

**KARNATAKA LOKAYUKTA**

NO: UPLOK - 2/DE/168/2018/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 2<sup>nd</sup> February 2022.

**ENQUIRY REPORT**

Sub: Departmental Enquiry against;

1). Sri.R.Rangaswamy, Executive Engineer (Retired), 2). Sri.H.C.Subramanya, Executive Engineer, 3). Sri.Ranganath, Assistant Executive Engineer, 4). Sri.C.N.Mahadev, Assistant Executive Engineer, 5). K.T.Krishnakumar, Junior Engineer, Karnataka Urban Water Supply and Drainage Board Division, M.G.Road, Hassan.

Ref: 1.G.O.No. Ka Ja Ma HRD 1 2017 Dated; 21.03.2018.

2. Nomination Order No: UPLOK-2/DE/168/2018, Bengaluru Dated: 26.03.2018 of Hon'ble Uplokayukta-2.

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The Departmental Enquiry is initiated against 1. Sri.R.Rangaswamy, Executive Engineer (Retired), 2. Sri.H.C.Subramanya, Executive Engineer, 3. Sri.Ranganath, Assistant Executive Engineer, 4. Sri.C.N.Mahadev, Assistant Executive Engineer, 5. K.T.Krishnakumar, Junior Engineer, Karnataka Urban Water Supply and Drainage Board Division,

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M.G.Road, Hassan (hereinafter referred to as the Delinquent Government Officials in short DGOs.1 to 5).

2. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta - 2 vide order cited at reference No.2 has nominated Additional Registrar Enquiries - 8 to frame Articles of Charge and to conduct enquiry against aforesaid DGOs.1 to 5.

3. The Substance of Imputations of misconduct against the Delinquent Government Officials.1 to 5 is as follows.

i). The Delinquent Government Officials 1 and 3 were working as Executive Engineers, Delinquent Government Officials 3 and 4 were working as Assistant Executive Engineers and Delinquent Government Official 5 was working a Junior Engineer in Panchayath Raj Engineering Division Yadagir. The Delinquent Government Official No.2 was working as Junior Engineer in Karnataka Urban Water Supply and Drainage Board Division, M.G.Road, Hassan during the years 1995-2000. The complainant Sri. Sandeep.B.P S/o Puttegowda, Human Rights Federation of India (NGO), Cotton Corner, Kanada Annaiah Complex, K.R.Puram, Hassan filed complaint on 16.04.2014 in the prescribed Format No.1 and 2 before this institution. The complainant alleged in the complaint that Karnataka Urban Water Supply and Drainage Board Division took up 2<sup>nd</sup> stage of water supply from Hemavathi Reservoir to Hassan City in the year 1995. The cost

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was estimated at Rs.810.00 lakhs and approved for supply of water to the areas such as Chikkanalu, Shanthinagara Extension, Ravindranagara Extension, Hunasinakere Extension, Near Polytechnic College and Rajaghatta. Rs.10 lakhs grant was sanctioned to the water tank which was constructed in Rajaghatta Area.

ii). The DGOs 1 to 5 being the engineers commenced the work of construction of 1 lakh gallon capacity of water tank in Rajaghatta Area on 15.04.1995 and completed construction on 02.07.2000 by utilizing the required amount out of grant of Rs.10 lakhs. The DGOs 1 to 5 were supposed to hand over the overhead water tank to the Town Municipal Council immediately after getting approval in the Board Committee Meeting. They failed to handover the overhead water tank to TMC. The very purpose of construction of water tank was not served and the Government money was being wasted. The DGO.1 to 5 have not cancelled the contract as the work was not completed on 18.01.1996 as per agreement and caused delay of five years. They have not taken steps to recover penalty of Rs.1,21,751/- from the contractor. If the DGOs provided pipeline and underground water line earlier, preparing of estimate under special plan during the year 2000-2001 would not have arisen at all. The Technical Wing of Lokayukta Office submitted report holding that DGO.1 to 5 are liable to pay financial loss of Rs.5.40,000/- to the State. There is a misappropriation of funds belonging to the Government.

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iii). The comments submitted by the DGOs was not accepted by the Hon'ble Upalokayukta-2 and held that they are prima facie found guilty of above said misconduct and have failed to maintain absolute integrity besides devotion to duty and have acted in a manner which is unbecoming of a government servants making them liable for the departmental action. Accordingly recommendation is made under section 12 (3) of Karnataka Lokayukta Act, 1984 to Competent Authority to initiate disciplinary proceedings against DGOs.1 to 5. Further sought sanction under rule 214 (2) (b) (ii) of KCSR to conduct enquiry against DGO.1-Sri.R.Rangaswamy who is already retired from service.

4. 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 DGOs.1 to 5 for their appearance and to submit their written statement of defence. The Delinquent Government Officials 1 to 5 appeared on 13-06-2018 before this authority pursuant to service of Articles of Charge through the defense assistant Sri.K.N.Nagaraj. The Plea (FOS) was recorded, the DGOs 1 to 5 pleaded not guilty and claimed enquiry into the charges. The Articles of Charge framed against DGOs.1 to 5 is as follows.

“You DGO.1 to 5 without ascertaining the water source and without making provision for pipe line to draw water from Hemavathi Reservoir

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have constructed 1 lakh gallon capacity of overhead water tank at Rajaghatta Extension, Hassan in the year 2000 by spending Rs.5.40 lakh and have not handover the same to TMC, Hassan and caused loss to the Government and thereby failed to maintain absolute integrity and devotion duty, the act of which is unbecoming of Public/Government Servants and committed misconduct as enumerated under Rule 3(1) of KCS (Conduct) Rules, 1966”.

5. i). The DGOs 1 to 5 filed written statement of defence denying all the allegations made against them besides contending that they were not working on 27.04.1994 when estimate of Rs.810 lakhs was granted for the purpose of water supply to Hassan City. Five overhead tanks were constructed under the scheme at Shanthinagar and 4 other extensions, and handed over the same to TMC, Hassan on 30.11.1999. Rs.10 lakhs was granted for the purpose of construction of water tank at Rajaghatta extension. The pipeline facility was not provided to draw water from Hemavathi Reservoir to Rajaghatta Extension. After commencing of construction of water tank at Rajaghatta Extension a suit in O.S.No.377/1995 was filed on 23.11.1995 against Executive Engineer and the contractor. On account of this the work was held up till June, 1996. Later the work was commenced on 15.12.1997 with the approval of competent authority and completed on 02.07.2000. The contractor was levied with penalty of Rs.1,25,751/- for delay in completing the work. The DGO.2 and 4 were not working as

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Executive and Assistant Executive engineers during the 1994 - 2002.

ii). It is further contended that the Government has not cleared the proposal of project of laying pipe lines from the Hemavathi Reservoir to draw water to the overhead tank. On the request of Commissioner, TMC Hassan two bore wells were drilled on 13.11.2000 out of the amount available in special plan of the year 2000-2001. Thereby provided water facility to the overhead tank constructed at Rajaghatta Extension and handed over the same to TMC Hassan for utilization. The DGOs are not responsible for not handing over of overhead tank constructed at Rajaghatta Extension. The TAC wing of Lokayukta conducted spot inspection in the absence of DGO.1 to 4 and prepared mahazar Ex.P7 and submitted report Ex.P11 by suppressing the truth. The very complaint is not maintainable under section 8 (1)(b) of Karnataka Lokayukta Act,1984. On the above grounds prays to exonerate them of the charge levelled against them.

6. The Presenting officer to prove the misconduct of the Delinquent Government Officials.1 to 5 has examined two witnesses as PW1 and PW2 and got marked Ex.P1 to Ex.P11. The Second Oral Statement of the Delinquent Government officials.1 to 5 was recorded under Rule 11 (18) C.C.A.Rules. The Delinquent Government Officials.1 to 5 pleaded defence.

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7. The DGOs.1 to 5 examined themselves as DW1 to DW5 in support of their defence and got marked Ex.D1 to Ex.D24 and closed their side.

8. Heard the arguments of Presenting Officer appearing for Disciplinary Authority and the learned defense assistant Sri.K.N.Nagaraj appearing for DGO.1 to 5. The learned defense assistant Sri.K.N.Nagaraj also filed written brief apart from oral arguments. Perused the written brief submitted on 18.01.2021 by the defense assistant.

9. The point that arises for my consideration is as follows.

“Whether the Disciplinary Authority has proved the charge framed against the Delinquent Government Officials 1). R.Rangaswamy, Executive Engineer (Retd), 2). Sri.H.C.Subramanya, Executive Engineer, 3). K.S.Ranganath, Assistant Executive Engineer, 4). Sri.C.N.Mahadev, Assistant Executive Engineer, 5). Sri.K.T.Krishnakumar, Junior Engineer of Karnataka Urban Water Supply and Drainage Board Division.”

10. My answer to the above point is in the 'Affirmative' for the following reasons.

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11. Before examining the evidence produced in the case, it is necessary to narrate the case of the disciplinary authority. According to disciplinary authority the Karnataka Urban Water Supply and Drainage Board Division took up 2<sup>nd</sup> stage of water supply from Hemavathi Reservoir to Hassan City in the year 1995. The cost was estimated at Rs.810.00 lakhs to the areas such as Chikkanalu, Shanthinagara Extension, Ravindranagara Extension, Hunasinakere Extension, Near Polytechnic College and Rajaghatta. Rs.10 lakhs grant was sanctioned out of 810 lakhs to the overhead water tank which was proposed to be constructed in Rajaghatta Area. The overhead tanks were constructed in other areas and handed over to TMC, Hassan during the year 1999. The DGO.1 to 5 being the engineers commenced the work of construction of 1 lakh gallon capacity of overhead tank in Rajaghatta Area on 15.04.1995 and completed construction on 02.07.2000 by utilizing the required amount out of grant of Rs.10 lakhs. The DGO.1 to 5 has failed to handover the overhead water tank to TMC. The very purpose of construction of overhead tank is not served and the Government money is being wasted. The DGO.1 to 5 have not cancelled the contract as the work was not completed on 18.01.1996 as per agreement and caused delay of five years. They have not taken steps to recover penalty of Rs.1,21,751/- from the contractor. If the DGOs has provided pipeline and underground water line earlier,

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preparing of estimate under special plan during the year 2000-2001 would not have arisen at all thus being liable for financial loss of Rs.77,143 each. There is a misappropriation of funds belonging to the Government.

12. The fact that DGO.1, DGO.3 and DGO.5 worked as Executive Engineer, Assistant Executive Engineer and Junior Engineer in Karnataka Urban Water Supply and Drainage Board Division, Hassan during the year 1994 - 1995 is denied. The fact that DGO.2 as Executive Engineer and DGO.4 as Assistant Engineer worked in Karnataka Urban Water Supply and Drainage Board Division Hassan during the year 1994 to 2000 is denied. The initial burden is on the disciplinary authority to prove the alleged charge framed against the DGOs including their working period at the relevant point of time. On perusal of documentary evidence placed on record by the disciplinary authority it does not indicate that DGO.1 to 5 were working during 1994 to 2000 as engineers in KUWS & DB, Hassan. Let me peruse the evidence placed by the DGO.1 to prove the working period of DGO.1 to 5. The DGO.1 who is examined as DW1 has placed on record his service particulars and also the service particulars of DGO.2 to 5. Looking to the cross examination of DW1 the disciplinary authority failed to show that the service particulars produced by DGO is not genuine. Therefore Ex.D1 could be relied upon to know the working period of DGO.

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13. It is seen from Ex.D1, the DGO.1 worked as Executive Engineer in KUWS & DB, Hassan from 30.09.1996 to 17.05.2003 again from 22.03.2010, DGO.2 worked as Executive Engineer in KUWS & DB, Hassan from 21.06.2006 to 06.02.2008 again from 22.02.2008 to 18.02.2010 and 07.08.2013 to 21.01.2016, DGO.3 worked as Assistant Executive Engineer in KUWS & DB, Hassan from 30.06.1994 to 19.04.2002, DGO.4 worked as Assistant Executive Engineer in KUWS & DB, Hassan from 13.12.2004 to 19.07.2010. It is seen from the evidence of DW5 that DGO.5 was working as Junior Engineer since 05.01.1996. It is evident from Ex.D1 that one K.Nanjundamurthy worked as Executive Engineer from 10.11.1994 to 30.09.1996. The oral evidence of DW1 to DW5 and the contents of Ex.D1 go to show that none of the DGOs worked in KUWS & DB Hassan during the year 1994-1995. The oral evidence placed by the defense clearly goes to show that the DGO.1 to 5 worked as engineers from 1996.

14. The Government during the year 1994-1995 takes up a project to supply drinking water from Hemavathi Reservoir to the public who are residing in the extensions of Hassan including Rajaghatta by constructing overhead tanks. The cost was estimated at Rs.810.00 lakhs to the said areas. The overhead tanks were constructed in the areas such as Chikkanalu, Shanthinagara Extension, Ravindranagara Extension, Hunasinakere Extension and Near Polytechnic College. The pipeline was laid from Hemavathi Reservoir and

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connected to the above overhead tanks and handed over to TMC, Hassan and put all the overhead for service. Provision was made to reserve Rs.10 lakhs out of 810 lakhs for the construction of overhead tank at Rajaghatta. The evidence on record indicates that as per approval the authorities were required to bring water from Hemavathi Reservoir through pipeline and supply water to the public by constructing overhead tanks. It is clear that water source to all the overhead tanks including Rajaghatta was Hemavathi Reservoir.

15. PW1-Sandeep.B.P is the complainant and practicing advocate at Hassan and working for NGO. He has reiterated the averments of complaint Ex.P3 in his evidence. PW1 also speaks about FORM No.1 and FORM No.2 which are marked as Ex.P1 and Ex.P2. PW1 has specifically stated that the construction work of overhead tank of Rajaghatta was commenced on 15.04.1995 and completed on 02.07.2000. It is clear from the evidence of PW1 and the complaint Ex.P1 and Ex.P3 that more than 5 years was taken to complete the construction. The evidence on record indicates that the working period of DGO.1 was commenced only after 30.09.1996, the said period has to be excluded. It is seen from the evidence of DW1 and Ex.D9 to Ex.D12 that one person by name Basavegowda filed a suit in O.S.No.377/1995 before Munsiff Court, Hassan against the Executive Engineer and DGO.5 claiming right over the land where overhead tank was being constructed. According to the evidence of DW1 the work was commenced during the month of

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June, 1996 after suit was withdrawn by the plaintiff Sri.Basavegowda. Therefore fault cannot be found with DGO.1 or his predecessor and said period has to be excluded.

16. It is seen from record that the construction work again commenced in the year 1996 and completed on 02.07.2000. The construction ought to have been completed on or before 08.01.1996. DGO.1, DGO.3 and DGO.5 were working as engineers during the said period. It is seen from Ex.D14, the contractor was levied with penalty of Rs.1,21,751/- for causing delay in construction. The evidence on record shows that the penalty was recovered in the last bill submitted by the contractor and remitted to the Government Head. Therefore the contention of the disciplinary authority that the DGO.1, DGO.3 and DGO.5 have not taken any action against the contractor is not sustainable. According to the evidence of DW1 and DW5 the overhead tank was ready on 02.07.2000 without connecting water source from Hemavathi Reservoir. It is apparent from record that DGO.1, 3 and 5 failed to hand over the overhead tank to the TMC, Hassan to put into service in Rajaghatta Area. There is no evidence on record placed by the DGO.1, 3 and 5 to show that they made efforts to bring the water from Hemavathi Reservoir as has been done in the cases of Chikkanalu Area, Shanthinagar, Ravindranagar Extension and Near Polytechnic College. Thus it is clear that the DGO.1, 3 and 5 got the overhead tank constructed without taking care of water source which was an important factor.

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17. The intention of the Government to construct overhead tank is only to feed Hemavathi Reservoir water to the public of Rajaghatta by spending Rs.5.40 lakhs. Due to the inactive and irresponsible attitude of DGO.1, 3 and 5 the Government has failed to fulfill the desire of the public. It is the contention of the DGOs that the overhead tank was handed over to TMC, Hassan on 06.7.2002. Except the oral evidence of DW1 and DW5, there is no documentary evidence to indicate that the TMC took possession of overhead tank with water source. PW1 denied in the cross examination that there was no approval by the Government to draw the water from Hemavathi Reservoir by laying pipeline. The defense has failed to make out in the cross examination of PW1 that the proposal made to Government for grant of Rs.125 lakhs to bring water from Hemavathi Reservoir by laying pipeline was not finalized by the Government. PW1 denied the suggestion that DGO.1 to 5 are not responsible as the overhead tank was situated within the TMC, area. Looking to the cross-examination of PW1 the DGOs has tried to escape from the liability in one way or the other.

18. According to DGOs the work of overhead tank was completed in the year 2000. Apparently the overhead tank was not handed over to TMC, Hassan as required. It is in the evidence of DW1 that two bore wells were drilled and water was pumped into the overhead tank and supplied to the public of Rajaghatta extension. There is no evidence on record to indicate that the overhead tank was handed over to TMC, Hassan to put

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the same into service. Therefore it cannot be held that the purpose of the Government was served merely because the DGOs installed two bore wells and supplied water to the said area.

19. The DGO.2 worked as Executive Engineer from 21.06.2006 to 06.02.2008, 22.02.2008 to 18.02.2010 and 07.08.2013 to 21.01.2016. The DGO.4 worked as Assistant Executive Engineer I/c from 06.02.2008 to 22.02.2008 and 18.02.2010 to 22.03.2010. The evidence on record indicates that the overhead tank was continued under the care and control of KUWS & DB Hassan till the complaint was lodged by the complainant on 16.04.2014. DGO.2 & 4 worked during the period between 2008 - 2013. There is nothing on record placed by DGO.2 & 4 to show that they have taken initiation to get water source from Hemavathi Reservoir to the overhead tank. Therefore it is clear that the DGO.2 & 4 have not taken responsibility to handover the overhead tank to TMC, Hassan with water source.

20. Ex.P11 is the TAC report submitted by Assistant Executive Engineer attached to TAC wing of this institution. To prove the contents of Ex.P11 the disciplinary authority examined the Assistant Executive Engineer Sri. K. Subramanya Karanth as PW1. PW1 in his evidence speaks about the conducting of spot inspection on 16.09.2014 in the presence of complainant and the DGO.5. Looking to the evidence of DW5, DGO.5 has not

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denied his presence at the spot on 16.09.2014 and conducting of spot mahazar Ex.P7. The suggestion put forth by the defence assistant to PW2 in the cross examination to the effect that he has not considered the objections filed by DGO.5 would indicate that the presence of DGO.5 at the time of spot inspection is admitted.

21. The oral evidence of PW2 is sufficient to say that the report Ex.P11 is submitted pursuant to the spot inspection conducted on 16.09.2019. It is useful to extract the outcome of spot inspection shown in the report Ex.P11 at para.4.00 which reads as here under;

### ಸ್ಥಳ ತನಿಖೆಯ ಫಲಿತಾಂಶಗಳು

ಹಾಸನ ನಗರದ ಆಯ್ದ ಪ್ರದೇಶಗಳಿಗೆ ಕುಡಿಯುವ ನೀರು ಸರಬರಾಜು ಮಾಡಲು, ಕರ್ನಾಟಕ ನಗರ ನೀರು ಸರಬರಾಜು ಮತ್ತು ಒಳಚರಂಡಿ ಮಂಡಳಿಯ ವತಿಯಿಂದ ರೂ.810.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದ ಸಮಗ್ರ ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯಡಿ ರಾಜಘಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ 1.00 ಲಕ್ಷ ಗ್ಯಾಲನ್ ಸಾಮರ್ಥ್ಯದ ಮೇಲ್ಮಟ್ಟದ ನೀರಿನ ಜಲಸಂಗ್ರಹಾಗಾರ (over head tank) ನಿರರ್ಥಕವಾಗಿದ್ದು, ಸರ್ಕಾರದ ಹಣ ದುರುಪಯೋಗವಾಗಿರುವುದಾಗಿ ಮಾಡಿರುವ ಆಪಾದನೆಯ ಕೆಳಕಾಣಿಸಿದ ಕಾರಣಗಳಿಂದ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

- ಯಾವುದೇ ಒಂದು ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯನ್ನು ಸಿದ್ಧಪಡಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಮೂಲಭೂತವಾಗಿ ನೀರಿನ ಮೂಲವನ್ನು ನಿರ್ಧರಿಸಿ ತದನಂತರ ಅದಕ್ಕನುಗುಣವಾಗಿ ಉಳಿದ ಅಂಶಗಳನ್ನು ಪರಿಗಣಿಸಬೇಕಾಗುತ್ತದೆ. ಎದುರುದಾರರು ಸಲ್ಲಿಸಿರುವ ವಿವರಣೆ ಪ್ರಕಾರ ರಾಜಘಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಮೇಲ್ಮಟ್ಟದ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ ನೀರನ್ನು ಸರಬರಾಜು ಮಾಡಲು ಅತ್ಯವಶ್ಯಕವಾದ ಏರು ಕೊಳವೆ ಮತ್ತು ವಿತರಣಾ ಕೊಳವೆ ಜಾಲಕ್ಕೆ ಅಂದಾಜು ಪಟ್ಟಿಯಲ್ಲಿ ಅವಕಾಶ ಕಲ್ಪಿಸಿರಲಿಲ್ಲವೆಂದು ತಿಳಿಸಿರುವುದು ಗುರುತರ ಕರ್ತವ್ಯ ಲೋಪವಾಗಿದ್ದು, ಸದರಿ ಮೇಲ್ಮಟ್ಟದ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ ಮಾಡಿರುವ ವೆಚ್ಚ ನಿರರ್ಥಕವಾಗಿರುತ್ತದೆ.

- ಗುತ್ತಿಗೆ ಕರಾರಿನಂತೆ ಮೇಲ್ಮಟ್ಟದ ಜಲಸಂಗ್ರಹಾಗಾರದ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ:18.01.1996ಕ್ಕೆ ಪೂರ್ಣಗೊಳಿಸದೆ ಗುತ್ತಿಗೆದಾರರು ಕಾಮಗಾರಿಯನ್ನು ಸುಮಾರು 5

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ವರ್ಷ ವಿಳಂಬ ಮಾಡಿ ಅಂದರೆ ದಿನಾಂಕ:02.07.2001ಕ್ಕೆ ಪೂರ್ಣಗೊಳಿಸಿದ್ದರೂ ಗುತ್ತಿಗೆ ಕರಾರಿನಲ್ಲಿ ಅವಕಾಶವಿರುವಂತೆ, ಗುತ್ತಿಗೆಯನ್ನು ರದ್ದುಪಡಿಸದೇ ಹಾಗೂ ವಿಳಂಬದ ಅವಧಿಗೆ ವಿಧಿಸಲಾಗಿದ್ದ ರೂ.1,21,751.00 ಗಳ ದಂಡದ ಮೊತ್ತವನ್ನು ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಯೋಪವೇಸಗಲಾಗಿದೆ.

- ಮೇಲ್ಕಟ್ಟಿದ ಜಲಸಂಗ್ರಹಾಗಾರ ಆರ್.ಸಿ.ಸಿ. ಭಾಗಗಳಾದ column, beam, sidewall ಇತ್ಯಾದಿಗಳನ್ನು ಒಳಗೊಂಡಿದ್ದು, ಸದರಿಯನ್ನು ನಿಗದಿತ 1 ವರ್ಷದ ಅವಧಿಯಲ್ಲಿ ಪೂರ್ಣಗೊಳಿಸದೇ 5 ವರ್ಷಗಳ ಅವಧಿ ತೆಗೆದುಕೊಂಡಿರುವುದರಿಂದ, ಕಾಮಗಾರಿಯ ಗುಣಮಟ್ಟ ಕಳಪೆಯಾಗಿ ಬಹುಬೇಗ ಶಿಥಿಲಗೊಂಡಿರುವ ಸಾಧ್ಯತೆ ಕಂಡು ಬಂದಿದೆ.
- ರಾಜಘಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಮೇಲ್ಕಟ್ಟಿದ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ 1994-95ರ ದರಪಟ್ಟಿಯ ಪ್ರಕಾರ ಸಿದ್ಧಪಡಿಸಿದ ರೂ.810.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದಲ್ಲಿ ಏರು ಕೊಳವೆ ಮಾರ್ಗ ಮತ್ತು ವಿತರಣಾ ಕೊಳವೆ ಜಾಲಕ್ಕೆ ಅವಕಾಶ ಕಲ್ಪಿಸಿದಲ್ಲಿ 2000-01ನೇ ದರಪಟ್ಟಿಯ ಪ್ರಕಾರ ವಿಶೇಷ ಘಟಕ ಯೋಜನೆಯಡಿ ಅಂದಾಜು ಪಟ್ಟಿ ಸಿದ್ಧಪಡಿಸಿದ ಸದರಿ ಅಂಶಗಳಿಗೆ ಹೆಚ್ಚುವರಿ ವೆಚ್ಚ ವ್ಯಯಿಸಬೇಕಾದ ಅನಿವಾರ್ಯತೆ ಉದ್ಭವಿಸುತ್ತಿರಲಿಲ್ಲ.
- ಎದುರುದಾರರು ಸಲ್ಲಿಸಿರುವ ವಿವರಣೆ ಪ್ರಕಾರ, 2000-01ರಲ್ಲಿ ವಿಶೇಷ ಘಟಕ ಯೋಜನೆಯಡಿ ಕೊರೆಯಿಸಲಾಗಿರುವ 2 ಕೊಳವೆ ಬಾವಿಗಳಲ್ಲಿ ನೀರಿನ ಇಳುವರಿ ಕಡಿಮೆಯಾಗಿರುವುದಾಗಿ ತಿಳಿಸಿದ್ದು ಹಾಗೂ 2013-14ನೇ ಸಾಲಿನ ವಿಶೇಷ ಘಟಕ ಯೋಜನೆಯಡಿ ಸಿದ್ಧಪಡಿಸಿರುವ ರೂ.44.00 ಲಕ್ಷಗಳ ಅಂದಾಜುಪಟ್ಟಿಯಲ್ಲಿ ಸಹಾ 3 ಕೊಳವೆ ಬಾವಿಗಳಿಗೆ ಹೆಚ್ಚುವರಿಯಾಗಿ ಅವಕಾಶ ಕಲ್ಪಿಸಲಾಗಿರುವುದಾಗಿ ವರದಿ ಮಾಡಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಹಾಗೂ ಎದುರುದಾರರೇ ತಿಳಿಸಿರುವಂತೆ ಕುವೆಂಪು ನಗರದ ಕೆ.ಹೆಚ್.ಬಿ ಕಾಲೋನಿಯಲ್ಲಿ ಹಾಲಿ ಇರುವ ನೆಲಮಟ್ಟದ ತೊಟ್ಟಿಯಿಂದ ಹೇಮಾವತಿ ನದಿ ನೀರನ್ನು ಶಾಶ್ವತವಾಗಿ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ ಸರಬರಾಜು ಮಾಡಬಹುದಾಗಿತ್ತೆಂಬ ಸಾಧ್ಯತೆಯ ಅಂಶವನ್ನು ಪರಿಗಣಿಸಿರುವುದರಿಂದ, 2000-01ರ ಸಾಲಿನಲ್ಲಿ ವಿಶೇಷ ಘಟಕ ಯೋಜನೆಯಡಿ ನೀರು ಸರಬರಾಜಿಗಾಗಿ ಭರಿಸಿರುವ ವೆಚ್ಚ ಮತ್ತು 2013-14ನೇ ಸಾಲಿನಲ್ಲಿ ಸಿದ್ಧಪಡಿಸಿರುವ ರೂ.44.00 ಲಕ್ಷಗಳ ಅಂದಾಜು ಮೊತ್ತದಲ್ಲಿ ಭರಿಸಲು ಯೋಜಿಸಿರುವ ಮೊತ್ತವು ಅನವಶ್ಯಕವಾದ ಹೆಚ್ಚುವರಿ ಆರ್ಥಿಕ ಹೊರೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಡಿಸಲಾಗಿದೆ. ಸ್ಥಳೀಯ ನಿವಾಸಿಗಳು ಸ್ಥಳ ತನಿಖೆ ವೇಳೆಯಲ್ಲಿ ರಾಜಘಟ್ಟದಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಮೇಲ್ಕಟ್ಟಿದ ಜಲಸಂಗ್ರಹಾಗಾರದಿಂದ ಇದುವರೆಗೂ ನೀರು ಸರಬರಾಜು ಒದಗಿಸಿಲ್ಲವೆಂಬ ತಿಳಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಂಡ ದಿನದಿಂದ ಅಂದರೆ ದಿನಾಂಕ:22.07.2000 ದಿಂದ ಇಲ್ಲಿಯವರೆಗೂ ಜಲಸಂಗ್ರಹಾಗಾರವನ್ನು ಸಮರ್ಪಕವಾಗಿ ಉಪಯೋಗಿಸಿಲ್ಲದ ಕಾರಣ, ಸದರಿಯು ಅವಧಿಗೂ ಮುನ್ನವೇ ಶಿಥಿಲವಾಗಿರುವುದಾಗಿ ಅಭಿಪ್ರಾಯಪಡಲಾಗಿದೆ. ಸದರಿ ಕಾಮಗಾರಿಯ ದುರಸ್ತಿಗಾಗಿ ಮೇ|| ಸಿವಿಲ್ ಟೆಕ್ ಸಂಸ್ಥೆಯವರು ಸೂಚಿಸಿರುವ ಮಾರ್ಗಸೂಚಿಯಂತೆ ಸಿದ್ಧಪಡಿಸಿರುವ ರೂ.5.40 ಲಕ್ಷಗಳ ಮೊತ್ತವು ಅನಗತ್ಯ ಮತ್ತು ನಿರರ್ಥಕ ಮತ್ತು ಹೆಚ್ಚುವರಿ ಆರ್ಥಿಕ ಹೊರೆ ಎಂದು ಅಭಿಪ್ರಾಯ ಪಡಲಾಗಿದೆ.

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**ಅಂತಿಮ ಅಭಿಪ್ರಾಯ**

ಹಾಸನ ನಗರದ ರಾಜಘಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ ಮೇಲ್ಮಟ್ಟದ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ ನೀರನ್ನು ಒದಗಿಸಲು ನೀರಿನ ಮೂಲವನ್ನು ನಿರ್ಧರಿಸದೇ ಹಾಗೂ ಇದಕ್ಕೆ ಪೂರಕವಾದ ಏರು ಕೊಳವೆ ಮಾರ್ಗ ಮತ್ತು ವಿತರಣಾ ಕೊಳವೆ ಜಾಲ ವ್ಯವಸ್ಥೆಯನ್ನು ರೂ.810.00 ಲಕ್ಷಗಳ ಸಮಗ್ರ ನೀರು ಸರಬರಾಜು ಯೋಜನೆಯ ಅಂದಾಜು ಪಟ್ಟಿಯಡಿ ಅಳವಡಿಸದೇ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದರ ಜೊತೆಗೆ, ಗುತ್ತಿಗೆ ಕರಾರಿನಂತೆ ನಿಗದಿತ ಒಂದು ವರ್ಷದ ಕಾಲಾವಧಿಯಲ್ಲಿ ಗುತ್ತಿಗೆದಾರರು ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸದೇ 5 ವರ್ಷಗಳವರೆಗೆ ವಿಳಂಬ ಮಾಡಿದ್ದರೂ, ಗುತ್ತಿಗೆ ಕರಾರನ್ನು ರದ್ದುಗೊಳಿಸದಿರುವುದು ಗುರುತರ ಕರ್ತವ್ಯ ಲೋಪವಾಗಿರುತ್ತದೆ. ಈ ಎಲ್ಲಾ ಕಾರಣಗಳಿಂದ ಹಾಗೂ ಸ್ಥಳೀಯ ನಿವಾಸಿಗಳ ಹೇಳಿಕೆಯಂತೆ, ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಂಡ ದಿನದಿಂದ ಇಲ್ಲಿಯವರೆಗೆ ಮೇಲ್ಮಟ್ಟದ ಜಲಸಂಗ್ರಹಾಗಾರಕ್ಕೆ ನೀರನ್ನು ತುಂಬಿಸದೇ ಹಾಗೂ ನೀರು ಸರಬರಾಜು ಮಾಡದಿದ್ದ ಪ್ರಯುಕ್ತ, ನಿಗದಿತ ಅವಧಿಗೂ ಮುನ್ನವೇ ಜಲಸಂಗ್ರಹಾಗಾರವು ಶಿಥಿಲವಾಗಿ ರೂ.5.40 ಲಕ್ಷಗಳಷ್ಟು ಮೊತ್ತವನ್ನು ದುರಸ್ತಿಗಾಗಿ ಖರ್ಚು ಮಾಡಬೇಕಾಗಿರುವ ಪರಿಸ್ಥಿತಿ ಉಂಟಾಗಿ, ಈ ಕಾರಣದಿಂದ ಸದರಿ ರೂ.5.40 ಲಕ್ಷಗಳ ಹೆಚ್ಚುವರಿ ಆರ್ಥಿಕ ಹೊರಗೆ ಎದುರುದಾರರೇ ದಿನಂಕ:19.02.2013ರ ಪತ್ರದಲ್ಲಿ ವರದಿ ಮಾಡಿರುವ ಪ್ರಕಾರ ಕೆಳಕಂಡ ಅಧಿಕಾರಿಗಳು ಜವಾಬ್ದಾರಾಗಿರುತ್ತಾರೆ.

22. Looking to the overall evidence discussed above and the report Ex.P11, it is crystal clear that DGO.1, 3 & 5 allowed the contractor to construct overhead tank for supply of water from Hemavathi Reservoir to Rajaghatta Area by spending Rs.5.40 lakhs. The evidence on record clearly goes to show that the water source to the overhead tank is from Hemavathi Reservoir. It is well founded from the evidence on record that the DGO.1 3 & 5 without laying the pipeline from Hemavathi Reservoir to draw the water had constructed the overhead tank. It is seen from the evidence of PW2 and report Ex.P11 the DGO.1 3 & 5 failed to make provision in the estimate to lay pipeline from Hemavathi Reservoir to draw the water to the overhead tank. The contention of the DGOs that the water source is made

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available by drilling two borewells and handed over to TMC, Hassan is unacceptable for the reason that it is not the intention of the Government of providing borewell water to the said area. The DGO.2 & 4 who subsequently took charge of the posts have failed to take up the issue by sending proposal to the Government to make provision in the allotment for the purpose of laying pipeline from Hemavathi Reservoir to provide water source to the overhead tank. The overall circumstances go to show that the DGOs failed to take right steps to secure water source before constructing the overhead tanks. Therefore it cannot be said DGO.1 to 5 acted in a responsible way and have taken care to provide the water facility to the public which is basic amenity right from the year 2000 till the date of filing complaint by the complainant during the year 2014.

23. Therefore, in view of foregoing reasons and under the circumstances it is crystal clear that the evidence placed on record by the disciplinary authority establishes the fact that the DGO.1 to 5 have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public/Government servant. Therefore the DGOs held liable for professional misconduct under rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Due to the misconduct of DGO.1 to 5 the overhead tank was not put to service of applying water to the public by the TMC, Hassan. The purpose of constructing of overhead tank is not served and the amount of Rs.5.40 lakhs spent by DGOs became wasted. The TAC report Ex.P11 shows that the DGO.1 to

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5 are liable to pay Rs.5,40,000/- towards financial loss caused to the State. Hence I answer the above point in the 'Affirmative' and proceed to record the following;

### **FINDINGS**

The disciplinary authority has proved the charges leveled against the Delinquent Government Officials 1) R. Rangaswamy, Executive Engineer (now retired), 2) H.C.Subramanya, Executive Engineer 3) K.S.Ranganath, Assistant Executive Engineer (now Executive Engineer) 4)C.N. Mahadev, Assistant Executive Engineer (Now Executive Engineer) 5) K.T. Krishna Kumar, Junior Engineer -Karnataka Urban Water Supply and Drainage Board Division, M.G.Road, Hassan District.

Submitted to his Lordship Hon'ble Upalokayukta-2 for kind consideration.



(AMARANARAYANA.K)

Additional Registrar Enquiries-8.  
Karnataka Lokayukta, Bengaluru.

### **ANNEXURES**

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

PW1	Sri. Sandeep B.P., S/o Sri. Puttegowda, Advocate, R/o 2 <sup>nd</sup> ward, Aduvalli, Hassan, Hassan District. dated:24.09.20.18
	Sri. K. Subramanya Karanth, S/o K. Narasimha Karanth, Superintendent Engineer (retd), R/o No.49, J.P. Nagar, 7 <sup>th</sup> stage, Bengaluru-78,

PW2	dated:29.03.2019
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**2. LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

DW1	Sri. R. Rangaswamy, S/o T. Rangaiah, Retd Executive Engineer, R/o 269/B, Agar Car Road, Sri Dathaprasad, Thilakavadi Belagavi District dated: 06.08.2019 with enclosure
DW2	Sri. H. C. Subramanya S/o Late K. Chaluvegowda, Retd Executive Engineer, Mysuru dated:26.11.2020
DW3	Sri. K.S. Ranganath S/o Late Subbaraya, Retd Executive Engineer, dated: 08.12.2020 with enclosure.
DW4	Sri. C.N. Mahadev, S/o Late Nanjegowda, Retd Executive Engineer, Mysuru dated:08.12.2020 with enclosure.
DW5	Sri. Krishnakumar S/o Thimmarayigowda, Junior Engineer, Hassan, dated:24.12.2020

**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:16.04.2014 addressed to Hon'ble Lokayukta, KLA, Dr. B.R. Ambedkar Veedhi, Bengaluru
Ex.P4	Information FORM-A Application Under Section 6(1) & 7(1) (The Right to Information Act, 2005) provided by Executive Engineer, Karnataka Urban Water Supply and Drainage Board

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	Division, Hassan to Chief Engineer, Karnataka Urban Water Supply and Drainage Board, Bengaluru with enclosures
Ex.P5	Photo
Ex.P6	Complaint dated:28.07.2014
Ex.P7	Spot Mahazar report
Ex.P8	Report submitted by Civiltech Consultants to the AEE, M/s KUWS & D Board, Sub-Division, Hassan
Ex.P9	Comments and Rejoinder of Executive Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan
Ex.P10	CD
Ex.P11	Investigation report Assistant Executive Engineer, Technical Wing Karnataka Lokayukta, Bengaluru

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


Ex.D1	Attested copy of Service Period Details of Executive Engineers
Ex.D2	Notification dated:27.04.1994 of AEE, KUWS & D Board, Sub-Division, Hassan with enclosure
Ex.D3	Extract of PWD
Ex.D4	Meeting Proceedings of Administrative Officer, Hassan Town Municipal
Ex.D5	Details About drinking water supplies of Hassan Town Municipal Board
Ex.D6	Investigation, Preparation (Execution Maintenance Etc., Of Schemes ) by the Board
Ex.D7	Letter dated: 24.05.1994 of Sri. Basavegowda, S/o Chikkegowda, Rajagatta, Hassan addressed to Commissioner, TMC, Hassan with enclosure
Ex.D8	Estimated cost of the construction of one RCC

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	over head tank with enclosure
Ex.D9	Emergent Notice dated:17.11.1995 of plaintiff, Hassan
Ex.D10	Letter dated:18.12.1995 of Commissioner, City Municipal Council, Hassan addressed to Hon'ble AEE, Karnataka Urban Water Supply and Drainage Board Division, Hassan
Ex.D11	Letter dated:09.04.1996 of B.N.K. Kumar addressed to Executive Engineer, Karnataka Urban Water Supply and Drainage Board Division,
Ex.D12	Work progress of Comprehensive Water Supply Scheme, Hassan
Ex.D13	Inspection of work details
Ex.D14	Transfer Entry Book
Ex.D15	Letter dated: 26.07.1995 of Executive Engineer, Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan addressed to Chief Engineer, Engineer, Karnataka Urban Water Supply and Drainage Board, Bengaluru
Ex.D16	Letter dated:22.03.1996 of Executive Engineer, Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan addressed to Chief Engineer, Engineer, Karnataka Urban Water Supply and Drainage Board, Bengaluru
Ex.D17	Letter dated:07.03.1996 of AEE, KUWS & IB Sub-Division, Hassan
Ex.D18	Letter of Managing Director, Karnataka Urban Water Supply and Drainage Board, Bengaluru addressed to Secretary to Government, Urban Developmet, Benglauru
Ex.D19	Extract of KPWD
Ex.D20	Letter dated:13.11.2000 of Commissioner, No.2 Sub-Division, City Municipal Council, Hassan

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	addressed to Hon'ble AEE, Karnataka Urban Water Supply and Drainage Board Division, Hassan with enclosure
Ex.D21	Alienation List of work done during the year 2000-01, Hassan
Ex.D22	Report dated:11.07.2017 of Chief Engineer, Karnataka Urban Water Supply and Drainage Board, Mysuru Zone, Mysuru with enclosure
Ex.D23	Letter dated:17.12.2013 of Commissioner, City Municipal Council, Hassan addressed to Hon'ble AEE, Karnataka Urban Water Supply and Drainage Board Sub-Division Division, Hassan with enclosure .
Ex.D24	Proceedings dated:05.08.2017 of the Managing Director, Karnataka Urban Water Supply and Drainage Board with enclosure.

  
 (AMARANARAYANA. K) 02/02/2018  
 Additional Registrar Enquiries-8  
 Karnataka Lokayukta,  
 Bengaluru.







KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.168/2018/ARE-8

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 07.02.2022.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Sri R.Rangaswamy, the then Executive Engineer(Retired), (2) Sri H.C.Subramanya, Executive Engineer, (3) Sri K.S.Ranganath, the then Assistant Executive Engineer, (4) Sri C.N.Mahadev, the then Assistant Executive Engineer, (5) Sri K.T.Krishnakumar, Junior Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan - reg.

Ref:- 1) Government Order No.KWB/HRE-1/2918/17-18 dt.21.03.2018.

2) Nomination order No. UPLOK-2/DE.168/2018 dated 26.03.2018 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 04.02.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 21.03.2018 initiated the disciplinary proceedings against (1) Sri R.Rangaswamy, Executive Engineer(Retired), (2) Sri H.C.Subramanya, Executive Engineer, (3) Sri Ranganath, the then Assistant Executive Engineer, (4) Sri C.N.Mahadev, the then Assistant Executive

Engineer, (5) Sri K.T.Krishnakumar, Junior Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan, [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 to 5' respectively' ] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination UPLOK-2/DE.168/2018 dated 26.03.2018 nominated Additional Registrar of Enquiries-8, 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 making wasteful expenditure towards construction of water tank during the year 2000 without deciding the water source and without providing estimation for taps and distributory taps and failed to hand over the same to the Municipality and thereby caused loss to the Govt..

4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO 1 Sri R.Rangaswamy, Executive Engineer(Retired), DGO 2 Sri H.C.Subramanya, Executive Engineer, DGO 3 Sri Ranganath, the then Assistant Executive Engineer, DGO 4 Sri C.N.Mahadev, the then Assistant Executive Engineer, DGO 5 Sri K.T.Krishnakumar, Junior Engineer, Karnataka Urban Water Supply and Drainage Board Division, Hassan, 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 R.Rangaswamy has retired from service on 30.06.2014.
- ii) DGO 2 Sri H.C.Subramanya has retired from service on 31.12.2019.
- iii) DGO-3 Sri K.S.Ranganath has retired from service on 31.5.2020.

- iv) DGO-4 Sri C.N.Mahadev has retired from service on 30.04.2020.
- v) DGO-5 Sri K.T.Krishnakumar has retired from service on 31.12.2021.

7. Having regard to the nature of charge '*proved*' against the DGOs and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'withholding ten%(10) pension payable to DGOs 1 to 5 for a period of five years.'

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

Connected records are enclosed herewith.

 7/2/22

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