

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/46/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:28.1.2021

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)****Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sryuths:

- 1) Basavaraj Sankanala, Panchayath development officer, Chalagera grama panchayath, Kushtagi Taluk, Koppal District
- 2) Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District - reg.

Ref: 1. G.O.No. RDP/ 792/ GraPamKa/2016 dated: 4.1.2017

2. Nomination Order No: UPLOK-1/DE/46/2017
Bangalore dated: 12.1.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. Basavaraj Sankanala, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District and (2) Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District (hereinafter referred to as the Delinquent Government Official for short "DGO No.1 and 2").

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2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 12.1.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 and 2 .

3. Additional Registrar of Enquiries-10 has framed the Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The copies of the same was issued to the DGOs calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

5. The Article of charges framed by the ARE-10 against the DGOs is as under :

ANNEXURE-I
CHARGE

That, you DGO (1) Sri. Basavaraj Sankanala, Panchayath Development Officer, Chalagera Gram Panchayath, Kushtagi Taluk, Koppal District and you DGO (2) Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District, have violated the guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs, mentioned the names of dead persons, anganawadi workers in Muster Roll, desilting work

in Kalalabandi tank was carried out by using the tractors. The measurement book is not produced to indicate the extent of work. Some of the workers under NREGA have given amount to Karnataka Prantha Raitha Sangha for membership.

Thus you DGOs 1 and 2, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

One Sri Gavisiddappa S/o Veerabhadrappe Baligar R/o Chalagera of Kushtagi Taluk, Koppal District has filed a complaint against (1) Sri Mallikarjun, Junior Engineer, Taluk Panchayath, Kushtagi, Koppal (2) Sri Basavaraj Sankanala, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District, alleging dereliction of duty and misappropriation.

According to the complainant, :

- a. the work of removal of silt from Kalalabandi tank was undertaken under MGNREGA scheme, but the DGO no.1./ PDO has taken the signatures on Form No.6 and 9 from the persons he likes and the actual work done is by 100 persons but shown as work done by 500 persons and part of bribe

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- amount is paid to Adhyaksha of Raitha Sangha and he is involved in corrupt practices;
- b. the wages are not paid to the actual workers;
 - c. for removal of 30 truck load of silt, the cost of expenditure is shown as Rs.30.00 Lakhs;
 - d. payment is made to the absentee worker;
 - e. inspite of complaint, no action is taken by any of the authorities;
 - f. the complainant has mentioned 13 irregularities committed by DGOs 1 and 2;

The complainant has produced the following documents;

- a) copy of representation dated 24.8.2015 by the villagers;
- b) copy of letter dated 14.9.2015 from Chief Executive Officer, Zilla Panchayath, Koppal;
- c) copy of newspaper cuttings;
- d) copies of job cards wherein he complainant states that some of the job card holders have died and in some cases, the names of school children have been used;
- e) copies of death certificate and school certificates are also produced.

The DGOs 1 and 2 have offered their comments denying the allegations made in the complaint. The matter was referred to Deputy Superintendent of Police, Karnataka Lokayukta, Koppal. On 13/4/2016, Deputy Superintendent of Police, Karnataka Lokayukta, Koppal has submitted a report stating that, he has recorded the statement of several persons, which would indicate that names of dead persons are indicated in the Muster Roll. So also, the names of Anganawadi workers are indicated in the Muster Roll, as if

they were employed under MGNREGA. He has also given the list of names of 10 persons. Regarding desilting in Kalalabandi tank, he has submitted a report, which indicates transportation of mud by using tractors. He has not enclosed the Measurement books, to indicate the extent of work. In the report, there is reference to complaint and the enquiry conducted by Chief Executive Officer. He has submitted that some of the workers under NREGA have given amount to Karnataka Prantha Raitha Sangha for membership.

Having regard to the nature of allegations made against DGOs 1 and 2 in the complaint and having noticed various lapses, discrepancies, omissions noticed, the explanation offered by DGOs 1 and 2 are not satisfactory and hence not acceptable.

The facts supported by the material on record show that the DGOs, being Government servants, have failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of Government servants and thereby committed misconduct and made themselves liable for disciplinary action.

On perusal of the materials on record, it goes to show that, DGOs 1 and 2 have violated the guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs and since disciplinary action could be initiated as the said facts and materials on record, prima facie show that, DGOs 1 and 2 have committed misconduct under Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966, a report under Section

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12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings against the DGOs 1 and 2 and to entrust the inquiry to this authority under Section 14-A of the KCS (CC&A) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against the DGOs 1 and 2 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 charge.

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7. As per order No. UPLOK-1 &2 /DE /Transfers/ 2020 dated: 28.5.2020 the above enquiry was transferred from Additional Registrar Enquiries-10 to Additional Registrar Enquiries-9.

8. The DGOs appeared on 19.5.2017 before this enquiry authority in pursuance to the service of the Article of charges.

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

10. The DGOs No.1 and 2 have submitted written statements, stating that DGOs No.1 was working Panchayath Development Officer, Chalagera grama panchayath, and DGO no. 2 was working as Junior Engineer in Taluk panchayath Kushtagi Taluk, Koppal District during the year 2014-15 & 2015-16 and further they have submitted that they had implemented the works under MGNREGA

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scheme as per the guidelines of the said scheme. Further they have submitted that they have not misappropriated any amount under the said scheme and not violated any guidelines issued under the said scheme. Further they have denied the allegation made in the complaint against them. Hence they prayed to drop the charges leveled against them.

11. The disciplinary authority has examined the complainant Sri. Gavisiddappa S/o Veerabhadrapa Baligar R/o Chalagera of Kushtagi Taluk, Koppal District as PW.1. Sri. Venkanagowda, S/o Ninganagowda Patil the then Deputy Superintendent of Police, Karnataka Lokayukta Koppala is the Investigating officer in the case and he has been examined as PW-2 and **Ex.P-1 to ExP-30** are got marked.

12. The second oral statements of DGOs No.1 and 2 have been recorded. DGO No.1 Sri. Basavaraj Sankanala, Panchayath development officer, Chalagera grama panchayath, Kushtagi Taluk, Koppal District has got examined himself as DW-1 and DGO no.2 Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District has got examined himself as DW-2 and has got marked **Ex.D-1** document.

13. The DGOs have submitted written arguments. Heard the submissions of both the sides. I answer the above charge in the **PARTLY IN AFFIRMATIVE IN RESPECT OF DGO NO. 1 AND IN NEGATIVE IN RESPECT OF DGO NO. 2** for the following;

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REASONS

14. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGO.

15. The Disciplinary Authority has examined the complainant Sri. Gavisiddappa S/o Veerabhadrapa Baligar R/o Chalagera of Kushtagi Taluk, Koppal District as PW.1. PW-1 has deposed in his evidence that the DGO no. 1 was working as Panchayath Development Officer of Chalagera Grama Panchayath and DGO no. 2 working as junior Engineer, Taluk Panchayath Kushtagi Taluk, Koppal District in the year 2014-17. Further he has deposed that under the MGNREGA Scheme, Kalalabandi lake desilting work was taken up; about 200-400 labourers have worked under the said scheme. To engage the labours meti (mesthri) has appointed and the said meti has illegally collected Rs. 100 from each members to give the job. Further PW-1 has deposed that payment was not made to the labourers properly. Dead persons, Anganawadi workers, school children and private persons were included in muster roll. De-silting of Kalalabandi lake was carried out by using tractor. Some of the workers have given the amount to Karnataka Prantha Raitha Sangha for membership. Further he has deposed that in regard to the above, he had submitted a representation to Grama Panchayath, Taluk Panchayath and Zilla Panchayath, along with the villagers. But they have not taken any action.

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16. Sri. Venkanagowda, S/o Ninganagowda Patil the then Deputy Superintendent of Police, Karnataka Lokayukta Koppala is the Investigating officer in this case and he is examined as PW-2. PW-2 has deposed in his evidence that after receiving the letter from Additional Registrar of Enquiries—3 to investigate the matter and submit the report in respect of the complaint filed by PW-1, he had visited Chalagera Grama Panchayath office on 23.1.2016 along with complainant. Further he has deposed that on the same day he had visited Kalalabandi Tank, and at that time about 200-250 labourers were doing the de-silting work under MGNREGA scheme, and to evidence the same he had taken the photographs. Thereafter he has verified the muster roll (NMR), wherein it is seen that the names of dead persons, anganawadi workers, students, etc., were mentioned. Further he has deposed that as per the statement of DGO no.1 and 2 they were using the tractor previously to carry out the work to lift the silt from the tank, but later stopped the same after the objection from the people. Further he has deposed that he has recorded the statements of Basappa, Balappa, Annapurna, Sangeetha, Keriavva, Sannadyamanna, Amaravva, Suvarna, Girijamma and Veeranagowda. Further he has deposed that Basappa told that though his wife Girijamma died, her name was not removed from NMR and his mother Smt. Paramma had not worked under the said scheme, but amount was credited to her account. Further Dyamavva W/o Balappa and Renukamma D/o Balappa had not worked but amount was credited to the account of Balappa. Smt. Annapoorna (Guest Teacher), Smt. Sangeetha

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Computer Operator, Kariyavva and mother-in-law of Thimmavva, Gyanappa and Chandrashekara Late Sannayclappa, Nimbamma, Amravva (Anganawadi Teacher) Suvarna (Anganawadi Assistant) Girijamma (cook), Veeranagowda (Agriculturist) had not worked, but the amount was credited to their account. Further PW-2 has deposed that on 10.2.2016 he has found that 6 metis (kayaka bandus) have helped the DGO to do misappropriation and they are the members of Karnataka Krantha Raitha Sangha. Further he has deposed that as per his opinion, under MGNREGA scheme the meties had given attendance of dead persons, government and semi government servants and others and wages were credited to the account of head of their family. There is no direct role of DGO no.1 but he being the Panchayath Development Officer he has to supervise and prevent it. But the DGO no. 1 committed dereliction of duty by neglecting the same. Further he has deposed that in respect of DGO no. 2 Mallikarjuna, Junior Engineer, he did not find any allegation.

17. DGO No.1 Sri. Basavaraj Sankanala, Panchayath development officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District has got examined himself as DW-1. DW-1 has deposed in his evidence that he was working as Panchayath Development Officer in Chalagera Grama Panchayath from April 2014 to November 2016. Further he has deposed that the complaint is not maintainable under section 9 of Karnataka Lokayukta Act 1984. Further he has deposed that the complainant had remedy of filing complaint

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before the OMBUDSMEN if he was aggrieved. Further he has deposed that duty of the meti is to enter the attendance of labourers in NMRs. In the present case, he has passed the bill as per the attendance list furnished by meti and the entries in the M.B recorded by the DGO no. 2 Junior Engineer. Further he has deposed that he has implemented the de-silting work of the Kalalabandi tank as per the guidelines of the MGNREGA Scheme.

18. DGO no.2 Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District has got examined himself as DW-2. DW-2 has deposed in his evidence that he was working as Junior Engineer in Taluk Panchayath Kushtagi from Feb -2014 to July 2016. Further he has deposed that it was the duty of the meti to record the attendance of the labourers in the NMRs. Further he has deposed that he has recorded the measurements in the measurement book, as per the work completed. He has not committed any misconduct or dereliction of duty as alleged in the charge.

19. Ex.P1 is the detailed complaint submitted by PW-1. Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1 . Ex.P-4 is the representation submitted to Grama Panchayath. Ex.P-5 is the representation submitted to Taluk panchayath. Ex.P-6 is the representation submitted to Zilla panchayath. Ex.P-7 is the letter dtd: 28.8.2015 of CEO, zilla panchayath Koppala to EO, taluk panchayath, Kushtagi. Ex.P-8 News paper cutting. Ex.P-9 is

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the copies of the receipts issued by Raitha Sangha. Ex.P-10 is the copy of the job card of deceased Girijamma. Ex.P-11 is the Death certificate of Girijamma. Ex.P-12 is the copy of job card of deceased Dyavamma W/o Balappa. Ex.P-13 is the copy of job card of Eshappa. Ex.P-14 and 15 are the copy of school certificates of children of Eshappa namely Chandrashekhara, Gyanappa. Ex.p-16 is the copy of job card of deceased Sanna Yallappa Dyamanna Beerappanavara. Ex.P-17 is the copy of death certificate of Sannayallappa. Ex.P-18 is the copy of job card of Veeranagowda Basavanagouda Malipatil. Ex.P-19 is the copy of job card of Doddappa Sangappa Ajjappanavara. Ex.P-20 to 22 is the copy of attendance register extracts. Ex.P-23 is the copy of job card of Shekarappa. Ex.P-24 is the copy of attendance register extract. Ex.P-25 is the copy of job card of Girijamma Gurusangappa Hadimani. Ex.P-26 is the copy of attendance register. Ex.P-27 are the photographs (ten in number) Ex.P-28 is the statements of DGO no. 1 and 2. Ex.P-29 is the statements of Basappa, Balappa, Suvarna, Girijamma and Veeranagowda. Ex.P-30 is the investigation report of PW-2

20. Ex.D-1 is copy of the measurement book

21. Additional document: - page no. 350 to 367 in respect of the alleged charge. The said document includes the statement of Kayaka Bandu (Meti) by name Smt. Shankamma W/o Kalakappa Gulagowdra, Shanthamma W/o Veeranagowda Malipatil, Balappa S/o Sangappa, and the statement of Raghu S/o Chandramappa who was working as

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a Executive officer taluk panchayath Kushtagi recorded by PW-2 and other documents.

22. Perused the evidence of Pw-1, PW-2 and DW-1, DW-2 along with documents produced by both sides and Article of charge along with additional documents. The Annexure -1 Article of charge includes four points.

Point No. 1:- *That, you DGO (1) Sri. Basavaraj Sankanala, Panchayath Development Officer, Chalagera Gram Panchayath, Kushtagi Taluk, Koppal District and you DGO (2) Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District, have violated the guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs, mentioned the names of dead persons, anganawadi workers in Muster Roll,*

Point No. 2:- *desilting work in Kalalabandi tank was carried out by using the tractors.*

Point No. 3:- *The measurement book is not produced to indicate the extent of work.*

Point No. 4:- *Some of the workers under NREGA have given amount to Karnataka Prantha Raitha Sangha for membership.*

23. My findings on Charge Point No. 1 is as follows;-

The charge in point No.1 is that, DGO (1) Sri. Basavaraj Sankanala, Panchayath Development Officer, Chalagera Gram Panchayath, Kushtagi Taluk, Koppal District and DGO (2) Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi

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Taluk, Koppal District, have violated the guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs, mentioned the names of dead persons, anganawadi workers in Muster Roll,

24. Perused the evidence of Pw-1, PW-2 and DW-1, DW-2 along with documents produced by both sides and Article of charge along with additional documents. The DGOs no. 1 and 2 have not disputed the fact that the desilting of Kalalabandi tank Chalagera village was implemented under MGNREGA Scheme during the years 2014-15 and 2015-16. Further DGO no.1 and 2 have not disputed the fact that during the relevant period the DGO no.1 was working as Panchayath Development Officer of Chalagera grama panchayath and DGO no.2 was working as Junior Engineer at Taluk Panchayath, Kustagi. Further as per the evidence of PW-2 Investigating officer there was no allegation that the said work implemented is sub-standard one and DGO no.1 and 2 misappropriated the amount under the said scheme. Ex.p-30 is the report submitted by PW-2 in respect of the complaint submitted by PW-1. In the said complaint he has stated that even though Smt. Girijamma W/o Basappa S/o Rajappa died, her name was entered in the NMR. Further, even though Paramma W/o Rachappa who is the mother of the said Basappa had not worked in the said project, her name was entered in the muster roll. Further he has stated in the said report that, even though Dyamavva W/o Balappa and Renukamma D/o Balappa, Annapoorna D/o Veeranagowda, Sangeetha D/o Veeranagowda had not at all worked in the said project their names were entered in the

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muster roll. Further he has stated in the Report that Eshappa Beerappanavar and his mother Thimamma and his sons Dhayanappa Chandrashekara had not worked as labourers. Even then, their names are entered in the muster roll. Further he has stated that Sannayellappa Beerappa and Nimbamma W/o Sannayellappa had not working in the said project, even then, their names are shown in the muster roll. Further he has stated that Amaravva W/o Rajashekara, Suvarna W/o Shekarappa, Girijamma W/o Gurusangappa Adimani had not worked as a labourers even then their names are shown in the muster roll. Ex.P-10 is the job card in respect of family of Basappa Rachappa Konasagara. Ex.p-11 is the death certificate of Girijamma W/o Basappa. As per the Ex.P-11, Smt. Girijamma W/o Basappa died on 19.5.2014. As per the Ex.P-10, the application was filed by Girijamma's family for work under the MGNREGA Scheme in the month of April and May and also her name is shown in the NMR. It clearly shows that even though Girijamma W/o Basappa died on 19.5.2014 and not at all worked for the said desilting work, her name is shown in the NMR and payment is made in her name.

25. Ex.p-12 is the job card in respect of the family of Balappa Sangappa Havergi with details of labourers involved in the different work under the MGNREGA Scheme in the year 2014. The Ex.P -13 is the job card in respect of the family of Eshappa Gyanappa Erappanavar with details of labourers involved in the different work under the MGNREGA Scheme in the year 2014. Ex.P-14 and Ex.P-15 are the school certificates issued by the Head master



Shivarudramuni Shivacharya High School Chalagera. The said documents are not disputed by DGO no. 1 & 2. As per the Ex.P-12 and 13, Chandrashekara S/o Eshappa Beerappanavar and Gyanappa S/o Eshappa Beerappanavar had worked under MGNREGA Scheme of Chalagera village. But as per the Ex.p-14 and 15 school certificates, Chandrashekar and Gyanappa were minors at the time of implementation of alleged work. As per the guidelines of the MGNREGA scheme minors should not be deployed to work under the said scheme. Ex.P-16 is the job card in respect of the Sannayellappa Dyamanna Erappanavar with the details of labours involved in the different work under the MGNREGA Scheme in the year 2014. Ex.P-17 is the death certificate of Sannayellappa Dyamanna Erappanavar. As per the said death certificate he died on 27.3.2013 but in Ex.P-16 his name is shown as labourers and involved in the alleged work and payment was made in his name. Ex.P-18 is the job card in respect of Veeranagowda Basanagowda Malipatil, with the details of labours involved in the different work under the MGNREGA Scheme in the year 2014. Ex.p-19 is the job card in respect of the family of Doddappa Sangappa Ajjanavar with the details of labours involved in the different work under the MGNREGA Scheme in the year 2014. Ex.p-20 is the copy of the attendance register of 4th Anganawadi Centre Chalagera. Ex.p-21 is the copy of the attendance register of 3rd Anganawadi Centre Chalagera. Ex.P-22 is the copy of the attendance register of 5th Anganawadi Centre Chalagera. As per Ex.p-19 Amaravva Ajjanavar name was entered in the said job card and also her name entered in the NMR as she

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had worked under the MGNREGA Scheme in the year 2014 and payment made in her name. But as per Ex.p-20 to Ex.P-22 attendance register copy of the Anganawadi centre Chalagera, during that period she was working as Anganawadi Assistant in the said centre. Ex.p-23 is the job card in respect of the family of Shekarappa Kalakappa Hadimani with the details of labours involved in the different work under the MGNREGA Scheme in the year 2014. Ex.P-24 is the copy of the attendance register of 2nd Anganawadi Centre Chalagera. As per Ex.p-23 Suvarna shekar Hadimani name was entered in the said job card and also her name entered in the NMR as she had worked under the MGNREGA Scheme in the year 2014 and payment made in her name. But as per Ex.p-24 attendance register copy of the Anganawadi centre Chalagera during that period, she was working as Anganawadi Assistant in the said centre. Ex.P-25 is the job card in respect of the family of Girijamma Gurushangappa Hadimani with the details of labours involved in the different work under the MGNREGA Scheme in the year 2014. Ex.P-26 copy of the attendance registered in respect of Akshara dasoha employees of Government middle Higher and Primary school Chalagera. As per Ex.p-25 Girjavva Gurusangappa Hadimani name was entered in the said job card and also her name entered in the NMR as she had worked under the MGNREGA Scheme in the year 2014 and payment made in her name. But as per Ex.p-26 and 27 copy of the attendance register in respect of Akshara dasoha employees of Government middle Higher and Primary school Chalagera Girjavva Gurusangappa Hadimani was working

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as Assistant Cook during that period. Further as per Ex.P-18 the name of Sangeetha, Annapoorna D/o Veeranagowda Basavanagowda entered in the NMR as a labour even though they have not worked under the said scheme and more over Annapoorna is working as teacher in government higher primary school. Further Sangeetha D/o Veeranagowda Malipatil working as computer operator in SRS school Chalagera . The above said fact is not disputed by DGO no.1 and 2. Further PW-2 Investigating officer also produced Ex.P-28, 29 page No. 142 to 161, the statements of (DGO no. 1) Basavaraja S/o Hanumappa, (DGO no. 2) Mallikarjuna S/o Kotrappa, Basappa S/o Rachappa, Annapoorna D/o Veeranagowda Malipatil, Sangeetha D/o Veeranagowda Malipatil, Kariyavva W/o Eshappa Beerappanavar, Sannadyamanna S/o Sannayellappa Beerappanavar, Amaravva W/o Rajashekar @ Rajappa, Suvarna W/o shekarappa Hadimani, Girijappa W/o GuruSangappa Hadimani, Veeranagowda S/o Basanagowda Malipatil, Mallappa S/o Parasappa Gulagowdra.

26. The above said documents and evidence of PW-1 and 2 and DW-1 and 2 depict that the DGO no. 1 as Panchayath development officer of the Chalagera grama panchayath has violated the guidelines of MGNREGA in the matter of wages paid to labours and maintenance of NMRs mentioned the name of dead persons, Anganawadi workers in Muster rolls. The DGO no.1 has taken a defence that maintenance of the list of labours who worked under the MGNREGA Scheme was duty of Kayaka Bandu (Meti) But the duty of the DGO-1 as Panchayath development officer of

said grama panchayath is to verify the list of labour furnished by Kayaka Bandu before payment made towards the concerned labour account. Page No. 350 to 370 is the additional document in respect of the alleged charge the said document includes the statement of Kayaka Bandu (Meti) by name Smt. Shankamma W/o Kalakappa Gulagowdra, Shanthamma W/o Veeranagowda Malipatil, Balappa S/o Sangappa, and the statement of Raghu S/o Chandramappa who was working as a Executive officer taluk panchayath Kusthagi recorded by PW-2. The said statement also reveals that in the NMR, dead persons and Anganawadi assistant, Teachers, Minors names were entered and payment made towards their name even though they have not worked under the said scheme. Additional document page no. 355 is letter dtd: 16.10.2015 of DGO no. 1 submitted to the Executive officer taluk panchayath Kusthagi. In the said document DGO No. 1 admitted the above said facts. Additional document page no.356 is letter dtd: 20.10.2015 of Executive officer taluk panchayath Kusthagi to the Chief Executive officer zilla panchayath Koppala. As per the said document the total amount of Rs. 5,977/- was recovered from the above said Kayaka Bandu (Meti) which amount was paid in the name of dead persons and Anganawadi assistant, Teachers, Minor name was entered and payment made towards their name even though they had not worked under the said scheme, and the said amount was deposited through DD No. 796401. Additional document page no.357 is the xerox copy of the DD and Additional document page no.358 is the details of the amount recovered and intimation sent to the Chief

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Executive officer zilla panchayath Koppala. Additional document page no.359 to 365 are the notices issued by DGO no. 1 to the concerned person for depositing the alleged amount. Additional document page no.366 is the letter dtd: 14.9.2015 of Chief Executive officer zilla panchayath Koppala to the Executive officer, taluk panchayath Kusthagi for submitting the action taken report in respect of desilting work of Kalalabandi tank under the MGNREGA Scheme. Additional document page no.367 is the report submitted by the DGO no.1 to the Chief Executive officer zilla panchayath Koppala. The said document discloses that DGO no. 1 recovered the excess amount of Rs. 5977/- in the name of dead persons and Anganawadi assistant, Teachers, Minors name that was entered and payment made towards their names even though they had not worked under the said scheme. In the said report the DGO no. 1 admitted the alleged charge leveled against him and tendered apology before Chief Executive officer zilla panchayath Koppala. The above said facts reveal that DGO no. 1 as a Panchayath development officer of the said grama panchayath did not verify the document in respect of the labour before depositing the wage amount towards the account of the concerned labour. The DGO no. 2 is no way concerned to the maintenance of NMR and verification of job card and list of labours involved in the alleged work. His duty was only to enter the measurement of the work done by labours and check the quality of work. In this case there is no charge leveled against the DGO no.1 and 2 regarding the substandard work. **Thereby Charge Point No. 1 of the**

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charge leveled against the DGO no.1 is proved and the same is not proved in respect of the DGO no. 2.

27. Charge Point No. 2:- desilting work in Kalalabandi tank was carried out by using the tractors.

28. Perused the evidence of Pw-1, PW-2 and DW-1, DW-2 along with documents produced by both sides and Article of charge along with additional documents. PW-2 Investigating officer has stated in his report Ex.p-30 that DGOs No.1 and 2 previously used tractors for lifting the silt from the tank after loading the silt by the labours. But after objection from the public they have stopped and used labours for desilting work. Further there is no prohibition under the MGNREGA Scheme to use the machinery to some extent. PW-2 also stated in his report and in his evidence that the quality of work is not disputed. Further PW-2 produced the photographs Ex.P-27 page no. 142 to 147 which were taken at the time of spot inspection. The said photographs also depict that the labours were involved in the desilting work of Kalalabandi tank. There is no material from the side of the disciplinary authority to show that the said entire work was carried out by using the tractors. **Thereby the disciplinary authority failed to prove the charge Point no. 2 leveled against the DGO no.1 and 2.**

29. Point No. 3:- The measurement book is not produced to indicate the extent of work.

30. Perused the evidence of Pw-1, PW-2 and DW-1, DW-2 along with documents produced by both sides and Article of charge along with additional documents. The DGO

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No.1 and 2 produced Ex.D-1 copy of the measurement book maintained in the grama panchayath Chalagera i.e., in page no. 166 to 349 which was recorded by DGO no. 2 in respect of work done under MGNREGA Scheme. There is no dispute regarding the quality of work. Hence, question of measurement book is not produced in respect of the alleged work does not arise. Further there is no document to show that even though they issued the notice to DGO no.1 and 2 but not produced the measurement book recorded in respect of alleged work. **Thereby the disciplinary authority failed to prove the charge Point no. 3 leveled against the DGO no.1 and 2.**

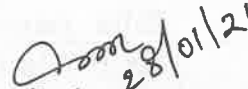
31. Charge Point No. 4:- Some of the workers under NREGA have given amount to Karnataka Prantha Raitha Sangha for membership.

32. Perused the evidence of Pw-1, PW-2 and DW-1, DW-2 along with documents produced by both sides and Article of charge along with additional documents. There is no material evidence from the side of the disciplinary authority to show that the DGO no.1 and 2 forced the labours to take membership in Karnataka Prantha Raitha Sangha. Taking up of membership in Karnataka Prantha Raitha Sangha is individual right of the villagers/ Labours. There is no material document to show that DGO no.1 and 2 had illegal relationship with the said Raitha Sangha. **Thereby the disciplinary authority failed to prove the charge Point no. 4 leveled against DGO no.1 and 2.**

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33. Considering the above said oral and documentary evidence, and reason stated in respect of charge point No.1 to 4, it is clear that charge leveled against DGO no.1 and 2 consists four points as stated above but the disciplinary authority only succeeded to prove charge Point No. 1 against DGO no.1 and failed to prove the charge Point No.2 to 4 against the DGO No. 1. Further disciplinary authority failed to prove the charge point No. 1 to 4 against the DGO no. 2. **Thereby the disciplinary authority succeeded to partly prove the charge leveled against the DGO no. 1 and failed to prove the charge leveled against the DGO no. 2.**

34. In the above said facts and circumstances, I hold that the charge leveled against the DGO No.1 is partly proved and charge leveled against the DGO No.2 is not proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.


28/01/21
(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri. Gavisiddappa S/o Veerabhadrapa Baligar R/o Chalagera of Kushtagi Taluk, Koppal District
PW-2	Sri. Venkanagowda, S/o Ninganagowda Patil the then Deputy Superintendent of Police, Karnataka Lokayukta Koppala

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

Ex.P1	Ex.P1 is the detailed complaint submitted by PW-1.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1 .
Ex.P-4	Ex.P-4 is the representation submitted to grama panchayath.
Ex.P5	Ex.P-5 is the representation submitted to Taluk panchayath.
Ex.P6	Ex.P-6 is the representation submitted to Zilla panchayath.
Ex.P7	Ex.P-7 is the letter dtd: 28.8.2015 of CEO, zilla panchayath Koppala to EO, taluk panchayath, Kushtagi.
Ex.P8	Ex.P-8 News paper cutting.
Ex.P9	Ex.P-9 is the copies of the receipts issued by Raitha Sangha.
Ex.P10	Ex.P-10 is the copy of the job card of deceased Girijamma.
Ex.P11	Ex.P-11 is the Death certificate of Girijamma.
Ex.P12	Ex.P-12 is the copy of jab card of deceased Dyavamma W/o Balappa.
Ex.P13	Ex.P-13 is the copy of job card of Eshappa.
Ex.P14 and 15	Ex.P-14 and 15 are the copy of school certificates of children of Eshappa namely

Handwritten signature/initials

	Chandrashekhara, Gyanappa.
Ex.P16	Ex.p-16 is the copy of job card of deceased Sanna Yallappa Dyamanna Beerappanavara.
Ex.P17	Ex.P-17 is the copy of death certificate of Sannayallappa.
Ex.P18	Ex.P-18 is the copy of job card of Veeranagowda Basavanagouda Malipatila.
Ex.P19	Ex.P-19 is the copy of job card of Doddappa Sangappa Ajjappanavara.
Ex.P20 to 22	Ex.P-20 to 22 is the copy of attendance register extracts.
Ex.P23	Ex.P-23 is the copy of job card of Shekarappa.
Ex.P24	Ex.P-24 is the copy of attendance register extract.
Ex.P25	Ex.P-25 is the copy of job card of Girijamma Gurusangappa Hadimani.
Ex.P26	Ex.P-26 is the copy of attendance register.
Ex.P27	Ex.P-27 are the photographs (ten)
Ex.P28	Ex.P-28 is the statement of DGO no. 1 and 2.
Ex.P29	Ex.P-29 is the statement of Basappa, Balappa, Suvarna, Girijamma and Veeranagowda.
Ex.P30	Ex.P-30 is the investigation report of PW-2

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No.1 Sri. Basavaraj Sankanala, Panchayath development officer, Chalagera grama panchayath, Kushtagi Taluk, Koppal District
DW-2	DGO no.2 Sri. Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District

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GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/46/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **01/02/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Basavaraj Sankanal, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District;
- 2) Sri Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District - Reg.

Ref:- 1) Govt. Order No.ಗೃಲಪ/792/ಗೃಪಂಕಾ/2016, Bengaluru dated 4/1/2017.

2) Nomination order No. UPLOK-1/DE/46/2017, Bengaluru dated 12/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 28/1/2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its order dated 4/1/2017 initiated the disciplinary proceedings against (1) Sri Basavaraj Sankanal, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District and (2) Sri Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 & DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/46/2017, Bengaluru dated 12/1/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1&2/DE/Transfers/2020, dated 28/5/2020, the Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2.

3. The DGO-1 Sri Basavaraj Sankanala, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District and DGO-2 Sri Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District were tried for the following charges:-

“That you DGO (1) Sri Basavaraj Sankanala, Panchayath Development Officer, Chalagera Gram Panchayath, Kushtagi Taluk, Koppal District; and you DGO (2) Sri Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District, have violated the guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs, mentioned the names of dead persons, anganawadi workers in Muster Roll, desilting work in Kalalabandi Tank was carried out by using the tractors. The measurement book is not produced to indicate the extent of work. Some of the workers under NREGA have given amount to Karnataka Prantha Raitha Sangha for membership. Thus, you DGOs 1 and 2, being Government/Public Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government Servants and thus committed misconduct as

enumerated U/R. 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966.”

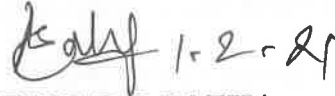
4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has partly proved the above charge against DGO-1 Sri Basavaraj Sankanal, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District and further held that the Disciplinary Authority has failed to prove the above charge against DGO-2 Sri Mallikarjuna, Junior Engineer, Taluk Panchayath, Kushtagi Taluk, Koppal District.

5. As per the inquiry report, the charge relating to violation of guidelines of MGNREGA in the matters of wages paid to labourers and maintenance of NMRs, mentioning the names of dead persons, Anganawadi workers in the Muster Roll is proved only against DGO 1. The remaining part of the charge relating to desilting of work in Kalalabandi tank by using tractors; non-production of measurement book to indicate the extent of work and the amount given by some of the workers of NREGA to the Karnataka Prantha Raitha Sangha for members is not proved. Further, the charge against the DGO-2 Sri Mallikarjun is not proved.

6. On re-consideration of inquiry report and totality of the circumstances of the case, 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 DGOs 1 & 2;
- (i) DGO-1 Sri Basavaraj Sankanal is due to retire from service on 30/6/2038
 - (ii) DGO-2 Mallikarjun is due to retire from service on 31/5/2050.
8. Having regard to the nature of charge proved against DGO-1 Sri Basavaraj Sankanal, Panchayath Development Officer, Chalagera Grama Panchayath, Kushtagi Taluk, Koppal District, it is hereby recommended to the Government for imposing penalty of withholding two annual increments of DGO-1 Sri Basavaraj Sankanal with cumulative effect.
9. It is recommended to the Government to exonerate the DGO-2 Sri Mallikarjun from the charge leveled against him.
10. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.



(JUSTICE B.S.PATIL)

Upalokayukta-1,
State of Karnataka,
Bengaluru