

KARNATAKA LOKAYUKTA

No:Compt/Uplok/BGM-248/2008/ARE-5

Multi-storied Building,
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated: 07/03/2018.**REPORT U/S 12(1) OF THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub: For taking action against Respondent No.1-Nagappa Basavanneppa Dodamani, the then President, Kadakola Gram Panchayath, Kadakola, Savanur Taluk, Haveri District and Respondent No.2- Arali, the then Secretary, Kadakola Gram Panchayath, Kadakola, Savanur Taluk Haveri District for their misconduct-reg.

- - -

1. Complainant Sri. Andaneppa Veerappa Gujjari Kadakola Village and Post, Savanur Taluk, Haveri District (hereinafter referred to as Complainant) has filed complaint against (1)Nagappa Basavanneppa Doddamani, the then President, Kadakola Gram Panchayath, Kadakola, Savanur Taluk, Haveri District, (2) Arali, the then Secretary, Kadakola Gram Panchayath, Kadakola, Savanur Taluk, Haveri District and (3) Siddappa Savanura, Gram Panchayath Assistant, Kadakola, Savanur Taluk, Haveri District (hereinafter referred to as Respondent Nos.1 to 3 respectively). On the basis of said Complaint, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. ACCORDING TO THE COMPLAINANT:

1. The respondents have concocted the entries in the Measurement Books and bills in the construction of toilet in Ambedkar School, Kadakola Village and they have paid the bills. The respondent have shown the expenditure of ₹ 20,000/-.
 2. In construction of drainage in Ambedkar Nagar of Kadakola Village instead of using 10mm rods as per the Estimate, they have used 6 mm rods and they have shown excess quantity of cement and paid total expenditure of sum of ₹ 36,000/-.
 3. As per the action plan for the year 2007-08 scheme the drainage was to be constructed in Harijana Keri of Kadakola Village, they have constructed drainage in other part of the village showing an expenditure of ₹ 25,000.
 4. In the action plan relating to 2007-08 the drain was constructed and the same was repaired showing total expenditure of ₹ 50,000/-, again they have shown expenditure of ₹ 1,00,000/- for laying the slabs.
3. The Respondent No.1 has submitted comments denying the allegations made in the complaint. The SDMC of Ambedkar School have issued satisfactory execution of the work regarding

construction of toilet and paid the amount. The complainant being one of the members of the Gram Panchayath, he kept quiet till the construction and there after he has made the allegations because he was not paid mamool. The 1st Respondent has denied the other allegations of the complaint.

4. The comments offered by 2nd Respondent are almost similar to the comments offered by 1st Respondent.

5. The Respondent No.3 - was working as Panchayath Assistant and he has nothing to do in the execution of the above work and he has denied the allegations made against him.

6. The successor of the 2nd Respondent (the then Secretary of Kadakola Gram Panchayath) has submitted a report dated 19/11/2009 justifying the action of the Respondent. He has stated that the 2nd Respondent retired from the service on 30/06/2008. He has enclosed copies of extracts of Measurement Books and Cash book.

7. **Relating to item No.1 i.e. Construction of toilet.**

The Respondent 1 and 2 have enclosed details of expenditure. However, they have not submitted the copy of the Estimate & Measurement Book. They have relied upon the certificate issued by SDMC President which is not complete. The President of SDMC is not competent to give certificate in relation to the work executed by respondents 1 and 2. Therefore, there are reasons to believe that

the respondents have not constructed the toilet in accordance with the Estimate. The construction was not according to the specifications. The details of spending of Rs.18,000/- for construction of toilet are not forthcoming.

8. Item No.2:- Construction and laying of RCC Slab on the drain in Ambedkar Colony.

In the copy of the M.B the date of commencement of work is shown as 16/12/2007 and the completion of work is shown as 23/12/2007. The date of taking measurements is shown as 23/12/2007. The recording of measurements are perfunctory. The measurements are not attested by the Assistant Executive Engineer of Panchayathraj Engineering Sub Division. However, the respondents 1 and 2 have approved payment as shown in the Measurement Book. The measurements recorded in the M.B are obscure. There are reasons to believe that the work executed was of substandard quality.

9. Item No.3:- Construction and laying of RCC Slabs on the Drain near the house of Mudukappa Talwar.

In the Measurement Book the Estimated Cost is shown as ₹ 25,000/- The Measurement Book was not recorded by the Assistant Executive Engineer of the jurisdictional Panchayathraj Engineering Sub-division. The contents of the Measurement Book

are obscure. It is shown that 23 bags of cement were used. The Respondents 1 and 2 have approved the measurements and passed the bill. There was no Qualitative and Quantitative measurement/verification of work by the jurisdictional Assistant Executive Engineer.

Similarly is the fate of work relating to the laying of RCC Slabs in relation to the other drains of Kadakola Village. As could be seen from the Measurement Book, they are more particular about mentioning the quantity of cement consumption for the work, leaving aside the proper verification of the work and proper recording of measurements.

10. Item No.4:-

It is seen from the Measurement Book that during the period 24/05/2007 to 21/03/2008, the work relating to the construction of drain near the house of Mudakappa Talwar was executed at an estimated cost of ₹ 25,000/- .

It is seen that the measurements recorded in relation to Item No.3 and 4 are over lapping. As per the copy of the Measurement Books the works are shown to have been executed between 06/12/2007 to 21/03/2007 under Grameena Rojgar Yojane. Again the same work is recorded in the Measurement Books showing the date of execution of work from 24/12/2007 to 22/01/2008. Here again the measurements are not recorded by

the Assistant Executive Engineer. It is not clear as to how Respondent No.1 and 2 could approve payment of bills on the basis of measurements which were not recorded by the jurisdictional Assistant Executive Engineer of the Panchayathraj Engineering Sub-division. The copies of extract of the Measurement Book are enclosed.

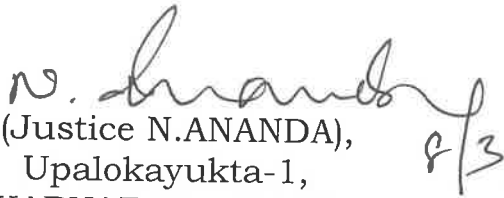
11. The purchase bills relating to cement, in particular Bill No. 1073 of Sri Holalamma Devi Agro Kendra for a sum of ₹ 10,320/- does not correspond to the date of execution of work. As per the bill, the cement was purchased after the execution of work.

12. The 3rd Respondent was working as Village Assistant, he was not empowered to draw the bills or approve the measurements recorded. He has not recorded any of the measurements and he has not attested any of the documents. Therefore, there are no reasons to attribute misconduct to him.

13. In the above circumstances, prima facie show that Respondent No.1 and 2 have committed. The Respondent No.1 was the President of Kadakola Gram Panchayath, during the above period. It is not clear whether he has subsequently elected. As per the report dated 19/11/2009 of successor of 2nd Respondent, the 2nd Respondent has retired from service on 30/6/2008. Therefore this report is made under Section 12(1) of the Karnataka Lokayukta

Act to the Government to direct the concerned Competent Authorities to take action against Respondent No.1 and 2 as permissible under the Karnataka Grama Swaraj and Panchayath Raj Act, 1993.

14. The Competent Authority shall take steps to implement this report within a period of one month from the date of this report and shall submit action taken report in this regard as provided under Section 12(2) of the Karnataka Lokayukta Act.


(Justice N.ANANDA),
Upalokayukta-1,
KARNATAKA STATE,
BENGALURU. 8/3

✓

