While you the DGO No.1 Sri Murthuja Hussaini, working as PDO, Yeregera Grama Panchayath, along with President of the Yeregera Grama Panchayath Smt. Rehna Begam, has passed the bill and made payments of the bill to the full works without verifying whether the works in respect of construction of protection walls in SC/ST wards of Yeregera village under Mahathma Gandhi National Rural Employment Guarantee scheme for the year2011, were executed according to the specification mentioned in the estimate and the M.B Book and misappropriated the amount causing loss to th Government. Thereby you DGO.1 had failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and you are guilty of misconduct under Rule.3(1)(i) to (iii) of KCS (Conduct) Rules 1966.
In this case the evidence given by PW-1 and 2 and documents produced and marked as Ex.P1 to Ex.P10 makes it abundantly clear that DGOs 1 and 2 worked as PDO of Yaragere Grama Panchayath and Junior Engineer, PRE Sub Division, Raichur District, respectively, and the work of construction of protection wall in SC and ST wards of Yaragere village was undertaken during year 2011 under MGNREG scheme at the estimated cost of Rs. 1,50,000/- and the wall was constructed under the
supervision of DGO NO.2. It is the specific case of the disciplinary authority that the amount sanctioned for the work was paid to the concerned. It is stated that the DGO NO.2, being the PDO of Yaragere Grama Panchayath, has made payment of the amount of concerned persons even though the complainant had raised objection regarding the improper execution of the works. It is significant to note that the DGOs have not disputed the fact of construction of protection wall in wall in SC and ST wards of Yaragere village under MGNREG scheme during year 2011. Ex.P.7 is the estimate prepared for the said work. In the written statement filed by the DGOs in this case also they have not disputed the fact that protection wall was constructed during year 2011. Ex.P.7 is the estimate prepared for the said work. In the written statement filed by the DGOs in this case also they have not disputed the fact that protection wall was constructed during year 2011 in SC ST ward of Yaragere village. The DGOs have contended in their written statement that the work was executed as per the estimate following rules and there is no irregularities in executing the work. It is significant to note that DGOs in their written statement have stated that since investigating officer visited the place of work 4 years after the work was executed, the height of the protection wall was reduced due to rain and in some places it was washed away and therefore there was difference in length and height of the wall. This stand taken by the DGOs in their written statement support the say of the investigating officer, who is examined as PW-1, that there was considerable difference in the measurement of the protection wall found at the time of inspection to the measurement of the protection wall found at the time of inspection to the measurement mentioned in the estimate and the portion of the wall had shrunk due to rain. If really the portion of the protection wall was washed away in the rain, as contended by the DGOs, then same should have been visible even now. The claim of DGOs that the height of the protection wall is shrunk due to rain cannot be accepted as there is no evidence to support the said contention. In view of the admission made by the DGO regarding the discrepancy in the measurement of length, height and breadth of the protection wall in their written statement; support to the evidence given by PW-1. Therefore the oral evidence given by PW-1 regarding the irregularities found in construction of protection wall in SC and ST wards of Yaragere village can be safely believed. No doubt complainant is a politician, as it is evident from complaint given by him in the letterhead of a political party, but his evidence is supported by the evidence of PW-2, who is an independent witness and had conducted investigation on the orders of CEO Zilla Panchayath Raichur. As pointed out supra DGOs in their written statement filed in the case in the initial stage of the enquiry have clearly admitted that the length, height and breadth of the protection wall was less than the length, height and breadth mentioned in the estimate. DGOs have not produced any evidence on record to show that the PW-2 was having reason to falsely implicate them in his report. PW-2 is also an officer of government and he had conducted investigation only after Chief Executive Officer of Zilla Panchayath had directed him to do so. Therefore no motive can be attribute to PW-2 for implicating the DGOs in this report. After careful scrutiny of the oral evidence of PW-1 and 2 and also documents produced in the case, I am of the view that DGO NO.2 who was the Junior Engineer of PRE Division of Raichur Zilla Panchayath, did not supervise the work properly and he has committed serious irregularity in not executing the work according to the estimate and also he did not record measurement of the work before recommending payment and further DGO No.1. who was the PDO of Yaragere Grama Panchayath, had made payment of the
amount sanctioned for the work even though the work was not executed according to the estimate and further no measurement book was furnished to him for making payment.

After examining the evidence produced by the disciplinary authority in the case, I am of the view that the disciplinary authority has clearly proved the allegations made against DGOs NO 1 and 2 and hence I hold that the DGOs No.1 and 2, while executing the work of construction of protection wall at SC/ST ward of Yaragere village have committed irregularities and without constructing the wall according to the estimate they had made payment of the amount sanctioned for the said purpose and therefore, both DGOs have committed grave official misconduct, as defined under Rule 3 (i) to (iii) of the KCS (conduct) Rules 1957 and hence have answered the point formulated above in the AFFIRMATIVE and proceed to pass the following order.

ORDER

S.V. Gopala

Subordinate Judge

Sri Shobha19560:1956-2017

Date: 06.07.2018

The DGOs No.1 and 2 are hereby held to have committed grave official misconduct in accordance with Rule 3(i) to (iii) of the KCS (conduct) Rules 1957. It is hereby ordered that the DGOs No.1 and 2 be dismissed from service forthwith.

S.V. Gopala

Subordinate Judge
2. ಮಾದಯ, ಬೆರೆಯಲಾಗುತ್ತದೆ, ಕಡವಲ ಪ್ರಶ್ನೆಯಾಗುತ್ತದೆ, ಪರಾಧನೆ.
3. ಮಾಡಬೇಕೆ, ಕಡವಲ ಪ್ರಶ್ನೆಯಾಗುತ್ತದೆ, ಪರಾಧನೆ.
4. ಮಾದಯ, ತೊಡಗಿಸಿಕೊಂಡಿದ್ದಾಗ, ನಂಬು ಸ್ವಾತಂತ್ರ್ಯ, ತಸಿದಾಯತೆ ಮಾಡಿ.
5. ತರಕಾರಿಗೆ ಎದುರುತ್ತದೆ, ಅವಶ್ಯಕ ಸ್ವಾತಂತ್ರ್ಯ, ತಸಿದಾಯತೆ ಮಾಡಿ, ತಸಿದಾಯತೆ ಮಾಡಿ.
6. ದೀರ್ಘಕಾಲದ ನಿರೀಕ್ಷಣ, ಮೊದಲಾದ ಅಧ್ಯಯನ ಅಧ್ಯಯನ, ಸಂವಿಧಾನ ನುತ್ತಂತ್ರದ ಮಾರ್ಗದಲ್ಲೇ, ತಸಿದಾಯತೆ ಮಾಡಿ, ತಸಿದಾಯತೆ ಮಾಡಿ.
7. ದೀರ್ಘಕಾಲದ ಪ್ರತಿಭ್ಯಾಸ, ಪ್ರತಿಭ್ಯಾಸದ ವಿಶೇಷ, ಮೊದಲಾದ ಅಧ್ಯಯನ ಮಹತ್ವದ ಮಾರ್ಗದಲ್ಲೇ, ತಸಿದಾಯತೆ ಮಾಡಿ, ತಸಿದಾಯತೆ ಮಾಡಿ.
8. ಹೈಡ್ರಾ ನಂಬು.
9. ಕೊಡು ಮಹಾನಂತ್ರವು ಸುತ್ತ.