

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-1/DE/330/~~2018~~ 2017

ENQUIRY REPORT Dated:27/03/2018

Enquiry Officer: V.G.Bopaiah  
Additional Registrar Enquiries-11  
Karnataka Lokayukta Bengaluru.  
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Delinquent Government Official No.1: Sri. Gnyaneshwar,  
(name written by him on the  
notes sheet on 30/03/2017 as  
Gnyaneshwar)

Discharged duties as Panchayath  
Development Officer, Sundhala  
Grama Panchayath, Aurad Taluk,  
Bidar District during the year 2011-  
2012.

Due for retirement on  
superannuation on 31/10/2029.

Delinquent Government Official No.2: Sri. Ramachandra  
(name written by him as  
Ramchander on the note sheet on  
30/03/2017)

Discharged duties as Junior  
Engineer, Sundhala Grama  
Panchayath, Aurad Taluk, Bidar  
District during the year 2011-2012.

Due for retirement on  
superannuation on 30/06/2025.

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1. During the year 2011-2012 Delinquent Government Official 1 (in short, "DGO 1") by name Sri. Gynaneshwar was working as Panchayath Development Officer attached to Sundhala Grama Panchayathi, Aurad Taluk, Bidar District. He is due for

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retirement on superannuation on 31/10/2029. Delinquent Government Official 2 (in short, "DGO 2" ) by name Ramachandra (name written by him on the note sheet on 30/03/2017 as Ramchander) was working as Junior Engineer attached to Sundhala Grama Panchayath, Aurad Taluk, Bidar District during the year 2011-2012. He is due for retirement on superannuation on 30/06/2025.

2. Complaint dated 30/03/2013 in FORM NO.I of the complainant by name Deelip son of Yadhav Rao resident of Jaknal, within the jurisdiction of Sundhala Grama Panchayath, Aurad Taluk, Bidar District against DGO1 came to be registered in Compt/Uplok/GLB/1686/2013/ARE-5. Synopsis of allegations levelled in his complaint are that DGO1 prepared bogus bills in the name of the complainant that the complainant had applied for sanction of open well in the land bearing survey number 3/C attached to Jaknal village but without executing the task of open well misused funds of Government. It is also alleged that one Sri. Sharanappa Patil the then President of the said Panchayath and also DGO2 joined hands with DGO1.
3. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-1 took up investigation and called for comments of DGO1, DGO2 and also the President of the above Panchayath. Investigation unearthed that work order has been issued by the Executive Officer, Taluk Panchayath, Aurad(B) for the above task at the estimate of a sum of Rs.1,25,000/-. Investigation further unfolded that as per the copy of the bill a sum of Rs.53,500/- has been paid towards blasting. Measurement book disclosed that the said task was departmental work and entries in the measurement book are recorded at a stretch. Investigation

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disclosed that work completion certificate does not bear the date and wages said to have been paid to the workers and there are no corresponding nominal muster rolls. Investigation also disclosed that nominal muster roll for the period from 21/02/2012 to 28/02/2012 disclosed names of thirteen workers, nominal muster roll for the period from 29/02/2012 to 07/03/2012 disclosed names of thirteen workers and nominal muster roll for the period from 20/03/2012 to 27/03/2012 disclosed names of ten workers. Investigation further disclosed that names of persons to whom payment is made under various heads are not found in the bills. At the conclusion of investigation, on the basis of materials on record Hon'ble Upalokayukta-1, Karnataka arrived at conclusion that there exists prima facie materials to show that DGOs 1 and 2 have committed misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966. Hon'ble Upalokayukta-1, Karnataka also arrived at conclusion that prima facie materials are forthcoming attracting latches and misconduct of Sri. Sharanappa Patil the then President of the above Panchayath. Accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-1, Karnataka recommended the competent authority to initiate disciplinary proceedings against DGOs 1 and 2 and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules 1957 and also recommended to initiate action against Sri. Sharanappa Patil the then President of the above Panchayath under the provisions of The Panchayath Raj Act.

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4. Subsequent to the report dated 09/11/2016 under section 12(3) of The Karnataka Lokayukta Act, The Karnataka Lokayukta Act, 1984, Government Order bearing number ಗ್ರಾಅಪ/795/ಗ್ರಾಪಂಕಾ/2016 ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21-01-2017 has been issued by the Deputy Director and Ex-Officio Under Secretary to the Government of Karnataka, Department of Rural Development and Panchayath Raj entrusting the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules 1957.
5. Subsequent to the Government Order, Order number Uplok-1/DE/330/2017 Bengaluru dated 02/03/2017 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGOs.
6. Articles of charge dated 21/03/2017 framed against DGOs 1 and 2 at Annexure-I which includes statement of imputation of misconduct at Annexure-II is the following:

“ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ-1

ನೀವು ಎಂದರೆ ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಜ್ಞಾನೇಶ್ವರ ಆದ ನೀವು ಮತ್ತು ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ರಾಮಚಂದ್ರ ಆದ ನೀವು ಬೀದರ್ ಜಿಲ್ಲೆಯ ಔರಾದ್ ತಾಲ್ಲೂಕಿನ ಸುಂಧಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಆಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ 2011-12ನೆಯ ಸಾಲಿನ ಎಂ.ಜಿ.ಎನ್.ಆರ್.ಇ.ಜಿ.ಎ.ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಜಾನಕಲ್ ಗ್ರಾಮದ ಸರ್ವೆನಂ.3/ಸಿ ರಡಿಯಲ್ಲಿ ತೆರೆದ ಬಾವಿಯನ್ನು ಇಲಾಖಾವತಿಯಿಂದ ತೆಗೆಯುವ ಸಲುವಾಗಿ ರೂ.1,25,000/-ಗಳ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡಿದ್ದು ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ಪ್ರಮಾಣಪತ್ರ ಇರುವುದಿಲ್ಲ. ಕೂಲಿ ಪಾವತಿಸಿರುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎನ್.ಎಂ.ಆರ್.ಗಳನ್ನು ಇಟ್ಟಿರುವುದಿಲ್ಲ.

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ಇಟ್ಟಿರುವ ಎನ್.ಎಂ.ಆರ್.ಗಳಲ್ಲಿ ಕೂಲಿ ಕಾರ್ಮಿಕರ ಸಹಿಗಳನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಕಲ್ಲುಗಳನ್ನು ಒಡೆಯುವ ಸಂಬಂಧ, ಕ್ರೇನ್ ಬಳಕೆ ಸಂಬಂಧ ಯಾರಿಗೆ ಹಣ ಪಾವತಿಸಲಾಗಿದೆ ಎಂಬುದರ ಕುರಿತು ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡದೆ ಸರ್ಕಾರದ ಹಣವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಳ್ಳುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿತ್ತೀರಿ.

ಅನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ದಿಲೀಪ್ ಬಿನ್ ಯಾದವ್ ರಾವ್, ಜಾನ್‌ಕಲ್, ಸುಂಧಾಳ್ ಪೋಸ್ಟ್, ಔರಾದ್(ಬಿ), ಬೀದರ್ ಜಿಲ್ಲೆ ರವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಜಾನ್‌ಕಲ್ ಗ್ರಾಮದ ತಮ್ಮ ಜಮೀನಿನ ಸರ್ವೆ ನಂ.33 ರಲ್ಲಿ ತೆರೆದ ಬಾವಿಯನ್ನು ತೆಗೆಯಲು ಇಲಾಖಾವತಿಯಿಂದ ಅನುಮೋದನೆಯಾಗಿದ್ದು ಆದರೆ ತೆರೆದ ಬಾವಿಯ ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ಆಪಾದನೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 3/31 ರಲ್ಲಿ ತೆರೆದ ಬಾವಿಯನ್ನು ತೆಗೆಯುವ ಕಾಮಗಾರಿಯನ್ನು ಇಲಾಖಾವತಿಯಿಂದ ಕೈಗೊಂಡಿದ್ದು, ರೂ. 53,500/- ಗಳನ್ನು ಕಲ್ಲು ಒಡೆಯುವ ಮತ್ತು ಕ್ರೇನ್‌ಗಳ ಕೂಲಿಗಾಗಿ ಮತ್ತು ಅವುಗಳನ್ನು ಸಾಗಿಸುವ ಟ್ರಾಕ್ಟರ್ ಕೂಲಿ ಎಂದು ನಿಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಮಾಡಿರುವ ಆಪಾದನೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಎದುರುದಾರರು ನಿಡಿರುವ ಆಕ್ಷೇಪಣೆ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡು ಬರುತ್ತವೆ.

- 1) ನಿರ್ವಹಿಸಿರುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ನಮೂದು ಇರುವುದಿಲ್ಲ.
- 2) ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಂಡ ಬಗ್ಗೆ ಪ್ರಮಾಣ ಪತ್ರ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ.
- 3) ಕೂಲಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿರುವ ಕೂಲಿಕಾರ್ಮಿಕರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಎನ್.ಎಂ.ಆರ್.ಗಳನ್ನು ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ.

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4) ಎನ್.ಎಂ.ಆರ್.ಗಳಲ್ಲಿ ನಮೂದಿಸಿರುವ ಕೂಲಿಕಾರ್ಮಿಕರ ಸಹಿಗಳನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ.

5) ದಿನಾಂಕ 21-2-2012 ರಿಂದ 28-02-2012 ರಿಂದ ಮತ್ತು ದಿನಾಂಕ 20-03-2012 ರಿಂದ 27-03-2012 ರವರೆಗೆ ಒಟ್ಟು 13 ಕೂಲಿಕಾರ್ಮಿಕರು ಮತ್ತು ದಿನಾಂಕ 29-02-2012 ರಿಂದ ದಿನಾಂಕ 7-3-2012 ರವರೆಗೆ ಒಟ್ಟು 10 ಕೂಲಿಕಾರ್ಮಿಕರು ಕೆಲಸ ನಿರ್ವಹಿಸಿರುವುದಾಗಿ ತೋರಿಸಿರುವುದು.

ದೂರು, ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ದಾಖಲಾತಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ-1 ಮತ್ತು 2 ರವರ ಆಕ್ಷೇಪಣೆ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ-1 ಮತ್ತು 2 ಆದ ನೀವುಗಳು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆ ಮಾಡಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಎದುರುದಾರರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ".

7. In response to due service of articles of charge DGOs 1 and 2 have entered appearance before this authority on 27/04/2017 on which day when first oral statement of DGOs 1 and 2 are recorded they have pleaded not guilty.

8. Subsequently, on 17/06/2017 DGO1 has filed written statement enclosing xerox copies of documents totally consisting of forty

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nine sheets, which, for convenience are numbered by me with red ink from number 1 to number 49.

9. Except on 27/04/2017 DGO2 remained absent on the subsequent dates. DGO1 has appeared on 17/06/2017, 29/07/2017 and on 16/11/2017 and remained absent on the subsequent dates. DGO 2 has not evinced interest to file written statement.
10. In the course written statement filed on 17/06/2017, DGO1 has refuted the alleged charge and contended that work has been executed through labourers and a total sum of Rs.70,875/- has been remitted to the account of labourers. It is contended that at the time of execution of open well stones are blasted and cheque for Rs.53,500/- has been issued to the concerned agency. It is contended that on 15/06/2013 the complainant has filed petition before the Minister of Rural Development and Panchayath Raj and subsequently the Executive Officer, Zilla Panchayath, Bidar has entrusted the matter for enquiry to the Ombudsmen who in turn conducted enquiry and closed the matter holding that allegations levelled are not proved. Thus, according to DGO1, he is not guilty of the alleged misconduct.
11. The disciplinary authority has examined the complainant as PW1. During evidence of complainant his original complaint dated 30/03/2013 in FORM NO.I in a single sheet is marked as per Ex P1, his original affidavit in FORM No.II in a single sheet is marked as per Ex P2, xerox copy of list in a single sheet touching the materials procured is marked as per Ex P3, xerox copy of attendance register in two sheets of the labourers are together marked as per Ex P4, xerox copies of attendance register in two sheets of the labourers are together marked as per Ex P5, xerox copies of two sheets of attendance register of labourers are

  
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together marked as per Ex P6, xerox copy of RTC of the land bearing survey number 3/C of the complainant is marked as per Ex P7, xerox copy of letter dated nil in a single sheet of the complainant addressed to the Executive Officer, Taluk Panchayath, Aurad(B) is marked as per Ex P8, xerox copy of a xerox copy of Ex P8 in a single sheet is marked as per Ex P9, xerox copy of letter dated 25/03/2013 in a single sheet of complainant addressed to the Executive Officer, Taluk Panchayath, Aurad(B) is marked as per Ex P10.

12. During evidence of the complainant DGOs 1 and 2 have remained absent and thus, evidence of complainant has remained unchallenged.
13. Since DGOs 1 and 2 remained absent even subsequent to the evidence of complainant, second oral statement of DGOs 1 and 2 could not be recorded. DGOs 1 and 2 have not come forward to adduce evidence if any from their side.
14. In the course of written argument filed on 16/03/2018 by the Presenting Officer, relying upon the unchallenged oral and documentary evidence on record it is contended that the charge has remained established.
15. In tune with articles of charge at Annexure-I point which arises for consideration is whether during 2011-2012 i.e., during the tenure of DGOs 1 and 2 as Panchayath Development Officer and Junior Engineer respectively attached to Sundhala Grama Panchayath, Aurad Taluk, Bidar District, DGOs 1 and 2 failed to maintain proper certificates touching completion of open well in the land bearing survey number 3/C of the complainant at Jankal village under MGNRRENA scheme, failed to maintain nominal muster roll touching payment of wages to the labourers, failed to obtain signatures of labourers on nominal

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muster roll and failed to maintain records touching use of machinery and thereby misappropriated Government funds of Rs.1,25,000/- and thereby are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

16. Ex P1 though would show that a sum of Rs.53, 500/- is paid to one Bandappa Kante under bill dated 03/04/2012 by way of cash nothing is forthcoming on Ex P1 to show that the said Bandappa Kante received the said sum. Exs P2 to P6 when perused would not point out the signatures of labourers mentioned therein to ensure that they were employed to carry out the execution of open well. During evidence the complainant has referred to Exs P1 to P10 and stated that original of Exs P3 to p6 are bogus documents and that DGOs 1 and 2 created those bogus documents and misappropriated funds. It is in his evidence that during the year 2010-2011 grant of a sum of Rs.1,25,000/- was released for the purpose of executing open well in his land bearing survey number 3 and that the said work has not been executed.
17. Xerox copies of documents enclosed to written statement of DGO1 may be looked into. For convenience, I have noted these 49 sheets with red ink. Sheet numbers 1 and 2 marked by me with red ink are xerox copies of notes sheets of proceedings of Ombudsmen. These two sheets when appreciated would merely show that the matter was taken up for enquiry by the Ombudsmen. Sheet number 3 enclosed to the written statement of DGO 1 is one more xerox copy of note sheet which is touching proceedings by Ombudsmen. Sheet number 4 marked by me with red ink is the xerox copy of letter dated 26/05/2015 addressed by the Chief Executive Officer, Zilla Panchayath, Bidar

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to the Director (Quality Control, Complaints and Vigilance), Department of Rural Development and Panchayath Raj, Bengaluru which shows that Ombudsmen has closed the proceedings. Sheet number 5 marked by me with red ink is the xerox copy of letter dated 07/04/2015 addressed to the Chief Executive Officer, Zilla Panchayath, Bidar by the Director (Quality Control, Complaints and Vigilance) Department of Rural Development and Panchayath Raj which shows that suitable endorsement may be issued to the complainant. Sheet number 6 marked by me with red ink is the xerox copy of the letter dated 09/12/2014 of the Ombudsmen which shows that steps are being taken. Sheet number 7 marked by me with red ink is the xerox copy of report of the Ombudsmen which shows the proceedings conducted by the Ombudsmen, <sup>Sheet 1.</sup> ~~sheet~~ numbers 8 and 9 marked by me with red ink is the xerox copy of the order dated 23/04/2014 of the Ombudsmen. Careful perusal of the xerox copy of the said report at sheet numbers 8 and 9 would show that the attendance sheets of labourers do not bear either signatures or left thumb impressions. It further shows that name board touching execution of the work was not found displayed. Though it is mentioned in the xerox copy of the said report by the Ombudsmen that a sum of Rs.53,500/- is paid to Bandppa Kante is not mentioned as to whether the amount paid by way of cash or by way of cheque. Therefore, the report of the Ombudsmen will not dislodge DGOs 1 and 2 from the alleged charge levelled in the articles of charge. Sheet numbers 10 and 11 marked by me in red ink are the xerox copies of statements signed by few persons stating that allegations are false. The basis for such conclusion is not found specified in these two documents and therefore those documents cannot be believed as

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true. Sheet numbers 12 and 13 marked by me with red ink are the xerox copy of notices issued by the Ombudsmen which relate to proceedings of Ombudsmen. Sheet number 14 marked by me with red ink is the xerox copy of the consent letter of the complainant and two witnesses which will not lend support to the defence of DGO 1. Sheet number 15 marked by me with red ink is the xerox copy of the letter of the complainant addressed to the concerned Minister to initiate action. Sheet number 16 marked by me with red ink is the xerox copy of the RTC extract of the land bearing survey number 3/C. Sheet numbers 17 to 22 marked by me with red ink are the xerox copies of nominal muster roll which do not find either left thumb impressions or signatures of labourers. Sheet number 23 marked by me with red ink is xerox copy of sheet number 4. Sheet number 24 marked by me with red ink is the xerox copy of the certificate signed DGO1, President of the Panchayath, Chief Executive Officer, Taluk Panchayath, Aurad (B) and two other officers. Though it is mentioned in the said document that all the documents in the file are correctly maintained payment of wages in column number 6 is found altered and therefore credibility of this document becomes doubtful. Sheet number 25 marked by me with red ink is the xerox copy of estimate which shows that estimate was prepared for Rs 1,25,000/- for providing open well in the land of the complainant. Sheet number 26 marked by me with red ink is the xerox copy of the report which does not show that what has been executed. Sheet number 27 marked by me with red ink is the xerox copy of estimate for Rs.1,25,000/-. Sheet number 28 marked by me with red ink is the xerox copy of plan for providing open well. Sheet number 29 marked by me with red ink is the xerox copy of the certificate of complainant

*[Handwritten signature]*  
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which merely shows that recommendation is made for providing of open well in his land. Sheet numbers 30 to 36 marked by me with red ink are the xerox copies of muster roll though would show that wages are paid to labourers, either left thumb impression or signature of labourers are found. Sheet number 37 marked by me with red ink is the xerox copy of requisition for payment of a sum of Rs.49,000/- to the labourers. Signatures of labourers mentioned therein are not forthcoming in the said sheet. Sheet number 38 marked by me with red ink is the xerox copy of cheque dated 30/05/2012 for Rs.49,000/- signed by DGO1 and President of the Grama Panchayath. Sheet number 39 to 41 marked by me with red ink are the xerox copies of measurement book. Sheet number 42 marked by me with red ink is the xerox copy of work order which shows that among other works, formation of open well in the land of complainant is found included. Sheet number 43 marked by me with red ink is the xerox copy of bill of cost for Rs.53,500/-. Sheet number 44 marked by me with red ink is similar to Ex P3. Sheet number 45 marked by me with red ink is the xerox copy of photographs showing that the same pertains to open well in the land of the complainant. Sheet number 46 to 48 marked by me with red ink are the xerox copies of bank account statements. Sheet number 49 marked by me with red ink is the xerox copy of a statement touching execution of certain works including formation of open well in the land of the complainant.

18. Though sheet numbers 1 to 49 marked by me with red ink are annexed to the written statement of DGO1, correctness of these documents cannot be believed in the absence of independent evidence adduced by DGOs 1 and 2. It is the specific contention of complainant during his evidence that originals of Exs P3 to P6

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are bogus documents. In order to dislodge the said piece of evidence DGOs 1 and 2 have not come forward to adduce independent evidence.

19. There is no mahazar or statement of the concerned Village Accountant to believe that open well was formed in the above land. Therefore, on the basis of the cheque and statements of bank it cannot be concluded that payment was made in respect of formation of open well in the land of the complainant.
20. Thus, upon meticulous appreciation of the oral and documentary evidence adduced by the disciplinary authority I am of the considered view that the charge levelled against DGOs 1 and 2 has remained established. In the absence of challenge to the evidence of the complainant and in the absence of independent evidence of DGOs 1 and 2, documents at sheet numbers 1 to 49 enclosed to the written statement of DGO cannot be accepted.
21. In the presence of acceptable evidence establishing misappropriation of Government funds of Rs.1,25,000/-, it needs to be held that DGOs 1 and 2 are jointly and severally liable and responsible and therefore I express that quantum of their liability is to the extent of Rs. 62,500/- each.
22. For the reasons mentioned above I hold that charge against DGOs 1 and 2 is proved and being of this view I proceed with the following:

#### R E P O R T


Charge against DGO1 by name Gnyaneshwar (name written by DGO1 as Gnyaneshwar on the note sheet on 27/04/2017) and charge against DGO 2 by name Ramachander (name written by him as Ramachander on the note sheet on 27/04/2017) that during 2011-2012 i.e., during

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their tenure as Panchayath Development Officer and Junior Engineer respectively attached to Sundhala Grama Panchayath, Aurad Taluk, Bidar District, DGOs 1 and 2 failed to maintain proper certificates touching completion of open well in the land bearing survey number 3/C of the complainant at Jankal village under MGNRRENA scheme, failed to maintain nominal muster roll touching payment of wages to the labourers, failed to obtain signatures of labourers on nominal muster roll and failed to maintain records touching use of machinery and thereby misappropriated Government funds of Rs.1,25,000/- and thereby are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Misappropriation of Government funds by DGOs 1 and 2 is quantified at Rs.62,500/- each.

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

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

#### ANNEXURES

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

PW1:- Sri. Deelip

List of witnesses examined on behalf DGO Nil:-

List of documents marked on behalf of Disciplinary Authority:-

1. Ex P1 Original complaint dated 30/03/2013 in FORM NO.I in a single sheet
2. Ex P2 Original affidavit in FORM No.II in a single sheet.
3. Ex P3 Xerox copy of list in a single sheet touching the materials procured.
4. Ex P4 Xerox copy of attendance register in two sheets of the labourers.
5. Ex P5 Xerox copies of attendance register in Two sheets of the labourers.
6. Ex P6 Xerox copies of two sheets of attendance register of labourers.
7. Ex P7 Xerox copy of RTC of the land bearing survey number 3/C of the complainant
8. Ex P8 Xerox copy of letter dated nil in a single sheet of the complainant addressed to the Executive Officer, Taluk Panchayath, Aurad(B).
9. Ex P 9 Xerox copy of letter dated nil in a single sheet of the complainant addressed to the Executive Officer, Taluk Panchayath, Aurad(B).
10. Ex P10 Xerox copy of letter dated 25/03/2013 in a single sheet of complainant addressed to the Executive Officer, Taluk Panchayath, Aurad(B).

List of documents marked on behalf of DGO Nil :-

(V.G. BOPALAH)

Additional Registrar, Enquiries-11,  
Karnataka Lokayukta, Bengaluru.





**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/330/2017/ ARE-11

Multistoried Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 31/03/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- (1) Sri Gnyaneshwar, Panchayath Development Officer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District; and
- (2) Sri Ramachandra, Junior Engineer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District.  
- Reg.

Ref:-(1) Govt. Order No.ಗ್ರಾಒಪ 795 ಗ್ರಾಪಂಕಾ 2016, Bengaluru, dated 21/1/2017

2) Nomination Order No.UPLOK-1/DE/330/2017, Bengaluru, dtd 02/03/2017 of Upalokayukta-1, State of Karnataka, Bengaluru.

3) Inquiry Report dated 27/3/2018 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 21/01/2017, initiated disciplinary proceedings against (1) Sri Gnyaneshwar, Panchayath Development officer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District and (2) Sri Ramachandra, Junior Engineer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District, (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as 'DGO-1 and DGO-2 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/330/2017, Bengaluru dated 2/3/2017, nominated the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bangalore, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against the DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Gnyaneshwar, Panchayath Development Officer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District and DGO-2 Sri Ramachandra, Junior Engineer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District were tried for the following charge:

“ನೀವು ಎಂದರೆ ಒಂದನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಜ್ಞಾನೇಶ್ವರ ಆದ ನೀವು ಮತ್ತು ಎರಡನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ರಾಮಚಂದ್ರ ಆದ ನೀವು ಬೀದರ್ ಜಿಲ್ಲೆಯ ಔರಾದ್ ತಾಲ್ಲೂಕಿನ ಸುಂಧಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಆಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ 2011-2012ನೆಯ ಸಾಲಿನ ಎಂ.ಜಿ.ಎನ್.ಆರ್.ಇ.ಜಿ.ಎ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಜಾನಕಲ್ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 3/ಸಿ ರಡಿಯಲ್ಲಿ ತೆರೆದ ಬಾವಿಯನ್ನು ಇಲಾಖಾ ವತಿಯಿಂದ ತೆಗೆಯುವ ಸಲುವಾಗಿ ರೂ.1,25,000/-ಗಳ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ಪ್ರಮಾಣ ಪತ್ರ ಇರುವುದಿಲ್ಲ, ಕೂಲಿ ಪಾವತಿಸಿರುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎನ್.ಎಂ.ಆರ್.ಗಳನ್ನು ಇಟ್ಟಿರುವುದಿಲ್ಲ. ಇಟ್ಟಿರುವ ಎನ್.ಎಂ.ಆರ್.ಗಳಲ್ಲಿ ಕೂಲಿ ಕಾರ್ಮಿಕರ ಸಹಿಗಳನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ ಮತ್ತು ಸದರಿ ಕಲ್ಲುಗಳನ್ನು ಒಡೆಯುವ ಸಂಬಂಧ, ಕ್ರೇನ್ ಬಳಕೆ ಸಂಬಂಧ ಯಾರಿಗೆ ಹಣ ಪಾವತಿಸಲಾಗಿದೆ ಎಂಬುದರ ಕುರಿತು ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ನಿರ್ವಹಣೆ ಮಾಡದೇ ಸರ್ಕಾರದ ಹಣವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಳ್ಳುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966ರ ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-11), on proper appreciation of oral and documentary evidence has held that the charge against DGO1 by name Gnyaneshwar (name


written by DGO1 as Gnyaneshwar on the note sheet on 27/04/2017) and charge against DGO 2 by name Ramachander (Name written by him as Ramachander on the note sheet on 27/04/2017) that during 2011-2012 i.e., during their tenure as Panchayath Development officer and Junior Engineer respectively attached to Sundhala Grama Panchayath, Aurad Taluk, Bidar District, DGOs 1 and 2 failed to maintain proper certificates touching completion of open well in the land bearing survey number 3/C of the Complainant at Jankal Village under MGNREGA scheme, failed to maintain nominal muster roll touching payment of wages to the labourers, failed to obtain signatures of labourers on nominal muster roll and failed to maintain records touching the use of machinery and thereby misappropriated Government funds of Rs.1,25,000/- and thereby are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved. Misappropriation of Government funds by DGOs 1 and 2 is quantified at Rs.62,500/- each.

5. The Inquiry officer has further held that in the presence of acceptable evidence establishing misappropriation of Government funds of Rs.1,25,000/- it needs to be held that DGOs 1 and 2 are jointly and severally liable and responsible and therefore, I express that quantum of their liability is to the extent of Rs.62,500/- each.

6. On re-consideration of the inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of inquiry officer.

7. As per the First Oral Statement submitted by DGOs 1 and 2,
- (i) DGO-1 Sri Gnyaneshwar is due to retire from service on 31/10/2029; and
  - (ii) DGO-2 Sri Ramachandra is due to retire from service on 30/6/2025;
8. Having regard to the nature of charge proved against the DGO-1 Sri Gnyaneshwar and DGO-2 Sri Ramachandra;
- (i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri Gnyaneshwar, Panchayath Development Officer Sundhala Grama Panchayath, Aurad Taluk, Bidar District with cumulative effect and also for recovering a sum of Rs.62,500/- from the salary and other allowances payable to DGO-1 Sri Gnyaneshwar;
  - (ii) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Ramachandra, Junior Engineer, Sundhala Grama Panchayath, Aurad Taluk, Bidar District with cumulative effect and also for recovering a sum of Rs.62,500/- from the salary and other allowances payable to DGO-2 Sri Ramachandra
9. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta-1 31/3  
State of Karnataka,  
Bengaluru