



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/522/2012/ARE-4 Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 03.12.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri U.M.Basappa,  
Second Division Surveyor, Tahsildar's Office,  
Bhadravathi Taluk, Shimoga District - reg.

Ref:- 1) Government Order No.305 LRS(3) 2012  
dated 22.12.2012.

2) Nomination order No. LOK/INQ/14-  
A/522/2012 dated 28.12.2012 of  
Upalokayukta, State of Karnataka.

3) Inquiry report dated 30.11.2019 of  
Additional Registrar of Enquiries-4,  
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 22.12.2012 initiated the disciplinary proceedings against Shri U.M.Basappa, Second Division Surveyor, Tahsildar's Office, Bhadravathi Taluk, Shimoga District [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/522/2012 dated 28.12.2012 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri U.M.Basappa, Second Division Surveyor, Tahsildar's Office, Bhadravathi Taluk, Shimoga District, was tried for the following charges :-

" That you Sri U.M.Basappa- the DGO, while working as Second Division Surveyor in Taluka office at Bhadravathi in Shimoga District, when the complainant namely Sri K.M.Nagarajaiah S/o K.M.Thippaiah, resident of Kathalagere Village in Channagiri Taluk of Davanagere District approached you DGO as his sister viz., Smt.Suvarna is having land bearing Sy.No.44 of Maidolalu Village in Bhadravathi Taluka, which she intended to sell to one Sri Channabasaiah and Sri Ajaiah. For that, she required survey sketch of the said land. So, she had submitted an application on 23-02-2011 in the taluka office at Bhadravathi. So, on 23.03.2011 you- DGO conducted its survey and received Rs.2,000/- from the complainant on that day, as bribe for that on demand. But, later to prepare survey sketch and make ready papers about it, you-DGO again demanded money from the


complainant and asked the complainant to come near "Santrupthi Hotel" at Shimoga on the next day. On 24-03-2011, after approaching Lokayukta police at Shimoga the complainant contacted you-DGO and you-DGO demanded bribe of Rs.6,500/- and received Rs.500/- then and asked the complainant to pay remaining Rs.6,000/- on Monday. Further, on 28-03-2011 you-DGO demanded and accepted bribe amount of Rs.6,000/- from the complainant in KSRTC bus stand at Shimoga thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966. "

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charge against the DGO - Shri U.M.Basappa, Second Division Surveyor, Tahsildar's Office, Bhadravathi Taluk, Shimoga District."

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

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Shri U.M.Basappa, is due to retire from service on 30.09.2029.
7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Shri U.M.Basappa, Second Division Surveyor, Tahsildar's Office, Bhadravathi Taluk, Shimoga District, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Shri U.M.Basappa'.
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL) 3/12/19  
Upalokayukta,  
State of Karnataka.

## **KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/522/2012/ARE-4

M.S.Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 30/11/2019

### **INQUIRY REPORT**

**Sub:** Departmental Inquiry against,

Sri U.M. Basappa  
Second Division Surveyor  
Tahasildar's Office  
Bhadravathi Taluk  
**Shimoga District**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BD/422/2012/ARLO-1 dated: 07/09/2012
  - 2) Govt. Order. No. 305 LRS (3) 2012, Bengaluru, dated: 22/12/2012
  - 3) Order No.LOK/INQ/14-A/522/2012 Dtd.28/12/2012 of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri U.M. Basappa, Second Division Surveyor, Tahasildar's Office, Bhadravathi Taluk, **Shimoga 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: 28/12/2012 cited above at reference-3, nominated Additional

Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

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

**ANNEXURE NO.I**

**CHARGES**

*That, you Sri U.M. Basappa, the DGO, while working as Second Division Surveyor in Taluka office at Bhadravathi in Shimoga District, when the complainant namely Sri K.M. Nagarajaiah s/o K.M. Thippaiah, resident of Kathalagere village in Channagiri Taluk of Davanagere District (herein after referred to as 'the complainant-for short') approached you-DGO as his sister viz., Smt. Suvarna is having land bearing sy.No.44 of Maiodolalu village in Bhadravathi Taluka, which she intended to sell to one Sri Channabasaiah and Sri Ajjaiiah. For that, she required survey sketch of the said land. So, she had submitted an application on 23/02/2011 in the Taluka office at Bhadravathi. So, on 23/03/2011 you-DGO conducted its survey and received Rs. 2,000/- from the complainant on that day, as bribe for that on demand. But, later to prepare survey sketch and make ready*

*papers about it, you-DGO again demanded money from the complainant and asked the complainant to come near "Santrupthi Hotel" at Shimoga on the next day. On 24/03/2011, after approaching Lokayukta police at Shimoga the complainant contacted you-DGO and you-DGO demanded bribe of Rs. 6,500/- and received Rs. 500/- then and asked the complainant to pay remaining Rs. 6,000/- on Monday. Further, on 28/03/2011 you-DGO demanded and accepted bribe amount of Rs. 6,000/- from the complainant in KSRTC bus stand at Shimoga thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

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

*Complainant's sister viz., Smt. Suvarna is having land bearing sy.No. 44 of Maidolalu village in Bhadravathi Taluka, which she intended to sell to one Sri Channabasaiah and Sri Ajjaiiah. For that, she required survey sketch of the said land. So, she had submitted an application on 23/02/2011 in the taluka office at Bhadravathi. So, on 23/03/2011 the DGO conducted its survey and received Rs. 2,000/- from the complainant on that day, as bribe for that on demand. But, later to prepare survey sketch and make ready papers about it, the DGO again demanded money from the complainant and asked the complainant to come near "Santrupthi Hotel" at Shimoga on the next day. On 24/03/2011, after*

*approaching Lokayukta Police at Shimoga the complainant contacted the DGO and the DGO demanded bribe of Rs. 6,500/- and received Rs. 500/- then and asked the complainant to pay remaining Rs. 6,000/- on Monday. The complainant was not willing to pay the further bribe demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta Police Inspector of Shimoga (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr. NO. 6/2011 for the offences punishable u/sec. 7,13(1)(d) r/w 13(2) of Prevention of Corruption Act 1988. The I.O. took up the investigation and on 28/03/2011 the DGO was trapped in KSRTC bus stand at Shimoga while receiving the tainted (bribe) amount of Rs. 6,000/- from the complainant. The I.O. seized the tainted (bribe) amount from the DGO after following post-trap formalities. The DGO failed to give satisfactory or convincing reply about possession of the tainted amount. The I.O. recorded statement of the complainant and pancha witnesses. The record of investigation and materials collected by the I.O. showed that the DGO has committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government Servant. As the materials on record showed, prima facie case about DGO receiving bribe for discharging his duty as Government Servant, a suo-motu investigation was taken up u/sec. 7(2) of the Karnataka Lokayukta Act against the DGO. An observation note was sent to the DGO calling for his explanation. The DGO did not prefer to file any*



*reply showing any cause whatsoever, due to which it is taken that the DGO has nothing to say about it. As there is a prima facie case showing that the DGO has committed misconduct as per Rule 3(1) of KCS (Conduct) Rules, 1966. A report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate the disciplinary proceedings against the DGO. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta u/Rule 14-A of KCS (CCA) Rules. Hence, the charge.*

5. DGO appeared before this Inquiry Authority on 28/03/2013 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. DGO has filed his written statement as follows:-

The Articles of Charges framed against the DGO is without authority of law. The Articles of Charges framed against the DGO is illegal and bad in law. The DGO never demanded any money as bribe from the complainant. Hence, the question of acceptance of bribe amount on 28/03/2011 does not arise at all. The DGO denies the charge and the statement of imputations of misconduct as false and baseless. The DGO has not committed any misconduct. Hence, DGO prays to exonerate him from the charges leveled against him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all 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 DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DGO examined himself as DW2 and one witness examined as DW1, and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority has not filed any written brief, but DGO has submitted his written brief. Oral arguments of the P.O. was heard.

9. Upon consideration of the oral and documentary evidence placed on record, the defence of DGO, the only points, that arises for the consideration of this inquiry authority is:-

1) Whether the Disciplinary Authority satisfactorily proved the charge 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 Second Division Surveyor in Taluk office, Bhadravathi when the complainant-Sri K.M. Nagarajaiah s/o K.M. Thippaiah, resident of

Kathalagere village in Channagiri Taluk of Davanagere District approached the DGO regarding his sister Smt. Suvarana having land bearing sy.NO. 44 of Maidolalu village in Bhadravathi Taluk and she intended to sell the same to Sri Channabasaiah and Sri Ajjaiah, for which she requires the survey sketch of the said land and in that connection the application had been given on 23/02/2011 in the Taluk office at Bhadravathi and the DGO on 23/03/2011 conducted the survey and received Rs. 2,000/- from the complainant on that day and later to prepare the survey sketch the DGO again demanded money from the complainant and asked him to meet him near "Santrupthi Hotel" at Shivamoga on the next day. On 24/03/2011 the DGO demanded bribe of Rs. 6,500/- and received Rs. 500/- and asked the complainant to pay the remaining amount of Rs. 6,000/- on Monday and further on 28/03/2011 the DGO demanded and accepted the bribe amount of Rs. 6,000/- from the complainant in KSRTC bus-stand at Shivamoga and thereby committed misconduct.

12. The complainant has been examined as PW1 and the copy of the complaint lodged by him in Lokayukta Police Station, Shivamoga is at Ex.P1. The gist of Ex.P1 is to the effect that the sister of PW1 by name Smt. Suvaranamma is a widow and she is residing with the PW1. Smt. Suvaranamma has got 1 acre 17 guntas of land in sy.No. 44 of Maidolalu village, Holehonnuru hobli, Bhadravathi Taluk and out of the same she wanted to sell 17 guntas of land to one Sri Channabasaiah and one acre to Sri Ajjaiah and in that connection she wanted the survey sketches and for obtaining the same she gave the application on 23/02/0011 in Taluk

office, Bhadravathi and in that connection on 23/03/2011 the DGO measured the land of the sister of PW1 and also received Rs. 2,000/- from him as bribe amount. The DGO told that to prepare the survey sketch the amount has to be given and to meet him tomorrow at 4 p.m. near hotel Santrupthi, Shivamoga. On 24/03/2011 at 3 p.m. itself he contacted the police inspector, Loakyukta police station, Shivamoga and told him the demand of the DGO and the police inspector gave him voice-recorder and asked him to meet the DGO and to record the conversation and accordingly on that day itself at 4.30 p.m. PW1 met the DGO in Santrupthi hotel and recorded the conversation and at that time the DGO demanded bribe amount of Rs. 6,500/- and also received Rs. 500/- and asked PW1 to pay balance amount of Rs. 6,000/- and PW1 told he will pay the balance amount on Monday. In Ex.P1 it is also stated that PW1 is returning the voice-recorder that was given to him. The complaint has been lodged on 28/03/2011 at 10 a.m.

13. PW1 has deposed about all the averments made in the complaint in his deposition. He has deposed that on 23/03/2011 the DGO conducted the survey and also received Rs. 2,000/- from him for having conducted the survey. He has also deposed about meeting the DGO in hotel Santrutphti. He has deposed about the Lokayukta Police giving him voice-recorder and that he returned the same and also lodged the complaint and the copy of the same is at Ex.P1. He has deposed that the police inspector secured two panchas and introduced them to him and the pancha were given the complaint and they read the same. He has deposed that the

voice-recorder which he returned was played and the conversation recorded in the same was reduced into writing in the entrustment mahazar and that conversation was also copied to C.D. He has deposed that he gave Rs. 6,000/- consisting of 12 currency notes of the denomination of Rs. 500/-. He has deposed that the pancha witnesses noted down the currency notes in a separate sheet. He has deposed that the staff of Lokayukta police smeared the phenolphthalein powder to the notes and those notes were kept in his shirt pocket by the pancha witness Sri K. Ganesh and afterwards the hands of Sri K. Ganesh were washed in sodium carbonate solution and that solution turned to pink colour. He has deposed that Ex.P2 is the copy of the entrustment mahazar, that was prepared in the Lokayukta police station.

14. PW1 has further deposed that afterwards himself, the pancha witness, police inspector and his staff went to KSRTC bus stand, Shivamoga. He has deposed that he met the DGO along with one of the pancha witness by name Sri Tejappa and the DGO asked for bribe amount and he gave the tainted currency notes and the DGO received it and counted it and held in his right hand. He has deposed that he gave the signal to Police Inspector and Police Inspector with his staff and another pancha came there and he showed the DGO to the Police Inspector. He has deposed that, the Police Inspector asked the DGO about the amount which was in his hand and he told that it was received by him from PW1. He has deposed that the pancha witness verified the notes which were in the hands of DGO and those notes tallied with the notes mentioned in the entrustment mahazar. He has deposed that

the hands of DGO were washed in sodium carbonate solution and the solution turned to pink colour. He has deposed that the Police Inspector secured one Sri Yatheesh, incharge survey supervisor. He has deposed that he produced the voice-recorder which was given to him at the time of the entrustment mahazar and it was played and the conversation recorded in the same was copied to the C.D. and that C.D. was seized and that conversation was reduced into writing in the trap mahazar. He has deposed that Sri Yatheesh identified the voice of the DGO in the conversation when the C.D. were played. He has deposed that Ex.P3 is the copy of the trap mahazar. In his examination in chief PW1 has clearly deposed that they had gone to KSRTC bus-stand of Shivamoga, for the trap. But PW1 in some places has deposed that he had been to the office of the DGO which is not correct and it is also not the case of the DGO that his office was situated in the KSRTC bus-stand, Shivamoga at that time. In the trap mahazar-Ex.P3 it is mentioned that it has been drawn in the room of the officer of the said bus-stand.

15. PW1 has been examined in chief on 20/12/2014, but he has been cross-examined on 23/06/2017. Hence, it can be said that PW1 has been cross-examined after more than 2 ½ years from the date of his examination in chief. In his cross-examination he has deposed that prior to 28/03/2011 itself the survey sketch had been given which is not the case of the complainant in the complaint. It is also not the case of the DGO in his evidence that prior to 28/03/2011 itself he had given the survey sketches to PW1 or to the sister of PW1. PW1 has deposed that DGO did not demand for any bribe amount.

He has deposed that he has not read Ex.P1 and at the instance of the police he has signed Ex.P1. He has deposed that he did not meet the DGO in Santrupthi hotel. He has deposed that on 28/03/2011 in Shivamoga, KSRTC bus-stand he has not given any amount to the DGO. He has deposed that he has not read the trap mahazar marked as Ex.P3.

16. PW1 has been treated as hostile witness and cross-examined by the Presenting Officer in view of the above said evidence given by PW1 in his cross-examination which is contrary to his examination in chief. In his cross-examination by the learned Presenting Officer, PW1 has deposed that he did not know whether he had deposed in his examination in chief that on 28/03/2011 the DGO demanded and received bribe amount of Rs. 6,000/- from him in KSRTC bus-stand, Shivamoga. He has deposed that on that day he had met the DGO in KSRTC bus-stand, Shivamoga. He has deposed that he did not know whether the contents of the complaint and the contents of the mahazars were true. He admits that till 28/03/2011 survey sketches had not been given. As stated above, in his examination in chief PW1 has given his evidence in accordance with his complaint and also in accordance with the entrustment mahazar and trap mahazar. As stated above, PW1 has been cross-examined after more than 2½ years after his examination in chief and in his cross-examination he has given evidence contrary to his examination in chief which only shows that PW1 is trying to help the DGO by suppressing the true facts deposed by him in his examination in chief. In otherwords it has to be said that the evidence given by PW1 in his examination in chief which is in accordance with his

complaint and the mahazars-Ex-P2 and Ex.P3 is believable and not the evidence given by PW1 in his cross-examination stated above. Hence, much importance cannot be given to the evidence given by PW1 in his cross-examination and his evidence given in examination in chief is believable.

17. PW2 is Sri Tejappa and he has deposed that in the year 2011 he was working as SDA in the office of Joint Director for agriculture at Shivmoga and on 28/03/2011 on the instructions of his Superintendent he went to the Lokayuka police station, Shivamoga. He has deposed that another pancha witness Sri K. Ganesh, PW1, Police Inspector and his staff were present in the police station and the complainant was introduced to him and to the above said Sri G. Ganesh and they were given the complaint copy and they read the same. He has deposed that PW1 (complainant) produced the voice-recorder and it was played and the conversation recorded in the same was reduced into writing in the entrustment mahazar and that conversation was copied to C.D. He has deposed that PW1 produced the amount of Rs. 6,000/- and he has deposed about all the averments mentioned in the entrustment mahazar, the copy of which is at Ex.P2. He has also deposed that photographs were also taken at the time of the entrustment mahazar and Ex.P2(a) is his signature.

18. PW2 has further deposed that after the entrustment mahazar, himself, police inspector and his staff, another pancha witness and PW1 went near KSRTC bus-stand of Shivamoga and himself and PW1 were sent to meet the DGO and the DGO asked PW1 for bribe amount and PW1 gave the



tainted currency notes and the DGO received the same with his right hand, counted the same and held it in his hands. He has deposed that PW1 gave the signal to the Police Inspector and Police Inspector came there and PW1 identified the DGO to the Police Inspector. He has deposed that the police inspector asked the DGO about the amount which was in his hands of the DGO and the DGO told that he has received the same from PW1. He has deposed that himself and another pancha witness verified the notes which were in the hands of the DGO and those notes were the same notes mentioned in the entrustment mahazar. He has deposed that the hands of the DGO were washed in the sodium carbonate solution and that solution turned to pink colour. He has also deposed that, the Police Inspector secured one Sri Yatheeesh who was in charge survey supervisor and he identified the voice of DGO in the C.D's. He has also deposed that the conversation at the time of the trap was also recorded and it was copied to the C.D. He has deposed that Ex.P3 is the copy of trap mahazar, Ex.P3(a) is his signature.

19. PW2 is also not cross-examined on the day he was examined in chief. PW2 has been cross-examined after two years from the date of his examination in chief. In his cross-examination he has deposed that the recorded conversation was not clear. But as stated above, in his examination in chief he has clearly deposed that the conversation was heard and the same was transcribed in the entrustment mahazar. He has deposed that there was rush in the bus-stand and he was not able to hear the conversation that took place between PW1 and the DGO and that he has not seen PW1 giving the tainted

currency notes to the DGO. As stated above, PW2 in his examination in chief has clearly deposed that the DGO asked the complainant for bribe amount and the complainant (PW1) gave the bribe amount to the DGO and the DGO received the same with his right hand and counted it and held it in his hands. As stated above, PW2 has been cross-examined after two years from the date of his examination in chief and it can only be said that at the instance of the DGO in order to help the DGO PW2 has given evidence in his cross-examination which is contrary to his examination in chief and the answers given by PW2 in his cross-examination is not believable and the said evidence is only at the instance of the DGO to help the DGO.

20. PW3 is one Sri K. Samiulla, and he has deposed that from 26/11/2010 to 01/10/2013 he was working as Police Inspector in Lokayukta Police station, Shivamoga. He has deposed that on 28/03/2011 at 10 a.m. PW1 came to the police station and gave the complaint and the copy of the same is at Ex.P1. He has deposed about the gist of the complaint also. He has deposed that he registered the case on the basis of Ex.P1 and sent the FIR to the concerned court and the copy of the same is at Ex.P4. He has deposed about securing two panchas, PW1 producing the amount of Rs. 6,000/- and about all the proceedings that took place in Lokayukta Police Station mentioned in the entrustment mahazar-Ex.P2 and I feel it is not necessary to repeat the same. He has deposed that along with the complaint PW1 also produced the voice-recorder and the conversation recorded in the same was copied to the C.D. and his above said evidence

clearly shows that PW3 had given the voice recorder to PW1 earlier to 28/03/2011.

21. He has deposed that after the entrustment mahazar at about 3.15 p.m. they went to KSRTC bus stand, Shivamoga and PW1 and PW2 were sent to meet the DGO and himself and his staff stood in the KSRTC bus-stand at different places. He has deposed that at about 3.25 p.m. one person approached PW1 and talked with him and they sat in the chair which was in that place. He has deposed that afterwards PW1 gave the pre-instructed signal from that place itself and hence himself, his staff and another pancha witness went to that place and PW1 showed the DGO and told that he has demanded and received the bribe amount and he is the surveyor Sri Basappa. He has deposed that the DGO was holding the tainted currency notes in his hands and those notes were the same notes mentioned in the entrustment mahazar. He has also deposed that when enquired the DGO, the DGO told that it was the amount which he received from PW1. He has deposed that he took the DGO and the panchas and his staff to the room of the bus-stand Controller and the hands of the DGO were washed separately and the hand wash of the DGO was positive. He has deposed that the voice-recorder which was given to PW1 at the time of the entrustment mahazar was played and the conversation recorded in the same was transferred to the C.D. He has deposed that he secured the higher officer of the DGO by name Sri Yatheesh and played the C.D.'s Sri Yatheesh identified the voice of the DGO in the same. He has deposed that he questioned PW1 and PW2 as to what happened and

they told that the DGO asked for the amount and received the same from PW1. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5. He has deposed that PW1 and PW2 denied the contents of Ex.P5. He has deposed that the trap mahazar was also prepared and the copy of the same is at Ex.P3 and Ex.P3(f) is the signature of the above said Sri Yatheesh. He has deposed that Ex.P6 are the photographs taken at the time of Ex.P2 and P3. He has deposed that he secured the sketch of the scene of occurrence from PWD Engineer and the copy of the same is at Ex.P7. He has deposed that the copy of the service particulars of the DGO is at Ex.P8 and Ex.P9 are the copies of the documents in respect of the sister of PW1. He has deposed that Ex.P11 is the copy of the FSL report. One of the document of Ex.P9 is the copy of the application given for survey sketch and it is signed by PW1 himself and in the same he has sought for survey of the land belonging to his sister Smt. Suvaranamma stated above. First sheet of Ex.P9 also discloses that the survey sketches had not yet been given to PW1. Ex.P9 consists of copies of the numbers of the documents in respect of the above said land of the sister of PW1. Ex.P11 is the FSL report which clearly shows the presence of phenolphthalein being detected in both the right and left hand finger washes of the DGO.

22. PW3 has been cross-examined at length. But nothing is made out in his cross-examination to discard his evidence. In his cross-examination he has clearly deposed that after they went to the bus-stand PW1 came to the bus-stand and met PW1.

23. DW1 is the above said Sri G.M. Yatheesh, and he has deposed that from 2010-2012 he was working as survey supervisor in Taluk Office, Bhadravathi and at that time the DGO was working as Surveyor in the Taluk office. He has deposed that he knows about the application given by PW1 for survey. He has deposed that on 23/03/2011 the survey had been conducted. But he did not know what work of the complainant was due as on 28/03/2011. He has deposed that he had not been to Lokayukta police station and not heard the voice of the DGO in the conversation and that he had not identified the voice of the DGO. In his cross-examination he has clearly deposed that he has given his statement before PW3 as per Ex.P12. Ex.P12 is the statement of DW1 in which it is clearly mentioned that the conversation in the two C.D's were played and DW1 heard the conversation and identified one voice as the voice of the DGO. Hence, it has to be said that the evidence given by DW1 in his examination in chief stated above is not believable and that DW1 has given his evidence as stated above only to help the DGO who was working under him. DW1 also admits that his signature is found in Ex.P3 as per Ex.P3(f).

24. DW2 is the DGO and he has filed his affidavit as his examination in chief and in the same he has discussed the evidence given by PW1 to PW3 which is not permissible and it cannot be taken into consideration. Apart from the same, he has deposed that he has done his part of the work on 23/03/2011 and no work of PW1 was pending with him as on 28/03/2011. He has deposed that he has not demanded and accepted any bribe amount from PW1. In his cross-

examination he admits that there is no ill-will between himself and the complainant and likewise there is no will-will between himself and the I.O. He denies the suggestion that PW3 seized the tainted currency notes from his hands. But as stated above, there is the evidence of PW1 to PW3 in that respect. He has deposed that he has written Ex.P4 as per the dictation of PW3. But there is no such contention in the written statement and in his examination in chief itself. In Ex.P5 DW2 has stated that on that day PW1 gave the amount to him in KSRTC bus-stand and he wanted to give back the amount but the Lokayukta police apprehended him and at that time the amount was in his right hand. Thus the evidence given by DW2 is contrary to Ex.P5 also. He has deposed that his hands were washed on that day and the solution did not turn to pink colour. As stated above, there is the believable evidence of PW1 to PW3 that the hand wash of the DGO was positive. Further more there is FSL report also which supports the above said case of the Disciplinary Authority. The facts and circumstances of this case stated above, clearly supports the case of the Disciplinary Authority that the DGO has demanded the bribe amount of Rs. 6,000/- and received the same from PW1 on 28/03/2011. The evidence of the disciplinary authority probable and believable and not the evidence of DW1 and DW2.

25. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government Servant. Hence, I answer above point in the **AFFIRMATIVE.**

26. **Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge against the DGO- Sri U.M. Basappa, Second Division Surveyor, Tahasildar's Office, Bhadravathi Taluk, **Shimoga District.***

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

Dated this the 30<sup>th</sup> day of November, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

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

PW-1 : Sri Nagarajaiah K.M. (complainant)

PW-2:Sri Tejappa (pancha witness)

PW-3:Sri K. Samiulla (I.O.)

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

DW-1:Sri G.M. Yatheesh (witness)

DW-2:Sri U.M. Basappa (DGO)

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

Ex.P-1: Certified copy of the complaint

Ex.P-1(a,b): Relevant entries in Ex.P1

Ex.P-2: Certified copy of the entrustment mahazar

Ex.P-2( a to g): Relevant entries in Ex.P2

Ex.P-3: Certified copy of the trap mahazar

Ex.P-3(a to g): Relevant entries in Ex.P3

Ex.P-4:Certified copy of the FIR

Ex.P-5: Certified copy of the explanation of DGO

Ex.P-5( a to e): Relevant entries in Ex.P5

Ex.P-6: Xerox copy of the Xeroxed photos on the white sheet

Ex.P-6(a to d): Relevant entries in Ex.P6

Ex.P-7:Certified copy of the sketch

Ex.P-8:Certified copy of the service particulars of the DGO

Ex.P-9:Certified copy of the letter of the Tahasildar dated:  
08/04/2011 addressed to the Police Inspector,  
Karnataka Lokayukta, Shimoga with certified copies of  
the enclosures

Ex.P-10:Xerox copy of the attendance register

Ex.P-11:Certified copy of the chemical examination report

Ex.P-12:Certified copy of the statement of Sri Yatheesh

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

NIL

Dated this the 30<sup>th</sup> day of November, 2019

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.