

**GOVERNMENT OF KARNATAKA****KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/432/2018/ARE-8

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560001  
Date: 04<sup>th</sup> November, 2022.

**RECOMMENDATION**

Sub: Departmental Inquiry against Shriyuths:

- (1) Eranaik, Commissioner (retired),  
Nagarasabhe, Sira Town, Tumkur District.
- (2) Manjunath Rao, Assistant Executive  
Engineer, Nagarasabhe, Sira Town, Tumkur  
District (presently retired).
- (3) Manjunath.D, Junior Engineer, Nagarasabhe,  
City Municipal Council, Tumkur District-reg.

Ref: 1) Government Order No.ನಅಇ 118 ಡಿಎಂಕೆ 2017,  
Bengaluru, dated: 01/09/2018.

2) Nomination Order No.UPLOK-2/DE/432/  
2018, Bengaluru, dated: 14/09/2018 of  
Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 31/10/2022 of  
Additional Registrar of Enquiries-8, Karnataka  
Lokayukta, Bengaluru.

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The Government by its order dated: 01/09/2018 initiated  
the disciplinary proceedings against (1) Shri Eranaik,  
Commissioner (retired), Nagarasabhe, Sira Town, Tumkur

District; (2) Shri Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District (presently retired) and (3) Shri Manjunath.D, Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District (hereinafter referred to as Delinquent Government Official, for short as DGO Nos.1 to 3) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE/432/2018, Bengaluru, dated: 14/09/2018 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs No.1 to 3.
3. The DGO No.1, Shri Eranaik, Commissioner (retired), Nagarasabhe, Sira Town, Tumkur District; DGO No.2, Shri Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District (presently retired) and DGO No.3, Shri Manjunath.D, Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District were tried for the following charges:

**ಅನುಬಂಧ-1**

**ದೋಷಾರೋಪನೆ**

ಅ.ಸ.ನೌ.-1 ರಿಂದ 3 ಶಿರಾ ಪಟ್ಟಣ ನಗರಸಭೆಯಲ್ಲಿ ಕ್ರಮವಾಗಿ ಪೌರಾಯುಕ್ತರು, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ಹಾಗೂ ಕಿರಿಯ



ಅಭಿಯಂತರರಾಗಿ ಸೇವೆ ಸಲ್ಲಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ, ಶಿರಾ ಪಟ್ಟಣದ ಪಿ.ಎಚ್. ಕಾಲೋನಿಯಲ್ಲಿ ಸರ್ಕಾರದಿಂದ ಮಂಜೂರಾದ ನಿವೇಶನ ನಂಬರ್ 130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು ಉಪಯೋಗಿಸದೇ ಇದ್ದು, ಅವುಗಳ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿ, ಫಲಾನುಭವಿಗಳು ಆ ಸ್ಥಳದಲ್ಲಿ ವಾಸವಾಗಿದ್ದಾರೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡು ಒಂದು ವೇಳೆ ವಾಸವಿಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ನೋಟೀಸ್ ನೀಡಿ, ಒತ್ತುವರಿಯಾಗಿದ್ದರೆ ಅದನ್ನು ತೆರವುಗೊಳಿಸಿ ಸದರಿ ನಿವೇಶನಗಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆದು ಇತರೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸುವ ಬದಲು ಅ.ಸ.ನೌ.ರವರಾದ ನೀವು ಆ ರೀತಿ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ನೇರವಾಗಿ ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಒಳಚರಂಡಿ ನಿರ್ಮಿಸಲು ಪ್ರಯತ್ನಿಸಿ, ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಿ, ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ, ತನ್ಮೂಲಕ, ಸರ್ಕಾರಿ ಆಪಾದಿತ ನೌಕರರಾದ ನೀವುಗಳು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ (3)(i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has **'Proved'** the charges leveled against **DGO No.1**, Shri Eranaik, Commissioner (retired), Nagarasabhe, Sira Town, Tumkur District;

The Disciplinary Authority has **'Not Proved'** the charges leveled against **DGO No.2**, Shri Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District (presently retired) and **DGO No.3**, Shri Manjunath.D, Junior

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Engineer, Nagarasabhe, City Municipal Council, Tumkur  
District.

5. On perusal of the Inquiry Report, in order to prove the guilt of DGOs No.1 to 3, the Disciplinary Authority has examined one witness i.e., PW-1 and Ex. P-1 to P-9 documents were got marked. DGOs No1 to 3 have examined themselves as DW-1 to DW-3 respectively.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, 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 the Inquiry Officer.
7. As per the First Oral Statement of DGOs No.1 to 3 furnished by the Inquiry Officer, DGO No.1, Shri Eranaiik has retired from service on 30/04/2014; DGO No.2, Shri Manjunath Rao has retired from service on 31/05/2018 and DGO No.3, Shri Manjunath.D will retire from service on 30/06/2027.



8. Having regard to the nature of charge '**Proved**' the charges leveled against **DGO No.1**, Shri Eranaik, Commissioner (retired), Nagarasabhe, Sira Town, Tumkur District.

**'Not Proved'** the charges leveled against **DGO No.2**, Shri Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District (presently-retired) and **DGO No.3**, Shri Manjunath.D, Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District and on consideration of the totality of circumstances:-

"It is hereby recommended to the Government to impose penalty of withholding 10% of pension payable to DGO No.1, Shri Eranaik, Commissioner (retired), Nagarasabhe, Sira Town, Tumkur District; for a period of five years".

"It is hereby recommended to the Government to exonerate DGO No.2, Shri Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District (presently retired) of the charges leveled against him".

"It is hereby recommended to the Government to exonerate ~~DGO No.3, Shri Manjunath.D, Junior~~

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Engineer, Nagarasabhe, City Municipal Council,  
Tumkur District of the charges leveled against him”.

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

Connected records are enclosed herewith.

*K.N. Phaneendra*  
20/11/22

**(JUSTICE K.N.PHANEENDRA)**  
UPALOKAYUKTA-2,  
STATE OF KARNATAKA.

**KARNATAKA LOKAYUKTA**

No: Uplok-2/DE/432/2018/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 31/10/2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against (1) Sri. Eranaik, Commissioner (Retired on 30/04/2014), Nagarasabhe, Sira Town, Tumkur District, (2) Sri. Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District, (3) Manunath D. Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District - reg.

**Ref:-** 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act 1984, in Complt/Uplok/BD /6255/2014/DRE-2, dtd.15/06/2017.  
2) Government Order No.ನಅಇ/118/ಡಿಎಂಕೆ/ 2017, ಬೆಂಗಳೂರು, dtd.01/09/2018  
3) Nomination Order No.UPLOK-2/DE-432/ 2018, Bangalore, dtd.14-09-2018.

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Present Departmental Enquiry is initiated on the basis of the complaint lodged by Sri. Syed Ilyas S/o Syed Yusuf, R/o Negum Mohalla, 1<sup>st</sup> Cross, P.H.Colony, Sira

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31/10/2022

Town, Tumkur District, (herein after referred as 'Complainant') against (1) Sri. Eranai, Commissioner (Retd.), Nagarasabhe, Sira Town, Tumkur District, (2) Sri. Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District, (3) Manunath D. Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District, (herein after referred to as the Delinquent Government Official in short 'DGO-1 to 3').

2. An investigation was undertaken by invoking Section 7 (2) of the Karnataka Lokayuktha Act, DGOs submitted their comments. After receiving the comments rejoinder of the complainant was received. Based on the allegations of the complaint and preliminary notes, Hon'ble Upa-Lokayuktha had sent the report U/Sec. 12(3) of Karnataka Lokayuktha Act on 25/09/2018 as per Ref. No.1 Complt/Uplok/BD/6255/2014/DRE-2, dtd.15/06/2017.
3. The Competent Authority/State Government after verifying the materials accorded permission and entrusted the enquiry by issuing notification as per Ref.No.2 Government Order No.ಸಅಇ/118/ಡಿಎಂಕೆ/2017, ಬೆಂಗಳೂರು, dtd.01/09/2018.
4. Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3-No. UPLOK-2/DE-432/2018, Bangalore, dtd.14-09-2018.

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**5. Brief allegations made in the complaint are that:**

Complainant one Sri. Syed Iliyas S/o Syed Yusuf, R/o P.H.Colony, 1<sup>st</sup> Cross, Begum Mohalla, Sira Town, Tumkur District, has lodged a complaint alleging that the complainant is residing at Ward No.19, old Ward No.15 of PH Colony and he has lodged complaint before the CMC, Sira Town, to clear the encroachments made in certain plot Numbers, particularly 128 to 133 and CMC, Sira, is trying to construct the drainage facility illegally, in the support of the elected CMC member of Ward No.19 and their relatives. In spite of the complaint repeatedly lodged by complainant and local residents, the DGOs have not taken any action to remove the encroachment and stop the construction of drainage, which has lead to obstruction to the resident of the said colony to move on the road.

**6.** On the basis of the nomination, Article of Charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ

2. ಅ.ಸ.ನೌ.-1 ರಿಂದ 3 ಶಿರಾ ಪಟ್ಟಣ ನಗರಸಭೆಯಲ್ಲಿ ಕ್ರಮವಾಗಿ ಪೌರಾಯುಕ್ತರು, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ಹಾಗೂ ಕಿರಿಯ ಅಭಿಯಂತರರಾಗಿ ಸೇವೆ ಸಲ್ಲಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ, ಶಿರಾ ಪಟ್ಟಣದ ಪಿ.ಎಚ್. ಕಾಲೋನಿಯಲ್ಲಿ ಸರ್ಕಾರದಿಂದ ಮಂಜೂರಾದ ನಿವೇಶನ ನಂಬರ್ 130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು

*[Handwritten Signature]*  
30/10/18  
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ಉಪಯೋಗಿಸದೇ ಇದ್ದು, ಅಬುಗಳ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿ, ಫಲಾನುಭವಿಗಳು ಆ ಸ್ಥಳದಲ್ಲಿ ವಾಸವಾಗಿದ್ದಾರೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡು ಒಂದು ವೇಳೆ ವಾಸವಿಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ನೋಟೀಸ್ ನೀಡಿ, ಒತ್ತುವರಿಯಾಗಿದ್ದರೆ ಅದನ್ನು ತೆರವುಗೊಳಿಸಿ ಸದರಿ ನಿವೇಶನಗಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆದು ಇತರೆ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸುವ ಬದಲು ಅ.ಸ.ನೌ.ರವರಾದ ನೀವು ಆ ರೀತಿ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ನೇರವಾಗಿ ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಒಳಚರಂಡಿ ನಿರ್ಮಿಸಲು ಪ್ರಯತ್ನಿಸಿ, ಒತ್ತುವರಿಯನ್ನು ತೆರವುಗೊಳಿಸಿ, ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿರುತ್ತೀರಿ, ತನ್ಮೂಲಕ, ಸರ್ಕಾರಿ ಆಪಾದಿತ ನೌಕರರಾದ ನೀವುಗಳು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸ್ವಂತ ಲಾಭಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ (3)(i) ರಿಂದ (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡಕ್ಟ್)

ತುಮಕೂರು ಜಿಲ್ಲೆ ಶಿರಾ ಪಟ್ಟಣದ ಬೇಗಂ ಮೊಹಲ್ಲಾ 1ನೇ ಕ್ರಾಸ್‌ನ ಪಿಹೆಚ್ ಕಾಲೋನಿಯ ಮನೆ ನಂ.352ರ ನಿವಾಸಿಯಾದ ಶ್ರೀ.ಸೈಯದ್ ಇಲಿಯಾಸ್ ಬಿನ್ ಸೈಯದ್ ಯೂಸುಫ್ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತುಮಕೂರು ಜಿಲ್ಲೆ ಶಿರಾ ಪಟ್ಟಣ ನಗರಸಭೆಯ ಪೌರಾಯುಕ್ತರಾದ ಶ್ರೀ.ಈಶಾ ನಾಯ್ಕ, 2) ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾದ ಶ್ರೀ.ಮಂಜುನಾಥ ರಾವ್, 3) ನೋಡಲ್ ಅಭಿಯಂತರರಾದ ಶ್ರೀ.ಪ್ರಕಾಶ್ ಸಿಂಗ್ ಮತ್ತು ಕಿರಿಯ ಅಭಿಯಂತರರಾದ ಶ್ರೀ.ಡಿ.ಮಂಜುನಾಥ (ಇನ್ನು ಮುಂದೆ "1 ರಿಂದ 4ನೇ ಎದುರುದಾರ" ಎಂದು ಕ್ರಮವಾಗಿ, ಕರೆಯಲ್ಪಡುತ್ತಾರೆ) ರವರ ವಿರುದ್ಧ ಅವ್ಯವಹಾರದ ಬಗ್ಗೆ ನೀಡಿದ ದೂರನ್ನು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆಯ ಕಲಂ 9ರ ಅಡಿಯಲ್ಲಿ ತನಿಖೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಿದೆ.


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21/10/18

ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ವಿವರಣೆ:- ತುಮಕೂರು ಜಿಲ್ಲೆ ಶಿರಾ ಪಟ್ಟಣ ನಗರಸಭೆ ವ್ಯಾಪ್ತಿಯ ವಾರ್ಡ್ ನಂ.19 ಹಳೆ ನಂ.15ರ ಪಿಹೆಚ್ ಕಾಲೋನಿ 1ನೇ ತಿರುವಿನ ನಾಗರೀಕರುಗಳು ಶಿರಾ ನಗರಸಭೆಗೆ ರಸ್ತೆ ಮತ್ತು ಒಳಚರಂಡಿಗೆ ಸೇರಿದಂತೆ ನಾಗರೀಕ ಸೌಲಭ್ಯಗಳನ್ನು ಕಲ್ಪಿಸಿಕೊಡುವಂತೆ ಎದುರುದಾರರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ವಾರ್ಡ್ ನಂ.19ರ ನಗರಸಭೆ ಸದಸ್ಯರ ಸಂಬಂಧಿಗಳು ನಗರಸಭೆ ವ್ಯಾಪ್ತಿಯ ರಸ್ತೆ ಒತ್ತುವರಿ ಮಾಡಿದ್ದು, ಅದನ್ನು ತೆರವುಗೊಳಿಸುವಂತೆ ಹಾಗೂ ನಾಗರೀಕ ಸೌಲಭ್ಯ ಕಲ್ಪಿಸಿಕೊಡುವಂತೆ ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ತುಮಕೂರು ರವರು ಆದೇಶಿಸಿದ್ದರೂ ಸಹ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ ಹಾಗೂ ಸದರಿ ರಸ್ತೆ ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವವರು ತಮ್ಮ ವಿರುದ್ಧ 2 ಸುಳ್ಳು ದೂರುಗಳನ್ನು ದಾಖಲಿಸಿ, ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ತಮ್ಮ ನಿವೇಶನದಲ್ಲಿ ಚರಂಡಿ ನಿರ್ಮಿಸಲು ಪ್ರಯತ್ನಿಸಿರುವುದಾಗಿ ದೂರುದಾರರು ಹೇಳಿದ್ದಾರೆ.

ದೂರಿಗೆ ಎದುರುದಾರರಿಂದ ಆಕ್ಷೇಪಣೆಯನ್ನು ಕೇಳಲಾಗಿ, 1 ರಿಂದ 4ನೇ ಎದುರುದಾರರು

ತಮ್ಮ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ -

ನಿವೇಶನ ರಹಿತ ಫಲಾನುಭವಿಗಳಿಗೆ ಖಾಯಂ ಮನೆ ನಿರ್ಮಿಸಿಕೊಡುವ ಸಂಬಂಧ ಸರ್ಕಾರದ ನಿರ್ದೇಶನದಂತೆ ಅರ್ಜಿಗಳನ್ನು ಆಹ್ವಾನಿಸಿದ್ದು, ಅದರಂತೆ ನಿರ್ಗತಿಕರಿಗೆ ಪಿಹೆಚ್ ಕಾಲೋನಿಯಲ್ಲಿ ಆಶ್ರಯ ಯೋಜನೆಯಡಿ 1993 ರಂದು ಒಟ್ಟು 144 ನಿವೇಶನಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಲಾಗಿತ್ತು, ಅದರಂತೆ ಫಲಾನುಭವಿಗಳಿಗೆ ನಿವೇಶನದಲ್ಲಿ ಮನೆ ನಿರ್ಮಿಸಲು ಅನುಮತಿಯನ್ನು ಸಹ ನೀಡಲಾಗಿದೆ. ಆಶ್ರಯ ಯೋಜನೆಯಡಿ 4 ಕ್ರಾಸ್‌ಗಳಲ್ಲಿ 2ನೇ ಕ್ರಾಸ್‌ನಿಂದ 4ನೇ ಕ್ರಾಸ್‌ನವರೆಗೆ ಮನೆ ನಿರ್ಮಿಸಿದ್ದು, ಮೂಲ ಸೌಕರ್ಯವನ್ನು ಒದಗಿಸಲಾಗಿದೆ. 1ನೇ ಕ್ರಾಸ್‌ನಲ್ಲಿ ಬರುವ ಆಶ್ರಯ ಮನೆ ಸಂ:115 ರಿಂದ 129 ರವರೆಗೆ ಕೆಲವರು ಮನೆಗಳನ್ನು ನಿರ್ಮಾಣ ಮಾಡಿಕೊಂಡು ಕೆಲವು ವ್ಯಕ್ತಿಗಳು ನಿವೇಶನಗಳನ್ನು ಸುಸ್ಥಿತಿಯಲ್ಲಿಟ್ಟುಕೊಂಡಿದ್ದಾರೆ. ಆದರೆ, ಆಶ್ರಯ ಮನೆ ಸಂ:130 ರಿಂದ 133 ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು ಯಾರೆಂಬುದು ತಿಳಿದಿಲ್ಲ. ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಗಿಡಗಂಟಗಳು ಬೆಳೆದು ನಿಂತಿವೆ. ಅಲ್ಲದೇ, ಆ ನಿವೇಶನಗಳಿಗೆ ಹೊಂದಿಕೊಂಡಂತಿರುವ ಕೆಲವು ವ್ಯಕ್ತಿಗಳು ಸುಮಾರು 10 ರಿಂದ 13 ವರ್ಷಗಳಿಂದ ಒತ್ತುವರಿ ಮಾಡಿ ಮನೆ ನಿರ್ಮಿಸಿದ್ದಾರೆ. ಕ್ರಮ ಸಂ:128 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದಾಗಿ ರಸ್ತೆ ಹಾಗೂ ಅವರುಗಳ ನಿವೇಶನವು ಒತ್ತುವರಿಯಾಗಿ ಸುಮಾರು 13 ವರ್ಷಗಳಾಗಿವೆ. ಪ್ರಸ್ತುತವಾಗಿ ಸರ್ಕಾರದಿಂದ ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿದ್ದು, ಸಿಸಿ ಚರಂಡಿ ನಿರ್ಮಾಣ ಮಾಡಿ, ಚರಂಡಿ ನೀರು ಸರಾಗವಾಗಿ ಹೋಗುವಂತೆ ನಿರ್ಮಿಸಲಾಗಿದೆ.

  
31/10

ಸದರಿ ಕಾಲೋನಿಯ ಸರ್ವೆ ನಂ.6ರ ಜಾಗ ತಕರಾರಿನ ಜಾಗವಾಗಿದ್ದು, ಸರ್ಕಾರದ ಮಟ್ಟದಲ್ಲಿ ಇತ್ಯರ್ಥವಾಗಬೇಕಾಗಿದೆ. ಕ್ರಮ ಸಂ:130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು ಮನೆಗಳನ್ನು ಉಪಯೋಗಿಸದೇ ಇರುವುದರಿಂದ, ಸದರಿನಿವಾಸಿಗಳಿಗೆ ಅವಶ್ಯಕತೆಯಿಲ್ಲವೆಂದು ತಿಳಿದು ಬಂದಿದೆ ಹಾಗೂ ಇದು ಸರ್ಕಾರದ ಜಾಗವಾಗಿರುವುದರಿಂದ ಸಾರ್ವಜನಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ ಒಳಚರಂಡಿ ಮಾಡಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗಿದೆಯೆಂದು ಹೇಳಿದ್ದಾರೆ.

ಎದುರುದಾರರ ಆಕ್ಷೇಪಣೆಗಳಿಗೆ ಪ್ರತ್ಯುತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ದೂರುದಾರರನ್ನು ಕೇಳಲಾಗಿ, ದೂರುದಾರರು ತಮ್ಮ ಪ್ರತ್ಯುತ್ತರದಲ್ಲಿ, ಆಕ್ಷೇಪಣೆಯ ಅಂಶಗಳನ್ನು ಅಲ್ಲಗಳೆದಿದ್ದಾರೆ.

ಕಡತ ಮತ್ತು ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ಕಂಡು ಬರುವ ಅಂಶಗಳೇನೆಂದರೆ:

ಶಿರಾ ಪಟ್ಟಣದ ನಗರಸಭೆ ವ್ಯಾಪ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಸ್ವಂತ ಮನೆಯಿಲ್ಲದ ವ್ಯಕ್ತಿಗಳಿಗೆ ಖಾಯಂ ಮನೆ ನಿರ್ಮಿಸಿಕೊಳ್ಳುವ ಸಂಬಂಧ ಪಿಹೆಚ್ ಕಾಲೋನಿಯಲ್ಲಿ 1993ನೇ ಸಾಲಿನಲ್ಲಿ ಒಟ್ಟು 144 ನಿವೇಶನಗಳನ್ನು ಮಂಜೂರು ಮಾಡಿ, ಮನೆ ನಿರ್ಮಿಸಲು ಅನುಮತಿ ನೀಡಲಾಗಿದೆ. ಸದರಿ ಕಾಲೋನಿಯ 1ನೇ ಕ್ರಾಸ್‌ನಲ್ಲಿ ಈಗಾಗಲೇ ಮನೆ ನಿರ್ಮಿಸಿಕೊಂಡು ಫಲಾನುಭವಿಗಳು ವಾಸವಾಗಿದ್ದಾರೆ. ಆದರೆ, ಆಶ್ರಯ ಮನೆ ಸಂ:130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು ಮನೆ ನಿರ್ಮಿಸದೇ ಯಾರು ವಾಸವಾಗಿದ್ದಾರೆಂಬುದು ಸಹ ತಿಳಿದಿಲ್ಲವೆಂದು ಎದುರುದಾರರು ಹೇಳಿದ್ದಾರೆ, ಅಲ್ಲದೇ ನಿವೇಶನ ಸಂ:128 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದ ರಸ್ತೆ ಹಾಗೂ ಅವರುಗಳ ನಿವೇಶನವು ಒತ್ತುವರಿಯಾಗಿದ್ದು, ಆ ಪ್ರದೇಶದಲ್ಲಿ ಸರ್ಕಾರದ ಅನುದಾನ ಪಡೆದು ಚರಂಡಿ ಕಾರ್ಯ ನಿರ್ಮಿಸಲಾಗಿದೆ. ಮನೆ ಸಂ: 130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳು ಸದರಿ ನಿವೇಶನಗಳನ್ನು ಉಪಯೋಗಿಸದೇ ಇರುವ ಕಾರಣ, ಸದರಿ ಸ್ಥಳ ಸರ್ಕಾರದ ಜಾಗವಾಗಿದ್ದು, ಅದನ್ನು ಚರಂಡಿ ನಿರ್ಮಿಸಲು ಉಪಯೋಗಿಸಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ಯಾವುದೇ ನಿವೇಶನ ಸರ್ಕಾರದಿಂದ ಫಲಾನುಭವಿಗಳಿಗೆ ಮಂಜೂರಾದ ನಂತರ ಅವುಗಳ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡಿ, ಫಲಾನುಭವಿಗಳು ಆ ಸ್ಥಳದಲ್ಲಿ ವಾಸವಾಗಿದ್ದಾರೆಯೇ ಅಥವಾ ಇಲ್ಲವೇ ಎಂಬುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡು ಒಂದು ವೇಳೆ ವಾಸವಿಲ್ಲದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ನೋಟೀಸ್ ನೀಡಿ, ಸದರಿ ನಿವೇಶನಗಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆದು ಇತರ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸುವುದು ಎದುರುದಾರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಆದರೆ, ಎದುರುದಾರರು ಸದರಿ ನಿವೇಶನ ಸಂ. 130 ರಿಂದ 133ರವರೆಗಿನ ಫಲಾನುಭವಿಗಳಿಗೆ ನೋಟೀಸ್ ನೀಡಿ, ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದು ಒಳಚರಂಡಿ ನಿರ್ಮಿಸುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ, ಬದಲಾಗಿ ನೇರವಾಗಿ ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಒಳಚರಂಡಿ ನಿರ್ಮಿಸಲು ಪ್ರಯತ್ನಿಸಿರುವುದು ಕಂಡು ಬಂದಿದೆ. ನಿವೇಶನ ಸಂ:128 ರಿಂದ

*Signature*  
3-1-18/18/18

133ರವರಿಗಿನ ಫಲಾನುಭವಿಗಳ ನಿರ್ಲಕ್ಷ್ಯತನದಿಂದಾಗಿ ಅವರುಗಳ ನಿವೇಶನಗಳು ಒತ್ತುವರಿಯಾಗಿದೆಯೆಂದು ಎದುರುದಾರರು ಹೇಳಿದ್ದಾರೆ. ಆದರೆ, ಸದರಿ ನಿವೇಶನಗಳ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ತೆರವುಗೊಳಿಸಲು ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಂಡು ಸದರಿ ಒತ್ತುವರಿ ನಿವೇಶನಗಳನ್ನು ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯುವುದು ಎದುರುದಾರರ ಕರ್ತವ್ಯವಾಗಿದೆ. ಆದರೆ, ಎದುರುದಾರರು ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಂಡಿಲ್ಲ. ಎದುರುದಾರರು ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಒಳಚರಂಡಿ ನಿರ್ಮಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಸದರಿ ನಿವೇಶನಗಳ ಮಂಜೂರಾತಿಯನ್ನು ರದ್ದುಪಡಿಸಿ, ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮತಿ ಪಡೆದು ಒಳಚರಂಡಿ ನಿರ್ಮಿಸುವುದು ಮತ್ತು ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಒತ್ತುವರಿದಾರರನ್ನು ತೆರವುಗೊಳಿಸಿ, ಸರ್ಕಾರದ ವಶಕ್ಕೆ ಪಡೆಯುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದೆ.

ಮೇಲ್ಕಂಡ ಅಂಶಗಳು, ಕಡತದ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳನ್ನು ಮತ್ತು ಎದುರುದಾರರು ನೀಡಿರುವ ಆಕ್ಷೇಪಣೆಗಳನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಸದರಿ ಎದುರುದಾರರು ತಮ್ಮ ವಿರುದ್ಧದ ನಡವಳಿಯನ್ನು ಕೈಬಿಡಲು ಸೂಕ್ತ/ಸಮಂಜಸ/ಸಮಾಧಾನಕರ ಕಾರಣ ತೋರಿಸಿಲ್ಲವೆಂಬ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬರಲಾಗಿದೆ.

ಮೂರನೇ (3ನೇ) ಎದುರುದಾರರು ತಾತ್ಕಾಲಿಕ ನೌಕರರಾಗಿದ್ದು, 3ನೇ ಎದುರುದಾರರ ವಿರುದ್ಧದ ನಡವಳಿಗಳನ್ನು ಕೈಬಿಡಲಾಗಿದೆ.

ಕಡತದಲ್ಲಿಯೇ ಸಂಗತಿಗಳು ಹಾಗೂ ದಾಖಲಾತಿಗಳಿಂದ, 1, 2 ಮತ್ತು 4ನೇ ಎದುರುದಾರರುಗಳು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ಪರಿಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ, ಸಂಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆ ಮತ್ತು ಸರ್ಕಾರಿ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡ ದುರ್ವರ್ತನೆ/ದುರ್ನಡತೆ ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತದೆ.

ಅದಲ್ಲದೆ 1, 2 ಮತ್ತು 4ನೇ ಎದುರುದಾರರುಗಳು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಾವಳಿ, 1966ರ ನಿಯಮ 3(1)ರ ಅಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆ ಕಂಡು ಬರುವುದರಿಂದ, ಸದರಿಯವರ ವಿರುದ್ಧ ಇಲಾಖಾ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ ಕಲಂ 12(3)ರ ಅಡಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿ, ಈಗ,

*Prabhu*  
31/12/2018


ಈ ವರದಿ ಮೂಲಕ, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗುತ್ತಿದೆ, ಹಾಗೂ 1ನೇ ಎದುರುದಾರರು ದಿನಾಂಕ:30/04/2014 ರಂದು ಈಗಾಗಲೇ ನಿವೃತ್ತಿ ಹೊಂದಿರುವುದರಿಂದ, ಕೆಸಿಎಸ್‌ಆರ್ ನಿಯಮ 214(2)(ಬಿ)(i)ರ ಅಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಅನುಮತಿಯನ್ನು ನೀಡಿ ಮತ್ತು ಸದರಿಯವರೆಲ್ಲರ ಅಂದರೆ 1, 2 ಮತ್ತು 4ನೇ ಎದುರುದಾರರುಗಳ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿಯಂತ್ರಣ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಾವಳಿ 1957ರ ನಿಯಮ 14(ಎ) ಅಡಿ ಈ ಸಂಸ್ಥೆಗೆ ವಹಿಸಿ ಬೇಕೆಂದು ಕೋರಿದ್ದು, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಹೂಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಉಲ್ಲೇಖ ಒಂದರ ಆದೇಶದಲ್ಲಿ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ - 2 ರವರಿಗೆ ವಹಿಸಿದ್ದು ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ -2 ರವರು ಈ ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

7. Summons was issued along with copy of Article of Charge DGOs appeared through DPB/YJN Advocate and FOS was recorded. DGO-1 to 3 have denied the charges, pleaded not guilty and claimed to be tried. Enquiry was posted to file their objections/WS.

8. DGO-1 to 3 have filed objections/written statement contending that as per the Government direction, the sites in PH Colony of Sira Town, were allotted to house-less beneficiaries under the 'Ashraya Yojana' of 1993. In this project totally 144- sites were allotted to the beneficiaries by carving out the plots and beneficiaries were granted permission to construct their residential houses. Accordingly, houses have been constructed by allottees from

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31/04/2018

Cross No.2 to 4 and basic facilities were extended and some of the dwellers have maintained their houses hygienically and owners of House No.130 to 133 have not occupied the sites allotted to them and identification of the owners was not traced, since the allotment made in 1993. In between the period of 13-years, some neighbouring owners of site No.130 to 133 have encroached upon these un-occupied sites and trees have grown indiscriminately. Further sites allotted to beneficiaries numbered as 128 to 133 have also remained unoccupied, because of their negligence; their sites have been encroached in the form of public road since 13-years. And under the grant of the Government, CMC, Sira, has constructed drainage and CC road so that, waste water released from the other allottees should reach the drainage. Further in the said colony Sy.No.6 is covered under a Civil dispute and the owners of plots of No.130 to 133 have not occupied the plots and it is believed that allottees are not inclined to occupy the same and they are treated as Government property and in the interest of public, work of drainage has been taken. All the DGO-1 to 3 have denied the other all allegations and contend that the complainant has lodged a complaint with sinter motive to take revenge against some of the residents of colony, who are the elected members of CMC, Sira Town and these DGOs have been made scapegoat. Hence, prays to drop the proceedings.

  
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31/10

9. After receiving the objections/written statement, enquiry was proceeded with VOR was complied and enquiry was proceeded with.
10. In order to prove the allegations made in the Article of Charges, the Disciplinary Authority has examined complainant as PW.1 and got marked Ex.P.1 to Ex.P.9. After the closure of the evidence of Enquiry Authority, DGO-1 to 3 got examined themselves as DW.1 to DW.3 and no documents have been got marked on their behalf.
11. Heard the arguments of P.O. and the DGOs. Written arguments were filed by DGOs and case was posted for submitting final report.
12. Following point arise for my consideration;
- Whether the Charge leveled against DGOs (1) Sri. Eranai, Commissioner (Retd.), Nagarasabhe, Sira Town, Tumkur District, (2) Sri. Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District, (3) Manunath D. Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District, is proved by the Disciplinary Authority?
13. My answer to the above point is in the '**Affirmative in respect of DGO-1 and Negative in respect of DGO-2 and 3**' for the following:

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3/1/18



**REASONS**

**14.** P.O. in order to substantiate the allegations made in the complaint has examined complainant as PW.1 who has stated that in Ward No.19 of Sira Town, lay out was formed with roads and consisting of four cross roads and he is residing in the said colony since 17-years and the colony is named as Peersab Haqsab colony and same was formulated in the year 2019 and drainage connection has been given to three cross roads. The said PHS colony consists of 144 sites and in Cross No.1 the relatives of councilor of CMC, Sira, Amanulla has encroached the road and constructed the house. In this regard, complaint was lodged to CMC and later to Lokayuktha.

**15.** PW.1 has further stated that, he has purchased site No.130 of the said colony situated in front of site No.131 to 133 and they have been encroached by the public. After receiving his complaint, CMC took steps to remove the encroachment and stated constructing drainage till it reached site No.129 and he raised objection when they tried to construct drainage in his site.

**16.** PW.1 has further stated that, he has produced his complaint submitted to Lokayuktha Police and Lokayuktha institution marked at Ex.P.1 to Ex.P.5 and has produced tax register records of plot Nos.123, 128, 129, 131, 132 with

*Rufan* 31/10

photographs and also rejoinder submitted to Lokayuktha office.

**17.** PW.1 has been cross examined at length by the defence counsel and have tried to elicit that, complainant has not produced his title deed of his site No.130 and also tax paid records and further the said colony is developed with the approval of CMC, Sira. PW.1 admits that the Hakku Patra is not issued to allottees of the sites and he is sharing ill-will with one Amanulla Khan, member of CMC, Sira, residing in the same colony. Further PW.1 admits that initially the said colony was not extended with road and drainage facility and the allottees started constructing their houses in the sites on their own at their convenience. And admits that site No.128 to 133 have been encroached upon by the colony persons/members and CD road has been constructed and he has not filed any civil suit against the encroachers and CMC, Sira. But owner of the site No.132 has filed a suit in the Civil Court and he admits that site No.145 to 180 have not been still allotted to any persons. Further Tahashildar and Municipal Authorities have directed to measure the premises and submitted reports. Further admits that DGOs and the Lokayuktha police visited the disputed premises and advise to get disputed premises measurements. Further this witness admits that to identify the encroached area, Survey Department should conduct the

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23/11/18

measurements and further in response to his complaint, DGOs, Tahasildar, Survey staff decided to survey the premises particularly in Sy.No.5 and 6 of Ward No.19. Since Sy.No.5 and 6 were covered under the jurisdiction of Gram Panchayath limits and the records were not available. So the measurement was not conducted and the matter was informed during the preliminary stage of investigation before ARE-2. And Revenue Department A.C. submitted report that conducting of measurement of the colony does not fall within the limits of his revenue authority. After that, PW.1 has not taken any steps in this regard.

**18.** Close assessment of the evidence of PW.1 and Ex.P.1 to Ex.P.8, makes it clear that grievance of complainant/PW.1 was relating to general encroachments made in Ward No.19 and in some of sites allotted to applicants, especially in 4<sup>th</sup> cross, encroached upon the neighbouring sites and because of that, garbage has been stored and release of waste water is causing obstruction of free flow of water and plying of vehicles and prayer was to remove the encroachment made in the 1<sup>st</sup> cross of the colony and provide drainage connection for the convenience of the residents marked at Ex.P.1, addressed to Lokayuktha Police, Tumkur, dtd.19/11/2013 signed by several residents of said colony. Ex.P.2 is the endorsement issued by Lokayuktha Police, Ex.P.3 and 4 are the copy of Form No.1 and 2

*Subramanian* 3/1/16

submitted to Lokayuktha Police, Ex.P.5 is the one more complaint addressed to Lokayuktha, Ex.P.6 is the Site allotment certificate pertaining to 123, 128, 129, 131, 132 enclosed with tax paid receipts. And also PH colony, Sira Town, map showing the allotment of sites from Sl.No.1 to 178 and license to construct house and photographs.

**19.** With regard to the above said grievance, DGOs then working in CMC, Sira, have visited the spot and have ascertained that the site Nos.128 to 133 allotted to the owners have not been occupied and because of their negligence, other residents of colony encroached upon the said sites and allowed the trees to grow randomly. In the course of 13-years of allotment of Site No.128 to 133 under the Government grant, drainage construction was taken up. In this regard, the DGOs have visited the spot and have tried to clear the obstruction and even they have visited the spot with the help of Tahashildar and have recommended for conducting survey of the said sites and encroachment. But the revenue authorities have given clear endorsement to say that part of the colony is covered under Gram Panchayath jurisdiction and survey of the disputed sites cannot be carried out under the Law and Assistant Commissioner of Tumkur, has expressed his opinion in this regard.

**20.** It is relevant to note that the article of charges and imputation of allegation was that, the DGOs after having came to know that site No.128 to 133 were not occupied by

  
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the allottees and DGOs should have given notice to the owners of the said sites and would have re-acquired the sites by forfeiting the same to the Government and would have re-allotted to the beneficiaries.

**21.** It is pertinent to note that the complainant/PW.1 allegation was relating to non-removal of the garbage and encroachments made on Site No.128 to 133 and that the DGO have failed to attend his claim and request. DGOs have filed their comments in the preliminary enquiry before DRE contending that they have taken immediate steps to attend the requirement. It is also seen from Sec. 12(3) of Karnataka Lokayuktha Act, 1984, dtd.15.06/2017 after assessing all the allegations and comments of DGOs and rejoinder, then Hon'ble Upalokayuktha ordered that the above said obstruction caused in the colony for free use of roads because of negligence of owners of Plot No.128 to 133 and the CMC, Sira, authorities have constructed drainage in between the road and sites of Site No.128 to 133. The order under 12(3) K.L.Act was clearly disclose that the DGOs authorities should have given notice to the allottees of site No.130 to 133 and should have required the said sites to the Government and after obtaining the appropriate sanction from the allotting authority and should have used the said sites for public purpose or reallocated them to some entitled

*Uplok*  
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persons. Instead DGOs office constructed drainage without removing the encroachment.

**22.** When this is the specific of Article of Charge DGO-1 to 3 have filed a mechanical objections totally denying the allegations made in the complaint.

**23.** It is relevant to note that copy of the Article of Charge will be appended to summons issued from this Disciplinary authority to DGO-1 to 3. After reading the Article of Charges or statement of imputations and allegations, the DGOs ought to have contended about the specific steps taken by them of issuing notice to the allottees/beneficiaries site No.128 to 133 and steps taken to require the sites with the sanction of the related authorities and then should have taken up construction of drainage or reallotting the sites to the entitled persons after following the procedures as per Corporation manual. In the instant case, DGOs have not all contended in their written statement about steps taken by them to issue notice to owners of site No.128 to 133 and then take action as per law and no oral evidence has been lead by DGO-1 to 3 to rebut the above said distinct Article of Charge discussed above. In the absence of strong convincing rebuttal with records mere manifestations of efforts to meet the allegations made in the complaint Ex.P.1 is not enough. But the rebuttal of

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evidence must be relating to Article of Charges, imputation of statements made against DGOs.

**24.** In view of the discussion made above, it is held that DGOs-1 to 3 have failed to rebut the distinct of Article of Charges by leading their evidence relating to issuing notice to the owners of site No.128 to 133 and after taking appropriate permission from the Competent Authorities should have proceeded with construction of drainage, though it is for convenience of residents of colony.

**25.** After close assessment of the evidence on record and the documents produced by the DGO-1 to 3, it is arrived at the conclusion that out of these DGO-1 to 3, DGO-1 it was Commissioner of CMC of Sira Town was statutorily required to take steps to execute the requirement of work and also to issue notice to owners of site No.128 to 133 and reacquire them for taking further action in clearing the obstructions and also to meet the Article of Charges leveled against him. This Enquiry Authority is unable to find out the exact role/participation to be made by DGO-2 and 3 in clearing the obstructions and constructing the drainage in site No.128 to 133. Hence, it is found proper to arrive at a conclusion that the Article of Charges are proved against DGO-1 and Article of Charges made against DGO-2 and 3 are not established, as they were working as Assistant Executive Engineer and Junior Engineer respectively.

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31/11/18


**26.** It is found proper to mention that DGO-1 has retired on 30/04/2014.

**27.** In view of the elaborate discussion made above, this enquiry authority is constrained to hold that, the charges framed against DGO-1 is established and against DGO-2 and 3 are not established. In the result above Point is answered in the **'Affirmative in respect of DGO-1 and Negative in respect of DGO-2 and 3'** and I proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official (1) Sri. Eranai, Commissioner, (Retired on 30/04/2014) Nagarasabhe, Sira Town, Tumkur District, and has not proved against (2) Sri. Manjunath Rao, Assistant Executive Engineer, Nagarasabhe, Sira Town, Tumkur District, (3) Manunath D. Junior Engineer, Nagarasabhe, City Municipal Council, Tumkur District.

Submitted to Hon'ble Upa-Lokayuktha, Karnataka Lokayukta, Bengaluru, for further action in the matter.

 31/10/2018

**(RAJASHEKAR.V.PATIL)**  
Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.



**ANNEXURES****1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW1	Sri. Syed Illiyas S/o Late Syed Yusuf, 62 years, Sira, Tumkur District, dtd.16/03/2019.
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**2. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**

Ex.P.1	Complaint submitted by complainant to Lokayuktha Office, Tumkur, dtd.19/11/2013.
Ex.P.2	Endorsement issued by Lokayuktha office, Tumkur, dtd. 25/11/2013.
Ex.P.3 Ex.P.3(a)	Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW1.(Original) Signature of PW.1
Ex.P.4 Ex.P.4(a)	Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy) Signature of PW.1.
Ex.P.5	Written complaint by complainant(PW.1) submitted to Hon'ble Lokayuktha, Bangalore. Dtd.07/03/2014.
Ex.P.6	'Ashraya Yojana' scheme Hakku Niveshana Patra. Along with (8 to 40 sheets) and photos.
Ex.P.7 Ex.P.7(a)	Reply given by complainant/PW.1 submitted to Incharge Assistant Registrar-2, Karnataka Lokayuktha, Bangalore, dtd.12/09/2016 Signature of PW.1.
Ex.P.8 Ex.P.8(a)	Another reply given by complainant/PW.1 submitted to Incharge Assistant Registrar-2, Karnataka Lokayuktha, Bangalore, dtd.17/09/2014. Signature of PW.1.

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Ex.P.9	Another reply given by complainant/PW.1 submitted to
Ex.P.9(a)	Karnataka Lokayuktha, Bangalore, dtd.12/06/2014 Signature of PW.1.

3. **LIST OF WITNESSES EXAMINED ON BEHALF OF DGOS :**

DW1	Sri. Eranaik, S/o Takra Naik, 6 years, Retd., Municipal Commissioner, Bangalore, dtd.26/03/2021.
DW.2	Sri. N.R.Manjunath Rao, S/o N. Ramachandrappa, 63 years, Retd., A.E.E. Davanagere. Dtd.26/03/2021.
DW.3	Sri. Manjunatha D. S/o Dibbaiah, 53 years, Junior Engineer, Tumkur. Dtd.26/03/2021.

4. **LIST OF DOCUMENTS MARKED ON BEHALF OF DGOS:**

NIL

  
(RAJASHEKAR.V.PATIL)  
Additional Registrar Enquiries-8  
Karnataka Lokayukta,  
Bengaluru.

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