

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/900/2017/ARE-12

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **24/06/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Thippanna, the then Panchayath Development Officer, Bayododdi Grama Panchayath, Raichur Taluk and District;
- 2) Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District – Reg.

- Ref:- 1) Govt. Order No.ಗ್ರಾಅಪ/505/ಗ್ರಾಪಂಚಾ/2017, Bengaluru dated 16/6/2017.
- 2) Nomination order No.UPLOK-1/DE/900/2017, Bengaluru dated 21/7/2017 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 22/6/2020 of Additional Registrar of Enquiries-12, Karnataka Lokayukta, Bengaluru

The Government by its order dated 16/6/2017 initiated the disciplinary proceedings against (1) Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District and (2) Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District (hereinafter referred to as Delinquent Government Officials 1 & 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/900/2017 Bengaluru dated 21/7/2017 nominated Additional Registrar

of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry 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. Subsequently, by Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-12, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2.

3. The DGO-1 Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District and DGO-2 Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District were tried for the following charges:-

“You Sri Thippanna, DGO-1 and you Sri Umakanth DGO-2 while working as PDOs of Bayidoddi Grama Panchayath of Raichur Taluk and District, while working as such, have committed irregularities in identifying the beneficiaries and in distributing benefits to the beneficiaries under various housing schemes and also committed irregularities in spending grants allocated to the Bayidoddi Grama Panchayath under 13th Finance Commission and the details of such irregularities you have committed, are as follows:

(a) One Smt. Malambi W/o. Badesab R/o. Wadawatti Village was a beneficiary under Basava Vasathi Yojane Scheme and she was allotted a house under the said scheme during 2010-11. But again, during 2011-12, she has been included as a beneficiary in list of beneficiaries under Indira Awas Yojane and she has been allotted a house again in

2011-12 under Indira Awas Yojane. Hence, you being the Panchayath Development Officers were responsible for allotment of houses to the same person/Smt. Malambi under two different housing schemes by conferring double benefit to the same person, thereby depriving the eligible persons from getting the benefit under the scheme.

(b) GPS has not been made for the house allotted to the beneficiary by name Smt.Laxmi W/o. Nagesha, though amount has been disbursed in her favour.

(c) You have failed to provide the relevant records and documents pertaining to expenditure incurred towards the execution of the various projects undertaken under 13th Finance Commission and you have claimed during enquiry by the Deputy Superintendent of Police, Karnataka Lokayukta, Raichur that, no such documents and records are available in the Grama Panchayath office.

(d) The receipts Bills, Counterfoils of the Cheques produced during the enquiry by Deputy Superintendent of Police, Karnataka Lokayukta, Raichur are not tallying to one another and there are number of discrepancies in maintaining such documents. The receipts, bills and counterfoils produced are not tallying with the amount claimed to have been spent, allocated under the 13th Finance Commission.

(e) Beneficiary by name Narayanamma has been paid only Rs.52,000/- under three installments of Rs.12,000/-, Rs.14,000/- and Rs.26,000/- though as

per the records Rs.74,500/- has been shown to have been disbursed in her favour, thereby misappropriating the difference of amount claimed to have been disbursed in her favour, thereby committing such irregularities and illegalities, you being a public/ Government servant acted in a manner unbecoming of a Government servant and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”


4. The Inquiry Officer (Additional Registrar of Enquiries-12) on proper appreciation of oral and documentary evidence has held that;

- (i) the Disciplinary Authority has proved charge (a) against DGO No.(1) Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, presently at Chikkasugoor Grama Panchayath, Raichur Taluk and District.
- (ii) The Disciplinary Authority has proved the charge (b) & (e) against DGO No.(2) Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District.
- (iii) The Disciplinary Authority has not proved charge (c) and (d) either against DGO No.1 or against DGO No.2.

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 & 2;
- (i) DGO-1 Sri Thippanna has retired from service on 30/4/2016;
 - (ii) DGO-2 Sri Umakanth is due to retire from service on 30/6/2027
7. Having regard to the nature of charge proved against DGO-1 Sri Thippanna and DGO-2 Sri Umakanth;
- (i) it is hereby recommended to Government for imposing penalty of withholding 10% of pension payable to DGO-1 Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District for a period of 10 years;
 - (ii) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk and District with cumulative effect and also recovering a sum of Rs.22,500/- from the salary and allowances payable to DGO-2 Sri Umakanth.
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 24/6
State of Karnataka,
Bengaluru

KARNATAKA - LOKAYUKTA

No. UPLOK-1/DE-900/2017/ARE-12

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date: 22.06.2020**ENQUIRY REPORT****PRESENT :**SRI D. PUTTASWAMY
ADDITIONAL REGISTRAR (ENQUIRIES)-12
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU – 560 001.**Subject :**

Departmental Inquiry against :

1. Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, presently at Chikkasugoor Grama Panchayath and
2. Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk & District-reg.,

References:

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB/3867/2015/ARE-5, dt:27/05/2017.
2. Government Order No. ಗ್ರಾಅಪ/505/ಗ್ರಾಪಂಕಾ/2017 Bengaluru, dated:16.06.2017
3. Nomination Order No. Uplok-1/DE/900/2017 Bengaluru dt.21.07.2017 of Hon'ble Upalokayukta-1.
4. Order No.Uplok-1&2/DE/Transfers/2018 Bengaluru dated 06.08.2018.

* * *

1. This complaint is filed by the complainant Sri.Chitti Narasanna S/o. Chitti Bheemanna, President, Bayidoddi

Grama Panchayath, Raichur Taluk (hereinafter referred to as 'complainant' for short) against 1) Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, presently at Chikkasugoor Grama Panchayath and 2) Sri Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk & District (Sl. No. (1) & (2) are hereinafter referred to as Delinquent Government Officials in short DGO Nos.1 & 2 respectively), alleging misconduct on their part.

2. On the basis of the complaint, comments were called from the DGOs. The DGOs have submitted their comments denying the allegations of the complaint. The complaint was referred to the Superintendent of Police, Karnataka Lokayukta, Raichur District for investigation. The Superintendent of Police, Karnataka Lokayukta, Raichur (hereinafter referred to as the Investigating officer) after investigation has submitted the report. On the basis of the investigation report, comments were called from the DGOs. The comments submitted by DGOs are not acceptable to drop the proceedings against them. Hence, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No.1. In pursuance of the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGOs as per reference No. 2.

3. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta on 21/07/2017 authorizing ARE-3 to frame Articles of Charge against the DGOs and to hold an enquiry to find out truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Articles of Charge against the DGOs were framed by the then Additional Registrar (Enquiries-3) and was sent to the Delinquent Government Officials on 16/09/2017. In view of the order cited at reference No. 4, this file was transferred from ARE-3 to ARE-12.

4. The articles of charge and the statement of imputations of misconduct prepared and leveled against the DGOs are reproduced as here under :-

ANNEXURE-I
CHARGE :

You Sri Tippanna DGO-1 and you Sri Umakanth DGO-2 while working as PDOs of Bayidoddi Grama Panchayath of Raichur Taluk and District, while working as such have committed irregularities in identifying the beneficiaries and in distributing benefits to the beneficiaries under various housing schemes and also committed irregularities in spending grants allocated to the Bayidoddi Grama Panchayath under 13th Finance Commission and the details of such irregularities you have committed, are as follows:

(a) One Smt Malambi W/o Badesab R/o Wadawatti village, was a beneficiary under Basava Vasathi Yojane scheme and she was allotted a house under the said scheme during 2010-11. But again during 2011-12 she has been included as a beneficiary in list of beneficiaries under Indira Awas Yojane and she has been allotted a house again in 2011-12 under Indira Awas Yojane. Hence you being the Panchayath Development Officers were responsible for allotment of houses to the same person/Smt. Malambi under two different housing schemes by conferring double benefit to the same person, thereby depriving the eligible persons from getting the benefit under the scheme.

(b) GPS has not been made for the house allotted to the beneficiary by name Smt. Laxmi W/o Nagesha, though amount has been disbursed in her favour.

(c) You have failed to provide the relevant records and documents pertaining to the expenditure incurred towards the execution of the various projects undertaken under 13th Finance Commission and you have claimed during enquiry by the Deputy Superintendent of Police, Karnataka Lokayukta Raichur that, no such documents and records are available in the Grama Panchayath office.

(d) The receipts, bills, counterfoils of the cheques produced during enquiry by Deputy Superintendent of Police, Karnataka Lokayukta,, Raichur, are not tallying to one another and there are number of discrepancies in maintaining such documents. The receipts, bills and counter foils

produced are not tallying with the amount claimed to have been spent, allocated under the 13th Finance Commission.

(e) Beneficiary by name Narayanamma has been paid only Rs. 52,000/- under three instalments of Rs. 12,000/-, 14000/- and Rs. 26000/- though as per the records Rs. 74500/- has been shown to have been disbursed in her favour, thereby misappropriating the difference of amount claimed to have been disbursed in her favour, thereby committing such irregularities and illegalities, you being a public/Government servant acted in a manner unbecoming of a Government servant and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

On the basis of complaint filed by Sri.Chitti Narasanna s/o. Chitti Bheemanna, President, Bayidoddi Grama Panchayath, Raichur Taluk (hereinafter referred to as 'complainant' for short) against (1) Sri.Tippanna, the then PDO, Bayidoddi Grama Panchayath, Raichur Taluk presently at Chikka Sugur Grama Panchayath 2) Sri.Umakantha, the then P.D.O., Bayidoddi Grama Panchayath, Raichur Taluk and (hereinafter referred to as DGO Nos.1 and 2 respectively) alleging that the Respondents have committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. According to the Complainant :-

(a) Smt.G.Parimala has drawn the amount without constructing the house.

(b) Smt.Lakshmi w/o.Nagesh has paid Rs.10,000 to Bill Collector and received amount by fixing GPS on the house of third person.

(c) Smt.Mallika w/o. Narasanna has received amount by fixing GPS on the house of some other person.

(d) Smt.Maheshwari w/o Siddachari has drawn Rs.14,000/- at the stage of first stage and Rs.10,000/- at the second stage without constructing the house.

(e) Smt.Eramma w/o.Chitti Narasanna has drawn the amount for GPS by taking photographs of house of some other person.

(f) Smt.Nagamma w/o.Ramachari has drawn Rs.60,000/- by fixing GPS on the house of Renakamma w/o.Hanumanth.

(g) Smt.Paddamma w/o. Jayappa has constructed house in dry land and she has been paid Rs.12,000/- towards first bill instead of Rs.14,000/- and Rs.15,000/- for second bill instead of Rs.24,000/- and Rs.27,000/- towards third bill instead of 37,000/- and remaining amount has been taken by PDO and Bill Collector.

(h) Smt.Anjinamma w/o. Thimmappa, Ex. Grama Panchayath, member has received amount by fixing GPS on the house of relatives.

(i) Smt.Narasamma and Shivamma w/o.Doddakuntappa have received amount by fixing GPS on the house of other persons.

(j) Smt.Anjinamma w/o. Govindu has received Rs.74,500/- by fixing GPS on the house of third person .

(k) Smt.Sumithra w/o. Raju has received Rs.1,20,000/- without constructing the house.

(l) Smt.Shirina w/o Suntan and Rajia Begum w/o. Allam Pasha have fixed GPS by constructing rooms on the Complex constructed by Akbarsaheb Masi and drawn the amount.

(m) Smt.Malambi w/o.Badesab has been selected as beneficiary for two houses. PDO and Bill collector have withdrawn the amount in her name.

(n) Ex.President- Taramma and DGO No.2-PDO have misappropriated the amount granted under 13th finance scheme during the period when Code of conduct was in force.

(o) Computer Operator of Bayidoddi Grama Panchayath has left the job at Grama Panchayath and joined Navodaya Hospital. He has not carried out any work in Grama Panchayath.

3. DGOs 1 and 2 have submitted comments stating that amount has been credited to the account of Beneficiaries through online. That he worked during 2010-11 during implementation of Basava Vasati Scheme and he has not worked during 2014-15 when Indira Awas scheme was implemented. That he verified the houses and GPS as shown by the beneficiaries and therefore amount was credited to their accounts.

4. Report was called for from S.P., Lokayukta, Raichur. Investigation has been conducted by Police Inspector, Karnataka Lokayukta, Raichur (I.O. for short) and he has submitted reports .
5. The reports of I.O. show that:
 - (a) Maalaanabi has been identified as beneficiary under Basava yojane during 2010-11 and allotted a house. Against during 2011-12 she has been allotted house under Indira Awas scheme and she has been paid amount under both the schemes. PDO-Thippanna and the President are responsible for allotting two houses under two different schemes for the same beneficiary. Beneficiary Maalaanabi has given statement that she has been paid Rs.14,550/- towards first installment.
 - (b) GPS has not been taken for the house of beneficiary Lakshmi.
 - (c) PDO did not produce documents concerning 13th Finance scheme.
 - (d) The receipts, bills and cheques produced by the PDO do not tally with the amount spent.
 - (e) Beneficiary Nagamma has given statement that she has been paid only Rs.12,000/-, 14,000/- and 26,000/-, whereas she was to be paid Rs.74,500/-
6. In view of the report of I.O., the comments submitted by DGOs 1 and 2 are not acceptable to drop the proceedings against them.
7. Since the said facts and materials on record prima facie show that DGOs 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 DGOs 1 and 2 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957.

8. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge”

5. The aforesaid articles of charge were served upon the DGOs on 07/12/2017 and 27/10/2017 respectively. DGOs appeared before this enquiry authority and their first oral statements under Rule 11(9) of KCS (CCA) Rules, 1957 were recorded. The DGOs pleaded not guilty and claimed to be enquired about the charge. DGOs 1 & 2 have filed their written statements of defence.

6. DGOs in their written statements of defence have contended that the DGO No.1 has worked as Secretary and PDO at Bayidoddi Grama Panchayath from 2010-11 to 2013-14 and further contended that DGO No.1 has not misused the amount allotted under 13th Finance Scheme. Amount was released to the beneficiary after physical verification of the progress of construction. Investigating officer has not verified as to release of fourth installment amount of Smt. Narayanamma. GPS has been done by the

nodal officer. The allegation with respect to 13th Finance Scheme was not for the period of DGO No.1. There was appeal provision. Complaint is barred under Section 8 (2) (c) & (d) of Karnataka Lokayukta Act. As such DGO No.1 and 2 have not committed any misconduct as alleged. Therefore, it is prayed to exonerate the DGO No.1 and 2 from the charges.

7. In this enquiry, to prove the charge against the DGOs, the Presenting Officer has examined Sri. Chitti Narasanna (Complainant) as PW-1 and Sri. H.Doddanna (Investigating Officer) as PW-2 and got marked, in all, 11 documents as Ex.P-1 to Ex.P-11 on behalf of Disciplinary Authority. After the closure of evidence of Disciplinary Authority, Second Oral Statement of DGO-1 U/R 11(16) was recorded. The DGO-2 remained absent since several dates. Hence, DGO-2 has been placed exparte. The DGO No.1 desired to lead defence evidence in support of his defence. DGO No.1 got examined himself as DW 1 and got marked Ex.D.1. Therefore, recording Questionnaire U/R 11(18) of KCS (CC&A) Rules, 1957 was dispensed with. Then I have heard the learned Presenting Officer. The learned counsel for DGO No.1 has filed the written arguments.

8. Now, the points that would arise for my consideration are;

1 : *Whether the charge leveled against the DGOs are proved by the Disciplinary Authority?*

2 : *What order?*

9. My findings to the aforesaid points are as under :-

POINT No. 1 : Partly in the Affirmative.

POINT No. 2 : As per the final order for the following;

REASONS

10. **POINT NO. 1** : It is the case of Disciplinary Authority that the DGO No.1 and 2 while working as Panchayath Development officers of Bayidoddi Grama Panchayath of Raichur Taluk and District have committed irregularities as under:

a) *One Smt.Malambi W/o. Badesab, R/o. Wadavatti village was a beneficiary under Basava Vasathi Yojane scheme and she was allotted a house under the said scheme during 2010-11. But, again during 2011-12 she has been included as a beneficiary under Indira Awaaz Yojane and she has been allotted a house again in the year 2011-12 under Indira Awaaz Yojane. Therefore, they are responsible for allotment of houses to the same person under two different housing schemes by depriving the eligible persons from getting the benefit.*

- b) *GPS has not been made for the house allotted to the beneficiary by name of Smt.Lakshmi W/o.Nagesha, though amount has been disbursed in her favour.*
- c) *They have failed to provide the relevant records and documents pertaining to the expenditure incurred towards the execution of various works undertaken under 13th Finance commission, to the Investigating officer.*
- d) *The receipts, bills, counterfoils of the cheques produced during enquiry by the Investigating officer are not tallying with each other and also with the amount claimed to have been spent under 13th Finance Scheme.*
- e) *The beneficiary Smt.Narayanamma has been paid only Rs.52,000/- under three installments of Rs.12,000/-, Rs.14,000/- and Rs.26,000/-, though as per the records Rs.74,500/- has been shown to have been disbursed in her favour and misappropriated the difference amount and thereby they have committed misconduct.*

11. In order to prove the guilt of DGOs, the complainant being PW-1 has reiterated the contents of complaint in his evidence and further stated that the DGOs have not maintained any records for having spent Rs.2.00 Lakhs allotted under 13th Finance Scheme. He has relied on complaint, Form No.1 & 2 and copy of GPS based on physical progress of list of beneficiaries at Ex.P-1 to Ex.P-4.

12. The investigating officer being PW-2 has deposed that two houses under Basava Vasathi scheme and Indira Awaaz scheme are granted to Smt.Malambi in the year 2010-11 and 2011-12 respectively and released the amount under two installments under Indira Awaaz scheme; Smt.Lakshmi W/o.Nagesh completed the construction of the house, to whom GPS has not been made for two times by remitting the amount to her account and thereafter amount of two installments has not been remitted; as per her statement, she has completed the house with her own money; since no documents were available, he has not conducted the investigation with regard to 13th Finance scheme. He has relied on copy of list of beneficiaries of Basava Vasathi scheme and Indira Awaaz scheme, a photo of a house belonging to Smt.Lakshmi, GPS document and statement of account of Smt.Lakshmi, her statement, two more photos and investigation report at Ex P5 to Ex P11.

13. On the other hand, the DGO No.1 being DW-1 has deposed that he has worked as Secretary and Panchayath Development Officer at Bayidoddi Grama Panchayath from 2010 to December 2013; he has not misused any amount allotted under 13th Finance Scheme; during his period under Indira Awaaz scheme, a house was granted to Smt.Malambi, W/o. Badesab as per the decision of Grama Panchayath, which was approved by the Taluk Panchayath; on her documents, GPS has been made by the Nodal officer

and thereafter, amount was released; Smt.Malambi constructed a house to the extent of 10 x 12 feet; he was working as Secretary at the time when a house was granted to Smt.Malambi under Basava Vasathi Scheme; he has retired on 30/04/2016. He has relied on copies of GPS documents along with bank statements at Ex D1.

14. The learned Presenting Officer has submitted that the complainant being PW-1 and Investigating officer being PW-2 have fully supported the case of Disciplinary Authority and the documents produced by them at Ex.P-1 to Ex.P-11 corroborate the version of complainant to establish the guilt of DGOs.

15. The learned counsel for DGO No.1 by filing written arguments admit that the DGO No.1 has worked as Secretary and PDO at Bayidoddi Grama Panchayath from 2010-11 to 2013-14 and further contended that DGO No.1 has not misused the amount allotted under 13th Finance Scheme; amount was released to the beneficiary after physical verification of the progress of construction; DGO No.1 had no power to grant a house; GPS has been done by the nodal officer; as per the evidence of Investigating officer, Smt.Malambi has constructed two houses at a place and he has not investigated the fourth installment amount released in favour of Smt. Narayanamma; the allegations are not pertaining to his period; there was appeal provision;

complaint is barred under Section 8 (2) (c) & (d) of Karnataka Lokayukta Act. As such DGO No.1 has not committed any misconduct as alleged. Therefore, it is prayed to exonerate the DGO No.1 from the charges.

16. When we analyze the evidence on record, it is clear that the DGO No.1 was working as Secretary and Panchayath Development officer at Bayidoddi Grama Panchayath from 2010-11 to 2013-14. After DGO No.1, DGO No.2 started working as Panchayath Development officer in the said Grama Panchayath.

17. In so far as the allegation against the DGO No.1 is concerned, he has admitted in the cross-examination thus:-

ನಿಜಿ-5ಎ ರ ಪ್ರಕಾರ 2010-11ನೇ ಸಾಲಿನ ಬಸವ ವಸತಿ ಯೋಜನೆಯ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ.39 ರಲ್ಲಿ ಶೇಖ್ ಬಡೇಸಾಬ್‌ರವರ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ಮಾಲಂಜೀ ರವರಿಗೆ ಮನೆ ಮಂಜೂರು ಅಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ನಿಜಿ-6ಎ ರ ಪ್ರಕಾರ 2011-12ನೇ ಸಾಲಿನ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆಯ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯ ಕ್ರಮ ಸಂಖ್ಯೆ.94 ರಲ್ಲಿ ಸದರಿ ಬಡೇಸಾಬ್‌ರವರ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ಮಾಲಂಜೀ ರವರಿಗೆ ಮನೆ ಮಂಜೂರು ಅಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಹಾಗಾಗಿ ಒಂದೇ ವ್ಯಕ್ತಿಗೆ ಎರಡು ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಎರಡು ಮನೆಗಳು ಮಂಜೂರಾಗಿರುತ್ತವೆ ಎಂದರೆ ಸರಿ. ಈ ರೀತಿಯಾಗಿ ಒಬ್ಬರಿಗೆ ಎರಡು ಮನೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶ ಇರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಒಬ್ಬರಿಗೆ ಎರಡು ಮನೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಲು ಬರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ನಾನು ಬರವಣಿಗೆಯಲ್ಲಿ ತಕರಾರು ಮಾಡಿರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ.

18. It is clear from the above admissions of DW-1 that two houses under two different housing schemes were granted to same person i.e., Smt.Malambi W/o.Badesab during 2010-11 and 2011-12, which is not permissible under Law. Though the DGO No.1 was working as Secretary and Panchayath Development officer at the relevant point of time, he has not raised any objection in writing as against the decision of Grama Panchayath. DGO No.1 having powers under the Karnataka Panchayath Raj Act and also under the Government circulars, he cannot keep quite even when the decision of Grama Panchayath violate the rules and regulations. So, inaction on the part of the DGO No.1 has resulted in injustice and deprived the eligible persons from getting the benefit under the scheme.

19. According to PW-2, Smt.Lakshmi W/o.Nagesha completed the construction of house, to whom GPS has been made for two times by remitting the amount to her account and thereafter, amount of two installments has not been remitted to her account and she has completed the house with her own money. But, DW-1 says that he was not working there at that time. It shows that DGO No.2 was working as Panchayath Development officer during the said period, who has not given any evidence to show that the remaining amount of two installments has been paid to Smt.Lakshmi by doing GPS. Since there is no any evidence

from the side of DGO No.2, he is responsible for the said lapse.

20. Regarding charge (e), though the DGO No.2 has stated in the written statement that the investigating officer has not verified the fourth installment amount of the beneficiary Smt.Narayanamma, he has neither adduced oral evidence nor placed any document to that affect. In the absence of any such evidence, the mere contention taken in the written statement is not acceptable. So, DGO No.2 is responsible for the difference amount of Rs.22,500/- (Rs.74,500 - 52,000 = Rs.22,500) being the fourth installment amount of the beneficiary Smt.Narayanamma.

21. In so far as charge (c) & (d) are concerned, the PW-1 has stated in the cross-examination that no action plan for Rs.2.00 Lakhs was prepared under 13th Finance scheme and he has not seen as to what are all the works included in the action plan under 13th Finance scheme and it was not done during the period of DGO No.1. That apart, PW-2 has admitted in his examination-in-chief itself that he has not done any investigation with regard to 13th finance scheme and no such records were available. It is clear from the evidence of PW-1 and 2, that no action plan for Rs.2.00 Lakhs under 13th Finance Scheme was prepared and as such, DGO No.1 and 2 could not produce any such documents before the Investigating officer.

22. It is therefore clear from the evidence that the DGO No.1 is responsible for allotment of houses to the same person i.e., Smt.Malambi under two different housing schemes conferring double benefit to her and thereby deprived the eligible persons from getting the benefit under the scheme as stated in charge (a). Similarly, DGO No.2 without making GPS for the house allotted to Smt.Lakshmi W/o.Nagesha, last two installments amount has been released to her. There is no evidence to show that the DGO No.2 has misappropriated the last two installments amount of Smt.Lakshmi, but there is his negligence in not doing GPS. Coming to charge (e), DGO No.2 is responsible for the difference amount of Rs.22,500/- (Rs.74,500-52,000 = Rs.22,500) and it can be said that DGO No.2 has misutilized the said amount of Rs.22,500/-.

23. In view of the above, the contentions of DGO No.1 and 2 that they have not committed any dereliction of duty/misconduct are not acceptable. One more contention that complaint is barred u/s 8 (2) (c) & (d) of the Karnataka Lokayukta Act is not acceptable for the reason that Section 8 (c) is applicable to a grievance and allegation made in the complaint herein is within five years from the date on which the action complained against is alleged to have taken place. Another contention that there was appeal provision

for the complainant is not acceptable for the reason that there was no bar to file the present nature of complaint.

24. Therefore, by considering the evidence on record, I hold that the DGO No.1 has committed dereliction of duty as stated in the charge (a) and DGO No.2 has also committed dereliction of duty as stated in charge (b) and misconduct as stated in charge (e). Thus, the Disciplinary Authority has proved the charge (a) leveled against the DGO No.1 and charge (b) & (e) against the DGO No.2 as mentioned in Annexure-1 of Articles of Charge beyond probabilities. But, Disciplinary Authority has not proved the charge (c) & (d) either against DGO No.1 or against DGO No.2. Therefore, I answer Point No.1 partly in the Affirmative.

25. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to pass the following;

: ORDER :

The Disciplinary Authority has proved the charge (a) against DGO No.(1) Sri Thippanna, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, presently at Chikkasugoor Grama Panchayath, Raichur Taluk & District.

The Disciplinary Authority has proved the charge (b) & (e) against DGO No.(2) Sri

Umakanth, the then Panchayath Development Officer, Bayidoddi Grama Panchayath, Raichur Taluk & District.

The Disciplinary Authority has not proved the charge (c) & (d) either against DGO No.1 or against DGO No.2.

The date of retirement of DGOs No.1 & 2 are 30/04/2016 and 30/06/2027 respectively.

This report is submitted to the Hon'ble Upalokayukta-1 in a sealed cover forthwith.

Dated this the 22nd June, 2020

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

ANNEXURES

I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-

PW-1 : Sri. Chitti Narasanna (Complainant)
PW-2 : Sri. H.Doddanna (Investigating Officer)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1 : Original Complaint dt:07-10-2015
Ex.P.2 : Original Form No.I dt:15-10-2015
Ex.P.3 : Original Form No. II dt:15-10-2015
Ex.P.4 : Copy of GPS based physical progress list of beneficiaries.

- Ex.P.5 : Attested copy of details of beneficiaries in Form-17 (11 sheets).
Ex.P.6 : Attested copy of details of beneficiaries in Form-17 (13 sheets).
Ex.P.7 : Original Photograph.
Ex.P.8 : Attested copy of Beneficiary status/GPS document (2 sheets).
Ex.P.9 : Original Statement of Smt.Lakshmi, W/o. Nagesh.
Ex.P.10 : Original two photographs.
Ex.P.11 : Original Investigation report dt.05/04/2017

III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGOs :

DW-1 : Sri.K.Thippanna

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGOs :

- Ex.D.1 : Comments of DGO No.1 dt.26/12/2015 submitted before ARE-4, Karnataka Lokayukta, Bengaluru (23 sheets).

Dated this the 22nd June, 2020

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

