There is public road, which is even developed in MGNREGA scheme as “public road” in 2009-10 by the panchayat at an estimated cost of Rs.5,60,000/- and Rs.3,7,452/- has been spent for the work of road development.

On said public road, one Sri T Narayanappa has dumped stones in 2011 and caused obstruction to the use of road by residents and public. So, complainant had given complaint to you.
iii. He also given complaint to police on 19-12-2011 registered as NCR 1099/11 and police have visited the spot and sent a letter to the panchayat to clarify whether it is a public road;

iv. Lakshmegowda Secretary of panchayat has submitted report on 23-01-2012 stating it as public road passing near house of Chikka Thayappa through Nagaraju Tota to Bangalore southern Boundary and Sri. T Narayanappa has put stones on that road causing obstruction to its use;

v. At the time of spot visit T. Narayanappa was asked to remove the stones and to produce documents regarding title of property within 7 days, but he failed to produce documents;

vi. Inspite of that, unnecessarily waited for long time for documents and you has failed to take effective steps to remove the obstruction caused to public way;

vii. As per Section 72(2) of the Karnataka Panchayath Raj Act, “the Grama panchayat shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Grama panchayat or not. The expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under Section 199;”

viii. So Secretary is required under law to remove the obstruction caused to public road and cost incurred for such removal can be recovered from obstructor. Instead of taking said steps to remove obstruction, Secretary has not taken any steps in that direction;

ix. The contention of Secretary that police not taken action cannot be accepted as it is the panchayat which has to clear the obstruction on the public road and if there is any problem at the spot, then they could have sought the assistance of police.

x. Even after filing of complaint before this Institution, Secretary has not taken any step to clear obstruction on the road and only a resolution has
been passed to give endorsement to complainant stating that it is revenue land;

xi. Instead of taking steps to remove the obstruction of road, secretary appear to have made all other unnecessary and uncalled attempts to settle the matter;

xii. If the land, in which road is formed by panchayat and developed in MGNREGA scheme in 2009-10, belongs to T. Narayanappa or some other 3rd party or private party, then they are required to take proper legal steps to claim their right in the said land in which road is passing, but even that has not been done by them, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(i)(i) to (iii) of KCS (Conduct) Rules 1966”.

...
4. ವಿವರಕ್ಕೆ ಕಾಲವಿಧಾನ:: 2011.10.10. ಹಾಗೂ ಕಾಲ್ಸಾ ರುಪೂರಿಯ ಕನ್ನಡಕ್ಕೆ. ಯಂತ್ರದ ಮೇಲೆ ಮಣ್ಣು ಮೂಲದಿನ, ಅನುಮೋದಿಸಿದ ಅಧ್ಯಕ್ಷರು ಕ್ರಮವಾಗಿ.

5. ಅಧ್ಯಕ್ಷರು ಜೊತೆಗೆ ಅಂದು ಕವಕ್ಕೆ ಸೂಚಿಸಿದ ಹಾಗೂ ಕೆಲಸ ಹೆಚ್ಚಿಸುವ ನಿಷ್್ಠಾನಿಲೆಗಳು ಅನುಭವಿಸಿದ್ದಾರೆ. ಎರಡು ವಿಧಾನಸಭೆಗಳಿಗೆ ಸಹಕಾರ ಅಂದರೆ ಬಿಡುಗಡೆಯುವ ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷನಾಗಿ ಸೇರಿದರು.

6. ಅಧ್ಯಕ್ಷರು ಕೆಲಸ ಮೂಲಕ ವಿನ್ಯಾಸದಲ್ಲಿ ವಿನ್ಯಾಸಕ್ಕೆ. ಹಾಗೂ ಸಾಲಾರಿಯ: 07.07.2012 ವಿನ್ಯಾಸದಲ್ಲಿ ಕಾಲ್ಸಾ ರುಪೂರಿಯ ಅಧ್ಯಕ್ಷರು ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷಣೆಗಳಾಗಿ ಸೇರಿದರು.

7. ಅಧ್ಯಕ್ಷರು ಸಂಯೋಜನೆಯು ಅನು ಸೂಚಿಸಿದ ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷನಾಗಿ ಮೇಲೆ: 15.04.2014ಯಲ್ಲಿ ಕೆಲಸ ಅಧ್ಯಕ್ಷರು ಮುಂದುವರಿಸಿದ್ದರು. ಅನುಭವಿಸಿದರು ಅಂದರೆ ಹೊಲ್ಲುಗಡೆ ಶ್ರೇಣಿಯ ಕೆಲಸ ಅಧ್ಯಕ್ಷನಾಗಿ ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷಣೆಗಳಾಗಿ ಸೇರಿದರು. ಸರಾಸರಿ ವಿನ್ಯಾಸದಲ್ಲಿ ಅಧ್ಯಕ್ಷನಾಗಿ ಸೇರಿದರು.

8. ಅನುಭವಿಸಿದರು ವಿನ್ಯಾಸದಲ್ಲಿ ಸೂಚಿಸಿದ ಅಧ್ಯಕ್ಷರು ಅಂದರೆ ವಿನ್ಯಾಸದಲ್ಲಿ ಅಧ್ಯಕ್ಷರು ಅಧ್ಯಕ್ಷರು "ನಾನು ಅನುಭವಿಸಿದರು ಅಧ್ಯಕ್ಷನಾಗി ಸೇರಿದರು"

ಇನ್ನು ಸಂಯೋಜನೆಯು ಸಂಯೋಜನೆಯು ಸೂಚಿತವಾಗಿ ಅಧ್ಯಕ್ಷರು ಅಂದರೆ ಹೊಲ್ಲುಗಡೆ ಶ್ರೇಣಿಯ ಕೆಲಸ 30.07.2012 ವಿನ್ಯಾಸದಲ್ಲಿ ಕಾಲ್ಸಾ ರುಪೂರಿಯ ಅಧ್ಯಕ್ಷರು ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷಣೆಗಳಾಗಿ ಸೇರಿದರು.

ಇನ್ನು ಸಂಯೋಜನೆಯು ಸಂಯೋಜನೆಯು ಸೂಚಿತವಾಗಿ ಅಧ್ಯಕ್ಷರು ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷನಾಗಿ ಮೇಲೆ: 15.04.2014ಯಲ್ಲಿ ಕೆಲಸ ಅಧ್ಯಕ್ಷರು ಮುಂದುವರಿಸಿದ್ದರು. ಅನುಭವಿಸಿದರು ಅಂದರೆ ಹೊಲ್ಲುಗಡೆ ಶ್ರೇಣಿಯ ಕೆಲಸ ಅಧ್ಯಕ್ಷನಾಗಿ ಸೇರಿದರು. ಸರಾಸರಿ ವಿನ್ಯಾಸದಲ್ಲಿ ಅಧ್ಯಕ್ಷರು ಅ.ಎ.ಬಿ. ಧರ್ಮ ಅಧ್ಯಕ್ಷಣೆಗಳಾಗಿ ಸೇರಿದರು.
3. There is public road, which is even developed in MGNREGA scheme as "Community Centre Road" and has been spent for the work of road development. The panchayat has spent Rs.5,60,000/- and Rs.3,7,452/- has been spent for the work of road development.

i. On said public road, one Sri T Narayanappa has dumped stones in 2011 and caused obstruction to the use of road by residents and public. So, complainant had given complaint to you.

ii. He also given complaint to police on 19-12-2011 registered as NCR 1099/11 and police have visited the spot and sent a letter to the panchayat to clarify whether it is a public road;

iv. Lakshmegowda Secretary of panchayat has submitted report on 23-01-2012 stating it as public road passing near house of Chikka Thayappaya through Nagaraju Tota to Bangalore southern Boundary and Sri. T Narayanappa has put stones on that road causing obstruction to its use;

v. At the time of spot visit T. Narayanappa was asked to remove the stones and to produce documents regarding title of property within 7 days, but he failed to produce documents;
vi. Inspite of that, unnecessarily waited for long time for documents and you has failed to take effective steps to remove the obstruction caused to public way;

vii. As per Section 72(2) of the Karnataka Panchayath Raj Act, 'the Grama panchayat shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open site not being private property, whether such site is vested in the Grama panchayat or not. The expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and shall be recoverable as if it were a tax imposed under Section 199';

viii. so secretary is required under law to remove the obstruction caused to public road and cost incurred for such removal can be recovered from obstructer. Instead of taking said steps to remove obstruction, Secretary has not taken any steps in that direction;

ix. The contention of Secretary that police not taken action cannot be accepted as it is the panchayat which has to clear the obstruction on the public road and if there is any problem at the spot, then they could have sought the assistance of police.

x. Even after filing of complaint before this Institution, Secretary has not taken any step to clear obstruction on the road and only a resolution has been passed to give endorsement to complainant stating that it is revenue land;

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misconducting under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966”.
