



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂ: ಉಪಲೋಕ್./ಇವಿ.75/2021/ಅನಿವಿ.11

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು, ದಿ.04.05.2023.

ಶಿಫಾರಸು

ವಿಷಯ:- ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ (ನಿವೃತ್ತ), ಅಂದಿನ ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, ಅವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ:-1. ಸರ್ಕಾರಿ ಆದೇಶ ಸಂ.ಸಅಇ 35 ಡಿಎಂಕೆ 2021 ದಿ.15.05.2021.

2. ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂ. ಉಪಲೋಕ್/ಇವಿ.75/2021
ದಿನಾಂಕ 30.06.2021.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವಿಚಾರಣಾ ವರದಿ ದಿ.29.04.2023.

ಸರ್ಕಾರವು ದಿ.15.05.2021ರ ಆದೇಶದನ್ವಯ ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ (ನಿವೃತ್ತ), ಅಂದಿನ ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, (ಇನ್ನು ಮುಂದೆ 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್/ಇವಿ.75/2021 ದಿನಾಂಕ 30.06.2021ರನ್ವಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-II ಇವರನ್ನು ವಿಚಾರಣಾ

ಅಧಿಕಾರಿಗಳನ್ನಾಗಿ ನೇಮಿಸಿ, ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಸದರಿ ಆರೋಪಗಳ ಕುರಿತಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತದೆ.

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

'That you, as Revenue Officer of Vijayapura Mahangara Palike, in 2017-18, under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam, etc., have made rich and members of Pattana Panchayath and family members and relatives of members of Pattana Panchayath as beneficiaries, violating the rules and law, though they were not entitled for the same, and also released amount over 2 bills of each of such beneficiaries, and further did not bother to recover the amounts paid to 20 in eligible beneficiaries as ordered by Deputy Commissioner on 28/06/2019, and thereby, you have caused heavy financial loss to the Government exchequer, and have committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of KCS (conduct) Rules, 1966, Hence the charge.'

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳಾದ ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆ-11 ಇವರು ಸುದೀರ್ಘ ವಿಚಾರಣೆ ನಡೆಸಿ, ಹಾಜರುಪಡಿಸಲಾದ ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ

1

(ನಿವೃತ್ತ), ಅಂದಿನ ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, ಅವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಭಾಗಷ: ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

5. ವಿಚಾರಣಾ ವರದಿ, ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು ಹಾಗೂ ಹಾಜರುಪಡಿಸಿರುವ/ಗುರುತಿಸಿರುವ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಇಬ್ಬರು ಸಾಕ್ಷಿದಾರರನ್ನು ಪ್ರಾ.ಸಾ. 1 ಮತ್ತು 2 ಎಂದು ಸಾಕ್ಷಿ ನುಡಿಸಿದ್ದು, ಪಿ.1ರಿಂದ ಪಿ.10ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಪರವಾಗಿ ತಮ್ಮನ್ನೇ ವಿಚಾರಣೆಗೊಳಪಡಿಸಿಕೊಂಡಿದ್ದು, ಡಿ.1ರಿಂದ ಡಿ.9ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಮೇಲಿನ ಆರೋಪಗಳನ್ನು ಅಲ್ಲಗಳೆದಿದ್ದರೂ ಸಹ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರದ ಪರವಾಗಿ ಗುರ್ತಿಸಿಕೊಂಡಿರುವ ದಾಖಲೆಗಳು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಆದುದರಿಂದ ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.


6. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳನ್ವಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ ಅವರು ದಿನಾಂಕ 30.11.2020 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ.

21

7. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಸಾಬೀತಾದ ಆರೋಪದ ತೀವ್ರತೆಗನುಗುಣವಾಗಿ, 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ (ನಿವೃತ್ತ), ಅಂದಿನ ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, ಅವರ ಪಿಂಚಣಿಯ ಶೇ.10(ಹತ್ತು%)ರಷ್ಟನ್ನು 03(ಮೂರು) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ' ದಂಡನೆ ವಿಧಿಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

8. ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸಿನನ್ವಯ ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿದೆ.

9. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.


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

KARNATAKA LOKAYUKTA

NO. UPLOK-1/DE/75/2021/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 29/04/2023.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against
Sri.Mahesh Heralagi (at present retired),
Revenue Officer, Mahanagara Palike,
Vijayapura-reg.

Ref: 1. Government Order No. ನಅಇ 35 ಡಿಎಂಕೆ 2021
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:15/05/2021.
2. Nomination Order No. UPLOK-
1/DE/75/2021, Bengaluru, dated
30/06/2021.

1. The Departmental Enquiry is initiated against Sri.Mahesh Heralagi (at present retired), Revenue Officer, Mahanagara Palike, Vijayapura (hereinafter referred to as the Delinquent Government Official, in short DGO). On the basis of the complaint dated 06/07/2019 filed by the complainant, Shri. Shivananda Vali S/o Shekappa, Shobha Building, Raghavanagara, Neraluru Post, Anekal Taluk, Bengaluru. The allegations in the complaint is that DGO while working as Chief officer and Member secretary of Nalathvada Grama Panchayathi, in 2017-18, has recommended financially sound persons and members of Pattana Panchayath


29/4

and family members and relatives of members of Pattana Panchayath as beneficiaries, under **Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam** by violating the rules and law, though they were not entitled for the same and also released amount over 2 bills of each of such beneficiaries, and further did not bother to recover the amounts paid to 20 ineligible beneficiaries as ordered by Deputy Commissioner on 28/06/2019 and thereby DGO has caused heavy financial loss to the Government exchequer, and has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity besides, devotion to duty and committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

2. The Hon'ble Upalokayukta on perusal of complaint, comments of DGO and other documents, found prima facie case and forwarded report dated:15/02/2021 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 15/05/2021 entrusted the matter to the Hon'ble Upalokayukta. The Hon'ble Upalokayukta by order dated 30/06/2021, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
3. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:


29/4

ANNEXURE-I**CHARGE**

That you, as Revenue Officer of Vijayapura Mahangara Palike, in 2017-18, have under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam, etc., have made rich and members of Pattana Panchayath and family members and relatives of members of Pattana Panchayath as beneficiaries, violating the rules and law, though they were not entitled for the same, and also released amount over 2 bills of each of such beneficiaries, and further did not bother to recover the amounts paid to 20 in eligible beneficiaries as ordered by Deputy Commissioner on 28/06/2019, and thereby, you have caused heavy financial loss to the Government exchequer, and have committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of KCS (conduct) Rules, 1966, Hence the charge.

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

A handwritten signature in blue ink, consisting of a stylized 'A' with a circle inside, followed by a diagonal line. Below the signature, the date '29/4' is written in blue ink.

ಅನುಬಂಧ-2
ದೋಷಾರೋಪಣೆಯ ವಿವರ

1. ದೂರುದಾರರಾದ ಶಿವಾನಂದ ಶೇಕಪ್ಪ ವಾಲ, ಶೋಭಾ ಚಿಟ್ಟಿಂಗ್, ರಾಘವನಗರ, ನೆರಳೂರು ಅಂಚೆ, ಆನೆಕಲ್ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರು ದೂರುದಾರರಾದ (1) ಮಾರುತಿ ನಡವಿಕೇರಿ, ಮುಖ್ಯಾಧಿಕಾರಿ, ನಾಲವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿ, ಮುದ್ದೇಬಹಾಳ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ (2) ಯೋಜನಾ ನಿರ್ದೇಶಕರು, ಜಿಲ್ಲಾ ನನಗರಾಭಿವೃದ್ಧಿ ಕೋಶ, ಮುದ್ದೇಬಹಾಳ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ (3) ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ, ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, ತಾಲೂಕು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ದೂರುದಾರರು ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ಇವರ ವಿರುದ್ಧ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

2. ದೂರಿನ ಸಾರಾಂಶ:-

ನಾಲವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿಯಿಂದ ರಾಜೀವ ಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿ ಯೋಜನೆಯಿಂದ ಸುಮಾರು 300 ಮನೆಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಿ ನಿಗಮಕ್ಕೆ ಕಳಿಸಿ ಅಲ್ಲಿಂದ ಮಂಜೂರು ಪಡೆದುಕೊಂಡು ಶ್ರೀಮಂತರಿಗೆ ಮನೆಗಳನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಬಹುತೇಕ ಫಲಾನುಭವಿಗಳು ಚಿಟ್ಟಿಂಗ್ ನಲ್ಲಿ ವಾಸವಾಗಿರುತ್ತಾರೆ. ಪಟ್ಟಣ ಪಂಚಾಯತಿ ಸದಸ್ಯರ ಕುಟುಂಬಸ್ಥರು ಮತ್ತು ಸದಸ್ಯರ ಪತ್ನಿ ಮಕ್ಕಳು ಮತ್ತು ಸೊಸೆಯಂದಿರ ಹೆಸರಿನಲ್ಲಿ ಫಲಾನುಭವಿಗಳಾಗಿ ಆಯ್ಕೆ ಮಾಡಿರುತ್ತಾರೆ.

3. ಬಡತನದಲ್ಲಿ ವಾಸಿಸುವ ಜನರಿಗೆ ಅನ್ಯಾಯ ಮಾಡಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಪ್ರತಿ ಕುಟುಂಬದಿಂದ 20 ರಿಂದ 30 ಸಾವಿರದವರೆಗೆ ಹಣ ಪಡೆದು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಧರಣಿ, ಉಪವಾಸ ಸತ್ಯಾಗ್ರಹ ಮಾಡಿದ್ದು ದಿನಾಂಕ: 03/12/2018 ರಂದು ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕ ವಸತಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ರದ್ದು ಪಡಿಸಿದ ಫಲಾನುಭವಿಯ ಪಟ್ಟಿಯ ವರದಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಮನೆಗಳ ಆಯ್ಕೆ ಸಂಪೂರ್ಣವಾಗಿ ಕಾನೂನು ಬಾಹಿರವಾಗಿದ್ದು ರದ್ದು ಪಡಿಸಿದ ಮನೆಗಳಿಗೆ ಮತ್ತೆ ಕಾನೂನು ಬಾಹಿರವಾಗಿ ಜಿ.ಪಿ.ಎಸ್ ಮಾಡಿ ಹಣ ಪಾವತಿ ಮಾಡಿ ಸರ್ಕಾರದ ಬೊಕ್ಕಸಕ್ಕೆ ನಷ್ಟ ಉಂಟುಮಾಡಿದ್ದಾರೆ ಎಂದು


29/4

ಆರೋಪಿಸಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ಲಪಟಾಯಿಸಿದವರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ವಿನಂತಿಸಿ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

4. ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿ ಪ್ರತಿ, ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ನೀಡಿರುವ ವರದಿಯ ಪ್ರತಿ ಹಾಗೂ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯ್ತಿಯಿಂದ ರಾಜೀವ್ ಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯನ್ನು ಅಕ್ರಮವಾಗಿ ನಡೆಸಿ ಪಂಚಾಯತಿ ಸದಸ್ಯರ ಸಂಬಂಧಿಕರಿಗೆ, ಶ್ರೀಮಂತರಿಗೆ ನೀಡಿ ಅಕ್ರಮ ನಡೆಸಿದ ಬಗ್ಗೆ ದೂರು ಸಲ್ಲಿಸಿದ್ದು ಇರುತ್ತದೆ.

5. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ದಿನಾಂಕ: 28/06/2019 ರಂದು ರಾಜೀವ್‌ಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿ ನಿಗಮ ನಿಯಮಿತ ಇದರ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ಇವರಿಗೆ ಪತ್ರ ಬರೆದು ಸದರಿ ಪತ್ರದಲ್ಲಿ ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ವಾಜಪೇಯಿ ವಸತಿ ಯೋಜನೆಯ ಹೆಚ್ಚುವರಿ ಮನೆಗಳನ್ನು ಕಾನೂನು ಬಾಹಿರವಾಗಿ ಮಂಜೂರು ಮಾಡಿದ ಬಗ್ಗೆ ದಿನಾಂಕ: 21/05/2019 ರಂದು ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿ ಮುಖ್ಯಾಧಿಕಾರಿ ಹಾಗೂ ಸಿ.ಎಲ್.ಟಿ.ಸಿ. ತಂಡ ಕೂಡಿ ಜಂಟಿಯಾಗಿ ಭೌತಿಕ ಪರಿಶೀಲನೆ ಮಾಡಿ ಪಂಚಾಯತಿ ಸದಸ್ಯರ ಸಂಬಂಧಿಕರು ಹಾಗೂ ಆರ್.ಸಿ.ಸಿ. ಮನೆಗಳು ಇದ್ದವರನ್ನು ಆಯ್ಕೆ ಮಾಡಿರುತ್ತಾರೆ ಎಂದು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುತ್ತಾರೆ.

6. ಅನರ್ಹ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿರುವವರಿಗೆ ಸಹಾಯ ಧನ ಬಡುಗಡೆಗೊಳಿಸದೆ ಸದರಿಯವರ ಆಯ್ಕೆಯನ್ನು ರದ್ದುಗೊಳಿಸಲು ಕೋರಿರುತ್ತಾರೆ. ಪಟ್ಟಣ ಪಂಚಾಯ್ತಿ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ತಯಾರಿಸಿದ ಪಟ್ಟಿಯ ಪ್ರತಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಪಟ್ಟಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯನ್ನು ರದ್ದು ಪಡಿಸಲು ವಿವರಗಳನ್ನು ನಮೂದಿಸಿರುತ್ತಾರೆ.

7. 1ನೇ ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆ:-

ಸನ್ 2017-18 ನೇ ಸಾಲಿನ ವಾಜಪೇಯಿ ನಗರ ವಸತಿ ಯೋಜನೆಯಡಿ ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿಗೆ 200 ಮನೆಗಳು ಅದರಲ್ಲಿ 180 ಮನೆಗಳು ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಮತ್ತು 20 ಮನೆಗಳನ್ನು ಅಲ್ಪ ಸಂಖ್ಯಾತರಿಗೆ ಹಾಗೂ ಡಾ.ಬಿ.ಆರ್. ಅಂಬೇಡ್ಕರ್ ವಸತಿ


29/4

UPLOK-1/DE/75/2021/ARE-11

ಯೋಜನೆಯಡಿ 100 ಮನೆಗಳನ್ನು ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಜನರಿಗೆ ಹೆಚ್ಚುವರಿ ಮನೆಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಿ ಗುರಿ ನಿಗದಿಪಡಿಸಲಾಗಿತ್ತು. ಅದರಂತೆ ದಿನಾಂಕ: 24/03/2018 ರಂದು ಆಶ್ರಯ ಕಮೀಷಿಯ ಅಧ್ಯಕ್ಷರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ 200 ಮನೆಗಳ ಪೈಕಿ 199 ಮನೆಗಳಿಗೆ ಹಾಗೂ 100 ಪರಿಶಿಷ್ಟ ಜಾತಿಯ ಮನೆಗಳಿಗೆ ಫಲಾನುಭವಿಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಲಾಗಿದೆ.

8. ದಿನಾಂಕ: 04/04/2018 ರಂದು ಪ್ರಭಾರ ಮುಖ್ಯಾಧಿಕಾರಿಯಾಗಿ ಅಧಿಕಾರ ವಹಿಸಿಕೊಂಡು ಕಾರ್ಯ ನಿರ್ವಹಿಸಿದ್ದು, ಎಲ್ಲಾ ಫಲಾನುಭವಿಗಳು ಬಿಪಿಎಲ್ ಕಾರ್ಡ್ ಮತ್ತು ಅಂತರ್ಜಾಲದ ಕಾರ್ಡ್ ಹೊಂದಿದ್ದು ಮನೆ ನಿರ್ಮಾಣ ಮಾಡಿಕೊಳ್ಳುತ್ತಿರುತ್ತಾರೆ. ಫಲಾನುಭವಿಯ ಮನೆಗಳ ಹಂತ-ಹಂತದ ಫೋಟೋಗಳನ್ನು ಮೊಬೈಲ್ ಆ್ಯಪ್ ಮೂಲಕ, ಜಿ.ಪಿ.ಎಸ್. ಮೂಲಕ ಫೋಟೋ ತೆಗೆದು ರಾಜೀವಗಾಂಧಿ ಹೌಸಿಂಗ್ ಬೋರ್ಡ್ ಬೆಂಗಳೂರು ರವರಿಗೆ ಸಲ್ಲಿಸಲಾಗುತ್ತದೆ. ಸದರಿ ಫೋಟೋಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಹೌಸಿಂಗ್ ಬೋರ್ಡ್, ಬೆಂಗಳೂರು ರವರು ಫಲಾನುಭವಿಗಳ ಖಾತೆಗೆ ಹಣ ಜಮಾ ಮಾಡುತ್ತಾರೆ ಎಂದು ನಮೂದಿಸಿರುತ್ತಾರೆ. ದಿನಾಂಕ: 24/03/2018 ರಂದು ನಡೆದ ನಗರ ಆಶ್ರಯ ಸಮಿತಿ ಸಭೆಯ ನಡವಳಿಗಳ ಪ್ರತಿ, ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯ ಪ್ರತಿ, ಜಿ.ಪಿ.ಎಸ್. ಆಧಾರಿತ ಭೌತಿಕ ಪ್ರಗತಿ ಪ್ರತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

9. ಪಟ್ಟಣ ಪಂಚಾಯ್ತು ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ತಯಾರಿಸಿದ ಪಟ್ಟಿಯ ಪ್ರತಿ ಸಲ್ಲಿಸಿದ್ದು ಸದರಿ ಪಟ್ಟಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯನ್ನು ರದ್ದು ಪಡಿಸಲು ವಿವರಗಳನ್ನು ಹಾಗೂ ದಿನಾಂಕ: 24/03/2018 ರಂದು ನಡೆದ ನಗರ ಆಶ್ರಯ ಸಮಿತಿ ಸಭೆಯ ನಡವಳಿಗಳ ಪ್ರತಿ, ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯ ಪ್ರತಿ, ಜಿ.ಪಿ.ಎಸ್. ಆಧಾರಿತ ಭೌತಿಕ ಪ್ರಗತಿ ಪ್ರತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

10. 2ನೇ ಎದುರುದಾರನು ಸೂಚನಾಪತ್ರ ಜಾರಿಯಾದರೂ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸದರಿಯವರ ಆಕ್ಷೇಪಣೆ ಇರುವುದಿಲ್ಲವೆಂದು ದಿ: 30/12/2019 ರಂದು ಪರಿಗಣಿಸಲಾಗಿರುತ್ತದೆ.


29/4

11. 3 ನೇ ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆ:-

ತಾನು ಮುಖ್ಯಾಧಿಕಾರಿಯಾಗಿ ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿಯಲ್ಲಿ ಸೇವೆಯಲ್ಲಿದ್ದ ಸಂದರ್ಭದಲ್ಲಿ ಸನ್ 2017-18ನೇ ಸಾಲನ ವಾಜಪೇಯಿ ನಗರ ವಸತಿ ಯೋಜನೆಯಡಿ ನಾಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 180 ಮನೆಗಳು ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಹಾಗೂ 20 ಮನೆಗಳು ಅಲ್ಪ ಸಂಖ್ಯಾತರಿಗೆ ಹೀಗೆ ಒಟ್ಟು 200 ಮನೆಗಳನ್ನು ದಿನಾಂಕ: 24/03/2018 ರಂದು ನಗರ ಶಾಸಕರು ಹಾಗೂ ಆಶ್ರಯ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಸಭೆ ಜರುಗಿಸಿ ಅರ್ಹ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆ ಮಾಡಲಾಗಿದೆ. ತಾನು ಸಮಿತಿಯ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸಿದ್ದೇನೆ.

12. ಸರ್ಕಾರದಿಂದ ಬಂದಂತಹ ಆದೇಶ, ಸುತ್ತೋಲೆಗಳನ್ನು ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸುವ ಹಾಗೂ ಓದಿ ಹೇಳಿ ಅರ್ಹ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆ ಮಾಡುವಂತೆ ಸಭೆಗೆ ವಿವರಣೆ ನೀಡುವುದು ಮಾತ್ರ ಮುಖ್ಯಾಧಿಕಾರಿಯ ಕರ್ತವ್ಯ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುತ್ತದೆ.

13. ಅರ್ಹ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆ ಪ್ರಕ್ರಿಯೆ ಹಾಗೂ ಪರಮಾಧಿಕಾರ ಆಶ್ರಯ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಸದಸ್ಯರಿಗೆ ಇರುತ್ತದೆ. ಆಯ್ಕೆ ಪ್ರಕ್ರಿಯೆ ಜರುಗಿಸಿದ ನಡುವಳಿಯ ಪ್ರಸ್ತಾವನೆಯನ್ನು ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ರಾಜೀವ್‌ಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿ ನಿಗಮ ಇವರಿಗೆ ಕಳುಹಿಸಬೇಕಾಗಿರುವುದರಿಂದ ಪಟ್ಟಣ ಪಂಚಾಯತಿಯ ಮುಖ್ಯಾಧಿಕಾರಿಯಾದ ತನ್ನ ಆದ್ಯ ಕರ್ತವ್ಯವಾಗಿದ್ದು, ಸಮಿತಿಯ ಮುಂದೆ ಯಾರಿಗೆ ಮನೆ ಇರುವುದಿಲ್ಲ ಎಂಬುವುದನ್ನು ಪರಿಶೀಲಿಸಿ ಮಂಡಿಸುವುದು ಮತ್ತು ಅನುಮೋದಿಸಿಕೊಳ್ಳುವುದು ತನ್ನ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ. ಅರ್ಹತಾ ಮಾನದಂಡಗಳ ಅನುಸಾರ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಗೆ ಟಿಪ್ಪಣಿ ಮಂಡಿಸುವ ಅಧಿಕಾರವು ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗೆ ಇದ್ದು, ಕಾನೂನಾತ್ಮಕವಾಗಿ ಮಾಡದೇ ತನ್ನ ಅಧಿಕಾರ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಆಯ್ಕೆ ಸಮಿತಿಯ ಮುಂದೆ ಸದಸ್ಯರುಗಳ ಸಂಬಂಧಿಕರುಗಳ ಹೆಸರುಗಳುಳ್ಳ ಪಟ್ಟಿಯನ್ನು ಮಂಡಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ. ಈ ಕಾರಣದಿಂದ ಆಯ್ಕೆ ಸಮಿತಿಯು ಕಾರ್ಯದರ್ಶಿ ಮಂಡಿಸಿದ ಪಟ್ಟಿಯನ್ನು ಅನುಮೋದಿಸಿರುವುದು ಸಾಬೀತಾಗುತ್ತದೆ ಹಾಗೂ ಸಮಿತಿ ತೆಗೆದುಕೊಳ್ಳುವ


29/4

ನಿರ್ಣಯಗಳನ್ನು ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ (ನಿಗಮಕ್ಕೆ) ಶಿಫಾರಸ್ಸು ಮಾಡಿ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸುವುದು ತನ್ನ ಕಾರ್ಯವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುತ್ತದೆ ಎಂದು ನಮೂದಿಸಿರುತ್ತಾರೆ.

14. ಪ್ರಕರಣದ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ನಲವತ್ತುವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿ ಆಯುಕ್ತರು ಹಾಗೂ ರಾಜೀವಗಾಂಧಿ ಗ್ರಾಮೀಣ ವಸತಿ ನಿಗಮದ ಸಮಿತಿಯ ಕಾರ್ಯದರ್ಶಿ ಇವರುಗಳ ಸಹಾಯದೊಡನೆ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯನ್ನು ಮತ್ತು ದಾಖಲೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ 200 ಫಲಾನುಭವಿಗಳಿಗೆ ರಾಜೀವ ಗಾಂಧಿ ವಸತಿಯೊಳಗೆ ಅಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳನ್ನು ಆಯ್ಕೆ ಮಾಡಿದ್ದು ನಂತರ ಈ ಕುರಿತು ಸುಧೀರ್ಘ ವಿಚಾರಣೆಯಾಗಿದ್ದು ಸದರಿ ಫಲಾನುಭವಿಗಳು ಆರ್.ಸಿ.ಸಿ. ಮನೆಗಳು ಹೊಂದಿದ್ದರೂ ಸಹಾ ಮತ್ತು ಪಂಚಾಯತಿಯ ಸದಸ್ಯರ ಸಂಬಂಧಿಕರಿದ್ದರೂ ಸಹಾ ಸದರಿ ನಿಗಮದಿಂದ ಮನೆಯನ್ನು ಮಂಜೂರು ಮಾಡಿದ್ದು ಅನಂತರ ದಿನಾಂಕ 28.6.2019ರಂದು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ ನಗರಾಭಿವೃದ್ಧಿ ಕೋಶ ವಿಜಯಪುರ ಇವರು ಕೆಲವೊಂದು ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯನ್ನು ಅಸಿಂಧೂಗೊಳಿಸಿ ಆದೇಶ ಮಾಡಿದ್ದು ಇರುತ್ತದೆ.

15. ಜಿಲ್ಲಾಧಿಕಾರಿ, ವಿಜಯಪುರ ಇವರು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನು ನಲವತ್ತುವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿಗೆ ರವಾನಿಸಿದ್ದು ಇರುತ್ತದೆ. ಸದರಿ ಅಂಶಗಳನ್ನು ನಿಗಮದ ಕಾರ್ಯದರ್ಶಿಯಾದ ಎದುರುದಾರ 3 ಇವರು ಉದ್ದೇಶ ಪೂರ್ವಕವಾಗಿ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಹಣವನ್ನು ಮಂಜೂರು ಮಾಡಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

16. ದಿ. 20.10.2020ರಂದು ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಪಟ್ಟಣ ಪಂಚಾಯತಿ, ನಲವತ್ತುವಾಡ ಇವರು ಅನರ್ಹ ಪಟ್ಟಿಯಲ್ಲಿರುವ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಸರ್ಕಾರದಿಂದ ಬರುವ ಒಂದು ಮತ್ತು ಎರಡನೆ ಬಿಲ್ಡ್‌ಗಳು ಸಂದಾಯವಾಗಿದ್ದು ಈ ಬಗ್ಗೆ ಎದುರುದಾರ 3 ಇವರು ದೃಢೀಕರಿಸಿರುತ್ತಾರೆ. ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಸಂದಾಯವಾದ ಹಣವನ್ನು ಹಿಂಪಡೆಯುವ ಕುರಿತು ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿರುವುದಿಲ್ಲ.


29/4

17. ಈ ಮೇಲ್ಕಾಣಿಸಿದ ಕಾರಣಗಳಿಗಾಗಿ ಎದುರುದಾರ 3 ಇವರು 2017-18ನೇ ಸಾಲಿನ ವಾಜಪೇಯಿ ನಗರ ವಸತಿ ಯೋಜನೆಯಡಿ ನಲತವಾಡ ಪಟ್ಟಣ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ 200 ಜನ ಫಲಾನುಭವಿಗಳನ್ನು ದಿ: 24/03/2018 ರಂದು ಆಶ್ರಯ ಸಮಿತಿ ಸಭೆಯಲ್ಲಿ ಆಯ್ಕೆ ಮಾಡಲಾಗಿದ್ದು, ಕಾರ್ಯದರ್ಶಿಯಾದ 3ನೇ ಎದುರುದಾರನು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳ ಕುರಿತು ಯಾವುದೇ ಟಿಪ್ಪಣಿ ಮಂಡಿಸದೇ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಗೆ ಅನುವು ಮಾಡಿಕೊಟ್ಟಿರುವುದು ತನ್ನ ಅಧಿಕಾರದ ದುರುಪಯೋಗ ಮಾಡಿಕೊಂಡಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

18. ಎದುರುದಾರ 1 ಇವರು ಆಶ್ರಯ ಆಯ್ಕೆ ಸಮಿತಿಯ 2017-18 ನೇ ಸಾಲಿನ ಸಂಧರ್ಭದಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆ ಮಾಡುವಾಗ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಕೆಲಸ ನಿರ್ವಹಿಸಲಾಗಿಲ್ಲ ಹಾಗೂ ಸಮಿತಿಯ ನಿರ್ಣಯದ ಕಡತಗಳಿಗೆ ತನ್ನ ಸಹಿ ಇರುವುದಿಲ್ಲವೆಂದು ತನ್ನ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನಮೂದಿಸಿ ಸಲ್ಲಿಸಿದ್ದು, ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ 1ನೇ ಎದುರುದಾರನ ಸಹಿಗಳು ಇಲ್ಲದೇ ಇರುವುದರಿಂದ ಸದರಿಯವರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಒಪ್ಪಬಹುದಾಗಿರುತ್ತದೆ.

19. ಆಯ್ಕೆ ಸಮಿತಿಯಲ್ಲಿ ಸದರಿ 2ನೇ ಎದುರುದಾರನ ಯಾವುದೇ ಪಾತ್ರ ಕಂಡುಬರುವುದಿಲ್ಲವಾದ್ದರಿಂದ ಅವರನ್ನು ಪ್ರಕರಣದಿಂದ ಮುಕ್ತಾಯ ಮಾಡಬಹುದಾಗಿರುತ್ತದೆ.

20. ಎದುರುದಾರ 3 ಇವರು 2017-18ನೇ ಸಾಲಿನ ಆಶ್ರಯ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆ ಸಮಿತಿಯಲ್ಲಿ ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಯಾಗಿದ್ದು, ಪಟ್ಟಣ ಪಂಚಾಯತಿ ಸದಸ್ಯ ಕುಟುಂಬಸ್ಥರ ಪತ್ನಿ, ಮಕ್ಕಳು ಮತ್ತು ಸೊಸೆಯಂದಿರ ಹೆಸರುಗಳನ್ನು ಫಲಾನುಭವಿಗಳಾಗಿ ಆಯ್ಕೆ ಮಾಡಲು ಸಮಿತಿಯ ಮುಂದೆ ಆಯ್ಕೆ ಮಾಡಲಾದ 200 ಸದಸ್ಯರ ಪಟ್ಟಿಯಲ್ಲಿ ಸೇರ್ಪಡೆಗೊಳಿಸಿದ್ದರಿಂದ ಈ ಕುರಿತು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ವಿಜಯಪುರ ಜಿಲ್ಲೆ ಇವರು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳನ್ನು ಗುರುತಿಸಿ ಅವರ ಆಯ್ಕೆಯನ್ನು ರದ್ದು ಪಡಿಸಿದ್ದು ಸದರಿ ಸಮಯಕ್ಕೆ ಆಗಲೇ 20 ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ 1 ಮತ್ತು 2ನೇ ಹಂತದ ಬಿಲ್ಲುಗಳನ್ನು ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ


29/4

ಬಡುಗಡೆಗೊಳಿಸುವಲ್ಲಿ ಎದುರುದಾರ 3 ಇವರು ಮಾಡಿದ ಆಯ್ಕೆಯಿಂದ ಮತ್ತು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನು ಸೂಕ್ತ ಸಮಯಕ್ಕೆ ರವಾನಿಸದೇ ನೇರವಾಗಿ ರಾಜಿವ್ ಗಾಂಧಿ ವಸತಿ ನಿಗಮಕ್ಕೆ ಪಟ್ಟಿಯನ್ನು ರವಾನಿಸಿದ್ದರಿಂದ ರಾಜಿವ್ ವಸತಿ ನಿಗಮವು 20 ಜನ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಗೆ ಈಗಾಗಲೇ 1 ಮತ್ತು 2ನೇ ಹಂತದ ಬಿಲ್ಲುಗಳನ್ನು ಬ್ಯಾಂಕ್ ಖಾತೆಯ ಮುಖಾಂತರ ಸಂದಾಯ ಮಾಡಿದ್ದು ದಾಖಲೆಗಳ ಮುಖಾಂತರ ಕಂಡುಬರುತ್ತದೆ.

21. ಈ ಮೇಲ್ಕಾಣಿಸಿದ ಎಲ್ಲಾ ಕಾರಣಗಳಿಂದ ಎದುರುದಾರ 3 ಇವರು ತನ್ನ ಅಧಿಕಾರವಧಿಯಲ್ಲಿ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳನ್ನು ಅರ್ಹ ಫಲಾನುಭವಿಗಳೆಂದು ಆಯ್ಕೆಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಲು ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯಲ್ಲಿ ಅವರುಗಳ ಹೆಸರುಗಳನ್ನು ಸೇರಿಸಿ ಪಟ್ಟಣ ಪಂಚಾಯತ್ ಸದಸ್ಯರ ಹಾಗೂ ಅವರ ಮಕ್ಕಳ ಮತ್ತು ಸೋಸೆಯರ ಹೆಸರಿಗೆ ಆಶ್ರಯ ಸಮಿತಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ರಾಜಿವ್ ಗಾಂಧಿ ವಸತಿ ನಿಗಮ ನಿಯಮಿತ ದಿಂದ ಗುರ್ತಿಸಲಾದ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳು 1 ಮತ್ತು 2 ನೇ ಬಿಲ್ಲನ್ನು ಪಡೆದುಕೊಳ್ಳಲು ಎದುರುದಾರ 3 ಇವರ ಕರ್ತವ್ಯ ಲೋಪ ಹಾಗೂ ಅಧಿಕಾರದ ದುರುಪಯೋಗ ಮತ್ತು 1 ಮತ್ತು 2ನೇ ಬಿಲ್ಲನ್ನು ಪಡೆದುಕೊಂಡ ಅನರ್ಹ ಫಲಾನುಭವಿಗಳಿಂದ ಹಿಂದಕ್ಕೆ ಪಡೆಯಲು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ದಿ: 28/06/2019 ರಂದು ಮಾಡಿದ ಆದೇಶವನ್ನು ಪರಿಪಾಲನೆ ಮಾಡದೇ ಹೋಗಿರುವುದರಿಂದ ಸದರಿ 3ನೇ ಎದುರುದಾರನ ವಿರುದ್ಧ ಕೆ.ಲೋ ಕಾಯ್ದೆ ಅಡಿಯಲ್ಲಿ ಕ್ರಮ ಜರುಗಿಸಬಹುದಾಗಿರುತ್ತದೆ.

22. ಮೇಲೆ ಚರ್ಚಿಸಲಾದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮಗಳು 3(1) (i) ರಿಂದ (iii) ರನ್ವಯ ಎದುರುದಾರರಾದ ಶ್ರೀ ಮಹೇಶ್ ಹೇರಲಗಿ, ಕಂದಾಯ ಅಧಿಕಾರಿ, ಮಹಾನಗರ ಪಾಲಿಕೆ, ವಿಜಯಪುರ, ತಾಲೂಕು ಜಿಲ್ಲೆ, ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸಲು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಮತ್ತು 3ನೇ ಎದುರುದಾರನು ದಿನಾಂಕ 30/11/2020 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುವುದರಿಂದ, ಕೆಸಿಎಸ್‌ಆರ್ ನಿಯಮ 214(2)(ಆ)ರ ಅಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ


29/4

ಅನುಮತಿಯನ್ನು ನೀಡಿ ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

ದೂರಿನಲ್ಲಿರುವ ಆಪಾದನೆಯಲ್ಲಿನ ಅಂಶ, ನೀವು ಕೊಟ್ಟಂತಹ ಆಕ್ಷೇಪಣೆಯು ಅಂಗೀಕಾರ ಯೋಗ್ಯವಲ್ಲವೆಂದು ಕಂಡುಬಂದ ಕಾರಣ ನೀವು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1)(i) (ii) (iii) ರಡಿಯಲ್ಲಿ ದುರ್ವರ್ತನೆಗೈಸಿರುತ್ತೀರೆಂದು ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಹಾಗೂ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿರುತ್ತದೆ. ಅದರಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರು ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ 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 23/08/2021 and engaged advocate for his defence. In the course of first oral statement of the DGO on 23/08/202, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 30/11/2020.**

6. The DGO has filed written statement dated 23/08/2021 denying the allegations made against him in the articles of charge and


29/4

statement of imputation. He has contended that on 29/12/2017 as per the orders of the Government he was relieved from Kolar Pattan Panchayathi and he has reported as Chief Officer of Nalathvada Grama Panchayathi on 09/01/2018. That he was on leave on medical ground from 10/01/2018 to 08/02/2018 and extended his leave from 09/02/2018 to 13/03/2018 and after utilizing medical leave of 2 months 3 days he reported to duty on 14/03/2018 to Nalathvada Grama Panchayathi. That as per the Government order dated 26/03/2018 he was transferred from the Nalathvada Grama Panchayathi to Vijayapura Municipal Corporation as Revenue Officer. That he was relieved from Nalathvada Grama Panchayathi by D.C, Vijayapura on 27/03/2018. That he has worked from 14/03/2018 to 27/03/2018 i.e., only for 14 days as Chief Officer in Nalathvada Grama Panchayathi. That during the said period under the chairmanship of MLA he has attended the Ashraya Committee meeting held on 24/03/2018 as Chief Officer and Member Secretary of Nalathvada Grama Panchayathi. DGO further contended that in the said meeting the President of Pattan Panchayathi and MLA were present and he has proposed for selection of 180 beneficiaries under General Category and 20 beneficiaries under Minority Category in all 200 eligible beneficiaries and the resolution was passed in this regard. DGO further contended that the main power for selecting eligible beneficiary is within the jurisdiction of the Ashraya Committee President and Members and it does not come under the duties of Member Secretary or Chief Officer. That the beneficiary list which


29/4

was selected in the meeting was published for public for objection if any. That they have received the objection and brought it to the notice of MLA as per rules and as per the instructions of MLA the Chief officer has to execute his work. That the selection of the beneficiary procedure is fully on the discretion of MLA and President of the committee.

DGO further contended that he has been relieved as Chief officer, Nalathvada Pattana Panchayathi and transferred as Revenue Officer to Vijayapura Municipal Corporation on 26/03/2018 and on 27/03/2018 he has been relieved from Nalathvada Pattana Panchayathi. As such the cancelled beneficiary list sent on 03/12/2018 to the Managing Director, Housing Department, Bengaluru is not sent by him. That he has not illegally done GPS to the cancelled houses and has not released the amount and caused loss to the Government exchequer because he was not working in Nalathvada Pattana Panchayathi during the said period. That the GPS was done after 27/03/2018. Further he has denied the allegation that he had selected the ineligible candidates and stated that he had worked only for 14 days in Nalathvada Pattana Panchayathi and he was not acquainted with the President and MLA of the Pattana Panchayathi so it is unbelievable that the committee will approve the selection list recommended by him.

DGO has further contended that since he was relieved from Nalathvada Pattana Panchayathi on 27/03/2018, the list of beneficiaries which were considered as invalid by the D.C and

29/4

order passed on 28/06/2018 in this regard and sent to Nalathvada Pattana Panchayathi, the allegation made against him in this regard is false. Further he has denied the allegation made against him that he has certified the 1st and 2nd bill to be released to ineligible beneficiaries in the list on 20/10/2020 since he was relieved on 27/03/2018. Further he has contended that since he was relieved from Nalathvada Pattana Panchayathi on 27/03/2018 i.e., after Ashraya Samithi meeting on 24/03/2018 he could not put up note on the ineligible candidates and as such he has not used his power. Further he has denied the allegation made against him with respect to directly sending the beneficiary list to Rajeev Gandhi Vasathi Nigama and releasing 1st and 2nd stage bill in favour of 20 ineligible beneficiary to their bank account and there is GPS made in this regard as he was relieved from Nalathvada Pattana Panchayathi on 27/03/2018.

DGO has further contended that it is the duty of the Chief Officer who is working in the Nalathvada Pattana Panchayathi to follow the orders of D.C to recover the amount released in 1st and 2nd bill to ineligible candidates. That he has worked in Nalathvada Pattana Panchayathi only from 14/03/2018 to 27/03/2018 i.e., for 14 days as Chief Officer with honesty and he is not liable for any act done after he is relieved from the said office on 27/03/2018. Hence he denied all the allegations made out against him in the article of charges. Hence he prays to exonerate him from all the alleged charges framed in the article of charges against him to meet the ends of justice and equity.


28/4

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

1. Whether the disciplinary authority proves that DGO while working as Chief officer and member secretary of Nalathvada Grama Panchayathi, in 2017-18, has under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam,

(a) has recommended financially sound persons and members of Pattana Panchayath and family members and relatives of members of Pattana Panchayath as beneficiaries, violating the rules and law, though they were not entitled for the same and

(b) DGO also released amount over 2 bills of each of such beneficiaries and further did not bother to recover the amounts paid to 20 ineligible beneficiaries as ordered by Deputy Commissioner on 28/06/2019 and

thereby has caused heavy financial loss to the Government exchequer and has committed dereliction of duty, acted in a manner unbecoming of a Government servant and not maintained absolute


29/4

integrity, and devotion to duty and committed 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. Mariyappa Dayi, Retired Chief Officer as PW1 and Sri. Shivananda Valli/Complainant as PW-2 and got exhibited 10 documents on it's behalf.
- (b) The DGO has examined himself as DW1 and got exhibited 9 documents on his behalf.
- (c) Since DGO has adduced evidence by examining himself, incriminating circumstances which appeared against him in the evidence of PW1 and PW2 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 has not submitted argument on his behalf inspite of giving sufficient opportunity and same is taken as nil and perused all the documents.


29/4

10. The answers to the above points are:

- 1.(a) In the Affirmative.
- (b) In the Negative.
2. As per final findings for the following

REASONS

11. **Point No.1:-** (a). PW1/Chief Officer, Sri. Mariyappa Dayi has deposed in his evidence that he was working as Chief Officer in Pattan Panchayath in Nalathwad, Taluk Muddebihal, Vijayapura from 08/11/2019 to 31/03/2021.that he knows the DGO. The DGO was working as Chief Officer prior to his predecessor in office and he has taken the charge from Sri.Maruthi Naduvinakere.

PW-1 further deposed that, on 05/09/2020, he received letter from Karnataka Lokayukta, Bengaluru to furnish report with respect to payment of money made by DGO to beneficiaries under Rajeev Gandhi Vasathi Nigama and Ashraya Samithi Yojana in 2017-18. That he checked the online entries with respect to the details of above payments that was sought for, and accordingly, furnished reports of online payments with his covering letter dated 20/10/2020 as per Ex.P-1, and identified his signature as Ex.P-1(a). Pw2 further identified details of 18 beneficiaries under Rajeev Gandhi Housing Corporation Limited as per Ex.P-2 and stated that the said detail contains the name of beneficiaries, the dates of payment, and stage of construction. That the payment is done in four stages. The first is on completion of basement, second is on

1
①
29/4

completion of lintel, third is on completion of slab and fourth is on completion of colouring, fitting doors, windows. That at each stage, Rs.30,000/- is deposited by Rajeev Gandhi Housing Corporation Limited to the account of beneficiaries.

PW-1 further deposed that, he furnished the details of the 18 beneficiaries as per Ex.P-2, based on the application given by the complainant, Sri.Shivanand Vali. PW-1 volunteers that the beneficiaries are selected by the committee comprising of MLA as President and four members appointed by Government as selection committee.

PW-1 further deposed that, the duty of the DGO is to examine and scrutinize all applications and documents given in support of the application, with respect to eligibility. The said benefit under Rajeev Gandhi Housing Corporation Limited is given to BPL card holders and the minorities, and possessing plot measuring 20 feet X 30 feet. PW2 further stated that the Chief Officer places all the applications and documents before the selection committee. The Chief Officer places the applications with documents based on the categories of beneficiaries. That he does not know the beneficiaries shown in Ex.P-2 are rich people or family members of members of panchayath. That he does not know whether the list of said beneficiaries was cancelled. There was no step taken for recovery of amounts from the beneficiaries. That he does not know whether the DGO has misappropriated money by giving benefit to ineligible beneficiaries.


29/4

12.(a) PW2/Complainant, Sri. Shivananda Valli has deposed in his evidence that, his native place is Nalathvad Pattan in Muddebihal Taluk, Vijayapura District. That in 2017-18, DGO was working as Chief Officer in Nalathvad Pattan Panchayath. That in 2017-18 under Rajeev Gandhi Graminena Vasathi Yojana houses were given to persons who were well off by taking Rs. 20,000/- to Rs. 30,000/- though they were not eligible and they were the family members of the members of Pattan Panchayathi. This was published in newspaper and after seeing that he collected the list of members who were allotted the house under the said scheme and found that they already had houses and were well off even then houses were allotted to them under the said scheme.

PW-2 further deposed that, later on he along with Yuvajana Sangha did 11 days sathyagraha in which they did 6 days starving sathyagraha in front of Pattan Panchayathi for the irregularities done. The planning Director, Tahasildar and Chief Officer of Pattan Panchayathi assured them that the said selection of the beneficiaries will be cancelled and houses will be allotted to eligible candidates. That they gave this assurance in writing and they took back the sathyagraha.

PW-2 further deposed that, on 03/12/2018 the Director of Town planning gave report that 63 houses granted, have been


29/4

cancelled since they were already having houses and the other beneficiaries were eligible candidates.

PW-2 further deposed that, on 28/06/2019 D.C, Vijayapura sent list of not eligible beneficiaries seeking to cancel the selection list of the said beneficiaries and not to release the amount for construction of the house to the said beneficiaries. That inspite of said order the Chief Officer has released the amount to beneficiaries who were not eligible. Hence, he has lodged the complaint before Lokayukta. PW-2 identifies the complaint and his signature in the complaint as per Ex.P-3 and Ex.P-3(a) respectively. Form No. I and II were marked as Ex.P-4 and Ex.P-5 respectively. Witness identifies his sign in the said forms which are marked as Ex.P-4(a) and Ex.P-5(a) respectively.

PW-2 further deposed that, he has produced the copy of the payment bills which are in 19 sheets as per Ex.P-6. Further he has produced explanation along with list of beneficiaries given by the Chief Officer to the Director of Planning, Vijayapura which are in 17 sheets as per Ex.P-7.

PW-2 further deposed that, on 30/08/2019 he has given rejoinder as per ExP8 that though D.C. has ordered for cancellation of the beneficiaries who were not eligible payment were done to them. So, he sought for taking action against them. PW2 has produced the order of D.C. along with list of beneficiaries


28/4

with respect to cancellation and payment of GPS which are in 9 sheets as per Ex.P-9.

PW-2 further deposed that, he has produced xerox copy of payment bills of beneficiary information of Rajeev Gandhi Housing Corporation Limited which is in 7 sheets as per Ex.P-10. PW2 further stated that the payment is made to beneficiaries who were not eligible for the benefits as per the D.C. order.

13. PW1 & PW2 are not subjected to cross examination by the DGO counsel, as such their evidence remained unchallenged.
14. DGO has got examined himself as DW1 and filed his affidavit in lieu of his chief examination wherein he has re-iterated the written statement averments and got marked Ex.D-1 to 9 documents on his behalf.
15. On over all evaluation of the oral and documentary evidence adduced by both the parties, It the contention of DGO that he was deputed as incharge Chief Officer of Nalathwad Pattan Panchayath and on 09/01/2018 he has reported to Nalathwad Pattan Panchayath as incharge Chief Officer and from 10/01/2018 to 8/02/2018 he was on medical leave. Further he has stated that he reported on 09/02/2018 and again he went on medical leave from 09/02/2018 to 13/03/2018 and he has reported to duty as


29/4

incharge Chief Officer and Member Secretary of Nalathwad Pattan Panchayath on 14/03/2018. That he has worked there from 14/03/2018 to 27/03/2018 and on 26/03/2018 as per Government Order he was transferred to Municipal Corporation, Vijayapura as Revenue Officer. The DGO has produced Ex.D-3 which is order passed by Deputy Commissioner, Vijayapura reveals that DGO is on medical leave from 10/01/2018 to 08/02/2018 and again his leave is extended from 09/02/2018 to 13/03/2018. Further Ex.D-4 notice issued by Deputy Commissioner, Vijayapura permitting DGO to take the charge of Chief Officer of Nalathwad Pattan Panchayath on 14/03/2018. Further Ex.D-5 reveals that on 26/03/2018 the Government of Karnataka has passed notification transferring DGO to Municipal Corporation, Vijayapura as Revenue Officer. Ex.D-6 is the relieving order passed by Deputy Commissioner, Vijayapura on 27/03/2018, wherein DGO has been relieved from the charge of Chief Officer of Nalathwad Pattan Panchayath. From the above documents it can be gathered that DGO has worked in Nalathwad Pattan Panchayath as Chief Officer and Member Secretary from 14/03/2018 to 27/03/2018.

16. The contention of the Disciplinary Authority is that DGO while working as Chief Officer and Member Secretary of Nalathwad Pattan Panchayath has under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam Scheme without verifying the applications submitted by the beneficiaries as recommended financially sound


29/4

persons, members of Pattan Panchayath, their family members and relatives as beneficiaries under the above scheme violating the rules and law, though they were not entitled for the same.

17. In support of its contention the Disciplinary Authority has examined PW-2/Complainant who has reiterated the above contention and stated that he came to know about the selection of ineligible beneficiaries under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam Scheme which was published in newspaper. So he collected the list of members who were allotted the houses under the said scheme and came to know that the beneficiaries were well off and were relatives of the members of Pattan Panchayath, even then the houses were allotted to them. So he along with Yuvajana Sangha did 11 days sathyagraha in front of Pattan Panchayath opposing the irregularities done in Pattan Panchayath. That the Planning Director, Tahasildar and Chief Officer of Pattan Panchayath assured them that the said selection of the beneficiaries will be cancelled. Later on 03/12/2018 Director of Town Planning gave report that 63 houses granted have been cancelled since they were already having houses and other beneficiaries were eligible candidates. Further he has stated that on 28/06/2019 Deputy Commissioner, Vijayapura sent list of ineligible beneficiaries and ordered to cancel their selection and not to release the amount for construction of their houses. In support of his contention he has produced the order passed by Deputy Commissioner, Vijayapura dated 28/06/2019 as per Ex.P-


29/4

9. On perusal of the list of ineligible members which are mentioned in Ex.P-9 they are the members who have been selected in the committee meeting held on 24/03/2018.
18. The DGO has admitted that he has put up the beneficiary list before the committee on 24/03/2018. Ex.P-7 is the explanation given by the Chief Officer of Nalathwad Pattan Panchayath to the Director of Planning, Vijayapura along with list of beneficiaries selected. On perusal of Ex.P-7 list of beneficiaries it reveals that about 199 beneficiaries have been selected under Rajiv Gandhi Vasati Nigam Niyamitha. On perusal of Ex.P-9 list of ineligible beneficiaries it reveals that their selection has been cancelled on the ground that either they are having RCC houses or they are the relatives of members of Nalathwad Pattan Panchayath. On perusal of above said list the beneficiaries in Sl.No.12, 17, 28, 29, 44, 51, 56, 63, 75, 81, 84, 85, 101, 125, 126, 135, 155, 158, 161, 162, 175, 177 and 178 of Ex.P-9 are the beneficiaries who have been selected on 24/03/2018 in Sl.No.12, 17, 28, 29, 44, 51, 56, 63, 75, 81, 84, 85, 101, 125, 126, 135, 155, 158, 161, 162, 175, 177 and 178 of Ex.P-7 the list of beneficiaries selected in Nalathwad Pattan Panchayath in the year 2017-18.
19. The DGO has admitted that he had prepared the above said list of beneficiaries and placed it before the committee. The DGO without verifying and preparing note as to their eligibility has not put up note in respect of the ineligible beneficiaries. It is the duty of DGO


29/4

to examine the list of beneficiaries and bring to the notice of the committee the beneficiaries who are having no house. It was the duty of DGO to prepare note with respect to ineligible candidates and place it before the committee. But DGO has not done this.

20. The contention of DGO that since he was relieved on 27/03/2018 he could not prepare notes of ineligible beneficiaries and place it before the committee cannot be accepted because it was his duty to place the note of ineligible beneficiaries on 24/03/2018 before the committee meeting held for selection of beneficiaries and not subsequent to meeting held for selection. As such his contention cannot be taken into consideration and by not putting up note of ineligible candidates DGO has committed dereliction of duty.

21. Hence, Disciplinary Authority has proved the charge No.1 (a) that DGO while working as Chief officer and member secretary of Nalathvada Grama Panchayathi, in 2017-18, has recommended financially sound persons and members of Pattana Panchayath and family members and relatives of members of Pattana Panchayath as beneficiaries, under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam by violating the rules and law, though they were not entitled for the same and thereby committed dereliction of duty and misconduct.

22. The other contention of the Disciplinary authority is that on 28/06/2019 D.C. Vijayapura has sent list of ineligible


28/4

UPLOK-1/DE/75/2021/ARE-11

beneficiaries and ordered to cancel the selection of such beneficiaries and not to pay subsidy amount but inspite of that DGO has made 1st and 2nd payment and has made GPS of the property. In support of it's contention the Disciplinary authority as examined PW-1/Chief Officer of Pattan Panchayath and PW-2/Complainant. They have stated that though there was order passed by Deputy Commissioner, Vijayapura on 28/06/2019 cancelling the selection of the ineligible beneficiaries and also not to release the bill amount to those beneficiaries the DGO has released 1st and 2nd bills to those beneficiaries and has prepared GPS. In support of his contention PW-1 has produced Ex.P-1 covering letter containing the list of ineligible beneficiaries to whom amount has been released and Ex.P-2 is the list of 18 ineligible beneficiaries to whom the amount has been released. On perusal of the same it reveals that the amount has been released to those beneficiaries in the year 2019.

23. Further PW-2/Complainant has also produced Ex.P-6 which is the copy of payment bills made to the ineligible beneficiaries. On perusal of the same it reveals that payment has been done in the year 2019. Ex.P-9 is the order issued by Deputy Commissioner, Vijayapura wherein list of ineligible beneficiaries has been identified and order has been passed not to release the amount to them on 28/06/2019. The DGO has taken specific contention that he has worked as Chief Officer of Nalathwad Pattan Panchayath from 14/03/2018 to 27/03/2018 and transferred to Municipal Corporation, Vijayapura as Revenue Officer as per


28/4

Ex.D-5 and 6. Since DGO was relieved as Chief Officer of Nalathwad Pattan Panchayath on 27/03/2018 then he cannot act upon the orders passed by Deputy Commissioner, Vijayapura on 28/06/2019 which is subsequent to he being relieved as Chief Officer of Nalathwad Pattan Panchayath on 27/03/2018. The payments are done to ineligible beneficiaries subsequent to the relieving of DGO as Chief Officer of Nalathwad Pattan Panchayath and DGO was not working in the said Pattan Panchayath as Chief Officer during the said period.

24. So Disciplinary Authority has failed to prove the charge No1(b) that on 28/06/2019 D.C. Vijayapura has sent list of ineligible beneficiaries ordered to cancel the selection of such beneficiaries not to pay subsidy amount but inspite of that DGO has made 1st and 2nd payment and has made GPS of the property.

25. Thus, for the foregoing reasons, I hold that disciplinary authority has proved the charge No 1(a) that DGO while working as Chief officer and member secretary of Nalathvada Grama Panchayathi, in 2017-18, has recommended financially sound persons and members of Pattana Panchayath and family members and relatives of members of Pattana Panchayath as beneficiaries, under Ashraya Samithi Yojana, Rajiv Gandhi Vasati Nigam by violating the rules and law, though they were not entitled for the same and thereby committed misconduct and thereby failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus is


29/4

guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966 and failed to prove the the charge No1(b) that on 28/06/2019 D.C. Vijayapura has sent list of ineligible beneficiaries ordered to cancel the selection of such beneficiaries not to pay subsidy amount but inspite of that DGO has made 1st and 2nd payment and has made GPS of the property and thereby committed dereliction of duty and misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence I answer this point Accordingly.

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

FINDINGS

The disciplinary authority has proved charge the No.1(a) against DGO and has not proved the charge No.1 (b) against DGO.

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


(J.P. Archana)

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

ANNEXURES

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

PW1:- Sri.Mariyappa Dayi
PW-2:- Sri.Shivananda Vali

List of witnesses examined on behalf DGO:-

DW1:- Sri.Mahesh N. Heralgi (DGO)

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Original covering letter of Chief Officer.
Ex P2	Xerox copy of details of beneficiaries.
Ex P3	Original complaint.
Ex P4	Original Form 1
Ex P5	Original Form 2
Ex P6	Xerox copy of payment bills.
Ex P7	Xerox copy of explanation of Chief Officer along with list of beneficiaries
Ex P8	Original Rejoinder of complainant.
Ex P9	Xerox copy of order of DC along with list of beneficiaries.
Ex P10	Xerox copy of payment bills of beneficiaries.


List of documents marked on behalf of Defence:-

Ex D1	Certified copy of the resolution passed by Government of Karnataka
Ex D2	Certified copy of the resolution passed in the meeting of Pattan Panchayathi
Ex D3	Certified copy of order passed by DC Vijayapura dated:23/11/2020.
Ex D4	Certified copy of notice dated:14/03/2018


29/4

UPLOK-1/DE/75/2021/ARE-11

	issued by the office of DC Vijayapura.
Ex D5	Certified copy of notification dated:26/03/2018 issued by Under Secretary, Urban Development Department.
Ex D6	Certified copy of order dated:27/03/2018 issued by DC Vijayapura.
Ex D7	Certified copy of resolution passed on 24/03/2018 in the office of Pattan Panchaythi, Nalathwada.
Ex D8	Certified copy of resolution passed by Government of Karnataka dated:31/10/2013.
Ex D9	Certified copy of beneficiaries status.


29/4/2023
(J.P. Archana)

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