

**KARNATAKA LOKAYUKTA**

No. Uplok-1/DE/143/2017/ARE-10

M.S. Building  
Dr.B.R. Ambedkar Road  
Bangalore-560 001  
Date: 29/11/2017

**ENQUIRY REPORT**

**Present :** Sri. S. Gopalappa  
Additional Registrar of Enquiries-10  
Karnataka Lokayukta  
Bangalore

**Sub:** Departmental Enquiry against Sriyuths :-

1. S.S. Hadalageri, Assistant Engineer
2. Arun Kumar Patil, Assistant Executive Engineer, PWD Sub Division, Muddebihal Taluk-reg.,

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BGM/323/2016/PP  
dt. 24.11.2016
2. Govt. Order No. LoE 358 SeEV 2016  
dt. 17.1.2017
  3. Nomination order No. Uplok-1/DE/143/2017  
Bangalore dt. 31.1.2017 of Hon'ble Upalokayukta-1

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1. On the basis of the complaint filed by Sri. Gaddeppa R/o Vijayapur District against the DGOs alleging substandard works, an investigation was taken up. The complaint was referred to the Chief Engineer of TAC of Karnataka Lokayukta, who in turn entrusted the complaint to Assistant Executive Engineer-2 for investigation and report. Accordingly AEE -2 submitted the report.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased to issue the GO dt. 17.1.2017 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO, nomination was issued by Hon'ble Upalokayukta on 31.1.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGOs on 22.2.2017.

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

4. 1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಎಸ್.ಎಸ್.ಹಡಲಗೆರಿ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಅರುಣ್ ಕುಮಾರ ಪಾಟೀಲ್ ಆದ ನೀವು 2014-15ನೇ ಸಾಲಿನಲ್ಲಿ ಕೇಸಾಪುರ ಗ್ರಾಮದ ಎಸ್.ಟಿ.ಕಾಲೋನಿಯಲ್ಲಿ ಕಾಂಕ್ರೀಟ್ ರಸ್ತೆ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿ ಕೈಗೊಂಡಿದ್ದು, ಈಗಾಗಲೇ ಮೇಲ್ಮೈ ಕಾಂಕ್ರೀಟ್ ಕಿತ್ತು ಬಂದು ಅಲ್ಲಲ್ಲಿ ರಸ್ತೆಯಲ್ಲಿ ನೀರು ನಿಂತಿದ್ದು ಕಾಮಗಾರಿ ಕಳಪೆಯಾಗಿದೆ. ಅಂದಾಜು ಪಟ್ಟಿಯ ಮುಖಪುಟದಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿ ತುಂಬಿಲ್ಲ, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಅಥವಾ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಇರುವುದಿಲ್ಲ. ಪ್ರಮಾಣ ಪತ್ರಕ್ಕೆ ಮತ್ತು ರೀಕ್ಯಾಪುಲೇಶನ್ ಶೀಟ್‌ಗೆ, ಅಂದಾಜು ಪಟ್ಟಿಗೆ, ರೇಟ್ ಅನಾಲಿಸಿಸ್ ಪಟ್ಟಿಗೆ, ರಸ್ತೆಯ ನಕ್ಷೆಗೆ, ಲೇಔಟ್ ನಕ್ಷೆಗೆ ಯಾವುದೇ ಅಧಿಕಾರಿಯ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಅಳತೆ ಪುಸ್ತಕಕ್ಕೆ ಹಾಗೂ ಕೈಗೊಂಡಿರುವ ಕಾಮಗಾರಿಯಲ್ಲಿ ವ್ಯತ್ಯಾಸವಿದೆ.

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

ಅನುಬಂಧ-2ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

5. ದೂರುದಾರರಾದ ಶ್ರೀ ಗದ್ದೆಪ್ಪ ರವರು ಮುದ್ದೇಬಿಹಾಳ ತಾಲ್ಲೂಕಿನ ಕೇಸಾಪುರದ ವಾಸಿಯಾಗಿದ್ದು, ಇವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಕೇಸಾಪುರ ಗ್ರಾಮದಲ್ಲಿ 2014-15ನೇ ಸಾಲಿನಲ್ಲಿ ರೂ.28.87 ಲಕ್ಷ ಮೊತ್ತದಲ್ಲಿ ಕೇಸಾಪುರ ಎಸ್.ಟಿ. ಕಾಲೋನಿಯಲ್ಲಿ ಮರಗಮ್ಮನಗುಡಿಯಿಂದ ಹಳ್ಳದವರೆಗೆ ಹಾಗೂ ಮಾಗಿಯವರ ಹೊಲದ ರೋಡಿನ ಮಧ್ಯದವರೆಗೆ ಕಾಂಕ್ರೀಟ್ ರಸ್ತೆಯ ಕಾಮಗಾರಿಯನ್ನು ಮಾಡಿಸಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಯು ಕಳಪೆ ಮಟ್ಟದ ಕಾಮಗಾರಿಯಾಗಿರುತ್ತದೆ. 28.87 ಲಕ್ಷ ಮೊತ್ತದ ಹಣವನ್ನು ಖರ್ಚು ಮಾಡಿರುವುದಾಗಿ ತೋರಿಸಿದ್ದರೂ ಸಹ, ಸರಿಯಾಗಿ ಅಂದಾಜುಪಟ್ಟಿಯಂತೆ ಸಾಮಗ್ರಿ ಬಳಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ರಸ್ತೆ ಈಗಾಗಲೇ ಹಾಳಾಗಿರುತ್ತದೆ ಎಂದು, ಆದ್ದರಿಂದ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಕ್ರಮ ಜರುಗಿಸಬೇಕೆಂದು ಕೋರಿರುತ್ತಾರೆ. ಸದರಿ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ 1984ರ ಕಲಂ 9 ರಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರವನ್ನು ಚಲಾಯಿಸಿ ತನಿಖೆಗೆ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ.

6. ಈ ಪ್ರಕರಣದ ತನಿಖೆಯನ್ನು ಈ ಸಂಸ್ಥೆಯ ತಾಂತ್ರಿಕ ಕೋಶದ ಮುಖ್ಯ ಅಭಿಯಂತರರಿಗೆ ವಹಿಸಲಾಗಿದ್ದು, ಅವರು ಈ ಪ್ರಕರಣದ ತನಿಖೆಯನ್ನು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು-2 ಇವರಿಗೆ ವಹಿಸಿ ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ತಿಳಿಸಿದ ಮೇರೆಗೆ, ಸದರಿಯವರು ತನಿಖೆ ನಿರ್ವಹಿಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರು ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳ ಸಮ್ಮುಖದಲ್ಲಿ ಸ್ಥಳ ಪರಿಶೀಲನೆ ನಡೆಸಿರುತ್ತಾರೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಯನ್ನು ಪರಿಶೀಲಿಸಿದ್ದು, ರಸ್ತೆಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ಅಳತೆ ಪುಸ್ತಕದ ಸಂ.1920ರಲ್ಲಿನ ಅಳತೆಗಳಿಗೆ ಹೋಲಿಸಿ, ರಸ್ತೆಯ ಅಳತೆಯನ್ನು ಪರಿಶೀಲಿಸಿರುತ್ತಾರೆ. ಹಾಗೆಯೇ ಎಲ್ಲರ ಸಮಕ್ಷಮದಲ್ಲಿ ರಸ್ತೆಯ ವಿವಿಧ ಭಾಗಗಳಲ್ಲಿ ಕಾಂಕ್ರೀಟಿನ ಮೇಲ್ಮೈ ಸಾಮರ್ಥ್ಯವನ್ನು ಪರೀಕ್ಷಿಸಿರುತ್ತೇನೆಂದು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

7. ದೂರಿನಂಶಗಳನ್ನು ತನಿಖಾ ವರದಿಯನ್ನು ಹಾಗೂ ಪ್ರಕರಣದಲ್ಲಿ ಹಾಜರುಪಡಿಸಿರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ದೂರುದಾರರು ಹಾಜರುಪಡಿಸಿರುವ ಫೋಟೋದಿಂದ ರಸ್ತೆಯ ಮೇಲ್ಮೈನ ಕಾಂಕ್ರೀಟ್ ಕಿತ್ತು ಬಂದಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ ಮತ್ತು ಅಲ್ಲಲ್ಲಿ ರಸ್ತೆಯಲ್ಲಿ ನೀರು ನಿಂತಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಪ್ರಕರಣದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಕೇಸಾಪುರದ ಎಸ್.ಟಿ. ಕಾಲೋನಿಯಲ್ಲಿ ಸಿಸಿ ರಸ್ತೆ ನಿರ್ಮಿಸಿರುವ ಬಗ್ಗೆ ಅಂದಾಜು ಪಟ್ಟಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಅಂದಾಜು ಪಟ್ಟಿಯನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ ಅಂದಾಜು ಪಟ್ಟಿಯ ಮುಖಪುಟದಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿಯನ್ನು ತುಂಬಿರುವುದಿಲ್ಲ. ಹಾಗೆ ಅದಕ್ಕೆ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಅಥವಾ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ

ಇರುವುದಿಲ್ಲ. ಇದರ ಜೊತೆಗೆ ಪ್ರಮಾಣ ಪತ್ರಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ಈ ಪ್ರಮಾಣ ಪತ್ರಗಳಿಗೂ ಸಹ ಯಾವುದೇ ಸಹಿ ಮಾಡಿರುವುದಿಲ್ಲ ಮತ್ತು ರೀಕ್ಯಾಪ್ಯುಲೇಶನ್ ಶೀಟ್ ಎಂದು ಇದ್ದು, ಇದಕ್ಕೂ ಸಹ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಅಥವಾ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಇರುವುದಿಲ್ಲ. ಸದರಿ ಅಂದಾಜುಪಟ್ಟಿಯ ಕೊನೆಯ ಪುಟದಲ್ಲೂ ಸಹ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಅಥವಾ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಇರುವುದಿಲ್ಲ. ರೇಟ್ ಅನಾಲಿಸಿಸ್‌ನ ಪಟ್ಟಿಯನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ. ಸದರಿ ರೇಟ್ ಅನಾಲಿಸಿಸ್ ಅಂದಾಜು ಪಟ್ಟಿಗೂ ಸಹ ಎ.ಇ.ಇ. ಅಥವಾ ಇ.ಇ. ರವರ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಹಾಗೆಯೇ ಪ್ರೊಪೋಸ್ಡ್ ಕ್ರಾಸ್ ಸೆಕ್ಷನ್ ಆಫ್ ರೋಡ್‌ನ ನಕ್ಷೆಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿರುತ್ತದೆ ಹಾಗೂ ಇದಕ್ಕೂ ಸಹ ಯಾವುದೇ ಅಧಿಕಾರಿಯ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಲೇಔಟ್ ನಕ್ಷೆಯನ್ನು ಹಾಜರುಪಡಿಸಲಾಗಿದೆ, ಇದಕ್ಕೂ ಸಹ ಯಾವುದೇ ಅಧಿಕಾರಿಯ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ನಮೂದಿಸಿರುವ ಐಟಂ ಪ್ರಕಾರದ ಕಾಮಗಾರಿಗಳಿಗೂ ಎಸ್ಪಿಮೇಟ್‌ನಲ್ಲಿ ಐಟಂ ಪ್ರಕಾರ ನೀಡಿರುವ ಕಾಮಗಾರಿಗಳಿಗೆ ಹೊಂದಾಣಿಕೆಯಾಗದೆ ಇರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿನ ಅಳತೆಯನ್ನು ಆಗಿರುವ ಕಾಮಗಾರಿಗೆ ಹೋಲಿಸಿ, ದೃಢೀಕರಿಸಿರುವ ಬಗ್ಗೆ ಕಂಡು ಬರುವುದಿಲ್ಲ. ಹಾಗೂ ಅಳತೆ ಪುಸ್ತಕದ 8 ಮತ್ತು 9ನೇ ಪುಟದಲ್ಲಿ ದಾಖಲಿಸಿರುವ ಅಳತೆಗಳಿಗೂ ಹಾಗೂ ಕೈಗೊಂಡಿರುವ ಕಾಮಗಾರಿಗೂ ಹೋಲಿಸಿ, ವ್ಯತ್ಯಾಸವಿರುವುದನ್ನು ನಮೂದಿಸಲಾಗಿರುತ್ತದೆ. ಇದಲ್ಲದೇ, ರಸ್ತೆಯ ಮೇಲ್ಮೈ ಸಾಮರ್ಥ್ಯವನ್ನು ಪರಿಶೀಲಿಸಲು ರೀಬೌಂಡ್ ಹ್ಯಾಮರ್ ಟೆಸ್ಟ್ ವರದಿಯನ್ನು ಪಡೆಯಲಾಗಿದ್ದು, ಅದರಲ್ಲಿ ರಸ್ತೆಯ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ನಿಗದಿಪಡಿಸಿರುವ ಸಾಮರ್ಥ್ಯಕ್ಕಿಂತ ಕಡಿಮೆ ಸಾಮರ್ಥ್ಯವಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ. ಈ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಲ್ಲಿ, ದೂರಿನಂಶಗಳು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.

8. ಮೇಲೆ ಚರ್ಚಿಸಿದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ ನಿಯಮಗಳು 3(1) (ii) ಮತ್ತು (iii) ರನ್ವಯ ಆಪಾದಿತ ನೌಕರರು ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಆಪಾದಿತ ನೌಕರರುಗಳಾದ (1)ಎಸ್.ಎಸ್.ಹಡಲಗೇರಿ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಪಿ.ಡಬ್ಲ್ಯು.ಡಿ. ಉಪವಿಭಾಗ ಕಚೇರಿ, ಮುದ್ದೇಬಿಹಾಳ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ ಮತ್ತು (2)ಅರುಣಕುಮಾರ ಪಾಟೀಲ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಪಿ.ಡಬ್ಲ್ಯು.ಡಿ. ಉಪವಿಭಾಗ ಕಚೇರಿ, ಮುದ್ದೇಬಿಹಾಳ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ ಇವರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಕ್ರಮ ಜರುಗಿಸಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಗೌರವಾನ್ವಿತ

ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು 10 ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

9. The said article of charge was served on the DGOs on 13.3.2017. DGOs 1 and 2 appeared before the enquiry officer and their first oral statement under Rule 11(9) was recorded. DGOs have denied the said charges.

10. DGOs 1 and 2 have filed their written statement denying all the allegations. They further submit that documents cited are the print outs of the electronic movement of files on electronic platform, one of the official procedure now followed by the Government offices as such there will be no signatures of any of the officers on the documents because there will be no movement of files in the physical format. The misunderstanding and the error of the charge can be made out. About the discrepancy in the measurement book and the work undertaken, nothing is clearly stated in Annexure 2 of AOC. The complaint is on bad quality work carried out and the non use of materials as provisioned in the estimate due to which the road is damaged but the charge made has no bearing on the complaint. There is no conformity with the work mentioned in the estimate to the items recorded in the measurement book. The rebound hammer test carried out for verification of the tentative concrete strength has been misunderstood and there is no specific inference drawn or stated in AOC against the DGOs. They have not committed any misconduct. Hence prays to exonerate from the charges.

11. On behalf of the Disciplinary Authority, two witnesses are examined as PWs 1 and 2, Ex P 1 to P 9 are marked. After the closure of the evidence of the Disciplinary Authority, second oral statement of DGOs u/R 11(16) was recorded. DGOs 1 and 2 got examined themselves as DW1 and 2 and got marked Ex D 1 to D 11. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGOs filed their written brief and they were also heard orally.

12. The points for my consideration are as under :

Point No. 1 : Whether the charge is proved by the Disciplinary Authority?

Point No. 2 : What order?

13. My answers to the above points are as follows:

Point No. 1 : In the affirmative.

Point no. 2 : As per final order for the following ;

### **REASONS**

14. **Point no. 1** : The complainant who is examined as PW1 has deposed that during the year 2014-15 at Keshapur village ST colony CC road work was taken up at the estimated cost of Rs.28,87,000/-. One Sri.Somanna Meti, the Contractor has executed the work through Sri. Srinivasa Ramanna Gondi and Sri. Shanthagowda Ba Shivapuji.

The executed work was substandard. When he asked Sri. Srinivasa Ramanna Gondi and Sri. Shanthagowda Ba Shivapuji they threatened him. He also asked DGOs 1 and 2. At that time DGOs 1 and 2 informed that they will execute the work satisfactorily. Therefore, he lodged the complaint to Lokayukta along with form no.1 and 2 as per Ex.P.1 to 3. After lodging the complaint Lokayukta officials came and inspected the work and drawn the mahazar.

15. In the cross examination, PW1 admits that he lodged the complaint since quarrel took place between himself and contractor. DGOs 1 and 2 were not present at the time of quarrel. At the time of lodging the complaint he had secured the copy of estimate under Right to Information Act. He has lodged the complaint after noticing the work executed and estimate stating that the materials are not properly used. He does not know what is the quality of materials mentioned in the estimate. At the time of spot inspection I.O. did not tell anything to him. I.O. has taken the photographs at the time of his inspection and he was present at the time of inspection. His picture is appearing in the photographs.

16. Further PW1 has deposed that he has not lodged any complaint to Assistant Engineer or Assistant Executive Engineer. But he has informed the fact to DGOs 1 and 2 over phone. After that, DGOs 1 and 2 instructed the contractor to rectify the mistakes and then the contractor has rectified the mistakes. After that the work was executed satisfactorily. He has not informed the investigating officer that after his oral complaint the mistakes were rectified and the work was carried out satisfactorily. Except this he has not made any allegation in his complaint regarding other aspects.

17. The I.O. who is examined as PW2 has deposed that on 27.2.2016, he received the investigation of this case from his Chief Engineer. On 7.5.2016 he wrote letters to complainant and DGOs to be present for spot inspection on 27.5.2016. Accordingly, on 27.5.2016 he has visited Kesapura village, Muddebihala Taluk. The complainant, DGOs 1 and 2 were present. Villagers, panchas and quality control officer were present.

18. Further PW2 has deposed that the complainant, DGOs 1 and 2 shown the works. DGOs furnished the copy of estimate, measurement book, quality control report. He examined the CC road work measuring 400 mtrs. in length. But he did not find any potholes and there was no wear and tear. There was no provision in estimate to lay the iron rods to the CC roads. The thickness was tallying with the measurement book. The report submitted by quality controller regarding rebound hammer test is satisfactory. All the four allegations made by complainant were not established.

19. Further PW2 has deposed that at the time of inspection he has drawn the mahazar. After completion of the inspection he has submitted report. In Ex.P.5 face sheet the complete information is not filled. In the face sheet the signatures of Assistant Executive Engineer and Executive Engineer are not found. In the affidavit, recapulation sheet, estimate, rate analysis list, road map and layout map, none of the officers have signed. There was difference between the measurement mentioned in the M.B. and the measurement found in the estimate.

20. In the cross examination PW2 has deposed that the CC road surface was not damaged due to flow of water. He found no



discrepancies in CC road. There was no difference between measurement mentioned in the M.B. and measurement found in the spot. He admits that there is no provision to put signature on face sheet or estimate, recapulation sheet, rate analysis list, road map and layout map which are generated under e-procurement format. He admits that the documents generated under e-procurement format can be accessed only by designated officer who has the password.

21. Further PW2 has deposed that after approval of contractor communication will be made through paper format. He admits that the agreement and the work order, measurement book and bills will be in hard copy(paper format). He admits that since all the documents are in e-format, there is no chance for signatures and further admits that since the e-format is accessible by approved authorities, the signatures are not necessary on e-formats.

22. DGO 2 who examined himself as DW1 has deposed that from 2013, he was working as Assistant Executive Engineer in PWD Sub division, Muddebihal Taluk. The cement concrete road in Kesapura ST colony was executed as per specification. The Lokayukta official Sri Sudheendra came and inspected the work and found no discrepancies. Before that he had submitted his comments to Lokayukta office along with test report, photos, estimate, tender booklets, work order, agreement, quality test report, measurement book, work slip statement and bills.

23. Further DW1 has deposed that the estimate cost statement is in e-platform. Then he put the digital signature and he sent the same to Executive Engineer for taking further action. Only the authorized

persons who are having user name and password can access the e-platform. After the scrutiny by Executive Engineer, the estimate was submitted to Superintending Engineer. In turn Superintending Engineer accorded the technical approval and sent the same back to Executive Engineer for carrying out tender process. Executive Engineer placed the work process to e-procurement. Then only tender notification was published physically in paper publication and gazette.

24. Further DW1 has deposed that because of e-platform the initial documents namely, estimate(face sheet, certificates, recapitulation sheet, abstract sheet, measurement sheet, rate analysis and drawings) were not physically available to see the manual signatures. Only after tender notification the documents were reduced into physical format. The Investigating Officer has not found any discrepancies in the measurement book and the work executed in the spot. Within specified period the work was executed without violating any of the rules as stipulated. Hence, he prays to exonerated from the charges.

25. In the cross examination DW1 has deposed that before executing the work he had 4 years of service. He admits that the government has released the grants sufficiently to execute the work. He admits that the work executed has the fixed lifetime. He admits that if the proportion was not properly mixed and not properly cured the outer layer will be peeled off. He admits that the rain water has to drain out from both sides of the road. He admits that according to the photograph the water is in the middle of the road as per Ex.P.8. He denies that therefore the CC road work was not executed properly.

26. Further DW 1 admits that if the print out of e-tender, rate analysis sheet, sketch, recapitulation sheet is taken, signatures will not be visible. He denies that the digital signature was not put to any of these documents. He denies that the measurements found in page no.8 & 9 of the measurement book are not tallying with the work executed in the spot. He denies that when the rebound hammer test was conducted it was found that the mixture was not as per specification. He denies that while executing the work quality standard iron was not used, specified proportion was not used. He denies to say that the oral and documentary evidence given by him is subsequently created for the purpose of this case.

27. DGO 1 who got examined himself as DW2 has deposed that from November 2009 to November 2015 he was working as Assistant Engineer in PWD Sub division, Muddebihal Taluk. The cement concrete road in Kesapura ST colony was executed as per specification. The Lokayukta official Sri Sudheendra came and inspected the work and found no discrepancies. Before that he had submitted his comments to Lokayukta office along with test report, photos, estimate, tender booklets, work order, agreement, quality test report, measurement book, work slip statement and bills.

28. Further DW2 has deposed that he has no power and access to e-platform. User name and password were not given to him and it is provided to sub divisional head only. DGO no.2 has only access to e-platform. He is not the competent authority to put signature in any of the document except supervision of the work and recording measurement book. He got the work executed through contractor as per specification and measurements have been recorded factually.

After obtaining the quality control report he recorded the measurements. The I.O. has not found any discrepancy in the work executed. Hence, he prays to exonerate from the charges.

29. In the cross examination, DW2 has deposed that before executing the work he had 20 years of service. He admits that the government has released the grants sufficiently to execute the work. He admits that the work executed has the fixed lifetime. He admits that if the proportion was not properly mixed and not properly cured the outer layer will be peeled off. He admits that the rain water has to drain out from both sides of the road. He admits that according to the photograph the water is in the middle of the road as per Ex.P.8. He denies that therefore the CC road work was not executed properly.

30. Further DW2 admits that if the print out of e-tender, rate analysis sheet, sketch, recapitulation sheet is taken signatures will not be visible. He denies that the digital signature was not put to any of these documents. He denies that the measurements found in page no.8 & 9 of the measurement book are not tallying with the work executed in the spot. He denies that when the rebound hammer test was conducted it was found that the mixture was not as per specification. He denies that while executing the work quality standard iron was not used, specified proportion was not used. He denies that the oral and documentary evidence given by him is subsequently created for the purpose of this case and denies that intentionally they have not produced the proper documents before the I.O.

31. The DGOs have taken the contention that the estimate, recapulation sheet, the analysis list, road map and layout map were

generated under e -procurement format, therefore the signatures are not appearing in these documents. According to the DGOs, the digital signatures were put on these documents. But the digital signature mark is not at all appearing on these documents. Therefore the contention of the DGOs that the signatures to these documents are not necessary cannot be accepted. Moreover, the office seal also is not put on these documents marked as Ex D5.

32. The IO has deposed that the CC road surface was not damaged and he found no discrepancies in CC road. But the photographs Ex P8 shows that the water is stagnated on CC road. DWs 1 and 2 also admit that the water is in the middle of the road as per Ex P 8. Therefore the contention of the DGOs that there is no discrepancy in CC road cannot be accepted. If the CC road layer was not peeled off, there was no chance of stagnating water in the middle of the road.

33. The oral and documentary evidence on record clearly show that the during the year 2014-15, CC road work was taken up in ST Colony Kesapur village. The top layer was peeled off, the water is stagnated on CC road. Therefore the work was substandard. The face sheet of estimate is not filled. The Executive Engineer and Assistant Executive Engineer have not put the signatures to the face sheet, recapulation sheet, estimate, road analysis list, road map and layout map. Since the work is substandard, the measurement recorded in MB and the work executed in the spot do not tally with each other. Therefore DGOs 1 and 2 are the responsible officials for these discrepancies.

Thereby the DGOs, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of the Government servants. Hence, I proceed to answer point No. 1 in the affirmative.

**Point No. 2** : For the reasons discussed above, I proceed to pass the following ;

**ORDER**

Disciplinary Authority has proved the charges as framed against the following DGOs :-

1. Sri. S.S. Hadalageri, Assistant Engineer and
2. Sri. Arun Kumar Patil, Assistant Executive Engineer, PWD Sub Division, Muddebihal Taluk

Hence, this report is submitted to Hon'ble Upalokayukta I for kind consideration.

Dated this the 29<sup>th</sup> November, 2017



(S. Gopalappa)

Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore

**ANNEXURES**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

- PW-1 :- Sri. Gaddeppa  
PW-2 :- Sri. H.S. Sudheendra

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

DW-1:- Sri. Arun Kumar Patil

DW-2:- Sri. Shankarappa

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

Ex.P-1 : Complaint dt. 15.7.2015  
Ex.P-2 : Form No. II  
Ex.P-3 : Form No. I  
Ex.P-4 : Mahazar  
Ex P-5 : Estimate  
Ex.P-6 : Test report of sand sample  
Ex P 7 : Measurement book extract  
Ex P 8 : Photographs  
Ex P 9 : Report of A.E.E-2, TAC, Karnataka Lokayukta  
dt.22.7.2016

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

Ex.D-1 : Sanctioned approval  
Ex.D-2 : Estimate  
Ex.D-3 : Physical tender and notification  
Ex.D-4 : Estimate details  
Ex.D-5 : Sanction order of Executive Engineer, PWD, Vijapura  
Ex.D-6 : Notice dt 11.12.2014 of Executive Engineer, PWD, Bijapur  
Ex.D-7 : Agreement dt. 11.12.2014  
Ex.D-8 : Quality control report  
Ex.D-9 : Bill form  
Ex.D-10 : Measurement book extract  
Ex.D-11 : Work slip and approval

Dated this the 29<sup>th</sup> November 2017

*- Sd -*  
(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta  
Bangalore





GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: UPLOK-1/DE/143/2017/ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 05/12/2017

RECOMMENDATION

Sub:- Departmental inquiry against;

- (1) Sri S.S. Hadalageri, Assistant Engineer, Public Works Sub Division, Muddebihal Taluk, Vijayapura District;
- (2) Sri Arunkumar Patil, Assistant Executive Engineer, Public Works Sub Division, Muddebihal Taluk, Vijayapura District.

Ref:- 1) Government Order No.ಆೋಇ 358 ಸೇಇವಿ 2016, Bengaluru, dated 17/1/2017

2) Nomination order No.UPLOK-1/DE/143/2017, Bengaluru dated 31/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 29/11/2017 of Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 17/1/2017, initiated the disciplinary proceedings against (1) Sri S.S. Hadalageri, Assistant Engineer, Public Works Sub Division, Muddebihal, Vijayapura District and (2) Sri Arunkumar Patil, Assistant Executive Engineer, Public Works Sub Division, Muddebihal, Vijayapura District (hereinafter referred to as Delinquent Government Officials 1 and 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/143/2017, Bengaluru dated 31/1/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri S.S. Hadalageri, Assistant Engineer and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer of Public Works Sub Division, Muddebihal, Vijayapura District were tried for the following charges:-

“1ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಎಸ್.ಎಸ್.ಹಡಲಗೇರಿ, ಸಹಾಯಕ ಅಭಿಯಂತರರು ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಅರುಣ್ ಕುಮಾರ್ ಪಾಟೀಲ್ ಆದ ನೀವು 2014-15ನೇ ಸಾಲಿನಲ್ಲಿ ಕೇಸಾಪುರ ಗ್ರಾಮದ ಎಸ್.ಟಿ.ಕಾಲೋನಿಯಲ್ಲಿ ಕಾಂಕ್ರೀಟ್ ರಸ್ತೆ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿ ಕೈಗೊಂಡಿದ್ದು, ಈಗಾಗಲೇ ಮೇಲ್ವಿಚಾರಣಾ ಕಾಂಕ್ರೀಟ್ ಕೆತ್ತು ಬಂದು ಅಲ್ಲಲ್ಲಿ ರಸ್ತೆಯಲ್ಲಿ ನೀರು ನಿಂತಿದ್ದು ಕಾಮಗಾರಿ ಕಳಪೆಯಾಗಿದೆ. ಅಂದಾಜು ಪಟ್ಟಿಯ ಮುಖಪುಟದಲ್ಲಿ ಯಾವುದೇ ಮಾಹಿತಿ ತುಂಬಿಲ್ಲ. ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಸಹಿಯಾಗಲೀ ಅಥವಾ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಸಹಿಯಾಗಲೀ ಇರುವುದಿಲ್ಲ. ಪ್ರಮಾಣ ಪತ್ರಕ್ಕೆ ಮತ್ತು ರೀಕ್ಯಾಪುಲೇಷನ್ ಶೀಟ್‌ಗೆ, ಅಂದಾಜು ಪಟ್ಟಿಗೆ, ರೇಟ್ ಅನಾಲಿಸಿಸ್ ಪಟ್ಟಿಗೆ, ರಸ್ತೆಯ ನಕ್ಷೆಗೆ, ಲೇಔಟ್ ನಕ್ಷೆಗೆ ಯಾವುದೇ ಅಧಿಕಾರಿಯ ಸಹಿ ಇರುವುದಿಲ್ಲ. ಅಳತೆ ಪುಸ್ತಕಕ್ಕೆ ಹಾಗೂ ಕೈಗೊಂಡಿರುವ ಕಾಮಗಾರಿಯಲ್ಲಿ ವ್ಯತ್ಯಾಸವಿದೆ. ಆದ ಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಮಾಣಿತ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1) (i) (ii) ಮತ್ತು (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

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 charges against DGO-1 Sri S.S. Hadalageri, Assistant Engineer and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer of Public Works Sub Division, Muddebihal, Vijayapura District.

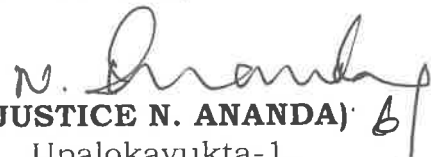
5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGOs 1 and 2, DGO-1 Sri S.S. Hadalageri, Assistant Engineer is due to retire from service on 31/5/2030 and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer is due to retire from service on 31/8/2034.

7. Having regard to the nature of charges proved against DGO-1 Sri S.S. Hadalageri, Assistant Engineer and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer, it is hereby recommended to the Government to impose penalty of withholding four annual increments payable to DGO-1 Sri S.S. Hadalageri, Assistant Engineer and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer of Public Works Sub Division, Muddebihal, Vijayapura District, with cumulative effect and also deferring the promotions of DGO-1 Sri S.S. Hadalageri, Assistant Engineer and DGO-2 Sri Arunkumar Patil, Assistant Executive Engineer by two years, whenever they become due for promotion.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 6/12  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru

