

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/436/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 22-07-2019.

:: ENQUIRY REPORT ::

:: Present ::

(Lokappa N.R)

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

Sub: Departmental Enquiry against 1) Smt.Jythi Chalavadi, the then PDO, Kotur Grama Panchayat, Dharwad taluk (Presently working in Kalakur Grama Panchayat) and 2) Sri Jagadish Kotur, the then Secretary, Kotur Gram Panchayat, Dharwad taluk (presently working in Deverahubballi Grama Panchayat) - reg.

Ref: 1. G.O.No.RDP 529 GPS 2016 dated 26/9/2016.
2. Nomination Order No: UPLOK-1/DE/436/2016
Dt: 05/10/2016 of Hon'ble Upalokayukta.

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This Departmental Enquiry is initiated against 1) Smt.Jythi Chalavadi, the then PDO, Kotur Grama Panchayat, Dharwad taluk (Presently working in Kalakur Grama Panchayat) and 2) Sri Jagadish Kotur, the then Secretary, Kotur Gram Panchayat, Dharwad taluk (presently working in Deverahubballi Grama Panchayat) (hereinafter referred to as the Delinquent Government Official for short "**DGO-1 and 2**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 05/10/2016 cited above at reference No.2 has Nominated

or

Addl. Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO. Additional Registrar of Enquiries-9 has prepared 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 on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

3. The Article of charges framed by the ARE-9 against the DGO is as under :

ANNEXURE-I **CHARGE**

- 1) ಆ.ಸ.ನೌಕರರಾದ 1) ಶ್ರೀಮತಿ ಮೈಯ್ಯಾಚಿ ಚಲವಾದಿ, ವಿವಿವಿ. ಕೋಟೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಧಾರವಾಡ ಜಿಲ್ಲೆ 2) ಶ್ರೀ ಜಗದೀಶ್ ಕೋಟೂರು, ಕಾರ್ಯವರ್ತಿ, ಕೋಟೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಧಾರವಾಡ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ನೀವು ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ 2008ರ ರಾಷ್ಟ್ರೀಯ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸ ಕೊಡಬೇಕೆಂಬ ನಿಯಮವಿದ್ದರೂ ಸಹ ಕಾರ್ಮಿಕರನ್ನು ಕೆಲಸಕ್ಕೆ ಒಳಸಿಕೊಳ್ಳದೇ ಕಾರ್ಮಿಕರ ಬ್ಯಾಂಕ್ ಪಾಸ್ ಪುಸ್ತಕಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಜೆಸಿಬಿ ಯಂತ್ರ ಬಳಸಿ ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿ, ಕಾರ್ಮಿಕರಿಗೆ ರೂ.100/-, ರೂ.200/- ಗಳನ್ನು ಕೊಟ್ಟು ತಲಾ ರೂ.18.05.870/- ಗಳನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.
- 2) ಆದ್ದರಿಂದ, ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ ಹಾಗೂ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1)(i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಮಾಡಿರುತ್ತೀರಿ.

ANNEXURE-II **STATEMENT OF IMPUTATION OF MISCONDUCT:**

ಧಾರವಾಡ ಜಿಲ್ಲೆ ಶಿಂಗನಹಳ್ಳಿಯ ಶ್ರೀ ಖಾಸಿಂಸಾಬ್ ರೆಹಮಾನ್ ಗಡದ (ದೂರುದಾರರು) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಆ.ಸ.ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಕರ್ತವ್ಯಲೋಪದ ಬಗ್ಗೆ ನೀಡಿದ ದೂರನ್ನು ಕಲೋ ಕಾಯಿದೆ 1984 ಕಲಂ 9ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿರುತ್ತದೆ.

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2. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ : ಆ.ಸ.ನೌಕರರಾದ ನೀವು 2008ರ ರಾಷ್ಟ್ರೀಯ ಉದ್ಯೋಗ ಕಾತ್ರ ಯೋಜನೆಯಡಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸ ಕೊಡಬೇಕೆಂಬ ನಿಯಮವಿದ್ದರೂ ಸಹ ಕಾರ್ಮಿಕರನ್ನು ಕೆಲಸಕ್ಕೆ ಬಳಸಿಕೊಳ್ಳದೇ ಕಾರ್ಮಿಕರ ಬ್ಯಾಂಕ್ ಪಾಸ್ ಪುಸ್ತಕಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಜೆಸಿಬಿ ಯಂತ್ರ ಬಳಸಿ ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿ, ಕಾರ್ಮಿಕರಿಗೆ ರೂ.100/-, ರೂ.200/- ಗಳನ್ನು ಕೊಟ್ಟು ಕೋಟ್ಯಾಂತರ ಹಣವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡಿರುತ್ತೀರಿ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ.

3. ದೂರಿನ ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ, ಈ ಸಂಸ್ಥೆಯ ಧಾರವಾಡ ಜಿಲ್ಲೆ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕ (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿಗಳು' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರಿಗೆ ಕೇಳಲಾಗಿ, ಸದರಿಯವರು ದೂರಿನ ತನಿಖೆ ಮಾಡಿ ವರದಿಯಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಹೇಳಿದ್ದಾರೆ-

ಸದರಿ ಪಂಚಾಯತ್ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಮತ್ತು ಕೋಟೂರು ಹಾಗೂ ಧಾರವಾಡ ತಾಲ್ಲೂಕ್ ಸಿಂಬನಹಳ್ಳಿ ಗ್ರಾಮಗಳ ಜಮೀನುಗಳಲ್ಲಿ ನಿರ್ವಹಿಸಿದ ಕಾಮಗಾರಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, 2012 ರಿಂದ 2014ರ ಮಾರ್ಚ್ವರೆಗೆ ಎಂಜಿಎನ್‌ಆರ್‌ಇಜಿಎ ಯೋಜನೆಯಡಿ -

- 1) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಯಲ್ಲಪ್ಪ ಗು. ಉಡಕೇರಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ಮಾವಿನ ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ,
- 2) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮಡಿವಾಳಪ್ಪ ಮ ದೇವಪ್ಪನವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 3) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಈಶ್ವರಪ್ಪ ಆಣೆಪ್ಪನವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗುಗುಂಡಿ ನಿರ್ಮಾಣ:
- 4) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಲಿಂಗನಾಯಕ ಪ ನಾಯರ್ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಸಸಿ ನಿರ್ಮಾಣ:
- 5) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಬೀಬಿಜಾನ್ ಕ. ಡಂಬಳ ರವರ ಜಮೀನಿನಲ್ಲಿ ಗುಲಾಬಿ ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ:
- 6) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಶ್ರೀನಿವಾಸ್ ರ ದೇಸಾಯಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 7) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಸುಬ್ಬಣ್ಣ ದೇವಪ್ಪನವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 8) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಫಕೀರಪ್ಪ ಮೊ ಲಕ್ಕಪ್ಪನವರ ಜಮೀನಿನಲ್ಲಿ ತೇಗಿನ ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ:
- 9) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ಕಾರಿ ಕನ್ನಡ ಶಾಲೆಯ ಆಟದ ಮೈದಾನ ಸಮತಟ್ಟು ಮಾಡುವುದು ಮತ್ತು ಗೇಟ್ ಅಳವಡಿಸುವ ಕಾಮಗಾರಿ:



- 10) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಅಗಸರ ಹಳ್ಳದ ದಾರಿ ರಸ್ತೆ ನಿರ್ಮಾಣ:
- 11) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮುಕ್ತುಂಸಾಬ್ ಸಾ ಕಂಬಾರಗಣವಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗಿನ ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 12) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಈರಪ್ಪ ಬಸವಣ್ಣಪ್ಪ ಮಂಗಳಗಟ್ಟಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 13) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಫೀರ್‌ಸಾಬ್ ಬೀ ಕಂಬಾರಗಣವಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗಿನ ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 14) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮತಿ.ಮಹಬೂಬ್ ಸುಬಾನಿ, ಕಂಬಾರಗಣವಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗಿನ ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 15) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಕರೆಮ್ಮ ದೇವಿ ಗುಡಿ ಹತ್ತಿರ ಕೆರೆ ಹೊಳೆತ್ತುವುದು ಮತ್ತು ಕಲ್ಲು ಪಿಚ್ಚಿಂಗ್ ಮಾಡುವ ಕಾಮಗಾರಿ:
- 16) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮುಕ್ತುಂಸಾಬ್ ಸಾ ಕಂಬಾರಗಣವಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಸಸಿ ನೆಡಲು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 17) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮಹದೇವಪ್ಪ ಸೋಮಪ್ಪ ನೆಡುಕಟ್ಟಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ಬಂದು ನಿರ್ಮಾಣ:
- 18) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮಡಿವಾಳಪ್ಪ ಮಲ್ಲಪ್ಪ ಪಾಲೀ ಸುಂಕದ ರವರ ಜಮೀನಿನಲ್ಲಿ ಬದು ನಿರ್ಮಾಣ:
- 19) ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ.ಮಡಿವಾಳಪ್ಪ ಮಲ್ಲಪ್ಪ ಪಾಲೀ ಸುಂಕದ ರವರ ಜಮೀನಿನಲ್ಲಿ ಬದು ನಿರ್ಮಾಣ:
- 20) ಕೋಟೂರು ಗ್ರಾಮದ ಶ್ರೀ.ಚೆನ್ನಪ್ಪ ಗವಿ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗಿನ ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ:
- 21) ಕೋಟೂರು ಗ್ರಾಮದ ವಿವಿಧ ರೈತರುಗಳ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗಿನ ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ:
- 22) ಕೋಟೂರು ಗ್ರಾಮದ ಜಂಡೆಬಾಬಾ ಧರ್ಗಾದಿಂದ ಮುಕ್ತುಲ್ ಖಾಲೇ ಸಾಬ್ ರವರ ಮನೆಯವರೆಗೂ ರಸ್ತೆ ಎರಡೂ ಬದಿಗಳಲ್ಲಿ ಗಟಾರ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿ:
- 23) ಕೋಟೂರು ಗ್ರಾಮದ ಶ್ರೀ.ಮತಿ ಅನ್ನಪೂರ್ಣ ಪೂಜಾರ್ ರವರ ಜಮೀನಿನಲ್ಲಿ ತೆಂಗು ಸಸಿ ನೆಡುವ ಕಾಮಗಾರಿ:
- 24) ಕೋಟೂರು ಗ್ರಾಮದ ಶ್ರೀ.ಫಕೀರ್‌ಸಾಬ್ ಬಾ ರೂಪನವರ ರವರ ಜಮೀನಿನಲ್ಲಿ ಮಾಪು ಗುಂಡಿ ನಿರ್ಮಾಣ:
- 25) ಕೋಟೂರು ಗ್ರಾಮದ ಬೀರದೇವರ ಗುಡಿಯಿಂದ ಶ್ರೀ.ವಟವಟಗಿ ರವರ ಮನೆಯವರೆಗೆ ರಸ್ತೆ ಪಕ್ಕ ಗಟಾರ ನಿರ್ಮಾಣ:

ಈ ಎಲ್ಲಾ ಕಾಮಗಾರಿಗಳನ್ನು ಸ್ಥಳೀಯ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಂದ ಎದುರುದಾರರು ಮಾಡಿಸಿಸದ್ದು, ಕೂಲಿ ಕಾರ್ಮಿಕರ ಜಾಬ್ ಚೀಟಿಯ ಮೂಲಕ ಅವರವರ ಬ್ಯಾಂಕು ಖಾತೆಗಳಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಬಟಾವಡೆ ಮಾಡಿದ್ದಾರೆ. ಆ.ಸ.ನೌ ರವರು ಸದರಿ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಜೆಸಿಬಿ ಯಂತ್ರಗಳನ್ನು ಬಳಕೆ ಮಾಡಿದ ಬಗ್ಗೆ ಯಾವುದೇ ಸಾಕ್ಷಾಧಾರಗಳು ಲಭ್ಯವಾಗಿಲ್ಲವೆಂದು ವರದಿಯಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ.

4. ತನಿಖಾ ವರದಿಗೆ ದೂರುದಾರರಿಂದ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಕೇಳಲಾಗಿ ದೂರುದಾರರು ತನಿಖಾ ವರದಿಯಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಹೇಳಿದ್ದೇನೆಂದರೆ-

ಈ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸ ಕೊಡಿಸದೇ ಯಂತ್ರದಿಂದ ಕೆಲಸ ಮಾಡಿಸಿ ಹಣ ದುರುಪಯೋಗ ಮಾಡಿದ್ದಾರೆ. ಅಲ್ಲದೇ ಈ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ತಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಕುಳಿತುಕೊಂಡು ವರದಿಯನ್ನು ತಯಾರಿಸಿರುವುದಾಗಿ ಹೇಳಿ, ತನಿಖಾಧಿಕಾರಿಗಳು ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿಲ್ಲ, ಆ ಸ್ಥಳದಲ್ಲಿ ಕಾಮಗಾರಿ ಆಗಿದೆ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿರುವುದಿಲ್ಲ. ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಜಾಬ್ ಕಾರ್ಡ್ ಮೂಲಕ ಹಣ ಪಾವತಿಯಾಗಿಲ್ಲ. ಈ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ಕಾರ್ಮಿಕರನ್ನು ಉಪಯೋಗಿಸದೇ ಯಂತ್ರಗಳ ಮೂಲಕ ಕಾಮಗಾರಿ ನಡೆಸಿ, ಆ ಕಾಮಗಾರಿಯಲ್ಲಿ ಬಹಳಷ್ಟು ಹಣ ಆವ್ಯವಹಾರ ಆಗಿದೆಯೆಂದು ತಿಳಿಸಿ, ತನಿಖಾ ವರದಿಯು ಸುಳ್ಳಾಗಿದ್ದು, ಆದನ್ನು ತಿರಸ್ಕರಿಸಿ, ನಿಷ್ಪಕ್ಷವಾಗಿ ತನಿಖೆ ಮಾಡಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಿದ್ದಾರೆ.

5. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ತನಿಖಾಧಿಕಾರಿಗಳು ಕೋಟೂರು ಹಾಗೂ ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮಗಳಲ್ಲಿ 2012 ರಿಂದ 2014, ಮಾರ್ಚ್‌ರವರೆಗೆ ಎಂಜಿಎನ್‌ಆರ್‌ಇಜೆಎ ಯೋಜನೆಯಲ್ಲಿ ನಿರ್ಮಿಸಿದ ಕಾಮಗಾರಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಸದರಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಂದ ಕೆಲಸ ಮಾಡಿಸಿ, ಅವರ ಜಾಬ್ ಚೀಟಿಗಳ ಮೂಲಕ ಅವರ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಜಮಾ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆಂದು ತಮ್ಮ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಆದರೆ, ಈ ರೀತಿ ಕಾಮಗಾರಿಗಳ ಹಣವನ್ನು ವಿರ್ಚು ಮಾಡಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ಬಿಲ್ ಅಥವಾ ರಶೀದಿಯನ್ನಾಗಲೀ ಹಾಜರುಪಡಿಸಿಲ್ಲ. ಈ ಕಾಮಗಾರಿಯಲ್ಲಿ ಮಾನವ ಸಂಪನ್ಮೂಲದ ಮೂಲಕ ಕಾರ್ಮಿಕರಿಗೆ ಹಣ ಪಾವತಿಸಿದ ಬಗ್ಗೆ ಅವರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಜಾಬ್ ಕಾರ್ಡ್‌ಗಳನ್ನಾಗಲೀ ಅಥವಾ ಜಾಬ್ ಕಾರ್ಡ್‌ಗಳ ನಂಬರ್‌ಗಳನ್ನಾಗಲೀ ಹಾಜರುಪಡಿಸಿಲ್ಲ. ತನಿಖಾಧಿಕಾರಿಗಳು ವರದಿಯಲ್ಲಿ ಕಾರ್ಮಿಕರು ಕೆಲಸ ಮಾಡಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೆ, ಈ ಬಗ್ಗೆ ಕಾರ್ಮಿಕರ ಹೇಳಿಕೆಗಳನ್ನಾಗಲೀ ಅಥವಾ ಅವರ ಕಾಮಗಾರಿಯ ಬಗ್ಗೆ ಅಭಿಪ್ರಾಯವನ್ನು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಪಡೆದಿಲ್ಲ. ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಿರುವ ಫೋಟೋವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಆ ಕಾಮಗಾರಿಗಳನ್ನು ಜೆಸಿಬಿ ಮತ್ತು ಟ್ರಾಕ್ಟರ್‌ಗಳ ಮೂಲಕ ಮಾಡುತ್ತಿರುವ ಬಗ್ಗೆ ಕಂಡು ಬಂದಿದೆ. ಎದುರುದಾರರು ಆ ಕಾಮಗಾರಿಗಳಿಗೆ ಸರಿಯಾದ ರೀತಿ ಹಣ ವಿರ್ಚು ಮಾಡಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸದೇ ಇರುವುದರಿಂದ ಆ.ಸ.ನೌಕರರು ರೂ.18,05,871/- ಗಳನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದೆ.

6. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ ಸಮಂಜಸ/ ಸಮಾಧಾನಕರ ಇಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.



7. ಮೂರು (3) ಮತ್ತು ನಾಲ್ಕನೇ ನೌಕರರು ಪಂಚಾಯತ್ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಉಪಾಧ್ಯಕ್ಷರಾಗಿದ್ದು, ಅವರ ಸೇವಾ ಅವಧಿಯು ಮುಗಿದಿರುವುದರಿಂದ 3 ಮತ್ತು 4ನೇ ನೌಕರರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲಾಗಿದೆ.

8. ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ 1 ಮತ್ತು 2ನೇ ನೌಕರರು ಸರ್ಕಾರಿ / ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕರೇ. ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

9. 1 ರಿಂದ 4ನೇ ನೌಕರರು ಮರುಪಯೋಗದ ಹಣ ತಲಾ ರೂ. 18,05,871/- ಅನ್ನು ಕಾನೂನಿನಂತೆ ಸಮನಾಗಿ ವಸೂಲಿ ಮಾಡಲು ಹಾಗೂ 1 ರಿಂದ 4ನೇ ನೌಕರರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಪ್ರಕರಣ ದಾಖಲಿಸಲು ಸಕ್ಷಮ ಅಧಿಕಾರಿಗೆ ನಿರ್ದೇಶಿಸಿದೆ.

- (a) -

4. The DGO-1 and 2 have appeared on 28/1/2017 before this enquiry authority in pursuance to the service of the Article of charges.

5. Plea of the DGOs have been recorded and they have pleaded not guilty and claimed for holding enquiry.

6. The DGO-1 and 2 have submitted written statement is that,

They were working as PDO and Secretary of Koturu gram panchayat during the year 2008. They have implemented the NREGA work as per the guidelines and further submitted that Lokayukta Police Officer has investigated the matter as per the direction of the Hon'ble Upalokayukta and they have submitted the report that the complainant allegations are not proved. Further stated that the accounts of the said gram panchayat audited every year. There is no audit objection



regarding maintenance of the records in respect of the alleged work under the NREGA scheme. Further the DGOs specifically denied the charge leveled against them and also denied the fact that they have completed the said alleged work by using JCB. Further submitted that as per the guidelines of the NREGA wage amount of the concerned labour deposited in their respective bank account. Further they have denied the fact that they had custody of the bank pass book of the concerned labour. Further submitted that they have not committed any misconduct or dereliction of duty and prayed to drop the charge leveled against them.

7. The disciplinary authority has examined the complainant Sri.Kasimsab Rehmansab Gadad s/o Rehmansab Gadad as Pw.1, Sri Babasab Narasappa Hullannavar, PI, PTS Kanapura as Pw.2 and Sri Venkatappa s/o Boradasaiah, the then ARLO-1, Karnataka Lokayukta, Bangalore as Pw.3. Ex.P1 to 33 are got marked. The DGO-1 has examined as Dw.1 and DGO-2 has examined as Dw.2. Ex.D1 to 26 are got marked.

8. The DGOs have submitted written brief. Heard the submissions of the disciplinary authority and DGO's side. I answer the above charge in **PARTLY AFFIRMATIVE** for the following;

REASONS

9. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO.

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10. The disciplinary authority has examined the complainant Sri.Kasimsab Rehmansab Gadad s/o Rehmansab Gadad as Pw.1, Sri Babasab Narasappa Hullannavar, PI, PTS Kanapura as Pw.2 and Sri Venkatappa s/o Boradasaiah, the then ARLO-1, Karnataka Lokayukta, Bangalore as Pw.3. Ex.P1 to 33 are got marked. The DGO-1 has examined as Dw.1 and DGO-2 has examined as Dw.2. Ex.D1 to 26 are got marked. The Pw.1 deposed in his cross examination that the DGO-1 and 2 were working as PDO and Secretary of the gram panchayat in Koturu gram panchayat, Dharwad taluk. Further deposed that in the year 2008 to 2014 Rs.19600000/- grant released by the government under the NREGA scheme to the said gram panchayat the DGOs colluded with the President and Vice president only pay the amount of Rs.100/- to 200/- per day to the labours the remaining amount was used for their own. Further deposed that the DGOs completed the said work by using the JCB.

11. Pw.1 further deposed in his cross examination that he has no job card to work under MGNREG scheme and also they have not produced the copy of his pass book to show that they have received the Rs.100/- or Rs.200/- under the said scheme. Further submitted that he has not made any complaint before the ombudsman in respect of the nonpayment of the wage amount under the said scheme and said alleged work were done by using JCB. Further deposed that he was unable to say which JCB and belongs to whom was used by the DGO for completing the said work.

12. Pw.2 is the I.O who submitted the report along with Ex.P5 to 32 documents he has deposed in his evidence that he has personally visited Koturu gram panchayat on 16/7/2015, 20/7/2015, 6/8/2015 and inspected all document concerned to the work done by the said gram panchayat for the year 2012-13 and 2013-14 which were done under the MGNREG scheme and also statement of the labours recorded and finally he has submitted the report along with documents as per the Ex.P5. Further submitted that the allegation made in the complaint are not proved and there is no misappropriation of funds by the DGOs. Further that he has deposed in his cross examination as follows;

ನಿ.ಪಿ-ಶಿರ ವರದಿಯನ್ನು ತಯಾರು ಮಾಡುವ ಪೂರ್ವದಲ್ಲಿ ಅದರಲ್ಲಿ ಹೇಳಿರುವ ಕೋಟೂರು ಮತ್ತು ಸಿಂಗನಹಳ್ಳಿ ಗ್ರಾಮದ ಮೇಲೆ ಹೇಳಿದ ೧೨ ಜನ ಕೂಲಿಕಾರರನ್ನು ವಿಚಾರಣೆ ಮಾಡಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ನಾನು ಈ ದಿನ ಹಾಜರುಪಡಿಸಿದ ನಿ.ಪಿ-೮ ರಿಂದ ನಿ.ಪಿ-೩೨ ರ ದಾಖಲೆಗಳಲ್ಲಿ ಕೂಲಿಕಾರ್ಮಿಕರಿಗೆ ಹಣ ಪಾವತಿ ಮಾಡಿರುವ ವಿವರಗಳು ಮತ್ತು ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತಹ ಫೋಟೋಗಳು ಇದ್ದವು ಎಂದರೆ ಸರಿ. ದೂರುದಾರರು ನಿ.ಪಿ-೪ ರಲ್ಲಿ ಹೇಳಿರುವಂತೆ ನಾನು ಸ್ಥಳ ತನಿಖೆ ಮಾಡದೇ ಕಛೇರಿಯಲ್ಲಿಯೇ ಕುಳಿತು ವರದಿ ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂದು ಹೇಳುವ ವಿಚಾರ ಸರಿ ಇರುವುದಿಲ್ಲ. ನಿ.ಪಿ-೬ರ ಫೋಟೋವನ್ನು ನನ್ನ ವಿಚಾರಣೆ ಕಾಲದಲ್ಲಿ ದೂರುದಾರರು ನನ್ನ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿಲ್ಲ ಹಾಗೂ ನನಗೆ ವಹಿಸಲಾದ ಕಡತದಲ್ಲಿಯೂ ಸಹ ಸದರಿ ಫೋಟೋ ಇರಲಿಲ್ಲ. ಇದೇ ಮೊದಲ ಬಾರಿಗೆ ಸದರಿ ಫೋಟೋವನ್ನು ನಾನು ನೋಡುತ್ತಿರುವುದರಿಂದ ಅದು ಯಾವ ಸ್ಥಳದ ಫೋಟೋ ಎಂದು ಹೇಳಲು ಆಗುವುದಿಲ್ಲ. ನನ್ನ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ನಾನು ಮೇಲೆ ಹೇಳಿರುವ ಮಹಾತ್ಮ ಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಲ್ಲಿ ನಡೆದ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಯಾವುದೇ ಹಣ ದುರುಪಯೋಗ ಆಗಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ ಹಾಗೇ ಆ.ಸ.ನೌ.ರವರು ತಮ್ಮ ಕರ್ತವ್ಯದಲ್ಲಿ ಲೋಪ ಎಸಗಿದ್ದಾರೆ ಎನ್ನುವ ವಿಚಾರ ನನಗೆ ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ನಿ.ಪಿ-೮ ರಿಂದ ೩೨ ರವರೆಗಿನ ದಾಖಲೆಗಳಲ್ಲಿ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಹಣ ಬಟವಾಡೆ ಮಾಡಿರುವ ಬಗ್ಗೆ ಹಾಗೂ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳ ಬಗ್ಗೆ ಮತ್ತು ಜಾಬ್ ಕಾರ್ಡ್‌ಗಳ ವಿವರಗಳು ಇರುತ್ತವೆ ಎಂದರೆ ಸರಿ. ಹಣ ಖರ್ಚು ಮಾಡಿದ ಬಗ್ಗೆ ಎನ್.ಎಂ.ಆರ್ ವರದಿಯಲ್ಲಿ ನಮೂದಿಸಿದ್ದು ಇರುತ್ತದೆ.

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13. Pw.3 is the then Scrutiny officer who has submitted the final scrutiny note in the present complaint case, he has deposed in the chief examination what are the facts narrated in the section 12(3) KLA Act report. In his cross examination he has deposed as follows;

ಕಾಮಗಾರಿಗಳನ್ನು ಇಂಜಿನಿಯರ್ ರವರು ಮತ್ತು ತೋಟಗಾರಿಕಾ ಇಲಾಖೆಯವರು ಮಾಡಿಸುತ್ತಾರೆ. ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಪಿ.ಡಿ.ಓ. ರವರು ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನಿ.ಪಿ-8 ರಲ್ಲಿರುವ ಕಾಮಗಾರಿಯನ್ನು ಸಹಾಯಕ ತೋಟಗಾರಿಕಾ ಅಧಿಕಾರಿಗಳು ನಿರ್ವಹಣೆ ಮಾಡಿದ್ದಾರೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಸಹಾಯಕ ತೋಟಗಾರಿಕಾ ಅಧಿಕಾರಿಗಳು ಕಾಮಗಾರಿಯನ್ನು ಮಾಡಿದ್ದರೂ ಸಹ ಅದರ ಮೇಲುಸ್ತುವಾರಿಯನ್ನು ನೋಡಿಕೊಳ್ಳುವ ಕರ್ತವ್ಯ ಆ.ಸ.ನೌ.ರವರದ್ದಾಗಿರುತ್ತದೆ. ನಿ.ಪಿ-8ರಲ್ಲಿ ಕಾಮಗಾರಿಯನ್ನು ಮಾಡಿದ ಕೂಲಿಕಾರ್ಮಿಕರ ಹೆಸರು, ಜಾಬ್‌ಕಾರ್ಡ್ ಸಂಖ್ಯೆ, ಬ್ಯಾಂಕ್ ಖಾತೆ ಸಂಖ್ಯೆ ಎಲ್ಲಾ ಇದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳಲ್ಲಿ ಕೂಲಿಕಾರ್ಮಿಕರ ಜಾಬ್‌ಕಾರ್ಡ್ ಸಂಖ್ಯೆ ನಮೂದಾಗಿದೆ ಎಂದರೆ ಸರಿ. ಆದರೆ ಕೆಲಸಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಳ್ಳುವ ಬಗ್ಗೆ ನೀಡುವ ನಮೂನೆ-8 ಫಾರಂ ನಲ್ಲಿ ಇಲ್ಲ. ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಜಮಾ ಆದ ಬಗ್ಗೆ ದಾಖಲೆಗಳು ಇಲ್ಲದೆ ಇದ್ದುದರಿಂದ ಹಣ ಜಮಾ ಆಗಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದೇನೆ. ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಬ್ಯಾಂಕ್ ಪಾಸ್ ಪುಸ್ತಕದ ಪ್ರತಿಯನ್ನು ತರಿಸಿಕೊಳ್ಳಲು ನಾನು ಪ್ರಯತ್ನ ಪಟ್ಟಿಲ್ಲ. ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಎಲ್ಲಾ ರೀತಿಯ ತನಿಖೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಿ ಎಂದು ಹೇಳಿರುತ್ತೇವೆ ಹೊರತು ಇಂತಿಂಥ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿ ಎಂದು ಹೇಳಿರಲಿಲ್ಲ.

ನಾನು ಇಂತಿಂಥ ಕಡಗಳಲ್ಲಿ ಅಂದರೆ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಇಂತಿಂಥ ನ್ಯೂನತೆಗಳು ಇವೆ ಎಂದು ಪ್ರತ್ಯೇಕವಾಗಿ ಹೇಳಿಲ್ಲ. ಒಂದೇ ಕುಟುಂಬದ ಹಲವಾರು ಸದಸ್ಯರಿಗೆ ಹಣ ಪಾವತಿ ಮಾಡಿದ್ದಾರೆ ಎಂದು ಹೇಳಿಲ್ಲ. ಆದರೆ ಒಂದೇ ಕುಟುಂಬದ ಹಲವಾರು ಸದಸ್ಯರಿಗೆ ಉದ್ಯೋಗ ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂದು ಹೇಳಿದ್ದೇನೆ.

ನಾನು ಈ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಸೋಷಿಯಲ್ ಆಡಿಟ್ ವರದಿಯನ್ನು ತರಿಸಿಕೊಂಡಿಲ್ಲ. ನನ್ನ ಪ್ರಕಾರ ತಪ್ಪು ತನಿಖಾ ವರದಿ ಬಂದಿದ್ದರಿಂದ ಆ.ಸ.ನೌ.ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ವರದಿಯನ್ನು ನೀಡಿರುತ್ತೇನೆ. ನಿ.ಪಿ-6 ರ ಫೋಟೋ ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನೊಂದಿಗೆ ಕೊಟ್ಟಿರುತ್ತಾರೆ. ನಿ.ಪಿ-6 ರ ಫೋಟೋವನ್ನು ನೋಡಿ ಕಾಮಗಾರಿಗಳನ್ನು ಯಂತ್ರದ ಮೂಲಕ ಮಾಡಿಸಲಾಗಿದೆ ಎಂದು ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿದ್ದೇವೆ ಎಂದರೆ ಸರಿ. ನಿ.ಪಿ-6 ರ ಫೋಟೋದಲ್ಲಿ ಆ.ಸ.ನೌ.ರವರಾಗಲೀ ದೂರುದಾರರಾಗಲೀ ಇಲ್ಲ ಎಂದರೆ ಸರಿ. ನಿ.ಪಿ-6ರ ಫೋಟೋ ಮೇಲೆ ಹೇಳಿದ 25 ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಯಾವ ಕಾಮಗಾರಿಯ ಸ್ಥಳಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದು ಎಂದು ನನಗೆ ಹೇಳಲು ಆಗುವುದಿಲ್ಲ. ಸದರಿ ಫೋಟೋದ ನೆಗೆಟಿವ್ ಅನ್ನು ದೂರುದಾರರು ನನಗೆ ಕೊಟ್ಟಿಲ್ಲ. ಸದರಿ ಫೋಟೋವನ್ನು ಯಾವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದು ಮತ್ತು ಯಾವ ದಿನಾಂಕದಂದು ತೆಗೆಯಲ್ಪಟ್ಟಿದ್ದು ಎಂದು ದೂರುದಾರರು ನನಗೆ ಮಾಹಿತಿ ಕೊಟ್ಟಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಸದರಿ ಫೋಟೋವನ್ನು ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಿ ಅವರಿಂದ ಸರಿಯಾದ ಮಾಹಿತಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳಲಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಆರೋಪದಲ್ಲಿರುವ ಕಾಮಗಾರಿಗಳಿಗೆ ಮಂಜೂರಾದ ಹಣವೆಷ್ಟು, ಸದುಪಯೋಗವಾದ ಹಣವೆಷ್ಟು ಮತ್ತು ದುರುಪಯೋಗವಾದ ಹಣವೆಷ್ಟು ಎಂದು ಹೇಳಲಿಕ್ಕೆ ಆಗುತ್ತದೆಯೇ ಎಂದರೆ ತನಿಖಾಧಿಕಾರಿಗಳು ಈ ಬಗ್ಗೆ ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಮಾಹಿತಿಯನ್ನು ನೀಡಿಲ್ಲ.

ಯಾವ ಕಾರ್ಮಿಕರಿಗೆ ಆರೋಪದಲ್ಲಿರುವಂತೆ ರೂ.100 ನ್ನು ನೀಡಲಾಗಿದೆ ಮತ್ತು ಯಾವ ಕಾರ್ಮಿಕರಿಗೆ ರೂ.200 ನ್ನು ನೀಡಲಾಗಿದೆ ಎನ್ನುವುದರ ಬಗ್ಗೆ ದೂರಿನಲ್ಲಿ ಹೇಳಿದ್ದು, ದೂರುದಾರರಿಗೆ ರೂ.100 ಮತ್ತು 200 ನ್ನು ನೀಡಿರುವ ಬಗ್ಗೆ ತಮ್ಮ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ತನಿಖಾಧಿಕಾರಿಗಳ ವರದಿಯಲ್ಲಿ ಆ ಬಗ್ಗೆ ಯಾವುದೇ ಸ್ಪಷ್ಟನೆ ಇಲ್ಲ ಎಂದರೆ ಸರಿ. ರೂ.18,05,870/- ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿದ್ದಾರೆ ಎನ್ನುವ ಬಗ್ಗೆ ಖಚಿತವಾದ ದಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ.

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14. Ex.P1&2 are the complaint form No.I&II dated 11/3/2014. Ex.P3 is the copy of the complaint dated 27/11/2012 of the complainant to the DC, Dharwad (page-109-126). Ex.P4 is the rejoinder dated 30/9/15 page-127-130. Ex.P5 is the report dated 7/8/2015 submitted by the B.N. Hullannavar, PI, KLA, Dharwad with documents page-131-163. Ex.P6 is the photograph page -164. Ex.P7 is the letter dated 3/3/16 of the complainant to the ARLO-1 Ex.P8 documents related to digging the pits in the land of Yellappa Gulappa Udakere for planting the mango saplings page -166-191. Ex.P9 is the documents related to construction of pits for planting the coconut saplings in the land of Madivalappa Madevappa Singanahalli page 192-209. Ex.P10 is the documents related to construction of pits for planting the coconut saplings in the land of Irappa Aneppanavar, Singanahalli page 210-228. Ex.P11 is the documents related to construction of pits for planting the coconut saplings in the land of Ninganayak P. Naikar Singanahalli page 229-246. Ex.P12 is the documents related to construction of pits for planting the rose saplings in the land of Bibinabi K Dambala, Singanahalli page-247-291. Ex.P13 is the documents related to construction of pits for planting the coconut saplings in the land of Srinivas Desai page-292-309. Ex.P14 is the documents related to construction of pits for planting the coconut saplings in the land of Subbanna Y Devappannavar page-310- 325. Ex.P15 is the documents related to construction of pits for planting the teak wood saplings in the land of Fakeerappa, Singanahalli page-326-365. Ex.P16

is the documents related to leveling of play ground of Government primary school Singanahalli page-366-462. Ex.P17 is the documents related to repair works of Agasar Hallad Dari, Singanahalli village page-463-549. Ex.P18 is the documents related to construction of pits for planting the teak wood saplings in the land of Muktumsab Kambaraganavi page-550-566. Ex.P19 is the documents related to construction of pits for planting the teak wood saplings in the land of Irappa Basavanneppa Mangalagatti, Singanahalli page-567-585. Ex.P20 is the documents related to construction of pits for planting the coconut saplings in the land of Peersab Kembaraganavi page- 586-603. Ex.P21 is the documents related to construction of pits for planting the Teak wood saplings in the land of Mehabub Subhan, Kambaraganavi page-604-622. Ex.P22 is the documents related to desilting of tank near Karemmedevi temple Singanahalli page-623-696. Ex.P23 is the documents related to construction of pits for planting the teak wood saplings in the land of Muktumsab, Kambaraganavi, Singanahalli page-697-712. Ex.P24 is the documents related to construction of bund in the land of Mahadevappa S. Nadakatti, Singanahalli page-713-736. Ex.P25 is the documents related to construction of bund in the land of Madivalappa Maharudrappa Walisunkad, Singanahalli page-737-758. Ex.P26 is the documents related to construction of bund in the land of Madivalappa Mallappa Walisunkad, Singanahalli page-759-777. Ex.P27 is the documents related to construction of pits for planting of mango saplings in the land of Channappa Ganvi,

Singanahalli page-778-799. Ex.P28 is the documents related to construction of pits for planting the teak woods saplings in the land of farmers of Koturu village, page-800-823. Ex.P29 is the documents related to construction of drainage both side of the road from Jandebaba Darga to Mukbul Kalesab House in Kotur village page-824-886. Ex.P30 is the documents related to construction of pits for planting the coconut saplings in the land of Annapurna Poojar, Kotur village page-887-905. Ex.P31 is the documents related to construction of pits for planting the mango saplings in the land of Fakeersab Roddannaavar, Kotur village page-906-923. Ex.P32 is the documents related to construction of one side drainage of road from Beeradevar temple to Wadavadagi house in Kotur village page-924-969. Ex.P33 is the section 12(3) of KLA Act report page970-975.

15. Ex.D1 is the copy of the wage list related to digging the pits in the land of Yellappa Gulappa Udakere for planting the mango saplings page-976-978. Ex.D2 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Madivalappa Madevappa Singanahalli page-979-980. Ex.D3 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Irappa Aneppanavar, Singanahalli page-981-982. Ex.D4 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Ningaayak P. Naikar Singanahalli page-83-84. Ex.D5 is the copy of the wage list related to construction of pits for planting the rose saplings in the land of Bibi Nabi K

Dambala, Singanahalli page-985-991. Ex.D6 is the copy of the wage list related to repair works of Agasar Hallad Dari, Singanahalli village page-992-1005. Ex.D7 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Srinivas Desai page-1006-1007. Ex.D8 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Subbanna Ya Devappannavar page-1008-1009. Ex.D9 is the copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Fakeerappa, Singanahalli page-1010-1014. Ex.D10 is the copy of the wage list related to leveling of play ground of Government primary school Singanahalli page-1015-1024. Ex.D11 is the copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Irappa Basavanneppa Mangalagatti, Singanahalli page-1025-1026. Ex.D12 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Peersab Kembaraganavi page-1027-1028. Ex.D13 is the copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Mehabub Subhan, Kambaraganavi page-1029-1030. Ex.D14 is the copy of the wage list related to desilting of tank near Karemmedevi temple Singanahalli page-1031-1040. Ex.D15 is the copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Muktumsab, Kambaraganavi, Singanahalli page-1041-1042. Ex.D16 is the copy of the wage list related to construction of bund in the land of Mahadevappa S. Nadakatti, Singanahalli

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page-1043-1044. Ex.D17 is the copy of the wage list related to construction of bund in the land of Madivalappa Maharudrappa Walisunkad, Singanahalli page-1045-1046. Ex.D18 is the copy of the wage list related to construction of bund in the land of Madivalappa Mallappa Walisunkad, Singanahalli page-1047-1048. Ex.D19 is the copy of the wage list related to construction of pits for planting of mango saplings in the land of Channappa Ganvi, Singanahalli page-1049-1051. Ex.D20 is the copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Muktumsab Kambaraganavi page-1052-1053. Ex.D21 is the copy of the wage list related to construction of pits for planting the teak woods saplings in the land of farmers of Koturu village, page-1054-1059. Ex.D22 is the copy of the wage list related to construction of drainage both side of the road from Jandebaba Darga to Mukbul Kalesab House in Kotur village page-1060-1071. Ex.D23 is the copy of the wage list related to construction of pits for planting the coconut saplings in the land of Annapurna Poojar, Kotur village page-1072-1075. Ex.D24 is the copy of the wage list related to construction of pits for planting the mango saplings in the land of Fakeersab Roddannavar, Kotur village page-1076-1078. Ex.D25 is the copy of the wage list related to construction of one side drainage of road from Beeradevar temple to Wadavadagi house in Kotur village page-1079-1086. Ex.D26 is the copy of the Vijaya Bank account statements related to the beneficiaries Kotur Branch page-1087-1119.

16. Perused the evidence of Pw.1 to 3 and Dw.1 and 2 with above said documents produced by the both sides. The Pw.2 is the I.O who has submitted the report dated 7/8/15 ie., Ex.P5 page -131-134. Pw.2 deposed in his evidence that the alleged 25 works done by Koturu Gram panchayat as per the MGNREG scheme and further he has deposed that there is no document or mark found at the time of spot inspection to show that the said work completed by using the JCB without utilizing the labours. Ex.P5 page-135-139 is the report dated 13/8/15 submitted by the S.P, KLA, Dharwad he also stated in his report that allegation of the complaint are not proved. The Pw.3 is the scrutiny officer deposed in his evidence that he has submitted the final scrutiny note based on the Ex.P6 photographs, in which the said photograph one Hitachi appears and some people are operating the same. But, either Pw.1 or Pw.3 unable to say the said photographs, pertaining to which work and on what date the said photographs have been taken. There is no material evidence to support the said Ex.P6 photos to show the said photograph related to the alleged work and DGOs have used the machineries to complete the work without using the labours. The DGOs produced the Ex.D1 to 25 to show that the payment of the wage amount was paid to the concerned labours and also produced Ex.P26 the said amount deposited to the bank account of the concerned labour.

17. The Ex.P8 the document related to the digging the pits to planting the mango saplings in the land of Yallappa Gulappa Udakeri in Sy.No.42/2 measuring 4 acre 28 gunta

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in Singanahalli. As per the said document the work order issued on 24/10/14 by the EO, TP, Dharwad the estimated amount is Rs.40,124/-. As per the NMR (Master Roll) No.4019 dated 26/10/13 the work starts on 26/10/13 completed on 1/11/13. Total 29 labours used for complete the said work. Total amount of wage amount is Rs.30276/-. Ex.P8 page-189 is the RTC to show that the said property stands in the name of Yallappa Gulappa Udakere. Ex.P8 page-190 photographs taken at the time of digging the pits for planting the mango saplings. The I.O has also produced the photographs Ex.P8 page-191 at the time of spot inspection. The DGO has produced Ex.D1 copy of the wage list regarding the payment of wage amount of Rs.30276/- and the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.40124/-. In the said amount the amount of Rs.34124/- shown as labour charge and remaining Rs.6000/- for purchasing mangoes saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.34124/-, Rs.30276/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of mango saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no explanation given by the DGO regarding the said amount of Rs.6000/- whether they have paid the said amount or not. Hence, they have responsible for the same.



Rs.6000/- for purchas
 DGOs the work was
 amount Rs.34124/-
 wage amount Rs.30276/-
 DGO regarding the
 the concerned nursery
 as per the beneficiary

18. The Ex.P9 is the document related to the digging the pits for planting the coconut saplings in the land of Madivalappa Mahadevappa Devappanavar, Singanahalli in Sy.No.41/5 measuring 1 acre in Singanahalli. As per the said document the work order was issued on 25/9/13 by the EO, TP, Dharwad the estimated amount is Rs.24,792/-. As per the NMR (Master Roll) No.2251 the work was started on 30/9/13 and completed on 6/10/13. Total 16 labours used for complete the said work. Total amount of wage amount is Rs.17,400/-. Ex.P9 page-203 is the RTC to show that the said property stands in the name of Madivalappa s/o Mahadevappa, Singanahalli. Ex.P9 page-208 photographs taken at the time of digging the pits for planting the coconut saplings. The I.O has also produced the photographs Ex.P9 page-209 the time of spot inspection. The DGO has produced Ex.D2 copy of the wage list regarding the payment of wage amount of Rs.17400/- and the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. In the said amount the amount of Rs.21792 /- shown as labour charge and remaining Rs.3000/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21792/-, Rs.17400/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no

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explanation given by the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Hence, they have responsible for the same.

19. The Ex.P10 is the document related to the digging the pits for planting the coconut saplings in the land of Irappa Aneppanavar, Singanahalli in Sy.No.34/5 measuring 4 acre 10 gunta in Singanahalli. As per the said document the work order was issued on 5/11/13 by the EO, TP, Dharwad the estimated amount is Rs.30,990 /-. As per the NMR (Master Roll) No.4568 the work was started on 8/11/13 and completed on 14/11/13. Total 22 (125 mans day) labours used for complete the said work. Total amount of wage amount is Rs.21,750/-. Ex.P10 page-227 is the RTC to show that the said property stands in the name of Irappa Aneppanavar, Singanahalli. The DGO has produced Ex.D3 copy of the wage list regarding the payment of wage amount of Rs.21750/- and the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.30990/-. In the said amount the amount of Rs.21792/- shown as labour charges and remaining Rs.3000/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21792/-, Rs.21750/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no explanation given by

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the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Further, the DGOs have not produced any documents regarding the payment of wage amount of the labour shown in the estimated Rs.5448/- and also for purchasing of saplings of Rs.750/-. Hence, they have responsible for the same.

20. The Ex.P11 is the document related to the digging the pits for planting the coconut saplings in the land of Ninganaik s/o Fakeer Naik, Singanahalli in Sy.No.33/1+3 measuring 3 acre 9 gunta in Singanahalli. As per the said document the work order was issued on 26/9/13 by the EO, TP, Dharwad the estimated amount is Rs.24792/-. As per the NMR (Master Roll) No.2254 the work was started on 30/9/13 and completed on 6/10/13. Total 15 (100 mans day) labours used for complete the said work. Total amount of wage amount is Rs.17,400/-. Ex.P11 page-244 is the RTC to show that the said property stands in the name of Ninganaik s/o Fakeer Naik, Singanahalli. Ex.P11 page-245 photographs were taken at the time of digging the pits for planting the coconut saplings. The I.O has also produced the photographs Ex.P11 page-246 the time of spot inspection. The DGO has produced Ex.D4 copy of the wage list regarding the payment of wage amount of Rs.8215/- and the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. (NMR No.740 20/1/12 to 27/9/12 teak wood pits). Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. In the said amount the amount of Rs.21792/-

shown as labour charge and remaining Rs.3000/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21792/-, Rs.17400/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no explanation given by the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Hence, they have responsible for the same.

21. The Ex.P12 is the document related to the digging the pits for planting the rose saplings in the land of Bibinabi K Dambal, Singanahalli in Sy.No.62/3 measuring 1 acre 37 gunta in Singanahalli. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.97863/-. As per the NMR (Master Roll) No.2288 the work was started on 13/12/12 and completed on 19/12/12. Total 31 (245 mans day) labours used for complete the said work. Total amount of wage amount is Rs.37,975 /-. As per the NMR (Master Roll) No.2478 the work was started on 28/12/12 and completed on 3/1/13. Total 17 (109 mans day) labours used for complete the said work. Total amount of wage amount is Rs.16895/-. Ex.P12 page-285 is the RTC to show that the said property stands in the name of Bibinabi s/o Khwaja Miya, Singanahalli. Ex.P12 page-290 photographs were taken at the time of digging the pits for planting the coconut

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saplings. The I.O has also produced the photographs Ex.P12 page-291 the time of spot inspection. The DGO has produced Ex.D5 copy of the wage list regarding the payment of wage amount of Rs.37975/- and Rs.16895/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.97863/-. In the said amount the amount of Rs.55123.45/- shown as labour charge and remaining Rs.42740/- for purchasing saplings, transport and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs. 55123.45/-, Rs.54870/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.42740/- whether they have paid the said amount or not. Hence, they have responsible for the same.

22. The Ex.P13 is the document related to the digging the pits for planting the coconut saplings in the land of Srinivas R. Desai, Singanahalli in Sy.No.57/3, measuring 3 acre 9 gunta in Singanahalli. As per the said document the work order was issued on 25/9/13 by the EO, TP, Dharwad the estimated amount is Rs.18594/-. As per the NMR (Master Roll) No.2256 the work was started on 30/9/13 and completed on 6/10/13. Total 14 (75 mans day) labours used for complete the said work. Total amount of wage amount is

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Rs.13050/-. Ex.P13 page-307 is the RTC to show that the said property stands in the name of Srinivas R. Desai, Singanahalli. Ex.P13 page-308 photographs were taken at the time of digging the pits for planting the coconut saplings. The I.O has also produced the photographs Ex.P13 page-309 the time of spot inspection. The DGO has produced Ex.D7 copy of the wage list regarding the payment of wage amount of Rs.13050/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.18594/-. In the said amount the amount of Rs.16344/- shown as labour charge and remaining Rs.2250/- for purchasing saplings, transport and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs. 16344/-, Rs.13050/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.2250/- whether they have paid the said amount or not. Hence, they have responsible for the same.

23. The Ex.P14 is the document related to the digging the pits for planting the coconut saplings in the land of Subbanna s/o Yallappa Devappanavar, Singanahalli in Sy.No.105 measuring 3 acre 18 gunta in Singanahalli. As per the said document the work order was issued on 25/9/13 by the EO, TP, Dharwad the estimated amount is Rs.24792/-.

As per the NMR (Master Roll) No.2255 the work was started on 30/9/13 and completed on 6/10/13. Total 16 (100 mans day) labours used for complete the said work. Total amount of wage amount is Rs.17,400/-. Ex.P14 page-324 is the RTC to show that the said property stands in the name of Subbanna s/o Yallappa Devappanavar, Singanahalli. Ex.P14 page-325 photographs were taken at the time of digging the pits for planting the coconut saplings. The DGO has produced Ex.D8 copy of the wage list regarding the payment of wage amount of Rs.17400/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. In the said amount the amount of Rs.21792/- shown as labour charge and remaining Rs.3000/- for purchasing saplings, transport and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs. 21792/-, Rs.17400/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Hence, they have responsible for the same.

24. The Ex.P15 is the document related to the digging the pits for planting the teak wood saplings in the land of Fakeerappa s/o Mudakappa Lakkappanavar, Singanahalli

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in Sy.No.52/2 measuring 2 acre 6 gunta in Singanahalli. As per the said document the work order was issued on 30/11/13 by the EO, TP, Dharwad the estimated amount is Rs.60,500/-. As per the NMR (Master Roll) No.5765 the work was started on 2/12/13 and completed on 8/12/13. Total 55 (326 mans day) labours used for complete the said work. Total amount of wage amount is Rs.56724/-.

Ex.P15 page-331 is the RTC to show that the said property stands in the name of Fakeerappa s/o Mudakappa Lakkappanavar, Singanahalli. Ex.P15 page-364 photographs were taken at the time of digging the pits for planting the coconut saplings. The I.O has also produced the photographs Ex.P15 page-365 the time of spot inspection. The DGO has produced Ex.D8 copy of the wage list regarding the payment of wage amount of Rs.56724/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.60500/-. As per the DGOs the work was completed. An Out of the estimated amount Rs.60500/-, Rs.56724/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no explanation given by the DGO regarding the remaining of Rs.3776/- amount of Rs. 3776/- whether they have paid the said amount or not. Hence, they have responsible for the same.

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25. The Ex.P16 is the document related to leveling of the play ground of primary school, Singanahalli village. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.4 lakh. As per the NMR (Master Roll) No.7450 the work was started on 10/1/14 and completed on 16/1/14. Total 43 (268 mans day) labours used for complete the said work. Total amount of wage amount is Rs.48372/-. NMR (Master Roll) No.7449 the work was started on 10/1/14 and completed on 16/1/14. Total 42 (260 mans day) labours used for complete the said work. Total amount of wage amount is Rs.46632/-. NMR (Master Roll) No.45 the work was started on 24/4/14 and completed on 30/4/14. Total 40 (260 mans day) labours used for complete the said work. Total amount of wage amount is Rs.49660/-. Ex.P16 page-457-461 photographs were taken at the time of leveling the play ground and construction of the gate of the school. The I.O has also produced the photographs Ex.P16 page-462 the time of spot inspection. The DGO has produced Ex.D10 copy of the wage list regarding the payment of wage amount of Rs.48372/-, Rs.46632/- and Rs.49660/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Ex.P16 page-443-444 NMR No.6918 was started on 21/11/14, 27/11/14 amount shown Rs.5348/-. In Ex.D10 there is no document regarding the payment of Rs.5368/-. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.4 lakh. In the said amount the amount of Rs.1,44,664/- utilized for the payment of

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wage amount. The DGOs have produced NMR 6918 regarding the payment of amount of Rs.5068/- but, there is no corresponding documents regarding the payment of said amount to the labours. But, there is no documents or records etc., placed by the DGOs regarding the remaining amount of Rs.2,55,336/-. Further, the DGOs have not produced particulars regarding the purchase of materials or using the vehicles to transport the muram to level the playground of primary school. As per the photographs produced by the DGOs as well as I.O the work is completed. But, there is no proper explanation given by the DGOs regarding the said amount of Rs.2,55,336/- whether they have spent in respect of the materials and transport charge etc. Hence, they have responsible for the same.

26. The Ex.P17 is the document related to the development work of the road in Singanahalli village, Agasar halla road. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.2,50,000/-. Ex.P17 page 465 to 468 measurement book. As per the NMR (Master Roll) No.1065 the work was started on 9/10/12 and completed on 15/10/12. Total 37 (259 mans day) labours used for complete the said work. Total amount of wage amount is Rs.40145/-. NMR (Master Roll) No.1602 the work was started on 5/11/12 completed on 11/11/12. Total 51 (345 mans day) labours used for complete the said work. Total amount of wage amount is Rs.53475/-. NMR (Master Roll) No.1793 the work started on 17/11/12 completed on 23/11/12. Total 17 (111 mans day)

labours used for complete the said work. Total amount of wage amount is Rs.17205/-. NMR (Master Roll) No.943 the work started on 29/9/12 completed on 5/10/12. Total 36 (252 mans day) labours used for complete the said work. Total amount of wage amount is Rs.39060/-. Total amount paid to the labours is Rs.1,49,885/-. As per the completion certificate the said work started on 5/10/12 and completed on 23/11/12. Total amount paid to the labour is Rs.1,49,885/- Rs.96,344/- paid in respect of the material cost. Ex.P17 page-544-548 photographs taken at the time of formation of the road. The I.O has also produced the photographs Ex.P17 page-549 the time of spot inspection. The DGO has produced Ex.D6 copy of the wage list regarding the payment of wage amount of Rs.39060/-, Rs.40145/-, Rs.53475/- and Rs.17205/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.2,50,000/-. In the said amount the amount of Rs.1,49,885/- utilized for the payment of wage amount. Further amount of Rs.96344/- paid towards the materials as per the completion certificate Ex.P17 page-543 the photographs produced by the DGOs clearly shows that the work is completed but the DGOs have not produced the bills and receipts in respect of the amount of Rs.96344/-. There is no proper explanation given by the DGOs regarding the said amount of Rs.96344/- with concerned documents like receipt etc. Hence, they have responsible for the same.

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27. The Ex.P18 is the document related to the digging the pits for planting the coconut wood saplings in the land of Muktumsab Kambaraganavi, Singanahalli in Sy.No.89/1 measuring 4 acre 39 gunta in Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.21,532 /-. As per the NMR (Master Roll) No.2725 the work started on 7/1/13 completed on 13/1/13. Total 16 (96 mans day) labours used for complete the said work. Total amount of wage amount is Rs.14880/-. Ex.P18 page-565 photographs taken at the time of digging the pits for planting the coconut saplings. The I.O has also produced the photographs Ex.P18 page-566 the time of spot inspection. The DGO has produced Ex.D6 copy of the wage list regarding the payment of wage amount of Rs. 14880/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.21532/-. In the said amount the amount of Rs.18082/- shown as labour charge and remaining Rs.3450/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21532/-, Rs.14880/- utilized for the payment of wage amount. The copy of the RTC of the concerned land is not produced. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said

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amount of Rs.3450/- whether they have paid the said amount or not. Hence, they have responsible for the same.

28. The Ex.P19 is the document related to the digging the pits for planting the coconut saplings in the land of Irappa Basavanneppa Mangalagatti, Singanahalli in Sy.No.28/1 measuring 3 acre 28 gunta in Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.24792/-. As per the NMR (Master Roll) No.4512 the work started on 8/11/13 completed on 14/11/13. Total 17 (100 mans day) labours used for complete the said work. Total amount of wage amount is Rs.17400/-. Ex.P19 pag-581-582 FTO transaction details regarding wage amount of Rs.17400. Ex.P19 page-573 is the RTC to show that the said property stands in the name of Irappa Basavanneppa Mangalagatti, Singanahalli. Ex.P19 page-585 photographs taken at the time of digging the pits for planting the coconut saplings. The DGO has produced Ex.D11 copy of the wage list regarding the payment of wage amount of Rs. 17400/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. in the said amount the amount of Rs.21792/- shown as labour charge and remaining Rs.3000/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21792/-, Rs.17400/- utilized for the payment of wage amount. But, there is no document placed by the

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DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Hence, they have responsible for the same.

29. The Ex.P20 is the document related to the digging the pits for planting the coconut saplings in the land of Peersab Kambarganavi in Sy.No.93/5 measuring 3 acre 35 gunta in Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.24792/-. As per the NMR (Master Roll) No.4509 the work started on 8/11/13 completed on 14/11/13. Total 17 (100 mans day) labours used for complete the said work. Total amount of wage amount is Rs.17400/-. Ex.P20 pag-602 FTO transaction details regarding wage amount. Ex.P20 page-603 photographs taken at the time of digging the pits for planting the coconut saplings. The DGO has produced Ex.D12 copy of the wage list regarding the payment of wage amount of Rs.17400/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. In the said amount the amount of Rs.21792/- shown as labour charge and remaining Rs.3000/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.21792/-, Rs.17400/- utilized for the payment of wage

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amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.3000/- whether they have paid the said amount or not. Hence, they have responsible for the same.

30. The Ex.P21 is the document related to the digging the pits for planting the coconut wood saplings in the land of Mehbub Suban, Singanahalli in Sy.No.82/1 measuring 1 acre 31 gunta in Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.18594/-. As per the NMR (Master Roll) No.4513 the work started on 8/11/13 completed on 14/11/13. Total 15 (75 mans day) labours used for complete the said work. Total amount of wage amount is Rs.13050/-. Ex.P21 page-609 is the RTC to show that the said property stands in the name of Mehbub Suban, Singanahalli. Ex.P21 page-627 photographs taken at the time of digging the pits for planting the coconut saplings. The DGO has produced Ex.D13 copy of the wage list regarding the payment of wage amount of Rs. 13050/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.18594/-. In the said amount the amount of Rs.16344 /- shown as labour charge and remaining Rs.2250/- for purchasing saplings and etc. As per the DGOs

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the work was completed. Out of labour wages estimated amount Rs.16344/-, Rs.13050/- utilized for the payment of wage amount. The copy of the RTC of the concerned land is not produced. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.2250/- whether they have paid the said amount or not. Hence, they have responsible for the same.

31. The Ex.P22 is the document related to the desilting and stone pitching of tank near Karemmadevi temple, Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.2,87,300/-. As per the NMR (Master Roll) No.942 the work was started on 29/9/12 and completed on 5/10/12. Total 35 (245 mans day) labours used for complete the said work. Total amount of wage amount is Rs.37975/-. Measurement book page-644. As per the NMR (Master Roll) No.1079 the work started on 9/10/12 completed on 15/10/12. Total 40 (216 mans day) labours used for complete the said work. Total amount of wage amount is Rs.33480/-. Measurement book page-658. As per the NMR (Master Roll) No.1598 the work started on 5/11/12 completed on 11/11/12. Total 50 (350 mans day) labours used for complete the said work. Total amount of wage amount is Rs.54250/-. Measurement book page-679. As per the NMR (Master Roll) No.1794 the work started on

Measurement book page-644. As per the NMR (Master Roll) No.942 the work started on 29/9/12 and completed on 5/10/12. Total 35 (245 mans day) labours used for complete the said work. Total amount of wage amount is Rs.37975/-. Measurement book page-644. As per the NMR (Master Roll) No.1079 the work started on 9/10/12 completed on 15/10/12. Total 40 (216 mans day) labours used for complete the said work. Total amount of wage amount is Rs.33480/-. Measurement book page-658. As per the NMR (Master Roll) No.1598 the work started on 5/11/12 completed on 11/11/12. Total 50 (350 mans day) labours used for complete the said work. Total amount of wage amount is Rs.54250/-. Measurement book page-679. As per the NMR (Master Roll) No.1794 the work started on

17/11/12 completed on 23/11/12. Total 54 (378mans day) labours used for complete the said work. Total amount of wage amount is Rs.58590/-. Measurement book page-690-691. As per the work completion report the said work started on 5/10/12 and completed on 23/11/12 the amount of Rs.1,77,785/- paid to the labours and Rs.1,13,840/- paid towards material cost. Ex.P22 page-693-695 photographs taken at the time of desilting of the tank and stone pitching. Ex.P22 page-696 is the photographs taken by the I.O at the time of spot inspection. The DGO has produced Ex.D14 copy of the wage list regarding the payment of wage amount of Rs.47507/- in respect of NMR No.9520, work was started on 13/2/14 and completed on 19/2/14, Total labours 39, for an amount of Rs.48024/- in respect of NMR No.9519, work was started on 13/2/14 and completed on 19/2/14, Total labours 46, the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.2,87,300/-. In the said amount the amount of Rs.1,77,885/- utilized for the payment of wage amount. The DGOs have produced NMR No:942, 1079, 1598, 1794. As per the completion report Ex.P22 page-692 the amount of Rs.1,13,840/- paid in respect of materials cos. But, there is no documents in respect of the same like receipts/voucher etc., Ex.P22 page-693-695 the photographs produced by the DGOs clearly shows that the work is completed but the DGOs have not produced the bills and receipts in respect of the Ex.P22 page No.693-695 photographs taken by the

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DGOs at the time of execution of the work. There is no proper explanation given by the DGOs regarding the said amount of Rs. 1,13,840/- with concerned documents like receipt etc. Hence, they have equally responsible for the same.

32. The Ex.P23 is the document related to the digging the pits for planting the teak wood saplings in the land of Muktumsab Kambaraganavi, Singanahalli in Sy.No.89 measuring 4 acre 39 gunta in Singanahalli. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.12200/-. As per the NMR (Master Roll) No.2319 the work started on 1/10/13 completed on 7/10/13. Total 13 (65 mans day) labours used for complete the said work. Total amount of wage amount is Rs.11310/-. Ex.P23 page-710-711 photographs taken at the time of digging the pits for planting the teak wood. Ex.23 page-712 is the photographs produced the I.O which taken at the time of spot inspection. The DGO has produced Ex.D15 copy of the wage list regarding the payment of wage amount of Rs. 11310/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.12200/- and remaining Rs.890/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of estimated amount Rs.12200/-, Rs.11310 /- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the

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Copy of the wage list regarding the
 amount of Rs. 11310/- which amount
 deposited in the bank account of the
 labours in Vijaya Bank, Koturu branch.
 The documents produced by the I.O
 and DGOs regarding the said work is
 Rs. 12200/- and remaining Rs. 890/-
 for purchasing saplings and etc.

concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.890/- whether they have paid the said amount or not. Hence, they have equally responsible for the same.

33. The Ex.P24 is the document related to the formation of the bund in the land of Mahadevappa Nadakatti, Singanahalli Sy.No.80/1 measuring 1.7 hector in Kummurunayakana Koppa. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.15345/-. As per the NMR (Master Roll) No.169 the work was started on 18/7/12 and completed on 24/7/12. Total 15 (98 mans day) labours used for complete the said work. Total amount of wage amount is Rs.15190/-. Ex.P24 page-736 photographs was taken at the time of formation of the bund. Ex.D16 copy of the wage list regarding the payment of wage amount of Rs. 15190/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.15345/-. As per the DGOs the work was completed. Out of estimated amount Rs.15345/-, Rs.15190/- utilized for the payment of wage amount. Further there is no amount estimated in inspect of material cost. There is no material to show that any amount misappropriated b the DGOs in respect of this work.

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34. The Ex.P25 is the document related to the formation of the bund in the land of Madivalappa Maharudrappa Sunkad, Singanahalli Sy.No.18/1, 3P, Singanahalli gram measuring 1 hecter in Singanahalli. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.8990/-. As per the NMR (Master Roll) No.171 the work was started on 18/7/12 and completed on 24/7/12. Total 11 (58 mans day) labours used for complete the said work. Total amount of wage amount is Rs.8990/-. Ex.P25 page-757 photographs was taken at the time of formation of the bund. Ex.P25 page-758 is the photograph taken by the I.O at the time of spot inspection. Ex.D17 copy of the wage list regarding the payment of wage amount of Rs.8990/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.8990/-. As per the DGOs the work was completed. Out of estimated amount Rs.8990/-, Rs.8990/- utilized for the payment of wage amount. Further there is no amount estimated in inspect of material cost. There is no material to show that any amount misappropriated b the DGOs in respect of this work.

35. The Ex.P26 is the document related to the formation of the bund in the land of Madivalappa Mallappa Walisunkad, Singanahalli Sy.No.13/1, Singanahalli gram measuring 1.10 hecter in Singanahalli.

As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.9765/-. As per the NMR (Master Roll) No.173 the work was started on 18/7/12 and completed on 24/7/12. Total 10 (63 mans day) labours used for complete the said work. Total amount of wage amount is Rs.9765/-. Ex.P26 page-776 photographs was taken at the time of formation of the bund. Ex.P26 page-777 is the photograph taken by the I.O at the time of spot inspection. Ex.D18 copy of the wage list regarding the payment of wage amount of Rs.9765/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.9765/-. As per the DGOs the work was completed. Out of estimated amount Rs.9765/-, Rs.9765/- utilized for the payment of wage amount. Further there is no amount estimated in inspect of material cost. There is no material to show that any amount misappropriated b the DGOs in respect of this work.

36. The Ex.P27 is the document related to the digging the pits for planting the mango saplings in the land of Chennappa Ganvi, Koturu village in Sy.No.608 measuring 2 acre 34 gunta in Koturu. As per the said document the work order issued by the EO, TP, Dharwad the estimated amount is Rs.16548/-. As per the NMR (Master Roll) No.1073 the work was started on 9/10/12 and completed on 15/10/12. Total 11 (72 mans day) labours used for

complete the said work. Total amount of wage amount is Rs.11160/-. As per the NMR (Master Roll) No.1684 the work was started on 7/9/13 and completed on 13/9/13. Total 2 (11 mans day) labours used for complete the said work. Total amount of wage amount is Rs.1914/-. Ex.P27 page-798 photograph taken at the time of digging the pits for planting the mangoes saplings. Ex.27 page-799 is the photograph produced the I.O which taken at the time of spot inspection. Ex.D19 copy of the wage list regarding the payment of wage amount of Rs.11160/- and Rs.1914/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.16548/-. In the said amount the amount of Rs.13238/- shown as labour charge and remaining Rs.3310/- for purchasing saplings and etc. As per the DGOs the work was completed. Out of labour wages estimated amount Rs.13238/-, Rs.13074/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the said amount of Rs.3310/- whether they have paid the said amount or not. Hence, they have equally responsible for the same.

37. The Ex.P28 is the document related to the digging the pits for planting the teak wood saplings in the land of

farmers of Koturu village in sy.No.629, 576, 43. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.50500/-. As per the NMR (Master Roll) No.1447 the work was started on 3/9/13 and completed on 9/9/13. Total 11 (65 mans day) labours used for complete the said work. Total amount of wage amount is Rs.11310/-. As per the NMR (Master Roll) No.1450 the work was started on 3/9/13 and completed on 9/9/13. Total 10 (65 mans day) labours used for complete the said work. Total amount of wage amount is Rs.11310/-. As per the NMR (Master Roll) No.1772 the work was started on 10/9/13 and completed on 16/9/13. Total 10 (65 mans day) labours used for complete the said work. Total amount of wage amount is Rs.11310/-. Ex.P28 page-813, 816, 817 and 820 is the copies of the RTC. Ex.P28 page-821-822 photographs taken at the time of digging the pits for planting the mangoes saplings. Ex.28 page-823 is the photograph produced the I.O which taken at the time of spot inspection. Ex.D21 copy of the wage list regarding the payment of wage amount of Rs.11310/- in respect of the NMR No.1436 work was started on 3/9/13 and completed on 9/9/13. amount of Rs.11310/- in respect of the NMR No.1773, work was started on 10/9/13 and completed on 16/9/13, amount of Rs.11310/- in respect of the NMR No.1439 work was started on 3/9/13 and completed on 9/9/13 the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of



the said work is Rs.60500/- As per the DGOs the work was completed. Out of estimated amount Rs.60500/-, Rs.33930/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the remaining amount of Rs.16570/- whether they have spent the said amount or not. Hence, they have equally responsible for the same.

38. The Ex.P29 is the document related to the construction of two side drainage to the road from Jandebaba Darga to Mukbul Kalesab house of Koturu village As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.2 lakh. As per the NMR (Master Roll) No.8980 the work was started on 3/2/14 and completed on 9/2/14. Total 30 (203 mans day) labours used for complete the said work. Total amount of wage amount is Rs.35322/-. As per the NMR (Master Roll) No.44 the work was started on 24/4/14 and completed on 30/4/14. Total 43 (258 mans day) labours used for complete the said work. Total amount of wage amount is Rs.49278/-. As per the NMR (Master Roll) No.7426 the work was started on 29/12/14 and completed on 4/1/15. Total 23 (144 mans day) labours used for complete the said work. Total amount of wage amount is Rs.27504/-. As per the NMR (Master Roll) No.7549 the work was started on 15/1/2015 and completed on

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11/1/2018. Total 10 (60 mans day) labours used for complete the said work. Total amount of wage amount is Rs.11460/-.. Ex.P29 page-879-882 is the copies of the measurement book. Ex.P29 page-883 bill regarding the purchase of the cement, sand etc., Rs.63489/-. Ex.P29 page-884-885 photographs taken at the time of formation of the drainage. Ex.29 page-886 is the photograph produced the I.O which taken at the time of spot inspection. Ex.D22 copy of the wage list regarding the payment of wage amount of Rs.35322/-, Rs.49278/, -Rs.27504/- and Rs.11460/- the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.2 lakh. As per the DGOs the work was completed. Out of estimated amount Rs.2 lakh, Rs.1,23,564/- utilized for the payment of wage amount. Further, the amount of Rs.63,489/- paid towards the material cost. The DGOs have produced the bill in respect of the same. There is no material to show that any amount misappropriated by the DGOs in respect of this work.

39. The Ex.P30 is the document related to the digging the pits for planting the coconut saplings in the land of Smt. Annapurna Poojar, Koturu village in Sy.No.177 measurement 4 acre. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.24792/-. As per the NMR (Master Roll) No.4489 the work was started on 7/11/13 and completed

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on 13/11/13. Total 21 members (125 mans day) labours used for complete the said work. Total amount of wage amount is Rs.21750/-. As per the NMR (Master Roll) No.4490 the work was started on 7/11/13 and completed on 13/11/13. Total 1 (6 mans day) labours used for complete the said work. Total amount of wage amount is Rs.1044/-. Ex.P30 page-902-903 is the copies of the RTC. Ex.P30 page-905 photographs were taken at the time of digging the pits for planting the mangoes saplings. Ex.D23 copy of the wage list regarding the payment of wage amount of Rs.21750/- and Rs.1044/-; the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.24792/-. As per the DGOs the work was completed. Out of estimated amount Rs.21792/- amount is estimated for wage amount and Rs.3750/- for purchasing the saplings and etc. Out of estimated wage amount of Rs.21792/-, Rs.21750/- utilized for the payment of wage amount. Further, estimated amount of Rs.5448/- for the wage amount out of that Rs.1044/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the remaining amount of Rs.3750/- whether they have spent the said amount or not. Hence, they have equally responsible for the same.

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40. The Ex.P31 is the document related to the digging the pits for planting the coconut saplings in the land of Fakeerasab Roddannavar in Sy.No.457/1 of Koturu village measurement 1 acre 10 gunta. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.8274/-. As per the NMR (Master Roll) No.1069 the work was started on 9/10/12 and completed on 15/10/13. Total 6 members (36 mans day) labours used for complete the said work. Total amount of wage amount is Rs.5580/-. As per the NMR (Master Roll) No.1711 the work was started on 7/9/13 and completed on 13/9/13. Total 1 (6 mans day) labours used for complete the said work. Total amount of wage amount is Rs.1044/-. Ex.P31 page-919 is the copy of the RTC. Ex.P31 page-922 photographs were taken at the time of digging the pits for planting the mangoes saplings. Ex.P31 page 923 photograph taken by the I.O at the time of inspection. Ex.D24 copy of the wage list regarding the payment of wage amount of Rs.5580/- and Rs.1044/, the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated amount of the said work is Rs.8274/-. As per the DGOs the work was completed. Out of estimated amount Rs.6619/- amount is estimated for wage amount and Rs.1655/- for purchasing the saplings and etc. Out of estimated wage amount of Rs.6619/-, Rs.6624/- utilized for the payment of wage amount. But, there is no document placed by the DGOs regarding the purchase of saplings either by the concerned nursery or

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calling quotation to provide saplings to the beneficiaries. Further there is no proper explanation given by the DGO regarding the remaining amount of Rs.1655/- whether they have spent the said amount or not. Hence, they have equally responsible for the same.

41. The Ex.P32 is the document related to the construction of one side drainage to the road from Biradevara temple to Wadavadagi house of Koturu village. As per the said document the work order was issued by the EO, TP, Dharwad the estimated amount is Rs.1 lakh. As per the NMR (Master Roll) No.8977, the work was started on 3/2/14 and completed on 9/2/14. Total 43 (258 mans day) labours used for complete the said work. Total amount of wage amount is Rs.44892/-. As per the NMR (Master Roll) No.40 the work was started on 24/4/14 and completed on 30/4/14. Total 16 (76 mans day) labours used for complete the said work. Total amount of wage amount is Rs.14516/-. Ex.P32 page-959-962 is the copies of the measurement book. Ex.P32 page-963-966 copies of bill and MB regarding purchasing of materials for Rs.35,840/-. Ex.P32 page-967-968 are the photographs taken at the time of formation of the drainage. Ex.32 page-969 is the photograph produced the I.O which taken at the time of spot inspection. Ex D25 copy of the wage list regarding the payment of wage amount of Rs.44892/- and Rs.14516/, the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated

Ex P32 page-959-962 are the copies of the measurement book. Ex.P32 page-963-966 copies of bill and MB regarding purchasing of materials for Rs.35,840/-. Ex.P32 page-967-968 are the photographs taken at the time of formation of the drainage. Ex.32 page-969 is the photograph produced the I.O which taken at the time of spot inspection. Ex D25 copy of the wage list regarding the payment of wage amount of Rs.44892/- and Rs.14516/, the said amount deposited to the bank account of the labours in Vijaya Bank, Koturu branch. Perused the documents produced by the I.O and DGOs the estimated

amount of the said work is Rs.1 lakh. As per the DGOs the work was completed. Out of estimated amount Rs.1 lakh, Rs.59408/- utilized for the payment of wage amount. Further, the amount of Rs.35848/- paid towards the material cost. The DGOs have produced the bill in respect of the same. There is no material to show that any amount misappropriated by the DGOs in respect of this work.

42. The DGO has produced Ex.D26 the document issued by Vijaya Bank, Koturu branch regarding amount deposited to the labours account in respect of the alleged said work. Considering the about said materials documents along with evidence of Pw.1 to 3 and Dw1 and 2 the DGOs not denied the fact that above said all 25 works done during their period. Further as per the evidence of the Pw.1 and 2 all the said works were executed. Further there is no material by the side of the disciplinary authority ^{to show that} the said work were completed by using the machinery like JCB etc., against the object of the MGNREG scheme. But, the DGO failed to maintain the records in respect of each works properly and further explanation and reasons stated above clearly reveals that the DGO committed some irregularities at the time of implementation of the above said works as implementing authority. Regarding above said works in respect of the concerned work the DGOs have not produced proper receipts and explanation for the same there is no materials evidence by the side of the DGO to disprove the same. Hence, they have equally responsible for the said

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amount ie., the total amount of Rs.5,76,359/-. Thereby the disciplinary authority succeeded to prove the charge partly against the DGO-1 and 2.

43. In the above said facts and circumstances, charge leveled against the DGO-1 and 2 is partly proved the DGO-1 and 2 equally held responsible for the amount of Rs.5,76,359/-. Hence, report is submitted to Hon'ble Upalokayukta for further action.

22/7/19

(Lokappa N.R)

Additional Registrar Enquiries-9

Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Kasimsab Rehmansab Gadad s/o Rehmansab Gadad dated 26/5/2017 (Original)
Pw.2	Sri Babasab Narasappa Hullannavar, PI, PTS Kanapura dated 19/12/2017 (Original)
Pw.3	Sri Venkatappa s/o Boradasaiah, the then ARLO-1, Karnataka Lokayukta, Bangalore dated 2/6/2018 (Original)

ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1&2	Complaint form No.I&II dated 11/3/2014
Ex.P1(a)&2(a)	Signatures
Ex.P3	Copy of the complaint dated 27/11/2012 of the complainant to the DC, Dharwad

Ex.P4 Ex.P4(a)	Rejoinder dated 30/9/15 Signaute
Ex.P5 Ex.P5	Report dated 7/8/2015 submitted by the B.N. Hullannavar, PI, KLA, Dharwad with documents Signature
Ex.P6	Photograph
Ex.P7 Ex.P7(a)	Letter dated 3/3/16 of the complainant to the ARLO-1 Signature
Ex.P8	Documents related to digging the pits in the land of Yellappa Gulappa Udakere for planting the mango saplings
Ex.P9	Documents related to construction of pits for planting the coconut saplings in the land of Madivalappa Madevappa Singanahalli
Ex.P10	Documents related to construction of pits for planting the coconut saplings in the land of Irappa Aneppanavar, Singanahalli
Ex.P11	Documents related to construction of pits for planting the coconut saplings in the land of Ninganayak P. Naikar Singanahalli
Ex.P12	Documents related to construction of pits for planting the rose saplings in the land of Bibi Nabi K Dambala, Singanahalli
Ex.P13	Documents related to construction of pits for planting the coconut saplings in the land of Srinivas Desai
Ex.P14	Documents related to construction of pits for planting the coconut saplings in the land of Subbanna Y Devappannavar
Ex.P15	Documents related to construction of pits for planting the teak wood saplings in the land of Fakeerappa, Singanahalli
Ex.P16	Documents related to leveling of play ground of Government primary school Singanahalli
Ex.P17	documents related to repair works of Agasar Hallad Dari, Singanahalli village
Ex.P18	Documents related to construction of pits for planting the teak wood saplings in the land of Muktumsab Kambaraganavi

Ex.P19	Documents related to construction of pits for planting the teak wood saplings in the land of Irappa Basavanneppa Mangalagatti, Singanahalli
Ex.P20	Documents related to construction of pits for planting the coconut saplings in the land of Peersab Kembaraganavi
Ex.P21	Documents related to construction of pits for planting the Teac wood saplings in the land of Mehabub Subhan, Kambaraganavi
Ex.P22	Documents related to desilting of tank near Karemmedevi temple Singanahalli
Ex.P23	Documents related to construction of pits for planting the teak wood saplings in the land of Muktumsab, Kambaraganavi, Singanahalli
Ex.24	Documents related to construction of bund in the land of Mahadevappa S. Nadakatti, Singanahalli
Ex.P25	Documents related to construction of bund in the land of Madivalappa Maharudrappa Walisunkad, Singanahalli
Ex.P26	Documents related to construction of bund in the land of Madivalappa Mallappa Walisunkad, Singanahalli
Ex.P27	Documents related to construction of pits for planting of mango saplings in the land of Channappa Garvi, Singanahalli
Ex.P28	Documents related to construction of pits for planting the teak woods saplings in the land of farmers of Koturu village
Ex.P29	Documents related to construction of drainage both side of the road from Jandebaba Darga to Mukbul Kalesab House in Kotur village
Ex.P30	Documents related to construction of pits for planting the coconut saplings in the land of Annapurna Poojar, Kotur village
Ex.P31	Documents related to construction of pits for planting the mango saplings in the land of Fakeersab Roddannavar, Kotur village
Ex.P32	Documents related to construction of one side drainage of road from Beeradevar

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	temple to Wadavadagi house in Kotur village
Ex.P33	Section 12(3) of KLA Act report

iii) List of witnesses examined on behalf of DGO.

Dw.1	Smt. Jyothi Chalawadi, PDO, Koturu gram panchayat, Dharwad district dated 10/8/2018 (Original)
Dw.2	Sri Jagadish, Secretary/PDO, Koturu gram panchayat, Dharwad district dated 10/8/2018 (Original)

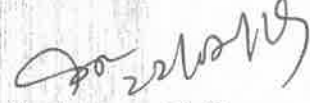
iv) List of documents marked on behalf of DGO

Ex.D1	Copy of the wage list related to digging the pits in the land of Yellappa Gulappa Udakere for planting the mango saplings
Ex.D2	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Madivalappa Madevappa Singanahalli
Ex.D3	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Irappa Aneppanavar, Singanahalli
Ex.D4	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Ninganayak P. Naikar Singanahalli
Ex.D5	Copy of the wage list related to construction of pits for planting the rose saplings in the land of Bibi Nabi K Dambala, Singanahalli
Ex.D6	Copy of the wage list related to repair works of Agasar Hallad Dari, Singanahalli village
Ex.D7	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Srinivas Desai
Ex.D8	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Subbania Ya Devappannavar
Ex.D9	Copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Fakeerappa, Singanahalli
Ex.D10	Copy of the wage list related to leveling of play

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	ground of Government primary school Singanahalli
Ex.D11	Copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Irappa Basavanneppa Mangalagatti, Singanahalli
Ex.D12	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Peersab Kembaraganavi
Ex.D13	Copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Mehabub Subhan, Kambaraganavi
Ex.D14	Copy of the wage list related to desilting of tank near Karemmedevi temple Singanahalli
Ex.D15	Copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Muktumsab, Kambaraganavi, Singanahalli
Ex.D16	Copy of the wage list related to construction of bund in the land of Mahadevappa S. Nadakatti, Singanahalli
Ex.D17	Copy of the wage list related to construction of bund in the land of Madivalappa Maharudrappa Walisunkad, Singanahalli
Ex.D18	Copy of the wage list related to construction of bund in the land of Madivalappa Mallappa Walisunkad, Singanahalli
Ex.D19	Copy of the wage list related to construction of pits for planting of mango saplings in the land of Channappa Ganvi, Singanahalli
Ex.D20	Copy of the wage list related to construction of pits for planting the teak wood saplings in the land of Muktumsab Kambaraganavi
Ex.D21	Copy of the wage list related to construction of pits for planting the teak woods saplings in the land of farmers of Koturu village
Ex.D22	Copy of the wage list related to construction of drainage both side of the road from Jandebaba Darga to Mukbul Kalesab House in Kotur village
Ex.D23	Copy of the wage list related to construction of pits for planting the coconut saplings in the land of Annapurna Poojar, Kotur village

Ex.D24	Copy of the wage list related to construction of pits for planting the mango saplings in the land of Fakeersab Roddannavar, Kotur village
Ex.D25	Copy of the wage list related to construction of one side drainage of road from Beeradevar temple to Wadavadagi house in Kotur village
Ex.D26	Copy of the Vijaya Bank account statements related to the beneficiaries Kotur Branch



(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/436/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 24/07/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Smt. Jyothi Chalavadi, the then Panchayath Development Officer, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working at Kalakur Grama Panchayath);
- 2) Sri Jagadish Kotur, the then Secretary, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working at Devarahubballi Grama Panchayath) – Reg.

Ref:- 1) Government Order No.ಸ್ತ್ರೂಪ 529 ಸ್ತ್ರೂಪಂಪಾ 2016,
Bengaluru dated 26/9/2016.

2) Nomination order No.UPLOK-1/DE/436/2016,
Bengaluru dated 5/10/2016 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 22/7/2019 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 26/9/2016, initiated the disciplinary proceedings against (1) Smt. Jyothi Chalavadi, the then Panchayath Development Officer, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working in Kalkur Grama Panchayath) and (2) Sri Jagadish Kotur, the then Secretary, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working in Devarahubballi Grama Panchayath) (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/436/2016, Bengaluru dated 5/10/2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Smt. Jyothi Chalavadi, the then Panchayath Development Officer, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working in Kalkur Grama Panchayath) and DGO-2 Sri Jagadish Kotur, the then Secretary, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working in Devarahubballi Grama Panchayath) were tried for the following charge:-

“ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀಮತಿ ಜ್ಯೋತಿ ಚಲವಾದಿ, ಪಿಡಿಓ, ಕೋಟೂರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಧಾರವಾಡ ಜಿಲ್ಲೆ (2) ಶ್ರೀ ಜಗದೀಶ್ ಕೋಟೂರು, ಕಾರ್ಯದರ್ಶಿ, ಕೋಟೂರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಧಾರವಾಡ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ 2008ರ ರಾಷ್ಟ್ರೀಯ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸ ಕೊಡಬೇಕೆಂಬ ನಿಯಮವಿದ್ದರೂ ಸಹ ಕಾರ್ಮಿಕರನ್ನು ಕೆಲಸಕ್ಕೆ ಬಳಸಿಕೊಳ್ಳದೇ ಕಾರ್ಮಿಕರ ಬ್ಯಾಂಕ್ ಪಾಸ್ ಪುಸ್ತಕಗಳನ್ನು ಇಟ್ಟುಕೊಂಡು ಚೆಸಿಬಿ ಯಂತ್ರ ಬಳಸಿ ಕಾಮಗಾರಿಗಳನ್ನು ಮಾಡಿ, ಕಾರ್ಮಿಕರಿಗೆ ರೂ.100/-, ರೂ.200/- ಗಳನ್ನು ಕೊಟ್ಟು ತಲಾ ರೂ.18,05,870/-ಗಳನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ. ಆದ್ದರಿಂದ ಆ.ಸ.ನೌಕರರಾದ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ ಹಾಗೂ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1)(i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಮಾಡಿರುತ್ತೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the charge leveled against DGOs 1 and 2 is partly proved. The

DGO-1 and 2 are equally held responsible for the amount of Rs.5,76,359/-.

5. 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.

6. As per the First Oral Statement submitted by DGOs 1 & 2;

- (i) DGO-1 Smt. Jyothi Chalavadi is due to retire from service on 30/6/2040;
- (ii) DGO-2 Sri. Jagadish Kotur is due to retire from service on 31/5/2026.

7. Having regard to the nature of charge proved against DGO-1 Smt. Jyothi Chalavadi and DGO-2 Sri Jagadish Kotur;


- (i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Smt. Jyothi Chalavadi, the then Panchayath Development Officer, Kotur Grama Panchayath, Dharwad Taluk and District (Presently working in Kalkur Grama Panchayath) with cumulative effect and also for recovering a sum of ₹2,88,180/- from the salary and other allowances payable to DGO-1 Smt. Jyothi Chalavadi;

- (ii) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Jagadish Kotur, the then Secretary, Kotur Grama Panchayath,

Dharwad Taluk and District (Presently working in Devarahubballi Grama Panchayath), with cumulative effect and also for recovering a sum of ₹2,88,180/- from the salary and other allowances payable to DGO-2 Sri Jagadish Kotur.

8. 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