

KARNATAKA LOKAYUKTA

No. Uplok-1/DE/474/2017/ARE-10

M.S. Building,
Dr. B.R. Ambedkar veedi,
Bengaluru.

Date: 25/11/2021.

ENQUIRY REPORT

PRESENT: G. NANJUNDAIAH
ADDITIONAL REGISTRAR (ENQUIRIES)-
10
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU - 560 001.

Subject : Departmental Inquiry against:
DGO-1 Sri. Vishwas, Assistant
Engineer, Yeshavanthapur Sub
Division, BBMP, Bengaluru, **DGO-2**
Sri.Chandrashekar.B, Assistant
Engineer, Yeshavanthapur Sub
Division, BBMP, Bengaluru and
DGO-3 Sri. Nanjappa.V., Assistant
Executive Engineer, Yeshavanthapur
Sub Division, BBMP, Bengaluru -
Reg.

References: 1. Report u/s 12(3) of the Karnataka
Lokayukta Act, 1984 in Compt/
Uplok/BCD/2358/2015/ARE-5 dt:
25/01/2017.
2. Government Order No. UDD 95 MNU
2017 Bengaluru dated: 09/03/2017.

3. Nomination Order No. UPLOK-
1/DE/474/2017 Bengaluru dt.
31/01/2017 of Hon'ble
Upalokayukta.

* * *

1. On the basis of the complaint filed by **Sri. Chinnaraju**, No. 18, B.R. Extension, 3rd Cross, Yeshwanthapura, Bengaluru (hereinafter referred to as **complainant**) against **DGO-1 Sri. Vishwas**, Assistant Engineer Yeshavanthapur Sub Division, BBMP, Bengaluru, **DGO-2 Sri.Chandrashekar.B**, Assistant Engineer, Yeshavanthapur Sub Division, BBMP, Bengaluru and **DGO-3 Sri. Nanjappa.V.**, Assistant Executive Engineer, Yeshavanthapur Sub Division, BBMP, Bengaluru (hereinafter referred to as **DGOs-1 to 3 respectively**) alleging that private persons have constructed shops and toilets unauthorisedly on the footpath near the railway station and let out the same, for rent in collusion with Assistant Engineer Sri. Vishwas investigation was conducted.

2. After obtaining report from Assistant Executive Engineer, BBMP, Yeshwanthapura, suo-motu investigation has been taken up against DGOs-1 to 3. Comments were called from DGOs-1 to 3. The DGOs-1 to 3 have submitted their comments. They have not denied that shops are constructed by MLA Sri. Munirathna on the footpath near the Railway Station and he has constructed another four shops and toilet on another footpath and collecting

rent from the shops and toilet. DGOs being the jurisdictional engineers had to take steps to prevent unauthorised construction and collection of rent. But, DGOs have failed in their duty to prevent unauthorized shops and collecting rent by private person. Not satisfied with the comments of DGOs-1 to 3 a report was sent to the Government u/s 12 (3) of the Karnataka Lokayukta Act, 1984 as per reference No.1. Pursuant to the report, Government was pleased to issue the Government Order (G.O.) authorizing Hon'ble Upalokayukta to hold an enquiry against the DGOs 1 to 3 as per reference No. 2.

3. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta on 31/03/2017 authorizing ARE-10 to frame Article of Charges against the DGOs-1 to 3 and to hold an enquiry to find out the truth and to submit a report as per reference No. 3. On the basis of the nomination order, the Article of Charges against the DGOs-1 to 3 was framed and sent to the Delinquent Government Officials on 08/05/2017.

4. The Article of charges and the statement of imputations of misconduct prepared and leveled against the DGOs-1 to 3 are reproduced here under :-

ANNEXURE NO. 1**CHARGE**

That, you **DGO No.1- Vishwas**, Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, **DGO No.2- Chandrashekar.B.** Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, **DGO No.3- Nanjappa.V.** Assistant Executive Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru have failed in your duties to prevent the unauthorized shops and collecting rent by private persons on the footpath in Ward No.37, near Yeshwanthpur Railway station against the toilets constructed unauthorisedly on the footpath.

Thus you DGOs NO.1 to 3, 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

1. The complainant alleging that MLA Sri Munirathna has constructed shops unauthorisedly on the footpath near the railway

station and let out the shops for rent and he has constructed another 4 shops and toilet unauthorisedly on another foot path and let out the shops and collecting income from the shops and toilet by appointing his own boys and he is collecting rent from Samudaya Bhavan, V.K.Nagar, 1st Main Road, in collusion with DGO NO.1, a report was called for from the Joint Commissioner, BBMP, Yeshwanathapur.

2. Assistant Executive Engineer, BBMP, Yeshwanthapura Sub-Division has submitted report dtd.5.6.2015 stating that action has been taken to demolish the toilet which has been constructed unauthorisedly and Executive Engineer, PWD has already fixed rent for Samudaya Bhavan and Samudaya Bhavan is let out to public on daily rent basis by PWD. That the previous Assistant Executive Engineer informed that the shops are constructed during 2013-14 in the period of DGO No.1 through contractor Jayaram and he has not handed over the shops to BBMP.

3. After receiving the report from Assistant Executive Engineer, BBMP, Yeshvanthapura Sub-Division, suo-motu investigation has been taken up against the DGOs u/s 7(2) of the Karnataka Lokayukta Act by Hon'ble Upalokayukta and comments has been called for from DGO 1 to 3 and they have submitted comments.

4. DGO No.1 has submitted comments stating that Samudaya Bhavan has been constructed and completed during 2014 and it had to be put to public use from February 2014. He wrote letter to Executive Engineer, PWD, to fix the rent. As no action was taken again another letter Dt.17.1.2014 was written to Executive Engineer to fix the rent and the rent was fixed as per letter dt: 11.3.2015. Thereafter, he was suspended on 27.12.2014 and reinstated on 12.4.2016. That he has not let out the building to anyone and the allegations made in the complaint are false.

5. DGOs No.2 and 3 have submitted comments stating that action has been taken to demolish the toilet which has been constructed unauthorisedly. Executive Engineer, PWD has already fixed rent for Samudaya Bhavan and Samudaya Bhavan is let out to public on daily rent basis by PWD. The previous DGO No.1 has not handed over the files relating to the shops.

6. DGO Nos. 1 to 3 have not denied that shops are constructed by MLA Sri Munirathna on the footpath near the railway station and he has constructed another four shops and toilet on another footpath and collecting rent from the shops and toilet. DGOs being the jurisdictional engineers had to take steps to prevent unauthorized construction and collecting of rent. But DGOs have failed in their duty to prevent unauthorized shops and collecting rent by private

persons. Therefore, the replies submitted by DGOs no.1 to 3 are not acceptable to drop the proceedings against them.

7. Since the said facts and materials on record prima facie show that the DGO No.1- Vishwas, Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, DGO No.2- Chandrashekar.B. Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, DGO No.3- Nanjappa.V. Assistant Executive Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against them and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against DGO NOs.1 to 3 and entrusted the enquiry to this Institution vide reference no.2 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 3. **Hence, the above charge.**

5. The aforesaid Article of charges was served upon the DGOs-1 to 3. DGOs-1 to 3 appeared before this enquiry authority and first oral statement of DGO-1 was taken on 31/05/2017 and DGOs-2 and 3 on 06/07/2018 under Rule 11(9) of KCS (CCA) Rules, 1957. The DGOs-1 to 3 pleaded not guilty and claimed for holding an enquiry.

6. DGOs-1 to 3 have not filed the Written Statement.
7. In order to prove the charge leveled against the DGOs-1 to 3, the disciplinary authority has examined Smt. K.A.Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru (**Scrutiny Officer**) as PW-1 and got marked the documents as **Ex.P-1 to Ex.P-5** on behalf of Disciplinary Authority.
8. After the closure of evidence of Disciplinary authority, Second Oral Statements of DGOs-1 to 3 was recorded as required U/R 11(16) of KCS (CCA) Rules, 1957 on 01/02/2019. DGO-1 – Sri. Vishwas I.K., Assistant Engineer is examined as DW-1 and got marked Ex. D-1 to D-12.
9. DGOs-2 Sri. Chandrashekar.B. Assistant Engineer and DGO-3 Sri. Nanjappa.V. Assistant Executive Engineer have no defense evidence. Hence, on 16/03/2019 recorded the answers of DGOs-2 and 3 to questionnaires under rule 11(18) of KCS (CC & A) Rules.
10. DGOs-2 and 3 filed joint Written Argument stating that, there is no any independent witness who has supported the present case except the Scrutiny Officer and prays to drop the proceedings. DGO-1 was not filed Written Argument. The Presenting Officer had filed his written arguments. Heard argument of Presenting Officer.

11. Upon consideration of oral, documentary evidence, and the defense of DGOs-2 and 3, the points that arise for my consideration are as follows;

1 : Whether the charge leveled against the DGOs-1 to 3 is proved by the Disciplinary Authority?

2 : What order?

1. My findings to the aforesaid points are as under

:-

POINT No. 1 : In the **Positive against DGO-1**
Negative against DGOs-2 & 3.

POINT No. 2 : As per final order for the following.

REASONS

12. POINT NO. 1 : It is the case of the Disciplinary Authority that, **DGO No.1- Vishwas**, Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, **DGO No.2- Chandrashekar.B.** Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, **DGO No.3- Nanjappa.V.** Assistant Executive Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru have failed in their duties to prevent the unauthorized shops and collecting rent by private persons on the footpath in Ward No.37, near Yeshwanthpur Railway station against the toilets constructed unauthorisedly on the footpath.

13. It is the evidence of PW-1 Smt. K.A. Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru that, she perused and scrutinized complaint file No. Uplok/BCD/2358/2015/ARE-5, on the basis of the report dated 05.06.2015 of the Assistant Executive Engineer, BBMP, Yeswanthapur Sub Division (DGO-3) and Hon'ble Upalokayukta has taken suo-moto investigation. The said report of AEE is **Ex. P-1**.

14. PW-1 further deposed that, in pursuance of report, comments of respondents/DGOs were called and they submitted reply. Reply of DGO-1 Vishwas dated 15.07.2015 is marked as **Ex. P-2**, reply of DGO-2 Chandrashekar.B dated 21.07.2015 is marked as **Ex.P-3** and reply of Nanjappa.V. dated 21.07.2015 is marked as **Ex. P-4**.

15. PW-1 deposed that, in the comments of DGOs-1 to 3 they did not deny regarding unauthorized construction of shops by MLA Muniratna on the foot path in ward No. 37 near Yashwanthapura Railway Station and he had constructed 4 shops and toilet, on the other side of foot path and was collecting rent from the shops and toilet.

16. PW-1 further deposed that, the DGOs being the jurisdictional engineers had to take steps to prevent unauthorized construction and collection of rent but they failed in their duty to prevent

unauthorized construction of shops and toilet and collection of rent by private persons.

17. PW-1 deposed that, she submitted Final Scrutiny Note. Then, a report u/Section 12(3) of Karnataka Lokayukta Act, 1984 was forwarded to the Government and copy of the same is marked as

Ex. P-5.

18. DW-1/DGO-1 Sri. Vishwas I.K in his defense evidence stated that, he was working as Assistant Engineer in Yashwanthpur Sub-Division, BBMP from July 2012 to 27.12.2014, the shops and toilets are not unauthorized construction and it is the duly sanctioned and executed by BBMP and produced the following documents (1) Copy of note sheet Ex. D-1, Copy of work order dated 8.03.2021 Ex. D-2, Copy of agreement Ex D-3, Copy of tender approval Ex. D-4, Copy of technical sanction/approval Ex. D-5, Copy of Administrative sanction/approval Ex. D-6, Copy of documents relating to tender Ex. D-7, Copy of estimate with two sketches Ex. D-8, Copy of suspension order dated 29.12.2014 Ex. D-9, Copy of CTC dated 05.02.2015 Ex. D-10, Copy of office order dated 05.02.2015 Ex. D-11.

19. DW-1 in his further evidence deposed that, during his period the public toilet and shops were not opened, the said public toilet is free for public. The four shops seen in the photo is not opened yet and said photos marked as Ex. D-12 and further stated that if

anybody collecting money for use of public toilet, it is after his period.

20. DW-1/DGO-1 had not turned up for Cross-examination and not subjected to Cross-examination by the Presenting Officer.
21. On perusal of records, evidence of PW-1, DW-1 and **Ex. P.1 to Ex. P.5 and Ex. D-1 to D-12**, it indicates that, DGO-1 **Sri. Vishwas** was working as Assistant Engineer, BBMP, Yeswanthapura Sub Division, Bengaluru from **July 2012 to 27.12.2014** and I/C Assistant Executive Engineer from **July 2013 till 27.12.2014**, **DGO-2 Sri. Chandrashekar.B**, Assistant Engineer, Yeshwanthpur Sub Division, BBMP, Bengaluru worked from 18.06.2015 and **DGO-3 Sri. Nanjappa.V**. Assistant Executive Engineer, yeshwanthapura Sub-Division, BBMP, Bengaluru worked from 25.05.2015. The charge of this enquiry is that, DGOs-1 to 3 have failed in their duties to prevent the unauthorized shops and collecting rent by private persons on the footpath in ward No. 37 near Yeshwanthpur Railway Station.
22. On perusal of **Ex. P-1** the report submitted by Sri. Nanjappa.V. Assistant Executive Engineer, Yeswanthapura Sub Division, Bengaluru/DGO-3, on 05.06.2015 it is stated as follows:-

“ ಈ ಅಂಗಡಿಗಳು ಈ ಹಿಂದೆ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರಾದ ಶ್ರೀ ವಿಶ್ವಾಸ ರವರ ಅವಧಿಯಲ್ಲಿ ಮತ್ತು ಗುತ್ತಿಗೆದಾರರಾದ ಶ್ರೀ ಜಯರಾಮ್ ರವರು 2013-14 ರಲ್ಲಿ ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿದೆ ಎಂದು ಹಾಗೂ ಈ ಅಂಗಡಿಗಳು ಬಿಬಿಎಂಪಿ ರವರಿಗೆ ಹಸ್ತಾಂತರಿಸಿಲ್ಲವೆಂದು ಈ ಹಿಂದಿನ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು ದೂರವಾಣಿ ಮೂಲಕ ತಿಳಿಸಿದ್ದಾಗಿ, ಈ ಅಂಗಡಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಯಾವುದೇ ಕಡತಗಳು ನಮಗೆ ಹಸ್ತಾಂತರಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಕಛೇರಿಯಲ್ಲಿ ಲಭ್ಯವಿರುವುದಿಲ್ಲ ಈ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಖುದ್ದಾಗಿ ಸ್ಥಳ ಪರಿಶೀಲಿಸಿದಾಗ ಅಕ್ರಮವೆಂದು ತಿಳಿದು ಈ ಅನಧಿಕೃತ ಶೌಚಾಲಯದ ಕಟ್ಟಡವನ್ನು ಕೆಡವಿಹಾಕಲು ಕರ್ನಾಟಕ ಮುನ್ಸಿಪಲ್ ಕಾಯ್ದೆಯನುಸಾರ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಒಂದು ಅಂದಾಜು ಪಟ್ಟಿ ತಯಾರಿಸಿ ಮಾನ್ಯ ಆಯುಕ್ತರವರಿಂದ ಮಂಜೂರಾತಿ ಕೈಗೊಳ್ಳಲು ಈಗಾಗಲೇ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ ”.

It is clear from Ex. P-1 report of Assistant Executive Engineer, Yeswanthapura Sub Division, BBMP, Bengaluru dated 05.06.2015 that action has been taken to demolish the toilet which has been constructed unauthorisedly and that the shops are constructed during 2013-14 in the period of DGO No.1 through Contractor Jayaram and he has not handed over the shops to BBMP.

As per **Ex. P-2** the comments of DGO-1 Sri. Vishwas he has stated that Samudaya Bhavan has been constructed and

completed during 2014 and it had to be put to public use from February 2014. He wrote letter to Executive Engineer, PWD to fix the rent. Later he was suspended on 27.12.2014 and reinstated on 12.04.2016.

On perusal of **Ex. P-3** “ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಯಶವಂತಪುರ ಉಪವಿಭಾಗಕ್ಕೆ ಒಳಪಡುವ ವಾರ್ಡ್ ಸಂಖ್ಯೆ 37 ರಲ್ಲಿ ದಿನಾಂಕ 07.01.2015 ರಂದು ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರು ಅರ್ಜಿದಾರ ಶ್ರೀ ಚಿನ್ನರಾಮು, ಯಶವಂತಪುರ, ಬೆಂಗಳೂರು ಇವರು ದೂರನ್ನು ಸಲ್ಲಿಸಿರುವುದು ಸರಿಯಷ್ಟೆ. ಈ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಈ ಅಂಗಡಿಗಳು ಈ ಹಿಂದೆ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರಾದ ಶ್ರೀ ಏಶ್ವಾಸ ರವರು ನಾಪತ್ತೆಯಾಗಿದ್ದು, ಸದರಿ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ಕಡತಗಳನ್ನು ವಿಶ್ವಾಸ್ ರವರು ಕಛೇರಿಗೆ ಹಸ್ತಾಂತರಿಸಿರುವುದಿಲ್ಲ ಮತ್ತು ಕಛೇರಿಯಲ್ಲೂ ಲಭ್ಯವಿರುವುದಿಲ್ಲ. ಈ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ, ಖುದ್ದಾಗಿ ಸ್ಥಳ ಪರಿಶೀಲಿಸಿದಾಗ ಅಕ್ರಮವೆಂದು ತಿಳಿದು ಈ ಅನಧಿಕೃತ ಶೌಚಾಲಯದ ಕಟ್ಟಡವನ್ನು ಕೆಡವಿಹಾಕಲು ಕರ್ನಾಟಕ ಮುನ್ಸಿಪಲ್ ಕಾಯ್ದೆಯನುಸಾರ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಒಂದು ಅಂದಾಜು ಪಟ್ಟಿ ತಯಾರಿಸಿ ಮಾನ್ಯ ಆಯುಕ್ತರಿಂದ ಮಂಜೂರಾತಿ ಕೈಗೊಳ್ಳಲು ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ”.

23. The complainant Sri. Chinnaraju could not be secured/traced to record his evidence even after issuing repeated Summons, B.W., N.B.W .

24. DGO No.1 had not filed the Written Argument. DGOs-2 and 3 have filed their Written Argument jointly on 01/10/2021 stating that they have performed their duties sincerely without any misconduct. The DGOs-2 and 3 have taken all steps to demolish the unauthorized shops and prevented from collecting rents by private persons and the said shops were constructed

before joining duty of DGO No.2 and 3 and they have taken the legal action.

25. On perusal of memo filed by Advocate for DGOs-2 and 3 furnishing the copy of the CTC of the **DGO-3 Sri. Nanjappa.V**, Assistant Executive Engineer, BBMP, Yeswanthapura Sub-Division, Bengaluru, he reported for duty on **25.05.2015** and **DGO-2 Sri. Chandrashekar.B.**, Assistant Engineer, BBMP, Yeswanthapura Sub-Division, Bengaluru **reported for duty on 18/06/2015**. The complaint filed by complainant is dated 07.01.2015. That the DGOs-2 and 3 have reported for duty after 4 months of filing of complaint, and they have taken all the legal action to demolish the unauthorized construction. **Therefore, the charges leveled against DGOs-2 and 3 are not proved.**
26. It is clear that **DGO-1 Sri. Vishwash**, Assistant Engineer, BBMP, Yeswanthapura Sub Division, Bengaluru and Incharge Assistant Executive Engineer during his tenure in Yeswanthapura Sub Division has failed in his duties to prevent the unauthorized shops and collecting of rent by private persons on the footpath in Ward No.37, near Yeswanthpur Railway station against the toilets constructed unauthorisedly on the footpath. The allegation is proved beyond reasonable doubt. Accordingly, I am of the opinion that the Disciplinary Authority has **proved** the charges leveled against DGO-1 and the charges leveled against DGO-2 and 3 is **not proved**. Therefore, I answer that Point No.1 is **Partly proved**.

27. **POINT NO.2** : In view of findings on Point No.1, I proceed with the following ;-

: FINDING :

The Disciplinary Authority has **proved the charge** leveled against **DGO-1 Sri. Vishwas**, Assistant Engineer Yeshavanthapur Sub Division, BBMP, Bengaluru. The Disciplinary Authority has **failed to prove** the charge leveled against **DGO-2 Sri.Chandrashekar.B**, Assistant Engineer, , Yeshavanthapur Sub Division, BBMP, Bengaluru and **DGO-3 Sri. Nanjappa.V.**, Assistant Executive Engineer, Yeshavanthapur Sub Division, BBMP, Bengaluru.

Submit this report to the Hon'ble Upalokayukta-I in a sealed cover forthwith along with connected records.

25th November, 2021


(G. NANJUNDAIAH)

Additional Registrar (Enquiries-10)
Karnataka Lokayukta,
Bengaluru.

LIST OF WITNESS EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :

PW-1 : Smt. K.A.Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru (Scrutiny Officer)
(original)

LIST OF WITNESS EXAMINED ON BEHALF OF DEFENSE :

DW-1 : Sri. Viswas I.K. (DGO-1)-original

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P.1 :	Report of Assistant Executive Engineer, Yaswanthapura Sub-Division, BBMP, Bengaluru dated 05/06/2015. (original)
Ex.P.2 :	Comments of DGO-1 dated 15.07.2015 (original)
Ex.P.3 :	Comments of DGO-2 dated 21.07.2015) (original)
Ex.P.4 :	Comments of DGO-3 dated 21.07.2015 (original)
Ex.P.5 :	12(3) Report dated 25.01.2017

LIST OF EXHIBITS MARKED ON BEHALF OF DEFENSE:

Ex.D-1 :	Copy of note sheets (Xerox Copy)
Ex.D-2 :	Copy of work order dated 08/03/2012 (Xerox)
Ex.D-3 :	Copy of Agreement (Xerox)
Ex.D-4 :	Copy of tender approval (Xerox)
Ex.D-5 :	Copy of technical sanction /approval (Xerox)
Ex.D-6 :	Copy of Administrative

	Sanction /approval (Xerox)
Ex.D-7 :	Copy of documents relating to tender (Xerox)
Ex.D-8 :	Copy of estimate with two sketches (Xerox)
Ex.D-9:	Copy of suspension Order dated 29.12.2014 (Xerox)
EX.D-10:	Copy of CTC dated 05.02.2015 (Xerox)
Ex.D-11:	Copy of Office Order dated 05.02.2015 (Xerox)
Ex.D-12	Four shops photo (original)

Date of Retirement of DGO-1 is **30.06.2045**
Date of Retirement of DGO-2 is **31.10.2028**
Date of Retirement of DGO-3 is **31.05.2018**
(Already Retired)

25th November, 2021.



(G. NANJUNDAIAH)
Additional Registrar (Enquiries)-10
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/474/2017/ARE-10

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001

Date: **26/11/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri Vishwas I.K., Assistant Engineer;
 - 2) Sri Chandrashekar B., Assistant Engineer,
 - 3) Sri Nanjappa V., Assistant Executive Engineer
- All of Bruhat Bengaluru Mahanagara Palike,
Yeshwanthpur Sub Division, Bengaluru- Reg.

Rcf:- 1) Govt. Order No. ನಲಇ 95 ಎಂಎನ್‌ಯು 2017, Bengaluru
dated 9/3/2017.

2) Nomination order No.UPLOK-1/DE/474/2017,
Bengaluru dated 31/3/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Inquiry Report dated 25/11/2021 of Additional
Registrar of Enquiries-10, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 9/3/2017 initiated the disciplinary proceedings against (1) Sri Vishwas I.K., Assistant Engineer; (2) Sri Chandrashekar B., Assistant Engineer; and (3) Sri Nanjappa V., Assistant Executive Engineer - All of Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru (hereinafter referred to as Delinquent Government Officials 1 to 3, for short as DGO-1, DGO-2 & DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/474/2017, Bengaluru dated 31/3/2017 nominated Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Vishwas I.K., Assistant Engineer; DGO-2 Sri Chandrashekar B., Assistant Engineer; and DGO-3 Sri Nanjappa V., Assistant Executive Engineer - All of Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru were tried for the following charge:-

“That, you DGO No.1- Vishwas, Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, DGO No.2- Chandrashekar.B. Assistant Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru, DGO No.3- Nanjappa.V. Assistant Executive Engineer, Yeshavanthapur Sub-Division, BBMP, Bengaluru have failed in your duties to prevent the unauthorized shops and collecting rent by private persons on the footpath in Ward No.37, near Yeshwanthpur Railway station against the toilets constructed unauthorisedly on the footpath.

Thus you DGOs NO.1 to 3, 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 Vishwas I.K, the then Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru and the Disciplinary Authority has failed to prove the above charge against DGO-2 Sri Chandrashekar B., Assistant Engineer; and DGO-3 Sri Nanjappa V., Assistant Executive Engineer - both of Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru.

5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, 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. It is hereby recommended to the Government to exonerate DGO-2 Sri Chandrashekar B., Assistant Engineer; and DGO-3 Sri Nanjappa V., Assistant Executive Engineer – both of Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru from the aforesaid charge.

7. As per the First Oral Statement submitted by DGO-1, he is due to retire from service on 30/6/2045.

8. Having regard to the nature of charge proved against DGO-1 Sri Vishwas I.K., Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Yeshwanthpur Sub Division, Bengaluru, it is hereby recommended to the Government for imposing penalty of withholding three annual increments payable to DGO Sri. Vishwas I.K., with cumulative effect.

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

Connected records are enclosed herewith.


(JUSTICE B.S.PATIL)
Upalokayukta,
State of Karnataka,
Bengaluru

