

KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/890/2017

M.S.Building,
Bengaluru-560001.
Date: 28.12.2023

ENQUIRY REPORT

:PRESENT:

SHUBHAVEER.B.

Additional Register of Enquiries-9,
Karnataka Lokayukta, Bengaluru.

Sub: Department enquiry against (1) Sri.S.N.Dayanand, Assistant Executive Engineer, Hoodi Sub Division, BBMP, Bengaluru and (2) Sri.T.Vijay Kumar, Assistant Engineer, BBMP office, Doddanekundi, Ward No. 85, R.H.B. Colony, Whitefield Road, BBMP, Bengaluru -reg.

Ref: 1) G.O.No. NaAE 288 MNU 2017, Bengaluru dated: 23.6.2017.
2) Nomination order No.UPLOK-1/DE/890/2017, dated: 18.7.2017 of Hon'ble Upalokayukta-1, Bengaluru.

* * *

This departmental enquiry is initiated against the above shown (1) Sri.S.N.Dayanand, and (2) Sri.T.Vijay Kumar, (hereinafter referred to as Delinquent Government Officials, for short, DGO-s.1 and 2 respectively).

2. In pursuance of the Government Order, cited above at reference No. 1, Hon'ble Upalokayukta, vide-order, dated 18.7.2017, cited above at reference No.2, has nominated Additional Registrar of Enquiries-9 (for short, ARE-9) to frame

the charges and to conduct enquiry against the aforesaid DGOs- 1 and 2.

3. The ARE-9 issued the articles of charge to the DGOs-1 and 2, enclosing the statement of imputations of misconduct, list of witnesses proposed to be examined and list of documents proposed to be relied, in support of charges and called upon them to appear before ARE-9.

4. The articles of charge issued by ARE-9 against the DGOs-1 and 2 is as shown infra:

ANNEXURE-1
CHARGE

The DGOs 1 and 2 have not taken any action to stop the construction of the building built without sanction plan, or the licence, by the builder in ward No.85, Doddanekundi, which was collapsed on 8/1/2017 and thereby 8 labours were injured resulting in a mishap, in spite of knowledge of the DGOs prior to 23/12/2016. Hence, DGOs. 1 and 2 have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of government servants and thus DGOs are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

An investigation was taken up by invoking section 9 of Karnataka Lokayukta Act, 1984, on the complaint filed by Sri.Ramamurthy Gowda, Press Reporter, Social Worker, No.98, 8th

[Handwritten Signature]

Cross road, Jnanaganga Nagar, Ullal main road, Bengaluru (hereinafter referred to as 'complainant' for short), against DGO 1 and 2.

The complainant alleges that the building, which was under construction, in Ward No.85, Doddanekundi, was collapsed on 8.1.17, thereby 8 labourers were injured. There was no sanctioned plan for construction of the said building. The DGO.s 1 and 2, by receiving bribe, allowed the builders to continue with the construction. Hence, he has prayed to take action against the DGO.s 1 and 2. The complainant has produced news paper cutting of the Kannada Prabha, dated 9/1/2017.

DGO.s 1 and 2 submitted similar comments of even dated 1/3/2017 and further comments, dated 10/4/2017. In their comments both DGOs have admitted about the alleged incident of building collapse on 8/1/2017 at A4 and A5 block of M/s Divyashri Tech Park and also admit that 8 labourers suffered injuries. They further state that on 23/12/2016 notice under section 308 of KMC Act was issued to the builders to produce the approved plan, licence and other documents. The builder has produced the BDA approved plan, vide No.BDA/TPM/DLP/24/2006-07/3589/15-16 dated: 30/12/2015. Further, it is also stated that the Town Planning officers of BBMP, who were present on the spot, on 8/1/2017 informed that the approval of the plan with respect to the alleged building was still under consideration. The plan produced by the DGO.s 1 and 2 along with their comments was not approved by the Town Planning Authority.

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DGO.s further state that the owner of the building has to avail the services of registered building architect/Engineer and also the registered structural Engineer of BBMP as per building bye law regulation 3:2:11, Schedule III and IV and has to construct the building by confirming the quality. But the alleged owner has not followed the said bye-laws and has undertaken the construction.

The comments of the DGO 1 and 2 go to show that as on the date of incident, i.e. on 8/1/2017, approval of the alleged building plan was still under consideration by the Town Planning Department of BBMP. In other words there was no approved building plan for taking up the alleged construction. Issuing of notice under Sec.308 of KMC Act goes to show that the DGO 1 and 2 were aware of the construction of the alleged building, without sanctioned plan, as on the date of the notice, i.e., on 23/12/2016. The owner of the building has not produced any licence, issued by the Local Authority to proceed with the construction. Therefore, it is clear that the building was being constructed illegally, without sanctioned plan, or licence. In spite of knowledge of the DGO.s prior to 23/12/2016, no action was shown to be taken by them to stop the construction of the building till its collapse on 8/1/2017, resulting in a mishap. Therefore, the DGO.s are found to be negligent in their official duties. There are materials to indict DGO.s 1 and 2 for the above said misconduct.

Since the said facts and materials on record prima facie show that DGO.s No.1 and 2 have committed misconduct under Rule 3(1) of KCS (Conduct) Rules 1966, recommendation is made u/s 12(3) of

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Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against DGO.s No.1 and 2 and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957.

5. On appearance, on 30.10.2017, plea/first oral statement was recorded and DGOs-1 and 2 did not plead guilty. On 22.3.2022, DGOs filed written statement.

6. The DGO-1 has filed written statement. In the written statement of DGO-2, what is stated by DGO-1 in his written statement, is reiterated. Both DGO.s 1 and 2 contend that at the time of sanctioning of the plan as well as commencement of the construction of the building in question, the DGO-1 was not working in the alleged place. DGO-1 reported for duty at the alleged place on 25/11/2016, before the complaint was filed by the complainant. DGO -1 issued notice on 23/12/2016, u/s 308 of KMC Act, requiring the developer of the building site to produce relevant documents. For the purpose of construction of the said buildings the development plan was obtained from BDA. There was collapse of centering during the stage of construction. That is the centering was partly fallen. After the complaint the Hon'ble Lokayukta Institution the did not obtain the technical report from the Lokayukta Technical Wing. The provisions of Lokayukta Act were not followed properly. There was an alternative remedy available to the aggrieved person by complaining to the Commissioner of BBMP, u/s 308 KMC Act. After the place of incident was inspected by special Commissioner, Town Planning Authorities, entire sequences of the incidents were reported to the Commissioner

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of BBMP, through proper Channel and the said Commissioner has accepted the same and prayed to exonerate DGO.s 1 and 2 from the charges leveled against them.

7. On behalf of the disciplinary authority, the complainant was examined as PW-1, Exs.P1 to P3 were marked.

8. Second Oral statements of DGO.s were recorded. DGO.s 1 was examined as DW-1 and through him, Exs.D1 to D13 were marked. DGO-2 was examined as DW-2 and no document was marked through DW-2.

9. On behalf of DGO.s 1 & 2, written brief was filed. Heard the submissions of both the sides.

10. Hence, the point for consideration is -

(1) Whether the disciplinary authority proves the charges leveled against DGO.s 1 and 2 ?

11. The finding is in the affirmative, for the following –

REASONS

12. PW-1/Complainant has deposed that in 2017, in ward No.85, 5 storied building, which was under construction, in Doddnekundi, was collapsed and 3 laboures died as well as 8 labours were injured. The same was published in news papers as well as in TV. On the next day he went to the spot. Near the collapsed building, Manager, namely-Divyashree, as well as supervisor, namely-Promod and one Engineer, namely-Santhosh; were there. There, he enquired them and they informed that the DGO-1 and 2, after obtaining bribe of Rs.3 Lakh, permitted orally to construct a building consisting of 5 floors. In that regard he



lodged a complaint, Ex.P-1. Ex.P-2 is the Form No.1 and Ex.p-3 is Form No.2 .

13. DGO.s 1 and 2 were examined as DW-1 and 2 respectively. Other than the contentions raised by them, in the written statements, they also deposed with the regard to the contentions raised by them, in their written statements. Through DW-1, Ex.D-1 to 13 were marked. Ex.D-1 and 2 are portions of news papers. Ex.P-3 and 4, which are one and the same, are the comments filed by the DGO-1 in the stage of investigation by Lokayukta Institution. Ex.D-5 and 6, which are one and the same, i.e., the replies given by the DGO.s 1 and 2, at the stage of investigation by Lokayukta Institution. Ex.D-7 is copy of 'B' report filed by the police. Ex.P-8 is the letter, dt:11/08/2023 of Assistant Director of the Town Planning Division, BDA, Bengaluru to Shree Hanumegowda, Bengaluru. Ex.D-9 is the modified work order, dated:30/12/2015. Ex.D-10 is the approved plan issued by the BDA, in respect of a site, situating at Kundanhalli Village. Ex.D-11 is the letter, dt:09/08/2023, written by Joint Director of Town Planning (North), BBMP, Bengaluru to Sri, Srinivas Bengaluru. Ex.D-12 is the letter along with licence enclosed with terms and conditions issued on 11/05/2017. Ex.D-13 is the modified approved plan issued by Joint Director, Town Planning, BBMP, signed on 25/04/2017, by the Commissioner of the BBMP.

14. With regard to the charge that the construction of the building built in the site in question, collapsed on 08/01/2017, the date on which the incident took place; PW-1 has deposed that effect. The complaint also shows the same. Further the same is

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admitted by the DGO.s in their written statements and the same is collaborated by the Ex.D-1 and 2, news paper portions; which clearly show that the part of the building, or centering, was collapsed in the site in question, while construction was carried out on 08/01/2017.

15. As on the date of incident the DGO.s No.1 and 2 were on duty and the said building was collapsed with in their jurisdiction, which are undisputed facts.

16. It is the charge that the DGO.s knew that the building was constructed illegally, prior to 23/12/2016. The same is admitted by DGO.s No.1 and 2 in their written statements. Further in the written statements they contend that before the complaint, 1st DGO issued notice u/s 308 of KMC Act, on 23/12/2016, requiring the developers of the said site to produce the relevant documents. Hence it is clear that even though incident took place on 08/01/2017; on, or before, 23/12/2016 the DGO.s had known about the illegal construction of the said building.

17. Now it is to be seen whether the said building was constructed without obtaining sanctioned plan/licence by the builder, in the site in question?.

18. Even though the DGO.s No.1 and 2, in their written statements, contend that for the construction of the said building, development plan was issued by BDA and in Ex.D-3 and 4, the comments filed by DGO.s1 and 2, at the stage of investigation by the Lokayukta, in para-4, it is stated that for the construction of the said building development plan was obtained from BDA and to that effect the DGO.s mainly relied on Ex.D-10, plan alleged to be



approved by BDA and Ex.D-13, approved plan issued by BBMP; on careful perusal of Ex.P-10, there is no official seal found therein, except the official seal affixed on 11/08/2023 and even though some dates, such as 29/12/2015, or 30/12/2015, are found therein; even the said signatures found therein and the said document cannot be considered as approved plan, issued by BDA.

19. The alleged incident took place on 08/01/2017. On careful perusal of Ex.D-13, alleged approved plan, issued by BBMP; the said BBMP plan was issued, subsequently, on 25/04/2017; which was valid from 11/05/2017 to 10/05/2019. Even in Ex.D-13 it is endorsed that earlier sketch, barring No. 107/2010-11, issued on 21/01/2010, was cancelled; the said earlier sketch, which was alleged to be issued in 2010, is not produced. From the documents produced by the DGO.s; they failed to establish that for the construction of the said building, there was approved plan, or licence, as on the date of incident, that is on 08/01/2017.

20. Admittedly, at the cost of repetition, the DGO.s No.1 and 2 while discharging their duties the said incident took place within their jurisdiction. In the said incident as per the evidence of PW-1 ,3 labours died and 7 others were injured. There is no cross examination that effect. Hence from all these aspects it probalizes that DGO.s No.1 and 2 did not take any action for stopping the illegal construction of the building, built without sanction plan/licence by the builder, in Ward No. 85, Doddankekundi and the portion of the said building was collapsed 08/01/2017 and thereby 8 laborers were injured (and 3 died) resulting in mishap inspite of knowledge of DGO.s prior to 23/12/2016 and DGO.s No.1 and 2 fail

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to maintain absolute integrity, devotion to duty and committed an act, which is unbecoming of government servants and thus DGO.s are guilty of misconduct under the Rule 3(1)(i) to (iii) of the KCS (Conduct) Rules 1966. Hence, the disciplinary authority has proved the charges leveled against DGO No.s 1 and 2. In view of the answer to point No.1, the following-

FINDINGS

21. The disciplinary authority has proved the charges leveled against DGO No.s 1 and 2.

22. Hence, this report is submitted to the Hon'ble Upalokayukta for further action.

23. The date of retirement of DGO-1 is 30/04/2019

24. The date of retirement of DGO-2 is 30/04/2020

(SHUBHAVEER.B)

Additional Registrar Enquiries-9
Karnataka Lokayukta, Bengaluru

List of witnesses examined on behalf of Disciplinary Authority

1	PW-1	Sri. Ramamurthy Gowda,
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List of documents marked on behalf of Disciplinary Authority

1.	Ex.P-1	Complaint, dtd: 8.2.2017.
2.	Ex.P-2	Form No.1, dtd: 8.2.2017, filed by the complainant

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3.	Ex.P-3	Form No. 2, dtd: 8.2.2017, filed by complainant
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List of witnesses examined on behalf of DGO.s.

1	DW-1	DGO-1-Sri.S.N.Dayanand, Assistant Executive Engineer.
2	DW-2	DGO-2- Sri.T.Vijay Kumar, Assistant Engineer.

List of documents marked on behalf of DGO.s

1.	Ex.D-1 and 2	Portions of news papers.
2.	Ex.D-3 and 4	The comments given by DGO. 1
3.	Ex.D-5 and 6	Replies given by DGO.s-1 and 2
4.	Ex.D-7	Copy of B- report
5.	Ex.D-8	Letter, dtd: 11.8.2023, of Assistant Director of Town Planning Division BDA, Bengaluru to Sri. Hanumegowda, Bengaluru.
6.	Ex.D-9	Modified work order, dtd: 30.12.2015
7.	Ex.D-10	Approved plan issued by BDA
8.	Ex.D-11	Letter. dtd: 9.8.2023. of Joint Director of Town Planning (North) BBMP, Bengaluru to Sri. Srinivas, Bengaluru.
9.	Ex.D-12	Letter along with licence with terms and conditions
10.	Ex.D-13	Modified approved plan issued by BBMP.

(SHUBHAYEER.B)
 Additional Registrar Enquiries-9
 Karnataka Lokayukta,
 Bengaluru

ಕರ್ನಾಟಕ ಸರ್ಕಾರಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ: ಉಪಲೋಕ್-1/ಡಿಇ-890/2017/ಎ.ಆರ್.ಇ-09

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 29ನೇ ಡಿಸೆಂಬರ್ 2023.

--: ಶಿಫಾರಸ್ಸು :-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ (1)ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಹೂಡಿ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ದೊಡ್ಡನೆಕ್ಕಂದಿ, ವಾರ್ಡ್ ನಂ.85, ಆರ್.ಹೆಚ್.ಬಿ., ಕಾಲೋನಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ರಸ್ತೆ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಆದೇಶ ಸಂಖ್ಯೆ: ನಇ 288 ಎಂಎನ್‌ಯು 2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 23/06/2017.
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ ಉಪಲೋಕ್-1/ಡಿಇ-890/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18/07/2017.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 28/12/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 23/06/2017 ರಂತೆ (1) ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಹೂಡಿ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ದೊಡ್ಡನೆಕ್ಕಂದಿ, ವಾರ್ಡ್ ನಂ.85, ಆರ್.ಹೆಚ್.ಬಿ., ಕಾಲೋನಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ರಸ್ತೆ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ

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ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಬಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು 1 ಮತ್ತು 2' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-1/ಡಿಇ-890/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18/07/2017ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಹೂಡಿ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ದೊಡ್ಡನೆಕ್ಕಂದಿ, ವಾರ್ಡ್ ನಂ.85, ಆರ್.ಹೆಚ್.ಬಿ., ಕಾಲೋನಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ರಸ್ತೆ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE-1
CHARGE

The DGOs 1 and 2 have not taken any action to stop the construction of the building built without sanction plan, or the licence, by the builder in ward No.85, Doddanekundi, which was collapsed on 8/1/2017 and thereby 8 labours were injured resulting in a mishap, in spite of knowledge of the DGOs prior to 23/12/2016. Hence, DGOs. 1 and 2 have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of government servants and thus DGOs are guilty of misconduct under Rule 3(1) (i) to (iii) of KCS (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-09), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಹೂಡಿ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ

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ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ದೊಡ್ಡನೆಕ್ಕಂದಿ, ವಾರ್ಡ್ ನಂ.85, ಆರ್.ಹೆಚ್.ಬಿ., ಕಾಲೋನಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ರಸ್ತೆ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ರವರುಗಳ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ~~ಹಾಕಿ~~ ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರವರನ್ನು ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-03 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರ ಪರವಾಗಿ ಆ.ಸ.ನೌಕರರುಗಳು ಸ್ವತಃ ತಾವೇ ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಮತ್ತು 2 ಆಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಟ್ಟಿದ್ದು ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ನಿಶಾನೆ ಡಿ-13 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 ಸರ್ಕಾರಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. 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: 30/04/2019 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುತ್ತಾರೆ. ಹಾಗೂ ಆ.ಸ.ನೌ-2 ರವರು ದಿನಾಂಕ: 30/04/2027 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದುವವರಿದ್ದಾರೆ.

8. ಆ.ಸ.ನೌಕರರುಗಳಾದ (1) ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಹೂಡಿ ಉಪವಿಭಾಗ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ,

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ಬೆಂಗಳೂರು ಮತ್ತು (2) ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ದೊಡ್ಡನೆಕ್ಕಂದಿ, ವಾರ್ಡ್ ನಂ.85, ಆರ್.ಹೆಚ್.ಬಿ., ಕಾಲೋನಿ, ವೈಟ್‌ಫೀಲ್ಡ್ ರಸ್ತೆ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಬೆಂಗಳೂರು ವಿರುದ್ಧ ಸಾಭೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

(1) 'ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಸ್.ಎನ್. ದಯಾನಂದ್, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ರವರ ಪಿಂಚಣಿಯಿಂದ 20%ರಷ್ಟು ಶಾಶ್ವತವಾಗಿ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ'.

(2) 'ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಟಿ. ವಿಜಯಕುಮಾರ್, ಸಹಾಯಕ ಅಭಿಯಂತರರು ರವರ ಮೂರು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಯನ್ನು ಸಂಚಿತ ಪರಿಣಾಮ ಸಹಿತವಾಗಿ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ'

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

29/1/23

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-1,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.