The charge alleged against the DGO-1 to DGO-3 was that while they were working as Asst.Executive Engineer, Secretary, Gram Panchayath, MelinBesige, Hosanagar Taluk and Junior Engineer, Panchayath Raj Engg.Sub-Dvn, Hosanagar, they executed the work during the year 2012-13 under 13th finance commission by spending about Rs.10,000/- however, the work executed by them were sub standard and thereby, the DGO-1 to DGO-3 have failed to maintain absolute integrity and devotion to duty the act of which is unbecoming of a Government Servant and thereby committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966".
denial of 1 annual increments for a period of 2 years without cumulative effect" in exercise of powers under Rule 8(iii) of the Karnataka Civil Service (Classification, control and Appeal) Rules, 1957 and that he, having seen the records of Case No. (3) of 2005 posted at 3rd Floor, Office of the District Secretary, has been immediately informed.

As per the information provided, the denial of increments was effective from 2005 onwards. In 2011-12, he wrote a letter to the PEAIS Department, 2012-13, and 2013-14 seeking clarification on the denial of increments. He also wrote a letter to the PEAIS Department in 2014 to clarify the issue.

The report of the I.O. is marked as Ex.P-23. In the report, he has mentioned as per the estimate, Rs.10,000/- was sanctioned under the 13th finance commission for the year 2012-13 and that as per the estimate 5 rings has to be put in the existing well and that the M-10 cement concrete has to be put around the well with thickness of 01.5 meter. He has stated that the work was executed through the contractor Sri Jayadevappa in the of October 2013 by spending Rs.10,000/-.

I.O. has stated that during inspection he found that the well rings were put inside the well and that the flagging concrete was put around the well, 3 years ago. He has stated he found the outer portion of the said flagging concrete to a length of 1.50 meters i.e. about ¼ of the said concrete was damaged and that it is a substandard work. He has stated that the amount spent for the said flagging concrete work was Rs.4,365/- and that it’s 1/4th would be Rs.1092/-.

So far as the defense of DGO-1 is concerned, PW-2 has admitted in the cross that DGO-1 had no role in the execution of work of flagging concrete around the well. There are no other material to show his role in the said work.
So far as DGO-2 and 3 are concerned, they do not dispute the construction. Their defense is that the work is not of substandard. During cross examination, they have taken different contentions. Their different please are as follows-

1. Inspection was done after 3 year of construction.
2. I.O. has not cut open the concrete to find out the quality.
3. The said place is a malnad region and that after 3 years, naturally due to heavy raid the work got damaged.
4. Heavy lorry with Acasia Timber load had moved around it and hence it got damaged.
5. If at all the work was substandard, the entire concrete work would have got damaged and not only ¼ part.

These contentions of the DGOs are vague and not consistent. They are not probable. PW-1 has clearly mentioned in his report as to why he has come to the conclusion that it is a substandard work. He has also withstood the test of cross examination. There is nothing to dispute or disbelieve his evidence and report. Merely because 3/4th part has not been damaged, is not a ground to disbelieve his report.

It may be true the DGOs have got it repaired later with their own money. But, that will not exonerate them from the execution of substandard work carried out at the initial stage.

For the aforesaid reasons, I am of the opinion that the disciplinary authority proved the charge against the DGO-2 and 3. So for as DGO-1 is concerned he had no role in the work of flagging concrete and hence charge is not proved against him. Hence, point No.1 is answered partly in the Affirmative.
The power holder has exercised the power under Rule 8(iii) of the Karnataka Civil Service (Classification, control and Appeal) Rules, 1957 and has decided to:

- Deny annual increments for a period of 2 years without cumulative effect.

The decision is final and cannot be appealed.

1. 
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9. 

Date: 

Signature: 

Position: 

Authority: 

Decision Date: 