



KARNATAKA LOKAYUKTA

No. Lok/INQ/14-A/64/2010/ARE-4 Multi-storeyed Building,
Dr.B.R. Ambedkar Veedhi,
Bengaluru, dt.24.03.2017.

RECOMMENDATION

Sub: Departmental inquiry against
Smt. S.B. Gangamma, Supervisor,
Office of the Child Development
Project officer, Chamaraja Mohalla
Circle, Udayagiri, Mysuru - reg.

Ref: 1. Government Order No. ಮಮಇ 179 ಎಸ್‌ಜೆಡಿ
2009 dated 29.09.2010.
2. Nomination Order No. LOK/INQ/14-A/
64/2010 dated 30.11.2010.

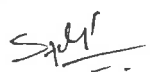
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Government, by order dated 29.09.2010, initiated the disciplinary proceedings against Smt. S.B. Gangamma, Supervisor, Office of the Child Development Project Officer, Chamaraja Mohalla Circle, Udayagiri, Mysuru [hereinafter referred to as the Delinquent Government Official, for short 'DGO'] and entrusted the disciplinary

*S. H. H.*

inquiry to this Institution. This Institution, by nomination order dated 30.11.2010, nominated the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to conduct the departmental inquiry against the DGO for the alleged misconduct alleged to have been committed by her.


2. The Inquiry Officer, after completing the departmental inquiry, has submitted his report dated 23.03.2017 inter alia, holding that, the Disciplinary Authority has satisfactory '*proved*' the charge of misconduct as framed against the DGO.
3. The charge levelled against the DGO was that, while she was working as the Supervisor, Office of the Child Development Project officer, Chamaraja Mohalla Circle, Udayagiri, Mysuru, she demanded Rs.4,000/- and accepted Rs.2,000/- on the same day itself and insisted to pay the remaining amount of Rs.2,000/- on 12.10.2006 and accepted the same from one Smt. Shanthamm, r/a No.32, Nachanahallipalya, Mysuru [hereinafter referred to as 'the complainant'] on 12.20.1006 for issuing an order of posting of



the complainant as Anganawadi Assistant. Thereby, she failed to maintain absolute integrity, devotion to duty and rendered herself as unbecoming of a Government servant and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

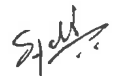
4. The Disciplinary Authority, to prove the charge of misconduct, has examined 4 witnesses viz., complainant as PW1; panch witness as PW2; shadow witness as PW3; and Head Constable as PW4, whereas the DGO got herself examined as DW1 and one document has been marked as Ex.D1 on her behalf.

5. The Inquiry Officer considering the entire evidence on record has found that, the Disciplinary Authority has '*proved*' the charge of misconduct satisfactorily. The evidence of PWs 1 to 3, independent witnesses, clearly shows that the DGO in order to discharge the official function, demanded and accepted bribe amount from the complainant.



6. It is reported that, the DGO has already been dismissed from service. Hence, no further recommendation could be made for imposing punishments under the provisions of Karnataka Civil Service (Classification, Conduct and Appeal) Rules, 1957. However, this recommendation along with the report of Inquiry Officer is sent to the Government to appraise that, the charge of misconduct alleged against the DGO is held '*proved*'.

7. Hence, having regard to the findings of the Inquiry Officer and also having regard to the nature and gravity of the misconduct alleged against the DGO, it is hereby recommended to the Government that, the DGO - *Smt. S.B. Gangamma, Supervisor, Office of the Child Development Project Officer, Chamaraja Mohalla Circle, Udayagiri, Mysuru*, be '*dismissed from Government service*' if she has not been already dismissed from service in exercise of powers under Rule 8(viii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957.



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

Connected records are enclosed herewith.

*Sjdi*  
*20/3/19*  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

Slg\*



## KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-64/2010

M.S.Building,  
Dr.B.R.Ambedkar Road,  
Bangalore-560 001  
Date: 23/03/2017

### **:: NOTE ::**

**Sub:** Departmental Enquiry against,  
Smt. S.B. Gangamma  
Supervisor  
Chamaraja Mohalla Circle  
Office of the Child Development  
Project Officer  
Udayagiri, **Mysore**  
**(Already dismissed from service )**

**Note:** **The disciplinary authority i.e., the Director of Women and Child Development Department, Bangalore vide in order No.ನಿಪಿಶಿಲ/10/2006-2007, 2011-12 ದಿನಾಂಕ: 21/03/2012, dismissed the DGO from the Government Service in view of the judgment of conviction in Special C.C.No. 26/2008 dated: 22/06/2011 of Hon'ble Special Court, Mysore, Now the Criminal Appeal No. 714/2011 filed by the DGO challenging the judgment of conviction is pending before the Hon'ble High Court of Karnataka, Bangalore.**

- Ref:**
- 1) G. Order. No. ಮಮಇ 179 ಎಸ್‌ಜೆಡಿ  
2009, Bangalore dated: 29/09/2010
  - 2) Order No.LOK/INQ/14-A/64/2010  
Bangalore dated: 30/11/2010  
of the Hon'ble Upalokayukta

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With reference to the subject and reference cited above, original enquiry report in sealed cover and connected original records as below, are forwarded for kind perusal and needful.

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Receipt of the above report and original records may kindly be acknowledged.

The date of Retirement of the DGO: 30/06/2020.

  
 (CHANDRASHEKAR PATIL)  
 Additional Registrar Enquiries-4  
 Karnataka Lokayukta,  
 Bangalore

**To:**

The Hon'ble Upalokayukta-2  
 Karnataka Lokayukta,  
Bangalore



**KARNATAKA LOKAYUKTA**


No.LOK/ARE-4/ENQ/64/2010

M.S. Building  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 23/03/2017

**:: ENQUIRY REPORT ::**

**Sub:** Departmental Enquiry against,  
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Office of the Child Development  
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Bangalore dated: 29/09/2010  
2) Order No.LOK/INQ/14-A/64/2010  
Bangalore dated: 30/11/2010  
of the Hon'ble Upalokayukta 

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This Departmental Enquiry is directed against Smt. S.B. Gangamma, Supervisor, Chamaraja Mohalla Circle, Office of the Child Development Project Officer, Udayagiri, **Mysore District** (herein after referred to as the Delinquent Government Official in short "DGO").

2. In view of the Government Order cited above at reference-1, the Hon'ble Upalokayukta, vide order dated: 30/11/2010 cited above at reference-2, nominated Additional Registrar of Enquiries-4 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-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon her to appear before this Authority and to submit written statement of her defence.

3. The Article of Charges framed by ARE-4 against the DGO is as below;

**ANNEXURE NO.I**

**CHARGE**

*That, you-DGO/Smt. S.B. Gangamma, while working as Supervisor, Chamaraja Mohalla Circle, Office of the Child Development Project Officer, and on 12/10/2006 demanded and accepted bribe of Rs.2,000/- from the complainant namely Smt. Shantamma, No.32, 2<sup>nd</sup> Cross, Manandawadi Road, Nachanahalli playa, Mysore*

to issue order of posting of the complainant as Anganawadi Assistant thereby, failed to maintain absolute integrity and devotion to duty which act is unbecoming of a Government Servant and thus committed misconduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.


### **ANNEXURE NO. II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

One Smt. Shantamma, No. 32, Nachanahalli playa, Mysore (herein after referred to as "the complainant") was working as Anganawadi Assistant. She was posted to the new office at Nachanahalli playa in Chamarajamohalla circle of Mysore. The DGO had demanded Rs. 4000/- to give order of posting and out of it she had received bribe of Rs.2,000/- and insisted the complainant to give remaining amount of Rs. 2,000/- on 12/10/2006. The complainant was not willing to pay same. Hence, on 11/10/2006 at 4.45 p.m. she lodged complaint before the Lokayukta Police Inspector, Mysore(herein after referred to as the I.O.) The I.O. registered case in Crime No.16/2006 for the offences punishable u/sec.7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act 1988 and submitted FIR to the concerned court. The I.O. secured two witnesses namely Sri D.V. Diwakar, FDA, O/o the Deputy Director of Food and Civil Supplies, Mysore and Smt. R.S. Annapurana, FDA, O/o Deputy Director of Food and Civil Supplies, Mysore. On 11/10/2006 at 5.45 p.m. to 6.45 p.m. I.O. smeared phenolphthalein powder to the currency notes of Rs. 2,000/- which were proposed to be paid as

bribe after following the pre-trap formalities. At about 8.30 a.m. on 12/10/2006, the I.O. went towards the house of the DGO in a departmental vehicle along with staff, panch witness and the complainant as the DGO had asked the complainant to give the remaining amount in her house at J.P. Nagar, Mysore. At 9-15 a.m. the I.O. sent the complainant along shadow witness to the house of the DGO with instructions to give pre-arranged signal. After receiving the pre-arranged signal from the complainant, the I.O. went and enquired the complainant. The complainant narrated about the DGO receiving the smeared currency notes and keeping it in her purse. Then, the I.O. got fingers of her both hands washed with sodium carbonate solution separately and preserved the washed solution by taking into separate bottles. The DGO had received the smeared currency notes through left hand fingers and it turned into pink colour after wash. On enquiry, the DGO produced four currency notes of Rs.500/- as they were received from the complainant towards bribe. On verification, they were found to be the currency notes entrusted to the complainant at the time of entrustment mahazar. Then, the I.O. subjected the purse of the DGO washed with sodium carbonate solution and it also turned into pink colour. The I.O. seized the said currency notes, purse and also washed sodium carbonate solution for further investigation. On enquiry, the DGO stated that earlier to that period, the complainant had received amount of Rs. 2,000/- to meet the expenditure of her daughter who had given birth to a child and on demand she returned the said amount on 12/10/2006.


*After I.O. completed post trap mahazar, he subjected seized articles for chemical examination and the report of chemical examiner was positive. The reply submitted by the DGO denying the allegations made against her was not satisfactory. On consideration of materials collected by the I.O. during the course of investigation, statement of witnesses, report of chemical examiner and mahazar conducted by the I.O., there was prima facie case about the DGO receiving bribe of Rs. 2,000/- from the complainant. Therefore, a report u/sec.12(3) of the Karnataka Lokayukta Act was made to the Government to initiate Disciplinary Proceedings. Accordingly the Government issued order No. ಮಮಇ/179/ಎಸ್‌ಜೆಡಿ/2009 dated: 29/09/2010 initiating Departmental proceedings. Hence, this proceedings.*

4. DGO appeared before this Enquiry Authority on 03/05/2011 and on the same day her First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. Subsequently the DGO submitted written statement of defence on 28/06/2013 by denying the charge leveled against her and contending that, she neither demanded nor accepted bribe from the complainant. It is submitted by the DGO that, she has no power to transfer of the complainant and no work with regard to the transfer of the complainant was pending with her at any point of time and a false case being filed against her. It is also submitted that, the Lokayukta Police submitted charge sheet in C.C.NO. 26/2008 before the District and Session 

Judge at Mysore and in the said case she was convicted for the charges and for which she filed a criminal appeal before the Hon'ble High Court of Karnataka in No. 714/2011. DGO further submitted that, based on the judgment of conviction passed by the District and Session Judge, Mysore, in Special Case No. 26/2008, the Disciplinary Authority i.e., the Director of Women and Child Development Department, Bangalore dismissed her from the Government Service on 21/03/2012 and thereby this enquiry does not survive for consideration. Accordingly prays to drop the proceedings.

5. In order to substantiate the charges leveled against the DGO, the Disciplinary Authority examined in all four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P7. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO being recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957 and wherein intending to examine herself and also witnesses to support her defence in this case. But DGO examined only herself as DW1 and got marked documents at Ex.D1 and closed her case. Therefore, recording the questioning of the DGO as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 dispensed with.

6. The Disciplinary Authority and as well as the DGO submitted their written brief.

7. Upon consideration of the oral and documentary evidence placed on record, the defence of DGO and written brief submitted both the disciplinary authority and as well as 




DGO, the only point, that arisen for the consideration of this enquiry authority is:-

*Whether the Disciplinary Authority satisfactorily proved that, DGO-Smt. S.B. Gangamma, Supervisor, Chamaraja Mohalla Circle, office of the Child Development Project Officer, Udayagiri, Mysore, on demand accepted a bribe of Rs.2,000/- from the complainant/Smt. Shantamma to issue the order of posting as an Anganawadi Assistant of Nachanahalli Palya and thereby committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966?*

8. My finding on the above point is held in **“AFFIRMATIVE”** for the following:

**:: REASONS ::**

9. **Point NO.1:- The case of the Disciplinary Authority:-** that, complainant/Smt. Shantamma, an Anganawadi Assistant in order to issue order of posting as an Anganawadi Assisnat of Anganawadi Centre of Nachanahalli Palya, Mysore, and thereby committed misconduct as enumerated u/Rule 3(1) of KCS( Conduct) Rules, 1966

10. The charge leveled against the DGO that, on 12/10/2006 on demand accepted a bribe of Rs. 2,000/- from the complainant/PW1/Smt. Shantamma, an Anganawadi Assistant in order to issue the order of posting as an Anganawadi Assisnat of Anganawadi Centre of Nachanahalli 

Palya, Mysore and thereby committed misconduct as enumerated u/Rule 3(1) of KCS( Conduct) Rules, 1966

11. The Defence of the DGO has forthcoming on record by way of written statement of defence is initially total denial of the case of the Disciplinary Authority as covered under this charge and statement of imputations. But by way of cross-examination to the Disciplinary Authority witnesses came up with contention that, an amount of Rs. 2,000/- received by her from the complainant on 12/10/2006 at her residence is an amount returned by the complainant who borrowed the amount earlier to meet out the expense of maternity of her daughter and a false case being filed against her. In this connection, the DGO though desire to give not only the evidence of herself and also the evidence of a witness as per statement given under Second Oral Statement under Rule 11(16) of KCS (CC & A) Rules, 1957, only examined herself in this case as a defence evidence.


12. In order to substantiate the charge, the Disciplinary Authority examined in all four witnesses. PW1/Smt. Shantamma, the complainant of this case, PW2/Sri D.V.Divakar, the panch witness who was present at the time of Entrustment Mahazar and also at the time of Trap Mahazar conducted by the Investigating Officer, PW3/Smt. Annapoorna being shadow panch witness who was present at the time of Entrustment Mahazar and Trap Mahazar and also observed happenings while this DGO on demand accepted a bribe of Rs. 2,000/- from the complainant at her house situated at J.P. Nagar, Mysore. Lastly PW4/Sri V. Muralidhar, being the police

constable of Karnataka Lokayukta, Mysore who was present at the time of the complaint filed by the complainant and subsequently drawing of an entrustment mahazat at the office of the Karnataka Lokayukta, Mysore and Trap Mahazar at the house of this DGO situated at J.P.Nagar, Mysore. This PW4/Sri V. Muralidhar, examined to prove the proceedings conducted by I.O./Sri B.Swamy, who reported as dead. Therefore, upon placing evidence of PW1 to PW4 and documentary evidence marked as Ex.P1 to P7. The Disciplinary Authority wants to prove the charge leveled against the DGO contending that, there is all probable and acceptable evidence to hold that, this DGO on demand accepted a bribe of Rs.2,000/- from the complainant/PW1/Smt.Shantamma for issue of posting order as Anganawadi Assisnat, of Nachanahalli Palya, Mysore and committed a misconduct in violation of Rule 3(1) of KCS (Conduct) Rules, 1966.

13. PW1/Smt.Shantamma, the Anganwadi Assistant of Nachanahalli Palya, Mysore, being the complainant and main witness of this case to prove the alleged demand and also acceptance of bribe by this DGO in connection with the above official work i.e., issue of posting order as an Anganawadi Assistant to Nachanahalli playa, Mysore city. This PW1 in her chief examination on 16/09/2013 has clearly given evidence to the fact that, she was earlier working as an Anganawadi Assistant in Nachanahalli Palya, being transferred to Mooganahundi, on account of fact that, the Nachanahalli Palya, was included in city limits and thereafter again an

Anganawadi centre being sanctioned to Nachanahalli palaya for which she has sought again posting to Nachanahalli playa, as an Anganawadi Assistant. She further submitted that, in that connection she approached this DGO for getting posting to Nachanahalli playa, Anganawadi centre and then DGO demanded her to pay bribe of Rs.4,000/- for the said official work. She further stated that, a complaint filed by her as per Ex.P1 to Lokayukta Police, Mysore and on production of currency notes of Rs.2,000/- i.e., Rs.500x4=2,000/- notes an entrustment mahazar was drawn as per Ex.P2. Further she says that, on the next day on 12/10/2006 a trap laid at the house of the DGO and then, the DGO on demand accepted a bribe of Rs. 2,000/- from her and then the I.O. got washed the hands of the DGO which turned into pink colour and the amount recovered from the purse of this DGO found tallied with the Entrustment Mahazar and accordingly, drawn a Trap mahazar as per Ex.P4. Thus the evidence in chief given by this PW1 is fully support the case of the Disciplinary Authority regarding the fact of demand and acceptance of bribe by this DGO in connection with the official work. It is very strange to get that, this PW1 being cross-examined by this DGO on the subsequent date on 20/05/2014 i.e., above 9 months of her chief examination and then this PW1 given go by to the disciplinary authority as if stating that, this DGO neither demanded nor accepted a bribe amount and admitted the fact that, the amount paid by her of Rs. 2,000/- is loan amount returned by her to this DGO and nothing else. Thereby in the cross-examination this PW1 supports the defence of the DGO. It is again very strange to note that, on the same day on

20/05/2014 this witness treated as hostile and cross-examined by the Presenting Officer to the point of demand and acceptance made by this DGO. Then, this PW1 as if admitted the earlier statement given in chief and also further stated that, the amount received by this DGO from her at the time of the trap is not in connection with the amount borrowed by her being returned at that juncture and she filed a complaint only on account of the fact that, this DGO demanded to pay bribe. Therefore, this inconsistent evidence given by this PW1 from time to time made out very clear that, she has purposely given to by the Disciplinary Authority while cross-examination made on 20/05/2014 by the counsel of the DGO to the extent that this DGO neither demanded nor accepted the bribe amount in connection with the official work. Because this PW1 clearly admitted the fact that, she filed Ex.P1/complaint and in that connection a proceedings took place at the office of the Karnataka Lokayukta and trap laid at the house of this DGO. Merely this PW1 in the cross-examination made by the DGO given go by to the case of the Disciplinary Authority is itself is not sufficient to discard the whole evidence. However, the evidence given by this PW1 to the extent of fact which are not disputed by this DGO in the cross-examination is to be accepted and in corroboration of other evidence placed on record required to be considered to hold as to whether the charge leveled against the DGO being proved or not. Upon totality of the consideration of evidence of this PW1 the fact remains that, she was working as a Anaganawadi Assistant of Nachanahalli Palya, and on account of shifting of said Anganawadi centre in consequent upon the fact that, the said



area included in corporation to Mooganahundi, she required to work at the Mooganahundi and further the Anganawadi centre sanctioned for the very same Nachanahalli playa for which she sought posting for the said post. These aspect has not disputed by the DGO and more over it is forthcoming on record as per Ex.P5 seized at the time of the trap proceedings and in which this PW1 got posting again to Anganawadi centre-128 of Nachanahalli playa being established recently by the order of CDPO, Mysore dated; 05/10/2006 as per Ex.P5(a).This aspect has not been issued by PW1 in her evidence states that, this DGO being her supervisor and approached her in connection with the said posting and then she demanded the amount of Rs. 4,000/- and refused to received Rs.2,000/- stating that, she won't get posting for the said Nachanahalli Palya. These aspect is to be taken into consideration even this PW1 turned hostile to some extent. It is to be stated here that, upon consideration of the material evidence placed on record by the disciplinary authority and examination of inconsistent evidence of PW1 is no doubt clear that, she has given evidence go by the disciplinary authority only on cross-examination made by DGO on 20/05/2014 only in order to help this DGO and nothing else. As it is stated that, the other evidence placed on record is to be considered and this evidence of PW1 is to be taken as corroborative piece of evidence.


14. PW2/Sri D.V.Divakar, the pancha witness has clearly stated that on 11/10/2006 he appeared before the Lokayukta office, Mysore as per the direction of his superior and by the

same time PW3/Smt. Annapoorna present in the said office. He further stated that, at that juncture, Police Inspector, Sri B. Swamy, introduced the complainant/Smt.Shantama and narrated about the facts stated in the complaint and thereafter an entrustment mahazar was drawn as per Ex.P2. He further stated that, on the next day on 12/10/2006 a trap laid at the house of this DGO and then the amount of Rs. 2,000/- entrusted to the complainant being recovered from the purse of this DGO found tallied with the entrustment mahazar and the left hand wash solution of the DGO turned into pink colour and accordingly, trap mahazar was drawn as per Ex.P4.Thus the evidence of PW2 support the charge and also in respect of the material aspect of the drawing of entrustment mahazar as per Ex.P2 and Trap Mahazar as per Ex.P4.

15. PW3/Smt. Annapoorna, shadow panch witness has stated that on 11/10/2006 at about 5.15 p.m., Police Inspector, Karnataka Lokayukta, Mysore secured herself and PW2/Sri Divakar, and then they introduced the complainant and also narrated about the facts mentioned in the complaint filed by the PW1/Smt.Shantamma and thereafter conducted an entrustment mahazar as per Ex.P2. She further stated that, on the next day a trap laid at the house of this DGO and then she followed the complainant inside the house of this DGO situated at J.P. Nagar, Mysore and further she has clearly stated that, when complainant approached this DGO at her house, the DGO demanded the complainant as to how much amount brought and received the amount of Rs.2,000/- from the complainant and kept in her purse. She further


stated that, on payment of amount the complainant asked this DGO regarding order copy and for which the DGO stated that, she will give the same. She also further stated that, after apprehending the DGO her hands washed and her left hand wash solution turned into pink colour and the amount recovered from the purse of the DGO found tallied with the numbers noted in the entrustment mahazar and accordingly, drawn the Trap Mahazar as per Ex.P4. Though the DGO cross-examined this witness at a length and there is nothing able to disbelieve and discard her evidence when she admitted the fact that, the amount of Rs. 2,000/- received by her on 12/10/2006 from the complainant. Therefore, upon consideration of the evidence of PW3, there is a consistent evidence to hold that, this DGO on demand accepted a bribe of Rs.2,000/- from the complainant in connection with the official work.

16. Lastly PW4/Sri V.Muralidhar, the then police constable of Karnataka Lokayukta, Mysore being examined in this case as a witness on account of non-availability of Investigating Officer Sri B. Swamy, the then police inspector, Karnataka Lokayukta, Mysore. The evidence of PW4 clearly corroborates the evidence of PW1 to PW3 regarding the fact of filing of the complaint, drawing of mahazar as well as Entrustment Mahazar and Trap Mahazar and seizure of the amount from the DGO found tallied with the numbers noted in the entrustment mahazar. There is no reasons to disbelieve or discard the evidence of this PW4 who has given consistent evidence and which is corroborated with the Ex.P1 to P6.






17. Thus upon totality of the consideration of the evidence of PW1 to PW4 there is a probable evidence to hold that, this DGO on demand accepted a bribe of Rs.2,000/- from the complainant/PW1/Smt. Shantamma, in connection with the official work for issue of order of posting. In order to substantiate the charge of acceptance of bribe which amounts to misconduct as enumerated u/Rule 3(1) of KCS (Conduct) Rules. 1966, the Disciplinary Authority firstly required to prove the fact that, an official work of the complainant pending with this DGO and DGO accepted a bribe on demand in connection with the above official work.

18. Firstly it is admitted fact that, PW1/Smt.Shantamma, the complainant of this case earlier to this incident was working as Anganawadi Assistnat at Nachanahalli Palya, it comes in J.P. Nagar, Mysore and on inclusion of the said area in City Corporation, the Anganawadi centre transferred to Mooganahundi and since again an Anganawadi centre sanctioned to Nachanahalli playa for which this PW1 submitted a application for posting to the same. This DGO being supervisor of Chamarajamohalla Circle of office of CDPO, Mysore, being the controlling officer of this PW1 and it is also admitted by her in her evidence. The fact that, this PW1 filed an application as per Ex.P5 to the CDPO, Mysore on 12/09/2006 for getting her posting to Nachanahalli Palya and it has been ordered on 05/10/2006 as per Ex.P5(a).The complaint filed by the complainant/PW1 as per Ex.P1 clear that, this DGO demanded bribe for giving the said order and asked her to give the amount on 12/10/2006 at her house. The filing of Ex.P1/complaint is not disputed by the DGO and 


though the PW1 turned hostile, the contents of the complaint being clearly proved by the evidence of PW2 and PW3 who have narrated about the facts stated therein and manner in which proceedings took place followed by the filing of such an application by this PW1. Therefore, considering these aspect there is a clear probable evidence placed on record by the Disciplinary Authority to prove the fact that, the official work of the complainant for issue of order as per Ex.P5(a) though passed by the CDPO actually pending with this DGO and the DGO in that connection demanded a bribe to this PW1/complainant of this case. It is more clear from the evidence of PW3/Smt.Annapoorna, a shadow pancha witness of this case that, this DGO on receipt of the amount of Rs.2,000/- from the complainant assured to give the order when the demand made by the complainant to give such an order and therefore, it is clear that, the order as per Ex.P5(a) held by this DGO on the date of the trap and in that connection she made a demand to pay bribe of Rs.2,000/-

19. Upon considering the evidence of PW1 to PW4 given in this case is clear that, an amount of Rs.2,000/- received by this DGO at the time of the trap on 12/10/2006 at her house situated at J.P. Nagar and same being recovered found tallied with the numbers noted in the entrustment mahazar. Besides the left hand wash of the DGO in a sodium carbonate solution which turned into pink colour. The fact of DGO received the amount of Rs.2,000/- from the complainant on 12/10/2006 is not disputed. However, the DGO contending that, on earlier occasion in June 2005. The PW1 borrowed an amount of Rs. 2,000/- from her for the maternity of her daughter and did not

paid the amount and it was paid only at the time of this incident in question on 12/10/2006 at her house. Whether the defence of the DGO is to be considered as probable and acceptable one in the circumstance of the case. Merely by taking contention by this DGO in defence and that too in her written explanation as per Ex.P3 is itself not sufficient to hold that, it is quite probable can be accepted. The DGO has not given any supporting evidence than the evidence of her self-serving testimony to substantiate this defence. The DGO being the supervisor of Chamarajamohalla Circle office of CDPO, Mysore, and being controlling officer of this complainant/PW1, there is no such evidence placed on record that, PW1 closely in contact with this DGO used to borrowed the amount as contended. If really the defence of the DGO were to be accepted there is no occasion for the PW1 to file a complaint to Lokayukta alleging the bribe by this DGO. When she alleged to have borrowed the amount for the maternity purpose of her daughter. The fact that, this PW1 filed complaint as per Ex.P1 is not disputed and even this PW1 in her chief examination made by the Presenting Officer and further cross-examination made by the presenting officer has stated that, the amount received by the DGO not in connection with the amount borrowed by her. In fact she has stated that, the amount received by this DGO as a bribe at first instant. The circumstance of filing of complaint as per Ex.P1 can be taken into consideration. Upon considering the evidence of PW2 to PW4 and that too when the PW1 has not disputed filing of a complaint through turned hostile to some extent. The fact remains that, this PW1 filed a complaint alleging the demand made by this DGO for the payment of bribe amount. If the



PW1 borrowed the amount from the DGO there is no necessity for her to file a complaint against the DGO alleging the demand made in connection with the official work. Therefore, in these circumstances, the defence of the DGO is quite untenable and cannot be accepted. Apart from the above, the fact required to be considered in this case that, the official work of the complainant pending with this DGO in connection with issue of posting order and this amount received by the DGO in connection with the said order has forthcoming from the evidence of PW3/Smt. Annapoorna and it is made out very clear that, the whatever defence taken by the DGO is not only false or baseless and taken such a contention only to overcome the charges involved in this case.

20. Apart from the above, the very defence taken by the DGO itself is clear that, in criminal case she being convicted for the charge of this demand of acceptance of bribe in Special case No. 26/2008 and consequently she was dismissed from the Government Service by the order of Disciplinary Authority dated; 21/03/2012. Merely the DGO dismissed from service consequent upon her conviction is not sufficient to drop the departmental enquiry. Since, the appeal filed by the DGO against conviction judgment pending for consideration. In case the appeal allowed by setting aside conviction there is a scope for reinstatement of DGO. In these circumstances, findings of the Departmental Enquiry required to be passed so that the Disciplinary Authority can take decision for imposing penalty in case conviction judgment is set aside and when the DGO required to reinstated in case acquittal in appeal. Thus upon considering these aspect and also taking into consideration of 

the evidence placed by the Disciplinary Authority which in all probable goes to show that, this DGO on demand accepted a bribe and is sufficient to hold that, the charge leveled in this case is proved satisfactorily.


21. Therefore, upon consideration of the oral and documentary evidence placed a record, there is all probable facts and circumstances are forthcoming to hold that this DGO on demand accepted a bribe in connection with official work and thereby committed a misconduct u/Rule 3(1) of KCs (Conduct) Rules 1966. Accordingly, the point for consideration is held in the **AFFIRMATIVE**. Hence, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO/Smt.S .B. Gangamma, Supervisor, Chamaraja Mohalla Circle, Office of the Child Development Project Officer, Udayagiri, Mysore, **already dismissed from the service** committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 23<sup>rd</sup> day of March, 2017

  
(Chandrashekar Patil)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

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

- PW-1 :-Smt. Shanthamma (complainant)  
 PW-2 :- Sri D.V.Divakar (pancha witness)  
 PW-3:- Smt. Annapoorna (shadow panch witness)  
 PW-4:- Sri V. Muralidhar (Police Head constable)

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

- DW-1:- Smt.S.B. Gangamma (DGO)

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

- Ex.P-1: Certified copy of the complaint  
 Ex.P1(a): Relevant entry in Ex.P1  
 Ex.P-2: Certified copy of the Entrustment mahazar  
 Ex.P2(a): Relevant entry in Ex.P2  
 Ex.P-3: Certified copy of the explanation of DGO  
 Ex.P3(a): Relevant entry in Ex.P3  
 Ex.P-4: Certified copy of the Trap Mahazar  
 Ex.P4(a): Relevant entry in Ex.P4  
 Ex.P-5: Certified copy of the file of the complainant (containing 6 sheets)  
 Ex.P5(a): Relevant entry in Ex.P5  
 (Order dated: 05/10/2006 of CDPO, Mysore)  
 Ex.P-6: Certified copy of the documents seized  
 Mahazar with certified copy of notes denomination sheet  
 Ex.P6(a,b): Relevant entries in Ex.P6  
 Ex.P-7: Certified copy of the FIR  
 Ex.P-7(a): Relevant entry in Ex.P7

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

- Ex.D1:- Xerox copy of the G.O.ನಂ. ಮಮಇ 199 ಐಸಿಡಿ 2006, dated: 15/07/2006

Dated this the 23<sup>rd</sup> day of March, 2017

(Chandrashekar Patil)

Additional Registrar Enquiries-4,  
 Karnataka Lokayukta,  
 Bangalore.