

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-1/DE/462/2015

ENQUIRY REPORT Dated: 19/05/2020

Enquiry Officer: V.G.Bopaiah
Additional Registrar Enquiries-11
Karnataka Lokayukta, Bengaluru.

Delinquent Government Official Number 1: Sri. Manohar Mandoli

(name written by him as Mandoli
Manohar Shankreppa on the
note sheet on 23/11/2016)

Discharged duties as Executive
Engineer, Department of Public
Works, Port and Inland Water
Transport, Bidar from
07/06/2006 to 20/07/2010.


Due for retirement on
superannuation on 31/10/2021.

Delinquent Governemnt Official Number 2: Sri. Gurgunte Shivashankarappa

(name written by him as Gurgunti
Shivashankrappa on the note sheet on
22/10/2016.)

Discharged duties as Executive Engineer,
Department of Public Works, Port and Inland
Water Transport, Bidar from 20/07/2010 to
07/12/2011.

Retired on superannuation on 31/03/2018.

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Delinquent Government Official number 3:- Sri. Suryavamshi

(name written by him as Suryawanshi.K.S
on the note sheet on 22/10/2016.)

Discharged duties as Accounts Superintenden
from 31/08/2001 to 24/03/2010 in the office
of the Executive Engineer, Department of
Public Works, Port and Inland Water
Transport, Bidar.

Retired on superannuation on 31/07/2017.

Delinquent Government Official number 4:- Sri. Ammanna Shankar

(name written by him as Ammanna Shanker
on the note sheet on 22/10/2016.)

Discharged duties as Assistant Executive
Engineer, Department of Public Works, Port
and Inland Water Transport, Bhalki, Bidar
District from 30/09/2008 to 25/05/2011.

Retired on superannuation on 31/08/2016.

Delinquent Government Official number 5:- Sri. Rajendra Goranalle

(name written by him as Rajendra Gornale
on the note sheet on 22/10/2016)

Discharged duties as Junior Engineer,
Department of Public Works, Port and Inland
Water Transport, Bhalki Sub-Division, Bhalki,
Bidar District from 30/04/2005 to
09/11/2009.

Due for retirement on superannuation on
30/05/2027.

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Delinquent Government Official number 6:- Sri. Sunil Chillargi


(name written by him as Sunil Chillarge on the note sheet on 22/10/2016)

Discharged duties as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District from 05/10/2009 to 14/07/2011.

Due for retirement on superannuation on 30/04/2027.

Background for initiating the present inquiry against delinquent Government official number 1 (in short, "DGO 1"), delinquent Government official number 2 (in short, "DGO 2"), delinquent Government official number 3 (in short, "DGO 3"), delinquent Government official number 4 (in short, "DGO 4"), delinquent Government official number 5 (in short, "DGO 5") and delinquent Government official number 6 (in short, "DGO 6") needs to be stated in brief.

2. During official tour at Bidar District of Hon'ble Upalokayukta, Karnataka, Hon'ble Upalokayukta, Karnataka instructed the Police Inspector, Karnataka Lokayukta, Bidar to place report touching the road at Bidar District. In obedience of the same, the Police Inspector, Karnataka Lokayukta, Bidar furnished some photographs and documents before the Hon'ble Lokayukta, Karnataka, on the basis of which, in exercise of the powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta, Karnataka suo-motu took cognizance and referred the matter to the Chief


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Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru for investigation. The Chief Engineer attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru entrusted the file to the Assistant Executive Engineer-4, Technical Audit Cell, Karnataka Lokayukta, Bengaluru to conduct investigation touching the quality of the road from Halabarga Village to Siddeshwara Cross (Joladabaka Cross) at Bhalki Taluk, Bidar District.

3. On 06/11/2012 the Assistant Executive Engineer-4 (hereinafter will be referred to as "Investigating Officer") conducted investigation touching the quality of the road reaching Humanabad-Bidar State Highway 105 from Halabarga Village passing through Siddeshwara Cross in the presence of DGO 5, DGO 6, Sri Quaja Mohinuddin who then was working as Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District, Sri. Sajjan Shetty.B who then was working as Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi District, Sri. Mallikarjuna.S.Nandikol who then was working as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi, Sri. Syed Kutbuddi Khadri who then was working as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District, Sri. Raghavendra who then was working as Junior Engineer, Department of Public works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District, Sri. Sangamanath who then working as Junior Engineer, Public works, Port and Inland

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Water Transport, Bhalki Sub-Division, Bidar District and Sri Maruthi Rathod who then was working as Assistant Engineer, Public works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

4. As pointed out by DGO 5, work of improvement of road 16.20 kilometers which commenced from Halabarga Village came to be completed at Humanabad-Bidar State Highway-105. The said work was found executed under three packages. Package number 1 comprised of improvement of chosen areas of the road from Halabarga-Bavagi main road for a length of 15.63 kilometers. The said work was executed under Head of Account 5054 Dr. Nanjundappa Report at the estimated cost of rupees one hundred lakhs. The accepted tender amount was rupees 110,90,109-40. The said work was commenced on 14/08/2008 and completed on 18/02/2010. Expenditure incurred was found at Rs. 80,31,484/-. Investigation revealed that camber was not properly provided and as a result the superficial layer of the road was found damaged in some areas. Test conducted by the officers of Quality Control Sub-Division Wing revealed that density of jelly stone was 1653 cubic meters. Investigation revealed that volume of butumin was below the required quantity which was not in conformity with the estimate and measurement book. It came into light that screening material was not used which was required to be used in between the gaps of jelly stones. Investigation revealed that surface dressing and mixed surface seal was managed in between chain 10.50 kilometers and 11.00 kilometers. Investigation revealed that some items of work as specified in the estimate and work order were not found executed.

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5. Package number 2 comprised of improvement of road from chain 4.80 kilometers of Halabarga-Bavagi upto 9 kilometers passing through Nelagi and Jyanthi Village. The said work was executed under Head of Account Central Road Fund at the estimated cost of rupees eighty lakhs. The accepted tender amount was Rs. 81,12,267-36. The said work was commenced on 15/02/2006 and completed on 15/02/2009. Expenditure incurred was found at Rs. 81,11,950/-. Investigation revealed several pits on the surface of the road. Test conducted by quality control wing revealed that density of jelly stones was 1653 cubic meters. It was found that volume of bitumin was below the required quantity which was not in conformity with the estimate and measurement book. It came into light that screening material was not used which was required to be used in between the gaps of jelly stones. It was found that screening material was not used.
6. Package number 3 comprised of work of improvement of chosen areas of the road from Halabarga-Bavagi main road of the length of 16.20 kilometers. The said work was executed under Head of Account 5054 (Plan) at the estimated cost of rupees sixty lakhs. The accepted tender amount was Rs. 51,18,810/-. The said work was commenced on 12/02/2010 and completed on 13/03/2011. Expenditure incurred was found at Rs. 15.10 lakhs. Investigation revealed several pits on the surface of the road. Quality control test revealed that density of wet mix macadam was 2270 Kg/cum. Investigation revealed that volume of bitumin and wet mix macadam was not in conformity with the estimate and entries found in the measurement book.

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7. The Investigating Officer has stated in his report that subordinate staff who got executed the works has to record the particulars of the work executed in the measurement book which has to be followed by the concerned Junior Engineer and Assistant Engineer as contemplated under paragraph number 209 (a) of Karnataka Public Works Accounts Code. The Investigating Officer has stated in his report that amount has to be released and paid in proportionate with the volume of the work executed as contemplated under paragraph number 209 (d) of Karnataka Public Works Accounts Code and that accuracy of recording of measurement shall be maintained. He has stated in his report that as contemplated under paragraph number 301 of Karnataka Public Works Accounts Code, the concerned Sub-Divisional Officer or the concerned Assistant Executive Engineer has to accurately verify the measurements entered in the measurement book. He has stated in his report that the Assistant Executive Engineer and Executive Engineer are duty bound to point out the latches found in the measurement book and in case any latches are noticed, then, those latches are to be rectified as per the mandate of paragraph number 301 of Karnataka Public Works Accounts Code. The Investigating Officer has observed in his report that DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 and also Sri. Syed Basith the then Assistant Executive Engineer who is no more now are responsible for the above latches and misappropriated a sum of Rs. 52,05,670-00 and that DGO 3 recommended payment of bill amount overlooking the irregularities found in the measurement books. Regarding the quantum of misappropriation of funds which resulted in financial loss to

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the Government, on the basis of paragraph number 209(d) of Karnataka Public Works Accounts Code and paragraph number 301 of Public Works (D) Code Volume-II the Investigating Officer has stated in his report that liability of DGO 1 is quantified at Rs. 9,57,607/-, liability of DGO 2 is quantified at Rs. 3,43,811/-, liability of DGO 4 is quantified at Rs. 16,03,992/-, liability of DGO 5 is quantified at Rs. 13,54,288/-, liability of DGO 6 is quantified at Rs. 5,97,830/- and the liability of the deceased Syed Basith is at Rs. 3,48,134/-.

8. Upon consideration of the report of the Investigating Officer and materials on record, Hon'ble Upalokayukta, Karnataka prima facie arrived at conclusion that DGOs 1 to 6 have committed misconduct as observed by the Investigating Officer pointed out in the report of the Investigating Officer and expressed that DGOs 1 to 6 have committed misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against DGOs 1 to 6 and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

9. Subsequent to the report dated 06/08/2015 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಲೋಕ 328 ಸೇಇವಿ 2015, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 09.09.2015 has been issued by the Under Secretary, Department of Public Works, Port and Inland Water Transport, Government of Karnataka entrusting the inquiry against DGOs 1 to 6 to the

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Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

10. Subsequent to the Government order ಲೋಕ 328 ಸೇಇವಿ 2015 ಬೆಂಗಳೂರು, ದಿನಾಂಕ 09.09.2015, Order number UPLOK-1/DE/462/2015 Bengaluru dated 24/09/2015 has been ordered by the Hon'ble Upalokayukta, Karnataka nominating the Additional Registrar, Enquires-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 6.
11. Articles of charge dated 31/12/2015 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed against DGOs 1 to 6 by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru is the following:

“ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ 2007 ರಿಂದ 2012 ರ ಮಧ್ಯದ ಅವಧಿಯಲ್ಲಿ ಬಾಲ್ಕಿ ಜಿಲ್ಲೆಯ ಬಾಲ್ಕಿ ತಾಲ್ಲೂಕಿನಲ್ಲಿರುವ ಹಲಬರ್ಗಾ ಗ್ರಾಮದಿಂದ ಸಿದ್ದೇಶ್ವರ ಕ್ರಾಸ್ (ಜೋಳದ ಬಕಕ್ರಾಸ್) ವರೆಗಿನ ರಸ್ತೆ ಎನ್.ಹೆಚ್-105 ರ 16 ಕಿಲೋಮೀಟರ್ ಕಾಮಗಾರಿಗಾಗಿ ಮೂರು ಪ್ಯಾಕೇಜ್ ಗಳಲ್ಲಿ ಕೈಗೊಂಡಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು 2012 ನೇ ಸಾಲಿನಲ್ಲಿ ಅದನ್ನು ಗಮನಿಸಿದಾಗ, ಸಂಪೂರ್ಣ ರಸ್ತೆಯು ಕಿತ್ತುಹೋಗಿದ್ದು, ತಗ್ಗುಗುಂಡಿಯು ನಿರ್ಮಾಣವಾಗಿದ್ದು, ಆ ಬಗ್ಗೆ ಲೋಕಾಯುಕ್ತರ ತಾಂತ್ರಿಕ ವಿಭಾಗದಿಂದ ತನಿಖೆ ಮಾಡಿಸಿದಾಗ ಸದರಿ ರಸ್ತೆ ಕಾಮಗಾರಿಗೆ ಬಳಸಲಾದ ಬಿಟುಮಿನ್ ಅಗತ್ಯಕ್ಕಿಂತ ಕಡಿಮೆ ಪರಿಮಾಣದಲ್ಲಿ ಬಳಸಿದ್ದು, ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಅಳತೆಗಳನ್ನು ಸರಿಯಾಗಿ ನಮೂದಿಸದೇ ರಸ್ತೆಯನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಿಂದ ನಿರ್ಮಿಸಿ, 1ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 9,57,607/-, 2ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 3,43,811/-, 4ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 16,03,992/-, 5ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 13,54,288/- ಹಾಗೂ 6ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 5,97,838/- ಹಾಗೂ ಮೃತ ಆ.ಸ.ನೌಕರ ರೂ. 3,48,134/-, ಹೀಗೆ ಒಟ್ಟಾರೆ ರೂ. 52,05,669/- ಅಧಿಕ ನಷ್ಟವಂಟುಮಾಡಿದಲ್ಲದೇ 3ನೇ ಆ.ಸ.ನೌಕರ ಮೆಲಿನ ಎಲ್ಲಾ ನ್ಯೂನತೆಗಳು ಎಂ.ಬಿ.ಪುಸ್ತಕದಲ್ಲಿದ್ದು ಕೂಡ ಅದನ್ನು ಕಡೆಗಣಿಸಿ ಬಿಲ್ಲಿನ ಹಣವನ್ನು ಮಂಜೂರಾತಿಗಾಗಿ ಅನುಮೋದಿಸಿ, ಸರ್ಕಾರಿ

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ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿಗಳು ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ದುರ್ನಡತೆ ಎಸಗಿರುವಿರಿ.

ಅನುಬಂಧ-2
ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ ರವರು ಬೀದರ್ ಜಿಲ್ಲೆಗೆ ಭೇಟಿ ನೀಡಿದ ಸಮಯದಲ್ಲಿ, ಜಿಲ್ಲೆಯಲ್ಲಿನ ರಸ್ತೆಗಳು ಅದರಲ್ಲೂ ಬಾಲ್ಕಿ ತಾಲ್ಲೂಕಿನ ಕೆಲವು ರಸ್ತೆಗಳು ದುಸ್ಥಿತಿಯಲ್ಲಿರುವುದು ಕಂಡು ಬಂದ ಪ್ರಯುಕ್ತ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೀದರ್ ರವರಿಂದ ಸದರಿ ರಸ್ತೆಯ ಛಾಯಾಚಿತ್ರ ಹಾಗೂ ದಾಖಲೆಯನ್ನು ಪಡೆದು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಅಧಿನಿಯಮದ ಕಲಂ. 7(2) ರಡಿಯಲ್ಲಿ ಸ್ವಯಂಪ್ರೇರಿತರಾಗಿ ಪ್ರಕರಣವನ್ನು ದಿ: 16/10/2012 ರಂದು ದಾಖಲಿಸಿಕೊಂಡು ಬೀದರ್ ಜಿಲ್ಲೆಯ ಬಾಲ್ಕಿ ತಾಲ್ಲೂಕಿನಲ್ಲಿರುವ ಹಲಬರ್ಗಾ ಗ್ರಾಮದಿಂದ ಸಿದ್ದೇಶ್ವರ್ ಕ್ರಾಸ್ (ಜೋಳದ ಬಗ್ಗಾಕ್ರಾಸ್) ವರೆಗಿನ ರಸ್ತೆ ಕಾಮಗಾರಿಯು ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ಸ್ಥಳ ಪರಿವೀಕ್ಷಣೆಯನ್ನು ಕೈಗೊಂಡು ಅಗತ್ಯ ದಾಖಲೆಗಳನ್ನು ಅವಲೋಕಿಸಿ ಕಾಮಗಾರಿಯ ಗುಣಮಟ್ಟದ ಬಗ್ಗೆ ತನಿಖೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಬೇಕೆಂದು ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಯ ತಾಂತ್ರಿಕ ಕೋಶಕ್ಕೆ ಆದೇಶಿಸಲಾಯಿತು.

ತನಿಖಾ ವರದಿಯ ಪ್ರಕಾರ ಸದರಿ ರಸ್ತೆಯನ್ನು ಮೂರು ಪ್ಯಾಕೇಜ್ ಗಳಲ್ಲಿ ಕೈಗೊಂಡಿದ್ದು, ಸಂಪೂರ್ಣ ರಸ್ತೆಯೂ ಕಿತ್ತುಹೋಗಿದ್ದು, ತಗ್ಗುಗುಂಡಿಗಳು ನಿರ್ಮಾಣವಾಗಿರುವುದಾಗಿಯೂ, ಸದರಿ ರಸ್ತೆ ಕಾಮಗಾರಿಗೆ ಬಳಸಲಾದ ಬಿಟುಮಿನ್ ಅಗತ್ಯಕ್ಕಿಂತ ಕಡಿಮೆ ಪರಿಮಾಣದಲ್ಲಿ ಬಳಸಲಾಗಿದೆ ಎಂದು, ಅಳತೆ ಪುಸ್ತಕಗಳಲ್ಲಿ ಅಳತೆಗಳನ್ನು ಸರಿಯಾಗಿ ನಮೂದಿಸದೇ ಅವ್ಯವಹಾರ ಎಸಗಲಾಗಿದೆಯೆಂದು ಸ್ಥಳ ತನಿಖೆಯಿಂದ ಹಾಗೂ ಗುಣನಿಯಂತ್ರಣ ವರದಿಯಿಂದ ಕಂಡುಬಂದಿತು ಹಾಗೂ ರಸ್ತೆಯ ಕಾಮಗಾರಿಗಾಗಿ ಮೊದಲನೇ ಹಂತದಲ್ಲಿ ರೂ. 81.31 ಲಕ್ಷ 2ನೇ ಹಂತಕ್ಕೆ ರೂ. 81.11 ಲಕ್ಷ ಹಾಗೂ 3ನೇ ಹಂತಕ್ಕೆ ರೂ. 51.10 ಲಕ್ಷ ವೆಚ್ಚ ಮಾಡಲಾಗಿದ್ದು, ಸದರಿ ರಸ್ತೆಯನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಿಂದ ನಿರ್ಮಿಸಿರುವುದರಿಂದ ಆ.ಸ.ನೌಕರರು ಒಟ್ಟಾರೆ ರೂ. 52,05,669/- ಹಣದ ಆರ್ಥಿಕ ನಷ್ಟವುಂಟುಮಾಡಿದರು, ಅದರಲ್ಲಿ ಇನ್ನೊಬ್ಬ ಮೃತ ಸರ್ಕಾರಿ ನೌಕರರು ಶಾಮೀಲಾಗಿದ್ದರು ಎಂದು ತಿಳಿಸಲಾಗಿದೆ. ಅಷೇಅಲ್ಲಾ, 1ನೇ ಆ.ಸ.ನೌಕರನು ರೂ. 9,57,607/-, 2ನೇ ಆ.ಸ.ನೌಕರನು ರೂ. 3,43,811/-, 4ನೇ ಆ.ಸ.ನೌಕರನು ರೂ. 16,03,992/-, 5ನೇ ಆ.ಸ.ನೌಕರನು ರೂ. 13,54,288/- ಹಾಗೂ 6ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 5,97,838/- ಹಾಗೂ ಮೃತ ಆ.ಸ.ನೌಕರ ರೂ. 3,48,134/- ಹಣದ ದುರ್ಬಳಕೆಗೆ ಜವಾಬ್ದಾರಾಗಿದ್ದಾರೆ ಮತ್ತು 3ನೇ ಆ.ಸ.ನೌಕರ ಮೇಲಿನ ಎಲ್ಲಾ ನ್ಯೂನತೆಗಳು ಎಂ.ಬಿ.ಪುಸ್ತಕದಲ್ಲಿದ್ದು ಕೂಡ ಅದನ್ನು ಕಡೆಗಣಿಸಿ, ಬಿಲ್ಲಿನ ಹಣವನ್ನು ಮಂಜೂರಾತಿಗಾಗಿ ಅನುಮೋದಿಸಿ, ಹೀಗೆ ಒಟ್ಟಾರೆ ರೂ. 52,05,669/-ಹಣವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಆರ್ಥಿಕ ನಷ್ಟವುಂಟುಮಾಡಿದ್ದಾರೆಂದು ತನಿಖೆಯಲ್ಲಿ ಕಂಡುಬಂದಿತು.

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ಸದರಿ ತನಿಖಾ ವರದಿಯನ್ನು ಎಲ್ಲಾ ಆ.ಸ.ನೌಕರರಿಗೆ ಕಳುಹಿಸಲಾಯಿತು. 1ನೇ ಆ.ಸ.ನೌಕರ ಮತ್ತು 3 ರಿಂದ 6ನೇ ಆ.ಸ.ನೌಕರರು ಅವರ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಸಲ್ಲಿಸಿದರು. ಆದರೆ, 2ನೇ ಆ.ಸ.ನೌಕರ ಯಾವುದೇ ಆಕ್ಷೇಪಣೆಯನ್ನು ಸಲ್ಲಿಸಲಿಲ್ಲ. ಆ.ಸ.ನೌಕರರು ಸಲ್ಲಿಸಿದ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ ಅವರು ಕೊಟ್ಟ ವಿವರಣೆ ತೃಪ್ತಿಕರ ಮತ್ತು ಸಮಂಜಸವಾಗಿರಲಿಲ್ಲ. ತನಿಖಾಧಿಕರಿಸವರು ಸಂಗ್ರಹಿಸಿದ ಎಲ್ಲಾ ಪುರಾವೆಗಳನ್ನು ಒಟ್ಟಾಗಿ ಓದಿ ನೋಡಿದಾಗ ಆರು ಜನ ಆ.ಸ.ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯದಲ್ಲಿ ಪ್ರಮಾಣಿಕವಾಗಿ ನಡೆದುಕೊಂಡಿಲ್ಲಾ, ನಿಷ್ಠೆಯಿಂದ ಕೆಲಸ ಮಾಡಿಲ್ಲಾ.

ಕಡತದಲ್ಲಿರುವ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, ಆ.ಸ.ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠತೆ, ಸಾರ್ವಜನಿಕ/ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ಎಸಗಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದರಿಂದ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966ರ ನಿಯಮ 3(1)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆ ಎಸಗಿರುವುದರಿಂದ ಸದರಿಯವರುಗಳ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾನೂನು ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದ್ದಾರೆ. ಸದರಿ ಶಿಫಾರಸ್ಸಿನ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಆ.ಸ.ನೌಕರರು ಇವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು ವರದಿ ಸಲ್ಲಿಸಲು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ, ಆದೇಶ ಮಾಡಿದೆ.

ಆದ್ದರಿಂದ ನಿಮ್ಮಗಳ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.”

12. In response to service of articles of charge, DGOs 1 to 6 have entered appearance before this authority on 21/01/2016. In the course of first oral statement of DGOs 1 to 6 recorded on 21/01/2016 they pleaded not guilty. DGOs 1 to 6 have engaged defence assistant for their defence.
13. DGOs 1, 2, 4, 5 and 6 have filed common written statement. DGO 3 has filed separate written statement.
14. In the course of common written statement of DGOs 1, 2, 4, 5 and 6 it is stated that articles of charge does not show the tenure and role of DGOs 1, 2, 4, 5 and 6. It is stated that though the prescribed procedures and regulations are followed the same are not taken into consideration by Investigating

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Officer. It is contended that measurement are clearly recorded. It is contended that date of completion of works and date of conducting inspection are not noted in the articles of charge. It is contended that natural effects like rains, density of traffic are not noted in the articles of charge. It is contended that the allegations levelled in the articles of charge are vague and that the alleged misappropriation of funds is not sustainable. It is contended that section 7(2) of The Karnataka Lokayukta Act, 1984 does not permit suo-motu investigation and that violation of section 9(3)(a) and (b) of The Karnataka Lokayukta Act, 1984 is apparent. It is contended that conditions of the road soon after completion of the road work will not remain for considerable length of time. It is contended that measurement books do not indicate any defects. It is contended that replies of DGOs 1, 3, 4, 5 and 6 are not properly considered at the earliest point of time. Reference is made to the decision in N.Gundappa V/S State of Karnataka and others reported in 1999(3) Karnataka Law Journal page 425:ILR 1990 Karnataka page 223.

15. In the course of written statement of DGO 3 it is contended that two letters dated 10/03/2013 of the Audit Officer, Bidar to the Hon'ble Lokayukta on the basis of which charge is levelled against him are not furnished to him. It is contended that Public Works Code Volume-I paragraphs 20 to 22A and Chapter XXI of Public Works Code contemplates that Audit Officer has to verify the provisions of sufficient budget before making payment to ascertain whether there is sanction from the competent authority in the estimate, to ascertain whether tender is transparent, to ascertain whether lowest tender is

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accepted, to ascertain whether work order is issued and date of handing over the site, to ascertain whether any pre-measurements required as required technically whenever the susceptibility of recording measurement is not possible, to ascertain whether the measurement is recorded is as per Schedule-B, to verify the quantities executed and Schedule-B quantities, to ascertain whether measurements recorded by the subordinates are checked 100% by the concerned Assistant Executive Engineer and checked 25% by the Executive Engineer, to ascertain whether bill is technically scrutinized in the technical branch by the Division Office headed by the Technical Assistant who is of the rank of Assistant Executive Engineer who is Class-1 Officer of the department and to ascertain whether quality control test as per the tender clauses is conducted and results are enclosed to the bill including the letter of credit available for payment of bill. It is stated that after the compliance of the above requirements the bill will be placed before the Executive Engineer for consideration. It is contended that the system of taking stock measurement and deduction of voids to the extent of 33% is technically accepted. It is contended that if anything wrong is done while recording measurement or quality test failure the same has to be brought into the notice of audit section. It is contended that remarks are not raised by the technical wing while scrutinizing the bills and measurement books. It is contended that check measurements are carried out as per the requirement of Karnataka Public Works Code. It is contended that it has become inevitable to recommend the bill for consideration of payment by Executive Engineer. Annexure-II, Annexure-III,

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Annexure-IV and Annexure-V in two sets, xerox copy of letter dated 04/07/2013 in a single sheet of DGO 3 addressed to the Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar in a single sheet and xerox copy of letter dated 14/01/2016 in two sheets of DGO 3 addressed to the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru are enclosed to the written statement of DGO 3.

16. The disciplinary authority has examined the Investigating Officer Sri.K.Subramanya Karanth who was working as Assistant Executive Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru in the month of June 2012 to July 2015 as PW 1. During his evidence his original report dated 05/02/2013 in sixteen sheets is marked as per Ex P1, his signature found on sheet number 16 of Ex P1 is marked as per Ex P1(a), original Annexure-2 in a single sheet enclosed to Ex P1 is marked as per Ex P1(b), original Annexure-3 in a single sheet enclosed to Ex P1 is marked as per Ex P1(c), original Annexure-4 in a single sheet enclosed to Ex P1 is marked as per Ex P1(d), original Annexure-5 in a single sheet enclosed to Ex P1 is marked as per Ex P1(e), original Annexure-6 in a single sheet enclosed to Ex P1 is marked as per Ex P1(f), original Annexure-7 enclosed to Ex P1 is marked as per Ex P1(g), original Annexure-8 in a single sheet enclosed Ex P1 is marked as per Ex P1(h), original Annexure-9 in a single sheet enclosed to Ex P1 is marked as per Ex P1(i), original Annexure-10 in a single sheet enclosed to Ex P1 is marked as per Ex P1(j), original Annexure-11 in a single sheet enclosed to Ex P1 is marked as per Ex P1(k), original Annexure-12 in a single sheet enclosed to Ex P1 is marked as per Ex P1(l), original Annexure-

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13 in a single sheet enclosed to Ex P1 is marked as per Ex P1(m), original Annexure-14 in a single sheet enclosed to Ex P1 is marked as per Ex P1(u), original Annexure-15 in a single sheet enclosed to Ex P1 is marked as per Ex P1(o), original mahazar dated 06/11/2012 in four sheets drawn by PW, 1 is marked as per Ex P2, signature of PW 1 found on sheet number 4 of Ex P2 is marked as per Ex P2(a), original compact disc is marked as per Ex P3, xerox copy of the letter dated 27/12/2007 in a single sheet of the Executive Engineer, Quality Control Division, Bengaluru addressed to the Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru is marked as per Ex P4, xerox copy of the report in a single sheet enclosed to Ex P4 is marked as per Ex P5, xerox copy of quality control guideline in six sheets is marked as per Ex P6, xerox copy of the letter dated 18/01/2013 in a single sheet of the Superintending Engineer, Department of Public Works, Port and Inland Water Transport, N.H.Circle, Dharawada addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport Sub-Division, Bhalki, Bidar District is marked as per Ex P7, original certificated dated nil in a single sheet of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P8, original certificate of the nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4 and DGO 5 in respect of the work executed under package-1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P9, original certificate of the

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nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4 and DGO 5 in respect of the work executed under package 1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P10, original certificate of the nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4, DGO 5 and DGO 6 in respect of the work executed under package 1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P11, original certificate in a single sheet touching the responsibility of DGO 1, DGO 3, DGO 4, DGO 5 and DGO 6 in respect of the work executed under package 1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P12, original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 1, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P13, original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 1, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P14, original certificate in a single sheet of the nomenclature INCUMBANCY

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touching the responsibility of DGO 1, DGO 4, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P15, original certificate in a single sheet touching the responsibility of DGO 1, DGO 3, DGO 4, DGO 5 and Syed Basith in respect of work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P16, original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P17, original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P18, original certificate in a single sheet touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex P19, attested copy of the measurement book consisting of twenty four sheets touching the work executed under package 1 is marked as per Ex P20 and

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attested copy of the measurement book consisting of nine sheets is marked as per Ex P21.

17. During second oral statement of DGO 1 to DGO 6 recorded on 23/11/2016 they have stated that they would get examined themselves as defence witness. They have stated that they do not intend to examine defence witness.
18. DGO 2 got himself examined as DW 1. During his evidence attested copy of the letter dated 25/03/2011 with enclosure in two sheets of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex D1 and attested copy of the letter dated 26/03/2011 with an enclosure in two sheets of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District is marked as per Ex D2. DGO 1 got himself examined as DW 2. During his evidence attested copy of a certificate of the nomenclature TEST REPORT OF BITUMIN CONTENT in a single sheet issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Kalaburagi is marked as per Ex D3. DGO 3 got himself examined as DW 3. DGO 4 got himself examined as DW 4. DGO 5 got himself examined as DW 5. DGO 6 got himself examined as DW 6. No documents are tendered in evidence of during evidence of DGOs 3 to 6.

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19. Since DGOs 1 to 6 got themselves examined as defence witnesses incriminating circumstances which appeared against them in the evidence of PW 1 are not put to them by way of questionnaire.
20. In the course of written argument of the Presenting Officer it is contended that during the work under package 3 DGO 2 was discharging duties as Executive Engineer and that DGO 1 also admitted that he was discharging duties as Executive Engineer during the work under package 1 and package 2. It is contended that during evidence DGO 1 has stated that his check measurement liability is at 25%. It is contended that during evidence DGO 3 has stated that he verified the measurement books pertaining to package 1 and package 2 and recommended for payment. It is contended that during evidence DGO 4 has stated that he discharged duties as Assistant Executive Engineer during execution of work under package 1 and package 3 and remaining portion to an extent of 10% under package 2. It is contended that DGO 4 admitted his liability of check measurement to the extent of 100%. It is contended that DGO 4 was duty bound to supervise the works and to ensure that works are executed as specified in the estimate. It is contended that DGO 4 has admitted during evidence that in case the work is not executed as per the stipulations of the estimate he will be held responsible. It is contended that during evidence DGO 5 has admitted that at the time of execution of works under package 1 and package 2 he was working as Junior Engineer and that he caused entries in the measurement books and that he is responsible for the entire measurement. It is contended that during evidence DGO

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6 has stated that during execution of works under package 1 and package 3 he was working as Assistant Engineer and responsible supervise and admitted that PW 1 recorded factual aspects in the spot mahazar at Ex P2. It is contended that evidence of PW 1 establishes the charge.

21. In the course of written argument signed by the defence assistant filed on behalf of DGOs 1 to 6 it is contended that during cross examination PW 1 has admitted that he has not sent the copy of suo-motu complaint either to DGOs 1 to 6 or to the competent authority before commencement of investigation and admitted that he has not verified the photographs flashed by the Deputy Superintendent of Police in respect of the photographs. It is contended that during cross examination PW 1 has stated that he has not obtained clarification from DGOs 1 to 6 before submitting the report. It is contended that during cross examination PW 1 has admitted that he does not know about formation of road earlier to the year 2007. It is contended that during cross examination PW 1 has admitted that he has not mentioned the dimension of the pits either in the report at Ex P1 or in the mahazar at Ex P2 and that dimension of pits needs to be taken into consideration. It is contended that during cross examination PW 1 has admitted that the Chief Engineer attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru has instructed to dig pits at the ratio of one for every kilometre. It is contended that clause 903 of MORTH does not apply to the works of this nature which is not taken note of by PW 1. It is contended that PW 1 has not followed the instructions of the Government issued in the circular dated 06/04/2009. It is contended that during cross

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examination PW 1 admits the observation in paragraphs number 3.02 of Ex P1. It is contended that during evidence PW 1 has admitted that he recorded the density of jelly as 1653 and that he has not verified the dry density of jelly. It is contended that PW 1 has stated that tolerance level prescribed in MORTH is not applicable. It is contended that PW 1 has admitted that he cannot say the wear and tear since he conducted investigation after about two and half years after completion of works. It is contended that PW 1 has stated that he cannot state as to what will be the proportion of wear and tear for five years and admitted that there are no guidelines as to what should be the position of road after two and half years after formation of road. It is contended that PW 1 has not verified whether reports from quality control sub-division are obtained before passing of bills and also not verified whether senior officers have verified the works. It is contended that PW 1 has admitted that he was not in a position to mention the thickness of grade-I and grade-III jelly separately in Exs P1 and P2. It is contended that PW 1 has admitted that he has not verified the file relating to the bills in the Division Office and also admitted that bills are paid according to the particulars maintained in the measurement books. It is contended that evidence of DGOs 1 to 6 establishes that estimates of package 1, package 2 and package 3 are approved by the higher authorities as per the provisions of MORTH and that they have collected materials certified by quality control unit. It is contended that nature of duty of DGO 3 is confined to passing of bills as per codal rules and that DGO 3 passed the bills as per rules. It is contended that charge against DGO 3 that despite the defects which are

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found in the measurement book he recommended for payment cannot sustain. It is contended that in respect of package 1 it stands established that asphalt thickness in respect of all components are collected. It is contended that as per MORTH pits are to be taken at 1.2 meters inside from the edge of the road which is not followed by PW 1. It is contended that in order to ascertain the thickness PW 1 ought to have dug up pits of the specified depth which procedure is not followed by PW 1. It is contended that in order to ascertain the materials used, result of one test is not sufficient and that since Ex P1 is not in accordance with MORTH deficiency to the extent of a sum of Rs. 9,28,356/- noted by PW 1 cannot sustain. It is contended that actual expenditure of Rs. 80,31,484/- shows that payment is based on volume of work executed and that points mentioned in paragraph numbers 3.04 and 3.05 in Ex P1 are not investigated by PW 1. Regarding package 2 it is contended that thickness of 19.33 millimeter is permissible as provided in MORTH. It is contended that PW 1 has not deliberately mentioned the depth of three pits. It is contended that estimate does not provide for grade-II and grade-III metal and that PW 1 has admitted that he has not mentioned the thickness of the metal in respect of three pits. It is contended that the procedure followed by PW 1 is not in conformity with MORTH and therefore assessment of PW 1 that there was deficiency to the extent of a sum of Rs. 29,02,070/- is not sustainable. It is contended that in respect of package 3 average thickness of MSS at paragraph number 5.02 of Ex P1 is within the permissible limits as provided in MORTH. It is contended that average of four pits comes to 48.75 millimeters in thickness which is with tolerance limits. It

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is contended that entire wet mixed macadam has not been taken out from two pits and therefore, assessment of deficiency at Rs. 13,75,243/- arrived at by PW 1 cannot sustain. It is contended that calculations arrived at as noted in Ex P1(a) to Ex P1(o) cannot sustain. It is contended that apportionment of the alleged loss is arbitrary and not in accordance with Public Works Accounts Code. It is contended that in order to ascertain the correctness of otherwise of Ex P1 the matter may be referred either to the Head of the Department or to the Technical Advisory Committee of Public Works Department.

22. In tune with the articles of charge, following points arise for determination:

Point number 1:- Whether it stands established the civil work of improvement of road of the length of 16.20 kilo meters in between Halabarga Village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway-105 passing through Siddeshwara Cross executed in three packages during the years 2007 and 2012 is of substandard which resulted in financial loss by way of misappropriation of a total sum of Rs. 52,05,669/- for which DGO 1 who was working as Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar from 07/06/2006 to 20/07/2010 is liable to the extent of a sum of Rs. 9,57,607/-, DGO 2 who was working as Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar from 20/07/2010 to 07/12/2011 is liable to the extent of a sum of Rs. 3,43,811/-, DGO 4 who was working as Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki, Bidar District from 30/09/2008 to 25/05/2011 is liable

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to the extent of a sum of Rs. 16,03,992/-, DGO 5 who was working as Junior Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District from 30/04/2005 to 09/11/2009 is liable to the extent of Rs. 13,54,288/-, DGO 6 who was working as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District from 05/10/2009 to 14/07/2011 is liable to the extent of a sum of Rs. 5,97,838/-, deceased Syed Basith who was discharging duties as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District is liable to the extent of a sum of Rs. 3,48,134/- and thereby DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 2:- Whether it stands established that during the tenure of DGO 3 as Accounts Superintendent from 31/08/2001 to 24/03/2010 in the office of the Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar knowing fully well that entries in the measurement book maintained in respect of package 1 and package 2 touching the execution of improvement of road of the length of 16.20 kilo meters in between Halabarga Village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway-105 passing through Siddeshwara Cross executed in three packages during the years 2007 and 2012 are not in order approved the bills pertaining to the works executed under package 1 and package 2 and recommended for payment of a

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sum of Rs. 9,28,356/- under package 1, recommended for payment of a sum of Rs. 29,02,070/- under package 2 and thereby DGO 3 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

23. Point number 1:- PW 1 conducted investigation and submitted report at Ex P1 as deposed by him during his evidence. His evidence that on 06/11/2012 he inspected the above road and conducted investigation in the presence of nine officers is not under challenge. Names of nine officers who were present during his investigation which are found in page number 3 of Ex P1 is not under challenge. DGO 5 and DGO 6 are among those nine officers shown in page number 3 of Ex P1. His evidence that the above road was shown to him by DGO 5 is not under challenge. His evidence that the length of the road is 16.20 kilo meters and that the work was undertaken in three packages is not under challenge.

24. Evidence of PW 1 that package 1 was undertaken during 2007-08 under the Head of Account 5004 Dr.Nanjundappa Report at the estimate of a sum of Rs. 1,00,00,000/- and that records revealed that the said work was commenced on 14/08/2008 and completed on 18/02/2010 is not under challenge. Evidence of DGO 1 would show that his tenure was from 07/06/2006 to 20/07/2010. Evidence of DGO 3 would show that his tenure was from 31/08/2001 to 24/03/2010. Evidence of DGO 4 would show that his tenure was from 30/09/2008 to 25/05/2011. Evidence of DGO 5 would show that his tenure was from 30/04/2005 to 09/11/2009. Evidence of DGO 6 would show that his tenure was from

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05/10/2009 to 14/07/2011. This would show that during execution of the work under package 1, DGO 1, DGOs 3 to 6 were discharging duties in their respective capacities. His evidence that he got dug up four pits on the road in the presence of the Assistant Executive Engineer, Quality Control Division, Kalaburagi is not under challenge. His evidence that at the time of digging up the pits he obtained sample of jelly stones and tar is not under challenge. His evidence that bituminous macadam and semi dense bituminous macadam were not in the prescribed volume is not under challenge.

25. Evidence of PW 1 that he inspected the work executed during 2006-07 under package 2 and that length of the said work is 4.20 kilo meters at the estimate of Rs. 80,00,000/- is not under challenge. His evidence that records disclosed expenditure of Rs. 81,11,000/- is not under challenge. His evidence that he got dug up three pits of the length of half meter and breadth of half meter and that he obtained sample and that weight of jelly and thickness of layer of tar was lesser than the prescribed quantity is also not under challenge.

26. Evidence of PW 1 that he inspected the work executed during 2009-10 under Head of Account 5054 and estimate of Rs. 60,00,000/- under package 3 and that length of the road is 4.57 kilo meter is not under challenge. His evidence that records revealed expenditure of Rs. 51,18,000/- is not under challenge. His evidence that he got dug up four pits and collected sample is not under challenge. His evidence that on examination of the sample he found that weight of jelly and thickness of two layers of tar were below the prescribed quantity is not under challenge. His evidence that he consigned

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the sample to quality control wing of Panchayath Raj Engineering Division, Bengaluru and that report dated 26/12/2012 of the Executive Engineer, Panchayath Raj Engineering Division, Bengaluru revealed that the sample disclosed lesser quantity of tar is not under challenge. This unchallenged portion of his evidence establishes that prescribed quantity of tar was not used.

27. During evidence PW 1 has referred to his report at Ex P1 which is enclosed with his annexures at Exs P1(b) to P1(o). He has also referred to Exs P2 to P21. Ex P2 which is the original mahazar drawn by PW 1 on 06/11/2012 i.e., on the day of conducting investigation reflects the details of investigation.

28. During evidence PW 1 has stated that length of layer of jelly, breadth of layer of jelly and thickness of layer of jelly should have been noted in the measurement books, but, instead of complying with the said procedure measurement was shown in bulk in the measurement books which is found in sheet numbers 22, 23 and 24. This portion of his evidence is supported by sheet numbers 22, 23 and 24 of Ex P20. Ex P20 is the attested copy of the measurement book pertaining to package 1. Ex P21 is the attested copy of the measurement book pertaining package 2. PW 1 has stated that bulk measurement is shown in Ex P21. Evidence of PW 1 is reflected in Ex P1.

29. During cross examination PW 1 has stated that he has not obtained explanation from DGOs 1 to 6. This cannot be characterised as lapses which resulted in prejudice. PW 1 has stated during cross examination that after placing Ex P1 the replies of DGOs 1 to 6 are not placed before him. It needs to be

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mentioned that duty of PW 1 comes to an end the moment of filing Ex P1 and therefore the said answer elicited during his cross examination will not support the defence. His answer during cross examination that he does not know the year of formation of the road earlier to the year 2007 is not relevant in view of the alleged lapses attributed in the articles of charge. PW 1 has stated during cross examination that length and breadth of pits are respectively 0.5 meters. It is elicited during his cross examination that the said size applies to the depth and therefore it is deemed that PW 1 got dug up the pits of the depth of 0.5 meters. It is brought out during cross examination of PW 1 that there is no rule which mandates to dig up pits in any specified area. He has stated during cross examination that he got dug up pits in conformity with the circular issued by the Department of Public Works, Port and Inland Water Transport. He has stated during cross examination that he was orally instructed by the Chief Engineer attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru that in between the pits distance should be one kilo meter. Suggestion posed to PW 1 that for each kilo meter one pit should be dug up has been denied by him. PW 1 has stated during cross examination that section 903 of the code of the Central Government in respect of national highways is not applicable in the case on hand and therefore he has not followed the said yardstick. Suggestion posed to PW 1 that the said yardstick is applicable in the case on hand has been denied by him. It is brought out during cross examination of PW 1 that he conducted investigation in conformity with the circular number ಲೋಕಯುಕ್ತ

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: ಕಾಣಿಕೆ : ಸುತ್ತೋಲೆ : 2009/311-351 dated 06/04/2009 issued by the Department of Public Works, Port and Inland Water Transport. Suggestion posed to him that the said circular is not applicable has been denied by him. Bottom portion of paragraph number 3.02 of the report at Ex P1 shows the particulars of sample collected by PW 1. Asphalt thickness in millimeters of the sample MSS is shown at 30 which is admitted by PW 1 during his cross examination. The said admission will not derive strength to the defence. PW 1 has stated during cross examination that entry of 1653 cubic meter refers to density of loose jelly which is called as bulk density. PW 1 has stated during cross examination that he has not verified the volume of bulk density noted in the report of quality control division given during execution of the above work. It is not in the evidence of DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 that the said density comes down after completion of work and therefore the said answer of PW 1 will not uproot the evidence of PW 1. Answer elicited during cross examination of PW 1 that he has not verified the dry density nothing is placed by DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 to show that on that score alone evidence of PW 1 needs to be discarded.

30. During cross examination PW 1 has stated that tolerance level is not applicable in the case on hand. It is brought out during cross examination of PW 1 that he cannot say the volume of wear and tear two and half years after completion of work and that he cannot say the volume of wear and tear five years after completion of work. Though he has stated so, his evidence that quality control report dated 26/12/2012 received by him pointed out that volume of tar was below the specified

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volume establishes that the work executed is of substandard. It is in his cross examination that there is no guideline to assess the volume of wear and tear within two years of completion of work. Though PW 1 has stated during cross examination that he has not mentioned the depth of pits in his report at Ex P1, paragraph number 21 of his evidence conveys meaning that depth of pits was 0.5 meters. Only on the basis of his evidence that he has not mentioned the depth of pits in Ex P1 his evidence touching the size of pits cannot be brushed aside. PW 1 has stated during cross examination that there is no guideline touching the nature of the road. It is brought out during his cross examination that volume of bituminous macadam should have been of the volume of 50 millimeters. This portion of his evidence strengthens the fact that works executed are of substandard. Suggestion posed to PW 1 that he has not got dug up the required number of pits and that he has not followed the rules prevailing the number of pits which are required to be dug up has been denied by him. It is brought out during cross examination of PW 1 that it is not possible to conduct separate test of grade-II jelly and grade-III jelly. Though it is brought out during his cross examination that he has not mentioned the thickness of the layer in his report at Ex P1 the said answer will not lead to hold that what is observed by him during investigation is far away from truth.

31. During cross examination PW 1 has stated that in respect of package 3 he got dug up three pits. Suggestion posed to him that five pits were required to be dug up has been denied by him. Suggestion posed to him that average assessment of density of pits would have resulted in accuracy has been denied

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by him. Suggestion posed to him that average assessment of wet mix macadam would have pointed out proper result has been denied by him. Suggestion posed to him that he has not properly verified the measurement book has been denied by him. He has stated during cross examination that the file relating to bill will be placed before the Executive Engineer through the Accounts Superintendent. This portion of his answer would show that the bill used to be placed for approval by DGO 3. Suggestion posed to PW 1 during cross examination that he submitted false report has been denied by him. It is brought out during his cross examination that in case any defects are noticed within a period of one year, those defects are to be set at right by the contractor. Nothing is found in the evidence of DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 that they called upon the contractor to find out the defects if any. Suggestion posed to PW 1 that Exs P6 and P7 which pertain to quality control analysis are not applicable to the case on hand has been denied by him. Nothing worthy is brought out either during cross examination of PW 1 or during evidence of DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 to point out the defects in the accuracy of Exs P6 and P7. Upon meticulous appreciation of the answers elicited during cross examination of PW 1 I find nothing worthy to hold that charge level against DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 cannot sustain. I equally find nothing worthy to brush aside the observations of PW 1 as noted by him in his report at Ex P1.

32. DW 2 (DGO 4) has stated during evidence that technical sanction has been obtained at the estimate of Rs. 1,00,00,000/- for improvement of the road from Halabarga to Bavagi of Bhalki

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Taluk at selected areas and that the contractor by name Jagadish Khandre completed the work in between 14/08/2008 and 18/02/2010. This portion of his evidence refers to package 1 as found in page numbers 4 and 5 of Ex P1. He has stated that he along with the concerned Section Officers, the concerned Assistant Executive Engineer and his higher officer and officers of Quality Control Division, Kalaburagi inspected the work. He has stated that the Section Officer caused entries in the measurement book. He has stated that the Assistant Executive Engineer verified the measurement book and placed before the Division Office along with the certificate of Quality Control Division. He has stated that the concerned Engineer attached to technical section in the Division Office verified and placed the file before accounts branch and thereafter, payment used to be made to the contractor through cheque.

33. DGO 1 has stated further during evidence that before conducting investigation PW 1 has not caused notice and that he was not present during investigation. He has stated that PW 1 has not called for explanation and that after service of copy of Ex P1 from the office of the Hon'ble Lokayutka, Karnataka he offered explanation. Ex D 3 which is the xerox copy of test report of bitumen content list issued by the Assistant Executive Engineer, Quality Control Sub-Division, Department of Public Works, Port and Inland Water Transport, Kalaburagi is marked during evidence of DGO 1. Though it is found in Ex P3 that actual bitumen content in 9% of total mix is 5% it is mentioned at the left hand corner of Ex D3 that the result mentioned in Ex D3 is subject to the condition that the mix result is to be obtained from the competent authority. Therefore, Ex D3

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cannot be treated as conclusive and therefore evidence of PW 1 during his cross examination that bitumen content was below 50 millimeters prevails over Ex D3 which is dated 27/01/2010. Evidence of DGO 1 that even three years after completion of the work percentage of tar was 5% is without any scientific assurance and therefore the said portion of his evidence cannot be believed. His evidence that rate used to be fixed by the Superintending Engineer and that he followed the same the said portion of his evidence is confined to fixation of prize which is of no relevance to the alleged substandard work.

34. During cross examination DGO 1 has stated that during his tenure work under package 3 has not been executed. It is brought out during his cross examination that DGO 5 and DGO 6 carried out the work under package 1 and that DGO 5 carried out the work under package 2. It is in his cross examination that work under package 3 was during the tenure of DGO 2. It is in his cross examination that DGO 5 caused entries in the measurement books pertaining to the works under package 1 and package 2. He has stated during cross examination that DGO 4 verified the works under package 1 and package 2. He has stated during cross examination that after conducting spot inspection he prepared estimate and after obtaining technical sanction entrusted the works under package 1 and package 2 to the contractor. He admits during cross examination that it was his responsibility to verify the works at package 1 and package 2 to the extent of 25%. This portion of his evidence would show that as per his admission his liability is at 25%. Upon meticulous appreciation of his evidence I find nothing worthy to record finding that he is not responsible for the

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irregularities as noted in Ex P1 and as stated by PW 1 during evidence.

35. DGO 2 (DW 1) has stated during that on 20/07/2010 he assumed charge of his office and works under package 1 and package 2 were completed before he assumed charge. He has stated that during his tenure package 3 has been executed. According to him, package 3 included selected areas from 11.63 kilometer to 12 kilometer, from 12.5 kilometer to 13 kilo meter, from 13 kilo meter to 14 kilometer, from 14 kilometer to 15 kilometer, from 15 kilometer to 16 kilometer and from 16 kilometer to 16.20 kilometer. He has stated that before commencement of package 3 the road was found formed by applying jelly stones and that some areas were found worn out. He has stated that wherever pits were found those pits were closed using jelly and cement and thereafter tar was applied. He has stated that the first layer was of fifty milimeters in thickness and that superficial layer was of twenty milimeters in thickness. He has stated that subsequent works are carried out by DGO 4 and DGO 6. He has stated that quality control test has been conducted by the staff of quality control laboratory. He has stated that the contractor executed the work as per the guideline laid down by the Ministry of Highways and Transport, Government of India.
36. DGO 2 has further stated that thickness of the layer has to be assessed keeping in mind the yardstick of average measurement which procedure is not followed by PW 1 and that observations of PW 1 as observed in Ex P1 are not in accordance with the guidelines issued by the Ministry of Highways and Transport and that the above guidelines are

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followed during execution of work under package 3. He has stated that any difference as noted in the above guideline number 902.3 if found those differences will not amount to lapse. He has stated that investigation is conducted twenty months after the completion of work and therefore accurate measurement could not be obtained by PW 1 during investigation. He has stated that after the process of quality control test, measurements used to be recorded in the measurement book and thereafter the file will be placed before the Divisional Office and after scrutiny the file will be placed before accounts section and afterwards the file will be placed before the Executive Engineer and thereafter cheque will be issued to the contractor by the Treasury.


37. During cross examination DGO 2 has stated that DGO 6 caused entry in the measurement book and that at the time of execution of work under package 3 DGO 4 was working as Assistant Executive Engineer. This portion of his answer points out the responsibility of DGO 4 and DGO 6. He admits during cross examination that it is his duty to counter check the measurement noted in the measurement book and that it is equally his duty to verify the report of quality control division. He has produced Exs D1 and D2. Sheet number 2 of Ex D1 is the xerox copy of test report of bitumen content. Sheet number 1 of Ex D1 is the xerox copy of the covering letter of sheet number 2 of Ex D1. Sheet number 2 of Ex D1 is dated 07/02/2012. Sheet number 2 of Ex D2 is the xerox copy of test report of bitumen content. The same is dated 22/02/2012. Sheet number 1 of Ex D2 is the xerox copy of the covering letter of Ex D2. Originals of Ex D1 and Ex D2 are issued by the

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Assistant Executive Engineer, Public Works Department, Quality Control Sub-Division, Kalaburagi. It is noted in sheet number 2 of Ex D1 that actual bitumen content in the mix is 3.3% in sample 1 and 3.4% in sample 2. It is noted in sheet number 2 of Ex D2 that actual bitumen content in the mix in sample 1 and sample 2 is 4.4%. Ex D1 and Ex D2 are not confronted during cross examination of PW1. Nothing is attempted to be brought out during cross examination of PW 1 to hold that observations in Ex D1 and Ex D2 prevails over the evidence of PW1. Therefore, Ex D1 and Ex D2 will not lend assurance to the defence.

38. During evidence DGO4(DW4) has stated that during his tenure as Assistant Executive Engineer, Public Works Department, Bhalki Sub-Division, Bidar District from 30/09/2008 to 25/05/2011 package 1 and package 3 are completed and that earlier to 30/09/2008 90% of work under package 2 was completed. He has stated that he followed the directions of DGO 1 and DGO 2. He has stated that he has not noticed any lapses. He has stated that during investigation he was not summoned by PW 1 and subsequently also PW 1 has not called for his explanation. He has stated that after going through quality control report he placed the same before the Executive Engineer, Public Works Department along with the bill. He has stated that he has not committed any acts of misconduct.

39. During cross examination DGO 4 has stated that he was bound to verify the contents of measurement book to the extent of 100%. He has not stated during examination-in-chief that he has verified the measurement book which points out towards

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his misconduct. He has stated during cross examination that during execution of the work he was bound to verify whether works are under progress in conformity with the estimate. Nothing is deposed by him during his examination-in-chief that he verified the work during execution and therefore his failure to verify amounts to misconduct. He specifically has admitted during his cross examination that in case the work is not executed as specified in the estimate he will be liable and responsible. Upon perusal of these answers elicited during his cross examination it needs to be expressed that he is guilty of the alleged misconduct.

40. During evidence DGO 5 (DW 5) has stated that he was working as Junior Engineer attached to Public Works Department Sub-Division, Bhalki from 30/04/2005 to 09/11/2009. He has stated that work under package 1 was undertaken upto the stage of application of tar and entire work under package-2 is executed during his tenure. He has stated that work under package-3 was not executed during his tenure. He has stated that he prepared estimate in respect of package 1 and package 2 and placed the same before the then Assistant Executive Engineer by name Syed Basith. He has stated that at the time of commencement of work under package 1 and package 2 Syed Basith was working as Assistant Executive Engineer and upon the death of Syed Basith DGO 4 succeeded the office of Syed Basith. He has stated that he verified the works and entered in the measurement book. He has stated that his measurement has been verified by DGO 1, DGO 4 and Syed Basith. He has stated that he was present during investigation conducted by PW 1. He has stated that he would

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concur with the evidence of DGO 1 to DGO 4. His evidence that PW 1 has not conducted measurement and has not got dug up pits cannot be believed for the reason that evidence of PW 1 even during cross examination establishes that pits are dug up.

41. During cross examination DGO 5 has stated that he was duty bound to record measurement to the extent of 100%. He has stated during his cross examination that he was bound to verify the quantum of raw materials which are used during execution of work. Nothing is found in his evidence during examination-in-chief that he verified the quantity of raw materials and therefore, failure to verify is nothing but serious lapse. He has admitted during his cross examination that original mahazar at Ex P2 drawn by PW 1 has been attested by him and stated further that actual facts are noted in Ex P2. The above answers elicited during his cross examination would point out towards his alleged misconduct.
42. During evidence DGO 6 (DW 6) has stated that during his tenure as Assistant Engineer attached to the Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District 50% of work under package 1 and entire work under package 3 are executed. He has stated that he verified the work. He has stated that portion of package 1 verified by him is also verified by DGOs 1 and 4. He has stated that DGOs 2 and 4 have verified the work executed under package 3. He has stated that he was present during investigation conducted by PW 1. He has stated that PW 1 has not properly conducted measurement and that has not dug up required depth of pits. He has stated that PW 1 has not obtained his statement.

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43. During cross examination DGO 6 has admitted that it is his duty to see that prescribed quantity of raw materials are to be used and that the same has to be verified by him. Nothing is stated by him during his examination-in-chief that he has supervised the same. Failure on his part to supervise the same is the lapse on his part. He specifically admits during cross examination that his signature and signatures of others are obtained on the original mahazar at Ex P2. Ex P2 reflects the latches and irregularities. Evidence of DGO 6 does not point out that the work executed was in order.
44. It is in the evidence of PW 1 that DGO 1, DGO 2, DGOs 4 to 6 are responsible for the latches and irregularities noted in Ex P1. Outcome of investigation conducted by PW 1 finds place in paragraph number 7.01 to paragraph number 7.03 of Ex P1. Irregularities committed by DGOs 1 to 6 finds place in paragraph number 7.04 of Ex P1.
45. Deficiency in the work under package 1 is found in Ex P1(b), Ex P1(c) and Ex P1(d). Ex P9 and P10 would show that DGO 1, DGO 4 and DGO 5 are responsible for the irregularities committed under package 1. Exs P11 and P12 would show that DGO 1, DGO 4, DGO 5 and DGO 6 are responsible for the irregularities committed under package 1. Ex P1(e) shows that DGO 1, DGO 4, DGO 5 and DGO 6 have caused financial loss to the Government by way of misappropriation of Rs. 2,32,088/-, Rs. 3,48,134/-, Rs. 2,66,012/- and Rs. 82,122/- respectively.
46. Deficiency in the work under package 2 is found in Ex P1(f), P1(g) and P1(h). Ex P13, P14 and P15 would show that DGO 1, Syed Basith and DGO 5 are responsible for the irregularities

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committed under package 2. Ex P16 shows that DGO 1, Syed Basith, DGO 3, DGO 4 and DGO 5 are responsible for the irregularities committed under package 2. Ex P1(i) shows that DGO 1, Syed Basith and DGO 5 have caused financial loss to the Government by way of misappropriation of Rs. 7,25,516/-, Rs. 10,88,277/- and Rs. 10,88,277/- respectively.

47. Deficiency in the work under package 3 is found in Ex P1(j), Ex P1(k), Ex P1(l) and Ex P1(m). Ex P17, Ex P18 and Ex P19 would show that DGO 2, DGO 4 and DGO 6 are responsible for the irregularities committed under package 3. Ex P1(n) shows that DGO 2, DGO 4 and DGO 6 have caused financial loss to the Government by way of misappropriation of Rs. 3,43,811/-, Rs. 5,15,716/- and Rs. 5,15,716/- respectively.

48. On the basis of the yardstick laid down under Karnataka Public Works Accounts Code paragraph number 209 (d) and Public Works Department (D) Code Volume-II at paragraph number 301 PW 1 has assessed the financial loss caused by DGO 1 and DGO 2 at 25% each by way of misappropriation and financial loss caused by DGO 4, DGO 5 and DGO 6 at 37.50% each by way of misappropriation. As found in paragraph number 7.04 of Ex P1 financial loss caused to the Government by way of misappropriation by DGO 1, DGO 2, DGO 4, DGO 5, DGO 6 and deceased Syed Basith works out at Rs. 9,57,607/-, Rs. 3,43,811/-, Rs. 16,03,992/-, Rs. 13,54,288/-, Rs. 5,97,838/- and Rs. 3,48,134/- respectively. The said figure assessed by PW 1 is well founded and therefore acceptable.

49. In the presence of evidence as discussed above, I am not persuaded to accept the contentions put forwarded by DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 in the course of their

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common written statement. I am equally not persuaded to accept the contentions put forward in the course of written argument filed on behalf of DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6. For the foregoing reasons, I hold that DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.

50. Point number 2:- During cross examination PW 1 though has stated that he has not seen the file in connection with the bill he has stated during cross examination that bill amount is paid on the basis of the entries found in the measurement book. Ex P20 would show that measurement is recorded in bulk. There are no specifications touching the details of each and every portion of work executed. It is in the cross examination of PW 1 that bill will be placed before the Executive Engineer by the accounts section.

51. During evidence DGO 3 (DW 3) has stated that after verification the file used to be placed before the accounts section. He has stated that he verified the measurement book enclosed to the bill and also verified the report of quality control division. He has stated that the file was verified by the technical section. He has stated that after verification of the measurement book he recommended for payment of bill amount. He has stated during evidence that he has verified the bills pertaining to package 1 and package 2. He has stated that he was not concerned with package 3. The said portion of his evidence that he was not concerned with package 3 is acceptable for the reason that his tenure was from 31/08/2011 to 24/03/2020. He has not stated that entries found in the

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measurement book were in order. During cross examination at one stretch he has stated that it is not his duty to verify the entries found in the measurement book and at another stretch he has stated that it is his duty to verify the entries in the measurement book. Though it is brought out during re-examination that after certification by the technical section he used to proceed further nothing is stated by him that he verified the entries in the measurement book with reference to the estimate. Upon perusal of his evidence it cannot be expressed that he meticulously verified the measurement book touching package 1 and package 2. His endorsement that he verified the measurement book is not found in Ex P20. He has not stated that he endorsed the correctness of Ex P20. For these reasons it needs to be expressed that he has not verified the measurement book touching package 1 and package 2. Upon appreciation of his evidence I am not persuaded to accept the defence put forward by him in the course of his written statement. I am equally not persuaded to accept the contentions put forward in the course of common written argument filed on behalf of DGOs 1 to 6. Upon meticulous appreciation of the evidence on record I hold that DGO 3 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.

52. For the foregoing reasons, I proceed with the following:

REPORT

It stands established the civil work of improvement of road of the length of 16.20 kilo meters in between Halabarga Village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway-105 passing through Siddeshwara Cross executed in

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three packages during the years 2007 and 2012 is of substandard which resulted in financial loss by way of misappropriation of a total sum of Rs. 52,05,669/- (Rupees fifty two lakhs five thousand six hundred and sixty nine) for which DGO 1 who was working as Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar from 07/06/2006 to 20/07/2010 is liable to the extent of a sum of Rs. 9,57,607/- (Rupees Nine lakhs fifty seven thousand six hundred and seven), DGO 2 who was working as Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar from 20/07/2010 to 07/12/2011 is liable to the extent of a sum of Rs. 3,43,811/- (Rupees three lakhs forty three thousand eight hundred and eleven), DGO 4 who was working as Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki, Bidar District from 30/09/2008 to 25/05/2011 is liable to the extent of a sum of Rs. 16,03,992/- (Rupees sixteen lakhs three thousand nine hundred and ninety two), DGO 5 who was working as Junior Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District from 30/04/2005 to 09/11/2009 is liable to the extent of Rs. 13,54,288/- (Rupees Thirteen lakhs fifty four thousand two hundred and eighty eight) , DGO 6 who was working as Assistant Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District from 05/10/2009 to 14/07/2011 is liable to the extent of a sum of Rs. 5,97,838/- (Rupees Five lakhs ninety seven thousand eight hundred and thirty eight), deceased Syed Basith who was discharging duties as Assistant Engineer, Department

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of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bhalki, Bidar District is liable to the extent of a sum of Rs. 3,48,134/- (Rupees Three lakhs forty eight thousand one hundred and thirty four) and thereby DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. The said charge against DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 is proved.

It stands established that the deceased Syed Basith who was working as Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District the predecessor in office of DGO 4 has caused financial loss to the Government by way of misappropriation of Rs. 3,48,134/-. (Rupees Three lakhs forty eight thousand one hundred and thirty four.) Since Syed Basith is dead no recommendation against him under section 12(3) of The Karnataka Lokayukta Act, 1984 is recommended.

It stands established that during the tenure of DGO 3 as Accounts Superintendent from 31/08/2001 to 24/03/2010 in the office of the Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bidar knowing fully well that entries in the measurement book maintained in respect of package 1 and package 2 touching the execution of improvement of road of the length of 16.20 kilo meters in between Halabarga Village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway-105 passing through Siddeshwara Cross executed in three packages during the years 2007 and 2012 are not in order approved the bills pertaining to the works executed under package 1 and package 2 and

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recommended for payment of a sum of Rs. 9,28,356/- under package 1, recommended for payment of a sum of Rs. 29,02,070/- under package 2 and thereby DGO 3 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. The said charge against DGO 3 is proved.

DGO 1 is due for retirement on superannuation on 03/10/2021.

DGO 2 retired on superannuation on 31/03/2018.

DGO 3 retired on superannuation on 31/07/2017.

DGO 4 retired on superannuation on 31/08/2016.

DGO 5 is due for retirement on superannuation on 30/05/2027.

DGO 6 is due for retirement on superannuation on 30/04/2027.

Submit this report to the Hon'ble Upalokayukta-1, Karnataka in a sealed cover forthwith along with the connected records.


(V.G. BOPAI AH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

List of witness examined on behalf of the Disciplinary Authority

PW 1:- Sri. K.Subramanya Karanth.

List of witness examined on behalf of DGOs 1 to 6


- DW1:- Sri. Gurgunti Shivashankarappa.
DW2:- Sri. Mandoli Manohar Shankreppa.
DW3:- Sri. Suryawanshi.K.S.
DW4:- Sri. Ammanna Shankar.
DW5:- Sri. Rajendra Goranale.
DW6:- Sri. Sunil Chillaragi.

List of documents marked on behalf of Disciplinary Authority:-


- Ex P 1 Original report dated 05/02/2013 in sixteen sheets.
- Ex P1(a) Signature found on sheet number 16 of Ex P1.
- Ex P1(b) Original Annexure-2 in a single sheet enclosed to Ex P1.
- Ex P1(c) Original Annexure-3 in a single sheet enclosed to Ex P1.
- Ex P1(d) Original Annexure-4 in a single sheet enclosed to Ex P1.
- Ex P1(e) Original Annexure-5 in a single sheet enclosed to Ex P1.
- Ex P1(f) Original Annexure-6 in a single sheet enclosed to Ex P1.
- Ex P1(g) Original Annexure-7 enclosed to Ex P1.
- Ex P1(h) Original Annexure-8 in a single sheet enclosed Ex P1.

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Ex P1(i)	Original Annexure-9 in a single sheet enclosed to Ex P1.
Ex P1(j)	Original Annexure-10 in a single sheet enclosed to Ex P1.
Ex P1(k)	Original Annexure-11 in a single sheet enclosed to Ex P1.
Ex P1(l)	Original Annexure-12 in a single sheet enclosed to Ex P1.
Ex P1(m)	Original Annexure-13 in a single sheet enclosed to Ex P1.
Ex P1(n)	Original Annexure-14 in a single sheet enclosed to Ex P1.
Ex P1(o)	Original Annexure-15 in a single sheet enclosed to Ex P1.
Ex P2	Original mahazar dated 06/11/2012 in four sheets drawn by PW 1.
Ex P2(a)	Signature of PW 1 found on sheet number 4 of Ex P2.
Ex P3	Original compact disc.
Ex P4	Xerox copy of the letter dated 27/12/2007 in a single sheet of the Executive Engineer, Quality Control Division, Bengaluru addressed to the Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, Bengaluru.
Ex P5	Xerox copy of the report in a single sheet enclosed to Ex P4.
Ex P6	Xerox copy of quality control guideline in six sheets.

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- Ex P7 Xerox copy of the letter dated 18/01/2013 in a single sheet of the Superintending Engineer, Department of Public Works, Port and Inland Water Transport, N.H.Circle, Dharawada Addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport Sub-Division, Bhalki, Bidar District.
- Ex P8 Original certificated dated nil in a single sheet of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.
- Ex P9 Original certificate of the nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4 and DGO 5 in respect of the work executed under package-1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.
- Ex P10 Original certificate of the nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4 and DGO 5 in respect of the work executed under package 1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.
- Ex P11 Original certificate of the nomenclature INCUMBANCY in a single sheet touching the responsibility of DGO 1, DGO 4, DGO 5 and DGO 6 in respect of the work executed under package 1 issued by the

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Assistant Executive Engineer,
Department of Public Works, Port and
Inland Water Transport, Bhalki Sub-
Division, Bidar District.

Ex P12

Original certificate in a single sheet touching the responsibility of DGO 1, DGO 3, DGO 4, DGO 5 and DGO 6 in respect of the work executed under package 1 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P13

Original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 1, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P14

Original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 1, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P15

Original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 1, DGO 4, DGO 5 and Syed Basith in respect of the work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and

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Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P16

Original certificate in a single sheet touching the responsibility of DGO 1, DGO 3, DGO 4, DGO 5 and Syed Basith in respect of work executed under package 2 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P17

Original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P18

Original certificate in a single sheet of the nomenclature INCUMBANCY touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

Ex P19


Original certificate in a single sheet touching the responsibility of DGO 2, DGO 4 and DGO 6 in respect of the work executed under package 3 issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

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- Ex P20 Attested copy of the measurement book consisting of twenty four sheets touching the work executed under package 1.
- Ex P21 Attested copy of the measurement book consisting of nine sheets.

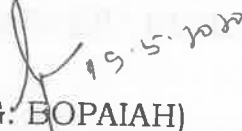
List of documents marked on behalf of Delinquent Government Officials 1 to 6:-

- Ex D1 Attested copy of the letter dated 25/03/2011 with enclosure in two sheets of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.
- Ex D2 Attested copy of the letter dated 26/03/2011 with a enclosure in two sheets of the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Quality Control Sub-Division, Kalaburagi addressed to the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Bhalki Sub-Division, Bidar District.

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Ex D3

Attested copy of a certificate of the nomenclature TEST REPORT OF BITUMIN CONTENT in a single sheet issued by the Assistant Executive Engineer, Department of Public Works, Port and Inland Water Transport, Kalaburagi.



(V.G. BOPAIAH)
Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/462/2015/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **21/05/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Manohar Mandoli, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar;
- 2) Sri Gurgunte Shivashankarappa, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar;
- 3) Sri Suryawanshi, the then Accounts Superintendent, Office of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar;
- 4) Sri Ammanna Shankar, the then Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District;
- 5) Sri Rajendra Gornale, the then Junior Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District;
- 6) Sri Sunil Chillargi, the then Assistant Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District - Reg.

Ref:- 1) Govt. Order No.ಬೋಇ 328 ಸೇಇಎ 2015, Bengaluru dated 9/9/2015.

2) Nomination order No.UPLOK-1/DE/462/2015, Bengaluru dated 24/9/2015 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 19/05/2020 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its order dated 9/9/2015 initiated the disciplinary proceedings against (1) Sri Manohar Mandoli, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; (2) Sri Gurgunte Shivashankarappa, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; (3) Sri Suryawanshi, the then Accounts Superintendent, Office of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; (4) Sri Ammanna Shankar, the then Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District; (5) Sri Rajendra Gornale, the then Junior Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District; and (6) Sri Sunil Chillargi, the then Assistant Engineer, Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki, Bidar District (hereinafter referred to as Delinquent Government Officials 1 to 6, for short as DGO-1, DGO-2, DGO-3, DGO-4, DGO-5 and DGO-6 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/462/2015 Bengaluru dated 24/9/2015 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 6 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Manohar Mandoli, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; DGO-2 Sri Gurgunte Shivashankarappa, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; DGO-3 Sri Suryawanshi, the then Accounts Superintendent, Office of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar; DGO-4 Sri Ammanna Shankar, the then Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District; DGO-5 Sri Rajendra Gornale, the then Junior Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District; and DGO-6 Sri Sunil Chillargi, the then Assistant Engineer, Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki, Bidar District were tried for the following charge:-

“ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ 2007 ರಿಂದ 2012 ರ ಮಧ್ಯದ ಅವಧಿಯಲ್ಲಿ ಬೀದರ್ ಜಿಲ್ಲೆಯ ಭಾಲ್ಕಿ ತಾಲ್ಲೂಕಿನಲ್ಲಿರುವ ಹಲಬರ್ಗಾ ಗ್ರಾಮದಿಂದ ಸಿದ್ದೇಶ್ವರ ಕ್ರಾಸ್ (ಜೋಳದ ಬಕಕ್ರಾಸ್) ವರೆಗಿನ ರಸ್ತೆ ಎನ್.ಹೆಚ್-105 ರ 16 ಕಿಲೋಮೀಟರ್ ಕಾಮಗಾರಿಗಾಗಿ ಮೂರು ಪ್ಯಾಕೇಜ್‌ಗಳಲ್ಲಿ ಕೈಗೊಂಡಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು 2012ನೇ ಸಾಲಿನಲ್ಲಿ ಅದನ್ನು ಗಮನಿಸಿದಾಗ, ಸಂಪೂರ್ಣ ರಸ್ತೆಯು ಕಿತ್ತುಹೋಗಿದ್ದು, ತಗ್ಗುಗುಂಡಿಯು ನಿರ್ಮಾಣವಾಗಿದ್ದು, ಆ ಬಗ್ಗೆ ಲೋಕಾಯುಕ್ತರ ತಾಂತ್ರಿಕ ವಿಭಾಗದಿಂದ ತನಿಖೆ ಮಾಡಿಸಿದಾಗ ರಸ್ತೆ ಕಾಮಗಾರಿಗೆ ಬಳಸಲಾದ ಬಿಟುಮಿನ್ ಅಗತ್ಯಕ್ಕಿಂತ ಕಡಿಮೆ ಪ್ರಮಾಣದಲ್ಲಿ ಬಳಸಿದ್ದು, ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಅಳತೆಗಳನ್ನು ಸರಿಯಾಗಿ ನಮೂದಿಸದೇ ರಸ್ತೆಯನ್ನು ಕಳಪೆ ಗುಣಮಟ್ಟದಿಂದ ನಿರ್ಮಿಸಿ, 1ನೇ ಆ.ಸ.ನೌಕರ ರೂ. 9,57,607/-, 2ನೇ ಆ.ಸ.ನೌಕರ ರೂ.3,43,811/-, 4ನೇ ಆ.ಸ.ನೌಕರ ರೂ.16,03,992/-, 5ನೇ ಆ.ಸ.ನೌಕರ ರೂ.13,54,288/- ಹಾಗೂ 6ನೇ ಆ.ಸ.ನೌಕರ ರೂ.5,97,838/- ಹಾಗೂ ಮೃತ ಆ.ಸ.ನೌಕರ ರೂ.3,48,134/- ಹೀಗೆ ಒಟ್ಟಾರೆ ರೂ.52,05,669/- ಆರ್ಥಿಕ ನಷ್ಟವುಂಟುಮಾಡಿದ್ದಲ್ಲದೇ 3ನೇ ಆ.ಸ.ನೌಕರ ಮೇಲಿನ ಎಲ್ಲಾ ನ್ಯೂನತೆಗಳು ಎಂ.ಬಿ.ಪುಸ್ತಕ

ದಲ್ಲಿದ್ದರೂ ಕೂಡ ಅದನ್ನು ಕಡೆಗಣಿಸಿ ಬಿಲ್ಲಿನ ಹಣವನ್ನು ಮಂಜೂರಾತಿಗಾಗಿ ಅನುಮೋದಿಸಿ, ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರಪಲ್ಲದ ರೀತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿಗಳು ನಿಯಮ 3(1) (i)ರಿಂದ (iii)ರಂತೆ ದುರ್ನಡತೆ ಎಸಗಿರುವಿರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that;

(i) It stands established the civil work of improvement of road of the length of 16.20 kilo meters in between Halabarga village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway 105 passing through Siddeshwara Cross executed in three packages during the years 2007 and 2012 is of substandard which resulted in financial loss by way of misappropriation of a total sum of Rs.52,05,669/- (Rupees fifty two lakhs five thousand six hundred sixty nine) for which DGO-1 who was working as Executive Engineer, Department of Public Works, Ports and Inland Water Transport, Bidar from 07/06/2006 to 20/07/2010 is liable to the extent of a sum of Rs.9,57,607/- (Rupees Nine Lakhs fifty seven thousand six hundred and seven), DGO-2 who was working as Executive Engineer, Department of Public 20/07/2010 to 07/12/2011 is liable to the extent of a sum of Rs.3,43,811/- (Rupees three Lakhs forty three thousand eight hundred and eleven), DGO-4 who was working as Assistant Executive Engineer, Department of Public Works, Ports and Inland Water Transport, Bhalki, Bidar District from 30/09/2008 to 25/05/2011 is liable to the extent of a sum of Rs.16,03,992/- (Rupees Sixteen Lakhs three thousand nine hundred and ninety two), DGO-5 who was working as Junior Engineer, Department of

Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki Bidar District from 30/04/2005 to 09/11/2009 is liable to the extent of a sum of Rs.13,54,288/- (Rupees Thirteen Lakhs fifty four thousand two hundred and eighty eight), DGO-6 who was working as Assistant Engineer, Department of Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki, Bidar from 05/10/2009 to 14/07/2011 is liable to the extent of a sum of Rs.5,97,838/- (Rupees Five Lakhs ninety seven thousand eight hundred and thirty eight), deceased Syed Basith, who was discharging duties as Assistant Engineer, Department of Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki, Bidar District is liable to the extent of a sum of Rs.3,48,134/- (Rupees Three Lakhs forty eight thousand one hundred and thirty four) and thereby DGO-1, DGO 2, DGO 4, DGO 5 and DGO 7 are guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966. The said charge against DGO 1, DGO 2, DGO 4, DGO 5 and DGO 6 is proved.

(ii) It stands established that the deceased Syed Basith who was working as Assistant Executive Engineer, Department of Public works, Ports and Inland Water Transport, Bhalki Sub Division, Bidar District the predecessor in office of DGO-4 has caused financial loss to the Government by way of misappropriation of Rs.3,48,134/- (Rupees Three Lakhs forty eight thousand one hundred and thirty four). Since, Syed Basith is dead no recommendation against him under Section 12(3) of the Karnataka Lokayukta Act, 1984 is recommended.

(iii) It stands established that during the tenure of DGO 3 as Accounts Superintendent from 31/08/2001 to 24/03/2010 in the office of the Executive Engineer, Department of Public Works, Ports and Inland Water Transport, Bidar, knowing fully well that the entries in the measurement book maintained in respect of package 1 and package 2 touching execution of improvement of road of the length of 16/20 kilo meters in between Halabarga Village, Bhalki Taluk, Bidar District and Humanabad-Bidar National Highway - 105 passing through Siddeshwara Cross executed in three packages during the years 2007 and 2012 are not in order, approved the bills pertaining to the works executed under package 1 and package 2 and recommended for payment of a sum of Rs.9,28,356/- under package 1, recommended for payment of a sum of Rs.29,02,070/- under package 2 and thereby DGO 3 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966. The said charge against DGO 3 is proved.

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

6. As per the First Oral Statements submitted by DGOs 1 to 6;

(i) DGO-1 Sri Manohar Mandoli is due to retire from service on 31/10/2021;

(ii) DGO-2 Sri Gurgunte Shivashankarappa has retired from service on 31/3/2018 (during the pendency of inquiry);

(iii) DGO-3 Sri Suryawanshi, has retired from service on 31/7/2017 (during the pendency of inquiry);

- (iv) DGO-4 Sri Ammanna Shankar has retired from service on 31/8/2016 (during the pendency of inquiry);
- (v) DGO-5 Sri Rajendra Gornale is due to retire from service on 31/5/2027; and
- (vi) DGO-6 Sri Sunil Chillargi is due to retire from service on 30/4/2027.

7. Having regard to the nature of charge proved against DGO-1 Sri Manohar Mandoli; DGO-2 Sri Gurgunte Shivashankarappa; DGO-3 Sri Suryawanshi; DGO-4 Sri Ammanna Shankar; DGO-5 Sri Rajendra Gornale and DGO-6 Sri Sunil Chillargi;

(i) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.9,57,607/- from the salary and allowances payable to DGO-1 Sri Manohar Mandoli, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar. If the salary and allowances are not sufficient to recover the entire amount, the balance shall be recovered from the pensionary benefits payable to DGO-1 Sri Manohar Mandoli;

(ii) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.3,43,811/- from the pension payable to DGO-2 Sri Gurgunte Shivashankarappa, the then Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar;

(iii)it is hereby recommended to Government for imposing penalty of withholding 10% of pension payable to DGO-3 Sri Suryawanshi, the then Accounts Superintendent, Office of the Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bidar Division, Bidar for a period of 10 years;

(iv)it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.16,03,992/-from the pension payable to DGO-4 Sri Ammanna Shankar, the then Assistant Executive Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District;


(v) it is hereby recommended to Government for imposing penalty of recovering a sum of Rs.13,54,288/- from the salary and allowances payable to DGO-5 Sri Rajendra Gornale, the then Junior Engineer, Public Works, Ports and Inland Water Transport Department, Bhalki Sub Division, Bidar District. If the salary and allowances are not sufficient to recover the entire amount, the balance shall be recovered from the pensionary benefits payable to DGO-5 Sri Rajendra Gornale;

(vi)it is hereby recommended to Government for imposing penalty of recovering a sum of

Rs.5,97,838/- from the salary and allowances payable to DGO-6 Sri Sunil Chillargi, the then Assistant Engineer, Public Works, Ports and Inland Water Transport, Bhalki Sub Division, Bhalki, Bidar District. If the salary and allowances are not sufficient to recover the entire amount, the balance shall be recovered from the pensionary benefits payable to DGO-6 Sri Sunil Chillargi.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 21/5
Upalokayukta-1,
State of Karnataka,
Bengaluru

