



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/165/2012/ARE-4 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 27.01.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri B.R.Diwakara,
Secretary, Dabbeghatta Grama Panchayath,
K.R.Pete Taluk, Mandya District - reg.

Ref:- 1) Government Order No.RDP 146 GPS 2012
dated 30.03.2012.

2) Nomination order No. LOK/INQ/14-
A/165/2012 dated 20.04.2012 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 24.01.2020 of
Additional Registrar of Enquiries-4,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 30.03.2012 initiated the disciplinary proceedings against Shri B.R.Diwakara, Secretary, Dabbeghatta Grama Panchayath, K.R.Pete Taluk, Mandya 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/165/2012 dated 20.04.2012 nominated Additional Registrar of Enquiries-3, 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. Subsequently, by Order No. LOK/INQ/14-A/2014 dated 14.03.2014 Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, was re-nominated as the Inquiry Officer and thereafter, by Order No. Uplok-2/DE/2016 dated 03.08.2016 Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, was re-nominated to continue the said inquiry against DGO.

3. The DGO - Shri B.R.Diwakara, Secretary, Dabbeghatta Grama Panchayath, K.R.Pete Taluk, Mandya District, was tried for the following charge :-

“ That you Shri B.R.Diwakara, while working as Secretary, Dabbeghatta Grama Panchayath, K.R.Pete Taluk, Mandya District, demanded and accepted a bribe of Rs.3,000/- on 13.01.2011 from the complainant Sri Manjanna S/o Sri Ramaiah,

Bidarahalli Village Kikkeri Hobli, K.R.Pet Taluk, Mandya District for getting issued a cheque for Rs.15,000/- from PDO towards the last instalment of the amount sanctioned to the wife of the complainant under 'Rural Ashraya Scheme', 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 Government Servant and thus you are guilty of misconduct u/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966. "

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO - Shri B.R.Diwakara, Secretary, Dabbeghatta Grama Panchayath, K.R.Pete Taluk, Mandya District."

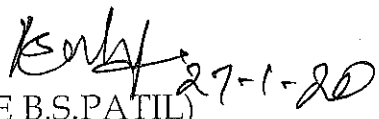
5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Shri B.R.Diwakara, is due to retire from service on 31.07.2022.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Shri B.R.Diwakara, Secretary, Dabbeghatta Grama Panchayath, K.R.Pete Taluk, Mandya District, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Shri B.R.Diwakara,'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL) 27-1-20  
Upalokayukta,  
State of Karnataka.

BS\*

## **KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/165/2012/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 24/01/2020

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

**Sub:** Departmental Inquiry against,

Sri B.R. Divakara  
Grama Panchayathi Secretary  
Dabbeghatta Grama Panchayathi  
K.R. Pete Taluk, **Mandya District**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in No. Compt/Uplok/MYS/111/2012 ARE-11, Dated:07/03/2012
- 2) Government Order No. GraAPa 146 GraPamKa 2012, Bengaluru, dated: 30/03/2012
- 3) Order No.LOK/INQ/14-A/165/2012, Bengaluru dated:20/04/2012 of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri B.R. Divakara, Grama Panchayathi Secretary, Dabbeghatta Grama Panchayathi, K.R. Pete Taluk, **Mandya District** (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: 20/04/2012 cited above at reference-3, nominated Additional Registrar of Inquiries-3 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Inquires-3 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. When the matter was pending for inquiry in recording the evidence of the witnesses of Disciplinary Authority, this matter was transferred to Addl. Registrar of Inquiries-8 vide Order No.LOK/INQ/14-A/2014, Bengaluru, dated: 14/03/2014 of the Hon'ble Uplokayukta and Addl. Registrar of Inquiries-8 proceeded with the inquiry in recording the evidence of PW1 to PW3 When the matter pending for recording of evidence of DW1, again transferred to this Addl. Registrar of Inquiries-4 vide O.M. No. Uplok-2/DE/2016 Bengaluru, dated: 03/08/2016 of the Hon'ble Registrar issued with the concurrence of the Hon'ble

Upalokayukta. Hence, this inquiry case proceeded by this Addl. Registrar of Inquiries-4 in accordance with law.

5. The Articles of Charges framed by ARE-3 against the DGO is as follows:-

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

*That you, Sri B.R. Divakara (herein after referred to as Delinquent Government Official, in short DGO), while working as the Grama Panchayathi Secretary, Dabbeghatta Grama Panchayathi, K.R. Pet Taluk, Mandya District and demanded and accepted a bribe of Rs. 3,000/- on 13/01/2011 from complainant Sri Manjanna s/o Sri Ramaiah, Bidarahalli Village, Kikkeri Hobli, K.R. Pet Taluk, Mandya District for getting issued a cheque for Rs. 15,000/- from PDO towards the last installment of the amount sanctioned to the wife of the complainant under "Rural Ashraya Scheme", 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 Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.*

**ANNEXURE-II**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant Sri Manjanna s/o Sri Ramaiah Bidarahalli Village, Kikkeri Hobli, K.R. Pet Taluk, Mandya District filed a complaint on 13/01/2011*

before the Police Inspector, Karnataka Lokayukta, Mandya alleging that a house was granted to his wife Smt. Shankuntala under "Rural Ashraya Scheme" and a subsidy amount of Rs. 25,000/- was granted and the last installment amount of Rs. 15,000/- was to be paid to his wife and therefore, he went to Sri B.R. Divakara, Grama Panchayathi Secretary, Dabbeghatta Grama Panchayathi, K.R. Pete Taluk, Mandya District, (herein after referred to as Delinquent Government Servant, n short DGO) and asked him about the issue of cheque in respect of the last installment of the subsidy amount and at that time he demanded a bribe of Rs. 3,000/- for getting issued the cheque from the PDO.

As the complainant was not willing to pay any bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta, Mandya on 13/0/12011 and lodged a complaint. On the basis of the same a case was registered in Mandya Lokayukta Police Station Cr. No. 02/2011 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 and you, the DGO was trapped on 13/01/2011 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 3,000/- from the complainant in the presence of shadow witness and the said bribe amount which you had received from the complainant was seized from your possession under the seizure/trap 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 you, the DGO, demanded and accepted bribe of Rs. 3,000/- from the complainant on 13/01/2011 for doing an official act i.e., for getting issued a cheque for Rs.15,000/- from PDO towards the last installment of the amount sanctioned to the wife of the complainant under "Rural Ashraya Scheme". 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)(i) to (iii) of KCS (Conduct) Rules, 1966.*

*In this connection, an observation note was sent to you the DGO and you have submitted your 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 you, the DGO. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary*

*proceedings against you, the DGO and to submit report.  
Hence, the charge.*

6. DGO appeared before this Inquiry Authority on 20/12/2012 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.

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

The charge framed against the DGO is without authority of law since no power is vested under the Act for the Hon'ble Lokayukta to make a recommendation. Article of Charge and the Government Order both are not legal. The DGO never demanded any money as bribe from the complainant. The DGO while working as Grama Panchayath Secretary of Dabbeghatta, was inspecting the spot and put up the file along with report to the Panchayath Development Officer. The DGO has no authority to issue the cheque for Rs. 15,000/- towards the last installment. He did not demand nor received any money from the complainant. The DGO denies the charge and the statement of imputations of misconduct as false and baseless. The DGO has not committed any misconduct. Hence, prays to exonerate him from the charges leveled against him in this case.

8. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all four witnesses as PW1 to PW3 and got marked documents at

Ex.P1 to P19 After closing the evidence of the Disciplinary Authority, the Second Oral Statement of the DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGO himself examined as DW1 and got marked Ex.D1 and D2 closed his side. Hence, recording the answer of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

9. The Disciplinary Authority has not filed the written brief, but on the side of the DGO written brief has been filed. Oral arguments of the Presenting Officer 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 has satisfactorily proved the charges 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 Panchayath Secretary, Dabbeghatta grama panchayath, K.R. Pet Taluk,

Mandya District demanded and accepted the bribe of Rs. 3,000/- on 13/01/2011 from the complainant Sri Manjanna s/o Sri Ramaiah, for getting issued a cheque for Rs. 15,000/- from the PDO towards last installment of the amount sanctioned to the wife of the complainant under "Rural Ashraya Scheme" that is for doing an official act and there by he has committed the misconduct.

12. The complainant has been examined as PW2 and the copy of the complaint lodged by him before the Lokayukta police station, Mandya is marked as Ex.P3. The gist of Ex.P3 is to the effect that the wife of PW2 by name Smt. Shankuntala has been granted financial assistance to construct the house under "Rural Ashraya Scheme" and in that connection an amount of Rs. 25,000/- has already been released in two installments and the 3<sup>rd</sup> installment of Rs. 15,000/- is not yet received and in that connection PW2 met the Secretary of Dabbeghatta Grama Panchayath and the Secretary (DGO) insisted for payment of Rs. 3,000/-. It is also stated that on 10/01/2011 PW2 met the DGO in the panchayath office and the DGO demanded bribe of Rs. 3,000/- to give the cheque after getting the signature of the PDO to the same and not willing to pay the bribe amount he has lodged the complaint. The complaint has been lodged on 13/01/2011 at 9.30 a.m.

13. PW2 has been deposed that his wife Smt. Shankuntala was granted house under "Ashraya Scheme" and she was paid the subsidy amount of Rs. 25,000/- and

an amount of Rs. 15,000/- was still due to her and in that connection he met the DGO and enquired about the balance amount of Rs. 15,000/- and the DGO demanded bribe of Rs. 3,000/- to issue the cheque for the balance amount. He has deposed that not willing to pay the bribe amount he lodged the complaint as per Ex.P3 and Ex.P3(a) is his signature. He has further deposed that after he lodged the complaint, the Police Inspector secured two panchas namely Sri Ramadas and Sri K. Narayana and introduced them to him and the complaint given by him was also given to them to go through the same. He has deposed that he produced the amount of Rs. 3,000/- consisting of three notes of the denomination of Rs. 1,000/- and the pancha witnesses noted down the numbers of those notes in a separate sheet. He has deposed that the Lokayukta staff applied the phenolphthalein powder to the currency notes and the pancha witness Sri K.Narayana kept those notes in his shirt pocket and afterwards the hands of Sri K. Narayana was washed in the sodium carbonate solution and that solution turned to pink colour. He has deposed that the entrustment mahazar was also drawn and the copy of the same is at Ex.P1 and his signature is at Ex.P1(a).

14. PW2 has further deposed that after the entrustment mahazar himself pancha witness, the police inspector and his staff went to the panchayath office of Dabbeghatta and the jeep was parked at a distance and himself and pancha witness Sri Ramadas went inside the office of the DGO to meet the DGO. He has deposed that the DGO was present

in his office and he enquired him about his work and the DGO asked whether he has brought the bribe amount and he gave the tainted currency notes and the DGO received the same with his right hand and kept it in his left side shirt pocket. He has deposed that afterwards he gave the signal to the Police Inspector and the Police inspector came inside the office of the DGO and he told what had happened and also showed the DGO. He has deposed that the right hand wash of the DGO was positive and the Police Inspector asked the DGO to produce the bribe amount and the DGO produced the bribe amount from his shirt pocket and those notes tallied with the notes mentioned in the entrustment mahazar and those notes were seized. He has deposed that even the shirt wash of the DGO (left side pocket portion) was positive and that shirt was also seized. He has deposed that the file of the complainant was with the Development Officer and the same was seized and he has deposed that the copy of the Trap Mahazar is at Ex.P2 and Ex.P2(a) is his signature. He has deposed that the photographs were also taken at the time of drawing the mahazars Ex.P1 and P2.

15. In his cross-examination PW2 has deposed that, he has not produced any authorization letter issued by his wife authorizing him to file the complaint. But on that ground only the case of the Disciplinary Authority cannot be discarded. He has denied the suggestion that the construction of the house had not been completed and even then galata was made for release of the third installment amount. He has also denied the suggestion that the work of

the wife of the complainant was not pending with the DGO and it was pending with PDO. He has denied the suggestion that the Lokayukta police forcibly made the DGO to remove the tainted currency notes from his shirt pocket. He admits that the DGO told that the file is with the PDO. He has denied the suggestion that there was no provision for putting RCC roof to the house. Thus nothing is made out in the cross-examination of PW2 to discard his evidence.

16. PW1 is Sri Ramadas and he has deposed that in the year 2011 he was working as FDA in the District Industries Center at Mandya and Sri K. Narayana was also working in the same office as stenographer. He has deposed that on 13/01/2011 as per the instructions of his higher officer himself and Sri K. Narayana had been to the Lokayukta police station at Mandya and in the police station PW2 was present and he was introduced to them. He has deposed that he read the complaint also and PW2 produced Rs. 3,000/- and the denomination and numbers of those notes were noted in a separate sheet by himself and Sri K. Narayana. He has deposed that phenolphthalein powder was applied to the notes by the staff of the police inspector and those notes were given to Sri K. Narayana and he counted them and kept the same in the left side shirt pocket of PW2 and afterwards his hands were washed in the solution and that solution turned to pink colour. He has deposed that the entrustment mahazar was drawn and the copy of the same is at Ex.P1.

17. PW1 has further deposed that, after the entrustment mahazar himself, another pancha witness, PW2, Police Inspector and his staff went to Dabbeghatta and the jeep was stopped near the Ganapathi temple and himself and the complainant were asked to go and meet the DGO. He has deposed that the DGO was present in his office and PW2 enquired about his work and DGO asked PW2 whether he has brought the bribe amount and PW2 gave the tainted currency notes and the DGO received the same from his right hand and kept it in his left side shirt pocket. He has deposed that immediately the signal was given to the Police Inspector and Police Inspector came inside the office of the DGO and PW2 told the Police Inspector what happened and the hands of the DGO were washed and the right hand wash was positive. He has deposed that the DGO produced the bribe amount from his left side shirt pocket and those notes were the same notes mentioned in the entrustment mahazar and those notes were seized. He has also deposed that the shirt pocket of the DGO was washed in the solution and that solution also turned to pink colour. He has deposed that, the police inspector seized the documents also and Ex.P2 is the copy of the Trap Mahazar.

18. PW1 has been cross-examined and in his cross-examination he has deposed about the Entrustment Mahazar and that it was 2.15 p.m. when they reached Dabbeghatta. He has deposed that he had also gone inside the office of the DGO along with the PW2 and he was able to hear the conversation between the DGO and PW2. He has



denied the suggestion that the DGO told PW2 that he has to bring his wife to take the cheque. He has also denied the suggestion that, PW2 forcibly thrust the tainted currency notes into the shirt pocket of the DGO. He has deposed that the file of the wife of the PW2 was with the PDO. Thus PW1 has also supported the case of the Disciplinary Authority.

19. PW3 is Sri P.K. Raju, and he has deposed that from 27/11/2010 to 30/09/2013 he was working as Police Inspector in Lokayukta Police station, Mandya and on 13/01/2011 at 9.30 a.m. PW2 came to the police station and gave the written complaint and the copy of the same is at Ex.P3. He has deposed that on the basis of Ex.P3 he registered the case and sent the FIR to the concerned court and the copy of the same is at Ex.P4. He has deposed about securing the two panchas and PW1 producing the amount of Rs. 3,000/- and about all other proceedings which took place in the police station mentioned in the Entrustment Mahazar-Ex.P1 and I feel it is not necessary to repeat the same. Thus PW3 has deposed about all the averments mentioned in the Entrustment Mahazar-Ex.P3. PW3 has further deposed that after the entrustment mahazar, they went to Dabbeghatta and parked the vehicle near the Ganapathi temple and PW1 and PW2 went inside the office of the DGO to meet the DGO. He has deposed that himself, his staff and another pancha witness were waiting outside the office of the DGO and at 2.45 p.m. PW2 came out of the office of the DGO and gave the pre-instructed signal and immediately himself, his staff and another pancha witness

went inside the office of the DGO and PW2 showed the DGO and told that the DGO demanded and received the bribe amount of Rs.3,000/- and kept it in his shirt pocket. He has deposed that he enquired the shadow witness also and the right hand wash of the DGO was positive and afterwards he enquired the DGO about the bribe amount and the DGO produced the same from his left side shirt pocket and those notes were the same notes mentioned in the separate sheet and also in the entrustment mahazar. He has deposed that even the left side shirt pocket wash of the DGO was positive. He has deposed that he secured the documents concerning the wife of the complainant and the Xerox copies of those documents were certified by Sri S.R. Nagaraju PDO as the certified copies and seized. He has deposed that Ex.P5 is the copy of the explanation given by the DGO. He has deposed that PW1 and PW2 denied the contents of Ex.P5. He has deposed that Ex.P2 is the copy of the Trap Mahazar. He has deposed that the seized articles were sent to the chemical examiner and the copy of the report given by the chemical examiner 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 stated above. In his cross-examination the evidence given by him in his examination in chief has been reiterated. Ex.D2 is the copy of the letter written by PW3 to the Joint Director, District Industrial Center, Mandya, to send two panchas and on that letter itself the Joint Director

has made the shara that Sri K. Narayana and Sri Ramadas are sent as panchas.

21. The DGO has been examined as DW1 and he has deposed that from 10/07/2007 to 04/02/2011 he was working as Secretary of Dabbeghatta village grama panchayath, K.R. Pete Taluk. He also admits that the wife of PW2 was sanctioned total amount of Rs.40,000/- to construct the house and that the amount has to be released in three installments. He has deposed that two installments were already released in favour of wife of PW2 and the third installment was due to her. He has deposed that prior to release of each installments the photo of the building was taken and when the first and second installment was released he had the power to sign the cheque. But at the time of releasing the third installment the PDO was given the power to sign the cheque. He has deposed that prior to 13/01/2011 PW2 had met him twice and enquired him regarding the release of third installment amount and he had told PW2 that, the file was with PDO and the cheque would be issued by the PDO. He has deposed that on 13/01/2011 at 2.30 p.m. PW2 approached him and asked him to give the third installment cheque and he told PW2 that the file was with the PDO and to meet the PDO. He has deposed that when he was talking with another person PW2 suddenly thrust the amount to his shirt pocket and immediately the Lokayukta police came there and asked him to give the amount kept in his shirt pocket and he removed those notes and produced the same before the

Lokayukta police and afterwards his hands were washed. He has deposed that he has given his explanation to the Police Inspector. As stated above, Ex.P5 is the copy of the explanation given by the DGO and in the same it is stated that on 13/01/2011 at 2 p.m. when he was going to the toilet PW2 suddenly thrust the amount in his shirt pocket. It is pertinent to note that, DW1 has not deposed that while he was going to the toilet the amount was thrust to his shirt pocket. As stated above PW2 has deposed that the amount was thrust by PW2 to his shirt pocket in his office only. Even otherwise it is pertinent to note that in his cross-examination he has deposed that, there is no personal ill-will between himself and PW2 and there is no ill-will between himself and the I.O. also. Hence, there is no reason as to why PW2 has to thrust the amount into the shirt pocket of the DGO as deposed by DW1. There is also no reasons as to why PW2 had to give a false complaint against the DGO in case the DGO did not demand the bribe amount from PW2. DW1 admits that Ex.P7 are the copies of the documents regarding the wife of PW2. He admits that Ex.P8 to P18 are the copies of the photographs in which he is also seen. Ex.P8 to P18 are the copies of the photographs taken at the time of the Trap Mahazar.

22. As stated above, PW2 who is the complainant has clearly deposed that the DGO demanded bribe of Rs. 3,000/- to issue the third installment cheque by getting the signature of the PDO to the same and received the bribe amount also. The charge framed against the DGO is also to

the effect that he demanded the bribe amount for getting issued the cheque for Rs.15,000/- from PDO towards the last installment. As stated above, there is no reason as to why PW2 has given the false complaint against the DGO. As stated above, the shadow witness (PW1) has completely supported the case of the Disciplinary Authority. As stated above, PW1 has also denied the suggestion that PW2 thrust the tainted currency notes to the shirt pocket of the DGO. He has clearly deposed that the DGO demanded the amount and PW2 gave the tainted currency notes. As stated above, PW3 has also supported the case of the Disciplinary Authority.

23. The records disclose that on 23/04/2019 the learned advocate for the DGO filed the memo to discharge the DGO in this enquiry and after hearing both sides that memo has been rejected. In the arguments on the above said memo the learned counsel for the DGO contended that the DGO has been convicted in the Criminal case NO.2/2011 on the file of 3<sup>rd</sup> Addl. District and Session Judge, Mandya, and on that basis the DGO has been dismissed from service and against his conviction Appeal NO. 4821/2019 has been preferred before the Hon'ble High Court of Karnataka and it is pending. Hence, it has to be said that the DGO has been convicted in the Criminal case where the proof required is beyond all reasonable doubt where as this enquiry has to be decided on the basis of preponderance of probabilities based on the evidence adduced in this enquiry.

24. The facts and circumstance of this case only probablises the case of the Disciplinary Authority and not the defence of the DGO stated above.

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

**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 the DGO- B:R. Divakara, Grama Panchayathi Secretary, Dabbehatta Grama Panchayathi, K.R. Pete Taluk, **Mandya District..***

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

Dated this the 24<sup>th</sup> day of January, 2020

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

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

- PW-1:Sri Ramdas (shadow witness)  
PW-2:Sri Manjanna (complainant)  
PW-3:Sri P.K. Raju (I.,O.)

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

- DW-1: Sri B.R. Diwakar (DGO)

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

- Ex.P-1: Certified copy of the Entrustment Mahazar  
Ex.P-1(a,b): Relevant entries in Ex.P1  
Ex.P-2: Certified copy of the Trap Mahazar  
Ex.P-2(a,b): Relevant entries in Ex.P2  
Ex.P-3: Certified copy of the complaint  
Ex.P-3(a,b): Relevant entries in Ex.P3  
Ex.P-4: Certified copy of the FIR  
Ex.P-4(a): Relevant entry in Ex.P4  
Ex.P-5: Certified copy of the explanation of DGO  
Ex.P-5(a): Relevant entry in Ex.P5  
Ex.P-6: Certified copy of the chemical examination report  
Ex.P-7: Certified copy of the file of the complainant (containing 32 sheets)  
Ex.P-8 to P18: Xerox copy of the Xeroxed photos on the white sheet  
Ex.P-19: Original written statement of defence filed by the DGO

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

- Ex.D-1: Xerox copy of the requisition of the Police Inspector, Karnataka Lokayukta, Mandya submitted to the Hon'ble District and Session court, Mandya  
Ex.D-2: Xerox copy of the letter of Police Inspector, Karnataka Lokayukta, Mandya dated: 13/01/2011 addressed to Joint Director, District Industrial Centre, Mandya

Dated this the 24<sup>th</sup> day of January, 2020

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

