

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: UPLOK-1/DE/176/2018/ARE-12

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **20/02/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri L.Dhanya Kumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi.
- 2) Sri R.G. Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited Kalaburagi – Reg.

Ref:- 1) Government Order No.ಗ್ರಾಅಪ: 18: ಕಗ್ರಾಢೂ: 2018 Bengaluru dated 13/03/2018.

- 2) Nomination order No.UPLOK-1/DE/176/2018 Bengaluru dated 31/03/2018 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 18/02/2020 of Additional Registrar of Enquiries-12, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 13/03/2018 initiated the disciplinary proceedings against (1) Sri L.Dhanya Kumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi and (2) Sri R.G. Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited Kalaburagi (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/176/2018 dated 31/03/2018 nominated Additional Registrar of

Enquiries-7, 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/2018, Bangalore, Dtd. 06/08/2018 the Additional Registrar of Enquiries-12 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGOs 1 and 2.

3. The DGO-1 Sri L.Dhanya Kumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi and DGO-2 Sri R.G. Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited Kalaburagi were tried for the following charge:-

“You the DGO., No.1 Sri.L.Dhanyakumar is while working as Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi and you the DGO. No.2 Sri.R.G.Gaddad is while working as Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi have committed following irregularities in execution of implementation of Suvarna Grama Yojane at Madabool Village in Chittapur Taluk.

i) You the DGO., Nos.1 & 2 have failed to mention date of commencement and date of completion of the CC road works except mentioning at page No.35 of MB book for having recorded the measurements on 16/06/2012.

- ii) You the DGO. Nos.1 & 2 have failed to execute the work as per specifications i.e. in the MB book the breadth of all the 5 roads is mentioned as 3.6 meters as against the sanctioned width of 3 meters in the approved estimate.
- iii) You the DGO., Nos.1 & 2 have failed to record the individual measurements of each road works in the MB book and as against to it only total and blanket measurements of all the roads taken together and mentioned in the MB book.
- iv) You the DGO. Nos.1 & 2 have failed to supervise the works regularly and periodically and failed to record stage wise measurements of execution of works in the MB Book and recorded the measurements on a single day for the purpose of the bill.
- v) You the DGO., Nos.1 & 2 have failed to record the stage wise measurements of Samudaya Bhavan and CC drains and also failed to supervise the work regularly and periodically and inspite of it the measurements recorded in the MB Book on 23-2-2013 at a stretch and on a single day for the purpose of the bill.
- vi) You the DGO., Nos.1 & 2 have failed to record the stage wise measurement of construction of Samudaya Bhavan and also failed to supervise regularly and periodically and instead of it the measurements recorded in the MB Book on 22-3-2013 and 10-5-2013 for the purpose of the bill.
- vii) You the DGO. Nos.1 & 2 have failed to produce the MB Book for having constructed kitchen block to Anganavadi building and further you the DGO.,

Nos.1 & 2 have also failed to produce the photographs of each work at 3 stages i.e. before, during and after execution of work.

viii) You the DGO., No.2 failed to check measure 25% of the works as per KPWD Code even though the package of implementation of Suvarna Grama Yojane was for Rs.23,74,000/- and thereby you the DGO., Nos.1 & 2 have committed misconduct and dereliction of duty.

Thus, you the DGOs being the 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/Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-12) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO-1 Sri L.Dhanya Kumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi and DGO-2 Sri R.G. Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited Kalaburagi.

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

6. As per the First Oral Statement submitted by DGO 1 Sri L. Dhanyakumar, he is due to retire from service on 31/05/2022. As per the information furnished by the Inquiry officer, DGO-2 Sri R.G. Gaddad has retired from service on 31/12/2019 (during the pendency of inquiry).

7. Having regard to the nature of charge proved against DGO-1 Sri L.Dhanya Kumar and DGO-2 Sri R.G. Gaddad;

i. it is hereby recommended to the Government for imposing penalty of reducing the pay in the time scale of pay by four lower stages with cumulative effect on DGO-1 Sri L.Dhanya Kumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi;

ii. it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-2 Sri R.G. Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited Kalaburagi for a period of 10 years.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)

Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA - LOKAYUKTA

No. UPLOK-1/DE-176/2018/ARE-12

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru-560 001
Date: 18.02.2020

ENQUIRY REPORT

PRESENT :

SRI D. PUTTASWAMY
ADDITIONAL REGISTRAR (ENQUIRIES)-12
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU - 560 001.

Subject :

Departmental Inquiry against :

- (1) Sri. L. Dhanyakumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi;
- (2) Sri. R.G. Gaddad(**Retired**), Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburagi-reg.,

References:

1. Report u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB/8838/2016/DRE-3 dt.26.02.2018
2. Government Order No. ಗ್ರಾಅಪ 18 ಕಗ್ರಾಮೂ 2018 Bengaluru dated:13.03.2018
3. Nomination Order No. Uplok-1/DE/176/2018 Bengaluru dt.31.03.2018 of Hon'ble Upalokayukta-1
4. Order No.Uplok-1&2/DE/Transfers/2018 Bengaluru dated 6.8.2018.

* * *

1. This complaint is filed by the complainant Sri. Satishkumar R/o Chitapur Taluk, Kalaburgi District (hereinafter referred to as 'complainant' for short) against (1) Sri. Shivabasappa Kalashetty, Junior Engineer, Panchayath Raj Engineering Sub-Division, Kalaburgi Division, (2) Sri. B. Shivabasappa, Assistant Executive Engineer, Panchayath Raj Engineering Sub-Division, Kalagi, Kalaburgi District, (3) Sri. L. Dhanyakumar, the then Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi Division, presently working as Executive Engineer, KRIDL, Jublee Bhavan, 6th Main Road, 18th Sector, Navanagar, Bagalkot District and (4) Sri. Gaddad R.G., Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi District (Sl. No. (3) and (4) are hereinafter referred to as Delinquent Government Officials in short DGOs 1 and 2 respectively), alleging misconduct. The alleged work is not executed by PRE Division and is executed by KRIDL. Therefore (1) Sri. Shivabasappa Kalashetty and (2) Sri. B. Shivabasappa are not related to the allegations. Under the circumstances, no misconduct is inferred against them.

2. DGO No. 1 has submitted his comments denying all the allegations made in the complaint. DGO No.2 has not submitted his comments.

3. Unsatisfied with the comments of the DGO No.1 and comments not filed by DGO No.2, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGOs as per reference No. 2.
4. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta on 31.03.2018 authorizing ARE-7 to frame Articles of Charge against the DGOs and to hold an enquiry to find out truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Articles of Charge against the DGOs were framed by the then Additional Registrar (Enquiries-7) and was sent to the Delinquent Government Officials on 28.06.2018. In view of the order cited at reference No. 4, this file was transferred from ARE-7 to ARE-12.
5. The articles of charge and the statement of imputations of misconduct prepared and leveled against the DGOs are reproduced as here under :-

ANNEXURE NO.I
CHARGE

2. You the DGO., No.1 Sri.L.Dhanyakumar is while working as Assistant Executive Engineer,



Karnataka Rural Infrastructure Development Limited, Kalaburgi and you the DGO., No.2 Sri.R.G.Gaddad is while working as Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi have committed following irregularities in execution of implementation of Suvarna Grama Yojane at Madabool Village in Chittapur Taluk.

- i) You the DGO., Nos.1 & 2 have failed to mention date of commencement and date of completion of the CC road works except mentioning at page No.35 of MB book for having recorded the measurements on 16/06/2012.
- ii) You the DGO., Nos.1 & 2 have failed to execute the work as per specifications i.e. in the MB book the breadth of all the 5 roads is mentioned as 3.6 meters as against the sanctioned width of 3 meters in the approved estimate.
- iii) You the DGO., Nos.1 & 2 have failed to record the individual measurements of each road works in the MB book and as against to it only total and blanket measurements of all the roads taken together and mentioned in the MB book.
- iv) You the DGO., Nos.1 & 2 have failed to supervise the works regularly and periodically and failed to record stage wise, measurements of execution of works in the MB Book and recorded the measurements on a single day for the purpose of the bill.
- v) You the DGO., Nos.1 & 2 have failed to record the stage wise measurements of Samudaya Bhavan and CC drains and also failed to supervise the work regularly and periodically and inspite of it the measurements recorded in the MB Book on 23-2-2013 at a stretch and on a single day for the purpose of the bill.

- vi) You the DGO., Nos.1 & 2 have failed to record the stage wise measurement of construction of Samudaya Bhavan and also failed to supervise regularly and periodically and instead of it the measurements recorded in the MB Book on 22-3-2013 and 10-5-2013 for the purpose of the bill.
- vii) You the DGO., Nos.1 & 2 have failed to produce the MB Book for having constructed kitchen block to Anganavadi building and further you the DGO., Nos.1 & 2 have also failed to produce the photographs of each work at 3 stages i.e. before, during and after execution of work.
- viii) You the DGO., No.2 failed to check measure 25% of the works as per KPWD Code even though the package of implementation of Suvarna Grama Yojane was for Rs.23,74,000/- and thereby you the DGO., Nos.1 & 2 have committed misconduct and dereliction of duty.

3. Thus you the DGOs., being the 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/Rule 3(1) of Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE NO. II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

4. An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, 1984 on the complaint filed by one Sri.Sathishkumar S/o Raju, Tonasanahalli S, Chitapur Taluk, Kalaburgi District (hereinafter referred to as 'complainant' for

short) against 1) Sri.L.Dhanyakumar, Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi and 2) Sri.R.G.Gaddad, Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi and alleging the DGOs., being public servants have committed misconduct and dereliction of duty.

5. It is the allegation of the complainant the implementation of Suvarna Grama Yojane, 4th Phase at Madabool Village, Chittapura Taluk undertaken at the cost of Rs.23,74,000/- during 2013-14 and 2014-15 (Work ID No. 413233) has not been executed and bogus bills have been raised.

6. The DGO., No.1 has submitted his comments on 16/05/2017 and contended "implementation of Survarna Grama Yojane, 4th Phase at Madabool Village, Cittapura Taluk" is taken up by KRIDL, Kalburgi Sub Division-1 and the same has been executed as per the approved estimates and specifications. It is his comments all the works have been handed over to the concerned Grama Panchayath and that he has denied all the allegations made in the complaint.

7. The DGO., No,2 has not filed his comments.

8. The Assistant Executive Engineer, KRIDL, Kalburgi-I vide his letter dated 12/04/2017 has submitted the details of the officers who have executed the alleged works along with copies of approved estimates, MB book and handing over note. The material on record reveals 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 liable for disciplinary action.

9. The material available on record prima facie shows that the DGOs., have committed misconduct under Rule 3 (1) of the KCS Conduct Rules, 1966. Recommendation was made under Section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGOs., and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

10. The Government after considering the recommendation made in the report entrusted the matter to the Hon'ble Upalokayukta to conduct

departmental/disciplinary proceedings against the DGO., Nos.1 & 2 and to submit the report. Hence, the charge.

6. The aforesaid article of charge was served upon the DGOs on 17.07.2018 and 28.07.2018. DGO No.1 appeared before this enquiry authority and his first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO-1 pleaded not guilty and claimed to be enquired about the charge. In spite of service of Articles of Charge, DGO No.2 remained absent. DGO No.1 and 2 remained absent throughout the enquiry proceedings from 14.12.2018. Hence, DGOs 1 and 2 are placed exparte.

7. In this enquiry, to prove the charge against the DGOs, the Presenting Officer has examined Sri. Satish Kumar (Complainant) as PW-1 and Sri. K.M. Omkar Murthy (Scrutiny Officer) as PW 2 and got marked, in all, 10 documents as Ex.P-1 to Ex.P-10 on behalf of Disciplinary Authority. Then I have heard the learned Presenting Officer.

8. Now, the points that would arise for my consideration are;

1 : Whether the charges leveled against the DGOs are proved by the Disciplinary Authority?

2 : *What order?*

9. My findings to the aforesaid points are as under :-

POINT No. 1 : In the AFFIRMATIVE

POINT No. 2 : As per the final order for the following;

REASONS

10. **POINT NO. 1** : It is the case of disciplinary authority that the DGO No.1 & 2 while working as Assistant Executive Engineer and Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Kalburgi respectively have committed the irregularities in implementation of Suvarna Grama Yojane at Madabool village in Chittapura taluk as hereunder :-

- (i) The date of commencement and date of completion of CC road works are not mentioned in the measurement book; except mentioning the date of recording of measurements as 16.06.2012 at page No.35 of measurement book.
- (ii) They have failed to execute the works as per specifications, because in the measurement book the width of all the 5 roads is mentioned as 3.6 meters as against the sanctioned width of 3 meters in the approved estimate.
- (iii) They have failed to record the individual measurements of each road works in the measurement book and as against to it only

total and blanket measurements of all the roads taken together and mentioned in the measurement book.

- (iv) They have failed to supervise the works regularly & periodically and failed to record stage-wise measurements of execution of works in the measurement book and recorded the measurements on a single day for the purpose of bill.
- (v) They have failed to record the stage-wise measurements of samudhaya bhavana & CC drains and also failed to supervise the works regularly & periodically and inspite of it the measurements recorded in the measurement book on 23.02.2013 at a stretch and on a single day for the purpose of bill.
- (vi) Without supervising the work of samudhaya bhavan periodically they have recorded the measurements in the measurement book on 23.02.2013 and 10.05.2013 for the purpose of bill.
- (vii) They have failed to produce the measurement book with respect to construction of kitchen block to Anganawadi building and failed to produce the photographs of three stages of work execution i.e., before, during and after execution of the work.
- (viii) DGO No.2 has failed to check measure 25% of the works as per KPWD code even though the package of implementation of Suvarna Grama Yojane was Rs.23,74,000/- and

thereby they have committed dereliction of duty.

11. The complainant being PW-1 has deposed in his evidence that by taking up work of CC road from Madabool village to Haddanur under Suvarna Grama Yojane, Sri Shivabasappa, Junior Engineer, Panchayath Raj Engineering Department, Madabool Grama Pachayath, has not properly executed the work as per the estimate and the photos produced are relating to some other work; later on he came to know that the said work was entrusted to KRIDL, Kalaburgi for execution. He has relied on complaint in Form No.1 & 2 and copies of photographs at Ex.P-1 to Ex.P-3.

12. The Scrutiny Officer has been examined as PW-2. He has reiterated the irregularities as stated in the Articles of Charge. He has further stated that the DGO No.1 has committed the said irregularities in the implementation of work and DGO No.2 being District level officer has not verified the 25% of work as per Chapter-1, para-110, sub-clause-9 of KPWD code and therefore, DGO No.1 & 2 have committed dereliction of duty. He has relied on copy of estimate of works, copies of sketch and copies of measurement book at Ex.P-4 to P-10.

13. The learned Presenting Officer has submitted that the complainant being PW-1 and Scrutiny Officer being PW-2 have fully supported the case of disciplinary authority and the documents produced by them at Ex. P-1 to Ex.P-10 corroborate the version of complainant to establish the guilt of DGOs.

14. On perusal of the oral and documentary evidence, it reveals that the DGO No.1 & 2 were working as Assistant Executive Engineer and Executive Engineer, Karnataka Rural Infrastructure Development Ltd., Kalaburgi respectively at the relevant point of time. There is no dispute that the implementation of Suvarna Gramodaya Yojane at Madabool in Chittapur Taluk was entrusted to Karnataka Rural Infrastructure Development Ltd., Kalaburgi.

15. When we analyze the evidence of PW-1 & 2 along with documentary evidence, it reveal that in the implementation of works under Suvarna Gramodaya Yojane within the limits of Madabool Grama Panchayath, Chittapur Taluk, Kalaburgi District, the DGO No.1& 2 have committed irregularities as stated in the charges (i) to (vii) and DGO No.2 has also committed irregularity as stated in the charge-(viii) without verifying the 25% of work as per Chapter-1, para-110, sub-clause-9 of KPWD code.

16. It is to be noted that, the DGO No.1 though appeared through counsel, has not rebutted the evidence of PW-1 & 2 by filing his written statement and thereafter, he is remained absent and therefore, he has been placed exparte. In spite of receipt of Articles of Charge, DGO No.2 has not appeared and therefore, he has also been placed exparte. As such the evidence of PW-1 & 2 is remained unchallenged and there are no reasons to disbelieve the same. Such being the case, adverse inference can also be drawn as against the DGOs.

17. It is therefore clear from the evidence that, DGO No.1 being Assistant Executive Engineer and DGO No.2 being Executive Engineer have committed irregularities in the execution of implementation of Suvarna Gramodaya Jojane, which amounts to dereliction of duty. But, as per the evidence of PW-2/Scrutiny Officer the DGO No.1 & 2 have not caused any financial loss to the Government.

18. Therefore, by considering the evidence on record, I hold that the DGO No.1 & 2 have committed dereliction of duty as stated in the charges. Thus, the Disciplinary Authority has proved the charges-(i) to (vii) leveled against the DGO No.1 & 2 and also charge-(viii) leveled against the DGO No.2 as mentioned in Annexure-1 of

Articles of Charge beyond probabilities. Therefore, I answer Point No.1 in the Affirmative.

19. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to pass the following;

: ORDER :

The Disciplinary Authority has proved the charges against the DGO No.1-Sri. L. Dhanyakumar-Assistant Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi and DGO No.2-Sri. R.G. Gaddad(**Retired**), Executive Engineer, Karnataka Rural Infrastructure Development Limited, Kalaburgi.

The date of retirement of DGO No.1 is 31.05.2022 and DGO No.2 retired from service on 31.12.2019.

This report is submitted to the Hon'ble Upalokayukta-1 in a sealed cover forthwith.

Dated this the 18th February, 2020

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

ANNEXURES**I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-**

PW 1 : Sri. Satish Kumar (Complainant)
PW 2 : Sri. K.M. Omkar Murthy (Scrutiny Officer)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1 : Form No. I dt:27.06.2016
Ex.P.2 : Form No. II dt:27.06.2016
Ex.P.3 : Photographs
Ex.P.4 : Estimate of work of Suvarna Gramodaya
Yojana
Ex.P.5 : Estimate of CC Road
Ex.P.6 : Estimate of CC Drain
Ex.P.7 : Estimate of Anganawadi Building
Ex.P.8 : Estimate of Samudaya Bhavan
Ex.P.9 : Sketch
Ex.P.10 : Measurement book extract

III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGOs :

NIL

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGOs :

NIL

Dated this the 18th February, 2020

(D. Puttaswamy)
Additional Registrar (Enquiries-12)
Karnataka Lokayukta, Bengaluru

