

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿ

ವಿಷಯ: ಶ್ರೀ ಶ್ರೀಮಂತ್ ತಂದೆ ಶರಣಪ್ಪ ಪಾಟೀಲ್, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಮಾಶಾಳ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಅಫಜಲಪುರ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ. ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ. ನಡೆಸಲು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ, ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು 1957ರ ನಿಯಮ 214 (2) (ಬಿ) ಅಡಿಯಲ್ಲಿ ಮಾನ್ಯ ಉಪಲೋಕಯುಕ್ತರಿಗೆ ವಹಿಸುವ ಬಗ್ಗೆ - ಆದೇಶ.

ಓದಲಾಗಿದೆ:

ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು, ಅ.ಸ.ಪ.ಸಂ/ಕಂಪ್ಲೇಂಟ್/ ಉಪಲೋಕ್ /ಜಿಎಲ್‌ಬಿ-8156/2015/ಡಿಆರ್‌ಇ-3 ದಿನಾಂಕ:10.01.2018.

ಪ್ರಸ್ತಾವನೆ:

ಮೇಲೆ ಓದಲಾದ ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು, ನಿಬಂಧಕರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಇವರ ಪತ್ರದ ಸಂಗಡ ಲಗತ್ತಿಸಿರುವ ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ರ ಸೆಕ್ಷನ್ 12(3)ರ ಅಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ದಿನಾಂಕ: 28.12.2017 ರ ವರದಿಯಲ್ಲಿ ಈ ಕೆಳಗಿನಂತೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

An investigation was taken up under Section 9 of the Karnataka Lokayukta, Act, 1984, on the basis of complaint filed by Shri. Vishwanath S/o Shivappa Revvor, Mashal Village, Afzalpur Taluk, Kalaburgi District. (hereinafter referred to as 'Complainant' for short) against respondent No.1 Sri Dhululappa S/o Rayappa Raja, President, Mashala Grama Panchayath, Afzalpur Taluk, Kalaburgi District. And respondent No.2 Shrimanth S/o Sharanappa Patil, Panchayath Development Officer, Mashala Grama Panchayath, Afzalpur Taluk, Kalaburgi District.(hereinafter referred to as 'Respondent Nos.1 and 2' for short)

2. The complainant alleges that;

- The President of Grama Panchayath Sri Dhuleappa, Rayappa Raja and the Panchayath Development Officer/Sri Shrimanth Rao Patil have misappropriated the public funds at Mashala Grama Panchayath, Afzalpur Taluk, Kalaburgi District without there being actual work done.
- It is also alleged that under MGNREG scheme. Money has been drawn in the name of Sri Dathappa Shivappa Pyati who is the Pump Operator of Grama Pachayath and in the name of Sri Siddappa Gurusiddappa Avatagi who is the member of Panchayath by preparing bogus bills.
- An amount of Rs.4,93,810/- is drawn in the name of Sri Rajashekhhar Sanadani anf Rs.6,27,588/- in the name of Sri Santhosh Basanna Marate even though they are labourers and do not possess any vehicle or agency.
- Even though the formation of road at Sy.No.184 to 189 is not included in the action plan for the year 2009-10, they have created bogus bills to the tune of Rs.93,294/-.
- They have drawn Rs.81,600/- Rs.68,800/- and No.72 Sy.No.396 and Sy.No.176 respectively without doing any work in the said lands.
- False bills have been drawn without forming Bunds, Agricultural ponds and

- without providing irrigation facilities and thereby mis-utilised the public funds. He has also produced some documents in support of the complaint allegations.

3. Respondent No.1 has submitted his comments dated 16.07.2015 by denying the complaint allegations and has stated that the complaint is made due to political rivalry.

4. Respondent No.2 has submitted his comments dated 17.07.2015 stating that MLA of Afzalpur had complained to Chief Executive Officer with respect to misuse of funds under MGNREG Scheme. The complaint was entrusted to Ombudsmen, MGNREG, Kalburgi. The technical wing of Ombudsmen has observed that about 85% to 95% of works are still existing even after 2 years of completion of the work.

Further states that Dathappa Shivappa Pyati, Pump Operator is a temporary employee and his working hours is between 7:00 a.m to 9:00 am During the remaining hours, he has registered under MGNREG Scheme and he is working as a labourer. No bogus bills have be drawn as alleged.

Similarly, Siddappa Gurusiddappa Avatagi and Shivappa Sidramappa Pyati are the Members of the Grama Panchayath and have worked under MGNREG Scheme. No bogus bills are drawn as alleged.

Rajashekhara Sanadanni santhosh Basanna Marati have supplied tractors and materials. Therefore the rent towards tractor has been paid to them. No such bogus bills have been drawn.

For the year 2009-10, the Grama Panchayath Mashala was selected as a best performing Grama Panchayath under MGNREG Scheme. Further states that he had retired in the month of August-2012 and 5 years have already been lapsed after execution of the work. By stating that the present complaint is filed due to vengeance has prayed to drop him from the proceedings.

Respondent No.2 has also submitted further comments (undated) before the IO of Technical Audit Cell of this institution in which he has stated that after preparation of plan of action of the year 2009-10, road work in Sy.No.184 to 186 was taken up due to pressure of the farmers. The same has been brought to the notice of his higher authorities and there after bills have been drawn.

5. Later the matter was referred to Chief Engineer, Technical Audit Cell for investigation, who in turn has submitted report dated 01.03.2017 along with report of IO Sri H.S Sudeendra, Assistant Executive Engineer-2, TAC dated 28.02.2017. The IO by conducting spot inspection on 31.12.2016 has submitted report stating that the allegations made in the complaint are not established. It is also stated that the complainant has withdrawn the complaint.

6. Perused the entire materials on record. The following discrepancies have been observed in the execution of the work taken up under Mashala Grama Panchayath for the year 2009-10.

IO along with his report has produced some documents pertaining to the alleged works. FORM PWG 35, TASK WORK STATEMENT of various works produced by the IO along with his report show that hire charges for tractor and also for JCB is paid and all the amounts mentioned are beyond Rs. 5000/-.

Guideline No. 6(4) & (5) of MGNREG Scheme notified vide NO. ಗ್ರಾಅಪ:41:ರಾಗ್ರಾಉ:06, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:01.02.2007 reads as follows.

6: ಸಂದಾನ ಮಾಡಲು ಬಾರದ ವಿಷಯಗಳು:

- ಗುತ್ತಿಗೆದಾರರನ್ನು ಮತ್ತು ಜನರು ಮಾಡಬಹುದಾದ ಕೆಲಸಗಳಿಗೆ ಯಂತ್ರಗಳನ್ನು ಬಳಸತಕ್ಕದ್ದಲ್ಲ.
- ಗ್ರಾಮದ ಹಂತದಲ್ಲಿ, ಗ್ರಾಮಸಭೆ ಗುರುತಿಸಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಅನುಮೋದಿಸುವ ತಾಲ್ಲೂಕು ಮಟ್ಟದಲ್ಲಿ ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ ಅನುಮೋದಿಸುವ ಜಿಲ್ಲಾ ಮಟ್ಟದಲ್ಲಿ ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿ ಅನುಮೋದಿಸುವ ಕಾಮಗಾರಿಗಳನ್ನು ಮಾತ್ರ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದು.

➤ Guideline No.15 of MGNREG Scheme notified vide No.ಗ್ರಾಅಪ:41:ರಾಗ್ರಾಉ:06, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:01.02.2007 reads as follows.

“15: ಅಂದಾಜುಗಳ ತಯಾರಿಕೆ, ಆಡಳಿತಾತ್ಮಕ ಮತ್ತು ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿಗಳು ಕೆಲಸದ ಅಳತೆ, ಇತ್ಯಾದಿಗಳು, ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯಿತಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ರಚಿಸಲು” ಆಗಿರುವ ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ (ಆಯವ್ಯಯ ಮತ್ತು ಲೆಕ್ಕಗಳ ನಿಯಮಗಳು), ಪ್ರಕಾರ ಇರತಕ್ಕದ್ದು.”

- Rule 84 of Karnataka Panchayath Raj (Grama Panchayath, Budgeting and Accounting) Rules, 2006 reads as Follows.

“Rule 84 : Contract for supply of materials and execution of works:

All contracts for supply of materials or execution of works shall be signed on behalf of the Grama Panchayath by the Adhyaksha. Before entering into any contract of supply of materials or execution of any works, the Secretary shall ensure that the purchase or work contract is decided on the basis of the rules and regulations made by the Government from time to time.

The Government of Karnataka has revised the rates specified in Rule 55, sub Rule 49-A of Manual of Contingent Expenditure-1958 and has published notification vide G.O No. DE 02 ಟಿಸಿಇ 2012, ಬೆಂಗಳೂರು ದಿನಾಂಕ:21.06.2012 (Copy enclosed) which reads as follows:

“ಸರ್ಕಾರದ ವಿವಿಧ ಇಲಾಖೆಯಲ್ಲಿನ ಕಛೇರಿಗಳಲ್ಲಿ ಅಗತ್ಯವಿರುವ ಸರಕು ಸಾಮಗ್ರಿಗಳನ್ನು ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಖರೀದಿಸುವ ಸಲುವಾಗಿ ಸಾದಿಲ್ವಾರು ವೆಚ್ಚದ ಕೈಪಿಡಿ 1958 ನಿಯಮಗಳ ನಿಯಮ 55(49) (ಎ) ರಲ್ಲಿನ ರೂ.500/- ಗಳ ಮಿತಿಯನ್ನು ರೂ.5,000/- ಗಳಿಗೆ ಹೆಚ್ಚಿಸಿ ಆದೇಶಿಸಲಾಗಿದೆ. ರೂ.5,000/- ಮೀರಿದ ರೂ.1.00 ಲಕ್ಷಗಳವರೆಗಿನ ಖರೀದಿಗಳನ್ನು ಸ್ಪರ್ಧಾತ್ಮಕ ಕೋಟೇಷನ್ (ದರಪಟ್ಟಿ ಕರೆಯುವುದು ಮೂಲಕ ಖರೀದಿಸತಕ್ಕದ್ದು. ರೂ.1.00 ಲಕ್ಷ ಮೀರಿದ ಖರೀದಿಗೆ ಕೆ.ಟಿ.ಪಿ.ಸಿ ನಿಯಮ ಅನ್ವಯವಾಗುವುದು. ಸದರಿ ಆದೇಶವು ಹೊರಡಿಸಿದ ದಿನಾಂಕದಿಂದ ಜಾರಿಗೆ ಬರುತ್ತದೆ. ಇದನ್ನು ಹೊರತುಪಡಿಸಿ ಸರಕು ಖರೀದಿಗಾಗಿ ನಿಯಮಗಳಲ್ಲಿ ಯಾವುದೇ ಬದಲಾವಣೆ ಇರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ಸಾದಿಲ್ವಾರು ವೆಚ್ಚದ ಕೈಪಿಡಿ 1958 ನಿಯಮಗಳು ನಿಯಮ 55(49) (ಎ) ಗೆ ತಿದ್ದುಪಡಿ ತರಲು ಪ್ರತ್ಯೇಕವಾಗಿ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲಾಗುವುದು.”

As per the above notification, supply of materials or execution of any works with expenditure of more than Rs.5,000/- is to be only through calling quotation. If at all the services of tractor is to be availed, quotations are to be called. But no such quotations have been called by the respondents and bills have been paid towards rents of the tractor and JCB against the above said rules.

- As per MGNREG guideline Nos. 6(4), contractors and machineries cannot be utilized for the works which can be executed through labourers. But the task work statements/Form PWG 35 clearly go to show that JCBs have been utilized for desilting of tank and other works which is against to the guidelines of MGNREGA and thereby public funds have been misappropriated.

- In the further comments of respondent No. 2 submitted to the IO, t SL. No. 8 he had clearly stated that the formation of road in Sy. No. 184 to 186 of Mashala Village has not been included in the action plan. It is stated that due to pressure of farmers, the said work was executed after preparation of plan of action by bringing it to the notice of higher authorities. Further states that the bills have been paid in accordance with the rules.

But no such previous sanction of the higher authorities is shown to be obtained for executing the said road work as per MGNREGA guideline NO. 6(5). The respondents by executing the alleged road work which was not included in the action plan have committed misappropriation of public funds.

7. In view of the above discrepancies, the comments of respondent No. 1 and 2 cannot be accepted at this stage. Also the report of Chief Engineer, TAC an not be relied upon. There are prima-facie materials against respondents for the above said misconduct.

8. The respondent No.1 was the then President of Mashala Grama Panchyath, Afzalpura Taluk. It is ascertained that for the present he is not the Member of the Grama Panchayath and therefore no action can be taken against him under the provisions of Panchayath Raj Act.

9. The respondent No.2 is stated to be retired on 31.08.2012. Since the respondent No.2 is found to have misappropriated public funds, the limitation prescribed under Rule 214(2)(b) is not attracted for the reason that misappropriation gives rise to continuous cause of action. Therefore action can be initiated against respondent No. 2 for the above said misconduct.

10. The facts and materials on record prima-facie show that, the respondent No.2 has committed misconduct as per Rule 3(i) to (iii) of KCS (conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against respondent No.2 Shrimanth S/o Sharanappa Patil, Panchayath Development Officer, Mashala Grama Panchayath, Afzalpur Taluk, Kalaburgi District. And to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 along with sanction as required under section 214(2) (b) of KCSRs.

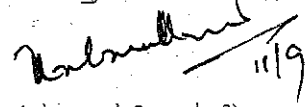
ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರವು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಈ ಪ್ರಕರಣದಲ್ಲಿ ಒಳಗೊಂಡಿರುವ ನೌಕರನ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸುವುದು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 214(2)(ಬಿ) ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣವನ್ನು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸುವ ಸಲುವಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಗ್ರಾಅಪ/34/ಗ್ರಾಪಂಕಾ/2018 ಬೆಂಗಳೂರು, ದಿನಾಂಕ:11-08-2018.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಲಾದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀ ಶ್ರೀಮಂತ್ ತಂದೆ ಶರಣಪ್ಪ ಪಾಟೀಲ್, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಮಾತಾಳ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಅಫಜಲಪೂರ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ. ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957ರ ನಿಯಮ 14(ಎ) ಜೊತೆಗೆ 214(2)(ಬಿ) ರಡಿಯಲ್ಲಿ ಸರ್ಕಾರವು ಈ ಮೂಲಕ ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿದೆ.

ಈ ಪ್ರಕರಣದಲ್ಲಿ ಸರ್ಕಾರವು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವಾಗಿದ್ದು, ಆಪಾದಿತರಿಗೆ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು 1957ರ ನಿಯಮ-8ರ ಅಡಿ ಸೂಚಿತವಾದ ಯಾವುದಾದರೊಂದು ಅಥವಾ ಹೆಚ್ಚಿನ ದಂಡನೆ ವಿಧಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವಾಗಿರುತ್ತದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,


11/9

(ಮುಖಾರಕ್ ಅಹ್ಮದ್)

ಉಪನಿರ್ದೇಶಕರು ಹಾಗೂ ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂ.ರಾಜ್ ಇಲಾಖೆ.

ಗೆ,

1. ಮಹಾಲೇಖಪಾಲರು, ಕರ್ನಾಟಕ, ಬೆಂಗಳೂರು.
2. ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು.
3. ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು. (ಮೂಲ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಹಿಂದರುಗಿಸಿದೆ. ಪುಟ ಸಂಖ್ಯೆ: 1 ರಿಂದ 267).
4. ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ.
5. ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಅಫಜಲಪೂರ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ.
6. ಶ್ರೀ ಶ್ರೀಮಂತ್ ತಂದೆ ಶರಣಪ್ಪ ಫಾಟೀಲ್, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಮಾಶಾಳ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಅಫಜಲಪೂರ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ.
7. ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿ.
8. ಗಣಕ ಕೋಶ.

