



KARNATAKA LOKAYUKTA

No.UPLOK-2 /DE/492/2015/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 02.01.2019

RECOMMENDATION

Sub:- Departmental inquiry against (1) Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan; (2) Shri H.C. Chandrashekhar, the then Chief Officer; and (3) Shri Shivananda, Revenue Inspector, Town Municipal Council, Channarayapattana Taluk, Hassan District - reg.

Ref:- (1) Government Order No. UDD 111 DMK 2015 dated 22.09.2015.
(2) Nomination order No. UPLOK-2 /DE/492/2015 dated 17/19.10.2015 of Upalokayukta-2, State of Karnataka.
(3) Inquiry report dated 29.12.2018 of the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 22.09.2015 initiated the disciplinary proceedings against (1) Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan; (2) Shri H.C. Chandrashekhar, the then Chief Officer; and (3) Shri Shivananda, Revenue Inspector, Town Municipal Council, Channarayapattana Taluk, Hassan District [hereinafter referred to as Delinquent Government Officials, for short as 'DGOs 1 to 3' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/492/2015 dated 17/19.10.2015, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO1 - Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan; DGO2 - Shri H.C. Chandrashekar, the then Chief Officer; and DGO3 - Shri Shivananda, Revenue Inspector, Town Municipal Council, Channarayapattana Taluk, Hassan District were tried for the following charge:-

“That, you-DGO No.1/Smt. Pallavi, Project Director, District Urban Development Cell, Hassan, you-DGO No.2/Shri H.C. Chandrashekar, the then Chief Officer, TMC, Channarayapatana presently working as Manager, TMC., K.R. Pete, Mandya District and you-DGO No.3-Shri Shivananda, the then Revenue Inspector, TMC, Channarayapatana in Hassan district while working in the aforesaid capacity failed to enhance the rent of 223 shops premises belonged to the TMC, Channarayapatana from time to time by allowing some tenants to continue for more than 25 years, by passing resolution in spite of Government Order to let out by public auction once in six years failed to take action against 41 unauthorised occupants and tenants who had tenants who have sub-let. Thereby

you- DGO Nos. 1 to 3 being the Government Servants have failed to maintain absolute integrity, besides devotion to the duty the act of which was unbecoming of a Government Servants and amounts to 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 '*failed to prove*' the charge against DGO1 - Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan; and the Disciplinary Authority has '*satisfactorily proved*' the charge against DGO2 - Shri H.C. Chandrashekhar, the then Chief Officer; and DGO3 - Shri Shivananda, Revenue Inspector, Town Municipal Council, Channarayapattana Taluk, 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. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGOs 2 & 3 furnished by Inquiry Officer, DGO2 - Shri H.C. Chandrashekhar is due for retirement on 31.07.2026; and DGO3 - Shri Shivananda is due for retirement on 31.01.2044.

7. As regards DGO1 - Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan, it is hereby recommended to the Government to 'exonerate' the DGO1 - Smt. K.R. Pallavi of the aforesaid charge.

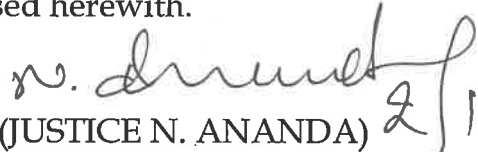
8. Having regard to the nature of charge '*proved*' against DGO2 - Shri H.C. Chandrashekhar, the then Chief Officer; and DGO3 - Shri Shivananda, Revenue Inspector, Town Municipal Council, Channarayapattana Taluk, Hassan District,

(i) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to the DGO2 - Shri H.C. Chandrashekhar with cumulative effect' and also, to defer the promotion of DGO2 - Shri H.C. Chandrashekhar by four years whenever he becomes due for promotion.'

(ii) it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to the DGO3 - Shri Shivananda with cumulative effect and also, to defer the promotion of DGO3 - Shri Shivananda by four years whenever he becomes due for promotion.'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 2/1  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/492/2015/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 29/12/2018

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Smt. K.R. Pallavi  
Project Director  
District Urban Development Cell  
Hassan
- 2) Sri H.C. Chandrashekar  
The then Chief Officer
- 3) Sri Shivananda  
Revenue Inspector  
TMC, Channarayapattana Taluk  
Hassan district

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in Compt/Uplok/  
MYS/6353/2014/DRE-5  
Dated:01/08/2015
- 2) Government Order. No. UDD 111  
DMK 2015, Bengaluru dated:  
22/09/2015
- 3) Order No.UPLOK-2/DE/492/2015  
Bangalore dated:17.19/10/2015  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against 1) Smt.  
K.R. Pallavi, Project Director, District Urban Development Cell,  
Hassan 2) Sri H.C. Chandrashekar, the then Chief Officer,

and 3) Sri Shivananda, Revenue Inspector, TMC, Channarayapattana Taluk, Hassan district (herein after referred to as the Delinquent Government Officials in short "DGO No.1, DGO No.2, DGO No.3 or DGOs").

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: 17/19.10.2015 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGOs. 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 DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

4. The Article of Charges framed by ARE-4 against the DGOs are as below:

**ANNEXURE NO.I**

**CHARGE**

*That, you-DGO No.1/Smt. Pallavi, Project Director, District Urban Development Cell, Hassan, you-DGO No.2/Sri H.C. Chandrashekar, the then Chief Officer, TMC, Channarayapatana presently working as Manager, TMC., K.R. Pete, Mandya District and you-DGO No.3-Sri Shivananda, the then*



*Revenue Inspector, TMC, Channarayapatana in Hassan district while working in the aforesaid capacity failed to enhance the rent of 223 shops premises belonged to the TMC, Channarayapatana from time to time by allowing some tenants to continue for more than 25 years, by passing resolution inspite of Government Order to let out by public auction once in six years failed to take action against 41 unauthroised occupants and tenants who had tenants who have sub-let. Thereby you-DGO Nos.1 to 3 being the Government Servants have failed to maintain absolute integrity, besides devotion to the duty the act of which was unbecoming of a Government Servants and amounts to 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 C.K. Chandra s/o Late Kalase Gowda, Gayathri Extension, Ramamandira Road, Channarayapattana Taluk, Hassan District (herein after referred as "complainant" for short), against DGOs committed misconduct, an investigation was taken up u/sec. 9 of Karnataka Lokayukta Act 1984).*

*The complainant has alleged in his complaint that, the you-DGO Nos.1 to 3 have caused huge loss to the Government without auctioning the commercial shops belonging to the Municipality. Further you-DGO Nos. 1 to 3 have not credited the rents of 41 shops to the account of the Municipality and thereby committing irregularities and illegalities. Hence, the complainant lodged this complaint to investigate and initiate action against you-DGOs.*

*After taking up the matter for investigation, the complaint was referred to Superintendent of Police, Karnataka Lokayukta, Hassan, (hereinafter referred as Investigating Officer in short "I.O.") for investigation and report. The I.O. has investigated the matter and submitted report by observing that, 223 shops of the TMC have been rented out, but the rents are not being renewed from time to time and some of the shops are rented to a single person since more than 25 years. Further the I.O. observed that, violating the Government Orders and guidelines to conduct auction for every 6 years, they are continuing under the rent agreement for every 11 months, only by passing resolution. Further the I.O. has observed that, about 41 shops have been illegally occupied/encroached, but no efforts are made by you-DGOs either to evict them or to fix rent/by auctioning the said shops and thereby you-DGOs have committed misconduct by abusing your official position and causing loss to the Government.*

*Thereafter, the comments were called upon from you-DGO Nos. 1 to 3 by sending copy of the report of Investigating Officer. DGO Nos. 1 and 3 have submitted comments, but inspite of sufficient opportunities given DGO No.2 has not submitted any comments. Hence, comments by DGO No.2 is taken as not filed. DGO NO.1 and 3 in your comments denied the allegations and disputed the correctness of the report of Investigating Officer and also contended that the complainant being aggrieved by not getting the shop on rent, is filing false complaints and hence requested to close the complaint.*

*The allegation made in the complaint, reply furnished by you-DGOs, investigation report besides the material available on record prima facie*

*discloses that the DGOs have rented out 223 shops of the TMC, Channarayapatna, but rents are not being renewed from time to time and some of the shops are rented to a single person since more than 25 years. Further the I.O. observed that, violating the Government orders and guidelines to conduct auction for every 6 years, they are continuing under the rent agreement for every 11 months, only by passing resolution. Further you-DGOs have failed to take action in respect of 41 shops which have been illegally occupied/encroached by the occupants, either to evict them or to fix rent/by auctioning the said shops and thereby you-DGOs have committed misconduct by abusing your official position and caused loss to the Government. Thereby you-DGOs being Government Servants have failed to discharge your duties with integrity and committed misconduct.*

*The replies submitted by you-DGOs were found to be not convincing or satisfactory to drop the proceedings against you-DGOs and thereby you-DGO Nos. 1 to 3 have made yourselves liable for disciplinary action.*

*Since said facts and material on record prima-facie show that you-DGO Nos. 1 to 3 have committed misconduct as per Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966, now acting u/sec. 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against you-DGOs 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-DGOs and entrusted the Inquiry to this institution vide Reference No.1 and Hon'ble Upalokayukta-2 nominated this*

*inquiry Authority, to conduct inquiry and report Vide reference NO.2 . Hence, this charge.*

5. DGOs appeared before this Inquiry Authority on 18/01/2016 and on the same day their First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGOs pleaded not guilty and claims to hold an inquiry.

6. DGO No.1 has filed his written statement as follows:

DGO No.1 was appointed as Municipal Chief Officer Grade-I on 01/08/2012. Thereafter he had undergone training for a period of 9 months. She was posted as Project Director, District Urban Development Cell, Hassan, and she worked in that capacity from 07/01/2014 to 22/05/2015. Thereafter she applied for maternity leave up to 23/11/2015 and thereafter she was posted as Project Director in Chickmagalur. In the written statement averments made in the complaint are also stated. The complaint of the complainant pertains to the period prior to the date of DGO No.1 reporting for duty as Project Director, Urban Development Cell, Hassan. As per the Government order dated: 17/06/2003 the Deputy Commissioner is the head of the jurisdictional of municipalities and the Project Director, A.E.E., etc., have to discharge their duties as per instructions of the concerned Deputy Commissioner. Hence, DGO No.1 does not have independent administrative power to proceed on her own. The charge leveled against the DGO No.1 is vague and there is lack of materials also. As per Section 72 of the Karnataka Municipalities Act 1964, every Municipal Council shall be

competent to lease, sell or otherwise transfer any movable or immovable property which belongs to Municipalities subject to the conditions and restrictions contained in sub-section 2 to 9 of section 72 of the Karnataka Municipalities Act 1964. Before renting out or lease of the premises the sanction of the municipal council by a resolution passed at a general meeting is required. As per the above said section the Government is the competent authority for renewing, leasing or selling of the property belonging to the municipality subject to approval in the resolution passed by the council of the municipality. In the written statement the names of the persons who have worked as Chief Officer for the past 25 years is mentioned along with their period. In the written statement even the names of the persons who have worked as President of Channarayapattana, TMC, is also mentioned along with their period. Based on the resolution passed in the council the Chief Officers have to forwarded to the concerned Deputy Commissioner through Project Director. The post of the Project Director is a District level post and there are several municipalities and municipal corporation in Hassan District. The Project Director is only forwarding authority and not a decision making authority. Hence, prays to exonerate her from the charges leveled against her in this case.

7. DGO No.2 has filed his written statement as follows:-

DGO No.2 assumed the charge of the office of the TMC, Channarayapattana as Chief Officer as per dated: 01/01/2011. The Deputy Commissioner of Hassan appointed the Special Officer (Tahasildar), Hassan on 15/10/2011 to take appropriate steps to rent out the shops as per the

Government order dated: 26/10/2009. The Deputy Commissioner is the Head of the jurisdictional municipalities and Chief Officer has to discharge his duties as per the instructions of the concerned Deputy Commissioner. Hence, DGO No.1 does not have independent administrative power to proceed on his own regarding enhancement of rent or to reduce it. DGO No.1 has also taken the other contentions in the written statement which are taken in the written statement of DGO No.1 already stated above. Hence, prays to exonerate him from the charges leveled against him in this case.

8. DGO No.3 has filed his written statement as follows:-

DGO No.3 was appointed as First Division Revenue Inspector on 31/03/2011 and posted to Channarayapattana, TMC. Ever since the date of his appointment he has been discharging his duties sincerely. DGO No.3 does not have independent administrative powers to proceed on his own to enhance the rent or to reduce it. DGO No.3 has forwarded all the resolution and the letters of the TMC, Channarayapattana to the concerned authorities as and when the decisions were taken. He has also taken the other contentions in his written statement which the DGO No.1 has also taken as stated above. Hence, prays to exonerate him from the charges leveled against him in this case.

9. In order to substantiate the charge leveled against the DGOs, the Disciplinary Authority examined in all two witnesses as PW1 and PW2 and got marked documents at Ex.P1 to P11. After closing the evidence of the Disciplinary

Authority, on behalf of the DGOs, DGO Nos.1 and 3 have been examined as DW1 and DW2 and got marked documents at Ex.D1 to Ex.D40 and closed their evidence. Hence, recording the answers of DGOs to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

10. The Disciplinary Authority has not filed the written brief, but on the side of the DGOs, DGO Nos.1 and 3 have field their written brief filed. Oral arguments of the Presenting Officer and the learned counsel for the DGO Nos.1 and 3 was heard. The points, that arise for the consideration of this inquiry authority are:-

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

2) What order?

11. My finding on the above points are as follows

Point No.1: In the **“NEGATIVE”** in respect of DGO No.1 and **“AFFIRMATIVE”** in respect of DGO No. 2 and 3

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

**:: REASONS ::**

**12. Point No.1:** The charge against the DGO Nos.1 to 3 is to the effect that DGO Nos. 1 to 3 while working as Project Director, District Urban Development Cell, Hassan, Chief Officer, TMC, Channarayapattana and Revenue Inspector, TMC, Channarayapattana, respectively failed to enhance the rent of 223 shop premises belonging to the TMC, Channarayapattana from time to time by allowing some

tenants to continue for more than 25 years, by passing resolution inspite of Government Order to let out by public auction once in six years and also failed to take action against the 41 unauthroised occupants and tenants who had sub-let and thereby DGO Nos.1 to 3 have failed to maintain absolute integrity and devotion to duty.

13. The complainant by name Sri C.K. Chandra has been examined as PW1 and the complaint lodged by him is marked as Ex.P1, Ex.P2 is the Form No.1 and Ex.P3 is the Form No.2. The gist of Ex.P1 is to the effect that there are 338 commercial shops belonging to Channarayapattana municipality which have been leased. The some of the shops are in possession of the same tenants from last 25 years, to the same person 2-3 shops have been allotted and some shops are sub-let. As per the Government Rules the shops belonging to the municipality have to be auctioned every six years. But the Channarayapattana municipal council has not conducted any auction nor enhanced the rents of the shops and on 05/08/2013 the administrative body of the said municipality has sent the names of the old tenants by increasing the rent to some extent to the Directorate of Municipal Administration, Bangalore and in view of the shops not auctioned from time to time there is loss to the municipality and 41 shops are in possession of unauthorized persons and no rent is being paid in respect of the same. In Ex.P2 it is stated that the complaint is lodged against the President of the Municipality by name Sri Nagaraju and DGO Nos.1 to 3.



14. PW1 has deposed that as per the Rules, the shops belonging to the municipality have to be auctioned every six years and the said Rules is not followed in respect of the shops belonging to TMC, Channarayapattana. The DGO Nos.1 to 3 have not contended in their written statement that there was no rule to auction the shops belonging to TMC every 6 years. PW2 has deposed that there was circular to auction the shops belonging to TMC every six years but he was not able to lay his hands to that circular and as per the circular dated: 26/10/2009 the lease period fixed is 12 years, ~~dated: 06/03/2012~~.

15. In Ex.P5, the copies of the documents submitted by the Tahasildr (special officer) showing the names of the persons who are in unauthorised occupation, the persons to whom more than one shop has been leased the shops which are sub-let etc. are found. PW1 has deposed that the lease period of the majority of the shops is over long back and some tenants are continuing by paying the rent fixed earlier. He has deposed that DGO No.1 reported to the duty as Project Director, District Urban Development Cell, Hassan on 01/07/2014. He admits that Ex.D1 is the copy of the memorandum dated: 17/06/2011 issued by the Project Director, District Urban Development Cell, Hassan, to all Chief Officers of Hassan District. In the same it is mentioned that already letter has been written to follow the Circular of the Government dated: 26/10/2009 regarding shop belonging to the municipality (in respect of auction or renewal of the lease) and to furnish the details regarding the shops which are rented, the rate of rent and deposit amount and whether the lease period is over or

not etc., within 15 days. Hence, it can be said that even prior to DGO No.1 reporting for duty as Project Director, District Urban Development Cell, Hassan, the then Project Director had already started the process of refixing the rents by way of auction or renewal of lease as per the circular stated above. PW1 has further deposed that he do not know about the letter of Deputy Commissioner, Hassan addressed to Commissioner, Directorate of Municipal Administration, Bangalore dated: 27/11/2012.

16. PW2 is Dr.C.B. Vedhamurthy, and he has deposed that from October 2012 to September 2015 he was working as Superintendent of Police, Karnataka Lokayukta, Hassan and this complaint was referred along with the documents to him for investigation and to report. He has deposed that Ex.P6 is the reply given to him by DGO No.2 in respect of the complaint along with the copies of the documents given by DGO No.2 to him. He has deposed that Ex.P8 is the reply along with the copies of the documents submitted to him by DGO No.1 and Ex.P7 is the reply and copies of the documents given by DGO No.3. He has deposed that Ex.P9 is the copy of the report given to him by Police Inspector, Karnataka Lokayukta, Hassan. He has deposed that his report is at Ex.P10.

17. Ex.P9 is the report regarding the shops belonging to municipality which are in unauthroised possession. In the same it is stated that some of the shops are closed and rent is also not paid in respect of those shops. Regarding some shops the names of the persons who are unauthroised possession is mentioned and regarding other shops it is stated that the

names of the persons who are in unauthorised possession is not ascertained.

18. In Ex.P10 the I.O. report it is stated that totally in 15 places municipality, Channarayapattana is having shops and lease period of all the shops except 14 shops situated near old bus-stand is over. Ex.P10 shows that the lease period of some of the shops was over in the year 1992, some shops were over in the year 2002 and the lease of some shops was over in the years 2006 to 2008. In that report the names of the persons who are having more than one shop is also given. In the same details of shops (49 shops) which are in unauthorised occupation is also mentioned. In the report-Ex.P10 PW2 has opined as follows:-

1992 ರಿಂದ ಇಲ್ಲಿಯವರೆಗೂ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿದ ಎಲ್ಲಾ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಪುರಸಭೆ, ಚನ್ನರಾಯಪಟ್ಟಣ, ಕಂದಾಯ ಅಧಿಕಾರಿ, ಯೋಜನಾ ನಿರ್ದೇಶಕರು, ಹಾಗೂ ಪುರಸಭಾ ಅಧ್ಯಕ್ಷರುಗಳು, ಚನ್ನರಾಯಪಟ್ಟಣ ಪುರಸಭಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ನಿರ್ಮಿಸಿರುವ 223 ಮಳಿಗೆಗಳನ್ನು ವರ್ತಕರಿಗೆ ಬಾಡಿಗೆ ರೂಪದಲ್ಲಿ ನೀಡಿದ್ದು, ಕಾಲ ಕಾಲಕ್ಕೆ ಸರಿಯಾಗಿ ಬಾಡಿಗೆಯನ್ನು ಹೆಚ್ಚಳ ಮಾಡದೇ ಕೆಲವು ಮಳಿಗೆಗಳನ್ನು ಏಕ ವ್ಯಕ್ತಿಸ್ವಾಮ್ಯದಲ್ಲಿ ಸುಮಾರು 25 ವರ್ಷಗಳಿಂದ ಹೆಚ್ಚಿರುವುದು, 6 ವರ್ಷಗಳಿಗೊಮ್ಮೆ ಹರಾಜು ಪ್ರಕ್ರಿಯೆ ನಡೆಸಬೇಕೆಂಬ ಸರ್ಕಾರದ ಆದೇಶವಿದ್ದರೂ ನಿಯಮವನ್ನು ಗಾಳಿಗೆ ತೂರಿ 4 ವರ್ಷ 11 ತಿಂಗಳಿಗೊಮ್ಮೆ ಪುರಸಭಾ ಕೌನ್ಸಿಲ್ ನಲ್ಲಿಟ್ಟು ಅದೇ ಬಾಡಿಗೆದಾರರನ್ನು ಮುಂದುವರೆಯುವಂತೆ ಠರಾವು ಮಾಡಿ ಅವರನ್ನೇ ಮುಂದುವರಿಸಿರುವುದು ಕಂಡು ಬಂದಿದ್ದು ಹಾಗೂ ಅನಧಿಕೃತವಾಗಿ ಸುಮಾರು 41 ಮಳಿಗೆಗಳನ್ನು ಅತಿಕ್ರಮಿಸಿಕೊಂಡಿರುವುದು ಅವರನ್ನು ತೆರವುಗೊಳಿಸುವುದಕ್ಕಾಗಲಿ, ಬಾಡಿಗೆ ನಿಗದಿಪಡಿಸಿರುವುದಾಗಲಿ ಅಥವಾ ಹರಾಜು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಳ್ಳದೇ ಸರ್ಕಾರಕ್ಕೆ ಲಕ್ಷಾಂತರ ರೂಪಾಯಿ ನಷ್ಟವುಂಟು ಮಾಡಿರುವುದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ದೂರಿನಲ್ಲಿ ಆಪಾದಿಸಿರುವಂತೆ 1) ಸಿ. ನಾಗರಾಜು, ಮಾಜಿ ಪುರಸಭಾ ಅಧ್ಯಕ್ಷರು, ಚನ್ನರಾಯಪಟ್ಟಣ 2) ಶ್ರೀಮತಿ ಕೆ.ಆರ್. ಪಲ್ಲವಿ, ಯೋಜನಾ ನಿರ್ದೇಶಕರು, ಜಿಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಕೋಶ, 3) ಹೆಚ್. ಎಸ್.

ಚಂದ್ರಶೇಖರ್, ಪುರಸಭಾ ಮುಖ್ಯಾಧಿಕಾರಿಗಳು, ಚನ್ನರಾಯಪಟ್ಟಣ ಮತ್ತು 4) ಶಿವನಂದು, ಕಂದಾಯ ನಿರೀಕ್ಷಕರು, ಪುರಸಭೆ, ಚನ್ನರಾಯಪಟ್ಟಣ ರವರುಗಳ ವಿರುದ್ಧ ಆರೋಪವು ಸಾಬೀತಾಗಿದ್ದು, ಸದರಿಯವರುಗಳ ಮೇಲೆ ಮುಂದಿನ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದೆ. ಈ ವರದಿಯೊಂದಿಗೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಲಗತ್ತಿಸಿ ತಮ್ಮ ಅವಗಾಹನೆ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.

19. PW2 has also deposed about his opinion stated above in his evidence. Thus according to him from <sup>the year</sup> 1992 the persons concerned have not auctioned the shops or fixed the new rents as per the circular and not taken any action to evict the unauthorized occupants of 41 shops. In his cross-examination PW2 has deposed that in respect of the shops in question Circular dated: 26/10/2009 was applicable and in respect of the existing tenants "Sandarbha-3" mentioned in the same is applicable. He has deposed that he do not know whether the Deputy Commissioner had appointed the Special Officer in respect of dealing with the shops belonging to municipality as per Ex.D25. Ex.D25 is the copy of the order of the Deputy Commissioner, Hassan dated: 14/10/2011 wherein it is stated that the term of the lease of the shops belonging to the municipality is over and inspite of the letters dated: 21/02/2011, 17/06/2011 and show cause notice dated: 16/07/2011 (reference No.2) the shops are not auctioned and old tenants are continuing in occupation even though the lease period is over and hence the Special Officer namely Tahasildar (Channarayapattana) is appointed to deal with the shops as per the Circular No. UDD/231/GEL/2009 dated: 26/10/2009.

20. Ex.D2 is the copy of the Official Memorandum of the Deputy Commissioner, Hassan dated: 27/06/2012 wherein the appointment of the Special Officer stated above is with drawn and again the power is given to the Municipal Council, Channarayapattana. Hence it can be said that from 15/10/2011 up to 27/06/2012 the Special Officer namely Tahasildar was given to power to deal with the shops.
21. PW2 has deposed that DGO No.1 was not working as Project Director, when Ex.D1 to D4 were issued. Ex.D3 is the copy of the resolution of TMC Channarayapattana dated: 25/09/2012 wherein it has been resolved to deal with the shops belonging to municipality as per the circular of the Government No. UDD/231/GEL/2009 dated: 26/10/2009. Ex.D4 is the copy of the letter dated: 30/10/2013 written by the Chief Officer, Channaraypattan to the Deputy Commissioner, Hassan, seeking same clarification. Ex.D17 is the copy of the letter dated: 02/02/2015 by the Deputy Commissioner, Hassan to Director, Directorate of Municipal Administration, Bangalore wherein approval of the Government is sought for enhancing the rent and deposit of the tenants as mentioned in the said letter as per the resolution of the municipal council, Channarayapattana.
22. DW1 is the DGO No.1 and she has deposed that on 07/01/2014 she took charge as Project Director, District Urban Development Cell, Hassan. She has deposed that she was working under the jurisdiction of Deputy Commissioner, Hassan. She has deposed that, Channarayapattan Municipality was also coming within her jurisdiction and on

23/06/2014 PW2 called her to his office and enquired her regarding the lease of the shops belonging to the municipality. She has deposed that Ex.D11 is the copy of the notice issued to her in that respect by PW2. She has deposed that Ex.D12 is the copy of her reply given to PW2. She has deposed that Ex.D13 is the copy of the notice issued to her for her comments by ARE-5 and the copy of the reply given by her is at Ex.P14. She has deposed that in Ex.D12 and D14 she has explained the action taken by the Project Director, District Urban Development Cell, Hassan, in respect of the lease of the shops belonging to Channarayapattana Municipal Council. She has deposed that even prior to her taking charge as Project Director, District Urban Development Cell, the process of lease/auction of the shops belonging to the Channarayapattana Municipality as per Circular of the Government dated: 26/10/2009 was already initiated. As already stated above Ex.D1 is the memorandum dated: 17/06/2011 issued to all the local bodies of Hassan district to follow the circular of the Government dated: 26/10/2009 in case the lease period of shops belonging to the municipality is already over. She has deposed that as per the above said Circular rent and deposit amount fixed by the TMC was sent for the approval of the Government and in December 2013 it was sent back for reconsideration to the Town Municipal Council, Channarayapattan. She has deposed that on 28/01/2014 the municipal council, Channarayapattan refixed the rent and deposit the amount and sent he same to Deputy Commissioner, Hassan on 19/06/2014 as per Ex.D15. In Ex.D15 it is informed that the rents have been fixed as per the above said circular. But the details of the rents and deposit

are not mentioned in the same. The above said letter is dated: 19/06/2014 which is after DW1 reporting for duty on 07/01/2014.

23. DW1 has deposed that Ex.D16 is the copy of the report submitted by Project Director, Directorate of Municipal Administration, Bangalore for approval of the government regarding the rents and deposit of 227 shops as fixed by the town municipal council, Channarayapattana. Ex.D17 is the copy of the similar letter written by Deputy Commissioner to the Director, Directorate of Municipal Administration, Bangalore for approval of the rent and deposit fixed by the town municipal council in respect of 227 shops belonging to the municipal council, Channarayapattana as per the Circular of the year 2009 stated above. In view of the above said document it has to be said that even prior to DGO No.1 reporting for duty as Project Director, District Urban Development Cell, Hassan, the process of refixing the rents and deposit amount as per the circular of Government of the year 2009 had already had been initiated and immediately after DGO No.1 reported for duty the refixation of the rent and deposit has also been done by the municipal council, Channarayapattana. Hence, it has to be said that there is no dereliction of the duty on the part of the DGO No.1. As stated above the Project Director, had already directed the municipal council to follow the circular of the Government stated above and refix the rent and deposit amount in respect of the shops belonging to the municipal council.

24. DW2 is the DGO No.3 and he has deposed that on 31/03/2011 he reported for the duty as Revenue Inspector in TMC, Channarayapattana. He has deposed that prior to that the municipal shops had not been dealt as per the circular of the Government of the year 2009. He has deposed that on 17/06/2011 the letter was issued from Project Director, District Urban Development Cell, Hassan to all the Chief Officers of the Hassan District to deal with the shops belonging to the municipality as per the above said circular and he made the office note on the basis of the said letter and submitted to the Chief Officer and that note sheet copy is at Ex.D21. It is pertinent to note that Ex.D1 and D20 are one and the same document. He has deposed about Ex.D22 to D24. Ex.D22 is the copy of the letter of Project Director, District Urban Development Cell, Hassan dated: 23/07/2011 addressed to the Chief Officer giving some instructions regarding leasing of the shops. Ex.D23 is the letter written by Chief Officer, Channarayapattana, to the Project Director, District Urban Development Cell, Hassan dated: 26/07/2011 and Ex.D24 is nothing but Ex.D23. Ex.D28 and Ex.D2 are one and the same document. Ex.D29 is nothing but Ex.D3. Ex.D30 is the letter dated: 09/10/2012 written by Chief Officer to the Project Director. Ex.D31 is one of the document marked as Ex.P4 (letter of the Deputy Commissioner) dated: 27/11/2012 addressed to the Commissioner, Directorate of Municipal Administration, Bangalore. Ex.D32 is the copy of the letter written by one Sri Manjunatha to the Director, Directorate of Municipal Administration, Bangalore dated: 23/10/2013 objecting for the rent and deposit fixed as per the letter Ex.D31. In his cross-examination DW2 has deposed that



there is no ill-will between himself, complainant or I.O. He has deposed that he reported for the duty as Revenue Inspector on 21/03/2011 and after one month of the same he came to know that 42 persons are in unauthorised occupation of the shop belonging to the municipality. He has deposed that in that respect he has given the report to the Chief Officer. But no document is produced to prove the same. He has also deposed that some tenants have sub-leased their shops and those sub-lessees were not at all paying the rents and in that respect also he has not given any written report in writing to the Chief Officer. Hence, it has to be said that in that respect DGO No.3 has committed misconduct (dereliction of duty) by not giving report in writing to the Chief Officer.

25. DGO No.2 has filed the written statement. But subsequently he remained absent and he has not adduced any evidence on his side and he has been placed exparte. The learned counsel for DGO No.2 has filed the memo along with the Copy of the G.O. No.858 ಪೌನಿ/ವಿಚಾರಣೆ/ಚಿಜಿ/ಸಿಆರ್/81/2011-12/5542, dated: 04/12/2017 wherein DGO No.2 has been dismissed from service on the ground that he has misappropriated the government amount while working as Chief Officer, Tharikere. It is not known whether the DGO No.2 has challenged the above said G.O. before the proper forum or not. Thus it is not known whether the said G.O. has become final or not. As stated above DGO No.2 has taken charge as the Chief Officer of TMC, Channarayapattan on 01/01/2011. As stated above, Ex.D25 is the order copy of the Deputy Commissioner, Hassan dated: 14/10/2011 in which it is clearly mentioned that inspite of the Deputy Commissioner, Hassan writing letters

dated: 21/02/2011 and 17/06/2011 the Town Municipal Council, Channarayapattan has not acted as per the circular of the Government of the year 2009 regarding the shops belonging to TMC, Channarayapattana and hence the Tahasildar was appointed as Special Officer on 15/10/2011 to act as per the circular dated: 26/10/2009 stated above. No doubt municipal council has to pass the resolution in respect of the shops belonging to the municipal council as per the above said circular as the lease period of majority of the shops belonging to the municipal council was over long prior in the year 2011. It is the Chief Officer who has to initiate the proceedings in the municipal council as per the above said circular for enhancing the rents and deposit amount. It is not the case of the DGO No.2 that he had initiated the process stated above prior to 15/~~06~~<sup>10</sup>/2011 even though he was working as Chief Officer from 01/01/2011 itself. It is also pertinent to note that the appointment of Special Officer (Thasildar, Chanarayapattan) was with drawn on 27/06/2012 itself (as per Ex.D2) and again the power was given to TMC, Channarayapattan to deal with the shops belongs to it as per the government circular dated; 26/10/2009. Hence, it has to be said that DGO No.1 has not performed his part of the duty in not placing before the council urgent need to refix the rents and deposit of the shops belonging to the municipal council as per the above said circular. No doubt earlier Chief Officers have also not taken steps in that regard as per the report of the I.O. but on that ground only it cannot be said that DGO No.2 has also not committed any misconduct (dereliction of duty.)

26. Hence, for the reasons stated above it has to be said that the disciplinary authority has proved the charge against DGO Nos.2 and 3, but failed to prove charge against DGO No.1.

27. Thus the DGO Nos.2 and 3 have failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of Government Servants. Hence, I answer point No.1 in the **AFFIRMATIVE** in respect of DGO Nos.2 and 3 and in the **NEGATIVE** in respect of DGO No.1.

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

**:: ORDER ::**

*The Disciplinary Authority has failed to proved the charge in this case that, DGO No.1-Smt. K.R. Pallavi, Project Director, District Urban Development Cell, Hassan and thereby committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO No.2- Sri H.C. Chandrashekar, the then Chief Officer and DGO No.3-Sri Shivananda, Revenue Inspector, TMC, Channarayapattana Taluk, Hassan district, and thereby committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 29<sup>th</sup> day of December, 2018

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

**:: ANNEXURE ::**

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

PW-1 : Sri C.K. Chandru (complainant)  
PW-2 : Dr. C.B. Vedhamurthy (I.O.)

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

DW-1:Smt. Pallavi K.R. (DGO No.1)  
DW-2:Sri Shivanandappa (DGO No.3)

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

Ex.P-1:Xerox copy of the complaint  
Ex.P-2: Original Form No.1 with original enclosure  
Ex.P-3: Original Form No.2  
Ex.P-4:Xerox copy of the letter of D.C. Hassan dated:  
05/02/2013 with xerox copy of the enclosures  
(containing 39 sheets)  
Ex.P-5: Original letter of complainant dated: 27/03/2017 with  
xerox copies of the enclosures (containing 68 sheets)  
Ex.P-6:Original letter of Chief Officer, Purasabhe,  
Channarayapattan dated: 08/07/2014 with  
copies of the enclosures  
Ex.P-7: Original report of Revenue Inspector, Purasabhe,  
Channarayapattan dated: 27/06/2014 addressed to

- Superintendent of Police, Karnataka Lokayukta,  
Hassan Division, Hassan with xerox copies of  
enclosures
- Ex.P-8: Original report of Project Director, District Urban  
Development Cell, Hassan dated: 01/07/2014  
addressed to S.P., KLA, Hassan
- Ex.P-9: Original letter of Police Inspector, KLA, Hassan dated:  
01/09/2014 addressed to S.P., KLA, Hassan with  
original enclosure
- Ex.P-10: Original report of Dr. C.B.Vedhamurthy (S.P.) KLA,  
Hassan dated: 03/09/2014
- Ex.P-11: Original comments submitted by DGO No.3 dated:  
11/11/2017 addressed to DRE-5, KLA, Bangalore
- Ex.P-11(a): Relevant entry in Ex.P11

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

- Ex.D1: Xerox copy of the memorandum issued by Project  
Director, DUDC, Hassan dated: 17/06/2011
- Ex.D2: Xerox copy of the official memorandum issued by D.C.  
Hassan dated: 27/06/2012
- Ex.D3: Xerox copy of the resolution dated: 25/09/2012
- Ex.D4: Xerox copy of the letter of C.O. Purasabhe,  
Channarayapattana dated: 30/10/2013 addressed to  
D.C. Hassan district
- Ex.D5: Xerox copy of the notification dated; 04/01/2014
- Ex.D6: Xerox copy of the CTC
- Ex.D7: Xerox copy of the letter dated: 21/12/2013 of Project  
Director, (I/c), DUDC, Hassan addressed to Chief  
Officer, Purasabhe, Channarayapattana
- Ex.D8: Xerox copy of resolution dated: 21/01/2014
- Ex.D9: Xerox copy of the letter of Chief Officer, Purasabhe,  
Channarayapattana dated; 19/06/2014 addressed to  
Project Director, DUDC, Hassan
- Ex.D10: Xerox copy of the letter dated: 22/07/2014 of Project  
Director (I/C) DUDC, Hassan addressed to Director,  
Directorate of Municipal Administration, Bangalore
- Ex.D11: Xerox copy of the letter of the complainant dated:  
23/06/2014 addressed to Project Director, DUDC,  
Hassan
- Ex.D12: Xerox copy of the comments of DGO No.1 addressed  
to DRE-5, KLA, Bangalore
- Ex.D13: Xerox copy of the notice dated: 15/09/2014 issued by  
DRE-5, KLA, Bangalore to all the DGOs for their reply
- Ex.D14: : Xerox copy of the comments of DGO No.1 addressed

- to DRE-5, KLA, Bangalore
- Ex.D15:Letter of Chief Officer, Purasabhe, Channarayapattan dated: 19/06/2014 addressed to Project Director, DUDC, Hassan
- Ex.D16:Xerox copy of the letter of Project Director (I/c), DUDC, Hassan, dated: 22/07/2014 addressed to Director, Directorate of Municipal Administration, Bangalore
- Ex.D17:Xerox copy of the letter dated: 02/02/2015 of D.C. Hassan addressed to Director, Directorate of Municipal Administration, Bangalore
- Ex.D18: Certified copy of the Letter dated: 08/04/2015 of D.C. Hassan addressed to Director, Directorate of Municipal Administration, Bangalore
- Ex.D19:Xerox copy of the official memorandum dated; 31/03/2011 issued by Chief officer, Purasabhe, Channarayapattana
- Ex.D20: Xerox copy of the memorandum issued by Project Director, DUDC, Hassan dated: 17/06/2011
- Ex.D21:Xerox copy of the office note sheet dated: 28/06/2011
- Ex.D22:Xerox copy of the letter dated: 23/07/2011 of Project Director, DUDC, Hassan addressed to Chief officer, Nagarasabhe, Hassan
- Ex.D23,24:Xerox copies of the letter dated: 26/07/2011 of Chief Officer, Purasabhe, Channarayapattana addressed to Project Director, DUDC, Hassan
- Ex.D25:Xerox copy of the order passed by D.C. Hassan dated: 15/10/2011
- Ex.D26:Xerox copy of the letter dated: 15/10/2011 of D.C. Hassana addressed to Tahasildar, Channarayapattana Purasabhe, Channarayapattana
- Ex.D27:Xerox copy of the letter dated: 06/03/2012 of Tahasildar addressed to D.C. Hassan
- Ex.D28: Xerox copy of the official memorandum issued by D.C. Hassan dated: 27/06/2012
- Ex.D29: Xerox copy of the resolution dated: 25/09/2012
- Ex.D30: Xerox copy of the letter dated: 09/10/2012 of Chief Officer, Purasabhe, Channarayapattana addressed to Project Director, DUDC, Hassan
- Ex.D31:Xerox copy of the letter dated: 27/11/2012 of D.C. Hassan addressed to Commissioner, Director of Municipal Administration, Bangalore
- Ex.D32:Xerox copy of letter dated: 23/10/2013 of one Sri Manjunatha addressed to Director, Directorate of Municipal Administration, Bangalore

- Ex.D33:Xerox copy of the letter dated; 13/11/2013 of Director, Directorate of Municipal Administration, Bangalore addressed to D.C. Hassan
- Ex.D34:Xerox copy of the letter dated; 21/12/2013 of Project Director (I/c), DUDC, Hassan addressed to Chief Officer, Purasabhe, Channarayapattana
- Ex.D35:Xerox copy of the resolution passed on 22/01/2014
- Ex.D36: Xerox copy of the letter dated: 19/06/2014 of Chief Officer, Purasabhe, Channarayapattana addressed to Project Director, DUDC, Hassan
- Ex.D37:Xerox copy of the letter dated: 22/07/2014 of Project Director (I/c) DUDC, Hassan addressed Director, Directorate of Municipal Administration, Bangalore
- Ex.D38:Xerox copy of the resolution passed on 21/08/2014
- Ex.D39:Xerox copy of the letter dated: 02/02/2015 of D.C. Hassan addressed to Director, Directorate of Municipal Administration, Bangalore
- Ex.D40:Xerox copy of the letter dated: 08/07/2015 of D.C. Hassan addressed to Chief Officer, Purasabhe, Channarayapattana

*The learned Counsel for*

**Note:** DGO No.2 has filed the memo along with the <sup>^</sup>Copy of the G.O. No.858 ಪೊನಿ/ವಿಚಾರಣೆ/ಚಿಜಿ/ಸಿಆರ್/81/2011-12/5542, dated: 04/12/2017 wherein DGO No.2 has been dismissed from service on the ground that he has misappropriated the government amount while working as Chief Officer, Tharikere. It is not known whether the DGO No.2 has challenged the above said G.O. before the proper forum or not.

Dated this the 29<sup>th</sup> day of December, 2018

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

