

KARNATAKA LOKAYUKTA

No.Compt/Uplok/GLB-7660/2015 &
Compt/Uplok:GLB-7770/2015/ARE-5

Multi-storied Building
Dr.B.R. Ambedkar Veedhi,
Bangalore,
Dated:21/03/2017.

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

Sub: Proceedings against:

- (1) Sri.Hanumanthappa- AEE (retd),
Karnataka Neeravari Nigama Ltd.,
Sindhanur, (2) Sri.T.G.Malibiradara,
AEE (Rtd), Karnataka Neeravari Nigama
Ltd., Turvihal, Sindhanur Taluk,
(3)Sri.Chandrashekar, Asst.Engineer,
Karnataka Neeravari Nigama Ltd.,
Turvihal, Sindhanur Taluk,
(4)Sri.Sirajuddin, AEE, Karnataka
Neeravari Nigama Ltd., T.B.Canal
Sub.Divn, Turvihal, Sindhanur Tq, and
(5)Sri.Govardhan, AEE, Karnataka
Neeravari Nigama Ltd., Turvihal,
Sindhanur Taluk - regarding their
misconduct as public servants-reg.

On the basis of complaints filed by Sri.Ramesh Patil, s/o.
Bairegowda, r/o.Hirebergi-584132, Sindhanur Taluk in
(1)Comp:Uplok:GLB:7660:2015 & Compt/Uplok:GLB-7770/2015/
(hereinafter referred to as 'complainant' for short) against (1)
Sri.Hanumanthappa- AEE (retd), Karnataka Neeravari Nigama Ltd.,
Sindhanur, (2) Sri.T.G.Malibiradara, AEE (Rtd), Karnataka
Neeravari Nigama Ltd., Turvihal, Sindhanur Taluk,
(3)Sri.Chandrashekar, Asst.Engineer, Karnataka Neeravari Nigama

Ltd., Turvihah, Sindhanur Taluk, (4) Sri.Sirajuddin, AEE, Karnataka Neeravari Nigama Ltd., T.B.Canah Sub.Divn, Turvihah, Sindhanur Tq, and (5) Sri.Govardhan, AEE, Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk (hereinafter referred to as Respondent No.1 to 5 respectively) alleging that the Respondents have committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

2. According to the Complainant :-

An amount of Rs.62 crores has been received by irrigation department, Tungabhadra Irrigation Canal Division, Tungabhadra and Maski towards modernisation of distributory canals and Sub.distributory canals. In 54th distributory canal, 11R, 10L, 18L and 9R divisions are main distributory centers and the amount granted for the said work has been misappropriated by the Respondents by executing substandard work. The work was entrusted to Haigreeva Infra Tech Project and Devoy Uppar Company and the said companies have entrusted work on piece contract work basis by auction who had no experience in executing the works. An amount of Rs.14.85 crores has been granted by the Government for modernisation of Concrete canal at Sub.Distributory channel -40 and 45/1 and the work was entrusted to M/s.Haigreeva Infra Tech Project. Said Company has entrusted the work to local contractors and the work executed is very substandard.

3. Respondent No.1 has submitted comments in both Complaints stating that the work was entrusted to M/s.Haigreeva Infra Tech Project, Vishakapattanam vide order dt: 31.5.2014 and work had to be completed within 90 days and the contractor has executed the

work in accordance with the tender specification and the quality of the work has been inspected by 3rd party and it has approved the work. That distributory canal 40 and 45/1 are concerned to No.1 Sub.Divn, Turabihala. Respondent Nos.2 and 3 are the officers who were working during relevant period.

4. Respondent No.2 has submitted comments in both the complaints stating that allegations are not specific and therefore Complaint is to be ignored.

5. Respondent No.3 has submitted comments stating that the tar felt fixed for expansion joint has come out at some places and the contractor has repaired it. Contractor has stopped work and several notices were issued to the Contractor to complete the work, but Contractor has not completed the work and payment has been made only for the work executed.

6. Respondent No.4 and 5 have submitted comments stating that the work has been commenced on 31.5.2014 and the work had to be completed within 90 days. The contractor has executed the works and the works are inspected by 3rd Party and the higher officers during progress of the work and the contractor has executed the work in accordance with the estimates specification.

7. Complaint was referred to T.A.C for investigation and report. Investigation has been conducted by S.E., T.A.C., Lokayukta (I.O for short) on the instructions of C.E. The report of I.O.is that the allegations are not substantiated.

8. After receiving the report from I.O. Respondent No.3 was called upon to state whether tar felt fixed for expansion joint which had

come out has been repaired and what action has been taken against the Contractor as he has stopped the work and failed to complete the work.

9. Respondent No.3 has submitted reply dt:11.11.2016 stating that the tar felt fixed for expansion joint which had come out in some places and the contractor has repaired it. But, the Contractor has stopped work inspite of several notices issued to the Contractor to complete the work and Contractor has not completed the work .

10. Documents collected during investigation show that :

(i) Letter of AEE - B.Eranna dt: 23.3.2015 show that 10% of work is still pending and the contractor has not completed the work.

(ii) Tar felt fixed for expansion joint for lining of canal has come out.

(iii) Photographs produced by the Complainant show the bad condition of the work with cracks.

(iv) In the mahazar dt: 23.2.2016 prepared by the I.O. at the spot , I.O. has observed that modernising distributory sub.canal B-45/1 to a length of 1959.20 mtrs have been entrusted to the contractor M/s.Haigreeva Infra Tech Project on 31.5.2014 and Contactor has completed the work of to a length of 1000 mtrs on the date of spot inspection and amount has been paid to the contractor for the work completed. And the contactor has failed to complete the work inspite of notices issued to him.

(v) In the agreement executed by the contactor dt:31.5.2014, there is a condition that the closure weightage of 25% for different items under modernisation will be released to the contractor, only if the contractor completes 90% of modernisation work within the single closure period. Otherwise, if the contractor fails to complete a minimum of 90% of the modernisation works within the single closure period, 25% weightage will be forfeited. Though it is made out from the records that contractor has completed work of to a length of 1000 mtrs only out of 1959.20 mtr for distributory canal D-45/1, no steps have been taken to forfeit 25% of weightage.

(vi) Though the contractor has undertaken to complete the work within 90 days and has not completed the work within 90 days, no action has been taken against the contractor.

(vii) No bills have been produced in respect of purchase of materials.

(viii) I.O. has reported in para 5 of his report that the contractor has completed modernisation work to a length of 950 metres for Tungabhadra distributory canal D-40, and he has to complete modernisation work to a length of another 1621 meters work. In spite of not completing the work within the time, no action has been taken against the Contractor.


11. In view of the above, the comments submitted by Respondent Nos.1 to 5 are not acceptable to drop the proceedings against them.

12. Since the said facts and materials on record prima facie show that Respondent Nos.1 to 5 i.e. (1) Sri.Hanumanthappa- AEE (retd), Karnataka Neeravari Nigama Ltd., Sindhanur, (2) Sri.T.G.Malibiradara, AEE (Rtd), Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk, (3)Sri.Chandrashekar, Asst.Engineer, Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk, (4)Sri.Sirajuddin, AEE, Karnataka Neeravari Nigama Ltd., T.B.Canal Sub.Divn, Turvihah, Sindhanur Tq, and (5)Sri.Govardhan, AEE, Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk 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.Chandrashekar, Asst.Engineer, Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk, Respondent No.4-Sri.Sirajuddin, AEE, Karnataka Neeravari Nigama Ltd., T.B.Canal Sub.Divn,

Turvihal, Sindhanur Tq, and Respondent No.5-Sri.Govardhan, AEE, Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957 against Respondent Nos.3 to 4. Further, it is also recommended to initiate Disciplinary proceedings against Respondent No.1 - Sri.Hanumanthappa- AEE (retd), Karnataka Neeravari Nigama Ltd., Sindhanur and Respondent No.2- Sri.T.G.Malibiradara, AEE (Rtd), Karnataka Neeravari Nigama Ltd., Turvihah, Sindhanur Taluk under Rule 214(2)(b) of KCSRS as they have retired on 30.4.2015 and 31.1.2016 respectively.

13. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority to intimate this Authority 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) 21/3
Upalokayukta-1,
KARNATAKA STATE,
BENGALURU.