

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/224/2011/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 12/12/2011

RECOMMENDATION

Sub:- Departmental inquiry against Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment & Training, Peenya, Bengaluru.

Ref:- 1) Government Order No.ಕಾಇ 199 ಇಟಿವಿ 2011, Bengaluru dated 22/8/2011

2) Nomination order No.LOK/INQ/14A/224/2011, Bengaluru dated 29/8/2011 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 7/12/2017 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 22/8/2011, initiated the disciplinary proceedings against Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment & Training, Peenya, Bengaluru (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/224/2011, Bengaluru dated 29/8/2011 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 Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment & Training, Peenya, Bengaluru was tried for the following charge:-

“That, you Sri Sangli Vasantha Madhava, the DGO, while working as Junior Training Officer in the Government Industrial Training Institute at Peenya, Bangalore and when the Complainant namely Sri Javid Pasha resident of No.189, Gargeshwari in T. Narasipura Taluk of Mysuru District had been to Government Industrial Training Institute at Mysore to appear for practical examination scheduled on 18-05-2006 and 19-05-2006, you being an examiner for practical examination asked the students including the Complainant to give bribe of Rs.1,500/- each and on 19-05-2006 took bribe of Rs.1,500/- 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/R. 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment & Training, Peenya, Bengaluru.


5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/8/2019.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Sangli Vasantha Madhava, date of retirement of DGO and the time that may be taken for passing final orders after issuing I & II Show Cause Notices, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment & Training, Peenya, Bengaluru and also permanently withholding 50% of pension payable to DGO Sri Sangli Vasantha Madhava.

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

Connected records are enclosed herewith.


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

12/12

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-224/2011

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 07/12/2017

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against,

- 1) Sri Sangli Vasantha Madhava
Junior Training Officer
Government Industrial Training
Institute
Department of Employment and
Training, Peenya, Bangalore

- Ref:**
- 1) Govt. Order. No. LD 199 ETI 2011
Bangalore dated: 22/08/2011
 - 2) Order No.LOK/INQ/14-A/224/2011
Dated:29/08/2011 of the Hon'ble
Upalokayukta

This Departmental Enquiry is directed against Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment and Training, Peenya, Bangalore (herein after referred to as the Delinquent Government Official in short "DGO" respectively)

2. In view of the Government Order cited above at reference-1, the Hon'ble Upalokayukta, vide order dated:

29/08/2011 cited above at reference-2, 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.

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

ANNEXURE NO. 1
CHARGE

That, you/Sri Sangli Vasantha Madhava, the DGO, while working as Junior Training Officer in the Government Industrial Training Institute at Peenya, Bangalore and when the complainant namely Sri Javid Pasha resident of No. 189, Gargeshwari in T. Narasipura Taluk of Mysore district had been to Government Industrial Training Institute at Mysore to appear for practical examination scheduled on 18/05/2006 and 19/05/2006, you being an examiner for practical examination asked the students including the complainant to give bribe of Rs. 1,500/- each and on 19/05/2006 took bribe of Rs.1,500/- 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 thereby committed misconduct as enumerated u/Rule 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE NO. II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

The complainant namely Sri Javid Pasha s/o A.M. Mohammad Khaleem resident of NO. 189, Gargeshwari in T. Narasipura Taluk of Mysore district had been to Government Industrial Training Institute at Mysore to appear for the practical examination scheduled on 18/06/2006 and 19/05/2006. Then, the DGO being an examiner for practical examination asked the complainant and other students to come with Rs. 1,500/- on 19/05/2006 if they want good result in the practical examination. The complainant was not willing to pay bribe as demanded by the DGO. Therefore, he lodged a complaint before the Lokayukta Police Inspector of Mysore (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr. No. 7/2006 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, after tainted amount was given to the DGO by the complainant, the I.O. trapped the DGO on 19/05/2006 in the presence of the complainant, panchas and his staff in the Government Industrial Training Institute at Mysore and seized the tainted amount of Rs. 1,500/- under mahazar after following post-trap formalities. The I.O. took statement of the DGO in writing. The I.O. recorded statements of complainant, panch witnesses and others. After receiving the report of the 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/R 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules 1957 to the Hon'ble Upalokayukta-1. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted enquiry u/Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 to the Hon'ble Upalokayukta. Hence, this charge.

4. DGO appeared before this Enquiry Authority on 27/02/2012 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 claims to hold an enquiry.

5. DGO has filed his written statement denying all the allegations. He further submitted that, he was working as Junior Training Officer, in the Government Industrial Training Institute (ITI), Peenya, Bangalore. On 18/05/2006 and 19/05/2006, practical examinations were to be held at Mysore for the ITI students. DGO was appointed as examiner for the said examination. On the morning on 19/05/2006, the complainant came late for practical examination. After entering the examination hall (workshop), the complainant was speaking over his mobile phone. The DGO after noticing that the complainant was speaking over his mobile phone went near him and castigated him and instructed him not to use the mobile phone during the course of examination. Upon the instruction of the DGO, the complainant disconnected the

call and kept the mobile phone in his shirt pocket. The DGO directed the complainant to hand over the mobile phone to him till the completion of examination. Upon receiving the mobile, the DGO kept the same in his pant pocket. Within few minutes after the said incident, a stranger came to the examination hall. The complainant went near the stranger and started discussing with him and also the complainant handed over money to the said stranger, at that point of time few other unknown persons entered the examination hall. DGO immediately went near the complainant and to the stranger and enquired with them as to what was transpiring between them and the DGO snatched the money from the stranger stating that no transactions should take place inside the examination hall. At that point of time, the unknown persons introduced themselves as Lokayukta officials. The said officials took the said money from the DGO and also the mobile of the complainant. The Lokayukta officials returned the mobile to the complainant. After taking the money from the DGO, the Lokayukta officials informed to DGO that he has been taken to custody. Though the DGO narrated as to what transpired inside the examination hall, the Lokayukta officials informed the DGO that they are helpless as the case was already registered. After the DGO was taken to custody, the Inspector of Lokayukta instructed him that he should write a statement as per his dictation. Accordingly the DGO wrote what was dictated to him by the Inspector. The statement was not a voluntary statement and same has been written by DGO under duress. The DGO has neither demanded nor received money from any student who attended the practical examination on 18/05/2006 and 19/05/2006. The complaint

given against the DGO is totally false and incorrect. Based on the complaint lodged by the complainant with the Lokayukta police, Mysore, a case was registered against the DGO in Special Case No. 28/2007 on the file of Prl. Sessions and Special Judge at Mysore. After trial the Hon'ble Court was pleased to acquit the DGO vide judgment dated: 16/12/2010. No appeal has been preferred against the judgment dated: 16/12/2010 passed in Special Case No. 28/2007. The DGO has not committed any misconduct and hence prays to exonerate him in this case.

6. 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 P8. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO being recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DW1 is examined and got marked documents at Ex.D1 and D2 and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

7. The Disciplinary Authority through the Presenting Officer and as well as the DGO submitted their separate written brief. In addition arguments on both the sides being heard. The points, that arisen for the consideration of this enquiry authority are:-

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

8. 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 ::

9. Point NO.1: Complainant who is examined as PW1 has deposed that, during the year 2006 he was to attend three days practical examinations in Mysore ITI college. After attending the morning practical, he has to attend the afternoon practical. At that time, 2nd practical incharge contacted him and informed that, DGO demanded Rs.1,500/- for giving more marks. After practical examination, he went to Lokayukta police station, narrated the incident. According to the instructions of the I.O. on the next day morning, he went to Lokayukta police station, lodged complaint/Ex.P1, presented Rs. 1,500/- (Rs. 100x15). Lokayukta policed applied some powder to the notes. I.O. got secured the presence of two panchas. One of them kept the money into his shirt pocket, the hand wash of the person who kept the money was taken in solution, it turned into pink colour. I.O. gave instructions to himself and panchas and drawn the pre-trap mahazar/Ex.P2.

10. Further PW1 has deposed that, I.O. sent one or two persons along with him to the examination centre. The others

are waiting outside, he went inside the practical hall. He did not find the tools incharge person. After some time, he came there. Over his mobile, he enquired the tools incharge Sri Manjunatha, he said, he will come to the college. At that time, DGO shouted him and snatched his mobile. After that, he gave money to incharge Sri Manjunatha at that time, DGO shouted at him that why he is giving money to the Sri Manjunatha, took the said money and kept the money into his pant pocket. Thereafter, he gave the signal to the I.O.

11. Immediately, Lokayukta police came to the examination hall. I.O. took himself and DGO to another room, recovered the money from the possession of the DGO. Hand wash of the DGO was taken after some time he was sent back to write the examination. After some time, I.O. took his signature on some paper/Ex.P3. But he doesn't know the contents of the same. Therefore, the learned Presenting Officer treated this witness as hostile and cross-examined him.

12. In the cross-examination he admits that, from 15/05/2006 to 17/05/2006 he attended theory examination and on 18/05/2006 and 19/05/2006 there was practical examination. He is one among six students who were to attend the practical examination. The name of Sri Manjunatha is not written in the complaint. He admits that, in Ex.P1 he has written that, one of the lecturer came from other place demanded Rs. 1,500/- to give more marks. He admits that, the person who made the said demand is DGO. He admits that, since he was not willing to pay the bribe, he has lodged the complaint. He admits that, the name of Sri Manjunatha

was not written in the complaint, because he demanded money on behalf of the DGO.

13. According of PW1 it may be true that, police secured the presence of panchas namely Sri Ravishankar, Sri Arunkumar. He admits that, one of the person kept the money into his shirt pocket. But he doesn't know the name of the said person is Sri Arun kumar. He admits that, the hand wash of Sri Arun kumar was turned into pink colour. But he doesn't know the hand wash was taken in sodium carbonate solution. He admits that, after completing all the procedure I.O. has drawn the pre-trap mahazar/Ex.P2.

14. PW1 has further deposed that, he doesn't know along with him Sri Arun kumar came to examination hall. But PW1 has deposed that, one person accompanied him. He admits that, when he went to examination hall, DGO was in near the table. He has denied that, when DGO enquired about the said persons he informed the DGO that, he is his elder brother. He has denied that, DGO demanded for the bribe amount at that time, he gave the money to the DGO. He doesn't know that the DGO after receiving the money kept the same into his shirt left side pocket. But according to him, the DGO kept the money into his pant pocket.

15. He admits that, he gave a signal. He admits that, I.O. and his staff introduced themselves to the DGO. He admits that, when the hand wash of the DGO was taken in sodium carbonate solution, it turned into pink colour. He doesn't know that, the seized amount was tallied with the money entrusted to him. He doesn't know that the pant of the DGO

was taken, pocket portion was dipped into the solution and it turned into pink colour. Further PW1 has deposed that, Lokayukta police did not take the hand wash of Sri Manjunatha in sodium carbonate solution. He has not stated before I.O. that he gave the money to the hands of Sri Manjunatha. He has denied that, since he has given money directly to the DGO. He has not stated that, the money was given to Sri Manjunatha. He has denied that, he has given the money to the DGO forcibly.

16. In the cross-examination made by DGO PW1 has deposed that, he never stated before the Lokayukta police that, one Sri Manjunatha is demanding money on behalf of DGO. But he has written that, somebody came from outside is demanding the money. He admits that, the mobile snatched by DGO was in the pant pocket of the DGO. He admits that, I.O. had handed over the voice-recorder to him. Further he admits that, voice-recorder was switched on before he reached the examination hall. He admits that, I.O. also seized the voice-recorder from him. Further PW1 has deposed that, voice-recorder was not played and he did not hear the same. Further PW1 has deposed that, DGO never demanded for bribe amount directly from him.

17. PW2 has deposed that, in the year 2006 Lokayukta police summoned himself and one Sri Arunkumar to Lokayukta police station on 19/05/2006 at 7.30 a.m. The contents of complaint were explained, he read over the complaint, the complainant presented Rs. 1,500/- (Rs.100x15). He counted the money, police applied the phenolphthalein powder to the notes. He kept the notes into

the shirt pocket of the complainant. Then, the hand wash was taken in sodium carbonate solution and it turned into pink colour. I.O. gave instructions to themselves and complainant and drawn the pre-trap mahazar/Ex.P2.

18. Further PW2 has deposed that, all of them went near N.R. Mohalla, ITI college. The complainant, witness/Sri Arun kumar went inside the ITI college, at about 9.45 a.m. The complainant and Sri Arun kumar gave signal. Immediately all of them went inside the college, the complainant shown the DGO informed that, he gave the money to him and DGO received and kept the same in his pant left side pocket. Lokayukta police held the hands of the DGO took the both hand wash in sodium carbonate solution and it turned into pink colour. The money was tallied with the amount entrusted to the complainant. Pant of the DGO was taken. Pant portion was dipped into solution and it turned into pink colour and I.O. seized the money, pant. The DGO has given his statement as per Ex.P5, stating that, the complainant thrust the money into his pant pocket. Then I.O. seized the documents/Ex.P4 and drawn the trap mahazar/Ex.P3.

19. In the cross-examination PW2 has deposed that, before he going to Lokayukta police station, complainant lodged the complaint. He has denied that, in District and Session Court, he has given his evidence that, after he reached the police station, the complaint was lodged. The vehicle was stopped on Mysore-Bangalore road in front of ITI college, situate at about 10' to 15' away from the college. He admits that, the examination hall was not visible to this place. He denied that, from the place where the vehicle was stopped, it will take 10

minutes to reach the examination hall. According to PW2, 4 to 5 minutes is sufficient.

20. Further PW2 has deposed that, until the signal was given to I.O. and his staff, himself were in the jeep. The complainant came near the gate and gave the signal. 50 to 60 students were there in the room. No other staff were there along with the DGO. But subsequently they were secured. He has denied that, there were two staff members along with the DGO and he is deposing falsely. The I.O. has given metal seal to him. He has denied that, he has deposed in Special Court that, the voice-recorder was played and heard. He has further deposed that, at the time of the trap mahazar, he did not see the voice-recorder.

21. He has denied that, the complainant referred the name of Sri Manjunatha in the police station. He admits that, when he had been to the work shop the principal was not present. He has denied that, before the Special Court he has deposed that along with the two persons he had been to bring the principal. He did not see whether there was a mobile with the complainant or not. He did not see that, the mobile was with the DGO. He did not see who hand over the mobile to the I.O. He doesn't know that, when the voice-recorder was played and demand made by DGO was not recorded in the same. He denied that, snatching of the mobile from the complainant and the objections made by the DGO was recorded in the voice-recorder.

22. He denied that, he doesn't know the contents of pre-trap mahazar and trap-mahazar. He doesn't know whether the

complainant attended the examination or not. He denied that, he has put the signature to the Trap Mahazar in the police station. He denied that, he has put a signature to the two mahazars colluding with the Lokayukta police. He denied that, the statement of DGO was taken forcibly.

23. The shadow witness who is examined as PW3 has deposed that, during the year 2006, Lokayukta police summoned him and Sri Ravishankar. At that time, complainant and I.O. were present. The contents of the complaint was explained. Some powder was applied to the notes. Sri Ravishankar gave money to the complainant. They left police station, reached ITI institution. He went on his two wheeler near practical class room. At that time, Lokayukta police and other went inside the practical room, the local police restrained him from entering inside the room. After some minutes, DGO was taken to some other room. The I.O. took out the money from the pant of the DGO, hand wash of the DGO was taken in some solution and it turned into pink colour. Then typing was done. He doesn't know further.

24. Therefore, the learned Presenting Officer treated PW3 as hostile and cross-examined him. In the cross-examination PW3 admits that on 19/05/2006 at 7.30 a.m. he had been to the Lokayukta police station. He admits that, when he had been to the Lokayukta police station, I.O. and other witnesses Sri Ravishankar and his staff were present. He admits that, the contents of the complaint were explained to him. He admits that, the complainant present Rs. 1,500/- (Rs. 100X15) witness Sri Ravishankar verified the money and he noted down the numbers, police applied phenolphthalein

powder to the notes and Sri Ravishankar kept the money in the left side pocket of the complainant. Further he admits that, the hand wash of Sri Ravishankar was taken in sodium carbonate solution and it turned into pink colour. He admits that, I.O., gave instructions to themselves and complainant and drawn the pre-trap mahazar/Ex.P2.

25. Further PW3 admits that, I.O. himself and another pancha and complainant went near ITI centre. He denied that, himself and complainant went inside the Work Shop No.1. He admits that, when they went near the Work Shop No.1. He was restrained near the door. He admits that, complainant and DGO came outside the work shop together. He admits that, according to the instructions of the DGO himself and the complainant were standing near the table. He doesn't know on enquiry the complainant informed the DGO that, he is his brother. He did not see that, DGO demanded money he received the same from his right hand counted the money in both hands and kept the money in his pant left side pocket. He did not see that, he was standing near the door. Complainant gave the signal to the I.O., then I.O. his staff and another pancha came to the spot.

26. Further PW3 has deposed that, he doesn't know about the complainant showing DGO informed that, he received the money. He admits that, both the hand wash of the DGO was taken in sodium carbonate solution and it turned into pink colour. He admits that, on verification, the amount was tallied with the money which was entrusted to the complainant. He admits that, DGO has given his statement as per Ex.P5. He doesn't know that, statement given by DGO is false according

to the complainant. He admits that, Ex.P4 are the documents seized by I.O., He admits that, I.O. has drawn the Trap Mahazar Ex.P3. He has denied that, though DGO demanded and received the bribe amount is deposing falsely.

27. In the cross-examination made by DGO, PW3 has deposed that, on 19/05/2006 at 9 a.m. he had been ITI college, by that time Lokayukta I.O. was present in the spot. The I.O. took DGO to the next room and took his hand wash. When he went inside the room the I.O. was taken the hand wash of the DGO. He doesn't remember that the DGO was not having money in his pocket and did not present money before I.O. Further PW3 has deposed that, for the Trap Mahazar prepared by I.O., he has put his signature in the ITI college itself. Since he was not having spectacles it was not possible for him to read the mahazar. He doesn't know but according to the instructions of the I.O., DGO has given the statement. Further PW3 has deposed that, earlier he had met the complainant in the Lokayukta police station. For the question that, DGO has not demanded and received amount from the complainant, PW3 has deposed that, he was not allowed inside the office, he was staying outside.

28. I.O. who is examined as PW4 has deposed that, on 19/05/2006 at 6.30 p.m. he received the complaint/Ex.P1 registered Crime No. 7/2006 and forwarded the FIR/Ex.P6 to the concerned authorities. He secured the presence of panchas namely Sri K.C. Arunkumar, and Sri Ravishankar introduced the complainant and explained the contents of the complaint. The complainant presented Rs. 1,500/- (Rs. 100x15), note the numbers were noted down, staff applied the

phenolphthalein powder to the notes pancha/Sri Ravishankar kept the money into the shirt pocket of the complainant. Hand wash of Sri Arunkumar was taken in sodium carbonate solution and it turned into pink colour. He gave the instructions to the panchas and complainant taken the photographs at each and every stage, handed over a voice-recorder to the complainant and drawn the pre-trap mahazar/Ex.P2.

29. Further PW4 has deposed that, they reached near the Mysore Government ITI institution. Complainant and Sri Arun kumar went to meet the DGO at 9.45 a.m. He received the signal immediately they went to the spot. The complainant shown the DGO and informed that, he received Rs. 500/- and kept it in the pant left side pocket. He informed the DGO about the complainant. He gave information to the principal regarding the arrest of the DGO. Voice-recorder was played and heard and it was seized.

30. Further PW4 has deposed that, both hand wash of the DGO was taken in sodium carbonate solution and it turned into pink colour. On enquiry DGO presented the bribe amount before him. On verification the amount was tallied with the notes entrusted to the complainant. The pant of the DGO was also taken, pocket portion was dipped into sodium carbonate solution and it turned into pink colour. He seized the bribe amount, pant and sample.

31. Further PW4 has deposed that, DGO has given statement as per Ex.P5. Then he seized the documents/Ex.P4 taken the photographs at each and every stage and drawn the

pre-trap mahazar/Ex.P3. Further he has deposed that, after completion of the investigation he has filed the charge sheet against the DGO.

32. In the cross-examination PW4 has deposed that, in the departmental jeep he went to the ITI college. About 200' away the vehicle was stopped. The work shop exam hall is situate little away from the main gate. From the main gate only work shop is visible. He has denied that, it will take 10 minutes to go from the entrance to work shop. When the signal was given himself another pancha and staff were on the road situate inside the entrance. The place where the complainant has given the signal is situate about 50' to 60' away. He has denied that, in Ex.P3 he has stated that, when signal was given they were outside. He has not produced the voice-recorder. Conversation was not sent to the FSL. Himself and pancha and complainant examined whether the conversation was recorded or not. He doesn't know none of the students were there in the exam hall.

33. Further PW4 has deposed he doesn't remember that one Sri Srinivasanayak the colleague was also present in the hall. He admits that, he has not enquired Sri Srinivasanayak. It is written in the mahazar that, hall ticket of complainant was received from the principal. He has denied that, the hall ticket was not with the principal. But he had already received the hall ticket from the complainant. The complainant is not hand written. But it is type-written. He has denied that, though the complainant has stated that one Sri Manjunatha demanded money, it is not written in the complaint and the complaint is type-written according to his convenience. He has

denied that, he has given instructions to the complainant to give signal after giving money to Sri Manjunatha.

34. Further PW4 has deposed that, when they went for trap Sri Manjunatha was not in the examination hall. At that time, the complainant telephoned to Sri Manjunatha and asked him to wait. He has denied that when the complainant made a phone call in the examination hall, the DGO raised objections. He has denied that, DGO has taken the mobile of the complainant and kept in his pant pocket. He has denied that, Sri Manjunatha, came to examination hall and when the complainant was giving money to Sri Manjunatha he came inside. He has denied that, when the complainant was given money to Sri Manjunatha, the DGO who was examined them snatched the money at that time, he came inside. He has denied that, only when they checked the pant of the DGO they found a mobile. He has denied that, though while incident was recorded in the voice-recorder intentionally the voice-recorder is not produced. He has denied that, the conversation regarding the demand made by DGO is not recorded in the voice-recorder. He has denied that, the complainant and shadow witness did not go to DGO, shadow witness has not given signal, DGO has not presented the bribe amount from his pocket. He has denied that, false pre-trap mahazar and trap mahazar were drawn. Further except some denials and suggestions nothing much is elicited from the mouth of PW4 in order to disbelieve his evidence.

35. DGO who is examined as DW1 has deposed that, on 18/05/2006 he was on duty as practical examination examiner and on 18/05/2006 and 19/05/2006, he was

performing his duty as Invigilator. On both the days, the complainant had come to attend the exams on 19/05/2006, the complainant was late. Talking in a mobile, he entered the examination hall. Therefore, he informed the complainant not to talk in the mobile. Then, the complainant switched the mobile and kept in his pocket. He informed the complainant to hand over the mobile until his examination is completed. By that time, unknown person entered the examination hall. At that time, the complainant gave the money to him and was talking to him. At that time, he snatched the money from unknown person and asked why they are talking about the money transaction in the examination hall. At the same time some unknown persons claiming themselves as Lokayukta police seized the money and mobile from his possession.

36. Further DW1 has deposed that, his hand wash was taken by the I.O. He informed the I.O. that, he has not demanded and received any bribe amount from him. Lokayukta police informed that, the case is already registered, nothing can be done at this stage and further action has to be taken. He refused to write the statement. But the I.O. has taken his statement forcibly. In Special Case No. 25/2007, he was acquitted on 16/12/2010.

37. In the cross-examination DW1 has deposed that, the statement Ex.P5 is in his hand writing. From Bangalore he had gone to Mysore as Invigilator. Earlier he was not acquainted with the complainant and he has no enmity with the complainant. He has denied that, he received the money from the complainant kept it in his pant pocket and I.O. seized the same money from his pant pocket. According to DW1

police recovered the money from his hands. Further DW1 has deposed that, his hand wash was turned into pink colour. He had no occasion to narrate the incident to his higher authorities. It was not his duty to make physical search of the students. He is only the Invigilator. On that day the complainant was the student. He admits that, he had to value the paper of the complainant and to give the marks. He has denied that, the facts stated in his chief examination are not written in the statement Ex.P5 or in the written statement of defence.

38. DGO is only the invigilator on 19/05/2006. Therefore, it was not his duty to receive the money from the student and keep it with him until the examination is completed. Therefore, the contention of DGO that complainant was doing money transaction with unknown person at that time, he snatched the money from the unknown person, therefore, his hand wash was turned into pink colour cannot be accepted. DGO has not examined said Sri Manjunatha.

39. The oral and documentary evidence on record show that, DGO had to value the paper of the complainant. He was the invigilator for the exams that were to be held on 18/05/2006 and 19/05/2006. The DGO demanded bribe amount of Rs. 1,500/-. Therefore, the complainant lodged the complaint/Ex.P1. I.O. registered Crime No. 7/2006 and forwarded the FIR to the competent authorities. I.O. secured the presence of panchas namely Sri Arunkumar and Sri Ravishankar. Complainant presented Rs. 1,500/- (Rs. 100x15) panchas noted down the numbers, staff applied the phenolphthalein powder to the notes, Pancha Sri Ravishankar

kept the money into the shirt pocket of the complainant. Hand wash of Sri Ravishankar was taken in sodium carbonate solution and it turned into pink colour. I.O. handed over the voice-recorder to the complainant, gave instructions to the complainant and panchas and draw the pre-trap mahazar/Ex.P2.

40. The evidence on record show that, all of them reached near the Government ITI college, Mysore. The complainant and shadow witness went to the examination hall. DGO received the bribe amount from the complainant and kept it in his pant left side pocket. At that time, I.O. held the DGO red-handedly. Took the hand wash of the DGO, it turned into pink colour and then, I.O. recovered the bribe amount from the possession of the DGO. After following the trap procedure the I.O. has drawn the Trap Mahazar/Ex.P3. The DGO has not examined Sri Manjunatha with whom allegedly the complainant was doing money transaction and was present in the examination hall. Therefore, the contention of the DGO that, when the complainant was giving money to the Sri Manjunatha, he snatched the said money cannot be accepted. The DGO has failed to give satisfactory or acceptable reasons for the possession of bribe amount with him.

41. Thus DGO has failed to maintain absolute integrity and devotion to duty, acted in a manner of unbecoming of a Government Servant. Hence, I answer the above point in the **AFFIRMATIVE.**

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

:: ORDER ::

The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO/Sri Sangli Vasantha Madhava, Junior Training Officer, Government Industrial Training Institute, Department of Employment and Training, Peenya, Bangalore, committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

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

Dated this the 7th day of December, 17

Sd/-
(S. Gopalappa)
I/c Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.

:: ANNEXURE ::

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

- PW-1 :- Sri Javid Pasha (complainant)
PW-2 :- Sri Ravishankar (pancha witness)
PW-3:- Sri K.C. Arun Kumar (shadow panch witness)
PW-4:- Sri D. Jayaram (I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:- Sri Sangli Vasantha Madhava (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1: Certified copy of the complaint
Ex.P-2: Certified copy of the Entrustment Mahazar
Ex.P-3: Certified copy of the Trap Mahazar
Ex.P-4: Certified copy of the file of the complainant
Ex.P-5: Certified copy of the explanation of DGO with certified copy of the service particulars
Ex.P-6: Xerox copy of the FIR
Ex.P-7: Certified copy of the chemical examination report
Ex.P-8: Certified copy of the sketch with certified copy of the letter of S.E., Mysore Mahanagar Palike, Mysore dated: 04/11/2006

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D1:- Certified copy of the judgment in Special case No. 28/2007
Ex.D2:- Certified copy of the deposition in Special Case No. 28/2007

Dated this the 7th day of December, 17

Sd/-
(S. Gopalappa)
I/c Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.

