

**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/105/2016/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 18/09/2018

**:: ENQUIRY REPORT ::**

**Sub:** Departmental Enquiry against,  
Sri H.S. Chandrashekar  
The then Chief Officer  
Town Municipal Council  
Channarayapattana  
Presently working as  
Office Manager  
Town Municipal Council  
K.R. Pete

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/MYS/6210/2014/DRE-5,  
dated: 13/01/2016
  - 2) G.Order. No. UDD 14 DMK 2016  
Bangalore, dated: 15/04/2016
  - 3) Order No.Uplok-2/DE/105/2016  
Bangalore dated: 18/04/2016  
of the Hon'ble Upalokayukta

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This Departmental Enquiry is directed against Sri H.S. Chandrashekar, the then Chief Officer, Town Municipal Council, Channarayapattana, Presently working as Office Manager, Town Municipal Council, K.R. Pete (herein after referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No.1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 18/04/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Article of Charges framed by ARE-4 against the DGO is as below;

**ANNEXURE NO.1**  
**CHARGE**

*That, you-DGO/Sri H.S. Chandrashekar, the then Chief Officer, Town Municipal council, Channarayapattana, during the month of January 2014 illegally taken action to accord permission to Sri K. Jayachandra Gupta, for construction of compound wall without considering the note put up to seek a legal advice before granting such permission and further on 13/02/2014, you-DGO without any prayer of Sri K. Jayachandra Gupta illegally wrote a letter to Police Department for providing police protection while constructing a compound wall and thereby facilitate the said Sri K. Jayachandra Gupta to put up a compound illegally*

*by encroaching the property of the complainant/Sri H.N. Jagadeesh. Thereby, you-DGO being a Government Servant failed to maintain absolute integrity besides devotion to duty and the act of you-DGO is unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.*

**ANNEXURE NO.II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*On the complaint filed by Sri H.N. Jagadish r/o Channarayapattana (herein after referred as "complainant" for short), against you-DGO committed misconduct, an investigation was taken up u/sec. 9 of Karnataka Lokayukta Act 1984).*

*The complainant has alleged in the complaint that, you-DGO has illegally entered khatha in the name of one Sri K. Jayachandra Gupta, in respect of 10' X 80' of land purchased by complainant. Hence, the complainant lodged the complaint to investigate and initiate action against you-DGO.*

*After taking up the matter for investigation against you-DGO, comments were called from you-DGO. You-DGO submitted comments stating that, the incident in question has not taken place during his tenure and hence requested to close the complaint. The complainant submitted rejoinder reiterating complaint averments and requested for taking suitable action against you-DGO.*

Hence, the complaint was referred to S.P. KLA, Hassan (hereinafter referred as Investigating Officer, I.O. for short) for investigation and report. The Investigating Officer has submitted investigation report observing that, you-DGO has taken action to accord permission to Sri K. Jayachandra Gupta, for construction of compound wall, without considering the note put up to seek legal advice before granting permission and even though said Jayachandra Gupta had not sought for police protection, you-DGO directly wrote letter to Police Department for providing police protection and thereby you-DGO has committed dereliction of duty and the I.O. requested to take action against you-DGO.

Thereafter, comments were called upon from you-DGO by sending copy of the complaint and the I.O. report. In spite of sufficient opportunity given, you-DGO has not submitted the comments. Hence, it is taken as you-DGO has nothing to say in the matter and hence taken as comments not filed.

**The materials on record go to show that:**

- i) You-DGO has taken action to accord permission to Sri K. Jayachandra Gupta for construction of compound wall, without considering the note put up to seek legal advice before granting such permission and thereby you-DGO has committed misconduct.

- ii) *Further, even though said Jayachandra Gupta had not sought for police protection, you-DGO directly wrote letter to Police Department for providing police protection and thereby committed dereliction of duty.*

*The allegation made in the complaint, reply furnished by you-DGO, investigation report besides the material available on record permission to Sri K. Jayachandra Gupta for construction of compound wall, without considering the note put up to seek legal advice before granting such permission and even though said Jayachandra Gupta had not sought for police protection, you-DGO directly wrote letter to Police Department for providing police protection and thereby you-DGO committed dereliction of duty and misconduct.*

*The reply dated: 05/04/2014 (before the report of Investigating Officer) submitted by you-DGO was found to be not convincing or satisfactory to drop the proceedings against you-DGO and thereby you-DGO has made yourself liable for disciplinary action.*

*The said facts supported by the material on record prima facie show that, you-DGO being a Government Servant, has failed to maintain absolute integrity besides absolute devotion to duty and acted in a manner unbecoming of a Government Servant and thereby committed misconduct under rule 3(1)(i)(ii) & (iii) of KCS (Conduct) Rules 1966 and made yourself liable for disciplinary action, now acting u/sec. 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent*

*Authority to initiate disciplinary proceedings against you-DGO and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against you-DGO and entrusted the Enquiry to this institution vide Reference No.1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report Vide reference NO.2 . Hence, this charge.*

5. DGO appeared before this Enquiry Authority on 01/08/2016 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an enquiry.

6. DGO has filed his written statement admitting that he has worked as Chief Officer in TMC, Channarayapattana from 01/01/2011 to 26/03/2014. The allegations made against him in the complaint are all false, As per the office documents an extent of 58'x80' was shown in the name of Smt. Sharadamma w/o Kodhanada ram shetty and subsequently the LR's of Smt. Sharadamma got divided the property. Out of the same dispute has arisen in respect of 10'x80' between the complainant and one Sri K. Jayachandra gupta and in that respect O.S. No. 512/2012 has also been filed before the Civil Court, Channarayapattana. In that case the court commissioner has also been appointed for local investigation. Notice have been issued on 17/03/2014 and on 25/03/2014 to Sri K. Jayachandra gupta to produce the title deeds in respect of 10'x80. The DGO has not committed any

misconduct as alleged. Hence, prays to exonerate him from the charges leveled against them in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all two witnesses as PW1 and PW2 and got marked documents at Ex.P1 to P11. The DGO and his advocate remained absent and there is no cross-examination of PW1 and PW2. As the DGO and his advocate remained absent the DGO has been placed exparte on 29/05/2018.

8. The Disciplinary Authority has not submitted the written brief. Oral arguments of the Presenting Officer was heard.

9. Upon consideration of the oral and documentary evidence placed on record, the defence of DGO, the only points, that arises for the consideration of this enquiry authority is:-

1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO?

2) What order?

10. My finding on the above points are as follows:-

Point No.1: In the “ **PARTLY IN THE AFFIRMATIVE**”

Point No.2: As per the final order for the following:

**:: REASONS ::**

**11. Point NO.1:** The charge framed against the DGO is to the effect that the DGO being the Chief Officer, Town Municipal Council, Channarayapattana, during the month of

January 2014 permitted Sri K. Jayachandragupta to put up the compound wall without considering the note put up to seek the legal advice before granting such permission and further on 13/02/2014 the DGO without any prayer of Sri K. Jayachandragupta illegally wrote a letter to the police department for providing the police protection for constructing the compound wall and thereby facilitated the said Sri K. Jayachandragupta to put up the compound wall illegally by encroaching the property of the complainant-Sri H.N. Jagadeesh.

12. The complainant has been examined as PW1 and the complaint lodged by him is at Ex.P1, Form No.1 and 2 are at Ex.P2 and P3 respectively. In Ex.P1 and P2 it is stated that the property of the complainant measures 20'x80' and it has been purchased from the municipality and the neighbour Sri K. Jayachandragupta has got the khatha in his name in collusion with the municipal officials in excess of his property by 10'x80' and thereby Sri Jayachandragupta is claiming 10'x80' property of the complainant.

13. PW1 has deposed that his elder brother as joint family kartha purchased 20'x80' property from the municipality for Rs. 2,08,000/-, bearing khatha No. 982 (old khatha No. 657, 603). He has deposed that his elder brother died in the year 2011. He has further deposed that towards the eastern side of the above said property there is the residential property of one Sri K. Jayachandragupta measuring 48'x80'. But he has got the municipal records to an extent of 58'x80' including 10'x80' belonging to him. He has deposed that the DGO has given permission to put up the compound wall to the above



said Sri K. Jayachandragupta and further ordered for police protection also to put up the compound wall. He has deposed that Ex.P4 are the copies of the documents (xerox copies of the documents produced by him). He has deposed that Ex.P5 is the reply of the DGO and copies of the documents produced by the DGO. He has deposed that Ex.P6 is the comments of Sri Krishnegowda, Revenue Officer, Town Municipal Council, Channarayapattana and the xerox copies of the documents produced by him. Ex.P7 is the reply given by the complainant. Xerox copies of the documents produced by the complainant along with the Ex.P7 are at Ex.P8.

14. The complaint was referred to Superintendent of Police, Karnataka Lokayukta, Hassan. PW2 is Dr.C.B. Vedhamurthy and he has deposed from October 2012 to September 2015 he has worked as Superintendent of Police of Karnataka Lokayukta, Hassan and this complaint was referred to him for investigation and to report. He has deposed that he entrusted the said work to Sri Shanthinatha J. Vannuru, Police Inspector, Karnataka Lokayukta, Hassan and the report given by him is at Ex.P9 and it consists of 7 Annexures and they are at Page Nos. 31 to 290 and they are together marked as Ex.P10.

15. One of the document of Ex.P10 is the copy of the order passed by the Additional Civil Judge (JMFC), at Channarayapattana in O.S. No. 512/2012 on I.A.-I. It discloses that the complainant has filed the said O.S. No. 512/2012 against the above said Sri K. Jayachandragupta and in the same he had sought for Temporary Injunction in respect of his above said property measuring 20' East-West

and North-South:80' and after hearing both the sides the said court has dismissed the temporary injunction application. Another document of Ex.P10 is the copy of the order passed by the Civil Judge, Channarayapattana in M.A.No. 1/2014 dated: 28/02/2014 which discloses that the Miscellaneous Appeal preferred by the plaintiff/complainant has also been dismissed. The above said orders have been passed taking into consideration the report of the Commissioner appointed in O.S. No. 512/2012 for local investigation. Wherein it is stated that plaintiff/complainant has constructed two shops in all measuring 20.2 feet east to west and he has no other property belonging to him on the eastern side of his property. It is for the complainant to prove in O.S. No. 512/2012 that the above said Sri K. Jayachandra gupta by putting up the compound wall has encroached the property of the complainant. The question whether the property of Sri K. Jayachandra gupta measures only 48'x80' or 58'x80' has to be decided in the above said original suit.

16. In Ex.P9 the Police Inspector Sri S.J. Vannur has stated that even though the revenue inspector Sri Krishnegowda put the note to seek the legal advice before according permission to Sri Jayachandra gupta to put up the compound wall the DGO without seeking the legal advice permitted the above said Sri Jayachandra gupta to put up the compound wall and further without any application from Sri K. Jayachandra gupta for police protection the DGO wrote the letter dated: 13/02/2014 to give police protection to construct the compound wall.

17. One of the document marked as Ex.P10 is the letter written by Chief Officer, TMC, Channarayapattana dated: 27/11/2014 addressed to the Lokayukta police and in the same it is mentioned as follows:-

ಕ್ರಮ ಸಂಖ್ಯೆ	ಕೋರಿರುವ ಮಾಹಿತಿ	ಮಾಹಿತಿಗಳ ವಿವರ
1	ದಿನಾಂಕ: 23/08/2012 ರಂದು ಕಾಂಪೌಂಡ್ ನಿರ್ಮಿಸಲು ನೀಡಿರುವ ಅನುಮತಿ ಪತ್ರವನ್ನು ನವೀಕರಿಸಿ ನೀಡಲಾಗಿದೆ	ದಿನಾಂಕ: 23/08/2012 ರಂದು ಕಾಂಪೌಂಡ್ ನಿರ್ಮಿಸಲು ನೀಡಿರುವ ಅನುಮತಿ ಪತ್ರವನ್ನು ನವೀಕರಿಸಿರುವುದಿಲ್ಲ.
2	ಜಯಚಂದ್ರಗುಪ್ತ ರವರು ಕಾಂಪೌಂಡ್ ನಿರ್ಮಿಸಲು ಪೊಲೀಸ್ ರಕ್ಷಣೆಯನ್ನು ಒದಗಿಸಬೇಕೆಂದು ಬರೆದುಕೊಟ್ಟ ಪತ್ರ ಜೆರಾಕ್ಸ್ ಪ್ರತಿಯನ್ನು ಕೋರಿರುವ ಬಗ್ಗೆ	ಜಯಚಂದ್ರ ಗುಪ್ತ ರವರು ಕಾಂಪೌಂಡ್ ನಿರ್ಮಿಸಲು ಪೊಲೀಸ್ ರಕ್ಷಣೆಯನ್ನು ಒದಗಿಸಬೇಕೆಂದು ಅರ್ಜಿ ನೀಡಿರುವುದಿಲ್ಲ.

18. Thus in the above said document it is clearly mentioned that the licence given to Sri K. Jayachandra gupta to put up the compound wall dated: 23/08/2012 has not been renewed and the said Sri K. Jayachandragupta had not sought for any police protection to construct the compound wall. Another document marked as Ex.P10 is the copy of the application given by Sri K. Jayachandra gupta dated; 07/02/2014 in which he has sought for renewal of the licence to put up the compound wall granted on 23/08/2012.The last sheet of Ex.P10 is the copy of the office note regarding the above said application filed by Sri K. Jayachandra gupta for renewal of licence to put up the compound wall. In the same the note put up by the revenue inspector is found in which it is stated that Sri K. Jayachandra gupta was granted permission to put up the compound wall for property bearing khatha No. 981/A on 23/08/2012. But there is a dispute between the complainant and the above said Sri K. Jayachandra gupta and in that

respect there is a civil suit also and the civil suit is still pending and the above said Sri K. Jayachandra gupta has given the above said application on 07/02/2014 for renewal of the licence and the legal opinion be obtained in that respect. The same note further discloses that even the Engineer of Municipality has also written the note for obtaining the legal advice. Another document marked as Ex.P10 is the copy of the letter written by the DGO as Chief Officer dated: 13/02/2014 addressed to PSI, Channarayapattan police station wherein it is stated that the police protection be given to Sri K. Jayachandra Gupta to construct the compound wall in site measuring 10'x80' bearing khatha No. 198/1 and in the same there is a reference to O.S. NO. 512/2012. It is pertinent to note that there is no document to show that in O.S. No.512/2012 the civil court has ordered for giving police protection to Sri K. Jayachandra gupta to put up the compound wall in the property khatha bearing No. 981/A in an extent of 10'x80'. Thus even though there is no order of the civil court permitting Sri K. Jayachandra gupta to put up any compound wall the DGO without renewing the licence dated: 23/08/2012 and without seeking legal advice permitted Sri K. Jayachandra gupta to put up the compound wall by ordering the police protection. The DGO has also not given any reasons as to why the legal opinion was not sought even though it is specifically mentioned in the note sheet by the revenue inspector and the municipal engineer. As stated above the DGO has also not passed any order renewing the licence for construction of compound wall but he has straight away given the police protection and facilitated the above said Sri K. Jayachandra gupta to put up the compound wall with police protection. It is not in dispute that the DGO was the Chief

Officer on 13/02/2012 and he has issued the letter for police protection as stated above. Hence, it has to be said that the DGO has committed the misconduct by allowing the above said Sri K. Jayachandra gupta to put up the compound wall without seeking legal advice and further without there being any prayer by Sri K. Jayachandra gupta seeking police protection.

19. As stated above in this enquiry it cannot be decided whether the DGO has facilitated the encroachment of the property of the complainant by Sri K. Jayachandra gupta or not. In this enquiry the case set out by the complainant that Sri K. Jayachandragupta in collusion with municipal officials changed the measurement of his property as 58'x80' in municipal records cannot be decided. More over as stated above the statement of imputations is only to the effect that the DGO has accorded permission to Sri K. Jayachandra gupta for construction of the compound wall without considering the note put up to seek the legal advice before granting such permission and further even though said Sri K. Jayachandra gupta has not sought for police protection the DGO has directly wrote the letter to the police department for providing the police protection and thereby he has committed misconduct. Hence I have to restrict the charge to the above said aspect only and not to the question that the DGO has facilitated Sri K. Jayachandra gupta to encroach the property of the complainant mentioned in the charge.

20. As stated above, the evidence adduced in this enquiry is sufficient to hold that the DGO has committed the misconduct by allowing Sri K. Jayachandra gupta to put up the compound wall without renewing the licence and without seeking the

legal advice even though there was dispute pending between the complainant and Sri K. Jayachandra gupta in the civil court and further more without there being any application by Sri Jayachandra gupta for police protection or there being any order by the civil court for police protection wrote the letter to the police to give police protection as stated above and thereby committed misconduct.

21. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of Government Servant. Hence, I answer the above point No.1 in the **PARTLY IN THE AFFIRMATIVE.**

**22. Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge partly in this case that is the DGO-Sri H.S. Chandrashekar, the then Chief Officer, Town Municipal Council, Channarayapattana, Presently working as Office Manager, Town Municipal Council, K.R. Pete, during the month of January 2014 illegally taken action to accord permission to Sri K. Jayachandra gupta for construction of compound wall without considering the note put up to seek legal advice before granting such permission and further on 13/02/2014 without any prayer by Sri K. Jayachandra gupta wrote the letter to police department to give police protection for construction of the compound wall and thereby committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

23. Hence this report is submitted to Hon'ble Upalokayukta-2 for kind perusal and for further action in the matter.

Dated this the 18<sup>th</sup> day of September, 18

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

**:: ANNEXURE ::**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :Sri H.N. Jagadeesh (complainant)  
PW-2 :Dr. C.B. Vedhamurthy (I.O.)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

NIL

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

Ex.P-1: Xerox copy of the complaint  
Ex.P-2: Original Form No.1  
Ex.P2(a):Relevant entry in Ex.P2  
Ex.P-3: Original Form No.2  
Ex.P-3(a):Relevant entry in Ex.P3  
Ex.P-4: Xerox copies of the file of the complainant(containing 15 sheets)  
Ex.P-5:Xerox copy of the comment of DGO dated:05/04/2014 with xerox copies of the enclosures (containing 18 sheets)  
Ex.P-6:Original letter of Sri Krishnegowda, Revenue Officer, TMC, Channarayapattana dated: 06/05/2014 with enclosures (containing 15 sheets)  
Ex.P-7: Original rejoinder of the complainant dated: 05/07/2014  
Ex.P-7(a): Relevant entry in Ex.P7  
Ex.P-8:Xerox copy of the permission letter dated: 23/08/2012 with xerox copies of the enclosures (containing three sheets)  
Ex.P-9:Original I.O. report dated: 28/11/2014 (containing four sheets)  
Ex.P-10: Supporting documents to Ex.P9 (containing Annexure 1 to 7)  
**Annexure-I:** Certified copy of the memorandum dated: 14/10/2014 with enclosures  
Ex.P-10(a): Xerox copy of the permission letter dated: 23/08/2012

- Ex.P-10(b): Xerox copy of the letter of Chief Officer, TMC, Channarayapattana addressed to PSI, Channarayapattana dated: 13/02/2014
- Ex.P-10(c): Xerox copy of the endorsement given by Chief Officer, TMC, Channarayapattana dated: 15/03/2014 with enclosures
- Ex.P-10(d): Xerox copy of the house and land tax paid bearing property No. 804
- Ex.P-10(e): Xerox copy of the house and land tax paid bearing property No. 804
- Ex.P-10(f): Xerox copy of the death certificate of Sri H.N. Ramesh with enclosures

**Annexure-II**

- Ex.P-10(g): Xerox copy of the assessment list of building and land liable to taxation with colour photos and with enclosures

**Annexure-III**:- Original letter of Sri Krishnegowda, Revenue officer, TMC, Channarayapattana dated: 10/07/2014 with xerox copies of the enclosures

**Annexure-IV**:- Certified copy of the Land assessment list

**Annexure-V**:- Xerox copy of the letter of Police Inspector, Karnataka Lokayukta, Hassan dated: 17/11/2014 addressed to Sub-Registrar, Sub-registrar office, Channarayapattana with enclosures

**Annexure-VI**:- Xerox copy of the letter of Police Inspector, Karnataka Lokayukta, Hassan dated: 17/11/2014 addressed to Sri K. Jayachandra gupta, ner Mysore road, Channarayapattana with enclosures

**Annexure-VII**:- Xerox copy of the letter of Police Inspector, Karnataka Lokayukta, Hassan dated: 26/11/2014 addressed to Chief Officer, TMC, Channarayapattana with enclosures

Ex.P-11: Original report of Police inspector, Karnataka Lokayukta, Hassan dated: 04/12/2014 (containing 9 sheets)

Ex.P-11(a): Relevant entry in Ex.P11

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

NIL

Dated this the 18<sup>th</sup> day of September, 2018

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.





KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/105/2016/ARE-4

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 22.09.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri H.S. Chandrashekhar, the then Chief Officer, Town Municipal Council, Channarayapattana, Hassan District - reg.

Ref:- 1) Government Order No. UDD 14 DMK 2016 dated 15.04.2016.

2) Nomination order No. UPLOK-2/DE/105/2016 dated 18.04.2016 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 18.09.2018 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.04.2016, initiated the disciplinary proceedings against Shri H.S. Chandrashekhar, the then Chief Officer, Town Municipal Council, Channarayapattana, Hassan District [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/105/2016 dated 18.04.2016 nominated Additional

Registrar of Enquiries-4, 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 - Shri H.S. Chandrashekhar, the then Chief Officer, Town Municipal Council, Channarayapattana, Hassan District was tried for the following charge:-

“That, you-DGO/Shri H.S. Chandrashekar, the then Chief Officer, Town Municipal Council, Channarayapattana, during the month of January 2014 illegally taken action to accord permission to Shri K. Jayachandra Gupta, for construction of compound wall without considering the note put up to seek a legal advice before granting such permission and further on 13.02.2014, you-DGO without any prayer of Shri K. Jayachandra Gupta illegally wrote a letter to Police Department for providing police protection while constructing a compound wall and thereby facilitate the said Shri K. Jayachandra Gupta to put up a compound illegally by encroaching the property of the complainant/Shri H.N. Jagadeesh. Thereby, you-DGO being a Government Servant failed to maintain absolute integrity besides devotion to duty and the act of you-DGO is unbecoming of a Government Servant and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries- 4) on proper appreciation of oral and documentary evidence has held that, "the Disciplinary Authority has '*proved*' the above charge against the DGO - Shri H.S. Chandrashekhar, the then Chief Officer, Town Municipal Council, Channarayapattana, Hassan District.


5. On re-consideration of report of inquiry, 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 of DGO furnished by the Inquiry Officer, DGO - Shri H.S. Chandrashekhar is due for retirement on 31.10.2026.

7. Having regard to the nature of charge '*proved*' against DGO - Shri H.S. Chandrashekhar, the then Chief Officer, Town Municipal Council, Channarayapattana, Hassan District, it is hereby recommended to the Government to impose penalty of '*withholding four annual increments payable to DGO - Shri H.S. Chandrashekhar with cumulative effect*' and also, '*to defer the promotion of DGO - Shri H.S. Chandrashekhar by four years whenever he becomes due for promotion.*'

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

Connected records are enclosed herewith

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 