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KARNATAKA LOKAYUKTA

No.Lok/INQ/14-A/384/2014/ ARE-3

Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.03.04.2017.

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RECOMMENDATION

Sub: Departmental inquiry against
Shri Anjaneya Reddy, the then Secretary,
Kagathi Gram Panchayath, Chintamani,
Chikkaballapur District - reg.

- Ref: 1. Government Order No. ಗ್ರಾಅಪಾ 219 ಗ್ರಾಪಂಕಾ
2014 dated 20.06.2014.
2. Nomination Order No. LOK/INQ/14-A/
384/2014 dated 25.06.2014 and modified
Order dated 03.08.2016.

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Government, by order dated 20.06.2014, initiated the disciplinary proceedings against Shri Anjaneya Reddy, the then Secretary, Kagathi Gram Panchayath, Chintamani, Chikkaballapur District [hereinafter referred to as the Delinquent Government Official, for short 'DGO'] and

S. J. S.

entrusted the departmental inquiry to this Institution. This Institution, by nomination order dated 25.06.2014 and modified Order dated 03.08.2016, nominated the Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGO for the alleged misconduct alleged to have been committed by him.

2. The Inquiry Officer, after completing the departmental inquiry, has submitted his report dated 31.03.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct alleged against DGO.

3. The charge levelled against the DGO was that, while he was working as Assistant Director, Town Planning Unit, Kuvempunagar, Mysuru, one Shri Abdul Khaleel of Kagathi village, Chintamani Taluk, Chikkaballapur District [hereinafter referred to as 'the complainant'] approached the DGO seeking for payment of coolie amount under 'Rashtreeya Grameena Udyoga Khatri Yojana' i.e., National Rural Employment Guarantee Scheme (NREGS). DGO accepted Rs.1,200/- as bribe



amount to release Rs.12,426/- and to clear the remaining amount of Rs.9,865/-, DGO again demanded Rs.1,500/- and accepted the same. Thereby, the DGO has failed to maintain absolute integrity, devotion to duty and rendered himself as unbecoming of a Government servant and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

4. The Disciplinary Authority, to prove the charge of misconduct has examined 3 witnesses as PWs 1 to 3 viz., PW1 is the complainant; PW2 is the shadow witness; and PW3 is the Investigating Officer, and got marked 13 documents as Exs.P1 to P13, whereas the DGO got himself examined as DW1, and also examined two witnesses as DWs 2 & 3 and got marked one document as Ex.D1 on his behalf.

5. The Inquiry Officer, on consideration of the entire evidence, has found that the Disciplinary Authority has proved the charge of misconduct satisfactorily. The defence taken by the DGO was that, the complainant owed some amount to the

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President of Gram Panchayath i.e. DW3 and in this regard, he had made the payment and also alleged that, since the request for grant of site in favour of Noorpasha was rejected by the Gram Panchayath, the complainant had filed a false complaint. However, to substantiate the defence, DGO has not produced any material to support the same. In turn, Ex.P8 which is not disputed, clearly states that, the DGO had received Rs.1,500/- from the complainant on 26.03.2010. The Inquiry Officer has considered the entire evidence in depth and has given his findings.

6. Hence, having regard to the findings of the Inquiry Officer and also having regard to the nature and gravity of the misconduct alleged against the DGO, it is hereby recommended to the Government that, the DGO - *Shri Anjaneya Reddy, the then Secretary, Kagathi Gram Panchayath, Chintamani, Chikkaballapur District*, who is now stated to have been retired from Government service, be punished with "*denial of 25% of the*

*Sri*

*pensionary benefit perpetually*" in exercise of powers under Rule 214(1)(a) of Karnataka Civil Service Rules.

7. Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.

*Sgd. W/K/17*  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

Slg\*



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/384/2014/ARE-3

M.S.Building,  
Dr. B.R.Ambedkar Veedhi,  
Bengaluru - 560001.  
Date: 31.03.2017

**Enquiry report**

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

Sub: Departmental Enquiry against Sri Anjaneya Reddy, the then Secretary, Kagati Grama Panchayath, Chintamani, Chikkaballapura District, presently working at Palicherlu Grama Panchayath, Shidlaghatta Taluk, Chikkaballapura District - reg.

- Ref:
1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BD/55/2014/DRE-1 dated 7.4.2014
  2. G.O. No. GraAaPa 219 GraPumKa2014 Bengaluru dated 20.6.2014
  3. Nomination Order No.LOK/INQ/14-A/384/2014 dated 25.6.2014 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

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1. The complainant Sri Abdul Khaleel S/o Imam Sab R/o Khagati Digoor village of Chintamani Taluk (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta Police, Chikkaballapura on 26.3.2016, against Sri Anjaneya Reddy, the then Secretary, Kagati Grama Panchayath, Chintamani taluk of Chikkaballapura District during the relevant period (hereinafter referred to as 'DGO' for short) making allegations against him that, the DGO is demanding him to pay Rs. 1500/- by way of bribe, in

order to issue him the cheque for Rs. 9865/- towards the cost of materials utilized while executing work under MGNREGA scheme. 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 26.3.2010 in the residential house of the DGO situated at Thimmasandra village of Chintamani Taluk and the DGO was trapped and caught red handed while demanding and accepting bribe of Rs. 1500/- from the complainant. The tainted money of Rs. 1500/- was recovered from the pocket of the shirt of the DGO which was found hanged to a nail in his bed room. Since it was disclosed during investigation, that, the DGO having demanded Rs. 1500/- as bribe from the complainant to show an official favour i.e., to issue cheque for the amount payable to the complainant towards cost of materials utilized, the Police Inspector, Lokayukta Police, Chikkaballapura having conducted investigation and on collecting sufficient materials, charge sheeted the DGO.

2. 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 remarks contending that, he has been falsely implicated by the complainant. 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 Rural Development and Panchayath Raj Department vide Government order No. GraAaPa 219 GraPumKa 2014 Bengaluru dated 20.6.2014 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 25.6.2014 nominating ARE-10 to frame charges and to conduct enquiry against the DGO. Accordingly, charges are framed by ARE-10 against the DGO as under.

**“Charge**

*That, you DGO Sri. Anjaneya Reddy, the then Secretary, Kagati Gram Panchayath, Chintamani, Chikballapura District, when approached by complainant Sri. Abdul Khaleel of Kagati village, Chintamani Taluk, Chikkaballapur District seeking for payment of coolie amount under 'Rashtriya Grameena Udyoga Khatri Yojana' (RGUK) and under NREGA demanded and accepted bribe of Rs. 1200/- for the first bill for Rs. 12,426/- and to clear the second bill for Rs. 9865/-, you DGO again demanded Rs. 1500/- to issue the cheque. You DGO demanded and accepted bribe for the first bill and made demand of bribe for the second bill to do the official act of release of cheque. Thereby failed to maintain absolute integrity besides devotion to duty and committed an act which is unbecoming of a Government servant and thus you -DGO are guilty of misconduct U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.*

**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*According to the complainant, he is the owner in possession of land bearing Sy. No. 52/P3 measuring 3 acres at Kagati village Chintamani Taluk, He intended to grow mango plants in his land. Hence, he approached you-DGO in the month of October 2010 and requested to provide the labourers under RGUK scheme. You DGO sanctioned the said scheme, allowed the complainant to engage the labourers.*

*Complainant and his family members planted the coconut plants and other seedlings. It was inspected by the Horticulture*

*Department. The Asst. Horticulture officer, Zilla Panchayath, Chintamani submitted report that the actual amount spent was Rs. 12,426/- and Rs. 9865/- was spent for other expenses. When complainant approached the DGO to issue the cheque, DGO received Rs. 1200/- bribe towards the actual amount of Rs. 12,426/- and to release the cheque of Rs. 9865/-, you-DGO further demanded bribe of Rs. 1500/- directed the complainant to pay the same on 26.3.2010 by evening at his house.*

*Complainant was not willing to pay the said bribe amount. Hence, he approached the Lokayukta police, Chikkaballapur on 26.3.2010, filed his complaint. On the basis of the said complaint, case was registered at Crime No. 3/2010 by Chikkaballapur Lokayukta Police for the offences punishable u/s 7, 13(1)(d) read with section 13(2) of Prevention of Corruption Act, 1988 and FIR was submitted to the Court.*

*After registering the case, the investigating officer observed all the pre trap formalities and prepared the entrustment mahazar. Then held the trap on 26.3.2010 at about 8.00 p.m. in presence of shadow witness. Trap was successful. DGO was found demanding and accepting the said bribe amount of Rs. 1500/- at his house situated in Thimmasandra village, Chintamani. I.O. seized the said bribe amount from the possession of the DGO under a mahazar after following the required post trap formalities. During the course of investigation, IO recorded the statement of panch and other witnesses and that of you -DGO, then sent the seized articles to the chemical examiner.*

*The material collected by the I.O. during the course of investigation prima facie disclose that the DGO demanded and accepted bribe of Rs. 1500/- from the complainant on 26.3.2010 at about 8 p.m. at his house to do the official act. Thus DGO's failed to maintain absolute integrity and devotion to duty and this act on the part of the DGOs is unbecoming of a Government servant. Hence, you-DGO have committed an act which amount to misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.*

*In this connection, an observation note was sent to the DGO, DGO sent the reply which after due consideration was found not acceptable. Thereafter a recommendation was made to the Competent Authority u/s 12(3) of the Karnataka Lokayukta Act,*

*1984 to initiate disciplinary proceedings against the DGO. The government after considering the recommendation made in the report entrusted the matter to Hon'ble Upalokayukta to conduct disciplinary proceedings against you-DGO and to submit report. Hence, the charge."*

3. 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.
4. The DGO has filed his written statement on 3.10.2013 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. He has taken up a further contention that, on 26.3.2010 at about 8pm., he having his dinner was sleeping in his house and at that time the complainant with an intention to falsely implicate him, came to his house and gave him Rs. 1500/- stating that, the President of the Grama Panchayath asked him to collect the cheque from him/DGO and further the President asked him/complainant to pay Rs. 1500/- to him/DGO and accordingly, he is paying that amount. Since the complainant represented that, he is paying that amount as per the say of the President, he/DGO received that amount from the complainant. It is his specific contention that, he never demanded any money by way of bribe from the complainant, but he has been falsely implicated due to the preplanned conspiracy of the complainant and requested this authority that, he should be exonerated from the charges leveled against him.

5. The case was taken up for enquiry and during enquiry before ARE-10 and on behalf of the Disciplinary authority 3 witnesses have been examined as PW1 to 3. 13 documents came to be marked as Ex-P1 to P13. After closure of the evidence on behalf of the disciplinary authority, second oral statement of the DGO was recorded. The DGO has denied the evidence given by PW1 to PW3 against him, and further he desired to lead defence evidence in support of his defence. Accordingly, permission was provided to him to adduce his defence evidence. The DGO examined himself as DW-1 and further examined Sri A. Nagarajaiah his successor in office of Secretary of Kagati Grama Panchayath and also examined Sri shivanna the then President of the said Grama Panchayath and produced one document as Ex-D1, in support of his defence, through DW-3.
6. When the matter was pending at this stage of defence evidence of the DGO, before ARE-10, as per Order dated 3.8.2016, this enquiry was withdrawn from the file of ARE-10 and was entrusted to ARE-3 for enquiry and to submit report. Hence, further stage of enquiry was taken up before ARE-3 and after recording the further defence evidence adduced on behalf of the DGO, this matter was taken up for consideration.
7. Thereafter, learned Presenting officer has filed written arguments. The learned counsel for DGO has also filed written arguments and also produced one document issued by DW2 to show that, one Noor Pasha of Kagati is related to the complainant and the said Noor pasha is none other than the brother-in-law of the complainant. Thereafter, this matter was taken up for consideration.

8. 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?

9. The above points are answered as under:

**Point No.1:** In the affirmative

**Point No.2:** As per final order.

### REASONS

#### Point No.1:-

10. The DGO was working as Secretary of Kagati Grama Panchayath of Chintamani Taluk of Chikkaballapur District, during the relevant period.
11. The complainant Sri Abdul Khaleel S/o Imam Sab is the resident of Kagati Digoor village. He is having 3 acres of dry lands in sy.no. 52/P3 and he intends to plant mango and other fruit yielding trees in his lands . Under the MGNREGA scheme, there is a scheme that, employment under the said scheme can be obtained in order to earn wages, so also to improve the lands by planting fruit yielding trees in such lands owned by such persons,. Hence, the complainant has filed an application to the DGO who was working as Village Secretary requesting him to provide him work under the said scheme, since he and his family members were having employment card under the said scheme. The DGO considered the said application and informed the complainant that, his request has been sanctioned and he can do the work of planting fruit yielding trees in his lands under the scheme. Accordingly, the complainant and his family members worked and dug pits and purchased mango and other fruit yielding plants/saplings and

planted the same and nourished those plants by providing manure and other necessary infrastructure to those saplings. Officials of the Horticulture Department have visited the lands of the complainant and having satisfied with the work of the complainant and his family members certified that, the work has been executed. Accordingly, the DGO prepared bills for Rs. 12,426/- towards the wages payable to the complainant and his family members, and Rs. 9865/- towards the expenditure incurred under the head 'Materials'.

12. It is the allegation of the complainant that, the DGO issued him the cheque for Rs. 12,426/- towards wages payable to him and his family members, and while disbursing the said cheque to him, the DGO has demanded and collected Rs. 1200/- from him and only on receiving Rs. 1200/- as bribe, the said cheque was issued to him which he deposited in his S.B. account maintained the post office. It is the further allegation of the complainant that, he approached the DGO on 25.3.2010 and requested him to issue the cheque for Rs. 9865/- being the amount payable to him towards the amount spent for materials, in executing the said work. It is the allegation against the DGO that, he has demanded him/complainant to pay Rs. 1500/- by way of bribe in order to issue cheque to him. The complainant since not willing to pay bribe again to the DGO, has approached Lokayukta police, Chikkaballapura and filed a complaint on 26.3.2010. While giving complaint he made allegations against the DGO that, he is demanding bribe of Rs. 1500/- in order to issue him a cheque towards wages payable to him and his family members. But while giving his further statement during investigation he has corrected his mistake and stated that, the cheque for Rs. 12582/- towards

wages has already issued to him and a cheque for Rs.9865/- towards cost of materials utilized was due to be payable to him.

13. On the basis of the complaint so filed by the complainant on 26.3.2010, the Police Inspector has registered a case in Cr. No. 3/2010 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988 and took up investigation.
14. An entrustment proceedings was conducted in the Police Station in the presence of two panch witnesses viz., Sri T.K. Sridhar, FDA, from the O/o BEO, Chikkaballapura and Sri M.H. Manjunath, Junior Health Assistant, O/o District Malaria Office, Chikkaballapur and in the said proceedings the bait money of Rs. 1500/- consisting of 3 currency notes of Rs. 500/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as a tainted money and the said money was entrusted to the Complainant asking him to give the said money to the DGO when he meets the DGO and only in case if the DGO demands for bribe. Panch witness Sri Sridhar was sent along with the Complainant as a shadow witness. In this regard, a detailed entrustment mahazar was prepared in the Police Station on the same day.
15. The complainant and the shadow witness were made to visit the house of the DGO situated at Thimmsandra village since the DGO asked the complainant to come to his house in the evening of 26.3.2010. The complainant accompanied with the shadow witness went to the house of the DGO at about 8pm., and met the DGO in his house.. There was no electricity at that time in the house of the DGO and hence the DGO was sitting alone on a chair in his house by wearing only banian and lungi. When the complainant

enquired the DGO about the cheque, the DGO demanded him for money and when the complainant gave money to the DGO, he having received it, went inside the room and came out of the room with a cheque and having signed two forms handed over the cheque to the complainant along with two signed forms. The complainant having received cheque and two forms from the DGO came out of the house of the DGO, gave pre-arranged signal to the Police Inspector and on arrival of the Police Inspector, the complainant took him and his staff inside the house of the DGO and showed DGO saying that, he has received money from him.

16. The Police Inspector having introduced himself to DGO and on explaining him, the purpose for which he has come there, obtained his hand wash by making him to wash his both hand fingers separately in two separate bowls containing sodium carbonate solution which gave positive result. Thereafter, the Police Inspector enquired the DGO about the money he has received from the complainant. The DGO told the Police Inspector that, he has kept that money in the pocket of his shirt hanged inside his room and took the Police Inspector and panch witnesses inside the room and showed the shirt which was found hanging there to the wall. The Police Inspector asked panch witness Manjunath to search the shirt pocket of the said shirt and he having searched the pocket of the shirt hanged to the wall, took out tainted money from the said shirt pocket of the DGO. On cross checking those notes, with reference to its serial numbers, the Police Inspector got confirmed that, those were the notes entrusted to the complainant during the entrustment proceedings and seized the same. The Police Inspector asked the DGO to give his explanation in writing regarding the seizure of tainted money from his possession. The DGO gave his explanation in writing as per Exhibit P8 stating that,



while he was sleeping in his house, the complainant came to his house and forcibly gave him Rs. 1500/- requesting him to give him the cheque for the amount payable to him towards the amount spent for purchasing materials and since the complainant forcibly paid him money, he received it.

17. The Police Inspector asked the DGO to produce the relevant documents pertaining to the complainant and the DGO has produced the documents as per Ex-P4 which were seized during the trap proceedings.
18. The complainant was entrusted with a voice recorder during the entrustment proceedings asking him to record the conversation that may take place between him and the DGO when he meets the DGO in his house. Accordingly, the complainant had recorded the conversation. The said conversation recorded by the complainant in the voice recorder entrusted to him, was played in the presence of panchayathdars, DGO and the complainant and the transcription of the said conversation have been incorporated in the trap mahazar itself. A detailed trap mahazar was prepared as per Ex-P3 in the residence of the DGO at Thimmasandra Village.
19. The complainant/PW-1 during his evidence has supported the case of the disciplinary authority and explained in detail the circumstances under which he has filed the complaint to Lokayukta police as per Ex-P1. He also gave evidence regarding entrustment proceedings conducted in the Police Station and entrustment of tainted money of Rs. 1500/- to him in the said proceedings. He has further stated about having accompanied with shadow witness went to the house of the DGO and the DGO demanding him Rs. 1500/- in order to issue him a cheque and on

receiving money from the complainant, issued him the cheque for the amount payable to him towards the amount spent for purchase of materials. The recovery of tainted money from the pocket of the shirt of the DGO which was found hanged to the wall inside the room of the DGO and other details have been deposed by the complainant in his evidence. Even the shadow witness who is examined as PW2 also gave his evidence about these details confirming the details of events as deposed by the complainant.

20. Both PW1 and PW2 have been cross examined by the learned counsel for the DGO. The complainant has reiterated his contention that, he had already received one cheque towards the wages payable to him and his family members and the cheque he has received on the day of trap was the cheque for the amount he has spent towards materials. He has reiterated his allegations in the cross examination that, while issuing the first cheque, the DGO has demanded and accepted Rs. 1500/- from him. Even the IO who is examined as PW3 gave his evidence in detail regarding the steps he has taken during the investigation of the case and also registration of the case, conducting of entrustment proceedings in the Police Station and trap proceedings in the house of the DGO. He has also stated about the DGO giving his written explanation as per Ex-P8 which fact has been stated even by the complainant and the shadow witness.

21. The fact of giving written explanation as per Ex-P8, is not disputed nor denied by the DGO. The relevant portion of the written explanation of the DGO given by him on the day of trap, reads as follows:

“ ದಿನಾಂಕ 26.3.2010 ರಂದು ತಿಮ್ಮಸಂದ್ರ ಗ್ರಾಮದ ನಮ್ಮ ಸ್ವಂತ ಮನೆಯಲ್ಲಿ 7.30ಗಂಟೆಯಲ್ಲಿ ಊಟ ಮಾಡಿ ಎದ್ದಾದ ಸಮಯದಲ್ಲಿ 8.00 ಗಂಟೆಯಲ್ಲಿ ದಿಗೂರು

ಗ್ರಾಮದ ಖಿಲೀಲ್ ಸಾಬ್ ಎಂಬುವರು ಬಂದು ಮಲಗಿರುವಾಗ ನನ್ನನ್ನು ಹೆಚ್ಚಿಸಿ ಬಲವಂತವಾಗಿ 1500ರೂ.ಗಳನ್ನು ಕೊಟ್ಟು ಉದ್ಯೋಗ ಖಾತರಿ ಯೋಜನೆಯಲ್ಲಿ ಸಾಮಗ್ರಿಗಳ ಬಿಲ್ಲ ಚೆಕ್‌ನ್ನು ಕೊಡು ಎಂದು ಹೇಳಿ ಬಲವಂತವಾಗಿ 1500ರೂಗಳನ್ನು ನನ್ನ ಕೈಗೆ ಕೊಟ್ಟಿರುತ್ತಾರೆಂದು ತಮ್ಮಲ್ಲಿ ನಿವೇದಿಸಿಕೊಂಡಿದೆ.”

22. While filing his written statement, the DGO has reiterated the very same contention and stated as follows:

“ನಾನು ರಾತ್ರಿ ಸುಮಾರು 8.00 ಗಂಟೆ ಸಮಯದಲ್ಲಿ ದಿನಾಂಕ 26.3.2010 ರಂದು ನನ್ನ ಸ್ವಂತ ವಾಸಸ್ಥಳ ತಿಮ್ಮಸಂದ್ರ ಗ್ರಾಮದಲ್ಲಿ ಮಲಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಆಪಾದಿತರಾದ ಶ್ರೀ ಅಬ್ದುಲ್ ಖಿಲೀಲ್ ಕಾಗತಿ ರವರು ಲೋಕಾಯುಕ್ತ ಅಧಿಕಾರಿಗಳೊಂದಿಗೆ ವಂಚನೆಯಿಂದ ಕೂಡಿ ನನ್ನ ಮಾವಿನಗಿಡಗಳ ನಾಟಿ ಬಗ್ಗೆ ಸರಬರಾಜು ಬಿಲ್ಲು ಮೊತ್ತ ರೂ. 9865/- ಗಳನ್ನು ಚೆಕ್ ನೀಡಬೇಕೆಂದು ತಮ್ಮ ಬಳಿ ಪಡೆಯಲು ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಅಧ್ಯಕ್ಷರು ತಿಳಿಸಿರುತ್ತಾರೆಂದು ತಿಳಿಸುತ್ತಾ ತಮಗೆ ಅಧ್ಯಕ್ಷರು ರೂ. 1500/-ಗಳನ್ನು ನೀಡಲು ತಿಳಿಸಿರುತ್ತಾರೆಂದು ತಿಳಿಸುತ್ತಾ ನಾನು ಚೆಕ್ ವಿತರಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಬಲತ್ಕಾರವಾಗಿ ರೂ. 1500/-ಗಳನ್ನು ನೀಡಿರುತ್ತಾರೆ”.

23. But, the only change he has made in the defence version in his written statement is that, according to him, the complainant paid that money to him stating that, the President of the Grama Panchayath asked him to pay money to him/DGO and collect the cheque from him and accordingly, the complainant paid money to him which he has received it from the complainant while handing over cheque to him. Even in his defence statement, filed on 23.2.2017 he has stated that, the complainant was to pay Rs. 1500/- to the President and the complainant since paid that amount to him, he received that amount from the complainant for and on behalf of the President.
24. During his defence evidence, the DGO has not taken up any such contention. According to him, he never demanded any bribe from the complainant. He has taken up a further defence while giving his defence evidence that, one Noor Pasha who is the relative of the complainant had filed an application for allotment of free site and

Abdul Khaleel/complainant approached the President to influence him and the President told the complainant that, Noor Pasha had already got house property and hence no free site could be granted to him. It is the contention of the DGO that, at the instance of his relative, Noor Pasha, the complainant has filed false complaint against him, making false allegations against him.

25. The DGO has taken up a further contention that, the complainant was due certain amount payable to the President towards the local manure purchased from the Grama Panchayath and the President was insisting the complainant to pay that amount and the complainant gave that money to him by telling him that, the President asked him to pay that money in his hands (in the hands of the DGO) and hence, he received that money from the complainant. In support of this defence, the DGO has examined A. Nagarajaiah, the incharge Secretary of Kagati Grama Panchayath who gave evidence that, there was enmity between the DGO and the complainant, since the application filed by Noor Pasha who is none other than the brother-in-law of Abdul Khaleel for allotment of free site, was rejected by the DGO at the instance of the President. It is the further evidence of DW-2 that, the President Shivanna was an onion merchant and the complainant was due a sum of Rs. 1500/- to the President Shivanna and since Shivanna asked the DGO to collect money from the complainant which the complainant was due to pay to Shivanna, the DGO received money from the complainant, on behalf of Shivanna.

26. The DGO has also examined Shivanna, the then President of Kagati Grama Panchayath as DW-3. He has stated that, since the application of Noor Pasha for allotment of free site was rejected by him and the DGO, the complainant at the instance of Noor Pasha

- filed a false complaint against the DGO. He/DW-3 has also produced the copy for the application filed by Noor Pasha for grant of free site to him to establish that the application of Noor Pasha filed seeking for grant of free site was rejected by him and the DGO.
27. It is interesting to note that, though both DGO/ DW-1 and DW-2 have stated that, the complainant owed some money to the President, and since the complainant gave that money to the DGO saying that, President had asked him to give that money to him and hence he is paying that amount and believing his words he/DGO received that money from the complainant. But when DW-3 was in the witness box he never stated about these details and said nothing about the complainant was due to him certain money towards purchase of manure from him.
28. Though DW-1 to DW-3 have taken up a contention that, because of the rejection of the prayer of Noor Pasha for grant of free site, the complainant filed a false complaint at the instance of Noor Pasha, no such contention was taken up by the DGO either in the written explanation given by him on the day of the trap or in the written statement filed by him soon after the service of AOC on him. Even while cross examining the complainant no such suggestion was put to him suggesting that, he has filed a false complaint against the DGO at the instance of his brother-in-law Noor Pasha. No such defence was taken while cross examining PW-1 but only during his evidence he has taken up such a defence for the first time and in support of that contention, he has examined both DW2 and DW3. Therefore, that defence version of the DGO cannot be believed.

29. The DGO has taken up a further contention that, he never handed over the cheque for Rs. 9700/- to the complainant on 26.3.2010 but the complainant with an intention to falsely implicate him produced the said cheque issued to him on 12.3.2010, in order to harass him and falsely implicate him. This contention of the DGO cannot be believed for the simple reason that, in his written explanation Ex-P8, he has admitted that, the complainant gave him Rs. 1500/- asking him to give him the cheque towards the amount spent by him for purchase of materials. As per the version of the DGO in his written statement, at the time of handing over cheque to the complainant he/complainant forcibly gave him money and he received it. Therefore, the complainant received the cheque from the DGO on the day of trap on paying the amount to the DGO. Even the cheque given to the complainant by the DGO on receiving bribe amount/tainted money from him, was recovered from the complainant at the time of the trap and there is a mention about the seizure of the cheque from the complainant which is found to be incorporated in the trap mahazar.
30. The attested copy of the cheque is produced as per Ex-P4, which was recovered from the possession of the complainant since the complainant told the Police Inspector that, the DGO on receiving money from him went inside the room and brought the cheque and having signed two forms gave that cheque to him along with signed two forms. The cheque Ex-P4 is dated 12.3.2010 drawn in the name of the complainant and the President/DW-3 and the DGO have already signed the said cheque. According to the complainant the DGO having signed two forms in his house gave the signed form along with the cheque to him after receiving money from him. It is the defence of the DGO that, this cheque was not issued to the DGO on the day of trap i.e., on 26.3.2010 but was issued to the

DGO on 12.3.2010 itself. According to the DGO, the complainant by making use of the cheque issued to him on 12.3.2010 has falsely implicated him by producing this cheque on the day of the trap. But, the DGO has not produced any materials to show that, cheque as per Ex-P4 was given to the DGO on 12.3.2010 itself. In the absence of any such materials and in view of the fact that, this cheque along with two forms was seized from the complainant on the day of the trap and since the complainant has stated that, the DGO having received money from him, issued him this cheque along with two letters addressed to post office Kagati village, it can be concluded that, the cheque though was kept ready on 12.3.2010 itself, was not given to the complainant but only on receiving money by way of bribe from the complainant on the day of trap, this cheque was issued to the complainant along with the two letters of authorization addressed to the post office, Kagati and the DGO signed these letters since these letters have been issued in the name of Grama Panchayath. Therefore, none of the contentions taken up by the DGO by way of his defence are worth consideration, as the various contentions urged by the DGO on the day of trap and in his written statement and urged during the cross examination of the complainant and also the defence taken by him during his defence evidence, are contradicting to one another and it appears that the DGO has improved his defence version at every stage probably by way of an afterthought. But, none of his defence version are worth believing and hence I decline to accept the version of the DGO taken up by him to support his defence.

31. The fact of receipt of Rs. 1500/- from the complainant has not been disputed by the DGO since he never disputed the written explanation given by him as per Ex-P8 and also his admission in

his written statement. <sup>But</sup> during his evidence though he tried to explain the circumstances under which he received that amount from the complainant, the explanation offered by the DGO cannot be believed. At one breath, he has taken up a contention that, the complainant forcibly paid money to him, but, in another breath, he has taken up a contention that, the complainant was due certain amount to DW-3 and as per the say of DW-3 the complainant paid that amount to him while collecting cheque from him and accordingly, he received it. But DW-3 said nothing about any amount due to him by the complainant. The contention taken by the DGO that, because he/DGO and the President were responsible in rejecting the application of Noor Pasha for grant of free site, the complainant being the relative of Noor Pasha, filed false complaint against the DGO at the instance of Noor Pasha, also cannot be believed since no such contention was taken by the DGO in his written explanation as per Ex-P8, or in his written statement or while cross examining the complainant, but taken up such a contention for the first time in his defence evidence. Therefore, none of the defence version taken by the DGO are worth believing and hence they are liable to be rejected.

32. Considering the materials made available on behalf of the disciplinary authority both through oral and documentary evidence, I am of the considered opinion that, the DGO in order to issue cheque to the complainant towards payment of the cost of materials spent by the complainant while executing work under the MGNREGA scheme, demanded him to pay Rs. 1500/- and received the same from the complainant while issuing cheque to him and hence acted in a manner unbecoming of a Government servant. Accordingly, I hold that, the disciplinary authority was



able to establish the charges framed against the DGO. Accordingly, I answer point no.1 in the affirmative.

**Point No.2:**

33. Having regard to the discussion made above, and in view of my findings on point no.1 as above, I submit the following report:

**REPORT**

i) The Disciplinary Authority has proved the charge as framed against the DGO- Sri Anjaneya Reddy, the then Secretary, Kagati Grama Panchayath, Chintamani, Chikkaballapura District

ii) As per the service particulars issued by the Executive Officer, Taluk Panchayath, Chintamani in his letter dated 17.6.2010, the date of birth of the DGO is 01.12.1956 and he has already retired from service on 30.11.2016.

  
31/3/17

(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 Abdul Khaleel (complainant)          |
| <b>PW-2</b> | Sri T.K. Sridhar (shadow witness)        |
| <b>PW-3</b> | Sri Lakshmegowda (Investigating officer) |

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

|             |                          |
|-------------|--------------------------|
| <b>DW-1</b> | Sri Anjaneya Reddy (DGO) |
| <b>DW-2</b> | Sri A. Nagarajaiah       |
| <b>DW-3</b> | Sri Shivanna             |

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

|                    |                                                    |
|--------------------|----------------------------------------------------|
| <b>Ex.P-1</b>      | Certified copy of the complaint                    |
| <b>Ex.P-2</b>      | Certified copy of the entrustment mahazar          |
| <b>Ex.P-3</b>      | Certified copy of the trap mahazar                 |
| <b>Ex.P-4</b>      | Certified copy of the cheque                       |
| <b>Ex.P-5 to 7</b> | Certified copy of the documents seized             |
| <b>Ex.P-8</b>      | Certified copy of the statement of DGO             |
| <b>Ex.P-9</b>      | Certified copy of the mahazar of voice recognition |
| <b>Ex-P10</b>      | Certified copy of the FIR                          |
| <b>Ex-P11</b>      | Certified copy of the FSL report                   |
| <b>Ex-P12</b>      | Certified copy of the sketch                       |
| <b>Ex-P13</b>      | Certified copy of the RTC extract                  |

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

|              |                                                    |
|--------------|----------------------------------------------------|
| <b>Ex-D1</b> | Certified copy of the application dated 28.12.2009 |
|--------------|----------------------------------------------------|

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

Nil

  
(S. Renuka Prasad)

Additional Registrar of Enquiries-3,  
Karnataka Lokayukta, Bengaluru.