

KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/407/2014

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:29.11.2019

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)****Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against
Sri.Ananthnarayana Assistant Executive
Engineer BBMP Bengaluru - reg.

Ref: 1. G.O.No. UDD 230 MNU 2014 dated: 24.6.2014
2. Nomination Order No: LOK/INQ/14-A/407/2014
Bangalore dated: 18.7.2014 of Hon'ble Upalokayukta-1

* * * * @ * * * *

This Departmental Enquiry is initiated against Sri.Ananthnarayana Assistant Executive Engineer BBMP Bengaluru (hereinafter referred to as the Delinquent Government Official for short "**DGO**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 18.7.2014 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-6 to frame the charges and to conduct the enquiry against the aforesaid DGO.

3. Additional Registrar of Enquiries-6 has prepared Articles of charges, statement of imputations of misconduct,



list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges.

4. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit written statement of defence.

5. The Article of charges framed by the ARE-6 against the DGO is as under :

ANNEXURE-I
CHARGE

You, Sri. Ananthnarayana, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bangalore District, While working as AEE BBMP ward NO-6, Sagaya puram sub-division at Bangalore, failed to inspect property No.29 of Lezar Layout, Frazer Town, Bangalore, to ensure the construction taken up is in accordance with approved plan and permission obtained on 16/08/2010 and Construction was in progress, till you were informed by Sri. Syed Usman, No-30, 2nd Cross, Lazar Layout, Frazer Town, Bangalore. (complainant) on 06/06/2012.

You, even after being informed by the complainant on 06/06/2012 about unauthorized construction taken up by the builder on property bearing No-29, failed to make spot inspection within reasonable time and served provisional order on the builder belatedly only on 29/12/2012 having received complaint on 06/06/2012 and thereby committed an act which unbecoming of a government servant and thus you are

92

guilty of misconduct under u/s 3(1)(i)(ii) & (iii) of Karnataka Civil Service (Conduct) Rules 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

An investigation was taken up under Section 9 of Karnataka Lokayukta Act, in the complaint filed by Sri. Syed Usman R/O 30, Lezar Layout in Frazer Town of Bangalore (hereinafter referred to as 'complainant' for short), against Sri. Ananth Narayan- Assistant executive Engineer in BBMP, for Ward No. 6, Sagayapuram Sub Division at Bangalore (herein after referred to as 'DGO' for short), alleging that the DGO, being a Government servant, has committed misconduct.

According to the complainant : Owner of site NO. 29 of Lezar (ಲೇಜರ್) Layout, Frazer Town, Bangalore, started constructing a building in violation of the plan, permission and building byelaws. On account of that, there was obstruction to free flow of air and light coming to the house of the complainant and inconvenience was caused. The said fact was brought to the notice of the DGO jurisdictional Engineer, but he failed to take action.

DGO has filed comments contending that in pursuance of the complaint received, he served the provisional order on the builder on 29/12/2012. When there was no response, he served the confirmation order



on 09/01/2013. But, before he could take further steps for demolition, builder – Sri. Vimal Kaul filed appeal before the KAT at No. 59/2013 and got the stay order on 22/01/2013. So , we could not take further steps and prayed to close the complaint.

Consideration of the material on record shows that:

- i. Though builder Sri. Vimal Kaul obtained plan and permission on 16/08/2010 and started construction of three floors building, the DGO did not bother to know by spot inspection whether or not, the construction in progress was in accordance with the plan and permission;
- ii. Complainant informed the DGO about the unauthorized construction on 06/06/2012 but then also, the DGO failed to make spot inspection within a reasonable time;
- iii. Of course, the DGO served the provisional order on the builder but belatedly on 29/12/2012, i.e., nearly after 6 months from the date of receipt of the complaint dated 06/06/2012.

In view of the facts stated above and on consideration of the material on record, reply of the DGO has not been found satisfactory to drop the proceedings.

The facts supported by the material on record prima facie show that the DGO, being a Government servant, has failed to maintain absolute devotion to duty and also

or

acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.

Since the said facts and material on record prima-facie show that DGO has committed misconduct as per Rule 3(1)(ii)&(iii) of the KCS (conduct) Rules, 1966. Hence report u/s. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hence, the charge.

- @ -

7. By order No.UPLOK-1/DE /2016 Bengaluru dtd: 3.8.2016 the enquiry was transferred from Additional Registrar Enquiries-6 to Additional Registrar Enquiries-9 on the orders of Hon'ble Upalokayukta-1.

8. The DGO has appeared on 29.11.2014 before this enquiry authority in pursuance to the service of the Article of charges.

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

10. The DGO has submitted written statement, stating that he had not allowed the building of the property no. 29 of Lezar (ಲೇಜರ್) Layout, Frazer Town, Bangalore to construct



the building in violation of the byelaws and the plan and permission obtained under the provisions of KMC Act. Further submitted that while discharging his duty as a Assistant Executive Engineer of K.G.Halli sub division BBMP Bengaluru he has never allowed the builder to construct the building in violation of byelaws and the plan and permission obtained under the prevision of KMC Act and also he was not failed to take to take any action as contemplated under section 321 of the KMC Act. Further submitted that he has attained superannuation on 28.2.2014. he has been served with show cause notice after attaining superannuation and government have also accorded permission for holding departmental enquiry after attaining the superannuation and thereafter the Articles of charge are framed and served upon. Therefore the initiation of enquiry is had in law and liable to be drawn. Further submitted that as per the KMC act the Assistant Engineer at the relevant time is solely responsible for delaying in taking action since it is responsibility of the Assistant Engineer to visit the ward and to serve the provisional and confirmation order and as the Assistant Engineer have delayed in obtaining the sanctioned plan there is delay in taking action and therefore departmental enquiry as against the DGO is not sustainable.

11. Further submitted that on receipt of complainant on 6.6.2012 spot inspection was carried out on 17.6.2012 notice in the construction the Assistant Engineer of ward no. 60 have directed the concerned employees to furnish the sanctioned plan and also directed to spot construction activities. Wherein the same was not furnished the notice

am

under section 308 of KMC act was not issued. Wherein the said owner of the said building failed to produce the document the Assistant Engineer was directed to obtain the documents from O/o of the ADTP (East) and the concerned Assistant Engineer was failed to obtain the document for that the DGO issued show cause notice on 14.9.2012 and 16.10.2012. Further receiving the documents on 29.12.2012 and then issued the provisional order Hence pray for drop the proceedings.

12. The disciplinary authority has examined scrutiny officer Sri.Anand Benur, S/o Mavarappa the then Additional Registrar of Enquiries-10, Karnataka Lokayukta Bengaluru as Pw.1, Sri.Srikantarao, S/o N.Ramarao, retired teacher, residing at house no. 28, Lezar layout, Frazer Town Bengaluru is the witness to the Ex.P-4(a) service of provisional order and he has examined as PW-2 and **Ex.P-1 to ExP4** are got marked. DGO Sri.Ananthnarayana Assistant Executive Engineer BBMP Bengaluru has examined himself as DW-1 and has got marked **Ex.D-1 to Ex.D11** documents.

13. The second oral statement of DGO has been recorded. Heard the submissions of the disciplinary authority and DGO both the side. I answer the above charge in **AFFIRMATIVE** for the following;

REASONS

14. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGOs.



15. Complainant not examined because of his illness and as he was bedridden. The disciplinary authority has examined the scrutiny officer Sri.Anand Benur, S/o Mavarappa the then Additional Registrar of Enquiries-10, Karnataka Lokayukta Bengaluru as Pw.1. PW-1 has deposed in his evidence that the complainant Sri.Syed Usman filed the complaint and alleged that the owner of the site no. 28 in Lezar layout, Frazer Town Bengaluru constructed the multi storied building by violating the approved plan and building byelaws. Further complainant stated that he has filed the complaint before the DGO regarding the same. Even though that DGO has not taken any action for that he has filed the complaint before the Lokayukta Office. PW-1 further deposed that after receiving the comments of the DGO on the complaint he has verified the documents and found that the complainant filed the complaint on 6.6.2012 even though that the DGO not made any spot inspection and taken any proper action against the disputed building owner, he has issued the provisional order belatedly on 29.12.2012 and then issued the confirmation order on 9.1.2013. Subsequent to that the owner of the building Sri. Vimal Koul filed the application no. 59/2013 before the KAT and obtained the stay order on 22.1.2013. Further deposed that the DGO not taken further action even after the complainant filed the complaint on 6.6.2012 upto 29.12.2012 it deems he has supported to the owner of the building to obtain the stay order from the KAT. Further PW-1 deposed that the DGO not furnished any document regarding action taken after filed the complaint by the complainant on 6.6.2012 and before filed the complaint.



16. Sri.Srikantarao, S/o N.Ramarao, retired teacher, residing at house no. 28, Lezar layout, Frazer Town Bengaluru has examined as PW-2. PW-2 is the witness to the Ex.P-4 (a) provisional order under section 321 (1) of KMC Act dtd: 29.12.2012 served to the owner of the building by name Vimal Koul S/o Omkaranath Koul.

17. DGO Sri.Ananthnarayana Assistant Executive Engineer BBMP Bengaluru has examined himself as DW-1. DW-1 has deposed in his evidence that he was working as a Assistant Executive Engineer K.G.Halli sub division BBMP Bengaluru from 9.4.2012 to 26.6.2013. Further deposed that the complainant filed the complaint to his office on 6.6.2012. After that on 7.6.2012 he has directed to the Assistant Engineer for submit the report after spot inspection. Further deposed that after Assistant Engineer failed to submit the report he himself visit the spot on 17.6.2012 and inspect the disputed building at that time the construction work was going on but the owner of the building was not present. Further deposed that he has instructed to the contractor of the said building to furnish the approved plan and necessary documents in respect of the said building within 10 days. Even after 10 days either owner of the building or his employees not furnished any documents for that he has issued the notice under section 308 of KMC act to the owner of the building on 28.6.2012 same was served to the owner of the building. Further deposed that he has issued the notice on 14.9.2012 to the Smt.Vijayalakshmi .K., Assistant Engineer who was not submitted the report after spot inspection and further he has issued the another show cause

ga

notice to the Assistant Engineer Smt.Vijayalakshmi .K., Assistant Engineer on 14.10.2012 for not submitting the report and call for explanation to the above said notice. Further deposed that he has directed to the Assistant Engineer on 18.8.2012 to obtain the copy of the approved plan and permission in respect of the said disputed building from the office of Assistant Director Town planning (EAST) BBMP. After obtaining the said documents and verifying the constructing building with the approved plan and permission he has issued the provisional order under section 321 (1) of KMC Act on 29.12.2012 and then issued the confirmation order under section 321 (3) of KMC act on 9.1.2013. Then seek permission from the Executive Engineer BBMP for demolishing the deviated portion of the building as per section 462 of KMC act. After that the owner of the building obtained the stay order from the KAT on 22.1.2013.

18. Ex.P1 and 2 is the complaint in form no.1 and 2 submitted by Sri.Syed Usman, house no. 30, Lezar layout, Frazer Town Bengaluru (complainant) to the Karnataka Lokayukta Office on 21.2.2013. Ex.P-3 are the documents submitted the complainant along with the complaint. Ex.P-4 are the comments dtd: 12.4.2013 and documents submitted by the DGO to the Karnataka Lokayukta office.

19. Ex.D-1 is the letter dtd: 6.6.2012 submitted by the complainant Sri.Syed Usman Fraser town Bangalore to the AEE, BBMP Bangalore. Ex.D-2 is the letter dtd: 28.6.2012 from Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore to the AEE, K.G.Halli Sub Division,

Bangalore. Ex.D-3 is the notice dtd: 14.9.2012 from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vijaylakshmi., AE, Ward no. 60, Sagayapuram. Ex.D-4 is the extract of tappal register. Ex.D-5 is the show cause notice dtd: 16.10.2012 from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vijaylakshmi., AE, Ward no. 60, Sagayapuram. Ex.D-6 is the extract of tappal register. Ex.D-7 is the office note pertaining to the BBMP office. Ex.D-8 is the notice dtd: 29.12.2012 issued under section 321 (1) of KMC Act from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore. Ex.D-9 is the notice dtd: 9.1.2013 issued under section 321 (3) of KMC Act from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore. Ex.D-10 is the office note sheet pertaining to the BBMP office. Ex.D-11 is the Interim application of the Karnataka Appellate Tribunal Regulation Rules 1979 for stay.

20. Perused the evidence of Pw-1, PW-2, and DW-1, along with document produced by the both side. As per the document the complainant filed the complaint in the O/o DGO on 6.6.2012. Ex.p-3 page no. 85 is the copy of the complaint. This fact not disputed by the DGO. As per the Ex.P-4 page no. 92 deputy director Town planning (EAST) BBMP Bengaluru written a letter on 27.12.2012 to the DGO to take proper action in respect of the building constructed in property no. 29, Fraser town Bangalore. As per the said document the complainant Syed Usman submitted the complaint before the deputy director Town planning on

or

20.12.2012. As per this document the deputy director town planning BBMP directed to the DGO to take proper action against the said disputed building on the basis of complainant filed the complaint on 20.12.2012. After that the DGO directed to the Assistant Engineer ward no. 60 to conduct the spot inspection and take proper action under KMC act 1976 and submit the report. After submitting the report he has issued the provisional order on 29.12.2012 under section 321 (1) of KMC Act 1976.

21. The DGO has taken the contention that after the complainant filed the complaint on 6.6.2012 immediately conducted spot inspection on 17.6.2012 and issued the notice to the owner of the building under section 308 of the KMC Act 1976 on 28.6.2012 i.e., Ex.D-2. Then the owner of the building not furnished any documents and also Assistant Engineer not submitted any report for that he has issued the Show cause notice to the Assistant Engineer on 14.9.2012 and 16.10.2012. Then he has received the documents from the office of the Assistant Director Town planning BBMP (East) on 17.11.2012 and then issued the provisional order on 29.12.2012. As per Ex.D-2 the notice served to the owner of the building personally but DW-1 has not stated in his evidence or in his comments as well as written statement regarding service of the said notice to the owner of the building. As per his own evidence the owner of the building failed to furnish the documents in respect of the said building. But he has not furnished any documents after that what steps he has taken against the owner of the building except alleged show cause notice issued to the Assistant

Engineer till 29.12.2012. As per Ex.D-7 alleged office note of the BBMP the complaint received on 6.6.2012 and disputed building inspected by the Assistant Engineer Smt. K.Vijayalakshmi, on 17.6.2012 and directed to the employees of the said building owner to furnish the documents in respect of the said building within 10 days. When the owner of the building failed to furnish the documents the Assistant Engineer put up the note on 27.6.2012 for seeking the order issued notice under section 308 of KMC Act 1976. As per the same on 28.6.2012 DGO issued notice under section 308 of the KMC Act as per Ex.D-2. As per the Ex.D-7 para note no. 3 the said notice not served. For the same the Assistant Engineer put up the note on 7.7.2012 but as per the Ex.D-2 notice dtd: 28.6.2012 said notice served to the owner of the property. This fact appears that the Ex.D-7 alleged office note is not tallied with the Ex.D-2 notice dtd: 28.6.2012 under section 308 of the KMC Act. As per the Ex.D-7 office note no. 4 DGO instructed on 9.7.2012 to the Assistant Engineer to stop the construction work and Assistant Engineer put up the note on 18.7.2012 regarding stop the further construction work. Even though that the DGO not take further steps to obtain the approved plan and permission copy from the concerned Assistant Director Town planning EAST, he directed to the Assistant Engineer to take steps as per KMC Act. Further the Assistant Engineer put up the note on 8.8.2012 before the DGO and submitted that the owner of the building not furnished the approved plan and permission and for that he has requested to issue notice under section 308 KMC act. Further DGO

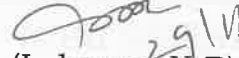


directed to the Assistant Engineer as per the note no. 8 to obtain the copy of the approved plan from the Assistant Director Town planning EAST BBMP Bengaluru and take steps against the owner of the property as per KMC Act. Then Assistant Engineer put up the note with the documents on 17.11.2012 even though that the DGO not made spot inspection along with the Assistant Engineer he has directed to the Assistant Engineer on 19.11.2012 served the PO notice as per KMC Act and stop the construction work. Even though the said notice not prepared. As per note no. 11 Assistant Engineer put up the provisional order notice on 29.12.2012 before the DGO and DGO directed to the Assistant Engineer to served the notice of the PO to the owner of the building. The said office note contradictory to the Ex.P-4 page no. 92 the letter dtd: 27.12.2012 of Deputy director town planning BBMP Bengaluru to the Assistant Executive Engineer (DGO) K.G.Halli sub division BBMP Bengaluru. As per this letter after receiving the same on 28.12.2012 DGO directed to the Assistant Engineer to inspect the spot immediately and take steps as per KMC Act 1976. Considering the above said documents there is no note in the Ex.D-7 alleged office note of the office of the DGO regarding issue of Show cause notice to the Assistant Engineer. Considering above all documents with evidence of the PW-1 except issuing the notice to the owner of the building after complaint filed by the complainant on 6.6.2012 there is no document produced to show, he has made spot inspection within reasonable time and take proper action under the provision of KMC Act 1976 upto 29.12.2012. Further he has



issued provisional order to the owner of the buildings belatedly on 29.12.2012 even though he has received the complainant on 6.6.2012. There is no sufficient material evidence from the side of the DGO to substantiate his defence and to disprove the charge leveled against him. The act of the DGO delay in issuing of provisional order under section 321 (1) KMC Act 1976 even though the complainant filed the complaint on 6.6.2012 it comes under dereliction of duty and misconduct. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGO.

22. In the above said facts and circumstances, charge leveled against the DGO is proved. Further. Hence, report is submitted to Hon'ble Upalokayukta for further action.


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	Sri.Anand Benur, S/o Mavarappa the then Additional Registrar of Enquiries-10, Karnataka Lokayukta Bengaluru
PW-2	Sri.Srikantarao, S/o N.Ramarao, retired teacher, residing at house no. 28, Lezar layout, Frazer Town Bengaluru



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

Ex.P1 and 2	Ex.P1 and 2 is the complaint in form no.1 and 2 submitted by Sri.Syed Usman, house no. 30, Lezar layout, Frazer Town Bengaluru (complainant) to the Karnataka Lokayukta Office on 21.2.2013.
Ex.P 3	Ex.P-3 are the documents submitted the complainant along with the complaint.
Ex.P-4	Ex.P-4 are the comments dtd: 12.4.2013 and documents submitted by the DGO to the Karnataka Lokayukta office.

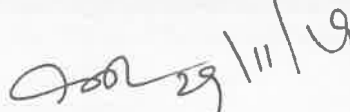
iii) List of witnesses examined on behalf of DGO.

DW-1	DGO Sri.Ananthnarayana Assistant Executive Engineer BBMP Bengaluru
------	--------------------------------------------------------------------

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the letter dtd: 6.6.2012 submitted by the complainant Sri.Syed Usman Fraser town Bangalore to the AEE, BBMP Bangalore.
Ex.D-2	Ex.D-2 is the letter dtd: 28.6.2012 from Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore to the AEE, K.G.Halli Sub Division, Bangalore.
Ex.D-3	Ex.D-3 is the notice dtd: 14.9.2012 from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vijaylakshmi., AE, Ward no. 60, Sagayapuram.
Ex.D-4	Ex.D-4 is the extract of tappal register.
Ex.D-5	Ex.D-5 is the show cause notice dtd: 16.10.2012 from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vijaylakshmi., AE, Ward no. 60,

	Sagayapuram.
Ex.D-6	Ex.D-6 is the extract of tappal register.
Ex.D-7	Ex.D-7 is the office note pertaining to the BBMP office.
Ex.D-8	Ex.D-8 is the notice dtd: 29.12.2012 issued under section 321 (1) of KMC Act from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore.
Ex.D-9	Ex.D-9 is the notice dtd: 9.1.2013 issued under section 321 (3) of KMC Act from AEE K.G.Halli Sub Division, BBMP Bangalore to Smt.Vimal Kaul, S/o Omkarnath Kaul, Sagayapuram Ward no. 60, Bangalore.
Ex.D-10	Ex.D-10 is the office note sheet pertaining to the BBMP office.
Ex.D-11	Ex.D-11 is the Interim application of the Karnataka Appellate Triubunal Regulation Rules 1979 for stay


(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/407/2014/ARE-9

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **02/12/2019**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Ananthanarayana, the then Assistant Executive
Engineer, Bruhat Bengaluru Mahanagara Palike, K.G
Halli Sub Division, Bengaluru - Reg.

Ref:- 1) Government Order No.ನೃಇ 230 ಎಂಎನ್‌ಯು 2014
Bengaluru dated 24/06/2014

2) Nomination order No.LOK/INQ/14-A/407/2014,
Bengaluru dated 18/7/2014 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 29/11/2019 of Additional
Registrar of Enquiries-9, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 24/6/2014, initiated the disciplinary proceedings against Sri Ananthanarayana, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, K.G. Halli Sub Division, Bengaluru (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/407/2014, Bengaluru dated 18/07/2014 nominated Additional Registrar of Enquiries-6, 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.UPLOK-

1/DE/2016 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 Sri Ananthanarayana, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, K.G. Halli Sub Division, Bengaluru was tried for the following charge:-

“You, Sri Ananthanarayana, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bangalore District, while working as AEE, BBMP, Ward No.6, Sagayapuram Sub Division at Bangalore, failed to inspect property No.29, Lazar Layout, Frazer Town, Bangalore to ensure the construction taken up is in accordance with approved plan and permission obtained on 16/08/2010 and construction was in progress till you were informed by Sri Syed Usman, No.30, 2nd Cross, Lazar Layout, Frazer Town, Bangalore (Complainant) on 06/06/2012.

You even after being informed by the complainant on 06/06/2012 about unauthorized construction taken up by the builder on property bearing No.29, failed to make spot inspection within reasonable time and served provisional order on the builder belatedly only on 29/12/2012 having received complaint on 06/06/2012 and thereby committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Section 3(1)(i), (ii) and (iii) of 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 charge against DGO Sri Ananthanarayana, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, K.G. Halli Sub Division, Bengaluru.

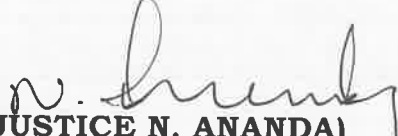
5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he has retired from service on 28/2/2014.

7. Having regard to the nature of charge proved against DGO Sri Ananthanarayana, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO Sri Ananthanarayana, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, K.G. Halli Sub Division, Bengaluru for a period of 10 years.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 2/12
State of Karnataka,
Bengaluru

