



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/268/2012/ARE-4 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 24.07.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri
V.Venkataramana, the then Gazetted Sub-
Treasury Officer, Sub-Treasury, Puttur Taluk,
Dakshina Kannada District - reg.

Ref:- 1) Government Order No. FD 07 AKE 2011
dated 02.06.2012.

2) Nomination order No. LOK/INQ/14-
A/268/2012 dated 20.06.2012 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 22.07.2019 of
Additional Registrar of Enquiries-4,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 02.06.2012 initiated the disciplinary proceedings against Shri V.Venkataramana, the then Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur Taluk, Dakshina Kannada District,[hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/268/2012 dated 20.06.2012 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 - Shri V.Venkataramana, Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur Taluk, Dakshina Kannada District, was tried for the following charges:-

“ That, you DGO- Sri. Venkataramana, while working as Gazetted Sub-Treasury Officer at Puttur in Dakshina Kannada District, took bribe of Rs,1,500/- from the complainant Sri C.Keshavamurthy, S/o late K.Gururajappa r/o Old Station Kadaba of Puttur to issue cheque for the amount due towards payment of Group Insurance Scheme on account of death of Sri Gururajappa, the father of the complainant and again on 13.12.2010 you received further bribe of Rs,2,500/- from the complainant to issue cheque towards the amount of Provident Fund and DCRG payable to deceased father of the complainant, 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/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that ' the Disciplinary Authority has failed to prove the charge against the DGO Sri V.Venkataramana, the then Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur Taluk, Dakshina Kannada District), (now retired) in respect of portion of the charge regarding the DGO demanding and accepting the bribe of Rs.1,500/- from complainant for issue of cheque towards the payment of Group Insurance amount."

5. Further, " the Disciplinary Authority has satisfactorily proved the charge against the DGO Sri V.Venkataramana, the then Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur Taluk, Dakshina Kannada District), (now retired) in respect of DGO demanding and accepting the bribe of Rs.2500/- for issue of cheques towards the P.F. and DCRG amount and thereby committed misconduct as enumerated u/s 3(1)(i) to (iii) of Karnataka Civil Service (Conduct ) Rules, 1966."

6. 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.


7. As per the First Oral Statement of DGO, DGO - Shri V.Venkataramana, has retired from service on 31.08.2011.

8. Having regard to the nature of charge(demand and acceptance of bribe) '*proved*' against DGO - Shri V.Venkataramana, Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur, Dakshina Kannada District,

- i) it is hereby recommended to the Government to impose penalty of ' permanently withholding 50% of pension payable to DGO - Shri V.Venkataramana, the then Gazetted Sub-Treasury Officer, Sub-Treasury, Puttur Taluk, Dakshina Kannada District .'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 24/7  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/268/2012/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 22/07/2019

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

Sri V. Venkataramana  
Gazetted Sub-Treasury Officer  
Treasury Department  
(working then in Sub-Treasury,  
Puttur Taluk  
Dakshina Kannada District)  
**(Now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/ MYS/259/2012/ARE-7 Dated:30/04/2012
- 2) Government Order No. FD 07 AKE 2011 Bengaluru, dated: 02/06/2012
- 3) Order No.LOK/INQ/14-A/268/2012 Bengaluru Dated:20/06/2012 of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri V. Venkataramana, Gazetted Sub-Treasury Officer, Treasury Department, (working then in Sub-Treasury, Puttur Taluk, Dakshina Kannada District), **(Now retired)** (herein after

referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No.1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 20/06/2012 cited above at reference-3, nominated Additional Registrar of Inquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Inquires-4 prepared Articles of Charge, Statement of Imputations of misconduct, 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 Articles of Charges framed by ARE-4 against the DGO is as below;

**ANNEXURE NO.I**  
**CHARGE**

*That, you Sri V. Venkataramana the DGO, while working as Gazetted Sub-Treasury Officer at Puttur in Dakshina Kannada District, took bribe of Rs. 1,500/- from the complainant Sri C. Keshvamurthy, s/o late K. Gururajappa R/o Old Station Kadaba of Puttur to issue cheque for the amount due towards payment of Group*

*Insurance Scheme on account of death of Sri Gururajappa, the father of the complainant and again on 13/12/2010 you received further bribe of Rs. 2,500/- from the complainant to issue cheque towards the amount of Provident Fund and DCRG payable to deceased father of the complainant, 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**

*Sri K. Gururajappa, the father of the complainant namely Sri C. Keshavamurthy, was working as a teacher, Sri K. Gururajappa died on 16/08/2010. On account of his death, cheque for a sum of Rs. 1,20,000/- was payable to Smt. Nagarathna, the mother of the complainant being the amount of Group Insurance Scheme. Then the DGO took bribe of Rs. 1,500/- to issue cheque for the said amount. Subsequently, cheque for Rs. 1,09,757/- towards Provident Fund and another cheque for Rs. 1,20,000/- towards DCRG was to be issued by Puttur Sub-Treasury to Smt. Nagarathna, the mother of the complainant. To issue these two cheques towards P.F. & DCRG, the DGO asked the complainant to pay further bribe of Rs. 2,000/-.*

*The complainant was not willing to pay further bribe demanded by the DGO. Therefore, he approached Lokayukta Police Inspector of Mangaluru (herein after referred to as the Investigating Officer, for short, "the I.O.") and lodged a complaint. The I.O. registered the complaint in Cr. No. 13/2010 for the offences punishable u/sec. 7, 13(1)(d) r/w 13(2) of the Prevention of*

*Corruption Act 1988. The I.O. took up investigation and on 13/12/2010 the I.O. trapped the DGO at his office in Puttur. On 13/12/2010, the DGO took tainted amount of Rs. 2,000/- and also untainted amount of Rs. 500/- from the complainant. The I.O. seized the tainted and untainted amount from the DGO under mahazar after following post-trap formalities, DGO failed to give any satisfactory or convincing reply or account about his possession of the said tainted amount besides non-tainted amount of Rs. 500/- and the I.O. recorded the statement of the complainant and pancha witnesses. The record of investigation and the materials collected by the I.O. showed that, the DGO had committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant. As the materials on record showed prima facie case about the DGO receiving bribe for discharging his official duty as a public servant 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 there was prima facie case showing that the DGO committed misconduct as per rule 3(1) 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/Rule 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 Inquiry Authority on 04/01/2013 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. DGO has filed his defence statement as follows:

In the statement the averments made in the complaint are also mentioned. The averments made in the complaint and the charge sheet do not reveal prima facie case against the DGO. There is no demand or acceptance of any bribe amount by the DGO. He has been implicated in the false case. No work of the complainant was pending with the DGO on the date of the complaint and the question of demand and acceptance of bait amount by the DGO cannot be believed. There is no prime facie materials against the DGO for the offence alleged in the charge sheet. The DGO is innocent and he has never involved in the alleged incident. Hence, prays to exonerate him from the charges leveled against him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all five witnesses as PW1 to PW5 and got marked documents at Ex.P1 to P15. After closing the evidence of the Disciplinary Authority, DGO himself examined as DW1 and one witness examined as DW2 and closed his side. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority has not filed the written brief, but on the side of the DGO written brief has been filed. Oral

arguments of the Presenting Officer and the learned counsel for the DGO was heard. The points, that arise for the consideration of this inquiry authority are:-

1. Whether the Disciplinary Authority has satisfactorily proved the charges framed against DGO?

2. What order?

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

Point No.1: In the "**NEGATIVE**" in respect of Rs. 1,500/- and in the "**AFFIRMATIVE**" regarding the amount of Rs. 2,500/-

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

**:: REASONS ::**

**10. Point No.1:** It is the case of the Disciplinary Authority that the DGO while working as Gazetted Sub-Treasury Officer, at Puttur took bribe of Rs. 1,500/- from the complainant Sri C. Keshavamurthy, s/o late K. Gururajappa to issue cheque for the amount due towards payment of Group Insurance Scheme on account of the death of his father Sri Gururajappa and against on 13/12/2010 the DGO received bribe of Rs. 2,500/- from the complainant to issue cheque towards the amount of Provident Fund and DCRG payable to deceased father of the complainant and thereby committed misconduct.

11. The complainant has been examined as PW1 and the copy of the complaint lodged by him before the Lokayukta police, Dakshina Kannada is at Ex.P1. The gist of Ex.P1 is to the effect that PW1 is working as teacher and his late father

Sri K. Gururajappa, was also working as a teacher. His father had nominated his wife Smt. Nagarathamma to his service benefits and his father died on 16/08/2010. After the death of his father the service benefits were sanctioned in the name of Smt. Nagarathamma, and she received the GIS amount and in that respect the DGO being the Sub-Treasury officer of Puttur demanded and received the amount of Rs. 1,500/- and gave the cheque. Afterwards the earned leave amount was received and in that respect the DGO had prayed for amount and PW1 told that he will give the amount when the amount regarding P.F. and pension is received. One Prabhakar working as clerk in the Treasury informed PW1 over phone that the P.F. amount and DCRG amount has come and he asked Sri Prabhakar as to what is the amount that is giving to be demanded by the DGO for issue of cheques (Rs. 1,09,757/- P.F. amount and Rs. 1,20,000/- DCRG amount) and Sri Prabhakar told that the DGO may demand Rs. 2,000/- and he recorded the conversation in his mobile and transferred the same to the C.D. PW1 tried to contact the DGO. But the DGO did not talk and hence the conversation with the DGO could not be recorded. As the above said clerk has told that the DGO will demand amount of Rs. 2,000/- to give the cheques regarding P.F. and DCRG the complaint is lodged. The complaint has been lodged on 13/12/2010 at 10.30 a.m.

12. PW1 has deposed about all the averments made in the complaint. In his deposition he has deposed that Ex.P1 is the copy of the complaint lodged by him. He has deposed that along with the complaint, he also produced the intimation of the pensionary benefit and the copy of the same is at Ex.P2.

Ex.P2 also contains the intimation regarding authorization to draw P.F. amount of Rs. 1,09,757/-. Ex.P2 also shows that in the DCRG amount sanctioned was Rs. 1,20,000/-.

13. PW1 has further deposed that the police inspector secured two panchas Sri Deepak Kumar and Sri Chandrahasa and told them about the complaint lodged by him. He has deposed that he produced the amount of Rs. 2,000/- (Rs. 1,000x1+Rs.500x2). He has also deposed that the value and numbers of those notes were noted and phenolphthalein powder was smeared to the notes and those notes were given to the pancha witness Sri Chandrahasa and that pancha witness kept those notes in his shirt pocket. He has deposed that afterwards the hands of Sri Chandrahasa were washed in the sodium carbonate solution and that solution turned to pink colour. He has deposed that apart from the amount of Rs. 2,000/- stated above he had another amount of Rs.500 and the number of that Rs. 500/- note was also noted and he was told to keep that note in his purse. He has deposed that the photos were also taken at that time and the entrustment mahazar was drawn and the copy of the same is at Ex.P3. He has further deposed that he was instructed to give the amount only if the DGO demands for the amount and afterwards he has to give signal by touching his head with his hand.

14. PW1 has further deposed that afterwards in two jeeps they went to Puttur and the jeeps were parked near Puttur Taluk Office and he had asked his mother to come there and accordingly his mother was also waiting for them outside the taluk office. He has deposed that himself, his mother and

pancha witness Sri Deepak Kumar went inside the Sub-Treasury office and remaining persons remained outside. He has deposed that he was given a voice-recorder by the Lokayukta police and he switched on the voice-recorder while entering the Sub-Treasury office. He has further deposed that himself and his mother went to see the DGO in his room and he instructed the pancha witness Sri Deepak Kumar to sit outside that room. He has deposed that he enquired the DGO about the cheques and the DGO demanded for the amount and he asked the DGO how much amount has to be given for which the DGO told that the amount to be given is already told two days back and he gave the tainted currency notes to the DGO and the DGO told that the amount given is not sufficient and hence he gave the amount of Rs. 500/- which was in his purse and the DGO kept the total amount of Rs. 2,500/- after counting the same in his pocket. He has deposed that afterwards himself and his mother came out of the room of the DGO and along with the pancha witness he came outside and gave the pre-instructed signal. He has deposed that Police inspector, his staff and another pancha witness came and he showed the DGO and told that he has received the total amount of Rs. 2,500/-. He has deposed that the hands of the DGO were washed separately in the sodium carbonate solution and the solutions turned to pink colour. He has deposed that when the DGO was enquired about the amount received from him the DGO produced the notes from his shirt pocket and those notes were the same notes mentioned in the entrustment mahazar. In fact in the entrustment mahazar not only the numbers of the notes of Rs. 2,000/- is mentioned, but also the number of Rs. 500/- note

to which phenolphthalein powder was not smeared is also mentioned. He has deposed that alternative shirt was provided to the DGO and the shirt worn by him was got removed and the inside portion of the shirt pocket when washed in the sodium carbonate solution, that solution also turned to pink colour. He has deposed that the Lokayukta police enquired the DGO about the cheques and the cheques were with the FDA Sri Prabhu cheque for Rs. 1,09,757/- towards the P.F., cheque for Rs. 1,20,000/- towards DCRG and cheque for Rs. 27,219/- towards three months pension and those cheques were given to his mother and xerox copies of the same and other concerned documents were seized. He has deposed that the copies of the documents seized are at Ex.P4 (20 sheets). He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5 and the copy of the trap mahazar is at Ex.P6. Thus PW1 has given his evidence in accordance with the trap mahazar-Ex.P6.

15. Ex.P4 contains copies of the family pension payment order, the cheques for the above said amounts and other documents. In Ex.P6 also it is mentioned that the shadow witness-Sri Deepak Kumar had not gone inside the room of the DGO and he was sitting outside the room of the DGO as per the instructions of PW1. Thus the evidence given by PW1 is completely in accordance with the case of the disciplinary authority.

16. PW1 in his cross-examination has deposed that it was the clerk Sri Prabhakar who told that the DGO might ask for an amount of Rs. 2,000/- and not the DGO himself. Only on

that ground the case of the disciplinary authority cannot be discarded as it is the case of the disciplinary authority that on 16/08/2010 the DGO demanded and received an amount of Rs. 2,500/- for giving the cheques stated above. PW1 in his cross-examination has denied the suggestion that even though the DGO did not ask for any illegal gratification, he himself thrust the amount of Rs. 2,500/- into the shirt pocket of the DGO thinking that the DGO will demands for the amount as told by the clerk. He has deposed that at the time of the trap cheques were already prepared and the cheques were with the Sri Prabhakar. But on that ground only the case of the disciplinary authority cannot be discarded as the cheques had not yet been delivered to the mother of PW1 and PW1 has also deposed that even the pension payment order was with the DGO at that time. Nothing is made out in the cross-examination of PW1 as to why PW1 has lodged the false complaint against the DGO and deposed falsely against the DGO.

17. PW2 is the shadow witness Sri Deepak Kumar, and he has deposed that on 13/12/2010 he had been to Lokayukta Police station, Mangaluru and in the police station the Police Inspector Sri Udaya Nayak, his staff and another pancha witness Sri Chandrahasa and PW1 were present and they were introduced to him. He has also deposed about the averments made in the complaint. He has deposed that he also enquired PW1 about the contents of the complaint and came to know that PW1 has lodged the complaint as per the averments made in the complaint. He has deposed about PW1 producing the amount of Rs. 2,000/- and also about the entrustment

mahazar conducted in the Lokayukta police station. He has deposed about all the averements made in the entrustment mahazar, the copy of the which is at Ex.P3. He has deposed that after the entrustment mahazar they went to Puttur and the vehicle was stopped near the Taluk Office and the mother of PW1 was present there and himself, PW1 and the mother of PW1 were sent to the Treasury office to meet the DGO and the remaining persons remained outside the office. He has deposed that PW1 and his mother went inside the room of the DGO to meet the DGO and he sat outside that room. He has deposed that after some time PW1 and his mother came outside the room/chamber of the DGO and PW1 told him that the DGO received the amount of Rs. 2,500/- from him and also gave the pre-instructed signal to the I.O. He has deposed that immediately the I.O. and others came and PW1 showed the DGO and told that the DGO has received the amount of Rs. 2,500/- from him. He has deposed that the I.O. introduced himself to the DGO and the hands of the DGO were washed separately in the sodium carbonate solution and the solutions turned to pink colour. He has deposed that when the I.O. enquired the DGO about the amount, the DGO produced the amount from his shirt pocket and those notes were the same notes mentioned in the entrustment mahazar. He has also deposed that as he was sitting outside the chamber of the DGO he was not able to see what happened inside the chamber of the DGO. He has also deposed about the shirt wash of the DGO being positive (inside portion of the pocket). He has deposed that PW1 returned the voice-recorder and it was played and the conversation had been recorded. Thus even though PW2 had not gone inside the chamber of the DGO



his evidence that the hand wash of the DGO being positive and that the tainted currency notes were found in the shirt pocket of the DGO substantially supports the case of the disciplinary authority. He has also deposed that the concerned documents were secured and seized and the copy of the same are at Ex.P4. He has deposed that the copy of the explanation given by the DGO is at Ex.P5 and the copy of the trap mahazar is at Ex.P6. He has also deposed that himself and PW1 were enquired by the I.O. about the contents of Ex.P5 and they told the I.O. that the contents of Ex.P5 are false. PW2 has been cross-examined at length, but nothing is made out to discard his above said evidence. He has deposed that the DGO had already signed the cheques and given them to Sri Prabhakar. But as stated above, on that ground only the case of the disciplinary authority cannot be discarded.

18. PW3 is the another pancha witness Sri Chandrasaha and he has deposed that on 13/1/2010 he had been to the Lokayukta Police station, Mangaluru and in the police station the complainant, PW2 were also present and they were introduced to him by the I.O. He has also deposed about the contents of the complaint. He has deposed about all the averments made in the entrustment mahazar the copy of which is at Ex.P3. He has also deposed that after entrustment mahazar they went to the Treasury office situated in Puttur and PW1, PW2 and the mother of PW1 were sent inside that office to meet the DGO and himself, I.O. and his staff were waiting near the compound of that office for the signal of PW1. He has deposed that PW1 gave the pre-instructed signal and immediately all of them went inside the treasury office and

PW1 showed the DGO and told that the DGO demanded and accepted the bribe amount of Rs. 2,500/- and kept it in his left side shirt pocket. He has deposed that the hands of the DGO were washed in the solution and that solution turned to pink colour. He has deposed that the tainted currency notes were in the shirt pocket of the DGO and the same was seized. He has deposed that the copies of the concerned documents were seized. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5. In his cross-examination he has deposed that PW2 was sitting outside the chamber of the DGO and he do not know what is written in the trap mahazar.

19. PW4 is the mother of PW1 by name Smt. Nagarathnamma. She has deposed about the death of her husband in August 2010 and that she was the nominee in respect of service benefits of her husband. She has deposed that the P.F. and DCRG amount was due to her at that time. She has deposed that she had instructed her son PW1 to look into the matter and her son instructed her to come to Puttur Taluk Office and accordingly she had gone to Puttur Taluk Office and in the afternoon her son came along with another person and all of them went inside the office of the DGO. She has deposed that herself and PW1 met the DGO and the DGO made hand signal for payment of the amount and PW1 gave Rs. 2,000/- and the DGO told that the amount is less and hence PW1 gave further amount of Rs. 500/- and the DGO received the same and kept it in his pocket. She has deposed that afterwards herself and PW1 came outside and the

Lokayukta police apprehended the DGO. She has deposed that afterwards the P.F. amount cheque was given to her.

20. PW4 in her cross-examination has deposed that prior to the date of the trap she had not gone to the chamber of the DGO and the pension amount and GPF amount was due to her. She has deposed that the DGO did not demand her to pay the bribe amount. She has deposed that she had not gone along with PW1 to Lokayukta police station when PW1 lodged the complaint. She has denied the suggestion that on 13/12/2010 she had not at all gone to the office of the DGO along with PW1. She has deposed that Lokayukta police handed over the cheques which were with Vishwanatha Prabhu.

21. PW5 is the Police Inspector by name Sri Udaya Nayaka. He has deposed that from 2007 to 2012 he has worked as Inspector in Mangaluru Lokayukta Police Station and on 13/12/2010 PW1 came to the station and gave the written complaint along with C.D. and Ex.P2. He has deposed that Ex.P1 is the complaint and on the basis of the same he registered the case and sent the FIR to the court and the copy of the same is at Ex.P7. He has deposed about securing two panchas, PW1 producing the amount of Rs. 2,000/- and about all the averments mentioned in the entrustment mahazar, the copy of which is at Ex.P3 and I feel it is not necessary to repeat the evidence given by PW5 in that respect. He has deposed that after the entrustment mahazar and they went to the office of the DGO situated in Puttur and the mother of PW1 also came there. He has deposed that PW1 and PW2 and

the mother of PW1 were sent inside the office to meet the DGO. He has deposed that himself and his staff and PW3 were waiting outside the office for the pre-instructed signal from PW1. He has deposed that at about 2.20 p.m. PW1 and PW2 came outside the office and PW1 gave the pre-instructed signal. He has deposed that himself and others went inside the office of the DGO and PW1 showed the DGO and told that the DGO received the total amount of Rs. 2,500/- from him kept it in his left side shirt pocket. He has deposed that he introduced himself to the DGO and the hands of the DGO were washed separately in sodium carbonate solution and the solutions turned to pink colour. He has deposed that when enquired about the amount received from PW1 the DGO produced the amount of Rs. 2,500/- which was in his left side shirt pocket and those notes were the same notes mentioned in the entrustment mahazar. He has deposed that even the shirt wash of the DGO (pocket portion) was positive. He has also deposed that at the time of the entrustment mahazar a voice-recorder had been given to PW1 and the same was played and the conversation recorded in the same was transcribed and the copy of the same is at Ex.P10. He has further deposed that Ex.P9 is the transcription of the conversation that was recorded in the mobile of PW1 (between PW1 and the clerk Sri Vishwanatha Prabhu). PW5 has further deposed that Ex.P5 is the copy of the explanation given by the DGO. He has deposed that Ex.P4 are the copies of the documents pertaining to the mother of the complainant. He has deposed that the copies of the photographs taken at the time of the entrustment mahazar and the trap mahazar are at Ex.P11. Ex.P12 is the copy of the rough sketch of the scene of

occurrence. He has deposed that Ex.P12 is the copy of the FSL report and Ex.P13 is the copy of the sketch of scene of occurrence obtained from PWD Engineer. FSL-Ex.P12 discloses that the presence of phenolphthalein was detected both in the right and left hand finger washes of the DGO. As the rough sketch and FSL are both marked as Ex.P12 the FSL report is considered as Ex.P12(a). Even according to the Ex.P12 and P13 PW2 was outside the chamber of the DGO and he had not gone inside the chamber of the DGO.

22. PW5 has been cross-examined at length and nothing is made out in his cross-examination to discard his evidence stated above. He has deposed that when they went to the chamber of the DGO one Sri Ashok S. Punja, was in the chamber of the DGO. He has denied the suggestion of the learned counsel for the DGO to the effect that the work of the mother of the PW1 was not all pending with the DGO as on the date of the trap. As already stated above only on the ground that the DGO had already signed the cheques, the case of the disciplinary authority cannot be discarded.

23. DW1 is the DGO and he has deposed that he was working as Sub-Treasury officer of Puttur in the year 2010. He has deposed that PW1 had approached him and asked him to give the cheques in his name and he told that the cheques will be given in the name of the nominee only. He has deposed that on 13/12/2010 PW1 came along with his mother and the mother of PW1 showed him the intimation received by her from A.G. and he signed the same and asked her to give the same to the cashier Sri Vishwanatha prabhu. He has deposed

that Sri Vishwanatha Prabhu prepared the cheques and he instructed the mother of PW1 to receive the cheques in the counter. He has deposed that the mother of PW1 went to the counter and received the cheques and after half an hour of the same PW1 came to his chamber and at that time he was doing computer work and PW1 came from behind and thrust the amount in his shirt pocket and ran away and at that time Sri Ashok S. Punja was also present in his chamber. He has deposed that after five minutes Lokayukta police came to his chamber and caught hold of his hands and asked him where is the amount. He has deposed that he gave the amount which was thrust to his shirt pocket and his hands were washed in the solution and he did not observe whether there was any change in the colour of that solution. He has deposed that the work of the mother of PW1 was not pending with him and the cheques had already been given.

24. In his cross-examination he has deposed that there is no personal ill-will between himself and PW1 and there is no ill-will between himself and PW5. He admits that the tainted currency notes were seized from his shirt pocket and that shirt was also seized. As stated above, Ex.P5 is the copy of the explanation given by the DGO immediately after the trap and in the same it is only stated that intentionally the trap has been conducted and he has not done any wrong. No where in Ex.P5 it is mentioned that PW1 came from behind and thrust the tainted currency notes to the shirt pocket of the DGO. Ex.P14 is the comments given by the DGO to the observation note and even in Ex.P14 there is no mention about the evidence given by DW1 in his evidence stated above. Hence, it

can only be said that the evidence given by DW1 stated above is only an improvement to overcome the charge framed against the DGO.

25. DW2 is Sri Ashok S. Punja and in his examination in chief he has deposed that on 13/12/2010 he had been to the Sub-Treasury office, Puttur for his work and met the DGO in his chamber. He has deposed that he sat in the chamber of the DGO and at that time a person came inside the chamber of the DGO and put something in the pocket of the DGO and ran away. He has deposed that afterwards some persons came inside the chamber of the DGO and caught hold of the hands of the DGO and those persons asked him to go out of the chamber of the DGO. In his cross-examination he has deposed that his name, address, his mobile numbers are mentioned in Ex.P15. But he has not given the statement before the I.O. as mentioned in Ex.P15. Ex.P15 is the copy of the statement given by DW2 before the I.O. which is completely contrary to the evidence given by him as stated above. DW2 has deposed that there is no ill-will between himself and the I.O. Hence, it has to be said that DW2 has given his statement before the I.O. as mentioned in Ex.P15. But now he has given his evidence as stated above only and at the instance of the DGO to help him.

26. Copy of Government Order No. ಆಇ 07 ಆಖಇ 2011, ಬೆಂಗಳೂರು, dated: 30/05/2019 has been received by this office which discloses that the DGO has been convicted in the Special Case No. 2/2012 by the Court of Addl. District and Session Judge, Dakshina Kannada, Mangaluru and on the basis of the same

the entire pension of the DGO has been with-held in view of the DGO already retired as on the date of the above said Government Order. The above said Government Order also discloses that the DGO has challenged the judgment of the Addl. District and Session Judge, Dakshina Kannada, Mangaluru in Criminal Appeal NO. 813/2018 before the Hon'ble High Court of Karnataka. From the official website the Hon'ble High Court of Karnataka it is ascertained that the above said criminal Appeal is still pending before the Hon'ble High Court of Karnataka and in case the above said Criminal Appeal is allowed there is chance of the DGO being reinstated. Hence, the punishment proposed in this enquiry to be implemented only in case the Criminal Appeal No. 813/2018 is allowed by the Hon'ble High Court of Karnataka.

27. As stated above, there is charge also to the effect that the DGO took bribe of Rs. 1,500/- from the complainant to issue cheque for the amount due towards payment of Group Insurance Scheme. There is no evidence as to the date of payment of the above said amount to the DGO. There is also no evidence as to when the DGO demanded for the payment of the above said amount of Rs. 1,500/- from the complaint. It is only stated that for payment of the GIS amount the DGO had received the amount of Rs. 1,500/-. Thus there is no evidence as to the date of the demand and acceptance of Rs. 1,500/- and where that amount was paid and who were present at that time. The evidence of the disciplinary authority is only regarding the demand and acceptance of Rs. 2,500/- by the DGO on 13/12/2010 for issue of cheques regarding the PF and DCRG amount. Hence, I hold that the disciplinary



authority has not proved the portion of the charge regarding the DGO demanding and accepting the bribe of Rs. 1,500/- from PW1 regarding issue of cheque towards the payment of Group Insurance amount.

28. Regarding the DGO demanding and accepting the bribe amount of Rs. 2,500/- on 13/12/2010 for issue of cheques towards P.F. and DCRG the disciplinary authority has proved its case regarding the same by the evidence of PW1 to PW5 and their evidence supports the case of the disciplinary authority and there are no reasons to discard their evidence. As stated above, the explanation given by the DGO as per Ex.P5 is not believable and even the evidence of DW1 and DW2 stated above is also not believable.

29. Hence, I answer the point No. 1 in the **NEGATIVE** in respect of portion of the charge regarding the DGO demanding and accepting the bribe of Rs. 1,500/- from complainant for issue of cheque towards the payment of Group Insurance amount and in the **AFFIRMATIVE** in respect of DGO demanding and accepting the bribe amount of Rs. 2,500/- for issue of cheques towards the P.F. and DCRG amount.

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

**:: ORDER ::**

*The Disciplinary Authority has failed to prove the charge against the DGO- Sri V. Venkataramana, Gazetted Sub-Treasury Officer, Treasury Department, (working then in Sub-Treasury, Puttur Taluk, Dakshina Kannada District), **(Now retired)** in respect of portion of the charge regarding the DGO demanding and accepting the bribe of Rs. 1,500/- from complainant for issue of cheque towards the payment of Group Insurance amount and thereby committed mis-conduct as enumerated u/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

*The Disciplinary Authority has satisfactorily proved the charge against the DGO- Sri V. Venkataramana, Gazetted Sub-Treasury Officer, Treasury Department, (working then in Sub-Treasury, Puttur Taluk, Dakshina Kannada District), **(Now retired)** in respect of DGO demanding and accepting the bribe amount of Rs. 2,500/- for issue of cheques towards the P.F. and DCRG amount and thereby committed mis-conduct as enumerated u/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 22<sup>nd</sup> day of July, 2019

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

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

- PW-1:Sri Keshvamurthy C.G.(complainant)  
 PW-2:Sri Deepak Kumar (shadow witness)  
 PW-3:Sri Chandrahasa (pancha witness)  
 PW-4:Smt. Nagarathnamma (mother of complainant)  
 PW-5:Sri Udaya Nayaka (I.O.)

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

- DW-1: Sri V. Venkataramana (DGO)  
 DW-2: Sri Ashok S. Punja (witness)

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

- Ex.P-1: Certified copy of the complaint  
 Ex.P-2: Certified copy of the intimation of pensionary benefits (containing three sheets)  
 Ex.P-3: Certified copy of the entrustment mahazar  
 Ex.P-4: Certified copy of the attendance register with certified copy of the enclosures (containing 20 sheets)  
 Ex.P-5: Certified copy of the explanation of DGO  
 Ex.P-6: Certified copy of the trap mahazar  
 Ex.P-7: Certified copy of the FIR  
 Ex.P-8: Certified copy of the notes numbers and denomination mentioned white sheet  
 Ex.P-9: Xerox copy of the conversation that takes place between Sri K. Vishwanatha Prabhu SDA with complainant  
 Ex.P-10: Xerox copy of the conversation that takes place between DGO with complainant  
 Ex.P-11: Xerox copies of the Xeroxed photos on the white sheet (containing 04 sheets)  
 Ex.P-12: Certified copy of the rough sketch  
 Ex.P12(a): Xerox copy of the chemical examination report  
 Ex.P-13: Xerox copy of the sketch  
 Ex.P-14: Original reply of DGO dated: 19/03/2012 to the observation note  
 Ex.P-14(a): Relevant entry in Ex.P14  
 Ex.P-15: Xerox copy of the statement of Sri Ashoka Punja

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

NIL

Dated this the 22<sup>nd</sup> day of July, 2019

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
 Karnataka Lokayukta,  
 Bengaluru.

