

KARNATAKA LOKAYUKTA

No.Compt/Uplok/GLB-169/2014/ARE-5

Multi-storied Building
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated:02/07/2019**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA
ACT, 1984**

Sub: Proceedings against Sri.Rajashekar
Doddamani, the then Project Manager,
Nirmithi Kendra, Kalaburgi (Respondent
No.3)- reg.

On the basis of complaint filed by Sri.Syed Patel s/o. Late Akbar Patel, Yelawar Village and Post, Jewargi Taluk, Gulbarga District (hereinafter referred to as 'complainant' for short) against (1)Patil S.R, Junior Engineer, Taluk Panchayath, Gulbarga District (hereinafter referred to as Respondent No.1) alleging that Respondent has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. ACCORDING TO THE COMPLAINANT:

Respondent has committed illegalities in executing the substandard work pertaining to construction of toilets for ladies and Respondent has misappropriated the amount in the construction of check dam near mosque.

2. Respondent No.1-Patil S.R. Junior Engineer, Taluk Panchayath, Sedam has submitted his comments dt:18.05.2016 by stating that he worked from January 2013 to March 2014 and the toilets and the check dam are not constructed during his period. He has further stated that M.H.M Bennur, A.E was the officer during relevant period and check dam has been constructed by watershed department.

3. After receiving comments of Respondent No.1, M.H.M Bennur has been impleaded as Respondent No.2. Respondent No.2 has submitted comments dt: 8.7.2016 stating that he has not executed the works complained in the Complaint.

4. Assistant Director, Agriculture Department was directed to furnish the names of officers who had worked during the period of construction of check dam. He has submitted reply dt: 18.8.2016 stating that the check dam has been constructed during 2002-03 by Department of Panchayath Raj and no check dam has been constructed during 2013-14 under MGNREGA Scheme.

5. Report was called for from S.P., Karnataka Lokayukta, Kalaburgi on the Complaint allegations. Thereafter, S.P., Karnataka Lokayukta, Kalaburgi has submitted report dt: 26.7.2017 along with report of Police Inspector, Karnataka Lokayukta, Kalaburgi (I.O. for short).

6. On perusal of report of I.O. and the records collected during investigation which depict that:

a) During 2014-15 an amount of Rs.10 lakhs is released by Hyderabad Karnataka Area Development Corporation for construction of Ladies General toilet block in Yelawar village, Jewargi Taluk, Kalburgi district.

b) The construction work is entrusted to Project Director, Nirmithi Kendra, Kalaburgi. Cheque for Rs.5 lakhs was issued to Project Director, Nirmithi Kendra, Kalaburgi on 17.6.2016. In this regard Dy. Commissioner has passed an order dt: 21.07.2016 subject to conditions.

c) During the investigation the I.O. conducted mahazar and also taken the photograph of Ladies toilet block in Yelawar village which depict that there is only one toilet building and it has no windows and door. Further it depict that the date of commencement of construction of building is stated to be 21.3.2016 and date of completion is 14.11.2016 as the same is mentioned in board. Further, on perusal of the photograph of the building which depicts that from the size of the construction of this toilet, it cannot be said that an amount of Rs.10 lakhs is required for construction of said building.

7. Thereafter, Sri.Rajashekar Doddamani, Then Project Manager, Nirmithi Kendra, Kalburgi is impleaded as Respondent no.3 and then he has submitted his comments dt: 22.2.2018. In his

comments he has admitted that he was worked as Project Manager in Nirmithi Kendra , Kalaburgi till 28.12.2016 and now he is working as Project Engineer, in Nirmithi Kendra Kalaburgi and he has further admitted that nodal estimate cost of each toilet unit is Rs.10 lakhs and an advance payment of Rs.3.60 lakhs i.e. 40% of estimated cost paid to Sub.Contractor Sri.Adithya Ja Hyderabad on 25.2.2.2016 for purchase of materials and for Labourers before commencing the work and another payment of Rs.3.00 lakhs was made to Contractor during the progress of work.

8. Respondent No.3 has further stated that he was instructed by then Secretary, H.K.R.D.B Sri. Adithya Amalan Biswas regarding construction of all Toilets in Jewargi Taluk and entrust to Sub.contractor Adithya Ja Hyderabad and the Section Engineer Sri. Yelawar.

9. Respondent No.3 has further stated that during progress of work he visited the field along with Shivayogi Yelawar and he found that the quality of the work was not up to the mark and materials used by the Contractor were substandard. Further he has stated that this work is not implemented as per specification and then informed the same to Secretary, H.K.R.D.B (Hyderabad Karnataka Region Development Board) and also stated to take decision to withhold the final payment pertaining to this work. He has further stated that the Secretary, H.K.R.D.B. pressurised him to cancel the final payment to Sub. Contractor and then

he has not obliged the direction of Secretary, H.K.R.D.B. So, he demoted from the post of Project Manager to Engineer on 28.12.2016 and made one Sri. Ekantappa, Asst. Project Manager from Bellary as Project Manager, Nirmithi Kendra and no materials and documents with him and all the letter correspondence and documents have been manipulated. After he becomes Project Engineer, Nirmithi Kendra has no contact about the payment made pertaining to this work to the contractor.

10. On perusal of the complaint allegations and also comments and report of I.O. pertaining to Respondent No.1 and 2 are concerned this Respondent No.1 worked only for three months from January 2013 to March 2013 and no check dam and ladies toilet in Yalawar village are constructed in this period. Even the report of I.O. depicts the same. So the allegations made against him is not substantiated.

11. Further regarding the 2nd Respondent M.H.M Bennur who has stated in his comments that he has not executed any works alleged in the complaint. The report of I.O. also depicts the same. Further, the allegation made against Respondent No.2 is also not substantiated.

12. Regarding the complaint allegations pertaining to construction of Ladies toilet at Yalawar Village is of substandard and some amount is misappropriated and

this allegation is concerned, the Respondent No.3- Rajashekar Doddamani, then Project Manager, Nirmithi Kendra has stated in his comments that up to 28.12.2016 he worked as Project Manager, Nirmithi Kendra, Kalaburgi and during his period, construction of ladies toilet work at Yelawar in Jewargi Taluk was entrusted to Nirmithi Kendra Kalaburgi by Dy.Commissioner, Kalaburgi under the Micro funds of H.K.R.D.B, Kalaburgi and he was instructed by then Secretary, H.K.R.D.B- Sri.Aditya Amalan Biswas that all Jewargi Toilets work to be given to Contractor Adithya Jha and this work was entrusted to Contractor and this Respondent has paid an advance amount of Rs.3.60 lakhs on 15.2.2016 for purchase of materials, and for labour before commencing work and further another payment of Rs.3.54 lakhs was made to Contractor during the progress of work.

13. On perusal of the comments of this 3rd Respondent which clearly depict that he is an implementing officer regarding this project i.e., regarding the construction of ladies toilet work at Yelawar. He himself has admitted in his comments that during the progress of work while he visited the field, the quality of work was not up to the mark and materials used are quite substandard. Further the work is not as per specification.

14. So this portion of comments of Respondent No.3 itself supports the allegations of the Complainant in his complaint i.e. while executing the work pertaining to

Construction of toilet for ladies in Yelawar is of substandard. Further the report of I.O.(Police Inspector, KLA, Kalaburgi) dated: 24.7.2017 submitted by S.P., KLA, Kalaburgi which reads thus:

“ ...ಮುಂದುವರೆದು ಅರ್ಜಿದಾರರು ಗ್ರಾಮದ ಹಳೆ ಮಸೀದಿಯ ಎದುರುಗಡೆ ರಸ್ತೆಯ ಅಚ್ಚೆ ಇರುವ ಸರ್ಕಾರಿ ಜಾಗೆಯಲ್ಲಿ ಹೊಸದಾಗಿ ನಿರ್ಮಾಣಗೊಂಡಿರುವ ಮಹಿಳಾ ಶೌಚಾಲಯದ ಕಟ್ಟಡವನ್ನು ತೋರಿಸಿದ್ದು, ಪಂಚರು, ಗ್ರಾಮಸ್ಥರು ಹಾಗೂ ಪಿಡಿಒ ರವರುಗಳ ಸಮಕ್ಷಮ ಸದರಿ ಫಲಕವನ್ನು ನೋಡಲಾಗಿ, ಸದರಿ ಶೌಚಾಲಯ ಕಟ್ಟಡವು ಹೈದ್ರಾಬಾದ್ ಕರ್ನಾಟಕ ಪ್ರದೇಶ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿಯ 2014-15ನೇ ಸಾಲಿನಲ್ಲಿ ಹತ್ತು ಲಕ್ಷ ರೂ. ಗಳ ಅನುದಾನದಲ್ಲಿ ಯೋಜನಾ ವ್ಯವಸ್ಥಾಪಕರು, ನಿರ್ಮಿತಿ ಕೇಂದ್ರ , ಕಲಬುರಗಿ ಇವರಿಂದ ನವೆಂಬರ್-2016ನೇ ರಲ್ಲಿ ನಿರ್ಮಾಣಗೊಂಡಿರುವ ಬಗ್ಗೆ ನಮೂದಿಸಿದ್ದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಆದರೆ, ಸದರಿ ಶೌಚಾಲಯದ ಕಟ್ಟಡವು ಈವರೆಗೂ ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕಾಗಿ ಲಭ್ಯವಾಗದೇ ಬೀಗ ಹಾಕಿದ್ದರಿಂದ, ಈ ಬಗ್ಗೆ ಪಂಚರು, ಸಾರ್ವಜನಿಕರು ಹಾಗೂ ಹಾಜರಿದ್ದ ಯಾಳವಾರ ಗ್ರಾ.ಪಂ. ಪಿಡಿಒ ರವರಿಗೆ ವಿಚಾರಿಸಲಾಗಿ, ಸದರಿ ಕಾಮಗಾರಿಯು ಗ್ರಾಮ ಪಂಚಾಯತ್ ವತಿಯಿಂದ ನಿರ್ಮಾಣ ಆಗಿರದೇ ಹೈದ್ರಾಬಾದ್ ಕರ್ನಾಟಕ ಪ್ರದೇಶ ಅಭಿವೃದ್ಧಿ ಮಂಡಳಿಯ ಅನುದಾನದಲ್ಲಿ ನಿರ್ಮಿತಿ ಕೇಂದ್ರ ಕಲಬುರಗಿರವರಿಂದ ನಿರ್ಮಾಣಗೊಂಡಿದ್ದು ಇದಕ್ಕೆ ಪಂಚಾಯತಿ ದಾಖಲೆಯಲ್ಲಿ ಆಸ್ತಿ ನಂ: 7-10 ಇರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಮಹಿಳಾ ಶೌಚಾಲಯವನ್ನು ನಿರ್ಮಿತಿ ಕೇಂದ್ರ ಕಲಬುರಗಿ ರವರು ಹೆಚ್.ಕೆ.ಡಿ.ಬಿ ಅನುದಾನದಲ್ಲಿ ನಿರ್ಮಾಣ ಮಾಡಿದ ಬಗ್ಗೆ ಯೋಜನಾ ವ್ಯವಸ್ಥಾಪಕರು, ನಿರ್ಮಿತಿ ಕೇಂದ್ರ ಕಲಬುರಗಿ ರವರಿಂದ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳು ಮತ್ತು ಸದರಿ ಶೌಚಾಲಯದ ಕಟ್ಟಡ ಪೂರ್ತಿಗೊಳಿಸಿದ ಬಗ್ಗೆ ವರ್ಕ್ ಕಂಪ್ಲೀಷನ್ ಸರ್ಟಿಫಿಕೇಟ್‌ಗಳನ್ನು ಪಡೆದುಕೊಂಡುದ್ದು ಇರುತ್ತದೆ.

ಅದರಂತೆ ಯಾಳವಾರ ಗ್ರಾಮ ಪಂಚಾಯತ್‌ವತಿಯಿಂದ ಗ್ರಾಮದಲ್ಲಿ ನಿರ್ಮಾಣಗೊಂಡಿರುವ ಇತರೆ ಸಾರ್ವಜನಿಕ ಮಹಿಳಾ ಶೌಚಾಲಯ ಸ್ಥಳಗಳ ಬಗ್ಗೆ ಪಂಚರು, ಗ್ರಾಮಸ್ಥರು ಹಾಗೂ ಪಿಡಿಒ ರವರಿಗೆ ವಿಚಾರಿಸಲಾಗಿ, ಯಾಳವಾರ ಗ್ರಾಮದಲ್ಲಿ ಸದರಿ ಒಂದು ಸಾರ್ವಜನಿಕ ಶೌಚಾಲಯ ಹೊರತುಪಡಿಸಿ ಇನ್ನಾವುದೇ ಸಾರ್ವಜನಿಕ ಶೌಚಾಲಯಗಳಾಗಲಿ ಚೆಕ್ ಡ್ಯಾಮ್‌ಗಳಾಗಲಿ ಇರುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಸ್ಥಳದಲ್ಲಿಯೇ ಮೇಲ್ಕಂಡ ಎರಡೂ ಸ್ಥಳಗಳ ಪಂಚನಾಮೆ ಕೈಗೊಳ್ಳಲಾಗಿದೆ ಹಾಗೂ ಎರಡೂ ಸ್ಥಳಗಳ ಛಾಯಾ ಚಿತ್ರಗಳನ್ನು ತೆಗೆಯಿಸಲಾಯಿತು.

15. On perusal of the above mentioned report, photographs of Ladies Toilet block of Yelawar Village shows that there is only one toilet building in this village and further the board placed before this building

depict that commencement of construction of toilet building is stated to be 21.3.2016 and date of completion is 14.11.2016 and Project Manager, Nirmithi Kendra, Kalaburgi is the Implementing Officer. So during that period the present 3rd Respondent himself was the implementing officer till the completion of toilet building i.e. up to 14.11.2016.

16. Further in the order of the Dy.Commissioner dated: 19.06.2016 there is a condition pertaining to Implementing Officer which reads thus:

“ಕಾಮಗಾರಿಗಳ ಗುಣಮಟ್ಟದಲ್ಲಿ, ಲೋಪದೋಷಗಳು ಕಂಡು ಬಂದಲ್ಲಿ, ಅಥವಾ ಅನುದಾನ ದುರುಪಯೋಗವಾದಲ್ಲಿ, ಸಂಬಂಧಪಟ್ಟ ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳನ್ನೇ ನೇರ ಹೊಣೆಗಾರರನ್ನಾಗಿ ಮಾಡಿ ನಿಯಮಾನುಸಾರ ಶಿಸ್ತಿನ ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.”

17. Further, on perusal of comments of the Respondent No.3 which itself depicts that the materials used for the construction of this toilet and construction work are all substandard. This 3rd Respondent inspite of aware of this substandard work had not taken any steps or action to prevent such illegality or irregularity as an implementing officer.


18. No materials placed by him in order to show that he has taken some action to prevent such illegality/irregularity committed by the concerned during the construction of toilet building. As an implementing officer, he failed in discharging his duty.

19. In view of the above facts, prima facie show that Respondent No.3 has not discharged his duty properly and there is a dereliction of duty on the part of him.

20. Since the said facts and materials on record prima facie show that Respondent No.3-Sri.Rajashekar Doddamani, then Project Manager, Nirmithi Kendra, Kalburgi have 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- Sri.Rajashekar Doddamani, Then Project Manager, Nirmithi Kendra, Kalburgi in accordance with rules.

21. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984 the Competent Authority to intimate the Hon'ble Upalokayukta-1 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.

