

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/159/2017/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:2.1.2021

**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**

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

Sub: Departmental Enquiry against

- (1) Sri. Annappa, Executive Engineer, Minor Irrigation Division, Kustagi, Koppal,
- (2) Sri. Anantharao, Junior Engineer, Minor Irrigation Sub Division, Koppal District - reg.

Ref: 1. G.O.No. ಸವೀಇ 80 ಸೇಇವಿ 2016 ಬೆಂಗಳೂರು dated: 18.1.2017

2. Nomination Order No: UPLOK-1/DE/159/2017  
Bangalore dated: 31.1.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. Annappa, Executive Engineer, Minor Irrigation Division, Kustagi, Koppal and (2) Sri. Anantharao, Junior Engineer, Minor Irrigation Sub Division, Koppal District (hereinafter referred to as the Delinquent Government Official for short "**DGO No.1 and 2** respectively").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 31.1.2017 cited above at reference No.2 has nominated



Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 and 2.

3. Additional Registrar of Enquiries-10 has framed Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

4. The copies of the same were issued to the DGOs calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

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

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

That, you-DGO (1) Sri.Annappa, Executive Engineer, Minor Irrigation Division, Kustagi, Koppal and you DGO (2) - Sri. Anantharao, Junior Engineer, Minor Irrigation Sub.Divn, Koppal ;

Have spent an amount of Rs. 29.28 lakhs as on the date of completion of work on 1.3.2007 during the year 2000-01 towards construction of percolation tank near Rajur village which is sub standard and spent the amount without completion of the work.

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

### **6. ANNEXURE NO.II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

On the basis of complaint filed by Sri.R.K.Kattimani s/o Narayanappa Yamanurappa, Near Gudnappanagudi, Kukanur, Yalburga, Koppal District (hereinafter referred to as 'complainant' for short) against (1) Sri.Basappa, J.E. MI, Kustagi and (2)Sri.Annappa, EE, MI, Kustagi alleging misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

#### **According to the Complainant: -**

Construction of percolation tank near Rajur Village is of Substandard and an amount of Rs.23.64 lakhs has been spent on the said work without completing the work.

Complaint was referred to TAC for investigation and report. Investigation has been conducted by AEE-III, TAC; Lokayukta (I.O for short) on the instructions of C.E. I.O. has submitted report.

I.O. has collected xerox copies of M.B. and test reports on embankment and taken photographs during investigation. The report of I.O. show that:

i) Estimate for construction of percolation tank near Rajur Village is Rs.29.99 lakhs during 2000-01. The provisions is made in the estimate for the following works:

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a	Earthern dam	Rs.21.30 lakhs
b	Tail and approach channel	Rs.04.00 lakhs
c	Land acquisition	Rs.02.00 lakhs
d	Waste weir	Rs.02.26 lakhs

ii) Work was entrusted to Contractor at tender amount of Rs.24.88 lakhs and expenditure incurred is Rs.29.28 lakhs.

iii) Work order was issued on 30.4.2003

iv) Work commenced on 1.10.2003 and completed on 1.3.2007

v) The officers responsible for executing the work and payment made are:

a. Sri. Basappa , Junior Engineer, M.I. Department Kustagi.

b. DGO 1-Sri. Annappa , Executive Engineer, M.I. Department Kustagi.

c. Sri. R.V.Sindagikar , AEE, M.I. Sub.Division , presently at Koppal.

d. DGO 2 -Sri.Anantharao , J.E. M.I. Sub.Division , presently at Koppal.

After receiving the report of I.O., Sri. R.V.Sindagikar , AEE (Retd) and Sri.Anantharao , J.E. M.I. Sub.Division , presently working at Koppal have been impleaded and comments was called for from DGOs 1 and 2 on the Complaint.

DGOs Nos.1 and 2 have submitted comments.

DGOs 1 and 2 have submitted comments stating that the work was entrusted to the Contractor for Rs.24.87 lakhs and the work has been executed satisfactorily.

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DGOs 1 and 2 have not explained the reason for payment of Rs.29.28 lakhs to the contractor when the work was entrusted to the Contractor for Rs.24.87 lakhs. Therefore the comments of DGOs 1 and 2 are not acceptable to drop the proceedings against them.

The facts supported by the material on record show that the DGOs, being Government servants, have failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of Government servants and thereby committed misconduct and made themselves liable for disciplinary action.

Since the said facts and material on record prima-facie show that the DGOs have committed misconduct as per Rule 3(1) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings against the DGOs Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn Competent Authority initiated disciplinary proceedings against DGOs and entrusted the enquiry to this Institution vide reference no. 1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 2. Hence, this charge.

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7. As per order No. UPLOK-1 and 2/DE /Transfers /2020 dated: 28.5.2020 the above enquiry was transferred from Additional Registrar Enquiries-10 to Additional Registrar Enquiries-9.

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8. Both DGO No.1 and 2 appeared on 12.4.2017 before this enquiry authority in pursuance to the service of the Article of charges.

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

10. The DGOs No.1 and 2 have not filed written statement.

11. The disciplinary authority has examined the Investigating officer Sri. C.N. Anand, S/o C.S.Nagaraj, the then Assistant Executive Engineer TAC Karnataka Lokayukta Bengaluru as Pw.1 and **Ex.P-1 to ExP-6** are got marked.

12. The second oral statement of DGOs No.1 and 2 have been recorded. DGOs have not examined any witness and not marked any document on behalf of their side.

13. The DGOs No.1 and 2 have submitted written arguments. Heard the submissions of both the sides. I answer the above charge in the **NEGATIVE** for the following;

### **REASONS**

14. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGO.

15. The disciplinary authority has examined the Investigating officer Sri. C.N. Anand, S/o C.S.Nagaraj, the then Assistant Executive Engineer, TAC, Karnataka Lokayukta Bengaluru as PW.1. PW-1 has deposed in his evidence that he was working as Assistant Executive Engineer in TAC Karnataka Lokayukta Bengaluru from

January 2011 to October 2017. Further he has deposed that he had received the complaint file on 20.1.2011 from K.S.Nagaraju Executive Engineer at the time of taking the charge of the office. After verifying the records he had found that, spot inspection was already done by M.L. Ramesh Executive Engineer on 29.8.2006 in respect of the complaint allegation work and drawn the spot mahazar. Further deposed that as per the said spot mahazar the alleged work was carried out and completed satisfactorily. Further he has deposed that he has called the rejoinder from the complainant on the said spot mahazar through letter. But the said letter was returned back by stating that "no such address is found"

**16.** Further he has deposed that he had personally visited the spot on 6.2.2016 and inspected the work. At the time of spot inspection DGO no. 2 and Assistant Executive Engineer Shivakumar were present. He has further deposed that he has found that the alleged work of construction of percolation tank near Rajuru village was completed satisfactorily and it was in good condition and it was not substandard.

**17.** In this case the complainant K.R.Kattimani S/o Narayanappa C/o Yamanurappa Barkera, near Gudnappana gudi, Kukanooru, Yelburga Taluk Koppala District did not appear before the enquiry authority for deposing evidence even though repeated summons were issued to him.

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**18.** DGOs No.1 and 2 have not examined any witness and not marked any document on behalf of their side.

**19.** Ex.P1 is the investigation report submitted by PW-1. Ex.P-2 is the copy of completion report, along with detailed completion report, completion certificate, consolidating completion statement of work. Ex.P-3 is the photographs of construction of percolation tank near Rajur village Chennapanahalli in Yelburga Taluk Koppal District. Ex.P-4 is the complaint dtd: 3.5.2006 submitted by complainant Sri. R.K. Kattimani. Ex.P-5 and 6 is the complaint in form no. 1 and 2 submitted by complainant Sri. R.K. Kattimani

**20.** Perused the evidence of PW-1, along with documents produced by disciplinary authority and written arguments submitted by DGO no.1 and 2. The document Ex.P-2 project completion report submitted by the Assistant Executive Engineer, Minor Irrigation Sub Division Koppala, and Executive Engineer M.I. Division, Kustagi is in respect of the work of ***“construction of new percolation tank near Rajur village Chennapanahalli in Yelburga Taluk Koppal District”***. As per the said project report, estimated cost of the work was 29.99 lakhs. From the said project it was expected that 153 acres of land will get irrigated for growing crops like jawar, groundnut, bajra, maize, sunflower, vegetables, etc., As per the completion report Ex.P-2 (page No. 66-70) the estimated cost of the project was Rs. 29.99 lakh. The date of commencement of work is shown as 1.10.2003 and date of completion is shown as June 2007





and the work was completed satisfactorily. Ex.P-2 page no. 67 is the completion certificate ( form PWG-45 (A). As per this document the Executive Engineer MI division Kustagi certified that the said work completed satisfactorily and completed in all respect as per specification. In support of that Ex.P-3, colour xerox photographs were also produced to show that the said work was completed according to specifications. Ex.P-1 is the investigation report dtd: 18.8.2016 submitted by PW-1. In the said report also PW-1 stated that he has observed during the spot inspection on 6.2.2016 that the bund, revetment, waste weir and the approach road were found in good condition. As per the quality control records furnished, the formation of tank was in good condition as per the specifications. Further he has stated that the allegation in the complaint that the work was substandard is not established. Further in the said report Chief Engineer TAC, Karnataka Lokayukta also endorsed the same in his note para no. 10 and 11. The documents produced in the inquiry and the evidence on record clearly go to show that the execution of construction of new percolation tank near Rajur village, Chennapanahalli in Yelaburga Taluk, Koppal District was satisfactory and it in accordance with specification mentioned in the estimate. The evidence on record does not establish that the above work was sub standard and the amount of Rs. 29.28 lakhs spent for the work was without completion of work. Thereby the disciplinary authority has failed to prove the charge leveled against the DGOs No.1 and 2.

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**21.** In the above said facts and circumstances, I hold that the charge leveled against the DGOs No. 1 and 2 is not proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.

*J. N. R.*  
02/01/21

(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

Pw.1	Sri. C.N. Anand, S/o C.S.Nagaraj, the then Assistant Executive Engineer TAC Karnataka Lokayukta Bengaluru

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

Ex.P1	Ex.P1 is the investigation report submitted by PW-1.
Ex.P 2	Ex.P-2 is the copy of completion report, along with detailed completion report, completion certificate, consolidating completion statement of work.
Ex.P-3	Ex.P-3 is the photographs of construction of percolation tank near Rajur Chennapanahalli village in Yelburga Taluk Koppal District.
Ex.P4	Ex.P-4 is the complaint dtd: 3.5.2006 submitted by complainant Sri. R.K. Kattimani.
Ex.P5 and 6	Ex.P-5 and 6 is the complaint in form no. 1 and 2 submitted by complainant Sri. R.K. Kattimani

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

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

	NIL
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*J. N. R.*  
02/10/21

(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/159/2017/ARE-9

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: **06/01/2021**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri A.K. Annappa, Executive Engineer, Minor Irrigation Division, Kushtagi, Koppal District;
- 2) Sri Anantharao, Junior Engineer, Minor Irrigation Sub-Division, Koppal – Reg.

Ref:-1) Government Order No. ಸನೀಇ 80 ಸೇಇವಿ 2016, Bengaluru dated 18/01/2017

- 2) Nomination order No.UPLOK-1/DE/159/2017 Bengaluru dated 31/01/2017 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 02/01/2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 18/01/2017 initiated the disciplinary proceedings against (1) Sri A.K. Annappa, Executive Engineer, Minor Irrigation Division, Kushtagi, Koppal District and (2) Sri Anantharao, Junior Engineer, Minor Irrigation Sub-Division, Koppal (hereinafter referred to as Delinquent Government Official's [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/159/2017 dated 31/01/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the 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. Subsequently by Order No. UPLOK-1 & 2/DE/Transfers/2020 dated 28/05/2020 the Additional Registrar of Enquiries-9 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGOs 1 and 2.

3. The DGO-1 Sri A.K. Annappa, Executive Engineer, Minor Irrigation Division, Kushtagi, Koppal District and DGO-2 Sri Anantharao, Junior Engineer, Minor Irrigation Sub-Division, Koppal were tried for the following charge:-

“That, you-DGO (1) Sri. Annappa, Executive Engineer, Minor Irrigation Division, Kushtagi, Koppal and you DGO (2) – Sri. Anantharao, Junior Engineer, Minor Irrigation Sub Division, Koppal;

Have spent an amount of Rs.29.28 lakhs as on the date of completion of work on 1.3.2007 during the year 2000-01 towards construction of percolation tank near Rajur village which is sub-standard and spent the amount without completion of the work.

Thus, you DGOs, being Government/public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants 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-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has failed to prove the above charge against DGO-1 Sri A.K. Annappa, Executive Engineer, Minor

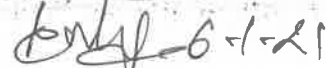
Irrigation Division, Kushtagi, Koppal District and DGO-2 Sri Anantharao, Junior Engineer, Minor Irrigation Sub-Division, Koppal.

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

6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate the DGO-1 Sri A.K. Annappa, Executive Engineer, Minor Irrigation Division, Kushtagi, Koppal District and DGO-2 Sri Anantharao, Junior Engineer, Minor Irrigation Sub-Division, Koppal of the aforesaid charge.

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

Connected records are enclosed herewith.

  
**(JUSTICE B.S. PATIL)**  
Upalokayukta,  
State of Karnataka,  
Bengaluru

