



KARNATAKA LOKAYUKTA

No.LOK/INQ/14A/185/2014/ARE-10

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.29.11.2016.RECOMMENDATION

Sub: Departmental inquiry against Sriyuths:

- (1) Nithyananda, Engineer, Mangaluru Mahanagara Palike, Mangaluru;
- (2) A.V. Ganesh, the then Chief Officer, Town Municipal Council, Moodagere;
- (3) M. Padmanabha, the then Chief Officer, Town Municipal Council, Ullal;
- (4) M. Srinivas, Health Inspector, Primary Health Centre, Ajekara, Karkala Taluk;
- and (5) B.C. Sadananda, Chief Officer, the then Junior Engineer, Taluk Panchayath, Town Municipal Council, Kundapura - reg.

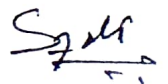
- Ref: 1. Government Order No UDD 62 DMK 2014 dated 25.03.2014.
2. Nomination Order No. LOK/INQ/14-A/185/2014 dated 04.04.2014 .

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Government, by its order dated 25.03.2014, initiated the disciplinary proceedings against Sriyuths: (1) Nithyananda, Engineer, Mangaluru Mahanagara Palike, Mangaluru; (2) A.V.

Ganesh, the then Chief Officer, Town Municipal Council, Moodagere; (3) M. Padmanabha, the then Chief Officer, Town Municipal Council, Ullal; (4) M. Srinivas, Health Inspector, Primary Health Centre, Ajekara, Karkala Taluk; and (5) B.C. Sadananda, Chief Officer, the then Junior Engineer, Taluk Panchayath, Town Municipal Council, Kundapura [hereinafter referred to as the Delinquent Government Officials, for short 'DGOs 1 to 5' respectively] and entrusted the departmental inquiry to this Institution. This Institution, by Nomination Order dated 04.04.2014, nominated the Additional Registrar of Enquiries-10, Karnataka Lokayukta, Bengaluru, to frame charges and to conduct the departmental inquiry against the DGOs 1 to 5 for the alleged misconduct alleged to have been committed by them.

2. The Inquiry Officer, after completing the inquiry, has submitted his report dated 27.10.2016 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct framed against DGOs 1 to 5.



3. The charge of misconduct alleged against DGOs 1 to 5 was that, while the DGO1 was working as Engineer, Mangaluru Mahanagara Palike, Mangaluru; DGO2 as the then Chief Officer, Town Municipal Council, Moodagere; DGO3 as the then Chief Officer, Town Municipal Council, Ullal; DGO4 as the Health Inspector, Primary Health Centre, Ajekara, Karkala Taluk; and DGO5 as the Chief Officer, the then Junior Engineer, Taluk Panchayath, Town Municipal Council, Kundapura, committed misconduct in the matter of allotting and maintaining the houses constructed under 'Aashraya Scheme' floated by Rajiv Gandhi Rural Housing Corporation as the DGOs 1 to 5 failed to make periodical inspection of the ongoing construction of houses and also failed to observe the quality of construction as per approved plan and specification and thereby caused loss to the exchequer of State Government. Hence, DGOs 1 to 5 have failed to maintain absolute integrity and devotion to the duty and rendered themselves as unbecoming Government servants and committed misconduct



within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.

4. The Disciplinary Authority, to prove the charge of misconduct, has examined two witnesses viz., PW1 is the complainant and PW2 is the Investigating Officer. The allegation made against DGOs 1 to 5 was that, though 390 houses were constructed under 'Aashraya Scheme' by spending an amount of Rs.93,53,353/-, due to improper construction and also, on account of negligence and failure to discharge function by DGOs 1 to 5, houses constructed under the said scheme became unfit for human dwelling and thereby, DGOs 1 to 5 are responsible for the loss caused to the exchequer of the State Government.

5. The Inquiry Officer, after considering the entire evidence on record, has found that, the evidence led on behalf of Disciplinary Authority probabalise that, the DGOs 1 to 5 are guilty of misconduct.

*Sgd*

6. Whereas, DGO1 got himself examined as DW1; DGO3 as DW2; DGO3 as DW3; DGO5 as DW4 and got marked as many as 30 documents on their behalf. The Inquiry Officer found that, the evidence led by the Disciplinary Authority more probabalises and held that, the charge levelled against DGOs 1 to 5 is 'proved'.

7. Considering the findings of the Inquiry Officer and also having regard to the nature and gravity of misconduct alleged against DGOs 1 to 5, it is hereby recommended to the Government that, the DGO 1 - *Shri Nithyananda, Engineer, Mangaluru Mahanagara Palike, Mangaluru*, who is stated to be still in service, be punished with the penalty of "*withholding of three annual increments for a period of five years with cumulative effect*" in exercise of powers under Rule 8(iii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957. As, DGOs 2 to 5 viz., - *Sriyuths (2) A.V. Ganesh, the then Chief Officer, Town Municipal Council, Moodagere; (3) M. Padmanabha, the then Chief Officer, Town Municipal Council, Ullal; (4) M. Srinivas, Health Inspector, Primary Health Centre, Ajekara,*

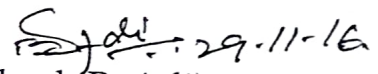




*Karkala Taluk; and (5) B.C. Sadananda, Chief Officer, the then Junior Engineer, Taluk Panchayath, Town Municipal Council, Kundapura* who are stated to have been retired from Government service, it is hereby recommended that, they be punished with the penalty of "*denial of 5% of the pensionary benefit permanently without reducing the same below the minimum prescribed*" in exercise of powers under Rule 214(1)(a) of Karnataka Civil Service Rules.

8. Since, DGOs 1 to 5 have caused loss to the exchequer of State Government, recovery proceedings may be initiated against them.

9. Action taken in the matter is to be intimated to this Authority. Connected records are enclosed herewith.

  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

Slg\*



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/Enq.185/2014/ARE-10  
(Encl: Recommendation & original  
Report of Inquiry Officer with  
connected records)

Multi-Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru, dated: 29.11.2016

To,

Shri Ponnuraj, IAS,  
Secretary to Government,  
Urban Development Department  
(Municipal Administration &  
Urban Development Authorities),  
VikasaSoudha,  
Bengaluru-560001.

Respected Sir,

Sub: Departmental inquiry against Sriyuths:  
(1) Nithyananda, Engineer, Mangaluru  
Mahanagara Palike, Mangaluru;  
(2) A.V. Ganesh, the then Chief Officer,  
Town Municipal Council, Moodagere;  
(3) M. Padmanabha, the then Chief Officer,  
Town Municipal Council, Ullal;  
(4) M. Srinivas, Health Inspector, Primary  
Health Centre, Ajekara, Karkala Taluk;  
and (5) B.C. Sadananda, Chief Officer,  
the then Junior Engineer, Taluk Panchayath,  
Town Municipal Council, Kundapura - reg.

Ref: 1. Government Order No UDD 62 DMK 2014  
dated 25.03.2014.

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With reference to the above, I am directed to forward herewith the
recommendation of Hon'ble Upalokayukta, State of Karnataka, dated 29.11.2016

along with the report of Inquiry Officer and relevant records as mentioned below:-

File No.	Particulars	Page Nos.
	Recommendation of Hon'ble Upalokayukta dated 29.11.2016 along with report of Inquiry Officer	In a sealed cover
File No.I	Order Sheet File - original	1-18
File No.II	Report u/s 12(3) of the K.L Act, dt.11.3.2014 - xerox	19-23
	Government Order dt. 25.3.2014-xerox	24-27
	Nomination Order dt. 4.4.2014- xerox	28-29
	Articles of charge of DGOs dt.9.6.2014 - original	30-35
	Letter dt. 23.6.2014-original	36
	Served Article of charges-original	37-42
	First oral statement of DGO 1 to 5-original	43-47
	Written statement of DGO 1 to 5 -original (pg No. 48-73) a/w enclosures-certified copies (pg Nos. 74-78, 82, 90, 124,180-181, 183-185, 187-188, 192, 198, 204, 210, 216, 222, 228, 236, 241, 254, 279, 282) xerox (pg Nos. 79-81, 83-89, 91-123, 125-168, 171-179, 182, 186, 189-191, 193-197, 199-203, 205-209, 211-215, 217-221, 223-227, 229-235, 237-240, 242-253, 255-278, 280-281, 283) original - (pg Nos. 169-170)	48-283
	Application dt. 22.6.2016-original (pg Nos. 284-286, 289) a/w enclosures-xerox (pg Nos. 287-288)	284-289
	Application dt. 11.7.2016-original (290) a/w enclosures-xerox (pg Nos. 291)	290-291
	Second oral statement of DGOs 1 to 5- original	292-296
	Qustionaire dt. 21.7.2016- original	297-300
	Written brief of DGO 1 to 5 -original	301-325
	Written brief of presenting officer-original	326-332
File No.III	<u>LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:</u>	
	PW-1 :- Sri. Mohammed Kabir-original	333-337
	PW-2 :- Sri. K. Srinivas-original	338-343
	<u>LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:</u>	
	DW-1:- Sri. Nityanand-original	344-353
	DW-2:- Sri. Padmanabha-original	354-362

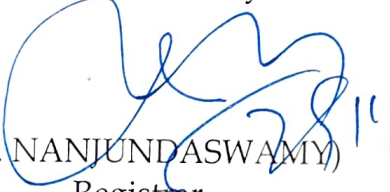
	DW-3:- Sri. Srinivas M-original	363-370
	DW-4:- Sri. B.C. Sadananda-original	371-379
File No. IV "Exhibits" File	<u>LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY</u>	
	Ex.P-1: Complaint -original	380
	Ex.P-2: Form No. I-original	381-382
	Ex.P-3: Form No. II-original	383
	Ex.P-4: Paper cuttings-xerox	384
	Ex P-5: Photographs-original	385-387
	Ex.P-6: Form No. I-original	388-389
	Ex P 7: Form No. II-original	390
	Ex P 8 : Form No. I-original	391-392
	Ex P 9: Form No. II-original a/w paper cutting-xerox	393 394
	Ex P 10 : Form No. I-original	395-396
	Ex.P-11 : Form No. II-original	397
	Ex.P-12 : Rejoinder – original a/w enclosures-xerox (pg No. 399-402)	398-402
	Ex.P-13 : Mahazar-original	403-405
	Ex.P-14 : Photographs-original	406-421
	Ex P-15 : Letter dt. 6.6.2011-original	422-423
	Ex.P-16 : Letter dt. 27.6.2011-original a/w enclosures-original	424-426
	Ex P 17 : xerox copy of O.M. of Deputy Commissioner, DK, Mangalore dt. 20.5.2002 attested by Chief Officer, Ullal, CMC, D.K.	427-428
	Ex P 18 : Details of Payment -original	429
	Ex P 19 : Report -original	430-439
	<u>LIST OF EXHIBITS MARKED ON BEHALF OF DGO:</u>	
	Ex.D-1: Colour printed photographs Xerox of ID Card	440-448, 450
	Ex D 1(a) : CD – original	449 451
	Ex.D-2 : Circular-certified copies	452-459
	Ex.D-3 : Sketch-certified copies	460
	Ex.D-4 : Estimate-certified copies	461-466
	Ex.D-5 : Government Proceedings- certified copies	467-468
	Ex.D-6 : Order of WP No. 2271/2004- certified copies	469-473
	Ex.D-7: Letter dt. 27.10.06-certified copies	474
	Ex.D-8: Letter dt. 6.8.2012-certified copies	475
	Ex.D-9 : Report -certified copies	476-480

-4-

Ex.D-10: Letter dt. 20.11.04-certified copies	481
Ex.D-11: Letter dt. 5.3.2007-certified copies	482
Ex.D-12: Letter dt. 16.4.2007-certified copies	483
Ex.D-13: Letter dt. 27.3.2008-certified copies	484-486
Ex.D-14: Letter dt. 24.4.2008-certified copies	487
Ex.D-15: Letter dt. 12.7.2007-certified copies	488-489
Ex.D-16: Letter dt. 2.12.2002-certified copies	490
Ex.D-17: Temporary injunction order--certified copies	491 – 492
Ex.D-18: Judgment -certified copies	493-534
Ex.D-19: Letter dt. 28.11.02-certified copies	535
Ex.D-20: Letter dt. 12.8.2002-certified copies	536
Ex.D-21: Letter dt. 6.8.2002-certified copies	537
Ex.D-22: Letter dt 27.7.02-certified copies	538-539
Ex.D-23 : Order sheet-certified copies	540-548
Ex.D-24 : Judgment-certified copies	549-572
Ex.D-25 : Order sheet -certified copies	573-586
Ex.D-26 : Judgment-certified copies	587-600
Ex.D-27 : Charge taken report-original	601
Ex.D-28 : Charge list-original	602
Ex.D-29 : Certificate-original	603
Ex.D-30 : Certificate-original	604

Receipt of the above documents may please be acknowledged.

Yours faithfully,


 (H.M. NANJUNDASWAMY)
 Registrar,
 Karnataka Lokayukta,
 Bengaluru

Copy to the Additional Registrar of Enquiries-10, KLA, along with a copy of recommendation for information and further needful action.