

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE 995/2017/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:24.3.2022**:: ENQUIRY REPORT ::**

25.3.2022

**:: Present ::****( Pushpavathi.V )**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.Sub: Departmental enquiry against **(1) Sri. G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District** and another person- reg.Ref: 1) Government Order No.ಗ್ರಾಅಪ 208 ಎಸೇಬಿ 2017  
ಬೆಂಗಳೂರು ದಿ: 29.8.20172) Nomination Order No: UPLOK-1/DE 995/2017  
Dtd.6.9.2017 of Hon'ble Upalokayukta,  
Bengaluru.

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This Departmental Enquiry is initiated against **(1) Sri. G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District ( "DGO-1" )** and another person.

25.3.2022

2) In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 6.9.2017 cited at reference No.2 has nominated Additional Registrar of Enquiries-9 to frame charges and conduct the inquiry against the aforesaid DGO-1 and another person. Additional Registrar of Enquiries-9 has prepared Article 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 on in support of the charges. The copies of the same were issued to the DGO-1 and another person calling upon them to appear before the Inquiry Officer and to submit their written statement.

3. The Article of charges issued by the ARE-9 relating to the above DGO-1 is as follows:

**ANNEXURE-I**

**CHARGE**

You DGOs -

In Banniganur village Ramathnal gram panchayath, the estimate for desilting (ಹಾಳೆತ್ತುವುದು) of Nala from Sy.No.95 to Ramathnala at Banniganur Village is Rs.5,00,000/-

In the M.B. 244 page No.76 measurement has been recorded on 2.11.2015 in respect of work carried out by labourers for the period from 13.10.2015 to

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27.10.2015, payment of Rs.1,56,495/- has been recorded. But as seen from Muster Roll, amount has been paid to the labourers only on 18.11.2015. Therefore there is delay of making payment to the labourers though payment is recorded in the M.B. on 2.11.2015 which amount to temporary misappropriation of amount.

In the M.B. 161 page No.14 measurement has been recorded on 30.12.2015 in respect of work carried out by labourers for the period from 15.12.2015 to 29.12.2015, payment of Rs.1,98,934/- has been recorded. But as seen from Muster Roll, amount has been paid to the labourers only on 4.3.2016. Therefore there is delay of making payment which amount to temporary misappropriation of amount.

No records to show how balance amount out of Rs.5,00,000/- sanctioned in the estimate has been spent or whether it has been returned and the same is not explained by you. Above lapses amount to dereliction of duty.

thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

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4) At the stage of recording FOS of DGO No. 1, he has filed Application No. 6859/2017 before Hon'ble KAT and obtained stay order. A Note No.LOK/LC/KAT/147/2018-19 dated: 11.11.2021 received from chairman, Legal Cell-2 stating that the Hon'ble KSAT, Kalaburagi allowed the KAT application No. 6859/2017 filed by Sri. G.M.Basanna in connection with DE No. UPLOK-1/DE/995/ 2017/ARE-9. Further this authority has decided not to challenge the order of the Hon'ble KSAT.

5) Further Government order No. ಗ್ರಾಅಪ 92 ಎಸೇಬಿ 2021 ಬೆಂಗಳೂರು ದಿ: 7.2.2022 received from Deputy Secretary (Aa-2) to Government, RDPR, stating that the departmental enquiry entrusted to Hon'ble Upalokayukta vide government order No. ಗ್ರಾಅಪ 208 ಎಸೇಬಿ 2017 ಬೆಂಗಳೂರು ದಿ: 29.8.2017 is withdrawn in respect of DGO No.1 Sri.G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District.

6) As per legal opinion Note dtd: 11.11.2021, furnished in this case, it has been decided that this is not a fit case to file writ petition before Hon'ble High court of Karnataka challenging the order passed by Hon'ble KSAT in Application No. 6859/2017 dated: 28.6.2021 and further the competent authority has also withdrawn the departmental enquiry initiated against the DGO NO. 1 Sri.G.M.Basanna, vide No. ಗ್ರಾಅಪ 92 ಎಸೇಬಿ 2021 ಬೆಂಗಳೂರು ದಿ: 7.2.2022.

7) In view of the above orders this inquiry stands closed in respect of DGO No. 1 Sri.G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District

24.3.2022

8) This report is submitted to Hon'ble  
Upalokayukta-2 for further action.

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24.3.20*

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

ii) List of Documents enclosed

Sl. No.	Particulars
1	Government Order No. ಗ್ರಾಅಪ 208 ಎಸೇಬಿ 2017 ಬೆಂಗಳೂರು ದಿ: 29.8.2017 Xerox
2	Nomination Order No: UPLOK-1/DE 995/2017 Dtd.6.9.2017 of Hon'ble Upalokayukta, Bengaluru Xerox
3	Article of charge No. UPLOK-1/DE 995/2017 dated: 16.11.2017 Xerox
4.	Note No. LOK/LC/KAT/147/2018-19 dated: 11.11.2021 of Chairman, Legal Cell-2, Karnataka Lokayukta Bengaluru along with Legal opinion dated: 4.11.2021, final order dated: 28.6.2021 in application No. 6859/2017 passed by Hon'ble KAT
5.	Government order No. ಗ್ರಾಅಪ 92 ಎಸೇಬಿ 2021 ಬೆಂಗಳೂರು ದಿ: 7.2.2022 of Deputy Secretary (Aa-2) to Government, RDPR, Bengaluru Xerox

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(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.995/2017/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 25.03.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District and another - reg.

Ref:- 1) Government Order No. RDP 208VSB 2017  
Dated 29.08.2017.

2) Nomination order No. UPLOK-1/DE.995/2017 dated 06.09.2017 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 25.03.2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 29.08.2017 initiated the disciplinary proceedings against Sri G.M.Basanna, the then Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur District and another, [hereinafter referred to as Delinquent Government officials, for short as 'DGOs 1 and 2' respectively ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE.995/2017 dated 06.09.2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.
3. The Inquiry Officer (Additional Registrar of Enquiries- 9) has submitted that, at the stage of recording First Oral Statement, the DGO 1 Sri G.M.Basanna filed Application No.6859/2017 before Hon'ble KAT and the Hon'ble KAT by its order dated 28.06.2021, has set aside the order of entrustment of enquiry against the DGO.1.
4. This Institution has taken a decision not to file writ petition before Hon'ble High Court challenging the order passed by the KAT in A.No.6859/2017 dated 28.06.2021.
5. Therefore, in view of order passed by the KAT, the enquiry initiated against DGO Sri G.M.Basanna, the then



Executive Officer, Taluk Panchayath, Sindhanur Taluk, Raichur  
District, stands closed.

6. The enquiry against DGO 2 Smt.Asha is being continued.

*B.S. Patil 28/3/22*  
**(JUSTICE B.S.PATIL)**  
Upalokayukta-2,  
State of Karnataka.

