

**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE/432/2016/ARE-10

M.S. Building,  
Dr. B.R. Ambedkar Road  
Bangalore-560 001  
Date: 14/05/2018

**ENQUIRY REPORT**

Present : Sri. S. Gopalappa  
Additional Registrar of Enquiries-10  
Karnataka Lokayukta  
Bangalore

**Sub:** Departmental Enquiry against

- 1) Sri. Mohanraj  
Assistant Executive Engineer,  
City Municipal Council, Karwar,  
Uttara Kannada District  
&
- 2) Sri. R.V.Jathanna  
Municipal Commissioner,  
City Municipal Council, Karwar,  
Uttara Kannada District-reg.

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BGM/1075/2015/ARE-6  
Dt. 23/07/2016.  
2. Government Order No. UDD 87 DMK 2016  
Bengaluru Dt. 27/09/2016.  
3. Nomination Order by Hon'ble Upalokayukta  
Dt. 03/10/2016.

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1. On the basis of complaint filed by the complainant that DGO - 1 Sri. Mohanraj - Assistant Executive Engineer, City Municipal Council Karwar, Uttara Kannada District and DGO-2 Sri. R.V.Jathanna - Municipal Commissioner, City Municipal Council, Karwar, Uttara

Kannada District committed misconduct as Public Servant in the official work of the complainant, an investigation was taken up u/s 7(2) of K.L. Act 1984.

2. After completion of the investigation, a report u/s 12(3) of the K.L. Act, 1984 in No. Compt/Uplok/BGM/1075/2015/ARE-6 dt. 23/07/2016 was sent to the Government as per reference no. 1. In pursuance of the report, the Government was pleased to issue order dt. 27/09/2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no.2. Hence in pursuance of Government order nomination was issued by Hon'ble Upalokayukta on 03/10/2016 authorizing ARE-10 to hold enquiry and report as per reference no. 3.
3. On the basis of nomination articles of charge was prepared under Rule 11(3) of KCS (CCA) Rules 1957 and sent it to the DGO's on 20/10/2016.

**ANNEXURE NO. 1**  
**CHARGE**

1. That, you DGO 1- Sri. Mohanraj – Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District and you DGO 2 - Sri. R.V.Jathanna – Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District did not take action under Section 187 of Karnataka Municipalities Act after issuing notice dated 14/12/2014 to the owner of property bearing Sy.No.620/2B1 situated at Baad village in the limits of CMC Karwar for removal of construction put up in contravention of sanction plan. You DGO 1 and DGO 2 have failed to take steps

even after complaint dated 19/03/2015 regarding construction in contravention of sanction plan was notified to them by our institution, you DGO 1 and DGO 2 despite giving undertaking on 15/03/2016 in this case that construction would be removed put up in contravention of sanction plan within one month have put forward lame excuse and untenable plea that removal of construction in contravention of sanction plan is temporarily stopped in view of representation dated 28/03/2016 of owner of the property about pendency of O.S.02/2015 filed by owner against the complainant and pendency of O S 64/2015 filed by one Sri. John Shylesh against the owner even though you DGO1 and DGO2 were not parties to the proceedings and no prohibitory order is operating against them prohibiting from discharging statutory duty under section 187 of Karnataka Municipalities Act.

Thus you DGOs 1 and 2, being Government /public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE NO. II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

2. According to the complainant : One Sri. Santhosh Lakshman Raikar – Owner of property Sy.No.629/2B1 situated adjoining the compound wall of the house of the complainant of Baad village, Karwar coming within territorial jurisdiction of CMC, Karwar has taken up construction of ground and first floor building leaving set-back only one and half meter as against 2/4<sup>th</sup> at the ground



floor and leaving set back of only one feet in the first floor building in violation of building by laws and sanction plan. Even after the complainant gave representation to the DGO Nos. 1 and 2 against construction work taken up in violation of sanctioned plan, no action as required under the Karnataka Municipality Act is taken by the respondents.

3. The comments of DGO Nos.1 and 2 were called for and they have submitted their comments denying the allegations leveled against them.

4. According to the DGOs construction permission was granted to Sri. Santosh Raikar on 26/09/2012. After receiving the complaint from the complainant spot inspection was made in the presence of the complainant and Sri. Santhosh Raikar on 22/12/2014 and deviation towards the property of the complainant was found and after drawing a mahazar the owner of the property Sri.Santosh Raikar was directed not to proceed with the construction and steel material found there was seized and brought to CMC. Notice dated 24/12/2014 was issued to Santosh Raikar against the construction taken up in deviation of the sanction plan. In the meanwhile Santosh Raikar filed OS 2/2015 against the complainant and an interim order is issued in the said case. Further, Sri. Santhosh Raikar was orally directed on 25/01/2015 not to proceed with the construction and after seeking time he has submitted an affidavit dated 05/02/2015 stating that he will not take up any construction towards the property of the complainant and would take up construction as per sanctioned plan.



5. DGO 1 and DGO 2 had personally appeared on 15/03/2016 on being summoned to appear and they had submitted that they would remove the structures put up in contravention of sanctioned plan within a month and submit the report. However DGO2 in his letter dated 18/04/2016 has stated that the work of removal of structures put up in contravention of sanction plan is temporarily stopped in view of representation dated 28/03/2016 of owner of property in view of O.S.64/2015 filed by one of his neighbour Sri. John Shylesh against him alleging encroachment and O.S. 2/2015 filed by him against complainant even though these DGO 1 and DGO 2 are not the parties in the said proceedings and no prohibitory order is issued against them from discharging their statutory duty of removal of unauthorized structures put up in contravention of sanctioned plan.

**6. A careful consideration of the material on record shows that:-**

- i) DGO 1 and DGO 2 did not take action under Section 185 of Karnataka Municipalities Act after issuing notice dated 14/12/2014 to the owner of property bearing Sy.No.620/2B1 situated at Baad village in the limits of CMC Karwar for removal of construction put up in contravention of sanction plan.
- ii) DGO 1 and DGO 2 had failed to take steps even after complaint dated 19/03/2015 regarding construction in contravention of sanction plan was notified to them by our institution.
- iii) DGO 1 and DGO 2 despite giving undertaking on 15/03/2016 in this case that they would remove the construction put up in contravention of sanction plan

*within one month have put forward lame excuse and untenable plea that removal of construction in contravention of sanction plan is temporarily stopped in view of representation dated 28/03/2016 of owner of the property about pendency of O.S.02/2015 filed by owner against the complainant and pendency of O S 64/2015 filed by one Sri. John Shylesh against the owner even though DGO1 and DGO2 are not parties to the proceedings and no prohibitory order is operating against them prohibiting from discharging statutory duty under section 187 of Karnataka Municipalities Act.*

*7. In view of the facts stated above and the material on record, replies of DGO 1 and 2 have not been found satisfactory to drop the proceedings. The facts supported by the material on record show that the DGOs 1 and 2, being Government servants, have failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of Government servants, and thereby committed misconduct and made themselves liable for disciplinary action.*

*8. Since the said facts and material on record prima-facie show that the DGOs 1 and 2 have committed misconduct as per Rule 3(1)(i) to (iii) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn Competent Authority initiated disciplinary proceedings against DGOs 1 and 2 and entrusted the enquiry to this Institution vide reference no. 1 and Hon'ble*



*Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 2. Hence, this charge.*

4. The said AOC was served to DGO's on 24/10/2016. The DGO's appeared before the Enquiry officer and then their First oral statement under Rule 11(9) of KCS (CCA) Rules was recorded. DGO's have submitted written statement denying all the allegations. They further submit that after obtaining the Technical approval from Karwar development authority, the license was issued to put up construction in favour of Santhosh Lakshmana Raykar in Baada-2 village sy.no. 629/2B1 on 7/11/2015 as per the order dt. 30/7/2015 the violated portion was removed with police help in first floor and has drawn the mahazar. Towards the property of the complainant the set back was less. If the violated portion is removed the entire building will collapse. Therefore this matter was discussed in City Municipality. Meanwhile the owner has written a letter to lokayukta office not to demolish the building. In OS.no. 2/2015 DGO-1 is defendant no. 2. Then on 12/4/2016 the owner has written a letter to CMC stating that the complainant has encroached 0.75mts of his property and to demolish the encroached portion. The complainant and owner of the property are making allegations against each other. The matter is pending in original suit, therefore decision cannot be taken. After disposal of the suit they will take the suitable action. They have not committed any misconduct. Hence prays to exonerate from the charges.

5. In support of the disciplinary authority, PW's 1 & 2 are examined. Ex. P.1 to P.13 are marked. After closure of the evidence of the disciplinary authority, the Second Oral Statement of DGO's 1 & 2



are recorded u/r 11(16) of KCS (CCA) Rules 1957. DGO's 1 & 2 have submitted that they have defence evidence. In support of Defence, DGO's 1 & 2 are examined as DW-1 & DW-2 and got marked Ex.D.1 to Ex.D.15. Hence recording answers to questionnaires under Rule 11(18) of KCS (CCA) Rules, 1957 was dispensed with.

6. Then the Learned Presenting Officer and Assistant for DGO have filed written brief and they were also heard orally.
7. Points for consideration
  - i. Whether the charge is proved by the Disciplinary Authority?
  - ii. What order ?
8. My answers to the above points are as follows;
  - i. In the affirmative.
  - ii. As per final order  
for the following.

### REASONS

9. **Point no.1 :-** The complainant who is examined as PW-1 has deposed that in Baada area Karwar he has City property bearing Sy. No.629/2/2 and his neighbor Santhosh Lakshman Raikar is having property Sy. No.629/2/1. His neighbor started putting up construction during the year 2013 without leaving any set back. His neighbor had obtained construction license for ground and two floors. Therefore, he lodged a complaint to city municipality. After that, the city municipality officials came to the spot and drawn a

mahazar. But have not taken any steps to remove the violated portions. Therefore, he has lodged the complaint to Lokayukta along with form no.1 and 2 as per Ex.P.1, 2 and 3. Along with the complaint he has also produced copy of the sketch, copy of the license and copy of the notice as per Ex.P.4 to P.6 and 4 photos as per Ex.P.7. His neighbor has not put up the construction according to the terms and conditions of the license.

10. Further PW-1 has deposed that he received the copies of the comments. For that, he has submitted his rejoinder Ex.P.8 and Ex. P.9 along with the documents. Copy of the mahazar along with report as per Ex.P.10. In the mahazar it is observed that his neighbour has not left the set back. Even now the violated portion is not removed except the wall. He has produced the photographs along with his rejoinder, 3 photos as per Ex.P.11. The officials of city municipality instigated his neighbour to approach the court and obtain stay order. His neighbour has approached the Civil court, but stay order is not granted.
11. Further PW-1 has deposed that on his request the city municipal has given an endorsement Ex.P.12 that no stay order is granted by civil court. DGO-1 and 2 are the responsible officers for not removing the violated portions.
12. In the cross examination made by DGO-1, PW-1 has deposed that License was obtained during the year 2013. He has lodged the complaint during the year 2014. As he was not aware he could not lodged the complaint when the foundation was dug. He admits that he lodged the complaint stating that water from the roof of his neighbor is pouring into his property. He admits that according to



the sketch towards his property his neighbor has to leave the set back of 2.25 mtrs. He admits that his neighbor has left the set back of 1.4 mtrs towards his property. He admits that after lodging the complaint DGO No.1 has demolished the wall in the 1<sup>st</sup> floor as per the orders of DGO No.2. He admits that as per the orders of DGO No.2, DGO No.1 has demolished the shed, compound wall and drinking water well of his neighbour. He admits that, since two years the construction of building of our neighbor is stopped.

13. Further PW-1 denies that DGOs have not allowed his neighbour to put up the building and shops in the front. He admits that DGOs have not renewed the construction license. He admits that DGOs 1 and 2 have not allowed his neighbor to complete the construction. He does not know that, when his neighbor put up the foundation DGO no.1 was not working in CMC, Karwar. He admits that his neighbour Santhosh Lakshman Raikar had to leave the set back of 7.5 feet towards his property and the available set back is only 5 feet. He denies that his neighbor has obtained construction license. He denies that his neighbor has approached the civil court and obtained stay order.
14. Further PW-1 has deposed that he was present when the court commissioner measured the property. He admits that the court commissioner had reported that they have encroached 2.5 feet. property belonging to Santhosh lakshman Raikar. He denies that, for the court commissioner's report he filed the objections and again through Tahsildar survey was conducted and the Tahsidlar also has reported that they have encroached 2.5 feet property belonging to his neighbor. He admits that at the time of survey videograph was taken. He admits that at the time of survey the



Surveyor has not measured in his property. He denies that, though the stay order was granted his intention was to demolish the entire building. He denies that each and every stage DGOs have taken steps and only with an intention to blackmail DGOs he has filed complaint and deposing falsely.

15. Further PW-1 admits that the dispute pending between himself and Santhosh Raikar is not yet decided and no findings are given in respect of setback and encroachment. He denies that Santhosh Raikar has left the specified set back besides his property and to suppress the encroachment of 2.5 feet belonging to Santhosh Raikar he has filed a false complaint. He denies that DGO have not committed any dereliction of duty. He denies that after lodging the complaint the CMC has not allowed Santhosh Raikar to put up the construction.
16. In the cross examination made by learned Assistant for DGO-2, PW-1 has deposed that they purchased the site from the owner. Santhosh Laxman Raikar also purchased the adjacent site from the same owner. He admits that they had put up a shed in his site before Santhosh Laxman Raikar started construction. The shed is situated in a different direction and not adjacent to the building of Santhosh Laxman Raikar. Before filing complaint to Lokayukta Office he has submitted a representation to CMC, Karwar during the year 2014, but he cannot say the date.
17. Further PW-1 has deposed that the name of DGO-2 is not mentioned in Form No.1. As on the date of his representation to CMC Dt:11.11.2014 DGO-2 was not working as Commissioner but he has taken the charges subsequently during January or February

2015. He admits that as per Ex P-10 on 22.2.2014 the then commissioner and DGO-1 has drawn the mahazar. He admits that the then commissioner issued a notice Ex P -6 to Santhosh Laxman Raikar to stop the construction. He admits that as per Ex P-8 DGO -2 has passed the demolishing order. He admits that as per Ex P-8 mahazar was drawn at the time of demolition. He admits that the name of DGO-2 is not mentioned in the representation dt:23.5.2015 as per Ex P-9 and no allegations were made against DGO -2.

18. Further PW-1 denies that he has not at all made any allegations against DGO -2 in any of the representations and in the complaint given to Lokayukta Office. He has produced the photographs taken after the demolition. He admits that the digital date is not appearing in Ex P -11. He admits that during the year 2013, 2014 and 11.11.2014 DGO -2 was not working as commissioner in CMC, Karwar. He denies that DGO -2 is no way related to the license and the building of Santhosh Laxman Raikar.
19. The Scrutiny Officer who is examined as PW-2 has deposed that he has verified materials available in Compt/Uplok/BGM/1075/2015 of ARE-6 Section. On verifying the complaint and enclosures, comments of DGO 1 and 2 and rejoinder submitted by the complainant final scrutiny note was put up, finding that DGO 1 and 2 have not taken steps u/s 187 of KMC Act in respect of construction put up by the neighbor of complainant in deviation of the sanctioned plan and without leaving required set back as proposed and approved in the sanctioned plan. Though the notice was issued dtd.22.12.2014 on noticing the deviation no further steps were taken u/s 187 of KMC Act against the construction put



up in deviation of sanctioned plan. It was also noticed during the investigation that there was no prohibitory order in O.S.No.2/2015 and 64/2015 pending between private parties in which DGO no.1 and 2 were not the parties. Accordingly, he has put up 12(3) report as per Ex.P.13. During the course of investigation he has also perused the copy of mahazar Ex.P.10 and its enclosure spot inspection report.

20. In the cross examination made by Learned Assistant for DGO-1 & 2, PW-2 has deposed that in the complaint the date is mentioned as 18.2.2015. He admits that on 22.12.2014 the Commissioner-DGO no.2 had issued notice to the owner of the property u/s 187 of KMC Act to remove the illegal construction as per Ex.P.6. The records submitted by DGO 1 and 2 along with comments the notice dtd.21.8.2015 was not found enclosed. He admits that DGO no.2 in his letter dtd.9.9.2015 had mentioned about the notice dtd.21.8.2015. He admits that on 5.11.2015 DGO no.2 had passed an order for demolition. He denies that on 7.11.2015 entire construction put up in deviation was demolished. Mahazar was drawn and same was submitted to this authority. He denies that according to the report the entire deviated portion was demolished. He admits that along with the report DGO no.2 had also submitted the photos.
21. The DGO-1 who is examined as DW-1 has deposed that from 29/7/2013 he is working Assistant Executive Engineer, CMC, Karwar. On 24/12/2014 and 21/8/2015 the notice was issued to owner of building namely Lakshman Raykar to remove the violated portion. The complainant has filed O.S. 2/2015 against the owner of the building on the file of PCJ and JMFC, Karwar and also filed



interim application for temporary injunction. According to the order of Commissioner, CMC, Karwar the construction work is stopped completely. He reported the higher authority that he will take steps according to law to remove the violated portion. On 22/12/2004 he conducted the spot inspection along with the complainant and owner of the building, witness and junior engineer and found violation of 2.5 X 0.60 mts. On 5/11/2015 DGO-2 has passed an order to remove the violated portion on 7/11/2015 as per the orders of DGO-2 with police help, he removed the violated portion and drawn the mahazar.

22. Further DW-1 has deposed that in O.S.no. 64/2015 he submitted his report to D.C. stating that the complainant has encroached the property of the owner to the extent of 2.5 feet. Therefore the complainant has filed this complaint. The complainant and owner of the building are making allegation against each other. On 10/08/2016 the Commissioner CMC has passed an order to remove the violated portion. He wrote a letter to police on 23/08/2016 for perusal and removed the violated portion put by the owner and submitted a report to Commissioner CMC on 23/08/2016. He has not committed any misconduct and hence prays to exonerate from the charges.
23. The DGO-2 who is examined as DW-2 has deposed that he is working as Commissioner CMC, Karwar from 11/02/2015 to 31/03/2017. On 26/4/2017 he was transferred to Dandeli. During the year 2012 the owner of the building has taken license to put up the construction. On 11/11/2004 itself a representation was given to the then Commissioner, Karwar stating that the owner of the building has violated the license, terms and conditions. Or.

24/4/2014 his predecessor and officer visited the spot and stopped the construction. After he assumed the charge on 4/11/2015 he issued an office order and directed 5 concerned officers to remove the violated portion. On 7/11/2015 spot mahazar was drawn the concerned officer with the help of police removed the violated portion. During his tenure the owner of the building has not put up the violation and construction of the building. After noticing violation he has passed an order to remove the violated portion. He has not committed any misconduct. Hence prays to exonerate from the charges.

24. In the cross examination DW-1 & 2 admitted that the complaint was lodged on 19/03/2015. They admit that only the walls are demolished as per Ex D-7. They admit that OS No. 64/15 & 2/15 are pending in the civil court. They admit that CMC, Karwar is not the party in 64/15. They admit that there is no temporary injunction order or Status quo order against the CMC in both suits. They deny that there was no difficulty to take action and they have committed misconduct
25. Admittedly the owner of the building violated the building bye-law and sanctioned plan and put up the construction. Notice was issued to the owner of the building. The DGO-2 has passed an order to remove the violated portion. But only the first floor violated portion was removed but towards the ground floor violated portion is not at all removed. The DGO's 1 and 2 have taken the contention that if this violated portion is removed, the entire building will collapse. This fact clearly shows that the DGOs in order to help the owner of the building have not taken any steps to remove the



violated portion. In the ground floor the violated portion is not removed.

26. The oral and documentary evidence on record show that DGO's did not take action under Section 187 of Karnataka Municipalities Act after issuing notice dated 14/12/2014 to the owner of property bearing Sy.No.620/2B1 situated at Baada village in the limits of CMC Karwar for removal of construction put up in contravention of sanction plan. DGO-1 and DGO-2 have failed to take steps even after complaint dated 19/03/2015 regarding construction in contravention of sanction plan was notified to them by this institution, DGO-1 and DGO-2 despite giving undertaking on 15/03/2016 in this case that construction would be removed put up in contravention of sanction plan within one month have put forward lame excuse and untenable plea that removal of construction in contravention of sanction plan is temporarily stopped in view of representation dated 28/03/2016 of owner of the property about pendency of O.S.02/2015 filed by owner against the complainant and pendency of O.S 64/2015 filed by one Sri. John Shylesh against the owner even though DGO-1 and DGO-2 were not parties to the proceedings and no prohibitory order is operating against them prohibiting from discharging statutory duty under section 187 of Karnataka Municipalities Act.
27. Thereby DGO's 1 & 2 have failed to maintain absolute integrity and devotion to duty, acted in a manner of unbecoming of a Government Servant as enumerated U/R 3 (1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Hence, I proceed to answer this point in the affirmative.

**POINT No.2 :-** for the reasons discussed above I proceed to pass the following;

**ORDER**

The disciplinary Authority has proved the charges as framed against the DGO - 1 Sri. Mohanraj – Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District and DGO-2 Sri. R.V.Jathanna – Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District.

Hence, this report is submitted to Hon'ble Upalokayukta-I for kind consideration.

Dated this the 14<sup>th</sup> day of May of 2018

*Sd/-*

(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta,  
Bangalore.

**ANNEXURES**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :- Sri. Sandeep  
PW-2 :- Sri. R.S. Patil



**LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE**

**WITNESS:**

DW-1 :- Sri. K.M. Mohan Raju  
DW-2 :-R.V. Jathanna

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

Ex.P-1 : Complaint dt. 18/02/2015  
Ex.P-2 : Form no. 1  
Ex.P-3 : Form no.2  
Ex.P-4 : Sketch  
Ex.P-5 : License dt. 26/09/2012  
Ex.P-6 : Notice dt. 24/12/2014  
Ex.P-7 : Photographs-4  
Ex.P-8 : Rejoinder of complainant dt. 26/11/2015 along with documents  
Ex.P-9 : Letter of complainant dt. 23/05/2015  
Ex.P-10 : Mahazar  
Ex.P-11 : Photographs-3  
Ex.P-12 : Endorsement of CMC, Karwar dt. 23/03/2015  
Ex. P-13 : Report u/s 12(3) of KL Act dt. 22/07/2016

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO :**

Ex D-1 : Letter of Assistant Executive Engineer, CMC, Karwar dt. 09/09/2015  
Ex D-2 : Order sheet of o.s 20/2014  
Ex D-3 : Mahazar (no date)  
Ex. D-4 : Commissioner CMC, Karwar office order dt. 05/11/2015  
Ex D-5 : Spot Mahazar (no date)  
Ex D-6 : Letter of Commissioner, CMC, Karwar dt. 07/11/2015  
Ex D-7 : Photographs -25

- Ex D-8 : Letter of Santhosh Laxman Raikar, Karwar dt.  
28/03/2016
- Ex D-9 : Spot Sketch
- Ex D-10 : Hudbusth Appeal/5/16-17
- Ex D-11 : Hudbust sketch
- Ex D-12 : Mojani Dt. 27/01/2016
- Ex D-13 : Office order of Commissioner, CMC, Karwar dt.  
10/08/2016
- Ex D-14 : Letter to Commissioner, CMC, Karwar dt.  
23/08/2016
- Ex D-15 : Letter of Commissioner, CMC, Karwar to P.I., Shahar  
Police station, Karwar dt. 23/08/2016

Dated this the 14<sup>th</sup> day of May of 2018

*Sd/-*  
(S. Gopalappa)  
Additional Registrar Enquiries-10  
Karnataka Lokayukta,  
Bangalore.



GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/432/2016/ARE-10

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 16/05/2018

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Mohanraj, Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District; and
- 2) Sri R.V. Jathanna, Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District - Reg.

Ref:- 1) Government Order No. ನಳಇ 87 ಡಿವಂಕೆ 2016  
Bengaluru dated 27/09/2016

2) Nomination order No.UPLOK-1/DE/432/2016,  
Bengaluru dated 03/10/2016 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Inquiry Report dated 14/05/2018 of Additional  
Registrar of Enquiries-10, Karnataka Lokayukta,  
Bengaluru

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The Government by its Order dated 27/09/2016, initiated the disciplinary proceedings against (1) Sri Mohanraj, Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District; (2) Sri R.V. Jathanna, Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District (hereinafter referred to as Delinquent Government Officials 1 to 2 for short as '**DGO-1 and DGO-2 respectively**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/432/2016 dated 03/10/2016, nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Mohanraj, Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District and DGO-2 Sri R.V. Jathanna, Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District were tried for the following charge:-

“That, you DGO 1- Sri. Mohanraj – Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District and you DGO 2 – Sri. R.V. Jathanna – Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District did not take action under Section 187 of Karnataka Municipalities Act after issuing notice dated 14/12/2014 to the owner of property bearing Sy.No.620/2B1 situated at Baad village in the limits of CMC Karwar for removal of construction put up in contravention of sanction plan. You DGO 1 and DGO 2 have failed to take steps even after complaint dated 19/03/2015 regarding construction in contravention of sanction plan was notified to them by our institution, you DGO 1 and DGO 2 despite giving undertaking on 15/03/2016 in this case that construction would be removed put up in contravention of sanction plan within one month have put forward lame excuse and untenable plea that removal of construction in contravention of sanction plan is temporarily stopped in view of representation dated 28/03/2016 of owner of the property about pendency of O.S.02/2015 filed by owner against the



complainant and pendency of O.S 64/2015 filed by one Sri. John Shylesh against the owner even though you DGO1 and DGO2 were not parties to the proceedings and no prohibitory order is operating against them prohibiting from discharging statutory duty under section 187 of Karnataka Municipalities Act.

Thus you DGOs 1 and 2, being Government/public servants have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thus committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that, the Disciplinary authority has proved the above charge against DGO-1 Sri Mohanraj, Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District and DGO-2 Sri R.V. Jathanna, Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District

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-1 and DGO-2;

- i) DGO-1 Sri Mohanraj is due to retire from service on 31/05/2031; and

- ii) DGO-2 Sri R.V. Jathanna is due to retire from service on 28/02/2020.


7. Having regard to the nature of charge proved against DGO-1 Sri Mohanraj and DGO-2 Sri R.V. Jathanna;

i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri Mohanraj, Assistant Executive Engineer, City Municipal Council, Karwar, Uttara Kannada District, with cumulative effect;

ii) it is hereby recommended to the Government for imposing penalty of reducing the pay in in the time scale of pay by four lower stages, with cumulative effect on DGO-2 Sri R.V. Jathanna, Municipal Commissioner, City Municipal Council, Karwar, Uttara Kannada District.

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

16/5



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: Uplok-1/DE/432/2016/ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 03/04/2021

**MODIFIED RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri. Mohanraj, Assistant Executive Engineer,  
City Municipal Council, Karwar, Uttara  
Kannada District and
- 2) Sri. R.V. Jathanna, Municipal Commissioner,  
City Municipal Council, Karwar, Uttara  
Kannada District- Reg.

- Ref:- 1) Inquiry report dated 14/05/2018 of Additional  
Registrar of Enquiries-10, Karnataka Lokayukta,  
Bengaluru.
- 2) Recommendation of even number dated 16/05/2018.
  - 3) Government letter No. ನಅಇ 87 ಡಿಎಂಕೆ 2016, Bengaluru  
dated 25/11/2020.

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With reference to the above, in reply to the letter cited at  
reference No.3, re-recommendation against the DGO-2 Sri. R.V.  
Jathanna is made as follows :

“It is hereby re-recommended to the Government for  
imposing the penalty of withholding 10% pension  
permanently against DGO-2 Sri. R.V. Jathanna,  
Municipal Commissioner, City Municipal Council,  
Karwar, Uttara Kannada District”.

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



**(JUSTICE B.S. PATIL)**

Upalokayukta  
State of Karnataka, Bengaluru.