

GOVERNMENT OF KARNATAKA

KARNATAKA LOKAYUKTA

No.Compt/LOK/BGM-1934/2015/ARE-9

M.S. Building,
Dr.B.R.Ambedkar Road,
Bengaluru, dated 22.7.2017

**REPORT UNDER SECTION 12(3) OF THE KARNATAKA
LOKAYUKTA ACT, 1984**

Sub : Proceedings against –

- (1) Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag (now Retd.) and
- (2) Sri Davalabas Babusab Beleri, Second Division Assistant, Office of the Deputy Commissioner of Excise, Gadag – regarding their misconduct as public servants

On the basis of the Investigation Report submitted by the Police Inspector, Karnataka Lokayukta, Gadag in Cr.No.02/2013 which is forwarded by the Additional Director General of Police, Karnataka Lokayukta, Bengaluru to take action against (1) Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag and (2) Sri Davalabas Babusab Beleri, Second Division Assistant, Office of the Deputy Commissioner of Excise, Gadag (hereinafter referred to as Respondents No.1 and 2 respectively), suo-motu investigation was taken up invoking Section 7(1)(b) of




the Karnataka Lokayukta Act against the Respondents No.1 and 2 for their alleged misconduct.

2) **Brief Facts of the Case** –

On the basis of the information that one Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag and Sri Davalasab Babusab Beleri, Second Division Assistant, Office of the Deputy Commissioner of Excise, Gadag and other sub-ordinate officers and staff of the Deputy Commissioner of Excise, Gadag were receiving bribe amount from the applicants for renewal of excise licence and also for issuing fresh licences, suo-motu complaint was registered on 2.8.2013 by Sri Sanganna Gowda, the then Police Inspector, Karnataka Lokayukta, Gadag (herein after referred to as complainant) against the Deputy Commissioner of Excise and his sub-ordinate staff and registered a case in Cr.No.2/13.

3) The materials on record discloses that FIR was filed by the Investigation Officer before the Court, against the aforesaid two persons, for offences punishable under Section 13(1)(d) r/w



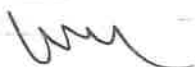
Sec.13(2) of Prevention of Corruption Act, 1988 (herein after for short as P.C. Act).

4) Immediately after registering the FIR, the Lokayukta Police secured Search Warrant from the Principal District & Sessions Judge, Gadag and searched the Office of the Deputy Commissioner of Excise, Gadag, on the basis of the information received that one Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag and Sri Davalabas Babusab Beleri, Second Division Assistant and the staff in the Office of the Deputy Commissioner of Excise, Gadag are collecting money illegally for renewal of excise licence and also for sanction of new licences from the applicants. On the same day the Police Inspector, Karnataka Lokayukta, Gadag after obtaining search warrant from the Principal District and Sessions Judge, Gadag conducted a search at the Office of the Deputy Commissioner of Excise, Gadag. The materials on record discloses that after completion of the investigation, the I.O. filed charge sheet against the aforesaid persons



5) During the course of the investigation, the I.O. also recorded the statement of witnesses and he has also drawn the mahazar for searching the Office of the Deputy Commissioner of Excise, Gadag. At the time of search the I.O. has also taken precaution to secure the presence of the panchas and conducted the search. The search was conducted by the I.O. after informing the incharge Deputy Commissioner of Excise Sri N.Ramachandraiah about the Search Warrant obtained by the I.O. etc., During the course of search 26 blue prints along with certain documents which are supposed to be the part of licence application showing the location of the applicants shop/building etc., were seized.

6) It is the case of the complainant, though the incharge Deputy Commissioner of Excise, Sri N.Ramachandraiah was required to return the blue prints along with the licence to the applicants and the same was not done with the view to compel the licencees to pay the bribe money demanded by them. Further, at the time of search certain amounts were found from various staff in the Office of the Deputy Commissioner of Excise, Gadag. The details of the same is as set-out here under –




Sl.No.	Name of the Official with designation	Amount Rs. -
	Sriyuths -	
1.	Chidananda, Excise Inspector	390.00
2.	Janayi, Excise Inspector	135.00
3.	Syed, Excise Sub-Inspector	55.00
4.	Daval Mallik	615.00
5.	Azeemuddin, SDA	730.00
6.	Hanamanthamma, SDA	3200.00
7.	Eswar, Driver`	810.00
8.	Mohsin Pasha, Driver	112.00-
9.	Mohammed Rafiq, Typist	780.00
10.	Rajashekara, Excise Guard	1135.00

7) The staff working in the Office of the Deputy Commissioner of Excise, Gadag were required to declare the cash in their possession, in the Cash Declaration Register maintained. The materials collected at the time of search discloses, such cash declaration has not been done, and that 26 licences were renewed in the month of June, 2013 itself. The I.O. had seized the concerned files of the 26 licences, in which the blue prints were not returned.



8) The materials on record further discloses that on 5.10.2013 the I.O. had taken charge of the file and recorded the statement of licencees namely (1) Megharajsa (2) Deepak (3) Ashoka (4) Jagadisha (5) Vittalsa (6) Arjuns (7) Parashuramsa (8) Raghavendra (9) Eshappa (10) Vishal (11) Umesh (12) Manjunatha (13) Umesh s/o.Mahadevappa (14) Manjunatha s/o.Babanna (15) Sukumarashetty (16) Raghavendra s/o.Ekantha and (17) Srirama, whose blue prints were lying in the office of the Deputy Commissioner of Excise at the time of search. Further, the materials on record also discloses the persons referred to above appears to have given statement that the incharge Deputy Commissioner of Excise, Gadag and Sri Davalasab Babusab Beleri, Second Division Assistant in the Office of the Deputy Commissioner of Excise, were insisting for payment of bribe money for returning the blue print, though the licence were renewed in the month of June 2013 and since they did not pay the bribe amount, blue prints were not returned to them.

9) On the basis of the investigation conducted, an observation note was prepared by the Additional Registrar of Enquiries-9,



Karnataka Lokayukta, Bengaluru, and the same was forwarded to the aforesaid two officers for their comments.

10) Respondent No.1 in his reply dated 26.6.2015 stated that he retired on 31.5.2015 and prior to that he was in additional charge of Deputy Commissioner, Excise, Gadag. On 2.8.2013 when Police Inspector, Karnataka Lokayukta, Gadag conducted search of the Office of the Deputy Commissioner of Excise, Gadag it is his statement that 26 blue prints found at the time of search were not collected by the licencees and it was the duty of the licencees to collect the copy of the renewed licence along with the blue print immediately after renewal of the licence. He has denied the allegations made against him that he has refused to return the blue print as he was insisting upon payment of bribe amount etc.,

11) The Respondent No.2 Sri Davalasab Babusab Beleri, Second Division Assistant, working in the Office of the Deputy Commissioner of Excise, Gadag also had filed his reply/written statement on 19.6.2015. It is his contention that there was no obligation on his part to return the blue print to licencees along



with the licence and it was the duty of the licencees to collect the blue print while collecting the licences. He has denied that he has kept 26 blue prints in the file with a view to collect illegal gratification from the licencees.

12) The materials on record discloses that at the time of search of the Office of the Deputy Commissioner of Excise, Gadag, 26 blue prints were recovered from the Office of the Deputy Commissioner of Excise. The search was made in the presence of panchas. Sri N.Ramachandraiah, in charge Deputy Commissioner of Excise and Sri Davalasab Babusab Beleri, Second Division Assistant, also have admitted that the 26 blue prints were found in the file pertaining to the 26 licencees which were renewed and the said blue prints were not returned to the licencees. The only defence they have taken is, it was the duty of the licencees to collect the blueprints. It is the case of the licencees that the blue prints were not collected, because the incharge Deputy Commissioner and the Second Division Assistant referred to above were insisting on payment of illegal gratification to them to return the blue prints of the licencees. The statement made by the licencees and the materials collected by



the I.O. at the time of Search Warrant in the Office of the Deputy Commissioner of Excise, Gadag, wherein 26 blue prints were found, prima facie indicate that there was no justification to retain the blue prints in the Office of the Deputy Commissioner of Excise, when the licence were renewed in the month of June, 2013, and not returned till the date of search of the Deputy Commissioner's office on 2.8.2013. The allegations made against the officers referred to above - i.e., the incharge Deputy Commissioner and the Second Division Assistant that they were insisting for payment of illegal gratification for return of blue prints calls for initiation of departmental proceedings and their misconduct requires to be inquired into. Further, the failure of duty on the part of incharge Deputy Commissioner of Excise, Gadag in not verifying and taking effective steps to insist on the staff working in his office for not declaring the cash amount with them in the cash declaration Register when they are working in the Office of the Deputy Commissioner of Excise, Gadag also, call for initiation of disciplinary proceedings against him.

13) Prima facie, I am not satisfied with the defence taken by Respondent No.1 Sri N.Ramachandraiah, incharge Deputy



Commissioner of Excise and Respondent No.2 Sri Davalabas Babusab Beleri, Second Division Assistant, in their reply statement.


14) Therefore, in the light of what is stated above and on the basis of the materials available on record, I am prima facie satisfied that Respondent No.1 Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag (now Retired) and Respondent No.2 Sri Davalabas Babusab Beleri, Second Division Assistant, Office of the Deputy Commissioner of Excise, Gadag have committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 and recommendation is made under Section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against them.

15) Recommendation is made to entrust the inquiry to Lokayukta under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957 against respondent No.2 Sri Davalabas Babusab Beleri, Second Division Assistant, Office of the Deputy Commissioner of Excise, Gadag Further, it is also recommended to initiate Disciplinary



Proceedings against Respondent No.1 Sri N.Ramachandraiah, incharge Deputy Commissioner of Excise, Gadag, who has already retired from service on 31.5.2015, under Rule 214(2)(a) of KCSRs. Since the event had taken place on **2.8.2013** and **Article of Charges is required to be framed against Respondent No.1, immediately, action may be taken immediately to entrust the inquiry to Lokayukta.**

16) Further, as per Section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority to intimate the Hon'ble Lokayukta immediately the action taken or proposed to be taken on this report as Respondent No.1 has already retired from service on 31.5.2015. Connected records are enclosed.


(Justice P. Vishwanatha Shetty) 22/7/2017
Lokayukta
State of Karnataka

