

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO:LOK/INQ/14-A/238/2011/ ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 30/12/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri Kadam Gorakha,
Second Division Assistant, District Government
Hospital, Bidar.

Ref:- 1) Government Order No.ಆಕಕ 182 ಹೆಚ್‌ಎಸ್‌ಎಂ 2011,
Bengaluru dated 16/8/2011

2) Nomination order No.LOK/INQ/14-A/238/2011,
Bengaluru dated 6/9/2011 of Upalokayukta-1, State
of Karnataka, Bengaluru

3) Inquiry Report dated 28/12/2017 of Additional
Registrar of Enquiries-4, Karnataka Lokayukta,
Bengaluru

The Government by its Order dated 16/8/2011, initiated the disciplinary proceedings against Sri Kadam Gorakha, Second Division Assistant, District Government Hospital, Bidar, (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/238/2011, Bengaluru dated 6/9/2011, 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 Kadam Gorakha, Second Division Assistant, District Government Hospital, Bidar was tried for the following charge:-

“That, you Sri Kadam Gorakha, the DGO, while working as Second Division Assistant in District Government Hospital at Bidar, the Complainant namely Sri Chandrappa Hybathi, Head Constable of Humnabad Police Station had submitted medical bills towards the treatment taken in Government Hospital of Humnabad, Bidar and at Sholapur City Hospital for reimbursement to the Superintendent of Police, as he had sustained injuries while on duty and the Superintendent of Police had sent the said reimbursement bill to District Hospital of Bidar for countersignature and hence on 14/3/2008, the Complainant approached you and then you asked for bribe of Rs.3,500/- and after the Complainant stated inability, you reduced the demand to Rs.2,000/- and on 04/07/2008 received the said amount from the Complainant to get the medical bills countersigned or sanctioned by the concerned Medical Officer, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of 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 Kadam Gorakha, Second Division Assistant, District Government Hospital, Bidar.


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 30/8/2020.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Kadam Gorakha and the time that may be required for issuance of I & II Show cause notices before passing final order, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO Sri Kadam Gorakha, Second Division Assistant, District Government Hospital, Bidar and also permanently withholding 50% of pension payable to DGO Sri Kadam Gorakha.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1, 20/12
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-238/2011

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 28/12/2017

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against,
1) Sri Kadam Gorakha
Second Division Assistant
District Government Hospital
Bidar

Ref: 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/GLB/105/2010/ARE-7
dated:20/07/2011
2) Govt. Order. No. H &FW 182 HSM 2011
Bangalore dated: 16/08/2011
3) Order No.LOK/INQ/14-A/238/2011
Dated:06/09/2011 of the Hon'ble
Upalokayukta

This Departmental Enquiry is directed against Sri Kadam Gorakha, Second Division Assistant, District Government Hospital, **Bidar** (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 Upalokayukta, vide order dated: 06/09/2011 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

That, you Sri Kadam Gorakha, the DGO, while working as Second Division Assistant in District Government Hospital at Bidar, the complainant namely Sri Chandrappa Hybathi, Head Constable of Humnabad Police Station had submitted medical bills towards the treatment taken in Government Hospital of Humnabad, Bidar and at Sholapur city hospital for reimbursement to the Superintendent of Police as he had sustained injuries while on duty and the Superintendent of Police had sent the said reimbursement bill to District Hospital of Bidar for counter signature and hence on 14/03/2008 the complainant approached you and then you asked bribe of Rs.3,500/- and after the complainant stated inability you

reduced demand to Rs. 2,000/- and on 04/07/2008 received the said amount from the complainant to get the medical bills counter signed or sanctioned by the concerned Medical Officer, failing to maintain absolute integrity and devotion to duty, the act of which was 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 Chandrappa Hybathi who was working as Head Constable at Humnabad Police station in Bidar District had sustained injuries while he was on duty. Therefore, the complainant took treatment at Government Hospital of Humnabad and Bidar and higher treatment at Solapur city hospital. He had submitted the medical bills to the Superintendent of Police at Bidar for reimbursement of the medical expenses. The S.P. of Bidar sent the said bills to the District Hospital at Bidar for counter signature. Therefore, the complainant met the DGO at District Hospital at Bidar as he was the case worker, to get the counter signature to his medical bills sent by the Superintendent of Police at Bidar. On enquiry by the complainant, the DGO demanded bribe of Rs. 3,500/- to get the medical reimbursement bills counter signed or sanctioned by the concerned Medical Officer. The complainant stated his inability to pay so much of amount and then, the DGO reduced the demand to Rs.2,000/-. The complainant was not willing to pay bribe demanded by the DGO. Therefore, on 04/07/2008 he

approached Lokayukta police Inspector of Bidar (hereinafter referred to as investigating officer, for short, "the I.O."). The I.O. registered the complaint in Cr.No. 7/2008 for the offences punishable u/sec. 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act 1988. During the course of investigation the tainted amount was given by the complainant to the DGO on demand of bribe and the I.O. seized the tainted amount from the possession of the DGO and followed post trap formalities. The I.O. took statement of complainant, in writing. After receiving the report of chemical examiner about the articles sent for chemical examination the I.O. filed his Investigation Report. The materials on record of the investigation, prima facie showed that, the DGO being a Government Servant failed to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant. Therefore, a suo-moto investigation was taken up u/sec.7(2) of Karnataka Lokayukta Act against the DGO. An observation note was sent to the DGO calling for his explanation. The reply given by the DGO was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima facie showed that the DGO committed misconduct as per Rule 3(1)(i) and (iii) of KCS (Conduct) Rules, 1966, 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 the departmental enquiry to the Hon'ble Upalokayukta u/R 14-A of KCS (CCA) Rules. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted

the enquiry to the Hon'ble Upalokayukta. Hence, the charge.

5. DGO appeared before this Enquiry Authority on 14/03/2012 and on 02/04/2012 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.

6. DGO has filed his written statement denying all the allegations. Further submits that, he has not committed any misconduct and hence prays to exonerate him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P10. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO is recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DW1 is examined but no documents are marked and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority through the Presenting Officer and assistant for DGO filed memo to accept the oral arguments. Hence arguments of DGO was heard. The point, that arise for the consideration of this enquiry authority are:-

Point No.1: Whether the Disciplinary Authority satisfactorily proved the charges framed against DGO?

Point No.2: What order?

9. 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 ::

10. Point NO.1: The complainant who is examined as PW1 has deposed that, during the year 2008, when he was working in Humnabad police station as a constable. He was assaulted by somebody with a knife. Therefore, he had taken treatment in Solapura city hospital by spending Rs. 35,933/-. He submitted the bill for refund of medical expenses to the office of Bidar Superintendent of Police. The bill was forwarded to the District Hospital, Bidar for counter signature. The police constable was working in Bidar District hospital, informed that, the DGO asked him to meet him. At that time, the DGO was working in District Hospital, Bidar, in the concerned section. Accordingly on 04/07/2008, he met the DGO at that time DGO demanded to pay 10% i.e., Rs. 3,500/-.

11. Further PW1 has deposed that, on negotiation the DGO reduced the bribe amount to Rs. 2,000/-. Therefore, he lodged the complaint-Ex.P1. Lokayukta police along with the documents-Ex.P2. I.O. secured the presence of two panchas namely Sri Mohammed Hamid Ali and Sri Chandrashekar, informed to him and explained the contents of complaint. He presented Rs.2,000/- (Rs. 500x3+Rs.100x5), police applied the

phenolphthalein powder to the notes. Witness Sri Chandrashekar, noted down the numbers. Pancha Sri Chandrashekar kept the money into his pocket, hand wash of Sri Chandrashekar was taken in sodium carbonate solution and it turned into red colour. Photographs were taken and I.O. has drawn the pre-trap Mahazar-Ex.P3.

12. Further PW1 has deposed that, all of them went near the Bidar Government Hospital, himself and witness Hamid Ali, went to meet the DGO. He met the DGO enquired about his reimbursement medical bill, at the time DGO asked the money and also asked who is pancha-Sri Hamid Ali. The DGO asked him to send Pancha/Sri Hamid Ali out. Therefore, Sri Hamid Ali came out of the door. He gave the money to the DGO, DGO received the same and kept in his pant right side pocket and DGO kept the bill in his left side pant pocket.

13. Further PW1 has deposed that, he gave the signal to I.O. I.O. and others came inside. He has shown the DGO and informed that, he gave money to the DGO. The I.O. has taken right hand wash of the DGO in sodium carbonate solution and it turned into red colour. The left hand wash was not turned into any colour. On verification of the amount found with the DGO, it was tallied with the money entrusted to him. His both hands wash taken in sodium carbonate solution was turned into red colour. The pant pocket portion of the DGO was washed and it turned into red colour. DGO has given his statement before I.O. as per Ex.P4. I.O. seized the copies of the medical bills and documents as per Ex.P5 and drawn the Trap Mahazar-Ex.P6.

14. In the cross-examination PW1 admits that, complaint-Ex.P1 is not in his hand-writing. It is his first complaint. He further admits that, he was not aware about the procedure of the Lokayukta. He denies that, according to the instructions of Lokayukta police, he gave the complaint. He admits that on 02/01/2008 he had been to Bidar district hospital for refund of medical expenditure. He denies that, on 02/01/2008 he has not taken treatment as out-patient. He admits that, on 02/01/2008 when he was assaulted by a knife he has taken treatment in Humnabad Government Hospital.

15. Further PW1 admits that, on 14/03/2008 he has not lodged complaint. He admits that, four months after the alleged demand, he has filed the complaint. He admits that, if the applications are legal, there is no need for follow up. He denies that, since the bills were fake, he was following the bills. He admits that, when he met the DGO on 02/07/2008, the DGO informed that, he has put up a note and sent it back. Further he denies that, on 04/07/2008, when he lodged the complaint he had not taken the money. He admits that, the medical bill was sent by the Superintendent of Police to the District Health Officer for counter signature. He admits that, only after the counter signature of the District Health Officer, the bill amount will be paid. He doesn't know that, when the bill was forwarded to the District Hospital, the DGO was working as SDA in that hospital.

16. For the question that, the DGO is not the competent authority to put the signature on medical bill, PW1 has deposed that the DGO informed him that, he will correct the bill. He admits that, on 04/07/2008 he personally had taken

medical bill to District hospital. For the question that, the bills are to be sent from the office of S.P. to District hospital through proper channel, PW1 has deposed that, according to the instructions given by the DGO he had taken the file. Further he denies that, in his office all the files are sent by hand and not through proper channel. He admits that, on 04/07/2008 Lokayukta Police had handed over the cassette recorded to him. Further he has denied that, he had switched on the cassette recorder. He admits that, the cassette recorder was given to him to record the conversation between himself and DGO.

17. Further PW1 admits that, he has written the details of Essentiality Certificate and Refund of Medical expense in Ex.P5. Further he admits that, the Taluk Health Officer has to write the details in Ex.P2. He has deposed that the available tablets will be given in Humnabad hospital and if the tables not available, he has to purchase from the outside. Further he denies that, on 04/07/2008 when he went to meet the DGO nobody was present with him. He denies that, on 04/07/2008 when he went to meet the DGO nobody was present with him.

18. PW1 denies that, on 04/07/2008 when he met the DGO, only he return back the medical bill. He has voluntarily deposed that, he gave the money. He denies that, the demand made by DGO was not at all recorded in tape-recorder on 04/07/2008. Therefore he is deposing falsely that, it was not switched on.

19. PW2 has deposed that, on 04/07/2008 Lokayukta police summoned himself and Sri Chandrashkear, at that time I.O.

and his staff and complainant were present. The contents of complaint were explained to him. The complainant presented Rs. 2500/- (Rs.500x5), police applied the phenolphthalein powder to the notes. Pancha-Sri Chandrakshekar kept the money into the pocket of the complainant, hand wash of pancha-Sri Chandrashekar was taken in sodium carbonate solution and it turned into pink colour. I.O. gave instructions to himself and another pancha and complainant and drawn the pre-trap mahazar-Ex.P3.

20. Further PW2 has deposed that, all of them went near Bidar District hospital. The complainant informed the I.O. that, the DGO has received the money from him. He was with the inspector, inspector took them to the room of DGO, Lokayukta police took the hand wash of the DGO in some solution. On verification, the amount found in the pocket of the DGO was tallied with the money entrusted to the complainant. DGO has given his statement as per Ex.P4. I.O. seized the copies of bills/applications and other documents as per Ex.P5 and drawn the Trap Mahazar-Ex.P6.

21. PW2 has not fully supported the case of the Disciplinary Authority. Therefore, the Presenting Officer treated him as hostile and cross-examined him.

22. In the cross-examination made by the Presenting Officer, PW2 admits that, on 04/07/2008 when he went to the Lokayukta police station, the contents of the complaint were explained to him. Complainant presented Rs. 2,000/- (Rs.500x3+Rs.100x5) to the Lokayukta police. He has deposed that, since he was not remembering he has deposed that, the

complainant presented 5 notes of Rs.500 denominations. He admits that, applied the phenolphthalein powder to the notes, Sri Chandrashekar counted the money and kept it on the table. He admits that, the hand wash of Sri Chandrashekar was taken in sodium carbonate solution and it turned into pink colour. He admits that, pancha Sri Chandrashekar kept the tainted money into the shirt left side pocket of the complainant. He denies that, the police instructed him to go along with the complainant to meet the DGO. He admits that, I.O. gave instructions to the complainant to meet the DGO to give the money on demand and to give a signal.

23. Further PW2 denies that, I.O. himself and pancha Sri Chandrashekar and complainant went near the Bidar District hospital. But according to him Sri Chandrashekar was going ahead. He denies that, after he reached near the office, he went to meet the DGO along with the complainant. He denies that, when the complainant met the DGO, DGO asked him to go out. He denies that, the complainant informed that, the DGO received the money and kept it in his pant pocket. He admits that, after giving the signal Lokayukta police and Sri Chandrashekar went inside the room of the DGO. Witness has voluntarily deposed that, along with I.O. he also went inside the room. He admits that, on enquiry the complainant informed that, the DGO received the money and kept it in his pant pocket.

24. PW2 admits that, the right hand wash of the DGO taken in sodium carbonate solution and was turned into pink colour and left hand wash was not turned into any colour. Further, he admits that, on enquiry the DGO took out the money from

his pant right side pocket, presented before the I.O. and on verification they were tallied with the money entrusted to the complainant. He admits that, the pant pocket portion was dipped into solution and it turned into pink colour. Further PW2 has deposed that, since many days have lapsed from the date of incident, he could not depose properly in his chief examination.

25. In the cross-examination made by DGO, PW2 denies that, his higher officer had not given written instructions to appear before Lokayukta I.O. He denies that, when he went to Lokayukta police station in his presence only a complaint was written. The complaint was given in respect of reimbursement of medical bill on 04/07/2008. He has seen the DGO at that time he came to know that, DGO was SDA. He admits that, for reimbursement of medical bill, the health officer has to put his signature. He has not heard the DGO demanding for Rs. 3,000/- and reducing to Rs. 2,000/-. Further PW2 admits that, Lokayukta police themselves presented five notes of Rs. 500/- denominations from their office. He has deposed that, Sri Chandrappa did not take him to DGO along with him. He denies that, the I.O. has issued the pink colour solution. Further he denies that, the I.O. has not seized any documents from the office of the DGO. Further he admits that, before Session court he has given evidence stating that, he doesn't know on what date the bill was forwarded from the Superintendent of Police office to District hospital.

26. PW3 has deposed that on 04/07/2008, Lokayukta police summoned him, at the time the complainant and PW2 were present, the contents of the complaint were explained to him.

The complainant presented Rs. 2,000/- (Rs.500x3+Rs.100x5), he counted the money, Lokayukta police applied the powder then he kept the money into the shirt pocket of the complainant, his hand wash was taken in some solution, the solution turned into pink colour. I.O. gave instructions to himself and another pancha and complainant and drawn the pre-trap mahazar-Ex.P3.

27. Further PW3 has deposed that, all of them went near Bidar district hospital. The complainant and PW2 went to meet the DGO. The remaining were waiting outside, then the complainant gave a signal immediately himself and Lokayukta police went inside the office of the DGO along with the complainant. The complainant has shown the DGO, and informed that, DGO has received the money from him, Lokayukta police introduced themselves to the DGO and explained the case registered against him. Police taken the tainted amount out of the pant pocket of the DGO. The hand wash of the DGO was taken in solution, right hand wash was turned into pink colour and left hand was not turned into any colour. The I.O. has seized the copies of file-Ex.P5. DGO has given his statement as per Ex.P4 and I.O. has drawn the Trap Mahazar-Ex.P6.

28. In the cross-examination PW3 has denied that, on 04/07/2008 his higher authority had not given written direction to him to go to Lokayukta police station. He denies that, on that day, the police type-written some documents, took his signature and sent him back. In respect of medical bill the complaint was lodged. Further he denies that, the police had not given the complaint to read the same. He

doesn't remember that, when the complaint was given to him, photographs were not taken.

29. PW3 denies that, the police have not taken his signature on the mahazars. He admits that, the quantum of water and chemical was not measured and weighed. He admits that, he was not aware about the chemical used to prepared the solution. He denies that, he did not count the money, and not entrusted to anybody. He admits that, according to the instructions of the I.O. DGO has given his statement. Further except some suggestions and denials nothing much is elicited from the mouth of PW3.

30. The I.O. was reported to be dead. Therefore, the police constable who is acquainted with the signature and writing of the I.O., is examined as PW4. PW4 has deposed that, he is acquainted with the signature and hand writing of I.O. He had accompanied the I.O. for investigation. On 04/07/2008, the complainant has lodged the complaint/Ex.P1, I.O. registered the crime No. 7/2008 and forwarded the FIR-Ex.P7 to the concerned authorities, the complainant also produced the application and medical bill format.

31. Further PW4 has deposed that, I.O. secured the presence of PW2 and PW3, introduced the complainant and himself and explained the contents of the complaint. He has taken the photographs at each and every stage. The complainant presented Rs. 2000/- (Rs.500x3+Rs.100x5), panchas noted down the note numbers. Staff Sri Surya kantha applied the phenolphthalein powder to the notes. Pancha-Sri Chandrashekar counted the money and kept it in the shirt

pocket of the complainant. Hand wash of Sri Chandrashekar was taken in sodium carbonate solution and it turned into pink colour. I.O. gave instructions to the panchas. I.O. handed over a voice-recorder to the complainant and drawn the pre-trap mahazar-Ex.P3.

32. Further PW4 has deposed that, all of them went near Bidar Government hospital, the complainant and PW2 went to meet the DGO, the remaining were waiting outside for signal. The complainant came out of the room of the DGO and gave a signal. Immediately I.O. himself, staff and another pancha went near the complainant. The complainant shown the DGO and informed that, the DGO has received the money from him. I.O. introduced himself to the DGO, took the hand wash of the DGO separately in sodium carbonate solution and right hand wash was turned into pink colour. The left hand wash was not turned into any colour.

33. Further PW4 has deposed that, the hand wash of the complainant was taken in sodium carbonate solution and it turned into pink colour. On enquiry the DGO presented the tainted amount before the I.O. On verification, the amount was tallied with the money entrusted to the complainant. Pant of the DGO was taken, pocket portion was dipped into sodium carbonate solution and it turned into pink colour. I.O. seized the tainted amount, documents pertaining to the medical bill as per Ex.P5. The DGO has given his statement as per Ex.P4 which is false according to the complainant and PW2. He has taken the photographs at each and every stage. I.O. after following all the procedure has drawn the Trap Mahazar-Ex.P6. The I.O., has recorded the statement of the witnesses.

Seized articles were sent to FSL, received the FSL report-Ex.P8, sketch-Ex.P9 from PWD. I.O. after completion of the investigation has filed the charge sheet against the DGO.

34. The DGO who is examined as DW1 has deposed that, the complainant had approached once on 03/07/2008 while passing the bill, the complainant had come to him. One month before that, the complainant had approached him in respect of medical bill. But he had no power to pass the bill. The competent authority is District Surgeon. He had submit the file before the District Surgeon. The documents submitted by the complainant were not proper. Therefore, the file was sent back to the office of the Superintendent of Police then, the complainant brought the file by hand.

35. Further DW1 has deposed that, He informed the complainant to submit file in inward section. He informed the complainant that, if the files is sent through proper channel he will place the file before his officer. On 04/07/2008, the complainant requested to do his work. He informed the complainant to correct the bill and then only he will place it before his officer. The complainant went out and after 10 to 15 minutes came along with the police, the police enquired him why he has not attended the work of the complainant. He informed that, the bill was not proper the medical officer has not signed the bill and there is no covering letter of Superintendent of Police.

36. Further DW1 has deposed that, therefore, asked the complainant to correct the bill. The police forcibly informed that, he received the money. He has stated before police that,

he never demanded for money and the work was not pending before him. In spite of it, the police held his hand, took both hand wash, but it was not turned into any colour. After the colour solution was prepared in a bowl his hand wash and pant wash was taken. The police have taken his signature to the statement prepared by them, He has not committed any dereliction of duty. Hence, prays to exonerate from the charges leveled against him.

37. In the cross-examination DW1 admits his signature on his statement-Ex.P4. But according to him, the police written the same and then he has put his signature. He admits that, the facts deposed in his chief examination are not stated in his comments or written statement of defence. He admits that, there was no personal enmity between the complainant and himself. On the date of the trap, the file of the complainant was with him. But he denied that, the said file was seized. He denies that, the money was seized from his pant pocket. He has not made endorsement on Ex.P4 that, he has not read. He doesn't know the contents of the same. He admits that, there was no enmity between himself and Lokayukta police. He denies that, the police seized the tainted amount from his possession and his hand wash was turned into pink colour. He denies that, he demanded and received the tainted amount from the complainant. He admits that, in Session court, conviction was given to him. He admits that, therefore, the Government dismissed him from the service.

38. The DGO has taken a contention that, he never demanded and received the tainted amount from the complainant and his hand wash was taken after the I.O.

preparing the colour solution in bowl. But in the cross-examination DW1 himself admits that, there was no enmity between himself and complainant and there is no enmity between himself and Lokayukta police. DGO has not explained satisfactorily as to why the complainant and Lokayukta police were interested in laying the trap against him. Therefore, this contention of the DGO cannot be accepted.

39. The oral and documentary evidence on record clearly show that, the medical bill was forwarded in the office of the Superintendent of Police, to District Health Officer, Bidar. The DGO was working as a SDA in concerned section who was responsible to attend the medical bill file. As admitted by DGO, the medical bill was sent back to the office of the Superintendent of Police to rectify the mistake. When the file had come back to District Health Office on 14/03/2008, when the complainant approached the DGO, DGO asked for bribe amount of Rs 3,500/- and after the complainant stated in his chief, the DGO reduced the demand to Rs. 2,000/-. On 04/07/2008, he received the said amount from the complainant to get the medical bills counter signed or sanctioned by the concerned medical officer. DGO has failed to give any acceptable or satisfactory reasons for having possession of the tainted amount.

40. DGO has not produced any documentary evidence on record namely dismissal order or relieving order. Therefore, dismissal of the DGO is not confirmed.

41. 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**.

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 Kadam Gorakha, Second Division Assistant, District Government Hospital, **Bidar District** 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 28th 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 Chandrappa (complainant)
 PW-2 :- Sri Mohammed Hamid Ali (shadow panch witness)
 PW-3:- Sri Chandrashekar (panch witness)
 PW-4:- Sri Naganath (witness)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:- Sri Kadam Gorakha (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1: Certified copy of the complaint
 Ex.P-1(a): Relevant entry in Ex.P1
 Ex.P-2: Certified copy of the complainant's file (containing 2 sheets)
 Ex.P-3: Certified copy of the Entrustment mahazar
 Ex.P-3(a): Relevant entry in Ex.P3
 Ex.P-4: Certified copy of the statement of DGO
 Ex.P-4(a): Relevant entry in Ex.P4
 Ex.P-5: Certified copy of the another complainant's file
 (containing 18 sheets)
 Ex.P-6: Certified copy of the Trap Mahazar
 Ex.P-6(a): Relevant entry in Ex.P6
 Ex.P-7: Certified copy of the FIR
 Ex.P-7(a): Relevant entry in Ex.P7
 Ex.P-8: Certified copy of the Chemical examination report
 Ex.P-8(a): Relevant entry in Ex.P8
 Ex.P-9: Certified copy of the sketch
 Ex.P-10: Certified copy of the Xerox photos affixed on the white
 sheets

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

NIL

Dated this the 28th day of December, 17

-Sd/-

(S. Gopalappa)

I/c Additional Registrar Enquiries-4,
 Karnataka Lokayukta,
 Bangalore.