

KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/32/2018/ARE-8

M.S.Building
Dr.B.R.Ambedkar Veedhi
Bengaluru - 560001
Dated: 3rd January 2022.

ENQUIRY REPORT

Sub: Departmental Enquiry against;

Sri. R. Shripada, the then Chief Officer,
KMS Grade-2, Town Municipal Council,
Devadurga (Presently Chief Officer, Town
Municipal Council, Saligrama, Udupi
District)- Reg.

Ref; 1. G.O.No. Na Aa E 84 DMK 2017,
Bengaluru dated: 05.12.2017.

2. Nomination Order No.UPLOK-
1/DE/32/
2018, Bengaluru, Dated; 12.01.2018 of
Hon'ble Upalokayukta - 1.

The Departmental Enquiry is initiated against Sri. R. Shripada, the then Chief Officer, KMS Grade-2, TMC, Devadurga (Presently Chief Officer, TMC, Saligrama, Udupi 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

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has nominated Additional Registrar Enquiries – 8 to frame Articles of Charge and to conduct enquiry against DGO.

3. 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 Delinquent Government Official appeared on 19.03.2018 before this authority pursuant to service of Articles of Charge. The Plea (FOS) was recorded, the DGO pleaded not guilty and claimed enquiry into the charges. The Articles of Charge framed against DGO is as follows.

“You DGO while working as Chief Officer, KMS Grade-2, TMC, Devadurga 5000 beneficiaries have been identified during the year 2010-2011 under Vajapayee Nagara Ashraya Yojane, the amount has been paid to 1481 beneficiaries though only 6 beneficiaries have constructed houses and committed following irregularities;

i). During 2010-2011, 5000 beneficiaries have been identified by Devadurga, TMC under Vajapayee Ashraya Yojane.

ii). Prescribed annual target is 75 houses, but 2000 houses have been sanctioned by Rajeev Gandhi Grameena Vasathi Nigama.

iii). Basing on the progress of the houses an amount of Rs. 3.62 crores have been released for 1521 beneficiaries but, only 1022 houses were in existence and remaining 499 houses


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were not in existence and inspite of it Rs.1.7 crores has been released to them.

iv). Out of 1022 houses which were in existence 108 beneficiaries were not eligible for benefit and Rs.21.65 lakhs has been paid to them and thereby the amount has been misappropriated.

v). The Executive Engineer, DUDC, Raichur has inspected 1544 houses under construction and found that 167 beneficiaries out of them were not eligible apart from 128 beneficiaries who were identified as ineligible by the Corporation. An amount of Rs.41.45 = Rs. 10.55 lakhs has been paid to beneficiaries who are ineligible and has issued house sanctioned letters and work order to all the 5000 beneficiaries though all of them were not identified by Competent Authority.

vi). The then Chief Officer Sri. R. Sripada has not inspected the houses during construction and he has not taken action to recover the amount from beneficiaries who had not constructed the houses within time.

Thereby, you have failed to perform your statutory duty and to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1996.”

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

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i). An investigation was taken up under section 9 of Karnataka Lokayukta Act on the basis of complaint filed by Sri.Allappa S/o Basanagowda, No.6-1-54, Goutham Street, Devadurga Taluk, Raichur District against the DGO. It is alleged in the complaint that during the year 2010-2011 the DGO while working as Chief Officer, TMC Devadurga have identified 5000 beneficiaries under Vajapayee Nagara Ashraya Yojane. Out of 5000 beneficiaries the amount has been paid to 1481 beneficiaries though only 6 beneficiaries have constructed houses. The report received from Executive Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru based on the investigation conducted by Deputy Controller of Audit, TAC, Lokayukta, Bengaluru (In short IO). The report shows that during the year 2010-2011, 5000 beneficiaries have been identified by Devadurga Town Municipal Council under Vajapayee Ashraya Yojane. (a) Prescribed annual target is 75 houses, but 2000 houses have been sanctioned by Rajeev Gandhi Grameena Vasathi Nigama. (b) Basing on the progress of the houses an amount of Rs.3.62 crores have been released for 1521 beneficiaries but, only 1022 houses were in existence and remaining 499 houses were not in existence and inspite of it Rs.1.7 crores has been released to them. (c) Out of 1022 houses which are inexistence, 108 beneficiaries are ineligible to have the benefit, Rs.21.65 lakhs has been paid to them and thereby said amount has been misappropriated. (d) The Executive Engineer, DUDC


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Raichur has inspected 1544 houses under construction and found that 167 beneficiaries out of them were not eligible apart from 128 beneficiaries who were identified as ineligible by the Corporation. An amount of Rs.41.45 + Rs.10.5 lakhs has been paid to beneficiaries who are ineligible. The DGO has issued house sanctioned letters and works order to all the 5000 beneficiaries though they were not identified by Competent Authority. The DGO has not inspected the houses during construction and has not taken action to recover the amount from beneficiaries who had not constructed the houses within time.

ii). The materials on record prima-facie show that the DGO being the Chief Officer, Town Municipal Council, Devadurga has committed misconduct under rule 3(1) of KCS (Conduct) Rules, 1966.

5. i). The DGO in his written has contended that he worked as Chief Officer, Town Municipal Council, Devadurga from 09.07.2012 to 17.09.2013. One Mr.Mahaboob Ali was the Chief Officer, Town Municipal Council, Devadurga during the year 2010-2011. As per the report of Deputy Controller of Technical Wing, Karnataka Lokayukta, the MLA - Sri.K.Shivanagowda Nayak of Devedurga Assembly constituency has made a representation to the Hon'ble Housing Minister requesting to sanction 3000 houses to Town Municipal Council. The Hon'ble Minister for housing has sanctioned 2000 houses

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to Devadurga Town Municipal Council based on the representation of MLA. The Town Municipal Council submitted a proposal on 01.08.2011 to the Deputy Commissioner, Raichur to increase the target from 75 to 5000. The said proposal was not sent by him but by his predecessor Mr.Mahaboob Ali.

ii). It is further contended that the List of beneficiaries was prepared and forwarded to Rajeev Gandhi Housing Corporation by the Chief Officer during the year 2010-2011 and he has no part in identifying the true and eligible beneficiaries. The Ashraya Yojane Committee consisting of president and the members. The elected MLA was the president and other Superior Officers of the Revenue Department are the members. The committee after following the procedure prepared final list of beneficiaries and forwarded the same to Rajiv Gandhi Housing Corporation through the Deputy Commissioner one year prior to he assumed charge as Chief Officer. Thus he is nothing to do with the identifying of eligible beneficiaries. The list of eligible beneficiaries was already approved when he took charge. After obtaining approval of the Deputy Commissioner he has released the amount to the selected and finalized beneficiaries through Account Payee Cheques.

iii). There was no technical and revenue staff to verify and monitor the progress of construction during his tenure. It was practically impossible for him to verify and

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monitor the progress of construction of the houses despite his best effort. He has released the funds stage wise through Account Payee Cheques after verifying the progress of construction and after securing the photographs. On physical verification by the investigation team it is reported that 128 persons were not eligible to have the benefit. They have been identified and recommended to file criminal cases against them and the amount already released has been ordered to be recovered as land revenue. The same has been reported in the verification report dated; 12.01.2014 to recover the released amount of Rs.21.65 lakhs and to deposit the same to Rajiv Gandhi Housing Corporation. The investigation team has not verified the committee proceedings and documents. The allegation of misappropriation of funds against him has no basis and is far from truth. It is the duty of the successor to recover the amount from ineligible persons. He has not committed any misconduct and performed his duty honestly and innocent of charges leveled against him.

6. The Presenting officer to prove the misconduct of the Delinquent Government Official has examined three witnesses PW1 to PW3 and got marked Ex.P1 to Ex.P22. The second oral statement of the Delinquent Government official was recorded under Rule 11 (16) of KCS (C.C.A) Rules, 1957. The Delinquent Government Official pleaded defence.

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7. The DGO examined himself as DW1 in support of his defence, and no documents are produced in support of his defence and closed his side.

8. Heard the arguments of Presenting Officer for disciplinary authority and Sri.BOC Advocate for DGO. Due Covid-19 and rush of work of in charge sections Chairman Legal Cell 1 & 2 and Additional Registrar Enquiries (2) the submission of this report is delayed.

9. The point that arises for my consideration is as follows.

“Whether the Disciplinary Authority has proved the charges framed against the Delinquent Government Official Sri. R. Sripada, the then Chief Officer, KMS Grade-2, Town Municipal Council, Devadurga (Presently Chief Officer, Town Municipal Council, Saligrama, Udupi District).”

10. My answer to the above point is in the 'Partly Affirmative' for the following reasons.

REASONS

11. Before considering the evidence both oral and documentary placed on record by the disciplinary authority and the defense, it is necessary to narrate the case of the disciplinary authority. The Hon'ble Upalokayukta - 1 took up investigation under section 9 of Karnataka Lokayukta Act, 1984 on the complaint filed by the complainant namely

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Sri.Allappa S/o Basanagowda of Devadurga. According to complaint, during the year 2010-2011 under Vajapayee Nagara Ashraya Yojane 5000 beneficiaries were identified. Out of 5000 beneficiaries amount has been paid to 1481 beneficiaries though only 6 beneficiaries have constructed houses, thereby the DGO has misappropriated the amount. The Chief Engineer, Technical Audit Cell, Karnataka Lokayukta conducted investigation through Deputy Controller of Audit, TAC and submitted report. After receiving report from TAC, the DGO has been impleaded as respondent No.2 and forwarded copies of report and the complaint to the DGO to submit his comments. The DGO has not submitted comments as called by this institution.

12.It is seen that the DGO denied all the charges leveled against him. The Delinquent Government Official denied the assertion of disciplinary authority that he was working as Chief Officer, Town Municipal Counsel, Devadurga during the year 2010-2011. Looking to the contention taken by the DGO in his written statement, the initial burden is upon the disciplinary authority to prove the charges levelled against the DGO. Perused the evidence placed on record by the disciplinary authority and the DGO. The disciplinary authority is required to prove the first charge that has been levelled against the DGO that 5000 beneficiaries were identified by him under Vajapayee Ashraya Yojane while working as Chief Officer, TMC, Devadurga during the year 2010-2011.

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13. According to disciplinary authority as it could be seen from the cross-examination of PW1 that under the Ashraya Yojane a committee was constituted presided by the elected MLA of the constituency and other superior officers of the Revenue Department as members. The committee had considered the applications of 5000 beneficiaries after waiting objection period of 30 days and prepared final list of beneficiaries. The list was forwarded to Rajiv Gandhi Housing Corporation by the then Chief Officer, TMC Devadurga through Deputy Commissioner. The complainant who is examined as PW1 has stated in his evidence that DGO while working as Chief Officer, TMC, Devadurga during the 2010-2011 has identified 5000 beneficiaries under Vayapayee Ashraya Yojane. The copy of transfer notification dated; 30.06.2012 of DGO issued by the Government which is the part of Ex.P6 indicates that the DGO was transferred to TMC, Devadurga on 30.06.2012. It is seen from the cross examination of PW1 and PW2 that the DGO worked as Chief Officer, TMC Devadurga from 09.07.2012 to 17.09.2013. The transfer order available at Ex.P6 clearly goes to show that the DGO reported for duty as Chief Officer of TMC, Devadurga only after 30.06.2012. Therefore the oral evidence of PW3 that the DGO identified 5000 beneficiaries during the year 2010-2011 under the said scheme and forwarded the list to Rajiv Gandhi Housing Corporation does not arise and could be relied upon. Thus the disciplinary authority has

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failed to prove the first charge that DGO is responsible for identifying 5000 beneficiaries during the year 2010-2011 and forwarding of list to the Housing Corporation. It is borne out from record that one Mr.Mahaboob Ali was the Chief Officer of TMC, Devadurga during the year 2010-2012 till DGO assumed charge on 09.07.2012 and forwarded the list of 5000 beneficiaries identified by the committee.

14. The second charge is that the annual target is prescribed at 75 houses, but 2000 houses have been sanctioned by Rajeev Grameena Vasathi Nigama. To answer this charge the evidence of PW1, PW2 and the report of TAC is taken for consideration. It is in the evidence of PW2 that he succeeded PW1 and conducted remaining part of investigation and submitted report as per Ex.P17. Para-4.1.6 of the report Ex.P17 is relevant for consideration. It is useful to extract Para-4.1.6 which reads as here under.

“ಪ್ರಸ್ತುತ ಶ್ರೀ.ಕೆ.ಶಿವನಗೌಡ ನಾಯಕ, ಶಾಸಕರು, ಮೀಸಲು ಮತ್ತು ಕ್ಷೇತ್ರ ದೇವದುರ್ಗ ಇವರು ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ:ದೇವದುರ್ಗ/ಅಕ/-ಮಾವಸ/2011-12/054 ದಿನಾಂಕ:29/07/2011 ರಂದು ಮಾನ್ಯ ವಸತಿ ಸಚಿವರು ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಇವರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿ ದೇವದುರ್ಗ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗೆ ಆಶ್ರಯ ಯೋಜನೆಯಡಿಯಲ್ಲಿ 3000 ಮನೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಕೋರಿರುತ್ತಾರೆ. ಈ ಮನವಿಯ ಮೇಲೆ ಮಾನ್ಯ ವಸತಿ ಸಚಿವರು ಟಿಪ್ಪಣಿ ಬರೆದು “ದೇವದುರ್ಗ ಪಟ್ಟಣಕ್ಕೆ ವಾಜಪೇಯಿ ವಸತಿ ಯೋಜನೆಯಡಿ 2000 ಮನೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು” ರಾಜೀವ್ ಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿ ನಿಗಮದ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರಿಗೆ ಆದೇಶಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಆದೇಶದ ರಿತ್ಯಾ ವಾಜಪೇಯಿ ನಗರ ಗ್ರಾಮೀಣ ವಸತಿ ಯೋಜನೆಯಡಿ ದೇವದುರ್ಗ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿಗೆ ವಾರ್ಷಿಕವಾಗಿ ನಿಗದಿಪಡಿಸಲಾದ 75


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ಮನೆಗಳ ಗುರಿಯನ್ನು 2000 ಮನೆಗಳಿಗೆ ಹೆಚ್ಚಿಸಿ ಕೂಡಲೆ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಲು ರಾಯಚೂರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ನಿಗಮದ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ದಿನಾಂಕ:01/08/2011 ರಲ್ಲಿ ಪತ್ರ ಬರೆದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ”.

Reading of Para-4.1.6 of Ex.P17, it is clear that the Rajeev Gandhi Grameena Vasathi Nigam sanctioned 2000 houses against the annual target of 75 houses based on the direction given by the Housing Minister to the Director of the Nigam after considering the representation of Sri.K.Shivanagowda Nayak, MLA of Devadurga Constituency. Neither the DGO nor his predecessor can be held liable for the sanction of 2000 houses by the Housing Minister during the year 2010-2011. Therefore the DGO cannot be held liable for the second charge as he was not working as Chief Officer, TMC, Devadurga during the year 2010-2011.

15. The third charge is that the DGO released an amount of Rs.3.62 crores for 1521 beneficiaries based on the progress of construction of the houses. 499 houses were not in existence out of 1521. The amount of Rs.1.7 crores is released to 499 beneficiaries without the existence of 499 houses. The disciplinary authority to prove this charge has relied upon both oral and documentary evidence. The DGO examined himself as DW1 and has not produced any documents in support of his contention. PW3 is the complainant, according to him the DGO furnished information that 1481 are selected and amount

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has been released out of 5000 identified beneficiaries. The DGO released only 3 crores 45 lakhs out of 8 crores. He filed complaint in the format FORM No.1 as per Ex.P8, affidavit in the format FORM No.2 as per Ex.P9 and detailed complaint as per Ex.P10. PW3 admits in the cross-examination that the amount is released to beneficiaries through cheques with the approval of deputy commissioner. The evidence of PW3 and the complaint Ex.P1 and Ex.P3 do not disclose the release of amount of Rs.1.7 crores towards the houses which are stated to be not in existence. The oral evidence of PW1 and PW2 do not indicate that 1.7 crores have been released towards the houses which are stated to be not in existence.

16. Ex.P15 is the report submitted by the Executive Engineer District Urban Development Board to the deputy Commissioner on 12.01.2014. Page-3 of Ex.P15 states that the managing director referred 1521 houses for verification. Ex.P15 evidences that at the time of inspection the Executive Engineer found 1544 houses including 128 houses and there was no case of non existence of 499 houses. Ex.P17 is the report secured by this institution through TAC. It does not disclose that a sum of Rs.1.7 crores was released towards 499 non existing houses. Ex.P17 endorses the report Ex.P15 submitted by the Executive Engineer, District Urban Development Board. The evidence of PW1 to PW3 and Ex.P15 and Ex.P17 do not establish the third charge alleged against DGO to the effect

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that Rs.1.7 crores is released towards 499 houses which were not in existence and misappropriated the same. Therefore it is held that disciplinary authority has failed to prove that the DGO misappropriated Rs.1.7 crores by showing that the said amount was released towards 499 houses which were not in existence.

17. The fourth charge is that 108 beneficiaries are not eligible for the benefit out of 1022 houses which were in existence and Rs.21.65 lakhs has been paid to ineligible 108 beneficiaries that thereby DGO misappropriated the same. Ex.P8 is the complaint in the format FORM-I and Ex.P8 is the detailed complaint. The complainant has not specifically stated about the misappropriation of Rs. 21.65 lakhs in Ex.P8 & P10. The evidence of PW2 and Ex.P17 the report of Technical Audit Cell of this institution is relevant for consideration. Page-12 of Ex.P17 states that 108 beneficiaries out 1022 houses were ineligible to avail the benefit under the scheme. On perusal of written statement of defence nothing is pleaded regarding payment of Rs.21.65 lakhs to the ineligible 108 beneficiaries. DW1 denied in the cross examination that out of 1022 houses 108 beneficiaries were ineligible to have the benefit under the scheme. The report Ex.P17 clearly establishes the fact that the DGO released a sum of Rs.21.65 lakhs in favour of 108 beneficiaries who were ineligible for the benefit under the scheme. There is nothing on record placed by the DGO that he has taken care as a public servant while releasing

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lakhs of rupees belonging to the state exchequer for public purpose. Thus the DGO is liable for the release of Rs.21.65 lakhs in favour of the persons who are not eligible. Therefore it is held that the disciplinary authority proved the fourth charge.

18. The fifth charge is that the DGO released an amount of Rs.41.45 + 10.55 = 52 lakhs in favour of beneficiaries who are ineligible under the scheme. Further he has issued sanctioned letters, work order and house sanctioned letters to all the 5000 beneficiaries who were not identified by the competent authority. It is well founded from record that the committee presided by the MLA of that constituency and the superior officer of revenue department as members identified 5000 members and forwarded the list to the deputy commissioner through Chief Officer during the year 2010-2011 to forward the same to the Rajiv Gandhi Housing Corporation. It is evident from Ex.P5 that Rajiv Gandhi Housing Corporation approved the list of 5238 beneficiaries in the month of September, 2012 who are identified by the committee. The list was approved after DGO took charge of the post of Chief Officer, TMC, Devadurga. In view of approval of list by the Corporation, fault cannot be found with the DGO regarding issue of sanctioned letters, work order and house sanctioned letters to all the beneficiaries.

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19. The letter dated; 26.02.2014 of Rajiv Gandhi Grameena Vasathi Nigam Niyamitha available at Ex.P5 indicates that the TMC at the initial stage released the amount to 1544 beneficiaries. It is evident from this letter that on verification of beneficiaries by the corporation team it was found that the DGO released an amount of Rs.52,00,000/- to 216 (167+49) ineligible beneficiaries. It is the duty of the DGO to verify about the genuineness of beneficiaries while processing and making payment. There is nothing on record placed by the DGO that he has verified the eligibility criteria of the beneficiaries before making payment. The report Ex.P17 also supports the contention of disciplinary authority. It is well founded from record that the DGO was transferred from Devadurga on 17.09.2013. Due to transfer the DGO may not be in a position to recover the said amount from the beneficiaries as directed by the Housing Corporation. The evidence on record would go to show that there was dereliction of duty on the part of the DGO in not verifying the genuineness of the beneficiaries while releasing the amount belonging to the state exchequer. Thus the dereliction duty on the part of the DGO is established.

20. The sixth charge is that the DGO has not inspected the houses during construction and he has not taken any action to recover the amount from the beneficiaries who had not constructed the houses within time. The complaint Ex.P10 states that 1481 beneficiaries were identified, and

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the amount has been released for the purpose of construction of houses therein. It further states that the construction of 6 houses was completed. PW1 reiterates the contents of Ex.P10 in his oral evidence. Ex.P15 is the report submitted by the Executive Engineer, District Urban Development Board, Raichur. The Executive Engineer before submitting report Ex.P15 had sought information from TMC, Devdurga about the stage of construction of 1481 houses and payment of amount to the remaining 3519 beneficiaries out of 5000 beneficiaries. Ex.P16 is the letter of information by TMC to the Planning Director, District Urban Development Board, Raichur. Ex.P16 evidences that 1481 houses were under the stage of construction and construction of 6 houses was completed.

21. Looking to the written statement, it is the contention of the DGO that monitoring/inspection of such large number of houses under progress of construction was not possible as there was no technical team and staff. It is clear from the written statement that the DGO has not made personal inspection and monitored the progress of construction. It was the duty of the DGO to conduct inspection and monitor the progress of construction. The contention of the DGO that personal inspection and monitoring was not possible for want of technical team and staff may not be a ground that can be accepted. The DGO ought to have requested the housing corporation or the deputy commissioner to provide technical team and the

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staff for that purpose. There is nothing on record to indicate that the DGO had made effort to secure the technical team and staff to conduct spot inspection and to monitor the construction. Therefore the contention of the DGO as pleaded in the written statement is not sustainable. Of course the DGO was unable to recover the amount from the beneficiaries who had not constructed the houses within time in view of his transfer from TMC, Devadurga. The evidence on record placed by the disciplinary authority clearly goes to show that there is dereliction of duty on the part of DGO in not monitoring and inspecting the place of construction.

22. Looking, to the overall evidence placed on record by the disciplinary authority and the DGO it is establish that the DGO is liable for the release of Rs.21.65 lakhs in favour of the persons who were not eligible. Further the DGO failed to verify the eligibility criteria of 216 beneficiaries who were ineligible to have the benefit under the scheme. Further the DGO failed to inspect and monitor the construction of houses which led to wrong payment to the beneficiaries who had not completed the construction. Thus the evidence on record placed by the disciplinary authority proves the fact that the DGO has failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public/Government servant. Therefore the DGO is held liable for professional misconduct under rule 3(1) of KCS (Conduct) Rules, 1966.


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Hence I answer the above point 'Partly in the Affirmative' and proceed to record the following.

FINDINGS

The Disciplinary Authority has proved Charge No's.4 to 6 and not proved Charge No's.1 to 3 leveled against the Delinquent Government Official Sri.R.Sripada, the then Chief Officer, KMS Grade-2, Town Municipal Council, Devadurga (Presently Chief Officer, Town Municipal Council, Saligrama, Udupi District).

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



(AMARANARAYANA.K)

Additional Registrar Enquiries - 8
Karnataka Lokayukta, Bengaluru.

ANNEXURES

I) LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW1	Sri. Rudramurthy S/o Shivarajendra B.R, Retired Deputy Controller, ACP, Bengaluru-91 dated:06.09.2018.
PW2	Sri. Lakshmaiah S/o Sri. Thippanna, Retired Deputy Controller, Bengaluru dated: 30.03.2019.
PW3	Sri. Hallappa S/o Sri. Basavanagowda, Agriculturist, Raychur District dated:11.07.2019.

II) LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:

DW1	Sri. R. Shripada S/o Late Lakshman Bhat, Chief Officer, TMC, Chitaguppa, Bidar District dated: 23.02.2021
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III) LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:


Ex.P1	Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Chief Officers, Town Municipal Office, Devadurga, Raichuru.
Ex.P2	Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Managing Director, Rajeev Gandhi Grameena Vasathi Nigama.
Ex.P3	Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Sri. R. Sripada, Chief Officers, Saligrama Town Panchayath, Udupi District
Ex.P4	Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to District Commissioner, Raichuru District
Ex.P5	Letter dated:03.12.2015 of Sri. N.N. Mahadev Prasad, Chief Manager with enclosures
Ex.P6	Letter dated:21.12.2015 of Chief Officer, Town Municipal addressed to Assistant Controller, Technical Division, KLA, Bengaluru with enclosures
Ex.P7	Complaint of Assistant Controller-2
Ex.P8	Form No. I
Ex.P9	Form No. II
Ex.P10	Letter dated: 11.05.2015 of PW3 Sri. Hallappa S/o Sri. Basavanagowda, Agriculturist, Raychur

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	District addressed to Hon'ble Lokayukta, KLA, Bengaluru with enclosures
Ex.P11	Status Report of Vajapeyee Urban Housing Scheme- 2010-2011
Ex.P12	Government Order dated: 05.07.2012
Ex.P13	Grants of Vajapeyee Nagara Vasathi Yojane dated:17.08.2015 of Managing Director p
Ex.P14	Xerox copy of proceedings of the Town Municipal, Devadurga
Ex.P15	Inspection report dated:12.01.2014
Ex.P16	Letter dated:14.07.2015 of Information Officer, Town Municipal Council, Devadurga
Ex.P17	Investigation report 14.07.2015 of Deputy Controller, Technical Wing, KLA, Bengaluru
Ex.P18	Complaint dated:25.08.2015 of PW3 Sri. Hallappa with enclosures
Ex.P19	Complaint dated:10.09.2015 of PW3 Sri. Hallappa with enclosures
Ex.P20	Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures
Ex.P21	Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures
Ex.P22	Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures

IV) LIST OF DOCUMENTS MARKED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:

Ex.D1	NIL
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 (AMARANARAYANA. K) 03/01/2022
 Additional Registrar Enquiries-8
 Karnataka Lokayukta,
 Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.32/2018/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 05.01.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Shri R.Shripada, the then Chief Officer, KMS Grade-2,TMC, Devadurga - reg.

Ref:- Government Order No.UDD 84 DMK 2017 dated 05.12.2017.

2) Nomination order No. UPLOK-2/DE.32/2018 dated 12.01.2018 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 03.01.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 05.12.2017 initiated the disciplinary proceedings against Shri R.Shripada, the then Chief Officer, KMS Grade-2,TMC, Devadurga, [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-2/DE.32/2018 dated 12.01.2018 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.

3. The DGO was tried for the charge of committing several irregularities in selection of beneficiaries and construction of houses under Vajapayee Nagara AshrayaYojane and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has held that, the charge No.4 to 6 against the DGO Shri R.Shripada, the then Chief Officer, KMS Grade-2,TMC, Devadurga, are 'proved' and charges 1 to 3 are 'not proved'.

5. On re-consideration of report of inquiry and all other materials on record, 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 Enquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri R.Shripada, is due to retire from service on 28-02-2023.

7. Having regard to the nature of charge No.4 to 6 'proved' against the DGO and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding three annual increments payable to DGO Shri R.Shripada, the then Chief Officer, KMS Grade-2,TMC, Devadurga, with cumulative effect'.

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

Connected records are enclosed herewith.

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



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/32/2018/ARE-8  
(Encl: (a) Recommendation of Hon'ble  
Upalokayukta&Inquiry  
Report of Inq.Officer, in original  
(b) Connected records

Multi Storied Building,  
Dr. B.R. AmbedkarVeedhi,  
Bengaluru – 560 001  
Date:10/01/2022

**/CONFIDENTIAL/**

To,  
Dr. Ajay Nagabhushan M.N, I.A.S.,  
Secretary to Government,  
(Municipalities & UDAs)  
Urban Development Department,  
Vikasa Soudha,  
Bengaluru

**Respected Sir,**

Sub:- Departmental inquiry against;  
Sri. R. Shripada, the then Chief  
Officer,KMS Grade-2, TMC,  
Devadurga- Reg.

Ref:- 1) Government Order No.UDD 84 DMK 2017,  
Bengaluru dated 05/12/2017.

2)Nomination order NO. UPLOK-1/DE/32/2018,  
Bengaluru dated 12/01/2018 of  
Upalokayukta-1,State of Karnataka, Bengaluru.

3) Inquiry Report dated 03/01/2022 of  
Additional Registrar of Enquiries-8,  
Karnataka Lokayukta, Bengaluru.

4) Recommendation dated 05/01/2022of  
Hon'ble Upalokayukta, State of  
Karnataka, Bengaluru

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Adverting to the above, I am directed to forward herewith the  
Recommendations of the Hon'ble Upalokayukta, State of

Karnataka, Bengaluru, dated 05/01/2022 in original, and the Report of the Inquiry Officer, in original, along with relevant records of inquiry, as detailed below:


| <b>File No.</b> | <b>Particulars</b>                                                                                                                           | <b>Page No.</b>                                                                                                                                                                |       |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|                 | One Sealed cover containing the recommendation dated 05/01/2022 of Hon'ble Upalokayukta-1, and inquiry report dated 03/01/2022 in originals. |                                                                                                                                                                                |       |
| File No.1       | Order Sheet file - original                                                                                                                  | 1-15                                                                                                                                                                           |       |
| File No.2       | 1. 12(3) Report dt:22.04.2017 with index (xerox)                                                                                             | 16-20                                                                                                                                                                          |       |
|                 | 2. Government Order dt: 05.12.2017 (xerox)                                                                                                   | 21-22                                                                                                                                                                          |       |
|                 | 3. Nomination Order dt:12.01.2018 (xerox)                                                                                                    | 23-24                                                                                                                                                                          |       |
|                 | 4. Copy of Article of Charges dt:05.02.2018 with served copy (original)                                                                      | 25-33                                                                                                                                                                          |       |
|                 | 5. First Oral Statement dt: 19.03.2018 (original)                                                                                            | 34                                                                                                                                                                             |       |
|                 | 6. Written statement dt: 29.06.2018 (original)                                                                                               | 35-43                                                                                                                                                                          |       |
|                 | 7. Second Oral Statement dt: 27.09.2019 (original)                                                                                           | 44                                                                                                                                                                             |       |
| File No.3       | <b>DEPOSITION FILE OF DISCIPLINARY AUTHORITY</b>                                                                                             |                                                                                                                                                                                |       |
|                 | PW1                                                                                                                                          | Sri. Rudramurthy S/o Shivarajendra B.R, Retired Deputy Controller, ACP, Bengaluru-91 dated:06.09.2018 (original)                                                               | 45-49 |
|                 | PW2                                                                                                                                          | Sri. Lakshmaiah S/o Sri. Thippanna, Retired Deputy Controller, Bengaluru dated: 30.03.2019 (original)                                                                          | 50-53 |
|                 | PW3                                                                                                                                          | Sri. Hallappa S/o Sri. Basavanagowda, Agriculturist, Raychur District dated:11.07.2019 (original)                                                                              | 54-57 |
| File No.4       | <b>LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY</b>                                                                          |                                                                                                                                                                                |       |
|                 | Ex.P1                                                                                                                                        | Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Chief Officers, Town Municipal Office, Devadurga, Raichuru (original) | 58-59 |

|        |                                                                                                                                                                                                         |         |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Ex.P2  | Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Managing Director, Rajeev Gandhi Grameena Vasathi Nigama.(original)                            | 60-61   |
| Ex.P3  | Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to Sri. R. Sripada, Chief Officers, Saligrama Town Panchayath, Udupi District (original)          | 62-63   |
| Ex.P4  | Final reminder dated:30.11.2015 of Assistant Controller, Technical Division, KLA, Bengaluru addressed to District Commissioner, Raichuru District (original)                                            | 64-65   |
| Ex.P5  | Letter dated:03.12.2015 of Sri. N.N. Mahadev Prasad, Chief Manager with enclosures (original 66-67), (xerox 68-70)                                                                                      | 66-72   |
| Ex.P6  | Letter dated:21.12.2015 of Chief Officer, Town Municipal addressed to Assistant Controller, Technical Division, KLA, Bengaluru with enclosures (original 73-74) (75-104)                                | 73-104  |
| Ex.P7  | Complaint of Assistant Controller-2 (original)                                                                                                                                                          | 105-108 |
| Ex.P8  | Form No. I (original)                                                                                                                                                                                   | 109-110 |
| Ex.P9  | Form No. II (original)                                                                                                                                                                                  | 111     |
| Ex.P10 | Letter dated: 11.05.2015 of PW3 Sri. Hallappa S/o Sri. Basavanagowda, Agriculturist, Raychur District addressed to Hon'ble Lokayukta, KLA, Bengaluru with enclosures (original 112-113) (xerox 114-115) | 112-115 |
| Ex.P11 | Status Report of Vajapeyee Urban Housing Scheme- 2010-2011                                                                                                                                              | 116-313 |

|           |                                                            |                                                                                                                      |         |
|-----------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|---------|
|           |                                                            | (xerox)                                                                                                              |         |
|           | Ex.P12                                                     | Government Order dated: 05.07.2012 (xerox)                                                                           | 314-315 |
|           | Ex.P13                                                     | Grants of Vajapeyee Nagara Vasathi Yojane dated:17.08.2015 of Managing Director (xerox)                              | 316-317 |
|           | Ex.P14                                                     | Proceedings of the Town Municipal, Devadurga (xerox)                                                                 | 318-319 |
|           | Ex.P15                                                     | Inspection report dated:12.01.2014 (xerox)                                                                           | 320-323 |
|           | Ex.P16                                                     | Letter dated:14.07.2015 of Information Officer, Town Municipal Council, Devadurga (xerox)                            | 324-325 |
|           | Ex.P17                                                     | Investigation report 14.07.2015 of Deputy Controller, Technical Wing, KLA, Bengaluru (xerox)                         | 326-340 |
|           | Ex.P18                                                     | Complaint dated:25.08.2015 of PW3 Sri. Hallappa with enclosures (xerox)                                              | 341-345 |
|           | Ex.P19                                                     | Complaint dated:10.09.2015 of PW3 Sri. Hallappa with enclosures (original)                                           | 346-347 |
|           | Ex.P20                                                     | Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures (original 348-350) (xerox 351-353)                   | 348-353 |
|           | Ex.P21                                                     | Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures (original)                                           | 354-356 |
|           | Ex.P22                                                     | Complaint dated:01.01.2016 of PW3 Sri. Hallappa with enclosures (original)                                           | 357-359 |
|           | <b><u>DEPOSITION OF DELINQUENT GOVERNMENT OFFICIAL</u></b> |                                                                                                                      |         |
| File No.5 | DW1                                                        | Sri. R. Shripada S/o Late Lakshman Bhat, Chief Officer, TMC, Chitaguppa, Bidar District dated: 23.02.2021 (original) | 360-363 |

Receipt of the Recommendation of the Hon'ble Upalokayukta, along with the Report of the Inquiry Officer in a sealed cover and the connected inquiry records, as mentioned above, may please be acknowledged, at the earliest.

Yours faithfully,

  
(JAGADHEESHWARA M)  
I/c Registrar,  
Karnataka Lokayukta,  
Bengaluru

4.

Copy to  
Addl. Registrar of Enquiries -8, Karnataka Lokayukta, Bengaluru  
along with copy of recommendation, for information and further  
necessary action.

