



KARNATAKA LOKAYUKTA

No.UPLOK-2 /DE/474/2015/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 23.03.2019

RECOMMENDATION

Sub:- Departmental inquiry against (1) Smt. H.D. Veena, the then Panchayath Development Officer, Baraguru Gram Panchayath; and (2) Shri Shivegowda, the then Secretary Baraguru Gram Panchayath, Channarayapattana Taluk, Hassan District - reg.

- Ref:- (1) Government Order No. ಗ್ರಾಅಪ/431/ಗ್ರಾಪಂಕಾ/2015 dated 16.09.2015.
(2) Nomination order No. UPLOK-2/DE/474/2015 dated 30.10.2015 of Upalokayukta-2, State of Karnataka.
(3) Inquiry report dated 21.03.2019 of the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 16.09.2015 initiated the disciplinary proceedings against (1) Smt. H.D. Veena, the then Panchayath Development Officer, Baraguru Gram Panchayath; and (2) Shri Shivegowda, the then Secretary Baraguru Gram Panchayath, Channarayapattana Taluk, Hassan District [hereinafter referred to as Delinquent Government Officials 1 & 2, 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/474/2015 dated 30.10.2015, 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.

3. The DGO1 - Smt. H.D. Veena, the then Panchayath Development Officer, Baraguru Gram Panchayath; and DGO2 - Shri Shivegowda, the then Secretary Baraguru Gram Panchayath, Channarayapattana Taluk, Hassan District were tried for the following charge:-

"That, you DGO No.1 - Smt. H.D. Veena while working as PDO from 28.06.2010 to 12.10.2012 and you, DGO No.2 - Shri Shivegowda while working as Secretary from 01.04.2011 to 31.03.2012 in Baraguru Gram Panchayath in Channarayapatna Taluk, Hassan District have failed to identify the SC/ST beneficiaries for the grant of Rs.9,28,662/- under Kriya Yojane for the year 2010-11 to 2012-13 and granted houses to ineligible persons by violating the guidelines issued under 12<sup>th</sup> and 13<sup>th</sup> Finance Commission and NAREGA (Karnataka). Thereby, you DGO Nos.1 & 2 being Government servants have failed to maintain absolute integrity besides devotion to the duty the act of which was unbecoming of a Government servants and amounts to misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966."

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that, "the Disciplinary Authority has '*failed to prove*' the charge against DGO No.1 - Smt. H.D. Veena, the then Panchayath Development Officer, Baraguru Gram Panchayath, Channarayapatna Taluk, Hassan District.

The Disciplinary Authority has '*satisfactorily proved the charge in part*' against DGO No.2 - Shri Shivegowda, the then Secretary Baraguru Gram Panchayath (presently working as Panchayath Development Officer (in charge), Kunduru Gram Panchayath) Channarayapattana Taluk, Hassan District regarding non-reserving of 25% of the amount granted for the financial year 2012-13 in the 'Kriya Yojane' towards the works for the welfare of SC and ST community and negative in respect of the remaining charge."

5. 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.

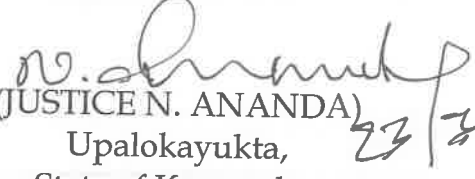
6. As per the First Oral Statement of DGO2 furnished by Inquiry Officer, DGO2 - Shri Shivegowda is due for retirement on 31.07.2025.

7. As regards DGO1 - Smt. H.D. Veena, the then Panchayath Development Officer, Baraguru Gram Panchayath, Channarayapatna Taluk, Hassan District, it is hereby recommended to the Government to 'exonerate' the DGO1 - Smt. H.D. Veena of the aforesaid charge.

8. Having regard to the nature of charge '*proved*' against DGO2 - Shri Shivegowda, the then i/c. Panchayath Development Officer, Kunduru Gram Panchayath, Channarayapattana Taluk, Hassan District, it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to the DGO2 Shri Shivegowda with cumulative effect.'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/474/2015/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 21/03/2019

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Smt. H.D. Veena  
Panchayath Development Officer  
Baraguru Grama Panchayath
- 2) Sri Shivegowda  
Secretary  
Presently working as  
Panchayath Development Officer  
(in charge)  
Kunduru Grama Panchayath  
Channarayapattana Taluk  
**Hassan District**

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in Compt/Uplok/  
MYS/5988/2014/DRE-5  
Dated:30/07/2015
- 2) Government Order. No. RDP 431  
GPS 2015, Bengaluru dated:  
16/09/2015
- 3) Order No.UPLOK-2/DE/474/2015  
Bangalore dated:30/09/2015  
of the Hon'ble Upalokayukta

\*\*\*

This Departmental Inquiry is directed against 1) Smt  
H.D. Veena, Panchayath Development Officer, Baraguru  
Grama Panchayath and 2) Sri Shivegowda, Secretary,

Presently working as Panchayath Development Officer (in charge), Kunduru Grama Panchayath, Channarayapattana Taluk, Hassan District (herein after referred to as the Delinquent Government Officials in short "DGO No.1 and DGO No.2 or DGOs").

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 Upalokayukta, vide order dated: 30/09/2015 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGOs. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of misconduct, 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.

4. The Article of Charges framed by ARE-4 against the DGOs are as below:

**ANNEXURE NO.I**  
**CHARGE**

*That, you-DGO No.1/Smt. H.D. Veena, while working as PDO from 28/06/2010 to 12/10/2012 and you- DGO No.2/Sri Shivegowda, while working*

*as Secretary from 01/04/2011 to 31/03/2013 in Baragur gram panchayath in Channarayapatana Taluk, Hassan District have failed to identify the SC/ST beneficiaries for the grant of Rs. 9,28,662/- under Kriya Yojane for the year 2010-11 to 2012-13 and granted houses to ineligible persons by violating the guidelines issued under 12<sup>th</sup> and 13<sup>th</sup> Finance Commission and NAREGA (Karnataka). Thereby you-DGO Nos.1 and 2 being the Government Servants have failed to maintain absolute integrity, besides devotion to the duty the act of which was unbecoming of a Government Servants and amounts to 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**

*On the complaint filed by Sri U.T. Aje Gowda, S/o Thimme gowda, Upanahally Village, Dandiganahallu Hobli, Channarayapattana Taluk, Hassan District (herein after referred as "complainant" for short), against DGOs committed misconduct, an investigation was taken up u/sec. 9 of Karnataka Lokayukta Act 1984).*

*The complainant has alleged in his complaint that, the you-DGO Nos.1 and 2 have committed irregularities in allotting houses under Indira Awaz, Ashraya, Rajeev Gandhi Housing Scheme and Nirmala Grama Yojana and allotted houses to the persons who are already having houses and also allotted houses 2 to 3 times to rich people. Further it was alleged that you-DGO Nos.1 and 2 without*

*identifying the SC/ST beneficiaries under Kriya Yojana for the year 2010-11 to 2012-13 has misused/committed irregularities without giving reservation benefit. Hence, the complainant lodged this complaint to initiate action against the you-DGOs.*

*After taking up the matter for investigation, comments were called from you-DGOs. You-DGO Nos.1 and 2 submitted joint- comments denying the allegations made against you and contended that the allegations made by complainant are baseless and hence requested to close the complaint. The complainant has not submitted rejoinder on the said comments of you-DGOs in spite of service of notice.*

*Thereafter, the complaint was referred to Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bangalore for investigation and report. The Chief Engineer in turn entrusted the investigation to Sri T. Laxmaiah, Deputy Controller of Accounts, Technical Audit Cell, Karnataka Lokayukta, Bangalore (hereinafter referred to as investigating Officer for short "I.O".) has investigated the matter and submitted report by observing that, you-DGO Nos.1 and 2 have failed to identify the SC/ST beneficiaries for the grant of Rs. 9,28,662/- under Kriya Yojana for the years 2010-11 to 2012-13 and have granted houses to ineligible persons by violating the guidelines issued under 12<sup>th</sup> and 13<sup>th</sup> Finance Commission and NAREGA (Karnataka), for which you-DGO Nos. 1 and 2 and thereby you-DGO Nos. 1 and 2 have committed dereliction of duty and the I.O. requested to take action against you-DGOs.*



Hence, on the basis of the Investigation Report, You-DGO Nos. 1 and 2 were impleaded as respondent Nos. 1 and 2 respectively and the comments were called upon from you-DGOs by sending copy of the report of Investigating officer. You-DGOs submitted comments by denying the allegations and the report of Investigating Officer and also contended that you have not committed any irregularities or dereliction of duty and requested to close the complaint.

The allegation made in the complaint, reply furnished by you-DGO Nos. 1 and 2, investigation report besides the material available on record discloses that you-DGO Nos. 1 and 2 have failed to identify the SC/ST beneficiaries for the grant of Rs. 9,28,662/- under Kriya Yojana for the years 2010-11 to 2012-13 and have granted houses to ineligible persons by violating the guidelines issued under 12<sup>th</sup> and 13<sup>th</sup> Finance Commission and NAREGA (Karnataka). Thereby you-DGO Nos. 1 and 2 being Government Servants have failed to discharge your duties with integrity and committed misconduct.

The replies submitted by you-DGOs were found to be not convincing or satisfactory to drop the proceedings against you-DGOs and thereby you-DGO Nos. 1 and 2 have made yourselves liable for disciplinary action.

Since said facts and material on record prima-facie show that you-DGO nos. 1 and 2 have committed misconduct as per Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966, now acting u/sec. 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate

*disciplinary proceedings against you-DGOs and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against you-DGOs and entrusted the Inquiry to this institution vide Reference No.1 and Hon'ble Upalokayukta-2 nominated this inquiry Authority, to conduct inquiry and report Vide reference NO.2 . Hence, this charge.*

5. DGOs appeared before this Inquiry Authority on 08/12/2015 and on the same day their First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGOs pleaded not guilty and claims to hold an inquiry.

6. DGO Nos.1 and 2 have filed their written statement as follows:

DGO No.1 worked as Panchayath Development officer, Baraguru Grama panchayath from 28/06/2010 to 12/10/2012. It is false to state that in Baraguru Grama panchayath for 2010-2011 to 2012-2013 while preparing Kriya Yojane for Rs. 9,28,662/- the beneficiaries for ST and SC have not been identified. For the year 2010-2011, the details of the grant and Kriya Yojane are as follows:-

| ಬಿಡುಗಡೆಯಾದ ಅನುದಾನದ ವಿವರ                                                                                                                      | ಅನುಮೋದಿತ ಕ್ರಿಯಾ ಯೋಜನೆಯ ವಿವರ                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| ದಿನಾಂಕ: 24/08/2010, ರೂ. 2,09,000/-<br>ದಿನಾಂಕ: 10/02/2011, ರೂ. 2,09,000/-<br>ದಿನಾಂಕ: 31/01/2011ಕ್ಕೆ ಬಡ್ಡಿ ರೂ. 3,228/-<br>ಒಟ್ಟು ರೂ. 4,21,228/- | ದಿ? 25/10/2010ರಂದು ಅನುಮೋದಿತ<br>ರೂ. 2,09,000/-<br>ಇದರಲ್ಲಿ ಪ.ಜಾ/ಪ.ಪಂ- ರೂ. 65,000/-<br>ಇತರೇ ರೂ. 1,44,000/-<br>ಒಟ್ಟು ರೂ. 2,09,000/- |
| 2010-11ನೇ ಸಾಲಿನ ಅನುದಾನದಲ್ಲಿ ಉಳಿದ<br>ರೂ. 2,09,000/-                                                                                           | ದಿ.26/04/2011ರಂದು ಅನುಮೋದಿತ<br>ರೂ. 2,09,000/-                                                                                    |

|                    |                |
|--------------------|----------------|
| ಇದರಲ್ಲಿ ಪ.ಜಾ/ಪ.ಪಂ- | ರೂ. 61,000/-   |
| ಇತರೇ               | ರೂ. 1,48,000/- |
| ಒಟ್ಟು              | ರೂ.2,09,000/-  |

2011-2012ನೇ ಸಾಲಿಗೆ ಅನುದಾನ ಬಿಡುಗಡೆ ಮತ್ತು ಕ್ರಿಯಾ ಯೋಜನೆ ತಯಾರಿಸಿರುವ ವಿವರಗಳು ಈ ಕೆಳಗೆ ನಮೂದಿಸಿರುವಂತೆ ಇದೆ:

| ಬಿಡುಗಡೆಯಾದ ಅನುದಾನದ ವಿವರ              | ಅನುಮೋದಿತ ಕ್ರಿಯಾ ಯೋಜನೆಯ ವಿವರ     |
|--------------------------------------|---------------------------------|
| ದಿನಾಂಕ: 31/07/2011 ಬಡ್ಡಿ ರೂ. 7,500/- | ದಿ:07/02/2012 ರಂದು ಅನುಮೋದಿತ     |
| ದಿನಾಂಕ: 14/10/2011 ರೂ. 2,56,681/-    | ರೂ.2,56,681/-                   |
| ದಿನಾಂಕ: 05/03/2012 ರೂ. 89,314/-      | ಇದರಲ್ಲಿ ಪ.ಜಾ/ಪ.ಪಂ- ರೂ. 64,681/- |
| ದಿನಾಂಕ: 27/03/2012, ರೂ. 2,67,288/-   | ಇತರೇ ರೂ. 1,92,000/-             |
| ದಿನಾಂಕ: 31/01/2012, ರೂ. 10,193/-     |                                 |
| ಒಟ್ಟು ರೂ. 6,30,976/-                 | ಒಟ್ಟು ರೂ. 2,56,681/-            |

While preparing Kriya Yojane for the year 2012-2013, the DGO No.1 was not working as the Panchayath Development officer. While preparing the Kriya Yojane drinking water, sanitation, education, health women welfare etc have been considered for the welfare of SC and ST people. 25% has been reserved and Kriya Yojane has been prepared accordingly. Kriya Yojane for the year 2010-2011 to 2012-2013 have been approved by the Taluk panchayath and signed by the Executive Officer, Channarayapatana. It is false to state that for the year 2010-2011 Kriya Yojane has been prepared for Rs. 65,000/- only and for 2011-2012 for Rs. 61,000/-. It is not mentioned which are the NAREGA works that has been taken up for the year 2010-2011 to 2012-2013 by violating 2012-2013 of the Finance Commission guidelines. The DGO No.2 worked as Secretary of Baraguru Grama Panchayath from 01/04/2011 to 31/03/2013. For the year 2010-2011 to 2011-2012 the DGO No.1 prepared the Kriya Yojane and got approval of Executive Officer, Taluk Panchayath and executed the same and there is no misconduct. During the year 2012-

2013, DGO No.1 went on maternity leave and DGO No.2 was kept in charge of DGO No.1 and for the year 2012-2013 the Kriya Yojane was prepared and submitted to the Executive Officer, Taluk Panchayath by the DGO No.2 for the year 2012-2013 two Kriya Yojanes were prepared for Rs. 3,61,795/- and in the same 25% of the amount has been reserved for the welfare of the SC and ST. DGO Nos.1 and 2 have not at all committed any misconduct. Hence, prays to exonerate them from the charges leveled against them in this case.

7. In order to substantiate the charge leveled against the DGOs, the Disciplinary Authority examined in all two witnesses as PW1 and PW2 and got marked documents at Ex.P1 to P7. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGOs was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DGO No.1 examined herself as DW1 and got marked documents at Ex.D1 to D8 and closed her evidence. Thereafter, questioning of this DGO No.2 is recorded as required u/Rule 11(18) of KCS (CC&A) Rules, 1957.

8. The Disciplinary Authority has not filed the written brief, but on the side of the DGOs, DGO Nos.1 and 2 have field their written brief. Oral arguments of the Presenting Officer and the learned counsel for the DGO Nos.1 and 2 was heard. The points, that arise for the consideration of this inquiry authority are:-

- 1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGOs?

2) What order?

9. My finding on the above points are as follows

Point No.1: In the **“NEGATIVE”** in respect of DGO No.1 and **“PARTLY IN THE AFFIRMATIVE”** in respect of DGO No. 2

Point No.2: As per the final order for the following:

**:: REASONS ::**

**10. Point No.1:** The charge framed against the DGO Nos.1 and 2 is to the effect that the DGO No.1 while working as Panchayath Development Officer from 28/06/2010 to 12/10/2012 and DGO No.2 while working as Secretary from 01/04/2011 to 31/03/2013 in Baraguru grama panchayath, Channarayapatana Taluk, Hassan district have failed to identified the SC/ST beneficiaries for the grant of Rs. 9,28,662/- under Kriya Yojane for the year 2010-2011 to 2012-2013 and granted houses to ineligible persons by violating the guidelines ~~to~~ issue<sup>d</sup> under 12<sup>th</sup> and 13<sup>th</sup> Financial Commission and NAREGA and thereby they have committed misconduct .

11. It is not in dispute that DGO No.1 was working as Panchayath Development Officer of Baraguru Grama Panchayath from 28/06/2010 to 12/10/2012 and DGO No.2 was working as Secretary of the above said panchayath from 01/04/2011 to 31/03/2013. The complainant is one Sri Ajjegowda and he has been examined as PW1. Ex.P3 is the Form No.1 and Ex.P4 is the Form No.2. Ex.P2 is the complaint. In Ex.P2 it is stated that under “Indira Awaz,

Ashraya Yojane, Rajeev Vasathi Yojane and Nirmala Grama Yojane houses have been granted to the persons who are already having houses and to some persons twice or thrice houses are given and some persons have not at all constructed the houses and taken the amount. In the complaint the name of the six persons are mentioned as the persons who have taken the amount without constructing the houses. In Ex.P2 it is also stated that from 2010-2011 to 20121-2013 the total amount of Rs. 9,28,662/- has been sanctioned and out of the same, the reservation is not made for the welfare of SC and ST.

12. PW1 has deposed that he had sought for the documents from Baraguru grama panchayath under Right to Information Act and Ex.P1 are the documents given consisting of 34 sheets. He has deposed that Ex.P3 is the Form No. 1 and Ex.P4 is the Form No.2 filed by him. He has deposed that villagers told that the DGOs have committed the illegal activities. Hence he filed the complaint. He has deposed that for ineligible candidates houses have been granted and the silt of the tank has not been lifted and the amount is misappropriated. In his cross-examination he has deposed that he visited the villagers and found that all the works were done legally and no evidence was collected by him to substantiate the allegations made in the complaint. Thus the evidence of PW1 is not of much help to the case of the Disciplinary Authority.

13. PW2 is Sri Lakshmaiah T. and he has deposed that form 31/08/2013 he is working as Deputy Controller of Accounts,

Karnataka Lokayukta, Bengaluru. He has deposed that the Chief Engineer, Technical Section of Karnataka Lokayukta referred the complaint to him for investigation and to give report and he conducted the investigation and gave the report as per Ex.P5 consisting of 15 sheets along with annexures. He has deposed that as per the complaint, houses have been granted to rich people and to person who are already possessing the houses. He has deposed that the said allegation was not proved and he has given his report accordingly. Thus according to the evidence of PW2 the allegation that the DGOs have granted house to ineligible persons under Indira Awaz, Ahraya scheme, Rajeev Gandhi Housing scheme and Nirmala Grama Yojane is not at all proved. But even then the charge is framed in that respect against the DGOs. In Ex.P5, PW2 has mentioned as follows:-

“ಆದ್ದರಿಂದ ಮನೆ ನಿರ್ಮಿಸದೇ ಈ ಮೇಲೆ ತಿಳಿಸಿದ 6  
ಫಲಾನುಭವಿಗಳಿಗೆ ಹಣ ಪಾವತಿಯಾಗಿದೆ ಎಂಬ ದೂರುದಾರರ ಆಪಾದನೆ  
ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ”

14. As stated above in the complaint-Ex.P2 the complainant has given the names of 6 persons as the persons who had received the amount without the constructing the house and the same is not proved in the investigation of PW2.

15. PW2 has deposed that as per the complaint to the above said panchayath for the year 2010-2011 to 2012-2013 totally Rs. 9,28,662/- has been granted as per the financial commission guidelines and out of the same 25% should have been reserved for the welfare of SC and ST people and the

same is not done. He has deposed that for the year 2010-2011 under 13<sup>th</sup> Financial Commission the amount of Rs. 3,34,375/- has been granted and Kriya Yojane has been prepared for Rs. 65,000/- only and for the rest of the amount the Kriya Yojane has not been prepared. He has deposed that the Kriya Yojane for Rs. 65,000/- is one of the document Ex.P1.

16. DGO No.1 has been examined as DW1. DW1 has deposed that for the year 2010-2011 for the 1<sup>st</sup> time Rs.2,09,000/- was granted and the Kriya Yojane prepared for Rs. 65,000/- stated above is regarding the welfare of SC and ST only and in respect of the remaining amount of Rs. 1,44,000/- another Kriya Yojane has been prepared as per Ex.D1 and it is one of the document of Ex.D1 and PW1 has not at all considered the same. In fact another document of Ex.D1 is the copy of the resolution of Baraguru Grama Panchayath dated; 25/10/2010 in which it is clearly mentioned that for the year 2010-2011 the Kriya Yojane has been prepared totally for Rs. 2,09,000/-. Ex.D1 also contains the copy of the Kriya Yojane for Rs. 65,000/- which is exclusively for the welfare of SC and ST. When the above said Kriya Yojane for Rs. 1,44,000/- was confronted to PW2 he has deposed that the said document was not furnished to him the said document was also not found in the documents sent to him. In the cross-examination of DW1 it is not the case of the Disciplinary Authority that the above said panchayath resolution copy and the Kriya Yojane for Rs. 1,44,000/- are created documents. Hence, it has to be said that PW2 has given his report without considering the Kriya Yojane for Rs.



1,44,000/-, in view of the same not furnished to him. Hence, it has to be said that for the total amount of Rs. 2,09,000/- granted for the year 2010-2011 (1<sup>st</sup> installment) the Kriya Yojane have been prepared and the Kriya Yojane for the welfare for SC and ST is prepared separately for Rs. 65,000/- and the Kriya Yojane regarding the other works for Rs. 1,44,000/- is prepared separately. DW1 has deposed that for the year 2010-2011 for the second time amount of Rs. 2,09,000/- was granted on 10/02/2011 and Kriya Yojane for the same was approved in the panchayath on 26/04/2011 and it is taken for the year 2011-2012 as per Ex.D2. As per Ex.D2 for Rs. 61,000/- Kriya Yojane is prepared for the works regarding welfare of SC and ST community and for the balance amount of Rs. 1,48,000/- Kriya Yojane is prepared for the other works. The Kriya Yojane for the year 2010-2011 has been prepared for more than 25% of the sanctioned amount for the welfare of SC and ST. Hence, it has to be said that the Kriya Yojane has been prepared for the year 2010-2011 for the welfare of SC and ST people, as per the government guidelines.

17. PW2 has deposed that for the year 2011-2012 Rs. 6,30,976/- has been granted under 13<sup>th</sup> Finance Scheme and the Kriya Yojane has been prepared for Rs. 61,000/- only. One of the document of Ex.P1 is the copy of the Kriya Yojane for the welfare of SC and ST for the year 2011-2012 and it is for Rs. 61,000/- (one of the document of Ex.D2).

18. One of the document of Ex.D2 is the panchayath resolution copy dated: 26/04/2011 regarding preparing Kriya Yojane in respect of 13<sup>th</sup> Finance Commission and Kriya

Yojane is prepared for Rs. 2,09,000/-/Out of the same 22.75% for the benefit of SC and ST at Rs. 61,000/- and regarding remaining works the amount is Rs. 1,48,000/-. Ex.D2 also contains the Kriya Yojane for Rs. 1,48,000/- for the year 2011-2012, apart from the Kriya Yojane at Rs. 61,000/- for the welfare of SC and ST. Thus Ex.D2 clearly shows that two Kriya Yojane were prepared and PW2 has only considered the Kriya Yojane of the welfare of SC and ST and not the other Kriya Yojane for other works at Rs. 1,48,000/- stated above. PW2 has also deposed that Kriya Yojane for Rs. 1,48,000/- was not produced before him and hence he was not able to consider the same. DW1 has also given the reason why the Kriya Yojane was not prepared for Rs.2,09,000/- in the year 2010-2011 even though the said amount was granted on 10/02/2011.

19. DW1 has deposed that an amount of Rs. 2,56,681/- was released for the year 2011-2012 and in that respect the Kriya Yojane is prepared in respect of the works for the welfare of SC and ST for Rs. 64,681/- and the Kriya Yojane is also prepared for the remaining amount of Rs. 1,92,000/- regarding other works and the certified copy of the panchayath resolution and the Kriya Yojanes stated above are together marked as Ex.D3. PW2 has deposed that the documents marked as Ex.D3 were not placed before him and hence, he has not considered the same while submitting his report. Hence, it can be said that for the year 2011-2012 two Kriya Yojanes have been prepared for the welfare of SC and ST and two Kriya Yojanes have been

prepared for the other works and 25% of the amount has been reserved for the works towards the welfare of the SC and ST.

20. PW2 has deposed that for the year 2012-2013 the total amount released was Rs. 9,97,386/-. But the Kriya Yojane is prepared for Rs. 8,02,657/- and 25% has not been reserved out of the same for welfare of SC and ST people. He has deposed that Ex.P1 contains the two Kriya Yojanes of the above said panchayath for the year 2012-2013 one of Rs. 4,35,862/- and another for Rs. 3,66,795/- total for Rs. 8,02,657/- in both the above said two Kriya Yojanes there is no mention about the works for the welfare of SC and ST out of the works mentioned in the above said two Kriya Yojanes. Hence it is the case of the Disciplinary Authority that 25% of the amount is not reserved for the works beneficial for the welfare of SC and ST people. Ex.D4 is the copy of the resolution and also the copy of the Kriya Yojenas for the year 2012-213 for Rs. 3,66,795/-. Ex.D5 is the copy of the resolution and the Kriya Yojane for the year 2012-2013 for Rs. 4,35,862/-. In Ex.D4 and D5 it is not mentioned which are the works regarding the welfare of SC and ST people. Hence, it can be said that in Ex.D4 and D5 25% of the amount has not been reserved for the works towards welfare of SC and ST people.

21. In the written statement of DGO Nos.1 and 2 it is specifically contended that the DGO No.1 had gone on maternity leave and she has not prepared the Kriya Yojanes. Ex.D4 and D5 for the year 2012-2013 and it has been prepared by the DGO No.2 as he was in charge Panchayath Development Officer. Even in Ex.D4 and D5 the signatures of

DGO No.1 is not found. Hence, it can be said that the DGO NO.1 has not prepared the Kriya Yojane for the year 2012-2013 and it is prepared by DGO No.2 only. In the cross-examination PW2 had denied the suggestion that Ex.D4 and D5 contains the works for the welfare of SC and ST people. He has also deposed that he do not known whether some of the works mentioned in the same are for the benefit of SC and ST people. As stated above in Ex.D4 and D5 it is not at all mentioned which are the works mentioned in the same reserved for the welfare of the SC and ST people. Hence, it has to be said that the Kriya Yojane for the year 2012-2013 has been prepared by DGO No.2 without reserving 25% of the amount for the works towards the welfare of the SC and ST people. Hence, the DGO No.2 has not followed the guidelines annexed to the report-Ex.P5 while preparing the Kriya Yojane for the year 2012-2013 and in that respect DGO No. 2 has committed misconduct. As stated above the DGO No.1 was on maternity leave and she has not prepared the Kriya Yojane for the year 2012-2013. Hence, it has to be said that the disciplinary authority has failed to prove the misconduct of DGO No.1.

22. DW1 has deposed that Ex.D6 and D7 are the compliance reports given to the audit report and it has been accepted. Ex.D8 is the letter addressed to the Executive Officer, Taluk Panchayath, Channarayapatana by the Panchayath Development Officer to the effect that audit objections have been complied. For all the reasons stated above, it has to be said that the disciplinary authority has failed to prove the charge framed against the DGO No.1 and Disciplinary

Authority has proved the charge against the DGO No.2 regarding non-reserving of 25% of the amount for the financial year 2012-2013 in the Kriya Yojane and negative in respect of the remaining charge.

23. Hence, for the reasons stated above it has to be said that the disciplinary authority has proved the charge against DGO Nos.2 as stated above but failed to prove charge against DGO No.1.

24. Thus the DGO Nos.2 has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of Government Servants. Hence, I answer point No.1 **PARTLY IN THE AFFIRMATIVE** in respect of DGO Nos.2 and in the **NEGATIVE** in respect of DGO No.1.

**25. Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has failed to proved the charge against DGO No.1-Smt H.D. Veena, Panchayath Development Officer, Baraguru Grama Panchayath, Channarayanapattan Taluk, Hassan District.*

*The Disciplinary Authority has satisfactorily proved the charge in part against DGO No.2-Sri Shivegowda, Secretary, Presently working as Panchayath Development Officer (in charge), Kunduru Grama Panchayath, Channarayapattana*

Taluk, Hassan District, regarding non-reserving of 25% of the amount <sup>granted</sup> for the financial year 2012-2013 in the Kriya Yojane towards the works for the welfare of SC and ST community and negative in respect of the remaining charge.

26. Hence this report is submitted to Hon'ble Upalokayukta-2 for kind perusal and for further action in the matter.

Dated this the 21<sup>st</sup> day of March, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

**:: ANNEXURE ::**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 : Sri Ajjegowda (complainant)  
PW-2 : Sri Lakshmaiah T.(I.O.)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

DW-1: Sri H.D. Veena (DGO No.1)

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

Ex.P-1: Xerox copy of the letter of Secretary, Baraguru Grama Panchayath, dated: 09/12/2013 addressed to the complainant (34 sheets)  
Ex.P-2: Xerox copy of the complaint  
Ex.P-3: Xerox copy of the Form No.1

- Ex.P-4: Xerox copy of the Form No.2  
Ex.P-5: Original I.O. report dated: 27/02/2015 with enclosures  
Ex.P-6: Original comments dated: 22/04/2015 of the DGO No.1 with enclosures  
Ex.P-7: Another comments dated; 21/03/2014 of the DGO No.1 with enclosures

**LIST OF EXHIBITS MARKED ON BEHALF OF DGOs:**

- Ex.D1: Xerox copy of the Kriya Yojane for the year 2010-2011 (4 sheets)  
Ex.D2: Certified copy of the Kriya Yojane for the year 2011-2012 under 13<sup>th</sup> Financial Commission (4 sheets)  
Ex.D3: Certified copy of the Kriya Yojane for the year 2011-2012 under 13<sup>th</sup> Financial Commission (4 sheets) 928 sheets)  
Ex.D4,D5: Certified copies of the Kriya Yojane for the year 2012-2013  
Ex.D6, 7: Certified copies of compliance reports given to the audit report  
Ex.D8: Original letter of Executive Officer, Taluk Panchayath, Channarayapatana dated: 17/04/2018 addressed to the Panchayath Development Office

Dated this the 21<sup>st</sup> day of March, 2019

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

