



## **KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/124/2021/ARE-18

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Dated 03.11.2022.

### **RECOMMENDATION**

Sub:- Departmental inquiry against 1) Sri. Sangamanatha, Asst. Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District, 2) Sri.V.S.Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and 3) Sri.Suresh B. Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District - reg.

Ref:- 1) Government Order No.ಜಸಂಇ 27 ಸೇಇವಿ 2021, Bengaluru, dated 12/07/2021.

2) Nomination order No.UPLOK-1/DE/124/2021, dated 27.07.2021 of the Upalokayukta, State of Karnataka.

3) Inquiry report dated 21.10.2022 of Additional Registrar of Enquiries-18, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 12-07-2021 initiated the disciplinary proceedings against 1) Sri. Sangamanatha, Asst. Executive Engineer, Irrigation

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Project Sub-Division, Cada, Kalburgi District, 2) Sri.V.S.Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and 3) Sri.Suresh B. Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District [hereinafter referred to as Delinquent Government Officers/officials, for short as 'DGO Nos.1 to 3'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/124/2021, dated 27.07.2021, nominated Additional Registrar of Enquiries-18, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO Nos.1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO No.1 Sri.Sangamanatha, Asst. Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District, the DGO No.2 Sri.V.S.Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and the DGO No.3 Sri.Suresh B. Kummanna, Executive

Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District, were tried for the following charge:-

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

ದೂರಿನ ಅಂಶಗಳನ್ನು ಫರಿಸಿಲಿಸಲಾಗಿ, (1) ಶ್ರೀ.ಸಂಗಮನಾಥ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, (2) ಶ್ರೀ.ವಿ.ಎಸ್.ಪಾಟೀಲ್, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, ಮತ್ತು (3) ಶ್ರೀ.ಸುರೇಶ್ ಬಿ. ಕುಮ್ಮಣ್ಣು, ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ ಚಿಂಚೋಳಿ ತಾಲ್ಲೂಕಿನ ಕೆಳದಂಡೆ ಮುಲ್ಲಾಮಾರಿ ಯೋಜನೆ ಅಡಿ ಬರುವ ನಾಗರಾಳ ಕ್ರಾಸ್‌ನಿಂದ ಯಲ್ಮಮಡಿ ವಸತಿ ಕೇಂದ್ರದವರೆಗೆ ರಸ್ತೆ ಸುಧಾರಣೆ ಕಾಮಗಾರಿ ಸಂಪೂರ್ಣ ಕಳಪೆ ಮಟ್ಟದಿಂದ ಕೂಡಿರುತ್ತದೆ ಎಂದು ಮತ್ತು ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತೆ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸದೆ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1)(i)(ii)&(iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

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4. The Inquiry Officer (Additional Registrar of Enquiries-18) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '**proved**' the above charge against the DGO No.1 Sri.Sangamanatha, Asst. Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District, the DGO No.2 Sri.V.S.Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and the DGO No.3 Sri.Suresh B. Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.

5. On re-consideration of report of inquiry and on perusal of the entire records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO Nos.1 to 3, furnished by the Inquiry Officer, DGO No.1 is due to retire from service on 30.06.2035, DGO No.2 is due to

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retire from service on 31.05.2023 and DGO No.3 has retired from service on 30.04.2022.

7. Having regard to the nature of charge '**proved**' against the DGO No.1 Sri.Sangamanatha, Asst. Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District, the DGO No.2 Sri.V.S.Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and the DGO No.3 Sri.Suresh B. Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and on consideration of the totality of circumstances:-

- i) "It is hereby recommended to the Government to impose penalty of withholding 03 annual increments payable to DGO No.1 Sri.Sangamanatha, with cumulative effect and penalty of Rs.1,31,521/- has to recover from his salary.
- ii) It is hereby recommended to the Government to impose penalty of

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withholding 03 annual increments payable to DGO No.2 Sri.V.S.Patil, with cumulative effect and penalty of Rs.1,31,521/- has to recover from his salary.

iii) It is hereby recommended to the Government to impose penalty of withholding 05 % of pension payable to the DGO No.3 Sri.Suresh B. Kummanna, for a period of 01 year and penalty of Rs.32,885/- has to recover from his pension.”

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

Connected records are enclosed herewith.



**(JUSTICE K.N.PHANEENDRA)**  
Upalokayukta,  
State of Karnataka.

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**KARNATAKA LOKAYUKTA**

No: UPLOK-1/DE/124/2021/ARE-18

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 21/10/2022

**ENQUIRY REPORT**

**Present :** Rajakumar S. Amminabhavi  
Addl. Registrar of Enquiries-18,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against (1) Sri Sangamanatha, Assistant Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District 2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District - reg.

**Ref:-** 1) G.O. No. ಜಸಂಇ 27 ಸೇಇವಿ 2021 ಬೆಂಗಳೂರು dated: 12/07/2021.  
2) Nomination order No. Uplok-1/DE/124/2021 Bengaluru, dated: 27/07/2021 of Hon'ble Upalokayukta-1, Karnataka.

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The Departmental Enquiry is initiated against DGO's on the basis of the complaint lodged by one Sri Pramod S/o Shivappa Metri, Advocate, Srirama Nagar Colony, Behind Ashrama School Chandrapura, Chincholi Taluk, Kalaburgi District (herein after referred as 'Complainant') against (1) Sri Sangamanatha, Assistant Executive Engineer, (2) Sri

*R. S. Patil*

V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District (herein after referred to as the Delinquent Government Official in short 'DGO-1 to 3') who lodged a complaint before Karnataka Lokayukta that was taken up for investigation u/s 9 of Karnataka Lokayukta Act, 1984.

2. Brief allegations made in the complaint are that:-

The brief averments of the complaint are that, the DGO's while carrying out the improvement of work, of Ayacut road (ಆಯ್ಕುಟ್ ರಸ್ತೆ) from Nagara cross to Yelmamadi residential centre in Chincholi Taluk of Kalaburgi district the work executed is of completely sub standard quality and is not executed as per the sanctioned estimate which results to dereliction of duty on the part of DGOs.

3. Therefore, after assessing all the records and reports, the Hon'ble Upalokayukta has arrived at a conclusion that, DGOs have committed misconduct as per rule 3(i) to (iii) of KCSR (CCA) Rules, 1966. So, acting u/s 12(3) of Karnataka Lokayukta Act, 1984, recommended to the Competent Authority to initiate proceedings u/s 14-A of KCS (CCA) Rules 1957 for initiating disciplinary proceedings against the respondent no. (1) Sri Sangamanatha, Assistant Executive Engineer, (2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and to entrust the



departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

4. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta-1 vide Order cited at reference No.2 has nominated Additional Registrar Enquiries-18 to frame Articles of Charge and to conduct enquiry against aforesaid DGO's.
5. On the basis of the nomination, Article of Charge was prepared under Rule 11(3) of the KCS (CCA) Rules and was sent to the DGO's which is as follows;

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ ಪಟ್ಟಿ

ದೂರಿನ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, (1) ಶ್ರೀ.ಸಂಗಮನಾಥ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, (2) ಶ್ರೀ.ವಿ.ಎಸ್.ಪಾಟೀಲ್, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, ಮತ್ತು (3) ಶ್ರೀ.ಸುರೇಶ್ ಬಿ ಕುಮ್ಮಣ್ಣ, ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ, ಕಾಡಾ, ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ ಚಿಂಚೋಳಿ ತಾಲ್ಲೂಕಿನ ಕೆಳದಂಡೆ ಮುಲ್ಲಾಮಾರಿ ಯೋಜನೆ ಅಡಿ ಬರುವ ನಾಗರಾಳ ಕ್ರಾಸ್‌ನಿಂದ ಯಲ್ಮಮಡಿ ವಸತಿ ಕೇಂದ್ರದವರೆಗೆ ರಸ್ತೆ ಸುಧಾರಣೆ ಕಾಮಗಾರಿ ಸಂಪೂರ್ಣ ಕಳಪೆ ಮಟ್ಟದಿಂದ ಕೂಡಿರುತ್ತದೆ ಎಂದು ಮತ್ತು ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತೆ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸದೆ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ.

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1)(i)(ii)&(iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2ದೋಷಾರೋಪಣೆಯ ವಿವರ

- ದೂರುದಾರರಾದ ಶ್ರೀ.ಪ್ರಮೋದ್ ಬಿನ್ ಶಿವಪ್ಪ ಮೇತ್ರಿ, ವಕೀಲರು, ಶ್ರೀರಾಮನಗರ ಕಾಲೋನಿ, ಆಶ್ರಮ ಶಾಲೆ ಹಿಂಭಾಗ, ಚಂದ್ರಾಪುರ, ಚಿಂಚೋಳಿ ತಾಲ್ಲೂಕು ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆ ಇವರು ಎದುರುದಾರರಾದ 1) ಶ್ರೀ. ಸಂಗಮನಾಥ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ನೀರಾವರಿ ಯೋಜನೆ ಉಪ-ವಿಭಾಗ, ಕಾಡಾ-ಕಲಬುರ್ಗಿ, ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆ; 2) ಶ್ರೀ. ವಿ.ಎಸ್.ಪಾಟೀಲ್, ಕಿರಿಯ ಅಭಿಯಂತರರು, ನೀರಾವರಿ ಯೋಜನೆ ಉಪ-ವಿಭಾಗ, ಕಾಡಾ -ಕಲಬುರ್ಗಿ, ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆ 3) ಶ್ರೀ. ಸುರೇಶ್ ಬಿ. ಕುಮ್ಮಣ್ಣ, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ನೀರಾವರಿ ಯೋಜನೆ ಉಪ-ವಿಭಾಗ, ಕಾಡಾ -ಕಲಬುರ್ಗಿ, ಕಲ್ಬುರ್ಗಿ ಜಿಲ್ಲೆ; ರವರ ವಿರುದ್ಧ ಕರ್ತವ್ಯ ಲೋಪದ ಆರೋಪ ಮಾಡಿ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
2. ದೂರುದಾರರು ನೀಡಿದ ದೂರಿನ ಮೇರೆಗೆ ಎದುರುದಾರರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ, 1984 ರ ಕಲಂ 9 ರಂತೆ ಪ್ರಕರಣದ ತನಿಖೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ.
3. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:- ಕಲಬುರ್ಗಿ ಜಿಲ್ಲೆ ಚಿಂಚೋಳಿ ತಾಲ್ಲೂಕಿನ ಕೆಳದಂಡೆ ಮುಲ್ಲಾಮಾರಿ ಯೋಜನೆ ಅಡಿ ಬರುವ ನಾಗರಾಳ ಕ್ರಾಸ್‌ನಿಂದ ಯಲ್ಮಮಡಿ ವಸತಿ ಕೇಂದ್ರದವರೆಗೆ ರಸ್ತೆ ಸುಧಾರಣೆ ಕಾಮಗಾರಿ ಸಂಪೂರ್ಣ ಕಳಪೆ ಮಟ್ಟದಿಂದ ಕೂಡಿರುತ್ತದೆ ಎಂದು ಮತ್ತು ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತೆ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ ಎಂದು ಆರೋಪಿಸಿ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.
4. ದೂರುದಾರರು ಆರೋಪಿಸಿರುವ ಆರೋಪಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎದುರುದಾರರಿಗೆ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಲು ಅವಕಾಶ ನೀಡಿದ್ದು, ಅದರಂತೆ, 1 ರಿಂದ 3ನೇ ಎದುರುದಾರರು ಒಂದೇ ರೀತಿಯ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನಾಗರಾಳ ಕ್ರಾಸ್‌ನಿಂದ ಯಲ್ಮಮಡಿ ವರೆಗಿನ ರಸ್ತೆ ಸುಧಾರಣೆಯ ಕಾಮಗಾರಿಯನ್ನು ಕಳಪೆ ಮಟ್ಟದಲ್ಲಿ ನಿರ್ವಹಿಸಿರುತ್ತಾರೆ ಎಂಬುದು ಸತ್ಯಕ್ಕೆ ದೂರವಾಗಿರುತ್ತದೆ. ಪ್ರಾರಂಭದ ಮೊದಲು ದ್ವಿಚಕ್ರ ವಾಹನ ಚಲಿಸಲು ದುಸ್ತರವಾಗಿದ್ದು, ಸದರಿ ರಸ್ತೆ ಇಂದು ದೊಡ್ಡ ವಾಹನಗಳು ಚಲಿಸಲು ಉತ್ತಮ ಗುಣಮಟ್ಟದಿಂದ ಸುಸಜ್ಜಿತವಾಗಿರುತ್ತದೆ. ಕಾಮಗಾರಿ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ಗುಣನಿಯಂತ್ರಣ ಇಲಾಖೆಯಿಂದ ಪ್ರಮಾಣ ಪತ್ರ ಪಡೆದು ಅಂತಿಮಗೊಳಿಸಲಾಗಿದೆ. ಅಂದಾಜು ಪತ್ರಿಕೆಯ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಅಳವಡಿಸಿದ್ದು, ಕಾಮಗಾರಿ ಪ್ರಗತಿಯಲ್ಲಿದ್ದಾಗ ಕಾಡಾ ಅಧಿಕಾರಿಗಳು, ಆಡಳಿತಾಧಿಕಾರಿಗಳು ಕಾಲಕಾಲಕ್ಕೆ ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿ, ಪರಿಶೀಲಿಸಿ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ತೃಪ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ. ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಂಡಿದ್ದರೂ ಸಹ, ರಸ್ತೆಯ ನಿರ್ವಹಣಾ ಅವಧಿ 3 ವರ್ಷವಿದ್ದು ಸಾಂಧರ್ಭಿಕವಾಗಿ ನಿರ್ವಹಣೆ ಪಾಲಿಸಲಾಗುವುದು ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ಮುಂದುವರೆದು, ದೂರುದಾರರ ಆರೋಪಗಳನ್ನು ನಿರಾಕರಿಸಿ, ವಾಸ್ತವದ ಸಮಜಾಯಿಸಿಗೆ ಕಾಮಗಾರಿಯ ಪೋಟೋ, ಗುಣನಿಯಂತ್ರಣ ಇಲಾಖೆಯ ಪ್ರಮಾಣ ಪತ್ರ ಮತ್ತು ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಿಸಿದ ಇತರ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ.

5. ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ಆಪಾದಿತರು ಕಾಮಗಾರಿಯನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಿಂದ ನಿರ್ವಹಿಸಿ ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತಹ ವಿಶಿಷ್ಟತೆಗೆ ಅನುಗುಣವಾಗಿ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ ಎಂದು ಆರೋಪಿಸಿರುವುದರಿಂದ, ಪ್ರಸ್ತುತ ಪ್ರಕರಣವನ್ನು ತಾಂತ್ರಿಕ ವಿಭಾಗ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿ ತನಿಖಾ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.
6. ತನಿಖಾಧಿಕಾರಿ ಶ್ರೀ.ಚಂದ್ರಪ್ಪ ಎಮ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು-03, ತಾಂತ್ರಿಕ ವಿಭಾಗ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ಇವರು, ತಮ್ಮ ತನಿಖಾ ವರದಿ ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಸದರಿ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಈ ಮೇಲೆ ಹೇಳಿದ ಕಾಮಗಾರಿಯನ್ನು ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಂತೆ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸದೆ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟ ಉಂಟಾಗಿರುತ್ತದೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿರುತ್ತಾರೆ. ತನಿಖಾಧಿಕಾರಿಯ ವರದಿಯಲ್ಲಿ ಕಾಮಗಾರಿಗೆ ಅಳವಡಿಸಿರುವ ಡಾಂಬರಿನ ಅಂಶಗಳಿಗೆ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಎಮ್.ಎಸ್.ಎಸ್ 20 ಎಮ್.ಎಮ್ (Mix seal surfacing type-B) and SDPC 25 MM(semi dense bituminous concrete) ಅಳವಡಿಸಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಆದರೆ, ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸುವಾಗ 40 ಎಮ್ ಎಮ್ ದಪ್ಪದಲ್ಲಿ ಎಸ್.ಡಿ.ಬಿ.ಸಿ ಮಾತ್ರ ನಿರ್ವಹಿಸಿರುವುದು ಸ್ಥಳ ತನಿಖೆಯಲ್ಲಿ ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಎಸ್.ಡಿ.ಬಿ.ಸಿ ಅಂಶವನ್ನು ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತೆಯೇ ನಿರ್ವಹಿಸಿದ್ದು, ಎಮ್.ಎಸ್.ಎಸ್ 20 ಎಮ್ ಎಮ್ ಬದಲಾಗಿ 15 ಎಮ್.ಎಮ್ ಎಸ್.ಡಿ.ಬಿ.ಸಿ ನಿರ್ವಹಿಸಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಹಾಗೂ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಎಮ್.ಎಸ್.ಎಸ್ ಅಂಶಕ್ಕೆ 9375 ಚದರ ಮೀಟರ್‌ಗೆ ರೂ.13,03,125/- ಇದ್ದು ಎಮ್.ಎಸ್.ಎಸ್ ಬದಲಾಗಿ ನಿರ್ವಹಿಸಿರುವ 15 ಎಮ್.ಎಮ್ ಎಸ್.ಡಿ.ಬಿ.ಸಿ ಅಂಶಕ್ಕೆ ರೂ.10,07,156/- ಆಗಿರುತ್ತದೆ. ಹಾಗಾಗಿ ಎಮ್.ಎಸ್.ಎಸ್ "20" ಬದಲಾಗಿ "15" ಎಮ್.ಎಮ್. ಎಸ್.ಡಿ.ಬಿ.ಸಿ ನಿರ್ವಹಿಸಿರುವುದರಿಂದ ರೂ.2,95,969/- ಗಳು ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟವಾಗಿರುತ್ತದೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದ್ದು.
7. ಮುಂದುವರೆದು, ಸದರಿ ಕಾಮಗಾರಿಯ ಜವಾಬ್ದಾರಿಯು ಕಿರಿಯ ಅಭಿಯಂತರರಿಗೆ 100%, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಿಗೆ 100%, ಹಾಗೂ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಿಗೆ 25% ಆಗಿದ್ದು ಡಾಂಬರಿನ ಅಂಶದಲ್ಲಿ ಎಮ್.ಎಸ್.ಎಸ್, 20 ಎಮ್.ಎಮ್ ಬದಲಾಗಿ 15 ಎಮ್.ಎಮ್ ಎಸ್.ಡಿ.ಬಿ.ಸಿ ನಿರ್ವಹಿಸಿರುವುದು ಕಂಡು ಬರುವುದರಿಂದ ಒಟ್ಟು ರೂ.2,95,969/- ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟವಾಗಿರುತ್ತದೆ. ಆದರಿಂದ, ಈ ನಷ್ಟದಲ್ಲಿ ಕಿರಿಯ ಅಭಿಯಂತರರಾದ ಶ್ರೀ.ವಿ.ಎಸ್.ಪಾಟೀಲ್, ರವರ ಪಾಲು ರೂ.1,31,541/- ಮತ್ತು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾದ ಶ್ರೀ. ಸಂಗಮನಾಥ್ ರವರ ಪಾಲು ರೂ. 1,31,541/- ಮತ್ತು ಕಾಮಗಾರಿಯ ಅಂತಿಮದಲ್ಲಿ ಡಾಂಬರಿನ ಅಂಶವನ್ನು ನಿರ್ವಹಿಸುವಾಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದು ಪ್ರಭಾರ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾದ ಸುರೇಶ್ ಬಿ. ಕುಮ್ಮಣ್ಣ ರವರ ಪಾಲು ರೂ.32,885/- ಆಗಿರುತ್ತದೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿರುತ್ತಾರೆ.

8. ಕಡತದಲ್ಲಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಯಿತು, ದೂರುದಾರರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿರುವ ಕಾಮಗಾರಿ ಕೆಳದಂಡೆ ಮುಲ್ಲಾಮಾರಿ ಯೋಜನೆ ಅಡಿಯಲ್ಲಿ ಬರುವ ನಾಗರಾಳ ಕ್ರಾಸ್‌ನಿಂದ ಯಲ್ಮಾಮಡಿಯ ವಸತಿ ಕೇಂದ್ರದ ವರೆಗೆ ರಸ್ತೆ ಸುಧಾರಣೆ ಕಾಮಗಾರಿಯನ್ನು ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ-NABARD RIDF XXI(2705) ರಲ್ಲಿ ಒಟ್ಟು ರೂ.110.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತಕ್ಕೆ ಕೈಗೊಂಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಅಳವಡಿಸಲಾದ ವಿಶಿಷ್ಟತೆಗಳೆಂದರೆ:-ಜಂಗಲ್ ಕ್ಲಿಯರೆನ್ಸ್, ಮಣ್ಣಿನ ಚರಂಡಿಗಾಗಿ ಮಣ್ಣಿನ ಕೆಲಸ, ಮೋರಮ್, ಜಿಎಸ್‌ಬಿ ಗ್ರೇಡ್-2 ಜಲ್ಲಿ, ಗ್ರೇಡ್-3 ಜಲ್ಲಿ, ಪ್ರೈಮರಿ ಕೋಟ್, ಎಮ್.ಎಸ್.ಎಸ್-20 ಎಮ್.ಎಮ್ ದಪ್ಪ, ಹಾಗೂ ಎಸ್.ಡಿ.ಬಿ.ಸಿ-25 ಎಮ್.ಎಮ್ ದಪ್ಪ ಇತ್ಯಾದಿ ಅಂಶಗಳನ್ನೊಳಗೊಂಡಿರುತ್ತದೆ. ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ದೂರುದಾರರು ಈ ಮೇಲೆ ಹೇಳಲಾದ ಕಾಮಗಾರಿಯನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಿಂದ ನಿರ್ವಹಿಸಿದ್ದು, ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿಯ ವಿಷ್ವತೆಗೆ ಅನುಗುಣವಾಗಿ ನಿರ್ವಹಿಸಿರುವುದಿಲ್ಲ ಎಂದು ಆರೋಪಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಆರೋಪಗಳನ್ನು ಎದುರುದಾರರು ನಿರಾಕರಿಸಿದ್ದು, ತಮ್ಮ ಆಕ್ಷೇಪಣೆಗೆ ಪೂರಕವಾಗಿ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಗುಣನಿಯಂತ್ರಣ ವಿಭಾಗ, ಗುಲಬರ್ಗಾ ರವರ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ದೂರುದಾರರ ಆರೋಪಗಳನ್ನು ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ.
9. ಮುಖ್ಯವಾಗಿ ಪ್ರಸ್ತುತ ಪ್ರಕರಣದಲ್ಲಿ ಸ್ಥಳ ತನಿಖಾ ವರದಿಯನ್ನು ಗಮನಿಸಲಾಗಿ, ಆರೋಪಿತರು ಕಾಮಗಾರಿಯ ರಸ್ತೆಯು 2.50 ಕಿ.ಮೀ. ಇದ್ದು, ರಸ್ತೆಯ ಎರಡು ಕಡೆಗಳಲ್ಲಿಯೂ ನೀರು ಸರಾಗವಾಗಿ ಹರಿದು ಹೋಗಲು, ಮಣ್ಣಿನ ಚರಂಡಿಯನ್ನು ನಿರ್ಮಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ರಸ್ತೆಗೆ ಮೋರಮ್ ಅಳವಡಿಸಿರುವುದರಿಂದ, ರಸ್ತೆಯ ಎರಡು ಬದಿಗಳಲ್ಲಿಯೂ ಗಟ್ಟಿಯಾದ ಮೇಲ್ಪದರವಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಗುಣಭರವಸೆ ಉಪ-ವಿಭಾಗದ ಅಧಿಕಾರಿಗಳು, ರಸ್ತೆಗೆ ಅಳವಡಿಸಿರುವ ಅಂಶಗಳನ್ನು ಪರೀಕ್ಷಿಸಲು ಮೂರು ಕಡೆ ಗುಂಡಿಗಳನ್ನು ತೆಗೆದಿದ್ದು, ಕೆಳಪದರದಲ್ಲಿ ಜಿ.ಎಸ್.ಬಿ., ಅನಂತರ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿರುವಂತೆ ಗ್ರೇಡ್-11, ಗ್ರೇಡ್-111 ಜಿಲ್ಲಿಯನ್ನು 15 ಸೆ.ಮೀ. (ಗ್ರೇಡ್ 11 7.50 ಸೆ.ಮೀ. & ಗ್ರೇಡ್ 111 7.50 ಸೆ.ಮೀ.) ಅಳವಡಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ (ಗ್ರೇಡ್ 11 7.50 ಸೆ.ಮೀ. & ಗ್ರೇಡ್ 111 7.50 ಸೆ.ಮೀ) ಅಳವಡಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಕಾಮಗಾರಿಗೆ ಅಳವಡಿಸಿರುವ ಡಾಂಬರಿನ ಅಂಶಗಳಿಗೆ ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಎಂ.ಎಸ್.ಎಸ್.20 ಎಂ.ಎಂ. (Mix seal surfacing type-B) ಮತ್ತು ಎಸ್.ಡಿ.ಬಿ.ಸಿ 25 ಎಂ.ಎಂ. ದಪ್ಪ (Semi dense bituminous concrete) ಅಳವಡಿಸಿಕೊಂಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಆದರೆ, ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸುವಾಗ 40 ಎಂ.ಎಂ.ದಪ್ಪದಲ್ಲಿ ಎಸ್.ಡಿ.ಬಿ.ಸಿ. ಮಾತ್ರ ನಿರ್ವಹಿಸಿರುವುದು ಸ್ಥಳ ತನಿಖೆಯಲ್ಲಿ ಕಂಡುಬಂದಿರುತ್ತದೆ. ಎಂ.ಎಸ್.ಎಸ್. ಅಂಶವು 5.60 ಎಂ.ಎಂ.ನಿಂದ 13.20 ಎಂ.ಎಂ ಅಳತೆಯ ಜಿಲ್ಲಿಗಳಿಂದ ಕೂಡಿದ್ದು, bituminous Binder 1.90 ಕೆಜಿ/ಚ.ಮೀ ಇರಬೇಕಾಗಿರುತ್ತದೆ. ಇದರ bituminous content 3.50 ಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಇರಬೇಕಾಗಿರುತ್ತದೆ. ಎಸ್.ಡಿ.ಬಿ.ಸಿ. ಅಂಶದಲ್ಲಿ 750 ಮೈಕ್ರಾನ್ ನಿಂದ 13.20 ಎಂ.ಎಂ. ಅಳತೆಯ ಜಿಲ್ಲಿಗಳಿಂದ ಕೂಡಿದ್ದು, bituminous Binder 2.50 ಕೆ.ಜಿ/ಚ.ಮೀ

ಇರಬೇಕಾಗಿರುತ್ತದೆ. ಇದರ bituminous content 5.00 ಕ್ಕಿಂತ ಹೆಚ್ಚಿಗೆ ಇರಬೇಕಾಗಿರುತ್ತದೆ. ಸದರಿ ಕಾಮಗಾರಿಯ ಅನುಮೋದಿತ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಎಂ.ಎಸ್.ಎಸ್. 20 ಎಂ.ಎಂ. ಮತ್ತು ಎಸ್.ಡಿ.ಬಿ.ಸಿ.25 ಎಂ.ಎಂ.ಒಟ್ಟು 45 ಎಂ.ಎಂ. ಇದ್ದು, ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸುವಾಗ ಎಂ.ಎಸ್.ಎಸ್. ಅಂಶವನ್ನು ನಿರ್ವಹಿಸದೇ ಎಸ್.ಡಿ.ಬಿ.ಸಿ. ಅಂಶವನ್ನು 40 ಎಂ.ಎಂ. ನಿರ್ವಹಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಎಸ್.ಡಿ.ಬಿ.ಸಿ ಅಂಶವನ್ನು ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಇರುವಂತೆಯೇ ನಿರ್ವಹಿಸಿದ್ದು, ಎಂ.ಎಸ್.ಎಸ್. 20 ಎಂ.ಎಂ. ಬದಲಾಗಿ, 15 ಎಂ.ಎಂ. ಎಸ್.ಡಿ.ಬಿ.ಸಿ ನಿರ್ವಹಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಎಂ.ಎಸ್.ಎಸ್ ಅಂಶಕ್ಕೆ 9375 ಚ.ಮೀ.ಗೆ ರೂ.13,03,125-00 ಇದ್ದು, ಎಂ.ಎಸ್.ಎಸ್.ಗೆ ಬದಲಾಗಿ ನಿರ್ವಹಿಸಿರುವ 15 ಎಂ.ಎಂ.ಎಸ್.ಡಿ.ಬಿ.ಸಿ. ಅಂಶಕ್ಕೆ ರೂ.10,07,156-00 ಆಗಿರುತ್ತದೆ.  $(9375 \times 0.015 = 140.625)$  ಘ.ಮೀ. @ ರೂ.7162/ಘ.ಮೀ.=10,07,156-00). ಆದ್ದರಿಂದ, ಎಂ.ಎಸ್.ಎಸ್. ಬದಲಾಗಿ 15 ಎಂ.ಎಂ.ಎಸ್.ಡಿ.ಬಿ.ಸಿ ನಿರ್ವಹಿಸಿದ್ದರಿಂದ ರೂ.2,95,969-00 ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟವಾಗಿರುತ್ತದೆ ಎಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ಹಾಗೂ ತಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಪುಷ್ಟೀಕರಿಸುವಂತೆ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲಸಾರಿಗೆ ಇಲಾಖೆ, ಗುಣನಿಯಂತ್ರಣ, ಉಪ-ವಿಭಾಗ, ಕಲಬುರ್ಗಿ ರವರ ಪರೀಕ್ಷಾ ವರದಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಎದುರುದಾರರು ಸದರಿ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪಟ್ಟಿಯ ವಿಶಿಷ್ಟತೆಗಳಿಗನುಗುಣವಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸದೆ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟ ಉಂಟಾಗಲು ಕಾರಣಕರ್ತರಾಗಿರುವುದು ರುಜುವಾತಾಗಿರುತ್ತದೆ.

10. ಈ ಮೇಲೆ ಹೇಳಿದಂತೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ 1 ರಿಂದ 3 ರವರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಾಗ, ಅತೀವ ನಿಷ್ಕಳಜಿತನ ಮತ್ತು ದುರ್ನಡತೆಯಿಂದ ಕಾರ್ಯನಿರ್ವಹಿಸಿ, ಆಪಾದಿತ ಕಾಮಗಾರಿಯ ಅಂದಾಜು ಪತ್ರದ ವಿಶಿಷ್ಟತೆಗಳಿಗನುಗುಣವಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸದೆ ಸರ್ಕಾರಕ್ಕೆ ರೂ.2,95,969/-ಗಳ ನಷ್ಟ ಉಂಟುಮಾಡಿರುವುದು ಕರ್ತವ್ಯಲೋಪವಾಗಿರುತ್ತದೆ. ತನಿಖಾ ವರದಿಯಂತೆ 1 ಮತ್ತು 2ನೇ ಎದುರುದಾರರು ತಲಾ 100% ಅಂದರೆ ರೂ.1,31,541/- ಹಾಗೂ ಅಂತಿಮ ಡಾಂಬರೀ ಅಂಶವನ್ನು ನಿರ್ವಹಿಸುವಾಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿರುವ ಪ್ರಭಾರ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ಆ.ಸ.ನೌ.3 ರವರ ಪಾಲು ರೂ.32,885/- ಗಳನ್ನು ಪಾವತಿಸಲು ಬಾಧ್ಯಸ್ಥರಾಗಿರುತ್ತೀರಿ. 1 ರಿಂದ 3ನೇ ಎದುರುದಾರರು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು, ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ಕಲಂ 3(1) (i) ರಿಂದ (iii) ಅನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದು ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಭಾದ್ಯರಾಗಿರುವುದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಸದರಿಯವರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲು ಹಾಗೂ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ 1 ರಿಂದ 3 ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14(ಎ) ರಡಿ ಈ ಸಂಸ್ಥೆಗೆ ವಹಿಸಬೇಕೆಂದೂ ಕೋರಲಾಗಿದ್ದು, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ (1) ರ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ

ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು ಅಪರ ನಿಬಂಧಕರು (ವಿಚಾರಣೆಗಳು-18) ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ, ನಿಮ್ಮಗಳ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

6. The said Article of Charge was duly served on DGO-1 to 3 on 18/01/2022. Case was posted for appearance of DGO's on 27/01/2022.
7. On 27/01/2022 case was called out. DGO-1 to 3 were present and FOS was recorded and they pleaded not guilty and claimed for trial.
8. In order to substantiate and prove the article of charges framed against DGO-1 to 3, disciplinary authority has examined PW-1, complainant, Sri Pramod S/o Shivappa Metri, Advocate, Srirama Nagar Colony, Behind Ashrama School Chandrapura, Chincholi Taluk, Kalaburgi District and got marked documents as **EX.P-1 to 4**. PW-2, Sri Chandrappa, Assistant Executive Engineer, TAC, Karnataka Lokayukta, Bengaluru (I.O.) and also related documents produced by I.O. were got marked as **EX.P-5 to 11**.
9. After closure of evidence on behalf of disciplinary authority, Second Oral Statement of DGO's was recorded on 18/05/2022. The DGO-1 to 3 were examined as DW-1 to DW-3 respectively and got marked **EX.D-1 to 9** through DW-1. After closure of defence side case is posted for Arguments.

10. Heard the arguments of presenting officer and the defence counsel. Defence counsel filed Written Brief and both side were also heard orally.
11. Following are the points that arise for my consideration;

- 1) Whether the Charge leveled against DGO (1) Sri Sangamanatha, Assistant Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District
- 2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh. B. Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District is proved by the Disciplinary Authority?

12. My answer to the above point is in the '**Affirmative**' for the following:

### **REASONS**

13. In order to substantiate the claim and prove the allegations of article of charge, presenting officer has examined complainant as PW-1, he deposed that, he know DGO-1 to 3. He has filed compliant dated 30/03/2019 before Lokayukta alleging that, improvement work of Ayacuta road from Nagarala cross to Yelmamadi residential centre, Chincholi Taluk, Kalaburgi District. The said tar road work was executed with sub standard quality as per the sanction and estimation under NABARD Scheme. The estimated cost was rupees one crore ten lakh. DGO-1 to 3 were worked under the said scheme during the year 2016-17 and to that effect, hc has lodged the complaint before this authority in

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Form No.I and II which is marked as Exhibit P-1 and 2 and his signature is marked as Exhibit P-1(a) & 2(a). He has produced photographs of said sub standard work of the said road which are marked as Exhibit P-3 and 4 which are submitted along with complaint, on account of sub standard work done by the DGO-1 to 3 and they have misappropriated the amount sanctioned by the government under NABARD scheme and thereby he has prayed for taking suitable action against DGO-1 to 3.

14. In his cross made by the counsel for DGO-1 to 3 he deposed that, he is a practicing Advocate by profession and his enrollment number is KAAR-55/2013. Prior to lodging complaint before this authority, he has not lodged any other complaint. He is not having specific knowledge about the work, condition of the said road, since he was not an expert. He know one Chandrappa who was present at the time of the spot inspected and at that time he was also present when PW-2/investigation officer present for investigating the said spot. He has not produced any documents to the investigating officer. He has taken the Exhibit P-3 and 4 through the photographer. It is true that, he has not given written separate complaint except Exhibit P-1 and 2. He denied other suggestions that, he has filed false complaint against DGO-1 to 3 to take revenge against them.
15. PW-2 who is Assistant Executive Engineer, he deposed that, he is serving in Karanataka Lokayukta, Bengaluru since December-2016 till today. In the month of December-2019



he is promoted as Assistant Executive Engineer. On 26/06/2019 he received the case file from Chief Engineer, Karnataka Lokayukta, Bengaluru on 16/07/2019 to conduct spot inspection and submit report. Accordingly, he has submitted the report. He has written letter dated 20/07/2019 to the Assistant Executive Engineer, Cada Sub-Division, Kalaburgi to produce the documents like, estimated cost book, MB book and other documents pertains to the said work on 06/08/2019 to his office. Accordingly, on 06/08/2019 Assistant Executive Engineer, Cada Sub-Division, Kalaburgi has produced the said documents and he has verified the said documents. Thereafter, fixed date of spot inspection on 15/10/2019 and he has issued notice to complainant and DGO's stating that, on the aforesaid date they have to be present. Accordingly, on 15/10/2019 at about 11.30 am he went to the spot. At that time, complainant, DGO-1 to 3 were present and apart from that, Sri Basavaraj V. Patil, Assistant Executive Engineer, Quality Control Sub-Division, Kalaburgi and one Sri Jagadish, Assistant Executive Engineer, Quality Control Sub-Division, Kalaburgi, Sri Vasanth Kumar, Sri Ramu Naik Rathod, Advocate of Chincholi, Sri Tukaram Pawar, S/o Bhadranaik Pawar, Sri Chandrapura were also present.

16. On the aforesaid date he and aforesaid officials and other persons went to spot and he has noticed that, the material used for tar road, the specific measurement about 40mn STBC to be used and also on perusal of MB book it was

20mm MSS and 25mm SDBC was found. But, on the aforesaid work STBC approximately it was MSS 20mm but, it was only 15mm STBD and thereby, it has caused loss to the government to the extent of Rs. 2,95,969/-.

17. So also, as per the circular/notification SDBC mm it should be 25mm but, on the spot and MB book it was 20mm MSS was written and on verification it was less to the extent of '5'mm SDBC and so also thickness was to be about 45mm. But, it was less to the extent of '5'mm. Thereby, it is apparently discloses that the documents produced by them and another persons at the time of spot inspection, he has noticed that, there was variation in the aforesaid measurement and they have misappropriated the amount with respect to aforesaid work done by DGO-1 to 3 and on the same date, he has also with the assistance of the photographer, he has taken photographs of the spot inspection and converted it into video CD and he has also verified the spot through quality control sub-division and the report submitted by the quality control officials and the documents, copies of the MB book, bills obtained and statements of DGO-1 to 3 taken and submitted the detailed report along with the documents and he has given opinion on 20/11/2019 and said report is marked as Exhibit P-5 and his signature is marked as Exhibit P-5(a) and in the said report he has given opinion in para no.5.2 that there is dereliction of DGO No.1 to 3 in discharging their official duty and spot mahazar conducted on 15/10/2019 is marked as Exhibit P-6 and his signature is marked as

Exhibit P-6(a) and he has obtained signature on the mahazar of the complainant, DGO-1 to 3 and aforesaid persons who were present on the date of spot inspection and their signature and photographer signature which are at page No.22 to 46 and together aforesaid pages are marked as Exhibit P-7.

18. Further, as per notice issued to DGO-1 to 3 and photographs produced by DGO-1 to 3 which are at page No.47 to 52 and they are all together marked as Exhibit P-8 which are produced along with report and CD though the CD is produced to that effect certificate was not obtained by the persons who has made CD and thereby the CD is not marked (but, DGO's have not disputed the said CD). The quality control report at page No.53 to 55 which is submitted by Assistant Executive Engineer, Quality Control Sub-Division, Kalaburgi and said page numbers all together marked as Exhibit P-9. Copies of notice issued to DGO-1 to 3 to be present on the date of spot inspection, copy of abstract work which are shown at page No.89 to 91 all together marked as Exhibit P-10. Estimation of MSS and SDBC which are at para No.8 and 9 and road measurement thickness and there was '5'mm thickness was less and same are mentioned in MB and copy of the same which is produced along with the report and it is marked as Exhibit P-11 and it is at page No.45 and portion of page No. 45 is marked as Exhibit P-11(a).

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19. Since, 5 percentage mm which was less and merely, he has submitted report as per Exhibit P-5. In the cross examination made by the counsel for DGO that, he has not written letter or notice on 20/09/2019 to the Assistant Executive Engineer, Irrigation Department, Sub-Division Cada, Kalaburgi and they have produced the documents on 06/08/2019 and he has obtained two photographs which are marked as Exhibit P-3 and 4 which are produced by the complainant on the date of spot inspection. He has inspected the spot and complainant and other any documents which are available he may produce it. But on that date, complainant has not produced any documents.
20. On 06/08/2019 whatever documents produced by the aforesaid Cada officials, after verification of the said documents he has fixed the date of spot inspection. He has wrote letter to the Cada officials. Since, complainant has made allegations with respect to sub standard for improvement of aforesaid road and with that effect he has given letter prior to date of inspection on 20/07/2019 and they have produced documents pertaining to said work on 06/08/2019. In the letter he has also stated that, the same machinery for verifying quality control officials for issuing quality control report, the complainant except two photographs he has not produced any documents at the time of inspection and the said two photographs are already marked as Exhibit P-3 and 4. But, on the date of inspection he has measured the length and width of the said road and also what percentage "dambar" and "jelly" is used for

formation of the said road. He has made spot inspection as per the ministry of Road Transport and Highway Specifications Department.

21. The quality control officials have given quality control report by verifying the "bitumin content" after sending the same to the laboratory and thereby only they have given report. "At the time of submitting the quality control report, they have verified the specifications of dambar by core cutting machine and noticed that, there is shortage of '5mm' 'MORTH' specification, core cutting machine for that, he has not obtained, machinery like; morth specification core cutting measurement at that time for measuring it was not available. Further, he denied the suggestion that, he has not followed the rules and specifications of dambar.
22. Further, PW-2 deposed that, at the time of spot inspection, he has to obtain the sample of the dambar and thereafter, it is to be washed through chemical and then it is to be kept on oven and thereafter, it is to be weighed through weighing machine. Further, he deposed that, he was not aware about how much chemical was used for Bitumin content. He denied the suggestion that, there was shortage of Bitumin content to the extent of 0.05x0.05 and he has given false report saying that, there is shortage of Bitumin 0.5x0.5 and that dambar portion is of two layer like, MSS and SDBC and it is to be inspected separately for that, he voluntarily deposed that, on the spot it was not available thereby, he has not specifically verified separately. But, MSS and SDBC

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were same type on the date of inspection and completion of said road it was more than one year eight months. At the time of inspection, he has not taken about how much it was reduced on account of plying of vehicles on the said road.

23. Further, he deposed that, it was the responsibility of the Junior Engineer, 100% as mentioned in para No.5.03. How much responsibility is casted upon DGO-1 to 3 is mentioned in para No. 5.03 and he has denied other suggestions. It is true that, for Irrigation Department there is separate department. He has verified Bitumin at the time of inspection, MSS and SDBC and that fact has been mentioned in the report. He denied the suggestions that, at the time of inspection, he has noticed that, in the SDBC that, fact has been mentioned in para No.9. He denied all other suggestions. He has not specifically mentioned what was the quality of the road and what was the responsibility casted upon DGO-1 to 3 and he has not properly mentioned the spot inspection by replying to the other documents.

24. DGO No.1 who is examined as DW-1 has files his chief examination by way of affidavit and deposed that, he was served as Assistant Executive Engineer, in the office of Assistant Executive Engineer, Irrigation Project, Cada Sub-Division, Kalaburgi from 31/12/2016 to 01/06/2018. The complaint is filed against himself and other 2 DGO's as per the allegations made in the complaint and accordingly AOC is served upon them. He has executed work through contractor under supervision of DGO-2 and 3. As per

contract agreement schedule-B with respect to same, he has produced the documents which are marked as **Exhibit D-1 to 9 and Exhibit D-10** is the true copy of short term percentage tender notification, Exhibit D-2 statement showing works put under tender, Exhibit D-3 is pertaining to page No.1 to 170 bid documents, e-portal copies signed by Executive Engineer, Irrigation Project, Cada Division, Kalaburgi, it is marked subject to objections, copy of work order entered into contract as per Exhibit D-4, these copies of contract documents dated 09/12/2016 under the same project, contract agreement Sagar M/s Balaji Class-I contractor is marked as Exhibit D-5, copy of accounts executed R.A. bill No.2 and part is marked as Exhibit D-7, true copies of accounts of works executed, R.A. No. 3<sup>rd</sup> and final bill along with same is marked as Exhibit D-8, the copy of quality control test report of improvement of road from Nagarala RC to Yelmamadi RC centred in Chincholi Taluk is marked as Exhibit D-9.

25. Further, under the supervision of DGO-2 and 3 he has discharged his duty, work done by them, has been checked by the Executive Engineer, Superintendent Engineer and Chief Engineer to an extent of 75%, 50% and 25% respectfully and same has been noted from certificate attached to each of the bills submitted duly signed by the Assistant Executive Engineer check measuring 100%. Executive Engineer have to check measurement 75% Superintendent Engineer (Land Development Officer) Engineer have to check measuring 50% and Chief Engineer

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(Administrator) check measuring 25% which itself clearly establishes, how work has been checked by his higher authority as per the percentage stipulated by the department and it has not been mentioned by the investigation officer in his report.

26. The work carried out by the contractor is checked by his higher officials and after the perusal and verification of quality test reports issued by the Assistant Executive Engineer, WRD, Quality Control Sub-Division, Kalaburgi, bills are passed and certified amount paid to the contractor by the Chief Engineer of Cada, Irrigation Project Zone, Kalaburgi. Thereby, PW-2 who has conducted inspection and submitted report which is false and frivolous one. Further, it can be noted from page No. 34 of the tender notification under section 5, conditions of contract C quality control the liability is fixed on the contractor vide Sl.No.31 for correction of defects Sl.No.32 recovery from the contractor for the uncorrected defects. Thus, the calculation of the financial loss and apportionment of loss attributed as against present DGO's by the investigation officer is erroneous and inappropriate. The imputation that, the road work carried out is completely sub standard quality and it is not executed as per the sanctioned estimation is untenable for the reasons that, works carried out by the contractor have been verified by the WRD quality control authority at different stages of the work and the works carried out by the contractor have been check measured



and verified by the higher authorities as stated supra. There is no lapses on the part of himself and DGO-2 and 3.

27. Implementation of the alleged work is to be monitored and the work executed by the contractor as per contract conditions and getting finally testing of the materials and items of the work carried out by the WRD quality control sub division authorities have affirmation of the quality of work carried by the contractor. Hence, charges leveled against DGO's are not tenable in law.
28. The complaint allegations are created and he has no where specifically mentioned as to how the allegations would be established and what are the grounds for making allegations merely making 3<sup>rd</sup> party allegations and single photo of the road which are marked as Exhibit P-3 and 4 does not suffice that, the alleged work is sub standard and not carried out properly by the photographs. Further he submits that, complainant himself has submitted that, he has not specifically filed separate complaint except Form No. I and II and said fact has been admitted by PW-1. 12(3) report in the said act and government order are also does not mentioned specific reasons. He prays for drop proceedings and exonerate himself from the charges leveled against him.
29. DW-1 in his cross examination he deposed that, it is true he has worked under the supervision of DGO-2 and DGO-1 and 2 are worked under DGO-3. It is true that, they have executed the work of Nagarala Cross to Yelmamadi

residential centre road for improvement of the said road during the tenure of his period. It is also true that, the said improvement of said road is the responsibility of DGO-1 to 3. It is true that, as per the estimated cost mentioned in Exhibit P-10 it is the responsibility of DGO-1 to 3.

30. Further, it is true that, the contractor, whether he has properly used the materials or not, it is also the responsibility of DGO-1 to 3 and as per the report submitted by them to the Superintendent Engineer, Cada Division, Kalaburgi, will pass the bill. It is also true that, they have to submit report about the said work under the said scheme DGO-1 to 3 specifically and then only Superintendent Engineer will pass the bill. He denied the suggestion that, he has not discharged their duty as fixed for improvement of road, as thereby the contractor has done their work which is sub standard one, to escape from liability, he is deposing falsely. Further it is true that, PW-2 who have been appointed by this authority for conducting spot inspection and also spot mahazar at that time, quality control engineer sub division Kalaburgi and in their presence only he has conducted spot inspection. He denied the suggestion that, as per para No.8 and 9 of Exhibit P-10 contract, you have not used specific material and because of their own negligence contractor has not used materials for improvement of the said road and thereby, the said road as per observations made by the investigation officer/PW-2 has opined in the report that, the work of said scheme was sub standard and he has also specifically afforded how

much fastening the liability on each of them and have caused the loss to the government as per Exhibit P-3 tender document.

31. Further, he himself downloaded e-portal and submitted it to certify. Further, it is true that, he has not obtained the downloaded certificate from Chief Engineer, Cada, Kalaburgi. He denied the suggestion that, he himself created Exhibit P-3 in collusion with contractor, they have not conducted the spot inspection. He denied the suggestion that, they have not supervised the execution of the work and thereby, they have caused loss to the government and they are responsible for the loss caused to the government to the extent as mentioned by the PW-2 in his report which is marked as Exhibit P-10.
32. So also DGO-2, he has deposed in his chief affidavit as per averments made by the DW-1 and in his cross he has also admitted that, DGO-1 to 3 have executed the work under the said scheme and he has submitted report after completion of the work to the Superintendent Engineer, Cada Kalaburgi, thereafter, only they passed the bills. It is also admitted that, PW-2 have visited the spot and conducted spot inspection in their presence it has been deposed by DW-1 in his cross and PW-2 submitted report as per Exhibit P-10 fastening responsibility upon DGO-1 to 3 he has also admitted that whatever the admissible given by DW-1 in his cross examination, he has also admitted

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that, DW-2 has denied that, he has not given true and correct allegations made against him.

33. Further, DW-2 in his cross deposed that, it is also true that, PW-2 who has inspected the spot and in their presence and PW-2 has conducted spot inspection and submitted report in Exhibit P-10. He denied the suggestion that in Exhibit P-10 para No.8 and 9 contract has not used specific materials for formation of the said road in said scheme in collusion with contractor and themselves deposed falsely to escape from their liabilities hostiled by the PW-2 in Exhibit P-10.
34. So also DW-3 was also filed in his chief examination by way of affidavit on 31/05/2022 his occupation mentioned as Assistant Executive Engineer (Retired). Further, in that he has also corroborates evidence given by DW-1 and 2 and in his chief examination, also documents which have been marked during the course of chief of DW-1 and those documents are relied by DW-1, DW-2 and DW-3 in addition to that, he has produced circular issued by the Irrigation Department dated 30/09/2008 which is marked as Exhibit D-10. In his cross examination, he has also admitted that, DW-1 and 2 have admitted in their cross examination with respect to formation of said road under the said scheme and also report submitted by PW-2 as per Exhibit P-10.
35. Further, he deposed in his cross that, the said work was not carried out during the tenure of his period but he volunteers that, prior to that, he has served in the said sub division one Sri Ranganath Jagalur was serving and

thereafter, he has took charge from the said Ranganath and subsequently, he has handed over the charge to one Arun Nagappa Simpi. Further, it is true that, all the above said 3 persons were worked under the same cadre. Further, he deposed that, he has not specifically stated in his comments that, said work was done by all the 3 persons and also he has not specifically stated that, he has partly worked under the said scheme and subsequently he handed over his charge to Arun Nagappa Simpi. Further, it is true that, where he was worked under the said Cada, PW-2 was conducted the spot inspection and submitted report as per Exhibit P-10. He denied the suggestion that, as per report at page No.8 and 9 materials used for execution of the said road work which has been mentioned in the report is false. DGO-1 to 3 knowing fully well, in collusion with said contractor to escape from their liability he has deposed falsely.

36. DW-1 in chief he has deposed that he worked under the supervision of DW-2 and work was implemented as per schedule-B and contract which was in consonance of sanctioned estimate, as per tender notification noted from page No.34 of tender u/s 5 conditions of contract 'C' quality control, liability is fixed on the contractor vide Sl.No.31, for correcting of defects and Sl.No.32 recovery from the contractor for the uncorrected defects. That itself does not suffice that the work carried out by the DGO's that was defects and MSS and SDBC it is to be carried by the contractor hence as the evidence of PW-2 "5mm is the

defect that itself was to be carried out". But, the contractor, it is to be as per contract agreement held between contractor and DGO's so the contractor being the private persons is not party to the proceedings. Therefore, the said defect cannot be casted upon him, as per the suggestions by DW-1 is not suitable.

37. DGO's shall bear the said defect and on their defect only they have caused loss to the government exchequer. Merely alleged allegations made by the complainant against DGO's without producing any relevant documents for that reasons only PW-2 who is the Chief Officer who has visited the work under taken by the DGO's. he has inspected the spot and submitted report as per Exhibit P-5 stating that DGO's have committed irregularities in discharging their official duty and caused loss to the government as per the opinion submitted in Exhibit P-5 the report is in Positive to disprove the findings by PW-2 as per Exhibit P-5 they have not submitted any other documents and not examined any other persons and even without having examined contractor so his agreement contractor who is complainant is present since the said agreement was held between DGO's and contractor and non examination of said contract is very much better to the alleged defect set up by the DGO in their oral and documentary evidence as per the contract agreement. The contract work found in defect, the defect liability shall have to be for a period of three years if the contract of the said road is in good condition without any defect for a period of three years DGO's ought to have

challenged the government order and ought to have challenged the article of charge served upon them before Competent Authority. Non challenging of government order and article of charge which was duly served upon them before commencement of enquiry issued by this authority is adverse inference is to be drawn with DGO's that irregularities in discharging their official duty and they have committed misconduct and thereby only PW-2 is given opinion as per Exhibit P-5 that loss caused to the government is duly apportioned as mentioned respectively upon DGO-1 to 3. The loss caused by the DGO-1 to 3 that amount may be recovered from their monthly salary.

38. Further during the course of cross examination of DW-1 to 3 that given categorical admission executed by the said work they are responsible as per Exhibit P-10 and DW-1 in his cross para No.5 that deposition he has admitted as per Exhibit D-3 and so also as per Exhibit D-6 there was no any initials who have made the initials and the material alterations found on Exhibit D-6 is clearly goes to show that page No.123, 124 check column alterations dated 09/06/2017 the name of the contractor is Sagar Balu Chawhan (M/s Balaji Contractors), PWD, Class-I contractor, Karjuve Taluk, Sangameshwar, Ratnagiri District. The commencement of work on 09/12/2016 within four months as per the Exhibit D-1 running account bills in that also there was alterations in page No.134 that RA bill abstract was at page No.137 at amount column No.9, 13, 15 of page No. 134, 137 and so and so as per Exhibit D-5

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given bills through on page No.155 payment alterations cheque dated 28/12/2018. Exhibit D-9 is procetar compactions test and Exhibit D-10 is circular dated 30/09/2008.

39. Further, it is also admitted that, the said road work was carried out during the tenure of DGO-1 to 3. Further, it is also admitted that, as per the contract agreement it is clearly mentioned in the contract agreement it can be noted from page No.34 of contract notification u/s 5, condition of contract 'C' quality control, liability is fixed on the contractor wide Sl.No.31 for corrections of defect Sl.No.32 recovery from the contractor for the un corrected defects. Thus, the calculation of the financial loss and enforcement of loss attributed as against by the present DGO's by the Investigation Officer for that since, for recovery of said los the contractor being private party he has been not made as a party to the proceedings and as per the contract agreement there is a defect on the part of the contractor that DGO's ought not have examined the contractor to disprove the evidence of PW-2. Non examination of said contractor by the DGO's is very much fatal to the defence set up by the DGO's in their evidence. Further they have not committed irregularities during the course of said work, they ought not have challenged the entrustment government order for initiating departmental enquiry to this authority. Thereby, an adverse inference is to be drawn that they have committed irregularities while discharging their official duty and they have committed misconduct for



causing loss to the government exchequer which has been opined by PW-2 in his report marked in Exhibit P-5. Hence, probability of preponderance is higher on the side of disciplinary authority rather than DGO's.

10. Hence, in the light of oral evidence held with documentary evidence addressed by the respective parties to the proceedings, it is admitted fact that the evidence of PW-1 is proved by the disciplinary authority by adducing PW-2 who is Investigation Officer as per Exhibit P-5 he has submitted report and as per the opinion given by the PW-2 in Exhibit P-5 point No. 5.03 he has opined that fastening the liability to pay the loss caused to the government exchequer by **DGO-1 and 2 is to the extent of Rs. 1,31,521/-** each from their monthly salary and **Rs. 32,885/- is the loss caused by DGO-3**, who is already retired and said amount may be recovered from his monthly pension.
41. So to sum up, the oral evidence of PW-1 complainant and PW-2, Sri Chandrappa, Assistant Executive Engineer, TAC, Karnataka Lokayukta, Bengaluru marked documents, as well as in the light of the observations made above I arrived at conclusion that, DGO No.1 to 3 have failed to maintain absolute integrity and devotion to duty and caused dereliction of duty and acted in a manner unbecoming of a Government Servant and thereby, committed official misconduct as enumerated under Rule 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Therefore, Disciplinary Authority has proved the charges leveled

against the D.G.O-1 to 3. Accordingly, this point is answered in the “**Affirmative**”. Hence, I record the following;

### **FINDINGS**

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Officials (1) Sri Sangamanatha, Assistant Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District (2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.

Submitted to His Lordship Hon'ble Upalokayukta-1 for further action in the matter.



**(RAJKUMAR.S.AMMINABHAVI)**

C/c Additional Registrar Enquiries-18  
Karnataka Lokayukta, Bengaluru.

### **Date of Retirement:**

- (1) Sri Sangamanatha, Assistant Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District **(30/06/2035)**
- (2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District **(31/05/2023)** and
- (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District. **(30/04/2022)**

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## ANNEXURES

### 1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW1	Sri Pramod S/o Shivappa Metri, Advocate, Srirama Nagar Colony, Behind Ashrama School Chandrapura, Chincholi Taluk, Kalaburgi District.
PW2	Sri Chandrappa, Assistant Executive Engineer, TAC, Karnataka Lokayukta, Bengaluru

### 2. LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:

DW1	Sri Sangamanatha, Assistant Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.
DW2	Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.
DW3	Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.


### 3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P1	Form No.I
Ex.P2	Form No.II
Ex.P3 & P4	Photographs
Ex.P5	Investigation report of I.O.
Ex.P6	Original Spot Mahazar
Ex.P7	Photographs of spot inspection
Ex.P8	Photographs of taken before execution of work, during execution of work and

	completion of work
Ex.P9	Report of Assistant Executive Engineer, Quality Control Sub-Division, Kalaburgi
Ex.P10	Abstract of Estimate
Ex.P11	Xerox copy of MB book

**4. LIST OF DOCUMENTS MARKED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

Ex.D1	Estimate Cost if the work
Ex.D2	True Copy of Tender Notification
Ex.D3	Tender documents pertaining to the work
Ex.D4	True Copy of work order
Ex.D5	True Copy of Tender Agreement
Ex.D6	True Copy of Account of Work Executed
Ex.D7	True Copy of R.A. Bill
Ex.D8	True Copy of Account of Work Executed R.A. Bill
Ex.D9	True Copy of Quality Control Test Report
Ex.D10	Circular dated 30/09/2008

  
**(RAJKUMAR.S.AMMINABHAVI)**  
 C/c Additional Registrar Enquiries-18  
 Karnataka Lokayukta,  
 Bengaluru.

### **FINDINGS OF THE REPORT**

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Officials (1) Sri Sangamanatha, Assistant Executive Engineer, (2) Sri V.S. Patil, Junior Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District and (3) Sri Suresh.B.Kummanna, Executive Engineer, Irrigation Project Sub-Division, Cada, Kalburgi District.

Punishment may be imposed:

As per 1966 Rule 8(iii) of Karnataka Civil Service (Conduct) Rules by **withholding of 2 increments with cumulative effect for DGO No.1 and 2** as penalty of **Rs. 1,31,521/-** from each DGO-1 and 2 as loss caused to the government exchequer may be recovered from their monthly salary.

**DGO-3 has retired on 30/04/2022** as stated in his FOS. Hence, **Rs. 32,885/-** as loss caused to the government exchequer may be recovered from his monthly pension amount and 5% of his pension for the period of **one year** may be recovered as penalty.

