

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/553/2016

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:17.10.2019

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sriyuths:

- (1) Anavatti.B.B., the then Secretary, Masur gram Panchayath, Hirekeruru, (presently at Hullatti grama panchayath, Hirekeruru Taluk, Haveri District
- (2) M.G.Kammar, the then Junior Engineer, PRE Sub division, Hirekeruru Taluk, (presently at PRE Sub Division, Shirahatti Taluk, Gadag District
- (3) K.V.Hanchinamani, the then Assistant Executive Engineer, PRE sub Division, Hirekerur, (presently Grameena Kudiyuva Neeru Mathu Nairmalya Upa Vibhaga, Hirekeruru) - reg.

Ref: 1. G.O.No.GraAaPa 110 ENQ 2016 Bengaluru dated:
27.10.2016

2. Nomination Order NoUPLOK-1/DE/553/2016
Bengaluru Dt: 4.11.2016 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sriyuths:

- (1) Anavatti.B.B., the then Secretary, Masur gram Panchayath,

or

Hirekeruru, (presently at Hullatti grama panchayath, Hirekeruru Taluk, Haveri District (2) M.G.Kammar, the then Junior Engineer, PRE Sub division, Hirekeruru Taluk, (presently at PRE Sub Division, Shirahatti Taluk, Gadag District (3) K.V.Hanchinamani, the then Assistant Executive Engineer, PRE sub Division, Hirekerur, (presently Grameena Kudiyuva Neeru Mathu Nairmalya Upa Vibhaga, Hirekeruru) (hereinafter referred to as the Delinquent Government Official for short "**DGOs No.1 to 3**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 4.11.2016 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 to 3. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges.

3. The copies of the same were issued to the DGOs No.1 to 3 calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

4. The Article of charges framed by the ARE-9 against the DGO is as under :

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ANNEXURE-I
CHARGE

While you DGO No.1 Sri.. Anavatti B.B., was working as Secretary, Masur Grama Panchayath, Hirekeruru (Presently at Hullatti Grama Panchayath, Hirekeruru Taluk, Haveri District, you DGO No.2 Sri. M.G. Kammar, was working as Junior Engineer, PRE Sub-Division, Hirekeruru Taluk, (Presetly at PRE Sub-Division, Shirahatti Taluk, Gadag District and you DGO No.3 Sri. K.R. Hachinamani, was working as Assistant Executive Engineer, Pre Sub-Division, Hirekeruru (Presently Grameena Kudiyuv Neeru mathu Nairmalya Upa Vibhaga, Hirekeruru) - an amount of Rs.73,26,086/- has been sanctioned in the estimate for integrated water supply project and an amount of Rs.64,05,557/- has been paid for the work and further the water tank constructed behind B.T. Patil school in Maasur at a cost of Rs.8.35 lakhs is leaking and has developed cracks and plastering has dropped out therefore you DGO No.1 to 3 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.



ANNEXURE NO.II**STATEMENT OF IMPUTATIONS OF MISCONDUCT****5. According to the Complainant: -**

Lakhs of rupees has been collected from public for constructing two water tanks in Maasur Village. Even after collecting donation, two water tanks are constructed with the assistance of Viswa Bank by entrusting the work to contractor Sri.G.K.Reddy. The tanks constructed are of substandard and they are already damaged.

Complaint was referred to TAC for investigation and report. Investigation has been conducted by AEE-IV, TAC, Karnataka Lokayukta (I.O. for short) on the instructions of C.E. The report of I.O. disclose the following:

i) An amount of Rs.73,26,086/- has been sanctioned in the estimate for integrated water supply project and an amount of Rs.64,05,557/- has been paid for the work.

ii) The water tank constructed behind B.T. Patil school in Maasur at a cost of Rs.8.35 lakhs is leaking and has developed cracks and plastering has dropped out.

iii) Following officers are responsible for the substandard work executed:

1) Sri.Anavatti B.B.- Secretary, Maasur Grama Panchayath, presently working at Hullatti Grama Panchayath, Hirekerur Taluk, Haveri Taluk

2) Sri.Ramesh Kotrappa Nyamati, President, Maasur Grama Panchayath,

or

- 3) Sri.M.G.Kammar, Engineer, PRE Sub.Divn, Hirekerur Taluk, presently at PRE Sub.Divn, Shirahatti Taluk, Gadag District.
- 4) Sri.K.V.Hanchinamani, AEE, PRE Sub.Divn, Hirekerur.
- 5) Sri.M.C.Gowda, the then Secretary, Maasur Grama Panchayath, now retired.
- 6) Sri.Narayanappa V.Gayakwad, the then President, Maasur Grama Panchayath.

After receiving the report of I.O. Sri.K.V.Hanchinamani, AEE, PRE Sub.Divn, Hirekerur, Sri.M.C.Gowda, the then Secretary and Sri.Narayanappa V.Gayakwad the then President have been impleaded as Respondent Nos.4 to 6.

Copy of report of I.O. was sent to Respondent Nos.1 to 6 for their reply and they have submitted their reply denying the allegations and correctness of report of the I.O.

Report of I.O. prima facie show that the water tank constructed behind B.T.Patil School in Maasur is of substandard and it is badly damaged and Respondent Nos.1 to 6 are responsible for the said substandard construction at a cost of Rs.8.35 lakhs and thereby they have caused loss to the Government. Therefore replies submitted by the Respondents are not acceptable to drop the proceedings against them.

Since Respondent No.5 is retired and the Complaint is of the year 2009, no report is made against him.

Since the said facts and materials on record prima facie show that the Respondent No. 1) Sri.Anavatti B.B.- Secretary, Maasur

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Grama Panchayath, presently working at Hullatti Grama Panchayath, Hirekerur Taluk, Haveri Taluk, 2) Sri.Ramesh Kotrappa Nyamati, the then President, Maasur Grama Panchayath, 3) Sri.M.G.Kammar, the then Junior Engineer, PRE Sub.Divn, Hirekerur Taluk, presently at PRE Sub.Divn, Shirahatti Taluk, Gadag District, 4) Sri.K.V. Hanchinamani, AEE, PRE Sub.Divn, Hirekerur, 5) Sri.Narayanappa V.Gayakwad, then President, Maasur Grama Panchayath have committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against them and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957 against 1)Sri.Anavatti, B.B.- Secretary, Maasur Grama Panchayath, 2) Sri.M.G.Kammar, the then Junior Engineer, PRE Sub.Divn, Hirekerur Taluk, 4) Sri.K.V.Hanchinamani, AEE, PRE Sub.Divn, Hirekerur.

Since said facts and material on record prima facie show that, the respondents/DGOs (1) **Sri. Anavatti B.B.**, (2) **Sri. M.G. Kammar** and (3) **Sri. K.R. Hachinamani** have committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents for misconduct under Rule 3(1)(i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

6. The DGO No. 1 has appeared on 11.4.2017, DGO No. 2 has appeared on 28.6.2017, DGO No. 3 has appeared on 9.6.2017 before this enquiry authority in pursuance to the service of the Article of charges.

7. Plea of the DGOs No.1 to 3 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

8. The DGOs No. 1 has submitted written statement, stating that the charge framed is completely ambiguous and not at all tenable and further the documents are not perused properly and wrongly inference have been drawn on DGO no.1. Further he has specifically denied the averments in annexure no.1 and 2 in articles of charge. The complainant Sri.Mohan Dundappa Nanuri has filed the complaint on 2.4.2009, the work has been investigated on 5.8.2014 after a lapse of more than 4 years and the work has been completed in 2009. Works taken up during 2006-07 there is no specific inference drawn from the documents verified by the concerned scrutiny officer. Further submitted that the DGO no.1 has not committed any dereliction of duty. The DGO no.1 has all through service maintained honesty and integrity and regulation of the government department and has not committed any misconduct. As such he is not liable for any disciplinary action in what so ever . hence pray for drop the charge leveled against him.

9. The DGOs No. 2 and 3 have submitted written statement, stating that the complainant Sri.Mohan Dundappa

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Nanuri has complaint on 2.4.2009 and the work has been investigated on 5.8.2014 after a lapse of more than 4 years and the work has been completed in 2009. Works taken up during 2006-07 there is no specific inference drawn from the documents verified by the concerned scrutiny officer. Further submitted that the DGO no.2 and 3 have not committed any dereliction of duty. The DGO no.2 and 3 have all through service maintained honesty and integrity and regulation of the government / department and has not committed any misconduct. As such they are not liable for any disciplinary action in what so ever. Hence pray for drop the charge leveled against them.

10. The disciplinary authority has examined the complainant Sri.Mohana Dundappa Nannuri, Member of Water committee, Masur Grama Panchayath, Hirekerur Taluk, Haveri District as Pw.1, and Sri. Subramanya Karanth Assistant Executive Engineer, Karnataka Lokayukta, Bangalore is the investigation officer in the case has examined as PW-2 and Ex.P1 to Exp.8 are got marked. DGO No.1 Anavatti.B.B., the then Secretary, Masur gram Panchayath, Hirekeruru, (presently at Hullatti grama panchayath, Hirekeruru Taluk, Haveri District has examined himself as DW-1, DGO no. 2 M.G.Kammar, the then Junior Engineer, PRE Sub division, Hirekeruru Taluk, (presently at PRE Sub Division, Shirahatti Taluk, Gadag District has examined himself as DW-2, DGO No.3 K.V.Hanchinamani, the then Assistant Executive Engineer, PRE sub Division, Hirekerur, (presently Grameena Kudiyuva Neeru Mathu

Nairmalya Upa Vibhaga, Hirekeruru), has examined himself as DW-3 and Ex.D-1 to Ex.D-15 are got marked on behalf of DGO no.1 to 3 . The second oral statement of DGO no.1 to 3 have been recorded on 5.6.2018

11. The DGOs No. 1 to 3 have submitted the written defence under Rule 11 (16) of KCS (CCA) rules 1957 on 20.8.2018 and written brief submitted by DGOs no. 1 to 3 on 13.3.2019. Heard the submissions of the disciplinary authority and DGOs No. 1 to 3 side. I answer the above charge in **AFFIRMATIVE** against DGO no.1 to 3 for the following;

REASONS

12. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGOs No.1 to 3.

13. The disciplinary authority has examined the complainant Sri.Mohana Dundappa Nannuri, Member of Water committee, Masur Grama Panchayath, Hirekerur Taluk, Haveri District as Pw.1. PW-1 has deposed in his evidence that he know the DGO no. 1 to 3. The work sanctioned in the Masur grama panchayath Herikerur taluk Haveri district for construction of two overhead water tank with pipe lines to supply the drinking water to the public and also construction of drainage with co-ordination of the water resources department from the fund of world bank along with the fund raised from the general public. But DGOs who are executing authority of the said work through the contractor by name G.K.Reddy they have completed the said work as substandard, due to that the water

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leakage appears from the said overhead tanks and cement plaster of the said tanks were fell down, and iron roads were appeared. For that he has filed the complaint against the DGOs before the Lokayukta office.

14. PW-2 Sri. Subramanya Karanth Assistant Executive Engineer, Karnataka Lokayukta, Bangalore is the investigation officer in this case has examined as PW-2 PW-2 has deposed in his evidence that he has received the case file compt/UPLOK/BGM-92/2009/DRE-1 and LOK INV(T)/LA 79/2009/AEE -4. After receiving the said record he has verified the documents with complaint filed by the PW-1 then he has inspected the spot on 5.8.2014. Further deposed that at the time of spot inspection one Subhaschandra Assistant Engineer PRE sub division Herikerur and complainant were present. Further deposed that, first he has inspected the over head tank constructed near Kote of Masuru village, at the time of inspection he has not found any defect in the said work as alleged by the complainant in his complaint. Further deposed that he has also inspected the overhead tank which has constructed behind the B.T. Patil school of the said village. At the time of inspection of the said tank he has found that some water leakage from the overhead tank due to some cracks appeared in the said water tank. The water not stored in the said water tank. Further deposed that said overhead tank not constructed as per the specification mentioned in the approved estimate. Further deposed that to construct the said over head tank Rs. 8.35 lakhs shown as expenditure, i.e., wasteful expenditure. For that lapses DGO no. 3 K.B.Hanchinamane

Assistant Executive Engineer, DGO no. 2 M.G.Kambar Junior Engineer, Pre Sub Division, Herikeruru and DGO no.1 B.G.Aaravatti secretary of the grama panchayath Masuru and M.C.Goudar the then secretary grama panchayath and Narayanappa G.Gayakwad farmer president of said grama panchayath and Ramesh Kotrappa Lamthi president of the said grama panchayath are held responsible. But the enquiry only initiated against the DGO no.1 to 3.

15. DW-1 Sri. Anavatti.B.B., the then Secretary, Masur gram Panchayath, Hirekeruru, (presently at Hullatti grama panchayath, Hirekeruru Taluk, Haveri District is DGO no. 1 in this case has deposed that the complaint dtd: 2.4.2009 the work has been investigated on 5.8.2014 after lapse of more than 5 years on the works completed in the year 2009 and works taken up during 2006-07. There is a gross misunderstanding and there is no specific inference drawn from the documents verified by the Investigating officer. Further deposed that he has not the competent authority to approve the estimate and also no payment has been individually made by him as he was joint signatory along with the president. The approval of payment is issued by the deputy project manager district support unit zilla panchayath jala Haveri nirmala project and then alone the payment is made as per their approval and order There is no lapses in any of the activity carried out by him as a secretary of the masur grama panchayath . Further deposed that it is not correct that the water tank constructed behind B.T.Patil school in Masur at a cost of Rs. 8.35 lakhs was leakageing and has developed cracks and plastering has dropped out. The

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confirmation certificate issued by the present PDO that the water is being supplied from the said water tank to the public is satisfactorily.

16. DW-1 admitted in his cross examination that the said over head tank constructed behind B.T.Patil school is during his period. As per the rules the life time of the said over head tank is 20 years.

17. DW-2 Sri. M.G.Kammar, the then Junior Engineer, PRE Sub division, Hirekeruru Taluk, (presently at PRE Sub Division, Shirahatti Taluk, Gadag District is DGO no. 2 in the case has deposed that alleged work was commenced and completed during his tenure as he was JE of the sub division. final bill was recorded by him and then he was transferred from the said sub division on 24.9.2009 before the bill was processed for submission to Assistant Executive Engineer. The jala nirmala committee after scrutinizing all the documents and will further get the same bills and M.Bs verified and scrutinizing by the Assistant Director (technical) and deputy director (Technical) thereafter the bills were clear. The deputy project manager district support unit Jala nirmala Yojane make the payment release order to the grama panchayath. On receipt of the said order payment made to the contractor by the grama panchayath president and secretary. Further deposed that it is not correct that the water tank constructed behind B.T.Patil school in Masur at a cost of Rs. 8.35 lakhs was leaking and has development cracks and plaster has dropped out.

18. DW-3 K.V.Hanchinamani, the then Assistant Executive Engineer, PRE sub Division, Hirekerur, (presently

Grameena Kudiyuva Neeru Mathu Nairmalya Upa Vibhaga, Hirekeruru) is the DGO no.3 in the case and he also deposed the same thing what the DW-1 and 2 have deposed in their evidence. Further he deposed in his cross examination that the life time of the said overhead tank constructed behind the B.T.Patil school is 20 years. Further deposed that at the time of spot inspection made by the Investigating officer only 6 years lapsed from the date of construction of the said tank.

19. Ex.P1 is the detailed complaint dated 23.3.2009 filed by PW-1 to Karnataka Lokayukta office. Ex.P2 and 3 are the complaint form No.I&II dated 23.3.2009 filed by PW-1 to Karnataka Lokayukta office. Ex.P4 is the documents produced by the complainant (4 sheets) along with the complaint on 23.3.2009. Ex.P5 is the report of mahazar dtd: 5.8.2014. Ex.P6 is the investigation report dtd: 30.6.2015 submitted by PW-2. Ex.P7 is the CD. Ex.P8 are the documents submitted along with the report by PW-2.

20. Ex.D1 is the copy of the pension payment order dtd: 2.8.2016. Ex.D-2 is the certified service letter dtd: 15.6.2018 issued by Executive Officer, Taluk Panchayath, Hirekerur. Ex.D-3 is the certified certificate dtd: 6.6.2017 issued by Panchayath Development Officer, Grama panchayath, Masuru Hirekeruru taluk, Haveri district. Ex.D-4 the certificate dtd: 11.6.2018 issued by Assistant Executive Engineer, Panchayath Raj Engineering sub Division, Hirekeruru. Ex.D-5 is the letter to president, Masudh village, Thanda water supply and sewage counsel, Haveri district. Ex.D-6 is the copy of the measurement book pertaining to the alleged work. Ex.D-7 is the copy of the

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form PWG 33 (revised) running account bill. Ex.D-8 is the copy of the amount release letter dtd: 29.8.2007 from deputy planning manager, Ex.D-9 is the copy of the form PWG 33 (revised) running account bill. Ex.D-10 is the copy of the inspection certificate for UPVC pipe dtd: 30.7.2007. Ex.D-11 is the copy of the amount release letter dtd: 19.10.2007 from deputy planning manager. Ex.D-12 is the copy of the form PWG 33 (revised) running account bill. Ex.D-13 is the letter dtd: 12.3.2008 from principal, B.V Bhoomaraddi college of engineering and technology, Hubli to the Deputy Project Manager, Jal Nirmal Project, ZP Haveri district. Ex.D-14 is the III memorandum of payments. Ex.D-15 is the service particulars of DGO no.3.

21. Perused the evidence of Pw-1, PW-2 and DW-1 to 3 along with document produced by the both side. As per the document the overhead tank constructed behind the B.T.patil school is during the period of DGO no.1 to 3. The PW-2 Investigating officer submitted his report Ex.P-6 along with Ex.P-5 spot mahazar and Ex.P-7 CD, which is the video recording at the time of spot inspection made by the PW-2. Ex.P-8 is the documents submitted by the Investigating officer along with Investigation report. As per Ex.P-5 mahazar the PW-2 Investigating officer visited the spot on 5.8.2014 and inspected the alleged work mentioned in the complaint in the presence of one Subhashchandra Assistant Engineer PRE sub division Herikerur and Sri.Kulakote B.N. Secretary of masur grama panchayath and complainant Sri.Mohan Dundappa



Nanuri. As per the said mahazar the allegation made in the complaint are not proved except in respect of overhead tank constructed behind the B.T.Patil school in Masur village. PW-2 clearly stated in his mahazar Ex.P-5 (page no. 144) as follows;

“ದೂರುದಾರರು ದೂರಿನಲ್ಲಿ ತಿಳಿಸಿದ ಇನ್ನೊಂದು ನೀರಿನ ಟ್ಯಾಂಕ್ ಅನ್ನು ಬಿ.ಟಿ.ಪಾಟೀಲ್ ಶಾಲೆಯ ಹಿಂಭಾಗದಲ್ಲಿ ನಿರ್ಮಿಸಲಾಗಿದ್ದು, ಸದರಿಯನ್ನು ಸಹ ಪರಿವೀಕ್ಷಿಸಲಾಯಿತು. ಸ್ಥಳ ತನಿಖೆ ವೇಳೆಯಲ್ಲಿ ಗಮನಿಸಿದಂತೆ, ಸದರಿ ಟ್ಯಾಂಕಿನಿಂದ ಗಣನೀಯ ಪ್ರಮಾಣದಲ್ಲಿ ನೀರು ಸೋರಿಕೆಯಾಗಿರುವುದು ಕಂಡುಬಂದಿತ್ತು. ಸ್ಥಳೀಯ ಗ್ರಾಮ ಸ್ಥರೊಬ್ಬರು ಸದರಿ ನೀರಿನ ಟ್ಯಾಂಕಿಗೆ ಹೆಚ್ಚುವರಿ ನೀರು ಹೊರಹೋಗಲು ಸೂಕ್ತ ಪೈಪ್ ಅಳವಡಿಸದಿರುವ ಕಾರಣ ಟ್ಯಾಂಕಿನ ಮೇಲೆ ಮೈಯಿಂದ ನೀರು ಹರಿದು ಟ್ಯಾಂಕ್ ಹಾಳಾಗುತ್ತಿರುವುದಾಗಿ ತಿಳಿಸಿದರು ಮೆಲ್ನೋಟಕ್ಕೆ ನೀರಿನ ಟ್ಯಾಂಕಿನ ಬಹಳಷ್ಟು ಹೊರಭಾಗ ಮತ್ತು ತಳ ಭಾಗವು ನೀರು ಸೋರಿಕೆಯಿಂದ ಒದ್ದೆಯಾಗಿರುವುದು ಕಂಡುಬಂದಿತ್ತು ಹೊರಭಾಗದಲ್ಲಿ ಪಾಚಿ ಬೆಳೆದಿದ್ದು, ಸೂಕ್ತ ವರ್ಷಿಕ ನಿರ್ವಹಣೆ ಕೈಗೊಂಡಿಲ್ಲದಿರುವುದು ಕಂಡುಬಂದಿದೆ. ಅಗತ್ಯ ವರ್ಷಿಕ ನಿರ್ವಹಣೆ ಕೈಗೊಂಡಿದ್ದಲ್ಲಿ ಸದರಿ ಲೋಪ ಅನ್ನು ತಡೆಯ ಬಹುದಾಗಿತ್ತೆಂದು ಕಂಡುಬಂದಿದೆ. ದೂರುದಾರರು ಸದರಿ ನೀರಿನ ಟ್ಯಾಂಕಿನ ಮೇಲಿನ ಅರ್ಥಭಾಗವು ಸಂಪೂರ್ಣ ವ್ಯರ್ಥವಾಗಿದ್ದು ನಡು ಭಾಗದಲ್ಲಿ ಬಿರುಕು ಉಂಟಾಗಿದ್ದು ಸಂಪೂರ್ಣ ಎತ್ತರಕ್ಕೆ ನೀರು ತುಂಬಿಸಲು ಸಾಧ್ಯವಾಗುತ್ತಿಲ್ಲವೆಂದು ತಿಳಿಸಿ. ಇದಕ್ಕೆ ಕಳಪೆ ಕಾಮಗಾರಿ ಕಾರಣವೆಂದು ತಿಳಿಸಿದರು”.

22. PW-2 also stated in his report Ex.P-6 page no. 151 to 153 para no. 3.04 and para no. 4.00 is as follows:

3.04. “ದೂರುದಾರರು, ದೂರಿನಲ್ಲಿ ತಿಳಿಸಿದ್ದ ಮತ್ತೊಂದು ನೀರಿನ ಟ್ಯಾಂಕ್‌ನ್ನು ಗ್ರಾಮದ ಬಿ.ಟಿ. ಪಾಟೀಲ್ ಶಾಲೆಯ ಹಿಂಭಾಗದಲ್ಲಿ ನಿರ್ಮಿಸಲಾಗಿದ್ದು, ಸದರಿಯನ್ನು ಸಹ ಪರಿವೀಕ್ಷಿಸಲಾಯಿತು. ಸ್ಥಳದಲ್ಲಿ ಹಾಜರಿದ್ದ ಗ್ರಾಮಸ್ಥರು, ಸದರಿ ನೀರಿನ ಟ್ಯಾಂಕಿಗೆ ಹೆಚ್ಚುವರಿ ನೀರು ಹರಿದು ಹೋಗಲು ಸೂಕ್ತ outlet pipe ಅಳವಡಿಸಿಲ್ಲವೆಂದು ತಿಳಿಸಿದರು. ಮೆಲ್ನೋಟಕ್ಕೆ ನೀರಿನ ಟ್ಯಾಂಕ್‌ನ ತಳಭಾಗ ಮತ್ತು ಹೊರಭಾಗಗಳಿಂದ ನೀರು ಸೋರಿಕೆಯಾಗಿ, ಮೇಲ್ಮೈನ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ಒದ್ದೆಯಾಗಿರುವುದು ಕಂಡು ಬಂದಿತು. ಟ್ಯಾಂಕಿನ ಹೊರಭಾಗದಲ್ಲಿ ಪಾಚಿ ಬೆಳೆದಿದ್ದು, ಯಾವುದೇ

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ರೀತಿಯ ವಾರ್ಷಿಕ ನಿರ್ವಹಣೆ ಕೈಗೊಂಡಿಲ್ಲದಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಮುಂದುವರೆದು, ದೂರುದಾರರು ತಿಳಿಸಿದಂತೆ ನೀರಿನ ಟ್ಯಾಂಕ್‌ನ ಮಧ್ಯಭಾಗದಿರುವ ಮೇಲ್ಭಾಗದವರೆಗೆ ಸಣ್ಣ ಪ್ರಮಾಣದ ಬಿರುಕುಗಳು ಉಂಟಾಗಿದ್ದು, ಪಂಪ್ ಮಾಡಲಾದ ನೀರು ಸದರಿ ಬಿರುಕುಗಳಿಂದ ಸೋರುತ್ತಿರುವ ಕಾರಣ ಟ್ಯಾಂಕ್‌ನ ಮೇಲ್ಭಾಗದ ನೀರು ಸಂಗ್ರಹಣ ಭಾಗ ವ್ಯರ್ಥವಾಗಿರುವುದು ಕಂಡು ಬಂದಿತು. ಮೇಲ್ಕಟ್ಟಿದ ನೀರಿನ ಟ್ಯಾಂಕ್‌ನ್ನು ವಿಶಿಷ್ಟ ವಿವರಣೆ ಪ್ರಕಾರ ನಿರ್ಮಿಸಿರುವುದು ಹಾಗೂ ನಿಯಮಿತ ವಾರ್ಷಿಕ ನಿರ್ವಹಣೆ ಕೊರತೆಯಿಂದ ಟ್ಯಾಂಕ್ ಕಾಮಗಾರಿ ಪೂರ್ಣ ಗೊಳಿಸಿದ ಕೆಲವೇ ವರ್ಷಗಳಲ್ಲಿ ಶಿಥಿಲವಾಗಿರುವುದಾಗಿ ಕಂಡು ಬಂದಿದೆ.

4.00 ಅಂತಿಮ ಅಭಿಪ್ರಾಯಗಳು:

ಹಾವೇರಿ ಜಿಲ್ಲೆಯ ಹಿರೇಕೆರೂರು ತಾಲ್ಲೂಕಿನ ಮಾಸೂರು ಗ್ರಾಮದಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ವತಿಯಿಂದ ಅನುಷ್ಠಾನಗೊಳಿಸಿರುವ ನೀರು ಸರಬರಾಜು ಒದಗಿಸಿರುವ ಕಾಮಗಾರಿ ಕುರಿತು ದೂರುದಾರರು ಮಾಡಿರುವ ಅಪಾದನೆಗಳ ಪೈಕಿ ಮಾಸೂರು ಗ್ರಾಮದ ಬಿ.ಟಿ. ಪಾಟೀಲ್ ಶಾಲೆಯ ಹಿಂಭಾಗದಲ್ಲಿರುವ ರೂ. 8.35 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದಡಿ ನಿರ್ಮಿಸಿರುವ ಮೇಲ್ಕಟ್ಟಿದ ನೀರಿನ ಟ್ಯಾಂಕ್ ಕಾಮಗಾರಿ ದಿ: 18.9.2009 ರಂದು ಪೂರ್ಣ ಗೊಂಡಿದ್ದು, ಕೆಲವೇ ವರ್ಷಗಳಲ್ಲಿ ಶಿಥಿಲವಾಗಿದ್ದು, ಟ್ಯಾಂಕಿನ ತಳಬಾಗ, ವೃತ್ತಾಕಾರದ ಹೊರಬಾಗದ ಗೋಡೆಯಲ್ಲಿ ಕೆಲವು ಬಾಗಗಳಲ್ಲಿ ಬಿರುಕು ಉಂಟಾಗಿ ನೀರು ಸೋರುತ್ತಿರುವುದು ಸ್ಥಳ ತನಿಖೆ ವೇಳೆಯಲ್ಲಿ ಕಂಡು ಬಂದಿದೆ. ಇದೇ ರೀತಿ ಟ್ಯಾಂಕ್‌ಗೆ ಅಳವಡಿಸಿರುವ ಆರ್.ಸಿಸಿ. ಕಾಲಂಗಳ ಕೆಲವು ಭಾಗಗಳಲ್ಲಿ ಪ್ಲಾಸ್ಟರಿಂಗ್ ಕಳಚಿ ಬಿದ್ದು ಉಕ್ಕಿನ ಸರಳುಗಳು ಗೋಚರಿಸುತ್ತಿರುತ್ತದೆ. ಸದರಿ ಟ್ಯಾಂಕ್ ಪೂರ್ಣ ಪ್ರಮಾಣದಲ್ಲಿ ನೀರು ತುಂಬಿ ಸುಸ್ಥಿತಿಗೆ ತರಲು ವಿಶೇಷ ತುರ್ತು ದುರಸ್ತಿ ಕೆಲಸಗಳನ್ನು ತಜ್ಞರ ಅಭಿಪ್ರಾಯ ಪಡೆದು ಕೈಗೊಳ್ಳುವುದು ಅತ್ಯಗತ್ಯವಾಗಿರುತ್ತದೆ.

ತಜ್ಞರು ನೀಡುವ ಸಲಹೆಯನ್ನು ಆಧರಿಸಿ ವಿಶೇಷ ದುರಸ್ತಿ ಕಾರ್ಯ ಕೈಗೊಳ್ಳಲು ತಗಲಬಹುದಾದ ಹೆಚ್ಚುವರಿ ವೆಚ್ಚಕ್ಕೆ ಕೆಳಕಂಡವರು ಕಾರಣರಾಗಿರುತ್ತಾರೆ.

- 1) ಶ್ರೀ.ಕೆ.ವಿ.ಹಂಚಿನಮನಿ, ಎ.ಇ.ಇ., ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರೇಕೆರೂರು, ಸದರಿರವರ ನಿವೃತ್ತ ದಿ: 31.5.2020 ಎಂದು ತಿಳಿದುಬಂದಿದೆ.
- 2) ಶ್ರೀ.ಎಂ.ಜಿ.ಕಮ್ಮಾರ, ಈ ಹಿಂದೆ ಕಿರಿಯ ಇಂಜಿನಿಯರ್, ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ, ಹಿರೇಕೆರೂರು, ಇಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ್ದು, ಈಗ ಪಂಚಾಯತ್ ರಾಜ್ ಇಂಜಿನಿಯರಿಂಗ್ ಉಪ ವಿಭಾಗ ಶಿರಹಟ್ಟಿ ತಾಲ್ಲೂಕು, ಗದಗ ಜಿಲ್ಲೆ



ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆಂದು ತಿಳಿದು ಬಂದಿದೆ. ಸದರಿಯವರ ನಿವೃತ್ತ ದಿ: 31.7.2019 ಎಂದು ತಿಳಿದು ಬಂದಿದೆ.

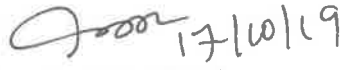
- 3) ಶ್ರೀ.ಬಿ.ಬಿ.ಅನವಟ್ಟಿ, ಈ ಹಿಂದೆ ಮಾಸೂರು ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ಯಲ್ಲಿ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ್ದು, ಪ್ರಸ್ತುತ ಹಿರೇಕೆರೂರು ತಾಲ್ಲೂಕಿನ ಹುಲ್ಲಟ್ಟಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದಾರೆ ಎಂದು ತಿಳಿದು ಬಂದಿದೆ.
- 4) ಶ್ರೀ.ಎಂ.ಸಿ. ಗೌಡರ, ಈ ಹಿಂದೆ ಮಾಸೂರು ಗ್ರಾಮ ಪಂಚಾಯ್ತಿ ಯಲ್ಲಿ ಕಾರ್ಯದರ್ಶಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ್ದು, ಈಗ ನಿವೃತ್ತಿ ಹೊಂದಿರುತ್ತಾರೆಂದು ತಿಳಿದು ಬಂದಿದೆ.
- 5) ಶ್ರೀ.ನಾರಾಯಣಪ್ಪ.ವಿ., ಗಾಯಕವಾಡ, ಈ ಹಿಂದೆ ಅಧ್ಯಕ್ಷರಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ್ದು, ಈಗಿನ ವಿವರ ತಿಳಿದುಬಂದಿರುವುದಿಲ್ಲ.
- 6) ಶ್ರೀ.ರಮೇಶ ಕೊಟ್ಟಪ್ಪ ನ್ಯಾಮತಿ, ಈ ಹಿಂದೆ ಅಧ್ಯಕ್ಷರಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸಿದ್ದು, ಈಗಿನ ವಿವರ ತಿಳಿದುಬಂದಿರುವುದಿಲ್ಲ.”

23. The above said documents clearly reveals that said overhead tank construction work is sub standard work. The DGO no. 1 to 3 have not taken care and caution at the time of construction of the said overhead tank which is utilized for the general public by constructing the same using public fund. The DW-1 to 3 also admitted in their evidence that the life time of the said overhead tank is 20 years. But the said overhead tank was damaged within a 6 years and not able to store the water to supply the drinking water to the public. The DGOs produced the Ex.D-3 the certificate issued by the PDO of grama panchayath masur dtd: 6.6.2017 to show that the said overhead tank is still using for the public without any repair and not made any expenditure regarding the repairs and maintenance from the date of construction. The PW-2 Investigating officer clearly stated in Ex.P-5 mahazar and Ex.P-6 report regarding the actual picture of the said water



tank. Comparing Ex.D-3 documents along with the evidence of the PW-1 and 2 and Ex.P-5 mahazar and 6 report it clearly reveals that the Ex.D-3 is the created document for the purpose of the DGOs escaped from their liabilities. There is no material evidence from the side of the DGOs to support the Ex.D-3 documents. The above said facts and circumstances clearly reveals that, work in respect of the construction of overhead tank is sub standard one, due that cracks have appeared on the said tank and unable to store the water. Further plaster of a tank also dropped out and the said act of the DGOs itself comes under the misconduct and dereliction of duty. The PW-2 clearly stated in the mahazar and report Ex.P-5 and 6 the cost of construction of the said overhead tank behind the B.T.Patil school is Rs.8.35 lakhs . The cost of the said overhead tank is Rs. 8.35 lakhs is wasteful expenditure and for that the DGOs are held responsible equally i.e., they are responsible for Rs. 2,78,334/- each. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGO no.1 to 3.

24. In the above said facts and circumstances, charge leveled against the DGOs No.1 to 3 is proved. Further DGO no.1 to 3 held responsible for Rs. 2,78,334/-each. Hence, report is submitted to Hon'ble Upalokayukta for further action.


17/10/19

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Mohana Dundeppa Nannuri, Member of Water committee, Masur Grama Panchayath, Hirekerur Taluk, Haveri District
Pw.2	Sri. Subramanya Karanth Assistant Executive Engineer, Karnataka Lokayukta, Bangalore

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

Ex.P1	Ex.P1 is the detailed complaint dated 23.3.2009 filed by PW-1 to Karnataka Lokayukta office.
Ex.P2&3	Ex.P2 and 3 are the complaint form No.I&II dated 23.3.2009 filed by PW-1 to Karnataka Lokayukta office.
Ex.P4	Ex.P4 is the documents produced by the complainant (4 sheets) along with the complaint on 23.3.2009.
Ex.P5	Ex.P5 is the report of mahazar dtd: 5.8.2014.
Ex.P6	Ex.P6 is the investigation report dtd: 30.6.2015 submitted by PW-2.
Ex.P7	Ex.P7 is the CD.
Ex.P8	Ex.P8 are the documents submitted along with the report by PW-2.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO No.1 Anavatti.B.B., the then Secretary, Masur gram Panchayath, Hirekeruru, (presently
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	at Hullatti grama panchayath, Hirekeruru Taluk, Haveri District has examined himself as DW-1,
DW-2	DGO no. 2 M.G.Kammar, the then Junior Engineer, PRE Sub division, Hirekeruru Taluk, (presently at PRE Sub Division, Shirahatti Taluk, Gadag District has examined himself as DW-2,
DW-3	DGO No.3 K.V.Hanchinamani, the then Assistant Executive Engineer, PRE sub Division, Hirekerur, (presently Grameena Kudiyuva Neeru Mathu Nairmalya Upa Vibhaga, Hirekeruru), has examined himself as DW-3

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D1 is the copy of the pension payment order dtd: 2.8.2016.
Ex.D-2	Ex.D-2 is the certified service letter dtd: 15.6.2018 issued by Executive Officer, Taluk Panchayath, Hirekerur.
Ex.D-3	Ex.D-3 is the certified certificate dtd: 6.6.2017 issued by Panchayath Development Officer, Grama panchayath, Masuru Hirekeruru taluk, Haveri district.
Ex.D-4	Ex.D-4 the certificate dtd: 11.6.2018 issued by Assistant Executive Engineer, Panchayath Raj Engineering sub Division, Hirekeruru.
Ex.D-5	Ex.D-5 is the letter to president, Masudh village, Thanda water supply and sewage counsel, Haveri district.
Ex.D-6	Ex.D-6 is the copy of the measurement book pertaining to the alleged work.
Ex.D-7	Ex.D-7 is the copy of the form PWG 33 (revised) running account bill.
Ex.D-8	Ex.D-8 is the copy of the amount release letter dtd: 29.8.2007 from deputy planning manager,
Ex.D-9	Ex.D-9 is the copy of the form PWG 33 (revised) running account bill.

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Ex.D-10	Ex.D-10 is the copy of the inspection certificate for UPVC pipe dtd: 30.7.2007.
Ex.D-11	Ex.D-11 is the copy of the amount release letter dtd: 19.10.2007 from deputy planning manager.
Ex.D-12	Ex.D-12 is the copy of the form PWG 33 (revised) running account bill.
Ex.D-13	Ex.D-13 is the letter dtd: 12.3.2008 from principal, B.V Bhoomaraddi college of engineering and technology, Hubli to the Deputy Project Manager, Jal Nirmal Project, ZP Haveri district.
Ex.D-14	Ex.D-14 is the III memorandum of payments.
Ex.D-15	Ex.D-15 is the service particulars of DGO no.3.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/553/2016/ARE-9

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **19/10/2019**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Anavatti B.B, the then Secretary, Masur Grama Panchayath, Hirekeruru Taluk, Haveri District.
- 2) Sri M.G. Kammar, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru.
- 3) Sri K.V. Hanchinamani, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru (presently working at Rural Drinking Water and Sanitation Department Sub Division, Hirekeruru) – Reg.

- Ref:-1) Government Order No. ಗ್ರಾಅಪ 110 ಇಎನ್‌ಕ್ಯೂ 2016 Bengaluru dated 27/10/2016
- 2) Nomination order No.UPLOK-1/DE/553/2016 Bengaluru dated 04/11/2016 of Upalokayukta-1, State of Karnataka, Bengaluru.
 - 3) Inquiry Report dated 17/10/2019 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 27/10/2016 initiated the disciplinary proceedings against (1) Sri Anavatti B.B, the then Secretary, Masur Grama Panchayath, Hirekeruru Taluk, Haveri District; (2) Sri M.G. Kammar, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru and (3) Sri K.V. Hanchinamani, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru (presently working at Rural Drinking Water and Sanitation Department Sub

Division, Hirekeruru) (hereinafter referred to as Delinquent Government Officials 1 to 3 for short as (DGO-1, DGO-2 and DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/553/2016 dated 04/11/2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Anavatti B.B, the then Secretary, Masur Grama Panchayath, Hirekeruru Taluk, Haveri District; DGO-2 Sri M.G. Kammar, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru and DGO-3 Sri K.V. Hanchinamani, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru (presently working at Rural Drinking Water and Sanitation Department Sub Division, Hirekeruru) were tried for the following charge:-

“While you DGO No.1 Sri. Anavatti B.B, was working as Secretary, Masur Grama Panchayath, Hirekeruru (Presently at Hullatti Grama Panchayath, Hirekeruru Taluk, Haveri District), you DGO No.2 Sri. M.G. Kammar, was working as Junior Engineer, PRE Sub-Division, Hirekeruru Taluk (presently at PRE Sub Division, Shirahatti Taluk, Gadag District) and you DGO No.3 Sri.K.R. Hachinamani, was working as

Assistant Executive Engineer, PRE Sub-Division, Hirekeruru (presently Grameena Kudiyuva Neerumathu Nairmalya Upa Vibhaga, Hirekeruru) – an amount of ₹73,26,086/- has been sanctioned in the estimate for integrated water supply project and an amount of ₹64,05,557/- has been paid for the work and further the water tank constructed behind B.T. Patil school in Maasur at a cost of Rs.8.35 lakhs is leaking and has developed cracks and plastering has dropped out therefore you DGO No.1 to 3 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO-1 Sri Anavatti B.B, the then Secretary, Masur Grama Panchayath, Hirekeruru Taluk, Haveri District; DGO-2 Sri M.G. Kammar, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru and DGO-3 Sri K.V. Hanchinamani, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru (presently working at Rural Drinking Water and Sanitation Department Sub Division, Hirekeruru). Further, the inquiry officer has held that DGO Nos.1 to 3 are responsible for wasteful expenditure of ₹2,78,334/- each.

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 to 3;

- i) DGO-1 Sri Anavatti B.B has retired from service on 28/02/2016.
- ii) DGO-2 Sri M.G. Kammar has retired from service on 31/08/2016.
- iii) DGO-3 Sri K.V. Hanchinamani is due to retire from service on 31/05/2020.


7. Having regard to the nature of charge proved against DGO-1 Sri Anavatti B.B; DGO-2 Sri M.G. Kammar and DGO-3 Sri K.V. Hanchinamani;

- i) it is hereby recommended to the Government for imposing penalty of recovering a sum of ₹2,78,334/- from the pension payable to DGO- 1 Sri Anavatti B.B, the then Secretary, Masur Grama Panchayath, Hirekeruru Taluk, Haveri District;
- ii) it is hereby recommended to the Government for imposing penalty of recovering a sum of ₹2,78,334/- from the pension payable to DGO-2 Sri M.G. Kammar, the then Junior Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru;
- iii) it is hereby recommended to the Government for imposing penalty of recovering a sum of ₹2,78,334/-

from the salary and allowances payable to DGO-3 Sri K.V. Hanchinamani, the then Assistant Executive Engineer, Panchayath Raj Engineering Sub Division, Hirekeruru (presently working at Rural Drinking Water and Sanitation Department Sub Division, Hirekeruru). If the salary and allowances is not sufficient to recover the entire amount, the balance amount shall be recovered from the pensionary benefits payable to DGO-3 Sri K.V. Hanchinamani.

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

Connected records are enclosed herewith.


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

