

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/431/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:18.6.2022

:: ENQUIRY REPORT ::**:: Present ::****(S.GOPALAPPA)**

**Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against (1) Sri.B.L.Gonaal, Panchayath development officer (Retd) Gudageri grama panchayath, Kundgol Taluk, Dharwad District Retired on 31.5.2014 (2) Sri. Nagaraj K Doddamani, Panchayath development officer (presently Rayanaal grama panchayath, Hubli Taluk) Gudageri grama panchayath, Kundgol Taluk, Dharwad District - rcg.

Ref: 1. G.O.No. RDP 379 GPS 2016 dated: 14.9.2016
2.Nomination Order No: UPLOK-1/DE/431/2016/ARE-9 Bangalore dated:3.10.2016 of Hon'ble Upalokayukta-1

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This Departmental Inquiry is initiated against Sriyuths (1) Sri.B.L.Gonaal, Panchayath development officer (Retd) Gudageri grama panchayath, Kundgol Taluk, Dharwad District (2) Sri. Nagaraj K Doddamani, Panchayath development officer (presently Rayanaal grama panchayath, Hubli Taluk) Gudageri grama panchayath,

Kundgol Taluk, Dharwad District (hereinafter referred to as the Delinquent Government Official for short “DGO No.1 and 2”).

2. In pursuance of the Government Order cited above at reference No.1, Hon’ble Upalokayukta vide order dated 3.10.2016 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGOs are as under :

ANNEXURE-I
CHARGE

While you DGO No.1 Sri. B.L. Gonaal, was working as PDO presently retired and you DGO No.2 Sri. Nagaraja K. Doddamani, was working as PDO then PDO Rayanal Grama Panchayath have paid an excess amount of Rs. 8,950/- in respect of purchase of CFL bulbs during 25/05/2012 and 23/09/2012 and

Further you DGOs have paid an excess amount of Rs. 92,120/- in respect of purchase of CFL bulbs during 16/02/2013, 22/02/2013, 16/03/2013, 03/08/2013, 05/10/2013, 23/10/2013 and 18/03/2014.

Further you DGO No.1 has paid an excess amount of Rs. 46,060/- in respect of purchase of CFL bulbs and you DGO No.2 has paid an excess amount of Rs.4,475/-.

Further you DGOs have paid an excess amount of Rs. 6,39,000/- in respect of purchase of D.C. Generator Set though it is more than Rs.5.00 lakhs and further DC Generator Set has not been used for the last one year though it is good in condition and that expenditure of Rs.6.39 lakhs and Rs.11,450/- incurred towards earthing charges is wasteful expenditure and therefore you DGO No.1 and 2 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

ANNEXURE - 2
STATEMENT OF IMPUTATIONS OF MISCONDUCT

Brief facts of the case are :- On the basis of the anonymous letter received and the records made available by the Dharwad Karnataka Lokayukta Police, a suo-moto investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act, 1984 against (1) Chairman and (2) Panchayath Development Officer of Gudageri Grama Panchayathi in Kundagol Taluk at Dharwad District.

After receipt of the complaint and the records, the complaint was referred to Chief Engineer, TAC, Karnataka Lokayukta, Bengaluru in turn Chief Engineer has referred the case to Asst. Executive Engineer-1 (hereinafter referred to as Investigating Officer' for short called as IO) for investigation and report. Accordingly, after investigation the I.O. has submitted his report.

In the said report it is stated that, in respect of the purchase of DFL bulbs on 25/05/2012 and 23/09/2012 an excess payment of

Rs.8,950/- (4950-4000) was made by Smt. Geetha D Suthara – the then President and Sri. Nagaraj K. Doddamani – the then Panchayath Development Officer, both are of Gudageri Grama Panchayath. In respect of the purchase of CFL bulbs on 16/02/2013, 22/02/2013, 16/03/2013, 03/08/2013, 05/10/2013, 23/10/2013 and 18/03/2014 an excess payment of Rs.92,120/- is made by Smt. Geetha D. Suthara the then President and Sri B.L. Gonaal the then Panchayath Development Office both are of Gudageri Grama Panchayath and an amount of Rs.22,500/- on 21/06/2014 was spent towards purchase of CFL bulbs by Smt Geetha D. Suthara – the then President and Sri. Anand S. Navali – the then Panchayath Development Officer, both are of Gudageri Grama Panchayath. In respect of purchase of Generator set an amount of Rs.6.39 lakhs was spent against the KTTP Rules, though procurement cost is more than Rs.5 lakhs and an amount of Rs.11,450/- was spent toward earthing charges, which is considered as wasteful expenditure, by Smt. Geetha D. Suthara – the then President and Sri. Nagaraj K. Doddamani – the then Panchayath Development Officer, both are of Gudageri Grama Panchayath. Hence, the said Smt. Geetha D. Suthara – the then President, Sri. B.L. Gonaal, Sri. Nagaraj K. Doddamani and Sri. Anand S. Navali, the then Panchayath Development Officers, all are of Gudageri Grama Panchayath.

Accordingly, the names of respondents No. 1 and 2 Smt. Geetha D. Suthara- the then President and Sri. B.L. Gonaal – then Panchayath Development Office and also (3) Sri Nagaraj K. Doddamani, then Panchayath Development Office and (4) Sri. Anand S. Navali – Panchayath Development Office were impleaded as respondents No.3 and 4 respectively and replies were called to the report of TAC from respondents 1 to 4.

Respondents 1 to 3 have submitted replies to I.O. report, respondent No.4 has not submitted his reply.

Respondents 1 and 2 have submitted their replies as follows;-

(1) The allegations of irregularities and misappropriation of funds in procurement of CFL bulbs, Generator set, Asphaltting of roads, construction of drains are not applicable to them.

(2) The submission of particulars of procurement of FL bulbs in respect of Gudageri Grama Panchayath by the Executive Officer, Taluk Panchayath, Kundgol Taluk are not applicable to them.

(3) The purchase of DFL bulbs on the above said 9 mentioned dates are as per the resolution passed by the Grama Panchayath. The bills in respect of purchase of DFL bulbs on 16/02/2013 are not bogus bills.

(4) All the electric materials i.e., purchase of DFL bulbs on 1st two dates i.e., 25/05/2012 and 23/09/2012 are as per the resolution passed by the Grama Panchayath.

(5) In the purchase of Generator set they have not followed the KTTP Rules.

(6) Not initiating any action against the respondent No.2 who retired without handing over original purchase, vouchers and stock register for procurement from Sl.No. 1 to 9, though the matter was brought to the notice of Executive officer, is not applicable to him.

(7) Regarding other allegations of Asphaltting drains and CD works the Panchayath Development Officer, Gudageri Grama Panchayath confirmed that no asphaltting work was taken by the Grama Panchayath, 3 stages of photographs were provided in each file relating to construction of pakka gatar and CD works and the works are carried out as per rules satisfactorily are true.

(8) The excess amount paid in respect of purchase of bulbs at Sl.No.9 i.e., on 18/03/2014 is not misappropriation.

(9) All the concerned files and documents were submitted at the time of inspection to the investigating officer.

(10) The Diesel Generator sets so purchased has also being lying unused in the said Grama Panchayath, due procedure has also not been followed in purchasing DG sets and the investment made towards purchase of said DG Sets has wasteful expenditure etc., are as per the resolution by the Grama Panchayath. They have not followed KTTTP Rules.

Respondent No.3 has submitted his reply as follows;-

(1) Due to the irregular power load shedding it was very difficult to provide water to the water storage tank from Rattigeri to Gudageri villages in the best interest of providing drinking water in the public as per suggestion of members of P, TP and Grama Panchayat and resolution passed by the said grama pancayath on 15/06/2013 they have purchased the DC generator set by calling quotations from 3 different suppliers instead of purchasing from the competent authority under KTTTP Act, to avoid delay.

(2) An amount of Rs.11,450/- was spent for earthing DC Generator Set as it is beneficial to the said DC Generator Set and the said DC Generator still is in good condition.

(3) They have purchased durable and good quality of CFL bulbs by paying more amount of Rs.299/- and Rs.240/- per bulb instead of Rs.200/-.

(4) The original purchase bills of the CFL bulbs purchased at the rate of Rs.299/- and Rs.240/- are available with the present

Panchayath Development officer, hence requested to close the complaint.

Report dated: 08/05/2015 was also received from Executive Officer, Taluk Panchayath, Kundgol along with letter dated: 15/05/2015 stating that, (1) respondents No.1 and 3 have caused loss of Rs.4,950/- by violating KTTP Act and the said amount of loss has to be recovered from respondents No. 1 and 3 i.e., in respect of excess amount of Rs.4,950/- paid in purchasing 50 CFL bulbs on 25/05/2012 (2) the respondents No.1 and 3 are responsible for having paid excess amount of Rs.4,000/- in respect of purchase of 100 CFL bulbs on 23/09/2012 hence the said amount of Rs.4,000/- has to be recovered from respondents 1 and 3. (3) an excess amount of Rs.92,120/- paid by the respondents No.1 and 2 to purchase CFL bulbs on 25/05/2012, 23/09/2012, 16/02/2013, 22/02/2013, 22/02/2013, 16/03/2013, 03/08/2013, 05/10/2013, 23/10/2013 and 18/03/2014 has to be recovered from respondents 1 and 2, (4) No excess amount has been paid in respect of CFL bulbs purchased on 21/06/2014, hence there is no necessity to recover any amount from respondents 1 and 4. Moreover, the said rate of purchase is in accordance with the prevailing market rate. (5) DC Generator Set which is purchased for an amount of Rs.6,39,000/- is not in accordance with the KTTP Rules as the said amount is more than Rs.5.00 lakhs.

10. A careful examination of the material on record shows that:-

(i) Respondents 1 and 3 are responsible for having paid an excess amount of Rs.8,950/- in respect of purchase of CFL bulbs and Deputy Commissioner Generators;

(ii) Respondents 1 and 2 are responsible for having paid an excess amount of Rs.92,120/- in respect of purchase of CFL bulbs.

(iii) So, respondent o.1 is liable to pay an amount of Rs.50,535/- (Rs.4,475/-s.46,060/-), respondent No.2 I liable to pay an amount of R.46,060/- and respondent No. is liable to pay an amount of Rs.4,475/- in respect of excess amount paid to purchase of CFL bulbs.

(iv) The respondents 1 to 3 have not followed the provisions of KTCP Act to purchase DC Generator set at a cost of Rs.6,39,000/- though it is more than Rs.5.00 lakhs.

(v) The said DC Generator set has not been used for last one year, though it is in good condition and that expenditure of Rs.6.39 lakhs and Rs.11,450/- incurred towards earthing charges is a wasteful expenditure.

The proceedings against resident No.4 is dropped as he has not committed dereliction of duties in respect of purchase of CFL bulbs on 21/06/2014. The replies of respondents No. 1 to 3 have not been found convincing to drop the proceedings. The respondents 1 to 3 being public/government servants, have failed to maintain absolute integrity, besides devotion to duty and acted in a manner unbecoming of public/government servants and thereby committed misconduct and made themselves liable for disciplinary action. Respondents No.1 being a President of Grama panchayath action be taken as per provisions of Karnataka Panchayathraj Act 1993.

Since the material on record prima-facie shows that, the respondent No.2 and 3 have committed misconduct as per Rule 3(1) of KCS (Conduct) rules 1966, now acting under Section 12(3) of Karnataka Lokayukta Act, 1984 recommendation is made to the

Competent Authority to initiate disciplinary proceedings against the respondents and entrust the inquiry to this authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules 1957, but with sanction of government as per Rule 214(2)(b)(1) of KCSR, as the respondent No.2 has retired on 31/05/2014.

Since said facts and material on record prima facie show that, the respondents/DGOs (1) Sri. J.K. Balusa and (2) Sri. U.H. Mandisoppe have committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents for misconduct under Rule 3(1)(i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. The DGO No. 2 appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO No.2 has been recorded and he pleaded not guilty and claimed for holding inquiry. Thereafter, he submitted written statement.

7. **DGO No. 1** has not appeared before this inquiry authority and remained absent. Hence DGO No. 1 placed ex-party.

8. DGO No.2 has submitted written statement. In his written statement, he has stated that he has purchased high quality of street lights for the use of public and he has not made any loss to government. He has further stated that the decision to purchase the Generator set was taken on the basis of acute water shortage in

Gudigeri which consists of population more than 16,000 persons. It was inevitable. He has further submitted that a water sump was constructed under Jala Nirmala scheme and purchased the DC Generator set by the decision of the Administrative committee. He further stated that to prevent any future hazards, the process of earthing and wiring were concluded. With these grounds, he prayed to drop the charges leveled against him.

9. The disciplinary authority has examined the Investigation officer Sri. K.Srinivasa, the then Assistant Executive Engineer TAC Karnataka Lokayukta Bengaluru as PW.1 and got marked documents as **Ex.P-1 to ExP-4**.

10. Thereafter, second oral statement of DGO No.2 has been recorded. DGO No.2 Sri. Nagaraj K. Doddamani has got examined himself as DW-1 and got marked one documents as **Ex.D-1 to Ex.D-26**.

11. Heard the submissions of Presenting Officer and DGO No.2 submitted written arguments. Perused the entire records. The only point that arise for my consideration is:

**1. Whether the Disciplinary Authority proves
the charge framed against the DGOs ?**

My finding on the above point is in **AFFIRMATIVE** for the following:

REASONS

12. PW-1 is the Investigation Officer. DW-1 is DGO No.2. According to PW-1, an anonymous letter was received by the

Lokayukta Office, according to which there are irregularities in purchasing CFL bulbs, Generator set and in earthing work. He was asked to investigate the matter and submit report about the allegations made in the complaint Ex.P-1. According to the document Ex.P-2 (59 pages) furnished by the Panchayath Development Officer in purchase of CFL bulbs from 25.05.2012 to 18.03.2014, there were irregularities. The cost of bulbs were ranging from Rs.210 to Rs.490/-. At the time of purchase proper indent was not placed, stock register was not maintained, these irregularities were done during the tenure of DGO No.1. DGO No.1 also not furnished the vouchers for purchase of CFL bulbs. The DGO No.1 was retired on 31.5.2014.

13. Further according to PW-1 on 17.10.2013, Diesel Generator set was purchased from M/s Vaibhavi Diesel Spares, Sales and Service, Hubballi. Three quotations were received out of them the quotations of service centre was Rs.6,38,000/-, but an amount of Rs.6,39,000/- was paid. To install DG set, for earthing work Rs.11,450/- was spent. According to KTPP Act and Rules for purchase of materials worth more than Rs. 5 lakhs, the tender was to be called, but without calling tender, quotation was taken and DG set was purchased. It was also noticed that after purchasing the DG set, it was not put to use. Before purchasing the generator, its pros and cons was not verified. Therefore, the entire expenditure of Rs.6,39,000/- + Rs.11,450/- was wasteful expenditure.

14. Further, according to PW-1 the Executive Officer, Kundagol Taluk submitted a report Ex.P-3, according to which the bulbs were purchased for higher rate than the market rate. On 16.02.2013, 100 CFL bulbs were purchased for Rs.25,000/- from

Hoovinahadagali shop, which is situated 200 K.M. away from Grama Panchayath, Kundagol, Dharwad District. They could purchase the bulbs in Hubballi which is situated at about 30 K.M. away from Grama Panchayath. In the said bill there is no VAT Number, TIN number and register number, therefore it is a bogus bill. The Executive Officer has also reported that without verifying the pros and cons of the generator set was purchased.

15. Further according to PW-1, the then President of Grama Panchayath and DGO No.2 have purchased CFL bulbs paying excess amount of Rs.8,950/-. Again the then President and DGO No.1 purchased CFL bulbs paying excess amount of Rs.92,120/-. The then President Smt.Geetha.D.Sutara and DGO No.2 are responsible for paying Rs.1000/- more on purchase of DG set and for additional expenditure of Rs.11,450/-, therefore he has submitted his report Ex.P-4.

16. In the Cross Examination PW-1 admits that the price of bulbs will be depending on its capacity and quality. He doesn't know that in Gudigeri Grama Panchayath, Rattigeri village, a water sump was constructed under Jala Nirmala scheme. He denies that to lift the water from the adjacent borewells to the water sump, a resolution was passed on 15.06.2013 to purchase a generator by not following KTPP Act and Rules. He has not noticed that with the help of water man, the generator was put to use to supply water. He admits that at the time of inspection, he had not given notice to the DGO No.2.

17. In the further cross examination, PW-1 has deposed that according to his request, Executive Officer and Panchayath development officer submitted a report. He has not verified whether

the said reports was true or false, but, he has forwarded the reports of Executive Officer and Panchayath development officer as it is. He has not enquired the Executive Officer and Panchayath development officer regarding the truthfulness of their reports. He has not examined the CFL bulbs and generator set. He has no experience in the purchase of CFL bulbs and generator. He does not know on what basis MRP of CFL bulbs will be fixed. He admits that during emergency, it is the duty of Grama Panchayath Officers to attend the works. He has no information that according to the demand of villagers for drinking water, a meeting was called. He doesn't know the purchase of generator was very much necessary. He has mentioned in his report that from past one year the Generator was not working. He doesn't know personally whether DGO No.2 was working as Panchayath development officer in the said Grama Panchayath during the past one year. He doesn't know that the resolution was passed to purchase Generator. He denies that the financial loss was not caused. He doesn't know that during the tenure of DGO No.2, the Generator was working. Further, PW-1 has denied that the suggestions made by learned defence counsel and DGO No.2.

18. According to DW-1, his salary was more than Rs.20,000/-. Therefore, Upalokayukta has no jurisdiction to investigate the matter. This institution ought not to have been acted upon the anonymous complaint. He has not committed any wrong. He has worked in the department with utmost devotion and integrity to the duty. He procured CFL bulbs to the Panchayath which are of high quality and the wattage of the same are appropriate to the amount

of price keeping in mind the durability of the bulbs. There is no investigation regarding the price of purchase of bulbs corresponding to its quality. Further according to DW-1, he has procured Diesel Generator set for Rs.6,39,000/- according to the decision taken by the administrative committee of the Grama Panchayath headed by the President. The decision to purchase the Generator set was taken on the basis of acute water shortage in Gudigeri which consists of population more than 16,000 persons. It was inevitable for the Administrative Committee to take a decision to purchase Generator set immediately. DW-1 has further deposed that called for quotation from the dealers of Generator set and finalized the lowest cost possible during the relevant point of time. All those necessary steps to prevent any future hazards had to be followed, without which it would have become unsafe for them to run the Generator. Therefore, earthing work was very much necessary. The Investigating Officer has submitted a false report. The Generator is in working condition. As per KTPP Act, 1999, a tender key is mandatory for purchase of calling e-tender, however the said tender key has till date not issued by the department with respect to the Panchayath much less to Gudigeri Grama Panchayath.

19. DW-1 has further deposed that in response to the application under RTI Act, 2005, the information regarding both issuance of tender key and whether any tender can be called for under KTPP Act, 1999 without a tender key had been start. In response to the said application, he has been replied to the department that such tender key had not been issued to any Grama Panchayath and without the same, no tender under the KTPP Act, 1999 can be called for.

Therefore, the very aspect of seeking compliance under the KTPP Act, 1999 is nothing but a condition of impossibility, which is not been complied by any one much less by him within his purview, he secured quotations from different persons and purchased for the lowest cost and it has been approved by the Committee. He is innocent and hence prays to exonerate from the charge.

20. In the cross examination DW-1 has deposed that he cannot say when he took the charge of Gudigeri Grama Panchayath. He doesn't remember the date. He being the graduate, he worked as Panchayath development officer in Gudigeri Grama Panchayath. He admits that he worked as Panchayath development officer at Gudigeri Grama Panchayath during the allegation of this case. He admits that he has not produced the CTC. He denies that intentionally, he has not produced the CTC. He has further deposed that they didn't receive any funds from the Government specifically to purchase bulbs. According to DW-1 within the available funds, they purchased materials.

21. He denies that on 25.05.2012, he paid Rs.8,950/- excess to purchase the bulbs. He denies that he has to refund, his liability of Rs.4,475/- towards excess payment made to purchase bulbs. He denies that he himself and DGO No.1 paid excess amount of Rs.6,39,000/- to purchase the Generator set. He denies that he has spent Rs.11,450/- for earthing charges, which is wasteful expenditure. He denies that all the works which will be done by the Panchayath Development Officers would be certified by the higher officers. He admits that waterman is not his senior officer. He admits that Ex.D-2 is given by the Waterman. He denies that Ex.D-2 is created for the

purpose of this case. According to DW-1, during the enquiry by the Investigation Officer he has not given an opportunity to submit his defence. He denies that all the exhibits of D-series are created for the purpose of this enquiry. He denies that he has not worked properly as Panchayath development officer and not produced sufficient documents. He denies that he has committed misconduct.

22. The DGO has not produced any quotations, vouchers, indent, stock register, price list to show that he followed procedure in purchasing CFL bulbs and the Generator set. The DGO No.2 has not produced any document on record to show that the materials worth Rs.6,39,000/- can be purchased without following KTPP Act and Rules. As per Sec.5 of KTPP Act in purchase of materials tender has to be invited. DGO No.1 has not produced any document to show that the price of CFL Bulbs varies because of their quality and capacity.

23. DGO No.1 has not placed any material on record to show the number of bulbs and their Watt capacity and therefore the rates of bulbs varied. DGO No.2 has not produced any document to show that additional expenditure of Rs.11,450/- for earthing work was already provided in the estimate. Even the DGO has not produced any estimate to show the lowest rate of bulbs and lowest rate of Generator set. The Investigating officer PW-1 has categorically deposed that the DGO No.1 and the President have spent excess amount of Rs.8,950/- + Rs.92,120/- + Rs.46,060/- in purchase of CFL bulbs.

24. Further, the evidence of PW-1 is very much clear that DGOs have spent an amount of Rs.6,39,000/- in purchasing Generator set without following KTPP Act and also spent extra amount of

Rs.11,450/- towards earthing charges and the Generator set and earthing work was wasteful expenditure.

25. DGO has not examined the watermen who has issued Ex.D-2. Panchayath development officers are superior officers than the watermen and therefore watermen cannot certify that the generator set is in working condition. DGO No. 2 has produced the photographs of the generator set but no believable evidence is produced to show that this generator set is actually installed in Gudageri grama panchayath limits to lift the water from borewells to the sump. Even DGO has not produced any material evidence on record to show that this D.G.set is in working condition. Therefore, I find no reasons to disbelieve the evidence of PW-1 to the effect that from the date of purchase the D.G set was not put to use and it is wasteful expenditure. Thereby the DGO No. 1 and 2 have vested an amount of Rs. 6,39,000/- towards purchase of D.G set and Rs.11,450/- towards earthing work. The DGO No. 1 and 2 are liable to repay a sum of Rs. 3,98,790/- each towards the loss caused to state exchequer. DGO has not produced his CTC or the salary certificate to show his monthly salary.

26. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGO No.1 and 2 and DGO no. 1 and 2 are equally held responsible for Rs. 3,98,790/- each, totally Rs.7,97,580/- which is the loss caused to state exchequer. Hence, I proceed to record the following:-

FINDINGS

27. The Disciplinary Authority has proved the charges leveled against DGO No.1 and 2. Further DGO no. 1 and 2 are equally held responsible for Rs. 3,98,790/- each, totally Rs.7,97,580/- which is the loss caused to state exchequer. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

28. Date of retirement of DGO No. 1 is 30.11.2014 and DGO No. 2 is 31.12.2044.

(S.GOPALAPPA)
Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

PW.1	Sri.K.Srinivasa, Assistant Executive Engineer -1 TAC Karnataka Lokayukta Bengaluru Original
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Ex.P-1 is the anonymous complaint
Ex.P 2	Ex.P-2 is the letter dtd: 16.3.2015 of Panchayath development officer Grama panchayath Gudageri Kundagola Taluk, Dharwad District along with documents
Ex.P-3	Ex.P-3 is the report dtd: 8.5.2015 of Executive Officer, Kundgol Taluk
Ex.P-4	Ex.P-4 is the report dated: 16.5.2015 submitted by PW-1

iii) List of witnesses examined on behalf of DGO

DW-1	DGO No.2 Sri. Nagaraj K Doddamani, Panchayath development officer (presently Rayanaal grama panchayath, Hubli Taluk) Gudageri grama panchayath, Kundgol Taluk, Dharwad District – original
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter dtd: 5.4.2017 from Panchayath development officer Grama panchayath Devaragudihala
Ex.D-2	Ex.D-2 is the certificate dtd: 15.3.2017
Ex.D-3	Ex.D-3 is the proceedings dated: 15.6.2013 of Panchayath development officer Grama panchayath Gudageri Kundgol Taluk, Dharwad District
Ex.D-4	Ex.D-4 to Ex.D-21 are the photographs pertaining to

to Ex.D-21	generator
Ex.D-22	Ex.D-22 is the certificate of the complainant (DW-1) under section 65B of the Indian Evidence Act.
Ex.D-23	Ex.D-23 is the form --A ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ ಪರಿಚ್ಛೇದ 6(1) ಮತ್ತು 7 (1) ರನ್ವಯ
Ex.D-24	Ex.D-24 is the letter dtd: 21.1.2022 of Deputy Secretary and Right to information officer zilla panchayath Dharwad
Ex.D-25	Ex.D-25 is the form --A ಮಾಹಿತಿ ಹಕ್ಕು ಅಧಿನಿಯಮ ಪರಿಚ್ಛೇದ 6(1) ಮತ್ತು 7 (1) ರನ್ವಯ ದಿ: 17.12.2021
Ex.D-26	Ex.D-26 is the letter dtd: 14.2.2022 of Panchayath development officer grama panchayath Halyal, Hubli Taluk Dharwad District

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(S.GOPALAPPA)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.431/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 24.06.2022.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Sri B.L.Gonaal, the then Panchayath Development Officer,(Retired), Gudageri Grama Panchayath, Kundagol Taluk, and (2) Sri Nagaraj. K. Doddamani, the then Panchayath Development Officer, Gudageri Grama Panchayath, Kundagol Taluk, Dharwad District- reg.

Ref:- Government Order No. RDP 379 GPS 2016 dated 14.09.2016.

2) Nomination order No. UPLOK-1/DE.431/2016 dated 03.10.2016 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 18.06.2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 14.09.2016 initiated the disciplinary proceedings against (1) Sri B.L.Gonaal, the then Panchayath Development Officer,(Retired), Gudageri Grama Panchayath, Kundagol Taluk, and (2) Sri Nagaraj. K.

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Doddamani, the then Panchayath Development Officer, Gudageri Grama Panchayath, Kundagol Taluk, Dharwad District, [hereinafter referred to as Delinquent Government Officials, for short as ' DGOs 1 and 2 'respectively ] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE.431/2016 dated 03.10.2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the charge of making excess payment towards purchase of CFL bulbs and further towards purchase of DC Generator Set and thereby committing misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has

held that, the Disciplinary Authority has 'proved' the above charge against the DGO 1 Sri B.L.Gonaal, the then Panchayath Development Officer,(Retired), and DGO 2 Sri Nagaraj. K. Doddamani, the then Panchayath Development Officer, Gudageri Grama Panchayath, Kundagol Taluk, Dharwad District. Further, the Inquiry Officer has held DGOs 1 and 2 equally responsible for Rs.3,98,790/- each towards the loss caused to the State Exchequer.

5. On re-consideration of report of inquiry and on perusal of the entire records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGOs furnished by the Enquiry Officer,

- i) DGO 1 Sri B.L.Gonaal, has retired from service on 30.11.2014; and

ii) DGO.2 Sri Nagaraj. K. Doddamani, is due to retire from service on 31.12.2044.


7. Having regard to the nature of charge proved, it is hereby recommended to the Govt.

i) to impose penalty of 'withholding 10% of pension payable to DGO.1 Sri B.L.Gonaal, for a period of two years and also to recover Rs. 3,98,790/- from the pension payable to DGO.1 Sri B.L.Gonaal.

ii) to impose penalty of 'withholding two increments payable to DGO 2 Sri Nagaraj.K.Doddamani with cumulative effect and also to recover Rs. 3,98,790/- from the salary and allowances payable to DGO.2 Sri Nagaraj.K.Doddamani'.

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

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.