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**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/1123/2017/ARE-13

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-56001,  
Date: 31/05/2019.

**: Present:**

**Patil MohanKumar Bhimanagouda**  
Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.

**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Enquiry against,

1. Sri. Shivaji,  
Assistant Executive Engineer  
and incharge Executive Engineer,  
Karnataka Neeravari Nigama Limited,  
Amarja Project,  
Canal Sub - Division,  
Nimbarga (Presently working as Executive  
Engineer, Krishna Bhagya Jala Nigama  
Niyamitha, Sannathi, Lift Irrigation Project  
Division, Khanapura Camp, Shahpur,  
Yadgiri.

2. Sri. Thippanna,  
Assistant Executive Engineer,  
Karnataka Neeravari Nigam Limited  
Amarja Project,  
Canal Sub-Division,  
Nimbarga.

**Ref :** 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/GLB-8193/2015/DRE-3

Dtd. 14/06/2017.

2) Govt Order No. ಜಸಂಇ 117 ಸೇಇವಿ 2017,  
Bengaluru, dated 08/11/2017.

3) Nomination Order No.UPLOK-1/DE  
/1123/2017, Bengaluru, Dated:  
20/11/2017.

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1. This Departmental Enquiry is directed against 1) Sri. Shivaji, Assistant Executive Engineer and incharge Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub - Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Sannathi, Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgiri 2) Sri. Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub-Division, Nimbarga (herein after referred to as the Delinquent Government Officials in short "DGOs" respectively).
2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-1, vide order dated: 20/11/2017 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the

Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGOs. Additional Registrar Enquires-4 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

4. As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.
5. The Article of Charges framed by ARE-4 against the DGOs is as below:

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

6. That, you DGO No.1/1) Shri. Shivaji, Assistant Executive Engineer, and incharge Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub-Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Sannathi, Lift Irrigation Project Divison, Khanapura Camp, Shahpur, Yadgiri and you DGO No-2/2) Sri. Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub-Division,

Nimbarga, the construction of C.C. road in scheduled caste colony at Kudki village under SCP scheme with estimated cost of Rs.16 lakhs was entrusted to Sri. Somalinga H Bommanhalli, and the complainant has alleged that, the work is of sub-standard quality and it is found that, four samples in respect of the above said work have been collected on various dates for testing and the date of casting of M-20 Grade concrete is mentioned as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015 and the date of testing the respective samples is mentioned as 25/04/2015, 26/04/2015, 27/04/2015 and 28/04/2015. The M.B. Book discloses the date of mark out as 06/03/2015 and date of recording the measurement as 28/03/2015. But in the first and final bill produced by the I.O the date of commencement of work is mentioned as 03/03/2015 and date of actual completion of work is mentioned as 28/03/2015. Payment of bill of Rs.10,13,648/- is made to the contractor through cheque No.032592 dated 31/03/2015. Even prior to receipt of quality certification from Quality Control Sub-Division, Kalaburgi payments are shown to have been made. Also the date of casting mentioned in the quality certification report at Annexure-A are 29/03/2015, 30/03/2015 and 31/03/2015 which is after passing of the bill. The date of completion mentioned in the documents is doubtful and the completion certificate signed by the DGO Nos.1 and 2 also does not disclose the date of completion. In the documents signed by

the authorities, the date on which the documents have been signed is not mentioned and the M.B. is written at a stretch on 28/03/2015 and it contains numbers of corrections, over writings and insertions which are not noted at the bottom of the page as per the S.L. No.13 of Paragraph 110 of KPWD Code. Thereby you DGO Nos.1 and 2 who have executed the above said work being Government Servants have failed to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servants and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE NO-II**

**STATEMENT OF IMPUTATION OF MISCONDUCT**

7. On the basis of a complaint filed by Sri.Jaibheem S/o Prabhulinga Nadagiri, Advocate, Kudki Village, Aland Taluk, Kalaburgi District (herein after referred to as 'complainant' for short), against you-DGOs, an investigation was taken up u/sec.9 of the Karnataka Lokayukta Act 1984, by invoking powers vested u/sec.7(2) of the said Act.

**8. The brief facts of the complainant's are that:**

The complainant alleges that construction of CC road in Scheduled Caste colony at Kudki village under SCP scheme with estimated cost of Rs.16 lakhs is of substandard quality and the work is not executed as per the specification in the approved estimate.

9. The matter was referred to Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru for investigation, who in turn has submitted report dated: 29/06/2016 along with report of I.O/Assistant Executive Engineer-3, Sri.C.N. Anand. In the report, it is stated that, as per the result of Rebound Hammer Test and the report of Karnataka Engineering Research Station (KERS), who tested the cement quality, the allegation of poor quality work is not substantiated.
10. You-DGO No-1 inspite of service of this office notice has not submitted your comments. Records show that you-DGO No.1 was incharge Executive Engineer during execution of alleged work and has passed the bills.
11. You-DGO No.2 has submitted your comments dated; 21/11/2016 stating that during inspection by the I.O of this institution, the allegation of sub-standard work is not made out.

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The complainant after verifying the work has withdrawn the complaint. By denying the allegations made in the complainant, you has sought to close the complaint.

12. Perused the materials on record. The document marked as Annexure-A (Nature of document is not mentioned & therefore, marked as Annexure-A for the purpose of convenience) is quality certification with respect to testing of cement cubes by Quality Control Sub-Division, Kalaburgi pertaining to the alleged work. Four samples have been collected on various dates for testing and the date of casting of M-20 Grade Concrete is mentioned as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015 and the date of testing the respective samples is mentioned as 25/04/2015, 26/04/2015, 27/04/2015 and 28/04/2015.

13. On perusal of the M.B.Book submitted by the I.O along with his report shows date of mark out as 06/03/2015 and date of recording measurement as 28/03/2015. In the 1<sup>st</sup> and Final Bill produced by the I.O., the date of commencement of work is mentioned as 03/03/2015 and date of actual completion of work is mentioned as 28/03/2015. Payment of bill of Rs.10,13,648/- with respect to the alleged work is made to the contractor vide cheque No.032592 dated 31/03/2015. Even prior to receipt of quality certification from Quality Control Sub Division, Kalaburgi payments are shown to have been made. Also the date

of casting mentioned in the quality certification report at Annexure-A are 29/03/2015, 30/03/2015 and 31/03/2015 which is after passing of the bill. Therefore, the date of completion mentioned in the documents is doubtful. Also, completion certificate signed by the Assistant Executive Engineer and Executive Engineer does not disclose the date of completion. Moreover in any of the documents signed by the authorities, the date on which the documents have been signed is not mentioned.

14. Also M.B.Book is written at a stretch on 28/03/2015. No periodical and stage wise recording of measurements are shown to be made.
15. The Sl.No.13 of Paragraph 110 KPWD Code reads as follows:

“ The check measuring officer should invariably date and initial all corrections over writings, and insertions made in the measurement books as noticed at the time of check measurement. The number of such corrections over-writings and insertions must be clearly mentioned at the end of each page of the measurement book duly signed with date by the check measuring officer. The corrections and overwriting and insertions should be allotted separate numbers i.e. corrections should start from 1,2,3 etc and overwriting should similarly from



1,2,3 and so also insertions should be in the same manner. In case there are no corrections or insertions or over-writing, it should be clearly noted at the bottom of the page that there are no corrections or insertions or over writings as the case may be”.

No such number of corrections is founds to be mentioned in the M.B. Book in spite of making many corrections.

16. In view of the above discrepancies, the report of I.O/Chief Engineer, Technical Audit Cell and comments of you- DGO No.2 cannot be accepted at this stage.
17. You-DGO No-1 has not filed comments in spite of service of this office notice. Bills of the alleged work are founds to be signed/passed by you DGO-1. Therefore, adverse inference is to be drawn against you-DGO No-1.
18. Since said facts and material on record prima-facie show that you- DGOs have committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966, now acting u/sec 12(3) of the Karnataka Lokayukta Act,
19. As such the respondent No.1 and 2 have not maintained honesty and integrity as required under Rule 3(1) of the KCS conduct rules 1966 and committed misconduct and there are

sufficient materials to recommend disciplinary proceedings against the respondents.

20. Since said facts and material on record prima-facie show that you DGOs 1 and 2 have committed misconduct under Rule 3(1)(ii) & (iv) of KCS (Conduct) Rules, 1966, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation was made to the competent authority to initiate disciplinary proceedings against you DGOs No.1 and 2. The Government after consideration of materials has entrusted enquiry to Hon'ble Upalokayukta. Hence the charge.
21. The DGOs No-1 and 2 appeared before this Enquiry Authority on 24/02/2018 and on the same day their First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGOs No-1 and 2 pleaded not guilty and claimed to hold an enquiry. Subsequently the DGOs No-1 and 2 have filed their written statements of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, prayed to exonerate them from the charges framed in this case.
22. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3 and got

marked the documents at Ex.P-1 to P-11 and closed the evidence.

23. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGOs was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein they have submitted that, the witness has deposed falsely against them. The DGO No-1 and 2 did not lead any defence evidence. The questioning of the DGO No-1 and 2 as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was recorded.

24. The Advocate for DGOs submitted written submissions. Heard oral arguments of Learned Presenting Officer.

25. Upon consideration of the charge leveled against the DGOs, the evidence led by the Disciplinary Authority by way of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

***Point No-1) Whether the Disciplinary Authority has satisfactorily proved that DGO No-1 Sri. Shivaji, Assistant Executive Engineer, and incharge Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub-***

*Division, Nimbarga and DGO No-2 Sri. Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub-Division, Nimbarga, had under taken the construction of Cement Concrete road in scheduled caste colony at Kudki village under SCP scheme, with estimated cost of Rs.16 lakhs and it is found that,*

*a) four samples in respect of the above said work have been collected on various dates for testing and the date of casting of M-20 Grade concrete is mentioned as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015 and the date of testing the respective samples is mentioned as 25/04/2015, 26/04/2015, 27/04/2015 and 28/04/2015, but the M.B. Book discloses the date of mark out as 06/03/2015 and date of recording the measurement as 28/03/2015, and in the first and final bill produced, the date of commencement of work is mentioned as*

**03/03/2015 and date of actual completion of work is mentioned as 28/03/2015.**

**b) The payment of bill of Rs.10,13,648/- is made to the contractor even prior to receipt of quality certification from Quality Control Sub-Division, Kalaburgi.**

**c) The date of casting mentioned in the quality certification report at Annexure-A are 29/03/2015, 30/03/2015 and 31/03/2015 is after passing of the bill, the date of completion mentioned in the documents is doubtful and the completion certificate signed by the DGO Nos.1 and 2 also does not disclose the date of completion.**

**d) In the documents signed by the authorities, the date on which the documents have been signed is not mentioned and the M.B. is written at a stretch on 28/03/2015 and it contains numbers of corrections, over writings and**

*insertions which are not noted at the bottom of the page, as per the provisions of Chapter No-10 i.e, Paragraph 110 (13) of KPWD Code and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

26. My finding on the above point is held in **"Affirmative"** for the following:

**:: REASONS ::**

27. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The complainant by name Sri. Jai Bheem S/o Prabhuling has been examined as PW-1. He has reiterated the facts stated in the complaint.

28. He states that, he knows the DGO No-1 and 2. They had under taken the construction of Cement Concrete road in scheduled caste colony at Kudki village under SCP scheme, with

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estimated cost of Rs.16 lakhs and the work is of sub-standard quality. The work was allotted to a contractor by name Bennishirur. The DGO No-1 and 2 were responsible for over seeing the work. However, the said work is of substandard nature and required quantity of cement is not used. He further states that, he is the permanent resident of Kudki village and he has personally seen the execution of the work and it is of substandard quality.

29. PW-1 further states that, in this regard he had lodged the complaint to the Deputy Commissioner and Neeravari Nigama. However, no action was taken by the authorities and hence, he was constrained to file this complaint before the Hon'ble Lokayukta. He has identified his complaint at Ex.P-1 and Form No-I and II at Ex.P-2 and P-3.

30. The Disciplinary Authority has examined Sri. Anand C.N from TAC, Lokayukta Bengaluru has PW-2. He states that, from January 2011 to October 2017 he has worked as Assistant Executive Engineer and thereafter as Executive Engineer. The Chief Engineer on 12/5/2015 directed him to investigate the matter and submit his report. He has submitted his report as per Ex.P-5. He submits that, the work is of good quality and hence, he has filed negative report.

31. At the time of scrutiny, the report of PW-2 was rejected and hence, DRE-3 was summoned and examined as PW-3. PW-3 states that, from December 2015 he is working as DRE-3 in Karnataka Lokayukta, Bengaluru. As per the directions of the Hon'ble Upa Lokayukta-1 he has verified the documents pertaining this case.
32. PW-3 further states that, on perusal of the material on record, the document marked as Annexure A is the quality certification with respect to testing of cement cubes by Quality Control Sub-Division, Kalaburgi pertaining of the alleged work. He further states that, four samples have been collected on various dates for testing and the date of casting of M-20 Grade Concrete is mentioned as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015 and the date of testing the respective samples is mentioned as 25/04/2015, 26/04/2015, 27/04/2015 and 28/04/2015.
33. PW-3 further states that, on perusal of the Ex.P-9 M.B.Book, it shows the date of mark out as 06/03/2015 and date of recording measurement as 28/03/2015. In the first and Final Bill produced by the I.O., the date of commencement of work is mentioned as 03/03/2015 and date of actual completion of work is mentioned as 28/03/2015.



34. PW-3 further states that, payment of bill of Rs.10,13,648/- with respect to the alleged work is made to the contractor vide cheque No.032592 dated 31/03/2015, He further states that, even before receiving the quality certification from Quality Control Sub Division, Kalaburgi, payments are shown to have been made to the contractor.
35. PW-3 further states that, the date of casting mentioned in the quality certification report at Annexure-A are 29/03/2015, 30/03/2015 and 31/03/2015 which is after passing of the bill. He further states that, the date of completion mentioned in the documents is doubtful. Also, completion certificate signed by the Assistant Executive Engineer and Executive Engineer does not disclose the date of completion.
36. PW-3 further states that, in Ex.P-9 and other documents, the date on which the documents have been signed is not mentioned.
37. PW-3 further states that, the Measurement Book (M.B.Book) is written at a stretch on 28/03/2015. No periodical and stage wise recording of measurements are shown to be made.

38. PW-3 has drawn the attention to Chapter 10 Paragraph 110 (13) Karnataka Public Works Department Code( KPWD) which reads as follows:

“ The check measuring officer should invariably date and initial all corrections over writings, and insertions made in the measurement books as noticed at the time of check measurement. The number of such corrections over-writings and insertions must be clearly mentioned at the end of each page of the measurement book duly signed with date by the check measuring officer. The corrections and overwriting and insertions should be allotted separate numbers i.e. corrections should start from 1,2,3 etc and overwriting should similarly from 1,2,3 etc and so also insertions should be in the same manner. In case there are no corrections or insertions or over-writing, it should be clearly noted at the bottom of the page that there are no corrections or insertions or over writings as the case may be”.

39. PW-3 further states that, in Ex.P-9 M.B Book, the number of corrections is not mentioned inspite of making many corrections in the M.B.Book.

40. PW-3 has been cross examined at length by the Advocate for DGO. However, I am of the opinion that, nothing material has been elicited so as to discredit his testimony.
41. The Advocate for DGO has submitted his written argument and he has canvassed his arguments that, the construction of CC road was of good quality and it has passed the Rebound Hammer test. The quality control Department i.e the Karnataka Engineering Research Station (KERS) has submitted the report that, the construction and the cement quality are as per the standards and there are no documents to show that, the work is of substandard nature.
42. The Advocate for DGO has further drawn the attention to the evidence of PW-2 and his report at Ex.P-5. He submits that, the Technical expert i.e. PW-2 has given negative report and hence, there are no materials to prove the charges against the DGO No1 and 2.
43. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority. The contention of Advocate for DGO cannot be accepted. On careful perusal of the evidence of PW-3 and the document at Ex.P-9, it is observed that, the date of casting of M-20 grade concrete is mentioned as 28/3/2015, 29/3/2015, 30/3/2015 and 31/3/2015. The date

of testing of the respective samples is mentioned as 25/4/2015, 26/4/2015, 27/4/2015 and 28/4/2015. However, it is observed that, the date of mark out in the M.B.Book is shown as 06/03/2015 and the date of recording of the measurements is shown as 28/03/2015. But in the first and final bill produced the date of commencement of work is mentioned as 03/03/2015 and date of actual completion of work is mentioned as 28/3/2015. The dates of casting of M-20 grade concrete is shown as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015. However, the actual completion of work is shown as 28/03/2015. In Ex.P-10 the actual date of completion is shown as 28/3/2015. However, in the Annexure A at Ex.P-8 and in M.B.Book at Ex.P-9, the casting of M-20 grade concrete is shown as 28/3/2015, 29/3/2015, 30/3/2015 and 31/3/2015. There are discrepancies in the documents at Ex.P-8, Ex.P-9 and Ex. P-10. Though in the first and final bill the date of completion is shown as 28/3/2015, the casting of M-20 grade cement is shown even on the dates after the completion of the work i.e 29/3/2015, 30/3/2015 and 31/3/2015. It is observed that, there are discrepancies in the material documents at Ex.P-8, Ex.P-9 and Ex.P-10. The DGOs have not properly entered the dates of casting of M-20 grade concrete and actual date of completion of the work.

44. It is further observed that, though the DGOs had not yet received the quality certification from Quality Control Sub-Division, Kalaburgi, the payment of bill of Rs.10,13,648/- is made to the contractor even prior to receipt of report of quality control. Even though the date of testing the respective samples is mentioned as 25/04/2015, 26/04/2015, 27/04/2015 and 28/04/2015, the payment has been made by the DGOs prior to receiving the quality certification report from Quality Control Sub-Division, Kalaburgi. It is further observed that, the payment of bill of Rs.10,13,648/- with respect of the said work is made to the contractor on 31/03/2015 i.e prior to receipt of quality certification from Quality Control Sub-Division, Kalaburgi.

45. On careful perusal of the evidence of PW-3 and the document at Ex.P-9, it is observed that, the Measurement Book has not been maintained as per the provisions of Chapter 10 para 110 (13) of Karnataka Public Works Department Code.

46. Para 109 of KPWD Code deals with the importance of Measurement Book. It reads as follows:

“ The measurement book is a most important record, since it is the basis of all accounts of quantities, whether of work done by the contract received which have to be measured and/or accounted. The description of the work must be lucid so as to be of easy

identification and check. (See para 209 of KPWA Code). It shall be the responsibility of the Assistant Executive Engineer to ensure that all measurement books in his jurisdiction are carefully accounted and kept and measurements are properly recorded. It should be distinctly understood that measurement books are complete records of the actual measurements of each kind of work done for which certificates have been granted. An authentic, reasonably accurate and reliable record is the object aimed at, as it may be produced as evidence in a court of law and what is reasonable, depends on each item ”.

47. The code stipulates that the measurement Book shall be properly maintained and all the measurements shall be entered in a clear and lucid manner. The code further states that, when there are corrections or alterations, the measurement Book has to be maintained as provided under chapter 10 para 110 (13) of KPWD Code. It states as follows,

48. “ The check measuring officer should invariably date and initial all corrections over writings, and insertions made in the Measurement Books as noticed at the time of check measurement. The number of such corrections over-writings and insertions must be clearly mentioned at the end of each page of the Measurement Book duly signed with date by the check-measuring officer. The corrections and overwriting and

insertions should be allotted separate numbers, i.e., corrections should start from 1, 2, 3, etc. and overwriting should similarly from 1, 2, 3, etc., and so also insertions should be in the same manner. In case there are no corrections or insertions or overwriting, it should be clearly noted at the bottom of the page that there are no corrections or insertions or over writings as the case may be ”.

49. PW-3 has categorically stated that, Ex.P-9 Measurement Book was not properly maintained i.e as provided under the KPWD Code. It is observed that, the entire measurements have been written on a single day on 28/03/2015. The measurements have not been recorded as per the KPWD Code. It is also observed that, there are several corrections, over writings and insertions in the Measurements Book. However, the guidelines issued in Chapter 10 para 110(13) of KPWD Code have not been followed while making corrections and over writings. The DGO No-1 who was the Incharge Executive Engineer has not properly verified the M.B.Book maintained by the DGO No-2. The DGO No-2 is the Assistant Executive Engineer who was responsible for writing the Measurements Book. However, he has not maintained the Measurement Book as provided under the KPWD Code. Ex.P-9 does not bear any foot note with regard to corrections and over writings. Hence, the conduct of the DGO No-1 and 2 amounts to misconduct and dereliction of duty.

50. For the reasons stated above the DGOs No-1 and 2, being the Government/Public Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants. On appreciation of entire oral and documentary evidence I hold that the charges leveled against the DGO Nos.1 and 2 are established. Hence, I answer point No.1 in the "**Affirmative**".

**:: ORDER ::**

***The Disciplinary Authority has proved the charge against the DGO No-1 Sri. Shivaji, Assistant Executive Engineer and incharge Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub - Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Sannathi, Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgiri) and 2. Sri. Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub-Division, Nimbarga.***




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51. This report is submitted to Hon'ble Upalokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 31<sup>st</sup> day of May 2019**

  
**(Patil Mohankumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore


### ANNEXURE

<b>Documents marked on behalf of the Disciplinary Authority</b>
<b>PW-1:</b> Sri. Jai Bheema (Original)
<b>PW-2:</b> Sri. Anand C.N.(Original)
<b>PW-3:</b> Sri. Omkaramurthy (Original)
<b>Witness examined on behalf of the Defence</b>
<b>Nil</b>
<b>Documents marked on behalf of the Disciplinary Authority</b>
<b>Ex. P-1:</b> Complaint dtd 22/04/2015 (Original)
<b>Ex. P-1(a):</b> Relevant entry in Ex.P-1
<b>Ex.P-2:</b> Form No-1 dated 22/04/2015 (Original)
<b>Ex. P-2(a):</b> Relevant entry in Ex.P-2
<b>Ex. P-3:</b> Form No-II dated 22/04/2015 (Original)
<b>Ex.P-3(a):</b> Relevant entry in Ex.P-3
<b>Ex.P-4:</b> Letter of KERS dated 30/4/2016 and connected documents, page no.68-73 xerox, page no.74 original, page no.75-78 xerox (9 pages)
<b>Ex.P-5:</b> Report of I.O(xerox)
<b>Ex.P-5(a):</b> Relevant entry in Ex.P-5
<b>Ex.P-6:</b> Spot mahazar (Original)
<b>Ex.P-6(a):</b> Relevant entry in Ex.P-6
<b>Ex.P-7:</b> C.D
<b>Ex.P-8:</b> Annexure A of the project(Xerox)
<b>Ex.P-9:</b> M.B.Book (Xerox)
<b>Ex.P-10:</b> Detailes completion report(Xerox) page no.104-107 xerox copies, page no.108 attested copy, page no.109-111 attested copy.
<b>Ex.P-11:</b> Running account bill(Xerox)

<b>Documents marked on behalf of the DGO</b>
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Nil
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**Dated this the 31<sup>st</sup> day of May 2019**

  
**(Patil MohanKumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore





**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE/1123/2017/ARE-13

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: 04/06/2019

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Shivaji, Assistant Executive Engineer & Incharge Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigam Limited, Sannathi Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgir District)
- 2) Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub Division, Nimbarga - Reg.

Ref:- 1) Government Order No. ಜಸಂಇ 117 ಸೇಇಎ 2017 Bengaluru dated 8/11/2017

2) Nomination order No.UPLOK-1/DE/1123/2017, Bengaluru dated 20/11/2017 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 31/5/2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 8/11/2017, initiated the disciplinary proceedings against (1) Sri Shivaji, Assistant Executive Engineer & Incharge Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigam Limited, Sannathi Lift Irrigation Project) and (2) Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub Division, Nimbarga,

(hereinafter referred to as Delinquent Government Officials 1 & 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE/1123/2017, Bengaluru dated 8/11/2017 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2.

3. The DGO-1 Sri Shivaji, Assistant Executive Engineer & Incharge Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigam Limited, Sannathi Lift Irrigation Project, Khanapura Camp, Shahpur, Yadgir District) and DGO-2 Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub Division, Nimbarga were tried for the following charges:-

“That, you DGO No.1/1) Shri Shivaji, Assistant Executive Engineer and Incharge Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Sannathi Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgiri and you DGO

No.2/2) Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigama Limited, Amarja Project, Canal Sub Division, Nimbarga, the construction of C.C. Road in scheduled caste colony at Kudki Village under SCP Scheme with estimated cost of ₹16 Lakhs was entrusted to Sri Somalinga H Bommanahalli and the Complainant has alleged that, the work is of sub-standard quality and it is found that, four samples in respect of the above said work have been collected on various dates for testing and the date of casting of M-20 Grade concrete is mentioned as 28/03/2015, 29/03/2015, 30/03/2015 and 31/03/2015 and the date of testing the respective samples is mentioned as 25/05/2015, 26/04/2015, 27/04/2015 and 28/04/2015. The M.B. Book discloses the date of mark out as 06/03/2015 and the date of recording the measurement as 28/03/2015. But in the first and final produced by the I.O, the date of commencement of work is mentioned as 03/03/2015 and the date of actual completion of work is mentioned as 28/03/2015. Payment of Bill of ₹10,13,648/- is made to the contractor through Cheque No.032592 dated 31/03/2015. Even prior to the receipt of quality certification from Quality Control Sub Division, Kalaburagi payments are shown to have been made. Also, the date of casting mentioned in the quality certification report at Annexure-A are 29/03/2015, 30/03/2015 and 31/03/2015 which is after passing of the Bill. The date of completion mentioned in the documents is doubtful and the completion certificate signed by the DGO Nos.1 and 2 also does not disclose the date of completion. In the documents signed by the authorities, the date on which the documents have

been signed is not mentioned and the M.B is written at a stretch on 28/03/2015 and it contains numbers of corrections, over writings and insertions which are not noted at the bottom of the page as per the S.L. No.13 of Paragraph 110 of KPWD Code. Thereby, you DGO Nos. 1 and 2 who have executed the above said work being Government servants have failed to maintain absolute integrity devotion to duty, the act of which was unbecoming of Government Servants and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO-1 Sri Shivaji, Assistant Executive Engineer & Incharge Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigam Limited, Sannathi Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgir and DGO-2 Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub Division, Nimbarga.

5. As per the findings recorded by the inquiry officer, DGOs 1 and 2 have paid the Bill for a sum of ₹10,13,648/- to the contractor even prior to receipt of quality certification from Quality Control Sub Division, Kalaburagi. The inquiry officer has held that the measurement book in relation to the above work was written at a stretch on 28/3/2015.



M 23/17

6. On re-consideration of inquiry report, 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 & 2;

- (i) DGO-1 Sri Shivaji is due to retire from service on 31/3/2021;
- (ii) DGO-2 Sri Thippanna is due to retire from service on 31/5/2020;

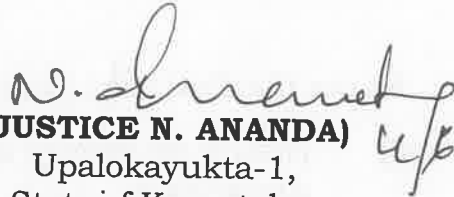
8. Having regard to the nature of charges proved against DGO-1 Sri Shivaji and DGO-2 Sri Thippanna;

(1) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-1 Sri Shivaji, Assistant Executive Engineer & Incharge Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja project Canal Sub Division, Nimbarga (Presently working as Executive Engineer, Krishna Bhagya Jala Nigam Limited, Sannathi Lift Irrigation Project Division, Khanapura Camp, Shahpur, Yadgir) and also for imposing penalty of permanently withholding 10% of pension payable to DGO-1 Sri Shivaji.

(2) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-2 Sri Thippanna, Assistant Executive Engineer, Karnataka Neeravari Nigam Limited, Amarja Project, Canal Sub Division, Nimbarga and also for imposing penalty of permanently withholding 10% of pension payable to DGO-2 Sri Thippanna.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)**  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru