



KARNATAKA LOKAYUKTA

No. Lok/INQ/14-A/147/2013/ARE-3

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.3.1.2020.

RECOMMENDATION

Sub: Departmental Enquiry against Sri. K.Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere (presently working at 110 KV Station, KPTCL Kondenalu, Hassan District)-reg.

- Ref: 1. Govt. Order No. ಕವಿಪ್ರನಿ/ಬಿ21/32340/2012-13, Bengaluru, dated 11.3.2013.
2. Nomination Order No. Lok/INQ/14-A/147/2013 of Hon'ble Upalokayukta-2, Bengaluru, dated 20.3.2013.
3. Report of ARE-3, KLA, Bengaluru, dated 31.12.2019.

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Government, by order dt. 11.3.2013, initiated the disciplinary proceedings against Sri. K.Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere [hereinafter referred to as the Delinquent Government Official, for short 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution, by Nomination Order dated 20.3.2013 nominated Additional Registrar of Enquiries-3 Karnataka Lokayukta, Bengaluru, to conduct departmental inquiry against the DGO for the alleged misconduct said to have been committed by him.

3. The charge framed against the DGO, Sri. K.Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere, is as follows;

"That you DGO Sri K. Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere (presently working at 110 KV station, KPTCL, Kondenalu, Hassan) demanded and accepted a bribe of Rs. 700/- on 23/12/2008 from complainant Sri Siddamallappa S/o

Mallappa R/o Malladevihalli Village, Arasikere Taluk, Hassan District for submitting work order to install good condition transformer of more capacity in place of old transformer that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Board Employee and thus you are guilty of misconduct under Rule 3 (1) of Karnataka Electricity Board Employees (Conduct) Regulations 1988.

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, 'the Disciplinary Authority has 'proved' (demand and acceptance of bribe) the charge levelled against the DGO Sri. K.Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere.'
5. On re-consideration of report of inquiry and all the records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.
6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO - Sri K. Manjunath, is due for retirement on 30.9.2032.
7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against DGO - Sri. K. Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere. and on consideration of the totality of circumstances-, 'it is hereby recommended to the Government to impose penalty of compulsory retirement from service to DGO - Sri.K.Manjunath'.
8. Action taken in the matter shall be intimated to this Authority.  
Connected records are enclosed herewith.

*Kalyan-4-1-20*  
**(JUSTICE B.S.PATIL)**  
Upalokayukta-2,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/147/2013/ARE-3

M.S.Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru - 560001.

Date: 31.12.2019

**Enquiry report**Present: Sri.S. Renuka Prasad  
Additional Registrar Enquiries-3

Sub: Departmental Enquiry against Sri K. Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere, Hassan District - reg

- Ref:
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/MYS/408/2010/DRE-1 dated 8.2.2013
  2. Order No. KPTCL/B21/32340/2012-13 dated 11.3.2013
  3. Nomination Order No.LOK/INQ/14-A/147/2013 dated 20.3.2013 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

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1. One Sri Siddamallappa S/o Mallappa R/o Malladevihalli Village, Arasikere Taluk, Hassan District (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Hassan on 22.12.2008 against Sri K. Manjunath, Junior Engineer (E), Haranahalli Branch, CHESCOM, Arasikere, Hassan District (hereinafter referred to as 'DGO' for short) making allegations against him that, he/DGO having demanded bribe of Rs. 1000/- from him received Rs. 300/- by way of part payment and insisting him to pay the balance of Rs. 700/- in order to prepare estimate and to issue work order, to replace the burnt transformer and for installing a new transformer in the place of the burnt transformer.

2. On registering a case on the basis of the said complaint, a trap was held on 23.12.2008 in the branch office of CHESCOM Haranahalli of Arasikere Taluk wherein, the DGO having demanded bribe from the complainant, received Rs.700/- from the complainant by way of balance of bribe amount. The tainted money of Rs. 700/- was recovered from the right side pant pocket of the DGO during the trap proceedings. Since it was revealed during the investigation that, the DGO having demanded bribe from the complainant received the bribe amount of Rs. 700/-, in order to do an official act i.e., in order to prepare estimate and to issue work order to replace the burnt transformer at Malladevanahalli village, by installing a new transformer in the place of the burnt transformer, the Police Inspector, having conducted investigation, filed charge sheet against the DGO.
3. The ADGP, Karnataka Lokayukta, Bengaluru has forwarded the copy of the charge sheet to the Hon'ble Upalokayukta. On the basis of the materials collected during investigation and materials placed before this authority, an investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act. An observation note was served on the DGO providing him an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against him. DGO has submitted his reply dated 4.6.2011 denying the allegations made against him contending that, he never demanded or received any money by way of bribe from the complainant, and he has been falsely implicated. Except denying the allegations made against him in the observation note, he has not taken up any specific defence contention in respect of the allegations made against him, regarding demand and acceptance of bribe to do an official act. Hence the defence of the DGO is one of total denial.

4. Since the explanation offered by the DGO was not satisfactory, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority, recommending to initiate disciplinary enquiry against the DGO and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, i.e., Director, (Administration & Human Resources), KPTCL, Bengaluru vide order No. KPTCL/B21/32340/2012-13 dated 11.3.2013 initiated disciplinary proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against the DGO, the Hon'ble Upalokayukta issued a nomination order dated 20.3.2013 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges were framed by the then ARE-3 against the DGO as under.

“Charge:

That you DGO Sri K. Manjunath, Junior Engineer (E), Haranahalli Branch, CESC, Arasikere (presently working at 110 KV station, KPTCL, Kondenalu, Hassan) demanded and accepted a bribe of Rs. 700/- on 23/12/2008 from complainant Sri Siddamallappa S/o Mallappa R/o Malladevihalli Village, Arasikere Taluk, Hassan District for submitting work order to install good condition transformer of more capacity in place of old transformer that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Board Employee and thus you are guilty of misconduct under Rule 3 (1) of Karnataka Electricity Board Employees (Conduct) Regulations 1988.

**STATEMENT OF IMPUTATION OF MISCONDUCT:**

The complainant Sri Siddamallappa S/o Mallappa R/o Malladevihalli Village, Arasikere Taluk, Hassan District filed a complaint on 22/12/2008 before the Police Inspector, Karnataka Lokayukta, Hassan alleging that in their village consisting of 100 to 150 houses, they have about 13 bore wells and for all those bore wells, they had only one transformer of 63 K.V. but the same was not working due to some problem. So they had no electricity supply to their house as well as to their agriculture. In that connection, on behalf of the villagers, he met the DGO on 19/12/2008 and requested to install another good condition transformer of more capacity in place of that of old transformer. For that the DGO demanded Rs. 1000/- to submit work order and took Rs. 300/- asking to pay remaining bribe of Rs. 700/- . DGO further insisted that if the said amount is not paid new T.C. will not be recommended till the payment of arrears of villagers' pump sets and on account of that crops were drying and villagers were not getting drinking water.

As the complainant was not willing to pay any bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta Hassan on 22/12/2008 and lodged a complaint. On the basis of the same a case was registered in Hassan Lokayukta Police Station Cr. No. 13/2008 for offences punishable under sections 7, 13(1) (d) r/w section 13(2) of the P.C. Act, 1988 and FIR was submitted to the concerned learned special judge.

After registering the case, investigating officer observed all the pre trap formalities and entrustment mahazar was conducted the DGO was trapped on 22/12/2008 by the Investigating Officer after demanding and accepting the bribe amount of Rs. 700/- from the complainant in the presence of shadow witness and the said bribe amount which DGO had received from the complainant was seized under the seizure mahazar after following the required post trap formalities. During the investigation the I.O has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.

The materials collected by the I.O. during the investigation prima facie disclose that the DGO, demanded and accepted bribe of Rs. 700/- from the complainant on 23/12/2008 for doing an official act i.e., submitting work order to install good condition transformer of more capacity in place of old transformer. Thus you, the DGO, have failed to maintain absolute integrity and devotion to duty and this act on your part is unbecoming of a Government servant. Hence, you have committed an act which amounted to misconduct as stated under Rule 3 (1) Karnataka Electricity Board Employees (Conduct) Regulations 1988.

In this connection an observation note was sent to the DGO and DGO has submitted his reply which, after due consideration, was found not acceptable. Therefore, a recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta, Act 1984, to initiate Departmental Proceedings against

the DGO. The Board after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct disciplinary proceedings against you, the DGO and to submit report. Hence the charge."

5. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO has appeared before this authority and First Oral Statement of the DGO was recorded. DGO has denied the charges framed against him. He has engaged the services of an Advocate, to appear on his behalf and to defend him, in this enquiry.
6. DGO has filed his written statement on 2.8.2013 denying the charges and imputations made against him claiming that, he is innocent and he never demanded or received any bribe or illegal gratification from the complainant and he has been falsely implicated. He has questioned the very authority of the Hon'ble Upalokayukta in taking up investigation under Section 9 of Karnataka Lokayukta Act contending that, the order issued under Section 12(3) of Karnataka Lokayukta Act and the order of the Competent authority initiating disciplinary proceedings against him are not legal and no such power have been vested on the respective authorities. Except denying the allegations made against him in the AOC and questioning the authority to initiate disciplinary proceedings against him, he has not taken up any specific defence contention to substantiate his innocence and taking up such contention, he has requested this authority to absolve him from the charges levelled against him.
7. During enquiry, 3 witnesses have been examined as PW1 to PW3 and 13 documents came to be marked as Ex-P1 to Ex-P13 on behalf



of the disciplinary authority. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGO was recorded. Since DGO desired to lead defence evidence, permission was granted to him accordingly. DGO has examined one Sri T.C. Manjunath, Assistant Executive Engineer as DW-1 and examined himself as DW-2 in support of his defence. 5 documents came to be marked as Ex-D1 and Ex-D5 in support of the defense of the DGO, during his defence evidence.

8. Thereafter, the learned Presenting Officer and the learned counsel for DGO have filed their written arguments. Thereafter, this matter is taken up for consideration.

9. The points that would arise for my consideration are:

**Point No.1:** Whether the charge framed against the DGO is proved by the Disciplinary Authority?

**Point No.2:** What order?

10. The above points are answered as under:

**Point No.1:** In the 'Affirmative'

**Point No.2:** As per Conclusion.

### REASONS

**Point No.1:-**

11. DGO was working as Junior Engineer (E) at Haranahalli Branch of CHESCOM, Arasikere Taluk of Hassan District, during the relevant period.

12. The complainant in his complaint has narrated in detail the circumstances under which he has filed the said complaint against

the DGO. According to him, a transformer was installed in his village Malladevihalli for supply of electricity to 100 to 150 houses and also 13 borewells in their village. The said transformer since burnt, there was no electricity supply to the entire village and also to the borewells as a result of which the villagers were facing problem due to non supply of electricity to their houses and the borewells. Hence, an application was filed to the CHESCOM office requesting for installation of a new transformer in the place of the burnt transformer and the said application was forwarded to Haranahalli Sub-Division office for preparation of estimate and it was pending with the DGO. In connection with the said application, the Complainant met the DGO on behalf of the villagers and requested him to prepare the estimate and to issue work order in order to replace the burnt transformer with a new transformer as the villagers are suffering due to non supply of electricity to their village. It is the allegation of the Complainant that, DGO had demanded him to pay Rs. 1000/- by way of bribe in order to prepare estimate and sending the estimate for approval and for issue of work order, and received Rs. 300/- by way of part payment insisting the Complainant to pay the balance of Rs. 700/- telling him that, only on payment of the balance of demanded amount he would send the estimate for approval and issue work order. Since the complainant was not willing to pay any bribe to the DGO, he has approached the Police Inspector, Karnataka Lokayukta, Hassan on 22.12.2008 and filed a written complaint as per Ex-P1.

13. On the basis of the complaint so filed by the complainant on 22.12.2008 the Police Inspector, Karnataka Lokayukta, Hassan, has registered a case in Cr. No. 13/2008 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.

14. An entrustment proceedings was conducted in the Lokayukta Police Station, Hassan on 23.12.2008 in the presence of two panch witnesses viz., Sri.Subramanya, SDA and Sri.Rangaswamy, FDA from the office of the BEO, Hassan and in the said proceedings, the bait money of Rs. 700/- consisting of 7 currency notes of Rs.100/- denomination each given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking him to give that money to the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri.Rangaswamy was entrusted with the task of a shadow witness. The Complainant was entrusted with a micro tape recorder asking him to switch on the same when he meets the DGO and to record the conversation with him while paying money to him.
15. The complainant and shadow witness were taken to the O/o DGO and sent them to meet the DGO in the CHESCOM Sub-division office, Haranahalli. When the complainant accompanied with the shadow witness met the DGO at about 10am. and enquired him about the work of replacing the burnt transformer with a new transformer, DGO enquired him/Complainant as to whether he has brought the balance of the demanded amount. The Complainant on taking out the tainted notes of Rs. 700/- from his shirt pocket gave that money to the DGO. DGO having received that money from the Complainant with his right hand, kept that money in the right side pocket of his pant. Thereafter, the Complainant came out of the said office and gave pre-arranged signal to the Police Inspector.
16. On receiving the signal from the complainant, Police Inspector and his staff and another panch witness approached the complainant. The complainant took them inside the office of the DGO and showed

the DGO stating that, he is the concerned Junior Engineer and he has received money from him.

17. The Police Inspector introduced himself to the DGO and informed him/DGO about the registration of a case against him. On enquiry, DGO disclosed his name as K. Manjunath, Junior Engineer (E), Haranahalli Branch, CHESCOM, Arasikere Taluk, Hassan District.
18. Thereafter, the Police Inspector got prepared Sodium carbonate solution in two separate bowls and asked the DGO to wash his both hand fingers separately in those two bowls containing solution. When DGO dipped his right hand fingers and left hand fingers separately in those two bowls containing sodium carbonate solution, the colorless solution in the bowl in which DGO washed his right hand fingers turned into pink color but, there was no change in the colour of the solution in which DGO washed his left hand fingers. The coloured solution of the right hand wash and unchanged coloured solution of the left hand wash of the DGO were collected in two separate bottles and sealed and seized the same
19. The Police Inspector asked the DGO about the money he has received from the complainant. DGO told the Police Inspector that, the money is available in his right side pant pocket. As per the instructions of the Police inspector, panch witness Sri Rangaswamy having searched the right side pant pocket of the DGO, took out the currency notes from the right side pant pocket of the DGO and produced the same before Police Inspector. Those notes were cross checked with reference to its serial numbers and confirmed that, those were the notes entrusted to the complainant during entrustment proceedings. Those notes were kept in a separate cover and sealed the same.

20. On providing an alternate pant, the pant worn by the DGO was got removed and the right side pocket portion of the pant, was dipped in a separate bowl containing sodium carbonate solution and on such dipping, the colourless solution turned into pink colour. The said pink colored solution was collected separately in a bottle and sealed the same and seized along with the pant of DGO.
21. The DGO was asked to give his written explanation regarding recovery of tainted notes from his possession. DGO gave his explanation in writing as per Ex P6. The complainant and shadow witness have denied the correctness of the version of the explanation given by the DGO claiming it as false and incorrect.
22. DGO was asked to produce the relevant file pertaining to the application filed by the villagers of Malladevihalli requesting for replacement of burnt transformer with a new transformer and other documents pertaining to the said application. DGO having taken out a file from the godrej almirah which was found kept on the right side of his seat, produced the said file before the Police Inspector. The copies of the documents from the said file have been seized as per Ex-P7. The micro tape recorder entrusted to the Complainant was taken back from him and when played, no conversation was found recorded in it since the Complainant failed to switch on the same. A detailed mahazar was got prepared as per Ex-P3A incorporating all the details of the trap proceedings. Photographs of these proceedings have been obtained as per Ex P11 (1 to 6 ).
23. During enquiry, the complainant has been examined as PW-1 and the shadow witness as PW2 and the investigation officer has been examined as PW3.

24. The complainant who is examined as PW1 has not supported the case of the disciplinary authority and turned hostile. Though he has admitted about burning of the transformer in his village and the villagers having went to the office of the DGO requested the DGO for replacement of the burnt transformer pleading inconvenience being caused to them due to non supply of electricity to their village because of the transformer since burnt and the DGO asked them to wait for 3 to 4 days for replacing the burnt transformer. But he has denied filing of any compliant against the DGO to Lokayukta police and denied the allegation made against the DGO, claiming that, DGO never demanded any bribe from him and never received Rs. 700/- by way of bribe on the day of trap. He has denied the conducting of trap proceedings. Hence he has been treated as an hostile witness permitting the learned Presenting officer to cross examine him. During his cross examination various suggestions were put to him about filing of the complaint against the DGO, conducting of entrustment proceedings and entrustment of tainted notes of Rs. 700/- to him and further putting suggestion to him that, DGO has demanded him for bribe and received Rs. 700/- by way of tainted notes as bribe from him. But all these suggestions have been conveniently denied by the Complainant.
25. Even the Learned Counsel for DGO has cross examined him suggesting him that, when he and other villagers met the DGO and requested him for replacement of the burnt transformer, DGO showed him the estimate asking them to wait for some days as he has to obtain the permission of the superior officer for replacing the transformer. The Complainant has admitted this suggestion and also various other suggestions put to him. Having regard to the nature of the evidence given by him in his chief examination and

also pleading his ignorance even in respect of filing of complaint by him and his conduct in denying various suggestions put to him during his cross examination by the Learned Presenting officer and giving positive replies to the suggestions put to him by the Learned Counsel for DGO in his cross examination, are sufficient to conclude that, the possibility of the Complainant being won over by the DGO cannot be ruled out.

26. PW2 is the shadow witness and he has stated about conducting of entrustment proceedings in the Lokayukta Police Station, Hassan and entrustment of tainted notes of Rs. 700/- to the complainant in the said proceedings. He has further stated that, he accompanied the complainant and went along with him to the Sub-Division office of CHESCOM, Haranahalli Hassan and when the complainant met the DGO and enquired him about replacement of transformer and about the application filed in that regard, it is the evidence of PW2 that, DGO asked the Complainant as to whether he has brought the balance of money he has demanded and then the Complainant gave the tainted notes of Rs. 700/- to the DGO and further stated that, DGO having received that money from the Complainant with his right hand kept that money in his right side pocket of his pant and thereafter, the Complainant went out of the office and gave pre-arranged signal to the Police Inspector and on receiving the signal the Police Inspector and his staff came inside the O/o DGO and the Complainant showed the DGO to the Police Inspector and told him that, he/DGO has received money from him.

27. He further gave details regarding various procedures conducted by the Police Inspector in the office of the DGO including obtaining of hand wash of both the hands of the DGO, but right hand wash of the DGO giving positive result regarding presence of

phenolphthalein, and left hand wash of the DGO giving negative result, recovery of tainted notes of Rs. 700/- from the right side pant pocket of DGO, with his help/help of PW2, subjecting the right side pocket portion of the pant of the DGO to Phenolphthalein test which gave positive result regarding presence of Phenolphthalein and seizure of the pant of the DGO, giving of explanation by the DGO as per Ex-P6, production of the file pertaining to the application filed by the Complainant and other villagers, for change of burnt transformer, preparation of trap mahazar as per Ex-P3A, obtaining the photographs and other details of trap proceedings.

28. The Learned Counsel for DGO thoroughly cross examined PW2 at length. During his cross examination also PW2 has reiterated his contention that, he was standing by the side of the Complainant when the Complainant met the DGO and discussed with him about replacement of burnt transformer and further claimed that, during such discussion, DGO demanded the Complainant for payment of balance of the demanded amount and Complainant gave the tainted notes of Rs. 700/- to the DGO who on receiving it with his right hand, kept it in the right side pocket of his pant.

29. A specific suggestion was put to him by the Learned Counsel for DGO that, the Complainant kept the money in the table drawer of the DGO and DGO never received that money from the Complainant with his hand. This suggestion has been categorically denied by PW2. He reiterated his contention that, the right hand wash of the DGO obtained during the trap proceedings gave positive result regarding presence of Phenolphthalein and also recovery of tainted notes of Rs. 700/- from the right side pant pocket of the DGO. He has denied the suggestion put to him that, DGO never received any money from the Complainant in the presence of few public who were



there in the office at that time. Even this suggestion has been denied by PW2.

30. PW3 is the IO who gave evidence in detail regarding the various stages of investigation he has conducted, right from registration of the case against DGO on the basis of the complaint filed by the complainant and took up investigation. He narrated in detail regarding conducting of entrustment proceedings and entrustment of tainted notes of Rs.700/- to the complainant, in the said proceedings.

31. He further gave details regarding the trap proceedings he has conducted in the O/o DGO at CHESCOM Sub-Divisional office, Harnahalli claiming that, he sent both the complainant and shadow witness, to meet the DGO in the said office. He has further stated that, the complainant came out of the said office and gave him pre-arranged signal and on receiving pre-arranged signal from the complainant, he and his staff went inside the said office and the complainant showed him the DGO claiming that, he/DGO is the concerned Junior Engineer who has demanded bribe from him and received money from him.

32. PW3 has further narrated in detail regarding the various procedures he has conducted including obtaining of hand wash of both the hands of the DGO but right hand wash of the DGO gave positive result regarding presence of phenolphthalein and left hand wash of the DGO giving negative result, recovery of tainted notes of Rs.700/- from the right side pant pocket of DGO with the help of shadow witness/PW2, giving of explanation by DGO as per Ex-P6 recovery of documents pertaining to the application filed by the Complainant and other villagers of Malladevihalli village as per Ex-P4, which was

produced by the DGO on taking out the file from his almirah, and also seizure of extract of attendance register as per Ex-P10. He also gave details regarding the details of the investigation he has conducted including sending of seized articles for chemical examination and receipt of FSL report as per Ex-P12 etc.,

33. The Learned Counsel for DGO has cross examined PW3/IO at length. He has admitted in his cross examination that, the nature of work entrusted to the DGO in the Sub-division office as per the say of the Assistant Executive Engineer is that, he has to receive complaints from the public and to attend those complaints and if he/DGO could not resolve the complaint, to refer it to higher officer, replacement of transformer, preparation of estimate etc., He has further admitted that, DGO has to prepare the estimate but sanction to the said estimate was to be given by his superior officers.
34. A specific defence was taken on behalf of DGO while cross examining PW3/IO by way of putting suggestion to him that, the Complainant never gave the money to the hands of the DGO but he/Complainant dropped the money in the open table drawer of the DGO. This suggestion has been categorically denied by PW3.
35. A feeble attempt was made by putting suggestion to PW3 that, shadow witness Rangaswamy was made to touch phenolphthalein powder during the trap proceedings and hence phenolphthalein powder was found smeared to the hands of PW2 and during the trap proceedings the tainted notes were got removed from the pant pocket of the DGO with the help of Rangaswamy. But this suggestion has been categorically denied by PW3. Various suggestions put to PW3 by the Learned Counsel for DGO during his cross examination have been categorically denied by him.

36. DGO has adduced his defence evidence by examining himself as DW-2 and submitted his affidavit in lieu of his chief examination taking up a contention that, on 19.12.2008 he on coming to know that, the transformer installed at Malladevihalli has been burnt, he went there to the spot and during his inspection he has noticed that, various persons have unauthorisedly found drawn electric connection and he having informed those persons to get their electrical connections regularized, returned to his office and prepared an estimate on 19.12.2008 and forwarded the estimate to Sub-Division office, Arasikere on 20.12.2008 for approval. It is his further contention that, the Assistant Executive Engineer returned the estimate without giving approval on the ground that, until the persons who have obtained unauthorized power supply get their power supply regularized by remitting the requisite fee and penalty, till then the burnt transformer should not be replaced. He has taken up a further contention that, since he having prepared the estimate on 19.12.2008 and submitted the same to the Sub-Divisional office Arasikere on 20.12.2008, no work pertaining to the Complainant and his village was pending with him as on 23.12.2008 as such there was no occasion for him to demand and receive any bribe from the Complainant. He has taken up a further contention that, the Police Inspector has forcibly obtained his explanation in writing as per Ex-P6. He having denied each and every proceedings of trap conducted on him on that day in his office, he has requested this authority to absolve him from the charges leveled against him. In support of his defence he has produced certain documents viz., the application dated 18.3.2019 filed by him to the Executive Engineer requesting for furnishing him certain information and the information furnished to him by the Executive Engineer vide letter dated 13.5.2019 as per Ex-D1 and D2. He has also produced the relevant extract of the book "Definitions of Jobs (Duties)" issued by

KEB during 1975 and also the letter dated 20.12.2018 written by the Section Officer, CHESCOM, Haranahalli to Assistant Executive Engineer as per Ex-D4, the report submitted by Assistant Executive Engineer to the Executive Engineer as per Ex-P5 along with the estimate and report of the DGO as per Ex-D5 in support of his defence.

37. In addition to examining himself, DGO has examined one Sri T.C. Manjunath who was working as Assistant Executive Engineer, (Ele) CHESCOM, Arasikere Sub-Dn., during the relevant period, as DW-2. DW-2 has stated that, DGO was working as Junior Engineer under him during the relevant period and it is his contention that, DGO has prepared the estimate on 19.12.2008 and the said estimate was received in his Sub-Dn. Office on 20.12.2008. According to him since the IP No. of the burnt transformer was not mentioned in the said estimate, he has directed the concerned Junior Engineer to furnish the IP No. and other details as called for. According to him, since IP No. and other details were not furnished by the DGO, no further action was taken on the said estimate.
38. Both DW1 and DW2, have been thoroughly cross examined by the Learned Presenting officer. Various suggestions put to DW2/DGO during his cross examination have been conveniently denied by him. DW2/DGO during his defence evidence has produced Ex-D5 in support of his defence. The copy of the same document which was seized from the possession of the DGO during the trap proceedings, is also produced during the evidence of the disciplinary authority as per Ex-P4. DW-2/DGO has admitted seizure of that document as per Ex-P4 from his possession during the trap proceedings. DGO/DW-2 was confronted with those 2 documents Ex-P4 and Ex-D5, and he has admitted that, the signature of the Assistant

Executive Engineer or the shara for retuning the said estimate from the Sub-Divisional office, does not find a place in Ex-P4, though such an endorsement was there in Ex-D5.

39. Even DW1 has been cross examined with reference to this document wherein, he has admitted that, the covering letter was not there in Ex-P4 among the documents seized during the trap proceedings. A specific suggestion was put to him that, none of the documents including the estimate were received in the office of the Assistant Executive Engineer since those documents were seized from the possession of the DGO on the day of trap. A further suggestion was put to him that, he/DW-1 is giving false evidence stating that, the estimate and other documents have been received in his Sub-Divisional Office on 20.12.2008. But these suggestions have been conveniently denied by DW-1.

40. Ex-P4 (from pages 98 to 103 are the same documents produced by DGO as per Ex-D5. But in addition to Ex-D5, he has produced the copy of the covering letter dated 20.12.2008 to establish his defence contention that, the estimate prepared by him on 19.12.2008 had already been forwarded to the O/o Assistant Executive Engineer on 20.12.2008 itself as per the covering letter Ex-D4. In fact there is acknowledgement for having received the said covering letter on 20.12.2008 under inward no. 2936. This covering letter has been produced by the DGO during his evidence. But this covering letter was not confronted to DW-1 and DW-1 except contending that, the estimate prepared by the DGO dated 19.12.2008 was received in their office on 20.12.2008, DW-1 has not produced any inward register to show that, Ex-D4 along with the estimate were received in the O/o Assistant Executive Engineer under inward no. 2936 dated 20.12.2008. In the absence of any supporting document, no reliance

can be placed on Ex-D4 and the defence contention taken by the DGO in that regard. Had the estimate was already forwarded by the DGO to the O/o Assistant Executive Engineer on 20.12.2008 itself, there was no possibility of availability of the said original estimate along with the file in the possession of the DGO since the entire file including the estimate prepared by the DGO was available with the DGO on the day of trap. Further if he had already forwarded the estimate on 20.12.2008, Ex-D4 should have been available in the file seized from DGO as on the date of the trap and he should have produced the same at the time of trap to establish his contention that, he had already forwarded the estimate on 20.12.2008 itself. Further, there was no impediment for the DGO to take up such a contention while giving his written explanation as per Ex-P6 on the day of trap, taking up a contention that, he had already forwarded the estimate to the O/o Assistant Executive Engineer and no work pertaining to the Complainant and his village was pending with him as on the day of trap. Even no such contention was taken while submitting his reply to the observation note and also while filing his written statement in this enquiry. Therefore, for the first time he examined DW-1 and through him he got elicited that, estimate as per Ex-P5 was already received in the O/o Assistant Executive Engineer on 20.12.2008. But the evidence of DW-1 cannot be relied upon as it appears that, Ex-D4 has been subsequently created just to take false defence in this enquiry. Since the evidence of the IO and the shadow witness clearly goes to establish that, the documents as per Ex-P4 were seized from the possession of the DGO since DGO himself having taken out the file from his godrej almirah which was found kept on the right side of his table and produced the same before the Police Inspector there is nothing to disbelieve the evidence of PW2/shadow witness and PW3/IO to conclude that, documents Ex-P4 were very much available in the possession of the

DGO even on the day of trap and on perusing the estimate prepared by him on 19.12.2008, it can be concluded that, the DGO having prepared the estimate on 19.12.2008 retained the said estimate with him without sending the estimate for approval and since the estimate along with other documents have been seized during the trap proceedings conducted on 23.12.2008 since DGO himself has produced the said file from his almirah, I have no hesitation to conclude that, the DGO has retained the said estimate without forwarding the same for approval, probably in order to extract bribe from the Complainant. Therefore, I disbelieve the defence contention taken by the DGO in this regard.

41. So far as the demand for bribe by the DGO as alleged by the Complainant is concerned, though the complainant has not supported this allegation while giving evidence before this authority, the IO has categorically stated that, the Complainant gave such complaint as per Ex-P1 making allegation of demand for bribe being made by the DGO and on the basis of the said complaint, he has registered a case against the DGO. Since this contention of the IO is not disputed or denied on behalf of the DGO while cross examining the IO, I have no hesitation to place reliance on the allegations made against the DGO in the Complaint Ex-P1 and on that basis to conclude that, DGO put forth demand for bribe in order to prepare the estimate and on obtaining the approval, to issue work order for replacement of the burnt transformer.

42. Moreover, the fact of seizure of the tainted money from the possession of the DGO has not been seriously disputed. In fact while cross examining PW2/shadow witness a specific suggestion has been put to him that, Police Inspector asked the DGO to produce the money which Siddamallappa gave it to him and DGO produced the

money. A further suggestion was put to PW2 that, the Police Inspector after introducing himself to the DGO enquired the DGO about the money he has received from the Complainant and seized that money from the DGO. A suggestion was put to PW3/IO that, the Complainant never gave the money to the hands of the DGO but he dropped the money in the opened table drawer of the DGO. By way of putting these suggestions, the recovery of tainted notes of Rs. 700/- from the possession of the DGO on the day of trap has not been disputed on behalf of the DGO. There is ample evidence by way of oral evidence of PW2 and PW3 and mahazars to establish that, the tainted notes were recovered from the right side pant pocket of the DGO. Even the right side pocket portion of the pant of the DGO was subjected to Phenolphthalein test which gave positive result thereby, it is established that, the tainted notes were recovered from the right side pant pocket of the DGO. Therefore, the contention taken on behalf of the DGO that, the Complainant dropped the tainted notes into the table drawer of the DGO cannot be believed. In addition to this, the right hand wash of the DGO obtained during the trap proceedings gave positive result regarding presence of Phenolphthalein. DGO has not come out with any explanation as to the circumstances under which his right hand came in contact with the tainted notes. In the absence of any convincing explanation offered by the DGO in this regard, the one and only conclusion that can be arrived at is that, the DGO has received the tainted notes from the Complainant on the day of trap. Further he has admitted in his written explanation as per Ex-P6 that the Complainant himself gave him Rs. 700/- and while he was handing over the estimate to the Complainant, Lokayukta police have apprehended him. Though he has taken up a contention that, such an explanation was obtained from him by forcing him and misleading him, no such contention was taken by the DGO in his reply to observation note or



in his written statement. Therefore, such a contention taken by him in his defence evidence cannot be believed.

43. While submitting written arguments on behalf of DGO, a contention was taken on behalf of the DGO that, the Spl.Court having conducted trial of the Prosecution case launched against him in Spl.C.C. No. 72/2009 acquitted him absolving from the charges levelled against him. But the copy of the said judgment is not produced by the DGO and hence this authority had no occasion to go into the alleged judgment of acquittal to verify on what grounds the DGO has been acquitted.
44. Considering the evidence adduced on behalf of the disciplinary authority both oral and documentary and having disbelieved the defence contention taken by the DGO and the defence evidence adduced on his behalf, I have no hesitation to conclude that, DGO having demanded bribe from the Complainant received Rs. 700/- byway of bribe in order to do an official act of preparing an estimate and forwarding the estimate for approval, thereby, he is guilty of committing misconduct in demanding and accepting bribe from the Complainant. Accordingly, I answer point no.1 in the Affirmative.

**Point No.2**

45. Having regard to the discussion made above, and in view of my findings on point no.1 as above, my conclusion is as follows:

**Contd..**

**CONCLUSION**

- i) The Disciplinary Authority has proved the charge as framed against the DGO Sri K. Manjunath, Junior Engineer (E), then working at Haranahalli Branch, CHESCOM, Arasikere, Hassan District presently working as Junior Engineer (E), KPTCL, Arasikere Taluk, Hassan District
- ii) As per the first oral statement of DGO, the date of birth of the DGO is 1.10.1972 and his date of retirement is 30.9.2032.



(S. Renuka Prasad)

Additional Registrar of Enquiries-3  
Karnataka Lokayukta, Bengaluru.

**ANNEXURES****I. Witnesses examined on behalf of the Disciplinary Authority:**

|             |                                                  |
|-------------|--------------------------------------------------|
| <b>PW-1</b> | Sri Siddamallappa (complainant) (original)       |
| <b>PW-2</b> | Sri Rangaswamy (shadow witness) (original)       |
| <b>PW-3</b> | Sri Rudramuni (investigation officer) (original) |

**II. Witnesses examined on behalf of the DGO:**

|             |                                 |
|-------------|---------------------------------|
| <b>DW-1</b> | Sri T.C. Manjunath (Original)   |
| <b>DW-2</b> | Sri K.Manjunath (DGO)(Original) |

**III Documents marked on behalf of D.A.**

|                        |                                                                |
|------------------------|----------------------------------------------------------------|
| <b>Ex.P-1</b>          | Certified copy of complaint                                    |
| <b>Ex.P-2</b>          | Certified copy of entrustment mahazar                          |
| <b>Ex.P-3</b>          | Certified copy of trap mahazar                                 |
| <b>Ex.P-4</b>          | Certified copy of records seized by IO                         |
| <b>Ex.P-5</b>          | Statement of complainant given before Police Inspector (Xerox) |
| <b>Ex.P-6</b>          | Certified copy of written explanation of DGO                   |
| <b>Ex.P-7</b>          | Certified copy of sketch of scene of occurrence                |
| <b>Ex.P-8</b>          | Certified copy of FIR                                          |
| <b>Ex.P-9 &amp; 11</b> | Photographs (Xerox)                                            |
| <b>Ex.P-10</b>         | Certified copy of extract of attendance register               |
| <b>Ex.P-12</b>         | Certified copy of FSL report                                   |
| <b>Ex.P-13</b>         | Certified copy of rough sketch                                 |

**IV. Documents marked on behalf of DGO:**

|              |                                                                                               |
|--------------|-----------------------------------------------------------------------------------------------|
| <b>Ex-D1</b> | Original letter dated 18.3.2019                                                               |
| <b>Ex-D2</b> | Original letter dated 13.5.2019                                                               |
| <b>Ex-D3</b> | Extract of allocation of duties to Jr.Engineer issued by Erstwhile KEB (Xerox)                |
| <b>Ex-D4</b> | Certified copy of letter of estimate dated 20.12.2008 written by Assistant Executive Engineer |
| <b>Ex-D5</b> | Estimate prepared by DGO (Xerox)                                                              |

**V. Material Objects marked on behalf of the D.A: Nil**

  
31/12/19.

(S. Renuka Prasad)  
Additional Registrar of Enquiries-3,  
Karnataka Lokayukta, Bengaluru.

