



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/34/2013/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 04.05.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri G.Mahalingaiah,
Revenue Inspector, Thippasandra Hobli, Magadi
Taluk, Ramanagara District - reg.

Ref:- 1) Government Order No.RD 144 BDP 2012
dated 28.12.2012.

2) Nomination order No. LOK/INQ/14-
A/34/2013 dated 22.01.2013 of Upalokayukta,
State of Karnataka.

3) Inquiry report dated 23.03.2020 of
Additional Registrar of Enquiries-4, Karnataka
Lokayukta, Bengaluru.

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The Government by its order dated 28.12.2012 initiated the disciplinary proceedings against Shri G.Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagara 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/34/2013 dated 22.01.2013 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 G.Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagara District, was tried for the following charges :-

“ That you Shri G.Mahalingaiah, the DGO, while working as the then Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagara District, when approached by the complainant Sri B.M.Narayanappa S/o Sri Munigangaiah, r/o Basavanagudipalya in Thippasandra Hobli of Magadi Taluk, Ramanagara District, since he had purchased land in Sy.No.79/2 to the extent of 37.5 guntas of Gangonahalli Village from Sri Ravi S/o Hosuraiah under a registered sale deed dated 14.12.2009. In that connection, concerned records had come to the office of you-DGO but, you-DGO had not taken any step for mutation/change of khata of the said land to his name more than a month. So, about 20 days earlier to 21.06.2010 when the complainant approached you- DGO requesting for change of its khata in his name, you-DGO told him that if given bribe of Rs.30,000/- then only you will attend to it. For that, when the complainant pleaded his inability to pay that much amount and bargained, you-DGO asked him to pay Rs.10,000/- for which also the complainant did not agree saying as to why he has to pay bribe when everything is legal. About a week thereafter, a notice was affixed to his house asking to produce certain

documents. So, the complainant, with his friend-Sri Vijayakumar approached you-DGO on 15-06-2010 at your office and shown that notice, then you-DGO told the complainant that those documents have been asked as the complainant did not agree to pay amount demanded and when they asked about his mutation, you-DGO reiterated said earlier demand of Rs.10,000/- for that. However, at the intervention of said Sri Vijayakumar, it was reduced to Rs.5,000/-. Thereafter, when the complainant met you-DGO and enquired, then you-DGO told the complainant that if paid said Rs.5,000/- then only it will be attended. On 21-06-2010, you-DGO received the tainted(bribe) amount of Rs.5,000/- from the complainant at your office in Magadi for complainant's work, thereby failing to maintain absolute integrity and devotion to duty, the act of which is 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 above charge against the DGO - Shri G.Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagara District, is 'proved'.

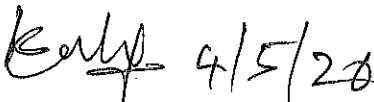
5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Shri G.Mahalingaiah, has retired from service on 31.08.2014.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Shri G.Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagara District, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'permanently withholding 30% pension payable to DGO - Shri G.Mahalingaiah'.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*

## **KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/34/2013/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date:23/03/2020

### **:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri G. Mahalingaiah  
Revenue Inspector  
Thippasandra Hobli  
Magadi Taluk  
Ramanagar District  
**(Now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in No.  
Compt/Uplok/BD/753/2011  
DRE-1, Dated:17/11/2012
- 2) Order No. RD 144 BDP 2012,  
Bengaluru, dated: 28/12/2012;
- 3) Order No.LOK/INQ/14-  
A/34/2013, Bengaluru  
dated:22/01/2013  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri G. Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagar 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: 22/01/2013 cited above at reference-3, nominated Additional Registrar of Enquiries-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 Enquires-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Articles of Charges framed by ARE-4 against the DGO is as follows:-

**ANNEXURE -I**  
**CHARGE**

*That, you Sri G. Mahalingaiah, the DGO while working as the then Revenue Inspector of Thippasandra Hobli in Magadi Taluk of Ramanagar District when approached by Sri B.M. Narayanappa s/o Sri Munigangaiah r/o Basavanagudipalya in Thippasandra Hobli of Magadi Taluk in Ramanagar District (herein after referred to as the 'complainant')*

since he had purchased land in sy.No. 79/2 to the extent of 37.5 guntas of Gangonahalli village from Sri Ravi s/o Hosuraiah under a registered sale deed dated: 14/12/2009. In that connection, concerned records had come to the office of you-DGO, but you-DGO had not taken any step for mutation/change of khata of the said land to his name more than a month. So, about 20 days earlier to 21/06/2010 when the complainant approached you-DGO requesting for change of its khata in his name, you-DGO told him that if given bribe of Rs. 30,000/- then only you will attend to it. For that, when the complainant pleaded his inability to pay that much amount and bargained, you-DGO asked him to pay Rs. 10,000/- for which also the complainant did not agree saying as to why he has to pay bribe when everything is legal. About a week thereafter, a notice was affixed to his house asking to produce certain documents. So, the complainant, with his friend Sri Vijayakumar approached you-DGO on 15/06/2010 at your office and shown that notice, then you-DGO told the complainant that those documents have been asked as the complainant did not agree to pay amount demanded and when they asked about his mutation, you-DGO reiterated said earlier demand of Rs. 10,000/- for that. However, at the intervention of said Sri Vijayakumar, it was reduced to Rs. 5,000/-. Thereafter, when the complainant met you-DGO and enquired, then you-DGO told the complainant that if paid said Rs. 5,000/- then only it will be attended. On 21/06/2010, you-DGO received the tainted (bribe) amount of Rs. 5,000/- from the complainant at your office in Magadi for complainant's work, thereby failing to maintain absolute integrity and devotion to duty, the

act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

### **ANNEXURE-II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

The complainant had purchased land in sy.No. 79/2 to the extent of 37.5 guntas of Gangonahalli village from Sri Ravi s/o Hosuriah under a registered sale deed dated:14/12/2009. In that connection, concerned records had come to the office of the DGO but, the DGO had not taken any step for mutation/change of khata of the said land to his name more than a month. So, about 20 days earlier to 21/06/2010 when the complainant approached the DGO requesting for change of its khata in his name, the DGO told him that if given bribe of Rs. 30,000/- then only you will attend to it. For that, when the complainant pleaded his inability to pay that much amount and bargained, the DGO asked him to pay Rs. 10,000/- for which also the complainant did not agree saying as to why he has to pay bribe when everything is legal. About a week thereafter, a notice was affixed to his house asking to produce certain documents. So, the complainant, with his friend Sri Vijayakumar approached the DGO on 15/06/2010 at your office and shown that notice, then the DGO told the complainant that those documents have been asked as the complainant did not agree to pay amount demanded and when they asked about his mutation, the DGO reiterated said earlier demand of Rs. 10,000/- for that. However, at the intervention of said Sri Vijayakumar, it



was reduced to Rs. 5,000/- . Thereafter, when the complainant met the DGO and enquired, then the DGO told the complainant that if paid said Rs. 5,000/- then only it will be attended. The complainant was not willing to pay the bribe demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta Police Inspector of Ramanagara (Herein after referred to as the Investigating Officer, for short "the I.O.") The I.O. registered the complaint in Cr. No. 3/2010 for the offences punishable u/sec. 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988. The I.O. took up the investigation and on 21/06/2010 the DGO was trapped in his office at Magadi while receiving the tainted (bribe) amount of Rs.5,000/- from the complainant. The I.O. seized the tainted (bribe) amount from the DGO after following post-trap formalities. The DGO failed to give satisfactory or convincing reply about possession of the tainted amount. The I.O. recorded statement of the complainant and panch witnesses. The record of investigation and materials collected by the I.O. showed that the DGO has committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government Servant. As the materials on record showed prima facie case about DGO receiving bribe for discharging duty as Government Servant, a suo-motu investigation was taken up u/sec. 7(2) of the Karnataka Lokayukta Act against the DGO. An observation note was sent to the DGO calling for his explanation. DGO submitted his reply to the observation note, but the same was not convincing to drop the proceedings. As there is a prima facie case showing that the DGO has 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 the disciplinary proceedings against the DGO. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta u/Rule 14-A of KCS (CCA) Rules. Hence, the charge.*

5. DGO appeared before this Inquiry Authority on 25/04/2013 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 written statement as follows:-

The DGO never demanded any money as bribe from the complainant. Hence, the question of demand and acceptance of bribe on 21/06/2010 does not arise at all. No money has been recovered from the possession of the DGO. The DGO never demanded any bribe amount from the complainant. The DGO has always maintained absolute integrity and devotion to duty. Hence, the question of committing any act which is unbecoming of a Government servant does not arise at all. 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 six witnesses as PW1 to PW6 and got marked documents at Ex.P1 to P16. After closing the evidence of the Disciplinary

Authority, the Second Oral Statement of the DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGO himself examined as DW1 and got marked documents at Ex.D1 to D5 and closed his side. Hence, recording the answer 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 "**AFFIRMATIVE**"

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 was working as the Revenue Inspector of Thippasandra Hobli in Magadi Taluk of Ramanagara District. The complainant had purchased the

land in sy.No. 79/2 to the extent of 37.5 guntas of Gangonahalli village from Sri Ravi under the registered sale deed dated: 14/12/2009. In that connection the concerned records had come to the office of the DGO. But the DGO had not taken any steps in that respect. About 20 days earlier to 21/06/2010 when the complainant approached the DGO requesting for change of khatha to his name, the DGO told him that if the bribe amount of Rs. 30,000/- is given, he will attend the work of the complainant. The complainant pleaded his inability to pay the amount demanded and bargained, the DGO asked the complainant to pay Rs. 10,000/- for which also the complainant did not agree. After a week thereafter a notice was affixed to the house of the complainant asking him to produce certain documents. So the complainant with his friend one Sri Vijayakumar approached the DGO on 15/06/2010 in the office of the DGO and showed that notice and the DGO told that the documents have been asked as the complainant did not agree to pay the amount demanded and the DGO reiterated his earlier demand for Rs.10,000/-. However at the intervention of the said Sri Vijayakumar the DGO reduced the bribe amount to Rs. 5,000/-. Thereafter, when the complainant met the DGO, the DGO told the complainant that only if Rs. 5,000/- is paid his work will be done and on 21/06/2010 the DGO received the bribe amount of Rs. 5,000/- in his office and thereby he has committed the misconduct.

11. The complainant has been examined as PW4 and the copy of the complaint lodged by him before the Lokayukta police is at Ex.P6. The gist of Ex.P6 is to the effect that PW4 purchased 37.05 guntas of land on 14/12/2009 from one Sri Ravi. In order to get the khatha of the land changed to his name he went to Thippasandra Nada Kacheri and met the DGO who was working as the Revenue Inspector and told the DGO that, the records have already come to the DGO more than 41 days back and the khata is not yet changed to his name and the DGO demanded bribe amount of Rs. 30,000/- and when he bargained the DGO demanded Rs. 10,000/- and one week afterwards the notice was affixed to the house of PW4 and in that notice PW1 was asked to produce the documents mentioned in the same and along with that notice he took his friend Sri Vijayakumar and met the DGO on 15/06/2010 at 2 p.m. in the Nadakacheri and DGO told that as PW4 did not give the amount demanded he had issued the notice and when PW4 requested for change of khatha along with Sri Vijayakumar, the DGO made them to switch off their mobiles and keep their mobiles on the table and afterwards told that Rs. 10,000/- has to be given as bribe amount and at the intervention of Sri Vijayakumar, the DGO agreed to receive Rs.5,000/-. On 16/06/2010 when PW4 met the DGO, the DGO again demanded for the bribe amount and also told PW4 that the bribe amount should be given by Sri Vijayakumar only. The complaint has been lodged on 26/06/2010 at 12 p.m.

12. PW4 has deposed about purchase of 37.05 guntas of land in sy.No. 79/2 from Sri Ravi under the registered sale deed dated: 14/12/2009 and the copy of that sale deed is at Ex.P8. He has deposed that after the sale deed the records had come to Thippasandra Nada kacheri and about 41 days after the records came to the Nadakacheri, he met the DGO and enquired about the change of khatha. He has deposed that Ex.P12 is the copy of the J-Form which had come to the Nadakacheri. He has deposed that the DGO demanded bribe of Rs. 30,000/-. He has deposed that after one week of the same a notice was affixed on his house and the copy of that notice is at Ex.P13. Ex.P13 shows that it is the notice given by the DGO asking PW4 to produce the documents mentioned in the same for change of khatha. He has deposed that on the next day he approached the DGO along with Sri Vijayakumar and enquired why the notice is given for which the DGO told that PW4 has not followed his words. He has further deposed that when himself and Sri Vijayakumar requested for change of khatha, the DGO made them to switch off their mobile phones and demanded bribe amount of Rs. 10,000/- and at the intervention of Sri Vijayakumar the bribe amount was reduced to Rs. 5,000/- and the DGO told that the bribe amount should be given to him by Sri Vijayakumar and not by PW4. He has deposed that not willing to get the work done by paying the bribe amount he lodged the complaint and the copy of his complaint is at Ex.P6.

13. PW4 has further deposed about the I.O. securing two panchas and the panchas were given the copy of the complaint given by him. He has deposed that he produced 10 notes of the denomination of Rs.500/-. He has deposed that the denomination and numbers of those notes were written in a paper by the panchas and the copy of the same is at Ex.P2. He has deposed that phenolphthalein powder was smeared to the notes and those notes were given to the pancha witness Sri Chikkaputtegowda who kept the same in the left side shirt pocket of Sri Vijayakumar and afterwards the hands of Sri Chikkaputtegowda were washed in the sodium carbonate solution and that solution which was colourless turned to pink colour and that solution was seized. He has also deposed that the I.O. instructed that Sri Vijayakumar and the panch witness Sri Chikkaputtegowda should go to the office of the DGO and only if the DGO demands for the bribe amount Sri Vijayakumar should give the tainted currency notes. He has deposed that the Entrustment Mahazar was drawn and the copy of the same is at Ex.P3.

14. PW4 has further deposed that afterwards they went to Nada office situated at Thippasandra. He has deposed that Sri Vijayakumar and Sri Chikkaputtegowda went to meet the DGO and after some time Sri Vijayakumar came out of the office and gave the pre-instructed signal and immediately himself and other pancha witness, I.O. and his staff went inside the Nadakacheri and Sri Vijayakumar showed the DGO and told that he has received the bribe

amount in the kerchief and kept it in his pant pocket. He has deposed that the I.O. enquired the DGO and the hands of the DGO were washed separately in sodium carbonate solution and the solutions turned to "masalu" colour. He has deposed that the right hand of Sri Vijayakumar was also washed in the solution and that solution turned to light pink colour. He has deposed that the DGO removed the kerchief from his pant pocket and inside that kerchief the tainted currency notes were found. He has deposed that the kerchief and the notes were seized. He has deposed that the kerchief was washed in the sodium carbonate solution and that solution also turned to pink colour. He has deposed that the copy of the explanation given by the DGO is at Ex.P5. He has deposed that, photos were also taken at the time of the seizure mahazar. He has deposed that there was no electricity in the Nada kacheri after 6.30 p.m. and hence what was typed in the lap-top in Nadakacheri, the print out was taken in Magadi Taluk Office and in Magadi Taluk office he has signed the same and the copy of the same is at Ex.P4. He has deposed that the copies of the photographs taken at the time of the Entrustment Mahazar and Trap Mahazar are at Ex.P14.

15. In his cross-examination PW4 has deposed that at the time of this case he was Chikkalli Grama Panchayath member. He admits that himself and his mother had given an application for road in sy.No. 89 to go to sy.No. 79 where he is residing. He has deposed that sy.No, 89 is the Government Gomala land. He has deposed that he do not



remember whether on 05/05/2011 Magadi Tahasildar rejected their above said application. He has deposed that he do not remember whether in respect of the said road (cart track) O.S. No. 335/2009 had also been filed. He has deposed that he do not know whether the DGO had given his report in respect of the above said application given by himself and his mother.

16. PW4 has also deposed that the DGO had affixed the notice to his house without putting the date in the same. In fact Ex.P13 does not bear any date also, which clearly supports the above said evidence of PW4. He had denied the suggestion that as per Ex.P12, the khatha has been changed even prior to his lodging the complaint. He has deposed that he do not know whether as per Ex.P12 (second sheet) the khatha has been changed on 15/12/2009. But he has clearly deposed that the khatha had not been changed till he gave the complaint. In his cross-examination he has deposed that only Sri Vijaya Kumar and one of the pancha went inside the office of the DGO and himself and Lokayukta police were waiting for the signal from Sri Vijayakumar outside the office of the DGO. Nothing is made out in his cross-examination to discard his evidence. He has denied the suggestion that as the application given by him and his mother was rejected on the basis of the report of the DGO, he has given the false complaint against the DGO.

17. The above said Sri Vijayakumar has been examined as PW6. He has deposed that himself and PW4 are friends and PW4 had purchased about 37 guntas of land from one Sri Ravi and khatha of that land had not been changed to the name of PW4. He has deposed that when PW4 met the DGO in that respect and DGO had issued notice to produce the documents. He has deposed that he also came to know that, the DGO is demanding the amount from Pw4. He has deposed that he had not met the DGO along with PW4 and talked with the DGO regarding the bribe amount and got the same reduced. He has deposed that Ex.P6 is the copy of the complaint lodged by PW4. He has deposed that he had been to the Lokayukta police station and by the time he reached the Lokayukta police station, the panchas were present and the copy of the complaint was given to the panchas and the panchas read the same. He has deposed that PW4 produced the amount of Rs. 5,000/- and the panchas noted the denomination and numbers of those notes on a paper and the copy of the same is at Ex.P4. He has deposed about all the other averments mentioned in the Entrustment Mahazar-Ex.P3. He has deposed that after smearing the phenolphthalein powder to the notes, those notes were kept in his left side shirt pocket. He has also deposed about the instructions given to him and the shadow witness Sri Chikkapuattegowda.

18. PW6 has deposed that after Entrustment Mahazar, they left the Lokayukta police station and went to Nadakacheri situated in the Thippasandra and the vehicle

was stopped at a distance of 500'or 600' from the office of the DGO and himself and the shadow witness were sent to meet the DGO. He has deposed that, by the time they went to the office of the DGO, the DGO after finishing his lunch came out of the office and he requested the DGO to finish the work of the complainant. He has deposed that the DGO told that he has already given the file to the Village Accountant and he gave the tainted currency notes to the DGO and the DGO who was having kerchief in his hand asked him to keep the amount on the kerchief and he kept the amount on the kerchief. He has deposed that afterwards he gave the pre-instructed signal and he showed the DGO to the I.O. and the DGO was taken to his chair and the DGO kept the kerchief which was in his hand along with the tainted currency notes on the table. He has deposed that the hands of the DGO were washed separately in the solution and the solution turned to "masalu" colour and those solutions were seized separately. He has deposed that his right hand was also washed in the solution and that solution turned to pink colour. He has deposed that the tainted currency notes were in the kerchief and those notes were also seized. He has deposed that, the kerchief was also washed in the solution and that solution also turned to pink colour and their kerchief was also seized. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5. He has deposed that himself and the shadow witness told the I.O. that the contents of Ex.P5 is false. He has deposed that when the I.O. enquired the DGO about file of the complainant, the

DGO told that the file is not with him and he has sent the same to the Taluk Office. He has deposed that the photographs were also taken at the time of the Trap Mahazar and the copy of the Trap Mahazar is at Ex.P4 .

19. PW6 has been treated as hostile witness by the Presenting Officer and cross-examined and in his cross-examination he denies the suggestion that he mediated and got the bribe amount reduced to Rs. 10,000/-. He has also denied the suggestion that after he kept the tainted currency notes on the hand kerchief, the DGO kept that hand kerchief along with the tainted currency notes in his left side pant pocket. Thus PW6 has substantially supported the case of the Disciplinary Authority regarding the DGO receiving the tainted currency notes from him regarding the work of the complainant, even though he has not deposed about the DGO demanding the bribe amount.

20. In his cross-examination PW6 has deposed that he was not given any voice-recorder to record the conversation between himself and the DGO. He has denied the suggestion that, the DGO gave back the amount given by him. He has deposed that he do not know whether the DGO had not demanded any bribe amount from PW4.

21. PW5 is the shadow witness by name Sri Chikkaputtegowda and he has deposed that from 1999 to 2010 he was working as Second Division Assistant in Zilla Panchayath office, Ramanagar and on 21/06/2010 he had been to the Ramanagar Lokayukta Police station as per the

instructions of his higher officer. He has deposed that one Sri Venkatesh who was working in Social Welfare Department also came to the Lokayukta police station and the complainant was also present along with Sri Vijayakumar. He has deposed that the Lokayukta Dy.S.P., introduced himself and another pancha to the complainant and Sri Vijayakumar and they were also told about the complaint lodged by the complainant. He has deposed about PW4 producing the amount of Rs. 5,000/- and himself and another pancha Sri Venkatesh verified the notes and noted the denomination and numbers of those notes on a paper and the copy of the same is at Ex.P2. He has deposed about all the other proceedings mentioned in the Entrustment Mahazar-Ex.P2 which took place in the Lokayukta police station after PW4 produced the amount of Rs. 5,000/-. He has deposed that the copy of the entrustment mahazar is at Ex.P3 and he has also signed the Entrustment Mahazar.

22. PW5 has deposed that after the Entrustment Mahazar they left the Lokayukta Police Station and went to Thippasandra, Nada Office and himself and Sri Vijayakumar went inside the Nadakacheri and DGO was present in the office. He has deposed that Sri Vijayakumar talked with the DGO and tried to give the tainted currency notes and the DGO took out the kerchief and kept it on his table and Sri Vijayakumar kept the amount on the kerchief. He has deposed that the DGO folded that kerchief and kept the kerchief along with the amount in his pant pocket. He

has deposed that afterwards PW6 gave the pre-instructed signal and the I.O., his staff and another pancha came inside the office and PW6 showed the DGO and told that the DGO has received the amount. He has deposed that the hands of the DGO were washed separately and the solution turned to "masalu" colour. He has deposed that the right hand of Sri Vijayakumar was washed in the solution and that solution turned to pink colour. He has deposed that when the I.O. enquired the DGO about the amount he removed the amount from his pant pocket along with the kerchief and those notes were the same notes mentioned in Ex.P2 and the kerchief and the notes were seized. He has deposed that the kerchief was also washed in the solution and that solution turned to pink colour. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5. He has deposed that, Ex.P4 is the copy of the Trap Mahazar and Ex.P1 is the copy of the sketch of scene of occurrence prepared by the PWD Engineer.

23. PW5 has been cross-examined at length. But nothing is made out in his cross-examination to discard his evidence. He has denied the suggestion that he was directed by the Lokayukta police to give the evidence supporting the case of the Disciplinary Authority.

24. PW2 is another pancha witness by name Sri B. Venkatesh. By considering his cross-examination also it can be said that he has deposed about the entrustment

mahazar-Ex.P3. He has also deposed about Ex.P2 as the copy of the sheet on which the denomination and numbers of the currency notes was noted by himself and another pancha witness. He has deposed that after the entrustment mahazar they went to the office of the DGO and the friend of the complainant by name Sri Vijayakumar and the shadow witness Sri Chikkaputtegowda were sent inside the office and himself, the complainant, I.O. and his staff remained outside the office of the DGO waiting for the signal from Sri Vijayakumar. He has deposed that after Sri Vijayakumar gave the pre-instructed signal all of them went to inside the office of the DGO and Sri Vijayakumar showed the DGO and told that he has received the tainted currency notes and the hands of the DGO were washed separately and the solution turned to "masalu" colour. He has deposed that the hand kerchief and the tainted currency notes were in the pant pocket of the DGO and the DGO himself produced the same. He has deposed that the photos were also taken at the time of the Trap Mahazar and Ex.P4 is the copy of the Trap Mahazar and Ex.P5 is the copy of the explanation given by the DGO. He has deposed that Sri Vijayakumar denied the contents of Ex.P5 as false. Thus the over all evidence of PW2 also supports the case of the Disciplinary Authority.

25. PW3 is Sri Manjappa, and he has deposed that from September 2007 to May 2011 he was working as Dy.S.P., in Lokayukta office at Ramanagar and on 21/06/2010 the complainant Sri B.M.Narayanappa (PW4) came to the office

at 12 p.m. along with his friend Sri Vijayakumar and lodged the written complaint and the copy of the same is at Ex.P6. He has deposed that he registered the case on the basis of Ex.P6 against the DGO and sent the FIR to the court and the copy of the same is at Ex.P7. He has deposed that the along with the complaint, the complainant produced the copies of the sale deed and the other documents. He has deposed about securing two panchas and conducting the entrustment mahazar, the copy of which is at Ex.P3. In fact, he has deposed about all the proceedings mentioned in Ex.P3 and I feel it is not necessary to repeat the same.

26. PW3 has deposed that after the entrustment mahazar, they left the Lokayukta police station at 2 p.m. and reached Thippasandra village at 3.45 p.m. and he sent the friend of the complainant (Vijayakumar) and the shadow witness inside the office of the DGO. He has deposed that at about 4 p.m. Sri Vijayakumar came outside and gave the pre-instructed signal and immediately, himself and his staff and another pancha witness went inside the office of the DGO and Sri Vijayakumar showed the DGO and told that he demanded the bribe amount and received the tainted currency notes in a kerchief and kept the amount in his pant pocket. He has deposed that he introduced himself to the DGO and told him about the case registered against him. He has deposed that the hands of the DGO were washed separately in the solution and that solution turned to "masalu" colour. He has deposed that the right hand of Sri Vijayakumar was also washed in the solution and the



solution turned to pink colour. He has deposed that the DGO had kept the tainted currency notes in his kerchief and that kerchief was also washed in the solution and that solution also turned to pink colour. He has deposed that the tainted currency notes were seized from the possession of the DGO and the copy of the Trap mahazar is at Ex.P4 and the DGO gave his explanation in writing and the copy of the same is at Ex.P5. He has deposed that Ex.P11 is the copy of the FSL report. In Ex.P11 it is opined that the presence of the phenolphthalein is detected in both right and left hand finger washes of the DGO. Hence, it can be said that, even though the solution used for the hand wash of the DGO turned to "masalu" colour that solution had the presence of phenolphthalein. Hence it has to be said that Ex.P11 also supports the case of the Disciplinary Authority to the effect that in view of the DGO receiving the tainted currency notes with the help of his hand kerchief, the presence of the phenolphthalein in the solution used for his hand wash was very less and hence, the colour of the solution was "masalu" colour. (very light pink colour as per Ex.P11) .

27. PW3 has been cross-examined at length and even in his cross-examination he has reiterated his evidence stated above. Ex.D1 and D2 have been marked by confronting them to PW3. Ex.D1 is the copy of the mutation register bearing M.R. No.8 and in the same it is mentioned that the mutation order is dated: 07/06/2010. Thus it is the contention of the DGO that he had done his part of the

work on 07/06/2010 itself and the file of the complainant was not with him. PW3 has deposed that at the time of the trap mahazar he did not seize any documents pertaining to the complainant from the DGO. Ex.D2 also shows that the DGO has accepted the mutation sought on 07/06/2010. But there is no evidence to show that, the complainant was knowing about he same. On the other hand, Ex.P10, "ಗ್ರಾಮವಾರು ವೇಲೆಯ ಪ್ರಕಾರ ವಹಿವಾಟಿನ ಮೇಲೆ ಒಪ್ಪಿಗೆ ಮಾಡಿದ ಸ್ಥಿತಿ" shows that the Revenue Inspector has accepted the mutation on 24/06/2011 at 11.55 a.m. Hence, Ex.P10 is contrary to Ex.D1 and D2. Nothing is made out in the cross-examination of PW3 to discard his evidence. He has also denied the suggestion that, on the instigation of the complainant who is in politics he has filed the false charge sheet against the DGO.

28. PW1 is Sri Sanna Thimmappaiah and he has deposed that he took further investigation of this case on 17/03/2011 and obtained the spot sketch from A.E., PWD, Magadi and the copy of the same is at Ex.P1. He has deposed that he handed over further investigation to Sri Syed Nijamuddin.

29. DW1 is the DGO and he has deposed that from 2006 to 2010 he was working as Revenue Inspector, Thippasandra Hobli, Magadi Taluk. He has deposed that he knows the complainant and also his friend Sri Vijayakumar. He has deposed that the complainant had constructed his house in his land and he had given the application to

provide him the cart-track to go to his house in sy.No. 89. He has deposed that the Tahasildar had sent that petition to him for his report and he examined the spot and gave the report to the effect that one Sri Narasimhaiah has encroached the cart-track area sought by the complainant and planted mango trees in the same and requested the Tahasildar to hold the spot inspection and to decide the matter and in that connection the complainant was not happy with him. He has deposed that the above said Sri Vijayakumar had sought for BCM certificate to content the panchayath election and after obtaining the report from the Village Accountant, he gave the report to the effect that the family of Sri Vijayakumar is having 33 acre 27 gunas of land and the Tahasildar refused to give the BCM certificate and in that connection Sri Vijayakumar was having ill-will against him. DW1 has further deposed that he had received the J- slip regarding purchase of 37.05 guntas of land by the complainant from Sri Ravi. He has deposed that he had got affixed the notice on the house of the complainant to produce the documents. He has deposed that the retired ACP Sri Thimmegowda had purchased the lands in the name of his wife and son and in that connection he had given the report regarding violation of Sc. 79(A) (B) of the Land Reforms Act and hence, the said Sri Thimmegowda was also having ill-will against him. He has deposed that the said Sri Thimmegowda, complainant and Sri Vijayakumar colluded together and filed the false complainat against him. He has deposed that, on 07/06/2010 he had made the order for accepting the

mutation and gave the file to the Village Accountant to produce the same to Tahasildar office. It is pertinent to note that the DGO should have sent the file to the Tahasildar office and there was no necessity for him to give back the records to the Village Accountant for sending the same to the Tahasildar office.

30. He has deposed that on 21/06/2010 at 3.50 p.m. when he was in his office Sri Vijayakumar tried to give the amount to him and he pushed Sri Vijayakumar stating that he has no work with him. He has deposed that by that time Lokayukta police came there and caught hold his right hand and enquired him where is the amount given to him by Sri Vijayakumar and he told that he has not received any amount from Sri Vijayakumar. He has deposed that the police enquired Sri Vijayakumar, and Sri Vijayakumar showed the kerchief which was on the table of the DGO and on that kerchief the amount had been kept and Sri Vijayakumar had kept that amount on the kerchief. He has deposed that he had kept his kerchief on the table and his hands were washed in the solution and there was no change of colour in the solution. He has deposed that no document was seized from him. He has deposed that he has given his explanation in writing as per Ex.P5 and some lines of the same are written as told by Lokayukta police. But he has not stated which are those lines in Ex.P5. He has deposed that Ex.D3 is the endorsement issued by the Tahasildar to the mother of the complainant regarding the road sought by her in sy.no. 89. He has deposed that Ex.D5

is the copy of the letter written by the Tahasildar, Magadi Taluk to ARE-5 in respect of the complaint lodged by the complainant seeking road in sy.No. 89.

31. DW1 in his cross-examination had deposed that he has no ill-will against the I.O. He has deposed that he has not given any complaint to the higher officer of PW3 alleging that he has written some lines of Ex.P5 as per the dictation of PW3. He has deposed that he has not produced any documents to show that he had given report against Sri Thimmegowda and against Sri Vijayakumar as deposed in his examination in chief. He has deposed that, he has attended the file of the complainant. He has deposed that Ex.P15 is the written statement filed by him and Ex.P16 is his comments to the observation note. In Ex.P5 the DGO has stated that, Sri Vijayakumar was asking the DGO to give food party on the ground that he has won the grama panchayath election and the DGO was telling that he has no money and on 21/06/2010 at about 4 p.m. the said Sri Vijayakumar again asked for food party and he told that he has no money and Sri Vijayakumar told that he will give the loan and kept the amount in his kerchief and that kerchief was kept in his pocket and Sri Vijayakumar further told that he will be in the Daba and to come there. It is pertinent to note that DW1 who is the DGO has not at all deposed about the same in his evidence. In Ex.P5 it is further stated that by that time Lokayukta police came there and caught hold of him and there was no change of colour in the solution used for his hand wash. It is pertinent to note that

he has not at all deposed that Sri Vijayakumar kept the tainted currency notes in the kerchief of the DGO and that kerchief was inserted to his pocket by Sri Vijaykumar. Thus the evidence given by DW1 is not in accordance with the Ex.P5.

32. DW1 was also not given any explanation in Ex.P5 as to why his hand wash was positive in case he had not at all touched the tainted currency notes. Even in his evidence he has deposed that he had not touched the tainted currency notes. But as stated above, the FSL report clearly shows that the hand wash of the DGO was positive. In Ex.P5 it is also not mentioned that the DGO had already attended the work of the complainant and the work of the complainant was not pending with him as on 21/06/2010. No document is produced to show that the DGO had given the report regarding the BCM certificate sought by Sri Vijayakumar. There is no cross-examination of Sri Vijayakumar (PW6) in that respect. Only on the ground that in respect of the road sought by the complainant and his mother in sy.No. 89 the DGO had given the report that one Sri Narasimaiah has grown mango trees by encroaching the same it cannot be said that the complainant has given the false complainant against the DGO. As stated above, the DGO admits that he has attended the file of the complainant regarding the change of khatha sought by the complainant and as stated above, there is no evidence to show that the complainant was knowing that the DGO had already attended his work prior to the date of the trap. As stated above, all the

witnesses examined on the side of the Disciplinary Authority have supported the case of the Disciplinary Authority. Except for minor discrepancies which are bound to occur as the witnesses are examined many years after the date of trap and the witnesses PW1 to PW6 have substantially supported the case of the disciplinary authority. The facts and circumstances of this case stated above, only probalbises the case of the Disciplinary Authority and not the defence of the DGO stated above. As stated above, in the notice Ex.P13 the DGO has not at all mentioned the date which clearly shows that in view of the complainant not paying the amount demanded by the DGO the DGO had affixed the notice as per Ex.P13 on the house of the complainant for production of the documents mentioned in the same. It is pertinent to note that there is no mention in Ex.D1 or Ex.D3 that the DGO has produced the documents mentioned in the notice (Ex.P13) and hence the mutation is accepted.

33. The facts and circumstances of this case stated above only probablise the case of the Disciplinary Authority and not the case of the DGO

34. Thus the charge that the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant is proved. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

**35. Point NO.2:-** For the reasons discussed above, I proceed to give the following Report:

**:: REPORT ::**

*The Disciplinary Authority has satisfactorily proved the charge against the DGO-Sri G. Mahalingaiah, Revenue Inspector, Thippasandra Hobli, Magadi Taluk, Ramanagar District, **(Now retired)** demanded the bribe of Rs. 5,000/- from the complainant for doing an official act and accepted the same from the friend of the complainant by name Sri Vijayakumar on 21/06/2010 and thereby committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.*

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

Dated this the 23<sup>rd</sup> day of March, 2020

-Sd/-  
(Somaraju)  
Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.



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

- PW-1: Sri Sanna Thimmappaiah (I.O.)  
 PW-2: Sri Venkatesha (pancha witness)  
 PW-3: Sri H. Manjappa (another I.O.)  
 PW-4: Sri B.M.Naryanappa (complainant)  
 PW-5: Sri S.D. Chikkaputtegowda (shadow pancha witness)  
 PW-6: Sri Vijaykumar (another witness)

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

- DW-1: Sri G. Mahalingaiah (DGO)

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

- Ex.P-1: Xerox copy of the sketch  
 Ex.P-2: Xerox copy of the notes number and denomination mentioned white sheet  
 Ex.P-2(a): Relevant entry in Ex.P2  
 Ex.P-3: Certified copy of the Entrustment Mahazar  
 Ex.P-3(a to e): Relevant entries in Ex.P3  
 Ex.P-4: Certified copy of the Trap Mahazar  
 Ex.P-4(a to e): Relevant entries in Ex.P4  
 Ex.P-5: Certified copy of the explanation of DGO  
 Ex.P-6: Certified copy of the complaint  
 Ex.P-6(a,b): Relevant entries in Ex.P6  
 Ex.P-7: Certified copy of the FIR  
 Ex.P-8: Certified copy of the sale deed dated; 14/12/2009  
 Ex.P-9: Certified copy of the mutation  
 Ex.P-10: Certified copy of the acknowledgment  
 Ex.P-11: Xerox copy of the chemical examination report  
 Ex.P-12: Xerox copy of From No.J  
 Ex.P-13: Certified copy of the notice  
 Ex.P-13(a): Relevant entry in Ex.P13  
 Ex.P-14: Xerox copies of the Xeroxed photos on the white sheet  
 Ex.P-15: Original written statement  
 Ex.P-15(a): Relevant entry in Ex.P15  
 Ex.P-16: Original reply of the DGO to the observation note  
 Ex.P1-6(a); Relevant entry in Ex.P16

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

Ex.D-1:-Original mutation register copy with original RTC  
extract

Ex.D-2:Xerox copy of the From No. 21

Ex.D-3:Xerox copy of the endorsement dated: 05/05/2011

Ex.D-4:Xerox copy of the report

Ex.D-5: Xerox copy of the letter of Tahaildar dated;  
02/04/2016 addressed to DRE-5, KLA,

Dated this the 23<sup>rd</sup> day of March, 2020

-Sd/-

(Somaraju)  
Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.