

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/482/2014/ARE-7

Multi Storied Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **31/07/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri R. Ideyavendan, Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru;
- 2) Sri K.B. Jayanna Gowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru;
- 3) Sri M. Prabhu, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru – Reg.

- Ref:- 1) Government Order No. ನಅಇ 370 ಎಂಎನ್ಯು 2014, Bengaluru dated 13/08/2014.
- 2) Nomination order No.LOK/INQ/14-A/482/2014, Bengaluru dated 01/09/2014 of Upalokayukta-1, State of Karnataka, Bengaluru
 - 3) Inquiry Report dated 29/07/2020 of Additional Registrar of Enquiries-7, Karnataka Lokayukta, Bengaluru.

The Government by its Order dated 13/08/2014, initiated the disciplinary proceedings against (1) Sri R. Ideyavendan, Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru; (2) Sri K.B. Jayanna Gowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru and (3) Sri M. Prabhu, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru (hereinafter referred to as Delinquent Government Official's 1 to 3 for short as 'DGO - 1, DGO-2 and DGO-3 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/482/2014, Bengaluru dated 01/09/2014, nominated Additional Registrar of Enquiries-7, 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 R. Ideyavendan, Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru; DGO-2 Sri K.B. Jayanna Gowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru and DGO-3 Sri M. Prabhu, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru were tried for the following charges:-

“That you-DGO Nos.1) Sri R. Ideyavendan, Executive Engineer, BBMP, Bangalore 2) Sri K.B. Jayanna Gowda, Assistant Executive Engineer, BBMP, Bangalore and 3) Sri M. Prabhu, Assistant Engineer, BBMP, Bangalore while discharging your duties:

i) You-DGO No.2 – Sri K.B. Jayanna Gowda was working as Asst. Engineer from 14.5.2007 to 29.2.2008 and as Asst. Executive Engineer from 4.1.2010 to 21.5.2010. You-DGO No.3 – Sri M. Prabhu was working as Assistant Engineer from 1.3.2008 to 30.9.2012. You-DGO No.1 – Sri R. Ideyavendan was working as Asst. Executive Engineer from 15.3.2007 to 4.11.2007 and as Executive Engineer from 1.12.2007 to 24.11.2011 in Gandhinagar Sub Division;

ii) Construction of foundation of building was commenced prior to August 2007;

iii) Building consisting of four floors was completed prior to 9.3.2010;

iv) Provisional order dt:4.5.2010 has been issued by you-DGO Nos.2 and 3 and confirmation order has been issued on 16.6.2010 by you-DGO No.3;

v) You-DGO Nos.1 to 3 being jurisdictional Engineers, have allowed construction of building in violation of building bye-law and sanctioned plan.

vi) You-DGO No.2, being jurisdictional Asst. Executive Engineer from 4/1/2010 to 21/5/2010, you-DGO No.3, being jurisdictional Asst. Engineer from 1/3/2008 to 30/9/2012 and, you-DGO No.1, being jurisdictional Assistant Executive Engineer from 15/3/2007 to 4/11/2007, have failed to inspect the on-going construction of building periodically and allowed the construction and coming up of building in violation of building bye laws. You have failed to take further action after issuing provisional order and confirmation order, though there was no stay order and K.A.T has granted stay order that too, only in April 2012. You-DGO No.1 being jurisdictional Executive Engineer from 1/12/2007 to 24/11/2011 has failed to issue order for demolition u/s 462 of K.M.C. Act for the confirmation order dated 16/6/2010 till 5/4/2011.

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 above charge against DGO-1 Sri R. Ideyavendan, Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru; DGO-2 Sri K.B. Jayanna Gowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru and DGO-3 Sri M. Prabhu, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, 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 DGCs 1 to 3;
- i) DGO-1 Sri R. Ideyavendan is due to retire from service 30/11/2027;
 - ii) DGO-2 Sri K.B. Jayanna Gowda has retired from service on 31/12/2018 (during the pendency of inquiry);
 - iii) DGO-3 Sri M. Prabhu is due to retire from service on 31/10/2025.

7. Having regard to the nature of charge proved against DGO-1 Sri R. Ideyavendan; DGO-2 Sri K.B. Jayanna Gowda and DGO-2 Sri M. Prabhu;

- i) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri R. Ideyavendan, Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru with cumulative effect;

- ii) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-2 Sri K.B. Jayanna Gowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike for a period of 5 years;
- iii) it is hereby recommended to the Government for imposing penalty of withholding four annual increments payable to DGO-3 Sri M. Prabhu, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike, Bengaluru with cumulative effect.

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

