

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-1/DE/190/2017

ENQUIRY REPORT Dated: 27/06/2018

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

Delinquent Government Official: Sri. Bhaskar.R.
Discharged duties as
Panchayath Development
Officer, Byagadadenahalli
Grama Panchayathi, Anekal
Taluk during the year 2016.

Due for retirement on
superannuation on
31/12/2039.

1. Delinquent Government Official (in short, "DGO") was working as Panchayath Development Officer, Byagadadenahalli Grama Panchayathi, Anekal Taluk during the year 2016. He is due for retirement on superannuation on 31/12/2039.
2. Facts which necessitated for initiating the present inquiry proceedings may be narrated in brief. Complaint dated 21/10/2016 in FORM NO.I of the complainant by name Sri. K.C. Govindappa, resident of a place called Konamadivala, Anekal Taluk against the DGO came to be registered in COMPT/UPLOK/BCD/2006/2016/DRE-2. It is alleged in the complaint that one Thippanna constructed swimming pool in the land bearing survey number 30/1 at Byagadadenahalli without obtaining licence from

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27.6.2018

Byagadadenahalli Grama Panchayathi, Anekal Taluk. It is alleged that sewage from the toilet attached to the said swimming pool is left open to the pit and that drainage water used to flow over the land of the complainant and public used to throw liquor bottles and other waste items in that area which acts have caused nuisance and that DGO has not initiated suitable action.

3. In exercise of the powers conferred upon under section 9 of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta-1, Karnataka took up investigation which prima facie unearthed that DGO has not initiated suitable action and thus inactiveness on the part of DGO is the act of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 . In exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, Hon'ble Upalokayukta -1, Karnataka recommended the competent authority to initiate disciplinary proceedings against the DGO 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 24/12/2016 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಗ್ರಾಅಪ /934/ಗ್ರಾಪಂಕಾ/ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 30/01/2017 has been issued by the Deputy Director and Ex Officio Under Secretary to the Government of Karnataka, Rural Development and Panchayath Raj entrusting the inquiry against the DGO to the Hon'ble Upalokayukta, Karnataka.

 27.6.2018

5. Subsequent to the Government Order, Order number UPLOK-1/DE/190/2017 Bengaluru, dated 06/02/2017 has been ordered by the Hon'ble Upalokayukta - 1, Karnataka nominating the Additional Registrar, Enquires -11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
6. Articles of charge dated 25/02/2017 at Annexure-I which includes statement of imputation of misconduct framed against the DGO is the following

“ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

ನೀವು ಎಂದರೆ ಶ್ರೀ ಭಾಸ್ಕರ್ ಆರ್, ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿ, ಆನೇಕಲ್ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು 2016ನೆಯ ಸಾಲಿನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಸರ್ವೆ ನಂ.36/1ರಲ್ಲಿ ತಿಪ್ಪಣ್ಣ ಎಂಬವರು ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಪಂಚಾಯತಿಯ ಪರವಾನಗಿ ಇಲ್ಲದೆ ಈಜುಕೊಳ ನಿರ್ಮಿಸಲು ಅವಕಾಶ ಕೊಟ್ಟಿರುತ್ತೀರಿ ಮತ್ತು ಸದರಿ ಈಜುಕೊಳ ನಿರ್ಮಾಣವಾದ ಪರಿಣಾಮವಾಗಿ ದೂರುದಾರರಾದ ಕೆ.ಸಿ. ಗೋವಿಂದಪ್ಪ ರವರ ಜಮೀನಿಗೆ ಒಳಚರಂಡಿಯ ನೀರು ಹರಿದು ಬರುತ್ತಿದ್ದು ಮತ್ತು ಶೌಚಾಲಯದ ಗುಂಡಿಗಳು ತೆರೆದಿರುವ ಕಾರಣ ಸೊಳ್ಳೆಗಳು ಹೆಚ್ಚಾಗಿ ಜನರ ಆರೋಗ್ಯದ ಮೇಲೆ ಪರಿಣಾಮ ಬೀರುತ್ತಿದ್ದು ಹಾಗೂ ಈಜುಕೊಳಕ್ಕೆ ಬರುವವರು ಮದ್ಯದ ಬಾಟಲಿಗಳನ್ನು ಮತ್ತು ಊಟದ ಪೊಟ್ಟಣಗಳನ್ನು ಎಸೆಯುತ್ತಿರುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟು, ಮೇಲ್ಕಾಣಿಸಿದ ಎಲ್ಲಾ ಸಮಸ್ಯೆಗಳನ್ನು ನಿವಾರಿಸಲು ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದಿದ್ದು ಈ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

 27.6.2018

ಅನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ಕೆ.ಸಿ. ಗೋವಿಂದಪ್ಪ, ಮಡಿವಾಳ, ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ, ಆನೇಕಲ್ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ಇವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.30/1ರಲ್ಲಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಪರವಾನಗಿಯನ್ನು ಪಡೆಯದೆ ಅಕ್ರಮವಾಗಿ ಈಜುಕೊಳವನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿದ್ದು, ಈಜುಕೊಳಕ್ಕೆ ಬರುವ ಸಾರ್ವಜನಿಕರು ಮದ್ಯದ ಬಾಟಲು ಹಾಗೂ ಊಟದ ಪೊಟ್ಟಣಗಳನ್ನು ಅಲ್ಲಿ ಎಸೆದಿದ್ದು, ಒಳಚರಂಡಿ ನೀರು ದೂರುದಾರರ ಜಮೀನಿಗೆ ಹರಿಯುತ್ತಿದ್ದು ಮತ್ತು ಶೌಚಾಲಯದ ಗುಂಡಿಗಳು ತೆರೆದಿರುವುದರಿಂದ ಸೊಳ್ಳೆಗಳು ಹೆಚ್ಚಾಗಿ ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯ ಮೇಲೆ ಕೆಟ್ಟ ಪರಿಣಾಮವನ್ನು ಬೀರುತ್ತಿದ್ದು ಈ ಬಗ್ಗೆ ಮನವಿಯನ್ನು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸಲ್ಲಿಸಿದ್ದರೂ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿಲ್ಲವೆಂದು ಆಪಾದಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರ ಆಪಾದನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎದುರುದಾರರು ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯನ್ನು ಈ ಸಂಸ್ಥೆಗೆ ಸಲ್ಲಿಸಿದ್ದು, ಆಕ್ಷೇಪಣೆಯನ್ನು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡುಬರುತ್ತವೆ.


- 1) ಈಜುಕೊಳವು ಒಂದು ಉದ್ಯಮವಾಗಿದ್ದು ಉದ್ಯಮವನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾದರೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಪರವಾನಗಿಯನ್ನು ಪಡೆಯಬೇಕಾಗಿರುವುದು ಕಡ್ಡಾಯವಾಗಿದ್ದರೂ ಪರವಾನಗಿಯನ್ನು ಪಡೆಯದೇ ಈಜುಕೊಳವನ್ನು ನಡೆಸುತ್ತಿರುವುದು ಅಕ್ರಮವಾಗಿದ್ದು, ಸದರಿ ಅಕ್ರಮವನ್ನು ತಡೆಯಲು ವಿಫಲರಾಗಿರುವುದು.
- 2) ಸಾರ್ವಜನಿಕರ ಆರೋಗ್ಯದ ಮೇಲೆ ಪರಿಣಾಮ ಬೀರುವಂತಹ ಮೇಲ್ಕಾಣಿಸಿದ ಉದ್ಯಮದ ಮಾಲೀಕರ ವಿರುದ್ಧ ಯಾವುದೇ ಕಾನೂನು ಕ್ರಮಕೈಗೊಳ್ಳದೇ ಇರುವುದು.
- 3) ಸದರಿ ಜಮೀನು ಭೂಪರಿವರ್ತನೆಯಾದ ಬಗ್ಗೆ ಯಾವುದೇ ದಾಖಲಾತಿಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಮಾಲೀಕರಿಂದ ಪಡೆದುಕೊಳ್ಳದೇ ಉದ್ಯಮ ನಡೆಸಲು ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟಿರುವುದು.

ದೂರು, ಆಕ್ಷೇಪಣೆ ಮತ್ತು ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನೀವು ಯಾವುದೇ ಕ್ರಮಗಳನ್ನು ಕೈಗೊಳ್ಳದೆ ಇರುವುದು ಮೇಲ್ಕೊಟ್ಟ ಕಂಡು ಬಂದಿದ್ದರಿಂದ ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುವರ್ತನೆ ಮಾಡಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಎದುರುದಾರರ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು

 27.6.2018


ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ”.

7. Despite due service of articles of charge DGO failed to appear before this section on 28/03/2017 the date scheduled for his appearance. Subsequently on 03/05/2017 DGO has appeared before this section on which day when first oral statement was recorded he pleaded not guilty. On the same day he engaged Advocate for his defence. Despite opportunity the DGO has not evinced interest to file written statement.
8. The disciplinary authority has examined the complainant as PW1. During evidence of PW1 xerox copy of his application dated 24/06/2016 in a single sheet placed before the Panchayath Development Officer, Bagadadenahalli Panchayath is marked as per Ex P1, RTC extract in a single sheet of the land bearing survey number 30 at Konamadiwala village is marked as per Ex P2, original complaint dated 21/10/2016 in a single sheet in FORM NO.1 is marked as per Ex P3, original affidavit dated 21/10/2016 in a single sheet in FORM NO.II enclosed to Ex P3 is marked as per Ex P4, original detailed complaint dated 22/10/2016 in a single plain sheet is marked as per Ex P5.
9. During evidence of PW1 DGO and his advocate remained absent. Since DGO remained absent his second oral statement could not be recorded. He remained absent and not evinced interest to adduce defence evidence.
10. Referring to the evidence of the complainant it is contended in the course of written argument filed by the Presenting Officer Smt. K.S. Jyothilakshmi that action may be taken against the DGO for the alleged misconduct. On the day

 27.6.2018


scheduled for argument DGO and his advocate remained absent and not evinced interest either to address argument or to file written argument.

11. In tune with articles of charge the sole point which arises for consideration is whether during the tenure of DGO as Panchayath Development Officer Byagadadenahalli Gama Panchayath in the year 2016 allowed the owner of the land bearing survey number 30/01 at Konamadiwala village within the jurisdiction of Byagadadenahalli Grama Panchayathi to construct swimming pool without obtaining licence and failed to initiate any action to prevent the nuisance caused on account of use of the said swimming pool and thereby DGO is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?
12. Upon perusal of Ex P1 and Ex P5 it is found that PW1 (complainant) has specifically mentioned that Thippanna son of Beerappa illegally constructed swimming pool in the land bearing survey number 30/1 but during evidence PW1 has stated that Beerappa constructed swimming pool without obtaining licence. Be that as it may his evidence would show that swimming pool is constructed in the land bearing survey number 30/1 without obtaining licence. His evidence that construction of swimming pool is without licence has remained unchallenged and on the basis of his unchallenged evidence it stands established that construction of swimming pool in the land bearing survey number 30/1 is illegal. Evidence of PW1 that he is the adjoining land owner and that since the adjoining channel is closed rain water used to flow over his land has remained unchallenged. His evidence that users of the swimming pool have caused public

 27.6.2018

nuisance and that hygiene is not maintained which has come in way of help of people of the locality has remained unchallenged and therefore that portion of his evidence needs acceptance.

13. Evidence of complainant that at the relevant point of time DGO 1 was discharged duties as Panchayath Development Officer attached to Byagadadenahalli Panchayath is not under challenge. Section 67 of The Karnataka Panchayath Raj Act mandates that no place within the jurisdiction of Grama Panchayath shall be used for the purpose of trade, business or industry which the Government may, by notification declared to be offensive or dangerous, except under a licence granted or renewed by the Grama Panchayath and subject to such conditions as may imposed in the licence.
14. Section 67 of The Panchayath Raj Act, thus mandates licence for formation of swimming pool for commercial purpose.
15. Section 75 of The Panchayath Raj Act, mandates to take action against the owner of the swimming pool for its construction without obtaining licence from the Grama Panchayath. Therefore, the DGO is duty bound to initiate action. Evidence of complainant establishes that DGO slept over the matter without initiating any steps as contemplated under section 75 of The Panchayath Raj Act, which establishes that the DGO is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.
16. For the forgoing reasons, I proceed with the following:

 27.6.2018

R E P O R T

Charge against the DGO by name Sri. Bhaskar.R that during the tenure of DGO as Panchayath Development Officer Byagadadenahalli Gama Panchayath in the year 2016 allowed the owner of the land bearing survey number 30/01 at Konamadiwala village within the jurisdiction of Byagadadenahalli Grama Panchayathi to construct swimming pool and failed to initiate any action to prevent the nuisance caused on account of use of the said swimming pool and thereby DGO is 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. K.C. Govindappa

List of witness examined on behalf of DGO:- NilList of documents marked on behalf of DisciplinaryAuthority:-

Ex P 1

Xerox copy of the application dated 24/06/2016 in a single sheet of PW1 placed before the Panchayath Development Officer.

- Ex P 2 RTC extract in a single sheet of the land bearing survey number 30 at Konamadiwala village.
- Ex P 3 Original complaint dated 21/10/2016 in a single sheet in FORM NO.I.
- Ex P 4 Original affidavit dated 21/10/2016 in a single sheet of PW1 in FORM NO.II.
- Ex P 5 Original detailed complaint dated 22/10/2016 in a single plain sheet of PW1.

List of documents marked on behalf of DGO: Nil.



(V.G. BOPAI AH)
Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/190/2017/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 29/06/2018

RECOMMENDATION

Sub:- Departmental inquiry against Sri Bhaskar R.,
Panchayath Development Officer, Byagadadenahalli
Grama Panchayath, Anekal Taluk, Bengaluru District
- Reg.

Ref:- 1) Government Order No. ಸ್ರಾಅಪ/934/ಸ್ರಾಪಂಕಾ/2016
Bengaluru dated 30/01/2017

2) Nomination order No.UPLOK-1/DE/190/2017,
Bengaluru dated 6/2/2017 of Upalokayukta-1, State
of Karnataka, Bengaluru

3) Inquiry Report dated 27/6/2018 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 30/1/2017, initiated the disciplinary proceedings against Sri Bhaskar R., Panchayath Development Officer, Byagadadenahalli Grama Panchayath, Anekal Taluk, Bengaluru District (hereinafter referred to as Delinquent Government Official, for short as 'DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/190/2017, Bengaluru dated 6/2/2017 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri Bhaskar R., Panchayath Development Officer, Byagadadenahalli Grama Panchayath, Anekal Taluk, Bengaluru District was tried for the following charge:-

“ನೀವು ಎಂದರೆ ಶ್ರೀ ಭಾಸ್ಕರ್ ಆರ್. ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ, ಆನೇಕಲ್ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ ಆದ ನೀವು 2016ನೆಯ ಸಾಲಿನಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯ ಸರ್ವೆ ನಂ. 30/1ರಲ್ಲಿ ತಿಪ್ಪಣ್ಣ ಎಂಬವರು ಬ್ಯಾಗಡದೇನಹಳ್ಳಿ ಪಂಚಾಯಿತಿಯ ಪರವಾನಗಿ ಇಲ್ಲದೆ ಈಜುಕೊಳ ನಿರ್ಮಿಸಲು ಅವಕಾಶ ಕೊಟ್ಟಿರುತ್ತೀರಿ ಮತ್ತು ಸದರಿ ಈಜುಕೊಳ ನಿರ್ಮಾಣವಾದ ಪರಿಣಾಮವಾಗಿ ದೂರುದಾರರಾದ ಕೆ.ಸಿ.ಗೋವಿಂದಪ್ಪ ರವರ ಜಮೀನಿಗೆ ಒಳಚರಂಡಿಯ ನೀರು ಹರಿದು ಬರುತ್ತಿದ್ದು ಮತ್ತು ಶೌಚಾಲಯದ ಗುಂಡಿಗಳು ತೆರೆದಿರುವ ಕಾರಣ ಸೊಳ್ಳೆಗಳು ಹೆಚ್ಚಾಗಿ ಜನರ ಆರೋಗ್ಯದ ಮೇಲೆ ಪರಿಣಾಮ ಬೀರುತ್ತಿದ್ದು ಹಾಗೂ ಈಜುಕೊಳಕ್ಕೆ ಬರುವವರು ಮದ್ಯದ ಬಾಟಲಿಗಳನ್ನು ಮತ್ತು ಊಟದ ಪೊಟ್ಟಣಗಳನ್ನು ಎಸೆಯುತ್ತಿರುವುದಕ್ಕೆ ಅವಕಾಶ ಮಾಡಿಕೊಟ್ಟು, ಮೇಲ್ಕಾಣಿಸಿದ ಎಲ್ಲಾ ಸಮಸ್ಯೆಗಳನ್ನು ನಿವಾರಿಸಲು ಯಾವುದೇ ಕ್ರಮಕೈಗೊಳ್ಳದಿದ್ದು ಆ ಮೂಲಕ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i)ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that the charge against the DGO by name Sri Bhaskar R that during the tenure of DGO as Panchayath Development Officer Byagadadenahalli Grama Panchayath in the year 2016 allowed the owner of the land bearing Survey number 30/01 at Konamadiwala Village within the jurisdiction of Byagadadenahalli Grama Panchayathi to construct swimming pool and failed to initiate any action to prevent the nuisance caused on account of use of the said swimming pool and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved.


5. On re-consideration of inquiry report, 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 DGO, he is due to retire from service on 31/12/2039.

7. Having regard to the nature of charge proved against DGO Sri Bhaskar R, it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO Sri Bhaskar R., Panchayath Development Officer, Byagadadenahalli Grama Panchayath, Anekal Taluk, Bengaluru District, with cumulative effect.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 29/8
Upalokayukta-1,
State of Karnataka,
Bengaluru

