

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/426/2018/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:27.4.2022

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

Sub: Departmental Inquiry against (1)
Sri.K.Gurulingappa, Municipal
Commissioner, City Municipal Council,
Raichur (2) Sri. Mohammed Saiffuddin,
Assistant Executive Engineer, City
Municipal Council, Raichur - reg.

Ref: 1. G.O.No. UDD 27 DMK 2018 Bengaluru
dated: 30.8.2018.

2.Nomination Order No: UPLOK-
1/DE/426/2018 Bangalore
dated:10.9.2018 of Hon'ble
Upalokayukta-1

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This Departmental Inquiry is initiated against (1)
Sri.K.Gurulingappa, Municipal Commissioner, City Municipal
Council, Raichur (2) Sri. Mohammed Saiffuddin, Assistant
Executive Engineer, City Municipal Council, Raichur
(hereinafter referred to as the Delinquent Government Official
for short "**DGO No.1 and 2**").

2. In pursuance of the Government Order cited above at
reference No.1, Hon'ble Upalokayukta vide order dated

27.4.2022

10.9.2018 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to issue 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

Estimate for the work of construction of RCC Drain from Basaveswara Bridge (Haji Colony) to Ahmed Function Hall, Arab Mohalla besides Railway Track at Ward No.32 in Raichur City is prepared by CMC, Raichur and estimate was sanctioned for Rs.34 lakhs and technical sanction for the estimate is approved by Executive Engineer, DUDC and administrative sanction is approved by Dy.Commissioner, Raichur and the work is entrusted to Nirmithi Kendra, Raichur.

An amount of Rs.17 lakhs is paid to Project Director, Nirmithi Kendra on 8.2.2016 by you-DGO-1.

You-DGOs constructed the drain is open drain and water was stagnated in that drain foul smell emanating found odour it shows that there is danger of accident while crossing the road and the children and old persons have to cross the

27.4.2016

drain to reach the road from their houses which is dangerous and no safety measures have been taken while constructing open drain. The open drain is passing through by the side of houses.

Charge No.1:- You-DGOs have prepared estimation for open drain without considering the intensity of rain and the force of water flow during rainy season. The open drains are constructed by you-DGOs without considering the safety of the people and the open drains constructed are unscientific.

Charge No.2: At some places, underground drain is constructed in the middle of houses belonging to private persons. But in the estimate there is no provision for underground drain. Further if the owners demolish the houses or reconstruct the houses, there is possibility of closing the drain passing through their houses and thereby causing stagnation of drain water and obstruction for flow of drain water. Therefore, without verifying the availability of land and inspecting the land, estimate and plan are prepared and drain is constructed in private lands without acquiring private land required for underground drain. Permission from the Competent Authority to construct drain in private land is not obtained.

Charge No.3 : In the job works bill dt: 6.4.2016:

(a) An amount of Rs.5,07,380-45 is shown as payable as per bill.

(b) Amount of Rs.2,50,000/- is shown towards materials.

(c) An amount of Rs.3,02,4150-75 is shown as other expenses towards the work .

27-4-2016

(d) The total of above three works out to Rs.10,59,796.20, but the total amount of the above three works is shown as Rs.11,95,886/-. Again an amount of Rs.1,18,435/- is added to that and it is not explained you-DGOs how total amount works out to Rs.11,95,886/- and why Rs.1,18,435/- is added to that amount and which is that amount.

Charge No.4 : In the job work bill dt: 22.8.2016

(a) Rs.4,34,760/- is shown as amount payable as per bill.

(b) Rs.2,19,000/- is shown towards material expenses.

(c) Rs.3,36,017/- is shown as expenses towards steel.

The total amount of said three items works out Rs.9,89,777/-. But the total amount is shown is Rs.11,21,098-01. Again another Rs.1,10,809.49 is added to that. It is not explained by you-DGOs how total amount works out Rs.11,21,098.01 and why Rs.1,10,809.49 is added to that amount and which is that amount.

Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

Brief facts of the case are :- On the basis of complaint filed by Sri.Maheboob s/o Moula Hussain, No.5, Mothy Masjid Complex, Raichur (hereinafter referred to as 'complainant' for short) against Ashok Kalal, Project Director,

27.4.2018

Nirmithi Kendra, Raichur alleging that Ashok Kalal has committed misconduct, an investigation was taken up after invoking Section 9 of Karnataka Lokayukta Act, 1984.

ACCORDING TO THE COMPLAINANT:

(i) Underground drains constructed by Nirmithi Kendra, Raichur in Ward No.32, Raichur are of substandard and unscientific.

(ii) An amount of Rs.17 lakhs has been released by CMC, Raichur and Rs.17 lakhs out of Natural Disaster funds for the development of Raichur City. Respondent has an eye on the funds released.

(iii) The work executed from Railway Bridge up to Haji colony via Arab Mohalla in Ward No.32 is of substandard.

(iv) Project Officer, Nirmithi Kendra, Raichur has misappropriated the funds by colluding with contractor.

(v) In respect of the works entrusted to Nirmithikendra earlier, investigation was conducted by higher officers and concerned engineers involved were removed from service.

(vi) The underground drainage is of substandard and unscientific and rain water from the drain flow over the public properties causing damage to the public properties.

Sri Ashok Kalal has submitted comments stating that he has not passed any bills in respect of work complained.

Complaint was referred to TAC, Lokayukta for investigation and report. Investigation has been conducted by

27.4.2018

AEE-1, TAC, Lokayukta (I.O. for short) on the instructions of C.E. TAC, Lokayukta.

Since the report of I.O. prima facie show the stagnation of water in RCC drain and that RCC drain construction is dangerous and no safety measures have been taken up while constructing open drain and Pradeep Kumar, Project Director, Nirmithi Kendra, Raichur, K.Gurulingappa, the then Commissioner, CMC, Raichur and Mohammed Shafiuddin, AEE, CMC, Raichur are responsible for construction of unscientific drains, they have been impleaded as DGOs and comments were called for from them on the complaint and report of I.O.

Sri Pradeep Kumar, Project Director has submitted comments stating that he has furnished all the documents to AEE-1, TAC, Karnataka Lokayukta. The allegations made in the Complaint are false.

Sri Pradeep Kumar has submitted documents along with his letter dt: 3.10.2017. Though he has stated that he has also submitted comments, he has not submitted comments along with his letter and the documents.

DGO No.3- Sri K Gurulingappa, Commissioner, CMC, Raichur has submitted comments stating that investigation was conducted by AEE-1, TAC, Karnataka Lokayukta and he had verified the documents and he has also submitted report that allegations made by the Complainant are not substantiated.

DGO No.4- Sri Mohammed Shafiuddin, AEE, CMC, Raichur has submitted comments stating that AEE-1, TAC,

27.4.2018

Karnataka Lokayukta had called for reply on the Complaint and he has submitted his explanation and reply along with documents. Enquiry Officer has submitted report stating that allegations are not substantiated. Dy. Commissioner, Raichur has approved the proposal for construction of RCC drain from Basaveshwara bridge to Ahamed function hall and the Dy. Commissioner directed for payment of Rs.17 lakhs out of flood and calamities for the work. The remaining amount of Rs.17 lakhs was ordered to be paid out of SFC grant and work was entrusted to Nirmithi Kendra, Raichur and it completed RCC drain work and the work was inspected by 3rd party and 3rd party has certified the work. The report of enquiry officer show that the allegations made in the Complaint are false and problem of stagnation of water in RCC is solved and there is no stagnation of water now.

The report of I.O. and the records collected during investigation show that:

(i) Estimate for the work of construction of RCC Drain from Basaveswara Bridge (Haji Colony) to Ahmed Function Hall, Arab Mohalla besides Railway Track at Ward No.32 in Raichur City is prepared by CMC, Raichur and estimate was sanctioned for Rs.34 lakhs and technical sanction for the estimate is approved by Executive Engineer, DUDC and administrative sanction is approved by Dy. Commissioner, Raichur and the work is entrusted to Nirmithi Kendra, Raichur.

h
27.4.2018

ii) An amount of Rs.17 lakhs is paid to Project Director, Nirmithi Kendra on 8.2.2016 by the Commissioner, CMC, Raichur.

iii) The drain constructed is open drain and water was stagnated in the drain at the time of spot inspection by the I.O. and foul smell emanating found odour at the time of spot inspection by I.O. His report show that there is danger of accident while crossing the road and no safety measures are taken while constructing open drain and the open drain is passing through by the side of houses.

iv) Estimate is prepared for open drain without considering the intensity of rain and the force of water flow during rainy season.

v) The children and old persons have to cross the drain to reach road from their houses which is dangerous and no safety measures have been taken while constructing open drain.

vi) The open drains are constructed without considering the safety of the people and the open drains constructed are unscientific.

vii) At some places, underground drain is constructed in the middle of houses belonging to private persons. But in the estimate there is no provision for underground drain. Further if the owners demolish the houses or reconstruct the houses, there is possibility of closing the drain passing through their houses and thereby causing stagnation of drain water and obstruction for flow of drain water.

27.4.2018

Therefore, without verifying the availability of land and inspecting the land, estimate and plan are prepared and drain is constructed in private lands without acquiring private land required for underground drain.

viii) Permission from the Competent Authority to construct drain in private land is not obtained and produced.

ix) Photographs show condition of drain during rainy season. The residents cannot cross the drain due to water flowing in the drain.

x) In the job works bill dt: 6.4.2016:

(a) An amount of Rs.5,07,380-45 is shown as payable as per bill.

(b) Amount of Rs.2,50,000/- is shown towards materials.

(c) An amount of Rs.3,02,4150-75 is shown as other expenses towards the work .

(d) The total of above three works out to Rs.10,59,796.20, but the total amount of the above three works is shown as Rs.11,95,886/-. Again an amount of Rs.1,18,435/- is added to that and it is not explained how total amount works out to Rs.11,95,886/- and why Rs.1,18,435/- is added to that amount and which is that amount.

xi) In the job work bill dt: 22.8.2016

e
27.4.2016

- (a) Rs.4,34,760/- is shown as amount payable as per bill.
(b) Rs.2,19,000/- is shown towards material expenses.
(c) Rs.3,36,017/- is shown as expenses towards steel.

The total amount of said three items works out Rs.9,89,777/-.But the total amount is shown is Rs.11,21,098-01. Again another Rs.1,10,809.49 is added to that. It is not explained how total amount works out Rs.11,21,098.01 and why Rs.1,10,809.49 is added to that amount and which is that amount.

In view of the above, comments submitted by Respondent Nos.2 to 4 are not acceptable to drop the proceedings against them.

Since said facts and material on record prima-facie show that the DGO-1 Sri K. Gurulingappa, Commissioner, CMC, Raichur and DGO-2 Sri MohammedShafiuddin, AEE, CMC, Raichur have committed misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against the DGO-1 and 2 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957. In response to the report of Karnataka Lokayukta the Government has sanctioned to initiate departmental enquiry against the said DGOs. Hence the charge.

5. The copies of the same were issued to the DGOs calling upon them to appear before this authority and to submit written statement.

27.4.2018

6. The DGO No.1 & 2 appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO No.1 & 2 has been recorded and they have pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

7. DGO No.1 & 2 had filed common written statement where they have denied the allegations made against them. In respect of charge No. 1, they have admitted that they have prepared the estimate and plan for construction of open RCC storm water drainage. But it is their defence that they have prepared the estimate above said as per the directions of the Deputy commissioner of Raichur and the plan for the said work was prepared by them scientifically by considering the gravitation of flow of water in the said area and considering the intensity of rain, considering gravitation of catchment area where the water finally reach. They have further submitted that the Karnataka State Pollution Control Board has recognize and prefer open storm water drainage as per the directions of National Green Tribunal. So, the DGOs preferred to construct open storm water drainage. After preparation of plan same was placed before the Deputy commissioner Raichur for approval and he had approved the same considering the funds and land available for the construction. They have also stated that the closed drainage would be unscientific and would cause more inconvenience to the public.

8. In respect of 2nd charge, DGO No.1 and 2 have admitted that the above said drainages are constructed in between the houses. But they have stated that they have not

2
27.4.2018

prepared the plan to construct the drainage in between the houses belongs to private persons. They have not even constructed the said drainages as alleged in the charge. They had estimated the plan scientifically by considering the gravitation of flowing of water, rain intensity, availability of land for the public use and land suitable for constructing drainage. They have further submitted that the land where the drain is constructed belongs to Smt. Nushrath Jahana W/o Mohammed Abdul Hai Feroz. The said land was suitable to construct drainage as there was way to smooth flow of drainage water. They have further submitted that they had prepared plan only after obtaining no objection in writing vide letter dtd: 16.2.2016 from the said Smt. Nushrath Jahana.

9. They have further submitted that the DGOs had prepared such plan and estimate in the interest of general public considering all the accepts and analyzing future difficulties. It was inevitable to prepare such plan. They have further submitted that it is the Deputy commissioner who is competent to take action against Nirmithe Kendra. It is he who supervised and inspected the entire work.

10. In respect of 3rd and 4th charge, the DGOs have stated that the entire work was executed by Nirmithe Kendra under the supervision of Deputy commissioner as a chairmen to the Nirmithe Kendra. The Nirmithe Kendra entrusted the work to the individual contractor who raised bills to the Nirmithe Kendra. The Nirmithe Kendra as per the bills raised by contractor, prepared bills and submitted to the Deputy commissioner, Raichur who passed the bills after conducting respective inspection. The DGOs have got no power to prepare

27.4.2018

the bills or to pass the bill. The Nirmithe Kendra is the competent authority to explain the allegations of charge No. 3 and 4. They have further submitted that they have paid the amount of Rs. 17 lakhs as per the directions of Deputy commissioner, remaining amount is paid by Deputy commissioner Raichur. They have not committed any misconduct as alleged, there is no suppression of materials documents, they have duly replied to the notices.

11. It is also their case that the complainant had filed complaint against Sri. Ashok Kala, Project Director, Nirmithe Kendra. The entire allegation is against him. But during investigation these DGO No.1 and 2 are fixed without any materials. The Nirmithe Kendra has got its own staff including technical persons like Engineers. These DGOs have got no role in the execution of alleged project. With these grounds, prayed to drop the charges leveled against them.

12. The disciplinary authority has examined the complainant Sri.Maheboob S/o Moula Hussain as PW.1, the Investigating officer Sri. B.C.Nagesh Reddy, Retd., Assistant Executive Engineer, TAC Karnataka Lokayukta Bengaluru as PW-2 and got marked documents as **Ex.P-1 to Ex.P9**

13. Thereafter, second oral statement of DGOs No.1 and 2 have been recorded. Both submitted they have got their evidence. So, opportunity is provided to them to adduce evidence. Accordingly, DGO no. 2 got examined himself as DW-1 and DGO No. 1 got examined himself as DW-2 and got marked documents as **Ex.D-1 to Ex.D-14.**

2
27.4.2018

14. Heard submissions of Presenting Officer. Counsel for DGOs submitted written argument. Perused the entire records, the only point that arise for my consideration is:

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

My finding on the above point is **NEGATIVE** for the following:

REASONS

15. The DGO No.1 and 2 in their written statement do not deny that DGO No.1 was the commissioner, CMC, Raichur and DGO No. 2 was the Assistant Executive Engineer, CMC, Raichur during the alleged project of constructing RCC storm water drainage from Basaveshwara bridge (Haji colony) to Ahammed function hall Arab Mohalla, beside railway tract at ward No. 32 Raichur city. They also do not deny that the alleged project is executed during 2016 and the estimate is for Rs. 34 lakhs. Further there is no dispute with regard to estimate and technical sanction is approved by Executive Engineer, DODC and administrative sanction is approved by Deputy commissioner, Raichur. Further there is no dispute with regard to work is entrusted to Nirmithe Kendra, Raichur and Rs. 17 lakhs is paid to Project Director, Nirmithe Kendra by DGO No.1 on 8.2.2016.

16. The defence of the DGOs is that the alleged project is executed by Nirmithe Kendra. The Nirmithe Kendra has got its own staff including technical persons like Engineers. The work of Nirmithe Kendra will be supervised by the Deputy commissioner, Raichur directly. The DGOs have got no role

2
28.4.2018

in the execution of alleged project. Except, in preparing estimation, sketch and in paying amount to Nirmithe Kendra on the direction of Deputy commissioner, the DGOs have got no role in the project. They have also stated that they have no role in preparing bills, it is Nirmithe Kendra which has raised bills, hence they are not responsible for charge No. 3 and 4.

17. PW-1 the complainant during chief examination has stated that he has filed complaint before this authority on the allegations of misappropriation of the amount in the alleged project of construction of RCC storm water drainage from Basaveshwara bridge (Haji colony) to Ahammed function hall Arab Mohalla, beside railway tract at ward No. 32 Raichur city. He has further stated that the work of alleged project is sub standard. He got marked the documents i.e., his complaint, form No. 1 and 2, documents enclosed to complaint as Ex.P-1 to 4.

18. During cross examination, he has stated and admitted as follows;

“ನಾನು ಈ ಪ್ರಕರಣದ ದೂರನ್ನು ಅಶೋಕ ಕಲಾಲ್, ಯೋಜನಾ ವ್ಯವಸ್ಥಾಪಕರು, ನಿರ್ಮಿತಿ ಕೇಂದ್ರ, ರಾಯಚೂರು ಇವರ ವಿರುದ್ಧ ದೂರನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ನಾನು ನನ್ನ ದೂರಿನಲ್ಲಿ ಮೇಲೆ ಹೇಳಿದ ಅಶೋಕ ಕಲಾಲ್ ರವರು ದೂರಿನಲ್ಲಿ ಹೇಳಿದ ಕಾಮಗಾರಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತಹ ಗುತ್ತಿಗೆದಾರರೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ಅಕ್ರಮವೆಸಗಿದ್ದಾರೆ ಎಂದು ದೂರನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂದರೆ ಸರಿ. ವಾರ್ಡ್ ನಂ.32 ರಲ್ಲಿ ಬಸವೇಶ್ವರ ವೃತ್ತದಿಂದ ಅಹಮದ್ ಫಂಕ್ಷನ್ ಹಾಲ್‌ವರೆಗೆ ಅಂಡರ್‌ಗ್ರೌಂಡ್ ಡ್ರೈನೇಜ್ ಕಾಮಗಾರಿಯನ್ನು ರಾಯಚೂರು ನಗರಸಭೆಯವರಾಗಲೀ ಮತ್ತು ಆ.ಸ.ನೌ.ರವರಾಗಲೀ ಮಾಡಿರುವುದಿಲ್ಲ ಎಂದು ದೂರು ಕೊಡುವ ಕಾಲಕ್ಕೆ ನನಗೆ ಗೊತ್ತಿತ್ತು ಎಂದರೆ ಸರಿ. ಮೇಲೆ ಹೇಳಿದ ಕಾಮಗಾರಿಯನ್ನು ನಿರ್ಮಿತಿ ಕೇಂದ್ರ, ರಾಯಚೂರು ರವರು ಮಾಡಿರುತ್ತಾರೆ. ಅದರ ಸಂಪೂರ್ಣ

27-4-2018

ಉಸ್ತುವಾರಿಯನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ರಾಯಚೂರು ರವರು ನಿರ್ವಹಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಂಡ ನಂತರ ನಗರಸಭೆ, ರಾಯಚೂರಿಗೆ ನಿರ್ಮಿತಿ ಕೇಂದ್ರ, ರಾಯಚೂರು ರವರು ಹಸ್ತಾಂತರ ಮಾಡಿರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಆ.ಸ.ನೌ.ರವರು ಮೇಲೆ ಹೇಳಿದ ಕಾಮಗಾರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಯಾವುದೇ ರೀತಿಯ ಕರ್ತವ್ಯ ಲೋಪ ಅಥವಾ ಹಣ ದುರ್ಬಳಕೆ ಮಾಡಿಲ್ಲ ಎಂದರೆ ಸರಿ.”

19. This show his allegation is against one Ashok Kalal and not against DGOs.

20. Further PW-2 who is said to be investigated the case and submitted report at Ex.p-5 on which the note was put up to submit report under section 12(3) of Karnataka Lokayukta Act, has stated at para 6 of his chief examination as follows;

“ದೂರುದಾರರು ಆಪಾದಿಸಿದಂತೆ ನಗರಸಭಾ ಸದಸ್ಯರಾದ ಶ್ರೀಮತಿ ವಾಜಿದಾ ಬೇಗಂ ರವರ ಗಂಡ ಮಾಜಿ ನಗರಸಭೆ ಸದಸ್ಯರಾದ ಮಕ್ಕುಲ್ ಅಹಮದ್ ರವರು ತಮ್ಮ ಸ್ವಂತ ಜೆಸಿಬಿ ಯಂತ್ರದಿಂದ ನಗರಸಭೆ ಅಧಿಕಾರಿಗಳೊಂದಿಗೆ ಶಾಮೀಲಾಗಿ ಅವೈಜ್ಞಾನಿಕವಾಗಿ ಮತ್ತು ಕಳಪೆ ಮಟ್ಟದಲ್ಲಿ ಚರಂಡಿ ನಿರ್ಮಿಸಿದ್ದಾರೆ ಎಂದು ತಿಳಿಸಿದ್ದು, ಅದು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ.

ಮನೆಗಳ ಮಧ್ಯಭಾಗದಲ್ಲಿ ಸುರಂಗ ಮಾರ್ಗದಲ್ಲಿ ಚರಂಡಿ ಹಾದು ಹೋಗಿದೆ ಎಂದು, ಅದು ಅವೈಜ್ಞಾನಿಕವಾಗಿದೆ ಎಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ. ಚರಂಡಿ ಮನೆಗಳ ಮಧ್ಯಭಾಗ ಸುರಂಗ ಮಾರ್ಗವಾಗಿ ಆರ್.ಸಿ.ಸಿ. ಡ್ರೈನೇಜ್ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಚರಂಡಿಯ ಮಾರ್ಗದುದ್ದಕ್ಕೂ ಬಡಬಗ್ಗರು ನಿರ್ಗತಿಕರು ವಾಸವಾಗಿದ್ದು, ಈ ಪ್ರದೇಶದಲ್ಲಿ ಅವ್ಯವಸ್ಥಿತವಾಗಿ ಕಟ್ಟಡಗಳು ನಿರ್ಮಾಣವಾಗಿದ್ದು, ಈ ಪ್ರದೇಶಗಳು ಯೋಜಿತವಿಲ್ಲದೇ ಅಭಿವೃದ್ಧಿಯಾಗಿರುವುದರಿಂದ ರಸ್ತೆಗಳು ಕಿರಿದಾಗಿದ್ದು, ಮಳೆ ನೀರು ಹರಿದು ಹೋಗಲು ಸರಿಯಾದ ಮಾರ್ಗವಿಲ್ಲದೇ ಇರುವುದರಿಂದ ಆರ್.ಸಿ.ಸಿ. ಚರಂಡಿಯನ್ನು ನಿರ್ಮಿಸುವ ಸಲುವಾಗಿ ಈ ಪ್ರದೇಶದ ಪ್ರಮುಖರು, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಶಾಸಕರು, ಲೋಕಸಭಾ ಸದಸ್ಯರು, ನಗರಸಭೆ ಅಧಿಕಾರಿಗಳು ಮತ್ತು ಇತರೆ ಗಣ್ಯರು ಹಾಗೂ ಮಳೆ ಸಂದರ್ಭದಲ್ಲಿ ನೋವನ್ನು ಅನುಭವಿಸಿದ ಸ್ಥಳೀಯರು ಎಲ್ಲರೂ ಸೇರಿ ಚರಂಡಿ ನಿರ್ಮಾಣದ ಹಂತದಲ್ಲಿ ಪ್ರತಿಯೊಬ್ಬರು ಚರಂಡಿ ನಿರ್ಮಾಣದ ಮಾರ್ಗದುದ್ದಕ್ಕೂ

27.4.2022

ಸಹಕರಿಸಬೇಕೆಂದು ಕೈಗೊಂಡಿರುವ ಒಮ್ಮತದ ತೀರ್ಮಾನದಂತೆ ಅಗತ್ಯ ಇದ್ದ ಸ್ಥಳಗಳಲ್ಲಿ ಕೆಲವರು ತಮ್ಮ ಸ್ವಇಚ್ಛೆಯಿಂದ ಖಾಸಗಿ ಸ್ವತ್ತಿನಲ್ಲಿ ಚರಂಡಿ ಮಾರ್ಗವನ್ನು ಮುಂದುವರೆಸಲು ಅನುಕೂಲ ಕಲ್ಪಿಸುವಂತೆ ಸಾರ್ವಜನಿಕರ ಹಿತದೃಷ್ಟಿಯಿಂದ ಈ ಪ್ರದೇಶದಲ್ಲಿ ಚರಂಡಿಯನ್ನು ನಿರ್ಮಿಸಲು ಬೇರೆ ಮಾರ್ಗವಿಲ್ಲದೇ ಇರುವುದರಿಂದ ಮಳೆಗಾಲದಲ್ಲಿ ಹರಿಯುವ ಹೆಚ್ಚಿನ ನೀರು ಸರಾಗವಾಗಿ ಹರಿಯಲು ಅನುಕೂಲವಾಗುವ ದೃಷ್ಟಿಯಿಂದ ಅಂದಾಜುಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುವಂತೆ ಅನುಮತಿಯನ್ನು ನೀಡಲಾಗಿದ್ದು, ಅದರಂತೆ ಚರಂಡಿ ನಿರ್ಮಾಣ ಮಾಡಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿದರು. ಆದ್ದರಿಂದ ದೂರುದಾರರು ಆರೋಪಿಸಿದಂತೆ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಯಾರದೇ ಮನೆಗಳ ಮಧ್ಯದಲ್ಲಿ ಚರಂಡಿಗಳನ್ನು ನಿರ್ಮಿಸಿಲ್ಲ ಎಂದು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಸಮಯದಲ್ಲಿ ಹಾಜರಿದ್ದ ಸ್ಥಳೀಯರು ತಿಳಿಸಿರುತ್ತಾರೆ. ದಾಖಲೆ ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಸದರಿ ಚರಂಡಿಯನ್ನು ಎಸ್ಪಿಮೇಟ್‌ನಲ್ಲಿ ನಿಗದಿ ಪಡಿಸಿದ ಮಾರ್ಗವನ್ನೇ ಅನುಸರಿಸಿ ಆರ್.ಸಿ.ಸಿ. ಡ್ರೈನ್‌ನ್ನು ನಿರ್ಮಿಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಸದರಿ ಕಾಮಗಾರಿಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಮನೆಗಳ ಮಧ್ಯೆ ಸುರಂಗ ಮಾರ್ಗವಾಗಿ ಚರಂಡಿ ನಿರ್ಮಿಸಲಾಗಿದೆ ಮತ್ತು ಅವೈಜ್ಞಾನಿಕವಾಗಿ ಚರಂಡಿಗಳನ್ನು ನಿರ್ಮಿಸಲಾಗಿದೆ ಎನ್ನುವುದನ್ನು ಹೊರತುಪಡಿಸಿ ಬೇರೆ ಯಾವುದೇ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ ಎಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ. ಸದರಿ ಚರಂಡಿ ಓಪನ್ ಇರುವುದರಿಂದ ಸಾರ್ವಜನಿಕರಿಗೆ ಮತ್ತು ಚಿಕ್ಕ ಮಕ್ಕಳಿಗೆ ಮಳೆಗಾಲದಲ್ಲಿ ಓಡಾಡಲು ತೊಂದರೆಯಾಗುತ್ತದೆ ಮತ್ತು ಸದರಿ ಡ್ರೈನೇಜ್‌ನಿಂದ ಕೆಟ್ಟ ವಾಸನೆ ಬರುತ್ತದೆ ಎನ್ನುವ ಆರೋಪಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಅದನ್ನು ನಗರಸಭೆಯವರು ಸ್ವಚ್ಛ ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಅದು ಕಾಮಗಾರಿಯ ತೊಂದರೆಯಾಗಿರುವುದಿಲ್ಲ. ಸದರಿ ಚರಂಡಿಯ ಸಂಪೂರ್ಣ ನಿರ್ಮಾಣ ಅವೈಜ್ಞಾನಿಕ ಆಗಿರುವುದಿಲ್ಲ.”

21. He got marked documents at Ex.P-5 to 9. His evidence is reiteration of his report which is marked at Ex.P-5. In the report and in his evidence PW-2 has stated that the allegations against DGOs have not been proved. Of course, the words at para 8 of his evidence that- ಮನೆಗಳ ಮಧ್ಯೆ ಸುರಂಗ ಮಾರ್ಗವಾಗಿ ಚರಂಡಿ ನಿರ್ಮಿಸಲಾಗಿದೆ ಮತ್ತು ಯಾವುದೇ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ and the words at Ex.p-5 at last para 5.01 that - “ಸ್ಥಳ ಪರಿಶೀಲನೆ ಸಂದರ್ಭದಲ್ಲಿ ದೂರುದಾರರ ಆಪಾದನೆ - ಮನೆಗಳ ಮಧ್ಯೆ ಸುರಂಗ ಮಾರ್ಗವಾಗಿ ಚರಂಡಿ

27.4.2018

ನಿರ್ಮಿಸಲಾಗಿದೆ ಮತ್ತು ಅವೈಜ್ಞಾನಿಕವಾಗಿ ಚರಂಡಿ ನಿರ್ಮಿಸಲಾಗಿದೆ ಎಂಬ ದೂರುದಾರರ 2 ಆರೋಪಗಳನ್ನು ಹೊರತು ಪಡಿಸಿ ಬೇರೆ ಇನ್ನಾವುದೇ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿಲ್ಲವೆಂದು ಅಭಿಪ್ರಾಯಿಸಲಾಗಿದೆ. Indicates that the project is unscientific and the drainage is constructed in between the dwelling houses. But other part of evidence referred above is contrary to these findings. He has specifically stated that the allegations against DGOs that they, by colluding with officers of City Municipal Authority constructed unscientific and substandard drainage is not proved. He has also stated that drainage constructed in the area where the poor people had constructed their dwelling houses in unorganized manner, due to which the ways in between their houses were congested. So, with the consent and co-operation of the concerned members of lokasabha, ministers, Deputy commissioner and Local people, etc., the drainage is constructed. He has further stated that, there was no malafide intention in constructing drainage in between the houses, that the drainage is constructed in accordance with estimate. He has further stated that, it is the duty of City Municipal Authority to clean the drainage regularly, that the project is not unscientific in whole. So, if overall evidence of this witness is taken for consideration, it is clear that this witness do not support disciplinary authority.

22. Even DGO No.1 and 2 have given their evidence as DW-1 and 2 they have reiterated the written statement contents that it is Nirmithe Kendra which has executed the alleged project, they have got no role in the execution of alleged project. They have also stated that except preparing

27.4.2018

estimate and plan, except paid amount as per the directions of Deputy commissioner, they have got no role in the alleged project. They have also stated that the Deputy commissioner, has supervised the project and after obtaining 3rd party inspection report, bills have been passed by the Deputy commissioner, they have got no role in the same. They have also stated that they have not taken possession of the alleged work. Before taking possession they would check the standard of work. PW-1 has also stated that the construction of open drainage is the rule of pollution board. He has further stated that after taking permission from Sri. Nushrath Jahana, the drainage is constructed near her house. He has further stated that the project do not cause inconvenience to anybody. He has further stated that it was inevitable to construct the drainage in the place where the drainage is constructed as there was no any other suitable place. He has further stated that there was no malafide intention in the project.

23. DW-1 has relied upon Ex.D-1 to 14. Ex.D-1 is the representation of the public to construct drainage. Ex.D-2 is the order of the Deputy commissioner to make payment of Rs. 17 lakhs to Nirmithe Kendra by CMC and entrusting the project to Nirmithe Kendra. Ex.D-3 is the approval of Kriya yojana. Ex.D-4 is the application of Nirmithe Kendra for release of 17 lakhs to the Deputy commissioner. Ex.D-5 is the cheque under which 17 lakhs is paid to Nirmithe Kendra by CMC. Ex.D-7 is estimate and plan. Ex.D-8 is the circular of pollution board. Ex.D-9 is the permission said to be obtained from Sri. Nushrath Jahana. Ex.D-10 is guidelines of

27.4.2018

Nirmithe Kendra. Ex.D-11 & 12 are the photographs of the place before project. Ex.D-13 and 14 are the photographs of the place after project.

24. So, here allegations in charge No. 1 is that the DGOs committed misconduct by constructing open drainage which is unscientific and not safe.

25. Coming to the point that, whether alleged construction of open drainage is unscientific, the DGOs have stated that, it is Nirmithi Kendra who constructed drainage and only on the direction of Deputy commissioner, they have released amount. They have relied upon Ex.D-2 where, of course Deputy commissioner has entrusted work to Nirmithi Kendra and directed CMC to pay Rs.17,00,000/- to them towards alleged project. But in the same order, while marking copy to the Deputy commissioner, CMC, he has directed to get work done from Nirmithi Kendra. Of course, this direction is not in the body of the order. So, even assuming that this direction has got no value due to this direction is issued while marking copy to the commissioner, CMC, it is not in dispute that Nirmithi Kendra executed work of the alleged project in accordance with estimate and plan prepared by DGOs. So, they cannot escape on the ground that it is Nirmithi Kendra who executed project. Obviously the DGOs have got role in preparing estimate and plan which are said to be unscientific. But, the DGOs have also taken contention that the construction of open storm water drainage is the rule of pollution board. They have relied upon Ex.D-8 which is the direction of pollution board under section

27.4.2018

18 (1) (b) of the water (prevention and pollution) Act, 1974 where at Page No. 2 and 3 it is directed as follows;

“WHEREAS, the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in the matter of OA No. 454/2018 (Subhash Gupta and ors. Vs Union of India and Ors) passed orders on 23.7.2018 which highlight the following issues w.r.t. storm water drains more or less common to all cities/ urban areas of India (copy of NGT order enclosed herewith).

Storm water drains ought to be kept open. However, most of these drains are covered thereby causing flooding and pollution.

-Untreated sewage continues to flow in most of the drains and finally the same goes into the rivers.

-DE-silting and drain cleaning works get adversely affected when storm water drains are covered.

-No sewage, solid waste and C & D waste should be put in the storm water drains. These drains should be encroachment free.

-Steps should be taken so that storm water drains are not covered, but are de-silted and kept clean.

Therefore, taking note of the aforementioned NGT order and realizing the urgency for keeping all storm water drains de-silted, clean and free from encroachments throughout the country, the Central Pollution Control Board vide reference has issued following directions under section 18 (1) (b) of the water (prevention and control of Pollution) Act, 1974 to the Karnataka State Pollution Control Board, the directions are as under;

SPCB/PCC shall take all necessary steps so that storm water drains under its jurisdiction are not covered, but are de-silted and kept clean and that the orders of the Hon'ble NGT in the matter of O.A. No. 454/2018 (Subhash Gupta and Ors. V/s Union of India and Ors.) are strictly complied with.

-SPCB/PCC shall coordinate and direct relevant local authorities /Departments like Town and Country Planning Department state Municipal Corporation, etc., for ensuring compliance.

27.4.20

SPCB/PCC shall acknowledge the receipt of these directions within 07 days and action taken report shall be submitted to CPCB within 30 days from the date of receipt of these directions.

As per Section 18(b) of the Water (Prevention and control of Pollution) Act, 1974, every state board shall be bound by the said directions in writing as the central pollution control board may give it to it."

26. This makes it clear that estimate and plan for construction of open drainage is scientific.

27. With regard to allegation of charge No. 2 that the DGOs without verifying the availability of land and inspecting the land, prepared estimate and plan, further they have constructed drainage in private land without acquiring private land which was require for underground drain. It is the defence of the DGOs that the drainage is constructed near the house of Smt. Nushrath Jahana after obtaining permission from her. It does not cause inconvenience to anybody, except that place there was no other suitable place for constructing drainage. Hence, with the permission of Smt. Nushrath Jahana and with the knowledge of higher authorities drainage is constructed near her house. In this regard, they have relied upon Ex.D-9 said to be the permission obtained from Nushrath Jahana. I have perused the said document. Smt.Nushrath Jahana has given permission to construct drainage in front of her house. It is not the case of disciplinary authority that Smt.Nushrath Jahana objected for this. As per Ex.D-9 Smt.Nushrath Jahana for the public interest voluntarily permitted to construct drainages in her land. The disciplinary authority has not placed before any material before this authority showing acquisition of land is

27-4-2018

necessary. So, I am of the opinion that the DGOs have not committed misconduct by not acquiring the private land before preparing estimate and plan for construction of drainage in the private land.

28. Coming to the charge No. 3 & 4, the allegation in charge No. 3 is that Rs. 1,18,435/- was added to the bill without explanation. The allegation in charge No. 4 is that Rs. 1,10,809-49 has been added to the bill without explanation. In this regard, the defence of the DGOs is that, it is Nirmithe Kendra who executed work and submitted bills directly to the Deputy commissioner. The disciplinary authority has not placed materials showing role of DGOs in this allegation. Even PW-2 has not stated anything supporting disciplinary authority in this regard. In fact, he has stated at page No. 5 para 9 of his evidence as follows; “ನಾನು ಅಂದಾಜು ಪಟ್ಟಿಗಿಂತ ಹೆಚ್ಚಿನ ಹಣವನ್ನು ಖರ್ಚು ಮಾಡಿರುವ ಬಗ್ಗೆ ದಾಖಲೆಗಳನ್ನು ಗಮನಿಸಿರಲಿಲ್ಲ.” Absolutely, there is no materials before this authority showing the responsibility of DGOs in charge No. 3 and 4.

29. Thus, overall examination of the evidence on record shows that the disciplinary authority has not established the charge No. 1 to 4 leveled against DGO No. 1 and 2. Hence, I proceed to record the following:-

FINDINGS

30. The Disciplinary Authority has not proved the charge No.1 to No. 4 leveled against DGO No.1 and 2. Hence,

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27.4.2018

this report is submitted to Hon'ble Upalokayukta for further action.

25. Date of retirement of DGO No. 1 is 31.12.2025 and DGO No. 2 is 30.4.2030.

Pu. 91 V 27.4.2022

(PUSHPAVATHI.V)
Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

PW.1	Sri.Maheboob S/o Moula Hussain No. 5, mothy Masjid Complex, Raichur Original
PW-2	Sri. B.C.Nagesh Reddy, Retd., Assistant Executive Engineer, TAC Karnataka Lokayukta Bengaluru Original

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

Ex.P1	Ex.p-1 is the detailed complaint filed by PW-1 in Karnataka Lokayukta office.
Ex.P 2 & 3	Ex.p-2 and 3 are the complaint in form No.1 and 2 filed by PW-1 in Karnataka Lokayukta office.
Ex.P-4	Ex.P-4 is the document enclosed to complaint
Ex.P 5	Ex.P-5 is the investigation report dtd: 3.8.2017 submitted by PW-2
Ex.P6	Ex.P-6 is the mahazar dated: 17.2.2017
Ex.P-7	Ex.P-7 is the letter dtd: 11.4.2017 from Assistant Executive Engineer PWD Raichur
Ex.P-8	Ex.P-8 is the letter dtd: 12.6.2017 from Planning Manager, Nirmithe Kendra Raichur and related documents
Ex.P-9	Ex.P-9 is the letter dtd:31.3.2016 from Planning Manager, Nirmithe Kendra Raichur and other documents.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO no. 2 Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur Original
DW-2	DGO No. 1 Sri.K.Gurulingappa, Municipal Commissioner, City Municipal Council, Raichur Original

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27.4.2018*

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the reminder dated: 7.3.2015 from the president of Haji Colony Development to Deputy commissioner Raichur
Ex.D-2	Ex.D-2 is the order dated: 15.7.15 from Deputy commissioner Raichur
Ex.D-3	Ex.D-3 is the order dtd: 2.12.2016 from Deputy commissioner Raichur
Ex.D-4	Ex.D-4 is the letter dtd: 10.8.2015 from Planning Manager, Nirmithe Kendra Raichur to Commissioner, CMC Raichur
Ex.D-5	Ex.D-5 is the letter dtd: 8.2.2016 from commissioner, CMC Raichur to Planning Manager, Nirmithe Kendra Raichur
Ex.D-6	Ex.D-6 is the cheque No. 774767 dated: 8.2.2016
Ex.D-7	Ex.D-7 is the detailed and abstract estimate for construction of RCC drain from Basweshwara Bridge to Ahmed Function Hall Arab Mohalla
Ex.D-8	Ex.D-8 is the directions under section 18(1)(b) of water (prevention and control of pollution) Act, 1974 issued chairman KSPCB on 26.10.2018
Ex.D-9	Ex.D-9 is the letter dtd: 16.2.2016 from Smt. Nushrath Jahana W/o Mohammed Abdul Hai Feroz to Commissioner CMC Raichur
Ex.D-10	Ex.D-10 is the guidelines for Nirmithe Kendra
Ex.D-11 to Ex.D-14	Ex.D-11 are four photographs of the project.

Pu. 91, V, 27.4.2018
(PUSHPAVATHI.V)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.Uplok-1/DE/426/2018/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 4.5.2022.

RECOMMENDATION

Sub:-Departmental inquiry against (1) K Gurulingappa, Municipal Commissioner, City Municipal Council, Raichur and (2) Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur-reg.

Ref:- 1) Govt. Order No. UDD 27 DMK 2018,
Bengaluru, dated 30.8.2018.

2)Nomination order No.Uplok-1/DE/426/
2018 Bengaluru dated 10.9.2018 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 27.4.2022 of
Additional Registrar of Enquiries-9,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 30.8.2018 initiated the disciplinary proceedings against (1) Sri. K Gurulingappa, Municipal Commissioner, City Municipal Council, Raichur and (2) Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur [hereinafter referred to as Delinquent Government

Officials, for short as 'DGOs'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. Uplok-1/DE/426/2018 Bengaluru dated 10.9.2018 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 charges of misconduct, said to have been committed by them.

3. The DGOs (1) Sri. K Gurulingappa, Municipal Commissioner, City Municipal Council, Raichur and (2) Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur were tried for the following charge :-

**ANNEXURE-I**  
**CHARGE**

Estimate for the work of construction of RCC Drain from Basaveswara Bridge (Haji Colony) to Ahmed Function Hall, Arab Mohalla besides Railway Track at Ward No.32 in Raichur City is prepared by CMC, Raichur and estimate was sanctioned for Rs.34 lakhs and technical sanction for the estimate is

approved by Executive Engineer, DUDC and administrative sanction is approved by Dy.Commissioner, Raichur and the work is entrusted to Nirmithi Kendra, Raichur.

An amount of Rs.17 lakhs is paid to Project Director, Nirmithi Kendra on 8.2.2016 by you-DGO-1.

You-DGOs constructed the drain is open drain and water was stagnated in that drain foul smell emanating found odour it shows that there is danger of accident while crossing the road and the children and old persons have to cross the drain to reach the road from their houses which is dangerous and no safety measures have been taken while constructing open drain. The open drain is passing through by the side of houses.

**Charge No.1:-** You-DGOs have prepared estimation for open drain without considering the intensity of rain and the force of water flow during rainy season. The open drains are constructed by you-DGOs without considering the safety of the people and the open drains constructed are unscientific.

**Charge No.2:** At some places, underground drain is constructed in the middle of houses belonging to private persons. But in the estimate there is no provision for underground drain. Further if the owners demolish the houses or reconstruct the houses, there is possibility of closing the drain passing through their houses and thereby causing stagnation of drain water and obstruction for flow of drain water. Therefore, without verifying the availability of land and

inspecting the land, estimate and plan are prepared and drain is constructed in private lands without acquiring private land required for underground drain. Permission from the Competent Authority to construct drain in private land is not obtained.

**Charge No.3 :** In the job works bill dt: 6.4.2016:

(a) An amount of Rs.5,07,380-45 is shown as payable as per bill.

(b) Amount of Rs.2,50,000/- is shown towards materials.

(c) An amount of Rs.3,02,4150-75 is shown as other expenses towards the work .

(d) The total of above three works out to Rs.10,59,796.20, but the total amount of the above three works is shown as Rs.11,95,886/-. Again an amount of Rs.1,18,435/- is added to that and it is not explained you-DGOs how total amount works out to Rs.11,95,886/- and why Rs.1,18,435/- is added to that amount and which is that amount.

**Charge No.4 :** In the job work bill dt: 22.8.2016

(a) Rs.4,34,760/- is shown as amount payable as per bill.

(b) Rs.2,19,000/- is shown towards material expenses.

(c) Rs.3,36,017/- is shown as expenses towards steel.

The total amount of said three items works out Rs.9,89,777/-. But the total amount is shown is Rs.11,21,098-01. Again another Rs.1,10,809.49 is added to that. It is not explained by you-DGOs how

total amount works out to Rs.11,21,098.01 and why Rs.1,10,809.49 is added to that amount and which is that amount.

Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

4. In order to establish the above said charges leveled against the DGOs, the Disciplinary Authority has examined two witnesses, i.e., PW-1 and PW-2 and got marked documents Ex.P1 to P9. The DGOs 1 and 2 were also examined respectively as DW-2 and DW-1 and got marked documents Ex. D1 to D14.

5. On careful examination of the entire materials on record and also considering Sec. 18(1)(b) of the water (prevention and control of pollution) Act, 1974. Disciplinary Authority has not properly established the charges 1 to 4. Further added to the above it is not the case of Disciplinary Authority that Smt. Nushrath Jahana objected at any point of time with regard to the construction of drainages in her land. The materials show that, she has given free consent and permission to do the same. Therefore no other person can raise any objections so far that aspect is concerned. Therefore, looking to the

above said facts and circumstances, the Executive Officer has bestowed her attention to oral and documentary evidence on record and rightly come to the conclusion that the Disciplinary Authority has not proved the charges 1 to 4 levelled against DGOs 1 and 2.

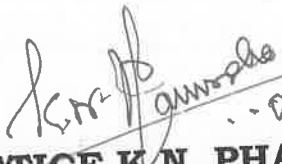
6. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'not proved' the above charge against the DGOs (1) Sri. K. Gurulingppa, Municipal Commissioner, City Municipal Council, Raichur and (2) Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur.

7. 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 Inquiry Officer and to exonerate DGOs (1) Sri. K. Gurulingppa, Municipal Commissioner, City Municipal Council, Raichur and (2) Sri. Mohammed Saiffuddin, Assistant Executive Engineer, City Municipal Council, Raichur.



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

Connected records are enclosed herewith.

  
.. 04/05/22  
**(JUSTICE K.N. PHANEENDRA)**  
**Upalokayukta-2,**  
**State of Karnataka.**

