

**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/818/2017/ARE-13

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-560001.  
Date: 24/09/2020**: Present:****Patil Mohankumar Bhimanagouda**Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Enquiry against,  
Sri M.S. Chandru, Panchayath  
Development Officer, Irasawadi Grama  
Panchayath, Irasawadi, Chamarajanagara  
District (Presently at Ummathuru Grama  
Panchayath, Chamarajanagara Taluk and  
District)

**Ref :-**1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/MYS/1978/2014/DRE-4,  
dated:21/04/2017.

2) Govt. Order No. ಗ್ರಾಅಪ/446/ಗ್ರಾಪಂಚಾ/2017,  
Bengaluru, dated:15/06/2017.

3) Nomination Order No.UPLOK-2/DE/  
818/2017, Bengaluru, dated:  
27/06/2017.

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1. This departmental enquiry is directed against Sri M.S. Chandru, Panchayath Development Officer, Irasawadi Grama Panchayath, Irasawadi, Chamarajanagara Taluk and District (herein after referred to as the Delinquent Government Official in short "DGO").

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 27/06/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-10 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. The Additional Registrar Enquiries-10 prepared Articles of Charges, 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 Charges. Copies of same were issued to the DGO calling upon him to appear before this authority and to submit written statement of his defence.
4. As per order bearing No. Uplok-1 & 2/DE/Transfers/2020 of Registrar, Karnataka Lokayukta dated : 28/05/2020 this enquiry file was transferred from ARE-10 to ARE-13.
5. The Articles of Charges framed by ARE-10 against the DGO is as below:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ-1

6. ಆ.ಸ.ನೌ ಶ್ರೀ.ಎನ್.ಎಸ್. ಚಂದ್ರು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಇರಸವಾಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ ಜಿಲ್ಲೆ ಆದ ನೀವು ಗಂಗವಾಡಿ ಕೆರೆ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ

ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲ ರೂ.2,43,000/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ದಾಖಲಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಿದ್ದೀರಿ ಹಾಗೂ ಇದರ ಪೈಕಿ ರೂ.1,15,590/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಗಂಗವಾಡಿ ಗ್ರಾಮದ ಚರಂಡಿ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂ.49,510/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ನಮೂದಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಿ ಇದರ ಪೈಕಿ ರೂ.24,750/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಗೆ ಎಂ.ಐ.ಎಸ್ ನಲ್ಲ ದಾಖಲಾಗಿರುವ ಪ್ರಕಾರ ಪೂರ್ಣ ಹಣವನ್ನು ಸಂದಾಯ ಮಾಡದೆ ನೀವು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

### ಅನುಬಂಧ-2

#### ದೋಷಾರೋಪಣೆಯ ವಿವರ

#### (ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

7. **ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:** 2011-12ನೇ ಸಾಲಿನ ಮಹಾತ್ಮೆ ಗಾಂಧಿ ರಾಷ್ಟ್ರೀಯ ಗ್ರಾಮೀಣ ಉದ್ಯೋಗ ಖಾತ್ರಿ ಯೋಜನೆಯಡಿ ಇರಸವಾಡಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಗಂಗವಾಡಿ ಕೆರೆ ಹೊಳೆತ್ತುವ ಕಾಮಗಾರಿ ಹಾಗೂ ಗಂಗವಾಡಿ ಚರಂಡಿ ಹೊಳೆತ್ತುವ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕೂಲಿ ಕಾರ್ಮಿಕರ ಹಣವನ್ನು ಆ.ಸ.ನೌಕರರು ಸಂದಾಯ ಮಾಡಿರುವುದಿಲ್ಲವೆಂದು, ಈ ಬಗ್ಗೆ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ಚಾಮರಾಜನಗರ ರವರಿಗೆ ದೂರು ಸಲ್ಲಿಸಲಾಗಿ, ಸದರಿಯವರು ಆ.ಸ.ನೌಕರರನ್ನು ಅಮಾನತ್ತುಗೊಳಿಸಿದ್ದು, ನಂತರ ಸದರಿಯವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತ್ಯಾ ಯಾವುದೇ ವಿಚಾರಣೆ ನಡೆಸದೇ ಪುನಃ ಕೆಲಸಕ್ಕೆ ನೇಮಿಸಿಕೊಂಡಿರುತ್ತಾರೆಂದು ಆರೋಪಿಸಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ

ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಿರುವ ಅಧಿಕಾರ ಚಲಾಯಿಸಿ, ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಂಡು ತನಿಖೆ ಮಾಡಿದೆ.

8. ಅನಂತರ ಸದರಿ ದೂರಿನ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಸದರಿ ಸಂಸ್ಥೆಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ (ಇನ್ನು ಮುಂದೆ ತನಿಖಾಧಿಕಾರಿ ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ಇವರಿಗೆ ವಹಿಸಿದ್ದು ಸದರಿಯವರು ದೂರಿನ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಸಹಾಯಕ ಲೆಕ್ಕಾಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ ಇವರಿಗೆ ವಹಿಸಿದ್ದು, ಸದರಿಯವರು ದಿನಾಂಕ: 28/04/2017 ರಂದು ತಮ್ಮ ವರದಿಯನ್ನು ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ ರವರಿಗೆ ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ವರದಿಯನ್ನು ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ ರವರು ಒಪ್ಪಿ ತಮ್ಮ ಷರಾದೊಂದಿಗೆ ತಮ್ಮ ವರದಿಯನ್ನು ದಿನಾಂಕ: 15/03/2017 ರಂದು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

9. ತನಿಖಾಧಿಕಾರಿಗಳು ತಮ್ಮ ವರದಿಯಲ್ಲಿ :

- ಗಂಗವಾಡಿ ಕೆರೆ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲ ರೂ.2,43,000/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ದಾಖಲಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಲಾಗಿದೆ ಎಂತಲೂ ಇದರ ಪೈಕಿ ರೂ.1,15,590/- ಗಳನ್ನು ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಮಾತ್ರ ಪಾವತಿಸಲಾಗಿದೆ ಮತ್ತು
- ಗಂಗವಾಡಿ ಗ್ರಾಮದ ಚರಂಡಿ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂ.49,500/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ನಮೂದಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಲಾಗಿದ್ದು ಇದರ ಪೈಕಿ ರೂ.24,750/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸಲಾಗಿದೆ ಮತ್ತು ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಎಂ.ಐ.ಎಸ್ ನಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಪ್ರಕಾರ ಪೂರ್ಣ ಹಣ ಸಂದಾಯವಾಗಿರುವುದಿಲ್ಲ.

10. ತನಿಖಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವರದಿಯನ್ನು ಆ.ಸ.ನೌಕರರಿಗೆ ಕಳುಹಿಸಿ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಲಾಗಿದ್ದು, ಸದರಿಯವರು ಈ ಕಚೇರಿಯಿಂದ ಕಳುಹಿಸಲಾದ ಪತ್ರವನ್ನು ಸ್ವೀಕರಿಸಿದರೂ ಸಹಾ, ಯಾವುದೇ ಪೂರಕ ದಾಖಲಾತಿಗಳನ್ನು ನಿಗದಿತ ದಿನಾಂಕದೊಳಗಾಗಿ ಸಲ್ಲಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ಸದರಿ ಪ್ರಕರಣದಲ್ಲ ಆ.ಸ.ನೌಕರರ ಉತ್ತರ ಹಾಗೂ ದಾಖಲಾತಿಗಳು ಇರುವುದಿಲ್ಲವೆಂದು ಪರಿಗಣಿಸಲಾಗಿದೆ.

11. ದೂರಿನಲ್ಲಿ ಇರುವ ಆಪಾದನೆಗಳು, ಆ.ಸ.ನೌಕರರ ಅಕ್ಷೇಪಣೆಗಳು ಹಾಗೂ ತನಿಖಾ ವರದಿಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ ಆ.ಸ.ನೌಕರರು ಈ ಕೆಳಕಂಡಂತೆ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

- ಆ.ಸ.ನೌಕರರು ಗಂಗವಾಡಿ ಕೆರೆ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ರೂ.2,43,000/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ದಾಖಲಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಿರುತ್ತಾರೆ ಹಾಗೂ ಇದರ ಪೈಕಿ ರೂ.1,15,590/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.
- ಆ.ಸ.ನೌಕರರು ಗಂಗವಾಡಿ ಗ್ರಾಮದ ಚರಂಡಿ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂ.49,510/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ನಮೂದಿಸಿ ಎಂ.ಐ.ಎಸ್ ಮಾಡಲಾಗಿದ್ದು ಇದರ ಪೈಕಿ ರೂ.24,750/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.
- ಮೇಲ್ಕಂಡ ಸದರಿ ಕಾಮಗಾರಿಗಳಿಗೆ ಎಂ.ಐ.ಎಸ್ ನಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಪ್ರಕಾರ ಪೂರ್ಣ ಹಣವನ್ನು ಆ.ಸ.ನೌಕರರು ಸಂದಾಯ ಮಾಡದೇ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

12. ದೂರುದಾರರ ದೂರು ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿಗಳ ವರದಿ ಹಾಗೂ ಕಡತದಲ್ಲಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಮೇಲ್ನೋಟಕ್ಕೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, ಆ.ಸ.ನೌಕರರು ಸರ್ಕಾರಿ/ಸಾರ್ವಜನಿಕ ಸೇವಕರಾಗಿದ್ದು ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

13. ಆದುದರಿಂದ ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಆಧಾರಗಳಿಂದ ಆ.ಸ.ನೌಕರರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966 ರ ನಿಯಮ 3(1) (ii) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ,

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3)ರ ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ಪರ್ಗೀಕರಣ, ನಿಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ(1) ರ ಆದೇಶದಲ್ಲ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು (ವಿಚಾರಣೆಗಳು-10) ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

14. The DGO appeared before this Enquiry Authority on 15/09/2017 and on the same day his 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 his written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that he has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, prayed to exonerate him from the charges framed in this case.

15. In order to substantiate the charge, the Disciplinary Authority examined two witnesses as PW-1 and PW-2 and got marked the documents at Ex.P-1 to P-13 and closed the evidence.

16. 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 he has submitted that, the witnesses have deposed falsely against him. The DGO got examined himself as DW-1 and closed his side. Since the DGO got himself examined as DW-1, the questioning of the DGO as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was dispensed.

17. The Advocate for DGO filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

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

**Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO Sri M.S. Chandru while working as Panchayath Development Officer, Irasawadi Grama Panchayath, under the MGNREGA Scheme Rs.5 lakhs was sanctioned for de-silting of Gangawadi lake of Gangawadi Village and in this regard Rs.2,43,000/- was shown to have been paid to the labourers in the M.B. Book and MIS (Management Information System) was done**

*online, which means that Rs.2,43,000/- was paid to unskilled labourers, however the DGO had paid the wages of Rs.1,15,590/- only and remaining amount i.e 3<sup>rd</sup> and 4<sup>th</sup> installments of wages was not paid to the labourers and thereby the DGO failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

*Point No-2) Whether the Disciplinary Authority has further proved that the DGO Sri M.S. Chandru while working as Panchayath Development Officer, Irasawadi Grama Panchayath, under the MGNREGA Scheme Rs.50,000/- was sanctioned for de-silting of drainages in Gangawadi Village and Rs.49,510/- was shown to have been paid to the labourers in the M.B. Book and MIS (Management Information System) was done online, however the DGO had paid only Rs.24,750/- and the balance amount was not paid to the labourers and thereby the DGO failed to maintain absolute integrity and devotion to duty, which*



***act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.***

19. My finding on the point No-1 and 2 are held in the **“Affirmative”** for the following:

**:: REASONS ::**

20. **Point No-1 and 2:-** I take both these points for common consideration because the facts and evidence are common. It will avoid repetition of facts and evidence.

The complainant has been examined as PW-1. He has reiterated the facts stated in the complaint. He states that he knows the DGO and he was working as PDO of Irasawadi Grama Panchayath in the year 2011-12. He further states that, under the MGNREGA scheme Rs.5 lakhs was released by the Government for de-silting of Gangawadi lake and Rs.50,000/- was released for de-silting of drainages in Gangawadi Village. The work was to be carried out by engaging the unskilled labourers. He further states that the above referred works were carried out by the unskilled labourers. But the DGO has not paid the full wages of the labourers.

21. He further states that in the Grama Panchayath a Measurement Book is maintained. In this regard MIS (Management Information System) was also done online, but full payment was not made to the labourers. PW-1 further states that he approached the Taluka Executive Officer, Chamarajanagara in this regard. Though the Taluka Executive Officer orally instructed the DGO to pay the wages to the labourers and also issued three notices to the DGO in this regard, the DGO did not pay the balance wages to the labourers. The complainant further states that, he approached the Ombudsman of Zilla Panchayath, Chamarajanagara. Though the Ombudsman issued two notices, the DGO did not pay the balance wages to the labourers. The Ombudsman reported the matter to Chief Executive Officer, Zilla Panchayath, Chamarajanagara. He further states that the Chief Executive Officer, Chamarajanagara suspended the DGO. The complainant further states that inspite of approaching the Ombudsman, Zilla Panchayath, Chamarajanagara the balance of wages were not paid to the labourers. Hence he lodged the complaint as per Ex.P-1, Form No.I and II are at Ex.P-2 and Ex.P-3. Ex.P-4 is the letter of Ombudsman addressed to the Joint Director, RDPR Department. Ex.P-5 is the copy of suspension order of DGO. Ex.P-6 is the copy of proceedings of Irasawadi Grama Panchayath. Ex.P-7 is the letter of Irasawadi Grama Panchayath to the Chief Executive Officer, Zilla Panchayath, Chamarajanagara. Ex.P-8 is the copy of resolution of Irasawadi Grama Panchayath. Ex.P-9 is the rejoinder submitted by the complainant.

22. PW-2 Dr. Premkumar S/o Siddaiah was the incharge Executive Officer, Taluk Panchayath, Chamarajanagara. He states that he was working as Executive Officer, Taluk Panchayath, Chamarajanagara from 23/11/2016 to 01/06/2017. He further states that as per the directions of this institution to investigate into the matter, he directed the Assistant Accounts Officer, Taluka Panchayath, Chamarajanagara to investigate into the allegations against the DGO and to submit the report. The said officer has investigated into the matter and submitted his report. He identifies the report of the Assistant Accounts Officer which is at Ex.P-10. He further states that he has submitted his report to this institution which is at Ex.P-11.

23. PW-2 further states that under the MGNREGA (Mahatma Gandhi National Rural Employment Guarantee scheme) for the year 2011-12, the de-silting of the village tank and drainage works of Gangawadi Village were taken up. He further states that, he has gone through the report at Ex.P-10 and Measurement Book pertaining of these works. He has found that with respect to de-silting of Gangawadi tank in the Measurement Book Rs. 2,43,000/- is recorded and MIS (Measurement Information System) is also done online. However Rs.1,15,590/- only was paid to the labourers. The third installment of Rs.75,000/- and fourth installment of Rs.68,250/- was not paid towards the wages of the labourers and materials.

24. PW-2 further states that in respect of de-silting of drainages in Gangawadi Village, in the Measurement Book Rs.49,510/- is recorded and MIS (Measurement Information System) is done online. However out of the total amount of Rs. 49,510/- part of the wages i.e Rs.24,750/- only is paid to the labourers. The balance amount has not been paid to the labourers. He further states that as per the rules under MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) once MIS (Measurement Information System) is done online the payment has to be made immediately or at the earliest. He has produced the true copy of the Measurement Book which is at Ex.P-12 and he also produced Muster Roll copy which is at Ex.P-13.

25. After closure of the evidence the Disciplinary Authority the DGO has got himself examined as DW-1. He submits that he has not committed any misconduct or dereliction of duty and charges leveled against him are false and baseless. He further states that the complainant has lodged a false complaint and the allegations leveled against him are all false and baseless. Hence he prays for exonerating him from the charges leveled against him.

26. DW-1 in support of his contentions has produced the following documents. Ex.D-1 are the comments of the DGO. Ex.D-2 is the second comments of the DGO. Ex.D-3 is the written statement of the DGO. Ex.D-4 is the Xerox copy of questions and answers of frequently asked questions in respect of MGNREGA (Mahatma

Gandhi National Rural Employment Guarantee Scheme),  
Karnataka.

27. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority and also the evidence of DGO. The complainant Sri Chikkaraju S/o Chikkaiah has lodged the complaint that the DGO has not paid the full wages of the labourers who had worked under the MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) i.e de-silting of Gangawadi tank and de-silting of drainages in Gangawadi Village. After the complaint was lodged to this institution the Chief Executive Officer, Taluka Panchayath, Chamarajanagara was directed to investigate into the matter and submit his report. Accordingly the Executive Officer, Taluka Panchayath, Chamarajanagara/PW-2 has appointed the Assistant Accounts Officer, Taluka Panchayath, Chamarajanagara, Sri Devanayak as the Investigation Officer. The Assistant Accounts Officer has visited the Irasawadi Grama Panchayath, and investigated into the matter. He has collected the documents and recorded the statements. He has submitted his report which is at Ex.P-10. The Investigation Officer has categorically stated that Rs.5 lakhs was sanctioned for de-silting of Gangawadi tank. In the Measurement Book bearing No.19449 1<sup>st</sup> installment of Rs.15,250/- is recorded as paid to the labourers. The second installment of Rs.49,500/- is recorded as paid to the labourers and for the purchase of materials Rs.15,840/- is paid. The Investigation Officer

further states that the third bill for Rs.75,000/- is recorded in page no.69 of Measurement Book No.19449. With regard to this 3<sup>rd</sup> bill it was updated online through MIS (Management Information System). Similarly the 4<sup>th</sup> bill for an amount of Rs.68,250/- is recorded in page No.74 of Measurement Book No.19449. The Investigation Officer further states that this 3<sup>rd</sup> installment bill of Rs.75,000/- and 4<sup>th</sup> installment of Rs.68,250/- have not been paid to the labourers. The Investigation Officer has further stated that once the 3<sup>rd</sup> and 4<sup>th</sup> bills are recorded in the Measurement Book and it is updated online through MIS (Management Information System), the payments have to be made immediately to the labourers. The Investigation Officer has categorically stated that the DGO has not paid the 3<sup>rd</sup> and 4<sup>th</sup> installment of wages to the labourers.

28. The Investigation Officer further states that under the MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Scheme) the de-silting of drainages in Gangawadi Village were taken up and an amount of Rs.50,000/- was sanctioned for the said work. In the Measurement Book bearing No.19449, at page no.12 and 13 it has been recorded that Rs.24,750/- has been paid to the unskilled labourers. He further states that the second bill for Rs.24,750/- has been recorded in the Measurement Book at page no.25. However the 2<sup>nd</sup> bill of Rs.24,750/- has not been paid to the labourers. The Investigation Officer further states that the 2<sup>nd</sup> bill

for Rs.24,750/- has been updated online in the MIS (Management Information System).

29. On careful perusal of the oral evidence of PW-2 and the report of the Investigation Officer at Ex.P-10 and also the report of PW-2 that is Ex.P-11, it reveals that the DGO has not made the payments with regard to the 3<sup>rd</sup> and 4<sup>th</sup> bills pertaining to de-silting of Gangawadi tank. Similarly the DGO has not paid the 2<sup>nd</sup> installment of wages of Rs.24,750/- pertaining to de-silting of drainages of Gangawadi Village. The Investigation Officer has categorically stated that once the payments are recorded in the Measurement Book and it is updated online in the MIS (Management Information System), the payments have to be made by the DGO immediately or at the earliest. However the DGO has not made the payments of the unskilled labourers with regard to the de-silting of Gangawadi lake and de-silting of drainages of Gangawadi Village. It is pertinent to note that though in Measurement Book at page No.69 the 3<sup>rd</sup> bill of Rs.75,000/- was recorded and it was updated online in the MIS (Management Information System) the 3<sup>rd</sup> bill of Rs.75,000/- has not been paid to the labourers. Similarly the 4<sup>th</sup> bill for Rs.68,250/- has been recorded in page No.74. However the 3<sup>rd</sup> and 4<sup>th</sup> bill have not been paid to the labourers though it was updated online in the MIS (Management Information System) and the funds were available. Similarly the 2<sup>nd</sup> bill pertaining to de-silting of drainages in Gangawadi Village for an amount of Rs.24,750/- has been

recorded in page no.20 of Measurement Book. It has been up dated online in the MIS (Management Information System). When the wages have been recorded in the Measurement Book and they have been up dated online through MIS (Management Information System) the wages of the labourers has to paid immediately or at the earliest. However, the DGO has not made the payment of the labourers. The DGO has not paid the 3<sup>rd</sup> and 4<sup>th</sup> bills pertaining to de-silting of Gangawadi lake. The DGO has also not paid the 2<sup>nd</sup> bill of de-silting of drainages of Gangawadi Village. Another important aspect to be noted is that the DGO did not pay the wages even though he was directed by the Chief Executive Officer, Zilla Panchayath, Chamarajanagara. Hence the Chief Executive Officer, Zilla Panchayath, Chamarajanagara has kept the DGO under suspension by the order dated: 14/02/2014. The copy of the said order is at Ex.P-5.

30. I have carefully gone through the oral evidence of DGO/DW-1 and the documents produced by him at Ex.D-1 to Ex.D-4. However, I am of the opinion that, these documents are of no help to the DGO to exonerate him. On the other hand the report of the investigation officer and the report of PW-2 Executive Officer, Taluka Panchayath, Chamarajanagara clearly reveal that the DGO has not paid the wages of the labourers.

31. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority. I am of the opinion that



the DGO has committed misconduct and dereliction of duty by not paying the 3<sup>rd</sup> and 4<sup>th</sup> installment of wages with regard to de-silting of Gangawadi lake. Similarly the DGO has not paid the 2<sup>nd</sup> installment of wages to the labourers pertaining to the de-silting of drainages of Gangawadi Village. I have carefully gone through the copies of the Measurement Book at Ex.P-12 and the reports at Ex.P-10 and Ex.P-11. Though the 3<sup>rd</sup> and 4<sup>th</sup> installments of wages pertaining to de-silting of Gangawadi lake and 2<sup>nd</sup> installment of wages pertaining to de-silting of drainages of Gangawadi Village were recorded in the Measurement Book and it was up dated online in the MIS (Management Information System) and the funds were available for paying the wages the DGO has not paid the wages to the labourers. Once the wages are recorded in the Measurement Book and up dated online in the MIS (Management Information System) the wages have to be paid to the labourers immediately.

32. The evidence of PW-2 and the reports at Ex.P-10 and Ex.P-11 are believable because there is nothing on record to doubt the veracity of the reports at Ex.P-10 and Ex.P-11. The evidence of PW-2 places the actual facts on record. Though PW-2 has been cross examined at length there is no material to disbelieve or discredit his version. The evidence of PW-2 and the reports at Ex.P-10 and Ex.P-11 therefore deserve to be believed. Hence, I believe the reports at Ex.P-10 and Ex.P-11. The Investigation Officer has categorically stated that the DGO has not paid the

above referred wages to the labourers. Hence, I am of opinion that the conduct of the DGO in not paying the wages to the labourers amounts to misconduct.

33. 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 charges leveled against the DGO are established. Hence, I answer point No.1 and 2 in the "Affirmative".

**:: ORDER ::**

***The Disciplinary Authority has proved the charges against the DGO Sri M.S. Chandru, Panchayath Development Officer, Irasawadi Gram Panchayath, Irasawadi, Chamarajanagara Taluk and District.***

34. 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 24<sup>th</sup> day of September 2020**

**(Patil Mohankumar Bhimanagouda)**

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

### ANNEXURES

<b>Witness examined on behalf of the Disciplinary Authority</b>
PW-1: Sri Chikkaraju (Original)
PW-2: Dr. Premakumar (Original)
<b>Witness examined on behalf of the Defence</b>
DW-1 : Sri M.S. Chandru (Original)
<b>Documents marked on behalf of the Disciplinary Authority</b>
Ex. P-1: Complaint (Original) Ex. P-1(a): Signature of the complainant.
Ex.P-2: Form No-I (Original) Ex. P-2(a): Signature of the complainant.
Ex.P-3: Form No-II (Original) Ex. P-3(a): Signature of the complainant.
Ex.P-4: The letter of Ombudsman addressed to the Joint Director, RDPR Department (Attested True copy)
Ex. P-5: The copy of suspension order of DGO (Attested True copy)
Ex.P-6: The copy of proceedings of Irasawadi Grama Panchayath (Xerox)
Ex.P-7: The letter of Irasawadi Grama Panchayath to the Chief Executive Officer, Zilla Panchayath, Chamarajanagar ( Attested True copy)
Ex.P-8: The copy of resolution of Irasawadi Grama Panchayath (Attested True copy)
Ex. P-9: The rejoinder submitted by the complainant (Original) Ex. P-9(a): Signature of the complainant.
Ex.P-10: The report of I.O (Xerox) Ex. P-10(a): Signature of the I.O.

Ex. P-11: The I.O has submitted his report to this institution (Original)
Ex. P-11(a): Signature of the I.O.
Ex.P-12: The copy of the Measurement Book (Certified copies)
Ex.P-13: The copy of Muster Roll (Xerox copies)
<b>Documents marked on behalf of the DGO</b>
Ex.D-1: The comments of the DGO (Original).
Ex.D-2: The second comments of the DGO (Original)
Ex.D-3: The written statement of the DGO (Xerox copies)
Ex.D-4: The Xerox copy of questions and answers of frequently asked questions in respect of MGNREGA, page no.104-111 xerox copies, page no.112 True copy, page no.113-118 Notary copies, page no. 119 True copy.

**Dated this the 24<sup>th</sup> day of September 2020**

**(Patil Mohankumar Bhimanagouda)**

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/818/2017/ARE-13

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 25.09.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri M.S.Chandru, the then Panchayath Development Officer, Irasawadi Gram Panchayath, Chamarajanagar District- reg.

Ref:- 1) Government Order No.RDP 446 GPS 2017 dated 15.06.2017.

2) Nomination order No. UPLOK-2/DE/818/2017 dated 27.06.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 24.09.2020 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.06.2017 initiated the disciplinary proceedings against Shri M.S.Chandru, the then Panchayath Development Officer, Irasawadi Gram Panchayath, Chamarajanagar 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/818/2017 dated 27.06.2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by order dated 28.05.2020, Additional Registrar of Enquiries-13 was re-nominated as Inquiry Officer to continue the said departmental inquiry.

3. The DGO - Shri M.S.Chandru, the then Panchayath Development Officer, Irasawadi Gram Panchayath, Chamarajanagar District, was tried for the following charges :-

“ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಶ್ರೀ ಎನ್.ಎಸ್.ಚಂದ್ರು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಇರಸವಾಡಿ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಚಾಮರಾಜನಗರ ಜಿಲ್ಲೆ ಆದ ನೀವು ಗಂಗವಾಡಿ ಕೆರೆ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲ ರೂ.2,43,000/- ಗಳಿಗೆ ಅಳತೆಯನ್ನು ದಾಖಲಿಸಿ ಎಂ.ಐ.ಎಸ್.ಮಾಡಿದ್ದೀರಿ ಹಾಗೂ ಇದರ ಪೈಕಿ ರೂ.1,15,590/-ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಗಂಗವಾಡಿ ಗ್ರಾಮದ ಚರಂಡಿ ಹೂಳು ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರೂ.49,510/-ಗಳಿಗೆ ಅಳತೆಯನ್ನು ನಮೂದಿಸಿ ಎಂ.ಐ.ಎಸ್.ಮಾಡಿ ಇದರ ಪೈಕಿ ರೂ.24,750/- ಗಳನ್ನು ಮಾತ್ರ ಕೂಲಿ ಕಾರ್ಮಿಕರಿಗೆ ಪಾವತಿಸುವ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಮೇಲ್ಕಂಡ ಕಾಮಗಾರಿಗಳಿಗೆ ಎಂ.ಐ.ಎಸ್.ನಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಪ್ರಕಾರ ಪೂರ್ಣ ಹಣವನ್ನು ಸಂದಾಯ ಮಾಡದೆ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿದ್ದೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1)(i) ಮತ್ತು (iii)ರ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Shri M.S.Chandru, the then Panchayath Development Officer, Irasawadi Gram Panchayath, Chamarajanagar District, is 'proved'.

5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri M.S.Chandru is due for retirement on 30-04-2027.

7. Having regard to the nature of charge 'proved' against the DGO - Shri M.S.Chandru, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding three annual increments payable to DGO Shri M.S.Chandru, with cumulative effect.'

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

Connected records are enclosed herewith.

*Justice B.S. Patil*  
25/9/20

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

BS\*