

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿ

ವಿಷಯ: ಶ್ರೀ ಶ್ರೀಶೈಲ ಜಿ ಪೋಲೆಶಿ, ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹನುಮಸಾಗರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಕುಷ್ಟಗಿ ತಾಲ್ಲೂಕು, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ, ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು 1957ರ ನಿಯಮ 14ಎ ಅಡಿಯಲ್ಲಿ ಮಾನ್ಯ ಉಪಲೋಕಯುಕ್ತರಿಗೆ ವಹಿಸುವ ಬಗ್ಗೆ - ಆದೇಶ.

ಓದಲಾಗಿದೆ:

ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು, ಇವರ ಅಸಪ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್/ ಜಿಎಲ್‌ಬಿ-2562/2014/ಎಆರ್‌ಇ-5 ದಿನಾಂಕ:03.01.2018.

ಪ್ರಸ್ತಾವನೆ:

ಮೇಲೆ ಓದಲಾದ ನಿಬಂಧಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು, ನಿಬಂಧಕರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಇವರ ಪತ್ರದ ಸಂಗಡ ಲಗತ್ತಿಸಿರುವ ಮಾನ್ಯ ಉಪಲೋಕಯುಕ್ತರು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984 ರ ಸೆಕ್ಷನ್ 12(3) ರ ಅಡಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ದಿನಾಂಕ: ದಿನಾಂಕ: 27.12.2017 ರ ವರದಿಯಲ್ಲಿ ಈ ಕೆಳಗಿನಂತೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

On the basis of complaint filed by Sri.Mallappa S/o Yallappa Badami, Hanamasagar Village, Kustagi Taluk, Koppal District (hereinafter referred to as 'Complainant' for short) against Sri.Shrishaila Poleshi, the then Panchayath Development Officer, Hanamasagar Gram Panchayath, Kustagi Taluk, Koppal District (hereinafter referred to as 'Respondent' No.1) alleging misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

According to the complainant:

Respondents have selected their relatives as beneficiaries under housing schemes. They have selected rich persons as beneficiaries though they are eligible for the benefit. At the instance, complaint was registered only against Respondent No.1 Sri Shrishaila Poleshi, the then Panchayath Development Officer, Hanamasagar Gram Panchayath, Kustagi Taluk. Later Smt. Lalithamma W/o Ramanna, Prisedent, Hanamasagar Gram Panchayath, Kustagi Taluk, and Sri. Sharanappa Yellappa Hullur, Member, Hanamasagar Gram Panchayath, Kustagi Taluk are impleaded as Respondent No.2 and 3 as allegation is made against them also in the Complaint.

Respondent No.1 has submitted comments stating that beneficiaries are not identified twice under housing scheme and the beneficiaries selected are eligible for the benefit. He has further stated that disciplinary proceedings are pending against him. Respondent No.2 and 3 have submitted comments. Their comments are same as that of Respondent No.1.

CEO, Z.P. Koppal was called upon to state the stage of disciplinary enquiry initiated against Respondent No.1 Srishaila Poleshi. CEO has submitted reply dt.03.02.2015. It is stated in the replay that Executive Officer, Taluk Panchayath, Kustagi has submitted report dt.17.05.2014 and the report of Executive Officer is that amount is paid to beneficiaries who have not completed construction of houses and documents were not maintained and guide lines of Housing schemes are violated. After receiving the report of Executive Officer, show cause notices were issued to (1) S.S sarangamath, the then

Panchayath Development Officer, (2) Shivaputrappa Chandrappa Sajjana, the then President of Grama Panchayath, (3) Srishaila Poleshi, the then Panchayath Development Officer (Respondent No.1), (4) Lalithamma, present President of Grama Panchayath (Respondent No.2), (5) Geetha Iyappa, the then (Respondent No.1), and (6) Mallamma Hullappa, the previous President of Grama Panchayath as case of misappropriation of Rs.2,79,000/- was prima facie made out against them. CEO has further stated that Lalithamma, the President of Grama Panchayath had received grant of Rs.1,19,400/- Shivaputrappa Chandrappa Sajjana, the then President of Grama Panchayath had received grant of Rs.1,10,000/- and Mallavva Hullappa, the previous President had received grant of Rs.50,000/- and proposal is sent to the Government to cancel their membership and steps are also taken to recover the amount which is misappropriated or to file criminal case against them. That Article of charges is already served against Respondent No.1 Srishaila Poleshi, Panchayath Development Officer, and Geetha Iyappa, the previous Panchayath Development Officer.

In the letter dt:28.10.2016 CEO has submitted that amount misappropriated has been recovered from Geetha, Mallavva, Lalithamma, Shivaputrappa Chandrappa Sajjana and Srishaila G. Poleshi. In the letter dt:08.03.2017 CEO has stated that Project Director, DRDA (Z.P Koppal) was appointed as Inquiry Officer and he has submitted report dt:03.02.2017 and he has recovered amount of Rs.89,451/- from S.S Sarangamath, the previous Panchayath Development Officers. CEO has enclosed the report dt:23.02.2017 of project Director, DRDA, Z.P, Koppal.

The report of Project Director, DRDA(Z.P Koppal) dt:23.02.2017 is that an amount of Rs.89,451/- has been recovered from S.S Sarangamath, the then Secretary, Grade-1, Hanumasagar Grama Panchyath, presently retired Panchayath Development Officers, Kukanoor Grama Panchayath, Yelaburga Taluk and amount is credited to the concerned account.

The report of project Director, DRDA (Z.P. Koppal) does not state any regular disciplinary proceedings being held against Respondent Nos.1 and 2. Since no regular Disciplinary proceedings are initiated and held against Respondents, CEO was called upon to state whether regular enquiry was held against Respondents? If so, to furnish the copy of articles of charges served on them and inform the present stage of enquiry.

CEO has submitted copy of memo dt:07.07.2017 addressed to the Project director, DRDA cell, Z.P Koppal to hold enquiry against Respondent Sri Shaila Poleshi and Geetha, PDO and submit the enquiry report. The report of project director, DRDA (Z.P. Koppal) which is stated to be the enquiry report, is not the enquiry report in disciplinary proceedings.

Though the CEO has stated that the amount misappropriated is recovered from Respondent Nos.1 and 2 and others, mere recovery of amount is not a ground not to initiate disciplinary proceedings for the misconduct. There are no records to show that disciplinary proceedings are initiated against Respondent No.1 and 2.

The report of CEO, Z.P, koppal dt:03.02.2015 and the documents collected during investigation is show that: Respondent No.1- Srishaila Poleshi, the then Panchayath Development Officer,, Hanumasagara Grama Panchayath, Kustagi Taluk, Koppal District. Respondent No.2 Lalithamma, President, Hanumasagara Grama Panchayath, Kustagi Taluk, Koppal district -have paid amount to beneficiaries who have not completed construction of houses and documents were not maintain by them and guide lines of Housing schemes are violated by them.

As seen from the letter dt:28.10.2016 of CEO, Z.P, Koppal, Respondent No.1 Srishaila G. Poleshi has misappropriated Rs. 63,391/- and the same is recovered from him. Respondent No.2 Lalithamma has been misappropriated Rs.63,391/- and the same is recovered from her.

Therefore, the comments submitted by Respondent Nos. 1 and 2 are not acceptable to drop the proceedings against them. With respect of Respondent No.3 Sharanappa Yellappa Hullur, the CEO has submitted in the report dt:11.02.2015 that proposal is sent to the Government on 08.09.2014 to cancel the membership of the Government on 08.09.2014 to cancel the membership of Respondent No.3. Executive Officer in the letter dt:4.02.2016 written to the CEO has stated that the term of member is already closed.

Since the said facts and materials on record prima facie show that Respondent No.1 Sri. Shrishail Poleshi, the then PDO, Hanamasagar Grama Panchayath, Kustagi Taluk, Respondent No.2-Smt.Lalithamma W/o Ramanna, President, Hanamasagar, Grama Panchayath, Kustagi Taluk have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary proceedings against Respondent No.1 Sri.Shrishail Poleshi, the then PDO, Hanamasagar Grama Panchayath, Kustagi Taluk and to entrust the inquiry to the Hon,ble Uplokayukta-1 against him under Rule 14-A of Karnataka Civil Service (Classification, control and Appeal) Rules, 1957.Further it Smt Lalithamma W/o Ramanna, President, Hanamasagar, Grama Panchayath, Kustagi Taluk under the provisions of Karnataka Panchayath Raj Act.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಸರ್ಕಾರವು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಿ, ಶ್ರೀ ಶ್ರೀಶೈಲ ಜಿ ಪೋಲೆಶಿ, ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹನುಮಸಾಗರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ. ಇವರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು 1996 ರ ನಿಯಮ 3(i) ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆ ಕಂಡು ಬಂದಿರುವುದರಿಂದ ಇವರ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸುವುದು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರನ್ವಯ ಪ್ರಕರಣವನ್ನು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸುವ ಸಲುವಾಗಿ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

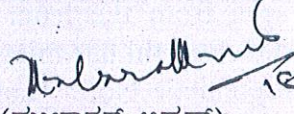
ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಗ್ರಾಅಪ/12/ಗ್ರಾಪಂಕಾ/2018 ಬೆಂಗಳೂರು, ದಿನಾಂಕ-18-01-2018.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಲಾದ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀ ಶ್ರೀಶೈಲ ಜಿ ಪೋಲೆಶಿ, ಹಿಂದಿನ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹನುಮಸಾಗರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ.

ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣಾ ನಡೆಸಲು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿಗಳು 1957ರ ನಿಯಮ 11ರ ಅನುಸಾರ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಸದರಿ ನಿಯಮಾವಳಿಗಳ ನಿಯಮ 14-ಎ ಅಡಿ ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿದೆ.

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

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,


(ಮುಬಾರಕ್ 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 ಹಿಂದಿರುಗಿಸಿದೆ. ಪುಟ ಸಂಖ್ಯೆ: 1 ರಿಂದ 207).
4. ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತಿ, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ.
5. ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ಕುಷ್ಟಗಿ ತಾಲ್ಲೂಕು, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ.
6. ಶ್ರೀ ಶ್ರೀಶೈಲ ಜಿ ಪೊಲೆಶಿ, ಹಿಂದಿನ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಹನಮಸಾಗರ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಕುಷ್ಟಗಿ ತಾಲ್ಲೂಕು, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ.
7. ಶಾಖಾ ರಕ್ಷಾ ಕಡತ/ಹೆಚ್ಚುವರಿ ಪ್ರತಿ.
8. ಗಣಕ ಕೋಶ.