

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/713/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:9.2.2022

:: ENQUIRY REPORT ::**:: Present ::****(PUSHPAVATHI.V)****Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Inquiry against (1) Sri.
Rajkumar Pattar, Assistant Executive
Engineer Rural Drinking Water and
Sanitation Sub Division, Shahapur
Yadgir District and (2) Sri. Sharanappa
Naikal, Section Officer, Rural Drinking
Water and Sanitation Sub Division,
Shahapur Taluk, Yadgir District - reg.

Ref: 1. G.O.No. RDP 146 ENQ 2016 dated:
2.12.2016
2.Nomination Order No: UPLOK-
1/DE/713/2016/ARE-9 Bangalore
dated:12.12.2016 of Hon'ble
Upalokayukta-1

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This Departmental Inquiry is initiated against (1) Sri.
Rajkumar Pattar, Assistant Executive Engineer Rural
Drinking Water and Sanitation Sub Division, Shahapur
Yadgir District and (2) Sri. Sharanappa Naikal, Section
Officer, Rural Drinking Water and Sanitation Sub Division,
Shahapur Taluk, Yadgir District (hereinafter referred to as the
Delinquent Government Official for short "**DGO No.1 and 2
respectively**").

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2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 12.12.2016 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the Articles of charges, Statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied in support of the charges.

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

ANNEXURE-I
CHARGE

You-DGOs have not periodically inspected the work wherein in the work completion report, the date of commencement of work was 02/2015 and date of completion of work was 03/2015. In the copy of Measurement book, the name of agency is shown as Sri Shivakumar. The date of marking out is shown as 13/3/2015, the date of completion is altered and shown as 30/3/2015. The date of recording is shown as 31/3/2015. The details recorded in the measurement book are discrepant. They are recorded at a stretch. Even the date of recording is altered.

You-DGOs in the contract certificate (C.C. Bill) date of measurement taken is shown as 31/3/2015. The Asst. Executive Engineer, has altered the date from 25/4/2015 to

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31/3/2015. The details of work appended to C.C. bill are reiterations of estimate.

thereby you-DGO have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a Government Servant and thus you-DGO have guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE - 2

STATEMENT OF IMPUTATIONS OF MISCONDUCT

The allegation in the complaint is that, You-DGO No.1 the then Assistant Executive Engineer, Rural Drinking Water; and Sanitation Sub Division, Shahpur, Yadgir District and You-DGO No.2, Section Officer, Rural Drinking Water & Sanitation Sub Division, Shahpur had connived with contractor Sri Shivakumar S/o. Nagappa and committed the following illegalities in the execution of works.

- (i) A project of providing piped water supply scheme to Hulkal (J) Village in Shahapur Taluk, Yadgir District was undertaken through NRDWP scheme 2014-15 at the total estimate of Rs.15 Lakhs. The said work has been executed by calling tender.
- (ii) The execution of the work is not in accordance with the approved estimate.
- (iii) Low quality materials have been used for the work
- (iv) Instead of laying pipe line upto 2 K.M within the village, only 300 Mtrs. of steel pipe has been laid and the same has been connected to old pipes. Thereby misappropriating the public money. The work has been completed by spending

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only 4 to 5 lakhs. M.B. Book and CC bill have been drawn to the full amount.

The complainant has enclosed certain documents along with his complaint.

You-DGO No.1 have offered the following comments.

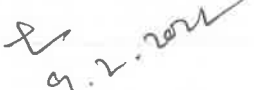
In the year 2014-15 under NRDWP scheme, a sum of Rs.15.00 Lakhs was estimated for providing drinking water supply to Hulikal (J) Village and contract was given to Sri Shivakumar for an amount of Rs.10.54 Lakhs. The work was executed according to the specifications. Therefore, the allegations of the complainant are false.

You-DGO have offered the following comments.

The work alleged by the complainant was executed in accordance with specifications. There was no illegality in the execution of work. You-DGOs have not connived with the Contractor.

You-DGOs apart from producing the photographs and estimate have produced the copies of Measurement book and copies of work inspection reports.

As per the work completion report, the date of commencement of work was 02/2015 and date of completion of work was 03/2015. In the copy of Measurement book, the name of agency is shown as Sri Shivakumar. The date of marking out is shown as 13/3/2015, the date of completion is altered and shown as 30/3/2015. The date of recording is shown as 31/3/2015. The details recorded in the measurement book are discrepant. They are recorded at a stretch. Even the date of recording is altered. There was no periodical inspection of work.


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In the contract certificate (C.C. Bill) date of measurement taken is shown as 31/3/2015. The Asst. Executive Engineer, has altered the date from 25/4/2015 to 31/3/2015. The details of work appended to C.C. bill are reiterations of estimate.

In the CC bill, the total value of work done is shown as 10,53,986/-. The details of measurement book are not provided in relation to first bill. The 2nd and final Bill was passed for a sum of Rs.5,08,638/- and after certain deductions a sum of Rs.4,45,585/- was paid.

The nature of work is shown as Revival of Piped Water Supply scheme at Hulikal – J Village in Shahpura Taluk. The work involved the following;

- (i) Earth work excavation;
- (ii) providing and installation of PVC pipes,
- (iii) Giving hydraulic test
- (iv) providing and laying reinforced cement concrete pipe NP3 150 mm dia.
- (v) Refilling
- (vi) Providing and fixing in trenches galvanised/mild steel tubes 65 mm dia. nominal bore with all fittings.
- (vii) Providing and constructing four way stand post
- (viii) The work also included raising main pipeline and destruction pipe line.

It is obvious from the records that there was no periodical inspection of work by the officers in charge of work. The CC bill (2nd and Final) was passed by mentioning the details of work found in the estimate. It does not contain the details of work inspected from time to time.

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The said facts and materials on record show that you-DGO No.1 and 2 being Public/Government Servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Public/Government Servants and thereby committed misconduct and made yourself liable for disciplinary action.

Since said facts supported by the materials on record prima facie show that you-DGO No.1 and 2 being Public/Government servants, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966 and under Rule 14(A) of Karnataka Civil Services (Classification, Control and Appeal) Rules 1957. Hence, the charge.

5. The Article of charge was issued to the DGOs calling upon him to appear before this authority and to submit written statement.

6. The DGOs appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO has been recorded and he pleaded not guilty and claimed for holding inquiry. Thereafter, he submitted written statement.

7. DGOs No1 and 2 has submitted joint written statement. In their written statement they have admitted that they had carried out project alleged in this case. But have contended that the project is not sub standard. Even the Investigating officer visited spot on 30.12.2015 and has submitted his report that the project is not sub standard. They have not committed any dereliction of duty or mis

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conduct as alleged. Hence they pray to drop the charges leveled against them.

8. The disciplinary authority has examined the complainant Sri. Sadashiva S/o Buggappa Ningappanora, as PW.1 and got marked documents as **Ex.P-1 to ExP-7**.

9. Thereafter, second oral statement of DGOs has been recorded. DGOs submitted that they have got evidence. So, opportunity was provided to them to adduce evidence. Accordingly, DGOs examined Sri.S.P.Vejayendra Retired Assistant Executive Engineer Panchayath Raj Department as DW-1, Sri. Sangappa member of grama panchayath Gulasaram grama panchayath as DW-2, DGO No.1 has got examined himself as DW-3 and DGO No.2 has got examined himself as DW-4 and got marked documents as **Ex.D-1 to Ex.D5**.

10. Heard submissions of Presenting Officer & counsel for DGOs. Perused the entire records. The only point that arises for my consideration is:

**Whether the Disciplinary Authority proves
the charge framed against the DGOs ?**

My finding on the above point is in the **AFFIRMATIVE** for the following:

REASONS

11. The allegations is that in connection to project of installing pipelines to provide drinking water to Hulkal (J) village in Shahapur Taluk, Yadgiri District, in the MB book the date of completion of work was altered as 30.3.2015 and

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date of recording measurement is altered to as 31.3.2015 though it was on 25.4.2015

12. As same in CC bill too, the DGO No. 2 has altered date of checked measurement i.e., 25.4.2015 to 31.3.2015. It is also the alleged that the work appended to CC bill are reiteration of estimate.

13. During chief examination, PW-1 has reiterated complaint averments. During cross examination nothing elicited to disbelieve his evidence. But in is complaint, he has allged that the project referred in this case is substandard. But, there is no charge alleging work is substandard. The charge is on the basis of 12(3) report of Karnataka Lokayukta Act. The allegations in the charges and 12(3) report are that, the DGOs altered the date of completion and check measurement. In this regard, this witness deposed nothing.

14. However, the measurement book and CC bill are part of Ex.P-4 which is marked through this witness. Page No. 26 os said Ex.P-4 show that the date of completion of work is over written as 30.3.2015. The date which was there before alteration is not visible. But initial is made for this alternation endorsing this as correction. Further at page No. 24, the date of certification is, at first written as 25.4.2015, later it has been corrected as 31.3.2015. Initial or signature is not put endorsing this alteration as correction.

15. Further at Page No. 13, the date of check measurement is, at first written as 25.4.2015, later on the upper side of said date, it is written as 31.3.2015. The DGO

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No. 1 and 2 have given evidence stating that these corrections are bonafide mistakes. Further DW-3 during cross examination admitted as follows;

“ಪುಟ ಸಂ: 24ರಲ್ಲಿ ನಾನು ದಿನಾಂಕವನ್ನು ತಿದ್ದಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ನಿ.ಪಿ-4 ಪುಟ ಸಂ:13 ರಲ್ಲಿಯೂ ಸಹ ದಿನಾಂಕವನ್ನು 25/4/2015 ಎಂದು ಇರುವುದನ್ನು ದಿ:31/3/2015 ಎಂದು ತಿದ್ದಲಾಗಿದೆ ಎಂದರೆ ಸರಿ. ತಿದ್ದಿದ ಮೇಲೆ ಸಹಿ ಹಾಕಿಲ್ಲ ಎಂದರೆ ಸರಿ.”

16. DW-4 during cross examination admitted as follows;

“ನಿ.ಪಿ-4 ರಲ್ಲಿನ ಪುಟ ಸಂ: 26 ರಲ್ಲಿ ದಿನಾಂಕವನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿದ್ದು ನಾನು ಎಂದರೆ ಸರಿ.” Thus, DGO has admitted the alterations alleged in the charge.

17. The Learned Presenting Officer argues that though the work was completed on 25.4.2015, these alternations are made to get release the bills in the budget of financial year 2014-15. This appears probable. Because in the work completion report, the date of commencement of work is shown as 2/2015 and the date of completion of work is shown as 3/2015, date is not mentioned. In the measurement book, date of marking out is shown as 13.3.2015, date of completion of work is shown as 31.3.2015. This means within 15 days the work is completed. Further, in the measurement book, no reference or note is made as to DGOs inspected work day to day. This leads to dis-believe the case of DGOs that the work is completed within 15 days from the date of marking out. Of course, DGO No.1 and 2 denied the

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suggestions of presenting officer that to get the bills released in financial year 2014-15, dates are altered. But they have not placed any materials to rule out these possibilities. DGO No.1 and 2 have also examined the Investigating officer at DW-1 and member of grama panchayath at DW-2. But have said the alleged work is satisfactory. But, the allegations are different. Both of them, during their cross examination have stated that they have got no knowledge of DGOs altered dates in MB book. Overall evidence placed show that DGOs have altered the dates in order to get release the bills for the financial year 2014-15

18. Thus, overall examination of the evidence on record shows that the disciplinary authority has established the charge leveled against DGO No.1 and 2. Hence I proceed to record the following:-

FINDINGS

19. The Disciplinary Authority has proved the charges leveled against DGOs. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

20. Date of retirement of DGO No.1 is 30.6.2021 and DGO No. 2 is 31.7.2022.

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(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sadashiva S/o Buggappa Ningappanora, Hulkal (J) Village, Gulasaram Post, Shahapur Taluk, yadagir District original
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Ex.p-1 is the detailed complaint submitted by PW-1 in Karnataka Lokayukta office
Ex.P 2 and 3	Ex.P-2 and 3 are the complaint dated 8.2.2016 in form No. 1 and 2 submitted by PW-1 in Karnataka Lokayukta office
Ex.P-4	Ex.P-4 are the documents submitted by PW-1 along with the complaint.
Ex.P-5	Ex.p-5 is the comments dated: 18.3.2016 and documents submitted by DGO- 1
Ex.P 6	Ex.P-6 is the comments dated: 11.4.2016, supporting documents, and photographs submitted by DGO No. 2
Ex.P-7	Ex.P-7 is the rejoinder dated: 20.6.2016 and documents submitted by PW-1

iii) List of witnesses examined on behalf of DGO.

DW-1	Sri. N.P.Vijayedra retired, Assistant Executive Engineer Panchayath Raj Department Yadgiri District Original
DW- 2	Sri.Sangappa, S/o Hanamantha, Member Grama panchayath, Gulasaram grama panchayath, Shahapura Taluk Original
DW-3	DGO No.1 Sri. Rajkumar Pattar, Assistant

9-2-2022

	Executive Engineer Rural Drinking Water and Sanitation Sub Division, Shahapur Yadgir District Original
DW-4	DGO No.2 Sri. Sharanappa Naikal, Section Officer, Rural Drinking Water and Sanitation Sub Division, Shahapur Taluk, Yadgir District original

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the office order dated: 9.12.2015 of CEO, ZP, Yadgiri
Ex.D-2	Ex.D-2 is the letter dated: 1.1.2016 of Assistant Secretary, zilla panchayath, Yadgiri to CEO, ZP, Yadgiri
Ex.D-3 to Ex.D-5	Ex.D-3 to Ex.D-5 are the photographs

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(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.713/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 14.02.2022.

RECOMMENDATION

Sub:- Departmental inquiry against (1)Sri Rajkumar Pattar, Assistant Executive Engineer, (2) Sri Sharanappa Naikal, Section Officer, Rural Drinking Water and Sanitation Sub-division, Shahapur, Yadgir District - reg.

Ref:- 1) Government Order No.RDP 146 ENQ 2016 dt.02.12.2016.

2) Nomination order No. UPLOK-1/DE.713/2016 dated 12.12.2016 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 09.02.2022 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 02.12.2016 initiated the disciplinary proceedings against (1)Sri Rajkumar Pattar, Assistant Executive Engineer, (2) Sri Sharanappa Naikal, Section Officer, Rural Drinking Water and Sanitation Sub-division, Shahapur, Yadgir District, [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1and 2'

respectively ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination UPLOK-1/DE.713/2016 dated 12.12.2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the charge of committing irregularities in execution of works under water supply scheme to Hulkal Village, not maintaining measurement book properly and also failed to inspect the work periodically and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO 1 Sri Rajkumar Pattar, Assistant Executive Engineer, DGO 2 Sri Sharanappa

Naikal, Section Officer, Rural Drinking Water and Sanitation Sub-division, Shahapur, Yadgir District, is 'proved'.

5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Enquiry Officer.

6. As per the First Oral Statements of DGOs furnished by the Enquiry Officer,

- i) DGO 1 Sri Rajkumar Pattar, has retired from service on 30.6.2021;
- ii) DGO 2 Sri Sharanappa Naikal, is due to retire from service on 31.07.2022.

7. Having regard to the nature of charge 'proved' against the DGOs and considering the totality of circumstances,

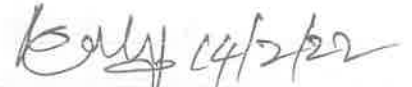
i) it is hereby recommended to the Government to impose penalty of 'withholding 5% (five) of pension payable to DGO 1 Sri Rajkumar Pattar, for a period of five years'.

ii) Since DGO.2 Sri Sharanappa Naikal is due to retire from service during July 2022, considering the time

required for issuance of second show-cause notice and its reply thereon, it is hereby recommended to the Government to impose penalty of ' withholding 5% (five) of pension payable to DGO 2 Sri Sharanappa Naikal, for a period of five years'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta-2,  
State of Karnataka.