

KARNATAKA LOKAYUKTA

Compt/Uplok/MYS/4440/2015/DRE-5

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated:05/10/2019.

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

Sub: Proceedings initiated against (1) Sri Srinivasaranga, Retired Assistant Executive Engineer (2) Sri Z. B. Sanganur, Assistant Executive Engineer, KRIDL Sub Division Hassan, (3) Sri Venugopal, Executive Engineer, KRIDL Division, Mysuru and (4) Sri N. Vijay, Assistant Executive Engineer, KRIDL Sub Division, Gundlupete about their misconduct as Public/Government servant – reg.,

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri H.G. Veerabhadrappe S/o Gangadarappa, Hosahalli, Madalu Post, Arasikere Taluk, Hassan District (hereinafter referred to as '**Complainant**' for short) against (1) Sri Srinivasaranga, Retired Assistant Executive Engineer (2) Sri Z. B. Sanganur, Assistant Executive Engineer, KRIDL Sub Division Hassan, (3) Sri Venugopal, Executive Engineer, KRIDL Division, Mysuru and (4) Sri N. Vijay, Assistant Executive Engineer, KRIDL

Sub Division, Gundlupete (hereinafter referred to as '**Respondent Nos. 1 to 4**' for short).

2. The allegations in the complaint are that, the respondents while executing works through KRIDL Limited Sub-Division Arasikere at Kittanakere village, Muddarahalli village, Narasipura village, Madalu village and Bommasamudra village relating to improvement of road and reconstruction of drainage beside it, they have fabricated documents and dishonestly misappropriated government fund to their advantage thereby caused financial loss to the government. Hence, the complainant has prayed for action against the respondents.
3. On registration of the complaint the complainant was informed to submit better particulars, in response to which he had submitted details pertaining to five works alleged to be of substandard quality executed by the respondents. Thereafter, through order dated 20/09/2016 this matter came to be referred to Chief Engineer, TAC, Karnataka Lokayukta for investigation and report who in-turn had referred this matter to Assistant Executive Engineer-1, TAC, Karnataka Lokayukta for investigation. Subsequently the in-charge Assistant Executive Engineer-1, TAC, Karnataka Lokayukta (hereinafter referred to as '**I.O.**' for short) submitted his report dated 17/03/2018 which was forwarded to this authority with the remarks of Chief Engineer, TAC, Karnataka Lokayukta.

4. The investigation report indicated that the respondents herein had committed dereliction of duty by making excess payment for some works while some of the works were of substandard quality and it was also observed that due to the act of respondents in lack of supervision while execution of works, financial loss is caused to the government. Therefore, the respondent no. 1 to 4 came to be impleaded and they were informed to submit their comments on the observations made by the investigation officer.
5. In response to the intimation issued by this authority all the respondents have submitted their comments denying the allegations made against them.
6. On perusal of the investigation report submitted by the in-charge Assistant Executive Engineer-1, TAC, Karnataka Lokayukta it is noticed that, on receipt of this file he had issued notice dated 04/10/2017 informing the parties to this case to be present on 28/10/2017 at the place of execution of work for spot inspection. Accordingly the spot inspection was conducted on the fixed date. During the said inspection equipments for conducting rebound hammer test were made available. However, equipments for conducting core cutting test were not available as such the spot inspection was again rescheduled on 28/12/2017. On that day the works mentioned hereunder executed by the respondents at the villages mentioned above were examined by the I.O.

at the instance of parties to this case and Assistant Engineer, and Junior Engineer of PWD as well as KRIDL Sub-Division, Arasikere as well as the public. The I.O. has observed that no specific names have been assigned to any of the works executed by the respondents and that only serial number for its construction have been mentioned in the M.B. book. The works executed by the respondents at KRIDL, Sub-Division, Arasikere are as under;

- I. Works executed by respondent no. 1 to 4 at **Maddarahalli village**, Arasikere Taluk.
 - a. Construction of CC road at ST colony in Maddarahalli village. (total 4 roads)
 - b. Construction of CC road at Maddarahalli village under SCP scheme (total 2 roads)
- II. Works executed by respondent no. 1 to 4 at **Kittanakere village**, Arasikere Taluk.
 - a. Construction of CC road and culverts in Kittanakere village under SCP scheme.
- III. Works executed by respondent no. 1 to 4 at **Narasipura village**, Arasikere Taluk.
 - a. Construction of 22 CC roads and one drainage in Narasipura village.

b. Construction of CC road with culverts at SC colony in Narasipura village.

7. Out of the works executed by the respondents on inspection the I.O. has conducted both rebound hammer test and core cutting test. The samples collected for core cutting test were sent to University Vishveshvarayya College of Engineering, Bengaluru (hereinafter referred to as '**UVCE**' for short) for examination of samples and to submit report. Accordingly, through letter dated 15/02/2018 the samples of core cutting were analysed and a report to that effect was submitted to the I.O.
8. The I.O. has analysed the test reports and has opined that on analysis of concrete for ratio of cement: sand: coarse aggregate, of the works executed at Maddarahalli, Kittanakere and Narasipura villages, they have not been executed in the required quality as the area where such works have been executed is not used for transportation by heavy goods vehicle. Therefore, the I.O. has opined that the report submitted by UVCE indicating that the said roads have been subjected to fatigue cannot be accepted.
9. The investigation report indicates that though construction of drainage on either side of the road was part of the estimate in five works executed at three villages, except in one work, such drainage have not been constructed in the remaining four works. Due to this act of the respondents, the I.O. who held spot

inspection, has opined that the sewage water at all the three villages mentioned above was passing through the road as a consequence of which the concrete roads constructed are likely to be damaged earlier than the normal period.

10. It is stated that while executing two concrete roads at **Maddarahalli** village to an extent of 1292.54 Sq.Mt, concrete was used to construct those roads having 0.13Mt thickness. However, the entries in the measurement book and the measurement conducted during spot inspection indicated that there was a difference in actual execution of work to an extent of 74.92 cubic metre which was recorded in excess than the actual execution. Therefore, the I.O. has opined that as per the approved estimate for the said works the value of concrete per cubic metre was at Rs. 4,901/-. Accordingly, he has estimated that an amount of **Rs. 3,67,183/-** was paid in excess than the actual execution of work, as a consequence of which it is stated that the then Assistant Engineer, Assistant Executive Engineer and Executive Engineer of KRIDL Sub-Division, Arasikere Taluk are jointly and severally liable for such loss.
11. The investigation report indicates that while executing the work at **Kittanakere** village of Arasikere Taluk at an estimated cost of Rs. 10.00 lakhs, the formation of concrete road as measured by the I.O. was 1098.85

Sq.Mts. and entries were made in the measurement book to indicate that the work was executed for a measurement of 1333.00 Sq.Mts. Therefore, it is stated that entries to an extent of 234.15 Sq.Mt., while forming concrete road was recorded more than the actual execution and according to the approved estimate the cost of such work per cubic meter was Rs. 4,901/-. Therefore, it is stated that an amount of **Rs. 1,49,186/-** has been paid in excess than the actual execution of work for which the Assistant Engineer, Assistant Engineer and Executive Engineer of KRIDL Sub-Division, Arasikere Taluk are jointly and severally liable for such loss.

12. The investigation report also indicates that while executing the work at **Narasipura** village of Arasikere Taluk at an estimated cost of Rs. 31.73 lakhs, the formation of concrete roads at (a) around the temple of Chowadamma measuring about 80.00 Sq.Mts., (b) around the temple of Kariyamma measuring about 50.00 Sq.Mts. and (c) formation of road from main road to the house of Basamma to an extent of 6.10 Mts x 7.80 Mts of concrete road have been completely damaged and the concrete put on those roads was completely removed. Therefore, concrete road to an extent of 177.58 Sq.Mts was required to be laid afresh and as a consequence of this excess expenses were required to be incurred. It is estimated that at the rate of the approved estimate of such work per cubic meter was Rs. 4,903/-. Therefore, it

is stated that an amount of **Rs. 1,13,213/-** was required to be spent for laying 23.10 cubic metre of concrete road. As such the Assistant Engineer, Assistant Engineer and Executive Engineer of KRIDL Sub-Division, Arasikere Taluk are jointly and severally liable for such loss.

13. The records furnished by the I.O. along with his report also comprises of a letter dated 10/11/2017 addressed by the Assistant Executive Engineer, KRIDL Arasikere containing the details of the officers who had worked in-charge of the works executed at Maddarahalli, Kittanakere and Narasipura villages. This document indicates that the respondent no.1 had worked in the capacity as Assistant Engineer and Assistant Executive Engineer while executing the works at Maddarahalli and Kittanakere and he had worked as Assistant Executive Engineer while executing works at Narasipura village. The respondent no.2 had worked as Executive Engineer while executing the works at Kittanakere and Maddarahalli whereas respondent no.3 had succeeded him while executing works at Maddarahalli and Narasipura villages. Respondent no.4 has worked as Assistant Engineer with respect to the works executed at Narasipura village only. Therefore, considering the above aspects the I.O. has stated that the liability of each of the respondents in the tabular form which are as under;

a) Details of financial loss caused by the respondents with respect to the works executed at each village:

| Sl. No. | Village | Estimated value of the work (in lakhs) | Estimated financial loss caused to the state | Officers responsible for financial loss and their percentage of liability. | | |
|---------|--------------|--|--|--|----------------|-------------|
| | | | | AE (37.5%) | AEE (37.5%) | EE (25%) |
| 1. | Maddarahalli | a) 6.00 b) 5.00 | 3,67,183 | 1,37,694 | 1,37,694 | 91,795 |
| 2. | Kittanakere | 10.00 | 1,49,186 | 55,954 | 55,954 | 37,296 |
| 3. | Narasipura | 31.73 | 1,13,213 | 42,455 | 42,455 | 28,303 |

b) Details of the financial loss caused by each of the respondent no.1 to 4 while executing the above mentioned works:

Table indicating loss caused by Assistant Engineer.

| Sl. No. | Village | Estimated financial loss caused to the state | Estimated loss caused by the act of AE | Name of the Officer who worked as AE |
|---------|--------------|--|--|--------------------------------------|
| 1. | Maddarahalli | 3,67,183 | 1,37,694 | Sri Srinivasa Ranga |
| 2. | Kittanakere | 1,49,186 | 55,945 | Sri Srinivasa Ranga |
| 3. | Narasipura | 1,13,213 | 42,455 | Sri N. Vijay |

**Table indicating loss caused by Assistant
Executive Engineer.**

| Sl. No. | Village | Estimated financial loss caused to the state | Estimated loss caused by the act of AEE | Name of the Officer who worked as AEE |
|---------|--------------|--|---|---------------------------------------|
| 1. | Maddarahalli | 3,67,183 | 1,37,694 | Sri Srinivasa Ranga |
| 2. | Kittanakere | 1,49,186 | 55,945 | Sri Srinivasa Ranga |
| 3. | Narasipura | 1,13,213 | 42,455 | Sri Srinivasa Ranga |

**Table indicating loss caused by Executive
Engineer.**

| Sl. No. | Village | Estimated financial loss caused to the state | Estimated loss caused by the act of EE | Name of the Officer who worked as EE |
|---------|--------------|--|--|--------------------------------------|
| 1. | Maddarahalli | 3,67,183 | 91,795 | Sri Z.B. Sangapur |
| 2. | Kittanakere | 1,49,186 | 37,296 | Sri Z.B. Sangapur |
| 3. | Narasipura | 1,13,213 | 28,303 | Sri K.Venugopal |

c) Total liability on each of the respondents with respect to financial loss caused to the State:

| Sl. No. | Name of the officer | Estimated loss |
|---------|---------------------------------------|----------------|
| 1 | Sri Srinivasa Ranga (respondent no.1) | 4,29,733/- |
| 2. | Sri Z.B. Sangapur (respondent no.2) | 1,29,091/- |

R1001

R1101

| | | | |
|----|---------------------------------------|----------|--------|
| 3. | Sri K. Venugopal (respondent no.3) | 28,303/- | Rdlo 3 |
| 4. | Sri N. Vijay (respondent no.4) | 42,455/- | Rdlo 4 |

14. Since, the report of I.O. indicates dereliction of duty, misconduct, fabrication of records with respect to recording the actual measurement of work executed and consequently making excess of payment on the part of respondent no.1 to 4, their comments were secured and placed on record.
15. The respondent no.1 through his comments dated 07/08/2018 has contended that the works at Muddarahalli and Kittanakere were executed in the year 2012-13 whereas the works at Narasipura village were executed in the year 2013-14 and that the investigation of those works were conducted after lapse of four years. He has also contended that the I.O. has erroneously considered the quantity of work to conclude that there has been excess payment of money and that there was no such excess payment. It is also contended that the thickness of 0.13 metre as considered by I.O. is also erroneous as a consequence of which the conclusion with respect to excess payment is also contended to be incorrect. With respect to damage to the concrete road at Narasipura village, it is contended that the said work was executed around 4-5 years ago and the concrete surface might have been damaged in small pockets due

to abrasion by the iron shoes of axen due to repeated movement. The respondent no.1 has placed reliance on the reports on UVCE and PWD quality assurance officers to state that the strength of concrete confirms to the requirement. Therefore, it is his defence that the complaint is filed on baseless allegations and that the report of the I.O. is erroneous as such he prays for closure of the complaint.

16. The respondent no. 2, 3 and 4 through their comments dated 07/08/2018 have taken similar stand as that of respondent no.1.
17. Considering the findings recorded by the investigating officer in his report and the defence put forth by the respondent no. 1 to 4, it is noticed that, the allegations with respect to incorrect entries in the measurement book and difference of work mentioned in the MB with that of the actual execution as recorded by I.O. during his spot inspection are required to be ascertained only through a formal and detailed enquiry. The I.O. who has visited the spot has recorded a finding that the works in question, as detailed above, have been executed in substandard quality. Per-contra it is the defence of respondents that the damage to those roads is on account of friction of iron shoes of the cattle and due to its frequent movement. It is significant to note the purpose of laying concrete road for frequent movement of animal, human beings and vehicle is the durability of


such road and also the economic viability. However, as admitted by the respondents within a span of 4-5 years the roads executed at the places indicated above have suffered damage. Therefore, prima facie the opinion expressed by the I.O. that those works have been executed with substandard quality is required to be accepted as the defence raised by the respondents is required to be established during full fledged enquiry. The material on record makes out prima facie case with respect to dereliction of duty on the part of respondents as a consequence of which there has been misconduct on their part due to fabrication of MB book and excess payment of money resulting in financial loss to the State. Therefore, there lies dereliction of duty on the part of respondent no.1 to 4 which has resulted in misconduct as defined in Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, apart from making a recommendation u/s 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against respondent no.1 to 4 they are also required to be subject to appropriate legal action including initiation of criminal proceedings against them for commission of offence of misappropriation of public fund and fabrication of records by being public servants.

18. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **respondent No. 1- Sri**

Srinivasaranga, Retired Assistant Executive Engineer, No. 2808, 2nd Main Road, Jayanagar, Mysuru (**Date of retirement 31/03/2016**), **respondent No. 2- Sri Z. B. Sanganur**, Assistant Executive Engineer, KRIDL Sub Division Hassan (**Date of retirement 31/05/2021**) and, **respondent No. 3- Sri Venugopal**, Executive Engineer, KRIDL Division, Mysuru (**Date of retirement 31/08/2030**) and (4) **respondent No. 4 Sri N. Vijay**, Assistant Executive Engineer, KRIDL Sub Division, Gundlupete (**Date of retirement 30/10/2048**) and to entrust the inquiry to this Authority as against respondent no.1 under Rule 214(2)(b) of KCSR, 1958 and as against respondent no.2 to 4 under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 .

19. Further, as per Section 12(4) of 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 taken or proposed to be taken on the basis of this report.

Connected records are enclosed.


(Justice N. ANANDA),
Upalokayukta
State of Karnataka. 