

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/754/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:4.4.2022

**:: ENQUIRY REPORT ::**

**:: Present ::**

**( PUSHPAVATHI.V )**

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

Sub: Departmental Inquiry against Sri.  
Sidramappa Patne (Now Retd),  
Panchayath Development Officer,  
Narayanapura Grama Panchayath,  
Narayanapura, Basavakalyana Taluk,  
Bidar District - reg.

Ref: 1. G.O.No. GraAaPa 788 GraPamKaa  
2016 Bengaluru dated: 15.12.2016  
2.Nomination Order No: UPLOK-  
1/DE/754/2016/ARE-9 Bangalore  
dated:24.12.2016 of Hon'ble  
Upalokayukta-1

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This Departmental Inquiry is initiated against Sri.  
Sidramappa Patne (Now Retd), Panchayath Development  
Officer, Narayanapura Grama Panchayath, Narayanapura,  
Basavakalyana Taluk, Bidar District (hereinafter referred to  
as the Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at  
reference No.1, Hon'ble Upalokayukta vide order dated  
24.12.2016 cited above at reference No.2 has nominated  
Additional Registrar of Enquiries-9 (in short ARE-9) to frame

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Articles of charges and to conduct the inquiry against the aforesaid DGO.

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 DGO are as under :

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

**Charge:-**

While you DGO Sri. Sidramappa Patne was working as Panchayath Development Officer, Narayanapura Gama Panchayath, Basavakalyana Taluk, Bidar District;

- i) There are no signs at the spot of Desilting of M.I. Tank at Narayanapura Talaaba. No documents were also produced to substantiate desilting of M.I. Tank at Narayanapura.
- ii) No trenching and stone wall works have been carried out in Narayanapura Talaaba.
- iii) Road work from Adikile land to Kitta road has not been carried out in accordance with the estimate. Side drains have not been constructed. Murrum has not been laid for the road.
- iv) The work in Jawahara Navodaya School has been carried out using JCB machines. Planting at Jawahara

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Navodaya School has not been done at proper time and therefore the plants have dried.

v) Road work from Thanda hand pump up to land of Kashiram Rathod is of substandard. The measurement recorded in M.B. is not in accordance with the work executed. An amount of Rs.3215/- has been paid towards jungle clearance, but there is no jungle clearance.

vi) An amount of Rs.60786/- and Rs.59,912/- has been shown as expenses towards trenching revetment and dry stone wall. But PDO failed to identify the spot.

vii) No documents are maintained in respect of repairs to pipeline. For small repairs excess payment is made. Repair work to pipeline is of substandard. Amount has been spent towards repairs though there was no need for repairs. No quotation has been called for the works executed.

viii) There are no signs of forming rod from land of Tukappa up to land of Chandrappa but amount has been towards said work.

ix) Asphaltting of road from Beerappa Mandira up to Rajola road has been carried out, though there was no necessity for asphaltting of road and therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

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**ANNEXURE - 2**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

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

Respondents have created bogus bills in respect of works executed under MGNREGS during 2010-11, 2011-12 and 2012-13.

3. Complainant has furnished the copy of report of Dy.Conservator of Forest (DCF), Social Forestry Division, Bidar dt 28.5.2013.

4. Respondents have submitted comments denying the allegations. They have submitted that Respondent No.1 has retired from 1.04.2013 and he had worked in Narayanapura Grama Panchayath from 2.5.2011 to 31.3.2013 as PDO. That Respondent No.2 had worked from 26.6.2010 to January 2013 as President and thereafter one Surekha is the President. The report submitted by DCF is not correct. Desilting of M.I. tank was completed during 2010 and 2011. The road work from Adakile land to Kitta road has been completed during 2012-13. The work at Navodaya school has been carried out through labourers. The works executed have been certified as satisfactory by the Verifying Officer.

5. The report of DCF prima facie show that:

i) There are no signs at the spot of Desilting of M.I. Tank at Narayanapura Taalaba. No documents were also

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produced to substantiate desilting of M.I. Tank at Narayanapura.

ii) No trenching and stone wall works have been carried out in Narayanapura Talaaba.

iii) Road work from Adikile land to Kitta road has not been carried out in accordance with the estimate. Side drains have not been constructed. Murrum has not been laid for the road.

iv) The work in Jawahara Navodaya School has been carried out using JCB machines. Planting at Jawahara Navodaya School has not been done at proper time and therefore the plants have dried.

v) Road work from Thanda hand pump up to land of Kashiram Rathod is of substandard. The measurement recorded in M.B. is not in accordance with the work executed. An amount of Rs.3215/- has been paid towards jungle clearance, but there is no jungle clearance.

vi) An amount of Rs.60786/- and Rs.59,912/- has been -shown as expenses towards trenching revetment and dry stone wall. But PDO failed to identify the spot.

vii) No documents are maintained in respect of repairs to pipeline. For small repairs excess payment is made .Repair work to pipeline is of substandard. Amount has been spent towards repairs though there was no need for repairs. No quotation has been called for the works executed.

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viii) There are no signs of forming rod from land of Tukkappa up to land of Chandrappa but amount has been towards said work.

ix) Asphaltting of road from Beerappa Mandira up to Rajola road has been carried out, though there was no necessity for asphaltting of road.

6. In view of report of DCF, comments of Respondent No.1 and 2 is not acceptable to drop the proceedings against them.

7. Since the said facts and materials on record prima facie show that the Respondent No.1- Sri.Sidramappa Patne-PDO, Narayanapura Grama Panchayath, Narayanapura, Basavakalyan Taluk, Bidar District and 2)Sri.Krishnareddy Kamareddy Yadamalle - President, Narayanapura Grama Panchayath, Basavakalyan Taluk, Bidar District have committed misconduct under Rule 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 Respondent No.1- Sri.Sidramappa Patne-PDO, under Rule 214(2) (b) of KCSRS as he retired from service and the action complained is within 4 years and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. Further, the Competent Authority is directed to take action against Respondent No.2 Sri.Krishnareddy Kamareddy Yadamalle-President, Narayanapura Grama Panchayath, Basavakalyan Taluk,

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Bidar District under the provisions of Karnataka Panchayath Raj Act.

9. Since said facts and material on record prima facie show that, the respondent/DGO Sri. Narayanappa Patne has committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent for misconduct under Rule 3(1)(i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

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

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


7. DGO has submitted written statement. In his written statement, he has stated that, in respect of these allegations and other allegation Ombudsmen MGNREGA, zilla panchayath Bidar had already enquired the matter and have submitted report on 23.4.2015. They have not reported any thing about mis appropriation of the amount. But they have directed to recover Rs.40,335-33 Ps., from the Panchayath

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development officer of Narayanapura grama panchayath and also to recover Rs. 1,21,006/- from Sri. Krishna reddy Edamalli farmer president Narayanapura grama panchayath and Sri. Nandi, Assistant Agriculture officer, Karnataka water shed department Basavakalyana and for violation of NERGA Act and they have closed the complaint.

8. In respect of 1<sup>st</sup> allegation that no traces of desilting MI tank and no documents have been produced showing MI tank has been desilting, he has reiterated the defence that Ombudsmen had already enquiry the matter and have directed to recover the amount of Rs. 1,21,006/- from Sri. Krishna reddy Edamalli farmer president Narayanapura grama panchayath , Sri. Nandi, Assistant Agriculture officer, Karnataka water shed department Basavakalyana and to recover Rs.40,335-33 Ps., from the Panchayath development officer of Narayanapura grama panchayath for violation of NERGA Act. He has further stated that the Investigation report given by Deputy conservator of forest Bidar dated: 28.5.2013 is false. He was not competent enough to investigate the case. The allegations of this case are already tried and decision has been passed. The enquiry before this authority is against the principal of double jeopardy. No complaint was filed against the DGO by his senior officer. The allegations are beyond the jurisdiction of this authority. With these grounds, he prayed to drop the charges leveled against him.

9. The disciplinary authority has examined the complainant Sri. Vamana S/o Shankar Maisalge, Narayanapura Grama, Basavakalyan Taluk, Bidar District as

  
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PW.1, Sri. N.Shivaraju, S/o Nanjegowda the then Deputy Conservator of Forest, Mandya as PW-2 and got marked documents as **Ex.P-1 to ExP-11.**

**10.** Thereafter, second oral statement of DGO has been recorded. DGO submitted that he has got evidence. So, opportunity was provided to him to adduce evidence. Accordingly, DGO has got examined himself as DW-1 and got marked one document as **Ex.D-1 to Ex.D-201.**

**11.** Heard submissions of Presenting Officer and DGO submitted written arguments. Perused the entire records, the only point that arise for my consideration is:

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

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

**REASONS**

**12.** PW-1 has stated that the DGO has misappropriated the amount in connection to the projects of Narayanapura grama panchayath. Hence he has filed complaint before this authority. He has identified his complaint and other documents at Ex.P-1 to Ex.P-3. During cross examination nothing elicited which leads to believe that DGO has not committed allegations of charge made against him. In fact, the charge has been framed on the basis of report under section 12(3) of Karnataka Lokayukta Act and entrustment order of Government. The 12(3) report has been submitted on the basis of final scrutiny note which was put

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up by this authority. The final scrutiny note is on the basis of the report of Deputy Conservator of Forest, Bidar who is PW-2 in this case.

**13.** PW-2 with regard to the allegations of the charge has stated that he visited the spot on 15.4.2013 on receiving the memo to investigate the matter, he did not find any traces at spot of desilting of M.I. Tank at Narayanapura. During the spot inspection, the secretary of lake development Association had informed him that the project of desilting of said tank was done during 2010-11. So, he verified the M.B, there were no entries of measurement taken before the project and after the project. Therefore, he came to conclusion that the project of desilting of M.I. Tank above said was not executed.

**14.** He has further deposed that work of trenching and construction stone walls to talaba (pond) of Narayanapura were not executed. Panchayath development officer who was at spot had informed that the said project is executed at different place. So, he went to the spot which was identified by the Panchayath development officer. But the measurement of the said project was not tallying with the measurement shown in the M.B. He has also stated that in the M.B, the measurement of width and breadth should have been written, but where measurement of length was written. So, he came to conclusion that the work is not satisfactory.

**15.** He has further deposed that road work from Adikile land to Kitta road was not executed in accordance with estimate. He has further deposed that side drains were not constructed and murrum was not laid for road as shown in

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M.B. So, he came to conclusion that the work is not satisfactory.

**16.** He has deposed that trenching for planting at Jawahara Navodaya School was done by using JCB. He has further deposed that since planting was not at proper time, they were died. So, he came to conclusion that the work is not satisfactory.

**17.** He has further deposed that road work from Thanda hand pump to land of Kashiram Rathod was substandard. He has further deposed that measurement recorded in M.B was not in accordance with the work executed. In the M.B. it was shown that mud was used for 549 meter breadth, 4 meter width, 20 centimeter thick. But at spot mud was used for 400 meter width, 2.50 breadth and 5 to 6 centimeter thick. He has further deposed that there was no jungle clearance, but an amount of Rs. 3,215/- was claimed for it. So, he came to conclusion that the work is not satisfactory.

**18.** He has further deposed that an amount of Rs. 60,786 and Rs. 59,912/- were shown as expenses towards trenching revetment and constructing dry stone wall. But Panchayath development officer failed to identify the spot. So, he came to conclusion that the work is not satisfactory.

**19.** He has further deposed that no documents were maintained in respect of repairs to pipeline. He has further deposed that for small repairs, excess payment was made. He has further deposed that repair work to pipelines was

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substandard. Amount was spent towards repairs though there was no need for repairs. No quotation was called for the works executed.

**20.** He has further deposed that there are no traces of formed road from the land of Tukkappa to land of Chandrappa. But bill was claimed towards said work.

**21.** He has further deposed that damber road from Beerappa mandira to Rajola road was executed under PMGSY scheme. In spite of it and in spite of there was no necessity, amount was shown to be spent for asphaltting of the said road.

**22.** During the cross examination in respect of 1<sup>st</sup> allegation/charge No.1 that no traces of Desilting of M.I. Tank at Narayanapura at the spot and there were no entries of measurement taken before the project and after the project, the counsel for DGO has suggested that the DGO was not working when this project was executed. Even in the chief examination, the DGO/DW-1 has stated that during 2007-2008, action plan was prepared to this project, during 2010-11, the project was executed, the inspection by PW-2 is done after 7-8 years, due to rain every year, lake was filled, the silt which was put on tank bund turned hard due to public and cattle's were walking regularly on tank bund. Due to this reason, there were no traces of desilting lake. This way, DGO has admitted that there were no traces of desilting M.I. Tank of Narayanapura. But his explanation that the inspection by PW-2 was conducted after 7-8 years, that due to public and cattle were walking on tank bund regularly, the silt which

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was put on tank bund turned hard cannot be believed. Because, as per Ex.D-7 and also according to DGO himself, the work was executed during 2010-11. PW-2 inspected spot on 15.4.2013 i.e., within 2-3 years. Further DGO has not elicited anything from CW-2 with regard to silt was turned hard due to regular walk of public and cattle on tank bund. In fact, the photographs enclosed to Ex.D-7 which are produced by DGO himself show that tractors were used to shift/transport silt from M.I. Tank to some other place. This show, the suggestion of the counsel for DGO that silt was turned hard due to walk of cattle and public on tank bund appears not true. Further Ex.D-1 and 2 show that the action plan is prepared in the year 2007-08, estimation is prepared in the year 2007-08. Ex.D-3 show that the labourers have filed application seeking work. But the document is silent about for which work the labourers were filed application. Further the said application was also silent about date of application. Ex.D-4 is the work order which show that work order is issued on 16.2.2008. But period of work is not mentioned. Ex.D-5 is the measurement book according to which period of NMR is 1.1.2008 to 16.1.2008, date of measurement is 1.1.2008 to 1.1.2008, date of recording is 16.1.2008. According to Ex.D-6 check is issued on 18.7.2008. According to Ex.D-7 date of measurement is 30.10.2009. Date of mark out is 3.10.2009 enclosed to Ex.D-7 show that work is executed during 2010-11. But except said documents no other documents are produced to show that above said work is executed during 2010-11. These documents are not in consonance to each other to come to

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conclusion that this project is executed during 2010-11. So, on the basis of this document we cannot come to conclusion that the work is executed during 2010-11. The DGO has not produced convincing document to show that alleged project of desilting of M.I. Tank was executed. From this, it appears this alleged project of desilting M.I. tank during 2010-11 is not executed and hence no entries are made in the M.B. But this witness has taken charge of Narayanapura grama panchayath on 11.5.2011. The disciplinary authority has not placed sufficient materials before this authority to show that this DGO is responsible for non execution of the project alleged in the charge No. 1. Because, in the work order, no time was fixed to complete the work. Absolutely, there is no document before this authority showing the alleged project was to be executed during the tenure of DGO. Further the Disciplinary authority is not producing document showing this DGO has passed bills for this project. So, I am of the opinion that Disciplinary authority has failed to prove the allegation of 1st charge against this DGO.

**23.** In respect of 2<sup>nd</sup> allegations, charge No.2 that work of trenching and construction of dry stone wall to Talab (pond) of Narayanapura was not executed, the counsel for DGO has suggested that, the DGO was not working in the said grama panchayath at the time of execution of alleged work. This suggestion has been denied. He has further suggested that, PW-2 did not collect the document with regard to the Panchayath development officers who were working in the said grama panchayath for the period alleged. This suggestion has been admitted by this witness. But he

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has stated that the said information was available in the grama panchayath. The learned counsel has further suggested that the work of trenching and constructing dry stone wall will be executed under the supervision of Junior engineer. This suggestion has been admitted. He has further admitted that he did not record the statement with regard to the details of Junior engineer who were working during that period. He has admitted that Junior engineers would make entries in MB. There were no signatures of Panchayath development officer in the MB. He has further suggested that there was enquiry and orders by Ombudsmen in respect of 9 allegations of this case. For this suggestion, the witness has shown ignorance. It is suggested that knowing fully well the orders of Ombudsmen, ignoring the orders he has filed false complaint. Witness has specifically denied this suggestion. Even in the chief examination with regard to this allegation, this witness has stated that the alleged work was executed even before he assumed charge as Panchayath development officer in the concerned Grama panchayath. In connection to this allegation, he has relied upon Ex.D-8 to Ex.D-14. During the cross examination, it has been suggested that he was to execute the alleged project and the measurement mentioned in the MB book and measurement at the spot do not tally each other. Same is denied specifically. But he has stated that he has issued cheque as the work was completed.

**24.** Perused Ex.D-8 which is the project certificate according to which, the work has been executed. Ex.D-9 is the work order dtd: 17.2.2011 where the work order is issued to execute the alleged project on 17.2.2011. Ex.D-10 is the

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estimation. Ex.D-11 is the muster roll. According to which the work has been executed between 5.3.2011 to 19.3.2011, 19.2.2011 to 4.3.2011. This show, of course, the work is done even before the DGO assumed charge. Further, the Ex.D-14 the photographs show that the work has been executed. It is the case of the disciplinary authority that measurements of this work at spot and M.B. were not tallying. But, they have not produced documents showing actual measurement in the spot. In the absence of such actual measurement of the spot, it is not possible to come to conclusion that measurement shown in M.B. are wrong. Even otherwise, as said above, the DGO assumed charge on 11.5.2011. The alleged work was completed on 19.3.2011 even before he assumed charge. Hence, I am of the opinion that the disciplinary authority has failed to prove charge No. 2.

**25.** With regard to 3<sup>rd</sup> allegations/ charge No. 3 that the Road work from Adikile land to Kitta road was not executed in accordance with the estimate and side drains were not constructed, and that murrum was not laid on the road at required quantity, the learned counsel for DGO has suggested that this witness is not technical person, in spite of the work was executed in accordance with estimate, he has submitted false report that the work has not been executed in accordance with estimate. This suggestion has been specifically denied. But he has admitted that the entries in MB are written by concerned engineer and there were no signatures of DGO. This witness has stated that he had recorded the statement of engineer. But, pleaded ignorance

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to the suggestion that he has not enclosed said statement to his work.

**26.** Even in the chief examination with regard to this allegation, this witness has stated that the alleged work was done. The mud taken from side drains while trenching was used to form road, murrum has also been used to form road. He has relied upon Ex.D-40 to 45 to substantiate his statement. During cross examination, the learned Presenting Officer has suggested that the project has not been executed in accordance with estimate, side drains were not formed, murrum was not used to form road. But the said suggestions have been specifically denied. I have perused Ex.D-40 to 45, Ex.D-40 is the certificate of work which show the alleged work is executed between 2.3.2012 to 7.3.2012 and 18.3.2012 to 24.3.2012. Ex.D-41 is work order which show same is issued on 01.3.2012. Ex.D-42 is estimate. Where estimate was approved to (1) Clear Jungle, (2) Earth work excavation in ordinary soil, (3) Construction of embankment with approved materials deposited at site from roadway cutting & excavation from drain and foundation of other structure graded and compacted to meet requirement of tables 300.1 and 300.2 as per technical specification clause 301.5, (4) Construction subgrade and earthen shoulders with approved materials obtained from borrow pits with all lifts and leads transporting to site spreading grading to required slope and compacted to meet requirement of table 300.2 with lead up to 1000m as per technical specification clause 303.1, etc., Ex.D-43 is NMR. Ex.D-44 is letter to pass bills with enclosures. These documents goes to show that alleged work is during the

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tenure of DGO. The photographs produced show no side drains are formed and even murrum is not appeared to be used to form road. Thus, I am of the opinion of that the 3rd allegation of charge is proved against DGO.

**27.** With regard to 4<sup>th</sup> allegation that the work in Jawahara Navodaya School was executed using JCB and planting at Jawahara Navodaya School was not done at proper time and therefore the plants were died, during the cross examination this witness admitted that he inspected the spot on 4.4.2013, the plantation was done a year back to the date of his visit. It has been suggested to this witness that if there is no continuation of watering, there will be more possibility of plants die. For which, he has stated that if the planting is made at right time of rainy season, the plants will not die. He has admitted that E.O. would give approval for plantation. He has stated that he did not collect information about quantum of rain during 2012-13. But he says further that he has seen such report. But admits he has not enclosed said report to his report.

**28.** DW-1 in his chief examination has stated that he had used JCB and also labourers for this project. He had reserved/ spent 60% of the fund to labourers and 40% of materials. Since labourers were unable to dig the hole, at first JCB was used to dig the hole, thereafter labourers dug the pits. He has further stated that the plantation was made in presence of principal of the concerned school. After the plantation, it was his duty to take care of the plants. He has relied upon Ex.D-46 to 54 to substantiate his statement.

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During the cross examination he has admitted that JCB is used, but has stated that he used as it was necessary. He had denied that the plants were not planted at right time and hence the plants died. I have perused, there is no allegation that there was no plantation at all. The specific allegation is that the plants were died due to they were not planted at right time. But I have perused Ex.D-45 & 47, the work is commenced on 12.3.2012. This show the plantation is done just before commencement of summer. This was not right time for plantation. Of course, it is the case of DGO that as per the order of the E.O, plantation is executed. But, the DGO has not placed any order of E.O. showing that he had passed orders/issued direction for execution of alleged plantation during February and March 2019. Ofcourse, the DGO has relied upon Ex.D-46 which is the order of Government where the Government has issued direction to all the concerned officers to plant more trees before December 2019. But this order was issued on 30.11.2019 which is 7 years later than the alleged execution of plantation. Further, admittedly JCB is used to dig the pits. Ofcourse, the plantation was done just before commencement of summer, by that time, it was not easy to dig pits by labourers/ man power. Hence usage of JCB might not be a dereliction of duty, but plantation at wrong time is obviously dereliction of duty. Further ofcourse, after plantation it was the duty of the principal of the concerned school to watering for which the DGO cannot be made responsible. Hence, but as said above, it is proved that plantation is not executed at the right time of

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rainy season. Hence, I am of the opinion that the disciplinary authority has proved this allegation of charge No.4 partly.

**29.** With regard to allegation no.5, the road work from Thanda hand pump to land of Kashiram Rathod was substandard and the measurement recorded in M.B was not in accordance with the work executed and an amount of Rs.3215/- was paid towards jungle clearance though there was no jungle clearance, during the cross examination this witness has admitted that he has not verified third party inspection report. He has stated that he do not know about E.O. after verification of documents directed to release the amount. he has stated that he has not collected documents about E.O. and C.E.O. inspected spot and directed to release the amount. During chief examination DGO has stated the work is executed and as per the report of E.E., an amount of Rs.3,215/- is released for jungle clearance. He has relied upon Ex.D-55 to 63 to substantiate his statement. I have perused, of course, PW-2 admitted that he did not collect documents relating to direction of E.O and report of E.E to release the amount. But, since it is the defence of DGO that E.O had directed to release the amount and on the report of E.E, he released the amount, the burden was on DGO to produce such order/ direction of the E.O and report of E.E. But, he has not produced such documents. Further the photographs produced by DGO himself show that jungle was not cleared. Further, DGO has admitted that he has issued cheque on the report of Executive Engineer. He do not say that he had inspected the spot and on

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confirming the execution of project of jungle clearance, he released amount. This show he without spot inspection and without confirming the execution of work, has released amount. Further, as said above the photographs show that there was no jungle clearance. So, I am of the opinion that this charge No.5 is proved.

**30.** With regard to 6<sup>th</sup> allegation/ charge no.6 that an amount of Rs.60,786/- and Rs.59,912/- was shown as expenses towards trenching revetment and dry stone wall, but PDO failed to identify the spot, the learned counsel for DGO has suggested that this project was executed even before the DGO assumed the charge, that he was not working in the alleged Narayanapura Gram panchayath when this project was executed. For which, this witness pleaded ignorance. He has admitted that he has not collected any documents from the concerned Gram Panchayath about who was working during this alleged project. He has denied that though there was no role of DGO in this project, he has filed false report. During the chief examination, the DGO has stated that this work was completed even before he assumed charge. He relied upon the Ex.D15 to 21. I have perused the documents, Ex.D-15 is the work certificate, Ex.D-16 is the work order. Ex.D-17 is estimate. Ex.D-18 is the muster roll. Ex.D-19 is the document relating to payment made to labourers. Ex.D-20 is the measurement book. Ex.D-21 is the bill of cost with photographs. These documents show that the project has been executed between 22.2.2011 to 9.3.2011, 10.3.2011 to 17.3.2011 and 25.3.2011 to 30.3.2011. At the outset the work has been commenced on 22.2.2011 and

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completed by 30.3.2011. This is before DGO assumed charge. But the case of disciplinary authority is that the DGO has not produced documents and was unable to identify the place of project. But, before this authority the documents are produced and according to which work is executed even before DGO assumed charge. The disciplinary authority have not placed any materials before this authority showing this project was executed by DGO. Hence, I am of the opinion of Disciplinary authority has failed to prove the charge No.6.

**31.** With regard to allegation no.7, no documents were maintained in respect of repairs to pipeline, that for small repairs excess payment was made, that repair work to pipeline was of substandard and amount was spent towards repairs though there was no need for repairs, that no quotation was called for the works executed, during the cross examination, the learned counsel for DGO has suggested that audit was done for this project for which this witness pleaded ignorance. He has stated that during inspection, he did not get any information about steps have been taken for misappropriation of the amount in this project. He has admitted that he did not collect audit report. But has stated that concerned officers did not produce the audit report before him. He has admitted that he did not examine owner of agency who is supplied materials. He voluntarily stated that when he went for spot inspection, public complained of the allegations of charge No.7. He has stated that he do not know whether they gave complaint in writing. It is denied that even

*4.4.2011*

though the public did not complain he has filed false report.

**32.** In this regard DGO has in his chief examination stated nothing. But the Disciplinary authority has not placed sufficient materials like bill books, cash books, statement of public as to repair was necessary or not. Further PW-2 has stated that only on the complaint of public he has made allegation of charge No.7. Even written complaint of public is not found in the record. Further reliable documents are not placed. Hence I am of the opinion that this charge No.7 is not proved.

**33.** With regard to allegation no.8 /charge No-8, that there were no traces of formed road from land of Tukkappa to land of Chandrappa, but amount was paid towards said work, during the cross examination it was suggested that DGO was not working in the concerned Narayanapura Gram Panchayath for which he has pleaded ignorance. The DGO in his chief examination has stated that the project was executed even before he assumed charge, inspection is made in the year 2017 after 5 to 6 years of the project was completed. Under PMGSY scheme, 2-3 years after project is completed, dambar road was formed, hence at the time of inspection there were no traces of formation road shown in charge No.8. He has relied upon Ex.D-22 to 24 to substantiate his statement. I have perused said documents. Ex.D-22 is the work order to form road from Tukkappa land to Chandrappa which is issued during February 2011. The NMR show that the

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alleged work referred in charge No.8 is executed between 12.2.2011 to 27.2.2011. This is even before DGO assumed charge. Further, the disciplinary authority are not placed a materials to show that payment is made by this DGO to the above said project. Hence, I am of the opinion that this charge is not proved.

**34.** With regard to allegation no.9/charge No-9 asphaltting of road from Beerappa Mandira to Rajola road was executed, though there was no necessity, during the cross examination it was suggested that DGO was not working in the concerned Narayanapura Gram Panchayath for which he has pleaded ignorance. The DGO in his chief examination has stated that the project was executed even before he assumed charge, inspection is made in the year 2017 after 5 to 6 years of the project was completed. He has relied upon Ex.D-25 to 39. Perused, Ex.D-25 which is work certificate. Ex.D-26 is estimate, Ex.D-27 is work order, Ex.D-28 is NMR. All these documents show that this project is executed between 9.2.2011 to 7.3.2011 i.e., even before DGO assumed charge. The case of disciplinary authority is that inspite of under PMGSY scheme, the road was formed bill is claimed for asphaltting road, referred in charge No.9. But, the documents produced show that above said road is formed under MGNREGA scheme. The disciplinary authority has not placed materials showing the road was formed already under PMGSY scheme. Thus, I hold this charge is not proved.

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4.4.2017

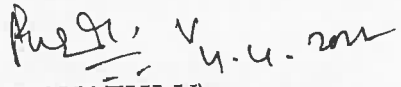


**35.** Thus, overall examination of the evidence on record shows that the disciplinary authority has established the charge leveled against DGO. Hence I proceed to record the following:-

**FINDINGS**

**36.** The Disciplinary Authority has proved the charges No.3, 5 and charge No.4 partly. And failed to prove charge No.1, 2, 6, 7, 8 and 9 leveled against DGO. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

**37.** Date of retirement of DGO-31.3.2013.

  
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sri. Vamana S/o Shankar Maisalge, Narayanapura Grama, Basavakalyan Taluk, Bidar District Original
PW-2	Sri. N.Shivaraju, S/o Nanjegowda the then Deputy Conservator of Forest, Mandya Original

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

Ex.P1	Ex.P-1 is the details complaint dated: 8.3.2013 submitted by PW-1 to Karnataka Lokayukta office Original
Ex.P 2 and 3	Ex.P-2 and 3 are the complaint in Form No. 1 and 2 dated: 8.3.2013 submitted by PW-1 in Karnataka Lokayukta office Original
Ex.P-4	Ex.P-4 is the complaint copy dtd: 1.6.2013 submitted by PW-1 to Deputy commissioner Bidar.
Ex.P-5	Ex.P-5 is the report dated: 28.5.2013 and documents submitted by Deputy Conservator of Forest, Bidar to Chief Executive Officer, Zilla panchayath Bidar.
Ex.P-6	Ex.P-6 is the annexure -1 submitted along with the report ( construction No. 4)
Ex.P 7	Ex.P-7 is the annexure -2 submitted along with the report ( construction No. 5)
Ex.P-8	Ex.P-8 is the annexure -3 submitted along with the report ( construction No. 3)
Ex.P-9	Ex.P-9 is the annexure -4 submitted along with the report ( construction No.7 )
Ex.P-10	Ex.P-10 is the annexure -5 submitted along with the report ( construction No. 6)
Ex.P-11	Ex.P-11 is the annexure -6 submitted along with the report ( construction No. 2)

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

DW-1	Sri. Sidramappa Patne (Now Retd), Panchayath Development Officer, Narayanapura Grama
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4.4.2014

	Panchayath, Narayanapura, Basavakalyana Taluk, Bidar District original
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**iv) List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the additional action plan under Karnataka Rural Employment Guarantee scheme for the year 2007-08
Ex.D-2	Ex.D-2 is the general report pertaining to work desilting of M.I Tank at Narayanpur Village in Basavakalyan taluk
Ex.D-3	Ex.D-3 is the application for seeking job
Ex.D-4	Ex.D-4 is the Annexure -4 pertaining to work desilting of M.I Tank additional work.
Ex.D-5	Ex.D-5 is the measurement book of minor irrigation department
Ex.D-6	Ex.D-6 is the copy of check leaf No.018109
Ex.D-7	Ex.D-7 is the bill of cost annexure -6
Ex.D-8	Ex.D-8 is the certified copy of the work under taken in the year 2009-10 and 2010-11 under MGNREGA scheme
Ex.D-9	Ex.D-9 is the work order dated: 17.2.2011
Ex.D-10	Ex.D-10 is the estimated list of tranching and dry stone wall constriction
Ex.D-11	Ex.D-11 is the muster roll of Mahatma Gandhi National Rural Employment Guarantee Act
Ex.D-12	Ex.D-12 is the details of wages credit to labourers account.
Ex.D-13	Ex.D-13 is the copy of measurement book
Ex.D-14	Ex.D-14 is the bill of cost
Ex.D-15	Ex.D-15 is the certified copy of the work under taken in the year 2009-10 and 2010-11 under MGNREGA scheme
Ex.D-16	Ex.D-16 is the work order dated: 25.11.2010
Ex.D-17	Ex.D-17 is the estimated list of tranching and dry stone wall constriction.
Ex.D-18	Ex.D-18 is the muster roll of Mahatma Gandhi National Rural Employment Guarantee Act
Ex.D-19	Ex.D-19 is the details of wages credit to labourers

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	account.
Ex.D-20	Ex.D-20 is the copy of measurement book
Ex.D-21	Ex.D-21 is the bill of cost
Ex.D-22	Ex.D-22 is the work order
Ex.D-23	Ex.D-23 is the copy of measurement book
Ex.D-24	Ex.D-24 is the 3 <sup>rd</sup> party inspection report
Ex.D-25	Ex.D-25 is the certified copy of the work under taken in the year 2009-10 and 2010-11 under MGNREGA scheme
Ex.D-26	Ex.D-26 is the detailed and abstract estimate for formation of road from Birappa Temple to Rajola road, Hulgutti village, in grama panchayath Narayanapura Basavakalyan Taluk
Ex.D-27	Ex.D-27 is the work order
Ex.D-28	Ex.D-28 is the muster roll of Mahatma Gandhi National Rural Employment Guarantee Act
Ex.D-29 to Ex.D-32	Ex.D-29 to Ex.D-32 are the copy of cheque No. 216482, 216481, 216479, 216483,
Ex.D-33 to Ex.D-37	Ex.D-33 to Ex.D-37 are the details of wages credit to labourers account.
Ex.D-38	Ex.D-38 is the bill of cost
Ex.D-39	Ex.D-39 is the 3 <sup>rd</sup> party inspection report
Ex.D-40	Ex.D-40 is the certified copy of the work under taken in the year 2010-11 and 2011-12 under MGNREGA scheme
Ex.D-41	Ex.D-41 is the work order
Ex.D-42	Ex.D-42 is the report pertaining to formation of road Nagappa Adkila Land to Kitta Road to Narayanpur Village in Basavakalyan Taluk.
Ex.D-43	Ex.D-43 is the muster roll pertaining to work - formation of road Nagappa Adkila Land to Kitta Road to Narayanpur Village in Basavakalyan Taluk.
Ex.D-44	Ex.D-44 is the bill dated: 19.3.2012
Ex.D-45	Ex.D-45 is the certificate regarding work completed.
Ex.D-46	Ex.D-46 is the letter dated: 30.11.2019 from Principal Secretary to Government RDPR to all the CEO zilla panchayath in the state.

*g.u.w*







## KARNATAKA LOKAYUKTA

No.Uplok-1/DE/754/2016/ARE-9 Multi-storeyed Building,  
Dr.B.R. AmbedkarVeedhi,  
Bengaluru, dt.19.4.2022.

### RECOMMENDATION

Sub:- Departmental inquiry against Sri. Sidramappa Patne (Now Retd), Panchayath Development Officer, Narayanapura Grama Panchayath, Narayanapura, Basavakalyana Taluk, Bidar District-reg.

- Ref:- 1) Government Order No. ಗೌಅಪ 788 ಗ್ರಾಪಂಕಾ/2016,  
Bengaluru Dated 15.12.2016.  
2) Nomination order No. Uplok-1/DE/754/2016  
Bengaluru dated: 24.12.2016 of Upalokayukta,  
State of Karnataka.  
3) Inquiry report dated 4.4.2022 of Additional Registrar  
of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.12.2016 initiated disciplinary proceedings against Sri. Sidramappa Patne (Now Retd), Panchayath Development Officer, Narayanapura Grama Panchayath, Narayanapura, Basavakalyana Taluk, Bidar 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-1/DE/754/2016 Bengaluru dated: 24.12.2016 nominated Additional Registrar of Enquiries-9, 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.

3. The DGO - Sri. Sidramappa Patne (Now Retd), Panchayath Development Officer, Narayanapura Grama Panchayath, Narayanapura, Basavakalyana Taluk, Bidar District was tried for the following charges:-

### **ANNEXURE-1**

#### **CHARGE**

While you DGO Sri. Sidramappa Patne was working as Panchayath Development Officer, Narayanapura Gama Panchayath, Basavakalyana Taluk, Bidar District;

- i) There are no signs at the spot of Desilting of M.I. Tank at Narayanapura Taalaba. No documents were also produced to substantiate desilting of M.I. Tank at Narayanapura.
- ii) No trenching and stone wall works have been carried out in Narayanapura Talaaba.
- iii) Road work from Adikile land to Kitta road has not been carried out in accordance with the estimate.



Side drains have not been constructed. Murrum has not been laid for the road.

- iv) The work in Jawahara Navodaya School has been carried out using JCB machines. Planting at Jawahara Navodaya School has not been done at proper time and therefore the plants have dried.
- v) Road work from Thanda hand pump up to land of Kashiram Rathod is of substandard. The measurement recorded in M.B. is not in accordance with the work executed. An amount of Rs.3215/- has been paid towards jungle clearance, but there is no jungle clearance.
- vi) An amount of Rs.60786/- and Rs.59,912/- has been shown as expenses towards trenching, revetment and dry stone wall. But PDO failed to identify the spot.
- vii) No documents are maintained in respect of repairs to pipeline. For small repairs excess payment is made. Repair work to pipeline is of substandard. Amount has been spent towards repairs though there was no need for repairs. No quotation has been called for the works executed.
- viii) There are no signs of forming road from land of Tukappa up to land of Chandrappa but amount has been towards said work.

ix) Asphaltting of road from Beerappa Mandira up to Rajola road has been carried out, though there was no necessity for asphaltting of road and therefore you DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966”.


4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, ‘the Disciplinary Authority has ‘proved’ the charges No.3, 5 and charge No.4 partly. And failed to prove charge No. 1, 2, 6, 7, 8 and 9 levelled against the DGO ‘Sri. Sidramappa Patne (Now Retd), Panchayath Development Officer, Narayanapura Grama Panchayath, Narayanapura, Basavakalyana Taluk, Bidar 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 of DGO furnished by the Inquiry Officer, DGO – Sri. Sidramappa Patne, is retired from service on 31.3.2013.
7. Having regard to the nature of charge ‘proved’ charges No.3, 5 and charge No.4 partly. And failed to prove charge No. 1,

2, 6, 7, 8 and 9 levelled against the DGO 'Sri. Sidramappa Patne and on consideration of the totality of circumstances-,

'it is hereby recommended to the Government to impose penalty of 'withholding 20% of the pension payable to DGO Sri. Sidramappa Patne' and recover and credit to the Government a sum of Rs. 3215/- which is falsely shown to have been paid to jungle clearance'.

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

Connected records are enclosed herewith.

  
19/4/22  
**(JUSTICE K.N.PHANEENDRA)**  
Upalokayukta-2,  
State of Karnataka.

