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12

KARNATAKA LOKAYUKTA

No.Compt/Uplok/BD-61/2009/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dt. 13/03/2017.

**REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Suo-moto investigation u/s. 7(2) of Karnataka Lokayukta Act on the petition received from Sri. Kempegowda S/o. Gangaligowda of Ammasandra, Dandinashivara Hobli in Turuvekere Taluka of Tumkur District.

A suo-moto compliant taken up for investigation on the basis of petition given by Sri.Kempegowda S/o. Gangaligowda of Ammasandra, Dindinashivara Hobli, Turuvekere Taluka, Tumkur District (hereinafter referred to as Complaint for short) against Assistant Executive Engineer in Panchayathraj Engineer Sub-Division in Turuvekere Taluk, Tumkur District Report was obtained by Sri.M.B.Pavin - Police Inspector, KLA, Tumkur dated 05/01/2009 wherein the allegation is that an amount of Rs.2 lakhs was earmarked in the budget of 2003-04 by the Executive Officer, Taluk Panchayath Turuvekere for construction of quarters at Dandinashivara Grama.

2. As per the orders dated 30/01/2008 on the petition, Chief Engineer in Technical and Audit Cell of Karnataka Lokayukta was asked to investigate and submit report. CE in turn got investigated the same from AEE-1 in TAC and submitted I.O. report as under:-
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- (i) An estimate for construction of Village Accountants' Quarters at Dandinashivara grama is administratively approved by D.C Tumkur during 2002-03 and technically scrutinized by EE PRE Division, Tumkur in 2003-04.
- (ii) The work is taken up departmentally and an expenditure of Rs.1,41,649/- is incurred as per the II and part bill raised by EO, TP, Turuvekere.
- (iii) The work is not completed in 2003-04 although the approved estimate contains all the required items of building works. The building has been constructed only upto lintel level during 2003-04 as per the report submitted by S.P, KLA Tumkur on 05/01/2009
- (iv) The balance works has been taken up in 2010-11 at an estimated cost of Rs.1.70 lakhs through piece work system. Approval of competent authority to take up the work on piece work system is not furnished.
- (v) The expenditure details of Rs.1.60 lakhs are also not furnished and the work still remains incomplete. From the above amount, roof slab, plastering, doors and windows have been provided as per report of E.O. dated 25/08/2011 and another estimate of Rs.1.10 lakhs is prepared for balance works.
- (vi) As no grants are reported to have been provided after 2010-11, the estimate cost required for balance works is worked out as Rs.3.00 lakhs.

3. According to the investigation report, even after making expenditure of Rs.1,41,649/- as per original estimate of the building of Rs.2 lakh during the year 2003-04 and incurring additional expenditure of Rs.1.70lakh as per additional estimate during the year 2010-11 the building remained incomplete requiring an additional estimate for Rs. 1.10 lakh

5

for completing the balance works for which a report dated 25/08/2011 was made. Since the required grant of Rs.1.10lakh was not released during the year 2010-11, the present required estimate to complete the building in all respect rose Rs.3 lakhs. According to the investigation officer, AE/JE/AEE in PRE-sub division and Executive Officer working in Taluk Panchayath Turuvekere during the period 2003-04 to 2010-11 are responsible for not completing the work within the stipulated period as per stipulated cost.

4. After receipt of Report, Sri. Mariswami – Assistant Executive Engineer in Panchayathraj Engineering Kuvempu Nagar front, Kuvempunagar, Tumkur District, 2) Sri. D.P.Nagaraju – Retired Assistant Executive Engineer, 7th cross 1st Main road, 1st Block, Kuvempunagar, Tumkur, 3) Sri. B.G.Purushotham – Junior Engineer in Panchayath Raj Engineering sub-division, Chikkanayakanahalli in Tumkur, 4) Sri. C.M.Basavaraju – Junior Engineer in Department of Rural drinking and sanitation sub-division in Turuvekere Tumkur, 5) Sri. M.Venkateshaiah – Lecturer Government College for Teachers Education, Stadium Road, Prashanth Nagar, Chitradurga District, 6) Sri. H.S.Jayakumar – Aksharadasoha, Bangalore Rural District, 7) Sri. D.K.Lingaraju – Tuda Commissioner Kollegala, Chamarajanagar District, 8) Sri. Jaikrishna – Joint Director in the office of DC, Chamarajanagar District and 9) Sri. H.K.Prakash – Technical Assistant in the office of Chief

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Engineer in Shimoga District (hereinafter referred to as Respondent Nos. 1 to 9 for short) were impleaded. Further investigation as against R1 to R4, the engineers working in PRE Sub-division Turuvekere was dropped since they could not be held responsible for incomplete work of count of shortage of funds as it was for the Executive Officers of Taluk Panchayath to arrange for sanction of additional grant required for completion of building. The same was approved in Para 74. The respondent No.5 to 7 have submitted their comments. The respondent No.8 & 9 though served with notice have not submitted their replies/comments even after service of notices. On careful consideration of the entire material placed on record. Respondent No. 5 to 8 were working as Executive Officers during the period in between 27/07/2006 to 30/10/2007; 30/10/2007 to 05/07/2008; 05/07/2008 to 01/09/2008 and 01/09/2008 to 20/08/2010. The respondent No.9 was working as Executive Officer, Taluk Panchayath Turuvekere during the period 20-08-2001 to 01-08-2012.

5. The AEE, PRE Sub-Division, Turuvekere vide letter dated 25/08/2011 had submitted for release of additional grant of Rs.1.10 lakh along with estimate for the purpose of completion of building in all respect to respondent No.9 while he was working as Executive Officer, Taluk Panchayath, Turuvekere. During the course of investigation the respondent No.9 as Executive Officer had submitted letter to AEE-2 in TAC that

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the request for additional grant of Rs.1.10 lakh sought by AEE vide letter dated 25/08/2011 will be placed in the General body meeting of Taluk Panchayath and steps will be taken to complete the construction work. However, the I.O. report reveal that no such steps were taken by the respondent No.9 while he was in office as Executive Officer and consequently the building has remained incomplete.

6. A careful consideration of the material on record shows that:-

- (i) The construction of quarters for Village Accountant at Dindinashivara village in Turuvekere Taluk taken up at the estimate of Rs.2 lakh in the year 2003 & 2004 had remained incomplete even after incurring expenditure of Rs.3,11,849/- as on 25/08/2011 requiring an additional grant of Rs.1.10 lakh as estimated by AEE in PRE Sub-division Turuvekere.
 - (ii) The respondent No.9 working as Executive Officer in Taluk Panchayath Turuvekere from 28/08/2010 to 01/02/2012 despite receiving requisition vide letter dated 25/08/2011 from AEE, PRE Sub-Division, Turuvekere for additional grant of Rs.1.10 lakh and despite addressing letter dated 25/08/2011 that immediate steps will be taken to get the grant released and get the construction completed did not take any steps and this has resulted in wasteful expenditure of Rs.3,11,849/- and also defeat of very object of having quarter for the village accountant at Dindinasavera village in Turuvekere Taluk.
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7. In the above circumstances, this report is made under Section 12(1) of the Karnataka Lokayukta Act, to the competent authority to:-

to take steps to complete the construction of the quarters of the Village Accountant Dindishivara".

8. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate the action taken or proposed to be taken on this report.

Copies of connected records are enclosed.

Sgdi 12/3/17.
(Justice Subash B Adi)
Upalokayukta,
State of Karnataka.