



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/659/2016/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date **03/08/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri B.B. Theertha, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District;
- 2) Sri H.K. Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District - Reg.

- Ref:- 1) Govt. Order No. ಗ್ರಾಅಪ 212 ಎಸೆಬಿ 2016, Bengaluru dated 14/11/2016
- 2) Nomination order No.UPLOK 1/DE/659/2016, Bengaluru dated 24/11/2016 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 30/07/2020 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 14/11/2016 initiated the disciplinary proceedings against (1) Sri B.B. Theertha, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District; and (2) Sri H.K. Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 & DGO-2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/659/2016 Bengaluru dated 24/11/2016 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental

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Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri B.B. Theertha, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District; and DGO-2 Sri H.K. Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District was tried for the following charge:-

“That, you – DGO Nos. 1 and 2 while working as Executive Officers in Khanapur Taluk has been deducted an amount of Rs.71,54,007/- and you DGO Nos. 1 and 2 has been credited an amount of Rs.36,48,652/- and responsible for not crediting an amount of Rs.35,05,355/- out of Rs.71,54,007/- towards royalty in respect of 51 works executed in 51 Gram Panchayaths of Khanapur Taluk under NREG Scheme during 2009-10 and thereby you DGOs have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public/ Government Servant and thereby you – DGO have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (In-charge Additional Registrar of Enquiries-8) on appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri B.B. Theertha, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District; and DGO-2 Sri H.K. Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District.

5. The inquiry officer has held that DGO-1 Sri B.B.Theertha has not remitted an amount of Rs.23,58,754/- deducted towards royalty from the Supply Bills of suppliers to the Head of Account of Mines and Geology Department. DGO-1 has misappropriated the above amount of Rs.23,58,754/- and has not maintained absolute integrity and devotion to duty and thereby committed misconduct. DGO-2 Sri H.K. Vantagodi has not remitted an amount of Rs.11,46,601/- deducted towards royalty from the Supply Bills of suppliers to the Head of Account of Mines and Geology Department. DGO-2 has misappropriated the above amount of Rs.11,46,601/- and has not maintained absolute integrity and devotion to duty and thereby committed misconduct.

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

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

(1) DGO-1 Sri B.B. Theertha has retired from service on 31/5/2017 (during the pendency of inquiry).

(2) DGO-2 Sri H.K. Vantagodi has retired from service on 31/5/2020 (during the pendency of inquiry).

8. Having regard to the nature of charge proved against DGO-1 Sri B.B. Theertha and DGO-2 Sri H.K. Vantagodi;



(i) it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.23,58,754/- from the pensionary benefits payable to DGO-1 Sri B.B. Theertha, the then Executive Officer, Taluk Panchayath,

Khanapur Taluk, Belagavi District. If the pensionary benefits were already paid to DGO-1, the above amount of Rs.23,58,754/- shall be recovered from the pension payable to DGO-1 Sri B.B. Theertha;

- (ii) it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.11,46,601/- from the pensionary benefits payable to DGO-2 Sri H.K. Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapur Taluk, Belagavi District. If the pensionary benefits were already paid to DGO-2, the above amount of Rs.11,46,601/- shall be recovered from the pension payable to DGO-2 Sri H.K. Vantagodi.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/659/2016/ARE-8

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:30.7.2020

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)****I/c Additional Registrar of Enquiries-8
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against (1) Sri. B.B.Theertha, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum District (2) Sri. H.K.Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum - reg.

Ref: 1. G.O.No. ಗ್ರಾಅಪ 212 ಎಸೇಬಿ 2016 ಬೆಂಗಳೂರು
dated:14.11.2016

2. Nomination Order No: UPLOK-1/DE/659/2016/ARE-8
Bangalore dated: 24.11.2016 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. B.B.Theertha, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum District (2) Sri. H.K.Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum (hereinafter referred to as the Delinquent Government Official for short "**DGO. No. 1 and 2**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated

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24.11.2016 cited above at reference No.2 has nominated Additional Registrar of Enquiries-8 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 and 2.

3. Additional Registrar of Enquiries-8 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 in support of the charges.

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

5. The Article of charges framed by the ARE-8 against the DGOs is as under :

ANNEXURE-I
CHARGE

That, you - DGO Nos.1 and 2 while working as Executive Officers in Khanapur Taluk has been deducted an amount of Rs.71,54,007/- and you DGO Nos.1 and 2 has been credited an amount of Rs.36,48,652/- and responsible for not crediting an amount of Rs.35,05,355/- out of Rs.71,54,007/- towards royalty in respect of 51 works executed in 51 Gram Panchayaths of Khanapur Taluk under NREG Scheme during 2009-10 and thereby you DGO have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servant

or

and thereby you – DGO have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

On the basis of complaint filed by Prahlad K.Remani, M.L.A., Khanapur Taluk, Belgaum District (hereinafter referred to as 'complainant' for short) against Sri.B.B.Theertha – the then Executive Officer and presently AEE, Karnataka State National Highway Development Project, Gokak alleging misconduct, an investigation was taken up after invoking section 9 of Karnataka Lokayukta Act, 1984.

According to the complaint:-

- i. DGO No.1 has not paid the amount to labourers under employment scheme of 2009-10
- ii. DGO No.1 has paid most of the amount to the contractor without getting the works done through coolie labourers.
- iii. DGO No.1 has paid the amount to the contractors though they have not executed the works.
- iv. DGO No.1 has not deposited Royalty amount of Rs.50,00,000/- to the Government.
- v. DGO No.1 has not maintained the accounts of the office and he has also not maintained the documents.

or

DGO No.1 has submitted comments denying the allegations.

Complaint was referred to TAC for report. Investigation has been conducted by A.O.-II, TAC, Lokayukta (hereinafter referred as Investigating Officer, I.O. for short) on the instructions of C.E., TAC.

The report of I.O. show that:

- i. An amount of Rs.71,54,007/- has been deducted in the bill of contractor towards Royalty in respect of 51 works executed in 51 Grama Panchayaths of Khanapur Taluk under NREG Scheme during 2009-10 and only an amount of Rs.36,48,652/- has been credited to the concerned department. Remaining Rs.35,05,355/- has not been credited.
- ii. Officers responsible for not crediting the amount are a) H.K.Vantigodi, the then Executive Officer, Taluk Panchayath, Khanapur. He has deducted Rs.17,13,300/- towards royalty and failed to deposit Rs.11,46,601/- out of that. B) B.B.Theertha, the then Executive Officer, Taluk Panchayath, Khanapura. He has deducted Rs.54,40,707/- towards royalty and failed to deposit Rs.23,58,754/-.

After receiving the report of I.O., B.B.Theertha has been impleaded in the complaint and copy of I.O. was sent to DGO Nos.1 and 2 for their reply.

DGO No.1 had requested for time to submit reply. But, he has not submitted reply. DGO No.2 has submitted reply stating that Royalty was made use for paying coolie amount

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to labourers and Royalty amount will be credited and it is under process.

DGO No.2 has admitted that the royalty amount was not credited to the account of concerned department and it was paid to labourers towards their coolie amount. He has not explained whether such diversion is permissible with or without approval from authority competent and whether such approval was obtained. Therefore the reply of DGO No.2 is not acceptable to drop the proceedings against him.

Since the said facts and materials on record prima facie show that DGO Nos.1 and 2 have committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary Proceedings against the DGO Nos.1 and 2 under Rule 14-A of K.C.S. (CCA) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO Nos.1 and 2 and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS(CCA) Rules. Hence, the charge.

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7. The DGOs No.1 and 2 have appeared on 24.3.2017 before this enquiry authority in pursuance to the service of the Article of charges.

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

9. The DGO No.1 has submitted written statement, stating that he was working as Executive officer, Taluk

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Panchayath, Khanapura Taluk, Belgaum district from October 2009 to March 2010. In respect of the work under MGNREGA Scheme for the year 2009-10, after verifying the material supplied bills, deduct the sale tax, income tax and royalty amount then remaining amount paid to the contractor. In respect of October 2009 to March 2010, deduct the royalty of amount of Rs. 54,40,707/-. Out of that amount Rs.30,81,950/- deposited to the concerned department and the balance of Rs. 23,58,754/- is remaining to transferred to the concerned department. Further submitted that the remittance of the deducted royalty amount to the concerned department is the duty of the Account superintendent of the taluk panchayath office. Further deposed that in the said scheme the payment of the wage amount to the concerned labour within 15 days of the work done is mandatory, for that the said amount released in respect of payment of wage to the labour who were worked under the said scheme. For that the above said remaining royalty amount not remitted to the concerned department. Further submitted that the said remaining royalty amount released for payment of wage to the concerned labour. Further submitted that, for the reason of remaining royalty amount released for payment of the wage under the said scheme there is no loss caused to the state exchequer. Further submitted that he had not misappropriated any amount of the government during his period. Hence pray to drop the charges leveled against him.

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10. The DGO No.2 has submitted written statement, stating that he was working as Executive officer, Taluk

panchayath, Khanapura Taluk, Belgaum district from August 2008 to September 2009. Further submitted that the material supplied bills passed in respect of MGNREGA scheme during his period after deduct the sale tax, income tax and royalty amount. Further submitted that in the said scheme the amount released in respect of labours is mandatory within 15 days from the date of work was done by them. For that the remaining royalty amount released for payment of the cooli work. For that reason there is no loss caused to the state exchequer and also DGO has not misappropriated any amount during his period. Further submitted that as per the letter no. Gra Aa Pa 3 LR 06/2006-07 dtd: 14.6.2006 of RDPR department. All payments made through the concerned grama panchayath level in respect of MGNREGA scheme. But by the request of the Panchayath Development Officer/ Secretary/ President concerned grama panchayath bills in respect of supplying of materials passed in the taluk panchayath. Hence pray to drop the charges leveled against him.

11. The disciplinary authority has examined the Investigating officer Sri.H.R.Narayana Rao S/o Late Ramarao, the then Accounts superintendent Karnataka Lokayukta TAC Bengaluru as Pw.1 and **Ex.P-1 to ExP-19** are got marked.

12. The second oral statement of DGOs No.1 and 2 have been recorded. DGO No. 2 Sri. H.K.Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum has got examined himself as DW-1 and DGO No. 1 Sri. B.B.Theertha, the then Executive Officer, Taluk

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Panchayath, Khanapura Taluk, Belgaum District has got examined himself as DW-2 and has got marked **Ex.D-1 to Ex.D-3** documents.

13. The DGOs have submitted joint written arguments. Heard the submissions of both the sides. I answer the above charge in the **AFFIRMATIVE** for the following;

REASONS

14. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGOs No.1 and 2.

15. The disciplinary authority has examined the Investigating officer Sri.H.R.Narayana Rao S/o Late Ramarao, the then Accounts superintendent Karnataka Lokayukta TAC Bengaluru as Pw.1. PW-1 has deposed in his evidence that he had received the complaint file No. compt/uplok/BGM/128/2011/ARE-5 for verifying the documents and to submit the report. Further deposed that in the said complaint, complainant alleged that in the year 2009-10 within the limits of the taluk panchayath Kanapura Belagavi district amount of Rs. 2 crores not paid to the labours who were worked under the MGNREGA scheme. Further alleged that most grant amount under the scheme paid for supply the materials without paid the wage to concerned labours. Further alleged in the said complaint that even though the work was not executed in the concerned Grama Panchayath released the amount in favour of the

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contractor. Further alleged in the complaint that the amount released to the contractor even though work not executed in Kodachawada, Bhuralaki, Halasi, Kakkeri, Naguda, Hebbala, Shirodi Grama Panchayath. Further alleged that after deduction of the royalty amount in respect of the bills presented by the contractor not remitted the same to the government. Further alleged that concerned officer not maintain the documents in respect of the audit and accounts of the said scheme. PW-1 further deposed that after verifying all the documents submitted by the complainant and DGO allegation no. 4 is only prima facie prove other allegations were not proved. Further he has deposed that as per the records Rs. 71,54,007/- deducted as royalty amount during the period of DGO no.1 and 2 and only Rs. 30,81,953/- was remitted to the concerned department. Further deposed that Rs. 5,69,699/- remitted to the concerned department by the Taluk Panchayath, Kanapura Taluk, Belagavi District. Further he has deposed that total amount of Rs. 36,48,652/- royalty amount remitted to the mines and geology department. But remaining amount of Rs. 35,05,355/- royalty not remitted to the concerned department.

16. PW-1 further deposed that the DGO no.1 Sri. B.B.Theertha, working as a Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum District October 2009 to March 2010. During his period Rs. 54,40,707/- was deducted as royalty amount from the material supply bills which were submitted by the concerned contractor. Out of that amount Rs. 30,81,953/- remitted to the government and further remaining amount of Rs. 23,58,754/- is not remitted

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from the Taluk Panchayath, Khanapura to the government. Further deposed that the DGO no.2 Sri. H.K.Vantagodi, working as Executive Officer, Taluk Panchayath, Khanapura Taluk from August 2008 to September 2009 during his period Rs.17,13,300/- royalty amount deducted in the material supply bill submitted by the concerned contractor. Out of that amount Rs. 5,56,699/- remitted to the government but remaining amount of Rs. 11,46,601/- was not remitted. Further he has deposed that as per the guidelines of the MGNREGA scheme the implementing authority is the concerned grama panchayath and the said grama panchayath also having power to make payment towards the material supply bill in respect of concerned work. Even though that the DGO no.1 and 2 as a Executive officer taluk panchayath Khanapura passed the said bills in the taluk panchayath in respect of work executed in the limits of concerned grama panchayath limits.

17. DGO No. 2 Sri. H.K.Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum has got examined himself as DW-1. DW-1 has deposed in his evidence that he was working as Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum from August 2008 to September 2009. During that period in respect of material supplied bills of 51 grama panchayath of the said taluk deducted the amount Rs. 71,54,007/- as royalty. Further deposed that the amount required for payment of the wage to the labours who were worked under MGNREGA scheme. For that some portion of deducted royalty amount released for payment of the wage to the labours. Hence there is no loss

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caused to the government exchequer. Further deposed that as per request of the concerned Panchayath Development Officer / Secretary / President of the Grama Panchayath material supply bills amount paid through the Taluk Panchayath.

18. Further he admitted that during his period remaining amount of Rs. 11,46,601/- out of royalty amount deducted in the material supply bills not remitted to the concerned department, because of amount was not sufficient in the Taluk Panchayath account to transfer the same to the concerned department. Further he has deposed that the said amount was diverted to payment of wage to labours under the said scheme. Further admitted that he had not obtained permission to divert the said amount for payment of wage to the labours who were worked in the said scheme.

19. DGO No. 1 Sri. B.B.Theertha, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum District has got examined himself as DW-2. DW-2 has deposed in his evidence that he was working as Executive Officer, Taluk Panchayath, Khanapur Taluk from October 2009 to March 2010. Further DW-2 deposed the same thing as deposed by the DW-1 in his evidence. Further admitted that during his period he had deducted the amount of Rs. 54,40,707/- as royalty amount in the material supply bills submitted by the concerned contractor through the grama panchayath. Out of that Rs. 30,81,953/- remitted to the concerned department and remaining amount of Rs. 23,58,754/- not remitted to the government. Further he has deposed that said amount spent for payment of wage to

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labours who were worked under MGNREGA scheme. Further admitted that he had not obtained any permission from the higher authority to divert the said amount for payment of wage to the labours.

20. Ex.P1 & 2 are the complaint in form no. 1 and 2 dtd: 6.4.2011 filed by the complainant Sri. Prahalad K.Remani in Karnataka Lokayukta office. Ex. P-3 is the detailed complaint dtd: 12.7.2011. Ex. P-4 is the documents filed by the complainant Sri. Prahalad K.Remani. Ex.P-5 is the comments dtd: 10.6.2011 and documents submitted by DGO no. 1. Ex.P-6 is the comments and documents submitted by DGO no.2. Ex.P-7 is the inspection report vide note sheet at para no. 125 to 146. Ex.P-8 is the investigation report dtd: 29.4.2016 of PW-1. Ex.P-9 is the letter dtd: 27.5.2014 and preliminary investigation report dtd: 27.5.2014 of Ombudsmen Belagavi. Ex.P-10 is the order dtd: 22.2.2008 of CEO, zilla panchayath Belagavi. Ex.P-11 is the letter dtd: 5.6.2014 from DGO no.1. Ex.P-12 is the letter dtd: 29.4.2014 of audit officer Belagavi to Ombudsmen Belagavi. Ex.P-13 is the statement showing the MGNREGA supply bills amount for the period from 1.4.2009 to 31.3.2010 paid at taluk panchayath Khanapura. Ex.P-14 is the letter dtd: 15.4.2014 from deputy director, department of mines and geology Belgaum to the Ombudsman Belgaum. Ex.P-15 is the extract of RDPR notification No. Gra Aa Pa 41 Ra Gra U 06 Bengaluru dated: 1.2.2007. Ex.P-16 is the extract of RDPR notification No. Gra Aa Pa 41 Ra Gra U 06 Bengaluru dated: 1.2.2007. Ex.P-17 is the letter No.GraAaPa.3.NRE.06/2006-07, dated 14.06.2006, RDPR

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Karnataka Gramina Udyoga Khatari Yojane 2006 Main Points. Ex.P-18 is the copy of Public Works Department Departmental Code Vol-II, Appendix-XIII (Rules regarding royalty recoverable on Road metal, stones, slabs, etc., removed by contractors from Government Quarries). Ex.P-19 is the Report dated 27.05.2014 of Sri.A.B.Odeyar, Ombudsman, Belagavi District and Documents (Annexure-1 to 11).

21. Ex.D-1 is the letter of Executive Officer, Taluk Panchayath, Khanapur dated 17.02.2011. Ex.D-2 is the Government Order No. RDPR 264 EGS 2013, Bangalore, Dated 06-02-2014 of Commissioner, Rural Development and Secretary to Government, RDPR Department. Ex.D-3 is the letter dated:10.01.2011 of Executive Officer, Taluk Panchayath, Khanapur.

22. Perused the evidence of Pw-1, DW-1, and DW-2 along with documents produced by both sides. As per the document the DGO no.1 was working as EO Taluk panchayath Khanapura from October 2009 to March 2010 and DGO no. 2 was working as EO taluk panchayath Khanapura from August 2008 to September 2009. Ex.P-1 to 3 are the complaint submitted by Sri. Prahalad K.Remani. In the said complaint alleged that **(1) During** the period of 2009-10 amount of Rs. 2 crore was not paid to the labours who were worked under the MGNREGA scheme within the taluk panchayath Khanapura. **(2) During** the period of DGOs more grant amount under the MGNREGA Scheme released to the contractor under the material supplied bill without payment made to the concerned labour **(3) even**

though work not executed under the MGNREGA scheme in grama panchayath Kodachawada, Bhuralaki, Halasi, Kakkeri, Naguda, Hebbala, Shirodi amount was released to the contractor in respect of material supply **(4) At** time of payment made to the contractor in respect of material supply bill deducted the Rs. 50 lakhs royalty amount but not remitted to the government **(5) During** the period of DGOs not maintained the documents in respect of audit and accounts in respect of MGNREGA scheme and also not executed the government scheme properly.

23. On the basis of the complaint the PW-1 was appointed as Investigating officer to collect and verify the document in respect of the allegation is concerned Taluk Panchayath and Gram Panchayath to submit the report. The PW-2 submitted his report which is marked as Ex.P-8 page no. 223 to 251. In the said report para no. 6.07 to 7.05 reads as follows;

6.04 Public Works Department, Departmental Code Volume-II Appendix-XIII
ನಿಯಮ (1) (c)ರಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ತಿಳಿಸಿರುತ್ತದೆ: ಅನುಬಂಧ-(10) ಎಂದು
ಗುರುತಿಸಿ ತನಿಖಾ ವರದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

With a view to avoid excesses in the work accounts at the end of the year, **all amounts recovered towards royalty may be adjusted in the same month without giving room for any risk of omission.** Royalty which is due to Revenue Department is creditable to the head "123 Mines and Minerals Mineral concessions fees, Rents and Royalty" and that due to Forest Department is to be adjusted by credit to "882 Remittances other Remittances Items adjustable by Civil".

ಆದರೆ, ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಖಾನಾಪುರ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ
ಕಾರ್ಯನಿರ್ವಹಕ ಅಧಿಕಾರಿಗಳು 2009-10ನೇ ಸಾಲಿನಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ

ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಕಾಮಗಾರಿಗಳ ಸಾಮಗ್ರಿ ಬಿಲ್ಲುಗಳಲ್ಲಿ ಕಟಾಯಿಸಲಾದ ರಾಜಧನದ ಬಾಬು ಒಟ್ಟು ರೂ. 35,05,355/-ಗಳನ್ನು ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆಗೆ ನಿಯಮಾನುಸಾರ ಜಮಾ ಮಾಡಬೇಕಾಗಿದ್ದು, ಇದುವರೆವಿಗೂ ಅಂದರೆ, ಸುಮಾರು 6 ವರ್ಷಗಳು ಕಳೆದರೂ ಜಮಾ ಮಾಡದೆ ಸದರಿ ನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿರುವುದು ತನಿಖೆಯಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.

7.00 ತನಿಖಾ ಫಲಿತಾಂಶ:

7.01 ಆರೋಪ (1)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಯಾವ ಯಾವ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಹಣ ಸಂದಾಯ ಮಾಡದೆ ಅನ್ಯಾಯ ಮಾಡಿರುತ್ತಾರೆ, ಎಂಬ ಬಗ್ಗೆ ನಿರ್ದಿಷ್ಟವಾಗಿ ಪೂರಕವಾದ ದಾಖಲಾತಿಗಳೊಂದಿಗೆ ಮಾಹಿತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ ಕಾರಣ, ಸದರಿ ಆರೋಪವು ತನಿಖೆಯಲ್ಲಿ ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ.

7.02 ಆರೋಪ (2)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಯಾವ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳಿಗೆ ಹೆಚ್ಚಿನ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಲಾಗಿದೆ ಎಂಬ ಬಗ್ಗೆ ನಿರ್ದಿಷ್ಟ/ನಿಖರವಾದ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಿರುವುದಿಲ್ಲ. ಆದಕಾರಣ ಸದರಿ ಆರೋಪವು ತನಿಖೆಯಲ್ಲಿ ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ.

7.03 ಆರೋಪ (3)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದೂರುದಾರರು ತಿಳಿಸಿರುವ ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಎಲ್ಲಾ ಗ್ರಾಮಗಳಿಗೆ ಭೇಟಿ ನೀಡಿ, ಕಾಮಗಾರಿಗಳನ್ನು ವೀಕ್ಷಿಸಿ, ನಿಯಮಾನುಸಾರ ಕಾಮಗಾರಿಗಳು ತೃಪ್ತಿಕರವಾಗಿ ಪೂರ್ಣಗೊಂಡಿರುತ್ತವೆ ಎಂಬುದಾಗಿ ಸಂಬಂಧಪಟ್ಟ ಇಂಜಿನಿಯರುಗಳು ಓಂಬಡ್ಸ್‌ಮನ್, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ಬೆಳಗಾವಿ ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುವುದರಿಂದ, ದೂರುದಾರರ ಸದರಿ ಆರೋಪವು ತನಿಖೆಯಲ್ಲಿ ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ.

7.04 ಆರೋಪ (4)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಗುತ್ತಿಗೆದಾರರ ಸಾಮಗ್ರಿ ಬಿಲ್ಲುಗಳಲ್ಲಿ ಕಟಾಯಿಸಲಾದ ರಾಜಧನ ಬಾಬು ರೂ. 50.00ಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಜಮಾ

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ಮಾಡದೆ ನಷ್ಟ ಉಂಟು ಮಾಡಿರುತ್ತಾರೆ ಎಂಬುದಾಗಿ ಆರೋಪಿಸಿದ್ದು, ಶ್ರೀ ಬಿ. ಆರ್. ಪಾಟೀಲ್, ಲೆಕ್ಕಪರಿಶೋಧನಾಧಿಕಾರಿ, ಸ್ಥಳೀಯ ಲೆಕ್ಕಪರಿಶೋಧನಾ ವರ್ತುಲ, ಬೆಳಗಾವಿ ಇವರು ಖಾನಾಪುರ ತಾಲ್ಲೂಕಿಗೆ ಸಂಬಂಧಿಸಿದ ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳ ಲೆಕ್ಕಪರಿಶೋಧನೆಯನ್ನು ಕೈಗೊಂಡು, ದಿನಾಂಕ: 29/04/2014ರಂದು ಒಂಬಡ್ಸ್‌ಮನ್, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಬೆಳಗಾವಿ ಇವರಿಗೆ ಸಲ್ಲಿಸಿರುವ ಲೆಕ್ಕ ತಪಾಸಣಾ ವರದಿಯಲ್ಲಿ 2009-10ನೇ ಸಾಲಿನಲ್ಲಿ ಖಾನಾಪುರ ತಾಲ್ಲೂಕಿನ ಒಟ್ಟು 51 ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ಸಾಮಗ್ರಿ ಪೂರೈಕೆ ಬಿಲ್ಲುಗಳಲ್ಲಿ ರಾಜಧನ ಮೊತ್ತ ಒಟ್ಟು ರೂ. 71,54,007/-ಗಳನ್ನು ಕಟಾಯಿಸಿದ್ದು, ಈ ಪೈಕಿ 23 ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳು ರಾಜಧನ ಬಾಬು ಒಟ್ಟು ರೂ. 30,81,953/-ಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಜಮೆ ಮಾಡಿರುತ್ತಾರೆ. ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ ವತಿಯಿಂದ ಒಟ್ಟು ರೂ. 5,69,699/-ಗಳು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಜಮೆ ಮಾಡಿದ್ದು, ಈ ರೀತಿ ಒಟ್ಟಾರೆ ಮೊತ್ತ ರೂ. 36,48,652/-ಗಳನ್ನು ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆಗೆ ಜಮೆ ಮಾಡಿರುವುದಾಗಿ, ಇನ್ನೂ ಒಟ್ಟು ರೂ. 35,05,355/-ಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಜಮೆ ಮಾಡಲು ಬಾಕಿ ಉಳಿದಿರುವುದಾಗಿ ತಿಳಿಸುತ್ತಾ, ಈ ರೀತಿ ಸಾಮಗ್ರಿ ಬಿಲ್ಲುಗಳಲ್ಲಿ ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳ ಅವಧಿಯಲ್ಲಿ ಶಾಸನಬದ್ಧವಾಗಿ ಕಟಾಯಿಸಿದ ರಾಜಧನದ ಮೊತ್ತವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಸರ್ಕಾರದ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆಗೆ ಜಮೆ ಮಾಡಿರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ತಿಳಿಸಿರುವುದು ಕಂಡುಬಂದಿದೆ. ಸದರಿ ಕರ್ತವ್ಯಲೋಪಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳು ಕಾರಣ ಕರ್ತರಾಗಿರುತ್ತಾರೆ.

- 1] ಶ್ರೀ ಹೆಚ್.ಕೆ. ವಂಟಗೋಡಿ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಖಾನಾಪುರ ಇವರ 4/2009 ರಿಂದ 9/2009ರ ಅವಧಿಯಲ್ಲಿ ರೂ. 17,13,300/-ಗಳ ರಾಜಧನ ಮೊತ್ತ ಸಾಮಗ್ರಿ ಬಿಲ್ಲುಗಳಲ್ಲಿ ಕಟಾಯಿಸಿದ್ದು, ಈ ಪೈಕಿ ರೂ. 5,56,699/-ಗಳನ್ನು ಜಮೆ ಮಾಡಿ, ಬಾಕಿ ರೂ. 11,46,601/-ಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಜಮೆ ಮಾಡಿರುವುದಿಲ್ಲ. ಪ್ರಸ್ತುತ ಸದರಿಯವರು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾಗಿ, ಗ್ರಾಮೀಣ ಕುಡಿಯುವ ನೀರು ಮತ್ತು

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ನೈರ್ಮಲ್ಯ ಉಪವಿಭಾಗ ಬೈಲಹೊಂಗಲ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದು ದಿನಾಂಕ: 31/05/2020ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.

2] ಶ್ರೀ ಬಿ. ಬಿ. ತೀರ್ಥ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಖಾನಾಪುರ ಇವರ 10/2009 ರಿಂದ 3/2010ರ ಅವಧಿಯಲ್ಲಿ ರೂ. 54,40,707/-ಗಳ ರಾಜಧನ ಮೊತ್ತ ಸಾಮಗ್ರಿ ಬಿಲ್ಲುಗಳಲ್ಲಿ ಕಟಾಯಿಸಿದ್ದು, ಈ ಪೈಕಿ ರೂ. 30,81,953/-ಗಳನ್ನು ಜಮೆ ಮಾಡಿ, ಬಾಕಿ ರೂ. 23,58,754/-ಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಜಮೆ ಮಾಡಿರುವುದಿಲ್ಲ. ಪ್ರಸ್ತುತ ಸದರಿಯವರು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾಗಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ, ಗೋಕಾಕ್ ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ.

7.05 ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಗಳು, ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಇಲಾಖೆ ಇವರ ಪತ್ರ ಸಂ:ಗ್ರಾಅಪ/3/ಎನ್‌ಆರ್‌ಇ/06/2006-07 ದಿನಾಂಕ: 14/06/2006 ರಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯದ ಬೀದರ್, ಗುಲಬರ್ಗಾ, ರಾಯಚೂರು, ಚಿತ್ರದುರ್ಗ ಮತ್ತು ದಾವಣಗೆರೆ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ದಿನಾಂಕ: 02/02/2006ರಿಂದ ಜಾರಿಗೆ ಬಂದಿರುವ ಸದರಿ ಯೋಜನೆಯನ್ನು ಅನುಷ್ಠಾನಗೊಳಿಸಲು, ಕರ್ನಾಟಕ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆ-2006ರನ್ನು ರೂಪಿಸಿ, ಯೋಜನೆಯ ಅನುಷ್ಠಾನದ ಬಗ್ಗೆ ನಿಯಮ (12)ರಲ್ಲಿ ಹಣಕಾಸಿನ ನಿರ್ವಹಣೆ ಬಗ್ಗೆ ತಿಳಿಸಿರುವಂತೆ ಅನುಷ್ಠಾನಾಧಿಕಾರಿಯಾದ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿವತಿಯಿಂದ ಸಂದಾಯ ಮಾಡಿರುವುದಾಗಿ ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ ಶ್ರೀ ಬಿ. ಬಿ. ತೀರ್ಥ ಇವರು ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿದ್ದು, ಅದರ, ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಾವತಿಸಬೇಕಾದ ಸಾಮಗ್ರಿಯ ಬಿಲ್ಲನ್ನು ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಯಿಂದ ಗುತ್ತಿಗೆದಾರರಿಗೆ ಪಾವತಿಸುವುದರ ಮೂಲಕ ಈ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳು ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತಾರೆ.

1] ಶ್ರೀ ಹೆಚ್.ಕೆ. ವಂಟಗೋಡಿ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಖಾನಾಪುರ (ಪ್ರಸ್ತುತ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ

ಅಭಿಯಂತರರಾಗಿ, ಗ್ರಾಮೀಣ ಕುಡಿಯುವ ನೀರು ಮತ್ತು ನೈರ್ಮಲ್ಯ ಉಪವಿಭಾಗ
ಬೈಲಹೊಂಗಲ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ) ಇವರ ನಿವೃತ್ತಿ
ದಿನಾಂಕ: 31/05/2020.

2] ಶ್ರೀ ಬಿ. ಬಿ. ತೀರ್ಥ, ಹಿಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು
ಪಂಚಾಯತಿ, ಖಾನಾಪುರ (ಪ್ರಸ್ತುತ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾಗಿ,
ಕರ್ನಾಟಕ ರಾಜ್ಯ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆ, ಗೋಕಾಕ್ ಉಪ
ವಿಭಾಗ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ).

24. In the said report as well as in the evidence of PW-1, he had stated, that out of five allegations made by the complainant Sl. No. 4 allegation was proved. Further DW-1 and 2 admitted in their evidence that during their respective period they have deducted the royalty amount in the material supply bills i.e., during the period of DGO no. 1 the total amount of royalty was deducted Rs. 54,40,707/-, out of that amount of Rs.30,81,953/- remitted to the concerned department and remaining amount of Rs. 23,58,754/- not remitted to the concerned department or government. Further during the period of DGO no.2 total amount of Rs. 17,13,300/- royalty amount deducted from the material supplied bills out of that Rs. 5,56,699/- is remitted to the concerned department and remaining amount of Rs. 11,46,601/- not remitted. DW-1 and 2 deposed in their evidence that they have not mis-utilized the remaining amount of royalty but the said amount released for payment of wage to the labours who had worked under the said scheme. But they admitted that they have not obtained the permission for diversion of the said amount for payment of wage to the labour. Further the DGO-1 & 2 not furnish any

document to show that they have divert the above said remaining royalty amount transfer to the concerned Gram Panchayath for payment of the wage to the labours who were worked under MGNREGA scheme. Ex.D-19 page no. 282-384 is the report dtd:27.5.2014 submitted by the A.B. Odiyar, Ombudsmen to the Deputy Controller of Accounts Karnataka Lokayukta TAC Bengaluru along with documents. As per the said report also during the period of DGO-1 & 2 the remaining royalty amount of Rs.35,05,355/- was not remitted to the Mines and Geology Department. Further stated in the said report that may be directed to the concerned Grama Panchayath to transfer the said remaining portion of royalty amount to the Government or concerned department. The Ex.P-18 page no. 218 is the extract of **Public Works Department Departmental Code Volume No.II, (Page No.123) Appendix -XIII Rules regarding royalty recoverable on road metal, stones, slabs, etc., removed by contractors from Government quarries - I(C) reads as follows;**

I(C) *With a view to avoid excesses in the work accounts at the end of the year, all mounts recovered towards royalty may be adjusted in the same month without giving room for any risk of omission. Royalty which is due to Revenue Department is creditable to the head "123 Mines and Minerals Mineral concessions fees, Rents and Royalty" and that due to Forest Department is to be adjusted by credit to "882 Remittances other Remittances Items adjustable by Civil".*

25. As per the said provision the DGO shall transfer the remaining amount of royalty during their respective period to the Mines and geology department without diverting

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the said amount for payment of wages to the concerned labour.

26. Considering the oral and documentary evidence in light of relevant provision of law i.e., Public Works Department, Departmental Code Volume no. II, Appendix – XIII Rules regarding royalty recoverable on road metal, stones, slabs, etc., removed by contractors from government quarries – I(C), DGOs No.1 and 2 failed to remitted the royalty amount of Rs.35,05,355/- out of Rs. 71,54,007/- deducted in the material supplied bills in respect of 51 works executed in 51 Grama Panchayath of Khanapura Taluk. As per the Ex.P8- report of the PW-1 and his evidence and Ex.P19- Preliminary Report of the Ombudsmen the remaining royalty amount of Rs. 35,05,355/- is not remitted by the DGO-1 & 2 respectively. But the DGO-1 & 2 not produced any document to show that during the period of DGO-1, the remaining royalty amount of Rs.23,58,754/- divert to the concerned Gram Panchayath for payment of the wage to the concerned labour who were worked under the MGNREGA scheme. Further not produced any document to show that during the period of DGO-2, the remaining royalty amount of Rs.11,46,601/- divert to the concerned Gram Panchayath for payment of the wage to the concerned labour who were worked under the MGNREGA scheme. Further the DGO no.1 and 2 not produced the document to show that they have power or any provision is there to divert the said royalty amount for payment of wage to the concerned labours who were worked under MGNREGA scheme. The above said material documents and evidence of the PW-1 with DW-1 and 2 clearly depicts that the DGO no.1 and 2 failed to remitted

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the said remaining royalty amount Rs. 23,58,754/- and Rs.11,46,601/- as per the Public Works Department, Departmental Code Volume no. II, Appendix -XIII Rules regarding royalty recoverable on road metal, stones, slabs, etc., removed by contractors from government quarries - I(C). Further the DGO-1 & 2 fail to furnish satisfactory materials to show that above said royalty amount divert or transfer to the concerned Gram Panchayath for payment of wage amount to the concerned labours who were worked under the MGNREGA scheme. There is no provision under MGNREGA scheme to divert the deducted royalty amount in the material supply bill submitted by the contractor may be diverted to payment of wage to the labours worked under the said scheme. Further failed to furnish the material document to show that the said amount was retain in the Taluk Panchayath account and they have not misutilise or misappropriate the same. Further there is no material evidence furnished by the DGOs to show that not remittance of the said remaining amount to the Government or concerned department is not cause loss to the State Exchequer. Further there is no material placed by the DGOs to show that the said amount dispersed for the payment of wage amount to the labours. Without any material evidence regarding the payment of remaining royalty amount to the labours, the contention of the DGO-1 & 2 not acceptable. Once the DGO-1 & 2 admitted the fact that they have not remitted the royalty amount of Rs.23,58,754/- and Rs.11,46,601/- respectively, the burden lies on the DGO-1 & 2 to show that the said amount diverted to the concerned Gram Panchayath for payment of the wage of labours or the



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said amount was retaining in the Taluk Panchayath account. But the DGOs not produce any material document to discharge the above said burden lies on them. The DGO-1 & 2 not produced any document even at the time of evidence to show that said royalty amount of Rs.35,05,355/- remitted to the Mines and Geology Department. Thereby DGOs are failed to maintain absolute integrity and devotion to duty. Hence the DGO-1 & 2 are held responsible for the above said respective amount as they have not given proper account for the same. There is no material evidence from the side of the DGO-1 & 2 disprove the documents placed by the disciplinary authority. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGOs No.1 and 2.

27. In the above said facts and circumstances, I hold that the charge leveled against the DGOs No.1 and 2 is proved.


DGO-1 Sri B.B. Theertha has not remitted the amount of Rs.23,58,754/- deducted towards royalty from the Supply Bills of Suppliers, to the Head of Account of Mines and Geology Department. DGO-1 has misappropriated the above amount of Rs.23,58,754/- and has not maintained absolute integrity and devotion to duty and thereby committee misconduct.

DGO-2 Sri H.K. Vantagodi has not remitted the amount of Rs.11,46,601/- deducted towards royalty from the Supply Bills of Suppliers, to the Head of Account of Mines and Geology Department. DGO-2 has misappropriated the above amount of Rs.11,46,601/- and has not maintained absolute

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integrity and devotion to duty and thereby committee misconduct.

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


(Lokappa N.R)

i/c Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.H.R.Narayana Rao S/o Late Ramarao, the then Accounts superintendent Karnataka Lokayukta TAC Bengaluru
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1 & 2	Ex.P1 & 2 are the complaint in form no. 1 and 2 dtd: 6.4.2011 filed by the complainant Sri. Prahalad K.Remani in Karnataka Lokayukta office.
Ex.P 3	Ex. P-3 is the detailed complaint dtd: 12.7.2011
Ex.P-4	Ex. P-4 is the documents filed by the complainant Sri. Prahalad K.Remani.
Ex.P5	Ex.P-5 is the comments dtd: 10.6.2011 and documents submitted by DGO no. 1.
Ex.P6	Ex.P-6 is the comments and documents submitted by DGO no.2.
Ex.P7	Ex.P-7 is the inspection report vide note sheet at para no. 125 to 146.
Ex.P8	Ex.P-8 is the investigation report dtd: 29.4.2016 of PW-1.
Ex.P9	Ex.P-9 is the letter dtd: 27.5.2014 and preliminary investigation report dtd: 27.5.2014 of



	Ombudsmen Belagavi.
Ex.P10	Ex.P-10 is the order dtd: 22.2.2008 of CEO, Zilla Panchayath, Bclagavi.
Ex.P11	Ex.P-11 is the letter dtd: 5.6.2014 from DGO no.1.
Ex.P12	Ex.P-12 is the letter dtd: 29.4.2014 of audit officer Belagavi to Ombudsmen Belagavi
Ex.P13	Ex.P-13 is the statement showing the MGNREGA supply bills amount for the period from 1.4.2009 to 31.3.2010 paid at taluk panchayath Khanapura.
Ex.P14	Ex.P-14 is the letter dtd: 15.4.2014 from deputy director, department of mines and geology Belgaum to the Ombudsman Belgaum.
Ex.P15	Ex.P-15 is the extract of RDPR notification No. Gra Aa Pa 41 Ra Gra U 06 Bengaluru dated: 1.2.2007.
Ex.P16	Ex.P-16 is the extract of RDPR notification No. Gra Aa Pa 41 Ra Gra U 06 Bengaluru dated: 1.2.2007.
Ex.P17	Ex.P-17 is the letter No.GraAaPa.3.NRE.06/2006-07, dated 14.06.2006, RDPR Karnataka Gramina Udyoga Khatari Yojane 2006 Main Points.
Ex.P18	Ex.P-18 is the copy of Public Works Department Departmental Code Vol-II, Appendix-XIII (Rules regarding royalty recoverable on Road metal, stones, slabs, etc., removed by contractors from Government Quarries).
Ex.P19	Ex.P-19 is the Report dated 27.05.2014 of Sri.A.B.Odeyar, Ombudsman, Belagavi District and Documents (Annexure-1 to 11).

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No. 2 Sri. H.K.Vantagodi, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum original
DW-2	DGO No. 1 Sri. B.B.Theertha, the then Executive Officer, Taluk Panchayath, Khanapura Taluk, Belgaum District original

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter of Executive Officer, Taluk Panchayath, Khanapur dated 17.02.2011.
Ex.D-2	Ex.D-2 is the Government Order No. RDPR 264 EGS 2013, Bangalore, Dated 06-02-2014 of Commissioner, Rural Development and Secretary to Government, RDPR Department.
Ex.D-3	Ex.D-3 is the letter dated:10.01.2011 of Executive Officer, Taluk Panchayath, Khanapur.


(Lokappa N.R)

i/c Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bengaluru.

