

महत्वपूर्ण
भारत सरकार प्रकरण

प्रेषक

आयुक्त
ग्राम्य विकास
उत्तर प्रदेश।

सेवा में

जिला कार्यक्रम समन्वयक/जिला अधिकारी
बांदा।

पत्रांक- 946 /एनआरईजीएस सेल/एन.एल.एम./10

दिनांक : 4 -2-2011

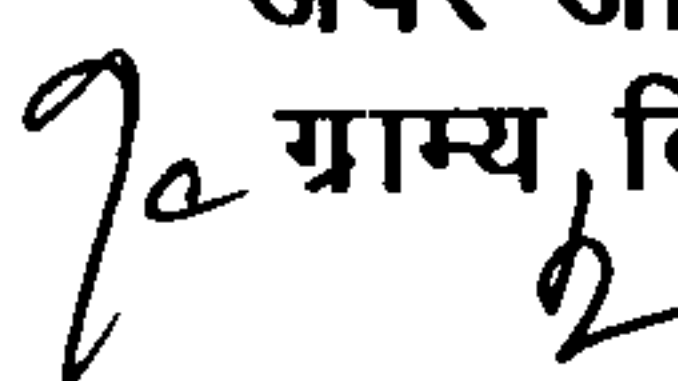
महोदय,

महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारण्टी योजनान्तर्गत श्री मशोदा लाल, अनु सचिव, ग्रामीण विकास मंत्रालय, भारत सरकार, नई दिल्ली के पत्र संख्या-जे-14030/1/एमजीएनआरई जीए, दिनांक 21.1.2011 के साथ संलग्न श्री एच.सी. जयाल एवं श्री जगदीश कुमार, नेशनल लेवल मानीटर द्वारा जनपद बांदा में की गयी विशेष अनुश्रवण आख्या (छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करें।

प्रश्नगत अनुश्रवण आख्या में उल्लिखित तथ्यों पर आवश्यक कार्यवाही सुनिश्चित करते हुए कृत कार्यवाही की आख्या 15 दिन के अन्दर उपलब्ध कराने का कष्ट करें।

भवदीय


(अनुराग यादव)

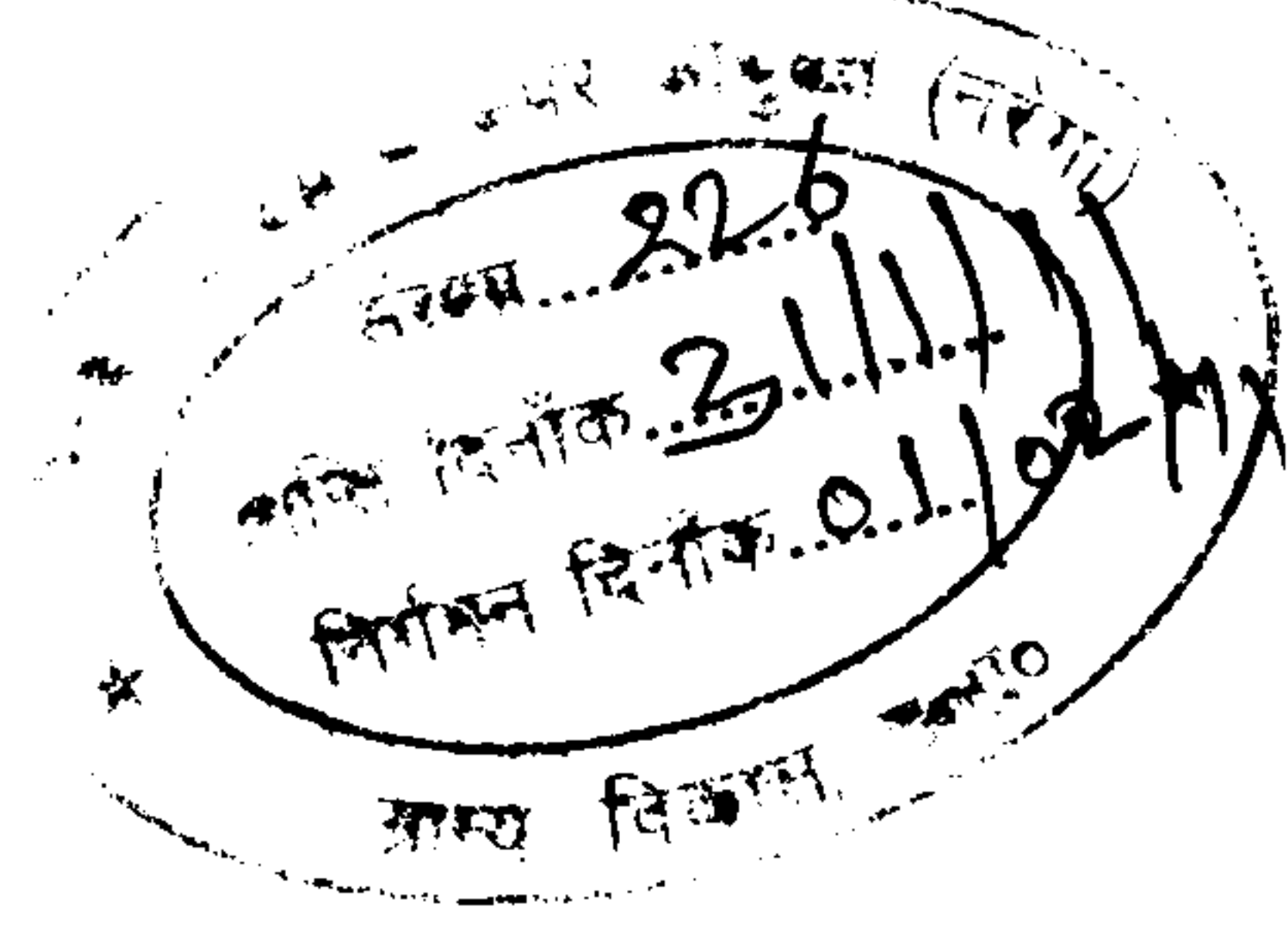
अपर आयुक्त(एनआरईजीएस)
ग्राम्य विकास, उत्तर प्रदेश।


No.-J-14030/1/2009-MGNREGA(65)

**Government of India
Ministry of Rural Development
Department of Rural Development
MGNREGA Division (BKS Marg)**

C-21, Baba Kharag Singh Marg
State Emporium Building, New Delhi,
Dated: 21st January, 2011

25



To

कार्यालय एम०जी०एन०आर०ई०जी०ए० सेल उपायुक्त
प्राप्त दिनांक.....
संख्या.....106.....
निर्गत तिथि.....02-02-11.....

Shri Anurag Yadav
Additional Commissioner
Rural development Department
Government of Uttar Pradesh
Lucknow

Subject: Complaint dated 06.06.2010 of Shri Esrat Raies, Member District Panchayat Banda regarding financial irregularities in the implementation of MGNREGS.

सहायक

✓

31/1/2011

(अनुराग यादव)


अपर आरुक्त (एम०जी०एन०आर०ई०जी०ए०)
ग्राम्य विकास, उ० प्र०

Sir,

I am directed to forward herewith a copy of complaint dated 06.06.2010 of Shri Esrat Raies, Member District Panchayat Banda regarding financial irregularities in the implementation of MGNREGS. A team of NLMs was deputed in the matter. Shri H.C. Jayal and Shri Jagdish Kumar, both NLMs conducted an enquiry into the complaint and as per findings the allegations have been found true. A copy of findings is sent herewith.

State Government is therefore, requested to look into the matter and a detailed action taken report may be sent to this Ministry urgently.

Yours faithfully,


(Mashoda Lal)

Under Secretary (Mahatma Gandhi NREGA)

12680

INQUIRY REPORT

ON COMPLAINT OF
SMT. ISHRAT RAYEES
MEMBER, ZILA PANCHAYAT, BANDA

Regarding
Irregularities in implementation of

MNREGA in Village Korrahi

BY

Team of NLMs

H.C. Jayal & Jagdish Kumar

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INQUIRY REPORT

Regarding

Irregularities in implementation of MNREGA in Village Korrahi

Cause of action

Smt. Ishrat Rayees Member, Zila Panchayat, Banda lodged complaint dated 06.06.2010 along with undated letter addressed to the MOS, RD, about irregularities with regard to MNREGA works in village Korrahi, Distt. Banda. Ministry of Rural Development letter No. Q-11018/11/2010-NLM dated 21.07.2010 constituted a Team of NLMs to inquire into the complaint.

inquiry Team.- H.C. Jayal, NLM & Jagdish Kumar, NLM

Parties

Complainant: Smt. Ishrat Rayees Member, Zila Panchayat, Banda Gram and post office- Korrahi, Distt. Banda.
Residence:- 179 K.L. Keetganj, Allahabad.

Defendant(s) 1. Project Director, DRDA, Distt. Banda(U.P)
2. Shri Ram Narayan Bhaskar,
Gram Vikas Adhikari,
Village Korrahi, Distt. Banda (U.P)

Shri H.C. Jayal, NLM vide letter dated 30.07.2010 (copy at **Annexure A**) addressed to the District Magistrate informed the schedule of visit of the Inquiry Team to Banda starting from 04.08.2010. It was requested that the complainant and the officers against whom the complaint has been lodged, be informed of the inquiry and requested to be present on 04.08.2010 itself along with the relevant evidences in support of the complaint/defense.

The complainant did not come on 04.08.2010 but deputed her husband, Shri Rayees Ahmed, as her representative.

Representative of the complainant gave pleadings in writing in witness of certain local persons. He promised in writing that the pleadings given by him will be signed by the complainant her self the next day and that the complainant will also associate herself with the Team of NLMs for conduct of inquiry as well as for the scheduled on the spot physical

verification in village Korrahi on 05.08.2010. But despite a telephonic reminder on 05.08.2010 from the Team of NLMs, neither the complainant nor her representative associated with the Team during all the remaining three days of inquiry from 05.08.2010 to 07.08.2010. Thus, the pleadings in writing signed by the representative of the complainant, remained unsigned by the complainant herself.

In the aforesaid backdrop, we proceeded with inquiring into the allegations given in writing by the representative of the complainant on 04.08.2010. We obtained pleadings of the officials against whom the allegations were leveled, conducted verification of whatever official record was made available and also conducted physical verification to the extent it was feasible.

The pleadings /allegations given in writing in Hindi, by the representative of the complainant on 04.08.2010 are at **Annexure B.1 to B.3** . Allegation-wise defence pleadings in Hindi of the officials against whom the allegations were leveled , are at **Annexure C.1 to C-15** . For the sake of making the report self-contained, we have attempted to write the allegations and the defence pleadings in English, which may be got authenticated from the qualified translators.

Pleadings

Allegation No. 1

No action has been taken on orders issued by the Programme Officer vide order No. 2323 dated 13.2.2008.

Evidence in support of Allegation No. 1 :-

Not submitted.

Defence Pleadings:-

The Project Director, DRDA Banda who admitted to be responsible for answering this allegation, was asked to produce relevant record in the office of the DRDA, provide reasons for which no action has been taken on orders issued by the Programme Officer vide order No. 2323 dated 13.2.2008 and by what time action would be taken. The Project Director, DRDA Banda informed that all what he has to state is contained in the written reply dated 07.08.2010 furnished by him. Reply dated 07.08.2010 of the Project Director is at **Annexure C.1 to C-2**.

Findings of the Inquiry Team:-

The written reply dated 07.08.2010 furnished by the Project Director as at Annexure **C.1 to C-2** is evasive and does not answer the allegation. The Project Director did not produce relevant record in the

office of the DRDA and has not detailed out the reasons in his letter for which no action has been taken on orders issued by the Programme Officer vide order No. 2323 dated 13.2.2008 and by what time action would be taken.

Allegation No. 2

Col. V.P. Singh in his Inspection report detected one fictitious bill of Rs. 2.73 lakh, but no action taken.

Evidence in support of Allegation No. 2 :-

Not submitted.

Defence Pleadings:-

The Project Director, DRDA Banda who admitted to be responsible for answering this allegation, was asked to provide details of findings of the Inspection in this regard and the reasons for which no action has been taken. The Project Director, DRDA Banda informed that all what he has to state is contained in the written reply dated 07.08.2010 furnished by him to the Team of NLMs.

Findings of the Inquiry Team:-

The written reply dated 07.08.2010 furnished by the Project Director as at Annexure C.1 to C-2 asserts that the report of Col. V.P. Singh NLM is yet awaited and action as per rules would be taken on receipt of the report. Whether the said report has been furnished to the DRDA Banda or not, could only be verified by the Ministry of RD from their records.

Allegation No. 3

In the year 2010, Rs. 6.0 lakhs were disbursed to the supplier Shri Vinod Agarwal without receiving the supply. After disbursement, the amount was deposited back in MNREGA account in connivance with the Branch officer of the Bank. Again, without receiving the supply, the same supplier was disbursed Rs. 1.80 lakh.

Evidence in support of Allegation No. 3 :-

Not submitted.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at Annexure C.4 is as under:-

"I do not agree with the allegation for the following reasons:-

A cheque No. 278603 dated 28.04.2010 for Rs. 6.00 lakh was issued in the name of supplier Vinod Kumar Agarwal because he gave following bills in connection with the work of 'Rahim Baba model talaab':-

(1) Bill No. 243 dated 12.11.2009	Rs. 5,76,926.00
(2) Bill No.NIL dated NIL for Tractor cartage	Rs. 7,000.00
Total:	Rs. 5,83,926.00

Disbursement was made only after receiving the supply. Supply received is entered in the stock register and the payment made is entered in the cash book. The cash book and the stock register is not available with me as it has been sent to the Audit party.

I had to take back Rs. 6.00 lakh into my account because it was necessary to make payment to the labour which carried the first priority. Supplier Vinod Kumar Agarwal was disbursed following amounts later:-

(1) Cheque No. 278610 dated 04.05.2010	Rs. 180000.00
(2) Cheque No. 278611 dated 07.05.2010	Rs. 250000.00
(3) Cheque No. 278612 dated 17.06.2010	Rs. 280000.00
Total:-	Rs. 710000.00

The above said disbursement also includes supply of other material. Bank statement is enclosed in this connection}."

Findings of the Inquiry Team:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari failed to produce before us the Requisition and Receipt of Audit Party to substantiate his contention that the Cash book and stock register was actually sent to the Audit party.

It is admitted by Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) that after disbursement of Rs. 6.0 lakhs vide cheque No. 278603, this amount was deposited back in MNREGA account. Reason given is that it was necessary to make payment to the labour which carried the first priority. It is admitted by him that disbursement of Rs. 180000.00 vide Cheque No. 278610 dated 04.05.2010, is part payment of Bill No. 243 dated 12.11.2009. Therefore, we proceeded to find out the following:-

Whether material for the work of 'Rahim Baba model talaab' was received before 28.04.2010 the date on which first Rs. 6.0 lakhs and later Rs. 1.80 lakh was disbursed on 04.05.2010 to the supplier Shri Vinod Agarwal?

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari informed that work of 'Rahim Baba model talaab' has been done in two stages. In the first stage 'kacha work' was done, which involved only digging by labour. This stage did not require any material. And in the second stage 'pacca work' was done, which involved labour as well as material.

Three stage photographs in respect of both stages of the work were not taken. Completion certificate of both stages of the work was not produced. No quotations/tender have been invited for the bulk supply of around Rs. 6.00 lakh. No supply order placed with the supplier has been produced.

It was noted that the Gram Sabha approved the work of 'Rahim Baba model talaab' in two stages. First stage approval was accorded on 15.05.2009. Second stage approval was accorded on 26.05.2010. Second stage approval specifically mentioned that it is for completion of the incomplete work of 'Rahim Baba model talaab'. Copy each of the minutes of the Gram Sabha meeting dated 15.05.2009 and 26.05.2010 is at **Annexure D.1 to D.4.**

Work plan for 2009-10 includes work of 'Rahim Baba model talaab' at S.No. 2 for total cost of Rs.7.0 lakh (Rs. 4.20 lakh for labour and Rs. 2.80 lakh for material). Work plan for 2010-11 also includes this work at S.No. 1 for total cost of Rs.12.51 lakh (Rs. 7.20 lakh for labour and Rs. 5.31 lakh for material). Copy each of the work plan for 2009-10 and 2010-11 is at **Annexure E.1 to E.2.**

Estimate No. 461 dated 02.12.2009 prepared for Rs. 12.51 lakh was sanctioned for Rs. 12.27 lakh. Copy of the sanctioned Estimate is at **Annexure F.**

First stage Muster Roll payments from 15.05.2009 to 06.08.2009 amount to Rs. 251800.00. Muster roll serial nos. are 138418 to 138420, 51885 to 51888, 51295 to 51297, 171274 to 171277.

Second stage Muster Roll payments from 16.11.2009 to 15.03.2010 amount to Rs. 79600.00. Muster roll serial nos. are 171271 to 171273, 171278 & 171279.

Following bills at **Annexure G.1 to G.3** submitted by Vinod Kumar Agarwal to Gram Panchayat, Korrahi for supply of material for different works were seen:-

Bill No.	Date	For the work of	Amount(Rs)
266	15.04.09	'pacca naala nirman'	94.00
205	25.04.09	'pacca naala nirman'	292938.00
243	12.11.2009	'model talaab'	576926.00

The Bank statement at **Annexure H** indicates the following:-

Debit of Rs. 600000.00 on 28.04.2010 against Cheque no. 278603
Credit of Rs. 600000.00 on 04.05.2010 showing it to be e/o 28.04.2010.
Debit of Rs. 180000.00 on 04.05.2010 against Cheque No. 278610
Debit of Rs. 250000.00 on 07.05.2010 against Cheque No. 278611
Debit of Rs. 280000.00 on 17.06.2010 against Cheque No. 278612
Balance on 01.06.2010 = Rs.48520
Credit of Rs. 200000.00 on 01.06.2010
Credit of Rs. 600000.00 on 14.06.2010

Thus, Estimate and sanction of the second stage of 'pacca work' has been issued on 02.12.2009 much before this stage of the work was approved by the Gram Sabha on 26.05.2010. Muster roll payments for this stage of the work has commenced on 16.11.2009 much before this stage of the work was sanctioned on 02.12.2009. Material for the second stage of 'pacca work' is stated to have been supplied in bulk vide Bill No. 243 dated 12.11.2009 for an amount of Rs. 5,76,926.00 i.e. before the work was sanctioned on 02.12.2009 and before the work was approved by the Gram Sabha on 26.05.2010. The Bill No. 243 dated 12.11.2009 does not indicate any sales tax or vat whatever.

In other words, even though the work of second stage of completion of the incomplete work of 'Rahim Baba model talaab' ('pacca work') was approved by the Gram Sabha on 26.05.2010 and included in the Work Plan of the financial year 2010-11, preparation of estimate, issue of sanction, purchase of material and engagement of muster roll labour, was all done in the financial year 2009-10 and the entire work was completed up to 15.03.2010. Before the Gram Sabha approved the work on 26.05.2010, even payment of Rs. 6.00 lakh was disbursed to the supplier Vinod Kumar Agarwal, on 28.04.2010. Thereafter, the amount of Rs. 6.00 lakh was got credited to the account of MNREGA on 04.05.2010 and disbursement of Rs. 180000.00 admitted to be part payment of Bill No. 243 dated 12.11.2009, was made to the supplier Vinod Kumar Agarwal, on 04.05.2010 itself against cheque No. 278610.

Serial Nos. of various bills from the same supplier are pointers of forgery. Bill No. 243 is dated 12.11.2009. Bill No. 266 for 'pacca naala nirman' from the same supplier is dated 15.04.09. Bill No. 205 for 'pacca naala nirman' from the same supplier is dated 25.04.09. Bill No. 205 and 243 issued respectively on 25.04.09 and 12.11.2009 i.e. subsequent to 15.04.09 (when Bill No. 266 was issued) ~~could not logically bear Bill Nos~~ 205 and 243 i.e. prior to Bill No. 266.

Afore said sequence of events and the serial numbers of various bills from the same supplier , goes to establish that there has actually been no supply of material on 12.11.2009 for which the admitted disbursement of Rs. 6.00 lakh vide cheque No. 278603 dated 28.04.2010 has been made to the supplier Vinod Kumar Agarwal against Bill No. 243 dated 12.11.2009. Moreover, the two stated Bills are of Rs. 5,83,926.00 and disbursement been made of Rs. 6.00 lakh. This also is illogical and amounts to over payment.

Estimate & Sanction No. 461 dated 02.12.2009, Muster roll payments for this stage of the work from 16.11.2009 to 15.03.2010 amounting to Rs. 79600.00, Bill No. 243 is dated 12.11.2009 for Rs. 5,76,926.00 claiming to be for supply of material for the second stage of this work and another Bill No.NIL dated NIL for Tractor cartage for the same work, amounting to Rs 7,000.00 , are forged.

After the amount of Rs. 6.00 lakh was debited to the MNREGA account on 28.04.2010, no Bank could credit back the debited amount and that too on 04.05.2010, as the debited amount stood simultaneously credited to the account of the supplier on 28.04.2010.

Thus, it is a clear case of disbursement of Rs. 6.0 lakhs on 28.04.2010 in the first instance and disbursement of Rs. 1.80 lakh on 04.05.2010 in the second instance to the supplier Shri Vinod Agarwal without receiving the supply. After disbursement of Rs. 6.0 lakhs , the amount was deposited back in MNREGA account in connivance with the officials of the Bank. All this amounts to misappropriation of MNREGA funds and manipulation of MNREGA bank account with the connivance of the Bank officials, as alleged. In addition, it is also a case of forged Estimate & Sanction No. 461 dated 02.12.2009 and Muster roll payments amounting to Rs. 79600.00 from 16.11.2009 to 15.03.2010.

Conclusion

We have no hesitation to conclude that

- a) The admitted disbursement of Rs. 6.0 lakhs on 28.04.2010 in the first instance and disbursement of Rs. 1.80 lakh on 04.05.2010 in

the second instance to the supplier Shri Vinod Agarwal, has been made by the Gram Vikas Adhikari, without receiving the supply.

- b) the Estimate No. 461 dated 02.12.2009, muster roll payments amounting to Rs. 79600.00 for the period from 16.11.2009 to 15.03.2010, Bill No. 243 dated 12.11.2009 for Rs. 5,76,926.00 as well as another Bill No. NIL dated NIL for Tractor cartage for the same work, amounting to Rs. 7,000.00 are fabricated / forged.
- c) After disbursement of Rs. 6.0 lakhs, the amount was deposited back in MNREGA account in connivance with the officials of the Bank.
- d) The allegation No. 1 stands fully proved and also brings to the fore other administrative and financial irregularities discussed here in above.

Allegation No. 4

Allegation No. 1 to 8 in the undated letter addressed to the MOS, RD as annexed with the letter dated 06.06.2010 may be inquired into

Evidence in support of Allegation No. 4 :-

Not produced.

Defence Pleadings:-

Not Applicable.

Findings of the Inquiry Team:-

Not Applicable.

Conclusion

Not Applicable.

NOTE:- Allegation No. 1 to 8 in the undated letter addressed to the MOS, RD as annexed with the letter dated 06.06.2010 are hereafter referred to as 5(1) to 12(8).

Allegation No. 5(1)

79 meter pucca naalah with expenditure of Rs. 4.00 lakh does not conform to the MB and is without utility . Forged Bill of more than Rs. 2.73 submitted by Secretary. This involves serious financial irregularity

Evidence in support of Allegation No. 5(1) :-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.5** is as under:-

{“I do not agree with the allegation for the following reasons:-

Disbursement has been made only on construction of ‘pucca naala from Zakir Hussain ke makaan to Hussaini talaab’ In connection with this work, supplier Vinod Kumar Agarwal has been disbursed Rs. 292938.00 for supply of material vide Bill No. 205 dated 25.04.2009. This bill is not forged. For this work no bill of Rs. 2.73 lakh as alleged by the complainant, has been received. Material for Rs. 292938.00 received is entered in the stock register and the payment made is entered in the cash book. The cash book and the stock register is not available with me as it has been sent to the Audit party. Bill of Rs. 292938.00 is enclosed}”

Findings of the Inquiry Team:-

Regarding utility of the ‘pucca naala from Zakir Hussain ke makaan to Hussaini talaab’ all the villagers interviewed including former ‘Pradhan’ Shri Ayub Khan, stated that it was very useful for drainage of water and save water logging.

On the spot measurement of the work done was got measured from Shri Des Raj Maurya JE(MI) and Shri Bhagwan Das Verma JE(RES) who reported no deviation from the measurement in the MB. Report of the JEs is at **Annexure C.6**.

Photographs of all the three stages of this work were not taken.

No quotations/tender have been invited for the supply of Rs. 292938.00. No supply order placed with the supplier has been produced. Shri Ram Narayan Bhaskar, Gram Vikas Adhikari also failed to produce before the Team, the Requisition and Receipt of Audit Party to substantiate his contention that the Cash book and stock register sent to the Audit party.

Sanction of the BDO for this work is dated 20.01.2009. Muster roll payments for this work are from 01.02.2009 to 11.03.2009. Receipt of Rs. 3200.00 for the display board is dated 25.04.2009. Bill No. 205 of Rs. 292938.00 for supply of material for this work is dated 25.04.2009.

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari who was asked to clarify as to how the bill for material is dated 25.04.2009 when the work as per Muster rolls had been finished on 11.03.2009, contended that the material was received as and when required between the days the work

was ongoing and as per practice, the bill is footed by the supplier after the work is completed. He had no satisfactory answer when further questioned about Bill No. 243 dated 12.11.2009 for an amount of Rs. 5,76,926.00 which was footed even before the work had commenced on 16.11.2009.

While payment of several bills concerning a work could be made after the work is over, the bills are footed for each instalment of stock supplied which, after verification, has to be entered in the stock register. How can one make verification that the stock received conforms to the stock ordered and billed for and how can one make entries in the stock register after the stock has already been consumed.

The contention of the Gram Vikas Adhikari is, therefore, untenable. Moreover, the Serial No of the bill issued on 25.04.2009 being 205 for this work and the Serial No of the bill issued on 15.04.09 being 266 for 'pacca naala nirman' from the same supplier, is pointer of forgery.

Conclusion

We have no hesitation to conclude that,

- i. the 'pucca naala from Zakir Hussain ke makaan to Hussaini talaab' is useful for drainage of water and save water logging, as certified by all the villagers interviewed.
- ii. the actual measurement of the work conforms to the MB, as certified by the JEs.
- iii. the Bill No. 205 dated 25.04.2009 for Rs. 292938.00 stated to be on account of material supplied by the supplier Vinod Kumar Agarwal for the 'pucca naala from Zakir Hussain ke makaan to Hussaini talaab' is a forged Bill for the reasons stated above.
- iv. the Allegation No. 5(1) is partly proved to the above stated extent.

Allegation No. 6(2)

Money withdrawn without digging Takia nallah. In place of naalah, nalli dug by village farmers @ Rs. 500/- per bigha. On the spot farmers gave statement to this effect.

Evidence in support of Allegation No. 6(2) :-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.7** is as under:-

{“I do not agree with the allegation for the following reasons:-

Digging of Naala from Takia pul to Bagha dande was not got done @ Rs. 500/- per bigha. It was done by Muster roll labour from 20.01.2009 to 15.04.2009 for which muster roll payment has been made vide Muster Roll No. 123308 to 123311. Technical sanction and completion certificate for this work is not available with me. For this work estimate sanctioned was Rs. 1.92 lakh. Payment of Rs. 129300.00 has been made to labour vide Muster Roll No. 123308 to 123311. As per MB No. 126-B, this work started on 20.01.2009 and finished on 10.05.2009. Measurement for this work was taken on 10.05.2009. According to the MB, this work involved expenditure of Rs. 129437.00 . No material has been received for this work. Payment has been shown in the cash book. The cash book is not available with me as it has been sent to the Audit party”}.

Findings of the Inquiry Team:-

The villagers interviewed stated in one voice that the work of Takia pul was done by labour under MNREGA and not on contract basis.

On the spot measurement of the work done was got measured from Shri Des Raj Maurya JE(MI) and Shri Bhagwan Das Verma JE(RES) . The JEs could not take measurement of about 90 meters on account of water logging. Except that the depth as per MB was 0.9 meter, it was measured by the JEs as 0.8 meter, there was no other deviation in measurements. The deviation in depth is minor and according to JEs it occurs in kacha work. However, the JEs informed that technically it is called ‘Naali’ and not ‘naala’ Report of the JEs is at **Annexure C.7**.

Photographs of all the three stages of this work were not taken.

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari failed to produce before the Team, the Requisition and Receipt of Audit Party to substantiate his contention that the Cash book was sent to the Audit party.

Muster Roll No. 123308 for the period from 20.01.2009 to 31.01.2009 carried a remark of an earlier NLM that one Shri Hori Lal told him that he worked only for 10/12 days but payment was made to him for 50 days. We tried to contact Shri Hori Lal but he was not available. However, one villager, told that there are at least ten persons in the village who have worked for less number of days but to whom payment has been made for much more number of days. Asked about the reason, he told

that extra payment is shared by the middlemen providing job and the worker. The grudge was that the alleged middle man took lion's share of extra money and paid very meager amount to the worker. He however, refused to disclose his own name, name of those ten persons who were paid more for less work and also of the alleged middle man.

We confidentially consulted some other villagers. While some openly declared it to be a politics, others endorsed this practice to be in vogue in the village. While none named the alleged middle men, almost all who endorsed this practice to be in vogue in the village were of the opinion that there would have been no grudge if the extra amount was shared equally between the middleman and the workers.

The above said allegation, if true, is a fraud being committed in connivance with the village workers. Village workers are to be blamed equally with the alleged middle men, who could be some official only. This allegation is not a part of the complaint being inquired into.

On our requisitioning, the Block Development Officer, Bisanda, provided details of the serial numbers of the muster rolls issued to Village Panchayat, Korrahi right from beginning of MNREGA to 20.03.2010, which is at **Annexure I**.

The Muster Roll Nos. 123308 to 123311 vide which payment of Rs. 129300.00 has by admission of the Gram Vikas Adhikari been made to labour from 20.01.2009 to 15.04.2009, do not figure in the **Annexure I**. This goes to establish that the muster rolls used for making payment of Rs. 129300.00 for this work are fabricated as these were not issued by the BDO to Village Panchayat, Korrahi. This also gives credence to the allegation of the complainant as well as the allegation of villagers concerning involvement of middleman in making more payment for less work.

Conclusion

Muster Roll No. 123308 to 123311 were not issued by the BDO to Village Panchayat, Korrahi and are fabricated. Muster Roll payment of Rs. 129300.00 vide these muster rolls is forged. This gives credence to the allegation of the complainant as well as the allegation of involvement of middleman in making more payment for less work. The allegation of the complainant is partly proved.

Allegation No. 7(3)

Construction of road from door of Ballu Abbas to Gandha is completely on the basis of forged Muster Rolls - Confirmed during investigation.

Evidence in support of Allegation No. 7(3):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.9** is as under:-

"{I do not agree with the allegation for the following reasons:-

Construction of Link road from door of Ballu Abbas to Gandha naala has been done in two stages. In the first stage muster labour was engaged from 03.05.2006 to 01.07.2006 and payment was made vide muster roll Nos. 09752 to 09766. In the second stage muster labour was engaged from 01.03.2007 to 15.04.2007 and payment was made vide muster roll Nos.09767 to 09776. In the first stage Rs. 197606.00 were paid and in the second stage Rs. 131022.00 were paid. Total payment was Rs. 328628.00. Estimate for this work was made on 21.06.2006 and sanction of Rs.4.96 lakh for this work was issued vide letter No. 209 dated 22.06.2006. Technical sanction and completion certificate for this work is not available with me. Payments have been entered in the cash book but cash book is not available with me as it has been sent to the Audit. Sanction No. 209 dated 22.06.2006 is enclosed}".

Findings of the Inquiry Team:-

Gram Vikas Adhikari in his aforesaid pleading has contended that

- i. Estimate for this work was made on 21.06.2006
- ii. Sanction of Rs.4.96 lakh for this work was vide letter No. 209 dated 22.06.2006. A copy of this sanction is at **Annexure J.1 to J.3**.
- iii. Payment to labour engaged from 03.05.2006 to 01.07.2006 was made vide muster rolls from 09752 to 09766.

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari failed to produce before the Team, the Requisition and Receipt of Audit Party to substantiate his contention that the Cash book was sent to the Audit party.

Clause 1 of the Sanction No. 209 dated 22.06.2006 states that commencement of the work shall be on the basis of registered labourers w.r.t their demand.

Clause 6 of the Sanction states that before commencement of the work ('Anushrwan avam satarkata samiti' shall be constituted and payment for the labour shall be based only on their report.

Clause 14 of the Sanction states that before commencement of the work, it is compulsory to fix a display board and to take photographs of before commencement of work, in middle and on completion of the work.

The afore said sanction does not specify that the work shall be done in two stages.

Photographs of all the three stages of this work were not taken.

The Block Development Officer, Bisanda provided details of the serial numbers of the muster rolls issued to Village Panchayat, Korrahi right from beginning of MNREGA to 20.03.2010, which is at Annexure I. As per this Annexure, Muster roll from serial number 9752 to 9777 were issued to Village Panchayat, Korrahi on 03.06.2006.

Payment to the labour engaged from 03.05.2006 to 02.06.2006 could not be made vide muster roll Nos. 09752 to 09766 as these muster rolls were issued to the Gram Panchayat only on 03.06.2006. Since the sanction for Construction of Link road from door of Ballu Abbas to Gandha naala is admittedly issued on 22.06.2006, Compliances of clause 6 and 14 of the sanction would also have taken some time before the work, as per sanction could commence.

First stage Muster roll payment of Rs. 197606.00 made vide muster roll Nos. 09752 to 09766 for the labour stated to be engaged from 03.05.2006 to 01.07.2006 is forged. Even if there was total non compliance of clause 6 and 14 of the sanction, construction work could not commence before 23.06.2006. In that case also First stage Muster roll payment made vide muster roll Nos. 09752 to 09766 for the labour stated to be engaged from 03.05.2006 to 22.06.2006 is forged.

Conclusion

Based on the fact on record that the muster roll Nos. 09752 to 09766 were issued to the Gram Panchayat only on 03.06.2006 and that the Sanction No. 209 dated 22.06.2006 states that commencement of the work shall be on the basis of registered labourers w.r.t their demand, possibly, payment to the labour engaged from 03.05.2006 to 01.07.2006 is forged. But, we have no hesitation to conclude that payment to the labour engaged from 03.05.2006 to 22.06.2006 is surely forged. The allegation of the complainant is partly proved.

Allegation No. 8(4)

Construction of Pullia on the Sulemaan Chakk does not conform to the Estimates and the MB.

Evidence in support of Allegation No. 8(4):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.10** is as under:-

"I do not agree with the allegation for the following reasons:-

Construction of Pullia on the Sulemaan Chakk (.For this) estimated Rs.1.59 lakh which included Rs. 122449 for material and Rs. 132667 for labour. This work was sanctioned vide sanction No. 403 dated 19.05.07 whereafter sanction was revised to Rs. 1.69 lakhs out of which Rs. 137215 was for material and Rs. 28407 for labour. No separate sanction was issued for this. It is entered at S.No. 90 of sanction register on 25.10.09. This work was done from 01.12.09 to 30.12.09 for which payment of Rs. 28400/- was made towards labour vide muster roll No. 172296 to 172297. Bill No. 245 dated 05.12.09 for Rs. 80162/- was received from supplier Vinod Kumar Agarwal. Material has been entered in the stock register and payment has been entered in the cash book. Measurement for this work has not been done. So, MB is not available. Stock register and Cash book is not available as these have been sent to the Audit".

Findings of the Inquiry Team:-

Photographs of all the three stages of this work were not taken.

No quotations/tender have been invited for the supply of Rs. Rs. 80162/- No supply order placed with the supplier has been produced. Shri Ram Narayan Bhaskar, Gram Vikas Adhikari also failed to produce before the Team, the Requisition and Receipt of Audit Party to substantiate his contention that the Cash book and stock register sent to the Audit party.

The Block Development Officer, Bisanda provided details of the serial numbers of the muster rolls issued to Village Panchayat, Korrahi right from beginning of MNREGA to 20.03.2010, which is at **Annexure I**. As per this Annexure, Muster roll from serial number 172296 to 172301 were issued to Village Panchayat, Korrahi on 15.02.2010.

Payment to the labour engaged from 01.12.09 to 30.12.09 could not be made vide muster roll Nos. 172296 to 172297 as these muster rolls

were issued to the Gram Panchayat only on 15.02.2010. Muster roll payment of Rs. 28400/- made vide muster roll Nos. 172296 to 172297 for the labour stated to be engaged from 01.12.09 to 30.12.09 is forged.

No plausible reason has been given as to why measurement for this work has not been done for which reason MB is not available. Keeping in view that the allegation we feel that MB has deliberately not been produced before the inquiry team for otherwise the complainant has had no basis to allege that the estimate does not conform to the MB. This only gives credence to the allegation. The allegation can therefore, be said to be partly proved. In addition to the allegation, another fact which has come to the fore is that the Muster roll payment of Rs. 28400/- made vide muster roll Nos. 172296 to 172297 is forged as these muster rolls were issued to the Gram Panchayat only on 15.02.2010 whereas it is admitted that the labour engaged and paid was from 01.12.09 to 30.12.09

Conclusion

Non production of the MB gives credence to the allegation that the Construction of Pullia on the Sulemaan Chakk does not conform to the Estimates and the MB. The allegation can therefore, be said to be partly proved.

In addition to the allegation, since muster roll Nos 172296 to 172297 were issued to the Gram Panchayat only on 15.02.2010, we are constrained to conclude that Muster roll payment of Rs. 28400/- made vide muster roll Nos. 172296 to 172297 for the labour admitted to be engaged and paid from 01.12.09 to 30.12.09, is forged.

Allegation No. 9(5)

Work of 5 tallabs including incomplete digging of Sammy talaab does not conform to the MB.

Evidence in support of Allegation No. 9(5):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.11** is as under:-

"{I do not agree with the allegation for the following reasons:-

Digging of Sammy talaab has been completed. The complainant has not given details of the alleged 5 tallabs. Therefore, it is not possible to say anything}".

Findings of the Inquiry Team:-

In the absence of any details , the allegation being vague, is not worth inquiring into.

Conclusion

The allegation is vague and not worth inquiring into.

Allegation No. 10(6)

More than Rs. 1.50 Lakh withdrawn in the name of construction of kucha naala from Kallu Sahu's house whereas this nalla took shape with the mittee put on road.

Evidence in support of Allegation No. 10(6):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.12** is as under:-

"{I do not agree with the allegation for the following reasons:-

Construction of kucha naala from Kallu Sahu's house has been dug with muster roll labour as per estimate and has not come up on its own. Estimate for this work for Rs. 2.04 lakh is sanctioned on 10.02.09 vide s.no. 86 of the sanction register. The work was done by muster roll labour from 16.03.09 to 16.05.09 vide muster roll nos. 123739 to 123743. Total muster roll labour payment is Rs. 97200.00. MB of Rs. 97200.00 is written but not signed}".

Findings of the Inquiry Team:-

Photographs of all the three stages of this work were not taken. signed MB not produced. Cash book stated to be available with the Audit. Villagers interviewed in one voice stated that construction of kucha naala from Kallu Sahu's house has been dug by muster roll labour and has not automatically taken shape with the mittee put on road.

Conclusion

Despite procedural lapses, the allegation is not proved.

Allegation No. 11(7)

Work of mitti from Sadal ka chak to Marouli dhanda does not conform to Estimate and MB.

Evidence in support of Allegation No. 11(7):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.13** is as under:-

"I do not agree with the allegation for the following reasons:-

Estimate and technical sanction for this work is not available with me. As per MB of 2006-07, measurement for this work was taken on 17.12.06. MB does not indicate date of commencement and date of completion of the work. Last measurement date indicated in the MB is 10.05.07.

This work has been done in two stages. First stage, work was done from 16.12.06 to 30.12.06 vide muster roll Nos. 11584 to 11588 for which Rs. 15428.00 were paid. Second stage work was done from 16.03.07 to 30.03.07 vide muster roll Nos.11589 to 11590. Total payment for both stages is Rs. 68164.00. Therefore, it is wrong to say that this work is not as per MB}".

Findings of the Inquiry Team:-

No work can be undertaken unless estimates are prepared and sanction is issued. No reason for undertaking this work in two stages was given by the Gram Vikas Adhikari. It is admitted by Gram Vikas Adhikari that in first stage, work was done from 16.12.06 to 30.12.06 and measurement for this work was taken in the MB on 17.12.06. Measurement taken on the very next day (17.12.06) of commencement of work (16.12.06) renders the defence pleading incredible.

Measurement taken on the very next day (17.12.06) of commencement of stated first stage of work (16.12.06), non indication of date of commencement and date of completion of the work in the MB as well as non production of the Estimate and technical sanction, gives credence to the allegation that Work of mitti from Sadan ka chak to Marouli dhanda does not conform to Estimate and MB. The allegation can therefore, be said to be partly proved.

Conclusion

The allegation is partly proved.

Allegation No. 12(8)

Filling mittee in primary school done by tractor. For a small work, huge sum withdrawn.

Evidence in support of Allegation No. 12(8):-

Not produced.

Defence Pleadings:-

Shri Ram Narayan Bhaskar, Gram Vikas Adhikari, Village Korrahi, Distt. Banda(U.P) admitted to be responsible for answering this allegation. English version of his pleadings at **Annexure C.14** is as under:-

"{I do not agree with the allegation for the following reasons:-

For filling mittee in primary school Braus, digging work was done at a distance of 1 km by muster roll labour. After digging, mitti was loaded in the trolley also by muster roll labour. For transportation of mitti from digging place to the primary school, Rs. 80348.00 was paid as freight to the tractor trolley. Receipt is enclosed. Unloading of mitti from tractor trolley and spreading the mitti in the compound of primary school was also done by muster roll labour. Payment of receipted amount of Rs. 80348.00 is towards freight only and for nothing else. Total muster roll payment is Rs. 114800.00 which has been paid vide muster roll No. 123365 and 123367 to 123369 for the work done from 01.03.09 to 31.04.09. As per MB No. 216 B, 44 m x 44m x 0.90 m- total 1742.40 cubic meter, mittee has been filled in the primary school. Three stages photograph of the work has not been taken. Sanction is entered at S.No. 227 B. Report of JE about digging of mittee is enclosed}"

Findings of the Inquiry Team:-

Gram Vikas Adhikari has admitted that Three stages photograph of the work has not been taken.

Estimate and Technical sanction was not produced. Cash book was stated to have been sent to Audit.

About 30-35 villagers interviewed in the presence of the BDO, Gram Vikas Adhikari, Pradhan of the village and other officials, stated that mitti bharai in the primary school was done in summer season last year. They said that mitti was brought by tractor trolley. Two tractor trolley full of mitti was brought and about 10-12 muster roll labour was engaged to fill up the pits in the compound of the school. Out of the villagers interviewed, one gave his name as Binda S/o Shri Ram Asra and the other gave his name as Binda S/o Shri Sukhana Mohd. Arif.

The receipt at **Annexure K**, stated to be of freight, states that it is for receipt of Rs. 80348.00 on a/c cartage of total 1742.92 cubic meter mittee transported @ Rs. 46.10 per cubic meter. Receipt indicates tractor No. UP 78 AT/7715.

The enclosed Report of JE about digging of mittee states that in all 615 tractor trollys of mittee were brought for filling the compound. MB states that 0.90 m height of mittee filled in the compound. The height of 0.90 meter in the entire length and breadth 44 m x 44m of the compound only suggests that it is not a case of filling pits with mittee in the compound of the school but is a case of filling of a 'pokhra' existing in side the school.

The report of the JE which states that 615 tractor trolly mittee was brought does not bear even remotest tally with the statement of the interviewed villagers, who in the presence of the BDO, Gram Vikas Adhikari, Pradhan of the village and other officials, stated that only two tractor trolly of mittee was brought. This statement given by the villagers was not rebutted by the Gram Vikas Adhikari or the BDO or the Pardhan of the village.

Gram Vikas Adhikari has admitted that total muster roll payment is Rs. 114800 which has been paid vide muster roll No. 123365 and 123367 to 123369 for the work done from 01.03.09 to 31.04.09.

Work is admitted to have been from 01.03.09 to 31.04.09 even by forgetting that there are only 30 days in April and there is no date as 31.04.09 in the calendar.

On our requisitioning, the Block Development Officer, Bisanda provided details of the serial numbers of the muster rolls issued to Village Panchayat, Korrahi right from beginning of MNREGA to 20.03.2010, which is at **Annexure I**. The Muster Roll Nos. 123365 and 123367 to 123369 vide which payment of Rs. 114800 has by admission of the Gram Vikas Adhikari been made, do not figure in the **Annexure I**.

The photographs of the site before filling up mittee which, by admission of the Gram Vikas Adhikari, not been taken, would have proved beyond doubt as to whether it was a case of filling up pits in the compound or it was a case of filling up of a huge 'pokhra' of the size of 44 m x 44m x 0.90 m. Non taking of photographs is clearly in violation of the guidelines.

The unrebutted statement of the interviewed villagers in the presence of Gram Vikas Adhikari or the BDO or the Pardhan of the village, suggestive filling up of a 'pokhra' instead of filling pits with mittee in the compound of the school, use of muster roll forms for making the afore said payment which were not issued by the BDO to Village Panchayat, Korrahi,

goes to establish that the whole work stated to have been done- be it cartage of tractor trolly or the muster roll labour payment, is apparently fictitious and documents are forged. The allegation of the complainant is proved.

Conclusion

The work of filling pits by mittee in primary school has been done by bringing two tractor trollys of mittee and a few labourers were engaged to fill up the pits in the compound of the school. Records including Receipt of Rs. 80348.00 for cartage of tractor trolly, MB and muster rolls Nos. 123365 and 123367 to 123369 vide which payment of Rs. 114800 has by admission of the Gram Vikas Adhikari been made, are forged. The allegation of the complainant is proved.

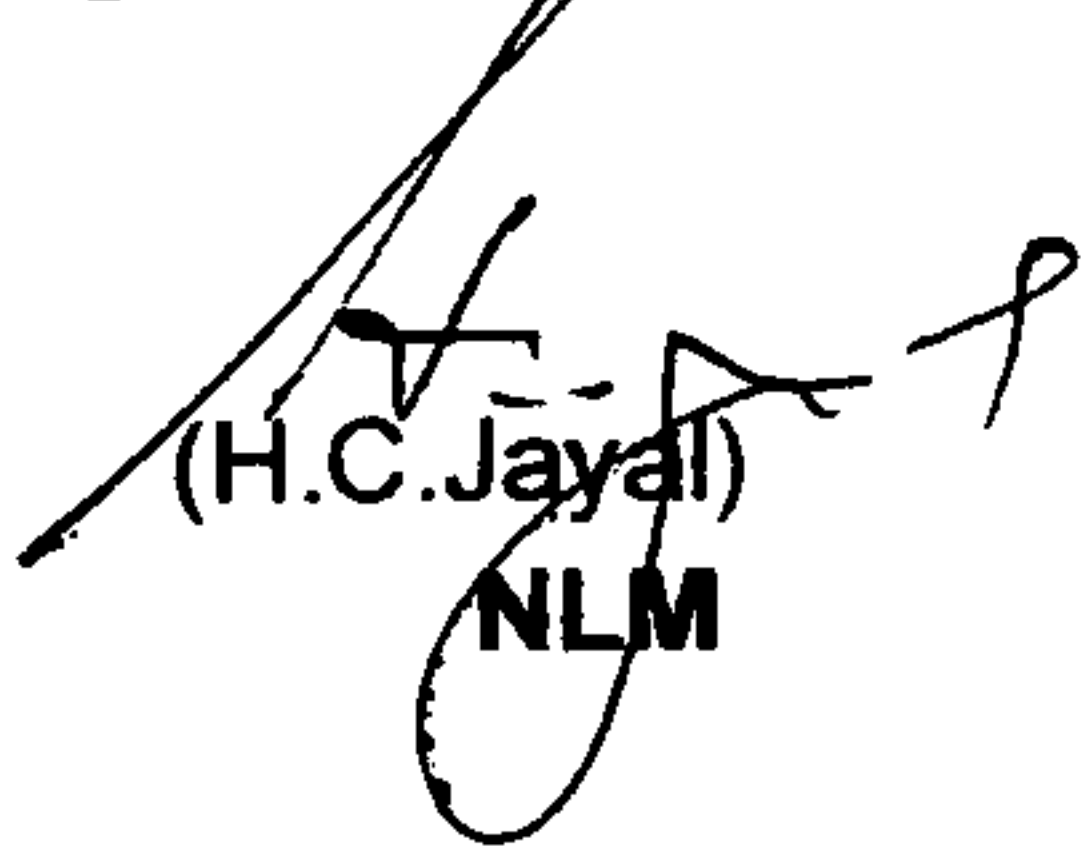
Overall assessment of performance of the district, block and gram panchayat.


Very poor.

Recommendations to improve the programme

Ministry of Rural Development may like to consider prescribing certain check points to ensure that MNREGA works are not within the exclusive domain of one man i.e. Gram Vikas Adhikari.

State Government may may like to consider requiring BDOs to monitor all ongoing works and genuineness of payments made, in respect of each village at least once in a month and send monthly reports to the Project Director/CDO. These reports may be uploaded on the network. In addition, rotational transfer of Gram Vikas Adhikaris every six months or a year along with formal handing and taking over the charge, would go a long way to curb corrupt practices.


(H.C. Jayal)
NLM


(Jagdish Kumar)
NLM