### KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/263/2018/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 8.9.2021

### :: ENQUIRY REPORT::

# :: Present :: ( PUSHPAVATHI.V ) Additional Registrar of Enquiries -9 Karnataka Lokayukta, Bengaluru

Sub: Departmental Enquiry against Sri.Puttarevanna, Panchayath Development Officer (Retired), Banavasi Gram Panchayath, Maralavadi Hobli, Kanakapura Taluk, Ramanagara District – reg.

Ref: 1. G.O.No. ಗ್ರಾಅಪ/458/ಗ್ರಾಪಂಅ/2018, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 23.05.2018

2. Nomination Order No: UPLOK-2/DE/263/2018/ARE-9 Bangalore dated: 05.06.2018 of Hon'ble Upalokayukta-2

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This Departmental Enquiry is initiated against Sri.Puttarevanna, Panchayath Development Officer (Retired), Banavasi Gram Panchayath, Maralavadi Hobli, Kanakapura Taluk, Ramanagara District (hereinafter referred to as the Delinquent Government Official for short "**DGO**").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 05.06.2018 cited above at reference No.2 has nominated

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Additional Registrar of Enquiries-9 to issue charges and to conduct the enquiry against the aforesaid DGO.

- **3.** Additional Registrar of Enquiries-9 has framed 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 copies of the same was issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement.
- **5.** The Article of charges issued by the ARE-9 against the DGO is as under:

### ANNEXURE-I CHARGE

2) ಆಸನೌ ಆದ ನೀವು –

ಶಿವಲಿಂಗಪ್ಪ ಎನ್ನುವವರಿಗೆ ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವತಿಯಿಂದ ಘಾರ್ಮ ನಂ.12 ಅನ್ನು ಕೊಟ್ಟ ಸಮಯದಲ್ಲಿ ಆಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ರಸ್ತೆ ಭಾಗವನ್ನೇ ನಿವೇಶನ ಅಂತ ಕೊಟ್ಟಿರುತ್ತೀರಿ. ಗ್ರಾಮ ಠಾಣಾದ ಒಂದು ಭಾಗವನ್ನು ನಿವೇಶನವನ್ನಾಗಿ ಕೊಡಲು ಕೇವಲ ಸ್ವಾಧೀನವನ್ನು ಮಾತ್ರ ಆಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ಪರಿಗಣಿಸಿರುತ್ತೀರಿ. ಗ್ರಾಮ ಠಾಣಾದ ಭಾಗವನ್ನು ರಸ್ತೆ ಇರುವ ಸ್ಥಳದಲ್ಲಿ ನಿವೇಶನ ಅಂತ ಕೊಟ್ಟು ಆಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿದ್ದೀರಿ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ

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ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ. (The property involved in this case is herein referred as disputed property in order to avoid repetition and confusion).

- **6.** The DGO appeared on 28.07.2018 before this Enquiry Authority in pursuance to the service of the Article of Charges.
- 7. Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.
- that he has issued only Form No. 12 in respect of the disputed property. Form No. 12 does not assure ownership right. The Government has clarified that Form No. 12 will give power to panchayath only to collect tax. The allegations made in the Article of charge are not justifiable. The complainant has got alternative remedy under Section 269 of Karnataka Panchayath Raj Act, 1993. The present inquiry under section 9 of Karnataka Lokayukta Act, 1984 is not proper as per the principles held in the judgement of Hon'ble High court of Karnataka in Writ petition No. 25078-80/2016 (GM-KLA) reported in 2016(6) KLJ (D.B).
- **9.** The DGO has denied all other allegations made in the Article of charge specifically.
- 10. The disciplinary authority has examined the complainant Sri.M.S.Basavaraju, Driver in BMTC, Bangalore as PW.1, Sri. Venkatesh, the then DRE-5 Karnataka

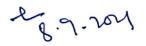
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Lokayukta Bengaluru as PW-2. The documents are got marked at **Ex.P-1 to ExP-6**.

- 11. The second oral statement of DGO has been recorded. DGO Sri. Puttarevanna has got examined himself as DW-1. No documents are got marked on behalf of DGO.
- 12. The DGO has submitted written arguments. Heard the submissions of both the sides. I answer the above charge in the **AFFIRMATIVE** for the following;

#### REASONS

- 13. The specific allegation in this case is that (1) Road belonging to Banavasi gramatana is given to one Sri. Shivalingaiah by the DGO that they have not considered documents but considered only possession.
- 14. There is no dispute that Form No. 12 was issued by the DGO in favour of Shivalingaiah in respect of disputed property. The points that arise for consideration are that whether the disputed property is a road. Further, another point that arises for consideration is whether the DGO has failed to take note of required documents while issuing Form No. 12.
- 15. While considering the point whether the disputed property is a road, the complainant has not produced single document to show that the disputed property is a road. Further, he has been examined as PW-1. During his cross examination he has stated as follows; "ನಾನು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಗ್ರಾಮ ಠಾಣ ನಕ್ಷೆಯನ್ನು ಸಲ್ಲಿಸಿಲ್ಲ ನಾನು ಚಿಕ್ಕವನಾಗಿದ್ದಾಗಿನಿಂದಲೂ ಈ ರಸ್ತೆಯಲ್ಲಿ ಒಡಾಡುತ್ತಿದ್ದು,

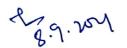


ಅದರ ಆಧಾರದ ಮೇಲೆ ರಸ್ತೆ ಇತ್ತು ಎಂದು ಕೇಳುತ್ತಿದ್ದೇನೆ. ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಮೊದಲಿನಿಂದಲೂ ರಸ್ತೆ ಇತ್ತು. ಅಂದರೆ ನಾನು ಹುಟ್ಟಿದಾಗಿನಿಂದಲೂ ಸದರಿ ರಸ್ತೆ ಇತ್ತು. ಸದರಿ ರಸ್ತೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ಕಾಮಗಾರಿ ಮಾಡಿಲ್ಲ ಅದು ಮಣ್ಣು ರಸ್ತೆ ಇರುತ್ತದೆ."

**16**. But, the DGO in his cross examination has admitted as follows;

"ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಮರಸನಹಳ್ಳಿ ಗ್ರಾಮದ ಶಿವಲಿಂಗಪ್ಪ ಎನ್ನುವವರು ಗ್ರಾಮಠಾಣಾದ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ರಸ್ತೆಯಲ್ಲಿ ಇರುವ ಜಾಗದ ಬಗ್ಗೆ ಖಾತೆ ಬದಲಾವಣೆ ಬಗ್ಗೆ ಅರ್ಜಿ ಕೊಟ್ಟಿದ್ದರು ಎಂದರೆ ಸರಿ. ನಾವು ಅವರಿಗೆ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಿಕೊಟ್ಟಿಲ್ಲ. ಆದರೆ ಕಂದಾಯ ನಿಗದಿ ಮಾಡಿಕೊಟ್ಟಿರುತ್ತೇವೆ."

In this way, the DGO has admitted that the disputed property is a road. Of course, during further chief examination, he has stated that, there was no road in the place in respect of which Form No. 12 was issued. But, this witness, at first, has admitted that the disputed property was a road and later, in further chief examination has changed his version that there was no road in the property in respect of which Form No. 12 was issued. Further, there is no ambiguity in the earlier statement that the disputed property Further, he has not denied the case of the complainant that the disputed property was a road. Further, he is a Panchayath development officer having custody of all the records pertaining to Grama Panchayathi. If the disputed property is not road, he could have produced relevant documents like village map etc., But he has not produced any such material.



18. Further, in connection to the allegation that the DGO has issued Form No. 12 without taking any documents and considering only possession, DGO himself during his cross examination admitted as follows;

"ಕಂದಾಯ ನಿಗದಿ ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಸದರಿ ಆಸ್ತಿ ಅವರಿಗೆ ಸೇರಿದೆಯೇ ಎನ್ನುವುದರ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ನಾನು ಫಾರಂ ನಂ.12 ನ್ನು ಅವರಿಗೆ ನೀಡಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ಶಿವಲಿಂಗಪ್ಪ ರವರು ತಮ್ಮ ಅರ್ಜಿಯಲ್ಲಿ ಅವರು ಖಾತಾ ಬದಲಾವಣೆಗೆ ಕೋರಿರುವ ಆಸ್ತಿಯ ವಿವರಣೆಯ ಬಗ್ಗೆ ಹೇಳಿದ್ದರೋ ಇಲ್ಲವೋ ನನಗೆ ಈಗ ನೆನಪಿಲ್ಲ. ಶಿವಲಿಂಗಪ್ಪ ರವರು ಕೊಟ್ಟ ಅರ್ಜಿಯಲ್ಲಿ ಆಸ್ತಿಯ ವಿವರ, ವಿಸ್ತೀರ್ಣ ಹಾಗೂ ಚೆಕ್ಒಂದಿಯನ್ನು ಬರೆದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಸದರಿ ದೂರಿನ ಪ್ರತಿಯನ್ನು ನಿ.ಪಿ–4 ಎಂದು ಗುರ್ತಿಸಲಾಗಿದೆ ಎಂದರೆ ಸರಿ. ಶಿವಲಿಂಗಪ್ಪ ರವರು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ಆಸ್ತಿಯ ವಿವರ, ಅಳತೆ ಮತ್ತು ಚೆಕ್ಒಂದಿಯನ್ನು ಹೇಳದೇ ಇದ್ದರೂ ಅದನ್ನು ಸರಿಯಾಗಿ ಪರಿಶೀಲಿಸದೇ ಫಾರಂ ನಂ.12 ನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ.

ನಾನು ಫಾರಂ ನಂ.12 ನ್ನು ವಿತರಿಸಿದ ಬಗ್ಗೆ ಕನಕಮರ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಅಕ್ರಮವಾಗಿ ಖಾತೆ ಬದಲಾವಣೆಯಾಗಿದೆ ಎಂದು ಪತ್ರ ಬರೆದಿದ್ದಾರೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಶಿವಲಿಂಗಪ್ಪ ರವರು ಸದರಿ ವಿವಾದಿತ ಆಸ್ತಿ ತನ್ನ ಸ್ವಾಧೀನದಲ್ಲಿದೆ ಎಂದು ತೋರಿಸಲು ಅರ್ಜಿಯನ್ನು ಬಿಟ್ಟರೆ ಬೇರೆ ಯಾವುದೇ ದಾಖಲಾತಿಯನ್ನು ಹಾಜರುಪಡಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ನಾನು ಸರಿಯಾಗಿ ಶಿವಲಿಂಗಪ್ಪ ಕೊಟ್ಟ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸದೇ ಕರ್ತವ್ಯ ಲೋಪ ಮಾಡಿ ಫಾರಂ ನಂ.12ನ್ನು ಅವರಿಗೆ ನೀಡಿದ್ದೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ.

19. In this way, the DGO himself during his cross examination admitted that the applicant Shivalingaiah did



not produce any documents. He had only filed an application. This itself shows, that the DGO, without verifying whether the disputed property was a road or not and without collecting documents as to possession of Shivalingaiah for long period, has issued Form No. 12. For this reasons I hold that the disciplinary authority has succeeded to prove the allegations made in Article of charge

#### **FINDINGS**

20. In the above said facts and circumstances, I hold that the charge leveled against DGO is proved. Accordingly this report is submitted to Hon'ble Upalokayukta for further action.

(PUSHPAVATHI.V) Additional Registrar Enquiries-9 Karnataka Lokayukta, Bengaluru.

# i) <u>List of witnesses examined on behalf of</u> <u>Disciplinary Authority.</u>

PW.1	Sri. M.S.Basavaraju, S/o Ayappa @ Siddaiah, Driver in BMTC Bus, Bengalore original
	Sri. Venkatesh, S/o Ramakrishna Rao, the then DRE-5, Karnataka Lokayukta Bengaluru

## ii) <u>List of Documents marked on behalf of</u> <u>Disciplinary Authority.</u>

Ex.P1	Ex.P-1 is the detailed complaint filed by PW-1 in Karnataka Lokayukta
Ex.P 2 & 3	Ex.P-2 & 3 is the complaint dated:

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	16.3.2015 in Form No. 1 and 2 filed by PW-1
Ex.P-4	Ex.P-4 are the documents enclosed to complaint i.e., Ex.P-1 to Ex.P-3
Ex.P-5	Ex.P-5 are the comments dated: 30.9.2014 of DGO and documents enclosed to it.
Ex.P-6	Ex.P-6 are the rejoinder dated; 7.10.2016 submitted by PW-1 and documents enclosed to it.

### iii) List of witnesses examined on behalf of DGO.

	Sri.Puttarevanna, Panchayath Development Officer (Retired), Banavasi Gram Panchayath, Maralavadi Hobli, Kanakapura Taluk, Ramanagara District
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### iv) List of documents marked on behalf of DGO

NIL

(PUSHPAVÁTHI.V) Additional Registrar Enquiries-9

Karnataka Lokayukta, Bengaluru.



No.UPLOK-2/DE.263/2018/ARE-9

Multi Storied Building, Dr. B.R. Ambedkar Veedhi, Bengaluru-560 001. Dated 13.09.2021.

### **RECOMMENDATION**

Sub:- Departmental inquiry against Shri Puttarevanna, Panchayath Development Officer (Retired), Banavasi Grama Panchayath, Kanakapura Taluk, Ramanagar District- reg.

Ref:- 1) Government Order No.RDP 458 GPO 2018 dated 23.05.2018.

- 2) Nomination order No. UPLOK-2/DE.263/2018 dated 05.06.2018 of Upalokayukta, State of Karnataka.
- Inquiry report dated 08.09.2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 23.05.2018 initiated the disciplinary proceedings against Shri Puttarevanna, Panchayath, Development Officer(Retired), Banavasi Grama Panchayath, Maralavadi Hobli, Kanakapura Taluk, Ramanagar District, [hereinafter referred to as Delinquent Government Official, for

short as 'DGO' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination UPLOK-2/DE.263/2018 dated 05.06.2018 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

### The DGO was tried for the following charges:-

" ಅಸನೌ ಆದ ನೀವು– ಶಿವಅಂಗಪ್ಪ ಎನ್ನುವವರಿಗೆ ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವತಿಯಿಂದ ಫಾರ್ಮ ನಂ.12 ಅನ್ನು ಕೊಟ್ಟ ಸಮಯದಲ್ಲ ಅಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ರಸ್ತೆ ಭಾಗವನ್ನೇ ನಿವೇಶನ ಅಂತ ಕೊಟ್ಟರುತ್ತೀರಿ. ಗ್ರಾಮ ಠಾಣಾದ ಒಂದು ಭಾಗವನ್ನು ನಿವೇಶನವನ್ನಾಗಿ ಕೊಡಲು ಕೇವಲ ಸ್ವಾಧೀನವನ್ನು ಮಾತ್ರ ಅಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ಪರಿಗಣಿಸಿರುತ್ತೀರಿ. ಗ್ರಾಮ ಠಾಣಾದ ಭಾಗವನ್ನು ರಸ್ತೆ ಇರುವ ಸ್ಥದಲ್ಲ ನಿವೇಶನ ಅಂತ ಕೊಟ್ಟು ಅಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಠಾಣಾದ ಭಾಗವನ್ನು ರಸ್ತೆ ಇರುವ ಸ್ಥದಲ್ಲ ನಿವೇಶನ ಅಂತ ಕೊಟ್ಟು ಅಸನೌ ಆದ ನೀವು, ಶ್ರೀಮತಿ ಮಂಗಳ, ಹಿಂದಿನ ಅಧ್ಯಕ್ಷರು, ಬನವಾಸಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಇವರೊಂದಿಗೆ ಸೇರಿ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿದ್ದೀರಿ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ಸಡತೆ) 1966 ನಿಯಮ 3 (1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ."

- 4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Shri Puttarevanna, Panchayath, Development Officer(Retired), Banavasi Grama Panchayath, Kanakapura Taluk, Ramanagar District, is ' proved'.
  - 5. 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 Enquiry Officer.
  - 6. As per the First Oral Statement of DGO recorded by the Inquiry Officer, the DGO Shri Puttarevanna, has retired from service on 30.9.2014.
  - 7. Having regard to the nature of charge 'proved' against the DGO Shri Puttarevanna, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding 5%(five) pension payable to DGO Shri Channappa, for a period of five years.'

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

Connected records are enclosed herewith.

(JUSTICE B.S.PATIL)

Upalokayukta, State of Karnataka.

BS\*