

KARNATAKA LOKAYUKTA

No.Compt/Uplok/GLB-1123/2020-ARLO-2

M.S.Building,
Dr,Ambedkar Veedhi,
Bangalore-560 001
Dated : 12-02-2021**REPORT UNDER SECTION 12(3) OF KARNATKA
LOKAYUKTA ACT,1984**

Sub: Proceedings initiated against **Sri. Rajendra Kumar @ Rajkumar S/o Vaijanath Rao Gandage, then working as FDA, office of the Asst. Commissioner of Commercial Taxes, Bidar Dist** regarding his misconduct as public servant-reg.

A suo-motu investigation was taken up under Section 7 read with section 9 of The Karnataka Lokayukta Act, 1984, against **Sri. Rajendra Kumar @ Rajkumar S/o Vaijanath Rao, Gandage the then working as FDA, O/o Asst. Commissioner of Commercial Taxes, Bidar Dist** (hereinafter referred to as '**Respondent**') on the basis of the material/copy of Charge sheet placed by the Karnataka Lokayukta Police, Bidar District in Cr.No.01/2015 of Karnataka Lokayukta Police Station, Bidar.

02) Crime Number 01/2015 of Karnataka Lokayukta Police Station, Bidar was registered against respondent

for the offences punishable under Sec.13 (1) (e) R/w sec.13(2) of Prevention of Corruption Act, 1988, on the basis of information that he had amassed wealth disproportionate to his known sources of income. The Karnataka Lokayukta Police, Bidar after investigation had filed a charge sheet before the Special Judge Court, Bidar.

03. On perusal of the charge sheet materials submitted by the Karnataka Lokayukta Police Bidar, it discloses that the respondent **Sri Rajendra Kumar @ Rajkumar** has joined Government service as First Division Assistant in the Department of Commercial Taxes on 08/07/1991. On registration of the above case against the Respondent, the Investigation officer has taken 08/07/1991 to 31/1/2015 as check period for calculation of assets acquired, expenses incurred and income derived by the Respondent.

04. The details of assets acquired by the respondent during the period from 08/07/1991 to 31/01/2015, are as follows:-

- i. On 01/10/1999 the respondent had purchased a site in his name bearing site No. 34 in Sy. No. 36/13 situated at Kumbarwada, Bidar City for a sum of Rs. 48,000/- which was registered vide Document No.2619/1999-2000, and also constructed a residential building on the above site

which consists of 2 floors, valued worth Rs.32,26,000/- as per the valuation report submitted by the Assistant Executive Engineer, PWD department, Bidar Sub-division.

- ii. The respondent had purchased agricultural land in his name bearing Sy. No. 139 situated at Malegaon village, Bidar taluk measuring 10 guntas on 26/08/2009 for Rs.15,000/- which was registered vide Document No.4097/09-10.
- iii. The respondent had purchased agricultural land in his name bearing Sy. No. 214/4/D measuring 1 acre 20 guntas and in Sy. No. 212/3/A2 measuring 1 acre situated at Marakal village, Bidar taluk on 17/12/2014 for Rs. 5,65,500/- which was registered vide Document No.7202/14-15.
- iv. The respondent had purchased agricultural land in his name bearing Sy. No. 49/3 measuring 2 acre 20 guntas situated at Mirjapur (T) village, Bidar taluk on 22/05/2006 for Rs. 1,20,000/- which was registered vide Document No.1064/06-07.
- v. The respondent had purchased agricultural land in the name of his wife Smt.Santhoshamma bearing Sy.No.

- 42/1 measuring 25 guntas situated at Halladakere village, Bidar taluk on 05/12/2011 for Rs. 6,87,500/- which was registered vide Document No.6404/11-12.
- vi. The respondent's wife Smt. Santhoshamma with two others had purchased plot nos. 1, 2, 3, 4, 5, 6 and 7 in property no. 304 situated at Jameensthanapura village, Bidar taluk, for Rs. 4,21,000/- (Rs. 1,40,333/- her share) which was registered vide Document No.7260/11-12.
- vii. On 08/01/1999 respondent had purchased plot no. 114 in Sy.No. 38 at Bidar City in his name for Rs. 6,000/- which was registered vide Document No.4612/98-99.
- viii. On 06/02/1998 respondent had purchased plot no. 38 in Sy. No. 34/3-2 at Bidar City in his name for Rs. 34,000/- which was registered vide Document No.3935/97-98.
- ix. On 18/01/2012 respondent's wife Smt. Santhoshamma had purchased plot no. 473/155 in Sy. No. 76/1; 76/2; 76/6; 77; 78; 79 and 80/2 situated at Dasanapura hobli, Bengaluru Rural District in her name measuring 111.41 Sq. Ft. for Rs. 5,88,000/- which was registered vide Document No.9139/11-12.

- x. On 05/01/2004 respondent's mother Smt. Lalitha Bai had purchased plot no. 8 in Property No. 39/D at Jangalkoyee area, Bidar City in her name for Rs. 61,000/- which was registered vide Document No.4221/03-04.
- xi. On 09/12/1996 respondent had purchased plot no. 7/1 measuring 90 feet X 90 feet at Jangalkoyee area, Bidar City in his name for Rs. 10,000/- which was registered vide Document No.3087/96-97.
- xii. On 18/06/1997 respondent had sold plot No. 7/1 measuring 90 feet X 90 feet at Jangalkoyee area, Bidar City which was standing in his name for Rs. 95,000/-, which was registered vide Document No.918/97-98.
- xiii. On 29/11/2001 respondent's mother Smt. Lalitha Bai had purchased house no. 9-4-142 at Khwaji Colony of Bramhapuri area, Bidar City in her name for Rs. 95,000/- which was registered vide Document No.3009/01-02.
- xiv. On 02/12/2006 respondent's mother Smt. Lalitha Bai had sold house no. 9-4-142 at Khwaji Colony of Bramhapuri area, Bidar City which was standing in her

name for Rs. 10,00,000/- which was registered vide Document No.4175/06-07.

- 05.** In relation to the above purchase and sale of immovable properties stated in paragraphs 4, (i) to (xiv) respondent had not obtained prior permission from the prescribed authority and also not intimated the acquisition/sale of properties, as mandated under Rule 23(2) of the Karnataka Civil Services (Conduct) Rules, 1966. Respondent has also not intimated the sources of income for purchase of the immovable properties during the relevant years.
- 06.** Respondent's mother Smt. Lalitha Bai had purchased a Maruti Ertiga Four Wheeler vehicle bearing No. KA 38 M 3101 on 26/03/2015 from M/s Lahoti Motors, Bidar for Rs. 8,59,340/-.
- 07.** Respondent had purchased a Hero Honda Two Wheeler vehicle bearing No. KA-38, J-6746 on 16/06/2007 for Rs. 56,150/-.
- 08.** In relation to purchase of above vehicles stated in paragraphs 06 and 07 the respondent had not obtained

previous sanction from the prescribed authority and also not intimated the purchase of above vehicles as required under Rule 23(3) of the Karnataka Civil Services (Conduct) Rules, 1966. The respondent has also not intimated the sources of income for purchase of above vehicles.

- 09.** As per the Bank Statement furnished by Branch Manager, Union Bank of India, Bidar Branch in relation to A/c. No. 59940650000065 respondent had raised gold loan of Rs. 4,72,220/- on 30/01/2014.
- 10.** As per the Bank Statement furnished by Branch Manager, Union Bank of India, Bidar Branch in relation to A/c. No. 599406650000015 respondent had raised loan of Rs. 10,50,000/- on 20/03/2014.
- 11.** As per the Bank Statement furnished by Branch Manager, Union Bank of India, Bidar Branch in relation to A/c. No. 599405030000249 respondent had raised loan of Rs. 1,00,000/- on 30/01/2014.
- 12.** As per the Bank Statement furnished by Branch Manager, Union Bank of India, Bidar Branch in relation

to A/c. No. 599406520000035 the respondent's mother had raised loan of Rs. 7,88,089/- on 25/07/2014.

- 13.** As per the Bank Statement furnished by Branch Manager, Allamaprabhu Credit Cooperative Society, Bidar Branch respondent's wife had raised loan of Rs. 1,60,000/- on 09/01/2015 on the basis of Fixed Deposits no. 137 to 141 worth Rs. 2,00,000/-.
- 14.** As per the statements recorded by the IO, the respondent had raised hand loan of Rs. 2,00,000/- on 15/04/2013 from Sri. Sudhakar Rao Patil of Bidar, which is received by him through cheque No. 482032.
- 15.** As per the statements recorded by the I. O., the respondent had raised hand loan of Rs. 1,00,000/- on 11/10/2013 from Sri. Sudhakar Rao Patil of Bidar which is received by him through cheque no. 482034.
- 16.** As per the statements recorded by the I.O. the respondent had raised hand loan of Rs. 1,00,000/- on 11/10/2013 from Sri Sudhakar Rao Patil of Bidar which is received by him through cheque No. 482035.

17. In relation to the financial transactions of respondent stated in the above said paragraphs 9 to 16 in the financial institutions and private parties the respondent had not obtained previous permission from the prescribed authorities ^{for} raising loans and also not intimated the raising of loans to the prescribed authority in his name and also in the name of his mother as required under rule 21(4) of the Karnataka Civil Services, (Conduct) Rules 1966.

18. As per the charge sheet materials placed by the IO it is found that during the course of raid carried at respondent's residence the I. O. has found that respondent was in possession of gold weighing 383.130 grams worth Rs. 7,66,769/-. Respondent was also in possession of silver articles weighing 111.97 grams worth Rs. 10,340/-. In relation to the acquisition of above said immovable properties, the respondent has not obtained any previous permission from the prescribed authority and also not intimated ~~to~~ the sources of income for purchase of the above said movable properties as required Under rule.23(3) of Karnataka Civil Services (conduct) Rules, 1966.

- 19.** It is further disclosed from the charge sheet that during the course of investigation, it was found that respondent's wife Smt. Santhoshamma has indulged in a business under the name and style M/s Vishal Decorators at M.S. Patil Function Hall, Bidar in which respondent had made investments as declared by respondent in his Income Tax Returns. However respondent had not furnished required information to the prescribed authority about such business nor did respondent obtain permission from the prescribed authority before making such investment.
- 20.** As per the charge sheet, during the course of investigation, it was found that respondent's mother Smt. Lalitha Bai Gandage has indulged in a business under the name and style M/s Mamatha Decorators at M. S. Patil Function Hall, Bidar in which respondent had made investments as declared by him in his Income Tax Returns. However respondent has not furnished required information to the prescribed authority about such business nor did respondent obtain permission from the prescribed authority before making such investment.

21. An observation note was prepared on the basis of charge sheet and the documents submitted by the Karnataka Lokayukta Police Bidar in Crime No.01/2015, and the same was duly served on 14/8/2020 on respondent.

22. It is important to note that though opportunity has been given to respondent to submit his explanations to the observation note; he has not submitted any explanation or documents to establish his defense. It is significant to note that, the matter under investigation in the present complaint pertains to non-compliance of mandatory provisions of the Karnataka Civil Services (Conduct) Rules 1966, as such only with respect to that aspect the present investigation ^{was} ~~is~~ taken up as to whether the respondent has acquired both movable and immovable properties in accordance with rule 21 and 23 of the Karnataka Civil Services (Conduct) Rules 1966 and whether the respondent has obtained previous permission from the prescribed authority for raising loans as required under rule 21(4) of KCS (Conduct) Rules 1966.

- 23.** In the light of above said statutory provisions, on perusal of materials placed on records, it is noticed that, the respondent has failed to submit acceptable explanation. In the absence of acceptable explanation, the only conclusion that can be reached is that the respondent has failed to obtain prior permission for acquisition or construction or sale of immovable and movable properties as stated in the observation note and that he has also failed to report acquisition and sale of immovable and movable properties to the prescribed authority as per law. It is further disclosed from the material placed on record that, the respondent has failed to obtain permission from the prescribed authority for raising loans as required under rule 21(4) of KCS (Conduct) Rules 1966.
- 24.** It is relevant to note that as per the provisions of rules 21(4), 23(2) and 23(3) of the Karnataka Civil Services (Conduct) Rules 1966, the respondent is bound to obtain permission from the prescribed authority to purchase or sale of movable and immovable properties and also obtain prior permission from prescribed


authority to raise loans from any financial institution or private persons, and he is bound to report the said acquisition or sale of movable and immovable properties to the prescribed authority as per law. In this regard the respondent has not offered any explanation to oppose the report submitted by the investigation officer in relation to acquisition or sale of movable and immovable properties as stated in the observation note. Therefore, it is very clear that the respondent has violated rules 21(4), 23(2) and 23(3) of KCS (Conduct) rules 1966.

25) There are prima facie materials to attribute misconduct on the part of respondent as defined in rule 3(1)(i) to (iii) of the KCS (Conduct) rules 1966, that the respondent has not maintained absolute integrity, devotion to duty and acted in a manner unbecoming of Government Servant and violated Rules 21 and 23 of Karnataka Civil Services (Conduct) Rules 1966. Accordingly, now, acting under section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the competent authority to initiate Disciplinary Proceedings against the respondent **Sri. Rajendra Kumar @ Rajkumar S/o Vaijanath Rao Gandage, then working as FDA, office of the Asst.**

Commissioner of Commercial Taxes, Bidar Dist and to entrust the enquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

26) Further as per Section 12(4) Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority **within one month** from the date of receipt of this report, the action taken or proposed to be taken on the basis of this report.

Connected records are enclosed.


(Justice B.S.PATIL),
Upalokayukta-2,
State of Karnataka.