

KARNATAKA LOKAYUKTA

No.Compt/Uplok/GLB-38/2017/ARE-5

Multi-storied Building
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated:27/10/2017.**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA
ACT, 1984**

Sub: Proceedings against:

(1) Vinod Kumar Gupta, Asst. Executive Engineer, Irrigation Department, Manvi, Raichur District and (2)Abdul Rafeed Khan, Asst.Engineer, Irrigation Department, Manvi, Raichur District - regarding their misconduct as public servants -reg.

1. On the basis of complaint filed by Sri.Basavaprabha, Haranahalli, Rajalabanda, Manvi Taluk, Raichur District (hereinafter referred to as 'complainant' for short) against (1) Vinod Kumar Gupta, Asst. Executive Engineer, Irrigation Department, Manvi, Raichur District and (2)Abdul Rafeed Khan, Asst.Engineer, Irrigation Department, Manvi, Raichur District (hereinafter referred to as Respondent No.1 and 2 respectively) alleging that the Respondent Nos.1 and 2 have committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. ACCORDING TO THE COMPLAINANT:

Work of distributory canal system of Tungabhadra Bank Canal from 34 km to 35 km has been carried out about a year back. But

the canal has already been damaged and the canal work executed is of substandard.

3. Respondent No.1 has submitted comments stating that the work was carried out after floating tender and accepting the lowest tender of M/s Amrutha Construction. Work order was issued on 27.6.2015 by the Executive Engineer, and thereafter place of work was hand over to the contractor. The work has been carried out as per the specification and work has been inspected by 3rd party i.e. M/S. Premier Consultancy throughout the work and final bill is yet to be made and only part payment has been made for the works carried out. Final payment will be made after issuance of completion certificate and rectification of defect in execution of work and the allegations made in the Complaint are false.

4. Comments submitted by Respondent No.2 is similar to that of Respondent No.1.

5. Respondents were called upon to submit the information with regard to whether the work has been completed? If so, when and whether payment has been made and to furnish the Copies of the bills, estimate, M.B. and other connected documents of the works complained.

6. S.P. Karnataka Lokayukta, Raichur was called upon to submit report on the Complaint. S.P. Karnataka Lokayukta, Raichur has submitted the investigation report of Dy.S.P. Karnataka Lokayukta, Raichur (I.O. for short), who conducted the investigation on his instruction.

7. Respondent No.1 has submitted letter dt: 12.5.2017 with the copies of M.B. No.1066, 2. M.B.No.1067, M.B. No.1071, M.B.

No.1065, M.B. No.1069 estimate , agreement and photographs. He has submitted that the work was completed on 29.7.2015 and payment is made for the work completed.

8. Respondent No.2 has submitted reply dt: 3.8.2017 along with tender documents, copy of M.B. 1065, 1066, 1067, 1069 and Estimate. He has submitted that the site was handed over to the Contractor on 27.6.2015. The third party Premier Consultancy, Bellary was entrusted with the supervisory work and the said company has issued quality control test report.

9. The work complained is in respect of modernisation of distributory No.89 of Tungabhadra Left Bank Canal from 34 .00 to 35.00 km.

10. The report of Dy.S.P show that:

(i) the cement concrete laid below the canal and on the sides of canal for renovation and repairs of canal has already developed cracks and the cement laid below the canal is worn out.

ii) the cement work for the construction of canal is of substandard and negligence in supervising the works is apparent.

iii) Sri.Abdul Rasheed khan , A.E. KNNL Sub.Divn, No.3 , Manvi and Sri.Vinodkumar Gupta, E.E. No.4, Division KNNL, Sirawara , presently working in irrigation department at Koppal have failed to supervise the work during execution of work and they are negligent in supervising the work.

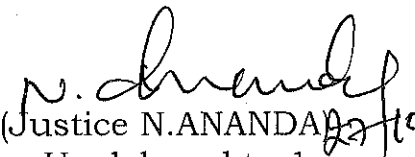
11. In view of the report of I.O. which prima facie show that the work executed is of substandard, the comments submitted by the

Respondent Nos. 1 and 2 are not acceptable to drop the proceedings against them.

12. Since the said facts and materials on record prima facie show that 1) Vinod Kumar Gupta, Asst. Executive Engineer, Irrigation Department, Manvi, Raichur District and (2) Abdul Rafeed Khan, Asst. Engineer, Irrigation Department, Manvi, Raichur District 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 them 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.

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)
Upalokayukta-1,
KARNATAKA STATE,
BENGALURU.

