



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-2/ಡಿಇ/431/2018/ಎ.ಆರ್.ಇ-15

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ
ಬೆಂಗಳೂರು-560001
ದಿನಾಂಕ:18-03-2023

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಶ್ರೀ.ಗೋವಿಂದರಾಜು, ಸಹಾಯಕ ಆಯುಕ್ತರು, ವಲಯ ಕಚೇರಿ-05, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು ರವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ.ನಅಇ 69 ಎಸಿಎಂ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:30/08/2018.
2) ಉಪಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂ.ಉಪಲೋಕ್-2/ಡಿಇ/431/2018, ಬೆಂಗಳೂರು, ದಿ:12/09/2018.
3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿ:16/03/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ:30/08/2018 ರಂತೆ ಶ್ರೀ.ಗೋವಿಂದರಾಜು, ಸಹಾಯಕ ಆಯುಕ್ತರು, ವಲಯ ಕಚೇರಿ-05, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಅಧಿಕಾರಿ ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರ' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮನಿರ್ದೇಶನದ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2 /ಡಿಇ/431/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:12/09/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-3 ರವರಿಗೆ 'ಆ.ಸ.ನೌಕರರ' ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1 & 2/ಡಿಇ/ವರ್ಗಾವಣೆ/2018, ದಿನಾಂಕ:02-11-2018 ರಂತೆ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15 ರವರಿಗೆ ಪ್ರಕರಣವು ವರ್ಗಾವಣೆಯಾಗಿ 'ಆ.ಸ.ನೌಕರರ' ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ.ಗೋವಿಂದರಾಜು, ಸಹಾಯಕ ಆಯುಕ್ತರು, ವಲಯ ಕಚೇರಿ-05, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE-I **CHARGE**

"You the DGO, Sri.Govindaraju while working as Assistant Commissioner, Zone-5 of Mysuru City Corporation, has committed irregularities while selecting beneficiaries under "Namma Mane" scheme and the details of the irregularities so committed in selecting the beneficiaries under the said scheme, are as follows;



Out of the 9 beneficiaries selected under the said scheme, the site/property owned by 3 beneficiaries viz., Sri. K. Srinivasa Rao, Smt.Reshma and Sri.N. Nagaraju, are situated in Shadonahally village and those sites are revenue sites, situated outside the Mysuru City Corporation limits.

But as per the "Namma Mane - ISHUP" scheme introduced by Central Ministry of Urban Development and Poverty Alleviation Department, Central Government is providing loan to poor people to the extent of Rs.1.00 lakh to Rs.160 lakh under "ನಗರದ ಬಡಜನರ ವಸತಿಗಾಗಿ ಬಡ್ಡಿ ಸಹಾಯಧನ ಯೋಜನೆ" and as per the conditions incorporated in the circular No.HD 37 HAH 2009, dated: 17/11/2009, a beneficiary who is eligible to get the benefit under the said scheme, should own and possess a site within the limits of Local Authority/Municipality /Municipal Corporation. But the benefits to the above named 3 beneficiaries have been provided, by selecting them as beneficiaries under the said scheme, though they are not possessing sites within corporation limits of Mysuru City.

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Further, the title deeds/sale deeds produced by the beneficiaries Smt.Reshma and L.Nagaraju are defective since not registered but attested by Notary Public and hence those documents will not confer any right, title and interest in their favour over the said property and without verifying the documents produced by beneficiaries properly, benefits have been provided to them by selecting them as beneficiaries, though they are ineligible to be selected as beneficiaries and thereby you the DGO is responsible for selection of ineligible beneficiaries and without verifying the title deeds properly, benefits under the ISHUP scheme have been provided to them on the basis of unauthorized and illegal title deeds and in contravention of guidelines and regulations of the scheme, thereby you were negligent in discharging your duties as public servant since acted in a manner unbecoming of a Government Servant thus guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.”

4. ವಿಚಾರಣಾಧಿಕಾರಿ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ.ಗೋವಿಂದರಾಜು, ಸಹಾಯಕ


ಆಯುಕ್ತರು, ವಲಯ ಕಚೇರಿ-05, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಒಬ್ಬ ಸಾಕ್ಷಿಯನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ, ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-5 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ ತಾವೇ ಡಿ.ಬ್ಲ್ಯೂ-1 ಎಂದು ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ನಿಶಾನೆ ಡಿ-8 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ.ಗೋವಿಂದರಾಜು, ಸಹಾಯಕ ಆಯುಕ್ತರು, ವಲಯ ಕಚೇರಿ-05, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು, ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.


(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ-1
ಕರ್ನಾಟಕ ರಾಜ್ಯ

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/431/2018/ARE-15 M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 16/03/2023.

-: ENQUIRY REPORT :-

- Sub:-** Departmental Inquiry against Sri. Govindaraju, Assistant Commissioner, Zonal Office-05, Mysore Mahanagara Palike, Mysure – regarding.
- Ref:-** 1. Government Order No. ಸಅಇ/69/ಎಸಿಎಂ/2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30/08/2018.
2. Nomination Order No. UPLOK-2/DE/431/2018, Bengaluru dated 12/09/2018 of the then Hon'ble Upalokayukta.

The Departmental Enquiry is initiated against Delinquent Government Official Sri. Govindaraju, Assistant Commissioner, Zonal Office-05, Mysore Mahanagara Palike, Mysure (*hereinafter referred as DGO in short*).

2. In pursuance of the Government Order cited at reference No.1 above, the then Hon'ble Upalokayukta vide order dated 12/09/2018 cited at reference No.2 above, has nominated the Additional Registrar of Enquiries-3 to frame Articles of Charge and to conduct the inquiry against the aforesaid DGO.

3. Hon'ble Upalokayukta-2 on perusal of prima facie material submitted Report Dated: 07/04/2018 under Section 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against DGO.

4. The ARE-3 had issued the Articles of charge, Statement of Imputations of Misconduct, List of Witnesses proposed to be examined in support of the charge and List of Documents proposed to be relied upon in support of the charge.

5. The Article of charge issued by the ARE-3 against the DGO is as under;

ANNEXURE-I
CHARGE

“You the DGO, Sri. Govindaraju while working as Assistant Commissioner, Zone-5 of Mysuru City Corporation, has committed irregularities while selecting beneficiaries under “Namma Mane” scheme and the details of the irregularities so committed in selecting the beneficiaries under the said scheme, are as follows;

Out of the 9 beneficiaries selected under the said scheme, the site/property owned by 3 beneficiaries viz., Sri. K. Srinivasa Rao,

Smt. Reshma and Sri. N. Nagaraju, are situated in Shadonahally village and those sites are revenue sites, situated outside the Mysuru City Corporation limits.

But as per the "Namma Mane – ISHUP" scheme introduced by Central Ministry of Urban Development and Poverty Alleviation Department, Central Government is providing loan to poor people to the extent of Rs.1.00 lakh to Rs.160 lakh under "ನಗರದ ಬಡಜನರ ವಸತಿಗಾಗಿ ಬಡ್ಡಿ ಸಹಾಯಧನ ಯೋಜನೆ" and as per the conditions incorporated in the circular no. HD 37 HAH 2009 dated: 17/11/2009, a beneficiary who is eligible to get the benefit under the said scheme, should own and possess a site within the limits of Local Authority / Municipality /Municipal Corporation. But the benefits to the above named 3 beneficiaries have been provided, by selecting them as beneficiaries under the said scheme, though they are not possessing sites within corporation limits of Mysuru City.

Further, the title deeds/sale deeds produced by the beneficiaries Smt. Reshma and L. Nagaraju are defective since not registered but attested by Notary Public and hence those documents will not confer any right, title and interest in their favour over the said property and without verifying the

documents produced by beneficiaries properly, benefits have been provided to them by selecting them as beneficiaries, though they are ineligible to be selected as beneficiaries and thereby you the DGO is responsible for selection of ineligible beneficiaries and without verifying the title deeds properly, benefits under the ISHUP scheme have been provided to them on the basis of unauthorized and illegal title deeds and in contravention of guidelines and regulations of the scheme, thereby you were negligent in discharging your duties as public servant since acted in a manner unbecoming of a Government Servant thus guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.”

6. As per order of Hon'ble Uplok-1&2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta, Bengaluru, dated: 02/11/2018 this Enquiry file was transferred from ARE-3 to this Section i.e., ARE-15.

7. In pursuance thereof, the DGO appeared before this Enquiry Authority. On 05/01/2019 his First Oral Statement was recorded and he pleaded not guilty to the charge.

8. On 14/01/2020 DGO filed his written statement by denying the allegations made against him. When he was working as Zonal Commissioner, MCC, Mysore, the Government had introduced a scheme namely Interest Subsidy Scheme for Housing the Urban Poor/Namma Mane in co-ordination with Municipal and District Administration. As per the guidelines, the Ashraya Committee headed by jurisdictional MLA and other members had selected/finalized the list of beneficiaries and financial assistance was given to such beneficiaries after approval of the District Commissioner. He had no role in selecting the beneficiaries and therefore the allegations made that he selected 3 beneficiaries who are residents of Srirangapatna Taluk and sanctioned financial assistance to them are false. His role was limited to approval of the Estimate and Sketch after other Revenue Officials had made spot assessment. During the above period about 2600 applications were received and amongst them the Ashraya Committee had selected 650 beneficiaries within MCC limits. None of them are outside the jurisdiction of MCC or resident of Srirangapatna as alleged in the complaint. It is stated that the complainant is a RTI activist and has lodged this complaint without

verifying the true facts. Since he has not committed any misconduct or dereliction of duty, he has prayed to absolve him.

9. In order to prove the charge, the Disciplinary Authority has examined the complainant as PW-1 and got marked five documents at Ex.P-1 to Ex.P-5.

10. Thereafter, the Second Oral Statement of DGO was recorded on 22/06/2022. DGO expressed his intention to examine him and thereafter came to be examined as DW-1 and got marked 8 documents as Ex.D-1 to D-8.

11. Heard the arguments on both sides and also perused the material on record.

12. In the aforesaid facts and circumstances, the points that arise for consideration are as follows:

1) Whether the Disciplinary Authority proves that the DGO, who served as Zonal Commissioner, Zonal Office-5, Mysore Mahanagara Palike had selected 3 ineligible beneficiaries under Namma Mane/ISHUP Scheme without verifying the documents and sanctioned financial benefits in contravention of the guidelines of the scheme incorporated in the Circular No. HD/37/HAH/2009, dated: 17/11/2009 and thereby committed misconduct or dereliction of duty and

acted unbecoming of Government Servants and not maintained absolute integrity thereby violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

2) What Finding ?

13. My findings to the above points are :

1. In the **Negative**,
2. As per Finding for the following;

:- REASONS :-

14. **Point No.1:** In the year 2010-11 the Mysore City Corporation ('MCC' for short) introduced a scheme 'Interest Subsidy Scheme for Housing the Urban Poor' (ISHUP), also known as "ನಮ್ಮ ಮನೆ" to assist the urban poor to construct houses on their pre-owned plots within the MCC limits. As per the scheme, the Applicant should own a vacant site, khatha allotted by MCC and ought to have paid upto date tax to MCC. Such applications will be scrutinized by the Ashraya Committees headed by jurisdictional MLA and loans sanctioned after the approval of the Deputy Commissioner, Mysore. According to the scheme the selected beneficiary should contribute Rs.30,000/- , government Subsidy of

Rs.50,000/- and Bank Loan of Rs.50,000/- (Rs.1,30,000/- in all).

15. The present complaint relates to the applications received by various beneficiaries in Chamaraja Legislative Segment of Mysore. It is not in dispute that the DGO served as Zonal Commissioner, Zonal Office-5, MCC from 04/05/2011 till 10/02/2014. The Complainant/Sri.K. Puttaswamy has alleged in his complaint that the title deeds of the beneficiaries were not properly verified and those owning plots outside the jurisdiction of MCC were selected as beneficiaries and loans were sanctioned without following the guidelines of ISHUP Scheme. The name of the DGO/Sri. Govindaraju or his role in the allegations made in the complaint is not forthcoming in Ex.P-1 complaint dated: 26/05/2014. His name is mentioned only in From Nos. I & II, marked as Ex.P-2 and P-3, wherein one line allegation is made that guidelines of ISHUP Scheme are not properly followed.

16. The complainant came to be examined as PW-1. He has deposed that the DGO who was the Zonal Commissioner, MCC had not properly verified the

applications and selected the beneficiaries without following the ISHUP guidelines and sanctioned financial assistance to persons who were not residing within the jurisdiction of MCC. According to him three beneficiaries from Shadanahalli of Srirangapatna Taluk were selected and financial assistance were given to them. He has however not named the said three beneficiaries and has not produced any document or material to show that Shadanahalli Village is situated in Srirangapatna Taluk of Mandya District.

17. In the course of cross-examination of PW-1, suggestion put to him that Shadanahalli Village is situated within the limits of MCC is denied by him. The Registered Gift Deed dated: 06/08/2009 executed by one Sri. Srinivasa in favour of his wife Smt. Veena Bai; Registered Mortgage Deed dated: 01/10/2012 executed by Smt. Reshma in favour of Rajiv Gandhi Rural Housing Corporation Limited and another Registered Mortgage Deed dated: 03/10/2012 executed by Sri. N.Nagaraju in favour of Rajiv Gandhi Rural Housing Corporation Limited came to be confronted to PW-1 during his cross-examination that came to be marked as

Ex.D-5 to D-7. The sites which are subject matter of the above Registered Deeds are all situated in Shadanahalli Village, Mysore Taluk and PW-1 admits that all the deeds are registered in the Office of Sub-Registrar, Mysore North. In view of the admission made by PW-1 and that the above Registered documents disclosed that Shadanahalli Village is situated in Mysore Taluk and within the limits of MCC, the allegations made by the complainant that the said village is situated in Srirangapatna Taluk holds no water.

18. In the course of scrutiny of the complaint **No. Compt/Uplok/MYS-1705/2014/DRE-4**, by virtue of Orders passed by Hon'ble Upalokayukta, matter was referred to the Mysore Lokayukta Police to probe the complaint allegations and submit report. The **Report dated: 16/07/2014** submitted by Sri. K.B. Swamy Kumar, Dy.S.P., Karnataka Lokayukta, Mysore to DRE-4 is at **Pages 26 to 28 in Ex.P-5**. The said Report also came to be confronted to the Complainant/PW-1 during his cross-examination which is marked as **Ex.D-2**. The operative portion/opinion recorded by the Investigation Officer reads as follows;

“ಈ ದೂರು ಅರ್ಜಿದಾರರು ಆಪಾದಿಸಿರುವಂತೆ ‘ನಮ್ಮ ಮನೆ’ ಯೋಜನೆಯನ್ನು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯು 2010-11 ನೇ ಸಾಲಿನಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಳಿಸಿದ್ದು, ಹಾಲಿ ಜಾರಿಯಲ್ಲಿರುವುದಿಲ್ಲ ಹಾಗೂ ಈ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಫಲಾನುಭವಿಗಳು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ನಿಬಂಧನೆಗೆ ಒಳಪಟ್ಟಿರಬೇಕು. ಫಲಾನುಭವಿಗಳು ಸ್ವಂತ ನಿವೇಶನ ಹೊಂದಿ ಮನೆ ನಿರ್ಮಿಸಿಕೊಳ್ಳು ಸಂಬಂಧಿತ ವಲಯ ಕಛೇರಿಗಳಿಂದ ಅಂದಾಜುಪಟ್ಟಿ ಮತ್ತು ಅನುಮೋದಿತ ನಕಾಶೆಯನ್ನು ಪಡೆದು, ಸಲ್ಲಿಸಬೇಕು. ಆದರೆ ಈ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ವಾರ್ಡ್ ನಂ.26 ರಿಂದ ಆಯ್ಕೆಯಾದ 9 ಫಲಾನುಭವಿಗಳು ಬ್ಯಾಂಕ್ ಸಾಲ ಪಡೆದು ಸ್ವತಃ ಮನೆ ನಿರ್ಮಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಮಹಾನಗರ ಪಾಲಿಕೆ ವತಿಯಿಂದ ಈ ಯೋಜನೆಯಡಿ ಯಾವುದೇ ರೀತಿಯ ಸೈಟು/ಮನೆಗಳನ್ನು ಮಂಜೂರು ಮಾಡಿರುವುದಿಲ್ಲ ಹಾಗೂ ಮನೆಗಳನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿರುವುದಿಲ್ಲ ಹಾಗೂ ಹಕ್ಕುಪತ್ರ/ಕ್ರಯಪತ್ರ/ಖಾತೆ ನೀಡಲಾಗಿರುವುದಿಲ್ಲವೆಂದು ಕಾಲದಲ್ಲಿ ತಿಳಿದುಬಂದಿರುತ್ತದೆ. “

19. Further at the time of scrutiny, it appears that a report was also sought from the Commissioner, MCC regarding the allegations made in the complaint. **Ex.D-8 is the Report dated: 07/07/2017 submitted by the Commissioner, Mysore City Corporation** to DRE-4 stating that the allegations made by the complainant against the DGO are baseless. Relevant portion with the opinion of the Commissioner states as follows;

“ದೂರುದಾರರು ದೂರಿನಲ್ಲಿ ಹಿಂದಿನ ವಲಯ ಆಯುಕ್ತರಾದ ಶ್ರೀ ಎಂ.ಬಿ. ಗೋವಿಂದರಾಜುರವರ ವಿರುದ್ಧ ದೂರು ನೀಡಿರುತ್ತಾರೆ. ವಾಸ್ತವಿಕವಾಗಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯನ್ನು ಬಡತನ ನಿರ್ಮೂಲನಾ ಕೋಶದ ಸಮುದಾಯ ಸಂಘಟನಾಧಿಕಾರಿ, ಸಮುದಾಯ ಅಭಿವೃದ್ಧಿ ತಜ್ಞರು ಹಾಗೂ ವಲಯ ಆಯುಕ್ತರು ಪರಿಶೀಲಿಸಿ ನಂತರ ಆಶ್ರಯ

ಸಮಿತಿ ಮುಂದೆ ಮಂಡಿಸಿ, ಸಮಿತಿಯ ಅನುಮೋದನೆ ಪಡೆದು ನಂತರ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಂದ ಅನುಮೋದನೆ ದೊರೆತ ನಂತರ ಯೋಜನೆ ಅನುಷ್ಠಾನಗೊಳುತ್ತದೆ. ಆದುದರಿಂದ ಮೇಲ್ಕಂಡ ವಿಷಯದಲ್ಲಿ ಶ್ರೀ ಎಂ.ಬಿ. ಗೋವಿಂದರಾಜು, ಹಿಂದಿನ ವಲಯ ಆಯುಕ್ತರು, ವಲಯ ಕಛೇರಿ-05 ಇವರು ಯಾವುದೇ ಅವ್ಯವಹಾರಕ್ಕೆ ಅವಕಾಶ ನೀಡಿದ್ದಾರೆ ಎನ್ನುವ ಆರೋಪ ಮೇಲ್ನೋಟಕ್ಕೆ ಸರಿ ಎಂದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ ಎಂದು ಸಮಿತಿಯು ವರದಿ ನೀಡಿದ್ದು, ಸದರಿ ವರದಿಯನ್ನು ಈ ಕೂಡಲೆಗತ್ತಿಸಿದೆ ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸುತ್ತಾ, ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲು ಕೋರಿದೆ.“

19.1 As the Mysore Lokayukta Police and the Commissioner, MCC have given clean chit to the DGO in their Investigation Reports, I am of the opinion that the charge framed against the DGO is without any basis.

20. The complainant/PW-1 is unable to explain the role of the DGO in selecting or finalizing the list of beneficiaries of ISHUP Scheme. In Para-4 of his cross-examination, he has expressed his ignorance about the role of the DGO in the above process and further admits that merely because he was a Zonal Commissioner, he was named as respondent in the complaint.

21. In Para-5 of his cross-examination, PW-1 admits that on 10/05/2000 the State Government has framed proceedings reconstituting Ashraya Committees.

Copy of the said proceedings which was confronted to him came to be marked as Ex.D-1. It is not only admitted by PW-1 but also clear from the contents of Ex.D-1, that a Zonal Commissioner of a City Corporation is not a Member of Ashraya Committee which is headed by the jurisdictional MLA. In fact, Ex.D-1 proceedings reflects that it is the Commissioner of City Corporation who shall be a Member of the said Committee.

22. DGO/Sri. Govindaraju examined him as DW-1. He has explained his role in ISHUP Scheme that his Zonal Office only received the applications under the scheme and forwarded the same to the Ashraya Committee. After receiving all the applications from various Zonal Offices, the Members of Ashraya Committee will select/finalize the beneficiaries as per the Government guidelines and therefore he had no role whatsoever in selecting the beneficiaries or sanctioning financial assistance to them. He has further stated in his affidavit filed in lieu of his chief-examination that the Assistant Revenue Officer and the concerned Revenue Inspector will make spot inspection and his duty was only to approve the Estimate and Sketch for

construction of houses under the Scheme. The above procedure explained by the DGO/DW-1 in his affidavit is not disputed by the Disciplinary Authority. No material is placed before this Enquiring Authority that the DGO had any role in finalizing or selecting the beneficiaries under ISHUP Scheme or for that matter he had sanctioned financial assistance to three beneficiaries who were not residents within the jurisdiction of MCC. Moreover, the **Circular No. HD/37/HAH/2009, dated: 17/11/2009** mentioned in the Articles of Charge is not produced on behalf of the Disciplinary Authority.

23. Since the Disciplinary Authority has failed to prove by preponderance of probability that the DGO has selected beneficiaries outside MCC limits and selected ineligible beneficiaries under ISHUP Scheme and sanctioned financial benefits in contravention of the guidelines of the scheme and committed dereliction of duty, I am of the opinion that the charge framed against the DGO **is not proved**. Hence, I proceed to record the following.

-: F I N D I N G :-

The Disciplinary Authority has not proved the charge leveled against the DGO.

Submitted to Hon'ble Upalokayukta for further action.



(CHANDRASHEKAR .C)

Additional Registrar of Enquiries -15,
Karnataka Lokayukta,
Bengaluru.

ANNEXURE**List of witnesses examined on behalf of Disciplinary Authority.**

| | |
|------|---|
| PW-1 | Sri. K. Puttaswamy (Complainant) Original |
|------|---|

List of Documents marked on behalf of Disciplinary Authority.

| | |
|-----------|---|
| Ex.P-1 | Copy of complaint dated: 26/05/2014 (Original) |
| Ex.P-1(a) | Signature of PW-1 |
| Ex.P-2 | Complaint Form No.I (Original) |
| Ex.P-2(a) | Signature of PW-1 |
| Ex.P-3 | Complaint Form No.II (Original) |
| Ex.P-3(a) | Signature of PW-1 |
| Ex.P-4 | Copy of complaint addressed to Commissioner, Mysore Corporation (Xerox) |
| Ex.P-5 | Copy of Endorsement dated: 14/03/2014 and its enclosures (Xerox) |

List of witnesses examined on behalf of DGO

| | |
|------|--------------------------------------|
| DW-1 | Sri. M.B. Govindaraju (DGO) Original |
|------|--------------------------------------|

List of documents marked on behalf of DGO

| | |
|--------|--|
| Ex.D-1 | Copy of Government proceedings dated: 10/05/2000 (Xerox) |
| Ex.D-2 | Copy of investigation report submitted by Dy.S.P., Lokayukta, Mysore dated: 16/07/2014 (Xerox) |

| | |
|--------|--|
| Ex.D-3 | Copy of representation given by PW-1 to the Commissioner, Mysore Corporation (Xerox) |
| Ex.D-4 | Copy of letter dated: 26/05/2014 given by PW-1 to Mysore Lokayukta (Xerox) |
| Ex.D-5 | Copy of Gift deed dated: 06/08/2009 (Xerox) |
| Ex.D-6 | Copy of Mortgage deed dated: 01/10/2012 (Xerox) |
| Ex.D-7 | Copy of another Mortgage deed executed by N. Nagaraju (Xerox) |
| Ex.D-8 | Copy of Report dated: 07/07/2017 submitted by Commissioner, Mysore Corporation |



(CHANDRASHEKAR .C)

Additional Registrar of Enquiries -15,
Karnataka Lokayukta,
Bengaluru.