

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/403/2011/ARE-3

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 05/09/2019

RECOMMENDATION

Sub:- Departmental inquiry against Smt. Sukanya W/o Bhimsen Harvalkar, Incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Aiwan-E-Shahi, Kalaburagi - Reg.

Ref:-1) Government Order No.ಇಡಿ 442 ಪಿಎಂಸಿ 2011 Bengaluru dated 31/10/2011.

- 2) Nomination order No.LOK/INQ/14-A/403/2011 Bengaluru dated 10/11/2011 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 31/08/2019 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 31/10/2011 initiated the disciplinary proceedings against Smt. Sukanya W/o Bhimsen Harvalkar, Incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Aiwan-E-Shahi, Kalaburagi (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/403/2011 dated 10/11/2011 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by her.

3. The DGO Smt. Sukanya W/o Bhimsen Harvalkar, Incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Aiwan-E-Shahi, Kalaburagi was tried for the following charge:-

“That you, Smt. Sukanya W/o Bhimsen Harvalkar (herein after referred to as Delinquent Government Official, in short DGO), while working as the I/c. Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga demanded and accepted a bribe of Rs.1000/- on 05/03/2009 from complainant Smt. Leelavathi W/o Vasantarao Gayakwad R/o Panchasheela Nagar, Gulbarga for issuing transfer certificates of Miss. Renuka and Miss. Dhanashree, daughters of 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”.

4. The Inquiry Officer (Additional Registrar of Enquiries-3) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against Smt. Sukanya W/o Bhimsen Harvalkar, Incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Aiwan-E-Shahi, Kalaburagi.

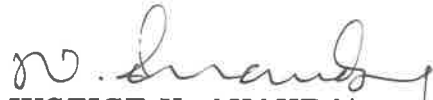
5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO Smt. Sukanya W/o Bhimsen Harvalkar, she has retired from service on 31/03/2016 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Smt. Sukanya W/o Bhimsen Harvalkar, it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO Smt. Sukanya W/o Bhimsen Harvalkar, Incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Aiwan-E-Shahi, Kalaburagi.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 5/9
Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/403/2011/ARE-3

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

Date: 31.8.2019

Enquiry report

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

Sub: Departmental Enquiry against Smt. Sukanya W/o
Bhimsen Harvalkar, I/c Head Mistress, Mahila Seva
Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga
- reg

Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta
Act, 1984, in No. Compt/UPLOK/GLB/166/2011/ARE-6
dated 8.9.2011
2. Government Order No. ED 442 PMC 2011 Bengaluru dated
31.10.2011
3. Nomination Order No.LOK/INQ/14-A/403/2011
Dated 10.11.2011 of Hon'ble Upalokayukta,
Karnataka State, Bengaluru.

1. The complainant Smt. Leelavathi W/o Vasantarao Gayakwad R/o Panchasheela Nagar, Gulbarga (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Gulbarga on 5.3.2009, against Smt. Sukanya W/o Bhimsen Harvalkar, I/c Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga (hereinafter referred to as 'DGO' for short) making allegations against her that, she/DGO is demanding her to pay Rs.1000/- as bribe, in order to issue her the transfer certificates of her two daughters, who were studying in the said school till 7th standard.

2. On registering a case on the basis of the said complaint, a trap was held on 5.3.2009 in the chamber of the Head Mistress of Mahila Samaj Higher Primary School, Gulbarga, wherein, the DGO having demanded bribe from the complainant, received the said bribe amount of Rs. 1000/- from her. The tainted notes of Rs. 1000/- were found lying on the floor beneath an almirah by the side of the chair of the DGO, as the DGO on seeing Lokayukta police coming inside her chamber, threw away that money which she was holding, on the floor. Since it was revealed during investigation that, the DGO has demanded bribe of Rs.1000/- from the complainant and received the same, in order to do an official act of issuing transfer certificates of the two daughters of the complainant, who studied upto 7th standard in the said school, the Police Inspector having conducted investigation, filed charge sheet against the DGO.
3. The ADGP, Karnataka Lokayukta, Bengaluru has forwarded the copy of the charge sheet to the Hon'ble Upalokayukta. On the basis of the materials collected during investigation and materials placed before this authority, an investigation was taken up under Section 7(2) of the Karnataka Lokayukta Act. An observation note was served on the DGO, providing her an opportunity to show-cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against her. DGO has submitted her reply dated 10.8.2011 denying the allegations made against her contending that, she never demanded or received any money by way of bribe from the complainant, and she has been falsely implicated. It is her further contention that, Mahila Seva Samaj Primary School is an aided school being run by the Management of Mahila Seva Samaja, Educational Association and since the management have asked the Head Master to collect money by way of donation while issuing transfer certificates to the outgoing

students, in obedience to the direction issued by the management, Incharge Head Master asked the complainant to pay Rs. 500/- per transfer certificate and further claimed that, she/DGO received that amount of Rs. 1000/- from the complainant by way of donation, while issuing transfer certificates pertaining to her two daughters, as per the direction of the Management. It is her further contention that, while giving her explanation in writing on the day of trap, she has specifically stated that, she received that amount from the Complainant by way of donation, but not by way of bribe. According to her, the Police Inspector refused to accept her explanation and falsely charge sheeted her. She has further contended that, she never demanded any money by way of bribe and never received that amount of Rs. 1000/- from the complainant by way of bribe, and requested this authority to drop the proceedings against her.

4. 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 the DGO and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the Disciplinary Authority, i.e., Education Department by its order in No. ED 442 PMC 2011 Bengaluru dated 31.10.2011, initiated disciplinary proceedings against the DGO and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against DGO, the Hon'ble Upalokayukta issued a nomination order dated 10.11.2011 nominating ARE-3 to frame charges and to conduct enquiry against the DGO. Accordingly, charges were framed by the then ARE-3 against the DGO as under.

“Charge:

That you, Smt. Sukanya W/o Bhimsen Harvalkar (here in after referred to as Delinquent Government Official, in short DGO), while working as the I/c Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga demanded and accepted a bribe of ₹1000/- on 05/03/2009 from complainant Smt Leelavathi W/o Vasantarao Gayakwad R/o Panchasheela Nagar, Gulbarga for issuing transfer certificates of Miss. Renuka and Miss. Dhanashree, daughters of 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.

STATEMENT OF IMPUTATION OF MISCONDUCT:

The complainant Smt. Leelavathi W/o Vasantarao Gayakwad R/o Panchasheela Nagar, Gulbarga filed a complaint on 05/03/2009 before the Police Inspector, Karnataka Lokayukta, Gulbarga alleging that her two daughters Renuka and Dhanushree were studying in Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga and that the complainant was in need of the transfer certificates of her daughters Dhanushree and Renuka and they had passed 7th Standard from Mahila Seva Samaja Higher Primary School, Gulbarga and that she had approached Smt. Sukanya W/o Bhimsen Harvalkar, I/c Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga (here in after referred to as Delinquent Government Servant, in short DGO)

for issuing transfer certificates and that the DGO made the complainant to come to her again and again on one pretext or other and for three months the DGO did not issue the Transfer certificates of the daughters of the complainant and that ultimately the DGO demanded bribe of Rs. 500/- for issue of each of the transfer certificates and in all she demanded a bribe of Rs. 1,000/- from the complainant and on 02/03/2009 the complainant went to Lokayukta P.S. Gulbarga and informed the fact of the DGO demanding the bribe and at that time a small voice recorder was given to her and again she went to the DGO on 02/3/2009 and when she asked the DGO to issue Transfer certificates of her daughter, the DGO again demanded the bribe of Rs. 1,000/- and the said conversation was recorded by the complainant in the voice recorder and as the complainant was not having Rs. 1,000/- she could arrange for the same on 05/03/2009.

As the complainant was not willing to pay any bribe to the DGO, she went to Police Inspector, Karnataka Lokayukta Gulbarga on 05/03/2009 and lodged a complaint. On the basis of the same a case was registered in Gulbarga Lokayukta Police Station Cr. No. 03/2009 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 05/03/2009 by the Investigating Officer after your demanding and accepting the

bribe amount of ₹1000/- from the complainant in the presence of shadow witness and the said bribe amount which you had received from the complainant was seized under the seizure mahazar after following the required post trap formalities. During the investigation the I.O has recorded the statements of Panchas and other witnesses and further statement of the complainant. The I.O during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.

The materials collected by the I.O. during the investigation prima facie disclose that you, the DGO, demanded and accepted bribe of ₹ 1000/- from the complainant on 05/03/2009 for doing an official act i.e., for issuing transfer certificates of Miss. Renuka and Miss. Dhanashree, daughters of 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 Section 12(3) of the Karnataka Lokayukta, Act 1984, to initiate Departmental Proceedings against you, the DGO. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to

conduct departmental/disciplinary proceedings against you, the DGO and to submit report. Hence the charge.”

5. The Articles of Charges and Statement of Imputations are duly served on the DGO. DGO has appeared in response to the notice issued to her and First Oral Statement of the DGO was recorded. DGO has denied the charges framed against her. She has engaged the services of an Advocate to appear on her behalf and to defend her, in the enquiry.
6. DGO has filed her written statement on 4.9.2012, denying the allegations made against her contending that, she never demanded or received any money by way of bribe from the complainant and she has been falsely implicated. She has reiterated the same contention she has urged in her written explanation and also in her reply to the observation note contending that, the President of the Mahila Seva Samaja, Education Association on behalf of the management, has directed the Head Master to collect Rs. 500/- per student by way of donation towards development of the school, while issuing T.C. to the outgoing students and she being the employee of the said school was under an obligation of the management and only implemented the said direction issued by the President and received Rs. 1000/- from the complainant by way of donation, while issuing transfer certificate of her two daughters. It is her specific contention that, as the Head Mistress of the said school and being a public servant, she never committed any act of misconduct in insisting the complainant to pay Rs. 500/- per transfer certificate by way of donation, towards betterment fund of the school and collected Rs. 1000/- as per the direction of the management and she requested this authority to absolve her from the charges levelled against her.

7. During enquiry, on behalf of disciplinary authority, 3 witnesses have been examined as PW1 to PW3 and 11 documents came to be marked as Ex-P1 to Ex-P11. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGO was recorded. Since, DGO desired to lead defence evidence, permission was granted to her accordingly. DGO has examined herself as DW1 and two documents came to be marked as Ex-D1 and Ex-D2 during her defence evidence, in support of her defence.
8. Thereafter, the learned Presenting Officer has filed written arguments. The learned counsel for DGO has submitted written arguments. Thereafter, this matter is taken up for consideration.
9. 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?

10. The above points are answered as under:

Point No.1: In the 'Affirmative'

Point No.2: As per Conclusion.

REASONS

Point No.1:-

11. DGO was working as incharge Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga during the relevant period. The said school was being run by the management of Mahila Seva Samaja Samste, a Registered Society and the said school is fully aided by the Government

12. The complainant in her complaint has narrated in detail the circumstances under which she has filed this complaint against the DGO. According to her, her 2 daughters Kum. Renuka and Kum. Dhanashree have studied in the said school and passed 7th standard. She has applied for issue of transfer certificate of her 2 daughters, in order to apply for some employment for her 2 daughters. It is her allegation that, she was made to roam around for about 2 to 3 months without issuing her the required transfer certificates of her 2 daughters and when she met the DGO and requested her for issuing her the transfer certificates of her 2 daughters, DGO has insisted her to bring Rs. 500/- per transfer certificate saying that, no receipts will be issued for the said amount. Since Head Mistress/DGO demanded her to pay Rs.500/- each for issuing transfer certificates of her 2 daughters and since she/Complainant was not willing to pay that amount, approached Lokayukta police, Gulbarga on 2.3.2009 and informed the Police Inspector about the demand for bribe being made by the DGO. The Police Inspector gave her/complainant a voice recorder asking her to contact the DGO again and to discuss with her about issue of transfer certificates of her 2 daughters with the DGO and to record the conversation with her, regarding demand for bribe being made by her. Accordingly, the complainant having taken the voice recorder with her, approached the DGO and discussed with her about issue of transfer certificates of her 2 daughters and during the course of the said conversation, DGO has insisted her to pay Rs. 1000/- in order to issue the required certificates. Having recorded the said conversation with the DGO in the voice recorder entrusted to her, the complainant has approached the Police Inspector, Karnataka Lokayukta, Gulbarga on 5.3.2009 and filed a written complaint as per Ex-P1 and produced the conversation she has recorded with the DGO, in the voice recorder entrusted to her.

13. On the basis of the complaint so filed by the complainant on 5.3.2009 the Police Inspector, Karnataka Lokayukta, Gulbarga has registered a case in Cr. No. 3/2009 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 Lokayukta Police Station on 5.3.2009 in the presence of two panch witnesses viz., Sri Sri.Rajkumar, FDA from the office of the Spl. LAO and Smt.Sonamma, SDA from the District Hospital and in the said proceedings, the bait money of Rs. 1000/- consisting of 10 currency notes of Rs. 100/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes were entrusted to the Complainant asking her to give that money to the DGO when she meets her and only in case if the DGO demands for money. Panch witness Sri Sonamma was sent along with the complainant, as a shadow witness. Complainant was entrusted with a voice recorder, asking her to switch on the same when she meets the DGO and to record the conversation with her, while paying money to her.
15. The complainant and the shadow witness were taken to the said school and sent them to meet the DGO. When the complainant accompanied with the shadow witness met the DGO in her chamber, the complainant requested the DGO for issue of transfer certificates of her two daughters, DGO gave her two transfer certificates on obtaining her signature in the relevant register and thereafter, the DGO enquired her about the money. When the complainant gave tainted notes of Rs. 1000/- to her, DGO having received that money with her right hand, was holding the money in her hand. The complainant having received those certificates from the DGO, came

out of the chamber of the DGO and gave pre-arranged signal to the Police Inspector.

16. On receiving the signal, the Police Inspector and his staff and another panch witness approached the complainant and the complainant took them inside the chamber of the DGO and showed the DGO and told the Police Inspector that, she is the concerned Head Mistress and she has received money from her.
17. The Police Inspector introduced himself to the DGO and explained to her about the registration of a case against her and asked her to cooperate in the investigation. DGO disclosed her name as Smt. Sukanya W/o Bhimsen Harvalkar, I/c Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga.
18. Thereafter, the hand wash of DGO was obtained, asking her to wash her both hand fingers separately in two separate bowls containing sodium carbonate solution. When DGO washed her right hand fingers and left hand fingers separately in two separate bowls containing sodium carbonate solution, the colourless solution in both the bowls turned into pink colour. Those pink coloured solution of right hand wash and left hand wash of the DGO, were collected in two separate bottles and sealed the same.
19. Thereafter, the Police Inspector asked the DGO about the money she has received from the complainant. DGO told the Police Inspector that she has not received the said money from the complainant as bribe but, she received that amount by way of donation and on seeing them/Police Inspector, she claimed to have thrown away those notes beneath the almirah in her chamber and showed the place beneath the almirah where the notes were found lying

scattered there. With the help of panch witness Rajakumar, those notes which were found lying beneath the almirah were got collected and those notes were cross checked with reference to its serial numbers and confirmed that, those were the notes entrusted to the complainant during entrustment proceedings. Those notes were kept in a separate cover and sealed the same.

20. With the help of a cotton swab, the place where those notes were found lying on the ground beneath the almirah, was got swabbed and the said cotton swab when dipped in a separate bowl containing sodium carbonate solution, the colorless solution in the said bowl turned into pink color. The said pink colored solution was collected in a separate bottle and sealed the same and seized along with the cotton swab.
21. The Police Inspector asked the DGO to give her explanation in writing. DGO gave her explanation in writing as per Ex-P6. The complainant has denied the correctness of the version of the explanation given by the DGO, claiming it as false and incorrect.
22. The Police Inspector asked the DGO to produce the relevant documents pertaining to the complainant. DGO has produced two registers and also the application filed by the complainant and supporting affidavit pertaining to two transfer certificates applied for by the complainant. The attested copies of those documents have been seized as per Ex P4. The extract of the attendance register was also seized as per Ex P5. The original transfer certificates received by the complainant have been produced by her. Having verified those T.Cs returned to the complainant.

23. The voice recorder entrusted to the complainant was taken back from her and it was played in the presence of the DGO. But the conversation found recorded in it was not clearly audible due to the noise of the students. The Photographs of all these proceedings were got obtained as per Ex P9. A detailed mahazar was got prepared as per Ex-P7 incorporating all the details of the trap proceedings.
24. Since the DGO has not disputed the fact of demanding Rs. 500/- each per transfer certificate from the complainant and receipt of Rs. 1000/- from her on issuing her the 2 transfer certificates of her daughters, on the day of trap, I need not discuss in detail the evidence given by PW1 to PW3, with regard to entrustment and trap proceedings.
25. The complainant who is examined as PW1 has stated in detail explaining the circumstances under which she has filed the complaint against the DGO as per Ex-P1. She along with PW2 and PW3 have deposed regarding conducting of entrustment proceedings in the Lokayukta Police Station and entrustment of tainted notes of Rs. 1000/- to her/PW1 in the said proceedings.
26. So far as the happenings took place in the chamber of the DGO when the complainant met her in her chamber are concerned, both the complainant and shadow witness have narrated in detail about those happenings. The complainant has stated that, when she requested the DGO for issuing the transfer certificates of her 2 daughters, DGO told her that, the TCs are kept ready and asked her as to whether she has brought the fees as demanded. It is the evidence of the complainant that, she told the DGO that, she has brought money and took out tainted notes of Rs. 1000/- and kept

the said money on the table of the DGO. Thereafter, DGO gave her the 2 transfer certificates of her 2 daughters and she having received the same, came out of the chamber of the DGO and gave pre-arranged signal to the Police Inspector. Even PW2/shadow witness has confirmed these happenings deposing that, the complainant enquired the DGO in her chamber, about the TCs of her daughters and the DGO took out a register from her almirah and took out 2 TCs from the said register and gave those TCs to the complainant and thereafter, the complainant gave the tainted notes to the DGO and DGO having received the said money and went near the almirah to keep the register and the money in the almirah and in the meantime, the complainant went out of the chamber of the DGO to give signal and returned inside the chamber of the DGO along with the Police Inspector and his staff and on seeing them the DGO who was found holding the notes, threw away those notes on the floor.

27. PWs 1 to 3 have narrated in detail regarding the various procedures conducted on the DGO including obtaining of hand wash of both the hands of the DGO which gave positive result regarding presence of phenolphthalein, recovery of tainted notes from the place beneath the almirah which were found lying on the floor beneath the almirah, giving of explanation by DGO as per Ex-P6, seizure of documents including the application filed by the complainant for issue of transfer certificates of her 2 daughters, since produced by DGO on taking out the same from her almirah, obtaining of photographs of the entire trap proceedings, preparation of trap mahazar etc.,
28. Since PW1/complainant and PW2/shadow witness, while giving their evidence in their chief examination, since omitted to give certain material particulars, they have been treated as partly hostile

witnesses and they have been cross examined by the learned Presenting Officer only to that extent, in order to extract the details which they have omitted to give in their chief examination. During their cross examination, various suggestions have been put to them and extracted the details omitted by them while giving their evidence in their chief examination.

29. The learned counsel for DGO has cross examined both PW1 and PW2 at length. Various suggestions put to PW1 during her cross examination have been answered by her positively thereby, giving positive answers to the suggestions put to her during her cross examination by learned counsel for DGO. Even PW2 has been cross examined at length by the learned counsel for DGO and various suggestions put to her, have been denied by her.
30. PW3/IO in his evidence has stated in detail regarding the complainant approaching him on 2.3.2009 and entrustment of voice recorder to her on that day. He further gave details regarding the complainant again approaching him on 5.3.2009 and on producing the voice recorder entrusted to her, gave a written complaint as per Ex-P1 and on the basis of that complaint, he registered a case against the DGO and took up investigation. He narrated in detail regarding conducting of entrustment proceedings and entrustment of tainted notes of Rs.1000/- to the complainant, in the said proceedings.
31. He gave details regarding the trap proceedings, he has conducted in the chamber of the DGO contending that, the complainant and shadow witness were sent inside the chamber of the DGO to meet her. He has further stated about the complainant giving pre-arranged signal to him on coming out of the chamber of the DGO

and on receiving signal from the complainant, he claimed that, he and his staff went inside the chamber of the DGO and complainant showed him the DGO claiming that, she is the concerned Head Mistress and she has received money from him. He gave evidence regarding obtaining of hand wash of both the hands of the DGO which gave positive result, recovery of tainted notes which were found lying on the floor beneath the almirah, in the chamber of the DGO and seizure of the same. He also gave details regarding the procedure conducted in obtaining swab of the place where those notes were found lying on the ground beneath the almirah, by using a cotton swab and the said cotton when subjected to phenolphthalein test, gave positive result, giving of explanation by the DGO as per Ex-P6 and denial of the version of the explanation given by the DGO by the complainant, seizure of the certificates issued by the DGO to the complainant on receiving money from her and seizure of the records pertaining to the complainant as per Ex-P4. He further gave evidence with regard to the voice recorder entrusted to the complainant stating that, it was taken back from her and it was played in the presence of the DGO, but the conversation found recorded in it was not clearly audible due to the noise of the students. He has also narrated about obtaining photographs of all these proceedings as per Ex P9 and other details of the trap proceedings including preparation of trap mahazar as per Ex-P7. He further deposed regarding the various steps he has taken at various stages of his investigation, including sending of seized articles to FSL for chemical examination and receipt of report of the chemical examiner as per Ex-P11.

32. The learned counsel for DGO thoroughly cross examined PW3/IO by putting various suggestions to him and all those suggestions have been categorically denied by the IO. On considering the cross

examination portion of PW3, nothing was elicited to disbelieve the evidence given by PW3 in his chief examination.

33. DGO has adduced her defence evidence by examining herself as DW-1 and tendered her evidence by way of sworn affidavit in lieu of her chief examination and reiterated her defence contention that, she never demanded or received Rs. 1000/- by way of bribe, from the complainant and she has been falsely implicated. She has reiterated her contention that, on the day when the complainant filed the application requesting for issue of transfer certificates of her 2 daughters, she/DGO was on leave and incharge Head Master while receiving the application from the complainant, instructed her to pay Rs. 500/- per transfer certificate as per the direction of the school management and contended that, she never demanded the complainant for payment of money but, it was the incharge Head Master who asked the complainant for money, as per the direction of the management. In support of her contention she has produced one letter dated 28.5.2006 issued by Smt. Tara Devi Rampoore, President, Mahila Seva Samaja Association addressed to the Head Mistress of Mahila Seva Samaja, Higher Primary School wherein, the President on behalf of the Management issued direction to the Head Master under the said letter, to collect Rs. 500/- from each candidate while issuing transfer certificate. The relevant portion of the said letter reads as follows:

“ವಿಷಯ: ಪಾಲಕರಿಂದ ಸಹಾಯಧನ ಸ್ವೀಕರಿಸುವ ಬಗ್ಗೆ

ಮಹಿಳಾ ಸೇವಾ ಸಮಾಜ ಹಿರಿಯ ಪ್ರಾಥಮಿಕ ಶಾಲೆಯು ಅನುದಾನಿತ ಶಾಲೆಯಾಗಿರುವುದರಿಂದ ಸರ್ಕಾರ ನಿಗದಿಪಡಿಸಿದ ಫೀಸಿನ ಹೊರತಾಗಿ ಯಾವದೇ ತರಹದ ಅನಧಿಕೃತ ಫೀಸು ಮತ್ತು ದೇಣಿಗೆಯನ್ನು, ಮಕ್ಕಳು ಮತ್ತು ಪಾಲಕರಿಂದ, ಮಕ್ಕಳು ಶಾಲೆಯಲ್ಲಿ ಪ್ರವೇಶ ಪಡೆದ ದಿನಾಂಕದಿಂದ ಶಾಲೆ ಬಿಟ್ಟು ಹೋಗುವವರೆಗೆ ಸಂಗ್ರಹಿಸುತ್ತಿಲ್ಲ.

ಶಿಕ್ಷಣ ಅಧಿನಿಯಮದ ಪ್ರಕಾರ, ನಿಯಮ 10(ಸಿ) ಅಡಿಯಲ್ಲಿ, ಮಕ್ಕಳಿಂದ ತಲಾ ರೂ. 500/- ರಂತೆ ವಾರ್ಷಿಕ ವಿಷೇಶ ಅಭಿವೃದ್ಧಿ ಫೀಸನ್ನು ಸಂಗ್ರಹಿಸಲು ಅವಕಾಶವಿದೆ. ಈ ವಿಷೇಶ ಅಭಿವೃದ್ಧಿ ಫೀಸನ್ನು ಸಂಗ್ರಹಿಸಿದಲ್ಲಿ, ಶಾಲಾ ಅಭಿವೃದ್ಧಿ ಕೆಲಸಗಳಿಗಾಗಿ, ಕಾವಲುಗಾರ, ಸಿಪಾಯಿ, ಶೌಚ ಸ್ವಚ್ಛಕರ್ತ, ಇವರ ವೇತನದ ಜೊತೆಗೆ ಸಾದಿಲ್ವಾರು, ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಪರೀಕ್ಷಾ ವೆಚ್ಚಗಳನ್ನು ಭರಿಸಲು ಅನುಕೂಲವಾಗುವುದು. ಮತ್ತು ಆಡಳಿತ ಮಂಡಳಿಯು ಭರಿಸಬೇಕಾದ ಹೆಚ್ಚಿನ ಆರ್ಥಿಕ ಭಾರವು ಕಡಿಮೆಯಾಗುವುದು. ಆದರೆ ಶಾಲೆಯಲ್ಲಿ ಅಭ್ಯಸಿಸುವ ಬಹಳಷ್ಟು ಮಕ್ಕಳು ಕಡು ಬಡತನದಿಂದ ಬಂದವರಾಗಿದ್ದರಿಂದ, ಅವರು ಈ ಫೀಸನ್ನು ಕೊಡುವ ಸ್ಥಿತಿಯಲ್ಲಿ ಇಲ್ಲ.

ಶಾಲೆಯಲ್ಲಿ ಅಭ್ಯಸಿಸುವ ಕೆಲವು ಸ್ಥಿತಿವಂತ ಮಕ್ಕಳ ಪಾಲಕರು/ಪೋಷಕರು ತಮ್ಮ ಸ್ವ ಇಚ್ಛೆಯಿಂದ ತಮ್ಮ ಕೈಲಾದ ಮಟ್ಟಿಗೆ ಶಾಲೆಗೆ ಧನ ಸಹಾಯ ಮಾಡುವ ಬಗ್ಗೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯ ವ್ಯಕ್ತ ಪಡಿಸಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಹಾಗೂ ಆಡಳಿತ ಮಂಡಳಿಯ ಸಂಪನ್ಮೂಲದ ಕೊರತೆಯ ಕಾರಣದ ಮೇರೆಗೆ ಅಂತಹವರಿಂದ ಧನ ಸಹಾಯ ಪಡೆದು ಸದರಿ ಆರ್ಥಿಕ ಭಾರವನ್ನು ಸರಿದೂಗಿಸಿಕೊಳ್ಳುವುದು ಸೂಕ್ತ ಹಾಗೂ ಸಮಂಜಸವೆಂದು ಕಂಡುಬಂದಿದೆ.

ಪ್ರಯುಕ್ತ ಶಾಲೆಯ ಆರ್ಥಿಕ ಭಾರವನ್ನು ಕಡಿಮೆ ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕಾಗಿ ಪಾಲಕ/ಪೋಷಕರಿಗೆ, ಅವರ ಮಕ್ಕಳು ಈ ಶಾಲೆಯನ್ನು ಬಿಟ್ಟು ಹೋಗುವಾಗ ಮಾತ್ರ ಧನ ಸಹಾಯವನ್ನು ಮಾಡಲು ಮನವೊಲಿಸುವುದು. ಇದಕ್ಕೆ ಯಾವದೇ ತರಹದ ಒತ್ತಾಯಕ್ಕೆ ಆಸ್ಪದವಿರುವದಿಲ್ಲ. ತಮ್ಮ ಸ್ವ ಇಚ್ಛೆ ಹಾಗೂ ಸಂತೋಷದಿಂದ ತಮ್ಮ ಕೈಲಾದಷ್ಟು ನೀಡಿದ ಧನ ಸಹಾಯವನ್ನು ಸ್ವೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಆದೇಶಿಸಲಾಗಿದೆ.”

34. DGO has also produced the copy of the deposition of Smt. Annapurna the President of Mahila Seva Samaja, Education Association, Kalburgi who was examined as PW9 during the Trial of Spl.C. No. 268/2011 before Principal District and Session Judge and Spl.Court, Kalburgi. While giving evidence, Smt. Annapurna deposed before the said court that, after the death of her mother-in-law Smt. Tara Devi Rampure, she became the President of the said Association and at the request of Lokayukta police, she issued order of sanction to prosecute the DGO before the Spl.Court as the President is the Authority who has got power to appoint and remove the staff of the said school. She has admitted while giving evidence

before the Sessions Court that, the letter dated 28.5.2006 (Ex-D1) was issued by her mother-in-law on behalf of the Management, in the capacity of the President of Mahila Seva Samaja Educational Institution.

35. By producing these 2 documents, DGO has taken up a specific contention in her defence evidence that, since the management issued directions to collect Rs. 500/- from each candidate while issuing transfer certificates to them, by way of donation, to be utilized for betterment of the school, she received Rs. 1000/- from the complainant on the day of trap, while issuing 2 transfer certificates of her 2 daughters.
36. DGO has taken up a further contention in her defence evidence that, on receiving the transfer certificates, the complainant herself kept Rs. 1000/- on her table and though she/DGO asked her/complainant to wait so that she can draw receipt for the said amount and give that receipt to her but, the complainant without waiting for her to draw the receipt went out of her chamber and brought Lokayukta police inside her chamber. But this contention taken by the DGO in her sworn affidavit produced in lieu of her chief examination cannot be believed for the simple reason that, she never took such a contention while furnishing her reply to the observation note or while filing her written statement in this enquiry. But such a contention was taken by way of putting suggestion to the complainant during her cross examination. But the complainant has denied this suggestion. Therefore, this contention taken by the DGO that, she asked the complainant to wait so that she can prepare a receipt for the amount she has received and give it to her and the complainant without waiting for her to draw the receipt, left her chamber, cannot be believed.

37. But the DGO has taken up a stand that, she never received that amount of Rs. 1000/- from the complainant by way of bribe but, she has received that amount by way of donation, as per the directions issued by the management to collect Rs. 500/- from each out going student while issuing TCs to such students. In the written explanation given by her as per Ex-P6 on the day of the trap, she has taken up the very same contention which reads as follows:

“ ಈ ಶಾಲೆಯು ಅನುದಾನಿತ ಶಾಲೆಯಾಗಿದ್ದು, ಇದು ಆಡಳಿತ ಮಂಡಳಿಯಿಂದ ನಡೆಯುತ್ತಿದೆ. ನಾವೆಲ್ಲ ಆಡಳಿತ ಮಂಡಳಿಯ ಕೆಲವೊಂದು ಆದೇಶದ ಪ್ರಕಾರವೇ ನಡೆಯುತ್ತೇವೆ. ಈ ಶಾಲೆಗೆ ಮಕ್ಕಳಿಂದ ಫೀಸನ್ನು ತೆಗೆದು ಕೊಳ್ಳಲಾಗುವುದಿಲ್ಲ. ಆದರೆ ಟಿ.ಸಿ. ತೆಗೆದುಕೊಂಡು ಹೋಗುವಾಗ ಪಾಲಕರು ನಮಗೆ ಸಹಾಯ ಮಾಡಲು ಕೇಳುತ್ತೇವೆ. ಆ ಸಹಾಯದ ಹಣದಿಂದಲೇ ನಮ್ಮ ಶಾಲೆಗೆ ಅನಕೂಲ ಮಾಡಿಕೊಳ್ಳಲು ಹಾಗೂ ಕೆಲವೊಂದು ಖರ್ಚುಗಳನ್ನು ನೋಡಿಕೊಳ್ಳಲು ಆಡಳಿತ ಮಂಡಳಿಯವರು ಆದೇಶ ಇರುವುದರಿಂದ ಆ ತರಹದ ಸಹಾಯವನ್ನು ಪಾಲಕರಿಂದ ಕೇಳುತ್ತೇವೆ. ಇದರಲ್ಲಿ ಯಾವ ಪಾಲಕರಿಗೆ ಹೊರೆ ಆಗದಂತೆ ಅವರು ಸಂತೋಷದಿಂದ ಕೊಡಲು ಒಪ್ಪಿದರೆ ತೆಗೆದುಕೊಳ್ಳಲು ಅನುಮತಿ ಇದೆ. ಅದೇ ರೀತಿ ನಾವು ತೆಗೆದುಕೊಂಡ ಹಣವನ್ನು ಶಾಲೆಯ ಉಪಯೋಗಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಲು ಆಡಳಿತ ಮಂಡಳಿಯವರ ನಮಗೆ ಒಪ್ಪಿಗೆ ಕೊಡುತ್ತಾರೆ. ಪಾಲಕರು ಸಹಾಯ ಕೊಡಲು ನಿರಾಕರಿಸಿದರೆ ಅವರಿಗೆ ನಾವು ಒತ್ತಾಯ ಮಾಡುವುದಿಲ್ಲ.”

38. Even while furnishing her reply to the observation note, she has taken up a specific contention that, she never received that amount from the complainant by way of bribe but, since the school is being run by the management and receiving salary grant from the Government, she is discharging her duties as per the directions of the management and since the management directed her to receive Rs. 500/- from each out going students while issuing TCs to such students, she received Rs. 1000/- from the complainant on issuing TCs of her 2 daughters, to her. Even in her written statement she

has taken up the very same contention that, as per the direction of the management, they will ask the parents of the students to help the school by donating money and since the management committee has instructed them to collect funds for development of the school without burdening the parents, Rs. 1000/- was received from the complainant while issuing TCs of her 2 daughters, by way of donation, as per the direction of the management.

39. The complainant in her complaint used the word 'bribe' claiming that, the DGO as incharge Head Mistress is demanding her to pay Rs. 500/- per TC thereby demanding her to pay Rs. 1000/- for issuing her, the TCs of her 2 daughters. It is her allegation in the complaint that, though no fee is payable for issue of TC, since DGO is demanding Rs. 1000/- by way of bribe, she has filed the complaint against the DGO. Further, while giving evidence she/Complainant has deposed that, DGO has told her that, the fixed fee of Rs. 50/- per candidate as prescribed is not sufficient, since tables and chairs have to be provided to the staff members by providing them the basic infrastructure and since the said school is a private school, management cannot afford to provide table and chair to their staff and asked her to pay Rs. 500/- per TC in order to issue TC for her 2 daughters. She has further stated that, while recording the conversation with the DGO, it was the DGO who insisted her to pay Rs. 500/- per TC as per the orders of the Management.

40. The DGO on taking such a defence contention in her defence evidence, has produced Ex-D1 and D2 in support of her defence contention which I have already discussed at length about these 2 documents. The President of the said Mahila Seva Samaja Education

Association on behalf of the Management issued that letter as per Ex-D1 directing the Head Master to collect Rs. 500/- from each student by way of donation towards the development of the school, and in pursuance of this direction, it is the contention of the DGO that, she has received Rs. 1000/- from the complainant, on giving her the TCs of her 2 daughters. But on going through Ex-D1, there is a clear direction that, the parents of the outgoing students should be requested and they are to be convinced, making them to contribute the amount voluntarily, but no parents should be forced to pay the money, but they should be requested to contribute voluntarily and they should contribute the amount as per their capability out of their own will and pleasure and such amount contributed voluntarily should be accepted.

41. But considering the evidence given by the Complainant, and the averments made in the complaint, she was not willing to pay any extra amount other than the legal fee of Rs. 50/- per TC. Since DGO insisted her to pay Rs. 500/- per TC, in addition to the legal fee, the Complainant having decided to approach Lokayukta Police, filed complaint against the DGO alleging that DGO is demanding money by way of bribe in order to issue TC's of her two daughters. Therefore, it can be concluded that, DGO instead of convincing the Complainant to contribute voluntarily, forced her by insisting her to pay Rs. 500/- per TC. Therefore the demand for money by the DGO, since cannot considered to be the effort made by the DGO, in convincing the Complainant but, forced her by insisting her to pay Rs. 500/- per TC, the DGO cannot take shelter under Ex-D1 and on that basis, cannot contend that, the demand put forth to the Complainant was not by way of bribe but, towards voluntary contribution.

42. Further the conduct of the DGO during the Trap proceedings should be considered. Soon after entry of the Police Inspector in her chamber, she threw away the tainted notes which she had received from the Complainant, beneath the Almirah, and the fact that tainted notes were recovered from the place beneath the Almirah, which were found lying on the floor beneath the Almirah is not at all disputed or denied by the DGO. If the DGO really received that amount from the Complainant by way of voluntary contribution, there was no necessity for her to throw away the notes beneath the Almirah, on seeing the Police Inspector and she could have very well explained to the Police Inspector by producing money claiming that, it was the voluntary contribution made by the Complainant. The fact that, DGO threw away the notes she has received from the Complainant, itself is sufficient to draw an inference regarding the guilty mind of the DGO and her conduct itself is sufficient to conclude that, she received that amount from the Complainant, not by way of voluntary donation but by way of bribe, in order to do an official Act of issuing TC's to the Complainant. Hence, the defence contention taken by the DGO cannot be believed and no reliance can be placed on Ex-D1, since the demand and acceptance of money by the DGO was against the spirit of Ex-D1 and much against the procedure laid down in it, as the DGO has not made any efforts to convince the Complainant to contribute voluntarily but, insisted her to pay Rs. 500/- per TC by way of bribe or illegal gratification. Hence DGO cannot take Ex-D1 to her advantage and on that basis she cannot plead innocence.
43. The Hon'ble Supreme Court in a decision reported in AIR 1968 Page 1292 (Sri S.N. Bose Vs. State of Bihar) have clarified the legal position as to the nature of evidence, an Accused has to produce, to

prove the contention taken by him by way of his defence and the relevant portion of the observation reads as follows:

“A fact is said to be proved when after considering the matters before it, the Court either believes it to exist or considers its existence was so probable that a prudent man ought under the circumstances of the particular case to act upon the supposition that it exists. The proof given by the accused must satisfy the aforementioned conditions. If it does not satisfy those conditions then he cannot be said to, have proved the contrary. In Dhanvantrai Balwantrai v. State of Maharashtra(¹) this Court considered the nature of the proof required to be given by the accused under s. 4 (I). Wherein this, Court held that, the burden resting on the accused person in such a case would not be as light as that placed on him under s. 114 of the Evidence Act and the same cannot be held to be discharged merely by reason of the fact that the explanation offered by him is reasonable and probable. It must further be shown that the explanation is a true one. The words 'unless the contrary is proved' which occur in that provision make it clear that the presumption has to be rebutted by proof and not by a bare explanation which is merely plausible.”

44. Hence on considering the evidence adduced on behalf of the disciplinary authority, with reference to the defence evidence adduced by the DGO and specific defence taken by her, I decline to accept the said defence contention taken by the DGO; but on the other hand, considering the conduct of the DGO, regarding the manner in which she behaved in getting rid of the tainted notes and her act of throwing away the notes she has received from the Complainant soon after seeing the Police Inspector entering her chamber, that too beneath the Almirah in her chamber, reflects on

her guilty mind and hence I have no hesitation to conclude that the DGO having demanded money, to do an official act of issuing TCs to the Complainant, received Rs. 1000/- by way of bribe, thus the evidence adduced on behalf of the disciplinary authority is sufficient to conclude that, DGO is guilty of misconduct.

45. The learned counsel for DGO has vehemently argued that, since the DGO has been acquitted by the Spl. Court vide judgment dated 23.9.2016 in Spl.C. No. 268/2011 on the file of the Principal District and Session Judge and Spl.Court, Kalburgi, the charges against the DGO has to be held not proved and DGO has to be absolved from the charges leveled against him. In support of his arguments, he relied upon the decision of the Hon'ble Supreme Court in G.M. Tank case, which is subsequently relied upon in S. Bhaskar Reddy's Case. The Hon'ble Supreme Court in the decisions cited above, while setting aside the order of dismissal passed against the appellant, made an observation that, if the official has been honorably acquitted in the criminal trial, the disciplinary authority shall take note of that aspect and if the criminal case and departmental proceedings are based on similar facts and evidence and if the trial court acquitted the Government official honorably, then the disciplinary authority considering the grounds on which the trial court acquitted the Government official and on that basis, take a decision as to whether the report of the enquiry officer in a departmental proceedings can be accepted or not and on that basis, can decide whether the charges against the Government official stands proved or not.

46. In pursuance of the Government order issued entrusting the proceedings to Hon'ble Upalokayukta under Section 14-A of KCS(CCA) Rules, a nomination order was issued by the Hon'ble

Upalokayukta directing ARE-3 to frame charges and to hold enquiry and to submit a report as to whether the charges framed against the DGO is proved or not. Hence, the enquiry officer has to frame charge and to hold an enquiry and to prepare a report as to whether the evidence adduced on behalf of the disciplinary authority are sufficient to hold that, the charges against the DGO has been established or not. The enquiry officer has to independently consider the evidence made available on behalf of the disciplinary authority during the enquiry, without considering the judgment of the criminal court since the Hon'ble Supreme Court in a decision reported in 2012(1) SC 442 (Divisional Controller, KSRTC Vs. M.G. Vittal Rao) observed as follows:

“ Thus there can be no doubt regarding the settled legal proposition that the standard of proof in both the proceedings is quite different and the termination is not based on mere conviction of an employee in a criminal case, the acquittal of the employee in a criminal case cannot be the basis of taking away the effect of departmental proceedings nor can such an action of the department be termed as double jeopardy. The judgment of this court in Captain M. Paul Antony does not lay down the law of Universal application. Facts, charge and nature of evidence etc., involved in an individual case would determine as to whether decision of acquittal would have any bearing on the findings recorded in the domestic enquiry.”

47. Even in the decision rendered by the Hon'ble Supreme Court cited on behalf of the DGO in S. Bhaskar Reddy case, the Principle laid down in Paul Anthony case which was based on the judgment in G.M. Tank's case has been relied upon. But, in the decision in M.G. Vittal Rao's case, the Hon'ble Supreme Court made it clear that,

Paul Anthony's case does not lay down the law of universal application. Hence such a contention urged on behalf of the DGO cannot be considered in this enquiry.

48. Further, the Hon'ble Supreme Court in the decision reported in 2005(7) SCC 764, Ajit Kumar Nag V/s. General Manager,

"The two proceedings, criminal and departmental are entirely different fields and have different objectives whereas the object of criminal trial is to inflict appropriate punishment on the offender the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service Rules.

Termination/quashing of criminal case against an applicant does not ipso facts absolve him from the liability arising under the disciplinary jurisdiction as per service Rules. Hence, there is no illegality in continuation of enquiry against the applicant notwithstanding quashing of the criminal proceedings against the applicant."

49. The Hon'ble Supreme Court in the decision of State of Rajasthan V/s. B.K. Meena.

"The approach and the objectives in the criminal proceedings and the disciplinary proceedings is altogether distinct and different. In the disciplinary proceedings the question is whether the respondent is guilty of such misconduct as would merit his removal from service or a lesser punishment as the case may be, whereas in the criminal proceedings the question is whether the offences referred against him under PC Act (and with IPC if any) are established and if established what sentence should be

imposed upon him. The standard of proof, the mode of enquiry and the rules governing the enquiry and trial in both the cases are entirely distinct and different.”

50. The prayer made on behalf of DGO when considered in the context with the two decisions of the Hon'ble Supreme Court referred to above, the Hon'ble Supreme have held that, the approach and the objectives in the criminal proceedings and the disciplinary proceedings are all together distinct and different and the standard of proof, the mode of enquiry and the rules governing the enquiry and trial before the Court are entirely distinct and different. Therefore, the order of acquittal passed by the Special Court will not in any way come in the way of this authority, in appreciating the evidence independently, adduced in this enquiry and come to an independent conclusion, regarding the charges framed against the DGO.

51. Having regard to the discussion made above, I am of the opinion that, the disciplinary authority has proved the allegations against the DGO and accordingly, I answer the charge framed against the DGO, in the Affirmative.

Point No.2:-

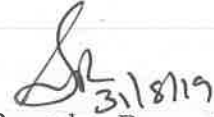
52. Having regard to the discussion made above, and in view of my findings on point no.1 as above, my conclusion is as follows:

Contd...

CONCLUSION

i) The Disciplinary Authority has proved the charge framed against the DGO Smt. Sukanya W/o Bhimsen Harvalkar, the then I/c Head Mistress, Mahila Seva Samaja Higher Primary School, Ivan-Shah-Hi, Gulbarga.

ii) As per the first oral statement, the date of birth of the DGO is 01.04.1956 and she has already retired from service on 31.3.2016



(S. Renuka Prasad)

Additional Registrar of Enquiries-3
Karnataka Lokayukta, Bengaluru.

ANNEXURES**I. Witnesses examined on behalf of the Disciplinary Authority:**

PW-1	Smt. Leelavathi (complainant) (original)
PW-2	Sri Sonamma (shadow witness) (original)
PW-3	Sri S.U. Maheshwaragouda (investigation officer) (original)

II. Witnesses examined on behalf of the DGO:

DW-1	Smt. Sukanya (DGO) (original)
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III Documents marked on behalf of D.A.

Ex.P-1	Certified copy of the complaint
Ex.P-2	Certified copy of the sheet containing serial numbers of currency notes
Ex.P-3	Certified copy of the entrustment mahazar
Ex.P-4	Certified copy of records seized by IO
Ex.P-5	Certified copy of the extract of attendance register
Ex.P-6	Certified copy of the written explanation of DGO
Ex.P-7	Certified copy of trap mahazar
Ex.P-8 &9	photographs (xerox)
Ex.P-10	Certified copy of sketch of scene of occurrence
Ex.P-11	Certified copy of FSL report

IV. Documents marked on behalf of DGO:

Ex-D1	Certified copy of letter dated 28.5.2006 of President Mahila Seva Samja Samsthe addressed to the DGO
Ex-D2	Certified copy of deposition of Annapurna in SC 268/2011

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


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