

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: UPLOK-1/DE/1172/2017/ARE-10

Multi Storied Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date:25/08/2018

RECOMMENDATION

Sub:-Departmental inquiry against Sri D.M. Korabu,
Executive Engineer, Karnataka Rural Infrastructure
Development Limited, Koppal- Reg.

Ref:-1) Government Order No. ಗ್ರಾಅಪ: 19:ಕಗ್ರಾಢೂ : 2017 Bengaluru
dated 30/11/2017

2) Nomination order No.UPLOK-1/DE/1172/2017
Bengaluru dated 19/12/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 23/08/2018 of Additional
Registrar of Enquiries-10, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 30/11/2017, initiated the disciplinary proceedings against Sri D.M. Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Limited, Koppal (hereinafter referred to as Delinquent Government Official for short as '**DGO**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE/1172/2017, dated 19/12/2017, nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

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3. The DGO Sri D.M. Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Limited, Koppal was tried for the following charge:-

“That, you DGO Sri. D.M.Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal, has committed the following misconduct while execution of the C.C. road sanctioned during the year 2016-17 under Hyderabad Karnataka Area Development Scheme;

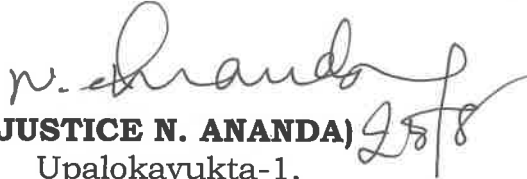
- i) Though there is no provision in the estimate for transport of earth on surface road for 2 kms. in the M.B same has been recorded at page 43.
- ii) Cash payment of Rs.1,29,958/- to the workers is recorded at page 58 of the M.B. But no provision is made in the estimate for cash payment of Rs.1,29,958/- to workers.
- iii) Cash payment of Rs.84,469/- is recorded towards supply of materials at page 59 of M.B. But there is no provision for cash payment of Rs.84,469/- towards material in the M.B. (estimate)
- iv) Payment of Rs.2,14,427/- and payment for transport of earth on surface road for 2 kms has been made though the said works are not included in the estimate.

Thus you DGO, being a Government/public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri D.M. Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Limited, Koppal.
5. The Inquiry officer has held that (i) the DGO has shown cash payment of Rs.1,29,958/- to the workers in the Measurement Book, which was not permissible; (ii) the DGO has recorded cash payment of Rs.84,469/- towards supply of materials in page 59 of measurement book, which was not permissible; (iii) DGO has recorded payment of Rs.2,14,427/- towards payment for transport of earth on surface road for 2 Kms. though the same was not included in the estimate.
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 information furnished by the Enquiry Officer, he is due to retire from service on 31/05/2019.
8. Having regard to the nature of charge proved against DGO Sri D.M. Korabu, it is hereby recommended to the Government for imposing penalty of recovering a sum of Rs.4,28,854/- from the salary, pension and other allowances payable to DGO Sri D.M. Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Limited, Koppal.

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

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KARNATAKA - LOKAYUKTA

BEFORE ADDITIONAL REGISTRAR (ENQUIRIES -10)

PRESENT : SRI. MASTER R.K.G.M.M. MAHASWAMIJI, MA., LL.M.,
ADDITIONAL REGISTRAR ENQUIRIES-10,
M.S. BUILDING,
KARNATAKA LOKAYUKTA,
BANGALORE - 560 001.

DEPARTMENTAL ENQUIRY NO. UPLOK-1/DE-1172/2017/ARE-10

Complaint	Sri. Ravi,
DISCIPLINARY AUTHORITY	GOVERNMENT OF KARNATAKA, RURAL DEVELOPMENT & PANCHAYATHRAJ DEPARTMENT (Through the Presenting Officer)
V/s	
DELINQUENT GOVERNMENT OFFICIAL	SRI D.M. KORABU , Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal. (DGO - Placed - exparte)

Subject : Departmental Inquiry against DGO as noted in the cause title -reg.,

References :

1. Report u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/Glb/8975/2017/ARE-5 dt. 26.07.2017.
2. Government Order No. GraAaPa 19 KaGraMoo 2017 Bengaluru dated 30.11.2017.
3. Nomination Order No. UPLOK-1/DE/1172/2017 Bengaluru dt. 19.12.2017 by Hon'ble Uplokayukta-1.


- i. Nature of Case : Departmental Enquiry
- ii. Provision of law under which : Rule 3(1) of The
Article of charge framed Karnataka Civil
Services (Conduct)
Rules, 1966.



iii. Date of Submission of report : 23rd August 2018

-: DEPARTMENTAL - ENQUIRY - REPORT :-

1. This is the departmental enquiry initiated and held against DGO as the complainant by name Sri. Ravi has filed a complaint in Lokayukta Office, against the Delinquent Government Official alleging his misconduct.
2. The **comments/reply** from the DGO called. Unsatisfied with the comments of DGO, a **Report** was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the **Government Order** (G.O.) dated 30.11.2017 authorizing Hon'ble Upalokayukta-1 to hold an enquiry as per reference no. 2.
3. In pursuance of the Government Order, **nomination** was issued by Hon'ble Upalokayukta-1 on 19.12.2017 authorizing ARE-10 to frame Article of Charge against DGO and to hold an enquiry to find out truth and to submit a report as per reference No. 3.
4. Accordingly, *Article of charge* was framed/prepared under Rule 11(3) of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and was sent to the Delinquent Government Official on 08.02.2018.
5. The article of **charge** and the statement of imputation framed/prepared and leveled against the DGO are **reproduced as hereunder :-**



ANNEXURE NO. 1**CHARGE**

5(1) That, you DGO Sri. D.M.Korabu, Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal, has committed the *following misconduct* while execution of the C.C. road sanctioned during the year 2016-17 under Hyderabad Karnataka Area Development Scheme;

i) Though there is no provision in the estimate for transport of earth on surface road for 2 kms in the Measurement Book, same has been recorded at page 43.

ii) Cash payment of Rs.1,29,958/- to the workers is recorded at page 58 of the M.B. But no provision is made in the estimate for cash payment of Rs.1,29,958/- to workers.

iii) Cash payment of Rs.84,469/- is recorded towards supply of materials at page 59 of M.B. But there is no provision for cash payment of Rs. 84,469/- towards material in the M.B (estimate).



iv) Payment of Rs. 2,14,427-00 and payment for transport of earth on surface road for 2 kms has been made though the said works are not included in the estimate.

5(2) *Thus*, you DGO, being a Government /public servant has *failed* to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government servant and *thus*, you have committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

ANNEXURE NO. II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

5(3). On the basis of complaint filed by Sri. *Ravi* s/o Duragappa Bisaralli R/o. Beloor, Kataraki-Gudlnoor Post, Koppal District (hereinafter referred to as '**complainant**' for short) against Sri. D.M.**Korabu**, Executive Engineer, Karnataka Rural Infrastructure



Development Ltd., Koppal alleging that the DGO has committed misconduct, an *investigation* was taken up invoking Section 9 of Karnataka Lokayukta Act, 1984.

5(4). **According to the Complainant :-**

C.C. road has been sanctioned during 2016-17 under Hyderabad Karnataka Area Development Scheme. The Contractor has not executed the work in accordance with the estimate and the CC road formed is of substandard. Drain has also not been formed and the road formed has already developed cracks.

5(5). DGO has submitted **comments** stating that on the instructions of the Secretary of Hyderabad Karnataka Development Corporation, Kalaburgi (HKDC) to submit action plan for Rs.15,00,000/- for the development of C.C. road



and drains under HKD Scheme, estimate was prepared for Rs.16.50 lakhs and administrative sanction has been obtained for Rs.16.60 lakhs for the work of development of road to a length of 187.92 mtrs and one C.D. Development of drain on both sides of road has not been included and work has been executed as per estimate specification and work has been inspected and certified by third party.

5(6) Documents collected during investigation show that :

Estimate sanctioned for C.C. road is Rs.16,60,000-00

Less Rs. 1,23,700-00		Rs. 1,23,700-00
1.KRIDL 5% -	Rs.77415-00	
2.Labour cess.1%-	Rs.16412-00	Rs. 15,36,300-00
3.Third party charges 1%-	Rs.15483-00	
4.Misc. & Rounding off-	Rs. 2390-00	
5.Information of -	Rs. 12000-00	
HKRBD logo board		

Total- Rs. 1,23,700-00		

There is no provision in the estimate for transport of earth on surface road for 2 kms. But, in the M.B, same has been recorded at page 43.

ii) Cash payment of Rs.1,29,958/- to the workers is recorded at page 58 of the M.B. But, no provision is made in the

estimate for cash payment of Rs.1,29,958/- to workers.

iii) Cash payment of Rs.84,469/- is recorded towards supply of materials at page 59 of M.B. But, there is no provision for cash payment of Rs.84,469/- towards material in the M.B.(estimate).

5(7). *Therefore*, the documents collected during investigation *prima facie show that* payment of Rs. 2,14,427-00 and payment for transport of earth on surface road for 2 kms has been made though the said works are not included in the estimate.

5(8). In view of the above, the comments submitted by the DGO is not acceptable to drop the proceedings against him.

5(9). Since the said facts and materials on record *prima facie* show that DGO Sri. D.M.Koraba, Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal has committed



misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966, a recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against the DGO Sri. D.M.Koraba, Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal and to entrust the inquiry to Hon'ble Upalokayukta-1 under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. *In turn*, the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry to this Institution and Hon'ble Upalokayukta nominated this enquiry Authority to conduct enquiry and to a report. *Hence*, above **charge**.

6. The aforesaid 'article of charge' was served upon the DGO, but he did not appear before this enquiry authority and he was kept absent.



Hence, DGO is placed *exparte*. *Further*, on 28.02.2018 and on other hearing dates also, DGO was kept absent.

7. *In this enquiry*, to establish the *charge* against DGO, the presenting officer has examined Sri Ravi (complainant) as PW 1, and produced and got marked, in all, 7 documents as Ex P1 to 7 on behalf of Disciplinary Authority.
8. Since DGO is placed *exparte*, recording of *2nd oral statement* of DGO and leading of defence evidence don't arise.
9. I have heard the learned presenting officer.
10. Now, the points that emerge for my consideration and conclusion are *as follows* :
 - 1 : *Whether the charge against DGO as noted/reproduced at para No.5 is proved by the Disciplinary Authority through its presenting officer?*
 - 2 : *What finding/conclusion ?*
11. I have heard, carefully perused the enquiry papers and analyzed and appreciated the oral and documentary evidence placed on record.



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12. My *findings* on aforesaid points are *as under* :-

POINT No. 1 : In the AFFIRMATIVE.

POINT No. 2 : As per my

FINDING/CONCLUSION

for the following ;

*** REASONS ***

13. **POINT NO. 1** : *It is the case of the
Disciplinary-*

Authority that DGO being the Executive Engineer Karnataka Rural Infrastructure Development Ltd., Koppal, has committed the *misconduct* while execution of the C.C. road sanctioned during the year 2016-17 under Hyderabad-Karnataka Area Development Scheme; **that** Though there is no provision in the estimate, for transport of earth on surface road for 2 kms in the Measurement Book, same has been recorded and Cash payment of Rs.1,29,958/- to the workers is recorded in Measurement Book; But, there is no provision for the same in the estimate. *Further,* Cash payment of Rs.84,469/- is recorded towards supply of materials in M.B, although, there is no provision for



the same in the estimate. *Furthermore*, Payment of Rs. 2,14,427-00 and payment for transport of earth on surface road for 2 kms have been made, although same is not included in the estimate.

14. *In order to prove, the charge/s leveled against DGO, the presenting officer has examined 1 witness and got marked 7 documents and closed the side.*
15. Now, I shall proceed to appreciate and analyze the oral and documentary evidence of the disciplinary authority viz.,(PW1 and Ex P1 to 7) which are *as follows* :
16. *PW-1 SRI RAVI (complainant). He deposed that, he knows DGO J.M.Korabu, who was worked as Executive Engineer in Karnataka Rural Infrastructure Development Limited, Koppal. He had given complaint dt:18.3.2017 against DGO; and Form No.1 (Complaint) and Form No.2 (affidavit) are at Ex P-1 to 3.*
17. PW1 further deposed that, under Hyderabad/Karnataka Development scheme for Beloor Village, CC Road was sanctioned and the CC road made is of substandard and it has cracks. The works are not executed as per estimate. Cross drain at Beloor Village is not done.



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18. PW-1 states that, Along with Ex P-1 to 3 he had produced Copy of action plan for the year 2016-17 Ex.P-4; Copy of general report given by Assistant Executive Engineer Ex. P-5; Copy of proceedings of HKRDB along with earth work quantities Ex. P-6 etc; and Four Photos Ex. P 7.
 19. *PW-1 further states that, the estimate and measurement book recording are different and payment of transportation of earth and cash payment are not included in the estimate. As such DGO had committed dereliction of duty and misconduct.*
 20. Pw-1 is not cross-examined by the DGO and he has been placed *exparte*.
 21. In so far as argument in this enquiry is concerned, the learned *Presenting Officer* has submitted *that* PW1, being the complainant has fully supported the disciplinary authority and Ex P1 to 7 are also consistent with the case/enquiry and on the basis of deposition of supported witness and Ex P1 to 7 affirmative finding can be given as charge *proved*.
 22. *Per contra*, the delinquent Government official is placed *exparte*.
 23. Having heard and on careful perusal and appreciation of oral and documentary evidence of



disciplinary authority placed on record, *it is obviously clear that* the disciplinary authority has placed sufficient and satisfactory oral and documentary evidence to prove its case/enquiry against the DGO as per the standard of *preponderance of probabilities* to warrant my finding on the charge against DGO in the affirmative as *proved*.

24. *On perusal of deposition of PW 1 Sri Ravi*, it can be seen **that** PW1 being the complainant has completely supported the case of disciplinary authority.
25. It is important to note *that* the deposition of PW1 is unimpeached and uncontroverted, which remained firm as the DGO did not choose to cross examine him by appearing before this enquiry authority. Hence, the evidence of PW1 is inspiring confidence to believe and to rely upon.
26. It is relevant to note *that* the deposition of PW1 is consistent and corroborative with Ex.P.1 to 7.
27. It is worthy to note that moreover, the DGO did not appear before this Enquiry Authority by taking his own defence to say and to show that the case of the disciplinary authority is false. Hence, an adverse inference can also be drawn against the



DGO as per Section 114 of the Indian Evidence Act, 1872.

28. *On careful analysis* and appreciation of oral and documentary evidence placed on record, it is *manifestly clear* that the evidence of PW1 is fully corroborated and consistent with Ex P1 to 7 and the same are inspiring confidence of this enquiry authority to rely and to act upon and there is nothing brought on record to disbelieve the same.
29. For the aforesaid reasons, observations made in the light of deposition of PW1, relevant documents (i.e. Ex. P1 to 7) and provisions of law and under the given set of facts and circumstances of this enquiry, I have arrived at inevitable conclusion and constrained to hold that the Disciplinary Authority through its presenting officer is successful in proving the charge framed and leveled against the DGO up to the standard of *preponderance of probabilities*, to record my finding, in the affirmative as *proved*.
30. **POINT No. 2** : In view of my finding on point No. 1, for foregoing reasons and discussions, I proceed to submit enquiry report *as under* :



: ENQUIRY REPORT :

- (i) From the oral and documentary evidence and materials placed on record, I hold and record my finding that the Delinquent Government Official Sri. **D.M. Korabu**, Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Koppal has *failed* to maintain absolute integrity and devotion to duty and committed an act of which is unbecoming of a Government servant and *found* guilty of *misconduct/charge* under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.
- ii. Accordingly, I hold and record/assign my finding on the charge leveled by the disciplinary authority against Delinquent Government official as is **PROVED**.



- iii *Hence*, this Enquiry Report is submitted/placed before Hon'ble Upalokayukta-1 for kind consideration.

Dated 23rd August 2018

M. 23/08/2018

(Master RKGMM Mahaswamiji)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore

: ANNEXURE :

I. LIST OF WITNESS EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 Sri. Ravi. (complainant)

II. LIST OF DOCUMENTS MARKED/EXHIBITED ON BEHALF OF DISCIPLINARY AUTHORITY :

- Ex.P-1 : complaint dated
18.03.2017.
- Ex.P-2 : Form No. I dated 17.03.2017
- Ex.P-3 : Form No. II dated 17.03.2017
- Ex.P-4 : Copy of the Action plan for the
year 2016-17.
- Ex P-5 : Copy of general report given by
Assistant Executive Engineer
- Ex.P-6 : Copy of proceedings of HKRDB
along with earth work
quantities etc.
- Ex P 7 : Four photos

Md. 23/08/2018
(Master RKGMM Mahaswamiji)
Additional Registrar Enquiries-10
Karnataka Lokayukta
Bangalore

Date :23.08.2018
Place : Bangalore.

