

KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/77/2017/ARE-13

M.S. Building,
Dr.B.R. Ambedkar Road,
Bangalore-56001
Date: 26/02/2021.**: Present:****Patil Mohankumar Bhimanagouda**Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,1) Smt. Balamani, Panchayath
Development Officer, Meenakera
Grama Panchayath, Humanabad
Taluk, Bidar District and2) Sri. Dhanaraj Patil, Junior Engineer,
Panchayath Raj Engineering Sub-
Division, Meenakera Grama
Panchayath, Humanabad Taluk,
Bidar District-reg.**Ref :-** 1) Report u/s 12(3) of the K.L Act, 1984
in Compt/Uplok/GLB/3671/2014/DRE-3,
dated: 21/10/2016.2) Govt. Order No. ಗ್ರಾಅಪ/757/ಗ್ರಾಪಂಕಾ/2016,
ಬೆಂಗಳೂರು, dated: 11/01/2017.3) Nomination Order No.UPLOK-1/DE/
77/2017, Bengaluru, dated:
18/01/2017.

1. This departmental enquiry is directed against 1) Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District and 2) Sri. Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub-Division, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District (herein after referred to as the Delinquent Government Officials in short "DGOs").
2. After completion of the investigation, a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-1, vide order dated : 18/01/2017 cited above at reference-4, nominated Additional Registrar of Enquiries-1 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGOs. The Additional Registrar Enquiries-1 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charge. Copies of same were issued to the DGOs calling upon them to appear before this authority and to submit written statement of their defence. Later on the file was transferred from ARE-1 to ARE-7.

4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta dated 06/08/2018 this enquiry file was transferred from ARE-7 to ARE-13.

5. The Articles of Charge framed by ARE-1 against the DGO are as below:

ANNEXURE-I

CHARGE:-

6. While you DGO No.1 Smt.Balamani, working as Panchayath Development Officer, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District and DGO No.2 Sri. Dhanaraj Patil, working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District had undertaken excavation of open well in the land of Smt. Shanthabai at the cost of Rs.1,50,000/- and a sum of Rs.25,396/- was to be spent towards labour charges and a sum of Rs.25,396/- was to be spent as cost of material and in the execution of the said work three photographs of different stages of the work should have been taken and also display board indicating the nature of the work was to be put up, but it was not done and in the NMR, signature of the labourers was not found against their name. Similar discrepancies were found in relation to excavation of open well in

the land of Smt.Lakshmibai Nagashetty and the open well has not ensured to the benefits of beneficiary in any way. Similar discrepancies are noticed in the excavation of open well in the land of Smt. Thulasamma Ramachandra.

In relation to excavation of open well in the land of Pandappa S/o Erappa similar discrepancies were found and further the said work was not completed.

In respect of construction of Rajiv Gandhi Seva Kendra in Meenakera village, the estimated cost is shown as Rs.10,00,000/- and the amount paid towards the labour charges is Rs.2,95,210/- and cost of material is shown as Rs.3,04,790/- and in all sum of Rs.6,00,000/- is shown as expenditure under MGNREG Scheme. In NMR in relation to Sl.Nos. 845, 1074, 1076, 244, 178, 177, 15060050303157, 60 and 61, the signature of labourers is not found and the window frames and window shutters fixed in the building are of inferior quality and therefore you DGO No.1 and 2 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

7. **Brief facts of the case are:-** The allegation in the complaint is that the respondents have misused funds in execution of work in the year 2012-13 and 2013-14 under MGNREG scheme.
8. Comments were called for from the respondents. The respondents 1 to 3 have offered comments denying the averments made in the complaint. On 23.07.2014, the Ombudsmen of Zilla Panchayath, Bidar has submitted a report in relation to execution of following works:
- i) Excavation of open well in the land of Smt. Shanta Bai. The estimated cost of work is Rs.1,50,000/- a sum of Rs.1,24,930/- towards labour charges and a sum of Rs.25,396/- shown as cost of material.
9. In the excavation of above work, the following discrepancies were noticed. During execution of work three photographs should have been taken at different stages & there should have been taken at different stages & there should have been display board indicating the nature of work. In the NMR, signatures were not found against the names of labourers (men engaged for work).

10. The similar discrepancies are found in relation to the excavation of open well in the land of Smt. Lakshmibai Nagashetty. It was also noticed that execution of open well has not ensured to the benefit of beneficiary in any way.

11. Similar discrepancies are noticed in the excavation of open well in the land of Smt. Tulasamma Ramachandra.

12. In relation of execution of open well in the land of Pandappa Erappa apart from the above discrepancies, it was also noticed that the work was not completed.

13. In relation to the construction of Rajiv Gandhi Seva Kendra in Meenakera village, the following discrepancies were noticed. The estimated cost is shown as Rs.10,00,000/-, the amount paid towards labour charges is shown as Rs.2,95,210/- and amount spent towards the cost of material is shown as Rs.3,04,790/- in all a sum of Rs.6,00,000/- is shown as expenditure under MGNREG scheme. In NMR In relation to Sy.No. 845, 1075, 1076, 244, 178, 177, 15060050303157, 60, 61, the signatures of the labourers are not found. The window frames and window shutters fixed to the building are of inferior quality.

14. The comments offered by the respondents are not acceptable at this stage.

15. Ombudsmen has taken serious notice of absence of signatures of the labourers in NMR, no display of the board of the work spot is also a serious discrepancy. The window frames and window shutters fixed to the Rajiv Gandhi Seva Kendra are of inferior quality. The records relating to the above work are not properly maintained. There is wasteful expenditure in relation to the work, which had not ensured to the benefit of beneficiaries. Hence, the respondents have failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government Servant for which they have made themselves liable for departmental action.

16. Since, said facts and material on record prima facie show that, the respondents/DGOs (1) Smt. Balamani and (2) Sri. Dhanaraj Patil, have committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents for misconduct under Rule 3(1)(i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

17. The DGO No-1 and 2 appeared before this Enquiry Authority on 04/03/2017 and on the same day their First Oral Statements

were recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGOs pleaded not guilty and claimed to hold an enquiry. Subsequently the DGOs have filed their written statements of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that, they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, they prayed to exonerate them from the charges framed in this case.

18. In order to substantiate the charge, the Disciplinary Authority examined one witness as PW-1 and got marked the documents at Ex.P-1 to P-3 and closed the evidence.

19. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGOs were recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein they have submitted that, the witnesses have deposed falsely against them. The DGO No-1 and 2 have led evidence on their behalf. They have got themselves examined as DW-1 and 2. They have produced the documents at Ex.D-1 to D-15.

20. The Advocate for DGO No-1 and 2 filed his written submissions. Heard, the oral arguments of Learned Presenting Officer.

21. Upon consideration of the charges leveled against the DGOs, the evidence led by the Disciplinary Authority and the DGOs by way

of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO No.1 Smt.Balamani, while working as Panchayath Development Officer, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District and DGO No.2 Sri. Dhanaraj Patil, while working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District had undertaken excavation of open well in the land of Smt. Shanthabai at the cost of Rs.1,50,000/- and a sum of Rs.25,396/- was to be spent towards labour charges and a sum of Rs.25,396/- was to be spent as cost of material and in the execution of the said work three photographs of different stages of the work should have been taken and also display board indicating the nature of the work was to be put up, but it was not done and in the NMR, signatures of the labourers was not found against their name. Similar discrepancies

were found in relation to excavation of open well in the land of Smt. Lakshmibai Nagashetty and the open well has not ensured to the benefits of beneficiary in any way. Similar discrepancies were noticed in the excavation of open well in the land of Smt. Thulasamma Ramachandra. Further in relation to excavation of open well in the land of Pandappa Erappa similar discrepancies were found and further the said work was not completed and in respect of construction of Rajiv Gandhi Seva Kendra in Meenakera village, the estimated cost was shown as Rs.10,00,000/- and the amount paid towards the labour charges was Rs.2,95,210/- and cost of material was shown as Rs.3,04,790/- and in all sum of Rs.6,00,000/- was shown as expenditure under MGNREG Scheme. In NMR in relation to Sl.Nos. 845, 1074, 1076, 244, 178, 177, 15060050303157, 60 and 61, the signature of labourers was not found and the window frames and window shutters fixed in the building were of inferior quality thereby the DGO No-1 and 2 failed to maintain absolute integrity and devotion to duty, which act is

unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

22. My finding on the points No-1 is held in the “**Negative**” for the following:

:: REASONS ::

23. **Point No-1 :** The Disciplinary Authority in support of its contention has examined the complainant as PW-1. The complainant states that he knows the DGO No-1 and 2. In the year 2015-16 the DGO No-1 was working as Panchayath Development Officer of Meenakera Grama Panchayath. The DGO No.2 was working as Junior Engineer of Meenakera Grama Panchayath. He further states that the DGO No-1 and 2 have committed irregularities with regard to Rajiv Gandhi Housing Scheme and also committed irregularities in the scheme of the Horticulture Department. In this regard he has lodged the complaint as per Ex.P-1. Ex.P-2 and P-3 are the complaints in Form No-I and II. The signatures of the complainant are at Ex.P-1(a), 2(a) and 3(a) respectively.

24. The Learned Presenting Officer treated the witness as hostile and cross examined him. PW-1 in his cross examination has

supported the case of the Disciplinary Authority. He admits that he has lodged the complaint with regard to the MGNREGA Scheme in the year 2013-14 and 2014-15. He admits that the name of one person has been used several times and amounts have been misappropriated. He further admits that the funds have been misappropriated with regard to construction of toilets. He further admits that the same photographs have been used for several beneficiaries. PW-1 further admits that an open well was constructed in the land of Smt. Shanthabai. However, the photographs of different stages of construction were not taken by the DGO No-1 and 2. He further states that they have not taken the signatures of the labourers to the NMRs. PW-1 further admits that similar irregularities were done with regard to the open wells constructed in the lands of Smt. Lakshmibai Nagashetty, Sri Pandappa S/o Erappa. He further admits that the construction of Rajiv Gandhi Seva Kendra is of substandard quality. PW-1 further states that DGO No-1 and 2 have not obtained the signatures of the labourers to the NMRs (National Muster Rolls). PW-1 has been cross examined by the Advocate for DGO.

25. After closure of the evidence of Disciplinary Authority the DGO No-1 and 2 have got themselves examined as DW-1 and DW-2 and produced the documents at Ex.D-1 to Ex.D-15.

26. The DGO No.1 Smt. Balamani W/o Ashok has been examined as DW-1. She states that she was selected as Panchayath Development Officer in the year 2014 and she reported to duty on 19/02/2014. She was posted as Panchayath Development Officer to Meenakera Grama Panchayath on 19/03/2014. She has categorically denied the allegations made against her. DW-1 further states that after lodging the complaint before this institution, the complainant had also lodged the complaint before the Ombudsmen, Zilla Panchayath, Bidar District. The Ombudsmen after conducting a detailed enquiry has disposed of the matter on 23/07/2014. It was held that the charges were not proved. It was further held that the works were executed as per the guidelines and there was no irregularity in executing the works.

27. DW-1 further states that the excavation of open wells in the land of Smt Shanthabai, Smt. Lakshmibai Nagashetty and Smt. Tulasamma Ramachandra have been executed as per the guidelines and there is no irregularity in executing the works. She further states that the Rajiv Gandhi Seva Kendra was constructed as per the guidelines. DW-1 in support her contention has produced the following documents. Ex.D-1 is the Official Memorandum dated : 19/03/2014. From perusal of this document it is observed that the DGO has been appointed as the PDO of Meenakera Grama Panchayath, Taluk Humanabad, District Bidar. Ex.D-2 is the xerox copy of charge memo. Ex.D-3 is the letter dated 24/04/2014. It is

the letter addressed by the DGO No-1 to the Executive Officer, Taluk Panchayath, Humanabad for having taken over the charge.

28. Ex.D-4 is the letter of Executive Officer, Taluk Panchayath to Chief Executive Officer, Zilla Panchayath, Bidar dated : 06/02/2017. Ex.D-5 is the order of Ombudsmen in case no.79/2013-14 dated : 23/07/2014. On careful perusal of this document, it is observed that the charges have been held as not proved. Ex.D-6 are the xerox copies of NMRs. Ex.D-7 are the xerox copies of NMRs. Ex.D-8 are the xerox copies of NMRs. Ex.D-9 are the xerox copies of NMRs. Ex.D-10 are the xerox copies of the NMRs.

29. The DGO No-2 Sri Dhanaraj Patil has been examined as DW-2. He states that he is working as Junior Engineer, Panchayath Raj Engineering Sub Division, Humanabad, District Bidar. He is working from 2019 to this date. He was placed in charge of Meenakera Grama Panchayath. He states that he has taken up the execution of the works stated in the charge and statement of imputations, however his responsibility is limited to recording the measurement of the works executed in the M.B. Books. He is not responsible for the selections of works or to the payments made in the execution of the works. The works have been executed when Sri Amruthrao was Panchayath Development Officer of Meenakera Grama Panchayath. The said works have been executed in the year 2011-12 and 2012-13. The payments were made by the Panchayath Development

Officer Sri. Amruthrao. The supervision of the works was done by Udhyoga Mitra of Meenakera Grama Panchayath.

30. DW-2 further states that he has recorded the measurements in the M.B. Book and it was checked by Assistant Executive Engineer of Panchayath Raj Engineering Sub Division, Humanabad. They have been certified by Executive Officer of Taluka Panchayath, Humanabad. DW-2 further states that he has not committed any irregularities amounting to misconduct.

31. DW-2 further states that the open wells have been constructed in the lands of Smt. Shanthabai, Smt. Lakshmibai Nagashetty, Smt Tulasamma W/o Ramachandra and Sri Pandappa S/o Erappa as per the guidelines. DW-2 further states that the Rajiv Gandhi Seva Kendra was constructed in the year 2011-12 and 2012-13. It has been constructed as per the guidelines. He has recorded the measurements in the M.B. Books. The measurements have been checked by Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Humanabad. The measurements have been certified by the Executive Officer, Taluka Panchayath, Humanabad. He further states that no irregularities have been conducted in the execution of these works.

32. DW-2 in support of his contention has produced the following documents i.e Ex.D-11 to D-15. I have carefully gone through the

said documents. They are the xerox copies of the M.B. Books pertaining to these works. DW-1 and 2 have been cross examined by the Learned Presenting Officer.

33. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority and the DGOs. The complainant has alleged in his complaint that irregularities were conducted in the execution of open wells in the lands of Smt. Shanthabai, Smt. Lakshmibai Nagashetty, Smt Tulasamma W/o Ramachandra, Sri Pandappa S/o Erappa. He has further alleged that the construction of Rajiv Gandhi Seva Kendra in Meenakera Grama Panchayath is of substandard quality. However the complainant himself has turned hostile to the case of the Disciplinary Authority. In his chief examination he has totally stated new facts, which are totally different from the facts stated in his complaint at Ex.P-1 to P-3. He states that the DGO No-1 and 2 have selected two beneficiaries from the same family under the Rajiv Gandhi Housing Scheme. Similarly he states that under the Horticulture Department Scheme two beneficiaries of the same family were selected as beneficiaries. PW-1 has turned hostile and he was cross examined by the Learned Presenting Officer. In the cross examination PW-1 has admitted all the suggestions made by the Presenting Officer. However in the chief examination PW-1 has stated totally new facts which are not at all found in his complaint

at Ex.P-1 to Ex.P-3. The Disciplinary Authority in support of its contention has examined only one witness i.e the complainant.

34. The Advocate for DGO No.1 and 2 has canvassed his arguments and he has drawn the attention to the evidence of DW-1 and the documents at Ex.D-1 to D-10. DW-1 has specifically stated that she was selected as Panchayath Development Officer in the year 2014 and she has reported for duty on 19/02/2014. The Executive Officer of Taluk Panchayath, Humanabad posted her to Meenkera Grama Panchayath of Humanabad Taluk on 19/03/2014. DW-1 has further stated that she has taken charge on 10/4/2014. In this regard the documents at Ex.D-1 to Ex.D-4 are very material. Ex.D-1 is the Official Memorandum dated: 19/03/2014. From perusal of this document it is observed that the DGO has been appointed as the PDO of Meenakera Grama Panchayath, Taluk Humanabad, District Bidar on 19/03/2014. Ex.D-2 is the xerox copy of charge memo. Ex.D-3 is the letter dated 24/04/2014. It is the letter addressed by the DGO No-1 to the Executive Officer, Taluk Panchayath, Humanabad for having taken over the charge of Meenakera Grama Panchayath.

35. Ex.D-4 is the letter of Executive Officer, Taluk Panchayath to Chief Executive Officer, Zilla Panchayath, Bidar dated : 06/02/2017.

36. On careful perusal of the Official Memorandum dated :19/03/2014 it is observed that by order dated :19/03/2014, the Executive Officer, Taluka Panchayath, Humanabad has posted the DGO No-1 Smt. Balamani to Meenakera Grama Panchayath. Ex.D-3 is the letter addressed by the DGO No-1 to the Executive Officer, Taluka Panchayath, Humanabad dated : 24/4/2014. She has reported to the Executive Officer, Taluka Panchayath, Humanabad for having taken charge of Meenakera Grama Panchayath. She has taken charge on 10/04/2014. Ex.D-2 is the charge list of the charge taken by the DGO No-1. On careful perusal of all these documents it is observed that the DGO No-1 was selected as Panchayath Development Officer in the year 2014. She has reported to duty on 19/02/2014. She was posted as Panchayath Development Officer of Meenakera Grama Panchayath on 19/03/2014. Accordingly she has taken charge as Panchayath Development Officer of Meenakera Grama Panchayath on 10/04/2014.

37. It is pertinent to note that these allegations made by the complainant pertain to the years 2012-13 and 2013-2014. On careful perusal of the report U/s 12(3) of Karnataka Lokayukta Act 1984, the Government Order dated :11/01/2017 and the Articles of Charge, it is observed that the complainant has alleged that the funds in execution of the works under the MGNREGA scheme for the years 2012-13 and 2013-14 have been misused. The allegations made by the complainant are for the period from April 2012 to

March 2014. However on careful perusal of the documents Ex.D-1 to D-3 it is observed that the DGO No-1 has taken charge as Panchayath Development Officer of Meenakera Grama Panchayath on 10/04/2014. On perusal of the Ombudsmen report at Ex.D-5 it is observed that one Sri Amruthrao was the incharge Panchayath Development Officer of Meenakera Grama Panchayath during the said period.

38. Apart from it, from perusal of the NMRs at Ex.D-6 to Ex.D-10, it is observed that,

Ex.D-6 pertains to the works for the periods from 19/03/2012 to 25/03/2012, 08/02/2013 to 14/02/2013, 15/02/2013 to 21/02/2013, 22/02/2013 to 28/02/2013, 01/03/2013 to 07/03/2013, 08/03/2013 to 14/03/2013, 15/03/2013 to 21/03/2013.

Ex.D-7 pertains to the works for the periods from 18/03/2012 to 24/03/2012, 05/02/2013 to 11/02/2013, 12/02/2013 to 18/02/2013.

Ex.D-8 pertains to the works for the periods from 15/01/2013 to 21/01/2013, 24/01/2013 to 30/01/2013, 31/01/2013 to 06/02/2013, 08/02/2013 to 14/02/2013, 15/02/2013 to 21/02/2013, 09/03/2012 to 15/03/2012.

Ex.D-9 pertains to the works for the periods from 17/03/2012 to 23/03/2012.

Ex.D-10 pertains to the works for the periods from 15/01/2013 to 21/01/2013, 09/02/2013 to 15/02/2013, 16/02/2013 to 22/02/2013, 27/08/2012 to 02/09/2012, 06/07/2012 to 12/07/2012, 29/06/2012 to 05/07/2012, 19/03/2011 to 25/03/2011, 16/07/2011 to 22/07/2011.

39. From perusal of these NMRs it is observed that all these works have been executed during the years 2012-2013. However the DGO No-1 has taken charge of Meenakera Grama Panchayath on 10/04/2014. Hence none of these works have been executed during the period of DGO No-1.

40. The DGO No-2 Sri. Dhanaraj Patil was the Junior Engineer, Panchayath Raj Engineering Sub Division, Humanabad, District Bidar attached to Meenakera Grama Panchayath. In support of his contention he has produced the Measurement Books at Ex.D-11 to D-15. DW-2 has stated that he has recorded the measurements as per guidelines and he has not committed any irregularity.

41. The Advocate for DGO No.1 and 2 has drawn the attention to the report of the Ombudsmen at Ex.D-5. I have carefully gone through the report to the Ombudsmen at Ex.D-5. The present complainant himself has lodged the complaint against Sri

Amruthrao, the then Panchayath Development Officer, Meenakera Grama Panchayath and 3 others. The present DGO No.2 is the Respondent No.3 in the said enquiry by the Zilla Panchayath, Ombudsmen, Bidar. The case has been registered as case No.79/2013-14 and the order has been passed on 19/04/2014. The operative portion of the report of Ombudsmen at Ex.P-5 is as follows,

ಆದೇಶ:

ಫಿರಿಯಾದುದಾರರು ತಮ್ಮ ದೂರಿನ ಮುಖಾಂತರ ಮಾಡಿರುವ ಆರೋಪಗಳು ನಿರಾಧಾರ ಮತ್ತು ಸತ್ಯಕ್ಕೆ ದೂರು ಇರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ, ಸದರಿ ಆರೋಪಗಳು ತಳ್ಳಿ ಹಾಕಲಾಗಿದೆ ಹಾಗೂ ಭವಿಷ್ಯತ್ತಿನಲ್ಲಿ ಸುಳ್ಳು ದೂರುಗಳನ್ನು ಸಲ್ಲಿಸಿ ಅಭಿವೃದ್ಧಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಅನಾವಶ್ಯಕವಾಗಿ ಅಡ್ಡಿ ಪಡಿಸಬಾರದೆಂದು ಅಂತಿಮ ಎಚ್ಚರಿಕೆಯನ್ನು ನೀಡಲಾಗಿದೆ.

ಮತ್ತು ಎದುರುದಾರರು, ಅಧ್ಯಕ್ಷರು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳಾದ ಕಿರಿಯ ಅಭಿಯಂತರರು, ಹಾಗೂ ಸಹಾಯಕ ಅಧಿಕಾರಿ ತೋಟಗಾರಿಕೆ ಇಲಾಖೆಯವರಿಗೆ ಭವಿಷ್ಯತ್ತಿನಲ್ಲಿ MGNREGA ಮಾರ್ಗಸೂಚಿ ಪ್ರಕಾರ ಈ ದೂರನ್ನು ಇಲ್ಲಿಗೆ ಮುಕ್ತಾಯಗೊಳಿಸಿ ಆದೇಶಲಾಗಿದೆ.

42. The Ombudsmen has observed that the allegations made by the complainant are not proved. On careful perusal of the order of

the Ombudsmen it is observed that the present complainant has made same allegations before this institution and the Ombudsmen.

43. In the present case the complainant has turned hostile to the case of the Disciplinary Authority. In his complaint at Ex.P-1, he has alleged about the irregularities in construction of open wells in the lands of Smt. Shanthabai, Smt. Lakshmibai Nagashetty, Smt Tulasamma W/o Ramachandra, Sri Pandappa S/o Erappa. He has also alleged about the substandard work in construction of Rajiv Gandhi Seva Kendra. However in his chief examination he has totally come out with a new case. He states that DGO No-1 and 2 have selected two members of the same family as beneficiaries for Rajiv Gandhi Vasathi Yojane and another scheme of Horticulture Department. The allegations made by the complainant in the complaint and in his evidence are totally different. The complainant has tried to make out a new case in his oral evidence. Apart from it the DGO No-1 was not at all working as Panchayath Development Officer of Meenakera Grama Panchayath during the said period i.e 2012-13 and 2013-14. She has taken charge on 10/04/2014. Hence she was not at all working as Panchayath Development Officer of Meenakera Grama Panchayath on the alleged dates. Similarly there is no material on record with regard to irregularities committed by the DGO No-2. I am of the opinion that the evidence of Disciplinary Authority is not sufficient to prove the allegations made against the DGO No-1 and 2. The complainant has turned

hostile to the case of the Disciplinary Authority and he has tried to make out a new case in his oral evidence.


44. Therefore on careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority and the DGO No-1 and 2, I am of the opinion that the Disciplinary Authority has failed to prove the allegations made against the DGO No-1 and 2. Accordingly I answer point No-1 in the "**Negative**".

:: ORDER ::

The Disciplinary Authority has not proved the charge against the DGO No-1) Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District and DGO No-2) Sri. Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub-Division, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District.

45. This report is submitted to Hon'ble Upa Lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 26th day of February 2021


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURES

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. Bheemareddy Yadav(Original)
Witness examined on behalf of the Defence
DW-1: Smt. Balamani (Original)
DW-2: Sri. Dhanaraj Patil (Original)
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint (Original)
Ex. P-1(a): Signature of the complainant
Ex.P-2: Form No-I (Original)
Ex. P-2(a): Signature of the complainant
Ex.P-3 : E-stamp and Form No-II (Original)
Ex. P-3(a): Signature of the complainant
Documents marked on behalf of the DGO
Ex.D-1 is the Official Memorandum dated : 19/03/2014, page no. 86-87 originals, page no. 88 xerox.
Ex.D-2 is the Xerox copy of charge memo (Certified copy)
Ex.D-3 is the letter addressed by the DGO No-1 to the Executive Officer, Taluka Panchayath, Humanabad for having taken over the charge (Certified copy)
Ex.D-4 is the letter of Executive Officer, Taluka Panchayath to Chief Executive Officer, Zilla Panchayath, Bidar dated: 06/02/2017 (Certified copy)

Ex.D-5 is the order of Ombudsmen case No.79/2013-14 dated:23/07/2014 (Certified copy)

Ex.D-6 is the Xerox copies of NMRs , page no. 100-102 certified copy, page no.103 xerox copy, page no. 104 certified copy, page no. 105 xerox copy, page no. 106 certified copy, page no. 107 xerox copy, page no. 108 certified copy, page no. 109 xerox copy, page no. 110 certified copy

Ex.D-7 is the Xerox copies of NMRs, page no. 111 certified copy, page no. 112 xerox copy, page no. 113 certified copy, page no. 114 xerox copy, page no. 115 certified copy.

Ex.D-8 is the Xerox copies of NMRs, page no. 116 xerox copy, page no. 117 certified copy, page no. 118 xerox copy, page no. 119 certified copy, page no. 120 xerox copy, page no. 121 certified copy, page no. 122 xerox copy, page no. 123 certified copy, page no. 124 xerox copy, page no. 125 certified copy, page no. 126 xerox copy, page no. 127 certified copy.

Ex.D-9 is the Xerox copies of NMRs, page no. 128 xerox copy, page no. 129 certified copy.

Ex.D-10 is the Xerox copies of NMRs, page no. 130 xerox copy, page no. 131 certified copy, page no. 132 xerox copy, page no. 133 certified copy, page no. 134 xerox copy, page no. 135 certified copy, page no. 136 xerox copy, page no. 137 certified copy, page no. 138-139 xerox copy, page no. 140 certified copy, page no. 141-142 xerox copies, page no. 143 certified copy, page no. 144 xerox copy, page no. 145 certified copy, page no.146 xerox copy, page no. 147 certified copy, page no.148 xerox copy, page no.149 certified copy.

Ex.D-11 is the Measurement Book, page no. 150-151 certified copies, page no. 152 xerox, page no. 153-155 certified copies.

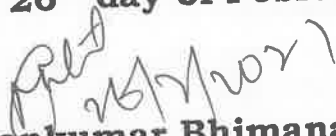
Ex.D-12 is the Measurement Book (Certified copies)

Ex.D-13 is the Measurement Book (Certified copies)

Ex.D-14 is the Measurement Book (Xerox copies)

Ex.D-15 is the Measurement Book, page no. 163-177 certified copies, page no. 178 original.

Dated this the 26th day of February 2021


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/77/2017/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **06/03/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humnabad Taluk, Bidar District;
- 2) Sri Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub Division, Humnabad, Bidar District – Reg.

- Ref:- 1) Govt. Order No. ಗ್ರಾಅಪ/757/ಗ್ರಾಪಂಕಾ/2016 Bengaluru dated 11/1/2017.
- 2) Nomination order No.UPLOK-1/DE/77/2017, Bengaluru dated 18/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 26/2/2021 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru

The Government by its order dated 11/1/2017 initiated the disciplinary proceedings against (1) Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humnabad Taluk, Bidar District and (2) Sri Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub Division, Humnabad, Bidar District (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as DGO-1 & DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/77/2017, Bengaluru dated 18/1/2017 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No.UPLOK-1/DE/2017, dated 6/7/2017, Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2. Again as per Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2.

3. The DGO-1 Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humnabad Taluk, Bidar District and DGO-2 Sri Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub Division, Humnabad, Bidar District were tried for the following charge:-

“While you DGO No.1 Smt.Balamani, working as Panchayath Development Officer, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District and DGO No.2 Sri. Dhanaraj Patil, working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Meenakera Grama Panchayath, Humanabad Taluk, Bidar District had undertaken excavation of open well in the land of Smt. Shanthabai at the cost of Rs.1,50,000/- and a sum of Rs.25,396/- was to be spent towards labour charges and a sum of Rs.25,396/- was to be spent as cost of material and in the execution of the said work three photographs of different stages of the work should have been taken and also display board indicating the nature of the work was to be put up, but it was not done and in the

NMR, signature of the labourers was not found against their name. Similar discrepancies were found in relation to excavation of open well in the land of Smt. Lakshmibai Nagashetty and the open well has not ensured to the benefits of beneficiary in any way. Similar discrepancies are noticed in the excavation of open well in the land of Smt. Thulasamma Ramachandra.

In relation to excavation of open well in the land of Pandappa S/o Erappa similar discrepancies were found and further the said work was not completed.

In respect of construction of Rajiv Gandhi Seva Kendra in Meenakera village, the estimated cost is shown as Rs.10,00,000/- and the amount paid towards the labour charges is Rs.2,95,210/- and cost of material is shown as Rs.3,04,790/- and in all sum of Rs.6,00,000/- is shown as expenditure under MGNREG Scheme. In NMR in relation to Sl.Nos. 845, 1074, 1076, 244, 178, 177, 15060050303157, 60 and 61, the signature of labourers is not found and the window frames and window shutters fixed in the building are of inferior quality and therefore you DGO No.1 and 2 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has failed to prove above charges against DGO-1 Smt. Balamani, Panchayath Development Officer,

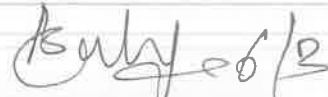
Meenakera Grama Panchayath, Humnabad Taluk, Bidar District and DGO-2 Sri Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub Division, Humnabad, Bidar District.

5. On re-consideration of inquiry report and taking note of totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate DGO-1 Smt. Balamani, Panchayath Development Officer, Meenakera Grama Panchayath, Humnabad Taluk, Bidar District and DGO-2 Sri Dhanaraj Patil, Junior Engineer, Panchayath Raj Engineering Sub Division, Humnabad, Bidar District from the aforestated charges.

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

Connected records are enclosed herewith.



(JUSTICE B.S.PATIL)

Upalokayukta
State of Karnataka,
Bengaluru