

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/752/2016/ARE-8

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 14/03/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

1. Sri D.R. Chikkonda, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District.
2. Sri Rajkumar (Rajkumar M. Toravi), the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District – Reg.

Ref:-1) Government Order No.೧೨೨೨ 226 ಎಸೆಬಿ 2016 Bengaluru dated 09/12/2016.

- 2) Nomination order No.UPLOK-1/DE/752/2016 Bengaluru dated 23/12/2016 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 12/03/2019 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 09/12/2016 initiated the disciplinary proceedings against (1) Sri D.R. Chikkonda, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District and (2) Sri Rajkumar (Rajkumar M. Toravi), the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District (hereinafter referred to as Delinquent Government Official's 1 and 2 for short as 'DGO-1 and DGO-2 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/752/2016 dated 23/12/2016 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry

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

3. The DGO-1 Sri D.R. Chikkonda, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District and DGO-2 Sri Rajkumar (Rajkumar M. Toravi), the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District were tried for the following charge:-

“That, you –DGO Nos. 1 and 2 while discharging your duties in Thamba Gram Panchayath have failed to inspect the accounts annually and report the same to Chief Executive Officer and failed to take action against the Secretary and P.D.O for not maintaining the documents and for not producing the documents for verification and the DGO-2 though received the letter from the scrutiny officer/section, failed to submit any reply; and thereby DGO Nos.1 and 2 have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servants and thereby you – DGO Nos.1 and 2 have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the charge against the DGO-1 D.R. Chikkonda, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District, DGO-2 Rajkumar, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura

district. It is proved that DGOs 1 and 2 have failed to inspect the accounts of Thaamba Grama Panchayath annually and failed to take action against the Secretary and Panchayath Development Officer of the Thaamba Grama Panchayath for not maintaining the documents and for not producing the documents. Further, it is also proved that DGO-2 failed to submit any reply or comments inspite of service of notice during scrutiny stage.

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 DGOs 1 and 2;

- i) DGO-1 Sri D.R. Chikkonda is due to retire from service on 31/07/2029.
- ii) DGO-2 Sri Rajkumar (Rajkumar M. Toravi) is due to retire from service on 31/05/2024.


7. Having regard to the nature of charge proved against DGO-1 Sri D.R. Chikkonda and DGO-2 Sri Rajkumar (Rajkumar M. Toravi);

- i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri D.R. Chikkonda, the then Executive Officer, Taluk Panchayath, Indi Taluk, Vijayapura District with cumulative effect.

ii) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Rajkumar (Rajkumar M. Toravi), the then Executive Officer, Taluk Panchayath, Indi Taluk, with cumulative effect.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 14/3
Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No:Uplok-1/DE-752/2016/ARE-8

M.S. Building,
Dr. Ambedkar Veedhi,
Bangalore, Dated:12-03-2019

ENQUIRY REPORT

Present: Sri.Mohamed Ashraf Aris,
Additional Registrar Enquiries -8,
Karnataka Lokayukta,
Bengaluru.

Sub: Departmental Inquiry Sriyuths

- (1) D.R.Chikkonda, the then Executive Officer,
Taluk Panchayath, Indi taluk, Vijayapura district
(2) Rajkumar, the then Executive Officer, taluk
Panchayath, Indi taluk, Vijayapura district -reg

Ref: (1) Government Order No.RDPR 226 ViSebi 2016
Bengaluru Dated 09-12-2016

(2) Nomination Order No.Uplok-1/DE-752/2016/ARE-8
Bengaluru Dated 23-12-2016

Preamble:

1. This is a Departmental Enquiry directed on the basis of Government Order No. RDPR 226 ViSebi 2016 Bangalore dt.09-12-2016 against (1) D.R.Chikkonda, the then Executive Officer, Taluk Panchayath, Indi taluk, Vijapura district (2) Rajkumar, then Executive Officer, Taluk Panchayath, Indi taluk, Vijayapura District



(herein after referred to as Delinquent Government Official, in short 'DGO-1' and 'DGO-2' respectively)

2. The Hon'ble Upalokayukta has nominated Additional Registrar of Enquiries-8, of the office of the Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGOs as per the nomination order dated 23-12-2016. Accordingly, Articles of Charge was framed by Additional Registrar Enquires-8.

Summary of charge:-

The Articles of Charges framed against the D.G.O.s is extracted here below;

That, you - DGO Nos.1 and 2 while discharging your duties in Thamba Gram Panchayath have failed to inspect the accounts annually and report the same to C.E.O. and failed to take action against the Secretary and P.D.O. for not maintaining the documents and for not producing the documents for verification and thereby - DGO Nos.1 and 2 have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servants and thereby you - DGO Nos.1 and 2 have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.





STATEMENT OF IMPUTATION OF MISCONDUCT
IS AS FOLLOWS:-

On the basis of complaint filed by Sri.Bheemanna Thippanna Allolli, Hon.President, Grama Hitharakshana Vedike, Thamba village, Indi Taluk, Bijapur District (hereinafter referred to as 'complainant' for short) against Members, Thamba Grama Panchayath alleging misconduct, an investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984.

According to the complainant:

The works executed by Thamba Grama Panchayath during 2005-06 an 2006-07 are of sub standard and the members of Thamba Grama Panchayath have executed works of Thamba Grama Panchayath by themselves and they have misappropriated amount by creating bogus bills.

Complaint was referred to CE, TAC, Lokayukta for investigation and report. Investigation has been conducted by A.S.-2, TAC, Lokayukta (I.O. for short) on the instructions of C.E., T.A.C. The report of I.O. disclose that C.E.O. was directed to submit information and documents in respect of the works executed and he has not furnished the same. That E.O. had instructed the Manager of Indi Taluk Panchayath to submit report and he has reported that documents are not available in Thamba Grama Panchayath except Audit report for the year



2005-06. The E.O. has reported in his letter dt.22.8.2012 that the documents are not available.

I.O. has stated that investigation could not be taken up for want of documents. He has further stated that the Secretary and P.D.O. of Gram Panchayath have a duty to maintain documents concerning accounts in prescribed form and they have to maintain and preserve vouchers and acquaintances carefully in the office when they have are not sent elsewhere for audit, but the Secretary/P.D.O of Thamba Grama Panchayath have not maintained documents concerning the accounts and they have failed to produce documents for verification and thereby they have misappropriated the grand released by the Government. That the CEO and Executive Officer have also failed to take action against the concerned even on coming to know that the accounts and documents are not maintained and available. Therefore the Executive Officers, President and Secretary who had worked during the relevant period has been impleaded.

Copy of complaint and report of I.O. were sent to DGO Nos.1 and 2 for their reply.

DGO No.1 has not denied the irregularities found by the I.O. in his report. DGO No.2 has not submitted any reply.

The report of I.O. prima facie show that DGO Nos.1 and 2 have failed to inspect the accounts annually and report the same to CEO and they have failed to take action against the Secretary and P.D.O. for not maintaining the documents and



for not producing the documents for verification. Therefore replies are not acceptable to drop the proceedings against them.

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 K.C.S. (CCA) Rules. Hence, the charge.

2. DGOs 1 & 2 appeared before Enquiring Authority in pursuance to service of articles of charge.
3. First oral statement was recorded wherein D.G.O.s pleaded not guilty and claimed for conducting enquiry.
4. DGO No.1 and 2 have filed their written statement.

Contention of DGO-1 in his written statement is as follows:

DGO-1 has worked as Executive Officer at Indi Taluk Panchayath from 31-07-2007 to 03-08-2008. There were 44 Gram Panchayaths coming under Indi Taluk Panchayath. There was

work pressure as all 44 Grama Panchayaths had to be supervised. Apart from that the Panchayath programmes such as Toilet scheme, SGSY, SGRY, Development and various housing schemes such as Basava Vasathi, Ambedkar Vasathi and Indira Vasathi schemes had to be implemented. In addition to that election duty, Nodal Officer's duty and attending meetings had also to be done. The major portion of Gram Panchayath responsibilities were with the Grama Panchayath Secretary and Panchayath Development Officer. During the said period one Sri Maruthi was the Secretary of Thaamba Grama Panchayath. This DGO had once visited Thaamba Grama Panchayath in connection with this complaint. At that time the Secretary told that the complaint was lodged by the complainant due to political pressure and that the complainant was going to withdraw the complaint and the said Secretary did not show the works or the documents. This DGO believed the said Secretary and therefore, did not submit any report to the Chief Executive Officer. During the year 2007-08, this DGO intended to visit the work places for inspection but by then he was transferred and charge was handed over to another officer. But, this DGO had





instructed to prepare Audit report of Taamba Grama Panchayath for the year 2005-06. The said Audit Report was submitted to the Lokayukta office by the Manager of the Indi Taluk Panchayath. This DGO had also appeared for enquiry before the Lokayukta office alongwith the Manager of the Taluk Panchayath. In spite of all the work pressure, this DGO had instructed the concerned to maintain the voucher and other documents properly, but the then Secretary Sri Masoothi has shown negligence. Grants from Zilla Panchayath are directly released to the Grama Panchayath. The Grama Panchayath Secretary and the President have the powers to draw the amount. The Junior Engineer of the Grama Panchayath records the Measurement Book. They draw amount directly without the knowledge of the Taluk Panchayath. When this DGO went to the Taamba Grama Panchayath, the Secretary deliberately remained absent. In the month of July and August 2008, there were heavy rains and floods and the entire taluk administration was busy with relief and rehabilitation work. In the month of August charge was handed over to another officer.

Contention of DGO-2 in his written statement is as follows;

5. DGO-2 has worked as Executive Officer at Indi Taluk Panchayath from 28-08-2009 to 09-12-2010 and from 24-03-2015 till now. The complaint allegation pertains to 2005-06 to 2006-07. The Report of Investigating Officer says that the records pertaining to the year 2005-06 were not produced by the then Secretary and President of the Taamba Grama Panchayath. This DGO-2 is not at all responsible for the allegation made in the charge.
6. DGO-1 remained absent subsequently and was place ex-parte as per order dt.12-06-2018.
7. On behalf of the Disciplinary Authority, two witnesses have been examined as PW1 and documents have been marked as Ex.P-1 to P-14.
8. After the closure of evidence on behalf of Disciplinary Authority, the DGO-2 filed his Defense Statement repeating the defense stated in his written statement. DGO-2 examined himself as DW-1 and got marked two documents as Ex.D-1 to D-2. Presenting Officer and Defence Assistant for DGO-2 have been heard.





9. The following witnesses were examined on behalf of the Disciplinary Authority

(1) PW1: S.Basavarajappa

10. The following documents were marked as exhibits on behalf of the disciplinary authority

Ex.P-1	Investigation Report dt.29-03-2014
Ex.P-2	Letter dt.22-01-2014 of C.E., TAC. Bengaluru
Ex.P-3	Letter dt.06-02-2014 of E.O., Taluk Panchayath, Indi
Ex.P-4	Form No.I dt.11-06-2007
Ex.P-5	Form No.II dt,11-06-2007
Ex.P-6	Affidavit dt.11-06-2007
Ex.P-7	Details of Jamabandi meeting dt.22-09-2006
Ex.P-8	Form No.I dt.11-06-2007
Ex.P-9	Form No.II dt.11-06-2007
Ex.P-10	Affidavit dt.11-06-2007
Ex.P-11	Pass book of Bijapura Grameena Bank
Ex.P-12	Documents enclosed to Investigation Report
Ex.P-13	K.F.C. annexure-52 copy
Ex.P-14	Letter dt.07-07-2014 of E.O., Taluk Pañchayath, Indi

11. The following witnesses were examined on behalf of the Disciplinary Authority

(1) DW-1: Rajkumar Toravi

12. The following documents were marked on behalf of DGO;

Ex.D-1	Order dt.13-09-2017 of E.O., Taluk Panchayath, Indi
Ex.D-2	Letter dt.06-09-2018 of E.O., Taluk Panchayath, Indi

13. Points that arise for determination are as follows:-

- 1) Whether the Disciplinary Authority proves that the DGOs No.1 and 2 failed to inspect the accounts of Thaamba

Grama Panchayath annually and report the same to the Chief Executive Officer ?

- 2) Whether the Disciplinary Authority proves that the DGOs No.1 and 2 failed to take action against the Secretary and Panchayath Development Officer of the Thaamba Grama Panchayath for not maintaining the documents and for not producing the documents for verification ?
- 3) Whether the Disciplinary Authority proves that the DGO No.2 though received the letter from the Scrutiny Officer/Section, failed to submit any reply ?

thereby failing to maintain absolute integrity and devotion to duty and thereby committed an act which is unbecoming of a government servant and guilty of misconduct and thereby, DGO has committed dereliction of duty and misconduct as enumerated U/R 3(1)(i) to (iii) of K.C.S. (Conduct) Rules 1966?

2) What Order ?

14. Answer to the aforesaid points are as follows:

Point No. 1 to 3 - In the 'Affirmative'

Point no. 4 - as per the final order for the following;

REASONS

POINT No.1 & 2:





15. These points are interconnected and hence taken up together. The Accounts Superintendent of Technical and Audit Wing of Karnataka Lokayukta is examined as PW1. He has examined the complaints filed by the complainant Sri B.T.Alloli in BGM 487/07 and BGM 489/07. The complaints pertain to the allegations of misappropriation of amount granted under the 12th Finance Commission for the year 2005-06 and 2006-07. The complaints are marked as Ex.P-4 to Ex.P-6 and Ex.P-8 to Ex.P-10. The details of works are given in Ex.P-7. Copy of Pass book of Gram Panchayath Thaamba is marked as Ex.P-1. The Audit report copy is marked under Ex.P-12 at pages 38 to 54.

16. The correspondence letters between Executive Officer, Taluk Panchayath, Indi with Chief Executive Officer, Panchayath Development Officer, Manager of Taluk Panchayath are marked under Ex.P-12 at pages 33 to 37.

17. The letter dt.22-01-2014 written by the Chief Engineer of Technical Wing of Karnataka Lokayukta to Chief Executive Officer, Zilla Panchayath, Vijayapura is marked as Ex.P-2. The reply dated

10-02-2014 given by the then Executive Officer, Taluk Panchayath is marked as Ex.P-3.

18. PW-1 has stated that the documents/records pertaining to the grant of funds for the year 2005-06 and the records to show the expenditure were not produced by the DGOs. His report is marked as Ex.P-1. In the report he has mentioned that the then Secretary Sri M.S. Massothi who had worked there during the period 2005-06 and the then President of Grama Panchayath Smt.Shanthabai are responsible.

19. In the cross examination PW-1 has admitted that DGO-2 is not responsible and that the name of DGO-2 is not found in the complaints or in his report.

20. DGO-2 has examined himself as DW-1. He has deposed that he worked as Executive Officer at Taluk Panchayath, Indi from 24-03-2015 to 10-09-2018. He has stated that the former President of the Taamba Grama Panchayath Smt.Shantabai and the former Secretary M.S.Masoothi have committed misappropriation of Rs.5,87,090/- and that this DGO has got passed an order from Executive Officer, Taluk Panchayath to recover a sum of





Rs.2,93,545/- from these two persons. Further he states the said steps were taken as per the instructions of the Chief Executive Officer. The copy of the order of the Executive Officer dt.13-09-2017 is marked as Ex.D-1. Further, copy of a notice dt.06-09-2018 issued by the Executive Officer regarding recovery of said amount from those two persons is marked as Ex.D-2.

21. The complaints – Uplok/BGM-489/2007 and 497/07 were clubbed together during the scrutiny stage. This DGO-2 was impleaded as Respondent no.8 in the complaint file, as per order dt.13-03-2014 during the scrutiny stage.

22. This DGO-2 who was Respondent No.8 did not submit any reply or comments during the Scrutiny stage. The same is mentioned in the Articles of Charge and in the statement of imputation of misconduct. But, DGO-2 has not stated as to why he has not submitted any reply. He has not denied the service of notice to him during the scrutiny stage. In spite of service of notice, DGO-2 has not filed his comments.

23. The DGO-2 only contends that during the year 2005-06 to 2006-07 he was not the Executive Officer and hence he is not

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responsible. But, he was the Executive Officer from 28-08-2009 to 09-12-2010 and from 24-03-2015 onwards. He has not explained as to what action he has taken after he came to know about the misappropriation and non-maintenance of records.

24. DGO-2 in his evidence contends that he got the order passed from the Executive Officer, Taluk Panchayath as per Ex.D-1 to recover the amount from then Gram Panchayath President and Secretary. But, Ex.D-1 is passed much after the date of complaint and that too after the commencement of this enquiry. Further, there is nothing to show that the DGO-2 has made any efforts. Eventhough DGO-2 was not working during 2005-06 and 2006-07, he had the knowledge of the same when he became the Executive Officer in the year 2009-10 and 2015 onwards. He admits that there has been misappropriation during the period 2005-06. Then he should have taken proper steps during his term.

25. So far as DGO-1 is concerned, he has worked from 31-07-2007 to 03-08-2008. After filing his written statement DGO-1 remained absent and he was placed exparte as per order dt.12-06-2018. The contention raised by him in his written statement are



not at all acceptable. He has not cross examined PW-1 and has not adduced any evidence on his behalf.

26. On overall consideration of the oral and documentary evidence, it is evident that DGO-1 who was the Executive Officer at the relevant period has not inspected the accounts of Taamba Grama Panchayath and no action has been taken against the Secretary and the Panchayath Development Officer of the said Grama Panchayath. DGO-2 came at a later stage as Executive Officer. In the written statement DGO-2 has stated that he worked as Executive Officer of Taluk Panchayath Indi from 28-08-2009 to 09-12-2010 and thereafter from 24-03-2015 till the filing of his written statement. His written statement was filed on 18-08-2017. He has not produced any documents like CTC to show during which period he has worked. As per his own written statement he has worked from 28-08-2009 to 09-12-2010 and from 24-03-2015 to 18-08-2017 as Executive Officer of Taluk Panchayath, Indi. But, DGO-2 has not taken any steps to take action against the Panchayath Development Officer and Secretary who were responsible for the misappropriation.



27. For the aforesaid reasons, Point No.1 and 2 are answered in the 'Affirmative'.

Point No.3:

28. As already discussed in paragraph no.19, DGO-2 has not given any explanation as to why he has not submitted his comments during scrutiny stage. In spite of service of notice, DGO-2 has failed to submit his comments. Hence, the Point is answered in the 'Affirmative'.

Point No.4:

In the result, the following order is passed;

FINAL ORDER

29. Disciplinary Authority has proved the charge against the DGO-1 D.R.Chikkonda, the then Executive Officer, Taluk Panchayath, Indi taluk, Vijayapura district, DGO-2 Rajkumar, the then Executive Officer, Taluk Panchayath, Indi taluk, Vijayapura district. It is proved that DGOs 1 and 2 have failed to inspect the accounts of Thaamba Grama Panchayath annually and failed to take action against the Secretary and Panchayath Development Officer of the Thaamba Grama



Panchayath for not maintaining the documents and for not producing the documents. Further, it is also proved that DGO-2 failed to submit any reply or comments inspite of service of notice during scrutiny stage.

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

Dated this 12th day of March 2019



(Mohamed Ashraf Aris)
Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bangalore.

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ANNEXURE

List of witness examined on behalf of Disciplinary Authority.

(1) PW1: S.Basavarajappa

List of Documents marked on behalf of Disciplinary Authority:

Ex.P-1 Investigation Report dt.29-03-2014
Ex.P-2 Letter dt.22-01-2014 of C.E., TAC. Bengaluru
Ex.P-3 Letter dt.06-02-2014 of E.O., Taluk Panchayath, Indi
Ex.P-4 Form No.I dt.11-06-2007
Ex.P-5 Form No.II dt,11-06-2007
Ex.P-6 Affidavit dt.11-06-2007
Ex.P-7 Details of Jamabandi meeting dt.22-09-2006
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Ex.P-10 Affidavit dt.11-06-2007
Ex.P-11 Pass book of Bijapura Grameena Bank
Ex.P-12 Documents enclosed to Investigation Report
Ex.P-13 K.F.C. annexure-52 copy
Ex.P-14 Letter dt.07-07-2014 of E.O., Taluk Panchayath, Indi

List of witness examined on behalf of DGO:-

DW-1: Raj kumar Torvi

List of Documents marked on behalf of DGO:-

Ex.D-1 Order dt.13-09-2017 of E.O., Taluk Panchayath, Indi
Ex.D-2 Letter dt.06-09-2018 of E.O., Taluk Panchayath, Indi

Dated this 12th day of March 2019



(Mohamed Ashraf Aris)
Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bangalore.