

**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No: LOK/INQ/14-A/55/2010/ARE-3

Multi Storied Buildings,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 20/03/2019

**RECOMMENDATION**

Sub:- Departmental inquiry against;

- 1) Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District;
- 2) Sri Erappa Chennabasappa Yogikoppada, the then First Division Assistant, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District – Reg.

Ref:-1) Government Order No.ಆಇ 320 ರಾಜಿಪ 2010 Bengaluru dated 23/10/2010.

- 2) Nomination order No.LOK/INQ/14-A/55/2010 Bengaluru dated 27/10/2010 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 18/3/2019 of Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru

-----

The Government by its Order dated 23/10/2010 initiated the disciplinary proceedings against (1) Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District and (2) Sri Erappa Chennabasappa Yogi Koppada, the then First Division Assistant, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District (hereinafter referred to as Delinquent Government Officials 1 and 2 for short as DGO-1 and DGO-2 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/55/2010 dated 27/10/2010 nominated Additional Registrar of Enquiries-3, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 & 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District and DGO-2 Sri Erappa Chennabasappa Yogi Koppada, the then First Division Assistant, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District were tried for the following charge:-

“That you DGO No.1 Smt.G.Rathnamala, the then Chief Accounts Officer, Land Acquisition Office, Upper Krishna Project, Navanagar, Bagalkot (Presently working as Deputy Controller, State Accounts Department) and DGO No.2.Sri.Erappa Chennabasappa Yogikoppada, the then First Division Assistant, Land Acquisition Office, Upper Krishna Project, Navanagar, Bagalkot District (Presently working at State Accounts Department) while working as such when complainant Sri.Chandrashekhar Lakkappa Dasanavar, Advocate, Bagalkot District, Bagalkot (hereinafter referred to as Complainant), on 01/08/2007, approached you (DGO No.1) and requested for issuing cheques towards compensation amount of his clients, you (DGO No.1), demanded Rs.4,500/- and after bargain demanded the complainant to pay Rs.3,000/- bribe for getting the work done and on 02/08/2007 in the office of Land Acquisition Officer, Upper Krishna Project, Navanagar, Bagalkot, you (DGO No.1) demanded

Rs.3,000/- and directed to pay the bribe amount in the hands of DGO No.2, you DGO No.2, at about 12:15 p.m. accepted illegal gratification of Rs.3,000/- on behalf of DGO No.1 from the complainant and in turn gave the bribe amount to DGO No.1 and thereby you both failed to maintain absolute integrity, devotion to duty and also did an act of unbecoming of a Government Servant and thus you both are guilty of misconduct as enumerated 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 DGO-1 Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District and DGO-2 Sri Erappa Chennabasappa Yogi Koppada, the then First Division Assistant, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District.
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. The DGO-1 Smt. Rathnamala and DGO-2 Sri Erappa Chennabasappa Yogikoppada were convicted by judgment dated 30/5/2012 in Special Case No. 13/2009. The DGO-1 Smt. G.Rathnamala had filed Appeal against judgment of her conviction in Criminal Appeal No. 2693/2012 before High Court of Karnataka, Dharwad Bench, which is pending consideration. DGO-2 Sri Erappa Chennabasappa Yogikoppada had filed Appeal

against judgment of his conviction in Criminal Appeal No.2696/2012 before the High Court of Karnataka, Dharwad Bench, Dharwad and the same is pending consideration.

7. Having proved the charges in a departmental inquiry held against DGO-1 Smt. G.Rathnamala regarding financial irregularities, she was imposed with penalty of compulsory retirement from service vide Order No. ೮೩ 358 ರಾಜೀಷ 2007 dated 29/6/2012.

8. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO-1 Smt. G. Rathnamala and DGO-2 Sri Erappa Chennabasappa Yogi Koppada;

- i) it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO-1 Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar, Bagalkot District, if the judgment of conviction of DGO-1 Smt. G.Rathnamala is set aside in the Criminal Appeal No.2693/2012. If the conviction of DGO-1 is confirmed in the Criminal Appeal No. 2693/2012, this recommendation need not be implemented.
- ii) it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO-2 Sri Erappa Chennabasappa Yogikoppada, the then First Division Assistant, Land Acquisition office, Upper

Krishna Project, Navanagar, Bagalkot District, if the judgment of conviction of DGO-2 Sri Erappa Chennabasappa Yogikoppad is set aside in Criminal Appeal No.2696/2012. If the conviction of DGO-2 is confirmed in the Criminal Appeal No. 2696/2012, this recommendation need not be implemented.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)

Upalokayukta-1,  
State of Karnataka,  
Bengaluru

20/3



**KARNATAKA LOKAYUKTA**

No. LOK/INQ/14-A/55/2010/ARE-3

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

Date: 18.3.2019

**Enquiry report**

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

Sub: Departmental Enquiry against (1) Smt. G. Rathnamala, the then Chief Accounts Officer, Land Acquisition office, Upper Krishna Project, Navanagar Bagalkot District ) (2) Sri Erappa Chennabasappa Yogikoppada, the then FDA, Land Acquisition office, Upper Krishna Project, Navanagar Bagalkot District - reg

Ref: 1. Report under Section 12(3) of the Karnataka Lokayukta Act, 1984, in No. Compt/Uplok/BGM/104/2009/ARE-8 dated 20.9.2010

2. Government Order No. ಅಇ 320 ರಾಲೆಪ 2010, ದಿ: 23.10.2010

3. Nomination Order No.LOK/INQ/14-A/55/2010 dated 27.10.2010 of Hon'ble Upalokayukta, Karnataka State, Bengaluru.

\*\*\*

1. One Sri Chandrashekhar Lakkappa Dasanavar, Advocate, Bagalkot (hereinafter referred to as 'complainant') has filed a complaint to Lokayukta police, Bagalkot on 2.8.2007 against (1) Smt. G. Rathnamala, Chief Accounts Officer and (2) Sri Erappa Chennabasappa Yogikoppada, FDA/ case worker, O/o Land Acquisition officer, Upper Krishna Project, Navanagar Bagalkot District (hereinafter referred to as 'DGOs 1 and 2' for short) making allegations against them that, they are demanding Rs. 3000/- by way of bribe in order to send the compensation cheque to the court of II Additional Civil Judge, Senior Division, Bagalkot in terms of

the direction issued by the Court in Execution Petition Nos. 37/04, 85/04 and other connected matters, being the amount of compensation towards acquisition of lands, payable to the clients of the complainant.

2. On registering a case on the basis of the said complaint, a trap was held on 2.8.2007 in the O/o Commissioner of Land Acquisition, UKP Navanagar, Bagalkot wherein, DGO-1 and 2 having demanded bribe from the complainant, DGO-2 received the said bribe amount of Rs. 3000/- from the complainant as per the direction of DGO-1 and handed over the said bribe amount he has received from the complainant to DGO-1, who on receiving the bribe amount from DGO-2, kept that money in her vanity bag. The tainted money of Rs. 3000/- was recovered from the vanity bag of the DGO-1, during the trap proceedings conducted in the said office. Since it was revealed during investigation that, DGO-1 and 2 have demanded bribe of Rs.3000/- from the complainant and received the same, in order to do an official act i.e., in order to send the compensation cheque to the court of II Additional Civil Judge, Senior Division, Bagalkot in terms of the direction issued by the Court in Execution Petition Nos. 37/04, 85/04 and other connected matters, being the amount of compensation towards acquisition of lands payable to the clients of the complainant, the Police Inspector having conducted investigation filed charge sheet against the DGOs 1 and 2.
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 DGOs 1 and 2 providing them an opportunity to show-



- cause as to why recommendation should not be made to the Competent Authority, for initiating disciplinary proceedings against them. DGO-1 has submitted her reply dated 21.6.2010 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, no work of the complainant was pending with her and the compensation cheque could not be sent to the court since funds have not been received from KBJNL and due to non availability of funds, the amount of compensation as directed by the Civil Court could not be deposited in the court. She has taken up a further contention that, during the relevant period, the concerned file pertaining to the clients of the complainant was with cash section and she was authorized to sign the cheques only when the file is forwarded to her from cash section on availability of required funds and as such she was not in a position to show any official favour to the complainant. She has further contended that, the recovery of amount from her vanity bag itself is doubtful and the vanity bag from which the amount was recovered does not belong to her. It is a further contention that, she immediately gave statement explaining the true facts but the Police Inspector deliberately did not consider her explanation and a false charge sheet has been filed against her and requested this authority to drop the proceeding against her.
4. DGO-2 in his reply dated 16.1.2010 has not taken up any specific defence but denied the allegations made against him in the observation note. He has taken up a further contention that, he is facing trial before Special Court, Bagalkote and it is still pending and hence initiation of disciplinary proceedings by way of parallel proceedings against him, is not permissible till the conclusion of the

trial before the Spl. Court and requested this authority to drop the proceedings against him,

5. Since the explanation offered by the DGOs 1 and 2 were 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 DGOs 1 and 2 and to entrust the enquiry under Rule 14-A of KCS (CCA) Rules, to this authority to hold enquiry. Accordingly, the State Government i.e., the Finance Department by its order in No. 320 ಕಾಲೇಜು 2010, ದಿ: 23.10.2010 initiated disciplinary proceedings against DGOs 1 and 2 and entrusted the same to Hon'ble Upalokayukta to hold enquiry. As per the order issued against DGOs 1 and 2, the Hon'ble Upalokayukta issued a nomination order dated 27.10.2010 nominating ARE-3 to frame charges and to conduct enquiry against DGOs 1 and 2. Accordingly, charges were framed by the then ARE-3 against DGOs 1 and 2 as under.

“Charge:

That you DGO No. 1. Smt.G.Rathnamala, the then Chief Accounts Officer, Land Acquisition Office, Upper Krishna Project, Navanagar, Bagalkot (Presently working as Deputy Controller, State Accounts Department) and DGO No. 2. Sri.Erappa Chennabasappa Yogikoppada, the then First Division Assistant, Land Acquisition Office, Upper Krishna Project, Navanagar, Bagalkot District (Presently working at State Accounts Department) while working as such when complainant Sri.Chandrashekhara Lakkappa Dasanavar, Advocate, Bagalkot District; Bagalkot (hereinafter referred to as Complainant), on 01/08/2007, approached you (DGO No. 1)

and requested for issuing cheques towards compensation amount of his clients, you (DGO No. 1), demanded Rs.4,500/- and after bargain demanded the complainant to pay Rs.3,000/- bribe for getting the work done and on 02/08/2007 in the office of Land Acquisition Officer, Upper Krishna Project, Navanagar, Bagalkot, you (DGO No. 1) demanded Rs.3,000/- and directed to pay the bribe amount in the hands of DGO No. 2, you DGO No. 2, at about. 12:15 p.m. accepted illegal gratification of Rs. 3,000/- on behalf of DGO No. 1 from the complainant and in turn gave the bribe amount to DGO No. 1 and thereby you both failed to maintain absolute integrity, devotion to duty and also did an act of unbecoming of a Government Servant and thus you both are guilty of misconduct as enumerated under Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.

**STATEMENT OF IMPUTATION OF MISCONDUCT:**

The complainant Sri.Chandrashekhar Lakkappa Dasanavar, Advocate, Bagalkot District, Bagalkot filed complaint on 02/08/2007 alleging that, complainant met DGO No. 1 for the purpose of issuing cheques towards compensation amount of his clients namely, 1.Eraiah Sangaiah Oni 2.Sanganabasaiah Mallaiah Hiremath 3.Shivanandaiah Mallaiah Hiremath 4.Shankaraiah Shivanandaiah Hiremath 5.Rachaiah Mallaiah Hiremath 6.Mallanagowda Chandragowda Patil and 7.Rangavva Hanumappa Halagali. Complainant had approached DGO No. 1, Smt.G.Rathnamala, the then Chief Accounts Officer, Land Acquisition Office, Upper Krishna Project, Navanagar, Bagalkot and requested for doing his work,

for which DGO No. 1 demanded Rs.4,500/- bribe and after bargain demanded the complainant to pay Rs.3,000/- bribe to get the work done. As complainant was not willing to pay the bribe, he filed complaint before Police Inspector, Karnataka Lokayukta, Bagalkot on 02/08/2007. On the basis of the said complaint, A.S.Subbedar, Police Inspector, Karnataka Lokayukta, Bagalkot (hereinafter referred to as 1.0.) registered a case in Cr. No. 8/2007 and submitted FIR to jurisdictional court.

After registering of the case, investigating officer followed all the pre-trap formalities and on the same day i.e., on 02/08/2007, the I.O. along with complainant, panchas and other staff of Lokayukta office reached near the office of DGO situated at Navanagar, Bagalkot. In the O/o Chief Accounts Officer, Land Acquisition Office, DGO No. 1 demanded Rs.3,000/- and directed to pay the bribe amount in the hands of DGO No. 2, you DGO No. 2, at about 12:15 p.m. accepted bribe amount of Rs.3,000/- from the complainant on behalf of DGO No. 1 and in turn gave the bribe amount to DGO No. 1 and DGO No. 1 kept that bribe amount in her vanity bag, currency notes being smeared with phenolphthalein powder. Thereafter the DGOs' were apprehended and the amount which was received from the complainant was in the Vanity bag of the DGO No. 1 and the same was recovered. Hand wash tests were conducted, Mahazar was drawn in the spot. All the formalities of collecting the hand wash and sealing the bottles are completed. DGO No. 1 and 2 also gave their statement in writing, the currency notes and the hand wash are seized under panchanama.

The materials collected by the I.O. during the course of investigation prima facie disclosed that, DGO No. 1 demanded and DGO No. 2 accepted Rs.3,000/- bribe on behalf of DGO No. 1 from the complainant for doing an official favour, thus DGOs' have failed to maintain absolute integrity, and this act on the part of DGOs' is unbecoming of a public servant, hence DGOs' have committed act of misconduct as stated under Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules 1966.

In this connection an observation note was sent to the DGOs' and the DGOs' have submitted their reply which was found after due consideration not acceptable. Therefore, recommendation was made to the Competent Authority under Section 12(3) of the Karnataka Lokayukta, Act 1984, to initiate Departmental Proceedings against the DGOs'. The Government after considering the recommendations made in the report, entrusted Hon'ble Upalokayukta to conduct departmental disciplinary proceedings against the DGO and to submit report. Hence the charge."

6. The Articles of Charges and Statement of Imputations are duly served on DGOs 1 and 2. DGO-1 has appeared before this authority and First Oral Statement of DGO-1 was recorded. DGO-1 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.
7. DGO-2 did not appear before this authority, but sent a letter of requisition dated 7.12.2010 pleading his inability to appear before this authority on the scheduled date of hearing of enquiry on

15.12.2010 and requested this authority to adjourn the proceedings on a future date for his appearance. Accordingly, the matter was adjourned from time to time so as to enable DGO-2 to appear before this authority. But despite granting sufficient opportunity DGO-2 failed to appear before this authority. One more notice dated 20.5.2011 was issued to him asking him to appear before this authority without fail on 22.7.2011. Despite due service of notice on him, he failed to appear before this authority and hence as per the order dated 22.7.2011 DGO-2 has been placed exparte and proceedings has been continued against DGO-1.

8. DGO-1 has filed her written statement on 22.7.2011 denying the allegations made against her and reiterated all the defence contentions she has taken in her reply to observation note and requested this authority to absolve her from the charges levelled against her.

9. During enquiry, 3 witnesses have been examined as PW1 to PW3 and 9 documents came to be marked as Ex-P1 to Ex-P9 on behalf of the disciplinary authority. The copy of the deposition of the complainant given before the Spl. Court, Bagalkot in Spl. Case No. 13/09 has been confronted to the complainant during his cross examination and marked through him as per Ex-D1. After closure of the evidence on behalf of disciplinary authority, second oral statement of the DGO-1 was recorded. Since, DGO-1 desired to lead defence evidence, permission was granted to her accordingly. Despite granting sufficient opportunity, she never bothered to adduce her defence evidence. But she came up with an application seeking for dropping the proceedings against her on the ground that, in an another departmental enquiry initiated against her, since the charges of irregularities she has committed while working as Chief

Accounts officer in the O/o Chief Manager (Land Acquisition), UKP, Bagalkot came to be established, she has been imposed with penalty of compulsory retirement. It is her contention that, since she has been retired compulsorily, she is no longer a Government servant and the enquiry initiated against her under the provisions of KCS(CCA) Rules is not at all maintainable. But the application filed by her came to be dismissed vide order dated 10.9.2018 and she was once again provided opportunity to adduce her defence evidence. But DGO-1 failed to utilize this opportunity and failed to adduce her defence evidence in support of her defence. Hence, the defence evidence of DGO-1 has been taken as Nil.

10. Thereafter, the learned Presenting Officer has filed written arguments. Despite granting sufficient opportunity, the learned counsel for DGO has failed to submit his written arguments. Hence, the matter is taken up for consideration.

11. The points that would arise for my consideration are:

**Point No.1:** Whether the charge framed against the DGO-1 is proved by the Disciplinary Authority?

**Point No.2:** Whether the charge framed against the DGO-2 is proved by the Disciplinary Authority?

**Point No.3:** What order?

12. The above points are answered as under:

**Point No.1:** In the 'Affirmative'

**Point No.2:** In the 'Affirmative'

**Point No.3:** As per Conclusion.

### **REASONS**

**Point No.1 and 2 :-**

13. DGO-1 was working as Chief Accounts Officer, and DGO-2 was working as FDA/case worker, O/o Land Acquisition officer, Upper

Krishna Project, Navanagar Bagalkot District, during the relevant period.

14. The complainant in his complaint has narrated in detail the circumstances under which he filed the said complaint against DGOs 1 and 2. According to him, certain lands belonged to his clients have been acquired for implementing UKP project and since the compensation awarded was not adequate, his clients on seeking reference under Section 18 of the L.A. Act to the Civil court, obtained an award for enhanced compensation from the civil court. Since the enhanced compensation was not deposited to the court, his clients have filed Execution Petitions in which the Civil Court issued direction to the Land Acquisition officer directing him to deposit the enhanced compensation with interest to the court. According to him, a total sum of about Rs. 15 lakhs was to be deposited to the court in various execution petitions filed by his clients. Since his clients started pestering him to see that the compensation amount is deposited at an earliest, he approached the O/o. LAO, UKP on 1.8.2007 and met DGO-2 who is the case worker and enquired him about sending the compensation cheque to the court. It is the allegation of the complainant that, DGO-2 put forth demand for bribe asking the complainant to pay Rs. 300/- per lakh as bribe in order to send the compensation cheque to the court. DGO-2 further asked the complainant to approach DGO-1 and speak to her. When the complainant met DGO-1 and requested her to send the compensation cheque to the court, she has also insisted the complainant to pay Rs. 300/- per lakh by way of bribe, in order to send the compensation cheque to the court. When he/complainant pleaded his inability to pay that much amount as bribe, DGO-1 scaled down her demand, asking the complainant to



pay Rs. 3000/- as bribe in order to send the compensation cheque to the court.

15. Since the complainant was not willing to pay any bribe in order to see that, the compensation cheques are to be sent to the court, he filed a complaint on 2.8.2007 against DGOs 1 and 2 regarding the demand for bribe being made by them.
16. On the basis of the complaint so filed by the complainant on 2.8.2007 the Police Inspector, Karnataka Lokayukta, Bagalkot, has registered a case in Cr. No.8/2007 under Sections 7,13(1)(d) R/w 13(2) of P.C Act, 1988, and took up investigation.
17. An entrustment proceedings was conducted in the Lokayukta Police Station, Bagalkote on 2.8.2007 in the presence of three panch witnesses viz., Sri Ravi Amrutha Daddikara, FDA O/o Tahsildar, Bagalkot, Sri Mehaboob Maktum Sab Honawada, Educational Co-ordinator and Smt. Jayashree, Clerk cum Typist, O/o BEO, Bagalkot and in the said proceedings, the bait money of Rs. 3000/- consisting of 6 currency notes of Rs. 500/- denomination each, given by the Complainant, were smeared with phenolphthalein powder making it as tainted money, and the said tainted notes was entrusted to the Complainant asking him to give that money to DGOs 1 and 2 when he meet them and only in case if the DGOs demand him for bribe. The Police Inspector asked panch witness - Sri Ravi Amrutha Daddikara to act as shadow witness and to accompany the complainant and to go with him and to watch the happenings that may take place when the complainant meets the DGO. A micro tape recorder was entrusted to the complainant asking him to switch on the same and record the conversation with the DGOs 1 and 2, in that micro tape recorder, while paying money

to them. In this regard, a detailed entrustment mahazar has been prepared as per Ex-P2.

18. The complainant and the shadow witness were taken to the office of the Commissioner of Land Acquisition, UKP, Navanagara Bagalkot and sent them to meet DGOs 1 and 2 in the said office. The complainant accompanied with the shadow witness met DGO-2 and enquired him about sending of compensation cheque to the civil court towards the amount of compensation payable to his 7 clients. DGO-2 enquired him as to whether he has brought money as demanded. Since the complainant told him that, he has brought Rs. 3000/-, DGO-2 took the complainant to the chamber of DGO-1 and the complainant requested DGO-1 to send the compensation cheque to the court at an earliest. DGO-1 demanded the complainant to pay Rs. 3000/- and when the complainant offered the tainted notes to DGO-1, she/DGO-1 asked the complainant to pay that money into the hands of DGO-2. Accordingly, the complainant gave the tainted notes to DGO-2 and he having received the tainted notes with his right hand, counted the same and gave those notes to DGO-1. DGO-1 having received the tainted notes from DGO-2 with her right hand kept that money in her vanity bag. Thereafter, the complainant came out of the office and gave pre-arranged signal to the Police Inspector.
19. On receiving the signal, the Police Inspector and his staff and the 2 other panch witnesses approached the complainant, who took them inside the said office and showed DGO-2 to the Police Inspector telling him that, he is the concerned case worker and he has received money from him, as per the direction of DGO-1.
20. The Police Inspector introduced himself to DGO-2 and explained to him about the registration of a case against him and asked him to

co-operate in the investigation. DGO-2 disclosed his name as Sri Erappa Chennabasappa Yogikoppada working as FDA and case worker, O/o Land Acquisition officer, Upper Krishna Project, Navanagar Bagalkot District.

21. DGO-2 thereafter, took them to the chamber of DGO-1 and showed DGO-1 claiming that, he has received money as per her direction. The Police Inspector introduced himself to DGO-1 and explained to her about the registration of a case even against her and asked her to co-operate in the investigation. DGO-1 disclosed her name as Smt. G. Rathnamala, Chief Accounts Officer, O/o Land Acquisition officer, Upper Krishna Project, Navanagar Bagalkot District
22. Thereafter, the hand wash of DGO-2 was obtained, asking him to wash his both hand fingers separately in two separate bowls containing sodium carbonate solution. When DGO-2 washed his 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 DGO-2, were collected in two separate bottles and sealed the same.
23. Thereafter, the right hand wash of DGO-1 was obtained, asking her to wash her right hand fingers in a separate bowl containing sodium carbonate solution. When DGO-1 washed her right hand fingers in the bowl containing sodium carbonate solution, the colourless solution in the said bowl, turned into pink colour. The said pink coloured solution of right hand wash of DGO-1, was collected in a separate bottle and sealed the same

24. Thereafter, the Police Inspector asked DGO-1 about the money she has received from the complainant. DGO-1 having opened her vanity bag, took out the money from her vanity bag and produced Rs. 3000/- before the Police Inspector. On verification of those notes with reference to its serial numbers, it was confirmed that, those were the notes entrusted to the complainant during the entrustment proceedings. Those notes were kept in a separate cover and sealed the same.
25. On further search of the vanity bag of DGO-1, another sum of Rs. 6,470/- was recovered from her vanity bag and since DGO-1 told the Police Inspector that, it is her salary amount, the said amount was returned to DGO-1.
26. With the help of a cotton swab, the inner portion of the said vanity bag where the tainted notes were found kept, has been swabbed and the said cotton swab was also subjected to phenolphthalein test by dipping it in a separate bowl containing sodium carbonate solution. Since the said solution turned into pink colour, the said pink coloured solution was collected in a separate bottle and sealed the same and seized along with the cotton swab along with the vanity bag of the DGO.
27. The Police Inspector asked the DGOs 1 and 2 to give their explanation in writing. DGO-1 gave her explanation in writing as per Ex-P4 and DGO-2 gave his explanation as per Ex-P5. Both the complainant and shadow witness have denied the correctness of the version of the explanation given by DGOs 1 and 2, claiming it as false and incorrect.

28. The micro recorder entrusted to the complainant was taken back from him and when played, the conversation took place between the complainant and DGOs 1 and 2, was found recorded in it. The same was also seized.
29. The Police Inspector directed DGO-1 to produce the relevant file pertaining to the land acquisition cases of the clients of the complainant. DGO-1 directed DGO-2 to bring the files and accordingly DGO-2 produced the files consisting of awards passed by the Court, bills prepared and other documents pertaining to the clients of the complainant and the same have been seized as per Ex-P3. In this regard, a detailed Trap mahazar has been prepared incorporating all the details of the trap proceedings, as per Ex-P7.
30. During enquiry, the complainant has been examined as PW1, the shadow witness Sri Ravi Daddikar has been examined as PW2. The Investigating officer Sri A.S. Subedar since reported to be dead, could not be examined in this enquiry. PW3 Sri Mallesh Doddamani who took up further investigation from Sri A.S. Subedar and filed charge sheet, has been examined as PW3.
31. The complainant, in his evidence has stated about the circumstances under which he has filed the complaint against the DGOs as per Ex-P1. He has made specific allegation against the DGOs in his complaint, which he has reiterated while giving evidence before this authority contending that, DGOs in order to prepare the compensation cheque and send it to Civil Court, demanded him to pay Rs. 5500/- initially, at the rate of Rs. 300/- per lakh, as cheque for Rs. 15 lakhs towards compensation was to be sent to the court. According to him, when he met DGO-1 on 1.8.2007 and bargained with her regarding the amount of bribe she

has demanded, she scaled down her demand and agreed to receive Rs. 3000/- instead of Rs. 5500/- demanded by her.

32. Both PW1 and PW2/shadow witness have stated in their evidence giving details of the entrustment proceedings conducted in the Police Station in the presence of 3 official panch witnesses and entrustment of tainted notes of Rs. 3000/- to the complainant, in the said proceedings. They have further stated that, they have met the DGO-2 in the concerned section in the O/o Commissioner, Land Acquisition, UKP, Navanagara, Bagalkote and gave details about the manner in which DGOs 1 and 2 have demanded and received bribe amount, of Rs. 3000/-.
33. PW1 has stated that, when he met DGO-2 in his section and enquired him about the compensation cheque to be made ready in order to send it to the Civil Court, DGO-2 enquired him as to whether he has brought money and when the complainant told him that, he has brought Rs. 3000/-, DGO-2 took him/complainant to the chamber of DGO-1 where the complainant requested DGO-1 for sending the compensation cheque to the Civil court. It is the allegation of the complainant that, DGO-1 enquired him about the money she has demanded and when the complainant offered her the tainted notes of Rs. 3000/-, she/DGO-1 asked the complainant to give that money to DGO-2 and accordingly he/complainant gave that money to the hands of DGO-2 and DGO-2 having received the tainted notes from the complainant with his right hand, counted the same by using his both hands and handed over that money to DGO-1. It is the evidence of the complainant that, DGO-1 having received that money from DGO-2 with her right hand, kept that money in her vanity bag.

34. PW2 has claimed that, when the complainant went inside the chamber of DGO-1 along with DGO-2 and spoke to her, he was standing near the door of the said chamber and has watched the happenings, reiterating his contention that, when DGO-1 asked the complainant for money, the complainant having taken out the tainted notes from his shirt pocket offered the money to DGO-1 but, she asked the complainant to give that money to DGO-2 and accordingly, DGO-2 received money from the complainant as per the direction of DGO-1. He has further stated that, DGO-2 having counted those notes by using his both hands, gave that money to DGO-1 who received it with her right hand and kept that money in her vanity bag.
35. Both PW1 and PW2 have stated regarding the arrival of Police Inspector, obtaining hand wash of both the hands of DGO-2 and right hand wash of DGO-1, which gave positive result regarding presence of phenolphthalein, recovery of tainted notes of Rs. 3000/- from the vanity bag of DGO-1 since she herself having taken out the tainted notes from her vanity bag, produced the same before the Police Inspector. Both have narrated the various procedures conducted by the Police Inspector regarding swabbing of the inside portion of the vanity bag of DGO-1 where the tainted notes were found kept, by using a cotton swab and subjecting the said cotton swab to phenolphthalein test which gave positive result and seizure of the cotton swab along with the vanity bag of DGO-1, giving of explanation by DGOs 1 and 2 and other details of the trap proceedings. Even the seizure of the records pertaining to the clients of the complainant, since produced by DGO-2, have been spoken to by them. The complainant has stated that, the micro tape recorder entrusted to him was taken back from him and played in the presence of the DGOs 1 and 2 and panch witnesses and the

conversation took place between him/complainant and DGOs 1 and 2 were found recorded in it and hence the same was seized.

36. The learned counsel for DGO-1 cross examined PW1 at length putting various suggestions to him regarding the evidence given by him in his chief examination and also the details of the execution proceedings filed by him on behalf of his clients before the Civil court and other details. The complainant has reiterated his allegation even in his cross examination that, DGO-1 took out the tainted notes from her vanity bag and produced the same before the Police Inspector. He further stated that, the shadow witness was standing at the place outside of the entrance door of chamber of DGO-1 and was watching the happenings and also the manner in which DGOs 1 and 2 having demanded money from him received that money. Various suggestions put to him by the learned counsel for DGO-1, have been categorically denied by him.
37. Even PW-2 has been cross examined by the learned counsel for DGO-1 wherein, he reiterated his contention that, when the complainant and DGO-2 went inside the chamber of DGO-1, he was standing near the door of the said chamber and watching the happenings. He also reiterated his contention that, DGO-1 gave her explanation as per Ex-P4 and DGO-2 gave his explanation as per Ex-P5.
38. On considering the evidence given by PWs 1 and 2 and the cross examination made by the learned counsel for DGO-1, the evidence given by them in their chief examination have not be shaken or discredited during their cross examination.
39. As I have already discussed earlier the IO could not be examined in this enquiry since he is dead. PW3 is the Police Inspector who took



up further investigation and on receiving the report of the chemical examiner and on obtaining necessary sanction filed charge sheet both against DGOs 1 and 2.

40. DGO-1 has not disputed the fact of giving her explanation in writing as per Ex-P1. In her written statement, she has taken up a contention that, immediately after her trap, she gave statement explaining the true facts, but according to her, Lokayukta police have not considered her explanation. In her written explanation, Ex-P4 she has stated as follows:

“ Then Mr. Dasanna said so clear the June Bill which is received and came to give me money. I refused and Mr. Yogikoppad received it and put in the table draw of my chamber. I had not asked money for clearing of the bill. I don't know Mr. Dasanna. He had come for the first time to meet me along with Mr. Yogi Koppad. In 10 minutes i.e., by 12.10pm Police Inspector and DSP Sri Subedar and Sri. Kambar came and asked me to hand over the money. I handed it over to them. I am very sorry and excuse me as I had not asked for money or bribe to clear the bill. I had cleared the Bill (BR No. 2141 dated 22.6.2007) before the Lokayukta officials arrived to my office.”

41. According to the explanation offered by her, the complainant came to give her money though she never asked for money. But she has not come out with any explanation as to how the tainted notes came to be recovered from her vanity bag since she has admitted that, the police asked her to hand over the money and hence she handed it over to them. On the other hand, DGO-2 in his written explanation Ex-P5, has stated that, the complainant on approaching him requested him to take him to DGO-1/Chief Accounts Officer and

hence he took the complainant to the chamber of DGO-1. He has further stated that, having spoken among themselves, the complainant offered money to DGO-1 but DGO-1 refused to receive it and hence the complainant kept the money on the table of DGO-1.

42. But no suggestion was put, either to the complainant or to the shadow witness that, the complainant has kept the money on the table of DGO-1 though she refused to receive the money from him when he offered money to her. In the absence of any such suggestion put to PW1 and PW2, the written explanation given by DGO-2 as per Ex-P5 cannot be believed. DGO-1 has not taken up any such contention that, on her refusal to receive money, the complainant kept the money on her table. Though she has admitted that, she has produced the tainted notes before the Police Inspector, she did not come out with any explanation in Ex-P4 as to, from where she took out the money and produced it before the Police Inspector. But as per the evidence of PW1 and PW2 and the details mentioned in the trap mahazar, DGO-1 having taken out the tainted notes from her vanity bag, produced the same before the Police Inspector.

43. Further, the hand wash of both the hands of DGO-2 and right hand wash of DGO-1 obtained during the trap proceedings gave positive result regarding presence of phenolphthalein. Even the chemical examiner's report as per Ex-P9 confirms the presence of phenolphthalein in both right hand wash and left hand wash of DGO-2 and right hand wash of DGO-1.

44. When the evidence of PW1 and PW2 are considered with reference to these details, I have no hesitation to conclude that, the evidence given by PW1 and PW2 that, when the complainant offered money to

DGO-1, she asked the complainant to give that money to DGO-2 and accordingly, DGO-2 received money from the complainant as per the direction of DGO-1 and having counted those notes by using his both hands, gave that money to DGO-1 who, on receiving it with her right hand, kept that money in her vanity bag, which she later produced before the Police Inspector on taking out from her vanity bag. Therefore, I am of the considered opinion that, the disciplinary authority was able to establish the allegations against both DGOs 1 and 2 that, both having demanded bribe from the complainant, in order to do an official act of preparing the compensation cheque and to send it to the civil court and they have accepted bribe amount from the complainant, as narrated by PW1 and PW2 in their evidence. DGO-2 received Rs. 3000/- from the complainant, both on his behalf and on behalf of DGO-1 and having received the tainted notes from the complainant gave it to DGO-1 who on receiving it, kept that money in her vanity bag, which she later produced before the Police Inspector on taking out from her vanity bag. Therefore, I am of the considered opinion that, the charges against both DGOs 1 and 2 are established.

45. Despite granting opportunity to DGO-1 so as to enable her to adduce her defence evidence, she failed to utilize those opportunity provided to her and never bothered to adduce her defence evidence by examining herself during this enquiry. She has not taken up any specific defence even while cross examining PW1 and PW2, as no suggestions by way of defence of DGO were put to PW1 and PW2 during their cross examination.
46. DGO-2 remained exparte and did not chose to participate and contest this proceedings. Even he did not take any specific defence while furnishing his reply to the observation note. But on the other

hand, the evidence available on record are sufficient to conclude that, DGO-2 having joined hands with DGO-1 demanded bribe from the complainant and received Rs. 3000/- by way of bribe from the complainant, both on his behalf and on behalf of DGO-1, on the day of trap. Therefore, I have no hesitation to conclude, that, even charges framed against DGO-2 are established by the disciplinary authority.

47. The complainant has produced the copy of the judgment passed by the Spl. Court, Bagalkote dated 30.5.2012 in Spl.C. no. 13/2009 wherein, the learned Spl. Judge having held detailed trial, convicted both DGOs 1 and 2 holding them guilty of offence under Section 7 and 13(1)(d) R/w 13(2) of P.C Act, 1988 and imposed imprisonment of 3 years with fine of Rs. 3000/- with default clause. DGO-1 has admitted that, she has challenged her conviction by filing appeal before the Hon'ble High Court of Karnataka, Dharwad Bench and appeal so filed by her is pending consideration in Cr.A. no. 2693/2012. Hence, the conviction of both DGOs 1 and 2 in the prosecution case launched against them, is also another factor which persuaded me to believe the evidence of PW1 and PW2 and to conclude that, the disciplinary authority was able to establish the charges against both DGOs 1 and 2. Accordingly, I answer both point nos.1 and 2 in the affirmative.

**Point No.2**

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

**CONCLUSION**

(i) The Disciplinary Authority has proved the charges as framed against the DGO (1) Smt. G. Rathnamala, the then Chief Accounts Officer and (2) Sri Erappa Chennabasappa Yogikoppada, the then FDA, O/o Land Acquisition officer, Upper Krishna Project, Navanagar Bagalkot District.

(ii) As per the first oral statement, the date of birth of the DGO-1 is 26.7.1958 and in the normal course she was to be retired from service on 31.7.2018.

(iii) As per the service particulars produced along with the charge sheet, the date of birth of DGO-2 is 1.1.1951 and he has already retired from service on 31.12.2010

iii) The Principal Sessions Judge and Special Court, Bagalkote vide judgment dated 30.5.2012 in Spl.C. no. 13/2009 convicted both DGOs 1 and 2/accused no.1 and 2, holding them guilty of offence under Section 7,13(1)(d) R/w. Section 13(2) of P.C. Act and convicted them imposing sentence of imprisonment and fine.

iv) DGO-1 has challenged the said judgment of conviction and sentence, by preferring appeal before the Hon'ble High Court of Karnataka, Dharwad Bench and the appeal so filed in Cr.A.No. 2693/2012, is still pending consideration.

v) With regard to various financial irregularities she has committed while working as Chief Accounts Officer in the O/o Commissioner, Land acquisition UKP, Bagalkote during the period from 1.9.2005 to 14.8.2007, a departmental enquiry was initiated against DGO-1 and since the charges against her came to be established, penalty of compulsory retirement under Rule 8(vi) of KCS(CCA) Rules came to be imposed against her, vide order of the State Government no. ಆಇ 358 ರಾಜೇಪ 2007 dated 29.6.2012, and hence she is no longer in Government service.

vi) Though she came to be convicted by the Spl. Court vide judgment dated 30.5.2012, before taking action against her as provided under Rule 103 KCSRs by dismissing her from service, she came to be retired compulsorily in view of proved charges against her regarding financial irregularities she has committed in a departmental proceedings initiated against her and as per the order of penalty issued against her dated 29.6.2012.



(S. Renuka Prasad)

Additional Registrar of Enquiries-3  
Karnataka Lokayukta, Bengaluru.

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

<b>PW-1</b>	Sri Chnadrashekhhar Dasannavar (complainant) (original)
<b>PW-2</b>	Sri Ravi Amrutha Daddikar (shadow witness) (original)
<b>PW-3</b>	Sri Mallesh Doddamani (investigation officer) (original)

**II. Witnesses examined on behalf of the DGO: Nil****III Documents marked on behalf of D.A.**

<b>Ex.P-1</b>	Certified copy of the complaint
<b>Ex.P-2</b>	Certified copy of entrustment mahazar
<b>Ex.P-3</b>	Certified copy of records seized by IO
<b>Ex.P-4</b>	Certified copy of written explanation of DGO- 1
<b>Ex.P-5</b>	Certified copy of written explanation of DGO- 2
<b>Ex.P-6</b>	Certified copy of rough sketch
<b>Ex.P-7</b>	Certified copy of trap mahazar
<b>Ex.P-8</b>	Certified copy of judgment
<b>Ex.P-9</b>	Certified copy of chemical examiner report

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

<b>Ex-D1</b>	Certified copy of deposition of Chandrashekar in Spl.C.N o. 13/2009
--------------	---

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

  
(S. Renuka Prasad)

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

