

**KARNATAKA LOKAYUKTA****No.Uplok/BD-2316/2018/DRE-1**

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru 560 001.  
Dated: 13/8/2020

**Report under Section 12(3) of Karnataka Lokayukta  
Act, 1984**

Sub: Proceedings against (1) Sri.Jagadish K, Junior Engineer, Minor Irrigation Department, Sub-Division, Honnali, (2) Sri.H.K.Kallappa, the then Assistant Executive Engineer, Minor Irrigation Department, Honnali, (retired), and (3) Sri.D.K.Thimmappa, the then Executive Engineer, Minor Irrigation Department, Honnali, Davangere District (retired).

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1. On the basis of complaint filed by Sri.K.R.Rajkumar, Talwar Keri, Shikaripura Taluk, Shimoga District, an investigation under Section 9 of the Karnataka Lokayukta Act, 1984, was taken up against (1) Sri.Jagadish K, Junior Engineer, Minor Irrigation Department, Sub-Division, Honnali, (2) Sri.H.K.Kallappa, the then Assistant Executive Engineer, Minor Irrigation Department, Honnali, (retired), and (3) Sri.D.K.Thimmappa, the then Executive Engineer, Minor Irrigation Department, Honnali, Davangere District (retired).
2. The complainant has alleged in the complaint that, under S.D.P. Scheme estimate was prepared for Rs.40 lakhs towards improvements to Sadashivapura (Ujjinapura) Tank in front of bus stand, Honnali Taluk Davangere District, but the bill has been prepared for Rs.72,42,992/- lakhs. It is further alleged that the work has not been executed in accordance with the estimate and substandard work has been carried out.

3. The Assistant Executive Engineer and the Executive Engineer who have signed the documents pertaining to the above work were impleaded as respondent 2 and 3.
4. The respondent 1 to 3 have filed comments denying the allegations interalia contending that under SDP package both "improvements to Kulambi Uramundina Kere Tank with estimate of Rs.40 lakhs approved under SER No.154/15-16" and "improvements to Sadashivapura (Ujjinapura) Tank in front of bus stand, Honnali Taluk with estimate of Rs.40 lakhs under the approval SER No.156/15-16" were executed vide same tender and work order and the work was entrusted to G.O.Raju, Class-I Contractor, for Rs.62,82,533/-. It is further contended that both the works were commenced on 28/5/16 and completed on 22/10/16. It is further contended that out of the total amount of Rs.72,42,992/- after deducting the amount towards execution of work relating to Sadashivapura Tank to the tune of Rs.32,96,778/-, the remaining amount released was towards improvement of Kulambi Uramundina Kere Tank. Alongwith comments respondents have produced documents pertaining to the above works.
5. The estimate and e-tender notification make out that, the estimated cost of the improvement to Sadashivapura (Ujjinapura) Tank in front of bus stand and improvement to Kulambi Uramundinakere Tank was Rs.40 lakhs each.
6. It is the contention of the respondents that, the execution of the work of 'improvements to Kulambi Uramundinakere Tank' and 'improvements to Sadashivapura (Ujjinapura) Tank' in front of bus stand have been taken up together and work order has been issued to Sri.G.O.Raju, Class-I Contractor, Davangere. Work order dt.27/5/2016 has been issued to the said Contractor for total tender price of Rs.62,82,533/-, stipulating the period for completion of work as 5 months

including monsoon period. However, in all the documents it can be seen that the SER number for the above 2 works are different and are mentioned as SER No.154/15-16 and 156/15-16 for Kulambi Uramundinakere Tank and Sadashivapura Tank respectively.

7. Therefore from the perusal of the estimate and the mentioning of separate SER numbers, it becomes clear that though common tender and common work order have been issued, they are 2 different civil works with different estimates that ought to have been executed in accordance with KPWD Code. Therefore the measurement books, the bills and other documents ought to have been maintained separately. But the contract certificates with RA bills and measurement books produced by the respondents make out that no separate documents have been maintained with respect to each of the above works. No piece of document has been produced to show the exact date of commencement and exact date of completion of the work of "improvements to Sadashivapura (Ujginapura) Tank". Even otherwise according to the respondents, the works were commenced on 27/5/2016 and have been completed on 22/10/2016. But undisputed photographs produced by the complainant alongwith his complaint showing the name board which is said to have been installed recites as below:

ಜಲ ಸಂಪನ್ಮೂಲ ಇಲಾಖೆ (ಸಣ್ಣ ನೀರಾವರಿ) ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಣ್ಣ ನೀರಾವರಿ ಉಪವಿಭಾಗ ಹೊನ್ನಾಳಿ  
ಕಾಮಗಾರಿ ಹೆಸರು : ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ ಹೊನ್ನಾಳಿ ತಾ: ಸದಾಶಿವಪುರ (ಉಜ್ಜಿನಿಪುರ) ಬಸ್ ನಿಲ್ದಾಣ ಮುಂದಿನ ಕೆರೆ  
ಅಭಿವೃದ್ಧಿ

ಅಂದಾಜು ವೆಚ್ಚ : ರೂ.40.00 ಲಕ್ಷಗಳು

ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ : 4702 SDP ವಿಶೇಷ ಅಭಿವೃದ್ಧಿ

ಸದರಿ ಕೆರೆಯ ಅಭಿವೃದ್ಧಿಯನ್ನು

ಮಾನ್ಯ ವಿಧಾನಸಭಾ ಕ್ಷೇತ್ರ ಹೊನ್ನಾಳಿ ಇವರ 2015-16 ಸಾಲಿನ ಕೆರೆಗಳ ವಿಶೇಷ ಅಭಿವೃದ್ಧಿ ಯೋಜನೆಯ ಅನುದಾನದಲ್ಲಿ ಮಾನ್ಯ ಶಾಸಕರು ಆದೇಶಿಸಿದಂತೆ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲಾಗಿದ್ದು, ಸದರಿ ಕೆರೆಯನ್ನು ಮಾನ್ಯ ಶಾಸಕರು ಸಾರ್ವಜನಿಕರ ಹಾಗೂ ಜಾನುವಾರುಗಳ ಉಪಯೋಗಕ್ಕಾಗಿ ದಿ.29/1/2018 ರಲ್ಲಿ ಲೋಕಾರ್ಪಣೆ ಗೊಳಿಸಲಾಗುತ್ತದೆ.

ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು

ಸಣ್ಣ ನೀರಾವರಿ ವಿಭಾಗ  
ಚಿತ್ರದುರ್ಗ

ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು

ಸಣ್ಣ ನೀರಾವರಿ ಉಪ ವಿಭಾಗ  
ಹೊನ್ನಾಳಿ

8. No completion report has been produced. Therefore actual date of commencement and actual date of completion of the complained work cannot be ascertained.
9. The main allegation of the complainant is that, the work has not been executed as per estimate. From the comparison of the quantities as specified in the estimate with the recordings made in measurement book, it can be noticed that the quantities as recorded in measurement book vary with that specified in estimate. From comparison of the measurement book with estimate which is produced by the complainant (none of the respondents have produced detailed estimate), it can be noticed that there are no recordings of measurements with respect to many items of sub-estimate 1 and 2. There is no recording of measurement with respect to items shown in sub-estimate 3 and sub-estimate 4. The description of items of work and the quantity as recorded in measurement books are not clear. In page 72 to 75 there are recordings of measurements said to be that of the work 'improvement to Sadashivapura Tank'. Pertaining to all the items of work recorded therein, by mentioning only the total quantity, it is written as 'quantity carrying from M.B.No.1143 vide P.No:-109, 110'. From comparison of the quantities written in page 109 and 110 with the detailed estimate, it can be noticed that the quantities as recorded in measurement book do not tally with that specified in estimate. Even there is no clear description of the name of work, items of work and there are no clear signatures of the officer incharge and sub-divisional officer who ought to have recorded the measurements and conducted check measurement respectively.
10. In C.C with first and part bill, the dates of recording are written as '27/5/2016' and '2/6/2016' recorded in M.B.703 at page 72-76 and M.B.1143 at page 108 -111. The dates of check

measurement are written as '27/5/2016' and '2/6/2016'. In C.C with 2<sup>nd</sup> and part bill, the date of recording is written as 18/6/2016 recorded in M.B.8523/703 from page 109 to 112 and 82 to 87. The dates of check measurement are written as '10/6, 3/7, 14/7/2016'. In C.C with 3<sup>rd</sup> and final bill, the dates of recording measurement are written as '22/10/2016' recorded in M.B.8523/703, from page 112-113/94-95. The date of check measurement is not clearly seen. Page 74 to 76 of M.B.703, page 111 of M.B.1143, page 109, 110, 111 of another measurement book, and page 82 to 87 of a measurement book have been produced. Alleged measurements of both the above works are said to have been entered in the above pages of measurement books. Even in those measurement books, the date of commencement and the date of completion have not been mentioned. In page 72 of M.B.703, date of recording is mentioned as 2/6/2016, wherein measurements pertaining to item No.1, 2, 3, 5, 6, 10, 11 have been entered. In page 85 to 87, the measurements relating to item No.1, 2, 4, 5, 8, 9, 10 have been stated to be recorded, but there is no mention of the date of recording, the date of check measurement, the date of commencement and the date of completion. Therefore it can be seen that the measurement books have not been maintained as mandated in KPWD Code. Therefore the dates on which each item of work was executed and the date of actual completion of work of 'improvement to Sadashivapura Tank' cannot be ascertained.

11. As already noticed above, the measurement as recorded in measurement book do not tally with that specified in estimate. Further in the estimate separate sub-estimate 2 to 4 have been provided specifying the quantity and amount for 'tank desilting', for 'sopanam' and for 'cattle ramp'. However

measurements with regard to sub-estimate 3 and 4 are not found in the measurement books produced by the respondents.

12. All the respondents have produced a copy of Inspection note dt.3/7/2016 of Superintendent Engineer, Minor Irrigation Circle, Bangalore. Separate observations with respect to improvements to Kulambi Uramundinakere Tank, Sadashivapura (Ujjinipura) Tank and Devara Honnali Yetha Neeravari Yojane are found in the said note. As per the said note even as on 3/7/2016, the work of construction of embankment was in progress pertaining to 'Sadashivapura Tank'. But according to page 72 of M.B, as on 2/6/2016 itself, item No.3 had been completed. Therefore, the said report of Superintendent Engineer also creates doubt regarding the actual date of commencement and actual date of completion and thereby there arises doubt as to whether work has been completed within the stipulated period as per work order. Therefore from the non production of completion report and also non-mentioning of date of completion, an adverse inference is to be drawn. Moreover this suspicion gets strengthened from the photograph showing the Name Board as reproduced above wherein the date of inauguration (ಓದಿಕಾರ್ಪಣೆ) is shown as 29/1/2018.
13. The respondents have contended that out of Rs.40 lakhs each i.e., totally Rs.80 lakhs, an amount of Rs.32,98,888/- has been expended for execution of the work of improvement to Sadashivapura (Ujjinipura) Tank and Rs.39,44,104/- has been expended for execution of the work of improvement to Kulambi Uramundinakere Tank. But in none of the 3 R.A.bills, there is any separate details of expenditure incurred for 'improvement to Sadashivapura (Ujjinipura) Tank' and 'improvement to Kulambi Uramundina Tank'. Even in measurement book there is no separate mention of details of expenditure incurred for

improvement to Sadashivapura (Ujjinipura) Tank and improvement to Kulambi Uramundina Tank. A copy of work slip and EIRL have been produced by the 3<sup>rd</sup> respondent. But in the said document name of the work is shown as only "Improvement to Kulambi Uramundinakere Tank in Kulambi Village in Honnali Taluk, Davangere District".

14. Therefore from the scrutiny of the above documents, there are prima facie materials to opine that there is dereliction of duty and lack of absolute integrity on the part of the respondent 1 to 3 in discharge of their duties as public servants which attract Rule 3 of K.C.S.(Conduct) Rules, 1966.
15. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against the respondents 1 to 3 i.e., (1) Sri.Jagadish K, Junior Engineer, Minor Irrigation Department, Sub-Division, Honnali, (2) Sri.H.K.Kallappa, the then Assistant Executive Engineer, Minor Irrigation Department, Honnali, (retired), and (3) Sri.D.K.Thimmappa, the then Executive Engineer, Minor Irrigation Department, Honnali, Davangere District (retired). and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 with sanction as required under Rule 214(2)(b)(i) of Karnataka Civil Services Rules, as the 2<sup>nd</sup> respondent Sri.H.K.Kallappa, and the 3<sup>rd</sup> respondent Sri.D.K.Thimmappa, have already retired from Government service on 31/7/2018 and 31/3/2020 respectively.
16. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to this Authority, the action taken or proposed to be taken on this

recommendation, within a period of three months from the date of receipt of this report.

Connected records are enclosed herewith.



**(Justice B.S.Patil)**

Upalokayukta,  
State of Karnataka, Bengaluru

*Pm*  
13/8/2020