



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.69/2017/ARE-14

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 28.09.2022.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Sri Ranganath.R., (retired), the then Assistant Executive Engineer, and (2) Sri Prasanna Kumar.P.T., Assistant Engineer, Chamarajapete Ward, BBMP, Bengaluru- reg.

Ref:- Government Order No. UDD 733 MNU 2016 dated 31.12.2016.

- 2) Nomination order No. UPLOK-1/DE.69/2017 dated 17.01.2017 of Hon'ble Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 22.09.2022 of Additional Registrar of Enquiries-14, Karnataka Lokayukta, Bengaluru.

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The Government by its orders dated 31.12.2016 initiated the disciplinary proceedings against (1) Sri Ranganath.R., (retired), the then Assistant Executive Engineer, and (2) Sri Prasanna Kumar.P.T., Assistant Engineer, Chamarajapete Ward, BBMP, Bengaluru, [hereinafter referred to as Dclinquent Government

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Officials, for short as ' DGO 1 and 2' respectively ] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE.69/2017 dated 17.01.2017 nominated Additional Registrar of Enquiries-1, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them. Subsequently, the matter was transferred to ARE-7 and then to Additional Registrar of Enquiries-14 to continue the said inquiry.

3. The DGOs were tried for the charge of not taking action against illegal construction of building in property No.F-39, 6<sup>th</sup> Cross, Chamarajapete and thereby committing misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-14) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO 1 Sri Ranganath.R., (retired), the then



Assistant Executive Engineer, Chamarajapete Ward, BBMP, Bengaluru.

5. Further, the Inquiry Officer has reported that DGO 2 Sri Prasanna Kumar.P.T., Assistant Engineer, Chamarajapete Ward, BBMP, Bengaluru, had preferred A.No.5325/2017 before Hon'ble KAT and the Hon'ble KAT by its order dated 12.9.2019 has set aside the Entrustment order. Further, this Institution has challenged the said order of Hon'ble KAT before Hon'ble High Court of Karnataka in WP.No.2948/2022 and the same is pending for consideration.

6. On re-consideration of report of inquiry and on perusal of the entire records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

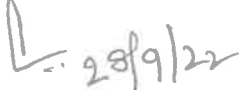
7. As per the First Oral Statement, DGO 1 Sri Ranganath.R., has retired from service on 30.11.2018.



8. Having regard to the nature of charge proved against DGO 1 Sri Ranganath and considering the totality of circumstances, it is hereby recommended to the Govt. to impose penalty of 'withholding 05% of pension payable to DGO 1 Sri Ranganath.R., the then Assistant Executive Engineer, for a period of five years.'

9. 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/69/2017/ARE-14

Multi Storied Building,  
Dr. B.R Ambedkar Road,  
Bangalore-560001,  
Dated: 22/09/2022.

### ENQUIRY REPORT

**Present :** Sri. **Sudesh Rajaram Paradeshi**  
Additional Registrar of Enquiries-14  
Karnataka Lokayukta  
Bangalore.

**Sub:** Departmental Enquiry against **(1) Sri. Ranganath R,** Assistant Executive Engineer, Chamarajpet Ward, BBMP, Bengaluru **(2) Sri. Prasanna Kumar P.T,** Assistant Engineer, Chamarajpet Ward, BBMP, Bengaluru – Reg.

**Ref:** 1. Report U/s.12(3) of the K.L Act, 1984 in COMPT/UPLOK/BCD/2469/2013/ARE-9 dated 10/11/2016.  
2. Government Order No.ನೃಇ 733 ಎಂಎನ್ಯು 2016, Bengaluru dated 31/12/2016.  
3. Nomination Order No.UPLOK-1/DE/69/2017, dated 17/01/2017 of Hon'ble Upalokayukta, Bangalore.  
4. Order No.UPLOK-1/DE/2017 Bengaluru Dated: 6.7.2017 file transferred from ARE-1 to ARE-7.  
5. Order No.UPLOK-1&2/DE/Transfers/2018 Bengaluru, Dtd: 06/08/2018 file is transferred from ARE-7 to ARE-14.

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The complainant by name **Sri. Shivakumar P**, Chamarajpet, Bengaluru has filed the complaint against **(1) Sri. Ranganath R**, Assistant Executive Engineer, Chamarajpet Ward, BBMP, Bengaluru **(2) Sri. Prasanna Kumar P.T**, Assistant Engineer, Chamarajpet Ward, BBMP, Bengaluru, alleging that the DGOs did not take any action against illegal construction of building by one Smt. Hema in property No.F-39, 6th Cross, Sirsi Road, Chamarajpet by violating the building bye-laws and sanctioned plan and even though the matter was brought to their notice by Sri. P. Shivakumar, they kept quiet and allowed the owner of the building to complete the construction and thereby favoured the said person. Therefore, the DGOs committed misconduct and dereliction of duty while discharging their duty as Government servants.

2. After completion of the investigation, a report was sent to the Government U/s.12(3) of the Karnataka Lokayukta Act as per reference No.1. In pursuance of the report, the Government of Karnataka was pleased to issue the G.O. dated 31/12/2016 authorizing Hon'ble Upalokayukta to hold enquiry as per reference No.2. In pursuance of the G.O., the Nomination was issued by the Hon'ble Upalokayukta on 17/01/2017 authorizing ARE-1 to hold enquiry and to report as per reference No.3 and this file is transferred from ARE-1 to ARE-7 as per reference No.4. In turn, this file is transferred from ARE-7 to ARE-14 as per reference No.5.

3. On the basis of the Nomination, Articles of Charge against the **DGOs were framed by the Additional Registrar of Enquiries-1** which includes Articles of Charge at Annexure-I and Statement of Imputation of Misconduct at Annexure No. II which are as follows:-

**ANNEXURE-I**

**CHARGE:-**

*While you DGO No.1 Ranganath R working as Assistant Executive Engineer, Chamarajpet Ward, BBMP, Bengaluru and you DGO No.2 Sri. Prasannakumar P.T, Assistant Engineer, Chamarajpet Ward, BBMP, Bengaluru did not take any action against illegal construction of building by Smt. Hema in property No.F-39, 6<sup>th</sup> Cross, Sirsi Road, Chamarajpet by violating the building bye-laws and sanctioned plan and even though the matter was brought to your notice by Sri. P. Shivakumar, you kept quite and allowed the owner of the building to complete the construction and thereby favoured the said person and therefore you DGO No.1 and 2 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.*

## **ANNEXURE-II**

### **STATEMENT OF IMPUTATION OF MISCONDUCT**

- 2) **Brief facts of the case are:-** According to the complainant: he is the owner of the property bearing No.F-39, measuring 20x30 feet. The property of one Smt. Hema is situated on the western side of complainant's property. The said Hema is constructing a residential house by violating the bye-laws and sanctioned plan. Though, a complaint dated 24/08/2013 is lodged by the complainant, the respondents have not taken any action. Hence, this complaint.
- 3) In response to notice issued by this Authority, the respondents have submitted their comments. It is submitted by the respondents that after receipt of complaint, the Respondent No.2 has inspected the property on 28/08/2013 and on the basis of the report of the AEE, as there were deviations from the sanction plant, provisional order of demolition u/s.321(1) of



KMC Act was issued on 07/09/2013 informing the owner to set right the deviations and demolish the unauthorized 3<sup>rd</sup> floor. The owner has given reply on 16/09/2013 contending that the construction is in conformity with sanction plan and therefore, there are no deviations or unauthorized constructions in the building. It is further say of the respondents that as the reply was against the notice sent by them, they have issued confirmation order on 17/09/2013. It is also say of the respondents that even after giving sufficient time the owner had not responded to final order dated 17/09/2013. Hence, Executive Engineer of Chamarajpet Division has passed order dated 14/11/2013 to execute the confirmation order u/s.462 of KMC Act. The said order of execution is in process of being executed. The cost of execution of the confirmation order is estimated. After approval of the same, higher authorities will execute the order. Subsequently, Notification bearing No.AEE/Chamarajpet/PR-844/2013-14 dated 03/12/2013 is issued calling for tenders to carry out the work of the demolition.

- 4) The complainant has submitted rejoinder wherein he has stated that the building was completed on 18/03/2014 enclosing photographs.

- 5) The respondents have noticed the illegal construction and issued the provisional, final order and acted upon as per the provisions of the KMC Act. In spite of several reminders action taken report is not submitted by them in disobedience. This keeping silence shows that they have favoured the occupier to complete the building which is forthcoming from the photos produced by the complainant.
- 6) The above attitude of the respondents are an inaction for having not taken any steps to remove the unauthorized construction by the occupier under the process of law.
- 7) In view of the facts stated above and on consideration of the material on record, reply/replies of Respondents No.1 and 2 have not been found satisfactory to drop the proceedings.
- 8) The facts supported by the material on record prima-facie show that the Respondents No.1 and 2, being Government servants, have failed to maintain absolute devotion to duty and have acted in a manner unbecoming of Government servants and thereby committed misconduct and made themselves liable for disciplinary action.
- 9) Since said facts and material on record prima-facie show that, the respondents/DGOs (1) Ranganth R and (2) Sri. Prasannakumar P.T have committed grave

misconduct, now, acting under Section 12(3) of the 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 Government after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence, the charge.

4. The aforesaid '*Articles of Charge*' was served on the DGOs. The DGO No.1 & 2 have appeared before this authority on 09/03/2017 and their first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO No.1 & 2 pleaded not guilty and claimed to be enquired about the charges.
5. The facts supported by the material on record prima-facie showed that the DGOs, being a public servants failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants and thereby committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966 and made himself liable for disciplinary action.
6. The complainant is examined as PW-1 and Ex.P.1 to P.9 were got marked. DGO No.1 was examined as DW-1 and got marked Ex.D.1 to D.10.

7. Perused the entire case record and heard the argument of both the side in respect of DGO No.1.

8. The points that arise for my consideration are:

Point No.1 : Whether the charge framed against the DGOs is proved?

Point No.2 : What order?

9. My answers to the above points are as under:

Point No. 1: **In the affirmative.**

Point no. 2 : **As per final order for the following;**

### REASONS

10. **Point No.1** : The complainant by name **Sri. Shivakumar P**, Chamarajpet, Bengaluru has filed the complaint against **(1) Sri. Ranganath R**, Assistant Executive Engineer, Chamarajpet Ward, BBMP, Bengaluru **(2) Sri. Prasanna Kumar P.T**, Assistant Engineer, Chamarajpet Ward, BBMP, Bengaluru, alleging that the complainant is the owner of the property bearing No.F-39 measuring 20x30 feet. Towards western side of his property, property of one Smt. Hema is situated. The said Hema is constructing a residential house by violating the bye-laws and sanctioned plan. It is further contended that though he has filed the complaint on 24/08/2013, the respondents have not taken

any action. Hence, he filed the complaint against the DGOs. Therefore, the DGOs committed misconduct and dereliction of duty while discharging their duty as Government servants.

11. DGO No.1 & 2 have not filed their written statement.
12. Complainant examined as PW-1 and got marked Ex.P.1 to Ex.P.9. In his examination-in-chief he deposed that Smt. Hema alias Lakshmibai has taken the permission to construct the ground floor, 1<sup>st</sup> floor and 2<sup>nd</sup> floor building. When he has filed the complaint to BBMP authorities, she was completed the construction of ground, 1<sup>st</sup> and 2<sup>nd</sup> floor and was continuing to construct the building. In spite of his complaint, they have not taken any action. So, he filed the complaint before Task Force of BBMP but they had also not taken any action. He further deposed that aggrieved by the inaction of the BBMP authorities he filed this complaint. Ex.P.1 is Form No.1; Ex.P.2 is the complaint; Ex.P.3 is Form No.2; Ex.P.4 is the sketch; Ex.P.5 is the complaint filed before BBMP authority; Ex.P.6 is the complaint filed before IGP, BMTF, Bengaluru; Ex.P.7 to 9 are the photographs of the building in question.
13. The DGO No.1 examined as DW-1 and got marked documents Ex.D.1 to D.10. In his evidence he deposed that he worked as Assistant Executive Engineer, Chamarajpet, BBMP Sub-Division from 06/05/2013 to 16/02/2015. The complainant filed the

complaint alleging that the owner of the property bearing No.25/3 was constructing the building by violation of approved map. Thereafter he instructed the DGO No.2 to visit the place and to submit the report. Accordingly, DGO No.2 visited the spot on 28/08/2013 and found that owner of the property was constructing the building by violating the sanctioned plan and submitted his report. He further deposed that on the basis of said report, he issued the notice to the owner of the building. Later on, DGO No.2 has issued the notice (provisional order u/s.321(1) of KMC Act) to the owner of the property on 07/09/2013.

14. He further deposed that when DGO No.2 went to serve the notice, owner of the property Smt. Lakshmidevi on 09/09/2013 she was not available. Again DGO No.2 went to serve the notice on 13/09/2013, she refused to take the notice so they have issued the notice through post for that Lakshmidevi had given reply stating that she had not violated the bye-laws. After going through the reply, DGO No.1 was not satisfied so he issued the confirmation order u/s.321(3) of KMC Act but Smt. Lakshmidevi refused to take the notice. Again they have sent the confirmation order dated 25/09/2013 by post for that Smt. Lakshmidevi had given reply on 28/09/2013. He further deposed that Smt. Lakshmidevi had not demolished the illegal constructed portion so he asked Executive Engineer to issue order u/s.462 of KMC Act. Accordingly, Executive Engineer passed the order on

14/11/2013. Then he prepared the estimate of the cost of execution and issued the notification to call for tender. Ex.D.1 is the comments submitted by DGO No.1; Ex.D.2 is the office note sheet copy; Ex.D.3 and 4 are the Xerox copies of the provisional order u/s.321(1)(2) of KMC Act dated 07/09/2013; Ex.D.5 is the copy of the reply submitted by the Smt. Lakshmidevi dated 16/09/2013; Ex.D.6 is the Xerox copy of the confirmation order dated 17/09/2013; Ex.D.7 is the Xerox copy of the reply submitted by Smt. Lakshmidevi dated 28/09/2013; Ex.D.8 is the Xerox copy of the letter submitted by Smt. Lakshmidevi dated 26/10/2013; Ex.D.9 is the Xerox copy of the order passed by Sec.462 of KMC Act dated 14/11/2013 and Ex.D.10 is the Xerox copy of the notification pertaining to the calling quotation to remove the illegally constructed portion of the building by Smt. Lakshmidevi.

15. Sanctioned plan is produced by the complainant which is marked as Ex.P.4. As per this document, permission was given to construct the ground floor, 1<sup>st</sup> floor, 2<sup>nd</sup> floor and terrace. As per the complainant when he filed the complaint before the BBMP authorities Smt. Lakshmidevi was continuing the construction of the building by violating the sanctioned plan. The DGO No.2 filed the his office order sheet note marked as Ex.D.2. By perusing the same it is mentioned that after filing of the complaint, spot inspection was made and found that Smt. Lakshmidevi had constructed the 3<sup>rd</sup> floor. The DGO No.1 only

he issued the notice i.e. provisional order as per Ex.D.3 & 4. But he has not taken any action to stop the further construction of the building. As per the circular issued by the BBMP Commissioner dated 28/10/2010 the following officers made responsible to inspect and to ensure that the buildings are being constructed according to the sanctioned plan.

- i. Assistant Engineer/Junior Engineer to verify and certify upto plinth level.
- ii. Assistant Executive Engineer to verify upto lintel level and certify.
- iii. Executive Engineer to verify the roof level and certify.

In addition to above, the concerned Assistant Director of Town Planning is required to inspect the building for which plan has been sanctioned by them once in 15 days, to ensure that the buildings are constructed as per the bye-laws and if any deviations are observed the same has to be intimated to the concerned Assistant Executive Engineer for taking necessary action.

16. As per this circular DGO No.1 not at all inspected the building nor he has taken any steps by writing a letter to Bengaluru Electricity Supply Company and Bengaluru Water Supply and Sewage Board not to give electricity connection and water supply



to the said building. As per Ex.P.7 to 9 (photographs) shows that Smt. Lakshmidevi already constructed the 5<sup>th</sup> floor of the building by violating the sanctioned plan. If DGO No.1 has taken immediate action he should have stopped the further construction of building. But he has not done so. In his cross examination he clearly admitted that when building construction is come upto lintel level he has to visit the building for inspection. When it was asked him whether he visited this building for that he deposed that he was incharge of 3 wards so he sent Assistant Engineer to visit the spot and inspect the building and to report the same. But the DGO No.1 has not filed any report submitted by his Assistant Engineer. Except issuing the notice the DGO No.1 has not at all visited the spot personally and not taken any action to stop the further construction of building even it was in his knowledge.

17. So, in my opinion, DGO No.1 inspite of having knowledge about the unauthorized construction of building was going on he allowed the owner of the building to complete the construction. Hence, disciplinary authority has proved the allegations made against the DGO No.1.

18. As regards DGO No.2 is concerned, DGO No.2 during the enquiry filed a memo with certified copy of the order passed by the Hon'ble KSAT, Bengaluru in the application bearing No.5325/2017 dated 12/09/2019. By perusing the same, the

said application filed by DGO No.2 was allowed and set-aside the order bearing No.ನಅಇ 731 ಎಂಎನ್ಯು dated 31/12/2016 passed by the 2<sup>nd</sup> Respondent. However, the Respondents-Government are given liberty to consider all the materials placed on record before passing the order U/R 14-A KCS (CCA) Rules, 1957 and take the decision a fresh.

19. For the above said reasons and discussion, I answer point No.1 in the affirmative.

20. Hence, I proceed to record the following:

### **FINDINGS**

The Disciplinary Authority has **proved** the charges framed against **DGO No.1 Sri. Ranganath R**, Assistant Executive Engineer, Chamarajpet Ward, BBMP, Bengaluru.

The Date of Retirement of DGO No.1 is 30/11/2018.

This report is submitted to the Hon'ble Upalokayukta in a sealed cover.

*Paradeshi*  
22/1/19  
**(SUDESH RAJARAM PARADESHI)**  
Additional Registrar Enquiries-14,  
Karnataka Lokayukta,  
Bangalore.

**ANNEXURES**

| <b>Sl. No.</b> | <b>Particulars of Documents</b>                                                     |                                                                                    |
|----------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>1</b>       | <b>Witness examined on behalf of the Disciplinary Authority</b>                     |                                                                                    |
|                | <b>PW-1</b>                                                                         | Sri. Shivakumar S/o Puttamadegowda, Lab Mechanic, Bengaluru University, Bengaluru. |
| <b>2</b>       | <b>Documents marked on behalf of the Disciplinary Authority Ex.P-1 to Ex.P-9</b>    |                                                                                    |
|                | <b>Ex.P.1 &amp; 1(a)</b>                                                            | Form No.1 with signature.                                                          |
|                | <b>Ex.P.2 &amp; 2(a)</b>                                                            | Complaint dtd: 30/09/2013 given to this institution with signature.                |
|                | <b>Ex.P.3 &amp; 3(a)</b>                                                            | Form No.2 with signature (Affidavit).                                              |
|                | <b>Ex.P.4</b>                                                                       | Copy of Sketch map.                                                                |
|                | <b>Ex.P.5&amp; 5(a)</b>                                                             | Letter dtd: 24/08/2013 addressed to ARO, BBMP, Bengaluru with signature.           |
|                | <b>Ex.P.6&amp; 6(a)</b>                                                             | Letter dtd: 30/08/2013 addressed to IGP, BMTF, BBMP, Bengaluru with signature.     |
|                | <b>Ex.P.7</b>                                                                       | Photographs.                                                                       |
|                | <b>Ex.P.8</b>                                                                       | Photographs.                                                                       |
|                | <b>Ex.P.9</b>                                                                       | Photographs.                                                                       |
| <b>3</b>       | <b>Witness examined on behalf of the DGO, Documents marked on behalf of the DGO</b> |                                                                                    |
|                | <b>DW-1</b>                                                                         | Sri. D Ranganath S/o Doddarangappa, Rtd. AEE, Bengaluru.                           |
| <b>4</b>       | <b>Documents marked on behalf of the DGOs through the complainant</b>               |                                                                                    |

|                |                                                                                            |
|----------------|--------------------------------------------------------------------------------------------|
| <b>Ex.D.1</b>  | Comments.                                                                                  |
| <b>Ex.D.2</b>  | Copy of office note sheet.                                                                 |
| <b>Ex.D.3</b>  | Copy of Karnataka Municipality Corporation Act 1976<br>dtd: 07/03/2013.                    |
| <b>Ex.D.4</b>  | Copy of Karnataka Municipality Corporation Act 1976<br>dtd: 07/03/2013.                    |
| <b>Ex.D.5</b>  | Letter dtd: 16/09/2013 submitted by complainant.                                           |
| <b>Ex.D.6</b>  | Copy of Karnataka Municipality Corporation Act 1976<br>dtd: 17/09/2013.                    |
| <b>Ex.D.7</b>  | Letter dtd: 28/09/2013 submitted by complainant.                                           |
| <b>Ex.D.8</b>  | Letter dtd: 26/10/2013 submitted by complainant.                                           |
| <b>Ex.D.9</b>  | Copy of Karnataka Municipality Corporation Act 1976<br>dtd: 14/11/2013.                    |
| <b>Ex.D.10</b> | Office notification dtd: 03/12/2013 of AEE,<br>Chamarajpet Sub-Division, BBBMP, Bengaluru. |

Dated this the 22<sup>nd</sup> September, 2022

  
**(SUDESH RAJARAM PARADESHI)**  
 Additional Registrar Enquiries-14,  
 Karnataka Lokayukta,  
 Bangalore.