

**KARNATAKA LOKAYUKTA**

No:Uplok-1/DE/34/2021/ARE-19

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 09-12-2022**:: ENQUIRY REPORT ::**

Sub:- Departmental Enquiry against Sri Shekaragowda S/o Shanmukhagowda Patil, PDO, Hoolagera Grama Panchayath, Kustagi Taluk, Koppal District - reg

- Ref: 1. Government Order No.ಗ್ರಾಅಪ 231 ಜಿಪಿಎಸ್ 2020, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:18-02-2021.  
2. Nomination Order No:Uplok-1/DE/34/2021/ARE-19, Bengaluru, dt: 04.03.2021 of Hon'ble Uplokayukta.

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This Departmental Enquiry is initiated against the above said DGO as per the Government Order No. ಗ್ರಾಅಪ 231 ಜಿಪಿಎಸ್ 2020, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:18-02-2021 referred above at Sl.No.1 subsequent to the report submitted by Hon'ble Uplokayukta Under Section of 12(3) of Karnataka Lokayukta Act, 1984, acting on the Complainant of one Smt. Laxmavva W/o Ramappa Sannatangi. Thereafter, the Additional Registrar Enquires-19 has been



nominated as Enquiry Officer vide Order of Upalokayukta referred to at Sl.No.2.

2. Articles of Charge with Statement of Imputation of misconduct, list of documents and witnesses are served upon the D.G.O Sri Shekaragowda S/o Shanmukhagowda Patil, PDO, Hoolagera Grama Panchayath and he has not appeared in spite of service of Notice and AOC. Therefore, he is placed Ex-Parte.

3. The allegation in brief is that, there is a road measuring 15X16 Feet leading to Public Well namely Kengalamma Well situated in-front of the house of the complainant in Hoolagera Village. The respondent DGO being the Panchayath Development Officer, of Hoolagera Gram Panchayath created the records in the Panchayath and showing the said road as site giving a number as 742 to the same has illegally entered the said road in favour of Bhimappa Tilagar in collusion with the said Bhimappa. Thereafter, Bhimappa Tilagar tried to block the road claiming his title over the same.

4. Accordingly, the complainant Smt. Laxmavva being the owner of house No.232 Ward No.4 has filed the complaint against the DGO and so also the respondent No.1 Dr. Mohan, Executive Officer, Taluk Panchayath,

Kustagi, Kustagi Taluk, Koppal District. On enquiry the recommendation under section 12(3) of KLA was made only against the PDO i.e the DGO Sri Shekaragowda S/o Shanmukhagowda Patil.

5. The Articles of Charge framed is as below.

That, you-Sri Shekaragowda S/o Shanmukhagowda Patil, being the Public Servant while working as Panchayath Development Officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District, knowing very well that land measuring 10' X 90' in Sy.No.92/1 in Julagera village, Kushtagi Taluk is Road that runs from Hanumasagara Road to Kengalammana Well, used by Complainant, Sri Ramappa S/o Mahantappa Sannatangi and residents nearby, have in 2015-16 falsely entered the name of Sri Bhimappa S/o Sangappa Tilagara as obtained from Smt. Ratnavva W/o Mahanatappa Kavali, in Demand Register of Hoolagera Grama Panchayath, and have given the said land, number, as property No.742, thereby committing misconduct, Dereliction of Duty, not maintaining absolute integrity and act unbecoming of Government Servant, violating Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

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6. In order to prove the charge against DGO the Disciplinary Authority has examined the husband of complainant as PW.1 and has got marked documents at Ex.P.1 to Ex.P.7 and so also examined the Police Inspector, Sri Hulagappa who submitted the Investigation Report as P.W.2 and through him has got marked at Ex.P.8 & 9. There is no second oral statement and no defense evidence since the DGO has remained Ex-Parte.

7. I have heard the arguments of Presenting Officer. I have gone through the complaint, the oral and documentary evidence on record.

8. The point that arises for my consideration is as below.

1) Whether the Disciplinary Authority has proved that the DGO has failed to maintain absolute integrity and he has acted unbecoming of government servant in violation of Rule 3(1) (i) and (iii) of K.C.S (Conduct) Rules 1966?

2) I answer the point in the Affirmative for the following

**:: REASONS ::**

9. **POINT No.1:-** It is clear on record that the DGO being the public servant was working as PDO, Hoolagera Gram Panchayath, Kustagi Taluk, Koppal District at the relevant point of time. The DGO has not appeared despite service of notice of enquiry and the opportunity given. The specific charge leveled against the DGO as already stated above is that a road measuring 10' X 90' in Sy.No.92/1 of Hoolagera Village runs from Hanumasagar road to Kengalamma Well and that is being used by complainant and other persons residing there in the nearby locality to reach Kengalamma Well. The DGO colluding with one Sri Bhimappa S/o Sangappa Tilagar who happened to be the husband of a member of the said Gram Panchayath illegally entered his name to the said road showing it as a site giving it a property number as 742. Basing on this entry, the said Bhimappa started claiming his right, title over the same.

10] At the outset it is evident on record that, the said allegation has totally remained unchallenged by the DGO as he has not cared to appear and have his say on the charge leveled against him. Secondly, to substantiate the charge the disciplinary authority has examined husband of the complainant as P.W.1 and so also the Police Inspector



who conducted the investigation regarding the allegation and submitted his report.

11] P.W.1 Ramappa has specifically stated that, since his childhood he is the resident of Hoolagera Village and Smt. Laxmavva the complainant is his wife. He has stated that house No.232 wherein they are residing stands in the name of his wife. One of the documents produced along with Ex.P.7 is the Mutation Register Extract available at Page 36 & 37 shows that property No.232 in Ward No.3 earlier belonged to one Sri Basavantappa Kavali. It is a house property and that is purchased by Smt. Laxamavva W/o Ramappa Sannatangi. The said house is situated in Sy.No.92/1 of Hoolagera Village. There is a road on the East in front of his house leading to the Public Well. The hand sketch map showing the existence of the Well, his house and the other houses around the said Well is produced at Ex.P.1. As per this map to the East of the Complainant's house there is a road running from Hanumsagar road to Kengalamma Well. The complaint is marked at Ex.P.2. He has further stated that DGO illegally entered the said road in the name of husband of a member of the Gram Panchayath namely in favour of Sri Bhimappa Sangappa Tilagar and gave the number to the said property as No.742.

12] In the course of enquiry the Dy.SP, KLA, Koppal was directed to investigate the allegations and to submit the report. Then, as per the directions of Dy.SP, the Police Inspector, KLA Koppal conducted the investigation and submitted his report as per Ex.P.8. He has stated in his evidence that, he visited that Hoolagera village on 07-03-2018, 26-03-2018 and 28-03-2018 for conducting spot inspection and during his inspection he verified the documents pertaining to Plot No.742 and also verified the boundaries surrounding the said property. He secured the copies of the sale deeds of the properties of different persons residing within the said area. He has specifically reported the details of the property records he verified during the investigation. His specific investigation report is that the property bearing No.742 entered in the name of Sri Bhimappa Tilagar by the DGO is a road and that is clearly seen from the documents secured from the said Panchayath itself. They all go to show that the DGO has entered the road showing it as a property in the name of Bhimappa Tilagar. He has also clearly stated that so far as creating the said illegal entry there was no role of Sri Mohan, Executive Officer, TP, Kustagi. The PW.1 has produced copy of the Affidavit of his wife Smt. Laxmavva at Ex.P.7 and along with this document he has produced certain Xerox copies of the documents such as hand sketch

Handwritten signature and date. The signature is written in blue ink and appears to be 'J. L. L.'. Below the signature, the date '9/2/18' is written in black ink.

map, the demand register extract pertaining to disputed property No.742. These records demonstrate the fact that road leading to Kengalamma Well has been entered in the name of Bhimappa Tilagar. The DGO since has remained Ex-Parte there is no record to show the basis for the said entry. So, the only inference that could be drawn is that DGO has made the said entry illegally in favour of Bhimappa Sangappa Tilagar. This clearly establishes the charge that the DGO has failed to maintain absolute integrity and thereby it was unbecoming of a government servant on his part.

13 As such, for the aforesaid reasons, I answer the above point in the affirmative and I proceed to give the following.

**:: FINDING ::**

The Disciplinary Authority has proved the charge leveled against the D.G.O.

Submitted to Hon'ble Upalokayukta for kind approval and further action in the matter.

Date of Birth of DGO 12-08-1959.

Date of Retirement of DGO 31-08-2019.

**(PRAKASH L. NADIGER)**

Additional Registrar Enquiries-19,

Karnataka Lokayukta,

Bengaluru.

8/12/22



## ANNEXURES

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

PW.1	Sri. Ramappa S/o Mahanthappa Sanntangi
P.W.2	Sri. D. Hulagappa S/o Hanumathappa, PI, KLA, Koppal.

### 2. LIST OF DOCUMENTS MARKED ON BEHALF OF D.A:

Ex.P1	Copy of Sketch Map
Ex.P1(a)	Signature of PW.1
Ex.P2	Copy of complaint Form No.I
Ex.P2(a)	Signature of PW.1
Ex.P.3	Copy of complaint Form No.II
Ex.P.3(a)	Signature of P.W.1
Ex.P.4	Original Copy of Certificate
Ex.P.4(a)	Signature of P.W.1
Ex.P.5	Original copy of rejoinder dated 19-08-2017
Ex.P.6	Copy of 4 photographs and documents Page No.9 to 70.
Ex.P7	Copy of Map
Ex.P8	Copy of Report from PI, KLA, Koppal
Ex.P.8(a)	Signature of PI, KLA Koppal
Ex.P.9	Copy of Documents and photographs obtained from the gram Panchayath along with the report.

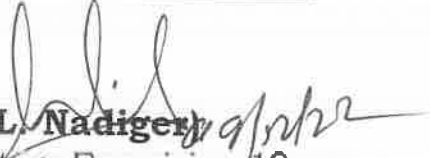
*[Handwritten Signature]*  
gheh

**1. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:**

Nil

**2. LIST OF DOCUMENTS MARKED ON BEHALF OF D.G.O:**

Nil

  
**(Prakash L. Nadiger)**  
Additional Registrar Enquiries-19,  
Karnataka Lokayukta,  
Bengaluru.

**Karnataka Lokayukta**

No.UPLOK-1/DE/34/2021/ARE-19

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru -560 001  
Date:25.10.2023**MODIFIED RECOMMENDATION**

Sub: Departmental Inquiry against Sri.  
Shekaragowda S/o Shanmukhagowda  
Patil, Panchayath Development Officer,  
Holagera Grama Panchayath, Kushtagi  
Taluk, Koppal District- reg.

Ref: Letter No.ಗ್ರಾಅಪ 260 ಜಿಪಿಎಸ್ 2022, ಬೆಂಗಳೂರು,  
ದಿನಾಂಕ:14-09-2023.

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The Government by its Order dated 18-02-2021, initiated the disciplinary proceedings against Sri Shekaragowda S/o Shanmukhagowda Patil, Panchayath Development Officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District (hereinafter referred to as Delinquent Government Official for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. The DGO, Sri Shekaragowad S/o Shanmukhagowda Patil, Panchayath Development Officer, Hoolagera Grama Panchayath, Kushatagi Taluk, Koppal District was tried for the following charges;

2

**ANNEXURE-I****CHARGE**

That, you Sri Shekaragowda S/o Shanmukhagowda Patil, being the Public Servant while working as Panchayath Development Officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District, knowing very well that land measuring 10'X90' in Sy.No.92/1 in Julagera Village, Kushtagi Taluk is Road that runs from Hanumasagara Road to Kengalammana Well, used by Complainant, Sri Ramappa S/o Mahantappa Sannatangi and residents nearby, have in 2015-16 falsely entered the name of Sri Bhimappa S/o Sangappa Tilagara as obtained from Smt. Ratnavva W/o Mahanatappa Kavali, in Demand Register of Hoolagera Grama Panchayath, and have given the said land, number, as property No.742, thereby committed misconduct, Dereliction of Duty, not maintaining absolute integrity and act unbecoming of Government Servant, violating Rule 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) rules 1966.

3. The Inquiry Officer (Additional Registrar of Enquiries-19) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Proved' the charges leveled against DGO, Sri Shekaragowda S/o Shanmukhagowda Patil, Panchayath Development officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District.



4. As per the first oral statement DGO Shekaragowda he has retired from service on 31-08-2019.

5. On reconsideration of Inquiry Report and taking note of the totality of circumstances of the case, having not found any reason to interfere with the findings recorded by the Inquiry Officer the following recommendation was made.

“ It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO, Sri Shekaragowda S/o Shanmukhagowda Patil, Panchayath Development Officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District for a period of 5 years”.

6. After receiving the recommendation, the Competent Authority/Government vide letter under reference has informed that the DGO Shekaragowda as Grade-2 Secretary Hoolagere Grama Panchayath, Kushtagi Taluk, Koppal District has retired from the service on 31-08-2019 on attaining the age of superannuation and since he was coming under “NPS” Scheme the entire New Pension Claim has been settled in his favour. As such withholding of 10% pension amount for a period of 5 years cannot be implemented and as such the Disciplinary Authority has requested for the modified recommendation.

2.

7. Because of the alleged misconduct and dereliction of duty committed by the DGO Sri Shekaragowda S/o Shanmukhagowda Patil, Panchayath Development Officer, Hoolagera Grama Panchayath, Kushtagi Taluk, Koppal District no financial loss has been caused to the state exchequer. Hence, since the DGO has already retired and his pensionary benefit has already been settled under the NPS Scheme the matter be closed.

25/11/23  
**(JUSTICE K.N PHANEENDRA)**

Upalokayukta,  
State of Karnataka,  
Bengaluru.