

**KARNATAKA LOKAYUKTA**

No. Compt/UPLOK/BGM/1143/2019/DRE-1 Multi Storied Buildings,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru 560 001  
Date 25/7/2019

**REPORT UNDER SECTION 12(3) OF  
THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub:- Proceedings against;

- (1) Sri V.N. Hadimani, Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District. (Presently retired and residing at No.27, Bheevi Colony, Surabhinagar, Gokul Road, Hubballi 580030),
- (2) Sri S.S.Todalabagi, Assistant Executive Engineer, KBJNL, Indi Branch Canal Sub Division No.24, Rampur (PA) and also was holding charge of post of Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District (Presently retired and residing at Sangameshwar Niwas, Asishwaryanagar, Ashram Road, Vijayapura)
- (3) Sri Jagadeesh Honnakasturi, Assistant Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA), Vijayapura District and also was holding in charge of the post of Asst. Executive Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA) (presently working as Assistant Engineer, Office of the Executive Engineer, KNNL, HBC Division, Athani, Belagavi District).
- (4) Sri P.S. Gopinath, Assistant Engineer, KBJNL, Indi Branch Canal Sub Division No.24, Rampur (PA), Vijayapura District (Presently working at the office of the Assistant Executive Engineer, Visvesvaraya Canal Sub Division No.2, Mandya).

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One Sri Dr. Sarvabhoma Bagali, Ex-MLA, Indi had filed a complaint regarding sub-standard work alleged to have been executed in relation to Indi Lift Canal and its Distributory Canals. The same was registered in compliant No.Compt/Uplok/BGM/3479/2015. During the investigation of the above complaint, the records in relation to execution of Indi Lift Canal and its Distributory Canals were secured and examined. In order to avoid overlapping of allegations and records, investigations into the main

canal and distributory canals with reference to entrustment of works to the contractors are taken up separately. Accordingly, suo-motu investigation under Section 7(2) of Karnataka Lokayukta Act, 1984, in relation to formation of Distributory Canal No.57 of Indi Lift Canal from K.M 4.00 to K.M 8.06 is taken up in this complaint against the following;

- (1) Sri S.B. Patri, the then Executive Engineer, KBJNL, Indi Branch Canal Division No.2, Almel, Vijayapura District.
- (2) Sri V.N. Hadimani, Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District.
- (3) Sri S.S.Todalabagi, Assistant Executive Engineer, KBJNL, Indi Branch Canal Sub Division No.24, Rampur (PA) and also was holding charge of post of Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District
- (4) Sri Jagadeesh Honnakasturi, Assistant Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA), Vijayapura District and also was holding in charge of the post of Asst. Executive Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA).
- (5) Sri P.S. Gopinath, Assistant Engineer, KBJNL, IBC Sub-Division No.24, Rampur (PA), Vijayapura District.

(hereinafter referred to as Respondents 1 to 5 respectively).

2. In relation to the construction of Distributory Canal No.57 from K.M 0.00 to 8.06 K.M, the Estimates were prepared separately for each Kilometre. The details of Estimate prepared for kilometres 04.00 to 8.06 which is subject matter of this complaint are as under:-

Sl. No.	Reach (in K.M)	Estimated Amt. (Rs. In lakhs)	Assistant Executive Engineer who prepared the estimate (Sriyuths)	Executive Engineer who checked the estimate (Sriyuths)
1.	4.00 to 5.00	99.77	S.S. Todalabagi, A.E.E., KBJNL, IBC Sub division No.24, Rampur (PA)	G.S. Malleshaiah E.E., KBJNL, IBC, Division No.2, Almel.
2.	5.00 to 6.00	70.74	S.S. Todalabagi, A.E.E., KBJNL, IBC Sub division No.24, Rampur (PA)	G.S. Malleshaiah E.E., KBJNL, IBC, Division No.2, Almel.
3.	6.00 to 7.00	Not	Not available	Not available

		available		
4.	7.00 to 8.060	54.07	S.S. Todalabagi, A.E.E., KBJNL, IBC Sub division No.24, Rampur (PA)	G.S. Malleshaiah E.E., KBJNL, IBC, Division No.2, Almel.

3. As per the proceedings of the Chief Engineer, KBJNL, Canal Zone-2, Rampur vide No.KBJNL/CZ-2/AE-2/D-57/Km.4.00 to 8.06Proceedings/2013-14/4029 dated 01/02/2014, the work of construction of Distributory No.57 from K.M 4.00 to K.M 8.06 (Excavation, Embankment, CC Lining & Structures) (Indent No.5597) was entrusted to B.S. Nagur, Contractor, R/o Devanagoan, Sindagi Taluk after technical evaluation and financial bid evaluation. The amount put to tender was Rs.3,08,71,369.48 and the contract amount was Rs. 1,92,07,693.06 i.e., -37.49% below the amount put to tender.

4. The Agreement entered into the Department with the Contractor is not furnished. However, in the copy of the RA Bills I & II furnished by Respondents the reference to Agreement No. is stated as 22/ 2014-15 dated 5/7/2014. The date of written order to commence the work is started as 5/7/2014. As per RA Bill No. II and Final the work was completed on 9/6/2015.

5. The RA Bill No. I and part was passed for a sum of Rs.1,22,64,101/- and after statutory deductions of Rs.18,67,258/- a sum of Rs.1,03,96,843/- is shown to have been paid to the Contractor by cheque. Respondent No.3 Sri S.S. Todalabagi, in the capacity of Executive Engineer has passed the Bill. He has not mentioned the date on which the Bill was passed. The details of work annexed to RA Bill No. I & Part are reiteration of estimate. The details of work do not bear the date.

6. On the obverse of RA Bill No. I & Part, the Respondent No.5 Sri P.S. Gopinath, Assistant Engineer has endorsed that he has recorded the measurement of work in measurement book No. 2193, 2192, 1328, 1329 and 1330 (n). The Respondent No.3 Sri S.S. Todalabagi, in the capacity of Assistant Executive Engineer has certified that 100% check measurement was taken by him. The memorandum of payments on the 2<sup>nd</sup> page of RA Bill No. I & Part is left blank.

7. The copies of extract measurement book No.1328, 1329, 1330, 2192 and 2193 are furnished. The entries relating to R.A Bill I & Part are shown to have been entered at pages 1 to 86 of Measurement Book No.2192; pages 1 to 52 of M.B. No.2193; pages 2 to 33 of M.B. No. 1328, pages 2 to 20 of M.B. No.1329 and pages 2 to 36 of M.B. No.1330. In these measurement books the date of measurement is shown as Nil (M.B. No.2192), 07/01/2015 (M.B. No.2193), 2/1/2015 (M.B. No.1328), 06/01/2014 (M.B. No.1329) and 24/02/2015 (M.B. No.1330). The measurements are recorded at a stretch in each measurement book. It appears there was no stage wise verification of work by Respondent No.5 Sri. P.S. Gopinath. The Respondent No.3 Sri S.S.Todalabagi, Assistant Executive Engineer though affixed his signature has not certified whether he has taken check measurements. At page 13 of Measurement Book 1330, the R.A Bill No. I & Part was passed for a sum of Rs.1,22,64,101/- after statutory deduction of Rs.18,67,258/- a sum of Rs. 1,03,96,843/- was paid to the Contractor. The Respondent No.3 Sri S.S. Todalabagi, in the capacity of Executive Engineer has passed the bill without mentioning the date on which he has passed the bill. It is

apparent that the entries in the measurement book are made only to pass the RA Bill No. I & Part.

8. The RA Bill No. II and final was passed for a sum of Rs.69,37,547/- and after statutory deductions of Rs.10,59,490/- a sum of Rs.58,78,057/- is shown to have been paid to the Contractor by cheque. Respondent No.2 Sri V.N. Hadimani, in the capacity of Executive Engineer has passed the Bill. He has not mentioned the date on which the Bill was passed. The details of work annexed to RA Bill No. II & final are reiteration of estimate. The details of work do not bear the date.

9. On the obverse of RA Bill No. II & final, the Respondent No.5 Sri P.S. Gopinath, Assistant Engineer has endorsed that he has recorded the measurement of work on 9/6/2015 at pages 15 - 28 in measurement book No. 2192, 2193, 1328, 1329 and 1330 (a). The Respondent No.4 Sri Jagadeesh Honnakasturi, in the capacity of Assistant Executive Engineer has certified that 100% check measurement was taken by him. The memorandum of payments on the 2<sup>nd</sup> page of RA Bill No.II & Final is left blank.

10. The copies of extract measurement book No.1328, 1329, 1330, 2192 and 2193 are furnished. The entries relating to R.A Bill II & final are shown to have been entered at pages 15 to 28 of Measurement Book No.1330; at pages 79 to 86 of M.B. No.2192; Page Nos. 38 to 52 of M.B. NO.2193; The page numbers of other two measurement books in which the entries relating to RA No.II & Final are entered are not stated. The measurements are recorded in the above measurement books relating to RA No. II & Final at a stretch in each measurement book. It appears there was no stage

wise verification of work by Respondent No.5 Sri. P.S. Gopinath. The Respondent No.4 Sri Jagadeesh Honnakasturi, in the capacity of Assistant Executive Engineer though affixed his signature has not certified whether he has taken check measurements. At page 36 of Measurement Book 1330, the R.A Bill No. II & Final was passed for a sum of Rs.69,37,547/- after statutory deduction of Rs.10,59,490/- a sum of Rs. 58,78,057/- was paid to the Contractor. The Respondent No.2 Sri V.N. Hadimani, in the capacity of Executive Engineer has passed the bill without mentioning the date on which he has passed the bill. It is apparent that the entries in the measurement book are made only to pass the RA Bill No. II & final. The Executive Engineer has certified that the quality control test reports are in conformity with the measurements recorded and actual quantity of work carried out.

11. In relation to the above work the copy of the work completion certificate is produced. The 5<sup>th</sup> Respondent Sri P.S. Gopinath Section Officer, KBJNL, IBC Sub Division No.24, Rampur; Respondent No.4 Sri Jagadeesh Honnakasturi, AEE and 2<sup>nd</sup> Respondent Sri V.N. Hadimani Executive Engineer, KBJNL, IBC Division No.2, Almel have affixed their signatures. The Completion certificate does not bear the date.

12. An observation note was sent to respondents 1 to 5. Respondent No.1 Sri S.B. Patri has submitted comments dated 10/6/2019 stating that the above work though commenced during his incumbency, no measurements were check measured and no

Bills were passed during his tenure. Therefore, he requested for dropping his name from the package work.

13. Respondent No. 2 Sri V.N. Hadimani has submitted comments dated 10/6/2019. He has stated regarding furnishing of copies of RA Bills I & II. He has stated that the recorded measurements of Section officer were 100% check measured by AEE and are recommended for payment.

14. Respondent No.3 Sri S.S. Todalabagi has submitted comments dated 10/6/2019. He has stated that as Assistant Executive Engineer, the measurements were 100% check measured by him and affixed his initials.

15. The Respondent No.4 Sri Jagadeesh Honnakasturi has submitted comments dated 9/6/2019. He has stated that as Incharge Assistant Executive Engineer, he had check measured the work 100% and measurements are recorded in stages and verified in stages.

16. The Respondent No.5 Sri P.S.Gopinath has submitted comments dated 12/6/2019. He has stated that measurements are recorded for RA Bill No.1 from pages 1 to 33 on 2/2/2015 and measurements from page Nos. 34 to 42 are recorded on 23/2/2015 and all these measurements are check measured 100% by the AEE on 24.02.2015. The recorded dates are missing due to oversight but the measurements recorded on site on above dates are supported by his February 2015 dairy. He has indicated that copy of the diary is appended as Annexure-II, but nothing is enclosed along with his comments.

17. On consideration of the comments of the respondents with reference to the documents, it is seen that though the work was commenced during the incumbency of respondent No.1 Sri S.B. Patri, the then Executive Engineer, he has not passed RA Bills I and II. Therefore, he had no role to play in the execution of work. In the circumstances, his comments can be accepted and he may be dropped from the proceedings.

18. In relation to other respondents 2 to 5, their comments cannot be accepted as they are untenable in view of the discrepancies and irregularities committed by respondents noted supra.

19. On verification of the documents relating to the work of formation of Distributory Canal No.57 of Indi Lift Canal from K.M 04.00 K.M to 08.06 KM, as stated supra, there are materials to show that the Respondents 2 to 5 have prima facie committed misconduct under Rule 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966, attracting initiation of disciplinary proceedings against them.

20. Therefore, acting under Section 12(3) of the Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the following respondents and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

- (1) Respondent No.2: Sri V.N. Hadimani, Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District. (Presently retired and residing at No.27, Bheevi Colony, Surabhinagar, Gokul Road, Hubballi 580030),




- (2) Respondent No.3: Sri S.S.Todalabagi, Assistant Executive Engineer, KBJNL, Indi Branch Canal Sub Division No.24, Rampur (PA) and also was holding charge of post of Executive Engineer, KBJNL, Indi Branch Canal, Division No.2, Almel Vijayapura District (Presently retired and residing at Sangameshwar Niwas, Asishwaryanagar, Ashram Road, Vijayapura)
- (3) Respondent No.4: Sri Jagadeesh Honnakasturi, Assistant Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA), Vijayapura District and also was holding in charge of the post of Asst. Executive Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA) (presently working as Assistant Engineer, Office of the Executive Engineer, KNNL, HBC Division, Athani, Belagavi District).
- (4) Respondent No.5: Sri P.S. Gopinath, Assistant Engineer, KBJNL, Indi Branch Canal Sub Division No.24, Rampur (PA), Vijayapura District (Presently working at the office of the Assistant Executive Engineer, Visvesvaraya Canal Sub Division No.2, Mandya).

21. Since Respondent No.2 Sri V.N.Hadimani, the then Executive Engineer has retired from Government Service on 31/7/2016; Respondent No.3 Sri S.S. Todalabagi, Assistant Executive Engineer has retired from Government Service on 31/5/2015, the departmental inquiry against them shall be instituted by according sanction under Rule 214(2)(b)(i) of Karnataka Civil Services Rules.

22. As per Section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or caused to be intimated to this Authority the action taken or proposed to be taken on this recommendation within three months from the date of receipt of this report.

The connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 25/7  
Upalokayukta-1  
State of Karnataka, Bengaluru  
25/7/19

