

KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/508/2016/ARE-9
No. UPLOK-1/DE/676/2016/ARE-9

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

Date: 10.12.2020

11.12.2020.

:: ENQUIRY REPORT ::

:: Present ::

(Lokappa N.R)

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

Sub: Departmental Enquiry against

- (1) Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur taluk, Yadgiri District but in FOS the DGO has written his name as Gangappa Anjali, Deputy Range Forest Officer.
- (2) Sri. Prakash Pawar, Panchayath development officer, Rasthapura Grama panchayath, Shahapur Taluk, Yadgir District and
- (3) Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District and - reg.

- Ref: 1. G.O.No. ಅಪಜೀ 162 ಅಇ ವಿ 2016 ದಿ: 19.11.2016 (in respect of Sri. Ganganna Deputy Range Forest Officer)
2. G.O.No. Gra AaPa 560 Gra Pam Kaa 2016 Bengaluru dated: 18.10.2016 (in respect of Sri. Prakash Pawar, Panchayath development officer and Sri. Ramachandra, Junior Engineer)
 3. Nomination Order No. UPLOK-1/DE/676/2016 Bangalore dated: 30.11.2016 of Hon'ble Upalokayukta-1(in respect of Sri. Ganganna Deputy Range Forest Officer)

4. Nomination Order No. UPLOK-1/DE/508/2016
Bangalore dated: 25.10.2016 of Hon'ble
Upalokayukta-1(in respect of Sri. Prakash Pawar,
Panchayath development officer and Sri.
Ramachandra, Junior Engineer)

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This Departmental Enquiry is initiated against (1) Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur but in FOS the DGO has written his name as Gangappa Anjali, Deputy Range Forest Officer, (2) Sri. Prakash Pawar, Panchayath development officer, Rasthapura Grama panchayath, Shahapur Taluk, Yadgir District (3) Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District.

2. In view of the Government Order dtd:19.11.2016 cited above at reference No.1 entrusted enquiry to Hon'ble Upalokayukta in respect of DGO Sri. Ganganna, Deputy Range Forest Officer (hereinafter referred to as the Delinquent Government official for short **DGO no. 1**), to conduct enquiry and to report. Hon'ble Upalokayukta vide order dated 30.11.2016 cited above at reference No.3 has nominated Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGO No.1.

3. In view of the Government Order dtd:18.10.2016 cited above at reference No.2 entrusted enquiry to Hon'ble Upalokayukta in respect of DGOs Sri. Prakash Pawar, Panchayath development officer, and Sri. Ramachandra, Junior Engineer (hereinafter referred to as the Delinquent Government official for short DGO no. 2 and 3 respectively) to

conduct enquiry and to report. Hon'ble Upalokayukta vide order dated 25.10.2016 cited above at reference No.4 has nominated Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGO No. 2 and 3.

4. Additional Registrar of Enquiries-10 has prepared **two different 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 in above said two cases.

5. The copies of the same was issued to the DGOs No.1 to 3 calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

6. The Article of charges framed by the ARE-10 against the DGO No.1 Sri. Ganganna, in DE.No. UPLOK-1/DE/676/2016/ARE-9 is as under :

ANNEXURE-I
CHARGE

That, **you DGO Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur** has caused loss to the Government by executing the following substandard works under Mahatma Gandhi Employment Guarantee Scheme during the year 2010-11 :

1. In Providing threshing (Rashikana) in Sy.No.92 in Rastapur.

In the M.B. entire measurement has been recorded on a single day and the date of recording in M.B. has not been mentioned.

a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.

b) The photographs produced show that the threshing is already damaged.

2. Formation of plantation on road side from Rastapur to Sharadahalli:

a) In the M.B.(Flag-BB) an amount of Rs.36,125 is recorded as expenses towards coolie labourers for excavation of 300 pits. But only 35 pits are seen and no plantation is done. Therefore the entire amount spent for forming pits is a waste.

b) No documents are produced for having formed 300 pits.

c) This work has been carried out by Sri.Ganganna, Dy.Range Forest Officer.

3 Formation of plantation on the tank bund of Rastapur Village :

a) In the M.B. an amount of Rs.36,125/- is shown towards payment to labourers and 3000 pits are said to have been dug. But only 45 pits were seen and no planting is done. Therefore the entire amount spent for forming pits is a waste.

b) No documents have been produced for having formed pits.

c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer, Social Forestry, Shahapur, Yadgir District.

4 Formation of plantation in the lands of beneficiaries:

a) In the M.B.(Flag-DD) an amount of Rs.57,375/- is recorded towards payment to labourers for excavation of pits 201 + 253 pits. But no planting is done and only 22% to 35% of the pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

b) No documents are produced for having formed 201+ 253 pits.

c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer. Social Forestry, Shahapur, Yadgir District.

5. Formation of plantation in Rastapur Village:

a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

b) No documents are produced for having formed 300 pits.

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

7. The Article of charges in case No. UPLOK-1/DE/508/2016 framed by the ARE-10 against the DGO No.2 and 3 (Sri. Prakash Pawar, Panchayath development officer and Sri. Ramachandra Junior Engineer) is as under:

ANNEXURE-I

CHARGE

That, you DGO (2) - Sri. Prakash Pawar, Panchayath Development Officer, Rasthapur Gram Panchayath, Shahapur Taluk, Yadgir District and you DGO (3) - Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District have caused loss to the Government by executing the following substandard works under Mahatma Gandhi Employment Guarantee Scheme during the year 2010-11 :

1. In Providing threshing (Rashikana) in Sy.No.92 in Rastapur.

In the M.B. entire measurement has been recorded on a single day and the date of recording in M.B. has not been mentioned.

a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.

b) The photographs produced show that the threshing is already damaged.

2. Formation of plantation in Rastapur Village:

a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

b) No documents are produced for having formed 300 pits.

3. Forming road from Yellammagudi field to Bandura Halla in Rastapur Village:

a) In the M.B. an amount of Rs.1,48,830/- is recorded towards expenditure. Out of it an amount of Rs.45,500-00 + 29,750-00 + Rs.14,000/- is shown as payment to labourers. An amount of Rs.59,484/- is shown as expenditure towards supplying murrum, charges towards tractor etc.,

b) No documents are produced for having spent Rs.59,484-00 towards materials.

c) No documents are produced to show that the amount has been credited to the Post Office/Bank account of Labourers.

d) In the photograph of road work produced by the Complainant, no mud road is appears to be in existence. Therefore the road work executed is of substandard and the amount spent for the work is a loss caused to the Government.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

4. Forming road from Bandura Halla to Haranahola canal .

a) In the M.B (Flag-HH) measurement has been recorded on 12.3.2011 and total expenditure has been recorded Rs.96,326-00 out of it Rs.57,750-00 is recorded as expenditure towards labour charges. Rs.4,800 towards cement and Rs.33,668/- towards sand, pipe, murrum, metals , rubbles stone and tractor charges.

b) No receipts have been produced towards materials purchased.

c) No documents have been produced for having paid amount to labourers or to show that the amount has been credited to the Bank/Post Office account of labourers.

d) In the photograph of road work (Flag-II) produced by the Complainant, no mud road is appears to be in existence.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

Thus you DGOs, 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.

8. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

On the basis of complaint filed by Sri. Yankappa Kollur, Prathinidi-2, Rajivagandhi Yuva Shakti Sangha, Rastapur, Shahapur Taluk, Yadgir District (hereinafter referred to as 'complainant' for short) against Sri.Prakash Pawar, Panchayath Development Officer, Rasthapura Grama Panchayath, Rasthapura, Shahapur Taluk, Yadgir District alleging that he has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

According to the Complainant: -

The following works executed under Mahatma Gandhi Employment Guarantee Scheme during 2010-2011 are of substandard and bogus bills in the names of coolie labourers have been prepared and amount has been withdrawn from their account without crediting the amount to their account.

- (i) Providing Rashikana (threshing) in Sy.No.92 of Rastapur Village.
- (ii) Formation of plantation on road side from Rastapur to Sharada village.
- (iii) Formation of plantation over the tank bund of Rastapur Village.

- (iv) Formation of plantation in the lands of beneficiaries.
- (v) Formation of plantation in Rastapur Village.
- (vi) Forming road from Yellamma gudi field to Bandura Halla in Rastapur Village
- (vii) Forming road from Bandura Halla to Haranahola canal.

Report was called for from E.O., Shahpura Taluk Panchayath. Executive Officer, Shahapura Taluk Panchayath has submitted letter dt:19.1.2013 with report of Asst.Director dt: 28.11.2012. He has also submitted letter dt:27.5.2013 with the report of RFO and Asst. Accounts Officer dt: 15.5.2013 with documents.

CEO was asked to produce documents relating to the works complained and he has produced documents relating to the works complained with photographs.

The report dt:28.11.2012 of Asst.Director, documents produced by the Executive Officer, the report of RFO and AAO, the documents and photographs produced by CEO and the report of AEE-4, TAC, Lokayukta prima facie disclose that following illegalities have been committed in respect of about 7 works complained.

I) In providing threshing (Rashikana) in Sy.No.92 in Rastapur. (DGO No. 1 to 3)

Estimate for the work sanctioned is Rs.1,00,00-00. An amount of Rs.97,552/- is shown as expenses incurred in the M.B. The date of commencement of work is stated to be 14.3.2010 and date of completion as 20.5.2011. In the M.B. entire measurement has been recorded on a single day and the date of recording in M.B. has not been mentioned. Following expenses have been shown:

1. Sand	Rs.7,310-00
2. Jelly	Rs.4,664-00
3. Jelly	Rs.3,978-00
4. Cement	Rs.21,600-00
5. NMR	Rs.60,000-00

	Rs.97,552-00

a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.

b) The photographs produced show that the threshing is already damaged.

II. Formation of plantation on road side from Rastapur to Sharadahalli: (DGO no. 1and 2)

a) In the M.B.(Flag-BB) an amount of Rs.36,125 is recorded as expenses towards coolie labourers for excavation of 300 pits. But only 35 pits are seen and no plantation is done. Therefore the entire amount spent for forming pits is a waste.

b) No documents are produced for having formed 300 pits.

c) This work has been carried out by Sri.Ganganna, Dy.Range Forest Officer.

III)Formation of plantation on the tank bund of Rastapur Village : (DGO no. 1and 2)

a) In the M.B. an amount of Rs.36,125/- is shown towards payment to labourers and 3000 pits are said to have been dug. But only 45 pits were seen and no planting is done. Therefore the entire amount spent for forming pits is a waste.

- b) No documents have been produced for having formed pits.
- c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer, Social Forestry, Shahapur, Yadgir District.

IV) Formation of plantation in the lands of beneficiaries: (DGO no. 1adn 2)

- a) In the M.B.(Flag-DD) an amount of Rs.57,375/- is recorded towards payment to labourers for excavation of pits 201 + 253 pits. But no planting is done and only 22% to 35% of the pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.
- b) No documents are produced for having formed 201+ 253 pits.
- c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer. Social Forestry, Shahapur, Yadgir District.

V. Formation of plantation in Rastapur Village: (DGO No. 1 to 3)

- a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.
- b) No documents are produced for having formed 300 pits.

VI. Forming road from Yellammagudi field to Bandura Halla in Rastapur Village: (DGO No. 2 and 3)

- a) In the M.B. an amount of Rs.1,48,830/- is recorded towards expenditure. Out of it an amount of Rs.45,500-00 + 29,750-00 + Rs.14,000/- is shown as payment to labourers. An amount of Rs.59,484/- is shown as expenditure towards supplying murrum, charges towards tractor etc.,

b) No documents are produced for having spent Rs.59,484-00 towards materials.

c) No documents are produced to show that the amount has been credited to the Post Office/Bank account of Labourers.

d) In the photograph of road work produced by the Complainant, no mud road is appears to be in existence. Therefore the road work executed is of substandard and the amount spent for the work is a loss caused to the Government.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

(VII) Forming road from Bandura Halla to Haranahola canal . (DGO No. 2 and 3)

a) In the M.B (Flag-HH) measurement has been recorded on 12.3.2011 and total expenditure has been recorded Rs.96,326-00 out of it Rs.57,750-00 is recorded as expenditure towards labour charges. Rs.4,800 towards cement and Rs.33,668/- towards sand, pipe, murrum, metals , rubbles stone and tractor charges.

b) No receipts have been produced towards materials purchased.

c) No documents have been produced for having paid amount to labourers or to show that the amount has been credited to the Bank/Post Office account of labourers.

d) In the photograph of road work (Flag-II) produced by the Complainant, no mud road is appears to be in existence.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

8. In view of the above materials and facts, the road work executed is of substandard and therefore the amount spent for the work is a loss caused to the Government.

The facts supported by the material on record show that the DGOs 1 to 3, 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.

Since the said facts and material on record prima-facie show that the DGOs 1 to 3 have repeatedly committed misconduct as per Rule 3(1) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn the Competent Authority initiated disciplinary proceedings against the DGOs 1 to 3 and entrusted the enquiry to this Institution vide reference no. 1 & 2 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 3 and 4. Hence, this charge.

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9. As per the order of Hon'ble Upalokayukta-1 dtd: 4.4.2017 case No. UPLOK-1/DE/508/2016/ARE-9 & No. UPLOK-1/DE/676/2016/ARE-9 are clubbed together for joint enquiry and to submit report. The DGO No.1 appeared on 27.2.2017 and DGOs No.2 and 3 appeared on 21.2.2017 before this enquiry authority in pursuance to the service of the Article of charges.

10. By order No. UPLOK-1 and 2 /DE /Transfers /2020 dtd: 28.5.2020 the enquiry was transferred from Additional Registrar Enquiries-10 to Additional Registrar Enquiries-9 on the orders of Hon'ble Upalokayukta-1.

11. Charge No. 1 in DE No. UPLOK-1/DE/676/2016 and **charge no. 1** in DE NO. UPLOK-1/DE/508/2016 are one and the same. Therefore these charges are taken together for discussion.

12. Charged no. 5 in DE No. UPLOK-1/DE/676/2016 and **charge no. 2** in DE NO. UPLOK-1/DE/508/2016 are one and the same. Therefore these charges are taken together for discussion

13. Plea of the DGOs No.1 to 3 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

14. The DGO No.1 Sri. Ganganna, has submitted written statement, stating that he was working as Deputy Range Forest Officer, Range Forest Office, (Social Forestry) Shahapura Yadgiri District during the year 2003-2011, the work providing in Rashikana in sy. No. 92 of Rastapura Village was not related to him. In respect of formation of plantation on road side from Rastapura to Sharadahalli the said work dully executed and 300 pits formed in Rastapura to Sharadahalli road. Further submitted that the work formation on plantation on the tank bund of Rastapura village also dully executed. Further submitted that the work in respect of formation of plantation in the lands of beneficiaries also dully executed. Further submitted that work in respect of formation of plantation of Rastapur village also dully executed. In respect of the said works MB book was recorded in the presence of the concerned officer of the Rastapur grama panchayath. Further specifically denied that

the charged leveled against him and pray to drop the charges leveled against him.

15. The DGO No.2 and 3 has submitted written joint statement, stating that DGO no.2 Sri. Prakash Pawar was working as Panchayath development officer of Rastapur grama panchayath from 2011- March- 2013 and DGO no. 3 Sri. Ramachandara was working as Junior Engineer Panchayath Raj Engineering sub division from 6.9.2007 to May-2015. The allegation leveled against the DGOs are false frivolous and with mala-fide intension, the works pertains to the year 2010-11 that apart the works are of nature of digging pits but no plants were planted. The Assistant Accounts officer taluk panchayath Shahapura submitted a report dtd: 15.5.2013 to the Executive Engineer Taluk panchyath to the effect that he has inspected the work during the year 2010-11 pits were dug for planting the plants but not plants were planted on account of viding of road the pits dug were closed. The half closed pits can be seen so far as the pits dug in the lands of the farmers the half closed pits can be seen on account of usage of plough that on the tank bund of the village around 45 pits were seen and rest are partly closed. This clearly shows that the allegation leveled against the DGOs are unfounded. Further submitted that the villagers themselves submitted a memorandum to the effect that the DGOs have executed the works and the allegations made against the DGOs are all false. Therefore the proceedings against the DGOs are leveled to be dropped.

16. The disciplinary authority has examined the complainant Sri.Yankappa Kollur, Prathinidi-2, Rajivagandhi

Yuva Shakti Sangha, Rastapur Shahapur Taluk Yadgir as **Pw.1**. Sri. C.P.Venkatesh S/o R.Parthasarathi, Rtd., working as AEE, TAC, Karnataka Lokayukta, Bangalore is the investigating officer in the case and he has examined as **PW-2** and **Ex.P-1 to ExP-34** are got marked.

17. The second oral statement of DGOs No.1 to 3 has been recorded. **DGO No. (2)** Sri. Prakash Pawar, Panchayath development officer, Rasthapura Grama panchayath, Shahapur Taluk, Yadgir District has got examined himself as **DW-1**, **DGO No. (3)** Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District has got examined himself as **DW-2**, and **DGO No. (1)** Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur, has got examined himself as **DW-3** and has got marked **Ex.D-1 to Ex.D-11** documents.

18. The DGOs NO.1 to 3 have submitted written arguments. Heard the submissions of both the sides. I answer the above (a) charge No. 1 in DE No:UPLOK-1/DE/508/2016/ARE-9 and charge No. 1 in DE No. No:UPLOK-1/DE/676/2016/ARE-9 leveled against DGO no. 2 and 3 in the **AFFERMATIVE** and against DGO no. 1 in **NEGATIVE**.

(b). Charge No. 2 in DE No:UPLOK-1/DE/508/2016/ARE-9 and charge No. 5 in DE No. No:UPLOK-1/DE/676/2016/ARE-9 leveled against DGO no. 1 and 2 in the **AFFERMATIVE** and against DGO no. 3 in **NEGATIVE**

(c). Charge No. 3 in DE No:UPLOK-1/DE/508/2016/ARE-9 leveled against DGO no. 2 and 3 in the **AFFERMATIVE** and against DGO no. 1 in **NEGATIVE**

(d). Charge No. 4 in DE No:UPLOK-1/DE/508/2016/ARE-9 leveled against DGO no. 2 and 3 in the **AFFERMATIVE** and against DGO no. 1 in **NEGATIVE**

(e). Charge No. 2 in DE No:UPLOK-1/DE/676/2016/ARE-9 leveled against DGO no. 1 and 2 in the **AFFERMATIVE** and against DGO no.3 in **NEGATIVE**

(f). Charge No. 3 in DE No:UPLOK-1/DE/676/2016/ARE-9 leveled against DGO no. 1 and 2 in the **AFFERMATIVE** and against DGO no.3 in **NEGATIVE**

(g). Charge No. 4 in DE No:UPLOK-1/DE/676/2016/ARE-9 leveled against DGO no. 1 and 2 in the **AFFERMATIVE** and against DGO no.3 in **NEGATIVE** for the following;

REASONS

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

20. The disciplinary authority has examined the complainant Sri.Yankappa Kollur, Prathinidi-2, Rajivagandhi Yuva Shakti Sangha, Rastapur Shahapur Taluk Yadgir as Pw.1. PW-1 has deposed in his evidence that during the year 2011 in Rastapur grama panchayath limits, road development work, planting saplings, trenches work were

taken up but the work was sub standard. Under the NREGA scheme without using the human resources the work was executed with the help of JCB without making payment to the labours but their names were shown and DGOs has drawn the money from post office and misused the same in 13th finance bills Sri. Shashidhara S/o Thippamma who is the son of president of the grama panchayath has draw the grama panchayath funds from Axis bank.

21. PW-1 further deposed that at the time of execution of the alleged work DGO no. 1 Sri. Ganganna was working as Deputy Range Forest Officer, the DGO no. 2 Sri. Prakash pawar was working as Panchayath development officer of the said grama panchayath and DGO no.3 Sri. Ramachandra, was working as JE, Panchayath Raj Engineering sub Division and they are responsible for the above said discrepancy.

22. Sri. C.P.Venkatesh S/o R.Parthasarathi, Rtd., working as AEE, TAC, Karnataka Lokayukta, Bangalore is the investigating officer in this case and he has examined as **PW-2**. PW-2 has deposed in his evidence that on 3.3.2016 and 23.3.2016 he has wrote letters to Executive officer Shahapura taluk panchayath to furnish the information and documents, but he has not furnished any information and documents. Thereafter he has verified available documents and submitted the report. Further he has deposed that on verification of document he has found that under MGNREGA scheme during 2010-11 providing the work threshing floor (rashikana) in sy. No. 92 of Rastapura but the edges of the said rashikana were damaged. The photographs were taken before the

commencement of the work and after completion of the work are not provided. The date is not mentioned in the measurement book and it appears that the measurement book was recorded in the single day. No receipts are produced for having purchased the sand and jelly, etc.,. No documents are produced to show that the amount have been paid to the labours or credited to their bank account.

23. Further he has deposed that in work by name formation of plantation in Rasthapura village, measurement book was recorded towards the payment of labours for excavation of 300 pits. But no planting of sapling work done and no pit were seen. No documents are produced for having formed 300 pits. Further he has deposed that in work by name formation of road from Yellammagudi field to Bandura Halla in Rastapura Village measurement book was recorded for the amount of Rs. 1,48,734/- out of this amount of Rs. 89,250/- is shown towards payment to the labours and Rs.59,484/- is shown towards materials. But proper document are not produced to show payment to the labours and material supplier . The photographs taken before the commencement of work and after completion of the work not produced. Further he has deposed that the formation of the road from Bandura halla to Haranahole canal the measurement book is recorded for Rs. 88750/- no receipts are produced towards material purchase and no documents are produced to show payment to the labourers. Further he has deposed that formation of plantation on road side from Rastapura to Sharadahalli, saplings were not planted in 300 pits, therefore entire expenditure is wasted. Further he has

deposed that in formation of plantation in Rastapura village no saplings were planted and no pits are seen therefore the entire amount is wasted. No documents are produced for having dug the pits. Panchayath development officer, Forest officer and concerned engineers are the responsible for the said discrepancies.

24. DGO No. 2 Sri. Prakash Pawar, Panchayath development officer, Rasthapura Grama panchayath, Shahapur Taluk, Yadgir District has examined himself as **DW-1. DGO No. 3** Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District has examined himself as **DW-2. DGO No. 1** Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur has examined himself as **DW-3.**

25. All the three witnesses deposed that they have worked as per the guidelines under the MGNREGA Scheme and completed the alleged work stated in the charge accordingly.

26. Ex.P-1 is the detailed complaint submitted by PW-1. Ex.P-2 and 3 are the complaint in form no. 1 and 2 along with news paper advertisement submitted by PW-1. Ex.P-4 is the complaint dtd: 9.10.2007 submitted by PW-1 to DGO by PW-1. Ex.P-5 is the representation submitted by PW-1 to the Chief Secretary Zilla panchayath. Ex.P-6 is the representation submitted by PW-1 to the EO of Taluk panchayath. Ex.P-7 is the rejoinder submitted by PW-1. Ex.P-8 is the representation submitted by PW-1 to the EO of

Taluk panchayath. Ex.P-9 is the official memorandum issued by EO to Panchayath development officer. Ex.P-10 is the representation given by member to EO. Ex.P-11 is the letter submitted by villagers to Karnataka Lokayukta. Ex.P-12 is the representation submitted by Sthree shakti Sangha. Ex.P-13 is the order copy (Statement) regarding under NREGA Scheme without displaying the board, amount was misappropriated. Ex.P-14 is the letter dtd: 23.12.2010 regarding the fixation of tax. Ex.P-15 is the complaint copy dtd: 12.1.2012 of Sri. Raghavendra Rao Kulkarni. Ex.P-16 are the photographs (two number). Ex.P-17 is the letter submitted by PW-1. Ex.P-18 is the copy of the NMR for the year 2010-11. Ex.P-19 is the copy of the action plan for the year 2010-11 Ex.P-20 is the action plan for the year 2011-12. Ex.P-21 are the photographs (four number) Ex.P-22 are the photographs (five number). Ex.P-23 is the copy of the bank statement. Ex.P-24 copies of agreement and contract certificate schedule -A and another agreements. Ex.P-25 is the investigation report dtd: 4.4.2016. Ex.P-26 is the report dtd: 15.5.2013 of Executive Officer. Ex.P-27 are the twenty two photographs. Ex.P-28 is the copy of expenditure statement. Ex.P-29 is the copy of check list. Ex.P-30 is the copy of NMR. Ex.P-31 is the copy of estimate of pits. Ex.P-32 is the copy of measurement book. Ex.P-33 is the copy of another check list. Ex.P-34 is the copy of another NMR

27. Ex.D-1 is the attested copy of nominal muster roll. Ex.D-2 is the attested copy of relevant 2 pages of measurement book. Ex.D-3 is the attested copies of 4 vouchers. Ex.D-4 is the copy of MB of the forming road from

Yellammagudi filed to Bandura Halla in rastapura village Ex.D-5 is the copy of the NMR. Ex.D-6 is the copy of the letter dtd: 18.3.2011 Ex.D-7 is the copy of the voucher. Ex.D-8 is the copy of the vouchers for having purchase of sand, pipe, murrum, metal, rubble stone for a sum of Rs. 33,668-00. Ex.D-9 is the copy of the photos which were taken at the time of work. Ex.D-10 is the attested copies of 4 vouchers. Ex.D-11 are two photographs.

28. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides and Article of charge leveled against the DGO no. 2 and 3 in DE No. UPLOK-1/DE/508/2016 and Article of charge leveled against the DGO no. 1 in UPLOK-1/DE/676/2016, which were framed by Additional Registrar of Enquiries—10. Some of the charges leveled in both the case are common to DGO no.1 and 2 and some of the charges are common which were leveled against the DGO no. 2 and 3

29. Charge No. 1 in DE No. UPLOK-1/DE/508/2016 and Charge No. 1 in DE No. UPLOK-1/DE/676/2016 are one and the same. Hence these charges are taken together for discussion. Reasons and my findings as follows;

Above said charge is as follows:- In providing threshing (Rashikana) in Sy.No.92 in Rastapur. (DGO No. 1 to 3)

Estimate for the work sanctioned is Rs.1,00,00-00. An amount of Rs.97,552/- is shown as expenses incurred in the M.B. The date of commencement of work is stated to be 14.3.2010 and date of completion as 20.5.2011. In the M.B. entire measurement has been recorded on a single day and the

date of recording in M.B. has not been mentioned. Following expenses have been shown:

1. Sand	Rs.7,310-00
2. Jelly	Rs.4,664-00
3. Jelly	Rs.3,978-00
4. Cement	Rs.21,600-00
5. NMR	Rs.60,000-00

	Rs.97,552-00

a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.

b) The photographs produced show that the threshing is already damaged.

30. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015. **Ex.P-13 is the order of the EO Taluk panchayath Shahapur as per this document Rs.42,850/- grant amount released to the Rasthapura grama panchayath under the MGNREGA**

Scheme for the year 2010-11 for the purpose of fixing the name board at the place of work done under the said scheme. But DGOs not produced to show that they have installed the name board at the place of alleged work executed. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029 /100080 is related to this charge i.e., providing threshing floor (rashikana) in sy. No. 92 of Rastapura village. As per the said document Rs.37,492/- paid to the labour on 29.3.2011. Ex.D-1 is the xerox copy of NMR produced by the DGO related to the said work. As per the said document the work started on 14.3.2011 and completed on 29.3.2011. Further as per the said document 32 labours were worked in the said formation of threshing floor. Further as per the said document payment made for 480 mans day i.e., Rs. 60000/-. As per the said NMR Rs. 125/- is fixed wages per day. Ex.D-2 is the copy of the MB related to the said work. As per the said document the amount of Rs. 60,000/- paid to the labours who were involved in the said work. Further Rs. 37552/- paid in respect of material supply. Total amount of expenditure shown as Rs. 97552/- Ex.D-3 (4 sheets) is the document related to the materials supply i.e., jelly, sand. Expenditure shown as Rs. 37552/- but DGO not produced the receipt or quotation anything related to the said document. As per the Ex.P-18 the amount of Rs. 37492/- only paid in respect of material supply. Further Ex.P-15 is the letter dtd: 12.1.2001 of Raghavendra M. Kulkarni. As per the said letter he has stated that the Sy. No. 92 of Rasthapura village belongs to his uncle by name Bhagawantharao S/o Narasingarao kulkarni and no threshing

floor (rashikana) is formed by the grama panchayath under the MGNREGA Scheme. Further Ex.P-16 is the photographs furnished by the said Raghavendra M. Kulkarni to show that there is no threshing floor (rashikana) formed by the DGOs under the scheme of MGNREGA. Ex.P-25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114. ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಅ) ರಸ್ತಾಪುರ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.92ರಲ್ಲಿ ರಾಶಿ ಕಣ ನಿರ್ಮಾಣ:-

ಕೃಷಿ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸದರಿ ರಾಶಿ ಕಣ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಯನ್ನು ಸರ್ವೆ ನಂ.92 ರಲ್ಲಿಯೇ 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಸದರಿ ಕಣದ ಹೊರ ಭಾಗದಲ್ಲಿ ಸಿಮೆಂಟ್ ಮಡ್ಡಿ ಕಿತ್ತು ಹೋಗಿರುತ್ತದೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

31. Ex.P-26 report dtd: 15.5.2013 of Assistant accounts officer, Taluk panchayath Shahapura and RFO social forest office Shahapura. In the said report they have stated that threshing floor in sy. No. 92 of Rasthapura village was damaged.

But the DGO or Investigating officer not produced the photographs of the said threshing floor. Ex.P-21 is the photographs furnished by the complainant. It includes the threshing floor formed in the land of president of the Rasthapura grama panchayath. Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR.

32. Considering the above said all documents the DGO No. 2 and 3 are responsible for maintain the records as per the guidelines of the MGNREGA scheme as Panchayath development officer of the said grama panchayath and Junior Engineer, who had supervise the said work and record the measurement book. Further the above said all documents itself show that the said work not properly executed as per the guidelines of the MGNREGA scheme. Further there is no proper document to show that the DGO No. 2 had paid the amount in respect of the concerned labour and supplier of the materials. Overall it clear that the DGO no. 2 and 3 were not properly executing the said work as per the guidelines of the MGNREGA Scheme and it appears that they were mis-utilizing the amount of Rs. 97552/- and caused loss to the state exchequer. There is no material evidence from the side of the DGO no.2 and 3 to disprove the said charge leveled against them. Further there is no material to show that said charge is related to the DGO no. 1 who was working as Deputy Range Forest Officer in Social Forestry Shahapura. Further the disciplinary authority has also not produced the document to show that this charge also related to the DGO no. 1. **Thereby the charge No. 1 in DE No. UPLOK-1/DE/508/2016 and in charge No. 1 in DE No.**

UPLOK-1/DE/676/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) is proved and the DGO no.2 and 3 are held responsible for Rs. 97552/- which caused loss to the state exchequer. The said charge No.1 is not proved against the DGO no.1 (Sri. Ganganna)

33. Charge No. 2 in DE No. UPLOK-1/DE/508/2016 and Charge No. 5 in DE No. UPLOK-1/DE/676/2016 are one and the same. Hence these charges are taken together for discussion. Reasons and my findings as follows;

Above said charge is as follows;- Formation of plantation in Rastapur Village: (DGO No. 1 to 3)

- a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.**
- b) No documents are produced for having formed 300 pits.**

34. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015.

35. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029/DP/71636015021237 is related to this charge i.e., formation of plantation in rastapura village. As per the said document Rs.36,125/- paid to the labour on 15.3.2011. Ex.P-19 is the action plan for the year 2010-11 under the MGNREGA Scheme related to the Rastapura grama panchayath, it includes action plan prepared by the DGO no. 1 in respect of formation of plantation under the said scheme within the limits of the said grama panchayath (page No. 431). As per the documents this charge related to the DGO no.1 and 2 who are the Deputy Range Forest Officer and Panchayath development officer respectively and responsible for implementation of the said work and payment in respect of the said work. Further this work were not related to the DGO no. 3 Junior engineer who was working in Panchayath Raj Engineering sub division, Shahapura during that time.

36. PW-2 Investigating officer submitted his report Ex.P 25, the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114 ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ

ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಉ) ರಸ್ತಾಪೂರ ಗ್ರಾಮದಲ್ಲಿ ಗಿಡ ನೆಡುವುದು:-

ರಸ್ತಾಪೂರ ಗ್ರಾಮದಲ್ಲಿ ಗಿಡ ನೆಡುವ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ಗುಂಡಿಗಳನ್ನು ಮಾತ್ರ ಈ ಹಿಂದೆ ತೋಡಿರುತ್ತಾರೆ. ಆದರೆ, ಸಸಿ ನೆಟ್ಟಿರುವುದಿಲ್ಲ. ಸದರಿ ಗುಂಡಿಗಳಲ್ಲಿ ಮಣ್ಣು ಮುಚ್ಚಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

37. Ex.P-26 report dtd: 15.5.2013 of Assistant accounts officer, Taluk panchayath Shahapura and RFO social forest office Shahapura . The said report also relates to the formation of plantation in Rastapura village. They have stated in the said report that there is no plantation formed under the said work. But only some pits were appear which were partly closed. The Ex.P-27 are the photographs taken at the time of inspection made by above said officers. In the said photographs also there is no clear evidence to show that the DGO no.1 dug the pits under the said work for planting the saplings under the said scheme and said work was completed as per the action plan. DGO No.1 and 2 who are the forest officer and Panchayath development officer of the said grama panchayath are responsible for implementation of the said work but not produced proper documents to show that said work implemented as per the guidelines of the MGNREGA Scheme. Ex.P-28 is the document related to the payments made by the DGO no. 2 in respect of the said work. As per the said document Rs. 36125/- paid through the cheque no. 757500

dtd: 8.4.2011 based on NMR No. 1913. Ex.P-29 is the cheque list prepared by the DGO no. 1 and 2 jointly in respect of completion of the work. Ex.P-30 is the copy of NMR No. 1913, as per the said document 21 labours involved in the said work and payment made for 289 man's day i.e., 36125/-. Ex.P-31 is the estimate in respect of the said work prepared by the DGO no. 1. Ex. P-32 is the measurement book recorded by the DGO no. 1. As per the said document Rs. 36125/- paid to 21 labours as a wage under NMR No. 1913. There is no proper document regarding the payment to the account of the concerned labour as per guidelines of the MGNREGA Scheme. Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR. It appears that purpose of the scheme not served and said expenditure has become wasteful expenditure. overall facts and circumstances depicts that, the DGO no.1 and 2 without executing the said work as per the guidelines of the MGNREGA Scheme only showed the expenditure of Rs. 36,125/- in respect of payment of wages to the labours for dug 300 pits under the said work. This facts reveals that they have committed misconduct and misappropriated the said amount which caused loss to the state exchequer.

38. There is no material evidence from the side of the DGO no. 1 and 2 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 3 who was working as Junior engineer in Panchayath Raj Engineering sub division Shahapura. Further the disciplinary authority has also not produced the document to show that this charge related to the DGO no. 3. **Thereby the charge No. 2 in**

DE No. UPLOK-1/DE/508/2016 and charge no. 5 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) is proved and the DGO no. 1 and 2 are held responsible for Rs. 36,125/- which caused loss to the state exchequer. The said charge No.2 and 5 in above respective case are not proved against the DGO no.3 (Sri. Ramachandra, JE)

39. Charge No. 3 in DE No. UPLOK-1/DE/508/2016.

My discussion and reasons with findings as follows;

Above said charge is as follows;- Forming road from Yellammagudi field to Bandura Halla in Rastapur Village: (DGO No. 2 and 3)

a) In the M.B. an amount of Rs.1,48,830/- is recorded towards expenditure. Out of it an amount of Rs.45,500-00 + 29,750-00 + Rs.14,000/- is shown as payment to labourers. An amount of Rs.59,484/- is shown as expenditure towards supplying murrum, charges towards tractor etc.,

b) No documents are produced for having spent Rs.59,484-00 towards materials.

c) No documents are produced to show that the amount has been credited to the Post Office/Bank account of Labourers.

d) In the photograph of road work produced by the Complainant, no mud road is appears to be in existence. Therefore the road work executed is of substandard and the amount spent for the work is a loss caused to the Government.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

40. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as a deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as a Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document, work code no. 1515008029 RC/99224864148 is related to this charge i.e., formation of road from Yellammagudi field to Bandura Halla in Rastapura Village. As per this document amount of Rs. 45500/- + 29,750/- + 14000/- paid to the labours through the NMR No. 1371, 2377, 4221 on 25.2.2011, 17.3.2011, 26.3.2011 respectively. Ex.D-4 is the copy of the muster role No. 1371 related to this work. As per the said document 26 labours worked from 9.2.2011 to 24.2.2011. Further payment made for 364 man's day i.e., Rs. 45500/- (page no. 537-538) Ex.D-4 (page No. 539 -540) is the copy of the muster role No. 2377 related to this work. As per the said document 17 labours worked from 28.2.2011 to 15.3.2011. Further payment made for 238 man's day i.e., Rs. 29750/-. Ex.D-4 (page No. 541-542) is the

copy of the muster role No. 4221 related to this work. As per the said document 16 labours worked from 17.3.2011 to 25.3.2011. Further payment made for 112 man's day i.e., Rs. 14000/-. Ex.D-5 letter dtd: 9.4.2011 of Panchayath development officer grama panchayath Rastapura to post master rastapura regarding the payment of the above said amount through the cheque no. 87953, 879542, 767492 . Ex.D-6 page no. 544 to 548 is related to the payment made in respect of supply of murrum etc., i.e., Rs. 59484/-. Ex.D-7 is the copy of the measurement book in respect of the said work. As per the said document and measurement recorded on 26.3.2011 by the DGO no. 3. But DGO No. 2 and 3 not produced the documents related to the payment of the above said amount of Rs. 89,250/- to the labours account and Rs. 59,484/- to the person who supplied the alleged materials. Ex.P-22 are the photographs produced by the complainant related to the alleged work. The said photos depicts that there is no work done by the said grama panchayath as per the guidelines of the MGNREGA Scheme. It appears that said works is sub-standard. Ex.P-25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114. ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು

ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಯೋಜನಾ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಉ) ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಯಲ್ಲಮ್ಮ ಗುಡಿ ಹೊಲದಿಂದ ಬಂಡಾರ ಹೆಚ್ಚುವರೆಗೆ ರಸ್ತೆ:-

ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.1.50 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದ ಅಡಿ ಕೈಗೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ರಸ್ತೆ ಕೆಲವು ಮಣ್ಣಿನಿಂದ ಕೂಡಿದ್ದು, ಸದರಿ ರಸ್ತೆಗೆ ಈ ಹಿಂದೆ ಮುರ್ರಂ ಮಣ್ಣು ಹಾಕಿರುತ್ತಾರೆ. ಸದರಿ ಮಣ್ಣು ರಸ್ತೆ ಕಾಮಗಾರಿ ಕೈಗೊಂಡು ಒಂದು ವರ್ಷ 9 ತಿಂಗಳುಗಳು ಕಳೆದಿದ್ದು (ವರದಿ ಮಾಡಿರುವ ದಿನಾಂಕ 28/12/2012ರಿಂದ) ಸದರಿ ರಸ್ತೆಗೆ ಈ ಹಿಂದೆ ಎಷ್ಟು ಮುರ್ರಂ ಮಣ್ಣು ಹಾಕಿರುತ್ತಾರೆಂದು ತಿಳಿದು ಬರುವುದಿಲ್ಲ. ಆದರೆ, ಈ ಮೊದಲು ಸದರಿ ರಸ್ತೆಗೆ ಮುರ್ರಂ ಹಾಕಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಸದರಿ ರಸ್ತೆ ಬದಿಯಲ್ಲಿ ಚಿಕ್ಕ ಕಾಲುವೆ ಇರುತ್ತದೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಾಗಿ ಒಟ್ಟಾರೆ ರೂ.1,48,734/- ಗಳು (ಕೂಲಿಗಾಗಿ ರೂ.89,250/- ಮತ್ತು ಸಾಮಗ್ರಿಗಾಗಿ ರೂ.59,484/-ಗಳು) ವೆಚ್ಚವಾಗಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

41. Ex.P-27 is the photographs related to the work done under the MGNREGA Scheme during 2010-11 in Rasthapura grama panchayath limits. The said photographs are also not clear that the DGO no. 2 and 3 have implemented the said work as per the guidelines of the MGNREGA Scheme (Page no. 485-506). Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR.

42. Considering the above said all documents, the DGO No. 2 and 3 are responsible for maintain the records as per the guidelines of the MGNREGA scheme as Panchayath development officer of the said grama panchayath and Junior

Engineer who had supervise the said work and recorded in the measurement book. Further the above said all documents itself show that the said work not properly executed as per the guidelines of the MGNREGA scheme. Further there is no proper document to show that the DGO No. 2 had paid the amount in respect of the concerned labour and material supplier. Overall it clear that the DGO no. 2 and 3 not properly executing the said work as per the guidelines of the MGNREGA Scheme and it appears they have mis-utilizing the amount of Rs. 1,48,830/- and caused loss to the state exchequer. There is no material evidence from the side of the DGO no.2 and 3 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 1 who was working as Deputy Range Forest Officer in Social Forestry Shahapura. Further the disciplinary authority also not produced the document to show that this charge related to the DGO no. 1. **Thereby the charge No. 3 in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) is proved and the DGO no.2 and 3 are held responsible for Rs. 1,48,830/- which caused loss to the state exchequer. The said charge No.3 is not proved against the DGO no.1 (Sri. Ganganna)**

43. Charge No. 4 in DE No. UPLOK-1/DE/508/2016.

My discussion and reasons with findings as follows;

Above said charge is as follows:- Forming road from Bandura Halla to Haranahola canal . (DGO No. 2 and 3)

a) In the M.B (Flag-HH) measurement has been recorded on 12.3.2011 and total expenditure has been recorded Rs.96,326-00 out of it Rs.57,750-00 is recorded as expenditure towards

labour charges. Rs.4,800 towards cement and Rs.33,668/- towards sand, pipe, murrum, metals , rubbles stone and tractor charges.

b) No receipts have been produced towards materials purchased.

c) No documents have been produced for having paid amount to labourers or to show that the amount has been credited to the Bank/Post Office account of labourers.

d) In the photograph of road work (Flag-II) produced by the Complainant, no mud road is appears to be in existence.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.'

44. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029 RC/99224864153 is related to this charge i.e., formation of road from Bandura Halla to Haranahola canal in Rastapura Village. As per this document amount of Rs. 57750/- and 31000/- paid to the labours through the NMR No. 1894, and 3600 on 8.3.2011

and 29.3.2011 respectively. Ex.D-8 is the copy of the muster role No. 1894 related to this work. As per the said document 33 labours worked from 21.2.2011 to 6.3.2011. Further payment made for 662 man's day i.e., Rs. 57,750/- (page no. 552- 554) Ex.D-9 letter dtd: 18.3.2011 of Panchayath development officer grama panchayath Rastapura to post master rastapura regarding the payment of the above said amount through the cheque no. 879573 dtd: 18.3.2011. As per the said document paid the wages to the labours who were involved in the said work based on the NMR No. 1894 and 3660. The DGO not marked the copy of the NMR No. 3660 in this case, but produced the said copy along with his written statement. As per the Ex.P-18 expenditure on muster role under MGNREGA scheme during the year 2010-11 the DGO no.2 shown the payment of wage to the labour through the NMR No. 1894 dated: 8.3.2011 is Rs. 57750/- and payment through the NMR No. 3660 dtd: 29.3.2011 is Rs. 31000/-. As per the document produced by the DGO no.2 and 3 along with their written statement the sanctioned estimate in respect of said work is Rs.1,50,000/-. Assistant Executive Engineer Panchayatha sub division Shahapura approved the technical sanction in respect of the same on 11.1.2011. Said estimation is prepared by the DGO no. 3. As per the said estimate 60% of the amount utilized for payment of wages to the labours and 40% of the amount to be utilized for the material cost etc., As per the NMR No. 1894 the amount of Rs. 57750/- paid to 33 labours, for the same the measurement book recorded on 12.3.2011. As per measurement book the amount of Rs. 38468/- spent for

material cost. Ex.D-10 page no. 556- 559 is related to the payment made in respect of supply of murrum pipe, cement etc., i.e., Rs. 38468/-. But this document not supported by any receipt. Further as per the check list produced by the DGO no.2 and 3 in respect of the alleged work out of 1,50,000/- 90,000/- reserved for payment of wages and 60,000/- reserved for material cost and etc., Further as per the NMR No. 1894 the said work partly executed from 21.2.2011 to 8.3.2011 and payment of labours of Rs 57750/- paid and material cost of Rs. 38468/- is also paid. Further as per the NMR no. 3660 the same work continued from 14.3.2011 to 29.3.2011 and payment of Rs. 31000/- made towards 31 labours in respect of 248 men's day and amount of Rs. 19560/- paid in respect of material cost. The DGO also produced the measurement book in respect of the work done from 14.3.2011 to 29.3.2011 which was recorded on 29.3.2011. Ex.D-11 are the photographs related to the said work. DGOs not marked the measurement book related to the said work but produced along with their written statement. But DGO No. 2 and 3 not produced the proper document related to the payment of the above said amount of Rs. 57,750/- and 31000/- to the concerned labours account and Rs. 38468/- and Rs.19560/- to the person who supplied the materials. Further DGOs have not produced the receipt regarding the payment of the above said amount. Ex.P-22 are the photographs produced by the complainant related to the alleged work. The said photos depicts that there is no work done by the said grama panchayath as per the guidelines of the MGNREGA Scheme. Further the said

photographs depicts that the alleged work is of substandard. Ex.P-25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114. ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಋ) ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಬಂಡಾರ ಹಳ್ಳದಿಂದ ಹಾರನ ಹೊಲದ ಕೆನಾಲವರೆಗೆ ರಸ್ತೆ:-

ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.1.50 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದಡಿ ಕೈಗೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ರಸ್ತೆ ಕಪ್ಪು ಮಣ್ಣಿನಿಂದ ಕೂಡಿದ್ದು, ಸದರಿ ರಸ್ತೆಗೆ ಈ ಹಿಂದೆ ಮುರ್ರಂ ಮಣ್ಣು ಹಾಕಿರುತ್ತಾರೆ. ಸದರಿ ಮಣ್ಣು ರಸ್ತೆ ಕಾಮಗಾರಿ ಕೈಗೊಂಡು ಒಂದು ವರ್ಷ 9 ತಿಂಗಳುಗಳು ಕಳೆದಿದ್ದು (ವರದಿ ಮಾಡಿರುವ ದಿನಾಂಕ 28/12/2012) ಸದರಿ ರಸ್ತೆಗೆ ಈ ಹಿಂದೆ ಎಷ್ಟು ಮುರ್ರಂ ಮಣ್ಣು ಹಾಕಿರುತ್ತಾರೆಂದು ತಿಳಿದು ಬರುವುದಿಲ್ಲ. ಆದರೆ, ಈ ಮೊದಲು ಸದರಿ ರಸ್ತೆಗೆ ಮುರ್ರಂ ಹಾಕಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಾಗಿ ಒಟ್ಟಾರೆ ರೂ.88,750/- ಗಳು ವೆಚ್ಚವಾಗಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.

45. Ex.P-27 is the photographs related to the work done under the MGNREGA Scheme during 2010-11 in Rasthapura grama panchayath limits. The said photographs are also not

clear that the DGO no. 2 and 3 implementing the said work as per the guidelines of the MGNREGA Scheme (Page no. 485-506) Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR.

46. Considering the above said all documents the DGO No. 2 and 3 are responsible for maintaining the records as per the guidelines of the MGNREGA scheme as Panchayath development officer of the said grama panchayath and Junior Engineer who had supervise the said work and recorded measurement book. Further the above said all documents itself show that the said work not properly executed as per the guidelines of the MGNREGA scheme. Further there is no proper document to show that the DGO No. 2 had paid the amount in respect of the concerned labour and material supplier. It appears that purpose of the scheme not served and said expenditure has become wasteful expenditure. Overall it clear that the DGO no. 2 and 3 not properly executing the said work as per the guidelines of the MGNREGA Scheme and it appears that they have mis-utilizing the amount of **Rs. 1,46,778/-** (57750+4800+ 33668+ 19560+ 31000) and caused loss to the state exchequer. There is no material evidence from the side of the DGO no.2 and 3 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 1 who was working as Deputy Range Forest Officer in Social Forestry Shahapura. Further the disciplinary authority has not produced the document to show that this charge related to the DGO no. 1. **Thereby the charge No. 4 in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri.**

Prakash Pawar PDO and Sri. Ramachandra JE) is proved and the DGO no.2 and 3 are held responsible for Rs. 1,46,778/- which caused loss to the state exchequer. The said charge No.4 in DE No. UPLOK-1/DE/508/2016 is not proved against the DGO no.1 (Sri. Ganganna)

47. Charge No. 2 in DE No. UPLOK-1/DE/676/2016.

My discussion and reasons with findings as follows;

Above said charge is as follows;- Formation of plantation on road side from Rastapur to Sharadahalli: (DGO no. 1 & 2)

a) In the M.B.(Flag-BB) an amount of Rs.36,125 is recorded as expenses towards coolie labourers for excavation of 300 pits. But only 35 pits are seen and no plantation is done. Therefore the entire amount spent for forming pits is a waste.

b) No documents are produced for having formed 300 pits.

c) This work has been carried out by Sri.Ganganna, Dy.Range Forest Officer.

48. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015.

49. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029/DP/71636015021228 is related to this charge i.e., formation of plantation on road side from Rastapura to Sharadahalli. As per the said document Rs.36,125/- paid to the labour through NMR no. 2634 on 23.3.2011. Ex.P-19 is the action plan for the year 2010-11 under the MGNREGA Scheme related to the Rastapura grama panchayath, it includes action plan prepared by the DGO no. 1 in respect of formation of plantation under the said scheme within the limits of the said grama panchayath (page No. 431). As per the documents this charge related to the DGO no.1 and 2 who are the Deputy Range Forest Officer and Panchayath development officer who were responsible for implementation of the said work and payment made in respect of the said work. Further this work not related to the DGO no. 3 Junior engineer who was working in Panchayath Raj Engineering sub division, Shahapura during that time.

50. Ex.P 25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114 ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ

ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಇ) ರಸ್ತಾಪೂರದಿಂದ ಶಾರದ ಹಳ್ಳಿಯ ರಸ್ತೆ ಬದಿ ಗಿಡ ನೆಡುವುದು:-

ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ರಸ್ತಾಪೂರದಿಂದ ಶಾರದ ಹಳ್ಳಿಯ ರಸ್ತೆ ಬದಿ ಗುಂಡಿಗಳನ್ನು ಮಾತ್ರ ಈ ಹಿಂದೆ ತೋಡಿರುತ್ತಾರೆ. ಆದರೆ, ಸಸಿ ನೆಟ್ಟಿರುವುದಿಲ್ಲ. ಆನಂತರ, ಸದರಿ ರಸ್ತೆಯ ಅಗಲೀಕರಣವಾದ ಸಮಯದಲ್ಲಿ ಸದರಿ ಗುಂಡಿಗಳಲ್ಲಿ ಕೆಲವು ಗುಂಡಿಗಳು ಮುಚ್ಚಿಹೋಗಿರುತ್ತದೆ. ಇನ್ನು ಕೆಲವು ಗುಂಡಿಗಳು ಅರ್ಧ ಭಾಗ ಮಣ್ಣಿನಿಂದ ಮುಚ್ಚಿಹೋಗಿರುವುದಾಗಿ ಹಾಗೂ ಸುಮಾರು 35 ಗುಂಡಿಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

51. Ex.P-26 report dtd: 15.5.2013 of Assistant accounts officer, Taluk panchayath Shahapura and RFO social forest office Shahapura. The said report also relates to the formation of plantation on the road side from Rastapura to Sharadahalli by planting saplings. In the report stated that there is no plantation work implemented under the said work. But only some pits were appear which were partly closed. The Ex.P-27 are the photographs taken at the time of inspection made by above said officers. In the said photographs also there is no clear evidence to show that the DGO no.1 dug the pits under the said work for planting the saplings and said work was completed as per the action plan. DGO No.1 and 2 who are the forest officer and Panchayath development officer of the said grama panchayath are responsible for implementation of the said work but not produced proper documents to show that said work implemented as per the guidelines of the MGNREGA

Scheme. Ex.P-33 is the document related to the payments made by the DGO no. 2 in respect of the said work. As per the said document Rs. 36125/- paid through the cheque no. 810202 dtd: 16.6.2011 based on NMR No. 2634. Ex.P-33 is the cheque list prepared by the DGO no. 1 and 2 jointly in respect of completion of the work. Ex.P-34 is the copy of NMR No. 2634. As per the said document 21 labours involved in the said work and payment made for 289 man's day i.e., 36125/-. Ex.P-31 is the estimate in respect of the said work prepared by the DGO no. 1. Ex. P-32 is the measurement book recorded by the DGO no. 1. As per the said document Rs. 36125/- paid to 21 labours as wage under NMR No. 2634. As per the Ex.P-33 (page No. 521-522) is the payment made only to 18 members, as per NMR Ex.P-34 21 labours involved in the said work. But the DGOs not properly explained regarding the relations between the other labours with said 18 members shown in the payment records. There is no proper document regarding the payment made to the account of the concerned labour as per guidelines of the MGNREGA Scheme. Further the DGOs not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR. The said all the facts and circumstances depicts that the DGO no.1 and 2 without executing the said work as per the guidelines of the MGNREGA Scheme showed the expenditure of Rs. 36,125/- in respect of payment of wages to the labours for dug 300 pits and planting saplings under the said work. Further there is no document to show that as per the action plan saplings were planted and formed the plantation. It appears that purpose of the scheme not served and said expenditure has become

wasteful expenditure. This facts reveals that they have committed misconduct and misappropriated the said amount and caused loss to the state exchequer.

52. There is no material evidence from the side of the DGO no. 1 and 2 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 3 who was working as Junior engineer in Panchayath Raj Engineering sub division Shahapura. Further the disciplinary authority has not produced the document to show that this charge related to the DGO no. 3. **Thereby the charge No. 2 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) is proved and the DGO no. 1 and 2 are held responsible for Rs. 36,125/- which caused loss to the state exchequer. The said charge No.2 in case DE No. UPLOK-1/DE/676/2016 is not proved against the DGO no.3 (Sri. Ramachandra, JE)**

53. Charge No.3 in DE No. UPLOK-1/DE/676/2016.

My discussion and reasons with findings as follows;

Above said charge is as follows;- Formation of plantation on the tank bund of Rastapur Village : (DGO no. 1 & 2)

a) In the M.B. an amount of Rs.36,125/- is shown towards payment to labourers and 3000 pits are said to have been dug. But only 45 pits were seen and no planting is done. Therefore the entire amount spent for forming pits is a waste.

b) No documents have been produced for having formed pits.

c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer, Social Forestry, Shahapur, Yadgir District.

54. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as a deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as a Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015.

55. Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029/DP/71636015021222 is related to this charge i.e., formation of plantation on the tank bund of Rastapura village. As per the said document Rs.36,125/- paid to the labour through NMR no. 1797 on 8.3.2011. Ex.P-19 is the action plan for the year 2010-11 under the MGNREGA Scheme related to the Rastapura grama panchayath, it includes action plan prepared by the DGO no. 1 in respect of formation of plantation under the said scheme within the limits of the said grama panchayath (page No. 431). As per the documents this charge related to the DGO no.1 and 2 who are the Deputy Range Forest Officer and Panchayath development officer and responsible for implementation of the said work and payment in respect of the said work. Further this work not related to the DGO no. 3 Junior engineer who

was working in Panchayath Raj Engineering sub division, Shahapura during that time.

56. Ex.P 25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114 ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಆ) ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಕೆರೆಯ ಒಡ್ಡಿನ ಮೇಲೆ ಸಸಿ ನೆಡುವುದು ಹಾಗೂ ಸದರಿ ಗ್ರಾಮದಲ್ಲಿ ಗಿಡಗಳನ್ನು ನೆಡುವುದು:-

ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.1.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದ ಅಡಿ ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಕೆರೆಯ ಒಡ್ಡಿನ ಮೇಲೆ ಗುಂಡಿಗಳನ್ನು ಮಾತ್ರ ಈ ಹಿಂದೆ ತೋಡಿರುತ್ತಾರೆ. ಆದರೆ, ಸಸಿ ನೆಟ್ಟಿರುವುದಿಲ್ಲ. ಅದರಲ್ಲಿ 45 ಗುಂಡಿಗಳು ಕಂಡು ಬಂದಿದ್ದು, ಉಳಿದ ಗುಂಡಿಗಳು ಮುಚ್ಚು ಹೋಗಿರುತ್ತವೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಾಗಿ ಒಟ್ಟಾರೆ ರೂ.36,150/-ಗಳು ವೆಚ್ಚವಾಗಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

57. Ex.P-26 report dtd: 15.5.2013 of Assistant accounts officer, Taluk panchayath Shahapura and RFO social forest office Shahapura. The said report also relates to the formation

of plantation on the tank bund of Rastapura village by planting saplings. In the report stated that there is no plantation work implemented under the said work. But only 45 pits were appear which were partly closed. The Ex.P-27 are the photographs taken at the time of inspection made by above said officers. In the said photographs also there is no clear evidence to show that the DGO no.1 dug the pits under the said work for planting the saplings under the said scheme and work was completed as per the action plan. DGO No.1 and 2 who are the forest officer and Panchayath development officer of the said grama panchayath are responsible for implementation of the said work but not produced proper documents to show that said work implemented as per the guidelines of the MGNREGA Scheme. DGOs have not marked any document regarding the payment of the said amount to the labours and implemented the said work. But has enclosed some documents regard execution of the said work along with their written statement. As per the said document 20 labours involved in the said work and payment made for 289 men's day i.e., Rs. 36,125/- , for that the copy of the NMR No. 1797 and copy of the measurement book produced. Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR to show that 3000 pits were dug. The said all the facts and circumstances depicts that the DGO no.1 and 2 without executing the said work as per the guidelines of the MGNREGA Scheme, but shows the expenditure of Rs. 36,125/- in respect of payment of wages to the labours for dug pits to planting saplings under the said work. It appear that they were not complete the work as per the

action plan and formed the plantation. It clears that the purpose of the scheme not served and said expenditure has become wasteful expenditure. This facts reveals that they have committed misconduct and misappropriated the said amount which caused loss to the state exchequer.

58. There is no material evidence from the side of the DGO no. 1 and 2 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 3 who was working as Junior engineer in Panchayath Raj Engineering sub division Shahapura. Further the disciplinary authority has also not produced the document to show that this charge also related to the DGO no. 3. **Thereby the charge No. 3 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) is proved and the DGO no. 1 and 2 are held responsible for Rs. 36,125/- which caused loss to the state exchequer. The said charge No.3 in case DE No. UPLOK-1/DE/676/2016 is not proved against the DGO no.3 (Sri. Ramachandra, JE)**

59. Charge No.4 in DE No. UPLOK-1/DE/676/2016.
My discussion and reasons with findings as follows;

Above said charge is as follows;- Formation of plantation in the lands of beneficiaries: (DGO no. 1)

a) In the M.B.(Flag-DD) an amount of Rs.57,375/- is recorded towards payment to labourers for excavation of pits 201 + 253 pits. But no planting is done and only 22% to 35% of the pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

b) No documents are produced for having formed 201+ 253 pits.

c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer. Social Forestry, Shahapur, Yadgir District.

60. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides. As per the document DGO no. 1 was working as deputy range forest officer, in Range forest office, (Social Forestry) Shahapura, Yadgir District from 2003-2011. DGO no.2 was working as Panchayath development officer/ Secretary of Rasthapura grama panchayath Shahapura Taluk Yadgiri from 2011- March- 2013 and DGO no. 3 was working as Junior Engineer Panchayath Raj Engineering sub division Shahapura Taluk Yadgiri from 6.9.2007 to May-2015. ~~56~~ Ex.P-18 is the document related to show expenditure on muster role under NREGA during the year 2010-11. As per the said document work code no. 1515008029/DP/71636015021234 is related to this charge i.e., formation of plantation in the lands of beneficiaries. As per the said document Rs.30000/- paid to the labour through NMR no. 1320 on 25.2.2011 and Rs. 24375/- through NMR no. 2378 on 18.3.2011. Ex.P-19 is the action plan for the year 2010-11 under the MGNREGA Scheme related to the Rastapura grama panchayath, it includes action plan prepared by the DGO no. 1 in respect of formation of plantation under the said scheme within the limits of the said grama panchayath (page No. 431). As per the documents this charge related to the DGO no.1 and 2 who are the Deputy Range Forest Officer and Panchayath

development officer and responsible for implementation of the said work and payment in respect of the said work. Further this work not related to the DGO no. 3 Junior engineer who was working in Panchayath Raj Engineering sub division, Shahapura during that time.

61. Ex.P 25 the report dtd: 4.4.2016 submitted by PW-2 reads as follows;

“114 ದೂರುದಾರರು ಪ್ರಸ್ತಾಪಿಸಿರುವ ಮೇಲಿನ ಕಾಮಗಾರಿಗಳನ್ನು ವಲಯ ಅಧಿಕಾರಿಗಳು, ಶಹಾಪುರ ಮತ್ತು ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ ಇವರುಗಳು ಸ್ಥಳೀಯ ಗ್ರಾಮಸ್ಥರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸ್ಥಳ ತನಿಖೆ ನಡೆಸಿ (ದೂರುದಾರರಿಗೆ ಮೊದಲೇ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದರೂ ಸಹ, ಸದರಿ ದೂರುದಾರರು ಗೈರುಹಾಜರಾಗಿರುತ್ತಾರೆಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ) ನೀಡಿದ ವಿವರವಾದ ವರದಿಯನ್ನು ಛಾಯಾಚಿತ್ರಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಗಳನ್ನು ಒಳಗೊಂಡಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಶಹಾಪುರ, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಇವರು ಸದರಿಯವರ ಪತ್ರ ದಿನಾಂಕ 19/01/2013 ಮತ್ತು 27/03/2013ರಲ್ಲಿ ಮಾನ್ಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳಿಂದ ಕೆಳಕಂಡ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿರುತ್ತದೆ.

(ಈ) ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಪಲಾನುಭವಿಗಳ ಜಮೀನಿನಲ್ಲಿ ಮರಗಳನ್ನು ನೆಡುವುದು:-

ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು 2010-11ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.1.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದ ಅಡಿ ರಸ್ತಾಪೂರ ಗ್ರಾಮದ ಪಲಾನುಭವಿಗಳ ಜಮೀನಿನಲ್ಲಿ ಗುಂಡಿಗಳನ್ನು ಮಾತ್ರ ಈ ಹಿಂದೆ ತೋಡಿರುತ್ತಾರೆ. ಆದರೆ, ಸಸಿ ನೆಟ್ಟಿರುವುದಿಲ್ಲ. ಆನಂತರ, ಗ್ರಾಮದ ಪಲಾನುಭವಿಗಳು ಸದರಿಯವರ ಜಮೀನುಗಳಲ್ಲಿ ನೇಗಿಲು ಹೂಳಿರುವ ಪ್ರಯುಕ್ತ ಬಹಳಷ್ಟು ಗುಂಡಿಗಳು ಮುಚ್ಚಿ ಹೋಗಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ ಹಾಗೂ ಶೇಕಡ 22 ರಿಂದ 35 ರವರೆಗೆ ಗುಂಡಿಗಳು ಕಂಡು ಬಂದಿರುತ್ತದೆ ಹಾಗೂ ಸದರಿ ಕಾಮಗಾರಿಗಾಗಿ ಒಟ್ಟಾರೆ ರೂ.57,375/- ಗಳು ವೆಚ್ಚವಾಗಿರುತ್ತದೆ ಎಂದು ವರದಿ ಮಾಡಿರುತ್ತಾರೆ.”

62. Ex.P-26 report dtd: 15.5.2013 of Assistant accounts officer, Taluk panchayath Shahapura and RFO social forest office Shahapura. The said report also relates to the formation of plantation in the lands of beneficiaries by planting saplings. In the report stated that there is no plantation were implemented under the said work. But only 22 % to 35% pits were appear which were partly closed. The Ex.P-27 are the photographs taken at the time of inspection made by above said officers. In the said photographs also there is no clear evidence to show that the DGO no.1 dug the pits under the said work for planting the saplings under the said scheme and work was completed as per the action plan. It appears that there is no purpose of the scheme served. DGO No.1 and 2 who are the forest officer and Panchayath development officer of the said grama panchayath are responsible for implementation of the said work but not produced proper documents to show that said work implemented as per the guidelines of the MGNREGA Scheme. DGOs have not marked any document regarding the payment of the said amount to the labours and implementation of the said work. But have enclosed some documents regard execution of the said work along with their written statement. As per the said document in NMR No. 2378 shows that the part of the work executed from 23.2.2011 to 15.3.2011 and payment of Rs.24375/- to 13 labours for 195 man's day and also copy of the measurement book produced in respect of the same which was recorded by DGO no. 1. As per the said document in NMR No. 1320 shows that the part of the work executed from 8.2.2011 to 23.2.2011 and payment of Rs.30,000/- to 16 labours for 240 man's day and also copy of the measurement book produced in respect of the same which was recorded by

DGO no. 1. As per the said document total amount is Rs. 54375/-.Further the DGO not produced the photographs of three stage of the said works as per the guidelines of the MGNREGA scheme and circular No. Gra Aa Pa 41 U Kha Yo 2007 dtd:11.4.2007 of RDPR to show that 300 pits were dug. The said all the facts and circumstances depicts that the DGO no.1 and 2 without executing the said work as per the guidelines of the MGNREGA Scheme but shows the expenditure of Rs. 54375/- in respect of payment of wages to the labours to dug pits for planting saplings under the said work. It appears that purpose of the scheme not served and said expenditure has become wasteful expenditure. This facts reveals that they have committed misconduct and misappropriated the said amount and caused loss to the state exchequer.

63. There is no material evidence from the side of the DGO no. 1 and 2 to disprove the said charge leveled against them. Further the said charge is not related to the DGO no. 3 who was working as Junior engineer in Panchayath Raj Engineering sub division Shahapura. Further the disciplinary authority has not produced the document to show that this charge related to the DGO no. 3. **Thereby the charge No. 4 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) is proved and the DGO no. 1 and 2 are held responsible for Rs. 54375/- which caused loss to the state exchequer. The said charge No.4 in case DE No. UPLOK-1/DE/676/2016 is not proved against the DGO no.3 (Sri. Ramachandra, JE).**

64. Perused the evidence of Pw-1, PW-2 and DW-1, to DW-3 along with documents produced by both sides and considering the reason stated in respect of charge leveled against the DGOs respectively. It is clear that DGO no. 1 to 3 not implemented the alleged work stated in the above said charges as per the guidelines of the MGNREGA scheme and further the DGO no.1 to 3 have shown the expenditure in respect of the above said charges without properly implemented the said works and also it clears that the purpose of the scheme is not served and the above said expenditure shown by DGOs are all wasteful expenditure. Further the said documents clears that the DGO no.1 to 3 misappropriated the said amount. It clears that the DGOs have committed misconduct and dereliction of duty.

(a) Thereby the Disciplinary Authority has proved charge No. (1) in DE No. UPLOK-1/DE/508/2016 and charge No. (1) in No. UPLOK-1/DE/676/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of Rs. 97552/-. The Disciplinary Authority has not proved **charge No. (1)** leveled against the DGO no.1 (Sri. Ganganna).

(b) The Disciplinary Authority has proved charge (2) in DE No. UPLOK-1/DE/508/2016 and charge (5) in No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy

Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs. **36,125/-**. The Disciplinary Authority has not proved charge No.2 and 5 leveled against the DGO no.3 (Sri. Ramachandra, JE).

(c)The Disciplinary Authority has proved charge No.3 in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of **Rs. 1,48,830/-**. The Disciplinary Authority has not proved charge No. 3 leveled against the DGO no.1 (Sri. Ganganna).

(d) The Disciplinary Authority has proved charge No. 4 in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of **Rs. 1,46,778/-**. The Disciplinary Authority has not proved charge No. 4 leveled against the DGO no.1 (Sri. Ganganna).

(e) The Disciplinary Authority has proved charge No. 2 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 36,125/-**. The Disciplinary Authority has not

proved charge (2) leveled against the DGO no.3 (Sri. Ramachandra, JE).

(f) The Disciplinary Authority has proved charge No.3 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 36,125/-**. The Disciplinary Authority has not proved charge No.3 leveled against the DGO no.3 (Sri. Ramachandra, JE).

(g) The Disciplinary Authority has proved charge No. 4 in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 54,375/-**. The Disciplinary Authority has not proved charge No. 4 leveled against the DGO no.3 (Sri. Ramachandra, JE).

65. In the above said facts and circumstances, I hold that;

1. The Disciplinary Authority has proved charge (1) in DE No. UPLOK-1/DE/508/2016 and charge (1) in No. UPLOK-1/DE/676/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for

misappropriation in a sum of **Rs. 97552/-**. The Disciplinary Authority has not proved charge (1) leveled against the DGO no.1 (Sri. Ganganna)

2. The Disciplinary Authority has proved charge (2) in DE No. UPLOK-1/DE/508/2016 and charge (5) in No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs. **36,125/-**. The Disciplinary Authority has not proved charge (2) & (5) in respective DE Nos. leveled against the DGO no.3 (Sri. Ramachandra, JE)
3. The Disciplinary Authority has proved charge (3) in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of **Rs. 1,48,830/-**. The Disciplinary Authority has not proved charge (3) leveled against the DGO no.1 (Sri. Ganganna)
4. The Disciplinary Authority has proved charge (4) in DE No. UPLOK-1/DE/508/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) The DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for

misappropriation in a sum of **Rs. 1,46,778/-**. The Disciplinary Authority has not proved charge (4) leveled against the DGO no.1 (Sri. Ganganna)

5. The Disciplinary Authority has proved charge (2) in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 36,125/-**. The Disciplinary Authority has not proved charge (2) leveled against the DGO no.3 (Sri. Ramachandra, JE)
6. The Disciplinary Authority has proved charge (3) in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 36,125/-**. The Disciplinary Authority has not proved charge (3) leveled against the DGO no.3 (Sri. Ramachandra, JE)
7. The Disciplinary Authority has proved charge (4) in DE No. UPLOK-1/DE/676/2016 leveled against DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) The DGO no. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash

Pawar, PDO) are equally responsible for misappropriation in a sum of **Rs. 54,375/-**. The Disciplinary Authority has not proved charge (4) leveled against the DGO no.3 (Sri. Ramachandra, JE).

Thus, the DGO No. 1 (Sri. Ganganna, Deputy Range Forest Officer) is responsible for causing misappropriation in a sum of **Rs. 81,375/-**, DGO no.2 (Sri. Prakash Pawar, Panchayath development officer) is responsible for causing misappropriation in a sum of **Rs. 2,77,955/-** and DGO no. 3 (Sri. Ramachandra, JE) is responsible for causing misappropriation in a sum of **Rs. 1,96,580/-**.

Hence, report is submitted to Hon'ble Upalokayukta for further action.

(Lokappa N.R)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Yankappa Kollur, Prathinidi-2, Rajivagandhi Yuva Shakti Sangha, Rastapur Shahapur Taluk Yadgir original
PW-2	Sri. C.P.Venkatesh S/o R.Parthasarathi, Rtd., working as AEE, TAC, Karnataka Lokayukta, Bangalore original

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

Ex.P1	Ex.P-1 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 along with news paper advertisement submitted by PW-1.
Ex.P-4	Ex.P-4 is the complaint dtd: 9.10.2007 submitted by PW-1 to DGO by PW-1.
Ex.P-5	Ex.P-5 is the representation submitted by PW-1 to the Chief Secretary Zilla panchayath.
Ex.P-6	Ex.P-6 is the representation submitted by PW-1 to the EO of Taluk panchayath.
Ex.P-7	Ex.P-7 is the rejoinder submitted by PW-1.
Ex.P-8	Ex.P-8 is the representation submitted by PW-1 to the EO of Taluk panchayath.
Ex.P-9	Ex.P-9 is the official memorandum issued by EO to Panchayath development officer.
Ex.P-10	Ex.P-10 is the representation given by member to EO.
Ex.P-11	Ex.P-11 is the letter submitted by villagers to Karnataka Lokayukta.
Ex.P-12	Ex.P-12 is the representation submitted by Sthree shakti Sangha.
Ex.P-13	Ex.P-13 is the order copy (Statement) regarding under NREGA Scheme without displaying the board, amount was misappropriated.
Ex.P-14	Ex.P-14 is the letter dtd: 23.12.2010 regarding the fixation of tax.
Ex.P-15	Ex.P-15 is the complaint copy dtd: 12.1.2012 of Sri. Raghavendra Rao Kulkarni.
Ex.P-16	Ex.P-16 are the photographs (two number).
Ex.P-17	Ex.P-17 is the letter submitted by PW-1.
Ex.P-18	Ex.P-18 is the copy of the NMR for the year 2010-11.
Ex.P-19	Ex.P-19 is the copy of the action plan for

	the year 2010-11
Ex.P-20	Ex.P-20 is the action plan for the year 2011-12.
Ex.P-21	Ex.P-21 are the photographs (four number)
Ex.P-22	Ex.P-22 are the photographs (five number).
Ex.P-23	Ex.P-23 is the copy of the bank statement.
Ex.P-24	Ex.P-24 copies of agreement and contract certificate schedule -A and another agreements.
Ex.P-25	Ex.P-25 is the investigation report dtd: 4.4.2016.
Ex.P-26	Ex.P-26 is the report dtd: 15.5.2013 of Executive Officer.
Ex.P-27	Ex.P-27 are the twenty two photographs.
Ex.P-28	Ex.P-28 is the copy of expenditure statement.
Ex.P-29	Ex.P-29 is the copy of check list.
Ex.P-30	Ex.P-30 is the copy of NMR.
Ex.P-31	Ex.P-31 is the copy of estimate of pits.
Ex.P-32	Ex.P-32 is the copy of measurement book.
Ex.P-33	Ex.P-33 is the copy of another check list.
Ex.P-34	Ex.P-34 is the copy of another NMR

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No. (2) Sri. Prakash Pawar, Panchayath development officer, Rasthapura Grama panchayath, Shahapur Taluk, Yadgir District original
DW-2	DGO No. (3) Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District original

DW-3	DGO No. (1) Sri. Ganganna, Deputy Range Forest Officer, Social Forestry, Shahapur, original
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the attested copy of nominal muster roll.
Ex.D-2	Ex.D-2 is the attested copy of relevant 2 pages of measurement book.
Ex.D-3	Ex.D-3 is the attested copies of 4 vouchers.
Ex.D-4	Ex.D-4 is the copy of MB of the forming road from Yellammagudi filed to Bandura Halla in rastapura village
Ex.D-5	Ex.D-5 is the copy of the NMR.
Ex.D-6	Ex.D-6 is the copy of the letter dtd: 18.3.2011
Ex.D-7	Ex.D-7 is the copy of the voucher.
Ex.D-8	Ex.D-8 is the copy of the vouchers for having purchase of sand, pipe, murrum, metal, rubble stone for a sum of Rs. 33,668-00.
Ex.D-9	Ex.D-9 is the copy of the photos which were taken at the time of work.
Ex.D-10	Ex.D-10 is the attested copies of 4 vouchers.
Ex.D-11	Ex.D-11 are two photographs.

(Lokappa N.R)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/508/2016/ARE-9
No.UPLOK-1/DE/676/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **15/12/2020**

RECOMMENDATION

Sub:- Departmental inquiry against

- 1) Sri Ganganna, Deputy Range Forest Officer, Social Forestry, Shahpur Taluk, Yadgir District (Name written by him in First Oral Statement as Gangappa Anjali);
- 2) Sri Prakash Pawar, Panchayath Development Officer, Rasthapur Grama Panchayath, Shahpur Taluk, Yadgir District; and
- 3) Sri Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahpur, Yadgir District - Reg.

Ref:- 1) Govt. Order No. ಅಪಜೀ 162 ಅಇವಿ 2016, Bengaluru dated 19/11/2016 of Department of Forest, Environment and Ecology entrusting Departmental inquiry against Sri Ganganna, Deputy Range Forest Officer.

2) Govt. Order No. ಗ್ರಾಅಪ/560/ಗ್ರಾಪಂಕಾ/2016, Bengaluru dated 18/10/2016 of Department of Rural Development & Panchayath Raj entrusting departmental inquiry against Sri Prakash Pawar and Sri Ramachandra.

3) Nomination order No.UPLOK-1/DE/676/2016, Bengaluru dated 30/11/2016 of Upalokayukta-1, State of Karnataka, Bengaluru in relation to Sri Ganganna, Deputy Range Forest Officer.

4) Nomination Order No.UPLOK-1/DE/508/2016, Bengaluru dated 25/10/2016 of Upalokayukta-1, State of Karnataka, Bengaluru in relation to Sri Prakash Pawar and Sri Ramachandra.

5) Inquiry Report dated 11/12/2020 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government in Forest, Environment and Ecology Department by its order dated 19/11/2016 initiated the disciplinary proceedings against Sri Ganganna, Deputy Range Forest Officer, Social Forestry, Shahpur Taluk, Yadgir District (hereinafter referred to as Delinquent Government Official-1, for short as DGO-1) and entrusted the Departmental Inquiry to this Institution.

2. The Government in Rural Development & Panchayath Raj Department by its order dated 18/10/2016 initiated the disciplinary proceedings against (1) Sri Prakash Pawar, Panchayath Development Officer, Rasthapur Grama Panchayath, Shahpur Taluk, Yadgir District and (2) Sri Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahpur, Yadgir District (hereinafter referred to as Delinquent Government Officials-2 and 3, for short as DGO-2 & 3 respectively) and entrusted the Departmental Inquiry to this Institution.

3. This Institution by Nomination Order No.UPLOK-1/DE/676/2016, Bengaluru dated 30/11/2016 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO-1 Sri Ganganna, Deputy Range Forest Officer, Social Forestry, Shahpur for the alleged charge of misconduct, said to have been committed by him.

4. This Institution by Nomination Order No.UPLOK-1/DE/508/2016, Bengaluru dated 25/10/2016 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental

Inquiry against DGO-2 & 3 Sri Prakash Pawar, Panchayath Development Officer, Rasthapur Grama Panchayath and Sri Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahpur for the alleged charge of misconduct, said to have been committed by them.

5. The DGO-1 Sri Ganganna, Deputy Range Forest Officer, Social Forestry, Shahpur Taluk, Yadgir District in Departmental inquiry No. UPLOK-1/DE/676/2017 was tried for the following charges.

“That, you DGO Sri Ganganna, Deputy Forest Officer, Social Forestry, Shahapur has caused loss to the Government by executing the following substandard works under Mahatma Gandhi Employment Guarantee Scheme during the year 2010-11 :

I. **In Providing threshold (Rashikana) in Sy.No.92 in Rastapur.**

In the M.B. entire measurement has been recorded on a single day and the date of recording in M.B. has not been mentioned.

- a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.
- b) The photographs produced show that the threshold is already damaged.

II. **Formation of plantation on road side from Rastapur to Sharadahalli:**

- a) In the M.B. (Flag-BB) an amount of Rs.36,125 is recorded as expenses towards coolie labourers for excavation of 300 pits. But only 35 pits are seen and no plantation is done. Therefore the entire amount spent for forming pits is a waste;
- b) No documents are produced for having formed 300 pits;
- c) This work has been carried out by Sri.Ganganna, Dy.Range Forest Officer.

III. **Formation of plantation on the tank bund of Rastapur Village :**

- a) In the M.B. an amount of Rs.36,125/- is shown towards payment to labourers and 3000 pits are said to have been dug. But only 45 pits were seen and no planting is done. Therefore the entire amount spent for forming pits is a waste.
- b) No documents have been produced for having formed pits.
- c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer, Social Forestry, Shahapur, Yadgir District.

IV. **Formation of plantation in the lands of beneficiaries:**

- a) In the M.B.(Flag-DD) an amount of Rs.57,375/- is recorded towards payment to labourers for excavation of pits 201 + 253 pits. But no planting

is done and only 22% to 35% of the pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

- b) No documents are produced for having formed 201+ 253 pits.
- c) This work has been executed by Sri.Ganganna, Dy.Range Forest Officer. Social Forestry, Shahapur, Yadgir District.

V. **Formation of plantation in Rastapur Village:**

- a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.
- b) No documents are produced for having formed 300 pits.

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

6. The DGO-2 Sri Prakash Pawar, Panchayath Development Officer, Rasthapur Grama Panchayath, Shahpur Taluk, Yadgir District and DGO-3 Sri Ramachandra, Junior Engineer,

Panchayath Raj Engineering Sub Division, Shahpur Taluk, Yadgir District in Departmental inquiry No. UPLOK-1/DE/508/2017 were tried for the following charges.

“That, you DGO (1) – Sri. Prakash Pawar, Panchayath Development Officer, Rasthapur Gram Panchayath, Shahapur Taluk, Yadgir District and you DGO (2) – Sri. Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahapur, Yadgir District have caused loss to the Government by executing the following substandard works under Mahatma Gandhi Employment Guarantee Scheme during the year 2010-11 :

I. In Providing threshold (Rashikana) in Sy.No.92 in Rastapur.

In the M.B. entire measurement has been recorded on a single day and the date of recording in M.B. has not been mentioned.

- a) No receipts are produced for having purchased sand and Jelly. In respect of expenses of Rs.60,000-00 incurred towards, coolie charges to labourers, no document has been produced to show that the amount has been paid to labourers or that the amount has been credited to Bank/Post Office account of labourers.
- b) The photographs produced show that the threshold is already damaged.

II. Formation of plantation in Rastapur Village:

- a) In the M.B. an amount of Rs.36,125/- is recorded towards payment to labourers for

excavation of 300 pits. But no planting is done and no pits were seen. Therefore entire amount spent towards labourers is a waste expenditure.

b) No documents are produced for having formed 300 pits.

III. Forming road from Yellammagudi field to Bandura Halla in Rastapur Village:

a) In the M.B. an amount of Rs.1,48,830/- is recorded towards expenditure. Out of it an amount of Rs.45,500-00 + 29,750-00 + Rs.14,000/- is shown as payment to labourers. An amount of Rs.59,484/- is shown as expenditure towards supplying murram, charges towards tractor etc.,

b) No documents are produced for having spent Rs.59,484-00 towards materials.

c) No documents are produced to show that the amount has been credited to the Post Office/Bank account of Labourers.

d) In the photograph of road work produced by the Complainant, no mud road is appears to be in existence. Therefore the road work executed is of substandard and the amount spent for the work is a loss caused to the Government.

e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub.Divn, Shahpura.

IV. **Forming road from Bandura Halla to Haranahola canal.**

- a) In the M.B (Flag-HH) measurement has been recorded on 12.3.2011 and total expenditure has been recorded Rs.96,326-00 out of it Rs.57,750-00 is recorded as expenditure towards labour charges. Rs.4,800 towards cement and Rs.33,668/- towards sand, pipe, murrum, metals , rubbles stone and tractor charges.
- b) No receipts have been produced towards materials purchased.
- c) No documents have been produced for having paid amount to labourers or to show that the amount has been credited to the Bank/Post Office account of labourers.
- d) In the photograph of road work (Flag-II) produced by the Complainant, no mud road is appears to be in existence.
- e) This work has been carried out by Sri.Ramachandra, J.E. PRE Sub. Divn, Shahpura.

Thus you DGOs, 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.”

7. Subsequently, by Order dated 4/4/2017, the Departmental Inquiries in No. UPLOK-1/DE/508/2016 and No.UPLOK-1/DE/676/2016 were clubbed and ordered to conduct joint inquiry against above stated DGOs 1 to 3. Thereafter, by 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 to 3.

8. The Inquiry Officer (Additional Registrar of Enquiries-9) on appreciation of oral and documentary evidence has held that;

1. The Disciplinary Authority has proved charge (1) in DE No. UPLOK-1/DE/508/2016 and charge (1) in No. UPLOK-1/DE/676/2016 leveled against DGO no. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE). The DGO No. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of Rs.97,552/-. The Disciplinary Authority has not proved charge (1) leveled against the DGO No.1 (Sri. Ganganna).
2. The Disciplinary Authority has proved charge (2) in DE No. UPLOK-1/DE/508/2016 and charge (5) in No. UPLOK-1/DE/676/2016 leveled against DGO Nos. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO). The DGO Nos. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs.36,125/-. The Disciplinary Authority has not proved charge (2) & (5)

in respective DE Nos. leveled against the DGO No.3 (Sri. Ramachandra, JE).

3. The Disciplinary Authority has proved charge (3) in DE No. UPLOK-1/DE/508/2016 leveled against DGO No. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE). The DGO No. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of Rs.1,48,830/-. The Disciplinary Authority has not proved charge (3) leveled against the DGO No.1 (Sri. Ganganna).
4. The Disciplinary Authority has proved charge (4) in DE No. UPLOK-1/DE/508/2016 leveled against DGO No. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE). The DGO No. 2 and 3 (Sri. Prakash Pawar PDO and Sri. Ramachandra JE) are equally responsible for misappropriation in a sum of Rs.1,46,778/-. The Disciplinary Authority has not proved charge (4) leveled against the DGO No.1 (Sri. Ganganna).
5. The Disciplinary Authority has proved charge (2) in DE No. UPLOK-1/DE/676/2016 leveled against DGO No.1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO). The DGO No. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs. 36,125/-. The Disciplinary Authority has not proved charge (2) leveled against the DGO No.3 (Sri. Ramachandra, JE).

6. The Disciplinary Authority has proved charge (3) in DE No. UPLOK-1/DE/676/2016 leveled against DGO No. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO). The DGO No. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs. 36,125/-. The Disciplinary Authority has not proved charge (3) leveled against the DGO No.3 (Sri. Ramachandra, JE).
7. The Disciplinary Authority has proved charge (4) in DE No. UPLOK-1/DE/676/2016 leveled against DGO No. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO). The DGO No. 1 and 2 (Sri. Ganganna, Deputy Range Forest Officer and Sri. Prakash Pawar, PDO) are equally responsible for misappropriation in a sum of Rs. 54,375/-. The Disciplinary Authority has not proved charge (4) leveled against the DGO No.3 (Sri. Ramachandra, JE).

Thus, the DGO No. 1 (Sri. Ganganna, Deputy Range Forest Officer) is responsible for causing misappropriation in a sum of Rs.81,375/-, DGO No.2 (Sri. Prakash Pawar, Panchayath development officer) is responsible for causing misappropriation in a sum of Rs. 2,77,955/- and DGO No. 3 (Sri. Ramachandra, JE) is responsible for causing misappropriation in a sum of Rs. 1,96,580/-.

9. 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.

10. The Inquiry officer has held that DGO-1 Sri Ganganna Deputy Range Forest Officer has misappropriated a sum of Rs.81,375/-; DGO No.2 Sri. Prakash Pawar, Panchayath Development Officer has misappropriated a sum of Rs.2,77,955/-; and DGO No. 3 Sri. Ramachandra, Junior Engineer has misappropriated a sum of Rs. 1,96,580/-.

11. As per the First Oral Statements submitted by DGOs 1 to 3;

- (i) DGO-1 Sri Ganganna, has retired from service on 30/4/2017 (during the pendency of inquiry);
- (ii) DGO-2 Sri Prakash Pawar has retired from service on 28/2/2018 (during the pendency of inquiry);
- (iii) DGO-3 Sri Ramachandra is due to retire from service on 31/12/2043.

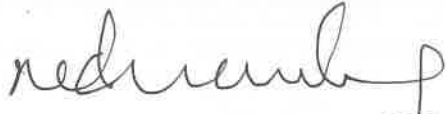
12. Having regard to the nature of charges proved against DGO-1 Sri Ganganna; DGO-2 Sri Prakash Pawar and DGO-3 Sri Ramachandra and the dates of retirement of DGOs 1 and 2;

- (i) it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.81,375/- from the pension payable to DGO-1 Sri Ganganna, Deputy Range Forest Officer, Social Forestry, Shahpur Taluk, Yadgir District;
- (ii) it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.2,77,955/- from the pension payable to DGO-2 Sri Prakash Pawar, Panchayath Development Officer, Rasthapur Grama Panchayath, Shahpur Taluk, Yadgir District; and

(iii) it is hereby recommended to the Government for imposing penalty of (a) Withholding four annual increments payable to DGO-3 Sri Ramachandra, Junior Engineer, Panchayath Raj Engineering Sub Division, Shahpur, Yadgir District with cumulative effect; (b) recovering a sum of Rs.1,96,580/- from the pay and allowances payable to DGO-3 Sri Ramachandra; and (c) deferring the promotion of DGO-3 Sri Ramachandra by four years, whenever he becomes due for promotion.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 15/12
Upalokayukta-1,
State of Karnataka,
Bengaluru

