

**KARNATAKA LOKAYUKTA**

Compt/Uplok/BGM-131/2009/ARE-5

Multi-storied Building,  
Dr.B.R. Ambedkar Veedhi,  
Bangalore,  
Dated: 18/01/2018**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA  
ACT, 1984**

Sub: Proceedings against 1) Sri.R.D.Kattimani, Executive Engineer, Project Division (PMGSY Division) Station Road, Vijayapura, (deceased), 2) Sri.K.K.Jainapura, Assistant Executive Engineer, Jala Samvardhana Yojana Sangha, District Project Unit, Vijayapura(deceased) and (3)A.B.Upadhya, Junior Engineer, KBJNL, ALBC Sub.Divn, No.1, Seethimani Camp, Alamatti presently at PWD Sub.Divn, Muddebihal, Vijayapura District-reg.

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On the basis of complaint filed by Sri.Sangamesha Tukarama Nayaka R/o Nebageri, Muddebihal Taluk, Bijapur Distirct, (hereinafter referred to as 'complainant' for short) against Asst. Executive Engineer, PWD, Port and Inland Water Transport Department, Muddebihal, Bijapur District alleging that he has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta.

**2. According to the Complainant: -**

The road formed from Alur Village to Nallathawad junction is of substandard and an amount of Rs.87 lakhs is spent for the work and the work is not executed in accordance with action plan.

3. Complaint was referred to CE, TAC, Karnataka Lokayukta. Investigation was earlier conducted by G.Ramesh, A.E.III on the instructions of C.E., and thereafter investigation is conducted by AE-5, TAC, Karnataka Lokayukta (I.O. for short) on the instructions of CE, TAC, Karnataka Lokayukta.

4. The report of I.O. show that:

(i) The spot was inspected by the then A.E.III – G.Ramesh on 20.5.2010 and I.O. secured records from Executive Engineer – II, H.S.Kattimani on 21.1.2017 and I.O. prepared the report on the basis of the records.

(ii) The work complained is in respect of improvement to road from Alur to Nallathawad road in km. 0.00 to 4.30, Muddebihal Taluk, Village road.

(iii) Actual average Weight of road metal (Grade II + Grade III) is found 38.43 kgs. But the quantity of metal that should have been used is less by 40.67% and excess amount of Rs.9.71, 406 is paid for the work.

(iv) The officers responsible for the excess amount paid are:

(a) R.D.Kattimani, Executive Engineer- 25 % Rs.2,42,852/-

(b) K.K.Jainapura-AEE, 37.5% Rs.3,64,277/-



(c) A.B.Updya-J.E, 37.5% Rs.3,64,277/-

5. After receiving report of I.O., R.D.Kattimani, Executive Engineer, K.K.Jainapura, Asst.Executive Engineer and A.B.Ūpadya, J.E have been impleaded as Respondents 1 to 3 respectively and copy of report of I.O. was sent to them for their comments.
6. Respondent No.1 and Respondent No.2 are reported to be dead and their death certificates are produced.
7. Respondent No.3 has submitted comments stating that he has executed the work promptly. His higher officers Asst. Executive Engineer and Executive Engineer have verified the work and recorded the measurement in the measurement book. The quality of the materials used for the work were verified after executing the work and recorded in the M.B. Weight of road metal used is proper and no excess payment is made. Grade II and Grade -III jelly used are in accordance with the estimate specification.
8. In view of the report of I.O. which prima facie show that the average metal weight that is grade II and Grade III jelly was only 38.43 kgs as against 64.77 kgs and excess payment is made for the difference rate of 40.67 % amounting to Rs.9,57,340/-, comments submitted by Respondent No.3 is not acceptable to drop the proceedings against him.
9. Since the said facts and materials on record prima facie show that the Respondent No. 3)-A.B.Upadhya, Junior Engineer, KBJNL, ALBC Sub.Divn, NO.1, Seethimani Camp, Alamatti presently at PWD Sub.Divn, Muddebihal, Vijayapura District has committed

misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Respondent No.3-A.B.Upadhya, Junior Engineer, KBJNL, ALBC Sub.Divn, NO.1, Seethimani Camp, Alamatti and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957 against him. Further it is also recommended to take action against legal representatives of Respondent No.1 to recover Rs. 2,42,852/- towards loss caused by Respondent No.1 and to take action against legal representatives of Respondent No.2 to recover Rs.3,64,277/- towards loss caused by Respondent No.2.

10. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority to intimate this Authority within one month from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.

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