



GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/469/2014/ARE-7

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 04/03/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri V. Samandaiah,
Assistant Engineer, BBMP, Bengaluru – Reg.

Ref:- 1) Government order No. ಸಲಇ 203 ಎಂಎನ್‌ವೈ 2014,
Bengaluru dated 23/7/2014

2) Nomination order No.LOK/INQ/14-A/469/2014,
Bengaluru, dated 21/8/2014 of Hon'ble
Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 23/7/2014, initiated the disciplinary proceedings against Sri V. Samandaiah, Assistant Engineer, Bruhath Bengaluru Mahanagara Palike, 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/469/2014, dated 21/8/2014, nominated Additional Registrar of Enquiries-7, 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 was tried for the following charge:-

“That you –DGO Sri V. Samandaiah, Assistant Engineer, BBMP, Bangalore, while discharging your duties:

- i. The unauthorized construction undertaken by Sri Anil Kumar was brought to your notice of you – DGO on 28.03.2013. Still, immediate steps were not taken till 16.05.2013;
- ii. When there was no response from the builder to the notice issued u/s. 308 of KMC Act dtd. 16.05.2013, you DGO failed to take further steps of serving of provisional order or confirmation order or steps for demolition;
- iii. Though you – DGO contends that, the builder filed Suit O.S. No. 279/13 against the father of the complainant and obtained temporary injunction on 22.03.2013, in that suit, neither the BBMP is the party nor you – DGO;
- iv. Even there was no order of stay or injunction issued by any competent court or authority preventing you –DGO from taking steps towards demolition of the unauthorized construction. Still, you – DGO failed to take action right from 28.03.2013 to 03.07.2013.

And thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-7) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the charges as framed against DGO Sri Samandaiah, Assistant Engineer, BBMP, Bengaluru.

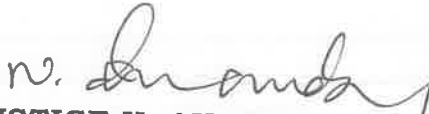
5. On re-consideration of the evidence, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer. The Inquiry Officer has held that the facts are very clear that the unauthorized construction undertaken by Sri Anilkumar was brought to the notice of DGO on 28/03/2013 but, immediate steps were not taken till 16/05/2013. When there was no response from the builder to the notice issued u/s. 308 of KMC Act dtd. 16.05.2013, DGO failed to take further steps of serving of provisional order or confirmation or steps for demolition. In O.S. No. 279/13 neither BBMP nor DGO are the parties. There is no order of stay of injunction issued by any competent court or authority preventing them from taking steps towards demolition of the unauthorized construction. But, DGO has failed to take action right from 28/03/2013 to 03/07/2013. DGO is the competent authority to issue provisional order and confirmation order.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 30/6/2025.

7. Having regard to the nature of charge proved against DGO Sri V. Samandaiah, it is hereby recommended to the Government to impose penalty of withholding 4 annual increments with cumulative effect on DGO Sri V. Samandaiah.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 4/3
Upalokayukta-1,
State of Karnataka,
Bengaluru.