



KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/723/2017/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 29.01.2019

RECOMMENDATION

Sub:- Departmental inquiry against Shri Prakash, the then Revenue Inspector, Town Municipal Council, Devanahalli - reg.

- Ref:- 1) Government Order No. UDD 3 TMS 2017 dated 20.05.2017.
2) Nomination order No. UPLOK-2/DE/723/2017 dated 02.06.2017 of Upalokayukta-II, State of Karnataka.
3) Inquiry report dated 25.01.2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 20.05.2017, initiated the disciplinary proceedings against Shri Prakash, the then Revenue Inspector, Town Municipal Council, Devanahalli [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/723/2017 dated 02.06.2017 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as

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the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri Prakash, the then Revenue Inspector, Town Municipal Council, Devanahalli was tried for the following charge:-

“ನೀವು ಎಂದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಪ್ರಕಾಶ್ ಆದ ನೀವು ದೇವನಹಳ್ಳಿಯಲ್ಲಿ ಪುರಸಭೆ ನಿರೀಕ್ಷಕರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದೇವನಹಳ್ಳಿಯ ವಾರ್ಡ್ ನಂ.19ರ ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿಯಲ್ಲಿನ ಆಸ್ತಿ ಸಂಖ್ಯೆ:59/1115/1020-ಇ-1 ಇದರ ವಿಸ್ತೀರ್ಣವು 20 x 30 ಅಡಿಗಳಾಗಿದ್ದು, ಆದರೆ ದಿನಾಂಕ 05-08-2008 ರಂದು ಕೊಟ್ಟ ವರದಿಯ ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21 x 41 ಅಡಿಗಳಾಗಿರುತ್ತಿದೆ ಎಂದು ಕಾಣಿಸಿದ್ದು ಇದರ ಆಧಾರದ ಮೇಲೆ ನಮೂನೆ-3ನ್ನು ವಿತರಿಸಿದ್ದು ತರುವಾಯ ದಿನಾಂಕ 31-03-2009ರ ಹಿಂಬರಹದಲ್ಲಿ ತಪ್ಪಾಗಿ ನಮೂದಿಸಿದ ವಿಸ್ತೀರ್ಣವನ್ನು ಸರಿಪಡಿಸಿದ್ದು, ಈ ರೀತಿ ವಾಸ್ತವವಾಗಿ ಇರುವ ವಿಸ್ತೀರ್ಣವನ್ನು ಹೆಚ್ಚಾಗಿ ತೋರಿಸುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966, ನಿಯಮ 3(i) (ii) ಮತ್ತು (iii)-ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, “charge against DGO by name Shri Prakash that during his tenure as Revenue Inspector, Town Municipal Council, Devanahalli, he filed report dated 05.08.2008

mentioning the measurement of property bearing No.59/1115/1920 and property No. 60/1115/1020/E-1 as 21 x 41 feet which were actually measuring 20 x 30 feet at Puttappanagudi Street within the limits of Ward No.19, Devanahalli Town and thereafter, issued Form No.3 and subsequently, on 31.03,2009 rectified the measurement and thereby mentioning excess extent of the property has committed misconduct within the purview of Rule 3(1)(ii) and (iii) of the Karnataka Civil Services (Conduct) Rules, 1966 is proved".

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 DGO furnished by the Inquiry Officer, DGO - Shri Prakash is due for retirement on 31.03.2029.

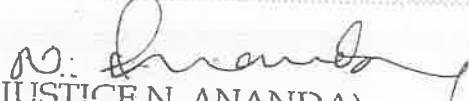
7. Having regard to the nature of charge 'proved' against DGO - Shri Prakash, the then Revenue Inspector, Town Municipal Council, Devanahalli, it is hereby recommended to the Government to impose penalty of 'withholding four annual increments payable to DGO - Shri Prakash with cumulative

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effect' and also, 'to defer the promotion of DGO - Shri Prakash by four years whenever he becomes due for promotion.'

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta,
State of Karnataka. 29/11

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BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: UPLOK-2/DE/723/2017

ENQUIRY REPORT Dated: 25/01/2019

Enquiry Officer: V.G.Bopaiah
Additional Registrar Enquiries-11
Karnataka Lokayukta Bengaluru.

Delinquent Government Official : Sri. Prakash


Discharged duties as Revenue
Inspector, Town Municipal
Council, Devanahalli during
2008-09.Due for retirement on
superannuation on 31/03/2029.

1. Delinquent Government official (in short, "DGO") by name Sri.Prakash was working as Revenue Inspector, Town Municipal Council, Devanahalli during 2008-09. He is due for retirement on superannuation on 31/03/2029.
2. Facts which necessitated to initiate the present inquiry proceedings needs to be stated in brief. Complaint dated nil in a plain single sheet of Venkataramanappa (hereinafter will be referred to as "complainant") resident of Puttappanagudi street, 19th Ward, Devanahalli Town is addressed to the Hon'ble Upalokayukta, Karnataka by the complainant on behalf of residents of Puttappanagudi street, Devenahalli Town, Bengaluru Rural District. On 04/03/2009, Hon'ble Upalokayukta, Karnataka, in exercise of the powers conferred upon under section 9 of

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The Karnataka Lokayukta Act, 1984 took up suo-motu investigation against the Chief Officer (DGO), Town Municipal Council, Devanahalli, Bengaluru Rural District and referred the matter for investigation to the Chief Engineer, attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru.

3. According to the complainant, Smt. Rathnamma resident of Puttappangudi Beedi, Ward number 19, Devanahalli Town is the owner of the property bearing khatha number 59/1115 and khatha number 60/1115(1)/1020/E-1 each measuring 10 feet in breadth and 30 feet in length. She has put up construction encroaching the public channel which is known as "Rajakaluve". Local residents have complained on 21/07/2008, but, despite the same no action is initiated.
4. On the directions of the Chief Engineer, attached to Technical Audit Cell, Karnataka Lokayukta, Bengaluru, Sri B. Nanjappa (hereinafter will be referred to as "Investigating Officer") conducted investigation which unearthed that site number 59 measures 300 square feet, site number 60 measures 300 square feet. Built area on the above property measured 1612 square feet. Investigation revealed encroachment of Rajakaluve to an extent of 1012 square feet for which DGO, tax collector by name G. Venkataraju, Revenue Inspector by name R. Ramalingegowda and the then Chief Officer by name L. Manjunathaswamy are responsible.
5. Upon appreciation of materials on record, Hon'ble Upalokayukta Karnataka arrived at conclusion that DGO has committed misconduct within the purview of Rule 3

 25.1.2019

(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to the Hon'ble Uplokayukta, Karnataka under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

6. Subsequent to the report dated 22/11/2016 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ನಅಇ 3 ಟಿಎಂಎಸ್ 2017 ಬೆಂಗಳೂರು, dated 20/05/2017 has been issued by the Under Secretary to the Government of Karnataka (Municipal Administration-2) Department of Urban Development entrusting the inquiry against the DGO to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
7. Subsequent to the Government Order ನಅಇ 3 ಟಿಎಂಎಸ್ 2017 ಬೆಂಗಳೂರು, dated 20/05/2017, Order number UPLOK-2/DE/723/2017 Bengaluru dated 02/06/2017 has been ordered by the Hon'ble Upalokayukta, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
8. Articles of charge dated 08/08/2017 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed against the DGO is the following:

Handwritten signature and date: 25/11/2017

ಅನುಬಂಧ-1

ದೋಷರೋಪಣೆ

ನೀವು ಎಂದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಪ್ರಕಾಶ್ ಆದ ನೀವು ದೇವನಹಳ್ಳಿಯ ಪುರಸಭೆಯಲ್ಲಿ ಕಂದಾಯ ನಿರೀಕ್ಷಕರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದೇವನಹಳ್ಳಿಯ ವಾರ್ಡ್ ನಂ.19ರ ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿಯಲ್ಲಿನ ಆಸ್ತಿ ಸಂಖ್ಯೆ:59/1115/1020 ಮತ್ತು 60/1115/1020-ಇ-1 ಇದರ ವಿಸ್ತೀರ್ಣವು 20 x 30 ಅಡಿಗಳಾಗಿದ್ದು, ಅದರ ದಿನಾಂಕ 15-8-2008 ರಂದು ಕೊಟ್ಟ ವರದಿಯು ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21 x 41 ಅಡಿಗಳಾಗಿರುತ್ತಿದೆ ಎಂದು ನೀವು ಕಾಣಿಸಿದ್ದು ಇದರ ಆಧಾರದ ಮೇಲೆ ನಮೂನೆ -3ನ್ನು ಏತರಿಸಿದ್ದು ತರುವಾಯ ದಿನಾಂಕ 31-03-2009ರ ಹಿಂಬರಹದಲ್ಲಿ ತಪ್ಪಾಗಿ ನಮೂದಿಸಿದ ವಿಸ್ತೀರ್ಣವನ್ನು ಸರಿಪಡಿಸಿದ್ದು, ಈ ರೀತಿ ವಾಸ್ತವವಾಗಿ ಇರುವ ವಿಸ್ತೀರ್ಣವನ್ನು ಹೆಚ್ಚಾಗಿ ತೋರಿಸುವುದರ ಮೂಲಕ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (ii) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

ಅನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ವೆಂಕಟರಮಣಪ್ಪ ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿ (ವಾರ್ಡ್ ನಂ.19) ದೇವನಹಳ್ಳಿ ಟೌನ್, ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ ಇವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ಶ್ರೀಮತಿ ಸತ್ಯಮ್ಮ ಕೋಂ ಲೇಟ್ ನಾಗಪ್ಪ ಇವರು ಆಸ್ತಿ ಸಂಖ್ಯೆ: 59/1115/1020 ಮತ್ತು ಖಾತೆ ಸಂಖ್ಯೆ: 60/1115(1)/1020-ಇ-1 ಇವುಗಳು 10 ಷ 30 ಅಡಿಗಳಿದ್ದು ಸದರಿ ನಿವೇಶನಗಳಲ್ಲಿ ಕಟ್ಟಡವನ್ನು ಕಟ್ಟುವಾಗ ರಾಜಕಾಲುವೆಯನ್ನು ಸೇರಿಸಿ ಕಟ್ಟಡ ಕಟ್ಟುತ್ತಿರುವ ಸಂಬಂಧ ದಿನಾಂಕ 21-7-2008ರಂದು ದೂರನ್ನು ಸಾರ್ವಜನಿಕರು ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಪುರಸಭೆಯ ಅಧಿಕಾರಿಗಳು ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿರುವುದಿಲ್ಲವೆಂದು ಆಪಾದಿಸುತ್ತಾ ದೇವನಹಳ್ಳಿ ಪುರಸಭೆಯ

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ಮುಖ್ಯಾಧಿಕಾರಿಯವರ ವಿರುದ್ಧ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಲು
ವಿನಂತಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ಆಪಾದನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದೂರುದಾರರು ಸಲ್ಲಿಸಿರುವ ದೂರು
ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಲ್ಲಿಸಿರುವ ಅಕ್ಷೇಪಣೆ ಮತ್ತು
ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು
ಕಂಡುಬಂದಿರುತ್ತವೆ.


- 1) ದೇವನಹಳ್ಳಿಯ ವಾರ್ಡ್ ನಂ.19 ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿಯಲ್ಲಿನ ಆಸ್ತಿ
ಸಂಖ್ಯೆ 59/1115/1020 ಮತ್ತು 60/1115/1020-ಇ-1 ಇದರ ವಿಸ್ತೀರ್ಣವು
20 x 30 ಅಡಿಗಳಾಗಿದ್ದು ಅದರ ದಿನಾಂಕ 5-8-2008 ರಂದು ಕೊಟ್ಟ
ವರದಿಯು ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21 x 41
ಅಡಿಗಳಾಗಿರುತ್ತದೆ ಎಂದು ತಪ್ಪು ವರದಿ ನೀಡಿರುತ್ತಾರೆ.
- 2) ದೇವನಹಳ್ಳಿ ವಾರ್ಡ್ ನಂ.19ರ ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿಯಲ್ಲಿನ ಆಸ್ತಿ ಸಂಖ್ಯೆ
59/1115/1020 ಮತ್ತು 60/1115/1020-ಇ-1 ಇದರ ವಿಸ್ತೀರ್ಣವು 20 x
30 ಅಡಿಗಳಾಗಿದ್ದು ಅದರ ದಿನಾಂಕ 5-8-2008 ರಂದು ಕೊಟ್ಟ ವರದಿಯು
ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21 x 41 ಅಡಿಗಳಾಗಿದ್ದು
ಸದರಿ ವರದಿಯ ಆಧಾರದ ಮೇಲೆ ನಮೂನೆ-3ನ್ನು ವಿತರಿಸಲಾಗಿರುತ್ತದೆ.
- 3) ದೇವನಹಳ್ಳಿ ವಾರ್ಡ್ ನಂ.19 ಪುಟ್ಟಪ್ಪನಗುಡಿ ಬೀದಿಯಲ್ಲಿನ ಆಸ್ತಿ ಸಂಖ್ಯೆ
59/1115/1020 ಮತ್ತು 60/1115/1020-ಇ-1 ಇದರ ವಿಸ್ತೀರ್ಣವು 20 x
30 ಅಡಿಗಳಾಗಿದ್ದು ಅದರ ದಿನಾಂಕ 5-8-2008 ರಂದು ಕೊಟ್ಟ ವರದಿಯು
ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21 x 41 ಅಡಿಗಳಾಗಿರುತ್ತದೆ
ಎಂಬ ವರದಿಯನ್ನು ನಂತರದಲ್ಲಿ ರದ್ದುಗೊಳಿಸಿರುತ್ತಾರೆ.

ದೂರು, ಆಪಾದಿತರ ಅಕ್ಷೇಪಣೆ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ
ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು
ಆಸ್ತಿ ಸಂಖ್ಯೆ 59/1115/1020 ಮತ್ತು 60/1115/1020-ಇ-1 ಇದರ
ವಿಸ್ತೀರ್ಣವು 20 x 30 ಅಡಿಗಳಾಗಿದ್ದು ಅದರ ದಿನಾಂಕ 5-8-2008
ರಂದು ಕೊಟ್ಟ ವರದಿಯು ಪ್ರಕಾರ ಮೇಲ್ಕಾಣಿಸಿದ ಆಸ್ತಿಯ ವಿಸ್ತೀರ್ಣವು 21
x 41 ಅಡಿಗಳಾಗಿದ್ದು, ಸದರಿ ವರದಿಯ ಆಧಾರದ ಮೇಲೆ ನಮೂನೆ-3ನ್ನು
ವಿತರಿಸಿ ತರುವಾಯ ಸದರಿ ವಿಸ್ತೀರ್ಣವನ್ನು ಸರಿಪಡಿಸಿ ಹಿಂಬರವ

25.11.2019

ನೀಡುವುದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಮತ್ತು ಈ ಕೃತ್ಯ ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯಲ್ಲಿ ಬರುವುದರಿಂದ ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966ರಡಿ ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ಮರ್ತನೆ ಮಾಡಿದ್ದಾರಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ ಎದುರುದಾರರ ಪಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಿ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಅನುಮತಿಯನ್ನು ನೀಡುವಂತೆ ಕೋರಿರುವುದನ್ನು ಪರಿಗಣಿಸಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ಪಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ”

9. In response to due service of articles of charge, DGO has not appeared on the date scheduled for his appearance i.e., on 28/09/2017 on which day advocate Sri. Ijari Nagaraj filed vakalath for DGO and thereafter date was scheduled to 04/11/2017 for first oral statement of DGO. On 04/11/2017 DGO has appeared on which day first oral statement of DGO has been recorded. DGO pleaded not guilty.
10. In the course of written statement of DGO filed on 17/11/2018 he has denied the alleged misconduct. It is contended by him that during his tenure as Revenue Inspector, Devanahalli Town Municipal Council application dated 23/07/2008 was submitted by Smt. Rathnamma seeking joint khatha of the property bearing number 59/1115/1920 measuring 22 X 41, 16 ½ X 20, property bearing number 60/1115/1/1020/E1 measuring 15 X 50 at Puttappanagudi street 19th Ward, Devanahalli Town. It is contended that he inspected the spot and

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conducted mahazar. It is contended that he took reference of Form No.3 of the years 2006-07 and 2007-08 pertaining to above properties which are adjacent to each other and caused measurement of the above properties on 05/08/2008 and thereafter neighbouring property owner has not offered objections touching the measurement of the properties and accordingly he submitted his report on 05/08/2008 recommending joint khatha. It is contended that assessment register of the year 2001-02 was furnished to DGO in which measurement of the above properties were shown as 10 X 30 each respectively and on the basis of the extract of assessment register of the year 2001-02 DGO cancelled Form number 3 for the years 2005-06 to 2008-09 and confirmed the measurements 20 feet X 30 feet and placed the file before his higher officer for action regarding entrustment of rajakaluve. It is contended that till the year 2001-02 khatha of the properties stood in the name of Nagappa and Munikrishnappa and tax was being collected by the tax collector and subsequently self assessment scheme has been implemented and thereafter Rathnamma who is the successor of deceased Nagappa mentioned the measurement of the property bearing number 59/1115/1920 as 14X16.6 square feet and 20X16.6 square feet in the self assessment list and thereafter the then bill collector by name G. Venkataraju recorded excess measurement without looking into details of the property. It is contended

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that G. Venkataraju is responsible for misuse of official position. It is contended that in respect of the property number 60/1115/1/1020/E1 G. Venkataraju obtained the signature of the then Chief Officer by name G.Hanumanthappa on Form number 3. It is contended that subsequently Munikrishna sold the property bearing number 60/1115/1/1020/E1 on 01/03/2008 on the basis of Form number 3 to Rathnamma who thereafter filed application on 06/03/2008 for change of khatha of the said property the measurement of which is shown as 15X35. It is contended that DGO inspected the property on 29/02/2008 and on the basis of the registered sale deed recommended for transfer of property tax to the name of Rathnamma and transferred the same to Ramalingegowda who was the then tax officer. It is contended that on the basis of the report of DGO Ramalingegowda recommended transfer of property tax in favour of Rathnamma and obtained the order of the Chief Officer on 17/06/2008. It is contended that at the time of transfer of the property measurement is shown as 15X50 feet in Form number 3 instead of 15X35 feet which is done without the report and recommendation of the Revenue Officer for which G. Ventakaraju is responsible.

11. The disciplinary authority has examined Sri. B. Nanjappa who conducted investigation as PW1. During his evidence, xerox copy of mahazar dated 15/12/2010 in two sheets is marked as per Ex P1, xerox copy of sketch in a single sheet prepared by

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him is marked as per Ex P2, xerox copy of office note in a single sheet maintained in the office of Town Municipal Council, Devanahalli is marked as per Ex P3, xerox copy of application dated 23/07/2008 in a single sheet of Rathnamma addressed to the Chief Officer, Town Municipal Council, Devanahalli is marked as per Ex P4, xerox copy of mahazar dated 05/08/2008 in a single sheet is marked as per Ex P5, xerox copy of office note in a single sheet maintained in the office of Town Municipal Council, Devanahalli is marked as per Ex P6, xerox copy of Form number 3 in three sheets is marked as per Ex P7, xerox copy of sale deed dated 29/02/2008 in five sheets is marked as per Ex P8, xerox copy of letter dated 03/03/2008 in a single sheet of Rathnamma addressed to the Chief Officer Town Municipal Council, Devanahalli is marked as per Ex P9, xerox copy of property tax register in a single sheet is marked as per Ex P10, xerox copy of assessment list in a single sheet is marked as per Ex P11, xerox copy of property tax register in a single sheet is marked as per Ex P12, xerox copy of tax demand register in a single sheet is marked as per Ex P13, xerox copy of property Tax register in a single sheet is marked as per Ex P14, original complaint in a single sheet is marked as per Ex P15, original photograph is marked as per Ex P16, xerox copy of reply dated 10/12/2010 of the Tahasildar, Devanahalli addressed to the Assistant Registrar Enquiries-2, Technical Audit Cell, Karnataka Lokayukta, Bengaluru is marked as per Ex P17, xerox

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copy of letter dated 03/12/2010 in a single sheet of the Tahasildar, Devanahalli is marked as per Ex P18, original report dated 19/05/2011 in eight sheets of PW1 is marked as per Ex P19, signature of PW1 found on sheet number 8 of Ex P19 is marked as per Ex P19(a).

12. On the day of examination of PW1, DGO and his advocate remained absent.

13. On the subsequent dates DGO remained absent and therefore second oral statement of DGO could not be recorded and DGO has neither filed defence statement nor adduced defence evidence. Since DGO remained absent on the day of examination of PW1 and on the subsequent dates incriminating circumstances which appeared against the DGO could not be put to him.

14. In the course of written argument of the Presenting Officer filed on 10/01/2019 she has referred to evidence on record and sought to contend that the alleged charge stands established. DGO has not evinced interest to file written argument.

15. In tune with the articles of charge point which arises for consideration is whether, during the tenure of DGO as Revenue Inspector, Town Municipal Council Devanahalli, DGO filed report dated 05/08/2008 mentioning the measurement of property bearing number 59/1115/1920 and property number 60/1115/1020/E-1 as 21 X 41 feet which were actually measuring 20 X 30 feet at Puttappanagudi street within the limits of Ward

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number 19, Devanahalli Town and thereafter issued Form number 3 and subsequently, on 31/03/2009 rectified the measurement and thereby mentioning excess extent of the property has committed misconduct within the purview of Rule 3 (1)(ii) and (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

16. During evidence PW1 has referred to investigation conducted by him and referred to Exs P1 to P19. It is in his evidence that he conducted spot inspection on 15/12/2010 in the presence of the Chief Engineer, Technical Audit Cell, Lokayukta, Bengaluru, B.N. Muniswamy the then Chief Officer, Town Municipal Council, Devanahalli, G. Murali the then Revenue Inspector, Devanahalli, Town Municipal Council, G. Venkataraju the then Tax Collector, Town Municipal Council, Devanahalli and and N. Krishnappa it is in his evidence that during inspection of the building of Rathnamma he noticed that the front portion of that building was measuring 8.40 meters, back portion of the building was measuring 4.50 meters and that the measurement between north and south towards western side was found 19.35 meters and measurement between north and south towards eastern side was found 12.80 meters. It is in his evidence that he noticed dimension of ground floor at 16.50 X 12.65 meters and set back area was measuring 3.05 X 1.90 meters. It is in his evidence that towards eastern side of that property rajakaluve was found running north to

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south. The above portion of his evidence stands corroborated by Exs P1 and P2.

17. Ex P3 shows that the Revenue Inspector, Town Municipal Council, Devanahalli has put up note to record khatha in favour of Rathnamma to an extent of 15 X 35 feet. Ex D4 shows that Rathnamma filed application for change of khatha. Ex P5 though shows that the neighbours had no objection to record dimension of 21X41 feet, nothing had prevented the DGO to ascertain the actual measurement by obtaining measurement at the spot. The schedule found in page number 4 of Ex P8 shows that Rathnamma purchased property bearing number 60/1115/1/1020/E-1 measuring east west 15 feet and north south 35 feet. Ex P10 shows that khatha to an extent of 15 feet X 35 feet is recorded in the name of the then owner Munikrishnappa. Ex P11 refers to the extent of 10 feet X 30 feet. Ex P12 shows that Rathnamma is the owner of the above property measuring 16 ½ X 41 feet which works out at 680.6 square feet. Ex P13 shows that Munikrishnappa was the khathedar of the property to an extent of 10 X 30 feet. Measurement of the property found in Ex P14 is similar to the measurement found in Ex P12. DGO was expected of to ascertain the actual extent of title conferred upon to Rathnamma after she purchased the said property.

18. It is in the evidence of PW1 that the building totally measured 1612 square feet and he noticed encroachment of rajakaluve to an extent of 1012

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square feet which is reflected in his report at Ex P19. His evidence is in conformity with the contents of Ex P19. It is in his evidence that the then Tax Collector by name G. Venkataraju, the then Revenue Inspector by name R. Ramalingegowda, the then Chief Officer by name L. Manjunathaswamy and DGO are responsible for encroachment of rajakaluve. Evidence of PW1 has remained unchallenged and therefore the same needs acceptance. No kind of infirmity is found in his evidence. He is a unbiased witness and therefore credence has to be attached to his evidence.

19. Upon appreciation of the entire oral and documentary evidence on record I hold that charge against DGO stands established and being of this view I proceed with the following:

REPORT

Charge against DGO by name Sri. Prakash that during his tenure as Revenue Inspector, Town Municipal Council Devanahalli, he filed report dated 05/08/2008 mentioning the measurement of property bearing number 59/1115/1920 and property number 60/1115/1020/E-1 as 21 X 41 feet which were actually measuring 20 X 30 feet at Puttappanagudi street within the limits of Ward number 19, Devanahalli Town and thereafter issued Form number 3 and subsequently, on 31/03/2009 rectified the measurement and thereby mentioning excess extent of the property has committed misconduct within the purview of Rule 3 (1)(ii) and (iii)

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of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Submit this report to the Hon'ble Upalokayukta-2, Karnataka in a sealed cover forthwith along with connected records.

(V.G. BOPAIAH)

Additional Registrar, Enquiries- II,
Karnataka Lokayukta, Bengaluru.

ANNEXURES

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. B. Nanjappa

List of witnesses examined on behalf DGO:- Nil

List of documents marked on behalf of Disciplinary Authority:-

1. Ex P1 Xerox copy of mahazar dated 15/12/2010 in two sheets .
2. Ex P2 Xerox copy of sketch in a single sheet prepared by PW1.
3. Ex P3 Xerox copy of office note in a single sheet maintained in the office of Town Municipal Council, Devanahalli.
4. Ex P4 Xerox copy of application dated 23/07/2008 in a single sheet of Rathnamma addressed to the Chief Officer, Town Municipal Council, Devanahalli .
5. Ex P5 Xerox copy of mahazar dated

05/08/2008 in a single sheet .

6. Ex P6 Xerox copy of office note in a single sheet maintained in the office of Town Municipal Council, Devanahalli.

7. Ex P7 Xerox copy of Form number 3 in three sheets.

8. Ex P8 Xerox copy of sale deed dated 29/02/2008 in five sheets.

9. Ex P 9 Xerox copy of letter dated 03/03/2008 in a single sheet of Rathnamma addressed to the Chief Officer Town Municipal Council, Devanahalli .

10. Ex P 10 Xerox copy of property tax register in a single sheet.

11. Ex P 11 Xerox copy of assessment list in a single sheet .

12. Ex P 12 Xerox copy of property tax register in a single sheet.


13. Ex P 13 Xerox copy of tax demand register in a single sheet.

14. Ex P 14 Xerox copy of property Tax register in a single sheet.

15. Ex P 15 Original complaint in a single sheet.

16. Ex P 16 Original photograph.

17. Ex P 17 Xeroox copy of reply dated 10/12/2010 of the Tahasildar, Devanahalli addressed to the Assistant Registrar Enquiries-2, Technical Audit Cell, Karnataka Lokayukta, Bengaluru .

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18. Ex P 18 Xerox copy of letter dated 03/12/2010 in a single sheet of the Tahasildar, Devanahalli.
19. Ex P 19 Original report dated 19/05/2011 in eight sheets of PW1.
- Ex P 19(a) Signature of PW1 found on sheet number 8 of Ex P19.

List of documents marked on behalf of DGO: - Nil


(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.