

KARNATAKA LOKAYUKTA

No.Uplok/BCD/47/2017/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.
Date:24/08/2022.

**REPORT UNDER SECTION 12 (3) OF THE
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings against Sri. K.B. Champakadhama Swamy, Ex. Executive Director, KPTCE Co-Operative Society, No. 291, 1st A Main Road, 2nd Stage, Mahalakshampuram, Bengaluru-560086 about his misconduct as Public/Government servants – reg.

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The complainant by name Sri. Shivakumar.K, the Secretary, KPTCE Co-Operative Society, Anand Rao Circle, Race Course Road, Bengaluru presently Near ESI Hospital, Rajajinagar, Bengaluru-560010 has filed the present complaint against Sri. K.B. Champakadhama Swamy, Ex. Executive Director, KPTCE Co-Operative Society, No. 291, 1st A Main Road, 2nd Stage, Mahalakshampuram, Bengaluru-560086; alleging that a layout was formed by the complainant society in Sy. 36/2, 37/2, 38/1, 38/2, 38/3 and 39/3 of Geddalahalli village and layout plan was sanctioned by the BDA vide BDA/TPM/857/1977-78 dated 02/01/1978. As per approved layout plan there were no



sub numbers given for any sites formed under the plan. The respondent by giving sub numbers to the civic community sites has illegally sold 15 sites from the year 1998 to 2008. There is CA site adjacent to site no. 9, as per approved plan. The respondent by giving sub number as 9/A has sold it to Sri. N. Sanjeevalu S/o. Narasaiah by showing park and the remaining CA site towards southern side boundary. It is also alleged the many buildings were constructed in the said sites and many are trying to put up constrictions. BDA has issued letter dated 23/07/2015 stating that BBMP has been sought to take action if khata has been issued and building plans have been approved pertaining to the sites which have been sold with sub numbers in the said layout. On that basis, an investigation has been taken up under Section 9 of the Karnataka Lokayukta Act, 1984.

2. Respondent has submitted comments dated 21/04/2017 denying the complaint allegations. He further submits that he was compulsorily retired from service on 04/07/2016 for his unauthorized absence.

3. Vide letter dated 20/02/2019 Joint Director (North) Town Planning, BDA has reported that according to the approved layout plan site No. 9/A, 292/A, 264/A, 262/A, 261/A, 260/A, 259/A, 230/A, 230/B, 202/A, 229/A, 158/A, 23/A, 22/A and 198/A are unauthorized sites. Along with the report the Joint Commissioner also has produced the copy of modified layout plan in which there

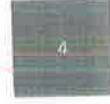
are no sub numbers to the sites formed in Sy.No. 36/2, 37/2, 38/1, 38/2, 38/3 and 39/3.

4. Vide letter dated 28/10/2017, the A.E.E, Hebbal Sub Division, BBMP, East, has reported that at present no action can be taken against 10 sites. On 29/06/2015 the Commissioner, BBMP passed an order to stop the construction on the illegal sites and to submit report.

5. The compulsorily retirement of respondent was because of his unauthorized absence. But the present allegation on record clearly shows that the respondent has illegally sold 15 sites which was reserved for civic amenities during his tenure. The present allegation is different than the unauthorized absence of the respondent. But the respondent was already retired compulsorily on 04/07/2016. But as per Sec. 214(2)(b)(iii) departmental proceedings can be conducted in the case in which an order of dismissal from service could be made in relation to the government servant during his service.

6. Therefore, the acts on the part of the respondent with regard to protecting the public property, shows that, he did not discharge his duty by maintaining devotion to duty, honesty and integrity and it amounts to grave misconduct within the meaning of Rule-3(1)(i) to (iii) of KCS (Conduct) Rules, 1966. In view of all these facts and circumstances, now, acting u/Sec. 12(3) of the Karnataka Lokayukta Act, a recommendation is made to the competent authority, for

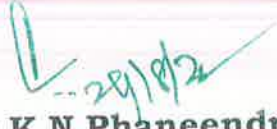
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initiating departmental enquiry against the respondent and to entrust the departmental enquiry to this institution under Rule 214(2)(b) of KCSR.

7. Further, as per U/s 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to **intimate this Authority as early as possible but latest within three months** from the date of receipt of this report, **the action taken** or proposed to be taken on this report against said officials.

Connected records are enclosed.


(Justice K. N. Phaneendra)
Upalokayukta-1,
State of Karnataka.