

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/74/2021/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 29.6.2022

**:: ENQUIRY REPORT ::****:: Present ::****(S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Enquiry against Sri.Baburao.  
B.Ithwad, Panchayath development officer,  
Krishna -Kitturu Grama panchayath, Athani  
Taluk, Belgaum District - reg.

Ref: 1. G.O.No. ೧೨೨೮ 15 ೧೨೨೮ 2021 Bengaluru Dated:  
8.6.2021

2. Nomination Order No: UPLOK-1/DE/74/2021/ARE-9  
Bangalore dated: 30.6.2021 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sri.Baburao. B.Ithwad, Panchayath development officer, Krishna -Kitturu Grama panchayath, Athani Taluk, Belgaum District (hereinafter referred to as the Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 30.6.2021 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO.

3. Additional Registrar of Enquiries-9 has issued the Articles of charges to the DGO, enclosing 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 and called him to appear before the Enquiry Officer and to submit written statement of defence.

4. The Article of charges issued by the ARE-9 against the DGO is as under :

### **ANNEXURE-I** **CHARGE**

**Charge:-**

ಶ್ರೀ.ಮಾಣಿಕ್ ಕಡಪ್ಪಾ ಪಾಟೀಲ್ (ದೂರುದಾರರು) ಇವರು ಈ ಸಂಸ್ಥೆಗೆ ದೂರು ಕೊಡುವ ಪೂರ್ವದಲ್ಲಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆಯ ಅಥಣಿ ತಾಲ್ಲೂಕಿನ ಸಾ: ಕೃಷ್ಣಾಕಿತ್ತೂರಿನಲ್ಲಿ ಇರುವ ಅವರ ಆಸ್ತಿ ಸಂಖ್ಯೆ: 385/1, ಮತ್ತು 409ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮುಂಗಡವಾಗಿ ಕರ ಕಟ್ಟಿಸಿಕೊಳ್ಳುವ ವಿಚಾರದಲ್ಲಿ ಸೂಕ್ತ ಮಾಹಿತಿಯನ್ನು ನೀಡದೆ ಅನೇಕ ಬಾರಿ ಅನಾವಶ್ಯಕವಾಗಿ ಈ ಸಂಸ್ಥೆಯ ಮುಂದೆ ಅರ್ಜಿ ಸಲ್ಲಿಸುವವರೆಗೆ ತಿರುಗಾಡುವಂತೆ ಮಾಡಿದ್ದೀರ ಮತ್ತು ಅಧಿಕಾರದ ದರ್ಪದಿಂದ ಸುಮಂಜಸವಾದ ಉತ್ತರ ನೀಡದೆ ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸದೇ, ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

5. The DGO appeared on 30.8.2021 before this inquiry authority in pursuance to the service of the Article of charges.

6. First Oral Statement was recorded on 30.8.2021 and plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

7. The DGO has submitted written statement and prayed to drop the charge leveled against him.

8. The disciplinary authority has examined the complainant Sri.Manik Kadappa Patil, S/o Kadappa Patil, Krishna Kethur, Kagavada Taluk, Belagavi District as PW.1 and got marked documents **Ex.P-1 to ExP-9**.

9. At the stage of recording evidence of PW-1 (cross examination), DGO has filed Application No. 10689/2021 before Hon'ble KSAT.

10. Hon'ble KSAT passed orders on 17.3.2022 which is as under;

- “ORDER**
- i) **The application is allowed.**
- ii) **The order bearing No. ಗ್ರಾಅಪ 15 ಗ್ರಾಪಂಕಾ 2021 Bengaluru Dated: 8.6.2021 is quashed.”**

11. On receipt of the above orders of the Hon'ble Karnataka Administrative Tribunal, opinion of CLC was sought and it is opined that the order of the KSAT is not fit to be challenged before the Hon'ble High court. Therefore, further proceedings against DGO are discontinued and inquiry is closed.

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

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

|      |  |
|------|--|
| PW.1 | Sri.Manik Kadappa Patil, S/o Kadappa Patil, Krishna Kethur, Kagavada Taluk, Belagavi District original |
| PW.2 |  |

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

|              |  |
|--------------|--|
| Ex.P1        | Ex.P-1 is the detailed complaint filed by PW-1 in Karnataka Lokayukta office.  |
| Ex.p-2 and 3 | Ex.P-2 and 3 are the complaint in from No. 1 and 2 filed by PW-1 in Karnataka Lokayukta office.  |
| Ex.P-4       | Ex.P-4 is the letter dtd: 20.10.2016 submitted by M.K.Patil to Member and Panchayath development officer of Krishna Kethur Grama panchayath    |
| Ex.P5        | Ex.P-5 is the bill No. 74 dtd: 31.3.2016   |
| Ex.P6        | Ex.P-6 is the bill No. 87 dated: 2.7.2015  |
| Ex.P 7       | Ex.P-7 is the bill No. 77 dated: 31.8.2017   |
| Ex.P8        | Ex.P-8 is the bill No. 79 dated: 31.8.2017   |
| Ex.p-9       | Ex.P-9 is the letter dated: 9.10.2018 of Panchayath development officer of Krishna Kethur Grama panchayath to PP Karnataka Lokayukta Bengaluru |

**iii) List of Additional documents**

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| 1 | Letter dtd:7.6.2022 of chairman legal cell-2 Karnataka Lokayukta Bengaluru along with copy of the final order of KAT Application No. 10689/2021 dated: 17.3.2022 and copy of legal opinion |
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sdl/-  
(S.GOPALAPPA)  
I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.





KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.74/2021/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 01.07.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Baburao.B.Ithwad,  
Panchayath Development Officer, Krishna-Kutturu  
Grama Panchayath, Athani Taluk, Belgaum District -  
reg.

Ref:- 1) Government Order No.RDP 15 GPS 2021  
dt.30.06.2021.

2) Nomination order No. UPLOK-1/DE.74/2021  
dated 30.06.2021 of Upalokayukta, State of  
Karnataka.

3) Inquiry report dated 29.06.2022 of  
Additional Registrar of Enquiries-9, Karnataka  
Lokayukta, Bengaluru.

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The Government by its order dated 30.06.2021 initiated the disciplinary proceedings against Sri Baburao.B.Ithwad, Panchayath Development Officer, Krishna-Kutturu Grama Panchayath, Athani Taluk, Belgaum District, [hereinafter referred to as Delinquent Government Official, for short as 'DGO' ] and entrusted the departmental inquiry to this Institution.

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2. This Institution by Nomination Order No. UPLOK-1/DE.74/2021 dated 30.06.2021 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.

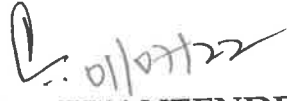
3. The DGO was tried for the charge of not furnishing proper information to the complainant about advance tax remittance and thereby harassing complainant by misusing his position and thereby committing misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) has reported that, the DGO had preferred A.No.10689/2021 before Hon'ble KAT and the Hon'ble KAT by its order dated 17.03.2022 has quashed the Government order entrusting enquiry to this Institution. Further, this Institution has taken a decision not to prefer appeal against the said order of Hon'ble KAT and hence the present enquiry proceedings cannot be continued against the DGO.



5. In view of the orders of Hon'ble KAT in A.No.10689/2021 dated 17.03.2022, the departmental inquiry against DGO Sri Baburao.B.Ithwad, Panchayath Development Officer, Krishna-Kutturu Grama Panchayath, Athani Taluk, Belgaum District, stands closed.

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.

