

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/35/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 10.2.2021

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)****Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against
(1) Sri. Patil.R.R., Secretary, Khadakalat Grama
panchayath, Khadakalat, Chikkodi Taluk,
Belagavi District and
2) Sri. Kumbar.M.G., Junior Engineer, Taluk
Panchayath, Chikkodi, Belgavi District- reg.

Ref: 1. G.O.No. Gra Aa Pa 163 ENQ 2016 Bengaluru
dated: 4.1.2017

2. Nomination Order No: UPLOK-1/DE/35/2017
Bangalore dated: 10.1.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. Patil.R.R., Secretary, Khadakalat Grama panchayath, Khadakalat, Chikkodi Taluk, Belagavi District and (2) Sri. Kumbar.M.G., Junior Engineer, Taluk Panchayath, Chikkodi, Belgavi District (hereinafter referred to as the Delinquent Government Official for short "DGOs No.1 and 2 " respectively).

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2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 10.1.2017 cited above at reference No.2 has nominated Additional Registrar of Enquiries-10 to frame the charges and to conduct the enquiry against the aforesaid DGOs.

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

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

5. The Article of charges framed by the ARE-10 against the DGOs is as under :

ANNEXURE-I
CHARGE

That, you DGO No.1 – Sri Patil.R.R. Secretary, Khadakalat grama panchayath, you DGO No.2 Kumbar.M.G. Junior Engineer, Taluk Panchayath, Chikkodi, Belagavi District

1)instead of forming CC road from Government Hospital upto Subhash Chowka and development and protection work near Maruthi Mandira, CC road from the house of Sankaje upto Hanabaragalli has been formed and compound for Patil Chanichani graveyard near Maruthi Mandira has been

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constructed and no estimate has been prepared for the alternative works executed.

2)In the work executed near bus stop road, MNDHS Lakshmi temple no plants are found at the time of inspection, though an amount of Rs.41,990 + 39,525 = Rs.81515/- has been spent for plantation.

3)There is considerable difference in the works executed and measurements recorded in the M.B. in respect of formation of canal from Manachavadi road to Shiragave Guruji house and the difference is Rs.78,454/-; in formation of lake canal from the house of Shiragave Guruji to Shekhavaya lake and the difference is Rs.88,304/-; and in formation of Nayaka kodi road and the difference is Rs.40,968/-. Therefore, you DGOs and the President Sri Rakesh Mahadeva Chinchole are equally responsible for the loss caused to the extent of Rs.2,89,241/-.

Thus you 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 Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

According to the complainant : the works executed during 2009-10 by the DGOs under NREGS are of substandard and bogus bills have been prepared in respect of the works executed.

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Complaint was referred to TAC for report. investigation has been conducted by Assistant Executive Engineer-III, TAC, Lokayukta (I.O. for short) on the instructions of C.E. The report of the I.O. is that;

i) instead of the works which were sanctioned under work plan, some other works have been executed and they are:

a) Instead of forming C.C. road from Government Hospital up to Subhash Cowka and development and protection work near Maruthi Mandira, C.C. road from the house of Sankaje upto Hanabaragalli has been formed and compound for Patil Chanichani graveyard near Maruthi Mandira has been constructed and to estimate has been prepared for the alternative works executed. DGOs no.1 and 2 and Rakesh Mahadev Chinchani – President are responsible for the works executed.

ii) No plants are found at the time of inspection near bus stop road, MNDHS Laxmi Temple though an amount of Rs.41,990 + 39,525 = 81,515 has been spent for plantation. DGO no.1 and Rakesh Mahadev Chinchani – President are responsible for the works executed.

iii) There is considerable difference in the works executed and measurement recorded in the M.B. in the following works.

A) Formation of canal from Maanachavadi road to Shiragave Guruji and the difference is Rs.78,454/-. Rakesh Mahadev Chinchani, President, S.J.Cholle-J.E., DGO no.1 are responsible for the loss caused to the extent of Rs.26,152/- each.



B) Formation of lake canal from Shiragave Guruji-Shekhavaya lake and the difference is Rs.88,304/- Rakesh Mahadev Chinchani- President, S.J.Cholli-J.E. and DGO no.1 are responsible for the loss caused to the extent of Rs.29,435/- each.

In view of the facts stated above and on consideration of the material on record, replies of respondent no.1 and 2 have not been found satisfactory to drop the proceedings.

The facts supported by the material on record prima facie show that the DGOs no.1 and 2, being Government servants, have failed to maintain absolute devotion to duty and have acted in a manner unbecoming of Government servants and thereby committed misconduct under Rule 3(1) of KCS (Conduct) Rules and made themselves liable for disciplinary action.

Since the said facts and material on record prima-facie show that the DGOs 1 and 2 have committed misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the DGOs No.1 and 2 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against DGOs no.1 and 2 and entrusted the enquiry to this Institution vide reference no.1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 2. Hence, this charge.

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7. The DGOs were issued notice for their appearance on 13.3.2017. Even though Article of charge served to DGOs No.1 and 2, DGOs did not appear on that day. Hence DGOs 1 and 2 were placed exparte. Subsequently, DGOs no. 1 and 2 appeared on 21.4.2017 before this enquiry authority in pursuance to the service of the Article of charges. But their First oral statements were not recorded.

8. The DGOs No.1 and 2 has submitted written statement dtd: 23.6.2017 and they had pleaded not guilty and claimed for holding enquiry

9. The DGO No.1 has submitted written statement stating that he was working incharge Secretary, Khadakalat Grama Panchayath Khadakalat, Chikkodi Taluk, Belagavi District during the year 2009-2010. During the said period he was working as full time Secretary of Akkol Grama Panchayath. He has further submitted that during his tenure as Incharge Secretary of Grama Panchayath Khadakalat number of works have been carried out and completed successfully under the MGNREGA Scheme. Further he has submitted that he has not at all committed any deficiency in his service at any time, during his tenure as Secretary of Grama Panchayath. He has further submitted that he has retired on 30.6.2015 as Assistant Planning officer, Zilla Panchayath Belagavi.

10. **DGO no.1** has further submitted that, instead of forming CC road from Government Hospital up to Subhash Chowka and development and protection work near Maruthi



Mandira, CC road from the house of Sankaje upto Hanabaragalli has been formed and compound wall for patil Chinchani graveyard near Maruthi Mandira has been constructed. The work of plantation of trees near bus stand, MNVHS Lakshmi temple was fully completed with excavation of pits of size 1 mtrs., X 1Mtr., X 1 mtrs with vertically but cut digs to make an uniform cube and hipping the excavation soil outside the pits. After completion of said work the widening of road work was carried out and as such the trees were destroyed. The canal works from Manachawadi road to Shiragave guruji house, and from house of Sri. Shiragave guruji to Shekhavaya lake and Nayaka Kodi road were taken up. All these works have been carried out and completed by obtaining approval from the Grama Panchayath, in its meeting. The consent and prior approval of the Executive Officer Taluk Panchayath Chikkodi was also obtained. The measurements of the wroks were taken correctly, and the same were recorded in the measurement book. There were no difference in the quantity of works executed and quantity of measurements recorded in the MB. Further he has submitted that he has not caused any loss sub standard materials were not used and all the works executed as the standard quality. Further he has submitted that no bogus bills were prepared in respect of any work. Further he has submitted that 3rd party inspection was made by Nethaji Integrated Rural Development society, Mudalagi, Gokak taluk Belagavi District, which conducted the spot inspection and submitted the report. The 3rd party report has been accepted by the OMBUDSMAN and passed the order dtd:

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29.9.2012 in OMB/ MGNREGA/ Cr - 48/2010-11 and dismissed the said complaint as not substantiated. Hence he prayed to drop the charges leveled against him.

11. The DGO No.2 has submitted written statement stating that he was working as Junior Engineer, Taluk Panchayath, Chikkodi, Belagavi District. Further he has submitted that during the year 2009-10, within the limits of Khadakalat Grama Panchayath number of works were carried out and completed successfully under the scheme of MGNREGA. Sri. S.G. Cholli, Junior engineer was working during the year 2009-10 at Khadakalat and other villages and the said works were executed under his supervision. Now he is no more. During that period he (DGO no. 2) was working as a Junior engineer at Taluk Panchayath and was incharge of works of Kodni, Appachiwadi, Koganolli, Kurli, Benadi, and Adi villages of Chikkodi Taluk. The works alleged in the charge does not relate to him. He further submitted that he was wrongly implicated in this matter. Hence he prayed to drop the charges leveled against him.

12. The Disciplinary Authority has examined the complainant Sri. Raju Tharaka S/o Bahusahed, Advocate, Khadakalat, Chikkodi Taluk, Belagavi District as PW.1. Sri. C. N. Anand S/o C.S.Nagaraj, the then Executive Engineer TAC Karnataka Lokayukta Bengaluru is the Investigating officer in the case and he has been examined as PW-2 and **Ex.P-1 to ExP-20** are got marked.

13. The Second Oral Statement of DGOs have been recorded. DGO No. 1 Sri. Patil.R.R., Secretary, Khadakalat

Grama panchayath, Khadakalat, Chikkodi Taluk, Belagavi District has got examined himself as DW-1 and DGO No. 2 Sri. Kumbar.M.G., Junior Engineer, Taluk Panchayath, Chikkodi, Belagavi District has got examined himself as DW-2 and has got marked **Ex.D-1 to Ex.D-10** documents.

14. The DGOs have submitted then written arguments. At the stage of preparation of report, the file was transferred from Additional Registrar Enquiries-10 to Additional Registrar Enquiries-9, as per order No. UPLOK-1 &2 /DE /Transfers/ 2020 dated: 28.5.2020.

15. Heard the submissions of both the sides. I answer the above charges No. 1 to 3 leveled against the DGO no.1 in the **AFFIRMATIVE** and charges sl. No. 1 to 3 leveled against the DGO no.2 in the **NEGATIVE** for the following;

REASONS

16. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGOs.

17. The disciplinary authority has examined the complainant Sri. Raju Tharaka S/o Bahusahed, Advocate, Khadakalat, Chikkodi Taluk, Belagavi District as PW.1. PW-1 has deposed in his evidence that during the year 2009-10 in Khadakalat village under MGNERGA scheme, different works were taken up but the works were not properly done. Further he has deposed that from Government Hospital to Shubhash chowka the CC Road work was not done but the said work was changed without approval and there being any funds

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were misappropriated. Further he has deposed that from Khadakalat bus stop MND High school to Lakshmi temple the work planting of trees was taken up, pits were not dug and works were not carried out and funds were misappropriated. Further he has deposed that near Hanuman temple protection wall work was not constructed, but the fund was misappropriated. From Manachawadi road to Shivagavi Guruji house and Shivagavi Guruji house to Shathadavaya lake, drainage work was not done but the amount was misappropriated. Further he has deposed that Nayakawadi road work was not done but the amount was misappropriated. Further he has deposed that DGO No.1 was the Secretary of the Grama Panchayath and DGO no.2 was the engineer of the Grama Panchayath and they are responsible officers to execute and supervise the work. They have caused financial loss of more than Rs. 50 lakhs to the State Exchequer

18. Sri. C. N. Anand S/o C.S.Nagaraj, the then Executive Engineer, TAC, Karnataka Lokayukta Bengaluru is the Investigating officer in this case and he has been examined as PW-2. PW-2 has deposed in his evidence that On 19.11.2014 and 20.11.2014 he has inspected the works in the presence of A.M. Patil, Executive officer, as on that date Sri. Veeranna wali Assistant Executive Engineer, Sri. M.G. Kumbar (DGO no.2), the then Junior Engineer, S. Patil, Assistant Director, RR Patil (DGO no. 1); T. Sunil and the complainant. Further he has deposed that at the time of inspection he has drawn a mahazar in the presence of above said persons. The work spots were shown by the complainant

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and the officers who were present. Further he has deposed that he has verified the MB, estimate, and taken the measurements at the spot with photographs. Further he has deposed that out of 18 works he has found discrepancies in 6 works and no discrepancies in other works.

19. PW-2 further deposed that in CC road work from Government Hospital to Shubhash chowka, development work near Maruthi Mandira, the work was not done in these two places. But they were done in some other places for which modified estimate was not prepared. The DGO no. 1 and 2 and Sri. S.G. Cholli JE., Grama Panchayath are responsible for dereliction of duty. Further he has deposed that near MNBHS Lakshmi gudi, pits were not properly dug and maintained: they were almost closed, and he has found no plantation. But, as per the documents payment of Rs. 81,515/- was made. DGO no.1; President of Grama Panchayath Sri. Rakesh Mahadeva Chinchole; and Sri. S.G. Cholli, JE are responsible for this financial implication. Further he has deposed that in respect of road side drainage work near Manachawadi to Shiragavi measurement is recorded as 210.2 mtrs as against 99 mtrs., found at the spot, therefore there was an excess payment of Rs. 78454/-. Sri. Cholli JE and DGO no.1; president of Grama Panchayath Sri. Rakesh Mahadeva Chinchole are responsible for loss of Rs. 26,152/- each. Further, he has deposed that in respect of drainage work near Shiragavi guruji house to Shekhavaya lake, the measurement is recorded as 189 mtrs., as against 107.75 mtrs., found at the spot. Therefore there is excess payment of Rs. 88,304/-. S.G. Cholli, JE; DGO no.1 and



Rakesh mahadev, Chinchani the then President of Grama Panchayath are responsible for the loss of Rs. 29,435/- each. Further he has deposed that in respect of formation of Nayakodi road work, the measurement is mentioned as 615 mtrs as against 391 mtrs., found in the spot. Therefore there was excess payment of Rs. 40,969/-. S.G. Cholli JE; DGO no.1 and Rakesh mahadev, Chinchani the then President of Grama Panchayath are responsible for causing loss of Rs. 13,656/- each.

20. DGO No.1 Sri. Patil.R.R., Secretary, Khadakalat Grama panchayath, Khadakalat, Chikkodi Taluk, Belagavi District has got examined himself as DW-1. DW-1 has deposed in his evidence that he was working as I/c Secretary, Khadakalat Grama panchayath, Khadakalat during the year 2009-10 along with his regular work as Secretary of Grama Panchayath Akkol. Further he has deposed that he retired on 30.6.2015 as Assistant Planning Officer Zilla Panchayath Belagavi. Further he has deposed that instead of forming CC road from Government Hospital upto Shubash chowka and development, protection work near Maruthi mandira, CC road from the house of Sankaje Hanabaragalli has been formed and compound wall for Patil Chanichani graveyard near Maruthi Mandira has been constructed.

21. Further he has deposed that the work of planting trees near bus stand MNDHS lakshmi temple was fully completed with excavation of pits. After completion of the work, widening of road work was carried out, as such the pits were destroyed. The canal works from Manuchawadi road to

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Sheragavi guruji house, drinage work from the house of Sheragavi guruji to Shekhavaya lake and Nayaka kodi, road works were carried out and completed with due approval of the Grama Panchayath in its meeting. Thereafter the consent and prior approval by the Executive officer Taluk panchayath Chikkodi was obtained. Therefore, there is no difference in the quantity of work executed and measurements recorded in the MB. Hence no loss is caused. Further he has deposed that complaint filed by the complainant before the OMBUDSMEN was dismissed on 29.9.2012. Further he has deposed that DGO no. 2 was not at all related to the alleged work, and these works were carried out and completed under the supervision of Sri. S. G.Cholli JE, who is no more.

22. DGO No. 2 Sri. Kumbar.M.G., Junior Engineer, Taluk Panchayath, Chikkodi, Belgavi District has got examined himself as DW-2. DW-2 has deposed in his evidence that during the year 2009-10 within the limits of Khadakalat Grama Panchayath number of works were carried out and completed under the MGNREGA Scheme. Sri. S.G. Cholli JE had worked during the year 2009-10 at Khadakalat village and other villages. The works alleged in the charge were executed under the supervision of S.G.Cholli he is no more. Further he has deposed that during that period he was working as JE incharge of works of Kodni Appachiwadi, Koganolli, Kurli, Benadi, and Adi village of Chikkodi village. The alleged works were not related to him.

23. Ex.P1 and 2 are the complaint in form no. 1 and 2. Ex.P-3 is the representation given to CEO, Zilla Panchayath

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Belagavi. Ex.P-4 is the detailed complaint. Ex.P-5 is the another representation submitted by the complainant to the Registrar, Karnataka Lokayukta, Bengaluru. Ex.p-6 is the spot inspection mahazar. Ex.P-7 is the investigation report dtd: 22.12.2015. Ex.P-8 is the (72) photographs and CD. Ex.P-9 is the copy of estimate. Ex.P-10 is the copy of measurement book. Ex.P-11 is the copies of estimates. Ex.P-12 is the copy of measurement book. Ex.P-13 is the copy of estimate. Ex.P-14 is the copy of measurement book. Ex.P-15 is the copy of estimate. Ex.P-16 is the copy of measurement book. Ex.P-17 is the copy of estimate. Ex.P-18 is the copy of measurement book. Ex.P-19 is the copy of details of works. Ex.P-20 is the copy of measurement book.

24. Ex.D-1 contains copies of records in respect of CC road work from Government Hospital to Subhash Chowka, copies of (1) order of Ombudsmen (2) work completion certificates-2 (3) material supply bills (4) letter to Corporation Bank (5) work estimation (6) photos (7) measurement book (8) resolution of Grama Panchayath (9) work approval by Executive Officer. Ex.D-2 is the copy of third party inspection report. **Ex.D-3** is the copies in respect of protection wall near Maruthi Mandira, (1) Work completion certificate (2) Material supply bills (3) Bank advices, (4) Muster roll (5) Work estimation (6) Action plan (7) Photos (8) Measurement book (9) Resolution of Grama Panchayath (10) Work approval by Executive Officer. **Ex.D-4** is the copies of records in respect of advance digging of pits near Bus -stand, MNDHS and Lakshmi temple (1) Muster roll (2) Work estimation (3) Letter to Corporation Bank (4) Form No. 6 (5) Form No.6 (6)

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measurement book. **Ex.D-5** is the copies of records in respect of formation of channel from Manuchiwadi road to Shiragave Guruji House (1) Work completion certificate (2) Material supply bills (3) Muster roll (4) Photos (5) Estimation (6) Estimation book. **Ex.D-6** is the copies of records in respect of formation of channel from Shiragave Guruji House to Shatawai Kere (1) Work completion certificate (2) Material supply bills (3) Bank advices (4) Muster roll (5) Form No. 6 (6) Estimation (7) Action plan (8) Photos (9) Measurement book. **Ex.D-7** is the copies of records in respect of road formation from Kadakalata grama to Naikodi (1) Material supply bills (2) Muster roll (3) Work completion certificate (4) Form No. 6 (5) Bank advices (6) Letter to Corporation Bank (7) Action Plan (8) Photos (9) Estimation (10) Measurement book. **Ex.D-8** is the statement of works under MGNREGA scheme for the year 2009-10 (certified copy). **Ex.D-9** is the certificate dated: 7.12.2018. **Ex.D-10** is the work allotment note dtd: 22.1.2010 (certified copy)

25. Perused the evidence of PW-1, PW-2, DW-1, and DW-2 along with documents produced by both sides and Article of charge consisting three charges.

26. My findings in respect of the charge at Sl. No. 1

Charge No. 1:- instead of forming CC road from Government Hospital up to Subhash Chowka and development and protection work near Maruthi Mandira, the CC road from the house of Sankaje upto Hanabaragalli has been formed and compound wall for Patil Chanichani graveyard near Maruthi Mandira has been constructed and



no estimate has been prepared for the alternative works executed.

27. Perused the evidence of Pw-1, PW-2, DW-1, and DW-2 along with documents produced by both sides. In Ex.P-7, investigation report at para No. 4.00, para (ii) reads as follows;

ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಹೆಸರಿಸಲಾದ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಯಿಂದ - ಸುಭಾಷ್ ಚೌಕದವರೆಗೆ ಸಿ.ಕಾಂ ರಸ್ತೆ, ಮಾರುತಿ ಮಂದಿರದ ಹತ್ತಿರ ಅಭಿವೃದ್ಧಿ ಸಂರಕ್ಷಣೆ ಕಾಮಗಾರಿ ಬದಲಾಗಿ ಮಾರುತಿ ಸಂಕಾಜೆ ಮನೆಯಿಂದ ಹಣಬರಗಲ್ಲಿವರೆಗೆ ಸಿ.ಕಾಂ ರಸ್ತೆ ಮತ್ತು ಮಾರುತಿ ಮಂದಿರದ ಹತ್ತಿರ ವಿರುವ ಪಾಟೀಲ ಚಿಂಚಣಿ ಸ್ಮಶಾನದ ಕಾಂಪೌಂಡ್ ಗೋಡೆ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸಿದ್ದು, ಸದರಿ ಬದಲಿ ಕಾಮಗಾರಿಗಳನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತಿ ಶಿಫಾರಸ್ಸಿನಂತೆ ಹಿಂದಿನ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿನ ಅಂಶ ಹಾಗೂ ಅದರ ಪ್ರಮಾಣಗಳನ್ನು ಉಪಯೋಗಿಸಿ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸಿದ್ದು, Modified Estimate ತಯಾರಿಸಿ ಕಾಮಗಾರಿ ನಿರ್ವಹಿಸಬೇಕಿದ್ದು, ಆದರೆ, ಆ ರೀತಿ ನಿರ್ವಹಿಸಿಲ್ಲದಿರುವುದರಿಂದ, ಸಂಬಂಧಪಟ್ಟ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಎಂ.ಜಿ. ಕುಂಬಾರ, ಕಾರ್ಯದರ್ಶಿ, ಶ್ರೀ ಆರ್.ಆರ್. ಪಾಟೀಲ್, ಅಧ್ಯಕ್ಷ, ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿಯವರಿಂದ ಕರ್ತವ್ಯಲೋಪವಾಗಿದೆ ಎಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

28. As per the evidence of DW-1 (DGO no.1) and PW-2 the DGO no.1 was working as incharge Secretary of Khadakalat Grama Panchayath and the alleged six works were executed during his period. The DGO no.1 admitted that the work namely -CC road from Government Hospital upto Subhash Chowka and development and protection work near Maruthi Mandira was not done, but the funds were utilized for execution of CC road from the house of Sankaje upto Hanabaragalli, and for construction of compound wall for Patil Chanichani graveyard near Maruthi Mandira. These works were executed completely. But DGO No.1 has not produced the

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records to show that before executing the above works in lieu of formation of CC road from Government Hospital to Subsh Chowk and development and protection work, near Maruthi Mandir he had obtained approval from the Executive Officer, Taluk Panchayath Chikkodi for change of work place. As per the evidence of PW-2, Investigating officer and his report Ex,P-7 there is no dispute regarding the quality of work with specification. Ex.P-9 is the estimate in respect of the development and protection work near Maruthi Mandira, which is technically approved on 6.10.2009. Ex.P-10 is the copy of the measurement book in respect of the said work. As per the said measurement book, instead of said work, compound for Patil Chanichani graveyard near Maruthi Mandira has been constructed. In respect of said work measurements were recorded in MB on 19.11.2009, 11.12.2009, 20.12.2009, 28.2.2010. Before taking up the work, the DGO No.1 as Secretary of the said Grama Panchayath has not obtained the prior approval with estimate regarding change of work place. Ex.P-11 is the copy of the estimate in respect of the CC road from Government Hospital upto Subhash Chowka. Ex.P-12 is the measurement book in respect of the work of CC road from the house of Sankaje upto Hanabaragalli that has been formed instead of the said work. As per the said measurement book, measurements were recorded on 10.11.2009, 16.3.2010, 30.3.2010. Before that, DGO No.1 as Secretary of the said Grama Panchayath has not obtained the prior approval and not prepared estimate regarding change of work place. Ex.D-1 page no. 306 to 431 and Ex.D-3 page No. 441 to 589 are the document related to the above said two works. Ex.D-1 page no. 430 is the copy of the resolution dtd: 16.2.2010 of Grama



Panchayath Khadakalat. As per the said document the Secretary and president of the Grama Panchayath and members of said Grama Panchayath had passed the resolution to change the place of work as stated above. But, as per the Measurement book, recorded by the Junior engineer Sri. S.G. Chooli, the said work was executed before passing the said resolution. Further Ex.D-1 page No. 431 is the letter dtd: 18.2.2010 submitted by the Executive officer Taluk panchayath Chikkodi and DGO no.1; president of the said Grama Panchayath for obtaining the approval regarding the change of work place. The DGO no.1 has not produced the approved estimate in respect of the change of work place but executed the said work at changed place as per the estimate prepared in respect of the above said two works. Further DGO no. 1 did not produce the post facto approval obtained from the Executive officer Taluk panchayath Chikkodi or Chief Executive Officer, Zilla Panchayath Belagavi. These facts clearly depict that the DGO no. 1 committed above said irregularities at the time of executing the said works. Further there is no material evidence regarding the misappropriation of any amount in respect of the said work. Further Ex. D-9 is the certificate dtd: 7.12.2018 issued by the Panchayath development officer, Grama Panchayath Khadakalat, Chikkodi taluk and same was certified by the Assistant Executive Engineer Panchayath Raj Engineering Sub Division, Chikkodi. As per the said document, the DGO no. 2 had not at all worked as Junior engineer in Khadakalat Grama Panchayath during year 2009-10 and has not executed / supervised any work under MGNREGA Scheme as alleged in the charge against him. As per the said document the DGO no. 2 was working as JE Panchayath Raj Engineering

702

Sub Division, Chikkodi and he was having charge over the villages of Kodni, Appachiwadi, Koganolli, Kurli, Benadi, and Adi in Chikkodi taluk. Ex.D-10 is the copy of the office note dtd: 27.1.2010 of Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Chikkodi. As per the said document the DGO no. 2 had not at all worked and supervised the works done under MGNREGA Scheme within the limits of Khadakalat Grama Panchayath. Further there is no material to show that DGO no. 2 had prepared the estimate and supervised the alleged work within the limits of Khadakalat Grama Panchayath as junior engineer.

Therefore the disciplinary authority succeeded to prove the charge at sl. No. 1 leveled against DGO no.1 Sri. Patil.R.R., Secretary, and failed to prove the charge sl. No. 1 leveled against DGO no. 2 Sri. Kumbar.M.G., Junior Engineer.

29. My findings in respect of charge sl. No. 2

charge sl. No. 2:- In the work executed near bus stop road, MNDHS Lakshmi temple no plants are found at the time of inspection though an amount of Rs.41,990 + 39,525 = Rs.81515/- has been spent for plantation.

30. Perused the evidence of PW-1, PW-2, DW-1, and DW-2 along with documents produced by both sides. PW-2 Investigating officer clearly deposed in his evidence that he had inspected all 18 works which were shown in the complaint out of which he has found discrepancies in only six works. DGO No. 1 produced Ex.D-4 page no. 590 to 631 in respect of this charge. As per this document 50 labourers



had worked from 4.8.2009 to 13.8.2009 and dug the pits for plantation of saplings under the said work and they were paid an amount of Rs. 41,990/- in respect of 494 man days. Further 47 labourers had worked from 5.10.2009 to 14.10.2009 and dug the pits for plantation of saplings under the said work and they were paid an amount of Rs. 39,525/- in respect of 465 man days. But DGO no. 1 has not produced three stages photographs which were to be taken during the time of execution of the alleged work under the MGNREGA Scheme as per guidelines of the said scheme. PW-2 the Investigating officer has also deposed in his evidence that near MNDHS Lakshmi gudi, pits were not properly dug and maintained. Most of the pits were closed and he has not found any plantation or planting of any saplings under the said scheme. But payment of Rs. 81,515/- was made towards digging the pits and plantation. Further he has clearly stated that the DGO no. 1 being the Secretary of the said Grama Panchayath and Sri. Rakesh Mahadeva Chinchole, President of Grama Panchayath are to be held responsible for the same. Further PW-2 also stated in Ex.P-7 investigation report at para No. 3.03 (iv) para reads as follows;

ಬಸ್ ಸ್ಟಾಂಡ್ ರಸ್ತೆಯಿಂದ M.N.D.H.S., ಲಕ್ಷ್ಮೀಗುಡಿ ಬಳಿ ಗಿಡ ನೆಡುವುದು.

ಸಾಮಾಜಿಕ ಅರಣ್ಯ ಇಲಾಖೆಯಡಿಯಿಂದ ಬಸ್ ಸ್ಟಾಪ್ ರಸ್ತೆಯಿಂದ M.N.D.H.S., ಲಕ್ಷ್ಮೀಗುಡಿ ವರೆಗೆ ಮುಂಗಣ ಕುಣಿ ತೋಡುವ ಕಾಮಗಾರಿಗೆ, ಆಗಸ್ಟ್ ಮತ್ತು ಅಕ್ಟೋಬರ್ 2009ರಲ್ಲಿ ರೂ.41,990/- ಹಾಗೂ ರೂ.39,525/- ಗಳ ಬಿಲ್ ತಯಾರಿಸಿ ಪಾವತಿಸಿರುವುದು ಒದಗಿಸಲಾದ ದಾಖಲಾತಿಗಳಿಂದ ಗಮನಿಸಲಾಗಿದೆ.

ಸ್ಥಳ ಪರಿವೀಕ್ಷಣಾ ಸಮಯದಲ್ಲಿ ಬಸ್ ಸ್ಟಾಂಡ್ ಬಳಿಯ ರಸ್ತೆ ಅಗಲೀಕರಣವಾಗಿರುವುದರಿಂದ, ರಸ್ತೆ ಬದಿಯಲ್ಲಿ ಕುಳಿ ತೋಡಿದ ಗುರುತುಗಳನ್ನು

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ಪರಿಶೀಲಿಸಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ. ಮುಂದುವರೆದಂತೆ, ಉಳಿದ ರಸ್ತೆಯ ಉದ್ದಗಳಲ್ಲಿ ಗುಂಡಿ ತೆಗೆದಿರುವ ಕುರುಹುಗಳು ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ. ಹಾಜರಿದ್ದ ಅಧಿಕಾರಿಗಳು ಈ ಹಿಂದೆ ಗುಂಡಿಗಳನ್ನು ತೆಗೆದಿರುವುದಾಗಿ ನಂತರದ ಅವಧಿಯಲ್ಲಿ ಮಳೆಯಿಂದಾಗಿ ಮುಚ್ಚಿ ಹೋಗಿರುವುದಾಗಿ ಹೇಳಿರುತ್ತಾರೆ. ದೂರುದಾರರ ಆಪಾದನೆ ಕಾಮಗಾರಿ ಆಗಿಲ್ಲ ಎಂಬ ಆಪಾದನೆ ಕುರಿತಂತೆ ಗುಂಡಿ ತೆಗೆದಿರುವ ಕಾಮಗಾರಿಯನ್ನು 5 ವರ್ಷದ ನಂತರ ಪರಿಶೀಲಿಸಲಾದುದರಿಂದ, ಸದರಿ ಅವಧಿಯಲ್ಲಿ ಗುಂಡಿಗಳು ಮುಚ್ಚಿ ಹೋಗಿರಬಹುದಾದ ಸಾಧ್ಯತೆಗಳಿರುವುದರಿಂದ, ಕಾಮಗಾರಿ ನಿರ್ವಹಣೆ ಕುರಿತು ಸ್ಪಷ್ಟ ಅಭಿಪ್ರಾಯ ನೀಡಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ. ಆದರೆ, ನಂತರದ ಅವಧಿಯಲ್ಲಿ ಸದರಿ ಪ್ರದೇಶದಲ್ಲಿ ಗುಂಡಿಗಳು ತೆಗೆಯಲಾಗಿದೆ ಎಂಬ ಹೇಳಿಕೆಯಂತೆ, ಸದರಿ ಗುಂಡಿಗಳಲ್ಲಿ ಯಾವುದೇ ಗಿಡಗಳು/ಮರಗಳು ಬೆಳೆದಿರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಕಂಡು ಬಂದಿಲ್ಲವಾದುದರಿಂದ ಹಾಗೂ ಗಿಡಗಳನ್ನು ನೆಡುವ ಅಂಶವು ಬಿಲ್‌ಗಳಲ್ಲಿ ಇಲ್ಲವಾಗಿದ್ದು, ಸದರಿ ಗುಂಡಿ ತೆಗೆಯುವ ಕಾಮಗಾರಿಗೆ ತಗುಲಿದ ವೆಚ್ಚದ ಅನುಪಯುಕ್ತತೆಯ ಬಗ್ಗೆ ಸಂಸ್ಥೆಯು ಬಯಸಿದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಾರ್ಯದರ್ಶಿ ಹಾಗೂ ಅಧ್ಯಕ್ಷರ ಕುರಿತು ಕ್ರಮ ಕೈಗೊಳ್ಳಬಹುದಾಗಿರುತ್ತದೆ.

31. In Ex.P-7 investigation report at para No. 4.00 (iv) para reads as follows;

ಬಸ್ ಸ್ಟಾಪ್ ರಸ್ತೆ MNDHS ಲಕ್ಷ್ಮೀಗುಂಡಿ ಬಳಿ ಗಿಡ ನೆಡುವುದಕ್ಕಾಗಿ ಕುಳಿಗಳು ನಿರ್ಮಾಣದಲ್ಲಿ, ಸದರಿ ಗುಂಡಿಗಳು ಮುಚ್ಚಿ ಹೋಗಿರುವುದರಿಂದ ಹಾಗೂ ಗುಂಡಿಗಳಿರಬಹುದಾದ ಜಾಗದಲ್ಲಿ ಯಾವ ಗಿಡ/ಮರಗಳು ಬೆಳೆದಿಲ್ಲದಿರುವುದರಿಂದ, ಸದರಿ ಮೊತ್ತ ರೂ.41,990 + 39,525 = 81,515/- ಗಳ ಆನುಪಯುಕ್ತತೆ ಬಗ್ಗೆ ಸಂಸ್ಥೆಯು ಬಯಸಿದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ ಆರ್.ಆರ್. ಪಾಟೀಲ್ ಹಾಗೂ ಅಧ್ಯಕ್ಷರು ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿರವರ ಕುರಿತು ಕ್ರಮ ಕೈಗೊಳ್ಳಬಹುದಾಗಿರುತ್ತದೆ.

32. Further Ex.P-6 is the mahazar drawn by PW-2 Investigating officer in the presence of the complainant and other officers. In the said mahazar also it is stated as follows in page no. 168 sl. No. 14.



ಬಸ್ ಸ್ಟಾಂಡ್ ರಸ್ತೆ ಯಿಂದ ಎಂ.ಎನ್.ಡಿ.ಹೆಚ್.ಎಸ್. ಲಕ್ಷ್ಮೀ ಗುಡಿ ಬಳಿ ಗಿಡ ನೆಡವುದು - ಖಡಕಲಾಟ ಗ್ರಾಮದ ಬಳಿ ರಸ್ತೆ ಅಗಲೀಕರಣವಾಗಿದ್ದು ಮುಂದಿನ ರಸ್ತೆ ಬಾಗಗಳಲ್ಲಿ ಜಂಗಲ್ ಬೆಳೆದಿದ್ದು ಗುಂಡಿಗಳನ್ನು ತೆಗೆದಿದ್ದು ಸ್ಥಳ ಪರಿಶೀಲನೆಯಲ್ಲಿ ಕಂಡುಬರುವುದಿಲ್ಲ. ಹಾಜರಿದ್ದ ಅಧಿಕಾರಿಗಳು ಗುಂಡಿಯನ್ನು ತೆಗೆದಿರುವುದಾಗಿ ನಂತರ ಮಳೆಯಿಂದ ಮುಚ್ಚಿ ಹೋಗಿರುವುದಾಗಿ ಹೇಳಿರುತ್ತಾರೆ.

33. Perused the documents produced by both the sides. The DGO No.1 has not produced the three stage photographs to show that the pits were dug by the side of the road from bus stand road to near MNDHS Lakshmi gudi for plantation. Further as per the evidence of PW-2 Investigating officer, Ex.P-6 spot mahazar, Ex.P-7 report and Ex.P-8 photographs taken by PW-2 at the time of spot inspection not even a single plant & pit was found at the said place. It is clear that DGO no. 1 along with Sri. Rakesh Mahadeva Chinchole, the President of the said Grama Panchayath and concerned Forest Officer who are not the party in this proceedings, have not executed the above work of digging pits and planting sapling as per the guidelines of the MGNREGA Scheme. Further the purpose of the said development of plantation is not served. Hence it definitely comes under wasteful expenditure. Further there is no dispute regarding the fact that during the time of implementation of the alleged work DGO no. 1 was working as I/c Secretary of said grama panchayath. But, as per Ex.D-9 and 10, DGO no.2 has not at all worked as Junior Engineer of the said Grama Panchayath for implementation of the said work. Considering the report submitted by the PW-2 i.e., Ex.P-7 the amount of Rs. 81,515/- which is shown as expenditure regarding the

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development of plantation work as alleged in the charge sl. No. 2 becomes a wasteful expenditure. Hence DGO no.1 as a Secretary of said Grama Panchayath is held responsible for the above wasteful expenditure along with the then president of the said Grama Panchayath as stated in Ex.P-7 report. **For that the DGO no.1 is held responsible for Rs. 40,758/- which is the loss caused to state exchequer. Thereby the disciplinary authority succeeded to prove the charge sl. No. 2 leveled against DGO no.1, but failed to prove the said charge against the DGO no. 2.**

34. My findings in respect of the charge sl. No. 3

charge sl. No. 3 – there is considerable difference in the works executed and measurements recorded in the M.B. (i) in respect of formation of canal from Manachavadi road to Shiragave Guruji house / and the difference is Rs.78,454/-, (ii) in formation of lake canal from the house of Shiragave Guruji to Shekhavaya lake and the difference is Rs.88,304/- and (iii) in formation of Nayaka kodi road and the difference is Rs.40,968/-. Therefore, you DGOs and the President Sri Rakesh Mahadeva Chinchole are equally responsible for the loss caused to the extent of Rs.2,89,241/-.

35. Perused the evidence of PW-1, PW-2, DW-1, and DW-2 along with documents produced by both sides. There is no dispute about the time of implementation of these works, when the DGO no. 1 was working as incharge Secretary of the said Grama Panchayath. PW-2 Investigating officer has clearly deposed in his evidence that in respect of

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drainage work near Manachavadi to Shiragave Guruji the measurements were recorded as 210.2 mtrs., as against the actual measurement 99 Mtrs., found in the spot. Therefore in relation to excess measurements recorded there was excess payment of Rs. 78,454/-, for that Sri. Cholli JE; DGO no. 1; and Sri. Rakesh Mahadeva Chinchole President of Grama Panchayath are responsible for the loss of Rs. 26,152/- each. Further PW-2 has deposed that in respect of drainage work from Shiragave Guruji to Shekhavaya lake, the measurement was recorded as 189 Mtrs., as against the actual measurement of 107.75 mtrs., found at spot, thereby there was excess payment of Rs. 88,304/- . Sri. S.G. Cholli JE; Sri. Rakesh Mahadeva Chinchole President of the said Grama Panchayath and DGO no.1 are held responsible for the loss at the rate of Rs. 29425/- each. Further he has deposed that in respect of formation of Nayaka Kodi work the measurement was mentioned 615 Mrts., as against actual measurement of 391 Mtrs., found at spot. Therefore there was excess payment of Rs. 40,968/- Sri. S.G. Cholli JE; Sri. Rakesh Mahadeva Chinchole President of the said Grama Panchayath; and DGO no.1 are held responsible for the above loss at the rate of Rs. 13,656/- each. In support of the same, the PW-2 submitted investigation report Ex.P-7 along with Ex.P-6 spot mahazar.

36. In Ex.P-7 investigation report at para No. 3.03 (v, vi & x) para reads as follows;

(v) ಶಿರಗಾವೆ ಗುರೂಜಿ ಮನೆಯಿಂದ ಶೆಟವಾಯ ಕೆರೆವರೆಗೆ ಕಾಲುವೆ

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ಮಂಜೂರಾದ ಅಂದಾಜು ಮೊತ್ತ ರೂ.2.50 ಲಕ್ಷ. ಕಾಮಗಾರಿ ಎನ್.ಆರ್.ಇ.ಜಿ.ಎ., 2009-10ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಸೇರಿರುತ್ತದೆ. ಅಂದಾಜಿನಲ್ಲಿ 189 ಮೀ., ಉದ್ದದ ಚರಂಡಿಗಾಗಿ ಮಣ್ಣು ಅಗೆತ, ಸಿ.ಕಾಂ 1:4:8, ಸಿ.ಕಾಂ 1:2:4, ಸೆಂಟರಿಂಗ್, ಮುಂತಾದವುಗಳಿಗೆ ಅವಕಾಶ ಮಾಡಲಾಗಿದೆ. ಕಾಮಗಾರಿ ನಿರ್ವಹಣಾ ಅವಧಿ ಮಾರ್ಚ್ 2010, ವೆಚ್ಚ ರೂ.2,33,769/- ಅಳತೆಗಳನ್ನು ಅಳತೆ ಪುಸ್ತಕ ಸಂಖ್ಯೆ: 1306 ಪುಟ 2 ರಿಂದ 8 ರಲ್ಲಿ ದಾಖಲಿಸಿದೆ. ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣಾ ಅವಧಿಯ ಪೋಟೋಗಳನ್ನು ಒದಗಿಸಲಾಗಿದೆ.

ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಗಮನಿಸಲಾದ ಹಾಗೂ ತೋರಿಸಲಾದ ಚರಂಡಿಯ ಉದ್ದ, ಬಾಬು ಸಾವಂತ ಮನೆಯಿಂದ - ಸಂಜುಸಾಬ್ ಮನೆ - ಪಾಟೀಲ ಮನೆವರೆಗೆ 42 ಮೀ., + 27 ಮೀ., + 23.75 ಮೀ., + 15 ಮೀ., ಒಟ್ಟು ಉದ್ದ 107.75 ಮೀ., ಇರುತ್ತದೆ. ಮೇಲ್ಕಾಣಿಸುವ ಚರಂಡಿಯ ಅಳತೆಗಳು ಬದಿಗೋಡೆ 0.075 ಮೀ., (Average) ಇದ್ದು, ಹೂಳು ತುಂಬಿದ್ದು, ಚರಂಡಿಯಲ್ಲಿರುವ ಹೂಳಿನ ಮಟ್ಟದಿಂದ ಮೇಲಿನ ಎತ್ತರದ ಅಳತೆ 0.25 ಮೀ., ಇರುತ್ತದೆ. ಹಲವಾರು ಭಾಗಗಳಲ್ಲಿ ಚರಂಡಿಯು ಮುಚ್ಚಿ ಹೋಗಿರುತ್ತದೆ. ಕಾಣುತ್ತಿರುವ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ಚರಂಡಿಯಲ್ಲಿ ನೀರು ಹರಿದು ಸುಸ್ಥಿತಿಯಲ್ಲಿರುತ್ತದೆ.

ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ತೋರಿಸಲಾದ ಚರಂಡಿಯ ಉದ್ದ 107.75 ಮೀ., ಇದ್ದು ದಾಖಲಿಸಿದ ಅಳತೆ 189 ಮೀ., ಗಿಂತ ಕಡಿಮೆ ಇದ್ದು, ಸದರಿ ಹೆಚ್ಚಾದ ಉದ್ದದ ಅಳತೆ 81.25 ಮೀ., ಅನ್ನು ಆಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿರವರು ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಹೆಚ್ಚಿನ ಉದ್ದದ ಚರಂಡಿಗೆ ತಗಲುವ ವೆಚ್ಚ

ಮಣ್ಣು ಅಗೆತ	81.25 x 0.65 x 0.50	=	26.40 ಘ.ಮೀ.,	ದರ ರೂ.152/-	=	4,013/-
ಸಿ.ಕಾಂ 1:4:8	81.25 x 0.65 x 0.10	=	5.28 ಘ.ಮೀ.,	ದರ ರೂ.2,900/-	=	15,316/-
ಸಿ.ಕಾಂ 1:2:4	81.25 x 0.50 x 0.10	=	4.06 ಚ.ಮೀ.,	ದರ ರೂ.3,850/-	=	24,987/-
	81.25 x 0.10 x 0.3	=	2.43 ಚ.ಮೀ.,			
			6.49 ಚ.ಮೀ.,			

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ಸೆಂಟರಿಂಗ್	81.25 x 2 x 0.40 81.25 x 2 x 0.30	= = =	65.00 ಚ.ಮೀ., 48.75 ಚ.ಮೀ., 113.75 ಚ.ಮೀ.,	ದರ ರೂ. 172/-	=	19,565/-
ಸ್ಲಾಬ್	3 x 6.10 x 0.50 x 0.20 2 x 3.00 x 0.50 x 0.20	= = =	1.83 ಘ.ಮೀ., 0.60 ಘ.ಮೀ., 2.43 ಘ.ಮೀ.,	ದರ ರೂ.3,850/-	=	9,356/-
ಸ್ಲಾಬ್ ಸೆಂಟರಿಂಗ್	3 x 6.10 x 0.50 2 x 3.00 x 0.50	= = =	9.15 ಚ.ಮೀ., 3.00 ಚ.ಮೀ., 12.15 ಚ.ಮೀ.,	ದರ ರೂ.203/-	=	2,466/-
ಉಕ್ಕು ಮೃದು	6.49 x 40 x (40 ಶೇ.)	=	103.84 ಕೆ.ಜಿ	1.03 ಕ್ವಿಂಟಾಲ್ ದರ ರೂ.4,830/-	=	4,975/-
ಟಾರ್ ಉಕ್ಕು	6.49 x 40 x (60 ಶೇ.)	=	155.76 ಕೆ.ಜಿ	1.55 ಕ್ವಿಂಟಾಲ್ ದರ ರೂ.4,920/-	=	7,626/-
				ಒಟ್ಟು	=	88,304/-

ಸದರಿ ಮೊತ್ತ ರೂ.88,304/- ಕ್ಕೆ ಆಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ ಆರ್.ಆರ್. ಪಾಟೀಲ್ ಮತ್ತು ಅಧ್ಯಕ್ಷರು ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿರವರು ಸಮಾನರಾಗಿ ಜವಾಬ್ದಾರಾಗಿರುತ್ತಾರೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

37. Ex.P-13 (page no. 246 to 251) is the estimate in respect of the said work. As per the said estimate, the estimated cost was Rs. 2,50,000/- Ex.P-14 is the copy of the measurement book, in which measurements have been recorded by the Junior engineer Sri.S. G.Cholli. Ex.D-6 (page no. 734-813) is the estimate in respect of the said work along with measurement book. Ex.P-13, Ex.P-14 and Ex.D-6 are one and the same documents. DGO no. 1 has not disputed the contents of said documents. Further as per the Ex.D-9 and Ex.D-10 and evidence of PW-2 and DW-2 with Ex.P-7 report submitted by PW-2 the DGO no. 2 is not concerned about the said work. One Sri. S.G.Cholli, JE, PRED Sub Division, Chikoddi, has recorded the measurements of the work. The said Sri. S.G. Cholli, JE is



no more. PW-2 has clearly deposed in his evidence as well as stated in his report at Ex.P-7 and in Ex.P-6 spot mahazar that the above said Junior engineer had recorded the measurements in measurement book as 189 Mtrs., as against the actual measurement of 107.75 Mtrs., found at the spot. It clearly reveals that even though the work executed was 107.75 mtrs the DGO no. 1 Secretary of the Grama Panchayath colluded with the then Sri. S.G.Cholli JE., PRED Sub Division, and President of the Grama Panchayath by name Rakesh Mahadeva Chinchole and accepted the measurement recorded as 189 Mtrs., against 107.75 Mtrs in M.B and showed the excess, passed excess payment of Rs. 88,304/-. As per the evidence of PW-2 and his report Ex.P-7 the DGO no.1 as Secretary of Grama Panchayath; Sri. S.G.Cholli, the then JE., PRD sub division, who had recorded the excess measurements and the then Grama Panchayath president Rakesh Mahadeva Chinchole were responsible for excess payment of Rs. 88,305/- and each of them are responsible for Rs. 29,435/-. There is no sufficient material evidence from the side of DGO no.1 to disprove the contents Ex.P-6 spot mahazar drawn by PW-2 Investigating officer and his report Ex.P-7. **Hence, it is clear that DGO no. 1 committed the misconduct and is responsible for Rs. 29435/- out of the total loss of Rs. 88,305/- caused to state exchequer.** Further there is no material to show that the DGO no. 2 had any role in respect of the alleged work. Hence DGO no. 2 is not responsible for the same.

38. In Ex.P-7 investigation report para No. 3.03 (vi) reads as follows;



(vi) ಮಾನೋಚವಾಡಿ ರಸ್ತೆಯಿಂದ ಶಿರಗಾವೆ ಗುರೂಜಿ ಮನೆವರೆಗೆ ಕಾಲುವೆನಿರ್ಮಾಣ

ಮಂಜೂರಾದ ಅಂದಾಜು ಮೊತ್ತ ರೂ.2.50 ಲಕ್ಷ. ಕಾಮಗಾರಿ ಎನ್.ಆರ್.ಇ.ಜಿ., 2009-10ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಸೇರಿರುತ್ತದೆ. ಅಂದಾಜಿನಲ್ಲಿ 210.30 ಮೀ., ಉದ್ದದ ಚರಂಡಿಗಾಗಿ ಮಣ್ಣು ಅಗೆತ, ಸಿ.ಕಾಂ 1:4:8, ಸಿ.ಕಾಂ 1:2:4 ಉಕ್ಕು ಮುಂತಾದವುಗಳಿಗೆ ಅವಕಾಶ ಮಾಡಲಾಗಿರುತ್ತದೆ. ಕಾಮಗಾರಿ ನಿರ್ವಹಣಾ ಅವಧಿ ಮಾರ್ಚ್ 2010. ವೆಚ್ಚ ರೂ.2,33,646/- ಅಳತೆಗಳನ್ನು ಅಳತೆ ಪುಸ್ತಕ ಸಂಖ್ಯೆ: 1307 ಪುಟ 2 ರಿಂದ 10ರಲ್ಲಿ ದಾಖಲಿಸಿ, ನಿರ್ವಹಣಾ ಸಮಯದ, ಮುಂಚಿನ ಪೋಟೋಗಳನ್ನು ಒದಗಿಸಿದೆ.

ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಮಾನೋಚವಾಡಿ ರಸ್ತೆಯಿಂದ ಶಿರಗಾವೆ ಗುರೂಜಿ ಮನೆವರೆಗೆ 99.00 ಮೀ., ಉದ್ದ ಇದ್ದು (ರಾಜು ಕುಟ ಮನೆವರೆಗೆ) ಚರಂಡಿ ನಿರ್ಮಾಣವಾಗಿದ್ದು, ಮುಚ್ಚಿ ಹೋಗಿರುತ್ತದೆ.

ಮೇಲೆ ಕಾಣಿಸುವಂತಹ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ನೀರು ಹರಿಯುತ್ತಿರುತ್ತದೆ. ಹಾಗೂ ಸುಸ್ಥಿತಿಯಲ್ಲಿರುತ್ತದೆ. ಮೇಲ್ಕಾಣಿಸುವಂತಹ ಚರಂಡಿಯ ಅಳತೆ, ಬದಿಗೋಡೆಗಳು 0.075 ಮೀ., ಇದ್ದು, ಸಿಲ್ವಿನಿಂದ ಕೂಡಿದ ಚರಂಡಿಯಲ್ಲಿ ಸಿಲ್ವಿನ ಮಟ್ಟದಿಂದ ಮೇಲ್ಕಾಗದ ಗೋಡೆಯ ಎತ್ತರ 0.25 ಮೀ., ಇರುತ್ತದೆ.

ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ತೋರಿಸಲಾದ ಮತ್ತು ಗಮನಿಸಲಾದ ಚರಂಡಿಯು 99.00 ಮೀ., ಗಳ ಉದ್ದ ಇದ್ದು ದಾಖಲಿಸಿದ ಅಳತೆ 210.30 ಮೀ. ಗಿಂತ 111.30 ಮೀ., ಹೆಚ್ಚಾಗಿರುತ್ತದೆ. ಸದರಿ ಹೆಚ್ಚಿನ ಉದ್ದನ್ನು ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ರವರು ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಹೆಚ್ಚಿನ ಉದ್ದದ ಕಾಲುವೆಗೆ ತಗಲುವ ವೆಚ್ಚ

ಮಣ್ಣು ಅಗೆತ	111.30 x 0.65 x	=	21.70 ಘ.ಮೀ.,	ದರ ರೂ.152/-	=	3,299/-
	0.30					

OR

ಸಿ.ಕಾಂ 1:4:8	111.30 x 0.65 x 0.10	=	7.23 ಫ.ಮೀ.,	ದರ ರೂ.2,900/-	=	20,980/-
ಸಿ.ಕಾಂ 1:2:4	111.30 x 0.50 x 0.10 111.30 x 0.10 x 0.30	=	5.56 ಫ.ಮೀ., 3.34 ಫ.ಮೀ., 8.90 ಫ.ಮೀ.,	ದರ ರೂ.3,850/-	=	34,265/-
ಸೆಂಟರಿಂಗ್	111.30 x 2 x 0.40 111.30 x 2 x 0.30	=	89.04 ಚ.ಮೀ., 66.78 ಚ.ಮೀ., 155.82 ಚ.ಮೀ.,	ದರ ರೂ.172/-	=	26,801/-
ಮೃದು ಉಕ್ಕು	8.90 x 40.00	=	356 ಕೆ.ಜಿ	ಶೇ.40; 1.42 ಕ್ವಿಂಟಾಲ್ ದರ ರೂ.4,830/-	=	6,859/-
ಟಾರ್ ಉಕ್ಕು	8.90 x 40.00	=	356 ಕೆ.ಜಿ	ಶೇ.60 2.14 ಕ್ವಿಂಟಾಲ್ ದರ ರೂ.4,920/-	=	10,529/-
					ಒಟ್ಟು =	78,454/-

ಸದರಿ ಮೊತ್ತ ರೂ.78,454/- ಗಳಿಗೆ ಆಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿಯವರು ಹಾಗೂ ಆಗ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ ಆರ್.ಆರ್ ಪಾಟೀಲ್ ಮತ್ತು ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿರವರು ಸಮಾನರಾಗಿ ಜವಾಬ್ದಾರಾಗಿರುತ್ತಾರೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

39. Ex.P-15 (page no. 263 to 267) is the estimate in respect of the above work. As per Ex.P-15 the estimated cost was Rs. 2,50,000/- Ex.P-16 is the copy of the measurement book, the entries of which were recorded by the Junior engineer Sri.S. G.Cholli. Ex.D-5 (page no. 632 to 733) is the estimate in respect of the said work along with measurement book, and copy of photographs, NMRs etc., Ex.P-15, Ex.P-16 and Ex.D-5 are one and the same. DGO no. 1 has not disputed the contents of said documents. Further as per Ex.D-9 and Ex.D-10 and evidence of PW-2, and DW-2 coupled with Ex.P-7 investigation report submitted by PW-2, the DGO no. 2 is not concerned with the execution of the above work. One Sri. S.G.Cholli, the then JE, PRE Sub Division, Chikoddi, had recorded the measurements of the work in the measurement book. PW-2 clearly deposed in his



evidence, as well as stated in his report at Ex.P-7 and in Ex.P-6 spot mahazar that the above said Junior engineer recorded the measurements in measurement book as 210.2 Mtrs., as against the actual 99 Mtrs., found at spot. It clearly reveals that even though the work executed was 99 mtrs the DGO no. 1 being the Secretary of the Grama Panchayath in collusion with Sri. S.G.Cholli JE., PRED sub division, and president of the said Grama Panchayath by name Rakesh Mahadeva Chinchole got recorded the measurement as 210.2 Mtrs., as against the actual 99 Mtrs in M.B and has paid the excess payment of Rs. 78,454/-. Further as per the said report and evidence of PW-2 the above said three persons are responsible for the loss of **Rs. 26,152/-** each. There is no sufficient material evidence from the said of the DGO no.1 to disprove the contents Ex.P-6 spot mahazar drawn by PW-2 Investigating officer and his report Ex.P-7. **Hence, it is clear that the DGO no. 1 committed the misconduct and is responsible for Rs. 26,152/- out of total loss of Rs. 78,456/- caused to the state exchequer.** Further there is no material evidence to show that the DGO no. 2 had worked in the said alleged work as in charge and recorded the measurement book with supervising the said work. Hence DGO no. 2 is not responsible for the same.

40. Ex.P-7 investigation report para No. 3.03 (x) reads as follows;

(x) ನಾಯಕ ಕೋಡಿ ರಸ್ತೆ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿ

ಮಂಜೂರಾದ ಅಂದಾಜಿನ ಮೊತ್ತ ರೂ.1.20 ಲಕ್ಷ. ಎನ್.ಆರ್.ಇ.ಜಿ., 2009-10ನೇ ಸಾಲಿನ ಕ್ರಿಯಾ ಯೋಜನೆಯಲ್ಲಿ ಸೇರಿರುತ್ತದೆ. ಅಂದಾಜಿನಲ್ಲಿ ಮಣ್ಣಿನ

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ಎಂಬ್ಯಾಕ್‌ಮೆಂಟ್ 615 ಮೀ., ಉದ್ದ, 4.45 ಮೀ., ಅಗಲ, ದಪ್ಪ 0.3 ಮೀ., ಇರುತ್ತದೆ. ಕಾಮಗಾರಿ ನಿರ್ವಹಣಾ ಅವಧಿ ಡಿಸೆಂಬರ್ 2009, ವೆಚ್ಚ ರೂ.1,13,928/- ಅಳತೆಗಳನ್ನು ಅಳತೆ ಪುಸ್ತಕ ಸಂಖ್ಯೆ: 109 ಪುಟ 18ರಲ್ಲಿ ದಾಖಲಿಸಿದೆ.

ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಹಾಜರಿದ್ದ ಅಧಿಕಾರಿಗಳು ಗುರುತಿಸಿ ತೋರಿಸಲಾದ ರಸ್ತೆಯು 90 ಮೀ., ಉದ್ದವಿದ್ದು, ಸದರಿ ರಸ್ತೆಗೆ ಪೇವ್‌ಮೆಂಟ್ ಬ್ಲಾಕ್‌ಗಳನ್ನು ಅಳವಡಿಸಿರುತ್ತಾರೆ. ಬಾಕಿ 280 ಮೀ., ರಸ್ತೆಗೆ ಮೆಟಲಿಂಗ್ ಆಗಿರುತ್ತದೆ. ಇನ್ನುಳಿದ 21 ಮೀ., ಗಳು ಕಚ್ಚಾ ರಸ್ತೆ ಆಗಿರುತ್ತದೆ. ಒಟ್ಟು ಉದ್ದ 391 ಮೀ., ಇರುತ್ತದೆ. ಸದರಿ ರಸ್ತೆಗಳ ಉದ್ದದ ಭಾಗದಲ್ಲಿ ಮೆಟಲಿಂಗ್ ಹಾಗೂ ಪೇವ್‌ಮೆಂಟ್ ಬ್ಲಾಕ್‌ಗಳನ್ನು ಅಳವಡಿಸಿರುವುದರಿಂದ, ಈ ಹಿಂದೆ 2009 ರಲ್ಲಿ ನಿರ್ವಹಿಸಲಾದ ಎಂಬ್ಯಾಕ್‌ಮೆಂಟ್ ಕಾಮಗಾರಿಯು, ಸದರಿ ಮೇಲೆ ತಿಳಿಸಿದ ಪೇವ್‌ಮೆಂಟ್ ಮತ್ತು ಮೆಟಲಿಂಗ್ ಕಾಮಗಾರಿಗಳ ಕೆಳಬದಿಯ ಪದರವಾಗಿರುವುದರಿಂದ, ಸದರಿ ಕಾಮಗಾರಿಯ ನಿರ್ವಹಣೆಯ ಬಗ್ಗೆ ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಪರಿಶೀಲಿಸಲು ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ. ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಹಾಜರಿದ್ದ ಗ್ರಾಮಸ್ಥರನ್ನು ವಿಚಾರಿಸಲಾಗಿ, ಸದರಿ ಎಂಬ್ಯಾಕ್‌ಮೆಂಟ್ ಕಾಮಗಾರಿಯು ನಿರ್ವಹಿಸಲಾಗಿದೆ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ಆದಾಗ್ಯೂ ದಾಖಲಿಸಿದ ರಸ್ತೆಯ ಉದ್ದ 615 ಮೀ., ಗಳಿದ್ದು, ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ತೋರಿಸಲಾದ ಉದ್ದ 391 ಮೀ., ಇರುವುದರಿಂದ, ಹೆಚ್ಚಿನ ಉದ್ದ 224 ಮೀ., ಗಳನ್ನು ದಾಖಲಿಸಿರುವುದರಿಂದ, ಸದರಿ ಹೆಚ್ಚಿನ ಉದ್ದದ ಕಾಮಗಾರಿಗಾದ ಮೊತ್ತ ಈ ಕೆಳಕಂಡಂತಿರುತ್ತದೆ.

ಎಂಬ್ಯಾಕ್‌ಮೆಂಟ್ $224 \times 4.45 \times 0.30 = 299.04$ ಘ.ಮೀ., ದರ ರೂ.137/- ರೂ.40,968/-.

ಸದರಿ ಹೆಚ್ಚಿನ ಮೊತ್ತ ರೂ.40,968/-ರ ಪಾವತಿಯಲ್ಲಿ ಅವ್ಯವಹಾರವಾಗಿದೆ ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿ, ಸದರಿ ಮೊತ್ತಕ್ಕೆ ಶ್ರೀ ಎಸ್.ಜಿ. ಜೊಳ್ಳಿ, ಹಿಂದಿನ ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಕಾರ್ಯದರ್ಶಿ ಶ್ರೀ ಆರ್.ಆರ್. ಪಾಟೀಲ್ ಮತ್ತು ಅಧ್ಯಕ್ಷ ಶ್ರೀ ರಾಕೇಶ್



ಮಹಾದೇವ ಚಿಂಚಣಿ ರವರು ಸಮಾನರಾಗಿ ಜವಾಬ್ದಾರರಾಗಿರುತ್ತಾರೆಂದು ಅಭಿಪ್ರಾಯ ಪಡಲಾಗಿದೆ.

41. Ex.P-17 (page no. 282 to 285) is the estimate in respect of the said work. As per Ex.P-17 the estimated cost was Rs. 1,20,000/- Ex.P-18 is the copy of the measurement book, in which measurements are recorded by the Junior engineer Sri.S. G.Cholli. Ex.D-7 (page no. 814 to 861) which is the estimate in respect of the said work along with measurement book, NMRs etc., Ex.P-17, Ex.P-18 and Ex.D-7 are one and the same. DGO no. 1 has not disputed the contents of said documents. Further as per Ex.D-9 and Ex.D-10 and evidence of the PW-2 and DW-2 with Ex.P-7 report submitted by PW-2 the DGO no. 2 is not concerned about the said work. One Sri. S.G.Cholli, JE, PRED sub division, Chikoddi, has recorded the measurements of the work in measurement book. The PW-2 has clearly deposed in his evidence as well as stated in his report Ex.P-7 and also in Ex.P-6 spot mahazar that the above said Junior engineer has recorded the measurements in measurement book as 615 Mtrs., as against the actual measurement of 391 Mtrs., found at spot. It clearly reveals that even though the work executed was 391 mtrs DGO no. 1 Secretary of the said Grama Panchayath in collusion with deceased Sri. S.G.Cholli JE., PRD sub division, and president of the said Grama Panchayath by name Rakesh Mahadeva Chinchole recorded the measurement as 615 Mtrs., against the 391 Mtrs in M.B book and paid the excess payment of Rs. 40,968/-. As per the evidence of PW-2 and his report Ex.P-7 the DGO no.1 as

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Secretary of the said Grama Panchayath and Sri. S.G.Cholli the then JE., PRED Sub Division, who have recorded the measurement book and the then Grama Panchayath President Sri.Rakesh Mahadeva Chinchole are responsible and further as per the said report and evidence of PW-2 the above said three persons held responsible for the loss of Rs. 13,656/- each. There is no material from the side of DGO no.1 to disprove the contents of Ex.P-6 spot mahazar drawn by PW-2 Investigating officer and his report Ex.P-7. **Hence, it is clear that the DGO no. 1 committed the misconduct and responsible for Rs. 13,656/- out of total loss Rs. 40,968/- caused to the state exchequer.** Further there is no material to show that the DGO no. 2 had any role in said alleged work. Hence DGO no. 2 is not responsible for the same.

42. In Ex.P-7 investigation report at para No. 4.00 (v) para reads as follows;

ಈ ಕೆಳಕಂಡ ಉಳಿದ ಕಾಮಗಾರಿಗಳ ಅಳತೆಗಳಲ್ಲಿ ದಾಖಲಿಸಿದ ಅಳತೆಗೂ ಸ್ಥಳ ಪರಿಶೀಲನಾ ಸಮಯದಲ್ಲಿ ಗಮನಿಸಲಾದ ಅಳತೆಗಳಿಗೂ ವ್ಯತ್ಯಯವಿರುವುದರಿಂದ, ಈ ಕೆಳಗೆ ಕಾಮಗಾರಿಗಳ ಮುಂದೆ ತೋರಿಸಿದ ಮೊತ್ತಕ್ಕೆ, ಸದರಿ ಅಧಿಕಾರಿಗಳು ಜವಾಬ್ದಾರಾಗಿರುತ್ತಾರೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ.

ಕ್ರ. ಸಂ.	ಕಾಮಗಾರಿ	ಅವ್ಯವಹಾರದ ಮೊತ್ತ	ಅಧಿಕಾರಿಗಳ ಹೆಸರು, ಕಛೇರಿ
1.	ಮಾನಚವಾಡಿ ರಸ್ತೆ-ಶಿರಗಾವೆ ಗುರೂಜಿ ಕಾಲುವೆ ನಿರ್ಮಾಣ ರೂ.78,454/-	ರೂ.26,152.00 ರೂ.26,152.00	ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಆರ್.ಆರ್ ಪಾಟೀಲ್, ಕಾರ್ಯದರ್ಶಿ, ಈಗಿನ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ರಾಯಚೂರ್. ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿ, ಅಧ್ಯಕ್ಷರು

92

		ರೂ.26,152.00	
2.	ಶಿರಗಾವೆ ಗುರೂಜಿ - ಶೆಟವಾಯ ಕೆರೆ ಕಾಲುವೆ ನಿರ್ಮಾಣ ರೂ.88,304/-	ರೂ.29,435.00 ರೂ.29,435.00 ರೂ.29,435.00	ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಆರ್.ಆರ್ ಪಾಟೀಲ್, ಕಾರ್ಯದರ್ಶಿ, ಈಗಿನ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ರಾಯಭಾಗ್. ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿ, ಅಧ್ಯಕ್ಷರು
3.	ಶ್ರೀ ನಾಯಕ ಕೋಡಿ ರಸ್ತೆ ರೂ.40,968/-	ರೂ.13,656.00 ರೂ.13,656.00 ರೂ.13,656.00	ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್ ಶ್ರೀ ಆರ್.ಆರ್ ಪಾಟೀಲ್, ಕಾರ್ಯದರ್ಶಿ, ಈಗಿನ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ರಾಯಭಾಗ್. ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿ, ಅಧ್ಯಕ್ಷರು

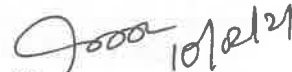
ಶ್ರೀ ಎಸ್.ಜಿ. ಚೊಳ್ಳಿ, ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್‌ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪವಿಭಾಗ, ಚಿಕ್ಕೋಡಿ ರೂ.69,243/- ಮೊತ್ತಕ್ಕೆ ಶ್ರೀ ಆರ್.ಆರ್. ಪಾಟೀಲ್, ಕಾರ್ಯದರ್ಶಿ, ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಖಡಕಲಾಟ, ಈಗಿನ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿ, ರಾಯಭಾಗ್ ರೂ.69,243/- ಮೊತ್ತಕ್ಕೆ ಮತ್ತು ಶ್ರೀ ರಾಕೇಶ್ ಮಹಾದೇವ ಚಿಂಚಣಿ, ಅಧ್ಯಕ್ಷರು, ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಖಡಕಲಾಟ ರವರು ರೂ.69,243/- ಮೊತ್ತಕ್ಕೆ ಜವಾಬ್ದಾರೆಂದು ಅಭಿಪ್ರಾಯ ಪಡಲಾಗಿದೆ.

43. Considering the above said discussion and reasons with documents produced by the both the sides it is clear that **DGO no. 1 committed dereliction of duty and misconduct and is held responsible for the above said total amount of Rs. 69,243/- (29,435 + 26,152 + 13,656) which is loss to state exchequer. Thereby the disciplinary authority succeeded to prove the charge sl. No. 3 leveled against DGO no.1, but failed to prove the said charge against the DGO no. 2.**

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44. Considering the above said discussion and reason stated in respect of charges at sl nos. 1 to 3 with oral and documentary evidence of both the sides, it is clear that DGO no.1 committed dereliction of duty and misconduct and is held responsible for total amount of (Rs. 40,758 + Rs. 69,243) Rs. 1,10,001/-. The DGO no. 2 has not at all worked as Junior Engineer and supervised the above said works alleged in charge sl .no. 1 to 3 and recorded the measurement book. Thereby the disciplinary authority succeeded to prove the charge sl. No.1 to 3 leveled against DGO No.1 and DGO no.1 is held responsible for the amount of **Rs. 1,10,001/-** which is the loss caused to state exchequer, and failed to prove the charges at sl. No. 1 to 3 leveled against DGO no. 2.

45. In the above said facts and circumstances, I hold that the **charges at sl. no. 1 to 3 leveled against DGO No.1 is proved** and charge sl. no. 1 to 3 leveled against the DGO No.2 is not proved. **Further DGO no. 1 is held responsible for the total amount of Rs. 1,10,001/-** out of the total loss of Rs. 3,30,003/- caused to state exchequer. Hence, this report is submitted to Hon'ble Upalokayukta for further action.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

PW-1	Sri. Raju Tharaka S/o Bahusahed, Advocate, Khadakalat, Chikkodi Taluk, Belagavi District original
PW-2	Sri. C. N. Anand S/o C.s.Nagaraj, the then Executive Engineer TAC Karnataka Lokayukta Bengaluru original

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

Ex.P1 & 2	Ex.P1 and 2 are the complaint in form no. 1 and 2.
Ex.P 3	Ex.P-3 is the representation given to CEO, Zilla Panchayath Belagavi.
Ex.P-4	Ex.P-4 is the detailed complaint.
Ex.P5	Ex.P-5 is the another representation submitted by complainant to the registrar Karnataka Lokayukta Bengaluru.
Ex.P6	Ex.p-6 is the spot mahazar.
Ex.P 7	Ex.P-7 is the investigation report dtd: 22.12.2015.
Ex.P 8	Ex.P-8 is the (72) photographs and CD.
Ex.P 9	Ex.P-9 is the copies of estimate.
Ex.P 10	Ex.P-10 is the copy of measurement book.
Ex.P 11	Ex.P-11 is the copies of estimates.
Ex.P 12	Ex.P-12 is the copy of measurement book.
Ex.P 13	Ex.P-13 is the copies of estimates.
Ex.P 14	Ex.P-14 is the copy of measurement book.
Ex.P 15	Ex.P-15 is the copies of estimate.
Ex.P 16	Ex.P-16 is the copy of measurement book.

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Ex.P 17	Ex.P-17 is the copies of estimate.
Ex.P 18	Ex.P-18 is the copy of measurement book.
Ex.P 19	Ex.P-19 is the copy of details of works.
Ex.P20	Ex.P-20 is the copy of measurement book.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO no. 1 Sri. Patil.R.R., Secretary, Khadakalat Grama panchayath, Khadakalat, Chikkodi Taluk, Belagavi District original
DW-2	DGO No. 2 Sri. Kumbhar.M.G., Junior Engineer, Taluk Panchayath, Chikkodi, Belgavi District original

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is copies in respect of CC road from Government Hospital to Subhash Chowka, copies of (1) order of Ombudsmen (2) work completion certificates-2 (3) material supply bills (4) letter to corporation bank (5) work estimation (6) photos (7) measurement book (8) resolution of Grama Panchayath (9) work approval by executive officer.
Ex.D-2	Ex.D-2 is the copy of third party inspection report.
Ex.D-3	Ex.D-3 is the copies in respect of protection wall near Maruthi Mandira, (1) work completion certificate (2) Material supply bills (3) Bank advices, (4) Muster roll (5) work estimation (6) action plan (7) photos (8) measurement book (9) resolution of Grama Panchayath (10) work approval by executive officer.
Ex.D-4	Ex.D-4 is the copies in respect of advance digging of pits near Bus -stand, MNDHS and Lakshmi temple (1) muster roll (2) work estimation (3)

	letter to corporation bank (4) form No. 6 (5) form No.6 (6) measurement book.
Ex.D-5	Ex.D-5 is the copies in respect of channel from Manuchiwadi road to Shiragave Guruji House (1) work completion certificate (2) Materail supply bills (3) Muster roll (4) Photos (5) estimation (6) estimation book.
Ex.D-6	Ex.D-6 is the copies in respect of channel from Shiragave Guruji House to Shatawai Kere (1) work completion certificate (2) Material supply bills (3) Bank advices (4) Muster roll (5) form No. 6 (6) estimation (7) action plan (8) photos (9) measurement book.
Ex.D-7	Ex.D-7 is the copies in respect of road formation from Kadakalata grama to Naikodi (1) material supply bills (2) Muster roll (3) work completion certificate (4) form No. 6 (5) Bank advices (6) letter to corporation bank (7) action plan (8) photos (9) estimation (10) measurement book.
Ex.D-8	Ex.D-8 is the statement of works under MGNREGA scheme for the year 2009-10 (certified copy).
Ex.D-9	Ex.D-9 is the certificate dated: 7.12.2018.
Ex.D-10	Ex.D-10 is the work allotment note dtd: 22.1.2010 (certified copy)


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/35/2017/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **20/02/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Patil R.R., Secretary, Khadakalat Grama Panchayath, Khadakalat, Chikkodi Taluk, Belagavi District; and
- 2) Sri Kumbar M.G., Junior Engineer, Taluk Panchayath, Chikkodi, Belagavi District - Reg.

- Ref:- 1) Govt. Order No. ಗ್ರಾಅಪ 163 ಇಎನ್‌ಕೂ, 2016, Bengaluru dated 4/1/2017.
- 2) Nomination order No.UPLOK-1/DE/35/2017, Bengaluru dated 10/1/2017 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 10/2/2021 of Additional Registrar of Enquiries-, Karnataka Lokayukta, Bengaluru

The Government by its order dated 4/1/2017 initiated the disciplinary proceedings against (1) Sri Patil R.R., Secretary, Khadakalat Grama Panchayath, Chikkodi Taluk, Belagavi District; and (2) Sri Kumbar M.G., Junior Engineer, Taluk Panchayath, Chikkodi Taluk, Belagavi District (hereinafter referred to as Delinquent Government Officials 1 & 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/35/2017, Bengaluru dated 4/1/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently by Order No. UPLOK-1&2/DE/Transfers/2020 dated 28/5/2020 the Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru is re-nominated as inquiry officer for conducting departmental inquiry against DGOs 1 and 2.

3. The DGO-1 Sri Patil R.R., Secretary, Khadakalat Grama Panchayath, Chikkodi Taluk, Belagavi District; and DGO-2 Sri Kumbar M.G., Junior Engineer, Taluk Panchayath, Chikkodi Taluk, Belagavi District were tried for the following charges:-

“That, you DGO No.1 – Sri Patil R.R. Secretary, Khadakalat, Grama Panchayath, you DGO No.2 Kumbar.M.G. Junior Engineer, Taluk Panchayath, Chikkodi, Belagavi District;

- 1) instead of forming CC road from Government Hospital upto Subhash Chowka and development and protection work near Maruthi Mandira, CC road from the house of Sankaje upto Hanabaragalli has been formed and compound for Patil Chanichani graveyard near Maruthi Mandira has been constructed and no estimate has been prepared for the alternative works executed.
- 2) In the work executed near bus stop road, MNDHS Lakshmi temple no plants are found at the time of inspection, though an amount of Rs.41,990 + 39,525 = Rs.81515/- has been spent for plantation.

3) There is considerable difference in the works executed and measurements recorded in the M.B. in respect of formation of canal from Manachavadi road to Shiragave Guruji house and the difference is Rs.78,454/-; in formation of lake canal from the house of Shiragave Guruji to Shekhavaya lake and the difference is Rs.88,304/-; and in formation of Nayaka kodi road and the difference is Rs.40,968/-. Therefore, you DGOs and the President Sri Rakesh Mahadeva Chinchole are equally responsible for the loss caused to the extent of Rs.2,89,241/-.

Thus you 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 Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO-1 Sri Patil R.R., Secretary, Khadakalat Grama Panchayat, Belagavi District. The Inquiry officer has held that the Disciplinary Authority has failed to prove the above charge against DGO-2 Sri Kumbar M.G., Junior Engineer, Taluk Panchayath, Chikkodi. Further, the Inquiry officer has recorded a finding that DGO-1 Sri Patil R.R. is responsible for causing loss of Rs.1,10,001/- to the State exchequer out of the total loss of Rs.3,30,003/-.

5. On re-consideration of inquiry report and totality of the circumstances of the case, 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 affidavit evidence furnished by DGO-1 Sri Patil R.R., he has retired from service on 30/6/2015.

7. It is hereby recommended to the Government to exonerate DGO-2 Sri M.G. Kumbar, the then Junior Engineer, Taluk Panchayath, Chikkodi from the aforesaid charges.

8. Having regard to the nature of charge proved against DGO-1 Sri Patil R.R., Secretary, Khadakalat Grama Panchayath, Chikkodi Taluk, Belagavi District, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-1 Sri Patil R.R for a period of 5 years, apart from recovering a sum of Rs.1,10,001/- from the pension payable to DGO-1 Sri Patil R.R.

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

Connected records are enclosed herewith.


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