

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

NO: LOK/ARE-4/Enq-212/2011
 (Encl: (a) Recommendation of Hon'ble
 Lokayukta & Inquiry Report
 of Inquiry Officer, in original
 (b) Connected records

Multi Storied Building
 Dr. B.R. Ambedkar Veedhi
 Bengaluru - 560 001
 Date: 02/02/2019

/CONFIDENTIAL/**To;**

Sri. Rajender Kumar Kataria, IAS.,
 Secretary to Government,
 Commerce & Industries Department,
 (MSME & Mines)
 Vikasa Soudha, Bengaluru - 560 001.

Respected Sir,

Sub:- Departmental Enquiry against Sri.
 Narayana Mahabaleshwara Shait,
 Industrial Promotion Officer, District
 Industries Centre, Dharwad - reg.

Ref:- Government Order No. ICD/NIRI-
 2/LOK/2010-11 Bengaluru, dated;
 11.08.2011.

Adverting to the above, I am directed to forward herewith the recommendations of the Hon'ble Lokayukta, State of Karnataka, Bengaluru, dated; 31/01/2019 in original, and the Report of the Inquiry Officer, in original, along with relevant records of inquiry, as detailed below:

I N D E X

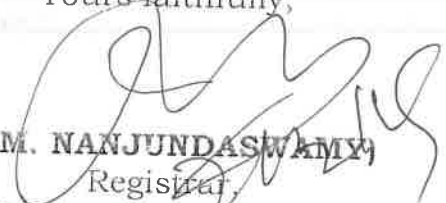
File NO.	Particulars of Documents	Page NOs.
	One sealed cover containing recommendation of Hon'ble Lokayukta dated; 31.01.2019 and Inquiry Report	

	dated; 07.12.2018.		
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	2. Xerox copy of G.Order	28-30	
	3. Xerox copy of the 12(3) report dated: 17/06/2011	31-33	
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	7. Original letter of P.I. KLA, Dharwad dated: 29/08/2016 with xerox copy of the death certificate of Sri V. Nagaraj (shadow panch witness) (Page No.43 original, page No.44 xerox copy)	43,44	
	8. Original letter of PI, KLA, Dharwad, dated: 03/03/2016 with xerox copy of the death certificate of Sri Allamaprabhu Shivalingappa Subhedara (I.O.) (page No. 45 original, page No. 46 xerox copy)	45,46	
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	12. Written Brief submitted by the DGO (original)	82-89	
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File NO.III	PW-1: Sri Basavaraj Yadanannavar (complainant) (original)	90-96	
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	Ex.P-2:Entrustment Mahazar (page Nos.	120-125	

	120-124 xerox copies, page No. 125 certified copy)	
	Ex.P-2(a): Relevant entry in Ex. P2	
	Ex.P-3: Xerox copy of file of the complainant Ex.P3(a): Relevant entry in Ex.P3	126-152
	Ex.P-4: Trap Mahazar (page Nos.153-159 xerox copies, page Nos. 160 certified copy)	153-160
	Ex.P-5 to 9: Xerox copies of the photos on the white sheet taken at the time of before the trap and after the trap	161-167
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	Ex.P11: Certified copy of the explanation of DGO	170

Receipt of the recommendation of the Hon'ble Lokayukta, along with the Report of the Inquiry Officer in a sealed cover and the connected inquiry records, as mentioned above, may please be acknowledged, at the earliest.

Yours faithfully,


(H.M. NANJUNDASWAMY)
Registrar,
Karnataka Lokayukta,
Bengaluru.

Copy to:

✓ Addl. Registrar of Enquiries - 4, Karnataka Lokayukta, Bengaluru along with copy of recommendation, for information and further necessary action.



KARNATAKA LOKAYUKTA

No:LOK/ARE-4/Enq-212/2011

Multi Storied Building
Dr B.R.AmbedkarVeedhi
Bengaluru – 560 001
Date: 31-01-2019

**RECOMMENDATION UNDER RULE 14(A)(2)(d) OF THE
KARNATAKA CIVIL SERVICES (C.C&A) RULES, 1957**

Sub:- Departmental Enquiry against Sri.
Narayana Mahabaleshwara Shait,
Industrial Promotion Officer, District
Industries Centre, Dharwad – reg.

Ref:- Government Order No. ICD/NIRI-
2/LOK/2010-11 Bengaluru, dated;
11.08.2011.

The Enquiry report dated 07-12-2018 in No:
LOK/ARE-4/Enq-212/2011 submitted by the Additional
Registrar of Enquiries-4 (hereinafter referred to as the
Enquiry Officer) Karnataka Lokayukta has been placed
before me.

2. Pursuant to the report dated 17-06-2011 submitted
by the then Hon'ble Lokayukta under Section 12(3) of the
Karnataka Lokayukta Act, 1984 (hereinafter referred to as
'the Act'), the Government of Karnataka by means of its
Government Order No. ICD/NIRI-2/LOK/2010-11, Dated

11-08-2011, while accepting the recommendation made u/Sec. 12(3) of the Act, initiated Disciplinary proceedings against Sri. Narayana Mahabaleshwara Shait, the then Industrial Promotion Officer, District Industries Centre, Dharwad (hereinafter referred to as Delinquent Government Officer, for short DGO) and entrusted the same to the Hon'ble Lokayukta to conduct an enquiry with regard to the allegations made against the DGO under Rule 14-A of Karnataka Civil Services (CCA) Rules, 1957.

3. Subsequent to the receipt of the said Government Order dated 26-09-2014, the then Hon'ble Lokayukta by means of Nomination Order No.LOK/INQ/14-A/212/2011 dated 27-08-2011, nominated the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and conduct an inquiry against the DGO.

4. The Inquiry Officer has framed the Articles of charges against the DGO. It is useful to extract the Article of charges framed against the DGO, which reads as hereunder:

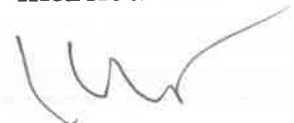


CHARGE

That you Sri Narayana Mahabaleshwara Shet, the DGO, while working as Industrial Promotional Officer in the office of the District Industries Center at Rayapura in Dharwad, the complainant namely Sri Basavaraj s/o Gurumallappa Yadavannavar who was running a factory called "Bharath Paints" at Plot No. 152 in Belur Industrial Area along Sri Vijayakumar M. Ammanagi as a partner approached you for subsidy of Rs.8,13,000/- which is 20% of the project amount of Rs.44,22,000/- granted by the Government and about 8 days after 28/03/2009 you asked the complainant to meet telling that the papers are in order for the said subsidy amount and instead of attending the file, you asked to pay bribe of Rs. 25,000/- and after pleading inability, you reduced the demand for Rs. 20,000/- and on 14/05/2009 received the said amount of Rs. 20,000/- as bribe from the complainant to show official favour failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed misconduct as enumerated u/rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

5. The DGO, after service of the Article of charges, denied the charges levelled against him. He has specifically contended that the complainant has filed the complaint at the insistence of others. He has also contended that no work pertaining to the complainant was pending before him on the date of incident and neither he demanded nor accepted any illegal gratification either from the complainant or anybody.

6. In the course of inquiry proceedings, on behalf of Disciplinary Authority, three witnesses were examined as PW-1 to PW-3 and eleven documents were marked as



Ex.P-1 to P-11. On behalf of DGO two witnesses by name Sri. Amarappa Siddappa Yaresimi and Sri. Kusha are examined himself as DW-1 & 2. But no documents are marked on behalf of DGO.

7. The Inquiry Officer on the basis of the evidence adduced in the course of enquiry, found that the disciplinary authority has established the charges levelled against the DGO.

8. I have gone through the report of the Inquiry Officer and also the evidence available on record. The substance of the charge levelled against the DGO is that he has demanded bribe of Rs.25,000/- for sanctioning the subsidy amount in respect of M/s Bharath Paints an industrial unit of the complainant Sri. G. Basavaraj Yadanannavar and reduced the demand to Rs.20,000/- and received it on 14.05.2009. It is also contended that immediately after receiving the bribe amount of Rs.20,000/-, he was trapped by the Lokayukta Police, Dharwad and the bribe amount was seized from his possession and therefore he has failed to maintain absolute integrity and devotion to duty.

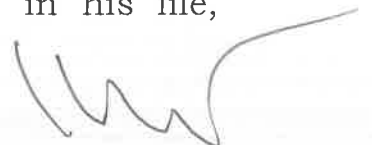
9. The Enquiry Officer, after elaborately discussing the evidence of PW-1 to PW-3 and also the evidence of DW-1



and DW-2, has recorded a finding that the disciplinary authority has proved the charges leveled against the DGO.

10. The complainant one Sri. Basavaraj Yadanannavar, who has been examined as PW-1 has deposed in his evidence that he voluntarily kept the tainted currency notes in the file which was on the table of the DGO without the knowledge of the DGO. PW-2 Sri. Digambara Venkatesh Joshi who is stated to be a panch witness though deposed about his participation in the pre-trap proceedings, testified that the Lokayukta Police had recovered the tainted money from the file which was in the table drawer of the DGO. PW-3 Smt. Jayalakshmi Katti is the Head Constable who accompanied and assisted the I.O. In her evidence she states that when the complainant gave pre arranged signal, Police Inspector entered the chamber along with the panch witness and later she too entered the chamber and the Police Inspector seized the tainted money. The evidence of Shadow Witness and Investigating Officer could not be secured as they died during the pendency of the case.

11. In the present case, the DGO has admitted possession of tainted money of Rs.20,000/- in his file,



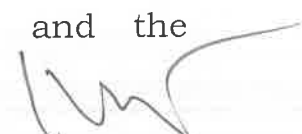
which was kept by him in the drawer of his table. The only contention raised by him is that, the complainant kept the money inside the file when he turned towards the cupboard to keep some files. When the possession of the tainted money is admitted and proved, the onus shifts on the DGO to explain how he came into the possession of the tainted money. In this regard it is useful to extract the relevant portion of the decision of the Hon'ble Supreme Court rendered in the case of State of Gujraj V/s Naveen Bhai Chandrakanth Joshi and others (2018) 9 SCC 242, wherein it is held as hereunder;

“Since it is established that the accused was possessing the bribe money, it was for them to explain that how the bribe money has been received by them and if he fails to offer any satisfactory explanation, it will be presumed that he has accepted the bribe”.

In view of the above factual and legal position the only question for determination is whether the DGO has given a probable and acceptable explanation for the possession of the tainted money. The complainant has handed over huge amount of Rs.20,000/-. However, it is



the case of the DGO that when he turned towards cupboard, the complainant kept the amount inside the file. The DGO has not chosen to give explanation on oath by stepping into the witness box. Though the DGO can give explanation even without examining himself, it appears to me that he has failed to examine himself with a view to avoid cross examination fearing that the falsehood of defence taken by him would be exposed in the cross examination. During the stage of defence evidence, the DGO has attempted to improve the case by examining two witnesses by name Sri. Amarappa Siddappa Erasimi and Sri. Kusha as DW-1 and DW-2. DW-1 has deposed that when he visited the office on 04.05.2009 at about 1:30 P.M. the DGO was shouting against some persons for bringing the agents and while going out of the chamber, the persons who were stated to be the agents accompanied the complainant have threatened the DGO that they will see him. Admittedly, the complainant was the partner of the industry for which the subsidy was sought. Therefore, he cannot be an agent and there was no necessity for him to bring an agent. In the evidence of DW-2 Kusha has stated that when he was in the chamber of DGO, the DGO was searching for a brochure in the almirah and the



complainant voluntarily and without any demand by the DGO kept the tainted money in a file and went out of the chamber. It is pertinent to note that immediately after the trap, the DGO has given a statement in writing. Though, the DGO has denied the demand for bribe made by him, he states that he do not know why the complainant offered the amount. This is the statement given by the DGO at the earliest point of time. At the earliest point of time, the DGO has not disclosed the presence of DW-1 and DW-2 or anything about the prior conversation stated to have taken place between the complainant and him. He has not even stated about the animosity in between the complainant and DGO. The incident occurred on 14-05-2009. The DGO filed his written statement on 04-12-2012. Even in the written statement, he has merely stated that the complaint is filed at the insistence of some persons who had an axe to grind against him. Therefore, even in the written statement, the DGO has not raised the defence of enmity between him and the complainant to implicate the DGO in a serious misconduct of demanding and taking bribe and also about the presence of DW-1 and DW-2. If there was really enmity between the complainant and the DGO, certainly he could have revealed it at the earliest point of time. Therefore, the



presence of DW-2 at the time of trap is totally improbable and the story of his presence appears to have concocted by the DGO belatedly. If DW-2 was really present in the chamber of DGO, PW-2 and 3 would have revealed the same. Therefore, the entire evidence given by DW-1 and 2 is required to be rejected as not trust worthy and unbelievable.

12. It is important to note that the DGO took the file in which the tainted money was kept and placed it in the drawer of his table. This conduct of the DGO speaks about his knowledge with regard to the tainted money. Otherwise there was no necessity of taking the file from the table and keeping it inside the drawer immediately after the tainted money was placed by the complainant in the file. To my mind, it appears that the DGO has kept the tainted amount inside the drawer in safe custody, as the amount in question being the tainted money demanded and collected by him. Added to this, as rightly observed by the enquiry officer, the complainant has not given explanation as to why he kept huge amount of Rs.20,000/- in the file of the DGO. Therefore, even if the complainant turned hostile, the mahazars prepared at the time of incident and statements



given by him are more probable than his oral testimony. It is also to be noted that if there was animosity between the complainant and the DGO, certainly the complainant would not have turned hostile in his evidence. Under these circumstances, when the DGO fails to give a probable and acceptable explanation for his possession of the tainted money, it shall be presumed that there was demand for bribe. In the facts and circumstances of the case, I am inclined to think that the complainant has been won over by the DGO and therefore, he has turned hostile. In the light of the other materials available on record, merely because the complainant turned hostile, the case put forward by the disciplinary authority cannot be rejected as untrue.

13. It is contended that the DGO had cleared the file by putting up necessary note recommending the release of subsidy. But the final decision was yet to be taken by the Committee for the release of the subsidy. He intends to claim that since he had cleared the file in favour of the complainant, demanding the bribe amount after clearing the file is improbable. But in the complaint and in the evidence of the complainant itself, it is brought on record



that the bribe was demanded for the purpose of giving the same to the members of the Committee. Therefore, though the file was cleared from the DGO at the time of trap, since the file was pending before the Committee, the demand appears to be more probable.

14. It can also be taken note that in a criminal prosecution for the offence punishable under Sec. 7 of Prevention of Corruption Act 1988, the prosecution must prove the demand and acceptance of the bribe. But demand for bribe need not be strictly proved in the disciplinary proceedings. Even acceptance of money by a public servant in discharge of his official duties without any demand also amounts to misconduct as every public servant is expected to maintain absolute integrity and therefore if acceptance of amount is proved, it is a misconduct and he is liable for disciplinary action.

15. The DGO has contended that he has been acquitted in the criminal case instituted against him in connection with the above charges. In this regard he has produced the certified copy of the Judgement passed in Spl. Case No. 4/2010 dated 28-09-2012 on the file of 3rd Addl. District and Sessions Judge at Dharwad. It is an acquittal for want of proof beyond reasonable doubt and not a honorable acquittal. Even otherwise the



acquittal of the accused in the criminal case, has nothing to do with the disciplinary proceedings. The acquittal of the DGO in the criminal case does not bar Disciplinary action with regard to same charge as observed in the decision of Hon'ble Supreme Court rendered in the case of **Deputy Inspector General of Police and another V/s Samuthiram reported in (2013) 1 SCC 598**. In the said judgement in Para No. 26 and 27, Hon'ble Supreme Court observed as follows.

"As we have already indicated, in the absence of any provision in the service rules for reinstatement, if an employee is honorably acquitted by a criminal court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the standard of proof required for holding a person guilty by a criminal court and the enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a criminal court is not required in a disciplinary proceedings and preponderance of probabilities is sufficient. There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile, etc. In the case on hand the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The court, therefore, acquitted the accused giving the benefit of doubt. We are not prepared to say that in the instant case, the respondent was honourably acquitted by the criminal court and even if it is so, he is not entitled to claim reinstatement since the Tamil Nadu Service Rules do not provide so.

We have also come across cases where the service rules provide that on registration of a criminal case, an employee can be kept under suspension and on acquittal by the criminal court, he be reinstated. In such cases, the reinstatement is automatic. There may be cases where the service rules provide that in spite of domestic enquiry, if the criminal court acquits an employee honorably, he could be reinstated. In other words, the issue whether an employee has to be reinstated in service or not depends upon the



question whether the service rules contain any such provision for reinstatement and not as a matter of right. Such provisions are absent in the Tamil Nadu Service Rules."

It is also worthwhile to mention that in a criminal case the charge is required to be proved beyond reasonable doubt which in turn requires detailed corroboration of evidence from different sources to establish the sequence of events etc., whereas in context of departmental enquiry, the charge can be said to be established if there is some evidence to support the charge as conclusion is to be drawn based on principle of preponderance of probability. Even if it was the honorable acquittal, in Karnataka there is no rule which provides for reinstatement of the DGO or for exonerating him from the enquiry initiated against him on his acquittal. Therefore, acquittal of the DGO in the criminal case is in no way helpful to him to exonerate him from the disciplinary proceedings.

16. In view of the above reasons, I am of the opinion that the Disciplinary Authority has proved the misconduct of DGO by establishing the charge of acceptance of bribe amount. On the basis of evidence on record, I do not find any ground to take a different view from the one taken by the Inquiry Officer. Therefore, the conclusion of the Inquiry Officer is requires to be accepted as correct.



17. In the light of the discussion made above, I am of the view that the Enquiry Report dated; 07-12-2018 submitted by the Enquiry Officer (Additional Registrar of Enquiries-4) holding that the Disciplinary Authority has proved the charges leveled against the DGO is required to be accepted.

18. The only other question that requires to be considered is with regard to penalty that is required to be imposed on the DGO.

19. The DGO has already retired from service on 31.07.2013. The incident in question had taken place on 14.05.2009. The report under section 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority on 17.06.2011. Therefore, for the last nearly 10 years, the proceedings are pending against the DGO and in the meanwhile he has retired from service on 31.07.2013. If the DGO was in service, the penalty generally that was required to be imposed is either compulsory retirement or removal from service without disqualification for future employment or dismissal from service in terms of Rule 8 (vi) to (viii) of KCS (CC&A) Rules, 1957. However, since the DGO has already been retired from service, I am of the view that the ends of justice would be met if a recommendation



is made for denial of 20% of the total pensionary benefits payable to the DGO and also 25% of the monthly pension payable to him for a period of five years from the date of such denial. If retirement benefit has already been paid to the DGO, the same can be recovered in the monthly pension payable to the DGO over ~~a~~ ^{the} years in installments.

20. In the light of discussions made above, I make the following recommendation;

(i) The Enquiry Report dated 07-12-2018 submitted by the Enquiry Officer i.e., ARE-4 holding that the Disciplinary Authority has established charges levelled against DGO Sri. Narayana Mahabaleshwara Shait, the then Industrial Promotion Officer, District Industries Centre, Dharwad is correct and requires to be accepted by the Competent Authority.

(ii) The Competent Authority may deny 20% (Twenty percent) of the total pensionary benefits payable to the DGO Sri. Narayana Mahabaleshwara Shait, and also 25% (Twenty five percent) of the monthly pension payable to him for a period of five years from the date of such denial. If retirement




benefit has already been paid to the DGO, the same can be recovered from the monthly pension payable to the DGO over ^{The} 2 years in installments.

Accordingly, recommendation is made to the Government.

21. Action taken in the matter be intimated to this Authority within three months from the date of receipt of the recommendation.

Connected records are enclosed.


(Justice P. Vishwanatha Shetty)
Lokayukta
State of Karnataka, Bengaluru. 3/1/2019

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ/212/2011

M.S.Building
Dr. B. R. Ambedkar Road
Bangalore-560 001
Date: 07/12/2018

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against,
Sri Narayana Mahabaleshwara Shait,
Industrial Promotion Officer
District Industries Centre
Dharwad (**now retired**)

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BGM/255/2010/DRE-1 dt:17/06/2011
 - 2) G.Order. No. ಕೈವಾಇ/ನಿರೀ-2/ಲೀಕ/2010-11, Bangalore dated:11/08/2011
 - 3) Order No.LOK/INQ/14-A/212/2011, Bangalore, Dt:27/08/2011 of the Hon'ble Lokayukta

This Departmental Enquiry is directed against Sri Narayana Mahabaleshwara Shait, Industrial Promotion Officer, District Industries Centre, Dharwad (**now retired**) (herein after referred to as the Delinquent Government Official in short "DGO" respectively)

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 Lokayukta, vide order dated: 27/08/2011 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry 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;

ANNEXURE NO. 1
CHARGE NO.1

That you Sri Narayana Mahabaleshwara Shet, the DGO, while working as Industrial Promotional Officer in the office of the District Industries Center at Rayapura in Dharwad, the complainant namely Sri Basavaraj s/o Gurumallappa Yadavannavar who was running a factory called "Bharath Paints" at Plot No. 152 in Belur Industrial Area along Sri Vijayakumar M. Ammanagi as a partner approached you for subsidy of Rs. 8,13,000/- which is 20% of the project amount of Rs. 44,22,000/- granted by the Government and about 8 days after 28/03/2009 you asked the complainant to meet telling that the papers are in order for the said subsidy amount and instead of attending the file, you asked to pay bribe of Rs. 25,000/- and after pleading inability, you reduced the demand for

Rs. 20,000/- and on 14/05/2009 received the said amount of Rs. 20,000/- as bribe from the complainant to show official favour failing to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed misconduct as enumerated u/rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE NO. II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

On 28/03/2009 the complainant namely Sri Basavaraj s/o Gurumallappa Yadavannavar, Industrialist, Plot No. 152 of Belur Industrial Area at Belur and Sri Vijayakumar M. Ammanagi had submitted project report for an amount of Rs. 44,22,000/- being partners of a factory called "Bharath Paints" in the prescribed forms on 28/03/2009 before the Joint Director of District Industrial Centre in Dharwad district to get Government subsidy to the extent of 20% of the said amount. About 8 days thereafter, the DGO sent words to the complainant to meet him. Therefore, the complainant met the DGO and then the DGO told about receipt of subsidy application and told that the complainant will get subsidy of Rs. 8,13,000/-. Instead of attending file of said subsidy as required under law, the DGO put forward demand of bribe to the extent of Rs. 25,000/- . After complainant expressed difficulty to pay so much of the amount, it was reduced by Rs. 5,000/- on 13/05/2009 on the request of the complainant. But, the complainant was not willing to pay bribe to the DGO. Hence, he approached the Lokayukta Police Inspector of Dharwad (herein after referred to as the Investigating Officer, for short "the I.O.") and lodged a complaint. The I.O. registered the complaint

in Cr. No. 2/2009 for the offences punishable u/sec. 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act 1988. During the course of investigation of the said crime, when the tainted amount was given to the DGO by the complainant, the I.O. trapped the DGO on 14/05/2009 in the presence of the complainant, panchas and his staff in the District Industrial Centre office at Rayapur in Dharwad District and seized the tainted amount under mahazar after following post-trap formalities. The I.O. took statement of the DGO in writing. I.O. recorded statements of the complainant, panch witnesses and others. After receiving the report of chemical examiner, the I.O. submitted report of investigation. The facts and materials on record, prima facie showed that the DGO failed to maintain absolute integrity and devotion to duty and committed dereliction in his duty. Therefore, a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry u/Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Accordingly, the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry u/Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules 1957 to the Hon'ble Lokayukta. Hence, this charge.

5. DGO appeared before this Enquiry Authority on 06/06/2012 and on the same day his First Oral Statement was recorded u/Rule 11(9) of KCS (CC&A) Rules, 1957. The DGO pleaded not guilty and claimed for an enquiry.

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

The complaint is filed at the insistence of ill-wishes who had axe to grind against the DGO. No work of the complainant was pending with the DGO as a final decision has to be taken by the committee regarding extending the benefit of subsidy. The cassette submitted by the Lokayukta police does not contain his voice. The shadow pancha had not seen alleged transaction as he was standing at least 8-9 feet away from the door of the chamber of the DGO. The door of the chamber of the DGO is hydraulic door and closes automatically. The DGO neither demanded nor accepted any illegal gratification from anybody at any point of time much less from the complainant. The DGO has not committed any misconduct. He has not even touched the currency notes and the currency notes were planted in the file without his notice. The special judge tried to criminal case has acquitted the DGO in Special C.C. NO. 4/2010. Before the criminal court the complainant himself has admitted that he has not lodged the complaint on his own wishes. Hence, he has prayed to exonerate him from the charges leveled against him in this case.

7. CW3 is the shadow witness by name Sri V. Nagraj as per the case of the Disciplinary Authority. The witness summon issued to CW3 was returned unserved on the ground that he died on 20/04/2013 along with the copy of the death certificate.

8. CW4 is the police inspector by name Sri Allamaprabhu Shivalingappa Subhedara, who has registered

the complaint, conducted the entrustment mahazar and also the trap mahazar. The witness summons issued to CW4 was also returned unserved on the ground that he died on 07/10/2009 along with the copy of the death certificate. In view of the death of CW4 the disciplinary authority has got examined PW3-Smt. Jayalaxmi Katti, WPC, as additional witness.

9. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined three witness as PW1 to PW3 and got marked documents at Ex.P1 to P11. 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. After closing the evidence of the Disciplinary Authority, on behalf of the DGO, two witnesses have been examined as DW1 and DW2. DGO has not been examined and hence questioning of the DGO was recorded as required u/Rule 11(18) of KCS (CC&A) Rules, 1957.

10. 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.

11. The points, that arise for the consideration of this inquiry authority are:-

Point NO.1:- Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO?

Point NO.2:- What order?

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

Point No.1: In the “ **AFFIRMATIVE**”

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

:: REASONS ::

13. Point No.1:- It is the case of the Disciplinary Authority that, the DGO while working as Industrial Promotion Officer, in the office of the District Industries Centre, Dharwad, the complainant namely Sri. Basavaraj Yadavannanavar, who was running a factory called “Bharath Paints” at Plot No. 152 in Belur Industrial Area at Belur, along with one Sri Vijayakumar Ammani, as a partner approached the DGO for subsidy of Rs. 8,13,000/- which is the 20% of the project amount of Rs. 44,22,000/- and about 8 days after 28/03/2009 the DGO asked the complainant to meet him telling that the papers of the complainant are in order for the subsidy amount and instead of attending the file the DGO asked to pay bribe of Rs. 25,000/- and reduced the demand to Rs. 20,000/- and received the same on 14/05/2009 from the complainant to show official favour and thereby he has committed the misconduct.

14. By going through the evidence adduced by the parties, some facts are not in dispute and they are as follows:-

15. The DGO was working as Industrial Promotion Officer, in the office of the District Industries Center at Rayapura in Dharwad, the complainant along with his partner was running a factory called “Bharath paints” at Plot No. 152

in Beluru Industrial area and the project cost of the above said factory was Rs. 44,22,000/- and the said factory was entitled for subsidy at 20% of the project cost and the complainant along with his partner had applied for the subsidy amount at 20% of the project cost.

16. The complainant has been examined as PW1 and the copy of the complaint lodged before the Lokayukta police is at Ex.P1. The gist of Ex.P1 is to the effect that himself and Sri Vijayakumar M. Ammanagi are the partners of "Bharath Paints" stated above and the capital of the same was Rs. 44,22,000/- and they were entitled to subsidy at 20% and on 28/03/2009 the application was submitted to the Joint Director, District Industries Center , Rayapura, Dharwad District for grant of subsidy and after 8 days of the same PW1 met the DGO and the DGO told that the application for subsidy is in order and 10% of the subsidy amount should be given to them and PW1 refused for the same and the DGO told that he will talk with his higher officers Sri Kiran Adavi and Sri Kerura and at least Rs. 25,000/- has to be given. PW1 told that he will talk with his partner and informed the matter to the Lokayukta police on 13/05/2009 and he was given the tape-recorder to record the conversation and on the same day at 5 p.m. PW1 met the DGO and recorded the conversation and the complaint has been lodged on 14/05/2009 at 1.30 p.m.

17. PW1 has deposed about himself and his partner Sri Vijayakumar M. Amanagi establishing the factory by name

Bharath Paints and in March 2009 they had applied for subsidy amount. He has deposed that after 1 ½ months he met the Joint Director and the joint Director told him that his work will be done. He has deposed that the DGO was working in that office. He has deposed that after he met the Joint Director and came out of the office some one approached him and enquired him as to why he has come to the above said office and told that he will get the work of PW1 done for which the expenses will be Rs. 30,000/-. PW1 told that he cannot give so much amount and that person agreed for Rs. 20,000/-. He has deposed that he informed the matter to the Lokayukta police and Lokayukta police asked him to whom the subsidy application is given and he told that the subsidy application is given to the DGO and the Lokayukta police told that the complaint has to be registered against the DGO and he filed the complaint. He has deposed about producing Rs. 20,000/- and the Lokayukta police inspector conducting the entrustment mahazar. He has deposed that the tainted currency notes were kept in his shirt pocket by pancha witness Sri Digamba Venkatesh Joshi, and afterwards they went to the District Industries Center, and the person who had demanded Rs. 20,000/- was not present and he do not know whether that person is a private person or an official of the said industrial center. He has deposed that when he enquired the DGO the DGO told that he has already made shara and submitted the same to the concerned. He has deposed that he kept the tainted currency notes in the file which was on the table of the DGO and afterwards the

Lokayukta police came. He has deposed that his file was not with the DGO.

18. PW1 has been treated as hostile witness by the Disciplinary Authority and cross-examined by the Presenting Officer. In his cross-examination he admits that he had given the application for subsidy amount on 28/03/2009 in the office of the DGO. Further he admits that Ex.P1 is the copy of his complaint. As stated above in Ex.P1 it is clearly mentioned that after 8 days of giving the application for subsidy PW1 met the DGO and the DGO demanded the bribe amount at 10% of the subsidy amount for which PW1 refused and the DGO told that he will talk with his higher officer Sri Kiran Adavi and Sri Kerura and at least Rs. 25,000/- has to be given. Thus in Ex.P1 the name of the DGO has been mentioned as the person who demanded for the bribe amount. In view of the same his evidence to the effect that in the office of the DGO somebody met him and told him that if Rs. 20,000/- bribe amount is given he will get the work of PW1 done is hard to believe and further his evidence to the effect that the Lokayukta police asked him to whom the subsidy application is given and he told that he has given the application to the DGO and the Lokayukta police told him that the complaint has to be registered against the DGO is also not believable.

19. PW1 in his cross-examination admits the entrustment mahazar which was conducted in the Lokayukta police station. He also admits that he produced Rs. 20,000/- (Rs.1000x7+Rs.500x26) and the I.O. got phenolphthalein

powder smeared to the notes through his staff and those notes were kept in his shirt pocket through the pancha witness Sri Digamabara Venkatesh Joshi and afterwards the hands of Sri Digamabara Venkatesh Joshi were washed in the solution and that solution turned to pink colour. He has deposed that Ex.P2 is the copy of the entrustment mahazar and he has signed the same also. He has further deposed as follows:-

“ನಂತರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿಯಾಗಿ, ಅವರು ಪುನಃ ಹಣ ಕೇಳಿದರೆ ಕೊಟ್ಟು, ಕರವಸ್ತ್ರದಿಂದ ಮುಖ ಒರೆಸಿಕೊಳ್ಳುವ ಮೂಲಕ ಸಿಗ್ನಲ್ ಕೊಡಬೇಕೆಂದು ಸೂಚನೆ ನೀಡಿದರು ಎಂದರೆ ನಿಜ”.

20. Thus PW1 admits that at the time of the entrustment mahazar he was instructed by the Lokayukta police to approach the DGO and only if the DGO demands for the amount the tainted currency notes have to be given to the DGO and afterwards he has to give the signal to the Lokayukta police by cleaning his face with his hand kerchief. It is also pertinent to note that even in Ex.P2 the name of the DGO is mentioned as the person who has demanded the bribe amount.

21. PW1 in his cross-examination also admits that after the entrustment mahazar himself and panchas and I.O. went to the office of the DGO. He also admits that on that day he met the DGO. No doubt he has not deposed that the DGO demanded for the bribe amount and asked him to keep the same in the file which was on the table of the DGO. But he

has deposited that he voluntarily kept the tainted currency notes in the file which was on the table of the DGO. He has further deposited as follows:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆ ಕಡತವನ್ನು ತೆಗೆದು ಅವರ ಟೇಬಲ್‌ನ ಬಲಭಾಗದ 3 ಡ್ರಾಗಳ ಪೈಕಿ ಮಧ್ಯದ ಡ್ರಾದಲ್ಲಿಟ್ಟರು ಎಂದರೆ ನಿಜ. ನಂತರ ನಾನು ಹೊರಗೆ ಹೋಗಿ ಕರವಸ್ತ್ರದಿಂದ ಮುಖ ಒರೆಸಿಕೊಳ್ಳುವ ಮೂಲಕ ಸಿಗ್ನಲ್ ಕೊಟ್ಟೆ ಎಂದರೆ ನಿಜ. ನನ್ನ ಸಿಗ್ನಲ್ ಪಡೆದ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಸಾಕ್ಷಿ ದಿಗಂಬರ್ ಜೋಷಿಯವರೊಂದಿಗೆ ನಾನಿದ್ದಲ್ಲಿಗೆ ಬಂದರು ಎಂದರೆ ನಿಜ”.

22. Thus PW1 admits that the file in which he kept the amount was taken by the DGO and kept in the middle drawer of his table by the DGO himself. The above said evidence of PW1 also supports the case of the Disciplinary Authority that PW1 has kept the tainted currency notes in the file which was on the table of the DGO as per the instructions of the DGO only. It is also pertinent to note that PW1 has not given any reason as to why he kept the tainted currency notes of Rs. 20,000/- in the file which was on the table of the DGO in case the DGO had not demanded for the bribe amount and not instructed him to do so. Hence, it has to be said that only on the instructions of the DGO, PW1 has kept the above said amount in the file which was on the table of the DGO and afterwards the DGO kept that file in his table drawer. PW1 further admits in his cross-examination that the tainted currency notes were recovered from the table drawer of the DGO. Ex.P4 is the copy of the trap mahazar which is signed by the PW1 also and in the same it is mentioned that when enquired by the I.O. as to what happened inside the office of

the DGO, PW1 told that the DGO demanded for the amount and PW1 told that he has brought the amount and afterwards the DGO opened the maroon colour file which was on his table and instructed PW1 to keep the amount in the same and hence he kept the amount inside that file and afterwards the DGO kept that file in his table drawer. The case of the disciplinary authority mentioned in Ex.P4 as stated above his probable and believable. As stated above when PW1 has not at all given any reason in his evidence as to why he kept the tainted currency notes in the file which was on the table of the DGO even though there was no demand for bribe by the DGO only probablises the case of the disciplinary authority stated above.

23. PW2 is Sri Digamabara Veankesh Joshi, one of the pancha witness and he has deposed that on 14/05/2009 on the instructions of his higher officer he had been to the Lokayukta police station, Dharwad and another pancha witness Sri Nagaraj, was also present in the Lokayukta police station on that day. He has deposed that in the Lokayukta police station the complainant was present and he was introduced to the panchas and he also read the complaint in which it was mentioned that the DGO has demanded the bribe amount of Rs. 20,000/- from PW1. He has deposed about all the averments mentioned in the entrustment mahazar, the copy of which is at Ex.P2. In fact he has deposed that he kept the tainted currency notes in the shirt pocket of PW1 and afterwards his hands were washed. He has deposed that at that time PW1 was instructed that he should approach the

DGO and request for his work and only if the DGO demands for the bribe amount the tainted currency notes kept in his shirt pocket has to be given.

24. PW2 has further deposed that afterwards all of them went to the office of the DGO and PW1 and the shadow witness-Sri Nagaraj were sent inside the office and himself and Lokayukta police remained outside the office. He has deposed that at 3.30 p.m. PW1 gave the signal by cleaning his face with hand kerchief and immediately the I.O., his staff and himself went inside the office of the DGO and PW1 showed the DGO and told that the DGO demanded for the bribe amount and received the same from him. He has deposed that PW1 also told that the amount was kept in the file which was on the table of the DGO. He has also deposed about recovery of the tainted currency notes by the Lokayukta police. He has deposed that the copy of the mahazar in that respect is at Ex.P4.

25. In view of the death of I.O. (CW4) PW3 the police constable has been examined. She has deposed that she was working as the police constable in Dharwad Lokayukta police station from 2008 to 2014 and she has assisted the I.O. as typist. She has deposed that she has worked with the deceased CW4 for three years and in this case also she had helped the I.O. (CW4). She has deposed that PW1 came to the Lokayukta police station on 13/05/2009 and told about the DGO demanding for the bribe amount for release of the subsidy amount and the Inspector gave the voice-recorder to

PW1 and asked PW1 to approach the DGO and to record the conversation. She has deposed that on 14/05/2009 PW1 came back to the Lokayukta police station and lodged the complaint as per Ex.P1 and the copy of the FIR is at Ex.P10. Thus she has deposed that PW1 gave the complaint to the effect that the DGO demanded for the bribe amount.

26. PW3 has further deposed about the entrustment mahazar, the copy of which is at Ex.P2. She has deposed that she typed Ex.P2. But she has not signed the same. She has identified the xerox impression of the signature of CW4 in Ex.P2 as per Ex.P2(a). She has deposed about all the averments made in the entrustment mahazar. She has deposed that afterwards the complainant, panchas, CW4 and his staff including herself went to the office of the DGO in the departmental vehicle and the vehicle was stopped at a distance and PW1 (complainant) and shadow witness—Sri Nagaraju were sent inside the office of the DGO and all other were waiting outside that office for the signal of PW1. She has deposed that after some time PW1 came out of the office and gave the pre-arranged signal and immediately all of them went inside the office of the DGO. She has deposed that the hands of the DGO when washed in the sodium carbonate solution, there was no change in the colour. She has deposed that in the file the amount was found and those notes were the same notes mentioned in the entrustment mahazar. She has deposed that the file pertaining to the complainant was not with the DGO.Ex.P4 the copy of the trap mahazar also discloses that the file of the complainant was with the

Superintendent by name Sri Sri Parashurama Siddappa Malappa and he produced the same before the I.O. She has deposed that the copy of the trap mahazar is at Ex.P4 and Ex.P11 is the copy of the explanation given by the DGO and in the same the DGO has stated that he has not demanded the bribe amount and he do not know why the complainant offered the amount to him.

27. DW1 is one Sri Amarappa Siddappa Yaresimi and he has deposed that from 1985 to 2015 he was worked in the office connected to industries and commerce department and he knows the DGO. He has deposed that on 04/05/2009 he had gone to the office of the DGO to meet the DGO at 1.30 p.m. and at that time there were three private persons in the room of the DGO and the DGO was abusing the two of them by telling why the agents are brought and the agents are not allowed in his office and one of them told that he is not the agent and that he is the applicant and the DGO threatened to lodge the police complaint and the two private persons while going out threatened the DGO that they will look after him. In his cross-examination he has deposed that in the movement register of his office he has not written about his visit to the office of the DGO on 04/05/2009. He has deposed that there is no complaint also by himself or the DGO to the police. It is pertinent to note that DW1 has not clearly deposed that on 04/05/2009 PW1 had approached the DGO for his work along with the agents. PW1 in his cross-examination done on behalf of the DGO has clearly denied the suggestion to the effect that earlier to 14/05/2009 the DGO had quarreled with him by

telling that he is the agent and that he should not interfere in the office work and PW1 told that he is not the agent and quarreled with the DGO and DGO had warned that he will lodge the police complaint against him. Thus PW1 has clearly denied the above said evidence given by DW1 which is also the case of the DGO. It is also pertinent to note that in Ex.P11 there is no mention about the above said suggestion made to PW1 which shows that the above said case of the DGO is only an after-thought for the purpose of this enquiry.

28. DW2 is one Sri Kusha, and he has deposed that on 14th or 15th May 2009 he had gone to meet the DGO in respect of his work. He has deposed that one person came and enquired the DGO about his subsidy file and the DGO told that the file is with the superintendent and the DGO was searching for some records in the almirah and at that time that person kept some amount in the file which was on the table of the DGO and went away stating that he will meet the superintendent and immediately 4 or 5 persons came to the chamber of the DGO and enquired the DGO about the amount. He has deposed that the person who kept the amount as stated above in the file is seen in the first two photographs of Ex.P5 (complainant). In his cross-examination he has deposed that he has not given any statement before the I.O. about the evidence given by him as stated above. In case the evidence given by DW2 as stated was true nothing prevented him from telling the same before the I.O. He has deposed that he has not even informed the I.O., about his above said evidence in writing. In the cross-examination of PW1 to PW3

there is no suggestion to the effect that DW2 was also present in the room of the DGO when PW1 met the DGO on 14/05/2009. Hence it has to be said that the evidence given by DW2 is also an after-thought and it cannot be given much weight. It is also pertinent to note that if the evidence of DW2 was true, the DGO would have mentioned the same in Ex.P11 and in Ex.P11 there is no mention of the evidence of DW2 or about the presence of DW2 at the time of trap.

29. The averment made in complaint-Ex.P1, the averment made in entrustment mahazar-Ex.P2 coupled with the evidence given by PW1 to PW3 stated above clearly shows that PW1 even though he has clearly lodged the complaint against the DGO as the person who demanded for the bribe amount and received the same on the date of trap as mentioned in trap mahazar-Ex.P4 is not coming forward with true facts in his evidence with an intention to help the DGO. PW1 has deposed that he do not know whether the person who demanded Rs. 20,000/- from him is the official of the office of the DGO or a private person. Hence it is hard to believe that PW1 will file the complaint without knowing the name and other details of the person who demanded the bribe from him. As stated above in his evidence, he has deposed that in the office of the DGO some person met him and told him that his work will be done if the amount of Rs. 20,000/- is given cannot be believed and the averments made in the complaint to the effect that it is the DGO who demanded for the bribe amount as mentioned in the complaint and not some person as deposed by PW1. As stated above PW1 has clearly

deposed that after he kept the tainted currency notes in the file which was on the table of the DGO and the DGO took that file and kept the same in his table drawer which shows that only on the instructions of the DGO he has kept the amount in the file which was on the table of the DGO. The DGO has not chosen to give his explanation on oath by stepping into the witness box. The DGO has denied the demand for the bribe in Ex.P11 and it is stated that he do not know why the complainant offered the amount. In Ex.P11 there is no mention about the enmity between the complainant and the DGO. Thus no believable ill-will between the DGO and the PW1 is made out which only probablises the case of the disciplinary authority that PW1 has given the complaint as per the averments made in Ex.P1 only and his evidence to the effect that the police inspector told that the complaint has to be given against the person to whom the subsidy application is given is not believable.

30. It is contended that the DGO had cleared the file by putting up necessary note and the final decision was yet to be taken by the committee for the release of the subsidy. It is pertinent to note that in the complaint it is clearly stated that the DGO demanded the bribe stating that the same has to be given for his higher officers (members of the committee) The facts and circumstances of this case clearly probablises and support the case of the disciplinary authority and not the above said defence set up by the DGO only at the time of recording evidence.

31. The learned counsel for the DGO has produced the certified copy of the judgment passed in the Special KLA C.C. No. 04/2010 on the file of III Addl. District and Sessions Judge, Dharwad, dated: 28/09/2012. The said judgment copy shows that the DGO has been acquitted in respect of the criminal case filed against him by the Lokayukta police on the same facts.

32. It is pertinent to note that only on the ground that the DGO has been acquitted in the criminal case it cannot be held that, the disciplinary authority has not proved its case in this departmental inquiry. It is well established principle of law that, in the criminal case the prosecution has to prove its case beyond all reasonable doubt. Where as in the departmental inquiry the evidence has to be scrutinised on the basis of the preponderance of probabilities. In the decision reported in 1997(2) SCC 699 in case of Depot Manager, APSRTC V/S Mohammed Yosuf Miya and others, (2005)7 SCC 764 between Ajit Kumar Nag v/s General manager (P) Indian Oil Corporation Limited, Haldia and others and recent decision of Hon'ble Supreme Court in (2012)13 Supreme Court Cases 142 in a case of Avinash Sadashiv Bhosale (dead) V/S Union of India and others made out very clear that, the purpose of departmental inquiry and the prosecution are too different and distinct aspect though the two proceedings relates to the same set of facts. The nature of evidence in criminal case is entirely different from the departmental proceedings and in the criminal case the prosecution is required to prove the guilt of the accused

beyond all reasonable doubt on the touch-stone of human conduct and where as the evidence required in a departmental inquiry is not regulated by the Evidence Act. Therefore, misconduct of the DGO required to be taken into consideration on the basis of preponderance of probabilities and merely the DGO has been acquitted in the criminal case by the judgment in Special KLA C.C. No. 04/2010 by the III Addl. District and Sessions Judge, Dharwad, by itself is not sufficient to overlook the evidence placed on record by the Disciplinary Authority in this inquiry. The oral and documentary evidence adduced in this enquiry only probablises the case of the Disciplinary Authority that the DGO has demanded and accepted the bribe amount from PW1 and not the defence of the DGO.

33. 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 this point in the **AFFIRMATIVE**.

34. 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- Sri Narayana Mahabaleshwara Shait, Industrial Promotion Officer, District Industries Centre, Dharwad (now retired) .

35. Hence this report is submitted to Hon'ble Lokayukta for kind perusal and for further action in the matter.

Dated this the 7th day of December, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.

:: ANNEXURE ::

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1: Sri Basavaraj Yadanannavar (complainant)

PW-2: Sri Digambara Venkatesh Joshi (pancha witness)

PW-3: Sri Jayalakshmi Katti (witness)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

DW-1: Sri Amarappa Siddappa Yaresimi (witness)

DW-2: Sri Kusha (witness)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

Ex.P-1: Complaint

Ex.P-1(a): Relevant entry in Ex.P1

Ex.P-2: Entrustment Mahazar

Ex.P-2(a): Relevant entry in Ex.P2

Ex.P-3: Xerox copy of file of the complainant

Ex.P3(a): Relevant entry in Ex.P3

Ex.P-4: Trap Mahazar

Ex.P-5 to 9: Xerox copies of the photos on the white sheet
taken at the time of before the trap and after the
trap

Ex.P10: FIR

Ex.P11: Certified copy of the explanation of DGO

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

NIL

Dated this the 7th day of December, 2018

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.