



KARNATAKA LOKAYUKTA

No. Lok/Inq/14-A/316/2013/ARE-10

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.20.03.2017.RECOMMENDATION

Sub: Departmental inquiry against Sriyuths:

- 1) Byatappa, the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District;
- 2) Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District; and
- 3) Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District - reg.

- Ref: 1. Govt. Order No. ಗೌ.ಆ.ಆ.ಪ 92 ಎಸ್.ಆ.ಆ. 2013 dated 24.07.2013.
2. Nomination order No. Lok/Inq/14-A/316/2013 dated 31.07.2013 and modified order dated 14.03.2014.

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G overnment, by its Order dated 24.07.2013, initiated the disciplinary proceedings against Sriyuths: (1) Byatappa, the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District; (2) Sanjappa, the then Executive Officer, Taluk

Sd/-

Panchayath, Mulabagil Taluk, Kolar District; and (3) Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District [hereinafter referred to as the Delinquent Government Officials 1 to 3 respectively, for short 'DGOs 1 to 3'] and entrusted the departmental inquiry to this Institution. This Institution, by nomination order dated 31.07.2013 and modified order dated 14.03.2014, nominated the Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGOs for the alleged charge of misconduct alleged to have been committed by them.

2. The Inquiry Officer has submitted his report dated 28.02.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charges levelled against DGOs 1 to 3.

3. The charges levelled against DGOs 1 to 3 were that, while DGO1 was working as Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District; DGO2 as Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District; and DGO3 as

G.M.

Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District, during the year 2009-10 have taken up four works viz., (1) improvements to road from Sri Rajareddy house to Kerekatte at Thammareddy village (2) improvements to road from Sri Narayanappa's house to Sri M.Venkateshappa house at Thammareddy village (3) improvements to road near Channakeshava temple near Hebbani village (4) Construction of masonry drain at Sunnapakunte main road to Hebbani village of Mulabagilu taluk under the 'National Rural Employment Guarantee Scheme' during the period 2009-10. On complaint of one Sri J.Nataraj r/o Sunnappakunte in Mulabagilu taluk, the Hon'ble Upalokayukta registered the case and Assistant Engineer No.5, Smt.A. Naseera from Technical Wing, Karnataka Lokayukta with Sri B.Nanjappa, A.E.E.-2 Lokayukta visited the spot in the presence of Sri Balaji Panchayath Development Officer Hebbani Grama Panchayath Mulabagilu taluk and complainant Sri J.Nataraj on 10-06-2011 and found the following lapses;

(1) DGO-I, being the Secretary of Hebbani Grama Panchayath along with one Smt.Manjulamma the President of the said Panchayath have carried out the work of improvement to road from Sri Rajareddy's house to Kerekatte at Thammareddy village with the assistance of one Sri Eshwarappa the then Civil

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Engineer on contract basis got prepared the estimate for an amount of Rs.2.10 lakh for the said road for the specific following item of works :

- (i) Earth work excavation
- (ii) providing ECC M-10 grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) providing RCC for foundation of drains
- (v) providing pointing to coursed masonry in C.M.1:4

and shown the measurements in No.69 of M.B. No.163 shown in Annexure - A. The item of work pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been recorded for Rs.64,007/- and amount was sent to monitoring information system account No.1519009009/RC/99441076 as per annexure B for a sum of Rs.54,000/- vide cheque No.293181 dt.19-01-2010 the payment was recorded in NMR No.0853 for which DGO-1 and DGO-2 have signed on verification of NMRs the signatures were not made by the job card holders and there was no document for supply of material. In this way, DGO-1 relied on the concocted and forged NMR and M.B. recorded by Eshwarappa, Civil Engineer on contract basis and paid the NMR amount for Rs.54,000/- without doing any work in the spot. DGO-2 and DGO-3 being the Executive Officer and Administrative Officer have also shown the gross negligence by not adhering to the

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guidelines issued by the Govt. and not initiating any action against the persons responsible for causing irregularities. Thereby caused a loss to the tune of Rs.54,000/- to the Govt. exchequer.

CHARGE No.2: -

DGOs have also taken up the work of improvements to road from Sri J.Narayanappa's house to Sri M.Venkatappa's house at Thammareddy village at an estimated cost of 3.75 lakhs under NREGA scheme for 2009-10 for the following work;-

- (i) earth work excavation in hard soil
- (ii) providing PCC M 10 Grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) Providing PCC M 120 Grade
- (v) providing pointing to coursed masonry in CM 1:4

The said work is shown in page No.70 of MB No.163 enclosed in annexure C of investigation report pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been recorded for Rs.60,395/- but, in the M.B., corresponding essential details such as claimed NMR No. and the connected period is not specified. The said M.B. was recorded by one Sri Eshwara Engineer on contract basis the said work was entered in NMR No.01092 and the same is entered in MIS AC

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1519009009 RC 99441077 amounting to Rs.54,000/- as per annexure D and amount is paid through cheque No.293182 dt.19-01-2010 and DGO-1 and President Smt.Manjulamma have signed the NMR but, on verification and scrutiny it is found that the NMR does not bear the signatures of job card holders and none of the signatures tally with the job card holders and also no documents are found for supply of materials. In this way, DGO-1 along with the President and said Eshwarappa has created NMRs amounting to Rs.54,000/- and the amount was spent without carrying out the said work DGO-2 and 3 being the Executive Officer Mulabagilu taluk and then Administrative Officer, Hebbani have shown gross negligence in their duty not adhering to the guidelines issued by the Govt.

CHARGE NO.3:

DGOs 1 to 3 have taken up the work of improvements to road near Channakeshava temple near Hebbani village at an estimated cost of Rs. 1,04,400/- among DGOs DGO-1 President of Hebbani Grama Panchayath and one Eshwarappa Civil Engineer on contract basis raised work in the NMR by recording in 6 NMRs for the said work amounting to Rs.1,04,400 as detailed below:-

*C. J. M.*

| NMR No. | Dated      | Amount      |
|---------|------------|-------------|
| 32384   | 16-11-2009 | 18,000.00   |
| 32387   | 16-11-2009 | 18,000.00   |
| 232364  | 16-11-2009 | 16,800.00   |
| 232365  | 16-11-2009 | 16,800.00   |
| 232366  | 16-11-2009 | 18,000.00   |
| 232391  | 16-11-2009 | 16,800.00   |
|         | Total Rs.  | 1,04,400.00 |

without carrying out the said work by concocting the forged signatures in the NMRs since the signatures in the NMRs does not tally with the job card holders and also no bills for procuring the materials were found and shown the amount of Rs.1,04,400/- by creating a false and bogus bills, DGO-2 and 3 have also failed to discharge their duty by adhering to the guidelines issued by the Govt. and also not initiating any action against persons responsible for causing irregularities.

Charge No.4:

DGOs have also undertaken the work of construction of masonry drain at Sunnappakunte main road in Hebbani of Mulabagilu taluk at an estimated cost of Rs. 1.85 lakhs prepared

*S. J. S.*

under NREGA scheme for the year 2009-10 for the following items;

- (i) earth work excavation in hard soil
- (ii) providing PCC M 10 Grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) providing PCC M15 Grade
- (v) providing pointing to forced masonry CM 1:4

DGOs have recorded in page No.59 of MB NO.163 for an amount of Rs.1,16,284/- and bill for procurement of materials for an amount of Rs.95,453/- claiming in page No.72 of MB 163 but on verification, no material were found to be stacked not shown the spot for which measurement was recorded and claimed as per page No.59 and 72 of MB 163, shown at Annexure F bill was prepared for a sum of Rs.1,16,284/- towards the supply of material and thereafter, limited to Rs.95,453 and further limited to Rs.30,000/- and paid vide cheque No.293247 dt.24-03-2010 signed by DGO-1, 2 Smt. Manjulamma then president and Eshwarappa Civil Engineer on contract basis related NMR was raised in NMR No.32368 amounting to Rs.18,000 and paid vide MIS account No.1519009009/RC-994411077 for an amount of Rs.18,000/- and none of the labourers in NMR are signed by the job card holders which shows that a bogus NMR for a sum of Rs.

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18,000/- was prepared and paid thereby DGO-1 along with the then president Smt. Manjulamma and civil engineer on contract basis concocted and forged the M.B. and spent the amount and misappropriated the sum of Rs.30,000/- and DGOs 2 and 3 have failed to discharge their duty by adhering to the guidelines issued by Government and not initiating any action against responsible persons. Thereby, DGOs 1 to 3 have failed to maintain absolute integrity and devotion to duty, the said act of DGOs was un-becoming of Government Servants and thereby committed misconduct as enumerated u/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

4. In order to prove the charge of misconduct, the Disciplinary Authority has examined 2 witnesses viz., PW1 is the complainant; and PW2 is the Investigating Officer who conducted the investigation and got marked 29 documents as Exs.P1 to P29, whereas the DGO1 got himself examined as DW4; DGO2 as DW5; DGO3 as DW1 and they also examined two witnesses ad DWs 2 & 3 and got marked Exs.D1 & D2.

5. The Inquiry Officer, on detailed consideration of the entire evidence, has found that the Investigation Officer, PW2 in her

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investigation report, has stated that the claims are made by DGOs 1 to 3 in respect of the works which were not executed and false entries were made in the Measurement Book. She has also found that, the DGOs 1 to 3 have misappropriated the amount by not executing the works assigned to them during the year 2009-10.

6. On the other hand, DGOs 1 to 3 got themselves examined as DWs 4, 5 and 1 respectively failed to substantiate their defence and the witnesses examined as DWs 2 & 3 also did not substantiate the defence taken by DGOs 1 to 3. The Inquiry Officer has considered the entire evidence in detail and has found that, the charges leveled against DGOs 1 to 3 are held 'proved'.

7. Hence, considering the findings of the Inquiry Officer and also having regard to the nature and gravity of misconduct alleged against the DGOs, it is hereby recommended to the Government that, the *DGOs 1 & 2 viz., Sriyuthis (1) Byatappa, the*

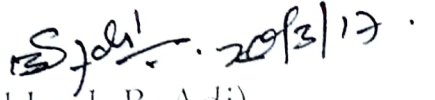
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then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District; and (2) Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District, be punished with the penalty of 'reduction to a lower stage in the time scale for a period of two years, but does not bar to earn increments if any during the period of reduction to lower stage' in exercise of powers under Rule 8(iv-a) of Karnataka Civil Service (Classification, Control, and Appeal) Rules, 1956. In respect of DGO3 - Shri Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District, who is stated to have retired, be punished with the penalty of "denial of 05% of pensionary benefit for a period of five years" in exercise of powers under Rule 214(1)(a) of Karnataka Civil Service Rules

8. Further directed to initiate the proceedings to recover the loss that is caused to the State Exchequer by DGOs 1 to 3 as enumerated in the Inquiry Report.

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

Connected records are enclosed herewith.

  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

Slg\*



KARNATAKA LOKAYUKTA

No. Lok/Inq/14-A/316/2013/ARE-10  
(Encl: Recommendation & original  
Report of Inquiry Officer with  
connected records)

Multi-Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru, dated: 21.03.2017.

To,

Dr. N. Nagambikadevi, IAS,  
Principal Secretary to Government,  
Rural Development and  
Panchayath Raj Department,  
Bengaluru - 560001.

Respected Madam,

Sub: Departmental inquiry against Sriyuths:

- 1) Byatappa, the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District;
- 2) Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District; and
- 3) Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District - reg.

Ref: Govt. Order No. ೧೨೨೨ 92 ವಿಸೇಜಿ 2013 dated 24.07.2013.

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With reference to the above, I am directed to forward herewith the recommendation of Hon'ble Upalokayukta, State of Karnataka, dated 20.03.2017 along with the report of Inquiry Officer and relevant records as noted below:-

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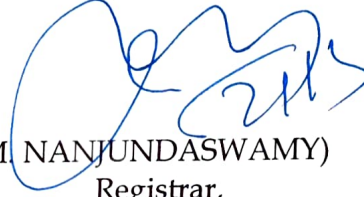
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Kindly acknowledge the receipt of the above said documents.

Yours faithfully,



(H.M. NANJUNDASWAMY)

Registrar,
Karnataka Lokayukta,
Bengaluru

Copy to the Addl. Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru
for information.

KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/316/2013/ARE-10

Multi-Storeyed Building,
Dr. B.R.Ambedkar Veedhi,
Bangalore 560 001.

Date: 9.8.2019

MODIFIED RECOMMENDATION

Sub: Departmental Enquiry against Sri Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagilu Taluk, Kolar District and 2 others - reg


Ref: 1) Letter of recommendation dated 21.3.2017
2) Letter No. ೧೨೭೩ 136 ಎಸ್‌ಜಿ 2016 of the Principal Secretary, Rural Development and Panchayath Raj Department, Bengaluru requesting for sending modified recommendation as against DGO no.2

* * * *

1. Vide letter of recommendation referred to at (1) above, it was recommended to impose penalty of 'reduction to a lower stage in the time scale for a period of two years, but does not bar to earn increments if any during the period of reduction to lower stage' on DGO-2 Sri Sanjappa.
2. The Administrative Department vide letter referred to at (2) above, requested for sending modified recommendation as against DGO no.2 Sri Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagilu Taluk, Kolar District on the ground that, the proposed penalty as per recommendation cannot be imposed against DGO no.2, as he has already retired from service on 31.5.2018.

3. Hence, in modification of the recommendation made as against DGO no.2 vide the letter of recommendation referred to at (1) above, it is recommended **'to withhold 5% of pension for 5 years'** against DGO no.2-Sri Sanjappa, since he has already retired on 31.5.2018.

Action taken in the matter is to be intimated to this authority.


(Justice N. Ananda),
Upalokayukta-2,
State of Karnataka,
Bengaluru.

KARNATAKA LOKAYUKTA

No. LOK/ARE-10/ENQ-316/2013
Encl: Modified recommendation

M.S. Building,
Dr. B.R. Ambedkar Road,
Bengaluru-560 001.

Date: 13.8.2019

To:

Sri L.K. Atheeq, IAS.,
Principal Secretary to Government,
Rural Development and
Panchayath Raj Department,
M.S. Building,
Bengaluru.

Sir,

Sub: Departmental Enquiry against Sri Sanjappa, the then
Executive Officer, Taluk Panchayath, Mulabagilu Taluk,
Kolar District and 2 others - reg

Ref: 1) Letter of recommendation dated 21.3.2017
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Rural Development and Panchayath Raj Department,
Bengaluru requesting for sending modified
recommendation as against DGO no.2

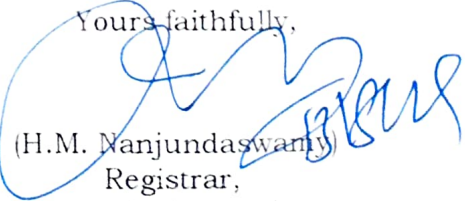
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Adverting to the above, I am directed to forward herewith the
modified recommendation of the Hon'ble Upalokayukta-2, State of
Karnataka, Bengaluru dated 9.8.2019.

Modified Recommendation of the Hon'ble Upalokayukta-2 dated
9.8.2019 is enclosed and sent herewith for further needful.

Receipt of the Modified Recommendation of the Hon'ble Upalokayukta-2
dated 9.8.2019 may please be acknowledged.

Yours faithfully,


(H.M. Nanjundaswamy)
Registrar,
Karnataka Lokayukta,
Bengaluru

KARNATAKA LOKAYUKTA

No.LOK/INQ/14A/316/2013/ARE-10

M.S. Building
Dr.B.R. Ambedkar Road
Bangalore-560 001
Date: 28/2/2017

ENQUIRY REPORT

Present : Sri. S. Gopalappa
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore

Sub: Departmental Enquiry against :
(i) Sri. Byatappa, the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District.
(ii) Sri. Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District and
(iii) Sri. Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District-reg.,

Ref: 1. Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BD/589/2010/ARE-7 dt. 1.6.2013
2. Govt. Order No. RDPR 92 VSB 2013 dt. 24.7.2013
3. Nomination order No. Lok/INQ/14-A/316/2013 Bangalore dt. 31.7.2013 of Hon'ble Upalokayukta-2
4. Nomination Order by Hon'ble Upalokayukta, dt. 14.3.2014

* * *

1. The complainants Sri. Nataraj and Sri. P M Ramesh Babu has filed the complaint against the DGOs alleging misconduct. The complaint was referred to TAC, Karnataka Lokayukta, Bangalore. In turn the TAC, Karnataka Lokayukta, Bangalore, got investigated the case through Assistant Engineer and submitted the report.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the G.O. dt. 24.7.2013 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the G.O., nomination was issued by Hon'ble Upalokayukta on 31.7.2013 authorizing ARE-4 to hold enquiry and report as per reference No. 3. In pursuance of the transfer of files, another nomination dt. 14.3.2014 was issued authorizing ARE-10 to hold enquiry and report as per reference No. 4.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGOs on 26.9.2013.

ANNEXURE NO. 1
CHARGE

4. That, DGO 1 Sri Byatappa the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District, DGO 2 Sri. Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District and DGO 3 Sri. Venkatarayappa, the then Administrative Officer, Hebbani Gram Panchayath, Mulbagil Taluk, Kolar District, working as during the year 2009-10 have taken up following work of improvements to road from Sri Rajareddy house to Kerekatte at Tammareddy village (2) improvements to road from Sri Narayanappa's house to Sri M.Venkateshappa house at Thammareddy village (3) improvements to road near Channakeshava temple near Hebbani village (4) Construction of masonry drain at Sunnapakunte main road to Hebbani village of Mulabagilu taluk under the scheme of National

Rural Employment Guarantee Scheme during the period 2009-10. On complaint of one Sri J.Nataraj r/o Sunnappakunte in Mulabagilu taluk, the Hon'ble Upalokayukta registered the case and Assistant Executive Engineer No.5, A.Nisara from Technical Wing, Karnataka Lokayukta with Sri B.Nanjappa, A.E.E.-2 Lokayukta visited the spot in the presence of Sri Balaji Panchayath Development Officer Hebbani Grama Panchayath Mulabagilu taluk and complainant Sri J.Nataraj on 10-06-2011 and found the following lapses;

(1) DGO-1, being the Secretary of Hebbani Grama Panchayath along with one Smt.Manjulamma the President of the said Panchayath have carried out the work of improvement to road from Sri Rajareddy's house to Kerekatte at Thammareddy village with the assistance of one Sri Eshwarappa the then Civil Engineer on contract basis got prepared the estimate for an amount of Rs.2.10 lakh for the said road for the specific following item of works :

- (i) Earth work excavation
- (ii) providing ECC M-10 grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) providing RCC for foundation of drains
- (v) providing pointing to coursed masonry in C.M.1:4

and shown the measurements in No.69 of M.B. No.163 shown in Annexure - A. The item of work pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been recorded for Rs.64,007/- and amount was sent to monitoring information system account no.1519009009/RC/99441076 as per annexure B for a sum of Rs.54,000/- vide cheque no.293181 dt.19-01-2010 the payment was recorded in NMR No.0853 for which DGO-1 and DGO-2 have signed on verification of NMRs the signatures were

not made by the job card holders and there was no document for supply of material. In this way, DGO-1 relied on the concocted and forged NMR and M.B. recorded by Eshwarappa, Civil Engineer on contract basis and paid the NMR amount for Rs.54,000/- without doing any work in the spot. DGO-2 and DGO-3 being the Executive Officer and Administrative Officer have also shown the gross negligence by not adhering to the guidelines issued by the Govt. and not initiating any action against the persons responsible for causing irregularities. Thereby caused a loss to the tune of Rs.54,000/- to the Govt. exchequer. Thereby, DGOs 1 to 3 have failed to maintain absolute integrity and devotion to duty, the said act of DGOs was unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

CHARGE No.2:

DGOs have also taken up the work of improvements to road from Sri J.Narayanappa's house to Sri M.Venkatappa's house at Thammareddy village at an estimated cost of 3.75 lakhs under NREGA scheme for 2009-10 for the following work;-

- (i) earth work excavation in hard soil
- (ii) providing PCC M 10 Grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) Providing PCC M 120 Grade
- (v) providing pointing to coursed masonry in CM 1:4

The said work is shown in page no.70 of MB No.163 enclosed in annexure C of investigation report pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been

recorded for Rs.60,395/- but, in the M.B., corresponding essential details such as claimed NMR No. and the connected period is not specified. The said M.B. was recorded by one Sri Eshwara Engineer on contract basis the said work was entered in NMR No.01092 and the same is entered in MIS AC 1519009009 RC 99441077 amounting to Rs.54,000/- as per annexure D and amount is paid through cheque No.293182 dt.19-01-2010 and DGO-1 and President Smt.Manjulamma have signed the NMR but, on verification and scrutiny it is found that the NMR does not bear the signatures of job card holders and none of the signatures tally with the job card holders and also no documents are found for supply of materials. In this way, DGO-1 along with the President and said Eshwarappa has created NMRs amounting to Rs.54,000/- and the amount was spent without carrying out the said work DGO-2 and 3 being the Executive Officer Mulabagilu taluk and then Administrative Officer, Hebbani have shown gross negligence in their duty not adhering to the guidelines issued by the Govt. Thereby, DGOs 1 to 3 have failed to maintain absolute integrity and devotion to duty, the said act of DGOs was unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

CHARGE NO.3:

DGOs 1 to 3 have taken up the work of improvements to road near Channakeshava temple near Hebbani village at an estimated cost of Rs. 1,04,400/- among DGOs DGO-1 President of Hebbani Grama Panchayath and one Eshwarappa Civil Engineer on contract basis raised work in the NMR by recording in 6 NMRs for the said work amounting to Rs.1,04,400 as detailed below;

NMR No.	Dated	Amount
32384	16-11-2009	18,000.00
32387	16-11-2009	18,000.00
232364	16-11-2009	16,800.00
232365	16-11-2009	16,800.00
232366	16-11-2009	18,000.00
232391	16-11-2009	16,800.00
	Total Rs.	1,04,400.00

without carrying out the said work by concocting the forged signatures in the NMRs since the signatures in the NMRs does not tally with the job card holders and also no bills for procuring the materials were found and shown the amount of Rs.1,04,400/- by creating a false and bogus bills, DGO-2 and 3 have also failed to discharge their duty by adhering to the guidelines issued by the Govt. and also not initiating any action against persons responsible for causing irregularities. Thereby, DGOs 1 to 3 have failed to maintain absolute integrity and devotion to duty, the said act of DGOs was unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

Charge No.4:

DGOs have also undertaken the work of construction of masonry drain at Sunnappakunte main road in Hebbani of Mulabagilu taluk at

an estimated cost of Rs. 1.85 lakhs prepared under NREGA scheme for the year 2009-10 for the following items;

- (i) earth work excavation in hard soil
- (ii) providing PCC M 10 Grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) providing PCC M15 Grade
- (v) providing pointing to forced masonry CM 1:4

DGOs have recorded in page no.59 of MB NO.163 for an amount of Rs.1,16,284/- and bill for procurement of materials for an amount of Rs.95,453/- claiming in page No.72 of MB 163 but on verification, no material were found to be stacked not shown the spot for which measurement was recorded and claimed as per page no.59 and 72 of MB 163, shown at Annexure F bill was prepared for a sum of Rs.1,16,284/- towards the supply of material and thereafter, limited to Rs.95,453 and further limited to Rs.30,000/- and paid vide cheque no.293247 dt.24-03-2010 signed by DGO-1, 2 Smt.Manjulamma then president and Eshwarappa Civil Engineer on contract basis related NMR was raised in NMR No.32368 amounting to Rs.18,000 and paid vide MIS account no.1519009009/RC-994411077 for an amount of Rs.18,000/- and none of the labourers in NMR are signed by the job card holders which shows that a bogus NMR for a sum of Rs. 18,000/- was prepared and paid thereby DGO-1 along with the then president Smt. Manjulamma and civil engineer on contract basis concocted and forged the M.B. and spent the amount and misappropriated the sum of Rs.30,000/- and DGO-2 and 3 have failed to discharge their duty by adhering to the guidelines issued by Government and not initiating any action against responsible persons. Thereby, DGOs 1 to 3 have failed to maintain absolute

integrity and devotion to duty, the said act of DGOs was un-becoming of Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

5. A complaint was filed by Sri. J. Nataraj R/o Sunnappakunte, Mulbagal Taluk, Kolar District, against DGO 1 to 3 alleging that the DGOs have claimed bogus bills without executing the following works of Hebbani Gram Panchayath in Mulabagal taluk, taken up under National Rural Employment Guarantee Scheme during the period of 2009-10;

- (1) Improvements to road from Sri Rajareddy house to Kerekatte at Tammareddy village
- (2) Improvements to road from Sri Narayanappa's house to Sri M.Venkateshappa house at Thammareddy village
- (3) Improvements to road near Channakeshava temple near Hebbani village
- (4) Construction of masonry drain at Sunnapakunte main road to Hebbani village of Mulabagilu taluk

The said complaint was registered by Hon'ble Upalokayukta and referred the same to the Chief Engineer, Technical Wing for conducting the investigation and to furnish the report and in turn the case was referred to Assistant Engineer 5, Technical Wing of Karnataka Lokayukta (hereinafter referred to as Investigating officer, for short "IO") who conducted the spot investigation on 10.6.2011

along with Sri. B Nanjappa, Assistant Executive Engineer II, Karnataka Lokayukta, Bangalore in the presence of Sri. Balaji, Panchayath Development Officer, Hebbani Gram Panchayath, Mulbagal Taluk and complainant Sri. J Nataraj. Gist of the investigation report is as follows:

(1) DGO-1, being the Secretary of Hebbani Grama Panchayath along with one Smt. Manjulamma the President of the said Panchayath have carried out the work of improvement to road from Sri Rajareddy's house to Kerekatte at Thammareddy village with the assistance of one Sri Eshwarappa the then Civil Engineer on contract basis got prepared the estimate for an amount of Rs.2.10 lakh for the said road for the specific following item of works

- (i) Earth work excavation
- (ii) providing ECC M-10 grade
- (iii) providing stone masonry work for drains in 1:4
- (iv) providing RCC for foundation of drains
- (v) providing pointing to coursed masonry in C.M.1:4

and shown the measurements in No.69 of M.B. No.163 shown in Annexure - A. The item of work pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been recorded for Rs.64,007/- and amount was sent to monitoring information system account no.1519009009/RC/99441076 as per annexure B for a sum of Rs.54,000/- vide cheque no.293181 dt.19-01-2010 the payment was recorded in NMR No.0853 for which DGO-1 and DGO-2 have signed on verification of NMRs the signatures were not made by the job card holders and there was no document for supply of material. In this way, DGO-1 relied on the concocted and forged NMR and M.B. recorded by Eshwarappa, Contractor, the NMR

amount for Rs.54,000/- without doing any work in the spot. DGO-2 and DGO-3 being the Executive Officer and Administrative Officer have also shown the gross negligence by not adhering to the guidelines issued by the Govt. and not initiating any action against the persons responsible for causing irregularities.

6. DGOs 1 to 3 have also taken up the work of improvements to road from Sri J.Narayanappa's house to Sri M.Venkatappa's house at Thammareddy village at an estimated cost of 3.75 lakhs under NREGA scheme for 2009-10 for the following work;-

- (vi) earth work excavation in hard soil
- (vii) providing PCC M 10 Grade
- (viii) providing stone masonry work for drains in 1:4
- (ix) Providing PCC M 20 Grade
- (x) providing pointing to coursed masonry in CM 1:4

The said work is shown in page no.70 of MB No.163 enclosed in annexure C of investigation report pertaining to construction of embankment, providing M-10 and M-20 grade concrete have been recorded for Rs.60,395/- but, in the M.B., corresponding essential details such as claimed NMR No. and the connected period is not specified. The said M.B. was recorded by one Sri Eshwara, Engineer on contract basis the said work was entered in NMR No.01092 and the same is entered in MIS AC 1519009009 RC 99441077 amounting to Rs.54,000/- as per annexure D and amount is paid through cheque No.293182 dt.19-01-2010 and DGO-1 and President Smt.Manjulamma have signed the NMR but, on verification and scrutiny it is found that the NMR does not bear the signatures of job card holders and none of the signatures tally with the job card holders

and also no documents are found for supply of materials. In this way, DGO-1 along with the President and said Eshwarappa has created NMRs amounting to Rs.54,000/- and the amount was spent without carrying out the said work DGO-2 and 3 being the Executive Officer Mulabagilu taluk and then Administrative Officer, Hebbani have shown gross negligence in their duty by not adhering to the guidelines issued by the Govt.

7. DGOs 1 to 3 have taken up the work of improvements to road near Channakeshava temple near Hebbani village at an estimated cost of Rs. 1,04,400/- among DGOs, DGO-1 President of Hebbani Grama Panchayath and one Eshwarappa Civil Engineer on contract basis raised work in the NMR by recording in 6 NMRs for the said work amounting to Rs.1,04,400/- as detailed below;

NMR No.	Dated	Amount
32384	16-11-2009	18,000.00
32387	16-11-2009	18,000.00
232364	16-11-2009	16,800.00
232365	16-11-2009	16,800.00
232366	16-11-2009	18,000.00
232391	16-11-2009	16,800.00
	Total Rs.	1,04,400.00

without carrying out the said work by concocting the forged signatures in the NMRs since the signatures in the NMRs does not tally with the job card holders and also no bills for procuring the materials were found and shown the amount of Rs.1,04,400/- by creating a false and bogus bills, DGO-2 and 3 have also failed to

discharge their duty by adhering to the guidelines issued by the Govt. and also not initiating any action against persons responsible for causing irregularities.

8. DGOs 1 to 3 have also undertaken the work of construction of masonry drain at Sunnappakunte main road in Hebbani of Mulabagilu taluk at an estimated cost of Rs. 1.85 lakhs prepared under NREGA scheme for the year 2009-10 for the following items;

- (vi) earth work excavation in hard soil
- (vii) providing PCC M 10 Grade
- (viii) providing stone masonry work for drains in 1:4
- (ix) providing PCC M15 Grade
- (x) providing pointing to forced masonry CM 1:4

DGOs have recorded in page no.59 of MB No.163 for an amount of Rs.1,16,284/- and bill for procurement of materials for an amount of Rs.95,453/- claiming in page No.72 of MB 163 but on verification, no material were found to be stocked not shown the spot for which measurement was recorded and claimed as per page no.59 and 72 of MB 163, shown at Annexure F bill was prepared for a sum of Rs.1,16,284/- towards the supply of material and thereafter, limited to Rs.95,453/- and further limited to Rs. 30,000/- and paid vide cheque no.293247 dt.24-03-2010 signed by DGO-1, 2 Smt.Manjulamma then president and Eshwarappa Civil Engineer on contract basis related NMR was raised in NMR No.32368 amounting to Rs.18,000/- and paid vide MIS account no.1519009009/RC-994411077 for an amount of Rs.18,000/- and none of the labourers in NMR are signed by the job card holders which shows that a bogus NMR for a sum of Rs. 18,000/- was prepared and paid thereby DGO-1

along with the then president Smt. Manjulamma and civil engineer contract basis concocted and forged the M.B. and spent the amount and mis-appropriated the sum of Rs.30,000/- and DGO-2 and 3 have failed to discharge their duty by adhering to the guidelines issued by Government and not initiating any action against responsible persons.

9. Said facts supported by the material on record show that the DGOs 1 to 3, being public/Government servants, have failed to maintain absolute integrity besides, devotion to duty and acted in a manner unbecoming of Government servants and thereby repeatedly committed misconduct and made themselves liable for disciplinary action. Therefore, an investigation was taken up against the DGOs and an observation note was sent to DGOs to submit their comments and to show cause as to why report should not be made to the Competent Authority for initiating departmental inquiry against them in the manner. For that, the DGO 1 and 3 gave reply. However, the same has not been found convincing to drop the proceedings. Since said facts and material on record prima-facie show that DGO 1 to 3 have committed misconduct under Rule 3(1)(iii) of KCS (Conduct) Rules, 1966, now, acting U/S 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate proceedings against the DGOs and to entrust the enquiry to this Authority under Rule 14-A of K.C.S. (CC & A) Rules, 1957. In turn Competent Authority entrust the enquiry to this institution and Hon'ble Upalokayukta-2 nominated the enquiry authority to conduct enquiry and report. Hence, the Charge.

10. The said articles of charge was served on the DGOs on 17.10.2013 and 19.10.2013. DGOs 1 to 3 appeared before the enquiry officer and their first oral statement under Rule 11(9) was recorded. DGOs have denied the said charges. DGOs 1 and 2 have filed their written statement denying all the allegations.

11. They further submit that DGO 1 has maintained the proper books and accounts during the tenure of his service, that from Reddyhalli village Rajareddy house kerekatte cement concrete road, i.e. Charge No. 1 total estimate cost of Rs. 2 lakhs and the same has been passed resolution on 16.9.2009 and the same has been reflected in panchayath book. During the work, one person has been appointed by name Sri. Maytee and obtained signatures of workers in NMR and the amount has been deposited at the bank. Zilla Panchayath has appointed the private Executive Engineer and he does not possess much experience and as such the work has not been completed, the same has been mentioned wrongly in the endorsement and later this DGO 1 has verified the work whether the same has been completed or not and found that whatever work has been done paid, an amount of Rs. 54,000/- and the rest of Rs. 1,46,000/- has not been received and paid and yet to complete the cement concrete work and the same has to be verified by Executive Engineer and due to transfer of DGOs 1 and 2 who have taken the charge of present Secretary and EO has to take the job and complete the work as such at the time of inspection, DGOs 1 and 2 were not aware of the same. In respect of Charge No. 2 from Reddyhalli village J Narayanappa house Venkateshappa's house, the estimated cost was Rs. 3 lakhs resolution was passed on 16.9.2009 and the same has been reflected in panchayath book. Sri Maytee was also appointed. He obtained

signatures of workers and gave job card and in their presence obtained signatures in NMR and amount has been deposited to bank account. The private Executive Engineer was appointed by Zilla Panchayath and he does not possess much experience and as such the work has not been completed and the same has been mentioned wrongly in the endorsement and later this DGOs have verified the work whether the same has been completed or not and found that whatever work has been done paid Rs. 54,000/- and the rest of the amount of Rs. 2,46,000/- has not been received and paid and yet to complete the CC work and the same has been verified by Executive Engineer and due to the transfer of DGO 1 and 2 the charge was taken by present secretary and EO have to take the job and to complete the work and as such at the time of inspection DGO 1 and 2 were not aware of the same. As far as charge 3 is concerned, that Hebbani village near Channakeshava temple, the project has not been taken, the same is pending and at the time of inspection, none of the persons have given information and as such the said amount of Rs. 1,04,400/- has not been met towards the completion of the work in respect of charge No. 4 in Sunnappakunte main road chambers and road, the total estimate cost was Rs. 95,453/- DGO 1 purchased 40mm size stone and cement and given job card to the workers and completed the project work and obtained signatures in NMR and deposited a sum of Rs. 18,000/-. The said amount has been paid in the presence of Maytee in NMR book and the said project has not been completed and due to illiteracy, the signatures differs. Therefore they have not committed any irregularities. Hence prays to exonerate from the charges.

12. DGO 3 has filed the written statement denying all the allegations. He further submits that the proceedings are barred by law

of limitation. He has worked as Asst. Executive Engineer PWD sub division, Mulbagilu taluk, Kolar District from 9.9.2008 to 28.7.2011, and he never worked as Executive Officer in Hebbani Gram Panchayath as election was declared for the panchayath by the State Government and that there was no president in Hebbani Gram Panchayath. He was appointed as administrator by memorandum issued by DC dt. 27.3.2010. He has worked as administrator during the said 82 days from 5.4.2010 to 25.6.2010 and president was nominated. In respect of charge Nos. 1 to 3, he submits that he is no way related to these works. In respect of charge No.4, he has counter signed the bill of Rs. 30,000/- for the work carried out and recorded by engineer appointed through an outsource agency by Executive Officer is again signed by the president before the payment is made as can be noted from the said page of measurement book where signature is noted by PW2. Since the bill is signed by the president, his signature has no bearing on the payment as the same has been done as counter signature.

13. On behalf of the Disciplinary Authority, two witnesses are examined as PWs 1 and 2, Ex P 1 to P 29 are marked. After the closure of the evidence of the Disciplinary Authority, second oral statement of DGOs u/R 11(16) was recorded. DGOs submitted that they have defense evidence. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defense assistant for DGOs filed their written brief and they were also heard orally.

14. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

15. My answers to the above points are as follows:

Point No. 1 : In the affirmative.

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

REASONS

16. **Point no. 1** : The complainant who is examined as PW1 has deposed that during the year 2009-10 in MGNREGA scheme, without doing any road work, drainage, bills were prepared stating that road work and drainage work was done in Hebbani village, Thammaradaddi village and Sunappakunte village. Along with this, Secretary and Panchayath President misused the job cards, issued the job cards to third parties.

17. Further PW1 has deposed that the DGOs also prepared said bills without lifting the silt in Kemmanakuntekere at Kummanahalli village. M. Gollahalli, Doddakere. DGOs have misappropriated the Government funds. Therefore he has lodged a complaint to Lokayukta police along with the villagers as per Ex P 1 to 3. After lodging the complaint, engineer from Technical Wing, Karnataka Lokayukta, Bangalore, visited Thammareddyhalli, Hebbani and Sunnappakunte, inspected, investigated and drawn the mahazar Ex P 4.

18. In the cross examination made by DGO 3, PW1 has deposed that after this complaint, he had become the member of panchayath once. Before lodging the complaint, he was aware about the works taken up by Gram Panchayath. He has lodged the complaint against the Secretary and president of Gram Panchayath. He has not lodged complaint against DGO 3 regarding the work done by him. When the technical wing came for investigation, DGO 3 was not present and he had no information about the work taken up by DGO 3.

19. In the cross examination made by DGO 1 and 2, PW1 has deposed that during the year 2009-10, he was a practicing advocate. He has not taken any contract work from Gram Panchayath, Estimate amount for the road work from the house of Rajareddy till Kerekatte was not known to him. PW1 has denied that a mesthri was appointed to monitor the job card holder labourers. He admits that one of the engineer was monitoring the road development work. He denied that the Secretary has paid Rs. 54,000/- to the labourers who have done the road development work through bank account.

20. Further PW1 has denied that the remaining amount of Rs. 1,46,000/- was with the panchayath and due to Gram Panchayath elections of 2009-10 and due to transfer of Sri. Byatappa DGO 1, further work was held up. He denied that the subsequent Secretary was responsible to continue the work and DGO 1 was not responsible.

21. Further in the Cross Examination PW1 has deposed that he does not know the date of complaint. He admits that he has lodged

complaint against Sri. Byatappa & Smt. Manjula only. He admits that he has made allegation regarding (a) work near Chennakeshava temple (b) Sunappakunte main road drainage and (c) Thammareddy village road development work. He admits that the estimate cost of work near Chennakeshava temple is of Rs. 1,04,400/-. He does not know PDO or Secretary or laborers have not drawn the amount. He admits that Zilla panchayath office will appoint Junior Engineers on contract to work in Gram panchayath for NREGA works. He admits that this amount was fed to Monitoring Information System (MIS). He denies that only by mistake allegations are made on the basis of MIS (Entry department). He denied that this amount was not drawn.

22. PW1 has denied that for Sunappakunte main road drainage Rs. 95,453/- was only granted. He denied that Rs. 4 lakhs was not granted to this drainage work. He denied that Rs. 95,453 was spent towards purchase of jelly, cement, stone slabs & laborers. He admits that this amount was paid through NMR & wages of job card holders was paid through their account. He admits that the payment towards purchase of cement was paid through bank account. He admits that amount granted to this drainage was not at all credited to the account of DGO's. He denies that the actual amount is spent towards this drainage. He admits that DGO's have purchased jelly & cement for purpose of this drainage. He denies that there are political differences in Sunappakunte village and DGO's have not committed any dereliction of duty.

23. Further PW1 has deposed that for Thammareddy village main road work, Rs. 3 lakhs was granted in Grama Sabha. He does not know that for payment towards laborers only Rs. 54000/- was spent

& remaining Rs. 2,46,000/- was not drawn by anybody. He admits that mestri will submit report and then, amount will be credited to job card holders through MIS & then amount will credited to their bank account. He denied that on the basis of false report submitted by Junior Engineers appointed by Zilla panchayath on contract basis, these minor discrepancies occurred.

24. PW1 denied that he was not present when Lokayukta officials visited the spot. I.O had not given any notices to the DGO's. One Sri. Balaji was PDO. He does not remember the name of Secretary. He denied that DGO no. 2 was not the Taluk Executive officer at that time. He denied that for the work done by job card holders, amount was paid to them through bank account & he has filed the false case. He denied that DGO's have not at all misappropriated any amount of Rs. 350 lakhs. He denied that except job card holders, amount was not paid to anybody under these works.

25. The IO who is examined as PW2 has deposed that the complaint was lodged on 25.10.2010 was referred to her by the Chief Engineer. Therefore she issued notices to the Executive Officer, Taluk Panchayath, Mulabagilu, Engineers and concerned officials to be present for the spot inspection on 10.6.2011. Accordingly on 10.6.2011, she inspected the spot along with Assistant Executive Engineer-2 Sri. P Nanjappa, Karnataka Lokayukta, Bangalore in the presence of Sri. Balaji PDO and the complainant. The Executive Officer was absent. The concerned officials and DGOs were also absent. PDO and complainant identified the spots in Hebbani Gram Panchayath.

26. Further PW2 has deposed that she investigated the improvements of the road from Sri. Rajareddy's house to Kerekatte at Thammareddy village and found that the above alleged work was not carried out. The estimated amount was Rs. 2.10 lakhs under NREGA scheme for the year 2009-10. But the measurement was recorded in the MB book No. 163 vide page No. 69 showing that the work to the extent of Rs. 64,007/- was done.

27. Further PW2 has deposed that the signatures of the labourers obtained in nominal muster roll and job card were not tallied and bogus NMR amounted to Rs. 54,000/- has been claimed. Further PW2 has deposed that she inspected improvement to road from Sri. J. Narayanappa's house to Sri. J.Venkateshappa's house at Thammareddy village and found that no such work was carried out. The estimated amount was Rs. 3.7 lakhs under NREGA scheme for the year 2009-10. The work measurement was recorded in book No. 163 page No. 70 and shown that the work of Rs. 60,395/- was carried out.

28. PW2 has further deposed that the Contract Civil Engineer Sri. Eshwar signed measurement book the alleged work was entered in NMR and MIS amounting to Rs. 54,000/- and payment was made vide cheque no.293182. DGO 1 & President Smt. Manjulamma signed the NMR. The signatures of the labourers on NMR and job cards were not tallied. DGO and president Smt. Manjulamma and Civil Engineer Sri. Eshwarappa are responsible for these discrepancies.

29. Further PW2 has deposed that she investigated the improvements to road near Chennakeshava temple in Hebbani village and found that no work was carried out, MB was not recorded,

estimate was not prepared, only NMR was prepared amounting to Rs. 1,04,400/-. The signatures of the labourers on NMR and job cards were not tallied. She also inspected the construction of Masonry drain at Sunnappakunte main road in Hebbani village of Mulbagilu taluk, estimated cost of Rs 1,85,000/- under NAREGA scheme for the year 2009-10 and found that no such work was done. But the measurement was recorded in Book No. 163 page No. 59, Rs. 1,16,284/- was claimed and supply bill for procurement of material for 4 items amounting to Rs. 95,453/- was claimed in MB No.163 page No. 72, and on verification she found that no materials are stocked at the site. But according to MB book, payment of Rs. 30,000/- was made vide cheque No. 293247.

30. Further PW2 has deposed that DGO 3 - Sri. Venkatarayappa, DGO 1 - Sri. Bytappa and President Smt. Manjulamma and Contract Civil Engineer Sri. Eshwarappa have signed the MB book. Apart from Rs. 30,000/-, according to NMR and MIS, Rs. 18,000/- was claimed, the signatures of job card holders in NMR and job card were not tallied. But Rs.18,000/- has been paid. DGO 1, President Smt. Manjulamma and Contract Civil Engineer Sri. Eshwarappa are responsible officials for these discrepancies.

31. Further PW2 has deposed that at the time of inspection, she has also drawn the mahazar Ex P 23, also taken the photographs at the time of investigation and they were converted into CD Ex P 24. Secretary of Gram Panchayath is a responsible person to issue the job cards. The Secretary and President without following any Government notification and without doing any work accepted the bills for payment. DGOs 2 and 3 are the responsible officials to

physically verify 100% works before making payments at taluk level. Accordingly she has submitted her report Ex P 25 along with the files and incumbency certificate Ex P 26 to 29.

32. In the Cross Examination made by DGO 3, PW2 has deposed that she has not verified the records in the office of the Executive Officer to know to whom she addressed the letters to be present for spot inspection. According to the incumbency certificate, one Sri. Venkatareddy was the Asst. Conservator of Forest and was responsible to supervise all the works. She does not know that according to incumbency, Sri. Venkatareddy was the responsible officer and not DGO 3. According to incumbency provided by Executive Officer, Sri. R Venkatareddy was a responsible official for all the works along with DGOs 1 and 2.

33. Further PW2 has deposed that she does not know that DGO 3 worked as administrative officer only from 5.4.2010 to 25.6.2010 during election period. She admits that the works mentioned in Ex P 15 and the place of work mentioned in Ex P 16 are different. She does not know that during the election period, DGO 3 was working as Administrative officer of the Gram Panchayath.

34. In the cross examination made by DGO 1 and 2, PW2 has denied that she has not at all issued any notices to DGOs except Executive Officer. She denied that intentionally she has not issued notices to DGOs. Further PW2 has deposed that one Sri. Venkatareddy was the Executive Officer at that time. Executive Officer and DGOs were not present at the time of spot inspection. She has not verified to whom Rs. 54,000/- was paid. She has not verified

that PDO had issued cheque of Rs. 54,000/- with a pay slip to the designation of bank manager in order to disburse the same to the labourers.

35. She denied that secretary has not purchased any materials for the work from the house of Rajareddy to Kerekatte. She denied that the labourers have done the work, therefore Rs. 54,000/- was credited to the bank account of labourers. She denied that Rs.54,000/ was paid after leveling the land. She denied that according to the photographs shown to her, road leveling was done and drainage was done. She denied that PDO and complainant has shown different place instead of house from Rajareddy to Kerekatte. She denied that in the photographs taken by her, spot is not appearing and signatures of labourers in NMR and job cards are tallying with each other.

36. PW2 has denied that the photographs appearing in page 4 and 5 of her report are taken in the same place and for the work from the house of Narayanappa to Venkateshappa house, Secretary has issued cheque of Rs. 54,000/- in the name of Bank Manager to credit the amount to the accounts of labourers. She has denied that except job card holders nobody has drawn the amount of Rs. 54,000/-. She admits that the amount was not paid to purchase any materials.

37. Further PW2 has denied that the computer operator will record MIS on his own. She has denied that Maytee and computer operator without the knowledge of DGOs entered the NMR in respect of work near Chennakeshava temple. She denied that DGO 1 has not put his signature to this NMR .

38. Further PW2 has denied that the PDO and complainant had shown different places in respect of drainage and according to the documents now shown to her, earlier drainage was not formed and under NREGA, drainage was formed and payment was made, she admits that payment of Rs. 95,453/- was paid towards purchase of materials. Further PW2 has deposed that she has verified the bill, she does not know that cheque of Rs. 30,000/- was given to the brother of complainant towards supply of bill. She admits that remaining Rs. 18,000/- was credited to the bank account of labourers. She has voluntarily deposed that none of the job card holders were found tallied with signatures obtained in NMR. She has not verified the bank account documents.

39. Further PW2 has denied that according to the complaint Ex P2, 300m masonry work was done. She has not enquired the persons who signed Ex P1, She has not taken the signatures of villagers who were present on the date of inspection in the mahazar and report. She does not know that national award was given to Hebbani Gram Panchayath for having done the good work. She has denied that the Secretary of RDPR also inspected all the works done in Hebbani Gram Panchayath jurisdiction and found that works are satisfactory. She has denied that the DGO 2 has not committed any dereliction of duty and Executive Officer was the responsible officer to supervise the work. She denied that DGO 1 and 2 have not committed any dereliction of duty.

40. DGO 3 who is examined as DW1 has deposed that from 5/4/2010 to 25/6/2010, he was working as an Administrator in Hebbani Gram panchayath during panchayath election as per DC

order. He has produced the copy of notification Ex D1, certificate issued by panchayath Ex D2. He is no way related to work no. 1, 2 & 3. In respect of work no. 4, he has not carried out this work, but Investigating Officer seized measurement book containing his signature which pertains to different work & not to work no. 4.

41. Further DW1 has deposed that Ex P 15 contains his signature but this measurement book is no way related to work no. 4. Ex P 15 is pertaining to work of Mulbagal taluk, Hebbani gram panchayath, Sunappakunte village drainage work from main road to temple. As mentioned in Charge no. 4, Sunappakunte main road to Hebbani drainage is totally a different road. I.O has investigated the work near SC colony main road drainage only as per Ex P17. After putting his signature, president of gram panchayath who occupied his chair subsequently after his term has signed Ex P15 & passed the bill. During his period, this bill was not passed. He has not committed any dereliction of duty as alleged. As per Ex P29, one Sri. R Venkatarreddy, ACF was Executive officer of Hebbani gram panchayath from 18/8/10 to 31/3/11 & he was responsible for all the works.

42. In the Cross Examination, DW1 has denied that he is responsible for all the works, DGO's 1 & 2 not properly supervised the work, not properly maintained the records, misutilised the money & inspite of knowing the facts, he has not taken any action against them, they have not followed guidelines & notifications issued by Government, he has committed dereliction of duty and to escape from liability, he is deposing falsely. DGO 1 has carried out all the 4 works satisfactorily and made the payment. In the Cross examination he has denied the suggestions made by Presenting officer.

43. DGOs 1 and 2 were examined as DWs 4 and 5 and have deposed that they have carried out the works satisfactorily. Payment was made to the extent of actual work done. The remaining amount was not paid because the work is not completed. All the works are executed satisfactorily. And they have not committed any dereliction of duty. The engineer has wrongly entered the progress of work in measurement book. They have not committed any dereliction of duty. Hence prays to exonerate from the charge.

44. In the cross examination, DWs 4 and 5 have denied that without properly verifying the 4 incompleting works under NAREGA scheme in the year 2009-10, they have passed the bills, the evidence given by them is no way related to articles of charges, in the road work from Rajareddys house to Kerekatte, colluding with the President, they have misappropriated Rs. 2,10,000/-, in the road work from the house of Narayanappa to the house of Munivenkatappa misappropriated Rs. 3,75,000/-, in the road work from Channakeshava temple near Hebbani village, they have misappropriated Rs. 1,04,400/-. Further they have denied that in respect of construction of masonry drain from Sunnappakunte main road to Hebbani village, they have misappropriated Rs. 1,85,000/-. They have voluntarily deposed that they have made payment only to the extent of the work done.

45. According to DGOs, the engineer has wrongly entered the progress of work in measurement book. It is suggested to PW2 that Maytee and computer operator without knowledge entered NMR in respect of work near Channakeshava temple. PW2 has denied the same.

46. But this suggestion, evidence of PW2 and the report Ex P 25 show that during the year 2009-10, DGOs have taken up the improvement of road work from Rajareddy house to Kerekatta at Tammareddy village, improvement of road from Sri. J Narayanappa house to Sri. M Venkateshappa house at Tammareddy village, improvement of road near Channakeshava temple in Hebbani village, construction of masonry drain at Sunnappakunte main road to Hebbani village of Mulbagilu. No work was done but measurement was recorded in measurement book No. 163, the signatures of labourers obtained in NMR and job card were not tallied. Bogus NMR were created, though the work was not done It was entered in NMR and MIS and payment was made, though the materials was not purchased Rs. 95,453/- was claimed.

47. DGO 3 - Sri Venkatarayappa DGO 1-Sri Byatappa and president Smt. Manjulamma and contractor Sri. Eshwarappa have signed the measurement book. For all the discrepancies, DGOs 1 to 3 are responsible. Therefore I hold that DGOs, being the Government servants, failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of the Government servants. Hence, I proceed to answer point No. 1 in the affirmative.

48. Point No. 2 : For the reasons discussed above, I proceed to pass the following ;

ORDER

Disciplinary Authority has proved the charges as framed against the following DGOs :

- (i) Sri. Byatappa, the then Secretary, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District.
- (ii) Sri. Sanjappa, the then Executive Officer, Taluk Panchayath, Mulabagil Taluk, Kolar District and
- (iii) Sri. Venkatarayappa (**now retired**), the then Administrative Officer, Hebbani Gram Panchayath, Mulabagil Taluk, Kolar District.

Hence, this report is submitted to Hon'ble Upalokayukta II for kind consideration.

Dated this the 28th February, 2017

(S. Gopalappa)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

- PW-1 :- Sri. Nataraj J (complainant)
PW-2 :- Smt. Naseera (I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:- Sri. Y. M. Venkataramanappa
DW-2:- Sri. Prabhakar
DW-3:- Sri. P. R. Shankarappa
DW-4:- Sri. M. Byatappa
DW-5:- Sri. Sanjappa

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1 : Complaint

Ex.P-2 : Form No. I
 Ex.P-3 : Form No. II
 Ex.P-4 : Mahazar
 Ex P-5 : Estimate
 Ex.P-6 : NMR
 Ex P 7 : Monitoring Information System
 Ex P 8 : MB extract
 Ex P 9 : MB extract
 Ex P 10 : Estimate
 Ex.P-11 : MIS
 Ex.P-12 : NMR
 Ex.P-13 : NMR
 Ex.P-14 : MIS
 Ex P-15 : MB Extract
 Ex.P-16 : MB Extract
 Ex P 17 : Estimate
 Ex P 18 : NMR
 Ex P 19 : Receipt
 Ex P 20 to : Bills
 Ex P 22
 Ex.P-23 : Mahazar
 Ex.P-24 : CD
 Ex P-25 : Report dt. 30.9.2011
 Ex.P-26 to : 3 Files
 Ex P 28
 Ex P 29 : Incumbency certificate

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

Ex.D-1 : Notification dt. 27.3.2010
 Ex.D-2 : Certificate dt. 17.8.2016

Dated this the 28th February 2017

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