

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ: ಉಪಲೋಕ್-1/ಡಿಇ/1159/2017/ಎ.ಆರ್.ಇ-09

ನಂ: ಉಪಲೋಕ್-1/ಡಿಇ/88/2017/ಎ.ಆರ್.ಇ-09

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ: ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 14ನೇ ಸೆಪ್ಟೆಂಬರ್ 2023.

-:: ಶಿಫಾರಸ್ಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳಾದ :

- (1) ಶ್ರೀಮತಿ ಫಕೀರವ್ವ ಹಣಸಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹಂಚಿನಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಸವದತ್ತಿ ತಾಲ್ಲೂಕು, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ
- (2) ಶ್ರೀ ಎಸ್. ಆರ್. ಜಂಬಗಿ, ಸಹಾಯಕ ಕೃಷಿ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಸವದತ್ತಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಗ್ರಾಅಪ 804 ಗ್ರಾಪಂಕಾ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12/01/2017,.

(2) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಕೃಇ 16 ಕೃಪವಿ 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 06/03/2017

(3) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿ.ಇ/88/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19/01/2017

(4) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿ.ಇ/1159/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12/12/2017

(5) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 06/09/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 12/01/2017 ಮತ್ತು 06/03/2017 ರಂತೆ ಶ್ರೀಮತಿ ಫಕೀರವ್ವ ಹಣಸಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹಂಚಿನಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಸವದತ್ತಿ ತಾಲ್ಲೂಕು, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಮತ್ತು ಶ್ರೀ ಎಸ್. ಆರ್. ಜಂಬಗಿ, ಸಹಾಯಕ ಕೃಷಿ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಸವದತ್ತಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ '1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿ.ಇ/88/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19/01/2017 ಮತ್ತು ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿ.ಇ/ 1159/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 12/12/2017 ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09 ರವರಿಗೆ 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳು' ರವರುಗಳ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

### **ANNEXURE No.I** **CHARGE**

DGO No.s 1, 2 and the then President of Hanchinal have approved the measurement books relating to the execution of the works the entries therein are manipulated and had not obtained photographs to ensure the execution of the work. There is no possibility of bunds being washed away due to rains, the measurements are recorded in the measurment book for the sake of record. There was no periodical inspection by DGO.s.

DGO.s have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus DGO.s



are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳಾದ ಶ್ರೀಮತಿ ಫಕೀರವ್ವ ಹಣಸಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹಂಚಿನಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಸವದತ್ತಿ ತಾಲ್ಲೂಕು, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಮತ್ತು ಶ್ರೀ ಎಸ್. ಆರ್. ಇಂಗ್ಲಿ, ಸಹಾಯಕ ಕೃಷಿ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಸವದತ್ತಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಇಬ್ಬರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ಮತ್ತು ಪಿ.ಡಬ್ಲ್ಯೂ-2 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-10 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳ ಪರವಾಗಿ ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳನ್ನು ಒಳಗೊಂಡು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಡಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಡಿ.ಡಬ್ಲ್ಯೂ-3 ಆಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ, ಹಾಗೂ ನಿಶಾನೆ ಡಿ-1 ಮತ್ತು ಡಿ-21 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ.
6. 1 ಮತ್ತು 2ನೇ 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 ಸರ್ಕಾರಿಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.



7. 1 ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, 1ನೇ ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಫಕೀರವ್ವ ಹಣಸಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಇವರು ದಿನಾಂಕ: 30/11/2043ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ ಹಾಗೂ 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಸ್. ಆರ್. ಜಂಬಗಿ, ಸಹಾಯಕ ಕೃಷಿ ಅಧಿಕಾರಿರವರು ದಿನಾಂಕ: 31/07/2026ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.


8. 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ ಫಕೀರವ್ವ ಹಣಸಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹಂಚಿನಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಸವದತ್ತಿ ತಾಲ್ಲೂಕು, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ಮತ್ತು ಶ್ರೀ ಎಸ್. ಆರ್. ಜಂಬಗಿ, ಸಹಾಯಕ ಕೃಷಿ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಜಲಾನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಸವದತ್ತಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧ ಸಾಭೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ'. ಆದ್ದರಿಂದ,

(i) 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಫಕೀರವ್ವ ಹಣಸಿ ರವರಿಗೆ ಎರಡು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮದೊಂದಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

(ii) 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಸ್.ಆರ್. ಜಂಬಗಿರವರಿಗೆ ಎರಡು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮದೊಂದಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

  
 (ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)  
 ಉಪಲೋಕಾಯುಕ್ತ-1,  
 ಕರ್ನಾಟಕ ರಾಜ್ಯ.

**KARNATAKA LOKAYUKTA**

No:(i)UPLOK-1/DE/1159/2017  
 No:(ii)UPLOK-1/DE/88/2017/ARE-9

M.S.Building,  
 Dr.B.R.Ambedkar Veedhi,  
 Bengaluru-560001.  
 Date: 06.09.2023

**ENQUIRY REPORT****:PRESENT:****(SHUBHAVEER.B.)**

Additional Register of Enquiries-9,  
Karnataka Lokayukta, Bengaluru.

**Sub:** Department enquiry against (i) Smt.Fakiravva Hanasi, the then PDO, Hanchinal Grama Panchayath, presently working at Hooli Grama Panchayath, Savadatti Taluk, Belagavi District and (ii) Sri S.R.Jambagi, Assistant Agricultural Officer, Office of the Taluk Watershed Development, Savadatti Taluk, Belagavi District-reg.

- Ref:** 1) G.O.No.GRA.A.PA.804:Gra.Pan. 2016:Bengaluru, dt: 12.01.2017.  
 2) G.O. No.Kri.E.16/Kri.Pa Vi:2017, Bengaluru, dated: 06.03.2017.  
 3) Nomination order No.UPLOK-1/DE/88/2017,dt:19.1.2017 of Hon'ble Upalokayukta-1, Bengaluru.

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This departmental enquiry is initiated against (i) Smt.Fakiravva Hanasi, the then Panchayath Development Officer, Hanchinala Grama Panchayath, presently working at Hooli Grama Panchayath, Savadatti Taluk, Belagavi District and

*Q.06/19*

(ii) Sri S.R.Jambagi, Assistant Agricultural Officer, Office of the Taluk Watershed Development, Savadatti Taluk, Belagavi District (hereinafter referred to as Delinquent Government Officials, for short, DGO.s 1 and 2).

2. In pursuance of the Government Orders cited above at reference No.s 1 and 2, Hon'ble Upalokayukta, vide-order, dated 19.01.2017, cited above at reference No.3, has nominated Additional Registrar of Enquiries-9 (for short, ARE-9) to frame the charges and to conduct enquiry against the aforesaid DGO.s.

3. The ARE-9 had issued the Articles of Charge to the DGO.s, enclosing the statement of imputations of misconduct, list of witnesses proposed to be examined and list of documents proposed to be relied, in support of charges and called them to appear before ARE-9.

4. As approved by Hon'ble Upalokayukta-1, both departmental enquiries were clubbed.

5. The Articles of Charge issued by ARE-9 against the DGO.s are as shown infra: 9.06.19

ANNEXURE-1  
CHARGE

DGO No.s 1, 2 and the then President of Hanchinal have approved the measurement books relating to the execution of the works the entries therein are manipulated and had not obtained photographs to ensure the execution of the work. There is no possibility of bunds being washed away due to rains, the measurements are recorded in the measurement book for the sake of record. There was no periodical inspection by DGO.s.

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

ANNEXURE-II  
STATEMENT OF IMPUTATIONS OF MISCONDUCT

DGO.s, in the matter of execution of work (construction) of bunds under NREGA scheme during the year 2011-12 at Hanchinala village, have committed serious illegalities and irregularities and the amounts have been paid to the beneficiaries even though the bunds have not been constructed. DGO.s have offered comments denying the complaint allegations, thereafter, the matter was referred to Superintendent of Police, Karnataka Lokayukta, Belagavi. The Deputy Superintendent of Police, Karnataka Lokayukta, Belagavi has submitted a report, dated 19.03.2014. As per the report, the investigating officer visited the lands following beneficiaries:

1. Sri Mallikarjuna Deveppa Malali,
2. Sri Manjunath Govidareddy Gangal
3. Sri Somappa Gangappa Kalakeri
4. Sri Hanamath Kariawad

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5. Sri Krishnaji Anantharao Kulkarni
6. Sri Ravidra Nagappa Doddamani (it should have been Mallappa Ningappa Halakatti)
7. Sri Ashok Govindarao Kulakarni
8. Sri Ravidra Nagappa Doddamani
9. Sri Shivaputrappa Yellappa Mettin
10. Smt Gowravva Mylarappa Guddanaikar

The investigating Officer has stated that the bunds were constructed 3 years ago and there were only traces. There was possibility of bunds being washed away due to rains. The Investigating Officer has enclosed the copies of sanction orders, NMRs and extract of Measurement Books.

As could be seen from the reports submitted by Assistant Agricultural Officer, he has visited the place and recommended for sanction. The Technical sanction for several works, including the works of construction of bunds in the lands of aforesaid persons also was given on 25.7.2011, 28.10.2011, 15.11.2011 and 01.03.2012.

The extract of measurement books relating to execution of above works reveal that the entries therein are manipulated (inserted). There was approval by Panchayath Development Officer and the then President of Gram Panchayath, Hanchinal for payment of bills. It appears that the Measurements are recorded in the measurement book for the sake of record. There was no periodical inspection by the DGO.s. The opinion of the investigating officer that there were only traces of bunds and there was possibility of bunds being washed away due to rains cannot be accepted. DGO.s should have taken photographs soon after the bunds were constructed to ensure execution of work.

The said facts and materials on record show that the DGO.s being Public/Government servants, have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming

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of Public/Government servants and thereby committed misconduct and made them liable for disciplinary action.

Since said facts supported by the materials on record prima facie show that DGO.s, being Public/Government servants, have committed misconduct as per Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966 and investigated into by the Hon'ble Upalokayukta under Rule 14(A) of Karnataka Civil Services (Classification, Control and Appeal) Rules 1957. Hence, the charge.

6. The brief facts of the case are:

(a) The complainant filed a complaint alleging that in the matter of execution of work (construction of bunds under NREGA Scheme during the year 2011-12 at Hanchinal Village), the respondents have committed serious illegalities and irregularities and the amounts have been paid to the beneficiaries, even though bunds have not been constructed. The respondents have offered comments denying complaint allegations, thereafter, the matter was referred to Superintendent of Police, Karnataka Lokayukta, Belagavi. The Deputy Superintendent police, Karnataka Lokayukta, Belagavi, has submitted a report, dated 19.03.2014. As per the report, the investigating officer visited the lands of the following beneficiaries:

1. Sri Mallikarjuna Deveppa Malali,
2. Sri Manjunath Govidareddy Gangal
3. Sri Somappa Gangappa Kalakeri
4. Sri Hanamath Kariawad
5. Sri Krishnaji Anantharao Kulakrni

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6. Sri Mallappa Ningappa Halakatti
7. Sri Ashok Govindarao Kulakarni
8. Sri Ravidra Nagappa Doddamani
9. Sri Shivaputrappa Yellappa Mettin
10. Smt Gowravva Mylarappa Guddanaikar

(b) The investigating Officer has stated that the bunds were constructed 3 years ago and there were only traces. There was possibility of bunds being washed away due to rains. The investigating Officer has enclosed the copies of sanction orders, NMRs and extract of measurement books.

(c) As could be seen from reports submitted by Assistant Agricultural officer, he has visited the place and recommended for sanction. The Technical sanction for several works, including the works of construction of bunds in the lands of aforesaid persons was given on 25.07.2011, 28.10.2011, 15.11.2011, 01.03.2012.

(d) The extract of measurement books relating to execution of above works reveal that the entries therein are manipulated (inserted). There was approval of Panchayath Development Officer and the then President of Grama Panchayath, Hanchinal, for payment of bills. It appears that the measurements are recorded in the measurement book for the measurement book for the sake of record. There was no periodical inspection by respondents. The opinion of the investigating Officer that there were only traces of

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bunds and there was possibility of bunds being washed away due to rains; cannot be accepted. The respondents should have taken photographs soon after the bunds were constructed to ensure execution of work.

(e) Since the respondents are Government servants and the material on record *prima facie* shows that they have committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966 and therefore, acting u/s. 12(3) of Karnataka Lokayukta Act, 1984, recommendation was made against respondents therein: (1) Smt. Fakiravva Hanasi, and (2) Sri S.R.Jambagi, for initiation of departmental proceedings and also requested to entrust the enquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, control and Appeal) Rules, 1957, to conduct enquiry.

7. As per the above referred Government orders at reference No.s 1 and 2 above, the Government accorded permission to the Hon'ble Lokayukta Upalokayukta to initiate enquiry against DGO.s 1 and 2 and as per the said order, Additional Registrar of Enquiries-9 was nominated as the Enquiry Officer.

8. On appearance, on 09.05.2017, plea/first oral statement was recorded and DGO-1 did not plead guilty. On 06.07.2017, DGO-1 filed written statement. As per the order, dated 21.06.2018, both

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the cases of DGO.s 1 and 2 were clubbed. On 26.06.2018, charges were framed and sent to DGO-2. On 04.08.2016, first oral statement of DGO-2 was recorded. On 23.01.2019, the written statement of DGO-2 was filed.

9. In the written statement of DGO-1, she has denied all the allegations made in the articles of charge and annexures-1 and 2, except admitting that she was discharging her duty at Hooli and prayed to drop the disciplinary proceedings initiated against her.

10. Denying the allegations made in the articles of charge, DGO-2 contends that the allegations made in the complaint pertain to the year 2011-12 in respect of bunds constructed under NREGA scheme. The very complaint filed by the complainant clearly shows that the same is files for personal enrichment and to harass DGO-2. Pursuant to the complaint filed, the matter was referred to the Superintendent of Police, Karnataka Lokayukta Belagavi. Further, the investigation was entrusted to Dy.SP, Karnataka Lokayukta . He visited the lands of the beneficiaries. He has stated that the bunds were constructed 3 years ago and there were only traces. There was possibility of the bunds being washed away due to rains. This clearly shows that there were

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traces of the works being carried out, but due to rains, it was washed away.

11. He further contends that on 01.03.2014, the Dy.SP, Karnataka Lokayukta, addressed a letter to the Executive Officer, Taluk Panchayath, Savadatti, while advertng to the complaint filed by Dasharath Reddy Basavaraj Reddy Jalikoppa, and sought for certain information under the NREGA scheme, pertaining to the year 2011-12, with regard to the construction of bunds, total amount sanctioned, list of beneficiaries, amount sanctioned for each of the works, etc. In that regard, the Executive Officer, Taluk Panchayath, Savadatti, addressed a letter to the Panchayath Development Officer, Hanchinal, and requested him to furnish the information as sought by the Deputy SP, Karnataka Lokayukta. Thereafter, pursuant to the letter, dated 11.03.2014, DGO-2 submitted his reply on 02.03.2014 to the Taluk Watershed Development Officer, Savadatti, to the effect that the construction of bunds under the NREGA scheme during the year 2011-12 at Hanchinal Village has been approved in the Grama Sabha. That out of 87 bunds, estimate was prepared for 72 bunds at an estimated cost of

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Rs.13,84,000/- and submitted to the Taluk Watershed Development Officer, Savadatti. After getting technical approval, it was submitted to the Panchayath Development Officer, Hanchinal, for administrative action and work order. Out of 84 bunds, work in respect of 66 bunds was completed. The measurements were recorded after doing inspection from time to time and the same was sent to the Panchayath Development Officer. The bunds were constructed 3 years before. On verification of the same, it was seen that on account of rains as well as cultivation in the adjacent lands, there was decrease in the size of the bunds. The work was completed as per the requirements of the Scheme.

12. The Taluk Watershed Development Officer, Savadatti, on 14.03.2014, addressed a letter to the Executive Officer, Taluk Panchayath Savadatti, reiterating what was stated in the reply of DGO-2.

13. The role of DGO-2 was only to prepare the estimate and forward the same to the Panchayath Development Officer.

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That apart, there was no role of DGO-2 as alleged by the complainant.

14. The President of Grama Panchayath and Panchayath Development Officer were the authorities for all practical purposes.

15. The SP, Karnataka Lokayukta, Belagavi, has addressed a letter to the Registrar, Karnataka Lokayukta, on 19.03.2014 wherein it was made clear that he had personally visited the lands of 10 beneficiaries and verified the work of construction of bunds being carried out; that the said work was done more than 3 years before and the signs of the bunds were seen in the lands of the beneficiaries; he had also made it clear that there was possibility of the bunds being washed away due to rains, which was made clear from the photographs; it was also found that the works of the bunds were carried out and the same could be seen in the photographs. The SP, Karnataka Lokayukta, Belagavi, has made it clear that no evidence was forthcoming in the allegations made by the complainant, and the allegations were far from truth.

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16. In the instant case, the complainant has not submitted the complaint involving the grievance within 6 months. That apart, he has not come out with sufficient cause for not making the complaint within 6 months. Therefore, the very complaint filed against DGO-2 is not maintainable. Hence, prayed to drop the enquiry.

17. On behalf of the disciplinary authority, the complainant was examined as PW-1. The then Public Prosecutor of Karnataka Lokayukta was examined as PW-2. Exs.P1 to P10 were marked. Retired Dy.SP of Karnataka Lokayukta was examined as DW-1 and through him, Exs.D1 to D10 were marked. However, his evidence was eschewed as per order, dated 27.07.2022; DGO-1 was examined as DW-2; DGO-2 was examined as DW-3; Exs.D11 to D21 were marked through DGO-2 and no document was marked through DW-3.

18. Heard the submissions of both the sides. On behalf of DGO-1, written brief was filed.

19. Hence, the point for consideration is:

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(1) Whether the disciplinary authority proves the charges framed against DGO.s 1 and 2?

20. The finding is in the AFFIRMATIVE, for the following:

REASONS

PW-1/complainant has mainly deposed that in the year 2011-12, granted funds were misused by the Panchayath Secretary, Panchayath Development Officer as well as the engineer, by creating false documents, without constructing the bunds over the lands. The list of beneficiaries was not prepared in the joint meeting, but prepared at the whims and fancies of the members; the same was prepared to benefit their relatives. Ex.P1 is the complaint; Ex.P2-Form No.1; Exs.P3 and P4 are complainant's affidavits; Ex.P5/P8 are documents annexed to the complaint; Ex.P6 is the letter written by the complainant to Karnataka Lokayukta; Ex.P7 is the objection filed by DGO-2 to Watershed Development Department; Ex.P8 is the document filed by DGO-2; Ex.P9 is the report from Dy.SP, Karnataka Lokayukta, to the SP, Karnataka Lokayukta, Belagavi, and in

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turn to the Hon'ble Lokayukta; Ex.P10 is the letter written by the Taluk Watershed Development Department officer to ARE.

21. Even though, PW-1, in his cross-examination, has admitted that he has not accompanied the Dy.SP, Karnataka Lokayukta, while carrying out inspection; he has not seen all the lands of the beneficiaries; he has not seen the lands of 88 beneficiaries and the beneficiaries were selected by the President and members of Grama Panchayath, Panchayath Development Officer as well as the Secretary; from his cross-examination, nothing has been elicited to discard to discard his evidence. He has specifically denied the suggestion that the bunds were washed away due to rains.

22. PW-2, in his evidence, has mainly deposed that he was discharging his duty as Public Prosecutor in Karnataka Lokayukta from August 2013 to 2017; in the present case, he had prepared notes and submitted final report to Hon'ble Upalokayukta-1, subsequently, as per section 12(3) of the Lokayukta Act, report was sent to the Government. DGO-1 did not file objections, but DGO-2 filed his objections. Ex.P7 is the

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objection of DGO-2; Ex.P8 is the document filed by DGO-2; Ex.P9 is the report filed by Dy.SP, Karnataka Lokayukta, to the SP, Karnataka Lokayukta, Belagavi; in turn the SP, Karnataka Lokayukta, Belagavi; to the Additional Registrar of Enquiries. The documents furnished by said Dy.SP, Belagavi, are totally marked Ex.P10. Considering all the documents, there was no mentioning with regard to the works carried out, from time to time, in the measurement book and there were many over-writings in the said books.

23. In his cross-examination, even though, he has admitted that the Hon'ble Upalokayukta-1 has prepared the final report and submitted to the Government, it makes no difference whether it was prepared by the Additional Registrar of Enquiries, or the Hon'ble Upalokayukta. Other than the said fact, nothing has been elicited in the cross-examination of PW-2 to disprove his evidence.

24. The Dy.SP, Karnataka Lokayukta, Belagavi, was examined as DW-1 and through him, Exs.D1 to D10 were

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marked. However, the same cannot be looked into since his evidence has been eschewed, as per order, dated 27.07.2022.

25. DGO-1/DW-2, in her cross-examination-in-chief, without any contention in her written statement; has mainly deposed that she was discharging her duty in Hanchinal Village Grama Panchayath, as Panchayath Development Officer, from 05.04.2010 to 08.08.2012. The Dy.SP, Karnataka Lokayukta, Belalgavi, after verifying and obtaining the required documents, and personally visiting some of the lands of the beneficiaries, filed his report stating that the complaint of the complainant was far from truth; the beneficiaries were selected in accordance with the Rules and in that regard, Grama Sabha passed the resolution. In the year 2011-12, in the lands of 66 beneficiaries, bund work was carried out. She mainly deposed that all the works were carried out in accordance with the Rules and complying with the legal requirements. Ex.D11 is the report of Dy. SP, Karnataka Lokayukta, to the SP, Karnataka Lokayukta, Belagavi and from the said SP, to Additional Registrar-Enquiries. Ex.D12 is the special resolution copy of

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Hanchinal Grama Sabha, containing materials relating to NREGA scheme for the year 2011-12; Ex.D13 is the estimation regarding the project, costing Rs.13,84,000/-. Ex.D14 is the application seeking work under the said scheme; Ex.D15 is the estimation of construction of bunds and approvals in that regard; Ex.D16 is the print muster roll; Ex.D17 is the measurement book; Ex.D18 is the works measurement; Ex.D19 is the description of works turned out in each of the lands of the beneficiaries. Ex.D20 are photographs; Ex.D21 is Aadhar Card and certificate of marriage registration.

26. Even though the Dy.SP, Karnataka Lokayukta has filed report stating that there were signs of constructing the bunds and he opines that the bunds were washed away due to heavy rains; this Authority has to consider the materials available in the file.

27. One of the charges alleged is entries in the measurement books relating to the execution of the works are manipulated. In Ex.D16/print muster roll, in ink serial page No.s 3, 6, 12, 14, 23, 34, 39, 47, 51, 55, 73, 79, 83, 86 and 92,

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the workers, even though remained absent, it is falsely shown that all the 7 days they have worked, falsely showing 7 days' salary (Rs.125 x 7) Rs.875/- each, to be paid, or even though it is shown they worked for all the 7 days and marked the attendance for the said 7 days, showing lesser days of work, paid lesser amount. There are many over-writings.

28. In Ex.D17, ink page No.s 12 to 20, 22, 26 to 66, it is not found in respect of which Village Panchayath, the said documents relate. In the estimation/Ex.P5/P8/admitted document Ex.D13, even though Rs.1,71,400/-, out of Rs.13,84,000/-, was allocated for purchasing of materials, no material was shown to be purchased and in that regard, no document is forthcoming. Without purchasing the materials, how could the construction of bunds be carried out? Even in that regard also, there is no material, or evidence.

29. In Ex.P8/admitted document-Ex.D18, the construction as well as measurement of the bunds, even though DGO-2 has certified, in respect of the following 5 persons, neither the

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Panchayath Development Officer, nor the President of Grama Panchayath, has approved the same. They are:

- 1) Shankarappa - No.360
- 2) Gangala Manjunath - No.370
- 3) Marabanni Bhimappa - No.895
- 4) Shiva Reddy - No.1377
- 5) Gopannanavara Maruthi - No.2419

It is not known whether the Amounts shown therein were paid to the said coolies, or not. Nothing is deposited in that regard either by DGO-1, or 2.

30. In the admitted document-Ex.D19/muster roll, neither the name, nor signature of the person/official; who obtained the attendance, is there. Further, in the admitted document/Ex.D16/print muster roll also, the signature as well as the name of the person/officer, who obtained attendance, is not mentioned. The person, who obtained attendance is different from the person, who took custody of the attendance register. The admitted document-Ex.D18/P8, in the pages of the register concerned, where DGO-2 signed and affixed his seal, after showing that he measured the works carried out and

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recommended for payment, none of the measurements shows the width and height of either dumped soil, or the pits, from where the soil was removed and dumped in the bunds. Instead of writing the width and height, it is only shown that length x size. No measurement is shown how he has calculated the size. When the same is calculated, the quantity was based on length x size. When the bunds are formed, there will be pits from where the soil was removed and measurement of the said pits was easily available.

31. DGO-2/DW-3, in his examination-in-chief, in paragraph 4, has clearly deposed that after completion of the work, he inspected 66 sites where the bunds were constructed along with the staff of Village Panchayath and he measured the same and he mentioned the said measurements in the measurement book and then handed over the same to the PDO/DGO-1. In respect of the said 66 bunds, stage by stage, he measured the bunds, or pits and the said measurements were mentioned in the measurement book. But in Ex.DE18, in respect of the bunds, which were shown to be inspected by

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DGO-2, it is shown, only once he has measured the sites/where the bunds were constructed. Hence, it is clear he did not measure the bunds, stage by stage, and entered the same in the registers concerned, stage by stage.

32. When it is deposed by DGO-1/DW-2 that all bund works were carried out in accordance with the Rules and complying with legal requirements; it is also the duty of DGO-1 to verify whether in respect of the said 66 bunds, stage by stage, DGO-2 had measured the bunds, or pits, and the said measurements were mentioned in the measurement book, stage by stage. Without verifying the same, approval for payment of money to coolies ought not to have been done. Based on these documents and the evidence on record, it probabalises that the entries in the measurement books, relating to execution of the works are manipulated, including the said muster roll, print muster roll, print muster roll as well as Ex.D17/work and measurement register certified by DGO-2.

33. It is the charge that the DGO.s did not obtain photographs stage by stage. It is the case of DGO.s that 66

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bunds were constructed. As admitted by DW-2 in his cross-examination, at the stage of starting the work, in the middle and on completion of the works, photographs should have been clicked. Even though photographs/Ex.D20 are filed, they do not clearly show the initial stage, middle stage and the last stage of the 66 alleged construction of bunds. It is also admitted by DW-2 that the said photographs clicked at the said 3 stages were uploaded by them. The DGO.s could have produced the said photographs, since they were uploaded and they were/are in their custody. In that event, since all photographs clicked stage by stage are not produced, adverse inference has to be drawn against the DGO.s in that regard.

34. In respect of Ex.D20, there is no oral evidence by the DGO.s to prove in each of the photograph, in whose land/site, exactly what bund work was carried out. Even in the written brief of DGO-1, it is stated that from time to time, the works of construction of bunds were inspected and in that regard, photographs were clicked and submitted to the Government. In that event, she could have produced the said photographs

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clicked by her from time to time. Hence, it is more probable that the DGO.s had not obtained the photographs of the said alleged 66 bunds.

35. One more charge is that there was no periodical inspection by the DGO.s. At the cost of repetition, DW-2, in his cross-examination, has clearly admitted that with regard to the works, at the initial stage, middle stage and end stage; photographs were to be clicked and they should be uploaded. If really there was periodical inspection by the DGO.s, or any of the DGO.s, then those photographs could have been produced. Except Ex.D17-measurement book, no document is produced by the DGO.s to show that there was periodical inspection and periodical measurement of bunds also. Hence, it is probable that there was no periodical inspection by DGO.s.

36. It is the contention of DGO.s that the required works of construction of bunds were carried out, but due to heavy rains, the bunds were washed away. At the relevant time, to show heavy/how much rainfall was there, no document is produced. Even though along with the written brief, DGO-1 has produced

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rainfall measurement book, for the period from January 2011 to December 2015; as per Ex.D18, in respect of 66 bunds, final inspection was carried out from 30.09.2011 to 25.03.2012. The report of Dy.SP, Karnataka Lokayukta, Belagavi, is dated 15.03.2014. Therefore, from 30.09.2011 till 15.03.2014, rainfall in the said area is to be considered. On careful perusal of the said register regarding rainfall, there was no heavy rain between the said period in Savadatti Taluk. Even on careful perusal of each day's rainfall, there was no heavy rainfall on any day, or continuous rain/heavy rain from September 2011 till 15.03.2014. Even though the investigating officer/Dy.SP, Karnataka Lokayukta, Belagavi; has filed report that there were signs of construction of bunds and the same were washed away due to rain, the same cannot be accepted.

37. The contention of DGO-1 is that she was not discharging her duty in Hanchinal Village Panchayath and at the relevant time, she was discharging duty at Hooli Grama Panchayath; the same cannot be accepted, because DW-2/DGO-1, in her examination-in-chief, has deposed that she

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was discharging her duty as Panchayath Development Officer in Hanchinal Grama Panchayath from 05.04.2010 to 08.08.2012. Further, she has not produced any material to show that she was transferred from Hanchinal Grama Panchayath during the relevant time.

38. Hence, I proceed to record the following:

FINDINGS

The disciplinary authority has proved the charges leveled against DGO.s 1 and 2. Hence, this report is submitted to the Hon'ble Upalokayukta-1 for further action.

The date of retirement of DGO-1 is 30.11.2043

The date of retirement of DGO-2 is 31.07.2026

  
(SHUBHAVEER.B)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru

List of witnesses examined on behalf of Disciplinary Authority

- 1) PW-1 : Dasharath Reddy Basava Reddy Jalikoppa
- 2) PW-2 : T.S.Gopinath

List of documents marked on behalf of Disciplinary Authority

- 1) Ex.P1 : Written complaint, dt. 17.12.2012
- 2) Ex.P2 : Form No.1 (complaint)
- 3) Exs.P3 : Affidavits of complainant  
& P4
- 4) Ex.P5 : Annexed documents to the complaint
- 5) Ex.P6 : Letter of complainant to Hon'ble Lokayukta
- 6) Ex.P7 : Objection filed by DGO-2, dt. 5.10.2013
- 7) Ex.P8 : NREGA Scheme estimation for the year 2011-12
- 8) Ex.P9 : Letter of SP, Lokayukta, to ARE
- 9) Ex.P10 : Letter, dt.7.10.2013 by O/o Taluk Watershed  
Development Department , Savadatti

List of witnesses examined on behalf of DGO

- 1) DW-1 : Ganapathi Ramaraya Patil
- 2) DW-2 : Smt.Fakiravva S.Hanasi (DGO-1)
- 3) DW-3 : R.S.Jambagi (DGO-2)

List of documents marked on behalf of DGO.s

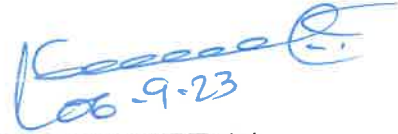
- 1) Ex.D1 : Report of Dy.SP, Lokayukta to SP, Lokayukta,  
dt.15.3.2014  
Ex.D1(a): Signature of G.R.Patil, Dy.SP, Lokayukta
- 2) Ex.D2 : Copy of letter of Panchayath Development Officer,  
Hanchinal, dt.12.10.2011

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- Ex.D2(a): Photograph
- 3) Ex.D3 : Documents relating to work carried out  
Ex.D3(a): Photograph
- 4) Ex.D4 : Documents relating to work carried out  
Ex.D4(a) Photograph
- 5) Ex.D5 : Documents relating to work carried out  
Ex.D5(a): Photograph
- 6) Ex.D6 : Documents relating to work carried out  
Ex.D6(a): Photograph
- 7) Ex.D7 : Documents relating to work carried out  
Ex.D7(a): Photograph
- 8) Ex.D8 : Documents relating to work carried out  
Ex.D8(a): Photograph
- 9) Ex.D9 : Documents relating to work carried out  
Ex.D9(a): Photograph
- 10) Ex.D10: Documents relating to work carried out  
Ex.D10(a): Photograph
- 11) Ex.D11: Report of Dy.SP, Lokayukta to SP, Lokayukta  
dt.15.3.2014 and SP,Lokayukta to ARE
- 12) Ex.D12: Resolution copy of Hanchinal Grama Sabha
- 13) Ex.D13: Estimation with regard to project costing Rs.13.84  
lac
- 14) Ex.D14: Applications seeking work under NREGA scheme

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- 15) Ex.D15: Estimations and approvals
- 16) Ex.D16: Print muster roll (attendance sheets)
- 17) Ex.D17: Measurement Book
- 18) Ex.D18: Works measurements, shown to be inspected  
by DGO-2
- 19) Ex.D19: Muster Roll Report
- 20) Ex.D20: Photographs
- 21) Ex.D21: Aadhar Card & certificate of marriage registration



06-9-23

(SHUBHAVEER.B)

Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru



1) Since continuously there are Government grants and if the said grants are misused continuously, as found in the present case, the public will not get the benefits of such schemes, because of these corrupt officials. From these aspects, DGO.s 1 and 2 are not entitled to leniency.

2) Therefore, the increment of DGO-1 may be withheld cumulatively for five years, as per Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957.

3) The increment of DGO-2 may be withheld cumulatively for five years, as per Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957.

