

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/116/2011/ARE-4

Multi Storied Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date **24/07/2020**.

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri K.V. Ramachandraiah, Surveyor, Department of  
Survey, Settlement and Land Records (the then  
Surveyor, Taluk Survey Office, Bengaluru East Taluk,  
Bengaluru) – Reg.

- Ref:- 1) Government Order No. ಕಂಇ 127 ಭೂದಾಸೇ(3)2011,  
Bengaluru dated 25/06/2011
- 2) Nomination order No.LOK/INQ/14-A/116/2011,  
Bengaluru dated 04/07/2011 of Upalokayukta-1,  
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 22/07/2020 of Additional  
Registrar of Enquiries-4, Karnataka Lokayukta,  
Bengaluru.

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The Government by its Order dated 25/06/2011, initiated  
the disciplinary proceedings against Sri K.V. Ramachandraiah,  
Surveyor, Department of Survey, Settlement and Land Records (the  
then Surveyor, Taluk Survey Office, Bengaluru East Taluk,  
Bengaluru) (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.LOK/INQ/14-A/  
116/ 2011, Bengaluru dated 04/07/2011, nominated Additional  
Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as 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 Sri K.V. Ramachandraiah, Surveyor, Department of Survey, Settlement and Land Records (the then Surveyor, Taluk Survey Office, Bengaluru East Taluk, Bengaluru) was tried for the following charge:-

“That, you Sri K.V. Ramachandraiah, the DGO, while working as Surveyor, Taluk Survey Office, Bengaluru East Taluk, K.R. Circle, Bengaluru and on 17/6/2005 demanded and accepted bribe of Rs.1,000/- from the complainant namely Sri M.Nanjegowda, S/o Muniyappa of B.Channasandra, Kalyananagar post, Bengaluru to issue certified copies of the land records of Survey No.81/1 and 2 of Horamavu Agara Village, Survey No.12/3 of Horamavu and Survey number 178, 179 of Hadagur Village failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1) (i) to (iii) of the 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 proved the charge against the DGO – Sri K.V. Ramachandraiah, Surveyor, Department of Survey Settlement and Land Records (the then Surveyor, Taluk Survey Office, Bengaluru East Taluk, Bengaluru).

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry


Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO Sri K.V. Ramachandraiah, he has retired from service on 31/10/2011 (during the pendency of Inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri K.V. Ramachandraiah, it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO Sri K.V. Ramachandraiah, Surveyor, Department of Survey, Settlement and Land Records (the then Surveyor, Taluk Survey Office, Bengaluru East Taluk, Bengaluru).

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 24/2  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru



## **KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/116/2011/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 22/07/2020

### **:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri K.V. Ramachandraiah  
Surveyor  
Department of Survey Settlement  
and Land Records (the then  
Surveyor, Taluk Survey Office  
Bengaluru East Taluk, Bengaluru)  
**(Now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in No.  
Compt/Uplok/BCD/829/2006  
/ARE-10, Dated:08/06/2011
- 2) Government Order No. RD 127  
BDS(3) 2011, Bengaluru, dated:  
25/06/2011
- 3) Order No.LOK/INQ/14-  
A/116/2011, Bengaluru  
dated:04/07/2011  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri K.V. Ramachandraiah, Surveyor, Department of Survey Settlement, and Land Records (the then Surveyor, Taluk Survey Office, Bengaluru East Taluk, Bengaluru), **(Now**

**retired)** (herein after referred to as the Delinquent Government Official in short "DGO")

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: 04/07/2011 cited above at reference-3, nominated Additional Registrar of Inquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Inquires-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 the same were issued to the DGO calling upon him to appear before this Authority and to submit his written statement of defence.

4. The Articles of Charges framed by ARE-4 against the DGO is as follows:-

**ANNEXURE -I**  
**CHARGE**

*That, you Sri K.V. Ramachandraiah, the DGO, while working as Surveyor, Taluk Survey Office, Bengaluru East Taluk, K.R. Circle, Bengaluru and on 17/06/2005, demanded and accepted bribe of Rs.*

1,000/- from the complainant namely M. Nanjegowda, s/o Muniyappa of B. Channasandra, Kalyananagar Post, Bengaluru to issue certified copies of the land records of Survey No. 81/1 and 2 of Horamavu Agara Village, Survey No. 12/3 of Horamavu and Survey Numbers 178, 179 of Hadagur village failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

**ANNEXURE-II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

On 08/06/2005, the complainant namely Sri M. Nanjegowda, s/o Muniyappa of B. Channasandra, Kalyanagar Post, Bengaluru applied for certified copies of land records of survey No. 81/1 and 2 of Horamavu Agara Village, Survey No. 12/3 of Horamavu, Survey No. 178, 179 of Hagadur village. In that connection, the complainant approached the DGO and enquired about certified copies. The DGO told that the applications are pending since more than three months and therefore, he cannot say when copies will be issued. Again, on 16/06/2005, the complainant approached the DGO and made enquiries about copies. Then, the DGO asked the complainant to pay bribe of Rs. 1,500/-. The complainant showed inability to give that much of the amount. Then, the DGO asked the complainant to give at least Rs. 1,000/-, otherwise copies will not be issued. The complainant was not willing to pay bribe.

Hence, on 17/06/2005, he approached the Lokayukta Police Inspector of Bengaluru City Division (herein after referred to as the Investigating Officer, for short "the I.O.") and lodged a complaint. The I.O. registered the complaint in Cr. No. 21/2005 for the offences punishable U/sec. 7, 13(1)(d) R/w 13(2) of the Prevention of Corruption Act, 1988. The I.O. took up investigation and during the course of investigation the tainted bribe amount of Rs. 1,000/- was given by the complainant to the DGO and on that day, the I.O. seized the tainted currency notes from the DGO in the presence of complainant, pancha witnesses and other staff members near fountain area of the office of the Assistant Director of Land Records, Bengaluru East Taluk. The I.O. prepared mahazar after following post-trap formalities and also took statement of the DGO in writing. The I.O. recorded statements of the complainant, panchas and other witnesses. He subjected seized articles for chemical examination and the chemical examiner's report was positive. The Investigation Report of the I.O. showed prima facie case against the DGO for receipt of bribe failing to maintain absolute integrity and devotion to duty. Therefore, observation note was sent to the DGO calling for his explanation. The explanation given by the DGO was not convincing to drop the proceedings. As such, a report u/sec. 12(3) of the Karnataka Lokayukta Act was made to the Competent Authority to initiate Disciplinary Proceedings against the DGO and to entrust the enquiry to the Karnataka Lokayukta Authority u/Rule 14-A of KCS (CCA) Rules, 1957. Accordingly,



*Competent Authority initiated Disciplinary Proceedings and entrusted the same to the Authority of the Karnataka Lokayukta. Hence, this charge.*

5. DGO appeared before this Inquiry Authority on 21/10/2011 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. DGO has filed his written statement as follows:-

DGO denies the Articles of Charges framed against him. The DGO has already been acquitted in Special C.C. No. 155/206 on 27/08/2008. In the written statement some paragraphs of the Criminal case judgment are reproduced. The Government has promoted the DGO after he was acquitted in the criminal case which clearly demonstrate that all the departmental actions are deemed to be closed by the Government of Karnataka so far as the DGO is concerned. He has also stated the reasons given for his acquittal in the criminal case. He has also referred the Government Order passed in respect of one Sri D.N. Dayananda, Forester which has no relevancy in this enquiry. The decision referred in the written statement reported in 1994 SUPP (3) SCC 674 in Sulek Chand and Sulek Chand V/S Commissioner of Police and others, is not relied upon by the learned counsel for the DGO in the final arguments. In the written statement there is reference to the decision in G.M. Tank's case. The DGO has not committed any misconduct and nor violated any conduct

rules. Hence, the DGO prays to exonerate him from the charges leveled against him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all three witnesses as PW1 to PW3 and got marked documents at Ex.P1 to P15. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of the DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGO himself examined as DW1 and one witness examined as DW2 and got marked two documents as Ex.D1 and closed his side. Hence, recording the answer of DGOs to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority has not filed the written brief, but on the side of the DGO written brief has been filed. Oral arguments of the Presenting Officer was heard. The points, that arise for the consideration of this inquiry authority are:-

1. Whether the Disciplinary Authority has satisfactorily proved the charge framed against DGO?

2. What order?

9. My finding on the above points are as follows:-

Point No.1: In the **"AFFIRMATIVE"**

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

**:: REASONS ::**

**10. Point No.1:** It is the case of the Disciplinary Authority that, the DGO while working as Surveyor, Taluk Survey office, Bengaluru East Taluk, K.R.Circle, Bengaluru, on 17/06/2005 demanded and accepted bribe of Rs. 1,000/- from the complainant-Sri M. Nanjgowda to issue the certified copies of the land records of sy.No. 81/1 and 2 of Horamavu Agara village. Sy.No. 12/3 of Horamavu and sy.Nos. 178 and 179 of Hagadur village and thereby committed misconduct.

11. The complainant-Sri Nanjgowda, has been examined as PW1 and copy of the complaint lodged by him before the Lokayukta Police is at Ex.P1. The gist of Ex.P1 is to the effect that, the complainant filed the application for copies of the land records in respect of Sy.no. 81/1 and 2 of Horamavu Agara village, Sy.No. 12/3 of Horamavu village and sy.No. 178 and 179 of Hagadur village on 08/06/2005 and afterwards he enquired the incharge clerk for the copies and that clerk told him that the copy applications are pending from the last 3 months and on 16/06/2005 again he met that clerk and enquired about the copies for which the clerk demanded Rs. 500/- for each receipt and when PW1 pleaded his inability to pay Rs. 1,500/- in respect of three receipts the clerk insisted that at least Rs. 1,000/- has to be given for giving the copies and not willing to get his work done by paying the bribe amount PW1 has lodged the complaint. The complaint has been lodged on 17/06/2005 at 10.55 a.m.

12. PW1 has deposed that, he has seen the DGO and he has also seen the pancha witnesses by name Sri Mohammed Khalim Agha, and Sri K.S. Sheshadri. He has deposed that he had applied for Akarabhand and Tippani uthar copies in respect of sy.No. 81/1 and 2 of Agara village and sy.No. 179 of Hagadur village to the survey department. He has deposed that he told the petition writer by name Sri Chandru that his work is being delayed and he told him to give the petition to the Lokayukta police and accordingly himself and Sri Chandru gave the complaint in Lokayukta police station. He has deposed that Ex.P1 is the copy of the complaint lodged by him and it was written by the above said Sri Chandru. It is pertinent to note that no where in Ex.P1 it is mentioned that Sri Chandru wrote the same. PW1 has deposed that he filed the complaint-Ex.P1 on 17/06/2005.

13. PW1 has further deposed that, after receiving the complaint the amount was kept in his shirt pocket and thereafter they went to the survey office and Sri Chandru took the amount which was entrusted to him and the concerned officer was not in the office and Sri Chandru kept the amount on the table and afterwards the Lokayukta police came there and caught hold of the DGO and the hand wash of the DGO was positive. He has been treated as hostile witness and cross-examined by the learned Presenting officer. In his cross-examination by the learned Presenting Officer, he admits that he had filed the

application for the copies of the land records in respect of sy.No. 81/1, 81/2 and 12/3 of Agara village, sy.Nos. 178 and 179 of Hagadur village and he also admits that in that respect he had paid the prescribed fee also. He admits that Ex.P2 are the copies of the two applications given by him for certified copies of the land records and in one application sy.NO. 178 and 179 are mentioned and in the other application sy.No.s 12/3 is mentioned. It is the case of the Disciplinary Authority that, PW1 had given another application in respect of sy.Nos. 81/1 and 81/2. PW1 further admits that, Ex.P3 are the copies of the three receipts for having paid prescribed charges. Ex.P3 shows that in respect of sy.Nos. 81/1 and 81/2 Rs. 86, in respect of sy.Nos. 178 and 179 Rs. 34 and in respect of sy.No. 12/3, Rs. 46 fee has been paid to the Government and all the above said three receipts are dated: 08/06/2005. Even the two applications marked as Ex.P2 stated above are dated: 08/06/2005. Hence, it has to be said that, PW1 had applied for copies of the land records in respect all the above said sy.Nos and also paid the prescribed fee on 08/06/2005. PW1 has deposed that, he do not know whether it was the duty of the DGO to give the certified copies sought by him as stated above. He denies the suggestion that he met the DGO and the DGO demanded bribe of Rs. 1,500/- and later reduced the amount to Rs. 1,000/-. PW1 admits that, the Lokayukta police secured Sri Mohammed Kalim and Sri Sheshadri as panchas. He has deposed that he do not remember whether the contents of Ex.P1 was read over to the panchas by the Lokayukta

police. He has deposed that he do not remember whether he produced the amount of Rs.1,000/- (Rs. 500x2) before the Lokayukta Police and the panchas. As stated above, he admits that the tainted currency notes were kept in his shirt pocket. He has deposed that the tainted currency notes were kept in his shirt pocket by Sri Mahammed Kali. But as per the Entrustment Mahazar the tainted currency notes were kept in his shirt pocket by the other pancha witness by name Sri Sheshadri. He has deposed that he do not remember whether he was instructed by the Lokayukta police to meet the officer concerned and the request for his work and in case he demands for the bribe amount he has to give the tainted currency notes and afterwards he has to give the signal to the I.O. by combing his hair. Thus PW1 has pleaded ignorance about the contents of the Entrustment Mahazar and he has not denied the same. He admits that Ex.P4 is the copy of the Entrustment Mahazar and he has signed the same.

14. PW1 also admits that after the Entrustment Mahazar they went to the office of the DGO and himself and the pancha witness Sri Mohammed Kalim went to meet the DGO. He has deposed that he do not remember whether the DGO present in the office and he enquired the DGO about his work and the DGO told that in respect of two documents the copies are ready and one document is not yet traced. He has deposed that he do not remember whether himself and DGO came out of the office to the fountain area situated in front of the office of the DGO. He

has deposed that the DGO did not demand for any bribe amount and he did not give the tainted currency notes to the DGO. He admits that the hands of the DGO were washed in the solution and denies the suggestion that the right hand wash was positive. He also denies the suggestion that the DGO produced the tainted currency notes from his pant hip pocket. He has deposed that he do not remember whether the pant wash of the DGO was positive (Inside portion of the hip pocket) and that the pant was also seized. He has deposed that he has not seen whether the I.O. seized the copies of the applications given by him along with other documents. He admits that the Lokayukta police drew up the Trap Panchanama and the copy of the same is at Ex.P5 and he has signed the same. The over all evidence of PW1 clearly discloses that he has lodged the complaint before the Lokayukta police as per Ex.P1 and the I.O. secured two panchas and conducted the Entrustment Mahazar as per Ex.P4 and Ex.P5 is the Trap Panchanama that was prepared in the office of the DGO. Thus PW1 has admitted that after Ex.P4 they had been to the office of the DGO and himself and the pancha witness Sri Mohammed Kalim were sent inside the office of the DGO to meet the DGO and Ex.P5 is the copy of the Trap Mahazar drawn by the I.O. in the office of the DGO. The above said evidence of PW1 clearly shows that he is denying only the DGO demanding and accepting the bribe amount and keeping it in his hip pocket only with an intention to help the DGO. DW1 (DGO) has deposed that on 17/06/2005 one person came in to his office and told him that somebody is calling

him and took him to the Varanda and some unknown person without his knowledge kept something in his backside pant pocket and as per Ex.P7 the explanation of the DGO that unknown person is PW1 but there is no cross-examination of PW1 in that respect by the learned counsel for the DGO. Hence, it can be said that the case of the Disciplinary Authority that the DGO demanded and received the amount from PW1 to show official favour is believable.

15. PW2 is the shadow witness by name Sri Mohammed Kalim Aga and he has deposed that from 2003 to 2008 he was working as Technical Assistant in WRDO, P & I section, Bengaluru. He has deposed that on 17/06/2005 as per the directions of his higher officer, he had been to the Lokayukta police station and reported before the Police Inspector-Sri Rajendra. He has deposed that the complainant-Sri Nanjegowda, another pacha witness Sri Sheshdri were present in the Lokayukta police station and they were introduced to him and he has also deposed about the gist of the complaint lodged by the complainant. He has deposed that the complainant-PW1 produced two currency notes of the denomination of Rs. 500/- and himself and another pancha witness noted the denomination and numbers of the same and the copy of the same is at Ex.P6. He has deposed that the phenolphthalein powder was smeared to the notes and the pancha witness Sri Sheshadri kept the tainted currency notes in the left side shirt pocket



of PW1 and afterwards the hands of Sri Sheshadri were washed in the sodium carbonate solution and that solution turned to pink colour. He has also deposed about the instructions given to the complainant and to himself by the I.O. mentioned in Ex.P4-Entrustment Mahazar. He has deposed that Ex.P4 is the copy of the Entrustment Mahazar and it was drawn between 1.00 p.m. to 2.20 p.m.

16. PW2 has further deposed that after the Entrustment Mahazar, they left the Lokayukta police station and went to survey and the land office situated near K.R. Circle and himself and PW1 went inside the office and the Inspector, his staff and another pancha were standing inside the office premises. He has deposed that PW1 met the case worker (DGO) and DGO told that the copies in respect of two applications are ready and the documents of another application are not traced and the DGO also asked PW1 about the amount and PW1 told that he has brought the amount and asked the DGO to come out side and accordingly, both of them went outside and near the fountain PW1 and the DGO talked with each other and he was not able to hear their conversation. He has deposed that, PW1 gave the amount and the DGO received the same with his right hand and kept it in his back side pant pocket and afterwards PW1 gave the pre-instructed signal. He has deposed that Police Inspector and his staff came there and PW1 showed the DGO and told that he has received the amount from him and the police inspector took the DGO inside the office and enquired the DGO. He has deposed

that the hands of the DGO were washed separately and the right hand wash was positive. He has deposed that when enquired about the amount the DGO told that he is not having the amount but afterwards produced the amount from the hip pocket of his pant and those notes were the same notes mentioned in the Entrustment mahazar and those notes were seized. He has deposed that even the pant wash of the DGO was positive (inside portion of the hip pocket). He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P7 and in the same the DGO has mentioned that PW1 by force thrust the amount into his hip pocket. He has deposed that the DGO produced the file of PW1 and the certified copies of the same were seized. He has deposed that Ex.P2 and P3 are the copies of the documents seized and Ex.P8 is the copy of the inward register of the office of the DGO and Ex.P9 is the copy of the attendance register. He has deposed that Ex.P5 is the copy of the Trap Mahazar and Ex.P10 is the copy of the rough sketch of scene of occurrence and Ex.P11 are copies of the photographs taken at the time of the Entrustment Mahazar and Trap Mahazar. As stated above, Ex.P8 is the copy of the inward register wherein the applications of PW1 are mentioned in sl. No. 69 and 71. Thus PW2 has given his evidence in accordance with the case of the Disciplinary Authority in his examination in chief on 13/07/2017.

17. PW2 has been cross-examined on 30/07/2018 after one year from the date of his examination in chief. In his

cross-examination he has deposed that he was at a distance 25' to 30' from PW1 and one person kept something in the back side pant pocket of the DGO and went away and afterwards Lokayukta police apprehended the DGO. Thus he has given contrary evidence in his cross-examination when compared to examination in chief and he has been re-examined by the learned Presenting Officer. In his re-examination he admits that he signs the document after knowing the contents of the same. He admits that the evidence given by him on 13/07/2017 is correct and he has also deposed that he gives evidence after understanding the question put to him. Hence, it has to be said that in his cross-examination he has given his evidence contrary to his examination in chief at the instance of the DGO to help the DGO. He admits that Ex.D1 is the copy of his deposition given by him in the criminal case. The learned counsel for the DGO has not brought out any omission or contradiction by drawing the attention and PW2 to any portion of his evidence marked as Ex.D1. Hence, mere production of Ex.D1 is not of any help to the case of the DGO. More over the perusal of Ex.D1 also shows that PW2 has substantially supported the case of the Disciplinary Authority in the criminal case also except for some minor discrepancies which are bound to occur due to lapse of time. As stated above, PW2 in his examination in chief has clearly deposed that when PW1 met the DGO inside the office, the DGO told that the copies are ready in respect of the two applications given by PW1 and in respect of another application the file is not traced and also asked PW1 about the amount and

PW1 told that he has brought the amount and took the DGO outside the office to the foundation area. As stated above, the PW2 has clearly deposed that the right hand wash of the DGO was positive and the DGO produced the tainted currency notes from his hip pocket and the pant wash of the DGO was also positive. As stated above, in his examination in chief PW2 has clearly deposed that in the fountain area PW1 gave the tainted currency notes to the DGO and DGO received the same with his right hand and kept it in the back side pant pocket and afterwards PW1 gave the pre-instructed signal. Hence, it has to be said that the evidence given by PW2 in his cross-examination to the effect that some person kept something in the hip pocket of the DGO and went away is not believable and PW2 has given the above said evidence in his cross-examination at the instance of the DGO to help the DGO.

18. PW3 is Sri Sri Rajendra D.S., and he has deposed that from October 2002 to September 2005 he was working as Police Inspector in Lokayukta, Bengaluru and on 17/06/2005 Dy..S.P., Sri Rajanna referred the complaint of PW1 to him and instructed him to register and investigate the same. He has deposed that the copy of that complaint is at Ex.P1. He has deposed about the gist of Ex.P1 also. He has deposed about securing the panchas and PW1 producing the amount of Rs. 1,000/-. He has deposed about all other averments mentioned in the Entrustment Mahazar, the copy of which is at Ex.P4 and I feel it is not necessary to repeat the same. Thus PW3 has deposed that

all the procedures mentioned in Ex.P4 were performed in the Lokayukta police station in the presence of Pw1 and panchas.

19. PW3 has further deposed that after the Entrustment Mahazar they left the Lokayukta police at about 2.30 p.m. and went by walk to the office of the DGO situated in K.R. Circle. He has deposed that himself, his staff and the pancha witness Sri Sheshadri remained near the foundation area of the office premises of the DGO and PW1 and PW2 were sent inside the office to meet the DGO. He has deposed that after some time PW1 and PW2 came outside the office along with one person and they came near the fountain area and afterwards PW1 gave the pre-instructed signal and immediately himself, his staff and another pancha went there and PW1 showed the DGO and they took the DGO inside the office and the hands of the DGO were washed separately in the solution and the right hand wash was positive. He has deposed that he enquired the DGO about the amount received from PW1 and the DGO produced the tainted currency notes from his pant hip pocket and those notes were the same notes mentioned in the Entrustment Mahazar. He has deposed that even the hand wash of the DGO was positive and that pant was also seized. He has also deposed that he enquired PW1 and PW2 as to what happened and what was told by them is recorded in the trap panchanama, the copy of which is at Ex.P5. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P7. He has deposed that

PW1 and PW2 told him that the contents of Ex.P7 are false. He has also deposed that he enquired the DGO about the applications filed by PW1 and the DGO produced the two applications and also produced the other documents. He has deposed that the copies of the same are at Ex.P2 and P3. He has deposed that Ex.P8 is the copy of the inward register and Ex.P9 is the copy of the attendance register. He has deposed that Ex.P10 is the copy of the rough sketch of the scene of occurrence drawn by him and Ex.P11 are the copies of the photographs taken at the time of the Entrustment Mahazar and the Trap Mahazar. He has deposed that he sent the seized articles to the FSL and received the FSL report and the copy of the same is at Ex.P13. In Ex.P13 it is opined that the presence of phenolphthalein is detected only in the right hand finger wash of the DGO. He has deposed that Ex.P14 is the copy of the service register of the DGO.

20. PW3 has been cross-examined at length by the learned counsel for the DGO and nothing is made out in his cross-examination to discard his evidence stated above. He has deposed that there is some over writing in Ex.P6. But on that ground the case of the Disciplinary Authority cannot be doubted as the numbers and denomination of the notes are clearly mentioned in Ex.P4 and P5 and there is no over writing in respect of the same. PW3 has deposed that the name of the DGO is not mentioned in the complaint-Ex.P1 but on that ground the case of the Disciplinary

Authority cannot be doubted as PW1 was not knowing the name of the DGO when he lodged the complaint.

21. DW1 is the DGO and he has deposed that he has not at all demanded any bribe amount or received any bribe amount from PW1. He has deposed that on 17/06/2005 one person came to the office and told him that somebody is calling him and took him outside and they came to the varanda where number of persons were walking and an unknown person without his knowledge had kept something in his back side pant pocket and by the time he wanted to know what has been done Lokayukta police came there and took him inside the office. He also deposed that in his back side pant pocket the tainted currency notes had been kept and he gave the same to PW3. As stated above, Ex.P7 is the copy of the explanation given by the DGO and in the same it is stated that when the DGO was working in the record room some stranger told him that his application is with the DGO and to give the copies and forcibly thrust the amount in his pocket and he has not demanded for any amount. Thus the entire reading of Ex.P7 discloses that PW1 approached the DGO and told him that his application is with the DGO and to give the copies and forcibly thrust the amount in to the hip pocket of the DGO.

22. In his cross-examination DW1 has deposed that there is no ill-will between himself and the complainant (PW1). When there is no ill-will between PW1 and the DGO the contention of the DGO that, PW1 forcibly thrust the amount

into his hip pocket and got the DGO trapped cannot be believed. On the other hand it can only be said that the DGO has demanded for the bribe amount and received the tainted currency notes from PW1 and kept it in his back side pant pocket. DW1 has also deposed that there is no ill-will between himself and the I.O. also which clearly supports the case of the Disciplinary Authority and there is no reason what so ever to discard the evidence of PW3 the I.O. DW1 has deposed that the Police Inspector obtained the explanation as per Ex.P7 from him by force. In his cross-examination he has deposed that Ex.P7 is in his hand writing and he has also signed the same. He has deposed that, he has not complained to the higher officer of PW3 alleging that PW3 obtained Ex.P7 from him by force. He has deposed that, there was no difficulty for him to give the complaint in that respect to the higher officer of PW3. He has also deposed that he has studied up to SSLC and he knows reading and writing Kannada. Hence, his contention that PW3 obtained Ex.P7 from him by force cannot be believed. DW1 has denied his hand wash and also his pant wash in his evidence. But he admits in his cross-examination that, in the photographs found in page Nos. 3 and 4 of Ex.P7 he is also seen. In the photographs found in page Nos. 3 and 4 of Ex.P7, the hand wash of the DGO can be seen. As stated above, PW2 and PW3 have clearly deposed that the right hand wash of the DGO was positive and even the pant wash of the DGO was positive which is corroborated by the FSL report as per Ex.P13.



23. DW2 is one Sri Nagaraju B.N., and he has deposed that in the year 2005 in the after noon he had been to the land records office and he talked with the DGO and he was standing by the side of the DGO near the fountain and at that time one person kept something in the back side pant pocket of the DGO and ran away and afterwards number of the persons came there and he came to know that there was Lokayukta trap. In his cross-examination he has deposed that he is not having any document to show that on that day he had been to the land record office in the afternoon. He has deposed that he has not given any statement before the I.O. and there was no problem for him to give his statement before the I.O. When DW2 has not given his statement before the I.O. as deposed in his examination in chief and there was no problem for him to give his statement before the I.O. it has to be said that DW2 was not at all present at the scene of occurrence at the time of the incident and he is only a got up witness. It is also pertinent to note that there is no mention of the name of DW2 in Ex.P7 also.

24. Ex.D1 has been marked twice by over sight, another document marked as per Ex.D1 is the certified copy of the judgment in Special Case No. 155/2006. The said document discloses that in the criminal case filed by the Lokayukta police the DGO has been acquitted on the ground that the prosecution has failed to prove its case beyond all reasonable doubt. It is also the contention of the DGO that there is no appeal against the judgment of the

criminal court stated above. Only on the ground that the DGO has been acquitted in the criminal case it cannot be held that, the disciplinary authority has not proved its case in this departmental inquiry against DGO. It is well established principle of law that, in the criminal case the prosecution has to prove its case beyond all reasonable doubt. Where as in the departmental inquiry the evidence has to be scrutinised on the basis of the preponderance of probabilities. In the decision reported in **1997(2) SCC 699 in case of Depot Manager, APSRTC V/S Mohammed Yosuf Miya and others, (2005)7 SCC 764 between Ajit Kumar Nag v/s General manager (P) Indian Oil Corporation Limited, Haldia and others** made out very clear that, the purpose of departmental inquiry and the prosecution are too different and distinct aspects though the two proceedings relate to the same set of facts. The nature of evidence in criminal case is entirely different from the departmental proceedings and in the criminal case the prosecution is required to prove the guilt of the accused beyond all reasonable doubt on the touch-stone of human conduct and where as the evidence required in a departmental inquiry is not regulated by such strict rules. Therefore, misconduct of the DGO is required to be taken into consideration on the basis of preponderance of probabilities and merely because the DGO has been acquitted in the criminal case by the judgment in criminal case that itself is not sufficient to overlook the evidence placed on record by the Disciplinary Authority.

25. The learned counsel for the DGO relies upon the decision reported in **(2006)5 Supreme Court Cases 446 in G.M. Tank V/s State of Gujarat and others.** The said case was regarding the disproportionate assets and the criminal court had given honourable acquittal holding that the prosecution has failed to prove the charges. Even in the departmental enquiry there was no evidence to hold the employee guilty. The facts of this case are different from the facts of the above said case. This is a trap case and as stated above, only on the ground that the DGO had been acquitted in the criminal case the case of the Disciplinary Authority cannot be disbelieved. As stated above in this case there is the believable evidence of PW2 and PW3 and the defence of the DGO is not believable.

26. The learned counsel for the DGO has relied upon the order in **W.P. No. 35475/2002 (S-RES) in Sri K.N.M. Srrekanta Swamy v/s The Karnataka Power Transmission Corporation Limited, of our Hon'ble High Court of Karnataka dated: 03/03/2011, W.P. No. 24641/2003 (S-DE) of our High Court of Karnataka dated: 24/01/2007 in Sri H.G. Ramesh V/s Karnataka Power Transmission Corporation Limited., and another and W.P.No. 21176/2003 (S-DE) dated: 24/01/2007 in Sri Sannaswamy Gowda V/s KPTCL and another** and in all the above said cases G.M. Tank's case has been relied upon. As stated above, G.M Tank's case is not applicable to the facts of this case and hence the above said decisions are not of much help to the case of the DGO.

27. More over in this case, there is no honourable acquittal of the DGO in the criminal case holding that the case of the prosecution is false or that the DGO has been falsely implicated and the DGO has been acquitted only on the ground that the prosecution was not able to prove its case beyond reasonable doubt.

28. The learned counsel for the DGO relies upon the decisions reported in **ILR 2006 KAR 3192 in Sri Siddappa V/s The board of Governors I.I.M. and others.** But the facts of that case are completely different from the facts of this case. He also relies upon the decision reported in **ILR 2006 KAR 4374 in C.D. Venkataramana Sheety V/s The State of Karnataka by the Secretary to Government and others** and the same is also not applicable to the facts of this case.

29. The facts and circumstances of this case stated above clearly probalises the case of the Disciplinary Authority and as stated above when there is no ill-will between PW1 and the DGO the only inference that can be drawn is that the DGO has demanded and received the bribe amount to show the official favour. It has also come in the evidence that the DGO was the in charge clerk at that time. It is not the case of the DGO that he was not the clerk who has to give the certified copies sought by the complainant.

30. Thus the charge that the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant is proved. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

**31. Point NO.2:-** For the reasons discussed above, I proceed to give the following Report:

**:: REPORT ::**

*The Disciplinary Authority has proved the charge against the DGO- Sri K.V. Ramachandraiah, Surveyor, Department of Survey Settlement, and Land Records (the then Surveyor, Taluk Survey Office Bengaluru East Taluk, Bengaluru), **(Now retired)**.*

32. Hence this report is submitted to Hon'ble Upalokayukta-1 for kind perusal and for further action in the matter.

Dated this the 22<sup>nd</sup> day of July, 2020

-Sd/-  
(Somaraju)  
Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

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

- PW-1:Sri Nanjegowda (complainant)  
 PW-2:Sri Mohammed Khalim Aga (shadow pancha witness)  
 PW-3:Sri Rajendra D.S. (I.O.)

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

- DW-1:Sri K.V. Ramachandraiah (DGO)  
 DW-2:Sri Nagaraju B.N. (witness)

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

- Ex.P-1: Certified copy of the complaint  
 Ex.P-2: Certified copy of the applications  
 Ex.P-3: Certified copy of the receipts (three in number)  
 Ex.P-4: Certified copy of the Entrustment Mahazar  
 Ex.P-5: Certified copy of the Trap Mahazar  
 Ex.P-6: Certified copy of the notes number and  
           denomination mentioned white sheet  
 Ex.P-7: Certified copy of the explanation of DGO  
 Ex.P-7(a); Relevant entry in Ex.P7  
 Ex.P-8: Certified copy of the inward register  
 Ex.P-9: Certified copy of the attendance register  
 Ex.P-10: Certified copy of the rough sketch  
 Ex.P-11: Certified copy of the Xeroxed photos on the white  
           sheet (total five sheets)  
 Ex.P-12: Certified copy of the FIR  
 Ex.P-13: Certified copy of the chemical examination report  
 Ex.P-14: Certified copy of the service particulars of the DGO  
 Ex.P-15: Original reply of the DGO dated: 09/01/2007 to  
           the observation note  
 Esx.P-15(a): Relevant entry in Ex.15

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

- Ex.D-1: Certified copy of the deposition of PW2 Sri  
           Mohammed Kaleem Agha in Special C.C. NO.  
           155/2009 with certified copy of the judgment  
           passed in Special C.C. No. 155/2006

Dated this the 22<sup>nd</sup> day of July, 2020

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
 Karnataka Lokayukta,  
 Bengaluru.