

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-2/ಡಿಇ/290/2018/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 04ನೇ ಆಗಸ್ಟ್ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ:ಗ್ರಾಅಪ/220/ಗ್ರಾಪಂಕಾ/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 14/06/2018.
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/290/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25/06/2018.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 31/07/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 14/06/2018 ರಂತೆ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು

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ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/290/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25/06/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ ಆದ ನೀವು ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕಿನ ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯಲ್ಲಿ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಅಂದರೆ 2010ರಲ್ಲಿ ಅಬ್ದುಲ್ ಜಬ್ಬಾರ್ ಅಲಿಯಾಸ್ ಕನಕಟ್‌ಪಾಷಾ ರವರು ಬೇತಮಂಗಲ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ಸರ್ವೆ ನಂ. 557 ಮತ್ತು 559/1 ರಲ್ಲಿ ಹೊಸದಾಗಿ ಬಡಾವಣೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗೆ ಸೇರಿದ ರಸ್ತೆಯನ್ನು ಸಹ ನಿವೇಶನಗಳನ್ನಾಗಿ ಪರಿವರ್ತಿಸಿ ನಿವೇಶನ ಸಂಖ್ಯೆ.23/1 ಖಾತೆ ಸಂಖ್ಯೆ.828/828-45/1 ಮತ್ತು ನಿವೇಶನ ಸಂಖ್ಯೆ.66/1 ಖಾತಾ ಸಂಖ್ಯೆ.828/828-66/1 ಗಳನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿದ ಬಡಾವಣೆಗೆ ಸೇರಿಸಿಕೊಂಡು ಮಾಣಿಕ್ಯಮ್ಮ ರವರಿಗೆ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಟ್ಟಿದ್ದು, ತದನಂತರ ಮಾಣಿಕ್ಯಮ್ಮ ರವರು ದುರ್ಗಾಪ್ರಸಾದ್ ರವರಿಗೆ ದಾನ ಪತ್ರದ ಮೂಲಕ ನೋಂದಣಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಈ ಸಂಬಂಧ ಪಂಚಾಯಿತಿ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ರಚಿಸಿದಂತಹ ಎರಡು ನಿವೇಶನಗಳ ನಮೂದು ಇಲ್ಲದಿದ್ದರೂ ನೀವು ಸದರಿ ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಡಿಮ್ಯಾಂಡ್ ರಿಜಿಸ್ಟರ್ ಮತ್ತು ತೆರಿಗೆ ಪಾವತಿಸಿರುವ ಪಟ್ಟಿಯನ್ನು ನೀಡುವುದರ ಮೂಲಕ ನೋಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಸಹಕಾರ ನೀಡುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ಉಡತೆ) 1966 ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.



4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಇಬ್ಬರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ಮತ್ತು ಪಿ.ಡಬ್ಲ್ಯೂ-2 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-27 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ ತಾವೇ ಡಿ.ಬ್ಲ್ಯೂ-1 ಎಂಬ ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ಮತ್ತು ಡಿ-9 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.
7. ಆ.ಸ.ನೌಕರರ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ ರವರು ದಿನಾಂಕ: 31/05/2020 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ;



8. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಸಾಬೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರಿಗೆ ಪಾವತಿಸಬೇಕಾಗಿರುವ ಪಿಂಚಣಿಯಲ್ಲಿ ಶೇ.10% ಅನ್ನು 05 ವರ್ಷಗಳ ಅವಧಿಯವರೆಗೆ ತಡೆಹಿಡಿಯಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.



(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ-2,
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

KARNATAKA LOKAYUKTA

NO. UPLOK-2/DE/290/2018/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 31/07/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against
Sri. Ananta Reddy, Panchayath Development
Officer, Parandahalli Gram Panchayath,
Bangarapet Taluk, Kolar District -reg.

Ref: 1. Report under section 12(3) of the KLA Act.
1984 in No.Compt/Uplok/BD/
2118/2017/DRE-4, dated:24/01/2018.

2. Government Order No. ಸ್ರಾಅಪ 220 ಸ್ರಾಪಂಕಾ
2018, ಬೆಂಗಳೂರು, ದಿ:14/06/2018.

3. Nomination Order No. UPLOK-
2/DE/290/2018, Bengaluru, dated
25/06/2018.

1. The Departmental Enquiry is initiated against Sri. Ananta Reddy, Panchayath Development Officer, Parandahalli Gram Panchayath, Bangarapet Taluk, Kolar District (hereinafter referred to as the Delinquent Government Official, in short DGO). Sri.Adeel Ahmed s/o Late Iqbal Ahmed, Member, Bethamangala Gram Panchayat (hereinafter referred to as 'complainant') filed a private complaint



before the Hon'ble Principal & District Sessions Court, Kolar and Special Court for Lokayukta and the same was referred to Investigating Officer for investigation. On 06/01/2015 Police Inspector, Karnataka Lokayukta, Kolar has registered FIR in Cr.No.4/2015, held investigation and submitted charge sheet to the Hon'ble Court and a copy of it is submitted to this Institution. The allegations in the complaint is that DGO while working as Panchayath Development Officer of Parandahalli Gram Panchayath, one Sri.Abdul Jabbar encroached the Government road within the limits of Bethamangala Gram Panchayat and formed house sites bearing No.23/1, 44/1, 45/1 & 66/1 in collusion with the president and Member of Bethamangala Gram Panchayathi, thereafter, he has sold those sites to Smt.Manikyamma, mother of Sri.Durga Prasad during his tenure as Chairman of Bethamangala Gram Panchayath, under registered sale deeds dated: 28/10/2010 bearing documents no.4303 and 4304/2010-11 before the Sub-Registrar, Bangarpet and the DGO who was working as Panchayath Development Officer colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, and devotion to duty and committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

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2. The Hon'ble Upalokayukta on perusal of complaint, comments of DGO and other documents, found prima facie case and forwarded report dated 24/01/2018 U/s 12(3) of Karnataka Lokayukta Act, 1984, recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Government by order dated 14/06/2018 entrusted the matter to the Hon'ble Upalokayukta. The Hon'ble Upalokayukta by order dated 25/06/2018, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
3. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಅನಂತರೆಡ್ಡಿ ಆದ ನೀವು ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕಿನ ಪಾರಾಂಡಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಅಂದರೆ 2010ರಲ್ಲಿ ಅಬ್ದುಲ್ ಜಬ್ಬಾರ್ ಅಲಿಯಾಸ್ ಕನಕಚೌಪಾಷಾ ರವರು ಬೇತಮಂಗಲ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ಸರ್ವೆ ನಂ. 557 ಮತ್ತು 559/1 ರಲ್ಲಿ ಹೊಸದಾಗಿ ಬಡಾವಣೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಸ್ತೆಯನ್ನು ಸಹ ನಿವೇಶನಗಳನ್ನಾಗಿ ಪರಿವರ್ತಿಸಿ ನಿವೇಶನ ಸಂಖ್ಯೆ.23/1 ಖಾತೆ ಸಂಖ್ಯೆ.828/828-45/1 ಮತ್ತು ನಿವೇಶನ ಸಂಖ್ಯೆ.66/1 ಖಾತಾ ಸಂಖ್ಯೆ.828/828-66/1 ಗಳನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿದ ಬಡಾವಣೆಗೆ ಸೇರಿಸಿಕೊಂಡು ಮಾಣಿಕ್ಯಮ್ಮ ರವರಿಗೆ ನೊಂದಣಿ


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ಮಾಡಿಸಿಕೊಟ್ಟಿದ್ದು, ತದನಂತರ ಮಾಣಿಕ್ಯಮ್ಮ ರವರು ದುರ್ಗಾಪ್ರಸಾದ್ ರವರಿಗೆ ದಾನ ಪತ್ರದ ಮೂಲಕ ನೊಂದಣಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಈ ಸಂಬಂಧ ಪಂಚಾಯಿತಿ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ರಚಿಸಿದಂತಹ ಎರಡು ನಿವೇಶನಗಳ ನಮೂದು ಇಲ್ಲದಿದ್ದರೂ ನೀವು ಸದರಿ ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಡಿಮ್ಯಾಂಡ್ ರಿಜಿಸ್ಟರ್ ಮತ್ತು ತೆರಿಗೆ ಪಾವತಿಸಿರುವ ಪಟ್ಟಿಯನ್ನು ನೀಡುವುದರ ಮೂಲಕ ನೊಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಸಹಕಾರ ನೀಡುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (ii) ಮತ್ತು(iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. The statement of imputations of misconduct as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಘನ ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಯಲ್ಲಿ ಸ್ವಯಂ ಪ್ರೇರಿತ ದೂರನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕಾಯ್ದೆ ವಿಧಿ 7(2)ರಡಿಯಲ್ಲಿ ದಾಖಲು ಮಾಡಿಕೊಂಡು ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕಛೇರಿಯ ತನಿಖಾಧಿಕಾರಿಯಾದ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡು ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ ಆದಿಲ್ ಅಹ್ಮದ್ ಬಿನ್ ಲೇಟ್ ಇಕ್ಬಾಲ್ ಅಹ್ಮದ್, ಸದಸ್ಯರು, ಬೇತಮಂಗಲ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ರವರು ಒಂದು ಖಾಸಗಿ ದೂರನ್ನು ಮಾನ್ಯ ಪ್ರಧಾನ ಮತ್ತು ಜಿಲ್ಲಾ ಸತ್ರ ನ್ಯಾಯಾಲಯ, ಕೋಲಾರ ಮತ್ತು ಲೋಕಾಯುಕ್ತ ವಿಶೇಷ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ರಸ್ತೆಯನ್ನು ಅತಿಕ್ರಮಿಸಿಕೊಂಡು ನಿವೇಶನಗಳನ್ನು ರಚಿಸಿರುವ ಕುರಿತು ದೂರು ದಾಖಲು ಮಾಡಿದ್ದು, ಸದರಿ ದೂರನ್ನು ಘನ ನ್ಯಾಯಾಲಯವು ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಗೆ ತನಿಖೆಗಾಗಿ

ಶಿ
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ವಹಿಸಿದ್ದರಿಂದ ಸದರಿ ಪ್ರಕರಣದ ತನಿಖೆಯನ್ನು ಕೈಗೊಂಡು ತನಿಖಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ದೂರಿನಲ್ಲಿನ ಅಂಶಗಳ ಕುರಿತು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೇಳಲಾಗಿ ನೀವು ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ದೂರುದಾರರು ಕೊಟ್ಟಿರುವ ದೂರು, ಅದರಲ್ಲಿನ ಅಂಶ, ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿ, ತನಿಖಾಧಿಕಾರಿಯವರು ನೀಡಿರುವ ತನಿಖಾ ವರದಿ ಮತ್ತು ನೀವು ಕೊಟ್ಟಂತಹ ಆಕ್ಷೇಪಣೆ ಮತ್ತು ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡುಬರುತ್ತವೆ.

- 1) 2010ರಲ್ಲಿ ಅಬ್ದುಲ್ ಜಬ್ಬಾರ್ ಅಲಿಯಾಸ್ ಕನಕಟ್‌ಪಾಷಾ ರವರು ಬೇತಮಂಗಲ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯ ಸರ್ವೆ ನಂ.557 ಮತ್ತು 559/1ರಲ್ಲಿ ಹೊಸದಾಗಿ ಬಡಾವಣೆ ನಿರ್ಮಾಣ ಮಾಡುತ್ತಿರುವ ಅವಧಿಯಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗೆ ಸೇರಿದ ರಸ್ತೆಯನ್ನು ಸಹ ನಿವೇಶನಗಳನ್ನಾಗಿ ಪರಿವರ್ತಿಸಿ ನಿವೇಶನ ಸಂಖ್ಯೆ.23/1 ಖಾತೆ ಸಂಖ್ಯೆ.828/828-45/1 ಮತ್ತು ನಿವೇಶನ ಸಂಖ್ಯೆ.66/1 ಖಾತಾ ಸಂಖ್ಯೆ.828/828-66/1ಗಳನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿದ ಬಡಾವಣೆಗೆ ಸೇರಿಸಿಕೊಂಡು ಮಾಣಿಕ್ಯಮ್ಮ ರವರಿಗೆ ನೊಂದಣಿ ಮಾಡಿಸಿಕೊಟ್ಟಿದ್ದು, ತದನಂತರ ಮಾಣಿಕ್ಯಮ್ಮ ರವರು ದುರ್ಗಾಪ್ರಸಾದ್ ರವರಿಗೆ ದಾನ ಪತ್ರದ ಮೂಲಕ ನೊಂದಣಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ಈ ಸಂಬಂಧ ಪಂಚಾಯಿತಿ ದಾಖಲಾತಿಗಳಲ್ಲಿ ಹೊಸದಾಗಿ ರಚಿಸಿದಂತಹ ಎರಡು ನಿವೇಶನಗಳ ನಮೂದು ಇಲ್ಲದಿದ್ದರೂ ನೀವು ಸದರಿ ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಡಿಮ್ಯಾಂಡ್ ರಿಜಿಸ್ಟರ್ ಮತ್ತು ತೆರಿಗೆ ಪಾವತಿಸಿರುವ ಪಟ್ಟಿಯನ್ನು ನೀಡುವುದರ ಮೂಲಕ ನೊಂದಣಿ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಸಹಕಾರ ನೀಡಿರುತ್ತೀರಿ.
- 2) ನಿಮ್ಮ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಯಾವುದೇ ಹೊಸದಾಗಿ ನಿವೇಶನ ರಚನೆಗೊಳ್ಳುವ ಅವಧಿಯಲ್ಲಿ ಕಡ್ಡಾಯವಾಗಿ ನಕಾಶೆಯನ್ನು ಪಡೆದುಕೊಳ್ಳಬೇಕಾಗಿದ್ದರೂ ನೀವು ನಕಾಶೆ

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ಪಡೆದುಕೊಂಡಿರುವ ಬಗ್ಗೆ ಬಡಾವಣೆ ಮಾಲೀಕರನ್ನು ಮೌಖಿಕವಾಗಿ ಅಥವಾ ಲಿಖಿತ ರೂಪದಲ್ಲಿ ಪ್ರಶ್ನಿಸಿರುವುದಿಲ್ಲ.

- 3) ಅಕ್ರಮವಾಗಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ರಸ್ತೆಯನ್ನು ಅತಿಕ್ರಮಿಸಿ ನಿವೇಶನಗಳನ್ನು ರಚಿಸುವ ಅವಧಿಯಲ್ಲಿ ನೀವು ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಲ್ಲಿ ವಿಫಲರಾಗಿರುತ್ತೀರಿ.
- 4) ಸರ್ಕಾರದ ಆಸ್ತಿಯನ್ನು ರಕ್ಷಣೆ ಮಾಡಬೇಕಾದ ಜವಾಬ್ದಾರಿಯನ್ನು ನೀವು ಹೊತ್ತಿದ್ದರೂ ಸಹ ಸರ್ಕಾರದ ಆಸ್ತಿಯನ್ನು ಒತ್ತುವರಿ ಮಾಡುವಲ್ಲಿ ಸಹಕರಿಸಿರುವುದು ದಾಖಲಾತಿಗಳಿಂದ ಸ್ಪಷ್ಟವಾಗಿ ಕಂಡುಬರುತ್ತದೆ.
- 5) ಹೊಸದಾಗಿ ನಿರ್ಮಾಣಗೊಂಡ ಬಡಾವಣೆಯಲ್ಲಿನ ನಿವೇಶನಗಳ ಮಾಹಿತಿ ಕಛೇರಿಯ ಡಿಮ್ಯಾಂಡ್ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲದಿದ್ದರೂ ಮೂರನೆಯ ವ್ಯಕ್ತಿಗಳಿಗೆ ಲಾಭ ಮಾಡಿಕೊಡುವ ಉದ್ದೇಶದಿಂದ ನೀವು ಸುಳ್ಳು ದಾಖಲೆಗಳನ್ನು ಸೃಷ್ಟಿ ಮಾಡಿ ನೊಂದಣಿ ಮಾಡಿಕೊಳ್ಳಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿರುತ್ತೀರಿ.

ದೂರು ಹಾಗೂ ನೀವು ಸಲ್ಲಿಸಿರುವ ವಿವರಣೆ ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ನೀವು ಕಾನೂನು ಬಾಹಿರವಾಗಿ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ ನೀವು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1)(i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆ ಮಾಡಿರುತ್ತೀರೆಂದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು 1957ರಡಿ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರು ಸರ್ಕಾರಕ್ಕೆ

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ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

5. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 05/02/2019 and engaged advocate for his defence. In the course of first oral statement of the DGO on 05/02/2019, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/05/2020.**
6. The DGO has filed written statement dated 27/02/2020 denying the allegations made against him in the articles of charge and statement of imputation. Further DGO has contended that, the fact of the case is that the Abdul Jabbar @ Kanket Pasha S/o Late Abdul Wahab was the owner of the lands bearing Sy.No.557 and 559/1 of Bethamangala Village, Bangarpet Taluk and the said lands got converted from agricultural purpose to non agricultural purpose namely for housing purpose vide order passed by the learned Thasildar, Bangarpet Taluk vide No.ALNSR.25/1987-88. After obtaining an order of alienation the Abdul Jabbar has formed housing layout by following numbers of sites names 132 among them site numbers 23, 44, 45 and 66. Each sites measuring East-

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West 40 feet and North-South 30 feet towards southern side of the above said 4 sites. There is a public road in which the owner of the above referred sites and other general public having right to use of the said road, there are no any sites have been formed in the said road. The road run East-West directing measuring width of more than 20 feet.

DGO further contended that, among the above site no.23, 44, 45 and 66 measuring 30*40 site was divided and site no.23/1, 44/1, 45/1, 66/1 was found. That out of the above said sites site no.45/1 and 66/1 was purchased by mother of the Durga Prasad, President of Grama Panchayath through registered sale deed in Sub-Registrar office, Bangarapete and application was filed for change of khata of the said sites and in pursuance of the same DGO has issued form 9 and 10. That the owner of the land has not included 20 feet road belonging to the Government and has not formed any side. That case is pending in PCA CC:3/2016 on the file of Spl.District Court Kolar. That there is no role of DGO in formation of sites and registration of the sites. That since the case is pending before the court this case has to be closed.

DGO has further contended that, the recommendation sent by this authority by submitting 12(3) report is against the provision of law and does not come under the jurisdiction of this authority and is barred under sec 8(1)(a)(b) of Karnataka Lokayukta Act. Since there is alternative remedy available for the complainant. Hence he denied all the allegations made out against him in the article of charges. Hence he prays to exonerate him


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from all the alleged charges framed in the article of charges against him to meet the ends of justice and equity.

7. The points that arise for consideration are as follows:-

- 1. Whether the disciplinary authority proves that DGO while working as Panchayath Development Officer of Parandahalli Grama Panchayath, one Sri.Abdul Jabbar encroached the Government road within the limits of Bethamangala Gram Panchayat and formed house sites bearing No.23/1, 44/1, 45/1 & 66/1 in collusion with the president and Member of Bethamangala Gram Panchayathi, thereafter, he has sold those sites to Smt.Manikyamma, mother of Sri.Durga Prasad during his tenure as Chairman of Bethamangala Gram Panchayath, under registered sale deeds dated: 28/10/2010 bearing documents no.4303 and 4304/2010-11 before the Sub-Registrar, Bangarpet and the DGO who was working as Panchayath Development Officer colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, and devotion to duty and committed**

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misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.?

2. What findings?

8. (a) The disciplinary authority has examined Sri.Adeel Ahmed/Complainant as PW-1 and Sri. Munikrishna/Investigation Officer as PW-2 and got marked Ex.P-1 to 27 on it's behalf.
- (b) The DGO has examined himself as DW-1 and got marked Ex.D-1 to 9 on his behalf.
- (c) Since DGO has adduced evidence by examining himself, incriminating circumstances which appeared against him in the evidence of PW-1 and PW-2 is not put to him by way of questionnaire and same is dispensed.
9. Heard the arguments on behalf of disciplinary authority and Advocate for DGO and perused all the documents.
10. The answers to the above points are:
1. In the Affirmative.
 2. As per final findings for the following


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REASONS

11. **Point No.1:-** (a). PW-1/Complainant, Sri.Adeel Ahmed has deposed in his evidence that, he knows the DGO. That he has worked as member of Bethamangala Grama Panchayath from 2010-2015 and one Durgaprasad was the President and one Srinivas was the Member of the said Grama Panchayath at that time. That one Abdul Jabbar of Bethamangala Village had formed layout in Sy. No.557 and 559. That President of the Grama Panchayath had purchased 4 sites i.e., site no.23, 44, 45 and 66 from the said Abdul Jabbar. That the said sites were sold stating the sites come within the layout. But, the said sites were formed on the Government place which was reserved for formation of road. That Abdul Jabbar has sold 4 sites to the mother of the Durgaprasad, President of Grama Panchayath i.e., Manikyamma as per Ex.P-1 and 2 registered sale deed. Out of the above said 4 sites the said Manikyamma has gifted site no.45/1 and 66/1 to Durgaprasad as per Ex.P-3 gift deed. That the said Durgaprasad has mortgaged the above said 2 sites in Canara Bank and has taken loan and PW-1 has identified the mortgage deed as per Ex.P-4. That after Manikyamma purchased the sites from Abdul Jabbar khata of the sites were mutated in her name and DGO was working as Secretary of the Grama Panchayath at that time. That after site no.45/1 and 66/1 were mortgage he has filed complaint stating that the above said sites were not in existence as per Ex.P-5 and he has also produced layout plan along with the complaint as per Ex.P-6. That in the complaint he has stated that

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though there was no existence of sites they have created false sale deed by creating documents in the Grama Panchayath.

12. (a) PW-2/Investigation Officer, Sri. Munikrishna has deposed in his evidence that, he has worked as Police Inspector in Karnataka Lokayukta, Kolar from 04/02/2014 to 29/09/2016. On 06/01/2015, at 1:30 p.m, he received PCR from Learned Principal District and Sessions Judge, Kolar, to register the complaint and investigate the matter. He registered the complaint in Cr No.4/2015, for the offences under section 13(1)(c)(d)(e) R/w 13(2) of P.C.Act, 1988 as per Ex.P-6.

PW-2 further deposed that, the allegation in the complaint was that in survey number 557 and 559 of Bethamangala village, Bangarapet taluk, the road is converted into 4 sites. The said sites are numberd 23/1, 44/1, 45/1 and 66/1, each measuring 20 feet X 30 feet each, illegally. The same is done with the assistance of DGO working as PDO then in Bethamangala village panchayath.

PW-2 further deposed that, on 20/06/2015, he visited the spot, and found that there was road in existcncc, and that was converted into sites. He collected the documents and recorded statement of witnesses. PW2 further identified the demand register extract of 2010-11 issued by DGO with respect to site number 23/1 also written as 23(1) and land tax assessment register extract with respect to said site number issued by DGO

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and the signatures of the DGO on it as per Ex.P-7 and Ex.P-8 respectively.

PW-2 further deposed that, the demand register extract of 2010-11 issued by DGO with respect to site number 44/1, 45/1 and 66/1 also written as 44(1), 45(1) and 66(1) and land tax assessment register extract with respect to said site numbers issued by DGO and the signatures of the DGO on it as per Ex.P-9 to Ex.P-14 respectively. The xerox copies of demand register extract and tax assessment register extract of site numbers 45/1 and 66/1 of year 2011-12, and the signatures of the DGO on it as per Ex.P-15 to Ex.P-18 respectively.

PW-2 further deposed that, the DGO has illegally prepared these documents though the approved layout plan did not show any site number 23/1, 44/1, 45/1 and 66/1. The xerox copies of approved layout plan in 2 sheets, together are marked as per Ex.P-19. In the 2nd sheet of Ex.P-19, to the left side where the road is shown, falsely site numbers 23/1, 44/1, 45/1 and 66/1 are created and sold to the Bethamangala Gram Panchayath member Durgaprasad's mother, Smt.Manikamma. Thereafter, Smt.Manikamma gifted it to Durgaprasad. The copies of sale deed are already marked as per Ex.P-1 and 2 and copy of gift deed pertaining to site number 45/1, which is already marked as Ex.P-3. The mortgage deed entered by said Durgaprasad with Canara Bank, Bethamangala, in which the site numbers 45/1 and 66/1 are mentioned, which is already marked as Ex.P-4. PW2 also

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identified the private complaint as per Ex.P-5. PW2 further deposed that during investigation, he collected the map of survey number 557 as per Ex.P-20. PW2 further deposed that the DGO at the time of making the entries in the demand register and land tax assessment register was also serving as Secretary for certain period, and thereafter, he was promoted as PDO. That he collected the record of rights pertaining to survey number 557 and 559 as per Ex.P-21 and Ex.P-22 respectively.

PW-2 further deposed that, On 28/12/2015, he sent specimen signatures of DGO for FSL for examination and has drawn panchanama dated 22/12/2015 to that effect when he took the specimen signatures of DGO as per Ex.P-23 and identified the specimen signatures of DGO in 4 sheets as per Ex.P-24. PW2 further deposed that he has filed charge sheet against the accused number 1 to 3, who were sellers and purchasers as per Ex.P-25. PW2 further deposed that he has drawn panchanama on 22/12/2015 with regard to having obtained the documents from the said panchayath office as per Ex.P-26 and also obtained documents from Sub-Registrar office, Bangarpet.

PW-2 further deposed that, he had sent to the FSL the specimen signatures of DGO and his signatures on the said demand register, tax assessment register, for comparison and received the report that the signatures are the similar as per Ex.P-27. That as per Ex.P-27 it is stated that the person who


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wrote a standard signature marked as S1 to S6, R1 to R4 also wrote the questioned signatures marked as Q1 to Q12.

13. (a) DGO has got examined himself as DW-1 and filed his affidavit in lieu of his chief examination wherein he has reiterated the written statement averments and further deposed that, the owners of the said sites, intended to sell a portion of the above referred sites bearing No.23, 44, 45 and 66 to an extent of East-West 40 feet and North-South 20 feet, accordingly for purpose of selling the said extent khata have been bifurcated by giving additional site numbers as 23/1, 44/1, 45/1 and 66/1 accordingly khata have been mutated in the name of the owner Abdul Jabbar. In pursuance of mutating the khatas to the said extents, he has retained the remaining extents in the same sites bearing no. 23, 44, 45, 66 to an extent of East-West 40 feet and North-South 10 feet, there after the owner Abdul Jabbar has sold site No.23/1 measuring East-West 40 feet, North-South 20 feet in favour of Manikyamma W/o T.R.Gangadharam under registered sale deed dated 28/10/2010. Similarly on the same day, the owner Abdul Jabbar has sold site No.45/1 measuring East-West 40 feet and North-South 20 feet in favour of Manikyamma under registered sale deed dated 28/10/2010.

DW-1 has further deposed that, while executing the above referred registered sale deed towards southern side of all the above referred sites, the boundary given as public road and also towards


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northern side of all the sites, the boundary is given as original sites names 23, 44, 45 and 66.

DW-1 has further deposed that, he has neither created nor manipulated any document while transferring the khatas, no sites have been formed on the alleged road, the subject matter of khatas was made and also sale deeds executed within the layout plan and within the original lands bearing Sy.No.557 and 559/1, which are alienated lands beyond the layout plan and beyond the boundaries to the above said survey numbers, no sites have been formed. As such the proceedings initiated against him need to be dropped. DW-1 has further deposed that, the investigating officer without doing proper and fair investigation had filed a false report with ulterior motive. In view of the above explained facts and circumstances, it clearly shows that he has not done any misconduct in the aforesaid case. The DGO has got marked Ex.D-1 to 9 documents on his behalf.

14. The charge levelled against the DGO by the disciplinary authority is that DGO while working as Panchayath Development Officer of Parandahalli Grama Panchayath, one Sri.Abdul Jabbar encroached the Government road within the limits of Bethamangala Gram Panchayath and formed house sites bearing No.23/1, 44/1, 45/1 & 66/1 in collusion with the president and Member of Bethamangala Gram Panchayathi, thereafter, he has sold those sites to Smt.Manikyamma, mother of Sri.Durga Prasad during his tenure as Chairman of Bethamangala Gram


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Panchayath, under registered sale deeds dated: 28/10/2010 bearing documents no.4303 and 4304/2010-11 before the Sub-Registrar, Bangarpet and the DGO who was working as Panchayath Development Officer colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, and devotion to duty and committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

15. In order to prove it's case the disciplinary authority has examined the complainant as PW1 and the I.O. who conducted investigation and filed charge sheet as PW2. PW1 has deposed as narrated in para 11 (a) and PW2 has deposed as narrated in para 12 (a). Nothing material is elicited from the cross examination of PW1 & PW2 to discredit their testimony or put forth the defence of the DGO.

16. On over all evaluation of the oral and documentary evidence adduced by both the parties, it is not in dispute that PW1 has worked as member of Bethamangala Grama Panchayath from 2010-2015 and one Durgaprasad was the President and one Srinivas was the Member of the said Grama Panchayath at that time. Further it is also not in dispute that one Abdul Jabbar of Bethamangala Village had formed layout in Sy. No.557 and 559

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and the said Abdul Jabbar has sold 4 sites to the mother of the Durgaprasad, President of Grama Panchayath i.e., Manikyamma as per Ex.P-1 and 2 registered sale deed dated 28/10/2010 and out of the above said 4 sites the said Manikyamma has gifted site no.45/1 and 66/1 to Durgaprasad as per Ex.P-3 gift deed and the said Durgaprasad has mortgaged the above said 2 sites in Canara Bank and has taken loan by executing the mortgage deed as per Ex.P-4.

17. Further it is also not in dispute that after Manikyamma purchased the sites from Abdul Jabbar, khata of the sites were mutated in her name and DGO was working as Secretary of the Bethamangala Grama Panchayath at that time.
18. The allegation made against the DGO is that he being the PDO of Bethamangala Grama Panchayath has colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty.
19. On perusal of the evidence of PW2/I.O. he has deposed that the allegation in the complaint was that in survey number 557 and 559 of Bethamangala village, Bangarapet taluk, the road is converted into 4 sites. The said sites are numbered 23/1, 44/1, 45/1 and 66/1, each measuring 20 feet X 30 feet each, illegally.

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The same is done with the assistance of DGO working as PDO then in Bethamangala village panchayath. PW-2 further deposed that, on 20/06/2015, he visited the spot, and found that there was road in existence and that was converted into sites. That he collected the documents and recorded statement of witnesses. PW2 further identified the demand register extract of 2010-11 issued by DGO with respect to site number 23/1 also written as 23(1) and land tax assessment register extract with respect to said site number issued by DGO and the signatures of the DGO on it as per Ex.P-7 and Ex.P-8 respectively. PW-2 further deposed that, the demand register extract of 2010-11 issued by DGO with respect to site number 44/1, 45/1 and 66/1 also written as 44(1), 45(1) and 66(1) and land tax assessment register extract with respect to said site numbers issued by DGO and the signatures of the DGO on it as per Ex.P-9 to Ex.P-14 respectively. The xerox copies of demand register extract and tax assessment register extract of site numbers 45/1 and 66/1 of year 2011-12, and the signatures of the DGO on it as per Ex.P-15 to Ex.P-18 respectively.

20. PW-2 further deposed that, DGO has illegally prepared these documents though the approved layout plan did not show any site number 23/1, 44/1, 45/1 and 66/1. The xerox copies of approved layout plan in 2 sheets, together are marked as per Ex.P-19. In the 2nd sheet of Ex.P-19, to the left side where the road is shown, falsely site numbers 23/1, 44/1, 45/1 and 66/1 are created and sold to Smt.Manikamma the mother of Durgaprasad who was the member of Bethamangala Gram Panchayath vide Ex.P-1 and 2

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registered sale deeds. Thereafter, Smt.Manikamma gifted it to Durgaprasad as per Ex.P-3 who executed mortgage deed in favour of Canara Bank, Bethamangala, with respect to site numbers 45/1 and 66/1 as per Ex.P-4.

21. PW2 further deposed that during investigation, he collected the map of survey number 557 as per Ex.P-20. PW2 further deposed that the DGO at the time of making the entries in the demand register and land tax assessment register was also serving as Secretary for certain period, and thereafter, he was promoted as PDO. That he collected the record of rights pertaining to survey number 557 and 559 as per Ex.P-21 and Ex.P-22 respectively.
22. PW-2 further deposed that, On 28/12/2015, he sent specimen signatures of DGO for FSL for examination and has drawn panchanama dated 22/12/2015 with respect to taking of the specimen signatures of DGO as per Ex.P-23 and identified the specimen signatures of DGO in 4 sheets as per Ex.P-24. PW2 further deposed that he has filed charge sheet against the accused number 1 to 3, who were sellers and purchasers as per Ex.P-25. PW2 further deposed that he has drawn panchanama on 22/12/2015 with regard to having obtained the documents from the said panchayath office as per Ex.P-26 and also obtained documents from Sub-Registrar office, Bangarpet.

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23. PW-2 further deposed that, he had sent specimen signatures of DGO and his signatures on the said demand register, tax assessment register to FSL for comparison and received the report that the signatures are similar as per Ex.P-27. That as per Ex.P-27 it is stated that the person who wrote the standard signature marked as S1 to S6, R1 to R4 also wrote the questioned signatures marked as Q1 to Q12. Nothing material is elicited from the cross examination of PW2 to discredit his testimony or put forth the defence of DGO.
24. On perusal of Ex.P-6 and Ex.P-19 layout plan with respect to sites formed in survey No. 557 & 559/1, it reveals that site No. 23/1, 44/1, 45/1 & 66/1 are not shown and there is road in the left side. Further the I.O. has given letter dated 14/08/2015 to Tahasildar, Bangarapete that one Abdul Jabbar has formed layout in survey No. 557 & 559/1 and sold sites and that adjacent to the layout by encroaching the Government road site No. 23/1, 44/1, 45/1 and 66/1 measuring 20 x 40 feet is formed and complaint is filed in this regard, So seeks to conduct survey of the layout and give report with survey sketch whether the above sites are formed by encroaching the Government road. In this regard the Tahasildar, Bangarapete has submitted letter dated 02/09/2015 stating that the layout formed in survey No. 557 & 559/1 of Bethmangala village is measured and surveyed and submitted sketch with report as per Ex.P-20.
25. On perusal of Ex.P-20, it reveals that the said survey is done by Suveyor and Survey Supervisor of Tahasildar Office, Bangarapete.



In the said report it is clearly mentioned that site No. 23/1, 44/1, 45/1 & 66/1 is formed in Government road and it is encroached by the owner of site No. 23, 44, 45 & 66 to the extent of 0. 1¼ guntas. Further it reveals that 0.2 guntas in which site No. 23/1, 44/1, 45/1 & 66/1 is formed is shown by PDO and it is vacant site and it is formed on the Government passage road as per sketch.

26. The DGO has admitted that there is a road measuring more than 20 feet to the southern side of the 4 sites bearing No. 23, 44, 45 & 66. But, denies that no sites have been formed encroaching the road. According to DGO the owner of site No. 23, 44, 45 & 66 measuring East to West 40 feet and North to South 30 feet intended to sell portion of the above sites to the extent of East to West 40 feet and North to South 20 feet. Accordingly for the purpose of seeking the said extent khatha has been bifurcated by giving additional site numbers as 23/1, 44/1, 45/1 & 66/1. The DGO has produced Ex.D-2 which is the application given by the Abdul Jabbar, owner of site 23, 44, 45 and 66 seeking for bifurcation of the above 4 sites on 02/08/2010 and Ex.D-3 reveals that DGO has made publication on 05/08/2010 giving notice calling for objections and Ex.D-4 reveals that DGO has conducted Mahazar on 06/09/2010 and given report that there is no objection for doing khatha and Ex.D-5 is that resolution passed on 23/09/2010, Bethamangala Grama Panchayathi for bifurcation of the khatha of the said sites. Ex.D-6 is the Demand Register Extract for the year 2001-2002 which reveals that khatha No. 828 is bifurcated 828/45/1, 828/66/1, 828/23/1,

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828/44/1. Ex.D-7 Assessment Register extract of site No.23/1, 44/1, 45/1 & 66/1.

27. On perusal of the document it reveals that DGO has not received sketch / layout plan along with application for bifurcation of khatha of sites from the owner of the above 4 sites and he has not given any notice to the owner to produce the plan and other relevant documents and has not visited the spot and taken effective steps as per rules at the time of formation of sites by encroaching the Grama Panchayathi road.
28. The DGO who is the PDO of Bethamangala Grama Panchayathi it is his duty to receive the sketch and layout plan along with the application seeking for bifurcation of Khatha, but he has not received relevant documents and the sketch showing the bifurcation of the property and it's measurement along with application from the owner of the sites and merely on the basis of application, the DGO without securing the documents has conducted mahazar and without verifying the layout plan and sketch has put up before Grama Panchayath for passing resolution. As a result the khatha is bifurcated and it facilitated the owner of the above sites to sell the property encroaching the Grama Panchayathi road as per Ex.P-20 report and sketch given by Tahasildar, Bangarapete. Hence, Disciplinary Authority has proved that DGO while working as Panchayath Development Officer of Parandahalli Grama Panchayath, has colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false

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documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty by violating the rules and law, though they were not entitled for the same and thereby committed dereliction of duty and misconduct.

29. Thus, for the foregoing reasons, I hold that disciplinary authority has proved that one Sri.Abdul Jabbar encroached the Government road within the limits of Bethamangala Gram Panchayat and formed house sites bearing No.23/1, 44/1, 45/1 & 66/1 in collusion with the president and Member of Bethamangala Gram Panchayathi, thereafter, he has sold those sites to Smt.Manikyamma, mother of Sri.Durga Prasad during his tenure as Chairman of Bethamangala Gram Panchayath, under registered sale deeds dated: 28/10/2010 bearing documents no.4303 and 4304/2010-11 before the Sub-Registrar, Bangarpet and the DGO who was working as Panchayath Development Officer colluded with Sri.Durga Prasad President and Sri.B.K.Srinivas, Member of Bethamangala Gram Panchayath in creating false documents knowing fully well that the sites were formed by encroaching the public road and thereby DGO has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, and devotion to duty and committed misconduct as enumerated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence I answer this point Accordingly.


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30. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

FINDINGS

The disciplinary authority has proved the charges against the DGO.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter.


31/7/2023

(J.P. Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri.Adeel Ahmed
PW2:- Sri.Munikrishna

List of witnesses examined on behalf Defence:-

DW1:- Sri.Anantha Reddy (DGO)

List of documents marked on behalf of Disciplinary Authority:-

Ex P1 and P2	Xerox copy of Sale Deeds dated:28/10/2010
Ex P3	Xerox copy of Gift Deed dated


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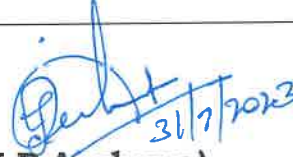
	07/01/2012
Ex P4	Xerox copy of Mortgage Deed dated 09/02/2012
Ex P5	Xerox copy of complaint filed in Spl.Court of Lokayukta, Kolar in PCR CC:03/2015
Ex P6	Xerox copy of Layout plan.
Ex P6	Xerox copy of FIR in Cr.No.4/2015.
Ex P7 and P8	Xerox copy of Demand Register extract and Land Tax Assessment Register extract.
Ex P9 to P14	Xerox copy of Demand Register extract and Land Tax Assessment Register extract.
Ex P15 to P18	Xerox copy of Demand Register extract and Land Tax Assessment Register extract.
Ex P19	Xerox copy of Layout plan.
Ex P20	Xerox copy of map of Sy.No.557
Ex P21 and P22	Xerox copy of RTC of Sy.No.557 and 559
Ex P23	Xerox copy of mahazar dated 22/12/2015.
Ex P24	Xerox copy of specimen signatures of DGO
Ex P25	Xerox copy of Charge Sheet filed by I.O.
Ex P26	Xerox copy of documents seizure mahazar dated 22/12/2015.
Ex P27	Xerox copy of FSL report.

List of documents marked on behalf of Defence:-

Ex D1	Certified copy of conversion order issued by the office of Thasildar, Bangarpete Taluk.
Ex D2	Certified copy of the requisition dated 02/08/2010.
Ex D3	Certified copy of publication issued by Bethamangala Grama Panchayath office dated 05/08/2010.

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Ex D4	Certified copy of spot mahazar.
Ex D5	Certified copy of resolution.
Ex D6	Certified copy of demand register extract.
Ex D7	Certified copy of assessment register extracts.
Ex D8 and D9	Certified copy of sale deeds dated 28/10/2010.



(J.P.Archana)

Additional Registrar (Enquiries-11)
Karnataka Lokayukta, Bangalore.

