

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/253/2018/ARE-9

NO:UPLOK-1/DE/48/2020/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 27.1.2023

:: ENQUIRY REPORT ::

:: Present ::

(S.GOPALAPPA)

**I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against (1) Sri.Shanthagowda S. Googal, Watershed Development Officer, Shahapur, Kalburgi District and (2) Sri.Honnappa Gowda, the then Secretary (retired) Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District - reg.

Ref: 1. G.O.No. KruE 16 KruPaVi 2018 dated: 21.5.2018 and GraAaPa/110 GraPamKa/2018 dated: 1.2.2020.
2.Nomination Order No: UPLOK-1/DE/253/2018 Bangalore dated: 28.5.2018 & No: UPLOK-1/DE/48/2020 Bangalore dated: 6.2.2020 of Hon'ble Upalokayukta-1

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This Departmental Inquiry is initiated against (1) Sri.Shanthagowda S. Googal, Watershed Development Officer, Shahapur, Kalburgi District and (2) Sri.Honnappa Gowda, the then Secretary (retired) Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District (hereinafter referred to as the

Delinquent Government Official for short “**DGO No. 1 & 2 respectively**”).

2. In pursuance of the Government Order cited above at reference No.1, Hon’ble Upalokayukta vide order dated 28.5.2018 & 6.2.2020 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the Articles of charges, 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.

4. The Article of chargcs issued by the ARE-9 against the DGOs are as under :

ANNEXURE-I
CHARGE

You the DGO No.1 Sri Shantagouda S. Googal, Watershed Development Officer, Shahapur, Kalaburgi District, and DGO no. 2 Sri.Honnappa Gowda, being the then Secretary (presently retired) Gogi Kona grama panchayath shahapur taluk, Gulbarga District.

In the year 2006-07 and 2008-09 under MGNREG Scheme following works have been executed.

1) ನಾಲಾ ತಿರುಗಾಲುಪೆ, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂ.ಹೆಚ್ / 2269, ಸರ್ವೆ ನಂ. 30 (ಚಂದಪ್ಪ ಬಿನ್ ಶಂಕ್ರಪ್ಪ ಹಲಗಿ). The following bills

has been raised in the name of the said work. An amount of Rs.35,964/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 30, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

2) ನಾಲಾ ತಿರುಗಾಲುವೆ, ಬ್ಲಾಕ್ ನಂ.-2 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂ.ಹೆಚ್/2252, ಸರ್ವೆ ನಂ. 744 (ಹನುಮಂತ ಬಿನ್ ಮಲ್ಲಪ್ಪ). The following bills has been raised in the name of the said work. An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 744/2, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

3) ನಾಲ ತಿರುಗಾಲುವೆ ಬ್ಲಾಕ್ ನಂ.-1 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂ.ಹೆಚ್./2249, ಸರ್ವೆ ನಂ. 734 (ನಾಯಬಣ್ಣ ಚಂದ್ರಪ್ಪ ಶರಣಪ್ಪ ಹಲಗಿ). The following bills has been raised in the name of the said work. An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 734, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

4) ನಾಲಾ ಟ್ರೈನಿಂಗ್ (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಸಿ/814357, ಸರ್ವೆ ನಂ. 396 (ಮೋಹನ್ ರೆಡ್ಡಿ ಬಿನ್ ಶರಣಪ್ಪ) (in

consolidated payment details, survey number is overwritten and mentioned as 399). The following bills has been raised in the name of the said work. An amount of Rs.56,088/-, cheque No. 51542, dated 07/02/2009 is paid with respect to the work at Sy. No. 396, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

5) ನಾಲಾ ಟ್ರೈವಿಂಗ್, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಸಿ/814353, ಸರ್ವೆ ನಂ. 136 (ಚಂದಪ್ಪಾ ಬಿನ್ ಮಲ್ಲಪ್ಪ). The following bills has been raised in the name of the said work. An amount of Rs.31,734/-, is paid with respect to the work at Sy. No. 136, 137. In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

6) In all total bill amount of Rs.1,46,282/- has been raised. In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated the entire bill amount of Rs.1,46,282/-.

Thereby you -DGOs 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.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri Mohammed Ismail S/o Khaja Sab B. Chadri, Gogi (K), Shahapur Taluk, Kalaburgi District (hereinafter referred to as complainant for short) against (1) Sri Shantgouda S. Googal, Watershed Development Officer, Shahapur, Kalaburgi District, presently working as Assistant Agriculture Officer, RSK, Yadrami, Jewargi Taluk, Kalaburgi District and, (2) Sri Honnappa Gowda, the then Secretary, Gogi Kona Grama Panchayath, Shahapur Taluk, Kalaburgi District (presently retired) R/o 1-48, Basavanthpura, Shahpur Taluk, Kalaburgi District (hereinafter referred to as 'DGOs No.1 and 2 for short).

The complainant alleges that without executing the works taken up under Water Shed Development Department in the year 2006-07 and 2008-09 under MGNREG Scheme, both DGOs colluding with each other have raised bills and misappropriated public funds. Hence has prayed to take action against the DGOs.

The matter was referred to Chief Engineer, TAC on 17/03/2009. But no report is submitted by TAC. Executive Officer, Taluk Panchayath, Shahapur has submitted report dated 02/02/2012 to the Chief Engineer, Karnataka Lokayukta, Bengaluru along with joint report of Sri Pandari Chowhan-Taluk Project Officer, Shahapur

and Sri Eranna Patil-Assistant Director, Rural Employment, Taluk Panchayath, Shahapur dated 31/01/2012.

Sri Pandari Chowhan-Taluk Project Officer and Sri Eranna Patil-Assistant Director, Rural Employment, Taluk Panchayath, Shahapur by conducting spot inspection on 28/01/2012 have verified the following five works:

- (1) ನಾಲಾ ತಿರುಗಾಲುಪೆ, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಹೆಚ್/ 2269, ಸರ್ವೆ ನಂ. 30 (ಚಂದಪ್ಪ ಬಿನ್ ಶಂಕಪ್ಪ ಹಲಗಿ).
- (2) ನಾಲಾ ತಿರುಗಾಲುಪೆ, ಬ್ಲಾಕ್ ನಂ.-2 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಹೆಚ್/2252, ಸರ್ವೆ ನಂ. 744 (ಹರುಮಂತ ಬಿನ್ ಮಲ್ಲಪ್ಪ).
- (3) ನಾಲ ತಿರುಗಾಲುಪೆ ಬ್ಲಾಕ್ ನಂ.-1 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಹೆಚ್./2249, ಸರ್ವೆ ನಂ. 734 (ನಾಯಬಣ್ಣ ಚಂದಪ್ಪ ಶರಣಪ್ಪ ಹಲಗಿ).
- (4) ನಾಲಾ ಟ್ರೈನಿಂಗ್ (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಸಿ/814357, ಸರ್ವೆ ನಂ. 396 (ಮೋಹನ್ ರೆಡ್ಡಿ ಬಿನ್ ಶರಣಪ್ಪ) (in consolidated payment details, survey number is overwritten and mentioned as 399).
- (5) ನಾಲಾ ಟ್ರೈನಿಂಗ್, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂ.ಸಿ/814353, ಸರ್ವೆ ನಂ. 136 (ಚಂದಪ್ಪಾ ಬಿನ್ ಮಲ್ಲಪ್ಪ).

In their report it is stated that all the above said works have been executed. But in the report it is clearly stated as follows:

“ಆರೋಪದ ಅವಧಿಯ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಕಾರ್ಯದರ್ಶಿ ಎಂ.ಜಿ.ಎನ್.ಆರ್.ಇ.ಜಿ.ಎ. ಯೋಜನೆಯ ಕಿರ್ದಿ ಪುಸ್ತಕ, ಅಂದಾಜು ಪತ್ರಿಕೆ, ಹಾಜರಿ ಪಟ್ಟಿ, ಬ್ಯಾಂಕ್ ಪಾಸ್ ಚೀಟಿ ತನಿಖಾ ಸಮಯದಲ್ಲಿ ಸಾದರಪಡಿಸಿರುತ್ತಾರೆ. ಅಳತೆ ಪುಸ್ತಕವನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತಿ ಕಾರ್ಯದರ್ಶಿಗಳಾದ ಶ್ರೀ ಹೊನ್ನಪ್ಪ ಬಿನ್ ಬಸಲಿಂಗಪ್ಪ ಇವರು ತನಿಖೆಗೆ ಸಾದರಪಡಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಹಾಜರಿ ಪಟ್ಟಿಗಳ ಆಧಾರದ ಮೇರೆಗೆ ಕೂಲಿಕಾರರಿಗೆ ಬ್ಯಾಂಕ್ ಖಾತೆ ಮುಖಾಂತರ ಹಣ ಪಾವತಿಸಿದ ಪ್ರತಿಯನ್ನು ತನಿಖಾ ಸಮಯದಲ್ಲಿ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ”.

The DGOs has submitted his statement dated 28/12/2012 before the above said officers during their spot visit in which it is mentioned as follows:

“ಸದರಿ ಕಾಮಗಾರಿಗಳ ಅಳತೆ ಪುಸ್ತಕವನ್ನು ಶ್ರೀ ಶಾಂತಗೌಡ, ಕೃಷಿ ಸಹಾಯಕ ಇವರು ನನಗೆ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ನನಗೆ ಬರೆ ಹಾಜರಿ ಪುಸ್ತಕ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಹಾಜರಿ ಪಟ್ಟಿ ಅಧಾರದ ಮೇರೆಗೆ ಕೂಲಿಕಾರರ ಖಾತೆ ಜಮಾ ಮಾಡಿರುತ್ತೇನೆ. ಕಾಮಗಾರಿಗಳ ಬೋರ್ಡ್ ಖರೀದಿಸಿರುವುದಿಲ್ಲ ಹೀಗೆಂದು ತಾವು ತನಿಖೆಗಾಗಿ ಬರೆದಿದ್ದು ಮಾಹಿತಿಯನ್ನು ತಪ್ಪು ಸಲ್ಲಿಸುತ್ತಿದ್ದೇನೆ”.

In the statement of DGOs /Honappa he has clearly stated that the DGOs /Shanthagowda, Agricultural Assistant has not produced the measurement books and has submitted only muster roll. On the basis of muster rolls he has deposited the wage amount to the labourers account.

Therefore the joint report of Project Officer and Assistant Director dated 31/01/2012 and the statement of DGOs show that there is no measurement book with respect to the above works.

Comments of DGOs have been called. DGOs has submitted his comments dated 03/01/2018 and DGOs has submitted his comments dated 01/01/2018 stating that Executive Officer, Taluk Panchayath, Shahapur has submitted report by observing that the alleged works have been executed. Hence, have prayed to drop them from the proceedings.

The DGOs along with their comments have not submitted documents pertaining to the alleged 5 works. Also Taluka Project Officer and Assistant Director have not collected the documents pertaining to the alleged works. DGOs in his statement has clearly stated that the MB books have not been produced by DGOs and he has passed bills on the basis of muster rolls.

Under MGNREG Scheme, the DGOs are bound to maintain measurement books and also have to maintain the photographs of

three stages of works i.e., before commencement of work, during execution and after completion of the work. No such photographs and MB books are produced to show the execution of the alleged works. In the absence of MB book and photographs of all the three stages of works, the execution of alleged works cannot be inferred and therefore report of Executive Officer, Taluk Panchayath, Shahapur cannot be relied upon. Under MGNREG Scheme, payments shall only be made based on the measurements taken at the work site by the authorized personnel. No documents showing the payment of wages to bank accounts of labourers is produced by the DGOs either during spot inspection by the above said officials or along with their comments. Therefore it is to be inferred that the DGOs have raised bills without execution of above said 5 works taken up under MGNREG Scheme during the year 2008-09.

As per the report of Executive Officer, Taluk Panchayath dated 02/02/2012, the following bills have been raised in the name of the above said 5 works.

An amount of Rs.35,964/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 30,

An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 744/2,

An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 734,

An amount of Rs.56,088/-, cheque No. 51542, dated 07/02/2009 is paid with respect to the work at Sy. No. 396,

An amount of Rs.31,734/-, is paid with respect to the work at Sy. No. 136, 137.

In all total bill amount of Rs.1,46,282/- has been raised. In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by the DGOs without execution of the alleged five works and have misappropriated the entire bill amount of Rs.1,46,282/-. Therefore the comments of DGOs cannot be accepted at this stage. Prima-facie dereliction can be inferred against DGOs for the above stated misconduct.

DGOs is stated to be retired on 31/07/2013. Since the DGOs is found to have raised the bills without execution of the alleged works, the same amounts to misappropriation of public funds. Misappropriation amounts to continuous cause of action and therefore the limitation of 4 years prescribed under Rule 214(2)(b)(ii) of KCSRs is not applicable.

The facts and materials on record prima-facie show that, the DGOs have committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against DGOs - Sri Shantgouda S. Googal, Watershed Development Officer, Shahapur, Kalaburgi District, presently working as Assistant Agriculture Officer, RSK, Yadrami, Jewargi Taluk, Kalaburgi District (Date of Retirement: 30/06/2027) and DGOs -Sri Honnappa Gowda, the then Secretary, Gogi Kona Grama Panchayath, Shahapur Taluk,

Kalaburgi District (presently retired) R/o 1-48, Basavanthpura, Shahpur Taluk, Kalaburgi District (Date of Retirement: 31/07/2013) and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 along with sanction as required under section 214(2)(b) of KCSRs against DGOs.

In response to the report of Karnataka Lokayukta the Government has sanctioned to initiate departmental enquiry against the said DGOs. Hence the charge.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGOs have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. Written statement submitted by DGO -1 and 2 are similar in nature. The DGOs in their written statement has stated that the allegation made by the complainant is false. According to allegations an investigation report was called from EO. After carrying out a complete investigation, the Executive Officer on 19.08.2020 inspected spot, at that time the Gram Panchayat Secretary was absent. During the inspection the complainant Mohammad Ismail said that he will withdraw the complaint stating that all the works are implemented by the department. Therefore, the Executive Officers has informed not to inspect the spot. Further instructed to re-inspect and submit report.

The Executive officers, Taluk Planning Officer and Assistant Director were instructed to carry out a thorough investigation and to submit a report. Accordingly the investigation team submitted investigation report to the Executive Officer, on 31.01.2012 stating that all the works have been carried out.

8. Further submitted that the Executive Officers, has written a letter to Chief Engineer, Karnataka Lokayukta, Bangalore on 23.09.2009 stating that no misappropriation of money has been found in this case and all the works are completed. Further submitted that after thorough examination, it is found that the complainant himself has withdrawn the complaint and as per the investigation report the works have been implemented and DGOs have no role and no misappropriation of money was found by preparing the bill and without doing the works. With these grounds, he prayed to drop the charges leveled against him.

9. The disciplinary authority has examined Sri.Palla Narashimareddy, Retired AEE, PWD, Kalburgi as PW.1, Sri.Pandari chawhan, Retired Assistant Registrar, Co-operation Department as PW-2 and got marked documents as **Ex.P-1 to ExP-7**.

10. Thereafter, second oral statement of DGOs 1 & 2 was recorded. Opportunity was provided to DGOs to adduce evidence and DGO-1 Sri.Shanthagowda S. Googal, Watershed Development Officer, has got examined himself as DW-1, DGO-2 Sri.Honnappa Gowda, the then Secretary (retired) has got examined himself as DW-2 and got marked one documents as **Ex.D-1 to Ex.D-9**.

11. Heard the submissions of Presenting Officer and DGO 1 and 2 submitted their written arguments. Perused the entire records. The only point that arise for my consideration is:

1. Whether the Disciplinary Authority proves the charge framed against the DGOs ?

My finding on the above point is in **AFFIRMATIVE** for the following:

REASONS

12. According to PW-1, on 6.8.2009 he received a letter from Kalburgi Lokayukta office to investigate the matter and to submit report. On 1.9.2009 he visited Gogi K village Sy. No. 30, 744, 734, & 399 and verified the Thirugaluve/ Bisigaluve works, since the water was flowing, he could not verify its quality. The concerned officers not produced any documents in respect of these works. The DGOs were present at the time of spot inspection. But not produced any documents. Therefore on 23.9.2009 he submitted his report Ex.P-1, along with Form No. 1 and 2 as per Ex.P-2 and 3. On 18.3.2010 he received a letter from Lokayukta office to submit a detailed report. On 23.3.2010 he wrote letter to water shed department, Shahapura and Gram Panchayath Gogi K village and to the complainant to appear for enquiry in Shahapura Taluk Panchayath office. But on 11.5.2010 he was transferred from Taluk Panchayath, Shahapura.

13. In the cross examination PW-1 has deposed that he had not given a written notice to the DGOs to produce documents. He

verified the documents furnished by Lokayukta Office. But in those documents the M.B books were not available. Since he was transferred he could not submit the 2nd report.

14. According to PW-2, on the direction of Executive officer, Taluk Panchayath, himself and Assistant Director, Sri.Eranna Patil on 28.1.2012 went to the grama panchayath and drawn the mahazar Ex.p-4. At the time of mahazar, the present Panchayath development officer and witnesses were present. On 28.1.2012 DGO-2 has given his statement as per Ex.P-5. On verifying the documents and spot on 31.1.2012 himself and Sri.Eranna Patil submitted a report Ex.P-6 to the Executive Officer, taluk Panchayath, at the time of spot inspection the grama panchayath secretary produced the documents and photos as per Ex.P-7.

15. Further according to the PW-2 at the time of spot inspection, he found that under Employment Guarantee Scheme the works were executed by the grama panchayath and water shed department. But the NMR was not produced.

16. In the cross examination PW-2 has deposed that the contents of the report Ex.P-4 is true. He does not remember properly whether DGO-1 was present or not, because he conducted spot inspection about twelve years back. The Executive officer, taluk panchayath had directed them to inspect the spot. He does not remember who was the Panchayath development officer at the time of spot inspection. He has not taken the signature of Panchayath

development officer on the Mahazar. He does not remember whether he has taken the signatures of all the officers on the mahazar or not. Panchayath Secretary is the custodian of NMR book and MB book. On that day the Panchayath Secretary was not present. At that time the Panchayath Secretary Honnappa was present. He does not remember whether he was present at the time of spot inspection or not. Since the Panchayath Secretary had produced Ex.P-5 he think that he was present. But he does not remember properly since it was 12 years back. On the basis of Ex.P-5, he says that DGO-1 has not produced NMR and MB book. He has not issued notice to DGO-1 at the time of inspection or before submitting his report to produce MB book and NMRs. He does not remember that at the time of inspection DGO-1 was transferred. He does not remember that at the time of his transfer DGO-1 had handedover NMR and MB book to his successor Sri.Honappa. Further PW-2 had denied the suggestions made by learned defence assistant.

17. According to the DW-1 and DW-2 on 19.8.2010 the complainant has given application to the Executive officer, taluk panchayath Shahapura stating that in Gogi K village Sy. No. 30,744,734, 399 and 136, the works were executed satisfactorily. The then president of taluk panchayath Shahapura, Sri.Ramanagowda Kallura on 20.1.2011 wrote letter to Lokayukta and Deputy commissioner Yadgire and Chief Executive Officer Yadgire stating that the complainant and his team are misusing his name and harassing the government servants. The joint inspection report dtd: 31.1.2012 also shows that the works were executed. The Executive officer, taluk Panchayath, Shahapura, on 23.9.2009 submitted a letter

to Chief Engineer, Karnataka Lokayukta, Bengaluru, stating that the money was not misappropriated and all the works were completed. On 6.9.2010 the Executive Officer, taluk Panchayath, Shahapura, submitted a report Ex.D-3 to Chief Engineer, Karnataka Lokayukta, Bangalore, stating that when they went for spot inspection the complainant not allowed for spot inspection stating that the works are executed satisfactorily. The complainant himself has withdrawn the complaint. He has no role in the allegations. He has submitted MB Book and NMR to the Investigating officer.

18. In the cross examination DW-1 has deposed that he worked in Shahpura as Assistant Agriculture Officer between 2007 to 2009. He cannot say from 2007 to 2009 how much amount was released towards Employment Guarantee Scheme in Gogi Grama panchayat. He denies that he has not executed the work of channel (Nalla Thirugaluve) in block No.1 to 3, in Sy.No.30, 744/2 and 734 respectively and channel (nalla) work connected to job code No.1515008018/ WC/814357 in Sy.No.396 and channel (nalla) work in Sy.No.136-block No.3 connected to job code No.1515008018/ WC/814353. He denies that without executing the said work they have raised bills. He denies that in respect of Sy.No.30, they have raised bill for Rs.35,964/- on 28/10/2008. He denies that in respect of Sy.No.744/2, they have raised bill for Rs.11,248/- on 28/10/2008. He denies that in respect of Sy.No.734, they have raised bill for Rs.11248/- on 28/10/2008. He denies that in respect of Sy.No.396, they have raised bill for Rs.56,088/- on 7/02/2009.

19. Further DW-1 has deposed that in respect of Sy.No.136 & 137, they have raised bill for Rs.31,734/-. He denies that total they have raised bill for Rs.1,46,282/- . He has not produced MB & NMR before this authority. He has not produced stage wise photographs of the work/project. He has not produced any documents to show that he has made payments to the labourers. He has not produced application of labourers under MNREGA scheme. He say that he has produced all these documents to Panchayath development officer. He admits that NMR, MB, stage wise photographs, documents related to payment, application of labourers under MNREGA scheme are public documents. He admits that such documents will be in the Panchayat Development Office. He admits that certified copies of such documents, will be available.

20. Further DW-1 admits that he has not obtained certified copies. He denies that since those documents in connection to project are not maintained, he has not obtained certified copies of the same. He denies that since they have not carried out the work no such documents are maintained. He denies that only to escape from the responsibility he is deposing falsely that such documents are maintained. He denies that he has committed misconduct. DW-1 has produced copies of five estimates as per Ex.D-1 to 5, copies of M.B book Ex.D-6, copies of letters to complainant as per Ex.D-7, Letter of President of Taluk panchayath Ex.D-8, Letter of Executive Officer, Ex.D-9. In his further cross examination he denies that he has created all the documents for the purpose of enquiry.

21. In the cross examination of DW-2, he deposed that from the year 2007-2013. He worked in Water shed development department and retired from the service. He admits that the alleged works were executed during his tenure. He admits that they have to take photographs before executing the work, at the time of executing the work and after completing of the work. He denies that he has not produced those photographs. He admits that at the time of executing the work they have to record the Measurement book and the work has to be executed according to the estimate. For the suggestion that he has not produced the M.B book and photographs to show that the works were executed as per estimate, DW-2 has deposed that he has produced. He admits that in MGNREGA scheme, the works were to be executed through manual labours. He denies that they have executed the works with the help of JCB and Machineries. He denies that without recording the MB they have shown that the works were executed and misappropriated a sum of Rs. 1,46,282/-.

22. As admitted by DGOs photographs were to be taken before execution of work, at the time of execution of work and after completion of the work, the MB book has to be recorded at the time of execution of work and the works ha to be executed as per estimate. The DGOs also have admitted that under NREGA scheme the works were to be executed through manual labours who have job cards. The MB book and NMR are public documents maintained in the grama panchayath office. They are to be available at all the time if they are maintained. But the DGOs neither produced these documents before the Investigating officer nor before this authority. The DGOs also have not placed the stage wise photographs of the works. The DGOs

have not produced any documents to show that they have made payments to the labours. Even the DGOs have not produced any copies of applications of labours submitted under NREGA scheme.

23. DW-1 admits that NMR, MB book, stage wise photographs and documents related to payment, applications of labours under NREGA scheme are public documents. Therefore if really the DGOs had maintained or recorded Measurement book and other documents, they would have produced them before Investigating officer or before this authority. As admitted by DW-1 the certified copies of those documents are available but he has not obtained the certified copies. Therefore it is very much clear that the DGO-1 and 2 have not maintained Measurement books, photographs, NMR, documents related to payment and applications of the labours to show the execution of channel works in block No. 1 to 3 in Sy. No. 734, 744, 30, 396 and 136 and raised bills for an amount of Rs. 35,964/- in respect of the work at Sy. No. 30, Rs. 11,248/- in respect of the work at Sy. No. 744/2, Rs. 11,248/- in respect of the work at Sy. No. 743, an amount of Rs. 56,088/- in respect of the work at Sy. No. 396, and Rs. 31,734/- in respect of the work at Sy. No. 136 and 137, in the absence of MB book and photographs of all the three stages and misappropriated a sum of Rs. 1,46,282/-.

24. The mahazar Ex.P-4 was drawn in the presence of panch witnesses and found that the works executed were not visible. No doubt the works were executed three years earlier to the spot inspection. But at least the DGOs should have maintained the

documents to show that these works are executed in the spot. At the time of mahazar the documents were not produced, the photographs also show that the work was not executed. Even the estimate Ex.D-1 does not disclose what are the materials to be used to these works. Bunds are to be raised on both sides to form a canal and boulders are to be used. But the photographs disclose that in some places boulders were supplied but they are not applied to the canals. In some photographs found in Ex.P-7 the canal is not at all visible.

25. The DGOs without producing documents before Investigating officer has produced Ex.D-6 claiming that this is the Measurement book recorded after executing the work. Except the signature of Assistant Agricultural officer there are no signatures of his higher authorities confirming this Measurement book. Therefore the contents of Presenting officer that for the purpose of this case these documents are created has to be appreciated. For the reasons best known to the complainant might have written a letter stating that he is withdrawing the complaint. But that itself is not a ground to exonerate the DGOs from the charges.

26. In the report Ex.P-1, the Executive officer, taluk Panchayath, Shahapura, reported to the Chief Engineer, Karnataka Lokayukta, Bengaluru, stating that the money is seems to be not misappropriated. The work was not inspected since there was water flow. He expressed his inability to inspect works, but reports that money is seems to be not misappropriated. Therefore this report without proper investigation cannot be accepted.

27. The evidence on record reveals that, the bills have been raised by DGOs in the year 2006-2007 and 2008-09 under MGNREG scheme towards Employment Guarantee Scheme in Gogi K Grama Panchayath without executing the following works in Sy. No. 30, 744, 734, & 399 (1) work of channel (Naala Thirugaluve) in block No.1 to 3, in Sy.No.30, 744/2 and 734 respectively and (2) channel (naala) work to job code No.1515008018/ WC/814357 in Sy.No.396 and (3) channel (naala) work in Sy.No.136-block No.3 connected to job code No.1515008018/ WC/814353.

28. Further in respect of Sy.No.30 the DGOs have raised bill for Rs.35,964/- on 28/10/2008. In respect of Sy.No.744/2, DGOs have raised bill for Rs.11,248/- on 28/10/2008. In respect of Sy.No.734, DGOs have raised bill for Rs.11248/- on 28/10/2008. In respect of Sy.No.396, DGOs have raised bill for Rs.56,088/- on 7/02/2009. In respect of Sy.No.136 & 137, DGOs have raised bill for Rs.31,734/-. In all total amount of Rs. 1,46,282/- has been raised. In the absence of MB book and photographs of all the three stages of works, the above said bills have been raised by the DGOs without execution of the alleged five works and have misappropriated the entire bill amount of Rs.1,46,282/-.

29. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGO No.1 & 2 and DGO No.1 is held responsible for Rs. 73,141/- & DGO-2 is held responsible for Rs.73,141/-, which is the loss caused to state exchequer. Hence, I proceed to record the following:-

FINDINGS

30. The Disciplinary Authority has proved the charge leveled against DGOs No.1 & 2 and DGO-1 is held responsible for Rs.73,141/-, & DGO-2 is held responsible for Rs.73,141/-, which is the loss caused to state exchequer. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

31. The Date of retirement of DGO-1 is 30.6.2027 & DGO-2 is 30.7.2013.

sdt-

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sri.Palla Narashimareddy, Retired AEE, PWD, Kalburgi original
PW-2	Sri.Pandari chawhan, Retired Assistant Registrar, Co-operation Department original

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

Ex.P 1	Ex.P-1 is the report dtd: 23.9.2009
Ex.P 2 & 3	Ex.P2 and 3 are the complaint in form No.1 and 2 dtd: 19.2.2009
Ex.P-4	Ex.P-4 is the mahazar dtd: 28.1.2012
Ex.P-5	Ex.P-5 is the written statement dtd: 28.1.2012 of DGO no. 2
Ex.P-6	Ex.P-6 is the report dtd: 31.1.2012
Ex.P-7	Ex.P-7 are the documents and photographs collected during spot inspection

iii) List of witnesses examined on behalf of DGOs

DW-1	DGO-1 Sri.Shanthagowda S. Googal, Watershed Development Officer, original
DW-2	-2 Sri.Honnappa Gowda, the then Secretary (retired) original

iv) List of documents marked on behalf of DGO

Ex.D-1 to Ex.D-5	Ex.D-1 to Ex.D-5 are five estimates copies
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Ex.D-6	Ex.D-6 is the Measurement book
Ex.D-7	Ex.D-7 is the letter from complainant
Ex.D-8	Ex.D-8 is the letter from president of taluk panchayath
Ex.D-9	Ex.D-9 is the letter from EO

Sgt

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.253/2018/ARE-9
UPLOK-1/DE.48/2020/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 31.01.2023.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Sri Shanthagowda. S.Googal, Watershed Development Officer, Shahapur, Kalburgi District, and (2) Sri Honnappa Gowda, (retired), the then Secretary, Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District- reg.

Ref:- 1) Government Order No. (1) AD 16 ADE 2018 dated 21.05.2018 and (2) RDP 110 GPS 2018 dated 01.02.2020.

2) Nomination order No. UPLOK-1/DE.253/2018 dated 28.05.2018 and UPLOK-1/DE.48/2020 dated 06.02.2020 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 27.01.2023 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government, by its orders dated 28.05.2018 and 01.02.2020, initiated the disciplinary proceedings against (1) Sri Shanthagowda. S.Googal, Watershed Development Officer, Shahapur, Kalburgi District, and (2) Sri Honnappa Gowda,

2

(retired), the then Secretary, Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District, [hereinafter referred to as Delinquent Government Officials, for short as ' DGOs 1 and 2' respectively ] and entrusted the Departmental Inquiry to this Institution.

2. This Institution, by Nomination Order No. UPLOK-1/DE.253/2018 dated 28.05.2018 and UPLOK-1/DE.48/2020 dated 06.02.2020, nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the following charge:

You the DGO No.1 Sri Shantagouda S. Googal, Watershed Development Officer, Shahapur, Kalaburgi District, and DGO no. 2 Sri.Honnappa Gowda, being the then Secretary (presently retired) Gogi Kona grama panchayath shahapur taluk, Gulbarga District.

In the year 2006-07 and 2008-09 under MGNREG Scheme following works have been executed.

1) ನಾಲಾ ತಿರುಗಾಲುಪೆ, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂಹೆಚ್/ 2269, ಸರ್ವೆ ನಂ. 30 (ಚಂದ್ರ ಬಿಸ್ ಶಂಕರ ಹಲಗಿ).

The following bills has been raised in the name of the

said work. An amount of Rs.35,964/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 30, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

2) ನಾಲಾ ತಿರುಗಾಲುಪೆ, ಬ್ಲಾಕ್ ನಂ.-2 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂಹೆಚ್/2252, ಸರ್ವೆ ನಂ. 744 (ಹನುಮಂತ ಬಿನ್ ಮಲ್ಲಪ್ಪ).

The following bills has been raised in the name of the said work. An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 744/2, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

3) ನಾಲ ತಿರುಗಾಲುಪೆ ಬ್ಲಾಕ್ ನಂ.-1 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂಹೆಚ್./2249, ಸರ್ವೆ ನಂ. 734 (ಸಾಯಬಣ್ಣ ಚಂದಪ್ಪ ಶರಣಪ್ಪ

ಹಲಗಿ). The following bills has been raised in the name of the said work. An amount of Rs.11,248/-, cheque No. 48938, dated 28/10/2008 is paid with respect to the work at Sy. No. 734, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

4) ನಾಲಾ ಟ್ರೈನಿಂಗ್ (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ಡಬ್ಲ್ಯೂಸಿ/814357, ಸರ್ವೆ ನಂ. 396 (ಮೋಹನ್ ರೆಡ್ಡಿ ಬಿನ್ ಶರಣಪ್ಪ) (in

consolidated payment details, survey number is overwritten and mentioned as 399). The following bills has been raised in the name of the said work. An amount of Rs.56,088/-, cheque No. 51542, dated 07/02/2009 is paid with respect to the work at Sy. No. 396, In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

5) ನಾಲಾ ಟ್ರೈನಿಂಗ್, ಬ್ಲಾಕ್ ನಂ.-3 (ಗೋಗಿ ಕೆ) ಜಾಬ್ ಕೋಡ್ ನಂ. 1515008018/ ಡಬ್ಲ್ಯೂಸಿ/814353, ಸರ್ವೆ ನಂ. 136 (ಚಂದಪ್ಪಾ ಬಿನ್ ಮಲ್ಲಪ್ಪ). The

following bills has been raised in the name of the said

work. An amount of Rs.31,734/-, is paid with respect to the work at Sy. No. 136, 137. In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated.

6) In all total bill amount of Rs.1,46,282/- has been raised. In the absence of MB book and photographs of all the three stages of works it is to be inferred that the above said bills have been raised by you DGOs without execution of the alleged five works and have misappropriated the entire bill amount of Rs.1,46,282/-.

Thereby you -DGOs 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.”

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has ‘*proved*’ the above charge against the DGO 1 Sri Shanthagowda. S.Googal, Watershed Development Officer, Shahapur, Kalburgi District, and DGO 2 Sri Honnappa Gowda, (retired), the then Secretary, Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District.



5. On perusal of the entire materials on record, in order to prove the misconduct of the DGOs, the Disciplinary Authority has examined two witnesses as PW-1 and PW-2 and got marked documents Ex. P-1 to P-7. The DGOs got themselves examined as DW.1 and DW.2 respectively and got marked documents Ex. D-1 to D-9 on their behalf. Though the DGOs have denied the charge, the entire evidence discloses that, DGOs have committed misconduct. Therefore, there is no reason to deviate from the opinion expressed by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statements of the DGOs,

i) DGO 1 Sri Shanthagowda S.Googal is due to retire from service on 30.06.2027, and

ii) DGO 2 Sri Honnappa Gowda, has retired from service on 30.07.2013.

7. Having regard to the nature of charge 'proved' against the DGOs and considering the totality of circumstances,

i) it is hereby recommended to the Govt. to impose penalty of 'withholding two annual increments payable to DGO 1, with cumulative effect

and also to recover a sum of Rs.73,141/- from the salary and allowances payable to DGO 1 Sri Shanthagowda. S.Googal, Watershed Development Officer, Shahapur, Kalburgi District;

ii) it is hereby recommended to the Govt. to impose penalty of 'withholding 10% of pension payable to DGO 2 for a period of two years and also to recover a sum of Rs.73,141/- from the pension payable to DGO 2 Sri Honnappa Gowda, (retired), the then Secretary, Gogi Kona Gram Panchayath, Shahapur Taluk, Gulbarga District.'

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

Connected records are enclosed herewith.

 31/1/23

**(JUSTICE K.N.PHANEENDRA)**  
Upalokayukta,  
State of Karnataka.