

**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/690/2016

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:18.5.2020

**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**

**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Enquiry against Sriyuths:

- (1) I.Annegowda, Assistant Executive Engineer Jayanagara Sub Division, BBMP Jayanagar shopping complex, 4<sup>th</sup> block, Bengaluru;
- (2) M.N.Suresh, Junior Engineer, Office of Assistant Executive Engineer, Jayanagar Sub Division, BBMP, 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru and
- (3) B.R.Nanjundegowda, Assistant Executive Engineer Jayanagar Sub Division, BBMP 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru - reg.

Ref: 1. G.O.No. UDD 645 MNU 2016 Bengaluru Dated:  
29.11.2016

2. Nomination Order No: UPLOK-1/DE/690/2016  
Bangalore dated: 3.12.2016 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sriyuths:

- (1) I.Annegowda, Assistant Executive Engineer Jayanagara Sub Division, BBMP Jayanagar shopping complex, 4<sup>th</sup> block, Bengaluru;
- (2) M.N.Suresh, Junior Engineer, Office of Assistant Executive Engineer, Jayanagar Sub Division,

for

BBMP, 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru and (3) B.R.Nanjundegowda, Assistant Executive Engineer Jayanagar Sub Division, BBMP 4<sup>th</sup> Block, Jayanagar Shopping complex, 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 3.12.2016 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 No.1 to 3 is as under :

**ANNEXURE-I**  
**CHARGE**

*While you DGO No.1 Sri. I. Annegowda, was working as Assistant Executive Engineer, Jayanagar Sub-Division, BBMP, Jayanagar Shopping Complex, 4<sup>th</sup> Block, Bangalore, you*

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DGO No.2 Sri. M.N. Suresh, was working as Junior engineer, Office of the Assistant Executive Engineer, Jayanagar Sub-Division, BBMP, Jayanagar Shopping Complex, 4<sup>th</sup> Block, Bangalore and you DGO No.3 Sri. B.R. Nanjundegowda, was working as Assistant Executive Engineer, Jayanagar Sub-Division, BBMP, Jayanagar Shopping Complex, 4<sup>th</sup> Block, Bangalore-- a multi-storied building is under construction in 36<sup>th</sup> Cross, T Block, Jayanagar and the construction is in violation of building bye-laws and regulations and no action has been taken and with the connivance of owner of the building to get the stay order from the court and therefore you DGO No.1 to 3 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

#### **6. STATEMENT OF IMPUTATIONS OF MISCONDUCT**

Suo-motu investigation has been taken up on the basis of anonymous complaint dt:10.1.2012 against the (1)Executive Engineer and (2) Asst. Executive Engineer, Jayanagar Division, BBMP, Bangalore (hereinafter referred to as Respondent Nos.1 and 2) alleging that a multi-storied building is under construction in 36<sup>th</sup> Cross, T Block, Jayanagar and the construction is in



violation of building bye-laws and regulations and no action has been taken.

Notice was issued to the Respondents for their say in the matter.

Respondent No.1 has submitted reply stating that A.E.E. and A.E. have to submit report if there is any violation in constructing the building and he is empowered to issue order under Section 462 of KMC Act to clear the unauthorised construction. A.E.E and Junior Engineer have inspected the building and they have issued notice u/s 321(1) and (2) of KMC Act to the owner of the building.

Respondent No.2 Sri.Annegowda, AEE, has submitted reply dt: 23.1.2012. His reply is that on verifying the construction it was found that the construction is not in accordance with the sanctioned plan and therefore notice u/s 321(1) of KMC Act was issued to the owner on 23.1.2012 and work was stopped and owner was instructed not to proceed with the construction.

Respondent No.1 was called upon to state about the action taken on unauthorised construction and he has submitted reply dt: 2.5.2012 stating that after issuing notice under section 321(1) on 23.1.2012 , Notice under Section 321(2) has been issued on 31.1.2012 by AEE to the owner. That he has permitted for demolition of building under 462 of KMC Act and the owner has filed appeal 113/12 before K.A.T. and obtained stay.

Asst. Engineer - M.S.Suresh, A.E.E- B.R. Nanjundegowda and E.E. Bettgowda have been impleaded as Respondent No.3 to 5 and they have submitted comments.



Respondent No.3 has submitted comments dt:11.9.2012 stating that Notice u/s 321(1) and (2) of KMC Act have been issued to the owner and the owner has obtained stay order against confirmation order in Appeal 113/2012 before K.A.T.

Respondent No.4 has submitted comments dt: 11.9.2012 and Respondent No.5 has submitted comments dt: 10.9.2013 (Flag-E & F). Their reply is same as that of Respondent No.3.

As seen from the Provisional order dt:23.1.2012 and Confirmation order dt:30.1.2012 issued u/s 321(1) and (2) to the owner, both the orders are issued by Respondent No.4, Suresh-J.E. and A.E.E.-Respondent No.2. Sri.I.Annegowda .

Respondent No.3-Superintending Engineer - Sri.Bettegowda has explained that A.E.E and J.E. are the concerned officers to inspect the building and they have issued notices u/s 321(1) and (2) of KMC Act and he is empowered to take action after receiving report from A.E.E. and J.E. and in the mean while the owner has obtained stay order in appeal 113/2012 before K.A.T.

Respondent No.5 -A.E.E- Sri. B.R.Nanjundegowda has worked from 7.1.2011 to 1.12.2011. He has not denied that he has worked during relevant period. He being A.E.E., it was his duty to inspect the building under construction in his jurisdiction. But he has not visited the building and reported about unauthorised construction.

Respondent No.2, 4 and 5 being the jurisdictional J.E. and AEEs have also failed to inspect the building while under construction within their jurisdiction. Therefore replies of Respondent No.2, 4 and 5 are not acceptable to drop the proceedings against them.



Since the said facts and materials on record prima facie show that the Respondent No. 2) Sri.I.Annegowda-Asst.Executive Engineer, Jayanagar, Sub.Division, Shopping Complex, 4<sup>th</sup> Block, BBMP, Bangalore, Respondent No.4)Sri.M.N.Suresh - Junior Engineer, office of AEE, Jayanagar Sub.Divn, BBMP, 4<sup>th</sup> Block, Jayanagar Commercial Complex, Bangalore and Respondent No.5) Sri.B.R.Nanjundegowda- Asst. Executive Engineer, Jayanagar Sub.Divn, BBMP, 4<sup>th</sup> Block, Jayanagar Commercial Complex, Bangalore 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.

Since said facts and material on record prima facie show that, the respondents/DGOs (1) Sri. I. Annegowda, (2) Sri. Sri. M.N. Suresh and (3) Sri. B.R. Nanjundegowda have committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondents for misconduct under Rule 3(1)(i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

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8. The DGO no. 1 has appeared even though Article of charge served on him, hence placed ex-parte.

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9. The DGO No.2 and 3 have appeared on 11.4.2017 before this enquiry authority in pursuance to the service of the Article of charges.

10. Plea of the DGOs No.2 and 3 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

11. The DGOs No.2 and 3 have submitted written statement, stating that the charge made on DGOs under the annexure No. 1 of the charge is denied as not proved and untenable. Further submitted that the DGOs not committed misconduct and they have maintained absolute devotion to duty and never acted in a manner of unbecoming a government servant. They have not acted in violation of any rules that are applicable to the alleged work. Further submitted that the complainant has filed false case to harass the DGOs. The DGO has not committed any irregularities or misconduct as alleged. Hence pray for drop the charges leveled against them.

12. The disciplinary authority has examined the scrutiny officer Smt.K.A.Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta Bengaluru as Pw.1, and **Ex.P-1 to ExP-9** are got marked. DGO no.3 Sri. B.R.Nanjundegowda, Assistant Executive Engineer Jayanagar Sub Division, BBMP 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru has examined himself as DW-1 and DGO no. 2 Sri. M.N.Suresh, Junior Engineer, Office of Assistant Executive Engineer, Jayanagar Sub Division, BBMP, 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru has examined himself as DW-2. and has got marked **Ex.D-1 to Ex.D-7** documents.

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**13.** The second oral statement of DGO No.2 and 3 have been recorded. The DGO No.2 and 3 have submitted written defence. Heard the submissions of the disciplinary authority and DGOs No.2 and 3 both the side. I answer the above charge in **AFFIRMATIVE** for the following;

### **REASONS**

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

**15.** The disciplinary authority has examined the scrutiny officer Smt.K.A.Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta Bengaluru as Pw.1. PW-1 has deposed in her evidence that the Hon'ble Upalokayukta-1 received the anonymous complaint dtd: 10.1.2012. Thereafter on 23.1.2012 personally visited the place of construction of multistoried building in 36<sup>th</sup> cross T-block Jayanagara and registered the suo moto case on 31.3.2012. Further deposed that after verifying the documents she had found that the DGOs were working as Assistant Executive Engineers and Assistant Engineer respectively, and had not taken proper action against the owner of the said building who was violated the building byelaws and rules. Thereafter she has submitted final scrutiny note before the Hon'ble Upalokayukta.

**16.** DGO no.3 Sri. B.R.Nanjundegowda, Assistant Executive Engineer Jayanagar Sub Division, BBMP 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru has examined



himself as DW-1. DW-1 has deposed in his evidence that he was working as a Assistant Executive Engineer in Jayanagara sub division, BBMP Bengaluru from 7.1.2011 to 1.12.2011. Further he has deposed that the Hon'ble Upalokayukta visited the place of construction of shopping complex at 36<sup>th</sup> cross T block Jayanagara 4<sup>th</sup> Block Bengaluru on 23.1.2012 but at that time he was not working in the said sub division. Further he has deposed that at the time of he was working in the said sub division the construction work of the said building yet to be start. Further he has deposed that at that time only the work related to digging the foundation was going on. Further he has deposed that when he was transferred from the said office intimated to the coming officer regarding the construction of the said building. thereafter the DGO no. 1 Assistant Executive Engineer issued the provisional order dtd: 23.1.2012 under section 321 (1)and (2) of KMC Act 1976. Further he has deposed that the confirmation order issued on 31.1.2012 under section 321 (3) of KMC Act.

**17.** DGO no. 2 Sri. M.N.Suresh, Junior Engineer, Office of Assistant Executive Engineer, Jayanagar Sub Division, BBMP, 4<sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru, has examined himself as DW-2. DW-2 has deposed in his evidence that he was working as Assistant Engineer in the Jayanagara sub division BBMP Bengaluru from 30.5.2011 to 1.4.2013. Further he has deposed that when Hon'ble Upalokayukta visited the spot of alleged multistoried building construction work was going on i.e., 23.1.2012 was also present. Further deposed that at the time of Hon'ble

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Upalokayukta visited the spot the stage of construction of the said disputed building was 3<sup>rd</sup> floor RCC work was in progress. Further he has deposed that the Hon'ble Upalokayukta verified the documents at spot and directed to take action against the owner of the building in accordance with law. Further he has deposed that thereafter issued the Provisional order under section 321 (1) and (2) of KMC Act against the owner of the building for the reason that the said construction work was going on by violating the building byelaws and rules. Further he has deposed that thereafter issued the confirmation order on 31.1.2012 after that order obtained from the Executive Engineer under section 462 of KMC act on 31.1.2012 and submitted the letter to the Director general of police, and BMTF Central office and Thilak nagara police station for assist to the BBMP officials at the time of removing the deviated portion of building, on 2.2.2012. Further he has deposed that in the meanwhile the owner of the building filed the application no. 113 of 2012 before the KAT on 1.2.2012 obtained the stay order. Further he has deposed that thereafter submitted the parawise reply to the legal cell to vacate the stay order.

**18.** Ex.P1 is the complaint dtd: 10.1.2012 submitted by the residents of T. Block Jayanagara Bengaluru to the then Hon'ble Upalokayukta Bengaluru along with the photographs. Ex.P-2 is the order of the then Hon'ble Upalokayukta dtd: 31.3.2012. Ex.P-3 is the comments dtd: 23.1.2012 of the Assistant Executive Engineer Jayanagara Sub Division, BBMP. Ex.p-4 is the comments dtd: 11.9.2012 of DGO no.

2. Ex.P-5 is the comments dtd: 10.9.2012 of DGO no. 3. Ex.P-6 is the provisional order dtd: 23.1.2012. Ex.P-7 is the approved plan copy. Ex.P-8 is the confirmation order dtd: 30.1.2012. Ex.P-9 is the order copy dtd: 31.1.2012 issued by Executive Engineer Jayanagara division, BBMP

**19.** Ex.D-1 is the letter dtd: 25.5.2019 of Assistant Executive Engineer Jayanagara sub division, BBMP. Ex.D-2 is the office order dtd: 4.10.2010 of Commissioner, BBMP. Ex.D-3 is the letter dtd: 25.5.2019 Assistant Executive Engineer Jayanagara sub division, BBMP. Ex.D-4 is the letter dtd: 31.1.2012 of Assistant Executive Engineer Jayanagara sub division, BBMP. Ex.D-5 is the letter dtd: 31.1.2012 of Assistant Executive Engineer Jayanagara sub division, BBMP. Ex.D-6 is the order copy in appeal no. 113/2012 of the Karnataka Appellate Tribunal ( KMC). Ex.D-7 is the parawise remarks in repect of appeal no. 113/2012 filed by Sri.G.N.C. Reddy in Karnataka Appellate Tribunal.

**20.** Perused the evidence of Pw-1, and DW-1, and DW-2 along with document produced by the both side with Article of charge. The charge framed against the DGO is that the DGO no. 1 was working as a Assistant Executive Engineer in some period and the DGO no. 2 was working as a JE and DGO no. 3 was working as Assistant Executive Engineer in Jayanagara sub division, BBMP Bengaluru, during their period they have not taken any action against the owner of the multistoried building which was under construction in 36<sup>th</sup> Cross T block Jayanagara even though the said building was constructing

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by violating the building bye laws and regulation and also allowed the owner to get the stay order from the KAT.

**21.** As per the documents Ex.P-3 comments dtd: 23.1.2012 submitted by the DGO no.1 in page no. 106 the DGO no. 1 Sri.Annegowda was working as a Assistant Executive Engineer in Jayanagara sub division BBMP from 1.12.2011 and also was working at the time of the Hon'ble Upalokayukta-1 visited the alleged spot on 23.1.2012. The DGO no. 2 M.S.Suresh was working as Junior engineer in the said sub division from 30.5.2011 to 1.4.2013. DGO no.3 Sri.Nanjundegowda was working as a Assistant Executive Engineer in the same sub division from 7.1.2011 to 1.12.2011.

**22.** The Ex.P-1 is the anonymous complaint dtd: 10.1.2012 receipt by the Hon'ble Upalokayukta on 12.1.2012 with certain Xerox copies of the photographs of the disputed building which are in page no. 99-103. The said photographs not disputed by the DGO no.1 to 3. As per the said photographs the disputed building construction already completed as to 3<sup>rd</sup> floor and 4<sup>th</sup> floor construction was going on. Ex.P-2 is the order sheet of the complaint file BCD/925/2012/ARE-10. As per the said copy of the order sheet the Hon'ble Upalokayukta stated that **“ on receipt of anonymous complaint dtd: 10.1.2012 supported by six DP size photographs that construction of a multistoried building in a residential area on 36<sup>th</sup> cross of T. block in Jayanagara at Bengaluru is going on violating building byelaws and regulations. I have paid a surprise visit on**

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**23.1.2012 along with Chief Engineer of our institution ( head of TAC) and noticed certain violation in the construction referred to above and gave instruction to the Executive Engineer. Since the entire foot path was covered by the building materials stored for the purpose of construction of said building with a temporary small room building on the side road in front of the said building under construction in property No. 27 ( old no. 1056) of ward no. 68 in 36<sup>th</sup> F cross road 4<sup>th</sup> T Block of Jayanagara Bengaluru direction was given to see that the foot path is cleared".** As per the Ex.P-3, 4 and 5 comments submitted by the DGO no. 1 to 3 the owner of the building filed the application before the KAT on 1.2.2012 in application no. 113 /2012 and obtained the stay order. Ex.P-6 is the documents including 5 sheets. As per the Ex.P-6 the DGO no. 1 issued the provisional order on 23.1.2012 after the Hon'ble Upalokayukta visited the disputed building (i.e., 23.1.2012). Ex.p-7 is the approved plan in respect of the said building as per the said document said plan approved by the Assistant Director of town planning on 18.6.2011, the license NP no. 792/2011-12 i.e.,in force upto 17.6.2013. As per the said plan permission given to the owner of the building to construct the stilt floor, ground floor, 2<sup>nd</sup> floor and terrace floor. The Ex.P-6 PO order dtd: 23.1.2012 includes a sketch prepared by the DGO no. 1 and 2 after inspected the said building. As per the Ex.P-6 the owner of the building violated the approved plan, about 50% towards the western side, about 62.5% towards the northern side, about 64.58% towards the southern side, at the time of construction of stilt



floor, over all violated the approved plan at 44.27 %. The owner of the building violated the approved plan about 50% towards the east side, about 79.16% towards the west side, about 62.5% towards the North side about 87% towards the south side, at the time of construction of ground floor, over all violated the approved plan at 69.66 %. The owner of the building violated the approved plan about 50% towards the East side, about 79.16% towards the west side, about 62.5% towards the North side, about 87% towards the south side at the time of construction of first floor, over all violated the approved plan at 69.66 %. The owner of the building violated the approved plan about 50% towards the East side, about 79.16% towards the west side, about 62.5% towards the North side, about 87% towards the south side, at the time of construction of second floor. Over all violated the approved plan at 69.66 %. Further stated in the said order that the construction varied 50.91% to the sanctioned plan in respect of ground floor, first floor, second floor. Further stated that in 3<sup>rd</sup> floor only permitted to construct Head room but unauthorizedly constructed 196.16 sq mtr structure. And further Terence floor constructed was 150.36 sq. mtr., it is also unauthorized construction.

**23.** Considering the documents produced by the DGO themselves, on 23.1.2012 the said multistoried building was already constructed upto 3<sup>rd</sup> floor with Terence floor by violating the approved plan as stated above. It is clear that before the Hon'ble Upalokayukta visited the said disputed building based on anonymous complaint on 23.1.2012 the DGOs as Assistant Executive Engineer and Assistant

Engineer / JE not visited the said building and inspected the same periodically as per rules and not initiated any action against the owner of the building. The DGO themselves produce the Ex.D-2 (page no. 125-126) office order dtd: 28.10.2010 of commissioner BBMP Bengaluru in the said office order clearly stated that duty of the Assistant Engineer / Junior Engineer and Assistant Executive Engineer and Executive Engineer as follows;

1. ಸಹಾಯಕ /ಕಿರಿಯ ಅಭಿಯಂತರರು:- ಕಟ್ಟಡದ ತಳ ಪಾಯವನ್ನು (plinth level ) ಮಂಜೂರಾದ ನಕ್ಷೆಯೊಂದಿಗೆ ದೃಢೀಕರಣ ನೀಡುವುದು.
2. ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು:- ಕಟ್ಟಡದ ಲಿಂಟಲ್ ವರೆಗಿನ ಕಾಮಗಾರಿಯನ್ನು ಮಂಜೂರಾದ ನಕ್ಷೆಯೊಂದಿಗೆ ಪರಿಶೀಲಿಸಿ ದೃಢೀಕರಣ ನೀಡುವುದು.
3. ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು:- ಕಟ್ಟಡದ ಮೇಲ್ಭಾಗದ ಕಾಮಗಾರಿಯನ್ನು ಮಂಜೂರಾದ ನಕ್ಷೆಯೊಂದಿಗೆ ಪರಿಶೀಲಿಸಿ ದೃಢೀಕರಣ ನೀಡುವುದು.

ನಗರ ಯೋಜನೆ ಕಛೇರಿಗಳಿಂದ ಮಂಜೂರಾದ ನಕ್ಷೆಗಳನ್ನು 7 ದಿನಗಳೊಳಗೆ ತಪ್ಪದೆ ಸಂಬಂಧಪಟ್ಟ ಉಪ ವಿಭಾಗಗಳಿಗೆ ಕಳುಹಿಸಿಕೊಡುವಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು.

ವಲಯದ ನಗರ ಯೋಜನಾ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು ಮತ್ತು ಕೇಂದ್ರ ಕಛೇರಿಯ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು/ ಉಪ ನಿರ್ದೇಶಕರು/ ಜಂಟಿ ನಿರ್ದೇಶಕರು (ನಗರ ಯೋಜನೆ) ತಮ್ಮ ಹಂತದಲ್ಲಿ ನಕ್ಷೆ ಮಂಜೂರಾತಿ ಪಡೆದು ನಿರ್ಮಿಸುತ್ತಿರುವ ನೂತನ ಕಟ್ಟಡಗಳನ್ನು ಬೈಲಾಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ಪರಿವೀಕ್ಷಿಸಿ 15 ದಿನಗಳಿಗೆ ಒಮ್ಮೆ ದೃಢೀಕರಣ ಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು, ವ್ಯತಿರಿಕ್ತ ನಿರ್ಮಾಣ ಕಂಡು ಬಂದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಉಪ ವಿಭಾಗದ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರವರಿಗೆ ಕೆ.ಎಂ.ಸಿ. ಕಾಯ್ದೆಗಳನ್ವಯ ಅಗತ್ಯ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸೂಚಿಸತಕ್ಕದ್ದು.

**24.** As per the Ex.P-7, the approved plan sanctioned on 18.6.2011. As per the Ex.P-6 PO order the disputed building construction work completed upto 3<sup>rd</sup> floor with Terence floor



when the Hon'ble Upalokayukta visited the spot on 23.1.2012. The Ex.P-6, PO order issued by the DGO no.1 is clear that the owner of the building violated the approved plan and building byelaws and regulations since from beginning i.e., from construction of stilt floor. Even though the owner of the building deviated the approved plan and building byelaws the DGO no. 1 to 3 who were working as Assistant Executive Engineer and Assistant Engineer / JE in the said period not at all visit the said building and inspected the construction work periodically as prescribed in the office order dtd: 28.10.2010 of commissioner BBMP Bengaluru. The DGOs only taken the action in respect of the said building when the Hon'ble Upalokayukta visited the place of disputed construction. After issue the Confirmation order on 31.1.2012 on the same day obtained the demolition order from the Executive Engineer. The owner of the building filed the application before the KAT on 1.2.2012 obtained the stay order. Considering the Ex.P-1 anonymous complaint dtd: 10.1.2012 with Xerox copies of the photos of the disputed building which were not disputed by the DGOs along with Ex.P-6 PO order dtd: 23.1.2012 with Ex.P-2 the order dtd: 31.3.2012 of the Hon'ble Upalokayukta, is clear that the DGOs as Assistant Executive Engineer and Assistant Engineer / JE respectively who were working in the Jayanagara sub division BBMP during their period they have not taken any action to stop the illegal construction made by the owner of the building as stated in the Ex.P-6 PO order. They have only taken action after the then Hon'ble Upalokayukta visited the spot on 23.1.2012. The above said





facts and circumstance clearly depicts that the DGOs has failed to make inspect periodically in respect of said building and submit the report and take action, as per officer order of the commissioner BBMP. The said act of the DGOs is clear that they have committed dereliction of duty and misconduct by failing to take action in respect of the said disputed building in accordance with law as the work allotted to them shown in the Ex.D-2 office order dtd: 28.10.2010 of Commissioner BBMP. There is no material from the side of the DGOs to disprove the material evidence placed by the disciplinary authority. Thereby the disciplinary authority succeeded to prove the charge leveled against the DGOs No.1 to 3.

**25.** 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.

*(Signature)*  
18/05/2020  
(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

Pw.1	Smt.K.A.Lalitha, Additional Registrar of Enquiries-5, Karnataka Lokayukta Bengaluru
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Ex.P1 is the complaint dtd: 10.1.2012 submitted by the residents of T. Block Jayanagara Bengaluru to the then Hon'ble Upalokayukta Bengaluru along with the photographs.
Ex.P 2	Ex.P-2 is the order of the then Hon'ble Upalokayukta dtd: 31.3.2012.
Ex.P-3	Ex.P-3 is the comments dtd: 23.1.2012 of the Assistant Executive Engineer Jayanagara Sub Division, BBMP.
Ex.p-4	Ex.p-4 is the comments dtd: 11.9.2012 of DGO no. 2.
Ex.P5	Ex.P-5 is the comments dtd: 10.9.2012 of DGO no. 3.
Ex.P6	Ex.P-6 is the provisional order dtd: 23.1.2012.
Ex.P7	Ex.P-7 is the approved plan copy.
Ex.P-8	Ex.P-8 is the confirmation order dtd: 30.1.2012.
Ex.P-9	Ex.P-9 is the order copy dtd: 31.1.2012 issued by Executive Engineer Jayanagara division, BBMP

**iii) List of witnesses examined on behalf of DGO.**

DW-1	DGO no.3 Sri. B.R.Nanjundegowda, Assistant Executive Engineer Jayanagar Sub Division, BBMP 4 <sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru
DW-2	DGO no. 2 Sri. M.N.Suresh, Junior Engineer, Office of Assistant Executive Engineer, Jayanagar Sub Division, BBMP, 4 <sup>th</sup> Block, Jayanagar Shopping complex, Bengaluru

**iv) List of documents marked on behalf of DGO**

Ex.D-1	Ex.D-1 is the letter dtd: 25.5.2019 of Assistant Executive Engineer Jayanagara sub division, BBMP.
Ex.D-2	Ex.D-2 is the office officer dtd: 4.10.2010 of Commissioner, BBMP.
Ex.D-3	Ex.D-3 is the letter dtd: 25.5.2019 Assistant Executive Engineer Jayanagara sub division, BBMP.
Ex.D-4	Ex.D-4 is the letter dtd: 31.1.2012 of Assistant Executive Engineer Jayanagara sub division, BBMP.
Ex.D-5	Ex.D-5 is the letter dtd: 31.1.2012 of Assistant Executive Engineer Jayanagara sub division, BBMP.
Ex.D-6	Ex.D-6 is the order copy in appeal no. 113/2012 of the Karnataka Appellate Tribunal ( KMC).
Ex.D-7	Ex.D-7 is the parawise remarks in repect of appeal no. 113/2012 filed by Sri.G.N.C. Reddy in Karnataka Appellate Tribunal

*(Signature)*  
18/05/2020  
(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/690/2016/ARE-9

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

**Date: 20/05/2020**

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- (1) Sri I Annegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar Shopping Complex, Bengaluru;
- (2) Sri M.N. Suresh, Junior Engineer, Office of the Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru
- (3) Sri B.R. Nanjundegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru- Reg.

Ref:- 1) Govt. Order No.ನಲಇ 645 ಎಂಎನ್‌ಯು 2016, dated 29/11/2016

- 2) Nomination order No.UPLOK-1/DE/690/2016, Bengaluru dated 3/12/2016 of Upalokayukta-1, State of Karnataka, Bengaluru
- 3) Inquiry Report dated 18/5/2020 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its order dated 29/11/2016 initiated the disciplinary proceedings against (1) Sri I Annegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar Shopping Complex, Bengaluru; (2) Sri M.N. Suresh, Junior Engineer, Office of the Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru and (3) Sri B.R. Nanjundegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar,

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/690/2017 Bengaluru dated 3/12/2016 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 I Annegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar Shopping Complex, Bengaluru; DGO-2 Sri M.N. Suresh, Junior Engineer, Office of the Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru and DGO-3 Sri B.R. Nanjundegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru was tried for the following charge:-

“While you DGO No.1 Sri I. Annegowda was working as Assistant Executive Engineer, Jayanagar Sub Division, BBMP, Jayanagar Shopping Complex, 4<sup>th</sup> Block, Bangalore; you DGO No.2 Sri M.N. Suresh was working as Junior Engineer, Office of the Assistant Executive Engineer, Jayanagar Sub Division, BBMP, Jayanagar Shopping Complex, 4<sup>th</sup> Block, Bangalore and you DGO No.3 Sri B.R. Nanjundegowda, was working as Assistant Executive Engineer, Jayanagar Sub Division, BBMP, Jayanagar shopping Complex, 4<sup>th</sup> Block, Bangalore – a multi Storied Building is under construction in 36<sup>th</sup>

Cross, T Block, Jayanagar and the construction is in violation of building bye-laws and regulations and no action has been action and with the connivance of owner of the building to get the stay order from the court and therefore, you DGO No.1 to 3 have failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants and therefore, 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-9) on appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO-1 Sri I Annegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar Shopping Complex, Bengaluru; DGO-2 Sri M.N. Suresh, Junior Engineer, Office of the Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru and DGO-3 Sri B.R. Nanjundegowda, Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, 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 DGO 2 & 3; DGO-2 Sri M.N. Suresh, is due to retire from service on 30/6/2024; and DGO-3 Sri B.R. Nanjundegowda has retired from service on 31/5/2017 (during the pendency of inquiry). As per the information gathered from the office of the Assistant Executive Engineer, BBMP, Jayanagar, DGO-1 Sri Annegowda has already retired from service.

7. Having regard to the nature of charge proved against DGO-1 Sri I Annegowda, DGO-2 Sri M.N. Suresh and DGO-3 Sri B.R. Nanjundegowda;

- (i) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-1 Sri I Annegowda, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar Shopping Complex, Bengaluru for a period of 5 years;
- (ii) it is hereby recommended to the Government for imposing penalty of reducing the pay in the time scale of pay by four lower stages with cumulative effect on DGO-2 Sri M.N. Suresh, Junior Engineer, Office of the Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru;
- (iii) it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-3 Sri B.R. Nanjundegowda, the then Assistant Executive Engineer, Bruhat Bengaluru Mahanagara Palike, Jayanagar Sub Division, Jayanagar, Bengaluru for a period of 5 years.

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