

KARNATAKA LOKAYUKTA

NO:UPLOK-2/DE/763/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:29.7.2020

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)**

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sri. Srikantha Hadalasanga H., Panchayath Development Officer, Varamballi grama panchayath, Udupi Taluk, Udupi District (At present working as Panchayath Development Officer, Thamba grama panchayath Indi Taluk, Vijayapura District) - reg.

Ref: 1. G.O.No. ೧೨೨೪/671/೧೨೨೪/2016 ದಿ: 15.12.2016.

2. Nomination Order No: UPLOK-2/DE/ 763/2016/ARE-9
Bangalore dated: 31.12.2016 of Hon'ble Upalokayukta-2

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This Departmental Enquiry is initiated against Sri. Srikantha Hadalasanga H. Panchayath Development Officer, Varamballi Grama Panchayath, Udupi Taluk, Udupi District (At present working as Panchayath Development Officer, Thamba Grama Panchayath, Indi Taluk, Vijayapura District) (hereinafter referred to as the Delinquent Government Official for short "**DGO** ").

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2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 31.12.2016 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO.

3. Additional Registrar of Enquiries-9 has prepared 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 copies of the same was issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

5. The application filed by the Presenting Officer on 17.7.2019 for Amendment of Article of Charges. After filing objection by the DGO, the application filed by the Presenting Officer is allowed and Amended Article of Charges dated 21.08.2019 framed by the ARE-9 against the DGO is as under :

ANNEXURE-I
AMMENDED CHARGE

"You-DGO – Sri Srikantha, Hadalasanga H, Panchayath Development Officer, Waramballi Grama Panchayathi, Brahmasara, Udupi (Presently working Thamba Gram Panchayath of Indi taluk in Vijayapura District)

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Quotations were called for supply of water meters by issuing publication dated 4/12/2009. Records do not show the mode of publication inviting quotations. As per records M/s.Mamatha Electrical submitted quotations dated 21.12.2009 & 15.4.2011 as against quotations of Jasma Electricals and Naveen Electricals submitted on 21/12/2009. Mode of receipt of quotations received pursuant to publication calling for quotations dated 4/12/2009 is not borne out from records. Payment of Rs.2,41,575/- is made to M/s Mamatha Electricals, Brahmavar between 6/10/2010 to 3/1/2011 even though the quotation of M/s Mamatha Electricals is dated 21.12.2009 & 15/4/2011 without the procedure as per KTPP Act, thereby committed misconduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.”

ANNEXURE - 2

6. STATEMENT OF IMPUTATIONS OF MISCONDUCT

“Though quotation was submitted by Mamatha Electricals at Brahmavara on 15.4.2011 the work orders was issued for supply of water meter without calling for the tender by the Grama Panchayath and further payment of Rs.32,250/- to the said Mamatha Electricals on 25/11/2010.

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Sri G.Ganesh Rao, Assistant Engineer-4, TAC, Karnataka Lokayukta, Bangalore (hereinafter referred to as Investigation Officer, for short I.O) has submitted investigation report that the procedure calling for quotations and thereafter accepting lowest quotation has not been followed for which You-DGO is responsible.

Comments were called for by sending the report of the I.O. You-DGO has submitted by denying the allegations, but your reply is found not acceptable.

A careful consideration of the material on record shows that:

- i) Quotations were called for supply of water meters by issuing publication dated 4/12/2009.
- ii) Records do not show the mode of publication inviting quotations.
- iii) As per records M/s.Mamatha Electrical submitted quotations dated 15.4.2011 as against quotations of Jasma Electricals and Naveen Electricals submitted on 21/12/2009.
- iv) Mode of receipt of quotations received pursuant to publication calling for quotations dated 4/12/2009 is not borne out from records.
- v) Payment of Rs.2,41,575/- is made to M/s Mamatha Electricals, Brahmavar between 6/10/2010 to 3/1/2011 even though the quotation of M/s Mamatha Electricals is dated 15/4/2011 without the procedure as per KTPP Act.



Since said facts and material on record prima-facie show that the you-DGO have committed misconduct, as per Rule 3 (1) (i) to (iii) of the K. C.S. (Conduct) Rules, 1966 and under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules, 1957. Hence, the charge.”

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7. The DGO appeared on 28.4.2017 before this enquiry authority in pursuance to the service of the Article of charges.

8. Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

9. The DGO has submitted written statement, stating that he was working as Panchayath Development Officer, Waramballi Grama Panchayathi (presently in Brahmavara taluk) in Udupi taluk from 5.4.2010 to 31.7.2013. Further submitted that general body meeting of grama panchayath was held on 27.11.2009 to call tender for supply of water meters to the said grama panchayath. Further submitted that on the basis of the said general body meeting resolution the then secretary of the said grama panchayath published the tender notification on 4.12.2009 calling for the tender applications from the interested suppliers. Further submitted that the then Secretary submitted the resolution of General Body meeting dtd: 27.11.2009 to

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the Executive Officer, Taluk Panchayath, Udupi on 11.12.2009 for approval. Thereafter Secretary of the said Grama Panchayath issued the work order on 21.12.2009. Further submitted that the supply of the water meters and payment made to that effect is in accordance with KTPP Act 1999-2000. Further submitted that he has not committed any misconduct nor violated of any rules. Hence prayed to drop the charge leveled against him.

10. The disciplinary authority has examined the complainant Sri.Yathish.K., S/o Late Umesh K, Indiranagar, Waramballi Village, Brahmavara -576213 as Pw.1 and Sri. G.Ganesh Rao, the then Assistant Engineer, Karnataka Lokayukta TAC, Bengaluru, the Investigating officer in the case is examined as PW-2 and **Ex.P-1 to ExP-13** are got marked.

11. The second oral statement of DGO has been recorded. DGO Sri. Srikantha Hadalasanga H. Panchayath Development Officer, Varamballi grama panchayath, Udupi Taluk, Udupi District has examined himself as DW-1 and has got marked **Ex.D-1 to Ex.D-3** documents.

12. The DGO and Presenting Officer have submitted written arguments. Heard the submissions of both sides. I answer the above charge in the **AFFIRMATIVE** for the following;

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REASONS

13. It is the prime duty of the disciplinary authority to prove the charges leveled against the DGO.

14. The disciplinary authority has examined the complainant Sri.Yathish.K., S/o Late Umesh K, Indiranagar, Waramballi Village, Brahmavara -576213 as Pw.1. PW-1 has deposed in his evidence that while DGO was working as Panchayath Development Officer of Waramballi Grama Panchayath, without calling the tender in respect of water meter to be fixed to the private tap connection of individual houses, had obtained the quotation on 15.4.2011 from M/s. Mamatha Electricals. Further he deposed that before receiving the said quotation, he had paid an amount of Rs. 32,250/- to said M/s Mamatha Electricals. Further he deposed that for the above said reason he had submitted the complaint to the Karnataka Lokayukta office as per Ex.P-1 to Ex.P-3 with Ex.P-4 documents.

15. Sri. G.Ganesh Rao, the then Assistant Engineer, Karnataka Lokayukta TAC, Bengaluru is the Investigating officer in the case and he has been examined as PW-2. PW-2 has deposed in his evidence as follows;

“ದಿ:28/3/2014 ರಂದು ವಾರಂ ಬಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗೆ ಬೆಳಿಗ್ಗೆ 10.30 ಗಂಟೆಗೆ ಹೋಗಿರುತ್ತೇನೆ. ಆದರೆ ದೂರುದಾರರು ಸ್ಥಳಕ್ಕೆ ಬಂದಿರಲಿಲ್ಲ, ಗೈರು ಹಾಜರಾಗಿದ್ದರು. ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಪಿ.ಡಿ.ಓ. ಮತ್ತು ಇತರೆ ಅಧಿಕಾರಿಗಳು ಹಾಜರಿದ್ದರು. ಗ್ರಾಮ ಪಂಚಾಯಿತಿ

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ಕಛೇರಿಯಲ್ಲಿ ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಲಭ್ಯವಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿರುತ್ತೇನೆ. ಕಡತಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿದಾಗ ಮಮತ ಎಲೆಕ್ಟ್ರಾನಿಕ್ಸ್ ರವರಿಗೆ ಕೊಟೇಷನ್ ಕರೆಯದೇ ವಾಟರ್ ಮೀಟರ್‌ಗಳನ್ನು ಖರೀದಿಸಿ ಹಣ ಪಾವತಿ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಆದರೆ ಟೆಂಡರ್ ನಿಯಮದ ಪ್ರಕಾರ ಕೊಟೇಷನ್ ಕರೆದು ಅತಿ ಕಡಿಮೆ ದರ ನಮೂದಿಸಿರುವ ಸರಬರಾಜುದಾರರಿಂದ ಖರೀದಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ ಸದರಿ ಟೆಂಡರ್ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೇ ಮಮತ ಎಲೆಕ್ಟ್ರಾನಿಕ್ಸ್ ರವರಿಂದ ವಾಟರ್ ಮೀಟರ್‌ಗಳನ್ನು ನೇರವಾಗಿ ಖರೀದಿಸಿ ಕರ್ತವ್ಯ ಲೋಪ ಮಾಡಿರುವುದು ದಾಖಲಾತಿಗಳಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಶ್ರೀಕಾಂತ ಹಡಲಸಂಗ ಹೆಚ್. ಇವರ ಅವಧಿಯಲ್ಲಿ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಅವರು ಕರ್ತವ್ಯ ಲೋಪವೆಸಗಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.”

16. DGO Sri. Srikantha Hadalasanga H. Panchayath Development Officer, Varamballi Grama Panchayath, Udupi Taluk, Udupi District has got examined himself as DW-1. DW-1 has deposed in his evidence that he was working as Panchayath Development Officer of Varamballi Grama Panchayath, Udupi Taluk from 5.4.2010 to 31.7.2013. In the year 2008-09 the Grama Panchayath Varamballi approved to secure the water meters by calling for the quotations from the eligible supplier as per KTPP Act. Further he has deposed that the then Secretary published the tender notice in the office notice board as well as local daily news paper. Further he deposed that the then Secretary also obtained the approval from the Executive Officer and Chief Executive Officer respectively for action plan and also obtained the approval

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from Executive Officer for purchasing the water meter. Thereafter, he issued the work order in respect of supply of the water meter and implemented the installation of water meter. Further he deposed that as per public demand, it was continued for the next financial year also.

17. Further he deposed that he has also released an amount of Rs. 30,250/- dtd: 25.11.2010 to M/s. Mamatha Electricals after verifying the earlier bills and stock in the Grama Panchayath.

18. Ex.P1 is the detailed complaint dtd: 17.8.2012 submitted by PW-1. Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1. Ex.P-4 are the documents submitted by PW-1 along with the complaint. Ex.P-5 are the rejoinder dtd: 26.6.2014 and documents submitted by PW-1. Ex.P-6 is the mahazar drawn by PW-2 at the time of spot inspection. Ex.P-7 are the photographs taken at the time of spot inspection. Ex.P-8 and 9 are the video CDs recorded at the time of spot inspection. Ex.P-10 are the documents like tender, tender application form, bills etc., Ex.P-11 is the report of Assistant Engineer-4 vide para No. 32-39. Ex.P-12 is the letter dtd: 5.4.2014 of Panchayath Development Officer, Varamballi Grama Panchayath, Brahmavar, Udupi District written to PW-2 along with copies of quotations. Ex.P-13 is the incumbency certificate of DGO.

19. Ex.D-1 is the tender application form for water meter. Ex.D-2 is the extract of Karnataka Panchayath Raj Act, 1993. Ex.D-3 is the letter dtd: 11.12.2009 of Varamballi

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Village Panchayath, Brahmavar to the Executive Officer,
Taluk Panchayath Udupi.

20. Perused the evidence of Pw-1, PW-2 and DW-1, along with documents produced by both the sides. As per the document the DGO was working as Panchayath Development Officer of Varamballi Grama Panchayath from 5.4.2010 to 31.7.2013. PW-2 is the Investigating officer. He had submitted the Ex.P-11 report along with Ex.P-10 documents secured from the said Grama Panchayath. In his report at para no. 35 he has stated as follows;

“ವಾರಂಬಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿರುವ ಮನೆಗಳಿಗೆ ನೀರಿನ ಮೀಟರ್ ಅಳವಡಿಸುವಲ್ಲಿ ಹಣ ದುರುಪಯೋಗವಾಗಿದೆ ಎಂಬ ದೂರಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ದಾಖಲಾತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಅತಿ ಕಡಿಮೆ ದರ ನಮೂದಿಸಿರುವ ಮಮತಾ ಎಲೆಕ್ಟ್ರಿಕಲ್ಸ್‌ನವರಿಗೆ ಮೀಟರ್ ಅಳವಡಿಸುವ ಪ್ರಕ್ರಿಯೆಯನ್ನು ವಹಿಸಿರುವುದು ದಾಖಲಾತಿಯಿಂದ ಕಂಡುಬರುತ್ತದೆ. ಆದರೆ, ಸರ್ಕಾರದ ನಿಯಮವನ್ನು ಕ್ರಮಬದ್ಧವಾಗಿ ಕೊಟೇಷನ್‌ಗಳನ್ನು ಕರೆದು ಅತಿ ಕಡಿಮೆ ಬೆಲೆ ನಮೂದಿಸಿರುವವರಿಗೆ ನೀರಿನ ಮೀಟರ್‌ಗಳನ್ನು ಖರೀದಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಆದರೆ, ಈ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮಾಡದೇ ಶ್ರೀ. ಶ್ರೀಕಾಂತ್ ಹಡಲಸಂಗರವರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆ. ಸದರಿರವರು ಹಾಲಿ ತಾಂಬಾ ಗ್ರಾಮ ಪಂಚಾಯತ್, ಇಂಡಿ ತಾಲ್ಲೂಕು, ಬಿಜಾಪುರ ಜಿಲ್ಲೆ ಇಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ ಕರ್ತವ್ಯನಿರ್ವಹಿಸುತ್ತಿರುತ್ತಾರೆ. ಇವರು ಸರ್ಕಾರಿ ಸೇವೆಯಿಂದ 2045 ರಲ್ಲಿ ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.”

21. Ex.p-6 is the mahazar drawn at the time of spot inspection in the presence of PW-2. In the said mahazar it is stated as follows;

“ವಾರಂಬಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿರುವ ಮನೆಗಳಿಗೆ ನೀರಿನ ಮೀಟರ್ ಅಳವಡಿಸುವಲ್ಲಿ ಹಣ ದುರುಪಯೋಗವಾದ ದೂರಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ದಾಖಲಾತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಅತಿ ಕಡಿಮೆ ದರ ನಮೂದಿಸಿರುವ ಮಮತಾ ಎಲೆಕ್ಟ್ರಿಕಲ್ಸ್‌ನವರಿಗೆ ವಹಿಸಿರುವುದು

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ದಾಖಲಾತಿಯಿಂದ ಕಂಡುಬರುತ್ತದೆ. ಆದರೆ ಕ್ರಮಬದ್ಧವಾಗಿ ಕೊಟೇಷನ್‌ಗಳನ್ನು ಕರೆದು ಅತಿ ಕಡಿಮೆ ಬೆಲೆ ನಮೂದಿಸಿರುವವರಿಗೆ ಮೀಟರ್‌ಗಳನ್ನು ವಿತರಿಸುವಂತೆ ಮಾಡಿರುವ ದಾಖಲಾತಿಗಳು ಲಭ್ಯವಿರುವುದಿಲ್ಲ.”

22. Ex.P-10 page no. 227 is the tender notification dtd: 4.11.2012 of Varamballi Grama Panchayath for supply of the water meters. This document is not disputed by the DGO. Ex.P-10 page no. 229-232 is the copy of the tender application dated: 21.12.2009 submitted by M/s. Mamatha Electricals, Brahmavara which quoted the rate as Rs.645/- per water meter. Ex.P-10 page no. 233-234 is the tender application dated: 21.12.2009 submitted by M/s. Jasma Electricals, Brahmavara wherein Rs. 720/- per unit is quoted. Ex.P-10 page no. 235-236 is the tender application dated: 21.12.2009 submitted by M/s. Naveen Electricals, Brahmavara wherein Rs. 705/- per unit is quoted. Ex.P-10 page no. 237 is the modified auction plan for the year 2010-11 of Varamballi Grama Panchayath. As per the said document auction plan is prepared to fix the water meter to the SC/ST families of the said Grama Panchayath and obtained the approval from Executive Officer, Taluk Panchayath, Udupi on 24.1.2011 for the estimated amount of Rs. 50,000/-. But there is no resolution copy produced by DGO in respect of the same. Further he has not furnished the document in respect of calling quotation to purchase the water meter.

23. The DGO produced Ex.D-1 documents which includes nine sheets. Ex.D-1 page no. 253 is the tender application dated: 21.12.2009 submitted by M/s. Naveen

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Electricals. In the said application, Rs. 705/- is quoted for each water meter. Ex.D-1 page no. 254-255 is the tender application dated: 21.12.2009 submitted by M/s. Jasma Electricals wherein Rs. 720/- is quoted for each water meter. Ex.D-1 page no. 256-257 is the tender application dated: 21.12.2009 submitted by M/s. Mamatha Electricals, wherein Rs. 645/- is quoted for each water meter. Ex.D-1 page no. 260-263 is the tender application dtd: 21.12.2009 submitted by M/s. Naga Electricals, and in the said application Rs.675/- is quoted for each water meter. As per the tender notification quotation was to be opened on 22.12.2009 thereafter. On perusal of the above said tender applications, M/s. Mamatha Electricals was the lowest bidder. There are no documents produced by the DGO to show whose tender was accepted. Further he has not produced the comparative statement of the rates quoted and acceptance of the lowest bid. Further the earlier Secretary of the said Grama Panchayath who worked upto 4.4.2010 had not issued any supply order to any of the bidders. But DGO on 19.10.2010 issued the supply order in favour of M/s. Mamatha electricals, Brahmavara to supply the water meter without there being any order regarding the acceptance of quotation submitted by M/s. Mamatha electrical. The Ex.D-1 page no. 264 is the copy of the letter dtd: 19.10.2010 written by DGO to M/s. Mamatha Electricals, Brahmavara. Further Ex.D-1 page no. 265 is the work order dtd: 24.9.2010 issued to M/s. Mamatha Electricals, Brahmavara to supply one hundred water meters. But there is no document to show that the Grama Panchayath accepted the quotation submitted by the

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M/s. Mamatha Electricals, Brahmavara to supply the water meter. Ex.D-3 page no. 269 -273 document submitted by the DGO. In the said document page no. 269 is a letter dtd: 11.12.2009 of the then Secretary of Waramballi grama panchayath to the EO taluk panchayath Udupi for seeking permission to purchase two hundred water meter for the amount of Rs. 1,50,000/- fund remaining in the account of swajaladhara yojane. But there is no document produced by the DGO whether EO taluk panchayath Udupi approved the same. The Ex.D-3 page no. 270 is the copy of the resolution No. 68/2009-2010 dtd: 27.11.2009 of Varamballi Grama Panchayath. As per the said document Resolution was passed in the General Body of the said Grama Panchayath to call for the tender to purchase two hundred water meters. Ex.D-3 page no. 271 is the letter dtd: 11.12.2009 of the then Secretary, Varamballi Grama Panchayath to the Executive Officer, Taluk Panchayath, Udupi. As per the said document, the Secretary of the said Grama Panchayath requested the Executive Officer to publish the tender notification regarding purchase of water meters in their office Notice Board. Ex.D-3 page no. 272 is the tender notification dtd: 4.12.2009.

24. Considering the above said material evidence along with the evidence of PW-2 Investigating officer, there is no dispute that DGO was working as Panchayath Development Officer of Waramballi Grama Panchayath from 5.4.2010 to 31.7.2013 . Further DGO has not disputed the fact that the resolution was passed by the Waramballi Grama Panchayath on 27.11.2009 vide resolution no. 68/2009-10 to call for the tender for supply of 200 water meters. Thereafter, the then

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Secretary of the said Grama Panchayath submitted the said resolution to the Executive Officer, Taluk Panchayath, Udupi on 11.12.2009 for approval and sought orders to publish the tender notification dtd: 4.12.2009 in their office notice board. Further the documents reveal that M/s Mamatha Electricals, Naveen Electricals, Jasma Electricals, Naga Electricals submitted their tender application on 21.12.2009. Out of said applications M/s. Mamatha Electricals quoted the lowest rate as Rs.645/- per unit. But thereafter there is no documents furnished by the DGO to show that the quotation submitted by the M/s. Mamatha Electricals to supply the water meter was accepted and also there is no document furnished by the DGO that whether the Executive Officer, Taluk Panchayath, Udupi, had given approval to purchase 200 water meters as requested by the Secretary of Grama Panchayath, Waramballi through his letter dtd: 11.12.2009. But, without any such order, the DGO issued supply order in favour of the M/s. Mamatha Electricals on 9.10.2010 and 24.9.2010 respectively to supply 100 water meters. Further the DGO submitted the modified action plan to the Taluk Panchayath, Udupi for the year 2010-11 as per Ex.P-10 page no. 237 for purchasing the water meter to be fixed to the houses of SC / ST families at an estimated amount of Rs. 50,000/- and same was approved by the Executive Officer, Taluk Panchayath, Udupi on 24.1.2011. But there is no document to show that the DGO called the quotation for supply of water meter, after approval of the said modified action plan. But as per the Ex.P-4 Page no. 84 the DGO received the quotation from M/s. Mamatha Electricals dtd:

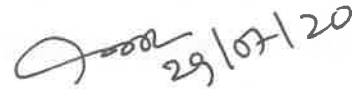
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15.4.2011 for supply of water meter which quoted Rs. 760/- for big size and Rs.645/- for small size water meter. Thereafter DGO purchased the water meter from M/s. Mamatha Electricals and paid the amount accordingly. Ex.P-4 page no. 89 to 101 are the bill and receipt regarding the payment of the amount in favour of M/s. Mamatha Electricals in respect of supply of water meters. The above said documents and the facts and circumstances clearly reveal that quotation was called for supply of water meter by issuing publication dtd: 4.12.2009. The DGO has not placed any material to show the mode of publication except producing a xerox copy of the paper cutting furnished in Ex.D-3 page no. 273. There is also no material to show that the document is xerox copy of the particular daily news paper or local news paper. Further no document is furnished to show whether the Secretary of the Grama Panchayath, Waramballi published the said tender notification in the office Notice Board and in public place. There is no document to show the mode of receipt of quotation received pursuant to publication dtd: 4.12.2009. Even though there is no documents regarding acceptance of the quotation dtd: 21.12.2009 payment of Rs. 2,41,575/- was made to M/s Mamatha Electricals, Brahmavara between 6.10.2010 to 3.11.2011. Further DGO had paid the amount to M/s. Mamatha Electricals, even though it had submitted another quotation dtd: 15.4.2011, without the procedure being followed as per KTPP Act 1999. As per the said Act, after calling the quotation, date will be fixed for submitting the quotation by the supplier. After submitting the quotation by



the supplier, Secretary of the Grama Panchayath has to prepare comparative statement of rate list and then obtain approval for lowest bid and then issue supply order to the concerned supplier. But in this case, neither the then Secretary nor the DGO has followed the Rules of KTPP Act. In this case there is no allegation against the DGO for having misappropriated any amount in respect of purchase of water meter. But the only allegation is that, he has not followed the procedure at the time of issuing the supply order to M/s. Mamatha Electricals and also while making payment. The material evidence placed by the disciplinary authority depicts that the DGO has not followed the procedure under KTPP Act 1999-2000 at the time of issuing the supply order to M/s. Mamatha Electricals for supply of water meters. There is no material placed by the DGO to disprove the material placed on record by the disciplinary authority. Thereby the disciplinary authority has succeeded in proving the charge leveled against the DGO.

25. In the above said facts and circumstances, I hold that the charge leveled against the DGO is proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.

 29/07/20

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Yathish.K., S/o Late Umesh K, Indiranagar, Waramballi Village, Brahmavara -576213 original
PW-2	Sri. G.Ganesh Rao, the then Assisi Assistant Engineer, Karnataka Lokayukta TAC, Bengaluru original

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

Ex.P1	Ex.P1 is the detailed complaint dtd: 17.8.2012 submitted by PW-1.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1.
Ex.P-4	Ex.P-4 are the documents submitted by PW-1 along with the complaint.
Ex.P5	Ex.P-5 are the rejoinder dtd: 26.6.2014 and documents submitted by PW-1.
Ex.P6	Ex.P-6 is the mahazar drawn by PW-2 at the time of spot inspection.
Ex.P7	Ex.P-7 are the photographs and taken at the time of spot inspection.
Ex.P8 &9	Ex.P-8 and 9 are the video CDs taken at the time of spot inspection.
Ex.P10	Ex.P-10 are the documents like tender for water meter, application format for tender water meter, bill of sale etc.,
Ex.P11	Ex.P-11 is the report of Assistant Engineer-4 vide para No. 32-39.
Ex.P12	Ex.P-12 is the letter dtd: 5.4.2014 of Panchayath development officer, Varamballi grama panchayath Brahmavar Udipi District to PW-2 along with copies of calling quotations.

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Ex.P13	Ex.P-13 is the incumbency certificate of DGO
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iii) List of witnesses examined on behalf of DGO.

DW-1	DGO Sri. Srikantha Hadalasanga H. Panchayath Development Officer, Varamballi grama panchayath, Udipi Taluk, Udipi District original
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iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the tender application format for water meter.
Ex.D-2	Ex.D-2 is the sub rules of Karnataka panchayath Raj 1993.
Ex.D-3	Ex.D-3 is the letter dtd: 11.12.2009 of 25th varamballi village panchayath P.O. Brahmavar to the EO, Taluk panchayath Udipi.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.763/2016/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 31.07.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri Srikantha Hadalasanga H., the then Panchayath Development Officer, Varamballi Grama Panchayath, Udupi Taluk and District - reg.

Ref:- 1) Government Order No.RDP 671 GPS 2016
Dated 15.12.2016.

2) Nomination order No. UPLOK-
2/DE/763/2016 dated 31.12.2016 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 29.07.2020 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.12.2016 initiated the disciplinary proceedings against Shri Srikantha Hadalasanga H., the then Panchayath Development Officer, Varamballi Grama Panchayath, Udupi Taluk and District, [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/763/2016 dated 31.12.2016 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri Srikantha Hadalasanga H., the then Panchayath Development Officer, Varamballi Grama Panchayath, Brahmavara, Udupi Taluk and District, was tried for the following charges :-

“ You DGO Sri Srikantha Hadalasanga H., the then Panchayath Development Officer, Varamballi Grama Panchayath, Brahmavara, Udupi Taluk and District, quotations were called for supply of water meters by issuing publication dated 4.12.2009. Records do not show the mode of publication inviting quotations. As per records M/s. Mamatha Electricals submitted quotations dated 21.12.2009 and 15.4.2011 as against quotations of Jasma Electricals and Naveen Electricals submitted on 21.2.2009. Mode of receipt of quotations received pursuant to publication calling for quotations dated

4.12.2009 is not borne out from records. Payment of Rs.2,41,575/- is made to M/s. Mamatha Electricals, Brahmavar between 6.10.2010 to 3.1.2011 even though the quotation of M/s. Mamatha Electricals is dated 21.12.2009 and 15.4.2011 without the procedure as per KTPP Act, thereby committed misconduct as enumerated u/r 3(1)(i) to (iii) of Karnataka Civil Service( Conduct) Rules, 1966. ”

4. The Inquiry Officer (Additional Registrar of Enquiries- 9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Sri Srikantha Hadalasanga H., the then Panchayath Development Officer, Varamballi Grama Panchayath, Brahmavara, Udupi Taluk and District, is ' proved'.


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

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri Srikantha Hadalasanga H., is due to retire from service on 31-7-2045.

7. Having regard to the nature of charge '*proved*' against the DGO - Shri Srikantha Hadalasanga H, and considering the totality of circumstances and the fact that there is no charge of misuse of money and the allegation is that the required procedure was not followed by the DGO, the matter deserves to be viewed liberally. Hence, it is hereby recommended to the Government to impose penalty of 'withholding two annual increments payable to DGO Sri Srikantha Hadalasanga H, for a period of two years without cumulative effect.'

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

Connected records are enclosed herewith.

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

BS\*