



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/641/2014/ARE-4 Multi Storied Building,
Dr: B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 02-03-2020.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Seebirangaiah
S/o. Late Kempaiah- the then Panchayath
Development Officer, Hunaseghatta Gram
Panchayath, Tiptur Taluk, Tumkur District - reg.

Ref:- 1) Government Order No.RDP 469 GPS 2014,
Bangalore dated 19.11.2014.

2) Nomination order No. LOK/INQ/14-
A/641/2014 dated 15.12.2014 of
Upalokayukta-2, State of Karnataka.

3) Inquiry report dated 29.02.2020 of
Additional Registrar of Enquiries-4,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 19.11.2014 initiated  
the disciplinary proceedings against Sri. Seebirangaiah S/o.  
Late Kempaiah- the then Panchayath Development Officer,  
Hunaseghatta Gram Panchayath, Tiptur Taluk, Tumkur  
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/641/2014 dated 15/12/2014 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 Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, was re-nominated to continue the said inquiry against DGO.

3. The DGO - Sri. Seebirangaiah S/o. Late Kempaiah- the then Panchayath Development Officer, Hunaseghatta Gram Panchayath, Tiptur Taluk, Tumkur District was tried for the following charge :-

*That you, Sri Seebi Rangaiah s/o Late Kempaiah - the then Panchayath Development Officer, Hunaseghatta Grama Panchayathi, Tiptur Taluka, Tumkur District-DGO while working as Panchayath Development Officer at*

*Hunaseghatta Grama Panchayathi of Tiptur Taluka in Tumkur District.*

- a. *You-DGO demanded for bribe from sister in law of Sri M.M. Dinesh s/o Mahalingaiah r/o J.Mallenahalli, Nonavinkere Hobli, Tiptur Taluka, Tumkur District (herein after referred as complainant for short) for sanctioning the bill under Indira Awas Scheme.*
- b. *On 07/12/2012 complainant met you-DGO in your office and you-DGO demanded and received tainted (bribe) amount of Rs. 2,000/- from the complainant.*
- c. *You-DGO failed to give any satisfactory account or explanation or reply for the possession of the tainted (bribe) amount found with you. 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) 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 above charge against the DGO - Sri. Seebirangaiah S/o. Late Kempaiah- the then Panchayath Development Officer, Hunaseghatta Gram Panchayath, Tiptur Taluk, Tumkur District is *proved.*"


5. 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.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Sri. Seebirangaiah, is due to retire from service on 31.05.2025.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Sri Seebirangaiah S/o. Late Kempaiah the then Panchayath Development Officer, Hunaseghata Gram Panchayathi, Tiptur Taluk, Tumkur District, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Sri. Seebirangaiah,'.

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

Connected records are enclosed herewith.

 2-3-20

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

BS\*

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/641/2014/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 27/02/2020

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

Sri Seebirangaiah  
s/o Late Kempaiah  
The then Panchayath  
Development Officer  
Hunaseghatta Grama Panchayathi  
Tiptur Taluk  
**Tumkur District**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in No. Compt/Uplok/BD/2788/2013/ARLO-2, Dated:14/07/2014
- 2) Government Order No. GraAaPa 469 GraPamKa 2014, Bengaluru, dated: 19/11/2014
- 3) Order No.LOK/INQ/14-A/641/2014, Bengaluru dated:15/12/2014 of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri Seebirangaiah s/o Late Kempaiah, the then Panchayath, Development Officer, Hunaseghatta Grama Panchayathi,

Tiptur Taluk, **Tumkur District** (herein after referred to as the Delinquent Government Official in short "DGO")

2. After completion of the investigation a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No.1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 15/12/2014 cited above at reference-3, nominated Additional Registrar of Inquiries-8 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Inquires-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 his written statement of defence.

4 When the matter was pending for recording of evidence of DW1 this inquiry was again transferred to this Addl. Registrar of Inquiries-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 inquiry is proceeded by this Addl. Registrar of Inquiries-4 in accordance with law.

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

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

*That you, Sri Seebi Rangaiah s/o Late Kempaiah – the then Panchayath Development Officer, Hunaseghatta Grama Panchayathi, Tiptur Taluka, Tumkur District-DGO while working as Panchayath Development Officer at Hunaseghatta Grama Panchayathi of Tiptur Taluka in Tumkur District.*

- a. You-DGO demanded for bribe from sister in law of Sri M.M. Dinesh s/o Mahalingaiah r/o J.Mallenahalli, Nonavinkere Hobli, Tiptur Taluka, Tumkur District (herein after referred as complainant for short) for sanctioning the bill under Indira Awas Scheme.*
- b. On 07/12/2012 complainant met you-DGO in your office and you-DGO demanded and received tainted (bribe) amount of Rs. 2,000/- from the complainant.*
- c. You-DGO failed to give any satisfactory account or explanation or reply for the possession of the tainted (bribe) amount found with you.*

*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) of Karnataka Civil Services (Conduct) Rules, 1966.

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

The complainant lodged the complaint along with voice recorder on 03/12/2012 alleging that the DGO demanded for bribe from his sister-in-law for sanctioning the bill under Indira Awas Scheme. As the complainant was not willing to pay the bribe amount, he lodged a complaint before the Lokayukta Police Inspector of Tumkur (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr. No. 12/2012 for the offences punishable under Sec. 7, 13(1)(d) R/w 13(2) of Prevention of Corruption Act, 1988. The I.O. took up the investigation and after observing all pre-trap formalities on 07/12/2012 DGO was trapped by the I.O. while receiving tainted (bribe) amount of Rs. 2,000/- from the complainant in the office of PDO, Hunseghatta Grama Panchayathi. 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) 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 Inquiry Authority on 23/03/2015 and on 08/07/2015 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 inquiry.

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

The DGO denies the charge framed against him. The sister-in-law of the complainant by name Smt. Shilpa was constructing the house under "Indira Awas Scheme" and he was issuing the cheques in that respect from time to time. The DGO has never demanded any bribe amount nor received any bribe amount in that respect. The complainant has given the false complaint against the DGO. The DGO

has not committed any misconduct as alleged. The DGO is innocent. 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 P37. After closing the evidence of the Disciplinary Authority, the DGO himself examined as DW1 and got marked documents at Ex.D1 and closed his evidence. Hence, recording the answer of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

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 inquiry authority are:-

1. Whether the Disciplinary Authority has satisfactorily proved the charges 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 Panchayath Development Officer, Hunaseghatta Grama Panchayath, Tiptur Taluk, Tumkur District, demanded the bribe amount from the complainant for issuing the cheque in respect of the second installment of the amount due to the sister-in-law of the complainant under "Indira Awaz Scheme" and on 07/12/2012 the DGO in his office demanded and accepted the bribe amount of Rs. 2,000/- from the complainant and thereby committed the misconduct.

12. The complainant has been examined as PW3 and the copy of the complaint lodged by him in Lokayukta police station is marked as Ex.P31. The gist of Ex.P31 is to the effect that the sister-in law of PW3 by name Smt. Shilpa w/o Chetan Kumar has been sanctioned a house under "Indira Awaz Scheme" for the year 2012-2013 and the foundation was laid to the extent of 33'x21' and the first installment cheque in that respect was issued by the DGO as Panchayath Development Officer of Hunaseghatta Grama Panchayath. The DGO inspected the spot and told the sister-in-law of PW3 that the foundation has been laid to more extent and to put up the construction by leaving some portion of the foundation and to come to the office. PW3 went to the office and met the DGO and the DGO told that the foundation has been laid to more extent and if Rs. 4,000/- bribe amount is given he will set-right the things

otherwise the second installment bill will not be sanctioned. In Ex.P31 it is further stated that when PW3 told that he is not able to pay the amount demanded the DGO refused for reducing the bribe amount and hence on 03/1/2012 PW3 approached the Lokayukta police and told the matter and Lokayukta police gave him a voice-recorder and also instructed him how to operate the same and he was asked to meet the DGO and to record the conversation and accordingly on 04/12/2012 he met the DGO at about 2 p.m. in his office and requested for his work and the DGO demanded bribe amount of Rs. 4,000/- and PW3 told he will give Rs. 3,000/- and the DGO did not agree for the same and PW3 told that on the next day namely on 05/12/2012 he will pay Rs. 2,000/- as advance, for which the DGO agreed and the complaint is lodged on 05/12/2012 at 4 p.m.

13. PW3 has deposed that under "Indira Awaz Scheme" 2012-2013, his sister-in-law by name Smt. Shilpa was sanctioned a house. He has deposed that the first installment cheque of Rs. 15,000/- was given by the DGO by receiving the bribe amount of Rs. 500/-. He has deposed that afterwards the DGO visited the site and told that the measurement of the foundation is more and to come to his office. He has deposed that himself and his sister-in-law went to the office of the DGO and met the DGO and the DGO told that the measurement of the foundation is more and if they went to construct on that foundation itself they have to give Rs. 4,000/- and that he will released the

remaining installment. He has deposed that in view of the DGO demanding for the bribe amount on 03/12/2012 he went to the Lokayukta Police station and told the same and the Lokayukta Inspector gave him a voice recorder and on 04/12/2012 he met the DGO in his office and the DGO demanded bribe of Rs. 4,000/- and he told that he will pay Rs. 3,000/- and the DGO did not agree. He has deposed that he told that he will give Rs. 2,000/- and after sometime he will give the balance amount of Rs. 2,000/-. He has deposed that on 05/12/2012 he lodged the complaint in the Lokayukta police station as per Ex.P31 and also returned the voice-recorder.

14. PW3 has further deposed that after he gave the complaint I.O. secured two pancha witness Sri Mohan Kumar and Sri S. Ramesh Babu and the contents of his complaint were read over to them and he produced the amount of Rs. 2,000/- and the above said witnesses noted the denomination and numbers of those notes in a white sheet and the copy of the same is at Ex.P1. He has deposed that the phenolphthalein powder was smeared to the notes and those notes were given to the pancha witness Sri Ramesh Babu who counted them and afterwards those notes were put into the cover and that cover was kept in the almirah. He has deposed that the hands of Sri Ramesh Babu were washed in the solution and that solution turned to pink colour. He has deposed that the conversation recorded in the C.D. was played and that conversation was copied to the C.D. and that conversation was also

transcribed. He has deposed that the I.O. asked him to come on the next day at 9 a.m. He has deposed that Ex.P2-Mahazar was completed in the evening and himself and panchas were asked to come on the next day morning.

15. PW3 has further deposed that on the next day morning he went to the Lokayukta police station and the amount was removed from the almirah and it was kept in his left side shirt pocket through panch witness Sri Mohan Kumar. He has deposed that he was given a voice-recorder also and he was asked to record the conversation when he meets the DGO. He has deposed about the instructions given to him and also to the shadow witness. He has deposed that on that day also panchanama was drawn and the copy of the same is at Ex.P3 and he has signed the same. He has deposed that after the panchanama they went to the office of the DGO situated in Hunaseghatta and himself and the shadow witness went inside the Panchayath office and the DGO was not in the office and he came to know that the DGO will come to the office tomorrow only and all of them returned back to the Lokayukta police station and the amount and the voice-recorder were taken back by the I.O. and kept in the almirah and the panchanama was drawn in the police station and the copy of the same is at Ex.P4. He has deposed that the I.O. instructed him and the panchas to come tomorrow morning.

16. PW3 has further deposed that on 07/12/2012 at 9.30 a.m. he went to the Lokayukta police station and panchas were present in the station and the tainted currency notes were removed from the almirah and the pancha witness Sri Ramesh Babu kept the same in his shirt pocket and he was again given the voice-recorder. He has deposed that a panchanama was drawn and the copy of the same is at Ex.P5. He has deposed that afterwards himself, panchas, I.O. and his staff went to Hunaseghatta in the Government vehicle and the vehicle was stopped at a distance from the Grama Panchayath office and himself and the pancha witness Sri Mohan Kumar went inside the panchayath office to meet the DGO. He has deposed that the DGO was in the office and he met the DGO and enquired about his work and the DGO asked him whether he has brought the amount by making hand sign and he gave the tainted currency notes and the DGO received the same with his right hand, counted the notes and kept the same in his pant pocket and afterwards he came out of the office of the DGO and gave the pre-instructed signal. He has deposed that immediately the I.O. and others came inside the office of the DGO and he showed the DGO and told what had happened. He has deposed that the hands of the DGO were washed separately in the sodium solution and the solution turned to pink colour. He has deposed that the I.O. enquired the DGO about the bribe amount and the DGO told that it is in his pant pocket and through the pancha witness Sri Mohan Kumar the amount was removed from the pant pocket of the DGO and those notes were the same

notes mentioned in Ex.P1 and those notes were seized. He has deposed that the pant worn by the DGO was got removed and the pocket portion of the same was washed in the sodium carbonate solution and that solution also turned to pink colour. He has deposed that the pant was also seized and the shadow witness also told the I.O. regarding the DGO demanding and receiving the bribe amount. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P7 and the contents of Ex.P7 is false. He has deposed that the I.O. seized the documents pertaining to his sister-in-law and the photographs were also taken. He has deposed that the copy of the Trap Mahazar is at Ex.P6 and the copy of that mahazar was also given to the DGO. He has deposed that Ex.P30 is the transcription of the conversation that has taken place between himself and the DGO prior to lodging the complaint. He has deposed that Ex.P8 are the copies of the 70 photographs. He has deposed that Ex.P9 to P129, 34, and 35 are the copies of the documents seized by the I.O. at the time of the Trap Mahazar.

17. In his cross-examination he has deposed that in the name of his father there was vacant space and that vacant space was given to his elder brother Sri Chetan kumar for construction of the house and that vacant site was made in the name of his sister-in-law Smt. Shilpa. Thus he has clearly deposed that the space where Smt. Shilpa was putting up the construction is the property that belonged to her father-in-law. He has deposed that the license was also



taken to put up construction under "Indira Awaz Scheme" in an extent of 33'x21'. He has deposed that he cannot say the number of the site in which his sister-in-law was putting up the construction. He has deposed that whatever the amount that has to be paid to the panchayath regarding the construction of the house was paid. He has deposed that the cheque for first installment of Rs. 15,000/- was given prior to the lodging of the complaint itself. He has also deposed about the DGO inspecting the site and asking his sister-in-law to come to his office on the ground that the measurement of the foundation is more. He has deposed that himself and his sister-in-law had been to the office of the DGO and the DGO told that the extent of foundation is more and if Rs. 4,000/- is given he will give the second installment amount. He has denied the suggestion that as the foundation was laid to more extent thinking that the DGO will give the trouble to his sister-in-law he has filed the false complaint against the DGO. He has also denied the suggestion that the site where Smt. Shilpa was putting up construction belonged to the panchayath and that in respect of that site, the site amount and developmental charges had not been paid. He has deposed that he had told his sister-in-law about filing the complaint in the Lokayukta police station. He has deposed that his brother is working as a driver and he was not able to meet his brother. He has deposed that he got the complaint written through his friend Sri Raghavendra. (Para Nos. 12 and 13 of the deposition of PW3 is one and the same).

18. PW3 has denied the suggestion that, the DGO demanded payment of development charges and other charges and PW3 thought the same as the bribe amount and lodged the false complaint. He has also denied the suggestion that he paid the amount of Rs. 2,000/- to the DGO as developmental charges, cess etc., and the DGO told him to take the receipt on the next day. He has also deposed that Smt. Shilpa has received the amount from the Government for the extent of the house sanctioned and in the remaining extent by using her through own money the construction is made.

19. PW1 is the pancha witness Sri Mohan Kumar and he has deposed that as per the instructions of his higher officer, he had been to the Lokayukta Police Station and the complainant and another pancha were present there and the complainant was introduced to himself and another pancha and the contents of the complaint was also told to them. He has further deposed that the complainant (PW3) produced the amount and the denomination and numbers of the notes was noted in a paper and the copy of the same is at Ex.P1 and Ex.P1(a) is his signature. He has deposed that the phenolphthalein powder was smeared to the notes and he kept that amount in the cover and his hands were washed in the solution and that solution turned to pink colour. He has deposed that the voice-recorder was played and it he could not hear it properly. He has deposed that the mahazar was drawn and the copy of the same is at Ex.P2. He has been treated as hostile witness and cross-

examined by the Presenting Officer and including the same that cross-examination he has deposed that the amount produced by PW3 was Rs. 2,000/- consisting of three notes of the denomination of Rs. 500/- and five notes of the denomination of Rs. 100/-. He has deposed that on that day the amount was kept in the almirah and the panchas were asked to come on the next day and accordingly he had been to the Lokayukta police station on 06/12/2012. He has also deposed about the panchanam conducted on that day, the copy of which is at Ex.P3. He has deposed that, on that day they went to the office of the DGO and the DGO was not in his office and hence, they came back to the Lokayukta police station and the panchanama-Ex.P4 was drawn and he was asked to come on the next day. He has deposed that on 07/12/2012 he had been to the Lokayukta police station and Ex.P5 -panchanama was drawn and after that they went to the office of the DGO and himself and PW3 went inside the office of the DGO and the DGO was present and the door was partially closed and hence he could not see or hear the DGO demanding and accepting the bribe amount. He has deposed that the complainant gave the signal to the police and showed the DGO to the police. He has deposed that the complainant told the I.O. that the DGO demanded for the amount and received the same and kept it in his pant pocket. He also admits that when enquired by the I.O. the DGO told that, he has kept the amount in his pant pocket and as per the instructions of the Police Inspector pancha witness Sri Ramesh Babu removed the amount from the pant pocket of the DGO and

those notes were the same notes mentioned in Ex.P1. He has deposed that the pant of the DGO was also seized. Thus PW1 has deposed about all the other aspects except the fact that, he has not seen the DGO demanding and accepting the bribe amount.

20. In his cross-examination he has deposed that he cannot say what are all the document seized by the I.O. on 07/12/2012 from the office of the DGO. He has deposed that in the explanation given by the DGO he has stated that all of a sudden the amount was given to him.

21. PW2 is Sri Ramesh Kumar H.B. and he has deposed that from 16/10/2012 to 01/10/2013 he was working as Police Inspector in Lokayukta Police Station, Tumkur. He has deposed that on 05/12/2012 at 4 p.m. PW3 came to the station and gave the written complaint and produced the voice-recorder and the copy of the written complaint is at Ex.P31. He has deposed that he registered the case on the basis of Ex.P31 and sent the FIR to the concerned court and the copy of the FIR is at Ex.P32. He has deposed about securing two panchas and conducting the entrustment mahazar in the police station as per Ex.P2. He has also deposed about the contents of the complaint. He has deposed that earlier to lodging the complaint, PW3 was given the voice-recorder and to record the conversation by approaching the DGO. He has deposed that the conversation recorded in the voice-recorder was played and the copied to the C.D. He has deposed about all the

averments mentioned in the panchanama-Ex.P2.He has deposed that as it was 6.30 p.m. when panchanama-Ex.P2 was completed he asked PW3 and the panchas to come on the next day and accordingly, on 06/12/2012 PW3 and the panchas came to the Lokayukta police station and the amount kept in the almirah was removed and kept in the shirt pocket of the DGO through panchaa witness Sri Ramesh Babu and the instructions were given to the complainant and the shadow witness Sri Mohan Kumar and the panchanama was drawn and the copy of the same is at Ex.P3. He has deposed that after Ex.P3 they went to the office of the DGO and the DGO was not in the office and hence they returned back to the Lokayukta police station and conducted the panchanama and the copy of the same is at Ex.P4. He has deposed that he instructed the panchas and the complainant to come on the next day morning and accordingly they came on the next day. He has deposed that Ex.P5 was drawn on that day in the Lokayukta police station. He has deposed about the contents of Ex.P5 also. He has deposed that afterwards they went to the office of the DGO and PW3 and PW1 were sent inside the office of the DGO and himself and his staff and another pancha witness were waiting outside the office of the DGO for the pre-instructed signal from PW3. He has deposed that at 12.15 p.m. PW1 gave the pre-instructed signal and immediately himself and his staff and another pancha went inside the office of the DGO and PW3 showed the DGO and told that he has demanded the bribe amount by making hand sign and received the amount of Rs.2,000/- and kept

it in his right side pant pocket. He has deposed that, he introduced himself to the DGO and the hands of the DGO were washed separately in sodium carbonate solution and the solution turned to pink colour. He has deposed that through the pancha witness Sri Ramesh Babu the amount which was in the right side pant pocket of the DGO was removed and those notes were the same notes mentioned in Ex.P1 and those notes were seized and a shara was also made on Ex.P1 to that effect. He has deposed that even the pant of the DGO was seized and the right side pant pocket was immersed in sodium carbonate solution and that solution also turned to pink colour. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P7 and PW1 and PW2 denied the contents of Ex.P7 as false. He has deposed that he enquired the DGO about the file of Smt. Shilpa and the DGO told that the file is with the computer operator Sri Dayananda and Sri Dayananda produced the file and the certified copies of that file was seized and the copies of the same are at Ex.P9 to P23. Ex.P22 discloses that, the sister-in-law of PW3 was sanctioned subsidy amount of Rs. 75,000/-. Ex.P23 is the copy of the demand register extract which stands in the name of Smt. Shilpa w/o Chetankumar. On the back side of Ex.P23 there is the copy of the last page of Ex.P22 which discloses that the extent of house to be constructed is 15'x20' and in the complaint PW3 has stated that, the foundation had been laid in the extent of 33'x21' and I feel on that ground only the case of the Disciplinary Authority cannot be discarded as it is the case of the Disciplinary

Authority that in view of the measurement of the foundation was more than 15'x20' the DGO demanded for the bribe amount.

22. PW2 has further deposed that the copy of the Trap Mahzar is at Ex.P6 and Ex.P8 are the copies of the photographs taken at the time of the mahazars stated above. He has deposed that Ex.P34 is the copy of the FSL report. In Ex.P34 it is opined that the presence of phenolphthalein is detected in both the right and left hand fingers washes of the DGO.

23. PW2 has been cross-examined at length and nothing is made out in his cross-examination to discard his evidence stated above. In fact in his cross-examination he has reiterated the evidence given in his examination in chief.

24. DW1 is the DGO and he has deposed that Smt. Shilpa was sanctioned a house under "Indira Awaz Scheme" of the year 2012-2013. He has deposed that the sanction copy is at Ex.P13. He has deposed that in the same it is mentioned that the minimum construction should be 200 sq. feet and the maximum 400 sq. feet. He has deposed that Smt. Shilpa had laid the foundation for 693 sq.feet and that he had told Smt. Shilpa that Ex.P13 will be cancelled on that ground. He has deposed that the first installment cheque had been given to Smt. Shilpa. He has deposed that when the construction reaches the little level the second installment has to be given. He has deposed that he was knowing the

complainant and the mother of one Sri Nagesh by name Smt. Bharathi was the Grama Panchayath Member and Sri Nagesh was coming to the Grama Panchayath meeting instead of his mother and he objected for the same and hence Sri Nagesh had ill-will against him. He has deposed that the above said Sri Nagesh and the complainant were friends and the said Sri Nagesh has instigated the complainant to file the false complaint against him. It is pertinent to note that there is no such contention in the written statement or in the reply given by the DGO to the observation note.

25. In Ex.P36 is the reply of the DGO to the observation note and in the same the DGO has stated that he had asked Smt. Shilpa to pay the kimath and developmental charges of the site and also to produce the estimate for the proposed construction and instead of full filling the above conditions the complainant has lodged the false complaint against the DGO. It is pertinent to note that the DGO has not at all deposed anything about the same in his evidence.

26. DW1 has deposed that on 07/12/2012 he was in his office and Engineer Sri Rudraswamy had also come to his office and number of villagers were present in the office and when he stood up to take a file some one had put his hand in his pant pocket and by the time he turned back that person had disappeared in the crowd and after one or two minutes of the same Lokayukta police came and asked him where is the amount and along with them PW3 had also



come. He has deposed that PW3 had kept the amount in his pant pocket. But as stated above, he has deposed that by the time he turned back the person who had put his hand in his pant pocket had disappeared in the crowd and DW1 has not deposed how he was able to say that it was PW3 who had put his hand in his pant pocket. He has further deposed that PW3 told the Lokayukta police that the amount is in the pant pocket of the DGO and afterwards he came to know that there was amount in his pant pocket and that amount was got removed by the Lokayukta police and his hands were washed. It is pertinent to note that the above said defence of the DGO stated in his evidence is not at all mentioned in the written statement nor in his reply to the observation note. Hence, it has to be said that for the first time in his evidence the DGO is contending that without his knowledge PW3 has kept the tainted currency notes in his pant pocket which cannot be given much weight.

27. In his cross-examination he has deposed that there is no ill-will between himself and the complainant and there is no ill-will between himself and the I.O. also. He has deposed that, he has dealt with the file of Smt. Shilpa. He has deposed that he wrote Ex.P7 as per the say of the Lokayukta police. As stated above, Ex.P7 is the copy of the explanation of the DGO and in the same it is stated that when he was about to go to inspection along with the Engineer the amount was given to him and he has received the same. He has deposed that he has not given any

complaint to the higher officer of the PW2 regarding PW2 dictating the contents of Ex.P7 to him. Hence, the contention of the DGO that the I.O. dictated the contents of Ex.P7 cannot be believed.

28. He has deposed that he has been acquitted in the case filed by the Lokayukta police and the certified copy of the judgment passed in the criminal case is at Ex.D1. Only on the ground that the DGO has been acquitted in the criminal 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 DGO is required to be taken into consideration on the basis of preponderance of probabilities and merely because the DGO has 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.

29. As stated above, PW3 has clearly deposed about the DGO demanding the bribe amount and receiving the same and there is no reason to discard his evidence. As stated above, PW1 has also deposed about the hand wash of the DGO being the positive and the tainted currency notes recovered from the pant pocket of the DGO. As stated above, even the I.O. (PW2) has given his evidence in accordance with the case of the Disciplinary Authority. The DGO has not given any explanation as to why his hand wash was positive in case he had not at all received the tainted currency notes and kept the same in his right side pant pocket. As stated above, the evidence of DW1 does not find a place in the reply given by the DGO to the observation note or in his written statement. In case the measurement of the foundation was more than the measurement mentioned in Ex.P13 and on that ground the house sanctioned to Smt. Shilpa could have been cancelled the DGO could have issued notice to Smt. Shilpa to that effect and instead of same the DGO has demanded the bribe

amount and the facts and circumstances of this case stated above only probablises the case of the Disciplinary Authority and not the defence of the DGO. As stated above, there is nothing on record as to why the PW1 to PW3 have deposed falsely against the DGO.

30. Thus the charge that the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant is proved. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

**31. Point NO.2:-** For the reasons discussed above, I proceed to give the following Report:

**:: REPORT ::**

*The Disciplinary Authority has satisfactorily proved the charge against the DGO-Sri Seebirangaiah s/o Late Kempaiah, The then Panchayath, Development Officer, Hunaseghatta Grama Panchayathi, Tiptur Taluk, **Tumkur District**, demanded and accepted the bribe of Rs. 2,000/- from the complainant on 07/12/2012 for doing an official act and thereby committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.*

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

Dated this the 29<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 Mohan Kumar K.N. (pancha witness)  
PW-2:Sri Ramesh Kumar H.B. (I.O.)  
PW-3:Sri Dinessh M.M. (complainant)

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

DW-1: Sri Seebi Rangaiah (DGO)

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

Ex.P-1: Certified copy of the notes number and denomination white sheet  
Ex.P-1(a to c): Relevant entries in Ex.P1  
Ex.P-2:Certified copy of the Entrustment Mahazar  
Ex.P-2(a to e): Relevant entries in Ex.P2  
Ex.P-3:Certified copy of the mahazr dated: 06/12/2012  
Ex.P-3(a to e): Relevant entries in Ex.P3  
Ex.P-4:Certified copy of the mahazar dated: 06/12/2012  
Ex.P-4(a to d): Relevant entries in Ex.P4  
Ex.P-5: Certified copy of the panchanama dated: 07/12/2012  
Ex.P-5(a to e): Relevant entries in Ex.P5  
Ex.P-6:Certified copy of the Trap Mahazar  
Ex.P-6(a to g): Relevant entries in Ex.P6  
Ex.P-7:Certified copy of the explanation of DGO  
Ex.P-7( a to d): Relevant entries in Ex.P7  
Ex.P-8: Xerox copy of the Xeroxed photos on the white sheet (total 70 photoes)

- Ex.P8(a): Relevant entry in Ex.P8  
Ex.P-9: Certified copy of the register of attendance and fees extract  
Ex.P-9(a to d): Relevant entries in Ex.P9  
Ex.P-10: Certified copy of the Form No. 9  
Ex.P-11: Certified copy of the Xeroxed photos on the white sheet  
Ex.P-11(a to d): Relevant entries in Ex.P11  
Ex.P-12: Xerox copy of the house construction payment description  
Ex.P-12(a to h): Relevant entries in Ex.P12  
Ex.P-13: Certified copy of the house sanctioned under  
Basava/Indira Awaz Vasathi Yojane  
Ex.P-13(a to e): Relevant entries in Ex.P13  
Ex.P-14: Certified copy of the Madari Form  
Ex.P-14(a to d): Relevant entries in Ex.P14  
Ex.P-15: Xerox copy of the monthly report for sanctioned amount to  
the beneficiaries  
Ex.P-15(a to c): Relevant entries in Ex.P15  
Ex.P-16: Certified copy of the monthly report regarding building  
construction  
Ex.P-16(a to d): Relevant entries in Ex.P16  
Ex.P-17: Xerox copy of the loan recovery report for the year 2009  
(Huneghatta)  
Ex.P-17(a to d): Relevant entries in Ex.P17  
Ex.P-18: Certified copy of the Prothasahadhana Report  
Ex.P-18(a to d): Relevant entries in Ex.P18  
Ex.P-19: Certified copy of the acknowledgement regarding handing  
over the Original documents  
Ex.P-19(a to d): Relevant entries in Ex.P19  
Ex.P-20: Certified copy of the registered the mortgage letter  
addressed to Sub-Registrar, Tiptur Taluk, Tiptur  
Ex.P-20(a to d): Relevant entries in Ex.P20  
Ex.P-21: Xerox copy of the Form No.3A  
Ex.P-21(a to d): Relevant entries in Ex.P21  
Ex.P-22: Certified copy of the Form No. 3A  
Ex.P-22(a to d): Relevant entries in Ex.P22  
Ex.P-23: Certified copy of the demand register extract for the year  
2012-2013  
Ex.P-23(a to d): Relevant entries in Ex.P23  
Ex.P-24: Xerox copy of the permission for house constructing  
license  
Ex.P-24(a to d): Relevant entries in Ex.P24  
Ex.P-25: Certified copy of the Form No.F  
Ex.P-25(a to d): Relevant entries in Ex.P25  
Ex.P-26: Certified copy of the petition with certified copy of the  
Genealogical tree  
Ex.P-26( a to d): Relevant entries in Ex.P26  
Ex.P-27: Xerox copy of the Panchayath partition letter  
Ex.P-27(a to d): Relevant entries in Ex.P27  
Ex.P-28: Certified copy of the agreement letter  
Ex.P-28(a to d): Relevant entries in Ex.P28

- Ex.P-29: Certified copy of the sketch  
Ex.P-30: Xerox copy of the conversation between complainant and the DGO dated; 04/12/2012  
Ex.P-31: Certified copy of the complaint  
Ex.P-31(a,b): Relevant entries in Ex.P31  
Ex.P-32: Certified copy of the FIR  
Ex.P-32(a); Relevant entry in Ex.P32  
Ex.P-33: Certified copy of the letter dated: 06/02/2013 of E.O. Taluk Panchayath, Tiptur addressed to P.I. Karnataka Lokayukta, Tumkur  
Ex.P-33(a); Relevant entry in Ex.P33  
Ex.P-34: Certified copy of the chemical examination report  
Ex.P-34(a): Relevant entry in Ex.P34  
Ex.P-35: Certified copy of the register  
Ex.P-36: Original copy of the reply of the DGO to the observation note  
Ex.P-36(a); Relevant entry in Ex.P36  
Ex.P-37: Original written statement of DGO  
Ex.P-37(a): Relevant entry in Ex.P37

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

- Ex.D-1: Certified copy of the judgment passed in Special case no. 56/2014 by the VII Addl. Sessions and Special Judge at Tumkurur

Dated this the 29<sup>th</sup> day of February, 2020

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

