Print

Karnataka Lokayukta

(Under Section 7 of the Karnataka Lokayukta Act, 1984)

CASE

NUMBER COMPT/LOK/BD/1531/2018

District: Davangere

BY:

1. SUO MOTO,

As per the Order of Honble Lokayukta Date: 28/05/2018

COMPLAINANT/S

AGAINST:

1. R.G. POOJA.

First Division Assistant, Zilla Panchayath, DAVANAGERE.

2. BASAVARAJAPPA H.

Manager(Admn), Zilla Panchayath, DAVANAGERE.

3. G.S. SHADASKSHARAPPA,

Deputy Secretary, Zilla Panchayath, DAVANAGERE.

4. H.S. MADAPPA,

The Then First Division Assistant, Zilla Panchayath, DAVANAGERE. (Now Retired)

5. CHIEF EXECUTIVE OFFICER,

Zilla Panchayath, DAVANAGERE.

RESPONDENT/S

Allegation/Grievance Dereliction of Duty.

Received From:

By Misc/1782/2017/ARLO-4

Received On:

28-05-2018

Seal and Signature

Complaint stands

allotted to:

SRAPP1

SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA: BENGALURU

Date: 28-05-2018

ORDER

A petition (anonymous) dated Nil, stated to have been sent by Sri. A.K.Anjinappa, Sri. O. Sannabasappa and others alleging that one Sri. H.S.Madappa, First Division Assistant, Zilla Panchayat, Davanagere, though had retired on superannuation on 31-05-2017, he had refused to hand over charge to one Smt. R.G. Pooja, who was required to take charge, and he continued to discharge official duties as First Division Assistant in the said office till 01-08-2017 and while so functioning as First Division Assistant, he has misused official position, etc.

2. The allegations made in the said petition was referred to by me to the Additional Director General of Police, Karnataka Lokayukta, Bengaluru (hereinafter referred to as 'the ADGP' for short), to get an enquiry conducted by the Police of Karnataka Lokayukta, Davanagere. Accordingly, the ADGP referred the matter to the Superintendent of



Police, Karnataka Lokayukta, Davanagere, who conducted an enquiry, has sent his report dated 06/08-08-2017 interalia reporting that the allegations made in the complaint are prima-facie correct. In the report, it is stated that Assistant, Zilla Division H.S.Madappa, First Sri. Panchayat, Davanagere, though he had retired on 31-05-2017, he had failed to hand over charge to Smt. R.G.Pooja, First Division Assistant and continued to work even after attaining the age of superannuation on 31-05-2017 till 01-08-2017. It is further pointed out that, though Smt. R.G.Pooja, First Division Assistant, was required to take charge from Sri. H.S.Madappa, First Division Assistant, she has failed to take charge. It is also reported in this connection that Sri. G.S. Shadaksharappa, Deputy Secretary and Sri. H. Basavarajappa, Manager, Davanagere, have failed to take Zilla Panchayat, order the implement to action appropriate ಜಿಪಂದಾ:ಆ(2):ಸಿಆರ್:256/06-07/2017-18 dated 31-05-2017 No. passed by the Chief Executive Officer, Zilla Panchayat, Davanagere, notifying that Sri. H.S.Madappa, First Division



Assistant, Zilla Panchayat, Davanagere had attained the superannuation on 31-05-2017. The said report was considered by the ADGP and he has concurred with the report of the Superintendent of Police, Karnataka Lokayukta, Davanagere. Thereafter the report was examined by the Assistant Registrar of Legal Opinion-4 (ARLO-4), Karnataka Lokayukta, Bengaluru and he has submitted his report dated 24-01-2018. It is useful to extract the relevant portion of the report, which reads as hereunder:

"ತನಿಖಾಧಿಕಾರಿಗಳು ಗೌಪ್ಯವಾಗಿ ವಿಚಾರಣೆ ನಡೆಸಿ ಸಂಗ್ರಹಿಸಿದ್ದು, ಎದರುದಾರರಾದ ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಮಾದಪ್ಪ ಇವರನ್ನು ದಿನಾಂಕ 31–05–2017ರಂದು ತಮ್ಮ ಸೇವೆಯಿಂದ ವಯೋನಿವೃತ್ತಿ ಪಂಚಾಯತ್ ಸಿ.ಇ.ಓರವರು ತಮ್ಮ ಹೊಂದಲು ದಾವಣಗೆರೆ ಜಿಲ್ಲಾ ಅಧಿಕೃತ ಜ್ಞಾಪನ ಪತ್ರ ದಿನಾಂಕ 31–05–2017ರಲ್ಲ ಆದೇಶ ನೀಡಿದ್ದು ಸಹಾ ಆದೇಶ ಪ್ರತಿಯನ್ನು ಪಡೆದುಕೊಂಡು ದಿನಾಂಕ 01-08-2017ರವರೆಗೂ ಸಹಾ ಮೊದಲು ನಿವೃತ್ತಿಗೂ ಸ್ಥಳದಲ್ಲಯೇ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಾ ತಮ್ಮ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಪ್ರಭಾರವನ್ನು ಮಾನ್ಯ ಆದೇಶದಂತೆ ಸಿಇಓರವರ ಶಾಖೆಯ ಪೂಜಾ, ಶ್ರೀಮತಿ ಪ್ರ.ದ.ಸ.ರವರಿಗೆ ವಹಿಸಿಕೊಡದೇ ಕರ್ತವ್ಯ ಅದೇರೀತಿ ಶ್ರೀಮತಿ ಪೂಜಾ, ಪ್ರ.ದ.ಸರವರು ಸಹಾ ನಿರ್ವಹಿಸಿರುತ್ತಾರೆ. ಸಿಇಓರವರು ಮಾಡಿದ ಆದೇಶವನ್ನು ಪಾಲನೆ ಮಾಡದೇ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುತ್ತಾರೆ. ಅದೇರೀತಿ ಶ್ರೀ ಬಸವರಾಜಪ್ಪ ಹೆಚ್, ವ್ಯವಸ್ಥಾಪಕರು, ಷಡಕ್ಷರಪ್ಪ, ಉಪಕಾರ್ಯದರ್ಶಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ರವರುಗಳು ಸಿಇಓ ಆದೇಶವನ್ನು ಮೇಲ್ಲಂಡ ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು ಪಾಲನೇ ಮಾಡದೇ ಇರುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದಿಲ್ಲಾ ಮತ್ತು ಮೇಲಾಧಿಕಾರಿಗಳಗೆ ವರದಿ ಮಾಡಿರುವುದಿಲ್ಲಾ ಎಂದು ಮೇಲ್ಚಂಡ ನಾಲ್ಲು ಜನ ಅಧಿಕಾರಿಗಳು ತಮ್ಮ ಕರ್ತವ್ಯದಲ್ಲ ಮೇಲಾಧಿಕಾರಿಗಳ ಆದೇಶ

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ಪಾಲನೆ ಮಾಡದೆ ಸೇವಾ ನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆಂದು ವರದಿಯನ್ನು ಸಲ್ಲಸಿರುತ್ತಾರೆ.

ದೂರನ್ನು ಮತ್ತು ವರದಿಯನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಅಸಿದಾಗ ದಿನಾಂಕ 31–05–2017ರಂದು ಸಿಇಓ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ ಸಂಖ್ಯೇ ಪತ್ರ ಜ್ಞಾಪನ ಅಧಿಕೃತ ರವರು ತಮ್ಮ ಆದೇಶದಂತೆ ಜಿಪಂದಾ:ಆ(2):ಸಿ.ಆರ್.256/06-07/2017-18 ಎದರುದಾರರಾದ ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಮಾದಪ್ಪ, ಪ್ರ.ದ.ಸರವರು ದಿನಾಂಕ 31–05–2017 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿದ್ದು ಸದರಿಯವರು ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಪ್ರಭಾರವನ್ನು ಶ್ರೀಮತಿ ಪೂಜಾರವರಿಗೆ ವಹಿಸಿಕೊಡಬೇಕೆಂದು ಪ್ರಭಾರವನ್ನು ಎದರುದಾರ ಸಹಾ ಮಾಡಿದ್ದರೂ ಆದೇಶ ಪ್ರಭಾರವನ್ನು ವಹಿಸಿಕೊಟ್ಟರುವುದಿಲ್ಲಾ ಶ್ರೀಮತಿ ಮತ್ತು ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ ವಹಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ಜಿಲ್ಲಾ ಮೇಲಾಧಿಕಾರಿಗಳಾದ ಶ್ರೀ ಜಿ.ಎಸ್. ಷಡಕ್ಷರಪ್ಪ, ಉಪಕಾರ್ಯದರ್ಶಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ಮತ್ತು ಶ್ರೀ ಬಸವರಾಜಪ್ಪ ಹೆಚ್, ವ್ಯವಸ್ಥಾಪಕರು ಇವರು ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರಗಳು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿದ್ದರೂ ಸಹಾ ಅವರ ವಿರುದ್ಧ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಮತ್ತು ಮೇಲಾಧಿಕಾರಿಗಳಗೆ ವರದಿ ಕೆಳಕಂಡ ಲೋಪವೆಸಗಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಈ ನೀಡದೆ ಕರ್ತವ್ಯ ಅಧಿಕಾರಿಗಳಾದ

- ಶ್ರೀಮತಿ ಪೂಜಾ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ.
- 2) ಶ್ರೀ ಬಸವರಾಜಪ್ಪ ಹೆಚ್, ವ್ಯವಸ್ಥಾಪಕರು(ಆಡಳತ), ಜಲ್ಲಾ ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ.
- ತ್ರೀ ಜಿ.ಎಸ್. ಷಡಕ್ಷರಪ್ಪ, ಉಪ ಕಾರ್ಯದರ್ಶಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ.

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4) ಶ್ರೀ ಹೆಚ್.ಎಸ್. ಮಾದಪ್ಪ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ದಾವಣಗೆರೆ

ರವರುಗಳ ವಿರುದ್ಧ ಸ್ವಯಂ ಪ್ರಕರಣ ದೂರು ದಾಖಲು ಮಾಡಿಕೊಂಡು ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳಬಹುದೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ ಗೌರವಾನ್ಷಿತರು ಒಪ್ಪಿದಲ್ಲ ಮೇಲ್ಕಂಡ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಸರ್ಕಾರಿ ಸೇವಾನಿಯಮಗಳನ್ನು ಉಲ್ಲಂಘನೆ ಮಾಡಿ ತಮ್ಮ ಕರ್ತವ್ಯದಲ್ಲ ಲೋಪವೆಸಗಿರುವ ಬಗ್ಗೆ ವಿಚಾರಣೆ ಮಾಡಲು ಸ್ವಯಂಪ್ರೇರಿತ ದೂರನ್ನು ದಾಖಲು ಮಾಡಲು ಆದೇಶಕ್ಕಾಗಿ ಕೋರಲಾಗಿದೆ".

When the said report was placed before me on 3. 27-01-2018, I had directed the Registrar, Karnataka Lokayukta, Bengaluru, to examine and submit his views. Accordingly, the Registrar has submitted his note on 02-03-2018. It is suggested by the ARLO-4 and the Registrar that having regard to the report of the Police, Karnataka Lokayukta, Superintendent of Davanagere, it is a fit case for the Lokayukta to exercise suo-motu power and to investigate the matter further. The Superintendent of Police, submitted by the Karnataka Lokayukta, Davanagere indicates that there is violation of Karnataka Civil Services (Conduct) Rules, 1966 by the concerned officials referred to above. The Registrar opined that the Chief Executive Officer,



Panchayat, Davanagere may also be made party to this proceedings. It is useful to extract the said note which reads as hereunder:

- Τt ********************************* reported that preliminary enquiry disclosed that Davanagere, Z.P., officers of different Assistant, Division First Pooia, Smt. (i) Sri. Basavarajappa H, Manager (Admn.,), (ii) (iii) Sri G.S.Shadaksharappa, Dy.Secretary and (iv) Sri H.S.Madappa, First Division Assistant have violated the conduct rules as Smt. Pooja and Sri H.S.Madappa have not handed over charge, despite the orders of the Chief Executive Officer, ZP, while the other two have not taken any action against the said erring officials. Hence, there is a prima facie case to proceed against the said officials and even the Chief Executive officer, ZP, Davanagere may be made a party. Hence, this is a case for taking up suo-motu cognizance".
- In the light of what is stated above, I am prima-facie 4. satisfied that the allegations made in the anonymous the investigated by been which has petition, Lokayukta, Police, Karnataka Superintendent of Davanagere, requires to be treated as source material and the suo-motu proceedings is required to be registered for the purpose of further investigation of the matter. Accordingly, in exercise of the power conferred on me

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under Sections 7(1)(b) and 9(3)(b) of the Karnataka Lokayukta Act, 1984, the report given by the Karnataka Lokayukta Police is directed to be treated as source material and suo-motu proceedings is instituted for the purpose of further investigation.

- 5. The office is directed to register the suo-motu proceedings. For the purpose of further investigation, the following four officers/officials referred to in the report, are directed to be impleaded as Respondents:
 - 1. Smt. R.G.Pooja, First Division Assistant, Zilla Panchayat, Davanagere.
 - 2. Sri. Basavarajappa.H Manager (Admn.), Zilla Panchayat, Davanagere.
 - 3. Sri. G.S.Shadaksharappa, Deputy Secretary, Zilla Panchayat, Davanagere.
 - 4. Sri. H.S.Madappa, the then First Division Assistant, Zilla Panchayat, Davanagere (Now Retired).

Notice may be issued to the Respondents and their comments may be submitted to this office within 10 weeks

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from the date of receipt of this order. The office is also directed to implead the Chief Executive Officer, Zilla Panchayat, Davanagere, as Respondent-5 and issue notice to the Chief Executive Officer, Zilla Panchayat, Davanagere, for a limited purpose of conducting the enquiry against the officers/officials referred to above.

- Officer, Zilla Panchayat, Davanagere, Davanagere District is directed to conduct an enquiry with regard to the report submitted by the Karnataka Lokayukta Police, Davanagere and all other materials collected by the Karnataka Lokayukta Police which are made as part of the report, within 10 weeks from today.
- 7. The report of the Superintendent of Police, Karnataka Lokayukta, Davanagere long with the documents/materials collected by the Lokayukta Police may be forwarded to the Chief Executive Officer, Zilla Panchayat, Davanagere.
- 8. Further, the Chief Executive Officer, Zilla Panchayat,
 Davanagere, Davanagere District is directed to take
 appropriate steps not to settle any of the retirement



benefits payable to Sri. H.S.Madappa, the then First Division Assistant, Zilla Panchayat, Davanagere, till the enquiry is conducted by the Chief Executive Officer, Zilla Panchayat, Davanagere and submit the report to the Lokayukta and until further orders.

List this matter after 10 weeks. Call on 09-08-2018.

(Justice P. Vishwanatha Shetty),

Karnataka State.

AS*

3.020001015 13 ARLO-4)

Sr.APP-1)

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24) compleed 2/6/18

No:Compt/Lok/BD-1531/2018

21. SR.APP-1

Date:13-08-2018

This case is registered suo-moto by the Hon'ble Lokayukta. As per the orders of the Hon'ble Lokayukta dtd:28-05-2018, the notice issued to the respondents No:1 to 4 through RPAD. The notice served on them and the postal acknowledgement of respondents No:1 to 4 have been received.

- **22**. The respondents No:1 to 4 have not submitted their comments.
- 23. As per the order of Hon'ble Lokayukta, the notice was issued to the Chief Executive Officer, Zilla Panchayath, Davanagere for submission of the report after conducting an enquiry within 10 weeks from the date of the order ie., 28-05-2018. The Chief Executive Officer, Zilla Panchayath, Davanagere has not submitted his report the postal acknowledgement received as to the service of the notice.
- 24. Therefore, if approved, the reminders may be issued to the respondents No:1 to 4 to submit their comments and also to the Chief Executive Officer, Zilla Panchayath, Davanagere to submit the report after conducting enquiry by next date of hearing. Call on 31-10-2018.

Submitted for kind orders.

I/c SR.APP-1

25. Hon'ble Lokayukta]

RPAD ELANDE

31/10/18 R-1 to R-4 round only explosion

No:Compt/Lok/BD/1531/2018

26. SR.APP-1

Date:02-11-2018.

The respondent no.1, 2, 3 and 4 submitted comments.

27. The Chief Executive Officer, Zilla Panchayath, Davangere has not submitted report.

28. If approved, the reminder may be issued to the Chief Executive Officer, Zilla Panchayath, Davangere by designation to submit the report after conducting an enquiry with regard to the report submitted by the Karnataka Lokayukta, Davangere, by the next date of hearing.

Call on 07/01/2019.

Submitted for kind orders.

29. Hon'ble Lokayukta)

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RPAD Egelbar

HILLY CEO, ZP MODERA MODERA NOODE

No:Compt/Lok/BD-2194/2016

SR.APP-1

Date:08-01-2019.

30. It is respectfully submitted that the Chief Executive Officer, Zilla Panchayath, Davangere has not submitted the report after conducting an enquiry within 10 weeks from the order. The notice has been issued. But the postal acknowledgement as to the service of notice has not been received.

31. If approved, reminder may be issued to the Chief Executive Officer, Zilla Panchayath, Davangere by designation to submit the report after conducting an enquiry with regard to the report submitted by the Karnataka Lokayukta, Davangere and the said reminder notice may be served through Police Inspector, Karnataka Lokayukta, Davangere.

Call on 27/03/2019.

Submitted for kind orders.

I/c SHAPP-1

32. Hon'ble Lokayukta)

ROAD BULLAR

SR.APP-1 27/03/2019

> 33. It is respectfully submitted that the Police Inspector, Karnataka Lokayukta, Davangere in his letter dated 7.2.19 stated that notice has been served to Chief Executive Officer. Zilla Panchayath, Davangere. The Chief Executive Officer, Zilla Panchavath Davangere has not submitted report after conducting an enquiry.

> 34. If approved, reminder may be issued to the Chief Executive Officer, Zilla Panchayath, Davangere by designation to submit the report after conducting an enquiry with regard to the report submitted by the Karnataka Lokayukta, Davangere.

Call on 18/06/2019. Submitted for kind orders.

I/c SWAPP-12-12-19

35. Hon'ble Lokayukta)

RPAD BURGE

18/6/19

28/6/19

BB32/2 osh 2002

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<u>Sr.APP-1</u> 19/06/2019

36.It is respectfully submitted that the notice issued Chief Executive Officer, Zilla Panchayath, Davangere by designation to submit report after conducting enquiry with regard to the report submitted by Karnataka Lokayukta, Davangere. The postal acknowledgement has not been received. The Chief Executive Officer, Zilla Panchayath, Davangere has not submitted report.

37. If approved, the reminder may be issued to the present Chief Executive Officer, Zilla Panchayath, Davangere to submit report after conducting enquiry with regard to the report submitted by Karnataka Lokayukta, Davangere.

Call on 09/09/2019.

Submitted for kind orders.

I/c Sr.APP-1

38) Hon'ble Lokayukta)

RAD BOLLOWS

APB3 NOBO

<u>SR.APP-1</u> 09/09/2019

- 39. It is respectfully submitted that the Chief Executive Officer Zilla Panchayath Davanagere has not submitted the report after conducting enquiry with regard to the report submitted by Superintendent of Police Karnataka Lokayukta Davanagere. The postal acknowledgment is received. The 2 reminders on earlier dates issued to for submission of reports.
- 40. If approved, the Reminder may be issued to the present Chief Executive Officer Zilla Panchayath Davanagere to submit report after conducting an enquiry with regard to the report submitted by SP KLA Davanagere, failing which the Chief Executive Officer Zilla Panchayath Davanagere to depute a responsible officer to appear before the Hon'ble Lokayukta to expain the circumstances for not submitting report.

Call on 25/11/2019. Submitted for kind orders

I/c St.APP-1

41) Hon'ble Lokayukta)

complied

25/11/19

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<u>Sr.APP-1</u> 25/11/2019

- 42) It is respectfully submitted that the Chief Executive Officer Zilla Panchayath Davanager has not submitted the report after conducting an enquiry with regard to the report submitted by SP Karnataka Lokayukta Davanagere. The postal acknowledgment has been received as to the service of notice.
- 43) If approved, the Reminder may be issued to the Present Chief Executive Officer Zilla Panchayath Davanagere to submit report after conducting an enquiry with regard to the report submitted by SP Karnataka Lokayukta Davanagere.

Call on 22/01/2020.

Submitted for kind orders,

I/c SF.APP-1

44) Hon'ble Lokayukta)

My rared 12019

SR.APP-1]

Date:22-01-2020.

- 45. The Chief Executive Officer, Zilla Panchayath, Davanagere has not submitted the report after conducting an enquiry with regard to the report submitted by the SP, Karnataka Lokayukta, Davanagere. The postal acknowledgment has been received as to the service of reminder to CEO, ZP, Davanagere.
- 46. Issue reminder to the Chief Executive Officer, Zilla Panchayath, Davangere tosubmit report by the next date of hearing.

Call on 24-03-2020.

Sr. APP-1921 - 220

24/3/2020
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