



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/58/2011/ARE-4

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 17.09.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri Puttanarasappa, the then Assistant Engineer(Elecl), BESCOM, Doddabelavangala Branch, Doddaballapur Sub-division, Nelamangala, Bangalore Rural District - reg.

- Ref:- 1) Proceedings Order No. KPTCL/B21/8204/2009-10 dated 18.04.2011 of the Director (A&HR), KPTCL, Bengaluru.
- 2) Nominatin order No. LOK/INQ/14-A/58/2011 dated 29.04.2011 of Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 12.09.2019 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The KPTCL by its Proceedings order dated 18.04.2011 initiated the disciplinary proceedings against Shri Puttanarasappa, the then Assistant Engineer(Elecl), BESCOM, Doddabelavangala Branch, Doddaballapur Sub-division, Nelamangala, Bangalore Rural District [hereinafter

referred to as Delinquent Board Official, for short as 'DBO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/58/2011 dated 18.04.2011 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DBO for the alleged charge of misconduct, said to have been committed by him.

3. The DBO - Shri Puttanarasappa, the then Assistant Engineer(Elecl), BESCO, Doddabelavangala Branch, Doddaballapur Sub-division, Nelamangala, Bangalore Rural District, was tried for the following charge :-

"That, you Shri Puttanarasappa, while working as Assistant Engineer(Elecl), BESCO, in Doddabelavangala Section, Doddaballapur Taluk, on 12.12.2008 demanded and accepted bribe of Rs.2,000/- from complainant Sri Prakashreddy S/o Mallareddy, Electrical contractor residing at Sugappa Badavane, Yalahanka, Bangalore District for the purpose of preparing estimate statement to provide

electric connections to the house of his customer namely Sri Narendrababu at Sakkaregollahalli Village, failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Govt. servant and thereby committed misconduct as enumerated under Rule 3 of Karnataka Electricity Board Employees (Conduct) Regulations, 1988."

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 DBO - Shri Puttanarasappa, the then Assistant Engineer(Elecl), BESCOM, Doddabelavangala Branch, Doddaballapur Sub-division, Nelamangala, Bangalore Rural 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 DBO furnished by the Inquiry Officer, the DBO - Shri Puttanarasappa, has retired from service on 31.08.2013.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DBO - Shri Puttanarasappa, the then Assistant Engineer(Elect), BESCO, Doddabelavangala Branch, Doddaballapur Sub-division, Nelamangala, Bangalore Rural District, it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DBO - Shri Puttanarasappa.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 17/9  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.LOK/ARE-4/ENQ/58/2011

M.S.Building,  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 12/09/2019

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri Puttanarasappa  
Assistant Engineer (Elecl.)  
BESCOM,  
Doddabelavangala Branch  
Doddaballapura Sub-division  
Nelamangala  
**(now retired)**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BD/268/2010/ARLO-3  
dated:23/03/2011
  - 2) Order. No. KPTCL/B21/8204/2009-10,  
Bangalore dated: 18/04/2011
  - 3) Order No.LOK/INQ/14-A/58/2011  
Dtd.29/04/2011 of the Hon'ble  
Upalokayukta

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1. This Departmental Inquiry is directed against Sri Puttanarasappa, Assistant Engineer (Elecl.), BESCOM, Doddabelavangala Branch, Doddaballapura Sub-division, Nelamangala, **(now retired)** (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: 29/04/2011 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 as below;

**ANNEXURE NO. 1**

**CHARGE**

*That, you Puttanarasappa, the DGO, while working as Assistant Engineer (Elcl) BESCO, in Doddabelavangala Section, Doddaballapura Taluk and on 12/12/2008 demanded and accepted bribe of Rs. 2,000/- from the complainant namely Sri Prakashreddy s/o Mallareddy, Electrical contractor residing at Sugappa Badavane, Yelahanka, Bangalore district, for the purpose of preparing estimate statement to provide electric connections to the house of his customer namely Sri*

*Narendrababu at Sakkaregollahalli village, failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3 of KEB Employees (Conduct) Regulations, 1988.*

**ANNEXURE NO. II**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant namely Sri Prakashreddy s/o Mallareddy residing at Sugappa Extension, Yelahanka, Bangalore District being an electrical contractor submitted application to the Doddaballapura BESCO section office on 10/12/2008 requesting to give electrical connection to the house of his customer namely Sri Narendrababu residing at Sakkaregollahalli village and further requested the DGO to prepare estimate to provide electricity connection to the house of Sri Narendrababu. Then, the DGO demanded bribe of Rs. 3,000/- which was reduced to Rs. 2,000/- after bargain. The complainant was not willing to pay the bribe of Rs. 2,000/- Thereafter, on 12/12/2008 the complainant approached Lokayukta Police Inspector, Bangalore Rural District (herein after referred to as the Investigating Officer, for short "the I.O.") and lodged a complaint. The I.O. registered the complaint in Cr. No. 39/2008 for the offences u/Sec. 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act 1988 and submitted FIR to the concerned court. On 12/12/2008 itself, the I.O. secured two panch witnesses and conducted entrusted mahazar about panch witnesses and conducted entrusted mahazar about entrustment of bribe amount produced by the complainant after applying phenolphthalein powder and followed pre-trap formalities. Thereafter, I.O. along*

complainant and staff went near the office of DGO at Belvangala KEB section. Then, the complainant and shadow witness approached the DGO in the office the complainant and gave bribe to the DGO on demand. Thereafter, after the signal given by the complainant, the I.O. went and seized the bribe amount from the possession of the DGO under mahazar after following post-trap formalities. The I.O. recorded statement of the DGO during the course of investigation the I.O. recorded statement of complainant the panch and other witnesses. The I.O. sent the articles seized in the course of pre-trap and post-trap formalities to the chemical examiner for examination. The report of the chemical examiner was positive. The material collected by the I.O. during the course of investigation showed, prima facie, case against the DGO for receiving the amount other than legal remuneration in connection with the work of complainant, failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Government Servant. Therefore, a suo-moto investigation was taken up u/sec.7(2) of Karnataka Lokayukta Act and observation note was sent to the DGO. The DGO submitted reply and same was not convincing and not acceptable. The materials on record prima facie showed that the DGO committed misconduct, failing to maintain absolute integrity and devotion to duty unbecoming of Government Servant. Therefore, a recommendation u/sec. 12(3) of the Karnataka Lokayukta Act was made to initiate disciplinary proceedings and to entrust the inquiry to Lokayukta Authority u/Rule 14-A of KEB Board Employees CCA Regulations. Accordingly, Competent



*Authority initiated departmental inquiry against the DGO.  
Hence, this charge.*

5. DGO appeared before this Inquiry Authority on 18/06/2011 and on 01/07/2011 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:-

7. The DGO is innocent and not guilty of the offences alleged against him. The DGO has served the department for more than 30 years honestly and sincerely without any adverse remarks. It is false to state that on 12/12/2008 the DGO demanded and accepted the bribe of Rs. 2,000/- from the complainant who is an Electrical Contractor. The DGO never demanded any bribe from the complainant nor he has received any bribe from the complainant. The complaint is a false one and the allegations made against him are totally baseless and false allegations. Hence, prays to exonerate him from the charges leveled against him in this case.

8. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all three witnesses as PW1 to PW3 and got marked documents at Ex.P1 to P16. 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 himself examined as DW1 and two witnesses examined as DW2 and DW3 and

got marked documents at Ex.D1 to D4 and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

9. The Disciplinary Authority has not filed written brief, but DGO has filed his written brief and additional written brief. Oral arguments of the Presenting Officer was heard.

10. 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 enquiry authority is:-

1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO?

2) What order?

11. 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 ::**

**12. Point NO.1:** As stated above it is the case of the Disciplinary Authority that, the DGO while working as Assistant Engineer, BESCO in Doddabelavangala Section, Doddaballapura Taluk, on 12/12/2008 demanded and accepted bribe of Rs. 2,000/- from the complainant namely Sri Prakashreddy s/o Mallareddy, Electrical Contractor, for the purpose of preparation of the estimate statement to provide electric connection to the house of his customer namely Sri

Narendrababu at Sakkaregollahalli village and thereby he has failed to maintain absolute integrity and devotion to duty and committed the misconduct.

13. The complainant has been examined as PW1 and the copy of the complaint lodged by him before the Lokayukta police station is at Ex.P1. The gist of Ex.P1 is to the effect that complainant Sri K. Prakashreddy s/o Mallareddy is working as Electrical Contractor under the name and style Prakash Electricals from many years and his customer Sri K.A. Narendra babu has constructed a building in sy.No. 25/1 of Sakkaregollahalli village and the said owner entrusted the work of getting the electrical connection to the same to him (PW1). Accordingly he gave the application for electric connection and paid the registration fee of Rs. 50/- and thereafter he approached DGO on 11/12/2008 for preparation of estimate and field report and the DGO inspected the spot and told that four electric poles have to be erected and the work is not easy and for giving the estimate bribe of Rs. 3,000/- has to be given and finally reduced the bribe amount of Rs. 2,000/- and to pay the same on 12/12/2008. The complaint has been lodged on 12/12/2008 at 9.40 a.m.

14. PW1 has deposed that Sri Narendrababu is his customer and he had applied for electrical connection to the building of the above said Sri Narendrababu and he was told that the estimate has to be given by the DGO who is working in BESCO office, Doddabelavangala and accordingly he met the DGO and DGO inspected the spot and told him that for giving electricity connection four electric poles have to be erected and to prepare the estimate he should be given an amount of Rs.

3,000/- . PW1 has further deposed that when he told the DGO that he is not able to give the amount demanded the DGO told that an amount of Rs. 2,000/- has to be given and insisted for payment of the same and hence he lodged the complaint on 12/12/2008. He has deposed that he produced the copy of the application given for electric connection and it is at Ex.P2 and it contains the signature of the owner of the building stated above and in the same there is the seal of Prakash Electricals in the column who is doing the wiring. Ex.P2(a) is the copy of the receipt for having paid the application fee of Rs.50/-.

15. PW1 has further deposed that after registering his complaint the I.O. secured two panchas namely Sri G.N. Gowtham and Sri Santhosh Kumar and he told them about his complaint. He has deposed that at the request of the I.O. he produced an amount of Rs. 2,000/- (Rs.500x4) and the witness Sri Gowtham noted the denomination and serial number of the notes in a chit and same was entered in the computer. He has deposed that phenolphthalein powder was smeared to the notes and through the pancha witness Sri Sathosh Kumar notes were kept in his left side shirt pocket and afterwards the hands of Sri Santhosh kumar was washed in the sodium carbonate solution and that solution turned to red colour. He has deposed that he was instructed to approach the DGO and in case the DGO demands for money tainted currency notes kept in his pocket has to be given and afterwards he should give the signal to the I.O. by combing his hairs and the entrustment panchanama was prepared according in the police station and copy of the same is at Ex.P3.

16. He has further deposed that afterwards himself the panchas the I.O. and his staff went to BESCO office situated in Doddabelavangala and the vehicle was stopped at a little distance and himself and the pancha witness Sri Gowtham were asked to go to the office of the DGO and the remaining persons stayed outside the office of the DGO. He has deposed that he met the DGO and enquired about his work and the DGO asked whether he has brought the money and he told that he has brought the money and gave the tainted currency notes and the DGO received the same with his right hand and kept it in his left side shirt pocket. He has deposed that afterwards himself and the witness Sri Gowtham came out of the office and he gave the pre-arranged signal and immediately the Lokayukta police came inside the BESCO office and asked him to whom he has given the amount and he showed the DGO as the person who has received the amount from him. He has deposed that the Lokayukta Police Inspector introduced himself to the DGO and the hands of the DGO were washed separately in the solution and both the solution turned to pink colour. He has deposed that as the DGO had counted the notes before keeping the same in his shirt pocket and hence the hand wash of both his hands were positive. He has further deposed that the I.O. asked the DGO about the amount and the DGO produced the amount of Rs. 2,000/- from his left side shirt pocket and those notes tallied with the notes mentioned in the entrustment mahazar. He has deposed that the I.O. seized the notes. He has deposed that alternate shirt was arranged to the DGO and the inside the portion of the left pocket of the shirt worn by DGO when immersed in the sodium carbonate solution that solution also turned to

pink colour. He has deposed that the DGO gave his explanation in writing and copy of the same is at Ex.P4. He has deposed that the police also seized the certified copy of the documents in respect of his file and the copies of the same are at Ex.P5 (12 sheets) and the copy of the trap mahazar is at Ex.P6.

17. In his cross-examination he has deposed that on 10/12/2008 itself the DGO inspected the spot and asked him to meet him on 12/12/2008. He has deposed that he do not know whether on 11/12/2008 it was weekly holiday for the DGO. He has further deposed that on 12/12/2008 the DGO prepared the estimate and field report and gave the same to him and the copies of the same are at Ex.P5(a)(b). But he has further deposed voluntarily that the DGO gave them only after he gave the amount of Rs. 2,000/- to him. He has denied the suggestion of the learned counsel for the DGO to the effect that on 12/12/2008 itself the power was sanctioned to Sri Narendrababu and he do not know on which date the power was sanctioned. But he has deposed that it was sanctioned after the trap. He has denied the suggestion of the learned counsel for the DGO to the effect that even though the DGO protested by force he kept the tainted currency notes in the left side shirt pocket of the DGO. He has also denied the suggestion of the learned counsel for the DGO to the effect that the Lokayukta police got the explanation of the DGO as per Ex.P4 by force. He has denied the suggestion to the effect that he has lodged the complaint at the instance of one Sri Jagadeesh.

18. Ex.P4 is the copy of the explanation given by the DGO immediately after the trap and in the same it is stated that on 12/12/2008 he gave the estimate to PW1 and PW1 gave some amount and he kept the same in his pocket and afterwards he was going to board the vehicle to go to Doddaballapura sub-division and at that time Lokayukta police caught hold of him. Thus in Ex.P4 he admits that PW1 gave the amount and he received the same and kept in his shirt pocket.

19. DGO has been examined as DW1 and in his cross-examination he admits that Ex.P4 is in his hand writing. He admits that the copy Ex.P7 is his objections to the observation note. It is pertinent to note that nowhere in Ex.P7 it is stated that the Lokayukta police got Ex.P4 from him by force. Even in the written statement there is no such contention. In Ex.P7 it is also not stated that PW1 forcibly kept the tainted currency notes in the shirt pocket of the DGO. Hence, such a contention is not taken even in the written statement. The above said contentions are not taken even in the examination in chief affidavit of DW1. Hence, the cross-examination of PW1 by the DGO to the effect that PW1 forcibly kept the tainted currency notes in the shirt pocket of the DGO and that by force Lokayukta police took the explanation of the DGO as per Ex.P4 cannot be believed.

20. The learned counsel for the DGO relies upon the last sentence in the cross-examination of PW1 which reads as follows:-

“ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಯಾವತ್ತೂ ಅಕ್ರಮ ಸಂಭಾವನೆ ಬೇಡಿಲ್ಲ ಮತ್ತು ಪಡೆದಿಲ್ಲ ಎಂದರೆ ನಿಜ”

21. It is pertinent to note that the evidence of PW1 has to be considered as a whole and the above said stray sentence cannot be considered as an admission. When the examination in chief and the entire cross-examination of PW1 is taken into consideration the above said stray sentence cannot be considered as an admission and it is a typographical mistake and on the basis of the same the evidence of PW1 stated above cannot be discarded.

22. In his cross-examination PW1 has deposed that on 10/12/2008 he had met the DGO and on that day the DGO demanded the bribe amount and that on 11/12/2008 he had not met the DGO. As stated above the DGO has inspected the spot on 10/12/2008 and the evidence of PW1 to the effect that on 10/12/2008 itself the DGO demanded the bribe amount is probable and believable as the DGO was on weekly holiday on 11/12/2008. Ex.D1 is the letter given by A.E.E., (Electrical) to the effect that on 11/12/2008 the DGO had not attended the office as it was weekly holiday for him. I feel only on the above said discrepancy in the evidence of PW1 when compared to the averments made in Ex.P1 the case of the disciplinary authority cannot be discarded especially when DW1 has clearly deposed in his cross-examination that he was no ill-will against the PW1. Except some minor discrepancies no major discrepancy is there in the evidence of PW1 who is the complainant.

23. PW2 is the shadow witness by name Sri G.N. Gowtham and he has deposed that on 12/12/2008 he had been to the Lokayukta police station and in the Lokayukta police station PW1 was present and he came to know about the complaint lodged by PW1. He has deposed that Sri Santhosh kumar has



also come to the Lokayuka police station on that day as another pancha witness. He has deposed about the PW1 producing the amount of Rs. 2,000/- and the I.O. get phenolphthalein powder smeared to him through his staff. He has deposed all the averments made mentioned in the entrustment mahazar copy of which is marked as Ex.P2. He has deposed that they left the Lokayukta police station at 2.15 p.m. and went to Doddabelavangala. He has deposed that he accompanied PW1 to the BESCO office and the DGO was present in the office. He has deposed that PW1 asked the DGO about the estimate and DGO told that the estimate is ready and to give Rs. 2,000/- and the DGO removed the tainted currency notes from his right side pant pocket and gave the same to the DGO and the DGO received the same, counted the same with his both hands and kept the same in the left side of his shirt pocket and afterwards PW1 gave the pre-arranged signal. He has deposed that immediately the Lokayukta police, his staff and another pancha witness Sri Santhosh kumar came into to the BESCO office and PW1 showed the DGO and told that the DGO has received the amount from him. He has deposed that the I.O. introduced himself to the DGO and also told him about the case registered against him. In his cross-examination he has deposed that the hands of the DGO were washed separately in sodium carbonate solution and both the solution turned to pink colour and thereafter when I.O. asked the DGO about the amount the DGO produced the amount from his left side shirt pocket. He has deposed about seizing of the documents and also about the trap mahazar. He has deposed that at 3.45 p.m. on that day himself and PW1 went inside the office of the DGO. He has also denied the

suggestion of the learned counsel for the DGO to the effect that PW1 forcibly kept the tainted currency notes in the shirt pocket of the DGO. Even though PW2 has been cross-examined at length nothing is made out in his cross-examination as to why he has deposed falsely against the DGO. Thus nothing is made out in his cross-examination to discard his evidence.

24. PW3 is the Investigating Officer by name Sri Prakash. He has deposed that from April 2008 to June 2011 he has worked as Police Inspector in Bengaluru Rural Lokayukta police station. He has deposed that on 12/12/2008 PW1 came to the police station and gave the complaint as per Ex.P1. He has deposed about the gist of the complaint also. he has deposed that on the basis of Ex.P1 he registered the case and sent the FIR to the concerned court and the copy of the same is at Ex.P9. He has deposed about securing two panchas, PW1 producing the amount of Rs. 2,000/- and also about conducting the entrustment mhaazar as per Ex.P3. He has deposed about all the averments made in Ex.P3. He has deposed that after Ex.P3 they went to the office of the DGO at 3.30 p.m. and PW1 and PW2 were sent inside the office to meet the DGO. He has deposed <sup>that</sup> after 20 minutes PW1 came out of the office and gave the pre-instructed signal and immediately himself, his staff and another pancha went to the place where PW1 gave the signal and PW1 took them inside the office and PW1 showed the DGO and told that he demanded for the bribe amount and received the same. He has deposed that the hand wash of the DGO was positive and the DGO produced the tainted currency notes from his shirt

pocket. He has deposed that the inside portion of the shirt pocket of the DGO was washed in the solution and that solution also turned to pink colour. He has deposed that Ex.P6 is the copy of the trap mahazar. He has deposed that the DGO produced the file of the complainant and certified copies of the same was prepared and seized and copies of the same are at Ex.P5. He has deposed that Ex.P4 is the copy of the explanation given by DGO and PW1 and PW2 denied the contents of the same as false. He has deposed that Ex.P11 is the copy of the sketch of the scene of occurrence prepared by him and Ex.P13 is the copy of the FSL report.

25. In his cross-examination he has deposed that after the trap the order for giving electric connection was passed by the A.E.E., and PW3 has deposed that he got that order after the trap by instructing the A.E.E., He has denied the suggestion of the learned counsel for the DGO to the effect that he has seized the documents from the office of A.E.E., He has deposed that he has not listed the documents seized under the trap mahazar but he has mentioned that the documents were produced by the DGO. He has denied the suggestion that he got the explanation Ex.P4 from the DGO by force. Thus the evidence of PW3 supports the case of the disciplinary authority.

26. The learned counsel for the DGO contents th at DGO has done the spot inspection on 10/12/2008 and also gave the estimate and field report on 12/12/2008 and the electric connection has also been sanctioned on 12/12/2008 and hence there is no delay on the part of the DGO in doing his work. Ex.D2 is the letter of the Assistant Executive Engineer

addressed to DGO dated: 19/06/2014 in which it is stated that on 12/12/2008 the sanction has been given and the work order has been issued on 17/12/2008. As stated above PW1 and PW3 have deposed that electricity sanction order was made by A.E.E., on 12/12/008 after the trap. Only on the ground that the DGO has done his part of duty without delay it cannot be said that he has not demanded for the bribe amount and accepted the same as stated above. PW1 has clearly deposed that on 10/12/2008 itself the DGO demanded for the bribe amount and insisted for the payment of the same on 12/12/2008 and on 12/12/2008 the DGO gave the estimate after receiving the bribe amount of Rs. 2,000/- from him. Hence on the above said contention of the learned counsel for the DGO the case of the disciplinary authority cannot be doubted.

27. DW1 who is the DGO has deposed that there is no personal ill-will, between himself and PW1. He has deposed that there is no personal ill-will between himself and PW3 also. He has denied the suggestion of the learned Presenting Officer, to the effect when his hands were washed in the solution, the solution turned to pink colour. He also denies the suggestion that the tainted currency notes were seized from his possession. It is pertinent to note that Ex.P4 is the copy of the explanation given by the DGO and the above said evidence given by DW1 is completely contrary to the averments made in Ex.P4. It is pertinent to note that PW1 to PW3 have clearly deposed about the hand wash of the DGO being positive and the tainted currency notes seized from his possession and the DGO has not given any explanation in his evidence as to why

his hand wash was positive in case he had not at all received the tainted currency notes from PW1. DW1 has deposed that he had prepared the estimate on 12/12/2008 and as stated above PW1 has clearly deposed that the DGO gave the estimate dated; 12/12/2008 after receiving the tainted currency notes from him on that date.

28. DW2 has deposed that from August 2008 to September 2016 he was working as A.E.E. and he was the Superior officer of the DGO. He has deposed that on 11/12/2008 the DGO was on weekly holiday. He has deposed that Ex.D2 bears his signature and it is the information given to the Advocate Sri K.G. Narayanappa under RTI Act. In the same it is mentioned that the electricity sanction has been made on 12/12/2008 and as already stated above PW3 has clearly deposed that after the trap DW2 sanctioned the power. He has deposed that Ex.P2 is the copy of the application given for electricity connection by the customer and in the column as to who made the wiring work Prakash Electricals seal is there and the name of the owner of Prakash Electricals is not mentioned. In his cross-examination he has deposed that Ex.P5 and P2 are one and the same documents and in the same the signature of the customer is found. He has clearly deposed that as on the date and time of giving the complaint the estimate had not yet been prepared and the DGO was required to prepare the estimate. He has clearly deposed that the work of PW1 had not been completed when PW1 lodged the complaint.

29. DW3 is one Sri K.A. Narendra Babu who is the customer who had sought for electric connection as per Ex.P5. He has

deposed that he had given the application to give the electric connection to his house constructed in sy.No. 25/01. He has deposed that he had not entrusted the electric wiring works of his house to Prakash Electricals and he do not know who is PW1. It is pertinent to note that in Ex.P2 and in power supply agreement (one of the document of Ex.P5) apart from the signature of the customer there is the seal of Prakash Electricals, government licence Class-I electrical contractor and the licence number of the contractor is also mentioned as 10460. Thus in the documents signed by DW3 there is the seal and licence number of Prakash Electricals as the contractor who has done the electrical wiring of the house of the DW3. Hence, the evidence of DW3 to the effect that he had not at all given the electric contract work to PW1 is not at all believable. In his cross-examination he has deposed that he had given his electrical wiring work of his house to Shivamohan Electricals. But the documents stated above, does not support his above said evidence. No document is also produced to show that DW3 had given the electric contract work to Shivamohan Electricals. Hence, it has to be said that DW3 has given his evidence only with an intention to help the DGO and his evidence is contrary to the documents and that he has suppressed the real facts with an intention to help the DGO.

30. The learned counsel for the DGO also contends that there is no authorisation by owner Sri K.A. Naredrababu to seek electrical connection in favour of the complainant namely Prakash Electricals. It is pertinent to note that Ex.P5 is the copy of the application for electrical connection in which there

is the signature of the owner of the building and in the same it is stated that the wiring work will be done by Prakash Electricals Government licenced Class-I Electrical Contractor. It is not in dispute that PW1 is the Proprietor of the above said Prakash Electricals. Hence the above said contention of the learned counsel for the DGO cannot be given much weight.

31. The learned counsel for the DGO relies upon the decisions reported in **AIR 2015 SC 3549 in P. Sathyanarayana Murthy Vs dist inspector of police and another, 2004 (Cri.L.J.) 3584 in C.D. Mariswamy V/s State of Karnataka.** The decisions of our Hon'ble High Court in **Criminal Appeal No. 1588/2002 dated: 11/03/2008 in State by Lokayukta Police, Mandya V/s K.M. Gangadhar,** the decisions of our Hon'ble High Court in **Criminal Appeal No. 1013/2008 dated: 22/02/2012 in Sri V. Subbaiah, V/s State of Karnataka by Lokayukta Police, Kolar.** All the above said decisions are rendered under Prevention of Corruption Act and it is well established principle of law that the proof required in the criminal case is "beyond reasonable doubt" where as the departmental enquiry has to be decided on the basis of the "preponderance of probabilities". Hence this enquiry has to be decided on the basis of the evidence adduced by the parties by taking into consideration the principle of preponderance of probabilities. Hence, all the above said decisions cannot be applied to this enquiry case.

32. The learned counsel for the DGO also relies upon the decision reported in **AIR 1962 Tripura 15 in Sukhendra Chandra Das V/s Union Territory of Tripura and others.** But the facts of the above said case are different from the facts

of this enquiry. No doubt in this enquiry the I.O. has not been examined. But as stated above there is believable evidence of the complainant and the shadow witness. Hence the above said decision is also not of any help to the DGO.

33. The facts and circumstances of this case stated above probablises the case of the disciplinary authority. As stated above the DGO has given his explanation as per Ex.P4 immediately after the incident which is believable. But afterwards in this enquiry he is contending contrary to Ex.P4 only with an intention to escape from the charge framed in this enquiry.

34. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of Government Servants. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

**35. 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 Puttanarasappa, Assistant Engineer (Elecl.), BESCO, Doddabelavangala Branch, Doddaballapura Sub-division, Nelamangala, (now retired).*



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

Dated this the 12<sup>th</sup> day of September, 19

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

**ANNEXURE**

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

PW-1 :-Sri Prakash Reddy (complainant)  
PW-2 :-Sri G.N. Gowtham (shadow panch witness)  
PW-3:Dr.S. Prakash (I.O.)

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

DW-1:-Sri Puttanarasappa (DGO)  
DW-2:Sri Gangaraju B.T. (witness)  
DW-3:Sri K.A. Narendra Babu (witness)

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

Ex.P-1:Certified copy of the complaint  
Ex.P-1(a): Relevant entry in Ex.P1  
Ex.P-2: Certified copy of the electricity connection requisition  
Ex.P-2(a,b): Relevant entries in Ex.P2  
Ex.P-3:Certified copy of the entrustment mahazar  
Ex.P-3(a);Relevant entry in Ex.P3  
Ex.P-4:Certified copy of the explanation of DGO  
Ex.P-5:Certified copy of the documents in respect of Sri K.A. Narendra babu's file (containing 12 sheets)  
Ex.P5(a to h): Relevant entries in Ex.P5  
Ex.P-6:Certified copy of the trap mahazar  
Ex.P-6(a); Relevant entry in Ex.P6  
Ex.P-7:Original reply dated; 19/11/2010 of the DGO to the

- observation note addressed to ARE-2, KLA, Bangalore  
Ex.P-7(a): Relevant entry in Ex.P7  
Ex.P-8: Xerox copy of the Xeroxed photos on the white sheet  
(containing three sheets)  
Ex.P-9: Certified copy of the FIR  
Ex.P-9(a): Relevant entry in Ex.P9  
Ex.P-10: Xerox copy of the notes numbers and denomination  
mentioned white sheet  
Ex.P-10(a): Relevant entry in Ex.P10  
Ex.P-11: Xerox copy of the rough sketch  
Ex.P-11(a); Relevant entry in Ex.P11  
Ex.P-12: Xerox copy of the Xeroxed photos on the white sheet  
(total containing 5 sheets)  
Ex.P-13: Certified copy of the chemical examination report  
Ex.P-13(a); Relevant entry in Ex.P13  
Ex.P-14: Xerox copy of the service particulars of the DGO  
Ex.P-15: Certified copy of the sketch with Certified copy of the  
enclosure  
Ex.P-16: Xerox copy of the notice dated: 12/12/2008 issued by  
police Inspector  
Ex.P-16(a); Relevant entry in Ex.P16

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

- Ex.D-1: Original letter of A.E.E. BESCO Sub-division,  
Doddaballapur dated: 09/12/2014 addressed to Sri  
K.J. Lakshminarayanappa, Advocate, Tumkur  
Ex.D-1(a): Relevant entry in Ex.D1  
Ex.D-2: Original letter of A.E.E., BESCO Sub-division,  
Doddaballapur dated: 19/06/2014 addressed to DGO  
Ex.D-2(a): Relevant entry in Ex.D2  
Ex.D-3: Certified copy of the electricity connection sanctioned  
dated: 12/12/2008  
Ex.D-4: Xerox copy of the empty Form-y (Estimate and  
agreement)

Dated this the 12<sup>th</sup> day of September, 19

-Sd/-  
(Somaraju)  
Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.