

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/191/2016/ARE-8

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **15/12/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Saibanna, Secretary, Kandagola Grama
Panchayath, Chittapura Taluk, Kalaburagi
District – Reg.

Ref:-1) Government Order No. ಗೌಪ/302/ಗ್ರಾಪಂಚ/2016
Bengaluru dated 08/06/2016.

2) Nomination order No.UPLOK-1/DE/191/2016
Bengaluru dated 23/06/2016 of
Upalokayukta-1, State of Karnataka,
Bengaluru.

3) Report dated 11/12/2020 of Additional
Registrar of Enquiries-8, Karnataka
Lokayukta, Bengaluru

The Government by its Order dated 08/06/2016 initiated the disciplinary proceedings against Sri Saibanna, Secretary, Kandagola Grama Panchayath, Chittapura Taluk, Kalaburagi District (hereinafter referred to as Delinquent Government Official for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/191/2016 dated 23/06/2016 nominated Additional Registrar of Enquiries-8, 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.

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3. The DGO Sri Saibanna, Secretary, Kandagola Grama Panchayath, Chittapura Taluk, Kalaburagi District was tried for the following charge:-

“That you – DGO have not produced vouchers in respect of works 6, 7 and 16 and not completed the work Nos.18 and 19 and you have not produced relevant documents for audit before Grama Panchayath and thereby you – DGO failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servant and thereby you – DGO committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966”.

4. The DGO Sri Saibanna, Secretary, Kandagola Grama Panchayath, Chittapura Taluk, Kalaburagi District died during the pendency of inquiry on 24/08/2020. The Inquiry Officer has recorded abatement of inquiry proceedings against DGO Sri Saibanna.

5. It is hereby recommended to the Government to accept the report of Inquiry Officer and record the abatement of disciplinary proceedings against DGO Sri Saibanna, Secretary, Kandagola Grama Panchayath, Chittapura Taluk, Kalaburagi District.

6. 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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KARNATAKA LOKAYUKTA

No: UPLOK-1/DE/191/2016/ARE-8

M.S.Building
 Dr.B.R.Ambedkar Veedhi
 Bengaluru - 560001
 Dated: 11-12- 2020.

ENQUIRY REPORT

Sub: Departmental Enquiry against Sri.Saibanna,
 Secretary, Kandagola Gram Panchayath,
 Chittapura Taluk, Kalaburgi District - reg.

Ref: 1. Government Order No. ಗ್ರಾಫ/302/ಗ್ರಾಪಂಕಾ/2016
 ಬೆಂಗಳೂರು, Dated: 08.06.2016

2. Nomination Order No:Uplok-1/DE/191/2016/
 ARE-8 Bengaluru, dated: 23.06.2016 of Hon'ble
 Uplokayukta-1.

The Departmental Enquiry is initiated against Sri.Saibanna,
 Secretary, Kandagola Gram Panchayath, Chittapura Taluk,
 Kalaburgi District (hereinafter referred to as the Delinquent
 Government Official in short DGO).

2. In view of Government Order cited at reference No.1 the
 Hon'ble Upalokayukta - 1 vide Order cited at reference No.2 has
 nominated Additional Registrar Enquiries - 8 to frame Articles of
 Charge and to conduct enquiry against aforesaid DGO.

3. The Substance of Imputations of misconduct against the
 Delinquent-Government Official is as follows.

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“On the basis of complaint filed by Sri.Prakash Doddamani Convenor, KDSS (Ambedkar Vada) Gram Branch, Jeevan Maradagi Chittapur Taluk, Gulbarga District (hereinafter referred to as complainant in short) against DGO working as Secretary of Kandagol Gram Panchayath, Chittapur Taluk alleging misconduct, an investigation was taken up u/s section 9 of Karnataka Lokayukta Act, 1984.

According to the complainant, the works executed by the DGO and Sri.Damodar in Vatahati village panchayath are of substandard and amount has been drawn without executing the works.

Complaint was referred to S.P., Karnataka Lokayukta, Gulbarga for investigation and report. In turn the Police Inspector, Karnataka Lokayukta, Gulbarga has conducted investigation and submitted report stating that no documents were produced in respect of works No.6, 7 and 10 complained by the complainant and works No.18 and 19 are not completed.

In view of the report of the Police Inspector, Karnataka Lokayukta, Gulbarga, report was called for from Executive Officer. Executive Officer has submitted report stating that vouchers were not produced in respect of works 6, 7, 16,18 and 19 and DGO was the Secretary during the relevant period that is, from 1.04.2002 to 20.03.2005 and he has not produced documents for audit before Gram Panchayath.


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DGO was called upon to submit his comments on the report of Executive Officer. DGO has not submitted reply.

The records disclose that the DGO was the Secretary of Kandagol Gram Panchayath from 1.4.2002 to 20.3.2005. During that time he has failed to produce vouchers for works 6, 7, 16, 18 and 19 and to take steps to get the works executed. Therefore the reply of DGO is found not acceptable to drop the proceedings against him.

Since the said facts and materials on record prima facie show that DGO has committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under Section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary proceedings against the DGO under Rule 14-A of K.C.S (CCA) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta-1 under Rule 14-A of KCS (CCA) Rules. Hence, the charge."

4. Additional Registrar Enquiries-8 has prepared Articles of Charge, Statement of Imputations of misconduct, List of witnesses and List of documents and copies of the same were sent to DGO for his appearance and to submit his written statement of defence. The Articles of Charge framed against DGO is as follows.

"You DGO have not produced vouchers in respect of works 6, 7 and 16 and not completed the work Nos.18 and 19 and

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have not produced relevant documents for audit before Gram Panchayath and thereby you - DGO failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public /Government Servant and have committed misconduct under rule 3 (1) of KCS (Conduct) Rules, 1966 ."

5. Articles of Charge was forwarded to Police Inspector, Karnataka Lokayukta, Kalburgi for service of the same on DGO. The wife of DGO Smt.Puthala Bai and son Sri.Babu Shaha present personally on 9.1.2017 and submitted the DGO has been attacked with paralysis and unable to move from bed and could not attend the enquiry. They produced Xerox copy of medical certificate dated 1.9.2016 issued by District Hospital Kalburgi.
6. The DGO sent written First Oral Statement on 30-11-2018 through his counsel wherein DGO has pleaded not guilty.
7. The DGO filed written statement dated 27-12-2018 through his counsel denying the charges framed against him.
8. The Presenting officer to prove the misconduct of the Delinquent Government Official has examined two witnesses as PW1 and PW2 got marked Ex.P1 to Ex.P31.
9. When the matter was posted for cross examination of PW2 on 05.10.2020 the learned counsel Sri. JMJ for DGO filed memo reporting the death of DGO stating that he died on 24.8.2020 due

[Signature]
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to ill-health and submits that the Legal Heirs of DGO are not in a position to produce the original death certificate.


10. On the submission of the Presenting Officer, the Superintendent of Police, Karnataka Lokayukta, Kalburgi was directed to submit report regarding the death of DGO and to furnish the death certificate. The Police Inspector, Karnataka Lokayukta, Kalburgi Lokayukta office reported the death of DGO as per letter dated 22-10-2020 and enclosed the attested copy of the Death Certificate. As per the said report and Death Certificate it is seen that DGO- Saibanna died on 24-08-2020. These materials are sufficient to show that DGO is no more.

11. The DGO in this enquiry is the sole DGO and he has expired on 24-08-2020. Hence further proceedings cannot be continued and this enquiry stands 'Abated'. Hence, I proceed to pass the following order.

ORDER

Disciplinary Enquiry against DGO
Sri.Saibanna, Secretary, Kandagola Gram
Panchayath, Chittapura Taluk, Kalaburgi
District stands 'Abated', in view of his death
on 24.08.2020.

Submitted to His Lordship Hon'ble
Upalokayukta-1 for further action in the
matter.


(AMARANARAYANA. K)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.


ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:

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| PW1 | Sri. Prakash Doddamani S.o Mallappa Doddamani, Agriculturist, R/at Jeevanmaaralli, Taluk Chittapur, Kalburgi District dated 02/03/2019 |
| PW2 | Sri. Lakshman Shringeri S/o Sri.Balligappa, Executive Officer, Shahabadnagar, Block No.115, Devangar, Old Jewargi Road, Kalburgi District dated 12/09/2019 |

2. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

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| Ex.P1 | FORM No.1(Complaint) |
| Ex.P2 | FORM No.2 (Complainants Affidavit) |
| Ex.P3 | Complaint dated 28.12.2004 filed by complainant |
| Ex.P4 | Letter dated 14.12.2004 and enclosures |
| Ex.P5 | Mahazar |
| Ex.P6 | Report dated 5.1.2015 of S.P., Karnataka Lokayukta, Kalburgi |
| Ex.P7 | Primary report dated 28.4.2015 of Chittapur Taluk Panchayath |
| Ex.P8 to 27 | 20 photographs |
| Ex.P28 | Letter dated 30.4.2007 |
| Ex.P29 | Letter Dated 15.5.2015 addressed to Executive Officer, Chittapur T.P., Gulbarga |
| Ex.P30 | Report dated 23.5.2015 of E.O., Chittapur T.P., Gulbarga |
| Ex.P31 | Letter dated 30.4.2007 of Asst.Controller |


 (AMARANARAYANA. K)
 Additional Registrar Enquiries-8
 Karnataka Lokayukta,
 Bengaluru.

11/12/2020