

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/GLB-784/2016/ARE-5

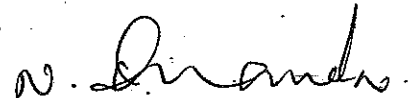
Multi-storied Building  
Dr.B.R. Ambedkar Veedhi,  
Bangalore,  
Dated:30/10/2017.**REPORT UNDER SECTION 12(3) OF THE KARNATAKA LOKAYUKTA  
ACT, 1984**

Sub: Proceedings against:

(1)R.Sreepadhbat, the then Chief Officer, TMC, Devadurga presently working at Pattana Panchyath, Saligrama, Udupi District, (R5), (2)Saroja Patil, the then Chief Officer, TMC, Devadurga presently working as Commissioner, CMC, Shahbad, Kalaburgi (R7), (3)Fairoz Khan, the then Chief Officer, TMC, Devadurga (R8), (4) K.Appaji, Executive Engineer(Retd), KRIDL, Raichur (R9), (5)B.P.Lingaraju, Executive Engineer (Retd), KRIDL, Raichur (R10), (6)Syed Mobin, the then Assistant Engineer, KRIDL, Raichur (R11) and (7)Sharanappa, J.E., TMC, Devadurga, Raichur (R13)- regarding their misconduct as public servants -reg.

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1. On the basis of complaint filed by Sri.Allappa s/o.Basanagowda, H.No.6-1-54, Gouthama Oni, Devadurga Post, Raichur District (hereinafter referred to as 'complainant' for short) against 1. Chief Officer, TMC, Near Police Station, Old Tahsil Office building, Devadurga Town, Raichur District and 2.Executive Engineer, KRIDL, Raichur (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:**

- i. In the meeting held on 20.11.2010 by TMC, Devadurga, decision was taken to widen the road to 34' from Police station to Darbar and from Shambhulingeshwarabetta to Ambedkar Circle and to demolish the unauthorised building constructed by encroaching the roads.
- ii. Decision was also taken to widen the road to a width of 25' from the house of Amaresh Billada to Mini Vidhansoudha by demolishing the unauthorised building constructed by encroaching the roads.
- iii. The works executed by Respondents are unscientific and no drains are formed on both sides of the road.
- iv. Basement for the drains has not been constructed.
- v. Rain water is not flowing properly in the drains.
- vi. Drains are not formed as per the estimate specification and the work is not completed.
- vii. Encroachers over the road have not been evicted.
- viii. Though decision was taken in the meeting held on 20.11.2010 to widen the road, the works are not completed till now.

3. Respondents No.1 and 2 were called upon to submit comments on the Complaint. But they have not submitted comments.

4. Complaint was referred to T.A.C for report. Investigation has been conducted by AEE-IV, T.A.C., Lokayukta (I.O for short) on the instructions of C.E. The report of I.O. is that the allegations are partially established. I.O. has visited the spot on 21.1.2017.

*n. shankar*

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5. The report of I.O. show that :

(i) There is Basaveshwara circle at a distance of 280.00 mtrs from the middle of Police Station on the road from M.G. road Circle to police station. But drains have not been formed on both sides of the Basaveshwara circle and as a result the water which is flowing from M.G. road Circle towards Basaveshwara circle from the drain is stagnated near Basaveshwara circle and the drain work is not completed. Therefore Rs.42.01 lakhs spent towards drain work has become useless. Though work order has been issued 2 years before, the work is not completed.

(ii) In respect of formation of drain from Katagara Katte to house of Conductor Babu, drain has been formed on both the sides of the road and the length of drain is shown as 396.70 mtrs in the M.B made available. The bill payment recorded in the M.B:

(a) September 2015	- Rs.8,39,600-00
(b) March 2016	- Rs.6,99,790-00
(c) July 2016	- Rs.1,76,340-00
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	Rs.17,15,730-00

But the statement furnished by KRIDL show that the bill payment made is Rs.25,96,464/- (Rs.23,37,110 + for July 2,59,354 = 25,96,464). Therefore excess payment of Rs.8,81,094/- is made. The officers responsible for excess payment of Rs.8,81,094/- in forming drain are:

a. The then E.E. , KRIDL Division, Raichur -25%-  
Rs.72,605/-

*N. Shamba*

b. The then A.E. KRIDL Sub.Divn, Devadurga-  
37.5% Rs.1,08,907/-

c. The then J.E. KRIDL Sub.Divn, Devadurga-  
37.5% Rs.1,08,908/-

d. J.E. TMC, Devadurga -dereliction of duty.

(iii) The width of the road widened at 14 places out of 27 places verified is less than 34 feet. The width of the road should be 34 feet as decided in the meeting of TMC, Devadurga on 20.11.2010.

(iv) At some places the drains constructed are above the road level as a result of which the water is not flowing properly in to the drain.

(v) Though work order has been issued two years before, work has not been completed. As per the work order, 5 months time is given to complete the work. On account of delay, the public are suffering.

(vi) The Chief Officer of Devadurga , TMC has not taken action against the Junior Engineer-Sharanappa for not giving the mark out and not getting the work executed in time and not submitting report.

(vii) Executive Engineer, KRIDL has also not taken action against the officers working under him for not getting the work executed on time.

6. After receiving the report of the I.O., the officers responsible for the loss caused and who are responsible for the work executed have been impleaded as Respondent Nos.3 to 13 and copy of report of I.O. and Complaint were sent them for their comments.

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7. Respondent No.3 -Sri.Chandashekara -the then Chief Officer, TMC, Raichur has submitted comments stating that he worked in Devadurga TMC till 28.11.2011. Thereafter he was on leave till 2.2.2012. He was suspended on 2.2.2012 and suspension order was revoked on 14.5.2012 and he was relieved on 15.5.2012 from the post of Chief Officer, TMC, Devadurga and repatriated to his parent department. On 2.6.2012 he has been promoted as Under Secretary to Government.
8. Respondent No.4-Mehaboob Ali, the then Chief Officer, TMC, Devadurga (retired) has submitted comments stating that he was incharge Chief Officer of Devadurga TMC, during 2010-11. He was transferred to Raichur on 20.2.2013. He has not executed any of the works complained.
9. Respondent No.5 - R.Sreepadhbat, the then Chief Officer, TMC, Devadurga has submitted comments stating that he worked as Chief Officer, Devadurga TMC from 11.7.2012 to 17.8.2013. He conducted monthly staff meeting, Council meeting, implemented Government schemes and took action to see that poverty eradication scheme reached the beneficiaries. He opened public grievance section and provided basic facilities to public in time. In the council meeting held on 20.11.2010, decision was taken to widen the important roads that is from Police station to darbar and from Sri.Shambulinga Hill to Ambedkar Circle and from the house of Amaresh Bellad up to mini vidhanasouda. Accordingly the previous Chief Officer-Sri.Chandrashekar had taken action and the road from Police Station to Darbar and Srishambulinga hill to Ambedkar Circle are widened. The people belonging to below poverty level have constructed sheds on the road from the house of Amaresh Bellad up

*N. Sreepadhbat*

to mini vidhanasoudha. If the said sheds are demolished persons living in the said sheds will be put to great hardship. Therefore, on humanitarian consideration they will be evicted after providing them alternative accommodation. Tender was called for widening the road from the house of Amaresh Bellad up to mini vidhanasoudha. But it was cancelled on 31.7.2012. He has not fixed any amount for the said road work and no decision was taken in respect of widening of road from the house of Amaresh Bellad up to mini vidhanasoudha during his period from 11.7.2012 to 17.8.2013.

10. Respondent No.6-Basaslingappa Naikodi, the then Incharge Chief Officer, TMC, Devadurga has submitted comments stating that he worked for three months as incharge Chief Officer of Devadurga on the orders of Dy. Commissioner and he has not executed any work during his period the work order has been issued on 25.2.2015 subsequent his term.

11. Respondent No.7 -Saroja Patil, the then Chief officer, TMC, Devadurga has submitted comments stating that she worked as Commissioner in Devadurga TMC from 21.1.2014 to 8.5.2015. The work was entrusted to KRIDL and therefore the engineer of KRIDL is responsible for the work executed and she is not responsible for the work executed. The then Junior Engineer Sri.Sharanappa is responsible for not widening the road by 34 feet.

12. Respondent No.8- Sri.Fairozkhan, the then Chief Officer, TMC, Devadurga has submitted comments stating that the work of formation of drain was entrusted to KRIDL, Raichur as ordered by Dy.Commissioner, Raichur. He visited the spot and marked out the area of work in the presence of officers of KRIDL. The road had to be

*v. Dravada*

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widened by 34 feet by KRIDL, but the widening of road is less than 34 feet. He wrote to the work implementing officers of KRIDL to widen the road by 34 feet, but the work implementing officers have not widened the road by 34 feet.

13. Respondent No.11- Sri.Syed Mobin, the then A.E., KRIDL, Sub.Divn, has submitted comments stating that according to the report of investigating officer, the drain has been formed to a length of 442.00 mtrs, but in the M.B. the measurement has been recorded as 494.00 mtrs. Therefore the loss caused by recording excess measurement of 52 mtrs is to be recovered from the concerned officers. But, in M.B. the total measurement recorded is 396.70 mtr. Therefore the question of recording excess measurement does not arise.

14. Respondent No.12 - Sri.Shivaraja, the then J.E. KRIDL, Devadurga has submitted comments stating that he only prepared estimate as per the orders of his higher officer and he has not taken up the work. Therefore he has not written M.B. or the bills.

15. Respondent No.13 - Sharanappa, J.E. TMC, Devadurga has submitted comments stating that all the six package works were entrusted to KRIDL on the orders of Dy.Commissioner, Raichur. He had marked out 34 feet for widening of the road and instructed technical staff of KRIDL to execute work properly.

16. Respondent No.3 has explained that he was under suspension till 14.5.2012 and he was relieved on 15.5.2012 and repatriated to his parent department.

17. Respondent No.4 has explained that he has not executed any of the works. Respondent No.6 has explained that he worked only for 3

*N. Shankar*

months as incharge Chief Officer of Devadurga and he has not executed any work during his period. Respondent No.12 has explained that he only prepared estimate and he has not done any other work.

18. Respondent Nos.9 and 10 have not submitted their comments though they have been served.

19. Respondent Nos.5, 7 and 8 being the Chief Officers, TMC, Devadurga have failed to supervise the works periodically. They have failed in their duty to verify whether the J.E., TMC, Devadurga had submitted reports on the work. They have not taken action against J.E., TMC, Devadurga for not submitting reports on the work and not inspecting the works. Respondent Nos. 9, 10, and 11, in respect of work of formation of drain from Katagara Katte to house of Conductor Babu, have passed bills for Rs.8,39,600-00 in the month of September 2015, for Rs.6,99,790-00 in the month of March 2016 and for Rs.1,76,340-00 in the month July 2016 totally for Rs.17,15,730-00 for the total length of 394 mtrs . But actually total payment for the said work made is Rs.25,96,464/- as seen from the statement submitted by KRIDL. Therefore, Respondent Nos.9, 10 and 11 are responsible for excess payment of Rs.8,81,094/-. Respondent -13 has given mark out for widening of roads by 34 feet. But he being the J.E. TMC, Devadurga had to inspect the spot during progress of work after giving mark out and verify whether the measurement recorded in the M.B. is corresponding to the work executed and report to the higher officers about the lapses. But he has failed in his duty to do so.

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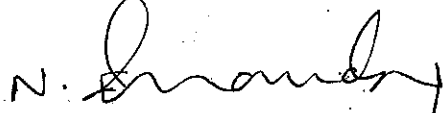
20. In view of above, comments submitted by Respondent No. 5, 7, 8, 11 and 13 are not acceptable to drop the proceedings against them.

21. Since the said facts and materials on record prima facie show that Respondent No.5-R.Sreepadhbat, the then Chief Officer, TMC, Devadurga presently working at Pattana Panchayath, Saligrama, Udupi District, Respondent No.7-Saroja Patil, the then Chief Officer, TMC, Devadurga presently working as Commissioner, CMC, Shahbad, Kalaburgi, Respondent No.8-Fairoz Khan, the then Chief Officer, TMC, Devadurga, Respondent No.9-K.Appaji, Executive Engineer (Retd), KRIDL, Raichur, Respondent No.10-B.P.Lingaraju, Executive Engineer(Retd), KRIDL, Raichur, Respondent No.11-Syed Mobin, the then Assistant Engineer, KRIDL, Raichur and Respondent No.13-Sharanappa, J.E., TMC, Devadurga, 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.5-R.Sreepadhbat, the then Chief Officer, TMC, Devadurga, Respondent No.7-Saroja Patil, the then Chief Officer, TMC, Devadurga, Respondent No.8-Fairoz Khan, the then Chief Officer, TMC, Devadurga, Respondent No.11-Syed Mobin, the then Assistant Engineer, KRIDL, Raichur and Respondent No.13-Sharanappa, J.E., TMC, Devadurga, 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. Further, it is also recommended to initiate Disciplinary proceedings against Respondent No.9-K.Appaji, Executive Engineer (Retd), KRIDL, Raichur and Respondent No.10-B.P.Lingaraju,

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Executive Engineer (Retd), KRIDL, Raichur, under rule 214(2)(b) of KCSRS as they have retired from service.

22. 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, 30/10  
KARNATAKA STATE,  
BENGALURU.