



KARNATAKA LOKAYUKTA

No.LOK/ARE-10/Enq-438/2013

M.S.Buildings,
Bangalore,
Dated 28/7/2015

RECOMMENDATION

Sub: Departmental Enquiry against Sri Ravi Ojanahalli, town Planner, O/o the Assistant Director of Town and Country Planning, Chikmagalur-reg.

- Ref: 1. Government Order No.UDD 195
NYS 2010 Bangalore
dtd.3/10/2013
2. Nomination order by Hon'ble
Upalokayukta-dtd.28/10/2013
And modified nomination order
dtd 14/3/2014

Government, by order dtd.3/10/2013 has initiated the disciplinary proceedings against one Sri Ravi Ojanahalli, town Planner, O/o the Assistant Director of Town and Country Planning, Chikmagalur (hereinafter referred to as 'DGO' in short) and entrusted the disciplinary enquiry to this institution.

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This institution, by nomination order dtd.28/10/2013 and modified nomination order dtd.14/3/2014 nominated the Additional Registrar Enquiries-10 to conduct the departmental enquiry against the DGO for the alleged misconduct alleged to have been committed by him.

The enquiry officer, after completing the enquiry, has submitted report dtd.22/7/2016, inter-alia, holding that, the charge of misconduct alleged against the DGO is held proved.

The charge alleged against the DGO was that, while he was working as a Town Planner in the office of the Assistant Director of Town and Country Planning, chikmagalur in 2010, one Mr.Raghu, s/o Sri Govindappa, r/o Thyagarajanagar, Kadur Town, Chikmagalur District, (hereinafter referred to as 'complainant') approached the DGO on behalf of his wife requesting the DGO to submit the layout sketch with report of the conversion of 2 guntas of land in sy.no.70/4 of Haruvanagalli village of Kadur Taluk for non agricultural purpose and construction of residential house. Though the complainant had enclosed all the relevant documents, however, the DGO did not take action and demanded Rs.3,500/- towards bribe and received the same on 27/5/2010 and thereby, failed to maintain absolute integrity and devotion to the duty. As a result, he committed the

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misconduct within the meaning of Rule 3(1) (i) to (iii) of the KCS (Conduct) Rules.

The disciplinary authority, in order to prove the charge of misconduct against the DGO, has examined 3 witnesses, namely, the complainant, shadow witness and the Investigating Officer. Whereas, the DGO got himself examined as DW3 and also examined 2 witnesses as DW1 and DW2. Only 2 witnesses were completely examined, namely DW2 and DW3. DGO given up the DW1. During the course of the recording of the evidence, complainant turned hostile and he was subjected to the cross examination by the presenting officer. The DGO got examined himself as DW3.

Whereas, PW2 independent shadow witness and the IO have fully supported the charge of misconduct alleged against the DGO. DW2 is a class-D employee has only spoken about the file movement. DW3 the DGO though has denied the demand and acceptance of bribe, however, the enquiry officer, on reappraisal of the entire evidence, has found that, the charge of misconduct is probabalised, by the evidence of PW2 and PW3 and the cross-examination of DW3, the DGO has admitted the possession of bribe amount and dealing with the file of the complainant. This proves the receipt of bribe amount. Further, the evidence of PW2 and PW3 proves the demand.

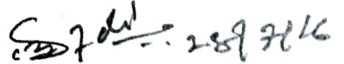
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The enquiry officer has meticulously considered the evidence and has given a finding, inter-alia, holding that, the evidence laid by the disciplinary authority probabalised the charge of misconduct and accordingly, has observed that the disciplinary authority has proved the charge of misconduct.

In view of the findings of the enquiry officer and also having regard to the nature and gravity of misconduct, **it is hereby recommended to the Government that the DGO Sri Ravi Ojanahalli, town Planner, O/o the Assistant Director of Town and Country Planning, Chikmagalur be punished with penalty of Compulsory retirement as contemplated under Rule 8(vi) of KCS(CCA) Rules.**

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.


(Justice Subhash B Adi)
Upalokayukta
Karnataka State, Bangalore