

KARNATAKA - LOKAYUKTA

BEFORE ADDITIONAL REGISTRAR (ENQUIRIES -10)

PRESENT :

SMT. H.G. NAGARATHNA, BA., B.L.,
ADDITIONAL REGISTRAR ENQUIRIES-10,
M.S. BUILDING,
KARNATAKA LOKAYUKTA,
BANGALORE – 560 001.

DEPARTMENTAL ENQUIRY NO. UPLOK-1/DE/435/2017/ARE-10.

COMPLAINANT	SRI. GOPAL HANUMANTHA BABUSHET
DISCIPLINARY AUTHORITY	GOVERNMENT OF KARNATAKA RURAL DEVELOPMENT AND PANCHAYATH RAJ DEPARTMENT (Through Presenting Officer)
V/s	
DELINQUENT GOVERNMENT OFFICIAL	SRI. H.V. RAGAVENDRA, <i>The then Panchayath Development Officer,</i> Beedi Grama Panchayath, Khanapura Taluk, Belgaum District, (presently working asd Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District). (DGO represented by Party-in-person).

Subject : Departmental Inquiry against DGO as noted in the cause title –reg.,

Reference/s : 1. *Report* u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/BGM/398/2012/ARE-2 dated 03.10.2016.
2. *Government Order* No. GraAaPa 309 KSS 2016 Bengaluru dated 03.03.2017.
3. *Nomination Order* No.Uplok-1/DE/435/2017 Bengaluru dt. 25.03.2017 of Hon'ble Uplokayukta-1.

- i. Nature of the Case. : Departmental Enquiry
- ii Provision of law under which article of charge/s framed. : U/R 3 (1) of Karnataka Civil Services(Conduct) Rules, 1966.

iii Date of Submission of report : 17th **June** 2019.

-: DEPARTMENTAL - ENQUIRY - REPORT :-

1. This is the departmental enquiry initiated and held against DGO as the complainant by name Sri. *Gopal Hanumantha Babushet* has filed a complaint in Lokayukta Office against the Delinquent Government Official alleging dereliction of duty amounting to misconduct.
2. The *Comments/reply* of DGO called and unsatisfied with the comments of DGO, a *Report* was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the *Government Order* (G.O.) dated 03.03.2017 authorizing Hon'ble Upalokayukta-1 to hold an enquiry as per reference no. 2.
3. In pursuance of the Government Order, a *nomination order* was issued by Hon'ble Upalokayukta-1 on 25.03.2017 authorizing ARE-10 to frame Article of Charges against DGO and hold an enquiry to find out truth and to submit a report as per reference No. 3.
4. Accordingly, *Article of charges* framed/prepared under Rule 11(3) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and

sent to the Delinquent Government Official on 13.04.2017.

The article of *charges* and the statement of imputations of misconduct framed/prepared and leveled against the DGO are reproduced as hereunder :-

ANNEXURE NO. 1
CHARGE

5(1)That, you – DGO Sri. Raghavendra H.V.- the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belgaum District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District, has committed following dereliction of duty amounting to misconduct:-

5(2)(i) You DGO, during 2009-2010 and 2010-2011 has taken up 9 works in Beedi Grama Panchayath jurisdiction. But the works are not completed. You DGO has not produced any documents to show that the said 9 works are completed.

5(2)(ii) You DGO has issued 40 cheques in favour of the Contractor during the year 2009-10 & 2010-11 on the same day. But you DGO has not explained why 40 cheques

have been issued on a single day to the contractor and for which works said 40 cheques were issued.

5(2)(iii) Rejuvenation of minor irrigation lake of Beedi Grama Panchayath (Work referred at Sl.No.5 in the 3rd party inspection report) has not been executed, but an amount of Rs.4,98,315/- has been shown as expenses incurred and bill has been paid for that amount by creating bogus documents. Thus you DGO has misappropriated Rs. 4,98,315/- without executing the works.

5(3) Thus, you DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO. II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

5(4) On the basis of complaints filed by Sri. Gopal Hanumantha Babushet and Irappa Basavanappa Patil s/o. Basavanappa Patil of Beedi Grama Panchayath, Beedi, Khanapur Taluk, (hereinafter referred to as 'complainants' for short) 1) Smt. Shantha

Babu Sungar-President, Beedi Grama Panchayath, Beedi, Khanapur Taluk, Belgaum District and 2) Sri. Raghavendra H.V.-P.D.O. Beedi Grama Panchayath, Beedi, Khanapur Taluk, Belgaum District alleging misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

5(5) According to the Complainant: -

The President of Beedi Grama Panchayath and P.D.O. of Beedi Grama Panchayath have issued 40 cheques on a single day to the contractor without informing the Panchayath Members. That DGO has executed works during 2009-10 and 2010-11 without giving employment to coolie labourers and by entrusting the work to the contractor and the DGO has not taken steps to complete 9 works mentioned in the list and they are left unfinished.

5(6) DGO has submitted comments denying the allegations.

5(7) C.E.O. was directed to submit report about the action taken on the complaint. C.E.O. has submitted reply stating that the Lokayukta police at Belgaum are investigating the complaint and he will submit report on receiving report.

5(8) Report of Police Inspector, Lokayukta, Belgaum is that case has been registered in Cr.No.8/2012 on the private complaint of Sri.Gopal Hanumantha Babashet (Complainant) against the President Smt.Shanta Babu Sunagar and others on the allegations of creating bogus documents without executing the works and several documents have been seized during investigation.

5(9) As seen from the FIR, case has been registered against PDO Sri.Raghavendra H.V. and the President Smt.Shantha Babu Sunagar. FIR disclose that private complaint filed before Court by Sri.Gopal Hamunatha Babashet (Complainant) has been referred u/s 156(3) of Cr.P.C., for investigation and it has been registered in Cr.NO.8/2012.]

5(10) Documents collected during investigation disclose the following:

(i) Complainants have alleged that during 2009-2010 and 2010-2011, 9 works have been executed by Beedi Grama Panchayath . But the works are not completed. DGO has not produced any documents to show that said 9 works are completed.

(ii) Complainants have alleged that 40 cheques have been issued in favour of the

Contractor during 2009-10 & 2010-11 on the same day. DGO has not explained why 40 cheques have been issued on a single day to the contractor and for which works said 40 cheques were issued.

(iii) Third party inspection report is that the work of rejuvenation of minor irrigation lake of Beedi Grama Panchayath (Work referred at Sl.No.5 in the inspection report) has not been executed, but an amount of Rs.4,98,315/- has been shown as expenses incurred and bill has been paid for that amount by creating bogus documents.

5(11) Since the records collected during investigation and the third party inspection report prima facie show the illegalities committed and misappropriation of an amount of Rs.4,98,315/- without executing the works, the comments of the DGO is not acceptable to drop the proceedings against him.

5(12) The facts supported by the material on record show that the DGO, being a Government servant, has failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of a Government servant and thereby committed

misconduct and made himself liable for disciplinary action.

5(13) Since the said facts and material on record prima-facie show that the DGO has 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 against the DGO and entrust the enquiry to this Authority Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957.

5(14) In turn Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry to this Institution vide reference no. 1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 2. Hence, this charges.

6. The aforesaid '*article of charges*' served upon the DGO and he appeared before this enquiry authority and his *first oral statement* under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGO has pleaded not guilty and claimed to be enquired about the charges.

7. The DGO has filed his *written statement of defense* by denying the charges.
8. The DGO has been given an opportunity by this Enquiry Authority for verification / inspection of records/Documents and for discoveries, if any.
9. *In this enquiry*, to establish the *charges* against DGO, the presenting officer has examined (1) Sri. Gopal (complainant,) as *pw-1*, (2) Sri. Raghavendra B Hawaldar (Police Inspector, Lokayukta, Belgaum and Investigation Officer) as *PW-2* and Smt. Lalitha (Scrutiny Officer, Lokayukta, Bengaluru) as *PW-3* and produced and got marked, in all, **12** documents as Ex P1 to 12 on behalf of Disciplinary Authority.
10. After the closure of the evidence of the Disciplinary Authority, *second oral statement* of DGO as per Rule 11(16) of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 recorded. The DGO has submitted that he will examine one Sri. Ganesh K.S., Panchayath Development Officer, Beedi Grama Panchayath. *Accordingly*, Sri. Ganesh K.S. (Panchayath Development Officer, Beedi Grama Panchayath) is examined as *DW-1* and got marked Ex. D-1 to D-6 and DGO has stated that he has no defense evidence on his behalf So, the questionnaire against DGO u/R 11(18) of KCS (CCA) Rules, 1957 recorded and he denied the charge/circumstances against him.

11. The DGO party-in-person has filed *written brief* and I have heard learned Presenting Officer and DGO party-in-person

12. Now, the points that emerge for my consideration and conclusion are *as follows* :-

1 : *Whether the charges against DGO as noted at para 5(2)(i) to (iii) of the report is proved by the Disciplinary Authority through its presenting officer?*

2 : *What finding/conclusion ?*

13. I have heard and carefully perused the enquiry papers and analyzed and appreciated the oral and documentary evidence placed on record.

14. My *findings* on aforesaid points are *as under*:

POINT No. 1 : In the AFFIRMATIVE

POINT no. 2 : As per my *FINDING/CONCLUSION* for the following :-

*** REASONS ***

15. POINT NO. 1 : *It is the case of the Disciplinary Authority that DGO being Panchayath Development Officer in Beedi Gram Panchayath, Khanapura Taluk, Belgaum District, has committed dereliction of duty amounting*

to misconduct as mentioned in the *charges* at para 5(2)(i) to (iii) of the report.

16. *In order to prove the charges* leveled against DGO, the presenting officer has examined 3 witness and got marked 12 documents and closed the side.
17. *Now*, I shall proceed to appreciate and analyze the oral and documentary evidence of the disciplinary authority viz.,(PW1 to 3 and Ex P1 to 12) which are *as follows:-*
18. PW-1 SRI. GOPAL (Complainant) *he has deposed that*, during the year 2009-10, 2010-11 DGO was working as PDO in Beedi Gram Panchayath and Under NREGA scheme during the year 2009-10, 2010-11 government grants were given to Beedi Gram Panchayath for Road development work, tank desalting work, Rejuvenation of tanks and others.
19. PW-1 further deposed that, the works are not executed, but the money was misappropriated and the works were not completed and in a single day DGO has issued more than 25 cheques to the contractors. Therefore, he submitted representation to Gram Panchayath, Taluk Panchayath, Zilla

Panchayath and ombudsman. But no action was taken.

20. PW-1 says that, therefore, he lodged the complaint along with form No. I & II as per Ex. P-1 to 3 and after lodging the complaint Lokayukta officials came and inspected the works. Along with complaint he has furnished details of cheques, Copy of Representation given by the villagers to Karnataka Lokayukta, Copy of cash book, Copy of action plan, Copy of Bank Pass Book extract are at Ex. P-4 to 8 and DGO is the responsible official for these discrepancies.
21. PW-2 SRI. RAGHAVENDRA B HAWALDAR (police Inspector, Lokayukta, Belgaum and Investigation Officer) he has deposed that, he served as Police Inspector, Karnataka Lokayukta, Belagaum from 30.8.2011 to 26.5.2015 and he received a letter from Assistant Registrar of Enquiries-8, Deputy Registrar of Enquiries-5 and Public Prosecutor in respect of case registered against DGO in Belagaum Lokayukta PS crime no.8/12.
22. PW-2 further deposed that, he sent a report dt:4.2.2013, along with copy of FIR, copy of PCR and report, copy of letter of Chief Executive Officer dt:13.11.2012 and copy of order of Ombudsman and same are marked collectively as per Ex. Ex P -9.

23. PW-3 SMT. LALITHA (Scrutiny Officer, Lokayukta, Bengaluru) she has deposed that, she had perused the complaint file and the comments submitted by the DGO as per Ex. P -10.
24. PW-3 further deposed that, after perusing complaint, comments and other connected documents, during the year 2009-10, 2010-11, 9 works were taken up by the Beedi Grama Panchayath and it was incomplete and no documents were submitted to show that the works were completed and DGO has issued 40 cheques in a single to the contractors during the year 2009-10 and 2010-11. DGO has not submitted explanation why he has issued 40 cheques in a single day.
25. PW-3 says that, on perusal of 3rd party inspection report, Beedi Grama Panchayath rejuvenation of minor irrigation lake of Beedi village for Rs. 4,98,315/-, without executing the Said work Rs. 4,98,315/- as shown as expenditure and misappropriated the same and fabricated documents created and DGO misappropriated the above said amount. 3rd party inspection report is at Ex. P -11.
26. *In the cross-examination of PW-1 to 3 made by DGO party-in-person, I find that no worth mentioning points are elicited in favour of DGO/defense case, to disbelieve/discredit the depositions.*
27. It is the case of DGO/*Defence that* he did not commit dereliction of duty amounting to misconduct.

28. *In this regard, Sri. Ganesh (Panchayath Development Officer, Beedi Grama Panchayath) is examined as DW-1 and got marked 6 documents as Ex D-1 to 6 and closed his side.*
29. In so far as argument/s in this enquiry is concerned, the learned presenting officer has submitted that PW-1 to 3 were examined and Ex. P-1 to 12 have been got marked and on the basis of depositions of PW-1 to 3 and relevant documents, affirmative finding can be given as *charge against the DGO is proved.*
30. *Per contra, DGO party-in-person has filed written brief.*
31. *Having heard and on careful perusal and appreciation of oral and documentary evidence of disciplinary authority placed on record, it is obviously clear that the disciplinary authority has placed sufficient and satisfactory oral and documentary evidence to prove its case/enquiry against the DGO as per the standard of preponderance of probabilities to warrant my finding on the charge against DGO in the affirmative as proved.*
32. *On perusal of depositions of PW-1 Sri. Gopal, PW-2 Sri. Raghavendra B Hawaldar and PW-3 Smt. Lalitha, it can be seen that, PW-1 being the complainant, PW-2 being Police Inspector, Lokayukta, Belgaum and Investigation Officer and PW-3 being Scrutiny Officer have fully supported the case of disciplinary authority.*

33. *It is significant to note that, nothing worth mentioning points are elicited from the evidence/depositions of PW-1 to 3 by the DGO party-in-person. As such, the depositions of PW-1 to 3 are worthy of acceptance, believable and reliable against DGO.*
34. *It is relevant to note that, the depositions of Pw-1 to 3 are consistent, corroborative and same are strengthened by the relevant documents i.e. Ex P -1 to 12.*
35. *I don't find any substance and considerable force in the line of argument/contention/s taken by the DGO party-in-person in the *Written Brief* and in my considered opinion, those are devoid of merits, irrelevant and unacceptable.*
- 35(1) *Moreover, on bare reading of Ex. D-1 to 6 relied by DGO, nothing worth mentioning aspects are forthcoming therein in favour of DGO to hold that he did not committed misconduct as contended.*
- 35(2) *Further, the deposition/affidavit of Sri. Ganesh K.S./DW-1 is inconsistent and nothing, but, mere denial of case of disciplinary authority and he is highly interested, to disbelieve his versions.*

36. It is *pertinent to note that*, it is not in dispute, that DGO has worked in Beedi Grama Panchayath during the period as on the date of commission of dereliction of duty amounting to misconduct.
37. *It is worthwhile to note that, Ex. P -11 Third party Inspection Report, evidence/depositions of PW-1 to 3 reveal that*, the rejuvenation of minor irrigation lake of bedi village an amount of Rs. 4,98,315/- as shown as expenditure and misappropriated the same without execution of rejuvenation minor irrigation tanks. The DGO has executed works during 2009-10 and 2010-2011 without giving employment to coolie labourers and by entrusting the work to the contractor and DGO has not taken steps to complete 9 works mentioned in the list and they are left unfinished. But, it is shown as works taken up and money spent. *Likewise*, some works were executed, but, those are not in good condition etc. DGO has issued 40 cheques in a single day to the contractors dated 28.03.2011 without completion of executing the works entrusted to him. On perusal of 3rd Party Inspection Report in Ex. P -11, it is seen in the opinion column that, there was no signature in the M.B. Books in respect of execution of construction works and also the bills were issued without the signature of Panchayath Development Officer. Therefore, it clearly demonstrate that the DGO has committed dereliction of duty amounting to misconduct. *Hence*, I don't find any substance in the contention/plea taken by

the DGO that he did not committed misconduct and it is unacceptable and unsustainable.

38. On *bare reading of relevant contents of Ex. P-1 to 12* coupled with depositions of PW-1 to 3 and admission of DGOs to some extent, *it is very clear that*, DGO has committed dereliction of duty amounting to misconduct as mentioned in the *charge* at para 5(2)(i) to (iii) of the report.
39. On *careful analysis* and appreciation of oral and documentary evidence placed on record, it is *manifestly clear* that the depositions of PW-1 to 3 is fully corroborated, consistent and fortified by relevant exhibits/documents and the same are inspiring confidence of this enquiry authority to rely and to act upon against DGO and there is nothing brought on record to disbelieve the same. *In my considered view*, the case of Disciplinary Authority is *acceptable*.
40. *For the reasons stated above* and observations made in the light of depositions of PW-1 to 3, DW-1 and Ex. P-1 to 12 and Ex. D- to 6 and provision of law and under the given set of facts and circumstances of this enquiry, I have arrived at *inevitable conclusion to hold that*, the Disciplinary Authority through its Presenting Officer is *successful* in proving the *charge* framed and leveled against DGO, *up to* the standard of preponderance of probabilities and to the satisfaction of this enquiry

authority, to record my finding in the affirmative as *proved*.

41. POINT NO.2 : *In view of my finding on point No. 1/charge, for foregoing reasons and discussions, I proceed to submit the enquiry report as under :-*

: ENQUIRY - REPORT :

- i. *From the oral and documentary evidence and materials placed on record, I hold and record my finding that the Delinquent Government Official Sri. H.V. RAGHAVENDRA, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belgaum District, (presently working as Assistant Diorector (Rural Employment) Taluk Panchayath, Honnali, Davanagere District, has *failed* to maintain absolute integrity besides devotion to duty and committed an act which is unbecoming of Government servants and they are *found guilty* of misconduct under Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966.*
- ii. *Accordingly, I hold and record my finding on the charge i.e. para 5(2)(i) to (iii) of the report, leveled by the disciplinary*

authority against Delinquent
Government Official, as Proved.

iii Hence, this Enquiry Report is
hereby submitted/placed before Hon'ble
Upalokayukta-1 for kind *consideration*.

Dated 17th June 2019.

Hw 17.6.19
(H.G. NAGARATHNA)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore.

Date : 17.06.2019.
Place : Bangalore.

::ANNEXURE::

I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

- PW-1 :- Sri. Gopal (Complainant)
PW-2 :- Sri. Raghavendra B Hawaldar (Police
Inspector, Lokayukta, Belgaum & Investigation Officer)
PW-3 :- Smt. Lalitha (Scrutiny Officer, Lokayukta,
Bengaluru)

II. LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DISCIPLINARY AUTHORITY :

- Ex.P-1 : Complaint
Ex.P-2 : Form No. II (Affidavit) dated
30.01.2012

Ex.P-3 : Form No. I (Complaint) dated
30.01.2012.
Ex. P-4 : Details of cheques furnished by
the complainant.
Ex. P-5 : Copy of representation given by the
villagers to Lokayukta, Belgaum
dated 22.11.2011.
Ex. P-6 : Copy of cash book (23 sheets).
Ex. P-7 : Copy of Action Plan (6 sheets).
Ex. P-8 : Copy of Bank pass book extract
(7 sheets).
Ex. P-9 : Report dated 04.02.2013 of Police
Inspector, Lokayukta, Belgaum.
Ex. P-10 : Comments of the DGO dated
28.02.2012
Ex. P-11 : Third Party Inspector Report
Ex. P-12 : Letter of Chief Executive Officer,
ZP, Belgaum dated 13.11.2012.

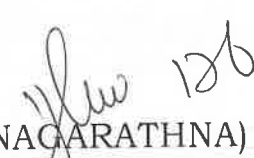
III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGOs/DEFENSE

DW-1 : Sri. K.S. Ganesh (Witness/
Panchayath Development Officer,
Beedi Grama Panchayath).

IV LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DGOs/DEFENSE:

Ex. D-1 : MIS extract (materials procured).
Ex. D-2 : Copy of order dated 19.03.2014 in Criminal
Petition No. 11492/2013 of Hon'ble High
Court of Karnataka, Dharwad Bench.
Ex. D-3 : Copy of declaration certificate regarding
period of service of DGO.
Ex. D-4 : Another copy of declaration certificate
regarding incumbency/the persons who
served.
Ex. D-5 : Copy of office order dated 07.06.2010.
Ex. D-6 : Copy of appointment order dated
19.03.2010 of DGO.

Dated 17th June 2019.


(H.G. NAGARATHNA)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/435/2017/ARE-10

Multi Storied Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date:19/06/2019

RECOMMENDATION

Sub:- Departmental inquiry against Sri H.V. Raghavendra, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belagavi District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District - Reg.

- Ref:- 1) Government Order No.ಗ್ರಾಅಪ 309 ಕೆಎಸ್ಎಸ್ 2016,
Bengaluru dated 03/03/2017
- 2) Nomination order No.UPLOK-1/DE/435/2017,
Bengaluru dated 25/03/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 17/06/2019 of Additional
Registrar of Enquiries-10, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 03/03/2017, initiated the disciplinary proceedings against Sri H.V. Raghavendra, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belagavi District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District (hereinafter referred to as Delinquent Government Official for short as 'DGO') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/435/2017, Bengaluru dated 25/03/2017, nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental

Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri H.V. Raghavendra, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belagavi District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District was tried for the following charges:-

“That, you – DGO Sri. Raghavendra H.V, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belgaum District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District has committed the following dereliction of duty amounting to misconduct:-

(i) You DGO, during 2009-2010 and 2010-2011 has taken up 9 works in Beedi Grama Panchayath jurisdiction. But the works are not completed. You DGO has not produced any documents to show that the said 9 works are completed.

(ii) You DGO has issued 40 cheques in favour of the Contractor during the year 2009-10 & 2010-11 on the same day. But you DGO has not explained why 40 cheques have been issued on a single day to the contractor and for which works said 40 cheques were issued.

(iii) Rejuvenation of minor irrigation lake of Beedi Grama Panchayath (Work referred at Sl.No.5 in the 3rd party inspection report) has not been executed, but an amount of Rs.4,98,315/- has been shown as

expenses incurred and bill has been paid for that amount by creating bogus documents. Thus, you DGO has misappropriated Rs.4,98,315/- without executing the works.

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

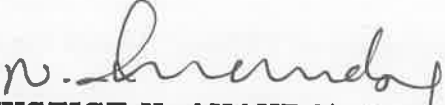
4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO Sri H.V. Raghavendra, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapura Taluk, Belagavi District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District.

5. The inquiry officer has held that the DGO had issued 40 Cheques to the Contractor on a single day, but not explained the nature of works for which the cheques were issued. Further, the inquiry officer has held that the DGO had misappropriated a sum of ₹4,98,315/- by creating bogus documents.

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

7. As per the First Oral Statement submitted by DGO Sri H.V. Raghavendra, he is due to retire from service on 30/06/2038.
8. Having regard to the nature of charges proved against DGO Sri H.V. Raghavendra, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri H.V. Raghavendra, the then Panchayath Development Officer, Beedi Grama Panchayath, Khanapur Taluk, Belagavi District, presently working as Assistant Director (Rural Employment), Taluk Panchayath, Honnali, Davangere District.
9. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


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