

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/103/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 27.1.2021

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sriyuths:

- 1)R.M.Banad, The then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (Now retired),
- 2)Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal and
- 3)Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District - reg.

Ref: 1. G.O.No.ಗ್ರಾಅಪ 04 ಇಎನ್‌ಕ್ಯೂ 17, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 13/01/2017

2. Nomination Order No. Uplok -1/DE/103/2017
Bangalore dated: 23.1.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sriyuths

- 1)R.M.Banad, The then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (Now retired),
- 2)Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal and
- 3)Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama



Panchayath, Yalaburga Taluk, Koppal District (hereinafter referred to as the Delinquent Government Officials 1 to 3, for short "DGOs No.1 to 3 respectively").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 23.1.2017 cited above at reference No.2, has nominated Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGOs.

3. Additional Registrar of Enquiries-10 has framed the Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The copies of the same were issued to the DGOs calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

5. The Article of charges framed by the ARE-10 against the DGOs is as under :

ANNEXURE-I
CHARGE

That, you, DGO No.1 - R.M.Banad, the then Deputy Planning Manager, DGO No.2 Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal and DGO No.3 Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District;

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Have undertaken laying of concrete road and construction of drainage. The execution of work of construction of roads and drains at Kudremothi village under Jala Nirmala Project is of substandard quality and not executed in accordance with the approved estimate. The amount reserved for construction of cement concrete drain on both sides of the road has been utilized towards laying of concrete pavement and construction of drain as per the scheme / estimate and scheme report prepared in that regard are not carried out. Since drains are not provided on either side of the road and due to shabby execution of the work of laying of cement concrete road without giving necessary tapering and not laying the concrete road as per the measurement provided in the cross section drains and not constructing RCC drain as per the specification provided in cross section drawing, the entire exercise of laying of roads and drains under Jala Nirmala Project at Kuduremothi village has become a waste, and utilization of the amount reserved for construction of drains, towards the construction of cement concrete road itself is an instance of execution of the work in violation of the sanctioned scheme and approved drawings of the project and against the terms of scheme report.

Thus you DGOs No.1 to 3, being Government /public servant have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servants and thus committed misconduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

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6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

Under Jala Nirmala Project Scheme, laying of concrete road and construction of drainage was undertaken at Kuduremothi village, Koppal Taluk at a total cost of Rs.95 lakhs. The work was got executed through one contractor by name Sri Nagaraj S.Kolagi. The complainant is alleging that, the laying of cement concrete road is of substandard quality and the work was undertaken using substandard materials and the execution of the work was not in accordance with the sanctioned estimate and approved plan and even the work of concrete road laying is not upto the standard and thus made allegations against the DGOs 1 to 3 holding them responsible for such substandard execution of the work and also alleging misappropriation of funds.

As per the detailed scheme report with regard to construction of roads and drains at Kuduremothi village undertaken using additional grant under Jala Nirmala Project, an estimate was prepared allocating the amounts to various works to be executed in construction of cement concrete road and drainage at Kuduremothi village. The abstract estimate as approved under the scheme is as follows:

ROADS AND DRAINS ABSTRACT ESTIMATE		
Sl. No.	Item of work	Amount (Rs)
1	Concrete pavement	7046800-00
2	CC Drain	2129434-00
3	CD (Cross drainage)	317592-00

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4	Name boards	6300-00
	Total	95,00,126-00

The scheme report and estimate prepared also contains the details regarding the manner in which the work needs to be executed and how concrete pavement and RCC drain are to be constructed. The detailed drawing of cross section of concrete road, cross section of RCC drain and RCC slab culvert are also made as part of this estimate/detailed scheme report.

On publishing National Competitive Bidding and after receiving tenders, the work of providing construction of roads and drains to Kuduremothi village within the limits of Kuduremothi Grama Panchayath of Yelburga Taluk was entrusted to a contractor by name Sri Nagaraj S.Kolaji. payments to the contractor were made at 3 stages. As per the 3rd and final bill, the following amounts have been paid to the contractor.

Sl. No.	Item of work	Final Amount (Rs)
1	Concrete pavement	11012853.00
2	Drain (0.60 width)	118573.00
3	Drain (1.20 width)	5137889.00
4	Cross Drainage	51841.00
5	Name board	6720.00
	Total	11209303.00

While paying the final bill the amount restricted to Rs.1,05,73,547/-.

The complainant has made specific allegations that, the quality of the work executed in laying cement concrete

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pavement are of substandard quality and even laying of the road is not in accordance with the approved estimate sanctioned under the scheme. According to him, huge amount has been misappropriated by carrying substandard work and also not executing the project in accordance with the approved scheme. The complainant has also enclosed certain photographs to show the nature of the work executed in laying concrete road and also the hardship being caused to the villagers due to execution of such substandard work and laying concrete road without providing required drainage on either side of the road.

On going through the estimate approved under the scheme, cement concrete drain are to be constructed on both sides of the cement concrete road proposed to be put up and hence a sum of Rs.21,29,434/- was earmarked for the construction of cement concrete drain on both sides of the road. A sum of Rs.70,46,800/- was earmarked for construction of concrete pavement. A sum of Rs.3,17,592/- was earmarked for the purpose of construction of cross drainage. But on perusing the amount spent as per the third and the final bill, a sum of Rs.1,01,12,853/- has been spent towards concrete pavement and a sum of Rs.1,18,573/- has been spent towards construction of drain of 0.60 feet width and Rs.1,37,889/- has been spent towards construction of drain having 1.20 feet width and Rs.51,841/- has been spent towards construction of cross drainage.

On perusing the photographs, no drains have been constructed on either side of the road, instead, a small water flowing drain is found to have been constructed in the middle

of the road in an unscientific manner on the entire stretch of the road. It could be seen that, no provision has been made for flowing of water from the pavement /cement concrete road, to the drain, since no drains have been constructed on both sides of the road. As could be seen from the photographs produced by the complainant, due to shabby execution of the road work and also not providing drains on either side of the road, water is found stagnating on the pavement and causing great inconvenience to the villagers. The water flowing small drain is constructed in an unscientific manner, in the middle of the road causing obstruction for the easy movement of the people on the road and also causing over flowing of drainage water and rain water, entering into the houses during rainy season.

On considering the various records furnished with regard to execution of the work, with reference to the allegations made in the complaint and also the photographs produced by the complainant along with the complaint, it could be seen that, the execution of the work of construction of roads and drains at Kuduremothi village under Jala Nirmala Project is of substandard quality and not executed in accordance with the approved estimate. It could be seen that the amount reserved for construction of cement concrete drain on both side of the road has been utilized towards laying of concrete pavement and construction of drain as per the scheme/estimate and scheme report prepared in that regard are not carried out. Since drains are not provided on either side of the road and due to shabby execution of the work of laying of cement concrete road without giving necessary tapering and not

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laying the concrete road as per the measurement provided in the cross section drawings and not constructing RCC drain as per the specification provided in cross section drawing, the entire exercise of laying of roads and drains under Jala Nirmala Project at Kuduremothi village has become a waste utilization of the amount reserved for construction of drains, towards the construction of cement concrete road itself is an instance of execution of the work in violation of the sanctioned scheme and approved drawings of the project and against the terms of scheme report.

The comments of DGOs no.1 to 3 have been called for. DGOs 1 to 3 have not submitted their comments despite service of notice on them. DGO NO.1 has submitted his comments denying the allegations made against him in the complaint. So far as non construction of drainage on either side of the road as per the estimate and constructing drainage in the middle of the road in an unscientific manner, the DGO no.1 has explained taking up a contention as follows:

“ಗ್ರಾಮದಲ್ಲಿ ರಸ್ತೆಯು ಕೆಳಮಟ್ಟದಲ್ಲಿ (ಲೋ ಲೈಯಿಂಗ್ ಏರಿಯಾ) ಇರಬಹುದು ಅಲ್ಲಿ ಅಕ್ಕಪಕ್ಕ ಮನೆಗಳು ಇರುವುದರಿಂದ ಸಿ.ಸಿ.ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿ ಡ್ರೈನ್ ಮಾಡಲು ಜನರು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿರುವುದಿಲ್ಲ. ಅಲ್ಲದೆ ಕಾಮಗಾರಿಯನ್ನು ಮಾಡುವಾಗ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಧ್ಯಕ್ಷರು, ಉಪಾಧ್ಯಕ್ಷರು, ಸದಸ್ಯರು, ಗ್ರಾಮಸ್ಥರು ಹಾಗೂ ದೂರುದಾರರು ಸಹ ಇರುತ್ತಾರೆ. ಅಲ್ಲದೆ ರಸ್ತೆಯ ಮಧ್ಯಭಾಗದಲ್ಲಿ ಸಣ್ಣ ಡ್ರೈನ್ ಮಾಡಿರಿ ಅಂತಾ ಎಲ್ಲರೂ ಮೌಖಿಕವಾಗಿ ವಿನಂತಿಸಿದ್ದರಿಂದ ರಸ್ತೆಯ ಮಧ್ಯಭಾಗದಲ್ಲಿ ಸಣ್ಣ ಡ್ರೈನ್ ಮಾಡಲಾಗಿದೆ.

ಅಲ್ಲದೇ ಈ ಸಣ್ಣ ಡ್ರೈನ್‌ನಿಂದ ಜನರ ಸಂಚಾರಕ್ಕೆ ಯಾವುದೇ ತೊಂದರೆ ಆಗುವುದಿಲ್ಲ. ಮಳೆ ತುಂಬ ಜಾಸ್ತಿ ಆದಾಗ ಲೋ ಲೈಯಿಂಗ್ ಏರಿಯಾದಲ್ಲಿ ಸ್ವಲ್ಪ ಸಮಯ ರಸ್ತೆಯ ಮೇಲೆ ನೀರು ನಿಲ್ಲುವುದು ಸಹಜ. ಆದರೆ ಬೇಗನೆ ಡ್ರೈನ್ ಆಗಿ ಹೋಗುತ್ತದೆ. ದೂರುದಾರರು ಹೇಳಿರುವಂತಹ ಅಷ್ಟೊಂದು ಸಮಸ್ಯೆ ಆಗುವುದಿಲ್ಲ.



ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಧ್ಯಕ್ಷರು ಹಾಗೂ ಗ್ರಾಮಸ್ಥರ ಕೋರಿಕೆಯ ಮೇರೆಗೆ ಕೆಲವೊಂದು ಸಣ್ಣಪುಟ್ಟ ಮಾರ್ಪಾಟು ಮಾಡಿರಬಹುದು ಆದರೂ ಕೂಡ ಟೆಂಡರ್ ಮೊತ್ತ ಮೀರದಂತೆ ಯಾವುದೇ ಕಾಮಗಾರಿ ಮಾಡಿರುವುದಿಲ್ಲ. ಗ್ರಾಮದಲ್ಲಿ ನಮಗೆ ಸಿ.ಸಿ. ಡ್ರೈನ್ ಬೇಡ ಅದರ ಬದಲಾಗಿ ಸಿ.ಸಿ. ರಸ್ತೆ ಮಾಡಿರಿ ಎಂದು ಬೇಡಿಕೆ ಇಟ್ಟಿದ್ದರು. ಎಲ್ಲಾ ಕಾಮಗಾರಿಯನ್ನು ಅಂದಾಜು ಪಟ್ಟಿಯಂತೆಯೇ ಮಾಡಲಾಗಿದೆ.”

But no documents have been furnished to support his contention that the villagers have not allowed for construction of the drainage on either side of the road and at the request of the villagers, drain in the middle of the road has been constructed. Any resolution passed by the grama panchayath to that effect has not been produced. In order to execute any work making changes to the sanctioned estimate and plan, the approval of Competent Authority is required to be obtained. But no documents are produced to show that, prior approval of Competent Authority has been obtained before making changes in the sanctioned estimate/plan. Hence, the explanation offered by DGO no.1 cannot be accepted and complaint cannot be dropped against him. Since, DGOs 1 and 3 have not furnished their comments, it can be considered that they have nothing to say on the allegations made against them in the complaint.

Therefore, DGOs 1 to 3 are responsible for execution of the work under Jala Nirmala Scheme have failed to get the work executed as per the sanctioned scheme and the laying of cement concrete road without providing drains on either side itself is unscientific and providing water flowing drain in the middle of the road since unscientific, the DGOs 1 to 3 are to be held responsible for such shabby execution of the work.

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Even the quality of the work of laying concrete road is of not standard quality and not in accordance with the estimate prepared and due to such execution of substandard work, the amount earmarked has been mis-utilized and also misappropriated.

Having regard to the nature of allegations and having noticed that the DGOs have not exercised due diligence in execution of the work and showed dereliction of their duty since shown carelessness and negligence in the discharge of their legitimate duties in not supervising the work properly and not executing the work as per estimate and scheme report, they are to be held responsible for the lapses committed in improper and substandard execution of the work of laying of roads and drains at Kuduremothi village under Jala Nirmala Project.

Considering the discrepancies and lapses as noted above, on the part of the DGOs 1 to 3 and since irregularities have been committed by them in executing the work at Kuduremothi village under Jala Nirmala Project, disciplinary action could be initiated as the said facts and materials on record prima facie show that DGOs 1 to 3 have committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act recommendation is made to Competent Authority to initiate disciplinary proceedings against the DGOs no.1 to 3 with sanction of Government as required under section 214(2)(b) of KCSRs, as against DGO no.1 since has been retired from service on 31.12.2014 and to entrust the inquiry to this authority under Section 14-A of the KCS

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(CC&A) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against DGO and entrusted the enquiry to this Institution vide reference no.1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 2. Hence, this charge.

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7. By order No. UPLOK-1 and 2/ DE Transfers/2020 dated: 28.5.2020 this enquiry was transferred from Additional Registrar Enquiries-10 to Additional Registrar Enquiries-9 on the orders of Hon'ble Upalokayukta.

8. The DGOs No.1 and 3 appeared on 12.5.2017 and DGO no. 2 appeared on 7.7.2017 before this enquiry authority in pursuance to the service of the Article of charges.

9. Plea of the DGOs No.1 to 3 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

10. The DGOs No.1 to 3 have submitted similar written statements stating that DGO No.1 was working as Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (Now retired); **DGO no. 2** was working as Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal, and **DGO no. 3** was working as Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District; They have not violated any of the law and rules concerned to the alleged charge. Further they have submitted that they have discharged their duties without there being any fear and favour to the society and had not given any room to question their integrity during their service. Due to some disgruntled persons who were having axe to



grind against them have misused the authority of prestigious institution of the Lokayukta and have filed a false case against them. They have further submitted that they have not mis-used their power in discharging their duties and the same has been done accordance with law as specified under Rules. Merely a complaint is filed, does not mean that they have committed any misconduct even though the departmental enquiry will be held on preponderance of probability, even then there should be strong ground to believe that they have committed any misconduct. There is no iota of evidence to prove the alleged charge against them. In the entire records there is no material to show that, there was violation of any departmental rules nor any substantial law to face the enquiry. The entire enquiry proceedings are against the principles of law and the same is liable to be dropped. Hence the DGOs pray to drop the charges leveled against them.

11. The disciplinary authority has examined the complainant Sri. Dharmappa S/o Fakeeravva Kaali of Kuduremothi village, Koppal District as PW.1 and Sri. C.P. Venkatesh, S/o R.Parthasarathi, the then Assistant Executive Engineer-4 TAC Karnataka Lokayukta , Bengaluru is the Investigating officer in the case and he is examined as PW-2 and **Ex.P-1 to ExP-15** are got marked.

13. The second oral statement of DGO No.1 to 3 are recorded. DGO has not examined any witness on behalf of their side and has not marked any document on behalf of them.

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14. Questionnaire of DGO No.1 to 3 are recorded. Heard the arguments of both the sides. I answer the above charge **PARTLY IN THE AFFIRMATIVE AND PARTLY NEGATIVE** for the following;

REASONS

15. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGO.

16. The disciplinary authority has examined the complainant Sri. Dharmappa S/o Fakeeravva Kaali of Kuduremothi village, Koppal District as PW.1. PW-1 has deposed in his evidence that during the year 2013-14, out of Jala Nirmala Project funds, CC road work and drainage work were taken up. DGOs no.1 to 3 were supervising the works. The CC road work and drainage work in kuduremothi village were substandard. He has further deposed that the said facts were brought to the notice of DGOs no.1 to 3 and Executive Officer, Deputy Commissioner and MLA, but no action was taken. Therefore, he has filed his complaint before the Karnataka Lokayukta.

17. PW-1 further deposed in his cross examination that Ex.P-2 and 3 form no. 1 and 2 were prepared by one Sri. Basaiah; that he has not given instructions to said Basaiah to fill up the said documents; that the alleged concrete road and drainage works have not caused any hindrance to the public, cattle, bullock-carts, and vehicles; that even at present the condition of the road is good. He has further

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deposed that even during rainy season the water from the road will drain out into the drainage. He has further deposed that the said road is also called as Kuduremothi village inner road. Further he has admitted in his evidence that the Investigating officer had come for spot inspection and inspected the spot in his presence; that Ex.P-12 mahazar prepared by the Investigating officer is not as per his instruction and that contents of the said mahazar was not read over and explained to him; that the said Basaiah filed false complaint after obtaining his signature on the alleged complaint.

18. Sri. C.P. Venkatesh, S/o R.Parthasarathi, the then Assistant Executive Engineer-4, TAC, Karnataka Lokayukta , Bengaluru is the Investigating officer in this case and he is examined as PW-2. PW-2 has deposed in his evidence that he has verified the documents in respect of the present complaint. Thereafter he wrote a letter on 21.7.2015 to Executive officer, Yelburga taluk, to furnish the relevant documents in respect of the complaint. On 7.8.2015 Executive officer Yelburga had furnished the relevant documents and thereafter, he has verified the same. Further he has deposed that on 8.10.2015 he had sent another notice to the Executive officer, Assistant Executive Engineer and complainant (PW-1) Yelburga to be present at the spot on 6.11.2015 for spot inspection. Thereafter, he had visited the spot on 6.11.2015. At that time the complainant, the Executive officer, Assistant Executive Engineer, and DGOs No.2 and 3 were present. The Assistant Executive Engineer. Quality control was also present with his team. Further he

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has deposed that on the request of the complainant the thickness of the concrete road was checked. The complainant had shown 7 to 8 spots of road and quality control team had conducted strength test (by rebound hammer) in his presence and they found that the thickness of the concrete road was correct. Further, he has deposed that on 16.12.2015 the quality control team had given test report confirming that the thickness of road was correct. PW-2, the Investigating officer, further deposed in his cross examination that during his investigation he did not find any material to substantiate the contents of the complaint. But PW-2 Investigating officer has not stated any fact regarding construction of CC Drain, CD and name board which were provided in the approved estimate and drawings.

19. Ex.P-1 is the complaint copy. Ex.P-2 and 3 are the complaint in form no. 1 and 2. Ex.p-4 to 7 are the copy of the complaint submitted to the Executive officer, zilla panchayath, Koppal, Deputy Project Manager Jala Nirmala Project, Koppal, Deputy commissioner Koppal and local MLA, The Ex.P-8 is the sketch of cross section of RCC drain. Ex.P-9 is the drawing of cross section of concrete road. Ex.P-10 is the estimate in respect of the name boards, CC road, and CC cross drainage work, RCC drain, and concrete pavement. Ex.P-11 are four photographs of alleged work. Ex.P-12, is the mahazar dtd: 6.11.2015. Ex.P-13 is the covering letter dtd: 16.12.2015 of Assistant Executive Engineer (Quality Assurance Sub Division). Ex.P-14 is the result of test letter. Ex.P-15 are the ten photographs pertaining to spot inspection.



20. Additional documents: Test report, photographs, work order, abstract of approved estimate, 1st and part bill, 2nd and part bill and 3rd and final bill. in respect of construction of roads and drains at Kudremothi village under Jala Nirmala Project.

21. Perused the evidence of PW-1, and PW-2 along with documents produced by disciplinary authority sides. Ex.P-1 is the complaint. Ex.P-2 and 3 are the form no. 1 and 2. Ex.p-4 to 7 are the copy of the complaint submitted to the Executive Officer, Zilla Panchayath, Koppal, Deputy Project Manager Jala Nirmala Project, Koppal, Deputy commissioner Koppal and local MLA, The Ex.P-8 is the sketch of cross section of RCC drain. Ex.P-9 is the drawing of cross section of concrete road. Ex.P-10 is the estimate in respect of the name boards, CC road, and CC cross drainage work, RCC drain, and concrete pavement. Ex.P-11 is the photographs of alleged work. As per the alleged estimate an amount of Rs. 70,46,800/- was the cost for concrete pavement, and Rs.21,29,334/- is the estimated cost for CC Drain; Rs. 3,17,582/- is estimated for CD and Rs. 6,300/- is estimated for name boards. The Ex.P-10 (page no. 89) is the abstract in respect of the work providing roads and drains to the Kuduremothi village in Kuduremothi grama panchayath of Yelburga taluk, Koppal district. As per above said document, the technical approval was given to the concrete pavement and name boards. The total estimated amount works-out to Rs. 38,60,876/-. Ex.P-12 is the mahazar dtd: 6.11.2015 drawn by PW-2 in the presence of the complainant, Executive officer Taluk panchayath Yelaburga, Assistant Executive

Engineer, Junior Engineer, Panchayat Raj Engineering Sub Division Yelaburga and Assistant Engineer Rural drinking water supply scheme division officer Koppala and Assistant Executive Engineer Quality control sub division Raichur and his team. As per the said mahazar, PW-2 Investigating officer inspected the alleged work in the presence of above said officers and also Panchayath Development Officer of the Kuduremothi Grama Panchayath, complainant and some villagers. In the said mahazar, PW-2 has stated that the quality of work was good and there was no material to defend the allegations in the complaint. Ex.P-13 is the letter dtd: 16.12.2015 submitted by the Assistant Executive Engineer, Quality Control Sub Division, Raichur, along with report Ex.P-14. In the said report it is stated that the quality of the concrete road was good and the work was completed as per his specification. Ex.P-15 is the photographs taken at the time of inspection made by the PW-2 Investigating officer, in the presence of the Assistant Executive Engineer, Quality Control Sub Division, Raichur and other officials. The said photographs do not depict the work regarding the construction of CD drain and CD, name boards. The additional documents page no. 105 to 172 relate to the work of providing roads and drains to the Kuduremothi village in Kuduremothi grama panchayath of Yelaburga taluk Koppal district under Jala Nirmala project (phase- II). The said documents include test reports dtd: 22.3.2014 and 3.4.2014, 7.4.2014, 10.4.2014, 19.4.2014, 26.4.2014, 30.4.2014, 3.5.2014, 7.5.2014, 12.5.2014, 22.5.2014, 26.5.2014, 6.6.2014, 10.6.2014, 14.6.2014, 24.4.2014, 29.4.2014,



2.5.2014, 10.5.2014, 17.5.2014, 21.5.2014, 24.5.2014, 28.5.2014, 2.6.2014, 5.6.2014, 12.6.2014, 16.6.2014, 27.7.2014, 1.7.2014, 5.7.2014, 26.6.2014, 17.7.2014 conducted by 3rd party i.e., Premier foundation consultants and Material Testing Laboratory Hosapete. As per the said report the quality of concrete road was as per the estimate and specifications. The said additional document also includes photographs, taken at the time of inspection by the 3rd party i.e., in page no. 147 to 209. The said photographs also do not show the alleged CC drainage and CD, name boards in respect of the said work. But as per the approved estimate and drawing, the said CC drain CD and name boards are included. Additional document (page no. 166) is the work order dtd: 21.2.2014 issued by the Panchayath Development Officer (DGO no. 3) and President of the said grama panchayath to Sri. Nagaraj S.Kolagi, Bengaluru (Contractor) to execute the work as per the contract agreement. As per the said document the tender was accepted in respect of the above work for a sum of Rs. 1,05,73,547/-. The agreement was executed by the contractor on 20.2.2014. Additional document (page no. 127) is the abstract of estimate in respect of the alleged road and drains work which were entrusted to the above contractor. As per the said abstract of estimate the amount estimated for concrete pavement is Rs. 70,46,800/-, for CD drain Rs. 21,29,434/- for CD Rs. 3,17,592/-, for name boards Rs. 6,300/-. Additional document at page no.168 and 169 is the Part and 1st bill in respect of the said work. As per the said document Bill was passed for an amount of Rs. 26,71,632/-, which relates to



concrete pavement (Road). Additional document at page no.170, 171 is the 2nd and Part bill in respect of the said work. As per the 2nd and part Bills the Bill was passed for a sum of Rs. 49,31,962/- which relates concrete Pavement. Additional document at page no.172 is the 3rd and final bill in respect of the said work. As per the 3rd and final bill, Bill was passed for a sum of Rs. 34,09,260/- which relates to concrete Pavement, Rs. 1,18,573/- in respect of Drain (width 0.60) and Rs. 1,37,889/- in respect of Drain (width 1.20) and Rs. 51,841/- for cross drainage, Rs. 6,720/- in respect of Name board.

22. Considering the above said documents with photographs in additional document page no. 147 to 165, name board and cross drainage not appeared. Further drainage was not constructed as per the estimate and plan with approved sketch. The photographs show that a small drain is formed in the middle of the CC Road which was not technically approved and also not included in the approved estimate and approved sketch. No document has been furnished by the DGOs to show that the villagers have not allowed the construction of the drainage on either side of the road and at the request of the villagers drain in the middle of the road has been constructed. Further they have not produced copy of any resolution passed by the Grama Panchayath to that effect. Further, the DGOs have not produced any document to show that approval was obtained by the Competent Authority, to execute any work by making changes to the sanctioned estimate and plan. It is clear that the DGOs no.1 to 3 executed the construction of road and

or

drains at Kuduremothi village under Jala Nirmala project not in accordance with approved estimate and drawing. The amount reserved for construction of CC drain on both sides of the road has been utilized towards laying of concrete pavements. Construction of drain was not carried out as per the estimate and scheme report prepared in that regard. Further it appears that the drains are not provided on either side of the road and concrete road was not laid as per the measurement provided in the cross section drawing and RCC drain was not constructed as per the specification provided in cross section drawing. Further, it appears that utilization of the amount reserved for construction of drain, towards the construction of cement concrete road itself is an instance of execution of work in violation of the sanctioned scheme and approved drawings of the project and against the terms of scheme report. Further, the above said additional document and Ex.P-12 mahazar drawn by the Investigating officer with photographs Ex.p-11 and photographs in Ex.P-14 appear that the DGOs havenot constructed the CC Drain and CD as provided in the approved estimate and in cross section drawing. But they have used the amounts for construction of the concrete pavement. They have not constructed as per estimate and specification. As per the evidence of PW-1 and 2 and document produced by the disciplinary authority and additional document, the construction of concrete pavement work is not substandard one. But the DGOs have not constructed the CC drainage and CD, as per estimate and approved drawing. They have made a small CC drain in the middle of the road improperly and un-scientifically, without

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any technical approval. But they have shown the expenditure of the said amount reserved for CC drainage and CD, for concrete pavement and other things, which is a wasteful expenditure made by the DGOs. Further, the DGOs have not produced documents to show that they have installed the name board regarding execution of the said work and spent an amount of Rs. 6,720/- for the same.

23. From all the above said facts and circumstances it is revealed that the DGO No.1 Sri. M.Banad, The then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (Now retired), DGO no.2 Sri. Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal and DGO no. 3 Sri. Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District have not properly executed the work, os construction of roads and drains at Kuduremothi village under Jala Nirmala Project as per approved estimate and scheme report prepared in that regard. Further, it reveals that they have not executed the work of construction of CC drain and CD as per the estimate and approved drawings. They have formed an improper and un-scientific, CC drain in the middle of the road in violation of sanctioned scheme, and approved drawings of the project and against the terms of scheme report. On the contrary, the construction of concrete pavement (road) is still in good condition as per the evidence of PW-1 and PW-2 and his mahazar Ex.P-2. Hence, the DGOs have committed the misconduct and dereliction of duty in the execution of the work in respect of CC drain, CD and installation of the name boards as per the approved estimate and sanctioned scheme, approved

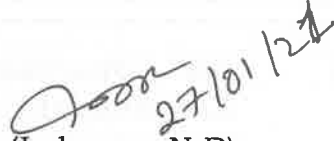
or

drawing of the project. Therefore payment of amount in respect of CC drain i.e., Rs. 1,18,573/- + Rs. 1,37,889/- payment of amount in respect of CD Rs. 51,841/- and payment of amount in respect of name boards Rs. 6,720/- in total **Rs. 3,15,023/-** is considered as wasteful expenditure and loss caused to the state exchequer. For that the DGO no. 1 to 3 are equally held responsible. Thereby the disciplinary authority has succeeded to **partly prove** the charge leveled against DGOs No.1 to 3. The DGO No.1 Sri. M.Banad, the then Deputy Planning Manager is held responsible for the amount of **Rs. 1,05,008/-** DGO no.2 Sri. Ramesh, Junior Engineer, is held responsible for the amount of **Rs. 1,05,008/-** and DGO no. 3 Sri. Yamanappa Ramathala, Panchayath Development Officer, is held responsible for the amount of **Rs. 105,008/-** which is the loss caused to the state exchequer.

25. In the above said facts and circumstances, I hold that the charge leveled against the DGO No.1 Sri.R.M.Banad, The then Deputy Planning Manager, (Now retired), DGO no. 2 Sri. Ramesh, Junior Engineer, and DGO no. 3 Sri. Yamanappa Ramathala, Panchayath Development Officer, is **partly proved**. Thus, DGO No.1 Sri. M.Banad, the then Deputy Planning Manager, are held responsible for the amount of **Rs. 1,05,008/-** which is loss caused to the state exchequer. DGO no.2 Sri. Ramesh, Junior Engineer, Junior Engineer, held equally responsible for the amount of **Rs. 1,05,008/-** which is the loss caused to the state exchequer and DGO no. 3 Sri. Yamanappa Ramathala, Panchayath Development Officer, held responsible for the amount of **Rs. 1,05,008/-** which is the loss caused to the state exchequer.



Hence, report is submitted to Hon'ble Upalokayukta for further action.


27/01/21

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

PW.1	Sri. Dharmappa S/o Fakeeravva Kaali of Kuduremothi village, Koppal District original
PW.2	Sri. C.P. Venkatesh, S/o R.Parthasarathi, the then Assistant Executive Engineer-4, TAC, Karnataka Lokayukta , Bengaluru original

ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Ex.P-1 is the complaint copy.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2.
Ex.P-4 to 7	Ex.p-4 to 7 are the copy of the complaint submitted to the Executive officer, zilla panchayath, Koppal, Deputy project manager Jala Nirmala Project, Koppal, Deputy commissioner Koppal and local MLA,
Ex.P8	The Ex.P-8 is the sketch of cross section of RCC drain.
Ex.P9	Ex.P-9 is the drawing of cross section of concrete road.
Ex.P10	Ex.P-10 is the estimate in respect of the name boards, CC road, and CC cross drainage work, RCC drain, and concrete pavement.
Ex.P11	Ex.P-11 are four photographs of alleged work.
Ex.P12	Ex.P-12, is the mahazar dtd: 6.11.2015.
Ex.P13	Ex.P-13 is the covering letter dtd: 16.12.2015 of Assistant Executive Engineer (Quality Assurance Sub Division).

Ex.P14	Ex.P-14 is the result of test letter.
Ex.P15	Ex.P-15 are the ten photographs pertaining to spot inspection.

i) **List of witnesses examined on behalf of DGOs.**

NIL

ii) **Additional documents**

Additional document	Test report, photographs, work order, abstract of approved estimate, 1 st and part bill, 2 nd and part bill and 3 rd and final bill and etc., in respect of construction of roads and drains at Kudremothi village under Jala Nirmala Project

(Signature)
27/10/17

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/103/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **02/02/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri R.M. Banad, the then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal.
- 2) Sri Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal; and
- 3) Sri Yamanappa Ramathala, Panchayath Development Officer, Kururemothi Grama Panchayath, Yelaburga Taluk, Koppal District – Reg.

- Ref:- 1) Govt. Order No.ಗ್ರಾಅಪ 04 ಇಎನ್‌ಕ್ಯೂ 17, Bengaluru dated 13/1/2017.
- 2) Nomination order No.UPLOK-1/DE/103/2017, Bengaluru dated 23/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 27/1/2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its order dated 13/1/2017 initiated the disciplinary proceedings against (1) Sri R.M. Banad, the then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (now retired); (2) Sri Ramesh, Junior Engineer, Jala Nirmala Project, Koppal and (3) Sri Yamanappa Ramathala, Panchayath Development Officer, Kururemothi Grama Panchayath, Yelaburga Taluk, Koppal District (hereinafter referred to as Delinquent Government Officials 1 to 3, for short as DGO-1, DGO-2 & DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/103/2017, Bengaluru dated 23/1/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1&2/ DE/Transfers/2020, the Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 to 3.

3. The DGO-1 Sri R.M. Banad, the then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (now retired); DGO-2 Sri Ramesh, Junior Engineer, Jala Nirmala Project, Koppal and DGO-3 Sri Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District were tried for the following charge:-

“That, you, DGO No.1 - R.M.Banad, the then Deputy Planning Manager, DGO No.2 Ramesh, Junior Engineer, Jala Nirmala Project, Zilla Panchayath, Koppal and DGO No.3 Yamanappa Ramathala, Panchayath Development Officer, Kuduremothi Grama Panchayath, Yalaburga Taluk, Koppal District;

Have undertaken laying of concrete road and construction of drainage. The execution of work of construction of roads and drains at Kuduremothi village under Jala Nirmala Project is of substandard quality and not executed in accordance with the approved estimate. The amount reserved for construction of cement concrete drain on both sides of the road has

been utilized towards laying of concrete pavement and construction of drain as per the scheme / estimate and scheme report prepared in that regard are not carried out. Since drains are not provided on either side of the road and due to shabby execution of the work of laying of cement concrete road without giving necessary tapering and not laying the concrete road as per the measurement provided in the cross section drains and not constructing RCC drain as per the specification provided in cross section drawing, the entire exercise of laying of roads and drains under Jala Nirmala Project at Kuduremothi village has become a waste, and utilization of the amount reserved for construction of drains, towards the construction of cement concrete road itself is an instance of execution of the work in violation of the sanctioned scheme and approved drawings of the project and against the terms of scheme report.

Thus you DGOs No.1 to 3, being Government /public servant have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servants and thus committed misconduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has partly proved the above charge against DGO-1 Sri R.M. Banad, the then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (now retired); DGO-2 Sri Ramesh, Junior Engineer, Jala Nirmala Project,

Koppal and DGO-3 Sri Yamanappa Ramathala, Panchayath Development Officer, Kururemothi Grama Panchayath, Yalaburga Taluk, Koppal District.

5. The Inquiry officer has held that the DGOs have not executed the work of construction of CC drain and C.D as per the approved estimate and drawings. Instead, they have formed an improper and unscientific CC drain in the middle of the road in violation of sanctioned scheme. Further, the inquiry officer has held that the name boards were not installed as stated in the estimate. Thus, the inquiry officer has held that the DGOs have caused a total loss of Rs.3,15,023/- to the State exchequer and each of the DGOs are responsible for the loss of Rs. 1,05,008/-.

6. On re-consideration of inquiry report and totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

7. As per the First Oral Statement submitted by DGOs 1 to 3

- (i) DGO-1 Sri R.M. Banad has retired from service on 30/11/2015;
- (ii) DGO-3 Sri Yamanappa H.Ramathala is due to retire from service on 31/5/2033.


8. Having regard to the nature of charge proved against DGO-1 Sri R.M. Banad, the then Deputy Planning Manager, Jala Nirmala Project, Zilla Panchayath, Koppal (now retired); DGO-2 Sri Ramesh, Junior Engineer, Jala Nirmala Project, Koppal and DGO-3 Sri Yamanappa Ramathala, Panchayath Development Officer,

Kururemothi Grama Panchayath, Yalaburga Taluk, Koppal District;

- (i) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-1 Sri R.M. Banad for a period of 5 years, apart from recovering the financial loss caused by him to the State exchequer in a sum of Rs.1,05,008/- from the pension payable to DGO-1 Sri R.M. Banad;
- (ii) it is hereby recommended to the Government for imposing penalty of withholding two annual increments with cumulative effect on DGO-2 Sri Ramesh, apart from recovering the financial loss caused by him to the State exchequer in a sum of Rs.1,05,008/- from the pay and allowances payable to DGO-2 Sri Ramesh;
- (iii) it is hereby recommended to the Government for imposing penalty of withholding two annual increments with cumulative effect on DGO-3 Sri Yamanappa Ramathala, apart from recovering the financial loss caused by him to the State exchequer in a sum of Rs.1,05,008/- from the pay and allowances payable to DGO-3 Sri Yamanappa Ramathala.

9. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE B.S.PATIL)
Upalokayukta
State of Karnataka,
Bengaluru

