

**KARNATAKA LOKAYUKTA**

**NO.Compt/Uplok/BD-3461/2017/DRE-1** Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru 560 001.  
Dated: 7/5/2020

**Report under section 12(1) of Karnataka Lokayukta Act**

Sub: Complaint filed by Sri.Tukaram  
S/o.Mansinghnaik, Punabhagatta Thanda and  
Post, Harapanahalli Taluk, Davangere District.

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1. On the basis of complaint filed by Sri.Tukaram S/o.Mansinghnaik, Punabhagatta Thanda and Post, Harapanahalli Taluk, Davangere District, against (1) Panchayath Development Officer, Punabhaghatta Gram Panchayath, Harapanahalli, Davangere, (2) Sri.Mahesh R Patil, the then Panchayath Development Officer, Punabhaghatta Gram Panchayath, Harapanahalli, Davangere, and (3) Sri.Lokesh M.V, the then Technical Assistant, M.G.N.R.E.G.S, Harapanahalli, Davangere, an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The complainant has filed this complaint making allegations with respect to execution of civil work "construction of C.C.Road from Eshwar Naik's house to School Camp during 2017-18". The complainant has produced the copies of work order dt.16/12/15, application for work, general report with detailed estimate,

photographs, and muster roll details along with the complaint.

3. The complainant in his letter dt.12/9/18 has submitted that illegalities have been committed in Punabaghatta Gram Panchayath in execution of the said work.
4. The 1<sup>st</sup> respondent Panchayath Development Officer submitted his comments stating that at the time of the execution of the disputed work, one Sri.Mahesh R Patil was the Panchayath Development Officer and Sri.R.Lokesh was the Technical Assistant. However he has produced copies of the following documents pertaining to the above work:

Application Demanding work, Notice issued to the applicant for reporting to duty, Work order dt.16/12/2015, General report and detailed estimate, Photographs, Cash/credit bill, Notification dt.16/12/15, Quotations, Supply order dt.24/5/15, Muster rolls, Measurement Book Extract.

5. 2<sup>nd</sup> respondent despite service of notice has not filed any comments.
6. 3<sup>rd</sup> Respondent was subsequently impleaded. He has filed comments denying the complaint allegations, interalia contending that the complained work has been executed in accordance with the guidelines laid down under NAREGA Scheme. He has further stated that the work has been executed from 16/4/16 to 9/5/16 and the measurements have been recorded in page 1 to 4 of M.B.44. He has stated that he worked as Technical Assistant on outsource basis

in Harapanahalli Taluk Panchayath from 26/9/2013 to 7/9/2016 and in Jagalur Taluk Panchayath from 8/9/2016 to 4/4/2017. He has further stated that he has left the job on 4/4/2017. He has produced the copies of estimate, work order, Form-6, photos and Mustroll detail alongwith his comments.

7. Perused the documents. Work order is dt.16/12/15. As per the work order, the stipulated date for completion of work was 15/1/2016. As per 2<sup>nd</sup> condition the work had to be commenced within 15 days from the date of work order or else unless work order was renewed, the work could not be commenced. As per 3<sup>rd</sup> condition name board should be installed in the work place. As per 8<sup>th</sup> condition the details of expenditure shall be entered in cash register within the prescribed period and the measurements shall be recorded by the implementation department in the measurement book and shall issue completion certificate after completion of the work. As per 11<sup>th</sup> condition, daily attendance of workers shall be reported to Taluk Panchayath and Zilla Panchayath. In the work order the implementation department is shown as 'Panchayath Raj Engineering Sub-Division, Harapanahalli'.
8. As per general report with estimate, the estimated cost is Rs.2 lakhs approved under MNREGS for the year 2015-16. It is signed by the Technical Assistant Engineer, and Technical Co-ordinator, MGNREGS, Harapanahalli. M.B.book extract has been produced wherein M.B.book number is not found, only page 1 and 3 have been produced. Date of commencement of work, the date of

completion of work, the date of recording of measurement or the date of check measurement have not been entered.

9. From the comparison of detailed estimate with M.B, it is seen that in the detailed estimate following 5 items of work have been specified.

- i) Earth excavation in ordinary soil (upto 2.00m lift) for roads
- ii) construction of embankment
- iii) providing and laying in position plain cement concrete of mix M10
- iv) providing and laying in position plain cement concrete of mix M15
- v) providing and fixing 20 mm thick compressible fiber board

10. But in the said M.B. extract, recordings have been made only with respect to following:

- i) supply of 20 mm Jelly to work spot -  $3 \times 5.0 \times 2.0 \times 0.5 = 15.0$  cum @ rate Rs.1250/cum  
Rs.18,750.00
- ii) supply of 40 mm Jelly to work spot -  $3 \times 5.0 \times 2.0 \times 0.5 = 15.0$  cum @ rate Rs.950/cum  
Rs.14,400.00
- iii) supply of cement to work spot - 135 bags @  
Rs.380/bag = 51,300.00
- iv) supply of masom to work spot - 3 numbers @  
Rs.350/- each = 1,650.00
- v) supply of sand to work spot -  $3 \times 5.0 \times 2.0 \times 0.5 = 15.0$   
cum @ Rs.1150/cum = 17,350.00
- vi) supply of water charges for 14 days @  
Rs.2500/day = Rs.35,000/-

11. However, the 3<sup>rd</sup> respondent who was subsequently impleaded has produced another copy of measurement book. Page 1 and 2 of the said measurement book shows

the recordings with respect to supply of materials. In page 3, measurement of item.1 to 3 seem to have been recorded. There is no mention of the date of commencement, the date of recording or the date of completion. It seems that all the recordings have made on the same day. The measurements of item.4 and 5 are not found even in the said measurement book extract.

12. It is signed by Assistant Technical Engineer. As per Sl.No.16 of Schedule-I of MGNREG Act 2005, payment shall only be made based on the measurements taken at the work site by the authorized personnel within 3 days of closure of muster roll.
13. As per schedule-I at Sl.No.23 of MGNREG Act 2005, the materials shall be procured through transparent tender process. In the case on hand, copy of notice (ಪ್ರಕಟಣೆ) dt.16/12/15 has been produced for supply of materials on 23/5/15 with respect to the above work in question. Quotations dt.17/5/15, 18/5/15 and 19/5/15 have been produced. A supply order (ಪೂರೈಕೆ ಆದೇಶ) dt.24/5/2015 issued in favour of one P.Jagadish has been produced. Stipulated date for supply of materials has not been mentioned in the said order. It is issued by PDO, Punabaghatta Gram Panchayath. Cash/credit bill issued by one P.Jagadish, Civil Contractor for Rs.1,38,350/- towards supply of various materials which does not even bear the date of issuance, has been produced. Therefore, it is seen that notice has been issued, quotations have been called for and

supply order has been issued much prior to the issuance of work order dt.16/12/15.

14. Muster rolls have been produced for the period from 10/5/16 to 13/5/16, 16/4/16 to 22/4/16, 23/4/16 to 28/4/16. As per muster roll details, the payment for the period from 10/5/16 to 13/5/16 has been made on 5/7/16. For the period from 16/4/16 to 22/4/16, the payment has been made on 14/6/16 and for the period from 23/4/16 to 28/4/16 the payment has been made on 5/7/16. As per Schedule-II at Sl.No.29 of the Act, 2005, the payment if not made within 15 days from the date of closure of muster roll the wage seekers shall be entitled for payment of compensation. Further as per Sl.No.30 of Schedule-II of the Act, 2005, the payment of wages shall be made through the individual savings account of the workers in the relevant Bank or Post Office. But in the muster rolls produced in this case, it is stated that the payment has been made by cash. Infact in the muster roll for the period from 16/4/16 to 22/4/16, the number of days attended and the total amount paid have been over written. There is no signature or L.T.M. of the workers in the muster rolls towards receipt of amount. In Mustroll detail, the date of commencement of work, the measurement book number and page number have not been entered.
15. The 3<sup>rd</sup> respondent along with his comments has produced Mustroll details for the period from 16/4/16 to 22/4/16 showing the 'payment date' as 14/5/16, but dates of credit of wage amount are shown as 6/9/16 and 30/6/16. There

are no signatures of the officers/officials who have taken the attendance and who have verified the same. It is stated that an amount of Rs.15,680/- has been paid in cash (ನಗದು).

16. 2<sup>nd</sup> Mustroll details produced by the 3<sup>rd</sup> respondent is for the period from 3/5/16 to 9/5/16, wherein the 'payment date' is shown as 5/7/16. The date of credit of wage amount is shown as 6/9/16. The signatures of the officials/officers who have taken the attendance and who have verified the same are not found. The amount paid in cash (ನಗದು) is shown as Rs.18,816/-.
17. Another Mustroll detail for the period from 23/4/16 to 28/4/16 has been produced, wherein payment date is shown as 5/7/16. The date of credit of wage amount is shown as 6/9/16. The signatures of the officials/officers who have taken the attendance and who have verified the same are not found. An amount of Rs.18,816/- has been shown as paid in cash (ನಗದು).
18. Therefore, from the documents produced by the present Panchayath Development Officer and 3<sup>rd</sup> respondent relating to the above work, it can be noticed that there are irregularities in execution of the said work and the mandatory provisions of NAREGA, Act 2005 have not been complied as summarized below:
  - i. There is delay in commencement of work and also completion of work.

- ii. No documents have been produced to show that name board has been installed as per the conditions laid down in the work order. Therefore it cannot be identified as the work executed under NAREGA Scheme as per the work order.
  - iii. The measurements have not been recorded in M.B. as detailed above. Therefore it can be seen that bill has been passed without verifying the measurements properly. It can also be made out that there is no stage wise verification of work.
  - iv. As explained above there are discrepancies in procuring materials for the work, and there is lack of transparency.
  - v. As per Mustroll and Muster Roll details there is delay in payment of wage amount. There arises doubt as to whether wages have been paid in cash in violation of the provision of NAREGA Act 2005, as discussed above.
  - vi. Infact the signatures of the officials/officers who have taken the attendance and who have verified the same are not found in Mustroll details, which create doubt as regards the number of employees who were given employment and who have paid wages as shown in Form.6, Mustroll and Muster Roll details.
  - vii. A copy of Form.6 produced by the 3<sup>rd</sup> respondent does not mention the personal number of the each worker.
19. Hence, there are prima facie materials to opine that the above complained work has not been executed as per the provisions of NAREGA Scheme.



20. 3<sup>rd</sup> Respondent in his comments, has stated that he was working as Technical Assistant on outsource basis and now he has left the job. Therefore recommendation is made under Sec.12(1) of Karnataka Lokayukta Act, to initiate proper action against the 3<sup>rd</sup> respondent as per Rule 7(f) of The Mahatma Gandhi National Rural Employment Guarantee Audit of Schemes Rules, 2011.
21. The Competent Authority shall intimate or cause to be intimated to this Authority about the action taken on the report within one month thereafter as stipulated under Section 12(2) of Karnataka Lokayukta Act, 1984.

Connected records are enclosed herewith.

*B.S. Patil* 7-5-20  
(Justice B.S.Patil)

Upalokayukta,  
State of Karnataka, Bengaluru

*B.S. Patil*  
7/5/2020