



KARNATAKA LOKAYUKTA

No:UPLOK-2/DE/130/2016/ARE-14

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 01.12.2020.

RECOMMENDATION

Sub:- Departmental inquiry against: (1) Sri M.Basavanagouda, Junior Engineer, (2) Sri P.Basavaraj, Junior Engineer, (3) Sri G.Vishwanath, the then Secretary, Deshanuru Gram Panchayath, (4) Sri Sathyadevanayaka, Junior Engineer, (5) Smt.K.V.Nirmala, the then Secretary, Deshanuru Gram Panchayath, (6) Sri T.Eranna, the then Secretary, Deshanuru Gram Panchayath, (7) Sri Mohammed Hussain, the then Panchayath Development Officer, Deshanuru Gram Panchayath, and (8) Sri Ramali, Panchayath Development Officer, Deshanuru Grama Panchayathi, Siraguppa Taluk, Bellary District - reg.

Ref:- 1) Government Order No. RDP 199 GPS 2016 dated 20.04.2016.

2) Nomination order No. UPLOK-2/DE/130/2016 dated 07.05.2016 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 30.11.2020 of Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 20.04.2016 initiated the disciplinary proceedings against (1) Sri M.Basavanagouda, Junior

Engineer, (2) Sri P.Basavaraj, Junior Engineer, (3) Sri G.Vishwanath, the then Secretary, Deshanuru Gram Panchayath, (4) Sri Sathyadevanayaka, Junior Engineer, (5) Smt.K.V.Nirmala, the then Secretary, Deshanuru Gram Panchayath, (6) Sri T.Eranna, the then Secretary, Deshanuru Gram Panchayath, (7) Sri Mohammed Hussain, the then Panchayath Development Officer, Deshanuru Gram Panchayath, and (8) Sri Ramali, Panchayath Development Officer, Deshanuru Grama Panchayathi, Siraguppa Taluk, Bellary District, [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 to 8' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/130/2016 dated 07.05.2016 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them. Subsequently, by order No. Uplok-2/DE/2017 dated 6.7.2017, Additional Registrar of Enquiries-7 was re-nominated and

finally, by order No.Uplok-1&2/DE/Transfers/2018 dated 6.8.2018, Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru, was re-nominated as the Inquiry Officer to continue the said departmental inquiry against DGOs.

3. The DGOs 1 to 8 were tried for the following charges :-

"While you DGO No.1 Sri. M. Basavanagowda, Junior Engineer, presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District, you DGO No.2 Sri. P. Basavaraj, Junior Engineer, Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District, you DGO No.3 Sri. G. Vishwanath, the then Secretary, Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk, you DGO No.4 Sri. Sathyadevanayak, Junior Engieer, presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District, you DGO No.5 Smt. K.V. Nirmala, the then Secretary, Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District, you DGO No.6 Sri. T. Eranna, Secretary, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District, you DGO No.7 Sri. Mohammed Hussain, the then Panchayath Development Officer, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and you DGO No.8 Sri. Ramali, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District while constructing houses and toilets under Indira Awas Yojane, Ambedkar Awas Housing Scheme committed various illegalities and misappropriated Government funds by creating false documents as under:

- i. DGO No.1 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing five houses out of the eleven houses sanctioned under Indira Awas Yojane during the year 2001-02.
- ii. DGO No.2 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing four houses out of the nine

- houses sanctioned under Indira Awas Yojane during the year 2002-03.
- iii. DGO No.2 along with one Chandrakanth has misappropriated Government funds without constructing one house under Indira Awas Yojane and 31 houses under Ambedkar Awas Yojane during the year 2003-04.
  - iv. DGO No.2 along with one Chandrakanth and Sri. Ramanna have misappropriated Government funds without constructing 7 houses under Indira Awas Yojane and 2 houses under Ambedkar Awas Yojane during the year 2005-06.
  - v. DGO No.1 along with one K. Ramanna. has misappropriated Government funds without constructing eight houses out of the houses sanctioned under Indira Awas Yojane during the year 2006-07.
  - vi. DGO No.3, 4 along with one Anjaneya have misappropriated Government funds without constructing ten houses out of the houses sanctioned under Indira Awas Yojane during the year 2007-08 and without constructing 13 houses out of the houses sanctioned during the year 2008-09.
  - vii. DGO No.4, 5 along with one Smt. Hanumanthamma have misappropriated Government funds without constructing 26 houses out of the houses sanctioned under Indira Awas Yojane during the year 2009-10 and without constructing 5 houses out of the houses sanctioned under Ambedkar Awas Yojane.
  - viii. DGO No.4, 6 along with one Smt. Muthamma have misappropriated Government funds without constructing 16 houses out of the houses sanctioned under Indira Awas Yojane during the year 2011-12.
  - ix. DGO No.4, 6 along with Smt. Muthamma have misappropriated Government funds without constructing 13 houses out of the houses sanctioned under Indira Awas Yojane during the year 2012-13.
  - x. DGO No.6, 7 along with one Smt. Muthamma have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012.
  - xi. DGO No.6 and 8 while working as PDOs have misappropriated Government funds without constructing 11 toilets sanctioned during the year

2012 and also you deliberately delayed in submitting documents pertaining to the work. and therefore, you DGOs 1 to 8 have failed to perform your official duty properly and did not maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government servants and therefore you DGOs 1 to 8 are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge. ”

4. The Inquiry Officer (Additional Registrar of Enquiries-14) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO.1 Sri. M. Basavanagowda, Junior Engineer, DGO.2 Sri. P. Basavaraj, Junior Engineer, and DGO.3 Sri. G. Vishwanath, the then Secretary, Deshanur Grama Panchayath, is ‘ proved’.

5. Further, the Inquiry Officer (Additional Registrar of Enquiries- 14) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO.5 Smt. K.V. Nirmala, the then Secretary, DGO No.6 Sri. T. Eranna, the then Secretary, DGO No.7 Sri. Mohammed Hussain, the then Panchayath Development Officer, and DGO No.8 Sri. Ramali, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District, is ‘ not proved’.

6. Further, the Enquiry officer has recorded abatement of enquiry in respect of DGO No.4 Sathyadevanayak, the then Junior Engineer, as he is reported to be dead.

7. On re-consideration of report of inquiry and all other materials on record, 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 Inquiry Officer and exonerate DGO.5 Smt. K.V. Nirmala, the then Secretary, DGO No.6 Sri. T. Eranna, the then Secretary, DGO No.7 Sri. Mohammed Hussain, the then Panchayath Development Officer, and DGO No.8 Sri. Ramali, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District, and record abatement of enquiry in respect of DGO No.4 Sathyadevanayak, the then Junior Engineer.

8. As per the First Oral Statements of DGOs and the information furnished by the Enquiry Officer,

- i) DGO-1 Sri. M. Basavanagowda, has retired from service on 30.06.2019;
- ii) DGO.2 Sri. P. Basavaraj has retired from service on 31-03-2012; and

- iii) DGO.3 Sri. G. Vishwanath, is due for retirement on 30-04-2043.

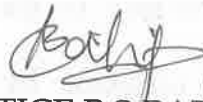
9. Though charges of misappropriation were made against DGOs 1 to 3 against whom a finding of dereliction of duty has been recorded, there is no specific finding with regard to misappropriation. Indeed the Executive Officer who had written letters to the Investigating Officer alleging misuse of subsidy amount by the delinquent officials, has not been examined. Therefore those letters have not been proved in accordance with law. It is for this reason the Enquiry Officer has not recorded any finding with regard to misappropriation of any specified amount against the delinquents. But the fact remains that the dereliction and misconduct attributed resulted in the failure on the part of DGOs to construct required number of houses under different housing schemes. Therefore, having regard to the nature of charge '*proved*' against DGO.1 Sri. M. Basavanagowda, Junior Engineer, DGO.2 Sri. P. Basavaraj, Junior Engineer, and DGO.3 Sri. G. Vishwanath, the then Secretary, Deshanur Grama Panchayath, it is hereby recommended to the Government;

- i) to impose penalty of 'permanently withholding 10% of pension payable to DGO 1 Shri M. Basavanagowda, and DGO 2 Shri P. Basavaraj.

- ii) to impose penalty of 'withholding three(3) annual increments payable to DGO-3 Shri G. Vishwanath, with cumulative effect.'

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

Connected records are enclosed herewith.

  
(JUSTICE B.S. PATIL) 1-12-20  
Upalokayukta,  
State of Karnataka.

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## KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/130/2016/ARE-14

Multi Storied Building,  
Dr.B.R.Ambedkar Road,  
Bangalore-560 001,  
Dated: 30/11/2020.

### ENQUIRY REPORT

**Present :** Smt. **K.Bhagya**, Additional  
Registrar of Enquiries-14  
Karnataka Lokayukta  
Bangalore.

**Sub:** Departmental Enquiry against (1) **Sri. M. Basavanagowda, Junior Engineer**, presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District (2) **Sri. P. Basavaraj, Junior Engineer**, Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District (3) **Sri. G. Vishwanath, the then Secretary**, Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk (4) **Sri. Sathyadevanayak, Junior Enginee**r, presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District (5) **Smt. K.V. Nirmala, the then Secretary**, Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District (6) **Sri. T. Eranna, Secretary**, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District (7) **Sri. Mohammed Hussain, the then Panchayath Development Officer**, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and (8) **Sri. Ramali, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District** - Reg.



- Ref:**
1. Report U/s.12(3) of the K.L Act, 1984 in COMPT/UPLOK/GLB-2448/2013/DRE-5 dated 02/04/2016.
  2. Government Order No. ಗೌಅಪ/199/ಗೌಪಂಕಾ/2016, Bengaluru dated 20/04/2016.
  3. Nomination Order No:UPLOK-2/DE/130/2016, dated: 07/05/2016 of Hon'ble Upalokayukta, Bangalore.
  4. Order No.UPLOK-1/DE/2017 Bangalore, Dtd: 06/07/2017 file transferred from ARE-1 to ARE-7.
  5. Order No.UPLOK-1&2/DE/Transfers/2018 Bengaluru, Dtd: 06/08/2018 file is transferred from ARE-7 to ARE-14.

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The complainant by name **Sri. Ibrampur Abdul Sab** S/o Sheksab, Deshanur, Siraguppa Taluk, Bellary District **and Sri. Lingappa** S/o K.Hanumanthappa, Harijan Colony, 2nd Ward, Deshanur Village, Siruguppa Taluk, Bellary District have filed the complaint against **(1) Sri. M. Basavanagowda**, Junior Engineer, presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District **(2) Sri. P. Basavaraj**, Junior Engineer, Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District **(3) Sri. G. Vishwanath**, the then Secretary, Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk **(4) Sri. Sathyadevanayak**, Junior Engieer, presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District **(5) Smt. K.V. Nirmala**, the then Secretary, Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District **(6) Sri. T. Eranna**, Secretary, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District **(7) Sri. Mohammed Hussain**, the then



Panchayath Development Officer, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and **(8) Sri. Ramali**, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District (hereinafter called as **DGOs 1 to 8 for short**) alleging dereliction of duty and misconduct.

2. After completion of the investigation, a report was sent to the Government U/s.12(3) of the Karnataka Lokayukta Act as per reference No.1. In pursuance of the report, the Government of Karnataka was pleased to issue the G.O. Dated: 20/04/2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference No.2. In pursuance of the G.O., the Nomination was issued by the Hon'ble Upalokayukta on 07/05/2016 authorizing ARE-1 to hold enquiry and to report as per reference No.3, this file was transferred from ARE-1 to ARE-7 to hold enquiry and to report as per reference No.4 and again this file was transferred from ARE-7 to ARE-14 as per reference No.5.
3. On the basis of the Nomination, **the Articles of Charge against the DGO No.1 to 8, framed by the Additional Registrar of Enquiries-1** which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No. II are as follows:-

## **ANNEXURE-1**

### **CHARGE:**

“While you **DGO No.1 Sri. Sri. M. Basavanagowda**, Junior Engineer, presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District, you **DGO No.2 Sri. P. Basavaraj**, Junior

Engineer, Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District, you **DGO No.3 Sri. G. Vishwanath**, the then Secretary, Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk, you **DGO No.4 Sri. Sathyadevanayak**, Junior Engineer, presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District, you **DGO No.5 Smt. K.V. Nirmala**, the then Secretary, Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District, you **DGO No.6 Sri. T. Eranna**, Secretary, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District, you **DGO No.7 Sri. Mohammed Hussain**, the then Panchayath Development Officer, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and you **DGO No.8 Sri. Ramali**, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District while constructing houses and toilets under Indira Awas Yojane, Ambedkar Awas Housing Scheme committed various illegalities and misappropriated Government funds by creating false documents as under:

- i. DGO No.1 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing five houses out of the eleven houses sanctioned under Indira Awas Yojane during the year 2001-02.
- ii. DGO No.2 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing four houses out of the nine houses sanctioned under Indira Awas Yojane during the year 2002-03.



- iii. DGO No.2 along with one Chandrakanth has misappropriated Government funds without constructing one house under Indira Awas Yojane and 31 houses under Ambedkar Awas Yojane during the year 2003-04.
- iv. DGO No.2 along with one Chandrakanth and Sri. Ramanna have misappropriated Government funds without constructing 7 houses under Indira Awas Yojane and 2 houses under Ambedkar Awas Yojane during the year 2005-06.
- v. DGO No.1 along with one K. Ramanna has misappropriated Government funds without constructing eight houses out of the houses sanctioned under Indira Awas Yojane during the year 2006-07.
- vi. DGO No.3, 4 along with one Anjaneya have misappropriated Government funds without constructing ten houses out of the houses sanctioned under Indira Awas Yojane during the year 2007-08 and without constructing 13 houses out of the houses sanctioned during the year 2008-09.
- vii. DGO No.4, 5 along with one Smt. Hanumanthamma have misappropriated Government funds without constructing 26 houses out of the houses sanctioned under Indira Awas Yojane during the year 2009-10 and without constructing 5 houses out of the houses sanctioned under Ambedkar Awas Yojane.
- viii. DGO No.4, 6 along with one Smt. Muthamma have misappropriated Government funds without constructing 16 houses out of the houses sanctioned under Indira Awas Yojane during the year 2011-12.



- ix. DGO No.4, 6 along with Smt. Muthamma have misappropriated Government funds without constructing 13 houses out of the houses sanctioned under Indira Awas Yojane during the year 2012-13.
- x. DGO No.6, 7 along with one Smt. Muthamma have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012.
- xi. DGO No.6 and 8 while working as PDOs have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012 and also you deliberately delayed in submitting documents pertaining to the work.

and therefore, you DGOs 1 to 8 have failed to perform your official duty properly and did not maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government servants and therefore you DGOs 1 to 8 are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge. ”

## **ANNEXURE-II**

**STATEMENT OF IMPUTATION OF MISCONDUCT:**  
**This Statement of Imputation of Misconduct is an extract of report sent U/s12(3) of Karnataka Lokayukta Act 1984, which is as under:**

On the basis of a complaint filed by Sri. Ibrampur Abdul Sab S/o Sheksab, Deshanur, Siraguppa Taluk, Bellary District and



another (hereinafter referred as complainants in short) against the PDOs and Secretaries of Deshanur Gram Panchayath, Siraguppa Taluk, Bellary District, alleging that they have misappropriated the grants under Indira Awas, Ambedkar Housing Schemes by creating false documents, an investigation was taken up U/s.9 of the Karnataka Lokayukta Act, 1984 by invoking Section.7(2) of the said Act.

2. **Brief facts of the case:-**

The complainant has alleged in his complaint that, the respondents have misappropriated the grants under Indira Awas, Ambedkar Awas Housing Schemes by creating false documents. Hence the complainant lodged this complaint to investigate and initiate action against the respondents.

3. Thereafter, the matter was referred to Superintendent of Police, Karnataka Lokayukta, Bellary for investigation and report. The Superintendent of Police, Karnataka Lokayukta, Bellary in turn entrusted the enquiry to one Sri. M. Kalyan Kumar, Police Inspector, Karnataka Lokayukta, Bellary for investigation and report **(hereinafter referred to as Investigating Officer "I.O." in short)**. The I.O. has submitted investigation report observing that there are irregularities and lapses committed in construction of houses and toilets and misuse of grants sanctioned by the Government under Indira Awas Scheme and Ambedkar Awas Scheme for which the PDOs, Secretaries, Junior Engineers and Presidents are responsible in addition to Sri. Ramali, PDO and Sri. T. Eranna, Secretary of Deshanur Gram Panchayath, who caused unnecessary delay in



furnishing the information and thereby they have committed dereliction of duty and the I.O. requested to take action against the respondents.

4. On the basis of Investigation Report, the respondents 1 to 16 were impleaded as respondents in this case and comments were called upon from the respondents No.1 to 16 by sending copy of the I.O. report. The respondents Nos.1, 2, 4, 6, 7, 8, 10 to 14 and 16 have submitted their replies denying the contents of the investigation report and the allegations made against them regarding misappropriation of amounts by them. As the respondents Nos. 5 and 15 are reported to be dead, further investigation against Respondents 5 and 15 got abated. Respondents 3 and 9 have not submitted comments though had sought extension of time.

**5. A careful consideration of the material on records shows that:-**

- 1) The respondents No.1, 2 and 3 are responsible for misuse of grants sanctioned by the Government, in not constructing 5 houses out of 11 houses granted under Indira Awas Scheme during the year 2001-02 and thereby committed dereliction of duty and misconduct.
- 2) The respondents No.1, 3 and 4 are responsible for misuse of grants sanctioned by the Government, in not constructing 4 houses out of 9 houses granted under Indira Awas Scheme during the year 2002-03 and thereby committed dereliction of duty and misconduct.
- 3) The respondents No.1 and 4 are responsible for misuse of grants sanctioned by the Government, in not constructing 1





house granted under Indira Awas Scheme and 31 houses granted under Ambedkar Awas (residential) Scheme during the year 2003-04 and thereby committed dereliction of duty and misconduct.

- 4) The respondents No.1, 4 and 6 are responsible for misuse of grants sanctioned by the Government, in non-constructing 7 houses granted under Indira Awas Scheme and 2 houses granted under Ambedkar Awas (residential) Scheme during the year 2005-06 and thereby committed dereliction of duty and misconduct.
- 5) The respondents No.2, 6 and 7 are responsible for misuse of grants sanctioned by the Government, in not constructing 8 houses granted under Indira Awas Scheme during the year 2006-07 and thereby committed dereliction of duty and misconduct.
- 6) The respondents No.7, 8 and 9 are responsible for misuse of grants sanctioned by the Government, in not constructing 10 houses granted under Indira Awas Scheme during the year 2007-08 and 13 houses granted under Indira Awas Scheme during the year 2008-09 and thereby committed dereliction of duty and misconduct.
- 7) The respondents No.8, 10 and 11 are responsible for misuse of grants sanctioned by the Government, in not constructing 26 houses granted under Indira Awas Scheme and 5 houses granted under Ambedkar Awas Scheme during the year 2009-10 and thereby committed dereliction of duty and misconduct.



- 8) The respondents No.8, 12 and 13 are responsible for misuse of grants sanctioned by the Government, in not constructing 16 houses granted under Indira Awas Scheme during the year 2011-12 and thereby committed dereliction of duty and misconduct.
- 9) The respondents No.8, 12 and 13 are responsible for misuse of grants sanctioned by the Government, in not constructing 13 houses granted under Indira Awas Scheme during the year 2012-13 and thereby committed dereliction of duty and misconduct.
- 10) The respondents No.12, 13 and 14 are responsible for misuse of grants sanctioned by the Government, in not constructing 11 toilets during the year 2012 and thereby committed dereliction of duty and misconduct.
- 11) The respondent No.12 and 16 by name Sri. Ramali, PDO and Sri. T. Eranna, Secretary of Deshanur Gram Panchayath are responsible for causing unnecessary delay in furnishing the information and thereby committed dereliction of duty and misconduct.

6. The complaint allegations, comments and investigation report besides materials available on record, there are materials to show that the respondents have committed dereliction of duty and committed irregularities and misappropriation of Government funds and thereby they have made themselves liable for disciplinary action. Under these circumstances, the comments submitted by respondents are not found convincing to accept or drop the proceedings against them. Hence, there are prima-facie material against the respondents 1 to 4,



6 to 14 and 16 for initiating departmental disciplinary action for the above misconduct. The respondents 5 and 15 are reported to be dead. Hence, further proceedings against them are dropped.

7. The respondents No.3, 6, 9, 11 and 13 are the then Presidents of Deshanur Gram Panchayath and hence departmental enquiry cannot be initiated against them under the provisions of KCS (CCA) Rules. However, civil and criminal action could be taken against them as provided under relevant civil and criminal laws as against the respondents No.3, 6, 9, 11 and 13 along with the other respondents for misuse of Government funds and for their misconduct.

8. The Respondent No.1 has already retired from service and the alleged misuse of Government funds by the respondent No.1 has taken place between 2001 to 2006. Hence, even under Rule 214(2)(b) of KCSRs, departmental enquiry cannot be initiated against respondent No.1. However, recommendation could be made against him for taking civil and criminal action along with the other respondents for misuse of Government funds.

9. Since said facts and material on record prima-facie show that the respondent No.1, 2, 4, 7, 8, 10, 12, 14 and 16 have committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent No.2, 4, 7, 8, 10, 12, 14 and 16 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals)



Rules 1957, further, recommendation is also made to the Competent Authority to submit action taken report as provided under relevant provisions of law i.e. under civil and criminal law against the respondents 1, 3, 6, 9, 11 and 13 for the above misconduct. Hence, this charge.

4. The aforesaid '*Articles of Charge*' was served on DGO No. 1, 2, 3, 5, 6, 7 & 8. **The DGO No.4 is reported to be dead.** The DGO No.1, 2, 3, 5, 6, 7 & 8 had appeared before this authority on 16/07/2016 and their first oral statements under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGO No.1 to 3, 5 to 8 pleaded not guilty and claimed to be enquired about the charges.
5. According to the complainant, the Engineers, Secretaries, PDOs and Presidents of Deshanur Gram Panchayath, Siraguppa Taluk, Bellary District had misappropriated the grants under Indira Awas Scheme and Amedkar Housing Scheme by creating false documents, without constructing toilets and houses and thereby committed misconduct. So the complainant prayed to take action against the respondents.
6. The facts supported by the material on record prima-facie showed that the DGO No.1 to 8, being public servants failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thereby committed misconduct as per Rule 3(1)(ii) & (iii) of KCS (Conduct) Rules, 1966 and made themselves liable for disciplinary action.
7. The Disciplinary Authority has got examined the complainant as PW-1 another complainant as PW-2 and the Investigating officer as PW-3.



Ex.P.1 to 6 are got marked on their side. On the other hand, the DGO No.1 to 3 and 5 to 8 got examined as DW-1 to 7 and Ex.D.1 to 19 were got marked on their side (DGO No.4 reported to be dead during the course of this enquiry).

8. Now points that arise for my consideration are:

Point No.1 : Whether the charges framed against  
DGO No.1 to 8 are proved?

Point No.2 : What order?

9. Heard, perused the entire case record and heard the argument of both the side.

10. The Learned Counsel for DGO No.3 has relied upon the following decisions.

- a. ***Panchanan Manna vs. Indian Oil Corp. Ltd. (1996) 4 SLR 121***
- b. ***A L Karla vs. P & E Corporation of India Ltd. 1984 AIR 1361, 1984 SCR (3) 646***
- c. ***Iqubal Singh vs. Rajasthan State Electricity Board (1995) 5 SLR 66 (Raj)***
- d. ***Aravind Kumar Hira Lal Mehtha vs. Bank of Baroda 1993, LR 30***
- e. ***Damoh Panna Sagar Rural Regional Bank & another vs. Munna Lal Jain AIR 2005 SC 584 : (2005) 10 SCC 84***
- f. ***Iqubal Singh vs. Rajasthan State Electricity Board (1995) 5 SLR 66 (Raj)***
- g. ***Union of India vs. H.C Goel AIR 1964 SC***
- h. ***Jagdish Kumar vs. State of Punjab, 1991(1) SLR 451***



- i. **Central Bank of India Ltd. vs. Karumoy Banerjee 1968 AIR 266, 1968 SCR (1) 251.**
- j. **M.V Bijlani vs. Union of India and Ors., AIR 2006 SC 3475.**
- k. **State of Punjab and Ors. vs. Ram Singh Ex. Constable 1992 AIR 2188, 1992 SCR (3) 634.**

11. My answer to the above points are as under:

Point No. 1: **In the Affirmative as against DGO No.1,2 & 3  
In the negative as against DGO No.5,6,7 & 8  
Enquiry gets abated as against DGO NO.4**

Point no. 2 : **As per final order for the following ;**

#### REASONS

12. **Point No.1 : Sri. Ibrampur Abdul Sab** S/o Sheksab, Deshanur, Siraguppa Taluk, Bellary District **and Sri. Lingappa** S/o K.Hanumanthappa, Harijan Colony, 2nd Ward, Deshanur Village, Siruguppa Taluk, Bellary District have filed the complaint against **(1) Sri. M. Basavanagowda, Junior Engineer,** presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District **(2) Sri. P. Basavaraj, Junior Engineer,** Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District **(3) Sri. G. Vishwanath, the then Secretary,** Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk **(4) Sri. Sathyadevanayak, Junior Engieer,** presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District **(5) Smt. K.V. Nirmala, the then Secretary,** Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District **(6)**



**Sri. T. Eranna, Secretary, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District (7) Sri. Mohammed Hussain, the then Panchayath Development Officer, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and (8) Sri. Ramali, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District** alleging dereliction of duty and misconduct.

13. According to the complainant, the Engineers, Secretaries, PDOs and Presidents of Deshanur Gram Panchayath, Siruguppa Taluk, Bellary District misappropriated the grants under Indira Awaz Scheme and Ambedkar Housing Scheme by creating false documents, without constructing toilets and houses and thereby committed misconduct. So the complainant prayed to take action against the respondents.
14. After filing the present complaint before this authority, the matter was referred to the Superintendent of Police, Karnataka Lokayukta, Bellary for investigation and to report. The Superintendent of Police, Karnataka Lokayukta, Bellary in turn entrusted the enquiry to one Sri. M Kalyankumar, Police Inspector, Karnataka lokayukta, Bellary for investigation and to report. The I.O. has submitted investigation report observing that there are irregularities and lapses committed in construction of houses and toilets and misuse of grants sanctioned by the Government under Indira Awaz Scheme and Ambedkar Awaz Scheme for which the PDOs, Secretaries, Junior Engineers, Presidents of Deshanuru Gram Panchyath are responsible. On his report, the respondent No.1 to 16 were impleaded as respondents and comments were called. They have submitted their comments by denying the allegations made in the complaint and in the report.



15. Before this authority, the DGO No. 1, 2, 3, 5, 7 & 8 filed their written statement.
16. The DGO No.1 & 2 have denied the allegations made by the complainant as well as the I.O. They have submitted that they have not committed any kind of misconduct as alleged.
17. The DGO No.3 also filed his written statement and denied the allegations made by the complainant as well as the I.O. Further, he has also contended that as per the Karnataka Lokayukta Act, this complaint is not at all maintainable as the complainant had not filed any complaint before his higher officer. Further, the I.O. has not visited the spot and not verified whether the toilets, houses have been built or not. Only by obtaining the report from the PDO of Deshanur Gram Panchayath as well as from the EO of Siraguppa Taluk, he had prepared a report and submitted before this institution. Further, the I.O. had not taken strain to obtain the list of beneficiaries as well as the order passed by the EO. He had not at all collected even the resolution passed by the Grama Sabha while the beneficiaries were selected. He has also contended that the Retired Judicial Officer Sri. Srikanth Simpi, who was working as Additional Registrar of Enquiries-5 had obtained an order from Hon'ble Upalokayukta for investigation of this matter by the Bellary Lokayukta Police. But, the said ARE-5 had been compulsorily retired from his service as per the order of the Government. So, such an officer had no sanctity to submit notes to Hon'ble Lokayukta and Upalokayukta under law. So he had no authority to submit a note for investigation by the Superintendent of Police, Lokayukta Bellary.





18. The DGO No.5 and 8 also contended the same as contended by above DGO No.3.
19. The DGO No.7 has filed his written statement in which he has denied the charges leveled against him. Further, he has contended that he had worked in the said Gram Panchayath as a PDO from 24/11/2011 to 17/05/2015 i.e. 5 months 24 days only. During the said period one Smt. Dakshayini Poojar was working as Secretary and she had personally visited the spot and paid subsidiary amount of Rs.3,700/- each to 11 beneficiaries through the cheque, after she got it confirmed that they had put up toilets. He had not done anything in this aspect. Hence, prayed to exonerate him from the present proceedings.
20. Here, Form No.I & II are signed by the complainant by name **Lingappa** and one **Ibrampur Abdul Sab** also put his thumb impression as complainant on these Form No.1 & II. Thus, there are 2 complainants in this case. In these Form No.1 & II the complainants have mentioned as “ಲಿಂಬನಗೌಡ, ಪಿ.ಡಿ.ಓ, ದಾಕ್ಷಾಯಿಣಿ, ಕಾರ್ಯದರ್ಶಿಗಳು ಹಾಗೂ ದೇಸನೂರು ಗ್ರಾಮ ಪಂಚಾಯಿತಿ 16 ಜನ ಸದಸ್ಯರು ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಎನ್. ತಿಪ್ಪೇರುದ್ರಪ್ಪ ನವರು ಪಿ.ಡಿ.ಓ ಟಿ. ಹೀರಣ್ಣನವರು, 2001 ರಿಂದ 2012 ರವರೆಗೆ ಎನ್.ಎಂ.ಆರ್. 13ನೇ ಹಣಕಾಸು 2ನೇ ವರ್ಗ ಎನ್‌ಆರ್‌ಜಿ ಕಾಮಗಾರಿಗಳಲ್ಲದೆ ಸುಳ್ಳು ದಾಖಲೆ ಸೃಷ್ಟಿ ಹಣವನ್ನು ದುರ್ಬಳಕೆ ಮಾಡಿರುತ್ತಾರೆ”. This is the allegation of the complainants.
21. Ibrampur Abdul Sab got examined as PW-1. He has deposed in his chief examination as “ನಿ.ಪಿ.-1 & 2 ಫಾರಂ ನಂ.1 & 2 ರಲ್ಲಿ ಮತ್ತು ಕೆಲವು ದಾಖಲೆಗಳಲ್ಲಿ ದೇಸನೂರು ಗ್ರಾಮದ ವ್ಯಕ್ತಿ ನನಗೆ ಕೆಲಸ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳಿ ನನ್ನ ಹೆಚ್ಚಿಟ್ಟುಗಳನ್ನು ಪಡೆದಿದ್ದಾರೆ. ಸದರಿ ದಾಖಲೆಗಳ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇಲ್ಲ ಹಾಗೂ ನನಗೆ ಓದಲು ಮತ್ತು ಬರೆಯಲು ಬರುವುದಿಲ್ಲ. ದೇಸನೂರು



ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಧಿಕಾರಿ ಮತ್ತು ಇತರೆ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ನಾನು ದೂರು ಸಲ್ಲಿಸಿಲ್ಲ. ನಿ.ಪಿ.-1 & 2 ರಲ್ಲಿ ಸಹಿ ಹಾಕಿರುವ ಶ್ರೀ. ಹನುಮಂತಪ್ಪನ ಮಗ ಲಿಂಗಪ್ಪ ಗೊತ್ತಿಲ್ಲ. ದೇಸನೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ 2001 ರಿಂದ 2012ರ ಅವಧಿಯಲ್ಲಿ ಎನ್‌ಆರ್‌ಇಜಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಕಾಮಗಾರಿಯಲ್ಲಿ ಅವ್ಯವಹಾರ ಆದ ಬಗ್ಗೆ ದೂರು ಕೊಟ್ಟಿಲ್ಲ. ಹಾಜರು ಇರುವ ಆ.ನೌ.ರರನ್ನು ನೋಡಿಲ್ಲ". Thus, this complainant has not at all deposited anything as alleged in Form No.I & II. Another complainant by name Lingappa also deposited as "ಶ್ರೀ. ಇಬ್ರಾಹಿಂಪುರ್ ಅಬ್ದುಲ್ ಸಾಬ್ ಗೊತ್ತು. ನಿ.ಪಿ.-1 & 2 ಫಾರಂ ನಂ.1 & 2 ರಲ್ಲಿ ಮತ್ತು ಕೆಲವು ದಾಖಲೆಗಳಲ್ಲಿ ದೇಸನೂರು ಗ್ರಾಮದ ವ್ಯಕ್ತಿ ನನಗೆ ಸಾಲ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳಿ ನಿ.ಪಿ.-1(ಎ) ಮತ್ತು 2(ಎ) ನಂತೆ ನನ್ನ ಸಹಿಗಳನ್ನು ಪಡೆದಿದ್ದಾರೆ. ಸದರಿ ದಾಖಲೆಗಳ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇಲ್ಲ ಹಾಗೂ ನನಗೆ ಓದಲು ಮತ್ತು ಬರೆಯಲು ಬರುವುದಿಲ್ಲ. ದೇಸನೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಧಿಕಾರಿ ಮತ್ತು ಇತರೆ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ನಾನು ದೂರು ಸಲ್ಲಿಸಿಲ್ಲ. ದೇಸನೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ 2001 ರಿಂದ 2012ರ ಅವಧಿಯಲ್ಲಿ ಎನ್‌ಆರ್‌ಇಜಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಕಾಮಗಾರಿಯಲ್ಲಿ ಅವ್ಯವಹಾರ ಆದ ಬಗ್ಗೆ ದೂರು ಕೊಟ್ಟಿಲ್ಲ. ಹಾಜರು ಇರುವ ಆ.ನೌ.ರರನ್ನು ನೋಡಿಲ್ಲ". This complainant also deposited like above. When the complainants made serious allegations against the officers in Form No.I & II, they were not at all ready to depose anything against these DGOs and other officers mentioned in Form No.1 & 2 regarding the scheme and misappropriation of funds by those officers, before this authority. The DGOs and other officers mentioned in Form No.1 & 2 might have won over them.

22. As already observed above, after lodging the complaint before this institution by the above complainants, this matter was referred to Superintendent of Police, Karnataka Lokayukta, Bellary for investigation and to report. He in turn referred the matter to the Police Inspector, Karnataka Lokayukta, Bellary for investigation. One Sri. Kalyana Kumar, submitted the report to this institution. This I.O. got examined as PW-3 before this authority. He has deposed that on



08/09/2014 he had sent a letter to EO, Siraguppa Taluk to give information who are all the officers who had misappropriated the funds. On 15/09/2014, EO, Siraguppa Taluk replied and gave information. These letters are got marked as Ex.P.5 & 6 respectively. On 16/09/2014, Superintendent of Police, Karnataka Lokayukta, Bellary also sent additional information by mentioning the name and designation of the officers who had misappropriated the funds. He has also deposed that as per the information which he had obtained from EO, Siraguppa Taluk, during the year 2001-02, Sri. B. Chandrakanth, Secretary, Basavanagowda, Junior Engineer, Khazapeer, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.75,000/-; during the year 2002-03 B. Chandrakanth, Secretary, Basavaraj, Junior Engineer, Khazapeer, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.60,000/-; during the year 2003-04 B. Chandrakanth, Secretary, Basavaraj, Junior Engineer, Ramulam, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.3,40,000/-; during the year 2005-06 B. Chandrakanth, Secretary, Basavaraj, Junior Engineer, K Ramanna, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.1,75,000/- under Indira Awas Scheme and also misappropriated an amount of Rs.40,000/- under Ambedkar Awas Scheme; during the year 2006-07 Vishwanath, Secretary, Basavaraj, Junior Engineer, K Ramanna, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.2,40,000/- under Indira Awas Scheme; during the year 2007-08 Vishwanath, Secretary, Sathyadevanayaka, Junior Engineer, M Anjaneya, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.3,50,000/- under Indira Awas



Scheme; during the year 2008-09 Vishwanath, Secretary, Sathyadevanayaka, Junior Engineer, M Anjaneya, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.4,55,000/- under Indira Awas Scheme; during the year 2009-10 K.V Nirmala, Secretary, Sathyadevanayaka, Junior Engineer, Hanumanthamma, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.10,40,000/- under Indira Awas Scheme and also misappropriated an amount of Rs.2,00,000/- under Ambedkar Awas Scheme; during the year 2011-12 Sri. Eranna, Secretary, Sathyadevanayaka, Junior Engineer, Muthamma, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.8,00,000/- under Indira Awas Scheme; during the year 2012-13 Sri. Eranna, Secretary, Sathyadevanayaka, Junior Engineer, Muthamma, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.6,50,000/- under Indira Awas Scheme. In the year 2012, Mohammed Hussain, Secretary, T. Eranna, Secretary, Muthamma, President and Venkateshwara Rao, President, Deshanur Gram Panchayath had misappropriated an amount of Rs.51,700/- towards the construction of toilets. Thus, they have committed dereliction of duty and misconduct while working as Government servants. Here, it is very important to mention that in Form No1 & 2, the complainants mentioned 'the EO, Sirguppa' as one of the respondents. But this IO Sri Kalyana Kumar had obtained the information from the said EO, Sirguppa and submitted his report to this Institution without inspecting the spot and without going through the necessary records at the concerned offices.



23. This I.O. has been thoroughly cross examined by advocate for DGOs. In the cross examination this I.O. has admitted as “2014ರಲ್ಲಿ ಆಸನೊ-8ರವರು ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಎಂದು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರು. ದಿ:21-6-2014ರಂದು ಅವರಿಗೆ 2001 ರಿಂದ 2012ರವರೆಗೆ ಆದಂತಹ ಅವ್ಯವಹಾರಗಳ ಬಗ್ಗೆ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಬೇಕೆಂದು ಪತ್ರಿಸಿದ್ದೆ. ಸದರಿ ಪತ್ರವನ್ನು ಸ್ವೀಕರಿಸಿದ ನಂತರ ಆಸನೊ-8ರವರು ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳನ್ನು ದಿ:23-6-2014 ಮತ್ತು ದಿ:8-7-2014ರ ಪತ್ರಗಳೊಂದಿಗೆ ನನ್ನಲ್ಲಿಗೆ ಕಳುಹಿಸಿದ್ದರು. ಆಸನೊ-8ರವರು ನೀಡಿದ ವರದಿ/ಮಾಹಿತಿ ಮತ್ತು ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಸಿರಗುಪ್ಪ ರವರು ನೀಡಿದ ವರದಿಯನ್ನು ಆದರಿಸಿ ನಾನು ನನ್ನ ವರದಿಯನ್ನು ದಿ:16-9-2014ರಂದು ಲೋಕಾಯುಕ್ತಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತೇನೆ. ನಾನು ಸ್ಥಳ ತನಿಖೆಯನ್ನು ಮಾಡಿರುವುದಿಲ್ಲ”. Thus, the I.O. has admitted in his cross examination that he had not visited the spot. Only on the basis of the report received from the EO, Taluk Panchayath as well as PDO of the said Gram Panchayath, he has submitted his report to this institution. As per Ex.P.5 i.e. a letter by this I.O. to EO, Taluk Panchayath, Siraguppa Taluk, he had sought for information regarding the amount of subsidiary granted to the beneficiaries under Indira Awaz and Ambedkar Awaz Scheme from January 2001 to December 2012. He had also sought for information regarding the amount of subsidiary granted to the beneficiaries for the construction of toilets. EO, Siraguppa Taluk Panchayath replied as per Ex.P.6 and informed that during the year 2001-02 and 2002-03 Rs.15,000/- and during the year 2003-04 and 2004-05 Rs.20,000/- and during the year 2005-06 Rs.25,000/- and during the year 2006-07 Rs.30,000/- and during the year 2007-08, 2008-09 Rs.35,000/-, during the year 2009-10 Rs.40,000/- has been granted as subsidiary amount under Indira Awaz Scheme. But, during 2010-11 no amount has been granted. During 2011-12 an amount of Rs.50,000/- has been granted as subsidiary amount under Indira Awaz Scheme. He had also informed that an amount of Rs.15,000/- has been granted as subsidiary amount under Ambedkar Awaz Scheme for the year 2001-



02 and 2003-04. An amount of Rs.20,000/- has been granted as subsidiary amount under Ambedkar Awaz Scheme for the year 2005-06. An amount of Rs.40,000/- has been granted as subsidiary amount under Ambedkar Awaz Scheme for the year 2009-10. But for the remaining years, they have not fixed any amount as subsidiary. Further, he had also informed that during the year 2011-12 an amount of Rs.3,700/- and during the year 2012-13 an amount of Rs.4,700/- has been granted as subsidiary amount for the construction of toilets to the beneficiaries under Nirmala Bharath Scheme.

24. On the basis of the above information given by the EO, Siraguppa Taluk, Siraguppa this I.O. had calculated the amount misappropriated by the DGOs and submitted his report. But, here it is necessary to mention that as the allegation is that without putting up the houses and the toilets by the beneficiaries, these DGOs had misappropriated the Government funds allotted under Indira Awaz Scheme, Ambedkar Awaz Scheme and under Nirmala Bharath Scheme, this I.O. ought to have visited the spot to verify whether the houses/toilets had been constructed. But I.O. has not done it for the best reasons known to him.

25. As the I.O. submitted his report only on the basis of the information which he had obtained from the PDO of Deshanur Gram Panchayath and EO of Siraguppa Taluk, Siraguppa, without visiting the spot and as the complainants did not say anything against the respondents in the complaint and in Form No.I & II and other officers, now it is necessary to go through the defense of each DGOs and to go



through all the documents produced by the DGOs as their defense and to find out whether those documents are created or not? Whether houses and toilets have been built or not?

26. The **DGO No.1 Sri. M Basavanagowda**, who was working as Junior Engineer for Deshanur Gram Panchayath during 2001-02. The charges against him are as follows:

a. *DGO No.1 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing five houses out of the eleven houses sanctioned under Indira Awaz Yojane during the year 2001-02.*

b. *DGO No.1 along with one K. Ramanna has misappropriated Government funds without constructing eight houses out of the houses sanctioned under Indira Awaz Yojane during the year 2006-07.*

This DGO No.1 is got examined as DW-1. He has deposed in his chief examination that during the year 2001-02, he was working as Junior Engineer of Deshanur Gram Panchayath. Thereafter, he was not working there. But, during 2006-07 he was working at Kudligi but not at Siraguppa. So the charge that during the year 2006-07, he had misappropriated the Government funds by colluding with two others, without constructing 8 houses is false. Regarding this aspect, he has not produced any document i.e. CTC, transfer order etc. He has deposed before this authority that during the year 2001-02, he had constructed 11 houses under Indira Awaz Scheme and handed over the same to Taluk Panchayath. He had prepared the bill in



respect of those construction and submitted the same to Taluk Panchayath. But, the Taluk Panchayath had not given any endorsement to that effect. After lodging the present complaint before this institution, he had applied for the above mentioned documents from the said Taluk Panchayath. But, they had replied that as 18 years had lapsed, no such documents were available in their office. Further, he denied that out of 11 houses, without constructing 5 houses he and other two had misappropriated the amount. When the charge leveled against him is so serious, he could have produced the endorsement given by the said office that such documents are not available in their office as 18 years had lapsed. But, he has not produced any such document. If at all, he had constructed 11 houses and prepared the bill towards the said construction and submitted the same to the Taluk Panchayath, he would have obtained the endorsement. His say that the Taluk Panchayath had not given any endorsement for submitting bill, cannot be believable. Further, in the cross examination he has deposed as “ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗೆ ನಾನು ಖರ್ಚು ವೆಚ್ಚದ ಬಿಲ್ಲನ್ನು ತಯಾರಿಸಿ ಕೊಟ್ಟಿರುವ ಬಾಬು ಹಿಂಬರಹವನ್ನು ಅವರು ಕೊಡದೇ ಇರುವ ಬಗ್ಗೆ ನಾನು ಯಾವುದೇ ದಾಖಲಾತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಇಂದಿರಾ ಆವಾಜ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿನ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನೇನು ನಾನಿಲ್ಲಿ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. 2001-02ನೇ ಸಾಲಿನಲ್ಲಿ ಯಾರು ಯಾರಿಗೆ ಮನೆಗಳು ಮಂಜೂರಾಗಿದ್ದವೋ ಆ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನು ಸಹಾ ನಾನು ಹಾಜರುಪಡಿಸಿಲ್ಲ. ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್ ಮೂಲಕ ಹಣ ನೀಡಬೇಕು ಎನ್ನುವುದು ಸರಿ. ಈ ಬಗ್ಗೆ ಬ್ಯಾಂಕ್ ಸ್ಟೇಟ್‌ಮೆಂಟ್‌ನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಎಸ್ಪಿಮೇಟ್‌ನ್ನು ನಾವು ಮಾಡಿರುವುದೇ ಇಲ್ಲ. ಎಂ.ಬಿ.ಪುಸ್ತಕವನ್ನು 20 ವರ್ಷಗಳ ಕಾಲ ಇಟ್ಟಿರಬೇಕಾಗಿರುತ್ತದೆ ಎನ್ನುವ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಿಯಮಾವಳಿಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ನಾನು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ”. He has not produced the list of beneficiaries under Indira Awaz Scheme for the year 2001-02. Further, he has deposed as “ಎಸ್ಪಿಮೇಟ್‌ನ್ನು ನಾವು ಮಾಡಿರುವುದೇ ಇಲ್ಲ”. Further, he has not produced the





relevant document to show that he was not working there during 2006-07 also. If at all, he had constructed those houses, he could have produced the photographs also. But, he had not produced. He has produced Ex.D.1 i.e. "Service Particular" issued by Assistant Executive Engineer, PRE Sub-Division, Siraguppa, who has certified that Sri. M. Basavanagoud, Junior Engineer worked in PRE Sub-Division, Siraguppa from 2001-02. Construction of Indira Awas yojan and Ambedkar House, development works under Gram Panchayath, Taluk Panchayath & Zilla Panchayath works were assigned to him. Except this document, this DGO has not produced any other document to show that he had constructed the houses under the above scheme and submitted all necessary documents to EO, Sirguppa. So it can be said that this DGO had committed dereliction of duty and misconduct while working as Government Servant.

27. The **DGO No.2 Sri. P Basavaraju**, who was working as Assistant Engineer for Deshanur Gram Panchayath from 2001-07. The charges leveled against him are as follows:

a. *DGO No.2 along with one Chandrakanth and Sri. Khajapeer have misappropriated Government funds without constructing four houses out of the nine houses sanctioned under Indira Awas Yojane during the year 2002-03.*

b. *DGO No.2 along with one Chandrakanth has misappropriated Government funds without constructing one house under Indira Awas Yojane and 31 houses under Ambedkar Awas Yojane during the year 2003-04.*



c. DGO No.2 along with one Chandrakanth and Sri. Ramanna have misappropriated Government funds without constructing 7 houses under Indira Awaz Yojane and 2 houses under Ambedkar Awaz Yojane during the year 2005-06.

This DGO No.2 also got examined as DW-2. He has deposed in his chief examination that from 2001-07, he was working as Assistant Engineer of Deshanur Gram Panchayath. Further, he has deposed before this authority that he had constructed houses under Indira Awaz Scheme and Ambedkar Awaz Scheme and handed over the same to Taluk Panchayath. He had prepared the bill in respect of those construction and submitted the same to Taluk Panchayath. But, he does not know who were the beneficiaries and to whom those houses were allotted. The charges leveled against him are all false. He had not misappropriated the Government funds. After lodging the present complaint before this institution, he had applied for the above mentioned documents from the said Taluk Panchayath. But, they had replied that as 18 years had lapsed, no such documents were available in their office. If at all, he had submitted the bill to the Taluk Panchayath regarding the construction of houses and handing over those houses to Taluk Panchayath, definitely they could have given some endorsement to that effect. Further, in his cross examination he has deposed as “ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗೆ ನಾನು ಖರ್ಚು ವೆಚ್ಚದ ಬಿಲ್ಲನ್ನು ತಯಾರಿಸಿ ಕೊಟ್ಟಿರುವ ಬಾಬು ಹಿಂಬರಹವನ್ನು ಅವರು ಕೊಡದೇ ಇರುವ ಬಗ್ಗೆ ನಾನು ಯಾವುದೇ ದಾಖಲಾತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಇಂದಿರಾ ಆವಾಜ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿನ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನೇನು ನಾನಿಲ್ಲಿ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. 2001-02ನೇ ಸಾಲಿನಲ್ಲಿ ಯಾರು ಯಾರಿಗೆ ಮನೆಗಳು ಮಂಜೂರಾಗಿದ್ದವೋ ಆ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯನ್ನು ಸಹಾ ನಾನು ಹಾಜರುಪಡಿಸಿಲ್ಲ. ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್



ಮೂಲಕ ಹಣ ನೀಡಬೇಕು ಎನ್ನುವುದು ಸರಿ. ಈ ಬಗ್ಗೆ ಬ್ಯಾಂಕ್ ಸ್ಟೇಟ್‌ಮೆಂಟ್‌ನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಎಸ್ಪಿಮೇಟ್‌ನ್ನು ನಾವು ಮಾಡಿರುವುದೇ ಇಲ್ಲ. ಎಂ.ಬಿ.ಪುಸ್ತಕವನ್ನು 20ವರ್ಷಗಳ ಕಾಲ ಇಟ್ಟಿರಬೇಕಾಗಿರುತ್ತದೆ ಎನ್ನುವ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಿಯಮಾವಳಿಗಳಿಗೆ ಅನುಸಾರವಾಗಿ ನಾನು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ". He has not produced the list of beneficiaries under Indira Awaz Scheme for the year 2001-02. Further, he has deposed as "ಎಸ್ಪಿಮೇಟ್‌ನ್ನು ನಾವು ಮಾಡಿರುವುದೇ ಇಲ್ಲ". If at all, he had constructed those houses, he could have produced the photographs also. But, he had not produced. He has produced "Service Particulars" which is got marked as Ex.D.2, issued by Assistant Executive Engineer, PRE Sub-Division, Siraguppa, who has certified that Sri. P Basavaraj, Assistant Engineer worked in PRE Sub-Division, Siraguppa from 2001-07. Construction of Indira Awaz Yojan and Ambedkar House, development works under Gram Panchayath, Taluk Panchayath & Zilla Panchayath grants, work assigned to him. Except this document, this DGO has not produced any other document. When this DGO had admitted that he had constructed houses and handed over them to Taluk Panchayath, he could have produced necessary documents to that effect. Though, he has denied the charges leveled against him, I have observed that even in his chief examination, he has not specifically deposed how many houses were constructed by him. Thus from the deposition of this DGO No.2 it can be said without any hesitation that he has committed dereliction of duty and misconduct while working as Government Servant from 2001 to 2007.

28. The **DGO No.3 Sri. G Vishwanath**, who was working as Secretary of Deshanur Gram Panchayath during the year 2007-08 and 2008-09. The charge against him is as follows:



a. DGO No.3 & 4 along with one Anjaneya have misappropriated Government funds without constructing ten houses out of the houses sanctioned under Indira Awaz Yojane during the year 2007-08 and without constructing 13 houses out of the houses sanctioned during the year 2008-09.

This DGO No.3 got examined as DW-6. He has deposed in his chief examination that from 01/02/2006 to 31/12/2009, he was working as Secretary of Deshanur Gram Panchayath. During his period, 60 beneficiaries were selected by grama sabha under Indira Awaz Scheme. During his tenure, fund was released for 21 houses only. As the remaining houses have not been completed, the fund has not been released. He used to credit the amount to the beneficiaries bank account through the cheques. During 2009-10, because of flood, the whole Deshanur Gram Panchayath was surrounded by water. So, the residents went to food centers (ಗಂಜಿ ಕೇಂದ್ರಗಳು) and to their relative houses. He has also deposed that the I.O. had not informed him about his visit. So, he was not present when the I.O. had visited. He had not recorded his statement also. (Here, the fact is that the IO had not visited the spot at all)

29. Of course, this DGO has produced many documents which are got marked as Ex.D.18. He has produced 14 Affidavits of Smt. Lakshmi W/o Choudki Eranna, Smt. Eramma W/o Sanna Erappa Malappa, Smt. Padmavathi W/o Nagabhushan, Smt. Devaki W/o Venkatesh, Smt. C.G Mariyamma W/o Yelappa, Smt. Sumithramma W/o Gadilingappa, Smt. Lingamma W/o Belakal Govindappa, Smt.



Eramma W/o Halebandi Thayappa, Smt. Bhagyamma W/o Khathriki Narayana, Smt. Lakshmi W/o Ramanna, Smt. Mabamma W/o Bhakshis Sab, Smt. Hanumanthamma alias Eramma W/o Ramappa, Smt. Hanumanthamma W/o Hanumantha, Smt. Jamida Begum W/o Allambasha, Smt. Arthamma W/o Shivalingappa. The contents of all these affidavits are one and the same. Further, these affidavits also include a para as “ನಾನು ಈ ಮೂಲಕ ಪ್ರಮಾಣೀಕರಿಸುವುದೇನೆಂದರೆ, ಈ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಉಪಲೋಕಾಯಕ್ತರು, ಕರ್ನಾಟಕ ಸರ್ಕಾರ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಸಲ್ಲಿಸಲು ಬೇಕಾಗಿರುತ್ತದೆ”. In these affidavits, though the said ladies sworn to the effect that the house has been allotted in their name and the Panchayath Secretary was releasing the fund stage by stage through the cheque by crediting the amount to their bank accounts, they have not mentioned how much amount they have received for the construction of their houses. Further this DGO has not taken strain to examine the above said ladies before this authority in order to prove that he had released the amount. But still this DGO No.3 has produced beneficiaries list under Indira Awaz Scheme for the year 2007-08 and also produced the documents to show that the amount has been credited to the beneficiaries bank accounts. But those documents do not bear the signature of the Secretary and President of the Deshanur Gram Panchayath. These documents attested by the PDO, Deshanur Gram Panchayath only. They do not even bear the signatures of the beneficiaries for having received the amount. LTM do not reveal the name of the beneficiary also. Further in order to prove that the cheque has been issued and it has been realized, he has not produced the bank pass book statement of the above named beneficiaries. So by going through these documents, they clearly reveal that the said documents are concocted documents only.



30. This DGO No.3 also cross examined by the presenting officer. In the cross examination, he has deposed as “2007-08ನೇ ಸಾಲಿನಲ್ಲಿ 20ಮನೆಗಳು ಮಂಜೂರಾಗಿದ್ದವು. ಆ 20 ಮನೆಗಳ ಭಾವಚಿತ್ರಗಳನ್ನು ನಾನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಈ ಅವಧಿಯಲ್ಲಿ 10ಮನೆಗಳನ್ನು ಭೌತಿಕವಾಗಿ ಕಟ್ಟಿದೇ ಇದ್ದರೂ ಸಹಾ ಹಣ ಪಾವತಿ ಮಾಡಿರುತ್ತೇವೆ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. 2008-09ನೇ ಸಾಲಿನಲ್ಲಿ 20ಮನೆಗಳು ಮಂಜೂರಾಗಿದ್ದವು. ಆ 20 ಮನೆಗಳ ಭಾವಚಿತ್ರಗಳನ್ನು ನಾನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಈ ಅವಧಿಯಲ್ಲಿ 13ಮನೆಗಳನ್ನು ಭೌತಿಕವಾಗಿ ಕಟ್ಟಿದೇ ಇದ್ದರೂ ಸಹಾ ಹಣ ಪಾವತಿ ಮಾಡಿರುತ್ತೇವೆ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. 2009-10ನೇ ಸಾಲಿನಲ್ಲಿ ತುಂಗಭದ್ರಾ ನದಿಯಲ್ಲಿ ಪ್ರವಾಹ ಉಂಟಾಗಿತ್ತು, ಆಗ ದೇಶನೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ ಪೂರ್ತಿ ಜಲಾವೃತವಾಗಿತ್ತು ಎಂದು ನಾನು ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯಲ್ಲಿ ಏಕೆ ಹೇಳಿರುತ್ತೇನೆ ಎಂದರೆ ಪ್ರವಾಹದಿಂದ ಮನೆಗಳು ಶಿಥಿಲಗೊಂಡು ಬಿದ್ದು ಹೋಗಿದ್ದು, ಅವುಗಳನ್ನು ಪುನಃ ಕಟ್ಟಿಕೊಂಡಿರಬಹುದು ಎಂದು ಈ ಜಲಾವೃತದ ಬಗ್ಗೆ ಹೇಳಿರುತ್ತೇನೆ. ಜಲಾವೃತವಾದಾಗ ಮನೆಗಳು ಬಿದ್ದುಹೋದಾಗ ಅವುಗಳ ಬಗ್ಗೆ ದಾಖಲಾತಿಗಳು ಇರುತ್ತವೆ ಎನ್ನುವುದು ಸರಿ. ಆ ದಾಖಲಾತಿಗಳನ್ನು ನಾನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿ. ಗ್ರಾಮಪಂಚಾಯತಿಯಲ್ಲೂ ಸಹಾ ಎಷ್ಟು ಮನೆಗಳು, ಯಾರ ಮನೆಗಳು ಬಿದ್ದುಹೋದವು ಎಂದು ದಾಖಲಾತಿಗಳನ್ನು ನಾನು ಮತ್ತು ಗ್ರಾಮಲೆಕ್ಕಾಧಿಕಾರಿಯವರು ಜಂಟಿಯಾಗಿ ನಿರ್ವಹಿಸಿ ತಹಶೀಲ್ದಾರರಿಗೆ ಕೊಡಬೇಕು ಎನ್ನುವುದು ಸರಿ. ಆ ವರದಿಯನ್ನು ಇಲ್ಲಿ ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ”. As rightly argued by the Presenting Officer, though this DGO No.3 has produced the affidavits of 14 ladies contended to be them as beneficiaries, he has not produced the photographs of the houses built. Further, he has deposed about the Thungabhadra River flood in his chief examination. When the Presenting Officer has cross examined regarding the said aspect, he has deposed like above. If at all, the houses which were built have been collapsed, definitely the Village Accountant could have produced a report regarding the said aspect to the concerned Tahasildar. Though, this DGO No.3 has deposed about the “flood”, he has not produced the said report before this authority to ascertain how many houses have been collapsed. Thus, from the oral as well as documentary evidence lead by this DGO No.3, it can be said without



any hesitation that he has concocted a story before this authority by producing concocted documents. Hence, definitely this DGO No.3 has committed dereliction of duty as well as misconduct while working as a Government Servant.

31. The **DGO No.4 Sri. Sathyadevanayaka**, who was working as Junior Engineer for Deshanur Gram Panchayath, has reported to be dead during the proceeding of the present enquiry. Hence, this enquiry proceedings against him gets **abated**.

32. The **DGO No.5 Smt. K.V Nirmala**, was working as Secretary of Deshanur Gram Panchayath. The charge against her is as follows:

a. *DGO No.4, 5 along with one Smt. Hanumanthamma have misappropriated Government funds without constructing 26 houses out of the houses sanctioned under Indira Awas Yojane during the year 2009-10 and without constructing 5 houses out of the houses sanctioned under Ambedkar Awaz Yojane.*

Here, this DGO No.5 got examined as DW-5. She has deposed in her chief examination as “ನಾನು ದೇಶನೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ದಿ:10-12-2009 ರಿಂದ ದಿ:26-03-2010ರವರೆಗೂ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದೆ. ನನ್ನ ವಿರುದ್ಧ ಮಾಡಲಾಗಿರುವ ಆಪಾದನೆಗಳು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿವೆ. ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ 2009-2010ನೇ ಸಾಲಿನಲ್ಲಿ ಅನುಮೋದನೆಗೊಂಡ ಮನೆಗಳಿಗೆ ಮೂರು ಫಲಾನುಭವಿಗಳಿಗೆ ಹಂತವಾರು ಚೆಕ್ಕುಗಳನ್ನು ವಿತರಿಸಿದ್ದೇನೆ. ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಗಾಗಿ ಪಟ್ಟಿಯನ್ನು ನಾನು ಗ್ರಾಮ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿರುವುದಿಲ್ಲ. ಹಿಂದಿನ ಕಾರ್ಯದರ್ಶಿಯವರೇ ಮಂಡಿಸಿ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದಿದ್ದರು. ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆ ಮತ್ತು ಅಂಬೇಡ್ಕರ್ ಯೋಜನೆಯ ಫಲಾನುಭವಿಗಳ ಪಟ್ಟಿಯ ಅನುಮೋದನೆಯನ್ನು ಅವರೇ ಪಡೆದಿದ್ದರು. ನಾನು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ 3 ತಿಂಗಳ ಅವಧಿಯಲ್ಲಿ ಕೇವಲ 3 ಚೆಕ್ಕುಗಳನ್ನು ವಿತರಿಸಿರುವುದನ್ನು ಬಿಟ್ಟರೆ ಬೇರೆ ಯಾವುದೇ

ಚೆಕ್‌ಗಳನ್ನು ವಿತರಿಸಿರುವುದಿಲ್ಲ. ಸದರಿ ಚೆಕ್‌ಗಳನ್ನು ನಾನು ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಅಧ್ಯಕ್ಷರ ಸಹಿಯನ್ನು ಪಡೆದೇ ವಿತರಿಸಿರುತ್ತೇನೆ. ನನಗೆ ಯಾವುದೇ ಸ್ವತಂತ್ರ ಅಧಿಕಾರ ಇರಲಿಲ್ಲ. ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಅಧ್ಯಕ್ಷರು ಮತ್ತು ಸಭೆ ಕೈಗೊಂಡ ಯೋಜನೆ/ತೀರ್ಮಾನಗಳನ್ನು ಅನುಷ್ಠಾನಗೊಳಿಸುವುದಷ್ಟೇ ನನ್ನ ಕರ್ತವ್ಯವಾಗಿತ್ತು". Thus, she was working as a Secretary of the said Gram Panchayath from 10/12/2009 to 26/03/2010 only i.e. for a period of 3 months. To prove this she has produced the attendance register for the month of December 2009, January 2010, February 2010 and March 2010. It is clear that she worked there for 3 months only. Further, she has also deposed in her chief examination as "ನನ್ನ ಅವಧಿಯಲ್ಲಿ ನಾನು ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ 7 ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್‌ನ್ನು ನೀಡಿರುತ್ತೇನೆ. ಅಂಬೇಡ್ಕರ್ ಆವಾಜ್ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ ಯಾವುದೇ ಫಲಾನುಭವಿಗಳಿಗೂ ನಾನು ಚೆಕ್‌ನ್ನು ವಿತರಿಸಿರುವುದಿಲ್ಲ. 7 ಜನ ಫಲಾನುಭವಿಗಳಿಗೆ ಚೆಕ್‌ನ್ನು ವಿತರಿಸಿದ ಬಾಬು 7 ಚೆಕ್‌ಗಳ ದೃಢೀಕೃತ ನಕಲುಗಳು, ಹಣ ವಿತರಿಸಿದ ಬಾಬು ವಿವರಗಳು ಮತ್ತು ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಇಂಡಿಯಾದ ದಿ:20-1-2010ರಿಂದ 26-02-2010 ರವರೆಗಿನ ವಹಿವಾಟಿನ ತ:ಖ್ತೆ ಮತ್ತು 7 ಫಲಾನುಭವಿಗಳ ಫೋಟೋಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತೇನೆ". Thus, she has produced the copy of the cheque issued in the name Smt. Hussainamma for Rs.10,000/- dated 24/02/2010, which is signed by the President also, along with the document for having received the same by the said Hussainamma, bank statement and the photograph of the said Hussainamma in front of the house. In the same way, she has produced the copy of the cheque which is in the name Smt. Lakshmi W/o Aiyappa for Rs.10,000/- dated 05/02/2010, which is also signed by the President, along with the document for having received the same by the said Lakshmi, bank statement and the photograph of the said Lakshmi in front of the foundation. She has also produced the copy of the cheque which is in the name Smt. Kartagi Ambamma for Rs.10,000/- dated 24/03/2010, which is also signed by the President, along with the document for having received the same by the said





Ambamma, bank statement and the photograph of the said Ambamma in front of the house under construction. In the same way, she has also produced the copy of the cheque which is in the name of Smt. Anusuya W/o Murthy for Rs.10,000/- dated 24/02/2010, which is also signed by the President, along with the document for having received the same by the said Anusuya, bank statement and the photograph of the said Anusuya in front of the house which is under construction. In the same way, she has also produced the copy of the cheque which is in the name of Smt. Eramma for Rs.5,000/- dated 05/02/2010, which is also signed by the President, along with the document for having received the same by the said Eramma, bank statement and the photograph of the said Eramma in front of the house which is under construction. In the same way, she has also produced the copy of the cheque which is in the name of Smt. Hussainamma for Rs.5,000/- dated 05/02/2010, which is also signed by the President, along with the document for having received the same by the said Hussainamma, bank statement and the photograph of the said Hussainamma in front of the foundation of the house (as per these documents, Hussainamma had been issued with a cheque for Rs.5,000/- at the stage of foundation and thereafter issued with a cheque for Rs.10,000/- at the stage of lintel level). In the same way, she has also produced the copy of the cheque which is in the name of Sri. Renukappa S/o Lingappa for Rs.10,000/- dated 25/03/2010, which is also signed by the President, along with the document which do not bear the signature of the beneficiary for having received the same by the said Renukappa, bank statement and the photograph of the said Renukappa in front of the house which is under construction. Thus, this DGO No.5 Smt. K.V Nirmala, got produced these



documents to prove that within a span of 3 months of service in the said Gram Panchayath, she had issued 7 cheques only and not executed any other work relating to these schemes. She has been cross examined by the Presenting Officer. In the cross examination also she has deposed as “ಶ್ರೀಮತಿ ಹನುಮಂತಮ್ಮ ಎನ್ನುವವರು ನಾನು ಕಾರ್ಯದರ್ಶಿಯಾಗಿದ್ದಾಗ ಆಕೆ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದರು. 2009-10ನೇ ಸಾಲಿನಲ್ಲಿ ನಮ್ಮ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ 62 ಮನೆಗಳು ಇಂದಿರಾ ಆವಾಜ್ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದವು. ಅಂಬೇಡ್ಕರ್ ಆವಾಜ್ ಯೋಜನೆಯ ಅಡಿಯಲ್ಲಿ 15 ಮನೆಗಳು ಮಂಜೂರಾಗಿದ್ದವು..... ನಾನು 7 ಮನೆಗಳಿಗೆ ಮಾತ್ರವೇ ಚೆಕ್‌ಗಳನ್ನು ವಿತರಿಸಿರುತ್ತೇನೆ”. Though, she has admitted that during the year 2009-10, 62 houses had been granted under Indira Awaz Scheme and 15 houses had been granted under Ambedkar Awaz Scheme, she has firmly deposed that she had issued 7 cheques towards the construction of the houses. The documents produced by this DGO No.5 are believable and her statement before this authority is also believable as she had worked in the said Gram Panchayath only for a period of 3 months. So it can be said without any hesitation that this DGO No.5 has not at all committed any kind of dereliction of duty nor misconduct.

33. **The DGO No.6 Sri. T Eranna**, was working as Secretary for Deshanur Gram Panchayath from 17/05/2012 to 05/05/2014. The charges against him are as follows:

- a. *DGO No.4, 6 along with one Smt. Muthamma have misappropriated Government funds without constructing 16 houses out of the houses sanctioned under Indira Awaz Yojane during the year 2011-12.*
- b. *DGO No.4, 6 along with Smt. Muthamma have misappropriated Government funds without constructing*



*13 houses out of the houses sanctioned under Indira Awaz Yojane during the year 2012-13.*

- c. DGO No.6, 7 along with one Smt. Muthamma have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012.*
- d. DGO No.6 and 8 while working as PDOs have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012 and also you deliberately delayed in submitting documents pertaining to the work.*

The above charges are that the DGO No.6 Sri. T. Eranna and DGO No.8 Sri. Ramali had misappropriated the Government funds without constructing 11 toilets sanctioned during the year 2012. **DGO No.8 Sri. Ramali**, got examined DW-4. He has deposed before this authority that he was not at all working in Deshanur Gram Panchayath from 2005 to 2013. He had reported for duty as PDO of the said Gram Panchayath on **20/03/2014 only**. So, he is in no way concerned with the charges leveled against him. Hence, he has not at all committed any kind of dereliction of duty and misconduct. So, he has produced Official Memorandum dated 17/03/2014 issued by the CEO, Zilla Panchayath, Bellary regarding the appointment of the Officers to the Panchayaths. It is marked as Ex.D.15. It reveal that he has been appointed as PDO of Deshanur Gram Panchayath, Siraguppa Taluk, Bellary District, as per this official memorandum dated 17/03/2014. Thus, as rightly contended by this DGO No.8 he was not at all working in any designation in the said Gram Panchayath in the year 2012. So, the question of misappropriating



funds by him without constructing 11 toilets sanctioned during the year 2012 does not arise at all. Hence, this DGO No.8 has not at all committed dereliction of duty.

34. Regarding the above mentioned charges, the **DGO No.6 Sri. T. Eranna** got examined as DW-7. He has deposed before this authority that during the year 2011-12, 63 houses have been allotted. Out of those houses this compliant is regarding 16 houses. During his tenure, no amount has been granted towards the construction of the toilets. The beneficiaries of the houses have been selected by the Grama Sabha. After obtaining approval from the Rajeev Gandhi Housing Corporation, the construction of houses had been started. He has produced the documents which are got marked as Ex.D.19.
35. As already observed above, **the DGO No.4 reported to be dead** during the proceedings of this enquiry, who was working as Junior Engineer of the said Deshanur Gram Panchayath.
36. Regarding charge No.8 i.e. **“DGO No.4, 6 along with one Smt. Muthamma have misappropriated Government funds without constructing 16 houses out of the houses sanctioned under Indira Awaz Yojane during the year 2011-12”**. This DGO No.6 Sri. T. Eranna has produced the list of 16 houses and also the document for having received the amount, bank pass book to show that the cheque has been realized in the name of beneficiary and a photo to show that the house is completed and the beneficiary and family residing the said house. The 16 beneficiaries are (1) Smt. Susheelamma W/o Mookappa (2) Smt. Chennamma W/o Ramanna (3) Smt. Shekamma



W/o Hanumanthappa (4) Smt. Lakshamma W/o Siddalinga (5) Smt. Rangamma D/o Hanumanthamma (6) Smt. Lakshmi W/o Akbar Valli (7) Smt. Ameena Bi W/o Hussain Pasha (8) Smt. Gowramma W/o Veeresh (9) Smt. Parvathamma W/o Ramappa (10) Smt. Sumangala W/o Veeresh (11) Smt. Padamma W/o Saverappa (12) Smt. Yellamma W/o Byadara Kariyappa (13) Smt. Mallamma W/o Herallu Govindappa (14) Smt. Thanu B W/o Gaffor Sab (15) Smt. Parvathamma W/o Thayappa and (16) Smt. Parvathamma W/o Eranna.

37. This DGO also not released the last installment amount to Smt. Sumangala W/o Veeresh and Smt. Parvathamma W/o Eranna as they have not completed the construction of the whole house. For the remaining beneficiaries, he had released the amount stage by stage through cheques. The pass book entries of the above 16 beneficiaries show that the cheques have been realized.
38. As this DGO No.6 has produced all the necessary documents, the charge No.8 against him is not substantiated.
39. The charge No.9 against this DGO No.6 Sri. T. Eranna is **“DGO No.4, 6 along with Smt. Muthamma have misappropriated Government funds without constructing 13 houses out of the houses sanctioned under Indira Awas Yojane during the year 2012-13”**. Regarding this charge, the DGO No.6 has produced the beneficiary list for the year 2012-13 under Indira Awas Scheme. He has also produced the acknowledgment for having received the amount by 13 beneficiaries, also produced bank pass book statement along with the photographs of the houses. The beneficiaries are (1)

Smt. Mahalingamma W/o Eranna (2) Smt. Gowramma W/o Shivarayappa (3) Sri. M. Khadar Basha S/o Ameer Basha (4) Smt. Hampamma W/o Lakshminarayana (5) Smt. Gangamma W/o Thammanna (6) Smt. Mallamma W/o Mahadevappa (7) Smt. Khurshid Adhoni W/o Roopsab (8) Smt. Chowdki Huligamma D/o Lakshamma (9) Smt. Maramma W/o Vaddara Thayappa (10) Smt. Yashodamma W/o Hanumesh (11) Smt. Rathnamma W/o Yemunappa (12) Smt. L. Lakshmi W/o N. Narasimhamurthy and (13) Smt. Yenamma W/o Eranna. The DGO has produced the above mentioned documents pertaining to these beneficiaries. But, he has not released the last installment amount to Sri. M. Khadar Basha, Smt. Hampamma, Smt. Gangamma, Smt. Kurshid Adhoni and Smt. L. Lakshmi as they have not completed the construction of the house. Thus, as per the documents, this DGO has released the amount to the beneficiaries stage by stage through cheques. The pass book entries of the above mentioned beneficiaries reveal that the issued cheques have been realized. Hence, it can be said that the charge No.9 is not proved.

40. Charge No.10 is **“DGO No.6, 7 along with one Smt. Muthamma have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012”**. DGO No. 6 is Sri. T. Eranna. DGO No.7 is Sri. Mohammed Hussain. Regarding this charge, the defence of DGO No.6 is that he has not released any amount towards construction of toilets, the previous PDO has released the amount, as such he has not committed any kind of dereliction of duty.



41. The previous PDO is DGO No.7 i.e. Sri. Mohammed Hussain. He has got examined as DW-3. He has deposed before this authority in his chief examination as “ಆ ಪಂಚಾಯತಿಯಲ್ಲಿ ಒಟ್ಟು 11 ಶೌಚಾಲಯಗಳನ್ನು ಕಟ್ಟಬೇಕೆಂದು ನಿರ್ಮಲ ಭಾರತ ಅಭಿಯಾನದ ಅಡಿಯಲ್ಲಿ ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿತ್ತು. ಒಂದು ಶೌಚಾಲಯಕ್ಕೆ ರೂ.3700/- ಸಹಾಯಧನವನ್ನು ನೀಡಬೇಕಾಗಿತ್ತು. ಫಲಾನುಭವಿ ಖುದ್ದು ಆತನೇ ಶೌಚಾಲಯವನ್ನು ಕಟ್ಟಿಕೊಂಡು, ನಮ್ಮಿಂದ ರೂ.3700/- ಹಣವನ್ನು ಸಹಾಯ ಧನವನ್ನಾಗಿ ಪಡೆಯುತ್ತಾರೆ. ನಾವು ಸಹಾಯ ಧನವನ್ನು ನೀಡುವ ಮೊದಲು ಸ್ಥಳಕ್ಕೆ ಹೋಗಿ ಶೌಚಾಲಯ ಕಟ್ಟಲಾಗಿದೆಯೋ ಇಲ್ಲವೋ ಎನ್ನುವುದನ್ನು ಖಚಿತ ಪಡಿಸಿಕೊಂಡು ನಂತರದಲ್ಲಿ ಸಹಾಯ ಧನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡುತ್ತೇವೆ. ಸ್ಥಳ ತನಿಖೆಯನ್ನು ನಮ್ಮ ಕಾರ್ಯದರ್ಶಿ ಮಾಡಿರುತ್ತಾರೆ. ಸಹಾಯ ಧನವನ್ನು ಫಲಾನುಭವಿಗಳಿಗೆ ನೀಡಿರುವ ಬಾಬು ದಾಖಲಾತಿಯನ್ನು ಹಾಜರ್ ಪಡಿಸಿರುತ್ತೇನೆ. 11 ಶೌಚಾಲಯಗಳನ್ನು ನಿರ್ಮಿಸಿದ ಬಾಬು ಮತ್ತು ಸಹಾಯ ಧನ ರೂ.3700/- ನ್ನು ಚೆಕ್ ಮೂಲಕ ನೀಡಿರುವ ಬಾಬು ದೃಢೀಕರಣ ಪತ್ರಗಳನ್ನು ಹಾಜರ್ ಪಡಿಸಿರುತ್ತೇನೆ”. The said documents are got marked as Ex.D.3 to D.14. They are the receipts for having received the amount from the beneficiaries and also the statement of account of Indian Bank, Deshanur, Bellary District for crediting the said amount through cheques to the account of the beneficiaries. An amount of Rs.3,700/- credited to the account of 13 beneficiaries. Further, this DGO also deposed in his cross examination as “ಶೌಚಾಲಯವನ್ನು ಹೊಂದಿದ್ದವರಿಗೂ ಸಹಾ ನಾನು ಸಹಾಯಧನವನ್ನು ನೀಡಿರುತ್ತೇನೆ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ. ಪಂಚಾಯತಿ ನಿಯಾಮಾವಳಿಗಳ ಪ್ರಕಾರ ನಾನು ಖರ್ಚು ಮಾಡಿರುವುದಿಲ್ಲ ಎನ್ನುವುದು ಸರಿಯಲ್ಲ”. Thus, from the evidence lead by DGO No.6 and 7, it can be said that the charge No.10 is not proved.

42. Regarding charge No.11 i.e. **“DGO No.6 and 8 while working as PDOs have misappropriated Government funds without constructing 11 toilets sanctioned during the year 2012 and also you deliberately delayed in submitting documents pertaining to the work”**, DGO No.6 Sri. T. Eranna taken contention that while he was working as PDO due to MP election and due to financial year

ending he had sought for one month time for submitting documents and thereafter, completion of one month due to pressure of work he could not submit the documents in time but submitted on 05/05/2014. Regarding this charge, the DGO No.8 Sri. Ramali has produced the document to show that he has been appointed as a PDO of the said Gram Panchayath on 17/03/2014 only. Hence, he has not committed any dereliction of duty. Though, DGO No.6 got produced the documents on 05/05/2014, he has produced all the necessary relevant documents, which reveal that he has not misappropriated the Government fund but released the amount to the concerned beneficiaries through the cheques. Hence, it can be said that the charge No.11 is also not proved.

43. For the above said reasons and discussion, I answer **point No.1 in the affirmative as against DGO No.1,2 & 3 and in the negative as against DGO No.5,6,7 & 8. This enquiry gets abated as against DGO No.4.**

44. **Point No. 2** : For the above said reasons and discussion it can be said without any hesitation that the disciplinary authority has proved the charges leveled against DGO No.1,2,3 and has failed to prove as against DGO No.5,6,7 &8.

45. Hence, I proceed to pass the following:

**ORDER**

The Disciplinary Authority has proved the charges framed against the DGO No.1 **Sri. M.**





**Basavanagowda**, Junior Engineer, presently Panchayathraj Engineering Sub-Divison, Kudligi Taluk, Bellary District DGO No.2 **Sri. P. Basavaraj**, Junior Engineer, Deshanur Grama Panchayath, presently working at Panchayathraj Engineering Sub-Division, Bellary District DGO No.3 **Sri. G. Vishwanath**, the then Secretary, Deshanur Grama Panchayath, presently working at Yalya Grama Panchayath, Kudligi Taluk

The Disciplinary Authority has not proved the charges framed against DGO No.5 **Smt. K.V. Nirmala**, the then Secretary, Deshanur Gram Panchayath, presently working as Assistant Director, Taluk Panchayath, Siruguppa, Bellary District DGO No.6 **Sri. T. Eranna**, Secretary, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District DGO No.27 **Sri. Mohammed Hussain**, the then Panchayath Development Officer, presently Bagewadi Grama Panchayath, Siruguppa Taluk, Bellary District and DGO No.8 **Sri. Ramali**, Panchayath Development Officer, Deshanur Grama Panchayath, Siruguppa Taluk, Bellary District.

This enquiry gets abated against DGO No.4 **Sri. Sathyadevanayak**, Junior Engieer, presently Panchayathraj Engineering Sub-Division, Lingasuguru Taluk, Raichur District



This report be submitted to the Hon'ble  
Upalokayukta-2 in a sealed cover forthwith.

The date of retirement of DGO No. 1, 2, 3, 5, 6,  
7 & 8 30/06/2019, 31/03/2012, 30/04/2043,  
30/6/2031, 30/06/2017, 31/05/2033 &  
31/05/2035 are respectively.

Dated this the 30<sup>th</sup> November, 2020



**(K.BHAGYA)**

Additional Registrar Enquiries-14,  
Karnataka Lokayukta,  
Bangalore.

**ANNEXURES**

| <b>Sl. No.</b> | <b>Particulars of Documents</b>                                                      |                                                                                                                              |
|----------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>       | <b>Witness examined on behalf of the Disciplinary Authority</b>                      |                                                                                                                              |
|                | <b>PW-1</b>                                                                          | Sri. Ibrampur Abdul Sab S/o Sheksab, Deshanur, Siraguppa Taluk, Bellary District                                             |
|                | <b>PW-2</b>                                                                          | Sri. Lingappa S/o K. Hanumanthappa, Harijan Colony, 2nd Ward, Deshanur Village, Siruguppa Taluk, Bellary District (Original) |
|                | <b>PW-3</b>                                                                          | Sri. M. Kalyankumar, Dy.S.P, DCRE, Tumkur.                                                                                   |
| <b>2</b>       | <b>Documents marked on behalf of the Disciplinary Authority<br/>Ex.P-1 to Ex.P-6</b> |                                                                                                                              |
|                | <b>Ex.P.1 &amp; 1(a)</b>                                                             | Form No.1 with Signature (Original)                                                                                          |
|                | <b>Ex.P.2 &amp; 2(a)</b>                                                             | Form No.2 with Signature (Affidavit) (Original)                                                                              |
|                | <b>Ex.P.3</b>                                                                        | Report submitted through SP, KLA, Bellary (Original)                                                                         |
|                | <b>Ex.P.4</b>                                                                        | Notice issued by DRE-5 (Xerox)                                                                                               |
|                | <b>Ex.P.5</b>                                                                        | Letter given to EO, Taluk Panchayath, Siruguppa, Taluk, Siruguppa (Xerox)                                                    |
|                | <b>Ex.P.6</b>                                                                        | Letter addressed by EO, Taluk Panchayath, Siruguppa, Taluk, Siruguppa (Certified)                                            |
| <b>3</b>       | <b>Witness examined on behalf of the DGO, Documents marked on behalf of the DGO</b>  |                                                                                                                              |
|                | <b>DW-1</b>                                                                          | Sri. M. Basavanagowda, AEE, PWD, Hanagal (Original)                                                                          |
|                | <b>DW-2</b>                                                                          | Sri. P. Basavaraj, AEE, Panchayathraj Engineering Sub-Division, Sindanuru (Original)                                         |
|                | <b>DW-3</b>                                                                          | Sri. Mohammed Hussain, Panchayath Development Officer, Grama Panchayath, Arasikere, Harapanahalli Taluk (Original)           |

|          |                                                                       |                                                                                                                         |
|----------|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
|          | <b>DW-4</b>                                                           | Sri. Ramali, Panchayath Development Officer, Grama Panchayath, Chiratagundu, Kudligi Taluk, Bellary District (Original) |
|          | <b>DW-5</b>                                                           | Smt. K.V. Nirmala, Assistant Director, Grameena Udyoga, Taluk Panchayath, Siraguppa, Bellary District (Original)        |
|          | <b>DW-6</b>                                                           | Sri. G. Vishwanath, Secretary, Grama Panchayath, Yalya, Kudligi Taluk, Bellary District (Original)                      |
|          | <b>DW-7</b>                                                           | Sri. T. Eranna, Secretary, Grama Panchayath, Balkundi, Siruguppa Taluk, Bellary District (Original)                     |
| <b>4</b> | <b>Documents marked on behalf of the DGOs through the complainant</b> |                                                                                                                         |
|          | <b>Ex.D.1</b>                                                         | Service details (Certified)                                                                                             |
|          | <b>Ex.D.2</b>                                                         | Service details (Certified)                                                                                             |
|          | <b>Ex.D.3 to D.13</b>                                                 | Work details (True copy)                                                                                                |
|          | <b>Ex.D.14</b>                                                        | Statement of Account – Indian Bank, Desanur (Xerox)                                                                     |
|          | <b>Ex.D.15</b>                                                        | Official Memorandum (P.280-283 Certified) (P.284 Xerox)                                                                 |
|          | <b>Ex.D.16</b>                                                        | Register of Attendance (Certified)                                                                                      |
|          | <b>Ex.D.17</b>                                                        | Cheque, Beneficiaries List, Photographs & Documents (Certified)                                                         |
|          | <b>Ex.D.18</b>                                                        | Documents (Certified)                                                                                                   |
|          | <b>Ex.D.19</b>                                                        | Documents with photographs (Xerox)                                                                                      |

Dated this the 30<sup>th</sup> November, 2020

  
50/11/20

**(K.BHAGYA)**

Additional Registrar Enquiries-14,  
Karnataka Lokayukta,  
Bangalore.