

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: UPLOK-1/DE/264/2016/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 01/04/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadgir;
- 2) Sri Anil Mithal, Assistant Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District;
- 3) Sri G.B. Kattimani, Assistant Executive Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District; and
- 4) Sri Kalagi Shivaputrappa, Executive Engineer, Minor Irrigation Division, Kalaburagi – Reg.

- Ref:- 1) Government Order No.ಸನೇಇ 31 ಸೇಇವಿ 2016 Bengaluru dated 16/7/2016 & Corrigendum dated 3/10/2016
- 2) Nomination order No.UPLOK-1/DE/264/2016, Bengaluru dated 26/7/2016 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 29/3/2019 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 16/7/2016 and its Corrigendum dated 3/10/2016, initiated the disciplinary proceedings against (1) Sri Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadgir; (2) Sri Anil Mithal, Assistant Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District; (3) Sri G.B. Kattimani, Assistant Executive Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District;

and (4) Sri Kalagi Shivaputrappa, Executive Engineer, Minor Irrigation Division, Kalaburagi(hereinafter referred to as Delinquent Government Officials 1 to 4, for short as DGO-1, DGO-2, DGO-3 and DGO-4 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/264/2016, Bengaluru dated 26/7/2016 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 4 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadgir; DGO-2 Sri Anil Mithal, Assistant Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District; DGO-3 Sri G.B. Kattimani, Assistant Executive Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District; and DGO-4 Sri Kalagi Shivaputrappa, Executive Engineer, Minor Irrigation Division, Kalaburagi were tried for the following charges:-

“1. That you – DGOs did not furnish photographs of the work during the progress of work and failed to produce documents concerning Package-8 contract works of Kumbalakunte Lake and other 10 Lakes entrusted to Karnataka Land Army;

2. The documents in respect of renovation and repair works of 41 tanks taken up under Pilot project at Yadgir and documents for payment of ₹164.17 Lakhs were not made available for verification;

3. The details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth up to which silt of the tank was removed have not been furnished;

Thereby you – DGO Nos. 1 to 4 failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government servants and thereby you – DGO Nos. 1 to 4 committed misconduct as enumerated under Rule 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. During the pendency of inquiry, the DGO-2 Sri Anil Mithal died on 3/12/2018 and therefore, the inquiry officer has recorded the abatement of inquiry proceedings against DGO-2.

5. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the charges against DGO-1 Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadagiri; DGO-3 Kattimani G.B., Assistant Executive Engineer, Minor Irrigation Sub Division, Yadgir Taluk, Yadgir District; DGO-4 Kalagi Shivaputrappa, Executive Engineer, Minor Irrigation Division, Gulbarga i.e., the Disciplinary Authority has proved that the DGOs 1, 3 and 4 had not furnished the following to the I.O., i.e., Photographs of the work during the progress of the work and the documents concerning Package-8 Contract works of Kumbalakunte Lake and other 10 Lakes entrusted to Karnataka Land Army; and had not produced the documents in respect of payment of ₹164.17 Lakhs for repair, renovation and restoration of

works of 41 tanks taken up under the pilot project at Yadgir; and the details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth up to which silt of the tank was removed.

6. 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.

7. As per the First Oral Statement submitted by DGOs. 1, 3 & 4;

(i) DGO-1 Sri Sadananda Yadahalli is due to retire from service on 31/3/2027;

(ii) DGO-3 Sri G.B. Kattimani has retired from service on 31/3/2016;

(iii) DGO-4 Sri Kalagi Shivaputrappa is due to retire from service on 31/10/2020.

8. It is hereby recommended to the Government to accept the report of inquiry officer and to record abatement of disciplinary proceedings against DGO-2 Sri Anil Mithal, the then Assistant Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District.

9. Having regard to the nature of charges proved against DGO-1 Sri Sadananda Yadahalli, DGO-3 Sri G.B. Kattimani and DGO-4 Kalagi Shivaputrappa;

(1) it is hereby recommended to Government for imposing penalty of withholding four annual

increments payable to DGO-1 Sri Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadgir, with cumulative effect and also for deferring the promotion of DGO-1 Sri Sadananda Yadahalli for a period of 4 years, whenever he becomes due for promotion;

(2) it is hereby recommended to the Government for withholding 10% of pension payable to DGO-3 Sri G.B. Kattimani, Assistant Executive Engineer, Minor Irrigation Sub Division, Yadgir, Yadgir Taluk and District for a period of 10 years;

(3) it is hereby recommended to Government for reducing the pay in the time scale pay by four lower stages, with cumulative effect on DGO-4 Sri Kalagi Shivaputrappa, Executive Engineer, Minor Irrigation Division, Kalaburagi.

10. 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

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KARNATAKA LOKAYUKTA

No:Uplok-1/DE-264/2016/ARE-8

M.S. Building,
Dr. Ambedkar Veedhi,
Bangalore, Dated: 29-03-2019

ENQUIRY REPORT

Present: Sri.Mohamed Ashraf Aris,
Additional Registrar Enquiries -8,
Karnataka Lokayukta,
Bengaluru.

Sub: Departmental Inquiry against Sriyuths:

- 1) Sadananada Yadahalli, Junior Engineer,
Land Army Corporation, Yadgiri, Gulbarga
district
- 2) Anil Mithai, Assistant Engineer, Minor Irrigation
Sub-division, Yadgiri taluk, Yadgir district
- 3) Kattimani G.B. Assistant Executive Engineer,
Minor Irrigation Sub-division, Yadgir taluk,
Yadgir district
- 4) Kalagi Shivapurtappa, Executive Engineer,
Minor Irrigation Division, Gulbarga

Ref: (1) Government Order No.SaNiE 31 SeEV 2016
Bengaluru Dated 16-07-2016 and corrigendum
Dt.03-10-2016

(2) Nomination Order No.Uplok-1/DE-264/2016
Bengaluru Dated 26-07-2016

Preamble:

1. This is a Departmental Enquiry directed on the basis of
Government Order No. SaNiE 31 SeEV 2016 Bangalore dt.16-07-2016
and corrigendum against (1) Sadananda Yadahalli, Junior



Engineer, Land Army Corporation, Yadagiri, Gulbarga district (2)
Anil Mithai, Assistant Engineer, Minor Irrigation Sub-division,
Yadagiri taluk, Yadgir district (3) Katimani G.B. Assistant Executive
Engineer, Minor Irrigation sub-division, Yadgir taluk, Yadgir district
(4) Kalagi Shivapurtappa, Executive Engineer, Minor Irrigation
Division, Gulbarga (herein after referred to as Delinquent
Government Officials, in short 'DGO-1' to 'DGO-4' respectively)

2. The Hon'ble Upalokayukta has nominated Additional Registrar
of Enquiries-8, of the office of the Karnataka Lokayukta, to frame
charge and to conduct inquiry against the aforesaid DGOs as per
the nomination order dated 26-07-2016. Accordingly, Articles of
Charge was framed by Additional Registrar Enquires-8.

Summary of charge:-

**The Articles of Charges framed against the D.G.O.s is
extracted here below;**

That 1) you - DGOs did not furnish photographs of the
work during the progress of the work and failed to produce
documents concerning package-8 contract works of
Kumbalakunte lake and other 10 lakes entrusted to
Karnataka Land Army,



2) The documents in respect of renovation and repair works of 41 tanks taken up under Pilot project at Yadgir and documents for payment of Rs.164.17 lakhs were not made available for verification,

3) The details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth up to which silt of the tank was removed have not been furnished, and thereby you - DGO Nos.1 ^{to} and 4 failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servants and thereby you - DGO Nos.1 ^{to} and 4 committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966.

STATEMENT OF IMPUTATION OF MISCONDUCT
IS AS FOLLOWS:-

According to the complainant:-

An amount of Rs.17.20 lakhs as been granted for repairing and desilting Kumbalakunte lake. But the said work is carried out through farmers and bills have been raised for that work and the amount meant for desilting Kumbalakunte lake has been misappropriated by the DGOs. Similar is the case in respect of works of Rampura and Kudlur villagers also.



Complaint was referred to Chief Engineer, TAC of Lokayukta to investigate and submit report. Inturn, Assistant Executive Engineer -3 (hereinafter referred as Investigating Officer, I.O. for short) has conducted investigation on the instructions of C.E. and submitted report.

The report of I.O.:

(i) The DGOs did not furnish photographs of the work during the progress of the work and the Executive Engineer failed to produce documents concerning package-8 contract works of Kumbalakunte lake and other 10 lakes entrusted to Karnataka Land Army.

(ii) The documents in respect of renovation and repair works of 41 tanks taken up under Pilot project at Yadgir and documents for payment of Rs.164.17 laksh were not made available for verification.

(iii) The details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth up to which silt of the tank was removed have not been furnished.

After the receipt of I.O. DGO 4 has been impleaded and the comments were called from DGO 1 and 4 for the report of I.O.

DGO 1 and 4 have submitted reply denying the allegations. In view of report of I.O. the replies submitted by the DGO 1 and 4 are not applicable to drop the proceedings



against them. DGOs have not submitted their reply on the report of I.O.

The records and the report of I.O. prima facie disclose that DGO No.1 and 4 have committed misconduct.

Since the said facts and materials on record prima facie show that DGO Nos. 1 and 4 have misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate Disciplinary Proceedings against the DGO Nos.1 and 4 under Rule 14-A of K.C.S. (CCA) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO Nos.1 and 4 and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS(CCA) Rules. Hence, the charge.

2. DGOs 1 to 4 appeared before Enquiring Authority in pursuance to service of articles of charge.
3. First oral statement was recorded wherein D.G.O.-1 to DGO-4 pleaded not guilty and claimed for conducting enquiry.
4. DGO-1 to DGO-4 have filed their written statement.

Contention of DGO-1 (Sri Sadananda Yadahalli) in his written statement is as follows:



In the Articles of Charge, the name of work is mentioned as 'Kumbalakunte lake' but the actual name of the work is 'Kumbarakunte Tank'. The allegation made in the Article of Charge are all denied. The Repair, Renovation and Desilting of 41 tanks in Yadgir taluk were taken up under the pilot project including Kumbarakunte lake in Duppalli village. The said contract was given to Land Army Corporation, a state Government enterprise after observing all the formalities required under rules vide contract no.219/2006-07. This DGO is in no way responsible for execution of this contract, as he was not entrusted with the execution of this work. He was not at all involved in the entire process of execution of the said work. The mandatory provision of Lokayukta Act and C.C.A. Rules were not complied with before institution of this proceeding.

Contention of DGO-2 (Sri Anil Mittal) and DGO-3 (Sri Kattimani G.B.) in their joint written statement is as follows:

The breakup details of estimate amount, amount released for desilting and other works, date of commencement, date of



completion of work and area of the tank (the particulars sought for) were submitted in a neatly arranged tabular form with photographs. These DGOs had submitted the information sought for by the office of Chief Engineer Karnataka Lokayukta, Bengaluru vide letter No.789 dated 17-06-2014 with compliance report also in a tabular form showing each information sought for and the said information was mentioned juxtaposed to it. The said charts cover all information sought for which was available with them. The repair and renovation work contract was given to Karnataka Land Army Corporation, a State Government enterprise, by using its own machinery and vehicles in the lands of farmers in the upper and lower lands of the tank with the consent of the said farmers. This mode of disposal of silt was according to the terms of the contract. Hence, this information is not available with the DGOs and they have clearly mentioned it in the above said compliance report. During the course of inspection of the work a Panchanama was drawn on 09-01-2012 in the presence of residents of Duppalali village and the complainant. The Panchanama clearly shows that the complaint had constructed a channel of 500 meters to his lands at



his won cost and orally claimed reimbursement of the said expenditure from Department. As the said work of construction of channel of 500 meters length was not in the estimation of the project his demand could not be fulfilled. The contents of panchanama shows that the complainant has admitted that he filed a complaint of misappropriation of funds only for the above said reason. The I.O. Sri C.N.Anand, Assistant Executive Engineer, Technical Wing, has clearly stated in his report that the work has been executed in all respects without any lapses and also exonerated the DGOs from the allegation of irregularities in payment of the amount. In this case, the work was subjected to 3rd party inspection before payments were made. The report of third party inspection is already submitted. The 100% check measurement and 25% random measurement rules were fully complied with before the payments were made.

Contention of DGO-4 (Sri Kalagi Shivaputra) in his written statement is as follows:



DGO No.4 assumed the charge of the part of Executive Engineer, M.I. Division, Gulbarga on 24-09-2007. The work of desilting of these tanks were executed and completed by the Karnataka Land Army Corporation Ltd., during the period from September 2006 to March 2007 and a total amount of Rs.190.80 lakhs was paid to the Deputy Director, Karnataka Land Army Corporation, Yadigr through cheques during this period. The desilting of tank works were completed and paid much before this DGO assumed the charge of the part of the Executive Engineer, M.I. Division, Gulbarga. The break up details of estimate amount, amount released for desilting and other works, date of commencement, date of completion of work and area of the tank (the particulars sought for) in respect of all the 41 tanks were submitted to the Chief Engineer, Karnataka Lokayukta Bangalore in a neatly arranged tabular form with photographs. The information sought for by the Chief Engineer, Karnataka Lokayukta, vide letter dt.23-04-2014, 17-06-2014 was complied by submitting detailed information vide letter dt.21-05-2014, 22-05-2014 and 07-08-2014 enclosing all the details in a tabular form. The said charts covers all information



sought for which was available in his office, without withholding any part of it. (Rest of the contention of this DGO is similar to the contention of DGOs 3 and 4 in their written statement)

5. On behalf of the Disciplinary Authority, two witnesses have been examined as PW1 and PW-2 and 40 documents have been marked as Ex.P-1 to P-40.

6. After the closure of evidence on behalf of Disciplinary Authority, the DGO-1, DGO-3 and DGO-4 have filed their Defense Statement repeating the defense stated in their written statements. During the course of enquiry, DGO-2 expired. The Police Inspector, Karnataka Lokayukta, Yadgir has forwarded report along with death certificate of DGO-2 Sri Anil Mithal. Both sides have been heard.

7. The following witnesses were examined on behalf of the Disciplinary Authority

- (1) PW1: Moulaji
- (2) PW2: C.N.Anand

8. The following documents were marked as exhibits on behalf of the disciplinary authority



- Ex.P-1 Form No.I dt.17-03-2018
Ex.P-2 Form No.II dt.17-03-2018
Ex.P-3 Complaint dt.17-03-2008 of Moulali
Ex.P-4 Photographs enclosed to complaint
To
Ex.P-13
Ex.P-14 R.T.C.
Ex.P-15 Spot mahazar
Ex.P-16 Photographs submitted by complainant
To
Ex.P-30
Ex.P-31 Mahazar of C.N.Anand, E.E., TAC, Karnataka Lokayukta
Ex.P-32 Investigation Report of C.N.Anand, E.E., TAC, Karnataka Lokayukta
Ex.P-33 Letter dt.17-06-2014 of Chief Engineer, Technical Wing, Karnataka Lokayukta, Bengaluru
Ex.P-34 Comments dt.04-02-2015 of Sadananda Yadahalli, J.E. KRIDL, Shahapur sub division, Yadgir district
Ex.P-35 Comments dt.16-03-2015 of Anil Mittal, Assistant Engineer, PWD Sub-division, Yadgir
Ex.P-36 Letter dt.06-02-2015 of Anil Mittal addressed to DRE-3, KLA, Bengaluru
Ex.P-37 Letter dt.08-04-2015 of Katimani G.B., Assistant Engineer, PRE division, Gadag
Ex.P-38 Letter dt.06-02-2015 of Katimani G.B.
Ex.P-39 Letter dt.13-12-2014 of A.E., Minor Irrigation division, Kalaburgi district
Ex.P-40 Letter dt.31-10-2011 of A.E., Minor Irrigation division, Kalaburgi district

9. The following witnesses were examined on behalf of the DGO

DW-1: Sadananda Yadahalli (DGO-1)

DW-2: Anil Mittal (DGO-2)

DW-3: Kattimani G.B.(DGO-3)



DW-4: Kalagi Shivaputra (DGO-4)

10. The following documents were marked on behalf of the DGO

- Ex.D-1 Letter dt.27-02-2013 of Moulali son of Avalasa, Dupalli
Ex.D-2 Mahazar dt.09-01-2012 drawn by AEE, Minor Irrigation sub-
division, Yadgir
Ex.D-3 Letter dt.22-05-2014 of A.E., Minor Irrigation division, Gulbarga
Ex.D-4 Letter dt.07-08-2014 of A.E., Minor Irrigation division, Gulbarga
Ex.D-5 Bills pertaining to the work of Kumbarakunte lake

11. Points that arise for determination are as follows:-

- 1) Whether the Disciplinary Authority proves that the DGOs did not furnish photographs of the work during the progress of the work and failed to produce documents concerning package-8 contract works of Kumbalakunte lake and other 10 lakes entrusted to Karnataka Land Army ?
- 2) Whether the Disciplinary Authority proves that the documents in respect of renovation and repair works of 41 tanks taken up under pilot project at Yadgir and documents for payment of Rs.164.17 lakhs were not made available for verification ?
- 3) Whether the Disciplinary Authority proves that the details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth upto which silt of the tank was removed have not been furnished ?



and thereby, DGO has committed dereliction of duty and misconduct as enumerated U/R 3(1)(i) to (iii) of K.C.S. (Conduct) Rules 1966?

iv) What Order ?

12. Answer to the aforesaid points are as follows:

Point No. 1 to 3 - In the Affirmative, so far as DGO-1, 3 and 4 are concerned; whereas enquiry against DGO-2 has Abated due to his death.

Point no. 4 - as per the final order for the following;

REASONS

13. POINT No.1 to 3: These Points are taken up together as they are interconnected. Complainant has been examined as PW-1. He has deposed that a sum of Rs.17.20 lakhs were sanctioned for the work of repair and desilting of the Kumbaragundi tank/lake and that the said work was got done through the farmers but the officials have drawn bill for the said work as if it was done by them and drew the amount and misappropriated the same. Complaint given by him under Form No.I & II are marked as Ex.P-1 and P-2. Detail complaint is marked as Ex.P-3. Photographs of the said place produced by him are marked as Ex.P-4 to P-13. The R.T.C. of

the land of the complainant is marked as Ex.P-14. He has further deposed that the officers from Lokayukta office had come and conducted mahazar in his presence as per Ex.P-15. Photos of the Duppali tank, Rampur tank and Kudloor tank are marked as Ex.P-16 to P-30. He has given a statement to the I.O. which is marked as Ex.D-1. Another mahazar conducted on 09-01-2012 is marked as Ex.D-2.

14. PW-2 is the Executive Engineer of the Technical Wing of Karnataka Lokayukta, Bangalore. He has conducted spot inspection on 27-02-2013 in the presence of (1) the complainant (2) Sri Patil Y.S. - Assistant Executive Engineer, Minor Irrigation sub-division, Yadgir (3) Sri Nisar Ahmed, Junior Engineer, Minor irrigation Sub-division, Yadgir (4) Sri Anil Kumar Gokhale, office of the Karnataka Land Army Corporation, Yadgir.

15. PW-2 has deposed that an inspection of the kumbarakunte tank, the work of desilting, Revetment and sluice works are found to be carried out and it was found that 128 meter long boxdrain



was constructed on the left Bank Channel and 90 meter long Boxdrain on the Right Bank Channel and they were in good condition. He has deposed that from the Durgah shrine the channel is found to be formed by digging the soil for a length of 300 meters. He has deposed that the complainant gave a representation stating that the said channel formed by digging the soil was formed by the complainant himself and since the department failed to reimburse the expenses incurred by him, he has filed this complaint. PW-2 has stated that there was no provision made in the estimate for forming such channel in the soil.

16. PW-2 has deposed that the documents pertaining to the Pilot project of Renovation and repair of 41 tanks were not furnished. Likewise the details of the land where the silt removed from the Tanks were deposited and through which vehicles the silt was transported and the depth upto which silt of the tank are removed have not been furnished. The first report which PW-2 submitted to the Lokayukta office is marked as Ex.P-31. On 09-04-2014, the Hon'ble Upalokayukta had sought further clarifications. PW-2 was



directed to find out how much amount was released under different schemes to each tank and during which year ? when was the work of desilting of each such tank undertaken and completed ? why there was delay in going to tanks for a period of 4 years and even to start correspondence it took 3^{1/2} years ? PW-2 has deposed that he wrote letters to the concerned department, but the complete details were not furnished. Hence, he submitted his second report as per Ex.P-32. Ex.P-33 is the copy of the letter written by PW-2 to Executive Engineer of Minor Irrigation Division.

17. DGO-1 has examined himself as DW-1. He has reiterated the facts stated in his written statement. He has stated that he has not carried out the package-8 works in question and they were not entrusted to him. Further, he has stated that he was not asked by anyone to furnish the details of work relating to the repair and renovation of 41 tanks and that those documents are not in his custody, but are in the custody of Division office. He has produced the copies of the monthly running account bill pertaining to the period of September 2006, October 2006, November 2006,



December 2006, February 2007, which are marked together as Ex.D-5. He has stated that those bills are signed by Section Officer Anil Kumar Gokhale and that he (this DGO) has nothing to do with this work.

18. DGO-2 has examined himself in chief as DW-2 and the mater was deferred for his cross examination. In the meanwhile he expired on 03-12-2018. His evidence in chief is not admissible as it has not been tested by cross examination. Further, the case against him got abated in view of his death.

19. DGO-3 has examined himself as DW-3 and has re-iterated the facts stated in his written statement. He has stated that the documents pertaining to package-8, works were not in his custody and that they were in the custody of the Executive Engineer. Further, he states that the documents pertaining to repair and renovation of 41 works were done by the Land Army and it should have been given by the Land Army Authorities. He has also stated that the I.O. did not ask him to produce any documents.



20. DGO-4 has examined himself as DW-4. He has also reiterated the facts stated by him in his written statement. He further states that he had furnished all the documents to the Technical Wing of the Lokayukta Office at the time of investigation. He has deposed that the Assistant Executive Engineer, Minor Irrigation sub-division, Yadgir, had submitted the complete information as per his letter dt.21-05-2014 and that he (DGO-4) as Executive Engineer submitted the information alongwith Compliance Report. The details of 41 works taken under pilot project for Repair, Renovation and Restoration for water bodies directly linked to agriculture is at pages 81 to 83 of Ex.D-3. The letter of Assistant Executive Engineer (DGO-3) addressed to DGO-4 is at pages 79 and 80 of Ex.D-3. The letter of DGO-4 addressed to Chief Engineer of Technical Wing of Karnataka Lokayukta is at pages 77 and 78 of Ex.D-3. Ex.D-4 is the compliance report submitted by the DGO No.4 to the Chief Engineer of Technical Wing along with the details of 41 works as mentioned in Ex.D-3 and the copies of 3rd party inspection and a covering letter dt.07-08-2014. These are together



marked as Ex.D-4 (pages 116 to 131). The covering letter bears the office seal of the lokayukta bearing No.8162/14-15. Dt.11-08-2014. In this compliance report DGO-4 has stated that the desilting of the Kumbarakunta tank at Duppalli village was done during the period of October 2006 and November 2006; and that the silt was removed from left sluice, right slice and the catchment area at a depth of 0.50 m to 1.50m, where silt was present. Further, he has stated that there was an agreement with deputy Director of Karnataka Land Army Corporation Ltd. Yadgir as per Agreement No.219/2006-07 dt.19-04-2006 for the purpose of works of Repair, Renovation and Restoration under package 8, for Rs.199.87 lakhs. He has stated that the contractors have shifted the silt using their own machines and vehicles, to the lands on the upperside and lower side of the Tank with the consent of the concerned farmers/land holders. Further, he has stated that the measurements of the works were recorded and 3rd party inspection was done at different stages of the work and on that basis bills were passed. He has stated that the work was completed in the month of March 2008. Bills of total 164.17 lakhs were paid to the Deputy



Director of Karnataka Land Army through 7 cheques mentioned in it.

21. On going through the oral and documentary evidence available in this case, it is seen that DGO-1 to 4 had not furnished the information and documents pertaining to the works to PW-2 in time. DGO No.1 who is a Junior Engineer of Land Army Corporation Ltd. Contends that he was not entrusted with the works in question and he was not asked to produce documents. He has produced only the Running account Bill – Ex.D-5 to show that one Anil Kumar Gokale, Section Officer has signed the running bill of September 2006 to February 2007. There is nothing to show that any of the works in question were entrusted to him. However, he has not produced documents or furnished information even after he was given an opportunity during the scrutiny stage. Even if he was not in charge of the said works, he belonged to the same corporation and was a Junior Engineer and he could have furnished the required information at the time of scrutiny. So far as DGO-3 and 4 are concerned, they were working as Assistant



Executive Engineer and Executive Engineer respectively in Minor Irrigation Division, Gulbarga. Their contention that they have submitted all the documents as per Ex.D-3 and D-4 is incorrect. Ex.D-3 and 4 contains the details of 41 works taken under pilot project for Repair, Renovation and Restoration of water bodies directly linked to agriculture, the compliance report dt.07-08-2014 of DGO-4 and the third party inspection report. Ex.D-5 is the monthly running account bill for Tender work of Kumarakunta tank near Duppalli.

22. The Articles of Charge is very specific. It was framed on the available materials as on the date of framing charge. PW-2 had written a letter dated 17-06-2014 which is marked as Ex.P-33, to the Executive Engineer of Minor Irrigation, Gulbarga asking him to furnish information regarding the works. PW-2 has deposed that the information as per Ex.D-3 and D-4 were furnished by the Executive Engineer, Minor Irrigation, Gulbarga to the office of the Chief Engineer, Technical Wing. It was furnished on 11-08-2014 as per the endorsement in it PW-2 has submitted his 2nd report Ex.P-32 on 14-08-2014. PW-2 has gone through it and mentioned it in

his report. PW-2 has stated that the information submitted by the Executive Engineer as per Ex.D-3 and D-4 is incomplete and it does not contain the details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth upto which silt of the tank was removed. Further, the photos of the progress of the work and documents for payment fo Rs.164.17 lakhs were also not produced. It is true that Karnataka Land Army Corporation is a Government of Karnataka undertaking which was started under the Rural Development Department and now it is known as Karnataka Rural Infrastructure Development ltd. (KRIDL). In the cross examination of PW-2 it was elicited that PW-2 did not call for the information from the Karnataka Land Army or from DGOs 1 to 4 personally before submitting his 2nd report. However, DGOs ought to have furnished those information. Even after that, the DGOs have not furnished the required information.

23. So far as question of financial loss is concerned there is no specific charge regarding financial loss. PW-2 in his cross



examination has admitted that the works have been carried out as per the estimate and there is no financial loss. The copies of Measurement Books are produced and marked at Ex.P-40 from pages 149 to 264. The complete documents pertaining to the work which are mentioned in the earlier paragraphs are not available. Without proper Technical report, I am unable to say whether there is any misappropriation or financial loss. Apart from that the charge is only regarding Non-production of documents.

24. For the aforesaid reasons, I am of the opinion that the Disciplinary Authority has proved the Article of Charges against DGO-1 to DGO-3. The Disciplinary Authority has proved that the DGO-1, 3 and 4 had not furnished the following to the I.O. i.e. the photographs of the work during the progress of the work and the documents concerning Package-8 contract works of Kumbalakunte lake and other 10 lakes entrusted to Karnataka Land Army; the documents in respect of payment of Rs.164.17 lakhs for repair, renovation and restoration of works of 41 tanks taken up under the pilot project at Yadgir; and the details of the land where the silt removed from the tanks were deposited and the details of the



vehicles in which the silt was transported and the depth upto which silt of the tank was removed. Hence, this Point No.1 to 3 are answered in the 'Affirmative' so far as DGOs 1, 3 and 4 are concerned. So far as DGO-2 is concerned he expired on 03-12-2008 and the enquiry against him has 'Abated'.

Point No.4:

In the result, the following order is passed;

FINAL ORDER

Disciplinary Authority has proved charge against DGO-1 Sadananda Yadahalli, Junior Engineer, Land Army Corporation, Yadgiri, Gulbarga district; DGO-3 Kattimani G.B., Assistant Executive Engineer, Minor Irrigation Sub-division, Yadgir taluk, Yadgir district; DGO-4 Kalagi Shivapurtappa, Executive Engineer, Minor Irrigation Division, Gulbarga i.e. The Disciplinary Authority has proved that the DGO-1, 3 and 4 had not furnished the following to the I.O. i.e. the photographs of the work during the progress of the work and the documents concerning Package-8 contract works of Kumbalakunte lake and other 10 lakes entrusted to Karnataka Land Army; and had not produced the documents in



respect of payment of Rs.164.17 lakhs for repair, renovation and restoration of works of 41 tanks taken up under the pilot project at Yadgir; and the details of the land where the silt removed from the tanks were deposited and the details of the vehicles in which the silt was transported and the depth upto which silt of the tank was removed.

DGO-2 Sri Anil Mithai, expired on 03-12-2008 and the enquiry against him stands 'Abated'.

Hence this report is submitted to Hon'ble Upalokayukta for further action.

Dated this 29th day of March 2019



(Mohamed Ashraf Aris)
Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bangalore.

ANNEXURE**List of witness examined on behalf of Disciplinary Authority.**

- (1) PW1: Moulaji
(2) PW2: C.N.Anand

List of Documents marked on behalf of Disciplinary Authority:

- Ex.P-1 Form No.I dt.17-03-2008
Ex.P-2 Form No.II dt.17-03-2008
Ex.P-3 Complaint dt.17-03-2008 of Moulali
Ex.P-4 Photographs enclosed to complaint
To
Ex.P-13
Ex.P-14 R.T.C.
Ex.P-15 Spot mahazar
Ex.P-16 Photographs submitted by complainant
To
Ex.P-30
Ex.P-31 Mahazar of C.N.Anand, E.E., TAC, Karnataka Lokayukta
Ex.P-32 Investigation Report of C.N.Anand, E.E., TAC, Karnataka Lokayukta
Ex.P-33 Letter dt.17-06-2014 of Chief Engineer, Technical Wing, Karnataka Lokayukta, Bengaluru
Ex.P-34 Comments dt.04-02-2015 of Sadananda Yadahalli, J.E. KRIDL, Shahapur sub division, Yadgir district
Ex.P-35 Comments dt.16-03-2015 of Anil Mittal, Assistant Engineer, PWD Sub-division, Yadgir
Ex.P-36 Letter dt.06-02-2015 of Anil Mittal addressed to DRE-3, KLA, Bengaluru
Ex.P-37 Letter dt.08-04-2015 of Katimani G.B., Assistant Engineer, PRE division, Gadag
Ex.P-38 Letter dt.06-02-2015 of Katimani G.B.
Ex.P-39 Letter dt.13-12-2014 of A.E., Minor Irrigation division, Kalaburgi district
Ex.P-40 Letter dt.31-10-2011 of A.E., Minor Irrigation division, Kalaburgi district

List of witness examined on behalf of DGO:-

DW-1: Sadanana Yadahalli

DW-2: Anil Mittal

DW-3: Kattimani G.B.

DW-4: Kalagi Shivaputra

List of Documents marked on behalf of DGO:-

- Ex.D-1 Letter dt.27-02-2013 of Moulali son of Avalasa, Dupalli
- Ex.D-2 Mahazar dt.09-01-2012 drawn by AEE, Minor Irrigation sub-division, Yadgir
- Ex.D-3 Letter dt.22-05-2014 of A.E., Minor Irrigation division, Gulbarga
- Ex.D-4 Letter dt.07-08-2014 of A.E., Minor Irrigation division, Gulbarga
- Ex.D-5 Bills pertaining to the work of Kumbarakunte lake

Dated this 29th day of March 2019



(Mohamed Ashraf Aris)
Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bangalore.

