

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-15

KARNATAKA LOKAYUKTA, BENGALURU.

ENQUIRY NO:UPLOK-2/DE-620/2017

ENQUIRY REPORT DATED: 18-02-2019

**ENQUIRY OFFICER : RAVI M.R.
ADDITIONAL REGISTRAR OF
ENQUIRIES-15
KARNATAKA LOKAYUKTA
BENGALURU.**

DELINQUENT
GOVERNMENT
OFFICIAL

(1) SRI.B.THIMMARAYAPPA (name mentioned by him in his comments) THE THEN EXECUTIVE OFFICER, TALUK PANCHAYATH, SIRA TALUK, TUMAKURU DISTRICT.

&

(2) SRI. K.R.CHIKKARANGAIAH, (name mentioned by him in his Written Statement) THE THEN PANCHAYATH DEVELOPMENT OFFICER, BUKKAPATTAN GRAMA PANCHAYATH,SIRA TALUK, TUMAKURU DISTRICT.

Discharged their duties as (1) the then Executive Officer, Taluk Panchayath, Sira Taluk, Tumkur District and (2) The then Panchayath Development Officer, Bukkapattana Grama Panchyath, Sira Taluk,Tumakuru District.

DGO-1 due for retirement on superannuation on 31-07-2039.

DGO-2 due for retirement on superannuation on 30-06-2032.

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:- R E P O R T :-

With reference to the subject and reference cited above, original enquiry report in sealed cover and connected records as per Annexure are submitted herewith for kind perusal and needful.

2. This is the departmental enquiry initiated and held against DGOs No.1 & 2 as the complainant by name Sri. Melappa S/o Rangappa, Hosahalli, Bukkapattan Hobli, Sira Taluk, Tumkur District had filed a complaint in Lokayukta office against the Delinquent Government Officials alleging their dereliction and misconduct.

3. Complainant Sri.Melappa S/o Rangappa, resident of Hosahalli, Bukkapattan Hobli, Sira Taluk, Tumkur District lodges complaint on 07-04-2015 before the Honble Lokayukta, Bengaluru against (1) Sri. B.Thimmarayappa, Executive Officer, Taluk Panchayath, Sira Taluk, Tumkur District, presently working as Assistant Executive Engineer, Rural Drinking Water and Sanitary Sub-Division, Sira Taluk, Tumkur District and (2) Sri.Chikkarangaiah, Panchayath Development Officer, Bukkapattana Grama Panchayath, Sira Taluk, Tumkur District

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and also against the Secretary of the Bukkapattana Grama Panchayath, Sira Taluk, Tumkur District on the following ground:-

4. Complainant Sri.Melappa states that work order for constructing Check-Dam was provided by Water Shed Development Department in the year 2013-14 and accordingly he constructed a Check-Dam by incurring a sum of Rs. 3,50,000/-.
5. Complainant states though the then Panchayath Development Officer Sri, Chikkarangaiah ie., DGO-2 and the Secretary of the Bukkapattan Grma Pamchayath had visited the spot and found the construction work satisfactory yet, so far they have not released the sum incurred by him.
6. DGO No.1 - the Executive Officer of Sira Taluk Panchayath viz., Thimmarayappa files his comments dated:28-10-2015 in response to the complaint filed by the complainant and states as the then PDO., of the Bukkpattana Grama Panchayath and the officer of Water Shed Development had not obtained the signature of the workers in the NMR pertaining to the construction of Check-Dam in Sy.No.21 of Budigudda Village belonging to the complainant Sri.Melappa, he was not able to refund the amount

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incurred by the complainant as per the guide lines of MGNREGA Scheme.

7. DGO No.2 - Sri.Chikkaraiyah, PDO., of Bukkapattana Grama Panchayath in his comments states, that as the name of the complainant, Job Card details and spot inspection particulars were not found present in the Registers relating to the work said to have been done by the complainant, sum said to have been incurred by the complainant could not be reimbursed to him.

8. Further states in his comments that the complainant Sri.Melappa even before lodging the present complaint against them before this institution had lodged similar complaint against them before the Zilla Panchayath Ombudsman of MGNREGA Scheme in complaint No. 21/2015-16, in pursuance of which the Ombudsman after making spot inspection and verifying relevant documents ordered that there is no provision under law to reimburse the amount said to have been incurred by the complainant.

9. Based on the said complaint, Hon'ble Upalokayukta vide its 12(3) report dated:02-01-2017 makes recommendation to the Competent Authority to initiate disciplinary proceeding against the

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above said DGOs No.1 & 2. Accordingly, Competent Authority vide its order No: ಗ್ರಾಅಪ 68 ಎಸೇಬಿ 2017 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:04-04-2017 entrusts the matter to the Hon'ble Upalokayukta-1 to hold enquiry against the DGOs., who in turn vide order dated:03-05-2017 nominates ARE-3 to hold enquiry against the DGOs No.1 & 2.

10. Article of charges were framed against the DGOs No.1 & 2 by ARE-3 which is as follows:-

ANNEXURE-I

CHARGE :-

1. You the DGO-1 while working as Assistant Executive Engineer, Rural Drinking Water and Sanitation Sub-Division, Sira Taluk of Tumkur District and you DGO no.2 while working as Panchayath Development Officer of Bukkapattana Grama Panchayath of Sira Taluk, Tumkur District, have committed irregularities in not disbursing the wages to the workers who have worked in the execution of work of construction of check dam under the MGNREGA scheme during 2013-14.
2. A check dam was constructed in the lands bearing sy.no. 21 of Boodigudda Kaval village, belonged to one Sri Melappa S/o Rangappa, by the Water shed development department under MGNREGA scheme during 2013-14 at a cost of Rs. 3,17,000/- and 63 workers have worked in execution of the said work under the said scheme from 29.1.2014 to 5.2.2014 and hence they are entitled for the wages towards the manual services they have rendered in construction of the said check dam. But payment of

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wages was not made to the said 63 workers on the ground that, you DGO-1 and 2 have not provided them attendance by making necessary entries in NMR and failed to obtain their signatures on the muster roll, marking their attendance. Hence you DGO-1 and 2 are charged with the following allegations of misconduct viz.,

ಅ) "ದೂರುದಾರರಾದ ಶ್ರೀ ಮೇಲಪ್ಪರವರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಿಸಿ, ನರೇಗ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಅದರ ಬಾಬು ಹಣ ಬಿಡುಗಡೆ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ನೀವು/ಆಸನಾರವರು ಮತ್ತು ನಿಮ್ಮ ಪೂರ್ವದ ಅಧಿಕಾರಿಗಳು ಸದರಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಾಣವನ್ನು ಕೈಗೊಂಡು ಪೂರ್ಣಗೊಳಿಸಿದ್ದರೂ ಸಹಾ, ಸದರಿ ನಿರ್ಮಾಣ ಕಾರ್ಯದಲ್ಲಿ ದುಡಿದ ಕೂಲಿಕಾರರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಸಂಪರ್ಕಿಸಿ ಆ ಬಗ್ಗೆ ನಿಮ್ಮ ಗಮನ ಸೆಳೆದಿದ್ದರೂ ಸಹಾ ನೀವು ಆ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ಆ) ನರೇಗ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ನಿರ್ವಹಿಸಿದ ನಿರ್ಮಾಣ ಕಾರ್ಯಗಳ ಬಗ್ಗೆ ಓಂಬಡ್ಸ್‌ಮನ್ ಕಾರ್ಯಾಲಯದಿಂದ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡಿರುತ್ತಾರೆ. ಅದರ ಪ್ರಕಾರ ನಿರ್ಮಾಣ ಕಾರ್ಯದಲ್ಲಿ ದುಡಿದ 63 ಜನ ಕೂಲಿ ಕಾರರು, ಸಹಿ ಮಾಡದೆ ಇರುವ ಎನ್.ಎಂ.ಆರ್.ಅನ್ನು ಇರಿಸಲಾಗಿದೆ, ಮತ್ತು ಅದರಲ್ಲಿ ಕೂಲಿಕಾರ್ಮಿಕರ ಹಾಜರಾತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ, ತಾಂತ್ರಿಕ ತಜ್ಞರ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಲು ಬರುವುದಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತಾರೆ. ಆದರೆ ನೀವಾಗಲಿ ಅಥವಾ ಓಂಬಡ್ಸ್‌ಮನ್ ಆಗಲಿ, 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ನರೇಗ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಾಣ ಮಾಡಿದನ್ನು ಅಲ್ಲಗಳೆಯುವುದಿಲ್ಲ. ಆದರೆ ತಾಂತ್ರಿಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ, ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಿರುವುದಿಲ್ಲ, ನೀವು ಮಾಡಿದ ತಪ್ಪಿನಿಂದಾಗಿ ದೂರುದಾರರಿಗೆ ಹಣ ಮಂಜೂರಾಗಿರುವುದಿಲ್ಲದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಯೋಜನೆಯಲ್ಲಿ 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಂಡಿದ್ದರೂ ಸಹಾ ನೀವು ತಾಂತ್ರಿಕ ಹಾಗೂ ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ ಇದುವರೆವಿಗೂ ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ಬಿಡುಗಡೆ ಮಾಡದಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ನೀವು/ಆಸನಾರವರು ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ತೋಪವೆಸಗಿ ಕರ್ತವ್ಯ ಚ್ಯುತಿ ಮಾಡಿರುತ್ತೀರಿ.

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3. And thus you DGO-1 and 2 are negligent in discharging your public duties and thus acted in a manner unbecoming of a Government servant and thus failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.

ANNEXURE-II
STATEMENT OF IMPUTATION OF MISCONDUCT:

4. ಶ್ರೀ.ಮೇಲಪ್ಪ ಬಿನ್ ರಂಗಪ್ಪ, ಹೊಸಹಳ್ಳಿ, ಬುಕ್ಕಾಪಟ್ಟಣ ಹೋಬಳಿ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶ್ರೀ.ಬಿ.ತಿಮ್ಮರಾಯಪ್ಪ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಗ್ರಾಮೀಣ ಕುಡಿಯುವ ನೀರು ಮತ್ತು ನೈರ್ಮಲ್ಯ ಉಪ ವಿಭಾಗ, ಶಿರಾ ಮತ್ತು (2) ಶ್ರೀ.ಚಿಕ್ಕರಂಗಯ್ಯ, ಪಂಚಾಯ್ತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬುಕ್ಕಾಪಟ್ಟಣ ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ, ಶಿರಾ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಸನೌ 1 ಮತ್ತು 2 ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರ ವಿರುದ್ಧ ಅವ್ಯವಹಾರದ ಬಗ್ಗೆ ನೀಡಿದ ದೂರನ್ನು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆಯ ಕಲಂ 9ರ ಅಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

5. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶಿರಾ ತಾಲ್ಲೂಕು ಹೊಸಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಜಲ ನಯನ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆಯಿಂದ ಚೆಕ್ ಡ್ಯಾಂ ಕಟ್ಟಿರುತ್ತಾರೆ. 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಇದಕ್ಕೆ 3,17,000/-ಗಳನ್ನು ವೆಚ್ಚ ಮಾಡಿ ಕೆಲಸ ಪೂರ್ಣಗೊಳಿಸಿರುತ್ತಾರೆ. ಆದರೆ ಆಸನೌರು ಇಂದಿನವರೆಗೆ ಯಾವುದೇ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಆಸನೌರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ತನಗೆ ನ್ಯಾಯದೊರಕಿಸಿಕೊಡಬೇಕೆಂದು ದೂರು ಸಲ್ಲಿಸಿದ್ದಾರೆ.

6. ಆಸನೌ ನಂ:1 ಮತ್ತು 2 ರವರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಬುದಿಗುಡ್ಡದ ಕಾವಲ್ ಸ. ನಂ: 21ರ ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ನಿರ್ಮಿಸಿ 63 ಜನ ಕೂಲಿ ಕಾರ್ಮಿಕರು ದಿ: 29.1.2014ರಿಂದ ದಿ: 5.2.2014ರವರೆಗೆ ಕೆಲಸ ಮಾಡಿರುತ್ತಾರೆ. ಅಂದಿನ ಜಲ

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ನಯನ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ಅಧಿಕಾರಿಗಳು ಕೆಲಸ ಮಾಡಿದ ಪರಿಮಾನ ಹಾಗೂ ಮಾನವ ದಿನಗಳ ಅನುಸಾರವಾಗಿ ಎನ್.ಎಂ.ಆರ್. ಹಾಜರಾತಿ ಕೊಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಆ ಅವಧಿಯಲ್ಲಿ ಈ ಇಬ್ಬರು ಅಧಿಕಾರಿಗಳು ಹಾಜರಾತಿ ನೀಡಿರುವುದಿಲ್ಲ. ಜಿಲ್ಲಾ ಪಂಚಾಯ್ತಿ ಸಮಾನ್ಯ ಸಭೆ ಹಾಗೂ ಕೆ.ಡಿ.ಪಿ ಸಭೆ ನಡೆಯುವಾಗ ಬಂದು ಮನವಿ ಮಾಡಿದ ಮೇರೆಗೆ ಇತ್ತೀಚಿನ ನರೇಗ ಮಾರ್ಗಸೂಚಿ ಅನುಸಾರ ಹಣ ಪಾವತಿ ಮಾಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಆದರೆ ಮುಂದೆ ಯಾವುದಾದರೂ ಯೋಜನೆಯಲ್ಲಿ ಸೇರಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಬಹುದು ಆದ್ದರಿಂದ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಂಡಿದ್ದಾರೆ.

7. ದೂರುದಾರರು ಪ್ರತ್ಯುತ್ತರ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ.

8. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಅ) “ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಿಸಿ ಅದಕ್ಕೆ ನರೇಗ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಹಣ ನೀಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಆಸನೌರು ಅಥವಾ ಅವರ ಪೂರ್ವದ ಅಧಿಕಾರಿಗಳು ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಿಸಿದ್ದು ಆದರೆ ಕೂಲಿ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ದೂರುದಾರರು ವಿನಂತಿಸಿಕೊಂಡಿದ್ದರೂ ಸಹ ಆಸನೌರು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ಆ)ನರೇಗ ಯೋಜನೆ ಬಗ್ಗೆ ಓಂಬಡ್ಸಮೆ ಕಾರ್ಯಾಲಯದಿಂದ ತನಿಖೆ ನಡೆದು ಆದೇಶ ನೀಡಿರುತ್ತಾರೆ. ಆದರೆ ಅದರಲ್ಲಿ 63 ಜನ ಕೂಲಿ ಕಾರರು ಸಹಿ ಮಾಡದೆ ಇರುವ ಎನ್.ಎಂ.ಆರ್. ಇರಿಸಲಾಗಿದೆ ಆದರೆ ಕೂಲಿಕಾರ್ಮಿಕರ ಹಾಜರಾತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ, ತಾಂತ್ರಿಕ ತಜ್ಞರ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಇವರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಲು ಬರುವುದಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತಾರೆ. ಆದರೆ ಆಸನೌರಾಗಲಿ ಅಥವಾ ಓಂಬಡ್ಸಮೆ ಆಗಲಿ 2013-14ನೇ ಸಾಲಿನ ನರೇಗ ಯೋಜನೆಯಡಿ ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಕೆಲಸ ಮಾಡಿದನ್ನು ಅಲ್ಲಗಳೆಯುವುದಿಲ್ಲ. ಆದರೆ ತಾಂತ್ರಿಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಿರುವುದಿಲ್ಲ. ಆದರೆ ಆಸನೌರ ತಪ್ಪಿನಿಂದ ದೂರುದಾರರಿಗೆ ಹಣ ಮಂಜೂರಾಗಿರುವುದಿಲ್ಲವೆಂದು ಕಂಡುಬರುತ್ತದೆ. 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಯೋಜನೆ ಅನುಷ್ಠಾನಗೊಂಡರೂ ಇದುವರೆಗೆ ಆಸನೌರು ತಾಂತ್ರಿಕ ಹಾಗೂ ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡದಿರುವುದು

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ಕಂಡುಬರುತ್ತದೆ. ಆದ್ದರಿಂದ ಆಸನೌರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ.

9. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ಆಸನೌರು ನೀಡಿರುವ ಉತ್ತರಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಆಸನೌರು ತಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

10. ಕಡತದಲ್ಲಿಯ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಆಸನೌರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ/ ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

11. 1 ಮತ್ತು 2ನೇ ಆಸನೌರು ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ, ಸಾರ್ವಜನಿಕ/ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು 1966 ನಿಯಮ 3(1) (i) ಮತ್ತು (ii) ರನ್ವಯ ದುರ್ನಡತೆಯೆಸಗಿದ್ದು, ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡು ಬಂದಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಆಸನೌರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು 1957ರ ನಿಯಮ 14-ಎ ರಡಿಯಲ್ಲಿ 1 ಮತ್ತು 2ನೇ ಆಸನೌರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತ-2 ರವರಿಗೆ ವಹಿಸಬೇಕೆಂದೂ ಕೋರಿದೆ. ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆ.

11. The aforesaid "Article of charge" was served upon the DGOs No.1 & 2 and they appeared before this enquiry authority and their First Oral Statement under Rule 11(9) of KCS (CCA) Rules, 1957

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was recorded. The DGOs No.1 & 2 have pleaded not guilty and claimed to be enquired about the charge.

12. DGOs No.1 & 2 have pleaded not guilty and filed their Written Statement. They have denied each and every averments of the complaint and also have reiterated the version of their comments.

13. As the complainant died in the course of the enquiry as could be seen from the order-sheet dated:23-08-2018 his evidence has not been recorded and the DGOs were called upon to disprove the allegation.

14. In proof of their defense DGO-1 Thimmarayappa has got himself examined as DW-1 and has marked Ex D-1 and D-2. Likewise DGO-2 has got himself examined as DW-2. However he has not marked any documents.

15. Heard arguments of the both sides. It is the argument of learned counsel for DGOs., that the alleged work occurred between 29-01-2014 to 05-02-2014 but DGO-1 took charge only on 17-9-2014. Therefore after 7 months DGO-1 reported to the duty. Therefore he has nothing to do with the said dam. There is no proof on record to show that even 5 workers worked in the Project. None

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of the 63 works had applied Form -6 under the MGNREGA Scheme. DGO-2 was only an incharge PDO., and he was there only for 2 months 20 days. He had no information about the project. It was the duty of the personnel of Water Shed Development Department to have maintained Muster Roll and other documents relating to the Project. Ombudsman report clearly shows that there is no provision to reimburse the money alleged to have been incurred by the complainant. Therefore DGOs should be exonerated.

16. Per contra learned Presenting Officer submits that in the Ombudsman report there is a mention about the execution of work. Even Ombudsman report shows that PDO., had not maintained Muster Roll and did not take signature of the workers. It was the duty of the PDO., to have taken the signature and thumb impression of the workers and this is especially so when the workers were uneducated and had no knowledge about the Muster Roll etc. Therefore it is her argument that the DGOs are guilty of dereliction of duty.

17. In tune with articles of charges at Annexure-1 the sole point which arises for consideration is that although 63 workers had done work in the land bearing Sy.No.21 of Boodigudda Kaval

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belonging to the complainant Sri. Melappa to build Check-Dam under MGNREGA Scheme during 2013-14, DGOs., not reimbursing the sum of Rs. 3,17,000/- said to have been incurred by the complainant Sri.Melappa for construction of the said dam on technical grounds are guilty of misconduct within the purview of Rule 3(I)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 ?

18. To disprove the said allegation DGO No.1 Sri.Thimmarayappa the then Executive Officer of Sira Taluk Panchayath has got himself examined as DW-1 and states that by the time the alleged Check-Dam was constructed from 29-01-2014 to 05-02-2014 he was not working at Sira and he started working as Executive Officer of Sira Taluk Panchayath subsequently from 17-09-2014 to 08-09-2015 and therefore he is not responsible for non-payment of wages to the workers.

19. Further states, that as the names of 63 workers who worked for construction of the Check-Dam in the land of the complainant were not entered in the e-NMR and their signatures were not obtained in the Muster-Roll by the then Irrigation Officer and the PDO., wages could not be disbursed to them and the said fact was

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also affirmed by the Tumkur Zilla Panchayath Ombudsman vide his order dtd:19-09-2015.

20. Further has got marked Ex D-1 CTC., which shows that DW-1 had taken the charge as the Executive Officer of Sira Taluk Panchayath at forenoon of 17-09-2014. Ex D-2 is the Xerox copy of Ombudsman Report dated:19-09-2015. Incomplete report has been furnished. A bare perusal of the report shows that after Ombudsman visited the spot he found execution of the work to be normally satisfactory. Further on verification of the records pertaining to the work the Ombudsman finds that though the initial paper work pertaining to the Chek-Dam like Resolution in the Grama Panchayath, Estimation, Technical Sanction, Administrative Sanction etc., have been done systematically, yet, when it comes to Form No.6, 8 & 9, the Ombudsman finds that the Executive Officer and Panchayath Development Officer have failed to take signatures of the workers in those Forms and dates have not been mentioned, Seal and Sign have not been affixed to them. Therefore, this Report instead of helping the DGOs. and particularly DGO No.2 pinpoints about the negligence of DGOs particularly about DGO No.2 in discharge of their duties.

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21. He was cross examined by Presenting Officer and in the cross-examination this DGO-1 admits that though he was not working at Sira Taluk Panchayath at the time of execution of work, yet, he came to know about execution of the work and about non-payment of the wages to the worker after joining at Sira when he states as follows :-

“ನಾನು ಕೆಲಸಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಂಡ ನಂತರ, ಸದರಿ ಕಾಮಗಾರಿ ಬಗ್ಗೆ ಮತ್ತು ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಕೂಲಿ ಹಣ ಪಾವತಿ ಆಗದಿದ್ದ ಬಗ್ಗೆ ತಿಳಿದುಬಂದಿರುತ್ತದೆ ಎಂದರೆ ನಿಜ. ಕೂಲಿ ಕಾರ್ಮಿಕರ ಹೆಸರು ಮತ್ತು ಸಹಿಗಳನ್ನು ಮಸ್ಟರ್ ರೋಲ್‌ನಲ್ಲಿ ಪಡೆದಕೊಂಡಿಲ್ಲವಾದ್ದರಿಂದ ನಾನು ಸಂಬಂಧಪಟ್ಟ ಪಿ.ಡಿ.ಒ. ರವರನ್ನು ಕರೆದು ವಿಚಾರಣೆ ಮಾಡಿರುತ್ತೇನೆ. ಆದರೆ, ಸದರಿ ಪಿ.ಡಿ.ಒ ರವರು ಸದರಿ ಜಮೀನಿನಲ್ಲಿ ವಾಟರ್ ಶೆಡ್ ಕಾಮಗಾರಿ ಆಗಿರುತ್ತದೋ ಇಲ್ಲವೋ ಅಂತ ನನಗೆ ಹೇಳಿದರು. ಪಿ.ಡಿ.ಒ. ರವರು ಆ ರೀತಿ ಹೇಳಿದ ನಂತರ ನಾನು ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿರುವುದಿಲ್ಲ”.

22. Therefore with this admission it can be found that though this DGO1 was not at Sira Taluk Panchayath at the time of execution of the work, yet, after coming to Sira he had every knowledge about execution of the work and about non-payment of wages to the worker due to the negligence of DGO-2. Though he had every knowledge about the mischief committed by DGO-2 he did not take any action against him. This DGO-1 being superior to

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DGO-2 ought to have taken any action against him if not redress the grievance of the complainant.

23. In proof of his defense DGO-2 Sri.Chikkarangaiah has got himself examined as DW-2 and reiterates his Written Statement. Although he states that Form No. 6 & 8 with Muster Roll No.9824 were created by complainant, yet, he has not taken any pains to produce those documents muchless a single scrap of documents in his chief-examination.

24. Further when it comes to his cross-examination , he states as follows:-

“ಮೇಲಪ್ಪ ಎಂಬುವವರ ಜಮೀನಿನಲ್ಲಿ ರೂ.3 ಲಕ್ಷ 17 ಸಾವಿರಗಳ ಚೆಕ್ ಡ್ಯಾಂ ಕಾಮಗಾರಿಗೊಂಡಿರುತ್ತದೆ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಸದರಿ ಕಾಮಗಾರಿಯಲ್ಲಿ 63 ಜನ ಕೂಲಿ ಕಾರ್ಮಿಕರು ಕೆಲಸ ಮಾಡಿದ್ದರು ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಸದರಿ 63 ಕೂಲಿಕಾರ್ಮಿಕರಿಗೆ ದಿನಗೂಲಿ ಹಣ-ಸಂದಾಯವಾಗಿರಲಿಲ್ಲ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ “.

Although in the cross-examination of DW-1, DW-1 admits that he came to know about the execution of the work and also about non-payment of the wages to the workers from DGO-2, it is astonishing to note that this DGO-2 states that he does not know anything

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about it. Therefore that the above said saying of the DGO-2 is nothing but a blatant lie.

25. Further though this DGO-2 tries to shift the entire burden on officers of Water Shed Development Department, yet, he has not taken any pains to prove any witness on this behalf, not even a scrap of document has been produced by him to discharge his burden and this is particularly so when it is not his case that he was not the PDO., of the said Grama Panchayath at the time of execution of work.

26. Thus upon the appreciation of entire evidence as discussed above I hold that the DGO-2 failed to obtain the signatures of the complainant as well as other workers on the Muster Roll relating to the Check-Dam constructed in the land belonging to the complainant Sri. Melappa and also failed to maintain other documents relating to the said work which ended in non reimbursement of the amount incurred by the complainant in construction of the said Dam ; and DGO-1 although he knew of the irregularities committed by DGO-2 failed to take necessary action against him, which act of DGOs No.1 & 2 amounts to misconduct within the purview of Rule 3(I)(i) to (iii) of the

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Karnataka Civil Services (Conduct) Rules, 1966 and being of this view I proceed with the following:-

REPORT

Charge against the DGO No.1 by name Sri. Thimmarayappa B who is due for retirement on superannuation on 31-07-2039 that while working as an Executive Officer in the office of Sira Taluk Panchayath, Tumkur District though he knew of the irregularities committed by DGO-2 failed to take necessary action against him and Charge against the DGO No.2 Sri. Chikkarangaiah who is due for retirement on superannuation on 30-06-2032 that while working as Panchayath Development Officer, Bukkapattan Grama Panchayath, Sira Taluk, Tumkur District failed to obtain the signatures of the complainant as well as other workers on the Muster Roll relating to the Check-Dam constructed in the land belonging to the complainant Sri. Melappa and also failed to maintain other documents relating to the said work which ended in non reimbursement of the

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amount incurred by the complainant in construction of the said Dam got proved and thus acted in a manner unbecoming of a Government servant and thus committed misconduct under Rule 3(I)(i) to (iii) of KCS (Conduct) Rules, 1966.

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

Dated, 18th February 2019

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[RAVI M.R.]

Additional Registrar [Enquiries-15]
Karnataka Lokayukta,
Bengaluru.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DISCIPLINARY AUTHORITY		
NIL		
LIST OF WINTESSES EXAMINED ON BEHALF OF DGOS NO. 1 & 2		
1	DW-1	Sri.Timmarayappa B. Executive Officer, Sira Taluk Panchayath, Tumakuru District.
2	DW-2	Sri. Chikkarangaiah K.R. the then Panchayath Development Officer, Bukkapattan Grama Panchayath, Sira Taluk, Tumakuru District.
LIST OF DOCUMENTS MARKED ON BEHALF OF DGO NO.1		
1	Ex D-1	CTC dtd:17-09-2014
	Ex D-2	Order passed by Ombudsman, Zilla Panchayath, Tumakuru dtd:19-09-2015.

Ravi M.R.
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[RAVI M.R.]

Additional Registrar [Enquiries-15]
Karnataka Lokayukta,
Bengaluru.

Date: 18-02-2109.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/620/2017/ARE-15

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 20.02.2019

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira; and (2) Shri K.R. Chikkarangaiah, the then Panchayath Development Officer, Bukkapattana Gram Panchayath, Sira Taluk, Tumakuru District - reg.

- Ref:- 1) Government Order No. ಗ್ರಾಅಪ 68 ಎಸೇಬಿ 2017 dated 04.04.2017.
2) Nomination order No. UPLOK-2/DE/620/2017 dated 03.05.2017 of Upalokayukta-2, State of Karnataka.
3) Inquiry report dated 18.02.2019 of Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 04.04.2017, initiated the disciplinary proceedings against (1) Shri B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira; and (2) Shri K.R. Chikkarangaiah, the then Panchayath Development Officer, Bukkapattana Gram Panchayath, Sira Taluk, Tumakuru District [hereinafter referred to as Delinquent Government Officials 1 & 2, for short as 'DGOs 1& 2'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/620/2017 dated 03.05.2017 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by order No. UPLOK=1&2/DE/Transfers/2018 dated 02.11.2018, Additional Registrar of Enquiries-15, Karnataka Lokayukta, Bengaluru, was re-nominated to continue the said inquiry against DGOs 1 & 2.

3. The DGO1 - Shri B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira; and DGO2 - Shri K.R. Chikkarangaiah, the then Panchayath Development Officer, Bukkapattana Gram Panchayath, Sira Taluk, Tumakuru District were tried for the following charges:-

“You the DGO-1 while working as Assistant Executive Engineer, Rural Drinking Water and Sanitation Sub-Division, Sira Taluk of Tumakuru District and you DGO No.2 while working as Panchayath Development Officer of Bukkapattana Grama Panchayath of Sira Taluk, Tumkur District, have committed irregularities in not disbursing the wages to the workers who have worked in the execution of work of construction of check dam under the MGNREGA scheme during 2013-14.

A check dam was constructed in the lands bearing Sy. No. 21 of Boodigudda Kaval village, belonged to one Shri Melappa s/o Rangappa, by the Water shed development department under MGNREGA scheme during 2013-14 at a cost of Rs.3,17,000/- and 63 workers have worked in execution of the said work under the said scheme from 29.01.2014 to 05.02.2014 and hence they are entitled for the wages towards the manual services they have rendered in construction of the said check dam. But payment of wages was not made to the said 63 workers on the ground that, you DGOs 1 and 2 have not provided them attendance by making necessary entries in NMR and failed to obtain their signatures on the muster roll, marking their attendance. Hence you DGOs 1 and 2 are charged with the following allegations of misconduct viz.,

ಅ) “ದೂರುದಾರರಾದ ಶ್ರೀ ಮೇಲಪ್ಪರವರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಿಸಿ, ನರೇಗ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಅದರ ಬಾಬು ಹಣ ಬಿಡುಗಡೆ ಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ನೀವು/ಆಸನೌರವರು ಮತ್ತು ನಿಮ್ಮ ಪೂರ್ವದ ಅಧಿಕಾರಿಗಳು ಸದರಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಾಣವನ್ನು ಕೈಗೊಂಡು ಪೂರ್ಣಗೊಳಿಸಿದ್ದರೂ ಸಹಾ, ಸದರಿ ನಿರ್ಮಾಣ ಕಾರ್ಯದಲ್ಲಿ ದುಡಿದ ಕೂಲಿಕಾರರಿಗೆ ಕೂಲಿ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಸಂಪರ್ಕಿಸಿ ಆ ಬಗ್ಗೆ ನಿಮ್ಮ ಗಮನ ಸೆಳೆದಿದ್ದರೂ ಸಹಾ ನೀವು ಆ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ಆ) ನರೇಗ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ನಿರ್ವಹಿಸಿದ ನಿರ್ಮಾಣ ಕಾರ್ಯಗಳ ಬಗ್ಗೆ ಓಂಬಡ್ಸಮೆನ್ ಕಾರ್ಯಾಲಯದಿಂದ ತನಿಖೆ ಮಾಡಿ ವರದಿ ನೀಡಿರುತ್ತಾರೆ. ಅದರ ಪ್ರಕಾರ ನಿರ್ಮಾಣ ಕಾರ್ಯದಲ್ಲಿ ದುಡಿದ

63 ಜನ ಕೂಲಿಕಾರರು, ಸಹಿ ಮಾಡದೆ ಇರುವ ಎನ್.ಎಂ.ಆರ್.ಅನ್ನು ಇರಿಸಲಾಗಿದೆ, ಮತ್ತು ಅದರಲ್ಲಿ ಕೂಲಿಕಾರ್ಮಿಕರ ಹಾಜರಾತಿಯನ್ನು ನಮೂದಿಸಿರುವುದಿಲ್ಲ, ತಾಂತ್ರಿಕ ತಜ್ಞರ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಲು ಬರುವುದಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುತ್ತಾರೆ. ಆದರೆ ನೀವಾಗಲಿ ಅಥವಾ ಓಂಬಡ್ಸಮನ್ ಆಗಲಿ, 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ನರೇಗ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ದೂರುದಾರರ ಜಮೀನಿನಲ್ಲಿ ಚೆಕ್ ಡ್ಯಾಂ ನಿರ್ಮಾಣ ಮಾಡಿದನ್ನು ಅಲ್ಲಗಳೆಯುವುದಿಲ್ಲ. ಆದರೆ ತಾಂತ್ರಿಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ, ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ನೀಡಿರುವುದಿಲ್ಲ, ನೀವು ಮಾಡಿದ ತಪ್ಪಿನಿಂದಾಗಿ ದೂರುದಾರರಿಗೆ ಹಣ ಮಂಜೂರಾಗಿರುವುದಿಲ್ಲದಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಸದರಿ ಯೋಜನೆಯಲ್ಲಿ 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಅನುಷ್ಠಾನಗೊಂಡಿದ್ದರೂ ಸಹಾ ನೀವು ತಾಂತ್ರಿಕ ಹಾಗೂ ಆಡಳಿತಾತ್ಮಕ ಕಾರಣಗಳನ್ನು ನೀಡಿ ಇದುವರೆವಿಗೂ ದೂರುದಾರರಿಗೆ ಕೂಲಿ ಹಣ ಬಿಡುಗಡೆ ಮಾಡದಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ನೀವು/ಆಸನಾರವರು ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಲೋಪವೆಸಗಿ ಕರ್ತವ್ಯಚ್ಯುತಿ ಮಾಡಿರುತ್ತೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-15) on proper appreciation of oral and documentary evidence has held that, “the charge against the DGO No.1 by name Shri B. Thimmarayappa who is due for retirement on superannuation on 31.07.2039 that while working as the then Executive Officer, Taluk Panchayath, Sira, Tumakuru District, though he knew of the irregularities committed by DGO2, failed to take necessary action against him and charge against the DGO No.2 - Shri Chikkarangaiah who is due for retirement on superannuation on 30.06.2032 that while working as



Panchayath Development Officer, Bukkapattana Gram Panchayath, Sira Taluk, Tumakuru District, failed to obtain the signatures of the complainant as well as other workers on the Muster Roll relating to the check dam constructed in the land belonging to the complainant - Shri Melappa and also failed to maintain other documents relating to the said work which ended in non-reimbursement of the amount incurred by the complainant in construction of the said dam got '*proved*' and thus, acted in a manner unbecoming of a Government servant and thus, committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966."

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 & 2 furnished by the Inquiry Officer, DGO1 - Shri B. Thimmarayappa is due for retirement on 31.07.2039; and DGO2 - Shri K.R. Chikkarangaiah is due for retirement on 30.06.2032.


7. Having regard to the nature of charges '*proved*' against DGO1 - Shri B. Thimmarayappa, the then Executive Officer, Taluk Panchayath, Sira; and DGO2 - Shri K.R. Chikkarangaiah,

the then Panchayath Development Officer, Bukkapattana Gram  
Panchayath, Sira Taluk, Tumakuru District,

- (i) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO1 - Shri B. Thimmarayappa with cumulative effect and also, to defer the promotion of DGO1 - Shri B. Thimmarayappa by four years whenever he becomes due for promotion'; and
- (ii) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO2 - Shri K.R. Chikkarangaiah with cumulative effect and also, to defer the promotion of DGO2 - Shri K.R. Chikkarangaiah by four years whenever he becomes due for promotion.'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta, 20/2  
State of Karnataka.