

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/120/2021/ARE-17
UPLOK-2/DE/211/2021/ARE-17

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 06th October, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shriyuths:

- (1) S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District.
- (2) S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District.
- (3) M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru.
- (4) R.Thimmegowda, Retired Assistant Executive Engineer (In-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru.
- (5) S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru-reg.,

Ref: 1) Government Order No.ಗ್ರಾಅಪ 91 ವಿಸೇಬಿ 2020, Bengaluru, dated: 02/07/2021.

2) Corrigendum Order No.ಗ್ರಾಅಪ 91 ವಿಸೇಬಿ 2020, Bengaluru, dated: 15/11/2021.

3) Nomination Order No.UPLOK-2/DE/120/2021, Bengaluru, dated: 26/07/2021 of Upalokayukta, State of Karnataka, Bengaluru.

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4) Nomination Order No.UPLOK-2/DE/211/2021, Bengaluru, dated: 06/12/2021 of Upalokayukta, State of Karnataka, Bengaluru.

5) Inquiry Report dated: 29/09/2022 of Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 02/07/2021 and 15/11/2021 initiated the disciplinary proceedings against (1) Shri S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District; (2) Shri S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District; (3) Shri M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru; (4) Shri R.Thimmegowda, Retired Assistant Executive Engineer (In-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru and (5) Shri S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru (hereinafter referred to as Delinquent Government Official, for short as DGO Nos.1 to 5) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination (1) Order No.UPLOK-2/DE/120/2021, Bengaluru, dated: 26/07/2021 and (2) Order No.UPLOK-



2/DE/211/2021, Bengaluru, dated: 06/12/2021 nominated Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 to 5.

3. The DGO No.1, Shri S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District; DGO No.2, Shri S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District; DGO No.3, Shri M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru; DGO No.4, Shri R.Thimmegowda, Retired Assistant Executive Engineer (In-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru and DGO No.5, Shri S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru were tried for the following charges:

ANNEXURE-1
CHARGE

You DGOs have committed following irregularities in execution of works i.e., (1) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (2) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (3) ಕಟ್ಟಡತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟಡತಿಮ್ಮನಹಳ್ಳಿ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (4) ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ, under NAREGA Scheme in Eshwarahalli Gram Panchayath of Lakys Hobli, Chikmagalur Taluk.

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- (a) In M.B, date of commencement, date of completion and date of recording have not been entered.
- (b) It is categorically admitted that the work has been executed with the help of the machinery viz., JCB, even though no provision was made in the estimate. There is no mention of use of JCB for earth excavation even in M.B.
- (c) The measurements as entered in M.B vary with that specified in estimate.
- (d) The L.T.M/signatures of the workers in the documents as discussed above are not legible. In some documents they are overwritten which create doubt about providing employment to the workers whose names find place in those documents viz., Form 6, Form 9, Mustroll details and Muster Roll.
- (e) There are alterations in the actual wage amount paid to the workers. There are discrepancies in cheque numbers, bank account details, financial advices etc., as discussed above.
- (f) The documents are incomplete. Therefore it can be made out that the documents have not been properly maintained as contemplated under MGNAREGA Act and Rules.

Thus, you DGOs, being Government/public servants have failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government servants and thus, you have committed misconduct U/Rule 3(1) (i) to (iii) of Karnataka Civil Services (Conduct) rules, 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-17) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '**Proved**' the charges leveled against **DGO No.1**, Shri S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District; **DGO No.2**, Shri S.Anil



Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District; **DGO No.3**, Shri M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru; **DGO No.4**, Shri R.Thimmegowda, Retired Assistant Executive Engineer (in-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru and **DGO No.5**, Shri S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru.

5. On perusal of the Inquiry Report, in order to prove the guilt of the DGOs No.1 to 5, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-15 documents were got marked. DGOs No.1 to 5 were also examined themselves as DW-1 to DW-5 respectively and Ex. D-1 to D-12 documents were got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of the Inquiry Officer.
7. As per the information furnished by the Inquiry Officer, DGO No.1, Shri S.K.Paramesh will retire from service on 30/06/2039;

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DGO No.2, Shri S.Anil Kumar will retire from service on 31/12/2044; DGO No.3, Shri M.Rajappa has retired from service on 31/07/2020; DGO No.4, Shri R.Thimmegowda has retired from service on 31/05/2021 and DGO No.5, Shri S.V.Divakar has retired from service on 31/01/2021.

8. Having regard to the nature of charge '**Proved**' against **DGO No.1**, Shri S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District; **DGO No.2**, Shri S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District; **DGO No.3**, Shri M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru; **DGO No.4**, Shri R.Thimmegowda, Retired Assistant Executive Engineer (in-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru and **DGO No.5**, Shri S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO No.1, Shri S.K.Paramesh, the then Panchayath Development



Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru Taluk and District with cumulative effect”.

“It is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO No.2, Shri S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikkamagaluru Taluk and District with cumulative effect”.

“It is hereby recommended to the Government to impose penalty of withholding 15% of pension payable to DGO No.3, Shri M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikkamagaluru for a period of three years”.

“It is hereby recommended to the Government to impose penalty of withholding 15% of pension payable to DGO No.4, Shri R.Thimmegowda, Retired Assistant Executive Engineer (in-charge), Panchayath Raj Engineering Sub-Division, Chikkamagaluru for a period of three years”.



“It is hereby recommended to the Government to impose penalty of withholding 15% of pension payable to DGO No.5, Shri S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikkamagaluru for a period of three years”.

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

Connected records are enclosed herewith.

 6/10/22

(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA - LOKAYUKTA

No. Uplok-2/DE/120 & 211/2021/ARE- 17

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date: 29/09/2022

ENQUIRY REPORT

PRESENT : SRI RAJKUMAR S AMMINABHAVI
ADDITIONAL REGISTRAR (ENQUIRIES)-17
KARNATAKA LOKAYUKTA
M.S. BUILDING
BENGALURU - 560 001.

Subject :

Departmental Inquiry against

1. Sri.S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk and District,
2. Sri.S.Anil Kumar, the then Junior Engineer, Taluk Panchayath, Chikmagalur Taluk and District,
3. Sri.M.Rajappa, Retired Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk and District,
4. Sri.R.Thimmegowda, Retired Assistant Executive Engineer (incharge), Panchayath Raj Engineering Sub-Division, Chikmagalur,
5. Sri.S.V.Divakar, Retired Junior Engineer, Taluk Panchayath, Chikmagalur. -reg.,

References:

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/MYS/1641/2014/DRE-1, dt.26/06/2020.
2. Government Order No. ಗ್ರಾಅಪ 91 ವಿಸೇಬಿ 2020 dt:20/07/2021
3. Nomination Order No.Uplok-2/DE/120/2021 Bengaluru dt.26/07/2021 of Hon'ble Upalokayukta.
4. Government Order No. ಗ್ರಾಅಪ 91 ವಿಸೇಬಿ 2020 dt:20/07/2021 & Corrigendum dt.15/11/2021
5. Nomination Order No.Uplok-2/DE/211/2021 Bengaluru dt.06/12/2021 of Hon'ble Upalokayukta.



This enquiry is initiated on the basis of complaint filed by Sri.Muniya Bhovi, (hereinafter referred to as 'complainant') against (1) Sri.S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (2) Sri.S.Anilkumar, the then Junior Engineer, Taluk Panchayath, Chikmagalur, (3) Sri.M.Rajappa, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (4) Sri.R.Thimmegowda, I/c.Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Chikmagalur, (5) Sri.S.V.Divakar, the then Junior Engineer, Taluk Panchayath, Chikmagalur, and others alleging committed irregularities in execution of works under NAREGA Scheme in Eshwarahalli Gram Panchayath of Lakya Hobli, Chikmagalur Taluk.

2. After completion of investigation a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act, 1984 against the DGO.1 to 5, as per reference No.1. In pursuance to the report, Government was pleased to issue the Government Order authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGO.1 to 5 as per reference No. 2 and 4.

3. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta on 26/07/2021 and on 06/12/2021 authorizing ARE-17 to frame Article of Charges against the DGO, and to hold an enquiry and to submit a report as per reference No.3 and 5. The complainant as well as the allegations against all the DGO.1 to 5 are one and the same. Hence, both the cases were clubbed as per the order dt.3/1/2022 of Hon'ble Upalokayukta. On the basis of the nomination order, the Article of Charges against DGO was framed and sent to the Delinquent Government Official on 10/02/2022.

4. The Article of charges and the statement of imputations of misconduct prepared and leveled against the DGO.1 to 5 is reproduced here as under :-

ANNEXURE-I
CHARGE :

You DGOs have committed following irregularities in execution of works i.e., (1) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (2) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (3) ಕಟ್ಟೀತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಉರ ಮುಂಭಾಗದಿಂದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (4) ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ, under NAREGA Scheme in Eshwarahalli Gram Panchayath of Lakys Hobli, Chikmagalur Taluk.

- a) In M.B, date of commencement, date of completion and date of recording have not been entered.
- b) It is categorically admitted that the work has been executed with the help of the machinery viz., JCB, even though no provision was made in the estimate. There is no mention of use of JCB for earth excavation even in M.B.
- c) The measurements as entered in M.B vary with that specified in estimate.
- d) The L.T.M/signatures of the workers in the documents as discussed above are not legible. In some documents they are overwritten which create doubt about providing employment to the workers whose names find place in those documents viz., Form 6, Form 9, Mustroll details and Muster Roll.
- e) There are alterations in the actual wage amount paid to the workers. There are discrepancies in cheque numbers, bank account details, financial advices etc., as discussed above.
- f) The documents are incomplete. Therefore it can be made out that the documents have not been

properly maintained as contemplated under MGNAREGA Act and Rules.

3. Thus, you DGOs, being Government/public servants have failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government servants and thus, you have committed misconduct U/Rule 3(1) (i) to (iii) of Karnataka Civil Services (Conduct) rules, 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

4. On the basis of complaint filed by Sri.Muniya Bhovi S/o.Yellabhovi, Basavanakodi, Eshwarahalli Post, Lakky Hobli, Chikmagalur Taluk and District, against (1) K.Shivegowda, the then Executive Officer, Taluk Panchayath, Chikmagalur Taluk, (2) N.M.Mruthyunjaya, the then Executive Officer, Taluk Panchayath, Chikmagalur Taluk, (retired) (3) Sri.V.H.Kulkarni, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (4) Sri.M.Rajappa, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (5) Sri.S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (6) Sri.Somashekar, the then Panchayath Development Officer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (dead), (7) Sri.R.Thimmegowda, I/c.Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Chikmagalur, (8) Sri.H.Nagaraja Naik, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Chikmagalur, (9) Sri.S.V.Divakar, the then Junior Engineer, Taluk Panchayath, Chikmagalur, (10) Sri.K.P.Thammaiah, the then Junior Engineer, Taluk Panchayath, Chikmagalur, (11) Sri.S.Anilkumar, the then Junior Engineer, Taluk Panchayath, Chikmagalur, (12) Smt.Vanajakshamma, the then President, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (13) Smt.Lakshamma, the then President, Eshwarahalli

Gram Panchayath, Chikmagalur Taluk, (14) Sri.V.R.Huligowda, the then President, Eshwarahalli Gram Panchayath, Chikmagalur Taluk, (15) Smt.Kavitha K.C, Rozgar Assistant, Eshwarahalli Gram Panchayath, and (16) Sri.Sanjay S.O, Technical Assistant Engineer, Eshwarahalli Gram Panchayath, Chikmagalur Taluk and District, (hereinafter referred to as 'respondents No.1 to 16, respectively – for short'), an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.

5. The brief averments of the complaint are that, in Eshwarahalli Gram Panchayath of Lakya Hobli, Chikmagalur Taluk under NAREGA Scheme only few works were got executed through labourers for some days only and even they were not paid wages. He has further contended that, he has also worked as a labourer, but even he has not been paid wages. It is further alleged that, later the respondents did not invite the labourers for work and they have executed the work with the help of JCB. It is further alleged that the respondents have misappropriated the funds released under Gram Sadak Yojane, Ashraya and other developmental schemes.

6. In his further complaint dt.9/8/14, he has further alleged that the respondents have shown the works which were already executed during 2002-03, in the estimate of works for the year 2009-10.

7. The complainant has produced copies of M.B. 378 and information furnished under RTI Act regarding the civil works executed under NAREGA Scheme.

8. The 1st to 9th, 13th to 16th respondents as shown in the original face sheet dt.31/5/14 have submitted comments denying the complaint allegations. The complainant has filed rejoinder. The matter had been referred to the S.P, KLA, Chikmagalur to investigate and submit report. Accordingly he has submitted the report, interalia stating that in the works relating to construction of drainage and compound wall of school, the work of earth

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excavation has been executed through JCB and remaining works have been executed by engaging labourers. Therefore, on the basis of the said report and further information furnished by the P.I, KLA, Chikmagalur dt.18/11/2019, the 1st to 16th respondents were arraigned afresh as shown in the face sheet dt.23/10/2019. **The 6th respondent was reported dead.** The 12th respondent has not filed comments.

9. The comments of the said newly arrayed 1st to 5th, 7th to 11th, and 13th to 16th respondents are in file. The 1st and 2nd respondents have submitted that, they were the Executive Officers of Taluk Panchayath from 2008-09 to 2009-10 and 22/7/2010 to 7/10/13 respectively. They have further contended that, the works under NAREGA Scheme shall be executed under the guidance of the Engineers of Panchayath Raj Engineering Department and the PDOs shall get the works executed through labourers and they are responsible for payment of wages.

10. 3rd, 4th, 9th and 11th respondents have submitted their comments denying all the allegations of the complainant interalia stating that since there were rock (ಬಂಡೆ-ಕಲ್ಲು) and hard soil, it was not possible to excavate manually, and JCB was used only for the said purpose as per the instructions of Technical Assistant.

11. The 5th respondent has contended that he was the PDO from June 2010 to June 2013 and the works have been executed as per the guidelines issued under NAREGA Scheme and as per the directions of the Executive Officer, Taluk Panchayath, Chikmagalur.

12. The 7th respondent has filed comments denying the complaint allegations. The 8th respondent has contended that he was the Assistant Executive Engineer in Panchayath Raj Engineering Sub-Division, Chikmagalur from 2011-12 to 2013-14 and none of the works as stated in the complaint was within his jurisdiction.

13. The 10th respondent has filed comments on 18/6/18 that he has never worked in Chikmagalur Taluk and he is working as Assistant Engineer in Kadur Taluk of Chikmagalur District.

14. The 13th, 14th and 16th respondents in their comments have contended that the complaint allegations do not pertain to them. The 15th respondent has denied the complaint allegations.

15. Perused the report submitted by the S.P, KLA, Chikmagalur. In the report he has stated that, he has verified the documents relating to following 4 works executed under NAREGA Scheme and has opined that the works have been executed as per the guidelines issued under NAREGA Scheme. He has further reported that, only the work of earth excavation has been executed through JCB and remaining works have been executed through labourers and they have been paid wages. The Investigating Officer has opined that the complainant has given false complaint and the same may be closed.

16. The Investigating Officer has produced documents like copies of completion report, commencement letter, estimate, Form 6 and 9, Mustroll details, Muster Rolls, material list, work allotment sheets, quotation for supply of material, photographs and measurement books relating to the following 4 works which have been scrutinized and following discrepancies have been noticed:

1. ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ

- a) The commencement letter is dt.3/8/13. As per completion report the estimated cost is Rs.2 lakhs and total expenditure is Rs.1,99,136/-. The date of commencement and the date of completion are entered as 11/9/13 and 18/9/13. In condition 4, it is stipulated that no machinery shall be used and if necessary there shall be a provision for the same in the original estimate. Even in the estimate there is no specific provision for

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execution of any portion of the work through machineries. In Form 6 and Form 9, the names of the complainant Muniya Bhovi and his wife Chandramma with job card No.28748 are found. Therefore, they make out that, the complainant and his wife had applied for work as per Form 6 and they were notified to attend work as per Form 9. In Mustroll details for the period from 11/9/13 to 18/9/13, the names of complainant and his wife are found at Sl.No.64 and 65 and they have been paid Rs.1,392/- each at the rate of Rs.174/- per day. There are signatures of the complainant and his wife at the last column. Even in the work allotment sheet and Muster Roll, the names and signature of the complainant and his wife are found.

- b) Page No.52 and 53 of measurement book has been produced. M.B.number is not forthcoming. Date of commencement, date of completion and date of recording have not been mentioned. From comparison of the measurements as entered in M.B. with that specified in estimate, it is noticed that they are totally different. The total amount towards supply bill is shown as Rs.1,16,593/-. Other bill details have not been mentioned. It is signed by the Unit Engineer, Panchayath Raj Engineering Sub-Division, Panchayath Development Officer and the President of Gram Panchayath.

2. ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ

- a) As per the completion report, the estimated cost is Rs.1,50,000/- lakhs. Total expenditure is Rs.1,32,530/-. The date of commencement and date of completion are entered as 31/10/13 and 10/12/13. But commencement letter (ಕಾಮಗಾರಿ ಪ್ರಾರಂಭ ಪತ್ರ) is dt.5/XI/13. Even in commencement letter in condition 4, it is specifically provided that, there is no scope for use of machineries and if necessary provision shall be made in the original estimate. In the report accompanying the

estimate, it is recited that as per action plan, the work is to be carried out under NAREGA for 2013-14 providing for excavation of earth, plain cement concrete footing, and TMT bar reinforcement. In the next page labour amount for jungle clearance and earth work excavation have been specified as 114 and 7072. Therefore, nowhere in estimate any specific provision has been made for use of machinery i.e., JCB.

- b) In Form 6 which is signed by Chandra Shetty as the first applicant, the names of complainant or his wife or the job card number of the complainant are not found. The total number of work days required is shown as 6 days. In the work allotment sheet and Muster Roll for the period from 10/12/13 to 16/12/13 also, the names of the complainant and his family members are not found. But in another Form 6 and Form 9, the names of the complainant and his wife with job card number 28748 are found at Sl.No.29 and 30. In the corresponding Muster Roll details at Sl.No.29 and 30, the name of the complainant and his wife are found with signatures at the last column.
- c) In page 68 and 69 of M.B, the name of the work is mentioned as 'ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ಚರಂಡಿ ನಿರ್ಮಾಣ'. It is written as II and final bill. In item No.1 and 2, measurements regarding jungle clearance for medium and dense shrub and earth work excavation have been recorded. There is no any mention of use of machinery for the said purpose. The measurements recorded in M.B. are totally different from that specified in estimate. In page 63 and 64, the details of first and part bill have been recorded. Even in the said pages, there is no mention of date of commencement, date of completion or the date of recording. The measurements of item No.1 and 2, regarding jungle clearance for medium and dense shrub and earth work excavation have been recorded. There is no mention of use of machinery like JCB.

- d) Total amount for item No.1 to 5 has been mentioned as Rs.38,820/-. Total supply bill amount is mentioned as Rs.17,766/-. Number of mandays which was written as 120 has been struck off and written as 185. The bill is stated to have been passed for Rs.21,054/-. There are signatures of PDO and the President of Gram Panchayath. The date of commencement, completion or the date of recording have not been mentioned.
- e) In page 63 and 64 of M.B, grand total amount of item No.1 to 5 is shown as Rs.1,00,422/-. Total supply bill amount is shown as Rs.49,357/-. Total number of mandays is shown as 293. It is written that bill has been passed for Rs.1,00,422/-. There are signatures of Technical Assistant, Engineer, PDO and the President of Gram Panchayath.

3. ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಉರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ:-

- a) Copies of commencement letter, Form 9 (notices to attend work), work allotment sheets, Mustroll details, Muster Rolls, for the periods from 23/11/2011 to 30/11/2011, 2/12/2011 to 9/12/2011, 4/1/2012 to 11/1/2012 and 24/12/2011 to 31/12/2011, financial advices for Rs.39,375/-, Rs.32,500/- have been produced.
- b) Commencement letter is dt.15/11/11. In condition 4, it is specifically provided that the machineries shall not be used/if necessary there shall be a provision in original estimate. Four numbers of Form 9 i.e., notices to attend work have been produced. There are names of different labourers with their job card numbers. However, the name of the complainant or his family members cannot be found. Form 6 i.e., applications for work submitted by the labourers have not been produced. In Mustroll details the measurements have been stated to be recorded in M.B.No.378 at page No.77, 11, 93 and 90. In

the said document at the last column there are signatures and L.T.Ms. The L.T.Ms have not been attested or identified. The columns regarding wage list number and account credited date have been left blank. In page No.38 and 51 at Sl.No.28 and 29 and Sl.No.1 to 4 there are no signatures/LTM of the labourers.

- c) The financial advice for Rs.39,375/- and Rs.32,500/- only have been produced. The other two financial advices have not been produced. In the Muster Roll for the period from 4/1/2012 to 11/1/2012 neither the total amount nor the cheque numbers have been mentioned. In the Muster Roll from 24/12/2011 to 31/12/2011, the cheque number has not been mentioned.
- d) Completion report, M.B.books, Form 6 and photos have not been produced. There are differences between Muster Roll and financial advices regarding the actual period of work. No document has been produced to show the actual date of commencement and completion of work.

4. ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ :-

- a) Commencement letter is dt.21/11/11. Total estimated cost is Rs.5 lakhs, wage amount is Rs.3 lakhs and material cost is Rs.2 lakhs. At Sl.No.4 it is specifically provided that machineries shall not be used/if necessary the provision shall be made in original estimate. In Sl.No.7 it is provided that the concerned implementing department shall verify periodically and record check measurement. In none of the Form 6 and 9, except Form 9 at page 105 of Investigation Report, the name of the complainant or his wife finds place. In page 82 105, 130, and 131, which are Forms 9, the names of Chandramma, Jyothi, Muniya Bhovi, Halappa and Hemavathi with job card No.28748 have been mentioned. The work allotment sheets, Mustroll details and Muster Roll for the periods from 13/12/11 to

20/12/11, 24/12/11 to 31/12/11, 3/1/12 to 10/1/12, 21/3/12 to 28/3/12, 12/3/12 to 19/3/12, 31/7/13 to 3/8/13, have been produced. In Muster Roll for the period from 31/7.13 to 3/8/13 at Sl.No.27 and 28, the names of complainant and his wife are found. The signatures found at the last column are not legible. The said Muster Roll bears the signatures of only the President, Gram Panchayathi, Chikmagalur i.e., Smt.Vanajakshamma and Smt.K.C.Kavitha who has taken attendance. Financial advice for the said period has not been produced.

- b) In the Muster Roll for the period from 21/3/12 to 28/3/12, in Sl.No.51 to 55 the names of complainant, Chandramma, Halappa, Hemavathi, Kantharaju and Jyothi with job card No.228748 are mentioned. In Mustroll details at page No.116 the names of the above persons are found at Sl.No.1 to 6. The signatures are found in the last column but are not clearly visible. The columns relating to wage list number, status and account credited date have been left blank. In page No.120 of Mustroll detail, the signatures of Huligowda, President, Gram Panchayath and P.D.O, Gram Panchayath are found along with the signature of Smt.K.C.Kavitha. The total amount paid in cash is shown as Rs.52,125/-, but in the financial advice for the said period, the amount is mentioned as Rs.58,625/- with cheque No.554846. In the annexed list of labourers with bank details, the names and amounts have been over written. The said financial advice with list of labourers is dt.11/6/12. It bears the seal of Canara Bank, Kalasapura with date 15/6/12. Again for the same period i.e., 21/3/12 to 28/3/12, another financial advice dt.13/6/12 for Rs.52,125/- without mentioning the cheque number has been produced. In the annexed list of labourers and bank account details also the cheque number is not mentioned. The names and account number have been over written. It also bears the

seal of Canara Bank with date 15/6/12. Therefore, two financial advices for different amounts for the same period have been issued and passed by the Bank.

- c) Even in the Muster Roll for the period from 12/3/12 to 19/3/12, there are LTMs and signatures which are not legible and LTMs have not been identified. The Mustroll details of wage list number, status and account credited date have been left blank. Names of the complainant and his family members are not found. The total amount is shown as Rs.58,625/-. The cheque number has not been mentioned in the Mustroll details.
- d) In the work allotment sheet for the period from 3/1/12 to 10/1/12, the name of the complainant and his family members with job card number 28748 are not found. It does not bear the signatures of PDO or the President of Gram Panchayath. But in the Muster Roll for the said period at Sl.No.29 to 34, the names of Muniya Bhovi, Chandramma, Halappa, Hemavathi, Kantharaju and Jyothi are found with job card No.28748. The said Mustroll details is signed by the President and the PDO. The total amount is shown as Rs.55,375/-.
- e) In Mustroll details for the above period at Sl.No.1 to 6, the above names are found, but details of wage list number, status and amount credited date have not been mentioned. Even with respect to other names where LTMs are found, they have not been properly identified. Some signatures and LTMs are not clearly visible.
- f) For the period from 24/12/11 to 31/12/11, in Muster Roll only M.B.number has been mentioned but page number has been left blank. Again LTMs have not been identified. The amount shown as paid with respect to Sl.No.32, 33, 37, 38 have been over written. Some of the signatures are found over written. There is no signature of the labourer at Sl.No.58. It is signed by PDO, the President of Gram Panchayath and Smt.Kavitha K.C. The date of commencement has also been left blank. In

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the work allotment sheet for the above period there is no signature of the President. In page No.58 of the report, in Form 6 dt.2/1/11, job card number is mentioned as 28748 for Sl.No.29 to 34, but different names are found. For the period from 13/12/11 to 20/12/11, Muster Roll has been produced. In Sl.No.17, 24, 26, 28, 31, 33, 38, 41, 42, 46, 47, 49, and 51, illegible LTMs and over the same, signatures are found. The total amount paid is over written in page 3 to 5.

- g) In Mustroll details for the above period, the columns regarding wage list number and account credited date have been left blank. Even in the said document, there are LTMs over the signatures. In Form 9 dt.24/12/11, there is no name of the complainant or his family members.

17. Therefore, from the scrutiny of the above documents, following discrepancies/irregularities are noticed in execution of the above works under NAREGA Scheme.

- a) In M.B, date of commencement, date of completion and date of recording have not been entered.
- b) It is categorically admitted that the work has been executed with the help of the machinery viz., JCB, even though no provision was made in the estimate. There is no mention of use of JCB for earth excavation even in M.B.
- c) The measurements as entered in M.B vary with that specified in estimate.
- d) The L.T.M/signatures of the workers in the documents as discussed above are not legible. In some documents they are overwritten which create doubt about providing employment to the workers whose names find place in those documents viz., Form 6, Form 9, Mustroll details and Muster Roll.

- e) There are alterations in the actual wage amount paid to the workers. There are discrepancies in cheque numbers, bank account details, financial advices etc., as discussed above.
- f) The documents are incomplete. Therefore, it can be made out that the documents have not been properly maintained as contemplated under MGNAREGA Act and Rules.

18. Therefore, there are sufficient materials to opine that the allegations of the complainant that, work has been executed with the help of JCB and that there are discrepancies and irregularities in execution of works under MGNREGA is substantiated. The materials available on record *prima facie* disclose that the respondents being Govt. servants, have failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of Government servants, and thereby, committed misconduct attracting 3(1) of KCS (Conduct) Rules 1966 and liable for disciplinary action.

19. Hence, the facts supported by the materials on record *prima facie* show that DGOs being Public/Government servants, have failed to maintain absolute integrity besides absolute devotion to duty and acted in a manner unbecoming of Government servants, now, acting under Section 12(3) of the Karnataka Lokayukta Act recommendation is made to the Competent Authority to initiate disciplinary proceedings against the 4th, 5th, 7th, 9th and 11th respondents and to entrust the inquiry to this Authority under Section 14-A of the KCS (CC&A) Rules, 1957.

In turn, the Competent Authority initiated disciplinary proceedings against the DGO.No.1 to 5 and entrusted the enquiry to this Institution vide reference No.1 and 3 and Hon'ble Upalokayukta-2 has nominated this Enquiry Authority to conduct enquiry and report vide reference No.2 and 4. **Hence this charge.**

5. The aforesaid Article of charges was served upon the DGO.1 to 5, and the DGO.1 to 5 are appeared before this enquiry authority and their first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded on 08/03/2022. The DGO.1 to 5 have pleaded not guilty and claimed for holding an enquiry. The DGO.1 to 5 has filed Written Statement to the Articles of Charges on 18/03/2022.

6. The DGO.1 to 5 has denied the Articles of Charges. The Disciplinary Authority has led evidence of one witness PW-1 and got marked exhibits Ex.P1 to Ex.P.9. On cross examination of DGO-2 and got marked Ex.P.11 to 13. On cross examination of DGO-1 and exhibits marked as Ex.P.15. On cross of DGO-4 exhibits marked Ex.P.14. On cross of DGO-5 exhibits marked Ex.P.10.

7. The D.G.O-1 examined as DW-1 witness and documents marked as Ex.D.1 to D.5. The D.G.O-2 examined as DW.2 witness and documents marked as Ex.D.6 and D.7. The D.G.O-4 examined as DW.4 witness and documents marked as Ex.D.8. The D.G.O-5 examined as DW.5 witness and documents marked as Ex.D.9 and D.10.

8. After closing the evidence of Disciplinary Authority, Second Oral Statement of D.G.O-1 to 5, was recorded on 27/06/2022. They claimed that false evidence was given against them.

9. Heard the arguments.

10. Now, the points that arise for my consideration are;

1 : Whether the charges leveled against the DGOs are proved by the Disciplinary Authority?

2 : What order?

11. My findings to the aforesaid points are as under:-

POINT No.1 : In the AFFIRMATIVE

POINT No.2: As per the final order for the following;

REASONS

12. **POINT NO. 1** : To prove the case of the disciplinary authority in respect to allegations made in the complaint, the complainant who has examined as PW-1. The Eshwarahalli Gram Panchayath have under taken to execute 4 works under NAREGA Scheme as mentioned in annexure - 1 i.e., (1) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (2) ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (3) ಕಟ್ಟೀತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟೀತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (4) ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ. And to that effect he has reiterated averments made in the complaint and through him documents are marked as Ex.P.1 to Ex.P.3 and his signature is marked as Ex.P.1(a) to Ex.P.3(a). He has also filed application under RTI on 13/2/2014 and the said application is marked as Ex.P.5 and his signature is marked as Ex.P.5(a), but they have not given information and thereby he has filed complaint before this authority on 6/12/2013 and it is marked as Ex.P.6 and his signature is marked as Ex.P.6(a) alongwith Form No.I and II same are marked as Ex.P.7 and 8 and his signature marked as Ex.P.7(a) and 8(a).

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13. Himself and his wife Chandramma were the Members of the said Gram Panchayath for the year 2009-10 and during that period, aforesaid works have been entrusted to the said Gram Panchayath. Under the said scheme about 600 unskilled labourers were worked, but their wages have been not paid as per their work done by the unskilled labourers. Apart from the said works under 13th financial year 2008 to 2010, the said Gram panchayath limits so many works have been undertaken. Further he deposed that, for the execution of said works the DGOs, instead of taking work from the unskilled labourers they have used JCB for excavation of hard rock and hard soil, and thereby the DGOs have committed irregularities and said irregularities committed by the DGOs it amounts to misconduct, to substantiate the same the complainant/PW-1 has produced 8 photographs which have been together marked as Ex.P.9. On perusal of Ex.P.9 it clearly shows that, JCB was used for excavation of earthen rock, hard soil. They took work under the said scheme. For that PW-1 prays for to take suitable action against the DGOs.

14. In his cross he deposed that, he was worked under NAREGA scheme, having the job card No.28748. But he denied suggestion that, as per work done by him, the DGOs have paid wages as per his attendance as mentioned in the muster roll maintained by the DGO. Further, deposed that, he is having Bank account at Canara Bank Branch and his wages about the work done by him under said scheme, the wage amount credited to his bank account. Again he voluntaries that his daily worked under said scheme his wage amount was not credited to his bank account. Further he deposed that, he lodged the complaint against the DGO-1 to 5. He has not filed any complaint when the said

Panchayath called meetings since he is the one of the member of the said panchayath, but he voluntaries that, the PDO of said panchayath never informed him about, date of meeting etc. Further he deposed that, he has also given complaint about the work of the PDO was not satisfactory before the E.O and CEO, Chikmagalur. He do not know clearly said panchayat accounts being audited and accordingly NAREGA scheme was audited by the Auditor and they have given report that, there was no any irregularities committed by the DGOs and there is no any misappropriation of funds under NAREGA scheme. Further he denied the suggestion that, after lapse of two years the said works have been completed and he has lodged false complaint before this authority. He denied the suggestion that, prior lodging of the said complaint, he has lodged the criminal complaint against one Mahesha, PDO of said Gram Panchayath. Further he denied the suggestion that, he has demanded the amount for withdrawal of complaint given by him, and that fact has been recorded in the video record. Further he deposed that, he has filed complaint before Ombudsmen authority with respect to said NAREGA scheme. Further he deposed that, he has not filed any complaint before said authority. Further he denied the suggestion that, under NAREGA scheme the DGOs have never used for excavation of hard rock and hard soil through JCB and he has produced false photographs which are marked as Ex.P.9. He denied other suggestions.

15. To defend the case of the disciplinary authority, the DGOs defend their case. **DGO No.1** who is P.D.O of said Panchayath himself examined as DW-1 by filing chief affidavit that, he denied the allegations made by the complainant against him. Among the aforesaid 4 works he

was attended Sl.No.3 i.e., ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ,. He has maintained Muster Roll as per Form-9(a) from 23/11/2011 to 30/11/2011, 2/12/2011 to 9/12/2011, 24/12/2011 to 31/12/2011, 4/1/2012 to 11/1/2012, and financial advise of Rs.39,375/- and Rs.32,500/-, and in that financial advise there was no any irregularity or misappropriation. (b) date of commencement of work 15/11/2011, for that work he has not used JCB as per 4 details mentioned Muster Roll name of the wage workers names, Job card and name of the complainant and his family members not mentioned. He denied the suggestion that, in Muster Roll and M.B.Book, the labourers signature and LTM were not properly visible and not duly LTM identified and other contentions taken in the complaint, the Muster Roll etc., are specifically denied. Further he denied the suggestion that, the financial advise is not properly utilized and muster roll for the period 4/1/2012 to 11/1/2012 as per muster roll wage amount was not remitted through cheque, to respective wage workers account and also denied specifically that, M.B.Book and photographs produced by the complainant/PW-1 are not true and correct. For all other reasons he prays for said work which was done by him in accordance with law.

16. He has also stated that, under the supervision of him construction of compound wall of Higher Government Primary School, Medarahalli Village, the period of said work on 3/1/2012 to 10/1/2012, in that, work complainant or his family members have not holding job card. But in the muster roll Sl.No.29, 34 the name of Muniyabhovi, Chandramma, Halappa, Hemavathi, Kantharaju and Jyothi were having job card No.22874 which has been signed by the President and

the PDO and payment of Rs.55,375/- was paid. For the said allegation made upon him for that work, complainant and his family members work have been entrusted by the PDO and the President, the signature of PDO and President was not necessary for the said work and thereby only as per the application filed by the complainant for the aforesaid amount has been paid. So also in the muster roll Sl.No.1 to 6 name of the complainant have been shown, but specifically not mentioned for which job card how much amount on which date, work were not specifically mentioned. So also upon LTM was not identified, but said LTMs have been not properly put and thereby only they were not visible.

17. Another allegation with respect to payment made was not properly mentioned with specific name of the unskilled labour and it was not specifically mentioned in muster roll, for that, PDO has put his signature and certified it. Due to sufficient space was not available in the said paper sheet, thereby it was not specifically mentioned with respect to work dated 24/12/2011 to 31/12/2011 in the muster roll, M.B.Book Sl.No., was not mentioned, so also LTM was not duly identified and also payment made during the said period the Sl.No.32, 33, 37 38 were over written. Further Sl.No.58 signature of the labourer was not found, but PDO and President and one Smt.Kavitha K.C, have put the signature and in that work, date of commencement of work kept blank and there was no signature of the President of said Panchayath. So also Form No.6, Sl.No.58 date 2/1/2011 job card No.28748, Sl.No.29 to 34 different names have been mentioned. So also as per muster roll period of work 13/12/2011 to 20/12/2011 Sl.No.17, 24, 26, 28, 31, 33, 38, 41, 42, 46, 47, 49 and 51 the LTMs on the aforesaid Sl.Nos., were not visible properly. But signature was made. So also

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alteration with respect to total payment amount page No.3 to 5 the aforesaid allegations the printed muster roll on the last page it was duly certified and put signature and attendance register made correction and labourers signature taken on subsequent page. Further job card number 28748 Sl.No.29 to 34 the name of the job card holders not mentioned. Signature and LTM have been rectified.

18. The investigation of the work has been entrusted to S.P, Karnataka Lokayukta, Chikmagalur and as per the report submitted by them, they have submitted that there was no any irregularity while execution of the aforesaid two works and also Ombudsmen have also given report there was no any irregularity. He has not used JCB for excavation of said work. The photo copies produced by the complainant are false photos. In support of his case he has got marked two documents i.e., during the year 2010-11 ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಉರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ, (4) ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ. Those copy of documents were marked as Ex.D.1 and Ex.D.2. Copy of report submitted by the Police Inspector, Karnataka Lokayukta, Chikmagalur dt.27/1/2017 marked as Ex.D.3 and report submitted by the Ombudsmen, Z.P, Chikmagalur marked as Ex.D.4 and in that report the said Government Higher Primary School compound wall measures 400 cm, that portion is marked as Ex.D.4(a) and as per Ex.D.3 in the last para relates to aforesaid two works portion is marked as Ex.D.3(a). Further he deposed that complainant himself lodged criminal complaint against him for withdrawal of the said complaint he demanded for Rs.2 lakhs and that conversation held between him and complainant was

recorded in video. To that effect DGO has not submitted certificate and thereby that documents is not marked.

19. As per report under Sec.12(3) of K.L.Act, with respect to aforesaid two works i.e., Sl.No.3 and 4 executed in his tenure and the C.E.O, of Chikmagalur have written letter dt.25/3/2021 the work has been satisfactorily completed and copy of the said letter is marked as Ex.D.5. For all other grounds he prays for discharge from the said case.

20. DW.1 in his further cross deposed that he has worked as PDO of said Gram Panchayath from June 2010 to June 2012. It is true Medarahalli village comes within the jurisdiction of Eshwarahalli Gram Panchayath. It is true he has submitted comments on 25/5/2018 to the complaint filed by the complainant with respect to said allegation and said copy of comments is marked as Ex.P.15 and his signature marked as Ex.P.15(a). In Ex.P.15 he has mentioned his period of work of said panchayath 2011 June to 2012-13 June of said panchayath and said portion of aforesaid period is marked as Ex.P.15(b). So also Kattethimmanahalli village is also comes under Eshwarahalli Gram Panchayath Unit. It is true that during the period 2011-12 ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ. Further he voluntaries that, during his tenure only ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ and construction of compound wall of Government Higher Primary School of Medarahalli village it was upto foundation level.

21. Further DW.1 deposed that, it is true that, for execution of aforesaid two works for use of JCB they have not obtained prior permission. Further he voluntaries that, DGO-

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2 and DGO-5 have admitted that, they have not obtained prior permission for use of JCB for excavation of hard rock and hard soil. He denied the suggestion that, on 27/1/2017 P.I, KLA, Chikmagalur, when he has conducted investigation about said panchayath have completed four works in the year 2010-11 to 2012-13 and more particularly with respect to aforesaid four works the PDO of said panchayath have used JCB for excavation of hard rock and hard soil and that fact has been mentioned in the report. Further he voluntaries that, he was not at all present when investigating officer was present. So also the I.O. has given report mentioned in the opinion for execution of foundation for construction of compound wall of the school and also aforesaid canal JCB has been used. Further he deposed that, he has only make payment, but he has not used JCB. Further he deposed that, DGO-2 and DGO-5 have specifically admitted that, for execution of work under NAREGA scheme i.e., the specific condition No.4 not to use machineries like JCB. Further it is true that, if in case of for excavation of hard mud and stone for execution of work, they have to obtain prior permission for using machines like JCB, thereby, they have not obtain prior permission for use of JCB from AEE. He denied the suggestion that, they have not properly maintained muster roll, M.B.Book and not properly made payment to cooli workers and they have not remitted the wage payment of job card holders to their bank account through cheque. Further, DW.1 deposed that, it is true that, they have not specifically mentioned date of commencement and completion of specific work in the M.B.book and to that effect they have not produced photo copies.

22. In muster roll page No.120 President by name Huligowda and PDO Smt.Kavitha have put their signature

and total amount of Rs.52,175/- mentioned as payment made. But as per financial period it was mentioned as Rs.58,625/- cheque No.554846 and so also the labourers bank account name and amount mentioned there was alteration, for that, he voluntaries in his tenure there was no any alteration took place.

23. On 24/11/2011 to 31/11/2011 in the muster roll LTMs were not duly identified. Further he denied suggestion that in the muster roll at Sl.No.32, 33, 37, 38 signatures were altered. He denied other suggestions.

24. The **DGO No.2** himself examined as DW-2 by filing chief affidavit. He denied the allegations made by the complainant against him. Among the aforesaid 4 works he has attended Sl.No.1 i.e., ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಯ ನೀರು ಕಾಲುವೆ work order dt.3/8/2013. Estimated cost Rs.2 lakhs. Expenditure Rs.1,99,136/-, date of commencement 11/9/2013 closing dt.18/9/2013. Form No.6 and 9 complainant and his wife hold job card No.28748.

25. Muster Roll as per Form-9(a) from 11/9/2013 to 18/9/2013 Sl.No.64, 65, payment of wages Rs.174/- x 8 total Rs.1,392/- and put signature of complainant and his wife. It has been verified by Junior Engineer Sri.S.Anil Kumar.

26. In another work construction of water canal at Medarahalli village estimated cost Rs.1,50,000/- total expenditure Rs.1,32,530/- commencement of work 31/10/2013 closing of work 10/12/2013. Application dt.5/9/2013 for commencement of work. In the muster roll 10/12/2013 to 16/12/2013, 6 days in that days complainant and his wife name was not mentioned. since they have not work in Form No.6 and 9 job card No.28748

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but, in muster roll Sl.No.29 and 30 complainant and his wife's name in last line they have put their signature. It is not correct variation in muster roll and M.B.book, since said work has been inspected by AEE.

27. In cross DGO-2/DW.2 deposed that he know the investigation report and know the contents of the same. He has given comments to the complaint filed by the complainant on 30/5/2018 and it is marked as Ex.P.11 and his signature is marked as Ex.P.11(a). It is true that, in the said case, he has done execution of work for construction of water canal at Medarahalli village which is marked as Ex.D.7 and it is true that as per Ex.D.6 there is specific condition not to use machinery at condition No.4 and said condition work order which is marked as Ex.P.12 and said condition portion is marked as P.12(a). Further it is true that, as per Ex.D.7 there is no specific provision to use machinery like, JCB in estimate and that estimate letter is marked as Ex.P.13 and condition No.4 is marked as Ex.P.13(a). So also it is true that in Ex.P.11 P.I, Karnataka Lokayukta Chikmagalur have visited the spot, in inspected in presence of villagers and mahazar was drawn and it shows that for excavation of hard rock and hard soil used through JCB which has been specifically marked in the mahazar and also it was used for excavation of foundation for construction of school compound wall of Government Primary School of Medarahalli Village and that portion is marked as Ex.P.11(a). It is true that as per Ex.D.5(b) page No.52 and 53 it is not mentioned in measurement book and its date and it is also true that, Engineer was also objected for not mentioning of M.B.book. It is true that there is variation of measurement book and estimated work. Further it is true that there is alteration with respect to payment of labour amount and

LTM of labourers was not identified. He voluntaries that it relates to DGO No.3.

28. The **DGO No.3** himself examined as DW-3 by filing chief affidavit. He denied the allegations made by the complainant against him. Among the aforesaid 4 works he has attended Sl.No.1 i.e., ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಯ ನೀರು ಕಾಲುವೆ work order dt.3/8/2013. Estimated cost Rs.2 lakhs. Expenditure Rs.1,99,136/-, date of commencement 11/9/2013 closing dt.18/9/2013. Form No.6 and 9 complainant and his wife hold job card No.28748 ,

29. Muster Roll as per Form-9(a) from 11/9/2013 to 18/9/2013 Sl.No.64, 65, payment of wages Rs.174/- x 8 total Rs.1,392/- and put signature of complainant and his wife. It has been verified by Junior Engineer Sri.S.Anil Kumr.

30. In another work construction of Sl.No.2 water canal at Medarahalli village estimated cost Rs.1,50,000/- total expenditure Rs.1,32,530/- commencement of work 31/10/2013 closing of work 10/12/2013. Application dt.5/9/2013 for commencement of work. In the muster roll 10/12/2013 to 16/12/2013, 6 days in that days complainant and his wife name was not mentioned. since they have not worked in Form No.6 and 9 job card No.28748 muster roll Sl.No.29 and 30 complainant and his wife's name in last line they have put their signature. It is not correct variation in muster roll and M.B.book, since said work has been inspected by AEE.

31. In his cross of DW.3, he deposed that, he has worked as PDO of said Gram Panchayath from 21/1/2013 to 31/7/2020. It is true that ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರುಗಾಲುವೆ ನಿರ್ಮಾಣ ಹಾಗೂ ಗ್ರಾಮದೊಳಗಿಂದ ನೀರುಗಾಲುವೆ ನಿರ್ಮಾಣ during his tenure

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i.e., Sl.No.1 and 2. It is true that for use of machineries under NAREGA scheme for excavation of hard rock from the JCB, they have to take prior permission from competent authority. Further he denied the suggestion that, one Sri.Divakar and Sri.Anilkumar who were served as AEE of said panchayath have admitted the said fact which are already marked as Ex.P.10 and Ex.P.11 and portion of it are already marked as Ex.P.10(b) and Ex.P.11(b). He denied the suggestion that, there is variation in M.B.book and muster roll. Further he denied the suggestion that, he was deposing falsely.

32. The **DGO-4 /DW-4** retired A.E.E, he deposed in chief that, he has not done any work with respect to allegations made by the complainant as alleged four works have been executed by Eshwarahalli Gram Panchayath. Further in chief he was worked as incharge Assistant Executive Engineer from 4/8/2009 to 14/10/2011. He has produced CTC which was marked as Ex.D.8.

33. The DW.4 in his cross he deposed that, he was worked as incharge Assistant Executive Engineer, Panchayath Raj Engineer sub-Division, chikmagalur from August 2008 to October 2011. He was retired on 31/5/2021. It is true that, 2013-14 he was working at Chikmagalur division, but he do not know Medarahalli village comes within the limits of Eshwarahalli Gram Panchayath. He denied the suggestion that, as per Ex.D.6 and Ex.D.7 the said execution of work was not done as per the NAREGA scheme mentioned in the specific condition No.4. It is true that, he has not produced any document that, the said Medarahalli village which was not comes under the jurisdiction of Eshwarahalli Gram panchayath limits. It is

true that, on 28/1/2015 he has given his comments before the enquiry officer which is marked as Ex.P.14 but he has not signed on it. He denied the suggestion that, he was depose the falsely, though the Ex.D.6 and D.7 are worked under the NAREGA scheme by the PDO of Eshwarahalli Gram Panchayat.

34. The DGO No.5 examined as **DW-5** is retired as Junior Engineer of said Gram Panchayath. He denied the allegations made by the complainant against him. Among the aforesaid 4 works he has attended Sl.No.3 i.e., ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಊರ ಒಳಗಿನಿಂದ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ,. He has maintained Muster Roll as per Form-9(a) from 23/11/2011 to 30/11/2011, 2/12/2011 to 9/12/2011, 24/12/2011 to 31/12/2011, 4/1/2012 to 11/1/2012, and financial advise Rs.39,375/- and Rs.32,500/-, and in that financial advise, there was no any irregularity or misappropriation. (b) date of commencement of work 15/11/2011, for that work he has not used JCB as per 4 details mentioned Muster Roll, name of the wage, workers names, Job card and name of the complainant and his family members not mentioned. He denied the suggestion that, Muster Roll and M.B.Book, the labourers signature and LTM were not properly visible and not duly identified and other contentions taken in the complaint, the Muster Roll etc., are specifically denied. Further he denied the suggestion that, he has denied the financial advise is not properly utilized and muster roll for the period 4/1/2012 to 11/1/2012. As per muster roll wage amount was not remitted through cheque remitted to respective wage workers account and also denied specifically that M.B.Book and photographs produced by the complainant/PW-1 are not true and correct. For all other

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reasons he prays for said work which was done by him in accordance with law.

35. He has also stated that, under the supervision of him construction of compound wall of Higher Government Primary School, Medarahalli Village, i.e., Sl.No.4 period of said work on 3/1/2012 to 10/1/2012, in that work, complainant or his family members have not holding job card. But in the muster roll Sl.No.29, 34 the name of Muniyabhovi, Chandramma, Halappa, Hemavathi, Kantharaju and Jyothi were having job card No.22874 which has been signed by the President and the PDO and payment of Rs.55,375/- was paid. For the said allegation made upon him for that work, complainant and his family members work have been entrusted by the PDO and the President, the signature of PDO and President was not necessary for the said work and thereby only, as per the application filed by the complainant aforesaid amount has been paid. So also in the muster roll Sl.No.1 to 6 name of the complainant have been shown, but specifically not mentioned for which job card, how much amount on which date of work not specifically mentioned. So also, upon LTM was not identified.

36. Another allegation with respect to payment made was not properly mentioned with specific name of the unskilled labour and it was not specifically mentioned in muster roll, for that PDO has put his signature and certified it. Due to sufficient space was not available in the said paper sheet, thereby it was not specifically mentioned with respect to work dated 24/12/2011 to 31/12/2011 in the muster roll, M.B.Book Sl.No., was not mentioned, so also LTM was not duly identified and also payment made during the said period the Sl.No.32, 33, 37 38 were over written. Further Sl.No.58

signature of the labourer was not found, but PDO and President and one Smt.Kavitha K.C, have put the signature and in that work, date of commencement of work kept blank and there was no signature of the President of said Panchayath. So also Form No.6, Sl.No.58 date 2/1/2011 job card No.28748, Sl.No.29 to 34 different names have been mentioned. So also as per muster roll period of work 13/12/2011 to 20/12/2011 Sl.No.17, 24, 26, 28, 31, 33, 38, 41, 42, 46, 47, 49 and 51 the LTMs on the aforesaid Sl.Nos., were not visible properly. But signature was made. So also alteration with respect to total payment amount page No.3 to 5 the aforesaid allegations the printed muster roll on the last page it was duly certified and put signature and attendance register made correction and labourers signature taken on subsequent page. Further job card number 28748 Sl.No.29 to 34 the name of the job card holders not mentioned. Signature and LTM have been rectified.

37. The investigation of the work has been entrusted to S.P, Karnataka Lokayukta, Chikmagalur and as per the report submitted by them, they have submitted that there was no any irregularity while execution of the aforesaid two works and also Ombudsmen have also given report there was no any irregularity. He has not used JCB for execution of said work. The photo copies produced by the complainant are false photos. In support of his case he has got marked two documents i.e., during the year 2010-11 ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ. Those copy of documents were marked as Ex.D.1 and Ex.D.2. Copy of report submitted by the Police Inspector, Karnataka Lokayukta, Chikmagalur dt.27/1/2017 marked as Ex.D.3 and report submitted by the Ombudsmen, Z.P, Chikmagalur marked as Ex.D.4 and in that

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report the said Government Higher Primary School compound wall measures 400 cm, that portion is marked as Ex.D.4(a) and as per Ex.D.3 in the last para relates to aforesaid two works portion is marked as Ex.D.3(a). Further he deposed that, complainant himself lodged criminal complaint against him for withdrawal of the said complaint he demanded for Rs.2 lakhs and that conversation held between him and complainant was recorded in video. To that effect DGO has not submitted certificate and thereby that documents is not marked.

38. As per report under Sec.12(3) of K.L.Act, with respect to aforesaid two works executed in his tenure and the C.E.O, of Chikmagalur have written letter dt.25/3/2021 the work has been satisfactorily completed and copy of the said letter is marked as Ex.D.5. For all other grounds he prays for discharge from the said case.

39. In Further chief he deposed that complainant filed the complaint before Chikmagalur Rural P.S, the copy of FIR is marked as Ex.D.9 and copy of charge sheet is marked as Ex.D.10. further about said two works he has produced 4 photo copies about completion of work marked as Ex.D.11 and said primary School compound wall about completion of the said 3 colour photo copies are marked as Ex.D.12. and in the said D.12 photo half white shirt weared by the complainant and said half shirt photo weared by the complainant found in Ex.D.12 is marked as Ex.D.12(a).

40. DW.5 in his cross deposed that, it is true that he has given written comments before enquiry officer, on 25/5/2018 same is marked as Ex.P.10 and his signature is marked as Ex.P.10(a). Further it is true that, P.I, KLA, Chikmagalur has visited the spot and he was also present

and P.I conducted mahazar in presence of villagers. It is true that in the report submitted by the P.I, KLA, Chikmagalur there is specific mentioning that for execution of said works the PDOs have used JCB for excavation of hard rock and hard soil and said document is already marked as Ex.P.10 and his signature is marked as Ex.P.10(b). Further it is true that if any work for using machine they have to obtain prior permission from the competent authority and in the instant case for execution of aforesaid four works for use of JCB they have not obtained prior permission from the competent authority. He do not know DW.1 had already admitted with respect to there was variation in the M.B. book muster roll and also amount column mentioned in M.B.book muster roll. He denied the suggestion that, since he being the Junior Engineer attached to Eshwarahalli Gram Panchayath. The work towards execution of aforesaid four works the PDOs have dereliction of discharging their duty and he was deposing falsely at the instance of PDOs who were comes under him.

41. On perusal of the report submitted by the Superintendent of Police, Karnataka Lokayukta, Chikmagalur, they have conducted spot inspection of (1) ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯ ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ for the year 2013-14 estimated cost Rs.2 lakhs, (2) ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯ ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮಕ್ಕೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ for the year 2013-14 estimated cost Rs.1,50,000/-, (3) ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿಯ ಊರ ಮುಂಭಾಗದಿಂದ ಬಾವಿಯವರೆಗೆ ನೀರು ಕಾಲುವೆ ನಿರ್ಮಾಣ for the year 2010-11 estimated cost Rs.4 lakhs, (4) ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯ ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯ ಕಾಂಪೌಂಡ್ ಗೋಡೆ ನಿರ್ಮಾಣ, for the year 2011-12 estimated

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cost Rs.5 lakhs. It is admitted fact that, as per commencement of work letter condition No.4 they shall not use machinery etc., for excavation of hard rock, hard soil, if they have to use machinery like, JCB, for the aforesaid work, they have to take prior permission from concerned competent authority and in the instant case, they have not taken prior permission from the competent authority and in the cross of DW-1 to DW-5 they have categorically admitted that, with respect to aforesaid works they have used the JCB without obtaining any permission from the competent authority and thereby they have violating the condition No.4 as per Ex.P.12 under NAREGA Scheme.

42. It is also admitted that, there is variation in the muster roll and M.B.book and also there is alteration of payment of wages to the labourers which they have engaged for the aforesaid works and the fact has been categorically admitted by the DW-1 to DW-5.

43. It is also admitted that, the remittance of payment of wages to the labourers of who have been engaged for the aforesaid works in their bank accounts and also variation payment of wages as per the documents produced by the DGOs themselves.

44. The specific defense set up by the DGOs in their evidence and during the cross of PW.1 that he has lodged the complaint against the President and PDOs of the Panchayath and FIR was registered against the President and PDOs of said Panchayath, for withdrawal of the said complaint, the complainant was demanded Rs.2 lakhs as bribe and on account of that he has filed false complaint against the said DGOs. But to substantiate the same DGOs have not filed any piece of documents for lodging of the complaint against the

complainant and thereby said defense set up by the DGOs is not sustainable in the eye of law.

45. Another defense set up by the DGOs they have performed their work in accordance with law and there is no any irregularities in violation of discharging aforesaid four works under NAREGA Scheme. But as per their evidence and admission given by DW-1 to DW-5 during their cross examination they have not complied the financial advises of said four works. They have categorically admitted they have not specifically stated in their comments which are marked as Ex.P.10 to Ex.P.15. Further DW.5, though he has deposed during the cross examination, he has only worked as incharge A.E.E, and entire work under the said scheme about four works DGO-1 was discharged for the said works, but he was under the supervision of the work done by the DGO-1. Merely DGO No.5 is retired from his service, he cannot escape from the irregularities committed by the DGO.1 to 4, because DGO No.5 was worked as incharge A.E.E of Eshwarahalli Gram Panchayath during the said period and his date of retirement is January 2021.

46. Further as per the documents produced by the disciplinary authority during the course of evidence of PW.1 Ex.P.9, 8 photos are same Xerox copies produced by the DGO alongwith Ex.D.4 Annexure-8 with respect to use of JCB by the DGOs for aforesaid four works (as per Ex.D.4 annexure-8, 8 photo copies are one and the same). To that effect, DW-1 to 5 have admitted as per Ex.P.12 & 13 for commencement of work order letter condition No.4 under NAREGA scheme they shall not used machinery like JCB, if they want to use machinery for excavation of hard rock or hard soil they have to take prior permission and also with

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respect to estimated cost or for purchase of materials as per Ex.P.13 they have to seek permission and in the instant case they have not obtain prior permission for use of the JCB and also for use of the said JCB they have not taken permission estimated cost and thereby they have violated the Ex.P.12 and Ex.P.13. Further, in the comments filed by DGO-1 and 2 before the enquiry officer they have admitted that, when S.P, Lokayukta visited the spot on 24/5/2018, they have stated that for excavation of hard rock and hard soil they have used JCB as per Ex.P.11(c) and Ex.P.15(b) and so also they have not made original estimated cost for using JCB for the said work.

47. The documents produced by the DGOs Ex.D.1 and Ex.D.2 there are so many alterations and they have been not attested and itself amounts to irregularities on the part of DGOs.

48. Further as per Ex.D.9 and D.10 which have been relied by the defense counsel with respect to conduct of the complainant, but as per Ex.D.9 complaint filed by Canara Bank Manager of Kalasapur Lakya Hobli since complainant was barrowed the loan from the Canara Bank by misrepresentation and charge sheet was filed by the Rural Circle Chikmagalur for the offence under Sec.419 and 420 of IPC. But those documents not concerned with the case in hand. And also Ex.D.11 and D.12 which are the photographs of said works.

49. As per the case of the complainant himself and his wife job card No.28748 was issued as per the application filed by them, but daily wages was not paid to their bank account. Further, in some of the documents there are irregularities in muster roll and M.B.book, identification of

LTMs and signature and also amount spent for particular work and thereby was alteration. It is admitted fact that, DGI-1 and 3 have worked as PDOs of said Gram Panchayath and DGO No.2, 4 and 5 are the AEEs of said Panchayath, and the work has been executed their own period and even DGO-5 who was also worked as incharge PDO and incharge A.E.E, and he is also liable for the alleged work executed during their period. The very object of NAREGA Scheme to execute the works with the help of unskilled labourers, but in the instant case the DGOs knowing fully well they have used the JCBs for execution of aforesaid four works and that fact has been proved by the disciplinary authority as per Ex.P.9, 8 photographs and said copies of photographs have also produced by the DGOs Ex.D.4 annexure-8 and other irregularities committed by the DGOs. The DGOs themselves produced the documents Ex.D.1 and D.2. Hence, there are major irregularities committed by them and it is called as alleged misconduct, discharging their official duty. Hence, probability of preponderance is higher on the side of disciplinary authority rather than the DGO.1 to 5 and in the light of above, I, constrained to hold point No.1 in the affirmative.

50. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to record the following ;

: FINDINGS :

The Disciplinary Authority has proved the charges levelled against the DGOs (1) Sri.S.K.Paramesh, the then Panchayath Development Officer, Eshwarahalli Gram

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Panchayath, Chikmagalur Taluk, (2)
 Sri.S.Anilkumar, the then Junior Engineer,
 Taluk Panchayath, Chikmagalur, (3)
 Sri.M.Rajappa, the then Panchayath
 Development Officer, Eshwarahalli Gram
 Panchayath, Chikmagalur Taluk, (retired), (4)
 Sri.R.Thimmegowda, I/c.Assistant Executive
 Engineer, Panchayath Raj Engineering Sub-
 Division, Chikmagalur, (retired) (5)
 Sri.S.V.Divakar, the then Junior Engineer,
 Taluk Panchayath, Chikmagalur (retired).

This report is submitted to the Hon'ble
 Upalokayukta in a sealed cover forthwith.

Dated this the 29th September, 2022



(Rajkumar S Amminbhavi)
 Additional Registrar (Enquiries-17)
 Karnataka Lokayukta, Bengaluru

ANNEXURES

I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-

PW 1 : Sri. Muniya Bhovi (Complainant)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1	Written complaint dt.8/9/2014
Ex.P.1(a)	Signature of complainant
Ex.P.2	Form No.I
Ex.P.2(a)	Signature of complainant
Ex.P.3	Form No.I

Ex.P.4	Form No.II
Ex.P.4(a)	Signature of complainant
Ex.P.5	Application dt.13/2/2014 filed by the complainant under RTI
Ex.P.5(a)	Signature of complainant
Ex.P.6	Written complaint dt.6/12/2013
Ex.P.6(a)	Signature of complainant
Ex.P.7	Form No.I
Ex.P.8	Form No.I
Ex.P.8(a)	Signature of complainant
Ex.P.9	8 photographs
Ex.P.10	Comments dt.25/5/2018 of DGO-5
Ex.P.10(a)	Signature of DGO-5
Ex.P.10(b)	Portion of Ex.P.10
Ex.P.11	Comments dt.30/5/2018 of DGO-2
Ex.P.11(a)	Signature of DGO-2
Ex.P.11(b)	Portion of Ex.P.11
Ex.P.12	Commencement of work order Letter dt.3/8/2013
Ex.P.12(a)	Portion of condition No.4
Ex.P.13	Commencement of work order Letter dt.5/11/2013
Ex.P.13(a)	Portion of condition No.4
Ex.P.14	Comments dt.28/1/2015 of DGO-4
Ex.P.15	Comments dt.25/5/2015 of DGO-1
Ex.P.15(a)	Signature of DGO-1
Ex.P.15(b)	Portion of Ex.P.15

III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGO :

- DW 1 : Sri. Sri.S.K.Paramesh
 DW 2 : Sri.S.Anil Kumar
 DW 3 : Sri.M.Rajappa
 DW 4 : Sri.R.Thimmegowda
 DW 5 : Sri.S.V.Divakar

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO :

Ex.D.1 :	Work completion report in respect of ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಟ್ಟಿತಿಮ್ಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಉರ ಮುಂಭಾಗದಿಂದ ಶಿವಪ್ಪಗೌಡರ ಮನೆಯವರೆಗೆ ನೀರುಗಾಲುವೆ ನಿರ್ಮಾಣ
Ex.D.2 :	Work completion report in respect of ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಮೇದರಹಳ್ಳಿ ಸರ್ಕಾರಿ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ ರಕ್ಷಣಾ ಗೋಡೆ ನಿರ್ಮಾಣ
Ex.D.3 :	Investigation report dt.27/1/2017 of Police Inspector, Karnataka Lokayukta, Chikmagalur.
Ex.D.3(a)	Portion of Ex.D.3
Ex.D.4	Xerox copy of Ombudsmen report
Ex.D.4(a)	Portion of Ex.D.4

Ex.D.5	Report dt.25/3/2021 of C.F.O, ZP, Chikmagalur
Ex.D.6	Work completion report in respect of ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರುಗಾಲುವೆ ನಿರ್ಮಾಣ
Ex.D.7	Work completion report in respect of ಈಶ್ವರಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಮೇದರಹಳ್ಳಿ ಗ್ರಾಮದಿಂದ ಕೆರೆಗೆ ನೀರುಗಾಲುವೆ ನಿರ್ಮಾಣ
Ex.D.8	Letter dt.16/7/2022 of A.E.E., PRE Sub-Division, Chikmagalur
Ex.D.9	F.I.R. Copy of Cr.No.0360/2012 of Chikkamagalur Rural Police Station dated: 30/11/2012.
Ex.D.10	Final Report/Charge Sheet of Cr.No. 360/20213, 256/2013 dated 05/09/2013.
Ex.D.11	Colour Photographs
Ex.D.12	Colour Photographs

Dated this the 29th September, 2022



(Rajkumar S Amminbhavi)
Additional Registrar (Enquiries-17)
Karnataka Lokayukta, Bengaluru

: FINDINGS :

The DGO.1 to 5 have traced the trial about more than one year. Therefore, the Disciplinary Authority has proved the charges levelled against the DGOs, with recommendation to impose 25% of salary amount may be deducted for two months from the salary of DGO.1 and 2, and from the pension of DGO 3 to 5.

