

KARNATAKA LOKAYUKTA

No. Compt/UPLOK/BGM/1144/2019/DRE-1 Multi Storied Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru 560 001
Date **28/01/2020**

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

Sub:- Proceedings against;

Sri Indukumar Patil K.M, Assistant Engineer, Office of
the Assistant Executive Engineer, KBJNL, IBC Sub
Division, No.24, Rampur (PA), Sindagi Taluk,
Vijayapura District

One Sri Dr. Sarvabhuma 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.56 of Indi Lift Canal from K.M 0.00 to K.M 4.580 is taken up in this complaint against the following;

- (1) Sri Jagadeesh Honnakasturi, Assistant Engineer, KBJNL, Indi Branch Canal Sub division No.24, Rampur (PA), Vijayapura District (presently working as Assistant Engineer, Office of the Executive Engineer, KNNL, HBC Division, Athani, Belagavi District).
- (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 S.B. Patri, the then Executive Engineer, KBJNL, Indi Branch Canal Division No.2, Almel, Vijayapura District (Presently retired and residing at Vijayapura)
- (4) Sri Gangappa Ningappa, Accounts Superintendent, office of the Executive Engineer, KBJNL, Indi Branch Canal Division No.2, Almel, Vijayapura District (Presently working at the office of the Executive Engineer, KBJNL, Indi Branch Canal, O&M Rampur (PA) Vijayapura District).
- (5) Sri Indukumar Patil K.M., Assistant Engineer, Office of the Asst. Executive Engineer, KBJNL, IBC Sub Division, NO.24, Rampur (PA) Sindagi Taluk, Vijayapura District (hereinafter referred to as Respondents 1 to 5 respectively).

2. In relation to the construction of Distributory Canal No.56 from K.M 0.00 to 4.580 K.M, the Estimates were prepared separately for each Kilometre from 0.00 to 4.580 K.Ms. The details of Estimate 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. | 0.00 to 1.00 | 78.61 | 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. | 1.00 to 2.00 | 77.85 | 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. | 2.00 to 3.00 (As per Technical Sanction) | 54.24 | | |
| 4. | 3.00 to 4.00 (As per Technical Sanction) | 63.45 | | |
| 4. | 4.00 to 4.58 (As per Technical Sanction) | 36.05 | | |

3. As per the proceedings of the Chief Engineer, KBJNL, Canal Zone-2, Rampur, the work of construction of Distributory No.56

from K.M 0.00 to K.M 4.580 (Excavation, Embankment, CC Lining & Structures) (Indent No.5593) was entrusted to Sri B.S. Nagur, Class I Contractor, R/o Devanagaon, Sindagi Taluk, after technical evaluation and financial bid evaluation. The amount put to tender was Rs.3,02,99,896.80 and the contract amount was Rs.1,86,07,166.62 i.e., -38.59% below the amount put to tender.

4. It is seen from the copies of RA Bill No.I & Part, II & Part and III and Final in relation to the above work there is reference to Agreement No.76/2013-14 dated 26/2/2014. The date of commencement of work is shown as 26/2/2014.

5. On the obverse of RA Bill No. I & Part the Respondent No.5 Sri Indukumar Patil K.M. Assistant Engineer has recorded that the measurements were recorded by him on 16/7/2014 in measurement book No.1295, 1296 and 1297. But he has not stated the page numbers in which the measurements were recorded. Sri S.S. Todalabagi, Assistant Executive Engineer, has affixed his signature to the certificate. The certificate does not disclose the check measurements of work by the Assistant Executive Engineer. The details of work appended to RA Bill No. I & Part are nothing but reiterations of estimate. There are numerical alterations in the details of work, which are not attested. The details of work does not bear the date.

6. The pre-measurements relating to RA Bill No.1 & Part were recorded at pages 2 to 50 of MB. No.1295 and measurements of work were recorded from pages 50 to 57. Again, in relation to RA Bill No.I & Part, pre-measurements were recorded from pages 2 to 20 and measurement of work were recorded from pages 21 to 61 of

M.B. No. 1296. Further, it is stated that in relation to RA Bill No. I & Part, Pre-measurements were recorded at pages 2 to 21 and work measurements were recorded from pages 22 to 31 of M.B. No. 1297. These entries in the above measurement books were verified. The measurements from pages 2 to 50 in M.B. No.1295 are shown to have been recorded on 13/5/2014. It looks improbable that Respondent No.5 Sri Indukumar Patil K.M, Junior Engineer has recorded measurements from pages 2 to 50 on a single day. Sri S.S. Todalabagi, Assistant Executive Engineer has endorsed that the items initialled by him are checked and found correct and he had put the date as 17/5. The details of work relating to RA Bill No. I and part are shown to have been recorded on 16/7/2014 from pages 50 to 57. These measurements are recorded at a stretch by reiterating the contents of estimate. There was no proper verification of work by Respondent No.5 Sri Indukumar Patil K.M. Assistant Engineer - who was the officer in charge of work.

7. Similarly, in relation to RA Bill No. I & Part, it is stated that pre-measurements were recorded at pages 2 to 20 and measurements were recorded from pages 21 to 44 of M.B. No.1296. The pre-measurements were shown to have been recorded on 13/5/2014 and measurement of work is shown to have been recorded on 16/7/2014, 12/8/2014, 10/9/2014 and 20/9/2014. Having regard to the quantity of measurements recorded on each day, it looks improbable to have taken measurements on the above dates. There is no stage wise verification of work by Respondent No.5 Sri Indukumar Patil K.M., Assistant Engineer.

8. RA Bill No. II & part, the Bill was passed for a sum of ₹ 68,36,602/- and after statutory deduction of ₹ 10,58,825/-, an amount of ₹ 57,77,777/- is shown to have been paid to the Contractor by cheque.

9. On the obverse of RA Bill No. II & Part Respondent No.5 Sri Indukumar Patil K.M. Assistant Engineer has recorded that the measurements were recorded by him on 7/10/2014 in measurement book No.1299 at pages 17 to 29. Sri S.S. Todalabagi, Assistant Executive Engineer, has affixed his signature to the certificate. The certificate does not disclose the check measurements of work by the Assistant Executive Engineer. The details of work appended to RA Bill No. II & Part are nothing but reiterations of estimate. There are numerical alterations in the details of work, which are not attested. The details of work does not bear the date.

10. The measurements recorded in M.B. No.1299 from pages 17 to 29 are perused. The date of recording is shown as 7/10/2014. The entries in the measurement book from pages 17 to 29 are recorded at a stretch. Having regard to the quantity of work, it looks improbable to record all the measurements on a single day. The items of the estimate are reiterated in the measurement book. There was no stage wise verification of work by Respondent NO.5 Sri Indukumar Patil K.M., Assistant Engineer. The respondent No.5 Sri Indukumar Patil, Assistant Engineer and Sri S.S. Todalabagi, Assistant Executive Engineer have affixed their signature at page 29 of the Measurement book. The Assistant Executive Engineer has not certified that he had taken check

measurement of the work. It appears that the measurements were recorded only to pass RA Bill No. II & Part without verification of work or check measurement.

11. RA Bill No. III & Final, the Bill was passed for a sum of ₹ 23,18,700/- and after statutory deduction of ₹ 2,05,522/-, an amount of ₹ 19,62,428/- is shown to have been paid to the Contractor by cheque.

12. On the obverse of RA Bill No. III & Final Sri Indukumar Patil K.M. Assistant Engineer has recorded that the measurements were recorded by him in measurement book No.1296 and 1299 at pages 61 to 75. Sri S.S. Todalabagi, Assistant Executive Engineer, has affixed his signature to the certificate. The certificate does not disclose the check measurements of work by the Assistant Executive Engineer. The details of work appended to RA Bill No. III & Final are nothing but reiterations of estimate. There are numerical alterations in the details of work, which are not attested. The details of work does not bear the date.

13. The measurements recorded in M.B. No.1296 from pages 61 to 75 are perused. The date of recording is shown as 25/11/2014. The entries in the measurement book from pages 61 to 75 are recorded at a stretch. Having regard to the quantity of work, it looks improbable to record all the measurements on a single day. The items of the estimate are reiterated in the measurement book. There was no stage wise verification of work by the officer in charge of work Sri Indukumar Patil K.M., Assistant Engineer. The officer in charge of work Sri Indukumar Patil, Assistant Engineer and Sri S.S. Todalabagi, Assistant Executive Engineer have affixed their

signature at page 75 of the Measurement book. The Assistant Executive Engineer has certified that the items initialled are checked and found correct. It appears that the measurements were recorded only to pass RA Bill No. III & Final without verification of work or check measurement. The No due certificate and Completion certificate are noted at page 41 of the M.B. No.1299. These Certificates do not bear the date.

14. The copy of the completion certificate does not bear the date. The Respondent No.5 Sri Indukumar Patil has affixed his signatures to the Completion certificate without mentioning the date on which the completion certificate was prepared. The estimated cost of work is shown as ₹3,02,99,896.80 and the cost of work entrusted on contract basis is shown as ₹1,86,07,166.72. The actual expenditure incurred is shown as ₹1,85,38,175/-. The date of actual completion of work is shown as 25/11/2014.

15. On 20/8/2019 An observation note was sent to Respondent No.5 Sri Indukumar Patil for submitting his comments. He has submitted comments by letter dated 19/12/2019. He has contended that the work was inspected by different authorities, including the Technical wing of Karnataka Lokayukta, whose findings are that the work carried out is satisfactory and as per the provisions made in the estimate. In relation to I & Part Bill, at paragraph 5 he has stated the dates of recording the measurements. He has further contended that the work has been executed as per approved canal section appearing in the sanctioned estimate. Hence the measurements seem to be as

reiterated, but the actual they are recorded as per measurements taken after execution.

16. The comments submitted by respondent No.5 are considered with reference to the materials on record. The contention that the investigating officer's finding was that the work carried out is satisfactory and as per the provisions made in the estimate cannot be considered since the Investigating officer has not referred to the documents relating to the above work. The discrepancies noted in the documents stated above are apparent. The documents does not show the stage wise verification of work by Respondent No.5.

17. In the above complaint, a report under Section 12(3) was already sent to the Competent Authority against respondents 1 to 4 and the Government has issued Govt. Order No. ಜಸಂಇ 137 ಸೇಇಎ 2019 dated 13/12/2019 initiating disciplinary enquiry against Respondents 1 to 4 and entrusting the same to Hon'ble Upalokayukta-1.

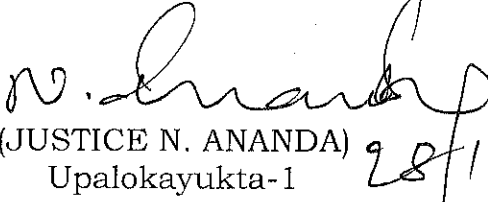
18. On verification of the documents relating to the work of formation of Distributory Canal No.56 of Indi Lift Canal from K.M 00.00 K.M to 04.580 KM, as stated supra, there are materials to show that the Respondent 5 has prima facie committed misconduct under Rule 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966, attracting initiation of disciplinary proceedings against him.

19. Therefore, acting under Section 12(3) of the Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against Sri

Indukumar Patil K.M., the then Assistant Engineer, Office of the Assistant Executive Engineer, KBJNL, IBC Sub Division No.24, Rampur (PA), Sindgi Taluk, Vijayapura District (Presently working as Assistant Engineer, VJNL, Yeeinahole Project Sub Division No.11, Arsikere, Hassan District) and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

20. 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) 28/1
Upalokayukta-1
State of Karnataka, Bengaluru
By

