

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No: LOK/INQ/14-A/14/2010/ARE-4

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 25/01/2019

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Sri Raj Bahaddur, Goorkha Watchman, Bengaluru Development Authority, Bengaluru.
- 2) Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, Bengaluru - Reg.

Ref:-1) Government Order No. ನಅಇ 138 ಬೆಂಚಸೀ 2007  
Bengaluru dated 01/01/2010

2) Nomination order No.LOK/INQ/14-A/14/2010  
Bengaluru dated 20/07/2010 of  
Upalokayukta-1, State of Karnataka,  
Bengaluru.

3) Inquiry Report dated 23/01/2019 of Additional  
Registrar of Enquiries-4, Karnataka  
Lokayukta, Bengaluru.

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The Government by its Order dated 01/01/2010 initiated the disciplinary proceedings against (1) Sri Raj Bahaddur, Goorkha Watchman, Bengaluru Development Authority, Bengaluru and (2) Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, Bengaluru (hereinafter referred to as Delinquent Government Official's 1 and 2 for short as '**DGO-1 and DGO-2 respectively**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/14/2010 dated 20/07/2010 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGO-1 and DGO-2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri Raj Bahaddur, Goorkha Watchman, Bengaluru Development Authority, Bengaluru and DGO-2 Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, Bengaluru were tried for the following charge:-

“That, on 24/12/2005 at Banashankari B.D.A Complex, I floor, Bangalore, you the above said DGO-1 Raj Bahaddur, while working as Goorkha watchman and you DGO-2 B.N. Puttachennappa, while working as SDA at Bangalore Development Authority, Bangalore, you DGO-2 Puttachennappa demanded Rs.3,000/- from the Sri N. Jagadish, I Main, S.G. Palya, Bangalore-29 (herein after referred to as complainant) for approval of plan for construction of house in his site no.146, J.P. Nagar, Bangalore, and directed to pay illegal gratification to DGO-1 Raj Bahaddur, you DGO-2 knowing that it is illegal gratification accepted Rs.3,000/- from the complainant on behalf of DGO-2 and thereby, you DGO-1 and DGO-2 have failed to maintain absolute integrity and devotion to duty and this act on the part of you DGO-1 and you DGO-2 is unbecoming of a Govt. Servant and thereby you DGO-1 and 2 have committed misconduct under Rule 3(1) (i) to (iii) r/w Rule 16 (iv) of the K.C.S (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 above charge against DGO-1 Sri Raj Bahaddur, Goorkha Watchman, Bengaluru Development Authority, Bengaluru and DGO-2 Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, 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 DGOs 1 and 2;

i) DGO-1 Sri Raj Bahaddur is due to retire from service on 31/10/2021;

ii) DGO-2 Sri B.N. Puttachennappa has retired from service on 31/05/2017 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO-1 Sri Raj Bahaddur and DGO-2 Sri B.N. Puttachennappa;


i) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-1 Sri Raj Bahaddur, Goorkha Watchman, Bengaluru Development Authority, Bengaluru and also for imposing penalty of permanently withholding 50% of pension payable to DGO-1 Sri Raj Bahaddur;

ii) it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable

to DGO-2 Sri B.N. Puttachennappa, the then Second Division Assistant, Bengaluru Development Authority, Bengaluru.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta-1, 25/11  
State of Karnataka,  
Bengaluru

## **KARNATAKA LOKAYUKTA**

No.LOK/ENQ/14/2010/ARE-4

M.S.Building,  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 23/01/2019

### **INQUIRY REPORT**

**Sub:** Departmental Inquiry against,

- 1) Sri Raj Bahaddur  
Goorkha Watchman
- 2) Sri B.N. Puttachennappa  
Second Division Assistant  
Bengaluru Development Authority  
Bengaluru (**Now retired**)

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BCD/75/2007/DRE-5  
dated: 21/04/2007
- 2) Govt. Order. No. ನಅಇ 138 ಬೆಂಆಸೇ 2007,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01/01/2010
- 3) Order No.LOK/INQ/14-A/14/2010  
Dtd.20/07/2010 of the Hon'ble  
Upalokayukta

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1. This Departmental Inquiry is directed against 1) Sri Raj Bahaddur, Goorkha Watchman, 2) Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, Bengaluru (**Now retired**) (herein after referred to as the Delinquent Government Officials in short "DGO No.1 and DGO No.2 or DGOs")

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: 20/07/2010 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGOs. Additional Registrar Enquires-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 same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

4. The Articles of Charges framed by ARE-4 against the DGOs are below:

**CHARGE**

*That, on 24/12/2005 at Banashankari B.D.A., Complex, I floor, Bengaluru, you the above said DGO-1 Raj Bahaddur, while working as Goorkha watchman and you DGO-2 B.N. Puttachennappa, while working as SDA at Bengaluru Development Authority, Bengaluru, you-DGO-2 Puttachennappa demanded Rs. 3,000/- from the Sri N. Jagadish, I Main, S.G. Palya, Bengaluru-29 (herein after referred to as complainant) for approval of plan for construction of house in his site No. 146, J.P. Nagar,*

*Bengaluru and directed to pay illegal gratification to DGO-1 Raja Bahaddur, you-DGO-2 knowing that it is illegal gratification accepted Rs. 3,000/- from the complainant on behalf of DGO-2, and thereby you DGO-1 and DGO-2 have failed to maintain absolute integrity and devotion to duty and this act on the part of you DGO-1 and you DGO-2 is unbecoming of a Government Servant and thereby you DGO-1 and 2 have committed misconduct under Rule 3(1)(i) to (iii) r/w Rule 16 (iv) of the KCS (Conduct) Rules, 1966.*

### **ANNEXURE NO. II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*This is a Suo-moto investigation under Sec. 7(2) of the Karnataka Lokayukta Act, 1984 on the basis of the material placed by the Police Inspector, Karnataka Lokayukta, Bengaluru in the matter of alleged demand and acceptance of bribe by DGO-1 and 2 from the complainant.*

*The complainant appeared before the Lokayukta Police Station, Bengaluru city division, Bengaluru on 24/12/2005 and gave a written complaint stating that, since the complainant was willing to construct a house in his site No. 146, measuring 20x30, J.P. Nagar, 8<sup>th</sup> Phase, Bengaluru city, he submitted an application to the BDA on 05/12/2005. Further, on 15/12/2005, the complainant approached the Work Inspector Sri Venkataiah and enquired about the status of his application, at that time the DGO-2 demanded a bribe of Rs.3,000/-. Since the complainant was not willing to give the bribe amount as*

*demanded by the DGO-2, complainant filed a complaint before Lokayukta Police, Bengaluru City on 24/12/2005 and accordingly, case was registered under Cr. No. 55/2005 against the DGO u/sec. 7, 13(1) (d) r/w 13(2) of the Prevention of Corruption Act 1988 and submitted FIR to the concerned court.*

*Thereafter, the Investigating Officer secured two pancha witnesses by name (1) Sri H.V. Srinivasa, SDA, O/o Commissioner of Social Welfare, M.S. Building, Bengaluru (2) Sri K.V. Prasannakumar, SDA, O/o Commissioner of Transport, M.S. Building, Bengaluru and after following pre-trap formalities, prepared the entrustment mahazar and trap was laid and on 24/12/2005, the trap party along with the complainant went to DGOs office. The complainant along with panch witness H.V. Srinivas approached Sri Lakshmi Narasimhaiah and enquired about Sri Venkataiah and it was informed that Sri Venkataiah was on leave on 23/12/2005 and 24/12/2005. The complainant after coming to know that Sri Venkataiah was on leave, approached DGO-2 Sri Puttachannappa and explained to him that Sri Venkataiah demanded Rs. 3,000/- for doing his work etc., after hearing this, the DGO-2 demanded to pay the said bribe money of Rs. 3,000/- brought by him and when complainant offered money, DGO-2 directed DGO-1 to receive the bribe money and the DGO-1 was caught red handed while accepting bribe of Rs. 3,000/- as per the directions of the DGO-2 Sri Puttachannappa, from the complainant. Thereafter, the required post-trap*



*formalities were conducted by the I.O., and the bribe money was also recovered from the DGO-1 and mahazar was drawn. During investigation the Investigating officer has recorded the statement of the witnesses besides receiving explanation of DGOs and sent the seized articles to the Chemical Examiner and obtained his report, which supports the case against the DGOs. After conclusion of the investigation, I.O. filed his final report. On receipt of the final report of I.O. this authority issued notice to the DGOs calling upon him to furnish their comments in this regard. The DGOs have submitted their explanation denying the allegations and pleading their ignorance.*

*The explanation offered by the DGOs were not convincing and not acceptable. On examination of the materials placed on record coupled with the unsatisfactory explanation offered by the DGOs, this authority found that there is prima facie case to initiate disciplinary proceedings against the DGOs for the misconduct committed by them consequently, a report u/sec. 12(3) of Karnataka Lokayukta Act was sent to the Government and requested to entrust the Departmental Inquiry to this authority. Government ordered for Departmental Inquiry which was entrusted to Hon'ble Upalokayukta vide No. UDD 138 BDS 2007 dated: 01/01/2010 and in pursuance of which Hon'ble Upalokayukta nominated this Authority to enquire into the matter. Hence, the charge.*

5. DGO Nos. 1 and 2 appeared before this Inquiry Authority on 15/12/2010 and on the same day their First Oral statements was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO Nos. 1 and 2 pleaded not guilty and claims to hold an inquiry.

6. DGO No.1 has filed his written statement as follows:-

DGO No.1 has never failed in discharging his official duties as per the prescribed rules and regulations. No work of the complainant was pending with him on the date of the trap. The DGO No.1 neither demanded nor accepted any illegal gratification and he never met the complainant at any point of time and he has not even demanded any illegal gratification on 24/12/2005. DGO No.1 is working as Goorkha/watchman in the office of the BDA, Bengaluru and he was incompetent to show any official favour to the complainant. No complaint is lodged against the DGO No.1 in the Lokayukta police station. DGO No.1 was not at all present when the alleged transaction took place between the DGO No.2 and the complainant which clearly shows that there was no motive or intention on the part of the DGO No.1. DGO No.1 was not even knowing fluent Kannada language and at no point of time the complainant met him. DGO No.1 was forced to touch the currency notes and he has never demanded or received the bribe from the complainant on the say of DGO No.2. Hence, he prays to exonerate him from the charges leveled against him in this case.

7. DGO No.2 has filed his written statement as follows:-

DGO No.2 has filed his statement of objections on 15/12/2010 contending that the complainant has not filed the complaint against the DGO No.2 before the Lokayukta police. DGO No.2 at no point of time demanded or accepted any illegal gratification from the complainant to show official favour. The trap mahazar is concocted one and it is contrary to law. DGO No.2 denies the charges made against him. The DGO No.2 on 26/08/2014 filed his written statement as follows:

8. No work of the complainant was pending before the DGO No.2 on 24/12/2005. DGO No.2 neither demanded nor accepted any illegal gratification and he had never met the complainant at any point of time. DGO No.2 was only the SDA in BDA, Bengaluru no complaint was lodged against him before the Karnataka Lokayukta police. It is false to state that DGO No.2 demanded the bribe and asked the complainant to give the same to DGO No.1. The complainant has filed several false cases against the Government servants. The complaint has been filed against one Sri Venkataiah, the complainant when he came to know that the said Sri Venkataiah is on leave forced DGO No.2 to do his work which was ignored by DGO No.2. The complainant forced him to receive the money. But he refused and he immediately gave it to DGO No.1 who was also not at all aware of any facts. After sometime some people caught hold of DGO No.1 and introduced themselves as Lokayukta police. The DGO No.2 has also given his written explanation before Lokayukta police. He has not demanded nor received any illegal gratification from the complainant.

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

9. In order to substantiate the charge leveled against the DGOs, 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 was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGOs have not examined themselves or any witnesses on their behalf. Thereafter, questioning of the DGOs is recorded as required u/Rule 11(18) of KCS (CC&A) Rules, 1957.

10. The Disciplinary Authority has not filed any written brief, but DGO Nos.1 and 2 have submitted their written brief separately. Oral arguments of the P.O. and DGOs was heard.

11. Upon consideration of the oral and documentary evidence placed on record, the defence of DGO Nos.1 and 2 the only points, that arises for the consideration of this inquiry authority is:-

1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGOs?

2) What order?

12. 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 ::**

13. **Point NO.1:** It is the case of the Disciplinary Authority that, on 24/12/2005 at Banashankari BDA complex, 1<sup>st</sup> floor, the DGO No.1 while working as Goorkha/watchman and DGO No.2 while working as SDA in BDA, Bengaluru and DGO No.2 demanded illegal gratification amount of Rs. 3,000/- from the complainant for approval of plan for construction of house in his site No. 146, J.P. Nagar, Bengaluru and directed to pay the same to DGO No.1 and DGO No.1 knowing that it is illegal gratification received the same from the complainant on behalf of DGO No.2 and thereby DGO Nos.1 and 2 have committed misconduct.

14. By going through the records and the evidence adduced it is not in dispute that at the relevant point of time DGO No.1 was working as Goorkha/Watchman and DGO No.2 was working as SDA in BDA Office, Banashankari, Bengaluru and the complainant-Sri N. Jagadish had submitted plan for approval regarding the construction of house in his site No. 146, J.P. Nagar, Bengaluru.

15. The complainant has been examined as PW1 and copy of the complaint lodged by him before the Lokayukta police station is at Ex.P1. The gist of Ex.P1 is to the effect that he has been sanctioned with the site bearing No. 146 measuring 20'x30' situated in 1<sup>st</sup> Block, J.P. Nagar, from BDA and the khatha of the same stands in his name and he had submitted the plan to construct a residential house in the same along with necessary documents and also paid the prescribed fee in the bank on 05/12/2005. On 15/12/2005 he visited

Banashankari BDA office in that connection and met one Sri Venkataiah who was looking after his file and enquired him and he demanded the bribe amount of Rs. 3,000/- for giving the approved plan and when the complainant expressed his inability to pay the amount, the said Sri Venkataiah told that without the payment of the said amount the work of the complainant cannot be done and hence the complaint is lodged and the complaint has been lodged on 24/12/2005 at 12.35 p.m.

16. PW1 has deposed that on 05/12/2005 he gave the application with all necessary documents to get the approved plan to construct the house in his site stated above. He has deposed that on 15/12/2005 he met the work inspector by name Sri Venkataiah and requested for sanction of the plan and the said Sri Venkataiah demanded the bribe of Rs. 3,000/-. He was not willing to give the bribe amount and he lodged the complaint on 24/12/2005 and the copy of his complaint is at Ex.P1. He has deposed that on the same day the police inspector secured two panchas by name Sri H.V. Srinivasa and Sri K.V. Prasanna kumar and introduced them to him. He has deposed that he told the panchas about the complaint given by him. He has deposed that as per the instructions of Police Inspector he produced Rs. 3,000/- (6x500) and panchas noted down the value and serial numbers of the notes in a paper and copy of the same is at Ex.P2. He has deposed that phenolphthalein powder was smeared to the notes and through one of the pancha witness, those notes were kept in his shirt pocket and afterwards the hands of that pancha witness when washed in the sodium

carbonate solution, that solution turned to pink colour. He has deposed that the entrustment mahazar was drawn and the copy of the same is at Ex.P3. He has deposed that Ex.P4 are the xerox copies of the photos taken at the time of the entrustment mahazar. He has deposed that the Police Inspector instructed him that he should approach the above said Sri Venkataiah and request for his work and if he demands for the bribe amount the tainted currency notes kept in his shirt pocket has to be given and afterwards he has to give the signal by cleaning his face with his hand kerchief and one of the pancha witness by name Sri Srinivasa will accompany him. Thus PW1 has deposed about all the averments mentioned in the entrustment mahazar. PW1 has further deposed that himself, the panchas, police inspector and his staff left Lokayukta police station at 2.30 p.m. and went to Banashankari BDA complex and the vehicles were stopped at a distance of about 500'. He has deposed that himself and Sri Srinivasa were sent inside the BDA office. He has deposed that the above said Venkataiah was not in the office and DGO No.2 by name Sri B.N. Puttachennappa, was in the office and he enquired Sri Puttachennappa and came to know that Sri Venkataiah is on leave and hence he came outside and DGO No.2 followed him and asked him what is the matter for which he told that Sri Venkataiah had demanded for the amount of Rs. 3,000/- and he has brought the same for which DGO No.2 told him to give the amount to him. He has further deposed that DGO No.2 took him near the toilet and also brought DGO No.1 who was there and asked him to give the amount to DGO No.1 and accordingly he gave the amount of Rs. 3,000/- (tainted currency notes) to DGO No.1

and it was 3.45 p.m. at that time. He has deposed that afterwards he gave the signal by cleaning his face with his hand kerchief and immediately the police inspector and his staff came to that place and got caught hold of DGO NO.1 and took him inside the office and the hands of the DGO No.1 were washed separately in the sodium carbonate solutions and those solutions turned to pink colour. He has deposed that at that time the photos were also taken. He has also deposed that the tainted currency notes were in the hands of DGO No.1 and his file was secured and certified copies of the same were prepared and seized. He has deposed that, the copies of the same are at Ex.P5 (20 sheets). He has deposed that, DGO No.2 gave his explanation in writing and the copy of the same is at Ex.P6 and DGO No.1 told that he is not capable of writing and hence his explanation was not taken in writing. He has deposed that the photos were taken at the time of the trap mahazar and the copies of the same are at Ex.P7 and Ex.P8 is the copy of the trap mahazar.

17. Ex.P5 consists of copies of the documents of title of PW1 in respect of site No. 146 and also the copy of his application for the grant of licence to construct the house in the same. Even in the Trap Mahazar-Ex.P8 it is mentioned that the tainted currency notes were in the hands of the DGO No.1 and he produced the same.

18. PW1 in his dross-examination has deposed that in the complaint he has not made any allegations against the DGO Nos.1 and 2. No doubt in the complaint it is stated that the case worker Sri Venktaiah demanded the bribe amount of Rs. 3,000/-. PW1 also admits that his work was not pending with



DGO Nos.1 and 2. PW1 has clearly deposed that on 24/12/2005 when himself and shadow witness went to the BDA office, Banashankari, Sri Venktaiah was on leave and DGO No.2 himself enquired PW1 as to why he has come to the BDA office and PW1 told that he had come to give the amount of Rs. 3,000/- demanded by Sri Venaktaiah for which the DGO No.2 asked him to give amount to him and took him near the toilet and asked him to give the amount to the hands of DGO No.1 and accordingly he gave the tainted currency notes to DGO No.1. Hence, it has to be said that DGO No.2 knowing that the amount of Rs. 3,000/- is the illegal gratification amount that was demanded by the case worker Sri Venkataiah from PW1 received the same from PW1 through DGO No.2. In his cross-examination he has deposed that his file was seized from the chamber of the above said Sri Venktaiah and nothing is made out in the cross-examination to show why PW1 has deposed falsely against the DGO Nos.1 and 2. PW1 has deposed that he has filed totally 7 complaints against the public servants but on that ground his evidence cannot be discarded when there is no ill-will between PW1 and the DGOs and the work of PW1 was pending as on the date of trap.

19. PW2 is the shadow witness-Sri H.V. Srinivas and he has deposed that as per the instructions of his higher officer on 24/12/2005 he had gone to the Lokayukta police station and reported before PW3. He has deposed that one Sri Prasanna kumar also reported before PW3 as another pancha witness. He has deposed that PW3 introduced them to the complainant (PW1) and also informed them about the complaint given by

PW1. He has deposed that he read the complaint given by PW1. He has deposed that PW1 produced the amount of Rs. 3,000/- (Rs.500x6) and the value and the number of those notes were noted and the copy of the same is at Ex.P2. He has deposed about all the averments made in the entrustment mahazar which is at Ex.P3. He has deposed that the copies of the photographs taken at the time of the entrustment mahazar are at Ex.P4. PW2 has given his evidence as per the averments made in the entrustment mahazar.

20. PW2 has further deposed that after the entrustment mahazar they left Lokayukta police station and went to BDA complex situated in Banashankari by about 3 p.m. He has deposed that PW1 and himself went to BDA office situated in the first floor and another panha and PW3 and his staff were waiting outside the office. PW1 tried to meet Sri Venkataiah and came to know that Sri Venkataiah is on leave on that day and DGO No.2 who was present in the office enquired PW1 as to why he has come in such of Sri Venkataiah and PW1 told that he has given the application for building licence and in that respect he has come to give the amount of Rs. 3,000/- to Sri Venkataiah. He has further deposed that afterwards PW1 and himself were coming out of the office and DGO No.2 again called PW1 to give the amount to him and that he will give the same to Sri Venkataiah and see that the licence is given to PW1 and to come after one week. He has deposed that afterwards PW1 gave the tainted currency notes to DGO No.2. But DGO No.2 did not receive the amount and told PW1 to give the amount to DGO No.1, who was present near the toilet and hence PW1 gave the tainted currency notes to DGO No.1

and DGO No.2 told PW1 to come after one week. He has deposed that afterwards PW1 gave the signal and immediately PW3 and his staff and another pancha witness came there and PW1 showed the DGO Nos.1 and 2 and told that he has given the amount. He has deposed that the tainted currency notes were in the possession of DGO No.1 and the same was seized. He has deposed that the hands of DGO No.1 were washed in sodium carbonate solution separately and both the solutions turned to pink colour. He has deposed that when the hands of DGO No.2 was washed in the solution, there were no change in the colour. He has deposed that DGO No.2 gave his explanation in writing and the copy of the same is at Ex.P6. He has deposed that he told PW3 that the explanation given by DGO No.2 as per Ex.P6 is false. He has deposed that Ex.P7 are the copies of photographs taken at the time of the trap mahazar. Ex.P8 is the copy of the trap mahazar. He has also deposed that when DGO No.1 was asked to give his explanation DGO No.1 told that he does not know writing and told that he has received the amount from PW1.

21. PW2 in his cross-examination has deposed that he has acted as pancha witness in 4 to 5 cases of Lokayukta police. But I feel on that ground only his evidence stated above cannot be discarded. Nothing is made out in his cross-examination as to why he has deposed falsely against the DGO Nos.1 and 2.

22. PW3 is Sri V. Shekhar, and he has deposed that from 25/10/2005 to September 2011 he has worked as Inspector and afterwards as Dy.S.P., in Karnataka Lokayukta, Bengaluru Division. He has deposed that on 24/12/2005 at

12.35 p.m. PW1 came to the police station and gave the complaint and the copy of the same is at Ex.P1 and he has deposed about the gist of the complaint (Ex.P1) also. He has deposed that he registered the case on the basis of the Ex.P1 and sent the FIR to the court and copy of the FIR is at Ex.P10. He has deposed that in Ex.P1 the shara of the Dy.S.P., is at Ex.P1(a) and his shara is at Ex.P1(b). He has deposed that after the shara of Dy.S.P., stated above he registered the case. PW3 has deposed about securing two panchas and introducing them to PW1. He has deposed that panchas were also made known about the averments made in the complaint. He has deposed about PW1 producing the amount of Rs. 3,000/-. He has deposed that Ex.P2 is the copy of the sheet on which the denomination and numbers of the notes were noted. He has deposed that after the entrustment mahazar, himself, panchas and staff washed their hands with clean water. He has deposed that Ex.P4 are the copies of the photographs that were taken at the time of the entrustment mahazar.

23. PW3 has further deposed that on that day at 2.30 p.m. they left the Lokayukta police station and reached BDA office, Banashankari at about 3 p.m. He has deposed that PW1 and PW2 were sent inside the office by reminding them the instructions that were given to them at the time of the entrustment mahazar. He has deposed that at 3.45 p.m. PW1 came to the varanda and gave the pre-arranged signal and immediately himself and his staff and another pancha witness went there and PW1 showed two persons who were standing near him and told that one of them namely DGO No.2 asked for the bribe amount and instructed him to give the amount to

the DGO No.1 and accordingly he has given amount to DGO No.1. He has deposed that at that time DGO No.1 was still holding the tainted currency notes in his hand. He has further deposed that the hands of DGO No.1 were washed separately in sodium carbonate solution and those solution turned to pink colour. He has deposed that when the hands of the DGO No.2 were washed separately in the solution there was no change in the colour of the solution. He has deposed that the right hand of PW1 was washed in the solution and that solution turned to pink colour. He has deposed that when he enquired the DGO No.2 about the file of PW1, DGO No.2 produced the file of PW1 from one of the office almirah. He has deposed that certified copies of that file was prepared and seized. He has deposed that the certified copy of the attendance register of that day was also seized and the copy of the same is at Ex.P9. He has deposed that he asked PW1 as to what happened in the office and PW1 told that he enquired DGO No.2 about Sri Venktaiah and came to know that he is on leave and DGO No.2 also asked PW1 has to why he has come in search of Sri Venktaiah and PW1 told that he has come to give the bribe amount of Rs. 3,000/- to Sri Venktaiah to obtain the approved plan and at that time DGO No.1 was also with DGO No.2 and DGO Nos.1 and 2 and PW1 came outside the office and DGO No.2 told PW1 that if the amount is given to him it will be given to Sri Venktaiah and when PW1 went to give the amount to DGO No.2, DGO No.2 asked PW1 to give the amount to DGO No.1 and accordingly PW1 gave the amount to DGO No.1. He has deposed that PW2 also told in the same manner as to what happened after PW1 and PW2 went inside the office. PW3 has further deposed that the copy

of the trap mahazar is at Ex.P8 and the copies of the photographs taken at the time of the trap mahazr are at Ex.P7. He has deposed that Ex.P5 are the copies of the file of the complainant. He has deposed that he sent the seized articles to FSL and received the report from the FSL and copy of the FSL report is at Ex.P12. In his cross-examination he has deposed that after PW1 and PW2 were sent inside the BDA office, Banashankari PW1 did not return back and told him that Sri Venkataiah is on leave and what he has to do. He has denied the suggestion of the learned counsel for the DGOs to the effect that only to save Sri Venkataiah a false charge sheet has been filed against the DGO Nos.1 and 2. He has deposed that he has not recorded the statement of Sri Venkataiah. But on that ground only the case of the Disciplinary Authority cannot be disbelieved. He has deposed that Ex.P6 is the copy of the copy of the explanation given by DGO NO.2. In Ex.P6 DGO No.2 has stated that in respect of site NO. 146 the plan was given for approval and in view of the engineer on leave the plan was with him and DGO No.1 by stating that he will get the plan sanctioned received Rs. 3,000/- from PW1 and that he has not told DGO No.1 to receive the above said amount. It is pertinent to note that PW1 and PW2 have clearly deposed that DGO No.2 asked PW1 to give the amount to Rs. 3,000/- to DGO No.1. In Ex.P6 DGO No.2 admits that DGO No.1 had received the amount of Rs. 3,000/- from PW1 by telling that plan of PW1 will be approved, which also supports the case of the disciplinary authority. Nothing is made out in the cross-examination of PW3 to discard his evidence stated above. Even in the questioning of DGO Nos.1 and 2, under Rule 11(18) of KCS (CCA) Rules 1957 no explanation is given by DGO Nos.1

and 2 as to why PW1 to PW3 have deposed falsely against them in case their evidence was false. As stated above, PW1 and PW2 have clearly deposed that DGO No.2 asked PW1 to give the amount and that it will be given to Sri Venktaiah and also asked PW1 to give the amount to the hands of the DGO No.1. Hence, it has to be said that DGO No.2 knowing fully well that the amount which PW1 had brought on that day for giving to Sri Venktaiah was the bribe amount asked PW1 to give the same to him and that it will be given to Sri Venktaiah and the work of PW1 will be done. Like wise DGO No.1 has also received the above said amount knowing it to be the bribe amount only as per the instructions of DGO No.2. Hence, even though as per the complaint DGO Nos.1 and 2 have not demanded for the bribe amount from PW1 at the time of the trap DGO No.2 has demanded PW1 to give the bribe amount and DGO No.1 has received the same as per the instructions of DGO No.2 knowing the same to be the bribe amount or having reasons to believe that it is the illegal gratification only. It is also not the case of the DGO No.1 that he received the amount of Rs. 3,000/- from PW1 without knowing that it is the illegal gratification.

24. Thus the DGOs have failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servants. Hence, I answer above point in the **AFFIRMATIVE**.

**25. Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge against, DGO No.1-Sri Raj Bahaddur, Goorkha Watchman, DGO No.2- Sri B.N. Puttachennappa, Second Division Assistant, Bengaluru Development Authority, Bengaluru (**Now retired**)*

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

Dated this the 23<sup>rd</sup> day of January, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

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

PW-1: Sri N. Jagadeesh (complainant)  
PW-2: Sri H.V. Srinivas (shadow pancha witness)  
PW-3: Sri V. Shekhar (I.O.)

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

NIL

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

Ex.P-1: Certified copy of the complaint  
Ex.P-1(a,b): Relevant entries in Ex.P1  
Ex.P-2: Certified copy of the notes numbers and denomination mentioned sheet



- Ex.P-3: Certified copy of the entrustment mahazar  
Ex.P-4: Certified copy of the xerox photos on the white sheet at the time of the entrustment mahazar  
Ex.P-5: Certified copy of the file of the complainant containing 20 sheets  
Ex.P-6: Certified copy of the explanation of DGO  
Ex.P-7: Certified copy of the xerox photos on the white sheet at the time of the trap mahazar  
Ex.P-8: Certified copy of the trap mahazar  
Ex.P-9: Certified copy of the attendance register  
Ex.P-10: Certified copy of the FIR  
Ex.P-11: Certified copy of the dispatch register  
Ex.P-12: Certified copy of the chemical examination report  
Ex.P-13: Certified copy of the letter of A.E.E., No. 9 Building Division, Bengaluru dated; 25/02/2006 addressed to P.I. Karnataka Lokayukta City Division, Bengaluru with certified copy of the sketch  
Ex.P-14: Certified copy of the letter of A.E.E., Planning 1<sup>st</sup> Sub-Division (South), BDA, Bengaluru addressed to P.I. , Karnataka Lokayukta City Division, Bengaluru with certified copy of the C.L. requisition dated; 23/12/2005  
Ex.P-15: Certified copy of the letter of Commissioner, BDA, Bengaluru dated: 07/02/2006 addressed to P.I., KLA, Bengaluru with certified copy of the enclosures

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

NIL

Dated this the 23<sup>rd</sup> day of January, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

