

KARNATAKA LOKAYUKTA

No.Compt/Uplok/GLB-220/2016/ARE-5

Multi-storied Building
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated:30/01/2018.**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA
ACT, 1984**

Sub: Proceedings against:

- (1) Pradeep Kumar, Project Director,
Nirmithi Kendra, Raichur (Respondent
No.2)
- (2) K.Gurulingappa, Commissioner , CMC,
Raichur (Respondent No.3) and
- (3) Mohammed Shafiuddin, AEE, CMC,
Raichur (Respondent No.4) -reg.

1. On the basis of complaint filed by Sri.Maheboob s/o Moula Hussain, No.5, Mothy Masjid Complex, Raichur (hereinafter referred to as 'complainant' for short) against Ashok Kalal, Project Director, Nirmithi Kendra, Raichur (hereinafter referred to as Respondent No.1) alleging that Respondent No.1 has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. ACCORDING TO THE COMPLAINANT:

- (i) Underground drains constructed by Nirmithi Kendra, Raichur in Ward No.32, Raichur are of substandard and unscientific.

(ii) An amount of Rs.17 lakhs has been released by CMC, Raichur and Rs.17 lakhs out of Natural Disaster funds for the development of Raichur City. Respondent has an eye on the funds released.

(iii) The work executed from Railway Bridge up to Haji colony via Arab Mohalla in Ward No.32 is of substandard.

(iv) Project Officer, Nirmithi Kendra, Raichur has misappropriated the funds by colluding with contractor.

(v) In respect of the works entrusted to Nirmithikendra earlier, investigation was conducted by higher officers and concerned engineers involved were removed from service.

(vi) The underground drainage is of substandard and unscientific and rain water from the drain flow over the public properties causing damage to the public properties.

3. Respondent No.1 has submitted comments stating that he has not passed any bills in respect of work complained.

4. Complaint was referred to TAC, Lokayukta for investigation and report. Investigation has been conducted by AEE-1, TAC, Lokayukta (I.O. for short) on the instructions of C.E. TAC, Lokayukta.

5. Since the report of I.O. prima facie show the stagnation of water in RCC drain and that RCC drain construction is dangerous and no safety measures have been taken up while constructing open drain and Pradeep Kumar, Project Director, Nirmithi Kendra, Raichur, K.Gurulingappa, the then Commissioner, CMC, Raichur and Mohammed Shafiuddin, AEE, CMC, Raichur are responsible for construction of unscientific drains, they have been impleaded as

Respondent Nos.2 to 4 and comments was called for from them on the complaint and report of I.O.

6. Respondent No.2 has submitted comments stating that he has furnished all the documents to AEE-1, TAC, Karnataka Lokayukta. The allegations made in the Complaint are false.

7. Respondent No.2 has submitted documents along with his letter dt: 3.10.2017. Though he has stated that he has also submitted comments, he has not submitted comments along with his letter and the documents.

8. Respondent No.3 has submitted comments stating that investigation was conducted by AEE 1, TAC, Karnataka Lokayukta and he had verified the documents and he has also submitted report that allegations made by the Complainant are not substantiated.

9. Respondent No.4 has submitted comments stating that AEE-1, TAC, Karnataka Lokayukta had called for reply on the Complaint and he has submitted his explanation and reply along with documents. Enquiry Officer has submitted report stating that allegations are not substantiated. Dy. Commissioner, Raichur has approved the proposal for construction of RCC drain from Basaveshwara bridge to Ahamed function hall and the Dy.Commissioner directed for payment of Rs.17 lakhs out of flood and calamities for the work. The remaining amount of Rs.17 lakhs was ordered to be paid out of SFC grant and work was entrusted to Nirmithi Kendra, Raichur and it completed RCC drain work and the work was inspected by 3rd party and 3rd party has certified the work. The report of enquiry officer show that the allegations made in the

Complaint are false and problem of stagnation of water in RCC is solved and there is no stagnation of water now.

10. The report of I.O. and the records collected during investigation show that:

- (i) Estimate for the work of construction of RCC Drain from Basaveswara Bridge (Haji Colony) to Ahmed Function Hall, Arab Mohalla besides Railway Track at Ward No.32 in Raichur City is prepared by CMC, Raichur and estimate was sanctioned for Rs.34 lakhs and technical sanction for the estimate is approved by Executive Engineer, DUDC and administrative sanction is approved by Dy.Commissioner, Raichur and the work is entrusted to Nirmithi Kendra, Raichur.
- ii) An amount of Rs.17 lakhs is paid to Project Director, Nirmithi Kendra on 8.2.2016 by the Commissioner, CMC, Raichur.
- iii) The drain constructed is open drain and water was stagnated in the drain at the time of spot inspection by the I.O. and foul smell emanating found odour at the time of spot inspection by I.O. His report show that there is danger of accident while crossing the road and no safety measures are taken while constructing open drain and the open drain is passing through by the side of houses.
- iv) Estimate is prepared for open drain without considering the intensity of rain and the force of water flow during rainy season.
- v) The children and old persons have to cross the drain to reach road from their houses which is dangerous and no safety measures have been taken while constructing open drain.

vi) The open drains are constructed without considering the safety of the people and the open drains constructed are unscientific.

vii) At some places, underground drain is constructed in the middle of houses belonging to private persons. But in the estimate there is no provision for underground drain. Further if the owners demolish the houses or reconstruct the houses, there is possibility of closing the drain passing through their houses and thereby causing stagnation of drain water and obstruction for flow of drain water. Therefore, without verifying the availability of land and inspecting the land, estimate and plan are prepared and drain is constructed in private lands without acquiring private land required for underground drain.

viii) Permission from the Competent Authority to construct drain in private land is not obtained and produced.

ix) Photographs show condition of drain during rainy season. The residents cannot cross the drain due to water flowing in the drain.

x) In the job works bill dt: 6.4.2016:

(a) An amount of Rs.5,07,380-45 is shown as payable as per bill.

(b) Amount of Rs.2,50,000/- is shown towards materials.

(c) An amount of Rs.3,02,4150-75 is shown as other expenses towards the work .

(d) The total of above three works out to Rs.10,59,796.20, but the total amount of the above three works is shown as Rs.11,95,886/-. Again an amount of Rs.1,18,435/- is added to that and it is not

explained how total amount works out to Rs.11,95,886/- and why Rs.1,18,435/- is added to that amount and which is that amount.

xi) In the job work bill dt: 22.8.2016

(a) Rs.4,34,760/- is shown as amount payable as per bill.

(b) Rs.2,19,000/- is shown towards material expenses.

(c) Rs.3,36,017/- is shown as expenses towards steel.

The total amount of said three items works out Rs.9,89,777/-.But the total amount is shown is Rs.11,21,098-01. Again another Rs.1,10,809.49 is added to that. It is not explained how total amount works out Rs.11,21,098.01 and why Rs.1,10,809.49 is added to that amount and which is that amount.

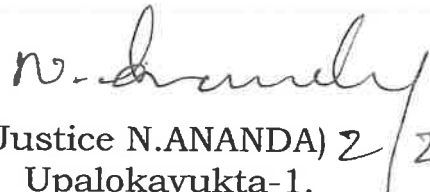
11. In view of the above, comments submitted by Respondent Nos.2 to 4 are not acceptable to drop the proceedings against them.

12. Since the said facts and materials on record prima facie show that (a) Respondent No.2-Pradeep Kumar, Project Director, Nirmithi Kendra, Raichur has committed misconduct and (b) Respondent No.3-K.Gurulingappa, the then Commissioner , CMC, Raichur and (c) Respondent No.4-Mohammed Shafiuddin, AEE, CMC, Raichur 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- K.Gurulingappa, the then Commissioner , CMC, Raichur and Respondent No.4- Mohammed Shafiuddin, AEE, CMC, Raichur and to entrust the inquiry to the Hon'ble Upalokayukta-1 under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957

against them. Further it is also recommended to direct the authorities concerned to take action against Respondent No.2- Pradeep Kumar, Project Director, Nirmithi Kendra, Raichur, in accordance with law.

13. 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) 2/2
Upalokayukta-1,
KARNATAKA STATE,
BENGALURU.

