Rule 3(1)(i) and (iii) of the Karnataka Civil Services (Conduct) Rules, 1966?

Point Number 2:- whether it stands established that during the tenure of DGO1 as Assistant Executive Engineer, Panhayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District, caused wrong entries in the measurement book pertaining to the

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approved task of removal of silt from Veerabhadreshwaragudi tank under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs. 1,96,750/- towards the wages of unskilled labourers and further caused wrong entries in the measurement book pertaining to the approved task of removal of silt from Basaveshwaragudi tank under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs.85,000/- towards the wages of unskilled labourers and thereby DGO1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966?

Point number 3:- Whether it stands established that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division Mundagoda, Uttara Kannada District, in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District, after the instructions of the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District issued to DGO1 and DGO2 to investigate the allegations levelled by the complainant and to place report, DGO1 and DGO2 in collusion with DGO3 and also Sri Siddappa Hadapada and elected members of Hunagunda Grama Panchayathi, Mundagoda, Uttara Kannada District placed false report dated 27.12.2011 before the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District reporting that approved works are duly executed and thereby DGO1 and DGO2 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

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Point number 4:- Whether it stands established that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk panchayath, Mundagoda, Uttara Kannada District in the year 2011 and during the tenure of DGO3 as Panchayath Development officer, Grama Panchayathi, Hunagunda, Mundagoda, Uttara Kannada District, attempted to screen the truth of allegations levelled by the complainant during investigation in COMPT/UPLOK/ BGM/ 264/2011/ARE-6 and also attempted to divert the line of investigation in COMPT/UPLOK/BGM/ 264/2011/ARE-6 and thereby DGO1 to DGO3 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services(Conduct) Rules, 1966?

21. Matters needed to be thrashed out involved in point numbers 1 to 4 are interlinked with each other and therefore let me dwell upon to consider point numbers 1 to 4 together.
22. PW1 has stated during evidence that work of removal of silt in Veerabhadreshwaragudi tank and Basaveshwaragudi tank was carried on in part and therefore he lodged complaint. During cross examination PW1 though has stated that he has not lodged complaint against DGO1 and DGO2 it needs to be expressed that complaint is the instrument to set law into motion and in this background investigation need not be confined only to the names of public servants whose names are pointed out in the complaint. During cross examination, though PW1 has stated that during investigation conducted by the officers of Zilla Panchayath he was told by those officers that DGO1 and DGO3 have properly executed

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the work it needs to be mentioned that in order to ascertain the correctness or otherwise of the said result of investigation, Hon'ble Upalokayukta-1Karnataka referred the matter to the Chief Engineer attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru and thereafter PW2 conducted investigation and submitted the report at Ex P10. Suffice to mention that answers elicited during his cross examination will not uproot the credibility of evidence of PW2 who has deposed in tune with Ex P10. Therefore, answers elicited during cross examination of PW1 will not lend support to the defence.

23. Perusal of records and spot inspection conducted by PW2 as deposed by PW2 is not under challenge. His evidence that he inspected Veerabhadreshwaragudi tank and Basaveshwaragudi tank and approval of the estimate the attested copy of which is at Ex P3 is not under challenge. PW2 has stated during evidence that except removal of plants the silt was not found removed. This portion of his evidence has not been specifically assailed during his cross examination except posing suggestion that though the work of removal of silt was completed false report is submitted. The said suggestion has been denied by him. The above portion of evidence of PW2 finds support from sheet number 9 of Ex P10. It is found mentioned in sheet number 9 of Ex P10 the silt from Veerabhadreshwaragudi tank was not found removed. This portion of sheet number 9 of Ex P10 has not been assailed during cross examination of PW2. During evidence DGO1 and DGO3 have not refuted the contents of sheet number 9 of Ex P10. Evidence of PW2 that he has not noticed any traces evidencing removal of silt is not under challenge. This evidence that DGO3 stated before him

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that silt of Veerabhadreshwaragudi tank is not removed is not under challenge. This portion of admission by DGO3 incriminates DGO3. This portion of evidence of PW2 finds place in sheet number 9 of Ex P10. The above portion of evidence of PW2 and admission by DGO3 as found in sheet number 9 of Ex P10 is not found controverted by DGO1 and DGO3 during their evidence. Expenditure of Rs. 1,96,750/- to the said work stated to have been executed as stated by PW2 is not under challenge. Evidence of PW2 that as noted in the estimate, nominal muster roll and entries in the relevant measurement book touching removal of silt of Veerabhadreshwaragudi tank was not found executed has not been specifically assailed during his cross examination. Evidence of PW2 that DGO1 was duty bound to look into whether work in the area specified in the estimate and his evidence that DGO3 was duty bound to ascertain this aspect during check measurement and therefore DGO1 and DGO3 are liable for the latches is not under challenge.

24. Regarding removal of silt from Basaveshwaragudi tank is concerned, evidence of PW2 shows that the same is found in the attested copy of action plan at Ex P3 and attested copy of estimate at Ex P7. Ex P3 and P7 are not under challenge. His evidence that removal of plants around the said tank was only found is not under challenge. As could be seen from his evidence removal of plants around the said tank is found in the attested copy of nominal muster roll at Ex P9. This portion of his evidence is not under challenge. His evidence that removal of silt from the said tank was not found executed and that expenditure of Rs. 85,000/- was found mentioned is also not under challenge. His evidence that out of sanctioned amount


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balance of Rs. 1,15,000/- is not spent is not under challenge. Evidence of PW2 that DGO3 told him that instead of removal of silt from Virupakshagudi tank amount is spent in respect of Anehonda is not under challenge. This portion of evidence of PW2 incriminates DGO3. Evidence of PW2 that work at Anehonda was found executed and in respect of the said work no document were found maintained is not under challenge. Work at Anehonda is not found in Ex P3. It thus stands established that without sanction from the competent authority work at Anehona has been executed which is unauthorised.

25. During cross examination PW2 though has stated that he has no technical knowledge about civil works, his evidence cannot be brushed aside on the said score alone. Though cross examination of PW2 shows that he has not drained the water stored in the tanks his evidence establishes the admission of DGO3 that work has been executed touching clearance process of Anehonda and Smashanagatti which was not authorised in the action plan and approved estimate. The said admission by DGO3 finds place in sheet number 9 of Ex P10. It is in the cross examination of PW2 that silt was removed two years earlier to the year 2013 which was brought into his knowledge by the villagers. Though it is brought out during cross examination of PW2 that two years after removal of silt, possibility of storage of silt cannot be ruled out, it is worthy to mention that nothing is brought out during his cross examination touching the volume of storage of silt. During cross examination PW2 has stated that during the process of clearance of silt photographs are to be flashed stage by stage and the process has to be videographed as per the mandate of

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Rule 72 to 92 of Grama Panchayathi Budget Accounts Rules, 2006. Nothing is brought out during cross examination that the said mandate has been complied with by DGO1 to DGO3. Nothing is found in the evidence of DGO1 and DGO2 that the said mandate has been complied with. It is in the cross examination of PW2 that wages are paid directly to the unskilled labourers. Upon appreciation of the entire cross examination of PW2 I find that nothing worthy is brought out to disbelieve his evidence as found in his examination-in-chief and also what is observed in his report at Ex P10.

26. It is in the evidence of DGO1 and DGO2 that the above works are executed during their tenure. It is in the evidence of DGO1 that a sum of Rs. 1,96,750/- is spent towards wages of labourers. He has stated that the work executed by the Panchayath Development Officer used to be verified by the Junior Engineer attached to Panchayath Raj Engineering Sub-Division and thereafter the same used to be verified by the Assistant Executive Engineer attached to Panchayath Raj Engineering Sub-Division. This portion of his evidence establishes that he was duty bound to verify the works said to have been executed. This portion of his evidence also establishes that DGO3 used to execute the work. DGO1 has stated during evidence that after the removal of silt, again silt used to accumulate. Nothing worthy is found in the evidence of DGO1 that process of removal of silt as specified under Ex P3 has been executed in tune with the estimates. His evidence does not point out anything to dislodge the charge summarised in point numbers 1 to 4 supra.

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27. It is in the evidence of DGO2 that during his tenure the above works are executed. It is in his evidence that DGO1 caused check measurement. He has stated that one Siddappa who then was the President of Grama Panchayithi Hunagunda and DGO3 paid wages. He has stated that he has not reported the matter to the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District. His evidence does not point out that he has not committed any acts of misconduct as summarized in point numbers 1 to 4 supra.
28. In the background of the evidence on record I am not inclined to accept the defence put forward in the course of written statement of DGO1 to DGO3. I am equally not inclined to accept the contentions raised in the course of written argument filed on behalf of DGO1 and DGO3.
29. Evidence on record as discussed above establishes the charges summarised in point numbers 1 to 4 supra and accordingly, I proceed with the following:

REPORT

Charge against DGO1 to DGO3 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO3 as Panchayath Development Officer, Hungunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District, without executing the work of removal of silt of Veerabhadreshwaragudi tank and without executing the work of

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removal of silt of Basaveshwaragudi tank within the jurisdiction of Hunagunda Grama Panchayathi, Munagoda Taluk, Uttara Kannada District as approved by the action plan under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10, without obtaining approval from the competent authority spent a sum of Rs.1,96,750/- out of a sum of Rs.2,00,000/- for removal of silt from Veerabhadreshwaragudi tank and without obtaining approval from the competent authority spent a sum of Rs. 85,000/- out of sum of Rs. 2,00,000/- reserved for removal of silt from Basaveshwaragudi tank and thereby DGO1 to DGO3 are guilty of misconduct within the purview of Rule 3(1)(i) and (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO1 that during the tenure of DGO1 as Assistant Executive Engineer, Panhayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District, caused wrong entries in the measurement book pertaining to the approved task of removal of silt from Veerabhadreshwaragudi tank under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs. 1,96,750/- towards the wages of unskilled labourers and further caused wrong entries in the measurement book pertaining to the approved task of removal of silt from Basaveshwaragudi tank under Mahathma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs.85,000/- towards the wages of unskilled labourers and thereby DGO1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

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Charge against DGO 1 to DGO3 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division Mundagoda, Uttara Kannada District, in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District, after the instructions of the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District issued to DGO1 and DGO2 to investigate the allegations levelled by the complainant and to place report, DGO1 and DGO2 in collusion with DGO3 and also Sri Siddappa Hadapada and elected members of Hunagunda Grama Panchayathi, Mundagoda, Uttara Kannada District placed false report dated 27.12.2011 before the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District reporting that approved works are duly executed and thereby DGO1 and DGO2 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO1 to that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District in the year 2011 and during the tenure of DGO3 as Panchayath Development officer, Grama Panchayathi, Hunagunda, Mundagoda, Uttara Kannada District, attempted to screen the truth of allegations levelled by the complainant during investigation in COMPT/UPLOK/ BGM/ 264/2011/ARE-6 and also attempted to divert the line of investigation in COMPT/UPLOK/BGM/ 264/2011/ARE-6 and thereby DGO1 to DGO3 are guilty of

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UPLOK-1/DE/158/2015/ARE-11


misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services(Conduct) Rules, 1966 is proved.

DGO1 is due for retirement on superannuation on 30/06/2020.

DGO 2 retired on superannuation on 31/01/2014.

DGO3 retired on superannuation on 31/05/2014.

Submit this report to Hon'ble Upalckayukta-1 Karnataka in a sealed cover forthwith along with the connected records.


 (V.G. Bopaiah)
 Additional Registrar, Enquiries-11
 Karnataka Lokayukta,
 Bengaluru.

ANNEXURE

List of witness examined on behalf of the Disciplinary Authority:-

PW 1:- Sri. Mariyappa.

PW 2:- Sri. Anjaneya.D.

List of witness examined on behalf of DGOs 1 to 3:-

DW1:- Sri. R.H.Kulkarni (DGO1).

DW2:- Sri. V.R.Basanagoudar (DGO2).

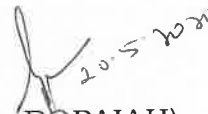
List of documents marked on behalf of Disciplinary Authority:-

Ex P 1

Original complaint dated 3.9.2011 in a single sheet signed by PW1 and signed by the complainant number 1.

- Ex P2 Original affidavit dated 3.9.2011 in a single sheet signed by PW1 and complainant number 1.
- Ex P3 Attested copy of action plan in a single sheet.
- Ex P4 Attested copy of nominal muster roll in twelve sheets.
- Ex P5 Attested copy of measurement book in a single sheet.
- Ex P6 Attested copy of estimate in there sheets for removal of silt in Veerabhadreshwaragudi tank.
- Ex P7 Attested copy of estimate in four sheets for removal of silt in Basaveshwaragudi tank.
- Ex P8 Attested copy of measurement book in a single sheet.
- Ex P9 Attested copy of nominal muster roll in six sheets.
- Ex P10 Original report in thirteen sheets of PW2.
- Ex P10(a) Signature of PW 2 found on sheet number 13 of Ex P10.

List of documents marked on behalf of Delinquent Governmer Officials 1 to 3:- Nil


(V.G. BOPALIAH)
Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

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GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/158/2015/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **22/05/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri R.H. Kulkarni, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagod, Uttara Kannada District;
- 2) Sri V.R. Basanagoudar, the then Executive Officer, Taluk Panchayath, Mundagod, Uttara Kannada District (Presently retired);
- 3) Sri Chandrashekhara Rama Teli, the then Panchayath Development Officer, Hunagund Grama Panchayath, Mundagod Taluk, Uttara Kannada District (Presently Retired) – Reg.

Ref:- 1) Govt. Order No. ಗ್ರಾಅಪ 27 ಇಎನ್‌ಕೂ, 2015, Bengaluru dated 17/3/2015.

2) Nomination order No.UPLOK-1/DE/158/2015, Bengaluru dated of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 20/5/2020 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its order dated 17/3/2015 initiated the disciplinary proceedings against (1) Sri R.H. Kulkarni, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagod, Uttara Kannada District; (2) Sri V.R. Basanagoudar, the then Executive Officer, Taluk Panchayath, Mundagod, Uttara Kannada District (Presently retired); (3) Sri Chandrashekhara Rama Teli, the then Panchayath Development Officer, Hunagund Grama Panchayath, Mundagod Taluk, Uttara Kannada District (Presently Retired) (hereinafter referred to as

Delinquent Government Officials 1 to 3, for short as DGO-1, DGO-2, and DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/158/2015 Bengaluru dated 25/3/2015 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri R.H. Kulkarni, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagod, Uttara Kannada District; DGO-2 Sri V.R. Basanagoudar, the then Executive Officer, Taluk Panchayath, Mundagod, Uttara Kannada District (Presently retired); and DGO-3 Sri Chandrashekhara Rama Teli, the then Panchayath Development Officer, Hunagund Grama Panchayath, Mundagod Taluk, Uttara Kannada District (Presently Retired) were tried for the following charge:-

“ನೀವು 1) ಆರ್.ಹೆಚ್.ಕುಲಕರ್ಣಿ, ಅಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಮುಂಡಗೋಡ, 2) ಶ್ರೀ ವಿ.ಆರ್. ಬಸನಗೌಡರ್, ಅಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಮುಂಡಗೋಡ ಹಾಗೂ 3) ಶ್ರೀ ಚಂದ್ರಶೇಖರ ರಾಮತೇಲಿ, ಅಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹುನಗುಂದ, ಮುಂಡಗೋಡ, ಜಿಲ್ಲಾ ಉತ್ತರ ಕನ್ನಡ (ಪ್ರಸ್ತುತ ನಿವೃತ್ತ) ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯವನ್ನು ತೋರಿಸಿ:

(1) ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಯ ಮುಂಡಗೋಡ ತಾಲ್ಲೂಕಿನ ಹುನಗುಂದ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ 2010-11ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಅನುಮೋದನೆಯಾದ ಹುನಗುಂದ ಗ್ರಾಮದ ಶ್ರೀ ವೀರಭದ್ರೇಶ್ವರ ಮತ್ತು ಶ್ರೀ ಬಸವೇಶ್ವರ ಗುಡಿಗಳ ನೀರಿನ ಹೊಂಡಗಳಲ್ಲಿಯ ಹೂಳು ಎತ್ತಿಸುವ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಜವಾಬ್ದಾರಿ ಇದ್ದ 1 ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವು, ಸದರಿ

ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸದೇ ಅಂದಾಜು ವೆಚ್ಚದ ಪಟ್ಟಿ ತಯಾರಿಸಿದೇ ಇದ್ದ ಹಾಗೂ ಅನುಮೋದನೆಯಾಗದ ಮತ್ತು ಆ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ಮೀಸಲಾಗಿದ್ದ ಹಣದಲ್ಲಿ ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಮತ್ತು ರೂ.85,000/- ಅನುಮೋದನೆಯಾಗದ ಕಾಮಗಾರಿಗಳ ಸಲುವಾಗಿ ವಿನಿಯೋಗ ಮಾಡಿರುತ್ತೀರಿ.

(2) 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಅನುಮೋದನೆಯಾದ ಕಾಮಗಾರಿಗಳನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ತಪ್ಪಾಗಿ ದಾಖಲಿಸಿ, ಕ್ರಮವಾಗಿ ರೂ.1,96,750/- ಹಾಗೂ ರೂ.85,000/-ಗಳನ್ನು ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸದೇ ಇದ್ದ, ಕೂಲಿಕಾರರಿಗೆ ತಪ್ಪಾಗಿ ವಿತರಣೆ ಮಾಡಿರುತ್ತೀರಿ.

(3) ಈ ಸಂಸ್ಥೆಯ ಆದೇಶದಂತೆ ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಅಪಾದನೆಗಳ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡುವಂತೆ 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ನಿಮಗೆ ಸೂಚಿಸಲಾಗಿ, 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ನೀವುಗಳು, 3ನೇ ಆ.ಸ.ನೌಕರರೊಂದಿಗೆ ಹಾಗೂ ಶ್ರೀ ಸಿದ್ದಪ್ಪ ಹಡಪದ - ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಪ್ರಸ್ತುತ ಸದಸ್ಯರು ಗ್ರಾಮ ಪಂಚಾಯತ್ ರವರುಗಳೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ನಿರ್ವಹಿಸದೇ ಇದ್ದ ಅನುಮೋದಿತ ಕಾಮಗಾರಿಗಳು ನಿರ್ವಹಿಸಲಾಗಿದೆಯೆಂದು ನಡವಳಿಕೆಗಳನ್ನು ತಯಾರಿಸಿ, ದಿನಾಂಕ 06/09/2011ರ ತಪ್ಪು ನಡವಳಿಕೆಯ ಆಧಾರ ಒದಗಿಸಿ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳಿಗೆ ದಿನಾಂಕ 27/12/2011ರ ತಪ್ಪು ವರದಿ ಸಲ್ಲಿಸಿ, ತನಿಖೆಯ ದಿಕ್ಕನ್ನು ಬದಲಾಯಿಸಿರುತ್ತೀರಿ.

(4) 1ರಿಂದ 3ನೇ ಆ.ಸ.ನೌಕರರುಗಳಾದ ನೀವುಗಳು, ಈ ಸಂಸ್ಥೆ ಕೈಗೊಂಡ ದೂರಿನ ತನಿಖೆಯಲ್ಲಿ ಸತ್ಯಾಂಶ ಬೆಳಕಿಗೆ ಬಾರದಂತೆ ಮಾಡುವ ಎಲ್ಲಾ ರೀತಿಯ ವೈಯಕ್ತಿಕ ಹಾಗೂ ಸಾಂಘಿಕ ಪ್ರಯತ್ನ ಮಾಡಿ ತನಿಖೆಯ ದಿಕ್ಕು ತಪ್ಪಿಸುವ ಪ್ರಯತ್ನ ಮಾಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರುಗಳಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1)(i)ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಅಂತ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that;

- (i) Charge against DGO1 to DGO3 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO3 as Panchayath Development Officer, Hungunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District, without executing the work of removal of silt of Veerabhadreshwaragudi Tank and without executing the work of removal of silt of Basaveshwaragudi tank within the jurisdiction of Hunagunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District as approved by the action plan under Mahatma Gandhi National Rural Employment Guarantee Scheme 2009-10, without obtaining approval from the Competent authority spent a sum of Rs.1,96,750/- out of a sum of Rs.2,00,000/- for removal of silt from Veerabhadreshwaragudi Tank and without obtaining approval from the competent authority spent a sum of Rs.85,000/- out of sum of Rs.2,00,000/- reserved for removal of silt from Basaveshwaragudi tank and thereby DGO1 to DGO3 are guilty of misconduct within the purview of Rule

3(1)(i) and (iii) of the Karnataka Civil Services (Conduct) Rules, 1966, is proved.

- (ii) Charge against DGO1 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Mundagoda, Uttara Kannada District, caused wrong entries in the measurement book pertaining to the approved task of removal of silt from Veerabhadreshwaragudi Tank under Mahatma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs.1,96,750/- towards the wages of unskilled labourers and further caused wrong entries in the measurement book pertaining to the approved task of removal of silt from Basaveshwaragudi tank under Mahatma Gandhi National Rural Employment Guarantee Scheme 2009-10 and is responsible for payment of a sum of Rs.85,000/- towards the wages of unskilled labourers and thereby DGO1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.
- (iii) Charge against DGO1 to DGO3 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District, after the

instructions of the Chief Executive Officer, Zilla Panchayath Uttara Kannada District issued to DGO1 and DGO2 to investigate the allegations leveled by the Complainant and to place report, DGO1 and DGO2 in collusion with DGO3 and also Sri Siddappa Hadapada and elected members of Hunagunda Grama Panchayathi, Mundagoda, Uttara Kannada District placed false report dated 27/12/2011 before the Chief Executive Officer, Zilla Panchayath, Uttara Kannada District reporting that approved works are duly executed and thereby DGO1 and DGO2 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

- (iv) Charge against DGO1 to DGO3 that during the tenure of DGO1 as Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO2 as Executive Officer, Taluk Panchayath, Mundagoda, Uttara Kannada District in the year 2011, during the tenure of DGO3 as Panchayath Development Officer, Hungunda Grama Panchayathi, Mundagoda Taluk, Uttara Kannada District, attempted to screen the truth of allegations leveled by the complainant during investigation in COMPT/UPLOK/BGM/264/2011/ARE-6 and also attempted to divert the line of investigation in COMPT/UPLOK/BGM/264/2011/ARE-6 and thereby DGO1 to DGO3 are guilty of

misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.

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. As per the inquiry report, the DGO1 to DGO3 are responsible for spending a sum of Rs.1,96,750/- and Rs.85,000/- without authority.

6. As per the First Oral Statement submitted by DGOs 1 to 3;

- (i) DGO-1 Sri R.H.Kulkarni is due to retire from service on 30/6/2020;
- (ii) DGO-2 Sri V.R. Basanagoudar has retired from service on 31/1/2014;
- (iii) DGO-3 Sri Chandrashekar Rama Teli, has retired from service on 31/5/2014.

7. Having regard to the nature of charge proved against DGO-1 Sri R.H.Kulkarni, DGO-2 Sri V.R. Basanagoudar and DGO-3 Sri Chandrashekar Rama Teli;

- (i) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.93,917/- from the pensionary benefits payable to DGO-1 Sri R.H.Kulkarni, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Mundagod, Uttara Kannada District;

(ii) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.93,917/- from the pension payable to DGO-2 Sri V.R. Basanagoudar, the then Executive Officer, Taluk Panchayath, Mundagod, Uttara Kannada District;

(iii) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.93,917/- from the pension payable to DGO-3 Sri Chandrashekar Rama Teli, the then Panchayath Development Officer, Hunagund Grama Panchayath, Mundagod Taluk, Uttara Kannada District.

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

22/5