

**KARNATAKA LOKAYUKTA**

No.Uplok-1/DE/32/2017/ARE-10

M.S. Building  
Dr.B.R. Ambedkar Road  
Bangalore-560 001  
Date: 26/9/2017

**ENQUIRY REPORT**

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

**Sub:** Departmental Enquiry against Sriyuths :

1. Kiran, Cashier, Audit Office (Project),  
Bruhath Bengaluru Mahanagara Palike,  
N.R. Square, Bengaluru and
2. Prasanna Kumar Praveen A., Audit Officer  
(Project), Bruhath Bengaluru Mahanagara  
Palike, N.R. Square, Bengaluru-reg.,

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BCD/4159/2014/ARE-9  
dt. 24.10.2016
2. Govt. Order No. UDD 397 MNG 2016  
dt. 27.12.2016
  3. Nomination order No. Uplok-1/DE/32/2017  
Bangalore dt. 10.1.2017 of Hon'ble Upalokayukta-1

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1. On the basis of the complaint filed by Sri. Hombaiiah R/o Bangalore against the DGOs alleging misconduct, an investigation was taken up.

2. After completion of the investigation, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act as per reference No. 1. In pursuance of the report, Government was pleased

to issue the GO dt. 27.12.2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no. 2. Hence, in pursuance of the GO, nomination was issued by Hon'ble Upalokayukta on 10.1.2017 authorizing ARE-10 to hold enquiry and report as per reference No. 3.

3. On the basis of the nomination, AOC was prepared under Rule 11(3) of the KCS (CCA) Rules, 1957 and was sent to the DGOs on 15.2.2017.

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

4. 1ನೇ ಆಪಾದಿತ ನೌಕರರಾದ ಶ್ರೀ ಕಿರಣ್, ನಗದು ಗುಮಾಸ್ತರು, ಲೆಕ್ಕ ಪರಿಶೋಧನೆ(ಯೋಜನೆ) ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಮತ್ತು 2ನೇ ಆಪಾದಿತ ನೌಕರರಾದ ಶ್ರೀ ಪ್ರಸನ್ನ ಕುಮಾರ್ ಪ್ರವೀಣ್.ಎ. ಲೆಕ್ಕ ಪರಿಶೋಧನಾಧಿಕಾರಿ ಯೋಜನೆ ವಿಭಾಗ, ಲೆಕ್ಕಶಾಖೆ, ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಬೆಂಗಳೂರು ಆದ ನೀವು ದೂರುದಾರರು ಇವರಿಗೆ ಪಾಲಿಕೆಯು ವಹಿಸಿದ್ದ Improvements to D-Park at JP Nagar, 2<sup>nd</sup> Phase in Ward No.177 ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಬಗ್ಗೆ ಬಿಲ್ಲಿನ ಮೊತ್ತ ರೂ.14,42,365/- ಗಳನ್ನು ಟಿ.ಡಿ.ಎಸ್. ಪ್ರಕಾರವಾಗಿ ಪಾವತಿಸಲಾಗಿದ್ದು, ಅವರ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಹಣ ಸಂದಾಯ ಮಾಡದೆ ಎನ್.ಸತೀಶ್ ಎಂಬುವವರ ಖಾತೆಗೆ ಹಣ ಜಮಾ ಮಾಡಿರುತ್ತೀರಿ. 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಪ್ರಸನ್ನ ಕುಮಾರ್ ಪ್ರವೀಣ್.ಎ. ಆದ ನೀವು ಕಾಮಗಾರಿ ಬಿಲ್ಲಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅಳತೆಗಳ ಶೇಕಡ 25 ರಷ್ಟನ್ನು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಪರಿಶೀಲಿಸಿ ಆರ್.ಟಿ.ಜಿ.ಎಸ್. ಫಾರಂಗೆ ಸಹಿ ಮಾಡಿರುತ್ತೀರಿ. ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ (3)(1) (i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ರೂವ್‌ಮೆಂಟ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

5. ದೂರುದಾರಾದ - ಶ್ರೀ ಹೊಂಬಯ್ಯ, ಗುತ್ತಿಗೆದಾರರು, ನಾಗರಭಾವಿ 2ನೇ ಹಂತ, ಬೆಂಗಳೂರು ಇವರಿಗೆ ಪಾಲಿಕೆಯು ವಹಿಸಿದ Improvements to D-Park at JP Nagar, 2<sup>nd</sup> Phase in Ward No.177 ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ್ದು, ಪ್ರತಿಯಾಗಿ ಬಿಲ್ ರಿಜಿಸ್ಟರ್ ನಂ. 315 ದಿ. 30-8-2013 ರ ಬಿಲ್ಲಿನ ಮೊತ್ತ ರೂ. 14,42,365/- ಗಳಾಗಿರುತ್ತದೆ. ಟಿಡಿಎಸ್ ಪ್ರಕಾರವಾಗಿ ಬಿಲ್ಲಿನ ಮೊತ್ತವನ್ನು ಪಾವತಿಸಲಾಗಿರುತ್ತದೆ. ಆದರೆ ದೂರುದಾರರ ಸಿಂಡಿಕೇಟ್ ಬ್ಯಾಂಕ್ ಖಾತೆಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಹಣ ಸಂದಾಯವಾಗದಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಸಂಪರ್ಕಿಸಿದಾಗ ಅವರು ಯಾವುದೇ ಸರಿಯಾದ ಮಾಹಿತಿಯನ್ನು ಒದಗಿಸಿರುವುದಿಲ್ಲವಾದ್ದರಿಂದ ಅವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಕೋರಿರುತ್ತಾರೆ.

6. 1ನೇ ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರು ಬಿಲ್ಲಿನ ಮೊತ್ತವನ್ನು ಪಾವತಿಸಿರುವುದು, ಟಿಡಿಎಸ್ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಪರಿಶೀಲಿಸಲಾಗಿ ಇವರ ಹೆಸರಿಗೆ ಯಾವುದೇ ಮೊತ್ತ ಬಂದಿರುವುದಿಲ್ಲ. ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ನಕಾರಾತ್ಮಕವಾಗಿ ಉತ್ತರ ನೀಡಿರುವುದರಿಂದ ಆಯುಕ್ತರು, ಪತ್ರವನ್ನು ಬರೆದರೂ ಸಹ ಯಾವುದೇ ಉತ್ತರ ನೀಡದೇ ಕಾಮಗಾರಿಯ ಮೊತ್ತವನ್ನು ದುರುಪಯೋಗ ಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆಂದು ಆರೋಪ ಮಾಡಿರುತ್ತಾರೆ.

7. 1ನೇ ಆ.ಸ.ನೌಕರರು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂ. 24521/2015 ರಲ್ಲಿ ದಿ. 27-1-2016 ರಂದು ಹೊರಡಿಸಿರುವ ಆದೇಶದ ಮುಖೇನ ಈ ಪ್ರಕರಣದ ದೂರುದಾರರ ಸಹಪಾಠಿಯಾದ ಸತೀಶ್‌ವರು ದಿ. 2-2-2014 ರಂದು ಪತ್ರವನ್ನು ನೀಡಿ ದೂರುದಾರರಿಗೆ ಆರೋಗ್ಯ ಸರಿಯಿಲ್ಲದ ಕಾರಣ ಅವರ ಪರವಾಗಿ ಕರ್ನಾಟಕ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡಲು ಕೋರಿರುತ್ತಾರೆ. ಇದರಂತೆ ಮೇಲಧಿಕಾರಿಗಳು ಸಹ ಮೌಖಿಕವಾಗಿ ಬ್ಯಾಂಕ್ ಖಾತೆ ಬದಲಾವಣೆಗೆ ಆದೇಶಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ ಸದರಿ ಬಿಲ್ ಸಂಖ್ಯೆ 315/2013-14 ದಿ 30-8-2013 ರ ಮೊತ್ತ ರೂ. 14,42,365/- ಗಳಲ್ಲಿ ಶಾಸನಾತ್ಮಕ ಕಟಾವಣೆಗಳಾದ ಎಫ್.ಎಸ್.ಡಿ, ಐಟಿ, ವ್ಯಾಟ್, ಸಿಬಿಎಫ್, ಸೆಸ್ & ಎಲ್.ಆರ್. ಕಟಾವಣೆಗಳನ್ನು ಮಾಡಿ ಉಳಿದ

ಮೊತ್ತ ರೂ. 12,76,730/- ಗಳನ್ನು ದೂರುದಾರರ ಹೆಸರಿಗೆ ಕರ್ನಾಟಕ ಬ್ಯಾಂಕ್, ಚಂದ್ರ ಲೇಔಟ್, ಖಾತೆ ಸಂ. 9072500101641701 ಗೆ ಆರ್.ಟಿ.ಬಿ.ಎಸ್ ಮೂಲಕ ದಿ.4-6-2014 ರಂದು ಪಾವತಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ವರಮಾನ ತೆರಿಗೆ ಫಾರಂ ನಂ-16ಎ ಮತ್ತು ಫಾರಂ-156 ರ ಪ್ರತಿಗಳನ್ನು ದೂರುದಾರರ ಹೆಸರಿಗೆ ಜಮಾ ಮಾಡಲಾಗಿದೆ.

8. ಶ್ರೀ ಸತೀಶ್ ರವರು ಕೆಲವರೊಂದಿಗೆ ಸೇರಿ ದೂರುದಾರರ ಹೆಸರಿಗೆ ನಕಲಿ ಖಾತೆಯನ್ನು ಕರ್ನಾಟಕ ಬ್ಯಾಂಕ್‌ನಲ್ಲಿ ಮಾಡಿದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಸತೀಶ್‌ರವರನ್ನು ತಾಣೆಗೆ ಕರೆಸಿ ವಿಚಾರಣೆ ಮಾಡಿ ದಿ. 31-5-2016 ರಂದು ರೂ. 11,00,000/-ಗಳನ್ನು ಡಿ.ಡಿ. ಮುಖೇನ ಆಯುಕ್ತರಿಗೆ ನೀಡಿರುತ್ತಾರೆ. ಉಳಿದ ರೂ. 1,76,730/- ಗಳನ್ನು ಪಾಲಿಕೆಗೆ ಜಮಾ ಮಾಡಲು ಸಮಯ ಕೊರಿದಿದ್ದರೂ ಅದೇ ರೀತಿಯಾಗಿ ಈ ಹಣವನ್ನು ಜಮಾ ಮಾಡಿದೆ ಎಂದು ದೂರವಾಣಿ ಮೂಲಕ ತಿಳಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

9. ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಮೇರೆಗೆ 1ನೇ ಆಪಾದಿತ ನೌಕರರ ವಿರುದ್ಧ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆ ದಾಖಲಿಸಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿರುತ್ತಾರೆ. ದಿ. 23-7-2016 ರಂದು 1966 ರ ಕೆಸಿಎಸ್‌ಆರ್ (ನಡತೆ) ನಿಯಮ 3 (1) ರಂತೆ ಕರ್ತವ್ಯ ಉಲ್ಲಂಘಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತಿರುವುದರಿಂದ ತಕ್ಷಣ ಜಾರಿಗೆ ಬರುವಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನೀರಿಕ್ಷಿಸಿ ಕೆಸಿಎಸ್‌ಆರ್ 1957 ರ ನಿಯಮ 10 ರಂತೆ ಪಾಲಿಕೆ ಸೇವೆಯಿಂದ ಅಮಾನತ್ತು ಪಡಿಸಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

10. 2ನೇ ಆ.ಸ.ನೌಕರರು ಲೆಕ್ಕ ಪರಿಶೋಧನಾಧಿಕಾರಿಯಾಗಿ ಕಾಮಗಾರಿ ಬಿಲ್ಲಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಆಳತೆಗಳ ಶೇಕಡ 25 ರಷ್ಟನ್ನು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಪರಿಶೀಲಿಸಬೇಕಾದ ಜವಾಬ್ದಾರಿಯನ್ನು ಹೊಂದಿರುತ್ತಾರೆ. ಯೋಜನೆ ಲೆಕ್ಕ ವಿಭಾಗದಲ್ಲಿ ಪಾವತಿಗಾಗಿ ನೂರಾರು ಬಿಲ್ಲುಗಳು ಸಲ್ಲಿಕೆಯಾಗುತ್ತಿದ್ದು ಕಾಮಗಾರಿ ಬಿಲ್ಲುಗಳ ಪರಿಶೀಲನೆ ಹಾಗೂ ಪಾಸ್ ಮಾಡುವುದು ನಿರಂತರ ಪ್ರಕ್ರಿಯೆಯಾಗಿರುತ್ತದೆ. ನಗದು ಗುಮಾಸ್ತರು ಹಲವಾರು ಕಾಮಗಾರಿಗಳ ಕಡತಗಳ ಜೊತೆಯಲ್ಲಿ ಈ ಕೇಸಿನ ದೂರುದಾರರ ಕಡತವನ್ನು ಸಹಿಗಾಗಿ ಅವರ ಮುಂದೆ ಇರಿಸಿದಾಗ ಗುತ್ತಿಗೆದಾರರ ಹೆಸರು ಬಿಲ್ಲಿನ ಒಟ್ಟು ಮೊತ್ತ, ಶಾಸನಾತ್ಮಕ ತೆರಿಗೆಗಳ ಕಟಾವಣೆಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಗುಣಾತ್ಮಕ ನಂಬಿಕೆಯಿಂದ ಆರ್‌ಟಿಬಿಎಸ್ ಫಾರಂಗೆ ಸಹಿ ಮಾಡಿರುತ್ತೇನೆಂದು ಹೇಳಿರುತ್ತಾರೆ.

11. ದೂರುದಾರರು ಸದರಿ ಅಕ್ಷೇಪಣೆಗಳಿಗೆ ಪ್ರತ್ಯುತ್ತರವಾಗಿ ಕ್ರಮ ಜರುಗಿಸಲು ಮತ್ತು ಬರಬೇಕಾದ ಹಣವನ್ನು ಬಡ್ಡಿ ಸಮೇತ ಕೊಡಿಸಬೇಕೆಂದು ಕೇಳಿರುತ್ತಾರೆ.

12. ಈ ಮೇಲ್ಕಂಡ ಎಲ್ಲಾ ವಿಚಾರಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಆ.ಸ.ನೌಕರರು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೆ, ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುತ್ತಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿರುತ್ತದೆ.

13. ಆದ್ದರಿಂದ, ಈ ಪ್ರಕರಣದಲ್ಲಿ ಹಾಜರು ಪಡಿಸಿರುವ ದಾಖಲೆಗಳು, ನೀಡಿರುವ ಮಾಹಿತಿಗಳು, ಇತ್ಯಾದಿಗಳಿಂದ ಆ.ಸ.ನೌಕರರು ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪರಿಪಾಲನೆಯಲ್ಲಿ ನಿಷ್ಠೆಯನ್ನು ತೋರದೆ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ, ದುರ್ವರ್ತನೆ ತೋರಿಸಿ, ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತಿರುವುದರಿಂದ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ಸಿ.ಸಿ.ಎ) ನಿಯಮ 1966 ರ ನಿಯಮಗಳು 3(1) (i) ರಿಂದ (iii) ರನ್ವಯ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿರುತ್ತಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3) ರನ್ವಯ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಲ್ಲಿ 1ನೇ ಆ.ಸ.ನೌಕರರು -ಕಿರಣ್, ನಗದು ಗುಮಾಸ್ತರು, ಲೆಕ್ಕ ಪರಿಶೋಧನೆ (ಯೋಜನೆ) ಮತ್ತು 2ನೇ ಆ.ಸ.ನೌಕರರು - ಪ್ರಸನ್ನ ಕುಮಾರ್ ಪ್ರವೀಣ್ ಎ. ಲೆಕ್ಕ ಪರಿಶೋಧನಾಧಿಕಾರಿ, ಯೋಜನೆ ವಿಭಾಗ, ಬಿಬಿಎಂಪಿ, ಕೇಂದ್ರ ಕಚೇರಿ, ಬೆಂಗಳೂರು ಇವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ, ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ವಿಚಾರಣೆ ನಡೆಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಮೇಲೆ ಚರ್ಚಿಸಿದ ಕಾರಣಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ (ನಡತೆ) ನಿಯಮ 1966ರ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ 14-ಎ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು ಅಪರ ನಿಬಂಧಕರು

(ವಿಚಾರಣೆಗಳು 10) ಇವರನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

14. The said article of charge was served on the DGOs on 23.2.2017. DGOs 1 and 2 appeared before the enquiry officer and their first oral statement under Rule 11(9) was recorded. DGOs have denied the said charges.

15. DGOs 1 and 2 have filed their written statement denying all the allegations. DGO 1 in his written statement has submitted that he was working in the office of the Audit Officer (Projects) as Cashier. The assigned duties of the Cashier in the Audit Officer (Projects) is that the contractor bills which were passed by the Executive Engineer (Projects) were referred to him for preparing RTGS only. He has no other responsibilities in dealing with the bills. The file relating to development to D Park at J.P. Nagar, 2<sup>nd</sup> phase in ward no. 177 was received by him for preparation of RTGS. The Audit Officer (Projects) handed over the letter dt. 2.6.2014 received by one Sri. Satish to the effect that Sri. A. Hombaiah, Contractor had opened a bank account in Karnataka Bank, Chandra Layout Branch bearing No. 9072500101641701 and requested to remit the amount to that bank through RTGS in the name of Sri. A Hombaiah, Contractor. Along with the letter cheque leafs of the Karnataka Bank Ltd of the said account was also enclosed. Accordingly, he has prepared the RTGS for Rs. 12,76,730/- after deducting the statutory deductions from total contract amount of Rs. 14,42,365/- in the name of Sri. A Hombaiah mentioning the Karnataka Bank, Chandra Layout Branch with account No. 9072500101641701 and placed before the Audit Officer for his signature which is the duty of the Audit Officer to verify as to

whether RTGS has been prepared in the name of the contractor to whom the contract amount is payable and to which account the said amount should be sent through RTGS. The Audit Officer after satisfying himself that the RTGS had been prepared as per the documents available in the file and initialled and sent to Chief Accounts Officer for final approval. The Chief Accounts Officer had approved the RTGS. The said amount had been transferred to the account of Sri. A Hombaiah on 4.6.2014. The statutory deductions made from out of the contract amount of Sri. Hombaiah had been remitted to the concerned Departments. As alleged in the charge, he had not prepared the RTGS in the name of Sri. N Satish but the same is prepared in the name of Sri. A Hombaiah to be transferred to the account mentioned above. All the contentions made in para 5 of Annexure II are all correct. He came to know later the contention mentioned in para 6, accordingly he had brought the same to the notice of ARE-9 at the time of preliminary enquiry conducted by the Enquiry Officer. The charge made in para 7 of Annexure II is that the Hon'ble Court had passed an order dt. 23.7.2016, the operative portion of the order dt. 27.1.2016 passed in WP No. 24521/2015 (LB-BMP) filed by A. Hombaiah reads as follows:

“Learned Counsel for the petitioner further submits that in the additional counter affidavit filed today, the corporation has stated that it will initiate proceedings against the petitioner, one Satish and certain officials of the Bank. This Court cannot prevent the BBMP from initiating proceedings in accordance with law. If such proceedings are initiated, it is up to the petitioner to defend the same in accordance with law. With these observations, writ petition is disposed of. No costs. Thus it can be seen that the Hon'ble Court has not ordered to file criminal case against him as stated in this para and therefore this part of the charge is to be dropped.”

Further DGO 1 submits that he had not committed any mistake or irregularity relating to payment to Sri. A Hombaiah, contractor payable for the work done by him. He has no authority to pass the bill. It is only his duty to propose statutory deductions and prepare RTGS and place before the Audit Officer. Therefore he has not committed any dereliction of duty. Hence prays to exonerate from the charges.

16. DGO 2 has filed his written statement denying all the allegations. He further submits that in the year 2014, he was working as Audit Officer (Project) BBMP Head Office, Bangalore. The DGO 1 Kiran was working as Cashier in the same office. The complainant Hombaiah was issued with the work order of improvements to D-Park at J.P. Nagar 2<sup>nd</sup> Phase, Ward No. 177, Bangalore. After completion of the work, the complainant submitted Contractor's bill form before Executive Engineer (Project) South at Jayanagar for payment. In turn the Executive Engineer forwarded the bill form to Audit office of Head office where the DGO No. 1 and he were working. After receiving the bill form, the DGO 1 has verified the same item wise and got it audited and sent it to audit office i.e., to him. After receiving the file, he verified the bill and scrutinized the bill form and sent to the Executive Engineer Project South, Jayanagar for necessary order (pass order). The Executive Engineer after verification has sent back the entire file to Audit office for the 2<sup>nd</sup> time for payment i.e., to the DGO 1. After receiving the bill form, file from the Executive Engineer, the DGO 1 forwarded the file for payment with the bill form and RTGS form which are in the name of complainant Hombaiah. Thereafter, he made his initial on RTGs form, cash book, bill form, etc., and sent the same to Chief Accounts Officer. After the Chief



Accounts Officer signing the RTGs form, the same has been sent to concerned bank through the cashier i.e., the DGO 1. He did not have any power to sign the cheque for bill payment. The complainant submitted bill form for Rs. 14,42,365/- on 30.8.2013, the DGO 1 has allotted B R No. for the same as 345/2013-14. The DGO 1 sent the bill form along with RTGs form of complainant for payment of Rs. 12,76,730/- after deduction of statutory taxes. Further DGO submits that verification of bank account details, PAN card, VAT, etc., was the responsibility of DGO 1 and not his responsibility and he is no way concerned with the same. He had no knowledge about one Satish who submitted the authorization letter alleged to have been given by complainant on 2.2.2014 and oral order alleged to have been passed by the Higher Officer for change of Bank Account. The DGO 1 has sent the bill form and RTGS form which were in the name of the complainant and as such, he has made the initial on the same. DGO 1 without bringing the alleged fact of authorization letter given by Hombaiah and phone call made by him to his knowledge and Chief Accounts Officer and he himself passed the bills and thereafter he created the alleged authorization letter of Hombaiah dt. 2.6.2014. He is no way concerned with the same and he does not know the said transaction between DGO 1 and Satish. He is not at all involved in the illegal act committed by DGO 1 and one Satish and he has not at all committed alleged misconduct in the duty and DGO 1 and others might have done something without the knowledge of anybody in the office and played fraud on the complainant by creating authorization letter and by opening bank account in Karnataka Bank at Chandra Layout Branch, Bangalore. He had sought information from Karnataka Bank, Chandra Layout Branch under RTI Act as to know the fact that who has opened bank account No.

9072500101641701, but they have not furnished the information and stated orally that they have already written a letter to Chief Accounts Officer to take necessary action against the persons who had opened that particular account and operated the same. From November 2015, he was working as Asst. Controller of Finance, Chief Finance Office, JNNURM, BBMP Head Office, Bangalore and he has got a good service record. He has not at all committed any misconduct in his service as alleged in the articles of charges. Due to the act of DGO 1, he is served with the present articles of charges and he has to face the above enquiry proceedings without there being any offensive acts or misconduct on his part. Hence prays to exonerate from the charges.

17. On behalf of the Disciplinary Authority, PW1 is examined, Ex P 1 to P 16 are marked. After the closure of the evidence of the Disciplinary Authority, second oral statement of DGOs u/R 11(16) was recorded. DGOs submitted that they have defence evidence and got examined themselves as DW1, DW2 and another witness DW3 and got marked Ex D 1 to D4. Therefore, recording answers to questionnaire u/R 11(18) of KCS (CCA) Rules was dispensed with. Then the learned presenting officer and learned defence assistant for DGOs filed their written brief and they were also heard orally.

18. The points for my consideration are as under :

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

Point No. 2 : What order?

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

Point No. 1 : In the affirmative.

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

### REASONS

20. **Point no. 1** : The complainant who is examined as PW1 has deposed that during the year 2013 in ward No.177, J.P.Nagara, he has done the contract work for improvement of D-Park at the tender cost of Rs.14,42,365/-. He took the work order during the year 2013 and completed the work during the year 2014. During the year 2013 he submitted the bill register. He has his current account in Syndicate Bank, P.C.Road Branch, Chamarajapete. Payment was to be given to him from A.O. Project, BBMP Head Office, but even after 1 to 1½ years payment was not given to him.

21. Further PW1 has deposed that the DGO no.1, Sri. Kiran Kumar was working as a Cashier/FDA, DGO No.2 was working as A.O. Project at BBMP. When he enquired DGO no.1 without making payment he was giving one or the other reason. During the year 2014, he visited audit office and enquired his auditor, he informed him to furnish TDS Certificate.

22. Further PW1 has deposed that he expressed his inability to furnish the TDC certificate since he had not received the payments from DGOs for the work done in the improvement of D-park. Therefore, he wrote a letter to the Commissioner, Chief Accounts Officer and Accounts Officer, Project, but he did not receive any reply. Therefore, he lodged the complaint to Lokayukta along with form no.1

and 2 as per Ex.P.1 to 5. DGOs have deducted TDS from the payment to be made to him towards work done for improvement of the park. But the payment was not given to him.

23. Further PW1 has deposed that his current account number of Syndicate Bank was already furnished to the office of DGOs while filing e-tender and they were aware of the same. Subsequently, after lodging his complaint he received information from Lokayukta office that the payment is credited to his current account. He had also filed W.P.No.24521/15. In that writ petition on 21.7.2016, BBMP officials handed over a DD of Rs.12,76,730/- in Hon'ble High Court. He has also filed his rejoinder Ex.P.13.

24. Further PW1 has deposed that DGO no.1 colluding with one Sathish credited the amount to the Karnataka Bank, Chandra Layout without his knowledge by creating an account in his name. He has produced the RTGS form Ex P 14 and Copy of cheque Ex P 15 to show that the account was created in his name. DGO no.1 is responsible officer to audit the bill, prepare the cheque and place it before DGO no.2. DGO No.2 will verify the correctness of the bill and submit the same to CAO.

25. In the Cross Examination made by DGO no.1, PW1 has deposed that he cannot say the exact date of commencement and completion of the work. He denies that he has given a letter to Executive Engineer, Project, South on 30.3.2013 stating that on his behalf one Sathish will look after all his correspondence and supervision of the work. He denies that the Executive Engineer has received this letter on 1.4.2013. He admits that this document bears his signature.

26. Further PW1 has deposed that he does not know that on 2.6.2014 the said N.Sathish has given a letter to Audit Officer, Project requesting not to credit the payment to Syndicate Bank and to credit the payment to the accounts standing in Karnataka Bank, Chandra Layout into his name.

27. Further PW1 admits that he had issued one cheque in favour of one Sri. Sathish. He denies that this cheque was issued in favour of Sri. Sathish to whom he has given his authorization. He denies that as per Ex P 15, a blank cheque leaf was furnished to the office of DGOs to credit the payment to his bank account. He denies that according to Ex P 14, payment was credited to his bank account at Karnataka Bank, Chandra Layout.

28. Further PW1 denies that though the payment was credited to his bank account on 6.6.2014 colluding with Sri. Satish, he has filed a W.P. and got double payment on 25.1.2016. He admits that the duty of DGO 1 is to prepare RTGS on the available records and submit it to Accounts Officer and the accounts officer will submit the same to Chief Accounts Officer.

29. Further PW1 denies that DGO has executed his work in accordance with law, prepared the RTGS making proposal to make the payment to his bank account and submitted the same to DGO 2.

30. In the Cross examination made by DGO no.2, PW1 has deposed that from the year 2002, he was working as BBMP Contractor. He knows the procedure for submitting the bills after completion of the work for payment. Initially he submitted the work order and schedule B to the Junior Engineer. He admits that the bill form has to be

submitted before the Executive Engineer (Project). He admits that his bill form was submitted to Jayanagar BMMP Project (South). He admits that the Executive Engineer forwarded the bill, M.B. book and entire file to Head Office, BBMP where DGO 1 and 2 were working. He admits that DGO 1 has verified the bills item wise and conducted the audit. He does not know whether DGO 1 has conducted the audit of his bill or not. He does not know that after conducting audit, DGO 1 has forwarded the bill to DGO2. He knows the scope of work of DGO 2.

31. Further PW1 admits that DGO 2 has scrutinized his bill and submitted the same to Executive Engineer to pass the bill. He admits that in turn Executive Engineer after making order will forward the file to audit office DGO 1 for payment. He admits that inturn DGO 1 has forwarded the bill form and RTGS form to DGO2. He admits that in RTGS form, they have to give the details of bank account Number. He admits that DGO 2 has put only his initial and forwarded the file to Chief Accounts Officer.

32. Further PW1 admits that again the file, RTGS form came back to DGO 1 and through him, it was forwarded to the bank for payment through bank account. He denies that DGO 2 has no power to sign RTGS form. He admits that DGO 1 has allotted the BR number as 315/2013-14. He does not know after deducting the statutory deductions, DGO 1 has forwarded the bill form along with RTGS form to the bank. He admits that in normal course, DGO 1 has to forward the bill form and RTGS form to the bank. He admits that DGO 1 is responsible officer to verify bank account details, PAN card, VAT, etc. and it was not the duty of DGO 2.

33. Further PW1 has deposed he does not know that DGO 2 was not aware of the authorization letter alleged to have given by him in favour of one Satish. He admits that in the bill form, his name was mentioned as Sri. Hombaiah. He denies that except his initial, DGO 2 has no role for making payment. He does not know that DGO 2 was not aware about the authorization letter, phone calls alleged to have made by him to Satish and oral orders of higher officers to make payment in favour of Satish. He does not know that DGO 2 is no way related in creating ~~to~~ the bank account and making payment.

34. Further PW1 admits that verification of bank account numbers and bill form was not the duty of DGO 2 and it was the duty of the cashier DGO 1. The blank cheque Ex P 15 is not pertaining to his bank account and the hand writing found in Ex P 15 is not his handwriting. He denies that DGO 1 has not committed any misconduct. He denies that he has filed a false complaint and deposing falsely.

35. DGO 2 who got examined himself as DW1 has deposed that in the year 2014, he was working as Audit Officer (Project) BBMP Head Office, Bangalore. The DGO 1 Kiran was working as Cashier in the same office. The complainant Hombaiah was issued with work order of improvements to D-Park at J.P. Nagar 2<sup>nd</sup> Phase, Ward No. 177, Bangalore. After completion of the work, the complainant submitted Contractor's bill form before Executive Engineer (Project) South at Jayanagar for payment. In turn the Executive Engineer forwarded the bill form to Audit office of Head office where the DGO No. 1 and he were working. After receiving the bill form, the DGO 1 has verified the same item wise and got it audited and sent it to audit office i.e., to him. After receiving the file, he verified the bill and scrutinized the bill form and sent to the Executive Engineer Project South, Jayanagar for

necessary order (pass order). The Executive Engineer after verification has sent back the entire file to Audit office for the 2<sup>nd</sup> time for payment i.e., to the DGO 1.

36. Further DW1 has deposed that after receiving the bill form, file from the Executive Engineer, the DGO 1 forwarded the file for payment with the bill form and RTGS form which are in the name of complainant Hombaiah. Thereafter, he made his initial on RTGs form, cash book, bill form, etc., and sent the same to Chief Accounts Officer. After the Chief Accounts Officer signing the RTGs form, the same has been sent to concerned bank through the cashier i.e., the DGO 1.

37. Further DW1 has deposed that he did not have any power to sign the cheque for bill payment. The complainant submitted bill form for Rs. 14,42,365/- on 30.8.2013, the DGO 1 has allotted B R No. for the same as 345/2013-14. The DGO 1 sent the bill form along with RTGs form of complainant for payment of Rs. 12,76,730/- after deduction of statutory taxes.

38. Further DW1 has deposed that verification of bank account details, PAN card, VAT, etc., was the responsibility of DGO 1 and not his responsibility and he is no way concerned with the same. He had no knowledge about one Satish who submitted the authorization letter alleged to have been given by complainant on 2.2.2014 and oral order alleged to have been passed by the Higher Officer for change of Bank Account. The DGO 1 has sent the bill form and RTGS form which were in the name of the complainant and as such, he has made the initial on the same.



39. Further DW1 has deposed that DGO 1 without bringing the alleged fact of authorization letter given by Hombaiah and phone call made by him to his knowledge and Chief Accounts Officer and he himself passed the bills and thereafter he created the alleged authorization letter of Hombaiah dt. 2.6.2014. He is no way concerned with the same and he does not know the said transaction between DGO 1 and Satish.

40. Further DW1 has deposed that he is not at all involved in the illegal act committed by DGO 1 and one Satish and he has not at all committed alleged misconduct in the duty and DGO 1 and others might have done something without the knowledge of anybody in the office and played fraud on the complainant by creating authorization letter and by opening bank account in Karnataka Bank at Chandra Layout Branch, Bangalore. He had sought information from Karnataka Bank, Chandra Layout Branch under RTI Act as to know the fact that who has opened bank account No. 9072500101641701, but they have not furnished the information and stated orally that they have already written a letter to Chief Accounts Officer to take necessary action against the persons who had opened that particular account and operated the same.

41. Further DW1 has deposed that from November 2015, he was working as Asst. Controller of Finance, Chief Finance Office, JNNURM, BBMP Head Office, Bangalore and he has got a good service record. He has not at all committed any misconduct in his service as alleged in the articles of charges. Hence prays to exonerate from the charges.

42. In the Cross Examination made by DGO 1, DW1 has admitted that RTGS prepared by DGO no.1 is accepted by him. He denies that he has verified the account number of N.Sathish and accepted the same.

43. Further in the Cross examination made by the Presenting Officer, DW1 has deposed that he does not know that colluding with DGO no.1 instead of making payment to the complainant, they have transferred amount of Rs.14,42,365/- in favour of N.Sathish to his bank account without the knowledge of the complainant. He admits that he has put his signatures to RTGS form. He denies that without making payment they have cheated the complainant.

44. DW 2 has deposed that from November 2012 to 30.9.2013, he was working as Executive Engineer, Project Division, BBMP, Jayanagara 2<sup>nd</sup> Block, Bengaluru. As per Ex.P.9 work order was issued to the contractor Hombaiah to execute the work of improvement of D-Park, J.P.Nagar 2<sup>nd</sup> Phase, ward no.177. As per the agreement Hombaiah the complainant did not execute the work within the specified period. Therefore, he called Assistant Executive Engineer and Junior Engineer and directed them to see that the work is done expeditiously.

45. Further DW2 has deposed that on 1.4.2013, the complainant and one Sathish appeared before him and submitted a letter that the complainant is not feeling well and on his behalf Sri Sathish will look after all the works. Therefore, on the said letter Ex.D.1, he referred the matter to Assistant Executive Engineer for needful action. The bill file will be submitted to the Accounts Officer.

46. In the Cross Examination, DW2 has admitted that once the contract is given, the work has to be executed by the contractor himself. He admits that if the contractor is not feeling well the contract has to be cancelled and the work has to be entrusted to another contractor. He denies that he has not made any endorsement on the original letter given by Hombaiah. He admits that received date is mentioned as 30.1.2013 in Ex.D.1. He does not know that he filed a writ petition against DGOs and other BBMP officials. He does not know that in the said writ petition No.24521/15, Ex.D.1 was produced before the Hon'ble High Court.

47. Further DW2 has deposed that he does not know that the document shown to him is the original letter submitted by the complainant in which he has not made any endorsement. He admits that in this document the received date is mentioned as 31.3.2013. He cannot say that this document is received in their office. He denies that without looking into the original letter of complainant, he is deposing falsely. He denies that the complainant has not submitted the letter Ex.D.1 before him. He denies that to help DGOs he is deposing falsely.

48. DGO 1 who is examined as DW3 has deposed that from the year 2010 to 2016, he was working as Cashier in Audit Office(Project), BBMP, N.R.Square, Bengaluru. The bill was submitted to Audit Officer(Project). At that time the post of Case worker was vacant. The Audit officer has put his signature on the bill and forwarded the same to him. After auditing the bill he passed the bill and forwarded the same to DGO no.2(Audit Officer). DGO no.2 approved the same and

forwarded the bill to Executive Engineer. After the approval of Executive Engineer, the bill came back to their office.

49. Further DW3 has deposed that later Sri Sathish appeared before him and submitted a letter Ex D 3 stating that the complainant is not feeling well on his behalf he has executed the work and to transfer the bill amount to Karnataka Bank, Chandra Layout Branch instead of Syndicate bank account. Along with the letter he has also submitted cancelled cheque leaf Ex D 4.

50. Further DW3 has deposed that he asked Sathish to submit the same before DGO no.2. But said Sathish again handed over Ex.D.3 and 4 to him. Accordingly, the bill amount was transferred by the way of RTGS to the account of Hombaiiah, the complainant existing in Karnataka Bank. RTGS Ex.P.14 was forwarded to DGO no.2 along with file.

51. In the Cross examination made by DGO-2, DW3 has denied that from Executive Engineer the contractor's bill was submitted to him directly. He admits that he has to scrutinize the bill item-wise. He admits that after the scrutiny, he has submitted the bill to DGO no.2. He admits that he has prepared the RTGS form and allotted B.R. number. He admits that after statutory deductions, he has mentioned the final figures. He denies that DGO no.2 only has put his initial on the RTGS form prepared by him. He admits that he is the responsible officer to verify the bank account, PAN card, VAT numbers of the contractors.

52. Further DW3 has deposed that he does not know that the letter Ex.D.1 was not at all brought to the notice of DGO no.2. He admits

that the bills and RTGS forms were prepared in the name of complainant. He did not bring to the notice of Chief Accounts Officer regarding Ex.D.1, because it was not his duty and it was the duty of DGO no.2. He denies that he has not at all sent Ex.D.1 to DGO no.2.

53. Further DW3 has deposed he does not know that during the year 2014, a complaint was lodged against him to his higher officers stating that he is making the payment to the contractors without bringing to the knowledge of Audit Officer. He does not know about the complaint lodged by DGO no.2 against him before the Chief Accounts Officer dtd.16.1.2014. He denies that he has passed the bills without bringing it to the notice of DGO no.2.

54. In the Cross Examination made by Presenting officer, DW3 admits that the Hombaiah-complainant has executed the D-Park improvement work. He admits that Hombaiah-complainant was entitled for an amount of Rs.14,42,365/-. He admits that himself and DGO no.2 are the responsible case workers in respect of payment of bills. He admits that Hombaiah, the complainant was having bank account in syndicate bank.

55. Further DW3 has denied that they are no way responsible for the vehicle loan of the complainant. He denies that after completion of the work the bill amount was not paid to the complainant. He denies that when the complainant approached him, he postponed the payment on one or the other reason. He denies that the complainant did not entrust the work to Sathish as per Ex.D.1. He denies that colluding with Satish Karnataka bank account was created and amount was transferred to Karnataka Bank account.

56. Further DW3 has admitted that the complainant filed writ petition no.24521/15 against BBMP officials. He does not know that the counsel appearing for BBMP has produced the document dtd.31.3.2013. He denies that Ex.D.1 and the document shown to him are one and the same. He does not know that in Ex.D.1 the date mentioned as 31.3.2013 and it is subsequently over written as 30.3.2013.

57. Further DW3 denies that the bill amount was not transferred to the bank account of the complainant existing in Karnataka bank. He denies that the oral and documentary evidence given by him is no way related to articles of charge. He denies that colluding with DW-2, he has created Ex.D.1. He admits that bill amount has to be transferred to the bank account of contractor himself and not others. He denies that Sathish was not at all acquainted with the complainant.

58. According to the DGOs, the complainant and Sri. Satish appeared before them and submitted the letter Ex D1 stating that the complainant is not feeling well and Satish to look after his works. Though the complainant was not supposed to delegate his work to any other contractor and though Satish was not supposed to execute the work as a contractor on behalf of the complainant, the contract amount was given to Sri. Satish.

59. Similarly on the basis of the letter Ex D1, DGO 1 was not supposed to transfer the contract amount in favour of Satish. DGO 2 is also responsible officer to verify the documents submitted along with the tender and bill forms and related documents. DGOs are responsible to verify whether the blank cheque given by the

contractor was belonging to him or Satish. In Ex D1, the date of receipt is mentioned as 30.3.2013 and it is overwritten. The complainant has produced the copy of the letter in which the date is mentioned as 31.3.2013.

60. Except the contractor who has entered into the contract with BBMP, no other contractors is entitled to execute the work and receive the contract amount from BBMP. In spite of these facts, the DGOs 1 and 2 without making payment to the complainant deposited the amount to the bank account of Satish. DGO 2 has put his signature to RTGS forms after verifying the measurements recorded in the bills.

61. The oral and documentary evidence on record clearly show that the complainant Sri.Hombaiah has executed the works of improvements of D park at J.P.Nagar, II phase ward No. 177, Bangalore. After completion of the work, the complainant submitted contractors bill form before the Executive Engineer Projects (South), Jayanagar for payment. Inturn the Executive Engineer forwarded the bill form to audit office of head office where DGOs 1 and 2 were working. But instead of making payment to the complainant, a sum of Rs. 14,42,365/- was transferred in favour of one Sri. N. Satish without the knowledge of the complainant.

Thereby the DGOs 1 and 2, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of the Government servants. Hence, I proceed to answer point No. 1 in the affirmative.

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

**ORDER**

Disciplinary Authority has proved the charges as framed against the following DGOs ;

1. Sri. Kiran, Cashier, Audit Office (Project), Bruhath Bengaluru Mahanagara Palike, N.R. Square, Bengaluru and
2. Sri. Prasanna Kumar Praveen A., Audit Officer (Project), Bruhath Bengaluru Mahanagara Palike, N.R. Square, Bengaluru

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

Dated this the 26<sup>th</sup> September, 2017

- Sd -

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

**ANNEXURES**

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

PW-1 :- Sri. Hombaiah

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

DW-1:- Sri. Prasanna Kumar Praveen  
DW-2:- Sri. N.R. Srikantayyagowda  
DW-3:- Sri. B. Kiran



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

- Ex.P-1 : Complaint dt. 4.12.2014  
Ex.P-2 : Form No. I  
Ex.P-3 : Form No. II  
Ex.P-4 : Form No. I  
Ex P-5 : Form No. II  
Ex.P-6 : Representation to Commissioner, BBMP  
dt. 11.11.2014  
Ex P 7 : Representation to CAO, Bangalore dt. 11.11.2014  
Ex P 8 : Representation to Accounts officer, Bangalore  
dt 11.11.2014  
Ex P 9 : Work Order  
Ex P 10 : TDS information  
Ex.P-11 : Bank pass book extract  
Ex.P-12 : Order in WP No. 24521/2015  
Ex.P-13 : Rejoinder dt. 6.3.2015  
Ex.P-14 : RTGS form  
Ex P-15 : Cheque extract  
Ex.P-16 : Report u/s 12(3) of the K.L Act, dt.24.10.2016

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

- Ex.D-1 : Letter of Sri. Hombaiah, Bangalore  
Ex.D-2 : Contract Certificate  
Ex.D-3 : Letter dt. 2.6.2014 of Sri. N. Satish  
Ex.D-4 : Cancelled cheque leaf

Dated this the 26<sup>th</sup> September 2017

- Sd -

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



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/32/2017/ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 28/9/2017

**RECOMMENDATION**

Sub:- Departmental inquiry;

- (1) Sri B. Kiran, First Division Assistant, the then Cashier, Audit office (Project), Burhat Bengaluru Mahanagara Palike, Bengaluru
- (2) Sri Prasanna Kumar Praveen A., Audit Officer (Project), Bruhath Bengaluru Mahanagara Palike, Bengaluru - Reg.

Ref:- 1) Government Order No.ನಅಇ 397 ಎಂಎಸ್‌ಜಿ 2016,  
Bengaluru, dated 27/12/2016

2) Nomination order No.UPLOK-1/DE/32/2017,  
Bengaluru dated 10/1/2017.

3) Inquiry Report dated 26/9/2017 of Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 27/12/2016, initiated the disciplinary proceedings against (1) Sri B. Kiran, First Division Assistant, the then Cashier, Audit Office (Project), Bruhat Bengaluru Mahanagara Palike, Bengaluru and (2) Sri Prasanna Kumar Praveen A., Audit Officer (Project), Bruhath Bengaluru Mahanagara Palike, Bengaluru (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as '**DGO-1 and DGO-2 respectively**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/32/2017 dated 10/1/2017, nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri B.Kiran, the then Cashier and Sri Prasanna Kumar Praveen A., Audit Officer (Projects), Bruhath Bengaluru Mahanagara Palike, Bengaluru were tried for the following charge:-

“1ನೇ ಆಪಾದಿತ ನೌಕರರಾದ ಶ್ರೀ ಕಿರಣ್, ನಗದು ಗುಮಾಸ್ತರು, ಲೆಕ್ಕ ಪರಿಶೋಧನೆ (ಯೋಜನೆ) ಬಿ.ಬಿ.ಎಂ.ಪಿ ಮತ್ತು 2ನೇ ಆಪಾದಿತ ನೌಕರರಾದ ಶ್ರೀ ಪ್ರಸನ್ನ ಕುಮಾರ್ ಪ್ರವೀಣ್ ಎ, ಲೆಕ್ಕ ಪರಿಶೋಧನಾಧಿಕಾರಿ, ಯೋಜನೆ ವಿಭಾಗ, ಲೆಕ್ಕ ಶಾಖೆ, ಬಿ.ಬಿ.ಎಂ.ಪಿ ಬೆಂಗಳೂರು ಆದ ನೀವು ದೂರುದಾರರು ಇವರಿಗೆ ಪಾಲಿಕೆಯು ವಹಿಸಿದ್ದ Improvements to ‘D’ park at J.P. Nagar 2<sup>nd</sup> Phase in Ward No. 177 ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದ ಬಗ್ಗೆ ಬಿಲ್ಲಿನ ಮೊತ್ತ ರೂ.14,42,365/-ಗಳನ್ನು ಟಿ.ಡಿ.ಎಸ್ ಪ್ರಕಾರವಾಗಿ ಪಾವತಿಸಲಾಗಿದ್ದು, ಅವರ ಬ್ಯಾಂಕ್ ಖಾತೆಗೆ ಹಣ ಸಂದಾಯಕ ಮಾಡದೆ ಎನ್.ಸತೀಶ್ ಎಂಬುವವರ ಖಾತೆಗೆ ಹಣ ಜಮಾ ಮಾಡಿರುತ್ತೀರಿ. 2ನೇ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಪ್ರಸನ್ನ ಕುಮಾರ್ ಪ್ರವೀಣ್. ಎ ಆದ ನೀವು ಕಾಮಗಾರಿ ಬಿಲ್ಲಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅಳತೆಗಳ ಶೇಕಡ 25ರಷ್ಟನ್ನು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಪರಿಶೀಲಿಸಿ ಆರ್.ಟಿ.ಜಿ.ಎಸ್. ಫಾರಂಗೆ ಸಹಿ ಮಾಡಿರುತ್ತೀರಿ. ಆದ ಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3(1)(i)ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri B. Kiran, the then Cashier and DGO-2 Sri

Prasanna Kumar Praveen A, Audit Officer (Projects), BBMP, Bengaluru.

5. The Inquiry Officer has further held that the oral and documentary evidence on record clearly show that the complainant Sri Hombaiah has executed the works of improvements of D Park at J.P. Nagar, II Phase, Ward No.177, Bangalore. After completion of the work, the complainant submitted contractor's Bill form before the Executive Engineer Projects (South), Jayanagar, for payment. In turn, the Executive Engineer, forwarded the Bill form to Audit Office of head office where DGOs 1 and 2 were working. But instead of making payment to the complainant, a sum of Rs.14,42,365/- was transferred in favour of one Sri N. Satish, without the knowledge of the complainant.

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

7. As per the Inquiry Report, DGOs 1 and 2 instead of sending a sum of Rs.12,76,730/- (after deducting statutory deductions out of contract amount of Rs.14,42,365/-) to the Account at Syndicate Bank P.C. Road Bengaluru, of Sri Hombaiah, Contractor, who had executed the work, had sent a sum of Rs.12,76,730/- through RTGS to the Account No. 9072500101641701 at Karnataka Bank, created by one Sri N. Satish. DGOs 1 and 2 in connivance with the above Sri N. Satish had created letter of authority, purported to have been given by Sri Hombaiah to the above Sri N. Satish and sent a sum of Rs.12,76,730/-, through RTGS to the Account No.


9072500101641701 at Karnataka Bank, created by above Sri N. Satish. Thereby, the DGOs 1 and 2 have fabricated records, falsified the accounts and misdirected the payment of contract amount payable to Sri Hombaiah to the account created by Sri N. Satish.

8. As per the First Oral Statement submitted by DGOs 1 and 2, DGO-1 Sri B. Kiran is due to retire from service on 31/12/2037 and DGO-2 Sri Prasanna Kumar Praveen A., is due to retire from service on 28/2/2030.

9. Having regard to the nature of charge proved against DGO-1 Sri B. Kiran and DGO-2 Sri Prasanna Kumar Praveen A, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO-1 Sri B. Kiran, First Division Assistant, the then Cashier at Audit Office (Projects) and DGO-2 Sri Prasanna Kumar Praveen A., Audit Officer (Projects), Bruhat Bengaluru Mahanagara Palike, Bengaluru.

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