

KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/20/2013/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 31.5.2023

:: ENQUIRY REPORT ::

:: Present ::

(S.GOPALAPPA)
I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru

Sub: Departmental Inquiry against (1) Sri.B.G.Raghavendra Prasad, Executive Engineer (2) **Sri.Jagannath, Executive Engineer** (3) Sri.K.N.Ravi, Assistant Executive Engineer (quashed- report sent) (4) **Sri.B.K.Jayaram, Assistant Executive Engineer** (5) **Sri.T.C.Mahadevaiah, Assistant Engineer,** (6) **Sri.B.R.Rangaswamy, Assistant Engineer** and (7) **Sri.C.Srinivasagowda Assistant Engineer, Bruhath Bengaluru Mahanagarapalike, Bengaluru - reg.**

Ref: 1. G.O.No. NaAaE 484 MNU 2012 dated: 19.12.2012
2.Nomination Order No: LOK/INQ/14-A/20/2013 Bangalore dated: 11.1.2013 of Hon'ble Upalokayukta-1

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This Departmental Inquiry is initiated against (1) Sri.B.G.Raghavendra Prasad, Executive Engineer (2) **Sri.Jagannath, Executive Engineer** (3) Sri.K.N.Ravi, Assistant Executive Engineer

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-16/9/23

(quashed- report sent) (4) **Sri.B.K.Jayaram, Assistant Executive Engineer** (5) **Sri.T.C.Mahadevaiah, Assistant Engineer**, (6) **Sri.B.R.Rangaswamy, Assistant Engineer** and (7) **Sri.C.Srinivasagowda Assistant Engineer, Bruhath Bengaluru Mahanagarapalike, Bengaluru** (hereinafter referred to as the Delinquent Government Official for short “**DGO- 1 to 7 respectively**”).

2. In pursuance of the Government Order cited above at reference No.1, Hon’ble Upalokayukta vide order dated 11.1.2013 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to frame Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the 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 Article of charges issued by the ARE-9 against the DGOs is as under :

ANNEXURE-I
CHARGE

Charge:-

2. That, you DGOs-1 to 7 namely (1) Sri B.G.Raghavendra Prasad, Executive Engineer (2) Sri.Jaganath- Executive Engineer (3) Sri.K.N Ravi- Assistant Executive Engineer (4) Sri B.K.Jarayam- Assistant Executive

Engineer (5) Sri. T.C.Mahadevaiah, Assistant Engineer, (6) Sri.B.R.Rangaswamy-Assistant Engineer and (7) Sri. C.Srinivasa Gowda-Assistant Engineer while working in B.B.M.P. Bangalore have failed on your part in inspecting and taking action to prevent the illegal construction of 'klayan Mantap' on site no: 67, 1st cross of 35 the Main in 2nd stage of BTM Layout at Bangalore at any stage which has been constructed in contravention of building bye-laws of BDA and BMP, though there is a circular No: B12(1)PR/394/2006-07/2008-09, dated 30-09-2009 to inspect and to take action to stop illegal construction at any stage though the construction was going on the main and busy road, that too, against building bye-laws and sanctioned plan, and also in not taking necessary steps to remove the unauthorized construction in accordance with law immediately and even after the disposal of the appeal by the KAT, thereby failing to maintain absolute integrity and devotion to duty, the act of which is un-becoming of a Government servant and thereby committed mis-conduct as enumerated U/R 3(1) of Karnataka Civil Service (conduct) Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT:

An investigation was taken up under section 9 of the Karnataka Lokayukta Act, on the complaint filed by Prof.N.S.Ashok Kumar, President of "Spandana Nagareeka Veddike" (R) (formed by the

residents of 2nd stage of BTM layout, Madiwale, Banagalore-68) r/o B.T.M. Layout, Bangalore(hereinafter referred to as 'complainant' for short) alleging that the owner of site, bearing no. 67, in 1st cross of 35th Main in 2nd stage of BTM layout at Bangalore, had constructed 'kalyan mantap' called "A.P.Party Hall" in contravention of the building Bye-laws of BDA and BMP. Though the same was brought to the notice of the concerned in BMP. (when construction was in progress) no action was taken to prevent that construction (of building) and those violations/breach of Regulations include:

- a) Change of land use from residential to commercial (as kalyan mantap)
- b) Not obtaining license from the Health Department besides Mahanagar Palike;
- c) Gross violation and deviations of the approved plan; and
- d) Unauthorized and illegal functioning of the A.P. party Hall

Not only that, functioning of said marriage/party hall is causing noise pollution and serious health hazards by haphazard disposal of food waste, paper napkins, paper cups, banana leaves etc., besides traffic problem due of unorganized parking of vehicles etc., by visitors of said Hall etc. After taking up the complaint for investigation, comments was called for from DGOs-1 to 7. On receipt of the same, called for action taken report from AEE of Madiwaal Sub-Division in BBMP at Bangalore. Thereafter, when received reply about ATR, the Chief Engineer in Technical and Audit Cell of Karnataka Lokayukta at Bangalore, conducted spot inspection of the building on 16-12-2011. Then file was referred to the Chief Engineer in technical and Audit Cell of Karnataka Lokayukta at Bangalore, who after

investigation, found that the allegations made in the complaint are substantiated and stated DGOs-1 to 7 are responsible. Comments of DGOs-1 to 7 were called o the report of the investigating officer. Comments of DGOs-1 to 7, on careful consideration of the same with the material on record, has been found that those grounds taken have no legs to stand and that they cannot be upheld under law and on facts prima-facie. As such, proceedings cannot be dropped. On perusal and consideration of the complaint, report of investigation, reply of DGOs-1 to 7 and material on record, it could be prima-facie said that there was failure on their part in inspecting and taking action to stop the illegal construction at any stage when it was going on, though there is a circular No: B12(1) PR/394/2006-07/2008-09 Dated: 30/09/2009 though the construction was going on the main and busy road, that too against buildings bye laws and sanctioned plan, and also in not taking necessary steps to remove the unauthorized construction in accordance with law immediately and even after the disposal of the appeal by the KAT., etc. The record of investigation and materials collected by the I.O. show that DGOs-1 to 7 have committed misconduct failing to maintain devotion to duty and acted in a manner unbecoming of Government Servants. As there is a prima facie case showing that the DGOs-1 to 7 have committed mis-conduct as per Rule 3(1) of KCS (Conduct) Rules 1966, a report U/S 12 (3) of the Karnataka Lokayukta Act was sent to the competent Authority with recommendation to initiate the disciplinary proceedings against DGOs1 to 7. Accordingly, the Competent Authority initiated Disciplinary Proceedings against DGOs-1 to 7 and entrusted the enquiry to the Hon'ble Upalokayukta U/R 14-A of KCS (CCA) Rules. Hence, the Charge.

5. The Article of charge was issued to the DGOs calling upon them to appear before this authority and to submit written statement.

6. Enquiry proceedings is closed against DGO No. 3 Sri.K.N.Ravi Assistant Executive Engineer. Enquiry report and recommendation of Hon'ble Upalokayukta was forwarded to the Competent Authority on 6.12.2022.

7. The DGOs 1 to 2 and 4 to 7 appeared before this inquiry authority in pursuance to the service of the Article of charges. In FOS plea of the DGOs-1 to 2 and 4 to 7 have been recorded and they pleaded not guilty and claimed for holding inquiry. Thereafter, they submitted written statement.

8. DGO-1 to 2 and 4 to 7 have submitted written statement. DGO -2, 4 and 6 has submitted similar written statement stating that they have not committed any misconduct as alleged in the charge, because no one has communicated or brought to the knowledge of them that there is file pertaining to the construction of Kalyan Mantapa which was pending and no predecessor of their post had given charge of the same to them. No prior information was given to them from the Lokayukta regarding inspection conducted and reported in their absence. With these grounds, they prayed to drop the charges leveled against them.

9. DGO -5 has not submitted written statement.

10. DGO -7 has stated in written statement that he has not committed any misconduct as alleged in the charge memo. He desires that an oral inquiry to be conducted in this case, which permission to

cross examine the witnesses examined in support of the charges. The DGO-7 reserves the right to file additional written statement under the changed circumstances of the case. With these grounds, they prayed to drop the charges leveled against them.

11. The disciplinary authority has examined the Investigating officer Sri.M.Devi Prasad, the then Assistant Executive Engineer TAC Karnataka Lokayukta Bengaluru as PW-1. Complainant Prof. N.S.Ashok Kumar, Professor Electronic Media, Bengaluru University as PW.2, and got marked documents as **Ex.P-1 to ExP-11**.

12. Thereafter, second oral statements of DGOs were recorded. Opportunity was provided to DGOs to adduce evidence and DGO-4 Sri.B.K.Jayaram, Assistant Executive Engineer has got examined himself as DW-1, DGO-6 Sri.B.R.Rangaswamy, Assistant Engineer has got examined himself as DW-2, DGO-3 Sri.K.N.Ravi, Assistant Executive Engineer has got examined himself as DW-3, DGO-7 Sri.C.Srinivasagowda Assistant Engineer has got examined himself as DW-4, DGO – 5 Sri.T.C.Mahadevaiah, Assistant Engineer has got examined himself as DW-5, DGO-1 Sri.B.G.Raghavendra Prasad, Executive Engineer has got examined himself as DW-6 and DGO- 2 Sri.Jagannath, Executive Engineer has got examined himself as DW-7 and has marked documents as **Ex.D-1 to Ex.D-5**

13. At stage of submitting written arguments, DGO-1 Dr. B.G.Raghavendra Prasad had filed the application in No.WP 5519/2022 before Hon'ble High court on 7th March 2022 and had obtained stay. Hence, final findings is awaited from Hon'ble High court in respect of DGO-1 Dr. B.G.Raghavendra Prasad.

14. Heard the submissions of Presenting Officer and DGOs submitted their joint written arguments. Perused the entire records. The only point that arise for my consideration is:

1. Whether the Disciplinary Authority proves the charge framed against the DGOs No. 2 and 4 to 7 ?

My finding on the above point is in **AFFIRMATIVE** for the following:

REASONS

15. According to the complainant /PW-2 Kalyana Mantap was being constructed in Site No. 67, 1st cross, 35th Main, BTM II Stage, Bengaluru in contravention of the building bye laws of BBMP and BDA. Their association requested the owner of the site No. 67 to stop the illegal construction orally but they did not listen. Therefore he appealed to JE, Assistant Engineer, Joint commissioner and commissioner of BBMP regarding the illegal construction. But no action was taken by them. Therefore he has filed complaint as per Ex.P-1 and 2 along with the documents including the photos Ex.P-3.

16. In the cross examination PW-2 admits that in Ex.P-1 the allegations are made against only Assistant Executive Engineer ward No. 65, Madiwala sub division, BBMP Bengaluru. He was not given any complaint against DGO-1 and 2 and it was brought to the notice of DGO-1 and 2 as on 9.11.2004 about the illegal construction of Kalyana Mantap. PW-2 admits that the noise pollution is for the look out of the pollution control board. PW-2 has voluntarily deposed that

if the unauthorised construction is stopped automatically the noise pollution will be controlled.

17. PW-2 has further deposed that in pursuance of his complaint no action was taken by the authorities of the pollution control board (PCB). The PCB staff are not made as parties as delinquents. On the date when he has filed complaint the construction of the Kalyana Mantap was completed. They have suffered health hazards, traffic problem and noise pollution. Therefore he included these things in his complaint. This was brought to the notice of Madiwala police, Medical officer, BBMP and PCB who have not taken any action. It was well within his knowledge that the Assistant Executive Engineer is competent to take action if there is illegal construction.

18. PW-2 has voluntarily deposed that the joint commissioner is also competent to take action against the Assistant Executive Engineer & JE of BBMP. He cannot say that the DGO-s 1 & 2 are not responsible for any of the alleged irregularities complained by him. He admits that he has not seen them and he has not brought to the notice of the DGOs 1 and 2 about the irregularities.

19. In the cross examination made by learned defence counsel for DGO -4 and 6, PW-2 has deposed that he has not seen the DGOs 1 to 7. He knows the building bye laws but does not know about the sanctioned plan issued by the BBMP. He has not enclosed the building bye laws to the complaint or the BBMP authorities. He denies that no commercial building could be constructed in the residential area. He denies that he has filed this complaint with an ulterior motive.

20. In the cross examination made by defence assistant for DGO -3 and 7, PW-2 has deposed that he does not know whether DGO -3 and 7 were working in Madiwala Sub Division or not. At the time of alleged construction, he does not know who issued the sanction plan. He does not know the tenure of DGO -3 and 7. He admits that in Ex.P-1 the names of DGO -3 and 7 are not mentioned. He has not filed any civil suit regarding the alleged construction. He does not know whether DGO -3 and 7 have issued commencement certificate and completion certificate or not. He does not know in which year the building was constructed and in which year it was converted to Kalyana Mantap (marriage hall). He does not know that the DGOs are no way concerned with the construction of building and conversion of building into marriage hall.

21. According to PW-1 / Investigating officer BBMP authorities failed to stop the construction of the Kalyana Mantap, in spite of making several complaint to the authorities at different levels. Thereby caused traffic congestion, waste hazards, due to bad management and noise pollutions during wedding. Hon'ble Upalokayukta and Chief Engineer have conducted the preliminary inspection of alleged spot on 16.12.2011. The confirmation order dated: 15.2.2005 was issued to the owner of the building to remove the deviated portion of the building, when he did not respond for the previous notices issued on 2.2.2005.

22. Further according to PW-1 meanwhile owner of the building filed an appeal No. 257/2005 before Hon'ble KSAT Bengaluru for cancellation of confirmation order. The KAT has stayed the operation of the confirmation order, and later the appeal

was dismissed for non prosecution on 13.1.2009. Thereafter he has received the report from Assistant Executive Engineer BBMP on 24.12.2010 informing that the DGOs have attended the grievance of the drainage work, but there is no mention about removal of the deviations of the alleged building. The Assistant Executive Engineer submitted that the further action will be taken after obtaining the advice of the legal advisor, BBMP, action would be taken and hence caveat has to be filed.

23. Further according to PW-1 the Assistant Executive Engineer has report that the action will be taken to vacate the status quo order. Basing on the incumbency of the officers as furnished by the BBMP the responsibility of the officers was fixed accordingly he has submitted his report Ex.P-11.

24. In the cross examination made by defence assistant for DGO-1 and 2, PW-1 admits that the complainant has not mentioned the names and designation of DGO-1 and 2 in his complaint. He admits that allegations are not made against DGO-1 and 2 in his complaint. PW-1 has voluntarily deposed that the complainant has made allegations against the alleged work. PW-1 admits that before lodging the complaint Ex.P-1 information was given against whom the complaints were given. According to the information secured by him DGO -1 was working from 13.1.2009 to 25.8.2009 and DGO-2 was working from 26.8.2009 in special-one and Bhrutha Roads division, BBMP N.R.Square and BTM layout Division, Corporation Dispensary building, Lashkar Hosur road, Adugodi, Bengaluru. He has not enquired the officer to whom the complainants were given. He admits that he has mentioned in para No. 1.01 of Ex.P-11 that he

has conducted investigation. He cannot say why he fixed the responsibility on DGO -1 and 2 though their names are not mentioned in the complaints.

25. For the suggestion on what basis he has reported that the DGO-1 and 2 every month had to verify the construction work and had to report to the Assistant Executive Engineer to take action, PW-1 has deposed that it is as per PWD code. He has not enquired whether DGO -1 and 2 have verified the work every month or not. He has not secured any circular from BBMP to show that every month the work has be to verified. He has not secured the circular in which the commissioner has fixed the responsibility on each officers as per Karnataka Municipality Act 1976.

26. PW-1 does not know about the circular No. B-12(1) PR-394 06-07/08-09 dated: 30.9.2009 about delegation of power. He does not know whether the DGO-1 was working as on 30.9.2009 or not. On the basis of the records he has submitted his report but not investigated. He denies that according to the documents collected by him DGO -1 and 2 are responsible. He denies that he has not considered that as per the documents DGO -1 and 2 are responsible. He has not investigated about the genuineness of documents collected by him. As per Ex.P-12 he requested the Executive Engineer to furnish the incumbency of the officers for the period from 13.9.2009 to 31.12.2011. The Executive Engineer furnished only the incumbency for the period when the marriage hall was under constructed. According to the incumbency produced by him the information was furnished to him. He denies that though DGO-1 and 2 are not responsible he has included their names in the report.

27. In the cross examination made by learned defence assistant for DGO -4 and 6. PW-1 has deposed that before submitting his report he has not verified the spot. He has no information about the closure of the marriage hall. He has not verified the documents furnished by DGO -4 and 6. PW-1 admits that in Ex.P-6, it is mentioned that the grievance of drainage and bridge is redressed. He denies that during the year 2009 DGO-6 was transferred. He has verified the action taken by the DGO-4 and mentioned in his report. PW-1 admits that at the time of lodging the complaint DGO-4 and 6 were not working. Further Learned defence assistant for DGO 4 and 6 have adopted cross examination made by DGO -1 and 2.

28. In the cross examination made by Learned defence assistant for DGO-5 PW-1 has deposed that he does not know on what date the complaint was lodged. Except details of DGO-5 furnished in Ex.P-8 he does not know the jurisdiction of DGO-5. He does not know that DGO-5 was not working as stated in Ex.P-8. He does not know to which officer of BBMP, KAT order was reached. Similarly he does not know to which officer among DGO -1 to 7 KAT order was furnished by the Lokayukta office. He cannot say to which officer among DGO -1 to 7 KAT order was reached. He admits that KAT order was not furnished to the DGOs. He cannot say to whom the KAT order was forwarded. He denies that though the DGOs were not working as stated in Ex.P-8, he has made allegation against DGO's.

29. In the cross examination made by Learned defence assistant for DGO – 3 and 7, PW-1 has deposed that there is a registered architect to prepare the sketch according to the BBMP rules. He does not have information that while submitting the sketch

for approval, the affidavit of architect and the applicant will be submitted. He has not verified the affidavit submitted by the architect along with sketch and he has not enquired whether the architect has informed the concerned authority that the building is in violation of the BBMP Rules. According to the documents the building work was started from the year 2004. He has not inspected the stop but only on the basis of the documents he has submitted a report.

30. PW-1 admits that Assistant Engineer and Assistant Executive Engineer will have powers only to issue provisional order and confirmation order. He admits that they will have no power to pass an order for demolition. He has not produced any documents pertaining to court order or its service and its receipt. He admits that only if the file is received in BBMP the concerned officer will take action. He denies that he submitted a false report and DGOs have not committed dereliction of duty.

31. According to DW-1 from 8.12.2009 to 2015 he was working as Assistant Executive Engineer in BTM layout sub division BBMP Bengaluru. The legal cell of BBMP will look after the case proceedings pending in the court. On 16.12.2011 the Hon'ble Upalokayukta came for spot inspection. He was not present in the spot. Hon'ble Upalokayukta had come to spot inspection on the basis of the complaint received from Spandana Nagarika Vedike. He received a notice from Karnataka Lokayukta office to submit his explanation along with documents. When he inspected the spot he found Dominos Pizza shop in the ground floor, there was a software company in the 1st floor.

32. Further DW-1 has deposed that there was no marriage hall in the building. The construction was completed. There were no documents in his office pertaining to the said building. On enquiry the legal cell, informed that the case filed in the court was dismissed. Legal cell not furnished any documents to him. Thereafter they secured the documents pertaining to the case, filed in Hon'ble KSAT. The case filed against BBMP by the building owner was dismissed. After receiving opinion from legal cell from 11.1.2012 to 27.1.2012 he has taken steps to remove the violated portion. At that time the owner of building filed writ petition Nos. 2256-2257/2012 and the Hon'ble High court directed to maintain the status quo. He has mentioned the same in the note sheet Ex.D-1. He has submitted the compliance report to the Hon'ble Upalokayukta as per Ex.P-6, 7 and 8.

33. Further according to DW-1 after the spot inspection by Hon'ble Upalokayukta he enquired DGO-7 for the documents of property. DGO-7 informed that his predecessor in the office not furnished any documents. He has enquired the previous officer DGO-6. DGO-6 also informed that his previous officers not handed over any documents to him. DGO-5 also informed that his previous officers not handed over any documents to him. Thereafter he secured the documents from Hon'ble KSAT and taken steps. The legal cell of BBMP was looking after the case proceedings, but not furnished the documents and information immediately after completion of the court proceedings. Therefore he does not know about the disputes pertaining to the property. During his tenure he has not committed

any dereliction of duty. Hence he prays to exonerate from the charges.

34. In the cross examination DW-1 has deposed after the Hon'ble Upalokayukta inspected the spot, he came to know about the dispute. DGO-7 informed that his previous officer not handed over any documents to him. Thereafter he approached the legal cell and the legal cell informed that the case filed in Hon'ble KSAT was closed. But legal cell not furnished any documents to him. Thereafter he went to Hon'ble KSAT and secured the documents. On perusal of documents he came to know that the building was constructed in violation of the approved plan. He does not know that there is record room in BBMP, and records are maintained in the record room. He has not secured records from the record room. There is no record room in BBMP. He does not know that the records are maintained in the record room. He denies that the disputed building was constructed from the year 2009-2011. During his tenure the building was not constructed. From the year 2009 to 2011 he was working as Assistant Executive Engineer. During the tenure of himself DW-1, DGO -2 and 7 have cleared 75% of the violated portion. Since there was a stay in Hon'ble High court they could not remove the remaining violated portion. He does not know up to which period the stay was in force. He denies that even after two years from the date of vacating stay they did not take steps to remove the violated portion.

35. Further DW-1 denies that they did not take action for two years even after vacating the stay, thereby they facilitated the owner of building to retain the violated portion. He denies that

intentionally they did not remove the violated portion. Further DW-1 denies rest of the suggestions made by Learned presenting officer.

36. According to DW-2 from 15.6.2009 to 31.5.2011 he was worked as Assistant Engineer in BTM layout sub division. When he was working in BTM layout sub Division there were no documents in the office pertaining to the property. During his tenure his previous officer had not handed over the file to him. On 20.12.2011 DGO -4 wrote a letter to DGO-5 to hand over the documents along with explanation as per Ex.D-3. DGO-5 informed that his previous officer not handed over the documents to him. During his tenure he has not committed any dereliction of duty. Hence prays to exonerate from the charges.

37. In the cross examination DW-2 has deposed that during his tenure there was no complaint. Therefore he has not inspected the spot. He has not seen the disputed building. During his tenure there were no letters correspondence regarding the disputed building. There was a letter correspondence from the office of the Assistant Executive Engineer. Further DW-1 has denied rest of the suggestions made by learned presenting officer.

38. According to DW-4 from 31.5.2011 to 24.2.2012 he was working as Assistant Engineer in BTM layout sub division when he reported for duty his previous Assistant Engineer now DGO-6 had not handed over any documents pertaining to disputed building. The Assistant Executive Engineer DGO-4 had not issued any directions to him. According to his information the building was constructed in the year 2002-2003. On 16.12.2011 when the Hon'ble Upalokayukta came for the spot inspection, over phone it was informed to him to

bring the file pertaining to disputed building. When he searched for the file, the file was not available in the office. He went to the spot and informed that the file was not available in the office. On enquiry he informed them that he will give information after securing information from Assistant Executive Engineer.

39. Further DW-4 has deposed that he went to the office of the DGO-4 he informed about the spot inspection made by Hon'ble Upalokayukta. DGO-4 also searched for the file and not found the file. He enquired the legal cell of BBMP and they also informed that the file was not available and the case is filed in Hon'ble KSAT and there is a stay order. The legal cell informed that therefore the file might have been submitted to Hon'ble KSAT. Then he approached the Hon'ble KSAT and obtained the copies of documents that were available in application No. 257/2005. The said case was closed on 13.1.2009 but there were no documents in his office in respect of the said case. After obtaining the documents he has taken the further steps. They started to demolish the violated portion from 11.1.2012 to 27.1.2012. Thereafter the owner of the building filed writ petition no. 2256-2257/2012 and obtained the stay on 19.1.2012 and the same was communicated to them on 27.1.2012. Therefore on 27.1.2012 the demolition work was stopped.

40. Further according to DW-4 on 24.2.2012 he was transferred from BTM layout sub division to Rajarajeshwari nagara planning division. During his tenure he has not committed any dereliction of duty. Immediately after he came to know, he has taken steps to remove the violated portion in accordance with law. Hence prays to exonerate from the charges.

41. In the cross examination DW-4 deposed that he does not know about the circular dated: 30.9.2009. He denies that he was aware about the disputed building. On 16.12.2011 when the Hon'ble Upalokayukta visited the spot he came to know that in Hon'ble KSAT appeal No. 257/2005 was disposed off on 30.1.2009. He admits that at the time of spot inspection by the Hon'ble Upalokayukta he was working in this office. After obtaining documents from Hon'ble KSAT he came to know that the said application was disposed off on 13.1.2009. DW-4 denies that in spite of disposal of application in Hon'ble KSAT on 13.1.2009 for about two years, they did not take any steps to remove the violated portion.

42. According to DW-5 from 19.8.2008 to 16.6.2009 he was working as Assistant Engineer in Madiwala Sub division, BBMP Bengaluru. In respect of disputed property, there was no letter correspondence during his tenure. His previous officers had not handed over any documents to him. During his tenure, he has not sent any file to legal cell or to Hon'ble KSAT. Only for seven months he worked in this sub division. No directions were issued from his higher authorities. He has not made any correspondence during his tenure in respect of disputed property. He was not aware about the dispute in respect of the building. He has not committed any dereliction of duty and hence prays to exonerate from the charges.

43. In the cross examination DW-5 denies that in spite of disposal of case in Hon'ble KSAT he has not secured the documents and not taken any action. Thereby he has committed dereliction of duty. He denies that though the documents were available without verifying the documents and without taking any action he has

committed dereliction of duty. He denies that in order to escape from liability he is deposing falsely.

44. According to DW-7 from 26.8.2009 to 30.9.2015 he was working in BTM layout division BBMP as Executive Engineer. On 31.12.2011 when the Assistant Executive Engineer had put up a note before him, he came to know that during his tenure Hon'ble Upalokayukta inspected the disputed building. DGO-4 had put up a note stating that the case in Hon'ble KSAT is disposed off, the documents were not available in the office, therefore the documents will be secured from Hon'ble KSAT to take further steps. Before the above said date the Assistant Executive Engineer or Assistant Engineer had not given any report or complaint in respect of the disputed building. Nobody had given any information nor produced any file before him in respect of case pending before Hon'ble KSAT and about its disposal. Only on the above said date Assistant Executive Engineer informed about the complaint and action taken in respect of disputed building. After verifying the note put up by DGO-4, he directed the concerned to take action in accordance with Law. Thereafter DGO-4 and concerned Assistant Engineer secured the documents from Hon'ble KSAT and placed before him for approval to send it to legal cell. Thereafter he sent the file to the legal cell. The legal cell along with its opinion directly sent the file to Assistant Executive Engineer. Thereafter Assistant Executive Engineer had put up a note to remove the violated portion and sought for an order under section 462 of KMC Act.

45. **Further DW-7** has deposed that after obtaining the order the violated portions were removed. He had no authority to conduct

review in respect of provisional order and confirmation order. Similarly he had no authority to conduct review in respect of pending cases. PWD code is not applicable to this case. His name is not mentioned in the complaint. Up to 31.12.2011, the concerned officers had not given any information about the Hon'ble KSAT case and its disposal. The file was also not placed before him. After the matter came to his knowledge on 31.12.2011, he has taken action. Hence he prays to exonerate from the charges.

46. In the cross examination DW-7 has admitted that he would be aware about the construction of building with in his jurisdiction. He denies that from 26.8.2009 when he reported for duty as Executive Engineer he was aware about the illegal construction. He does not know about the circular No. B-12(1)/PR/394/2006-07 & 2008-09 dated: 30.9.2009. He does not know that according to the circular they are empowered to remove the illegal construction, if it is done in violation of sanction plan.

47. DW-7 has deposed that on 16.12.2011 when the Hon'ble Upalokayukta visited the spot he came to know about the disposal of appeal No. 257/2005 dated: 13.1.2009. He admits that at the time of Hon'ble Upalokayukta's visit he was working in this sub division. When he verified the documents he came to know that the above said appeal was disposed off on 13.1.2009. After the visit of Hon'ble Upalokayukta he collected the documents and started removal process from 11.1.2012. He denies that though the appeal was disposed off on 13.1.2009 for about three years i.e., upto the visit of Hon'ble Upalokayukta they did not take any steps to remove the illegal portion and thereby committed dereliction of duty.

48. The names of DGOs are not necessarily to be mentioned in the complaint. During investigation if their role is revealed their names can be included in the enquiry. DGO-1 and 2 have the responsibility to verify construction work in their jurisdiction and if there is any deviation same has to be reported to the higher authorities. The photos clearly show that the violated portions are subsequently demolished. It is the duty of DGOs that after passing provisional and conformation order they have to submit proposal for removal of deviated portion, prepare estimate for that and to seek permission. During the tenure of himself DW-1, DGO -2 and 7 have cleared 75% of the violated portion. Since there was a stay in Hon'ble High court they could not remove the remaining violated portion

49. Admittedly the Kalyana Mantapa was constructed by violating the sanction plan. Therefore the complainant gave representations to the officers of BBMP. From 8.12.2009 to 2015 DGO-4 was working as Assistant Executive Engineer in BTM Layout sub division BBMP Bengaluru. DGO-6 was working from 15.6.2009 to 31.5.2011 as Assistant Engineer in BTM Layout sub division BBMP Bengaluru. DGO 7 was working from 31.5.2011 to 24.2.2012 as Assistant Engineer in BTM Layout sub division BBMP Bengaluru. DGO-5 was working from 19.8.2008 to 16.6.2009 as Assistant Engineer in Madiwala Sub Division, BBMP Bengaluru. DGO-2 was working from 26.8.2009 to 30.9.2015 as Executive Engineer in in BTM Layout division BBMP Bengaluru.

50. According to the DGOs the legal cell did not inform them about the dismissal of appeal No. 257/2005 dated: 13.1.2009 and the earlier officers had not handed over the documents to them. It can

be seen that way back from the year 2001 spandana Nagarika Vedike was submitting requisitions to the office of BBMP to stop illegal construction in the residential area. Even Hon'ble Upalokayukta visited the spot on 16.12.2011, but upto 3.1.2012 none of the DGOs taken step to remove the violated portion. It was the duty of concerned engineer to inspect and verify the buildings that are constructed within their jurisdiction and to take steps.

51. Whenever the officers assume the charge on transfer it is their duty to take the charge of their post including documents. They cannot simply say that the earlier officer has not handed over the charge and therefore it was not possible for them to take action. Therefore the contention of DGOs that they were not aware about the issue, because Legal Cell had not given information or the earlier officers not handover the charge cannot be accepted.

52. From the date of representations given by the complainant upto the interim order passed in appeal No. 257/2005 and Writ petition No. 2256-2257/2012 the DGOs were very much on the duty and they were responsible to take steps against the deviation portion. But the DGOs knowing fully well, kept quite without taking steps to stop the illegal construction or to demolish the illegal construction which was put against the building byelaws and sanction plan. Even after disposal of appeal by Hon'ble KSAT the DGOs have not taken necessary steps to remove the unauthorized construction in accordance with law.

53. Therefore, overall examination of the evidence on record shows that the disciplinary authority has established the charges

leveled against DGO No.2 and 4 to 7. Hence, I proceed to record the following:-

FINDINGS

54. The Disciplinary Authority has proved the charges leveled against DGO No. **2 and 4 to 7**. Hence, this report is submitted to Hon'ble Upalokayukta for further action.

55. Final orders in writ petition No. 5519/2022 of Hon'ble High court is awaited in respect of DGO No.1 Sri.B.G.Raghavendra Prasad, Executive Engineer.

56. Enquiry Report in respect of DGO No. 3 Sri.K.N.Ravi, Assistant Executive Engineer is already sent to disciplinary authority on 22.11.2022.

57. The date of retirement of DGO No. 2 is 30.9.2015, DGO No. 4 is 30.8.2016, DGO No. 5 is 30.9.2023, DGO No. 6 is 30.7.2019, and DGO No. 7 is 31.3.2018.

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru.

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

PW.1	Sri.M.Devi Prasad, the then Assistant Executive Engineer TAC Karnataka Lokayukta Bengaluru
PW-2	Prof. N.S.Ashok Kumar, Professor Electronic Media, Bengaluru University

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

Ex.P 1 & 2	Ex.P-1 and Ex.P-2 are the complaint in form No. 1 and 2 submitted by PW-2 in Karnataka Lokayukta office.
Ex.P 3	Ex.p-3 is the detailed complaint dated: 23.9.2004 submitted by PW-2 in Karnataka Lokayukta office.
Ex.P-4	Ex.p-4 is the confirmation order passed under section 321 (3) of the Karnataka Municipal Act dtd: 15.2.2005
Ex.P-5	Ex.P-5 is the stay order of Hon'ble KAT dated: 18.3.2005
Ex.P-6	Ex.P-6 is the letter dtd: 24.12.2010 of Assistant Executive Engineer BTM Layout Sub division to Deputy Registrar of Enquiries-5 Karnataka Lokayukta Bengaluru
Ex.p-7	Ex.P-7 is the letter dtd: 6.1.2012 of Assistant Executive Engineer BTM Layout Sub division to Additional Registrar of Enquiries -10 Karnataka Lokayukta Bengaluru
Ex.P-8	Ex.P-8 is the letter dtd: 31.1.2012 of Assistant Executive Engineer BTM Layout Sub division to Chief Engineer Karnataka Lokayukta Bengaluru
Ex.P-9	Ex.P-9 is the interim order dtd: 19.1.2012 of Hon'ble High Court of Karnataka
Ex.P-10	Ex.P-10 is the photo showing the demolition of deviated portion of building
Ex.P-11	Ex.P-11 is the investigation report dtd: 7.3.2012 of PW-1

iii) **List of witnesses examined on behalf of DGOs**

DW-1	DGO-4 Sri.B.K.Jayaram, Assistant Executive Engineer
DW-2	DGO-6 Sri.B.R.Rangaswamy, Assistant Engineer
DW-3	DGO-3 Sri.K.N.Ravi, Assistant Executive Engineer
DW-4	DGO-7 Sri.C.Srinivasagowda Assistant Engineer
DW-5	DGO – 5 Sri.T.C.Mahadevaiah, Assistant Engineer
DW-6	DGO-1 Sri.B.G.Raghavendra Prasad, Executive Engineer
DW-7	DGO- 2 Sri.Jagannath, Executive Engineer

iv) **List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the order sheet of file No. EE/BTM/GL /6423/2011-12
Ex.D-2	Ex.D-2 is the letter dtd: 11.4.2012 of Assistant Executive Engineer BTM Layout Sub division to Additional Registrar of Enquiries-10 Karnataka Lokayukta Bengaluru
Ex.D-3	Ex.D-3 is the letter dtd: 20.12.2011 of Assistant Executive Engineer BTM Layout Sub division to Assistant Engineer Kasturi nagara sub division, Ward No. 57 BBMP Bengaluru
Ex.D-4	Ex.D-4 is the CTC dtd: 10.11.2008
Ex.D-5	Ex.D-5 is the office order dtd: 31.12.2012 of Executive Engineer Byatarayanapura Division, BBMP Bengaluru

(S.GOPALAPPA)

I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂ: ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-ಎ/20/2013/ಅನಿವಿ.9

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು, ದಿ.06.06.2023.

ಶಿಫಾರಸ್ಸು

ವಿಷಯ:- (1) ಶ್ರೀ ಬಿ.ಜಿ.ರಾಘವೇಂದ್ರ ಪ್ರಸಾದ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (2) ಶ್ರೀ ಜಗನ್ನಾಥ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (3) ಶ್ರೀ ಕೆ.ಎನ್.ರವಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (4) ಶ್ರೀ ಬಿ.ಕೆ.ಜಯರಾಂ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (5) ಶ್ರೀ ಟಿ.ಸಿ.ಮಹದೇವಯ್ಯ, ಸಹಾಯಕ ಅಭಿಯಂತರು, (6) ಬಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ, ಸಹಾಯಕ ಅಭಿಯಂತರು ಮತ್ತು (7) ಶ್ರೀ ಸಿ.ಶ್ರೀನಿವಾಸಗೌಡ, ಸಹಾಯಕ ಅಭಿಯಂತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು, ಅವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ:-1. ಸರ್ಕಾರದ ಆದೇಶ ಸಂ.ನಅಇ 484 ಎಂಎನ್‌ಯು 2012 ದಿ.19.12.2012.
2. ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂ. ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-ಎ/20/2013 ದಿನಾಂಕ 11.01.2013.
3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವಿಚಾರಣಾ ವರದಿ ದಿ.25.05.2023.

16/12/23

ಸರ್ಕಾರವು ದಿ. 22.12.2017ರ ಸರ್ಕಾರಿ ಆದೇಶದನ್ವಯ (1) ಶ್ರೀ ಬಿ.ಜಿ.ರಾಘವೇಂದ್ರ ಪ್ರಸಾದ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (2) ಶ್ರೀ ಜಗನ್ನಾಥ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (3) ಶ್ರೀ ಕೆ.ಎನ್.ರವಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (4) ಶ್ರೀ ಬಿ.ಕೆ.ಜಯರಾಂ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು (5) ಶ್ರೀ ಟಿ.ಸಿ.ಮಹದೇವಯ್ಯ, ಸಹಾಯಕ ಅಭಿಯಂತರು, (6) ಬಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ, ಸಹಾಯಕ ಅಭಿಯಂತರು ಮತ್ತು (7) ಶ್ರೀ ಸಿ.ಶ್ರೀನಿವಾಸಗೌಡ, ಸಹಾಯಕ ಅಭಿಯಂತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ

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ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು, (ಇನ್ನು ಮುಂದೆ ಕ್ರಮವಾಗಿ ' 1 ರಿಂದ 7ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗುವುದು)ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಲೋಕ್/ಐಎನ್‌ಕ್ಯೂ/14-ಎ/20/2013 ದಿನಾಂಕ 11.01.2013ರನ್ವಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-4 ಇವರನ್ನು ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳನ್ನಾಗಿ ನೇಮಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಸದರಿ ಆರೋಪಗಳ ಕುರಿತಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತದೆ. ತದನಂತರ ಪ್ರಕರಣದ ವಿಚಾರಣೆಯನ್ನು ಮುಂದುವರಿಸಲು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-5 ಅವರಿಗೂ, ನಂತರ ಅಂತಿಮವಾಗಿ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-9 ಅವರಿಗೂ ವರ್ಗಾವಣೆಗೊಂಡಿರುತ್ತದೆ.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಕೆಳಕಂಡಂತೆ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುತ್ತಾರೆ.

' That, you DGOs-1 to 7 namely (1) Sri B.G.Raghavendra Prasad, Executive Engineer (2) Sri.Jaganath, Executive Engineer (3) Sri.K.N Ravi, Assistant Executive Engineer (4) Sri B.K.Jarayam, Assistant Executive Engineer (5) Sri. T.C.Mahadevaiah, Assistant Engineer, (6) Sri.B.R.Rangaswamy, Assistant Engineer and (7) Sri. C.Srinivasa Gowda, Assistant

Engineer while working in B.B.M.P. Bangalore have failed on your part in inspecting and taking action to prevent the illegal construction of 'kalyana Mantap' on site no: 67, 1st cross of 35 the Main in 2nd stage of BTM Layout at Bangalore at any stage which has been constructed in contravention of building bye-laws of BDA and BBMP, though there is a circular No: B12(1)PR/394/2006-07/2008-09, dated 30-09-2009 to inspect and to take action to stop illegal construction at any stage though the construction was going on the main and busy road, that too, against building bye-laws and sanctioned plan, and also in not taking necessary steps to remove the unauthorized construction in accordance with law immediately and even after the disposal of the appeal by the KAT, thereby failing to maintain absolute integrity and devotion to duty, the act of which is un-becoming of a Government servant and thereby committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.'

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳಾದ ಅಪರ ನಿಬಂಧಕರು-ವಿಚಾರಣೆ-9 ಇವರು ಸುದೀರ್ಘ ವಿಚಾರಣೆ ನಡೆಸಿ, ಹಾಜರುಪಡಿಸಲಾದ ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, 2 ಮತ್ತು 4 ರಿಂದ 7ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಜಗನ್ನಾಥ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು, ಶ್ರೀ ಬಿ.ಕೆ.ಜಯರಾಂ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರು, ಶ್ರೀ ಟಿ.ಸಿ.ಮಹದೇವಯ್ಯ, ಸಹಾಯಕ ಅಭಿಯಂತರು, ಬಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ, ಸಹಾಯಕ ಅಭಿಯಂತರು ಮತ್ತು ಶ್ರೀ ಸಿ.ಶ್ರೀನಿವಾಸಗೌಡ, ಸಹಾಯಕ ಅಭಿಯಂತರು, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು, ಅವರ ವಿರುದ್ಧ

L.

ಹೊರಿಸಲಾದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ'
ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

5. ಮುಂದುವರೆದು, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ
ಬಿ.ಬಿ.ರಾಘವೇಂದ್ರ ಇವರು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ರಿಟ್ ಅರ್ಜಿ ಸಂ.5519/2022
ಅನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಪ್ರಕರಣವು ಬಾಕಿ ಇರುತ್ತದೆಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

6. ವಿಚಾರಣಾ ವರದಿ, ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು ಹಾಗೂ
ಹಾಜರುಪಡಿಸಿರುವ/ಗುರುತಿಸಿರುವ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ
ಪರಿಶೀಲಿಸಿದಾಗ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರದ ಪರವಾಗಿ ಇಬ್ಬರು ಸಾಕ್ಷಿದಾರರನ್ನು
ವಿಚಾರಣೆಗೊಳಪಡಿಸಿದ್ದು, ಪಿ.1ರಿಂದ ಪಿ.11ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
ಎಲ್ಲಾ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮನ್ನು ವಿಚಾರಣೆಗೊಳಪಡಿಸಿಕೊಂಡಿದ್ದು, ಡಿ.1ರಿಂದ
ಡಿ.5ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. 2 ಮತ್ತು 4ರಿಂದ 7ನೇ ಆಪಾದಿತ
ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಮೇಲಿನ ಆಪಾದನೆಗಳನ್ನು ಅಲ್ಲಗಳೆದಿದ್ದರೂ ಸಹ ಶಿಸ್ತು
ಪ್ರಾಧಿಕಾರದ ಪರವಾಗಿ ಸಲ್ಲಿಸಿದ ದಾಖಲೆಗಳು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು
ಪರಿಶೀಲಿಸಿದಾಗ, 2, 4ರಿಂದ 7ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು
ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಆದುದರಿಂದ ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ
ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

7. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ದಾಖಲೆಗಳನ್ವಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ

ನಿವೃತ್ತಿ ದಿನಾಂಕಗಳು ಈ ಕೆಳಕಂಡಂತಿರುತ್ತವೆ.

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| (2) ಶ್ರೀ ಜಗನ್ನಾಥ್, ಕಾ.ಅ. | 30.09.2015 |
| (4) ಶ್ರೀ ಬಿ.ಕೆ.ಜಯರಾಂ, ಸ. ಕಾ.ಅ. | 30.08.2016 |
| (5) ಶ್ರೀ ಟಿ.ಸಿ.ಮಹದೇವಯ್ಯ, ಸ. ಅ. | 30.09.2023 |
| (6) ಬಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ, ಸ.ಅ. | 30.07.2019 |
| (7) ಶ್ರೀ ಸಿ.ಶ್ರೀನಿವಾಸಗೌಡ, ಸ.ಅ. | 31.03.2018 |

8. 2, ಮತ್ತು 4ರಿಂದ 7ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೇಲೆ ಸಾಬೀತಾದ

ಆಪಾದನೆಗಳ ತೀವ್ರತೆಗನುಗುಣವಾಗಿ ಈ ಕೆಳಗಿನಂತೆ ದಂಡನೆ ವಿಧಿಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ

ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

(2)ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಜಗನ್ನಾಥ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಅವರ ಪಿಂಚಣಿಯಿಂದ ಶೇ.10%ರಷ್ಟನ್ನು ಮೂರು(03) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆ ವಿಧಿಸಲು;

(4)ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಬಿ.ಕೆ.ಜಯರಾಂ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಅವರ ಪಿಂಚಣಿಯಿಂದ ಶೇ.10%ರಷ್ಟನ್ನು ಮೂರು(03) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆ ವಿಧಿಸಲು;

(5)ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಟಿ.ಸಿ.ಮಹದೇವಯ್ಯ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಇವರು 30.9.2023ರಂದು ನಿವೃತ್ತಿಯಾಗುತ್ತಿದ್ದು, 2ನೇ ಕಾರಣ ಕೇಳುವ ನೋಟೀಸ್ ಹಾಗೂ ಅದರ ಉತ್ತರ ಪಡೆಯಲು ಅವಶ್ಯವಿರುವ ಕಾಲವನ್ನು ಪರಿಗಣಿಸಿ, ಅವರ ನಿವೃತ್ತಿಯ ನಂತರ ಅವರ ಪಿಂಚಣಿಯಿಂದ ಶೇ.10%ರಷ್ಟನ್ನು ಮೂರು(03) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆ ವಿಧಿಸಲು;

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(6)ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಬಿ.ಆರ್.ರಂಗಸ್ವಾಮಿ, ಸಹಾಯಕ ಅಭಿಯಂತರು ಅವರ ಪಿಂಚಣಿಯಿಂದ ಶೇ.10%ರಷ್ಟನ್ನು ಮೂರು(03) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆ ವಿಧಿಸಲು;

(7)ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಸಿ.ಶ್ರೀನಿವಾಸಗೌಡ, ಸಹಾಯಕ ಅಭಿಯಂತರು, ಅವರ ಪಿಂಚಣಿಯಿಂದ ಶೇ.10%ರಷ್ಟನ್ನು ಮೂರು(03) ವರ್ಷಗಳ ಅವಧಿಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆ ವಿಧಿಸಲು;

9. ಮುಂದುವರೆದು, 1ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ರಾಘವೇಂದ್ರ ಪ್ರಸಾದ್, ಅವರು ಸಲ್ಲಿಸಿದ ರಿಟ್ ಅರ್ಜಿಯ ವಿಲೇವಾರಿಯ ನಂತರ ಮುಂದಿನ ವರದಿ ಸಲ್ಲಿಸಲಾಗುವುದು. 3ನೇ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಕೆ.ಎನ್.ರವಿ ಅವರ ಮೇಲಿನ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸನ್ನು ಈಗಾಗಲೇ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿದೆ.

10. ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸಿನನ್ವಯ ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿದೆ.

11. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.



(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.