

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/31/2016/ARE-13 M.S. Building,
Dr.B.R. Ambedkar Road,
Bangalore-56001
Date:27/10/2018.

:: ENQUIRY REPORT ::

Sub:- Departmental Enquiry against,
1) Sri. M. Prabhakar, the then Panchayath
Development Officer and 2) Sri.R.Nagappa,
the then Panchayath Development Officer
(**now Retired**), B.Belagallu Gram
Panchayath, Taluk Bellary and District
Bellary.

Ref : 1) Report u/s 12(3) of the K.L Act, 1984 in
/Uplok/GLB/2248/2013/DRE-5,
Dated 15/10/2015.
2) Govt Order No. ಗ್ರಾಅಪ 539 ಗ್ರಾಪಂಕಾ 2015,
Bengaluru dated : 06/01/2016.
3) Order No.Uplok-2/DE/31/2016,
Bengaluru, Dated 01/02/2016 of the
Hon'ble Upalokayukta-2.

This Departmental Enquiry is directed against
1) Sri.M. Prabhakar, the then Panchayath Development
Officer and 2) Sri. R. Nagappa, the then Panchayath
Development Officer (**now Retired**), B. Belagallu Gram
Panchayathi, Ballary District. (herein after referred to as
the Delinquent Government Officials in short DGO No.1
and DGO.2 " respectively).

2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Uplokayukta, vide order dated 01/02/2016 cited above at reference-3, nominated Additional Registrar of Enquiries- 4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGOs. Additional Registrar Enquires-4 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 of Registrar, Karnataka Lokayukta Dated 06/08/2018 this enquiry file is transferred from ARE-4 to ARE-13.

4. The Article of Charges framed by ARE- 4 against the DGO is as below:

ANNEXURE NO.1**CHARGE**

5. That, you DGO-2 Sri.R. Nagappa while working as Panchayath Development Officer of B.Belagallu Grama Panchayath in Bellary taluk during the year 2010-11 failed to examine the previous beneficiaries list in 2006-07 and again selected the two beneficiaries for the benefit for the 2nd time under the Housing scheme during the year 2010-11 and you DGO-1 who took the charge as Panchayath Development Officer of B.Belagallu Grama Panchayath on 13/07/2011 made the payments to such beneficiaries without verifying the records/documents about the benefit availed by the said beneficiaries during the year 2006-07. Thereby, you DGO-1 and 2 have failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of a Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE No.II**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

6. On the basis of a complaint filed by Sri.Thippaiah A.K. R/o Ambedkar Nagar, Somasamudra Post, Bellary taluk and district (herein after referred as 'complainant ') against DGO-1, an investigation was taken up u/sec. 9 of

Karnataka Lokayukta Act, 1984, by invoking powers vested U/s 7(2) of the said Act.

7. Brief facts of the case:-

The complainant has alleged in his complaint that, the DGO-1 has prepared bogus bills of Janatha Houses and drawn amounts under Basava Vasathi Scheme for the year 2010-11 without there being any beneficiaries for the said houses. Hence the complainant lodged this complaint to investigate and initiate action against the DGO-1.

8. After taking up the matter for investigation, investigation report was called from Chief Executive Officer, Zilla Panchayath, Bellary. The Chief Executive Officer has stated in the report that the allegations made in respect of beneficiaries by name Smt. Sanna Thayamma W/o Hanumanthappa and Smt. Gundamma W/o Mahalingappa are substantiated and they have been selected twice as beneficiaries i.e., for the year 2006-07 and also for the year 2010-11, for which the PDOs-DGO-1 and DGO-2 of concerned Gram Panchayath are responsible and thereby they have committed dereliction of duty and requested to take action against the DGO-1 and 2.

9. On the basis of the investigation report, DGO-2 was impleaded and DGO-1 was already on record. Thereafter, the comments were called upon from DGO-1 and 2 by

sending copy of the report of Investigating Officer. The DGO-1 and 2 submitted comments by denying the allegations and the correctness of the report of Investigating Officer and also contended that they have not committed any irregularities or dereliction of duty and requested to close the complaint.

10. A Careful consideration of the material on records shows that;

a) DGO-1 without verifying the list of beneficiaries, has illegally released the government funds by violating the rules and guidelines issued by the government and thereby DGO-1 committed dereliction of duty and misconduct;

b) DGO-2 without verifying the list of beneficiaries for the year 2006-07, has illegally selected same beneficiaries who had received amounts under housing scheme during 2006-07 for the second time during 2010-11 which was against rules and guidelines issued by the government and thereby shown favoritism and committed misconduct and dereliction of duty.

11. Hence, the above mentioned DGO-1 and 2 are responsible for misuse of government funds by misusing their official position.

12. The investigation report and replies furnished by DGO-1 and 2 besides the material available on record

prima-facie discloses that the DGO-1 and 2 have made themselves liable for disciplinary action. The replies submitted by the DGO-1 and 2 were found to be not convincing or satisfactory to drop the proceedings and thereby they have committed misconduct.

13. Said facts supported by the material on record show that the DGO No-1 and 2, being a Government/Public Servants, have failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government Servant, and thereby repeatedly committed misconduct and liable for disciplinary action.

14. Therefore, a report U/sec 12(3) of the Karnataka Lokayukta Act was sent to the competent authority with recommendation to initiate disciplinary proceedings against the DGO No1 and 2 and to entrust the enquiry to the authority of Karnataka Lokayukta U/Rule 14-A of KCS (CCA) Rules 1957. Accordingly, the Competent Authority initiated disciplinary proceedings against DGO-1 and DGO-2 and entrusted the same to the Hon'ble Lokayukta. Hence, this charge.

15. DGO Nos 1 and 2 appeared before this Enquiry Authority on 31/03/2016 and on 17/05/2016 their First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO Nos 1 and 2 pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO Nos 1 and 2 filed their written statement of defence by denying the articles of charge and statement of

imputations contending that, there is no such evidence to prove that they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly prayed to exonerate them from the charges framed in this case.

16. In order to substantiate the charge, the Disciplinary Authority examined in all two witnesses as PW1 and PW2 and got marked documents at EX.P1 to P9 and closed the evidence.

17. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO Nos 1 and 2 was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein they have submitted that, the witnesses have deposed falsely against them. The DGO Nos 1 and 2 did not lead any evidence on their behalf. They prayed for treating the written statement as evidence. Thereafter, the questioning of this DGO Nos 1 and 2 was recorded as required U/Rule 11(18) of KCS (CC & A) Rules, 1957.

18. When the case was posted for submission of written brief, the defence assistant for DGO No- 1 and 2 submitted their separate written briefs and in addition the arguments submitted by them was heard and Presenting Officer also submitted his oral arguments.

19. Upon consideration of the charge leveled against the DGO No-1 and 2, the evidence led by the Disciplinary Authority by way of oral and documentary evidence and

their written brief/submissions, the only point that arises for my consideration is as under:

20. ***Whether the Disciplinary Authority has satisfactorily proved that, the DGO-2 Sri. R. Nagappa while working as Panchayath Development Officer of B. Belagallu Gram Panchayath in Bellary taluka during the year 2010-11 failed to examine the previous beneficiaries list of 2006-07 and again selected the same beneficiaries by Name Smt. Sannathayamma W/o Hanumanthappa and Smt. Gundamma W/o Mahalinga for the second time under the Basava Vasathi Yojane during the year 2010-11 and DGO-1 who took the charge as Panchayath Development Officer of B.Belagallu Gram Panchayath on 13/07/2011 made the payments to these beneficiaries without verifying the records/documents about the benefit already availed by the said beneficiaries during the year 2006-07 and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as***

**enumerated U/R 3(1)(i) to (iii) of
Karnataka Civil Service(Conduct) Rules,
1966.**

21. My finding on the above point is held in “ **Affirmative** ” for the following:

:: REASONS ::

22. **Point No-1:-** The case of the Disciplinary Authority in brief is that, the complainant by name Sri.A.K. Thippaiah, resident of B. Belagallu Village Taluk and District Bellary has lodged compliant to the Hon'ble Lokayukta, Bangalore on 26/07/2013. The complainant has alleged that, under the Basava Vasathi Yojane for the year 2010-11, the Gram Panchayath Officials have committed irregularity while preparing the list of beneficiaries. The beneficiaries who were already allotted the houses in the year 2006-07, have been again allotted the houses in the year 2010-11. The concerned Government officials have committed irregularities and misappropriated huge amounts. Hence he has prayed for taking suitable action.

23. The complainant has been examined as PW-1. He has reiterated the facts stated in the compliant. PW-1 states that the Grama Panchayath Officials have committed fraud by selecting the same beneficiaries under the Basava Vasathi Yojane. He further submits that, even though he lodged complaint with the Chief Executive officer, Zilla Panchayath, Bellary and the Deputy Commissioner, Bellary, they did not

take any action and hence he lodged the complaint to Hon'ble Lokayukta. He has identified his complaint at Ex. P-1, Form 1 and 2 at Ex.P-2 and P-3 respectively. His signatures are at Ex.P-1(a), 2(a) and 3(a) respectively. He has produced the documents which have been commonly marked as Ex.P-4. PW-1 further states that the DGO No.1 and 2 have selected the same beneficiaries who were already granted the benefits for the year 2006-07. The benefits have been given to the same beneficiaries again in the year 2010-11.

24. The Chief Exexecutive Officer, Zilla Panchayath, Bellary by name Sri. Mohammed Salauddin has been examined as PW-2. He states that from Feb 2013 to July 2015, he worked as Chief Executive Officer of Zilla Panchayath, Bellary. He knows DGO No 1 and 2. The DGO No-2 Nagappa was the Panchayath Development Officer of Belagallu Gram Panchayath up to June 2013. He has retired in the month of June 2013. Thereafter DGO No-1 Prabhakar was the Panchayath Development Officer of the said Gram Panchayath. PW-2 further states that, he has conducted enquiry in this matter and submitted the report. PW-2 further states that, he in turn directed the Executive Officer Taluka Panchayath, Bellary to conduct an Enquiry and submit his report. Accordingly the Taluk Executive Officer has conducted the Enquiry through the Accounts Officer and submitted his report. He further states that DGO No-2 Nagappa had identified the beneficiaries under the Basava Vasathi Yojane for the year 2010-11. Out of the said beneficiaries, Smt.Sanna thayamma W/o Hanumanthappa

and Smt. Gundamma W/o Mahalingappa were also selected as beneficiaries and financial assistant was given to them also. He further states that, the beneficiaries are not entitled to claim benefits twice. He further states that, these two beneficiaries were already selected in the year 2006-07 and financial assistant was given to them. In spite of it the DGO No-2 has again selected the same beneficiaries and Rs. 49,500/- was paid to Smt. Sanna Thayamma and Rs.14,500/- was paid to Smt. Gundamma. PW-2 further states that DGO No-2 Nagappa after selecting the beneficiaries retired in the month of June 2013. Thereafter the DGO No-1 Prabhakar took charge as the PDO of Belagallu Grama Panchayath. He has distributed the amount to the same beneficiaries and hence both of them are guilty of misconduct. He has identified his report, which is at Ex.P-5 Dated 01/04/2015. He further states that, as per his directions the Assistant Accounts Officer, Taluk Panchayath, Belagallu has submitted the report on 06/11/2013. The said report is marked as per Ex.P-6. PW-2 has produced the documents at Ex.P-7 and P-8. These are beneficiaries of the year 2006-07, by name Smt. Sanna Thayamma and Smt. Gundamma. PW-2 has also produced the list of beneficiaries under the Basava Vasathi Yojane for the year 2010-11. The said document is at Ex.P-9 . This list is for the entire Bellary Taluka. On careful Perusal of beneficiaries, it is observed that Smt. Sanna Thayamma and Smt. Dugamma have been again selected as beneficiaries for the year 2010-11. On careful perusal of the documents at Ex.P-7 and 8, it is observed that, these same beneficiaries i.e Smt.Sanna

Thayamma W/o Hanumanthappa and Smt. Gundamma W/o Mahalingappa both resident of B. Belagallu were already beneficiaries to whom financial assistant was already given under the Housing Scheme of 2006-07.

25. The disciplinary authority has to prove that the DGO No- 1 and 2 have committed dereliction of Duty by picking up the same beneficiaries twice. The disciplinary authority has to prove that both the DGOs are equally guilty and they have committed misconduct. Here the most important evidence is that of PW 2 who is the chief executive officer of Zila Panchayat Bellary. As per the directions of the Hon'ble Lokayukta he has directed the chief Accounts Officer of Taluka Panchayath to conduct an enquiry and submit his report. The chief executive officer, Zilla Panchayat Bellary has been examined as PW 2 and in support of his contention he has submitted the report which is at exhibit P5 and the report of the chief Accounts Officer of Taluka Panchayat Bellary is at exhibit P6. On careful perusal of the report at Ex.P-5, it is observed that One Smt. sannthayamma and Smt.Gundamma who were already the beneficiaries under the Ashraya housing scheme in the year 2006 and 2007, were again given financial benefit under the Basava Vasathi Yojane of the year 2010-11. This contention of the disciplinary authority is supported by the documents at exhibit P7 and P8. On careful perusal of these two documents, it is observed that, these are the same beneficiaries for the housing scheme of Belagal Gram Panchayat for the year 2006 - 2007. Again the same beneficiaries have been selected for the year 2010-11. The DGO No-2 was the PDO when the beneficiaries were selected for the year

2010-11. He is the person who has selected Smt. Sannathayamma and Smt. Gundamma.

26. The DGO No-2 was the panchayat Development Officer at the time when beneficiaries were selected under the Basava Vasati Yojane. The DGO No- 2 has failed in his duty by picking up the same beneficiaries, who were already given benefits in the year 2006- 2007. It was the bounden duty of the DGO No-2 to verify the previous list, while preparing the list of beneficiaries for the year 2010-11. Even though the said sannathayamma and Gundamma were already selected as beneficiaries in the year 2006-2007, without verifying the earlier lists, he has again selected the same persons, which shows that he wants to give some undue benefit to the same persons. PW-2 in his oral evidence has specifically stated that the Panchayath Development Officer has to select the beneficiaries who are below the poverty line and who are shelter less persons. The DGO No- 2 while he was the panchayath Development Officer has failed to conduct himself in a proper manner and he has selected these two persons who were already given financial assistance to construct the houses.

27. Now coming to the role of DGO No-1, after the selection of beneficiaries, the DGO No-2 has retired from service and DGO No-1 has taken charge. He has distributed the cheques for construction of houses to the same persons. He has paid Rs. 49,500/- to Sanna thayamma and Rs.14,500/- to Smt. Gundamma. This DGO No-1 was also duty bound to verify the earlier list of beneficiaries and to verify whether these beneficiaries were actually the persons eligible

for financial assistance under the Basava Vasati Yojane. PW -2 has specifically stated that, it is the duty of the Panchayat Development Officer to personally inspect the houses of beneficiaries to verify whether they fall in the category who are entitled for benefit under the Basava Vasati Yojane. The said scheme is a beneficial scheme of the Government of Karnataka to provide shelter to the homeless persons and the persons who are below the poverty line. The aim and objective of the said Yojane is to identify the beneficiaries who are deserving and to uplift the downtrodden. However the DGO No-1 has not cross checked and he has not made physical verification before distributing that cheques under the scheme. Admittedly both of them had already availed the financial assistance under the Ashraya Yojana in the year 2006 -2007 and they had constructed the houses. Exhibit P7 and P8 clearly show that these two persons have already received the benefits .

28. The advocate for DGO No-1 and 2 canvassed his arguments by drawing the attention to the document marked in the cross examination of PW -2, as exhibit D1. He tried to canvass his arguments that during the year 2006 -2007 both the DGOs were not working as PDO of Belagallu Gram Panchayath and hence they were totally unaware about the beneficiaries of the Year 2006 -2007. He further submits that, soon after he came to know, the DGO No-1. Mr Prabhakar has recovered the amount from the beneficiaries and he has remitted the amount to Rajiv Gandhi Housing Corporation Limited. No doubt from perusal of the document at Ex.D-1. It is observed that the amount has been recovered from the said

beneficiaries. However this contention of the advocate DGOs cannot be accepted, because the amount has been recovered only after the complaint was lodged by the complainant to the Honorable Lokayukta. The DGOs have tried to cover up the fraud. The amount has been re-deposited in the year 2014. The demand drafts are dated 24/03/2014 and 25/03/2014 respectively.

29. The Advocate for DGOs canvassed his arguments that the present DGO No-1 and 2 were not working in the same Gram Panchayath in the year 2006-07 and hence they were unaware of the fact that, Smt Sannathayamma and Gundamma had already availed the benefits. However this contention of the advocate for DGOs cannot be accepted. PW-2 in his evidence has specifically stated that, the PDO has to make personnel inspection and thereafter prepare the list of beneficiaries. If the DGO No-1 and 2 had made physical verification, they could have come to know that, these two persons had already availed the benefit and constructed the houses. The PDO is under an obligation to verify the previous list of beneficiaries before finalizing the list. If both the DGO No-1 and 2 had verified the earlier lists, they would have come to know the fact.

30. The advocate for DGOs has drawn the attention to Ex.D-1. However, this document will also not come to the rescue of DGOs, because the amount has been remitted back in the year 2014 i.e when the complainant exposed this fraud by lodging a

complaint to Hon'ble Lokayukta. Hence these contentions of the advocate for DGOs cannot be expected.

31. The advocate for DGOs further canvassed his arguments that, when the list was sent to Taluka Panchayath and Zilla Panchyath, they should have cross checked the list of earlier beneficiaries and they could have very well cancelled the names. The advocate for DGOs is trying to put the burden on Taluka Panchayath and Zilla Panchayath. However, this contention cannot be accepted . The primary responsibility is on the PDO, who has to verify the previous list before finalizing the list of beneficiaries .

32. The DGO No-1 while the making payments to the beneficiaries, should have verified the earlier lists. Then he could have stopped the payment even though they were selected under the scheme. The DGO No-2 should have verified the earlier lists so that, the beneficiaries who had already availed the assistance could have been avoided. At the time of preparing the list DGOs have to verify all the previous year lists. The earlier lists are readily available in the Gram Panchayath Office. The Gram Panchayath has to maintain the list of beneficiaries and they have to be checked while preparing the new list of beneficiaries under the Basavathi Vasathi Yojane.

33. For the reasons stated above the DGOs, being the Government/Public Servants have failed to maintain absolute

integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO No-1 and 2 is established. Hence, I answer point No.1 in the "Affirmative"

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO No-1 Sri. M. Prabhakar, the then Panchayath Development Officer and DGO No-2 Sri. R. Nagappa, the then Panchayath Development Officer (now Retired), B. Belagallu Gram Panchayath, Taluk Bellary and District Bellary .

34. This report is submitted to Hon'ble Upa-lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 27th day of October 2018

(Patil MohanKumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

ANNEXURES

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. A.K. Thippaiah (Original)
PW-2: Sri.Mohammad Salauddin (Original)
Witness examined on behalf of the Defence
Ex.D-1 : Xerox copy of document showing recovery of amount from beneficiaries.
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Compliant Copy (Original) Ex. P-1(a): Relevant entry in Ex.P-1.
Ex.P-2: Compliant in Form No.1 Dated 26/07/2013 (Original) Ex. P-2(a) : Relevant entry in Ex.P-2
Ex. P-3: Compliant in Form No.2 26/07/2013 (Original Copy) Ex. P-3(a) : Relevant entry in Ex.P-3
Ex. P-4: The documents filed along with Complaint (14 pages) (Xerox Copies)
Ex. P-5: Report of Zilla Panchayath, Bellary Dated (Original Copy) Ex. P-5(a): Relevant entry in Ex.P-5
Ex.P-6: Report of Assistant Accounts Officer, Taluka Panchayath, Bellary (Original copy)
Ex.P-7: Gram Panchayath Documents pertaining to Sanna Thayamma (Xerox)
Ex.P-8: Gram Panchayath Documents pertaing to Sanna Thayamma (Xerox)
Ex.P-9 : List of beneficiaries under Basava Vasathi Yojane for the year 2010-11 (Xerox)

Dated this the 27th day of October 2018

(Patil MohanKumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore



31/16

KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/31/2016/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 31.10.2018

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) M. Prabhakar, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District; and
- (2) R. Nagappa, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District (retd.) -reg.

Ref:- (1) Government Order No. ಸ್ರಾಅಪ 539 ಸ್ರಾಪಂಕಾ 2015, dated 06.01.2016.

(2) Nomination order No. UPLOK-2/DE/31/2016 dated 01.02.2016 of Upalokayukta-2, State of Karnataka.

(3) Inquiry report dated 27.10.2018 of the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 06.01.2016 initiated the disciplinary proceedings against Sriyuths: (1) M. Prabhakar, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District; and (2) R. Nagappa, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District (retd.) [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 & 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/31/2016 dated 01.02.2016 nominated Additional Registrar of Enquiries-4, 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. Subsequently, by order No.UPLOK-1 & 2/DE/Transfers/2018 dated 06.08.2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated to continue the said departmental inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

2. The DGO1 - Shri M. Prabhakar, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District; and DGO2 - Shri R. Nagappa, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District (retd.) were tried for the following charge:-

“That, you DGO2 Shri R. Nagappa while working as Panchayath Development Officer of B.Belagallu Grama Panchayath in Bellary taluk during the year 2010-11 failed to examine the previous beneficiaries list in 2006-07 and again selected the two beneficiaries for the benefit for the 2<sup>nd</sup> time under the Housing scheme during the year 2010-11 and you DGO1 who took the

charge as Panchayath Development Officer of B. Belagallu Grama Panchayath on 13.07.2011 made the payments to such beneficiaries without verifying the records/documents about the benefit availed by the said beneficiaries during the year 2006-07. Thereby, you DGOs 1 & 2 have failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of a Government Servants and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966."

3. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charges against DGO1 - Shri M. Prabhakar, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District; and DGO2 - Shri R. Nagappa, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District (retd.).

4. On re-consideration of report of inquiry, 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.

5. As per the First Oral Statement furnished by the Inquiry Officer, DGO1 - Shri M. Prabhakar is due for retirement on


31.07.2033 and DGO2 - Shri R. Nagappa has retired from service on 30.06.2013.

6. Having regard to the nature of charge '*proved*' against DGO1 - Shri M. Prabhakar, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District; and DGO2 - Shri R. Nagappa, the then Panchayath Development Officer, B.Belagallu Gram Panchayath, Ballari Taluk and District (retd.),

- (i) it is hereby recommended to the Government to impose penalty of "withholding four annual increments payable to DGO1 - Shri M. Prabhakar with cumulative effect"; and
- (ii) it is hereby recommended to the Government to impose penalty of "withholding 10% of pension payable to the DGO2 - Shri R. Nagappa for a period of 05 years".

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 31/10.