



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/632/2014/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 29.10.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri Doddegowda,
the then Sericulture Demonstrator, Technical
Service Centre, Poorigaali, Malavalli Taluk, Mandya
District- reg.

- Ref:- 1) Order No. ಸಿ.3ಎ/ಶಿಸು/7/2013-14 dated 01.09.2014
and corrigendum dated 29.10.2014 of the
Commissioner for Sericulture Development and
Director of Sericulture, Bengaluru.
2) Nomination order No. LOK/INQ/14-A/632/2014
dated 05.12.2014 of Upalokayukta-2, State of
Karnataka.
3) Inquiry report dated 26.10.2018 of Additional
Registrar of Enquiries-4, Karnataka Lokayukta,
Bengaluru.

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The Commissioner for Sericulture Development and  
Director of Sericulture, Bengaluru by his order dated 01.09.2014  
and corrigendum dated 29.10.2014 initiated the disciplinary  
proceedings against Shri Doddegowda, the then Sericulture  
Demonstrator, Technical Service Centre, Poorigaali, Malavalli  
Taluk, Mandya District [hereinafter referred to as Delinquent  
Government Official, for short as 'DGO'] and entrusted the  
departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/623/2014 dated 05.12.2014 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. UPLOK-2/DE/2016 dated 03.08.2016, re-nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to conduct/continue the departmental inquiry against DGO.

3. The DGO - Shri Doddegowda, the then Sericulture Demonstrator, Technical Service Centre, Poorigaali, Malavalli Taluk, Mandya District was tried for the following charge:-

“That you - Shri Doddegowda, Sericulture Demonstrator, Technical Service Centre, K.R. Nagar, Mysore District, DGO, while working as Demonstrator in Technical Service Centre at Purigali of Malavalli Taluka in Mandya District, Shri M. Chandrashekar Swamy s/o late Marimadaiah r/o Hullambali village of Malavalli Taluka in Mandya District (herein after referred as complainant for short) approached you-DGO in connection with grant of subsidy amount for having formed mulberry

plantation during March 2013 by him and his mother Smt. Marisiddamma. Then you-DGO insisted and demanded bribe amount of Rs. 2,500/- from each of them to issue cheque for subsidy amount. You-DGO on 31.05.2013 demanded bribe amount of Rs. 5,000/- from the complainant and received bribe amount of Rs. 5,000/- from the complainant and you-DGO thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government servant and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries- 4) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has ‘*proved*’ the above charge against the DGO - Shri Doddegowda, the then Sericulture Demonstrator, Technical Service Centre, Poorigaali, Malavalli Taluk, Mandya District.


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

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, DGO - Shri Doddegowda has retired from service on 31.05.2018.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against Shri Doddegowda, the then Sericulture Demonstrator, Technical Service Centre, Poorigaali, Malavalli Taluk, Mandya District, it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DGO - Shri Doddegowda'.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 29/10.

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/632/2014/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 26/10/2018

**:: ENQUIRY REPORT ::**

**Sub:** Departmental Enquiry against,  
Sri Doddegowda  
Sericulture Demonstrator  
Technical Service Centre  
K.R. Nagara  
Mysore District  
(working then at  
Purigali, Malavali Taluk  
Mandya District)  
**(now retired)**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/ MYS/ 3092/2013/DRE-4 Dated:25.28/07/2014
  - 2) Order. No. C3A/Disciplinary/7/2013-14, Bangalore, dated: 01/09/2014 and its corrigendum dated: 29/10/2014
  - 3) Order No.LOK/INQ/14-A/632/2014, Bangalore dated: 05/12/2014 of the Hon'ble Upalokayukta

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This Departmental Enquiry is directed against Sri Doddegowda, Sericulture Demonstrator, Technical Service Centre, K.R. Nagara, Mysore District (working then at Purigali,

Malavali Taluk, Mandya District) **(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: 05/12/2014 cited above at reference-3, nominated Additional Registrar of Enquiries-8 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-8 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. When the matter was pending for enquiry in recording the evidence of the witnesses of Disciplinary Authority, this matter was transferred to Addl. Registrar of Enquiries-4 vide O.M. No. Uplok-2/DE/2016 Bengaluru, dated: 03/08/2016 of the Hon'ble Registrar issued with the concurrence of the Hon'ble Upalokayukta. Hence, this enquiry case proceeded by this Addl. Registrar of Enquiries-4 in accordance with law.

5. The Article of Charges framed by ARE-8 against the DGO is as below:

**ANNEXURE NO.I**  
**CHARGE**

That you-Sri Doddegowda-Sericulture Demonstrator, Technical Service Centre, K.R. Nagar, Mysore District-DGO while working as Demonstrator in Technical Service Centre at Purigali of Malavalli Taluka in Mandya District, Sri M. Chandrashekar Swamy s/o Late. Marimadaiah r/o Hullambali village of Malavalli Taluka in Mandya District (herein after referred as complainant for short) approached you-DGO in connection with grant of subsidy amount for having formed mulberry plantation during March 2013 by him and his mother Smt. Marisiddamma. Then you-DGO insisted and demanded bribe amount of Rs. 2,500/- from each of them to issue cheque for subsidy amount. You-DGO on 31/05/2013 demanded bribe amount of Rs. 5,000/- from the complainant and received bribe amount of Rs. 5,000/- from the complainant and you-DGO thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated under Rule 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.

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

Complainant formed nursery of mulberry (ಹಿಪ್ಪುನೇರಳೆ) plant in an area of 20 guntas in his land bearing sy.No. 107/2A situated at Hullambali village of Malavalli Taluka in Mandya District. So also his (complainant's) mother Smt. Marisiddamma formed nursery in 20 guntas of sy.No. 118 of same village. Thus, both gave applications for grant of subsidy for having formed mulberry plantation during March 2013, at the office of Silk Extension Officer. Both of them were entitled for the subsidy amount of Rs.

37,500/- however, the DGO, Sericulture Demonstrator insisted and demanded bribe of Rs. 2,500/- each i.e., total Rs. 5,000/- to issue cheque for the said subsidy amount. As the complainant was not willing to pay the bribe demanded by the DGO he lodged a complaint before the Lokayukta Police Inspector of Mandya (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr. No. 5/2013 for the offences punishable under Sec. 7, 13(1)(d) R/w section 13(2) of Prevention of Corruption Act, 1988. The I.O. took up the investigation and after observing all pre-trap formalities on 31/05/2013 DGO was trapped by the I.O. while receiving tainted (bribe) amount of Rs. 5,000/- from the complainant near Raksha Condiments shop situated near Kionicks Computer Centre in Malavalli Town. The I.O. seized the tainted amount from the DGO after following post-trap formalities. The DGO failed to give satisfactory or convincing reply about possession of the tainted (bribe) amount. The I.O. recorded statements of the complainant and panch witnesses. The record of investigation and materials collected by the I.O. show that the DGO has committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government Servant. As the materials collected by the I.O. during investigation prima facie show that DGO demanded and received bribe amount while discharging his duty as public servant, a suo-motu investigation was taken up under Sec. 7(2) of the Karnataka Lokayukta Act against the DGO. An observation note was sent to the DGO calling for his explanation. DGO has submitted his reply. The reply given by DGO was not convincing and satisfactory to drop the proceedings. As there was a prima facie case showing that the DGO has committed misconduct as per Rules 3(1)(ii) and (iii) of KCS (Conduct) Rules, 1966, a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO under Rule 14-A of KCS (CCA) Rules, 1957. Accordingly, the competent



*authority initiated disciplinary proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta-2 under Rule 14-A of KCS (CCA) Rules. Hence, the charge.*

6. DGO appeared before this Enquiry Authority on 25/02/2015 and on 28/04/2015 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 enquiry.

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

The charge framed against the DGO is false and the same is denied. The complainant and his mother had given applications for grant of subsidy for having formed the mulberry plantation (nursery) during March 2013 in the office of Sericulture Extension Officer. It is false to state that the DGO had insisted and demanded bribe of Rs. 2,500/- each for issue of cheque in favour of the complainant and his mother. It is false to state that totally he has demanded Rs. 5,000/- from the complainant as illegal gratification. No official work related to the complainant was pending with him and he has not demanded any amount from the complainant. The complaint which is highly motivated ought not to have been acted upon and only to harass the DGO the complaint has been filed. The DGO has not committed any misconduct as alleged. Hence, he has prayed 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 P11. 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. In spite of giving sufficient time the DGO did not adduce his evidence and the DGO was questioned as per Rule 11(18) of KCS (CC&A) Rules.

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

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

2) What order?

10. My finding on the above points are as follows

Point No.1: In the “ **AFFIRMATIVE**”

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

**:: REASONS ::**

**11. Point No.1:** It is the case of the Disciplinary Authority that the DGO while working as Sericulture Demonstrator, in Technical Service Centre at Prigali, Malavalli Taluka, Mandya District when the complainant-Sri M.Chandrashekhar Swamy approached the DGO in connection with the grant of subsidy amount for having formed mulberry plantation nursery during March 2013 by himself and his mother Smt. Marisiddamma, the DGO insisted and demanded the bribe amount of Rs. 2,500/- from each of them to issue cheque for the subsidy

amount and on 31/05/2013 the DGO demanded and received the bribe amount of Rs. 5,000/- from the complainant and thereby committed the misconduct.

12. Complainant has been examined as PW1 and copy of the complaint lodged by him in the Lokayukta police is at Ex.P1. The gist of Ex.P1 is to the effect that in sy.No. 107/2A of Hullamballi village in 20 guntas he formed the mulberry nursery and likewise his mother Smt. Marisiddamma, also formed the mulberry nursery in 20 guntas of land in sy.No.118 of the above said village and the Government was giving subsidy amount for mulberry nursery and in that connection in March 2013, they filed the applications for grant of subsidy amount. The mother of the complainant is aged and hence the complainant is looking after the office work of his mother also. The complainant and his mother are each entitle to Rs. 37,500/- as subsidy amount and in that connection the complainant met the Sericulture Demonstrator (DGO) and requested him many times for release of the subsidy amount and the DGO insisted for bribe amount of Rs. 2,500/- from each of them. On 29/05/2013 at 6 p.m. the complainant called the DGO over mobile phone and the DGO asked him to pay Rs.5,000/- and to receive one cheque for Rs. 37,500/- and that conversation was recorded in the mobile of the complainant and that conversation has been transferred to DVD cassette and afterwards that conversation has been deleted from his mobile phone. It is further stated that on 30/05/2013 when the DGO was contacted over mobile phone the DGO told that he has coming to Malavalli on 31/05/2013

and to meet him in Malavalli. The complaint has been lodged on 31/05/2013 at 11.30 a.m. in the Lokayukta police station.

13. PW1 has deposed about himself and his mother forming the mulberry nursery in 20 guntas each and that they had given the application for payment of the subsidy amount of Rs. 37,500/- each. He has deposed that he met the DGO who was working in Sericulture Department at Purigali twice or thrice in that connection. He has deposed that the DGO asked him to come after two days stating that the cheque has to be signed by the higher officer. He has deposed that after three days he went to the office of the DGO and the DGO was not in the office. He has deposed that he told the matter to his friend and his friend advised him to wait for some days. But even then the cheque was not given and there afterwards his friend took him to the Lokayukta Police Station at Mandya and he wrote the complaint as told by the police inspector and Ex.P1 is the copy of that complaint and it is in his hand writing and he has signed the same also. He has deposed that the police inspector gave him Rs. 5,000/- (5+Rs.1,000 each) and two witnesses were present in the police station and the numbers of the currency notes were noted by the witnesses in a separate sheet and the copy of the same is at Ex.P2. He has deposed that police inspector applied some powder on the currency notes and one of the witness kept the currency notes in his left side shirt pocket and the police inspector gave him the voice-recorder and instructed him to record the conversation between himself and the DGO. He has deposed that in that respect Ex.P3 was prepared and Ex.P3(a) is his signature. He has deposed that his friend produced the C.D. to

the police inspector at the time of the giving the complaint and the conversation found in the same was reduced to writing in Ex.P3. He has deposed that there afterwards the police inspector, his staff, himself and panchas went to Mallavalli and vehicles were stopped at a distance and himself and his friend Sri Mahesh went to the Sericulture office to meet the DGO. But they were told that the DGO is in the meeting and they informed the same to the police inspector and the police inspector asked them to wait for the DGO. He has deposed that the DGO came out at 4.40 p.m. and his friend Sri Mahesh asked the DGO to issue the cheque and the DGO replied that the cheque is in his office and it is not with him. He has deposed that, afterwards himself, his friend and the DGO went to the hotel and the DGO told that he will give the cheque and the DGO kept his diary on the table in the hotel and he kept the bribe amount of Rs. 5,000/- in the diary of the DGO on the instructions of the police inspector. He has deposed that he gave the signal to the police inspector and the police inspector came to the hotel with his staff and he identified the DGO to the police inspector and people gathered there and he do not know what happened afterwards. He has deposed that he has signed the trap mahazar and copy of the same is at Ex.P4. He has been treated as hostile witness by the presenting officer and cross-examined.

14. In his cross-examination PW1 admits that he met the DGO numbers of the times for the subsidy amount and the DGO demanded for the bribe amount of Rs. 5,000/- (Rs. 2,500/- each). He has denied all other averments made in the entrustment mahazar and the trap mahazar. He has deposed

that he is a B.Sc., graduate and it has to be said that PW1 being an educated person he will not sign the documents without knowing its contents. As stated above PW1 admits the lodging of the complaint as per Ex.P1 and I.O. conducting entrustment mahazar in the police station as per Ex.P3. He also admits that himself, panchas and the police inspector and his staff had gone to Mallvalli for the trap. But only denies the case of the disciplinary authority regarding the DGO demanding and accepting the bribe amount of Rs. 5,000/-. He has deposed that he met the DGO after the meeting and they went to the hotel and he has deposed that he kept the bribe amount of Rs. 5,000/- in the diary of the DGO in the hotel as per the instructions of the police inspector. It is pertinent to note that he has not deposed how the police inspector gave him the above said instructions. In the absence of the same his evidence to the effect that he kept the bribe amount of Rs. 5,000/- in the diary of the DGO on the instructions of the police inspector cannot be accepted and it can only be said that as per the demand of the DGO he has paid the amount of Rs. 5,000/- to the DGO. Hence, it can only be said that PW1 has made half-hearted attempt to help the DGO and he has not come forward with the true facts in his evidence.

15. PW2-Sri P.N. Nanjundaramagupta, the shadow witness, according to the case of the disciplinary authority. He has deposed that he was working as FDA in the Karnataka Urban Water Supply and Drainage Board at Mandya and in the same office Sri Durga Kumar, was working as Office Superintendent. He has deposed that on the instruction of the Executive Engineer himself and Sri Durga Kumar, went to the

Lokayukta office at Mandya on 31/05/2013 at 12 noon and the complainant, police inspector and his staff were present in the police station. He has deposed that the complainant was introduced to himself and to Sri Durga Kumar and they were explained about the complaint lodged by the complainant. He has deposed that he read the complaint also. He has deposed that the complainant produced the C.D. in the police station and it was played and they have heard the same. He has deposed that PW1 (complainant) produced Rs. 5,000/- consisting of five currency notes of Rs. 1,000/- each and himself and Sri Durga Kumar verified the currency notes numbers and the numbers were noted down in a separate sheet and copy of the same is at Ex.P2 and Ex.P2(a) is his signature. He has deposed that the staff of Lokayukta police applied some powder on the currency notes and Sri Durga Kumar, kept those currency notes in the shirt pocket of PW1 and thereafter the hands of Sri Durga Kumar, were washed in the sodium carbonate solution and that solution which was colourless turned to pink colour and same was seized. He has deposed that photographs were taken at that time and entrustment mahazar was prepared and the copy of the same is at Ex.P3 and he has signed the same as per Ex.P3(b).

16. PW2 has further deposed that after the entrustment mahazar the complainant, himself and another pancha witness Sri Druga Kumar, police inspector and his staff went to Mallavalli in police jeep and the jeep was stopped near the bus-stand and PW1 contacted the DGO through his mobile phone but the mobile phone of the DGO was switched off and he was not in the office. He has deposed that at about 6 p.m.

PW1 received the call from the DGO to the effect that he was in the meeting and thereafter DGO came near the tea stall situated near the bus-stand and himself and PW1 met the DGO and all of them went to the tea stall. He has deposed that PW1 and DGO sat in the tea stall and he was standing little away from them and PW1 enquired the DGO about his cheque and the DGO demanded for the amount from PW1 and PW1 gave the tainted currency notes to the DGO and DGO opened the excise book and PW1 kept the amount in that excise book (diary) on the instructions of the DGO. He has deposed that thereafter DGO gave the cheque to PW1 and PW1 gave the signal to the police inspector and police inspector came near the complainant and the DGO along with his staff and another pancha witness. He has deposed that PW1 identified the DGO to the police inspector and told that he has given the bribe amount to the DGO and that amount is in the excise book of the DGO. He has deposed that the inspector instructed the pancha witness Sri Durga Kumar to remove the bribe amount from the excise book and he removed the bribe amount from the excise book and those notes tallied with the notes mentioned in Ex.P2. He has deposed that place in the excise book where the amount was kept was cleaned with the cotton and that cotton was washed in the solution and that solution turned to pink colour and the excise book and the amount were seized. He has deposed that as there was disturbance at the spot all of them went to the sericulture office at Malavalli and police inspector seized the documents which were produced by the Deputy Director regarding the complainant and his mother. He has deposed that trap mahazar was prepared and the copy of the same is at Ex.P4 and his



signature is at Ex.P4(a). In his cross-examination he has deposed as follows:-

“ಟೀ ಅಂಗಡಿ ಎದುರುಗಡೆ ಒಂದು ಬೆಂಚು ಇತ್ತು. ಆ ಬೆಂಚಿನ ಮೇಲೆ ಆ.ಸ.ನೌಕರ ಮತ್ತು ಫಿರ್ಯಾದುದಾರರು ಕುಳಿತಿದ್ದರು ಎಂದರೆ ಹೌದು. ನಾನು ಅಂಗಡಿಯ ಒಂದು ಮೂಲೆಯಲ್ಲಿ ನಿಂತಿದ್ದೆ ಎಂದರೆ ಹೌದು. ನಾನು ನಿಂತಿದ್ದ ಸ್ಥಳದಿಂದ ನನಗೆ ಆ.ಸ.ನೌಕರ ಮತ್ತು ಫಿರ್ಯಾದುದಾರರ ಬೆನ್ನು ಕಾಣುತ್ತಿತ್ತು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಅವರು ನನಗೆ ಎದುರಾಗಿ ಕುಳಿತಿದ್ದರು. ಬಸ್ ನಿಲ್ದಾಣದಲ್ಲಿ ಮೊದಲು ಆ.ಸ.ನೌಕರರನ್ನು ದೂರದಾರರು ಭೇಟಿ ಮಾಡಿದಾಗ ನಾನು ಅವರಿಂದ 10 ಅಡಿ ದೂರದಲ್ಲಿದ್ದೆ. ಅವರಿಬ್ಬರು ಟೀ ಸ್ಟಾಲ್ ಕಡೆಗೆ ಹೊರಟಾಗ ನಾನು ಆಗಲೂ ಅವರ ಹಿಂದೆ 10 ಅಡಿ ಅಂತರದಲ್ಲಿ ಅವರನ್ನು ಹಿಂಬಾಲಿಸಿಕೊಂಡು ಹೋದೆ. ಟೀ ಸ್ಟಾಲ್ ಬಳಿ ಅವರಿಬ್ಬರು ನಾನು ಇದ್ದ ಜಾಗದಿಂದ 10 ಅಡಿ ಅಂತರದಲ್ಲಿ ಕುಳಿತಿದ್ದರು.”

17. Thus PW2 has clearly deposed that he was at a distance of about 10'only from the place where the DGO and PW1 were sitting in the hotel. He has further deposed as follows in his cross-examination.

“ಆ.ಸ.ನೌಕರರು ಅವರು ಕುಳಿತಿದ್ದ ಬೆಂಚಿನ ಮುಂದೆ ಟೀಪಾಯಿ ಮೇಲೆ ಅವರ ದಿನಚರಿ ಪುಸ್ತಕ ಇಟ್ಟುಕೊಂಡಿದ್ದರು. ಆ.ಸ.ನೌಕರರು ಟೀ ಕುಡಿದು ಲೋಟವನ್ನು ವಾಪಸ್ಸು ಇಡಬೇಕಾದರೆ ಅವರ ಗಮನಕ್ಕೆ ಬಾರದಂತೆ ಫಿರ್ಯಾದುದಾರರು ಆ.ಸ.ನೌಕರರ ದಿನಚರಿ ಪುಸ್ತಕದಲ್ಲಿ ಹಣವನ್ನು ಇಟ್ಟರು ಎಂದರೆ ಸರಿಯಲ್ಲ”.

18. Thus he has clearly denied the case of the DGO to the effect that without his knowledge PW1 kept the tainted currency notes in the diary of the DGO. Even though PW2 has been cross-examined at length nothing is made out in his cross-examination to disbelieve his evidence. Thus there are no reasons to discard or disbelieve the above evidence given by

PW2. PW2 has clearly deposed that the DGO demanded for the bribe amount and asked PW1 to keep the bribe amount in his diary by opening the same.

19. PW3 is the Sri K. Santhosh is the Police Inspector who has conducted both the entrustment mahazar and the trap mahazar. He has deposed that on 31/05/2013 police inspector who has conducted both the panchanama stated above. He has deposed that on 31/05/2013 at 10. 30 a.m. PW1 came to the police station and gave the written complaint and also produced one DVD cassette. He has deposed that he registered the case on the basis of the complaint of PW1 and sent the FIR to the court. He has deposed that the copy of the complaint is at Ex.P1 and the copy of the FIR is at Ex.P5. He has deposed about securing two panchas and conducting the entrustment mahazar in the police station. He has deposed about all the averments made in the entrustment mahazar, the copy of which is at Ex.P3. He has clearly deposed that PW1 gave the amount of Rs. 5,000/- and in his cross-examination it is not the case of the DGO that PW3 gave the above said amount of Rs. 5,000/- to the complainant. PW3 has deposed that after the entrustment mahazar they left the Lokayukta police station to Mallavalli town and reached the KSRTC bus-stand at 3.15 p.m. He has deposed that on the way PW1 tried to contact DGO over phone. But he was not able to contact the DGO. He has deposed that they were waiting in the vehicle itself and at 5.50 p.m. PW1 made phone call to the DGO and the DGO received the call and PW1 told that he is near Mallavalli KSRTC bus-stand and DGO told that he is coming there itself. He has deposed that he reminded

PW1 and the shadow witness about the instructions already given to them at the time of the entrustment mahazar and both of them were sent to meet the DGO and himself, his staff and another pancha witness followed PW1 and the shadow witness and were waiting in front of the KSRTC bus-stand. He has deposed that at about 6 p.m. two persons came by walk and met PW1 and those two persons along with PW1 went in the road towards the Mysore side and the shadow witness-PW2 followed them. He has deposed that himself and others also followed PW2. He has deposed that the DGO and another person who was with the DGO and PW1 went to Raksha Condiments hotel and sat on the bench and PW2 was watching them at a little distance from them. He has deposed that at 6.15 p.m. PW1 gave the pre-arranged signal from the place where he was sitting in the hotel and immediately himself and his staff and another pancha witness went to the hotel and PW1 showed the DGO and told that he is the Sericulture Demonstrator by name Sri Doddegowda and he has received the amount of Rs. 5,000/- , from him for giving the cheque and he has received Rs. 5,000/-. He has deposed that PW1 told him that the DGO asked him to keep the amount in the book which the DGO is having and after PW1 did so the DGO verified the amount from his right hand fingers and afterwards gave the cheque. He has deposed that he introduced himself to the DGO and told him about the case registered against him. He has deposed that the person who was with the DGO was Sri Krishna Urs who is also the Sericulture Department official. He has deposed that PW1 and PW2 told him what happened in Raksha Condiments and also told that the DGO took the signature of PW1 and gave the

cheque. He has also deposed that he conducted the hand wash of the DGO and the right hand wash was positive. He has deposed that the tainted currency notes were in the diary of the DGO and those notes tallied with the notes mentioned in Ex.P2.

20. PW3 has further deposed that the DGO told that the documents of the complainant were in the office of the Assistant Director of Sericulture of Malavalli and hence they went to the said office and in that office the trap panchanama was prepared. He has deposed that the copy of the trap mahazar is at Ex.P4

21. As per Ex.P4 the Assistant Director of Sericulture by name Sri Puttamallu produced the documents pertaining to the complainant and his mother and attested copies of the same were prepared and seized and copies of the same are at Ex.P7. Ex.P7 consists of 42 sheets and one of the document is memorandum dated: 31/03/2013 signed by Assistant Director of Sericulture, Mallavalli in which it is clearly mentioned that subsidy cheques of PW1, his mother and four other persons mentioned in the same for Rs. 37,500/- each are directed to be given to them and the DGO is responsible for distribution of the cheques. Hence, it can be said that as on 31/03/2013 itself the cheques were ready and handed over to the DGO for distribution to the beneficiaries. It is pertinent to note that the complaint is filed on 31/05/2013 and hence it can be said that till the filing of the complaint the DGO had not given the cheques to PW1 and his mother. Another of the document of Ex.P7 is the copy of the cheque and it is in favour

of PW1 for Rs. 37,500/- and the date mentioned in the same is 31/03/2013. If the above said cheque and the memorandum stated above are taken into consideration it has to be said that the cheque of PW1 was ready on 31/03/2013 itself and entrusted to the DGO for disbursement, but the DGO had not given the same to PW1 which only supports the case of the disciplinary authority to the effect that the DGO had not given the cheque demanding illegal gratification amount.

22. PW3 has deposed that Ex.P9 are the copies of the photographs taken at the time of the entrustment mahazar and trap mahazar. He has deposed that Ex.P10 is the FSL report copy of which shows that the right hand finger wash of the DGO was positive. He has deposed that Ex.P11 is the copy of the sketch of the scene of occurrence prepare by the Engineer.

23.Ex.P8 is the copy of the explanation given by the DGO immediately after the trap. Ex.P8 is a lengthy one and the gist of the same is to the effect that PW1 and his mother had formed mulberry nursery in 20 guntas each and they have also prayed for release of the subsidy amount. In Ex.P8 it is stated that 90% of the nursery was failure and he had instructed for removal of the weeds and to plant fresh spalings and that he will give the cheque afterwards. In Ex.P8 it is further stated that PW1 told the DGO that he has no amount to plant fresh saplings and to give the cheuqe amount. In Ex.P8 it is also stated that when he was in the meeting in the Mallvalli PW1 made phone call to him and he met him and PW1 asked for giving the cheque of himself and his mother

and forced the DGO to take the amount of Rs. 5,000/-. But the DGO told him to clean the nursery and to plant fresh saplings and afterwards he will give the cheques and he kept the meeting file on the bench and went to bring the tea and by that time Lokayukta police caught hold of him and seized the amount from his file. As stated above, FSL report shows that the right hand wash of the DGO was positive and the DGO has not given any explanation in that respect in Ex.P8. Even otherwise it is pertinent to note that the DGO has not examined himself to prove his defence mentioned in Ex.P8. As stated above as per the trap panchanama -Ex.P4 another official of the Sericulture Department by name Sri N. Krishna Urs was present with the DGO when the DGO demanded and accepted the bribe amount from PW1 in the above said hotel and the DGO has not examined the above said official also to prove his defence. Even otherwise as stated above there is no evidence of the DGO to prove his defence mentioned in Ex.P8. In the absence of the evidence of the DGO it has to be said that the DGO has failed to prove his defence mentioned in Ex.P8.

24. As stated above PW2 and PW3 have given their evidence in accordance with the case of the disciplinary authority and PW2 is the shadow witness. As stated above the cheque of PW1 was ready as on 31/03/2013 itself which shows that the DGO has not issued the same to the PW1 till PW1 lodged the complaint. It is also pertinent to note that there is no written notice to PW1 or his mother to the effect that most of the plants in their nurseries are failure and they have been directed to rise fresh saplings and afterwards only the subsidy

cheques will be given to them. The facts and circumstances of this case stated above clearly probablises the case of the Disciplinary Authority to the effect that the DGO demanded and accepted the bribe amount of Rs. 5,000/- from PW1 to show official favour.

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

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

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO- Sri Doddegowda, Sericulture Demonstrator, Technical Service Centre, K.R. Nagara, Mysore District, (working then at Purigali, Malavali Taluk, Mandya District) **(now retired)** and thereby committed misconduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 26<sup>th</sup> day of October, 2018

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

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

- PW-1 :- Sri Chandrashekhara Swamy N. (complainant)  
PW-2 :- Sri P.N. Nanjundaramagupta (shadow panch witness)  
PW-3:- Sri K. Santhosh (I.O.)

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

NIL

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

- Ex.P-1: Certified copy of the complaint  
Ex.P-1(a,b): Relevant entries in Ex.P1  
Ex.P-2: Certified copy of the notes numbers and denomination mentioned white sheet  
Ex.P-2(a to c): Relevant entries in Ex.P2  
Ex.P-3: Certified copy of the entrustment mahazar  
Ex.P-3(a to e): Relevant entries in Ex.P3  
Ex.P-4: Certified copy of the trap mahazar  
Ex.P-4(a): Relevant entry in Ex.P4  
Ex.P-5: Certified copy of the FIR  
Ex.P-6: Certified copy of the rough sketch  
Ex.P-6(a to c): Relevant entries in Ex.P6  
Ex.P-7: Certified copy of the file of the complainant (containing 42 sheets)  
Ex.P-7(a to d): Relevant entries in Ex.P7  
Ex.P-8: Xerox copy of the explanation of DGO  
Ex.P-9: Xerox copy of the photos on the white sheet (containing 7 sheets)  
Ex.P-10: Xerox copy of the FSL report  
Ex.P-11: Xerox copy of the sketch

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

NIL

Dated this the 26<sup>th</sup> day of October, 18

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.