

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/551/2016/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:26.6.2020

:: ENQUIRY REPORT ::**:: Present ::****(Lokappa N.R)****Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against (1) Sri. T.Anjaneya, Senior Health inspector, Cottonpet, BBMP, Gandhinagar Division, Bengaluru , (2) Dr. R.Surendra, Medical Officer of Health Cottonpet, BBMP, Gandhinagar Division, Bengaluru and (3) Dr. G.K.Suresh, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru - reg.

Ref: 1. G.O.No. UDD 343 MNG 2016 dated: 26.10.2016
2. Nomination Order No: UPLOK-1/DE/551/2016/ARE - 9 Bangalore dated: 4.11.2016 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. T.Anjaneya, Senior Health inspector, Cottonpet, BBMP, Gandhinagar Division, Bengaluru , (2) Dr. R.Surendra, Medical Officer of Health Cottonpet, BBMP, Gandhinagar Division, Bengaluru and (3) Dr. G.K.Suresh, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru



(hereinafter referred to as the Delinquent Government Official for short "**DGO No.1 to 3** ").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 4.11.2016 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 to 3.

3. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges.

4. The copies of the same were issued to the DGOs No.1 to 3 calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

5. The Article of charges framed by the ARE-9 against the DGOs is as under :

ANNEXURE-I
CHARGE

That you-DGO No.1 to 3 have not taken any stringent action to stop the business carried out in ward No.120 K.P.Agrahar in running the snack factories/industries without license. Both the industries and factories are eliminating bad smoke which is causing pollution and serious health problems to the children and old aged persons.

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And thereby you-DGO have failed to maintain absolute devotion to duty, the act of which was un-becoming of Government Servant and thereby committed mis-conduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

According to the complainant, in K.P.Agrahara, Ward No.120, illegal mixture of snacks factories are being run, which is causing nuisance to the residence of the locality. It is stated that the bad smoke from this factory is causing pollution and serious health problems to the children and old aged persons. Therefore, it has become difficult to reside in the area. Though several representations were given, you-DGO No.1 to 3 have not taken any action in this regard.

On the other hand, Dr.Nalappa, Senior Medical Officer, Cotton pet Zone, BBMP, Bengaluru has stated that, he was working in Ward No.120 till 10.2.2014 and afterwards he has been transferred. Then you-DGO No1 was working in the said ward. He has further stated that during his tenure the complainant has not lodged any complaint.

You-DGO No.1 to 3 have contended that after the complaint, you-DGO No.2 and 3 have conducted the spot inspection and issued notices dated 28.5.2014, 17.7.2014 and 6.8.2014 and in reply to the notices, the owners have given explanation that they will get the license and run business after correcting the defects and problems in running the business and sought 6 months. It is further say of you-DGO No.2 and 3 that



on 13.8.2014, the Joint Commissioner conducted a meeting with industrialists, people representatives and officials and discussed about the problems being faced by the people of the locality due to the industries in question and after discussion in the meeting 6 months time was granted to correct the defects and run factory getting the licenses from the concern authority.

But, these explanations of you-DGO No.1 to 3 appears to be not acceptable. From the comments and documents produced by you-DGO No.1 to 3, it is very clear that the industrialist in question are running industries without license and there are defects in running the said industries. Running a factory/industry without license is illegal. But, in spite of it, except issuing notices, you-DGO No.1 to 3 have not taken stringent action. Instead, you-DGOs have given 6 months time for obtaining license and permitted them to run the illegal business. Time cannot be granted for running an illegal business. The industries/factories should have been stopped first and after obtaining license, they should have been permitted to run the business. You-DGO No.1 to 3 at least, must have taken action after sending notices by this authority. But, you-DGOs have not done do. Not only this even after lapse of 6 months, you-DGOs have not submitted any report. This shows, that you-DGOs have failed to discharge duties as per law with devotion.

In view of the facts stated above and on consideration of the material on record, replies of you-DGOs have not been found satisfactory to drop the proceedings.

Hence, the DGOs have failed to maintain absolute integrity, devotion to duty and have acted in a manner which is

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unbecoming of a Government/Public Servant for which they have made themselves liable for departmental action.

Since said facts supported by the materials on record prima facie show that you-DGO No.1 to 3 being Public/Government servants, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966 and under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957. Hence, the charge.

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7. The DGO No.1 to 3 have appeared on 24.5.2017 before this enquiry authority in pursuance to the service of the Article of charges.

8. Plea of the DGOs No.1 to 3 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

9. In the section 12(3) of Karnataka Lokayukta Act 1984 report dtd: 25.8.2016 and Government order dtd: 26.10.2016 nomination order dtd: 4.11.2016, Article of charge dtd: 7.4.2017 the designation of the DGO no. 1 by mistaken wrongly stated as Dr. T.Anjaneya, medical officer of health instead of mentioning Sri. T.Anjaneya, Senior Health inspector and it is necessary to read as "**Sri. T.Anjaneya, Senior Health inspector**"

10. The DGOs No.1 to 3 have submitted written statement. DGO no.1 in his written statement has stated that the designation awarded to DGO no. 1 as Dr. T.Anjaneya, medical officer of health Cottonpet, BBMP, Gandhinagar Division, Bengaluru absolutely denied as false.



The designation awarded to the contrary to the present status of the DGO no. 1 as he is C- group employee and senior health inspector. Further submitted that he is working in BBMP ward no. 120. The designation of the medical officer and the designation of the senior health inspector is entirely different in all respect including the nature of work. The DGO No. 1 is only a Health inspector and he cannot do the work of medical officer. He is working under the supervision and control of the medical officer.

11. Further submitted that the complainant Sri. Vigneshan without knowing the fact of the power and jurisdiction of DGO no. 1, had falsely lodged the complaint intentionally and purposefully in order to harass the DGO no. 1. There is no role of work casted upon the DGO no.1 to take action against the culprit and it is the duty of the medical officer of health. He has further submitted that the duty of the DGO no. 1 only with the jurisdiction the ward entrusted to him i.e., ward no 120. The duty of the DGO no. 1 is that if any person applies for new license then the medical officer for health will ordered or given instruction to the DGO no.1 in inspect the spot to know the realities of the application. Further submitted that as per the instruction of medical officer of health DGO no.1 used to visit the spot inspection and submitted his report to medical officer of health. Other than the inspection work there is no power or authority to carry out any other work. Further submitted that during his tenure of work there is no complaint lodged against him. Hence the question of conducting enquiry does not arise. Further submitted that after complaint the DGO no.2 and 3

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have conducted the strict inspection and issued notice to the persons concerned. DGO no.2 and 3 have performed their part of work along with the joint commissioner. There is no dereliction of duty or misconduct committed by the DGO no.1. Hence pray for drop the charges leveled against them.

12. DGO no. 2 and 3 in their joint written statement have stated that they have not committed any misconduct as alleged in the Article of charge, they have denied the charge leveled against them. They pray for drop the charges leveled against them.

13. The disciplinary authority has examined the complainant Sri.Vignesh G. S/o Gangadhar K., No. 400, 8th D cross, K.P.Agrahara, Netajinagar, Bengaluru as Pw.1, and **Ex.P-1 to ExP-10** are got marked. DGO no. 2 Dr. R.Surendra, Medical Officer of Health Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-1. and DGO no.1 Sri. T.Anjaneya, Senior Health Inspector, Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-2. DGO no.3 Dr. G.K.Suresh, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-3. DGOs have examined Sri. G.Chellappa, President in Karnataka sweet and Condiments, Tayarika Association, Bengaluru as DW-4. Sri. I.Rajan, sweet and Condiments Factory, Agrahara, Bengaluru as DW-5. Sri. P.Murugan, seller of Mixs and snacks, K.P.Agrahara, Bengaluru as DW-6 and has got marked **Ex.D-1 to Ex.D-16** documents.



14. The second oral statement of DGO No.1 to 3 have been recorded. The DGO No.1 to 3 and disciplinary authority have submitted written brief. Heard the submissions of the disciplinary authority and DGOs No.1 to 3. I answer the above charge in **AFFIRMATIVE** for the following;

REASONS

15. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGOs.

16. The disciplinary authority has examined the the complainant Sri.Vignesh G. S/o Gangadhar K., No. 400, 8th D cross, K.P.Agrahara, Netajinagar, Bengaluru as Pw.1. PW-1 has deposed in his evidence that in ward no. 120 KP Agrahara K.P Road Bengaluru is situatable for residential house but in this locality mixture and snacks manufacturing unit are located while manufacturing these snacks bad fumes, corbondioxide, carbonmonoxide coming out from these units are effecting the surrounding environment . In the said layout middle class people are residing the bad fumes are coming out in these units is causing significant effect on the health of the people residing in the surrounding regions and also caused serious deceases like heath related ailments and breathing problems, asthma etc., for that he had submitted the complaint before the pollution control board and then submitted the complaint to the medical officer health ward no. 120 Thulasi thota BBMP. Even though that the officers have not taken the action on the said complaint.

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for that he had submitted the complaint before the Karnataka Lokayukta office against the DGOs.

17. DGO no. 2 Dr. R.Surendra, Medical Officer of Health Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-1. DW-1 has deposed in his evidence that he was working as medical officer of health in Gandhinagara sub division, BBMP, from 21.7.2014 to 28.12.2014. Further he has deposed that the complainant filed the complaint in his office in the month of August 2014. **Thereafter he had made spot inspection in respect of the sweets and snacks manufacturing units and issued notice to the owner of the said units to obtain the license from the BBMP to run the said units.** Further he has deposed that after issued the notice the owner of the said units given reply to that and submitted in their reply that they were running the said units since from 50 years and they have ready to rectify the defects found in the said units and request to grant 6 months time for the same. Further he has deposed that there after joint commissioner BBMP west conduct the meeting with the owner of the alleged units and officers on 8.9.2014 and permitted to grant 6 months time to the owner of the units to rectify the defects occurred in their units. Thereafter he was transferred from said division on 29.12.2014 hand over the charge to the DGO no. 3

18. DGO no.1 Sri. T.Anjaneya, Senior Health Inspector, Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-2. DW-2 has deposed in his evidence that he was working as senior health inspector in



ward no. 120 the cotton pet division, BBMP, from 4.2.2014 to 23.7.2018. Further he has deposed as follows;


ಯಾವುದೇ ದೂರು ಸದರಿ ವಾರ್ಡಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಬಂದಲ್ಲಿ ನಾನು ನಮ್ಮ ಕಛೇರಿಯ ಆರೋಗ್ಯ ವೈದ್ಯಾಧಿಕಾರಿಗಳ ನಿರ್ದೇಶನದ ಮೇರೆಗೆ ಆ ದೂರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಾ ಬಂದಿದ್ದೇನೆ. ನಮ್ಮ ವಾರ್ಡಿನಲ್ಲಿ ತಿಂಡಿ ತಿನಿಸುಗಳನ್ನು ತಯಾರು ಮಾಡುವ ಅಂಗಡಿ ಮಾಲೀಕರ ಅಂಗಡಿಗಳಿಗೆ ಭೇಟಿ ನೀಡಿ ಸದರಿ ತಿಂಡಿ ತಿನಿಸುಗಳ ತಯಾರು ಮಾಡುವ ಸ್ಥಳದ ಸ್ವಚ್ಛತೆ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಮತ್ತು ತಿಂಡಿ ತಿನಿಸುಗಳನ್ನು ತಯಾರು ಮಾಡುವುದಕ್ಕೆ ಬಿ.ಬಿ.ಎಂ.ಪಿ.ಯಿಂದ ಪರವಾನಗಿ ಪಡೆದಿದ್ದಾರೆಯೇ, ಇಲ್ಲವೇ ಎಂದು ಪರಿಶೀಲಿಸುವುದು ಹಾಗೂ ತಿಂಡಿ ತಿನಿಸುಗಳನ್ನು ತಯಾರು ಮಾಡುವ ಸ್ಥಳದಲ್ಲಿ ಸ್ವಚ್ಛತೆ ಕಾಪಾಡದೇ ಇದ್ದರೆ ಮತ್ತು ಅದಕ್ಕೆ ಲೈಸೆನ್ಸ್ ಪಡೆದುಕೊಳ್ಳದೇ ಇದ್ದರೆ ಅವರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಆರೋಗ್ಯ ವೈದ್ಯಾಧಿಕಾರಿಗಳಿಗೆ ವರದಿ ಸಲ್ಲಿಸುವ ಕೆಲಸವನ್ನು ಮಾಡುತ್ತೇನೆ. ನಮ್ಮ ವಾರ್ಡಿನ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಇರುವ ಕಲ್ಯಾಣ ಮಂಟಪದ ಸ್ವಚ್ಛತೆ ಬಗ್ಗೆ, ಸ್ಯಾನಿಟರಿ ಇವುಗಳನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದು ನಮ್ಮ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತದೆ.

ರಾಷ್ಟ್ರೀಯ ಆರೋಗ್ಯ ಕಾರ್ಯಕ್ರಮ ಮತ್ತು ಸೊಳ್ಳೆ ನಿಯಂತ್ರಣ ಹಾಗೂ ಪಲ್ಸ್ ಪೊಲಿಯೋ ಕಾರ್ಯಕ್ರಮ, ಹೋಟೆಲ್‌ಗಳ ಪರಿಶೀಲನೆ, ಬೇಕರಿ ಮತ್ತು ರೆಸ್ಪೋರೆಂಟ್‌ಗಳ ಪರಿಶೀಲನೆ ಮತ್ತು ತಪಾಸಣೆ ಮಾಡಿ ಆರೋಗ್ಯ ವೈದ್ಯಾಧಿಕಾರಿಗಳಿಗೆ ವರದಿ ನೀಡುವ ಜವಾಬ್ದಾರಿ ನನ್ನದಾಗಿರುತ್ತದೆ.”

19. Further deposed that even before filed the complaint by the PW-1 he had served the notice on 17.7.2014 to the alleged units as per the direction of the medical officer. Further he has deposed that the complainant filed the complaint before the Karnataka Lokayukta office in the month of August 2014. On the basis of the said complaint

also he had submitted the report to the medical officer after spot inspection. Thereafter joint commissioner (west range) BBMP, had conducted the meeting on 16.6.2015 along with the officer and medical officers and also made spot inspection. Thereafter issued notice on 1.7.2015 to the owner of alleged units. Further deposed that on 8.9.2015 joint commissioner (west range) BBMP had directed to the alleged units owner to rectify the defects in their units.

20. DGO no.3 Dr. G.K.Suresh, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru has examined himself as DW-3. DW-3 has deposed in his evidence that he was working as medical officer in the Gandhinagar Division, BBMP Bengaluru from 3.3.2014 to 21.7.2014, thereafter from 29.12.2014 till 23.7.2018 he was working as incharge medical officer of health in the said sub division. Further he has deposed that in respect of the complaint filed by PW-1 he had inspected the alleged units on 8.5.2015 with higher officer. Further deposed that on 16.6.2015 submitted the notes before the joint commissioner west in respect of the said mixture and snacks manufacturing units. Further he has deposed that on 13.10.2015 food and civil supply minister government of Karnataka issued direction to issue license to the alleged mixture and snacks manufacturing units as per rules. Further he has deposed that within the limits of ward no. 120 K.P.Agrahara since from 60 years some peoples were running the mixture and snacks manufacturing units, for that, note placed before the BBMP council meeting to declare the said area as industrial area. Further he has deposed that after issue the notice to all



the mixture and snacks manufacturing units, founds that 83 units owner running the same with obtaining the license from BBMP but other units were not having any license, for that, closed the said units.

21. DGOs has examined Sri. G.Chellappa, President in Karnataka sweet and Condiments, Tayarika Association, Bengaluru as DW-4. DW-4 has deposed in his evidence that he was running the sweets and condiments unit in KP Agrahara since from 1980 and has produced the copy of the license No. WE 151201014402415 dtd: 7.3.2018 which is marked as Ex.D-12. Further he has deposed that in the said area 80% of the peoples were working in the alleged sweets and condiments units. Further deposed that there is no harm caused to the public by the said units, but complainant filed the false complaint against the DGOs to harass them.

22. DGOs has examined Sri. I.Rajan, sweet and Condiments Factory, Agrahara, Bengaluru as DW-5. DW-5 has deposed in his evidence that he is running the sweets and condiments factor in K.P Agrahara since from 20 years. Further he has deposed that the complainant filed the false complaint against the DGOs for the purpose of harass them and demanded money.

23. DGOs has examined Sri. P.Murugan, seller of Mixs and snacks, K.P.Agrahara, Bengaluru as DW-6. DW-6 has deposed in his evidence that he is running snacks business in K.P Agrahara since from 15 years. Further he has deposed that the complainant filed the false complaint against the DGO to harass them and demanded money.

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24. Ex.P1 is the complaint dtd: 7.8.2014 filed by PW-1 in Karnataka Lokayukta office. Ex.P-2 and 3 are the complaint in form no. 1 and 2 filed by PW-1 in Karnataka Lokayukta office. Ex.P-4 are the documents submitted by PW-1 along with the complaint in Karnataka Lokayukta office. Ex.P-5 is the comments dtd: 11.9.2014 of Sri. Nalappa, and comments dtd: 11.9.2014 of Sri. T.Anjaneya and comments dtd: 11.9.2014 of Dr. G.K.Suresh. Ex.p-6 are the documents submitted along with Ex.P-5. Ex.P-7 is the rejoinder dtd: 15.10.2014 submitted by PW-1. Ex.P-8 if the death certificate of Sri. Chinnaiah and other documents submitted by PW-1. Ex.P-9 is the letter dtd: 5.1.2015 submitted by PW-1 to Karnataka Lokayukta office. Ex.P-10 are the documents submitted by PW-1 in Karnataka Lokayukta office.

25. Ex.D-1 is the CTC dtdL 21.7.2014 of Dr. G.K.Suresh and Dr. Surendra.R. Ex.D-2 is the office order dtd: 4.2.2014 of Deputy commissioner (Admin) BBMP, Bengaluru. Ex.D-3 is the mahazar. Ex.D-4 is the CTC dtd: 21.7.2014 of Dr. G.K.Suresh and Dr. Surendra.R. Ex.D-5 is the letter dtd: 5.5.2015 of Medical officer (west) BBMP. Ex.D-6 are the not sheets. Ex.D-7 is the note dtd: 13.10.2015 from Sri.Dinesh Gundurao to the Medical officer, Gandhinagara Range, BBMP Bengaluru. Ex.D-8 is the note dtd: 17.7.2014 from the Medical officer, Gandhinagara Range, BBMP Bengaluru. Ex.D-9 is the note sheet of note sheet maintained Medical officer, Gandhinagara range BBMP Bengaluru along with photographs. Ex.D-10 is the notes and orders of file no. MOH/GN/PR/247/. Ex.D-11 is the online

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list of list of manufacturing units. Ex.D-12 is the trade licences renewal certificate of BBMP Health department Gandhi nagara MOH in respect of licence no. WE151201014402415 year 2018-19. Ex.D-13 is the FIR copy in respect of cr. No. 0150/2017 dtd: 24.4.2017. Ex.D-14 is the Xerox copy of the Adhar card of Rajan. Ex.D-15 is the trade licence renewal certificate of licence no. WE 1512010314412888 year 2018-19. Ex.D-16 is the Adhar card of Sri. Murugan

26. Perused the evidence of Pw-1, and DW-1, to DW-6 along with document produced by the both side. As per the documents the DGO no.1 was working as senior health inspector in ward no. 120 cotton pet Gandhinagara division, BBMP from 4.2.2014 upto 23.7.2018, DGO no. 2 was working as medical officer health in the said cotton pet division BBMP Gandhinagara Bengaluru from 21.7.2014 to 29.12.2014. Further DGO no. 3 was working as medical officer health in the said cotton pet division BBMP Gandhinagara Bengaluru from 3.3.2014 to 21.7.2014. Thereafter he was working as incharge medical officer in the same sub division from 29.12.2014 upto 23.7.2018.

27. The PW-1 deposed that in ward no. 120 KP Agrahara so many sweets and snacks manufacturing units were running. The said manufacturing units released the bad fumes and also not maintaining the cleanness, due to that the people leaving in the said area suffered from various health issues. Further PW-1 deposed that even though the resident of the said area filed the complaint before the DGOs

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office and other higher authorities, they have not taken any action against the said manufacturing units, except issuing notice. The Ex.P-1 is the complaint filed by the PW-1 along with other resident of the said area before the Karnataka Lokayukta office on 7.8.2014 against the DGOs. Ex.P-4 includes 63 sheets as per the said documents the complainant and the residents of the KP Agrahara submitted their complaint to commissioner BBMP, Deputy health officer cotton pet division BBMP and others since from April 2014 in respect of the alleged manufacturing units. Further Ex,P-4 page no. 168 in letter dtd: 25.6.2014 page no 170 in letter dtd: 22.5.2014, page no. 173 in letter dtd: 11.4.2014 of environmental officer Bengaluru city west to the commission BBMP Bengaluru. In the said letters the environmental officer also requested the BBMP commissioner, based on the complaint filed by the resident of KP Agrahara as follows;

“ಮಿಕ್ಸರ್ ಮತ್ತು ಸ್ನಾಕ್ಸ್ ತಯಾರಿಸುವ ಘಟದ ಮೇಲೆ ಈ ಕಛೇರಿಗೆ ಈಗಾಗಲೆ 3-4 ದೂರುಗಳು ಸ್ವೀಕೃತ ವಾಗಿದ್ದು ಸಾರ್ವಜನಿಕರು ಮಿಕ್ಸರ್ ಮತ್ತು ಸ್ನಾಕ್ಸ್ ತಯಾರಿಸುವ ಘಟಕದಿಂದ ತುಂಬಾ ತೊಂದರೆ ಹಾಗೂ ಅನಾರೋಗ್ಯದಿಂದ ತುಂಬಾ ತೊಂದರೆ ಅನುಭವಿಸುತ್ತಿರುವ ಬಗ್ಗೆ ಪದೇ ಪದೇ ದೂರು ಸಲ್ಲಿಸುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಈ ವಿಷಯವನ್ನು ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿ ಸದರಿ ದೂರಿನ ಬಗ್ಗೆ ನಿರ್ದಾಕ್ಷಿಣ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಈ ಮೂಲಕ ಕೋರಲಾಗಿದೆ.”

28. As per the Ex.P-4 page no. 176-181 the DGO no. 3 issued notice on 28.5.2014 to the Chinnakani, Doresingh, Shankar, Zubed, M.Anand, Kaliyappan, in Ex.D-8 page no. 590, 592 to 597 are the said notice with reply given by the above said persons. As per the reply given by the said persons dtd: 28.5.2014 they had not obtained the license to

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run the alleged industries. They were seeking time for rectifying the defects and obtained the license from the BBMP. The above facts clearly reveals that before the complainant had filed the complaint before the O/o the DGOs they had not initiated any action in respect of the person who were running the mixture and snacks manufacturing units without obtaining the license in that area. Ex.D-8 page no. 180 to 189 are the notice dtd: 17.7.2014 issued by the DGO no. 3 to the Jecub.J., Janadori, Maliraj .P, Doriraj, Ganesh, Rajapandi, Invaraj, Devaraj.J., Dori, Vencent.N., the Ex.P- 8 page no. 598 to 613 reply given by the above said persons to the DGO no. 3. Ex.P-9 page no, 623 to 635 note submitted by the DGO no. 1 to the medical officer in respect of the alleged manufacturing units but said note are all submitted by the DGO no. 1 after complaint filed by the complaint before the Karnataka Lokayukta office. Ex.P-9 page no. 636-644 are the photographs produced by the DGOs alleged to have taken steps on 10.5.2017, 17.7.2014, 9.11.2016 17.7.2014, 16.6.2015, but there is no supporting documents to show that the said photographs had been taken on the above said respective dates. The DGO No.3 furnished the Ex.D-11 list of manufacturing units, as per the said list 83 units obtained the license from the BBMP but remaining units running without obtaining the license. Further DGOs not produced the documents to show that they have taken the action on the request made by the environmental officer. Ex.D-3 mahazar dtd: 23.7.2014 drawn in the presence of the K.Raju Assistant Environmental officer. But this mahazar not

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drawn by the DGO no.1. In the said mahazar also stated that at the time of inspection made by the Assistant Environmental officer K.Raju he had found that some owner of the mixture and snacks manufacturing units had the license someone of not having the license. This facts reveals that in the said area so many mixture and snacks industries running without obtaining the license. The DGO no. 1 in his chief examination himself deposed that duty vested him that he shall report to the medical officer health to take action against the person who were running the said manufacturing units without obtaining the license. But there is no material evidence from the side of the DGO no.1 as senior health inspector of the said ward to show that he had submitted such report to the medical officer to take action against the mixture and snacks manufacturing units running by the person without obtaining the license. Further he has not submitted any report to take action against the persons who were running the manufacturing units without maintaining cleanness.

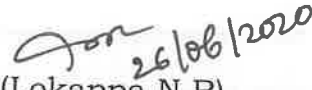
29. Further the document produced by the disciplinary authority as well as DGO no.1 to 3 reveals that the DGO no.1 to 3 except issuing the notice to the owner of the mixture and snacks manufacturing units on the basis of the complaint filed by the resident of K.P. Agrahara including complainant, they have not taken any action against them by initiating criminal case against who were not obtaining the license to run the manufacturing units and also who were not maintaining the manufacturing units as per guidelines.

or

Further DGOs also not submitted the report in respect of the same to the higher authority.

30. Considering the above said facts and circumstances along with the oral evidence and documentary evidence from both side it reveals that the DGO no. 1 as a senior health inspector and DGO no. 2 and 3 Medical officer of Health in respect of the ward no. 120 KP Agrahara, have not taken any stringent action to stop the business carried out by the owner of the snacks factories/ industries without licenses. And further though both the industries and factories are eliminating the bad smoke which was causing pollution and serious health problem to the children and old age persons they have not taken any action against the said owner of the manufacturing units except issuing the notice. There is no sufficient material from the side of the DGOs to disbelieve the charge leveled against them. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGO no.1 to 3.

31. In the above said facts and circumstances, charge leveled against the DGOs No.1 to 3 is proved. Hence, report is submitted to Hon'ble Upalokayukta for further action.


26/06/2020
(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

i) List of witnesses examined on behalf of Disciplinary Authority.

Pw.1	Sri.Vignesh G. S/o Gangadhar K., No. 400, 8 th D cross, K.P.Agrahara, Netajinagar, Bengaluru
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ii) List of Documents marked on behalf of Disciplinary Authority.

Ex.P1	Ex.P1 is the complaint dtd: 7.8.2014 filed by PW-1 in Karnataka Lokayukta office.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form no. 1 and 2 filed by PW-1 in Karnataka Lokayukta office.
Ex.P- 4	Ex.P-4 are the documents submitted by PW-1 along with the complaint in Karnataka Lokayukta office.
Ex.P5	Ex.P-5 is the comments dtd: 11.9.2014 of Sri. Nalappa, and comments dtd: 11.9.2014 of Sri. T.Anjaneya and comments dtd: 11.9.2014 of Dr. G.K.Suresh.
Ex.P6	Ex.p-6 are the documents submitted along with Ex.P-5.
Ex.P7	Ex.P-7 is the rejoinder dtd: 15.10.2014 submitted by PW-1.
Ex.P-8	Ex.P-8 if the death certificate of Sri. Chinnaiah and other documents submitted by PW-1.
Ex.P-9	Ex.P-9 is the letter dtd: 5.1.2015 submitted by PW-1 to Karnataka Lokayukta office.
Ex.P-10	Ex.P-10 are the documents submitted by PW-1 in Karnataka Lokayukta office.

iii) List of witnesses examined on behalf of DGO.

DW-1	DGO no. 2 Dr. R.Surendra, Medical Officer of Health Cottonpet, BBMP, Gandhinagar Division, Bengaluru
DW-2	DGO no.1 Dr. T.Anjaneya, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru
DW-3	DGO no.3 Dr. G.K.Suresh, Medical officer of Health, Cottonpet, BBMP, Gandhinagar Division, Bengaluru.
DW-4	Sri. G.Chellappa, President in Karnataka sweet and Condiments, Tayarika Association, Bengaluru.
DW-5	Sri. I.Rajan, sweet and Condiments Factory, Agrahara, Bengaluru.
DW-6	Sri. P.Murugan, seller of Mixs and snacks, K.P.Agrahara, Bengaluru

iv) List of documents marked on behalf of DGO

Ex.D-1	Ex.D-1 is the CTC dtdL 21.7.2014 of Dr. G.K.Suresh and Dr. Surendra.R.
Ex.D-2	Ex.D-2 is the office order dtd: 4.2.2014 of Deputy commissioner (Admin) BBMP, Bengaluru.
Ex.D-3	Ex.D-3 is the spot mahazar.
Ex.D-4	Ex.D-4 is the CTC dtd: 21.7.2014 of Dr. G.K.Suresh and Dr. Surendra.R.
Ex.D-5	Ex.D-5 is the letter dtd: 5.5.2015 of Medical officer (west) BBMP.
Ex.D-6	Ex.D-6 are the note sheets.
Ex.D-7	Ex.D-7 is the note dtd: 13.10.2015 from Sri.Dinesh Gundurao to the Medical officer, Gandhinagara Range, BBMP Bengaluru.

Ex.D-8	Ex.D-8 is the note dtd: 17.7.2014 from the Medical officer, Gandhinagara Range, BBMP Bengaluru.
Ex.D-9	Ex.D-9 is the note sheet of note sheet maintained Medical officer, Gandhinagara range BBMP Bengaluru along with photographs.
Ex.D-10	Ex.D-10 is the notes and orders of file no. MOH/GN/PR/247/.
Ex.D-11	Ex.D-11 is the online list of list of manufacturing units.
Ex.D-12	Ex.D-12 is the trade licences renewal certificate of BBMP Health department Gandhi nagara MOH in respect of licence no. WE151201014402415 year 2018-19.
Ex.D-13	Ex.D-13 is the FIR copy in respect of cr. No. 0150/2017 dtd: 24.4.2017.
Ex.D-14	Ex.D-14 is the Xerox copy of the Adhar card of Rajan.
Ex.D-15	Ex.D-15 is the trade licence renewal certificate of licence no. WE 1512010314412888 year 2018-19.
Ex.D-16	Ex.D-16 is the Adhar card of Sri. Murugan

Joor
26/08/2020
(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/551/2016/ARE-9

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

Date: **30/06/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri T. Anjaneya, Senior Health Inspector, Cottonpet, Bruhat Bengaluru Mahangara Palike, Gandhinagar Range, Bengaluru;
- 2) Dr. R. Surendra, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahangara Palike, Gandhinagar Division, Bengaluru;
- 3) Dr. G. Suresh, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahangara Palike, Gandhinagar Division, Bengaluru – Reg.

Ref:- 1) Govt. Order No. ಸಲಇ 343 ಎಂಎನ್‌ಜಿ 2016, Bengaluru dated 26/10/2016.

2) Nomination order No.UPLOK-1/DE/551/2016, Bengaluru dated 4/11/2016 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 26/6/2020 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its order dated 26/10/2016 initiated the disciplinary proceedings against (1) Sri T. Anjaneya, Senior Health Inspector, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru (2) Dr.R.Surendra Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru and (3) Dr. G.K. Suresh, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahangara Palike, Gandhinagar Division, Bengaluru (hereinafter referred to as Delinquent Government Officials 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.UPLOK-1/DE/551/2016 Bengaluru dated 4/11/2016 nominated Additional Registrar of Enquiries-9, 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 T. Anjaneya, Senior Health Inspector, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru; DGO-2 Dr.R.Surendra Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru and DGO-3 Dr. G.K. Suresh, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru were tried for the following charge:-

“That you –DGO No. 1 to 3 have not taken any stringent action to stop the business carried out in Ward No.120, K.P. Agrahara in running the snack factories/industries without licence. Both the Industries and factories are eliminating bad smoke which is causing pollution and serious health problems to the children and old aged persons.

And thereby you – DGO have failed to maintain absolute devotion to duty, the act of which was unbecoming of Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held

that the Disciplinary Authority has proved the above charge against DGO-1 Sri T. Anjaneya, Senior Health Inspector, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru DGO-2 Dr.R.Surendra Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru and DGO-3 Dr. G.K. Suresh, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, 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 DGOs 1 to 3;

(i) DGO-1 Sri T. Anjaneya is due to retire from service on 31/12/2027;

(ii) DGO-2 Dr. R. Surendra is due to retire from service on 31/1/2026;

(iii) DGO-3 Dr. G.K. Suresh is due to retire from service on 30/4/2032

7. Having regard to the nature of charge proved against DGO-1 Sri T. Anjaneya; DGO-2 Dr. R. Surendra and DGO-3 Dr. G.K. Suresh;


(i) it is recommended to Government for imposing penalty of withholding four annual increments payable to DGO-1 Sri T. Anjaneya, Senior Health Inspector, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru with cumulative effect;

(ii) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-2 Dr. R.Surendra Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, Bengaluru, with cumulative effect;

(iii) it is hereby recommended to Government for imposing penalty of withholding four annual increments payable to DGO-3 Dr. G.K. Suresh, Medical Officer of Health, Cottonpet, Bruhat Bengaluru Mahanagara Palike, Gandhinagar Division, 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 