

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/639/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:15.2.2022

**:: ENQUIRY REPORT ::****:: Present ::****( PUSHPAVATHI.V )**

**Additional Registrar of Enquiries -9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Inquiry against (1)  
Sri.Nagaraju, the then Secretary,  
Basavanalu Grama panchayath,  
Davanagere District and (2)  
Sri.Puttanaik, the then Junior  
Engineer, PRE Sub Division,  
Davanagere - reg.

Ref: 1. G.O.No. RDP 140 ENQ 2016 dated:  
18.11.2016  
2.Nomination Order No: UPLOK-  
2/DE/639/2016/ARE-9 Bangalore  
dated:22.11.2016 of Hon'ble  
Upalokayukta-2

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This Departmental Inquiry is initiated against (1)  
Sri.Nagaraju, the then Secretary, Basavanalu Grama  
panchayath, Davanagere District and (2) Sri.Puttanaik, the  
then Junior Engineer, PRE Sub Division, Davanagere  
(hereinafter referred to as the Delinquent Government Official  
for short "**DGO No.1 and 2 respectively**").

**2.** In pursuance of the Government Order cited above at  
reference No.1, Hon'ble Upalokayukta vide order dated  
22.11.2016 cited above at reference No.2 has nominated

15.2.2022

Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGOs are as under :

**ANNEXURE-I**  
**CHARGE**

You DGOs No.1 and 2 are responsible for creating records regarding execution of leveling the land Sy.No.62 showing expenditure of Rs.65,600/- during 2009-10 though actually land leveling work was not executed in the said land. You-DGO No.2 is responsible for creating records showing execution of the work of bunding in Sy.No.62 with expenditure of Rs.29,355/- during 2010-11 for which bill was earlier claimed in the year 2009-10, thereby you DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

**ANNEXURE - 2**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

On the basis of complaint filed by Sri.D.R.Manjunath S/o. Siddappa – Rampura, Kadajji Post, Davanagere Taluk and District (hereinafter referred to as ‘complainant’ for short)

*15.2.2017*

against 1) Sri. Nagaraja, the then Secretary, Basavanala Gram Panchayath, Davanagere (presently Secretary in Kumbalur Gram Panchayath, Honnali Taluk in Davanagere District) and 2) Sri. Puttanaik – the then Junior Engineer in PRE Sub-Division, Davanagere (Presently as Junior Engineer in PRE Sub-division, Harappanahalli, Davanagere District) (hereinafter referred to as “DGOs No.1 and 2”) alleging that they have committed misconduct, an investigation was taken up invoking Section 9 of Karnataka Lokayukta Act, 1984.

**2. According to the Complainant: -**

According to the complainant: You-DGOs No.1 and 2 have misappropriated Rs.65,000/- without carrying land leveling work in Sy.No. 62 of Rampura village.

Comments were called for from you-DGOs and you-DGOs have submitted comments stating that

- (i) Work of leveling land of Ramesh/Basappa of Ramapur in Sy.No.62 was included in action plan of 2009-10 as per resolution dated 12/11/2009 for which grant of Rs.1/- lakh was approved to take up the work under MNREGA.
- (ii) The work was executed between 16/11/2009 to 30/11/2009 with 800 man days by generating NMR.
- (iii) Same work was also shown in action plan as the one to be executed in Sy.No.62/1 BP and 62/1 AP measuring 1.31 gunta stating in the name of same

*15.2.2010*

Ramesh/Basappa, being part of Sy.No.62, and has been shown as executed as per work order.

- (iv) In fact work included in action plan is the one proposed in Sy.No.62/1BP and 62/AP belonging to Ramesh/Basappa.

Report was called for from SP, Karnataka Lokayukta, Davanagere. Sri. N.Lingareddy- Superintendent of Police, Karnataka Lokayukta, Davanagere submitted his report dated 23/07/2014 and according to the report:-

- (i) Though the work of leveling of land in Sy.No. 62 is not carried out an amount of Rs.65,600/- is misappropriated by creating records showing the work of leveling as carried out for which Smt. Eramma- President, Sri. Nagaraja- Secretary and Sri. Putta Naika – Junior Engineer of Basavanahala Gram Panchayath are responsible.
- (ii) Though the bill was raised earlier without carrying out the work of leveling of land Sy.No.62 once again, an amount of Rs.29,355/- was misappropriated by creating records showing execution of work of leveling land Sy.No. 62 of Basavanal within the jurisdiction of Basavanal Gram Panchayath for which Sri. Puttanaika- Junior Engineer and Sri. Chandrashekarappa- PDO are responsible.

On the basis of report of the SP, the above said officials Smt. Gomibai- President, Smt. Eramma- President, Sri. Nagaraja – Secretary of Basvanahala Gram Panchayath, Sri.

15.2.2014

Putta Naik- Junior Engineer in PRE sub-division and Sri. Chandrashekarappa- Retired Secretary of Basavanahal Gram Panchayath were impleaded as R1 to R5 respectively and their comments were called for on the report of S.P. R1, R3 to R5 have submitted their comments denying the allegations made against them.

Since R5 has retired in the year 2012 and misconduct relate to the year 2010-11 and R1 and R2 are former Presidents of Gram Panchayath and presently they are not holding any post of public servant, no recommendation is made against them.

**A careful consideration of the material on record, report of SP, KLA, Davanagere shows that:-**

- (i) You-DGO No.1 and 2 are responsible for creating records regarding execution of leveling the land Sy.No.62 showing expenditure of Rs.65,600/- during 2009-10 though actually land leveling work was not executed in the said land.
- (ii) You-DGO No.2 is responsible for creating records showing execution of the work of bunding in Sy.No.62 with expenditure of Rs.29,355/- during 2010-11 for which bill was earlier claimed in the year 2009-10.

Since said facts supported by the material on record prima facie show that you-DGOs No.1 and 2 being Public/Government servants, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules 1966 and under

15.2.2011

Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957.

In view of the materials and documents on record, the comments submitted by you-DGOs No.1 and 2 are not acceptable to drop the proceedings.

You-DGOs No.1 and 2 have committed misconduct under Rule 3(i) to (iii) of KCS (Conduct) Rules 1966 and under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Hence, the charge.

**5.** The Article of charge was issued to the DGOs calling upon him to appear before this authority and to submit written statement.

**6.** The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGOs have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

**7.** DGOs No1 and 2 have submitted joint written statement. In their written statement they have denied charge made against them. Further they have stated that in the above said proceedings the disciplinary authority and investigation authority have falsely implicated them. Further they have stated that they have always maintained absolute integrity and devotion to duty during their tenure and as such the question of committing any act which is unbecoming

15.2.2016

of government servants does not arise. With these grounds they pray to drop the charges leveled against them.

**8.** The disciplinary authority has examined the complainant Sri.D.R.Manjunath S/o Siddappa as PW.1, Investigating officer Sri. N.Lingareddy, the then Superintendent of Police, Karnataka Lokayukta Davanagere and got marked documents as **Ex.P-1 to ExP-9.**

**9.** Thereafter, second oral statement and questionnaire of DGOs have been recorded. Even though opportunity was provided to DGO No.1 and 2 to adduce evidence. They have not examined any witnesses on their behalf and have not got marked any documents on their side.

**10.** Heard submissions of Presenting Officer. DGO No. 1 has submitted written arguments. Perused the entire records, the only point that arises for my consideration is:

**Whether the Disciplinary Authority proves  
the charge framed against the DGOs ?**

My finding on the above point is in the **NEGATIVE** for the following:

**REASONS**

**11. Point No. 1:-** The allegations of charge are that DGO No. 1 and 2 being the then Secretary of Basavanala Grama panchayath and Junior engineer in PRE, Sub Division, Davanagere respectively have created records regarding execution of work of leveling the land bearing Sy. No. 62 showing expenditure of Rs. 65,600/- during 2009-10 though said work was not executed. Similarly DGO No. 2

15.2.2017

created records regarding bunding of Sy. No. 62 showing expenditure of Rs. 29,355/- during 2010-11 for which bill was claimed already in the year 2009-10.

12. There is no dispute as to DGO No. 1 was secretary of Basavanala Grama panchayathi and DGO no. 2 was Junior engineer in PRE Sub Division during the period of allegations. Further, there is no dispute as to DGO No. 1 and 2 claimed Rs. 65,600/- towards bill for expenditure for leveling of land bearing Sy. No. 62 of Kadaji Grama panchayathi which belongs to Ramesh S/o Basappa during 2009-10. Further there is no dispute as to DGO No. 2 claimed Rs.29,355/- towards bill for expenditure for bunding of above said land during 2010-11. DGO No. 1 and 2 have in the written statement contended that the charges against them are false. So, what is left for consideration is whether work of leveling of land was executed before claiming bill for Rs.65,600/- by DGO no. 1 and 2 and whether DGO no. 2 claimed Rs. 29,355/- towards bunding of above said property though bill was claimed earlier during 2009-10 itself.

13. PW-1 during his chief examination has, with regard to allegations of charge has stated that he has given complaint before Hon'ble Lokayukta on allegations of DGO No. 1 and 2 misappropriated Rs.1,00,000/- of panchayath funds under MGNREGA scheme by stating that they leveled land bearing Sy. No. 62. In his chief examination itself, he has identified the complaint, form No. 1 and 2 which are marked at Ex.P-1 to 3. He has also identified documents enclosed to complaint which are marked as Ex.P-4. He has

15.2.2011



also produced additional document at Ex.P-5 which is the order of Ombudsmen and has stated that one Siddesh S/o Shekarappa No. 14 in the list of labourers is a teacher, his job code Number is 12002015001/49. In this regard, he had given complaint before Ombudsmen. The Ombudsmen after having enquiry recommended to initiate departmental enquiry against Siddesh. The DGOs have created documents. Further, he has identified Ex.P-6 which are documents of DGOs and has stated that work order to above said work i.e., to level the land in Sy. No. 62 is given on 11.12.2009. But records show that work is carried out between 16.11.2009 to 30.11.2009. This show, work is carried out even before work order was received Page No. 18 to 22 of Ex.P-6 are forged and created.

14. He has also identified his rejoinder at Ex.P-7. He has not been cross examined by counsel for DGO. On 2.7.2018, his cross examination has been taken as nil. But this evidence above said with regard to allegations of Siddesh S/o Shekarappa that though was teacher records have been created as if he is labourer and the allegations of forgery in Ex.P-6 are not allegations of charge in this case.

15. PW-2 is the investigating officer. During his chief examination, he has stated that on 8.7.2014, he visited Rampura village of Basavanal grama panchayath, Davanageere Taluk along with DGO No. 1, 2 & Smt. K.C.Vanithabai who was working as Panchayath development officer. During inspection, DGO No.1, 2 and Panchayath development officer showed a land as Sy. No. 62/1BB and

15.2.2018

62/1AB, where 6 to 7 months Sugarcane crop was there. The crop was 4 to 5 feet length. He has further stated that, there were no traces of alleged work of leveling of land carried out in the said land. He has further stated that, during inspection, a record was produced, it was showing that, said record was in connection to leveling and bunding of survey numbers. Photographs said to be of Sy. No. 62 which were in the record was certified by the Executive Officer. Said photographs were indicating that land was level when compared to adjacent lands. There was no necessity to level the land.

16. He has further stated that, the photographs were also showing, in the adjacent land, there were 30 to 40 beetal nuts garden. But in the spot, no such beetalnuts garden. Further photographs were showing the land was of red soil. But during inspection, he found it was black soil. He has further stated that, land was in Kadaji grama panchayath and DGO No.1 said since Ramesh was resident of Basavanal grama panchayath, work was carried out in Sy. No. 62 of Kaddaji grama panchayath.

17. He has further stated that the work of leveling land in Sy. No. 62 was shown to be discussed in the grama sabha dated: 3.7.2009, where at Sl. No. 3, the schemes of MGNREGA were shown to be discussed. In the column of decision, about 10 works have been taken for discussion, where Sl. No. 11 was appearing to be inserted as it was in different ink, than the ink of Sl. No. 1 to 10. Further, the

15.2.2022

decision on subject of SL. No. 11 is shown to be inserted as if it is decided in between subject of Sl. No. 3 and 4.

18. He has further stated that a letter dated: 11.11.2009 is created with regard to seeking amendment of the date of work order as 12.11.2009 instead of 11.12.2009. the original work order is not produced during inspection in spite of asking to produce. He has further stated that work code was not mentioned in connection to alleged project. He has further stated that he had examined labourers Sri. Thammachari, Karibasappa. They had stated that, the signatures found in record said to be of them were not their signatures. He has further stated that, Karibasappahad said that his mother Gurushanthamma put her signature. But record was showing that she has put her LTM.

19. He has further stated that, during inspection, he found DGOs created records with regard to leveling and bunding of land bearing Sy. No. 62 for Rs. 65,600/- and Rs. 29,355/- respectively. He has further stated that, in this regard, he has submitted his report at Ex.P-8.

20. During further chief examination, he has also identified documents enclosed to his report at Ex.P-9. He has stated that Page No.9 to 14 of Ex.9 is the statements of Ombudsmen Sri. Mohan Kouzalagi, L.S.Prabhudev, A.Nagaraj, H.PuttaNaik. He has further stated that statement of Ombudsmen show that fine was imposed. In page No. 92 and 97 of Ex.P-9, it is shown that Sri. Thammachari and Smt. Gurushanthamma received amount. But, Sri. Karibasavaiah has stated that neither himself nor his mother received even

15.2.2011

job card and Thammachari also stated that even he did not receive job card.

**21.** During cross examination, he admits that Sri. Mohan Kumar Kojalagi, the Ombudsmen had given statement before him. He has further admitted that said Mohan Kouzalagi had given statement that Rs. 65,600/- was spent for leveling of land. He has also admitted that, Mohan Kumar Kouzalagi had also stated that land was level and sugar cane was grown in the said land. He further admits that he did not verify whether there was audit objections as to this project not being carried out. He has also admitted that he had verified the Bank and post office accounts of labourers of this project and found labourers amount had been deposited to their accounts. He has also stated that Karibasappa and others said that they had no job cards. But he admits Rs. 656/- was deposited to postal account of Karibasappa. He has further admitted that he has not collected copies of job cards of labourers.

**22.** He has further admitted that he has not taken statement of president of grama panchayath. He has further admitted that, he cannot say which were the documents he verified when he inspected the spot. He admits that DGO No.1 and 2 were present during inspection. But says he has not taken any documents from them. He has further stated that, he has verified the documents produced by them. He has further stated that, he has not taken the photographs during spot inspection. He has stated that, during spot

15.2.2011

inspection, the age of sugar cane which was in the disputed land was 3 to 4 months.

**23.** He has further admitted that as per page No. 86-87 Ex.P-9, Rs. 65,600/- has been paid to labourers and in the list of labourers names of 30 labourer are shown.

**24.** As stated above, the points left for consideration in this case are whether work of leveling and bunding of Sy. No. 62 is done and whether bill for Rs. 29,355/- is re-claimed during 2010-11 even though it was already claimed during 2009-10.

**25.** Page No. 57 of Ex.P-9 is the statcmnt of Sri. Mohan Kouzalagi. Said statement goes to show that he enquired on the complaint allegations that the concerned officers claimed bills twice for leveling and bunding of Sy. No. 62 which belongs to one Ramesh S/o Basappa of Rampura grama panchayath. During inspection, the documents related to expenditure of Rs. 65,600/- was produced. No documents were produced showing expenditure of Rs. 29,355/- by concerned Panchayath development officer and Secretary. They did not produce any document showing amount was paid to labourers through cheque No. 136134 dated: 16.12.2010 for Rs. 29,355/-. He found Panchayath development officer and secretary working during 2014 gave wrong information. So, he had imposed fine for them. He has further stated that project was carried out during 2009-10. He visited spot during 2014. By that time, there was sugarcane crop and land was level.

*15.2.2011*

**26.** From this statement, it is clear that Sri. Mohan Kouzalagi had given this statement that, at the time he visited spot, the land was level. In spite of this, PW-2 has come to conclusion that project was not carried out. But, he has not explained why he ignored the statement of Sri. Mohan Kauzalagi that project was carried out during 2009-10, land was level when he visited the spot during 2014.

**27.** Further, PW-2 himself has stated that when he inspected the spot, it was found that the land was level and there was no need to level. But, by the time he visited the spot the project was completed. Actually as per records, the project is carried out during 2009-10. But the witness visited spot on 8.7.2014 i.e., after 5 years of the project. By that time, since the project was completed, obviously the land should have been level and it was level when PW-2 visited the spot. He says that there were no traces in the spot showing that the land was leveled. But, after 6 years of the project, we cannot expect any such traces. Further, as admitted by this witness, he has not taken the statement of Ramesh who is the owner of the land. Records show that, he has not taken statements of adjacent owners or labourers who worked in the project. The statements of Sri. Ramesh and Labourers of the project were best evidence to prove the allegations. PW-2 has not placed reasons for not recording the statements of the owner Ramesh and labourers of project.

**28.** Further this witness has stated that, the photographs produced during spot inspection were showing that there were grown up beetal nut trees in the adjacent

15.2.2014

lands. But I have perused said photographs, no such beetal nut trees are found in the adjacent lands of Sy. No. 62 in the photographs.

**29.** Further this witness says, the soil in the photographs was red, but in the spot it was black mixed soil. But, admittedly he has not taken photographs during inspection to substantiate his report that Sy. No. 62 is black mixed soil. He has also not placed reasons for not taking photographs during spot inspection. He has not placed any other materials to substantiate his report statement that the land Sy. No. 62 is black mixed soil.

**30.** He has further stated that, the project is shown to be inserted in the proceedings of discussion in the grama sabha dated: 3.9.2009. But, he admits that he has not taken statement of president of the grama panchayath who presided in the said meeting. His statement was the best evidence to prove allegations that Sl. No. 11 is inserted subsequently in the proceedings discussion of the grama sabha dated: 3.9.2009. Except the statement of this witness, no other documents or oral evidence are placed to substantiate the allegations that Sl. No. 11 and decision of Sl. No. 11 are inserted subsequently to create alleged documents of leveling and bunding of Sy. No. 62.

**31.** Further as admitted by him, the amount has been deposited to labourers postal and bank accounts. Of course, he says, the said labourers to whose accounts, the amount has been deposited have not worked in the project and also says they had no job cards. But he has not recorded the

15.2.2012

statements of the labourers. Of course, Page No. 64 of the record is said to be the statement of Sri. Thammachari S/o Eshwarachari where he has stated that, he was not a labourer in the alleged project and he has not received payment; the documents showing he was labourer in the alleged project are created.

**32.** Page 86 of record show Thammachari S/o Eshwarachari has received Rs. 1966.00 to his Bank /postal account bearing No. 453168. The said record also shows that payment is made on 7.12.2009. Except the statement, at page 64, PW-2 has not collected any other materials to show Sri. Thammachari has not worked in the project and that he has not received payment. PW-2 could have taken statement of Bank Manager or post master and could have collected bank account details or postal account details with regard to payment made to Sri. Thammachari. But has not collected materials in this regard. Mere statement of PW-2 and statement said to be of Thammachari at page No. 64 is not sufficient to come to conclusion, that Sri. Thammachari has not worked in the project and not received the amount.

**33.** Further Page No. 65 is said to be the statement of Karibasappa. He has stated that signature found in the record for having taken payment for having worked as labourer in the project of leveling and bunding of Sy. No. 62 during 2009 was not his. But, as admitted by PW-2 himself, an amount of Rs.656/- has been deposited to postal account of this witness. If this witness did not work in the project, why amount has been deposited to his postal account? This

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aspect is not investigated by PW-2. Admittedly the amount was deposited to account of Sri. Karibasappa. It is not the report of PW-2 that the postal account is created. In spite of this, PW-2 has come to conclusion that this witness did not work in the project which is not convincing.

**34.** Further, PW-2 has stated that Karibasappa said that his mother Gurushanthamma was able to put her signature and record showed that there was LTM of Gurushanthamma for taking payment for having worked in the alleged project. First of all, PW-2 has not recorded statement of Gurushanthamma. Secondly, in the statement above referred Sri. Karibasappa has stated that his mother is illiterate and not able to put her signature, she used to put LTM. Here the statement of PW-2 and the statement said to be of Karibasappa recorded by him are contradictory.

**35.** Further in the statement said to be of Prabhudev, the then Executive Officer, he has expressed doubt about project having been carried out. But no basis is found for his conclusions.

**36.** Further, in the statement said to be of Nataraj and Patnaik too they have expressed doubt about work being carried out just like PW-2. But no basis is found for their conclusion

**37.** Further as per the Ombudsmen order part of Ex.P-5 the enquiry was against one siddesh who was the government teacher and was having job card. He had also taken payment in the same project. He has been punished

15.2.2016

for the allegation that being a Government teacher he claimed amount as labourer. But, allegations in this case is against DGO No. 1 and 2. The allegations are also different that DGO No. 1 and 2 though not carried out work of leveling and bunding Sy. No. 62, have claimed bill and DGO No. 2 had claimed bill twice for bunding of Sy. No. 62. Thus the order of Ombudsmen produced do not help the disciplinary authority.

**38.** With regard to 2<sup>nd</sup> allegation that Rs. 29,355/- has been claimed for bunding during 2010-11 though bill amount has been claimed already during 2009-10 too, Disciplinary authority has failed to place any material. Over all evidence of PW-2 shows that, his report has not been supported by sufficient materials.

**39.** Thus, overall evidence placed on record by disciplinary authority does not establish the charge leveled against DGO No.1 and 2. Hence I proceed to record the following:-

#### **FINDINGS**

**40.** The Disciplinary Authority has not proved the charges leveled against DGOs No.1 and 2. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

**41.** Date of retirement of DGO No.1 is 30.11.2024 and DGO No. 2 is 31.5.2015.

*Pushpa V. V. 15.2.2015*

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.

**i) List of witnesses examined on behalf of Disciplinary Authority.**

PW.1	Sri. D.R.Manjunath S/o Siddappa – Rampura, Kadajji Post, Davanagere Taluk and District Original
PW-2	Sri. N.Lingareddy, S/o M.Narayana reddy, the then superintendent of Police, Karnataka Lokayukta Davanager Original

**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.P-1 is the complaint dated: 18.8.2011 submitted to Karnataka Lokayukta Bengaluru by PW-1
Ex.P 2 and 3	Ex.P-2 and 3 are the complaint in form No.1 and 2 submitted by PW-1
Ex.P-4	Ex.P-4 are the documents submitted by PW-1 along with the complaint
Ex.P-5	Ex.P-5 is the order copy dated: 31.7.2015 of Ombudsmen court, zilla panchayath, Davanagere.
Ex.P 6	Ex.P-6 are the comments and documents of DGO no. 1
Ex.P-7	Ex.P-7 is the rejoinder dated:
Ex.P-8	Ex.P-8 is the investigation report dtd: 23.7.2014 submitted by PW-2
Ex.P-9	Ex.P-9 are the written statement and other documents submitted by PW-2 along with the investigation report.

*15.2.2016*

**iii) List of witnesses examined on behalf of DGO.**

	NIL
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**iv) List of documents marked on behalf of DGO**

	NIL
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(PUSHPAVATHI.V)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/639/2016/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **19/02/2022**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Nagaraju, the then Secretary, Basavanalu Grama Panchayath, Davanagere Taluk and District
- 2) Sri Puttanaik, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Davanagere – Reg.

Ref:- 1) Govt. Order No.ಗ್ರಾಠಪ 140 ಇಎನ್‌ಕೂ, 2016, Bengaluru dated 18/11/2016.

2) Nomination order No.UPLOK-2/DE/639/2016, Bengaluru dated 22/11/2016 of Upalokayukta, State of Karnataka, Bengaluru

3) Inquiry Report dated 15/2/2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

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The Government by its order dated 18/11/2016 initiated the disciplinary proceedings against (1) Sri Nagaraju, the then Secretary, Basavanalu Grama Panchayath, Davanagere Taluk and District & (2) Sri Puttanaik, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Davanagere (hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/639/2016/ARE-9 Bengaluru dated 22/11/2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The sum and substance of the charges framed against DGO-1 Sri Nagaraju, the then Secretary, Basavanalu Grama Panchayath, Davanagere Taluk and District & DGO-2 Sri Puttanaik, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Davanagere are that-

(i) DGOs 1 and 2 are responsible for creating records in respect of execution of work of leveling the land in Sy. No. 62, showing an expenditure of Rs.65,600/- during the year 2009-10, though actually the said work was not executed in the said land;

(ii) DGO-2 is responsible for creating records showing execution of work of bunding in Survey No.62 with an expenditure of Rs.29,355/- during the year 2010-11, for which a Bill was claimed earlier in the year 2009-10 itself.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has failed to prove the above charges against DGO-1 Sri Nagaraju, the then Secretary, Basavanalu Grama Panchayath, Davanagere Taluk and District & DGO-2 Sri Puttanaik, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Davanagere.

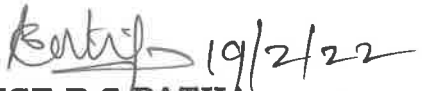
5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate DGO-1 Sri Nagaraju, the

then Secretary, Basavanalu Grama Panchayath, Davanagere Taluk and District & DGO-2 Sri Puttanaik, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Davanagere from the aforesaid charges.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka,  
Bengaluru

