

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/136/2015/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 06-01-2018**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bangalore**Sub:** Departmental Enquiry against Sriyuths :

1. C.K.Dhaswanth- the then Commissioner,
2. Gopalappa- Assistant Executive Engineer,
3. Ravindranath Dani- Assistant Engineer and
4. Sri K.N.Ramakrishna Reddy – Junior Engineer, Bruhath Bengaluru Mahanagara Palike, Bengaluru - reg.

**Ref:** 1) Government Order No. ನಅಇ 06 ಎಂಎನ್‌ಯು 2015, ಬೆಂಗಳೂರು, ದಿ. 06/03/2015.

- 2) Nomination Order No: UPLOK-1/DE/136/2015/ARE-9, Bangalore dated 17/03/2015.

\*\*\* \*\* \*@\* \*\* \*\*\*

This Departmental Enquiry is initiated against Sriyuths 1) C.K.Dhaswanth- the then Commissioner, 2) Gopalappa- Assistant Executive Engineer, 3) Ravindranath Dani- Assistant Engineer and 4) Sri K.N.Ramakrishna Reddy – Junior Engineer, Bruhath Bengaluru Mahanagara Palike, Bengaluru (hereinafter



referred to as the "Delinquent Government Official" in short "DGO 1 to 4").

2) In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta-I vide order dated 17/03/2015 cited at reference No.2 has Nominated Addl.Registrar of Enquiries-6 to frame the charges and to conduct the enquiry against the aforesaid DGOs. Addl. Registrar of Enquiries-6 has prepared Articles of charges, statement of imputation of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges. The copies of the same were issued to DGO 1 to 4 calling upon him to appear before the Enquiry Officer and to submit his written statement of defence.

Later vide Order No. Uplok-1/DE/2016 Bangalore, dated: 3.8.2016 of Hon'ble Upalokayukta-1 this file has been transferred to ARE-9.

The Article of charges framed by the ARE-6 against the DGOs <sup>are</sup> as under :

**ANNEXURE-I**  
**CHARGE**

**DGO NO.1**

1. You Sri. C.K.Dhaswanth- (henceforth referred to as DGO No. 1, while working as Commissioner in CMC, Byatarayanapura Bengaluru during the period 30/06/2005 to 17/01/2007 had not taken any action against unauthorized construction on Site No.1412, 'B'

*SP*

Block, Sahakarnagar, Bellary road, Bengaluru by its owner even though the complainant Dr. D.Ganesh Rao, R/o. Plot No. 1413 in B block of Sahakaranagar, had complained to you about it on 28/10/2005 and had approached you on 24/11/2005;

Further you on receiving complaint of said unauthorized construction on Site No. 1412, did not visit the site to verify whether on going construction was in consonance with the plan and instead had deputed your assistant Sri. Babu- FDA to make spot inspection;

Further, you failed to take any action against unauthorized construction on the said site though it's owner started construction work on 25/05/2005 and completed the same by January 2007 and thereby committed an act which unbecoming of a government servants and thus you are guilty of misconduct under u/s 3(1)(i)(ii) & (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**DGO NO.2**

2. You Sri.Gopalappa- henceforth referred to as DGO No. 2, while working as AEE during the period from December 2005 to 28/11/2007 in CMC Byatarayanapura having jurisdiction over Site No.1412, B Block, Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed to make periodical inspection to verify the construction work over site No.1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of



sanction plan till its completion by January 2007 and you failed to take steps to stop illegal construction despite the complainant Dr.D.Ganesh Rao had brought the same to your notice through DGO No.1 on 28/10/2005 and 24/11/2005 till complaint was filed on 29/08/2006 in this institution and thereby committed an act which unbecoming of a government servants and thus you are guilty of misconduct under u/s 3(1)(i)(ii) & (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**DGO NO.3**

3. You Sri. Ravindranath Dani- henceforth referred to as DGO No. 3, while working as AE in CMDC, Byatarayanapura during the period from October 2005 to April 2006 having jurisdiction over Site No.1412, B Block, Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed to make periodical inspection to verify the construction work over site No.1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of sanction plan till its completion by January 2007 and you failed to take steps to stop illegal construction despite the complainant Dr.D.Ganesh Rao had brought the same to your notice through DGO No.1 on on 28/10/2005 and 24/11/2005 till complaint was filed on 29/08/2006 in this institution and thereby committed an act which unbecoming of a government servants and thus you are guilty of misconduct under u/s 3(1)(i)(ii) & (iii) of Karnataka Civil Service (Conduct) Rules 1966.

*an*

**DGO NO.4**

You K.N.Ramakrishna Reddy- henceforth referred to as DGO No. 4, while working as JE in CMC, Byatarayanapura from June 2006 having jurisdiction over Site No.1412, B Block, Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed to make periodical inspection to verify the construction work over site No.1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of sanction plan till its completion by January 2007 and thereby committed an act which unbecoming of a government servants and thus you are guilty of misconduct under u/s 3(1)(i)(ii) & (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE-II**  
**STATEMENT OF IMPUTATION OF MISCONDUCT:**

On the basis of a complaint filed by Dr.Ganesh Rao R/o. Plot No.1413 in B Block of Sahakarnagar at Bangalore, against Sri. Babu- First Division Assistant in CMC at Byataray;anapura in Bangalore alleging their misconduct, an investigation has been taken up invoking Sec.9 of Karnataka Lokayukta Act.



2. According to the complainant: An illegal construction was going on at Site No.1412, B Block of Sahakarnagar, Bellary Road, Bangalore, within the limits of CMC, Byatarayanapur. He brought the said fact to the notice of the then Commissioner of Byatarayanapur on 28/10/2005. But no action was taken. Then he met the Commissioner of CMC, Byatarayanapur on 24/11/2005 intimating the construction in violation of the plan and building byelaws. The commissioner deputed the respondent - FDA to make spot inspection. Thereafter, no action was taken which enabled the builder to complete the construction. Hence complaint.

During the course of investigation, the name of the then Commissioner of CMC, Byatarayanapur and jurisdictional engineers were obtained. So, they were impleaded in place of Sri. Babu earlier on record and they filed their comments when called for.

DGO No. 1 - has filed reply on 05/01/2007 that on coming to know the violation of plan by the builder, on going construction was stopped

DGO No.2 has stated during his tenure of service in Byatarayanapur CMC, no complaint was received from Dr.Ganesh Rao with respect to

*sa*

unauthorized construction. Hence he has not taken any action.

DGO No.3 stated that he has not received any complaint from Dr.Ganesh Rao and disputed construction was in ward No.13, So, he could not take any action.

DGO No.4 has contended that the complaint allegations pertain to the year 2005, but he reported to CMC Byatarayanapur in June 2006. Hence, no fault lies with him.

**A careful consideration of the material on records showed that:**

Complainant approached the DGO No.1 with a complaint on 28/10/2005 and then on 24/11/2005 alleging unauthorized construction coming up in site No.1412, B Block, Sahakar Nagar, Bellary road, Bangalore but DGO No.1 has not taken any action till his transfer or at least before complaint was filed here;

- i. The DGO No.1 instead of visiting the construction site and verifying whether the ongoing construction was in consonance with the plan, has deputed his assistant FDA- Sri. Babu to make spot inspection;
- ii. The builder obtained the license on 05/04/2005 started construction on 25/05/2005 and completed the same by January 2007. Till then, DGO No.1 failed to take any action against the builder for unauthorized construction;

gn

- iii. DGO No.2 and 4, being the jurisdictional Engineer, failed to make periodical visits and observe whether the multi storied building coming up was in accordance with the plan and building byelaws;
- iv. DGO No.2 and 4 failed to stop the ongoing construction, which was in violation of plan and building byelaws and that enabled the builder to complete the construction by January 2007;
- v. Though the illegal construction was brought to the notice of DGO No.2 and 3 through DGO No.1 by the complainant on 28/10/2005 and 24/11/2005, DGO No.2 and 3 failed to take action till filing of this complaint on 29/08/2006.

In view of the said facts and material on record, replies of DGO No.1 to 4 were not found satisfactory to drop the proceedings against them.

So, the said facts and material on record showed that the DGO Nos 1 to 4, being Public/Government servants, have failed to maintain absolute devotion to duty and acted in a manner unbecoming of public/government servants, and thereby committed misconduct and made themselves liable for disciplinary action and have committed misconduct as per Rule 3(1) (ii & iii) of KCS (Conduct) Rules, 1966, So, report under Section 12(3) of the Karnataka Lokayukta Act, was made

*an*



recommending Competent authority to initiate disciplinary proceedings against the DGOs to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hence, the charge.

- \* -

The DGOs have appeared on 30/05/2017 before enquiry authority in pursuance to the service of Article of Charges.

Plea of DGOs have been recorded. They have not pleaded guilty but claimed for holding enquiry.

**The DGOs have filed their written statements and submit that,**

**DGO No.1 submitted that :** He had worked as a Commissioner of CMC, Byatarayanapura from 30/6/2005 to 17/1/2007 and had discharged his duties in accordance with the existing laws under the supervision of his official superiors including the Director of Municipal Administration. He has retired from service on attaining the age of superannuation on 30/5/2007. The alleged misconduct dates back to 28/10/2005 on which date the complainant was alleged to have given complaint to DGO No.1. Hence, no departmental proceedings can be initiated in respect of the said event which took place more than 4 years before such institution as per item (ii) of Clause (b) of sub rule (2), 214 of Karnataka Civil Service Rules. The alleged construction was in litigation in OS.No.26127/2011 in the Court of Prl. City Civil and Sessions Judge, at Bangalore, hence the matter should not have be

*ga*

investigated under section 8 of sub section (1) clause (b) of Karnataka Lokayukat Act, 1984.

The DGO No.1 further submits that CMC, Byatarayanapura was merged in BBMP Bangalore on 16/1/2007 and he was transferred on 17/1/2007. It is the duty of the ward engineers to take action against the construction and violation of the building plan and concerned ward engineers had the power to take u/s 189 of the Karnataka Municipality Act, 1964. Hence, the DGO No.1 was not responsible for the said construction. That the action taken by him is in good faith and not amounts to misconduct u/s 283 of the KMC Act, 1964. There is a protection for action taken in good faith. Hence, prayed to drop further proceedings against him

**The DGO No.2 submits that,**

This DGO on transfer had reported as AEE, CMC, Byatarayanapura on 23/11/2005 and he has rendered his service till 16/11/2007. Even though the complaint was given to the DGO 1 on 28/10/2005 DGO 1 had not brought the same to the notice of this DGO. Further, the ward engineer also had not brought the alleged construction to the notice of this DGO. As such this DGO had no occasion to enquiry into the same. The complainant had not given any complaint to this DGO about the alleged illegal construction if at all it is DGO where notified either by the complainant or by the DGO No.1 and by ward engineer this DGO could have taken suitable action in the matter. Under these circumstances;

*an*

cannot be made liable to alleged construction. Further, the DGO denying the charge leveled against him and prayed for drop the charge leveled against him.

**DGO No.3 submits that:**

He had worked as JE in CMC, Byatarayanapura during the period from 24/7/2003 to 27/4/2006. During this period he was incharge of ward No.1 to 11. However, he allegations relate to the property in site No.1412-B which at that time was coming under ward No.13 of the CMC. In view of this DGO No.3 was not incharge of the said ward No.13 in which the alleged property existed thus the charge against him is basically false. Hence, prayed to drop the charge leveled against him.

**DGO No.4 submits that :**

He had worked as JE, CMC, Byatarayanapura with effect from 5/6/2006 and he had not worked in Byatarayanapura Municipality on the date of sanction of plan on 5/4/2005 of the said alleged constructed building. And also on the date of filing the complaint dated 28/10/2005 and 26/11/2005. He was posted to have jurisdiction over the are namely Nagavar, Jakkur and Kempapur. He had no jurisdiction over Sahakarnagar where the alleged construction in site No.1412/B block had taken place. Hence, prayed for drop the charge leveled against him.

The disciplinary authority has examined one the complainant - Dr.Ganesh Rao, Professor, RRIT, Bangalore

*Ga*

as PW.1 and Ex.P1 and 2 are got marked. DGO not examined any witnesses and not marked any documents.

The disciplinary authority and DGO's filed the written in brief and heard the submissions. I answer the above charges in **AFFIRMATIVE** for the following:

### REASONS

- 3) It is the prime duty of the disciplinary authority to prove the charges substantially that are leveled against the DGOs.
- 4) The disciplinary authority examined one witness as PW.1. PW.1 is the complainant. He deposed in his chief examination is that, he lodged the complaint before the Commissioner, CMC, Byatarayanapur in the month of October 2005 regarding the illegal construction of the building in site No.1412 of Sahakarnagar, Bangalore along with other people who are residing in the said area. But, the concerned officer not taken any action in respect of the said unauthorized construction for that he lodged the complaint before the Lokayukta Office in the month of November 2005. At that time first floor of the alleged building already constructed. Further he deposed in his cross examination that he has not filed complaint against the DGO No.1. Further he deposed that he had not verified approved sanction plan in respect of site No.1412. Further he deposed that after filed the complaint the owner of the disputed building rectify the violation made by them in respect of construction of building. But that matter not informed to the Lokayukta office by him. Further deposed that he did not

*an*

know the owner of the building constructed and completed the said building as per the approved plan in the month of January, 2007.

5) The Ex.P1 is the complaint filed by the Pw.1 on 26/11/2005 to the Commissioner, CMC, Byatarayanpur, Bangalore (DGO No.1 office) and also Hon'ble Lokayukta, Karnataka Lokayukta, Bangalore. The Ex.P1 complaint filed by the complainant along with one Pradeep Nettur, Chief Engineer, BSNL, Sahakarnagar, Bangalore and S. Kannan, Sahakarnagar, Bangalore Ex.P2 is the another complaint filed by the complainant and other residential of the Sahakarnagar, Bangalore to the Commissioner, CMC, Byatarayanapura dated 28/10/2005.

6) In the record some of the documents received from the concerned officials by the scrutiny officers. As per the said documents AEE, Kodigehalli sub division, BBMP, Bangalore submit his letter dated 14/2/2012 along with parawise remarks filed in O.S.No.26127/2011 filed by the one Jeetendra Kumar Gaga. In the said parawise reply stated that the said property consisting of stilt ground, 1<sup>st</sup> and 2<sup>nd</sup> floor in violation of the sanctioned plan. During the construction of the said building, constructed without leaving the required set back all sides of the building as required under the sanctioned plan. There is a deviation of 110.19% in ground, 1<sup>st</sup> and 2<sup>nd</sup> floor. Therefore, the officials of the BBMP had issued notice under 321(1) of KMC Act, on 20/6/2011. The DGOs not disputed the facts that the said building construction

gn

completed in the month of January 2007. Considering the same who were working during the said period had not taken any action regarding the said unauthorized construction. AEE, Kodigehalli, Sub Division, BBMP, Bangalore submit his letter dated 9/10/2009 to the I.O, Director of Vigilance, Karnataka Lokayukta, Bangalore in respect of the alleged construction in the said letter he stated as follows ;

ವಿಷಯ: ಆಸ್ತಿ ಸಂ.1412-ಬಿ- ರ ಸಹಕಾರ ನಗರ, ಬೆಳ್ಳಾರಿ ರಸ್ತೆ, ಬೆಂಗಳೂರು ಇಲ್ಲಿ ಕಟ್ಟಡ ಭಾಗಗಳನ್ನು ಅನಧೀಕೃತವಾಗಿ ಬೆಳೆಸುತ್ತಿರುವ ಸಂಬಂಧ ನೀಡಿರುವ ದೂರು.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖದನುಸಾರ ದಿ. 8/5/2007ರ ಪತ್ರದಲ್ಲಿ ಕೇಳಿರುವ ಮಾಹಿತಿಯನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ಸಲ್ಲಿಸಲಾಗಿದೆ.

1. ಸದರಿ ಕಟ್ಟಡದ ನಿರ್ಮಾಣಕ್ಕೆ ಈ ಹಿಂದೆ ಆಯುಕ್ತರು ನಗರಸಭೆ ಬ್ಯಾಟರಾಯನಪುರ ಇವರು ನೀಡಿರುವ ನಕ್ಷೆ ಮಂಜೂರಾತಿ ಪತ್ರ ಎಲ್.ಪಿ./34/2005-06 ದಿ:5/4/2005ರ ಪ್ರತಿ ಮತ್ತು ನಕ್ಷೆಯ ಪ್ರತಿಯನ್ನು ತಮ್ಮ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
2. ಈ ಹಿಂದೆ ನಗರ ಸಭೆಯಿಂದ ನಕ್ಷೆಯನ್ನು ಮಂಜೂರು ಮಾಡಲಾಗಿದ್ದು, ಕಟ್ಟಡದ ನಕ್ಷೆಗಳನ್ನು ವಲಯ ನಿಯಮಾವಳಿಗಳೊಡನೆ ಹೋಲಿಸಲು ಸಹಿ ಪಡಿಸಿರುವ ಪರಿಶೀಲನಾ ಪಟ್ಟಿ ಈ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.
3. ಸದರಿ ಕಟ್ಟಡವನ್ನು ಮಾಲೀಕರ ಹೇಳಿಕೆಯಂತೆ, ದಿನಾಂಕ: 25/5/2005ರಲ್ಲಿ ಪ್ರರಂಭಿಸಿರುತ್ತಾರೆ ಎಂದು ತಿಳಿದು ಬಂದಿದೆ ಸ್ಥಳ ಪರಿಶೀಲನಾ ವರದಿಗಳು ಈ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.
4. ಕಟ್ಟಡವನ್ನು ಅಂಗೀಕೃತ ನಕ್ಷೆ ಉಲ್ಲಂಘಿಸಿ ಮುಂದುವರೆದಾಗ ಕೈಗೊಂಡ ಕ್ರಮಗಳ ಬಗ್ಗೆ ಯಾವುದೇ ಮಾಹಿತಿ ಈ ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ.
5. ಸದರಿ ಕಟ್ಟಡವನ್ನು ನಗರಸಭೆ ಆಡಳಿತವಿದ್ದಾಗಲೇ ಪೂರ್ಣಗೊಳಿಸಿರುವುದು ಕಂಡುಬಂದಿದೆ. ಸದರಿ ವಸತಿ ಸಮುಚ್ಚಯ ಕಟ್ಟಡವು ಪೂರ್ಣಗೊಂಡಿದ್ದು, ಇದರಲ್ಲಿ ಮಾಲೀಕರುಗಳು ವಾಸವಾಗಿರುತ್ತಾರೆ.
6. ನಗರ ಸಭೆ ಆಡಳಿತ ದಿನಾಂಕ: 17/1/2007 ರಂದು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಗೆ ವಿಲೀನವಾಗಿರುತ್ತದೆ. ಈ ಸಮಯಕ್ಕಾಗಲೇ ಸದರಿ ಕಟ್ಟಡದ ನಿರ್ಮಾಣ ಸಂಪೂರ್ಣವಾಗಿರುವುದು ಕಂಡು ಬಂದಿದೆ, ತದನಂತರ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ

an

ಪಾಲಿಕೆಯಿಂದ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿರುವುದು ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ.

7) Along with the above said letters he furnished the details regarding the violation of the approved plan by the owner of the building and also colour Xerox photo of the said building and Xerox copy of the sanctioned approved plan copy.

8) Perused the said documents along with evidence of the Pw.1 and Ex.P1 and 2 complaint filed by the Pw.1 along with written brief of the DGOs. They have not stated anything about report submitted by the AEE, Kodigehalli sub Divison, BBMP, Bangalore dated 9/10/2009 along with above said documents. As per the records the DGO No.1 working as a Commissioner, CMC, Byatarayanapura, Bangalore from 30/6/2005 to 17/1/2007. Ex.P1 complaint filed by Pw.1 to his office on 26/11/05 and also another complaint Ex.P2 filed on 28/10/2005 and Ex.P1, copy also submit to the Karnataka Lokayaukta Office on 1/12/2005. The above said two complaints submitted by the Pw.1 to the office of the DGO No.1 during his period. But there is no material documents or oral evidence from the side of the DGO No.1 he has taken any action on the said complaint, even though the said disputed building owner construct the said building by violating the approved plan.

9) The DGO No.2 working as AEE in the CMC, Byatarayanapura, Bangalore from December 5 to 28/11/2005. He stated in his written statement that, the DGO No.1 had not brought the complaint filed by the Pw.1 to

*gn*

his notice as such he had not occasion to enquire into the same. But, the duty of the DGO No.4 is that, periodical inspection of the newly constructed building to check whether the buildings are constructed or constructing in accordance with the approved plan or not. But, there is no evidence of the DGO No.2 side to show that he made periodical inspection during his tenure. It clearly reveals that he had not made periodical inspection regarding the above said disputed building during his period. It clearly shows that he had not taken any action inspect of the said building in accordance with the law. The DGO No.3 for working as Junior Engineer from 24/7/2003 to 27/4/2006 in CMC, Byatarayanapura. He taken the defence that in that time the said disputed property not comes within his jurisdiction. The said property is not situated within the ward No.1 to 11 which were comes within the jurisdiction of DGO No.3. But, the DGO No.3 has produced any documents to show that during his working period the said disputed property not comes within his jurisdiction. Except the said defence he has not take other defence. The DGO No.4 also stated that he has working as a JE, Byatarayanapur w.e.f 5/6/2006 to 16/1/2007. He admitted that the owner of the disputed building obtained the sanction plan on 5/4/2005. The complaint filed by the Pw.1 on 28/10/05 and 26/11/05. Further, he submitted that the said disputed building not comes within his jurisdiction he had only jurisdiction Nagavar, Jakkur and Kempapura the disputed building comes in the Sahakarnagar for that he had not taken any action. But, DGO No.4 not produced any documents to show that the area which disputed property

an



situated not comes within its area. It is clear that he also failed to take any action in respect of the said building owner during his tenure as stated in the charge leveled against him. The above said documents and oral evidence of Pw.1 clearly depicts that all the DGOs not take property action in respect of the disputed building during their tenure as charge leveled against them. Thereby, the DGO 1 to 4 have not maintained absolute integrity and devotion to duty and the said act of them were unbecoming of government servants and thereby committed misconduct.

10) In the event of the circumstances, the charges leveled against the DGOs are proved. Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.

(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore.

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

Pw.1	Dr.Ganesh Rao, Professor RRTI, Bangalore
------	--

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

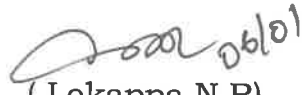
Ex.P1	complaint dt: 26/11/2005
Ex.P1(a)	Signature of the complainant
Ex.P2	Copy of Complaint submitted to the CMC, Commissioner

**iii) List of witnesses examined on behalf of DGO.**

Dw.1	<b>NIL</b>
------	------------

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

Ex.D1	<b>NIL</b>
-------	------------

  
( Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore.

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/136/2015/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 09/01/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
(1) Sri C.K. Dhaswanth, the then Commissioner;  
(2) Sri Gopalappa, Assistant Executive Engineer;  
(3) Sri Ravindranath Dani, Assistant Engineer,  
(4) Sri K.N. Ramakrishna Reddy, Junior Engineer,  
Erstwhile City Municipal Council, Byatarayanapura,  
Bengaluru – Now Bruhat Bengaluru Mahanagara  
Palike, Bengaluru

Ref:- 1) Government Order No.ನೃಇ 06 ಎಂಎನ್ಯು 2015,  
Bengaluru dated 06/03/2015

2) Nomination order No.UPLOK-1/DE/136/2015 dated  
17/3/2015 of Upalokayukta-1, State of Karnataka,  
Bengaluru

3) Inquiry Report dated 06/01/2018 of Additional  
Registrar of Enquiries-9, Karnataka Lokayukta,  
Bengaluru

-----

The Government by its Order dated 06/03/2015, initiated the disciplinary proceedings against (1) Sri C.K. Dhaswanth, the then Commissioner, (2) Sri Gopalappa, Assistant Executive Engineer, (3) Sri Ravindranath Dani, Assistant Engineer and (4) Sri K.N. Ramakrishna Reddy, Junior Engineer of erstwhile City Municipal Council, Byatarayanapura, Bengaluru (now Bruhat Bengaluru Mahanagara Palike, Bengaluru)(hereinafter referred to as Delinquent Government Officials 1 to 4, for short as '**DGOs 1, DGO-2, DGO-3 and DGO-4 respectively**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/136/2015, Bengaluru dated 17/3/2015, nominated Additional Registrar of Enquiries-6, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 4 for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Order No. UPLOK-1/DE/2016, Bengaluru dated 3/8/2016, the Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct departmental inquiry against DGO.

3. The DGO-1 Sri C.K. Dhaswanth, the then Commissioner, DGO-2 Sri Gopalappa, Assistant Executive Engineer, DGO-3 Sri Ravindranath Dani, Assistant Engineer and DGO-4 Sri K.N. Ramakrishna Reddy, who were working at erstwhile City Municipal Council, Byatarayanapura, Bengaluru (now Bruhat Bengaluru Mahanagara Palike, Bengaluru) were tried for the following charges:-

“DGO-1:

1. You Sri C.K. Dhaswanth – (henceforth referred to as DGO No.1, while working as Commissioner in CMC, Byatarayanapura, Bengaluru during the period 30/6/2005 to 17/1/2017 had not taken any action against unauthorized construction on Site No. 1412, ‘B’ Block, Sahakaranagar, Bellary Road, Bengaluru by its owner even though the Complainant Dr. D. Ganesh Rao, R/o. Plot No.1413, in B Block of Sahakaranagar, had complained to you about it on 28/10/2005 and had approached you on 24/11/2005;

Further, you on receiving complaint of said unauthorized construction on Site No. 1412, did not visit the site to verify whether ongoing construction was in consonance with the plan and instead had deputed your Assistant Sri Babu – FDA to make spot inspection;

Further, you failed to take any action against unauthorized construction on the said site though its owner started construction work on 25/05/2005 and completed the same by January 2007 and thereby committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct u/s. 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.

DGO No.2

2. You Sri Gopalappa, henceforth referred to as DGO No.2, while working as AEE during the period from December 2005 to 28/11/2007 in CMC Byatarayanapura having jurisdiction over Site No. 1412, B Block, Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed to make periodical inspection to verify the construction work over site No. 1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of sanction plan till its completion by January 2007 and you failed to take steps to stop illegal construction despite the complainant Dr. D. Ganesh Rao had brought the same to your notice through DGO No.1 on 28/10/2005 and 24/11/2005 till complaint was filed on 29/08/2006 in

this institution and thereby committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under u/s. 3(1)(i)(ii) & (iii) of Karnataka Civil Services (Conduct) Rules, 1966.

DGO No.3

3. You Sri Ravindranath Dani – henceforth referred to as DGO No.3, while working as AE in CMC, Byatarayanapura during the period from October 2005 to April 2006 having jurisdiction over Site No.1412, B Block, Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed to make periodical inspection to verify the construction work over site No.1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of sanction plan till its completion by January 2007 and you failed to take steps to stop illegal construction despite the complainant Dr. D. Ganesh Rao had brought the same to your notice through DGO No.1 on 28/10/2005 and 24/11/2005 till complaint was filed on 29/08/2006 in this institution and thereby committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct u/s. 3(1)(i) (ii) & (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

DGO No.4

4. You, K.N. Ramakrishna Reddy – henceforth referred to as DGO No.4, while working as JE in CMC, Byatarayanapura from June 2006 having jurisdiction over Site No. 1412, 'B' Block Sahakaranagar, Bellary Road, Bengaluru, being jurisdictional engineer failed

to make periodical inspection to verify the construction work over Site No.1412 is being carried out in accordance with sanction plan and adhering the building bye-laws and failed to stop construction taken up in violation of building bye-laws and in deviation of sanction plan till its completion by January 2007 and thereby committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct u/s. 3(1)(i) (ii) & (iii) of the Karnataka Civil Services (Conduct) Rules, 1966”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charges against DGO-1 Sri C.K. Dhaswanth, the then Commissioner; DGO-2 Sri Gopalappa, Assistant Executive Engineer; DGO-3 Sri Ravindranath Dani, Assistant Engineer and DGO-4 Sri K.N. Ramakrishna Reddy, Junior Engineer.

5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGOs 1 to 4; DGO-1 Sri C.K. Dhaswanth, the then Commissioner has retired from service on 31/5/2007, DGO-2 Sri Gopalappa, Assistant Executive Engineer, is due to retire from service on 31/5/2018; DGO-3 Sri Ravindranath Dani, Assistant Engineer is due to retire from service on 31/12/2023; and DGO-4 Sri K.N. Ramakrishna Reddy, Junior Engineer is due to retire from service on 31/7/2021.


7. Having regard to the nature of charges proved against DGO-1 Sri C.K. Dhaswanth, the then Commissioner; DGO-2 Sri Gopalappa, Assistant Executive Engineer; DGO-3 Sri Ravindranath Dani, Assistant Engineer; and DGO-4 Sri K.N. Ramakrishna Reddy, Junior Engineer, and their date of retirement,

(i) it is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO-1 Sri C.K. Dhaswanth, the then Commissioner and DGO-2 Sri Gopalappa, Assistant Executive Engineer for a period of 5 years;

(ii) it is hereby recommended to the Government to impose penalty of withholding two annual increments payable to DGO-3 Sri Ravindranath Dani, Assistant Engineer and DGO-4 Sri K.N. Ramakrishna Reddy, Junior Engineer with cumulative effect.

8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)**  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru