

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/215/2019/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 24th June, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Sriyuths:

- (1) B.A.Rajakumar, the then Junior Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2, Mysuru).
- (2) Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working at No.2, Quality Control Sub-Division-2, Cauvery Neeravari Nigam Limited, Mysuru)-reg.,

Ref: 1) Government Order No.ಜಸಂಇ 72 ನೇಇವಿ 2019, Bengaluru, dated: 01/08/2019.

2) Nomination Order No.UPLOK-2/DE/215/2019, Bengaluru, dated: 19/08/2019 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 10/06/2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 01/08/2019 initiated the disciplinary proceedings against (1) B.A.Rajakumar, the then

Junior Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2, Mysuru) and, (2) Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working at No.2, Quality Control Sub-Division-2, Cauvery Neeravari Nigam Limited, Mysuru) (hereinafter referred to as Delinquent Government Officials, for short as DGOs No.1 and 2) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/215/2019, Bengaluru, dated: 19/08/2019 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 and 2 for the alleged charge of misconduct, said to have been committed by them.
3. The DGO No.1, Shri B.A.Rajakumar, the then Junior Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2, Mysuru) and, DGO No.2, Shri Shivamahadevaiah, the then



Assistant Executive Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working at No.2, Quality Control Sub-Division-2, Cauvery Neeravari Nigam Limited, Mysuru) were tried for the following charges:

ANNEXURE-1

CHARGE:-

You DGO-1 and DGO-2 while working as Junior Engineer and Assistant Executive Engineer respectively at Caveri Nigam Limited, HLBC-SD No.23, Bukanakere K.R.Pete taluk, Mandya, have committed the following irregularities in respect of the work of improvements and strengthening bund of Madur taluk, under D-63 of HLBC:-

- (1) The execution of work of improvements and strengthening bund of Madur taluk under D-63 of HLBC if of sub-standard.
- (2) There was no proper verification of work by you DGO-1 and no proper check measurements by you DGO-2.
- (3) There is no clarity regarding actual date of completion of work. In the completion certificate, the date of completion of work is altered. In the Bill the date of completion is shown as 01-11-2009 whereas in the M.B. it is shown as 09-10-2009.
- (4) There are several alterations of amount found in the M.B., which are not attested.



(5) Entries in the M.B. are fabricated to pass bills.

Dates mentioned in the M.B. cannot be reconciled.

(6) There is no stage wise verification of work and the entries are made at a stretch.

4. During the pendency of the Inquiry, DGOs No.1 and 2 were present on 27/09/2019 and they produced the copy of the order passed by Hon'ble KSAT Bengaluru in Application No.5607 and 5608 of 2019, wherein the Hon'ble KSAT has set aside the Government Order No.ಜಸಂಇ 72 ಸೇಇವಿ 2019, Bengaluru dated: 01/08/2019 issued in pursuance of the recommendation of Hon'ble Upalokayukta-2 and set aside the order of the Government.
5. In view of the above developments this Authority decided not to challenge the order of Hon'ble KSAT, Bengaluru, passed in Application No.5607 and 5608 of 2019, dated: 24/11/2021 by preferring Writ Petition.
6. On perusal of the order dated: 24/11/2021 passed by the Hon'ble KSAT, Bengaluru Bench in Application No.5607 and 5608 of 2019 and on consideration of the totality of circumstances, it is held that, there was un-reasonable delay nearly 8 years in submitting Investigation Report by TAC and by not supported by any valid records to substantiate the delay of 8 years and Government as



Respondent No.1, Lokayukta Authority as Respondent No.2 have not convincingly explained the delay in initiating D.E. against DGOs No.1 and 2. Hence, the instant proceedings against the DGOs No.1 and 2 do not survive for consideration at present.

“The proceedings initiated against DGO No.1, Shri B.A.Rajakumar, the then Junior Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2, Mysuru) and DGO No.2, Shri Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working at No.2, Quality Control Sub-Division-2, Cauvery Neeravari Nigam Limited, Mysuru) needs to be closed in view of the fact that, this Authority decided not to challenge the order of Hon'ble KSAT, Bengaluru Bench in Application No.5607 and 5608 of 2019 by preferring Writ Petition”.

7. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to close the proceedings against



DGO No.1, Shri H.A.Rajakumar, the then Junior Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2, Mysuru) and DGO No.2, Shri Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigam Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (presently working at No.2, Quality Control Sub-Division-2, Cauvery Neeravari Nigam Limited, Mysuru) in view of the order of KSAT, Bengaluru Bench passed in Application No.5607 and 5608 of 2019 by not preferring Writ Petition.

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

Connected records are enclosed herewith.



(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA

No: UPLOK-2/DE/215/2019/ARE-8

M.S.Building
Dr.B.R.Ambedkar Veedhi
Bengaluru - 560001
Dated: 10/06/2022.

REPORT

Sub: Departmental Enquiry against (1) Sri B.A. Raj Kumar, the then Junior Engineer, Cauveri Neeravari Nigama Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (Presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2 Mysuru, (2) Sri Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigama Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (Presently working at No.2, Quality Control Sub-Division-2, Cavery Neeravari Nigama Limited, Mysuru) - reg.

Ref: 1.Government Order No. JaSamE 72 SeEvi 2019 Bengaluru dated 01/08/2019.
2.Nomination Order No: Uplok-2/DE/215/2019/ARE-8 Bengaluru, dated: 19/08/2019 of Hon'ble Uplokayukta-2.

Preamble:

Present Departmental Enquiry was directed on the basis of Government Order No.JaSamE 72 SeEvi 2019 Bengaluru dated 01/08/2019 passed under Rule 14(A) of K.C.S. (CC&A) Rules, against (1) Sri B.A. Rajkumar, Junior

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Engineer, KNNL, No.23 HLBC Sub-Division, K.R.Pete, Mandya and (2) Sri Shivamadaiah Assistant Executive Engineer, KNNL, No.23 HLBC Sub-Division, K.R.Pete, Mandya.

2. The Hon'ble Upalokayukta-2 nominated this Enquiry Officer i.e. Additional Registrar of Enquiries-8, of the office of the Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO-1 and 2 as per the nomination order dated 19/08/2019. Accordingly Articles of Charge was framed by Additional Registrar Enquires-8. The Articles of Charge framed against DGO-1 and 2.
3. Articles of Charge were served on DGO-1 on 19/09/2019 and DGO-2 on 24/09/2019.
4. The Articles of Charge framed against DGO-1 and 2 is as follows;

ANNEXURE No.I
CHARGE

You DGO-1 and DGO-2 while working as Junior Engineer and Assistant Executive Engineer respectively at Caveri Nigam Limited, HLBC-SD No.23, Bukanakere K.R.Pete taluk, Mandya, have committed the following irregularities with regard to improvements and strengthening bund of Madur taluk under D-63 of HLBC if of sub-standard. DGO-1 and 2 not verifying the work and proper check measurements and not maintaining clear records of completion of work and making alterations and fabrication of bill and have not verified work stagewise and

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also not making entry constructively and alleged to have committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you DGOs have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

5. And recommended to entrust the departmental inquiry to this Authority as per Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Accordingly, Government entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of K.C.S. (CC&A) Rules. Hence, the charge.
6. In the course of enquiry DGO-1 and 2 produced the copy of the order passed by Hon'ble KSAT Bengaluru in application No.5607 and 5608/2019 wherein the Hon'ble KSAT as set aside the G.O. No. JaSamE 72 SeEvi 2019 Bengaluru dated 01/08/2019 issued in pursuance of the recommendation of Hon'ble Upalokayukta-2 and set aside the order of the government.
7. Hon'ble KSAT, Bengaluru Bengaluru while disposing of the applications observed that, there was un reasonable delay nearly 8 years in submitting investigation report by TAC and by not supported by any valid records to substantiate the delay of 8 years and government as respondent no.1, Lokayukta Authority as respondent no.2 have not convincingly explained the delay in initiating DE against

Prabhu 20/6/2022

DGo-1 and 2 and on this ground the above said G.O. and proceedings before this ARE-8 were set aside.

8. Both the DGO-1 and 2 were present on 27/09/2019 and they produced copy of the order passed by Hon'ble KSAT, Bengaluru Bench in application No.5607 & 5608 of 2019.
9. Further, on perusal of copy of the order dated 24/11/2021 passed by the Hon'ble KSAT, Bengaluru Bench in application No.5607 & 5608 of 2019 would indicate that, the Hon'ble KSAT, Bengaluru Bench has set-aside the Government Order No.JaSamE.72.SeEvi.2019 dated 01/08/2019 issued in pursuant to the recommendation of Hon'ble Uplokayukta-2 and set-aside the order of the Government.
10. In view of the above developments this authority decided not to challenge the order of KSAT Bengaluru. In this regard note was put up before Hon'ble Uplokayukta-2 and got approved the note of decision not to challenge the KSAT order by preferring W.P. On 09/05/2022 Hon'ble Uplokayukta-2 approved the decision not to prefer W.P. challenging the order passed in Application no.5607 and 5608/2019 dated 24/11/2021.

Approved with,

11. Accordingly, further proceedings cannot be continued and present enquiry requires to be closed and proceed to pass the following order;

ORDER

Disciplinary Enquiry against DGO-1 (1) Sri B.A. Raj Kumar, the then Junior Engineer, Cauveri Neeravari Nigama Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (Presently working as Assistant Engineer-2, PWD Department, Special Sub-Division-2 Mysuru, (2) Sri Shivamahadevaiah, the then Assistant Executive Engineer, Cauveri Neeravari Nigama Limited, HLBC Sub-Division, No.23, Bukanakere, K.R.Pete Taluk, Mandya District (Presently working at No.2, Quality Control Sub-Division-2, Cavery Neeravari Nigama Limited, Mysuru) cannot be continued and this enquiry treated as 'closed', in view of order that, not to challenge the KSAT order by preferring W.P.

Submitted to His Lordship Hon'ble Upalokayukta-2 for further action in the matter.


(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8
Karnataka Lokayukta, Bengaluru.

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