

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/858/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 17.3.2022

:: ENQUIRY REPORT ::**:: Present ::****(PUSHPAVATHI.V)**

**Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against (1) Smt. Nagarathna, Panchayath development officer, Attanur Grama panchayath, Attanur Village, Manvi Taluk, Raichur District (2) Sri.Prahlad, Junior Engineer, Panchayath Raj Engineering Sub Division, Manvi Taluk, Raichur District - reg.

Ref: 1. G.O.No. ಗ್ರಾಅಪ 287 ಗ್ರಾಪಂಕಾ 2017 ಬೆಂಗಳೂರು
ದಿ: 3.5.2017

2.Nomination Order No: UPLOK-
1/DE/858/2017/ARE-9 Bangalore
dated:5.7.2017 of Hon'ble
Upalokayukta-1

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This Departmental Inquiry is initiated against (1) Smt. Nagarathna, Panchayath development officer, Attanur Grama panchayath, Attanur Village, Manvi Taluk, Raichur District (2) Sri.Prahlad, Junior Engineer, Panchayath Raj Engineering Sub Division, Manvi Taluk, Raichur District (hereinafter referred to as the Delinquent Government Official for short "DGO No.1 and 2 respectively").

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2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 5.7.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

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

ANNEXURE-I
CHARGE

You-DGO

i) No documents have been produced for having paid amount to the labourers. Their pass book or the details of the cheques issued to them have not been furnished by the Respondents.

ii) No bills have been produced for having purchased the materials.

iii) As seen from the NMR, the number of workers and the days of work and the amount paid do not agree and it is shown as below:

Sl. No	Name of work	a) Number of labourers b) days of work.	Amount paid	Remarks
1	Construction of drain from main road to Noor masjid	a)35 labourers b)315 days c)Rs.191/-	Rs.40,110 for 210 days	Reason for showing less number of labourers is

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				not explained
2	Construction of drain from Aiyappa Huligudda to Badigera house.	Labourers at Sl. NO. 35 Yellamma and 54 Mallana - gowda have remained absent but payment for 10 days for the said Labourers has been considered while calculating payment		Excess amount paid is Rs.3820-00
3	Construction of drain in Harijan ward in Shakapura	a) 28 labourers b) 273 days	Amount paid is for 283 days.	Excess amount for 10 days amounting to Rs.1910-00 has been paid.
4	Laying Murram from main road to the house of Ramalingappa.	59 workers have worked for totally 545 days payment for the said works out to Rs,1,04,09/- but in the MB payment shown is only Rs.98,174/-.		Reason for showing less payment is not explained
5.	Laying Murram from main road for Sarvaruthu road in Mallgudda camp.	68 workers have worked only for totally 573 days. But the payment is calculated only 536 days.		Reason for showing less days of work is not explained.
6.	Laying Murram from Mallaihgudi up to Rama -durga in Attanur Village.	14 workers have worked only for totally 313 days. But the payment is calculated only 285 days.		Reason for showing less days of work is not explained.
7	Desilting of canal from the land of Sathyababu up to the land of Ganigera.	a) 28 labourers b)112 working days. c)but payment is made for 326 days.	Rs.62,266-00	Excess payment of Rs.50,874/- has been made.
8	Borewell recharge pit at Singadadinni Cross	a) 13 workers b) 183 days c)But payment is made for 197		Excess payment of Rs.1,020/-- has been

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		days.		made.
9.	Improvement of drain from Somavarpeth-math-shop of Allisab up to Diddi Basaveshwara temple	a) 305 days from 8.10.2015 to 18.10.2015. b) 29 workers. c) Payment should have been Rs.62,220/-	But Payment made is Rs.81,600-00	Excess payment of Rs.19,380-00 has been made.
10	From 20.10.2015 to 30.10.2015 Improving drinking water in Togala - guddada camp.	a) 337 days b)40 labourers c)Works out to Rs.68,748/-,	But, Rs.76,500-00 has been entered in the M.B.	Therefore excess payment of Rs.7752/- has been made.

thereby you - DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you-DGOs have guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE - 2

STATEMENT OF IMPUTATIONS OF MISCONDUCT

On the basis of complaint filed by Sri.Bheemappa s/o.Kamappa, Kallur Village and Post, Manvi Taluk, Raichur District (hereinafter referred to as 'complainant' for short) against 1) Smt.Nagarathna, P.D.O., Attanur Grama Panchayath, Manvi Taluk, Raichur District (2)Sri.Syed Mallika, Technical Assistant, Attanur Grama Panchayath, Manvi Taluk, Raichur District, (3)Sri.Prahlada Rao, Junior Engineer, PRE Sub.Divn, Manvi, Raichur District and 4) Smt.Uma, Auditor, Taluk Panchayath , Manvi Taluk, Raichur District (hereinafter referred to as Respondent No.1 to 4 respectively) alleging that the Respondents have committed

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misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

According to the Complainant :-

In respect of the 21 works mentioned in the Complaint which have been undertaken under MGNREG Scheme by Attanur Grama Panchayath under 13th and 14th finance scheme are of substandard. Works have been executed without administrative sanction for estimate and false NMR have been created and false entries have been made in M.B. and DGO have misappropriated the amount by creating bogus NMR.

DGO No.1 have submitted stating that, payment has been made only after the works were executed and after verifying the works and no amount has been misappropriated.

DGO No.2 has submitted comments stating that no amount has been misappropriated.

The documents collected during investigation show that:

i) No documents have been produced for having paid amount to the labourers. Their pass book or the details of the cheques issued to them have not been furnished by you-DGOs.

ii) No bills have been produced for having purchased the materials.

iii) As seen from the NMR, the number of workers and the days of work and the amount paid do not agree and it is shown as below:

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Sl. No	Name of work	a) Number of labourers b) days of work.	Amount paid	Remarks
1	Construction of drain from main road to Noor maszid	a)35 labourers b)315 days c)Rs.191/-	Rs.40,110 for 210 days	Reason for showing less number of labourers is not explained
2	Construction of drain from Aiyappa Huligudda to Badigera house.	Labourers at Sl. NO. 35 Yellamma and 54 Mallana -gowda have remained absent but payment for 10 days for the said Labourers has been consider -red while cal -culating payment		Excess amount paid is Rs.3820-00
3	Construction of drain in Harijan ward in Shakapura	a) 28 labourers b) 273 days	Amount paid is for 283 days.	Excess amount for 10 days amount- ing to Rs.1910-00 has been paid.
4	Laying Murram from main road to the house of Ramalingappa.	59 workers have worked for totally 545 days payment for the said works out to Rs,1,04,09/- but in the MB payment shown is only Rs.98,174/-.		Reason for showing less payment is not explained
5.	Laying Murram from main road for Sarvaruthu road in Mallgudda camp.	68 workers have worked only for totally 573 days. But the payment is calculated only 536 days.		Reason for showing less days of work is not explained.
6.	Laying Murram from Mallaihgudi up to Rama -durga in Attanur Village.	14 workers have worked only for totally 313 days. But the payment is calculated only 285 days.		Reason for showing less days of work is not explained.
7	Desilting of canal from the land of Sathyababu up to the land of Ganigera.	a) 28 labourers b)112 working days. c)but payment is made for 326 days.	Rs.62,266-00	Excess payment of Rs.50,874/- has been made.
8	Borewell recharge	a) 13 workers		Excess

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	pit at Singadadinni Cross	b) 183 days c) But payment is made for 197 days.		payment of Rs.1,020/-- has been made.
9.	Improvement of drain from Somavarpotmath-shop of Allisab up to Diddi Basaveshwara temple	a) 305 days from 8.10.2015 to 18.10.2015. b) 29 workers. c) Payment should have been Rs.62,220/-	But Payment made is Rs.81,600-00	Excess payment of Rs.19,380-00 has been made.
10	From 20.10.2015 to 30.10.2015 Improving drinking water in Togala -guddada camp.	a) 337 days b) 40 labourers c) Works out to Rs.68,748/-,	But, Rs.76,500-00 has been entered in the M.B.	Therefore excess payment of Rs.7752/- has been made.

In view of the above, comments submitted by you-DGOs are not acceptable to drop the proceedings.

Since the said facts and materials on record prima facie show that DGO No.1 and 2 i.e. (1) Smt.Nagarathna, P.D.O., Attanur Grama Panchayath, Manvi Taluk, Raichur District (2) Sri.Prahlada Rao, Junior Engineer, PRE Sub.Divn, Manvi, Raichur District 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 DGO No.1 to 3 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Hence, the charge.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

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6. The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGOs were recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGOs No.1 and 2 have submitted joint written statement. In their written statement, they have stated that all the works were executed according to the guidelines of MGNREGA scheme and all the works were inspected /supervised by DQM; only after it was verified by the president of Grama panchayath, Executive Officer, Technical Assistants and Engineers, the wage/ amount has been paid. There is no misappropriation of public funds.

8. They have also stated that all the documents pertaining to record of attendance, payments made, unpaid wages and work done are computerized up to date and at any point of time, it could be verified.

9. They have further stated that one Ranganatha the private employee / data entry operator in the Athanoor grama panchayath office used to play mischief while entering the data to the computer which caused serious problem in the documents. This is main cause for all the misunderstandings of misconduct. They have not committed any misconduct. They are innocent persons. With these grounds prays to drop the charges leveled against them.

10. The disciplinary authority has examined the complainant Sri.Bheemappa S/o Kamappa as PW.1, Scrutiny officer Smt. K.Lalitha W/o Dr.Shankar the then Additional

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Registrar of Enquiries-5, Karnataka Lokayukta Bengaluru, and got marked documents as **Ex.P-1 to ExP-10**

11. Thereafter, second oral statement of DGOs have been recorded. DGOs submitted that they have got evidence. So, opportunity was provided to them to adduce evidence. Accordingly, DGO No.1 has got examined herself as DW-1 and DGO No.2 has got examined himself as DW-2 and got marked documents as **Ex.D-1 to Ex.D-20**

12. Heard submissions of Presenting Officer. DGO No.1 and 2 have submitted joint written arguments. Perused the entire records. The only point that arises for my consideration is:

**Whether the Disciplinary Authority proves
the charge framed against the DGOs ?**

My finding on the above point is in the **AFFIRMATIVE** for the following:

REASONS

13. **PW-1** is the complainant. He has stated that, in the 2013-14 finance scheme/ MGNREGA, in the projects of forming road, drainage, de-silting in lake and canals, the DGOs have committed irregularities. He has identified his complaint in form No.1 and 2 and other forms at Ex.P-3 to 6 and documents at Ex.P-7. During the cross examination, he has denied that the DGOs have not committed any dereliction of duty or misappropriation of amount. He has, of course, admitted that he has not given documents along with complaint and he had said in his complaint that he had no

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documents. But these admissions do not help DGOs as the report under section 12(3) of Karnataka Lokayukta Act is based on the final scrutiny note filed by PW-2.

14. PW-2 the scrutiny officer has stated that she had submitted scrutiny note against respondents, on the basis of which Hon'ble Upalokayukta submitted report under section 12(3) of Karnataka Lokayukta Act against the respondents. She has also submitted that during the scrutiny, the respondents did not produce documents for having paid amount to the labourers, they even did not produce pass book or the details of the cheques issued to them. She has further stated that the respondents did not produce the bills for having purchased materials. She has further stated that on perusal of NMR, she found:-

(1) In respect of construction of drain from main road to Noor Mazjid, 35 labourers were shown to have worked for 315 days at labour charge of Rs.191/- per day. But Rs. 40,110/- was paid for 210 days. But the reason for showing less number of labourers in this project is not explained.

(2) In respect of construction of drain from Ayappa Huliguddada house to Badigera house, though the labourers Smt. Yellamma and Sri. Mallanagowda the labourers No. 35 and 54 of the list remained absent, Rs. 3820/- (Rs.1,910 each) has been paid to them for 10 days.

(3) In respect of construction of drainage in Harijana ward in shakapura village, 28 labourers are shown to have

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worked for 273 days. But an amount of Rs. 1910/- is paid for 283 days i.e., in excess for 10 days.

(4) In respect of laying murrum from main road to Ramalinagappa's house road, 59 labourers were shown to have worked for 545 days at payment of Rs. 1,04,009/- (due to typographical error it has been typed as Rs.1,04,009/- but the correct amount as per record is Rs.1,04,095/-) but only Rs. 98,174/- has been paid. The reasons for paying less amount is not explained.

(5) In respect of laying murrum from main road to Sarvaruthu road in Mylagudda camp, 68 labourers were shown to have worked for 573 days. But the payment is calculated only for 536 days. The reason for showing less days of working is not shown.

(6) In respect of laying murrum from Mallaiah gudi to Ramadurga road in Athanooru village, 14 labourers were shown to have worked for 313 days. But the payment is calculated only for 285 days. The reason for showing less days of working is not explained.

(7) In respect of desilting of canal from the land of Sathyababu to the land of Ganigera, 28 labourers were shown to have worked for 112 human days. But payment of Rs.62,266/- is made for 326 days. The reason for paying excess amount of Rs. 50,874/- is not explained.

(8) In respect of borewell recharge pit at Singadadhini cross, 13 labourers were shown to have worked for 183 days.

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But payment is made for 197 days. The reasons for paying excess amount of Rs. 1020/- has not been explained.

(9) In respect of improvement of drain from Somavara pete Allisaba Shop to Diddibasaveshwara temple, 29 labourers were shown to have worked for 305 days from 8.10.2015 to 18.10.2015, for which Rs. 62,220/- was to be paid. But payment of Rs. 81,600/- is paid. Thus, excess amount of Rs. 19,380/- is paid. The reason for paying excess amount has not been explained. (Here, in the charge by mistake the amount which was to be paid is taken as Rs.62,220/- and the difference amount has been taken as Rs.19,380/-. But if the wage of Rs.191/- per day is taken into consideration, for 305 days, the amount which was to be paid comes to Rs. 58,255/- and the difference amount would be Rs. 23,345/-. So, in this charge No. 9, it is to be read as the amount which was to be paid is Rs. 58,255/- and difference amount as Rs. 23,345/-).

(10) In respect of development to lake in Thogalaguddada camp, 40 labourers were shown to have worked for 337 days. The payment which was to be paid was Rs. 68,748/- But Rs. 76500/- has been paid. No reason is shown for payment of excess amount of Rs. 7752/-. (In this charge No. 10, by mistake the amount which was to be paid is taken as Rs.68,748/- and the difference amount has been taken as Rs.7,752/-. But if the wage of Rs.191/- per day is taken into consideration, for 337 days, the amount which was to be paid comes to Rs. 64,367/- and the difference amount would be Rs. 12,133/-. So, in this charge No. 10, it is to be

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read as the amount which was to be paid is Rs. 64,367/- and difference amount as Rs. 12,133/-).

The corrections in charge No. 9 and 10 as stated above are due to error in calculation and their will not cause any injustice to either of the parties.

15. PW-2 has identified the objection of DGOs at Ex.P-8 and Ex.P-9. During the cross examination, the learned counsel for DGOs has suggested that the technical assistant of the grama panchayath would supervise the projects, Sri.Syed Mallik Ahammed was the technical assistant at that time. He had said in his comments that all the projects have been done in accordance with kriya yojana. The said suggestions have been denied. It is also suggested that labourer's supervisor and technical assistant gave the muster roll to the computer operator and he uploaded the muster roll to the website, for which, she pleaded ignorance. It is also suggested that after E-NMR was generated in the computer, wages would be deposited to the Bank account of labourers directly. This suggestion has been denied. She has stated that page No. 33 to 35 of Ex.P-9 are the copies of muster roll wherein the names of labourers and their bank account details have been noted.

16. It is further suggested that she had not given sufficient opportunity to the DGOs to file comments / defence statement and documents. It is further suggested to this witness that though the DGOs did not commit dereliction of duty, she has filed final scrutiny note against them. It is further suggested that, if DGOs had not produced any

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documents, she herself could have secure the documents before submitting report. It is further suggested that all the allegations at Sl. No. 1 to 10 in Article of charge are wrong. It is further suggested that DGOs have not caused any loss to Government. But all these suggestion are denied by this witness. Overall, nothing has been elicited from this witness which leads to discard her evidence.

17. DW-1 / DGO No. 1 has given evidence in respect of charge No. 1 by stating that the scrutiny officer has taken into consideration the labourers who were absent for work and has submitted wrong scrutiny note.

18. In respect of other charges, she has stated that the entries of NMRs and the entries made by technical assistant in MB book tally with each other. They have not paid excess amount. The scrutiny officer verified only one NMR. Remaining two NMRs were not verified. Without verifying two remaining NMRs, wrong report is submitted.

19. She has further stated that the amount is paid as per the entries made by the technical assistant in MB book. There is no misappropriation.

20. She has further stated that the manual NMR will be opened in the names of labourers which will be in the custody of metti (leader of labourers). He would take attendance every day. After completion of project, technical assistant would collect the said manual NMR, verify the same and thereafter would enter the same in MB book. Thereafter, it would be given to computer operator for uploading the

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same to the website. Thereafter, biometric thumb impression of herself and that of technical assistant would be taken. Therefore, the quantum of wages to be paid was being directly transferred to the accounts of labourers. Accordingly, the amount has been directly deposited to the accounts of labourers in respect of 10 projects referred in the Article of charge.

21. She has further stated that computer operator was not working properly and hence she had issued notice to him on 11.9.2014, 18.10.2014, 4.11.2015. She has also reported the matter to higher authorities on 5.3.2016 as per Ex.D-1. She has further produced Ex.D-2 to Ex.D-11 in support of her evidence. Ex.D-2 is the document related to the construction of drainage from main road to Noor masjid. Ex.D-3 is the document pertaining to construction of drainage from Ayappa Huliguddada house to badigera house of Jakkaladhini village. Ex.D-4 is the document in respect of construction of drainage in Harijana ward of Shakapura village. Ex.D-5 is the document relating to putting up of murrum from Main road to Ramalingappa's house road. Ex.D-6 is the document relating to putting up of murrum to Sarvaruthu road in Mylagudda camp. Ex.D-7 is the document relating to putting up of murrum to the road from Mallaiiah temple to Ramadurga road of Athanooru village. Ex.D-8 is the document relating to desilting of canal from Sathyababu land to Ganigera land. Ex.D-9 is the document relating to borewell recharge pit at Singadadhini cross. Ex.D-10 is the document relating to improvement of drain from Somavara pete Allisaba shop to Diddibasaveshara temple.

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Ex.D-11 is the document relating to development of lake in Thogalaguddada camp. Ex.D-12 to Ex.D-20 are the price list published on various dates.

22. During the cross examination, she has admitted that in respect of 1st charge (construction of drain from main road to Noor Mazjid), it has been shown that 35 labourers worked for 315 days for the wages of Rs.191/- per day. But she has stated that the working days were only 210 days for which Rs.40,110/- is paid. She has also explained as per the presence of labourers, amount is paid.

I have perused the NMR of this project which is part of Ex.D-2. This document show that 35 workers have been shown to have worked for 113 human days. FTO transaction which is part of Ex.D-2 show payment of Rs. 40,110/- towards wages. If wage of Rs. 191/- per day is taken into consideration, this amount of Rs. 40,110/- would be for 210 days. But the NMR itself show that 35 workers have worked for 113 days. The DGOs have not placed any documents in support of their contention that the human days involved in this project was only 210 days. So, this clearly shows that the amount has not been paid to labourers in accordance with their attendance. Here, the DGOs have not caused loss to the Government, as they have not released wages to the labourers in the project. But, she has violated the objectives of the MGNREGA scheme.

23. In respect of 2nd charge (construction of drains from Ayappa huliguddada house to Badigera house) she has admitted that labour No. 35 and 54 in the list of labourers i.e,

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Smt. Yellamma and Sri. Mallanagowda were totally paid Rs. 3,820/- by calculating the labour charges for 10 days though they were shown as absent. But she says in the manual NMR book, the labour leader did not show whether Smt.Yellamma and Sri. Mallanagowda were either absent or present, but relying on the entries in the MB book with regard to number of labourers, the file has been approved for release of amount.

I have perused muster roll which is part of Ex.D-3. The columns of this document reserved for entering attendance of the labourers does not show whether Smt. Yellamma and Sri. Mallanagowda at Sl No. 35 and 54 of the NMR were present or absent. The explanation of the DGOs that by relaying on the entries in the MB book with regard to the numbers of labourers, the amount has been released cannot be accepted. Because, in the MB book, the attendance of Smt. Yellamma and Sri. Mallanagowda is not noted. Even otherwise NMR is the base for entries in MB book. The NMR book does not show that Smt. Yellamma and Sri. Mallanagowda were present for 10 days. So, the DGO No.1 was bound to verify the NMR book before releasing the wages. Without verifying NMR book she has approved file for releasing the amount which is not proper. At the outset, here, excess wages of Rs.1,910/- each in total Rs.3,820/- is paid to Smt. Yellamma and Sri. Mallanagowda causing loss to Government exchequer.

24. She has further admitted that in respect of 3rd charge (construction of drainage in Harijana ward in

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Shakapura village) there were 28 labourers and 273 human days. She has also admitted that the wages has been paid for 283 days and the amount of Rs.1,910/- for 10 human days is paid in excess. She explains that, since technical assistant had mentioned human days as 283 days in the MB book, the amount has been paid for 283 days.

I have perused the NMR of this project which is part of Ex.D-4, this document shows that 35 labourers have worked for 273 human days. If wages of Rs.191/- per day is taken into consideration, the amount which was to be paid is Rs.52,143/-. But, FTO transaction which is part of Ex.D-4, shows that an amount of Rs.54,053/- has been paid towards wages i.e., excess of Rs.1910/- is paid. Of course, in this regard, the DGO No. 1 has given explanation that the technical assistant has mentioned human days as 283 and hence amount has been paid for 283 days. But this reason cannot be accepted. Because, NMR is the base for entries of MB book. The DGO No. 1 was bound to verify the NMR before approving file for releasing the wages. But as admitted by her, she has relied upon the entry made by technical assistant which is not proper. **At the outset, it is clear that excess wages of Rs. 1910/- is paid to the labourers causing loss to the Government exchequer.**

25. In respect of 4th charge (laying murrum from main road to Ramalingappa house road) she admits that 59 labourers had worked for 545 human days. The wage amount which was to be paid was Rs. 1,04,095/- but Rs. 98,174/- has been paid. She explains that in manual NMR,

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the human days were written as 514 days and hence for those days the amount has been paid. She has further stated that the labourers leader has wrongly calculated the human days.

Here also, the explanation of DGO No.1 cannot be accepted for the reason that she is bound to verify the NMR and other related documents before approving the file for releasing wages. As per her own admission, she has not verified NMR. Of course, here, no excess amount is paid and no loss is caused to government. But the DGO has not released wages to the labourers though they worked in the project. Thus, she has violated the objectives of the MGNREGA scheme.

26. With regard to 5th charge (laying murrum from main road to Sarvaruthu road in Mylagudda camp) she has admitted that 68 labourers had worked for 573 human days. But the wages have been paid only for 536 human days. In this regard, she explains that labourers leader had calculated human days as 536 days and the same was matching with the entries made in MB book, so amount is paid for 536 days.

27. Here also, the explanation of DGO No.1 cannot be accepted for the reason that she is bound to verify the NMR and other related documents before approving file for releasing wages. As per her own admission, she has not verified NMR. Of course, here, no excess amount is paid and no loss is caused to Government. But the DGO has not released wages to some labourers though they worked in the

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project. Thus, she has violated the objectives of the MGNREGA scheme.

28. In respect of charge No. 6 (laying murrum from Mallaiah gudi to Ramadurga road in Athanooru village) this witness admits that 14 labourers had worked for 313 days. But wages have been paid for 285 days. In this regard, she explains that in manual NMR the number of human days is wrongly mentioned, but in computer NMR, it is mentioned as 285 days.

29. Here also, the explanation of DGO No.1 cannot be accepted for the reason that she is bound to verify the NMR and other related documents before releasing wages. As per her own admission she has not verified NMR. Of course, here, no excess amount is paid and no loss is caused to government. But the DGO has not released wages to some labourers though they worked in the project. .

30. In respect of 7th charge (desilting of canal from the land of Sathyababu to the land of Ganigera) she admits that 28 labourers had worked for 112 human days. But wages have been paid for 326 human days. In this regard she explains that the scrutiny officer has taken into consideration only one NMR, another NMR has not been taken into consideration. Now she has produced another NMR.

I have perused Ex.D-8, wherein two NMRs and two FTO transaction extracts have been produced. According to one NMR, the project was between 6.6.2014 to 15.6.2014. In this project 215 workers had worked. The wages which was to be

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paid was Rs. 41,065/- but the wages paid was Rs. 21,583/-. As per another NMR, the project was between 24.6.2014 to 2.7.2014. The human days were 480 days. So the amount which was to be paid was Rs. 91,680/- but the amount paid is Rs. 94,927/-. In both the projects, the total human days were 695 days. The amount which was to be paid was Rs. 1,32,745/-. The amount which was paid is Rs. 1,16,510/-. In this way, the DGO No.1 has not released the amount fully to the labourers though they worked in the project. Of course, here, no excess amount is paid and no loss is caused to government. But the DGO has not released wages to some labourers though they worked in the project.

31. In respect of 8th charge (borewell recharge pit at Singadadhini cross) she admits that 13 labourers had worked for 183 human days. But wages have been paid for 197 days. In this regard, she explains that in manual NMR it was wrongly mentioned as 183 human days. But in E-NMR, it is rightly mentioned as 197 human days. Hence, the amount is paid for 197 days. No excess amount is paid.

This explanation cannot be accepted. Because manual NMR is the base for entries in E-NMR. The DGO was bound to verify manual NMR. Of course, she says the computer operator was mischievous, he was uploading wrong entries to the website, and hence he was removed from service. She has also relied upon Ex.D-1, the notices given to the computer operator and the letter given to the Executive officer, Taluk panchayath Manvi on 5.3.2016. But the above entries are of the period from 25.11.2015 to 10.12.2015 as per Ex.D-9.

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There is no relevancy to Ex.D-1 and the charge No. 8. Even otherwise DGO No.1 was bound to verify manual NMR to compare the same with E-NMR. But has not done so as per her own admission. Here she has caused loss of Rs. 2,674/- to the government exchequer by paying excess amount for 14 days.

30. In respect of 9th charge(improvement of drain from Somavara pete Allisaba shop to Diddibasaveshara temple) she denied that 29 labourers had worked for 305 days. She has further denied that wages of Rs. 81,600/- is paid instead of Rs. 58255/- But she has stated that in view of wrong entry in NMR, some confusion has arisen.

This explanation cannot be accepted because she is bound to verify the NMR before approving file for releasing the amount. Here, without verifying the NMR she has released excess amount of Rs. 23,345/- and caused loss to the government exchequer.

31. In respect of 10th charge (development of lake in Thogalaguddada camp) she admits that 40 labourers had worked. She denied that excess amount of Rs. 12,133/- is paid. But she says that due to wrong entry in NMR confusion arose, amount is paid as per E-NMR entry and no excess amount is paid.

This explanation cannot be accepted because she is bound to verify the NMR before releasing the amount. Here without verifying the NMR, she has released excess amount of Rs. 12,133/- and caused loss to the Government exchequer.

17.3.2022

32. DGO No. 2, though has given evidence, did not appear for cross examination. Thus he has been discharged. At the outset, he has not proved his defence.

33. Over all evidence of this witness shows that excess amount is paid as alleged in charge No. 2,3,8,9 & 10 and objectives of MGNREGA scheme are not achieved as alleged in charge No.1,4,5 & 7. DGO No.1 being Panchayath development officer and DGO NO.2 being Junior Engineer both are responsible for the above dereliction. Thus, I am of the opinion that, all the charges are proved and DGOs are jointly and severely liable for causing loss of Rs.43,882/- to the Government exchequer.

Hence I proceed to record the following:-

FINDINGS

34. The Disciplinary Authority has proved all the charges. The DGOs No.1 and 2 are responsible jointly and severely for loss of Rs. 43,882/- as alleged in charge No.2, 3, 8, 9 & 10. They are also responsible for violation of objection of NGREGA as alleged in charge No.1,4,5 & 7. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

35. Date of retirement of DGO No.1 is 31.1.2041 and DGO No. 2 is 30.11.2022.

Pushpa V. 17.3.2022
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sri. Bheemappa S/o Kamappa, Kallur Village and Post, Manvi Taluk, Raichur District Original
PW-2	Smt. K.Lalitha, S/o Dr.Shankar, Additional Registrar of Enquiries-5, Karnataka Lokayukta Bengaluru Original

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

Ex.P1	Ex.P-1 is the detailed complaint dated: 28.5.2016 filed by PW-1 in Karnataka Lokayukta Office.
Ex.P 2 to 6	Ex.P-2 to Ex.P-6 is the complaint in form No. 1 and 2 filed by PW-1 in Karnataka Lokayukta Office.
Ex.P-7	Ex.P-7 is the speed post acknowledgement copy
Ex.P-8	Ex.P-8 is the comment dated: 18.8.2016 submitted by PDO, Athanooru grama panchayath
Ex.P 9	Ex.P-9 is the comments dated: 18.8.2016 and documents submitted by DGO No. 2
Ex.P-10	Ex.P-10 is the comments dated: 18.8.2016 submitted by Sri. Syed Mallik Ahammed, Technical assistant, Manvi taluk, Raichur District.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No. 1 Sri. Nagarathna, Panchayath development officer, Attanur Grama panchayath, Attanur Village, Manvi Taluk, Raichur District Original
DW- 2	DGO No. 2 Sri.Prahlad, Junior Engineer, Panchayath Raj Engineering Sub Division, Manvi Taluk, Raichur District Original

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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the notice dated: 11.9.2014, 18.10.2014, 4.11.2015 and complaint copy dated: 5.3.2016
Ex.D-2	Ex.D-2 is the documents related to construction of drainage from Main road to Noor Masjid
Ex.D-3	Ex.D-3 is the documents related to construction of drainage from Jakkaladhini village Ayappa Huliguddada house to Badigera house
Ex.D-4	Ex.D-4 is the documents related to construction of drainage in Shakapura village Harijana ward
Ex.D-5	Ex.D-5 is the documents related to spreading of murrum from Main road to Ramalingappa house road.
Ex.D-6	Ex,D-6 is the documents related to spreading of murrum in Mylagudda camp survey ruthu road
Ex.D-7	Ex.D-7 is the documents related to spreading of murrum from Athanooru village Mallaiah gudi to Ramadurga road
Ex.D-8	Ex.D-8 is the documents related to removing of silt in drainage from Sathyababu agriculture land to Ganigera agriculture land
Ex.D-9	Ex.D-9 is the documents related to construction of singadadhini cross borewell recharge pit.
Ex.D-10	Ex.D-10 is the documents related to development of drainage from Somavara Pete Matt to Allisaba shop to diddabasaveshara temple.
Ex.D-11	Ex.D-11 is the documents related to development of drinking water lake in Thogalaguddada camp
Ex.D-12	Ex.D-12 is the rate list publication dated: 22.12.2014
Ex.D-13	Ex.D-13 is the rate list publication dated: 22.12.2020
Ex.D-14	Ex.D-14 is the rate list publication dated: 22.12.2014
Ex.D-15	Ex.D-15 is the rate list publication dated: 22.12.2014
Ex.D-16	Ex,D-16 is the rate list publication dated: 22.12.2014
Ex.D-17	Ex,D-17 is the rate list publication dated: 22.12.2014
Ex.D-18	Ex,D-18 is the rate list publication dated: 16.9.2015
Ex.D-19	Ex.D-19 is the rate list publication dated: 6.8.2015
Ex.D-20	Ex.D-20 is the rate list publication dated: 26.6.2015

P. V. 17.3.2022
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.858/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 21.03.2022

RECOMMENDATION

Sub:- Departmental inquiry against (1) Smt. Nagarathna, Panchayath Development Officer, Attanur Grama Panchayath, Manvi Taluk, Raichur District, and (2) Sri Prahlada Rao, Junior Engineer, Panchayath Raj Engineering Sub-division, Manvi Taluk, Raichur District - reg.

Ref:- 1) Government Order No.RDP 287 GPS 2017 dated 03.05.2017.

2) Nomination order No. UPLOK-1/DE.858/2017 dated 05.07.2017 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 17.03.2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 03.05.2017 initiated the disciplinary proceedings against (1) Smt. Nagarathna, Panchayath Development Officer, Attanur Grama Panchayath, Manvi Taluk, Raichur District, and (2) Sri Prahlada Rao, Junior Engineer, Panchayath Raj Engineering Sub-division, Manvi Taluk, Raichur District, [hereinafter

referred to as Delinquent Government Officials, for short as 'DGOs 1 and 2' respectively] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE.858/2017 dated 05.07.2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the charge of committing irregularities in execution of drain works/desilting of canal and other works, causing loss to the Government and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGOs 1 and 2.

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

6. As per the First Oral Statements of DGOs furnished by the Enquiry Officer,

i) DGO.1 Smt.Nagarathna is due to retire from service on 31.01.2041;

ii) DGO.2 Sri Prahlada Rao is due to retire from service on 30.11.2022.

7. Having regard to the nature of charge proved against DGOs and considering the totality of circumstances;

i) it is hereby recommended to the Govt. to impose penalty of ' withholding 2 annual increments payable to DGO 1 Smt.Nagarathna with cumulative effect and also to recover Rs.21,941/- along with interest at the rate of 8% p.a. with effect from 22.03.2017,(the date of report u/s 12(3) of K.L.Act) from the salary and allowances payable to DGO.1 Smt.Nagarathna.

ii) In view of date of retirement of DGO.2 on 30.11.2022, considering the time required for issuance of second show-cause notice and the reply thereon, it is hereby recommended to impose penalty of ' withholding 10% of pension payable to DGO 2 Sri Prahlad Rao for a period of five years and also to recover Rs.21,941/- along with interest at the rate of 8% p.a. with effect from 22.03.2017,(the date of report

u/s 12(3) of K.L.Act) from the pensionary benefits payable to DGO.2 Sri Prahlada Rao.

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

Connected records are enclosed herewith.

*B.S. Patil* 21/3/22

**(JUSTICE B.S.PATIL)**  
Upalokayukta-2,  
State of Karnataka.