



KARNATAKA LOKAYUKTA

No. LOK/INQ/16/2009/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 02.02.2019

RECOMMENDATION

Sub:- Departmental inquiry against Shri M.K.
Munavallimutt, the then First Division Surveyor,
Taluk Survey Office, Bhadravathi, Shivamogga
District- reg.

- Ref:- 1) Government Order No. ಕಂಇ 14 ಭೂದಾಸೇ (3) 2009
dated 09.03.2009.
2) Nomination order No. LOK/INQ/14-A/02/2009-
10 dated 30.04.2009 of Upalokayukta-2, State of
Karnataka.
3) Inquiry report dated 31.01.2019 of Additional
Registrar of Enquiries-4, Karnataka Lokayukta,
Bengaluru.

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The Government, by its order dated 09.03.2009, initiated the disciplinary proceedings against Shri M.K. Munavallimutt, the then First Division Surveyor, Taluk Survey Office, Bhadravathi, Shivamogga District [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/02/2009-10 dated 30.04.2009 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 - Shri M.K. Munavallimutt, the then First Division Surveyor, Taluk Survey Office, Bhadravathi, Shivamogga District was tried for the following charge:-

“ನೀವು ಶ್ರೀ ಎಂ.ಕೆ. ಮುನವಳ್ಳಿಮಠ, ಪ್ರಥಮ ದರ್ಜೆ ಭೂಮಾಪಕರು, ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ, ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ, ಫಿರ್ಯಾದಿ ಶ್ರೀ ಎನ್.ಕೆ. ಸತೀಶ್, ತಂದೆ ಲೇಟ್ ಎನ್. ಕೃಷ್ಣಮೂರ್ತಿ ವಯಸ್ಸು 41 ವರ್ಷ, ವೈಷ್ಣವಿ ಎಂಟರ್ ಪ್ರೈಸಸ್ ವಾಸ ಹೊಸಮನೆ 4ನೇ ಕ್ರಾಸ್, ಎನ್.ಎಂ.ಸಿ. ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ ರವರು ಶ್ರೀಮತಿ ಬಾಬಕ್ಕ ಇವರಿಂದ ಖರೀದಿಸಿರುವ ಭದ್ರಾವತಿ ತಾಲ್ಲೂಕು ಕೂಡ್ಲೆಗೆರೆ ಹೋಬಳಿ, ಎರೇಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 13:ಖ 99 ರಲ್ಲಿರುವ 2 ಎಕರೆ ಜಮೀನಿನ ರೆವಿನ್ಯೂ ನಕ್ಷೆ ತಯಾರಿಸಿ ಪಕ್ಕಾ ಪೋಡ್ ಮಾಡಿಸಿಕೊಡಲು ಆಪಾದಿತ ನೌಕರರು ಫಿರ್ಯಾದುದಾರರಿಂದ 2,000/- ರೂಪಾಯಿಗಳನ್ನು ಅಕ್ರಮ ಸಂಭಾವನೆ ಕೇಳಿ 27.02.2007 ರಂದು ಫಿರ್ಯಾದಿಯಿಂದ 1,500/- ರೂಪಾಯಿ ಲಂಚವನ್ನು ಬೇಡಿ ಸ್ವೀಕರಿಸಿ, ತನ್ಮೂಲಕ ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನೀವು ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆಯನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದು, ಅಂತಹ ನೌಕರರಿಗೆ ಸಲ್ಲದ ಕೃತ್ಯವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ 3(i) ಮತ್ತು (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

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 the DGO - Shri M.K. Munavallimutt, the then

First Division Surveyor, Taluk Survey Office, Bhadravathi,  
Shivamogga District.


5. On re-consideration of report of inquiry, 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 - Shri M.K. Munavallimutt has retired from service on 31.07.2011.

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against Shri M.K. Munavallimutt, the then First Division Surveyor, Taluk Survey Office, Bhadravathi, Shivamogga District, it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DGO - Shri M.K. Munavallimutt'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka.

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**KARNATAKA LOKAYUKTA**

No.LOK/INQ/16/2009/ARE-4  
Old No. LOK/INQ/14-A/02/09-10

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 31/01/2019.

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri M.K. Munavalli Mutt  
First Division Surveyor  
Taluk Survey Office  
Bhadravathi  
Shimoga District **(now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in Compt/Uplok/  
BD/612/2008/ARE-6  
Dated:16/12/2008
- 2) Government Order No. ಕಂಇ 14 ಭೂವಾಸೇ  
(3) 2009, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 09/03/2009
- 3) Order No.LOK/INQ/14-  
A/02/2009-2010 Bengaluru,  
dated:30/04/2009  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri M.K. Munavalli Mutt, First Division Surveyor, Taluk Survey Office, Bhadravathi, Shimoga District **(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: 30/04/2009 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 DGO. 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 DGO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Article of Charges framed by ARE-4 against the DGO is as below:

ಅನುಬಂಧ-1  
ದೋಷಾರೋಪಣೆ-1

ನೀವು ಶ್ರೀ ಎಂ.ಕೆ. ಮುನವಳ್ಳಿಮಠ, ಪ್ರಥಮ ದರ್ಜೆ ಭೂಮಾಪಕರು, ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ, ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ, ಫಿರ್ಯಾದಿ ಶ್ರೀ ಎನ್.ಕೆ. ಸತೀಶ್, ತಂದೆ ಲೇಟ್ ಎನ್. ಕೃಷ್ಣಮೂರ್ತಿ ವಯಸ್ಸು 41 ವರ್ಷ, ವೈಷ್ಯವಿ ಎಂಟರ್ ಪ್ರೈಸಸ್ ವಾಸ ಹೊಸಮನೆ 4ನೇ ಕ್ರಾಸ್, ಎನ್.ಎಂ.ಸಿ. ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ ರವರು ಶ್ರೀಮತಿ ಬಾಬಕ್ಕ ಇವರಿಂದ ಖರೀದಿಸಿರುವ ಭದ್ರಾವತಿ ತಾಲ್ಲೂಕು ಕೂಡ್ಲಿಗೇರೆ ಹೋಬಳಿ, ಎರೇಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 13:ಪಿ 99 ರಲ್ಲಿರುವ 2 ಎಕರೆ ಜಮೀನಿನ ರೆವಿನ್ಯೂ ನಕ್ಷೆ ತಯಾರಿಸಿ ಪಕ್ಕಾ ಪೋಡ್ ಮಾಡಿಸಿಕೊಡಲು ಆಪಾದಿತ ನೌಕರರು ಫಿರ್ಯಾದುದಾರರಿಂದ 2,000/- ರೂಪಾಯಿಗಳನ್ನು ಅಕ್ರಮ ಸಂಭಾವನೆ ಕೇಳಿ 27/2/2007 ರಂದು ಫಿರ್ಯಾದಿಯಿಂದ 1,500/- ರೂಪಾಯಿ ಲಂಚವನ್ನು ಬೇಡಿ ಸ್ವೀಕರಿಸಿ, ತನ್ನೂಲಕ

ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನೀವು ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆಯನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದು, ಅಂತಹ ನೌಕರರಿಗೆ ಸಲ್ಲದ ಕೃತ್ಯವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ಭರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ 3(1) ಮತ್ತು (iii)ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್ ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್ ಕಾಂಡೆಕ್ಟ್)

2007ನೇ ಇಸವಿಯಲ್ಲಿ ಆಪಾದಿತ ನೌಕರ, ಶ್ರೀ ಎಂ.ಕೆ. ಮುನವಳ್ಳಿ ಮಠ, ಪ್ರಥಮ ದರ್ಜೆ ಭೂಮಾಪಕರು, ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರು.

ಶ್ರೀ ಎನ್.ಕೆ. ಸತೀಶ್, ತಂದೆ ಲೇಟ್ ಎನ್. ಕೃಷ್ಣಮೂರ್ತಿ ವಯಸ್ಸು 41 ವರ್ಷ, ವೈಷ್ಯವಿ ಎಂಟರ್ ಪ್ರೈಸಸ್ ವಾಸ ಹೊಸಮನೆ 4ನೇ ಕ್ರಾಸ್, ಎನ್.ಎಂ.ಸಿ., ಭದ್ರಾವತಿ, ಶಿವಮೊಗ್ಗ (ಇನ್ನು ಮುಂದೆ ಫಿರ್ಯಾದಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ) ಎಂಬುವವರು ಶ್ರೀಮತಿ ಬಾಬಕ್ಕ ಇವರಿಂದ ಭದ್ರಾವತಿ ತಾಲ್ಲೂಕು ಕೊಡ್ಲಿಗೇರೆ ಹೋಬಳಿ, ಎರೇಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 13:ಬಿ 99ರಲ್ಲಿರುವ 2 ಎಕರೆ ಜಮೀನನ್ನು ಖರೀದಿಸಿದ್ದು, ಈ ಜಮೀನಿನ ಅಳತೆ ಮಾಡಿ ರೆವಿನ್ಯೂ ನಕ್ಷೆ ತಯಾರಿಸಿ, ಪಕ್ಕಾ ಪೋಡ್ ಮಾಡಿಸಲು ಭದ್ರಾವತಿ ತಾಲ್ಲೂಕು ಕಚೇರಿಯ ಸರ್ವೆ ವಿಭಾಗದ ಸರ್ವೆ ಆಫೀಸರ್ ಆಗಿದ್ದ ಶ್ರೀ ಮುನವಳ್ಳಿ ಮಠ ರವರನ್ನು 03/2/2007 ರಂದು ಸಂಪರ್ಕಿಸಿದ್ದು, ಅವರು ಫಿರ್ಯಾದಿಯನ್ನು 2,000/- ರೂಪಾಯಿ ಅಕ್ರಮ ಸಂಭಾವನೆ ಕೊಡಬೇಕೆಂದು ಬೇಡಿ ಆ ದಿನ 500/- ರೂಪಾಯಿಯನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಆ ದಿನ ಜಮೀನನ್ನು ಅಳತೆ ಮಾಡಿರುತ್ತಾರೆ. ನಂತರ ತಾರೀಖು 23/02/2007 ರಂದು ಫಿರ್ಯಾದಿಯು ಆಪಾದಿತ ನೌಕರರನ್ನು ಭೇಟಿಯಾಗಿ ನಕ್ಷೆ ತಯಾರಿಸಿ ಪೋಡಿ ಮಾಡಿಸಿಕೊಡಲು ಕೇಳಿದಾಗ ಬಾಕಿ ಇರುವ ರೂ. 1,500/- ಗಳನ್ನು ತಂದು ಕೊಟ್ಟರೆ ಮಾತ್ರ ಪಕ್ಕಾ ಪೋಡ್ ಮಾಡಿಕೊಡುವುದಾಗಿ ಫಿರ್ಯಾದುದಾರರಿಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಲಂಚ ನೀಡಿ ತನ್ನ ಕೆಲಸವನ್ನು ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಫಿರ್ಯಾದುದಾರರು ದಿನಾಂಕ: 26/02/2007 ರಂದು ಶಿವಮೊಗ್ಗ ಲೋಕಾಯುಕ್ತ ತಾಣೆಗೆ ಬಂದು ದೂರನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಈ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ಮೊ.ಸಂ. 1/2007, ಕಲಂ 7, 13(1)(ಡಿ) ಸಹವಾಚಕ 13(2) ಲಂಚ ನಿರೋಧ

ಕಾಯ್ದೆ 1988 ರಂತೆ ಪ್ರಕರಣವನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡು ಸಂಬಂಧಿಸಿದ ವಿಶೇಷ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಕಳುಹಿಸಿಕೊಡಲಾಯಿತು.

ನಂತರ ಶ್ರೀ ಎಂ.ಎನ್.ಕರಿಬಸವನಗೌಡ, ಪೊಲೀಸ್ ಇನ್ಸ್‌ಪೆಕ್ಟರ್, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಶಿವಮೊಗ್ಗ ಇವರು ತನಿಖಾಧಿಕಾರಿಯಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಟ್ರಾಪ್ ಕಾರ್ಯಾಚರಣೆ ಕೈಗೊಳ್ಳಲು ನಿರ್ಧರಿಸಿದರು. ಅದರಂತೆ, ಪಂಚರನ್ನಾಗಿ 1) ಶ್ರೀ ಟಿ. ಶ್ರೀನಿವಾಸ ತಂದೆ ಲೇಟ್ ತಿಮ್ಮಯ್ಯ, ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕರು, ಸರ್ಕಾರಿ ಜಿಲ್ಲಾ ಮೆಗ್ಗನ್ ಆಸ್ಪತ್ರೆ, ಶಿವಮೊಗ್ಗ ಹಾಗೂ 2) ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ತಳಗಿಹಾಳ್ ತಂದೆ ವೀರಭದ್ರಪ್ಪ, ತಳಗಿಹಾಳ್, ಕಚೇರಿ ಅಧೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಅರಣ್ಯ ಅಭಿವೃದ್ಧಿ ನಿಗಮ, ಶಿವಮೊಗ್ಗ ಇವರುಗಳನ್ನು ಕರೆಸಿಕೊಂಡರು. ನಂತರ ಪಂಚರು ಮತ್ತು ಫಿರ್ಯಾದಿಯ ನಡುವೆ ಪರಿಚಯ ಮಾಡಿಸಿಕೊಟ್ಟು, ಫಿರ್ಯಾದಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವನ್ನು ಪಂಚರುಗಳಿಗೆ ವಿವರಿಸಿರುತ್ತಾರೆ. ಪಂಚರ ಸಮಕ್ಷಮದಲ್ಲಿ ಫಿರ್ಯಾದಿಯು ರೂ. 500/- ಮುಖಬೆಲೆಯ 3 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯು ಸಿಬ್ಬಂದಿಯ ಮುಖಾಂತರ ಮೇಲ್ಕಂಡ ನೋಟುಗಳಿಗೆ ಫಿನಾಪ್‌ಲೀನ್ ಪಡಿಯನ್ನು ಸವರಿಸಿ, ನಂತರ ನೋಟುಗಳನ್ನು ಪಂಚ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ತಳಗಿಹಾಳ್ ರವರಿಗೆ ಕೊಡಿಸಿ ಅವರಿಂದ ಫಿರ್ಯಾದಿಯವರು ಧರಿಸಿದ್ದು ಷರ್ಟಿನ ಮೇಲ್ಭಾಗದ ಎಡಬೇಬಿಗೆ ಇಡಿಸಿ, ನಂತರ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣ ತಯಾರು ಮಾಡಿಸಿ ಇದರಲ್ಲಿ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ತಳಗಿಹಾಳ್ ರವರ ಎರಡೂ ಕೈ ಬೆರಳುಗಳನ್ನು ಅದ್ದಿಸಿದ್ದು, ಆ ದ್ರಾವಣವು ನೇರಳೆ ಬಣ್ಣಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಈ ದ್ರಾವಣವನ್ನು ಬಾಟಲಿಗೆ ಹಾಕಿ ಸೀಲು ಮಾಡಿರುತ್ತಾರೆ. ಬಳಿಕ ಟ್ರಾಪ್ ಕಾರ್ಯಾಚರಣೆಯ ಪೂರ್ವದ ಎಲ್ಲಾ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಮಾಡಿ ಫಿರ್ಯಾದಿ ಮತ್ತು ಪಂಚ ಶ್ರೀ ಟಿ. ಶ್ರೀನಿವಾಸ ರವರಿಗೆ ಆಪಾದಿತ ನೌಕರರ ಬಳಿ ಹೋಗಿ ಭೇಟಿ ಮಾಡಿ ನಿಮ್ಮ ಕೆಲಸದ ಬಗ್ಗೆ ಮಾತನಾಡಿ ಅವರು ಲಂಚದ ಹಣವನ್ನು ಕೇಳಿದಾಗ ಮಾತ್ರ ಕೊಡಬೇಕೆಂದು ಹಾಗೂ ಅವರು ಪಡೆದರೆ, ಹೊರಗಡೆ ಬಂದು ಫಿರ್ಯಾದಿಯು ತಮ್ಮ ಕರವಸ್ತುಗಳಿಂದ ಮುಖವನ್ನು ಒರೆಸಿಕೊಳ್ಳುವ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ಸೂಚನೆ ನೀಡಬೇಕೆಂದು ಫಿರ್ಯಾದಿಗೆ ತಿಳಿಸಿ, ಅದೇ ರೀತಿ ಸಾಕ್ಷಿ ಶ್ರೀ ಟಿ. ಶ್ರೀನಿವಾಸ ರವರಿಗೆ ಫಿರ್ಯಾದಿಯ ಜೊತೆ ಹೋಗಿ ಫಿರ್ಯಾದಿ ಮತ್ತು ಆಪಾದಿತ ನೌಕರರ ನಡುವೆ ನಡೆಯುವ ಮಾತುಕತೆಯನ್ನು ಗಮನಿಸಿ ಆಪಾದಿತ ನೌಕರರು ಲಂಚದ ಹಣವನ್ನು ಪಡೆದರೆ ಎಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳುತ್ತಾರೆ ಎಂಬುದನ್ನು ನೋಡಿ



ನಂತರ ತಿಳಿಸಬೇಕೆಂದು ಸೂಚನೆಗಳನ್ನು ನೀಡಿ ಈ ಬಗ್ಗೆ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಿರುತ್ತಾರೆ.

ಅದೇ ದಿನ ಅಂದರೆ ದಿನಾಂಕ: 26/02/2007 ರಂದು ಅಪರಾಹ್ನ 3.00 ಕ್ಕೆ ಹೊರಟು ಭದ್ರಾವತಿಯನ್ನು 3.35 ಗಂಟೆ ಸುಮಾರಿಗೆ ತಲುಪಿ ಭದ್ರಾವತಿಯ ನಿರ್ಮಲ ಆಸ್ಪತ್ರೆಯ ಕಾಂಪೌಂಡ್ ಒಳಗೆ ಜೀಪನ್ನು ನಿಲ್ಲಿಸಿ ತನಿಖಾಧಿಕಾರಿಗಳು ಫಿರ್ಯಾದಿ ಹಾಗೂ ಸಾಕ್ಷಿ ಶ್ರೀ ಟಿ. ಶ್ರೀನಿವಾಸ ರವರಿಗೆ ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯ ಸಮಯದಲ್ಲಿ ನೀಡಿದ್ದ ತಿಳುವಳಿಕೆ ಮತ್ತು ಸೂಚನೆಯನ್ನು ಮತ್ತೊಮ್ಮೆ ಕೊಟ್ಟು ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟರು. ಅವರುಗಳಿಬ್ಬರು ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಗೆ ಹೋದ ನಂತರ ಸಾಕ್ಷಿ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ತಳಗಿಹಾಳ್, ತನಿಖಾಧಿಕಾರಿ ಮತ್ತು ಇತರೆ ಸಿಬ್ಬಂದಿಯವರುಗಳು ಅವರಿಬ್ಬರನ್ನು ಹಿಂಬಾಲಿಸಿ ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಯ ಹತ್ತಿರ ಮರೆಯಾಗಿ ಫಿರ್ಯಾದಿದಾರರ ಸೂಚನೆಗಾಗಿ ಗುಪ್ತವಾಗಿ ಕಾಯುತ್ತಾ ನಿಂತಿದ್ದರು, ಸಂಜೆ 4-30ರ ಸುಮಾರಿಗೆ ಫಿರ್ಯಾದಿ ಮತ್ತು ಪಂಚಸಾಕ್ಷಿ ಬಂದು ಆಪಾದಿತ ನೌಕರರು ಮೀಟಿಂಗ್‌ಗಾಗಿ ಶಿವಮೊಗ್ಗಕ್ಕೆ ಹೋಗಿರುತ್ತಾರೆಂದು ಅವರಿಗೆ ಮೊಬೈಲ್ ಮೂಲಕ ಸಂಪರ್ಕಿಸಿದ್ದಾಗಿಯೂ ನಾಳೆ ಬೆಳಿಗ್ಗೆ ಬರಲು ತಿಳಿಸಿರುತ್ತಾರೆ ಎಂದು ಹೇಳಿರುತ್ತಾರೆ. ನಂತರ ಎಲ್ಲರಿಗೂ ಮಾರನೇ ದಿನ ಬೆಳಿಗ್ಗೆ ಬರಲು ತಿಳಿಸಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಿಸಿರುತ್ತಾರೆ.

ಅದರಂತೆ, ಮಾರನೇ ದಿನ ಅಂದರೆ ದಿನಾಂಕ: 27/02/2007 ರಂದು ಬೆಳಿಗ್ಗೆ 9 ಗಂಟೆಗೆ ಫಿರ್ಯಾದಿ ಮತ್ತು ಪಂಚರು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಗೆ ಬಂದಿದ್ದು ನಂತರ ಎಲ್ಲರೂ 10 ಗಂಟೆಗೆ ಹೊರಟು ಭದ್ರಾವತಿಯನ್ನು 10.30 ಕ್ಕೆ ತಲುಪಿ ನಿರ್ಮಲ ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿ ಜೀಪ್ ನಿಲ್ಲಿಸಿ ಫಿರ್ಯಾದಿ ಮತ್ತು ಪಂಚರಿಗೆ ವಹಿಸಿಕೊಡುವ ಪಂಚನಾಮೆಯ ಕಾಲದಲ್ಲಿ ನೀಡಿದ ಸೂಚನೆಗಳನ್ನು ಮತ್ತೊಮ್ಮೆ ನೀಡಿ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ. ಅವರುಗಳಿಬ್ಬರು ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಗೆ ಹೋದ ನಂತರ ಸಾಕ್ಷಿ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ತಳಗಿಹಾಳ್, ತನಿಖಾಧಿಕಾರಿ ಮತ್ತು ಇತರೆ ಸಿಬ್ಬಂದಿಯವರುಗಳು ಅವರಿಬ್ಬರನ್ನು ಹಿಂಬಾಲಿಸಿ ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಯ ಹತ್ತಿರ ಮರೆಯಾಗಿ ಫಿರ್ಯಾದಿದಾರರ ಸೂಚನೆಗಾಗಿ ಗುಪ್ತವಾಗಿ ಕಾಯುತ್ತಾ ನಿಂತಿದ್ದರು, ಫಿರ್ಯಾದಿಯು ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಯಿಂದ ಹೊರಗಡೆ ಬಂದು ಈ ಮೊದಲೇ ಗೊತ್ತು ಪಡಿಸಿದ ಸೂಚನೆಯನ್ನು ಮಾಡಿ ತನಿಖಾಧಿಕಾರಿಗಳಿಗೆ ಆಪಾದಿತ ನೌಕರರು ಲಂಚದ ಹಣವನ್ನು ಪಡೆದಿರುವುದಾಗಿ, ಸೂಚನೆಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಈ ಸಮಯದಲ್ಲಿ ಪಂಚ ಸಹ ಅಲ್ಲಿಯೇ ಇದ್ದರು. ತಕ್ಷಣ ಸಾಕ್ಷಿ ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ತಳಗಿಹಾಳ್ ತನಿಖಾಧಿಕಾರಿಗಳು ಮತ್ತು ಸಿಬ್ಬಂದಿ

ವರ್ಗದವರು ಧಾವಿಸಿ ಫಿರ್ಯಾದಿಯ ಬಳಿ ಬಂದು ವಿಚಾರಿಸಿದಾಗ ಆಪಾದಿತ ನೌಕರರನ್ನು ತೋರಿಸಿ ಅವರೇ 1,500/- ರೂಪಾಯಿಗಳ ಲಂಚವನ್ನು ಕೇಳಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಇದನ್ನು ಪಂಚಸಾಕ್ಷಿ ಟಿ. ಶ್ರೀನಿವಾಸ್ ರವರು ಅನುಮೋದಿಸಿರುತ್ತಾರೆ. ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ನೌಕರರಿಗೆ ತಮ್ಮ ಗುರುತಿನ ಚೀಟಿಯನ್ನು ತೋರಿಸಿ ಪರಿಚಯ ತಿಳಿಸಿ ಸಹಕರಿಸುವಂತೆ ತಿಳಿಸಿರುತ್ತಾರೆ. ಫಿರ್ಯಾದಿಗೆ ತನಿಖಾಧಿಕಾರಿಯು ಕೊಟ್ಟ ಟೀಪ್‌ಕಾರ್ಡ್‌ನ್ನು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ನಂತರ ಎರಡು ಸ್ವಚ್ಛವಾದ ಬಟ್ಟಲುಗಳಲ್ಲಿ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣದಲ್ಲಿ ತಯಾರು ಮಾಡಿಸಿ, ಆಪಾದಿತ ನೌಕರ ಶ್ರೀ ಎಂ.ಕೆ. ಮುನವಳ್ಳಿ ಮಠ ರವರ ಬಲಕ್ಕೆ ಬೆರಳುಗಳನ್ನು ಅದ್ದಿಸಲಾಯಿತು. ಆಪಾದಿತ ನೌಕರರ ಬಲಗೈ ಬೆರಳುಗಳನ್ನು ಅದ್ದಿಸಿದ ದ್ರಾವಣವು ನೇರಳೆ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿತು. ಅದೇ ರೀತಿ ಎಡಗೈ ಬೆರಳುಗಳನ್ನು ಅದ್ದಿಸಿದ ದ್ರಾವಣವು ಯಾವುದೇ ಬಣ್ಣ ಬದಲಾವಣೆಯಾಗಿರುವುದಿಲ್ಲ. ಈ ದ್ರಾವಣಗಳನ್ನು ಬೇರೆ ಬೇರೆ ಸೀಸೆಗಳಲ್ಲಿ ಸಂಗ್ರಹಿಸಿ ಸೀಲು ಮಾಡಲಾಯಿತು. ತನಿಖಾಧಿಕಾರಿಯು ಫಿರ್ಯಾದುದಾರರಿಂದ ಪಡೆದ ಲಂಚದ ಹಣದ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಆಪಾದಿತ ನೌಕರರು ತಾನು ಧರಿಸಿದ್ದ ಪ್ಯಾಂಟಿನ ಬಲಭಾಗದ ಜೇಬಿನಿಂದ ತೆಗೆದು ರೂ. 1,500/-ಗಳ ಲಂಚದ ಹಣವನ್ನು ತೆಗೆದು ಹಾಜರುಪಡಿಸಿದರು ಅದನ್ನು ಪಂಚ ಸಾಕ್ಷಿಗಳು ಪರಿಶೀಲಿಸಿದಾಗ ಅವುಗಳ ನಂಬರುಗಳು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಪಂಚನಾಮ ಕಾಲಕ್ಕೆ ಫಿರ್ಯಾದುದಾರರಿಗೆ ವಹಿಸಿಕೊಟ್ಟ ನೋಟುಗಳು ಎಂದು ಖಚಿತಪಡಿಸಿಕೊಂಡು ಜಪ್ತು ಮಾಡಿರುತ್ತಾರೆ. ನಂತರ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣದಲ್ಲಿ ಆಪಾದಿತ ನೌಕರ ಶ್ರೀ ಎಂ.ಕೆ. ಮುನವಳ್ಳಿ ಮಠ ರವರು ಧರಿಸಿದ್ದ ಪ್ಯಾಂಟಿನ ಜೇಬಿನ ಒಳಭಾಗವನ್ನು ಅದ್ದಿ ತೋಳಿದಾಗ ಬಣ್ಣ ರಹಿತವಾದ ದ್ರಾವಣವು ನೇರಳೆ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿರುತ್ತದೆ. ಈ ದ್ರಾವಣವನ್ನು ಒಂದು ಬಾಟಲಿಗೆ ಹಾಕಿ ಲೇಬಲ್ ಅಂಟಿಸಿ ಅರಗಿನಿಂದ ಸೀಲು ಮಾಡಿರುತ್ತಾರೆ. ಹಾಗೂ ಆಪಾದಿತ ನೌಕರರು ಧರಿಸಿದ್ದ ಪ್ಯಾಂಟ್‌ನ್ನು ಸಹ ಜಪ್ತು ಮಾಡಿರುತ್ತಾರೆ.

ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ನೌಕರರನ್ನು ಲಂಚದ ಹಣದ ಬಗ್ಗೆ ವಿವರಣೆ ಕೇಳಿದಾಗ ಅವರು ತಮ್ಮ ವಿವರಣೆಯನ್ನು ಲಿಖಿತವಾಗಿ ಬರೆದುಕೊಟ್ಟಿರುತ್ತಾರೆ. ಈ ಹೇಳಿಕೆಯನ್ನು ಪಿಯಾರ್‌ಡಿ ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿ ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ. ನಂತರ ಹಾಜರಿದ್ದ ತಾಲ್ಲೂಕ ಕಛೇರಿಯ ಶಿರಸ್ತೇದಾರ ಶ್ರೀಮತಿ ನಫೀಸಾ ಬೇಗಂ ಅವರಿಂದ ಫಿರ್ಯಾದಿಗೆ ಸಂಬಂಧಪಟ್ಟ ದಾಖಲಾತಿಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಮೂಲ ದಾಖಲೆಗಳು ಕಚೇರಿಯ ಕೆಲಸಕ್ಕೆ ಅವಶ್ಯಕತೆ ಎಂದು

ಅವರು ತಿಳಿಸಿದ್ದರಿಂದ ಅವುಗಳಲ್ಲಿ ತನಿಖೆಗೆ ಪೂರಕವಾದ ಪುಟಗಳ ಭಾಗವನ್ನು ಜೆರಾಕ್ಸ್ ಮಾಡಿಸಿ ಈ ಜೆರಾಕ್ಸ್ ಪ್ರತಿಗಳಿಗೆ ಪಂಚರ ಮತ್ತು ತನಿಖಾಧಿಕಾರಿಯ ಸಹಿಗಳನ್ನು ಪಡೆದಿರುತ್ತದೆ. ಈ ಬಗ್ಗೆ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಿರುತ್ತಾರೆ.

ಮೇಲ್ಕಂಡಂತೆ ವಶಪಡಿಸಿಕೊಂಡ ವಸ್ತುಗಳನ್ನು ಮತ್ತು ಆಪಾದಿತ ನೌಕರರ ಕೈಬೆರಳುಗಳನ್ನು ತೊಳೆದ ದ್ರಾವಣವುಳ್ಳ ಬಾಟಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ಪರೀಕ್ಷೆಗಾಗಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಕಳುಹಿಸಿದ್ದು ಅವರಿಂದ ವರದಿಯು ಬಂದಿರುತ್ತದೆ. ಆದುದರಿಂದ ಆಪಾದಿತ ನೌಕರರು ಲಂಚ ನಿರೋಧ ಕಾಯ್ದೆಯ 7ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಅಕ್ರಮವಾಗಿ ರೂ. 1,500/- ಸಂಭಾವನೆಯನ್ನು ಫಿಯಾದಿದಾರರಿಂದ ಕೇಳಿ ಪಡೆದರೆಂದು ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ತನಿಖಾಧಿಕಾರಿಯು ಫಿಯಾದಿ, ಪಂಚರು ಹಾಗೂ ತನಿಖಾದಳದ ಸದಸ್ಯರನ್ನು ವಿಚಾರಿಸಿ ಅವರ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಂಡರು. ಕಡತದಲ್ಲಿ ಇರುವ ದಾಖಲಾತಿಗಳಿಂದ ಆಪಾದಿತ ನೌಕರರು ರೂ. 1,500/- ಅಕ್ರಮ ಸಂಭಾವನೆಯನ್ನು ಸ್ವೀಕರಿಸಿ ಘೋರ ದುರ್ನಡತೆಯನ್ನು ಎಸಗಿದ್ದಾರೆಂದು ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಆಪಾದಿತ ನೌಕರರಿಗೆ ತಿಳುವಳಿಕೆ ಪತ್ರ ಕಳುಹಿಸಿ, ಅವರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬಾರದೇಕೆಂದು ಸಮಜಾಯಿಷಿ ಕೇಳಲಾಯಿತು. ಆಪಾದಿತ ನೌಕರರು ತಮ್ಮ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಈ ಸಮಜಾಯಿಷಿಯು ತೃಪ್ತಿಕರವಾಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅವರ ವಿರುದ್ಧ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಸರ್ಕಾರಕ್ಕೆ ವರದಿ ಕಳುಹಿಸಿದ್ದು, ಅವರ ರದಿಯ ಆಧಾರದ ಮೇಲೆ ಆಪಾದಿತ ನೌಕರರ ವಿರುದ್ಧ ಈ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಸರ್ಕಾರವು ಆದೇಶ ಮಾಡಿ, ಮಾನ್ಯ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ವಹಿಸಿರುತ್ತದೆ. ಅದರಂತೆ ಈ ವಿಚಾರಣೆ.

ಆದ್ದರಿಂದ, ಈ ದೋಷಾರೋಪಣೆಯ ವಿವರ.

5. DGO appeared before this Inquiry Authority on 23/07/2009 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:-

The DGO has filed his written statement denying the allegations made in the charge memo and that he has not committed any misconduct as mentioned in the charge memo. He has prayed for permission to cross-examine the witnesses going to be examined on the side of the Disciplinary Authority. Hence, he 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 four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P13. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. The DGO did not choose to examine either himself or any witnesses on his behalf. Thereafter, questioning of this DGO was recorded as required u/Rule 11(18) of KCS (CC&A) Rules, 1957.

8. PW~~4~~ has not been cross-examined inspite of recalling him for cross-examination. There is no order to the effect that the examination in chief of PW~~4~~ has been discarded. The application was also filed for recall of PW4 and it has been dismissed. Hence, examination in chief of PW4 has to be considered and it cannot be discarded.

9. The Disciplinary Authority as well as DGO have not filed any written brief. Oral arguments of the Presenting Officer and the learned counsel for the DGO was heard. The points, that arise for the consideration of this inquiry authority are:-

- 1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO?
- 2) What order?

10. 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 ::**

**11. Point No.1:** It is the case of the Disciplinary Authority that the DGO while working as First Division Surveyor, Taluk Survey Office, Bhadravathi, Shimoga district demanded and accepted the bribe amount of Rs. 1,500/- from the complainant on 27/02/2007 for preparing the survey sketch and pakka podu in respect of sy.No. 13:P 99 measuring 2 acres and thereby he has committed the misconduct.

12. The complainant has been examined as PW1 and the copy of the complaint lodged by him before the Lokayukta police station is at Ex.P3. The gist of Ex.P3 is to the effect that he has entered into an agreement of sale in respect of sy.No. 13:P 99 measuring measuring 2 acres for Rs. 5,00,000/- from Smt. Babakka and that land had been granted in faovur of the husband of Smt. Babakka by name Sri Sathybovi. But in view of the death of Sri Sathya bovi, the grant certificate was issued in the name of Smt. Babakka and for alienation of the above said land the permission from the Government is necessary and in that respect the application had been given to the Tahasildar in Fabruary 2006. In Ex.P3 it is further stated that as Smt. Babakka is aged 80 years PW1 was looking after the above said application on behalf of Smt. Babakka by going to the Tahasildar office, Bhadravathi. The application had been given for survey and pakka podu of the above said granted land in the name of Smt. Babakka and that application had

been sent to the survey section and PW1 met the case worker (DGO) on 03/02/2007 and requested for pakka podu and survey sketch for which he demanded illegal gratification of Rs. 2,000/- and PW1 gave the amount of Rs. 500/- which was with him on that day and on that day itself the DGO came to the land and surveyed the same. Again on 23/02/2007 PW1 met the DGO in his office and requested for the revenue sketch for which the DGO demanded balance amount of Rs. 1,500/- and PW1 has lodged the complaint as Smt. Babaakka and himself were not willing to get the work done by paying the bribe amount. The complaint has been lodged on 26/02/2007 at 11.45 a.m.

13. PW1 in his evidence has deposed that he has purchased two acres of land in sy.No. 13:P 99 of Yarehalli village from Smt. Babakka and in that respect she has executed the agreement of sale and the copy of the same is at Ex.P1. She has deposed that Smt. Babakka had given the application for survey sketch and the copy of that application is at Ex.P2. He has deposed that he went to the office of the DGO and requested the DGO for the sketch. But DGO did not give the sketch and hence he filed the complaint. He has deposed that before the Lokayukta police staff he produced Rs. 1,500/- and he do not know any other thing. He has been treated as hostile witness by the Presenting Officer and cross-examined. In his cross-examination he admits that on 03/07/2007 he gave Rs. 500/- to the DGO and he also admits that on 23/02/2007 he met the DGO and requested for the survey sketch. He admits that on 26/02/2007 the pancha witness Sri Srinivas and Sri Chandrashekhar Talagihal, had been summoned to the

Lokayukta police station and they were informed about the complaint lodged by him and they were introduced to him also. He admits that he produced three notes of the denomination of Rs. 500/- before the Lokayukta police and powder was smeared to the notes and through the pancha witness Sri Chandrashekhar Talagihal those notes were given to him and afterwards the hands of Sri Chandrashekhar Talagihal, were washed in the solution and that solution turned to red colour and in that respect mahazar was drawn and the copy of the same is at Ex.P4.

14. PW1 further admits that on 26/02/2007 himself and the above said pancha had been to the office of the DGO and himself and the pancha witness Sri Srinivas went inside the office of the DGO to meet the DGO and the DGO was not in the office and hence they returned back to the Lokayukta police station and the mahazar was drawn and the copy of the same is at Ex.P5. He has deposed that on the next day himself, panchas and the Lokayukta police went to the office of the DGO and himself and the shadow witness Srinivas went inside the office of the DGO to meet the DGO. He has deposed that himself and the DGO went to drink the tea and at that time the DGO asked for the balance amount of Rs. 1,500/- and he gave the tainted currency notes to the DGO and the DGO received the same and afterwards he gave the signal to the Lokayukta police. He has also deposed that Lokayukta police seized the amount of Rs. 1,500/- from the DGO and the panchanama was also drawn and the copy of the same is at Ex.P6. Thus in his cross-examination by the Presenting Officer PW1 has supported the case of the Disciplinary Authority to

the effect that on 27/02/2007 the DGO demanded for the balance bribe amount of Rs. 1,500/- and received the same. He has deposed that he do not know whether the hand wash of the DGO was positive.

15. In his cross-examination by the leaned counsel for the DGO he has deposed that Smt. Babakka had not given him the power of attorney to pursue her application Ex.P2. But on that ground only the case of the Disciplinary Authority cannot be discarded. Ex.P2 shows that Smt. Babakka had given the application for pakka podu and for revenue sketch in respect of the granted land. As stated above PW1 has clearly stated in Ex.P3 that he was attending the taluk office in respect of the above said application of Sm. Babakka.

16. In his cross-examination he has deposed that after drinking the coffee he gave the tainted currency notes voluntarily to the DGO. It is pertinent to note that even assuming that PW1 gave the amount voluntarily the DGO was not expected to receive the same. He has deposed that prior to 26/02/2007 the file had been sent to Tahasildar office and on that ground also the case of the disciplinary authority cannot be discarded. As stated above in his cross-examination by the Presenting Officer he has clearly supported the case of the Disciplinary Authority.

17. PW2 is the shadow witness Sri T. Srinivas and he has deposed that in the year 2007 he was working as SDA in Meggan hospital, Shivamoga. He has deposed that himself and PW3 had been to Lokayukta police station on 26/02/2007 as per the directions of their higher officers. He has deposed that



at that time the complainant was present in the station and he had lodged the complaint and they were told about the contents of that complaint. He has deposed that as per the complaint, the DGO had demanded illegal gratification of Rs. 1,500/- for survey and for revenue sketch. He has deposed about PW1 producing the amount of Rs. 1,500/- and about all the averments mentioned in the entrustment mahazar, the copy of which is at ExP4. He has further deposed that after the entrustment mahazar, they went to the taluk office situated in Bhadravathi and himself and the complainant were sent inside that office to the survey section. He has deposed that earlier to that itself the instructions had been given to PW1 that PW1 should give the signal by cleaning his face with his hand kerchief after the DGO receives the illegal gratification. He has deposed that on that day the DGO was not in the office and hence they returned back to the Lokayukta police station and the mahazar was also drawn as per Ex.P5.

18. PW2 has deposed that himself, PW3 and the complainant were asked to come on the next morning and accordingly they went to the Lokayukta police station on the next day morning. He has deposed that afterwards they went to the Bhadravathi taluk office and PW1 and himself were sent inside the office and PW1 met the DGO and DGO called PW1 for coffee and they went to the canteen by name Durga Darshini and he was standing at a little distance from them and he was not able to hear their conversation. But he saw PW1 giving the tainted currency notes to the DGO and the DGO received the same and kept it in his right side pant pocket. He has deposed that afterwards PW1 gave the signal

and immediately the police inspector, his staff and another pancha came inside the office of the DGO and PW1 showed the DGO and told that he is Munavalli Mutt and he has received the amount. He has further deposed that sodium carbonate solution was prepared in two bowels and the hands of the DGO were washed separately and the solution in respect of right hand wash turned to pink colour and there was no change regarding the solution used for the left hand wash. He has deposed that when enquired about the amount the DGO produced the amount which was in the right side pant pocket and those notes were the same notes which were entrusted to the complainant on 26/02/2007 as per the entrustment mahazar. 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 he told the I.O. that the explanation of DGO (Ex.P7) is false. He has deposed that the right side pant pocket when washed in the sodium carbonate solution that solution also turned to pink colour. He has deposed that from the DGO the file of Smt. Babakka was received and certified copy of the same was prepared and seized including the attendance register and the copies of the same are at Ex.P8. He has deposed that the copy of the trap mahazar is at Ex.P6. Even though PW2 has been cross-examined by the learned counsel for the DGO at length nothing is made out in his cross-examination to discard his evidence.

19. PW3-Sri Chandrashekhar Talagihal and he has also deposed that as per the instructions of his higher officer he had been to the Lokayukta police station on 26/02/2007 as a pancha witness. He has also deposed about the complaint that

was given by PW1 in the Lokayukta police station. He has also deposed about all the averments made in the entrustment mahazar the copy of which is at Ex.P4. He has deposed that on that day the DGO was not in the office and hence they returned back to Lokayukta police station. He has deposed that on the next day they had been to the office of the DGO and PW1 and PW2 were sent inside the office to meet the DGO. He has deposed that himself and the Lokayukta police remained outside the office waiting for the signal. He has deposed that after some time PW1 gave the signal and at that time he was near the flag-post. He has deposed that immediately himself and the police went there and PW1 took them inside the office and showed the DGO and told that he has given the amount to him. He has deposed that the right hand wash of the DGO was positive. But there was no change in the colour of the solution in respect of the left hand wash. He has deposed that the DGO produced the amount which was in his right side pant pocket and those notes were the same notes mentioned in the entrustment mahazar. He has deposed about the pant wash of the DGO being positive. He has deposed that the explanation given by the DGO is at Ex.P7 and Ex.P8 are the copies of the documents seized and copy of the trap mahazar is at Ex.P6.

20. PW3 has been cross-examined at length. But nothing is made out in his cross-examination to discard his evidence.

21. PW4 is Sri E.S. Veerabhadrappe, and he has deposed that from September 2005 to March 2007 he was working as Police Inspector in Karnataka Lokayukta, Shivamoga. He has deposed that on 26/02/2007 PW1 came to the police station

and gave the complaint and the copy of the same is at Ex.P3. He has deposed that on the basis of the Ex.P3 he registered the case and sent the FIR to the Special Court and copy of the FIR is at Ex.P9. He has deposed about securing the panchas and PW1 producing the amount of Rs. 1,500/- and about all the averments made in the entrustment mahazar. He has deposed that photos were also taken at that time and Ex.P10 are the copies of photographs taken at that time. He has deposed that the entrustment mahazar was drawn from 1.10 p.m. to 2.30 p.m. and copy of the same is at Ex.P4. Thus he has deposed about all the averments made in the entrustment mahazar

22. PW4 has further deposed that at 3 p.m. himself, his staff, and panchas parked the vehicle near Nirmala hospital compound and PW1 and PW2 were sent inside the taluk office to meet the DGO. He has deposed that PW1 and PW2 came back and told that DGO has gone to the meeting in Shivamoga and hence they returned back to the Lokayukta police station. He has deposed that he asked PW1 to PW3 to come on the next day morning and the tainted currency notes were continued in the possession of the PW1 on the instructions that he should not touch the notes. He has deposed that on the next day at 7 a.m. PW1 to PW3 came to the police station and tainted currency notes were inside the shirt pocket of PW1. He has deposed that they went to Bhadravathi and the vehicle was stopped at a distance from the Taluk office and PW1 and PW2 were sent inside the office. He has deposed that at 11.15 a.m. PW1 gave the pre-arranged signal and immediately himself and his staff and another pancha went

inside the office of the DGO and PW1 showed the DGO and told that he has received the bribe amount from him. He has further deposed that he enquired PW1 and PW2 as to what happened and came to know that the DGO has received the tainted currency notes in the canteen from PW1 and kept the same in his right side pant pocket. He has deposed about the hand wash and the pant wash of the DGO. He has deposed that the DGO himself produced the tainted currency notes of Rs. 1,500/- from his right side pant pocket and he seized the same. He has deposed that Ex.P11 are the copies of the photographs taken at the time of the trap mahazar. He has deposed that Ex.P8 are the copies of the documents seized and Ex.P7 is the copy of the explanation given by the DGO. He has deposed that Ex.P13 is the copy of the FSL report and Ex.P12 is the copy of the sketch of the scene of occurrence. According to Ex.P13 both the hand wash of the DGO was positive.

23. There is no ill-will between PW1 to PW4 and the DGO and there is no reason to disbelieve their evidence. As stated above, PW1 in his cross-examination by the Disciplinary Authority has substantially supported the case of the Disciplinary Authority. As stated above PW2-shadow witness has also supported the case of the disciplinary authority and he has clearly deposed that he has seen the DGO receiving the tainted currency notes from PW1 and keeping the same in his right side pant pocket and as stated above there is the evidence of PW3 and PW4 also in support of the case of the disciplinary authority.

24. Ex.P7 is the copy of the explanation given by the DGO in which he has stated that by force PW1 gave Rs. 1,500/- to him and he had not demanded any amount from PW1. As stated above, the DGO is not expected to receive any amount from PW1 even though he has not demanded any amount from PW1. As stated above the amount was in the right side pant pocket of the DGO which clearly shows that the DGO has received the same and kept it in his right side of the pant pocket and the explanation-Ex.P7 to the effect that PW1 gave the tainted currency notes to him by force cannot be accepted. It is also not in dispute that the pakka podu had not yet been done and survey sketch had not been given to Smt. Babakka as on the date of the trap. In the questioning of the DGO, DGO has told that he had prepared the sketch, but he has not produced any documents to show that he had prepared the sketch. The facts and circumstances of this case probabalises the case of the Disciplinary Authority only and not the above said defence of the DGO.

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

**26. 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-Sri M.K. Munavalli Mutt, First Division Surveyor, Taluk Survey Office, Bhadravathi, Shimoga District **(now retired).***

27. Hence this report is submitted to Hon'ble Upalokayukta-2 for kind perusal and for further action in the matter.

Dated this the 31<sup>st</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.K. Satheesh (complainant)  
PW-2 : Sri T. Srinivasa (Shadow witness)  
PW-3: Sri Chandrashekhar Talagihal (pancha witness)  
PW-4:Sri E.S. Veerabhadrappe (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 land sale deed (agreement)  
Ex.P-2:Certified copy of the application submitted by Smt. Babakka  
Ex.P-3:Certified copy of the complaint dated: 26/02/2007  
Ex.P-4:Certified copy of the entrustment mahazar  
Ex.P-5:Certified copy of the panchaname  
Ex.P-6:Certified copy of trap mahazar  
Ex.P-7:Certified copy of the explanation of DGO  
Ex.P-8:Certified copy of the file of the complainant  
Ex.P-9:Certified copy of the FIR  
Ex.P-10,P11:Certified copy of the Xeroxed photos on the white sheet (10 photos)  
Ex.P-12:Certified copy of the sketch  
Ex.P-13:Certified copy of the chemical examination report

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

NIL

Dated this the 31<sup>st</sup> day of January, 2019

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

