

**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/709/2017/ARE-13

M.S. Building,  
Dr.B.R. Ambedkar Road,  
Bangalore-56001,  
Date: 28/08/2019.**: Present:****Patil MohanKumar Bhimanagouda**Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,  
Smt. Almas, Panchayath Development  
Officer, Bijjavara Grama Panchayath,  
Madhugiri Taluk, Tumkur District-reg.**Ref :-**1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BD/1011/2016/ARLO-1,  
Dtd.25/02/2017.2) Govt Order No.೧೨೮೮೮/248/೧೨೮೮೮/2017,  
Bengaluru dated: 06/04/2017 and its  
Corrigendum dated 04/09/2017.3) Nomination Order No.UPLOK-2/DE/  
709/2017, Bengaluru, Dated:27/05/2017.

\*\*\*\*\*

1. This departmental enquiry is directed against Smt. Almas, Panchayath Development Officer, Bijjavara Grama Panchayath, Madhugiri Taluk, Tumkur District (herein after referred to as the Delinquent Government Official in short "DGO" respectively).

2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-2, vide order dated 27/05/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. Additional Registrar Enquiries-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charge. Copies of same were issued to the DGO calling upon her to appear before this Authority and to submit written statement of her defence.
4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.
5. The Articles of Charges framed by ARE-4 against the DGO is as below:

**ಅನುಬಂಧ-1**  
**ದೋಷಾರೋಪಣೆ**

6. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ/ಶ್ರೀಮತಿ. ಅಲ್ಟಾಸ್, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಆದ ನೀವು ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಬಿ.ಸಿ ಪಾಳ್ಯ ಗ್ರಾಮದಲ್ಲ 2013-14 ನೇ ಸಾಲನ ಸ್ವಚ್ಛ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿ ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ ಮಾಡಲು ತಲಾ ರೂ.8,900/- ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿದ್ದು, ಅದರಲ್ಲ ರೂ.4,700/- ನ್ನು ಚೆಕ್ ಮೂಲಕ ಫಲಾನುಭವಿಗಳ ಖಾತೆಗೆ ಜಮಾ ಆಗಿರುವುದು ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಲಾದ ಪಾಸ್ ಬುಕ್‌ನಲ್ಲ ಕಂಡು ಬಂದಿದೆ. ಆದರೆ, ಉಳಿದ ರೂ.4,200/- ನ್ನು ಪಾವತಿಸದೇ ಇರುವುದು ಕಂಡು ಬಂದಿದೆ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಈ ಅಂಶವನ್ನು ಒಪ್ಪಿದ್ದು, ಕೆಲವು ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಂದ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲವೆಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಆದರೆ, ಯಾವ ತಾಂತ್ರಿಕ ಕಾರಣದಿಂದ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲ? ಎಂಬ ಬಗ್ಗೆ ಯಾವುದೇ ಸಕಾರಣವನ್ನು ತಿಳಿಸಿಲ್ಲ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ. ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಿಸಲು ಸರ್ಕಾರದಿಂದ ಬಿಡುಗಡೆಯಾದ ಅನುದಾನವನ್ನು ನೀಡದೇ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತೀರಿ. ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3 (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ.

**ಅನುಬಂಧ-2**  
**ದೋಷಾರೋಪಣೆಯ ವಿವರ**  
**(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)**

7. ಶ್ರೀ. ರಂಗನಾಥ ಸಿ, ಕೇರಾಫ್ ನಾಗರಾಜು, ನಂ.42, 2ನೇ ಕ್ರಾಸ್, ಎಲ್.ಜಿ. ರಾಮಣ್ಣ ಬಡಾವಣೆ, ಲಗ್ಗೆರೆ, ಬೆಂಗಳೂರು-560058 (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಸಂಖ್ಯೋಧಿಸಲಾಗುವ) ರವರು

ದೂರನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.

#### 8. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:-

ದೂರುದಾರರು ಅವರ ದೂರಿನಲ್ಲಿ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸ್ವಚ್ಛ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿ ಶ್ರೀಮತಿ. ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ ಮಾಡಿದ ಬಾಬು ತಲಾ ರೂ.8,900/- ಮಂಜೂರಾಗಿದ್ದು, ನೀವು ಕೇವಲ ತಲಾ ರೂ.4,700/- ನ್ನು ಮಾತ್ರ ಪಾವತಿ ಮಾಡಿದ್ದು, ಆದರೆ, ಉಳಿದ ಬಾಕಿ ರೂ.4,200/-ನ್ನು ಈವರೆವಿಗೂ ಸಹ ಪಾವತಿ ಮಾಡಿಲ್ಲ. ಈ ಬಗ್ಗೆ ಹಲವಾರು ಬಾರಿ ನಿಮಗೆ ಮನವಿ ಸಲ್ಲಿಸಿದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲವೆಂದು ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದರು.

#### 9. ದೂರಿಗೆ ನಿಮ್ಮಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ, ನೀವು ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ:-

ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಬಿ.ಸಿ. ಪಾಳ್ಯ ಗ್ರಾಮದ ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ. ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ ಜಯಮ್ಮ ರವರಿಗೆ 2013-14 ನೇ ಸಾಲಿನಲ್ಲಿ ಸ್ವಚ್ಛ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿ ಶೌಚಾಲಯ ಮಂಜೂರಾಗಿದ್ದು, ಸದರಿ ಯೋಜನೆಯಿಂದ ರೂ.4,700/- ಹಾಗೂ ರೂ.4,500/-ಗಳನ್ನು ಮಹಾತ್ಮ ಗಾಂಧಿ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಿಂದ ಪಡೆಯಲು ತಿಳಿಸಲಾಗಿ, ಅದರಂತೆ, ಸದರಿ ಫಲಾನುಭವಿಗಳಲ್ಲಿ ಶ್ರೀಮತಿ. ಜಯಮ್ಮ ರವರಿಗೆ ದಿನಾಂಕ:24/09/2013 ರಂದು ರೂ.2,436/-ನ್ನು ಪಾವತಿಸಿದ್ದು, ಉಳಿದ ರೂ.2,064/-ನ್ನು ದಿನಾಂಕ:17/01/2014 ರಲ್ಲಿ ರೂ.1,044/- ನ್ನು ಪಾವತಿಸಲಾಗಿದ್ದು, ಉಳಿದ ಮೊತ್ತವನ್ನು ತಾಂತ್ರಿಕ ಕಾರಣದಿಂದ ಪಾವತಿಸಲಾಗಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತೀರಿ.

10. ನಿಮ್ಮ-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಆಕ್ಷೇಪಣೆಗೆ ದೂರುದಾರರಿಂದ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಕೇಳಲಾಗಿ, ದೂರುದಾರರು ಅವರ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿನ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದು, ದೂರಿನ ಅಂಶಗಳನ್ನು ಪುನರುಚ್ಚರಿಸಿರುತ್ತಾರೆ.

11. ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:-

ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಬಿ.ಸಿ. ಪಾಳ್ಯ ಗ್ರಾಮದಲ್ಲಿ 2013-14 ನೇ ಸಾಲಿನ ಸ್ವಚ್ಛ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿ ಶ್ರೀಮತಿ. ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ.ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ ಮಾಡಲು ತಲಾ ರೂ.8,900/- ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿದ್ದು, ಅದರಲ್ಲಿ ರೂ.4,700/-ನ್ನು ಚೆಕ್ ಮೂಲಕ ಫಲಾನುಭವಿಗಳ ಖಾತೆಗೆ ಜಮಾ ಆಗಿರುವುದು ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಲಾದ ಪಾಸ್ ಬುಕ್‌ನಲ್ಲಿ ಕಂಡು ಬಂದಿದೆ. ಆದರೆ, ಉಳಿದ ರೂ.4,200/- ನ್ನು ಪಾವತಿಸದೇ ಇರುವುದು ಕಂಡು ಬಂದಿದೆ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಈ ಅಂಶವನ್ನು ಒಪ್ಪಿದ್ದು, ಕೆಲವು ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಂದ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲವೆಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಆದರೆ, ಯಾವ ತಾಂತ್ರಿಕ ಕಾರಣದಿಂದ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲ? ಎಂಬ ಬಗ್ಗೆ ಯಾವುದೇ ಸರ್ಕಾರವನ್ನು ತಿಳಿಸಿಲ್ಲ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಿಸಲು ಸರ್ಕಾರದಿಂದ ಬಿಡುಗಡೆಯಾದ ಅನುದಾನವನ್ನು ನೀಡದೇ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

12. ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು, ದಾಖಲಾತಿಗಳನ್ನು ಹಾಗೂ ನಿಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ನಿಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈ ಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕಾರ ಕಾರಣ ಇಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

13. ಈ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಾಗ, ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ನಿಮ್ಮಗಳ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೇ, ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿ ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುತ್ತೀರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

14. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ರ 3 (1) (i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

15. In the Government order the name of the DGO was wrongly shown as Sri. Almas instead of Smt. Almas. Later on with the permission of Hon'ble Upa Lokayukta-2 Corrigendum was obtained from the Government of 04/09/2017 and the name of the DGO has been corrected as Smt. Almas. The DGO appeared before this Enquiry Authority on 07/08/2017 and on the same day her First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed her written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that, she has

committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, she prayed to exonerate her from the charge framed in this case.

16. In order to substantiate the charge, the Disciplinary Authority examined one witness as PW-1 and got marked documents at Ex.P-1 to P-6 and closed the evidence.

17. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein she has submitted that, the witness has deposed falsely against her. The DGO got herself examined as DW-1, produced the documents at Ex.D-1 to D-5 and closed her side. Since the DGO had led defence evidence, the questioning of the DGO as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was dispensed.

18. Advocate for DGO submitted her written submission. The Presenting Officer submitted oral arguments.

19. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence and the written submissions, the only point that arises for my consideration is as under:

*Point No-1) Whether the Disciplinary Authority has satisfactorily proved that, the DGO Smt. Almas, who was working as PDO of Bijavara Grama Panchayath, Taluka Madhugiri, District Tumkur, in the year 2013-14 under the Swacha Bharath Abhiyana Scheme, in B.C Palya Village three beneficiaries by name Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma were selected under the Swacha Bharath Abhiyana Scheme for the construction of toilets and Rs.8,900/- each was to be granted, however the DGO had distributed only Rs.4,700/- each through cheques, but the DGO had not distributed the remaining amount of Rs. 4,200/- each, the DGO had given lame excuses that due to technical problem the amount could not be transferred to the beneficiaries, however the DGO has not given any specific reasons for not dispersing the said amount and the DGO has misappropriated the said amount and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*



20. My finding on the above point is held in the **“Affirmative”** for the following:

**:: REASONS ::**

21. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The complainant by name Sri. Ranganatha C S/o Chikkanna resident of Tumkur has been examined as PW-1. The complainant is the son of one of the beneficiaries under the Swacha Bharath Abhiyana Scheme, by name Smt. Jayamma. He states that, he knows the DGO and she was working as PDO of Bijjavara Grama Panchayath of Madhugiri Taluka. In the year 2013-14 under the Swacha Bharath Abhiyana Scheme, in the Village B.C Palya of Bijjavara Grama Panchayath limits, three beneficiaries by name Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma were selected for grant to construct toilets in their houses. Each beneficiary was entitled for the grant of Rs.8,900/-. However the DGO had issued the cheque in the name of each beneficiary for Rs. 4,700/- each only. She has not paid the balance amount of Rs.4,200/- each. The complainant further states that, though they approached DGO several times, she has not given proper replies and the remaining amount was not paid. They approached the Executive Officer, Taluka Panchayath, Madhugiri. However no action was taken by the Taluka Executive Officer also. Thereafter his mother Smt. Jayamma approached the Chief Executive Officer, Zilla

Panchayath, Tumkur and lodged a complaint. However, the Chief Executive Officer, Zilla Panchayath, Tumkur, also did not take any action and the remaining amount was not paid. Due to the irresponsible behavior of the DGO, he was constrained to lodge the complaint before this institution. He identifies the complaint at Ex.P-1 and Form No-I and II at Ex.P-2 and P-3 respectively. PW-1 along with complaint has produced certain documents, they are totally 7 pages which have been commonly marked as Ex.P-4.

22. PW-1 further states that, thereafter he has received from this institution the copy of the comments of DGO and the documents furnished by the DGO. The comments of the DGO have been marked as Ex.P-5. The complainant has given his rejoinder along with documents. The rejoinder along with documents have been marked as Ex.P-6. PW-1 has been cross examined by the Advocate for DGO.

23. The DGO has got herself examined as DW-1. She states that, a false complaint has been filed and the allegations made against her are false. The Articles of Charge framed against her are false and vexatious and they are not maintainable. The complainant has filed this complaint on behalf of Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma only to harass her. There is no concrete proof to implicate her and the complainant has not approached this institution with clean hands.

24. DW-1 further states that, she took charge as PDO of Bijjavara Grama Panchayath on 02/04/2014. She has worked efficiently. She has taken the initiative and deposited the amounts in the name of beneficiaries.

25. DW-1 further states that, the Government had released the amount under the Swacha Bharath Abhiyana Scheme and The Mahatma Gandhi National Rural Employment Guarantee Act for the construction of toilets. The scheme provides that every house should have one common toilet. If the toilet is constructed as per the rules under the scheme, then only the amount will be released as per the guidelines and as per the slabs for the construction of toilet. DW-1 further states that, under the Swacha Bharath Abhiyana Scheme Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma were selected for the scheme in B.C Palya Village and the amount has been allotted to them as per the guidelines. She further states that, this complaint has been filed on behalf of Smt. Sannahanumakka and others without any authority or power. She states that, Smt. Sannahanumakka has been paid totally Rs.9,200/- on different dates. She further states that, Smt. Narasamma has been paid Rs.4,700/- by way of cheque and Rs.4,500/- has also been released under the scheme of The Mahatma Gandhi National Rural Employment Guarantee Act. DW-1 further states that, Smt. Jayamma has been paid Rs.4,700/- by way of cheque and Rs.4,500/- has also been released under the scheme of The Mahatma Gandhi National Rural Employment Guarantee Act.

26. The DGO further states that, she is innocent of the allegations made against her. A false complaint has been filed with malafide intention only to harass her. Hence she prays for exonerating her. DW-1 in support of her contention has produced the following documents.

27. Ex.D-1 is the xerox copy of NBA D.C bill. On perusal of these documents, it is observed that, the initial amount of Rs.4,700/- is paid to the three beneficiaries by name Smt. Sannaphanumakka, Smt. Narasamma and Smt. Jayamma. Ex.D-2 is the file pertaining to the beneficiary Smt. Narasamma, this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., Ex.D-3 is the file pertaining to the beneficiary Smt. Jayamma, this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., Ex.D-4 is the file pertaining to the beneficiary Smt. Sannahanumakka, this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., Ex.D-5 is the xerox copy of charge list pertaining to the charge of PDO Bijjavara Grama Panchayath taken over by the DGO.

28. The Learned Presenting Officer has canvassed his arguments that, the DGO has not paid the remaining amount of Rs.4,200/- to the beneficiaries Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma under the Swacha Bharath Abhiyana Scheme. She has simply given a false reason that, due to technical problems the amount has not been credited to the accounts of beneficiaries.

29. On the other hand the Advocate for DGO has canvassed her arguments that the complaint has been filed only with malafide intention to harass the DGO. The amount has been paid by the DGO to the beneficiaries. She has drawn the attention to the documents at Ex.D-1 to D-5.

30. I have carefully gone through the oral and documentary evidence adduced by both the sides. In this enquiry, a complaint is filed by Sri. Ranganatha C who is the son of one of the beneficiary by name Smt. Jayamma of B.C Palya Village. PW-1 has stated that, three beneficiaries were selected under the Swacha Bharath Abhiyana Scheme, in B.C Palya Village of Bijjavara Grama Panchayath. The DGO has paid the initial installment of Rs. 4,700/- each to the three beneficiaries. The remaining amount of Rs.4,200/- has not been paid. Though he approached the DGO several times, the amounts have been not been paid and even though he complained to the Taluka Executive Officer and Chief Executive Officer, Zilla Panchayath, Tumkur no action was taken.

31. On careful perusal of the defence taken up by the DGO, it is quiet clear that, the DGO admits that, the first installment of Rs.4,700/- was paid to each beneficiary. Due to some technical problems the remaining amount could not be paid to the beneficiaries. The Articles of Charge has been framed against the DGO that, she has not paid the remaining amount of Rs.4,200/-

each to the three beneficiaries. She has given lame excuse that, due to some technical problem the remaining amount could not be disbursed. The DGO has merely stated that, due to some technical problem the remaining amount could not be paid to the three beneficiaries i.e. Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma. However, she has not explained what was the technical problem and for how many days the technical problem prevented her from transferring the funds to the accounts of the three beneficiaries of B.C. Palya Village.

32. It is pertinent to note that, the Government of Karnataka and the Government of India have computerized the entire system of payments. The beneficiaries are paid directly through money transfer to their accounts by RTGS, NEFT etc., i.e on-line payments. No amount is paid in cash. Even under The Mahatma Gandhi National Rural Employment Guarantee Act the amount is paid through the bank account or the post office account. The beneficiary should have an account in the bank or the post office. The DGO in support of her contention has produced the muster rolls, Estimate and M.B.Book copies of the three beneficiaries Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma, which are at Ex.D-2, D-3 and D-4. I have carefully gone through these documents. However, nowhere in the documents the transfer of remaining amount of Rs.4,200/- is mentioned.

33. On careful perusal of the document at Ex.P-4, it is observed that, the first installment of Rs.4,700/- has been paid to Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma vide cheque Nos.261379, 261392 and 261396 dated 11/06/2013. However, the DGO has not at all produced any documents to show that, the remaining amount of Rs.4,200/- each has been paid to the three beneficiaries. The DGO has produced several documents but none of the documents show that, the remaining amount has been credited to the accounts of the three beneficiaries. It is an admitted fact that, all the amounts to the beneficiaries are paid through bank accounts. However, the DGO has not produced the pass book copies or bank statements of the beneficiaries to show that, the remaining amount of Rs.4,200/- each has been paid to the beneficiaries.

34. In the comments submitted by the DGO and also in the oral evidence, the DGO has taken up a specific contention that, due to some technical problem the remaining amount could not be deposited to the accounts of the three beneficiaries i.e Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma. As already discuss above the Government of India and Government of Karnataka have computerized the entire system of fund transfer to the beneficiaries under different schemes. The Swacha Bharath Abhiyana Scheme implemented by the Government of India is also fully computerized and the funds are credited directly to the accounts of the beneficiaries. The DGO has paid the first installment of Rs.4,700/- by way cheque. The remaining amount should have

been transferred by on-line method directly to the accounts of beneficiaries. The DGO has given an explanation that, due to technical problem the remaining amount could not be transferred. However, the DGO has not properly explained what is the technical problem and for how many days the technical problem persisted. The fund transfers under the various schemes have been computerized by the Government and the entire on-line process is monitored by separate department. If there are any technical errors or glitches they are immediately rectified within one or two days. The DGO has given a vague reason that, there was a technical problem. She has not elaborated on the technical problem and for how many days the problem persisted. The reason given by the DGO is not acceptable. The DGO has paid the first installment only to the three beneficiaries Smt. Sannahanumakka, Smt. Narasamma and Smt. Jayamma. However, she has failed to pay the balance amount of Rs.4,200/- each. Even if the remaining amount was to be paid under The Mahatma Gandhi National Rural Employment Guarantee Act, the DGO has not produced any documents to show that, she has paid the remaining amount as per the guidelines. Hence, for all these reasons, I am of the opinion that, the DGO has given a lame excuse that, there was technical problem. She has not explained what was the technical problem and for how many days it was persisting. The DGO has unnecessarily delayed the payment of balance amount of Rs.4,200/- each to the beneficiaries and she has not given any satisfactory answer for the delay. Hence, the conduct of the DGO amounts to misconduct.



709/17

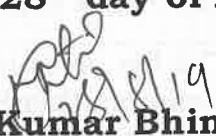
35. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO is established. Therefore, I answer point No.1 in the "Affirmative".

**:: ORDER ::**

***The Disciplinary Authority has proved the charge against the DGO Smt. Almas, Panchayath Development Officer, Bijjavara Grama Panchayath, Madhugiri Taluk, Tumkur District.***

36. This report is submitted to Hon'ble Upa Lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 28<sup>th</sup> day of August 2019**

  
**(Patil Mohankumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore

## ANNEXURES


<b>Witness examined on behalf of the Disciplinary Authority</b>
<b>PW-1:</b> Sri. Ranganath C (Original)
<b>Witness examined on behalf of the Defence</b>
<b>DW-1:</b> Smt. Almas (Original)
<b>Documents marked on behalf of the Disciplinary Authority</b>
<b>Ex. P-1:</b> Complaint (Original)
<b>Ex. P-1(a) :</b> Signature of the complainant.
<b>Ex.P-2:</b> Form No-1(Original)
<b>Ex. P-2(a) :</b> Signature of the complainant.
<b>Ex. P-3:</b> Form No-II (Original)
<b>Ex. P-3(a) :</b> Signature of the complainant.
<b>Ex.P-4:</b> Endorsement dated 19/11/2015 and connected documents (Total 7 pages) (Xerox copies)
<b>Ex.P-5:</b> Comments of DGO, page no.66 Original, page no.67-71 certified copies.
<b>Ex.P-6:</b> The Rejoinder of the complainant (Original)
<b>Ex.P-6(a):</b> Signature of the complainant.
<b>Documents marked on behalf of the DGO</b>
<b>Ex.D-1:</b> The Xerox copy of NBA D.C bill.
<b>Ex.D-2:</b> The file pertaining to the beneficiary Smt. Narasamma this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., page no. 75-76 xerox copy, page no.77 colour xerox copy, page no.78-97 xerox copies.
<b>Ex.D-3:</b> The file pertaining to the beneficiary Smt. Jayamma this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., page no.98-99 xerox copies, page no.100 colour xerox, page no.101-118 xerox copies.

7/2/19

**Ex.D-4:** The file pertaining to the beneficiary Smt. Sannahanumakka this Exhibit consists of bill, photographs, muster roll report, Measurement Book, estimate etc., page no.119-120 xerox copies, page no.121 colour xerox, page no.122-142 xerox copies.

**Ex.D-5:** The xerox copy of charge list pertaining to the charge of PDO, Bijjavara Grama Panchayath taken up by the DGO (xerox copies)

**Dated this the 28<sup>th</sup> day of August 2019**

  
**(Patil MohanKumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore



20/17



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/709/2017/ARE-13

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 31.08.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Smt. Almas, Panchayath Development Officer, Bijjavara Gram Panchayath, Madhugiri Taluk, Tumkur District- reg.

Ref:- 1) Government Order No. RDP 248 GPS 2017 dt.06.04.2017 & Corrigendum dt.04.09.2017.

2) Nomination order No. UPLOK- 2/DE/709/ 2017 dated 27.05.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 28.08.2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

~~~~~

The Government by its order dated 06.04.2017 & Corrigendum dt.04.09.2017, initiated the disciplinary proceedings against Smt. Almas, Panchayath Development Officer, Bijjavara Gram Panchayath, Madhugiri Taluk, Tumkur District [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/709/2017 dated 27.05.2017, nominated Additional Registrar of Enquiries-4, 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 her. Subsequently, by Nomination Order No. UPLOK-1&2/DE/Transfers/2018 dated 06.08.2018 nominated Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to continue departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by her.

3. The DGO Smt. Almas, Panchayath Development Officer, Bijjavara Gram Panchayath, Madhugiri Taluk, Tumkur District, was tried for the following charge:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ. ಅಲ್ಮಾಸ್, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಆದ ನೀವು ಬಿಜ್ಜವಾರ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಬಿ.ಸಿ

ಪಾಳ್ಯ ಗ್ರಾಮದಲ್ಲಿ 2013-14 ನೇ ಸಾಲಿನ ಸ್ವಚ್ಛ ಭಾರತ ಅಭಿಯಾನ ಯೋಜನೆಯಡಿ ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಾಣ ಮಾಡಲು ತಲಾ ರೂ.8,900/- ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿದ್ದು, ಅದರಲ್ಲಿ ರೂ.4,700/- ನ್ನು ಚೆಕ್ ಮೂಲಕ ಫಲಾನುಭವಿಗಳ ಖಾತೆಗೆ ಜಮಾ ಆಗಿರುವುದು ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಲಾದ ಪಾಸ್ ಬುಕ್‌ನಲ್ಲಿ ಕಂಡು ಬಂದಿದೆ. ಆದರೆ, ಉಳಿದ ರೂ.4,200/- ನ್ನು ಪಾವತಿಸದೇ ಇರುವುದು ಕಂಡು ಬಂದಿದೆ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಈ ಅಂಶವನ್ನು ಒಪ್ಪಿದ್ದು, ಕೆಲವು ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಂದ ಅನುದಾನ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲವೆಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಆದರೆ, ಯಾವ ತಾಂತ್ರಿಕ ಕಾರಣದಿಂದ ಹಣ ಬಿಡುಗಡೆ ಮಾಡಿಲ್ಲ ಎಂಬ ಬಗ್ಗೆ ಯಾವುದೇ ಸಕಾರಣವನ್ನು ತಿಳಿಸಿಲ್ಲ. ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಶ್ರೀಮತಿ ಸಣ್ಣ ಹನುಮಕ್ಕ, ಶ್ರೀಮತಿ ನರಸಮ್ಮ ಮತ್ತು ಶ್ರೀಮತಿ. ಜಯಮ್ಮ ರವರಿಗೆ ಶೌಚಾಲಯ ನಿರ್ಮಿಸಲು ಸರ್ಕಾರದಿಂದ ಬಿಡುಗಡೆಯಾದ ಅನುದಾನವನ್ನು ನೀಡದೇ ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತೀರಿ. ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3 (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು, ಈ ವಿಚಾರಣಾ ಪ್ರಾಧಿಕಾರದ ಮುಂದೆ ವಿಚಾರಣೆಗೊಳಪಡುತ್ತೀರೆಂದು ಈ ದೋಷಾರೋಪಣೆ."

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charge against the DGO Smt. Almas, Panchayath Development Officer, Bijjavara Gram Panchayath, Madhugiri Taluk, Tumkur District.

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 furnished by the Inquiry Officer, DGO Smt. Almas, is due to retire from service on 31.07.2044.

7. Having regard to the nature of charge '*proved*' against Smt. Almas, Panchayath Development Officer, Bijjavara Gram Panchayath, Madhugiri Taluk, Tumkur District,

i) it is hereby recommended to the Government to impose penalty of 'recovering a sum of Rs.8,400/- from the salary and allowances payable to DGO Smt. Almas, and also to defer her promotion for four years whenever she becomes eligible for promotion.'

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

Connected records are enclosed herewith.

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