

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/1078/2017/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 31.08.2021

**:: ENQUIRY REPORT ::****:: Present ::****( PUSHPAVATHI.V )**

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

Sub: Departmental Enquiry against Sriyuths: (1) Srinivas M.V., Executive Engineer, Vijayanagar Division, BBMP, Bengaluru (2) Ningaiah.S., Assistant Executive Engineer, Vijaynagar Sub Division, BBMP Bengaluru (3) Mohammed Javeed A.S., Assistant Engineer, Ward No. 134, Vijayanagar Sub Division, BBMP, Bengaluru - reg.

Ref: 1. G.O.No. NAE 460 MNU dated: 11.10.2017

2. Nomination Order No: UPLOK-1/DE/1078/2017/ARE-9 Bangalore dated: 02.11.2017 of Hon'ble Upalokayukta-1

\* \* \* \* @ \* \* \* \*

This Departmental Enquiry is initiated against Sriyuths: (1) Srinivas M.V., Executive Engineer, Vijayanagar Division, BBMP, Bengaluru (2) Ningaiah.S., Assistant Executive Engineer, Vijaynagar Sub Division, BBMP Bengaluru (3) Mohammed Javeed A.S., Assistant Engineer, Ward No. 134, Vijayanagar Sub Division, BBMP, Bengaluru (hereinafter

2  
31.8.2021

referred to as the Delinquent Government Official for short "DGO ").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 02.11.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 to issue charges and to conduct the enquiry against the aforesaid DGOs.

3. Additional Registrar of Enquiries-9 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.

5. The Article of charges issued by the ARE-9 against the DGOs is as under :

**ANNEXURE-I**  
**CHARGE**

"You DGOs -

The report of Technical Vigilance Cell (TVCC) dated 17.02.2016 which is mentioned in the note sheet - Page No. 3, File No. EE(TVCC)/GL/257/2015-16, wherein the following discrepancies have been noted by TVCC by conducting spot inspection in respect of work of providing drinking water filtration project at different location in ward No.134 was taken up under the head of P3086 for the year 2014-15 in ward No.134, 157 Babujinagar of Vijayanagar Sub Division through M/s KRIDL Ltd.,

- ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜುಪಟ್ಟಿಯು ರೂ.100.00 ಲಕ್ಷಗಳಿಗೆ 2015ನೇ ಸಾಲಿನ ಎ-3086 (Drinking Water Filtration Project in Ward No.

31.8.2017

157, 134) ಅನುದಾನದಲ್ಲ ಮಂಜೂರಾಗಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಗೆ ಜಾಬ್ ಸಂಖ್ಯೆ: 134-15-000017ರಂತೆ ಜಾಬ್‌ಕೋಡ್ ನೀಡಲಾಗಿರುತ್ತದೆ.

- ಸದರಿ ಮೂಲ ಮಂಜೂರಾದ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿಯ 5 ಸ್ಥಳಗಳಲ್ಲಿ 3.50+3.00 ಅಳತೆ ಕೊಠಡಿಯನ್ನು ನಿರ್ಮಿಸಿ ಅದರಲ್ಲಿ ಆರ್.ಒ. ವಾಟರ್ ಪಿಲ್ಟರೇಷನ್ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸಲು ಬೇಕಾಗುವ ಅನುವುಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ.
- ಸದರಿ ಕಾಮಗಾರಿಗೆ ಆಡಳಿತಾತ್ಮಕ ಅನುಮೋದನೆಗೆ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು (ವಿಜಯನಗರ ವಿಭಾಗ)ರವರು ಸಂ: ಕಾ.ಪಾ.ಅ(ವಿ.ನ)/ಆ.ಮಂ/ಪಿ.ಆರ್/33/2014-15ರಂತೆ ಹಾಗೂ ಮುಖ್ಯ ಅಭಿಯಂತರರು (ದಕ್ಷಿಣ)ರವರು ಸಂಖ್ಯೆ: ಮು.ಅ(ದ)ತಾ.ಮ/ಪಿ.ಆರ್/23/2014-15ರಂತೆ ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿ ನೀಡಿರುತ್ತಾರೆ.
- ಕಾಮಗಾರಿ ಕಡತದಲ್ಲಿ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು ಮತ್ತು ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಛೇರಿಯಲ್ಲಿ ನಮೂದಿಸಬೇಕಾಗಿರುವ ಅಂದಾಜು ಪಟ್ಟಿಯ ಸಂಖ್ಯೆ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.
- ಕಾಮಗಾರಿಯ ಅಂದಾಜುಪಟ್ಟಿಯ ತಯಾರಿಕೆಗಳೊಂದಿಗೆ ಅವಶ್ಯಕವಾಗಿ ನಮೂದಿಸಿ ದಾಖಲಿಸಬೇಕಾದ ವರದಿ (Report accompanying the estimate) ಯಾಗಲಿ/ಕಾಮಗಾರಿಯ ತಾಂತ್ರಿಕ ಅಭ್ಯಂತರಗಳ ಕುರಿತು ವಿಶ್ಲೇಷಣೆಗಳಾಗಲಿ ಕಾಣ ಬಂದಿರುವುದಿಲ್ಲ.
- ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಕೆಆರ್‌ಐಡಿಎಲ್‌ಗೆ ವಹಿಸಿರುವುದು ಗಮನಿಸಿದ್ದು, ಸದರಿ ಸಂಸ್ಥೆ ಮುಖಾಂತರ ನಿರ್ವಹಿಸುವುದಕ್ಕೆ ಪೂರಕವಾಗಿ ಮೆ: ಕೆಆರ್‌ಐಡಿಎಲ್‌ರವರು ಒಪ್ಪಿಗೆ ಸೂಚಿಸಿ, ನೀಡಿರುವ ಸಮ್ಮತಿ ಪತ್ರ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲ. ಅಲ್ಲದೇ ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿ ತಯಾರಿಕೆ, ಅನುಮೋದನೆಗಳು ಮತ್ತು ಗುತ್ತಿಗೆ ನೀಡುವ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಸರ್ಕಾರದ ಆದೇಶಗಳನ್ವಯ ಮೆ: ಕೆಆರ್‌ಐಡಿಎಲ್‌ನ ನಿಗದಿತ NORMSಗಳಂತೆ ನಿರ್ವಹಿಸಿರುವ ಬಗ್ಗೆ ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿ ನೀಡಿರುವ ಪ್ರಾಧಿಕಾರದಿಂದ ದೃಢೀಕರಿಸಿಕೊಂಡು ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳದಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.
- ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ವಾಟರ್ ಪಿಲ್ಟರೇಷನ್ ಘಟಕಕ್ಕೆ ಅಳವಡಿಸಿಕೊಂಡಿರುವ ದರಕ್ಕೆ ಯಾವುದೇ ಅನುಮೋದಿತ ದರ ಅಥವಾ ಪೂರಕ ದಾಖಲೆಗಳು ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

In view of the above lapses, you-DGOs are the responsible officers for the said work. Hence, you-DGO are responsible for the said lapses. Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

6. The DGOs No.1 to 3 appeared on 15.12.2017 before this Enquiry Authority in pursuance to the service of the Article of Charges.

31.8.2017

7. Plea of the DGOs have been recorded and they have pleaded not guilty and claimed for holding enquiry.

8. The DGOs No.1 to 3 have submitted joint written statement. Where, the DGO No.1 submitted that Project of installation of drinking water filtration at different locations in ward No. 134, Bapujinagar of Vijayanagar Sub Division (BBMP) was taken up through M/s KRIDL Ltd., and the work order was issued on 19.11.2014. The said work was still in progress, while he repatriated to his parent department (PWD) on 6.5.2015.

9. DGO No.2 has submitted that he had submitted estimation to DGO No.1, who issued work order on 19.11.2014. Thereafter, he was relieved on 3.3.2015 from Vijayanagar Sub Division.

10. DGO No.1 and 2 both submitted that the work was completed and final bill was passed after their transfer.

11. DGO no.3 has submitted that after obtaining approval of Competent Authority, the work was entrusted by the Authorities and work order was issued on 19.11.2014 with condition that the work was to be completed within 120 days, fixing defect liability period for 12 months. The final bill was submitted by KRIDL on 19.6.2015. As per the instructions of Division office, the bill was paid after the Technical and Vigilance Cell (TVCC) inspected the work.

12. It is also submitted that, the estimation list is numbered as 33 in the Office of Executive Engineer, while the estimation list is numbered as 117 in the Office of Assistant Executive Engineer, Vijayanagar Sub Division. The

31.8.2024

copy of the technical report in respect of the work is enclosed to estimation list. The agreement dtd: 19.11.2014 executed between the Executive Engineer, Vijayanagara Divison BBMP and the Technical Manager-2 of KRIDL is enclosed to estimation list. The agreement clarifies that the BBMP had moved on 20.8.2014, for entrusting the work to KRIDL, Government of Karnataka has exempted KRIDL from the provisions of KTPP Act as per Notification dtd: 9.3.2012. The agreement also provides for the preparation of estimate, to take administrative approval, to obtain technical sanction. The certificates were obtained from the 3<sup>rd</sup> parties i.e., M/s Civil - Tech consultants and Engineers in respect of the quality of the materials utilized in the execution of the work. The SR Rate sanctioned for the construction of pure drinking water plant of ward No. 89 Sarvajnanagara constituency in 21.6.2014 was adopted for the present work in Vijayanagara Division.

**13.** The disciplinary authority has examined the complainant Sri.Siddesh.P as PW.1, Sri. Narasaramarao the Superintendent Engineer, I/c Chief Engineer, TVCC BBMP, Bengaluru as PW-2. The documents are got marked at **Ex.P-1 to ExP-4.**

**14.** The second oral statement of DGOs No.1 to 3 has been recorded. DGO No.1 Sri. M.V.Srinivas Executive Engineer has got examined himself as DW-1, DGO No.2 Sri. Sri. Ningaiah.S, Assistant Executive Engineer has got examined himself as DW-2 and DGO No.3 Sri. Mohammed Javeed A.S., Assistant Engineer has got examined himself as

*31.8.2017*

DW-3. The documents are got marked at **Ex.D-1 to Ex.D-12.**

**15.** The DGOs have submitted written arguments. Heard the submissions of both the sides. I answer the above charge in the **NEGATIVE** for the following;

### **REASONS**

**16.** PW-1 has stated that, he has given complaint as per Ex.P-1, Form No. 1 and 2 as per Ex.P-2 and 3. During his cross examination, formal questions have been imposed and he has denied the same.

**17.** Actually, the allegations against the DGOs are involved technical issues . So, report was called from the SE, I/c Chief Engineer TVCC, BBMP Bengaluru - PW-2. He has submitted his report. In order to prove said report, he has given evidence as PW-2. In his evidence, he has stated that he inspected the five spots on 15.2.2016, i.e., (1) 1<sup>st</sup> Main road, F-Street, New Guddadahalli (2) Neharu road, Vishala school, Hosa Guddadahalli (3) H-Street, near Ragi mill, Hosa Guddadahalli (4) Shobha tent road, above big drainage (5) 11<sup>th</sup> cross, in between 3<sup>rd</sup> and 4<sup>th</sup> main, Bapujinagara. He found the water filtration units had been installed in the above five places. The water filters in F-street Hosa Guddadahalli and 11<sup>th</sup> cross of Bapujinagara were working. But the water filters installed at Neharu road, Hosa Guddadahalli and Shobha tent road were not working properly due to lack of supply of water. The water filter at H-street was closed. At the time of inspecting the documents,

31.8.2021

estimation was not entered in estimation register. There was no accompanying report of estimation in estimation list. There was no technical analysis regarding need of Technical work. There was no consent letter obtained from KRIDL consenting to carry out project. Approval of price of water filter was not shown in estimation. The work was done against the norms fixed by KRIDL without taking technical approval from the concerned Authority. He has also relied upon page No. 18-79 of Ex.P-4 (his report is at page No. 34-35).

**18.** During the cross examination, he has admitted as follows;

ಆರ್.ಓ. ವಾಟರ್ ಫಿಲ್ಟರೇಷನ್ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸಲು ಮಾಡಿರುವ ಅಂದಾಜುಪಟ್ಟಿಯಲ್ಲಿ ಸಂಖ್ಯೆಯನ್ನು ಈಗ ತೋರಿಸುತ್ತಿರುವ ದಾಖಲೆಯಲ್ಲಿ ನಮೂದಿಸಿದ್ದಾರೆ ಎಂದರೆ, ನನಗೆ ಸ್ಥಳ ಪರಿಶೀಲನಾ ಕಾಲದಲ್ಲಿ ಕೊಟ್ಟ ಕಡತದಲ್ಲಿ ಆ ಸಂಖ್ಯೆಯನ್ನು ನಮೂದಿಸಿರಲಿಲ್ಲ. ಅಂದಾಜುಪಟ್ಟಿಯ ಜೊತೆ ನಮೂದಿಸಬೇಕಾದ ಸಾಮಾನ್ಯ ವರದಿ ಮತ್ತು ವಿಶ್ಲೇಷಣೆಗಳು ಇಡಲಾಗಿತ್ತು ಎಂದರೆ, ನನಗೆ ಕಡತವನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಲು ಕೊಟ್ಟಾಗ ಅವುಗಳು ಇರಲಿಲ್ಲ. ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲು ಕೆ.ಆರ್.ಐ.ಡಿ.ಎಲ್. ರವರು ಈ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಲು ಒಪ್ಪಿಗೆಯನ್ನು ದಿ:20/08/2014 ರ ಕಛೇರಿಯ ಪತ್ರದ ಮೂಲಕ ಪಡೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂದರೆ, ಸದರಿ ಪತ್ರ ಕಡತದಲ್ಲಿ ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ, ಆದರೆ ವರ್ಕ್ ಆರ್ಡರ್ ಪ್ರಕಾರ ಅದನ್ನು ನಮೂದಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಮಾಡಲು ಒಪ್ಪಿಗೆ ನೀಡಿ ಅದರಂತೆ ಕರಾರು ಪತ್ರವನ್ನು ಸಹ ಮಾಡಿಕೊಟ್ಟಿದ್ದಾರೆ ಎಂದರೆ, ಕರಾರು ಪತ್ರ ಮಾಡಿಕೊಟ್ಟಿರುವುದನ್ನು ಗಮನಿಸಿದ್ದೇನೆ. ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ವಾಟರ್ ಫಿಲ್ಟರೇಷನ್ ಘಟಕಕ್ಕೆ ಅಳವಡಿಸಿಕೊಂಡಿರುವ ದರಕ್ಕೆ ಅನುಮೋದಿತ

31.8.2014

ದರ ಅಥವಾ ಪೂರಕ ದಾಖಲೆಗಳು ಕಡತದಲ್ಲಿ ಇಡಲಾಗಿತ್ತು ಎಂದರೆ, ನನಗೆ ಕೊಟ್ಟ ಕಡತದಲ್ಲಿ ಸದರಿ ದಾಖಲೆ ಇರಲಿಲ್ಲ. ಕುಡಿಯುವ ನೀರಿನ ಘಟಕಗಳಿಗೆ ಅಳವಡಿಸಿರುವ ಯಂತ್ರಗಳ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ಪರಿಣಿತಿ ಹೊಂದಿರುವ ಸಂಸ್ಥೆಯವರಿಂದ ಖಾತ್ರಿ ಪಡಿಸಿಕೊಳ್ಳಲು ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಿಗೆ ಸೂಚಿಸಿದ್ದೇನೆ. ಸದರಿ ಯಂತ್ರಗಳ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ಎನ್‌ವೈರ್‌ನಮೆಂಟ್ ಹೆಲ್ತ್ ರಿಸರ್ಚ್ ಅಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಸೆಂಟರ್, ಬೆಂಗಳೂರು ಇವರಿಂದ ಸದರಿ ಯಂತ್ರಗಳ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿ ಸರ್ತಿಫಿಕೇಟನ್ನು ಪಡೆಯಲಾಗಿದೆ ಎಂದರೆ ಸರ್ತಿಫಿಕೇಟ್ ಇರುವುದನ್ನು ನೋಡಿದ್ದೇನೆ, ಆ.ಸ.ನೌ-1 ರಿಂದ 3 ರವರಿಗೆ ನೋಟೀಸ್ ಕಳುಹಿಸಿ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿ ಎಂದು ಕೇಳಿಲ್ಲ. ಆ.ಸ.ನೌ.ರವರು ತಮ್ಮ ಕೆಲಸವನ್ನು ನಿಯಮಾನುಸಾರ ಮಾಡಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ.

19. In this way, PW-2 has admitted that the DGOs have done the work in accordance with rules. The analysis report is enclosed to estimation. The consent of KRIDL is obtained on 20.8.2014 and on the basis of which work order is issued. He has further admitted that, there was agreement by KRIDL for project, that he had seen the agreement was placed in the file. He has further admitted that, the Quality Control Certificate was obtained from Environmental Health and Research Centre, Bengaluru. But he has specifically sated that these documents were not placed in record during inspection. Further he has admitted that he did not give notice to DGOs to produce those documents.

20. DGO No.1 has given evidence that, he was working as Executive Engineer in Vijayanagara Division, BBMP. He gave work order on 19.11.2014 in respect of the alleged

31.8.2014



project. Thereafter, he was transferred and relieved on 6.5.2015. He has relied upon Ex.D-2 the CTC which shows that he was transferred and relieved on 6.5.2015.

**21.** DGO No.2 has given evidence that, he was working as Assistant Executive Engineer, Vijayanagar Sub Division, BBMP. He submitted estimation to the DGO No. 1, who gave work order on 19.11.2014 in respect of the alleged project. Thereafter, he was transferred and relieved on 3.3.2015. He has relied upon Ex.D-3 the CTC which shows that he was transferred and relieved on 3.3.2015.

**22.** The oral and documentary evidence of these witnesses show these two were transferred and relieved from BBMP Babujinagara of Vijayanagara Sub Division at the initial stage of the project.

**23.** During the cross examination of these two witnesses, of course, nothing is elicited showing these two were on duty in BBMP, Babujinagara of Vijayanagara Sub Division for full project involved in the allegation. But, the allegations are that, the estimation was not numbered in the files of Assistant Engineer and Assistant Executive Engineer. There was no accompanying report to the estimate. There was no consent letter issued by the KRIDL consenting to carry out the work in the estimation list. There was no report relating to approval of price of water filter in the estimation list. The work has not been done as per the fixed norms of KRIDL. Except the allegations, that the work has not been done as per the fixed norms of KRIDL, all other allegations related to

31.8.2021

the process prior to issuance of work order. So, DGO No.1 and 2 are also liable to answer the allegations with DGO No.3.

**24.** DGO No.3/DW-3 who was working as Assistant Engineer during the project has deposed that after the DGO No.1 gave work order on 19.11.2014, they have entrusted the project to KRIDL to install water filtration centre at (1) 1<sup>st</sup> Main road, F-Street, New Guddadahalli (2) Neharu road, Vishala school, Hosa Guddadahalli (3) H-Street near Ragi mill Hosa Guddadahalli (4) Shobha tent road above big drainage (5) 11<sup>th</sup> cross, in between 3<sup>rd</sup> and 4<sup>th</sup> main Bapujinagara -under a agreement dtd: 19.11.2014 at Ex.D-4. Thereafter the work was completed on 18.6.2015. The bill was submitted on 9.6.2015 to the division office BBMP as per Ex.D-5 (10 pages), on 17.2.2016. The Technical and vigilance cell inspected the work/ Ghataka as per Ex.P-6 (5 pages). They instructed Executive Engineer to get confirmation certificate as to quality of the work from the institution which is expert on this aspect. The Executive Engineer took certificate from the environmental Health and safety research and developmental centre in his regard. They gave certificate that the work and the machineries used for work are good. The certificate is part of Ex.D-7. He has produced and identified Ex.D-4 to Ex.D-7 his report. He has also produced and identified Ex.D-8 estimation register, the technical report dtd: 29.10.2014 submitted by him and DGO No.2 to the Executive Engineer at Ex.D-9. He has also produced and identified the estimation list at Ex.D-10. He has also produced and identified the note with regard to approval of entrustment of work to KRIDL at Ex.D-11. He

31.8.2021

has further produced and identified the approved price issued by Nirmithi Kendra, Urban marked at Ex.D-12. All these documents go to show that the DGO No.3 has mentioned the number of estimation in the files of Assistant Executive Engineer and Assistant Engineer as No. 13 and 711. He has obtained consent from KRIDL to commence work. He has also obtained approved price for water filter from Nirmithi Kendra.

**25.** During his cross examination DGO No.3 has denied the suggestions incriminatory to him. DW-3 stated that the BBMP has taken into consideration the estimation list and specification of KRIDL and Nirmithi Kendra. Ex.D-12 is such estimate.

**26.** Actually PW-2 has made it clear during his cross examination that when he inspected the spot, the reports referred in Article of charge were not there in the record. But during his cross examination he has admitted that all the reports were there and he has specifically admitted that the DGOs have done the work in accordance with rules. At the outset, I state that, the admission of PW-2 and the documents produced by DGO No.3 show that the reports i.e., accompanying report to the estimate, technical analysis report, consent letter issued by the KRIDL consenting to carry out the work, report relating to approval of price of water filters were there in the record.

**27.** Thus, the disciplinary authority has failed to prove the charge leveled against the DGOs No. 1 to 3.

*31.8.2024*

**FINDINGS**

28. In the above said facts and circumstances, I hold that the none of the charge leveled against DGOs No. 1 to 3 are proved. Accordingly this report is submitted to Hon'ble Upalokayukta for further action.

*Puqgi v*  
(PUSHPAVATHI.V) 31.8.2017

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

PW.1	Sri.Siddesh.P., No. 278, Basement Floor, BSK 1 <sup>st</sup> Stage, 80 Feet Road, Srinivasanagar, Bengaluru
PW-2	Sri. Narasamarao S/o B.Lakshminarasappa, Superintendent Engineer, I/c Chief Engineer, TVCC BBMP, Bengaluru

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

Ex.P1	Ex.P-1 is the complaint dated: 28.3.2017 from PW-1 to the Hon'ble Upalokayukta
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1
Ex.P-4	Ex.p-4 are the documents i.e., notes, photographs and others documents submitted by DGO No. 3

iii) **List of witnesses examined on behalf of DGO.**

DW-1	DGO No.1 Srinivas M.V., Executive Engineer, Vijayanagar Division, BBMP, Bengaluru
DW-2	DGO No.2 Ningaiah.S., Assistant Executive Engineer, Vijaynagar Sub Division, BBMP Bengaluru
DW-3	DGO No.3 Mohammed Javeed A.S., Assistant Engineer, Ward No. 134, Vijayanagar Sub Division, BBMP, Bengaluru

iv) **List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the work order dated: 19.11.2014
--------	--

31.8.2014

	from Executive Engineer, Vijayanagara Division, BBMP to Technical Manager-2, KRIDL BBMP, Bengaluru
Ex.D-2	Ex.D-2 is the CTC dated: 8.5.2015
Ex.D-3	Ex.D-3 is the CTC dated: 3.3.2015
Ex.D-4	Ex.D-4 is the contract agreement
Ex.D-5	Ex.D-5 is the contract certificate
Ex.D-6	Ex.D-6 is the note sheet maintained in BBMP office
Ex.D-7	Ex.D-7 is the note sheet maintained in BBMP office pertaining to ward No. 134
Ex.D-8	Ex.D-8 is the estimation register pertaining the year 2014-15 and 2015-16
Ex.D-9	Ex.D-9 is the Technical report of Assistant Engineer BBMP Ward No. 134 and Assistant Executive Engineer Vijayanagar Sub Division, BBMP Bengaluru
Ex.D-10	Ex.D-10 is the detailed estimate for the work of drinking water filtration project @ different location in Ward No. 134
Ex.D-11	Ex.D-11 is the note sheet maintained in BBMP
Ex.D-12	Ex.D-12 is the abstract of detailed estimate for constriction of pure drinking water plant @ ward no. 59, Sarvajnanagara constituency, Sevanagara, Bengaluru Urban District, Bengaluru under KLLADS Scheme (MLA K.J. George)

*Pushpa V*  
31.8.2017

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/1078/2017/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: 13/09/2021

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Srinivas M.V., Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Division, Bengaluru;
- 2) Sri Ningaiah S., Asst. Executive Engineer, Bruhat Bengaluru Mahanagara Palike Vijayanagar Sub Division, Bengaluru
- 3) Sri Mohammed Javeed A.S., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Ward No.134, Vijayanagar Sub Division, Bengaluru – Reg.

Ref:- 1) Govt. Order No. ಸಅಇ 460 ಎಂಎಸ್‌ಯು 2017,  
Bengaluru dated 11/10/2017

2) Nomination order No.UPLOK-1/DE/1078/2017,  
Bengaluru dated 2/11/2017 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 31/8/2021 of Additional  
Registrar of Enquiries-9, Karnataka Lokayukta,  
Bengaluru.

-----

The Government by its order dated 11/10/2017 initiated the disciplinary proceedings against (1) Sri Srinivas M.V., Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Division, Bengaluru (2) Sri Ningaiah S., Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Sub Division, Bengaluru and (3) Sri Mohammed Javeed A.S., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Ward No.134, Vijayanagar Sub Division, Bengaluru (hereinafter referred to as Delinquent Government Officials 1 to 3, for short as DGO-1, DGO-2 and DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE/1078/1017 Bengaluru dated 2/11/2017 nominated Additional Registrar of Enquiries-9, 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.

3. The DGO-1 Sri Srinivas M.V., Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Division, Bengaluru; DGO-2 Sri Ningaiah S., Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Sub Division, Bengaluru; and DGO-3 Sri Mohammed Javeed A.S., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Ward No.134, Vijayanagar Sub Division, Bengaluru were tried for the following charges:-

“You DGOs –

The report of Technical Vigilance Cell (TVCC) dated 17.02.2016 which is mentioned in the note sheet – Page No. 3, File No. EE(TVCC)/GL/257/2015-16, wherein the following discrepancies have been noted by TVCC by conducting spot inspection in respect of work of providing drinking water filtration project at different location in ward No.134 was taken up under the head of P3086 for the year 2014-15 in ward No.134, 157 Babujinagar of Vijayanagar Sub Division through M/s KRIDL Ltd.,

- ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜುಪಟ್ಟಿಯು ರೂ.100.00 ಲಕ್ಷಗಳಿಗೆ 2015ನೇ ಸಾಲಿನ ಪಿ-3086 (Drinking Water Filtration Project in Ward No. 157, 134) ಅನುದಾನದಲ್ಲಿ ಮಂಜೂರಾಗಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಗೆ ಜಾಬ್ ಸಂಖ್ಯೆ: 134-15-000017ರಂತೆ ಜಾಬ್‌ಕೋಡ್ ನೀಡಲಾಗಿರುತ್ತದೆ.
- ಸದರಿ ಮೂಲ ಮಂಜೂರಾದ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿಯ 5 ಸ್ಥಳಗಳಲ್ಲಿ 3.50+3.00 ಅಳತೆ ಕೊಠಡಿಯನ್ನು ನಿರ್ಮಿಸಿ ಅದರಲ್ಲಿ ಆರ್.ಒ.



ವಾಟರ್ ಪಿಲ್ವರೇಷನ್ ಘಟಕವನ್ನು ಸ್ಥಾಪಿಸಲು ಬೇಕಾಗುವ ಅನುವುಗಳನ್ನು ಮಾಡಿಕೊಳ್ಳಲಾಗಿದೆ.

- ಸದರಿ ಕಾಮಗಾರಿಗೆ ಆಡಳಿತಾತ್ಮಕ ಅನುಮೋದನೆಗೆ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು (ವಿಜಯನಗರ ವಿಭಾಗ)ರವರು ಸಂ: ಕಾ.ಪಾ.ಅ(ವಿ.ಸ)/ಆ.ಮಂ/ಪಿ.ಆರ್/33/2014-15ರಂತೆ ಹಾಗೂ ಮುಖ್ಯ ಅಭಿಯಂತರರು (ದಕ್ಷಿಣ) ರವರು ಸಂಖ್ಯೆ: ಮು.ಅ(ದ)ತಾ.ಮ/ಪಿ.ಆರ್/23/2014-15ರಂತೆ ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿ ನೀಡಿರುತ್ತಾರೆ.
- ಕಾಮಗಾರಿ ಕಡತದಲ್ಲಿ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು ಮತ್ತು ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಛೇರಿಯಲ್ಲಿ ನಮೂದಿಸಬೇಕಾಗಿರುವ ಅಂದಾಜು ಪಟ್ಟಿಯ ಸಂಖ್ಯೆ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.
- ಕಾಮಗಾರಿಯ ಅಂದಾಜುಪಟ್ಟಿಯ ತಯಾರಿಕೆಗಳೊಂದಿಗೆ ಅವಶ್ಯಕವಾಗಿ ನಮೂದಿಸಿ ದಾಖಲಿಸಬೇಕಾದ ವರದಿ (Report accompanying the estimate)ಯಾಗಲಿ/ಕಾಮಗಾರಿಯ ತಾಂತ್ರಿಕ ಅಶ್ಯಕತೆಗಳ ಕುರಿತು ವಿಶ್ಲೇಷಣೆಗಳಾಗಲೀ ಕಾಣ ಬಂದಿರುವುದಿಲ್ಲ.
- ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಕೆಆರ್‌ಐಡಿಎಲ್‌ಗೆ ವಹಿಸಿರುವುದು ಗಮನಿಸಿದ್ದು, ಸದರಿ ಸಂಸ್ಥೆ ಮುಖಾಂತರ ನಿರ್ವಹಿಸುವುದಕ್ಕೆ ಪೂರಕವಾಗಿ ಮೆ: ಕೆಆರ್‌ಐಡಿಎಲ್‌ರವರು ಒಪ್ಪಿಗೆ ಸೂಚಿಸಿ, ನೀಡಿರುವ ಸಮ್ಮತಿ ಪತ್ರ ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿಲ್ಲ. ಅಲ್ಲದೇ ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿ ತಯಾರಿಕೆ, ಅನುಮೋದನೆಗಳು ಮತ್ತು ಗುತ್ತಿಗೆ ನೀಡುವ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಸರ್ಕಾರದ ಆದೇಶಗಳನ್ವಯ ಮೆ: ಕೆಆರ್‌ಐಡಿಎಲ್‌ನ ನಿಗದಿತ norms ಗಳಂತೆ ನಿರ್ವಹಿಸಿರುವ ಬಗ್ಗೆ ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿ ನೀಡಿರುವ ಪ್ರಾಧಿಕಾರದಿಂದ ದೃಢೀಕರಿಸಿಕೊಂಡು ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳದಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.
- ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ವಾಟರ್ ಪಿಲ್ವರೇಷನ್ ಘಟಕಕ್ಕೆ ಅಳವಡಿಸಿಕೊಂಡಿರುವ ದರಕ್ಕೆ ಯಾವುದೇ ಅನುಮೋದಿತ ದರ ಅಥವಾ ಪೂರಕ ದಾಖಲೆಗಳು ಕಡತದಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.

In view of the above lapses, you-DGOs are the responsible officers for the said work. Hence, you-DGOs are responsible for the said lapses. Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct 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 failed to prove the above

charges against DGO-1 Sri Srinivas M.V., Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Division, Bengaluru DGO-2 Sri Ningaiah S., Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Sub Division, Bengaluru and DGO-3 Sri Mohammed Javeed A.S., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Ward No.134, Vijayanagar Sub Division, Bengaluru.

5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer.

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate the DGO-1 Sri Srinivas M.V., Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Division, Bengaluru DGO-2 Sri Ningaiah S., Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Vijayanagar Sub Division, Bengaluru and DGO-3 Sri Mohammed Javeed A.S., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Ward No.134, Vijayanagar Sub Division, Bengaluru from the aforesaid charges.

7. 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