

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/283/2015/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 02nd September, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shriyuths:

- (1) Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District.
- (2) Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir.
- (3) A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir.
- (4) Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir-reg.,

Ref: 1) Government Order No.ಗ್ರಾಅಪ 159 ಗ್ರಾಪಂಕಾ 2015, Bengaluru, dated: 28/04/2015 and 21/05/2015.

2) Government Order No.ಅಪಜಿ 51 ಅಇವಿ 2015, Bengaluru, dated: 15/05/2015.

3) Nomination Order No.UPLOK-1/DE/283/2015, Bengaluru, dated: 02/06/2015 of Upalokayukta, State of Karnataka, Bengaluru.

4) Inquiry Report dated: 30/08/2022 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 28/04/2015, 21/05/2015 and 15/05/2015 initiated the disciplinary proceedings against (1) Shri Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District; (2) Shri Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir; (3) Shri A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir and (4) Shri Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir (hereinafter referred to as Delinquent Government Official, for short as DGO Nos.1 to 4) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/283/2015, Bengaluru, dated: 02/06/2015 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 to 4. Subsequently, by Order No.UPLOK-1/DE/2017, Bengaluru, dated: 06/07/2017, the Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGOs No.1 to 4. Again, by Order No.UPLOK-1 & 2/DE/Transfers/2018, Bengaluru, dated: 06/08/2018, the Additional Registrar of Enquiries-13,

Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGOs No.1 to 4

3. The DGO No.1, Shri Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District; DGO No.2, Shri Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir; DGO No.3, Shri A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir and DGO No.4, Shri Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir were tried for the following charges:

ANNEXURE NO.1
CHARGE

While you-DGO 1) Sri. Mansoor Ahmed, PDO, Chandraki Grama Panchayath, Yadgiri District, 2) Sri. Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgiri District, 3) Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri and 4) Sri. Vishwanath, Assistant Agricultural Officer, Agriculture Department, Yadgiri while working in Chandarki Village Panchayath, Yadgiri District drawn money in respect of some works under Mahatma Gandhi National Rural Employment Guarantee Scheme during the period 2010 to 2014 without executing those works and also drawn money in the name of dead persons and thereby misappropriated Government funds to the extent of Rs.4,68,200/- and hence you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.



4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled against DGO No.2, Shri Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir; DGO No.3, Shri A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir and DGO No.4, Shri Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir.

The Disciplinary Authority has 'Abated' the charges leveled against and DGO No.1, Shri Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District.

5. On perusal of the Inquiry Report, in order to prove the guilt of the DGOs No.1 to 4, the Disciplinary Authority has examined four witnesses i.e., PW-1 to PW-4 and Ex. P-1 to P-13 documents were got marked. DGOs No.2 to 4 have examined themselves as DW-1 to DW-3 respectively and Ex. D-1 to D-13 documents were got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.



Therefore, it is hereby recommended to the Government to accept the report of the Inquiry Officer.

7. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGOs No.1 to 4 have retired from service on 30/06/2014, 31/01/2014, 31/12/2016 and 31/03/2015 respectively.
8. Having regard to the nature of charge '**Proved**' against DGO No.2, Shri Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir; DGO No.3, Shri A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir and DGO No.4, Shri Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir and '**Abated**' against DGO No.1, Shri Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to record abatement of disciplinary proceedings against DGO No.1, Shri Mansoor Ahamed, Panchayath Development Officer, Chandriki Grama Panchayath, Yadgir Taluk, Yadgir District, in view of his death on 06/11/2020".




"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO No.2, Shri Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgir for a period of two years".

"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO No.3, Shri A.G.Kulkarni, Range Forest Officer, Social Forestry, Yadgir for a period of two years".

"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO No.4, Shri Vishwanath S/o Ramachandrarao, Assistant Agricultural Officer, Agriculture Department, Yadgir for a period of two years".

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

Connected records are enclosed herewith.


(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/283/2015/ARE-13

M.S. Building,
Dr. B.R. Ambedkar Road,
Bangalore-560 001,
Date: 30-08-2022.**: Present:****(Shobha S)**Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::**

- Sub:-** Departmental Inquiry against
1. Sri. Mansoor Ahmed, Panchayath Development Officer, Chandraki Grama Panchayath, Yadgiri District.
 2. Sri. Chandraiah Shabadi, Agriculture Officer, Agriculture Department, Yadgiri District.
 3. Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri District and
 4. Sri. Vishwanath, Assistant Agricultural Officer, Agriculture Department, Yadgiri District - reg.

- Ref :-** 1) Govt. Order No. RDP 159 GPS 2015.
Bengaluru. dated: 28/04/2015 and
21/05/2015.
- 2) Govt. Order No. FEE 51 Aa.E.V dt:
15/05/2015.

3) Govt. Order No. Kru E 23 Kru Pa Vi 2015,
Bengaluru, dated: 06/05/2015.

4) Nomination Order No.UPLOK-1/DE/
283/2015, Bengaluru, dated: 02/06/2015.

1. This Departmental Enquiry is initiated against 1. Sri. Mansoor Ahmed, Panchayath Development Officer, Chandraki Grama Panchayath, Yadgiri District, 2. Sri. Chandraiah Shabadi, Agriculture Officer, Agriculture Department, Yadgiri District, 3. Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri District and 4. Sri. Vishwanath, Assistant Agricultural Officer, Agriculture Department, Yadgiri District (henceforth they have referred as the Delinquent Government Officials in short D.G.Os.)

2. After completion of investigation a report U/s 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.

3. In view of the Government Order cited above at reference No.2, the Hon'ble Upalokayukta-1 vide Order No: UPLOK-1/DE/283/2015 dated:02/06/2015, nominated Additional Registrar of Enquiries-1 of the office of the Karnataka Lokayukta and the enquiry officer to frame charges to conduct enquiry against the DGOs. Additional Registrar Enquiries-1 prepared Articles of Charges, Statement of

Imputations of misconduct, list of documents proposed to be examined in support of Articles of Charges. Copies of same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence. Later on the file was transferred from ARE-1 to ARE-7.

4. As per the order of Hon'ble UPLOK-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta dated: 06/08/2018 this enquiry file is transferred from ARE-7 to ARE-13.

5. The Articles of Charge as framed by ARE-1 against DGOs are as below:

ANNEXURE-1
CHARGE

6. While you-DGO 1) Sri. Mansoor Ahmed, PDO, Chandraki Grama Panchayath, Yadgiri District, 2) Sri. Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgiri District, 3) Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri and 4) Sri. Vishwanath, Assistant Agricultural Officer, Agriculture Department, Yadgiri while working in Chandarki Village Panchayath, Yadgiri District drawn money in respect of some works under Mahatma Gandhi National Rural Employment Guarantee Scheme during the period 2010 to 2014 without executing those works and also drawn money in the name of dead persons and thereby misappropriated Government funds to the extent of

Rs.4,68,200/- and hence you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

7. On the basis of a report of Executive Officer, Taluk Panchayath, Yadgiri and also report of Chief Executive Officer, Zilla Panchayath, Yadgiri (hereinafter referred to as 'I.O' for short), it is alleged that 1) Sri. Mansoor Ahmed, PDO, Chandraki Grama Panchayath, Yadgiri Taluk, 2) Sri. Chandraiah Shabadi, Agricultural Officer, Agriculture Department, Yadgiri, 3) Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri and 4) Sri. Vishwanath S/o Ramachandra Rao, Assistant Agricultural Officer, Agriculture Department, Yadgiri District (hereinafter referred to as 'DGOs 1 to 4 for short), have misappropriated Government funds to the extent of Rs.4,68,200/- an investigation was taken up by invoking the power vested under section 7(2) of the Karnataka Lokayukta Act, 1984.

8. The brief facts of the case are:

1. Complainant Sri. Bhimanna S/o Chinnaiah is the resident of Yadgiri and he had given complaint against the DGOs alleging that certain works were taken up under Mahatma Gandhi

Rural Employment Scheme but money was drawn without executing the works and also money was drawn in the name of dead persons. On the basis of the said complaint investigation u/s 9 of Karnataka Lokayukta Act was taken up and Executive Officer, Taluk Panchayath, Yadgiri and Chief Executive Officer, Zilla Panchayath, Yadgiri were directed to submit their report. The officers have submitted their report. From the report and documents submitted, it revealed that the DGOs who were responsible for executing the works under Mahatma Gandhi Rural Employment Scheme had misappropriated amount to the extent of Rs.4,68,200/- without executing the works and also drawing money in the name of dead persons.

2. Further the report of Executive Officer, Taluk Panchayath, Yadgiri and report of Chief Executive Officer, Zilla Panchayath and the report of Ombudsman, shows that the you DGOs have committed a grave misconduct.

9. The evidence and the material on record show that the DGOs, being public servants, have failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government Servant, and thereby committed misconduct and as such they are liable for disciplinary action.

10. Therefore, an investigation was taken up against you DGOs and an observation note was sent to you, calling upon to show cause

as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against you in the matter. For the same you DGOs gave they reply. However, the reply is found not convincing to drop the proceedings.

11. Since said facts and material on record prima-facie show that you DGO has committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966, acting under Section report U/s 12(3) of Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against you DGO. The Government after considering the recommendation made in the report entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against you, the DGOs and to submit report. Hence the charge.

12. The complainant Sri. Bhimanna S/o Chinnaiah resident of Yadgiri file this complaint against the DGOs alleging that certain works were taken up under MNREGA Scheme and money was drawn without executing the works and also money was drawn in the name of dead persons, retired person, school going children. Therefore he has lodged this complaint before this authority to investigate and take action against the DGOs.

13. DGOs No-1 to 4 appeared before this Enquiry Authority on 27/08/2015 their First Oral Statement was recorded U/Rule-11(9)

of KCS (CC & A) Rules 1957. The DGOs pleaded not guilty and claimed to hold an enquiry. Subsequently the DGOs have filed their written statement contending that, there is no such evidence to prove that they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly they prayed to exonerate them from the charges framed in this case.

14. In order to substantiate the charge the Disciplinary Authority examined four witnesses as PW-1 to 4 and got marked 13 documents as Ex.P-1 to P-13 and closed the evidence.

15. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGOs was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957. Wherein, they have submitted that, the witness has deposed falsely against them.

16. The DGO No-1 is reported to be dead. The DGO No-2 to 4 themselves examined as DW-1 to DW-3 and got marked 12 documents as Ex.D-1 and Ex.D-12 and closed their side of evidence. Since the DGOs got themselves examined as DW-1 to 3, the questioning of the DGOs as required U/R 11(18) of KCS (CC & A) rules, 1957 was dispensed.

17. When the case was posted for written brief, the DGOs submitted their written brief and in addition to the arguments

submitted by them was heard and Presenting Officer also submitted their written brief along with oral arguments.

18. Upon consideration of the charges leveled against the DGOs, the evidence led by the Disciplinary Authority and by the DGOs the oral and documentary evidence and their written submission, the only point that arise for my consideration is as under:-

i. Whether the Disciplinary Authority is able to prove the charges leveled against the DGOs?

ii. What Findings?

19. My findings to the above point No-1 is held :

i) In the Affirmative.

ii) Point No-2 As per final findings.

REASONS

20. **Point No: 1** - The case of the Disciplinary Authority in brief in that, the complainant Sri. Bhimanna S/o Chinnaiah is the permanent resident of Yadgiri. He is examined as PW-1, he has stated that certain works were taken up under MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) and money was drawn without executing the works and also money

was drawn in the name of dead persons, retired person, school going children therefore he has lodged this complaint before this authority to investigate and take action against the DGOs. In order to substantiate his allegation PW-1 has relied upon 13 documents. Ex.P-1 and 2 are Form No-I and II. Ex.P-3 is the complaint dated Nil addressed to the Prime Minister of India and copy forwarded to this institution. Ex.P-4 is the Death Certificate of his father. Ex.P-5 is the copy of Muster Roll, 9 works of Chandarki Grama Panchayath, T.C, Post Office, pass book, marks card and order copy of Ombudsman, Zilla Panchayath, Yadgiri dated: 11/10/2013. Ex.P-6 is the letter of Chief Executive Officer, Zilla Panchayath, Yadgiri, Ex.P-7 is the documents under MGNREGA Scheme, Ex.P-8 is report of Executive Officer, Yadgiri, Ex.P-9 and Ex.P-10 are the copies of notices issued to DGO No-1 on 10/01/2014 and 21/01/2014, Ex.P-11 is the copy of proposal dated:24/4/2014 submitted to the Chief Executive Officer, Zilla Panchayath, Ex.P-12 is the notice dated: 30/08/2013 issued to DGO No-1, Ex.P-13 is the Proceedings of Chief Executive Officer, Zilla Panchayath, Yadgiri dated: 11/04/2014.

21. PW-1 has stated that his father expired about 15 years ago, and to that effect he has produced the Death Certificate as per Ex.P-4. At no point of time himself, his sister Indramma, her son Bhimaraya nor his deceased father Chinnaiah have worked as cooli between the period 2012 to 2014 under Udyoga Khatri Yojane at

Chandraki Grama Panchayath, but the DGOs have manipulated documents as if they have worked under MGNREGA Scheme at Chandraki Grama Panchayath during the above period 2012 to 2014 and have shown the names of his deceased father Chinnaiah, himself, his daughter and his Grand Son and opened account in the Post Office and have deposited amount in their names. After coming this fact to his knowledge, he enquired with the DGOs but they abused him. Thus, the DGOs have fabricated job cards and opened such duplicate accounts in the name of his family members and other localities of his village and thereby misused the Government funds.

22. He has been cross examined by the counsel for all the DGOs. But, nothing substantial has been elicited from his mouth to discredit his sworn testimony.

23. Sri. Sambhaji S Tile, Ombudsman, the retired Deputy Secretary has been examined as PW-2. He has stated since from 2012 to 2016 he has worked as Ombudsman at Zilla Panchayath, Yadgiri. In the year 2013 he received a letter Ex.P-6 from Chief Executive Officer, Zilla Panchayath, Yadgiri who directed him to visit at the work places at Chandraki Grama Panchayath and to inspect the works carried out by DGOs under MGNREGA Udyoga Kharti Yojane. Accordingly on 28/09/2013 he visited the spot and inspected the works. Wherein, he noticed some of the works were

not at all carried out and some works were found incomplete and substandard works. In this regard he has examined six officers and obtained their statements and he has passed orders as per Ex.P-5. From the spot inspection and also examining the documents he has come to the conclusion that the officers have misappropriated the funds without properly utilizing the funds for the purpose for which it was granted. Accordingly he has passed the orders and directed to recover the amount of Rs.4,68,200/- from the above said six officers as per their responsibilities and submitted his detailed report along with documents and recommended to the Chief Executive Officer, Zilla Panchayath, Yadgiri to take disciplinary action against the DGOs.

24. He has been subjected to cross examination by the counsel for DGO-1 and 2. He denies the suggestion that work has been carried out properly in Re-Sy.No.117 and 14 of Chandraki Grama Panchayath and accordingly the payment was made to the cooli workers through Post Office and KGV Bank by way of cheque. He also denies the suggestion the DGOs purchased materials such as cement etc., by making payment through cheques. It is suggested he has not obtained the statement of public during his investigation to which the witness says the land owners have orally stated him that no works was carried out in their lands. He denies the suggestions even though the DGOs have carried out works in Sy.No14 and 117, inspite of it, he has submitted a false report

against the DGOs. He also denies the suggestion that he has not at all visited to any of the villages nor taken any statement by the persons present and without conducting any investigation he has submitted one sided report and the DGO No-1 and 2 have not committed any misconduct nor misappropriated any money.

25. During the cross examination by the counsel for DGO-3 and 4. He says since works were not carried out at Sy.No.117 and 14 at Chandraki Village hence, he had passed order to recover a sum of Rs.2,21,105/- from DGO-4. He says plan of action to construct Rashi Kana in Sy.No.117 and 14 was formed, but denies the suggestion at the time of executing the said plan of action, DGO No-4 was not serving and when he took charge, when 90% of the work was already completed in Sy.No.117. He pleads ignorance to the suggestion that before 23/6/2012 one Venkatappa Neela was serving as Agriculture Officer. He says during his inspection Mahazar was not drawn and photographs are not enclosed along with the report. He says during his inspection he has verified NMR, RTCs, Estimates. He denies the suggestion only after the completion of the work, and unless third party inspection is done, no money will be released. The period of work for Sy.No.117 of Chandarkki Village was 13/2/2012 to 19/2/2012. He denies the suggestion during this period DGO No-4 was not serving. Witness volunteers that DGO-4 himself had registered the documents. But he has not enclosed those documents along with his report. He denies the

suggestion the previous Agriculture Officer has registered the documents and not the DGO he says since the DGO committed misconduct by misappropriation of the Government funds, hence he ordered to recover the amount from each of the DGOs as per their respective responsibilities.

26. He denies the suggestions the DGO has carried out work in Sy.No.632 instead of and Sy.No.14 but without any materials he has submitted a false report against the DGOs. And the DGOs have carried out work in Sy.No.70 and 632 which have been inspected by the Grama Panchayath and reported to the Zilla Panchayath and also third party inspection is taken place. But, without considering all these factors he has submitted a false report against the DGOs by concealing the true facts.

27. PW-3 Dr. Satish V Jamadar the then Executive Officer of Taluk Panchayath is stated to have served from 20/8/2013 to 15/7/2014. He says by virtue of this complaint and also in view of receipt of letter by the Deputy Registrar of Karnataka Lokayukta he undertook investigation along with Ombudsman and State Computer Operator on 16/1/2014. On inspection in the spot he found under the MGNREGA Scheme for the year 2010-11, 2011-12 and 2012-13 job cards of the families in the village were fabricated and also fabricated in the name of dead persons, retired persons, school going minor children etc., They also found that the plan of action

under MGNREGA Scheme from 2010 to 2014 was executed according to their whims and fancies and only 20% of the work was carried out and misappropriated the amount for remaining 80% of the work. Hence, they issued show cause notice to DGO No-1.

28. After thorough inspection by the Ombudsman, Zilla Panchayath, Yadgiri with regard to the works at Chandraki Grama Panchayath for the year 2010-11, 2011-12 and 2012-13 under MGNREGA scheme, the Ombudsman has come to the conclusion that there is clear misuse of funds by Executing sub-standard works by the DGOs and also at some places no work was carried at all. Hence, he passed order dated:11/10/2013 directing to recover a sum of Rs.4,68,000/- from the DGOs for misappropriation of the Government funds and placed the file before the Chief Executive Officer, Zilla Panchayath on 24/4/2014 to take disciplinary action against the DGOs. Accordingly the Chief Executive Officer, Zilla Panchayath, by its order dated: 25/4/2014 has passed suspension order against the DGOs 1 to 4 from immediate effect.

29. PW-2 further says the report submitted by him to the Office of Lokayukta is marked as Ex.P-8. The copies of notices issued to DGO No-1 on 10/1/2014 and 21/1/2014 is marked as Ex.P-9 and 10. The copy of proposal dated: 24/4/2014 submitted by him to the Chief Executive Officer, Zilla Panchayath is marked as Ex.P-11. The notice dated:30/8/2013 issued to DGO No-1 is marked as Ex.P-12.

30. In the cross examined done by Advocate for DGO No-1 and 2 he says he received information from complainant about the death of his father Chinnaiah S/o Bhimaiah. And also during investigation villagers told him the same. In this regard he issued notice to DGO No-1 to re-validate the same, but due to his transfer he could not follow up the re-validation notice. Though he admits the Accounts was opened and through the bank the amounts were transferred to their accounts, but he denies the suggestions that the amount will not be transferred to the accounts without out doing the works, to which voluntarily says that there are many instances that even without carrying out any works amount will be credited to the bank accounts. He denies the suggestion DGO No-1 and 2 have promptly carried out the work and deposited the amount to the respective account holders and there is no misappropriation of funds by the DGOs.

31. He has been cross examined by the counsel for DGO No-3 and 4. He admits that at the time of approval of Rashi Kana work, DGO No-4 was not serving at Chandraki Grama Panchayath. He has not stated in his report in which Sy.No. Rashi kana was done. In this regard he has orally enquired with DGO-3 and 4. He denies the suggestion he has not at all inspected the spot nor done mahazar nor obtained any documents, only at the instance of Ombudsman and basing upon the report of Ombudsman he is deposing falsely. He admits DGO No-3 and 4 have no authority to release the amount

pertaining to Rashi Kana. He denies the suggestion that the DGOs have done good standard of work and no misappropriation is done by the DGOs, inspite of it, false report is submitted against the DGOs.

32. PW-4 Sri. Mohammed Yusuf, the then Deputy Secretary who is stated to be worked from 18/8/2013 to 28/2/2014 at Yadgiri Zilla Panchayath. He says during the said period one Sri. Jillani was working as Chief Executive Officer, Zilla Panchayath, and he expired about 4-5 years. Since he worked with him for 6 months he knows the handwriting and signature of Jinanni. He has identified the Office Order passed by the said Jillani ಸಂಖ್ಯೆ:ಜಿಪಯ/ಗ್ರಾ.ಪಂ/ಸಿಬ್ಬಂದಿ/2013-14 ದಿನಾಂಕ: 11/25/04/2014 and the document and signature of the said Jinaanni is marked as P-13 and signature as 13(a).

33. He has been cross examined, he says except indentifying the contents of Ex.P-13 order passed by late Jillani and his signature he is not aware of any thing.

34. DGO No-1 is reported to be dead. DGO No-2 to 4 have been examined as DW-1 to DW-3.

35. In their evidence they have denied the incriminating evidence of the Disciplinary Authority and they have stated as per the plan of action they have carried out the works and there is no

misappropriation of any money, and infact the work carried out by them is standard one. They also denied they have fabricated any job cards in the name of dead person, retired persons, minors and thereby fake accounts were opened at post office and banks and says they have opened the account of the persons who have done cooli work under the MGNREGA scheme and accordingly cooli amount was credited to their respective accounts and contended the complaint is far from truth. The report given by the Ombudsman is one sided without their being any justification and no opportunity was given them. In total they have denied the allegations made against them.

36. During the cross examination they have admitted that they have not preferred any Appeal against the orders of the Ombudsman. They also admit that they were suspended by the Chief Executive Officer, Zilla Panchayath, Yadgiri and after payment of the recovery amount they were again reinstated. Eventhough they denies the suggestion that they have prepared job cards in the name of dead persons, students and also the persons who have not done any cooli work, but they have not placed any materials to show that they have not done so. On the other hand the complainant has produced the documents as per Ex.P-5 to establish that the DGOs have included the name of complainant deceased father Bhimaiah, who is stated to be expired on 18/09/1998 as per Ex.P-4 death certificate, also Muster Roll as Ex.P-5 shows the names of

complainant's family, the SSLC Marks card 2012, T.C. pertaining to complainant's minor Grandson Bhimanna, account passbook of post office. The DGOs have not produced any materials except denying these documents. I have also gone through the documents Ex.D-1 to D-7 produced by the DGOs. But no supporting evidence is produced to substantiate these documents.

37. Thus after carefully appreciating the oral and documentary evidence adduced by both sides and also the written synopsis. Which supports the allegation of the complainant that the Government has granted funds to carry out certain works under MGNREGA Scheme for the year 2010-11, 2011-12 and 2012-13 at Chandarki Grama Panchayath. The DGOs though with drawn the amount have not carried out the work. Which could be evidenced by the oral and documentary evidences. More particularly the evidence of PW-2 Ombudsman and also PW-2 Executive Officer of Yadgiri Taluk Panchayath who have personally visited the spot inspected the works and found that no works have been carried out at the Sy. Nos to which funds was drawn by the DGOs and at certain places work was not completely carried out it was standard works. In this regard PW-2 has submitted detailed report to recover the amount drawn by the DGOs without carrying out the works and placed the file before the Chief Executive Officer, Zilla Panchayath, Yadgiri. In turn the Chief Executive Officer by his order as Ex.P-13 has suspended the DGOs for not depositing the amount as ordered by

PW-2 Ombudsman. Admittedly the DGOs have not challenged the order of Ombudsman. From all these materials it clearly goes to establish that DGOs have committed misconduct and dereliction of duty. Hence I am of the considered opinion that the Disciplinary Authority is able to prove the charges leveled against the DGO. Accordingly I answer above Point No-1 **in the Affirmative.**

38. **Point No.2 :** For the aforesaid reasons this Additional Registrar (Enquiries-13) proceed to record the following,

FINDINGS

The Disciplinary Authority has proved the charges leveled against the DGOs No-1 to 4. DGO No-2. Sri. Chandraiah Shabadi, Agriculture Officer, Agriculture Department, Yadgiri District, DGO No-3 Sri. A.G. Kulkarni, Range Forest Officer, Social Forestry, Yadgiri District and DGO No-4 Sri. Vishwanath, Assistant Agricultural Officer, Agriculture Department, Yadgiri District.

DGO No-1 Sri. Mansoor Ahmed, Panchayath Development Officer, Chandraki Grama Panchayath, Yadgiri District is reported to be expired on 06/11/2020.

The Date of retirement of DGO No-1 is
30/06/2014.

The Date of retirement of DGO No-2 is
31/01/2014.

The Date of retirement of DGO No-3 is
31/12/2016.

The Date of retirement of DGO No-4 is
31/03/2015.

This report is submitted to the Hon'ble Upalokayukta-2 in a
sealed cover forthwith.



(Shobha S)

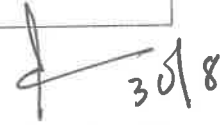
Additional Registrar (Enquiries-13)
Karnataka Lokayukta,
Bengaluru.

:: ANNEXURE ::

File 3	Witness examined on behalf of the Disciplinary Authority
	PW-1: Sri. Bheemanna (Original)
	PW-2: Sri. Sambaji S Tile(Original)
	PW-3: Dr. Sathish B Jamedar (Original)
	PW-4: Sri. Mahamad Yusuf Y.M (Original)
	Witness examined on behalf of the Defence
	DW-1: Sri. Chandayya Shabadhi (Original)
	DW-2: Sri. A.G. Kulkarni (Original)
	DW-3: Sri. Vishwanath (Original)
File 4	Documents marked on behalf of the Disciplinary Authority
	Ex. P-1: Form No-I (Original) Ex.P-1(a): Signature of the complainant
	Ex.P-2: Form No-II (Original) Ex.P-2 (a): Signature of the complainant
	Ex. P-3 : Complaint dated Nil addressed to the Prime Minister of India and copy forwarded to this Institution (Original)
	Ex. P-4: Death certificate of complainant Father (Xerox)
	Ex. P-5: Muster Roll (Xerox copies)
	Ex.P-6: The letter of Chief Executive Officer, Zilla Panchayath Yadgiri, page no. 182 certified copy, page no. 183 xerox copy, page no. 184 certified copy.
	Ex.P-7: The documents under MGNREGA Scheme (originals)

	<p>Ex.P-8: Report of Executive Officer, Yadgiri, page no. 232 original, page no. 233 xerox.</p> <p>Ex.P-8(a): Signature of the Executive Officer</p>
	Ex.P-9: Notice issued to DGO No-1(Xerox)
	Ex.P-10: Notice issued to DGO No-1 (Xerox)
	Ex.P-11: The copy of Proposal dated: 24/4/2014 submitted to the Chief Executive Officer, Zilla Panchayath, Yadgiri (Xerox copies)
	Ex.P-12: Notice dated: 30/08/2013 issued to DGO No-1 (Xerox)
	<p>Ex.P-13: The Proceedings of Chief Executive Officer, Zilla Panchayath, Yadgiri dated: 11/4/2014 (Xerox copies)</p> <p>Ex.P-13(a): Signature of the CEO.</p>
	Documents marked on behalf of the DGO
	Ex.D-1: R.T.C bearing Sy. No.632 of Chandarki Village, Gurmitkal Hobli, Yadgiri Taluk (Xerox copies)
	Ex.D-2: R.T.C bearing Sy. No.70 of Madepalli Village, Gurmitkal Hobli, Yadgiri Taluk (Xerox copies)
	Ex.D-3: Affidavit issued by Smt. Vijayalakshmi W/o Mr. Kishanrao, Chadarki Village, Yadgiri Taluk, land lord, declaring no objection for construction of Rashikana in Sy. No.7 (Xerox copies)
	Ex.D-4: Affidavit issued by Sri. Shamappa S/o Mr. Chandrappa, Chandarki Village, Yadgiri Taluk, landlord, declaring no objection for construction of Rashikana in Sy. No.632.
	Ex.D-5: Original Copy of dated: 01/08/2015 (Originals)

	Ex.D-6: The copy of the Transfer order dated: 21/06/2012 of DGO-4, page no. 257 original, page no. 258 xerox.
	Ex.D-7: The copy of the Attendance Register (Xerox)
	Ex.D-8: The copy of Third party inspection report (attested copies)
	Ex.D-9: The copy of the reply dated:03/02/2014 issued by the DGO No-4 (Xerox)
	Ex.D-10: The copy of the Circular dated: 25/11/2013 (Xerox)
	Ex.D-12: The copy of the work permission dated: 12/01/20112 (Xerox)
	Ex.D-13: The copy of the affidavit filed by the owners in Sy. No.70 and 632 (Xerox copies)



(Shobha S)

Additional Registrar Enquiries-13
Karnataka Lokayukta,
Bangalore.

