

**BEFORE THE ADDITIONAL REGISTRAR OF ENQUIRIES-15  
KARNATAKA LOKAYUKTA, BENGALURU.  
ENQUIRY NO:UPLOK-1/DE-687/2017/ARE-15.**

ENQUIRY OFFICER : RAVI M.R., BA LLB.,  
ADDITIONAL REGISTRAR [ENQUIRIES-15]  
KARNATAKA LOKAYUKTA,  
BENGALURU.

**REPORT DATE : 17-07-2019**

DELINQUENT : SRI. RAJASHEKHAR (Name mentioned  
GOVERNMENT by him in his FOS)

OFFICIAL PRESENTLY AS PANCHAYATH  
DEVELOPMENT OFFICER, SONNA,  
JEWARGI TALUK,  
GULBARGA DISTRICT.

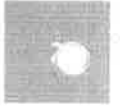
Discharged his duties as the then  
Panchayath Development Officer, Kellor  
Grama Panchayath, Jewargi Taluk,  
Gulbarga District.

Due for retirement on superannuation on  
Date: 30-11-2040.

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Complainant by name Sri. Siddalingaswamiji of Sri.  
Karuneshwara Matta, Andola, Jeevargi Taluk of Gulbarga District  
files complainant against the PDO., and Adhyaksha of Kellor Gram  
Panchayati addressed to the CEO., of Gulbarga Zilla Panchayat a  
copy of which has been forwarded to this institution, on the  
following grounds:-

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(i) He states lot of irregularities has been committed by Kelc Gram Panchayat in the supply of water to the agricultural fields of SC., ST., peasants for the year 2011 to 2013 in as much as the name of the shop from which materials purchased for the said work has not been mentioned and it has been just mentioned as "Local". The name of the cement Shop has not been mentioned.

(ii) He further states though in the records of the Gram Panchayathi the price of PVC Pipe for supply of water to ST., peasants' field is shown to be Rs. 588/- for the year 2012-13 yet the price of one pipe measuring 75 MM is recorded as Rs. 1,000/- contrarily.

(iii) Further states though under the MNREGA Scheme there is no provision for making pipeline, still the Panchayathi officials have managed to swindle money in the name of pipeline and therefore seeks to take appropriate action against them.

**2.** Records show that based on the said complaint the Deputy Superintendent of Police, Kalburgi Lokayukta was ordered to investigate the matter and submit his report. As the report of the Deputy Superintendent of Police was found to be vague comments were called from the complainant over the said report and the complainant along with his comments Dt: 27-08-2014 submits Ombudsman Report Dt: 19-02-2014 who is said to have investigated the same issue as requested by the CEO., of Gulbarga Zilla Panchayath, for perusal of this institution.

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**3.** As the Ombudsmen of Kalburgi Zilla Panchayath who conducted investigation found that the PDO., who had taken construction of certain check-dams during the year 2009 to 2013 had constructed check-dam in Sy. No. 503 of Andola Village instead of constructing it in Sy. No. 442 without permission the Ombudsman had ordered to recover the cost of construction of check-dam of Rs. 99,984/- from the PDO., President and the Assistant Agricultural Officer proportionately. While a sum of Rs. 84,984/- was ordered to be recovered from the Assistant Agricultural Officer, a sum of Rs. 10,000/- and Rs. 5000/- was ordered to be recovered from the PDO., and President respectively.

**4.** Based on the said report of the Ombudsman, 12(3) Report Dated: 15-04-2017 was submitted to initiate DE., against the PDO., and appropriate action against the President like disqualification and recovery of amount of Rs. 5,000/- from him. Accordingly the disciplinary authority viz., Deputy Director and Ex-Officio Under Secretary to Government, Rural Development and Panchayath Raj Department vide Government Order dated:18-05-2017 entrusted the matter to the Hon'ble Upa-Lokayukta to hold Departmental Enquiry against the respondent who in turn vide Nomination Order dated:24-05-2017 nominates ARE-3 to hold Departmental Enquiry against the DGO.

**5.** Article of charges were framed against the DGO- Rajashekhar S/o. Basavanneppa Nelogi by ARE-3, which is as follows:-

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**ANNEXURE-1**  
**CHARGE-1**

That, you DGO named above while working as Panchayath Development Officer of Kallur Gram Panchayath of Jewargi Taluk, Kalburgi District, has committed irregularities in construction of Check dams in the lands of persons belonged to SC/ST Community of Andola Village, but no check dam in Sy No. 442 has been constructed and the amount drawn under the said head has been misappropriated. But you have claimed that, the check dam was constructed in Sy. No. 503 of Andola village instead of Sy. No. 442 and the amount drawn has been spent towards constructing of Check-Dam in Sy. No. 503. But no permission from the competent authority was found to have been obtained to construct check dam in Sy. No. 503 by utilizing the funds allocated for construction of check dam in Sy. No. 442 and divert the amount towards construction of check dam in a different land other than in land for which the amount has been allocated, thereby you have committed an act which is unbecoming of a Government servant and thus committed misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966.

**ANNEXURE -II**

**[STATEMENT of IMPUTATION OF MISCONDUCT]**

1. An investigation was taken up under section of the Karnataka Lokayukta Act., on the basis of complaint filed by Shi Siddalingaswamiji K., Shri. Karuneshwar Math, Andola, Jewargi Taluk, Kalaburgi District (hereinafter referred to as

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'Complainant' for short) against (1) Shri. Rajashekhar S/o. Basavanneppa Nelogi, Panchayath Development Officer, Kellor Gram Panchayath, Jewargi Taluk, Kalaburgi District (herein after referred to as Delinquent Government Official, for short 'DGO').

2. The complainant has alleged that the DGO has misappropriated funds in the matter of execution of work relating to providing irrigation facilities to farmers under SC/ST scheme in the year 2011 up to 2013.

3. The matter was referred to investigation to Deputy Superintendent of Police, Karnataka Lokayukta, Kalaburgi. The Deputy Superintendent of Police has submitted report dated 01/07/2014 as follows: -

ಈ ವಿಷಯವಾಗಿ ನಾನು ವಿಚಾರಣೆ ಕೈಗೊಂಡಂತೆ ಅನುಬಂಧ-2 ರಲ್ಲಿ ಸಂಗ್ರಹಿಸಿದ ದಿನಾಂಕ: 24/04/2014 ರಂತೆ ಅವರ ಪತ್ರ (ಕಂಡಿಕೆ -3 ಅ.ಬ. ಮತ್ತು ಕಂಡಿಕೆ-8 ರೊಂದಿಗೆ ಓದುವುದು) ಸನ್ 2011-12 ನೇ ಸಾಲಿನಲ್ಲಿ:

1)	ತಿಪ್ಪವ್ವ ಗಂಡ ಸಂಗಪ್ಪ ಸಾ: ಕೆಲ್ಲೂರ ಜಮೀನು ಸರ್ವೆ ನಂ: 83/11 ನೇದ್ದರಲ್ಲಿ ಭಾವಿ ಕಾಮಗಾರಿಗಾಗಿ	ರೂ. 91,000.00
2)	ಧರ್ಮಣ್ಣ ತಂದೆ ನಿಂಗಪ್ಪ ಸಾ: ಔರಾದ ಜಮೀನು ಸರ್ವೆ ನಂ: 13/ಅ ನೇದ್ದರಲ್ಲಿ ಭಾವಿ ಹೂಳೆತ್ತುವ ಕೆಲಸಕ್ಕಾಗಿ	ರೂ. 81,241.00
3)	ಗುರಪ್ಪ ತಂದೆ ಬಾಲಪ್ಪ ಸಾ: ಶಕಾಪೂರ ಜಮೀನು ಸರ್ವೆ ನಂ: 14 ನೇದ್ದರಲ್ಲಿ ಭಾವಿ ಕೆಲಸಕ್ಕಾಗಿ	ರೂ. 57,575.00
4)	ಶ್ರೀಮತಿ ಗೌರಮ್ಮ ಗಂ: ಯಲ್ಲಪ್ಪ ಸಾ: ಹಾಲಗಡ್ಡೆ, ಜಮೀನು ಸ.ನಂ: 131 ನೇದ್ದರಲ್ಲಿ ಭಾವಿ ಹೂಳೆತ್ತುವ ಕೆಲಸಕ್ಕಾಗಿ	ರೂ.99,940.00
5)	ಅರ್ಜುನಪ್ಪ ತಂದೆ ರಂಗಪ್ಪ ಸಾ: ಕೆಲ್ಲೂರ ಜಮೀನು ಸ.ನಂ: 40ನೇದ್ದರಲ್ಲಿ ಭಾವಿ ರಿಪೇರಿ ಕೆಲಸಕ್ಕಾಗಿ	ರೂ. 59,960.00
<b>ಹಾಗೂ 2012-13 ನೇ ಸಾಲಿನಲ್ಲಿ</b>		
1)	ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮೀಬಾಯಿ ಗಂಡ ಬಸಣ್ಣ ಸಾ:ಹಾಲಗಡ್ಡೆ ಸರ್ವೆ ನಂ: 11 ರಲ್ಲಿ ಹೊಸ ಭಾವಿ ತೊಡುವ ಕಾಮಗಾರಿಗಾಗಿ	ರೂ.1,97,945.00

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2)	ಚಂದ್ರಕಾಂತ ತಂದೆ ಬಸಪ್ಪ ಸಾಳ ಕೆಲ್ಲೂರ ಸರ್ವೆ ನಂ: 83 ರಲ್ಲಿ ಪೈಪಲೈನ್ ಅಳವಡಿಕೆಗಾಗಿ	ರೂ. 98,991.00
3)	ಭೀಮರಾಯ ತಂದೆ ಚಂದಪ್ಪ ಸಾ: ಶಕಾಪೂರ ಸರ್ವೆ ನಂ: 12 ರಲ್ಲಿ ಪೈಪಲೈನ್ ಅಳವಡಿಕೆಗಾಗಿ	ರೂ. 98,681.00
4)	ಶ್ರೀಮತಿ ಅನಿತಾ ಗಂಡ ಸಾಯಿಬಣ್ಣ ಸಾ: ಔರಾದ ಸರ್ವೆ ನಂ. 205 ರಲ್ಲಿ ಪೈಪಲೈನ್ ಅಳವಡಿಕೆಗಾಗಿ	ರೂ.98,681.00
5)	ಶ್ರೀಮತಿ ಸಿದ್ದಮ್ಮ ನ್ಯಾವನೂರು ಸಾ:ಕೆಲ್ಲೂರ ಸರ್ವೆ ನಂ: 91/2 ರಲ್ಲಿ ಪೈಪಲೈನ್ ಅಳವಡಿಕೆಗಾಗಿ	ರೂ.98,991.00

4. ಈ ಪ್ರಕಾರವಾಗಿ 2011-12 ರಲ್ಲಿ ಒಟ್ಟು 5ಜನ ಹಾಗೂ 2012-13 ರಲ್ಲಿ 7 ಜನ ಎಸ್.ಸಿ/ಎಸ್.ಟಿ ರೈತ ಫಲಾನುಭವಿಗಳ ಜಮೀನುಗಳಿಗೆ ನೀರಾವರಿ ಸೌಲಭ್ಯ ಕಲ್ಪಿಸಿದ್ದು ಇರುತ್ತದೆ.
5. The report of the Deputy Superintendent of Police is vague. He has not verified the documents to ascertain whether the aforesaid amount against each beneficiary was spent for the purpose of providing irrigation facilities.
6. DGO., has submitted his reply.
7. On 19/2/2014, the Ombudsman, Zilla Panchayath, Kalaburgi has passed order stating that the Panchayath Development Officer, Grama Panchayath Andola has taken up construction of certain check dams during the years 2009-10, 2011-12 and 2012-13. The check dam which was to be constructed at Sy. NO. 42 of Andola Village has not been constructed, instead the Check dam was constructed in Sy. No. 503 of Andola village, without permission. The cost towards the construction of check dam of Rs. 99,984/- was ordered to be recovered from the officials responsible. Further, the Ombudsman has ordered to recover a sum of Rs. 84,984/- from the Assistant Agricultural

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Officer; Rs.10,000/- from Panchayath Development Officer and a sum of Rs. 5,000/- from the President of the Panchayath.

8. In view of the above, there is sufficient material to indict the DGO for the above said misconduct. Hence, the DGO has failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government Servant for which he is liable for departmental action.
  9. Accordingly, acting under Section 12 (3) of the Karnataka Lokayukta Act, 1984 recommendation is made to the Competent Authority to initiate disciplinary proceedings against the **DGO/Sri. Rajashekhar S/o. Basavanneppa Nelogi,** Panchayath Development Officer, Kellor Gram Panchyath, Jewargi Taluk, Kalaburgi District (Presently working At Sonna Grama Panchayath, Jewargi Taluk) and entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
  10. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.
6. The aforesaid "Article of Charge" was served upon the DGO., and he has appeared before this enquiry authority and his first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO., have pleaded not guilty and claimed to be enquired into about the charge.

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7. DGO., entered appearance through his counsel and files his Written Statement denying each and every allegations made in the charge.
8. Although he admits about constructing of check-dam in the land bearing Sy.No. 503 instead of constructing it in the Sy.No.442 yet, he denies the fact that he did it without permission. Further he states that he did it as per guidelines of the Scheme and with prior permission of the appropriate authority and therefore he is not guilty of any misconduct
9. In proof of the charge, Presenting Officer has got examined the Complainant Sri. Siddalingaswamy as PW-1 and got marked EX P-1 to EX P-10.
10. Per contra in proof of his contentions DGO Sri. Rajashekhar has got himself examined as DW-1 and he has got marked D-1 to D-3.
11. Hear arguments of both sides. Learned Presenting Officer argues that whatever the defence taken by the DGO., in his evidence have not been taken by him in his written statement and therefore the evidence led in by him cannot be looked into. DGO., has failed to give his comments. On behalf of Disciplinary Authority complainant was examined as PW-1 and exhibits P1 to 10 have been marked. Amongst them Ex.P6 Ombudsman Report is very important. In the Ombudsman Report there is a mention about dereliction by the DGO., and also direction to recover a sum of Rs.10000/- from him towards cost of construction of check dam. DGO., had taken any prior

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permission before diverting the amount. In the Resolution produced by the DGO., there is no mention about the permission for diverting the amount. DGO., has not produced any letter asking the owner of the land bearing sy.no.442 to produce consent letter. He failed to take prior permission and therefore committed misconduct.

**12.** Per contra learned counsel for DGO., argues that as per Exhibit D-1 to 3. 12 beneficiaries were selected for construction of check dams in their lands. Because the owner of Sy.No.442 did not submit consent letter, as per proceedings of the Panchayathi the work was done in Sy.No.503. There was no diversion of fund as argued by the P.O. The question of obtaining prior permission for diversion of fund does not arise at all because once the fund is allocated by the Panchayathi for the work to be done in the land of the beneficiaries then work will have to be done and no prior permission was required. Ombudsman report cannot be relied upon in the present enquiry. This enquiry is entirely different from that of the Ombudsman Report. In order to rely upon the Ombudsman report the author of the report should have been examined. Though the Lokayuktha police have furnished negative report over the present issue, still that report has not been considered. Therefore prays to exonerate the DGO., of the charges framed against him.

**13.** After going through the Complaint, Written Statement of the DGO., the evidence and other materials borne on record, on hearing the arguments of both sides and in tune with Article of Charge at

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Annexure-I the sole point which arises for my consideration is that whether DGO., has committed lot of irregularities in the construction of check-dam in the land of the persons belonging to SC/ST community under the year 2009-13 in as much as he has constructed Check-Dam in Sy. No. 503 of Andola Village without permission though it was meant to be constructed in Sy.No.442 & therefore diverted the amount and thereby is guilty of misconduct within the purview of rule 3(l) (i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 ?

**14.** In proof of the charge, Presenting Officer has got examined the complainant Siddalingaswamy as PW-1 and has got marked EX P-1 to EX P-10. He interalia reiterates his complaint.

**15.** *Ex P-1 to 3 are Form No.1 and II and Written complaint, (ii) Ex P-4 is the enclosures along with said complaint, (iii) EX P-5 is the documents annexed to said complaint along with complainant's submission letter dt: 21/09/2013. (iv) EX P-6 is the Ombudsman Report Dated: 19/02/2014. (v) EX P-7 is the complainant another submission letter Dated: 27/08/2014. (vi) Ex P-8 are the documents annexed to said complaint along with complainant's letter dt: 26/08/2013. (vii) Ex P-9 is the complainant another submission letter Dated: 03/09/2014. (viii) Ex P-10 are the documents annexed.*

**16.** As the DGO., himself admits in his written statement about constructing the Check Dam in Sy. No. 503 instead of Sy. No. 442 it is not necessary to look into the evidence of the disciplinary authority as the burden shifts to the DGO., to prove that he did it as per the guidelines of the Scheme with prior

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permission of the appropriate authority. Therefore now let me see what DGO., has done to prove the same.

**17.** In proof of his contention DGO., Rajashekhar got himself examined as DW-1 and has got marked as Ex D-1 to D-3.

**18.** Further at Para 12 of his affidavit he states, that in the Gram Sabha proceedings held on 2-10-2011, 14 beneficiaries were selected for the purpose of construction of Check Dams under the Grama Panchayath budget for the year 2012-13 and accordingly while at Sl. NO. 4 stood the name of Sri. Gunderao B Kulkarni i.e., owner of the land bearing Sy. No. 442 at Sl.No. 5 stood the name of Sri.Nabisab Muktumsab i.e. Owner of Sy.No. 503 as beneficiaries.

**19.** Further States both Sy.No. 442 and 503 were initially selected for construction of Check Dam in those respective lands but as the owner of Sy.No. 442 Sri. Gunderao Kulkarni did not submit consent letter to get construction of the check dam in his land within prescribed period, as per the scheme, Sy.No.503 was taken up for construction of check dam. Therefore states that it is done as per prescribed procedure.

**20.** (i) *Ex D-1 is the Panchayath Proceedings dated:02-10-2011 wherein at page No.4 in Sl.No.14 the name of the owner of the land bearing Sy.No.442 viz., Gundarao Kulkarni and the name of the owner of the land bearing Sy.No. 503 viz., Nabisab Muktha Sab is shown at sub serial No. 04) and 05) respectively as beneficiaries for construction of check-dam in their lands.*

(ii) *Ex D-2 is another Grama Sabha Panchayath Proceedings*

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dated: 23-02-2012. (iii) Ex D-3 is attested copies of the entire records of check-dam constructed in Sy.No. 503.

**21.** Of all these documents produced by the DGO., the only document that sheds some light on the defense taken by the DGO., is Ex D-1. Though from Ex D-1 Panchayath Proceedings it can be gathered that owner of Sy.No.442 and 503 comes one after another, yet by that itself DGO., cannot seek to say that because owner of Sy.No.442 did not submit consent letter for construction of check-dam in time work was taken up in Sy.No.503. Here at this juncture, it would be appropriate to quote the statement given by the DGO., in his cross-examination which is as follows :-

“8 ಜನ ಫಲಾನುಭವಿಗಳು ಆಯ್ಕೆಯಾಗಿದ್ದು, ಅವರಲ್ಲಿ ಯಾರು ಮೊದಲು ಬರುತ್ತಾರೋ ಅವರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಿಸಬೇಕೆಂದು ಠರಾವು ಹೊರಡಿಸಿದ್ದು, ಅದರಂತೆ ಸರ್ವೆ ನಂ: 503 ರ ಮಾಲೀಕರು ಮೊದಲು ಬಂದಿದ್ದು ಅವರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿರುತ್ತೇವೆ. ಆ ರೀತಿ ಠರಾವು ಹೊರಡಿಸಿರುವುದಿಲ್ಲವೆಂದರೆ ಸರಿಯಲ್ಲ”

ಪ್ರಶ್ನೆ: ಸದರಿ ಠರಾವನ್ನು ಈ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ಹಾಜರಪಡಿಸಿರುತ್ತಿರಾ ಎಂದರೆ ಇಲ್ಲಾ.

**22.** From the above statement of the DGO., it could be seen that DGO., is trying to say, that because there was a resolution passed by the Panchayath to construct check-dam in the land of the beneficiary who comes first that he constructed the check-dam in the land bearing Sy.No.503 as its owner came first. If that was so, then a question arises as to what prevented the DGO., to produce a copy of the said Resolution when he has produced a bunch of all irrelevant documents from Ex P-2 and

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3. Therefore non production of the said Resolution leads to draw adverse inference against the DGO.

**23.** DGO., has not produced any evidence to show that submission of consent letter by the beneficiary for construction of check-dam was mandatory.

**24.** Further when there is a Ombudsman Report specifically pointing towards the guilt of the DGO., along with Assistant Agricultural Officer and President of the Panchayath, a heavy duty was cast upon the DGO., to prove his defense. By merely producing Ex D-1 DGO., cannot seek to hush-up the matter. Therefore it can be said that although DGO., has produced Ex D-1, still that happens to be insufficient evidence and he has failed to rebut the presumption that has arisen against him by dint of both Ombudsman Report and also by his own admission

**25.** Thus upon appreciation of entire evidence as discussed above I hold that the DGO., has committed lot of irregularities in the construction of Check Dam in the lands of persons belonging to SC/ST Community under MNREGA Scheme during the year 2009-2013 in as much as he has constructed check-dam in Sy.No.503 of Andola Village without permission though it was meant to be constructed in Sy.No.442 and diverted the amount and therefore is guilty of misconduct within the purview of rule 3 (I) (i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 and being of this view I Proceed with following:-

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**-:REPORT:-**

Charge against the DGO by name Sri. Rajashekhar S/o. Basavanneppa Nelogi, the then Panchayath Development Officer, Kellura Grama Panchayath, Jewargi Taluk, Kalaburgi District that he has committed lot of irregularities in the construction of Check Dam in the lands of persons belonging to SC/ST Community under MNREGA Scheme during the year 2009 -2013 in as much as he has constructed check-dam in Sy.No.503 of Andola Village without permission though it was meant to be constructed in Sy.No.442 and diverted the amount got *proved* and thus he acted in a manner unbecoming of a Government servant and committed misconduct under Rule 3(I)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

Submitted this report to the Hon'ble Upa-Lokayuktha-I, Karnataka Lokayukta in sealed cover forthwith along with connected records.

Dated, 17<sup>th</sup> July 2019

*R. M. R.*

**[RAVI M.R.]**

Additional Registrar [Enquiries -15]  
Karnataka Lokayuktha,  
Bengaluru.

-: **ANNEXURE** :-

	<b>Witness Examined on behalf of Disciplinary Authority</b>
	PW-1 Sri.Siddalingaswamy (Complainant )
	<b>Documents marked on behalf of the Disciplinary Authority Ex P-1 to P-10</b>
<b>Ex P-1</b>	Form No.1 (Complaint)
<b>Ex P-2</b>	Form No. II (Complainant's Affidavit)
<b>Ex P-3</b>	Complainant's detailed complaint dated: 27-08-2013
<b>Ex P-4</b>	Enclosures along with said complaint
<b>Ex P-5</b>	Documents annexed to said complaint along with complainant's submission letter dated: 21/09/2013.
<b>Ex P-6</b>	Ombudsman Report Dated: 19/02/2014.
<b>Ex P-7</b>	Complainant another submission letter Dated: 27/08/2014.
<b>Ex P-8</b>	Documents annexed to said complaint along with complainant's letter dated: 26/08/2013.
<b>EX P-9</b>	Complainant another submission letter Dated: 03/09/2014.
<b>EX P-10</b>	Documents annexed.
	<b>List of witness examined on behalf of DGO</b>
	DGO Sri. D. Basavarajanna
	<b>Documents marked on behalf of DGO Ex D-1 to 3</b>
<b>Ex D-1</b>	Grama Sabha Proceedings dated:02-10-2011
<b>Ex D-2</b>	Gram Sabha Panchayath Proceedings dated: 23-02-2012
<b>Ex D-3</b>	The attested copy the entire records in respect of check dam constructed in Sy. No. 503.

Dated, 17<sup>th</sup> July, 2019


[ RAVI M.R. ]

Additional Registrar [ Enquiries-15 ]  
Karnataka Lokayuka,  
Bengaluru.





**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/687/2017/ARE-15

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: 19/07/2019

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri Rajashekar S/o. Basavanneppa Nelogi, Panchayath  
Development officer, Kellur Grama Panchayath,  
Jewargi Taluk, Kalaburagi District - - Reg.

- Ref:- 1) Government Order No.ಗೃಅಪ/391/ಗೃಪಂಕಾ/2017 Bengaluru  
dated 18/5/2017
- 2) Nomination order No.UPLOK-1/DE/687/2017,  
Bengaluru dated 24/5/2017 of Upalokayukta-1,  
State of Karnataka, Bengaluru
- 3) Inquiry Rcpot dated 17/7/2019 of Additional  
Registrar of Enquiries-15, Karnataka Lokayukta,  
Bengaluru

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The Government by its Order dated 18/5/2017, initiated the disciplinary proceedings against Sri Rajashekhar S/o. Basavanneppa Nelogi, Panchayath Development Officer, Kellur Grama Panchayath, Jewargi 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/687/2017, Bengaluru dated 24/5/2017 nominated Additional Registrar of Enquiries-3, 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. Subsequently, by Order No. UPLOK-1 & 2 /DE/Transfers/2018 dated 2/11/2018, the Additional Registrar of

Enquiries-15, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri Rajashekhar S/o. Basavanneppa Nelogi, Panchayath Development Officer, Kellur Grama Panchayath, Jewargi Taluk, Kalaburagi District was tried for the following charge:-

“You the DGO named above while working as Panchayath Development Officer of Kallur Grama Panchayath of Jewargi Taluk, Kalaburagi District, has committed irregularities in construction of Check dams in the lands of persons belonged to SC/ST community of Andola Village, which was taken up under MGNREGA scheme during 2009-10, 2010-11 and 2012-13 and an amount of ₹99,984/- has been drawn towards construction of check dams in Sy. No. 442 of Andola Village, but no check dam in Sy. No. 442 has been constructed and the amount drawn under the said head has been misappropriated. But you have claimed that, the check dam was constructed in Sy. No.503 of Andola Village instead of Sy. No.442 and the amount drawn has been spent towards construction of check dam in Sy. No. 503. But no permission from the competent authority was found to have been obtained to construct check dam in Sy. No. 503 by utilizing the funds allocated for construction of check dam in Sy.No.442 and to divert the amount towards construction of check dam in a different land other than in the land for which the amount has been allocated, thereby you have committed an act which is unbecoming of a Government servant and thus committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-15) on proper appreciation of oral and documentary evidence has held that the charge against the DGO by name Sri Rajashekhar S/o. Basavanneppa Nelogi, the then Panchayath Development officer, Kellura Grama Panchayath, Jewargi Taluk Kalaburagi District that he has committed lot of irregularities in the construction Check dam in the lands of persons belonging to SC/ST community under MNREGA Scheme during the year 2009- 2013 in as much as he has constructed check-dam in Sy. NO.503 of Andola Village without permission though it was meant to be constructed in Sy.No. 442 and diverted the amount got proved and thus he acted in a manner unbecoming of a Government servant and committed misconduct under Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

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


6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 30/11/2040.

7. Having regard to the nature of charge proved against DGO Sri Rajashekhar Basavanneppa Nelogi, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Rajashekhar S/o. Basavanneppa Nelogi, Panchayath Development Officer, Kellur Grama Panchayath, Jewargi Taluk, Kalaburagi District with cumulative effect and also for deferring the promotion of DGO Sri Rajashekhar

Basavanneppa Nelogi by 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

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