

**KARNATAKA LOKAYUKTA**

NO:LOK/INQ/14-A/326/2013/ARE-9

M.S. Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 15-04-2017**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri.R.K.Patil(Rajashekara Patil), Surveyor, Tahasildar's office, Bangalore south taluk, Bangalore -reg.

Ref: 1) Government Order No.RD 83 BhuDaSe(3) 2013, Bangalore, dated 25.5.2013 and its corrigendum dated 23.7.2013, the Hon'ble Upalokayukta-1, Karnataka Lokayukta, Bangalore.

2) Nomination Order No: LOK/INQ/14-A/326/2013, Bangalore dated 07/8/2013 has nominated Adll. Registrar of Enquiries-4 to frame the charges and to conduct departmental enquiry. As per OM No.ಕಲೋ/ಸಿಬ್ಬಂದಿ-1/54/2013-14 ವತೆವ 1.3.2014 of the Hon'ble Registrar and order No.LOK/INQ/14-A/2014, dated:14.3.2014 of Hon'ble Upalokayukta-1 this file is transferred to ARE-5, as per order No.Uplok-1/DE/2016, Bangalore dt:3.8.2016, file transferred from ARE-5 to ARE-9.

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

This Departmental Enquiry is initiated against Sri.R.K.Patil(Rajashekara Patil), Surveyor, Tahasildar's office, Bangalore south taluk, Bangalore (He has given his voluntary resignation -Regd ಸಿಬ್ಬಂದಿ/ಭೂಮಾಪಕರ ರಾಜೀನಾಮೆ 120/2010-11, ದಿನಾಂಕ:07.12.2010) (hereinafter referred to as the "Delinquent Government Official" in short "DGO").

21.  
15/04/2017

In view of the Government Order cited above at reference No.1 and Nomination Order at reference No.2 has nominated Adll. Registrar of Enquiries-5 to frame the charges and to conduct departmental enquiry:

### ANNEXURE-I

#### CHARGE

2. The DGO Sri.R.K.Patil(Rajashekara Patil), Surveyor, Tahasildar's office, Bangalore south taluk, Bangalore (He has given his voluntary resignation -Regd ಸಿಬ್ಬಂದಿ/ಭೂಮಾಪಕರ ರಾಜೀನಾಮೆ 120/2010-11, ದಿನಾಂಕ:07.12.2010) - while working as Surveyor, Tahasildar's Office, Bangalore South taluk, Bangalore from 2004 measured and fixed the boundaries and prepared the sketch of complainant's land bearing Sy.No.166/7/8 of Begur village at the request of his father on 18.05.2004, showing that there is no encroachment by the complainant's father, who is the owner of the land bearing Sy.No.166/7/8. Later, the DGO being the same Surveyor measured land bearing Sy.No.166/6 on 5/6/2007 on application of its owner Sri.R.A.Ankappa without giving notice to complainant, showing that owner of the land Sy.No.166/7/8 i.e. the complainant has encroached the land Sy.No.166/6 belongs to Sri.R.A.Ankappa. In this way, the DGO has failed to maintain absolute integrity and devotion to duty, the said act of the DGO was un-becoming of a government servant and thereby committed misconduct as enumerated U/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

2/15/4/2017

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

3. The complainant is in lawful possession and enjoyment of Sy.No.166/7/8 of Begur village. His father got measured the said land through the DGO earlier and on 18.5.2004 got fixed its boundaries. Thereafter, on 5.6.07, the DGO again conducted survey at the instance of Sri.R.A.Ankappa owner of Sy.No.166/6 and shown alleged encroachment committed by the complainant in the land Sy.No.166/6 and then fixed the boundaries without due notice to the complainant. The DGO filed his comments contending that at the request of owner of Sy.No.166/6 namely Sri.R.A.Ankappa, he conducted the survey in the presence of complainant and others and fixed the boundaries. According to him, there is an encroachment committed by the complainant. So, he demarcated the same. If the complainant is aggrieved by the said measurement, appeal has to be preferred.

4. The complainant filed rejoinder reiterating the complaint allegations.

5. Material on record shows that:-

- i) On 18.5.2004, the DGO had measured the land of the complainant, identified the boundaries and fixed the boundary stones and gave his report after preparing sketch, showing that there is no encroachment by the owner of Sy.No.166/7/8. Later the same DGO, who under took the survey of land sy.No.166/6 on 5.6.2007, has shown encroachment made by the owner of land sy.No.166/7/8, though earlier not shown any encroachment by the complainant.

21  
15/4/2017

- ii) Though the DGO says that the said second survey was done in the presence of the complainant, there is no material to that effect. Neither the notice to the complainant nor the mahazar drawn at the survey is produced.

6. In view of the facts stated above and the material on record, reply of the DGO has not been found satisfactory to drop the proceedings. Said facts supported by the material on record show that the DGO, being a public/Government servant, has failed to maintain absolute integrity besides, devotion to duty and acted in a manner unbecoming of a government servant, and thereby repeatedly committed misconduct and made himself liable for disciplinary action.

7. Plea of DGO has been recorded and DGO has pleaded not guilty and he claimed for holding enquiry.

8. The DGO appeared on 26.10.13 pursuant to service of notice on him and he has filed his written statement on 28.7.14. He has submitted in his written statement as per the government order dated 17.5.10 he has given his voluntary resignation to the government and the same has been accepted by the government. Subsequently from 7.12.10, he has not received any pension and whatever the service benefits. Thus, from 7.12.10 onwards he is not at all a government employee and therefore, the very initiation of the proceedings against him under the KLA Act or taking action under the Karnataka Civil Rules against him does not arise at all.

9. He had filed his detailed objection dated 15.10.07 itself under reference No.ULA:BCD 452/2007 DRE-5 dated 20.9.07. Hence, the same may read as part and parcel of this statement of objection in order to avoid repetition of fact.

21  
15/4/2017

10. He being a surveyor have prepared the sketches of the property bearing No.166/7/8 of Beguru village on 18.5.04 showing that there is no encroachment by the complainant's father in turn the complainant has encroachment the land sy.No.166/6 belong to Sri.R.A.Ankappa, it is clarified in this regard that almost after lapse of more than 3 years from the date of survey of complainant's land bearing No.166/7/8, measured the land of R.A.Ankappa on 5.6.2007 and noted the encroachment. The property of the complainant sy.No.166/7/8 and 166/6 is entirely different from each as there is a lapse of 3 years from first survey to second survey the said encroachment might have been happed. It aggrieved by the surveyor the complainant can file an appeal before the competent authority. The survey conducted to sy.No.166/6 is followed by the procedure issued notices to the concerned parties and measured the land and reported is submitted to the concerned authority. He has performed his duties sincerely accordingly prays to drop the proceedings initiated against him. In supported of it, he has filed his objections dated 15.10.07.

On behalf of the Disciplinary Authority, the Scrutiny Officer, Sri.Anand Bennur, the then ARE-10 is examined as PW.1 and Ex.P1 to P6 are marked,

After the closure of the evidence on behalf of disciplinary authority Second oral statement of the DGO is not recorded as he is placed exparte.

The disciplinary authority have filed the written in brief and heard the submissions. I answer the above charge in Affirmative for the following:

A handwritten signature in black ink, followed by a diagonal line and the date 15/4/2017.

**REASONS**

11. It is the prime duty of the disciplinary authority to prove the charges substantially that are leveled against the DGO.

It is specific case of the complainant that – Paul Raj Bin Late Joseph that he is the lawful owner in possession and enjoyment of land bg.sy.No.166/7/8 of Beguru village his father got measured the land through the DGO earlier and got prepared the sketch together with boundaries on 18.5.2004. Thereafter, on 5.6.07 the DGO against conducted survey of the land at the instance of R.A.Ankappa owner of sy.No.166/6 of Beguru village in the absence of the complainant and shown there is an encroachment of land. When this survey was conducted and the sketches were prepared on 18.5.2004 and 5.6.2007 after lapse of 3 years there is an encroachment.

12. The disciplinary authority has not examined the complainant Paul Raj Bin Late Joseph but has examined the scrutiny officer Sri.Anand Bennur, the then ARE-10 as PW.1 who has deposed about the allegations made by the complainant in his complaint and pointed out the DGO was working as surveyor in the office of Tahasildar Bangalore south Taluk as at the time he has drawn the sketch the property Sy.No.166/7/8 of Beguru village on 18.5.04 later of he has got surveyed the land bg.sy.No.166/6 at the instance of owner R.Anakappa and found there is an encroachment of the land on dated 5.6.07 after the lapse of 3 years the encroachment is note in the sketches prepared by him as per Ex.P5 and 6. No doubt the owners to these properties are different there might be an encroachment in sy.No.166/6.

13. It is admitted by the DGO in his comments dated 15.10.07 and in written statement of defence dated 28.7.14 that the DGO was working as surveyor in the office of Bangalore South taluk

21  
15/4/2017

and conducted the surveys and prepared the sketches on different occasions as per Ex.P5 and P6. These two reports are contradictory to each other regarding encroachment by the complainant.

14. The DGO takes the defence that the complainant was surveyed with a notice before conducting second survey on 5.6.07 but for the reason best known he has not substantiated this point by producing any material on record. At the worst of the worst he has not chosen to cross examination. Whatever has been taken defence stands still, this justification cannot be accepted, same did not file a place in the comments filed by the DGO in Ex.P4. Thus the justification is only an afterthought in the written statement. Even to this, the DGO has not produced any material on record.

15. The DGO has not brought out any evidence on record to show that the complainant has encroachment by the area of land in sy.No.166/6 as on the 2<sup>nd</sup> survey conducted on 5.6.07 in the presence of the complainant.

16. The evidence of PW.1 is credit worthy and there is no reason to disbelieve or the discard the version of the witness. The DGO has not challenged the complaint filed as per Ex.P1 to 3. Thus, the charges against the DGO is clearly established with positive evidence.



( L. Vijayalakshmi Devi )  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore.

15/4/20

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

|      |                  |
|------|------------------|
| PW-1 | Sri.Anand Bennur |
|------|------------------|

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

|            |                             |
|------------|-----------------------------|
| Ex.P-1 & 2 | Complaint form No.I and II  |
| Ex. P-3    | Typed complaint             |
| Ex. P-4    | Comments of DGO             |
| Ex. P-5    | Xerox copy of survey sketch |
| Ex. P-6    | The sketch                  |

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

**:: NIL ::**

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

**:: NIL ::**

*L. Vijayalakshmi Devi*

( L. Vijayalakshmi Devi)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore.

15/4/2017



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: LOK/INQ/14-A/326/2013/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 18/4/2017

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri R.K. Patil,  
(Rajashekara Patil) Surveyor, Tahsildar's office,  
Bengaluru South Taluk, Bengaluru - Reg.

Ref:- 1) Government Order No.ಕಂಇ 83 ಭೂದಾಸೇ (3) 2013,  
Bengaluru dated 25/5/2013 and modified order  
dated 23/7/2013.

2) Nomination order No.LOK/INQ/14-A/326/2013,  
Bengaluru, dated 7/8/2013 of Hon'ble  
Upalokayukta-1, State of Karnataka, Bengaluru

-----

The Government by its Order dated 25/5/2013 read with modified order dated 23/7/2013, initiated Departmental inquiry against Sri R.K. Patil (Rajashekara Patil), Surveyor, Tahsildar's office, Bengaluru South Taluk (tendered voluntary resignation, which has been accepted by order dated 7/12/2010) (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.LOK/INQ/14-A/326/2013 dated 7/8/2013 nominated Additional Registrar of Enquiries-4, 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. Subsequently, by Order No. LOK/INQ/14-A/2014 dated 14/3/2014, the Additional Registrar of Enquiries-5

was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again, by Order No. UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-9 is re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO was tried for the following charges:-

“The DGO Sri R.K. Patil (Rajashekara Patil), Surveyor, Tahsildar’s office, Bangalore South Taluk, Bangalore (He has given his voluntary resignation - ಸಿಬ್ಬಂದಿ/ಭೂಮಾಪಕರ ರಾಜೀನಾಮೆ/120/2010-11 ದಿನಾಂಕ 7/12/2010) – while working as Surveyor, Tahsildar’s office, Bangalore South Taluk, Bangalore from 2004, measured and fixed the boundaries and prepared the sketch of complainant’s land bearing Sy. No. 166/7/8 of Begur Village at the request of his father on 18/5/2004 showing that there is no encroachment by the complainant’s father, who is the owner of the land bearing Sy. No.166/7/8. Later, you DGO being the same Surveyor measured land bearing Sy. No.166/6 on 5/6/2007 on application of its owner Sri R.A. Ankappa without giving notice to complainant, showing that the owner of the land Sy. No. 166/7/8 i.e., complainant has encroached the land Sy. No.166/6 belongs to Sri R.A. Ankappa. In this way, you DGO has failed to maintain absolute integrity and devotion to duty, the said act of the DGO was unbecoming of a Government servant and thereby committed misconduct as enumerated U/r. 3(1)(i) to (iii) of Karnataka Civil Service (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 charge against the DGO.

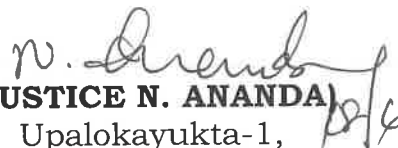
5. On re-consideration of the evidence, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the Government Order No. ಕಂಇ 83 ಭೂದಾಸೇ (3) 2013, Bengaluru, dated 23/7/2013, the DGO tendered resignation, which has been accepted by Order dated 7/12/2010. The DGO is not in Government service.

7. Having regard to the nature of charge proved against DGO Sri R.K. Patil (Rajashekar Patil) and he has tendered resignation, it is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO Sri R.K. Patil (Rajashekara Patil) for a period of 5 years.

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.

