

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/198/2016/ARE-9  
NO:UPLOK-1/DE/186/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 27.3.2023

**:: ENQUIRY REPORT ::****:: Present ::**

( S.GOPALAPPA)  
I/c Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru

Sub: Departmental Inquiry against (1)  
Sri.Channaveera swamy, the then Junior  
Engineer, Kolluru Grama Panchayath,  
Shahapur Taluk, Yadagir District and (2)  
Sri.Umesh Savalagi, Panchayath  
development officer, Kolluru Grama  
Panchayath, Shahapur Taluk, Yadagir  
District - reg.

Ref: 1. G.O.No. RDP 308 GPS 2016 dated: 8.6.2016  
and G.O. No. RDP 51 ENQ 2016 dated:  
17.6.2016.

2.Nomination Order No: UPLOK-  
1/DE/198/2016 Bangalore dated: 24.6.2016  
and No. UPLOK-1/DE/186/2016 Bengaluru  
dated: 23.6.2016 of Hon'ble Upalokayukta-  
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This Departmental Inquiry is initiated against (1)  
Sri.Channaveera swamy, the then Junior Engineer, Kolluru Grama  
Panchayath, Shahapur Taluk, Yadagir District and (2) Sri.Umesh

Savalagi, Panchayath development officer, Kolluru Grama Panchayath, Shahapur Taluk, Yadagir District (hereinafter referred to as the Delinquent Government Official for short “DGO1 and 2 respectively”).

2. In pursuance of the Government Order cited above at reference No.1, Hon’ble Upalokayukta vide order dated 24.6.2016 & dated 23.6.2016 cited above at reference No.2 has nominated Additional Registrar of Enquiries-3 and Additional Registrar of Enquiries-6 (in short ARE) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. Additional Registrar of Enquiries-3 has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-3 against the DGOs is as under :

**ANNEXURE-I**  
**CHARGE**

That, you the DGO-1 Sri. Channaveeraswamy while working as Junior Engineer at Grama Panchayath, Kollur (M) and you DGO-2 Sri. Umesh Savalagi while working as Panchayath development officer at Kollur (M) Grama panchayath have committed the following irregularities viz.,

(a) Two works viz., (i) laying of Murram in the open yard in front of Kollur (M) Grama panchayath office (ii) forming of

service road in Kollur (M) village, were taken up and executed during 2009-10. But the same works were included in the action plan of 2010-11 for taking up the same works again under the MGNREGA scheme under the pretext of repairing the damage caused to the said works already executed assigning reasons that such damage caused was due to heavy rains, at an estimated cost of Rs. 1 lakh to each work and by creating fabricated bills and by making false entries in the MB book, amounts have been drawn by showing that payments have been made towards execution of those works, thus misappropriated the said amount.

(b) There is gross violation of guidelines of MGNREGA scheme issued during 2008, since photographs before commencement and after completion of the two works are not available since not obtained while the alleged two works claimed to have been executed, were undertaken.

(c) Social Audit of all the works undertaken under MGNREGA scheme though are compulsory, but no social audit of the two works referred to above were undertaken after completion of the work during 2009-10, but the social audit of the two works was carried out during 2010-11, thereby you DGOs 1 and 2 have failed to maintain absolute integrity and devotion to duty in discharging your official duty and thereby committed an act of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

**ANNEXURE-II****STATEMENT OF IMPUTATION OF MISCONDUCT:**

On the basis of complaint filed by Sri. Hanmanth S/o Devappa Bangi, R/o Kollur M. Shahapur Taluk, yadgir District (hereinafter referred to as 'complainant' for short) against Sri. Danappa Doddamani, JE ZP, Yadgir District (hereinafter referred to as Respondent No. 1) alleging misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act 1984.

**According to the complainant:**

Respondent has created the bogus bills in respect of works under Nation Employment Scheme (NES) without actually executing the works.

Complaint was referred to TAC of Karnataka Lokayukta for investigation and report.

The investigation has been conducted by Sri. G.A.Balaji, Executive Engineer-3 of TAC ( investigation officer I.O for short). The report of IO is that, the complainant has complained about two works (i) laying murrum in the yard of Kollur (M) Grama panchayath and (ii) forming service road (ಬಳಕೆ ರಸ್ತೆ) in Kollur ( M) village on account of damage caused to the road due to heavy rains and that the investigation disclose that:

(i)both the works have been taken up and completed during 2009-10. But the said works are included in the action plan of 2010-11 and payment is made which is against the Rules.

(ii) Photographs of both the works before commencement and after completion of works have not been taken and it is in violation of guidelines of NREGA – 2008.

(iii) Social Audit of all the works is compulsory but the social audit has been done only during 2010-11 for both the works.

(iv) (a) Sri.Channaveeraswamy, the then JE grama Panchayath, Kollur (M) (b) Sri.Madhava Rao Bhalki, the then Panchayath development officer Kollur (M) grama panchayath and (c) Umesh Savalagi, present Panchayath development officer of Kollur (M) Grama panchayath are responsible for the illegalities committed.

After receiving the report of IO above the said three officers have been impleaded as respondent Nos. 2 to 4 respectively.

Respondent Nos-2 to 4 have submitted their reply denying the report of IO and allegations made in the complaint. Reply of Respondent No. 2 is that the works are inspected by 3<sup>rd</sup> party inspection committee. He has not furnished the copies of photographs taken before commencement and after completion of work. Respondent No. 3 has submitted that he worked only during 2010-11. Respondent No. 4 has submitted that the works are executed as per guidelines.

Respondent Nos.2 to 4 have not submitted any material to substantiate their replies. In view of the above, reply given by the respondent Nos 2 to 4 has not been found convincing to drop the proceedings against them.

Since the respondent No. 3 has retired on 31.12.2014, no report is made against him.

Since the said facts and materials on record prima facie show that (1) Sri. Channaveeraswamy, the then JE grama Panchayath, Kollur (M) Respondent No.2 and (2) Umesh Savalagi, present Panchayath development officer of Kollur (M) Grama panchayath Respondent No. 3 have committed misconduct under Rule 3 (1) of KCS (conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the competent authority to initiate disciplinary proceedings against (1) Sri. Channaveeraswamy, the then JE grama Panchayath, Kollur (M) Respondent No.2 and (2) Umesh Savalagi, present Panchayath development officer of Kollur (M) Grama panchayath Respondent No. 3 and to entrust the inquiry to this authority under Rule 14-A of Karnataka Civil Service (classifications, control and appeal) Rules, 1957.

The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/ disciplinary proceedings against the DGO and to submit report. Hence the charge.

5. The Article of charge were issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. The DGOs No.1 and 2 appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGOs have been recorded and they pleaded not guilty and

claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGOs submitted written statement. DGO-1 has stated in his written statement that he was working as Assistant Junior Engineer on daily wages on 6.7.1991 at Yadgir sub division zilla Panchayath. Therefore during 2001 he was regularized as JE at Zilla panchayath Yadgir and in the year 2006-07 posted to work as JE Shahapur. Further stated that out of the amount has been released and the same has been spent and utilized for the construction of embankment and repairing road through proper channel. Further stated that impugned order is contrary to the KCS (CCA) Rules. Even though the DGO has estimated and plan is prepared, and work was also allotted to contractor through proper channel and further he has taken all steps intimating superior officer for re-estiamte and same was maintained official report. That, apart, he was not at all working during the relevant period. Further DGO-2 has denied the Article of charge leveled against him. With these grounds, they prayed to drop the charges leveled against them.

8. As per the direction of Hon'ble Upalokayukta on 14.2.2018 the enquiry proceedings pending in DE /198/2016 and DE/186/2016 are clubbed together and transferred the enquiry file to Additional Registrar of Enquiries-9 to take up both the enquiry file by recording common evidence and to submit common report.

9. The disciplinary authority has examined complainant Sri. Hanumantha S/o Devappa Bhangi, Kolluru (M), Shahapur Taluk, Yadgir District as PW.1, Investigating officer Sri.G.A.Balaji, Retired

Executive Engineer Karnataka Lokayukta Bengaluru as PW-2 and got marked documents as **Ex.P-1 to ExP-8**.

10. Thereafter, second oral statements of DGO-1 & 2 were recorded. Opportunity was provided to DGOs to adduce evidence and DGO-1 Sri.Channaveera swamy, the then Junior Engineer, has got examined himself as DW-1 and DGO-2 Sri.Umesh Savalagi, Panchayath development officer, has got examined himself as DW-2 got marked one documents as Ex.D-1 to Ex.D-6.

11. Heard the submissions of Presenting Officer and DGOs submitted their written arguments. Perused the entire records. The only point that arise for my consideration is:

**1. Whether the Disciplinary Authority proves the charge framed against the DGOs ?**

My finding on the above point is in the **AFFIRMATIVE** for the following:

**REASONS**

12. According to PW-1 in the year 2009-10 within the limits of Kolluru (M) Grama Panchayath under MGNREGA scheme, without executing laying of murrum and forming of service road created bogus bills and misappropriated the amount. The said matter was brought to the notice of District commissioner, Chief Executive Officer, Zilla panchayath and Executive Officer Taluk Panchayath, but they have not taken any action. Therefore he has lodged the complaint as per Ex.P-1 and 2 along with the documents Ex.P-3.



13. In the cross examination, PW-1 has deposed that he is not concerned about the DGO not working in this office, at the time of lodging the complaint. He has deposed that, but work was going on. He admits that at the time of executing the work one Dhanappa Doddamani was working as junior engineer. The person who have signed the cheques has misappropriated the amount. He does not know about the procedures that after junior engineer gave his report the DGO has prepared the cheque.

14. PW-1 admits that in Ex.P-1 he has not mentioned the name of DGO-2. During the year 2009-10 DGO-2 was working as Secretary in Kolluru (M) Grama panchayath. He has not produced any documents to show that DGO-2 was working in this grama Panchayath. Junior Engineer Dhanappa Doddamani during the year 2009-10 has executed murrum work and service road work. Dhanappa Doddamani has prepared the bill. The process was stopped there, but after DGO-1 came he signed the bills and cheques. He has not produced any documents to show that DGO-2 has committed mistake but he has produced the documents regarding the work. Originally he has lodged the complaint against Dhanappa Doddamani. He admits that he has not lodged the complaint against Umesh Savalagi.

15. PW-1 has further deposed that before filing the complaint or at the time of filing the complaint he has not seen the DGO-1 and he was not acquainted with him. He does not know whether DGO-1 was working as Junior engineer in Shahapura Sub Division before lodging the complaint or not. He does not know whether DGO-1 has executed the work properly or not. He admits

that he has not lodged the complaint against DGO-1. He lodged the complaint against Dhanappa Doddamani. He admits that DGO-1 has no role in these works. He admits that there was no stay order from any court in respect of preparing bills. He admits that higher officers of DGO-1 also not directed him not to pass the bills stating that there is a complaint in respect of these works. He has not personally met DGO-1 and not submitted any application not to pass the bills. He has not produced any documents to show that DGO-1 was aware about the earlier works executed before he took the charge. He admits that he has not lodged the complaint against DGO-1, since DGO-1 was not aware about the work executed earlier. Further PW-1 has denied the suggestions made by the Learned defence assistant.

16. According to PW-2 the alleged two works were taken up and completed in the year 2009-10 itself, but those works were included in the year 2010-11 action plan and have made the payment, this is in violation of rules and regulations. According to MGNREGA scheme three stage photos before executing the work, at the time of executing the work and after completion of work, photos were not taken. Only the photos at the time of executing the work and the photos taken recently are produced. Therefore the DGOs have violated the MGNREGA scheme guidelines while executing these two works. The allegations made by the complainant are not established. But there is violation of guidelines of MGNREGA scheme. Therefore DGO-1, DGO-2 and earlier Panchayath development officer Sri.Madhavrao Bhalki are responsible for these irregularities. Therefore on 12.2.2013 he has submitted report Ex.P-7 along with documents Ex.P-8

17. In the cross examination PW-2 admits that in Ex.P-1 and 2 the name of DGO -2 is not mentioned. The Executive officer Taluk Panchayath Shahapura has not stated in his report who are working as Secretary/ Panchayath development officer in Kolluru (M) Grama Panchayath, during the year 2009-10 and 2010-11. But Executive officer has given the information who are responsible for violation of MGNREGA scheme guidelines and rules. He admits that in the said report it is reported that one Sri.Madhavrao Bhalki has worked as Panchayath development officer. It is not specifically stated for which of the two works Sri.Madhavrao Bhalki was responsible, but the names of three Government servants are mentioned in respect of two works. Executive officer has not specifically stated during which period DGO-2 has executed the work.

18. Further PW-2 admits that on 12.12.2012 he asked the Executive officer taluk panchayath to give the complete and clear report. In the report dtd: 17.1.2013 Executive officer has reported that three stages photos of two works are not available. He admits that if the Executive officer had asked DGO-2 to produce three stages photos and if the available photos were produced by DGO-2 to the Executive officer, this violation would have not occurred. He has not given notice and not enquired the Government servants whose names are mentioned in the report dated: 13.11.2012 . He admits about the murrum work and service road work. Murrum work and mud road were damaged in rainy season.

19. In the cross examination made by defence assistant of DGO-1, PW-2 has deposed that he has not separately asked from

which date to which date DGO-1 was working as Junior Engineer. Executive officer, taluk Panchayath, Shahapura has reported who are the responsible officers. He has verified the measurement book and bills but he cannot say who are the junior engineers put their signature. He admits that as per Ex.P-1 the complaint was lodged against Dhanappa Doddamani. If the DGO-1 had produced the three stages photos, sub para 5 (3) (g) chapter 12 of guidelines would have complied. According to the documents verified by him murrum work and service road work was executed in the year 2009-10. But the same works are included in the action plan of the year 2010-11. According to the documents the money is not misappropriated. But rules are violated

20. In the further cross examination PW-2 has deposed that during the year 2009-10 murrum work and service road work were to be executed. At that time the DGO-1 was the junior engineer. He deines that during the year 2009-10 Dhanappa Doddamani was the junior engineer. He cannot say that Dhanappa Doddamani had executed both the works. But according to the Executive officers report DGO-1 has executed the works. In the first work material cost was Rs.38,400/- and labour cost was Rs. 57,750/-. For the suggestion that as per Ex.D-2 Dhanappa Doddamani has executed the work, PW-2 has deposed that the said document was not produced before him. He admits that as per Ex.D-2 Dhanappa Doddamani had to take the photos at three stages. PW-2 has deposed that in both the works no loss is caused to the state exchequer. Social audit was conducted in respect of both the works.

21. According to DW-1 he was initially working as Assistant Junior Engineer on daily wages from 6.7.1991 at Yadgir Sub Division zilla panchayath Yadgir. Thereafter during the year 2001 he was regularized as Junior engineer at Zilla panchayath Yadgir and in the year 2006-07 he was posted to work as Junior Engineer Shahapur. The amount has been released, and spent and utilized for the construction of embankment and repairing road through proper channel. Therefore he has not committed any misconduct. Though he has estimated and prepared a plan, the work was allotted to contractor through proper channel and he has taken all the steps intimating superior officer for re estimate and the same was maintained in the official report. That apart, he was not at all working during the relevant period. Hence prays to exonerate from the charges.

22. In the cross examination DW-1 has deposed that from the year 2005 to 2011 he was working as Junior Engineer in PRE sub division Shahapur. He admits that during the year 2009-10 in Kolluru (M) village murrum work and service road work was executed. He denies that at time he was working as Junior engineer. He has produced the document Ex.D-2 to show that Dhanappa Doddamani was working as Junior engineer. He admits that he has not produced the documents issued by the concerned office to show that the work was executed under the supervision of Dhanappa Doddamani. The three stages photographs are not produced but the photos taken after completion of the work are produced.

23. DW-1 has deposed that due to the visit, to be given by Hon'ble Chief Minister, the work was executed within a day and

night, therefore the photos of two stages were not taken. The road work is 500 Mtrs in length. The estimated cost is Rupees One lakh, out of that Rs. 57,750/- was spent towards labour and Rs. 38,400/- was spent towards materials. He has produced the documents to show that labour charges were paid to the labours. He denies that though money was not spent towards materials, the measurement book is recorded and amount is paid. He admits that Investigating officer has inspected the works. Further DW-1 denies rest of the suggestions made by Learned presenting officer.

24. According to DW-2 from 11.10.2010 to 25.7.2013 he was working as Panchayath development officer in Kolluru (M) grama Panchayath. Earlier to that there was no Panchayath development officer post in Kolluru (M) grama Panchayath. At that time Madhavrao Bhalki was working as secretary.

25. During the year 2009-10 DGO-1 Sri.Channaveera swamy, has executed both the works. At that time Madhavrao Bhalki was working as Secretary. During his period the works were not executed. The works were commenced on the oral directions of Executive Officer, Taluk panchayath Shahapura. The works were taken up after the oral directions. On 25.3.2010 grama sabha was held in Kolluru (M) grama Panchayath as per Ex.P-8. On 19.5.2010 Executive Officer, Taluk panchayath Shahapura has approved the resolution Ex.P-8. Before the approval on a oral direction, the earlier secretary and DGO-1 executed the work. Thereafter the Executive officer orally directed him to prepare the bill, he verified the work and on 25.5.2011 Junior Engineer Dhanappa Doddamani has given work

completion certificate after verifying the check list and measurement book prepared by DGO-1 verified by Nodal officer and section officer he made the payment.

26. Further DW-2 has deposed that thereafter during his tenure through other department CC road work was done. In respect of that work amount was not released in grama Panchayath. On the directions of Executive officer the photos were taken as per Ex.P-8 from page No. 138, 139 and 143 and 147-148. Since the works were already completed before he taking the charge as Panchayath development officer, the earlier officers had to maintain three stages photos. He is not responsible for the said mistake. The social audit was conducted during the year 2010-11, in that social audit no objection was raised regarding these works. He does not know about the social audit conducted in the year 2009-10. During his tenure he has not committed any dereliction of duty. Hence he prays to exonerate from the charges.

27. In the cross examination DW-2 has deposed that the works were executed under MGNREGA scheme. Therefore there is no question of calling tender. There is a provision to execute the work on the oral directions of higher authority to that effect he has not produced any documents. Post facto permission was obtained. For the suggestion that for any work prior permission has to be obtained, DW-2 has deposed that for urgent works on oral directions works can be executed without written directions. Thereafter post facto permission will be given. Progress of work will be recorded at every stage. He admits that as per measurement book, on the same day measurement is recorded. He admits that he has not produced any

documents to show the payment of wages to labours. Further DW-2 has denied all the suggestions made by Learned presenting officer.

28. As admitted by DW-1 and 2 murram work and service road work was to be executed in Kolluru (M) grama Panchayath limits. The report of Investigating officer is very clear that during the year 2010-11, the works already executed. were shown in the action plan and payment was made. The works were executed during the year 2009-10. But again the same works are included in the action plan of 2010-11. The documents and records clearly show that the DGO-1 has not maintained the photographs of three stages taken before starting the work, at the time of executing the work and after completion of the work.

29. As admitted by DW-2 without any written direction, before the approval and without verifying the documents has prepared the bills and made the payment. The DGOs have not produced three stages photographs of the works executed during the year 2009-10 and after approval and payment was made in accordance with rules and regulations,. But the DGOs and others have not maintained the records to show that actually the works were executed and thereafter payment was made in accordance with Law.

30. The photographs found in Ex.P-8 are not three stage photographs. Madhavrao Bhalki was already retied on 31.12.2014. At the time of preparing bill DGO-2 has not shown any diligence to verify the record and three stage photographs. Therefore the contention of the DGOs that they have executed the work in accordance with law and thereafter the payment was made cannot be



accepted. The DGOs have not maintained proper documents to show that the works were executed in accordance with Law. As deposed by PW-2 the above said two works were executed during the year 2009-10 but the same works were included in the year 2010-11 in the action plan and payment was made. Therefore the DGOs are responsible to repay the loss of Rs. 38,400 + 57,750 = Rs. 96,150/- caused to the state exchequer.

31. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges leveled against DGOs. The DGO-1 and 2 are equally held responsible for Rs.96,150/- which is considered as the loss caused to the state exchequer. Hence, I proceed to record the following:-

### FINDINGS

32. The Disciplinary Authority has proved the charge leveled against DGO-1 and 2. DGO-1 & 2 are held responsible to repay Rs.48,075/- each which is the loss caused to state exchequer. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

33. The Date of retirement of DGO-1 is 31.3.2031 and DGO-2 is 31.7.2041.

sdt

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.

**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW.1	Sri. Hanumantha S/o Devappa Bhangi, Kolluru (M), Shahapur Taluk, Yadgir District original
PW-2	Sri.G.A.Balaji, Retired Executive Engineer Karnataka Lokayukta Bengaluru original

**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P 1 & 2	Ex.P-1 and 2 are the complaint in form No.1 and 2 submitted by PW-1 in Karnataka Lokayukta office
Ex.P 3	Ex.P-3 are the documents enclosed to complaint Ex.P-1 and 2
Ex.P- 4 and 5	Ex.P-4 and 5 are the complaint in form No.1 and 2 submitted by PW-1 in Karnataka Lokayukta office
Ex.P-6	Ex.P-6 are the documents enclosed to complaint Ex.P-4 and 5
Ex.P-7	Ex.P-7 is the report submitted by PW-2
Ex.P-8	Ex.P-8 are the documents enclosed along with the report

**iii) List of witnesses examined on behalf of DGOs**

DW-1	DGO-1 Sri.Channaveera swamy, the then Junior Engineer, original
DW-2	DGO-2 Sri.Umesh Savalagi, Panchayath development officer original

iv) **List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the comments dated: 11.6.2013 submitted by DGO -1
Ex.D- 2	Ex.D-2 is the letter dtd: 25.5.2011 from Dhanappa to Panchayath development officer Kolluru (M)
Ex.D- 3	Ex.D-3 is the 2010-11 ಕ್ರಿಯಾ ಯೋಜನೆ of MGNREGA scheme Taluk Panchayath Shahapura
Ex.D- 4	Ex.D-4 is the estimation for murrum and forming of service road under MGNREGA scheme for the year 2010-11
Ex.D-5	Ex.D-5 is the third party inspection report pertaining to the scheme MGNREGA for the year 2010-11
Ex.D-6	Ex.D-6 is the check list pertaining to the scheme MGNREGA for the year 2010-11

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(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-1/ಡಿಇ/186 & 198/2016/ಎ.ಆರ್.ಇ-9

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 31ನೇ ಮಾರ್ಚ್ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳಾದ ಶ್ರೀಯುತರು:

- (1) ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ; ಮತ್ತು
- (2) ಉಮೇಶ್ ಸಾವಳಗಿ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ. ಗ್ರಾಅಪ/308/ಗ್ರಾಪಂಕಾ/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 08/06/2016.
- (2) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ. ಗ್ರಾಅಪ 53 ಇಎನ್‌ಕ್ಯೂ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17/06/2016.
- (3) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-1/ಡಿಇ/186/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23/06/2016.
- (4) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-1/ಡಿಇ/198/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 24/06/2016.

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(5) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-9, ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ  
ದಿನಾಂಕ: 27/03/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 08/06/2016 ಮತ್ತು 17/06/2016 ರಂತೆ (1) ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ; ಮತ್ತು (2) ಶ್ರೀ ಉಮೇಶ್ ಸಾವಳಗಿ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ '1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ (1) ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿ.ಇ/186/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23/06/2016ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-3 ರವರಿಗೆ 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಮತ್ತು (2) ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿ.ಇ/198/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 24/06/2016ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-6 ರವರಿಗೆ 1ನೇ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿಇ/2016, ದಿನಾಂಕ: 03/08/2016ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-9, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರನ್ನು ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ನಡೆದಿದೆ ಎನ್ನಲಾದ ದುರ್ನಡತೆ ಆರೋಪಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ನಡೆಸಲು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ.

3. 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಉಮೇಶ್ ಸಾವಳಗಿ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

**ANNEXURE-I**  
**CHARGE**

That, you the DGO-1 Sri. Channaveeraswamy while working as Junior Engineer at Grama Panchayath, Kollur (M) and you DGO-2 Sri. Umesh Savalagi while working as Panchayath development officer at Kollur (M) Grama panchayath have committed the following irregularities viz.,

- (a) Two works viz., (i) laying of Murrum in the open yard in front of Kollur (M) Grama panchayath office (ii) forming of service road in Kollur (M) village, were taken up and executed during 2009-10. But the same works were included in the action plan of 2010-11 for taking up the same works again under the MGNREGA scheme under the pretext of repairing the damage caused to the said works already executed assigning reasons that such damage caused was due to heavy rains, at an estimated cost of Rs. 1 lakh to each work and by creating fabricated bills and by making false entries in the MB book, amounts have been drawn by showing that payments have been made towards execution of those works, thus misappropriated the said amount.
- (b) There is gross violation of guidelines of MGNREGA scheme issued during 2008, since photographs before commencement and after completion of the two works are not available since not obtained while the alleged two works claimed to have been executed, were undertaken.
- (c) Social Audit of all the works undertaken under MGNREGA scheme though are compulsory, but no social audit of the two works referred to above were undertaken after completion of the work during 2009-10, but the social audit of the two works was carried out during 2010-11, thereby you DGOs 1 and 2 have failed to maintain absolute integrity and

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devotion to duty in discharging your official duty and thereby committed an act of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-9), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಉಮೇಶ್ ಸಾವಳಗಿ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಇಬ್ಬರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ಮತ್ತು ಪಿ.ಡಬ್ಲ್ಯೂ-2 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-8 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. 1 ಮತ್ತು 2ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳು ಸ್ವತಃ ತಾವೇ ಕ್ರಮವಾಗಿ ಡಿ.ಬ್ಲ್ಯೂ-1 ಮತ್ತು ಡಿ.ಬ್ಲ್ಯೂ-2 ಎಂಬ ಸಾಕ್ಷಿಗಳಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-6 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
6. 1 ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು



ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಆ.ಸ.ನೌಕರರುಗಳ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ ರವರು ದಿನಾಂಕ: 31/03/2031 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಉಮೇಶ್ ಸಾವಳಗಿ ರವರು ದಿನಾಂಕ: 31/07/2041 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.
8. 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಉಮೇಶ್ ಸಾವಳಗಿ, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರುಗಳ ವಿರುದ್ಧ ಸಾಬೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

- (1) 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಚನ್ನವೀರಸ್ವಾಮಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರಿಗೆ ಪಾವತಿಸಬೇಕಾಗಿರುವ ಎರಡು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮದೊಂದಿಗೆ ತಡೆಹಿಡಿಯಲು ಮತ್ತು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿರುವ ಮೊತ್ತ ರೂ.48,075/- ಗಳನ್ನು 1ನೇ ಆ.ಸ.ನೌಕರರಿಂದ ವಸೂಲಿ ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

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(2) 2ನೇ ಆ.ಸ.ನೌಕರರಾಗದ ಶ್ರೀ ಉಪೀಶ್ ನಾವಳಗಿ, ಹಾಗೂಯಾಗಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಕೊಳ್ಳೂರು ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಶಹಾಪೂರ ತಾಲ್ಲೂಕು, ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ರವರಿಗೆ ಪಾವತಿಸಬೇಕಾಗಿರುವ ಎರಡು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮದೊಂದಿಗೆ ತಡೆಹಿಡಿಯಲು ಮತ್ತು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿರುವ ಮೊತ್ತ ರೂ.48,075/- ಗಳನ್ನು 2ನೇ ಆ.ಸ.ನೌಕರರಿಂದ ವಸೂಲಿ ಮಾಡಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.  
ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

31/3/23

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-2,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.