

KARNATAKA LOKAYUKTA

Compt/Uplok/GLB/1568/2015/DRE-3

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated 22/01/2018.**REPORT UNDER SECTION 12(3) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings initiated against **respondent No. 1-Sri S.K.Shivayogi**, (presently retired) Executive Engineer, KBJNL, B.Gudi, Shahapur Taluk, Yadgir District, **respondent No. 2-Sri Trilochan.P.J**, Junior Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District, presently working in the office of Assistant Executive Engineer, KNNN, MRBC Sub Division-11, Byahatti, Hubli Taluk, **respondent No. 3-Sri Pramod Kumar Gawali**, Assistant Executive Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District, **respondent No. 4-Sri Mahantappa M. Mahagao**, Assistant Executive Engineer, KNNL, MRBC, Sub Division, No. 12, Morabh, Navalagunda Taluk, Dharwad District, **respondent No. 5-Sri Madhusudan B.T**, Assistant Engineer, KBJNL, Krishnapura Sub Division, Surapura Taluk, Yadgir District, **respondent No. 6-Sri Prabhuling Kamble**, Assistant Engineer, Quality Control Board, KNNL Division Office, Kalaburgi District, **respondent No. 7-Sri Hanumanth D. Holgeri**, Assistant Engineer, KBJNL, SBC O & M Sub Division, No. 12 Hattigudur, Shahapur Taluk, Yadgir District, presently working in the office of Assistant Executive Engineer, KNNL, MBBC Sub Division, No. 12, Morabh, Dharwad District, **respondent No. 8-Sri G.S.Patil**, (presently retired) Assistant Executive Engineer, KBJNL, Shahapur, Yadgir, Plot No. 49, Sadashivanagar, Kalburgi District, **respondent No. 9-Sri K.Nagendra**, Assistant Executive Engineer, KBJNL, SBC Sub Division,

No. 2, Midraki, Shahapur Taluk, Yadgir District, presently working as Assistant Executive Engineer, No. 5 Harangi Distributory Canal Division, K.R. Nagar Taluk, Mysuru District, **respondent No. 10-Sri Lakshmikanth Mitra**, Assistant Executive Engineer, PWD Sub Division, Afzalpur, Kalaburgi District and, **respondent No. 11-Sri K.T.Chandya Naik**, Executive Engineer, Rural Water Supply and Sanitation Division, Sudha Cross, Bellary District, about their misconduct as Public/ Government servants- reg.,

An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri Davalabas S/o Imamsab Nadaf, Nasim Manzil, Khawasapura, Shahapur, Yadgir District (hereinafter referred to as complainant for short) against **respondent No. 1-Sri S.K.Shivayogi**, (presently retired) Executive Engineer, KBJNL, B.Gudi, Shahapur Taluk, Yadgir District, **respondent No. 2-Sri Trilochan.P.J**, Junior Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District, presently working in the office of Assistant Executive Engineer, KNNN, MRBC Sub Division-11, Byahatti, Hubli Taluk, **respondent No. 3-Sri Pramod Kumar Gawali**, Assistant Executive Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District, **respondent No. 4-Sri Mahantappa M. Mahagao**, Assistant Executive Engineer, KNNL, MRBC, Sub Division, No. 12, Morabh, Navalagunda Taluk, Dharwad District, **respondent No. 5-Sri Madhusudan B.T**, Assistant Engineer, KBJNL, Krishnapura Sub Division, Surapura Taluk, Yadgir District, **respondent No. 6-Sri Prabhuling Kamble**, Assistant Engineer, Quality Control Board, KNNL Division Office,

Kalaburgi District, **respondent No. 7-Sri Hanumanth D. Holgeri**, Assistant Engineer, KBJNL, SBC O & M Sub Division, No. 12 Hattigudur, Shahapur Taluk, Yadgir District, presently working in the office of Assistant Executive Engineer, KNNL, MBBC Sub Division, No. 12, Morabh, Dharwad District, **respondent No. 8-Sri G.S.Patil**, (presently retired) Assistant Executive Engineer, KBJNL, Shahapur, Yadgir, Plot No. 49, Sadashivanagar, Kalburgi District, **respondent No. 9-Sri K.Nagendra**, Assistant Executive Engineer, KBJNL, SBC Sub Division, No. 2, Midraki, Shahapur Taluk, Yadgir District, presently working as Assistant Executive Engineer, No. 5 Harangi Distributory Canal Division, K.R. Nagar Taluk, Mysuru District, **respondent No. 10-Sri Lakshmikanth Mitra**, Assistant Executive Engineer, PWD Sub Division, Afzalpur, Kalaburgi District and, **respondent No. 11-Sri K.T.Chandya Naik**, Executive Engineer, Rural Water Supply and Sanitation Division, Sudha Cross, Bellary District (hereinafter referred to as 'respondent Nos. 1 to 11' for short).

2. The complainant alleges that the remodeling of SBC canal from 0.00 to 30.00 kms. and distributory canal No.3, 4, 5, 6, 7, 9A taken up in the year 2013-14 by KBJNL at the cost of Rs.250.00 crores is of substandard quality. Public funds have been misused by the respondents in collusion with the contractor.
3. The respondent No. 1-Executive Engineer, KBJNL has submitted his comments dated 29/7/2015 and 03/10/2016 by denying the complaint allegations. It is further stated that the work has been executed by following e-tender and in accordance with the approved specifications. The quality of the work has been verified

by the third party and other authorities of the department. The work has been undertaken by 4 sub divisions. The Asst. Executive Engineers, Asst. Engineer and Junior Engineers have supervised the execution of the work along with technical experts from KBJNL. It is also stated that during spot inspection made by technical and audit wing of this Institution on 15/10/2015, no such allegations are found to be established.

4. The matter was referred to Technical Audit Cell for investigation. Sri C.P Venkatesh, Assistant Executive Engineer-4 has visited the spot on 15/10/2015 and has submitted the report stating that the thickness of concrete lining of the SBC Canal is 100 mm and that of the distributory canal is 80 mm, which are in accordance with the measurements mentioned in the M.B. Book. By stating that quality test have been conducted at all stages of construction, I.O has reported that the allegation of substandard canal construction is not substantiated.
5. Respondent Nos. 2 to 11 were added as parties and comments of respondent Nos. 1 to 11 was called. Respondent Nos. 1 to 11 have submitted similar comments by denying the complaint allegations. They have also stated that the quality division of the department had conducted the test of samples of sand, cement and muram on the spot. Samples of the materials have been collected and tests have been conducted in the laboratories and have confirmed the quality of the materials used. Water is flowing in the main canal from March-2014 till the end of canal and no complaints have been received. Water is also flowing in the distributaries, laterals and the sub laterals from July-2015 and there is no such damage reported. It is also stated that spot inspection was conducted by Technical and Audit Cell of this institution and no such

substandard work is made out. By stating that measurement books have been properly written and bills have been passed and there is no truth in the allegations, respondent Nos. 1 to 11 have sought to drop them from the proceedings.

6. On perusal of the material on record, the following discrepancies are observed.

- The work order dated 24/2/2014 reveal that the remodeling of Shahpur Branch Canal from K.m 0.00 to 30.00 kms. (package-S1) is taken up at the cost of Rs.269,40,38,108/- and has been entrusted to one Sri B.Y. Uppar, PWD Contractor vide Agreement No. 71/2013-14 dated 24/2/2014.
- The work order dated 20/3/2015 reveal that the remodeling of Distributaries, sub Distributaries from D.Y No. 1 to 24 and their lateral, including structures of SBC under ERM of Narayanapura Left Bank Canal (NLBC) is taken up at the cost of Rs.540,13,90,425/- and has been entrusted to one Sri B.Y. Uppar, PWD Contractor vide Agreement No. 99/2014-15 dated 20/3/2015.
- The copy of the Agreement furnished by the respondents along with report of inspection of main canal SBC at various reaches (produced in Booklets) show the Agreement No.71/2013-14 is dated 24/2/2014 and Supplementary Agreement is dated 6/10/2014. But in the body of the supplementary agreement, the date of agreement has been interpolated as "5th day of July 2014".
- In the quality inspection reports done by the department, by the third party and Civil Aid Technology Private Limited, it is not stated as to the method of testing and the place/

laboratory where the tests were conducted. The Authorities who have signed the reports have not mentioned the date on which they were signed.

- Two running account bills furnished by the respondent have been passed for Rs.131,94,86,720/- and Rs.126,83,40,127/- and after certain deductions payments of Rs.108,43,57,920/- and Rs.117,76,76,060/- on 27/5/2014 and 28/7/2014 respectively with respect to remodeling of SBC Canal from 0.00 to 30.00 kms. The first bill do not disclose the date on which measurements were taken and recorded in the M.B. Book by the officer in charge of work. However, in the Bill passed on 27/5/2014, it is recorded that measurements were recorded at pages 2 to 23 of measurement book No.3663. Also, in the Bill passed on 28/7/2014, it is recorded that the measurements were recorded on 22/6/2014 at pages 26 to 60 of measurement book No. 3663. Recording of such measurements in a single day show that there is no regular supervision of the work.
- The details of work done appended to the Running Account Bills are mere reiterations of estimate, with some numerical alterations. The alterations are not attested by the authorities. The authorities who have signed the work details have not mentioned the date on which it was signed.
- The No Due Certificate produced by the respondents along with the Bills does not bear the date on which it was signed by the Authorities.
- There are no materials produced to show periodical inspection during execution of work. The respondents have not produced

the measurement book pertaining to the above alleged works, to show periodical measurements and supervision.


7. The details of work execution at various stretches of canal construction produced by the Executive Engineer along with his letter dated 06/01/2016 show that respondent Nos. 1 to 4 and 8 have executed the work of remodelling of the main canal from 0.00 to 30.00 kms. and respondent Nos. 1, 5 to 11 have executed the distributory canals of Shahapur Branch Canal (SBC).
8. Respondent No. 1 is stated to be retired on 31/12/2016 and respondent No. 8 is stated to be retired on 31/05/2016. The work completion report submitted by the respondents along with their comments show that the work of remodelling Shahapur Branch Canal from 0.002 to 30.00 kms. has been completed on 25/06/2014. Four years lapses on 25/06/2018. Therefore action can be initiated against the said respondents under 214(2)(b) of KCSRs.
9. The facts and materials on record prima-facie show that, the respondent Nos. 1 to 11 have committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **respondent No. 1-Sri S.K.Shivayogi**, (presently retired) Executive Engineer, KBJNL, B.Gudi, Shahapur Taluk, Yadgir District (**Date of Retirement: 31/12/2016**), **respondent No. 2-Sri Trilochan.P.J**, Junior Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District, presently working in the office

of Assistant Executive Engineer, KNNN, MRBC Sub Division-11, Byahatti, Hubli Taluk **(Date of Retirement: 30/09/2048)**, **respondent No. 3-Sri Pramod Kumar Gawali**, Assistant Executive Engineer, KBJNL, SBC O & M Sub Division, Wanadurga, Shahapur Taluk, Yadgir District **(Date of Retirement: 30/04/2048)**, **respondent No. 4-Sri Mahantappa M. Mahagao**, Assistant Executive Engineer, KNNL, MRBC, Sub Division, No. 12, Morabh, Navalagunda Taluk, Dharwad District **(Date of Retirement: 30/06/2033)**, **respondent No. 5-Sri Madhusudan B.T.**, Assistant Engineer, KBJNL, Krishnapura Sub Division, Surapura Taluk, Yadgir District **(Date of Retirement: 31/01/2043)**, **respondent No. 6-Sri Prabhuling Kamble**, Assistant Engineer, Quality Control Board, KNNL Division Office, Kalaburgi District **(Date of Retirement: 31/03/2022)**, **respondent No. 7-Sri Hanumanth D. Holgeri**, Assistant Engineer, KBJNL, SBC O & M Sub Division, No. 12 Hattigudur, Shahapur Taluk, Yadgir District, presently working in the office of Assistant Executive Engineer, KNNL, MBBC Sub Division, No. 12, Morabh, Dharwad District **(Date of Retirement: 30/11/2048)**, **respondent No. 8-Sri G.S.Patil**, (presently retired) Assistant Executive Engineer, KBJNL, Shahapur, Yadgir, Plot No. 49, Sadashivanagar, Kalburgi District **(Date of Retirement: 31/05/2016)**, **respondent No. 9-Sri K.Nagendra**, Assistant Executive Engineer, KBJNL, SBC Sub Division, No. 2, Midraki, Shahapur Taluk, Yadgir District, presently working as Assistant Executive Engineer, No. 5 Harangi Distributory Canal Division, K.R. Nagar Taluk, Mysuru District **(Date of Retirement: 28/02/2022)**, **respondent No. 10-Sri Lakshmikanth Mitra**, Assistant Executive Engineer, PWD Sub Division, Afzalpur, Kalaburgi District **(Date of Retirement:**

30/04/2031) and, **respondent No. 11-Sri K.T.Chandya Naik**, Executive Engineer, Rural Water Supply and Sanitation Division, Sudha Cross, Bellary District **(Date of Retirement: 30/05/2021)** and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 along with sanction as required under section 214(2)(b) of KCSRs against respondent Nos. 1 and 8.

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

Connected records are enclosed.


(Justice N. ANANDA),
Upalokayukta-1, 23/1
State of Karnataka.

