



KARNATAKA LOKAYUKTA

No.Uplok-2/DE/16/2021/ARE-17
(Encl: Recommendation & original
Report of Inquiry Officer with
connected records)

Dr.B.R.Ambedkar Veedhi,
Multi Storied Building,
Bengaluru,
dated: 8/4/2022.

To,
Smt. Uma Mahadevan, IAS,
Principal Secretary to Government,
Rural Development &
Panchayath Raj Department,
M.S.Building,
Bengaluru - 560001

Respected Madam,

Sub : Departmental inquiry against Sri.Bhavanishankar
N. Panchayath Development Officer, Panjikallu
Grama Panchayath, Buntwal Taluk, Dakshina
Kannada Dist. 2. Sri.Jagadish, Junior Engineer,
Panchayath Raj Engineering Sub-Division,
Buntwal Dakshina Kannada Dist-reg.

Ref: Government Order No. ೧೨೮೮ 288 ೧೨೮೮೮ 2019
Bengaluru dated 27/01/2021.

With Reference to the above, I am directed to forward herewith the
recommendation of Hon'ble Uplokayukta, State of Karnataka, dated
22.03.2022 along with the report of inquiry Officer and relevant records as
noted below:

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Yours faithfully,



(Usharani)

Redk
Registrar,
Karnataka Lokayukta,
Bengaluru.

c/c

Copy to the Addl.Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru.,
for information and further necessary action.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/16/2021/ARE-17

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **22/03/2022**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Bhavanishankar N, Panchayath Development Officer, Panjikallu Grama Panchayath, Buntwal Taluk, Dakshina Kannada District;
- 2) Sri Jagadish, Junior Engineer, Panchayath Raj Engineering Sub Division, Buntwal, Dakshina Kannada District – Reg.

Ref:- 1) Govt. Order No. ಸ್ರಾಅಪ 288 ಸ್ರಾಪಂಕಾ 2019, Bengaluru dated 27/1/2021.

2) Nomination order No.UPLOK-2/DE/16/2021, Bengaluru dated 1/2/2021 of Upalokayukta, State of Karnataka, Bengaluru

3) Report dated 15/3/2022 of Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru

The Government by its order dated 27/1/2022 initiated the disciplinary proceedings against (1)Sri Bhavanishankar N, Panchayath Development Officer, Panjikallu Grama Panchayath, Buntwal Taluk, Dakshina Kannada District and (2) Sri Jagadish, Junior Engineer, Panchayath Raj Engineering Sub Division, Buntwal, Dakshina Kannada District (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/16/2021 Bengaluru dated 1/2/2021 nominated Additional Registrar of Enquiries-17, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The charge framed against DGO-1 Sri Bhavanishankar N, Panchayath Development Officer, Panjikallu Grama Panchayath, Buntwal Taluk, Dakshina Kannada District and DGO-2 Sri Jagadish, Junior Engineer, Panchayath Raj Engineering Sub Division, Buntwal, Dakshina Kannada District is that the DGOs have misappropriated the Government funds released for implementing several public works under MGNREG Scheme at Panjikallu Grama Panchayath limits. Further, they have not mentioned the date of commencement and completion of each work in the measurement book.
4. The DGO-1 Sri Bhavanishankar, the then Panchayath Development Officer had challenged the Govt. Order dated 27/1/2021 entrusting inquiry to this institution and Articles of charge dated 30/3/2021 issued to him, in Application No.3214/2021 before the Hon'ble Karnataka State Administrative Tribunal, Bengaluru. The Hon'ble Tribunal, by its order dated 22/9/2021 has allowed the above Application and set aside the Govt. Order dated 27/1/2021 and Articles of charges dated 30/3/2021 in respect of DGO-1 is concerned.
5. So also, the DGO-2 Sri Jagadish Chandra, Junior Engineer had challenged the Govt. Order dated 27/1/2021 entrusting inquiry to this institution and Articles of charge dated 30/3/2021 issued to him, in Application No.4518/2021 before the Hon'ble Karnataka State Administrative Tribunal, Bengaluru. The Hon'ble

Tribunal, by its order dated 25/10/2021 has allowed the above Application and set aside the Govt. Order dated 27/1/2021 and Articles of charges dated 30/3/2021 in respect of DGO-2 is concerned.

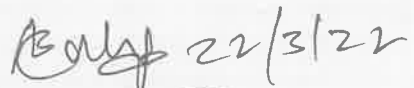
6. This institution has decided that the above orders of the Hon'ble Tribunal dated 22/9/2021 in Application No.3214/2021 in respect of DGO-1 Sri Bhavanishankar N., and dated 25/10/2021 in Application No. 4518/2021 in respect of DGO-2 Sri Jagadish are not fit to be challenged by filing Writ petitions before the Hon'ble High Court of Karnataka.

7. In view of the above, the Inquiry officer (Additional Registrar of Enquiries-17), Karnataka Lokayukta, Bengaluru has closed the disciplinary proceedings initiated against DGOs 1 and 2.

8. It is hereby recommended to the Government to accept the report of the inquiry officer and to close the disciplinary proceedings against DGO-1 Sri Bhavanishankar N, Panchayath Development Officer, Panjikallu Grama Panchayath, Buntwal Taluk, Dakshina Kannada District and DGO-2 Sri Jagadish, Junior Engineer, Panchayath Raj Engineering Sub Division, Buntwal, Dakshina Kannada District.

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

Connected records are enclosed herewith.


(JUSTICE B.S.PATIL)
Upalokayukta,
State of Karnataka,
Bengaluru

KARNATAKA – LOKAYUKTA

No. Uplok-2/DE/16/2021/ARE-17

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date: 18/3/2022

NOTE

Subject :

Departmental Inquiry against :

1. Sri.Bhavani Shankar, Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District.
2. Sri.Jagadish, Junior Engineeri, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District. -reg.,

References:

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/MYS/435/2011/ARE-6, dt.30/04/2019.
2. Government Order No. ಸ್ರಾಅಪ 288 ಸ್ರಾಪಂಕಾ 2019 dt:27/01/2021
3. Nomination Order No.Uplok-2/DE/16/2021 Bengaluru dt.01/02/2021 of Hon'ble Upalokayukta.

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With reference to the subject and reference cited above, original enquiry report in sealed cover and connected original records as below, are forwarded for kind perusal and needful.

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Receipt of the above report and original records may kindly be acknowledged.

[Handwritten Signature]

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

Submitted to:

The Hon'ble Upalokayukta (2)
Karnataka Lokayukta, Bengaluru.

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sealed cover with
connected records as
per Indon*

[Faint stamp]

KARNATAKA LOKAYUKTA

No. UPLOK-2/DE-16/2021/ARE-17

M.S. Building
Dr. B.R. Ambedkar
Road
Bengaluru.
Date : 15/3/2022

ENQUIRY REPORT

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

Subject : Departmental Inquiry against:

- 1) **Sri.Bhavani Shankar,** Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District.
- 2) **Sri.Jagadish,** Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District. – Reg.

- References:**
1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/MYS-435/2011/ARE-6 dt: 30/04/2019.
 2. Government Order No. ಸ್ರಾಅಪ 288 ಸ್ರಾಪಂಕಾ 2019 Bengaluru, dated 27/01/2021.
 3. Nomination Order No. Uplok-2/DE/16/2021 Bengaluru dt. 01/02/2021 of Hon'ble Upalokayukta.

* * *

1. This complaint is filed by the **complainant Sri. Sudarshan Jain S/o. Dharmapal Rai,** Convenor, Bhrastachara & Dourjanya Virodhi Vedike, Panjikallu, Buntwal

Taluk, Dakshina Kannada District, (hereinafter referred to as 'complainant' for short) against (1) Sri.Bhavani Shankar, PDO, (2) Smt.Gulabi, President, (3) Sri.Sanjeeva Pujari, Vice President, (4) Sri.Keshavagowda, Member, (5) Sri.Krishnaraja Jai, Member, (6) Sri.Chidananda Kulal, Member, Panjikallu Gram Panchayath, Dakshina Kannada District, and (7) Sri.Jagadish, Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, (herein after referred to as the Delinquent Government Official for short, "**DGOs**") alleging respondents have misappropriated the public funds and committed illegalities while implementing several works under MNREG scheme.

2. The matter was referred to the Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru for investigation and to submit report. On the basis of the report, the 7th respondent has been impleaded and comments were called from the respondents on the I.O. report. The respondents have submitted their comments.

3. On the basis of the report submitted by Investigating Officer, a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act, 1984 against the DGO-1 and 2 as per reference No.1. Pursuant to the report, Government was pleased to issue the Government Order authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGO.1 **Sri.Bhavani Shankar**, Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District and DGO-2 **Sri.Jagadish**, Junior Engineer,

Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, as per reference No. 2.

4. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta-2 on 01/02/2021 authorizing ARE-17 to frame Article of Charges against the DGO.1 **Sri.Bhavani Shankar**, Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District, and DGO-2 **Sri.Jagadish**, Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, and to hold an enquiry and to submit a report as per reference No. 3. On the basis of the nomination order, the Article of Charges against **DGO.1 and 2** was framed and sent to the Delinquent Government Officials on 30/03/2021.

5. The Article of charges and the statement of imputations of misconduct prepared and leveled against the DGO.1 and 2 is reproduced here as under :-

ANNEXURE-I

CHARGE

1. You the DGO No.1- Sri.Bhavani Shankar, Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District, and you DGO No.2 - Sri.Jagadish, Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, have misappropriated the Government funds released for implementing several public works under MNREG Scheme at Panjikallu Gram Panchayath limits. And you have not mentioned

the date of commencement of work and date of completion of work in M.B.Book.

Thus, you DGOs 1 and 2, 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:

2. An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri.Sudarshan Jain S/o.Dharmapal Rai, Convenor, Bhrastachara & Dourjanya Virodhi Vedike, Panjikallu, Buntwal Taluk, Dakshina Kannada District, (hereinafter referred to as 'Complainant' for short) against (1) Sri.Bhavani Shankar, (DGO No.1), Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District, (2) Smt.Gulabi, President, (3) Sri.Sanjeeva Pujari, Vice President, (4) Sri.Keshavagowda, Member, (5) Sri.Krishnaraja Jai, Member, (6) Sri.Chidananda Kulal, Member, and (7) Sri.Jagadish, Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, (DGO 2), (Sl. No. 2,3,4,5 and 6 are referred to as respondents).

3. The allegations in the complaint are that, the DGOs and respondents have misappropriated the public funds and committed illegalities while implementing several works under MNREG scheme. Accordingly, prayed to take action against the DGOs and respondents.

4. After registration of the complaint the matter was referred to the Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru, (herein after referred to as '**I.O.**' for short)

for investigation and to submit the report as per the order dt.23/9/2011. But, we have received the investigation report from Technical Audit Cell only on 25/9/2018.

5. After receipt of the said report, the DGO.2 has been impleaded and he was asked to submit the comments. Accordingly, the DGO-2 has submitted his comments.

6. The other respondents have also submitted the comments wherein , they have specifically denied and disputed allegations made in the complaint. They stated that without any basis and having political ill will, the complainant has filed this false and frivolous complaint.

7. On perusal of the report of Technical Audit Cell Engineer and also the connected document, all the works were carried out during 2011 and the works were satisfactory and the measurements at the spot tallied with the measurements in the M.B book. As per the report of TAC Engineer, there is no evidence to substantiate the allegations made in the complaint. However, the TAC Engineer noticed that the works under MNREG Scheme were not implemented as per the guidelines under the Act. Accordingly, the Ombudsman appointed under the Act, Ombudsman Court case No.63/2010-11 dt.31/12/2011 and Ombudsman Court case No.67/2011-12 dt.23/1/2012 had directed the concerned officials to deposit sum of Rs.89,912/- and Rs.3,125/-. As per the directions the said amount has been deposited to the said scheme account No.64048063163. On perusal of the photographs submitted by the TAC Engineer, of course the photographs prima facie reveal about the existence of the works. On perusal of the copies of M.B.Books, in the said books the concerned President and PDO have mentioned the name of the work, estimation and work order. But they have not mentioned the date of commencement of work and the date of completion of the work. Therefore, there is a dereliction of official

duty on the part of Panchayath Development Officer and Junior Engineer i.e., DGO-1 and 2.

8. The DGOs in their comments have not disputed about the deposit of sum of Rs.89,912/- and Rs.3,125/- to the Government. That itself prima facie show that, they did not follow the guidelines under MNREG Scheme and thereby committed dereliction of official duty and misconduct within the meaning of Rule 3(1)(i)(ii)(iii) of K.C.S (Conduct) Rules, 1966.

9. Here in this case the DGO-1 was the PDO and the DGO-2 was the Junior Engineer during relevant period. Therefore, they were responsible for mis-management of the funds under MNREG Scheme. The respondents 2 to 6 are the former President and Vice President and Members of Gram Panchayath. Therefore, at this stage they cannot be held responsible for the purpose of making recommendation under Sec.12(3) of the Karnataka Lokayukta Act. But, there is a prima facie material to come to the conclusion that, the DGO 1 and 2 did not maintain utmost honesty, integrity while discharging their official duty with regard to implementation of the MNREG Scheme and thereby committed misconduct within the meaning of Rule 3(i)(ii)(iii) of K.C.S (Conduct) Rules, 1966.

10. Therefore, a report in terms of section-12(3) of Karnataka Lokayukta Act, 1984 was made to the Competent Authority recommending for initiating disciplinary proceedings against **DGO no.1 and 2** for their misconduct as defined under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966 and to entrust the same to this authority as per Rule 14A of KCS (CCA) Rules, 1957.

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

6. The aforesaid Article of charges was served upon the DGO.1 and 2, and the DGOs appeared before this enquiry authority and their first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded on 29/07/2021. The DGO.1 and 2 pleaded not guilty and claimed for holding an enquiry. The DGO-1 and 2 have filed Written Statement to the Articles of Charges on 04/09/2021.

7. Meanwhile DGO.1 Sri.Bhavani Shankar, Panchayath Development Officer, Panjikallu Gram Panchayath, Buntwal Taluk, Dakshina Kannada District, filed Application bearing No. 3214/2021 in Hon'ble KSAT, Bengaluru, praying for the Tribunal to Quash the Government Order bearing No. GraAaPa.288.GraPamKa. 2019 Bengaluru dated 27/1/2021 and Articles of Charge.

8. On 22/09/2021 the Hon'ble KSAT, Bengaluru has allowed the application and the impugned order **bearing No. GraAaPa.288.GraPamKa.2019 Bengaluru dated 27/1/2021** passed by Respondent No.1 and produced vide **Annexure A4** and also the **articles of charge bearing No. Uplok-2/DE/16/2021/ARE-17 dated 30/03/2021** framed by Respondent No.2 and produced vide **Annexure-A5** are hereby **set aside.**

9. As per order dt.12/10/2021 case is referred to CLC for opinion with respect to DGO-1. CLC-2 have submitted their opinion on 23/11/2021 that on 22/9/2021 the Hon'ble KSAT, Bengaluru allowed the KAT Appln.,No.3214/2021 filed by Sri.Bhavani Shankar N, in connection with above referred

enquiry. Further, it is decided not to challenge the order of the Hon'ble KSAT.

10. So also the DGO-2 Sri.Jagadish Chandra, Junior Engineer, Panchayath Raj Engineering Sub-Division, Buntwal Taluk, Dakshina Kannada District, filed Application bearing No. 4518/2021 in Hon'ble KSAT, Bengaluru, praying for the Tribunal to Quash the Government Order bearing No. GraAaPa.288.GraPamKa. 2019 Bengaluru dated 27/1/2021 and Articles of Charge.

11. On 25/10/2021 the Hon'ble KSAT, Bengaluru has allowed the application and the impugned order **bearing No. GraAaPa.288.GraPamKa.2019 Bengaluru dated 27/1/2021** passed by Respondent No.1 and produced vide **Annexure A4** and also the **articles of charge bearing No. Uplok-2/DE/16/2021/ARE-17 dated 30/03/2021** issued by Respondent No.2 and produced vide **Annexure-A5** are hereby **set aside.**

12. As per order dt.18/11/2021 case is referred to CLC for opinion with respect to DGO-2. CLC-2 have submitted that on 25/10/2021 the Hon'ble KSAT, Bengaluru allowed the KAT Appln.,No.4518/2021 filed by Sri.Jagadish Chandra, in connection with above referred enquiry. Further, it is decided not to challenge the order of the Hon'ble KSAT.

13. The legal Cell of this institution has opined that this is **not a fit** case to file Writ Petition before the Hon'ble High

Court of Karnataka and the same has been approved by Hon'ble Lokayukta and Hon'ble Upalokayukta.

14. Accordingly, as per approval of Hon'ble Upalokayukta dated 17/02/2022 this enquiry stands closed.

15th March 2022.

sd

(RAJKUMAR S AMMINBHAVI)
Additional Registrar (Enquiries-17)
Karnataka Lokayukta,
Bengaluru.

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15th March 2022.

sd

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

