

**KARNATAKA LOKAYUKTA**

No: Uplok-1/DE/161/2018/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 15/06/2023

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-** The departmental enquiry against Sri. A.K. Dharmanna, Panchayath Development Officer, Shiruru Grama Panchayath, Kundgol Taluk, Dharwad District - reg.

**Ref:-** 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act, 1984, in Complt/Uplok/BGM/9108/2017/DRE-4, dtd.16/02/2018.  
2) Government Order No. ಗ್ರಾಅಪ. 120/ಗ್ರಾಪಂಕಾ/2018, ಬೆಂಗಳೂರು, dtd.06/03/2018.  
3) Nomination Order No.UPLOK-1/DE-161/2018, Bangalore, dtd.24/03/2018.

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Present Departmental Enquiry is initiated on the basis of the complaint lodged by Sri. Basavaraj @ Basappa Parasappa Saraswati, Shirur Post, Kundgol Taluk, Dharwad District, (herein after referred as 'Complainant') against Sri. A.K. Dharmanna, Panchayath Development Officer, Shiruru

  
15/6/2023

Grama Panchayath, Kundgol Taluk, Dharwad District, (herein after referred to as the Delinquent Government Officials in short 'DGO').

2. Brief allegations made in the complaint are that:

One Sri. Basavaraj @ Basappa Parasappa Saraswati, Shirur Post, Kundgol Taluk, Dharwad District, lodged a complaint against DGO- A.K. Dharmanna, Panchayath Development Officer, working at Shirur Grama Panchayath, Kundgol Taluk, Dharwad District, alleging that; DGO while working as PDO of said Gram Panchayath committed dereliction of duty and irregularity along with Panchayath elected Member in carrying out the work under MNREGA scheme executed in the year 2016 and 2017 as follows;

- 1) In the copy of the muster roll bearing No.2347 for payment of wages for the period between 20/06/16 and 26/06/16, the name of work is mentioned as "Basappa Pa Sarasvati - ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". The words "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" are hand written. As per the copy of Form No.8 issued by Village Accountant, Shirur village, Sarasvati Parasappa Basappa owns land bearing Sy.Nos.245/2 and 251/1 totally measuring 4 aces 37 guntas in Shirur village;
- 2) As per the certificate dated:09/06/17 of Village Accountant, Shirur village it is stated that Sri.Sarasvati Basavaraja Parasappa is a resident of Shirur village and he does not own any land in Shirur village;

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- 3) In the copy of the statement of expenditure on Muster roll, the name of work was shown as "Basappa Pa Sarasvati" and Muster roll numbers are shown as 2347 dated:01/09/16 and 2348 dated:06/07/16 and 14/07/16. But, the name of work is not mentioned. In the succeeding column the work is shown as Parasappa P Sarasvati - construction of bund and the Muster roll number is shown as 4097 dated:16/11/2016. The respondents have not explained as to why they have not mentioned the nature of work and survey number of the land in the statement of expenditure on muster roll in relation to muster roll No:2347 and 2348;
- 4) In the copy of muster roll No.2347, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" between the period 20/06/16 and 26/06/16. The total amount of expenditure shown under MGNREGA wages is 21,408/-;
- 5) As per the copy of muster roll No.2348, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". It is stated that financial sanction was granted on 04/04/16 under No.33888. It is relevant to state that even in relation to muster roll No.2347, the sanction order number is shown as 33888 dated:04/04/16;
- 6) The respondents have not contended that a bund was constructed in the land of Sri.Parasappa P Sarasvati. In muster roll No.4097, mention of the name of Sri.Parasappa P Sarasvati showing sanction order No.33897 dated:04/04/16 and in muster rolls No.2347 and 2348, mention of the name of Basappa Pa Sarasvati showing sanction order No.33888 dated:04/04/16 creates suspicion about the maintenance of records and execution of work by respondents;

In the copy of muster roll No.2347 it is stated that wages to labourer under MGNREGA for the period from 20/06/16 to

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26/06/16 were transferred on 01/09/16, after a lapse of two and half months. It is not clear as to why there is delay in crediting the wages to the account of labourers under MGNREGA. In the copy of muster roll No.2347 there is reference to measurement book No.240 page No.44. The respondents have not produced the copy of measurement book. They have deliberately withheld the production of copy of measurement book.

**3.** In this regard, an investigation was undertaken by invoking Section 9 (3) of the Karnataka Lokayuktha Act. Based on the allegations of the complaint and preliminary notes, Hon'ble Upa-Lokayuktha had sent the report U/Sec. 12(3) of Karnataka Lokayuktha Act on 16/02/2018 as per Ref. No.1-Complt/Uplok/BGM/9108/2017/DRE-4, dtd.16/02/2018.

**4.** The Competent Authority/State Government after verifying the materials accorded permission and entrusted the enquiry by issuing notification as per Ref.No.2 Government Order No. ಗ್ರಾಅಪ. 120/ ಗ್ರಾಪಂಕಾ/2018, ಬೆಂಗಳೂರು, dtd.06/03/2018.

**5.** Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3- Order No. UPLOK-1/DE/161/2018, Bangalore, dtd.24/03/2018.

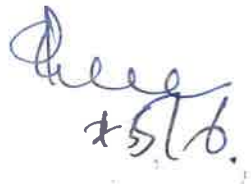
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6. On the basis of the nomination, Article of Charge was prepared under 1(3) of KCSR & CCA Rules and concerned DGO.

**ANNEXURE No.1**  
**CHARGE**

That, you DGO while working as P.D.O. at Shirur G.P., Kundagol taluk, Dharwad District, have committed following irregularities in respect of work carried out under the MGNREGA scheme for the year 2016-17;

- 7) In the copy of the muster roll bearing No.2347 for payment of wages for the period between 20/06/16 and 26/06/16, the name of work is mentioned as "Basappa Pa Sarasvati - ಕೆಲಸ ಕೂಲಿ ನಿಯೋಜನೆ". The words "ಕೆಲಸ ಕೂಲಿ ನಿಯೋಜನೆ" are hand written. As per the copy of Form No.8 issued by Village Accountant, Shirur village, Sarasvati Parasappa Basappa owns land bearing Sy.Nos.245/2 and 251/1 totally measuring 4 acres 37 guntas in Shirur village;
- 8) As per the certificate dated:09/06/17 of Village Accountant, Shirur village it is stated that Sri.Sarasvati Basavaraja Parasappa is a resident of Shirur village and he does not own any land in Shirur village;
- 9) In the copy of the statement of expenditure on Muster roll, the name of work was shown as "Basappa Pa Sarasvati" and Muster roll numbers are shown as 2347 dated:01/09/16 and 2348 dated:06/07/16 and 14/07/16. But, the name of work is not mentioned. In the succeeding column the work is shown as Parasappa P Sarasvati - construction of bund and the Muster roll number is shown as 4097 dated:16/11/2016. The respondents have not explained as to why they



have not mentioned the nature of work and survey number of the land in the statement of expenditure on muster roll in relation to muster roll No:2347 and 2348;

- 10) In the copy of muster roll No.2347, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" between the period 20/06/16 and 26/06/16. The total amount of expenditure shown under MGNREGA wages is `21,408/-;
- 11) As per the copy of muster roll No.2348, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". It is stated that financial sanction was granted on 04/04/16 under No.33888. It is relevant to state that even in relation to muster roll No.2347, the sanction order number is shown as 33888 dated:04/04/16;
- 12) The respondents have not contended that a bund was constructed in the land of Sri.Parasappa P Sarasvati. In muster roll No.4097, mention of the name of Sri.Parasappa P Sarasvati showing sanction order No.33897 dated:04/04/16 and in muster rolls No.2347 and 2348, mention of the name of Basappa Pa Sarasvati showing sanction order No.33888 dated:04/04/16 creates suspicion about the maintenance of records and execution of work by respondents;
- 13) In the copy of muster roll No.2347 it is stated that wages to labourer under MGNREGA for the period from 20/06/16 to 26/06/16 were transferred on 01/09/16, after a lapse of two and half months. It is not clear as to why there is delay in crediting the wages to the account of labourers under MGNREGA. In the copy of muster roll No.2347 there is reference to measurement book No.240 page No.44. The respondents have not produced the copy of measurement book. They have deliberately withheld the production of copy of measurement book.

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Thereby, you DGO have committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

**ANNEXURE No.II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

3. On the complaint filed by Sri.Basavaraj @ Basappa Parasappa Saraswati, Shirur post, Kundgol taluk, Dharwad district (hereinafter referred to as 'complainant') investigation was undertaken against 1)Smt.Yellavva Basappa Narti - Then President, 2)Sri.A.K.Dharmanna - Panchayat Development Officer & 3) Sri.Ismailsab A Rajekhanavar -Member, all are of Shirur Gram Panchayat, Kundgol taluk, Dharwad district (hereinafter referred to as 'respondents No.1, 2 & 3', respectively - for short).

4. Brief allegation is that the respondents without formation of Krishi Honda and bund in complainant's land, have fabricated bills to misappropriate money.

5. Comments were called from the respondents. They have submitted comments.

6. Respondents No.1 to 3 offered comments stating that Krishi Honda was formed in the land of Sri.Parasappa Basappa Sarasvati. However, the name is wrongly mentioned as Sri. Basappa Parasappa Sarasvati (in short, Sri.Basappa Pa

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Sarasvati). In the year 2016-17 under MGNREGA Scheme Krishi Honda was formed in Sy.No.251/1 of Sri.Parasappa Basappa Sarasvati. Reference to the name of Sri.Basavaraj @ Basappa Parasappa Sarasvati and the name mentioned in the muster roll and other documents i.e., Sri.Basappa Parasappa Sarasvati are not related to each other and the complaint is motivated.

7. The respondents have produced certain documents, in which following discrepancies were found –

- 14) In the copy of the muster roll bearing No.2347 for payment of wages for the period between 20/06/16 and 26/06/16, the name of work is mentioned as “Basappa Pa Sarasvati – ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ”. The words “ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ” are hand written. As per the copy of Form No 8 issued by Village Accountant, Shirur village, Sarasvati Parasappa Basappa owns land bearing Sy.Nos.245/2 and 251/1 totally measuring 4 aces 37 guntas in Shirur village;
- 15) As per the certificate dated:09/06/17 of Village Accountant, Shirur village it is stated that Sri.Sarasvati Basavaraja Parasappa is a resident of Shirur village and he does not own any land in Shirur village;
- 16) In the copy of the statement of expenditure on Muster roll, the name of work was shown as “Basappa Pa Sarasvati” and Muster roll numbers are shown as 2347 dated:01/09/16 and 2348 dated:06/07/16 and 14/07/16. But, the name of work is not mentioned. In the succeeding column the work is shown as Parasappa P Sarasvati – construction of bund and the Muster roll number is shown as 4097 dated:16/11/2016. The respondents have not explained as to why they have not mentioned the nature of work and survey number of the land in the statement of expenditure

  
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on muster roll in relation to muster roll No:2347 and 2348;

- 17) In the copy of muster roll No.2347, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂದ ನಿರ್ಮಾಣ" between the period 20/06/16 and 26/06/16. The total amount of expenditure shown under MGNREGA wages is `21,408/-;
- 18) As per the copy of muster roll No.2348, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂದ ನಿರ್ಮಾಣ". It is stated that financial sanction was granted on 04/04/16 under No.33888. It is relevant to state that even in relation to muster roll No.2347, the sanction order number is shown as 33888 dated:04/04/16;
- 19) The respondents have not contended that a bund was constructed in the land of Sri.Parasappa P Sarasvati. In muster roll No.4097, mention of the name of Sri.Parasappa P Sarasvati showing sanction order No.33897 dated:04/04/16 and in muster rolls No.2347 and 2348, mention of the name of Basappa Pa Sarasvati showing sanction order No.33888 dated:04/04/16 creates suspicion about the maintenance of records and execution of work by respondents;
- 20) In the copy of muster roll No.2347 it is stated that wages to labourer under MGNREGA for the period from 20/06/16 to 26/06/16 were transferred on 01/09/16, after a lapse of two and half months. It is not clear as to why there is delay in crediting the wages to the account of labourers under MGNREGA. In the copy of muster roll No.2347 there is reference to measurement book No.240 page No.44. The respondents have not produced the copy of measurement book. They have deliberately withheld the production of copy of measurement book.

  
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8. The replies submitted by the respondents were not found convincing or satisfactory to drop the proceedings against them. Thus, investigation substantiated the allegation against the respondents.

9. The materials available on record *prima facie* disclose that the respondent No.1 and 3 are elected representatives and respondent No.2 being public servant, have failed to maintain absolute integrity and devotion to duty. Respondent No.2 committed misconduct attracting 3(1) of KCS (Conduct) Rules 1966 and liable for disciplinary action.

10. The respondents No.1 and 3 being elected representatives Competent Authority requires taking action against them under the provisions of Karnataka Panchayath Raj Act, 1993.

11. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to permit to initiate disciplinary proceedings against respondent No.2 and to entrust the enquiry to this Authority under Rule 14-A of KCS (CCA) Rules.

12. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS (CCA) Rules. Hence, the charge.

7. Summons was issued along with copy of Article of Charges to DGO and he appeared through RN advocate to represent him in the enquiry and FOS was recorded. DGO has denied the charges, pleaded not

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guilty and claimed to be tried. Enquiry was posted to file his objections/WS. VOR was complied.

8. DGO has submitted his written statement (comments) denying all the allegations made in the complaint and has specifically contended that he has worked as PDO from 05/06/2018 to 07/07/2014 and muster-roll mentioned therein at 2,3,4 and 7 and period of work of MNREGA was carried out in the year from 20/06/2016 to 26/06/2016. It is further submitted that said Basappa Parasappa Saraswati/complainant was identified as beneficiary in MNREGA project work and also was found to be entitled for construction of water pond (ಕೃಷಿ ಹೊಂಡ) and also cow-shed and name of complainant's father was wrongly mentioned as Basappa C/o Saraswati and this discrepancy has lead to understanding that no land in the name of Basappa pa Saraswati is existing in the said village. The then officials in-charge after verifying the muster-roll and taking signature of the beneficiaries under the scheme have released the fund and also in the form of rice distribution to Panchayath and the beneficiaries were given only one grant No. as 33888 and the said Basappa Parasappa Saraswati was granted three MNREGA project work by giving a separate number. This project work was carried out to 20/06/2016 to 26/06/2016 and same amount was released by then

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PDO and not by present PDO/DGO Dharmanna. Further it is contended that discrepancy that was seen in MB book as Basappa P Saraswathi instead of Basappa Parasappa Saraswati and after taking these rectification records, verified the contents of NMR book and then amount was to be released. So in that regard, there was a delay in releasing the amount to the beneficiaries and this was to be done by previous PDO but not present PDO/DGO and prays to drop the proceedings against him.

**9.** VOR was complied.

**10.** In order to prove the allegations made in the Article of Charges, the Disciplinary Authority has examined complainant as PW.1 and through him got marked Ex.P.1 to Ex.P.6 and closed his side of evidence. After closure of the Disciplinary Authority, SOS was recorded. Further DGO has examined himself as DW.1 and got marked Ex.D.1 to Ex.D.13 and case was posted for arguments.

**11.** Heard arguments of P.O. and advocate for DGO has submitted written arguments and case was posted for submitting final report.

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12. Following point arise for my consideration;

Whether the Charges leveled against DGO Sri. A.K. Dharmanna, Panchayath Development Officer, Shiruru Grama Panchayath, Kundgol Taluk, Dharwad District, is proved by the Disciplinary Authority?

13. My answer to the above point is in the '**Negative**' for the following:

### REASONS

14. P.O. in order to substantiate the allegations made in the complaint has examined complainant as PW.1 and has stated that DGO was working in Shirur Grama Panchayath in the year 2016-17. In spite of knowing that complainant does not own any agricultural land, he has manipulated the documents in the name of his father as Basappa Parasappa Saraswati and has prepared records to show that water pond (ಕೃಷಿ ಹೊಂಡ) has been granted under MNREGA scheme to be constructed in his land and has withdrawn the amount and further misappropriated the amount provided in the scheme. In this regard, he has stated that Ex.P.1 to Ex.P.3 are complaints, Ex.P.4 is the endorsement issued by Village Accountant that

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no agricultural land stands in the name of complainant or his father, Ex.P.5 and 6 are the Muster roll.

**15.** This witness has been cross examined in which attempt has been made to elicit that DGO was not working as PDO during the period of 2016-17 when the project work granted under MNREGA scheme. He has not granted the water pond (ಕೃಷಿ ಹೊಂಡ) and no records were produced to show that he has misused the fund. Further it is elicited that Ex.P.5 and Ex.P.6 MNREGA muster-rolls discloses the name of father of complainant and amount will be deposited in the accounts of land owner and previous PDO Sri. Akki is responsible for the alleged irregularity.

**16.** Except this witness no other witnesses have been examined by Disciplinary Authority.

**17.** In order to refute the allegations of the complainant, DGO is examined as DW.1 and he has stated that he was working as PDO in Shirur Gram Panchayath, Kundagol Taluk and he was not holding the office on 20/06/2016 to 26/06/2016 as PDO of said Gram Panchayath and Basappa Parasappa Saraswati was the beneficiary of MNREGA scheme executed for construction of water pond (ಕೃಷಿ ಹೊಂಡ) and same was entered in NMR book and name of father of complainant

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was wrongly named as Basappa P Saraswati. At that time one G.B. Akki was working as PDO and work was carried out under one Grant No.33888 and the relevant records are produced by him. It is further stated that name of father of complainant instead of being mentioned as Basappa Parasappa Saraswati, it was mentioned as Basappa P Sarawathi and this discrepancy was to be clarified. In this regard there was a delay in releasing the amount and he has produced the documents at Ex.D.1 to Ex.D.13.

**18.** This witness has been cross examined at length by P.O. and has tried to elicit that said project work was signed during the period of service of DGO from 05/08/2016 to 07/04/2017 and has tried to elicit that agricultural land was standing in the name of Basappa Parasappa Saraswati and same is denied and rest of the suggestions made have been denied.

**19.** After assessment of evidence placed before the Enquiry Authority following disputed points have arisen; (1) whether DGO was working as PDO during the said period of grant of water pond (ಕೃಷಿ ಹೊಂಡ) under MNREGA scheme which was sanctioned in the year 2016-17; and (2) whether the complainant and his father was holding any agricultural land in the said village for grant of water pond (ಕೃಷಿ ಹೊಂಡ) under MNREGA scheme.

  
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**20.** Close verification of records particularly produced by DGO would disclose that as per Ex.D.1, DGO/Dharmanna, was also placed as additional incharge of Hiregunjala Grama Panchayath of Shiruru village, as per letter dtd.07/04/2017. As per letter dtd.05/08/2016 DGO was working in Ingalagi Grama Panchayath and he was also placed in-charge of Shiruru village where the present dispute is occurred. It is relevant to note that project of MNREGA was pertaining to 2016-17 particularly construction of water pond (ಕೃಷಿ ಹೊಂಡ). As discussed above, with regard to Ex.D.1 and Ex.D.2 he was placed additional in-charge in the year 2017 April. That goes to show that project work was pertaining to the year 2015-16 as evidenced from Ex.D.2. In the aid project land development/Krushu Honda/Kowshak projects were introduced. So it looks to be doubtful to say that DGO actually was discharging his duty as a PDO during the period of 2015 and 2016, when this MNREGA scheme was introduced. With regard to 2<sup>nd</sup> point that arise is whether DGO has released the found for construction of ಕೃಷಿ ಹೊಂಡ in spite of land not standing in the name of complainant's father.

**21.** Close verification of record would disclose that name of the father of complainant is Basappa Parasappa Saraswati. In this regard, it is claimed that DGO has

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manipulated the records pertaining to construction of ಕೃಷಿ ಹೊಂಡ in the name of Basappa P Saraswathi. Name of complainant is stated to be Basappa P Saraswathi and no lands stands in his name and they have manipulated the records and have released the fund in name of Basappa P Saraswathi as per Ex.P.5 dtd.01/09/2016 and Ex.P.6 dtd.06/07/2016.

**22.** As per the records this DGO was placed additional charge of Shirur along with Ingalagi village as per office order dtd.05/08/2016 and amount stated to be released in the name of Parasappa Basavaraju Saraswathi on 01/09/2016 and 06/07/2016 i.e., two months earlier to he taking charge of PDO of Shiruru village. So far as the second claim of the complainant is that he does not own any land in Shiruru village in spite of that DGO has manipulated the records and has released the fund for construction of water pond/ ಕೃಷಿ ಹೊಂಡ in his land. In support of that, he has produced copy of certificate issued by Village Accountant, Shiruru Village. It discloses that no lands stands in the name of Parasappa Basavaraju Saraswathi in the limits of Shiruru village and certificate is dtd.09/06/2017. It is relevant to note that complainant name is Parasappa Basavaraju Saraswathi but in the District's revenue records surname is will be mentioned first then father name of

  
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the applicant and then name of father. In the instant case also name of complainant is Basavaraju S/o Parasappa Saraswathi. But complainant has got issued certificate from Village Accountant which is marked at revenue certificate Ex.P.4 that no lands stands in the name of Saraswathi Basavaraju Parasappa and has made use of it to file this complaint. For two things, claim of the complainant looks to be baseless because during the period when the project work was undertaken and amount was released that was in the year 2016, DGO was not working was PDO in Shiruru village Panchayath. Secondly records of lands and property situated in the limits of Shiruru village stands in the name of Saraswathi Parasappa Basappa i.e., name of father of complainant which is evidenced from Ex.D.3 i.e., Grama Panchayath Khatha Uttara. Ex.D.4 is the proposal for starting the project work in 2015 and 2016 and it was granted in the name of Basappa P Saraswathi i.e., none other than father of complainant and property number is mentioned as 245/2P, 251/1. Ex.D.5 is the list of muster-roll who are allotted ಕೃಷಿ ಹೊಂಡ or water pond and persons who worked therein. Ex.D.6 is photographs showing people who worked in construction of said ಕೃಷಿ ಹೊಂಡ and records which are part of Ex.D.7 would also disclose that father of complainant Basappa P Saraswathi was identified as beneficiary for the construction of ಕೃಷಿ ಹೊಂಡ. Ex.D.8 is the

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list of persons who were issued job card and carried out the work. DGO has also further produced the records to eliminate the confusion that Parasappa Basavaraju Saraswathi and Parasappa B Saraswathi are one and the same. In this regard he has produced birth certificate of complainant Basappa Parasappa Saraswathi issued on 30/07/2018 by Shiruru Government School. Further he has also produced driving license copy of complainant in which it is discloses that name of complainant is mentioned as Basappa P Saraswathi. He has produced notarized copy of affidavit filed by father of complainant i.e., Basappa Parasappa Saraswathi and he owns Hissa No.251/1 and he has applied for grant of construction of ಕೃಷಿ ಹೊಂಡ in the said land. Ex.D.13 is the record produced by DGO and it is signed by father of complainant Basappa Parasappa Saraswathi in which he has stated that he owns land at Sy.No.251/1 and he has applied for construction of ಕೃಷಿ ಹೊಂಡ in MNREGA scheme, name is mentioned in the application as Parasappa Ba Saraswathi instead Panchayathi authority have mentioned as Basappa Pa Saraswathi and it was the computer typing mistake and name mentioned as Basappa is the name of father of Parasappa i.e., father of Basavaraju complainant and Saraswathi is their surname and name of father of complainant who had applied for construction of ಕೃಷಿ ಹೊಂಡ then in the year 2016-

  
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2017 was Basappa Parasappa Saraswathi. He has requested to correct his name in the application as Parasappa Ba Saraswathi instead of Basappa Pa Saraswathi.

**23.** These developments are seen closely mentioned in the documents produced by DGO it can be inferred that complainant has mis-used the wrong entry of the name of his father mentioned as Basappa Pa Saraswathi in the project work which was later rectified as Parasappa Ba Saraswathi as per his affidavit marked at Ex.D.12 and Ex.D.13. He has obtained certificate from Village Accountant in the name of Parasappa Ba Saraswathi in his name and has filed this false complaint.

**24.** Assessment of records and from all aspects complainant is not sustainable. (1) DGO was not working in the year 2016 as PDO in Shiruru Village Grama Panchayath as discussed above and he has assumed charge after the project work was over. (2) Complainant has mis-guided and made use of mistaken entry of his father's name in the land records as Basappa Pa Saraswathi instead of Parasappa Ba Saraswathi. Further Village Accountant issued certificate as Parasappa Ba Saraswathi. If the entire records are read comprehensively, Parasappa Ba Saraswathi and Basappa Pa Saraswathi are one and the same. Under the

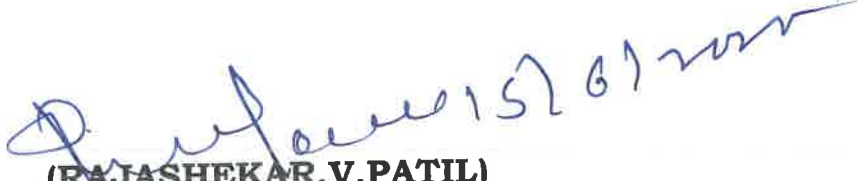
circumstances, it cannot be arrived at a conclusion that DGO though agricultural land with Katha was not standing in the name of Parasappa Ba Saraswathi has granted fund under MNREGA scheme to construct water pond/ ಕೃಷಿ ಹೊಂಡ in the agricultural land.

**25.** In view of elaborate discussion made above; this enquiry authority is constrained to hold that, the charges leveled against DGO are not established. Accordingly, it is found proper to answer the above point in the '**Negative**' and I proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has not proved the charges leveled against the Delinquent Government Official Sri. A.K. Dharmanna, Panchayath Development Officer, Shiruru Grama Panchayath, Kundgol Taluk, Dharwad District, (now working at Hiregungal Gram Panchayath, Kundagol Taluk, Dharwad District.)

Submitted to Hon'ble Upa-Lokayuktha, Karnataka Lokayukta, Bengaluru, for further action in the matter.



**(RAJASHEKAR.V.PATIL)**  
Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

## **ANNEXURES**

### **1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW1	Sri. Basavaraja Parasappa Sarawathi S/o Parasappa, aged 34 years, r/o Shiruru village, Kundagol Taluk, dtd.29/03/2019 (original)
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### **2. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**

Ex.P.1 Ex.P.1(a)	Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW1.( original copy) dtd.13/06/2017 Signature of PW.1
Ex.P2 Ex.P.2(a)	Form-II (complainant's Affidavit) submitted to Lokayuktha (original copy) dtd.13/06/2017 Signature of PW.1
Ex.P.3 Ex.P.3(a)	Complaint submitted by complainant to Lokayuktha office, Dharawad, dtd.13/06/2017 (original copy) Signature of PW.1
Ex.P. 4	Attested copy of certificate issued by Village Accountant, Shiruru Grama Panchayath, Kundagol Taluk.
Ex.P.5	Xerox copy Muster Roll
Ex.P.6	Muster roll (xerox copy)

### **3. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:**

DW1	Sri. A.K. Dharmanna S/o Galeppa, aged about 37 years, r/o Kundagol, dtd.06/04/2022. (original)
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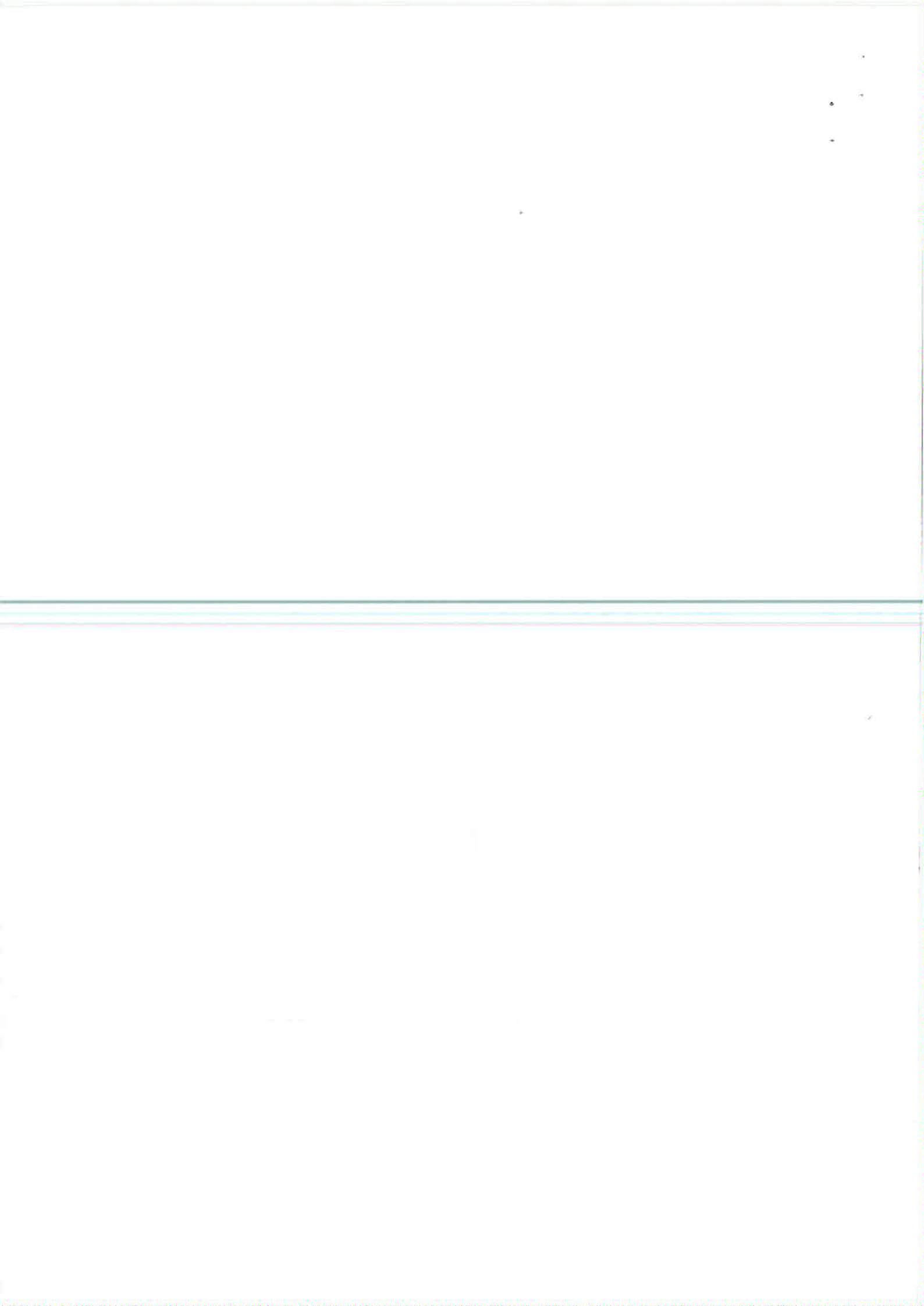
**4. LIST OF DOCUMENTS EXAMINED ON BEHALF OF DGO:**

Ex.D.1	Xerox copy of (order) letter dtd.07/04/2017 from CEO, Taluk Panchayath, Kundagol Taluk. (pages 1-2)
Ex.D.2	Attested copy of MNREGA scheme project (Annual plan works).
Ex.D.3	Attested copy of katha Uttara. (pages-7)
Ex.D.4	Attested copy of project works i.e., Krushi Honda (pages-8)
Ex.D.5	Attested copy of Muster Rolls
Ex.D.6	Attested copy of Photographs.
Ex.D.7	Attested copy of report submitted by Zilla Panchayath, Dharawad. (pages-13 -19)
Ex.D.8	Attested copy of application form for construction of Krushi Hond work under MNREGA scheme (pages 20-25)
Ex.D.9	Attested copy of Identification card of complainant/PW.1 (pages 26-28)
Ex.D.10	Attested copy of MB book pertaining to Krushi Hond work at Shiruru village G.P. (pages 29-31)
Ex.D.11	Attested copy of driving license and school certificate. (pages 32-33)
Ex.D.12	Attested copy of affidavit given by complainant/PW.1 (pages 34-35)
Ex.D.13	Attested copy of Form 6/8/9 6-days report. (pages 36-37)



(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8  
Karnataka Lokayukta,  
Bengaluru.







## ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂ: ಉಪಲೋಕ್-1/ಇವಿ.161/2018/ಅನಿವಿ.8

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,  
ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು, ದಿ.16.06.2023.

### ಶಿಫಾರಸ್ಸು

ವಿಷಯ:- ಶ್ರೀ ಎ.ಕೆ.ಧರ್ಮಣ್ಣ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಶಿರೂರು  
ಗ್ರಾಮ ಪಂಚಾಯತ್, ಕುಂದಗೋಳ ತಾಲ್ಲೂಕು, ಧಾರವಾಡ ಜಿಲ್ಲೆ,  
ಅವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ:-1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂ.ಗ್ರಾಅಪ 120 ಗ್ರಾಪಂಕಾ 2018 ದಿ.06.03.2018.  
2. ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂ. ಉಪಲೋಕ್-1/ಇವಿ.161/2018  
ದಿನಾಂಕ 24.03.2018.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವಿಚಾರಣಾ ವರದಿ ದಿ.15.06.2023.

ಸರ್ಕಾರವು ದಿ. 06.03.2018ರ ಸರ್ಕಾರಿ ಆದೇಶದನ್ವಯ ಶ್ರೀ ಎ.ಕೆ.ಧರ್ಮಣ್ಣ,  
ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಶಿರೂರು ಗ್ರಾಮ ಪಂಚಾಯತ್, ಕುಂದಗೋಳ  
ತಾಲ್ಲೂಕು, ಧಾರವಾಡ ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಎಂದು  
ಉಲ್ಲೇಖಿಸಲಾಗುವುದು)ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು  
ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಇವಿ.161/2018

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ದಿನಾಂಕ 24.03.2018ರಷ್ಟಯ ಆಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-8 ಇಪರನ್ನು ದಿಬಾರಣಾ ಅಧಿಕಾರಿಗಳನ್ನಾಗಿ ನೇಮಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಸದರಿ ಆರೋಪಗಳ ಕುರಿತಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತದೆ.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಕೆಳಕಂಡಂತೆ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುತ್ತಾರೆ.

"That. you DGO while working as P.D.O. at Shirur G.P., Kundagol taluk, Dharwad District, have committed following irregularities in respect of work carried out under the MGNREGA scheme for the year 2016-17;

- 1) In the copy of the muster roll bearing No.2347 for payment of wages for the period between 20/06/16 and 26/06/16, the name of work is mentioned as "Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". The words "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" are hand written. As per the copy of Form No.8 issued by Village Accountant, Shirur village, Sarasvati Parasappa Basappa owns land bearing Sy.Nos.245/2 and 251/1 totally measuring 4 aces 37 guntas in Shirur village;
- 2) As per the certificate dated:09/06/17 of Village Accountant, Shirur village it is stated that Sri.Sarasvati Basavaraja Parasappa is a resident of Shirur village and he does not own any land in Shirur village;

- 3) In the copy of the statement of expenditure on Muster roll, the name of work was shown as "Basappa Pa Sarasvati" and Muster roll numbers are shown as 2347 dated:01/09/16 and 2348 dated:06/07/16 and 14/07/16. But, the name of work is not mentioned. In the succeeding column the work is shown as Parasappa P Sarasvati - construction of bund and the Muster roll number is shown as 4097 dated:16/11/2016. The respondents have not explained as to why they have not mentioned the nature of work and survey number of the land in the statement of expenditure on muster roll in relation to muster roll No:2347 and 2348;
- 4) In the copy of muster roll No.2317, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ" between the period 20/06/16 and 26/06/16. The total amount of expenditure shown under MGNREGA wages is `21,408/-;
- 5) As per the copy of muster roll No.2348, the nature of work executed is shown as Basappa Pa Sarasvati - "ಕೃಷಿ ಹೊಂಡ ನಿರ್ಮಾಣ". It is stated that financial sanction was granted on 04/04/16 under No.33888. It is relevant to state that even in relation to muster roll No.2347, the sanction order number is shown as 33888 dated:04/04/16;
- 6) The respondents have not contended that a bund was constructed in the land of Sri.Parasappa P Sarasvati. In muster roll No.4097, mention of the name of Sri.Parasappa P Sarasvati showing sanction order No.33897 dated:04/04/16 and in muster rolls No.2347 and 2348, mention of the name of Basappa Pa Sarasvati showing sanction order No.33888 dated:04/04/16 creates suspicion about the maintenance of records and execution of work by respondents;

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7) In the copy of muster roll No.2347 it is stated that wages to labourer under MGNREGA for the period from 20/06/16 to 26/06/16 were transferred on 01/09/16, after a lapse of two and half months. It is not clear as to why there is delay in crediting the wages to the account of labourers under MGNREGA. In the copy of muster roll No.2347 there is reference to measurement book No.240 page No.44. The respondents have not produced the copy of measurement book. They have deliberately withheld the production of copy of measurement book.

Thereby, you DGO have committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”


4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳಾದ ಅಪರ ನಿಬಂಧಕರು-ವಿಚಾರಣೆ-8 ಇವರು ಸುದೀರ್ಘ ವಿಚಾರಣೆ ನಡೆಸಿ, ಹಾಜರುಪಡಿಸಲಾದ ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎ.ಕೆ.ಧರ್ಮಣ್ಣ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಶಿರೂರು ಗ್ರಾಮ ಪಂಚಾಯತ್, ಕುಂದಗೋಳ ತಾಲ್ಲೂಕು, ಧಾರವಾಡ ಜಿಲ್ಲೆ, ಅವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

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5. ವಿಚಾರಣಾ ವರದಿ, ಸಾಕ್ಷಿದಾಗದ ಗೋಳಿಗಳು ಹಾಗೂ ಹಾಜರುಪಡಿಸಿರುವ/ಗುರುತಿಸಿರುವ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು ಅಲ್ಲಗಳೆಯಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ, ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೇಲಿನ ಆರೋಪಗಳಿಂದ ಅವರನ್ನು ಮುಕ್ತಗೊಳಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

6. ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸಿನನ್ವಯ ಕೈಗೊಂಡ ಕ್ರಮವು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿದೆ.

7. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.

  
(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)  
ಉಪಲೋಕಾಯುಕ್ತ,  
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

