



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/612/2014/ARE-4

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

Dated 17.02.2020.

RECOMMENDATION

Sub:- Departmental inquiry against:

- (1) Shri Umshaiah, Revenue Inspector, Bannuru Nada Kacheri, T.Narasipura Taluk, Mysore Dist.,
- (2) Sri Puttaswamy, Village Accountant, Chamanahalli Grama Panchayath, T.Narasipura Taluk, Mysore Dist. - reg.

Ref:- 1) Government Order No.RD 94 BDP 2014 dated 10.11.2014.

2) Nomination order No. LOK/INQ/14-A/612/2014 dated 25.11.2014 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 14.02.2020 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 10.11.2014 initiated the disciplinary proceedings against (1) Shri Umshaiah, Revenue Inspector, Bannuru Nada Kacheri, T.Narasipura Taluk, Mysore District, (2) Sri Puttaswamy, Village Accountant, Chamanahalli Grama Panchayath, T.Narasipura Taluk, Mysore District, [hereinafter referred to as Delinquent Government Officials, for

short as 'DGOs 1 and 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/612/2014 dated 25.11.2014 nominated Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them. Thereafter, as per Order No.Uplok-2/DE/2016 dated 3.8.2016, Additional Registrar of Enquiries-4 was re-nominated to continue the said enquiry.

3. The DGO -1 Shri Umshaiah, Revenue Inspector, Bannuru Nada Kacheri, T.Narasipura Taluk, Mysore District, and DGO -2 Sri Puttaswamy, Village Accountant, Chamanahalli Grama Panchayath, T.Narasipura Taluk, Mysore District, were tried for the following charges :-

*"That, you DGOs-1 and 2 by name 1) S. Umshaiah s/o S. Siddaiah, Revenue Inspector, Bannur Nada Kacheri,*

Bannuru Hobli, T- Narasipura Taluk: Mysore District and 2) Sri Puttaswamy s/o Chikkalingaiah, Village Accountant Chamanahalli Circle, Bannur Hobli, T. Narasipura Taluk, Mysore District, while working in the said capacities, the complainant by name Sr. B.P. Ravindra Kumar s/o H. Puttaswamy Gouda, Banasamudra Malavalli Taluk Mandya District, has purchased the land sy.No. 14/1A measuring to the extent of 32 guntas of Chamanahalli village, Taluk Malavalli Mandya District in the name of his wife Smt. Jyothi and accordingly he has filed an application in the Nadakacheri Bannur for mutating the said land in the name of his wife and on 24/08/2013 when the complainant met you DGO Nos.1 and 2, you DGO-1 demanded the bribe of Rs. 4,000/- and DGO No.2 demanded the bribe of Rs. 2,000/- and finally you DGO No.1 agreed to receive Rs. 2,000/- and DGO No.2 Rs. 1,000/- for said work and thereafter not willing to pay the said amount the complainant has lodged the complaint before the Lokayukta Police Mysore and accordingly the Cr. No. 13/2013 was registered and on 26/08/2013 at 3.13 p.m. the complainant made a phone call to you DGO No.2 and you DGO No.2 told the complainant that you were in T. Narasipura and DGO No.1 is in the Nadakacheri and asked the complainant to meet DGO No.1 and to pay the amount to you DGO No.1, and on 26/08/2013 about 3.50 p.m. while you DGO No.1 Umeshaiiah Revenue Inspector was receiving the bribe amount of Rs. 2,000/- from the complainant in the Nada Kacheri towards your share and Rs. 1,000/- towards the share of DGO No.2 totally Rs. 3,000/- the Lokayukta Police trapped you DGO No.1 and seized the bribe amount of Rs. 3,000/- in all and mahazar was drawn accordingly and after completing the investigation submitted the investigation report, and therefore, you DGO Nos.1 and 2 have failed to maintain absolute integrity and devotion to duty and caused dereliction of duty and acted in a manner of unbecoming of Government Servants and thereby committed official misconduct as enumerated u/Rule 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 charges framed against DGO.1 Shri

Umeshaiyah, Revenue Inspector, Bannuru Nada Kacheri, T.Narasipura Taluk, Mysore District are '*proved*'.

5. Further, the Inquiry Officer has held that the the charges framed against DGO -2 Sri Puttaswamy, Village Accountant, Chamanahalli Grama Panchayath, T.Narasipura Taluk, Mysore District, are '*not proved*.'

6. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and exonerate DGO.2 Sri Puttaswamy, Village Accountant, Chamanahalli Grama Panchayath, T.Narasipura Taluk, Mysore District of the charges leveled against him.

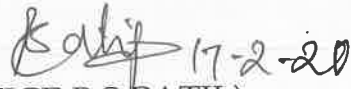
7. As per the First Oral Statement of DGO-1 furnished by the Inquiry Officer, the DGO - 1 Shri S.Umeshaiyah is due for retirement on 30.09.2023.

8. Having regard to the nature of charge 'proved' against the DGO 1 Umehaiah, and considering the totality of circumstances,

- i) it is hereby recommended to the Government to impose penalty of ' compulsory retirement on DGO.1 Sri S. Umehaiah '.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

BS\*



**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/612/2014/ARE-4

M.S. Building

Dr.B.R.Ambedkar Road

Bengaluru-560 001

Date: 14/02/2020

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri Umeshaiiah  
s/o S. Siddhaiah  
Revenue Inspector  
Bannuru Nada Kacheri  
Bannuru Hobli  
T. Narasipura Taluk  
Mysore District
- 2) Sri Puttaswamy  
s/o Chikkalingaiah  
Village Accountant  
Chamanahalli Grama Panchayathi  
Bannuru Hobli  
T. Narasipura Taluk  
Mysore District

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in No.  
Compt/Uplok/MYS/626/2014  
/DRE-4, Dated:07/10/2014
- 2) Government Order No. RD 94  
BDP 2014, Bengaluru, dated:  
10/11/2014
- 3) Order No.LOK/INQ/14-  
A/612/2014 Bengaluru  
dated:25/11/2014  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against 1) Sri Umshaiah, s/o S. Siddhaiah, Revenue Inspector, Bannuru Nada Kacheri, Bannuru Hobli, T. Narasipura Taluk, Mysore District and 2) Sri Puttaswamy s/o Chikkalingaiah, Village Accountant, Chamanahalli Grama Panchayathi, Bannuru Hobli, T. Narasipura Taluk, Mysore District (herein after referred to as the Delinquent Government Officials in short "DGO No.1, DGO No.2 or DGOs" respectively)

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: 25/11/2014 cited above at reference-3, nominated Additional Registrar of Inquiries-5 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGOs. Additional Registrar Inquires-5 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 DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

4. When the matter was pending for inquiry in recording the evidence of the witnesses of Disciplinary Authority, this matter was transferred to Addl. Registrar of Inquiries-4 vide



Order No.UPLOK-2/DE/2016, Bengaluru, dated: 03/08/2016 of the Hon'ble Uplokayukta-2 and Addl. Registrar of Inquiries-4 proceeded with the inquiry in recording the evidence. Hence, this inquiry case proceeded by this Addl. Registrar of Inquiries-4 in accordance with law.

5. The Articles of Charges framed by ARE-5 against the DGOs are as follows:-

**ANNEXURE -I**  
**CHARGE**

*That you, DGOs-1 and 2 by name 1) S. Umeshaiiah s/o S. Siddaiah, Revenue Inspector, Bannur Nada Kcheri, Bannuru Hobli, T-narasipura Taluk: Mysore District and 2) Sri Puttaswamy s/o Chikkalingaiah, Village Accountant Chamanahalli Circle, Bannur Hobli, T. Narasipura Taluk, Mysore District, while working in the said capacities, the complainant by name Sri B.P. Ravindra Kumar s/o H. Puttaswamy Gouda, Banasamudra Malavalli Taluk Mandya District, has purchased the land sy.No.14/1A measuring to the extent of 32 guntas of Chamanahalli Village, Taluk malavalli Mandya District in the name of his wife Smt.Jyothi and accordingly he has filed an application in the Nadakacheri Bannur for mutating the said land in the name of his wife and on 24/08/2013 when the complainant met you DGO Nos.1 and 2, you DGO-1 demanded the bribe of Rs. 4,000/- and DGO No.2*

*demanded the bribe of Rs. 2,000/- and finally you DGO No.1 agreed to receive Rs. 2,000/- and DGO No.2 Rs. 1,000/- for said work and thereafter not willing to pay the said amount the complainant has lodged the complaint before the Lokayukta Police Mysore and accordingly the Cr. No.13/2013 was registered and on 26/08/2013 at 3.13 p.m. the complainant made a phone call to you DGO No.2 and you DGO No.2 told the complainant that you were in T. Narasipura and DGO No.1 is in the Nadakacheri and asked the complainant to meet DGO No.1 and to pay the amount to you DGO No.1, and on 26/08/2013 about 3.50 p.m. while you DGO No.1 Umeshaiyah Revenue Inspector was receiving the bribe amount of Rs. 2,000/- from the complainant in the Nada kacheri towards your share and Rs. 1,000/- towards the share of DGO No.2 totally Rs. 3,000/- the Lokayukta Police trapped you DGO No.1 and seized the bribe amount of Rs. 3,000/- in all and mahazar was drawn accordingly and after completing the investigation submitted the investigation report, and therefore, you-DGO Nos.1 and 2 have failed to maintain absolute integrity and devotion to duty and caused dereliction of duty and acted in a manner of unbecoming of Government Servants and thereby committed official misconduct as enumerated u/Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

**ANNEXURE-II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

The investigation was taken up u/sec. 9 of the Karnataka Lokayukta Act 1984 by the Hon'ble Upaloakyka-2 after invoking Section 7(2) of the Karnataka Lokayukta Act 1984, as misconduct was alleged to have been committed by the DGO Nos. 1 and 2, on the basis of the report submitted by the Additional Director General of Police in Karnataka Lokayukta at Bengaluru, along with investigation papers filed by the Police Inspector of Karnataka Lokayukta at Mysore (below, in the report called 'I.O.' for short), alleging that 1) Sri S. Umeshaiyah, s/o S. Siddaiah, Revenue Inspector, Bannur Nada Kacheri, Bunuru Hobli, T. Nurusipuru Tuluk, Mysore District and 2) Sri Puttaswamy s/o Chikkalingaiah, Revenue Circle, Chamanahalli Circle, Bannur Hobli, T. Narasipura Taluk, Mysore District (below in the report called 'DGO Nos. 1 and 2' for short respectively), being public servants, have committed misconduct, when approached by Sri B.P. Ravindra Kumar s/o H. Puttaswamy aged about 48 years, Banasamudra Malavalli Taluk, Mandya District (below, in the report called "complainant" for short).

**Brief facts of the case are:-**

- (a) **According to the complainant:** The complainant's wife Smt. Jyothi purchased 0-32 guntas of land bearing sy.NO. 142 at Chamanahalli village from one Sri C.P. Shabaresh under a registered sale deed on 26/06/2013. On her behalf an application was filed for change of

*khata of the land in the office of the Nada Kacheri at Banruur Village. About the said application, the DGO No.2 made a phone call to the complainant on 23/08/2013 informing that, DGO No.1 will speak to him on the matter and handed over the phone to the DGO No.1. Then the DGO No.1 spoke to the complainant and asked him to go to the DGOs office. Though the complainant stated that, he would visit the office on Monday as he was not having documents with him at the moment, DGO No.1 insisted him to immediately go to the DGOs office (Nada Kacheri). On 24/08/2013 at 10 a.,m. the complainant went to Nada Office. Then the DGO Nos.1 and 2 demanded a bribe of Rs. 4,000/- each and they finally accepted to receive Rs.2,00/- and Rs. 1,000/- respectively.*

*(b) Since the complainant was unwilling to pay bribe amount, approached the police of Lokayukta at Mysore on 26/08/2013. Before that the complainant had recorded the phone conversation with the DGOs on 23/08/2013 when the DGO No.2 had made the call and the DGO No.1 had asked the complainant to visit Nada Office. The I.O. registered FIR on the basis of the complaint given by the complainant and copied the conversation recorded on the complainant's K595 model phone to two CDs using laptop and seized the same under pre-trap Entrustment Mahazar and handed over tainted currency notes of Rs. 3,000/- to the complainant of which one note was of Rs., 1,000/- and 4 notes were of Rs. 500/- each. After following the pre-trap formalities a*

digital voice recorder was given to the complainant by the IO and the trap proceedings were conducted between 4 p.m. and 8.30 p.m. And at 3.30 p.m. the complainant was sent to Nada office along with one panch witness and the DGO No.1 was present in the office and received the tainted bribe money of Rs. 3,000/- from the complainant for himself and the DGO No.2. Thereafter the complainant signaled to the I.O. and the I.O. came over and enquired with the complainant, the DGO No.1 and also panch witness and seized the tainted currency notes from the DGO No.1 and the trap formalities were complied with. The trouser in which the tainted money had been kept by the DGO No.1 was also seized. A seized Mahazar was drawn.

(c) DGO Nos.1 and 2 failed to give any satisfactory reply or explanation or account for the said demand for (tainted) bribe amount, when questioned by the I.O.

There are statements of witnesses, entrustment mahazar, seizure mahazar, sketch, CDs pertaining to the bribe demand made by the DGO Nos.1 and 2 which was recorded on voice recorder, FSL report regarding chemical examination of the articles seized in the case, mahazar pertaining to identification of the voice of the DGO Nos.1 and 2 by their higher officer and also statements of the complainant which show the DGOs repeated misconduct.

On the basis of the said facts and materials on record, a case of repeated misconduct is made out showing that you-DGOs being public servants, have failed to maintain

*absolute integrity besides devotion to duty and acted in a manner unbecoming of public servants and thereby themselves liable for disciplinary action.*

*DGOs failed to give any satisfactory reply or explanation or account for the said demand for (tainted bribe) amount, when requested by the I.O.*

*Considering the material on record, observation notes were prepared and sent to DGOs calling upon them to submit their reply. DGO No.1 submitted reply stating that the complainant has never met him and he never demanded bribe from the complainant and no file pertaining to the complainant was pending with him and he had not made any phone call to the complainant but the DGO No.2 had told him that a person will come and pay Rs. 3,000/- and he should receive and therefore he received the amount on 26/08/2013. DGO No.2 has contended that in another mutation proceedings he had submitted an adverse report and on the basis of his report a dispute case was registered and because of the enmity Sri Puttaswamy Gowda C who was one of the applicant in the said proceedings deliberately executed a sale deed in the name of his daughter Smt. Jyothi and got the present false proceedings initiated by the I.O. through his son-in-law the complainant. The DGO No.2 has denied demanding and accepting bribe.*

*On considering the material on record and also the explanations offered by DGOs in their reply, the explanation was found not convincing and satisfactory to drop the proceedings. There is cogent and copious material on record which discloses that DGO Nos.1 and 2 have prima facie committed misconduct as per rule 3(1)(ii) and (iii) of KCS (Conduct) Rules, by failing to maintain absolute devotion to*

*duty, integrity and by acting in a manner unbecoming of public/government servants.*

*Since said facts and material on record prima facie show that DGO Nos. 1 and 2 have committed dereliction of duty which amounts to official misconduct under Rule 3(1)(ii) & (iii) of the KCS (Conduct) Rules, 1966, and the report of the Hon'ble Upalokayka-2 u/s 12(3) of Karnataka Lokayukta Act was made to the Competent Authority to initiate proceedings against the said DGOs. Accordingly, the Competent Authority has initiated Disciplinary Proceedings against DGO Nos.1 and 2 and entrusted the enquiry to the Hon'ble Upalokayuka u/Rule 14-A of KCS (CC&A) Rules, 1957. Hence, the charge.*

6. DGO appeared before this Inquiry Authority on 18/03/2015 and on the same day their First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

7. DGO No.1 has filed his written statement as follows:-

The DGO No.1 is working as Revenue Inspector, Nada kacheri, Bannur, T. Narasipura from 07/08/2013. The wife of the complainant had purchased the land in sy.NO. 142/1 measuring 32 guntas on 26/06/2013 and it is one month 12 days earlier to 07/08/2013. The previous Revenue Inspector had received the file on 31/07/2013 and he had send the same to DGO No. 2 and DGO No.2 had made publication calling for objections to be filed within 30 days. The DGO No.1 had done his part of work on 24/08/2013 itself which is prior to the date of trap and as

on the date of the trap the work of the wife of the complainant was not pending with the DGO No.1 The DGO NO.1 has not at all contacted the complainant or any family member of the complainant through his mobile phone bearing No. 9880339835 on 24/08/2013 and on 25/08/2013. The complainant has not at all met DGO No.1 and the complainant has also not made any mobile call to DGO No.1. On 26/08/2013 the DGO No.2 and other Village Accountants had gone to Taluk office T. Narasipura, on official duty and on that day at 3.42 p.m. DGO No.2 through his mobile phone bearing No. 9986955301 made the call to the mobile of DGO No.1 bearing No. 98803 39835 and told that one person will come near Nada Kacheri and that person is due Rs. 3,000/- to him and to take that amount and to give the same to DGO No.2. Hence, even though DGO No.1 was not knowing that person the DGO No.1 received the amount from that person. On 24/08/2013 itself the DGO No.1 has made the shara for accepting the mutation. DGO No.1 has not received any bribe amount from the complainant. The file of the wife of the complainant has not been seized by the I.O. from DGO No.1 and DGO No.1 has not demanded any bribe amount from the complainant nor received any bribe amount from the complainant. Hence, prays to exonerate him from the charges leveled against him in this case.

8. DGO No.2 has filed his written statement and the gist of the same is as follows:-



DGO No.2 admits that he was working as Village Accountant, Chamanahalli Circle, Bannuru Hobli, T. Narasipura Taluk and he has not committed any misconduct as mentioned in the Articles of Charge. The complainant had purchased 32 guntas of land in sy.No. 14/A of Chanamanahalli village, in the name of his wife Smt. Jyothi and accordingly he had filed an application in the Nadakacheri, Bannuru for mutating the said land in the name of his wife. The DGO No.2 never demanded any bribe amount from the complainant nor received the same. The alleged trap proceedings were all manipulated for the purpose of creating a false case against the DGO NO.2. Hence, prays to exonerate him from the charges leveled against him in this case.

9. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P21 After closing the evidence of the Disciplinary Authority, the Second Oral Statement of the DGOs was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGO No.1 and 2 themselves examined as DW2 and DW1 respectively and got marked Ex.D1 to D5 and closed their side. Hence, recording the answer of DGOs to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

10. DGO No.1 has filed his defence statement reiterating the averments made in the written statement stated above.

11. DGO No.2 has also filed his defence statement contending that the averments made in the complaint are all false and the complainant has filed the false complaint. The defence statement is in the form of arguments and the gist of the defence statement is to the effect that the DGO No.2 has not demanded nor received any bribe amount from the complainant. On 26/08/2013 at 8.30 p.m. the DGO No.1 had gone to Nanjanagudu on his own work and he was not absconding intentionally. The complainant himself in his complaint has stated that he does not know regarding recording of the conversation in the mobile.

12. The Disciplinary Authority has not filed the written brief, but on the side of the DGOs written brief has been filed separately. Oral arguments of the Presenting Officer and the learned counsel for the DGOs was heard. The points, that arise for the consideration of this inquiry authority are:-

1. Whether the Disciplinary Authority has satisfactorily proved the charges framed against DGO?

2. What order?

13. My finding on the above points are as follows:-

Point No.1: In the “**AFFIRMATIVE**” in respect of DGO No.1 and “**NEGATIVE**” in respect of DGO No.2

Point No.2: As per the final order for the following:

**:: REASONS ::**

**14. Point No.1:** It is the case of the Disciplinary Authority that, DGO No.1 while working as Revenue Inspector, Bannur Nada kacheri, and DGO No.2 while working as Village Accountant of Chamanahalli circle, Bannuru Hobli and the complainant had purchased the land bearing sy.No. 14/1A measuring to the extent of 32 guntas of Chamanahalli village in the name of his wife Smt. Jyothi, and accordingly he had filed an application in the Nada kacheri, Bannuru for mutating the said land in the name of his wife and on 24/08/2013 when the complainant met the DGO Nos.1 and 2 DGO No. 1 demanded the bribe of Rs. 4,000/- and the DGO No.2 demanded the bribe of Rs. 2,000/- and finally DGO No.1 agreed to receive Rs. 2,000/- and DGO No.2 agreed to receive Rs. 1,000/- for the above said work of the complainant and on 26/08/2013 at 3.13 p.m. the complainant made phone call to DGO No.2 and the DGO No.2 told that he is in T. Narasipura and DGO No.1 is in the Nada kacheri and asked the complainant to meet the DGO No.1 and to pay the amount to DGO No.1 and accordingly on that day at 3.50 p.m. the complainant met the DGO No.1 and DGO No.1 received the bribe amount of Rs. 2,000/- from the complainant towards his share and Rs. 1,000/- towards the share of DGO No.2 and thereby DGO Nos.1 and 2 have acted in a manner of unbecoming of Government Servants.

15. The complainant has been examined as PW3 and the copy of the complaint lodged by him in Lokayukta police station is marked as Ex.P1. The complaint-Ex.P1 is a lengthy one and the gist of the same is to the effect that PW3 purchased the above said land in the name of his wife under the registered sale deed dated: 26/06/2013 and 15 days earlier to the lodging of the complaint, DGO No.2 from his mobile No. 99869 55301 made the call to the mobile of the complainant bearing No. 9902636876 and told him to meet him and to get the khatha of the above said land changed and hence PW3 met the DGO No.2 and DGO No.2 asked him to bring the documents and also received Rs. 500/- and asked PW3 to meet him after one week and on 23/08/2013 DGO No.2 again contacted PW3 over phone and told that the Revenue Inspector will talk and gave the phone to the Revenue Inspector and the Revenue Inspector told his name as Sri Umesh and asked him to come to Nada office and PW3 told that he has not yet got the documents and that he will come on Monday. But Sri Umesh told him to come on the next day itself and there is no necessity of the documents and hence on 24/08/2013 at 10 a.m. he met Sri Umesh, the Revenue Inspector in the Nadakacheri and when he was talking with him DGO No.1 also came there and PW3 was asked to go outside the office for five minutes and DGO Nos.1 and 2 talked with each other and afterwards he was called inside the office and the DGO No.1 asked him how much amount he has brought and he told that he has not brought any amount and DGO No.1 (Revenue Inspector) told him that he has to bring Rs.

4,000/- and he pleaded his inability to pay the amount demanded and DGO No.1 told to give Rs. 3,000/- and he told that he cannot give Rs. 3,000/- and that he will pay Rs.2,000/- and DGO No.2 told that he has to be given Rs. 2,000/- and PW3 told that he has already given Rs. 500/- and he will give Rs.1,000/- to DGO No.2 and also gave the Xerox copy of the ration card and the RTC extract which was in the name of himself and his father, genealogical tree and Xerox copy of the election Identity Card to the Village Accountant and DGO NO.1 took the notice which was given by DGO No.2 to PW3 and asked PW3 to come with the amount on Monday and not willing to get his work done by paying the bribe amount the complaint is lodged. The complaint is lodged on 26/08/2013 at 9.45 p.m. and it is lodged against the DGO Nos.1 and 2.

16. PW3 has deposed that the sale deed was made in the name of his wife in respect of sy.No. 142 of Chamanahalli village measuring 32 guntas and DGO No.2 made a phone call to his mobile and told that 'J' slip has come and to get the khatha changed and in that connection he met the DGO No.2 on 24/08/2013 and DGO No.2 demanded Rs. 4,000/- and he expressed his inability to pay the amount demanded and DGO No.2 told that Rs. 2,000/- has to be given to DGO No.2 and he will take Rs.1,000/- and told that at least Rs. 3,000/- has to be given and DGO No.2 made the phone call to DGO No.1 and asked PW3 to talk with DGO No.1 and DGO No.1 also told to pay the amount. He has deposed that earlier to that on 22/08/2013 when he had met the DGO

No.2, the DGO No.2 had received Rs. 500/- from him. He has deposed that on 24/08/2013 the DGOs demanded Rs. 3,000/- and out of the same Rs. 2,000/- for DGO No.1 and Rs. 1,000/- is for DGO No.2. He has also deposed that he lodged the complaint in the Lokayuka police station and copy of the same is at Ex.P1. He has deposed that along with the complaint he also gave the copies of the voters Identity Card, sale deed, RTC ration card and the genealogical tree and the copies of the same are at Ex.P13.

17. PW3 has further deposed that he produced the amount of Rs. 3,000/- consisting of one note of denomination of Rs. 1,000/- and four notes of the denomination of Rs.500/-. He has deposed that the panchas noted the denomination and number of those notes and the copy of the same is at Ex.P2. He has deposed that the phenolphthalin powder was smeared to the notes and those notes were given to the pancha witness Sri Srinivas and Sri Srinivas kept Rs.2,000/- out of the same in his shirt pocket of Rs, 1,000/- in his left side pant pocket. He has deposed that the hands of the said Sri Srinivas were washed in the solution and that solution turned to pink colour. He has deposed that he was instructed to approach the DGOs and to enquire about his work and only if they demands for the bribe amount the amount entrusted him as stated above has to be given. He has deposed that the pancha witness Sri Gopala swamy was appointed as shadow witness and the entrustment mahazar was drawn and the copy of the same is at Ex.P3. He has deposed that

the copies of the photographs taken at that time are at Ex.P4.

18. PW3 has further deposed that after the entrustment mahazar they went to the Bannur and on the way he made the phone call to DGO No.2 and the DGO No.2 told that he is going to Narsipura Taluk office and asked him to go to Nadakacheri and to give the amount to the hands of the DGO No.1. He has deposed that the above said conversation was heard by the I.O. in the loud speaker mode. He has deposed that himself and the pancha witness Sri Gopalaswamy went inside the Nadakacheri and at that time it was about 2.45 or 3 p.m. He has deposed that he met the DGO No.1 and DGO No.1 asked him whether he has brought the amount and he told that he has brought the amount and gave Rs. 2,000/- which was kept in his shirt pocket and DGO No.1 received the same with his right hand and kept it in his right side pant pocket. He has deposed that afterwards DGO No.1 asked about the amount of DGO NO.2 and he gave the amount which was in his pant pocket and DGO No.1 received the same with his right hand and kept it in his pant pocket. He has deposed that afterwards he came out of the Nadakacheri and gave the pre-instructed signal and immediately the police inspector and his staff and another pancha came there. He has deposed that, the right hand wash of the DGO NO.1 was positive. He has deposed that DGO No.1 himself produced the amount which was in his pant pocket and those notes tallied with the notes mentioned in Ex.P2. He has deposed that the

pant wash of the DGO No.1 was also positive and that pant was also seized. He has deposed that Ex.P6 is the copy of the trap mahazar. He has deposed that afterwards they have gone to the room of the DGO No.2 situated near APMC and that room was locked and the mahazar was written in that respect and the copy of the same is at Ex.P7. He has deposed that on the next day that room was searched and no incriminatory document was found and the copy of the mahazar drawn at that time is at Ex.P9. He has deposed that the copies of the photographs taken at the time of the trap mahazar are at Ex.P12.

19. PW3 has been treated as hostile witness and cross-examined by the learned Presenting Officer. In his cross-examination he has denied the suggestion that the conversation between himself and DGO No.2 on the way to trap was recorded in his mobile. Where as the I.O. PW4 has deposed that the said conversation was recorded in the mobile of PW3. In his cross-examination he has deposed that his wife had not given any application for change of khatha. He has deposed that he do not know whether the 'J' slip had come to taluk office on 31/07/2013. He has deposed that on 01/08/2013 notice had been given to his wife by the DGO No.1 to produce the documents. He has deposed that Ex.D2 is the copy of the notice issued to his wife by DGO No.2. He has denied the suggestion that DGO No.1 had done his part of the work prior to lodging the complaint. He has deposed that in his complaint he has not stated the date on which he paid Rs. 500/- to the DGO



No.2. He has deposed that in the complaint he has not mentioned that on 24/08/2013 DGO No.2 asked him to pay the bribe of Rs. 4,000/-. He has deposed that DGO No.2 has not given him any notice to come to Nadakacheri. He has deposed that he was not knowing how to record the conversation in his mobile phone. Hence, the case of the Disciplinary Authority that the conversation between PW3 and DGO No.2 on the way to trap was recorded in the mobile of PW3 cannot be believed.

20. PW1 is the shadow witness by name Sri Gopala swamy. He has deposed that he is working in Mysore Corporation as Junior Engineer and as per the direction of his higher officer on 26/08/2016 himself and one of the staff of his office by name Sri Srinivasa had been to the Lokayukta police station, Mysore and reported before the Police Inspector and at that time PW3 was present there. He has deposed that he went through the copy of the complaint and came to know about its contents. He has deposed about PW3 producing the amount of Rs. 3,000/- and regarding all other averments mentioned in the Entrustment Mahazar and I feel it is not necessary to repeat the same. He has deposed that on that day at 2.30 p.m. they left the Lokayukta police station and went to Bannur and on the way PW3 made phone call to DGO NO.2 and the DGO No.2 told that he will be in T. Narasipura and DGO No.1 is in Nadakacheri and to give the amount to the DGO No.1. He has not deposed that the said conversation was heard by putting the mobile of PW3 to speaker mode. He

has also not deposed that the said conversation was recorded in the mobile of PW3. He has deposed that himself and PW3 went to the Nadakacheri and PW3 met the DGO No.1 and talked with him and PW1 gave the amount and DGO No.1 received the amount with his right hand and kept it in his pant pocket and afterwards PW3 gave the pre-instructed signal by going near the office gate. He has not deposed that PW3 gave Rs.2,000/- for the first time and when DGO No.1 asked PW3 regarding the amount of DGO No.2, PW3 gave Rs.1,000/-. He has deposed that PW3 gave the amount only once. He has deposed that immediately the police inspector and his staff came there and enquired the DGO No.1 He has deposed that the hands of the DGO No.1 were washed in the solution and that solution turned to pink colour and DGO No.1 himself produced the amount from his pant pocket and those notes were the same notes mentioned in Ex.P2 and those notes were seized. He has deposed that even the pant wash of the DGO No.1 (right hand pocket portion) was positive and that pant was also seized. He has deposed that the DGO No.1 gave his explanation in writing and the copy of the same is at Ex.P5 and DGO No.1 told that he is not having any documents and the documents have been already been sent. He has deposed that Ex.P6 is the copy of the Trap Mahazar. He has also deposed that afterwards they went to the room of the DGO No.2 and that room was locked and the mahazar was written in that respect and the copy of the same is at Ex.P7. He has deposed that on the next day the room of the DGO No.2 was searched and no incriminating document was

found and the copy of the mahazar drawn at that time is at Ex.P9.

21. PW2 is the another pancha witness by name Sri Srinivasa N. and he has deposed that he was working as Revenue Inspector in Mysore Corporation and as per the direction of his higher office he had been to the Lokayukta police station, Mysore on 26/08/2013 and reported before the police inspector. He has deposed that PW1 also accompanied him to the Lokayukta police station. He has deposed that PW3 was in the police station and he was introduced to them and they were also told about the complaint given by PW3. He has deposed about PW3 producing the amount of Rs. 3,000/- and about all other averments mentioned in the Entrustment Mahazar, the copy of which is at Ex.P3. Thus he has deposed that the proceedings mentioned in Ex.P3 were conducted in the Lokayukta police station and he has deposed about the same.

22. PW2 has deposed that after the Entrustment Mahazar they left Mysore at 2.30 p.m. and reached Bannur at about 3.30 p.m. and on the way PW3 made the phone call to the DGO No.2 and DGO No.2 told that DGO No.1 is in the Nadakacheri and to give the amount to DGO No.1.

23. He has not deposed that the said conversation was heard by him as it was on the loud speaker mode. He has also not deposed that the said conversation was recorded in the mobile of PW3. Hence, it can be said that the above said

evidence of PW2 is hearsay. He has deposed that PW3 and PW1 went inside the office and after five minutes of the same PW3 came out and gave the pre-instructed signal and immediately himself, I.O. and his staff went inside the office and PW3 showed the DGO No.1 and told that, he has received the amount and kept it in his pant pocket. He has deposed that the hand wash of the DGO No.1 was positive and the DGO No.1 himself produced the tainted currency notes from his pant pocket. He has deposed about the pant wash of the DGO No.1 being positive. He has deposed that, Ex.P6 is the copy of the Trap Mahazar and Ex.P5 is the copy of the explanation given by the DGO No.1. He has deposed that PW3 and PW1 denied the contents of Ex.P5 as false. He has deposed that afterwards they went to the room of the DGO No.2 situated in Chamanahalli and that room was locked and the sketch of that room was prepared and the copy of the same is at Ex.P8. He has deposed that the copy of the mahazar drawn at that time is at Ex.P7. He has deposed that Ex.P4 are the copies of the photographs taken at the time of the Entrustment Mahazar and Ex.P12 are the copies of the photographs taken at the time of the Trap Mahazar.

24. PW4 is Sri K.T, Mathyus Thomas, and he has deposed that from June 2012 to June 2015 he was working as Police Inspector in Lokayukta police station, Mysore and on 26/08/2013 at 9.45 a.,m. PW3 came to the police station and gave the complaint and the copy of the same is at Ex.P1. He has deposed that he registered the complaint and

sent the FIR to the concerned court and the copy of the same is at Ex.P14. He has deposed about securing two panchas and PW3 producing the amount of Rs. 3,000/- and about all other proceedings mentioned in the Entrustment Mahazar-Ex.P3 and I feel it is not necessary to repeat the same.

25. PW4 has further deposed that after the Entrustment Mahazar they went to Bannur and on the way PW3 made the phone call to DGO No.2 and DGO No.2 told that he is in Taluk office, T. Narasipura and DGO No.1 is in the Nadakacheri, Bannuru and to meet the DGO No.1. He has not deposed that he heard the above said conversation between PW3 and DGO No.2 as the mobile of PW3 was in loud speaker mode. He has also not deposed that the said conversation was recorded in the mobile of PW3. He has further deposed that PW1 and PW3 were sent inside the office and himself, his staff and PW2 were waiting outside the office of the DGO NO.1 for the pre-instructed signal from PW3. He has deposed that at about 3.50 p.m. PW3 gave the pre-instructed signal and immediately himself, his staff and PW2 went near PW3 and PW3 took them inside the office and pointed to DGO No.1 and told that DGO No.1 has received the amount of Rs. 2,000/- on his behalf and also the amount of Rs.1,000/- on behalf of the DGO No.2 and kept it in his pant pocket. He has deposed that the right hand wash of the DGO No.1 was positive and when DGO No.1 was enquired about the amount received from PW3 DGO No.2 produced the amount of Rs. 3,000/- from his right pant pocket and those notes were the same notes

mentioned in the Ex.P2 and those notes were seized. He has deposed about the pant wash of the DGO No.1 (right side pocket portion) being positive and that pant was also seized. He has deposed that the Trap Mahazar was drawn and the copy of the same is at Ex.P6.

26. PW4 has deposed that Ex.P15 is the reply given by the Tahasildar to his letter. In Ex.P15 the procedure for change of khatha on the basis of the registered sale deed is mentioned and in respect of the case on hand it is stated that there is no document in the taluk office to show that the Revenue Inspector had given back the file of the wife of PW3 to the "Bhoomi Kendra" section of the Taluk office. PW4 has further deposed that he had sought for information from the Thasildar by writing the letter and the Tahasildar has given the reply also and it is at Ex.P17. Ex.P17 discloses that PW4 had asked the Tahasildar whether the Revenue Inspector had sent the file to Bhoomi Kendra of Taluk Office and when the taluk office had received the same along with other particulars. The reply given by the Tahasildar is to the effect that the Revenue Inspector (DGO No.1) has accepted the khatha transfer sought for on 24/08/2013 and after the trap DGO No.1 has informed over phone to the effect that the concerned file is in the box of Bhoomi Kendra and the Bhoomi Kendra operator by name Sri Mukesh took that file and proceeded further. Hence, it has to be said that even though DGO No.1 has signed the prescribed form to the effect that the khatha transfer may be accepted on 24/08/2013, he had kept the file in the box of Bhoomi Kendra and only after the trap he has informed about the file being kept in the box of Bhoomi

Kendra and afterwards only the further proceedings had taken place in respect of that file in Bhoomi Kendra. Hence, it has to be said that even though DGO No.1 had done his duty on 24/08/2013 he had not handed over the file to the concerned clerk of the Bhoomi Kendra for further proceedings. Hence, the contention of the DGO No.1 to the effect that the work of the complainant was not pending with him on the date of the trap cannot be accepted. So far as DGO No.2 is concerned it has to be said that he had already done his part of duty and had sent the file to DGO No.1-the Revenue Officer.

27. PW4 has further deposed that the FSL report copy is at Ex.P18 which shows that the right hand wash of the DGO No.1 was positive. He has deposed that the copy of the service particulars of the DGO No.1 is at Ex.P19 and the copy of the service particulars of the DGO No.2 is at Ex.P20. He has deposed that the call details in respect of the mobile phone of the complainant bearing No. 9902636876 and the mobile phone of the DGO No.2 bearing No. 9986955301 is at Ex.P21. Ex.P21 the call details also discloses that on 23/08/2013 and on 26/08/2013 there was mobile conversation between DGO No.2 and the complainant (PW3). But there is no cogent evidence to show what was the conversation that took place between PW3 and DGO No.2 on the above said days. PW4 has deposed that the higher officer of DGO Nos.1 and 2 identified the voice of DGO No.2 in the conversation that was recorded in the mobile while going for trap but the above said Sri Venkatesh has not been examined to prove Ex.P10-the mahazar drawn in that respect.

28. DW2 is the DGO No.1 and he has deposed that on 26/08/2013 a stranger approached him and tried to give money to him by saying the name of some person and he refused to receive the amount and even then that person forcibly thrust the amount to his pant pocket and while he was trying to give back that amount the Lokayukta police apprehended him. This evidence given by DGO No.1 is contrary to his written statement itself. As stated above, in his written statement he has contended that DGO No.2 made phone call to him and asked him to receive the amount of Rs. 3,000/- from PW3 and hence he received that amount from PW3. Thus the evidence given by DW2 is contrary to his written statement. He has deposed that, he had already done the work of the wife of the complainant on 24/08/2013 itself. But as stated above, there is evidence to show that the DGO No.1 had not given the file to the clerk of the "Bhoomi Kendra". In his cross-examination he has deposed that there is no ill-will between himself and the complainant. Hence, there is absolutely no reasons to disbelieve the complaint and the evidence of PW3. He also admits that the tainted currency notes were seized from his pant pocket and his right hand wash was positive.

29. DW1 is DGO No.2 and he has deposed that he had not demanded any bribe amount from PW1 and he has not received the bribe amount also. He has deposed that he has not at all talked with the PW3 over phone. He has deposed that PW3 has stated that he do not know how to record the conversation in his mobile phone and hence, the contention of the Disciplinary Authority that on the way to trap the complainant recorded the conversation between himself and



the DGO No.2 in the mobile of the complainant is not believable. As stated above, the higher officer of DGO No.2 by name Sri Venkatesh has not been examined to prove that there was conversation between the PW3 and DGO No.2 on the way to trap. In the absence of the same, it has to be said that the Disciplinary Authority has not adduced the cogent evidence to prove that the DGO No.2 instructed PW3 to pay his share of the bribe amount to the hands of the DGO No.1. As stated above, DGO No.2 has not at all received any amount from the complainant and he was not at all present in the office at the time of the trap. There is also no evidence to prove that the voice of the DGO No.2 was identified by Sri Venkatesh the Deputy Tahasildar, in the conversation said to have been recorded prior to the lodging of the complaint. Ex.P10 is the mahazar drawn to show that Sri Venkatesh identified the voice of the DGO No.1 in the recorded conversation. But the above said Sri Venkatesh has not been examined to prove the same. In the absence of the same and DGO No.2 not receiving the tainted currency notes also it has to be said that the disciplinary authority has not proved its case so far as DGO No.2 is concerned.

30. Ex.D5 is the certified copy of the judgment passed in Special Case NO. 39/2010 on the file of the 3<sup>rd</sup> Addl. Sessions and Special Judge at Mysuru, which discloses that the criminal case filed by the Lokayukta police against the DGO Nos.1 and 2 has ended in the acquittal of the DGO Nos.1 and 2. Only on the ground that that the DGOs have been acquitted in the special case it cannot be held that,

the disciplinary authority has not proved its case in this departmental inquiry. It is well established principle of law that, in the criminal case the prosecution has to prove its case beyond all reasonable doubt. Where as in the departmental inquiry the evidence has to be scrutinised on the basis of the preponderance of probabilities. In the decision reported in **1997(2) SCC 699 in case of Depot Manager, APSRTC V/S Mohammed Yosuf Miya and others, (2005)7 SCC 764 between Ajit Kumar Nag v/s General manager (P) Indian Oil Corporation Limited, Haldia and others** and recent decision of Hon'ble Supreme Court in **(2012)13 Supreme Court Cases 142 in the case of Avinash Sadashiv Bhosale (dead) V/S Union of India and others** made out very clear that, the purpose of departmental inquiry and the prosecution are too different and distinct aspect though the two proceedings relate to the same set of facts. The nature of evidence in criminal case is entirely different from the departmental proceedings and in the criminal case the prosecution is required to prove the guilt of the accused beyond all reasonable doubt on the touch-stone of human conduct and where as the evidence required in a departmental inquiry is not regulated by such strict rules. Therefore, misconduct of the DGOs is required to be taken into consideration on the basis of preponderance of probabilities and merely because the DGOs have been acquitted in the criminal case by the judgment in criminal case that itself is not sufficient to overlook the evidence placed on record by the Disciplinary Authority.

31. The facts and circumstances of this case probablises the case of the Disciplinary Authority regarding DGO No.1 only and as stated above the evidence of PW1 to PW4 supports the case of the Disciplinary Authority in respect of DGO No.1. For the reasons stated above, it has to be said that the Disciplinary Authority has not proved its case against the DGO No.2.

32. Thus the DGO No.1 has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant. Hence, I answer point No.1 in the **AFFIRMATIVE** in respect of DGO No.1 and **NEGATIVE** in respect of DGO No. 2.

**33. 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 No.1-Sri Umeshaiyah, s/o S. Siddhaiah, Revenue Inspector, Bannuru Nada Kacheri, Bannuru Hobli, T. Narasipura Taluk, Mysore District.*

*The Disciplinary Authority has failed to prove the charge in this case against DGO No.2-Sri Puttaswamy s/o Chikkalingaiah, Village Accountant, Chamanahalli Grama Panchayathi, Bannuru Hobli, T. Narasipura Taluk, Mysore District.*

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

Dated this the 14<sup>th</sup> day of February, 2020

-Sd/-

(Somaraju)

Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.

**:: ANNEXURE ::**

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

PW-1:Sri Gopala swamy H.M. (shadow witness)  
PW-2:Sri Srinivasa N. (pancha witness)  
PW-3:Sri B.P. Raveendra Kumar (complainant)  
PW-4:Sri K.T. Mathyus Thomas (I.O.)

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

DW-1: Sri B.C. Puttaswamy (DGO No.2)  
DW-2:Sri S. Umshaiah (DGO No.1)

**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:Xerox copy of the notes number and denomination mentioned white sheet  
Ex.P-2(a):Relevant entry in Ex.P2  
Ex.P-3:Certified copy of the Entrustment Mahazar  
Ex.P-3(a): Relevant entry in Ex.P3  
Ex.P-4:Xerox copy of the Xeroxed photos on the white sheet  
Ex.P-5: Certified copy of the explanation of DGO No. 1  
Ex.P-6:Certified copy of the Trap Mahazar  
Ex.P-7:Certified copy of the panchanama  
Ex.P-8:Certified copy of the sketch  
Ex.P-9: Xerox copy of the panachanama

- Ex.P-10:Xerox copy of the recognition of the voice  
panchanama
- Ex.P-11:Xerox copy of the statement of the DGO No.2
- Ex.P-12:Xerox copy of the Xeroxed photos on the white  
sheet
- Ex.P-13:Xerox copy of the sale deed dated: 26/06/2013  
(containing 12 sheets)
- Ex.P-14:Certified copy of the FIR
- Ex.P-15:Xerox copy of the letter of the Tahasildar dated:  
26/08/2013 addressed to the P.I. Karnataka  
Lokayukta, Mysore
- Ex.P-16:Certified copy of the sketch
- Ex.P-17:Xerox copy of the letter dated: 27/08/2015 of Police  
Inspector, Karnataka Lokayukta, Mysore addressed  
to Tahasildar, T. Narasipura Taluk, Mysore with  
Xerox copies of the enclosures
- Ex.P17(a); Relevant entry in Ex.P17
- Ex.P-18:Certified copy of the chemical examination report
- Ex.P-19: Xerox copy of the service particulars of DGO NO.1
- Ex.P-20:Xerox copy of the Letter of DGO No.1 addressed to  
the Tahasildar, Taluk office, T. Narasipura
- Ex.,P-20(a); Relevant entry in Ex.P20
- Ex.P-21:Xerox copy of the call details

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

- Ex.D-1:Xerox copy of the sketch
- Ex.D-2: Xerox copy of the Form No.21
- Ex.D-3:Certified copy of the FormNo.12
- Ex.D-4: Xerox copy of the Rule No. 46
- Ex.D-5:Certified copy of the judgment passed in Special  
Case No. 39/2014

Dated this the 14<sup>th</sup> day of February, 2020

-Sd/-

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

