



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/401/2012/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 31.12.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri
G.V.Thippeswamy, Village Accountant, Navilehal
Circle, Channagiri Taluk, Davanagere District - reg.

Ref:- 1) Proceedings Order No.RD 90 BDP 2012
dated 12.09.2012.

2) Nomination order No. LOK/INQ/14-
A/401/2012 dated 10.10.2012 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 28.12.2020 of
Additional Registrar of Enquiries-4, Karnataka
Lokayukta, Bengaluru.

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The Government by its order dated 12.09.2012 initiated the disciplinary proceedings against Shri G.V.Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere 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 LOK/INQ/14-A/401/2012 dated 10.10.2012 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. Subsequently, by order dated 14.3.2014, the matter was transferred to ARE-8 and finally by order dated 03.08.2016, the Additional Registrar Enquiries-4, was re-nominated as Enquiry Officer to continue the said enquiry.

3. The DGO - Shri G.V.Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere District, was tried for the following charges :-

“ That you Shri G.V.Thippeswamy, while working as Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere District, demanded and accepted a bribe of Rs.2,000/- on 29/06/2011 through one Sri H.S.Jagadish S/o Sri Siddappa, a private person from complainant Sri N.R.Govardhan Girishyam S/o late Rudrappa, Guest Lecturer, Navilehal Village, Channagiri

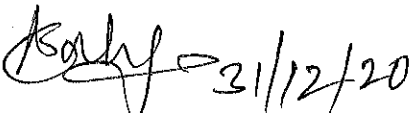
Taluk, Davanagere District for issuing Survivors Certificate(certificcate mentioning the names of the living members of the family of the mother of the complainant), that is for doing an official act, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct 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.V.Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere 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 Enquiry Officer, DGO Shri G.V.Thippeswamy, is due for retirement from service on 31-05-2039.
7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Shri G.V.Thippeswamy, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of ' compulsory retirement on DGO Shri G.V.Thippeswamy."
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/401/2012/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date:28/12/2020

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

**Sub:** Departmental Inquiry against,

Sri G.V. Thippeswamy  
Village Accountant  
Navilehal Circle  
Channagiri Taluk  
**Davanagere District**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in No. Compt/Uplok/BD/889/2012 DRE-1, dated: 24/07/2012
- 2) G.Order No. RD 90 BDP 2012 Bengaluru, dated:12/09/2012
- 3) Order No.LOK/INQ/14-A/401/2012, Bengaluru dated:10/10/2012 of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri G.V. Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, **Davanagere District** (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: 10/10/2012, cited above at reference-3, nominated Additional Registrar of Inquiries-3 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Inquires-3 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 the same were issued to the DGO calling upon him to appear before this Authority and to submit his written statement of defence.

4. When the matter was pending for inquiry to record the evidence of the witnesses, this matter was transferred to Addl. Registrar of Inquiries-8 vide Order No.LOK/INQ/14-A/2014, Bengaluru, dated: 14/03/2014 of the Hon'ble Uplokayukta and Addl. Registrar of Inquiries-8 proceeded with the inquiry in recording the evidence of PW1 to PW3. When the matter was pending for recording of evidence of DW1 again it was transferred to this Addl. Registrar of Inquiries-4 vide O.M. No. Uplok-2/DE/2016 Bengaluru, dated: 03/08/2016 of the Hon'ble Registrar issued with the concurrence of the Hon'ble Upalokayukta. Hence, this

inquiry is proceeded by this Addl. Registrar of Inquiries-4 in accordance with law.

5. The Articles of Charges framed by ARE-3 against the DGO is as follows:-

**ANNEXURE NO. 1**  
**CHARGE**

*That you, Sri G.V. Thippeswamy, (herein after referred to as Delinquent Government Official, in short DGO), while working as the Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere District demanded and accepted a bribe of Rs. 2,000/- on 29/06/2011 through one Sri H.S. Jagadish s/o Sri Siddappa, a private person from complainant Sri N.R. Govardhan Girishyam s/o late Rudrappa, Guest Lecturer, Navilehal Village, Channagiri Taluk, Davanagere District for issuing Survivors Certificate (Certificate mentioning the names of the living members of the family of the mother of the complainant), 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.*

**ANNEXURE NO. II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant-Sri N.R. Govardhan Girishyam s/o Late Rudrappa, Guest Lecturer, Navilehal Village, Channagiri Taluk, Davanagere District filed a complaint*

on 28/06/2011 before the Police Inspector, Karnataka Lokayukta, Davanagere alleging that, his father died on 28/04/2011 and that his mother Smt. Rathnamma had filed an application in the "Nemmadi Kendra" for issue of Survivor Certificate (Certificate mentioning the names of the living members of the family) by depositing prescribed fee of Rs. 15/- and with necessary documents and that he had met Sri G.V. Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, Davanagere District, (herein after referred to as Delinquent Government Servant, in short DGO) in the month of May 2011 and got genealogical tree of his family and that when he asked the DGO about the Survivors Certificate, the DGO told him that the same was issued to him after paying him a sum of Rs. 2,000/- and that again he contacted the DGO over mobile phone on 27/06/2011 and requested him to reduce the bribe amount of Rs. 2,000/- as demanded earlier by the DGO and that time the DGO asked him to come near Taluk Office at Davanagere on the next day (28/06/2011) and that accordingly he met the DGO on 28/06/2011 near Channabasappa Cloth Shop has asked by the DGO and that time the DGO was found in children cloth section of the said shop and at that time the DGO demanded him to pay Rs. 2,000/- immediately stating that his mother's application had come to him and that he replied the DGO that he had no amount with him and thereafter, the DGO asked him to pay the bill amount of Rs. 1,000/- towards the cloth



*purchased by him in that shop and to pay the remaining balance later and that when he told the DGO that, he was not having even Rs.1,000/- and showed his purse to DGO, the DGO telling that to pay the same in the evening, the DGO asked him to come to his office at Doddaghatta on the next day and pay him Rs. 2,000/- and get his work done and thus the DGO demanded and insisted for the payment of bribe amount of Rs. 2,000/-.*

*As the complainant was not willing to pay any bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta, Davanagere on 28/06/2011 and lodged a complaint. On the basis of the same a case was registered in Davanagere Lokayukta Police Station Cr.No. 5/2011 for offences punishable under sections 7, 13(1)(d) r/w 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 29/06/2011 by the Investigating Officer after your demanding and accepting the bribe amount of Rs. 2,000/- through one Sri H.S. Jagadish s/o Sri Siddappa, a private person from the complainant in the presence of shadow witness and the said bribe amount which you had received through Sri H.S. Jagadish s/o*

*Sri Siddappa from the complainant was seized from the position of Sri H.S. Siddappa under the seizure/trap 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 form 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. 2,000/- through Sri H.S. Jagadish s/o Sri Siddappa, from the complainant on 29/06/2011 for doing an official act i..e., for issuing Survivors Certificate (Certificate mentioning the names of the living members of the family of the mother of the complainant). 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 Sec. 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.*

6. DGO appeared before this Inquiry Authority on 06/02/2013 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.

7. The DGO has filed his written statement (marked as Ex.P12) as follows:-

The charge framed against the DGO is denied as false. In the written statement the allegations made in the complaint and the Articles of Charge are denied specifically. The allegations made in the statement of misconduct are also specifically denied as false. On the basis of Crime No. 8/2006 charge sheet is filed against the DGO before the Prl. District and Sessions Judge, Davanagere in Special Case (Lok) No. 5/2011 which is pending for trial. The DGO is victim of the circumstances and detailed defence will be submitted in due course of time and the DGO reserves the right to examine the witnesses for his defence if necessary.

Hence, prays to exonerate him from the charges leveled against him in this case.

8. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined three witnesses as PW1 to PW3 and got marked documents at Ex.P1 to P12. 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 got examined himself as DW1 and got marked documents Ex.D1 to D7 and closed his side. Hence, recording the answer of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

9. 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?

10. 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 ::**

**11. Point No.1:** It is the case of the Disciplinary Authority that, the DGO while working as the Village Accountant, Navilehal Circle, Channagiri Taluk, Davnagere District, demanded and accepted bribe of Rs. 2,000/- from the complainant on 29/06/2011 through one Sri H.S. Jagadish s/o Sri Siddappa, a private person for issuing Survivors Certificate i.e., for doing an official act and thereby failed to maintain absolute integrity and devotion to duty and thereby committed the misconduct.

12. Complainant has been examined as PW3 and the copy of the complaint lodged by him before the Lokayukta Police, Davanagere District is at Ex.P3. Ex.P3 is a lengthy complaint and a gist of the same is as follows;-

13. The father of PW3 by name Sri Rudrappa N. died on 28/04/2011 leaving behind himself, his mother and three sisters as his legal representatives. PW3 wanted the Survival Certificate and hence he approached the DGO who was working as Secretary of Navilehal Gram Panchayath in the month of May 2011 and the DGO told that, PW1 has to go to "Nemmadhi Kendra" situated in Thyavanige and to give the application by remitting the prescribed fee and that application will come to the DGO and PW3 has to give Rs. 2,000/- to him for doing the work of PW3. On 22/06/2011 PW3 gave the application and also paid the prescribed fee. On 27/06/2011 at about 6.15 p.m. he contacted the DGO over mobile phone and requested for his work and also

asked the DGO to reduce the bribe amount for which the DGO asked him to meet him on 28/06/2011 near the Taluk Office, Davanagere and PW3 recorded that conversation accordingly on 28/06/2011 at 12 noon PW3 went to the Taluk Office and made phone call to the DGO and the DGO told that, he is in the Chennabasappa Cloth shop and to come there and PW3 met the DGO in the above said shop and the DGO asked him to pay Rs. 2,000/- stating that, he has received the application and PW3 told that, at present he is not having money and DGO told PW3 to give at least Rs. 1,000/- and PW3 showed his purse and told the DGO that, he has no money and that he will give the amount in the evening. But the DGO told him to give the amount tomorrow by coming to the office of the DGO situated in Doddghatta. Not willing to get his work done by paying the bribe amount he has lodged the complaint. The complaint has been registered on 28/06/2011 at 4 p.m.

14. PW3 (complainant) has given his evidence in accordance with the averments made in the complaint and I feel it is not necessary to repeat the same. He has deposed that, on 28/06/2011 itself he went to the Lokayukta police station at 3.30 p.m. and played the conversation which he had recorded in his mobile phone and also gave the complaint and the copy of his complaint is at Ex.P3 and Ex.P3(b) is his signature. He has deposed that, the Police Inspector asked him to come on the next day at 8 a.m.

15. PW3 has further deposed that, on the next day, he went to the police station and the panchas Sri Vageesh and Sri Ramachandra were present and the copy of the complaint was read by the panchas and the panchas also heard the recorded conversation. He has deposed that, he produced the amount of Rs. 2,000/- and the panchas verified the notes and noted the denomination and numbers of the notes on a paper. He has deposed that, phenolphthalein powder was smeared to the notes and sodium carbonate solution was also prepared. He has deposed that, the pancha witness Sri Ramachandra counted the notes and kept the notes in his shirt pocket. He has deposed that, afterwards the hands of the above said Sri Ramachandra were washed in the sodium carbonate solution and that solution turned to pink colour. He has deposed that, the Lokayukta Police gave him a shirt of black colour to wear and to that shirt the voice recorder and hidden camera were fixed. He has deposed that, the Entrustment Mahazar was drawn and the copy of the same is at Ex.P1 and Ex.P1(b) to (d) are his signatures. He has deposed that, the conversation that was recorded in his mobile phone was reduced into writing in the Entrustment Mahazar itself. Thus PW1 has deposed about all the averments mentioned in the Entrustment Mahazar, the copy of which is at Ex.P1. He has also deposed about the instructions given to himself and the shadow witness at the time of the Entrustment Mahazar. He has deposed that, after the Entrustment Mahazar, they left the Lokayukta

Police station at about 10 a.m. and went to Doddaghatta village.

16. PW3 has further deposed that, himself and the pancha witness Sri Vagish went in motor cycle and on the way there was tyre puncture and hence they reached Doddaghatta village at 12 p.m. He has deposed that, the police jeep followed his motor cycle. He has deposed that, himself and the shadow witness-Sri Vagish went to the office of the DGO and the office was locked and he called the DGO over mobile and the DGO told that, he has gone to Devarahalli village and he will return in 10 minutes. He has deposed that, the DGO along with another person came and opened the lock and went inside and himself and Sri Vagish followed them. He has deposed that, when he enquired about his work the DGO asked whether he has brought the amount and he requested the DGO to reduce the amount, for which the DGO refused by making sign. He has further deposed that, he offered the tainted currency notes to the DGO and the DGO did not receive the notes and asked him to give the notes to the person who had come with him. (by name Sri Jagadish) and he gave the tainted currency notes to Sri Jagadish and Sri Jagadish received the same with his right hand counted the notes and kept it in his left side shirt pocket. He has deposed that, the DGO asked about the shadow witness and he told that, he is the driver of the Tractor of his elder brother.



17. PW3 has deposed that, afterwards he came out of the office and gave the pre-instructed signal and immediately the Lokayukta Police approached him and they also came inside the office and he showed the DGO and told that, as per the instructions of the DGO he has given the amount to Sri Jagadish. He has deposed that, sodium carbonate solution was prepared and the hands of Sri Jagadish were washed in the same and that solution turned to pink colour. He has deposed that, Sri Jagadish produced the tainted currency notes from his shirt pocket and those notes were the same notes mentioned in the Entrustment Mahazar and those notes were seized. He has deposed that, even the pocket portion of the shirt of Sri Jagadish was washed in the solution and that solution also turned to pink colour and that shirt was also seized. He has deposed that the DGO and Sri Jagadish gave their explanation in writing and the copies of the same are at Ex.P5 and P6 respectively. In fact he has deposed about the contents of Ex.P5 and P6 also. He has deposed that, the explanation given by Sri Jagadish was true and the explanation given by the DGO was false. He has deposed that, the voice-recorder and the camera were taken back by the Police Inspector and the audio and video recorded in the same was played in the presence of the panchas and one Sri Shakeel Ahameed and Sri Shakeel Ahammed identified the voice of the DGO. He has deposed that, the Trap Panchanama was drawn and the copy of the same is at Ex.P2 and Ex.P2(e) is the signature of the above said Sri Shakeel Ahammed who was working as Revenue Inspector and who was acquainted with the voice

of the DGO. He has deposed that, the copies of the file belonging to his mother was seized and the copies of the same are at Ex.P8 (13 sheets). He has deposed that, Ex.P9 (16 sheets) are the copies of the photographs taken at the time of the Entrustment Mahazar and the Trap Mahazar. He has deposed that, Ex.P10 is the copy of the sketch of the scene of occurrence. Thus PW3 has given his evidence in accordance with the averments made in the Entrustment Mahazar and the Trap Mahazar. Thus PW3 has completely supported the case of the Disciplinary Authority.

18. PW3 has been cross-examined at length by the learned counsel for the DGO. He has denied the suggestion that, the voice found in the recorded conversation is not the voice of the DGO. He has deposed that, he was using the mobile bearing No. 9980346243 and the mobile number used by the DGO at that time was bearing No. 9742680443. He has deposed that, he does not know whether the mobile No. 9742680443 stands in the name of one Sri Prasanna of Hosadurga. He has denied the suggestion that, the DGO did not demand for the bribe amount of Rs. 2,000/- and also did not receive the bribe amount of Rs. 2,000/- through Sri Jagadish. He has deposed that, in the criminal case he has deposed that in the genealogical tree he had not mentioned the name of another wife of his father by name Smt. Gowramma and that when the DGO told him that, the name of Smt.Gowramma has to be included there was verbal conversation between them. It is pertinent to note that, Ex.P8 are the copies of the documents seized at

the time of the Trap Mahazar from the DGO and it includes the affidavit of the mother of the complainant by name Smt. Rathnamma, and in that affidavit it is clearly mentioned that, Smt. Gowramma G. is the second wife of the father of PW3. Thus Smt. Rathnamma has given her affidavit disclosing the name of the second wife of her husband and that affidavit had also reached the DGO along with the application given for survival certificate. The DGO has not produced any document to show that the mother of PW3 had given the application for survival certificate by omitting of the name of Smt. Gowramma G. Hence, much weight cannot be given to the deposition of PW3 in his cross-examination that, there was some conflict of opinion between PW3 and the DGO for omitting the name of Smt. Gowramma G. in the genealogical tree. PW3 has denied the suggestion that, he has given the false complaint against the DGO due to ill-will. Nothing is made out in the cross-examination of PW3 to discard his evidence. He has denied the suggestions of the learned counsel for the DGO to the effect that, due to personal ill-will he has given the false complaint against the DGO.

19. PW1-Sri Vagish, who is the shadow witness has deposed that, in the year 2011 he was working as Junior Assistant in BESCO, Davanagere, and on 28/06/2011 he was instructed by his superior officer to go to Lokayukta Office, Davanagere, as a witness in a trap case. He has deposed that, he went to the Lokayukta Police station and Police Inspector asked him to come on the next day and on

29/06/2011 in the morning he went to the Lokayukta Police Station and like him one Sri Ramachandra M.C. also came to the Lokayukta police as another pancha witness. He has deposed that, the complainant (PW3) was introduced to himself and Sri Ramachandra M.C. and the copy of the complaint was also given to them and they read the same. He has deposed that, the complainant produced the amount of Rs. 2,000/- consisting of 5 currency notes of Rs. 100/- denomination, one currency note of Rs. 500/- denomination and one currency note of Rs. 1,000/- denomination. He has deposed that, himself and the other pancha witness verified the currency notes and noted the denomination and numbers on a separate sheet. He has deposed about all other averments mentioned in the Entrustment Mahazar, the copy of which is at Ex.P1. He has deposed that, himself, complainant, pancha Sri Ramachandra M.C. and Police Inspector signed the Entrustment Mahazar.

20. PW1 has further deposed that, after the Entrustment Mahazar they left the Lokayukta Police station and went to Doddaghatta village. He has deposed that, himself and PW3 went in the motor bike of PW3 and others followed them in the police jeep. He has deposed that, himself and PW3 went to the office of the DGO and the DGO was not present and PW3 contacted the DGO over mobile and the DGO told that, he will be coming and to wait for him. He has deposed that, after about 5minutes DGO came to the office and the DGO asked for the bribe amount and PW3 requested the DGO to

reduce the bribe amount for which the DGO did not agree. He has further deposed that, when PW3 offered the tainted currency notes to the DGO, the DGO made the sign to give the amount to the hands of Sri Jagadish who was with the DGO and PW3 gave the amount to Sri Jagadish and Sri Jagadish received the same with his right hand counted the notes and kept them in his shirt pocket. He has deposed that PW3 went out of the office and gave the pre-instructed signal and immediately the Police Inspector, his staff and another pancha witness Sri Ramachandra M.C. came inside the office of the DGO. He has deposed that, PW3 and himself told the Police Inspector about what happened in the office of the DGO and the Police Inspector introduced himself to the DGO and to Sri Jagadish and the hands of Sri Jagadish were washed in the sodium carbonate solution and the solution which was colourless turned to pink colour. He has deposed that, Sri Jagadish produced the tainted currency notes and those notes were the same notes which they had noted down in a separate sheet and those notes were seized. He has deposed that, even the shirt wash of Sri Jagadish (pocket portion) was positive and that shirt was also seized. He has deposed that, the Trap Mahazar was drawn and the copy of the same is at Ex.P2. He has deposed that, photographs were taken at the time of the Entrustment Mahazar and also at the time of the Trap Mahazar. Thus PW1 who is the shadow witness has completely supported the case of the Disciplinary Authority regarding the DGO demanding bribe and accepting the same through Sri Jagadish who was with him.

21. PW1 has been cross-examined at length by the learned counsel for the DGO and nothing is made out in his cross-examination to disbelieve his evidence. He has deposed that, he has not given his evidence in the criminal case as per Ex.D1. As per Ex.D1, PW3 and PW1 had gone inside the office of the DGO in order to trap the DGO. The above said Ex.D1 does not discredit the evidence given by PW1 in this departmental enquiry as it is the case of the Disciplinary Authority that, PW1 and PW3 had gone inside the office of the DGO to trap the DGO. He has denied the suggestion that, when the DGO refused to receive the amount himself and PW3 made galata against the DGO to receive the amount and at that time the DGO shouted and some people came there and PW3 gave amount to Sri Jagadish who was in that room. It is hard to believe that, the shadow witness will make galata against the DGO on the ground that the DGO refused to receive the bribe amount from the complainant. PW1 has also deposed that, PW3 introduced him as the tractor driver of Sri Shivamurthy when the DGO enquired about him and only on the ground that, the above said introduction of PW1 by the PW3 was false the case of the disciplinary authority cannot be discarded in view of the fact that, PW3 cannot introduce PW1 as the shadow witness who has come for the trap along with him. Thus nothing is made out in the cross-examination of PW1 as to why he has deposed falsely against the DGO in case the DGO has not at all demanded for the bribe amount and did not receive the same through Sri Jagadish.

22. PW2-Sri Nagaraj M. Madalli,, he has deposed that, he was working as Police Inspector in Lokayukta police station, Davanagere from 23/11/2020 to October 2012. He has deposed that, on 28/06/2011 at about 3.30 p.m. the complainant came to the station and gave the written complaint and also produced the mobile in which he had recorded his conversation with the DGO. He has deposed that, Ex.P3 is the copy of the complaint and he registered the case in Cr. No. 5/2011 against the DGO for the offence punishable u/sec. 7 of the Prevention of Corruption Act and submitted the FIR to the court and the coy of the FIR is at Ex.P4. He has deposed that, the mobile was played and the recorded conversation was heard. He has deposed that, on that day itself in the evening he secured the panchas and instructed them to come on the next day at 7.45 a.m. He has deposed that, on 28/06/2011 the complainant, pancha witness, came to the Lokayukta police station and he introduced the complainant to the pancha witnesses and the copy of the complaint was also given to the pancha witnesses to go through the same. He has deposed that, the complainant produced the mobile phone and it was played and the conversation recorded in the same was heard and it was copied to the C.D. and that C.D. was seized. PW2 has deposed about the complainant producing the amount of Rs. 2,000/- and about all other proceedings which took place in the Lokyukta police station in the presence of the panchas mentioned in the Entrustment Mahazar, the copy of which is at Ex.P1 and I feel it is not necessary to repeat the same. Thus PW2 has deposed about the contents of

Ex.P1-the Entrustment Mahazar and that it was signed by the complainant and the pancha witnesses and himself.

23. PW2 has further deposed that, after the Entrustment Mahazar, PW1 and the complainant went in the motor cycle and himself and his staff and another pancha witness followed them in the police jeep and they went to the Doddaghatta village. He has deposed that, the vehicles were stopped at a distance and PW1 and the complainant (PW3) were sent to meet the DGO in his office. He has deposed that, at about 12.45 p.m. the complainant came out and gave the pre-instructed signal and himself and his staff and another pancha witness went inside the office of the DGO and the complainant showed the DGO and Sri Jagadish who was in the chamber of the DGO. He has deposed that, the complainant told him that, the DGO demanded for the bribe amount and refused to reduce the bribe amount and when he offered the bribe amount to the DGO, the DGO asked him by making sign to give the amount to the hands of Sri Jagadish, who was with him in his chamber and he gave the amount to Sri Jagadish and Sri Jagadish received it from his right hand, counted the notes and kept it in his shirt pocket. He has deposed that the hand wash and shirt wash of Sri Jagadish was positive and Sri Jagadish produced the tainted currency notes from his shirt pocket and those notes were the same notes mentioned in the Entrustment Mahazar. He has deposed that, even the shirt of Sri Jagadish was seized and the DGO gave his explanation in writing and the copy of the same is at Ex.P5



and Sri Jagadish gave his explanation in writing and copy of the same is at Ex.P6. He has deposed that, the complainant and PW1 told him that, the explanation given by the DGO is false and the explanation given by Sri Jagadish, is correct. In Ex.P5 the DGO has stated that, he had received the application for survival certificate, and he has not demanded for any bribe amount. In Ex.P6 Sri Jagadish has stated that, on 29/06/2011 himself and the DGO went inside the office of the DGO and PW3 along with another person came to the office of the DGO and PW3 asked DGO as to how much he has to give for which the DGO told that, he has already told about the same and PW3 requested for reducing the amount but the DGO did not agree for the same and when PW3 offered the amount to the DGO, the DGO asked PW3 to give the amount to Sri Jagadish and accordingly PW3 gave the amount to Sri Jagadish and he received the same and counted the same and kept it in his shirt pocket and Lokayukta police raided and seized the said amount. The above said explanation given by Sri Jagadish immediately after the trap clearly supports the case of the Disciplinary Authority.

24. PW2 has been cross-examined at length and nothing is made out in his cross-examination to discard the evidence of PW2. Even in his cross-examination he has given his evidence in accordance with the case of the Disciplinary Authority. Ex.D5 is the copy of the deposition of this witness in Special case No. 5/2012, no omission or contradiction is made out in the evidence of PW2 in respect

of Ex.D5 and hence, the mere production of Ex.P5 is not of any help to the DGO. In fact in his evidence before the criminal court this witness has deposed about getting the call details of the mobile phones of PW3 and the DGO and those call details have been marked in the criminal case and not in this enquiry. Along with the written brief the learned counsel for the DGO has produced the certified copy of Ex.P51 marked in Special Case No. 5/2012 which is the call details of the mobile phone bearing No. 9742680443 and in the same it is stated that, the said mobile number stands in the name of one Sri Prasanna Kumar of Hosadurga. But in the complaint itself PW3 has clearly stated that, the said mobile Number was used by the DGO only and he had contacted the DGO over that mobile number. The DGO has also produced Ex.P52 of Special Case No. 5/2012 in which the copy of the letter written by the Chief Officer, Purasabhe, Hosadurga to the Police Inspector in which it is stated that, address Sri Prasannakumar, House No. 828, 'A' Division, Hosadurga, does not come within the jurisdiction of Purasabhe as per the municipal records. Only on that ground it cannot be said that, the DGO was not using the above said mobile Number. It is pertinent to note that, the mobile will be standing in the name of one person but it will be used by another person in most of the cases and only on the ground that, the above said mobile number stands in the name of Sri Prasanna kumar, it cannot be said that, the DGO was not using the said mobile number. As stated above, there is the specific evidence of PW3 to the effect that, the above

said mobile number was used by the DGO and he has contacted the DGO on that number itself on 27/06/2011 and 29/06/2011. Call details stated above of Mobile No. 9742680443 produced by the DGO as stated above, clearly shows that, on 27/06/2011 at 6.47 p.m. PW3 has contacted the above said number and had conversation and on 29/06/2011 also at 11.54 or 11.55 a.m. PW3 has contacted the above number from his mobile number. Thus the copy of the records produced by the DGO as stated above, supports the case of the Disciplinary Authority and only on the ground that, the mobile No. 9742680443 does not stand in the name of the DGO it cannot be said that, the DGO was not using that mobile number at the relevant point of time.

25. DGO has been examined as DW1 and he has deposed that, PW3 wanted the name of Smt. Gowramma, the second wife of his father to be excluded from the survival certificate and he objected to the same and in that respect PW3 had ill-will against him. It is pertinent to note that, the DGO has not produced any document to show that, earlier the DGO or his mother had given the genealogical tree excluding the name of Smt. Gowramma. In the absence of the same much reliance cannot be placed on the above said evidence of DW1.

26. DW1 has further deposed that, on 29/06/2011, PW3 came to his office along with another person and he told PW3 that, the publication has to be made and after 30 days

of the same he will give his report. But PW3 and the shadow witness made galata against him and forced him to take amount by holding his shirt collar and he did not agree for the same and at that time the Lokayukta police came and caught hold of another person by name Sri Jagadish and asked him where is the amount and that person produced the amount from his pocket. It is pertinent to note that, this evidence given by DW1 does not find a place in his written statement nor DW1 has lodged any complaint in that respect before the Lokayukta Police or before the regular police. In otherwords it is pertinent to note that, in case PW3 and PW1 had caught hold of the DGO and assaulted him by saying that he should receive the amount he should have given the complaint in that respect and there is no such complaint and such a stand is also not taken in Ex.P5 which is the statement of the DGO immediately after the trap and hence the above evidence of DW1 cannot be believed.

27. DW1 has produced the copies of the deposition of PW3, Sri Ramachandra M.C., PW2, Sri Jagadish and Sri C. Vagish (PW1) in the criminal case as per Ex.D2 to D7 respectively. Mere production of the evidence of the above said witnesses in the criminal case does not help the DGO in this departmental enquiry when no omission or contradiction is made out. Hence, Ex.D2 to D7 are not of any help to the DGO in this enquiry and this enquiry has to be decided on the basis of the evidence adduced in this enquiry.

28. DW1 in his cross-examination has deposed that, he has studied up to PUC and there is no ill-will between himself and Sri Jagadish and in this enquiry the above said Sri Jagadish from whom the tainted currency notes have been seized is also examined by the DGO to prove his defence. He has deposed that, Ex.P11 is the reply given by him to the observation note and Ex.P12 is his written statement and in Ex.P11 and P12 the above said defence of the DGO is not at all mentioned. Hence, it has to be said that, the above said defence deposed by DW1 in his evidence is an after thought to overcome this case and the above said defence evidence of DW1 cannot be given much weight.

29. No doubt in this enquiry the recorded audio or video CD's are not produced but on that ground only the case of the Disciplinary Authority cannot be doubted as the proof required to prove the charge in the domestic enquiry is preponderance of probability and not proof beyond all reasonable doubt. In this case there is the believable evidence of PW1 to PW3 coupled with the documents marked on the side of the Disciplinary Authority already discussed above, which clearly supports the case of the Disciplinary Authority. The facts and circumstances of this case stated above only probablise the case of the Disciplinary Authority and not the case of the DGO.

30. Thus the charge that the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner

of unbecoming Government Servant is proved. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

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

**:: REPORT ::**

*The Disciplinary Authority has satisfactorily proved the charge that the DGO- Sri G.V. Thippeswamy, Village Accountant, Navilehal Circle, Channagiri Taluk, **Davanagere District**, demanded for the bribe amount and accepted the bribe amount of Rs. 2,000/- from the complainant on 29/06/2011 through one Sri H.S. Jagadish s/o Sri Siddappa, for doing an official act and thereby committed misconduct under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 28<sup>th</sup> day of December, 2020

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

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

- PW-1: Sri Vagish (shadow witness)  
PW-2: Sri Nagaraj M. Madalli (I.O.)  
PW-3: Sri Govardhan Giri Shyam N. R. (complainant)

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

- DW-1: Sri G.V. Thippeswamy (DGO)

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

- Ex.P-1: Certified copy of the Entrustment Mahazar  
Ex.P-1(a to d): Signatures  
Ex.P-2: Certified copy of the Trap Mahazar  
Ex.P-2(a to e): Signatures  
Ex.P-3: Certified copy of the complaint  
Ex.P-3(a,b): Signatures  
Ex.P-4: Certified copy of the FIR  
Ex.P-5: Certified copy of the explanation of DGO  
Ex.P-5(a to e); Signatures  
Ex.P-6: Xerox copy of the statement of Sri Jagadish  
Ex.P-6(a to d): Signatures  
Ex.P-7: Xerox copy of the chemical examination report  
Ex.P-8: Certified copy of the notes number and denomination mentioned white sheet (total three sheets)  
Ex.P-9: Certified copy of the Xeroxed photos on the white sheet (Total 16 sheets)  
Ex.P-10: Certified copy of the rough sketch  
Ex.P-11: Certified copy of the reply of the DGO to the observation note  
Ex.P-11(a): Signature  
Ex.P-12: Original written statement of DGO  
Ex.P-12(a): Signature

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

- Ex.D-1: Certified copy of the relevant portion of the complainant deposition in Special Case No. 05/2012
- Ex.D-2: Certified copy of the deposition of Sri Govardhana giri Shyam N.R in special C.C. No. 5/12 (containing 7 sheets)
- Ex.D-3: Certified copy of the deposition of Sri Ramachandra M.C. in Special C.C. No. 5/2012
- Ex.D-4: Certified copy of the deposition of Sri Subhash Shivappa Pattanashetty in Special C.C. No. 5/2012
- Ex.D-5: Certified copy of the deposition of Sri Nagaraj M. Madalli in Special C.C. No. 5/2012
- Ex.D-6: Certified copy of the deposition of Sri Jagadish in Special C.C. No. 5/2012
- Ex.D-7: Certified copy of the deposition of Sri C. Vageesh in Special C.C. No. 5/2012

Dated this the 28<sup>th</sup> day of December, 2020

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