



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.946/2017/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 22.04.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri T.B.Muganavar,
Panchayath Development Officer,
Guddaguddapura Grama Panchayath,
Ranebennur Taluk, Haveri District - reg.

Ref:- 1) Government Order No.RDP 558GPS 2017
dt.17.07.2017.

2) Nomination order No. UPLOK-1/DE.946/2017
dated 22.08.2017 of Hon'ble Upalokayukta,
State of Karnataka.

3) Inquiry report dated 08.04.2022 of Additional
Registrar of Enquiries-8, Karnataka Lokayukta,
Bengaluru.

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The Government by its order dated 17.07.2017 initiated the disciplinary proceedings against Sri T.B.Muganavar, Panchayath Development Officer, Guddaguddapura Grama Panchayath, Ranebennur Taluk, Haveri District, [hereinafter referred to as Delinquent Government Official, for short as

'DGO ' ] and entrusted the Departmental Inquiry to this Institution.


2. This Institution by Nomination Order No. UPLOK-1/DE.946/2017 dated 22.08.2017 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.
3. The DGO was tried for the charge of not properly executing construction of sidi at Vaddara Oni and SC colony of Hullatthi Village under 13<sup>th</sup> Finance Scheme and further failing to record measurements and maintain records of utilization of raw materials and thereby committing misconduct.
4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*not proved*' the above charge against the DGO Sri T.B.Muganavar, Panchayath

Development Officer, Guddaguddapura Grama Panchayath,  
Ranebennur Taluk, Haveri District.

5. On re-consideration of report of inquiry and on perusal of the entire records, 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 Inquiry Officer and exonerate DGO Sri T.B.Muganavar, Panchayath Development Officer, Guddaguddapura Grama Panchayath, Ranebennur Taluk, Haveri District, of the charges leveled against him.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta-1,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No: UPLOK-1/DE/946/2017/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 8<sup>th</sup> April, 2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against Sri T.B. Mugannanavar, Panchayath Development Officer, Guddaguddapura Gram Panchayath, Ranibennur Taluk, Haveri District – Reg.

**Ref:-**1.Government Order Gra A Pam Ka 2017  
Bengaluru dated 17/07/2017.  
2.Nomination Order No.UPLOK-1/DE-946/2017/  
ARE-8, Bengaluru, Dated: 22/08/2017.

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The Departmental Enquiry is initiated against DGO on the basis of the complaint lodged by one Jagadesh Hanumanthappa Kerodi, resident of Hullati village of Ranibennur Taluk, Haveri District, (herein after referred as 'Complainant') against T.B. Mugannanavar, working as Panchayath Development Officer of Guddaguddapura Gram Panchayath, Ranibennur Taluk, Haveri District (herein after referred to as the Delinquent Government Official in short

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'DGO') who lodged a complaint before Karnataka Lokayukta u/s 9 that was taken up for investigation.

2. Brief allegations made in the complaint are that:-

In the year 2014-15 as per 13<sup>th</sup> finance scheme an amount of Rs. 60,000/- was sanctioned to construct CD (cover drainage) work to cover the drainages in Vaddara Oni of Hullati village which falls within the limits of Guddaguddapura Gram Panchayath, and the CD concrete work was completed immediately. After completion of the CD concrete work, the upper layer of the concrete was seen damaged and the iron rods used for CD construction were found exposed because of the sub-standard work carried out by contractors who misappropriated the amount to the extent of Rs. 40,000/-.

3. In this regard, the then Hon'ble Upalokayukta referred the matter to investigate through Executive Officer, Taluk Panchayath, Ranibennur, who will be referred as investigation officer (henceforth referred as 'I.O-1'). He submitted report stating that, the CD construction has been carried out with the estimate cost of Rs. 60,000/- and completed as per the norms and specifications. However, because of frequent movement of heavy motor vehicles, to some extent the concrete work of the CD was damaged and the rods of the concrete work came out and the same had been rectified and no sub-standard contract was been carried out.

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4. In this regard, again investigation was referred to Chief Engineer, TAC, Karnataka Lokayukta, Bengaluru who will be referred as I.O.-2 (henceforth referred as I.O-2). He has also submitted negative report as against the allegations made in the complaint.
5. Accordingly, Hon'ble Upalokayukta called for comments from the complainant with regard to the negative report submitted by I.O-1 and 2. Complainant filed his rejoinder and denied the probability of inspection conducted by I.O-1 and 2; that construction was of sub-standard quality and no records were produced with regard to purchase of raw materials and accounts for purchasing, vouchers, receipts. Further, photographs disclosed that, the upper layer of the CD construction had been damaged. Hence, DGO has committed misconduct and failed to maintain integrity as a public servant.
6. After receiving the complaint, Hon'ble Upalokayukta investigated into the papers and arrived at a conclusion that, material on record prima facie showed that, DGO committed misconduct as per rule 3(i) of KCSR (CCA) Rules, 1966. So acting u/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate proceedings against DGO and entrusted the inquiry under Rule 14-A of KCS (CCA), 1957.
7. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta-1 vide Order cited at reference No.2 has nominated Additional Registrar Enquiries-8 to frame

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Articles of Charge and to conduct enquiry against aforesaid DGO.

8. Additional Registrar Enquiries-8 has prepared Articles of Charge, Statement of Imputations of misconduct, List of witnesses and List of documents and copies of the same were sent to DGO for his appearance and to submit written statement of defense. The Delinquent Government Official appeared on 13<sup>th</sup> and 17<sup>th</sup> to defend him before this authority pursuant to service of Articles of Charge. The Plea (FOS) was recorded, the DGO pleaded not guilty and claimed enquiry into the charge. The Articles of Charge framed against DGO are as follows;

“ಶ್ರೀ.ಟಿ.ಬಿ.ಮೂಗಾನವರ, ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ, ಗುಡ್ಡಗುಡ್ಡಾಪುರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ರಾಣಿಬೆನ್ನೂರು ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ಆ.ಸ.ನಾ ಆದ ನೀವು ಗುಡ್ಡಗುಡ್ಡಾಪುರ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ ಈ ಕೆಳಗಿನ ಆಪಾದನೆಗಳನ್ನು ಎಸಗಿರುತ್ತೀರಿ:

**ಆಪಾದನೆ-1**

ಹಾವೇರಿ ಜಿಲ್ಲೆ ರಾಣಿಬೆನ್ನೂರು ತಾಲ್ಲೂಕು ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮದ ವಡ್ಡರ ಓಣಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ಜಾತಿಯವರ ಕಾಲೋನಿಯ ಸಿಡಿ ನಿರ್ಮಾಣ ಕಾಮಗಾರಿಗೆ 2014-15ನೇ ಸಾಲಿನ 13ನೇ ಹಣಕಾಸು ಅನುದಾನದಲ್ಲಿ ರೂ.60,000/- ಮಂಜೂರಾಗಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಕಾಮಗಾರಿ ನಿರ್ಮಾಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ದಿನ ವಹಿ ಕಾಮಗಾರಿಯ ಅಳತೆಯ ಬಗ್ಗೆ ಸ್ಪಷ್ಟವಾಗಿ ನಮೂದಿಸಿರುವುದಿಲ್ಲ.

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ಆಪಾದನೆ-2

ಸದರಿ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಬಳಸಲಾದ ಕಚ್ಚಾ ಸಾಮಗ್ರಿಗಳ ಬಗ್ಗೆ ಮತ್ತು ಖರ್ಚಿನ ವಿವರದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಒದಗಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಹಣ ಖರ್ಚು ಮಾಡಿರುವ ಬಗ್ಗೆ ಯಾವುದೇ ವೋಚರ್ ಮತ್ತು ರಸೀದಿಗಳು ಇರುವುದಿಲ್ಲ.

ಆಪಾದನೆ-3

ಸದರಿ ಕಾಮಗಾರಿಯ ಛಾಯಾ ಚಿತ್ರಗಳಲ್ಲಿ, ಸದರಿ ಕಾಮಗಾರಿಯ ಕೊನೆಯಲ್ಲಿ ಕಬ್ಬಿಣದ ರಾಡುಗಳು ಹೊರಗೆ ಬಂದಿರುವುದು ಕಂಡು ಬಂದಿದ್ದು, ನೀವು ಅದನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ಪರಿಶೀಲನೆ ಮಾಡಿ ಕಾಮಗಾರಿ ವೆಚ್ಚವನ್ನು ಭರಿಸುವುದು ನಿಮ್ಮ ಕರ್ತವ್ಯವಾಗಿದ್ದು, ನೀವು ಸರಿಯಾದ ಪರಿಶೀಲನೆ ಮಾಡದೇ ಸರ್ಕಾರ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆ ಮಾಡಿ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಸರ್ಕಾರಿ ಆಪಾದಿತ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ (3)(1)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

9. DGO has filed written statement denying entire allegations made in the complaint by the complainant and also contended that, the earlier two I.O.'s appointed by Lokayukta office have submitted reports that substandard quality of construction work of CD was not and no dereliction of duty/misconduct was committed by Panchayath Development Officer and it was contended that, entire construction work was completed and completion

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certificate was issued and the records for purchasing materials have been inspected; after examination they were accepted by the authorities concerned. Further, construction of work was inspected by concerned Engineer who has submitted report that was against the allegations made in complaint. Particularly, the Executive Engineer, Karnataka Irrigation Department Limited and quality controller has examined the same and no misappropriation of amount is committed by DGO and the thin layer of CD concrete seemed to have been damaged appearing scattered patches making the iron rods used for construction in concrete work exposed due to passing of heavy motor vehicle on CD drainage. Hence, prayed for dropping the enquiry against him.

10. The presenting officer in order to prove the charge leveled against DGO has examined PW-1 and 2 and got marked **Exhibit P-1 to P-9** and the presenting officer side was closed. In order to substantiate the defense documents the DGO himself examined as DW-1 and got marked **Exhibit D-1 to 9**. Defense side was closed. SOS of DGO is recorded. Argument on both sides were heard and posted for orders.
11. Heard the arguments of Presenting Officer appearing for disciplinary authority and the learned counsel appearing for DGO. The learned counsel also submitted written brief apart from oral arguments. Perused the written brief submitted by the DGO.

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12. The point that arise for my consideration is as follows;

1) Whether the Disciplinary Authority has proved the Article of charges 1 to 3 framed and leveled against DGO?

13. My answer to the above point is in the 'negative' for the following reasons.

### REASONS

**For the purpose of convince Article of charge No.3 framed is taken for discussion at the first instance.**

14. **Article of charge No.3:-** In order to establish the allegations made in the articles of charges presenting officer has examined, aggrieved complainant as PW-1 and Executive Officer, Taluk Panchayath, Ranibennur as PW-2 who has inspected the CD construction (construction of drainage herein after shall be referred as **CD**). PW-3 Sri H.S. Sudheendra the then Assistant Exccutive Engineer attached to Karnataka Lokayukta has produced and marked the investigation report after conducting quality control report as PW-3.

15. PW-1 being the aggrieved complainant has stated that, he has lodged complaint against the Panchayath Development Officer for having constructed the sub-standard CD work and has misappropriated about Rs. 20,000/- out of the total grant of Rs. 60,000/-. In support of his allegation, he has only produced his written complaint **Exb.P-1 to 3**, some photographs as **Exb.P-4 and P-5**. Oral evidence of PW-1

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only discloses that, he has made only written allegations against DGO that, CD construction completed by the DGO under contract was of sub-standard quality and was not as per the specifications; Truth behind these allegations are to be assessed by expert evidence like Engineer like PW-2 and 3 who was directed by this office to inspect the construction work.

16. PW-2 Dr. Basavaraj. D.C. who was working as in-charge Executive Officer, Taluk Panchayath, Ranibennur Taluk has stated that, he gave visit to the village where the CD construction was completed with estimated cost of Rs. 60,000/- and construction was completed. Complainant was present. On inspection of constructed drainage, he was able to see small damage patches appearing on the upper layer of concrete, rods used as steel rods for completing concrete were seen exposed.
17. In this regard, he has filed report in **Exb.P-7** and photographs, documents produced by him as **Exb.P-9**. PW-2 has been cross examined. It has been elicited in the cross examination that, as a result of crossing over of heavy motor vehicles loaded with sugar cane crop or other materials the said CD construction might have been damaged as regards upper layer of the concrete construction and it was negligible and ordered to be corrected with the help of Panchayath Development Officer and contractor. It is also seen that, he has submitted comprehensive report in **Exhibit P-7** in which it is clearly disclosed that, no sub-

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standard work seems to have been carried out in the CD construction as mentioned in the complaint and complainant was present. The same is reproduced;

“ಕಾಮಗಾರಿಯು ಯಾವುದೇ ರೀತಿಯ ಕಳಪೆ ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ ಸ್ಥಳ ತನಿಖೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲಿ ದೂರುದಾರರು ಸಹ ಹಾಜರಿದ್ದು ಈ ಬಗ್ಗೆ ಸದರಿ ಕಾಮಗಾರಿಯ ಛಾಯಾಚಿತ್ರವನ್ನು ವರದಿಯ ಜೊತೆಗೆ ಲಗತ್ತಿಸಿದೆ”.

18. So, it is sufficient to arrive at a conclusion that, Executive Officer appointed to investigate the CD construction work has conducted spot inspection and submitted negative report which is contrary to the allegations made by the complainant.
19. However, in order to substantiate the claim, presenting officer has examined and relied on the evidence of the PW-3 Sri H.S. Sudheendra, Assistant Executive Engineer, TAC, Karnataka Lokayukta, Bengaluru. He has stated that, in response to the order issued by Chief Engineer, TAC, Karnataka Lokayukta, Bengaluru visited the spot of construction alleged to have been constructed with sub-standard material, on 18/11/2015 in the presence of Taluk Panchayath officials including the contractor, Panchayath Members, PWD officers like Assistant Engineer etc., and after close inspection and investigation of the CD construction and materials used in construction and also related to the estimate cost books, MB books and available documents he arrived at a conclusion that, the construction work of CD has been carried out substantially as per

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estimate cost, and tender was called from contractors and submitted his report marked as **exhibit P-28** and relevant portion is reproduced as under;

“ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು ಪಂಚಾಯತ್ ರಾಜ್ ಉಪ-ವಿಭಾಗ ರಾಣೇಬೆನ್ನೂರು ರವರಿಂದ ಅಂದಾಜು ಪತ್ರಿಕೆ ತಯಾರಿಸಲಾಗಿದ್ದು, ಅಂದಾಜು ಪತ್ರಿಕೆ ಪ್ರಕಾರ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾಮಗಾರಿಯ ರಸ್ತೆಯಲ್ಲಿ ಅತಿ ಹೆಚ್ಚು ಭಾರ ಹೊತ್ತ ವಾಹನಗಳು ಸಂಚಾರ ಮಾಡಿದ್ದಾಗ ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ಸಿ.ಡಿ. ಕಾಮಗಾರಿಯ ತುದಿಯಲ್ಲಿ ಕಬ್ಬಿಣದ ರಾಡುಗಳು ಹೊರಗೆ ಬಂದಿದೆ. ಅದನ್ನು ಸರಿಪಡಿಸಲು ಆ.ಸ.ನೌ.ರವರಿಗೆ ಪತ್ರ ಬರೆದಿದೆ. ಈ ಬಗ್ಗೆ ನಾನು ವರದಿಯನ್ನು ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಗೆ ಕಳುಹಿಸಿದ್ದೇನು”.

20. Further, PW-3 has stated that, the upper layer of damaged concrete slab was seen appearing in scattered patches and it was ordered to be corrected and he has also, stated that, quality control officer was present and he has conducted the test. Quality of concrete was conducted with the help of rebound hammer and other instruments and observed that, the concrete construction was as per the value and he has submitted his report in **Exhibit P-28**. He has also captured photographs of the construction marked at **Exb.P-20 to 26** and in the end submitted his report in **Exb. P-28**.
21. My attention is drawn to the report submitted by PW-3 Assistant Executive Engineer appointed through Karnataka Lokayukta in Exb.P-28 which discloses that, the allegations made by the complainant in his complaint relating to CD construction were not established and no irregularities were

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seen in the construction. Relevant portion of the report is reproduced as under;

“ತನಿಖೆಯ ಸಮಯದಲ್ಲಿ, ಆಪಾದಿತ ಸಿ.ಡಿ. ನಿರ್ಮಾಣದಲ್ಲಿ ದೂರುದಾರರು ಯಾವುದೇ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ ಮತ್ತು ನ್ಯೂನತೆಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಈ ಸಿ.ಡಿ.ಯನ್ನು ನಿರ್ಮಿಸಿರುವ ಗ್ರಾಮೀಣ ರಸ್ತೆಯ ಅಡ್ಡಲಾಗಿ ಹರಿಯುವ ಚರಂಡಿಯ ಮೇಲೆ, ಸರಕು ತುಂಬಿದ ಚಕ್ಕಡಿ, ಟ್ರಾಕ್ಟರ್ ಮತ್ತಿತರ ಭಾರಯುತ ವಾಹನಗಳ ಓಡಾಟದಿಂದ ಸ್ವಾಭಾವಿಕವಾಗಿ ಒಂದು ಬದಿಯಲ್ಲಿ ತಗ್ಗುಂಟಾಗಿ ಕಾಂಕ್ರೀಟ್ ಸ್ಲಾಬ್‌ನ ಅಂಚು ಮುಕ್ಕಾಗಿರುವುದನ್ನು ತನಿಖೆ ಸಂದರ್ಭದಲ್ಲಿ ಪಾಲಿಗೊಂಡಿದ್ದ ಪಿ.ಡಿ.ಓ., ಶಾಕಾಧಿಕಾರಿ ಮತ್ತು ಇ.ಓ.ಗಳಿಗೆ ಗ್ರಾಮಸ್ಥರು ವಿವರಿಸಿರುತ್ತಾರೆ. ಇದಕ್ಕೆ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ವಹಿಸಿದ ಗುತ್ತಿಗೆದಾರರು ಪ್ರತಿಕ್ರಿಯಿಸಿ, ಇದನ್ನು ಸರಿಪಡಿಸುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಇಲ್ಲಿಗೆ ಸದರಿ ದೂರುಪ್ರಕರಣದ ಆಪಾದಿತ ಕಾಮಗಾರಿಯ ಪರಿಶೀಲನೆ/ವಿಚಾರಣೆಗಳು ಪೂರ್ಣಗೊಂಡಿರುತ್ತದೆ.”

22. Equally my attention is drawn towards quality controller's report marked as P-10 submitted by Executive Engineer, Karnataka Irrigation Limited which discloses that, the quality construction of the CD in question was conducted in the presence of PW-3 with the help of the above said report it states as follows;

“Allowable compressive strength limits for Rebound test is (+) or (-) 25 percent as ID 13311(Part-2) 1992. Hence, the value lies within the limits”.

23. It is pertinent to note that, PW-2 and 3 were sent with a requisition to inspect CD construction, inspect the place and

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find out whether there was misconduct of the DGO in carrying out sub-standard CD construction work at Hullati village. Close observation and analysis of the evidence of PW-2 & 3 who were appointed to assess the quality construction who has submitted negative report in Exb.P-7 and P-28 shows facts contrary to the allegations made in the complaint and article of charges-3.

24. So it is clear from the evidence of PW-2 Executive Officer and Assistant Executive Engineer PW-3 that, contrary to the allegations made in the complaint against articles of charge leveled against DGO and the report of PW-2 (P-7) and report of PW-3, Exb.P-28 discloses clear opinion that, no sub-standard work is carried out in completing the construction of CD of said village and the quality control examination report marked as P-10 conducted with the help of the rebound hammer substantiates the fact that, no sub-standard work has been carried out in completion of CD construction work. Further, it is elicited in the evidence and reports that, delayed complaint has been lodged by PW-1 and minor patches and damages appearing on the upper layer of the construction was the result of passing of heavy vehicles and repeated suggestions made by the defense that, such minor damages can be caused by running over of heavy motor vehicles loaded with sugarcane or other materials like trucks and tippers is not denied by PW-2 & 3.
25. However, it leads to a probable inference that, such minor damages appearing like patches on the upper layer

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construction can be caused due to transportation of heavy motor vehicles on CD construction.

26. To rebut the allegations made in the complaint and the article of charge framed, DGO got himself examined as DW-1. He has stated that, work of CD has been carried out consistently within the estimated cost of Rs. 60,000/- as prepared by Panchayath action plan marked at Exb.D-2 and estimated cost was prepared by Zilla Panchayath Engineers marked at Exb.D-3 and the contract of construction was granted accordingly and was entered into writing as per Exb.D-4 and D-5 the work allotment order. Six photographs captured at different stages of construction were also produced and after completion of construction work bills and MB books were sent to Panchayath and marked as Exb.D-7 and bills marked as Exb.D-8 and construction completion certificate as Exb.D-9. Proposal was placed before Gram Panchayath, Guddaguddapura in the meeting held on 05/07/2017. The same was cleared and payment was made after deducting TDS of Rs.3,610/-.
27. Evidence of DW-1 makes it clear that, DW-1 has followed all the procedures like preparation of estimated cost, approval by the Gram Panchayath Engineers, got it passed through Guddaguddapura Panchayath committee and got approved contract through tender and thereafter, obtained construction completion certificate and related documents produced by him which are consistent with his oral evidence.

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28. Therefore, after close analysis of evidence of complainant PW-1 who has only lodged Written complaint not supported by any records to show that, substandard construction work was carried out by DGO and further reports submitted by technical experts appointed through this institution to inspect the quality construction of CD like PW 2 & 3 marked at exhibit P-7 & 28 it is clear that, they are contrary to the allegations made in the complaint relating to 'substandard work carried out by DGO. And further construction quality report P-10 also corroborates the reports of PW-2 & 3 Engineers i.e., P-7 & 28. So, it can be inferred and can be arrived at a conclusion that, no misconduct was seen to have been committed by DGO. **In view of the discussion it is found proper to answer article of charge No-3 in negative.**
29. **Article of Charge No. 1 & 2.**
30. Article of charge No.1 pertain to Rs.60,000/- granted for CD construction and the daily work carried out of construction portion is not mentioned in measurement book maintained by Panchayath and article of charge No. 2 pertains to that DGO has not produced details of records pertaining to purchasing of raw materials and details of amounts and expenditures and related vouchers .
31. In order to rebut these allegation DW-1, DGO has stated that, estimated cost of construction was Rs.60,000/- and the same was approved and contractors after attending all requirements like entering contract between contractor and

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the Panchayath president marked at D-4 and in pursuance of the order of the president work order was issued at D-5 and construction work was completed at the cost of Rs.47,860/- and the proposed contract was for Rs.51,470/- though the estimated cost was for Rs.60,000/- and after deducting the TDS of Rs.3,610/- an amount of Rs,47,860/- was paid to contractor by issuing cheque.

32. Further DW-1 has stated that, after completion of CD construction work Panchayath Engineers have submitted MB books and also the bills which are marked at Exb.D-7 & D-8 and further completion certificate issued marked at Exb.D-9 and MB books, bills were placed before GBM of Panchayath and they were got approved then the cost of construction amount Rs.47,860/- was paid through cheque to the contractor. My attention was drawn towards Exb.D-7 which pertains to MB book which consists of 3 pages disclosing the entry of measurement of construction until the construction of cost reached estimated cost.
33. My attention is also drawn to Exb.D-8 which is dealing with the details of bills pertaining to the purchase of material for construction disclosing the details of purchase of materials and expenses incurred for construction.
34. It is relevant to note that, duty of the DGO is limited. He is not a technical expert to inspect the quality of construction. The different stages of constructions are inspected by Panchayath Engineers, on their certification PDO shall place the bills for clearance from the Panchayath. It is also

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relevant to note that, completion certificate has been issued at Exb.D-9 dated: 02/01/2015 disclosing the completion of the work at the cost of Rs.51,582/- though the grant of construction was for Rs.60,000/- and after that, all the records have been placed before Panchayath committee in GBM and were cleared and passed by majority of the Members of Gram Panchayath. Now it is clear to understand that, DGO has not committed any dereliction of duty in clearing the bills at different level of completion of construction of CD. In view of the discussion made above article of charges 1 & 2 are required to be answered in negative.

35. So, to sum up complaint allegations are not established as per the report of Executive Officer, Taluk Panchayath. PW-2, Assistant Executive Engineer, PW-3 who are experts in examining the quality of construction in question as referred in Exb.P-7 an P-28. Evidence of DW-1 is sufficient to arrive at a conclusion that DGO has attended all the procedural requirement as provided in Panchayath Raj Act to award contract. He has taken the approval from the Panchayath and collected completion certificate and only thereafter released the amount getting it passed through the Gram Panchayath. In view of the elaborate discussion made above, it is found proper to hold that, DGO the then Panchayath Development Officer has not committed any misconduct in completion of CD construction work as alleged by complainant. Therefore, the DGO is not held liable for professional misconduct under rule 3 (i) to (iii) of KCS

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(Conduct) Rules, 1966. In the result above points for consideration are answered in 'negative' and proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has not proved the article of charges No. 1 to 3 leveled against the Delinquent Government Official Sri T.B. Mugannanavar, Panchayath Development Officer, Guddaguddapura Gram Panchayath, Ranibennur Taluk, Haveri District.

Submitted to His Lordship Hon'ble Upalokayukta-1 for further action in the matter.

*Rajashekar V. Patil* 01/4/2018

**(RAJASHEKAR V. PATIL)**

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

### **ANNEXURES**

1. **LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

|     |                                                                                                                      |
|-----|----------------------------------------------------------------------------------------------------------------------|
| PW1 | Sri Jagadesh Hanumanthappa Kerodi, resident of Hullati village of Ranibennur Taluk, Haveri District Dated 01/02/2018 |
|-----|----------------------------------------------------------------------------------------------------------------------|

2. **LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

|     |                                                                                                                                       |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|
| DW1 | Sri T.B. Mugannanavar, working as Panchayath Development Officer of Guddaguddapura Gram Panchayath, Ranibennur Taluk, Haveri District |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|

*Rajashekar V. Patil* 01/4/2018

|                  |
|------------------|
| Dated:05/02/2021 |
|------------------|

**3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**

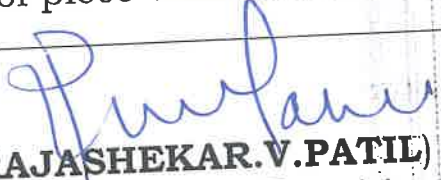
|                         |                                                                                                                                         |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1                   | FORM NO.I (Complaint)                                                                                                                   |
| Ex.P2                   | FORM NO.II (Complainant's Affidavit)                                                                                                    |
| Ex.P3                   | Complaint dated: 08/06/2016 of PW1 Sri Jagadesh Hanumanthappa Kerodi, resident of Hullati village of Ranibennur Taluk, Haveri District. |
| Ex.P4                   | Photographs                                                                                                                             |
| Ex.P5                   | Mahazar (Spot Inspection Report of I.O -2)                                                                                              |
| Ex.P6                   | Letter of complainant dated 17/03/2017 addressed to Lokayukta.                                                                          |
| Ex.P7                   | Spot Inspection Report of I.O-1 (Executive Officer, Taluk Panchayath, Rannibennur),                                                     |
| Ex.P8                   | Letter of I.O-1 dated 27/10/2016 addressed to ARLO-1                                                                                    |
| Ex.P9                   | Photograph of I.O-1 during spot Inspection                                                                                              |
| Ex.P10                  | Letter dated 23/11/2016 of Executive Engineer, Quality Control, Shivamogga                                                              |
| Ex.P11                  | Copy of Estimated cost                                                                                                                  |
| Ex.P12                  | Copy of MB Book                                                                                                                         |
| Ex.P13<br>to<br>Ex.P-27 | Photographs of Spot Inspection of I.O-2                                                                                                 |
| Ex.P28                  | Investigation Report of I.O-2                                                                                                           |

**4. LIST OF DOCUMENTS MARKED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

|       |                                                                                                                         |
|-------|-------------------------------------------------------------------------------------------------------------------------|
| Ex.D1 | Letter of Panchayath Development Officer dated 09/02/2017 addressed to Executive Officer, Taluk Panchayath, Rannibennur |
| Ex.D2 | Copy of 13 <sup>th</sup> Finance Scheme action plan information                                                         |
| Ex.D3 | Copy of the estimation pertaining to Gram Panchayath                                                                    |

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|       |                                                             |
|-------|-------------------------------------------------------------|
| Ex.D4 | Copy of piece work agreement                                |
| Ex.D5 | Copy of work order                                          |
| Ex.D6 | Xerox of photographs of CD construction of Hullati village. |
| Ex.D7 | Copy of MB book                                             |
| Ex.D8 | Xerox copy of running account bill Form PWG-33              |
| Ex.D9 | Xerox copy of proposal of piece work contract               |

  
(RAJASHEKAR.V.PATIL)  
Additional Registrar Enquiries-8  
Karnataka Lokayukta,  
Bengaluru.

