

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NO: LOK/INQ/14-A/124/2014

ENQUIRY REPORT Dated: 05/05/2018

Enquiry Officer: V.G.Bopaiah
Additional Registrar
Enquiries-11
Karnataka Lokayukta
Bengaluru.

Delinquent Government
Official No-1: Sri.Srinivasa Murthy (name mentioned by him
as M.Sreenivasa Murthy on the note sheet on
19/10/2016)

Discharged duties as Assistant Executive
Engineer, Bruhath Bengaluru Mahanagara
Palike, Kempegowda Nagara Sub-Division,
Bengaluru.

Retired on superannuation on 31/05/2017.

Delinquent Government
Official No-2: Sri.Ravishankar (name written by him as
V.Ravishankar on the note sheet on
19/10/2016)

Discharged duties as Assistant Executive
Engineer, Bruhath Bengaluru Mahanagara
Palike, Basavanagudi Sub-Division,
Bengaluru.

Due for retirement on superannuation on
31/07/2019.

REPORT

1. Delinquent Government Official-1 (in short, "DGO-1") by name
Sri.Srinivasa Murthy (name mentioned by him as M.Sreenivasa

 5.5.2018

Murthy on the note sheet on 19/10/2016) was working as Assistant Executive Engineer, Bruhath Bengaluru Mahanagara Palike (in short, "BBMP"). Delinquent Government Official-2 (in short, "DGO-2") by name Sri.Ravishankar (name written by him as V.Ravishankar on the note sheet on 19/10/2016) was working as Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division, Bengaluru. He is due for retirement on superannuation on 31/07/2019.

2. Facts necessitated to initiate the present inquiry proceedings may be stated in brief. Complaint FORM NO.I of Sri.V.Bhaskar Red Arrow, resident of number 22/8, 2nd cross, Iyannashetty Layout, Mysuru Road, Bengaluru against the Assistant Executive Engineer, BBMP, Kempegowda Nagara Sub-Division, J.C. Road, Bengaluru and against the Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division, Sunkenahalli Park, Bull Temple Road, Basavanagudi, Bengaluru came to be registered in COMPT/UPLOK/BCD/483/2010/ARE-5. According to the complainant, in violation of sanctioned plan and building bye-laws the builder commenced construction of building on the property bearing number 13/14 at Pampa Mahakavi Road, Shankarapuram, Bengaluru. According to the complainant, though the said fact was brought to the notice of DGO-2 who then was the jurisdictional engineer immediate steps are not initiated by DGO 2. At a belated stage provisional order and confirmation order though are caused DGOs 1 and 2 have failed to initiate steps for demolition of unauthorised construction.

3. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta, Karnataka took up investigation. During investigation it came

 5.5.2018

into light that at the relevant point of time DGO 1 was working as Assistant Executive Engineer, BBMP, Kempegowdanagara Sub-Division and DGO 2 was working as Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division. Investigation prima facie disclosed that DGO 2 was informed on 25/09/2007 by the complainant about the unauthorised ongoing construction and thereafter provisional order was issued and thereafter confirmation order was issued on 04/12/2007, but, DGO 2 failed to imitate action for demolition of unauthorised construction. Investigation prima facie disclosed that bifurcation of BBMP ward came into effect on 15/10/2009 but till then DGO 2 failed to initiate steps for demolition of unauthorised construction. Investigation further disclosed that property bearing number 13/2014 at Pampamahakavi road, Shankarapuram, Bengaluru was vested with the jurisdiction of DGO1 on 15/10/2009 but DGO1 failed to initiate steps for demolition. Failure on the part of DGOs 1 and 2 in initiating steps for demolition of unauthorised construction attracted misconduct within the purview of Rule 3 (1)(ii) and (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta, Karnataka recommended the competent authority to initiate disciplinary proceedings against DGOs 1 and 2 and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

4. Subsequent to the report dated 06/11/2013 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order number ಸಅಇ 685 ಎಂಎನ್‌ಯು 2013 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29/01/2014 has been issued by the Under Secretary to Government, Department of Urban

 5.15.2018

Development(BBMP) entrusting the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Subsequent to the Government Order, Order number LOK/INQ/14-A/ 124/2014 Bengaluru dated 01/03/2014 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru as inquiry officer to frame charges and to conduct departmental inquiry against DGOs 1 and 2. As per order number LOK/INQ/14-A/2014 dated 14/03/2014 of Hon'ble Upalokayukta-1, Karnataka this file has been transferred to Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru.

5. Articles of charge dated 07/04/2014 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru is the following:

"ANNEXURE-I

CHARGE:

That you DGO No.1, Sri.Srinivasa Murthy, Assistant Executive Engineer, Bruhath Bangalore Mahanagara Palike, Bangalore and you DGO No.2, Sri.Ravishankar, Assistant Executive Engineer, Bruhath Bangalore Mahanagara Palike, Bangalore, both failed to take immediate action against the ongoing unauthorized construction in the property bearing No. 13/14 of Pampamahakavi road at Shankarpuram in Bangalore who had started construction of his building in violation

10.5.2018

of the plan as well as building byelaws and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (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 basis of complaint filed by Sri.V.Bhaskar Red Arrow R/o No. 22/8, 2nd cross of Iyyannashetty Layout in Mysore Road of Bangalore (hereinafter referred to 'complainant' for short), against DGO No.1, Sri. Sri.Srinivasa Murthy, Assistant Executive Engineer, Bruhath Bangalore Mahanagara Palike, Bangalore and DGO No.2, Sri.Ravishankar, Assistant Executive Engineer, Bruhath Bangalore Mahanagara Palike, Bangalore alleging that the DGOs , being public/Government servants, have committed misconduct.

2. According to the complainant: In property No. 13/14 of Pampamahakavi road at Shankarpuram in Bangalore, the builder started construction of a building in violation of the plan as well as building byelaws. The said fact was brought to the notice of the jurisdictional Engineer-DGO No.2 on 25/09/2007, but no steps were taken. However, belatedly provisional order and confirmation order were issued. Again thereafter also, both

 5.5.2018


DGO Nos.1 and 2 failed to take steps for demolition of the unauthorized construction. Hence, complaint.

3. DGO No.1 filed his comments mainly contending that the property in question comes under the jurisdiction of the DGO No. 2. By the time it vested with the jurisdiction of DGO No.1 by way of change of ward, construction was already completed long back and occupied by the owners of the flats. Hence, no fault lies with him.
4. DGO No.2 filed his comments contending that in pursuance of the complaint, provisional order and confirmation orders were issued and before he could take up steps for demolition, the property went to the jurisdiction of DGO No.1 by virtue of bifurcation of the ward. Hence, no fault lies with him.
5. Consideration of the material on record shows that:
 - (i) DGO No.2 was informed by the complainant on 25/09/2007 about the ongoing unauthorized construction. So, provisional order was issued and then confirmation order was issued on 04/12/2007 but thereafter, DGO No. 2 failed to take action for demolition;
 - (ii) The bifurcation of the ward took place on 15/10/2009, but till then DGO No. 2 failed to take steps for demolition though caused confirmation order on 04/12/2007;
 - (iii) After the said property came to the jurisdiction of DGO NO. 1 on 15/10/2009, DGO No. 1 also

 5.5.2014

failed to take steps for demolition at least till up to filing of complaint before this Institution by the complainant on 24/09/2010, that too, for no reason made out.

6. In view of the facts stated above and the material on record, replies of the DGOs have not been found satisfactory to drop the proceedings.
7. The facts supported by the material on record prima facie show that the DGOs, being public/Government servants, have failed to maintain absolute devotion to duty and also acted in a manner unbecoming of Government servants, and thereby committed misconduct and made themselves liable for disciplinary action.
8. Since the said facts and material on record prima-face show that DGOs have committed misconduct as per Rule 3(1) (ii) & (iii) of the KCS (conduct) Rules, 1966, recommendation under section 12(3) of the Karnataka Lokayukta Act, is made to the Competent Authority to initiate disciplinary proceedings against the DGOs and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
9. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental / disciplinary proceedings against the DGOs and to submit report. Hence, the charge".

 5-5-2016

6. On 29/05/2014 DGO 1 has entered appearance before this authority on which day when first oral statement of DGO 1 was recorded he pleaded not guilty. On 28/07/2014 DGO 2 has entered appearance before this authority on which day when first oral statement of DGO 2 was recorded he pleaded not guilty. DGOs 1 and 2 have engaged defence assistant for their defence.


7. In the course of written statement of DGO-1 filed on 08/09/2014 it is contended that before the process of bifurcation of BBMP Wards which took place on 15/10/2009 the site bearing number 13/14 at Pampamahakavi road, Shankarapuram, Bengaluru was within the jurisdiction of Ward number 49, Basavanagudi Sub-Division, Bengaluru. Subsequent to 15/10/2009 Ward number 49 has been brought within the jurisdiction of newly established Ward i.e., Kempegowda Sub-Division. It is contended that earlier to 15/10/2009 construction on the above site was completed. It is contended that the then Assistant Executive Engineer initiated action under section 321 of The Karnataka Municipal Corporations Act, 1976 and thereafter confirmation order has been passed. It is contended by DGO1 that he has not discharged duties in Ward number 49 during the year 2007. It is contended that the officers attached to Town Planning are conferred upon with the powers of sanctioning the plan and in case confirmation order is passed, then, officers of Town Planning Section, BBMP will have to exercise the powers of demolition of unauthorised structure. It is contended that the action initiated in the year 2007 under section 321 of The Karnataka Municipal Corporations Act, 1976 has been stayed by the Civil Court. Thus, according to DGO 1, he is not guilty of the alleged misconduct.

 5.5.2014

8. In the course of written statement of DGO 2 filed on 08/09/2014 it is contended that on 25/09/2007 plan has been sanctioned by the Assistant Director, Town Planning, BBMP in respect of site bearing number 13/14 at Pampamahakavi road, Shankarapuram, Bengaluru and during the tenure of one Sri. N. Gurudev Assistant Executive Engineer, Basavanagudi Sub-Division, Bengaluru construction of building has been completed. It is contended that before he reported for duty in Basavanagudi BBMP Sub-Division office construction of building was completed. It is contended that as per the Government Order dated 15/10/2009 Ward number 49 of BBMP has been merged with Ward number 143 and thus property bearing number 13/14 vested with the jurisdiction of Ward number 143. It is contended that he discharged duties in BBMP Basavanagudi Sub-Division from 15/11/2010 to 31/03/2011. Thus, according to him, he is not guilty of the alleged misconduct.

9. The disciplinary authority has examined Sri. A.M. Bennur who was working as Additional Registrar, Enquiries-10, Karnataka Lokayukta, Bengaluru as PW1. During his evidence, original complaint dated 24/09/2010 in two sheets in FORM NO.1 of the complainant is marked as per Ex P1, original complaint dated 24/09/2010 in two plain sheets of the complainant is marked as per Ex P2, original comments dated 08/06/2011 in two sheets of DGO 1 is marked as per Ex P3, original rejoinder dated 30/12/2010 in a single sheet of complainant is marked as per Ex P4, original rejoinder dated 20/07/2011 in a single sheet of complainant is marked as per Ex. P5.

10. During second oral statement of DGO 1 recorded on 26/09/2017 he has stated that he would get examined himself as

 5.5.2018

defence witness and that he would not chose to examine any defence witness. During second oral statement of DGO 2 recorded on 18/8/2017 he has contended that he would get examined himself as defence witness and that he would not chose to examine any defence witnesses.

11. DGO 1 got himself examined as DW1. DGO 2 got himself examined as DW2. During evidence of DGO 2 xerox copy of his charge transfer certificate dated 25/06/2010 in a single sheet is marked as per Ex D1, xerox copy of charge transfer certificate in a single sheet dated 04/06/2012 of DGO 1 is marked as per Ex D2, xerox copy of letter dated 03/09/2010 in a single sheet of DGO 1 addressed to the complainant is marked as per Ex D3, xerox copy of photograph in a single sheet is marked as per Ex D4, xerox copy of letter dated 07/06/2011 in a single sheet of GO 1 addressed to the Joint Director (Town Planning- South) BBMP, N.R. Square, Bengaluru is marked as per Ex D5, xerox copy of letter dated 07/06/2011 in two sheets of DGO 1 addressed to Sri. T.N. Bhaskar and Sri. Hakeem Chander Munotha is marked as per Ex D6.

12. Since DGOs 1 and 2 have got themselves examined as defence witnesses questionnaire is dispensed with.

13. In the course of written argument of Presenting Officer filed on 19/02/2018 it is contended that evidence of PW1 who conducted investigation establishes the charge. It is contended that during evidence DGO 2 admitted that the building was not in accordance with the sanctioned plan and that DGO 2 has not initiated any action for demolition.

14. In the course of written argument of DGO 1 filed on 16/04/2018 it is contended that the then Assistant Executive

8/02/18

Engineer has served provisional order on 25/09/2007 and passed confirmation order on 04/12/2007 and thereafter no action is initiated under section 462 of The Karnataka Municipal Corporations Act, 1976. It is contended that Sri. Mohan, Executive Engineer posted to newly formed Kempegowda Nagara Sub-Division ought to have taken action under section 462 of The Karnataka Municipal Corporations Act, 1976 but failed to initiate action. Referring to oral and documentary evidence it is mainly contended that charge against DGO 1 is not established.

15. In the course of written argument of DGO 2 filed on 16/04/2018 it is contended that on 25/09/2007 the then Assistant Engineer has passed provisional order and thereafter passed confirmation order on 04/12/2007 and afterwards has not initiated action under section 462 of The Karnataka Municipal Corporations Act, 1976. It is contended that the engineers who discharged duties from 01/12/2007 to 15/09/2009 should have initiated action under section 462 of The Karnataka Municipal Corporations Act, 1976. It is contended that DGO 2 discharged duties from 15/11/2010 to 31/03/2011 in Basavanagudi Sub-Division as Assistant Engineer. It is contended that truth would have emerged if the then Assistant Executive Engineer by name Sri. Mohan had been examined. Referring to evidence on record it is contended that DGO 2 is not guilty of the alleged misconduct. Attested copy of charge transfer certificate in a single sheet dated 16/11/2010 of DGO 2 and attested copy of charge transfer certificate in a single sheet dated 31/03/2011 of DGO 2 are enclosed to written argument of DGO 2.

16. In tune with articles of charge, sole point which arises for consideration is whether during the tenure of DGO 1 as Assistant

 5.5.2018

Executive Engineer, BBMP, and during the tenure of DGO 2 as Assistant Executive Engineer, BBMP, DGOs 1 and 2 failed to initiate action against the ongoing unauthorised construction on the property bearing number 13/14 situated at Pampamahakavi road, Shankarapuram, Bengaluru and thereby DGOs 1 and 2 are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

17. Despite efforts the disciplinary authority could not secure the complainant and therefore the disciplinary authority has examined PW1 who during his evidence has referred to Exs P1 to P5 and spoken to that he conducted investigation and placed the note before the Hon'ble Upalokayukta, Karnataka for initiating action under section 12(3) of The Karnataka Lokayukta Act, 1984. It is his evidence that at the relevant point of time DGOs 1 and 2 were working as Assistant Executive Engineer, BBMP. It is his evidence that upon perusal of Ex P3 it is noticed by him that DGO 2 has stated that the place where unauthorised construction was conducted was not within the jurisdiction of DGO 2 and that provisional order and confirmation order are ordered. It is the evidence of PW1 that during investigation he came to know that though DGO 2 was very much aware of the unauthorised construction DGO 2 has delayed initiating proceedings subsequent to the confirmation order dated 04/12/2007. It is also his evidence that till 24/09/2010 DGOs 1 and 2 have not initiated action.

18. During cross examination PW1 has admitted that he came to know bifurcation of BBMP wards on 15/10/2009 and thereafter properties within the jurisdiction of Ward number 49 are transferred to the jurisdiction of Ward number 143. It is in

5-5-2018

the evidence of DGO 1 that he discharged duties as Assistant Executive Engineer, BBMP, Kempegowdanagara Sub-Division, Bengaluru. It is in the evidence of DGO 2 that he discharged duties as in-charge Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division from 15/11/2010 to 31/03/2011. Evidence of DGOs 1 and 2 touching their tenure as spoken to by them is not under challenge.

19. Though it is brought out during cross examination of PW1 that name of DGOs 1 and 2 are not mentioned in Exs P1 and P2, merely because names are not mentioned it cannot be expressed on the said ground that the alleged misconduct of DGOs 1 and 2 is not established. During cross examination PW1 admits that confirmation order is passed on 01/12/2007 by the Assistant Executive Engineer, BBMP, Basavanagudi, Bengaluru but not by DGOs 1 and 2 the same will not point out towards the innocence of DGOs 1 and 2 as claimed by them for the reason that DGOs 1 and 2 were duty bound to take up follow up action. It is brought out during cross examination of PW1 that one K.S. Ashoka was working as Assistant Executive Engineer, BBMP, Kempegowda Nagara Sub-Division, Bengaluru and that PW1 has not questioned him as to why action is not initiated under section 462 of The Karnataka Municipal Corporations Act, 1976. This answer elicited during his cross examination will not lend assurance to the defence for the reason that DGOs cannot take shelter under the acts which are not taken by K.S. Ashoka. On the basis of charge transfer certificate PW1 has stated during cross examination that DGO 1 reported for duty on 04/06/2012 as Assistant Executive Engineer, BBMP, Kempegowda Nagara Sub-Division. Though it is brought out during cross examination of PW1 that the Assistant Executive Engineer who discharged duties

 5.5.2018

from 15/10/2009 to 04/06/2012 has not initiated action under section 426 of The Karnataka Municipal Corporations Act, 1976, the same also will not absolve the liabilities of DGOs 1 and 2. It is the evidence of DGO 1(DW2) that plan was sanctioned and approved on 28/07/2006 and at that point of time one Prahlad was working as Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division. Though DGO 1 has not sanctioned the plan he was duty bound to visit the work spot and ascertain whether there was any deviation or not. It is in the evidence of DGO 1 that provisional order was passed on 25/09/2007 and confirmation order was passed on 4/12/2007 by the then Assistant Engineer and subsequently further developments are not brought into his notice. It is worthy to mention that DGO 1 was under the obligation to gather information touching the further development. DW2 has stated that work of construction was completed during his tenure at BBMP Basavanagudi. When such being his evidence he was duty bound to initiate action for the reason that there was violation of specifications of sanctioned plan. He states during cross examination that after he assumed charge he ascertained the fact touching property number 13/14 and further states that on the day on which he was transferred the completed building was in existence. When such being his evidence, during his tenure he should have initiated necessary action. He clearly admits during cross examination that there was violation of sanctioned plan. He has attempted to avail shelter on the strength of Ex D6 dated 07/06/2011 which is the xerox copy of his letter addressed to D.N.Bhaskar and Hakeem Chander Munotha who are the Directors of property bearing number 13/14. Ex P6 and Ex P3 are one and the same. It is worthy to mention that he addressed the said letter long after

 5.5.2018

filing of the complaint at Ex P1. In the absence of the complaint at Ex P1 he would have not addressed the said letter. Be that as it may, contents of Ex P3 and P6 would not point out any appropriate and timely action initiated by DGO 1.

20. DGO 2 (DW1) has stated during his evidence that consequent upon his promotion he discharged duties as Assistant Executive Engineer attached to road work division BBMP from 28/10/2009 to 15/11/2010. It is in his evidence that he discharged duties as in-charge Assistant Executive Engineer, BBMP, Basavanagudi Sub Division from 15/11/2010 to 31/03/2011. It is his evidence that at the time of approval of plan and construction of building he was not working in BBMP Ward within which jurisdiction property bearing number 13/14 is situated.

21. Evidence on record as discussed above would show that prior to bifurcation of BBMP Wards property bearing number 13/14 was within the jurisdiction of Ward number 49 Basavanagudi Sub Division and subsequent to 15/10/2009 property bearing number 13/14 vested with BBMP Ward Kempegowda Nagara Sub Division, Bengaluru and earlier to 15/10/2009 construction of building on site number 13/14 was completed. Evidence of DGO 1 would show that he discharged duties in Kempegowda Nagara Sub Division from 25/06/2010 to 04/06/2012. His evidence in cross examination is clear that after he assumed charge he noticed violation of sanctioned plan and on the day on which he assumed charge the building was completed. It is to be noticed that violation of norms of sanctioned plan was well within the knowledge of DGO1 and therefore he was duty bound to initiate action in exercise of the

 5.5.2018

powers conferred upon him. Failure on the part of DGO 1 in not initiating action soon after he assumed charge on 15/10/2009 attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. Evidence on record establishes that DGO 2 assumed charge of the office of Assistant Executive Engineer, BBMP, Basavanagudi Sub Division on 15/11/2010. Evidence on record shows that construction of building was completed on 15/10/2009. After assuming charge on 15/11/2010 DGO 2 was duty bound to initiate action after coming to know of deviation of sanctioned plan. Failure on the part of DGO 2 in not initiating action soon after he assumed charge on 15/11/2010 attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.

22. For the reasons mentioned supra I hold that DGOs 1 and 2 are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and being of this view I proceed with the following:

R E P O R T

Charge against DGO 1 by name Srinivasa Murthy (name written by him as M. Sreenivasa Murthy on the note sheet on 19/10/2016) who discharged duties as Assistant Executive Engineer, BBMP and retired on superannuation on 31/05/2017 and charge against DGO 2 by name Ravishankar (name written by him as V. Ravishankar on the note sheet on 19/10/2016) who discharged duties as Assistant Executive Engineer, BBMP who is due for retirement on superannuation on 31/07/2019 that during the tenure of DGO 1 as Assistant Executive Engineer, BBMP, and during the tenure of DGO 2 as Assistant


5.5.2018

Executive Engineer, BBMP, DGOs 1 and 2 failed to initiate action against the ongoing unauthorised construction on the property bearing number 13/14 situated at Pampamahakavi road, Shankarapuram, Bengaluru and thereby DGOs 1 and 2 are guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Submit this report to the Hon'ble Upalokayukta-1, Karnataka in a sealed cover forthwith along with connected records.

(V.G/BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

List of witness examined on behalf of the Disciplinary Authority

PW 1:- Sri. A.M. Bennur

List of witness examined on behalf of DGOs 1 and 2:-

DW 1:- Sri. V. Ravishankar (DGO 2)

DW 2:- Sri. M. Sreenivasa Murthy (DGO 1)

List of documents marked on behalf of Disciplinary

Authority:-

Ex P 1

Original complaint dated 24/09/2010 in two sheets in FORM NO.I of the complainant.

Ex P 2

Original complaint dated 24/09/2010 in two plain sheets of the complainant.

- Ex P 3 Original comments dated 08/06/2011 in two sheets of DGO 1.
- Ex P 4 Original rejoinder dated 30/12/2010 in a single sheet of complainant.
- Ex P 5 Original rejoinder dated 20/07/2011 in a single sheet of complainant.

List of documents marked on behalf of DGOs 1 and 2:-

- Ex D1 Xerox copy of charge transfer certificate dated 25/06/2010 of DGO 1 in a single sheet.
- Ex D2 Xerox copy of charge transfer certificate in a single sheet dated 04/06/2012 of DGO 1.
- Ex D3 Xerox copy of letter dated 03/09/2010 in a single sheet of DGO 1 addressed to the complainant.
- Ex D4 Xerox copy of photograph in a single sheet.
- Ex D5 Xerox copy of letter dated 07/06/2011 in a single sheet of GO 1 addressed to the Joint Director (Town Planning-South) BBMP, N.R. Square, Bengaluru.
- Ex D6 Xerox copy of letter dated 07/06/2011 in two sheets of DGO 1 addressed to Sri. T.N. Bhaskar and Sri. Hakeem Chander Munotha.


(V.G. BOPALIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/124/2014

Multistoreyed Building
Dr. B.R. Ambedkar Veedhi,
Bengaluru -560 001.
Date:25/01/2021.

MODIFIED RECOMMENDATION

Subject: Departmental Enquiry against:

- (1) Sri.Sri.Srinivasa Murthy, Assistant Executive Engineer, Bruhath Bengaluru Mahanagara Palike, Kempegowda Nagara Sub-Division, Bengaluru.
- (2) Sri.Ravishankar, Assistant Executive Engineer, Bruhath Bengaluru Mahanagara Palike, Basavanagudi Sub-Division, Bengaluru.

Ref: (1) Letter of recommendation dated 08/05/2018.

(2)Letter No. ಲೋಇ 275 ಸೇಇವಿ2019 dated 29/01/2020 of the Under Secretary to Government, Department of Ports and Inland Water (Services-c) requesting for sending modified order as against DGO-2 Sri. V. Ravishankar.

+++

1. Vide letter of recommendation referred to at (1) above, it was recommended to impose penalty of reducing the pay in the time scale of pay by two lower stages with


:2: No.LOK/INQ/14-A/124/2014

cumulative effect on DGO-2 Sri. Ravishankar, Assistant Executive Engineer.

2. The Administrative Department vide letter referred to at (2) above, have requested for sending modified recommendation as against DGO No.2 Sri. V.Ravishankar, then Assistant Executive Engineer, on the ground that the proposed penalty as per recommendation cannot be imposed against DGO No.2, as he has already retired from service.

3. Hence, in modification of the recommendation made as against DGO No.2 vide the letter of recommendation referred to at (1) above, it is recommended "withholding 10% of pension for 5 years" against DGO No.-2 Sri. V. Ravishankar, since he has already retired on 31/07/2019.

Action taken in the matter is to be intimated to this authority.


(Justice B.S.Patil)
Upalokayukta
State of Karnataka
Bengaluru.