



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.501/2016/ARE-8

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 02.08.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub-division, BBMP, Bengaluru - reg.

Ref:- 1) Government Order No. UDD 233 MNU 2016 (Part) dt.19.10.2016.

2) Nomination order No. UPLOK-1/DE.501/2016 dated 21.10.2016 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 30.07.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 19.10.2016 initiated the disciplinary proceedings against Sri Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub-division, BBMP, Bengaluru, [hereinafter referred to as Delinquent Government Official, for short as 'DGO' ] and entrusted the departmental inquiry to this Institution.

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2. This Institution by Nomination Order No. UPLOK-1/DE.501/2016 dated 21.10.2016 nominated Additional Registrar of Enquiries-8, 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 charge of not taking action after issuing provisional and confirmation order for demolition of illegal construction made by one Sri Shivegowda and thereby committing misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries- 8) has reported that, the DGO had preferred A.No.1062/2017 before Hon'ble KAT challenging the entrustment order and the Hon'ble KAT by its order dated 15.11.2017 has quashed the entrustment order. The said order of Hon'ble KAT was challenged by this Institution before Hon'ble High Court in W.P.No.4954/2018(S-KAT). The Hon'ble High Court on 11.06.2021 has dismissed the writ petition filed by this

Institution. Further, this Institution has taken a decision not to prefer appeal against the said order of Hon'ble High Court and hence the present enquiry proceedings cannot be continued against the DGO.

5. In view of the orders of Hon'ble KAT and the Hon'ble High Court, the departmental inquiry against DGO Sri Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub-division, BBMP, Bengaluru, stands closed.

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

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No: UPLOK-1/DE/501/2016/ARE-8

M.S.Building  
Dr.B.R.Ambedkar Veedhi  
Bengaluru - 560001  
Dated: 30/07/2022.  
n2**R E P O R T**

Sub: Departmental Enquiry against Sri. Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub Division, BBMP, Bengaluru-reg.

Ref: 1. Government Order No. ನಅಇ 233 ಎಂಎನ್‌ಯು 2016 (ಭಾಗ) ಬೆಂಗಳೂರು, ದಿನಾಂಕ:19-10-2016.  
2. Nomination Order No: Uplok-1/DE/501/2016/ARE-8 Bengaluru, dated: 21/10/2016 of Hon'ble Uplokayukta.

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**Preamble:**

Present Departmental Enquiry was directed on the basis of Government Order ನಅಇ 233 ಎಂಎನ್‌ಯು 2016 (ಭಾಗ) ಬೆಂಗಳೂರು, ದಿನಾಂಕ:19-10-2016 passed under Rule 14(A) of K.C.S. (CC&A) Rules, against Sri. Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub Division, BBMP, Bengaluru.

2. The Hon'ble Upalokayukta nominated this Enquiry Officer i.e. Additional Registrar of Enquiries-8, of the office of

  
30/7/2022

the Karnataka Lokayukta, to frame charge and to conduct inquiry against the aforesaid DGO as per the Nomination Order dated 21/10/2016. Since the said facts and materials on record prima facie show that DGO has committed misconduct under Rule 3(1)(i) to (iii) 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 the DGO under Rule 14-A of K.C.S. (CCA) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS(CCA) Rules.

3. Accordingly the Articles of Charge was framed by Additional Registrar Enquires-8 against the DGO.
4. The Articles of Charge framed against DGO is as follows;

**ANNEXURE No.I**  
**CHARGE**

5. That you DGO while discharging your duties though issued provisional order and confirmation order of demolition in respect of illegal construction made by one Sri.Shivegowda in the property bearing No.47, 3<sup>rd</sup> Cross, Doctors Colony, Bangalore has not taken further action afterwards and thereby you – DGO failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of public/Government Servant and thereby you DGO

*Recd 30/10/2016*

have committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Services(Conduct) Rules, 1966.

6. In the course of proceedings DGO challenged the Government Order No. Na.Aa.E.233.MNU.2016 (Bhaga) dated 19/10/2016, Lokayuktha before KSAT in A.N.No. 1062/2017. After hearing the application, Hon'ble KSAT set aside the entrustment order in the form of G.O. referred above and pass the following order by making following observation, relevant portion of the said observation as follows:

*"Application is allowed and the impugned report bearing No.Compt/Uplok/1897/2014/DRE-2, dated 03/03/2016 at Annexure A-12 on the file of respondent no.2 and (iii) Article of Charge bearing No.Uplok-1/DE/501/2016/ARE-8 dated 17/01/2017.*

7. Said order passed by KSAT in A.N.No.1062/2017 was challenged before the Hon'ble High Court of Karnataka numbered at W.P.No.4954/2018, After hearing both sides the Hon'ble High Court of Karnataka, relying on the fact that, the building which was expected to be demolished under the provisional order of BBMP Bengaluru, in view of the introduction of 'Akrama-Sakrama Scheme' DGO restrained himself from demolishing the building in question situated at Doctors Colony, Bengaluru and confirmed the order of KSAT passed in A.N.No.1062/2017.

*Shree 30/8 2018*

8. Further it was observed while disposing of the W.P. if the public servant does not take action aggrieved complainant is bound can prefer appeal before the appellate authority U/Sec. 443-A under KMC Act. Further considering alternative statutory remedy open to the complainant.

i. *The Hon'ble High Court of Karnataka, Principal Bench, Bengaluru after hearing both sides passed judgment dismissing the W.P. No.4954/2018 (S-KAT) on 11/06/2021. The operative portion of the judgment is as under;*

*"Application is allowed. The impugned report bearing No.Compt/Uplok/1897/2014/DRE-2, dated 03/03/2016 at Annexure A-12 on the file of respondent no.2 and (iii) Article of Charge bearing No.Uplok-1/DE/501/2016/ ARE-8 dated 17/01/2017 at Annexure A-14 on the file of respondent no.3 are set aside."*

9. Further it is seen that, the respondent No.3 (DGO-2) is no longer in service and no purpose will be served by continuing proceedings ahead against him when there are no sufficient allegation pertaining to misappropriation or receiving illegal gratification.

10. Chairman, CLC-2, Karnataka Lokayuktha, has also formed his opinion by discussing the facts and circumstances and in the end. He has submitted his opinion as follows:

*Accepted  
30/8/2022*



*“ Therefore, I am of the opinion that this is not a fit case to challenge the impugned orders of Hon’ble High Court of Karnataka, Principal Bench, Bengaluru passed in the Writ Petition No. 4954/2018 (S-KAT) dated 11/06/2021, before the Hon’ble Supreme Court of India by filing Special Leave Petition.”*

- 11.** Further, the opinion of the Chairman, CLC-2, Karnataka Lokayukta, Bengaluru, in letter dated 24/06/2022 is as follows;

*“I write to inform you that, on 11/06/2021, the Hon’ble High Court of Karnataka, Bengaluru declined the admission of the W.P. No.4954/2018 (arising out of the order dated 15/11/2017 passed in Application No.1062/2017 by the Hon’ble KSAT, Bengaluru) filed by this institution against Sri Ravindranath Talavade in connection with above referred DE under reference (2) cited above. Further, it is decided not to challenge the order of the Hon’ble High Court of Karnataka.”*

- 12.** In view of the valid reasons assigned by Hon’ble KSAT A.N.No.1062/2017 and the observations made in W.P.No. 4954/2018 (S-KAT) by Hon’ble High Court of Karnataka, that the disputed building in question which was to be demolished under the provisional orders of BBMP by DGO has been

*Hee  
30/8/2022*

regularized under 'Akrama-Sakrma Scheme' and that earlier said building was in the jurisdiction limits of Grama Panchayath Sarakkai and subsequently, after many years was taken in the limits of BBMP and earlier grama panchyath have not taken any action about the deviation made by the owner of the building in construction and 20-years delay is seen in filing complaint before Lokayuktha and the said deviated plan of construction of building in question has been regularized in the year 2009 under 'Akrama-Sakrma Scheme' in 2009 and DGO came to know about the regularization order restrained himself from taking steps to enforce the provisional order of demolition in respect of the building belonging to Shivegowda situated at Doctors Colony.

13. CLC-2 section has also formed opinion not to challenge the order passed in W.P.No.4954/2018 (S-KAT) Dtd.05/11/2017.
14. In view of the developments of these facts more particularly the Lokayuktha institution when has decided not to challenge the order passed in W.P.No.4954/2018 (S-KAT) Dtd.05/11/2017, it is not proper to proceed with the proceedings against DGO and this report is submitted to permit to treat the enquiry as closed.

*Devesh*  
30/8/2022

15. Accordingly, further proceedings cannot be continued and present enquiry requires to be closed and proceed to pass the following order;

**ORDER**

Disciplinary Enquiry against Sri. Ravindranath Talavade, Assistant Executive Engineer, Ward No.97, Uttarahalli Sub Division, BBMP, Bengaluru-reg. cannot be continued and this enquiry be permitted to be treated as 'closed', in view of decision taken by CLC-2 Lokayuktha not to challenge the order passed in W.P.No.4954/2018 (S-KAT) Dtd.05/11/2017.

Submitted to His Lordship Hon'ble Upalokayukta-2 for further action in the matter.

  
(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

