

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/GLB-9704/2018-ARLO-2

M.S.Building,  
Dr.Ambedkar Veedhi,  
Bangalore-560 001  
Date : 18-08-2020**REPORT UNDER SECTION 12(3) OF KARNATKA  
LOKAYUKTA ACT, 1984**

ab: Proceedings initiated against 1. Sri. Eknathappa, Project Manger, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-585103; 2) Sri. Shivayogi, Junior Engineer, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-585103; 3) Sri. Prabhushan, Junior Engineer, Kruthi Consultant, 3<sup>rd</sup> party, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-585103; and 4) Sri. R.S. Nadigar, Assistant Director, Sports and Youth development Department, Chandrashekar Stadium, Kalburgi, regarding their dereliction of duty as public servants. Reg

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An investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984, on the basis of the complaint filed by Sri. Sharavan Kumar. D Nayak, Jai Santhoshi Ma complex, 3<sup>rd</sup> floor, NGO colony, new Jevargi road, Kalburgi-585102 (hereinafter referred to as complainant for short), against Sri. Eknathappa, Project Manger, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-585103; 2) Sri. Shivayogi, Junior Engineer, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-585103; 3) Sri. Prabhushan, Junior Engineer, Kruthi Consultant, 3<sup>rd</sup> party, Nirmithi Kendra opposite fisheries office, Alanda colony, Kalburgi-

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585103; and 4) Sri. R.S. Nadigar, Assistant Director, Sports and Youth development Department, Chandrashekar Stadium, Kalburgi, (hereinafter referred to as respondent for short)

2. The allegation in the complaint is that the work of construction of Sports stadium at Jevargi town is of sub-standard quality. No proper curing is being done to the construction. Cement blocks have been used for foundation. The respondents colluding with the contractors are facilitating the sub standard quality of construction. Hence, has prayed to take action against the respondents.

3. The Respondent No.1 have submitted his comments by denying the alleged allegations against him and stating that after commencement of work bills will be paid after third party report at every stages. Good quality materials were used. There were 1 to 6 blocks in sitting gallery and first concrete was filled to Block no.6 and on that day there was rain. Therefore honey combing was created. Thereafter plastering was done and the same was repaired. Except the same there was no any defect in the work. The work was carried out in the presence of site Engineer as per estimate, sketch and specification. In the work list there was no stone, brick construction for the foundation. The alleged work has been executed as per the specification and bills are paid after inspection from the third party. Hence has prayed to drop him from the proceedings.

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4. The Respondent no. 2 has submitted his comments dated 03/07/2018 by denying complaint allegations. He has not produced any documents along with his comments.

5. The Respondent No.3 has submitted his comments dated 05/07/2018 stating that, they are working as Project Management Consultants and they have submitted detailed reports to HKRDB and also implementing agency. They have mentioned sagging movement of beam and honey combing in the roof in their second report dated 15/01/2018. They have also mentioned that the required strength is not achieved for roof beam at block No.2, 4 and 5 in their second report and also mentioned about the deflected beam. Further states that the allegations made in the complaint are false.

6. The Respondent No.4 has submitted his comments dated 15/06/2018 stating that he has visited the work spot about 3-4-times and has informed the officials of Nirmithi Kendra about the deficiency in curing. The said building has not been handed over to their department and the work is being monitored by third party.

7. The sanction of action plan for the reserved amount for macro amount scheme under HKRDB during 2016-17 an amount of Rs.186.49 lakhs was sanctioned for construction of stadium in Jewargi. The letter issued by Project Manager Nirmithi Kendra Kalburgi to the Executive Engineer, Kalburgi reveals the name of the work as "detailed estimate for proposed construction of RCC sitting gallery at Jewargi stadium in Jewargi town, Kalburgi" and amount of

*M. Shrivastava*

estimate is Rs.13470575. The letter dtd: 28/01/2017 issued by Secretary Hyderabad- Karnataka, Area Development Board, Kalburgi to Respondent No.1 reveals that the implementation of construction of Jewargi Stadium is handed over to Respondent no.1 Department and for the said work Transheight consultant Bangalore have filed DPR.

8. It is pertinent to note that, in the case at hand MB book was not written. When the respondent was called upon to produce the MB book he has submitted by letter dtd: 7/8/2018 stating that there is no practice of writing MB book at Nirmithi Kendra. Thereafter by letter dtd:24/11/2018 he has also stated that there is no such exemption from recording of MB book to Nirmirthi Kendra. Thereafter the respondents have to offer explanation for why they could not have written MB book. Without there being MB book it is very much difficult to assess the work and ascertain whether the work is in accordance with estimate copy and specifications. It is also very difficult the stages of work carried out day today. The said lapse on the part of the respondent creates doubt regarding the quality of the work and also regarding whether the work was carried out as per estimate, specifications and sketch. Therefore it has to be presumed that the work had not been carried out as per the estimate. The same creates serious doubt regarding the standard of the work and shows finger towards substandard work. Therefore it can be assumed that due to the lapses on the part of the respondents in failure to write the MB book the work is substandard one, it can be presumed that the alleged work is substandard one.



9. The respondent No.3 in his comments itself has stated that he was working as Project Management consultants and they have submitted detailed report to HKRDB. In the report they have mentioned about sagging movement of beam and disintegration of roof slab in their second report dtd: 15/1/2018. The photo copy at third party report at page No.96 shows that the Block No.5 inclined roof beam produced sagging movement. The photo produced by the complainant shows that the Block no.5 inclined roof beam produced sagging movement and disintegration of roof slab. The respondent no.1 in his comments also has stated about the disintegration of roof slab. The same makes it clear that there was sagging movement of beam and disintegration of roof slab during the construction. The same also makes it clear that the construction is not standard one and the same is substandard work.

10. The letter dtd: 5/12/2016 shows that the estimate was put forward before Executive Engineer PWD Kalburgi for Technical approval. The order dtd: 02/03/2017 passed by Hyderabad-Karnataka Area Development Committee reveals that by changing the construction of Jewargi stadium in Jewargi town at Rs.186.49 lakhs for other works. On perusal of the said other works, it is clear they are also relating to the stadium.

11. The detailed estimate for proposed construction of RCC Sitting gallery at Jewargi stadium in Jewargi town Kalburgi is produced. Since the MB book had not been written and produced it is difficult to compare the estimate copy with the MB book and

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ascertain whether the work was carried out as per estimate copy and specifications. The said lapses on the part of the respondents lead to the presumption that the works were not carried out as per estimate and specifications.

12. The respondents have produced number of photo copies wherein it can be seen that work was in progress. But it is no use to substantiate their case. Third party inspection report is also produced. The third party consultation report is on record and the respondent no.3 in his comments has stated that he mentioned sagging movement of beam and disintegration of roof slab in the roof in their second report dtd: 15/01/2018. The same makes it clear that the lapses on the part of the respondents are mentioned in the second third party report.

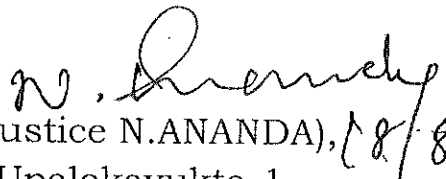
13. Therefore by considering the facts and circumstances of the case, and the documents on record, it is clear that the Respondents had not been written MB book and therefore it is very much difficult to ascertain whether the work was carried out in accordance with estimate and specifications. Moreover the non writing of MB book creates doubt regarding the standard of the work and points out towards substandard work. Further it is on record at the time of construction there was sagging movement of beam and disintegration of roof slab. The same is nothing but substandard work. Therefore it can be concluded that the alleged work is substandard one.

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14. The facts and materials on record prima facie show that the respondent has committed misconduct as per Rule 3(I) of KCS (Conduct Rules 1966). Accordingly, now, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the competent authority to initiate Disciplinary Proceedings against the respondents No. 1 to 4 and to entrust the enquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

15. Further as per Section 12(3) Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within one month from the date of receipt of this report as to the action to be taken or proposed to be taken and on the basis of this report.

Connected records are enclosed.

  
(Justice N. ANANDA), 18/8  
Upalokayukta-1,  
State of Karnataka.