

KARNATAKA LOKAYUKTA

No. UPLOK-1/DE-719/2017/ARE-19.

M.S. Building,
Dr. B.R. Ambedkar Road,
Bangalore-560 001, Date:26-02-2024.**:: ENQUIRY REPORT ::**

- Sub:-** Departmental Inquiry against
- (1) Sri. Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and
 - (2) Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub Division, BBMP Bengaluru - reg.

- Ref:-**
- 1] U/Sec. 12(3) of Karnataka Lokayukta Act, 1984 Report Dated 13-03-2017 sent to the Government of Karnataka.
 - 2] Government Order No: ನಅಇ 207 ಎಂಎನ್‌ಯು 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:09-05-2017.
 - 3] Nomination Order No:UPLOK-1/DE 719/2017, Bengaluru Dt: 30-05-2017.

The Departmental Inquiry is initiated against (1) Sri. B.Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and (2) Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub Division, BBMP



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Bengaluru (*hereinafter referred to as the Delinquent Government Officials, in short D.G.O Nos.1 and 2*).

2] In view of the Government Order cited at reference No.1, the Hon'ble Upalokayukta-1 vide Order cited at reference No.2, had nominated Additional Registrar Enquiries-4 to frame Articles of Charge and to conduct enquiry against aforesaid D.G.O No.1 and 2. Thereafter, ARE-15 was re-nominated as the inquiry officer. So, ARE-15 conducted the inquiry and before he could submit the report, he came to be transferred as Prl. District & Sessions Judge, Koppal District, Koppal. Now, the file is transferred as per Note of Uplok-1 & 2/DE/ transfer/2023 Dated 06-10-2023 of the Registrar, Karnataka Lokayukta, Bengaluru to ARE-19 for submitting the report.

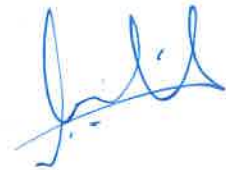
3] One Sri N.Vasanthankumar, 1st Block, Rajajinagara, Bengaluru (*hereinafter referred to as complainant for short*) had filed the complaint against (1) Sri. Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and (2) Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub-Division, BBMP, Bengaluru alleging that they have committed misconduct, and accordingly an investigation was taken up invoking Section.9 of Karnataka Lokayukta Act, 1984.

4] On perusal of the complaint and its enclosures, Hon'ble Upalokayukta found prima facie case and forwarded the Report Dt:13-03-2017 u/s 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against (1) Sri. Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and (2) Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub-Division, BBMP Bengaluru, the D.G.Os No.1 and 2. The Government has issued Order Dt: 09-05-2017 referred to at Sl.No.2 entrusting the enquiry to Hon'ble Upalokayukta.

5] In pursuance of the nomination order, Articles of Charge with Statement of Imputation of Misconduct, list of witnesses and documents were prepared and served upon the DGO Nos.1 and 2.

6] The Article of Charge as framed by the then ARE-4 is as follows:-

That you the DGO No.1 Sri Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and DGO No.2 Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub-Division, BBMP Bengaluru while working in the above capacity in BBMP:-



- (a) In respect of property No.13/1, 7th Cross, 6th Block Rajajinagar, Bengaluru, though provisional order has been issued on 13/11/2013, no action has been taken till 13/03/2014 for 4 months to issue confirmation order by you DGO No.2. After making recommendation for issuing order u/sec.462 of KMC Act by you-DGO No2. On 23/04/2014 no action has been taken you-DGO No.1 till 15/10/2014 to issue order under section 462 of KMC Act.
- (b) In respect of property No.45/18, 7th Cross, 6th block Rajajinagar, Bengaluru, though provisional order has been issued on 13/11/2013, no action has been taken till 13/03/2014 for 4 months to issue confirmation order by you DGO No.2. After making recommendation for issuing order u/sec.462 of KMC Act by you DGO No.2 on 05/05/2014, no action has been taken by you DGO No.1 till 15/10/2014 to issue order under section 462 of KMC Act.
- (c) In respect of property No.14, 9th Main, 4th Block, Rajajinagar, Bengaluru, though provisional order has been issued on 02/12/2014 and confirmation order 05/01/2015 by you DGO No.2, no action has been taken till 27/05/2015 for about 5 months to

recommend for issuing order u/sec.462 of KMC Act by you DGO No.2.

Thereby you DGO Nos.1 and 2 being Government Servants have failed to maintain absolute integrity and devotion to duty, the act of which was un-becoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

7] The government after considering the recommendation made u/sec.12(3) of Karnataka Lokayukta Act, entrusted the matter to the Hon'ble Upalokayukta as per the order referred to Sl.No.1 to conduct departmental inquiry against both DGOs and to submit report.

8] As such in order to prove the charge against the DGO Nos.1 and 2, the Disciplinary Authority has examined the complainant as P.W.1 and has produced in all 5 documents at Ex.P.1 to Ex.P.4. The DGO No.1 and 2 have deposed their oral evidence as DW.1 and D.W.2 and they have got marked documents at Ex.D1 to Ex.D.42.

9] I have heard the arguments afresh of the Presenting Officer for the DA and the advocate for the DGO Nos.1 and 2.



10] Under the above facts and circumstances, the points that arise for my consideration are as follows:-

1] Whether the Disciplinary Authority proves that the DGO Nos.1 and 2 have committed misconduct and acted in a manner unbecoming of Government Servants and not maintained absolute integrity and has violated Rule 3 (1) (i) to (iii) of K.C.S (Conduct) Rules, 1966?

2] What Finding?

11] The answers to the above points are:-

1] In Partly Affirmative only against DGO

No.2 and Negative in respect of DGO No.1

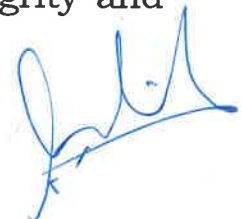
2] As per Finding for the following.

:: REASONS ::

12] **POINT No.1:-** As already mentioned above the specific charge is that the DGO No.2 being Assistant Executive Engineer, Sri Ramamandira Sub Division, BBMP, Bengaluru though issued a provisional order u/Sec.321(1) of Karnataka Municipal Corporation Act, 1976 (herein after called as 'the Act') in respect of property No.13/1 7th cross, 6th block, Rajajinagar, Bengaluru on 13-11-2013 no action was initiated by him till 13-03-2014 i.e for a period of 4 months to issue confirmation order as per Sec.321(3) of the Act.

Similarly in respect of property No.45/18 situated in 7th cross, 6th block, Rajajinagar, he issued provisional order on 13-11-2013 and for a period of four months till 13-03-2014 he did not issue confirmation order. So, also in respect property No.14 situated in 9th main, 4th block, Rajajinagar though he issued only the provisional order on 02-12-2014 failed to issue confirmation order till 05-01-2015 and thereby it is alleged that the DGO No.2 Nagesh Reddy, Assistant Executive Engineer has committed the misconduct as alleged.

13] The charge against the DGO No.1 Sri Prabhakar, Executive Engineer, is that though the DGO No.2 passed the order of confirmation u/Sec.321(3) of K.M.C Act of 1976 in respect of property No.13/1 on 13-03-2014 he did not make an order u/sec.462 of the Act till 23-04-2014 and in respect of property No.45/18 though the order of confirmation was passed by DGO No.2 on 13-03-2014 no order was passed u/Sec.462 of the Act by him till 05-05-2014. Finally in respect of property No.14 though the DGO No.2 passed the confirmation order on 05-01-2015 the DGO No.1 did not pass the order u/Sec.462 of the Act till 27-05-2015. So, the allegation against both the DGOs is that being public servants they have failed to maintain absolute integrity and



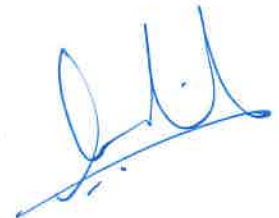
devotion to the duty, the act which was unbecoming of government servants.

14] It is not in dispute that the DGO Nos.1 and 2 at the relevant point of time were serving as Executive Engineer and Assistant Executive Engineer respectively in Sri Ramamandira Sub Division BBMP, Rajajinagar, Bengaluru. The one other important fact admitted is that the constructions that were taken up in property No.13/1, 45/18 and property No.14 mentioned above were taken up without the required permission and in violation of building byelaws.

15] It is further not in dispute that DGO No.2 Nagesh Reddy, being Assistant Executive Engineer of the said Sub Division issued the provisional order contemplated under Sec.321(1) of the Act for demolition or alteration of above said buildings. Then, he failed to immediately pass the confirmation order as per Sec.321(3) of the Act, but he issued the confirmation order after lapse of four months and four months in respect of property No.13/1 and property No.45/18 and in respect of property No.14 there was delay of almost a month to issue order of confirmation. Similarly there was some delay on the part of DGO No.1 in passing the order u/Sec.462 of the Act after the recommendation by the DGO No.2. As per these allegations, because of the delayed

actions the DGOs are said to have failed to maintain absolute integrity and devotion to the duty.

16] In the light of these facts on record, I would like to proceed to evaluate the evidence on record. The disciplinary authority has examined only the complainant as P.W.1 he has reiterated his complaint averments of his complaint at Ex.P.1. The relevant records with respect to the construction of the building in property Nos.13/1, 45/18, 14 and other properties such as the provisional order, confirmation order and the order u/sec.462 of the Act, at Ex.P.4 containing the documents at page Nos.417 to 637. These documents make it very clear that the confirmation order u/sec.321(3) in respect of building being constructed in property No.13/1 was passed by DGO No.2 on 13-03-2014 and that order with recommendation was placed before the DGO No.1 Executive Engineer on 14-10-2014. Then on the very next day i.e on 15-10-2014 the DGO No.1 had passed the order u/sec.462 of the Act and the copy of the same was marked to the DGO No.2. It is also clear that the provisional order was passed by the DGO No.2 in respect of the said **property No.13/1** on 13-11-2013 thereafter, he proceeded to pass the confirmation order on 13-03-2014. So, there was delay of around four months from the date of issue of provisional order to issue of



confirmation order. Another important aspect to be mentioned here is that though the confirmation order was passed on 13-03-2014 he did not immediately make a recommendation for issue of order of Sec.462 of the Act by the DGO No.1. It was placed before the DGO No.1 on 14-10-2014 and immediately on the next day i.e on 15-10-2014 the DGO No.1 had passed order u/Sec.462 of the Act for demolition of the building. The Ex.D.1 substantiates the same. Ex.D.1 speaks to the effect that the order of confirmation passed u/sec.321(3) of the Act passed by the DGO No.2 was submitted to the DGO No.1 on 14-10-2014 and on the very next day on 15-10-2014 DGO No.1 passed the order u/sec.462 of the Act.

17] Similarly, in respect of the building in **property No.45/18** the DGO No.2 issued the provisional order on 13-11-2013 and then the confirmation order on 13-03-2014. There was delay of four months in issuing confirmation order from the date of provisional order. These two records are at page 435 & 437. The copy of the order u/Sec.462 by DGO No.1 is at page No.432 this order clearly speaks to the effect that the order passed under Sec.321(3) of the Act by DGO No.2 was brought to the notice the DGO No.1 on 14-10-2014 and on the very next date 15-10-2014 the DGO No.1

proceeded to pass the order u/sec.462 of the Act and marked it to the DGO No.2 for enforcement of the order.

18] Then coming to the building in **property No.14** of Ward No.108 the DGO No.2 passed the provisional order on 02-12-2014 and then the confirmation order u/sec.321(3) of the Act on 05-01-2015 as seen from the documents produced at page No.464 to 469 of Ex.P.4. Then, the order sheet submitted by the DGO No.2 is also produced at page No.462 and 463 and so also Ex.D.3. As per these documents the provisional order and confirmation order passed by the DGO No.2 u/Sec.321(1), (2) and (3) were submitted to the DGO No.1 the Executive Engineer for necessary orders on 19-06-2015 and on the very same day the DGO No.1 passed the order u/sec.462 of the Act and directed the DGO No.2 to take the necessary action in accordance with law.

19] Though the complainant has alleged the dereliction of duty as against the DGOs in respect of 18 buildings the AOC is framed only in respect of three buildings described above.

20] The scrutiny of the documentary evidence referred to above make it very clear that no dereliction of duty can be attributed to the DGO No.1 Sri Prabhakar, the Executive Engineer, since the records make it very clear that he had



passed the order u/sec.462 of the Act soon after the receipt of report as regards the provisional order and the order of confirmation by the DGO No.2.

21] On the contrary the documentary evidence on record do demonstrate that the DGO No.2 Nagesh Reddy, Assistant Executive Engineer, was not diligent and failed to show devotion to the duty in passing the provisional order and the confirmation order without exhibiting any delay on his part. Added to this even after passing the confirmation order he committed delay in placing the same before the DGO No.1 his superior authority for an action i.e to secure an order u/sec.462 of the Act.

22] Hence, I am of the considered view the DGO No.1 cannot be held guilty of the misconduct as alleged and where as the DGO No.2 is guilty of misconduct as alleged. As such for the afore said reasons the disciplinary authority has failed to establish that the DGO No.1 has committed the alleged misconduct and has proved that the DGO No.2 acted in a manner unbecoming of Government Servant and not maintained absolute integrity and has violated Rule 3 (1) (i) to (iii) of K.C.S (Conduct) Rules, 1966. Hence, I answer point No.1 in Affirmative as against DGO No.2 and Negative in respect of DGO No.1.

23] **POINT No.2:-** In view of the finding on point No.1, I proceed to record the following:-


:: FINDING ::

The Disciplinary Authority has failed to prove that the DGO No.1 has committed misconduct as alleged. Disciplinary Authority has proved that the DGO NO.2 Sri B.C Nagesh Reddy, the then Assistant Executive Engineer, Sri Ramamandir Sub Division, BBMP, Bengaluru acted in a manner unbecoming of Government Servant and not maintained absolute integrity and has violated Rule 3(1) (i) to (iii) of K.C.S (Conduct) Rules, 1966.

Submitted to Hon'ble Upalokayukta for kind approval and further action in the matter.

DGO No.1 Date of Birth 01-01-1973
DGO No.1 Date of Retirement 31-12-2032.

DGO No.2 Date of Birth 16-11-1958
DGO No.2 Date of Retirement 30-11-2018.


(PRAKASH L. NADIGER) 26/2/24
Additional Registrar of Enquiries-19
Karnataka Lokayukta,
Bengaluru.

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:

PW.1	Sri. Vasanth Kumar S/o Narasingayya (Complainant)
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2. LIST OF DOCUMENTS MARKED ON BEHALF OF D.A:

Ex.P.1	Copy of Complaint (Xerox)
Ex.P.1(a)	Signature of Complainant
Ex.P2	Copy of Complaint Form No.I (Original)
Ex.P2(a)	Signature of PW.1
Ex.P3	Copy of Complaint Form No.II (Original)
Ex.P3(a)	Signature of P.W.1
Ex.P.4	N.Vasantha Kumar Addressed a letter to Deputy Registrar of Enquiries-2, KLA, Bengaluru Dated 21-01-2016 (Original) and enclosures (Page No.417 to 637 Xerox)
Ex.P.4(a)	Signature of P.W.1

1. LIST OF WITNESSES EXAMINED ON BEHALF OF

DW-1	Sri B.Prabhakar S/o Bhaichappa, Executive Engineer. (Original)
DW-2	Sri B.C Nagesh Reddy, AEE (Retired) (Original)

2. LIST OF DOCUMENTS MARKED ON BEHALF OF D.G.O:

Ex.D.1	Copy of Order sheet BBMP, with enclosures, (pages No.364-368) (Xerox)
Ex.D.2	Copy of Order sheet BBMP, with enclosures, (pages No.369-373) (Xerox)
Ex.D.3	Copy of Order sheet BBMP, with enclosures, (pages No.374-382) (Xerox)
Ex.D.4	Copy of Circular Dated 07-08-2015 with enclosures (pages No.383- 394) (Xerox)
Ex.D.5	Copy of Office order Dated 29-06-2019 (pages No.395-396) (Xerox)
Ex.D.6	Copy of Order Dt.15-10-2014 under Sec.462 of KMC Act, 1976 (pages No.399-400) (Xerox)
Ex.D.7	Copy of Order Dt.13-11-2013 under 321(1) of KMC Act, 1976 (pages No.399-400) (Xerox)
Ex.D.8	Copy of Order Dt.13-11-2013 under 321(2) of KMC Act, 1976 (pages No.401-402) (Xerox)
Ex.D.9	Copy of Order Dt.13-03-2014 under 321(3) of KMC Act, 1976 (pages No.402-403) (Xerox)
Ex.D.10	Copy of Order sheet of BBMP, Rajajinagar, (pages No.404-406) (Xerox)
Ex.D.11	Copy of Letter Dated 13-06-2014 (Pages No.407) (Xerox)
Ex.D.12	Copy of Letter Dated 15-10-2014 under 462 of KMC Act. (Pages No.408-409) (Xerox)


Ex.D.13	Copy of Order Dt.13-11-2013 under 321(1) of KMC Act, 1976 (pages No.410-411) (Xerox)
Ex.D.14	Copy of Order Dt.13-11-2013 under 321(2) of KMC Act, 1976 (pages No.412) (Xerox)
Ex.D.15	Copy of Order Dt.13-03-2014 under 321(3) of KMC Act, 1976 (pages No.410-411) (Xerox)
Ex.D.16	Copy of Order sheet of BBMP, Rajajinagar, (pages No.415 to 417) (Xerox)
Ex.D.17	Copy of Letter Dated 13-06-2014 (Pages No.418) (Xerox)
Ex.D.18	Copy of Order Dt.19-06-2015 u/Sec.462 of KMC Act, 1976 (pages No.419-420) (Xerox)
Ex.D.19	Copy of Order Dt.02-12-2014 under 321(1) of KMC Act, 1976 (pages No.421-422) (Xerox)
Ex.D.20	Copy of Order Dt.02-12-2014 under 321(2) of KMC Act, 1976 (pages No.423) (Xerox)
Ex.D.21	Copy of Order Dt.05-01-2015 under 321(3) of KMC Act, 1976 (pages No.424-425) (Xerox)
Ex.D.22	Copy of Order sheet of BBMP, Rajajinagar, (pages No.426-427) (Xerox)
Ex.D.23	Copy of Office Order Dated 04/28/2010 (Pages No.428-429) (Xerox)
Ex.D.24	Copy of Office Note Dated 28-10-2013 (Pages No.430) (Original)
Ex.D.25	Copy of Office Note Dated 19-11-2013 (Pages No.431) (Original)

Ex.D.26	Copy of Office Note Dated 23-12-2013 (Pages No.432) (Original)
Ex.D.27	Copy of Office Note Dated 30-05-2014 (Pages No.433) (Original)
Ex.D.28	Copy of Office Note Dated 10-10-2014 (Pages No.434) (Original)
Ex.D.29	Copy of Office Note Dated 11-12-2014 (Pages No.435) (Original)
Ex.D.30	Copy of Office Note Dated 23-03-2013 (Pages No.436) (Original)
Ex.D.31	Copy of Order sheet of BBMP (Pages No.437-440) (Original)
Ex.D.32	Copy of Report/Comment from B Prabhakar, EE, Rajaji Nagar (Page No.441-442) (Original)
Ex.D.33	Copy of AEE, BBMP Rajajinagar Division, Ward No.108 (Pages No.443-444) (Xerox)
Ex.D.34	Copy of AEE, BBMP Rajajinagar Division, Ward No.108 (Pages No.445-446) (Xerox)
Ex.D.35	Copy of Office Order Dated 10-01-2014 (Pages No.447-448) (Xerox)
Ex.D.36	Copy of Office Order Dated 05-03-2014 (Pages No.449) (Xerox)
Ex.D.37	Copy of Office Order Dated 05-03-2014 (Pages No.450-451) (Xerox)
Ex.D.38	Copy of Letter Dated 31-01-2015 with Annexure-1 (Pages No.452-460) (Xerox)



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Ex.D.39	Copy of BBMP, Joint Commissioner, West Zone, Annexure-5 (Pages No.461-462) (Xerox)
Ex.D.40	Copy of BBMP, Revised Office Order Dated 07-04-2015. (Pages No.463-469) (Xerox)
Ex.D.41	Copy of Karnataka Gazette Dated. 07-02-2015 (Pages No.470-487) (Xerox)
Ex.D.42	Copy of AEE, BBMP Comment Dated 24-03-2016. (Pages No.488-491) (Original)


(Prakash L. Nadiger)
Additional Registrar Enquiries-19,
Karnataka Lokayukta,
Bengaluru.

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ: ಉಪಲೋಕ್-1/ಡಿಇ/719/2017/ಎ.ಆರ್.ಇ-19

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 29ನೇ ಫೆಬ್ರವರಿ 2024.

--: ಶಿಫಾರಸ್ಸು :-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ (1) ಶ್ರೀ ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ: (1) ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ 207 ಎಂಎನ್‌ಯು 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 09/05/2017.

(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ ಉಪಲೋಕ್-1/ಡಿಇ/719/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30/05/2017.

(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-19, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 26/02/2024.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 09/05/2017 ರಂತೆ (1) ಶ್ರೀ ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು 1 ಮತ್ತು 2' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು)

L.

ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-1/ಡಿಇ/719/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 30/05/2017ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-04 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1 & 2/ಡಿಇ/ವರ್ಗಾವಣೆ/2018, ದಿನಾಂಕ: 2.11.2018 ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರನ್ನು, ಮತ್ತೆ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1 & 2/ಡಿಇ/ವರ್ಗಾವಣೆ/2023, ದಿನಾಂಕ: 06/10/2023ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-19, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರನ್ನು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ನಡೆದಿದೆ ಎನ್ನಲಾದ ದುರ್ನಡತೆ ಅರೋಪಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ನಡೆಸಲು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE -1 **CHARGE**

That you the DGO No.1 Sri Prabhakar, Executive Engineer, Rajajinagar Division, BBMP, Bengaluru and DGO No.2 Sri Nagesh Reddy, Assistant Executive Engineer, Sri Ramamandir Sub-Division, BBMP Bengaluru while working in the above capacity in BBMP:-

(a) In respect of property No.13/1, 7th Cross, 6th Block Rajajinagar, Bengaluru, though provisional order



has been issued on 13/11/2013, no action has been taken till 13/03/2014 for 4 months to issue confirmation order by you DGO No.2. After making recommendation for issuing order u/sec.462 of KMC Act by you-DGO No.2. On 23/04/2014 no action has been taken you-DGO No.1 till 15/10/2014 to issue order under section 462 of KMC Act.

(b) In respect of property No.45/18, 7th Cross, 6th block Rajajinagar, Bengaluru, though provisional order has been issued on 13/11/2013, no action has been taken till 13/03/2014 for 4 months to issue confirmation order by you DGO No.2. After making recommendation for issuing order u/sec.462 of KMC Act by you DGO No.2 on 05/05/2014, no action has been taken by you DGO No.1 till 15/10/2014 to issue order under section 462 of KMC Act.

(c) In respect of property No.14, 9th Main, 4th Block, Rajajinagar, Bengaluru, though provisional order has been issued on 02/12/2014 and confirmation order 05/01/2015 by you DGO No.2, no action has been taken till 27/05/2015 for about 5 months to recommend for issuing order u/sec.462 of KMC Act by you DGO No.2.

Thereby you DGO Nos.1 and 2 being Government Servants have failed to maintain absolute integrity and devotion to duty, the act of which was un-becoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-19), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಅ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ



ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು ರವರುಗಳ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ. (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರುಗಳ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಒಬ್ಬರು ಸಾಕ್ಷಿಯನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರವರನ್ನು ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-4(ಎ) ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರುಗಳ ಪರವಾಗಿ ಆ.ಸ.ನೌ-1 & 2 ರವರು ಸ್ವತಃ ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಮತ್ತು ಡಿ.ಡಬ್ಲ್ಯೂ-2 ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡಿದ್ದು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-42 ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ.

6. ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸರ್ಕಾರಿಗಳು ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

7. ಆ.ಸ.ನೌಕರರುಗಳ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, ಆ.ಸ.ನೌ-1 ರವರು ದಿನಾಂಕ: 31/12/2032 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದುವವರಿದ್ದಾರೆ ಹಾಗೂ ಆ.ಸ.ನೌ-2 ರವರು ದಿನಾಂಕ: 30/11/2018 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿದ್ದಾರೆ.

8. ಆ.ಸ.ನೌಕರರುಗಳಾದ (1) ಶ್ರೀ ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ವಿರುದ್ಧ ಸಾಭೀತಾಗಿರುವ ಆರೋಪದ



ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ


ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

- (1) ಶ್ರೀ ಪ್ರಭಾಕರ್, ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರಾಜಾಜಿನಗರ ವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

9. ಆ.ಸ.ನೌಕರರುಗಳಾದ (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ.

- (2) ಶ್ರೀ. ನಾಗೇಶ್ ರೆಡ್ಡಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಶ್ರೀರಾಮಮಂದಿರ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ಪಿಂಚಣಿಯಿಂದ 10% ರಷ್ಟು ಐದು ವರ್ಷಗಳ ವರೆಗೆ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

10. ನದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.


(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ-1,
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

