



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/258/2011/ARE-3 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 03.08.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri
B.R.Shashikanth, Second Division Surveyor and
(2) H.V.Mahadevaprasad, Second Division
Surveyor, Taluk Survey Office, Chamarajanagar
Taluk and District - reg.

Ref:- 1) Government Order No.RD 157 LRS(3) 2011
dated 24.08.2011.

2) Nomination order No. LOK/INQ/14-A/
258/2011 dated 15.09.2011 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 31.07.2019 of
Additional Registrar of Enquiries-3,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 24.08.2011 initiated the disciplinary proceedings against (1) Shri B.R.Shashikanth, Second Division Surveyor and (2) Shri H.V.Mahadeva prasad, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District [hereinafter referred to as

Delinquent Government Officials, for short as 'DGOs 1 and 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/258/2011 dated 15.09.2011 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them. Subsequently, by Nomination Order No. UPLOK-2/DE/2016 dated 03.08.2016 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to continue departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGO 1 Shri B.R.Shashikanth, Second Division Surveyor and DGO 2 Shri H.V.Mahadeva prasad, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District, were tried for the following charges :-

"That, you DGO-1 Sri B.R. Shashikanth and DGO-2 Sri H.V. Mahadevaprasad while working as 2<sup>nd</sup> Division Surveyors at the Taluk Survey Office of Chamarajanagar Taluk & District, the complainant namely Sri J.Asadulla Shariff S/o Late C.M.Jaffer Shariff had filed an application on 18/10/2007 on behalf of his mother Smt. Zaheerunnisa and his maternal uncle Sri. Rasheedsab, as they were sanctioned with land of 4 acres each in Sy.No.104/17 and 104/18 respectively situated in Shivapura village and requested to fix boundaries of the said lands by paying necessary charges and then you DGO-1 asked the complainant on 25/06/2008 to pay bribe of Rs.5000/ - for survey and to fix the boundaries of the said lands and after bargain demand was reduced to Rs.4500/- and advance bribe of Rs.500/- was paid to you DGO-1 and on 30/6/2008 you DGO-1 received the balance bribe of Rs. 4000/- from the complainant at Taluk Survey office and handed over the same to you DGO-2 to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servants and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. ."

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the

above charge against the DGO 1 Shri B.R.Shashikanth, Second Division Surveyor and DGO 2 Shri H.V.Mahadeva prasad, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District.”

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

6. As per the First Oral Statement of DGOs furnished by the Inquiry Officer,

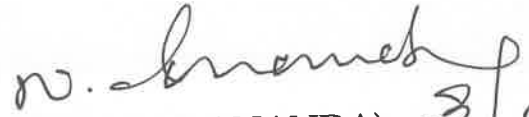
- i) the DGO 1 Shri B.R.Shashikanth, is due to retire from service on 31.07.2037.
- ii) DGO 2 Shri H.V.Mahadeva prasad, is due to retire from service on 30.04.2035.

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against the DGO 1 Shri B.R.Shashikanth, Second Division Surveyor and DGO 2 Shri H.V.Mahadeva prasad, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District,

- i) it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO 1 Shri B.R.Shashikanth, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District ;
- ii) it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO 2 Shri H.V.Mahadeva prasad, Second Division Surveyor, Taluk Survey Office, Chamarajanagar Taluk and District.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 3/8  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/258/2011/ARE-3

M.S.Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru - 560001.

Date: 31.7.2019

**Enquiry report**Present: Sri.S. Renuka Prasad  
Additional Registrar Enquiries-3

Sub: Departmental Enquiry against (1) Sri B.R. Shashikanth ,  
Second Division Surveyor and (2) Sri H.V.  
Mahadevaprasad, Second Division Surveyor, Survey  
office, Taluk office, Chamarajanagar Taluk and District-  
reg

- Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta  
Act, 1984, in No. Compt/Uplok/MYS/156/2011/ARE-7  
dated 20.7.2011
2. Government Order No. RD 157 LRS (3) 2011, Bengaluru  
dated 24.8.2011
3. Nomination Order No.LOK/INQ/14-A/258/2011 dated  
15.9.2011 of Hon'ble Upalokayukta, Karnataka State,  
Bengaluru.

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1. One Sri J. Asadulla Shariff R/o Mubarak Mohalla, Chamarajanagara (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Chamarajanagar on 30.6.2008 against Sri B.R. Shashikanth, Second Division Surveyor (hereinafter referred to as DGOs 1 for short) making allegations against him that, he/ DGO-1 is demanding him to pay Rs. 5000/- by way of bribe in order to conduct survey of the land bearing sy.no. 104/17 of Shivapura village, standing in the name of his mother Zahirunnisa and on negotiation insisted him to pay Rs. 4500/- by way of bribe in order to attend the said work of conducting of survey of the said land and

received Rs. 500/- by way of part payment, insisting him/complainant to pay the balance of Rs. 4000/-.

2. On registering a case on the basis of the said complaint, a trap was held on 30.6.2008 in the Survey section of the O/o the Tahsildar, Chamarajanagara wherein, DGO-1 along with Sri H.V. Mahadevaprasad, Second Division Surveyor, Survey office, Taluk office, Chamarajanagar Taluk and District (hereinafter referred to as 'DGO-2'), put forth demand for bribe with the complainant and DGO-1 having received the bribe amount of Rs. 4000/- from the complainant, gave that money to DGO-2 and DGO-2 having received that, bribe money from DGO-1, kept it in his right side pocket of his pant. When Lokayukta police tried to apprehend both DGO-1 and DGO-2, they were able to apprehend only DGO-1, as DGO-2 fled away from the spot. Hence, the staff of Lokayukta police chased DGO-2 and managed to apprehend him. But DGO-2 while running away to escape his apprehension by Lokayukta police, he threw away the tainted notes of Rs. 4000/- which he has received from DGO-1. Some public having collected only 1 note of Rs. 1000/- denomination which was lying on the road, handed it over to K.Gurusiddaiah, CHC who was on duty at the spot where DGO-2 was apprehended while fleeing. The 2 notes of Rs. 1000/- denomination each and 2 notes of Rs. 500/- denomination each which were thrown away by DGO-2 while running could not be traced. Since it was revealed during investigation that, both DGOs 1 and 2 having demanded bribe from the complainant, received Rs. 4000/- by way of bribe in order to conduct the survey of the land bearing sy.no. 104/17 standing in the name of the mother of the complainant and to prepare survey sketch, the Police Inspector, Karnataka Lokayukta, Chamarajanagara having conducted detailed investigation filed charge sheet both against DGOs 1 and 2.



3. The ADGP, Karnataka Lokayukta, Bengaluru has forwarded the copy of the charge sheet to the Hon'ble Upalokayukta. On the basis of the materials collected during investigation and materials placed before this authority, an investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act. An observation note was served on DGOs 1 and 2 providing them an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against them. DGO-1 has submitted his reply dated 5.4.2011 denying the allegations made against him contending that, he never demanded or received any money by way of bribe from the complainant and he has been falsely implicated. It is his further contention that, the survey work of the land standing in the name of the mother of the complainant could not be conducted since there was dispute regarding demarcation of the land and even his predecessor/DGO-2 could not survey the said land and hence the survey work of the said land was pending in the survey section of the Taluk office. According to him, he also made efforts to conduct the survey by visiting the land but, neighbouring land owners have made galata and did not allow him to conduct the survey of the said land and hence, the land in question could not be surveyed. Since the land belonged to the mother of the complainant could not be surveyed due to obstruction by the neighbouring land owners and due to existence of dispute, and though this fact was made known to the complainant, he became angry towards him and threatened him that, he would teach him a lesson and filed a false complaint making false allegations against him, though he never demanded any bribe from him and requested this authority to drop the proceedings against him.

4. DGO-2 by sending letter of requisition dated 5.4.2011 requested for grant of 25 days time to file his reply to the observation note served on him. But despite providing him sufficient opportunity, he never bothered to submit his reply to the observation note.
5. Since the explanation offered by the DGO-1 was not satisfactory and since DGO-2 failed to submit his reply to the observation note, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority, recommending to initiate disciplinary enquiry against DGOs 1 and 2 and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, i.e., the State Government in the Revenue Department, by its order in No. RD 157 LRS (3) 2011, Bengaluru dated 24.8.2011 initiated disciplinary proceedings against DGOs 1 and 2 and entrusted the enquiry to Hon'ble Upalokayukta to hold enquiry. As per the order issued against DGOs 1 and 2, the Hon'ble Upalokayukta issued a nomination order dated 15.9.2011 nominating ARE-4 to frame charges and to conduct enquiry against DGOs 1 and 2. Accordingly, charges were framed by the then ARE-4 against DGOs 1 and 2 as under.

“Charge:

That, you DGO-1 Sri B.R. Shashikanth and DGO-2 Sri H.V. Mahadevaprasad while working as 2<sup>nd</sup> Division Surveyors at the Taluk Survey Office of Chamarajanagar Taluk & District, the complainant namely Sri J.Asadulla Shariff S/o Late C.M.Jaffer Shariff had filed an application on 18/10/2007 on behalf of his mother Smt. Zaheerunnisa and his maternal uncle Sri. Rasheedsab, as they were sanctioned with land of 4 acres each in Sy.No.104/17 and 104/18

respectively situated in Shivapura village and requested to fix boundaries of the said lands by paying necessary charges and then you DGO-1 asked the complainant on 25/06/2008 to pay bribe of Rs.5000/- for survey and to fix the boundaries of the said lands and after bargain demand was reduced to Rs.4500/- and advance bribe of Rs.500/- was paid to you DGO-1 and on 30/6/2008 you DGO-1 received the balance bribe of Rs. 4000/- from the complainant at Taluka Survey office and handed over the same to you DGO-2 to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of Government Servants and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

#### STATEMENT OF IMPUTATIONS OF MISCONDUCT

Smt. Zaheerunnisa, the mother of the complainant namely Sri J.Asadulla Shariff was granted with 4 acres of land in Sy.No.104/17 of Shivapura village. Similarly Sri.Rasheedsab, maternal uncle of the complainant was also granted 4 acres of land in Sy.No.104/18 of the said village. The said grants were made in the year 1977-78. On 18/10/2007 the complainant filed an application in the name of his mother and his maternal uncle to the Tahasildar of Chamarajanagar to get permission to survey and fix the boundaries of the said lands after making of payment of necessary charges. When the complainant approached the Tahasildar, he was asked to meet DGO-1. When the complainant met DGO-1, he did not say any reasons but, on 25/06/2008 asked for payment of bribe of 5000/-. After bargain, the demand was reduced to 4500/- and advance bribe of Rs.500/- was paid by the complainant. Then DGO-1 asked the complainant to pay the balance amount of 4000/- on 30/06/2008. The complainant

was not willing to pay bribe as demanded by DGO-1 & DGO-2. Hence, on 30/06/2008 the complainant lodged a complaint before the Lokayukta Police Inspector of Chamarajanagar (herein after referred to as the Investigating Officer, for short, "the I.O."). The I.O. registered the complaint in Cr.no.4/2008 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the said crime, when the tainted amount of Rs. 4000/- was given by the complainant to DGO-1 and in turn the bribe amount was given in the hands of DGO-2, the IO trapped DGO-1 & DGO-2 on 30/06/2008 in the presence of the complainant, the Panch witnesses and his staff in the Taluk office of Chamarajanagara Taluk and seized the tainted amount under mahazar after following post-trap formalities. The I.O took statement of DGO-1 & DGO-2 in writing and recorded statements of the complainant, the panch witnesses and others. After receiving report of the chemical examiner, the I.O submitted report of investigation. The facts and materials on the record of investigation of the I.O prima facie showed that, the DGO-1 & DGO-2 being Government servants, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant. Therefore, a suo-moto investigation was taken up U/S 7(2) of Karnataka Lokayukta Act and an observation note was sent to DGO-1 & DGO-2 calling for their explanation. DGO-1 & DGO-2 submitted their replies and the replies were not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima-facie showed that DGO-1 & DGO-2 committed mis-conduct as per rule 3(1)(i)&(iii) of KCS(Conduct) Rules, 1966, a report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the

DGO-1 & DGO-2 and to entrust enquiry to the Hon'ble Upalokayukta U/R 14-A of the Karnataka Civil Services (Classification, Control and Appeal) 1957. Accordingly the Competent Authority initiated disciplinary proceedings against DGO-1 & DGO-2 and entrusted the enquiry U/R 14-A of the KCS (CCA) Rules 1957 to the Hon'ble Upalokayukta. Hence, this charge."

6. The Articles of Charges and Statement of Imputations are duly served on DGOs 1 and 2. They have appeared before the then ARE-4 and First Oral Statement of the DGOs was recorded. DGOs have denied the charges framed against them. They have engaged the services of an Advocate, to appear on their behalf and to defend them, in this enquiry.
7. DGOs 1 and 2 have filed their written statements on 29.6.2012 denying the allegations made against them contending that, they never demanded or received any bribe from the complainant and they have been falsely implicated. They have taken up a further contention that, about 1200 files were pending in the survey section for conducting survey during the relevant period and the Director of Survey and Settlement, issued direction to dispose of the pending files by the end of June 2008 and hence the entire staff of survey section were busy in disposing off the pending files. It is their further contention that, in the meantime, since general election to the Legislative Assembly was announced, the Tahsildar has directed them to give priority to the election work and not to take up any survey work till the election process was completed. Hence, the application of the complainant could not be attended and it was kept pending due to the reasons as stated above.

8. It is their further contention that, adjacent to the land bearing sy.no. 104/17, the neighbouring land 104/18 was a disputed land wherein, Mysore Minerals have filed a civil suit in O.S. No. 17/2008 and obtained interim order with respect to that land and hence though efforts were made to conduct the survey of the land belonged to the complainant, the neighbouring land owners obstructed for conducting the survey and hence, the survey work of the land of the complainant could not be carried out. It is their contention that, the complainant with an ulterior motive to harass them, filed a false complaint, making false allegations against them though they never demanded or received any bribe from the complainant and requested this authority to absolve them from the charges levelled against them.
9. While the enquiry was pending before ARE-4, in pursuance of O.M. ಕಲೋ/ಸಿಬ್ಬಂದಿ-1/54/2013-14 ದಿ: 13.2014, this enquiry file was withdrawn from the file of ARE-4 and was assigned to ARE-10 by nominating ARE-10 to proceed with the enquiry.
10. During enquiry, before ARE-10, 3 witnesses have been examined as PW1 to PW3. While the enquiry was in progress before ARE-10, by virtue of order No. UPLOK-2/DE/2016, Bengaluru dated 3.8.2016 of Hon'ble Upalokayukta-2, this enquiry file was again withdrawn from the file of ARE-10 and was made over to ARE-3 to proceed with the enquiry and to submit report. Hence, further enquiry was taken up before ARE-3. The IOs have been summoned before ARE-3 and examined as PW4 and PW5. Totally 9 documents came to be marked as Ex-P1 to Ex-P9 on behalf of the disciplinary authority. After closure of the evidence on behalf of disciplinary authority, second oral statement of DGOs 1 and 2 was recorded. Since, DGOs

1 and 2 desired to lead defence evidence, permission was granted to them accordingly. DGOs 1 and 2 have examined themselves as DW-1 and DW-2. 15 documents came to be marked as Ex-D1 to D15 in support of their defence.

11. Thereafter, the learned Presenting Officer and the learned counsel for DGOs 1 and 2 have filed their written arguments. Thereafter, this matter is taken up for consideration.

12. The points that would arise for my consideration are:

**Point No.1:** Whether the charge framed against DGOs 1 and 2 are proved by the Disciplinary Authority?

**Point No.2:** What order?

13. The above points are answered as under:

**Point No.1:** In the 'Affirmative'

**Point No.2:** As per Conclusion.

### REASONS

**Point No.1:-**

14. DGO-1 and DGO-2 were working as Second Division Surveyors at the Survey section of the Taluk office, Chamarajanagar, during the relevant period.

15. The complainant in his complaint has narrated in detail the circumstances under which he has filed the said complaint against the DGOs 1 and 2. According to him, Sy.no. 104/17 of Shivapura village is standing in the name of his mother Zahirunnisa and the neighbouring land in sy.no. 104/18 is standing in the name of his maternal uncle Rashidsab, as 4 acres of land were granted by the

Government in favour of his mother and his maternal uncle respectively. It is his further contention that, when he took the surveyors from the ADLR office to get the said land belonged to his mother surveyed, the Mysore Minerals Company have caused obstruction for conducting survey on the ground that, a civil case is pending. Hence, he has filed an application to the Tahsildar requesting for conducting survey of both sy.no. 104/17 and 104/18 by fixing boundary of the respective lands and he has also remitted requisite fee for conducting survey of the said lands.

16. It is his further contention that, in that connection, he met the Tahsildar and enquired about his application and conducting of survey of the lands standing in the name of his mother and his maternal uncle. Tahsildar asked him to go to survey section and to enquire about his application pending in the said section. Accordingly, the complainant met DGO-1 on 25.6.2008 and enquired about his application. It is the allegation of the complainant that, DGO-1 put forth demand for bribe insisting him to pay Rs. 5000/- by way of bribe, saying that then only necessary steps will be taken to conduct the survey of the said land, to fix boundary. The complainant claimed that, he pleaded his inability to pay that much amount and DGO-1 scaled down his demand insisting the complainant to pay Rs. 4500/- in order to attend his work and received Rs. 500/- by way of part payment, insisting the complainant to bring the balance of Rs. 4000/- on 30.6.2008.
17. Since the complainant was not willing to pay bribe to DGO-1 he approached Police Inspector, Karnataka Lokayukta, Chamarajanagar on 30.6.2008 and filed a written complaint as per Ex-P1.



18. On the basis of the complaint so filed by the complainant on 30.6.2008 the Police Inspector, Karnataka Lokayukta, Chamarajanagar, has registered a case in Cr. No. 4/2008 against DGO-1 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
19. An entrustment proceedings was conducted in the Lokayukta Police Station, Chamarajanagar on 30.6.2008 in the presence of two panch witnesses viz., Sri Chikkabasavaiah, Physical Education Teacher and Sri R. Venkatesh, Teacher from the Government Higher Primary School, Chamarajanagara Town and in the said proceedings, the bait money of Rs. 4000/- consisting of 3 currency notes of Rs. 1000/- denomination each and 2 currency notes of Rs. 500/- denomination each given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking him to give that money to DGO-1 when he meets him and only in case if he demands for bribe. Panch witness Sri Venkatesh was appointed as a shadow witness. Accordingly, an entrustment mahazar was prepared as per Ex-P2.
20. The complainant, along with shadow witness were taken to Taluk office, Chamarajanagar and sent them to meet DGO-1 in the survey section. The complainant accompanied with the shadow witness went inside the Taluk office and met DGO-1. On seeing him, DGO-1 enquired him as to whether he has brought money as demanded. When the complainant told DGO-1 that he has brought money, DGO-1 asked him to wait for him near terrace and he would come there to receive the money. While the complainant was waiting near the Terrace, the shadow witness was waiting near the corridor. DGO-1 came along with DGO-2 near the Terrace and approached

the complainant and DGO-1 demanded him to give him the money. complainant gave the tainted notes of Rs. 4000/- to DGO-1. DGO-1 having received that money from the complainant with his right hand, handed over that money to DGO-2 asking him to keep the money with him. DGO-2 having received the said money from DGO-1, counted the notes by using his both hands and kept that money in the right side pocket of his pant. Thereafter, the complainant came out of the survey section and gave pre-arranged signal to the Police Inspector. While the complainant was coming out of the survey section, even DGOs 1 and 2 have followed him but the complainant did not observe them. On seeing the complainant giving signal and Lokayukta police are approaching them, DGO-2 fled away from the spot and the Lokayukta police have managed to apprehend only DGO-1 at the spot. Since the complainant showed DGO-2 who was found running away from the spot, claiming that, the tainted money is with him/DGO-2, police staff have chased DGO-2 who ran towards JSS Women College and managed to apprehend DGO-2 near Bus shelter on Double Road. On apprehending DGO-2 while bringing him back towards Taluk office, CHC K. Gurusiddaiah, who was on duty near the said spot produced one currency note of Rs. 1000/- denomination claiming that, some public produced one currency note of Rs. 1000/- to him claiming that the person they have chased and apprehended, while running away thrown some notes and some public have collected the remaining notes and ran away from the spot and he/the said public managed to collect only one note of Rs. 1000/- denomination and gave that note to him. Having apprehended DGO-2 the police staff brought him to the Taluk office and produced him before the Police Inspector along with one currency note of Rs. 1000/- denomination which they were able to collect from the public, while brining DGO-2 back to the Taluk office.

21. The Police Inspector having introduced himself to DGOs 1 and 2 and informed them about registration of a case against him/DGO-1. On enquiry DGO-1 disclosed his name as V.R. Shashikanth, Surveyor working in Taluk office and DGO-2 has also disclosed his name as H.V. Mahadevaprasad, working as Surveyor in the Taluk office.
22. Thereafter, the Police Inspector got prepared Sodium carbonate solution in a bowl and asked DGO-1 to dip his right hand fingers in the said bowl and on such dipping of his right hand by DGO-1, the colourless solution in the said bowl turned into pink colour. The said pink coloured solution of right hand wash of DGO-1 was collected in a separate bottle and sealed the same.
23. Sodium carbonate solution was again got prepared in two separate bowls and asked DGO-2 to dip his both hand fingers separately in the said bowls. When DGO-2 dipped his right hand fingers in one bowl and left hand fingers in another bowl, the solution in both the bowls turned into pink colour. The said pink coloured solution of right hand wash and left hand wash of DGO-2 were collected separately in two separate bottles and sealed the same. The currency note of Rs. 1000/- denomination which was handed over by a public, while bringing DGO-2 to the Taluk office, was cross checked with reference to its serial number and confirmed that the said note of Rs. 1000/- bearing no. 8BW807237 was one among the three such currency notes of Rs. 1000/- denomination, along with 2 currency notes of Rs. 500/- denomination entrusted to the complainant during the entrustment proceedings. The said note was kept in a separate cover and sealed the same. Efforts were made to search for the remaining notes thrown away by DGO-2 while running away, but remaining tainted notes could not be searched/seized.

24. On providing an alternate pant, the pant worn by DGO-2 was got removed and the right side pocket portion of the said pant was dipped in a separate bowl containing sodium carbonate solution and on such dipping, the colourless solution turned into pink colour. The said pink coloured solution was collected in a separate bottle and sealed the same and seized along with the pant of DGO-2.
25. One Sri K.Gurusiddaiah, CHC who was on duty and who helped the Lokayukta police staff to apprehend DGO-2 while he was fleeing, since produced the said note of Rs. 1000/- denomination claiming that, some public gave that note to him, as DGO-2 while fleeing away thrown away the notes on the streets. Even the right hand wash of the said police staff/CHC K. Gurusiddaiah was obtained which gave positive result regarding presence of phenolphthalein.
26. The complainant produced the micro tape recorder given to him during entrustment proceedings claiming that he has forgotten to switch on the same and hence no voice was found recorded in the said micro tape recorder. The same was also seized.
27. Police Inspector asked DGOs 1 and 2 to give their explanation in writing. DGO-1 gave his explanation in writing as per Ex-P4 and DGO-2 gave his explanation in writing as per Ex-P5. The complainant and the shadow witness on going through Ex-P4 and P5 claimed that, the version of the explanation given by DGOs 1 and 2 are false and incorrect.
28. Police Inspector directed DGOs-1 and 2 to produce the relevant records pertaining to the complainant and the application filed by him seeking for conducting survey of the land. DGO-1 having taken

out a file from his almirah produced the same and the said file pertaining to sy.no. 104/18 belonged to the maternal uncle of the complainant. DGO-2 has produced one file which pertains to land bearing sy.no. 104/17 belonged to the mother of the complainant. Even the office supervisor produced the attendance register and Haddubast register and the relevant pages of the said registers along with the records produced by DGO-1 and DGO-2 have been seized as per Ex-P6 and P7. The photographs of this proceeding was also obtained. A detailed mahazar was got prepared incorporating all the details of the trap proceedings including the manner in which DGO-2 was apprehended by chasing him and seizure of only 1 currency note of Rs. 1000/- denomination out of the notes amounting to Rs. 4000/- entrusted to the complainant, by preparing a detailed mahazar as per Ex-P3.

29. During enquiry, the complainant has been examined as PW1, shadow witness as PW2 and another panch witness as PW3, IO as PW5 and the Police Inspector who filed charge sheet as PW4.
30. The complainant during his evidence has narrated in detail as to the circumstances under which he has filed the complaint as per Ex-P1. In order to get the land bearing sy.no. 104/17 standing in the name of his mother and sy.no. 104/18 standing in the name of his maternal uncle surveyed and to fix boundary, applications have been filed in the names of the respective owners of those lands and since the applications have been forwarded to survey section, he claimed that, he approached DGO-1 and requested him to conduct the survey and to fix the boundaries of those lands. It is the specific allegation of the complainant that, DGO-1 put forth demand for bribe asking him to pay Rs. 5000/- by way of bribe in order to conduct the survey and to fix the boundaries of those lands. It is his

further contention that, on negotiation DGO-1 scaled down his demand by Rs. 500/-, insisting him to pay Rs. 4500/- as bribe saying that, then only he would attend the said work of conducting survey of those 2 lands. It is the allegation of the complainant that, DGO-1 having received Rs. 500/- from him by way of part payment, asked him to bring the balance of Rs. 4000/- on 30.6.2008 and give it to him and then only he would attend the said work.

31. On the basis of the complaint filed by the complainant against DGO-1, PW5 registered a case against DGO-1 and took up investigation. PWs 1 to 3 and PW5 have narrated in detail regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted notes of Rs. 4000/- consisting of 3 currency notes of Rs. 1000/- denomination each and 2 currency notes of Rs. 500/- denomination each to the complainant, in the said proceedings.
32. So far as the details of the trap proceedings are concerned, both the complainant/PW1 and shadow witness/PW2 have deposed regarding these facts. PW1 has stated in his evidence that, he having accompanied the shadow witness, approached DGO-1 in his office and DGO-1 having enquired him about the money, asked him to wait for him near the terrace and hence he/PW1 claimed that, he was waiting near the Terrace whereas, the shadow witness was standing in the corridor. PW1 has further stated that, DGO-1 came there along with DGO-2 and having demanded bribe from him received Rs. 4000/- from him with his right hand. PW1 has further deposed that, on receiving Rs. 4000/- from him, DGO-1 handed over the said money to DGO-2 asking him to keep that money with him and accordingly, DGO-2 having received the said money from DGO-1, counted the same by using his both hands and kept that

money in the right side pocket of his pant. PW1 has further claimed that, thereafter, he came out of the survey section and gave pre-arranged signal to Police Inspector and on seeing him giving signal and arriving of Police Inspector and other Lokayukta staff, DGO-2 started running away from that spot. He further gave details regarding the Police Inspector apprehended DGO-1 at the spot and since he/PW1 showed DGO-2 fleeing away from the spot, hence the police staff started chasing him. He further stated that, the police staff brought DGO-2 to the Taluk office and produced him before the Police Inspector and produced one currency note of Rs. 1000/- denomination which was given to him by the Police Head Constable Sri Gurusiddaiah who was on duty and who helped Lokayukta police to apprehend DGO-2. The said Police Head Constable-Gurusiddaiah told the Police Inspector that DGO-2 while running away has thrown some notes on the streets and some public have collected those notes and one such note thrown away by DGO-2 which was collected by a public was given to him, and produced that note before the Police Inspector.

33. PW1 has further narrated in detail regarding various procedures conducted on DGOs 1 and 2 including obtaining of right hand wash of DGO-1 and hand wash of both the hands of DGO-2 which gave positive result regarding presence of phenolphthalein. He further gave details regarding seizure of 1 currency note which was produced by Head Constable-Gurusiddaiah claiming that, DGO-2 while running away thrown certain notes on streets and only one note was secured since produced by a public. He further gave details regarding giving of explanation by DGOs 1 and 2 as per Ex-P4 and P5, seizure of records pertaining to his mother and his maternal uncle since produced by DGOs 1 and 2 and preparation of trap mahazar and other details of the trap proceedings.

34. PW2 in his examination-in-chief claimed that, when the complainant went inside the survey section, he was standing near the door. According to him, complainant and surveyors came down and immediately somebody started shouting that, one of the Surveyor has ran away. According to him, DGO-2 was chased and apprehended by Lokayukta police and brought him back to the Taluk office.
35. PW2 gave details regarding obtaining of right hand wash of DGO-1 and both hands of DGO-2 which gave positive result regarding presence of phenolphthalein. It is his further evidence that, when DGOs were running away, they threw the bribe amount and one police brought the amount of Rs. 1000/- and on verification of that note it was confirmed that, it was one among the currency notes of Rs. 4000/- entrusted to the complainant.
36. Since PW2 failed to give positive evidence regarding the materials particulars of the trap proceedings, he was treated as a partly hostile witness and he was cross examined by the learned Presenting Officer only to that extent. In his cross examination, he admitted that, he went along with the complainant inside the survey section and the complainant spoke with DGO-1. But he pleaded his ignorance about DGO-1 enquiring the complainant for money. He claimed that, he does not know whether complainant gave the money to DGO-1 and DGO-1 in turn gave that money to DGO-2 claiming that, he did not see these details. A further suggestion was put to him that, on receiving the signal from the complainant, Police Inspector came there and while the complainant informing the Police Inspector about payment of money to DGO-1 and he/DGO-1 handed over the said money to DGO-2 and DGO-2 having received that



money from DGO-1 ran away from the spot after hearing the complainant telling the Police Inspector that, DGO-1 has received money from him, <sup>and these</sup> suggestions put to him have been denied by him/PW2.

37. Both PW1 and PW2 have been thoroughly cross examined by the learned counsel for DGOs 1 and 2. Various suggestions were put to PW1 regarding the reason why the survey of the lands could not be conducted and the application was kept pending. Complainant pleaded his ignorance about these details claiming that, he does not know the reason why the application was kept pending without attending the same and without conducting the survey for a long time. A further suggestion was put to PW1 that, he had forcibly tried to give Rs. 2000/- to DGO-1 but he/DGO-1 refused to receive that money from him. A further suggestion was put to him that, he tried to give Rs. 2000/- to DGO-2 and he also refused to receive the money offered to him. By way of suggestions, PW1 was suggested that, DGO-1 never demanded and received Rs. 4000/- from him and never handed over that money to DGO-2. PW1 has categorically denied this suggestion. He further reiterated his contention even during his cross examination that, DGO-2 on seeing Lokayukta police fled away from the spot and he and another police constable chased him for about 1/4<sup>th</sup> km. and the Police constable managed to apprehend DGO-2 with the help of a Head Constable who was on duty at the spot where DGO-2 was apprehended. But he pleaded his ignorance as to the name of the public who collected currency note of Rs. 1000/- which was found lying on the road, further claiming that, he never enquired the said public about the remaining note. Various suggestions put to him/PW1 during his cross examination have been categorically denied by him.

38. PW2/shadow witness was also cross examined by the learned counsel for DGOs. Since PW2 has been treated as partly hostile witness, he was cross examined at length by the learned Presenting Officer and even the learned counsel for DGO cross examined only to the extent of the manner in which one currency notes of Rs 1000/- was seized during the said proceedings. By way of putting suggestions to PW2, the learned counsel for DGO-2 tried to extract from him that, when the hand wash of DGO-2 was taken for the first time, there was no change in the color of the solution and subsequently his hand wash obtained again and there was change in the colour of the solution. But PW2 did not answer these suggestions properly.
39. PW3 is another panch witness in whose presence entrustment proceedings and trap proceedings were conducted. So far as the details regarding the trap proceedings are concerned, PW3 has stated in his chief examination that, on receiving signal the Police Inspector went inside the Taluk office and he went along with him. He stated that, Police Constable brought DGO-2 along with currency notes of Rs. 1000/- and the said note was verified and confirmed that, it was one among the notes amounting to Rs. 4000/- entrusted to the complainant during the entrustment proceedings. He further narrated in detail regarding obtaining of right hand wash of DGO-1 and hand wash of both the hands of DGO-2 which gave positive result, since the colourless solution turned into pink colour. He further gave evidence regarding subjecting the right pocket portion of the pant of the DGO-2 to phenolphthalein test which gave positive result. He gave evidence regarding giving of explanation by DGOs 1 and 2 in writing, seizure of records pertaining to the complainant's mother and his maternal

uncle since produced by DGOs 1 and 2 and other details of the trap proceedings.

40. During his cross examination PW3 claimed that, he did not see anybody running out of the Taluk office and he saw only Head constable bringing DGO-2 inside the Taluk office.
41. PW5 is the IO who gave evidence in detail regarding the various stages of investigation he has conducted, right from registration of a case against DGO-1 on the basis of the complaint filed by the complainant and took up investigation. He narrated in detail regarding conducting of entrustment proceedings and entrustment of tainted notes of Rs.4000/- to the complainant, in the said proceedings.
42. He further gave details regarding the trap proceedings he has conducted in the Taluk office, Chamarajanagar claiming that, he sent both the complainant and shadow witness, to meet the DGO in the survey section of the Taluk office. He further stated that, the complainant came out and gave him pre-arranged signal and on receiving pre-arranged signal from the complainant, he and his staff approached the complainant and on seeing him and his staff, DGO-2 who was there at the spot ran away from the spot. It is his evidence that, since the complainant told him that, the bribe money is with the said person/DGO-2, he asked his staff to chase him and his staff having chased him/DGO-2 managed to apprehend him and brought him back to the Taluk office and produced him/DGO-2 before him and also produced one currency note of Rs. 1000/- before him. He further stated that, along with his staff, one police constable who was on duty near the spot who helped in apprehending DGO-2 and he narrated before him that, with the help

of some public he chased DGO-2 and caught hold of him near a bus shelter in front of JSS Women's college. He further gave evidence that, currency notes of Rs. 1000/- was produced by his staff and told him that, some public gave that money to him stating that, DGO-2 while running away from Taluk office has thrown away the money on the streets and some public have collected the said money thrown away by DGO-2 and one of such public gave one such note collected by him which was thrown away by DGO-2. He has further stated that, the Police constable on duty managed to apprehend DGO-2 with the help of some public and further confirmed that, DGO-2 while running away threw away money and one such note out of the notes thrown by DGO-2 was collected by some public and gave that money to him.

43. PW5 gave details regarding obtaining of right hand wash of DGO-1 and hand wash of both the hands of DGO-2 and also subjecting the right side pocket portion of the pant of DGO-2 to phenolphthalein test which gave positive result regarding presence of phenolphthalein. He further narrated in detail the various procedures he has conducted claiming that, the police staff Gurusiddaiah who handed over currency note of Rs. 1000/- to him, was also asked to dip his hand fingers in a bowl containing sodium carbonate solution and on such dipping it gave positive result regarding presence of phenolphthalein. He further stated that, the voice recorder entrusted to the complainant was taken back from him and when played no conversation was found recorded in it and on enquiry the complainant told him that, he has forgotten to switch on the voice recorder while talking with DGOs 1 and 2. He narrated in detail regarding DGOs 1 and 2 giving explanation in writing as per Ex-P4 and 5, they producing the relevant records pertaining to the lands belonged to the mother and maternal uncle of the

complainant and preparation of trap mahazar and other details of the trap proceedings. He further gave evidence regarding sending of the seized articles for chemical examination, receipt of report of chemical examiner as per Ex-P9 and other details of the investigation he has conducted. According to him, since he was transferred he handed over the further investigation of this case to PW4 who filed charge sheet after completing the investigation.

44. PW5 has been thoroughly cross examined by the learned counsel for DGOs 1 and 2. He admitted in his cross examination regarding giving of explanation by DGOs 1 and 2 as per Ex-P4 and P5. Various questions were put to him regarding the filing of civil suit by Mysore Minerals and obstructions caused for conducting survey of the said lands. Though various suggestions have been put to him during his cross examination, nothing was elicited to disbelieve the evidence given by him/PW5, in his chief examination.
45. DGOs 1 and 2 have examined themselves as DW-1 and DW-2 and produced various documents in support of their defence which came to be marked as Ex-D1 to D15. They have also produced the copy of the judgment dated 19.2.2014 in Spl.C. No. 16/2010 on the file of Principal Session Judge and Spl.Court, Chamarajanagar wherein, the learned Session Judge acquitted both DGOs 1 and 2 absolving them from the charges levelled against them.
46. DGO- 1 has tendered his evidence by way of sworn affidavit in lieu of his chief examination and gave details regarding the pendency of civil suit filed by Mysore Minerals Limited and the reason for him in not conducting the survey of the lands in question and obstructions caused while trying to conduct the survey of those lands. According to him, sy.no. 104/17 and 104/18 belong to Zahirunnisa and

Rashid Sab and a new sy.no. have been provided to these lands assigning sy.no. 253 and 254 to those lands. He has further gave details that, Mysore Minerals are conducting mining activities in the neighbouring lands and since the mother of the complainant obstructed for their mining activities, they have filed a civil suit against the mother of the complainant and also against the Department of Mines and Geology before Civil Court, Chamarajanagar in O.S. No. 17/08. He has produced relevant case papers pertaining to the said civil case, in support of his defence.

47. DW-2 in his evidence has reiterated the evidence given by DW-1 regarding the details of the pendency of civil suit and also the efforts made by him for conducting survey of the said land and due to obstructions caused, he could not conduct the survey of the said land. He has also stated about sending of notice to the complainant, but the notice returned unserved with the shara 'incorrect address'.
48. Both Dw-1 and DW-2 have been thoroughly cross examined by the learned Presenting Officer. Various suggestions have been put to them and all those suggestions have been conveniently denied by them.
49. Both DW-1 and DW-2 though gave details regarding the pendency of the civil proceedings, obstructions caused while conducting survey of those lands and other details, they have not adduced any evidence in support of their defence regarding the allegations of demand and acceptance of bribe by them from the complainant. They have not come out with any details as to the circumstances under which their hand wash gave positive result regarding presence of phenolphthalein. They have not come out with any explanation as to the circumstances under which their hands came

in contact with the tainted notes. They said nothing about the various details of the trap proceedings as deposed by PW1 and 5 and also the reason why their hand wash obtained during trap proceedings gave positive result regarding presence of phenolphthalein. Even DGO-2 has not come out with any explanation as to why the right side pocket of his pant when subjected to phenolphthalein test gave positive result and the circumstances under which he has kept the tainted notes in his pant pocket. Though allegations have been made against DGO-2 that, on seeing Lokayukta police he ran away from the spot and he was apprehended by Head Constable Gurusiddaiah and other Lokayukta staff with the help of the public near the Bus shelter near JSS Women's College, DGO-2 has not denied these facts and no defence contention was taken regarding circumstances and the place where he was apprehended. Due to the omission on the part of DGO-1 and 2 giving any explanation regarding these aspects, I have no hesitation to place reliance on the evidence of PW1 and PW5 together with the portion of the evidence given by PW2 and the evidence given by PW3 regarding the conducting of trap proceedings and obtaining of hand wash of DGOs 1 and 2 and on that basis, I have no hesitation to conclude that, DGO-1 has demanded bribe from the complainant and received Rs. 4000/- from the complainant by way of bribe on the day of trap and on receiving bribe amount of Rs. 4000/- from the complainant, he handed over that money to DGO-2 asking him to keep the said money with him, and DGO-2 having taken that money from DGO-1 and having counted those notes, kept that money in his pant pocket. The evidence adduced on behalf of disciplinary authority further discloses that, on seeing the Lokayukta police, DGO-2 ran away from the spot and he was chased and apprehended near JSS Women's College and was brought back to Taluk office. The evidence regarding the recovery of tainted note of

Rs. 1000/- denomination and non-recovery of the remaining tainted notes, when considered with the detailed explanation given by PW5, it can be concluded that, DGO-2 while running away, threw away the tainted notes on taking out from his pant pocket and out of the notes of Rs. 4000/- thrown away by him while fleeing, only 1 currency note of Rs. 1000/- denomination was recovered since produced by a public to the Head Constable on duty Sri Gurusiddaiah and the remaining notes could not be secured as public who laid their hands on those notes must have taken away those notes. Therefore, there is nothing on record to disbelieve the evidence adduced on behalf of the disciplinary authority. The defence evidence of DGOs 1 and 2 are not in any way helpful to them in coming to a conclusion that, they have not committed any misconduct. But on the other hand, the omission on their part in not explaining the circumstances under which their hands came in contact with the tainted notes and the tainted notes came to be kept in the right side pant pocket of DGO-2, since the hand wash of DGOs 1 and 2 obtained during the trap proceedings including pocket portion of the pant wash of DGO-2 gave positive result regarding presence of phenolphthalein, I have no hesitation to conclude that, the disciplinary authority was able to establish the allegations against DGOs 1 and 2 that, DGO-1 having demanded bribe from the complainant to do an official act of conducting survey of the lands belonged to mother and maternal uncle of the complainant, and DGO-1 received Rs. 4000/- from the complainant and handed over the said tainted notes to DGO-2 who on receiving it, kept that money in his pant pocket and while running away threw those notes on the streets. Out of the notes thrown away by DGO-2 only currency note of Rs. 1000/- denomination was secured and the remaining notes could not be secured due to the reason explained by PW5 in his evidence which is not disputed or denied on behalf of



DGOs. Therefore, both DGOs 1 and 2 are guilty of misconduct in demanding and accepting bribe from the complainant.

50. The learned counsel for the DGOs 1 and 2 has vehemently argued that, since the DGOs 1 and 2 have been acquitted by the Spl. Court vide judgment dated 19.2.2014 in Spl.C. No. 16/2010 on the file of District and Sessions Judge, Chamarajanagara, the charges against the DGOs 1 and 2 have to be held not proved and DGOs 1 and 2 have to be absolved from the charges leveled against them. In support of his arguments, he relied upon the decision of the Hon'ble Supreme Court in G.M. Tank case, which is subsequently relied upon in S. Bhaskar Reddy's Case. The Hon'ble Supreme Court in the decisions cited above, while setting aside the order of dismissal passed against the appellant, made an observation that, if the official has been honorably acquitted in the criminal trial, the disciplinary authority shall take note of that aspect and if the criminal case and departmental proceedings are based on similar facts and evidence and if the trial court acquitted the Government official honorably, then the disciplinary authority considering the grounds on which the trial court acquitted the Government official and on that basis, take a decision as to whether the report of the enquiry officer in a departmental proceedings can be accepted or not and on that basis, can decide whether the charges against the Government official stands proved or not.

51. In pursuance of the Government order issued entrusting the proceedings to Hon'ble Upalokayukta under Section 14-A of KCS(CCA) Rules, a nomination order was issued by the Hon'ble Upalokayukta directing ARE-3 to frame charges and to hold enquiry and to submit a report as to whether the charges framed against the DGO is proved or not. Hence, the enquiry officer has to frame charge

and to hold an enquiry and to prepare a report as to whether the evidence adduced on behalf of the disciplinary authority are sufficient to hold that, the charges against the DGO has been established or not. The enquiry officer has to independently consider the evidence made available on behalf of the disciplinary authority during the enquiry, without considering the judgment of the criminal court since the Hon'ble Supreme Court in a decision reported in 2012(1) SC 442 (Divisional Controller, KSRTC Vs. M.G. Vittal Rao) observed as follows:

“ Thus there can be no doubt regarding the settled legal proposition that the standard of proof in both the proceedings is quite different and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in a criminal case cannot be the basis of taking away the effect of departmental proceedings nor can such an action of the department be termed as double jeopardy. The judgment of this court in Captain M. Paul Antony does not lay down the law of Universal application. Facts, charge and nature of evidence etc., involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.”

52. Even in the decision rendered by the Hon'ble Supreme Court cited on behalf of the DGO in S. Bhaskar Reddy case, the Principle laid down in Paul Anthony case which was based on the judgment in G.M. Tank's case has been relied upon. But, in the decision in M.G. Vittal Rao's case, the Hon'ble Supreme Court made it clear that, Paul Anthony's case does not lay down the law of universal application.

53. Hence, it is for the Disciplinary Authority to consider such a contention if raised by DGOs 1 and 2 while submitting their explanation to the second show cause notice that may be issued to them, by the disciplinary authority.

54. Further, the Hon'ble Supreme Court in the decision reported in 2005(7) SCC 764, Ajit Kumar Nag V/s. General Manager,

"The two proceedings, criminal and departmental are entirely different fields and have different objectives whereas the object of criminal trial is to inflict appropriate punishment on the offender the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service Rules.

Termination/quashing of criminal case against an applicant does not ipso facts absolve him from the liability arising under the disciplinary jurisdiction as per service Rules. Hence, there is no illegality in continuation of enquiry against the applicant notwithstanding quashing of the criminal proceedings against the applicant."

55. The Hon'ble Supreme Court in the decision of State of Rajasthan V/s. B.K. Meena.

"The approach and the objectives in the criminal proceedings and the disciplinary proceedings is altogether distinct and different. In the disciplinary proceedings the question is whether the respondent is guilty of such misconduct as would merit his removal from service or a lesser punishment as the case may be, whereas in the criminal proceedings the question is whether the offences referred against him under PC Act (and with IPC if

any) are established and if established what sentence should be imposed upon him. The standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are entirely distinct and different.”

56. The prayer made on behalf of DGOs 1 and 2 when considered in the context with the two decisions of the Hon'ble Supreme Court referred to above, the Hon'ble Supreme have held that, the approach and the objectives in the criminal proceedings and the disciplinary proceedings are all together distinct and different and the standard of proof, the mode of enquiry and the rules governing the enquiry and trial before the Court are entirely distinct and different. Therefore, the order of acquittal passed by the Special Court will not in any way come in the way of this authority, in appreciating the evidence independently, adduced in this enquiry and come to an independent conclusion regarding the charges framed against the DGOs.
57. In view of my discussions made as above, I am of the considered opinion that, the disciplinary authority was able to establish the allegations against the DGOs 1 and 2 and hence I hold that, charges against the DGOs 1 and 2 are established. Accordingly, I answer point no.1 in the Affirmative.

**Point No.2**

58. Having regard to the discussion made above, and in view of my findings on point no.1 as above, my conclusion is as follows:

**CONCLUSION**

i) The Disciplinary Authority has proved the charges as framed against DGO-1 Sri B.R. Shashikanth, the then Second Division Surveyor, Taluk office, Chamarajanagar Taluk and District (at present working as Surveyor, O/o ADLR, Bengaluru South, Bengaluru) and DGO-2 Sri H.V. Mahadevaprasad, Second Division Surveyor, Taluk office, Chamarajanagar Taluk and District (at present working as Surveyor, O/o ADLR, Chamarajanagara).

ii) As per the first oral statement, the date of birth of DGO-1 is 14.7.1977 and his date of retirement is 31.7.2037 and date of birth of DGO-2 is 12.4.1975 and his date of retirement is 30.4.2035.



(S. Renuka Prasad)

Additional Registrar of Enquiries-3  
Karnataka Lokayukta,  
Bengaluru

**ANNEXURES****I. Witnesses examined on behalf of the Disciplinary Authority:**

|             |                                     |
|-------------|-------------------------------------|
| <b>PW-1</b> | Sri Asadula Shariff (complainant)   |
| <b>PW-2</b> | Sri Venkatesh (shadow witness)      |
| <b>PW-3</b> | Sri Chikkabasavaiah (panch witness) |
| <b>PW-4</b> | Sri D. Jayaram (IO)                 |
| <b>PW-5</b> | Sri M. Dharmendra (IO)              |

**II. Witnesses examined on behalf of the DGO:**

|             |                                            |
|-------------|--------------------------------------------|
| <b>DW-1</b> | Sri B.R. Shashikanth (DGO-1) (original)    |
| <b>DW-2</b> | Sri H.V. Mahadevaprasad (DGO-2) (original) |

**III Documents marked on behalf of D.A.**


|               |                                           |
|---------------|-------------------------------------------|
| <b>Ex.P-1</b> | Certified copy of the complaint           |
| <b>Ex.P-2</b> | Certified copy of the entrustment mahazar |
| <b>Ex.P-3</b> | Certified copy of the trap mahazar        |
| <b>Ex.P-4</b> | Written explanation of DGO-1              |
| <b>Ex.P-5</b> | written explanation of DGO-2              |
| <b>Ex.P-6</b> | Records seized by IO                      |
| <b>Ex.P-7</b> | Extract of attendance register            |
| <b>Ex.P-8</b> | Spot sketch drawn by PWD authorities      |
| <b>Ex.P-9</b> | FSL report                                |

**IV. Documents marked on behalf of DGO:**

|               |                                                                                             |
|---------------|---------------------------------------------------------------------------------------------|
| <b>Ex-D1</b>  | Application dated 28.12.2007                                                                |
| <b>Ex-D2</b>  | Application dated 30.6.2008                                                                 |
| <b>Ex-D3</b>  | Certified copy of plaint in O.S – 17/2008                                                   |
| <b>Ex-D4</b>  | Certified copy of IA filed in O.S. 17/2008                                                  |
| <b>Ex-D5</b>  | Certified copy of order sheet in O.S. 17/2008                                               |
| <b>Ex-D6</b>  | Endorsement dated 8.10.10 of the Tahsildar                                                  |
| <b>Ex-D7</b>  | Letter addressed by DC to Tahsildar                                                         |
| <b>Ex-D8</b>  | Public notice issued by Tahsildar                                                           |
| <b>Ex-D9</b>  | Memorandum dated 24.6.2008                                                                  |
| <b>Ex-D10</b> | Letter dated 30.6.08 given to DW-1 by Police Inspector, Karnataka Lokayukta, Chamarajanagar |
| <b>Ex-D11</b> | Extract of attendance register of DW-1                                                      |
| <b>Ex-D12</b> | Extract of RTCs pertaining to sy.no. 253 and 254                                            |

|               |                                                  |
|---------------|--------------------------------------------------|
| <b>Ex-D13</b> | Office note dated 15.4.2008                      |
| <b>Ex-D14</b> | Certified copy of judgment in Spl.C. No. 16/2010 |
| <b>Ex-D15</b> | Explanation of DW-2 on the day of trap           |

**V. Material Objects marked on behalf of the D.A: Nil**

  
(S. Renuka Prasad)  
Additional Registrar of Enquiries-3,  
Karnataka Lokayukta, Bengaluru.

