

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: UPLOK-1/DE/398/2016/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 28/12/2017

RECOMMENDATION

Sub:- Departmental inquiry against;

- (1) Sri S.P. Hiremath, Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District.
- (2) Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (now retired);
- (3) Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami, Bagalkote District; and
- (4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Gram Panchayath, Ron Taluk, Gadag District.

Ref:- 1) Government Order No.ಗೃಅಪ 247 ಪಬವ 2016,
Bengaluru dated 16/9/2016

2) Nomination order No.UPLOK-1/DE/398/2016,
Bengaluru dated 22/9/2016 of Upalokayukta-
1, State of Karnataka, Bengaluru

3) Inquiry Report dated 26/12/2017 of
Additional Registrar of Enquiries-10,
Karnataka Lokayukta, Bengaluru

The Government by its Order dated 16/9/2016, initiated the disciplinary proceedings against;

- (1) Sri S.P. Hiremath, Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District;
- (2) Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (now retired);

2

(3) Sri Shivananda Hugar, Executive officer, Taluk Panchayath, Badami, Bagalkote District; and

(4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Grama Panchayath, Ron Taluk, Gadag District

(hereinafter referred to as Delinquent Government Officials 1 to 4, for short as '**DGO-1, DGO-2, DGO-3 and DGO-4 respectively**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/398/2016 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 4 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri S.P. Hiremath, Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk; DGO-2 Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkote District (now retired); DGO-3 Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami, Bagalkote District; and DGO-4 Sri Gous Mohiddin, Panchayath Development Officer, Asuti Grama Panchayath, Ron Taluk, Gadag District were tried for the following charge:-

"That, you DGO – (1) Sri S.P. Hiremath, Panchayath Development Officer, Gram Panchayath, Neerabudihal, Badami Taluk, Bagalkot District, you DGO (2) Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (now retired), you DGO (3) Sri Shivananda Hugar, Executive officer, Taluk

Panchayath, Badami Taluk, Bagalkot District and you DGO (4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Gram Panchayath, Rona Taluk, Gadag District, selected one Smt. Somawwa D/o. Ramappa Yeragatti as a beneficiary in the year 2013-14 under Basava Housing Scheme showing her as resident of Malawad Village though she had already obtained a house during the year 2003-04 under Ashraya Scheme in Rona Taluk, Asuti Village as Smt. Somawwa W/o. Yallappa Talawar. According to the say of PDO and President of Asuti Village, Somawwa is not the resident of Asuti Village. But on 15/7/2015, you DGO-4 during the year 2003-04, made payment of Rs.20,000/- under Ashraya Housing Scheme. You DGOs making allegations against each other, selected the beneficiaries who are not eligible in both Villages under different Schemes, committed dereliction of duty in giving benefits to the eligible beneficiaries.

Thus you DGOs 1 to 4, being Government/ Public Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government Servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri S.P. Hiremath, Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk; DGO-2 Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkote District (now

4
retired); DGO-3 Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami, Bagalkote District; and DGO-4 Sri Gous Mohiddin, Panchayath Development Officer, Asuti Grama Panchayath, Ron Taluk, Gadag District

5. On re-consideration of report of inquiry, 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.

6. As per the First Oral Statement submitted by DGOs 1 to 4;

(i) DGO-1 Sri S.P. Hiremath is due to retire from service on 31/7/2038;

(ii) DGO-2 Sri L.H. Poojar has retired from service on 31/7/2015;

(iii) DGO-3 Sri Shivananda Hugar is due to retire from service on 30/6/2018; and

(iv) DGO-4 Sri Gous Mohiddin is due to retire from service on 30/6/2045.

7. Having regard to the nature of charge proved against DGO-1 Sri S.P. Hiremath, DGO-2 Sri L.H. Poojar; DGO-3 Sri Shivananda Hugar and DGO-4 Sri Gous Mohiddin,

(i) it is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO-1 Sri S.P. Hiremath, Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, with cumulative effect;

5


(ii) It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable DGO-2 Sri L.H. Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkote District (now retired) for a period of 5 years;

(iii) It is hereby recommended to the Government to impose penalty of reducing the pay in the time scale of pay by two lower stages with cumulative effect on DGO-3 Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami, Bagalkote District; and

(iv) It is hereby recommended to the Government to impose penalty of reducing the pay in the time scale of pay by two lower stages with cumulative effect on DGO-4 Sri Gous Mohiddin, Panchayath Development Officer, Asuti Grama Panchayath, Ron Taluk, Gadag District

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 28/12
Upalokayukta-1,
State of Karnataka,
Bengaluru

6

KARNATAKA LOKAYUKTA

No. Uplok-1/DE/398/2016/ARE-10

M.S. Building
Dr.B.R. Ambedkar Road
Bangalore-560 001
Date: 26/12/2017

ENQUIRY REPORT

Present : Sri. S. Gopalappa
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore

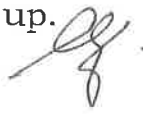
Sub: Departmental Enquiry against Sriyuths :-

- (1) Sri S.P Hiremath, Panchayath Development Officer, Gram Panchayath, Neerabudihal, Badami Taluk, Bagalkot District;
- (2) Sri L.H Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (**Now Retired**)
- (3) Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami Taluk, Bagalkot District and
- (4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Gram Panchayath, Rona Taluk, Gadag District-reg.,

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BGM/2153/2015/ARLO-2
dt. 23.7.2016
2. Govt. Order No. GraAaPa 247 PaBaVa 2016
dt. 16.9.2016
3. Nomination order No. Uplok-1/DE/398/2016
Bangalore dt. 22.9.2016 of Hon'ble Upalokayukta-1

* * *

1. On the basis of the complaint filed by Sri. S.L. Devaramani R/o Bagalkot District against the DGOs alleging dereliction of duty, an investigation was taken up.



2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 16.9.2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO, nomination was issued by Hon'ble Upalokayukta on 22.9.2016 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGOs on 10.11.2016.

ANNEXURE NO. 1
CHARGE

4. That, you DGO - (1) Sri S.P Hiremath, Panchayath Development Officer, Gram Panchayath, Neerabudihal, Badami Taluk, Bagalkot district, you DGO (2) Sri L.H Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (now retired), you DGO (3) Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami Taluk, Bagalkot District and you DGO (4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Gram Panchayath, Rona Taluk, Gadag District, selected one Smt. Somawwa D/o Ramappa Yeragatti as a beneficiary in the year 2013-14 under Basava Housing scheme showing her as resident of Malawad village though she had already obtained a house during the year 2003-04 under Ashraya scheme in Rona taluk, Asuti village as Smt. Somawwa W/o Yallappa Talawar. According to the say of PDO and president of Asuti village, Somawwa is not the resident of Asuti village. But on 15.7.2015, you

8

DGO 4 during the year 2003-04, made payment of Rs. 20,000/- under Ashraya Housing Scheme. You DGOs making allegations against each other, selected the beneficiaries who are not eligible in both villages under different schemes, committed dereliction of duty in giving benefits to the eligible beneficiaries.

Thus you DGOs 1 to 4, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO. II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

5. According to the complainant : He has mentioned that Smt. Somavva, C/o Yellappa Talawar, the resident of Malawad Village of Asuti Village Panchayath, Rona Taluk was allotted Ashrya house in the name of her husband during 2004-05. However, in her native, she had secured house under Ashraya Scheme in the name of Somavva, D/o Ramappa Yeragatti of Haligeri Village, Badami Taluk. Hence, illegally a woman had become beneficiary of Ashraya Scheme of government twice and as the DGOs had thus selected the ineligible beneficiary, complainant had requested to take proper legal action against them.

6. In his comments filed, DGO No-1 has mentioned that his jurisdiction was limited only to Neralkeri Village Panchayath and Asuti Village, Gagad District was not related to him. On 24/05/2014 objection was filed that complainant, Smt. Somavva had illegally secured house. However, already by that time, as she had G.P.S.

9
based fund sanction system, amount was directly credited to her account. In the General Body Meeting of Village Panchayath, as Smt. Somavva was selected as beneficiary and she had furnished Domicile Certificate as resident of Haligeri Village, she was allotted house. Hence, as he had no intervention in this regard, he had requested to close said case.

7. In his comments filed, DGO No-2 has stated that based on the order issued by Executive Officer, Taluk Panchayath, Badami 3rd installment amount for the year, 2013-14 was paid to Smt. Somavva through G.P.S. Already DGO No-1 and 2 had paid 2nd installments.

8. In his comments filed, DGO No-3 has pleaded that in General Body Meeting of Village Panchayath, Yellappa Talawar, Urf Adanur, husband of Smt. Somavva was selected as beneficiary under Basava Vasathi Yojane for the year, 2013-14 and he had no role in it. Smt. Somavva had furnished Adhar Card Domicile Certificate, Voter's Identity Card as resident of the same village panchayath. Hence, after taking G.P.S photograph of each stage of construction of the house, fund from government was directly credited to the account of the beneficiary. During the period 2004-05, when the complainant had lodged complaint that Smt. Somavva had secured house under Ashraya Scheme, he had personally conducted spot inspection and Asuti Village Panchayath Development Officer and President had provided written reply on 12/06/2014 that said beneficiary was not selected as beneficiary of Asuti Village Panchayath. On that basis, the third installment amount was released. Hence, he has requested to close the complaint.

- Cf.

9. In his comments filed, DGO No-4 has revealed that Smt. Somavva, C/o Yellappa Talawar Urf Adnur was provided residential facility under Ashraya Scheme for 2003-04 only once and granted ₹20000/-. Smt. Somavva had produced Domicile Certificate and as per other parameters, she was selected.

10. Verification of the file and records has revealed following points: -

a) Based on the records available here, it was revealed that during 2003-04, Smt. Somavva, C/o Yellappa Talawar had secured a house in Asuti Village, Rona Taluk as a beneficiary under Ashraya Scheme. Records also revealed that during 2013-14, same woman, Somavva, D/o Ramappa Yeragatti was selected as beneficiary under Basava Vasathi Yojane as resident of Malawad Village. However, as per rules, one person should become beneficiary of any government scheme only once.

b) Enquiring DGO No-1 to 3 about Smt. Somavva becoming beneficiary in Asuti Village, Rona Taluk had revealed that on 19/12/2014, Village Panchayath Development Officer including the President of Asuti Village Panchayath had provided local certificate that none in the name of Smt. Somavva Yellappa Talawar prevailed in said village. However, on 15/07/2015, DGO No-4 has informed this office that in Malawad Village, during 2003-04, under Ashraya Vasathi Scheme, ₹20000/- was issued for residential facility to Smt. Somavva, C/o Yellappa Talawar Urf Adnur.

c) Hence, the DGOs are making allegations against each other, selected ineligible beneficiaries, sanctioned government funds under

different schemes in two villages for residential facility. Hence, it appears on prima facie that in selection of beneficiary and payment of government fund to the eligible beneficiaries, DGOs 1 to 4 have committed dereliction of duty.

11. In view of the facts stated above and the material on record, replies of the DGOs 1 to 4 have not been found satisfactory to drop the proceedings. The facts supported by the material on record show that the DGOs 1 to 4, being Government servants, have failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of Government servants and thereby committed misconduct and made themselves liable for disciplinary action.

12. Since the said facts and material on record prima-facie show that the DGOs have repeatedly committed misconduct as per Rule 3(1) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn Competent Authority initiated disciplinary proceedings against DGOs 1 to 4 with sanction under Rule 214(2)(b)(i) of KCSR against DGO 2 and entrusted the enquiry to this Institution and Hon'ble Upalokayukta nominated this enquiry Authority to conduct enquiry and report. Hence, this charge.

13. The said article of charge was served on the DGOs on 26.11.2016 and 8.12.2016. DGOs 1 to 4 appeared before the enquiry officer and their first oral statement under Rule 11(9) was recorded. DGOs have denied the said charges.



12
14. DGOs 1 and 4 have filed their written statement denying all the allegations. They further submit that in the year 2014 Sri. S.P. Hiremath was in charge PDO of Nirlkeri Gram Panchayath Taluk Badami District Bagalkote upto 28.7.2014. Smt. Somavva Yaragatti was selected to be beneficiary for a housing scheme under the Basava Vasati Yojana. The Nirlkeri Gram Panchayath members including the complainant had chosen twenty members a list to be provided the houses under the said scheme. That Smt. Somavva Yaragatti being a reserved category her name was listed and after preparing the list of beneficiary the Gram Panchayath passed a resolution by allotting the houses by obtaining the requisite documents. Thereafter, the said list along with the documents was sent to DGO 1 for further action. Smt. Somavva Yaragatti having submitted the application to the Gram Panchayath along with all the required documents to avail the benefits under the Basava Vasti Yojana scheme. The PDO of Nirlkeri Gram Panchayath after verifying all the required documents submitted by Smt. Somavva Yaragatti found that the applicant was eligible to avail the benefits under the scheme and on the basis of the resolution passed by the Nirlkeri Gram Panchayath and on the basis of the application and the documents submitted by Smt. Somavva Yaragatti and the same was kept for consideration with the Gram Panchayath, Nirlkeri, Badami taluk, Bagalkote District and after considering having satisfied that the application along with necessary documents submitted by Smt. Somavva Yaragatti was fit to be considered and a resolution was passed allotting the house to Smt. Somavva Yaragatti. The complainant was the Gram Panchayath member and the said complainant was fully aware of the said facts and he did not raise any objections at the time of passing the resolution until the funds were

13
sanctioned to Smt. Somavva Yaragatti and the construction of house was commenced under the Basavva Vasati Yojna scheme. The complainant was a signatory for allotment of house under Basavva Vasati Yojana Scheme. DGO 1 further submits that the Gram Panchayath office and Taluk Panchayath office have considered the proposal sent by the Nirikeri Gram Panchayath along with the application and necessary documents and the same was forwarded to the Rajiv Gandhi Rural Housing Corporation Ltd., Bangalore for sanction of funds to construct the house under the scheme to Smt. Somavva Yaragatti. DGO 1 further submits that after the funds were sanctioned by the Rajiv Gandhi Rural Housing Corporation Ltd has sent the photograph of the house constructed by Smt. Somavva Yaragatti and the Rajiv Gandhi Rural Housing Corporation Ltd has sanctioned the two installments and paid Rs. 30,000/- each in the account of Smt. Somavva Yaragatti total amounting to Rs. 60,000/- i.e., on the basis of inspecting and verifying the construction work carried out by Smt. Somavva Yaragatti. The DGO 1 has sent the photographs to the Rajiv Gandhi Rural Housing Corporation Ltd. DGO 1 further submits that the complainant had submitted complaint to DGO 1 on 24.5.2014 alleging that the site and the house allotted to Smt. Somavva Yaragatti is in violation of the scheme as the said Smt. Somavva Yaragatti was beneficiary of Basava Vasati Yojana scheme and the said Smt. Somavva Yaragatti had submitted that application with documents to Asuti village Malawad Gram Panchayath Taluk Rona District Gadag in 2003-04 and the Malawad Gram Panchayath having considered the application of Smt. Somavva Yaragatti has allotted a house under the scheme and the said Smt. Somavva Yaragatti was not eligible to avail the benefits under the scheme in Nirikeri Gram Panchayath and the said Smt.

14

Somavva Yaragatti had used the influence of her daughter-in-law who was the Ex-Vice President of the Gram Panchayath. That the said Smt. Somavva Yaragatti had availed the housing benefits under housing scheme under the name as Smt. Somavva Yalappa Talwar. Further DGO 1 submits that after receipt of the complaint lodged by the Complainant immediately started the enquiry and stopped the payment for construction of the house under the scheme to Smt. Somavva Yaragatti and the Zilla Panchayath office sent official team to the Asuti Gram Panchayath to conduct local enquiry and thereafter, the local enquiry committee after verification and enquiry came to the conclusion that Smt. Somavva Yaragatti was not the resident of Asuti Gram Panchayath and the records reveal that Smt. Somavva Yaragatti by name was not allotted any house. The PDO, Asuti village sent a letter to the Deputy Commissioner and to the complainant stating that after verifying the contents of the complaint were not true and sent a letter to the D.C., Gadag Zilla Panchayath, Taluk Panchayath, Gadag and Asuti Gram Panchayath and also copy of the letter to the complainant. The said letter was sent by the PDO Sri V.S. Patil and after receipt of the letters from the PDO as per the orders passed by the Executive Officer, the further payment which was stopped by the Rajiv Gandhi Rural Housing Corporation Ltd was released on the orders passed by the Executive Officer, Taluk Panchayath, Badami. DGO 1 further submits that during his period upto May 2014 the DGO 1 was on medical leave and the DGO 1 was holding incharge PDO of Nirlkeri Gram Panchayath. On 28.7.2014, the DGO 1 has handed over charge to Sri L.H. Poojar the then PDO Gram Panchayath Nirlkeri. That the incharge PDO Sri L.H.Poojar after receiving the letter from the Asuti Gram Panchayath as the PDO and the Executive Officer Taluk Panchayath Badami

5
ordered to release the funds for the construction of the house under the said scheme which was held up by the Rajiv Gandhi Rural Housing Corporation Ltd further funds were released by Rajiv Gandhi Rural Housing Corporation Ltd to Smt. Somavva Yaragatti and DGO 1 after his transfer and handing over the charge to Sri. L.H. Poojar then PDO the DGO 1 has no knowledge or active part in process of administrative action in implementation of granting funds or release of funds. DGO 1 further submits that he has received the letter from PDO Asuti Gram Panchayath, after conducting the enquiry as per the directions issued by the D.C. of Bagalkot by its order to conduct the local enquiry and after conducting the local enquiry, the PDO by name Sri. V.S. Patil has sent the letter to the D.C., Bagalkote and the complainant stating that after conducting the local enquiry and verifying the records that the PDO has come to the conclusion and sent a official letter stating that, there is no beneficiary or allotment of house under Basava Vasati Yojane scheme to Smt. Somavva Talawar. After receipt of the copy of the letter that the said complainant has submitted a complaint to the Hon'ble Lokayukta and Hon'ble Lokayukta was pleased to enquire into the matter and directed to conduct the enquiry under Uplok/BGM/2153/2015 dt. 10.2.2016 and submitted a report.

DGO 4 submits that the he was PDO for a period of two months from 2.6.2015 to August 2015 and he is neither connected to the allotment of the house under the scheme nor involved in the process of allotment of house or Smt. Somavva Yaragatti was not the beneficiary under Asuti Gram Panchayath limits. The letter was sent by Sri. V. S Patil who was then PDO of Gram Panchayath Asuti village on 19.12.2014. The DGO 4 has no concern nor has involved in

10

the alleged illegalities. After receipt of the notice from the Hon'ble Lokayukta has conducted the fresh local enquiry and it was found and traced out on the basis of the records that Smt. Somavva Talawar was one and the same by name Smt. Somavva Yaragatti and was a beneficiary of the house under the Basava Vasati Yojana in the year 2003-04 and the said letter has been submitted by him to Hon'ble Lokayukta for further action. He is neither concerned with the alleged dereliction of duty and in giving benefits to the eligible beneficiaries nor he has made any payments nor processed the application and documents nor he has signed any documents for allotment nor concerned for allotment of house to Smt. Somavva Yaragatti. DGO 4 in a period of two months has conducted local enquiry and inspection of records and submitted the report of allotment of house to Smt. Somavva Yaragatti in the year 2003-04 and under these circumstances, he is not involved in any dereliction of duty. Hence prays to exonerate from the charges.

15. DGO 3 has filed his written statement denying all the allegations. He further submits that the complaint is politically motivated and he is not involved in selection of one Smt. Somavva D/o Ramappa Yeragatti as a beneficiary in the year 2013-14 under Basava Housing Scheme showing her as resident of Malawad village though she had already obtained a house in 2003-04 under Ashraya Scheme in Rona Taluk, Asuti village as Smt. Somavva W/o Yappalla Talawar. He has worked as Executive Officer, Taluk Panchayath, Badami of Bagalkot District from 1.10.2014 to 30.11.2015. He was not incharge of Taluk Panchayath, Badami when Smt Somavva D/o Ramappa Yeragatti selected as a beneficiary in the year 2013-14 under Basava Housing Scheme more ever the Executive Officer of

12
respective Taluk Panchayath was not empowered in the process of selection of beneficiaries of those scheme. The Executive Officer of Taluk Panchayath is monitoring the schemes and supervising the process of schemes and Executive Officer has no authority in the selection process of beneficiaries and allotment. DGO 3 further submits that in the General Body Meeting of Niralakeri Gram Panchayath has selected the beneficiary Smt Somavva Yeragatti under the said scheme and based upon the documents furnished by the said beneficiary and taking of G.P.R.S. photograph of each stage of construction of the house fund from the Government was directly credited to the account of the said beneficiary. At that time he was not working in Taluk Panchayath, Badami when the beneficiary was selected and he is not involved in the process of selection of the above said beneficiary. When the complaint was lodged, he has formed a team to ascertain the facts on an enquiry with the Asuti Gram Panchayath have clearly stated that the present beneficiary was not selected as beneficiary of Asuti Gram Panchayath Malawad village, Ron Taluk Gadag District on that basis the third installment amount was released on the basis of the recommendation of concerned subordinate officials and based on the progress in construction work. The team has given its report to him stating that the beneficiary has been selected as beneficiary after providing documents as to her residence in the concerned Gram Panchayath i.e. residential address proofs of Haligeri village and the said beneficiary is mother of Smt. Renavva Dundappa Yaragatti who is vice president of Niralakeri Gram Panchayath. The complainant was also the member of Niralakeri Gram Panchayath and he has also participated in the meeting of Gram Panchayath General Body when the beneficiaries for the said scheme have been selected. The complainant has political

rival with said Smt. Renavva Dundappa Yaragatti who is vice president of Niralakeri Gram Panchayath. He has no personal interest in the selection of the said beneficiary nor has involved in the selection process. At the time of selection of beneficiary under the said scheme he has not been posted to the post of Executive Officer, Taluk Panchayath. If the beneficiaries are misleading the Government officials by providing different documents in different Gram Panchayath's the Government officials are not in a position to trace the culprits. In the present case an enquiry was conducted and presently the CEO of Zilla Panchayath Gadag has ordered for recovery of amount released to the said beneficiary and order for cancellation of the allotment. His jurisdiction is limited to the Badami Taluk Panchayath of Bagalkot District. He is performing his functions within his jurisdiction and based on his sub ordinates recommendations. He has performed his duties in accordance with law and as per the directions of higher officers. He was not empowered to perform his duties in other taluk area of Karnataka State. The beneficiary has mislead the Government officials in the different districts and taluks not in the same district and same taluk. If that is the case the Government officials would have traced out these types of beneficiaries. He has acted upon based on the information provided and on an enquiry with the Asuti Gram Panchayath of Ron Taluk, Gadag District. He has not committed any dereliction of duty. Hence prays to exonerate from the charges.

16. DGO 2 has not filed his written statement.

17. On behalf of the Disciplinary Authority, PW1 is examined and Ex P 1 to P 16 are marked. After the closure of the evidence of the

19

Disciplinary Authority, second oral statement of DGOs u/R 11(16) was recorded. DGOs submitted that they have defence evidence. On 22.7.2017, DGO 2 was absent. Hence DGO 2 was placed exparte. DGOs 1, 3 and 4 got examined themselves as DWs 1, 2 and 3 respectively and got marked Ex D 1 to D 42. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGOs filed their written brief and they were also heard orally.

18. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

19. My answers to the above points are as follows:

Point No. 1 : In the affirmative.

Point no. 2 : As per final order for the following ;

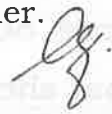
REASONS

20. **Point no. 1** : The complainant who is examined as PW1 has deposed that Smt Somavva Ramappa Yaragatti was given in marriage to Ron Taluk, Asuti gram panchayath, Madala village and married to one Yallappa. Her birth place is Halageri village. After the marriage of Somavva her name was selected as beneficiary in Ashraya Scheme

during the year 2013-14. She was selected twice as beneficiary. For the same family more than 3-4 times benefits were given under government schemes. Therefore, he has submitted representation to PDO. But the panchayath has not given any clarification. Therefore, he approached Z.P. Zilla Panchayath officer directed the panchayath for verification. Asuti grama panchayath has given a report stating that the Somavva was not at all selected as a beneficiary in any of the schemes.

21. Further PW 1 has deposed that he also sought information under Right to Information Act and obtained. Under RTI Act Asuti gram panchayath has given information stating that during 2013-14 under housing scheme, a sum of Rs.20,000/- was granted to Somavva. Halageri gram panchayath has given information stating that under Ashraya scheme for the family members of Somavva benefits were given 3-4 times. Therefore, he filed a complaint to Lokayukta office in Form no.1 and 2 as per Ex.P.1 and 2.

22. Further PW 1 has deposed that during the year 2014-15, Renavva Gundappa Yaragatti, during the year 2001-02 Gundappa Chunchappa Yaragatti, during the year 2009-10 Nagavva Churachappa Yaragatti, during the year 2013-14 Somavva Ramappa Yargatti who were the same family members have taken the benefits of government schemes. Further PW 1 has deposed that DGOs are the responsible officers for these discrepancies. Renavva was the Vice President of Neralakere Gram Panchayath. But at that time house was granted to her.



21

23. In the cross examination, PW 1 has deposed that he studied upto 4th standard. He knew everybody in the village. He knew who were residing in the village. Somavva and her daughter are acquainted to him since 20 years. His house and house of Somavva are existing in the same street. He is not acquainted with the husband of Somavva. He was the gram panchayath member from 2009 for the period of 5 years.

24. Further PW1 admits that the beneficiaries are selected in gram sabha. He denies that Somavva also has submitted application in the particular scheme. Witness has voluntarily deposed that the name of Somavva was included subsequently. After the approval of the list, after one year he came to know that the name of Somavva was subsequently included. The daughter of Somavva was vice president of gram panchayath and she included the name of Somavva subsequently. The other gram panchayath members were aware about this fact. He cannot say how many beneficiaries were selected in gram sabha.

25. Witness has voluntarily deposed that the proposal for allotting houses was not brought to the notice of the members. He admits that he has put his signature to resolution in Sl.No.18. He denies that in the list of beneficiaries prepared, the names of other 19 beneficiaries are correct in the list. After the approval of the list, he came to know that the Somavva was not the resident of this village, but he cannot say the exact date.

26. Further PW1 has deposed that since Somavva was given to Malavada village in marriage, he states that she was not the resident of Haligeri village. He admits that in election identity card the

22

residence of Somavva is mentioned as Haligeri. He admits that the Tahsildar has issued residential certificate stating that she is the resident of Haligeri. He admits that Somavva has studied in Haligeri village. He admits that in caste and income certificate the residence of Somavva is mentioned as Haligeri. He denies that basing on all these documents the name of Somavva is selected as beneficiary in the gram sabha.

27. Further PW1 has deposed that he has not seen the list before it was sent to Taluk panchayath-Zilla Panchayath and then Rajiv Gandhi Vasathi Nigama Niyamitha. He enquired regarding including the name of Somavva in taluka panchayath. At the time of lintel level of the house of the Somavva he has given the complaint to PDO and Taluk Executive Officer. After approval of the list, he has perused the same. PDO and Taluk Executive Officer informed that they have sent it for enquiry. Even after lodging the complaint, the construction was going on.

28. Further PW1 admits that amount granted by Rajiv Gandhi Vasathi Yojana will be credited directly to the bank account of beneficiaries. He denies that PDO has no role in making the payment. He admits that PDO will submit a list of progress and then amount will be credited to the bank account of beneficiaries.

29. Further PW1 admits that during his tenure as a gram panchayath member, 172 beneficiaries were selected. In this list, wife of his younger brother Kallappa was there. He denies that in the village his younger brother Kallappa has a residence. He admits that the name of his mother Yamunavva was included in the list. Renavva, the beneficiary in the list is the daughter of his elder paternal uncle

23
who was selected in the year 2007-08. His cousin brother's wife Siddavva also was in list of beneficiaries.

30. Further PW 1 admits that one Halemani has lodged a complaint against this beneficiaries list. He admits that after lodging the complaint the list of 172 beneficiaries was cancelled. The son-in-law of Somavva by name Dundappa Yaragatti also had lodged a complaint against this list. He denies that this beneficiaries list was cancelled because the beneficiaries are the relatives of the members and for other beneficiaries Rs. 25,000/- to 30,000/- each was collected. He denies that in order to avoid this complaint he has filed a false complaint against DGO. He denies that there are many complaints against him regarding his misbehavior with lady beneficiaries.

31. Further PW1 has deposed that he has made allegations against DGO no.1 that inspite of his objection he prepared the bill of Somavva. DGO no.1 has not stopped payment to Somavva. He admits that DGO no.1 had enquired the details of Somavva and her residence and benefits taken by her. He denies that in the first report it was reported that Somavva was not residing in Malavada village and no benefits were given in that village. He admits that thereafter he filed a complaint to Lokayukta.

32. Further PW1 admits that 2 installments were paid by Rajiv Gandhi Vasathi Nigama and thereafter no payment was made to her. He admits that after the first report Executive Officer directed the PDO to make her payment. After the second payment DGO no.1 was transferred. DGO no.2 was working as PDO after DGO no.1. He admits that DGO no.2 has not sent any progress of construction to

24

Rajiv Gandhi Vasathi Nigama and he has only forwarded the first report to Zilla Panchayath.

33. Further PW1 has deposed that he does not know the name of PDO who submitted the first report. He has not enquired the name of the said PDO who submitted first report. He had no difficulty to enquire the name of said PDO. He has not at all seen DGO no.4. DGO no. 4 was the PDO of Asuthi gram panchayath. He admits that earlier PDO Sri. Patil submitted first report that no benefits were given to family members of Somavva and she is not the resident of Malavada village.

34. Further PW 1 admits that DGO no.4 had submitted a second report and brought true facts to the notice of the Lokayukta stating that the husband of Somavva namely Yallappa Talavar was one of the beneficiaries. He denies that DGO no.1 to 4 have not committed any mistake. He denies that since 172 beneficiaries list was cancelled, he has filed this false complaint and deposing falsely to take revenge.

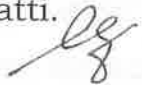
35. DGO 1 who is examined as DW 1 has deposed that he has served as PDO in Neerabudihal Gram Panchayath, Badami taluk, Bagalkot District and DGO 3 who got examined himself as DW2 have deposed that the complainant was the member of Neerabudihal Gram Panchayath, Badami taluk, Bagalkot district and he has lodged a false complaint against them with a malafide intention. The list prepared by the complainant as a Gram Panchayath member selecting 172 beneficiaries under the Basava Housing Scheme Yojana was cancelled because of the complaint was lodged by the son-in-law of Smt. Somavva Yaragatti against the selection of the list of the beneficiaries by accepting illegal gratification and favouritism.

25

selecting the close relatives of the members and the said list of beneficiaries was proved that the beneficiaries were the relatives of the Gram Panchayath members and also the beneficiaries were not entitled to be benefited under the scheme and hence, the list selected of 172 beneficiaries was cancelled by the Zilla Panchayath.

36. Further DW1 and DW 2 have deposed that the process of selection of the beneficiaries under the Basava Housing Scheme which was selected by the Gram Panchayath members of Haligeri village, Badami taluk and the Gram Panchayath has verified all the relevant records and has selected the beneficiaries accordingly, and accordingly 20 members ^{were selected} ~~beneficiaries~~ under the Basava Housing scheme and thereafter, he has forwarded the list approved and authenticated by the Gram Panchayath, Haligeri village, Badami taluk to the Executive Officer, Taluk Panchayath, Badami and the Executive Officer, Taluk Panchayath, Badami has forwarded to the Zilla Panchayath, Bagalkot and thereafter, the list was sent to Rajiv Gandhi Vasati Nigam Ltd for consideration and the same was approved and confirmed and the financial benefits was provided to the 20 members beneficiaries under the Basava Housing Scheme.

37. Further DW1 and DW2 have deposed that after the approval by the Rajiv Gandhi Vasti Nigam Ltd the first installment was deposited in the account of Smt. Somavva Yaragatti and the said Smt. Somavva Yaragatti had started that construction of the house and as and when the DGO 1 has sent the photograph by GPS to the Rajiv Gandhi Vasati Nigam Ltd and thereafter, the second installment was released to Smt. Somavva Yaragatti.



26

38. Further DW1 and DW2 have deposed that after the second instalment of payment was released by Rajiv Gandhi Vasati Nigam Ltd the complainant lodged a complaint alleging that Smt. Somavva Yaragatti is not the resident of Haligeri village, Badami taluk and not entitled to benefit the house under Basava Housing Scheme as she has already obtained a house in the year 2003-04 under Aashraya Scheme at Malwad village in Rona Taluk, Asuti village as Smt. Somavva Yallappa Talwar and she is not eligible for the allotment and the allotment of house to Smt. Somavva Yaragatti should be cancelled.

39. Further DW1 and DW2 have deposed that after the complaint was received, he has forwarded the same to the PDO, Asuti village for enquiring the same and the PDO Asuti village has conducted the local inspection/enquiry and has reported to DW 2, being the Executive Officer, Taluk Panchayath, Badami, that the person by name Smt. Somavva Yaragatti was not the resident of the Asuti Gram Panchayath village and by name Smt. Somavva Yaragatti is not the beneficiary under Ashraya Scheme at Malwad village in Rona Taluk, Asuti village in the year 2003-04.

40. Further DW1 and DW2 have deposed that as soon as the complaint was received from the complainant, he (DGO 1) has reported the same to the higher authorities and the payment was stopped from the Rajiv Gandhi Vasati Nigam Ltd to Smt. Somavva Yaragatti. DW1 has further deposed that in the meanwhile he was transferred to another Gram Panchayath as a PDO by handing over the charge to DGO 2 Sri. L.H.Poojar. DW2 has deposed that after receipt of the report from PDO, Asuti village that Smt. Somava

27
Yaragatti is not the beneficiary, he has forwarded the same report to the Zilla Panchayath office for further action.

41. Further DW1 and DW 2 have deposed that they have no role or any executive function or taken part in the selection process of the 20 member's beneficiaries under the Basava Vasati Yojana. The said 20 member's list of beneficiaries was selected by the Gram Panchayath member's and the same was approved in the Gram Panchayath meeting and he (DGO 1) has verified and forwarded the same to the Taluk Panchayath for further action.

42. Further DW1 has deposed that said Smt. Somavva Yaragatti had produced the certificate of income, the residential certificate, ration card, voters list, caste certificate of Haligeri village and it was not within his knowledge that the said Smt. Somavva Yaragatti was beneficiary in some other Gram Panchayath. Further DW1 and DW2 have deposed that the complainant and the Gram Panchayath members had selected 172 list of beneficiaries by accepting illegal gratification of Rs. 25,000/- to Rs 30,000/- amounting to huge crore's of rupees and upon the complaint lodged by the son-in-law of Smt. Somavva Yaragatti, the same was cancelled and having cancelled the list selected by the complainant and other members having corrupt practice was revealed and thereafter, the beneficiaries has started asking the complainant and other members to return the amount which was paid by them for allotment and the complainant having failed to return the amount and there were several complaints of misbehavior by the complainant from the female beneficiaries and the complainant out of frustration and to pressurize, threaten them and to cause loss and hardship and face frivolous litigations has

28

filed the false and vexatious complaint and the same deserves to be rejected.

43. Further DW 2 has deposed that in the proceedings dt. 30.12.2013 of Neeralakeri Gram Panchayath in which the meeting of Neeralakeri Gram Panchayath the decision has taken to enter the name of Smt. Somavva Ramappa Yaragatti on the basis of the release deed executed by her son-in-law Dundappa Churachappa Yaragatti who is the owner of the property bearing No. 398 situated at Haligere village in view of that the said Smt. Somavva Ramappa Yaragatti is the beneficiary of Basava Housing Scheme for the year 2013-14 and the complainant was also present at the meeting held on 30.12.2013. At that time the complainant has kept quiet and has not made any allegations in this regard and has not filed any complaint at that time.

44. Further DW 2 has deposed that in the proceedings dt. 17.3.2016 of Neeralakeri Gram Panchayath in which meeting of Neeralakeri Gram Panchayath the decision has taken to terminate the service of data entry operator i.e., termination of data entry operator i.e., Smt. Surekha Dyavappa Jalihal since the data entry operator is furnishing false information. After revealing the facts mortgage was created on the said property which is subject matter of this case and the same has been entered in form No. 9 by the PDO Haligeri Gram Panchayath in respect of property No. 398/B, which indicates that there was mortgage created in view of Lokayukta case.

45. Further DW 2 has deposed that in the letter dt 26.7.2014 given by Smt. Renuka D Yaragatti to the Secretary of Niralakeri Gram

29

Panchayath stating that illegal resolution being resolution No. 8 has been passed in the Gram Panchayath meeting for allotting 172 additional sites in Indira Avas scheme and the said allotment has been cancelled by the Managing Director, Rajiv Gandhi Rural Housing Corporation Ltd., and the present complainant has made favour to his family members and his relatives and to some of the villagers after getting illegal gratitude from them since he was member of Gram Panchayath during 2010-2015 and the complainant and the members of the Gram Panchayath are trying to reallocate the said sites to the same allottees.

46. Further DW 2 has deposed that in the letter dt. 28.5.2014 given by Smt. Yallavva W/o Siddappa Bidari making to CEO, Zilla Panchayath, Bagalkot against Sri. Siddappa S/o Lakshmappa Devaramani who was then member of Niralakeri Gram Panchayath and made allegations that the said Sri. Siddappa S/o Lakshmappa Devaramani has got illegal gratitude from the villagers of the Haligeri village assuring them the sites and sanctions of fund for construction of the houses in Basava Housing Scheme.

47. Further DW 2 has deposed that in the letter dt. 23.6.2014 issued by the CEO, Bagalkot Zilla Panchayath to the Executive Officer, Taluk Panchayath, Badami for conducting an enquiry on Sri. Siddappa S/o Lakshmappa Devaramani on the basis of the letter given by Smt. Yallavva W/o Siddappa Bidari making to CEO, Zilla Panchayath, Bagalkot. Further DW 2 has deposed that he has given his explanation dt. 11.7.2015 to the ARLO 2, Karnataka Lokayukta, Bangalore in response to the complaint of the complainant. He is

30
not involved in the selection of one Smt. Somavva Ramappa Yaragatti as a beneficiary in the 2013-14 under Basava Housing Scheme.

48. Further DW2 has deposed that the complaint is politically motivated and he is not involved in selection of one Smt. Somavva D/o Ramappa Yeragatti as a beneficiary in the year 2013-14 under Basava Housing Scheme showing her as resident of Malawad village though she had already obtained a house in 2003-04 under Ashraya Scheme in Rona Taluk, Asuti village as Smt. Somavva W/o Yappalla Talawar.

49. Further DW2 has deposed that he has worked as Executive Officer, Taluk Panchayath, Badami of Bagalkot District from 1.10.2014 to 30.11.2015. He was not incharge of Taluk Panchayath, Badami when Smt Somavva D/o Ramappa Yeragatti selected as a beneficiary in the year 2013-14 under Basava Housing Scheme more over the Executive Officer of respective Taluk Panchayath has not empowered in the process of selection of beneficiaries of those scheme. The Executive Officer of Taluk Panchayath is monitoring the schemes and supervising the process of schemes and Executive Officer has no authority in the selection process of beneficiaries and allotment.

50. Further DW2 has deposed that in the General Body Meeting of Nirlakeri Gram Panchayath has selected the beneficiary Smt Somavva Yeragatti under the said scheme and based upon the documents furnished by the said beneficiary and taking of G.P.R.S. photograph of each stage of construction of the house fund from the Government was directly credited to the account of the said beneficiary. At that time he was not working in Taluk Panchayath, Badami when the

31
beneficiary was selected and he is not involved in the process of selection of the above said beneficiary.

51. Further DW2 has deposed that when the complaint was lodged, he has formed a team to ascertain the facts, on an enquiry with the Asuti Gram Panchayath have clearly stated that the present beneficiary was not selected as beneficiary of Asuti Gram Panchayath Malawad village, Ron Taluk Gadag District on that basis the third installment amount was released on the basis of the recommendation of concerned sub ordinate officials and based on the progress in construction work. The team has given its report to him stating that the beneficiary has been selected as beneficiary after providing documents as to her residence in the concerned Gram Panchayath i.e. residential address proofs of Haligeri village and the said beneficiary is mother of Smt. Renavva Dundappa Yaragatti who is vice president of Niralakeri Gram Panchayath. The complainant was also the member of Niralakeri Gram Panchayath and he has also participated in the meeting of Gram Panchayath General Body when the beneficiaries for the said scheme have been selected.

52. Further DW2 has deposed that the complainant has political rival with said Smt. Renavva Dundappa Yaragatti who is vice president of Niralakeri Gram Panchayath. He has no personal interest in the selection of the said beneficiary nor has involved in the selection process. At the time of selection of beneficiary under the said scheme he has not been posted to the post of Executive Officer, Taluk Panchayath. If the beneficiaries are misleading the Government officials by providing different documents in different Gram



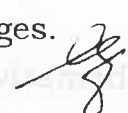
32

Panchayath's the Government officials are not in a position to trace the culprits.

53. Further DW2 has deposed that in the present case an enquiry was conducted and presently the CEO of Zilla Panchayath Gadag has ordered for recovery of amount released to the said beneficiary and order for cancellation of the allotment. His jurisdiction is limited to the Badami Taluk Panchayath of Bagalkot District. He is performing his functions within his jurisdiction and based on his sub ordinates recommendations. He has performed his duties in accordance with law and as per the directions of higher officers. He was not empowered to perform his duties in other taluk area of Karnataka State.

54. Further DW2 has deposed that the beneficiary has mislead the Government officials in the different districts and taluks not in the same district and same taluk. If that is the case the Government officials would have traced out these types of beneficiaries. He has acted upon based on the information provided and on an enquiry with the Asuti Gram Panchayath of Ron Taluk, Gadag District.

55. Further DW2 has deposed that the computer operator who was working with the office of the Niralakeri Gram Panchayath has been removed from the office of the Niralakeri Gram Panchayath since she is providing false information to the higher officers. Further DW2 has deposed that he has not committed any dereliction of duty. Hence prays to exonerate from the charges.



33

56. DGO 4 who got examined as DW 3 has deposed that he has no role or any executive function or taken part in the selection process of the 20 members beneficiaries under the Basava Vasati Yojana. The said 20 members list of beneficiaries was selected by the Gram Panchayath members and the same was approved in the Gram Panchayath meeting and the DGO 1 has verified and forwarded to the Taluk Panchayath for further action.

57. Further DW 3 has deposed that he was the PDO of Asuti Gram Panchayath and the previous PDO by name Patil has given report stating that Smt. Somavva Yaragatti is not the resident of Malavad village of Asuti village panchayath, Rona taluk, Gadag district and after the direction from the higher officials, he has conducted the enquiry with respect to Smt. Somavva Talawar and he has verified that the husband of Smt. Somavva Yaragatti was the beneficiary under the Ashraya scheme at Malwad village and the same report was submitted to the higher officials for further action.

58. In the cross examination DW 1 to 3 have deposed that they do not know that during the year 2004-05 under Ashraya scheme the house was allotted to the husband of Somavva. They admit that during their period a house was allotted to Somavva D/o Ramappa Yaragatti. They denied that therefore in spite of knowing true facts for second time the house was allotted to Somavva. Along with their comments they had not submitted all the documents and denied that they have committed misconduct.

59. DWs 1 and 2 themselves have deposed that after the complaint was received, it was forwarded to the PDO, Asuti village for enquiry.



34

The PDO of Asuti village has conducted the local inspection and reported to DW2 that the person by name Smt. Somawwa Yeragatti was not the resident of Asuti Gram Panchayath village and by name of Smt. Somawwa Yeragatti is not the beneficiary of Ashraya scheme at Malawad village, Rona taluk in the year 2003-04.

60. The DGOs have not denied that during the year 2013-14 under Basava Housing scheme, the name of Smt. Somawwa was selected as a beneficiary and DGOs have taken a contention that if the beneficiaries are misleading the Government officials by providing different documents in different Gram Panchayaths, the Government officials are not in a position to trace the culprits. This contention cannot be accepted because the DGOs are the Competent Authorities and they have to verify the genuineness of the documents before selecting the beneficiaries. It is the duty and responsibility of the DGOs to verify the correctness of the documents and then select the beneficiaries. Therefore it is very clear that during the year 2003-04, Somawwa W/o Yallappa Talawar secured the house in Rona taluk under Ashraya scheme. Again during the year 2013-14 the same Somawwa D/o Ramappa Yeragatti was selected as a beneficiary under Basava Vasati Yojana as a resident of Malawad village. Thereby the DGOs have given the benefits of the Government scheme twice to a single person.

61. The DGO 4 himself has informed that during the year 2003-04 under Ashraya Vasathi scheme, Rs. 20,000/- was issued for residential facility to Smt. Sovmawa C/o Yellappa Talawar Urf Adnur. In selection of beneficiaries and payment of Government

35
funds, to the eligible beneficiaries, DGOs 1 to 4 have committed dereliction of duty.

62. The oral and documentary evidence on record clearly reveals that the DGOs 1 to 4 have selected one Smt. Somawwa D/o Ramappa Yeragatti as a beneficiary in the year 2013-14 under Basava Housing scheme showing her as resident of Malawad village though she had already obtained a house during the year 2003-04 under Ashraya scheme in Rona taluk, Asuti village as Smt. Somawwa W/o Yallappa Talawar. According to the say of PDO and president of Asuti village, Somawwa is not the resident of Asuti village. But on 15.7.2015, DGO 4 during the year 2003-04, made payment of Rs. 20,000/- under Ashraya Housing Scheme. DGOs making allegations against each other, selected the beneficiaries who are not eligible in both villages under different schemes, committed dereliction of duty in giving benefits to the eligible beneficiaries.

Thereby the DGOs 1 to 4, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of the Government servants. Hence, I proceed to answer point No. 1 in the affirmative.

63. **Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

ORDER

Disciplinary Authority has proved the charges as framed against the following DGOs ;



- 36
- (1) Sri S.P Hiremath, Panchayath Development Officer, Gram Panchayath, Neerabudihal, Badami Taluk, Bagalkot District;
 - (2) Sri L.H Poojar, the then Panchayath Development Officer, Grama Panchayath, Neerabudihal, Badami Taluk, Bagalkot District (**Now Retired**)
 - (3) Sri Shivananda Hugar, Executive Officer, Taluk Panchayath, Badami Taluk, Bagalkot District and
 - (4) Sri Gous Mohiddin, Panchayath Development Officer, Asuti Gram Panchayath, Rona Taluk, Gadag District

Hence, this report is submitted to Hon'ble Upalokayukta I for kind consideration.

Dated this the 26th December, 2017



(S. Gopalappa)

Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 :- Sri. S.L. Devaramani-original

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

DW-1:- Sri. Shivalingayya P Hiremath-original

DW-2:- Sri. Jagannath B Hugar-original

DW-3:- Sri. Gous Mohedin Husensab -original

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

Ex.P-1 : Form No. I

Ex.P-2 : Affidavit

37

- Ex.P-3 : Information of PDO, Niralakeri dt. 22.8.14
 Ex.P-4 : Letter dt. 10.3.2015 of Chief Executive Officer, Zilla Panchayath, Bagalkot
 Ex P-5 : Representation to PDO, Bagalkot dt. 24.5.2014
 Ex.P-6 : Letter of Executive Officer, Rona dt. 7.4.2015
 Ex P 7 : Letter dt. 21.2.2015 of PDO, Gram panchayath, Gadag
 Ex P 8 : GPRS statement
 Ex P 9 : Property tax assessment list
 Ex P 10 : Complaint dt. 1.8.2014
 Ex.P-11 : Ration card of Sri. Yallappa Basappa Talavar
 Ex.P-12 : Voter's list
 Ex.P-13 : Voter I.D. of Somavva
 Ex.P-14 : Aadhar card
 Ex P-15 : Resolution dt. 19.7.2013
 Ex.P-16 : Report under section 12(3) of K.L. Act dt. 22.7.2016

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D-1 : Attendance register extract
 Ex.D-2 : Proceedings
 Ex.D-3 : Voter ID of Smt. Somavva
 Ex.D-4 : Residential certificate
 Ex.D-5 : School certificate
 Ex.D-6 : Income certificate
 Ex.D-7 : Caste certificate
 Ex.D-8 : Work order
 Ex.D-9 : GPS report
 Ex.D-10 : Complaint dt. 24.5.2014
 Ex.D-11 : Office order dt. 28.7.2014
 Ex.D-12 : Letter dt. 5.1.2015 of Executive Officer, Taluk Panchayath, Badami
 Ex.D-13 : Comments dt. 28.11.2016 of PDO, Kotikalla Gram Panchayath
 Ex.D-14 : Assessment register extract
 Ex.D-15 : Bank account extract of Somavva
 Ex.D-16 : Affidavit
 Ex.D-17 : CTC
 Ex.D-18 : Spot inspection certificate
 Ex.D-19 : Report of PDO, Gadag
 Ex.D-20 : Report of Executive Officer, Taluk Panchayath, Badami dt. 5.1.2015
 Ex.D-21 : Notice of PDO, Badami to Somavva
 Ex.D-22 : Assessment register extract
 Ex.D-23 : Order dt. 16.3.2015 of CEO, Zilla Panchayath, Bagalkote
 Ex.D-24 : Letter dt. 19.3.2015 of Deputy Commissioner, Bagalkote
 Ex.D-25 : Letter dt. 1.4.2015 of Chief Executive Officer, Bagalkote

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- Ex.D-26 : Letter dt. 7.4.2015 of Executive Officer, Taluk Panchayath, Rona
- Ex.D-27 : Letter of Smt. Somavva dt. 4.5.2015
- Ex.D-28 : Death certificate of Somavva
- Ex.D-29 : Complaint of complainant Dt. 26.11.2015
- Ex.D-30 : CTC
- Ex.D-31 : Letter dt. 17.9.2016 of PDO, Niralakeri
- Ex.D-32 : Resolution dt. 30.12.2013
- Ex.D-33 : Comments dt. 11.7.2015
- Ex.D-34 : Resolution dt. 17.3.2016
- Ex.D-35 : Letter dt. 25.6.2016 of PDO, Gram Panchayath, Niralakeri
- Ex.D-36 : Notice to PDO, Niralakeri dt. 26.7.2014
- Ex.D-37 : Notice to PDO, Niralakeri
- Ex.D-38 : Complaint dt. 28.5.2014
- Ex.D-39 : Letter of CEO, Zilla Panchayath, Bagalkot to Executive Officer, Taluk Panchayath, Badami
- Ex.D-40 : Comments dt. 15.7.2015
- Ex.D-41 : Official Memorandum dt. 29.7.2016
- Ex.D-42 : Office order dt. 2.6.2015

Dated this the 26th December 2017

S. Gopalappa
(S. Gopalappa)

Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore

