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**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/196/2015/ARE-13

M.S. Building,  
Dr.B.R. Ambedkar Road,  
Bangalore-56001  
Date: 22/01/2020.

**: Present:**

**Patil Mohankumar Bhimanagouda**  
Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.

**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Enquiry against,  
1. Sri T. Jayanandam, Executive  
Engineer and

2. Sri K. Veerasinga Naika, Assistant  
Executive Engineer ( presently working  
as Executive Engineer, both of them  
working then in Main Canal of Thunga  
Bhadra Left Bank Canal, Vijayanagar  
Canal and Distribution Canals of Thunga  
Bhadra Left Bank Canal, Koppal District.

**Ref :-**1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/GLB/59/2008/ARE-3,  
dated.04/02/2015.

2) Govt. Order No. ಜಸಂಇ 39 ಸೇಇವಿ 2015,  
Bengaluru, dated:07/04/2015.

3) Nomination Order No.UPLOK-1/DE/  
196/2015, Bengaluru, Dated: 10/04/2015.

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1. This departmental enquiry is directed against 1) Sri T. Jayanandam, Executive Engineer and 2) Sri K. Veerasinga Naika, Assistant Executive Engineer (presently working as Executive Engineer ) both of them working then in Main Canal of Thunga Bhadra Left Bank Canal, Vijayanagar Canal and Distribution Canals of Thunga Bhadra Left Bank Canal, Koppal District (herein after referred to as the Delinquent Government Officials in short "DGOs").
2. After completion of the investigation, a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-1, vide order dated 10/04/2015 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGOs. Additional Registrar Enquires-4 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charges. Copies of same were issued to the DGOs calling upon them to appear before this authority and to submit written statement of their defence.

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4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta, dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.

5. The Articles of Charges framed by ARE-4 against the DGO is as below:

**ANNEXURE NO-1**  
**CHARGE-1**

6. That, you DGO-1 Sri T. Jayanandam while working as Executive Engineer and you DGO-2 Sri K. Veerasinga Naika while working as Assistant Executive Engineer respectively in Major Irrigation Department's No-2 Canal Division of Thunga Bhadra Left Bank Canal at Vaddarahatti Camp in Gangavathi Taluk of Koppal District executed the work of distributaries and committed irregularities in cement concrete lining to distributory No.11A from Chainage 4.50 k.m to 5.50 k.m. of TLBC and it was damaged at Chainage 4.50 k.m. and exposed. Thereby, you DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were un-becoming of a Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**CHARGE-II**

Secondly that you DGO-1 Sri. T. Jayanandam and you DGO-2 Sri Veerasinga Naika executed the work of repairing guide wall in distributory 11A from Chainage 14.00 k.m to 20.00 k.m of TLBC and side the size stone masonry guide wall was also damaged in selected reaches. You have not executed the work as per the estimate and thereby, you-DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were un-becoming of a Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**CHARGE-III**

Thirdly, that you DGO-1 Sri T. Jayanandam and you DGO-2 Sri Veerasinga Naika have executed the work of repairs to stilling basin, chamber of distributory No-14 and repairs to side lining from Chainage 5.00 k.m to 8.00 k.m distributor, which was wearing out of surface of lining. Thereby, you-DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were un-becoming of a Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE NO-II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

7. Sri Raju B Halli, Mallapur of Gangavathi Taluk in Koppal District (hereinafter referred to as the 'complainant' for short) filed a complaint against DGO-1 and 2 alleging misappropriation by the respondents. So, an Investigation was taken up u/s 9 of the Karnataka Lokayukta Act, 1984.
8. **According to the complainant:** DGOs have misappropriated the amount sanctioned for canal improvement works during the year 2006-07 in Thunga Bhadra Left Bank Main Channel, Vijayanagar Channel and Thungabhadra left bank Channel distributaries and works executed by the respondents are of substandard.
9. As such, complaint was referred to Chief Engineer in TAC of our Institution i.e., Karnataka Lokayukta for investigation and report. The Chief Engineer, in turn, entrusted the investigation to Executive Engineer-2 (hereinafter referred to as I.O for short).
10. Accordingly, after investigation, I.O has submitted report stating that on personal inspection, in the presence of the complainant and the engineers, a mahazar was drawn and the following irregularities were noticed by I.O and it is opined that

a) At chainage 4.50 of distributory channel 11A the cement concrete lining has been dismantled by some miscreants and the reinforcement has been stolen and from the remarks of the steel rods, it is observed that spacing of the rods are 25cm c/c. and that the engineers in charge was instructed to set right the same,

b) The guide wall is damaged by some miscreants, in distributory channel 11A chainage 11.00 km to 12.00 km and that the engineers in charge was instructed to set right the same,

11. Information is sought from AEE, No-2, Thunga Bhadra Project (TBP)(Sub Division) Agalakera, seeking officers who served at No-2 TBP (Sub Dn) Agalakera. Accordingly, DGO-1 and 2 respectively.

12. Hence comments of DGO-1 and 2 were called for on the said complaint and report of the I.O. DGO-1 in his comments has stated that tender work is done as per the estimate and every day he has inspected the work and that some miscreants in the night have dismantled the work.

13. A careful consideration of the material on record shows that:

- i. providing cement concrete lining to distributor no.11A from chainage 4.50 km to 5.5.km of TLBC is not as per the estimate approved;
- ii. Providing repairs to guide wall in distributor 11A from chainage 14.00 km to 20.00 km of TLBC in selected reaches is not as per the estimate;
- iii. DGO-1 has not investigated in regard to the damage caused to the channel work by the miscreants at night;
- iv. There is no reason for anyone to damage the canal work as stated by DGO-1;
- v. There is no base on the statement of DGO-1 that some miscreants have dismantled the concrete lining.

Thus it shows that the DGO-1 and 2 have not done the works as per the estimate and have misappropriated the Government funds.

14. In view of the said facts and material on record, reply of DGO-1 is not found satisfactory to drop the proceedings. Since DGO-2 has not offered reply, it is taken that he has nothing to say.

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

16. Since said facts and material on record prima-facie show that DGOs have committed misconduct Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now, action U/S 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate proceedings against the DGOs and to entrust the enquiry to this Authority under Rule 14-A of K.C.S (CC & A) Rules, 1957. In turn Competent Authority entrusted the enquiry to this institution vide ref (1) and Hon'ble Upalokayukta-1 nominated the enquiry authority to conduct enquiry and report vide ref (2). Hence, the charge.

17. The DGO No-1 and 2 appeared before this Enquiry Authority on 26/06/2015 and on the same day their First Oral Statement



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was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO No-1 and 2 pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO No-1 and 2 have filed their written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that they have committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, prayed to exonerate them from the charges framed in this case.

18. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3 got marked the documents at Ex.P-1 to P-7 and closed the evidence.

19. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO No-1 and 2 was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein they have submitted that, the witness has deposed falsely against them. The DGO No-1 and 2 got examined themselves as DW-1 and DW-2 and produced one document at Ex.D-1 and closed their side. Since the DGO No-1 and 2 had led evidence, the questionnaire was dispensed.

20. The advocate for DGO No-1 and 2 filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

21. Upon consideration of the charges leveled against the DGO No-1 and 2, the evidence led by the Disciplinary Authority and DGOs by way of oral and documentary evidence and their written brief/submissions, the points that arise for my consideration are as follows:

**Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO No-1 Sri T. Jayanandam while working as Executive Engineer and the DGO-2 Sri K. Veerasinga Naika while working as Assistant Executive Engineer respectively in Major Irrigation Department's No-2 Canal Division of Thunga Bhadra Left Bank Canal at Vaddarahatti Camp in Gangavathi Taluk of Koppal District executed the work of distributaries and committed irregularities in cement concrete lining to distributory No.11A from Chainage 4.50 k.m to 5.50 k.m. of TLBC and it was damaged at Chainage 4.50 k.m. and exposed and you DGO No-1 and 2 did not take any action in this regard and thereby, you DGO No-1 and 2 have failed to maintain absolute integrity and devotion to duty, the said act of you were un-becoming of**

**Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.**

**Point No-2) Whether the Disciplinary Authority has satisfactorily proved that the DGO No-1 Sri. T. Jayanandam and the DGO-2 Sri Veerasinga Naika executed the work of repairing guide wall in distributory 11A from Chainage 14.00 k.m to 20.00 k.m of TLBC and the size stone masonry guide wall was also damaged in selected reaches and the DGO No-1 and 2 have not executed the work as per the estimate and thereby the DGO No1 and 2 have failed to maintain absolute integrity and devotion to duty, the said act of the DGO No1 and 2 were un-becoming of Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct Rules 1966.**

**Point No-3) Whether the Disciplinary Authority has satisfactorily proved that the DGO No-1 Sri T. Jayanandam and the DGO-2 Sri Veerasinga Naika have executed the work**

*of repairs to stilling basin, chamber of distributory No-14 and repairs to side lining from Chainage 5.00 k.m to 8.00 k.m distributory, which was wearing out of surface of lining, the DGO No-1 and 2 have not executed the work as per the estimate and thereby, the DGO No-1 and 2 have failed to maintain absolute integrity and devotion to duty, the said act of the DGO No-1 and 2 was un-becoming of Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.*

22. My finding on the above points No-1 to 3 is held in the "Affirmative" for the following:

**:: REASONS ::**

23. **Point No-1 to 3:-** I take all these three points for common consideration because the facts and evidence to all these three points are inter linked. It will also avoid repetition of facts and evidence.

The complainant Sri Raju Halli has been examined as PW-2/CW-1 and he has reiterated the facts stated in the complaint.

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He states that, he knows the DGO No-1 and 2. He states that, he is the permanent resident of Mallapur Village and he has agricultural land in Mallapur Village. The distributory canal of Thunga Bhadra Left Bank Canal has passed through his land. He further states that, that the repair works under taken by the DGO No-1 and 2 are of substandard quality and hence, he has lodged the complaint. PW-2 further states that, after lodging the complaint, the investigation officer has visited the spots and investigated the matter. The cement works undertaken to the canal had fallen apart. The investigation Officer has directed the DGO No-1 and 2 to repair the said canal works.

24. PW-2 further states that, he has lodged the complaint before this institution and the said documents have already been marked as per Ex.P-1 to P-3.

25. PW-1/CW-2 Sri M.L. Ramesh is the retired Executive Engineer who was working in TAC, Karnataka Lokayukta, Bengaluru. PW-1 states that, from 2001 to 2010 he has worked in TAC, Karnataka Lokayukta, Bengaluru. Initially he has worked as Assistant Executive Engineer and thereafter as Executive Engineer. The present complaint bearing UPLOK/GLB/59/2008 was referred by the Hon'ble Upa Lokayukta to the Chief Engineer TAC, Karnataka Lokayukta, Bengaluru. The Chief Engineer in

turn directed PW-1 to investigate the matter and submit the report.

26. PW-1 further states that, the complainant had alleged that, in the year 2006-07 the works under taken to Thunga Bhadra Left Bank Canal were of substandard nature and hence, in this regard he had lodged the complaint. He further states that, on 12/06/2008 he along with the Chief Engineer visited the spot and conducted the investigation and also prepared the Spot Panchanama. At the time of investigation the complainant and the officials concerned were present. The complaint has been marked as Ex.P-1 and Form No-I and II have been marked as Ex.P-2 and P-3.

27. PW-1 has produced the documents furnished by the complainant and they have been commonly marked as Ex.P-4. He further states that, he has drawn the Mahazar at the time of investigation and it has been marked as Ex.P-5. PW-1 further states that, he has investigated the matter and submitted his report as per Ex.P-6. He has also produced the documents verified by him at the time of investigation and they have been commonly marked as Ex.P-7.

28. The scrutiny officer i.e. ARE-3 was summoned and examined as PW-3. He states that, from 01/04/2013 to 31/03/2016 he has

worked as Additional Registrar of Enquiries-3 in Karnataka Lokayukta, Bengaluru. He has scrutinized the complaint of the present complainant and he had found prima facie material against the DGO No-1 and 2. Accordingly the Hon'ble Upa Lokayukta-1 had submitted the report U/s 12(3) of the Karnataka Lokayukta Act 1984 to the Government.

29. PW-3 further states that, on careful perusal of report of the investigation officer i.e. Sri M.L. Ramesh, TAC, Karnataka Lokayukta, Bengaluru, he has prima facie found the substandard works under taken by the DGO No-1 and 2 and they are as follows,

- i. On inspection of Thunga Bhadra Main Canal distributaries and laterals, irregularities were noticed in the execution of those works,
- ii. In cement concrete lining to distributory no.11A from chainage 4.50 km to 5.50 km of TLBC, the lining at Ch.4.50 K.M was found damaged with exposed reinforcement and not made as per the approved estimate,
- iii. In the repairs to guide wall in distributory 11A from chainage 14.00 km to 20.00 km of TLBC, the size stone masonry guide wall was

found damaged in selected reaches and not made as per the estimate,

- iv. In the work of repairs to stilling basin, chamber of Distributory No.14 and repairs to side lining from Ch.5.00 K.M to 8.00 K.M Distributory, there was wearing out of surface of lining.
- v. DGO-1 has not investigated the alleged damage caused to the canal work by the miscreants at night;
- vi. There was no reason for anyone to damage the canal work and there was no possibility for damage when there was staff to supervise.
- vii. There is no material to support the statement of DGO No-1 that some miscreants have dismantled the concrete lining during night,
- viii. Said facts show that the DGO-1 and 2 have not done the works as per the estimate, but misappropriated the Government funds.



30. PW-3 further states that, on careful perusal of material on record, it shows that, the works under taken to Thunga Bhadra Main Canal, distributaries and the laterals, irregularities were noticed in the execution of those works as observed above.

31. PW-1 to 3 have been cross examined at length by the Defence Assistant of the DGO No-1 and 2. However, nothing material has been elicited to discredit their testimony.

32. On the other hand the DGO No-1 and 2 have led defence evidence. They have got themselves examined as DW-1 and DW-2. DW-1 and 2 have stated that they have executed the works of Thunga Bhadra Main Canal, distributaries and the laterals as per the estimates and they have not committed any irregularities. They further submit that, some miscreants had damaged the linings of the canal and they have later on repaired those damages to the canal.

33. The Defence Assistant for DGO No-1 and 2 has canvassed his arguments and he has relied upon the following decisions.

1. (2007) 1 Supreme Court Cases (L&S) 254

Govt of A.P and Others v/s Venkata Raidu

2. (2012) 5 Supreme Court Cases 242

Vijay Singh v/s State Of Uttar Pradesh and Others

3. 2015 SCC Online SC 1329

Prem Nath Bali v/s Registrar, High Court of Delhi & Anr.

34. The Hon'ble Supreme Court has laid down the law with regard to department enquiries and service laws. I have carefully gone through the ratio laid down in the above referred decisions. However, I am of the opinion that, the facts of the present case are entirely different and hence, the decisions relied on by the DGOs are not helpful to their case. The Defence Assistant for DGOs has also drawn the attention to the document at Ex.D-1 and canvassed his arguments that, the complainant has withdrawn the complaint. However, this contention of the Defence Assistant for the DGOs cannot be accepted. Once the complaint is filed, the law takes its own course. The complainant cannot withdraw the complaint. Hence, this document at Ex.D-1 is also not helpful to the case of the DGO No-1 and 2.

35. I have carefully gone through the oral and documentary evidence adduced by the Disciplinary Authority and the DGO No-1 and 2. On careful perusal of the report U/s 12(3) of the Karnataka Lokayukta Act 1984 and the evidence of PW-3, the evidence of I.O/PW-1 and his report at Ex.P-6, it is observed that the damages had been caused to the Thunga Bhadra Main Canal, distributaries and the laterals. The report U/s 12(3) of the Karnataka Lokayukta Act 1984 and the evidence of PW-3, has clearly found the

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irregularities in the execution of works to the Thunga Bhadra Main Canal, distributaries and laterals.

36. On careful perusal of the oral evidence of PW-1 to 3 and the documentary evidence at Ex.P-1 to P-7, it is observed that,

- i. In cement concrete lining to distributory no.11A from chainage 4.50 km to 5.50 km of TLBC, the lining at Ch.4.50 K.M was found damaged with exposed reinforcement and not made as per the approved estimate.
- ii. In the repairs to guide wall in distributory 11A from chainage 14.00 km to 20.00 km of TLBC, the size stone masonry guide wall was found damaged in selected reaches and not made as per the estimate,
- iii. In the work of repairs to stilling basin, chamber of distributory No.14 and repairs to side lining from Ch.5.00 K.M to 8.00 K.M distributory, there was wearing out of surface of lining.

37. On careful perusal of the evidence of PW-3 and the report U/s 12(3) of Lokayukta Act 1984, it is observed that, the lining at chainage 4.50 k.m. of TLBC was found damaged with exposed reinforcement. It was also found that, the repairs of the guide wall in distributory 11A from chainage 14 k.m to 20 k.ms of TLBC, the stone masonry guide wall was damaged in selected reaches. It was also found that, in the repair works to stilling basin, chamber of distributory No-14 and repairs to side lining from chainage 5 k.m. to 8 k.m. there was wearing out of surface of lining. It is also observed that, the DGO No-1 and 2 have not investigated the alleged damage caused to the canal work by the miscreants at night. No action was taken against the miscreants who had allegedly dismantled the concrete lining.

38. Hence, on careful perusal of the evidence on record, I am of the opinion that, the Disciplinary Authority has proved that, the DGO No-1 and 2 have done substandard work to the Thunga Bhadra Main Canal, distributaries and laterals. The conduct of the DGO No-1 and 2 amounts to dereliction of duty and misconduct.

39. For the reasons stated above, the DGO No-1 and 2, being the Government/Public Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants. On appreciation of entire

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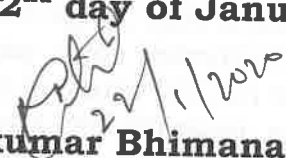
oral and documentary evidence, I hold that the charges No-1 to 3 leveled against the DGO No-1 and 2 are established. Hence, I answer points No.1 to 3 in the “ Affirmative ”.

**:: ORDER ::**

***The Disciplinary Authority has proved the charges against the DGO No.1) Sri T. Jayanandam, Executive Engineer and DGO No-2) Sri K. Veerasinga Naika, Assistant Executive Engineer (presently working as Executive Engineer) both of them working then in Main Canal of Thunga Bhadra Left Bank Canal, Vijayanagar Canal and Distribution Canals of Thunga Bhadra Left Bank Canal at Vaddarahatti Camp in Gangavathi Taluk of Koppal District.***

40. This report is submitted to Hon'ble Upa Lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 22<sup>nd</sup> day of January 2020**

  
**(Patil Mohankumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore

## ANNEXURES

<b>Witness examined on behalf of the Disciplinary Authority</b>
<b>PW-2/CW-1:</b> Sri Raju H.V. Halli (Original)
<b>CW-2/PW-1:</b> Sri M.L. Ramesh (Original)
<b>PW-3 :</b> Sri Datta (Original)
<b>Witness examined on behalf of the Defence</b>
<b>DW-1:</b> Sri T Jayanandam (Original)
<b>DW-2:</b> Sri K. Veerasinga Naik (Original)
<b>Documents marked on behalf of the Disciplinary Authority</b>
<b>Ex. P-1:</b> Complaint (Original)
<b>Ex. P-1(a):</b> Signature of the complainant.
<b>Ex.P-2:</b> Form No.I (Original)
<b>Ex. P-2(a) :</b> Signature of the complainant.
<b>Ex. P-3:</b> Form No.II (Original)
<b>Ex. P-3(a) :</b> Signature of the complainant.
<b>Ex. P-4:</b> Complainant produced the documents (Xerox copies)
<b>Ex. P-5:</b> Mahazar (Original)
<b>Ex. P-5(a) :</b> Signature of the I.O.
<b>Ex. P-6:</b> Report of I.O (Original)
<b>Ex. P-6(a) :</b> Signature of the I.O.
<b>Ex. P-7:</b> 6 files pertaining to the works in question, page no.191- 196 xerox copies, page no-197-198 attested copies, page no.199-200 xerox copies, page no.201 attested copy, page no.202-274 xerox copies, page no.275 attested copy, page no.276-289 xerox copies, page no.290 attested copy, page no.291-297 xerox copies, page no.298 attested copy, page no.299-303 xerox copies, page no.304 attested copy, page no.305-316 xerox copies, page no.317 attested copy, page no.318-327 xerox copies, page no.328-330 xerox copies, page no.331-332 attested copy, page no.333-341 xerox copies, page no.342 attested copy, page

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no.343-371 xerox copies, page no.372 -373 attested copy, page no.374-375 xerox copies, page no.376 attested copy, page no.377-386 xerox copies, page no.387 attested copy, page no.388-396 xerox copies, page no.397-398 attested copies, page no.399-421 xerox copies, page no.422 attested copy, page no.423 xerox copy, page no.424 attested copy, page no.425-426 xerox copies, page no.427 attested copy, page no.428-432 xerox copies, page no.433 attested copy, page no.434-441 xerox copies, page no.442 attested copy, page no.443-445 xerox copies, page no.446 attested copy, page no.447-452 xerox copies, page no.453-455 attested copy, page no.456-461 xerox copies, page no.462 attested copy, page no.463-467 xerox copies, page no.468 attested copy, page no.469-470 xerox copies, page no.471 attested copy, page no.472-474 xerox copies, page no.475 attested copy, page no.476-479 xerox copies, page no.480 attested copy, page no.481-484 xerox copies, page no.485 attested copy, page no.486-490 xerox copies, page no.491 attested copy, page no.492 xerox copy, page no.493 attested copy, page no.494-499 xerox copies, page no.500-502 attested copy, page no.503-509 xerox copies, page no.510 attested copy, page no.511-517 xerox copies.

**Documents marked on behalf of the DGO**

**Ex.D-1:** Letter of complainant dated 12/06/2008 (Xerox copy)

**Ex. D-1(a) :** Signature of the complainant.

**Dated this the 22<sup>nd</sup> day of January 2020**

  
**(Patil Mohankumar Bhimanagouda)**

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore.







**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE/196/2015/ARE-13

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **24/01/2020**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri T. Jayanandam, Executive Engineer, No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti Camp in Gangavathi Taluk, Koppal District.
- 2) Sri K. Veersingh Naika, Assistant Executive Engineer, (Presently Executive Engineer) No.2 Canal Division, Thunga Bhadra Left Bank Canal, Waddarahalli Camp, Gangavathi Taluk, Koppal District - Reg.

- Ref:- 1) Government Order No. ಜಸಂಇ 39 ಸೇಇವಿ 2015 Bengaluru dated 7/4/2015
- 2) Nomination order No.UPLOK-1/DE/196/2015, Bengaluru dated 10/4/2015 of Upalokayukta-1, State of Karnataka, Bengaluru
  - 3) Inquiry Report dated 22/01/2020 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 7/4/2015, initiated the disciplinary proceedings against (1) Sri T. Jayanandam, Executive Engineer, No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti, Camp, Gangavathi Taluk, Koppal District and (2) Sri K. Veerasingh Naika, Assistant Executive Engineer, (Presently Executive Engineer), No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti Camp, Gangavathi Taluk, Koppal District. (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as DGO-1 and DGO-2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/196/2015, Bengaluru dated 10/4/2015 nominated Additional Registrar of Enquiries-4, 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, dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGOs 1 & 2.

3. The DGO-1 Sri T. Jayanandam, Executive Engineer, and DGO-2 Sri K. Veerasingh Naika, Assistant Executive Engineer, (Presently Executive Engineer) - No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti Camp, Gangavathi Taluk, Koppal District were tried for the following charge:-

**“Charge-I**

That, you DGO-1 Sri T. Jayanandam while working as Executive Engineer and you DGO-2 Sri K. Veerasinga Naika while working as Assistant Executive Engineer respectively in Major Irrigation Department's No.2, Canal Division of Thunga Bhadra Left Bank Canal at Vaddarahatti Camp in Gangavathi Taluk of Koppal District executed the work of distributaries and committed irregularities in cement concrete lining to distributary No.11A from Chainage 4.50 k.m to 5.50 k.m of TLBC and it was damaged at Chainage 4.50 k.m and exposed. Thereby, you DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of a Government Servants and thereby committed misconduct as

enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.

**Charge -II**

Secondly that you DGO-1 Sri T. Jayanandam and you DGO-2 Sri Veerasinga Naika executed the work of repairing guide wall in distributor 11A from Chainage 14.00 k.m. to 20.00 k.m of TLBC and side the size stone masonry guide wall was also damaged in selected reaches. You have not executed the work as per the estimate and thereby, you-DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

**Charge - III**

Thirdly, that you DGO-1 Sri T. Jayanandam and you DGO-2 Sri Veerasinga Naika have executed the work of repairs to stilling basin, chamber of distributor No.14 and repairs to side lining from Chainage 5.00 k.m to 8.00 k.m. distributor, which was wearing out of surface lining. Thereby, you - DGOs have failed to maintain absolute integrity and devotion to duty, the said act of you were unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges 1 to 3

against DGO-1 Sri T. Jayanandam, Executive Engineer, and DGO-2 Sri K. Veerasingh Naika, Assistant Executive Engineer, (Presently Executive Engineer), both of them working then in Main canal of Thunga Bhadra left Bank Canal, Vijayanagar Canal and Distribution Canals of Thunga Bhadra Left Canal at Vaddarahatti Camp in Gangavathi Taluk of Koppal District.

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 DGOs 1 & 2;

- (i) DGO-1 Sri T. Jayanandam has retired from service on 30/4/2017 (during the pendency of inquiry).
- (ii) DGO-2 Sri K. Veerasingh Naika has retired from service on 30/9/2018 (during the pendency of inquiry).

7. Having regard to the nature of charges proved against DGO-1 Sri T. Jayanandam and DGO-2 Sri K. Veerasingh Naika;


(i) it is hereby recommended to the Government for imposing penalty of permanently withholding 10% of pension payable DGO-1 Sri T. Jayanandam, Executive Engineer, No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti, Camp, Gangavathi Taluk, Koppal District;

(ii) it is hereby recommended to the Government for imposing penalty of permanently withholding 10% of pension payable DGO-2 Sri K. Veerasingh Naika, Assistant Executive Engineer, (Presently Executive

Engineer), No.2, Canal Division, Thunga Bhadra Left Bank Canal, Waddarahatti Camp, Gangavathi Taluk, Koppal District.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 24/1  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru

