

KARNATAKA LOKAYUKTA

No. COMPT/UPLOK/BGM/8809/2016

Multi Storied Buildings,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru 560 001.  
Dated : **31/08/2020**

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

Sub:- Proceedings against:-

- 1) Sri B.Y.Pawar, Executive Engineer, Public works Division, Chikkodi, Belagavi District;
- 2) Sri V.N. Patil, Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- 3) Sri B.R. Sandeep, Assistant Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- 4) Sri P.R.Kamath, Junior Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri

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The Complainant Sri Ramesh Appasab Karanoor resident of Banantikodi, Kerur Post, Chikkodi Taluk, Belagavi District has filed the present complaint against Respondent No.1 Sri R.S. Belavanki, the then Assistant Executive Engineer, Public Works Department, Chikkodi Sub Division, Chikkodi, Belagavi District alleging that during the year 2012-13 formation of inner road from Chenyadaddi-Chauson College to connect Nippani Mudhol State Highway of a distance of 3 Kms. was taken up at an estimated cost of Rs.80.00 Lakhs. Again, during the year 2015-16, the improvement of same road was undertaken at an estimated cost of Rs.200 Lakhs. Thus, there was loss to the State exchequer.

2. Along with his complaint, the Complainant has produced the copy of the estimate in relation to improvement to road from Mudhol Nippani Road to join Channyandaddi in Chikkodi, Belagavi District under NABARD RIDF-XVII Scheme. The estimated cost of the work is shown as Rs.80.00 Lakhs. Later, the complainant by letter dated 12/8/2016 has produced the copy of the estimate in relation to widening and improvement of road from State Highway 12 to Chosen College through RTO office taken up under 2014-15 Head of Account 5054-04-337-0-01-154 (Planning) District and Other Roads Improvement. The estimated cost of work is shown as Rs.200.00 Lakhs.

3. The comments from Respondent Sri R.S. Belavanki (name written by him as R.S. Bellunke) was called. He has submitted comments dated 10/8/2016 in regard to execution of work improvement to road from Mudhol Nippani Road to join Channyandaddi in Chikkodi, Belagavi District under NABARD RIDF-XVII Scheme. He has stated that the above work was taken up at an estimated cost of Rs.80.00 Lakhs and Technical approval was obtained in No.CER/785/ 2011-12/FEB 2012. A tender was called for execution of work and finally the work was awarded to Sri V.S. Manjrekar, Contractor, Chikkodi. The work order was given on 26/2/2012. The above work was required to be completed within 6 months and the defect liability period was 24 months. The respondent No.1 has further stated that during the execution of work, at every stage the quality test of materials such as Embankment (murrum), Grade II metal, Grade-III Metal, Baidage Murrum, MSS Type-B metal, VG-30 tar, etc. were conducted by PWD Quality Assurance Sub Division, Belagavi. The work was

completed on 23/12/2012 and the contractor has maintained the road for two years. The Respondent No.1 has submitted that the allegation of complainant that the above work was not at all carried out is not true.

4. The respondent No.1 has furnished copies of following documents in relation to the execution of work of improvement to road from Mudhol Nippani Road to join Channyandaddi in Chikkodi, Belagavi District under NABARD RIDF-XVII Scheme.

- i) Copy of estimate
- ii) Paper Notification inviting tenders.
- iii) Letter dated 26/6/2012 regarding approval of tender given to Sri V.S. Manjrekar.
- iv) Letter dated 26/6/2012 – Notice to Contractor Sri V.S. Manjrekar for commencement of work.
- v) Bill of quantities
- vi) Copies of Test reports.
- vii) R.A Bill No. III and Final
- viii) Photocopies of photographs.

5. On receipt of the comments from Respondent No.1, since he had not stated regarding execution of widening and improvement of road from Chauson College via RTO office connecting State Highway-12, the matter was referred to Technical Wing of Karnataka Lokayukta, Bengaluru pm 3/11/2016. The Assistant Executive Engineer-II, Karnataka Lokayukta, Bengaluru has submitted report dated 1/6/2017. The investigation officer has not verified the road formed in the year 2012, since the same was widened and improved during the year 2015-16. In his report the Investigation officer has stated that complainant has not furnished

documents to establish that the road work carried out in the year 2012-13 was substandard. After making him to understand the documents, he has not raised any objection. The Investigation officer has stated during the year 2015-16, that the road work executed in the year 2012-13 was widened to 5.5 meters and thickness of different layers to an extent 350 MM and asphaltting of 75MM, totally 425 MM. Finally, the Investigation officer has opined that the allegations made by complainant were not established.

6. It is relevant to state here that the investigation officer has not inspected the execution of work of widening and improvement of road taken up during the year 2015-16 with reference to the documents, such as estimate, Quality test reports, Bills, cross section photographs. The spot inspection was conducted on 10/11/2016 and the Investigation officer has submitted report on 1/6/2017. The submission of report is withheld up to 1/6/2017. The delay in submitting the report is not explained. From the report submitted by Investigation officer, it is apparent that the investigation was taken up by him for the purpose of satisfying the complainant without verifying the qualitative and quantitative execution of work with reference to estimates, quality test reports, measurement books, etc. Therefore, the investigation report cannot be accepted.

7. The records/documents in relation to execution of work of widening and improvement of road from State Highway 12 to Chauson College through RTO office taken up under 2014-15 Head of Account 5054-04-337-0-01-154 (Planning) District and Other Roads Improvement were called for from the jurisdictional

Assistant Executive Engineer. The Assistant Executive Engineer, Public Works Department, Chikkodi Sub Division has submitted the records by letter dated 27/11/2017. On verification of the records, it is seen that the following officers/officials were in charge execution of the above work.

- i) Sri B.Y.Pawar, Executive Engineer, Public works Division, Chikkodi, Belagavi District;
- ii) Sri V.N. Patil, Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- iii) Sri B.R. Sandeep, Assistant Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- iv) Sri P.R.Kamath, Junior Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri.

The above officers were impleaded as Respondents 2 to 5 and their comments were called. The Respondents 2 to 5 have submitted comments.

8. The Respondents 2 to 5 have submitted that the work of improvements to Road from Mudhol Nippani road to join Channayanadoddi in Chikkodi Taluk, Belagavi District under NABARD RIDF -XVII was not executed during their period. However, in regard to the work of improvement and widening of road from Chauson College via RTO office to the intersection of SH-12 in Chikkodi Taluk under Head of Account 5054-04-337-0-01-154 (Plan) District and Other Roads for the year 2014-15, they have submitted that the approval was accorded by Government on 17/4/2015. This work was taken up as an upgradation of infrastructure facility. The one time upgradation has been approved by Government vide letter dated 6/8/2015. The estimate

was prepared by Respondent No.4 Sri B.R. Sandeep by incorporating the infrastructure developed under the earlier implemented work during the year 2012-13. In the designing of the road, the then traffic and projected traffic and design life of 10 years were considered. The existing length, width and depth has been dovetailed into the now design road thickness. The available road was utilised while formulating the estimate and proposed widening and improvement of the said road in the year 2014-15. The estimate was reviewed by Estimate Review Committee and approval is accorded after due discussion, review and deliberation. The work tender was floated in the Govt. Tender Bulletin on 21/8/2015 as short term Notification. Thereafter, the Tender was approved by Government on 26/11/2015 and the tender was awarded to Contractor Sri P.B. Wantamutte for a sum of Rs.2,36,73,943.51 i.e., 12.98% above the amount put to tender. The agreement was executed by the Contractor on 31/12/2015. The respondents have submitted that the quality of work carried out was monitored by the office of Assistant Executive Engineer, Quality Assurance Sub Division, Chikkodi at various stages of implementation of work, the materials used were verified and tested in the laboratory and at field. The work was inspected by superior officers regularly during the implementation of work. Instructions issued by superior officers were followed and the work was got executed as per the specifications and terms of agreement. The works were in conformity with the requirement and standards stipulated in the specification of work. The measurements were recorded in e-measurement book, which were checked and certified. The work was completed on 21/11/2016. Totally 3 RA

bills were prepared. The video of entire road length has been recorded and written on Compact Disk on 13/3/2018. The respondents have submitted that the road is in good and motorable condition without any damages. Therefore, the respondents 2 to 5 requested to close the complaint.

9. The copies of documents in relation to the work of improvements to Road from Mudhol Nippani road to join Channayanadoddi in Chikkodi Taluk, Belagavi District under NABARD RIDF -XVII furnished by the Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division by letter dated 24/11/2017 and the photocopies of documents furnished by Respondent No.2 Sri B.Y. Pawar, Executive Engineer are perused.

10. The estimate in relation to the work of improvements to Road from Mudhol Nippani road to join Channayanadoddi in Chikkodi Taluk, Belagavi District under NABARD RIDF -XVII was prepared for a sum of Rs.200 Lakhs. As per the general specifications, the following stages of work were stipulated.

- 1) Removal of surface of asphalting
- 2) Shouldering on either side with murrum.
- 3) Laying of Granular Sub Base
- 4) Laying of Wet mix macadam
- 5) Laying of primer coat and tack coat
- 6) Laying of 50 mm bituminous macadam
- 7) Laying of 25 mm Semi dense bituminous concrete.

11. The Technical approval and administrative approval for the above was given by Chief Engineer, Communication and Buildings

(North), Dharwad by order No.CEN/Ta.Sa-2/Chikkodi/5054/ Ji.Mu.Ra.Su/AA/ TA/2015-16 dated nil, subject to the conditions stipulated in the appended technical note. The conditions stipulated in the technical note are as follows:-

1. ಈ ಅಂದಾಜಿನಲ್ಲಿ ಇರುವ ಎಲ್ಲಾ ದರ ವಿಶ್ಲೇಷಣೆ ಹಾಗೂ ಸಾಗಣೆ ದೂರ, ಇತ್ಯಾದಿ ವಿವರಗಳನ್ನು ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರರು ಇನ್ನೊಮ್ಮೆ ಪರಿಶೀಲಿಸಬೇಕು.
2. ರಸ್ತೆಯ ನಿರ್ಮಾಣಕ್ಕಾಗಿ ಬೇಕಾಗುವ ಮಣ್ಣಿನ ಪ್ರಮಾಣವನ್ನು ರಸ್ತೆಯ ಟಿಪಿಕ್ ಅಡ್ಡ ಛೇದ ಹಾಗೂ ಉದ್ದ ಛೇದದ ಆಧಾರದ ಮೇಲೆ ಲೆಕ್ಕ ಹಾಕಿ ಅಂದಾಜಿನಲ್ಲಿ ಅಳವಡಿಸಲಾಗಿದೆ. ಕೆಲಸ ಕೈಗೊಳ್ಳುವ ಪೂರ್ವದಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ ಅವರು ಈ ರಸ್ತೆಯ ಮೇಲೆ ಸರ್ವೆ ಮಾಡಿ ಎಲ್-ಸೆಕ್ಷನ್ ಹಾಗೂ ಕ್ರಾಸ್ ಸೆಕ್ಷನ್ ಪಡೆದುಕೊಂಡು ಇದರ ಆಧಾರದ ಮೇಲೆ ಬೇಕಾಗುವ ವಾಸ್ತವಿಕ ಪ್ರಮಾಣವನ್ನು ನಿರ್ಧರಿಸಿ ಅದರಂತೆ ಅಳವಡಿಸಬೇಕು.
3. ಕಾಮಗಾರಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ಭಾರತೀಯ ರಸ್ತೆ ಮಹಾಸಭೆಯ ಮಾರ್ಗದರ್ಶಿಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಹಾಗೂ ಭಾರತ ಸರ್ಕಾರದ ರಸ್ತೆ ಸಾರಿಗೆ ಮತ್ತು ಹೆದ್ದಾರಿಗಳ ಮಂತ್ರಾಲಯದ ಸ್ಪೆಷಿಫಿಕೇಷನ್‌ಗಳಂತೆ ಅನುಷ್ಠಾನಗೊಳಿಸುವುದು.
4. ಕಾಮಗಾರಿಯ ಪ್ರಾರಂಭಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ಹಾಗೂ ನಂತರ ರಸ್ತೆಯ ಲೆವೆಲ್‌ಗಳನ್ನು ದಾಖಲಿಸುವುದು.
5. ಅಂದಾಜು ಪತ್ರಿಕೆಯಲ್ಲಿ ಇಡಗಂಟು ತೋರಿಸಿದ್ದಲ್ಲಿ ಅಂತಹ ಐಟಂಗಳನ್ನು ಕಾರ್ಯನಿರ್ವಹಿಸುವ ಮುಂಚೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ವಿವರವಾದ ಅಂದಾಜಿಗೆ ಅನುಮೋದನೆ ಪಡೆಯತಕ್ಕದ್ದು.
6. ರಸ್ತೆಯ ಪ್ರತಿ 500ಮೀಟರ್‌ಗೆ ಕನಿಷ್ಠ ಒಂದರಂತೆ ಸಿ.ಬಿ.ಆರ್ ಪರೀಕ್ಷಿಸಿ ದಾಖಲಿಸುವುದು ಹಾಗೂ ಮಂಜೂರಾದ ಅಂದಾಜು ಪತ್ರಿಕೆಯಲ್ಲಿ ಪರಿಗಣಿಸಲಾದ ಬೆಲೆಗೆ ಹೋಲಿಸಿದಾಗ ವ್ಯತ್ಯಾಸವಿದ್ದಲ್ಲಿ ಕೂಡಲೇ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಗೆ ವರದಿ ಸಲ್ಲಿಸಿ ತಾಂತ್ರಿಕ ಸೂಕ್ತ ಕುರಿತಂತೆ ದೃಢಪಡಿಸಿಕೊಂಡು ಕಾಮಗಾರಿ ಮುಂದುವರಿಸುವುದು.
7. ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ಅತ್ಯುತ್ತಮವಾದ ಗುಣಮಟ್ಟವನ್ನು ಕಾಪಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದು ಹಾಗೂ ಕಾಮಗಾರಿಗೆ ಬಳಸುವ ಸಾಮಗ್ರಿಗಳ ಗುಣಮಟ್ಟ ಪರೀಕ್ಷಿಸಿ ಉತ್ತಮ ಗುಣಮಟ್ಟವನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡ ನಂತರವೇ ಸಂಗ್ರಹಿಸುವುದು.
8. ಗುತ್ತಿಗೆದಾರರಿಂದ ಕಾಮಗಾರಿಗಾಗಿ ಉಪಯೋಗಿಸಲ್ಪಡುವ ಸಿಮೆಂಟ್, ಸ್ಟೀಲ್, ಹಾಗೂ ಡಾಂಬರಿನ ಗುಣಮಟ್ಟವನ್ನು ಪರೀಕ್ಷಿಸಿದ ಬಗ್ಗೆ ಪ್ರಮಾಣ ಪತ್ರ ಹಾಗೂ ಡಾಂಬರಿನ ಖರೀದಿ ಮಾಡಿದ ರಸೀದಿಯ ಪ್ರತಿಗಳನ್ನು ಪಡೆಯುವುದು.
9. ಹಿಂದಿನ ಆರ್ಥಿಕ ವರ್ಷಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ ಅಡಿಯಲ್ಲಿ ಸದರಿ ರಸ್ತೆಯ ಸರಪಳಿಗಳಲ್ಲಿ ಕಾಮಗಾರಿ ಮಂಜೂರಾಗಿದ್ದಲ್ಲಿ ಸದರಿ ಅಂದಾಜು ಪತ್ರಿಕೆಯಲ್ಲಿ



ಮಾಡಿರುವ ಪ್ರಾವಿಜನ್ (ಸಬ್ ಬೇಸ್, ಬೇಸ್, ಇತ್ಯಾದಿ) ಗಳು ಈಗಿನ ಅಂದಾಜಿನಲ್ಲಿ ಪುನರಾವರ್ತನೆಯಾಗದಂತೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು ಹಾಗೂ ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರವರು ಪರಿಶೀಲಿಸಿ ದೃಢೀಕರಿಸಿಕೊಂಡು ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು.

10. ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸುವುದಕ್ಕೆ ಮುಂಚೆ ಅಧೀಕ್ಷಕ ಇಂಜಿನಿಯರರು ಹಾಗೂ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರವರು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿ ವಾಸ್ತವಿಕ ಸರಪಳಿ ಹಾಗೂ ಪರಿಮಾಣಗಳ ಹಾಗೂ ಅವುಗಳ ಅವಶ್ಯಕತೆ ಬಗ್ಗೆ ದೃಢೀಕರಿಸಿಕೊಳ್ಳುವುದು ವ್ಯತ್ಯಾಸ ಕಂಡುಬಂದಲ್ಲಿ ಕೂಡಲೇ ವರದಿ ಮಾಡುವುದು.
11. ರಸ್ತೆಯ ಅಗಲೀಕರಣ ಹಾಗೂ ಏರಿ ಸುಧಾರಣೆ ಕಾಮಗಾರಿಯನ್ನು ಆರಂಭಿಸುವ ಪೂರ್ವ ಹಾಲಿ ರಸ್ತೆಯ ಲೆವೆಲ್‌ಗಳನ್ನು ಹಾಗೂ ಅಡ್ಡಭೇದಗಳ ವಿವರಗಳನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದು ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರವರ ಹಾಗೂ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರವರ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ.
12. ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸುವ ಪೂರ್ವದಲ್ಲಿ ರಸ್ತೆಯ ವಾಸ್ತವಿಕ ಸಬ್‌ಗ್ರೇಡೆಡ್ ಸಿಬಿ.ಆರ್‌ಗೆ ಅನುಗುಣವಾಗಿ ಪೇವ್‌ಮೆಂಟ್ ವಿನ್ಯಾಸ ತಯಾರಿಸಿ ಮತ್ತೊಮ್ಮೆ ಪರಿಶೀಲಿಸಿ ಐಆರ್‌ಸಿ-37/2012 ಸಂಹಿತೆಯ ರಸ್ತೆ ಕ್ರಸ್ತ್ ದಪ್ಪವು ಸರಿಯಾಗಿ ಇರುವುದನ್ನು ಮತ್ತೊಮ್ಮೆ ದೃಢೀಕರಿಸಿಕೊಳ್ಳುವುದು.
13. ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭಿಸುವ ಪೂರ್ವದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಗುಣನಿಯಂತ್ರಣ ವಿಭಾಗ/ಉಪವಿಭಾಗಕ್ಕೆ ಮಾಹಿತಿ ನೀಡುವುದು.
14. ಅಂದಾಜು ಪತ್ರಿಕೆಯಲ್ಲಿ ಬಿ.ಎಂ. ಅಳವಡಿಸಿಅದರ ಮೇಲೆ ಟ್ಯಾಕ್‌ಕೋಟ್ ಅಂಶವನ್ನು ಪರಿಗಣಿಸಿದಲ್ಲಿ ಸದರಿ ಅಂಶವನ್ನು ಬಿ.ಎಂ. ಒದಗಿಸಿದ ನಂತರ ವಾಹನ ಸಂಚಾರವು ಅನಿವಾರ್ಯವಾದಲ್ಲಿ ಮಾತ್ರ ಅನುಷ್ಠಾನಗೊಳಿಸುವುದು. ಈ ಬಗ್ಗೆ ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರು ದೃಢಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು.
15. ಕಾಮಗಾರಿ ಪ್ರಾರಂಭಿಸುವ ಮುಂಚೆ, ಪ್ರಗತಿಯಲ್ಲಿರುವಾಗ ಹಾಗೂ ಮುಕ್ತಾಯದ ನಂತರ ಕಲರ್ ಛಾಯಾ ಪ್ರತಿಗಳನ್ನು ಪಡೆದುಕೊಳ್ಳತಕ್ಕದ್ದು ಹಾಗೂ ಮುಕ್ತಾಯದ ವರದಿಯೊಂದಿಗೆ ತಪ್ಪದೇ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
16. ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭಿಸುವ ಪೂರ್ವದಲ್ಲಿ ಅನುಮೋದಿತ ಅಪೆಂಡಿಕ್ಸ್-ಇ ಯಲ್ಲಿ ಸೇರ್ಪಡೆಯಾದ ಬಗ್ಗೆ ಖಚಿತಪಡಿಸಿಕೊಂಡು ಮುಂದಿನ ಜರುಗಿಸುವುದು ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರರ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ.
17. ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ನಂತರ Defect Liability ಅವಧಿಯನ್ನು 1 ವರ್ಷ ನಿಗದಿ ಪಡಿಸುವುದು.
18. ಈ ಕಾಮಗಾರಿಯನ್ನು 1999ರ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ಅಧಿನಿಯಮ ಮತ್ತು 2000ರ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸಂಗ್ರಹಣೆಗಳಲ್ಲಿ ಪಾರದರ್ಶಕತೆ ನಿಯಮಾವಳಿ ಹಾಗೂ ಅವುಗಳಿಗೆ ಪೂರಕವಾಗಿ

ಕಾಲಕಾಲಕ್ಕೆ ಹೊರಡಿಸಿದ ಸ್ಥಾಯಿ ಆದೇಶ ಮತ್ತು ಸೂಚನೆಗಳನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸುವುದು.

19. ಟೆಂಡರ್ ಕರೆದು ಗುತ್ತಿಗೆದಾರರಿಗೆ ಕೆಲಸ ನಿರ್ವಹಿಸಲು ಗೊತ್ತು ಮಾಡುವ ಮೊದಲೇ ಕೆಲಸದ ಸ್ಥಳದಲ್ಲಿನ ಎಲ್ಲಾ utilities ಗಳನ್ನು ತೆಗೆದು encumbrance free site ಆಗಿ ಪರಿವರ್ತಿಸತಕ್ಕದ್ದು. ನಂತರ ಕೆಲಸದ ಸ್ಥಳವನ್ನು ಗುತ್ತಿಗೆದಾರರಿಗೆ ಕೆಲಸ ನಿರ್ವಹಿಸಲು ಹಸ್ತಾಂತರಿಸುವುದು.

12. A short term tender was called for execution of above work by Notification dated 17/8/2015. The amount put to tender is shown as Rs.1,98,95,118.63 and the amount of EMD is shown as Rs.2,99,000/-. The tender was published in Belagavi District Tender Bulletin on 21/8/2015. The last date fixed for submission of tender was 7/9/2015. The date of opening of technical bid was 9/9/2015 and date of opening of financial bid was 11/9/2015. After, tender process, the tender submitted by one Sri P.B. Wantamutte, Contractor, Chikkodi was accepted and communication to this effect was sent to the contractor Sri P.B. Wantamutte on 3/12/2015. The contract was entrusted for a sum of Rs.2,24,55,048/- (12.98% excess to the amount put to tender) The Contractor had executed an agreement dated 31/12/2015.

13. In the communication letter dated 3/12/2015 for acceptance of tender, the contractor Sri P.B. Wantamutte was instructed to submit Security Deposit of a sum of Rs.11,23,000/- and to execute Agreement. In the copy of the Agreement dated 31/12/2015, there is no averment in regard to furnishing of Security Deposit by the Contractor. It is not clear whether the Contractor has furnished the Security Deposit as stipulated in the communication letter dated 3/12/2015.

14. The Executive Engineer, Public Works, Ports and Inland water Transport Department, Chikkodi Sub Division, Chikkodi has issued work commencement notice to the Contractor on 31/12/2015 to commence the work as per the agreement for a sum of Rs.2,24,55,048/-.

15. As per the Technical Note of Chief Engineer, Communication and Buildings, Dharwad stated supra, before commencement of work, the levels of road were to be recorded. Before commencement of work, the Superintending Engineer and Executive Engineer were required to inspect the spot and confirm regarding the actual chainage and quantities and their requirements. It was the duty of the Executive Engineer and Assistant Executive Engineer to get the details of existing road levels and cross section before commencement of above work. It was also instructed to remove all utilities at the spot and convert the site as encumbrance free site. The above instructions were not carried out before commencement of the work. There is no record to show that the above instructions were carried out before commencement of work.

16. It is interesting to note that the Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Quality Assurance Sub Division, Belagavi has submitted Quality Test Report of GSB Coarse Graded Grading-II and Wet Mix Macadam Test by letter dated 27/11/2015. The copies of test reports of Coarse Graded GSB material sample and Wet Mix Macadam material sample were also enclosed to the above letter. It is stated that the date of testing of material was

6/11/2015 to 8/11/2015. The Test Reports mentions the name of work as "Widening and improvements to road from Chauson College to Join SH-12 via RTO office in Chikkodi Taluk". The name of agency is shown as Sri P.B. Wantamutte. Considering the date of test reports, it is to be seen that as on the date of test reports, the acceptance of tender was not finalised, the contractor was not awarded contract and the contractor had not executed the agreement. As on the date of testing of materials, Sri P.B. Wantamutte was not awarded with above contract and hence he was not the agency on the date of testing. It is not clear as to how the materials were got tested before awarding contract to the contractor. A doubt arises as to whether the same materials were used by contractor for execution of work. Similar test reports in respect of VG-30 Bitumen and BM aggregates was issued by the Quality Assurance Sub Division, Belagavi by letter dated 27/11/2015. In relation to VG-30 Bitumen sample, the name of manufacturer is shown as BPCL, Mumbai. The details of purchase of VG-30 Bitumen sample from BPCL, Mumbai, its receipts are not furnished. Thus, it is clear that the test reports were got prepared after completion of work for the purpose of compliance of the technical conditions.

17. The work relates to widening and improvements to road from Chauson College to join SH-12 via RTO office in Chikkodi Taluk of Belagavi District. As per the Cross Section, the width of existing road was 3.75 meter and the proposed width of road was 5.50 meters. The proposed laying of murrum is shown as 300 mm; proposed Grade-II mettaling is shown as 0.075 mts. and proposed

Grade-III metalling is shown as 0.075 mts. Thereafter, MSS Type-B is to be laid.

18. The e-measurement book in respect of widening and improvements to road from Chauson College to join SH-12 via RTO office in Chikkodi Taluk of Belagavi District attached to RA Bill No. I and Part is perused. As per e-measurements, on 6/1/2016 pre-measurements in respect of construction of embankment with approved material Gravel/Murram with all lifts and leads, transporting to site, spreading grading to required slope and compacting to meet requirement Table 300-2 complete as per specifications. This measurement was recorded for Kms. 0.00 to 2.00 Kms. on either side of road. It is relevant to mention here that the contractor was given letter to commence the work on 31/12/2015. Before laying embankment, the layers of old road were to be removed in full. It is exaggerating that within a period of 6 days, embankment for 2 Kms. of road was laid and measurement was taken.

19. After laying murrum, the measurements regarding Construction of foundation with plain cement concrete M10 mix with crushed stone aggregate 40 m nominal size mechanically mixed, placed in foundation and compacted by vibration, including curing for 14 days complete as per specifications MORTH Specification No.408 (P. NO.263 I No.34.1) was not recorded.

20. Again, on 15/1/2016, pre-measurements in relation to the same work for which pre-measurements were recorded on 6/1/2016, were recorded. After recording the measurements in relation to construction of embankment, measurements in relation

to scarifying the existing Bituminous surface to a depth of 50 mm by mechanical means was recorded, which is impermissible. After getting the work of scarifying existing bituminous surface, the construction of embankment was to taken up.

21. Further, on 19/1/2016, i.e., after 4 days of completion of work of scarifying existing bituminous surface, etc. measurements in relation to construction of granular sub-base by providing coarse graded material, spreading in uniform layers with motor grader on prepared surface was recorded in respect of Kms. No. 00 to 1.00 the bill quantity is recorded as 600 Sq. Meters.

22. On 24/1/2016, pre-measurements in relation to the work of providing, laying, spreading and compacting graded stones, aggregate to wet mix macadam specification including pre mixing the material with water and OMC, etc was recorded in respect of Kms. No. 00 to 1.00. The Bill quantity is shown as 1305 cm. Meters. On the same day measurements relating to providing and applying primer coat with S.S. bitumen emulsion was recorded in respect of 00. to 1.00 km. Immediately on the next day i.e., 25/1/2016, pre-measurements in relation to providing and applying tack coat using 80/100 grade bitumen (VG-10) in boiler fitted with spray set distributor was recorded in respect of 00.00 to 1.00 Km. On 25/1/2016 itself, pre-measurements in respect of providing and laying bituminous macadam on prepared surface with crushed coarse aggregates was recorded in respect of 00.00 to 01.00 km.

23. It is seen from the directions issued while approving the construction of road and as per the Cross section, the work involve

(i) laying of murrum; (ii) construction of Grade-II mettaling; (iii) construction of Grade-III mettaling; and (iv) laying MSS Type-B. After laying each layer of road, measurements should have been recorded in respect of each layer, so as to ensure the thickness of each layer; length and breadth, quality and quantity achieved. There cannot be composite measurements. After laying each layer i.e., murrum, laying Grade II mettaling; laying Grade-III mettaling and laying MSS type B, requires time for settling. All the above stages of work cannot be executed on a single day or within 2 – 4 days. After laying each layer, roller should be applied and leave it for settling the same. Thus, it is apparent that sufficient time for settling each layer was not allowed. In the measurement book, the width of the road is not mentioned.

24. As per the instructions given by Chief Engineer, C&B North, Dharwad in his technical note, photographs at the beginning of work, at every stage of execution of work and after completion of work were required to be taken. The photographs after laying of each layer on the road were not taken. Further, photographs for the works relating to I & Part Bill was not enclosed.

25. As per the I & Part Bill, it was submitted to Branch Office on 9<sup>th</sup> February 2016. The total amount for which the Bill was passed is shown as Rs.71,51,945/- and after statutory deductions of Rs.9,53,553/-, a sum of Rs. 61,98,392/- was paid to the Contractor on 15/2/2016 vide Cheque No.563858. This Bill was passed by Respondent No.2 Sri B.Y. Pawar, Executive Engineer. Having regard to the nature of work and the amount for which the Bill was passed, the 2<sup>nd</sup> respondent Executive Engineer, ought to

have verified/ checked the work atleast 25%. There is no record to show that the Respondent No.2 Executive Engineer has verified the work before passing the Bill.

26. On the obverse of RA Bill I & Part, Respondent No.4 Sri B.R. Sandeep, Assistant Engineer, had recorded that he had taken measurements of work on 28/1/2016 and recorded the measurements at pages 1 to 10 of E-MB. As stated supra, in the photocopy of E-measurement book the date of recording pre-measurements are shown as 6/1/2016, 15/1/2016, 19/1/2016, 24/1/2016 and 25/1/2016. Thereafter, the quantities pre-measured were shown to have been entered on 28/1/2016. Therefore, there was no separate measurements recorded on 28/1/2016. The date of check measurements by Respondent No.3 Sri V.N. Patil, Assistant Executive Engineer is not stated in either in the RA Bill I & Part or in the E-measurement book.

27. The details of work appended to RA Bill I & Part are nothing but re-iterations of items 1 to 7 and 12 & 13 of estimate. The Respondent No.3 Sri V.N. Patil, Assistant Executive Engineer has affixed his signature to the details of work appended to the RA Bill I & Part. But the date of preparation of details of work is not shown.

28. In relation to RA Bill II & Part, photocopy of Volume-2 E-measurement book from pages 1 to 14 is enclosed. It is seen that pre-measurements is shown to have been recorded on 2/2/2016 in respect of Scarifying existing bituminous surface to a depth of 50 mm by Mechanical Means and disposal of scarified material. This item of work is shown to have been executed in respect of Km. 1.00



to 2.00 and Km. No.2.00 to 2.60. It is to be noted here that while charging the items in the I & Part bill pre-measurements in respect of construction of embankment with Material Gravel/Murram with all lifts and leads, transporting to site, etc. is shown to have been recorded on 6/1/2016. These measurements were in respect Km. No. 00.00 to 02.00 km. When once the embankments were laid on 6/1/2016, measurements in respect of scarifying the existing bituminous surface to a depth of 50 mm by mechanical means cannot be recorded on 2/2/2016 since laying of embankment follows with scarifying the existing bituminous. Therefore, the pre-measurement shown to have been recorded on 2/2/2016 is doubtful.

29. On 8/2/2016, pre-measurements are shown to have been recorded in respect of construction of granular sub-base by providing coarse graded material, spreading in uniform layers with motor grader on prepared surface, mixing by mix in place method with rotavator at OMC and compacting with vibratory roller. This measurement is shown to have been recorded for Kms. 1.00 to 2.00 and Kms. 2.00 to 2.60. The recording of this pre-measurement is again doubtful, since construction of embankment with approved material Gravel/ Murram in respect of Kms. 2.00 to 2.60 was not made, before construction of granular sub-base. In none of the e-measurement books appended to RA Bill No.1 or 2 or 3, the construction of embankment in respect of Kms. 2.00 to 2.60 is not shown.

30. On 17/2/2016, pre-measurements in respect of providing, laying, spreading and compacting graded stones aggregate to wet

mix macadam specification including pre mixing the material with water at OMC in mechanical mix plant carriage of mixed method of tipper to site, laying in uniform layers with paver in sub-base/base coarse on well prepared surface and compacting with vibratory roller is shown to have been recorded. This measurement is recorded in respect of Kms. 1.00 to 2.00; 2.00 to 2.60 and 2.60 to 3.00 kms.

31. On the same day i.e., on 17/2/2016, pre-measurements in respect of next layer of work i.e., providing and applying primer coat with SS bitumen emulsion on prepared surface of granular base such as WBM (Water Bound Macadam), WMM (Wet Mix Macadam), including cleaning of road surface and spraying primer at the rate of 0.60 kg/Sq.m using mechanical means was recorded. This measurement is recorded in respect of Kms. 1.00 to 2.00; 2.00 to 2.60 and 2.60 to 3.00 kms. The measurements in respect of above two items cannot be taken at a time, since they are different stages of work.

32. Further on 18/2/2016 pre-measurements in respect of next stage of work i.e., providing and applying tack coat using 80/100 Grade bitumen (VG-10) in boiler fitted with spray set distributor at the rate of 0.20 kg. per sqm. on the existing prepared bituminous surface cleaned with mechanical broom was recorded. This measurement is also recorded in respect of Kms. 1.00 to 2.00; 2.00 to 2.60 and 2.60 to 3.00 kms.

33. On the same day i.e., on 18/2/2016, pre-measurements in respect of providing and laying bituminous macadam on prepared surface with crushed coarse aggregates as per design mix formula

base/binding course including loading of aggregates with P.E loader, hot mixing of stone aggregates and bitumen in hot mix plant, etc. was recorded.

34. It is to be noted here that the measurements in respect of works stated in pre-paragraphs 30 to 33 are recorded for Kms. 1.00 to 2.00; 2.00 to 2.60; and 2.60 to 3.00 kms. The above works should be preceded with (i) scarifying existing bituminous surface; (ii) construction of embankment with material Gravel/murram & (iii) Construction of Granular sub-base. However, these works are not shown to have been executed in respect of kms. 2.60 to 3.00 kms. Without executing these works, if the works stated in paragraphs 30 to 33 were executed, it amounts to execution of substandard work.

35. The items stated in pre-paragraphs 30 to 33 are different stages of work and measurements should have been taken after completion of every stage of work. Considering the date of recording pre measurements, it is apparent that all the above measurements are recorded at a stretch. It is apparent that the measurements are recorded in e-measurement book are make believe measurements, only to satisfy that the measurements are recorded. After laying murram, the measurements regarding Construction of foundation with plain cement concrete M10 mix with crushed stone aggregate 40 m nominal size mechanically mixed, placed in foundation and compacted by vibration, including curing for 14 days complete as per specifications MORTH Specification No.408 (P. NO.263 I No.34.1) was not recorded.

36. It is seen from the directions issued while approving the construction of road and as per the Cross section, the work involve (i) laying of murrum; (ii) construction of Grade-II mettaling; (iii) construction of Grade-III mettaling; and (iv) laying MSS Type-B. After laying each layer of road, measurements should have been recorded in respect of each layer, so as to ensure the thickness of each layer; length and breadth, quality and quantity achieved. There cannot be composite measurements.

37. Again, the above recording of pre-measurements are shown in the e-measurement book as have been recorded on 25/2/2016. In the e-measurement book, the Respondent No.3 Sri V.N. Patil has endorsed that the items initialled, checked and found correct. The date of taking check measurement is not stated in the e-measurement book. As per the dates pre-measurements stated to have been recorded in the e-measurement book, the works have been allegedly executed continuously without allowing settling time after completion of each layer of work. Therefore, the check measurements said to have been taken by Respondent No.3 Sri V.N. Patil, Assistant Executive Engineer is doubtful and the endorsement recorded on the obverse of RA Bill No. II and Part is a make believe endorsement.

38. RA Bill II and part was submitted on 11/3/2016. This RA Bill II and Part was passed for a total sum of sum Rs.145,97,002/. After statutory deductions of Rs.17,12,580/-, a sum of Rs.128,84,422/- was paid to the Contractor vide Cheque No.898393. The date of cheque is not shown on the RA Bill II & Part. This Bill was passed by Respondent No.2 Sri B.Y. Pawar,

Executive Engineer. Having regard to the quantum of work and the amount for which the RA Bill II & Part was passed, the Respondent No.2 ought to have verified/checked the work atleast by 25%. There is no record to show that Respondent No.2 Executive Engineer has verified the work before passing the Bill.

39. Respondent No.4 Sri B.R. Sandeep, Assistant Engineer and Respondent No.5 Sri P.R. Kamath have endorsed that the measurements of works included in RA Bill No. II & Part was taken by them on 25/2/2/016 and recorded in e-measurement book at pages 1 to 8 and affixed their signatures. The Respondent No.3 Sri V.N. Patil, Assistant Executive Engineer has affixed his signature to the endorsement. But the date of taking check measurement by him is not stated. The details of work appended to RA Bill No. II & Part are nothing but re-iteration of estimate. The date of preparation of details of work is not stated.

40. The photographs after laying each layer of road were not taken, as per the instructions given by Chief Engineer, C&B North, Dharwad in his Technical Note. The photographs of works in relation to RA Bill II & Part was not appended.

41. It is seen that the I & Part Bill was passed on 15<sup>th</sup> February 2016 for a sum of Rs.71,51,945/-. This I & Part Bill was passed after 45 days of entrustment of work to the Contractor. The II & Part Bill was passed in the month of March 2016 i.e., after one month of passing of I & Part Bill. This II & Part Bill was passed for a sum of Rs.145,97,002/-. It is quite doubtful whether such huge quantity of work was executed within one month.

42. After passing of the RA Bill II and part in the month of March 2016, the next pre-measurement was recorded on 25/8/2016. There was no explanation for not taking up the work between March 2016 and August 2016. The pre-measurement recorded on 25/8/2016 was in respect of Earth work Excavation for foundation of structures as per drawing and technical specifications, including setting out, construction of shoring and bracing, removal of stumps and other deleterious matter, dressing of sides and bottom and backfilling with approved material. The Quantity is shown as for widening of CD @ KM No.1.50 L/S. Head Wall; KM NO. 1.80 L/S. Head Wall and K.M. No.1.80 R/S. Head Wall. The total quantity is shown as 33.34 Cum.

43. On the same day pre-measurements in respect of Plain cement concrete 1:3:6 mix with crushed stone aggregate 40 m. Nominal size mechanically mixed, placed in foundation and compacted by vibration including curing for 14 days, etc was recorded for Widening of C.D at KM No.1.50 KM No.1.50 L/S. Head Wall; KM NO. 1.80 L/S. Head Wall and K.M. No.1.80 R/S. Head Wall. The total quantity is shown as 33.34 Cum. The total quantity is shown as 4.43 Cum.

44. The above pre-measurements recorded on 25/8/2016 is shown in the e-measurement book as recorded on 21/11/2016. Apart from the above, in the e-measurement book the following items of work are recorded:-

- i) Providing and laying in position plain cement concrete mix 1:2:4 with cement @ 240Kgs with 20 mm and down size granite metal coarse aggregates @ 0.69 cum and fine

aggregates @ 0.459 cum, machine mixed concrete laid in layers not exceeding 15 cms. thick well compacted in foundation, plinth and Cills. The aggregate quantity is shown as 57.55 Cum.

ii) Construction of Sub-grade and Earthen Shoulders with approved material Gravel/Murram with all lifts and leads, transporting to site, spreading, grading to required slope and compacted to meet requirements at Kms. 1.50 above pipes; km 1.80 and at Km.1.80. The total quantity is shown as 25.80 Cum.

iii) Providing and laying reinforced cement pipe NP3 for culverts including pointing ends and fixing collars with cement mortar 1:2 including cost of all materials, labour, curing @ Km No.1.50; @ km No.1.80 and @ km. No. 1.80 The total quantity is shown as 15 Mtr. But restricted to 10.00 mtr.

45. Based on the above measurements, RA Bill No. III and final was submitted on 15/9/2019. The total amount for which the III & Part Bill was passed is shown as Rs.5,50,423/-. On the obverse of the RA Bill III and Final, Respondent No.4 Sri B.R. Sandeep, Assistant Engineer; Respondent No.5 Sri P.R. Kamath, Junior Engineer have affixed their signature stating that they have recorded the measurements in the e-measurement at pages 1 to 7 of e-Measurement book. The Respondent No.3 Sri V.N. Patil, Assistant Executive Engineer has affixed his signature, but has not stated as when he had taken the check measurements. The date of passing the Bill and signature of Executive Engineer is not

forthcoming on the RA Bill III and Final. N There was no stage wise verification of work by Respondents No. 4 and 5. The Assistant Executive Engineer, though has stated in the e-measurement book that he had taken check measurements, he has not stated the date on which he had taken check measurements. It is doubtful that he had taken check measurements and the endorsement in the e-measurement book is made as a formality for passing the Bill. The details of work appended to the RA Bill III & Final are nothing but reiterations of estimates.

46. As per the Cross section of road, provision for formation side drains were proposed. But in the entire e-measurement book there was no execution of road side drains.

47. In relation to the execution of above road work, the respondents have furnished photocopy of e-measurement books, wherein pre-measurements and measurements are shown to have been recorded. The actual measurements taken in the field while inspection, were not furnished. The entries in the e-measurement books were prepared in the office. It is probable that the entries in the e-measurement books are recorded, to tally with the actual measurements shown in the estimate.

48. The Photographs of work produced are not dated. It is not clear as to when the photographs were taken. The photographs do not indicate the date on which they were taken prior to commencement of work, during execution of work and after completion of work, with reference to the stretch of road.



49. As per the directions issued by Chief Engineer, Communication & Buildings (North) Dharwad in his technical note, in relation to the Cement, Steel and Asphalt used by the contractor for the work, quality test shall be conducted before its use and the receipts for having purchased the same shall have to be obtained. In the instant case, no such quality test reports and Bills in respect of purchase of Grade-II and Grade-III mettaling, asphalt, cement, etc. receipts were not obtained.

50. The Government issued Order No. FD 56 Pro. Cell 2004 dated 18/1/2005 providing for recording e-measurements and issued the following mandatory procedures:-

- (a) A uniform procedure for recording of measurements for works and supplies should be enforced in all the Organizations coming under the purview of the Karnataka Transparency in Public Procurements Act 1999;
- (b) The current provisions of the KPW Accounts and Departmental Codes shall continue to be applicable for all Works Contracts of value Rs.25 lakhs And less;
- (c) In respect of Works Contracts of value more than Rs25 lakhs, the Contractors shall be made responsible for submitting bills duly supported by hard copy of detailed measurements of work using electronic spreadsheets and making 120 computations thereof. The Contractor shall submit diskette/CD ROM in addition to the hard copy;
- (d) The Assistant Engineer in direct charge of the work shall take independent measurements of the work and enter the same in the electronic spreadsheet and make computations thereof. The Assistant Engineer can make use of the detailed measurements as given by the

Contractor in the diskette/CD ROM. In any case the responsibility for the correctness of the measurements shall be entirely of the Assistant Engineer, as prescribed in the Codes and Manuals;

- (e) The measurements would be checked by the officers from the hard copy of the spreadsheet as per present stipulations, and computations would be made accordingly'.
- (f) The countersignature of the Contractor or his authorized Agent shall be obtained on each page in the hard copy of the detailed measurement spreadsheets prepared by the Assistant Engineer, which shall be binding on the Contractor in all respects;
- (g) The hard copies of the detailed measurement spreadsheets shall be bound, numbered and stored, which shall be considered as the measurement books, as referred to in the Manuals and Codes. An index shall be prepared for each Contract/Work, which shall show the details of the bills, reference to measurement books and vouchers. Similarly the diskettes/CD ROMs shall be indexed and stored.
- (h) In respect of supplies – goods and equipment, the invoices detailing the items supplied with specifications, quantity, rate and amount would be sufficient. This shall be checked and inspected by the receiving authority and accounted as per normal accounting procedure prescribed by Government/ Corporation/ Board/ Society Local body from time to time. Entry in measurement books need not be insisted upon.

51. In terms of instructions (c) of Govt. order dated 18/1/2005, in respect of work of value of more than Rs.25 Lakhs, the contractor is responsible for submitting Bills duly supported by hard copy of detailed measurements of work using electronic spread sheets and making computations thereof. The contractor shall submit diskette/CD ROM in addition to the hard copy. In terms of instructions (d), the Assistant Engineer in direct charge of the work shall take independent measurements of the work and enter the same in the electronic spreadsheet and make computations thereof. The Assistant Engineer can make use of the detailed measurements as given by the Contractor in the diskette/CD ROM. In any case the responsibility for the correctness of the measurements shall be entirely of the Assistant Engineer, as prescribed in the Codes and Manuals. In terms of instructions (e), the measurements would be checked by the officers from the hard copy of the spreadsheet as per present stipulations, and computations would be made accordingly'. In terms of instructions (f) the countersignature of the Contractor or his authorized Agent shall be obtained on each page in the hard copy of the detailed measurement spreadsheets prepared by the Assistant Engineer, which shall be binding on the Contractor in all respects. In relation to the above road work, in respect of e-measurement book appended to RA Bill I & Part passed on 15/2/2016; RA Bill II and Part passed in March 2016 and RA Bill No.III and final the above mandatory provisions are violated.

52. The Compact Disk (CD) produced by respondents, shows that the video was recorded on 18/3/2018 in a moving camera.

From the perusal of CD, neither qualitative nor quantitative satisfaction of work can be verified.

53. The pre-measurements can be recorded only when the during execution of works dismantling arises. In respect of laying foundation for construction of road, measurements have to be taken that murram quantity recorded as per the estimate have been completely utilised for filling in the foundations. In respect of laying grade-II metalling measurements shall be recorded in the measurement book and certificate that quantity of Grade-II mettaling has been completely spread and utilised for the road work shall be specifically recorded in the measurement book. It should also be recorded in the regular e-measurement book. These discrepancies are apparent and demonstrate that measurements were not taken to verify the qualitative and quantitative execution of work. On the other hand, the details of works appended to RA Bills I & Part, II & Part and III and Final are reiterations of estimate.

54. As stated supra, the Respondents 2 to 5 are responsible for execution of Widening and improvements to road from Chauson College to join SH-12 via RTO office in Chikkodi Taluk. In view of the above discussions, the comments offered by Respondents 2 to 5 cannot be accepted. There is prima facie material for proceeding against Respondents 2 to 5 by initiating disciplinary proceedings against them.


55. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary inquiry against the following

Respondents and to entrust the inquiry to this institution in terms of Rule 14A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

- 1) Respondent No.2 : Sri B.Y.Pawar, Executive Engineer, Public works Division, Chikkodi, Belagavi District;
- ii) Respondent No.3 : Sri V.N. Patil, Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- iii) Respondent No.4 : Sri B.R. Sandeep, Assistant Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri;
- iv) Respondent No.5: Sri P.R.Kamath, Junior Engineer, Public Works, Ports and Inland Water Transport Department, Hukkeri Sub Division, Hukkeri.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta-1  
State of Karnataka, Bengaluru. 