



## KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/608/2017/ARE-14

Multi-storeyed Building,  
Dr.B.R. AmbedkarVeedhi,  
Bengaluru, dt.12.02.2020.

### RECOMMENDATION

Sub:- Departmental inquiry against Sri.K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura-reg.

- Ref: 1. Govt. Order No. ಸಅಇ 143 ಡಿಎಂಕೆ 2016, Bengaluru, dated 21.4.2017.  
2. Nomination Order No:Uplok-2/DE/608/2017 of Hon'ble Upalokayukta-2, Bengaluru, dated 28.4.2017.  
3. Report of ARE-14, KLA, Bengaluru, dated 11.2.2020.

The Government by its order dated 21.4.2017 initiated the disciplinary proceedings against Sri. K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. Uplok-2/DE/608/2017 dated 28.04.2017 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently by order No. Uplok-1 & 2/DE/Transfers/2018, Bengaluru dated 6.8.2018 ARE-14 was re-nominated to continue the said enquiry.

3. The DGO - Sri. K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura, was tried for the following charges:-

"While you DGO Sri.K.A.Shivakumar, while working as Chief Officer (incharge), Pattana Panchayath, Pandavapura of Mandya District had made payment of Rs.52,451/- on 8.11.2005, and made payment of Rs.40,099/- on 17.10.2005, made payment of Rs.62,912/- and Rs.29,563/- on 7.10.2015, made payment of Rs.30,000/- on 10.10.2005 and Rs.50,322/- on 9.9.2005 in excess of financial powers vested in you and without obtaining prior permission of the Deputy Commissioner of the District and therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge".

4. The Inquiry Officer (Additional Registrar of Enquiries-14) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO - Sri.K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura."

5. On re-consideration of report of inquiry and all other materials on record, 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 DGO furnished by the Inquiry Officer, the DGO - Sri.K.A.Shivakumar, is due for retirement on 31.05.2023.

7. Having regard to the nature of charge '*proved*' against the DGO – Sri. K. A. Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura and considering the totality of circumstances; 'it is hereby recommended to the Government to impose penalty of 'withholding 2 annual increments payable to DGO –Sri. K.A.Shivakumar, for a period of 5 years without cumulative effect.'

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

Connected records are enclosed herewith.

*Kalyan* 12-2-20  
**(JUSTICE B.S.PATIL)**  
Upalokayukta,  
State of Karnataka.

YS\*



**KARNATAKA LOKAYUKTA**

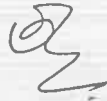
No.UPLOK-2/DE/608/2017/ARE-14

Multi Storied Building,  
Dr.B.R. Ambedkar Road,  
Bangalore-560 001,  
Dated: 11/02/2020.**ENQUIRY REPORT****Present :** Smt. **K.Bhagya**, Additional  
Registrar of Enquiries-14  
Karnataka Lokayukta  
Bangalore.**Sub:** Departmental Enquiry against Sri  
**K.A.Shivakumar**, the then Chief Officer,  
Pattana Panchayath, Pandavapura – Reg.

- Ref:**
1. Report u/s 12(3) of the K.L Act, 1984 in
- 
- Compt/Uplok/BD/134/2006/ARE-6
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- Dated: 03/10/2016.
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2. Government Order No.ನಅಇ 143 ಡಿಎಂಕೆ 2016
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- Bengaluru Dated: 21/04/2017.
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3. Nomination Order No:UPLOK-2/DE/608/
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- 2017, dated: 28/04/2017 of Hon'ble
- 
- Upalokayukta-2, Bangalore.
- 
5. As per order No.UPLOK-2/DE/2017 Bangalore
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- Dated: 4.7.2017 file transferred from ARE-1
- 
- to ARE-7.
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6. Note No.UPLOK-1 & 2/DE/Transfers/2018
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- Bengaluru, Dated : 6.8.2018 transferred
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- from ARE-7 to ARE-14.

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The complainant by name Sri.**Honnagirigouda**, Ex  
President, Pandavapura Municipality, Mandya District, has  
filed the complaint against Sri P. Channaiah, the then Chief  
Officer, Pattana Panchayath, Pandavapura alleging dereliction  
of duty.



2. After completion of the investigation, a report was sent to the Government u/s. 12(3) of the Karnataka Lokayukta Act against **Sri K.A. Shivakumar**, the then Chief Officer, Pattana Panchayath, Pandavapur as per reference No.1. In pursuance of the report, the Government of Karnataka was pleased to issue the G.O. Dated:21/04/2017 authorizing Hon'ble Upalokayukta-2 to hold enquiry as per reference No.2. In pursuance of the G.O., the Nomination was issued by the Hon'ble Upalokayukta-2 on 28/04/2017 authorizing ARE-1 to hold enquiry and to report as per reference No.4 and again this file is transferred from ARE-1 to ARE-7 as per reference No.5. In turn, this file is transferred from ARE-7 to ARE-14 as per reference No.6.
3. On the basis of the Nomination, the Articles of Charge against the DGO, framed by Additional Registrar of Enquiries-1 which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No. II are as follows:-

### **ANNEXURE-I**

#### **CHARGE:**

While you DGO Sri.K.A.Shivakumar, while working as Chief Officer (incharge), Pattana Panchayath, Pandavapura of Mandya District had made payment of Rs.52,451/- on 8.11.2005, and made payment of Rs.40,099/- on 17.10.2005, made payment of Rs.62,912/- and Rs.29,563/- on 7.10.2015, made

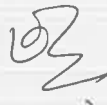


payment of Rs.30,000/- on 10.10.2005 and Rs.50,322/- on 9.9.2005 in excess of financial powers vested in you and without obtaining prior permission of the Deputy Commissioner of the District and *therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.*

**ANNEXURE-II**  
**STATEMENT OF IMPUTATION OF MISCONDUCT:**

**Brief facts of the case are :-** On the complaint filed by Sri. Honnagirigouda- Ex-President, Pandavapura Municipality, Mandya District (hereinafter referred to as complainant for short) against Sri. P.Channaiah – Ex- Chief Officer, Town Panchayath, Pandavapura Taluk in Mandya District alleging that being Public/Government servant, has committed misconduct, an investigation has been taken up u/s 7 of the Karnataka Lokayukta Act, 1984.

The complaint was referred to Deputy Controller State Accounts in TAC of Karnataka Lokayukta, Bengaluru. The Accounts Officer-2 in TAC Sri. H.R.Narayan Rao has submitted report on the basis of records made available along with the complaint, records made available by Chief Officer,



Pattana Panchayath, Pandavapura as per letters dated 20/03/2006, 18/06/2007 and 23/11/2009 and audit report dated 30/03/2007 for the year 2005-06. According to the investigation report:-

- (i) Respondent Sri.P.Channaiah - the then Chief Officer Pattan Panchayath Pandavapur (for short PPP) without approval of Deputy Commissioner for undertaking works had withdrawn Rs.58,168/- beyond his financial powers and without obtaining approval of PPP had made payment of Rs.17,54,737/- to the contractor.
- (ii) The then Chief Officer in PPP, Sri. K.A.Shivakumar had in excess of financial powers and without obtaining permission of Deputy Commissioner had made payment of Rs.52,451/- on 08/11/2005, Rs.40,099/- on 17/10/2005, Rs.62,912/- and Rs.29,563/- on 07/10/2005 Rs.30,000/- on 10/10/2005 and Rs.50,322/- on 09/09/2005.
- (iii) Sri. Hirannaiah, the then Deputy Tahasildar Pandavapura while working as Chief Officer in PPP
  - (a) had withdrawn Rs.92,000/- on 20/05/2005 from bank account of PPP and remitted back on 25/03/2006 and had temporarily mis-appropriated said amount for 10 months.
  - (b) Layout was formed and sites were distributed in Shantinagar area in Pandavapura without obtaining prior permission from the government.





- (iv) Sri. A. Eregowda, the then Chief Officer in PPP had auctioned shops at Bus-stand without prior permission of Deputy Commissioner.

After receipt of the report, Sri.K.A.Shivakumar, Sri.Hirannaiah and Sri. Eregowda were impleaded as R2 to R4 and copy of complaint and investigation report were sent to R1 to R4 to offer their comments/reply. R1 to R3 have offered their reply. R1, R3 & R4 are said to have been retired from service It is found that, R1 and R4 had made procedural irregularity and R3 has withdrawn amount from the bank account of Pattana Panchayath, Pandavapura on 20/05/2005 and remitted it back on 25/03/2006 since the misconduct is of the year 2005-06, and hence, no report is made against R1, 3 and 4 who have already retired from service as per orders in order sheet.

**A careful consideration of the material on record prima facie shows that:-**

Respondent No.2, K.A.Shivakumar, while working as Chief Officer in Pattan Panchayath at Pandavapur without obtaining permission of Deputy Commissioner had made payment in excess of financial powers i.e., Rs.52,451/- on 08/11/2005, Rs.40,099/- on 17/10/2005, Rs.62,912/- and Rs.29,563/- on 07/10/2005, Rs.30,000/- on 10/10/2005 and Rs.50,322/- on 09/09/2005.

Since the said facts and materials on record prima facie show that Sri.K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura has committed misconduct under



u/r 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Sri.K.A.Shivakumar, the then Chief Officer, Pattana Panchayath, Pandavapura and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Hence, the charge.

The facts and material on record prima facie show that the DGO being Government/public servant, had failed to maintain absolute devotion to duty and acted in a manner unbecoming of a Government/public servant and the same amounts to misconduct, and thereby DGO rendered himself liable for disciplinary action.

Since the said facts and material on record prima facie show that DGO had committed misconduct as per Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against you DGO under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. The Government after consideration of materials has entrusted enquiry to Hon'ble Upalokayukta. Hence the charge.

4. The aforesaid 'articles of charge' served on the DGO, the DGO appeared before this authority on 27/06/2017 and their first



oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 recorded. The DGO pleaded not guilty and claimed to be enquired about the charges.

5. According to the complainant, ie., Ex.P.1, this complaint is lodged against Sri P.Channaiah & others. In the complaint it is requested "**to raid the Municipality and residence of complaint official and other connected places**". In From No.1 & 2 also the complainant complained against P.Channaiah and others, Ex.Chief Officer, Pandavapur. Thus in this written complaint, only request has been made to raid on the Municipality and the residence of its Officials/Officers.
6. This complaint was referred to Deputy Controller State Accounts in TAC of Karnataka Lokayukta, Bengaluru & he has submitted his report on the basis of record made available to him by the Chief Officer, Pattana Panchayath, Pandavapur as per the letters dated:20-03-2006, 18-06-2007, 23-11-2009 and audit report dated: 30-03-2007. He has submitted his report in so far as Sri K.A. Shivakumar, the then Chief Officer, Pandavapur stating that in excess of his financial powers and without obtaining permission of Deputy Commissionner had made payment of Rs.52,451/- on 08/11/2005, Rs.40,099/- on 17/10/2005 Rs.62,912/- and Rs.29,563/- on 07/10/2005 Rs.30,000/- on 10/10/2005 and Rs.50,322/- on 09/09/2005. He has also submitted his report against P.Channaiah, the then Chief Officer, PPP & Sri Hirannaiah, the then Deputy Tahasildar, Pandavapur & Sri



A.Eregowda, the then Chief Officer, PPP. But as the said P. Channaiah, Hirannaiah and A. Eregowda are retired from the service, a report U/s 12(3) of Karnataka Lokayukta Act 1984 was sent against the present DGO K.A.Shivakumar, the then Chief Officer, Town Panchayath, Pandavapur taluk.

7. The facts supported by the material on record prima facie show that the DGO being public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant and thereby committed misconduct as per Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966 and made himself liable for disciplinary action.
10. The Disciplinary Authority has got examined the complainant as **PW-1** and the IO ie., the retired Accounts Officer, Karnataka Lokayukta as **PW-2** and Ex.P-1 to P-6 got marked. The DGO did not lead his oral evidence.
14. The points that arise for my consideration are:
  - Point No.1** : Whether the charges framed against the DGO are proved by the Disciplinary Authority?
  - Point No.2** : What order?
15. Perused the entire case record and heard the argument of both the side.



16. My answer to the above points are as here under:

Point No. 1: **In the Affirmative.**

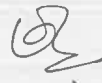
Point no. 2 : **As per final order for the following ;**

### REASONS

17. **Point No.1** : I have gone through the case papers before me. Here the complainant by name. Sri.**Honnagirigouda**, Ex President, Pandavapura Municipality, Mandya District, has filed the complaint against Sri P. Channaiah, the then Chief Officer, Pattana Panchayath, Pandavapura alleging dereliction of duty.

18. In the present complaint, the complainant has requested to raid the Municipality and the residence of complaint Officials and other connected places.

19. This complaint was referred to Deputy Controller State Accounts in TAC of Karnataka Lokayukta, Bengaluru & he has submitted his report on the basis of the record made available to him by the Chief Officer, Pattana Panchayath, Pandavapur as per the letters dated:20-03-2006,18-06-2007, 23-11-2009 and audit report dated:30-03-2007. He has submitted his report in so far as Sri K.A. Shivakumar, the then Chief Officer, Pandavapur stating that in excess of his financial powers and without obtaining permission of Deputy Commissionner had made payment of Rs.52,451/- on 08/11/2005, Rs.40,099/- on 17/10/2005 Rs.62,912/- and Rs.29,563/- on 07/10/2005 Rs.30,000/- on 10/10/2005



and Rs.50,322/- on 09/09/2005. He has also submitted his report against P.Channaiah, the then Chief Officer, PPP & Sri Hirannaiah, the then Deputy Tahasildar, Pandavapur & Sri A.Eregowda, the then Chief Officer, PPP. But as the said P. Channaiah, Hirannaiah and A. Eregowda are retired from the service, a report U/s 12(3) of Karnataka Lokayukta Act 1984 was sent against the present DGO K.A. Shivakumar, the then Chief Officer, Town Panchayath, Pandavapur taluk.

**20.** The DGO filed his written statement in which he has denied the charges levelled against him. Further, he has contended that in the report of the IO, it is stated that he had exceeded his powers and had issued cheques to the contractors. It is the only allegation made against him in the IO report. But the Council of Town Panchayath has got power to approve any contract work through tender upto Rs.Five lakhs and the contract work through the quotation process upto Rs.One laksh without administrative approval/sanction from the Deputy Commissioner. He had obtained the permission of the Council from the stage of estimation, quotation/tender and until the payment to the contractor. Even after payment of the contract amount, the DGO had obtained the approval of the Council. He has acted as per the Government orders and rules without any fear or favour. He has not violated the Karnataka Municipality Act or Rules or any of the provisions of law. Hence prayed to exonerate him from the present proceedings.



21. The complainant got examined as PW-1 and deposed before this authority saying as, “ನಾನು ಈ ಸಂಸ್ಥೆಗೆ 2006ರಲ್ಲಿ ದೂರನ್ನು ಕೊಟ್ಟಿದ್ದೆ. ಪಿ. ಚನ್ನಯ್ಯ, ಪುರಸಭಾ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಅವರ ನಂತರದಲ್ಲಿ ಬಂದ ಪುರಸಭಾ ಮುಖ್ಯಾಧಿಕಾರಿ ಎ. ಈರೇಗೌಡ ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರ ವಿರುದ್ಧ ನಾನು ದೂರನ್ನು ಕೊಟ್ಟು ಇವರುಗಳ ವಿರುದ್ಧ ಕ್ರಮಕೈಗೊಂಡು ಬ್ರಷ್ಟಾಚಾರ ನಿರ್ಮೂಲನೆ ಮಾಡಿ ನಮಗಿರುವ ಸವಲತ್ತುಗಳನ್ನು ಕೊಡಿಸಿ ಎಂದು ಕೇಳಿದೆ. ಆ ಸಮಯದಲ್ಲಿ ಲೋಕಾಯುಕ್ತರಾಗಿದ್ದ ಶ್ರೀ ವೆಂಕಟಾಚಲಯ್ಯ ಸಾಹೇಬರು ನಮ್ಮ ಊರಿಗೆ ಬಂದು ಒಂದು ಸಭೆ ನಡೆಸಿದ್ದರು. ಅದಕ್ಕೂ ಮೊದಲು ಇದೇ ಸಂಸ್ಥೆಗೆ ಬಂದು ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರನ್ನು ಭೇಟಿ ಮಾಡಿ ಅವರ ಆಪ್ತ ಸಹಾಯಕರಿಗೆ ಒಂದು ದೂರನ್ನು ನೀಡಿ ಅದರಲ್ಲಿ ಎ.ಈರೇಗೌಡ, ಇವರು ಅಮಾನತ್ತಿನಲ್ಲಿದ್ದರೂ ಸಹಾ ಪಾಂಡವಪುರದ ಪುರಸಭೆಯಲ್ಲಿ ಮುಖ್ಯಾಧಿಕಾರಿಯಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದಾರೆ ಕ್ರಮಕೈಗೊಳ್ಳಿ ಎಂದು ತಿಳಿಸಿದೆ. ಲೋಕಾಯುಕ್ತರು ನಮ್ಮ ಊರಿನಲ್ಲಿ ಸಭೆ ನಡೆಸಿದಾಗ ನಾನು ಅವರಲ್ಲಿ ಖುದ್ದು, ಈಗಾಗಲೇ ದೂರನ್ನು ನೀಡಿದ್ದ ಬಗ್ಗೆ ಮತ್ತು ಆ ನಿಟ್ಟಿನಲ್ಲಿ ಯಾವುದೇ ಕ್ರಮಕೈಗೊಳ್ಳದೇ ಇರುವ ಬಾಬು ಹೇಳಿದೆ. ಅಲ್ಲಿದ್ದ ಜಿಲ್ಲಾಧಿಕಾರಿಯವರು ಸ್ಥಳದಲ್ಲೇ ಎ.ಈರೇಗೌಡ ರವರನ್ನು ಕಚೇರಿಯಿಂದ ಹೊರಕ್ಕೆ ಕಳುಹಿಸಿದ್ದರು”.
22. The complaint is got marked as Ex.P.1 and The Form No.1 and II are got marked as Ex.P.2 and 3 respectively. The detailed complaint filed along with the complaint is got marked as Ex.P.4. These are the documents on which the complainant has relied upon.
23. On the basis of Ex.P.4, this complaint was referred to Deputy Controller State Accounts in TAC of Karnataka Lokayukta, Bengaluru & he has submitted his report on the basis of record made available to him by the Chief Officer, Pattana Panchayath, Pandavapur as per the letters dated:20-03-2006, 18-06-2007, 23-11-2009 and audit report dated:30-03-2007. He has submitted his report in so far as Sri K.A. Shivakumar, the then Chief Officer, Pandavapur stating that in excess of his financial powers and without obtaining permission of



Deputy Commissioner had made payment of Rs.52,451/- on 08/11/2005, Rs.40,099/- on 17/10/2005 Rs.62,912/- and Rs.29,563/- on 07/10/2005 Rs.30,000/- on 10/10/2005 and Rs.50,322/- on 09/09/2005. The said Investigating Officer i.e, H.R. Narayana Rao also got examined as PW-2 before this authority. His report is marked at Ex.P.5, the documents annexed to the said report are in total got marked as Ex.P.6. Further the IO has deposed very clearly as, "ದೂರುದಾರರು ಆಸನೌರವರ ವಿರುದ್ಧ ಒಟ್ಟು 10 ಆಪಾದನೆಗಳನ್ನು ಮಾಡಿದ್ದರು. ಆದರೆ ತನಿಖಾ ವೇಳೆಯಲ್ಲಿ ಆ 10 ಆಪಾದನೆಗಳಲ್ಲಿ ಕೇವಲ 3 ಆಪಾದನೆಗಳು ಮಾತ್ರ ಸಾಬೀತಾಗಿರುತ್ತವೆ. 1) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಂದ ಆಡಳಿತಾತ್ಮಕ ಮಂಜೂರಾತಿಯನ್ನು ಪಡೆಯದೆ 7 ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಇವುಗಳನ್ನು ನನ್ನ ವರದಿಯ 4.02 ಪ್ಯಾರಾಗ್ರಾಫ್‌ನಲ್ಲಿ ತಿಳಿಸಿರುತ್ತೇನೆ. ಪುರಸಭೆಯ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ಕಾಮಗಾರಿಯ ಮೌಲ್ಯವು ರೂ.25,000/- ಕ್ಕೂ ಮೇಲ್ಪಟ್ಟಿದ್ದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವಾದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಪರವಾನಗಿಯನ್ನು ಪಡೆಯಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಈ ಪ್ರಕರಣದಲ್ಲಿ ಆಸನೌರವರು ಪಡೆದಿರಲಿಲ್ಲ". The documents collected by the IO during the investigation also include the circular dtd:27/01/2001 issued by the Deputy Commissioner of Tumkur District. In the said circular it is very clearly stated as, "ಅಲ್ಲದೆ ಪೌರ ಸಂಸ್ಥೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕೆಲವು ಪೌರಸಂಸ್ಥೆಗಳಲ್ಲಿ ಕರ್ನಾಟಕ ಪುರಸಭೆಗಳ ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಮೀರಿ ಅಧಿಕಾರ ಚಲಾಯಿಸುತ್ತಿರುವುದು ಗಮನಕ್ಕೆ ಬಂದಿದೆ. ಅಂತಹ ಅಧಿಕಾರಿಗಳ ಬಗ್ಗೆ ಪ್ರತ್ಯೇಕ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು. ಆದ್ದರಿಂದ ಈ ಕೆಳಕಂಡ ಸೂಚನೆಗಳನ್ನು ನೀಡಿದೆ.

(1) ಕರ್ನಾಟಕ ಮುನಿಸಿಪಲ್ ಕಾಯ್ದೆ 1964ರ ಕಲಂ 72(5)ರಂತೆ ಯಾವುದೇ ಸರಕುಗಳ ಖರೀದಿ ಅಥವಾ ನಿರ್ವಹಿಸುವ ಕಾಮಗಾರಿಯ ಮೊತ್ತ 5000.00 ರೂ.ಗಳು ಮೇಲ್ಪಟ್ಟಿದ್ದರೆ ಅಂತಹ ಸರಕು ಅಥವಾ ಸೇವೆಗಳನ್ನು ಟೆಂಡರ್‌ಗಳ ಮೂಲಕವೇ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಕರ್ನಾಟಕ ಮುನಿಸಿಪಾಲಿಟೀಸ್ (Preparation of plans and Estimates &





**Execution of Municipal Works)** ನಿಯಮಗಳು 1966ರ ನಿಯಮ 20ರಲ್ಲಿ ಹೇಳಿರುವ ಕ್ರಮಗಳನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

(2) **ಅಲ್ಲದೆ ಕರ್ನಾಟಕ ಮುನಿಸಿಪಾಲಿಟೀಸ್ (Limitation on the powers of**

**contract)** ನಿಯಮಗಳು 1966ರ ನಿಯಮ 2ರ ರೀತ್ಯಾ -

ಎ) ನಗರಸಭೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸರಕುಗಳ ಖರೀದಿ ಅಥವಾ ನಿರ್ವಹಿಸುವ ಕಾಮಗಾರಿಯ ಮೌಲ್ಯವು 50000.00ರೂ.ಗಳು (ಐವತ್ತು ಸಾವಿರ ರೂ.ಗಳಿಗೆ) ಮೇಲ್ಪಟ್ಟಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗಳಾದ ನಿರ್ದೇಶಕರು ಮತ್ತು ಸರ್ಕಾರದ ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಡೆಯಬೇಕು.

ಬಿ) ಅದೇ ರೀತಿಯಲ್ಲಿ ಪುರಸಭೆ ಮತ್ತು ಪಟ್ಟಣ ಪಂಚಾಯತಿಗಳಲ್ಲಿ ಖರೀದಿಸುವ ಸರಕುಗಳು ಅಥವಾ ಕಾಮಗಾರಿಗಳ ಮೌಲ್ಯವು ರೂ.25000.00 (ಇಪ್ಪತ್ತೈದು ಸಾವಿರ ರೂ.ಗಳು) ಮೇಲ್ಪಟ್ಟಿದ್ದಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವಾದ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ನಿರ್ದೇಶಕರು ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯ ಅಥವಾ ಸರ್ಕಾರದ ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಡೆಯಬೇಕು.

ಆದ್ದರಿಂದ ಸರಕುಗಳ/ಕಾಮಗಾರಿಗಳ ಮೌಲ್ಯವು 5000.00ರೂ.ಗಳ ಮೇಲ್ಪಟ್ಟಲ್ಲಿ ಟೆಂಡರ್ ಮೂಲಕ ಸಂಗ್ರಹಣೆ ಮಾಡುವುದು ಮತ್ತು ಮೌಲ್ಯವು 25000.00ರೂ.ಗಳ ಮೇಲ್ಪಟ್ಟಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದ ಪೂರ್ವಾನುಮತಿ ಇಲ್ಲದೆ ನಿರ್ವಹಿಸತಕ್ಕದ್ದು ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಯಪಡಿಸಿದೆ.

ಯಾವುದೇ ನಿಯಮಗಳ ಉಲ್ಲಂಘನೆ ಮಾಡಿದಲ್ಲಿ ತಿತ್ತಿನ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು". But, here, the IO has reported that this DGO has not obtained the necessary administrative sanction from the Competent Authority even though the estimation of the said works exceed Rs.50,000/-. As already observed above, the DGO has taken the contention in his written statement that he had obtained the permission of the council of town panchayath from the stage of estimation, quotation/tender and until payment to the contractor and even after the payment of the contract amount, he had obtained the approval of the council. But, he has not produced any such document of approval before this authority. If at all

he had obtained such approval, he could have produced the same before this authority. Further, except the filing of written statement, the DGO has not cross examined the complainant as well as the I.O. and also not lead his defence evidence nor produced any documents. So, the evidence lead by the disciplinary authority reveals that the DGO had violated the conditions of the circular issued by the Deputy Commissioner dtd: 27.1.2001. To that extent, this DGO has committed dereliction of duty.

24. For the above said reasons, it can be said without any hesitation that, the disciplinary authority has proved the charges leveled against this DGO, about his dereliction of duty. Hence I answer Point No. 1 in the Affirmative and proceed to pass the following:

**ORDER**

The Disciplinary Authority has **proved** the charges framed against the DGO **Sri K.A.Shivakumar**, the then Chief Officer, Pattana Panchayath, Pandavapura.

This report be submitted to the Hon'ble Upalokayukta-2 in a sealed cover forthwith.

Dated this the 11<sup>th</sup> February, 2020

  
(K.BHAGYA)

Additional Registrar Enquiries-14  
Karnataka Lokayukta  
Bangalore

**ANNEXURES**

<b>Sl. No.</b>	<b>Particulars of Documents</b>	
<b>1</b>	<b>Witness examined on behalf of the Disciplinary Authority</b>	
	<b>PW-1</b>	Sri Honnagirigowda, Pandavapura, Mandya District (Original)
	<b>PW-2</b>	Sri H.R. Narayanarao, Accounts Officer, TAC, Karnataka Lokayukta, Bengaluru (Original)
<b>2</b>	<b>Documents marked on behalf of the Disciplinary Authority Ex.P-1 to Ex.P-6</b>	
	<b>Ex.P-1</b>	Complaint of Sri Honnagirigowda, Pandavapura, Mandya District (Original)
	<b>Ex.P-2</b>	Form No.1 (Original)
	<b>Ex.P-3</b>	Form No.2 (Original)
	<b>Ex.P-4</b>	Letter addressed to DC, Mandya (Xerox)
	<b>Ex.P-5</b>	I.O. report dtd:22-7-2015(Original)
	<b>Ex.P-6</b>	Annexures 1 to 13 (57-80 & 83-87 Xerox) (81-82 Certified copy)

Dated this the 11<sup>th</sup> February, 2020

  
(K.BHAGYA)

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Bangalore.

