



తెలంగాణ రాజ పత్రము
THE TELANGANA GAZETTE
PART-I EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 197]

HYDERABAD, SATURDAY, SEPTEMBER 3, 2022.

NOTIFICATIONS BY GOVERNMENT

—x—

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT

(Vig.II (2))

SRI ABDUL AZIZ, SECTION OFFICER, KHAIRATABAD, CIRCLE-17, GHMC (NOW RETD.) - FAILED TO STOP AND TAKE APPROPRIATE ACTION ON THE UNAUTHORIZED CONSTRUCTIONS IN HIS JURISDICTION - DEPARTMENTAL PROCEEDINGS INITIATED UNDER RULE-9, OF TELANGANA REVISED PENSION RULES, 1980.

[G.O. Ms. No. 187, Municipal Administration & Urban Development (Vig.II(2)), 28th October, 2021.]

Whereas, it has been brought to the notice of the Government that Sri Abdul Aziz, Section Officer, Khairatabad, Circle-17, Greater Hyderabad Municipal Corporation, Hyderabad (now ret'd.) has failed to stop and take appropriate action on the unauthorized constructions in his jurisdiction.

2. Now, therefore, sanction is hereby accorded under sub-clause (i) of clause (b) of sub rule (2) of Rule-9 of the Telangana Revised Pension Rules, 1980 to initiate departmental proceedings against Sri Abdul Aziz, Section Officer, Khairatabad, Circle-17, Greater Hyderabad Municipal Corporation, Hyderabad (now ret'd.).

3. It is further directed that the said departmental proceedings shall be conducted in accordance with the procedure laid down in Rule 20 of Telangana Civil Services (Classification Control & Appeal) Rules, 1991 by the Government, Municipal Administration & Urban Development Department, Telangana Secretariat, Hyderabad.

FRESH ARTICLES OF CHARGES- ISSUED AGAINST SRI ABDUL AZIZ, SECTION OFFICER, KHAIRATABAD, CIRCLE-17, GHMC (NOW RETIRED AS ACP) - FAILED TO STOP AND TAKE APPROPRIATE ACTION ON THE UNAUTHORIZED CONSTRUCTIONS IN HIS JURISDICTION - DEPARTMENTAL PROCEEDINGS INITIATED UNDER RULE-20 OF THE TELANGANA CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1991.

[G.O. Rt. No. 803, Municipal Administration & Urban Development (Vig.II(2)), 28th October, 2021.]

In pursuance of the orders issued in the G.O. 2nd cited, it is proposed to hold an enquiry against Sri Abdul Aziz, Section Officer, Khairatabad, Circle-17, Greater Hyderabad Municipal Corporation, Hyderabad (now retired as ACP), in accordance with the procedure laid down in Rule 20 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed Annexures-I & II. A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure III & IV).
3. Sri Abdul Aziz, is directed to submit his written statement of his defence within 10 days from the date of receipt of this order.
4. Sri Abdul Aziz, is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.
5. Sri Abdul Aziz, is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, further action will be taken based on the material available.
6. Attention of Sri Abdul Aziz is invited to Rule 24 of the Telangana Civil Services (conduct) Rules' 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter being dealt within these proceedings it will be presumed that Sri Abdul Aziz, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Telangana Civil Services (Conduct) Rules' 1964.
7. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad is directed to make available the documents related to the case, for perusal of Sri Abdul Aziz, Section Officer, Khairatabad, Circle- 17, GHMC(now retired as ACP), if he chooses so, on his written request, within the stipulated time.
8. The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad is also requested to serve this order on to the charged officer & obtain his dated acknowledgement and furnish a copy of the same to the Government, immediately. Delay if any will be viewed "VERY SERIOUSLY"

Imputation of Article of Charges

Annexure- I

Statement of articles of Charges framed against Sri Abdul Aziz, the then Section Officer Circle-17, Khairatabad, GHMC retired on 30.04.2019

Article No. 1 : That Sri Abdul Aziz, Section Officer, Circle-17, Khairatabad, GHMC retired on 30.04.2019 has failed to stop and take appropriate action on the unauthorized construction in Property No. 6-1-111/2, 6-1-103 & 6-1-104. By this act he has exhibited lack of integrity, devotion to duty conduct unbecoming of Government Servant and thereby contravened Rule 3 (1) and (2) of T.S. Civil Services (Conduct) Rules 1964.

Annexure- II

Statement of imputations in support of the Articles of Charges to be framed against Sri Abdul Aziz, Section Officer. Circle-17, Khairatabad, GHMC retired on 30.04.2019

The V&E Officials have conducted an enquiry on the adverse news published in the Namasthe Telangana, Eenadu & Andhra Prabha Telugu daily News papers under the caption of "KHAIRATABAD LO DARJAGA RODDU KABJA", "AKRAMA NIRMANAALU" & "DODDIDARILO BALDIYA VANDASHATAM DOPIDI" respectively on illegal constructions in GHMC, Hyderabad and the details are as follows:

ALLEGATION:

"One residential house was constructed illegally by encroaching road portion at CIB Quarters Khairatabad and GHMC officials have not taken any action to stop the unauthorized construction". (Namasthe Telangana Dt.24.03.2018)

FACTS & EVIDENCES:

1. The V&E officials have inspected said construction on 17.11.2018 and observed a house with Stilt+4floors with following setbacks.
2. The deviations in setbacks as per building permit order are observed are as below.

Sl.No	Set back	As per Plan in mts.	As per Site in mts.	Deviations from plan in mts.
1	Front side	1.50	1.40	0.10
2	Rear side	1.02	0.00	1.20
3	Side 1	1.00	0.15	0.85
4	Side 2	1.00	0.00	1.00

3. The road widths are measured in front of alleged building and adjacent buildings and compared as under.

Road width at alleged building House No. 6-1-111/2, 6-1-103 & 6-1104	Road width at adjacent building House No. 6-1-111/A
6.20m	7.65m

Form the above, it can be concluded that road width is reduced from 7.65m to 6.20m due to encroachment of road by the House No. 6-1-111/2, 6-1-103 & 6-1-104.

4. On verification of GHMC records, it is observed that GHMC has received a petition from Sri Shiva on 23.11.2017 complaining that the owner of H.No.6-1-104 & 6-1-103 adjacent to his house is constructing a house by closing common public passage.
5. As per the note file furnished, the town planning officials have inspected the above site in march 2018 and noted in the files that “with Reference to the paper clippings with regard to the H.No.6-1-111, 6-1-104 situated at CBI Quarters Khairatabad ,the site has been inspected by GHMC Town planning officials and found that there are Stilt Floor and two floors slabs laid & brick work is under progress and one more extra slab is laid 5 days back. Sri Ram Chandra & Others have obtained permission to construct stilt+2 Floors Residential Building in Plot Area of 145.78 Sq. Mts. with net plot area of 129.72 sq. Mts. vide permit No.3/C10/04841/2017 , dt.27.05.2017.
6. The town planning officials have issued to a notice under section 636 of HMC Act 1955 to Sri Ram Chandra & others, Pr.No. 6-1-111, 6-1-103, 6-1-104 stating that the owner has constructed a Building in Deviation to the sanctioned plan approved for stilt +2 Floors by raising 3rd Floor and a pent house and not left the road effecting portion at Pr.No. 6-1-111,6-1-103,6-1-104 and also mentioned about earlier notices Dt. 27.05.2017 & on 24.03.2018.
7. As per the letter no nil Dt.05.05.2018, after arrival of GHMC Demolishing machine to site, the owner requested the Deputy Commissioner Circle No. 17 GHMC that he will demolish the structure with cutting machine for safe side within 3 days. But till the date of V&E inspections i.e. on Dt.17.11.2018 the building work was in progress and it was in plastering stage without demolishing unauthorized part of the structure. Hence it can be understood that GHMC town planning officials were negligent in performing their duties, they remain silent simply by issuing 3 notices and allowed un-authorized construction from the date of complaint petition from Dt. 23.11.2017 to 17.11.2018. But still as on the date of inspection of V&E officials it is observed that the plastering work of the building is being carried out and building finishing works are under progress and demolition of unauthorized construction was not done.

FINDINGS:

1. The GHMC has given Building permission for Stilt+2 upper floors in Property No.6-1- 111/2, 6-1-103 & 6-1-104. But, the building owner has constructed Stilt+4 floors without leaving the Setbacks as specified in building permission. It is observed that road width at alleged building is decreased from 7.65m to 6.20m due to encroachment of road. Hence allegation is SUBSTANTIATED.

2. The Town Planning officers issued 2 notices to owner on 27.05.2017 & 24.03.2018 based on petition received from Sri Shiva on 23.11.2017. The third notice Dt.02.11.2018 was sent to owner after initiation of V&E enquiry vide Lr.No.17/RVEO-City-l/Dev/2018, Dt.09.08.2018. This indicates the negligence of Town Planning Officials for allowing un-authorized construction. GHMC officials sent vehicle to demolish the un-authorized structure on 05-05-2018, but did not demolish the building and allowed the building to complete.

VERSION OF OFFICER:

Version of Sri Abdul Aziz, Section Officer, Circle No. 17, Khairatabad Zone, GHMC

The officer stated that, he is in charge of Ward No.6 since June 2018. The building permission was accorded in the name of Sri Ram Chandra Patel on Property. No. 6-1-111/2, 6-1-104, Khairatabad, Hyderabad vide Permit No.3/C10/04841/2017, Dt.27.05.2017, by the then Assistant City Planner Sri M. Tulasi Ram for the proposed construction of stilt for parking + 2 upper floors on Net Set area admeasuring 129.72 sq.mts. with a total height of 6.00mts.

Details of action taken against un-authorized construction:

- A complaint petition from Sri Shiva S/o. Ramulu R/o. H.No.6-1 -1-103/2 with regard to the unauthorized Construction was received on 23.11.2017. Acting upon the above complaint petition, the Assistant City Planner, Circle No. 17, Khairatabad Zone, GHMC has directed me to inspect the site under reference and report.
- Accordingly, he inspected the site under reference and submitted that the Owner Sri Ram Chandra & another person was making construction in deviation to the sanctioned plan duly laying 3rd floor and a pent House unauthorisedly over the permitted stilt + 2 Upper floors.
- Further, on verification of the previous records it is noticed that earlier prior to his joining the then Section Officer has served notices on the unauthorized construction (i) Notice Dt:24.03.018 under section 452(1) and 461; (ii) Notice Dt: 19.05.2018 under section 452(2).
- In continuation, served a notice Dt.02.11.2018 under section 636 of the HMC Act 1955.
- In view of the above, as and when the further course of action was under process and about to ground action in the above unauthorized construction their office staff was entrusted with duties of Assembly Elections and the further course of action will be initiated as per HMC Act 1955.

REBUTTAL:

The officer failed to initiate action against the unauthorized construction. The officer simply issued notices to the owner of the building after receiving a complaint from the neighbor in the guise of their other duties, which allowed the owner to complete and occupy the building. Hence, the version of the officer is not convincing.

Thus Sri Abdul Aziz, Section Officer, Circle-17, Khairatabad, GHMC retired on 30.04.2019 has exhibited lack of integrity, devotion to duty conduct unbecoming of Government Servant and thereby contravened Rule 3 (1) and (2) of T.S. Civil Services (Conduct) Rules 1964.

Annexure - III

List of documents by which the Article of Charges framed against Sri Abdul Aziz,
Section Officer, Circle-17, Khairatabad, GHMC retired on 30.04.2019.
GA (V&E) Dept., Vigilance Report No. 85 (C.No.554/V&E/D1/2018-4) dt.25.08.2021

Annexure - IV

List of witness by whom the Article of Charges framed against Sri Abdul Aziz,
Section Officer, Circle-17, Khairatabad, GHMC retired on 30.04.2019.

C. SUDHARSAN REDDY,
Secretary to Government.