

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/508/2014

ENQUIRY REPORT Dated: 31/01/2019

Enquiry Officer: V.G.Bopaiah
Additional Registrar, Enquiries-11
Karnataka Lokayukta, Bengaluru.

Delinquent Government Official No.1: Sri. Ramesh

(Name written by him as
Ramesh. G.R.on the second oral
statement on 12/10/2017)

Discharged duties as Executive
Officer, Taluk Panchayath,
Hiriyuru, Chitradurga District
from 27/07/2011 to
25/08/2013.

Retired on superannuation on
30/09/2015.

Delinquent Government Official No.2: Sri. Vivek

(Name written by him as Vivek
Tejaswi.M on the second oral
statement on 12/10/2017)

Discharged duties as
Panchayath Development Officer,
P.D. Kote Grama Panchayath
from 06/06/2010 to
08/06/2014.

Due for retirement on
superannuation on 31/03/2046.

Delinquent Government Official No.3: Sri. Puttaswamy

(Name written by him as
Puttaswamy.K on the second oral
statement on 12/10/2017)

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Discharged duties as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District from 09/10/2010 to 10/12/2012.

Due for retirement on superannuation on 30/06/2026.

Delinquent Government Official No.4: Sri. G.Surendra

(Name written by him as G.E.Surendra on the second oral statement on 12/10/2017)

Discharged duties as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District during 2011-12.

Retired on superannuation on 31/05/2015.

1. Delinquent Government Official No.1 (in short, "DGO 1") by name Sri Ramesh (name written by DGO 1 as Ramesh G.R on the second oral statement on 12/10/2017) was working as Executive Officer, Taluk Panchayath, Hiriyyuru, Chitradurga District from 27/07/2011 to 25/08/2013. He retired on superannuation on 30/09/2015. Delinquent Government Official No. 2 (in short, "DGO 2") by name Sri . Vivek (name written by DGO 2 as Vivek Tejaswi.M on the second oral statement on 12/10/2017) was working as Panchayath Development Officer, P.D.Kote Grama Panchayath from 06/06/2010 to 08/06/2014. He is due for retirement on superannuation 31/03/2046. Delinquent Government Office No.3 (in short, "DGO 3") by name Sri K. Puttaswamy (name written by DGO 3 as Puttaswamy.K on the second oral

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statement on 12/10/2017) was working as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru from 09/10/2010 to 10/12/2012. He is due for retirement on superannuation on 30/06/2026. Delinquent Government Official No.4 (in short, "DGO 4") by name Sri G. Surendra (name written by DGO 4 as G.E. Surendra on the second oral statement on 12/10/2017) was working as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District during the years 2011-2012. He retired on superannuation on 31/05/2015.

2. Facts which necessitated to initiate the present inquiry proceedings needs to be stated in brief. One Sri H.B. Eshwarappa (hereinafter will be referred to as "complainant") is the resident of Halagaladdi within the jurisdiction of P.D. Kote Grama Panchayath, Hiriyyuru Taluk, Chitradurga District. His complaint dated 21/06/2012 in FORM NO.I against DGOs 1 to 4, one Manjanna member of P.D. Kote Grama Panchayath, one Manjulamma member of P.D. Kote Grama Panchayath, one Chikkathimmappa member of P.D. Kote Grama Panchayath came to be registered in COMPT/UPLOK/BD/5226/2012/DRE-5. The said complaint is supported by his affidavit dated 21/06/2012 in FORM NO.II. The complainant also enclosed complaint dated 21/06/2012 in a plain single sheet in which it is alleged that some teachers, some employees working in Vidhana Soudha, Bengaluru and some ineligible persons who are the residents of Bengaluru are inducted under "Udyoga Khathri" scheme and accounts in their names are opened in the bank. It is alleged that public funds are misappropriated.

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3. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984 , Hon'ble Upalokayukta, Karnataka took up investigation and referred the matter for investigation to DGO 1 who then was working as Executive Officer, Taluk Pachayath, Chitradurga who after conducting investigation filed report which was found not satisfactory and therefore matter was referred to the Superintendent of Police, Karnataka Lokayukta, Chitradurga for probe. On 11/11/2013 the Superintendent of Police, Karnataka Lokayukta,Chitradurga ordered the Police Inspector (hereinafter will be referred to as "Investigating Officer") attached to Karnataka Lokayukta, Chitradurga to conduct investigation. The Investigating Officer visited the spot on 20/01/2014 and during investigation he collected evidence.
4. Investigation conducted by the Investigating Officer disclosed that register touching job cards was commenced from the year 2006. Job cards disclosed the serial number and date of issue. The date of validity of job cards was not found mentioned. Except affixture of the photograph head of the family photographs of remaining family members were not found affixed and thus it was noticed that complete information was not furnished. It was found that the workers who attended the developmental work of road from Halagaladdi tank to Maddihalli Gollarahatti have filed applications in the year 2006. It was found that the file pertaining to the above work disclosed that the workers who attended the said work have not mentioned the date on which they filed applications. It was found that notices issued to the workers to report for duty were not found contained the date of issue of notices. Records were not

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found touching service of notices to the workers who attended the above work. Records disclosed that in all 47 workers attended the above work. Investigation disclosed that trench on either side of the road was excavated on either side of the road with the help of JCB machine. Records disclosed that names of 47 workers were entered in the nominal muster roll and among them Sri. Thippeswamy is Government Servant , Sri Somashekhara is employed in Bengaluru, Sri Ramachandrappa is employed in Hariyabba, Sri Ramesh is employed in Secretariat at Bengaluru, Sri Govindarajaiah is employed at Baraguru and Smt Kalpana is the resident of Khandenahalli and therefore those six persons are not eligible to participate in the execution of the above road work.

5. Investigation conducted by the Investigating Officer unearthed that the above six persons were not eligible to wages under Mahathma Gandhi National Rural Employment Guarantee Scheme and that the above civil work was executed by using JCB Machinery and that the name board under the above scheme was not found displayed for which DGOs 1 to 4 are responsible and have committed misconduct.
6. On the basis of the report of the Investigating Officer and the available records Hon'ble Upalokayukta, Karnataka prima facie arrived at conclusion that DGOs 1 to 4 have committed misconduct within the purview of Rule 3(1) of The Karnataka Civil Services(Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, recommended the competent authority to initiate disciplinary

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proceedings against DGOs 1 to 4 and to entrust the inquiry to the Hon'ble Upalokayukta, Karataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

7. Subsequent to the report dated 30/07/2014 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಗ್ರಾಅಪ 192 ವಿಸೇಬಿ 2014 ಬೆಂಗಳೂರು ದಿನಾಂಕ 06/09/2014 has been issued by the Under Secretary (Services-B&C) to the Government of Karnataka, Department of Rural Development and Panchayath Raj entrusting the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
8. Subsequent to the Government Order number ಗ್ರಾಅಪ 192 ವಿಸೇಬಿ 2014 ಬೆಂಗಳೂರು ದಿನಾಂಕ 06/09/2014, Order number LOK/INQ/14-A/508/2014 Bengaluru dated 18/09/2014 has been ordered by the Hon'ble Upalokayukta-2, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta Police Station, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 4.
9. Articles of charge dated 12/11/2014 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru , is the following:

“ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

ನೀವು ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 4 ರವರುಗಳಾದ ನೀವುಗಳು 1) ಶ್ರೀ.ರಮೇಶ್, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, 2) ಶ್ರೀ.ವಿವೇಕ, ಹಿಂದಿನ

3-11-2014

ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ (ಹಾಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಅಬ್ಬಿನಹೊಳೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, 3) ಶ್ರೀ.ಪುಟ್ಟಸ್ವಾಮಿ, ಕಿರಿಯ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಮತ್ತು 4) ಶ್ರೀ.ಜಿ.ಸುರೇಂದ್ರ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಪಿ.ಹೆಚ್.ಇ., ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ತಾವುಗಳು ತಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಾಗ :

- (1) 2006ನೇ ಸಾಲಿನಲ್ಲಿ ಪ್ರಾರಂಭಿಸಿರುವ ಉದ್ಯೋಗ ಚೀಟಿಗಳ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ತಾವುಗಳು ಕುಟುಂಬದ ಉದ್ಯೋಗ ಚೀಟಿ (ಜಾಬ್ ಕಾರ್ಡ್) ಸಂಖ್ಯೆ ವಿತರಿಸಿದ ದಿನಾಂಕವನ್ನು ನಮೂದಿಸಿರುತ್ತೀರಿ, ಆದರೆ ಅದು ಎಲ್ಲಿಯವರೆಗೆ ಮಾನ್ಯತೆ ಇರುತ್ತದೆ ಎಂಬ ಬಗ್ಗೆ ನಮೂದಿಸಿರುವುದಿಲ್ಲ. ಮತ್ತೆ ಮುಂದುವರೆದು, ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಕುಟುಂಬದ ಮುಖ್ಯಸ್ಥರ ಫೋಟೋಗಳನ್ನು ಮಾತ್ರ ಅಂಟಿಸಿದ್ದು, ಉಳಿದವರ ಫೋಟೋಗಳನ್ನು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಅಂಟಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಪೂರ್ಣ ಮಾಹಿತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ.
- (2) ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯ ಕಡತದಲ್ಲಿ ಈ ಕೆಳಕಂಡ ನ್ಯೂನತೆಗಳು ಕಂಡುಬಂದಿರುತ್ತದೆ:
 1. ಕೂಲಿಕಾರರು ಕೆಲಸಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ದಿನಾಂಕವನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ ನಂತರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಕೆಲಸಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಹೊರಡಿಸಿದ ನೋಟೀಸ್‌ನಲ್ಲಿಯೂ ಸಹ ದಿನಾಂಕ ನಮೂದಿಸಿರುವುದಿಲ್ಲ.
 2. ಕೂಲಿಕಾರರ ಹೆಸರು ವಿಳಾಸವನ್ನು ನಮೂದಿಸಿ ನೋಟೀಸನ್ನು ಅವರಿಗೆ ಜಾರಿ ಮಾಡಿದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲ.
 3. ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯಲ್ಲಿ 47 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಕೆಲಸ ಮಾಡಿರುವುದಾಗಿ ನಮೂದಾಗಿರುತ್ತದೆ. ಆದರೆ, ಖುದ್ದಾಗಿ ತನಿಖಾಧಿಕಾರಿಗಳು ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಲಾಗಿ, ರಸ್ತೆಯ ಇಕ್ಕಲಗಳಲ್ಲಿ ಹಿಂದೆ ಜೆ.ಸಿ.ಬಿ., ಯಂತ್ರದಿಂದ ಚರಂಡಿ ಮಾಡಿ ಮಣ್ಣನ್ನು ರಸ್ತೆಗೆ ಹಾಕಿರುವುದಾಗಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.
 4. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆ ಬಗ್ಗೆ ಪಿ.ಡಿ.ಓ., ರವರಿಂದ ವರದಿಯನ್ನು ಕೇಳಲಾಗಿ, ಪಿ.ಡಿ.ಓ., ರವರು 47 ಜನ ಕೂಲಿಕಾರರಲ್ಲಿ 41 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಪಡೆಯಲು ಅರ್ಹರಿರುತ್ತಾರೆ, ಉಳಿದ 6 ಜನ ಅನರ್ಹರಾಗಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಮೇಲ್ಕಂಡ 6 ಜನ ಅನರ್ಹರ ಹೆಸರುಗಳನ್ನು ಸಹಾ ತಿಳಿಸಿರುತ್ತಾರೆ, ಅದು ಈ ಕೆಳಕಂಡಂತಿದೆ:

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- ತಿಪ್ಪೇಸ್ವಾಮಿ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಸರ್ಕಾರಿ ನೌಕರ, ಅಲ್ಲಿಪುಗ, ಹೂವಿನಹಡಗಲಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ.
- ಸೋಮಗೋಪಾಲ್ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಬೆಂಗಳೂರಿನಲ್ಲಿ ನೌಕರ.
- ರಾಮಚಂದ್ರಪ್ಪ ಬಿನ್ ದೊಡ್ಡರಂಗಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಹರಿಯಬ್ಬೆ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು.
- ರಮೇಶ್ ಬಿನ್ ಎನ್.ಚಂದ್ರಣ್ಣ, ಸಚಿವಾಲಯದಲ್ಲಿ ನೌಕರ, ಬೆಂಗಳೂರು.
- ಗೋವಿಂದರಾಜಯ ಬಿನ್ ದಾಸಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಬರಗೂರು, ಶಿರಾ ತಾಲ್ಲೂಕು.
- ಕಲ್ಪನ, ಖಂಡೇನಹಳ್ಳಿ.

5. ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ ಕೂಲಿ ಕಾರ್ಮಿಕರಲ್ಲಿ 6 ಜನರು ಕೂಲಿ ಹಣವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುವುದಲ್ಲದೇ, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಯಂತ್ರದಿಂದ ಮಾಡಲಾಗಿರುತ್ತದೆ.

6. ಮತ್ತೆ ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯ ಸಂದರ್ಭದಲ್ಲಿ, ಕಾಮಗಾರಿಯ ಬಗ್ಗೆ ನಾಮಫಲಕವನ್ನು ಎಲ್ಲಿಯೂ ಹಾಕದೇ ಇರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಸಮಯದಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.

7. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ತಾವುಗಳು ಮಹಾತ್ಮ ಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯ ನಿಯಮಗಳನ್ನು / ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತೀರಿ.

ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಅಂತ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಶ್ರೀ.ಹೆಚ್.ಬಿ.ಈಶ್ವರಪ್ಪ, ಹಲಗಲದ್ದಿ ಅಂಚೆ, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ 'ದೂರುದಾರರು' ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರು ಈ ದೂರನ್ನು (1) ಶ್ರೀ.ರಮೇಶ್, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (2) ಶ್ರೀ.ವಿವೇಕ, ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ

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- ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, ಹಾಲಿ: ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಅಭಿವೃದ್ಧಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (3) ಶ್ರೀ.ಮಂಜಣ್ಣ ಬಿನ್ ಪಾರಟ್ ಮಲ್ಲಪ್ಪ, ಸದಸ್ಯರು, ಪಿ.ಡಿ.ಕೋಟೆ, ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (4) ಶ್ರೀಮತಿ.ಮಂಜುಳಮ್ಮ ಕೋಂ ಭೂತಲಿಂಗಪ್ಪ, ಸದಸ್ಯರು, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (5) ಶ್ರೀ.ಚಿಕ್ಕತಿಮ್ಮಪ್ಪ ಬಿನ್ ರಂಗಪ್ಪ, ಸದಸ್ಯರು, ಪಿ.ಡಿ. ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (6) ಶ್ರೀ.ಪುಟ್ಟಸ್ವಾಮಿ, ಕಿರಿಯ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಮತ್ತು (7) ಶ್ರೀ.ಜಿ.ಸುರೇಂದ್ರ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಪಿ.ಹೆಚ್.ಇ., ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ರವರುಗಳ ವಿರುದ್ಧ ದೂರು ಸಲ್ಲಿಸಿ ದೂರಿನಲ್ಲಿ ಹಲಗಲದ್ದಿ ಕೆರೆಕೋಡಿಯಿಂದ ಮದ್ದುಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ ಕೂಲಿ ಕಾರ್ಮಿಕರಲ್ಲಿ ಕೆಲವರು ಸರ್ಕಾರಿ ನೌಕರಿಯಲ್ಲಿರುವ ಶಿಕ್ಷಕರಿಗೆ ಹಾಗೂ ಬೆಂಗಳೂರಿನಲ್ಲಿ ವಾಸವಿರುವ ಹಾಗೂ ಗಾರ್ಮೆಂಟ್ ಕೆಲಸ ಮಾಡುತ್ತಿರುವವರ ಹೆಸರಿನಲ್ಲಿ ಬ್ಯಾಂಕ್ ಖಾತೆ ತೆರೆದಿರುವುದಾಗಿ ಹಾಗೂ ಉದ್ಯೋಗ ಬೇಟೆ ಮಾಡಿದ್ದು ಹಾಗೂ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯ ಅಧಿನಿಯಮವನ್ನು ಉಲ್ಲಂಘಿಸಿ ಸರ್ಕಾರದ ಹಣವನ್ನು ವೈಯುಕ್ತಿಕ ಲಾಭಕ್ಕೋಸ್ಕರ ಗುಂಪುಗಾರಿಕೆ ಮಾಡಿಕೊಂಡು ದೌರ್ಜನ್ಯ ಮಾಡುವುದು ಹಾಗೂ ಸ್ವಾರ್ಥಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಹಣವನ್ನು ಕಾಮಗಾರಿ ಹೆಸರಿನಲ್ಲಿ ಪೋಲು ಮಾಡಿ ಕಾಮಗಾರಿ ಮಾಡದೇ ಹಾಗೂ ಕಾಮಗಾರಿ ಮಾಡಿದ ಕೆಲಸದ 2ನೇ ಬಿಲ್ಲಿನ ಹಣವನ್ನು ಕೂಡಾ ಪಡೆದುಕೊಂಡಿದ್ದು, ಈ ಬಗ್ಗೆ ಎದುರುದಾರರು ಮೇಲಾಧಿಕಾರಿಗಳಾದ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಚಿತ್ರದುರ್ಗ ಇವರಲ್ಲಿ ಮನವಿ ಮಾಡಿದ್ದರೂ ಸಹಾ ಯಾವುದೇ ಕ್ರಮ ಜರುಗಿಸಿರುವುದಿಲ್ಲವೆಂದು ಆಪಾದಿಸಿ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
2. ಸದರಿ ದೂರಿನ ಮೇಲೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಸೆಕ್ಷನ್ 9 ರಂತೆ ತನಿಖೆ ಕೈಗೊಂಡು, ದೂರಿನಲ್ಲಿನ ಸತ್ಯಾಂಶ ಅರಿಯಲು, ದೂರಿನ ತನಿಖೆ ಮತ್ತು ವರದಿಗಾಗಿ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಚಿತ್ರದುರ್ಗ ರವರಿಗೆ ಕಡತವನ್ನು ಕಳುಹಿಸಿಕೊಡಲಾಯಿತು. ಅದರಂತೆ, ಸದರಿ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು ತಮ್ಮ ಅಧೀನ ಅಧಿಕಾರಿಯಾದ ಶ್ರೀ.ಎನ್.ವೈತ್ಯಂಜಯ, ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಚಿತ್ರದುರ್ಗ ರವರಿಗೆ ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆಯನ್ನು ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ದೂರನ್ನು ವಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ಸದರಿ ಶ್ರೀ.ಎನ್.ವೈತ್ಯಂಜಯ, ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು (ಇನ್ನು ಮುಂದೆ 'ತನಿಖಾಧಿಕಾರಿ' ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವುದು) ದೂರಿನ ಬಗ್ಗೆ ತನಿಖೆ ಮಾಡಿ, ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳೊಂದಿಗೆ ಸಲ್ಲಿಸಿದ ವರದಿಯನ್ನು, ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರು ಒಪ್ಪಿಕೊಂಡು ಸದರಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
3. ತನಿಖಾಧಿಕಾರಿಯವರು ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 4 (1) ಶ್ರೀ.ರಮೇಶ್, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (2) ಶ್ರೀ.ವಿವೇಕ್, ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ

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ಅಧಿಕಾರಿಗಳು, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ (ಹಾಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಅಬ್ಬಿನಹೋಳೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, (3) ಶ್ರೀ.ಪುಟ್ಟಸ್ವಾಮಿ, ಕಿರಿಯ ಅಭಿಯಂತರರು, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಮತ್ತು (4) ಶ್ರೀ.ಜಿ.ಸುರೇಂದ್ರ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಪಿ.ಹೆಚ್.ಇ., ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ಇವರು ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ನಿರ್ಲಕ್ಷ್ಯವನ್ನು ತೋರಿಸಿರುತ್ತಾರೆಂದು ಈ ಕೆಳಕಂಡಂತೆ ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

(1) 2006ನೇ ಸಾಲಿನಲ್ಲಿ ಪ್ರಾರಂಭಿಸಿರುವ ಉದ್ಯೋಗ ಚೀಟಿಗಳ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ತಾವುಗಳು ಕುಟುಂಬದ ಉದ್ಯೋಗ ಚೀಟಿ (ಜಾಬ್ ಕಾರ್ಡ್) ಸಂಖ್ಯೆ ವಿತರಿಸಿದ ದಿನಾಂಕವನ್ನು ನಮೂದಿಸಿರುತ್ತಾರೆ, ಆದರೆ ಅದು ಎಲ್ಲಿಯವರೆಗೆ ಮಾನ್ಯತೆ ಇರುತ್ತದೆ ಎಂಬ ಬಗ್ಗೆ ನಮೂದಿಸಿರುವುದಿಲ್ಲ. ಮತ್ತೆ ಮುಂದುವರೆದು, ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಕುಟುಂಬದ ಮುಖ್ಯಸ್ಥರ ಫೋಟೋಗಳನ್ನು ಮಾತ್ರ ಅಂಟಿಸಿದ್ದು, ಉಳಿದವರ ಫೋಟೋಗಳನ್ನು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಅಂಟಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಪೂರ್ಣ ಮಾಹಿತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ.

(2) ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯ ಕಡತದಲ್ಲಿ ಈ ಕೆಳಕಂಡ ನ್ಯೂನತೆಗಳು ಕಂಡುಬಂದಿರುತ್ತದೆ:

1. ಕೂಲಿಕಾರರು ಕೆಲಸಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ದಿನಾಂಕವನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ ನಂತರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಕೆಲಸಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಹೊರಡಿಸಿದ ನೋಟೀಸ್‌ನಲ್ಲಿಯೂ ಸಹ ದಿನಾಂಕ ನಮೂದಿಸಿರುವುದಿಲ್ಲ.
2. ಕೂಲಿಕಾರರ ಹೆಸರು ವಿಳಾಸವನ್ನು ನಮೂದಿಸಿ ನೋಟೀಸನ್ನು ಅವರಿಗೆ ಜಾರಿ ಮಾಡಿದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲ.
3. ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯಲ್ಲಿ 47 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಕೆಲಸ ಮಾಡಿರುವುದಾಗಿ ನಮೂದಾಗಿರುತ್ತದೆ. ಆದರೆ, ಖುದ್ದಾಗಿ ತನಿಖಾಧಿಕಾರಿಗಳು ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಲಾಗಿ, ರಸ್ತೆಯ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹಿಂದೆ ಜಿ.ಸಿ.ಬಿ., ಯಂತ್ರದಿಂದ ಚರಂಡಿ ಮಾಡಿ ಮಣ್ಣನ್ನು ರಸ್ತೆಗೆ ಹಾಕಿರುವುದಾಗಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.
4. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆ ಬಗ್ಗೆ ಪಿ.ಡಿ.ಓ., ರವರಿಂದ ವರದಿಯನ್ನು ಕೇಳಲಾಗಿ, ಪಿ.ಡಿ.ಓ., ರವರು 47 ಜನ ಕೂಲಿಕಾರರಲ್ಲಿ 41 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಪಡೆಯಲು ಅರ್ಹರಿರುತ್ತಾರೆ, ಉಳಿದ 6 ಜನ ಅನರ್ಹರಾಗಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಮೇಲ್ಕಂಡ 6 ಜನ ಅನರ್ಹರ ಹೆಸರುಗಳನ್ನು ಸಹಾ ತಿಳಿಸಿರುತ್ತಾರೆ, ಅದು ಈ ಕೆಳಕಂಡಂತಿದೆ:

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- ತಿಪ್ಪೇಸ್ವಾಮಿ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಸರ್ಕಾರಿ ನೌಕರ, ಅಲ್ಲಿಮರ, ಹೂವಿನಹಡಗಲಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ.
 - ಸೋಮಶೇಖರ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಬೆಂಗಳೂರಿನಲ್ಲಿ ನೌಕರ.
 - ರಾಮಚಂದ್ರಪ್ಪ ಬಿನ್ ದೊಡ್ಡರಂಗಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಹರಿಯಬ್ಬೆ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು.
 - ರಮೇಶ್ ಬಿನ್ ಎನ್.ಚಂದ್ರಣ್ಣ, ಸಚಿವಾಲಯದಲ್ಲಿ ನೌಕರ, ಬೆಂಗಳೂರು.
 - ಗೋವಿಂದರಾಜಯ ಬಿನ್ ದಾಸಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಬರಗೂರು, ಶಿರಾ ತಾಲ್ಲೂಕು.
 - ಕಲ್ಪನ, ಖಂಡೇನಹಳ್ಳಿ.
5. ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ ಕೂಲಿ ಕಾರ್ಮಿಕರಲ್ಲಿ 6 ಜನರು ಕೂಲಿ ಹಣವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುವುದಲ್ಲದೇ, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಯಂತ್ರದಿಂದ ಮಾಡಲಾಗಿರುತ್ತದೆ.
6. ಮತ್ತೆ ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಕಾಮಗಾರಿಯ ಬಗ್ಗೆ ನಾಮಫಲಕವನ್ನು ಎಲ್ಲಿಯೂ ಹಾಕದೇ ಇರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಸಮಯದಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.
7. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 4 ರವರುಗಳು ಮಹಾತ್ಮ ಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯ ನಿಯಮಗಳನ್ನು / ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತಾರೆ.
4. ಆ.ಸ.ನೌಕರರು ನಿಯಮಾವಳಿಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ ಮೇಲೆ ಹೇಳಿದಂತೆ ಅಧಿಕಾರ ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡು ಅವರ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ ಎಂಬುದಾಗಿ ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
5. ತನಿಖಾಧಿಕಾರಿಯವರ ವರದಿಯನ್ನು ಪಡೆದ ನಂತರ, ಆ.ಸ.ನೌಕರ ಇವರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಯಿತು. ಆ.ಸ.ನೌಕರ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಸಂಗತಿಗಳನ್ನು ನಿರಾಕರಿಸಿ ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ತನಿಖಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವರದಿ, ಅವರು ಪಡೆದಂತಹ ದಾಖಲಾತಿಗಳು ಆ.ಸ.ನೌಕರರು ಮೇಲ್ನೋಟಕ್ಕೆ ದುರ್ನಡತೆಯನ್ನು ಎಸಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಕನಾಟಕ ರಾಜ್ಯ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾನೂನು ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು

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ಮಾಡಿದ್ದಾರೆ. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಅ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ, ಅದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮಗಳ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ².

10. In response to due service of articles of charge, DGOs 1 to 4 have entered appearance before this authority on 29/11/2014. During first oral statement of DGOs 1 to 4 recorded on 29/11/2014 they pleaded not guilty. Subsequently DGOs 1 to 4 engaged advocate for their defence.
11. DGOs 1 to 4 have filed their separate written statement.
12. In the course of written statement of DGO 1 filed on 06/04/2015 it is stated that during the year 2011-12 he was working as Executive Officer, Taluk Panchayath, Hiriuru during which time DGO 2 was in-charge of the works under Mahathma Gandhi National Rural Employment Guarantee Scheme and that DGOs 3 and 4 were working respectively as Junior Engineer, Panchayath Engineering Sub-Division, Hiriuru and Assistant Executive Engineer P.H.E, Hiriuru Taluk. It is contended that despite pressure of work he verified the above civil work and has not violated the rules of Mahathma Gandhi National Rural Employment Guarantee Scheme. It is contended that DGO 2 is the implementing Officer of the above scheme and that after coming to know of the fact that out of 47 workers four are not eligible he instructed DGO 2 to stop payment of wages to those ineligible persons. He has thus denied the allegations leveled against him in the articles of charge. He has enclosed two xerox sheets containing xerox impressions of photographs.

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13. In the course of written statement of DGO 2 filed on 06/04/2015 he has stated that during his tenure as Panchayath Development Officer, P.D.Kote Grama Panchayath DGO 1 working as Executive Officer, Grama Panchayath, Hiriuru, DGO 3 was working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru and DGO 4 was working as Assistant Executive Engineer, P.H.E. Hiriuru. It is contended that on 15/11/2011 he caused notice in Form No.8 calling upon to report for duty for unskilled work at the work spot on 16/11/2015. It is contended that in all 47 workers were engaged for the developmental work of the road and on getting information that five workers among those 47 workers were not eligible he stopped payment to those five workers who were not eligible. It is contended one Kalpana holding card number 029-003/115 executed the work and accordingly payment has been made. It is contended that machinery were not used for execution of the above works. It is contended that nominal muster roll was maintained from 16/11/2011 to 14/12/2011. It is contended that the attendance sheet are maintained by one Devaraju who is "Kayakabandhu". It is contended that one Thippeswamy, Somashekhara, Ramachandrappa, Ramesh and Govindaraya are the job card holders who worked for 18 days each and total wages worked out at Rs. 2250/- each and that these three persons are ineligible persons. It is contended that wages are not credited to the bank account of those five persons. It is contended that name board was displayed and during third party inspection

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records are verified. He has thus denied the charge leveled against him.

14. In the course of written statement of DGO 3 filed on 06/04/2015 it is stated that during the years 2011-12 DGO 1 was working as Executive Officer, Taluk Panchayath, Hiriuru, DGO 2 was working as Panchayath Development Officer, P.D.Kote Grama Panchayath who was in-charge of Mahathma Gandhi National Rural Employment Guarantee Scheme, DGO 4 was working as Assistant Executive Engineer, P.H.E. Hiriuru. It is stated that DGO 3 was working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru. It is stated by DGO 3 that despite pressure of work he noticed the above developmental work of the road. He has denied the allegation of execution of the work by using machinery. He has stated that name board of the work was displayed and that he entered the measurement of the work executed and thus denied the alleged charge. He has enclosed two xerox sheets containing the xerox impressions of the photographs.

15. In the course of written statement of DGO 4 filed on 06/04/2015 it is stated that DGO 1 was working as Executive Officer Taluk Panchayath Hiriuru during the years 2011-12 at which point of time DGO 2 was working as Panchayath Development Officer P.D. Kote Grama Panchayath and that DGO 2 was in-charge of Mahathma Gandhi National Rural Employment Guarantee Scheme, DGO 3 was working as Junior Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru. It is stated that DGO 4 was working as Assistant Executive Engineer, P.H.E.


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Hiriyuru Taluk. It is stated that despite pressure of work he used to oversee the developmental works, used to attend meetings. It is stated that during the years 2011-12 he physically inspected the developmental work of road commencing from Halagaladdi tank upto Muddihalli Gollarahatti. According to DGO 4, he is not aware of the contents of paragraphs 1 and 2 of Annexure-I of articles of charge and has denied those charges. It is stated that developmental work of the road was conducted by engaging job card holders and that the Assistant Engineer entered the measurements of the said work and that he verified those measurements. He has stated that JCB machines are not used for the said work. It is stated that he is not aware that out of forty seven workers four workers are not eligible and contended that he instructed DGO 2 to stop payment of wages to ineligible workers. It is contended that Panchyath Development Officer is the implementing Officer at Panchayath level who should maintain the relevant records and files and that he had instructed the Panchayath Development Officer to maintain the records properly. It is contended that name board was displayed at the work spot. He has contended that he has not violated rules and according to him, he is not guilty of the alleged misconduct.

16. The disciplinary authority has examined the complainant as PW1, Investigating Officer Sri. N.Mruthyunjaya who was working as Police Inspector attached to Lokayukta Police Station, Chitradurga from the month of November 2010 to May 2015 as PW2. During evidence of PW1 recorded by the then Additional Registrar,

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Enquiries-11, Karnataka Lokayukta, Bengaluru original complaint dated 21/06/2012 in a single plain sheet is marked as per Ex P1, his original complaint dated 21/06/2012 in FORM NO.1 in a single sheet is marked as per Ex P2, original affidavit dated 21/06/2012 in FORM NO.II in a single sheet is marked as per Ex P3, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P4, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P5, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P6, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P7, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P8, attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P9, attested copy of application dated nil of the applicants seeking job Karnataka National Rural Employment Guarantee Scheme is marked as per Ex P10, attested copy of notice dated nil in Form-9 in a single sheet under National Rural Employment Guarantee Act- 2005 is marked as per Ex P11, attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P12, attested

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copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act -2005 is marked as per Ex P13, attested copy of notice in Form-9 in a single sheet dated nil under National Rural Employment Guarantee Act -2005 is marked as per Ex 14, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 is marked as per Ex P15, attested copy of notice dated nil in Form-8 under National Rural Employment Guarantee Act-2005 in a single sheet is marked as per Ex P16, attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 is marked as per Ex P17, attested copy of notice dated 15/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P18, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act 2005 is marked as per Ex P19, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 is marked as per Ex P20, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P21, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P22, attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 is marked as per Ex P 23, attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment

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Guarantee Act- 2005 is marked as per Ex P 24, attested copy of notice dated 08/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P 25, attested copy of notice dated 08/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005 is marked as per Ex P 26, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P27, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P28, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P29, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P30, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P31, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P32, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P33, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P34, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P35, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P36, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P37, attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P38, attested copy of page number 1 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P39, attested copy of page number 2 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural

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Employment Guarantee Act-2005 is marked as per Ex P 40 (page number 2 of Ex P39), attested copy of page number 3 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P41 (page number 3 of Ex P39), attested copy of page number 4 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P 42 (page number 4 of Ex P39), attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi Rural Employment Guarantee Act-2005 is marked as per Ex P43, attested copy of muster roll report dated 12/04/2012 in a single sheet is marked as P 44 (page number 2 of Ex P43), attested copy of muster roll report dated 12/04/2012 in a single sheet as per Ex P45 (page number 3 of Ex P43), attested copy of muster roll report dated 12/04/2012 in a single sheet is marked as per Ex P46 (page number 4 of Ex P43) (page number 5 of Ex P43 is not marked during evidence recorded by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru and therefore, the said page number 5 of Ex P43 be taken as part of Ex P43), attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P47, attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P48 (page number 2 of Ex P47), attested copy of muster roll report dated 12/04/2012


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in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005 is marked as per Ex P49 (page number 3 of Ex P47), attested copy of muster roll report dated 12/04/2012 in a single sheet under The Mahathma Gandhi National Rural Employment Guarantee Act is marked as per Ex P50 (page number 4 of Ex P47) (page number 5 of Ex P47 is not marked during evidence recorded by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru and therefore, the said page number 5 of Ex P47 be taken as part of Ex P47), attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P51, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P52, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P53, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P54, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P55, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P56, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P57, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P58, attested copy of a single sheet dated nil called "Payment By Bank" is marked as per Ex P59, original single sheet of Kannada daily newspaper "Kannada Prabha" dated 10/06/2012 is marked as per Ex P60 and original single sheet of Kannada daily newspaper "Udayavani" dated 10/06/2012 is marked as per Ex P61. During evidence of PW2 recorded by me on 12/10/2017 attested copy of a letter dated nil in a single

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sheet under Mahathma Gandhi National Rural Employment Guarantee Scheme is marked as per Ex P62, attested copy of work order dated 08/11/2011 in a single sheet issued by DGO 2 is marked as per Ex P63, attested copy of letter dated 15/11/2012 in a single sheet addressed by DGO 2 to the Manager, Pragathi Grameena Bank, Dharmapura, Hiriuru Taluk is marked as per Ex P64, attested copy a list dated 05/11/2012 in a single sheet signed by DGO 2 and President of P.D.Kote Grama Panchayath showing the names and particulars of eight persons for developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti under National Rural Employment Guarantee Scheme 2011-12 is marked as per Ex P65, attested copy of a list dated 05/11/2012 in a single sheet signed by DGO 2 showing the name of Thimmaraya.G in respect of developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti under National Rural Employment Guarantee Scheme 2011-12 is marked as per Ex P66, attested copy of a list dated nil in a single sheet touching the execution of civil works is marked as per Ex P67, attested copy of estimate with two enclosures in three sheets dated nil touching developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti is marked as per Ex P68, original letter dated 24/01/2014 in a single sheet addressed to the Police Inspector Lokayukta Office, Chitradurga by the Panchayath Development Officer, P.D. Kote Grama Panchayath is marked as per Ex P69, attested six sheets of measurement book is marked as per Ex P70, original report dated 25/01/2014 in three sheets of the Investigating

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Officer (PW2) is marked as per Ex P71, signature of PW2 found on sheet number 3 of Ex P71 is marked as per Ex P71(a) and original letter dated 06/02/2014 in a single sheet of the Superintendent of Police, Lokayukta, Chitradurga addressed to the Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru is marked as per Ex P72.

17. During second oral statement of DGOs 1 to 4 recorded on 12/10/2017 they have stated that they would get examined themselves as defence witness and have stated that they do not desire to examine defence witness.
18. DGO 2 got himself examined as DW1. During his evidence, attested copy of application dated 15/02/2006 in a single sheet of the applicants by name Mallikarjunappa, Neelamma, Somashekhar and Thippeswamy is marked as per Ex D1, attested copy of application dated 11/02/2006 in a single sheet of the applicants by name H.R. Ramachandrappa, H.R. Chikkathimmappa, Nagamani, Mallamma and Rajamma is marked as per Ex D2, attested copy of application dated 24/02/2006 in a single sheet of the applicants by name N.Chandrappa, Renukamma, H.C. Ramesh and H.C. Shashidhara is marked as per Ex D3, attested copy of application dated 16/02/2006 in a single sheet of applicants by name Mahadevamma, Siddalingamma and Kalpana is marked as per Ex D4, attested copy of application dated 12/02/2006 in a single sheet of the applicants by name M.Govindaraya, Kenchamma, Nagendrappa, Meenakshi and Krishnamurthy is marked as

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per Ex D5, attested copy of notice dated 15/11/2011 in a single sheet in Form-8 showing the names of Devendrappa, Susheelamma, Mallikarjunappa, Neelamma, Somashekhar, Thippeswamy, Ramachandrappa, Chikkathimmappa, Nagamani, Mallamma, Rajamma, Lakshmikanthappa, Padma, Raghavendra, Yashodhara, Mohanbabu, Mahadevamma, Siddalingamma, Kalpana and Chandranna is marked as per Ex D6, attested copy of notice dated 15/11/2011 in Form-8 showing the names of Hanumantharaya, Thippeswamy, Shivamma, Pandurangappa, Yashodha, Govindaraya, Kenchamma, Nagendrappa, Meenakshi, Krishnamurthy, Devaraju, Lingaraju, Channaveeramma, Annapoorna, Srikanta, Vishalakshi, Shivakumara, Sharadamma, Nagendrappa and Maheswara is marked as per Ex D7, attested copy of notice dated 15/11/2011 in Form-8 in a single sheet showing the names of Chandranna, Renukamma, Ramesh, Shashidhara, Ningappa, Thimmarayappa and Muddamma is marked as per Ex D8, attested copy of notice dated 15/11/2011 in Form-9 in a single sheet showing the names of Devendrappa, Susheelamma, Mallikarjuna, Neelamma, Somashekhar, Thippeswamy, Ramachandrappa, Chikkathimmappa, Nagamani, Mallamma, Rajamma, Lakshmikantha, Padma, Raghavendra, Yashodhara, Mohanbabu, Mahadevamma, Siddalingamma, Kalpana, Chandranna, Hanumantharaya, Thippeswamy, Shivamma, Pandurangappa and Yashodha is marked as per Ex D9, attested copy of notice dated 15/11/2011 in Form-9 in a single sheet showing the names of Govindaraya, Kenchamma, Nagendrappa,

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Meenakshi, Krishnamurthy, Devaraju, Lingaraju, Channaveeramma, Annapoorna, Srikanta, Vishalakshi, Shivakumara, Sharadamma, Nagendrappa, Maheshwara, Chandranna, Renukamma, Ramesh, Shashidhara, Ningappa, Thimmarayappa and Muddamma is marked as per Ex D10, attested copy of statement of verification of works carried out under Mahathma Gandhi National Rural Exmployment Guarantee Act-2005 indicating the estimated cost, recorded cost and cost of the verification in a single sheet is marked as per Ex D11, attested copy of measurement book in five sheets is marked as per Ex D12, attested copy of letter dated 05/11/2012 in a single sheet addressed by DGO 2 to the Manager, Pragathi Grameena Bank, Dhrrmapura, Hiriyyuru Taluk is marked as per Ex D13, attested copy of list dated 05/11/2012 in a single sheet showing the names of Devendrappa, Lakshmikanthappa, Mahadevamma, Devaraju, Pandurangappa, Annapoornamma, Thippeswamy and Mahantheshappa touching wages towards the execution of developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti is marked as per Ex D14, attested copy of a single sheet dated 05/11/2012 showing the name of Thimmaraya. G touching his payment in connection with execution of developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti is marked as per Ex D15, original photograph is marked is marked as per Ex D16, original photograph is marked as per Ex D17, original photograph is marked as per Ex D18, original photograph is marked as per Ex D19, original photograph

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is marked as per Ex D20, original photograph is marked as per Ex D21.

19. DGO1 got himself examined as DW2. No documents are tendered in evidence during evidence of DW2. DGO 3 got himself examined as DW3. No documents are tendered in evidence during evidence of DW3. DGO 4 got himself examined as DW4. No documents are tendered in evidence during evidence of DW4.
20. Since DGOs 1 to 4 have adduced defence evidence incriminating circumstances which appeared against them in the evidence of PWs 1 and 2 are not put to them by way of questionnaire.
21. DGOs 1 to 4 have not filed statement of defence.
22. In the course of written argument of the Presenting Officer reference is made to the evidence on record and on the strength of evidence it is sought to contend that charge against DGOs 1 to 4 is established.
23. In the course of written argument of DGO 1 it is contended that during cross examination PW1 admitted that benefits are availed by him in the name of his wife and that PW1 admitted further that Manjulamma, Manjunatha and Chikkathimmappa have lodged complaint to Hon'ble Lokayukta alleging that PW1 has got sanctioned the amount and received payment towards construction of the house without constructing the house. It is stated that during evidence PW2 has stated that inspection is conducted by PW2 three years after execution of the road work. It is contended that during cross examination PW2 has stated that persons mentioned in Ex P2 are not examined during investigation and that at

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the time of formation of road PW2 has not visited the spot and that PW2 has not probed into the marks of JCB machine which are available. Reference is made to the evidence of DW1 and also Exs D16 to D21 and it is sought to contend that the alleged misconduct is not established. Relying upon the law laid down in the decision of the Hon'ble Supreme Court in Venkatesh Guru Rao Kurati V/S Syndicate Bank and Others reported in ILR 2004 Karnataka page 2243 it is sought to contend that charge framed cannot sustain.

24. In the course of written argument of DGO 2 it is contended that during cross examination PW1 has admitted benefits availed by him in the name of his wife. It is contended that PW1 has not produced documents to show that beneficiary by name Ramesh was working in Vidhana Soudha, Bengaluru, Somashekhar was working as Lecturer in private College, Thippeswamy was working in Government School, Ramachandrappa was working in private college, Govindaraya was working as Pincipal and Kalpana was living in Khandenahalli. It is contended that Manjulamma, Manjunatha, Chikkathimmappa have filed complaint with Hon'ble Lokayukta, Karnataka alleging that without constructing house the complainant has received payment. With reference to cross examination of PW2, it is contended that PW2 has not examined the persons mentioned in Ex P2 and that PW2 is not aware of the fact whether the photograph of the head of the family is affixed on the job card. With reference to some answers elicited during cross examination of PW2 it is sought to contend that charge is not established. Reference is made to the

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evidence of PW2. Relying upon the law laid down in the decision of the Hon'ble Supreme Court in Venkatesh Guru Rao Kurati V/S Syndicate Bank and Others reported in ILR 2004 Karnataka page 2243 it is sought to contend that charge framed cannot sustain.

25. In the course of written argument of DGO 3 it is contended that documents are signed by DGO 2, "Kayakabandhu" and Chairman of Grama Panchayath. Referring to the answers elicited during cross examination of the complainant and PW2 and also the evidence of DGO 3 it is sought to contend that charge is not proved. Relying upon the law laid down in the decision of the Hon'ble Supreme Court in Venkatesh Guru Rao Kurati V/S Syndicate Bank and Others reported in ILR 2004 Karnataka page 2243 it is sought to contend that charge framed cannot sustain.

26. In the course of written argument of DGO 4 similar contentions which are raised in the course of written argument of DGO 3 are raised.

27. In tune with the articles of charge, points which arise for consideration are the following:

Point number 1:- Whether it stands established that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriyuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyuru, Chitradurga

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District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 have not mentioned the date of validity of job cards in conformity with the mandate of National Rural Employment Guarantee Act -2005 and Karnataka State Employment Guarantee Scheme, DGOs 1 to 4 failed to affix the photographs of the members of the family in the register pertaining to job cards except affixing the photograph of the head of the family member in the register pertaining to job cards and failed to furnish complete information in the concerned register and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 2:- Whether it stands established that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriyyuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District

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during the years 2011 and 2012, DGOs 1 to 4 have not ventured upon to mention the date on the application in Form-6 under Karnataka National Rural Employment Guarantee Scheme filed by the applicants seeking job for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1 to 4 have not mentioned the date on the notice in Form -8 issued calling upon the applicants to report for duty for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1 to 4 have not maintained records touching service of notice in Form-8 and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 3:- Whether it stands established that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 earlier

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got executed developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti with JCB machine and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 4:- Whether it stands established that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, in the course of execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, among forty seven workers whose services are claimed to have been availed, six workers by name Thippeswamy, Somashekara, Ramachandrappa, Ramesh, Govindarajaiah and Kalpana are ineligible and DGOs 1 to 4 knowing fully well of the same committed the said act which is contrary to the purpose for which Mahathma Gandhi National Rural Employment Guarantee Scheme has been

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brought into implementation and thereby DGOs 1 to 4 are guilty of misconduct within purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules 1966?

Point number 5 :- Whether it stands established that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 02/06/2010 to 08/06/2014, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 have not displayed the board in the work spot where developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti has been executed and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

28. Regarding point number 1:- During evidence PW1 has referred to the allegations levelled by him and also documents at Exs P1 to P61. It is not found in his evidence that DGOs 1 to 4 have not affixed the photographs of all the members of the family in the register pertaining to job cards and also failed to furnish incomplete information touching

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the job cards and therefore evidence of PW1 does not establish the said charge.

29. Nothing equally is found in the evidence of PW2 and also in the report of PW2 at Ex P 71 to attract the said charge. It is in the evidence of DW1 (DGO 2) that job cards were issued by his predecessor in office but not by him. Ex D5 is the attested copy of job card dated 12/02/2006 issued to M. Govindaraya, Kenchamma, Nagendrappa, Meenakshi and Krishnamurthy. This would show that the original of the same was not issued either by DGO 2 or by DGOs 1, 3 and 4. Evidence of DW1 that his predecessor in office issued the job cards has not been assailed during his cross examination and therefore that portion of evidence of DW1 needs acceptance. Evidence of DW1 that he discharged duties as Panchayath Development Officer, P.D. Kote Grama Panchayath from 06/06/2010 to 08/06/2014, evidence of DW2 (DGO1) that he discharged duties as Executive Officer Taluk Panchayath, Hiriuru from 27/07/2011 to 25/08/2013, evidence of DW3 (DGO 3) that he discharged duties as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru from 09/10/2010 to 10/12/2012 and evidence of DW4 (DGO 4) that he was working as Assistant Executive Engineer, Zill Panchayath, Hiriuru during the years 2011 and 2012 is not under challenge. Nothing is forthcoming in the evidence of PWs 1 and 2 that DGOs 1 to 4 are responsible for these latches and omissions touching job cards. Nothing equally is found in the evidence of PW1 and particularly in evidence of PW2 that DGOs 2 to 4 were authorised and empowered to issue job cards. Thus, upon appreciation of the entire evidence as referred to above I find

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that DGOs 1 to 4 are not responsible for issue of job cards and being of this view I hold that charge covered in point number 1 is not established.

30. Regarding point number 2:- It is in the evidence of the complainant that the applicants have filed applications seeking job. As found in his evidence, Exs P4 to P10 are the attested copies of those applications. During evidence the complainant has referred to those applications. Dates on which the original of Exs P4 to P10 are filed are not forthcoming in Exs P4 to P10. Exs P4 to P10 when perused would show that DGO 2 received the original of Exs P4 to P10. Signature of PW2 is found on Exs P4 to P10. During evidence, DGOs 1 to 4 have not stated anything that records are maintained touching service of notice in Form-8 and Form-9. During evidence, PW1 has stated that originals of Exs P11 to P26 are issued by DGO 2. Ex P11 is the attested copy of Form-9 issued by DGO 2 in which date is not found mentioned. Ex P14 is the attested copy of Form-9 issued by DGO 2 whose signature is found therein. Evidence of the complainant that DGO 2 issued originals of Exs P11 to P26 has not been assailed during his cross examination. Nothing is found in the evidence of PWs 1 and 2 that DGOs 1, 3 and 4 are empowered to issue original of Exs P11 to 26 and therefore since nothing is found that DGOs 1, 3 and 4 are empowered to issue notices in Form 8 and Form 9 and also since nothing is found in the evidence of PWs 1 and 2 that original of Exs P 4 to P10 are to be dealt with DGOs 1,3 and 4, DGOs 1, 3 and 4 are not responsible for those latches. It is DGO 2 who is empowered to receive application in Form -6 and to cause notice in Form-8 and

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Form-9 and therefore DGO 2 is responsible for these latches. Nothing is found in the evidence of DGO 2 that he has maintained records touching Exs P 11 to P26. Upon appreciation of evidence as discussed above I hold that the alleged misconduct of DGOs 1, 3 and 4 is not established. Dates are not found mentioned in Exs P4 to P10. DGO 2 has not whispered anything during evidence touching Exs P4 to P10. Dates are not found mentioned in Exs P11 and P14 and in respect of the same nothing is forthcoming in the evidence of DGO 2. Though it is found in Exs P12, P13, P15 to P26 that workers are called upon to report for duty on 16/11/2011 the day on which Exs P12, P13, P16, P17 and P23 are issued is not found in Exs P12, P13, P16, P17 and P23. No explanation is found in the evidence of DGO 2 touching these latches. On the basis of the evidence as discussed above I hold that DGO 2 is guilty of misconduct of the charge covered by point number 2 and being of this view I hold that charge as covered in point number 2 supra against DGOs 1, 3 and 4 is not proved and charge against DGO 2 is proved.

31. Regarding point number 3:- Nothing specifically is found in the evidence of the complainant that JCB machine has been used for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti. During evidence PW2 has stated that his investigation disclosed that machineries are used for execution of developmental work of the above road. During his cross examination it is elicited that his academic qualification is M.Sc., (Agriculture) and that during his academic career of B.Sc., (Agriculture) he studied the manner in which machineries are to be used.

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This portion of his answer during his cross examination would show that he knows the manner in which machineries are to be used. During his cross examination though he has stated that he cannot say as to after the lapse of how much time traces of use of JCB machine can be noticed, he being qualified as stated above, in my view, during investigation he could make out the use of machinery during execution of the developmental work of the above road. During cross examination he states that conditions imposed for execution of works are found in Ex P63. One of the conditions found in Ex P63 is that no kind of machinery are to be used. Sheet number 5 of Ex P70 which is the attested copy of measurement book would show that tractor with trally has been used for conveyance of gravel.

32. Though it is stated by DGO 2 during evidence that JCB machine was not used for execution of the above work, evidence of PW2 is convincing that JCB machine was used. Nothing is found in the evidence of DGO 1 (DW2) who was working as Executive Officer, Taluk Panchayath, Hiriuru touching execution of the above work. It is his evidence that he went to the place where the work was executed after completion of the above work and that he has no information touching the said work and that he has nothing to do with the said work. He has not spoken to during his evidence that JCB machine was not used.
33. Though it is spoken to by DGO 3 (DW3) that JCB machines are not used for execution of the above work it is brought out during his cross examination that he has mentioned the expenditure incurred in the measurement book towards transportation of gravel by using tractor. In

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the presence of the conditions found in Ex P63 his evidence in cross examination that tractor has been used would show that he has violated the conditions found in Ex P63. Though he has spoken to that JCB machines are not used evidence of PW2 prevails over his evidence.

34. During evidence DW4 (DGO 4) has stated that during his tenure the above work of development of road has been executed. It is his evidence that during the progress of the said work only once he has inspected the spot. It is his evidence that the above work has been executed with manual labour and that JCB machinery has not been used. In the presence of his evidence that only once he visited the work spot his evidence that JCB machine has not been used cannot be accepted and it needs to be expressed that his evidence is nothing but self serving.

35. During cross examination of DGO 1 it is elicited that he visited the work spot after completion of the work and that earlier he had not visited the work spot. It is in his cross examination that after completion of the above work he inspected the concerned records. In the presence of the said evidence in cross examination of DW 1 it needs to be expressed that he was duty bound to stick on to the mandate of Ex P63 and as such it needs to be expressed that he is guilty of misconduct of the charge covered in point number 3 supra. It is in the evidence of DGO 3 that it was his duty to cause entries of the workers in the measurement book. Keeping this portion of his evidence in mind it needs to be expressed that it was his duty to adhere to the mandate of Ex P63 and therefore, in my view, he is guilty of misconduct of the charge covered under point number 3


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supra. It is in the evidence of DGO 4 that during execution of the above work he had inspected the work spot and therefore it needs to be expressed that he cannot shirk the responsibility. Keeping in mind the nature of his responsibility, in my view, he is guilty of misconduct of charge covered under point number 3 supra. Regarding the alleged misconduct of DGO 2, he being the then Panchayath Development Officer, P.D. Kote Grama Panchayath was duty bound to adhere to the mandate of Ex P63. It was the duty of DGO 1 to see that machinery is not used and therefore he is equally guilty of misconduct of the charge covered by point number 3 supra.

36. Regarding point number 4:- During evidence PW1 has referred to Exs P4 to P26 and stated that Somashekhar who is shown in Ex P4 is working as Lecturer, Thippeswamy who is shown in Ex P4 is working as Higher Secondary School Teacher, Ramachandrappa is working as Lecturer, Laksmikanthappa is staying in some other place, Raghavendra, Yashodhara and Mohanbabu who are the children of Lakshmikanthappa are staying at Bengaluru, Siddalingamma is no more, Govindaraya is working as Principal of private college, Ramesh is working in Vidhana Soudha. During cross examination he has stated that he has produced documents to show that persons who are not eligible are entrusted with work. It is in his cross examination that he has not made available the job card of the person who is working as Principal. It is in his cross examination that he has not produced documents to show that the persons whose names are mentioned in Ex P4 are out of Halagaladdi. It needs to be mentioned that evidence

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of PW2 touching Ex P69 has not been assailed during cross examination of PW2 and therefore contents of Ex P69 which are not under challenge needs to be believed and accepted. Ex P69 is the original letter dated 24/01/2014 addressed to PW2 by the Panchayath Development Officer, P.D. Kote Grama Panchayath. It is mentioned in Ex P69 that Thippeswamy son of Mallikarjunappa is the Government servant at Allipura, Ballary District, Somashekhara son of Mallikarjunappa is the resident of Bengaluru, Ramachandrappa son of Doddarangappa is working in private concern at Hariyabbe, Ramesha son of N. Chandranna is the employee of Karnataka Government Secretariat, Bengaluru, Govindaraya son of Dasappa is working in a priate concern at Baraguru and Kalpana is the resident of a place called Khandenahalli. Thus, Ex P69 establishes that the persons mentioned therein are not eligible to work under Mahathma Gandhi Rural Employment Guarantee Act-2005. Perusal of Exs P4, P5,P7, P8, P10, P11, P12, P13,P14, P19, P22, P24, P27, P28, P29, P 30, P31, P33, P34, P 35, P37, P 38, P 41, P46, P49, P50 P 51, P52, P 53, P54, P55, P56, P 57, P58 and P 59 would show that persons who are ineligible are employed. DGO 2 who then was Panchayath Development Officer has not taken care to see that persons who are eligible are given job and therefore his misconduct is apparent and therefore it needs to be held that DGO 2 is guilty of misconduct of the charge covered under point number 4 supra. DGOs 1,3 and 4 have no role in calling upon the ineligible persons to execute the work and therefore, in my view, the alleged misconduct against DGOs 1, 3 and 4 cannot be fastened against them and as such

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charge against them covered under point number 4 supra has remained not established.

37. Regarding point number 5:- It is the evidence of PW2 that name boards were not installed in the work spot. In order to ascertain the credibility of that portion of his evidence photograph at Ex D21 tendered in evidence during evidence of DGO 2 (DW1) needs to be looked into. It is found in Ex D21 that name board is found installed in the work spot. In the presence of the same evidence of PW2 that name boards were not installed cannot be accepted and therefore it needs to be expressed that charge covered by point number 5 has remained not established.
38. For the foregoing reasons I proceed with the following:

R E P O R T

Charge against DGO 1 by name Sri. Ramesh (name written by him as Ramesh. G.R on the second oral statement on 12/10/2017) that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, charge against DGO 2 by name Sri. Vivek (name written by him as Vivek. Tejaswi.M on the second oral statement on 12/10/2017) that during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06 /06/2010 to 08/06/2014, charge against DGO 3 by name Sri. Puttawamy (name written by him as Puttaswamy.K on the second oral statement on 12/10/2017) that during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and charge against DGO 4 by name Sri. G. Surendra (name written

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by him as G.E.Surendra on the second oral statement on 12/10/2017) that during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District that during the years 2011 and 2012, DGOs 1 to 4 have not mentioned the date of validity of job cards in conformity with the mandate of National Rural Employment Guarantee Act -2005 and Karnataka State Employment Guarantee Scheme, DGOs 1 to 4 failed to affix the photographs of the members of the family in the register pertaining to job cards except affixing the photograph of the head of the family member in the register pertaining to job cards and failed to furnish complete information in the concerned register and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is not proved.

Charge against DGOs 1, 3 and 4 that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, DGOs 1,3 and 4 have not ventured upon to mention the date on the application in Form-6 under Karnataka National Rural Employment Guarantee Scheme filed by the applicants seeking job for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1,3 and 4 have not mentioned the date on the notice in Form -8 issued

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calling upon the applicants to report for duty for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1,3 and 4 have not maintained records touching service of notice in Form-8 and thereby DGOs 1,3 and 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is not proved.

Charge against DGO 2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath from 06/06/2010 to 08/06/2014, DGO 2 has not ventured upon to mention the date on the application in Form-6 under Karnataka National Rural Employment Guarantee Scheme filed by the applicants seeking job for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGO 2 has not mentioned the date on the notice in Form-8 issued calling upon the applicants to report for duty for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGO 2 has not maintained records touching service of notice in Form-8 and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 1 that during his tenure as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, charge against DGO 2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, charge against DGO 3 that during his

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tenure as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012 and charge against DGO 4 that during his tenure as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 earlier got executed developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti with JCB machine and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 1 that during his tenure as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27/07/2011 to 25/08/2013, charge against DGO 3 that during his tenure as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09/10/2010 to 10/12/2012, charge against DGO 4 that during his tenure as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, during the years 2011 and 2012, in the course of execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, among forty seven workers whose services are claimed to have been availed, six workers by name Thippeswamy, Somashekhara, Ramachandrappa, Ramesh, Govindarajaiah and Kalpana are ineligible and DGOs 1, 3 and 4 knowing fully well of the same committed the said act which is contrary to the purpose for which Mahathma Gandhi National Rural Employment Guarantee Scheme has been brought into implementation and thereby DGOs 1, 3 and 4 are guilty of misconduct

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within purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules 1966 is not proved.

Charge against DGO 2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06/06/2010 to 08/06/2014, in the course of execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, among forty seven workers whose services are claimed to have been availed, six workers by name Thippeswamy, Somashekhara, Ramachandrappa, Ramesh, Govindarajaiah and Kalpana are ineligible and DGO 2 knowing fully well of the same committed the said act which is contrary to the purpose for which Mahathma Gandhi National Rural Employment Guarantee Scheme has been brought into implementation and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 1 that during the tenure of DGO 1 as Executive Officer, Grama Panchayath, Hiriyyuru, Chitradurga District from 27/07/2011 to 25/08/2013, charge against DGO 2 that during the tenure of DGO 2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 02/06/2010 to 08/06/2014, charge against DGO 3 that during the tenure of DGO 3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District from 09/10/2010 to 10/12/2012 and charge against DGO 4 that during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District during the years 2011 and 2012,

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DGOs 1 to 4 have not displayed the board in the work spot where developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti has been executed and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is not proved.

Submit this report to the Hon'ble Upalokayukta-2, Karnataka in a sealed cover forthwith along with connected records.


(V.G.BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

List of witness examined on behalf of the Disciplinary Authority:-

1. PW 1:- Sri. H.B. Eshwarappa
2. PW 2:- Sri. N.Mruthyunjaya

List of documents marked on behalf of Disciplinary Authority

DGOs 1 to 4:-

1. DW 1:- Sri. Vivek Tejaswi . (DGO-2)
2. DW 2:- Sri. G.R. Ramesh (DGO-1)
3. DW 3:- Sri. Puttaswamy.K (DGO-3)
4. DW 4:- Sri. G.E.Surendra (DGO-4)

List of documents marked on behalf of Disciplinary Authority:-

- | | |
|--------|--|
| Ex P 1 | Original complaint dated 21/06/2012 in a single plain sheet |
| Ex P 2 | Original complaint dated 21/06/2012 in FORM NO.1 in a single sheet. |
| Ex P 3 | Original affidavit dated 21/06/2012 in FORM NO.II in a single sheet. |

- Ex P 4 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 5 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 6 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 7 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 8 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 9 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 10 Attested copy of application dated nil of the applicants seeking job under Karnataka National Rural Employment Guarantee Scheme.
- Ex P 11 Attested copy of notice dated nil in Form-9 in a single sheet under National Rural Employment Guarantee Act- 2005.
- Ex P 12 Attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.
- Ex P 13 Attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act -2005 .
- Ex P 14 Attested copy of notice in Form-9 in a single sheet dated nil under National Rural Employment Guarantee Act -2005.
- Ex P 15 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005.
- Ex P 16 Attested copy of notice dated nil in Form-8 under National Rural Employment Guarantee Act-2005 in a single sheet.
- Ex P 17 Attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 .
- Ex P 18 Attested copy of notice dated 15/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.

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- Ex P 19 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act 2005.
- Ex P 20 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 .
- Ex P 21 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.
- Ex P 22 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.
- Ex P 23 Attested copy of notice dated nil in a single sheet in Form-8 under National Rural Employment Guarantee Act-2005 .
- Ex P 24 Attested copy of notice dated 05/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.
- Ex P 25 Attested copy of notice dated 08/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act-.
- Ex P 26 Attested copy of notice dated 08/11/2011 in a single sheet in Form-8 under National Rural Employment Guarantee Act- 2005.
- Ex P 27 attested copy of nominal muster roll dated nil in a single sheet is marked as per Ex P27,
- Ex P 28 Attested copy of nominal muster roll dated nil in a single sheet .
- Ex P 29 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 30 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 31 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 32 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 33 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 34 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 35 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 36 Attested copy of nominal muster roll dated nil in a single sheet.

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- Ex P 37 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 38 Attested copy of nominal muster roll dated nil in a single sheet.
- Ex P 39 Attested copy of page number 1 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005.
- Ex P 40 Attested copy of page number 2 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 (page number 2 of Ex P39),
- Ex P 41 Attested copy of page number 3 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 (page number 3 of Ex P39),
- Ex P 42 Attested copy of page number 4 of muster roll report in a single sheet dated 12/04/2012 under Mahathma Gandhi National Rural Employment Guarantee Act-2005 (page number 4 of Ex P39),
- Ex P43 Attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi Rural Employment Guarantee Act-2005 .
- Ex P 44 attested copy of muster roll report dated 12/04/2012 in a single sheet is marked as P 44 (page number 2 of Ex P43),
- Ex P 45 Attested copy of muster roll report dated 12/04/2012 in a single sheet (page number 3 of Ex P43),
- Ex P 46 Attested copy of muster roll report dated 12/04/2012 in a single sheet (page number 4 of Ex P43)
- Ex P 47 Attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005,
- Ex P 48 Attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005 (page number 2 of Ex P47),
- Ex P 49 Attested copy of muster roll report dated 12/04/2012 in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Act-2005 (page number 3 of Ex P47), ..

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- Ex P 50 Attested copy of muster roll report dated 12/04/2012 in a single sheet under The Mahathma Gandhi National Rural Employment Guarantee Act (page number 4 of Ex P47)
- Ex P 51 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 52 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 53 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 54 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 55 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 56 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 57 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 58 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 59 Attested copy of a single sheet dated nil called "Payment By Bank".
- Ex P 60 Original single sheet of Kannada daily newspaper "Kannada Prabha" dated 10/06/2012.
- Ex P 61 Original single sheet of Kannada daily newspaper "Udayavani" dated 10/06/2012.
- Ex P 62 Attested copy of a letter dated nil in a single sheet under Mahathma Gandhi National Rural Employment Guarantee Scheme.
- Ex P 63 Attested copy of work order dated 08/11/2011 in a single sheet issued by DGO 2.
- Ex P 64 Attested copy of letter dated 15/11/2012 in a single sheet addressed by DGO 2 to the Manager, Pragathi Grameena Bank, Dharmapura, Hiriuru Taluk.
- Ex P 65 Attested copy a list dated 05/11/2012 in a single sheet signed by DGO 2 and President of P.D.Kote Grama Panchayath showing the names and particulars of eight persons for developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti under National Rural Employment Guarantee Scheme 2011-12.
- Ex P 66 Attested copy of a list dated 05/11/2012 in a single sheet signed by DGO 2 showing the name of Thimmaraya.G in respect of developmental work of road from Halagaladdi tank to Muddihalli

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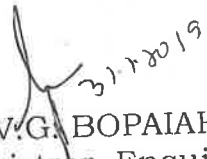
- Gollarahatti under National Rural Employment Guarantee Scheme 2011-12 .
- Ex P 67 Attested copy of a list dated nil in a single sheet touching the execution of civil works .
- Ex P 68 Attested copy of estimate with two enclosures in three sheets dated nil touching developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti .
- Ex P 69 Original letter dated 24/01/2014 in a single sheet addressed to the Police Inspector Lokayukta Office, Chitradurga by the Panchayath Development Officer, P.D. Kote Grama Panchayath.
- Ex P 70 Attested six sheets of measurement book .
- Ex P 71 Original report dated 25/01/2014 in three sheets of the Investigating Officer (PW2).
- Ex P 71(a) Signature of PW2 found on sheet number 3 of Ex P71.
- Ex P 72 Original letter dated 06/02/2014 in a single sheet of the Superintendent of Police, Lokayukta, Chitradurga addressed to the Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru .

List of documents marked on behalf of DGOs 1 to 4:- (Marked during evidence of DGO 2)

- Ex D1 Attested copy of application dated 15/02/2006 in a single sheet of the applicants.
- Ex D2 Attested copy of application dated 11/02/2006 in a single sheet of the applicants .
- Ex D3 Attested copy of application dated 24/02/2006 in a single sheet of the applicants .
- Ex D4 Attested copy of application dated 16/02/2006 in a single sheet of applicants .
- Ex D5 Attested copy of application dated 12/02/2006 in a single sheet of the applicants.
- Ex D6 Attested copy of notice dated 15/11/2011 in a single sheet in Form-8 .

[Handwritten signature]
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- Ex D7 Attested copy of notice dated 15/11/2011 in Form-8.
- Ex D8 Attested copy of notice dated 15/11/2011 in Form-8 in a single sheet.
- Ex D9 Attested copy of notice dated 15/11/2011 in Form-9 in a single sheet.
- Ex D10 Attested copy of notice dated 15/11/2011 in Form-9 in a single sheet.
- Ex D11 attested copy of statement of verification of works carried out under Mahathma Gandhi National Rural Exmployment Guarantee Act-2005.
- Ex D12 Attested copy of measurement book in five sheets.
- Ex D13 Attested copy of letter dated 05/11/2012 in a single sheet addressed to the Manager, Pragathi Grameena Bank, Dhrrmapura, Hiriyyuru Taluk.
- Ex D14 Attested copy of list dated 05/11/2012 in a single sheet.
- Ex D15 Attested copy of a single sheet dated 05/11/2012 showing the execution of developmental work of road from Halagaladdi tank to Muddihalli Gollarahatti.
- Ex D16 Original photograph.
- Ex D17 Original photograph.
- Ex D18 Original photograph.
- Ex D19 Original photograph.
- Ex D20 Original photograph.
- Ex D21 Original photograph.


(V.G. BOPAIAH)
Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/508/2014/ ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 02.02.2019

RECOMMENDATION

Sub:- Departmental inquiry against Sriyuths:

- (1) Ramesh, the then Executive Officer, Taluk Panchayath, Hiriyyuru, Chitradurga District;
- (2) Vivek, the then Panchayath Development Officer, P.D. Kote Village Panchayath, Hiriyyuru, Chitradurga District;
- (3) Puttaswamy, the then Junior Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District ; and
- (4) G. Surendra, the then Asst. Executive Engineer, PHE, Chitradurga - reg.

Ref:- (1) Government Order No. ಗ್ರಾಅಪ 192 ವಿಸೇಬಿ 14 dated 06.09.2014.

(2) Nomination order No. LOK/INQ/14-A/508/2014 dated 18.09.2014 of Upalokayukta-2, State of Karnataka.

(4) Inquiry report dated 31.01.2019 of the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order 06.09.2014, initiated the disciplinary proceedings against Sriyuths: (1) Ramesh, the then Executive Officer, Taluk Panchayath, Hiriyyuru, Chitradurga District; (2) Vivek, the then Panchayath Development Officer, P.D. Kote Village Panchayath, Hiriyyuru, Chitradurga District; (3) Puttaswamy, the then Junior Engineer, Panchayath Raj

Engineering Sub-Division, Hiriyyuru, Chitradurga District; and  
(4) G. Surendra, the then Asst. Executive Engineer, PHE,  
Chitradurga [hereinafter referred to as Delinquent Government  
Officials 1 to 4, for short as 'DGOs 1 to 4' respectively] and  
entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-  
2/DE/508/2014 dated 18.09.2014, nominated Additional  
Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as  
the Inquiry Officer to frame charges and to conduct  
departmental inquiry against DGOs 1 to 4 for the alleged charge  
of misconduct, said to have been committed by them.

3. The DGO1 - Shri Ramesh, the then Executive Officer,  
Taluk Panchayath, Hiriyyuru, Chitradurga District; DGO2 - Shri  
Vivek, the then Panchayath Development Officer, P.D. Kote  
Village Panchayath, Hiriyyuru, Chitradurga District; DGO3 - Shri  
Puttaswamy, the then Junior Engineer, Panchayath Raj  
Engineering Sub-Division, Hiriyyuru, Chitradurga District; and  
DGO4 - Shri G. Surendra, the then Asst. Executive Engineer,  
PHE, Chitradurga were tried for the following charges:-

“ನೀವು ಆ.ಸ.ನೌಕರ-1 ರಿಂದ 4 ರವರುಗಳಾದ ನೀವುಗಳು 1) ಶ್ರೀ  
ರಮೇಶ್, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ,  
ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, 2) ಶ್ರೀ ವಿವೇಕ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ

ಅಧಿಕಾರಿಗಳು, ಪಿ.ಡಿ.ಕೋಟೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ  
 (ಹಾಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು, ಅಬ್ಬಿನಹೊಳೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ,  
 ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ, 3) ಶ್ರೀ ಪುಟ್ಟಸ್ವಾಮಿ, ಕಿರಿಯ ಅಭಿಯಂತರರು,  
 ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ  
 ಜಿಲ್ಲೆ ಮತ್ತು 4) ಶ್ರೀ ಜಿ.ಸುರೇಂದ್ರ, ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ  
 ಅಭಿಯಂತರರು, ಪಿ.ಹೆಚ್.ಇ., ಹಿರಿಯೂರು, ಚಿತ್ರದುರ್ಗ ಜಿಲ್ಲೆ ತಾವುಗಳು ತಮ್ಮ  
 ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಾಗ :

(1) 2006ನೇ ಸಾಲಿನಲ್ಲಿ ಪ್ರಾರಂಭಿಸಿರುವ ಉದ್ಯೋಗ ಚೀಟಿಗಳ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ  
 ತಾವುಗಳು ಕುಟುಂಬದ ಉದ್ಯೋಗ ಚೀಟಿ (ಜಾಬ್ ಕಾರ್ಡ್) ಸಂಖ್ಯೆ, ವಿತರಿಸಿದ  
 ದಿನಾಂಕವನ್ನು ನಮೂದಿಸಿರುತ್ತೀರಿ, ಆದರೆ ಅದು ಎಲ್ಲಿಯವರೆಗೆ ಮಾನ್ಯತೆ  
 ಇರುತ್ತದೆ ಎಂಬ ಬಗ್ಗೆ ನಮೂದಿಸಿರುವುದಿಲ್ಲ. ಮತ್ತೆ ಮುಂದುವರೆದು,  
 ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಕುಟುಂಬದ ಮುಖ್ಯಸ್ಥರ ಫೋಟೋಗಳನ್ನು ಮಾತ್ರ ಅಂಟಿಸಿದ್ದು,  
 ಉಳಿದವರ ಫೋಟೋಗಳನ್ನು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ಅಂಟಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ  
 ಪೂರ್ಣ ಮಾಹಿತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ.

(2) ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ  
 ಮಾಡಿದ ಕಾಮಗಾರಿಯ ಕಡತದಲ್ಲಿ ಈ ಕೆಳಕಂಡ ನ್ಯೂನತೆಗಳು  
 ಕಂಡುಬಂದಿರುತ್ತದೆ:

1. ಕೂಲಿಕಾರರು ಕೆಲಸಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯಲ್ಲಿ ದಿನಾಂಕವನ್ನು  
 ನಮೂದಿಸಿರುವುದಿಲ್ಲ ನಂತರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಕೆಲಸಕ್ಕೆ ವರದಿ  
 ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಹೊರಡಿಸಿದ ನೋಟೀಸ್‌ನಲ್ಲಿಯೂ ಸಹ ದಿನಾಂಕ  
 ನಮೂದಿಸಿರುವುದಿಲ್ಲ.
2. ಕೂಲಿಕಾರರ ಹೆಸರು ವಿಳಾಸವನ್ನು ನಮೂದಿಸಿ ನೋಟೀಸನ್ನು ಅವರಿಗೆ ಜಾರಿ  
 ಮಾಡಿದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲ.
3. ಹಲಗಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ  
 ಮಾಡಿದ ಕಾಮಗಾರಿಯಲ್ಲಿ 47 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಕೆಲಸ ಮಾಡಿರುವುದಾಗಿ  
 ನಮೂದಾಗಿರುತ್ತದೆ. ಆದರೆ, ಖುದ್ದಾಗಿ ತನಿಖಾಧಿಕಾರಿಗಳು ಸ್ಥಳ ಪರಿಶೀಲನೆ  
 ನಡೆಸಲಾಗಿ, ರಸ್ತೆಯ ಇಕ್ಕೆಲಗಳಲ್ಲಿ ಹಿಂದೆ ಜೆ.ಸಿ.ಬಿ., ಯಂತ್ರದಿಂದ ಚರಂಡಿ ಮಾಡಿ  
 ಮಣ್ಣನ್ನು ರಸ್ತೆಗೆ ಹಾಕಿರುವುದಾಗಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.

4. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆ ಬಗ್ಗೆ ಪಿ.ಡಿ.ಓ., ರವರಿಂದ ವರದಿಯನ್ನು ಕೇಳಲಾಗಿ, ಪಿ.ಡಿ.ಓ., ರವರು 17 ಜನ ಕೂಲಿಕಾರರಲ್ಲಿ 41 ಜನ ಕೂಲಿಕಾರರು ಕೂಲಿ ಪಡೆಯಲು ಅರ್ಹರಿರುತ್ತಾರೆ, ಉಳಿದ 6 ಜನ ಅನರ್ಹರಾಗಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಮೇಲ್ಕಂಡ 6 ಜನ ಅನರ್ಹರ ಹೆಸರುಗಳನ್ನು ಸಹಾ ತಿಳಿಸಿರುತ್ತಾರೆ, ಅದು ಈ ಕೆಳಕಂಡಂತಿದೆ:
  - ತಿಪ್ಪೇಸ್ವಾಮಿ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಸರ್ಕಾರಿ ನೌಕರ, ಅಲ್ಲಿಪುರ, ಹೂವಿನಹಡಗಲಿ, ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆ.
  - ಸೋಮಶೇಖರ ಬಿನ್ ಮಲ್ಲಿಕಾರ್ಜುನಪ್ಪ, ಬೆಂಗಳೂರಿನಲ್ಲಿ ನೌಕರ.
  - ರಾಮಚಂದ್ರಪ್ಪ ಬಿನ್ ದೊಡ್ಡರಂಗಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಹರಿಯಬ್ಬೆ, ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು.
  - ರಮೇಶ್ ಬಿನ್ ಎನ್.ಚಂದ್ರಣ್ಣ, ಸಚಿವಾಲಯದಲ್ಲಿ ನೌಕರ, ಬೆಂಗಳೂರು.
  - ಗೋವಿಂದರಾಜಯ ಬಿನ್ ದಾಸಪ್ಪ, ಖಾಸಗಿ ನೌಕರ, ಬರಗೂರು, ಶಿರಾ ತಾಲ್ಲೂಕು.
  - ಕಲ್ಪನ, ಖಂಡೇನಹಳ್ಳಿ.
5. ಹಲಗಲ್ಲದ್ದಿ ಕೆರೆ ಕೋಡಿಯಿಂದ ಮದ್ದಿಹಳ್ಳಿ ಗೊಲ್ಲರಹಟ್ಟಿವರೆಗೆ ರಸ್ತೆ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಭಾಗವಹಿಸಿದ ಕೂಲಿ ಕಾರ್ಮಿಕರಲ್ಲಿ 6 ಜನರು ಕೂಲಿ ಹಣವನ್ನು ಪಡೆಯಲು ಅರ್ಹರಾಗಿರುವುದಲ್ಲದೇ, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಯಂತ್ರದಿಂದ ಮಾಡಲಾಗಿರುತ್ತದೆ.
6. ಮತ್ತೆ ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯ ಸಂದರ್ಭದಲ್ಲಿ, ಕಾಮಗಾರಿಯ ಬಗ್ಗೆ ನಾಮಫಲಕವನ್ನು ಎಲ್ಲಿಯೂ ಹಾಕದೇ ಇರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಸಮಯದಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ.
7. ಈ ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ತಾವುಗಳು ಮಹಾತ್ಮ ಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯ ನಿಯಮಗಳನ್ನು / ಷರತ್ತುಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿರುತ್ತೀರಿ.

ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೆ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ಉಕ್ತವಾದ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ ಅಂತ ನಿಮ್ಮ ಮೇಲೆ ದೋಷಾರೋಪಣೆಯನ್ನು ಮಾಡಲಾಗಿದೆ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, "charge against DGO1 by name Shri Ramesh (name written by him as Ramesh. G.R on the Second Oral Statement on 12.10.2017) that during the tenure of DGO1 as Executive Officer, Grama Panchayath, Hiriyuru, Chitradurga District from 27.07.2011 to 25.08.2013, charge against DGO2 by name Shri Vivek (name written by him as Vivek. Tejaswi.M on the Second Oral Statement on 12.10.2017) that during the tenure of DGO2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06.06.2010 to 08.06.2014, charge against DGO3 by name Shri Puttasway (name written by him as Puttaswamy. K on the Second Oral Statement on 12.10.2017) that during the tenure of DGO3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyuru, Chitradurga District from 09.10.2010 to 10.12.2012 and charge against DGO4 by name Shri G. Surendra (name written by him as G.E. Surendra on the Second Oral Statement on 12.10.2017) that during the tenure of DGO4 as Assistant Executive Engineer, Zilla Panchayath, Hiriyuru, Chitradurga District that during the years 2011 and 2012, DGOs 1 to 4 have not mentioned the date of validity of job cards in conformity with the mandate of

National Rural Employment Guarantee Act, 2005 and Karnataka State Employment Guarantee Scheme, DGOs 1 to 4 failed to affix the photographs of the members of the family in the register pertaining to job cards except affixing the photograph of the head of the family member in the register pertaining to job cards and failed to furnish complete information in the concerned register and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is '*not proved*'.

Charge against DGOs 1, 3 and 4 that during the tenure of DGO1 as Executive Officer, Grama Panchayath, Hiriuru, Chitradurga District from 27.07.2011 to 25.08.2013, during the tenure of DGO3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriuru, Chitradurga District from 09.10.2010 to 10.12.2012 and during the tenure of DGO4 as Assistant Executive Engineer, Zilla Panchayath, Hiriuru, Chitradurga District during the years 2011 and 2012, DGOs 1,3 and 4 have not ventured upon to mention the date on the application in Form-6 under Karnataka National Rural Employment Guarantee Scheme filed by the applicants seeking job for execution of developmental work of the road from



Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1,3 and 4 have not mentioned the date on the notice in Form -8 issued calling upon the applicants to report for duty for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGOs 1,3 and 4 have not maintained records touching service of notice in Form-8 and thereby DGOs 1,3 and 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is '*not proved*'.

Charge against DGO2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath from 06.06.2010 to 08.06.2014, DGO2 has not ventured upon to mention the date on the application in Form-6 under Karnataka National Rural Employment Guarantee Scheme filed by the applicants seeking job for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGO2 has not mentioned the date on the notice in Form-8 issued calling upon the applicants to report for duty for execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, DGO2 has not maintained records touching service of notice in Form-8 and thereby DGO2

is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is '*proved*'.

Charge against DGO1 that during his tenure as Executive Officer, Grama Panchayath, Hiriyyuru, Chitradurga District from 27.07.2011 to 25.08.2013, charge against DGO2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06.06.2010 to 08.06.2014, charge against DGO3 that during his tenure as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District from 09.10.2010 to 10.12.2012 and charge against DGO4 that during his tenure as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 earlier got executed developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti with JCB machine and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is '*proved*'.

Charge against DGO1 that during his tenure as Executive Officer, Grama Panchayath, Hiriyyuru, Chitradurga District from 27.07.2011 to 25.08.2013, charge against DGO3 that during his

tenure as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District from 09.10.2010 to 10.12.2012, charge against DGO 4 that during his tenure as Assistant Executive Engineer, Zilla Panchayath, Hiriyyuru, during the years 2011 and 2012, in the course of execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, among forty seven workers whose services are claimed to have been availed, six workers by name Thippeswamy, Somashekhara, Ramachandrappa, Ramesh, Govindarajaiah and Kalpana are ineligible and DGOs 1, 3 and 4 knowing fully well of the same committed the said act which is contrary to the purpose for which Mahathma Gandhi National Rural Employment Guarantee Scheme has been brought into implementation and thereby DGOs 1, 3 and 4 are guilty of misconduct within purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules 1966 is '*not proved*'.

Charge against DGO2 that during his tenure as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 06.06.2010 to 08.06.2014, in the course of execution of developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti, among forty

seven workers whose services are claimed to have been availed, six workers by name Thippeswamy, Somashekhara, Ramachandrappa, Ramesh, Govindarajaiah and Kalpana are ineligible and DGO 2 knowing fully well of the same committed the said act which is contrary to the purpose for which Mahathma Gandhi National Rural Employment Guarantee Scheme has been brought into implementation and thereby DGO 2 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is '*proved*'.

Charge against DGO that during the tenure of DGO1 as Executive Officer, Grama Panchayath, Hiriyuru, Chitradurga District from 27.07.2011 to 25.08.2013, charge against DGO2 that during the tenure of DGO2 as Panchayath Development Officer, P.D. Kote Grama Panchayath, Chitradurga District from 02.06.2010 to 08.06.2014, charge against DGO3 that during the tenure of DGO3 as Assistant Engineer, Panchayath Raj Engineering Sub-Division, Hiriyuru, Chitradurga District from 09.10.2010 to 10.12.2012 and charge against DGO4 that during the tenure of DGO 4 as Assistant Executive Engineer, Zilla Panchayath, Hiriyuru, Chitradurga District during the years 2011 and 2012, DGOs 1 to 4 have not displayed the board in the

work spot where developmental work of the road from Halagaladdi tank upto Muddihalli Gollarahatti has been executed and thereby DGOs 1 to 4 are guilty of misconduct within the purview of Rule 3(1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is *not proved*".

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 DGOs 1 to 4 furnished by the Inquiry Officer, DGO1 - Shri Ramesh has retired from service on 30.09.2015; DGO2 - Shri Vivek is due for retirement on 31.03.2046; DGO3 - Shri Puttaswamy is due for retirement on 30.06.2026; and DGO4 - Shri G. Surendra has retired from service on 31.05.2015.


7. Having regard to the nature of charges '*partly proved*' against DGO1 - Shri Ramesh, the then Executive Officer, Taluk Panchayath, Hiriyyuru, Chitradurga District; DGO2 - Shri Vivek, the then Panchayath Development Officer, P.D. Kote Village Panchayath, Hiriyyuru, Chitradurga District; DGO3 - Shri Puttaswamy, the then Junior Engineer, Panchayath Raj Engineering Sub-Division, Hiriyyuru, Chitradurga District; and

DGO4 - Shri G. Surendra, the then Asst. Executive Engineer,  
PHE, Chitradurga,

- (i) it is hereby recommended to the Government to impose penalty of "withholding 05% of pension payable to the DGO1 - Shri Ramesh;
- (ii) it is hereby recommended to the Government to impose penalty of "withholding two annual increments payable to the DGO2 - Shri Vivek with cumulative effect";
- (iii) it is hereby recommended to the Government to impose penalty of "withholding two annual increments payable to the DGO3 - Shri Puttaswamy with cumulative effect"; and
- (iv) it is hereby recommended to the Government to impose penalty of "withholding 05% of pension payable to the DGO4 - Shri G. Surendra for a period of 05 years";

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 2/2