

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/548/2017/ARE-12

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: **18/05/2020**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Prabhu.K, Panchayath Development Officer, Saidapur Gram Panchayath, Yadagir Taluk and District;
- 2) Sri Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadagir.

Ref:-1) Government Order No. ಗ್ರಾಅಪ 34 ಇಎನ್‌ಕೂ್ಯ 2017 Bengaluru dated 11/04/2017.

2) Nomination order No.UPLOK-1/DE/548/2017 Bengaluru dated 17/04/2017 of Upalokayukta-1, State of Karnataka, Bengaluru.

3) Inquiry Report dated 15/05/2020 of Additional Registrar of Enquiries-12, Karnataka Lokayukta, Bengaluru

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The Government by its Order dated 11/04/2017 initiated the disciplinary proceedings against (1) Sri Prabhu K, Panchayath Development Officer, Saidapur Gram Panchayath, Yadagir Taluk and District and (2) Sri Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadagir (hereinafter referred to as Delinquent Government Officials 1 and 2, for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/548/2017 dated 17/04/2017 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them. Subsequently by order No. UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-12 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGOs 1 and 2.

3. The DGO-1 Sri Prabhu K, Panchayath Development Officer, Saidapur Gram Panchayath, Yadagir District and DGO-2 Sri Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadagir were tried for the following charge:-

“You the DGO No.1 while working as Panchayath Development Officer of Saidapur Grama Panchayath and you DGO No.2, while working as Junior Engineer PRE Sub Division, Yadgir, have committed irregularities in executing the work of construction of cement concrete drains, from the House of Basavaraj Kaipalle, upto the house of Ananthamma at Saidapura village, undertaken under 13<sup>th</sup> Finance Commission Scheme during the year 2014-15 and the records, documents maintained in respect of this work discloses various discrepancies, manipulations and irregularities, the details of which are

- As per the joint report dated 22.10.2015 submitted by you DGOs Nos. 1 and 2 to the Executive Officer, Taluk Panchayath, Yadgir in respect of the said work, the said work was executed as per the approved estimate at the total cost of Rs.60,000/- . Technical approval was accorded vide No.26 dtd. 13.07.2014. The date of mark out is mentioned as 17.07.2014 and the date of completion of the work

is mentioned as 29.09.2014. It is also stated that an amount of Rs.55,410/- has been paid to the Contractor Shri.Saibanna S/o Hanumanth Guttedar on 07.10.2014.

- In the technical approval certificate issued by the Assistant Executive Engineer and the endorsement found on the copy of approved estimate, the date of technical approval as mentioned earlier was given on 03.08.2014 which is found to be scored off and written as 13.08.2014. There is no document to show that administrative/technical approval was given on 13.07.2014. The work is stated to have been commenced/mark out on 17.07.2014 before the date of technical approval i.e., dated 13.08.2014.
- The date of recording of measurement is shown as 29.09.2014 in the M.B. Book and contract certificate. The M.B. Book produced does not show the date of commencement of work and completion of the work.
- You are claiming during investigation by TAC that, the old CC drain was closed and one side wall of the CC drain was utilized for construction of new drain and additional drainage is constructed upto 42 Mtrs. The said measurements are not found in the approved estimate or not mentioned in the measurement book.
- You DGOs no.1 and 2 are the officers who have prepared the estimate and submitted for approval. In the estimate, there is no mention about existence

of drainage and nothing is stated in the estimate about using one side wall of the existing drainage.

- Measurements recorded in the M.B. Book are not in accordance with the approved estimate/specification. The length, depth and breadth of the works at item No.1 to 3 of approved estimate differs from the measurements mentioned in the M.B. Book.
- Measurements are shown to be recorded in the M.B. Book at a stretch on 29.09.2014. No periodical measurement of work at various stages of its execution are shown to have been recorded. You have failed to maintain regular supervision of the alleged work, thereby showed negligent attitude in property supervising the execution of the said work.

The above discrepancies noticed in the records and documents maintained in respect of the said work and irregularities committed in executing the said work, are sufficient to hold that, you DGOs no.1 and 2 have not executed the work properly and failed to properly supervise the work, thus committed irregularities and showed negligence in discharging your public duties, thereby acted in a manner unbecoming of a Government servant and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-12) on appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against the

DGO-1 Sri Prabhu.K, Panchayath Development Officer, Saidapur Gram Panchayath, Yadagir Taluk and District and DGO-2 Sri Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadagir.

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

6. As per the First Oral Statement submitted by DGOs 1 and 2;
- i. DGO-1 Sri Prabhu.K is due to retire from service on 31/12/2041.
  - ii. DGO-2 Sri Shivakumar is due to retire from service on 31/05/2028.

7. Having regard to the nature of charge proved against DGO-1 Sri Prabhu.K and DGO-2 Sri Shivakumar;


i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri Prabhu.K, Panchayath Development Officer, Saidapur Gram Panchayath, Yadagir Taluk and District with cumulative effect and also for deferring the promotion of DGO-1 Sri Prabhu K by four years, whenever he becomes due for promotion.

ii) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-2 Sri Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-

Division, Yadagir with cumulative effect and also for deferring the promotion of DGO-2 Sri Shivakumar by four years, whenever he becomes due for promotion.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 18/5  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru

**r KARNATAKA - LOKAYUKTA**

No. UPLOK-1/DE-548/2017/ARE-12

M.S. Building  
Dr. B.R. Ambedkar Road  
Bengaluru-560 001  
Date: 15.05.2020**ENQUIRY REPORT**

**PRESENT** : SRI D. PUTTASWAMY  
ADDITIONAL REGISTRAR (ENQUIRIES)-12  
M.S. BUILDING  
KARNATAKA LOKAYUKTA  
BENGALURU - 560 001.

**Subject :** Departmental Inquiry against :

1. Sri. Prabhu K., Panchayath Development Officer, Saidapur Grama Panchayath, Yadgir District.
2. Sri. Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadgir District-reg.,

- References:**
1. Report u/S 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/GLB/3246/2015/DRE-3 dt.14.03.2017
  2. Government Order No. ಗ್ರಾಅಪ 34 ಇಎನ್‌ಕಯ್ಯ 2017 Bengaluru dated: 11.04.2017
  3. Nomination Order No. Uplok-1/DE/548/2017 Bengaluru dt.17.04.2017 of Hon'ble Upalokayukta-1
  4. Order No. Uplok-1&2/DE/Transfers/2018 Bengaluru dated 6.8.2018.

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1. This complaint is filed by the complainant Sri. Nagendrappa S/o Basavaraj Tarakari, 2/41, Near Jamiya Masjid, Station Road, Saidapur, Yadgir District

(hereinafter referred to as 'complainant' for short) against (1) Sri. Prabhu K, Panchayath Development Officer, Saidapura Grama Panchayath, Yadgir District and (2) Sri. Shivakumar, Junior Engineer, PRE Sub-Division, Yadgir District (hereinafter referred to as Delinquent Government Officials in short DGOs 1 and 2 respectively for short), alleging misconduct.

2. The complaint was referred to the Chief Engineer, Technical Audit Cell for investigation. The I.O. Sri. C.P. Venkatesh, Assistant Executive Engineer-4 has conducted spot inspection on 14.10.2015 and has submitted report dated 14.12.2015 stating that the allegations are not substantiated.

3. On the basis of the complaint, comments were called from the DGOs 1 and 2. The DGOs have submitted the comments denying the complaint allegations. Hence, a report was sent to the Government u/S 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No. 1. In pursuance of the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upa-lokayukta to hold an enquiry against the DGOs as per reference No. 2.

4. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta on



17.04.2017 authorizing ARE-3 to frame Articles of Charge against the DGOs and to hold an enquiry to find out truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Articles of Charge against the DGOs were framed by the then Additional Registrar (Enquiries-3) and was sent to the Delinquent Government Officials on 02.08.2017. In view of the order cited at reference No. 4, this file was transferred from ARE-3 to ARE-12.

5. The articles of charge and the statement of imputations of misconduct prepared and leveled against the DGOs are reproduced as here under :-

**ANNEXURE-I**  
**CHARGE**

You the DGO No.1 while working as Panchayath Development Officer of Saidapur Grama Panchayath and you DGO no.2 while working as Junior Engineer PRE-Sub Division, Yadgir, have committed irregularities in executing the work of construction of cement concrete drain, from the House of Basavaraja Kaipalle, upto the house of Ananthamma at Saidapura village, undertaken under 13<sup>th</sup> Finance Commission Scheme during the year 2014-15 and the records, documents maintained in respect of this work discloses various discrepancies, manipulations and irregularities, the details of which are

- As per the joint report dated 22.10.2015 submitted by you DGOs no.1 and 2 to the Executive Officer, Taluk Panchayath, Yadgir in respect of the said work, the said work was executed as per the approved estimate at the total cost of Rs.60,000/-. Technical approval was accorded vide No.26 dtd.13.07.2014. The date of mark out is mentioned as 17.07.2014 and the date of completion of the work is mentioned as 29.09.2014. It is also stated that an amount of Rs.55,410/- has been paid to the Contractor Shri. Saibanna S/o Hanumanth Guttedar on 07.10.2014.
- In the technical approval certificate issued by the Assistant Executive Engineer & the endorsement found on the copy of approved estimate, the date of technical approval as mentioned earlier was given on 03.08.2014 which is found to be scored off and written as 13.08.2014. There is no document to show that administrative/technical approval was given on 13.07.2014. The work is stated to have been commenced/mark out on 17.07.2014 before the date of technical approval i.e., dated 13.08.2014.
- The date of recording of measurement is shown as 29.09.2014 in the M.B. Book and contract

certificate. The M.B. Book produced does not show the date of commencement of work and completion of the work.

- You are claiming during investigation by TAC that, the old CC drain was closed and one side wall of the CC drain was utilized for construction of new drain and additional drainage is constructed upto 42 Mtrs. The said measurements are not found in the approved estimate or not mentioned in the measurement book.
- You DGOs no.1 and 2 are the officers who have prepared the estimate and submitted for approval. In the estimate, there is no mention about existence of drainage and nothing is stated in the estimate about using one side wall of the existing drainage.
- Measurements recorded in the M.B. Book are not in accordance with the approved estimate/specification. The length, depth and breadth of the works at item No.1 to 3 of approved estimate differs from the measurements mentioned in the M.B. Book.
- Measurements are shown to be recorded in the M.B. Book at a stretch on 29.09.2014. No periodical measurement of work at various stages of its execution are shown to have been

recorded. You have failed to maintain regular supervision of the alleged work, thereby showed negligent attitude in properly supervising the execution of the said work.

The above discrepancies noticed in the records and documents maintained in respect of the said work and irregularities committed in executing the said work, are sufficient to hold that, you DGOs no.1 and 2 have not executed the work properly and failed to properly supervise the work, thus committed irregularities and showed negligence in discharging your public duties, thereby acted in a manner unbecoming of a Government servant and failed to maintain absolute integrity, exhibited negligence and lack of devotion to duty and committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

**ANNEXURE-II**  
**STATEMENT OF IMPUTATION OF MISCONDUCT:**

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri. Nagendrappa S/o Basavaraj Tarakari, 2/41, Near Jamiya Masjid, Station Road Saidapur, Yadagir District (hereinafter referred to as 'complainant' for short) against (1) Shri. Prabhu .K. Panchayath Development Officer, Saidapura Grama Panchayath, Yadagir District & (2) Shri. Shivakumar,

Junior Engineer, PRE Sub-Division, Yadagir District (hereinafter referred to as 'DGOs 1 & 2 respectively' for short).

2. The complaint allegations are that the construction of CC drainage from the house of Basavaraj Kaipalle upto the house of Ananthamma (Work I.D. No.734641) taken up at Saidapura village undertaken in the year 2014-15 under 13<sup>th</sup> finance scheme is incomplete. In spite of it, bills have been raised by creating bogus documents. Further it is alleged that the previous drainage work executed 2 years back is shown and bills have been raised. Hence has prayed to take action against the DGO.

4. The DGO no. 1 and 2 have submitted their comments dated 25.02.2016 and 16.02.2017 respectively by denying the complaint allegations.

5. On perusal of the entire materials on record, the following discrepancies in execution of the alleged work are made out;

- The Executive Officer, Taluk Panchayath, Yadagir has produced joint report of both the DGOs dated 22.10.2015 submitted to him with respect to the alleged work. In the report it is stated that the alleged work is executed as per the approved estimate

at the total cost of Rs.60,000/-. Technical approval is accorded vide No.26 dtd.13.07.2014. The date of mark out is mentioned as 17.07.2014 and the date of completion of the work is mentioned as 29.09.2014. It is also stated that an amount of Rs.55,410/- is paid to the contractor Sri. Saibanna S/o Hanumanth Guttedar on 07.10.2014.

- In the technical approval certificate of Assistant Executive Engineer and the endorsement found on the copy of the approved estimate, the date of technical approval is mentioned to be 03.08.2014 which is scored off and written as 13.08.2014. There is no document to show that administrative/technical approval was given on 13.07.2014. The work is stated to be commenced/mark out on 17.07.2014 before the date of technical approval i.e., dated 13.08.2014.
- The date of recording of measurement is shown as 29.09.2014 in the M.B. Book and contract certificate. The M.B. Book produced does not show the date of commencement of work and completion of the work.
- In the Technical Audit Cell Report, it is mentioned that the old CC drain was closed and one side wall of the CC drain was utilized for construction of new drain and additional drainage is constructed upto 42 Mtrs. The said measurements are not found in the approved estimate or in the measurement book.

- The DGOs are the officers who have prepared the estimate and submitted for approval. In the estimate, there is no mention of existing drainage in the centre of the road and nothing is stated about using one side wall of the existing drainage.
- Measurements recorded in the M.B. Book are not in accordance with the approved estimate/specification. The length, depth and breadth of the works at item No.1 to 3 of approved estimate differs from the measurements mentioned in the M.B Book.
- Measurements are shown to be recorded in the M.B. Book at a stretch on 29.09.2014 No periodical measurement of work at various stages of its execution is shown to be recorded. Therefore, no regular supervision of the alleged work by the DGOs can be inferred.

6. In view of the above discrepancies in execution of the alleged work, the comments of DGOs 1 and 2 and the report of Technical Audit Cell cannot be relied upon. There are prima-facie materials to indict the DGOs for the above said misconduct. Hence, the DGOs have failed to maintain absolute integrity, devotion to duty and have acted in a manner which is unbecoming of a Government Servant for which they have made themselves liable for departmental action.

7. Accordingly, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the DGOs 1 and 2 i.e., Shri. Prabhu.K, Panchayath Development Officer, Saidapura Grama panchayath, Yadagir District & Shri. Shivakumar, Junior Engineer, PRE Sub-Division, Yadagir District and entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

8. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO and to submit report. Hence the charge.

6. The aforesaid articles of charge were served upon the DGOs on 06.09.2017 and 25.10.2017. DGOs appeared before this enquiry authority and their first oral statements under Rule 11(9) of KCS (CCA) Rules, 1957 were recorded. The DGOs pleaded not guilty and claimed to be enquired about the charge. DGOs have filed their written statement of defence.

7. DGOs 1 and 2 in their written statement of defence have contended that they have carried out the drainage



work at an estimated cost of Rs.60,000/-. Upon the completion of work, amount has been paid to the Contractor. AEE of this Institution verified the work and submitted his report to the Executive Engineer stating that allegations have not been proved by the complainant and the Executive Engineer accepted the report. Therefore, DGOs have prayed to drop them from the Charges.

8. In this enquiry, to prove the charge against the DGOs, the Presenting Officer has examined Sri. Nagendra (Complainant) as PW-1 and got marked, in all, 7 documents as Ex.P-1 to Ex.P-7 on behalf of Disciplinary Authority. Ex.P.8 is got marked by confronting it to PW-1 during his cross-examination. After the closure of evidence of Disciplinary Authority, Second Oral Statements of DGOs U/R 11(16) were recorded. The DGOs have submitted that they have defence evidence. DGOs got examined themselves as DW-1 & DW-2 and got marked Ex.D-1 to Ex.D-6. Ex.P.9 is got marked by confronting it to DW-1 during his cross-examination. Hence, recording of Questionnaire of DGOs U/R 11(18) of KCS (CC&A) Rules, 1957 was dispensed with. Then I have heard both the learned Presenting Officer and learned defence

counsel for DGO 1. DGO No.2 has filed his written arguments.

9. Now, the points that would arise for my consideration are;

1 : *Whether the charges leveled against the DGOs are proved by the Disciplinary Authority?*

2 : *What order?*

10. My findings to the aforesaid points are as under :-

POINT No. 1 : In the Affirmative.

POINT No. 2 : As per the final order for the following;

**REASONS**

11. **POINT NO. 1** : It is the case of Disciplinary Authority that the DGO No.1 & 2 while working as Panchayath Development Officer, Saidapura Grama Panchayath, and Junior Engineer, PRE Sub-Division, Yadagir District have committed irregularities in executing the work of construction of CC drain from the house of Basavaraja Kayipalle upto the house of Ananthamma at Saidapura village, undertaken under 13<sup>th</sup> Finance Scheme during the year 2014-2015 as under.

As per joint report dtd: 22.10.2015 submitted by the DGO No.1 & 2 to the Executive Officer, Taluk Panchayath, Yadagir, the said work was executed as

per the approved estimate at the cost of Rs.60,000/-; technical approval was accorded vide No.26 dtd:13.7.2014; the date of mark out is mentioned as 17.7.2014 and the date of completion of the work is mentioned as 29.9.2014; amount of Rs.55,410/- has been paid to the contractor Sri.Sayibanna on 7.10.2014.

The technical approval certificate issued by Assistant Executive Engineer discloses that technical approval was given on 3.8.2014, which is scored off and written as 13.8.2014. There is no document to show that administrative/technical approval was given on 13.7.2014. The work is stated to have been commenced on 17.7.2014 before the date of technical approval i.e., 13.8.2014.

The date of recording of measurement is shown as 29.9.2014 in the measurement book and contract certificate, but it does not show the date of commencement of work and completion of the work.

DGO No.1 & 2 have claimed during investigation by TAC that the old CC drain was closed and one side wall of the CC drain was utilized for construction of new drain and additional drainage is constructed up to 42 meters. The said measurement are not found in the approved estimate or not mentioned in the measurement book.

DGO No. 1 & 2 are the officers who have prepared the estimate and submitted for approval. In the estimate there is no mention about existence of drainage and nothing is stated in the estimate about using one side wall of the existing drainage.

Measurements recorded in the measurement book are not in accordance with the approved estimate/specification. The length, depth and breadth of the work at item No.1 to 3 of approved estimate differs from the measurements mentioned in the measurement book.

Measurements are shown to be recorded in the measurement book at a stretch on 29.09.2014. No periodical measurement of work at various stages of its execution are shown to have been recorded by supervising the execution of work regularly.

As such DGO No.1 & 2 have committed dereliction of duty.

12. The complainant being PW-1 has reiterated the contents of complaint in his evidence and he has relied on complaint, Form No.1 & 2, copies of documents obtained under RTI Act, copy of measurement book, copies of photos, mahazar prepared by Investigating Officer, one more photo and work details at Ex.P-1 to P-9. Therefore, he has filed this complaint.

13. On the other hand, DGO No.1 as DW-1 has deposed that he has executed CC drain work from the house Basavaraja Kayipalle upto the house of Ananthamma for an estimated cost of Rs.60,000/- under 13<sup>th</sup> Finance scheme during the year 2014-15 and the said work is completed on 29.9.2014. Thereafter, amount has been paid to the contractor. He has inspected the work and executed as per specification. DGO No.2 has mentioned the measurement in the measurement book. Investigating officer has given a report stating the allegations are not proved. Therefore, he has not committed any misconduct. He has relied on letters dtd: 22.10.2015 written to E.O.,

photos, copies of payment advice, contract certificate and work soft letter at Ex.D-1 to D-6.

14. DGO No.2 as DW-2 has deposed that they have executed the said work after getting technical approval from AEE. He has no power to issue the bill. Check measurement has been done by AEE as mentioned in the measurement book by him. Investigating officer has given a report by inspecting the work. Therefore, he has not committed any misconduct.

15. The learned Presenting Officer has submitted that the complainant being PW-1 has fully supported the case of Disciplinary Authority and the documents produced by him at Ex.P-1 to Ex.P-9 corroborate his version to establish the guilt of DGOs and further DGOs have admitted the irregularities in their cross-examination.

16. The counsel for DGO No.1 has submitted that the DGO No.1 executed the CC drain work as per specification and as per estimated amount of Rs.60,000/- after obtaining technical approval; after completion of work, amount of Rs.55,410/- has been paid to the contractor. DGO No.1 has maintained measurement book as per rules and Investigating Officer has given a report stating that the allegations are not

proved. Counsel for DGO No.2 by filing written brief has submitted the same facts what has been stated on behalf of DGO No.1 and further submitted that the complaint was not subject to investigation as the complainant had remedy to approach other forum. Therefore, DGO No.1 & 2 have not committed any dereliction of duty.

17. On perusal of oral and documentary evidence, it reveals that DGO No.1 & 2 were working as Panchayath Development Officer, Saidapur Grama Panchayath, and Junior Engineer, PRE Sub-Division, Yadagir District respectively at the relevant point of time. They have executed the work of construction of CC drain from the house of Basavaraja Kayipalle upto the house of Ananthamma at Saidapura village at an estimated cost of Rs.60,000/- under 13<sup>th</sup> finance scheme during the year 2014-15. Ex.P-9 (details of officers responsible for execution of work) is produced to that effect. These facts are not in dispute.

18. In so far as the alleged allegations are concerned, DW-1 has admitted in his cross examination thus:-

ಸೈದಾಪುರ ಗ್ರಾಮದ ಬಸವರಾಜು ಕಾಯಿಪಲ್ಲೆರವರ ಮನೆಯಿಂದ ಅನಂತಮ್ಮನವರ ಮನೆಯವರೆಗೆ ಸಿಸಿ ಚರಂಡಿ ಕಾಮಗಾರಿಯ ತಾಂತ್ರಿಕ ಅನುಮೋದನೆಯನ್ನು ದಿ:13.7.2014 ರಂದು ಪಡೆದುಕೊಂಡಿರುತ್ತೇವೆ. ದಿ: 17.7.2014 ರಂದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭ ಮಾಡಿರುತ್ತೇವೆ. ದಿ: 29.9.2014 ರಂದು ಆ ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣ ಮಾಡಿರುತ್ತೇವೆ. ನಿಪಿ-4(4) ರ ಪ್ರಕಾರ ತಾಂತ್ರಿಕ ಅನುಮೋದನೆಯನ್ನು ದಿ:13.8.2014 ಪಡೆದುಕೊಂಡಿದ್ದು ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಈಗ

ನಾನು ನೋಡುತ್ತಿರುವ ದಾಖಲೆ ಪ್ರಕಾರ ದಿ: 17.7.2014 ರಂದು ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭಿಸಿದ್ದು ಇರುತ್ತದೆ ಎನ್ನುವುದು ಸರಿ. ಆ ದಾಖಲೆಯ ದೃಢೀಕೃತ ಪ್ರತಿಯನ್ನು ನಿಪಿ-9 ಎಂದು ಗುರುತಿಸಲಾಯಿತು. ನಿಪಿ-9ರ ಪ್ರಕಾರ ನಾನು ಮತ್ತು ಅಸನೌ-2 ರವರು ಸದರಿ ಕಾಮಗಾರಿಯ ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳಾಗಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಈಗ ನಾನು ನೋಡುತ್ತಿರುವ ದಾಖಲೆಯ ಪ್ರತಿಯು ಕಾಮಗಾರಿ ಅಳತೆ ಪುಸ್ತಕದ ಪ್ರತಿ ಇರುತ್ತದೆ. ಅದನ್ನು ಈಗಾಗಲೇ ನಿಪಿ-5(2) ರಿಂದ ನಿಪಿ-5(4)ರ ವರೆಗೆ ಗುರುತಿಸಲಾಗಿದೆ. ಸದರಿ ದಾಖಲಾತಿಯಲ್ಲಿ ಒಂದೇ ಬಾರಿಗೆ ದಿ: 29.9.2014 ರಂದು ಕಾಮಗಾರಿ ಅಳತೆ ಮಾಡಲಾಗಿದೆ ಎಂಬುದಾಗಿ ನಮೂದಿಸಲಾಗಿದೆ ಎನ್ನುವುದು ಸರಿ. ಸದರಿ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಕಾಮಗಾರಿಯು ಪ್ರಾರಂಭವಾದ ದಿನ ಮತ್ತು ಮುಕ್ತಾಯ ದಿನವನ್ನು ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಈ ಸಂಸ್ಥೆಯಿಂದ ತನಿಖೆಗಾಗಿ ತಾಂತ್ರಿಕ ವಿಭಾಗ ಅಧಿಕಾರಿಗಳು ಬಂದಿದ್ದರು ಎಂದರೆ ಸರಿ. ತನಿಖಾಧಿಕಾರಿಗಳು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ಹಳೆ ಸಿಸಿ ಚರಂಡಿಯನ್ನು ಮುಚ್ಚಿ ಒಂದು ಬದಿಗೆ ಇದ್ದ ಸಿಸಿ ಚರಂಡಿಯ ಗೋಡೆಯನ್ನು ಉಪಯೋಗಿಸಿಕೊಂಡು 42 ಮೀಟರ್ ಉದ್ದದ ಹೊಸಚರಂಡಿಯನ್ನು ನಿರ್ಮಾಣ ಮಾಡಲಾಗಿದೆ ಎಂಬುದಾಗಿ ತಿಳಿಸಿದ್ದಾರೆ ಎನ್ನುವುದು ಸರಿ. ಹೆಚ್ಚುವರಿಯಾಗಿ 42 ಮೀಟರ್ ಉದ್ದದ ಹೊಸಚರಂಡಿಯನ್ನು ನಿರ್ಮಾಣ ಮಾಡಲು ಅಂದಾಜುಪಟ್ಟಿ ಮತ್ತು ತಾಂತ್ರಿಕ ಅನುಮೋದನೆ ಇರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ರಸ್ತೆಯ ಮಧ್ಯದಲ್ಲಿ ಇದ್ದ ಹಳೆಚರಂಡಿಯನ್ನು ಮುಚ್ಚಿಹಾಕಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆ ಇರುವುದಿಲ್ಲ. ಪ್ರತಿದಿನ ಎಷ್ಟು ಚರಂಡಿ ನಿರ್ಮಾಣವಾಗಿದೆ ಎನ್ನುವ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಿ ಅಸನೌ-2 ರವರು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಬರೆಯಬೇಕು ಮತ್ತು ಆ ಸದರಿ ಅಳತೆಯನ್ನು ನಾನು ಪರಿಶೀಲನೆ ಮಾಡಬೇಕು ಎನ್ನುವುದು ಸರಿ. ಆ ರೀತಿಯಾಗಿ ಪ್ರತಿದಿನ ಕಾಮಗಾರಿಯನ್ನು ಪರೀಕ್ಷಿಸಿ ಅದರ ಅಳತೆಯನ್ನು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಅಸನೌ-2 ರವರು ಬರೆದಿರುವುದಾಗಲೀ ಮತ್ತು ನಾನು ಅದನ್ನು ಪರಿಶೀಲಿಸಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ಉಲ್ಲೇಖ ಇರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅಳತೆಗೂ ಮತ್ತು ಅಳತೆಪುಸ್ತಕದಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅಳತೆಗೂ ಹೋಲಿಕೆ ಇರುವುದಿಲ್ಲ ಎನ್ನುವುದನ್ನು ನಾನು ನೋಡಿರುವುದಿಲ್ಲ.

19. DW-2 also admitted in his cross examination thus:-

ಯಾವುದೇ ಕಾಮಗಾರಿಯನ್ನು ತಾಂತ್ರಿಕ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದ ಮೇಲೆ ಪ್ರಾರಂಭ ಮಾಡುತ್ತೇವೆ ಎನ್ನುವುದು ಸರಿ. ಅದಕ್ಕಿಂತ ಮುಂಚೆ ಯಾವುದೇ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭ ಮಾಡಲು ಬರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಬಸವರಾಜು ಕಾಯಿಪಲ್ಲೆರವರ ಮನೆಯಿಂದ ಅನಂತಮ್ಮನವರ ಮನೆಯವರೆಗೆ ಸಿಸಿ ಚರಂಡಿ ಕಾಮಗಾರಿಯ ತಾಂತ್ರಿಕ ಅನುಮೋದನೆಯನ್ನು ದಿ:13.8.2014 ರಂದು ಪಡೆದುಕೊಂಡಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಆದರೆ ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ತಾಂತ್ರಿಕ ಅನುಮೋದನೆ ಪಡೆಯುವುದಕ್ಕಿಂತ ಮುಂಚಿತವಾಗಿ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭ ಮಾಡಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ದಿ: 17.7.2014 ರಂದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪ್ರಾರಂಭ ಮಾಡಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ನಿಪಿ-9ರ ಪ್ರಕಾರ ನಾನು ಮತ್ತು ಅಸನೌ-1 ರವರು ಸದರಿ ಕಾಮಗಾರಿಯ ಅನುಷ್ಠಾನ ಅಧಿಕಾರಿಗಳಾಗಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಒಂದೇ ಬಾರಿಗೆ ದಿ:29.9.2014 ರಂದು ಕಾಮಗಾರಿ ಅಳತೆ ಮಾಡಲಾಗಿದೆ ಎಂಬುದಾಗಿ ನಮೂದಿಸಲಾಗಿದೆ ಎನ್ನುವುದು ಸರಿ. ಈಗ ನಾನು

ನೋಡುತ್ತಿರುವ ದಾಖಲೆಯ ಪ್ರತಿಯು ಕಾಮಗಾರಿ ಅಳತೆ ಪುಸ್ತಕದ ಪ್ರತಿ ಇರುತ್ತದೆ. ಅದನ್ನು ಈಗಾಗಲೇ ನಿಪಿ-5(2) ರಿಂದ ನಿಪಿ-5(4)ರ ವರೆಗೆ ಗುರುತಿಸಲಾಗಿದೆ. ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಪ್ರತಿದಿನ ಕಾಮಗಾರಿಯನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿ ಅಳತೆಯನ್ನು ಬರೆಯಬೇಕು ಎನ್ನುವುದು ಜಿ.ಇ. ರವರ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಕಾಮಗಾರಿಯು ಪ್ರಾರಂಭವಾದ ದಿನ ಮತ್ತು ಮುಕ್ತಾಯವಾದ ದಿನವನ್ನು ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಹೆಚ್ಚುವರಿಯಾಗಿ 42 ಮೀಟರ್ ಉದ್ದದ ಹೊಸಚರಂಡಿಯನ್ನು ನಿರ್ಮಾಣ ಮಾಡಲು ಅಂದಾಜುಪಟ್ಟಿ ಮತ್ತು ತಾಂತ್ರಿಕ ಅನುಮೋದನೆ ಇರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ರಸ್ತೆಯ ಮಧ್ಯದಲ್ಲಿ ಇದ್ದ ಹಳೆಚರಂಡಿಯನ್ನು ಮುಚ್ಚಿಹಾಕಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆ ಇರುವುದಿಲ್ಲ.

20. In view of admissions of DW-1 and 2, it can be said that Investigating Officer has not properly verified the facts with reference to the charges by verifying the concerned documents and without doing so, he has proceeded to submit a report stating that the work has been executed according to specification and therefore, his mahazar produced at Ex.P-7, is not reliable that too in view of admissions of DW-1 & 2. In view of the facts and circumstances of the case, the complaint is not barred for investigation under Section 8 of Karnataka Lokayukta Act. Moreover, nothing has been elicited in the cross-examination of PW-1 to discredit his evidence.

21. It is therefore, clear from the evidence on record, that the DGO No.1 & 2 have committed irregularities in the execution of work of construction of CC drain from the house of Basavaraja Kayipalle upto the house of Ananthamma at Saidapura village as mentioned in Paragraphs 1 to 7 of Articles of Charge. Thus, the Disciplinary Authority has proved the charges leveled



against the DGO No.1 & 2 as mentioned at Annexure-1 of Articles of Charge beyond probabilities. Therefore, I answer Point No.1 in the Affirmative.

22. **POINT NO. 2** : In view of my finding on point No. 1 and for the foregoing reasons, I proceed to pass the following;

**: ORDER :**

The Disciplinary Authority has proved the charges against DGO No. 1 – Sri. Prabhu K., Panchayath Development Officer, Saidapur Grama Panchayath, Yadgir District and DGO No.2-Sri. Shivakumar, Junior Engineer, Panchayath Raj Engineering Sub-Division, Yadgir District.

The date of retirement of DGOs 1 and 2 are 31.12.2042 and 31.05.2028.

This report is submitted to the Hon'ble Upalokayukta-1 in a sealed cover forthwith.

Dated this the 15<sup>th</sup> May, 2020

(D. Puttaswamy)  
Additional Registrar (Enquiries-12)  
Karnataka Lokayukta, Bengaluru

**ANNEXURES****I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-**

PW 1 : Sri. Nagendra (Complainant)

**II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-**

- Ex.P.1 : Complaint dt: 18.08.2015  
Ex.P.2 : Form No.I dt:18.08.2015  
Ex.P.3 : Form No.II dt:18.08.2015  
Ex.P.4 : Documents obtained under RTI Act  
Ex.P.5 : Measurement book extract  
Ex.P.6 : Photographs  
Ex.P.7 : Mahazar dt:14.10.2015  
Ex.P.8 : Photograph  
Ex.P.9: Details of officers responsible for Work management

**III. LIST OF WITNESS/S EXAMINED ON BEHALF OF DGOs :**

DW-1 : Sri. K. Prabhu  
DW-2 : Sri. Shivakumar Vittalrao

**IV. LIST OF DOCUMENTS MARKED ON BEHALF OF DGOs :**

- Ex.D.1 : Letter dt:22.10.2015 of Panchayath Development Officer, Sydapura.  
Ex.D.2 : Letter dt: 22.10.2015 of Panchyath Development Officer, Sydapura.  
Ex.D.3 : Photographs  
Ex.D.4 : Receipt  
Ex.D.5 : Contract Certificate  
Ex.D.6 : Worksoft New Action Plan Work

Dated this the 15<sup>th</sup> May, 2020

(D. Puttaswamy)  
Additional Registrar (Enquiries-12)  
Karnataka Lokayukta, Bengaluru