

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/644/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 08-03-2018**:: ENQUIRY REPORT ::****:: Present ::**( Lokappa N.R )  
Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
BangaloreSub: Departmental Enquiry against Shri.  
Somashekar, Panchayath Development  
Officer, Mogha Grama Panchayath, Chincholi  
Taluk, Kalaburgi District - reg.Ref: 1) Government Order No. ಗ್ರಾಅಪ/565/ಗ್ರಾಪಂಕಾ/2016  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 09/11/2016.2) Nomination Order No: Uplok-1/  
DE/644/2016, Bangalore dated  
24/11/2016.

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This Departmental Enquiry is initiated against Shri. Somashekar, Panchayath Development Officer, Mogha Grama Panchayath, Chincholi Taluk, Kalaburgi District (hereinafter referred to as the "Delinquent Government Official" in short "DGO").

In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta-I vide order dated 24/11/2016 cited at reference No.2 has Nominated Addl. Registrar of



Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO. Addl. Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit his written statement of defence.

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

**ANNEXURE-I**

**CHARGE**

2) You-DGO when the works were undertaken in MNREG Scheme for the year 2013-14 at Mogha Gram Panchayath, Chincholli taluk it is found.

The signature of Lakshmi w/o Ningareddy, Member of Vigilance Committee is found in satisfactory certificate are forged and documents are manipulated.

Suguna bai is not the eligible beneficiary to the land mentioned in sy.No.62 where the work is executed in file No.1-formation of canal in the land of formation of canal.

The work orders other documents are issued for the execution of the work in Mogha village but the land in sy.No.9 is situated at Allaprabhu village in File No.4.

The formation of the canals in file No.4 and file No.1 are different but the photographs appended to these files are the same.

The formation of the canals in file No.7 and file No.11 are different but the photographs appended to these files are the same.

The bills prepared for the plantation of mango, banana and lemon in 3.39 acre of the land in sy.No.348 of Mogha village maintained in file No.9 and 10 are concocted.

Lakshman Ramanna Allapura is one and same person who is the beneficiary for the plantation of mango in land bearing sy.No.9, measuring 3.28 guntas of Allapura and also selected as a beneficiary for construction of canal work in the same land with reference to file No.9 and 12. Wherein Allapura village is not within the limits of Mogha Gram Panchayath

Even though each work is different the photographs have been appended for all the road works pertains to file No.20, 21, 22 and 23 in the formation of the Kacha road.

The photographs appended to file No.25, 26, 28, 29, 34 and 35 pertaining to the formation of the kacha road are one and the same even though works are different.

The photographs appended to file No.30 to 33 pertaining to formation of the bund are one and the same even though the works are different.

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There are no specification mentioned in the estimates for formation of the road in which it is lay the photographs shows utilization of the boulders of uneven size for formation of road and a thin layer of Murom is spread over it.

The periodical inspection shown in the MB book is over written.

The name of the agency is written along with pan number and TIN number and the name of Reddy Cement Agency is over written.

The bills are given to Reddy Cement Agency for supply of rubble stone and muram in respect of all road works bear the same date 24.8.2014.

The entries in the MB book is vague. No documents are produced to show the material bills are paid through cheque.

There is no transparency in procuring the material. They have issued more than one job card to a single person

thereby you-DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you-DGO have guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

## **ANNEXURE-II**

### **STATEMENT OF IMPUTATION OF MISCONDUCT:**

3. The allegation in the complaint are as follows;

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- There is misappropriation of about 40 to 50 lakhs funds under MNREG Scheme for the year 2013-14 without there being the works executed.
- 4 to 5 job cards have been issued in the name of a single person and thereby money is being misappropriated. Hence, has prayed to take action against the respondent.

The complainant vide letter dated 20/02/2015 has given the list of persons in whose name more than one job card is issued.

4. The respondent has filed his comments denying all the allegations. Further he has stated that, no money is paid before execution of the works. Due to oversight there are mistakes while feeding data to the website of MNREG. Hence, has prayed to drop the proceedings against him. He has produced the copies of the documents of 47 works taken up by Mogha Grama Panchayath for the year 2013-14 by giving file Nos. from 1 to 18, 20 to 48 and are consolidated in 3 volumes. (file no. 19 is not found)

5. The complainant in his rejoinder dated 21/01/2016 by identifying some illegalities in the document submitted by the respondent has contended that same photographs have been uploaded for different works. The documents have been manipulated and thereby has misappropriated the public funds.

6. Perused the documents produced by the respondent in file Nos. 1 to 48 with respect to the works undertaken under MNREG Scheme for the year 2013-14 at Mogha Grama

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Panchayath, Chincholi Taluk, Gulbarga District. It is found that:

- The signature of Lakshmi W/o Ninga Reddy member of Vigilance Committee is found in file no. 8 (satisfactory certificate). But in all other files thumb impression of Lakshmi is found which prima-facie substantiates the contention of complainant that the signatures are forged and documents are manipulated.
- In file No. **1** (Formation of canal in the land of Suglabai Basavaraja, Sy. No. 62) the land in Sy. No. 62 where work is executed is not standing in the name of Suglabai to show her eligibility as the beneficiary.
- In file No. **4** (Formation of canal in the land of Lakshmana/Ramanna Allapura, Sy. No. 9) the RTC shows that land in Sy.No. 9 is situated at Allapura Village. But, the work order and other documents produced by You-DGO shows that, the work has been executed in the village Mogha substantiating the contention of the complainant that, the said land does not fall within the jurisdiction of the Mogha Grama Panchayath.
- The photographs appended to file No. **4** (Formation of canal in the land of Lakshmana/Ramanna Allapura, Sy. No. 9) and file No. **5** (Formation of canal in the land of Lakshmana/Ramanna Allapura, Sy.No. 305) are same even though the said two works are different.
- The photographs appended to file No. **7** (Formation of bunds in the land of farmers, no name and Sy.No.-of

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work execution is mentioned in the work order) and file No. **11** (Formation of canal in Basamma/Ramashetty, Sy. No. 236) are same even though the said two works are different.

- File No. **9** (Plantation of Mango, Banana and Lemon in the lands of farmers) and file No. **10** (Plantation of Mango, Banana and Lemon in the lands of farmers) pertains to plantation of Mango saplings in Sy. No. 348 of Mogha Village measuring 3.39 acres. Both works are one and the same and therefore there is duplication of work and expenditure. No documents are produced to show that the Payment towards material cost such as Mango saplings etc., is made through cheques. There is no opinion report of Horticulture Officer with respect to suitability of the soil to grow Mango trees. The bills have been concocted. Many bills of the material suppliers are not dated. No transparency is followed in procuring the materials.
- File No. **12** (Plantation of Mango in the land of Lakshmana/Ramanna, Allapura, Sy. No. 9, measuring 3 acres 28 guntas) No document to show the eligibility of the beneficiary is produced by you-DGO. The same beneficiary is also selected with respect to construction of canal work in the same Sy. No. 9 (file No. 4) where the RTC produced goes to show that the work is carried out in the land situated at Allapura Village which is not within the limits of Mogha Grama Panchayath.

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- In file No. **20, 21, 22 and 23** all works pertains to the formation of kacha road wherein same photographs have been appended for all the road works even though each work is different.
- The photographs appended to file No. **25 and 26** pertaining to formation of kacha road are one and the same even though the works are different.
- The photographs appended to file No. **28 and 29** pertaining to formation of kacha road are one and the same even though the works are different.
- The photographs appended to file No. **34 and 35** pertaining to formation of kacha road are one and the same even though the works are different.
- The photographs appended to file No. **13 and 33** pertaining to formation of bund are one and the same even though the works are different.
- File Nos. **16 to 18, 20 to 29, 32, 34 to 48** pertains to the formation of 29 road works at Mogha Village. The particulars in the estimate of all the road works reads thus:

“Providing and laying pitching on slopes laid over prepared fitter media as per drawing and technical specifications clause 1302 Stone/Boulder PRE DSR 2012-2013 Item No. 14.5.P. No. 92”

- There is no specification mentioned in the estimate for formation of road in the form in which it is layed. The photographs produced by the respondent shows utilization of Boulders of uneven size for formation of

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road and a thin layer of Muram is spread over it. The Muram is likely to wane away even for a small rain exposing the big uneven size Boulders and the roads may not be useful for public conveyance. The measurement book is written at one stretch. No periodical inspection is shown to be made. MB books are overwritten. The name of the agency is written along with its Pan No. and TIN No. Thereafter the same is scored off and the name of the Reddy Cements is overwritten. The bills given by the Reddy Cements Agency for supply of Rubble Stone and murrum in respect of all the road works bears same date 24/08/2014. The entries in the MB book are vague. Same photographs have been appended to more than one bill. No documents are produced to show that the Material bills are paid through cheques. There is no transparency in procuring the materials.

- The complainant has given the job card numbers and names of persons in whose name more than one job card is issued. You-DGO have not produced any material to disbelieve the same. Therefore, it is to be inferred that more than one job cards are issued to a single person.

7. In view of the above illegalities, the comments filed by you-DGO cannot be accepted at this juncture. You-DGO have prima-facie found guilty for the above said misconduct and mischief.

8. The said facts and materials on record show that you-DGO being Public/Government Servant have failed to maintain absolute integrity besides devotion to duty and acted in a

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manner unbecoming of Public/Government Servant and thereby committed misconduct and made yourself liable for disciplinary action.

9. Since said facts supported by the materials on record prima facie show that you-DGO being Public/Government servant, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966 and under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957. Hence, the charge.

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AOC served on dt: 24/7/2017 on the DGO. But, the DGO failed to appear before this authority. Hence, placed exparte.

The disciplinary authority has examined the complainant Sri.Rajakumar Patil S/o Gurulingappa Patil is examined as PW.1 and Ex.P1 to P8 are got marked. The DGO placed exparte.

The disciplinary authority has filed the written in brief and heard the submissions. I answer the above charges in **AFFIRMATIVE** except the charge ie., Bill prepared for the plantation of mango, banana and lemon in 3 acres 39 guntas of the land in Sy.No.348 of Mogha village maintained in file No.9 and 10 are concocted, for the following ;

### REASONS

3) It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGO/s.

4) The disciplinary authority has examined PW.1- the complainant Sri Rajkumar Patil. He deposed in his Chief examination that, the DGO has drawn the amount through



the bill and misappropriated the funds without execute the work under MGNREG up to Rs.40 lakh in Moga gram panchayat, Chincholli taluk, Kalburgi district. Further he deposed that, for the same he filed the complaint before the Lokayukta Office with documents which are marked as Ex.P1 to 4. The DGO after service of Article of charge not appear before this enquiry authority and not filed any documents to defend himself. Hence, the DGO placed exparte.

5) The one of the charge leveled against the DGO is that, the signature of Smt. Lakshmi W/o Ningareddy, Member of Vigilance Committee is found in satisfactory certificate is forged and documents were manipulated. On perusing the Ex.P5 comments of the DGO, he has stated that, some defects are there in the documents by oversight but, not misappropriation of any funds under the scheme. For that reason he prayed for excuse. Ex.P6 is entire documents in respect of the said MGNREGA work done in the Moga gram panchayat for the year 2013-14. On perusing the same Smt. Lakshmi w/o Ningareddy was shown as one of the member of the Vigilance Committee of the said gram panchayat in respect of the said public work. In file No.1 on satisfactory certificate there is no signature of the said Lakshmi w/o Ningareddy. In file No.2, 6 on satisfactory certificate there is a thumb impression instead of alleged signature of the said Smt. Lakshmi w/o Ningareddy. In file No.8 on satisfactory certificate alleged signature of the said Smt. Lakshmi w/o Ningareddy is there. Considering the same, doubt created that why the DGO taken the thumb impression of the said Smt. Lakshmi on the said certificate in the above said some files,

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and taken the signature of the said Smt. Lakshmi on the satisfactory certificate in another file. Regarding the same the DGO has not given proper explanation through his comments Ex.P5 and also not before this authority. Hence, it shows that he has manipulated the said documents and not maintained the same properly.

6) Another charge leveled against the DGO is that, "Sugana Bai is not the eligible beneficiaries to the land mentioned in Sy. No.62 where the work is executed as per file No.1 ie., formation of canal in the land of Sugula Bai/Basavaraj." Perused the Ex.P6 with file No.1, name of the work shown in the estimated copy, page No.225 (64) is ; ಕೃ ಸಂ.29 ಸರ್ವೆ ನಂ.62 ಸುಗುಲಾಬಾಯಿ/ಬಸವರಾಜ ಹೊಲದಲ್ಲಿ ತಿರುಗಾವಲುವೆ ನಿರ್ಮಾಣ, ಗ್ರಾಮ- ಮೋಘಾ, ಗ್ರಾಮ ಪಂಚಾಯತ್, ಮೋಘಾ, estimated cost is Rs.1 lakh. In the said file the RTC with Xerox photos were also produced. As per RTC Sy.No.66 of Mogha village an extent of 3 acres 10 guntas stands in the name of Sugula Bai w/o Basanna and as per another RTC, Sy.No.62 of Mogha village an extent of 5 acres 12 guntas stands in the name of Basanna s/o Chandrappa and 8 acres 4 guntas stands in the name of Jagannath s/o Hemala Rathod and 1 acre stands in the name Govinda s/o Hemala Rathod. The record shows Sy.No.62 not stands in the name of Sugula Bai, but stands in the name of Basappa s/o Chandrappa, but in the record, work name shown as formation of canal in sy No.62 belongs to Sugula Bai/Basavaraj. This fact shows there is chance of the husband name of Sugula Bai shown as Basavaraj. Hence, the mistake done by the DGO in respect of maintaining the records and

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the name of the beneficiary properly. It is clear that the said Sugula Bai is not eligible beneficiary in respect of the Sy.No.62. It is also show his dereliction of duty and misconduct.

7) The another charge leveled against the DGO is that the work orders, other documents were issued for the execution of the work in Mogha village but, the land in Sy. No.9 is situated at Alla Prabhu village as per file No.4. Perused the file No.4 in Ex.P6 as per estimate copy (page No.178) name of the Gram panchayat is shown as Mogha, the village name shown as Mogha, the work name is Sl.No.244 formation of canal in Sy.No.9. As per the RTC produced in the said file the land in Sy.No.9 is situated in Allapura village, Kodli hobli, Chincholli taluk stands in the name Lakshman s/o Ramanna Allapura R/o Mogha. It clearly shows that the DGO has not maintained the records and estimated copy properly.

8) Another charge leveled against the DGO is that, "the formation of the canal as per file No.4 and file No.1 are different but the photographs appended to these files are the same." Perused the file No.1 along with file no.4 xerox copy of the photographs appended the said photos not positive photos. Hence, difficult to compare the said photographs even though that in appearance they have some similarities. Considering the same, the DGO has failed to appended the proper photos in respective work file and maintained the records properly.

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9) Another charge leveled against the DGO is that, "the formation of the canal as per file No.7 and file no.11 are different but the photographs appended to these file are the same." Perused the file No.7 and 11 in Ex.P6 page No.138, 137 & 69, 68, 67, xerox photographs the said photos are appears as the photographs of same land. Even thought, the different works regarding the same the DGO not given any proper explanation. It clearly shows that, the DGO has not maintained the records properly and also said photographs of concerned works.

10) Another charge leveled against the DGO is that, "the Bills prepared for the plantation of mango, banana and lemon in 3 acres 39 gutnas of the land in Sy.No.348 of Mogha village maintained in file No.9 and 10 are concocted." Perused the file No.9 and 10 in Ex.P6. The estimate copy in file No.9 stated that gram panchayat name is gram panchayat Mogha, village name is shown as Mogha, the work name shown as Sl.No.273 planting of Mango saplings in Sy.No.348 of Shamarao s/o Bhimasen Rao, department name is shown as Horticulture Department, estimated amount was shown Rs.1.5 lakh. In the said amount for coolie shown as 0.9 lakh, for materials shown 0.6 lakh. In respect of the said work Measurement books and bills regarding purchasing of mango saplings and other plants also produced. As per the Measurement book labour charge shown Rs.1,00,572/- in respect of purchase of saplings, and supporting sticks, fertilizer shown Rs.49,054/- total amount shown as 1,49,626/-. I the Measurement Book page No.112. The name of the owner of the land shown as Shamarao S/o Bhimasen

Rao and measurement land shown as 3 acre 39 guntas in sy.no.348 Mogha village.

11) Perused the file No.10 as per estimated copy page No.86, Gram panchayat name is- gram panchayat Mogha, name of the village is shown as Mogha and the work name is shown as Sl.No.272 planting of Mango saplings in Sy.No.348 of Ramarao s/o Bhimasen Rao, department name is shown as Horticulture Department, estimated amount was shown Rs.1.5 lakh. In the said amount for coolie shown as 0.9 lakh, for materials shown 0.6 lakh. In respect of the said work Measurement books and bills regarding purchasing of mango saplings and other plants also produced. As per the Measurement book labour charge shown Rs.1,00,612/- in respect of purchase of saplings, and supporting sticks, fertilizer shown Rs.48,870/- total amount shown as 1,49,442/-. In the Measurement Book page No.95 the name of the owner of the land shown as Ramarao S/o Bhimasen Rao and measurement land shown as 3 acre 39 guntas in sy.no.348 Mogha village. The above said persons are different who are the brothers and also the lands are also different the records shows that the said plantation work done in the said survey number which belongs two brother. Perused the file No.9 and 10 Asst. Horticulture Officer drawn the Measurement book and in final bill, Asst. Horticulture officer and PDO and President of Gram panchayat are all put their signatures. Further, in the check list of the work the PDO and the President of Gram panchayat and E.O, Taluk Panchayat, Chincholli put their signature. In estimate sanction letter Asst. Horticulture Officer and Asst. Director of Horticulture (ZP), Chincholli and President of the Gram Panchayat put their

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signature. Hence, there is no material from the side of the disciplinary authority to show that the said documents are concocted documents. Hence, this charge was not proved by the Disciplinary authority against the DGO.

12) Another charge leveled against the DGO is Lakshman Raman Allapura is one and the same person who is the beneficiary for the plantation of mango in land bearing sy. No.9 measuring 3 acre 28 guntas of Allapura and also selected as beneficiaries for construction of canal work in the same land with reference file No.4 and 12. Wherein, allapura village is not within the limits of Mogha gram panchayat. Perused the above said charge with the file No.4 and 12. It is clear that under the above said two schemes beneficiaries is one and the same and DGO not explained on what reason the same beneficiary selected in respect of the above said two schemes. But, there is no specific documents to say Allapura village is not coming within the jurisdiction of Mogha gram panchayat. Because, Gram panchayat includes so many villages also. But, DGO failed to give proper explanation to defend himself regarding selection of the Lakshman Raman Allapura in respect of two schemes as a beneficiaries. This act of the DGO itself amounts to dereliction of duty.

13) Another charge leveled against the DGO is that, even though each work is different the photographs have been appended for all the road works pertains to file No.20,21, 22 and 23 in the form of the Kacha road are similar. Perused the said files photographs. The said photographs appear like similar one even though the work are different. In this regard

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the DGO failed to appended proper photographs to the particular work in the said files. This fact reveals that the DGO not maintaining the work files properly.

14) Another charge leveled against the DGO is that, the photographs have been appended for all the road works pertains to file No.25, 26, 28, 29, 34 and 35 are one and the same even though the works are different. Perused the said files and photographs. The said photographs appear like similar one even though the works are different. In this regard the DGO failed to appended proper photographs to the particular work in the said files. This fact reveals that the DGO has not maintained the work files properly.

15) Another charge leveled against the DGO is that, the photographs have been appended for all the road works pertains to file No.30 to 33 pertaining to the formation of the bund are one and the same even though the works are different. Perused the said files photographs. The said photographs appear like similar one even though the work are different. In this regard the DGO failed to appended proper photographs to the particular work in the said files. This fact reveals that the DGO not maintaining the work files properly.

16) Another charge leveled against the DGO is that, there are no specification mentioned in the estimation for formation of the road in which it is lay the photographs shows utilization of the boulders of uneven size for formation of road and thin layer of murom is appeared over it. Perused the estimate copy of the said alleged roads. It is clear that there is no

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specification in respect of boulders and murrum to use the formation road.

17) Another charge leveled against the DGO is that, the periodical inspection shown in the Measurement Books is over written. Perused the Measurement Books in Ex.P6 in some of the Measurement Books some over written are there. But, the said Measurement Books are not written by him. Regarding the same there is no explanation given by the DGO.

18) Other charges leveled against the DGO are that, the name of the agency is written along with PAN number and TIN number and the name of Reddy Cement Agency is over written. The bills are given by the Reddy Cement Agency, regarding supply for rubble stone and murrum in respect of all road works bearing the same date 24/8/2014. The entries in the Measurement Books are vague no documents are produced to show the materials bills are paid through cheque. There is no transparency in procuring the material.

19) Perused the Ex.P4 documents along with Ex.P5 comments of the DGO and Measurement books written in the respective files. The DGO admitted that in Ex.P4 the date of payments in respect of works are variation. Further, he given explanation that due to some technical problem at the time of data feeding the computer operators they have wrongly entered the date of payment. He produced the document that is the expenditure of the non-muster roll (NMR) under NREGA during 2013-14 and 2014-15 regarding payment of amount in respect of particular work shown in file No.1 to 48 and also copy of the

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payment ledger maintained in his office. But, in the said documents also the DGO not properly disclose the amount shown in Measurement Books paid through particular cheque with number. The said documents are incomplete. Further, it is clear that the Bill issued by the Reddy Cement Agency in respect of all works are in same date ie., 24/8/2014. Regarding the same the DGO not stated any proper explanation these are all facts clear shows that the DGO as a PDO not properly maintain the case file in respect of the concerned work along with payments details with cheque number or online payment details. This act is itself dereliction of duty on the part of the DGO.

20) Further Ex.P8 documents depict that, more than one job card issued to the same person. Regarding the same the DGO not stated anything in his comments. This is also reveals that the DGO committed misconduct by issuing more than one job card to the same person. The said act of the DGO is unbecoming of a government servant. The DGO even though served the articles of charges not appear before this enquiry authority and not filed any objection with documents to defend him. Hence, considering the above said material documents, it clear that the DGO failed to maintain the case files shown in Ex.P6 properly and he committed irregularities at the time execution of alleged work and payment in respect of the said work. There is no proper material evidence to show misappropriation of fund. Thereby DGO has failed to maintain absolute integrity, devotion to duty and acted in manner which is unbecoming of a government servant and committed

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misconduct u/r 3(1)(i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

21) In the event of the above circumstances, the charges leveled against the DGO are proved except the charge ie., Bill prepared for the plantation of mango, banana and lemon in 3 acres 39 gutnas of the land in Sy.No.348 of Mogha village maintained in file No.9 and 10 are concocted. Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.

 08/03/18

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

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

PW.1	Sri.Rajakumar Patil S/o Gurulingappa Patil (original)
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Complaint Form No.I
Ex.P1(a)	Signature
Ex.P2	Complaint Form No.II
Ex.P2(a)	Signature
Ex.P3	Complaint dt: 13/8/20147 (Original)
Ex.P3(a)	Signature
Ex.P4	Documents submitted along with complaint (Xerox)
Ex.P5	Comments of the DGO dt: 20/11/2015 (Original)

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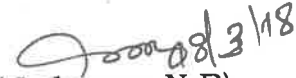
Ex.P6	Documents submitted by the DGO (File No.1 to 48)
Ex.P7	Rejoinder of the complainant dt: 21/1/2016 (Original)
Ex.P7(a)	Signature
Ex.P8	Documents submitted along with rejoinder

**iii) List of witnesses examined on behalf of DGO.**

Dw.1	NIL
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**iv) List of documents marked on behalf of DGO**

Ex.D1	NIL
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(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/644/2016/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 12/3/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri Somashekar,  
Panchayath Development Officer, Mogha Grama  
Panchayath, Chincholi Taluk, Kalaburagi District –  
Reg.

Ref:- 1) Government Order No.ಗ್ರಾಅಪ 565 ಗ್ರಾಪಂಕಾ 2016,  
Bengaluru dated 9/11/2016

2) Nomination order No.UPLOK-1/DE/644/2016,  
Bengaluru dated 24/11/2016 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 8/3/2018 of Additional  
Registrar of Enquiries-9, Karnataka Lokayukta,  
Bengaluru

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The Government by its Order dated 9/11/2016, initiated the disciplinary proceedings against Sri Somashekar, Panchayath Development Officer, Mogha Grama Panchayath, Chincholi Taluk, Kalaburagi District (hereinafter referred to as Delinquent Government Official for short as '**DGO**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/644/2016, Bengaluru dated 24/11/2016, nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri Somashekar, Panchayath Development Officer, Mogha Grama Panchayath, Chincholi Taluk, Kalaburagi District was tried for the following charges:-

“You – DGO when the works were undertaken in MNREG Scheme for the year 2013-14 at Mogha Gram Panchayath, Chincholli taluk it is found,

The signature of Lakshmi w/o Ningareddy, Member of Vigilance Committee is found in satisfactory certificate are forged and documents are manipulated.

Suguna bai is not the eligible beneficiary to the land mentioned in Sy.No. 62 where the work is executed in file No.1-formation of canal in the land of formation of canal.

The work orders other documents are issued for the execution of the work in Mogha village but the land in Sy.No.9 is situated at Allaprabhu village in File No.4.

The formation of the canals in file No.4 and file No.1 are different but the photographs appended to these files are the same.

The formation of the canals in file No.7 and file No.11 are different but the photographs appended to these files are the same.

The bills prepared for the plantation of mango, banana and lemon in 3.39 acre of the land in



Sy.No.348 of Mogha village maintained in file No.9 and 10 are concocted.

Lakshman Ramanna Allapura is one and same person who is the beneficiary for the plantation of mango in land bearing Sy.No.9, measuring 3.28 guntas of Allapura and also selected as a beneficiary for construction of canal work in the same land with reference to file No.9 and 12. Wherein Allapura village is not within the limits of Mogha Gram Panchayath.

Even though each work is different the photographs have been appended for all the road works pertains to file No.20, 21, 22 and 23 in the formation of the Kacha road.

The photographs appended to file No.25, 26, 28, 29, 34 and 35 pertaining to the formation of the kacha road are one and the same even though works are different.

The photographs appended to file No.30 to 33 pertaining to formation of the bund are one and the same even though the works are different.

There are no specification mentioned in the estimates for formation of the road in which it is lay the photographs shows utilization of the boulders of uneven size for formation of road and a thin layer of Murom is spread over it.

The periodical inspection shown in the M.B Book is over written.

The name of the agency is written along with pan number and TIN number and the name of Reddy Cement Agency is over written.

The bills are given to Reddy Cement Agency for supply of rubble stone and muram in respect of all road works bear the same date 24.8.2014.

The entries in the MB book is vague. No documents are produced to show the material bills are paid through cheque.

There is no transparency in procuring the material. They have issued more than one job card to a single person.

Thereby you-DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you-DGO have guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the charges leveled against DGO are proved except the charge i.e., Bill prepared for the plantation of mango, banana and lemon in 3 Acres 39 Guntas of the land in Sy. No. 348 of Mogha Village maintained in File No.9 and 10 are concocted.

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

6. As per the comments offered by the DGO to the complaint allegations, he is due to retire from service on 30/1/2038.

7. Having regard to the nature of charge proved against DGO Sri Somashekar, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Somashekar, Panchayath Development Officer, Mogha Grama Panchayath, Chincholi Taluk, Kalaburagi District, with cumulative effect and also deferring the promotion of DGO Sri Somashekar for a period of four years, whenever he becomes due for promotion.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)**

Upalokayukta-1,  
State of Karnataka,  
Bengaluru

12/3

