



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.111/2018/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 08.11.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Somashekar,
Panchayath Development Officer, Anavatti
Grama Panchayath, Soraba Taluk, Shimoga
District- reg.

Ref:- Government Order No. RDP 875 GPS 2017
dated 21.12.2017.

- 2) Nomination order No. UPLOK-
2/DE.111/2018 dated 08.03.2018 of Hon'ble
Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 31.10.2022 of
Additional Registrar of Enquiries-8,
Karnataka Lokayukta, Bengaluru.

The Government by its orders dated 21.12.2017 initiated
the disciplinary proceedings against Sri Somashekar,
Panchayath Development Officer, Anavatti Grama Panchayath,
Soraba Taluk, Shimoga District, [hereinafter referred to as

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Delinquent Government Official, for short as ' DGO '] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE.111/2018 dated 08.03.2018 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.
3. The DGO was tried for the charge of not taking action to recover the rent, tax, collection of auction amount and other amounts payable to Grama Panchayath and thereby committing misconduct.
4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*not proved*' the above charge against the DGO Sri Somashekar, Panchayath

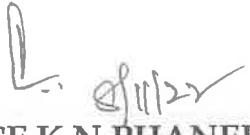
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Development Officer, Anavatti Grama Panchayath, Soraba
Taluk, Shimoga District.

5. On reconsideration of the materials on record, I do not find any reason to deviate from the opinion expressed by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer and exonerate DGO Sri Somashekar, Panchayath Development Officer, Anavatti Grama Panchayath, Soraba Taluk, Shimoga District, of the charges leveled against him.

6. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE K.N.PHANEENDRA)
Upalokayukta,
State of Karnataka.

KARNATAKA LOKAYUKTA

No: Uplok-2/DE/111/2018/ARE-8

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Dated:31/10/2022

ENQUIRY REPORT

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

Sub:-The departmental enquiry against Sri. Somashekar, Panchayath Development Officer, Anavatti Gram Panchayat, Soraba Taluk, Shimogga District - reg.

Ref:- 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act 1984, in Complt/Uplok/BD /627/2017/ARLO-1, dtd.31/07/2017.
2) Government Order No.ಕಂಗ್ರಾಅಪ/875/ಗ್ರಾಪಂಕಾ /2017, ಬೆಂಗಳೂರು, dtd.21/12/2017.
3) Nomination Order No.UPLOK-2/DE-111/2018, Bangalore, dtd. 03-2018.

Present Departmental Enquiry is initiated on the basis of the complaint lodged by one Sri. K.P.Eswara, S/o Parasappa, r/o Anavatti village, Soraba Taluk, Shimogga District, (herein after referred as 'Complainant') against Sri. Somashekar, Panchayath Development Officer, Anavatti

R. Rajashekar
31/10/2022

Gram Panchayat, Soraba Taluk, Shimogga District, (herein after referred to as the Delinquent Government Official in short 'DGO').

2. An investigation was undertaken by invoking Section 7 (2) of the Karnataka Lokayuktha Act, DGO has filed his comments. Based on the allegations of the complaint and preliminary notes, Hon'ble Upa-lokayuktha had sent the report U/Sec. 12(3) of the Karnataka Lokayuktha Act, 1984, was sent to the Government as per Reference No.1 in No. Complt/Uplok/BD/627/2017/ARLO-1, dtd.31/07/2017.

3. The Competent Authority/State Government after verifying the materials initiated inquiry and entrusted the inquiry by Government Order No. ಕಂಗ್ರಾಅಪ/875/ಗ್ರಾಪಂಚಾ/2017, ಬೆಂಗಳೂರು, dtd.21/12/2017.

4. Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3- as inquiry Officer in No. UPLOK-2/DE-111/2018, Bangalore, dated: dtd. --03-2018.

5. Brief allegations made in the complaint are that:

Complainant one Sri. K.P.Eswar, S/o Parasappa, r/o Anavatti village, Soraba Taluk, Shimogga District, has lodged a complaint alleging that the Gram Panchayath of Anavatti Village have failed to collect the tax pertaining to the shops auctioned by Anavatti Gram Panchayath, by the

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Panchayath Development Officer and the then DGO was working as Panchayath Development Officer and also elected members of Panchayat pertaining to the year 2006-07 to 2013-14, totally an amount of Rs.21,00,000/- as arrears. In this regard, complainant and another villager Rajanna Adike, repeatedly submitted their allegations to the Panchayat authorities and no action was taken by the said authorities. Hence, they were constrained to file this complaint before Lokayuktha.

6. On the basis of the nomination, Article of Charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

2. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆದ ನೀವು ಅನವಟ್ಟಿ ಗ್ರಾಮದಲ್ಲಿ ಪಿ.ಡಿ.ಒ. ಆಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದ ಸಮಯದಲ್ಲಿ

ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಸೊರಬ ತಾಲ್ಲೂಕ್ ಅನವಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಅಂತಡಿ, ಮಳಿಗೆಗಳ ಬಾಡಿಗೆ, ಸಂತೇ ಸುಂಕ, ಹರಾಜು ವಸೂಲು ಹಾಗೂ ಇತರೆ ವ್ಯವಹಾರಗಳಿಂದ ಸುಮಾರು 2006-07 ರಿಂದ 2013-14ನೇ ಸಾಲಿನವರೆಗೆ ರೂ. 21 ಲಕ್ಷ ಬಾಕಿ ಬರಬೇಕಾಗಿದ್ದು, ಈ ಬಗ್ಗೆ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಸದರಿ ರೂ. 21 ಲಕ್ಷ ಹಣವನ್ನು ವಸೂಲು ಮಾಡುವ ಬಗ್ಗೆ ಸಭೆಯಲ್ಲಿ ತೀರ್ಮಾನವಾಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಈ ಬಗ್ಗೆ ಎದುರುದಾರರು ಬಾಕಿದಾರರಿಗೆ ಕೇವಲ ನೋಟೀಸನ್ನು ಮಾತ್ರ ನೀಡಿದ್ದು, ಸದರಿ ಸರ್ಕಾರಿ ಹಣದ ವಸೂಲಾತಿಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ಸರ್ಕಾರಕ್ಕೆ ಬರಬೇಕಾದ ಹರಾಜು ಬಾಕಿ ಮತ್ತು ಇತರೆ ಬಾಬುಗಳಿಂದ ಬರುವ ಹಣವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಬಾಕಿದಾರರಿಗೆ ನೋಟೀಸ್ ನೀಡಿ, ಅದನ್ನು ವಸೂಲಿ ಮಾಡಬೇಕಾಗಿರುವುದು ಎದುರುದಾರರ ಕರ್ತವ್ಯವಾಗಿದೆ.

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31/11/2018

ಸದರಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಒಟ್ಟು ರೂ. 21 ಲಕ್ಷ ಬಾಕಿ ಇದ್ದರೂ ಸಹ ಸದರಿ ಹಣದ ವಸೂಲಾತಿಯ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಈ ಬಗ್ಗೆ ಪಂಚಾಯತ್ ಸಭೆ ನಿರ್ಣಯಿಸಿದ್ದರೂ ಸಹ ಸದರಿ ಹಣದ ವಸೂಲಾತಿಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಆದಕಾರಣ, ಸರ್ಕಾರಿ ಆಪಾದಿತ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ (3)(i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಸ್)

3. ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಸೊರಬ ತಾಲ್ಲೂಕ್ ಅನವಟ್ಟಿ ಹೋಬಳಿ ಸಂತೇ ಮೈದಾನ ನಿವಾಸಿಯಾದ ಶ್ರೀ ಕೆ.ಪಿ.ಈಶ್ವರ ಬಿನ್ ಪರಸಪ್ಪ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಸೊರಬ ತಾಲ್ಲೂಕ್ ಅನವಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾದ ಶ್ರೀ ಸೋಮಶೇಖರ (ಇನ್ನು ಮುಂದೆ "ಎದುರುದಾರರು" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರ ವಿರುದ್ಧ ಕರ್ತವ್ಯ ಲೋಪದ ಬಗ್ಗೆ ನೀಡಿದ ದೂರನ್ನು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆಯ ಕಲಂ 9ರ ಅಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

4. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:- ಅನವಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಂತೇ ಸುಂಕ ಮತ್ತು ಮಳಿಗೆಗಳು ಹರಾಜು ವಸೂಲಿ ಹಕ್ಕಿನ ಸಲುವಾಗಿ, ಪ್ರತಿ ವರ್ಷ ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ನಡೆದು, ಹೆಚ್ಚು ಮೊತ್ತಕ್ಕೆ ಮಳಿಗೆ ಬಾಡಿಗೆ ಹಕ್ಕು ಪಡೆದವರಿಂದ ಮತ್ತು ಸಂತೇ ಸುಂಕ ವಸೂಲಿ ಪಡೆದವರಿಂದ ಹರಾಜಿನ ಮೊತ್ತ ಪಡೆದು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯ ಮಾಡುತ್ತಿದ್ದು, ಆದರೆ ಹರಾಜುದಾರರು 2006-07 ರಿಂದ 2013-14ನೇ ಸಾಲಿನವರೆಗೆ ಸುಮಾರು ರೂ. 21 ಲಕ್ಷ ಬಾಕಿ ಉಳಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆ ತೆರಿಗೆ ಹಣವನ್ನು ವಸೂಲಿ ಮಾಡುವಂತೆ ಗ್ರಾಮ



ಪಂಚಾಯತ್ ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸಿ, ಎದುರುದಾರರಿಗೆ ತಿಳಿಸಿದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲವೆಂದು ಹೇಳಿದ್ದಾರೆ.

5. ದೂರಿಗೆ ಎದುರುದಾರರಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ, ಎದುರುದಾರರು ತಮ್ಮ

ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ -

ತಾವು ದಿನಾಂಕ: 22/09/2015ರಂದು ಸದರಿ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಅಧಿಕಾರ ವಹಿಸಿಕೊಂಡಿದ್ದು, 2006-07 ರಿಂದ 2013-14ನೇ ಸಾಲಿನವರೆಗೆ ಹರಾಜಿನ ಬಾಬು ಬಾಕಿ ಮತ್ತು ವಸೂಲಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಹಲವಾರು ನೌಕರರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ್ದು, ಸದರಿ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಹರಾಜು ಬಾಬು ಬಾಕಿ ಮತ್ತು ವಸೂಲಾತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಸಂಬಂಧಿಸಿದ ಬಾಕಿದಾರರಿಗೆ ನೋಟೀಸ್ ಜಾರಿ ಮಾಡಲಾಗಿದೆ ಹಾಗೂ ಬಾಕಿ ವಿವರಗಳಿಗೆ ನೋಟೀಸ್ ಬೋರ್ಡಿನಲ್ಲಿ ಅಂಟಿಸಲಾಗಿದ್ದು, ರೂ. 21 ಲಕ್ಷಗಳಿಗೆ 8 ವರ್ಷದ ಬಡ್ಡಿಗೆ ಬಾಕಿದಾರರೇ ಹೊಣೆಗಾರರಾಗಿದ್ದಾರೆ. ಹರಾಜಿನ ಸಮಯದಲ್ಲಿ ಕರ್ತವ್ಯದಲ್ಲಿರುವ ಅಧಿಕಾರಿಗಳು ಹಾಗೂ ಆಡಳಿತ ಮಂಡಳಿಯವರು ಹೊಣೆಗಾರರಾಗಿರುವುದಾಗಿ ಹೇಳಿದ್ದಾರೆ.

6. ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆಗೆ ದೂರುದಾರರಿಂದ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಕೇಳಲಾಗಿ, ದೂರುದಾರರು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಅಲ್ಲಗಳೆದಿದ್ದಾರೆ.

7. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಶಿವಮೊಗ್ಗ ಜಿಲ್ಲೆ ಸೊರಬ ತಾಲ್ಲೂಕ್ ಅನವಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಅಂತಡಿ, ಮಳಿಗೆಗಳ ಬಾಡಿಗೆ, ಸಂತೇ ಸುಂಕ, ಹರಾಜು ವಸೂಲು ಹಾಗೂ ಇತರೆ ವ್ಯವಹಾರಗಳಿಂದ ಸುಮಾರು 2006-07 ರಿಂದ 2013-14ನೇ ಸಾಲಿನವರೆಗೆ ರೂ. 21 ಲಕ್ಷ ಬಾಕಿ ಬರಬೇಕಾಗಿದ್ದು, ಈ ಬಗ್ಗೆ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ನ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಸದರಿ ಊರ. 21 ಲಕ್ಷ ಹಣವನ್ನು ವಸೂಲು ಮಾಡುವ ಬಗ್ಗೆ ಸಭೆಯಲ್ಲಿ ತೀರ್ಮಾನವಾಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಈ ಬಗ್ಗೆ ಎದುರುದಾರರು ಬಾಕಿದಾರರಿಗೆ ಕೇವಲ ನೋಟೀಸನ್ನು ಮಾತ್ರ ನೀಡಿದ್ದು,

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31/10/2018

ಸದರಿ ಸಕಾರಿ ಹಣದ ವಸೂಲಾತಿಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ಸರ್ಕಾರಕ್ಕೆ ಬರಬೇಕಾದ ಹರಾಜು ಬಾಕಿ ಮತ್ತು ಇತರೆ ಬಾಬುಗಳಿಂದ ಬರುವ ಹಣವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಬಾಕಿದಾರರಿಗೆ ನೋಟೀಸ್ ನೀಡಿ, ಅದನ್ನು ವಸೂಲಿ ಮಾಡಬೇಕಾಗಿರುವುದು ಎದುರುದಾರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಸದರಿ ಗ್ರಾಮ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಒಟ್ಟು ರೂ. 21 ಲಕ್ಷ ಬಾಕಿ ಇದ್ದರೂ ಸಹ ಸದರಿ ಹಣದ ವಸೂಲಾತಿಯ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಈ ಬಗ್ಗೆ ಪಂಚಾಯತ್ ಸಭೆ ನಿರ್ಣಯಿಸಿದ್ದರೂ ಸಹ ಸದರಿ ಹಣದ ವಸೂಲಾತಿಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಎದುರುದಾರರು ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ.

8. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಗೂ ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಎದುರುದಾರರ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

9. ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಎದುರುದಾರರು ಸರ್ಕಾರಿ/ ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ/ ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

10. ಅದಲ್ಲದೆ, ಎದುರುದಾರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966ರ ನಿಯಮ 3(1)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ ದುರ್ವರ್ತನೆ ಕಂಡು ಬರುವುದರಿಂದ, ಸದರಿ ಎದುರುದಾರರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3)ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಈಗ, ಈ ವರದಿ ಮೂಲಕ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗುತ್ತಿದೆ, ಹಾಗೂ ಎದುರುದಾರರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿ 1957ರ ನಿಯಮ 14(ಎ) ರಡಿ ಈ ಸಂಸ್ಥೆಗೆ ವಹಿಸಿ ಬೇಕೆಂದೂ ಕೋರಿದೆ.

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11. ಅದರಂತೆ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಹೂಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಉಲ್ಲೇಖ ಒಂದರ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರಿಗೆ ವಹಿಸಿದ್ದು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ-2 ರವರು ಈ ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

7. Summons was issued along with copy of Article of Charge to DGO. DGO appeared through NKD Advocate and FOS was recorded. DGO has denied the charges, pleaded not guilty and claimed to be tried. Enquiry was posted to file his objections/WS.

8. DGO has filed his **objections/written statement** contending that the allegations made in the complaint are all false and contended that he assumed charge as PDO of Anavatti Gram Panchayath on 22/09/2015 and worked till 03/06/2018. During that period, he has discharged his duty with integrity and has collected tax from the shops auctioned by Panchayath by issuing notice and further he has informed the occupants of shops as tenants about the future consequences of not paying the rent as lessees.

9. It is further contended that allegations made by the complainant about not collecting the tax by the PDOs pertains to the year 2006-07 and 2013-14, during that period (1) M. Veereshappa was working as PDO from 01/04/2006 to 02/06/2006, (2) Jayadevappa was working as PDO from 03/06/2006 to 15/06/2006, (3) Neelappa

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Bhootannavar, working as PDO from 16/06/2006 to 11/04/2012, (4) Neelappa Bhootannavar was working as PDO from 12/04/2012 to 11/02/2013, (5) Sriram was working as PDO from 12/02/2013 to 01/09/2015 and the present DGO did not work during the above said period of 2006-07 and 2013-14. Hence, the above said five persons were responsible for not collecting the rent from shops of Panchayath allotted to occupants and complainant has not mentioned his name in the complaint and has mentioned only DGO during that period. Hence, prays to drop the proceedings against him.

10. After receiving the objections/written statement, enquiry was proceeded with VOR was complied and enquiry was proceeded with.

11. In order to prove the allegations made in the Article of Charges, the Disciplinary Authority has examined complainant as PW.1 and Sri. Rajanna Adaki as PW.2 and got marked Ex.P.1 to Ex.P.11. After the closure of the evidence of Enquiry Authority, SOS was recorded. DGO got examined himself as DW.1 and got marked Ex.D.1 to Ex.D.28 and also produced a letter issued by Anavatti Panchayath dtd.01/09/2018 to show that he worked as PDO from 22/09/2015 to 03/06/2018.


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12. Heard the arguments of P.O. and the DGO. Written arguments were filed by DGO and case was posted for submitting final report.

13. Following point arise for my consideration;

Whether the Charge leveled against DGO Sri. Somashekar, Panchayath Development Officer, Anavatti Gram Panchayat, Soraba Taluk, Shimogga District, is proved by the Disciplinary Authority?

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

REASONS

15. P.O. in order to substantiate the allegations made in the complaint has examined complainant as PW.1 and has stated in his evidence that, he had lodged a complaint before Lokayuktha along with Rajanna Adaki PW.2 making allegations that Anavatti Gram Panchayath members as well as the PDO have not collected the rent from shops auctioned to occupants/tenants for the period from 2006-07 to 2013-14 and Panchayath elected members and PDO have failed to discharge their duty in collecting the rent and have made the Panchayath to suffer a loss of Rs.21,00,000/- to be recovered as arrears of rent.

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16. In support of his oral evidence, PW.1 has produced his complaints marked at Ex.P.1 to Ex.P.4 and further he has stated in examination in chief that, complaint marked at Ex.P.5 bears his signature and he does not know the contents of Ex.P.1 to Ex.P.4.

17. Witness has been cross examined by the DGO advocate. Though PW.1 has stated that, he does not know the contents of documents produced by him from Ex.P.1 to Ex.P.4. In cross examination PW.1 has stated that, he does not know about one Basavaraj Dyavappa, who has collected the arrears of rent and several other occupants have not paid the rent to the extent of Rs.10 to 11-lakhs. He has further stated that, he does not know about the decision taken by the Gram Panchayath in General Body Meeting.

18. So it becomes crystal clear that, oral evidence of PW.1 is not consistent with the allegations made in Ex.P.1 to Ex.P.4.

19. P.O. has examined PW.2 Rajanna Adaki and he has stated that, he has lodged a complaint along with PW.1 and the occupants of shops were depositing rent to the Gram Panchayat and one Aswini, Basavaraj Kumar and Ganapathy were in arrears of payment of rent of Rs.21,00,000/-. In this regard a complaint was lodged to

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the Panchayath officials, when no action was taken, then complaint was lodged before Lokayuktha.

20. In the evidence of PW.2, Ex.P.5 to Ex.P.10 have been got marked and they are pertaining to the records of non-payment of tax/rent to the Panchayath and auction papers pertaining to allotment of shops, proceedings of the Gram Panchayath and notices issued by DGO to the occupants to pay the arrears of rent and a complaint lodged before Police against the occupants of shops for non-payment of rent etc.

21. PW.2 Witness has been cross examined at length and he has admitted that name of DGO is not written in the complaint and he further admits that, he does not know who was working as PDO from 2006-07 to 2013-14 and he does not know in which year the present DGO was working as PDO of said Panchayath and also the year. Further he has admitted in the cross examination that, he does not know the procedure and particulars of the period of deposit of tax by the occupants of the shops. In Ex.P.7 pertaining to resolution passed by Gram Panchayath Anavatti village and in the said Panchayath a General Body Meeting was held and it was decided to hold the PDO officials, who were working at the relevant time of not collecting the tax from shop occupants from 2006-07 to 2013-14. He also admits that he was one of the bidder/participator in the auction

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conducted by the said Panchayath pertaining to the said Panchayat shops. And also admits that, he was also occupant of the said Panchayat shop and he has not paid the rent of the shop to an extent of Rs.17,000/- and it is reflected in the Audit Report.

22. Close assessment of the oral evidence and the documentary evidence available from PW.1 and 2 would make it clear that, there is no consistency in the evidence between PW.1 and 2, though both have lodged a complaint together making allegation against DGO and Panchayat elected members. PW.1 has been treated as hostile by the P.O. officer and he has denied all the allegations stated to have been made by him, in the complaint Ex.P.1.

23. PW.2 is also another complainant though, he has produced documents to Ex.P.5 to Ex.P.11 to show that DGO was responsible for non-collection of rents on behalf of the Panchayath. But the admissions given by him in his cross examination would reveal that, he is unaware about the present DGO was working as PDO in Anavatti village Gram Panchayath during the relevant period from 2006-07 to 2013-14. The admissions given by PW.2 in his cross examination makes this Disciplinary Authority to view the credibility of his evidence doubtfully and prejudicial one, as he had sufficient motive to lodge this complaint against DGO as himself had committed default in making payment of rent

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of Rs.17,000/- towards the shop allotted by said Panchayath.

24. DGO-DW.1 in support of his defence has examined himself as DW.1 and has stated that, he was not working during the relevant period from 2006-07 to 2013-14 when the rent was due from occupants of shops of Rs.21,00,000. And he has also stated that at that relevant period i.e., 2006-07 to 2013-14 1) Veereshappa, 2) Jayadevappa, 3) Neelappa Bhootannavar and 4)Sriram were working as PDO at that time. Tenants of the shops of said Panchayath had filed a suit in Civil Court of Soraba, bearing O.S.No.209/2013, seeking direction to the said Panchayath to fix less rate of rent and Panchayath has decided to collect rent of the tenants, who had filed suit only after the final decision of the Civil Suit, which has been got marked as Ex.D.1 and because of this, he did not take steps to recover the rent from tenants. And he has issued notice to occupant/tenants of the shops marked at Ex.D.2 to Ex.D.25 and he has produced the records to show that, he has deposited the rent due collected from 2015 to 2018 and deposited the same in Panchayath account. Further he has produced valuation slips of the shops marked at Ex.D.26 to Ex.D.28.

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25. P.O. has conducted detailed cross examination of DW.1, but nothing is so elicited to show that DGO was working as a PDO from 2006-07 to 2013-14.

26. Close perusal of the records produced by the DGO in particularly makes it clear that Anavatti Gram Panchayath passed resolution on 27/12/2013 that rents due from the tenants of the shops may recovered after the decision of the Court in O.S.No.209/2013. Ex.D.2 to Ex.D.25 are the notices issued to the tenants of the shops like Raju Bhat and 24 others that they are required to pay the rent amount otherwise legal action may be initiated as per Panchayath Raj Act. Ex.D.26 and Ex.D.27 are the order-sheet copy, valuation slip of O.S.No.209/2013 filed before Soraba Civil Court by the aggrieved tenants of the Panchayath. Further the certificate issued by Gram Panchyath dtd.01/09/2018 it was filed along with memo dtd.09/07/2021 would disclose that present DGO-Somashekarappa was working as PDO in Anavatti Gram Panchayath from 25/09/2015 to 03/06/2018 that goes to show that during the relevant period when the rent and tax was due from the tenants of the shops of said Panchayath from period 2006-07 to 2013-14 DGO was not at all working as a PDO in the said Panchayath.

27. Furthermore, the production of Ex.D.2 to Ex.D.25 are notices issued to occupants of the shops of Panchayath

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would reflect that DGO was taken steps to recover the rent due from the occupants of shops of said Panchayath.

28. So to sum-up the allegations made against the DGO cannot be considered to have been proved for the reason that PW.1 has turned hostile and the evidence of PW.2 is not corroborated with the evidence of PW.1. The credibility of the evidence of PW.2 has been viewed suspiciously by this Disciplinary Authority because of the discrepancies existing in his cross examination and further he is a interested witness as he was also defaulter in payment of arrears of rent to the Panchayath being occupant of the shops of Panchayath. More particularly, the alleged disputed period pertaining to the arrears of rent from 2006-07 to 2013-14, but DGO has worked as PDO at the said Panchayath from 22/09/2015 to 03/06/2018. During that period restricting to the arrears of rents due alleged in the complaint DGO-DW.1 was not working as PDO and furthermore, PW.1 and 2 have not mentioned the name of the DGO as Somashekar have only referred in complaint column No.2 pertaining to address of the public servant as Panchayath Development Officer, Gram Panchayat Anavatti, Soraba Taluk and Shimogga District.

29. DGO has specifically contended in the written statement particularly in Para-5 that, (1) M. Veereshappa, (2) Jayadevappa, (3) Neelappa Butannavar for two terms, (4)

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M. Raju from 2013 to 01/09/2015. DGO has taken charge at Anavatti Panchayath on 03/06/2018. So that would make it clear that, the alleged dereliction of duty committed by the PDO Anavatti Panchayath does not pertain to the period of service rendered by present DGO as PDO in the said Panchayath.

30. In view of the elaborate discussion made above, this enquiry authority is constrained to hold that, the charge framed against DGO is not established. In the result above Point is answered in the '**NEGATIVE**' and I proceed to record the following;

FINDINGS

The Disciplinary Authority has not proved the charges leveled against the Delinquent Government Official Sri. Somashekar, Panchayath Development Officer, Anavatti Gram Panchayat, Soraba Taluk, Shimogga District.

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


(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.

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

PW1	Sri. Eswara K.P. S/o Parasappa, 49 years, r/o Anavatti village, dtd.04/05/2009.
PW.2	Rajanna Adaki S/o Veerabasappa, 56 years, r/o Anavatti village, dtd.06/07/2019

LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P1	Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW1.(Original)
Ex.P.1(A)	Signature of PW.1
Ex.P.2	Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy)
Ex.P.2(A)	Signature of PW.1.
Ex.P.3	e-stamp produced by complainant-PW.1
Ex.P.3(A)	Signature of PW.1
Ex.P.4	Detailed complaint submitted before Lokayuktha, Bangalore, dtd.06/02/2017 by PW.1 and PW.2
Ex.P.4(A)	Signature of PW.1 and PW.2
Ex.P.5	Reply from complainant/PW.1 submitted to Karnataka Lokayuktha, Bengaluru along with list of occupants of Anavatti village Grama Panchayath -
Ex.P.5(B) & P.5(B)	Ex.P.5(B) and Signatures of PW.1
Ex.P.6	Auction sale issued by the Anavatti Gram Panchayath dtd.18/04/2016
Ex.P.7	Proceedings of Anavatti Gram Panchayath dtd.22/06/2018
Exp.8	Notices issued by Anavatti Gram Panchayath dtd.04/07/2018 to arrears of rent due towards

R. Subbaraj
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	shops of said panchayath. (39-sheets)
Ex.P.9	Open auction conducted on 06/03/2019 by Anavatti Gram Panchayath.
Ex.P.10	Utilization certificate for the year 2018-19 of Anavatti Gram Panchayath office.
Ex.P.11	FIR copy of Anavatti Police Station, Soraba Taluk, Shimogga Dist. Case No.03/2019. (6-sheets)

2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO :

DW1	Sri. Somashekarappa, P. S/o Krishnappa, 53 years, PDO, Soraba Taluk, Mavalli village Panchayat, dtd.12/04/2021.
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LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:

Ex.D1	Anavatti Gram Panchayath Meeting Book conducted on 27/12/2017 (xerox copy)
Ex.D2 to Ex.D.25	Final Notices issued by PDO of Anavatti Gram Panchayat, Soraba Taluk, Shimogga Dist. Dtd.02/02/2018 to occupants of said shops of said Panchayath (xerox copies)
Ex.D.26	Order sheet in O.S.No.209/2013 of Prl. Civiludge and MFC Court, Soraba. (xerox copy)
Ex.D.27	Plaint copy of O.S.No.209/2013 (xerox copy)
Ex.D.28	Valuation slip of O.S.No.209/2013 (xerox copy)


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 Karnataka Lokayukta,
 Bengaluru.