

KARNATAKA LOKAYUKTA

NO:UPLOK-1/DE/949/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 2.9.2022

:: ENQUIRY REPORT ::**:: Present ::****(S.GOPALAPPA)**

**I/c Additional Registrar of Enquiries -9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (now retired), Belgaum City Corporation, Tilakwadi, Belgaum District - reg.

Ref: 1. G.O.No.ಉಲಾಇ 238 ಸೇಇವಿ 2017 dated: 25.7.2017.

2. Nomination Order No: UPLOK-1/DE/949/2017/ARE-9
Bangalore dated: 19.8.2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (now retired), Belgaum City Corporation, Tilakwadi, Belgaum District (hereinafter referred to as the Delinquent Government Official for short "DGO").

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 19.8.2017 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 DGO.

3. Additional Registrar of Enquiries-9 has issued the Articles of charges to the DGO, enclosing 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 in support of the charges and called him to appear before the Enquiry Officer.

4. The Article of charges issued by the ARE-9 against the DGO is as under :

ANNEXURE-I
CHARGE

Charge:-

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ ನಂ.1

ಆ.ಸ.ನೌ - ಶ್ರೀ.ಎಸ್.ಎ. ಚಂದ್ರಕೀರ್ತಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು (ನಿವೃತ್ತ), ಮಹಾನಗರ ಪಾಲಿಕೆ ತಿಲಕ್‌ವಾಡಿ ವಲಯ, ತಿಲಕ್‌ವಾಡಿ, ಬೆಳಗಾವಿ ಆದ ನೀವು -

ಶ್ರೀ.ವಿ. ಆರ್. ಅಗರವಾಲ್ ಇವರು ಬೆಳಗಾವಿ ನಗರದ ಸ ನಂ.32/ಜೆ(ಸಿಟಿಎಸ್ ನಂ.3154ರಲ್ಲಿ) ವಸತಿ ಕಟ್ಟಡ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪರವಾಣಿಯನ್ನು ಪಡೆದಿದ್ದು ಸದರಿ ಪರವಾಣಿಗೆಯಲ್ಲಿ 3.24*4.57 ಮೀ ಅಳತೆಯ ಗ್ಯಾರೇಜ್ ನಿರ್ಮಾಣಕ್ಕೆ ಪರವಾಣಿಗೆ ಪಡೆದಿದ್ದು ಸದರಿ ಅಳತೆಗೆ ಮೀರಿ ಅನಧೀಕೃತವಾಗಿ ಗ್ಯಾರೇಜ್ ನಿರ್ಮಾಣ ಮಾಡಿದ್ದು ಅದನ್ನು ತರವುಗೊಳಿಸಲು ಮಹಾನಗರ ಪಾಲಿಕೆಯಿಂದ ನೋಟೀಸ್ ನೀಡಲಾಗಿದ್ದರೂ ಸಹ ಅದನ್ನು ಕಟ್ಟಡದ ಮಾಲೀಕರು ತೆರವುಗೊಳಿಸದೇ ಇದ್ದರೂ ಸಹ ನೀವು ಮುಂದಿನ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಜರುಗಿಸಿಲ್ಲ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ

ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

5. The DGO appeared on 3.11.2017 before this inquiry authority in pursuance to the service of the Article of charges.

6. At the stage of recording FOS, DGO has filed Application No. 5900/2017 before Hon'ble KSAT.

7. Hon'ble KSAT passed orders on 14.11.2018 and quashed G.O No.ಲೋಇ 238 ಸೇಇವಿ 2017 dated: 25.7.2017 which is as under;

“ORDER

Application is allowed and the impugned Government order bearing No. ಲೋಇ 238 ಸೇಇವಿ 2017 dated: 25.7.2017 at Annexure-A4, passed by the 1st respondent, is quashed. ”

8. Further Karnataka Lokayukta Registrar, filed writ petition before the Hon'ble High court of Karnataka, Bengaluru against the Hon'ble KSAT, Bengaluru order dated: 14.11.2018 passed in Application No. 5900/2017 filed by DGO relating to the above referred DE in WP No. 7021/2022.

9. Hon'ble High court of Karnataka, Bengaluru has dismissed the writ petition No. 7021/2022 (arising out of the order dated: 14.11.2018 passed in Application No. 5900/2017 by the Hon'ble KSAT, Bengaluru on the following grounds.

Order

Heard the learned counsel for the petitioner. In para five of its judgment /order the Tribunal has laid down the impugned grounds to allow the application and quash the proceedings of the government bearing No. Lo.E.238/Se.E.V/2017 dated: 25.7.2017. Primarily, the tribunal has held that entrustment of the enquiry to the Lokayukta on 25.7.2017, after the applicant had retired is impermissible being contrary to law and secondly it has held that the allegations pertain to a period of four years prior to the date of allegation and hence the legal bar under Rule 214 (2) (b) (ii) of the KCSR is attracted.

2.Having heard the learned counsel for the petitioner we find that there is no material to dislodge the substantial grounds appreciated by the tribunal. In that view of the matter, petition being devoid of merits, the same stands dismissed.

10. On receipt of the above orders of the Hon'ble High court of Karnataka, approval was taken from Hon'ble Upalokayukta vide note sheet para No. 38 dated: 26.8.2022 .

11. Therefore, further proceedings against DGO are discontinued and inquiry is closed.

12. Hence, report is submitted to Hon'ble Upalokayukta for further action.

(S.GOPALAPPA)
I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

List of documents

1	Order of Hon'ble KSAT dated: 14.11.2018
2	Order of Hon'ble High court dtd: 18.4.2022

(S.GOPALAPPA)
I/c Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/949/2017/ARE-9 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 05.09.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (Now Retired), Belagavi City Corporation, Tilakawadi, Belagavi District – reg.

Ref:- 1) Government Order No.ಲೋಇ 238 ಸೇಇವಿ 2017, Bengaluru, dated 25/07/2017.

2) Nomination order No.UPLOK-1/DE/949/2017, dated 19.08.2017 of the Upalokayukta, State of Karnataka.

3) Inquiry report dated 02.09.2022 of I/c Additional Registrar of Enquiries-09, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 25-07-2017 initiated the disciplinary proceedings against Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (Now Retired), Belagavi City Corporation,

Tilakawadi, Belagavi District [hereinafter referred to as Delinquent Government Officer/official, for short as 'DGO'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/949/2017, dated 19.08.2017, nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (Now Retired), Belagavi City Corporation, Tilakawadi, Belagavi District, was tried for the following charge:-

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆ.ಸ.ನೌ - ಶ್ರೀ.ಎಸ್.ಎ. ಚಂದ್ರಕೀರ್ತಿ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು (ನಿವೃತ್ತ), ಮಹಾನಗರ ಪಾಲಿಕೆ ತಿಲಕ್‌ವಾಡಿ ವಲಯ, ತಿಲಕ್‌ವಾಡಿ, ಬೆಳಗಾವಿ ಜಿಲ್ಲೆ -



ಶ್ರೀ.ವಿ.ಆರ್.ಅಗರವಾಲ್ ಇವರು ಬೆಳಗಾವಿ ನಗರದ ಸ.ನಂ.32/ಜೆ (ಸಿಟಿಎಸ್ ನಂ.3154ರಲ್ಲಿ) ವಸತಿ ಕಟ್ಟಡ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪರವಾನಗಿಯನ್ನು ಪಡೆದಿದ್ದು ಸದರಿ ಪರವಾನಗಿಯಲ್ಲಿ 3.24*4.57 ಮೀ. ಅಳತೆಯ ಗ್ಯಾರೇಜ್ ನಿರ್ಮಾಣಕ್ಕೆ ಪರವಾನಗಿ ಪಡೆದಿದ್ದು ಸದರಿ ಅಳತೆಗೆ ಮೀರಿ ಅನಧಿಕೃತವಾಗಿ ಗ್ಯಾರೇಜ್ ನಿರ್ಮಾಣ ಮಾಡಿದ್ದು ಅದನ್ನು ತೆರವುಗೊಳಿಸಲು ಮಹಾನಗರ ಪಾಲಿಕೆಯಿಂದ ನೋಟೀಸ್ ನೀಡಲಾಗಿದ್ದರೂ ಸಹ, ಅದನ್ನು ಕಟ್ಟಡದ ಮಾಲೀಕರು ತೆರವುಗೊಳಿಸದೇ ಇದ್ದರೂ ಸಹ ನೀವು ಮುಂದಿನ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಜರುಗಿಸಿಲ್ಲ.

ಆದ್ದರಿಂದ, ನೀವು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-9) has held that, the further proceedings against the DGO Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (Now Retired), Belagavi City Corporation, Tilakawadi, Belagavi District, is discontinued and inquiry is closed.

5. Further, the Inquiry Officer (Additional Registrar of Enquiries-9) has reported that, the DGO had filed Application No.5900/2017 before Hon'ble KSAT and the



Hon'ble KSAT by its order dtd:14-11-2018 has quashed the G.O. No.ಛೂಞ 238 ಸೇಞವಿ 2017, Bengaluru, dated 25/07/2017. This Institution had filed writ petition No.7021/2022 before the Hon'ble High Court of Karnataka, Bengaluru, against the order dtd:14-11-2018 of the Hon'ble KSAT, passed in Application No.5900/2017. The Hon'ble High Court of Karnataka, Bengaluru, has dismissed the said writ petition No.7021/2022.

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 and to drop further proceedings against DGO – Sri.S.A.Chandra Keerthi, the then Assistant Executive Engineer (Now Retired), Belagavi City Corporation, Tilakawadi, Belagavi District.



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

Connected records are enclosed herewith.

 05/9/22

(JUSTICE K.N.PHANEENDRA)

Upalokayukta,
State of Karnataka.

