

**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/315/2011/ARE-3

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

Date: 23.6.2017

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

Sub: Departmental Enquiry against Sri R. Nagendra,  
Assistant Engineer, Bengaluru Development  
Authority, Indiranagar, Bengaluru - reg.

Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta  
Act, 1984, in No. Compt/Uplok/BCD/803/2006/ARE-10  
dated 25.8.2011

2. G.O. No. ಲೋಕ 262 ಸೇವೆ 2011 ಬೆಂಗಳೂರು ದಿ: 24.9.2011

3. Nomination Order No.LOK/INQ/14-A/315/2011  
dated 03.10.2011 of Hon'ble Upalokayukta-1,  
Karnataka State, Bengaluru.

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1. The complainant Sri P. Subramanyan S/o Padavettan R/o No. 58,  
Dr. Babasaheb Colony, HAL 2<sup>nd</sup> Stage, Indiranagar, Bengaluru-8  
(hereinafter referred to as 'complainant') has filed a complaint to  
Lokayukta police, Bengaluru City Division on 14.03.2002 against  
Sri R. Nagendra, Assistant Engineer, Bengaluru Development  
Authority, Indiranagar, Bengaluru (hereinafter referred to as 'DGO'  
for short) making allegations against him that, the DGO is  
demanding Rs. 4,000/- by way of bribe, in order to give him  
permission for road cutting. According to the complainant, he is  
constructing a house in the name of his son P.S. Thannarasu in

plot no.9, BEML housing Co-operative Society Layout in Thubbarahalli Bengaluru near Marathahalli and he had filed an application to the office of BDA on 24.01.2002 seeking permission for road cutting for taking electrical and water connection and to lay pipeline for connecting underground drainage. But the DGO is demanding him to pay bribe to consider his application and to give him necessary permission, as sought for by him in the application.

2. On registering a case against the DGO on the basis of the said complaint, a trap was held on the same day i.e., on 14.03.2002, in the office of the Executive Engineer, BDA East Division situated in the BDA complex at old Madras road and the DGO was trapped and caught red handed while demanding and accepting bribe of Rs. 4,000/- from the complainant. The tainted money of Rs.4,000/- was recovered from the right side pant pocket of the DGO. Since it was disclosed during investigation, that, the DGO having demanded Rs. 4,000/- accepted the same from the complainant on 14.03.2002 in his office, in order to show an official favour i.e., to grant permission to the complainant for road cutting, thus received /accepted the said amount as bribe from the complainant, the Police Inspector, Lokayukta Police, Bengaluru City Division, having conducted investigation and on collecting sufficient materials, charge sheeted the DGO.
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 the DGO, providing him an opportunity to show-cause as to why recommendation should not be made to the Competent

Authority, for initiating departmental proceedings against him. The DGO has submitted his reply denying the allegations made against him and taken up a contention that, he is innocent and he has been falsely implicated. Since the explanation offered by the DGO was not satisfactory, a recommendation under Section 12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority recommending to initiate disciplinary enquiry against him and to entrust the enquiry under Rule 14-A of KCS(CCA) Rules, to this authority to hold enquiry. Accordingly, the Government in the Public Works Port and Inland Water Transport Department, vide Government order No. ಲೋಕ 262 ಸೇವಾ 2011 ಬೆಂಗಳೂರು ದಿ: 24.9.2011, initiated departmental proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. The Hon'ble Upalokayukta issued a nomination order dated 03.10.2011 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges are framed against the DGO as under.

4. **“Charge**

*That you, Sri. R. Nagendra, (here in after referred to as Delinquent Government Official, in short DGO), while working as the Assistant Engineer of Bangalore Development Authority at Indiranagar in Bangalore demanded and accepted a bribe of Rs.4,000/- on 14/03/2002 from complainant Sri. Subramanyan S/o Sri.Padavattan, No.58, Dr. Babasahib Colony, HAL 2<sup>nd</sup> State, Indiranagar, Bangalore for giving permission to cut the road for laying electrical wire, water pipe and underground drainage connection to the house built in the name of his son in Indiranagar Complex that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct)Rules 1966.*

**STATEMENT OF IMPUTATION OF MISCONDUCT:**

*The complainant Sri. Subramanyan S/o Sri.Padavattan, No.58, Dr. Babasahib Colony, HAL 2<sup>nd</sup> State, Indiranagar, Bangalore filed a complaint on 14/03/2002 before the Deputy Superintendent of Police, Karnataka Lokayukta, City Division, Bangalore alleging that his son P.S. Thennarasu is a handicapped person and that they had constructed a house in the name of his son at no. 9 BEML Housing Co-operative Society in Thubrahalli, near Maruthhalli and that he had applied for permission for cutting the road for taking electrical, water and underground drainage connections to his house and he deposited a sum of Rs. 2,116/- as asked by the BDA Engineer in the Canara Bank head office on 30/01/2002 and that handed over the challan to Sri. Nagendra, the Assistant Engineer of Bangalore Development Authority at Indiranagar in Bangalore (here in after referred to as Delinquent Government Servant, in short DGO) and asked him to issue the permission for cutting the road and at that time the DGO demanded a bribe of Rs. 4,000/- for granting the said permission.*

*As the complainant was not willing to pay any bribe to the DGO, he went to DSP, Karnataka Lokayukta City Division, Bangalore on 14/03/2002 and lodged a complaint. On the basis of the same a case was registered in City Division, Bangalore Lokayukta Police Station Cr. No. 07/2002 for offences punishable under sections 7, 13(1) (d) and section 13(2) of the P.C. Act, 1988 and FIR was submitted to the concerned learned special judge.*

*After registering the case, investigating officer observed all the pre trap formalities and entrustment mahazar was conducted and you, the DGO was trapped on 14/03/2002 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 4000/- from the complainant in the presence of shadow witness and the said bribe amount which you had received from the complainant was seized from your possession under the seizure mahazar after following the required post trap formalities. During the investigation the I.O has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.*

*The materials collected by the I.O. during the investigation prima facie disclose that you, the DGO, demanded and accepted bribe of Rs.4000/- from the complainant on 14/03/2002 for doing an official act*

*i.e., for giving permission to cut the road for laying electrical wire, water pipe and underground drainage connection to the house built in the name of his son in Indiranagar Complex. Thus you, the DGO, have failed to maintain absolute integrity and devotion to duty and this act on your part is unbecoming of a Government servant. Hence, you have committed an act which amounted to misconduct as stated under Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.*

*In this connection an observation note was sent to you, the DGO and you have submitted your reply which, after due consideration, was found not acceptable. Therefore, a recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta, Act 1984, to initiate Departmental Proceedings against you, the DGO. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against you, the DGO and to submit report. Hence the charge."*

5. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO appeared in response to the notice issued to him and First Oral Statement of the DGO was recorded. DGO has denied the charges framed against him. He has engaged the services of an advocate to appear on his behalf and to defend him, in the enquiry.
6. The DGO has filed his written statement on 4.7.2010 denying the allegations made against him and further taken up a contention that, he is innocent, he has not committed any misconduct and he has been falsely implicated.
7. The case was taken up for enquiry and during enquiry, on behalf of the Disciplinary authority 3 witnesses have been examined as PW1 to PW3. 8 documents came to be marked as Ex-P1 to P8.

8. After the closure of the evidence on behalf of the disciplinary authority, Second Oral Statement of the DGO was recorded wherein, the DGO has desired to lead defence evidence in support of his defence. Accordingly, permission was granted. The DGO has examined himself as DW-1 and examined on more witness by name S.Palani in support of his defence. He has not produced ny documents in support of his defence.
9. After closure of the defence evidence, the learned Presenting Officer has filed written arguments. Even the learned counsel for DGO filed written arguments and also furnished certain citations in support of his arguments. After hearing in detail the learned Presenting Officer and the learned counsel for DGO , this matter is taken up for consideration.
10. The points that would arise for my consideration are:  
**Point No.1:** Whether the charge framed against the DGO is proved by the Disciplinary Authority?  
**Point No.2:** What order?
11. The above points are answered as under:  
**Point No.1:** In the "Affirmative".  
**Point No.2:** As per final order.

### **REASONS**

#### **Point No.1:-**

12. The DGO was working as Assistant Engineer, BDA, O/o Executive Engineer, BDA Bengaluru East Division, during the relevant period.

13. The complainant P. Subramanyan S/o Padavettan R/o No. 58, Dr. Babasaheb Colony, HAL 2<sup>nd</sup> Stage, Indiranagar, Bengaluru-8 and during the relevant period he was constructing a house in the name of his son P.S. Tannarasu in plot no. 9 BEML Layout, Tubrahalli, Bengaluru and since his son is a physically handicapped person who is deaf and dumb, the complainant himself was looking after all the works related to the construction of the said house on behalf of his son. The complainant has filed an application to the office of the BDA on 24.1.2002 seeking permission for road cutting in order to take underground drainage connection, underground electrical and water connection, to the house under construction. In that connection, he met the DGO. As per the instructions issued by the DGO he has remitted Rs. 2,116/- towards road cutting charges through a challan, on 30.1.2002 and gave that challan to the DGO. It is the allegation in the complaint that, the DGO has demanded the complainant to pay Rs. 4000/- by way of bribe for granting permission for road cutting. Hence, the complainant has approached Lokayukta police, City Division, Bengaluru and filed complaint on 14.3.2002 against the DGO.
14. On the basis of the complaint so filed by the complainant on 14.3.2002, the Police Inspector, Karnataka Lokayukta, City Division, Bengaluru has registered a case in Cr. No. 7/2002, under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
15. An entrustment proceedings was conducted in the office of the Lokayukta, Bengaluru City division in the presence of two panch witnesses viz., T.M. Thimmaiah, SDA from the office of Commissioner for Public Instruction and Sri Venkataramu, First

Division Surveyor from the office of the Assistant Director of Land Records, Bengaluru and in the said proceedings, the bait money of Rs. 4,000/- consisting of 7 currency notes of Rs. 500/- denomination each and 5 currency notes of Rs. 100/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as tainted money and was entrusted to the Complainant asking him to give the said money to the DGO when he meets him and only in case if the DGO demands for bribe. Panch witness Sri T.M. Thimmaiah was sent along with the Complainant as a shadow witness. In this regard, a detailed entrustment mahazar was also prepared in the Police Station on the same day as per Ex-P3.

16. As per the details incorporated in the trap mahazar, the complainant and the shadow witness T.M. Thimmaiah met the DGO in his office situated at ground floor of BDA Complex old Madras Road, Bengaluru and enquired the DGO about granting permission for road cutting as requested by him in the application. The DGO enquired the complainant as to whether he has brought money as demanded by him. When the complainant offered the tainted notes to the DGO, the DGO having received that money counted the same by using his both hands and kept that money in his right side pant pocket. Soon thereafter the complainant came out of the office of the DGO and gave the pre-arranged signal to the Police Inspector. The Police Inspector approached the complainant and the complainant took him inside the chamber of the DGO and showed the DGO saying that he has received money from him. The Police inspector having introduced himself to the DGO explained to him the purpose for which he has come there. Thereafter, the hand wash of DGO was obtained asking him to wash his both hands fingers separately in two separate bowls containing sodium



- carbonate solution. When the DGO washed his right hand fingers in one bowl and left fingers in another bowl containing sodium carbonate solution, the colourless solution in those two bowls turned into pink colour. The said pink coloured solution from those two bowls were collected in two separate bottles separately and sealed the same.
17. The Police Inspector asked the DGO about the money he has received from the complainant. The DGO took out the money from his right side pant pocket and produced the same before the Police Inspector. The currency notes so produced by the DGO were cross checked and confirmed that those were the notes entrusted to the complainant during the entrustment proceedings.
  18. The DGO was asked to give his explanation in writing regarding recovery of tainted money from his possession. The DGO in his written explanation as per Ex-P5 has claimed that, the complainant being the father of the applicant, on receiving the permission letter from him, voluntarily paid Rs. 4000/- to him and hence he having received the money voluntarily given by the complainant, kept that money in his right side pant pocket.
  19. Both the complainant and the shadow witness have denied the correctness of the version of the explanation given by the DGO in writing and further claimed that, the DGO having demanded for bribe received the same by insisting him/complainant to pay that amount in order to issue him the permission letter. When the Police Inspector asked the DGO to produce the relevant documents pertaining to the application filed by the complainant seeking permission for road cutting, the DGO has produced the relevant file containing 10 sheets pertaining to the complainant which

contains the application filed by the complainant, the challan for having remitted the cutting charges by the complainant and copies of the permission letters and other documents.

20. During enquiry, the complainant is examined as PW1 and shadow witness is examined as PW-2. The complainant in his evidence has stated in detail regarding the circumstances under which he has filed complaint to Lokayukta police against the DGO and also regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted currency notes of Rs. 4,000/- to him. He has further deposed in detail stating that, he accompanied with shadow witness T.M. Thimmaiah approached the DGO and enquired him about the permission letter and the DGO enquired him as to whether he has brought money and when the complainant gave the tainted notes to the DGO, the DGO having received that money given by the complainant, kept that money in his right side pant pocket. He has also deposed about obtaining of hand wash of the DGO which gave positive result and further stated that, subsequently, the said tainted notes were recovered from the right side pant pocket of the DGO. He gave evidence regarding seizure of the pant of the DGO and also the right side pant pocket of the DGO when dipped in sodium carbonate solution, gave positive result.
21. Even the shadow witness has stated all these details regarding conducting of entrustment proceedings in the Police Station and entrustment of tainted money of Rs. 4,000/- to the complainant. He has also stated that, when the complainant and himself went to the office of the DGO and the complainant when asked the DGO about granting of permission letter, the DGO told the complainant that, his work has been attended and thereafter the complainant

gave the tainted money to the DGO and the DGO having received the money given by the complainant, counted the same and kept that money in his right side pant pocket.

22. The shadow witness PW-2 though gave these details, he has further stated that, the Police Inspector on his arrival enquired the DGO about the money he has received from the complainant and the DGO produced the money on taking out from his right side pant pocket. According to PW2, thereafter, the hand wash of the DGO was obtained which gave positive result. Since PW2 has stated that, hand wash of the DGO was obtained subsequent to seizure of tainted money from his pant pocket, since produced by him/DGO, he has been treated as partly hostile witness and learned Presenting Officer cross examined PW-2 only to that extent. During his cross examination PW-2 has admitted that, the Police Inspector on introducing himself to the DGO obtained the hand wash of the DGO which gave positive result and only thereafter, enquired the DGO about the money he has received and the DGO produced the money on taking out from his right side pant pocket. He has also stated about the seizure of the pant of the DGO and the right side pocket portion of the pant of the DGO when dipped in sodium carbonate solution, turned into pink colour.

23. PW-3 is the investigating officer who gave evidence in detail regarding registration of a case against the DGO on the basis of the complaint filed by the complainant and also conducting of entrustment proceedings in the office of the Lokayukta and entrustment of tainted money of Rs. 4000/- to the complainant. He also gave evidence regarding conducting of trap proceedings in the office of the DGO and obtaining of hand wash of DGO which gave

positive result and also recovery of tainted money of Rs. 4000/- from the DGO who produced the same on taking out from his right side pant pocket, when asked by him/Police Inspector.

24. The recovery of the tainted money of Rs. 4000/- from the possession of DGO has not been disputed on behalf of DGO. The Police Inspector has stated in his evidence regarding giving of explanation in writing by the DGO during the trap proceedings as per Ex-P5. Even PW-1 and PW2 have confirmed about the DGO giving his written explanation as per Ex-P5 during the trap proceedings and this aspect has not been disputed on behalf of the DGO during the cross examination of PW1 to PW3.
25. The DGO while giving his written explanation as per Ex-P5 has admitted in clear terms that, he has received tainted money from the complainant. But, according to his contention, he never demanded any bribe from the complainant but, the complainant gave that money voluntarily. The relevant portion of the written explanation given by the DGO as per Ex-P5 reads as follows:

“ಶ್ರೀ ತನ್ನರಸು ಎಂಬುವವರು ಬಿ.ಇ.ಎಂ.ಎಲ್. ಬಡಾವಣೆಯಲ್ಲಿರುವ ನಿವೇಶನ ಸಂಖ್ಯೆ 9 ಇದಕ್ಕೆ ರೋಡ ಕಟ್ಟಿಂಗ್‌ಗಾಗಿ ಪೈಲ್‌ನ್ನು ಸಲ್ಲಿಸಿದ್ದರು. ಇದನ್ನು ಅರ್ಜಿದಾರರ ತಂದೆಯವರು ದಿ. 14.3.2002ರಂದು ಸಂಜೆ ಸುಮಾರು ಐದು ಗಂಟೆಗೆ ನಾಲ್ಕು ಸಾವಿರ ಹಣವನ್ನು ಸ್ವಇಚ್ಛೆಯಿಂದ ಕೊಟ್ಟು ತೆಗೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಈ ಹಣವನ್ನು ಬಲಗೈಯಲ್ಲಿ ತೆಗೆದುಕೊಂಡು ಬಲಗಡೆಯ ಜೋಬಿನಲ್ಲಿ ಇಟ್ಟು ಕೊಂಡಿರುತ್ತೇನೆ.”

26. The DGO has examined himself as DW-1 and during his defence evidence, he has taken up a contention that, the complainant approached him for receiving permission letter and having received the permission letter from him put his signature giving acknowledgement as per Ex-P4(2). He has taken up a further contention that, Subramani/complainant, tried to forcibly thrust

money into his hands. The relevant portion of the evidence of DW1/DGO taking up such a defence reads as follows:

“Thereafter, Subramani tried to forcibly thrust money into my hands. By the time I refused to receive money from him and tried to return money to him, Subramani having went out of the office brought Lokayukta Police inside the office. Since, I was keeping the money in my pant pocket with an intention to return the said money to Subramani and by the time, I return the money to him, Subramani brought Lokayukta Police inside my office.”

27. Considering the written explanation given by the DGO as per Ex-P5 and the contention he has taken by way of his defence during his defence evidence, his defence is not consistent. The DGO has admitted in clear terms about receipt of tainted money from the complainant. But, it is his specific contention that, he never demanded any money by way of bribe from the complainant but, it was the complainant who himself having received the permission letter from him, voluntarily gave money to him. Though he has stated in his written explanation that, the complainant voluntarily gave money to him but in his defence evidence he has stated that, the complainant forcibly thrust money into his hands, though he refused to receive the money from him. It is his further contention that he/DGO kept that money in his pant pocket with an intention to return the said money to the complainant. Even suggestion was put to the shadow witness that, though the DGO never put forth demand for payment of any money with the complainant, but the complainant himself having come to know that, his work has been duly attended, paid that money to the DGO voluntarily, with the satisfaction of his work since done by the DGO. Even in his defence evidence he has admitted that, the tainted money was recovered from his right side

pant pocket and while explaining the circumstances as to how the tainted money came to his possession, he tried to explain that, the complainant tried to forcibly thrust money into his hands and though he refused to receive that money from the complainant and tried to return money to him, the complainant since left his chambers, he could not return the money to him and hence he kept that money in his pant pocket with an intention to return the money to him and by the time he was about to return the money to the complainant, the complainant brought Lokayukta police inside his office. By giving such an explanation, the DGO tried to take up a contention that, the complainant forcibly thrust money to him.

28. But considering the fact that, the complainant filed the complaint as per Ex-P1 and he stated in his evidence regarding the circumstances which forced him to file such a complaint and the recovery of tainted money from the possession of the DGO, I am of the opinion that, the DGO is trying to give some lame excuse while trying to explain the circumstance under which the tainted money came to his possession. No person to whom money was thrust forcibly, will keep that money in his pant pocket. Therefore, the defence taken by the DGO cannot be believed and the defence evidence adduced by him deserves to be discarded. The DGO has also examined DW-2 to establish that, as per the instruction given by DW-2 to him on his mobile, he handed over permission letter to the complainant. But DW-2 has not supported the defence version of the DGO and the examination of DW-2 and his evidence, is not in any way helpful to believe the defence evidence of DGO. Hence the explanation given by the DGO in order to explain the possession of tainted money with him, cannot be believed.

29. Moreover, the DGO has faced trial before XXIII Additional City Civil and Session Judge/Special Court Bengaluru Urban Division in Spl C.C. No. 5/2003 and the learned Special Judge, after holding detailed trial, convicted the DGO holding him guilty of offence committed by him under the provisions of Prevention of Corruption Act and sentenced him to undergo imprisonment with fine. Consequent to his conviction by the learned Special Judge, the DGO has been dismissed from service by order dated 26.10.2013. The DGO has challenged this order of conviction and sentence, by preferring appeal before the Hon'ble High Court of Karnataka and it is pending consideration in Criminal Appeal No. 347/2013. The order of conviction and sentence passed against the DGO by the Special Court is also another factor which enables this authority to disbelieve the defence evidence adduced by the DGO.

30. Since the disciplinary authority has satisfactorily established that, the DGO being a public servant, has demanded the complainant to pay bribe in order to show an official favour i.e., to grant permission to the complainant for road cutting and to hand over the permission letter to the complainant and received bribe of Rs. 4000/- from the complainant and the tainted money since recovered from the possession of the DGO which is not disputed by the DGO, I am of the considered opinion that, the charge of demand and acceptance of bribe by the DGO has been satisfactorily established and accordingly, I answer point no.1 in the affirmative.

**Point No.2:**

31. 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 the DGO Sri R. Nagendra, Assistant Engineer, Bengaluru Development Authority, Indiranagar, Bengaluru

ii) As per the first oral statement of the DGO, the date of birth of the DGO is 13.04.1955 and his date of retirement was 30.4.2015.

iii) In view of his conviction in Special C.C.No. 5/2006 on the file of Special Judge, Bengaluru Urban, he has been dismissed from service on 26.10.2013.

iv) The appeal filed by him in Criminal Appeal No. 347/2013 is pending before the Hon'ble High Court of Karnataka, Bengaluru.



(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 P. Subramanyan (complainant)
<b>PW-2</b>	Sri T.M. Thimmaiah (shadow witness)
<b>PW-3</b>	Sri Narayanappa (Investigating Officer)

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

<b>DW-1</b>	Sri R. Nagendra (DGO)
<b>DW-2</b>	Sri S. Palani

**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 trap mahazar
<b>Ex.P-3</b>	Certified copy of the entrustment mahazar
<b>Ex.P-4</b>	Certified copy of the documents seized by IO
<b>Ex.P-5</b>	Certified copy of the written explanation of the DGO
<b>Ex.P-6</b>	Certified copy of the sheet containing serial numbers of currency notes
<b>Ex.P-7</b>	Certified copy of the chemical examination report
<b>Ex.P-8</b>	Certified copy of the scene of occurrence

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

Nil

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

Nil

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



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO: LOK/INQ/14-A/315/2011

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 30/6/2017

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri R. Nagendra, the then Assistant Engineer, Bengaluru Development Authority, Indiranagar, Bengaluru - Reg.

Ref:- 1) Government Order No. ಲೋಇ 262 ಸೇಇವಿ 2011,  
Bengaluru, dated 24/9/2011

2) Nomination order No.LOK/INQ/14-A/315/2011,  
Bengaluru dated 3/10/2011

3) Inquiry Report dated 23/6/2017 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 24/9/2011, initiated the disciplinary proceedings against Sri R.Nagendra, the then Assistant Engineer, Bengaluru Development Authority, Indiranagar, Bengaluru (hereinafter referred to as Delinquent Government Official, for short as '**DGO**') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/315/2011, Bengaluru dated 3/10/2011, nominated Additional Registrar of Enquiries-3, 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 was tried for the following charge:-

“That you, Sri R. Nagendra, (hereinafter referred to as Delinquent Government Official, in short DGO), while working as the Assistant Engineer of Bangalore Development Authority at Indiranagar in Bangalore demanded and accepted a bribe of Rs.4,000/- on 14/03/2002 from complainant Sri Subramanyan S/o. Sri Padavattan, No.58, Dr. Babasahib Colony, HAL 2<sup>nd</sup> Stage, Indiranagar, Bangalore for giving permission to cut the road for laying electrical wire, water pipe and underground drainage connection to the house built in the name of his son in Indiranagar Complex that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (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 charge as framed against the DGO Sri R. Nagendra, Assistant Engineer, Bengaluru Development Authority, Indiranagar, Bengaluru.

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


6. As per the First Oral Statement submitted by DGO, he has retired from service on 30/4/2015 (during the pendency of inquiry).

7. The DGO had been dismissed from service on 26/10/2013 in view of his conviction in Special Case No. 5/2006 and DGO has filed Criminal Appeal No.347/2013 against the judgment of conviction.

8. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri R. Nagendra, it is hereby recommended to the Government to impose penalty of permanently withholding 50% of pension payable to DGO Sri R. Nagendra. This recommendation of imposing penalty shall be considered if the DGO is acquitted in Criminal Appeal No. 347/2013. If the conviction of DGO is confirmed in Criminal Appeal No. 347/2013, this recommendation may be treated as redundant.

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

Connected records are enclosed herewith.

  
**(JUSTICE N. ANANDA)** 30/6  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru.

