

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

NO: LOK/ARE-4/Enq-74/2002-03
 (Encl: (a) Recommendation of Hon'ble
 Lokayukta & Inquiry Report
 of Inquiry Officer, in original
 (b) Connected records

Multi Storied Building
 Dr. B.R. Ambedkar Veedhi
 Bengaluru - 560 001
 Date: 12/10/2020

/CONFIDENTIAL/

To;

Sri. Rakesh Singh, IAS.,
 Additional Chief Secretary to Government,
 Urban Development Department,
 Vikasa Soudha,
 Bengaluru - 560 001.

Respected Sir,

- Sub:-** Departmental Enquiry against;
- (1) Sri. Abdul Kareem,
Driver **(Now retired)**,
 - (2) Sri. Adikeshavalu,
Driver **(Dead)**,
 - (3) Sri. H.S. Siddaramanna,
Executive Engineer (S & W)
(Now retired),
 - (4) Sri. T. Jayaram,
Asst. Executive Engineer (Stores)
(Now retired),
 - (5) Sri. Shivanna,
Asst. Executive Engineer (Workshop)
(Now retired)
 - (6) Sri. A.K. Gogi,
Stores Superintendent **(Dead)**
 - (7) Sri. Rangaiah,
Vehicle Superintendent
(Now retired)
 - (8) Sri. Arasoji Rao,
Group 'D' Official
Bengaluru Mahanagara
Palike, Bengaluru
(Now retired) - reg.

Ref:- Government Order No. UDD 411 MNY
 2002, Bengaluru, dated 11.11.2002.

Adverting to the above, I am directed to forward herewith the recommendations of the Hon'ble Lokayukta, State of Karnataka, Bengaluru, dated; 12/10/2020 in original, and the Report of Inquiry Officer, in original, along with relevant records of inquiry, as detailed below:

I N D E X

File No.	Particulars	Page Nos.
	One sealed cover containing recommendation of Hon'ble Lokayukta dated; 12.10.2020 and the report of Inquiry Officer dated; 11.09.2020.	
File No.I	Order Sheet File (original)	1-132
File No.II	1. Xerox copy of Nomination Order	133-134
	2. Xerox copy of Government Order	135-137
	3. Xerox copy of the 12(3) report dated 6/9/2002	138-155
	4. Articles of charge (In Original)	156-163
	5. F.O.S of DGO1-8 (In Original)	164-171
	6. Letter from DGO-2 to ARE-4, dated: 31/03/2003	172
	7. Letter from DGO-6 to ARE-4, dated: 31/03/2003	173
	8. Letter and death Certificate of DGO-6	174-175
	9. W.P. Order (No 37903/2003)	176-177
	10. Presentetion from	178
	11. Xerox copy of Memo	179
	12. Report from PI KLA Bangalore	180-183
	13. Report from PSI KLA Bangalore	184-186
	14. Report from PSI KLA Bangalore	187-189
	15. SOS of DGO 1,3 to 5 and 7,8 (In Original)	190-195
	16. Written Arguments by DGO-1, 3 to 5, 7,8 and Annexure	196-324
	10. Cover page of Written Brief and Written Brief of DGO (In Original)	
File No.III	Deposition File (List of Witness examined on behalf of D.A)	
	PW1:- Sri V.P.M. Swamy	325-337
	PW2:- Sri Babu	338-341
	PW3:- Sri Ameer	342-346
	PW4:- Sri S. Nagaraju	347-351
	PW5:- Sri H. Rajanna	352-364

	PW6:- Sri H.K. Prabakharachar	365-375
	PW7:- Sri S. Rangaswmay naika	376-386
	PW8:- Sri S. S. Kumar	387-390
	PW9:- Sri K.C. Manjappa	391-394
	PW10:- Sri P. Parvatha reddy	395-399
	PW11:- Sri Honnegowda	400-406
	PW12:- Sri G. N. Krishnamn	407-419
	(List of witness examined on behalf of Defense)	
	DW1:-Sri M. Karim Saheb	420-423
	DW2:-Sri Arasojirao	424-427
	DW3:-Sri Shivanna	428-433
	DW4:-Sri T. Jayaram	434-440
	DW5:-Sri Rangaiah	441-447
	DW6:-Sri H.S. Siddarmanna	448-457
File No. IV "P" File	List of Documents Marked on behalf of Disciplinary Authority.	
	Ex.P-1:Certified copy of Form No.10 Ex.P-1(a): Signature Ex.P1(b,c,d): Related entries	458-459
	Ex.P-2:Original Statement of Sri Babu dated: 29/05/2020	460
	Ex.P-3: Original statement of Sri Babu (deposition)	461-463
	Ex.P-4: Original statement of Sri Ameer Ex.P-P4(a); Signature	464-465
	Ex.P-5: Original deposition of Sri Ameer Ex.P-5(a); Signature	466-468
	Ex.P-6: Original statement of Sri S. Nagaraj Ex.P-6(a): Signature	469-470
	Ex.P-6: Original Vehicle Inspection Report dated: 29/05/2002 Ex.P-6(a,b): Signatures	471-472
	Ex.P-7: Original Inspection report of books dated: 29/05/2020 Ex.P-7(a): Signature	473-474
	Ex.P-7: Original deposition of Sri S. Nagaraj Ex.P-7(a,b): Signatures	475-476

Ex.P-8: Original deposition of Sri H. Rajanna Ex.P-8(a): Signature	477
Ex.P-9: Original mahazar Ex.P-9(a to d): Signatures	478-482
Ex.P-10: Original Log book (Page No 2 to 177)	483
Ex.P-11: Original Log book (Page No 3 to 65)	484
Ex.P-12: Original Log Book (Page No 1 to 191)	485
Ex.P-13: Original Log book (Page No 1 to 109)	486
Ex.P-14: Original Log Book (Page No 1 to 172)	487
Ex.P-15: Original Log book (Page No 1 to 100)	488
Ex.P-16: Original Log book (Page No 1 to 149)	489
Ex.P-17: Original Log book (Page No 1 to 147)	490
Ex.P-18: Original Density register (Page No 1 to 18)	491
Ex.P-19: Certified copy of Form No. 10 (search warrant)	492
Ex.P-20: Original statement of Sri H.K. Prabhkar char Ex.P-20(a): Signature	493-494
Ex.P-21: Deposition of Sri H.K. Prabhakarchar (incompt/Uplok/BCD/122/2002-03) Ex.P-21(a): Signature	495-500
Ex.P-22: Certified copy of IOC indents dated: 28/05/2002	501
Ex.P-23: Certified copy of IOC indents dated: 28/05/2002	502
Ex.P-24 to P34: Certified copy of indents	503-506
Ex.PP34(a to o): Certified copy of Indent slip	507-511
Ex.P-35: Original vehicle investigation report dated: 29/05/2002	512-514
Ex.P-36: Original mahazar dated: 29/05/2002 Ex.P-36(a,b,c): Signatures	515-521
Ex.P-37: Original Report regarding execution of warrant	522-525
Ex.P-38: Original letter from Sri Kumar to S.P. Karnataka Lokayukta, Bengaluru dated: 01/06/2002	526

	Ex.P-38(a,b): Signatures	
	Ex.P-39:Original report from Sri S.S.Kumar dated: 31/05/2002 Ex.P-39(a): Vehicle repair report dated: 29/05/2002 Ex.P39(b): Signature	527-528
	Ex.P-40: Original report from Sri S.S. Kumar Ex.P-40(a): Original log books reading report Ex.P-40(b): Signature	529-530
	Ex.P-41:Original Inspection Report by Sri S.S. Kumar Ex.P41(a): Signature	531
	Ex.P-42: Original Inspection report by Sri S.S. Kumar Ex.P-42(a): Signature	532
	Ex.P-43:Original Inspection report by Sri Parvathareddy Ex.P-43(a,b): Signature	533-534
	Ex.P-44:Original report from Sri V.P.M. Swamy Ex.P-44(a); Signature	535
	Ex.P-45: Original report from Sri G. Ramesh	536
	Ex.P-46:Original Log book	537
	Ex.P-47: Original check report by Assistant Controller of Legal Metrology, Bengaluru Ex.P47(a,b): Signature	538-539
	Ex.P-48: Xerox Receipt Ex.P-48(a): Signature	540
	Ex.P-49:Xerox copy of statement of Sri T. Nataraj dated: 29/05/2020	541
	Ex.P-50:Xerox copy of statement of Sri T. Jayaram dated; 31/05/2020	542
	Ex.P-51:Xerox copy of statement of Sri G.K. Venkatesh	543
	Ex.P-52:Xerox copy of statement of Sri S. Rangaswmay	544

	Naik dated: 30/05/2002	
	Ex.P-53: Xerox copy of statement of Sri Mohammed Firoz dated: 30/05/2002	545
	Ex.P-54:Xerox copy of statement of Sri K.S. Nanjegowda dated: 30/05/2002	546
	Ex.P-55:Xerox copy of statement of Sri N. Narasimha dated: 30/05/2002	547
	Ex.P-56: Xerox copy of statement of Sri Narasayya dated: 30/05/2002	548
	Ex.P-57: Xerox copy of statement of Sri Peddanna dated: 30/05/2002	549
	Ex.P-58:Xerox copy of statement of Sri Channayya dated: 30/05/2002	550
	Ex.P-59:Original report from Sri S. Rangaswamy naik dated: 02/06/2002 Ex.P-59(a); Signature	551-553
	Ex.P-60: Original deposition of Sri S. Rangaswmay naik Ex.P-60(a): Signature	554-557
	Ex.P-61: Original deposition of Sri S.S. Kumar Ex.P-61(a):Signature	558
	Ex.P-62:Original deposition of Sri K.C.Manjappa Ex.P-62(a,b): Signatures	559-560
	Ex.P-63:Original deposition of Sri Parvathareddy Palla Ex.P-63(a): Signature	561
	Ex.P-64:Original statement by Sri Honnegowda Ex.P-64(a): Signature	562-563
	Ex.P-65:Original deposition of Sri Honnegowda	564-566
	Ex.P-66: Original Mahazar dated: 29/05/2002	567-574
	Ex.P-66: Original Sibbande vivara (officials description)	575-577

	Ex.P-67:Original Letter from Assistant Commissioner, BBMP to Director (jagrutha Vibaga) Karnataka Lokayukta, dated: 21/06/2002	578
	Ex.P-68:Original Letter from E.E. (Stores and Workshop)BMP to Chief Accounts Officer, BMP, Bengaluru dated: 26/08/2002 and annexures Ex.P-68(a,b,c,d); Signatures	579-584
	Ex.P-69:Original Statement showing the details of diesel and petrol consumption from January 2002 to July 2002 Ex.P69(a): Signature	585-586
	Ex.P-70:Original Reply from E.E. (S&W) BMP, Bengaluru to Director, (Vigilance) Lokayukta, BMP, Bengaluru dated: 18/07/2002 and circular Ex.P70(a); Signatures	587-589
	Ex.P-71:Original list of vehicles with drivers name and addresses Ex.P-71(a); Signature	590-592
	Ex.P-72:Original deposition of Sri G.N. Krishnan Ex.P72(a): Signature	593-599
	Ex.P-72: Original Letter from E.E. (Stores & work Shop Division) BMP, to the Director, Lokayukta, BMP, dated: 27/08/2002 Ex.P-72(a): Signature	600
	Ex.P-73:Original letter from DGO No.1 to ARE-4 dated: 31/03/2003 Ex.P-73(a); Signature	601
	Ex.P-74:Original letter from Sri Arasoji rao to ARE-4 section dated: 31/03/2003 Ex.P-74(a); Signature	602

	Ex.P-75:Original statement of Sri Shivanna dated; 30/05/2002 Ex.P-75(a); Signature	603-604	
	Ex.P-76:Original letter from Sri Shivanna dated: 30/03/2003 Ex.P-76(a); Signature Ex.P-76(a); Signature	605	
	Ex.P-77:Original statement from Sri T. Jayaram Ex.P-77(a); Signature	606-607	
	Ex.P-78:Original letter from Sri T. Jayaram to ARE-4 dated; 31/03/2003 Ex.P-78(a); Signature	608	
	Ex.P-79:Original letter from DGO No. 7 to ARE-4 dated: 31/03/2003 Ex.P-79(a); Signature	609	
	Ex.P-80:Original letter from DGO No. 3 to ARE-4 dated: 31/03/2003	610	
<i>File No. V "Exhibits" File</i>	<i>Ex.D-1</i>	<i>Ex.D-1:Xerox copy of letter from Sri H.S. Siddaramanna Ex.D-1(a): Related entry</i>	611-612
	<i>Ex.D-2</i>	<i>Xerox copy of office order dated: 14/08/2003</i>	613-614
	<i>Ex.D-3</i>	<i>Xerox copy of office order dated: 16/04/2002</i>	615
	<i>Ex.D-4</i>	<i>Xerox copy of letter from A.E.E., (Engineer, Transport</i>	616
	<i>Ex.D-5</i>	<i>sub-division)BMP, Bengaluru dated; 20/10/2002</i>	617
	<i>Ex.D-6</i>	<i>Xerox copy of letter from A.E.E. Horticulture department,</i>	618
	<i>Ex.D-7</i>	<i>Bengaluru dated; 01/10/2002</i>	619
	<i>Ex.D-8</i>	<i>Xerox copy of certificate from S.C. Khuntia dated: 14/08/1999</i>	620
	<i>Ex.D-9</i>	<i>Xerox copy of office order dated: 30/04/2001</i>	621
	<i>Ex.D-10</i>	<i>Xerox copy of certificate dated: 14/08/1998</i>	622-631
	<i>Ex.D-11</i>	<i>Xerox copy of office order dated: 14/08/2000</i>	632-636

	Ex.D-12	Xerox copy of office order dated: 30/04/2001	637
	Ex.D-13	Xerox copy of statement of vehicles	638
	Ex.D-14	Xerox copy of statement showing the list of BMP	639-641
File No 6		Warrant and Annexure	642-680

Receipt of the recommendation of the Hon'ble Lokayukta, along with the Report of the Inquiry Officer in a sealed cover and the connected inquiry records, as mentioned above, may please be acknowledged, at the earliest.

Yours faithfully,

Usharani
12/10/2020

(USHARANI)
Registrar,
Karnataka Lokayukta,
Bengaluru.

Copy to:

✓ The Addl. Registrar of Enquiries - 4, Karnataka Lokayukta, Bengaluru along with copy of recommendation, for information and further necessary action.



KARNATAKA LOKAYUKTA

No: LOK/ARE-4/Enq-74/2002

Multi Storied Building
Dr B.R.AmbedkarVeedhi
Bengaluru - 560 001
Date: 12-10-2020

**RECOMMENDATION UNDER RULE 14(A)(2)(d) OF THE
KARNATAKA CIVIL SERVICES (CC&A) RULES, 1957**

- Sub:-** Departmental Enquiry against;
- (1) Sri. Abdul Kareem,
Driver **(Now retired)**,
 - (2) Sri. Adikeshavalu,
Driver **(Dead)**,
 - (3) Sri. H.S. Siddaramanna,
Executive Engineer (S & W)
(Now retired),
 - (4) Sri. T. Jayaram,
Asst. Executive Engineer (Stores)
(Now retired),
 - (5) Sri. Shivanna,
Asst. Executive Engineer (Workshop)
(Now retired)
 - (6) Sri. A.K. Gogi,
Stores Superintendent **(Dead)**
 - (7) Sri. Rangaiah,
Vehicle Superintendent
(Now retired)
 - (8) Sri. Arasoji Rao,
Group 'D' Official
Bengaluru Mahanagara
Palike, Bengaluru
(Now retired) - reg.

Ref:- Government Order No. UDD 411 MNY
2002, Bengaluru, dated 11.11.2002.

The Enquiry report dated 11-09-2020 in No: LOK/ARE-4/Enq-74/2002 submitted by the Additional Registrar of Enquiries-4 (hereinafter referred to as the 'Enquiry Officer') Karnataka Lokayukta has been placed before me.

2. Pursuant to the report dated 06-09-2002 submitted by the then Hon'ble Lokayukta under Section 12(3) of the Karnataka Lokayukta Act, 1984 (hereinafter referred to as 'the Act'), the Government of Karnataka by means of its Government Order No. UDD 411 MNY 2002 dated 11-11-2002, while accepting the recommendation made U/Sec. 12(3) of the Act, initiated Disciplinary proceedings against (1) Sri. Abdul Kareem, Driver (**now retired**), (2) Sri. Adikeshavalu, Driver (**Dead**), (3) Sri. H.S. Siddaramanna, Executive Engineer (S & W) (**now retired**), (4) Sri. T. Jayaram, AEE (Stores) (**now retired**), (5) Sri. Shivanna, AEE (Workshop), (**now retired**), (6) Sri. A.K. Gogi, Stores Superintendent (**Dead**), (7) Sri. Rangaiah, Vehicle Superintendent (**now retired**) and (8) Sri. Arasoji Rao, Group 'D' Official, Bengaluru Mahanagara Palike, Bengaluru (**now retired**) (hereinafter referred to as Delinquent Government Officials-1 to 8, for short DGO-1 to 8 respectively) and entrusted the same to the Hon'ble Lokayukta to conduct an enquiry with regard to the



allegations made against the DGOs under Rule 14-A of Karnataka Civil Services (CCA) Rules, 1957.

3. Subsequent to the receipt of the said Government Order, the then Hon'ble Lokayukta by means of Nomination Order No.LOK/INQ/14-A/77/2002 Bengaluru dated 04.12.2002, nominated the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and conduct an inquiry against the DGOs.

4. The Inquiry Officer has framed the Articles of charges against the DGOs. It is useful to extract the Article of charges framed against the DGOs, which reads as hereunder:

CHARGE

CHARGE AGAINST DGOs 1 AND 2:

That you-DGO No.1-Abdul Kareem and you-DGO No.2-Adikeshavulu, while working as Drivers in Bengaluru, Mahanagara Palike, Bengaluru were indulged in thieving of 179 liters of petrol and 1243 liters of Diesel every day from the Petrol and Diesel Bunks of the Corporation, using various illegal modes and thereby caused financial loss of Rs. 1,72,000/- plus Rs. 7,46,000/- per month, prior to 29/05/2002 for past several years and thereby you being a public servant



failed to maintain absolute integrity and devotion to duty and did an act which was unbecoming of a Government Servant and thereby you have committed an act of misconduct under Rule 3(1)(i) (ii) and (iii) of KCS (Conduct) Rules, 1966.

CHARGE AGAINST DGOs 3 TO 7:-

1. That you-DGO No.3-H.S.Siddaramanna, Executive Engineer (S & W), DGO NO.4-Sri T. Jayaram, A.E.E., (Stores), DGO No. 5, Shivanna, A.E.E., (Workshop), DGO No. 6 A.K. Gogi, Stores Superintendent, DGO No.7, Sri Rangaiah, Vehicle Superintendent, while working at Bengaluru Mahanagara Palike, Bengaluru being in charge of control and supervision of two petrol and diesel bunks of the Corporation, have connived with DGOs 1 and 2 in thieving of 5370 litres of petrol and 37290 litres of diesel every month from the petrol and diesel bunks of the Corporation using various illegal means and thereby you are responsible for causing financial loss of Rs. 9,18,000/- for the past several years prior to 29/05/2002 and thereby you DGOs 3 to 7 being public servants, failed to maintain integrity and devotion to duty and thereby committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

2. That you DGO No.3-Sri H.S. Siddaramanna, Executive Engineer (S&W), DGO NO.4-Sri T. Jayaram, A.E.E., (Stores), DGO No. 5-Sri Shivanna, A.E.E., (Workshop), DGO No. 6 A.K. Gogi, Stores Superintendent, DGO NO.7-Sri Rangaiah. Vehicle

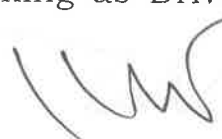


Superintendent, while working at Bengaluru Mahanagara Palike, Bengaluru by your dereliction of duty, mal-administration, failure to check and control, you have allowed the drivers of the Corporation to run the vehicles without log books and you failed to fix speedometers or get repairs of the speedometers fixed to the vehicle of the corporation to check the petrol consumption by the vehicles and thereby you DGOs 3 to 7 failed to maintain absolute integrity and devotion to duty and thereby committed an act of misconduct u/rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

CHARGE AGAINST DGO No. 8:

That you DGO No. 8 Arasoji Rao while working as Group D Official in Bengaluru Mahanagara Paokike, connived with DGOs 1 and 2 in thieving of 5370 litres of petrol and 37290 litres of Diesel from the petrol and Diesel Bunks of the Corporation from past several years prior to 29/05/2002 and thereby caused financial loss of Rs. 9,18,000/- to the Corporation and managed to keep the officers in good books and thereby you DGO NO. 8 being public servant, failed to maintain absolute integrity and devotion to duty and did an act which was unbecoming of a Government Servant and thereby you have committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

5. The substances of charges leveled against the DGOs is that the DGO No.1 and 2 while working as Drivers in



Bruhath Bengaluru Mahanagara Palike (for short 'BBMP') indulged in committing theft of 179 liters of Petrol and 1243 Liters of Diesel per day (5370 liters of petrol and 37290 liters of diesel per month) from the Petrol and Diesel Bunks of BBMP using various illegal modes and thereby caused financial loss of Rs.1,72,000/- (Rupees One lakh Seventy two thousand only) per month in respect of petrol and Rs.7,46,000/- (Rupees Seven lakhs forty six thousand only) per month in respect of diesel prior to 29.05.2002 for several years. It is alleged against DGOs No. 3 to 7 that they being in-charge of control/supervision of two petrol and diesel Bunks of BBMP have not only connived with DGO No.1 and 2 in committing theft of petrol and diesel every month from the Bunks, but also responsible for financial loss caused to the public exchequer. Further, they have allowed drivers of BBMP to run the vehicles without maintaining log books and failed to fix speedometers or get the speedometers repaired fixed to the vehicles of the BBMP to inspect the petrol consumption by the vehicles. So far as DGO No.8 is concerned, it is alleged against him that he had also connived with DGO No.1 and 2 in committing theft of petrol and diesel as stated above



and caused financial loss to the BBMP and thereby all of them have committed misconduct.

6. In the course of inquiry proceedings, on behalf of the Disciplinary Authority, (1) Sri. V.P.M. Swamy, (2) Sri. Babu, (3) Sri. Ameer, (4) Sri. S. Nagaraju, (5) Sri. H. Rajanna, (6) Sri. H.K. Prabhakarachar, (7) Sri. S. Rangaswamy Naika, (8) Sri. S.S. Kumar, (9) Sri. K.C. Manjappa, (10) Sri. P. Parvatha Reddy, (11) Sri. Honnegowda and (12) Sri. G.N. Krishnam were examined as PW-1 to 12 and got marked 80 documents as Ex.P-1 to Ex.P-80. On the other hand, DGO No.1 Sri. M. Karim Saheb was examined as DW-1, DGO No.8 Sri. Arasojirao was examined as DW-2, DGO No.5 Sri. Shivanna was examined as DW-3, DGO No.4 Sri. T. Jayaram was examined as DW-4, DGO No.7 Sri. Rangaiah was examined as DW-5 and DGO No.3 Sri. H.S. Siddaramanna was examined as DW-6 and marked 14 documents as Ex.D-1 to Ex.D-14 on their behalf.

7. Based on the evidence adduced in the course of enquiry, the Inquiry Officer found that the disciplinary authority has established the charge leveled against the DGOs No.1 and 2 that they were indulged in committing theft of 179 liters of petrol and 1243 liters of diesel every



day (5370 liters of petrol and 37290 liters of diesel per month) from the petrol and diesel Bunks of BBMP and caused financial loss of Rs.9,18,000/- (Rupees Nine lakhs Eighteen thousand only) each from five months prior to 29.05.2002 and DGO No. 3, 4 and 6 have connived with DGO No.1 and 2 for committing theft of petrol and diesel every month from the Bunks belonging to the BBMP and caused financial loss of Rs.9,18,000/- (Rupees Nine lakhs Eighteen thousand only) each. Further, the Inquiry Officer has observed that in view of the death of DGO No.2 and 6 during the pendency of enquiry and the proceedings against them having been closed as abated, financial loss of Rs.9,18,000/- (Rupees Nine lakhs Eighteen thousand only) each caused by them is required to be recovered from their assets as per Law. Further, the Inquiry Officer has found that the disciplinary authority has failed to prove the first part of charge leveled against DGO No.5 and 7, second part of charge leveled against DGO No. 3 to 7 and the charge leveled against DGO No.8.

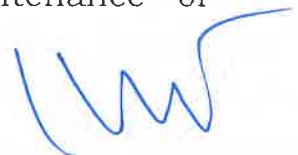
8. I have gone through the enquiry report and the materials available on record. Now the question that arises for consideration is whether the enquiry report submitted



by the Inquiry Officer requires to be accepted as correct and accordingly a recommendation is required to be made to the competent authority?

9. It is an undisputed fact that DGO No.1 Sri. Abdul Kareem and DGO No.2 Sri. Adikeshavalu were working as drivers, DGO No.3 Sri. H.S. Siddaramanna was working as Executive Engineer (S & W), DGO No.4 Sri. T. Jayaram was working as Assistant Executive Engineer (Stores), DGO No.5 Sri. Shivanna was working as AEE (Workshop), DGO No.6 Sri. A.K. Gogi was working as Stores Superintendent, DGO No.7 Sri. Rangaiah was working as Vehicle Superintendent and DGO No.8 Sri. Arasojirao was working as a Group 'D' official in BBMP.

10. The material on record would indicate that the then Hon'ble Lokayukta having received a credible information about the malpractice and irregularities in the petrol and diesel Bunks of BBMP, issued a search and seizure warrant (Ex.P-19) on 29.05.2002 authorizing the Lokayukta Police, City Division, Bengaluru to enter into the diesel Bunks situated at Magrath road, Ashoknagara, BBMP Stores and Workshop Premises and search to ascertain whether any maladministration is taking place in maintenance of



vehicle, use of petrol and diesel, disposal of used parts and purchase of new automobile parts by the authorities of BBMP.

11. Pursuant to the search warrant issued by the then Hon'ble Lokayukta Dy.S.P., Sri. Rangaswamy Naik who has been examined as PW-7 secured two panchas namely Sri. K. Veerabhadraiah and Sri. Siddegowda, Motor Vehicle Inspectors Sri. M.B. Patil and Sri. H. Rajanna and Legal Metrology Inspector Sri. Manjappa and all of them went to the City Shed Petrol Bunk situated at Usman Khan Road at 11:15 A.M. At that point of time, PW-6 Sri H.K. Prabhakarachar who was in-charge of that premises was present and search was made in his presence. He has made available the stock register, density register and diesel density register (Ex.P-18) for verification by the investigation officer. On verification of the registers referred to above, it was revealed that opening balance as on 29.05.2002 was 7724 liters and till 12:00 P.M. on 29.05.2002, only 454 liters of petrol was dispensed and after deducting the said quantum of petrol, there should have been 7270 liters of petrol in the petrol Bunk. However, on physical verification by PW-9 Sri. Manjappa,

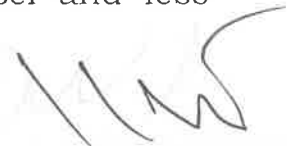


Legal Metrology Inspector, it was revealed that there was only 6228 liters of petrol and the stock of petrol was less by 1042 liters.

12. Thereafter, PW-7 had verified the stock register of diesel and noticed the opening balance as on 29.05.2002 was 4958 liters and 380 liters of diesel was dispensed till 12:00 P.M. on that day and the balance available was 4578 liters. However, on verification of diesel tank, it was noticed that there was 9760 liters of diesel and thereby there was excess stock of diesel by 5182 liters. In this connection, PW-7 gave a report at Ex.P-59.

13. The evidence of PW-9 Sri. Manjappa, Assistant Controller of Legal Metrology Department who had accompanied PW-7 at the time of search corroborates the evidence of PW-7 in all material particulars about the raid conducted in the aforesaid Bunk of BBMP.

14. Further, PW-6 Sri. H.K. Prabhakarachar was working as SDA in BBMP office and he was looking after the said Bunk as petrol clerk. He was present at the time of search made by PW-7. He has admitted in his evidence that during the course of search made by PW-7, it was found that there was excess quantity of diesel and less



quantity of petrol in the Bunk when compared with the stock registers and indents. Further, he has made a specific statement to the effect that the drivers were asking him to fill less fuel than the fuel mentioned in the indents and he has brought the same to the notice of his higher officers i.e., DGO No.3, 4 and 6, who did not take any action. According to him, one Sri. Peer used to be in the above said Bunk and the said Peer and some drivers have threatened him with dire consequences and hence, he could not control the theft of petrol and diesel.

15. It is relevant to point out that Ex.P-21 is the sworn statement of PW-6 which was given by him before the then Hon'ble Lokayukta during the course of preliminary investigation. In Ex.P-21, PW-6 has stated that in the said petrol Bunk, the DGO No.1 or his assistant Sri. Peer used to be present and for the indent of 30 liters of diesel only 20 liters of diesel was being put in to the tanks of the vehicles at the instance of DGO No.1 or Sri. Peer who used to pay some amount to the drivers in respect of 10 liters of diesel which was not being put in to the tanks of the vehicles; in respect of petrol vehicles also the petrol was being given less quantity than the quantity mentioned in



the indents; the quantum of petrol and diesel which was not being put into the vehicles was being subsequently collected from the concerned Bunk by DGO No.1 or Sri. Peer; he was threatened with life by DGO No.1 and though he brought the same to the notice of his higher officers i.e., DGO No.3 and 4, they did not take any action; the above said irregularities were going on every day in the petrol Bunk and it was brought to the notice of DGO No.3, 4 and 6. The oral evidence of PW-6 supports the evidence of PW-7 regarding the theft of petrol as well as diesel from the said Bunk of BBMP situated at Usman Khan road.

16. Ex.P-66 is the mahazar dated 25.09.2002 drawn in respect of the diesel Bunk of BBMP situated at Magarath road, Ashoknagar, Bengaluru. This mahazar was drawn by Sri. B.A. Joyappa, the then Dy.S.P., Karnataka Lokayukta, Bengaluru City Division. This document indicates that at the time of conducting search in the said diesel Bunk, one Sri. Srinivas was in-charge of the said Bunk and he was present at that time. Further, it reveals from Ex.P-66 that there was excess diesel by 990 liters when compared with records of the Bunk. The statement of said Sri. Srinivas is also part of the mahazar Ex.P-66 which discloses that the



drivers who were bringing indents for 30 liters of diesel, taking only 10 liters and remaining 20 liters was being collected by DGO No.1 and 2 by bringing their vehicle or in the barrels and they used to pay Rs.3,000/- (Rupees three thousand only) each to him per month. It is pointed that since the Investigation Officer Sri.B.A.Jayappa and said Sri.Srivasa are dead, they could not be examined. However, Ex.P-66 came to be marked with consent. Therefore, it has been relied upon by the enquiry officer. This document is also a relevant piece of evidence to establish the modus operandi adopted by DGO No.1 for committing theft of petrol and diesel from the said Bunks.

18. PW-2 Sri. Babu, PW-3 Sri. Ammer and PW-4 Sri. S. Nagaraju and PW-11 Sri. Honnegowda were working as drivers in BBMP. On perusal of their evidence, it reveals that PW-2 was working as a driver of a lorry bearing no. KA-01-A-1271 and for the said lorry 40 liters of diesel was fixed per day and he was taking only 30 liters of diesel per day instead of 40 liters. According to him, remaining 10 liters of diesel was being given to DGO No.1 for which he was paying him Rs.10 per liter. It is the evidence of PW-3 that he was working as driver of a lorry bearing no. CAS-



253 and in the year 2002 the speedometer of that lorry was not in order. According to him, every day indent was being given for 30 liters of diesel, however he used to take only 20 liters of diesel per day from the bunk and for the remaining 10 liters, some amount was being paid to him by DGO No.1. He has deposed that DGO No.1 and others were collecting the fuel which was not put in to the vehicles. According to PW-4 Sri. Nagaraju, he was working as driver of a lorry bearing no. CAS-3839 and he used to get indent for 25 to 30 liters of diesel every day for the said lorry. However, he used to take only 20 liters of diesel per day and DGO No.2 used to pay him Rs.50 to Rs.100 per day in respect of the remaining 10 liters of diesel.

19. Further, it is the evidence of PW-11 Sri. Honnegowda that he was working as a driver of a Garbage Vehicle bearing no. CAS-48 and its speedometer was not in order. According to him, 30 liters of diesel indent was being given to him every day, however, he was taking only 20 or 25 liters of diesel from the Bunk and for the remaining 5 or 10 liters of diesel Rs.10/- (Rupees ten only) per liter was being paid to him by DGO No.1. The Inquiry Officer has considered the evidence of PW-2, 3, 4 and 11 in detail and



has rightly accepted their evidence and nothing worth has been elicited in their cross examination, so as to disbelieve their evidence.

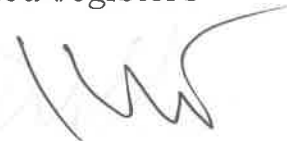
20. The DGO No.1 who has been examined as DW-1 has come up with a defence that since he was working as a spare driver, he was not entrusted with any vehicle and as such there was no question of theft of petrol and diesel by him from the Bunks of BBMP as alleged in the charge leveled against him. However, his evidence cannot be accepted in view of the evidence of PW-2 to 4, 6 and 11, who have categorically stated in their evidence about the modus operandi that was adopted by the DGO No.1 and his followers in committing theft of petrol and diesel from the Bunks of BBMP.

21. DW-4 is DGO No.4. His evidence is to the effect that PW.6 Sri. Prabhakarachar was working as Petrol Clerk of the Bunk situated at Usman Khan road and Sri. Srinivas was working as Clerk in Diesel Bunk situated at Magarath Road and they were independently looking after the above said Bunks and maintaining the records and he is not responsible for any irregularities found in the said Bunks. It is relevant to note that PW.6 Sri. Prabhakarachar, who



was working as a Clerk in the Bunk at Usman Khan road, brought to the notice of his superior officers i.e., DGO No.3 as well as DGO No.4 about the theft of fuel in the aforesaid bunks. However, DGOs No.3 and 4 have failed to take any action against the erring officials. Therefore, his evidence cannot be accepted.

22. DGO No.3 has been examined as DW-6. In his evidence, he has admitted that he was working as in-charge Executive Engineer of Stores and Work Shop on the date of raid conducted in the Petrol and Diesel Bunks of BBMP. According to him, since he has taken action against some of the drivers namely Sri. Ameer, Sri. Venkatesh, Sri. Siddappa, Sri. Babu and Sri. Muniswamy, they had ill will against him. In this connection he has made available the copy of the suspension order dated 29.09.2002 at Ex.D-12. This order was made subsequent to the raid conducted by the Lokayukta Police. Therefore, DGO No.3 must have passed this order as a consequence of the raid conducted by the Lokayukta Police to show that he had taken action which is not sufficient to exonerate him from the charge leveled against him, as he was admittedly responsible for checking the concerned registers




maintained in the Bunks regularly. But, he has failed to do so, in spite of bringing to his notice by PW-6 about the illegalities taking place in the Petrol Bunks. In the light of what is stated above, the evidence of DW-1, 3 and 4 cannot be accepted to absolve them from the charges leveled against them. The Inquiry Officer has rightly appreciated their evidence in a proper prospective manner and rejected their defence which requires to be accepted as correct.

23. Further, the material on record indicates that the RTO officers namely PW-5 Sri. H. Rajanna, PW-8 Sri. S.S. Kumar and PW-10 Sri. Parvathareddy have checked the vehicles as well as the log books and found that log books were not properly written and the speedometer was not functioning. PW-12 Sri. G.N.Krishnan, the then Executive Engineer of BBMP who took charge of the Bunks after the raid gave report at Ex.P-68 stating that, the speedometer of 336 BBMP vehicles have been repaired/replaced subsequent to the raid conducted by the Lokayukta Police. It is relevant to point out that in view of the said report, it has become clear that since the speedometer of 336 BBMP vehicles were not functioning, no entries were made in the log books about the consumption of petrol and diesel and



this has helped the drivers to take less fuel than the fuel mentioned in the indents. As the speedometers were not functioning, the drivers were not showing the speedometer reading in the logbooks and even how much distance the vehicle has run per liter of fuel could not be ascertained and the log books have been written as if the vehicle has run as per the fuel shown in the indent. This circumstance also supports the case of disciplinary authority to establish the charge of theft of petrol and diesel by the DGOs.

24. It is relevant to mention that the evidence adduced in this case would clearly disclose that the drivers as well as the clerks who were in-charge of Bunks were also involved in theft of petrol and diesel. However, they have not been arrayed as DGOs in this enquiry proceeding. On the other hand they have been cited as witnesses on behalf of disciplinary authority and some of them i.e., PW-2 to 4, 6 and 11 have been examined on behalf of disciplinary authority. It has also come from their evidence that they were receiving Rs.10/- (Rupees ten only) per liter in respect of the petrol/diesel which was being taken away by DGO No.1 and his followers. However, it is the specific case of disciplinary authority that the DGOs are primarily



responsible for theft of petrol and diesel and they have done so with the help of drivers and the clerks of the Bunks. As observed earlier some of the drivers who have been examined on behalf of disciplinary authority fully supported the case of the disciplinary authority. Nothing has been suggested in their cross-examination to indicate that they have got any ill will or motive to depose against the DGOs. Therefore, their evidence cannot be brushed aside.

25. ***As observed earlier, there is evidence against the DGO No.1 regarding theft of petrol and diesel with the help of drivers who have been examined in this proceeding. It has come in the evidence of PW.6 that he has brought to the notice of DGO No.3 and 4 about the theft of petrol and diesel from the Bunks of BBMP. However, they have not taken any action. Therefore, as rightly observed by the enquiry officer the DGO No.3 and 4 have colluded with DGO No.1 and allowed them to commit theft of petrol and diesel from the Bunks and therefore, they did not take any action against him to prevent the same.***



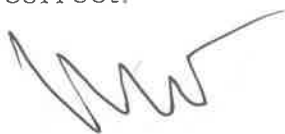
However, I am unable to concur with the views of the enquiry officer to the effect that the DGO No.2 has committed theft of the petrol and diesel from the Bunks of BBMP and DGO No.6 has colluded with DGO No.1 and 2 and allowed them to commit theft of petrol and diesel from the Bunks and therefore, he did not take any action against them to prevent the same. It is relevant to note that the enquiry officer has observed that since DGO No.2 and 6 are dead during the pendency of the enquiry proceeding, the enquiry against them is abated. When the proceeding against them is closed as abated, it is not permissible to hold them guilty of the charge leveled against them as they had no opportunity of defending themselves effectively and the witnesses examined on behalf of the disciplinary authority have not been cross-examined on their behalf.

26. DGO No.5 has been examined as DW-3. It is his defence that the Bunks were not within his control/supervision as he was only maintaining the workshop. According to him, the nature of his work in the Workshop was only repairing the vehicles of BBMP by securing the required spare parts. Further, he has contended that all the affairs of Petrol bunks were within



the control/jurisdiction of Stores Sub-Division and as such he is not responsible for theft of petrol and diesel as alleged in the charge. In this regard, it is brought on record from the evidence of PW-6 that DGO No.5 has nothing to do with the said Bunks of BBMP. Further, it is the evidence of PW-12 Sri. G.M. Krishnan that the Transport Division was only supervising the repair of the vehicles. Thus, as rightly observed by the enquiry officer there is no evidence on record to show that the DGO No.5 was also involved in committing theft of petrol and diesel from the said Bunks.


27. DGO No.7 who was working as Vehicle Superintendent has been examined as DW-5. According to him, his duty was only attending the vehicles which were met with accident, registration of new vehicles, insurance coverage of vehicles and maintenance of ambulances. It is the evidence of PW-12 that the DGO No. 7 has no way connected with the theft of petrol and diesel in the Bunks of BBMP. Therefore, the enquiry officer has rightly observed that the disciplinary authority has failed to produce any satisfactory evidence to establish the charge leveled against DGO No.7, which requires to be accepted as correct.



28. DGO No.8 who was working as Group 'D' official has been examined as DW-2. It is his case that he has nothing to do with the said Bunks of BBMP. None of the witnesses examined on behalf of the disciplinary authority deposed about the involvement of DGO No.8 in committing theft of petrol and diesel from the Bunks of BBMP. There is nothing on record to show that he has connived with the DGO No.1 and 2 in committing theft of petrol and diesel.

29. **In the light of discussions made above, the enquiry officer has rightly observed that there is no evidence to hold that the DGO No.5, 7 and 8 have connived with DGO No.1 and 2 in committing the theft of petrol and diesel from the Bunks of BBMP and I do not find any good ground to take a different view from the one taken by the enquiry officer.**

30. So far as the loss caused to the BBMP on account of theft of petrol and diesel from the said bunks of BBMP is concerned, it is the case of the disciplinary authority that there was theft of 179 liters of petrol and 1243 liters of diesel every day and thereby caused financial loss of Rs.1,72,000/- (Rupees One lakh Seventy two thousand only) in respect of petrol and Rs.7,46,000/- (Rupees Seven



lakhs forty six thousand only) in respect of diesel per month and totally Rs.9,18,000/- (Rupees Nine lakhs eighteen thousand only) per month. It is important to note that there is no evidence on behalf of the disciplinary authority as to from which date or month or year the theft of petrol and diesel had taken place prior to 29.05.2002. If the theft of petrol and diesel from the Bunks of BBMP was not unearthed by the Lokayukta police, it would have been continued by the concerned officials/officers and caused continuous loss to the BBMP. It is difficult to ascertain from which date the theft has been taking place. However, the evidence of PW-12 Sri. G.M. Krishnan indicates that after the raid of the Lokayukta Police, the consumption of diesel was reduced by 1240 liters per day and the consumption of petrol was less by 179 liter per day, due to which there has been saving of Rs.7,46,000/- (Rupees Seven lakhs forty six thousand only) per month in respect of diesel and Rs.1,72,000/- (Rupees One lakh Seventy two thousand only) per month in respect of petrol to the BBMP and totally there is saving of Rs.9,18,000/- (Rupees Nine lakhs eighteen thousand only) per month and for one year it comes to Rs.1,08,00,000/- (Rupees One crore eight lakhs). For the purpose of making such calculation, PW-12



has examined the records to know how much diesel and petrol was used for five months prior to the raid and also verified the records about the consumption of petrol and diesel for the period of two months subsequent to the raid.

31. The Enquiry Officer by taking into consideration of the report of PW-12 produced at Ex.P-69, has come to the conclusion that there was savings of 179 liters of petrol per day and the rate of petrol has been calculated at Rs.32/- (Rupees thirty two only) per liter and in so far as the diesel is concerned there was savings of 1234 liters of diesel per day and the rate of diesel has been calculated at Rs.20/- (Rupees Twenty only) per liter. Further the enquiry officer has observed that the use of petrol and diesel for five months prior to the raid and the use of petrol and diesel for two months after the raid is required to be taken into consideration in making the calculation as to the quantum of petrol and diesel that was committed theft from the Bunks and the loss caused to the BBMP as indicated in the report Ex.P-69. Accordingly, the enquiry officer has observed that whatever the quantum of diesel and petrol saved after the raid was the quantum of diesel and petrol misused by way of theft and the DGOs No.1, 3 and 4 have




not given any acceptable reason as to why the consumption of diesel and petrol was reduced after the raid. It is pointed out in the cross examination of PW-12 that after the raid the diesel for the generator might have not been taken. In this regard, the DGOs have not adduced any evidence to show as to what was the quantum of diesel consumed by the generators before the raid and after the raid. Hence, the said contention cannot be accepted. The Enquiry Officer has accepted the calculation made by PW-12 in his report at Ex.P-69 to arrive at a conclusion about the quantum of petrol and diesel that was misused by way of theft from the Bunks every month and to assess the loss caused to the BBMP.

32. It is relevant to point out that in Ex.P-69, the consumption of petrol and diesel has been calculated for five months prior to the date of raid and there is no statistics regarding the consumption of petrol and diesel prior to the said five months. Therefore, the Enquiry Officer has relied upon Ex.P 69 to assess the loss caused to the BBMP on account of the theft of diesel and petrol for five months prior to the date of raid which require to be accepted as correct. It is pointed out that the total loss



caused to the BBMP for the period of five months prior to the raid conducted by the Lokayukta Police comes to Rs.45,90,000/- (Rupees Forty five lakhs Ninety thousand only) and DGOs No. 1, 3 and 4 are equally liable to reimburse the pecuniary loss of Rs.45,90,000/- (Rupees Forty five lakhs Ninety thousand only). Accordingly, it is observed that DGOs No.1, 3 and 4 are liable to reimburse Rs.9,18,000/- (Rupees Nine lakhs Eighteen thousand only) each towards the pecuniary loss to the BBMP.

33. The enquiry officer has observed that the since, DGO No.2 and 6 died during the pendency of enquiry proceedings the pecuniary loss caused by them to the BBMP is required to be recovered from their assets as per law. As observed earlier the proceeding as against the deceased DGO No.2 and 6 has been closed as having been abated. However, the enquiry officer has not only held them as guilty of the charge level against them but also determined the pecuniary loss alleged to have been caused by them to the BBMP and observed the pecuniary loss caused by them is required to recovered from their assets in accordance with law.



In this connection it is relevant to extract the circular No DPAR Se.Ee.Vii dated 12.11.2003 which reads as hereunder;

"ಆರ್ಥಿಕ ನಷ್ಟವನ್ನು ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಂದ ವಸೂಲು ಮಾಡಬೇಕಾದಲ್ಲಿ, ಸದರಿ ನಿಯಮಾವಳಿಯ ನಿಯಮ 11 ಅಥವಾ 12ರ ಪ್ರಕಾರ ಕ್ರಮವನ್ನು ಜರುಗಿಸಿ ವಸೂಲು ಮಾಡಬೇಕಾಗುತ್ತದೆ. ಈ ರೀತಿ ಮೇಲೆ ತಿಳಿಸಿದ ನಿಯಮಗಳಂತೆ, ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರನ ಮೇಲೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯು ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸುತ್ತಿದ್ದಾಗ, ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರನು ಮರಣ ಹೊಂದಿದಾಗ, ಅಂತಹ ಪ್ರಕರಣಗಳಲ್ಲಿ ಯಾವ ರೀತಿಯ ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂಬ ಬಗ್ಗೆ ಅನೇಕ ಇಲಾಖೆಗಳು ಸ್ಪಷ್ಟೀಕರಣವನ್ನು ಕೇಳಿವೆ.

3. ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರು ವಿರುದ್ಧ ಶ್ರೀಮತಿ ಸರೋಜ ಶ್ರೀನಿವಾಸನ್ (ಐಎಲ್‌ಆರ್ 1997, ಪುಟ, 2791) ಪ್ರಕರಣದಲ್ಲಿ ಈ ಕೆಳಕಂಡಂತೆ ಅಭಿಪ್ರಾಯ ಪಟ್ಟಿದೆ:

'If any money has been misappropriated by an employee who dies during the pendency of inquiry, we cannot say that the monetary liability arises thereto cannot be determined even after the death of the delinquent employee, the employer should have the liberty to assess such financial liability which is recoverable out of the amounts due to the deceased employee on notice being given to the concerned heirs and i.e., the only way by which the proceedings can be concluded. The respondents must co-operate with the appellants in the enquiry to enable in establishing guilt or innocence of the deceased employee and the charge against him. On conclusion of such inquiry, though no action can be taken against the deceased, still his monetary liability can be determined. In taking such action, the appellant will have to take into consideration the question of amount misappropriated by the deceased employee, the time lapse between the date of misappropriation and the enquiry and the fact that the deceased employee is no longer available to defend himself and such other factors. If they come to the conclusion that still the proceedings should be continued to recover the amount from out of the amounts due to the said deceased employee, such steps will have to be taken. Otherwise any action taken by the appellant can be criticized as one done arbitrarily without applying the principles of natural justice. Therefore, we direct the respondents to inquire

into the matter before making any deductions out of the Provident Fund, Gratuity or any other amounts due to the deceased employee appropriately one way or the other after issuing notice to the respondents. If a finding is recorded that there is any monetary liability as-far-as the deceased employee is concerned, appropriate deductions can be made from the amounts payable to the respondents otherwise the amounts due to the deceased employee will have to be disbursed to the respondents.'

4. ಸರ್ಕಾರಿ ನೌಕರರಿಂದ ಆರ್ಥಿಕ ನಷ್ಟ ಉಂಟಾಗಿದ್ದು, ಆ ಆಯೋಪದ ಮೇಲೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಯುತ್ತಿದ್ದಾಗ, ಸರ್ಕಾರಿ ನೌಕರನು ಮರಣ ಹೊಂದಿದಾಗ ನ್ಯಾಯಾಲಯವು ಮೇಲೆ ಅಭಿಪ್ರಾಯಪಟ್ಟಂತೆ ಸಕ್ಷಮ ಶಿಸ್ತು ಪಾಠಿಕಾರಿಗಳು ಕ್ರಮವನ್ನು ಜರುಗಿಸತಕ್ಕದ್ದು.”

19. The circular extracted above indicates that during the course of disciplinary proceedings, if the delinquent official against whom the charge of misappropriation of Government funds is made, the monetary liability could be determined even after his death and recovered out of the amounts due to the deceased employee only on notice being given to the concerned heirs. The procedure prescribed in the circular extracted above has not been followed by the enquiry officer before holding the deceased DGO No.2 and 6 guilty of the charge leveled against them and to determine the pecuniary loss caused by them to the BBMP.

21. Further, in the case of **Basudev Tiwari V/s Sido Kanhu University and others** reported in **1998 (8) SCC 194**, the Hon'ble Supreme Court has observed that since

the appellant who was the DGO therein had died during pendency of the proceedings, no further direction either as to further enquiry or reinstatement could be given and it was declared that the termination as per the notification was invalid and has held that it was deemed that the employee had died in harness and directed payment of benefits. Therefore, it is not permissible to make any recommendation in so far as DGO No.1 and 6 are concerned, as they had died during pendency of the disciplinary proceedings and the proceedings as against him was closed as having been abated. Under these circumstances, I am unable to concur with the findings recorded by the enquiry officer that the competent authority is required to take steps to recover the loss stated to have been caused by the DGO No.2 and 6 from their assets. However, I do not find any good ground to take a different view from the one taken by the Enquiry Officer so far as the assessment made by him as to the loss caused by DGOs No.1, 3 and 4 to the BBMP.

34. In so far as the second part of charge leveled against the DGOs No. 3 to 7 is concerned, it is the case of the Disciplinary Authority that they have allowed the drivers of



BBMP to run the vehicles without maintaining the log books and failed to fix the speedometers or get the speedometers repaired so as to check the fuel consumption of the vehicles and thereby committed misconduct.

35. In this connection, the evidence of PW-1 Sri. V.P.M. Swamy indicates that at the time of raid, they have examined 17 vehicles belonged to the BBMP and found that speedometers were not functioning and the log books were not updated properly. The evidence of PW-5 who is the Motor Vehicle Inspector indicates that he has examined log books of some of the of vehicles and in respect of remaining vehicles, the log books were not available and the speedometers of most of the vehicles were not functioning. Similarly, the evidence of PW-8 Sri S.S. Nagendra indicates that he has examined the Car bearing no. KA-02-Z-1998 and its speedometer was not in order and the driver of the said car did not produce the log book. He has also examined the Maruthi Car bearing no. KA-01-M-3425 and its log book was not written properly and the speedometer of lorry bearing registration no. CAS-304 was not in order.

36. The evidence of PW-10 Sri. T. Parvathareddy, Motor Vehicle Inspector indicates that he has examined some of



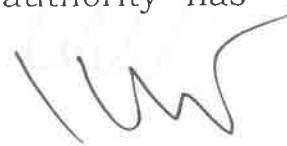
the vehicles parked in the premises of BBMP and found that the log books were not maintained. The Inquiry Officer by taking into consideration of the evidence of aforesaid witnesses, has observed that the disciplinary authority has proved that the speedometers of most of the vehicles of BBMP were not functioning and even the log books were not written by the drivers properly.

37. However, while considering the question whether the DGO No.3 to 7 are responsible for not maintaining the log books properly by the drivers and about non functioning of speedometers, the Inquiry Officer has come to the conclusion that they are not responsible. In this regard, the material on record indicates that, in the cross examination, PW-6 has stated that it is the responsibility of the officers using the vehicles to get the speedometer of the vehicle repaired if it is not functioning and it is the duty of driver of the vehicle to write the log book which should be examined by the officer using that vehicle. Even in the cross examination of PW-8, it is elicited that if there is any discrepancies in the log books, the driver and the officer using the vehicle are responsible. Further, it is the evidence of PW-8 Sri. G.N. Krishnan that it is the



responsibility of drivers to get the speedometer of the vehicle repaired or replaced, if it is not working. Thus, the above evidence on record clearly indicates that it is the responsibility of driver and the officer using the vehicle to inform the concerned officer about nonfunctioning of speedometer. In the case on hand, there is no evidence to show that the drivers of the vehicles had brought to the knowledge of DGO No.3 to 7 about nonfunctioning of speedometer. Therefore, as rightly pointed by the Inquiry Officer that DGOs No.3 to 7 cannot be made responsible for the acts/failure on the part of drivers to maintain the log books properly and get the speedometer of the vehicle replaced or repaired. Hence, the conclusion of the Inquiry Officer that the disciplinary authority has failed to establish the second part of the charge leveled against DGOs No. 3 to 7 to the effect that they have failed to fix speedometers or get the speedometers repaired and allowed the drivers to run the vehicles without log books is required to be accepted as correct.

38. In the light of what is stated above, I do not find any good reasons to take a different view from the one taken by the Inquiry Officer that the disciplinary authority has

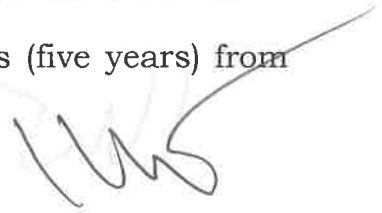


proved the charge framed against DGOs No.1 that he has indulged in committing theft of 179 liters of petrol and 1243 liters of diesel everyday from the Bunks of BBMP and the DGOs No.3 and 4 connived with DGO No.1 in committing theft of petrol and diesel from the bunks of BBMP and the DGO No.1, 3 and 4 caused financial loss of Rs.9,18,000/- (Rupees Nine lakhs Eighteen thousand only) each to the BBMP. Further, the conclusion of the Inquiry Officer to the effect that the disciplinary authority has failed to prove the charge leveled against DGOs No.5, 7 and 8 and second part of the charge leveled against DGOs No.3 to 7 required to be accepted as correct.

However, so far as DGO No.2 and 6 are concerned, the conclusion reached by the enquiry officer that since they had died during the course of enquiry and proceedings against him was closed as having been abated, the pecuniary loss caused by them to the BBMP is required to be recovered from their assets in accordance with law, does not appear to be correct and the same is required to be rejected. Accordingly, a recommendation is required to be made to the Competent Authority on that behalf.



39. The only other question that requires to be considered is about the penalty that is required to be imposed on the DGO No.1, 3 and 4. The incident in question had taken place in the year 2002 and during pendency of the disciplinary enquiry, DGO No.2 and 6 had expired. The enquiry proceeding was concluded after lapse of eighteen years. Admittedly, DGO No.1, 3 and 4 had retired from service on 30.06.2014, 30.06.2004 and 30.06.2015 respectively. It is relevant to point out that, Rule 214(1)(a) of KCSRs provides for withholding or withdrawing a pension or part thereof either permanently or for a specified period, if in any departmental proceedings, the pensioner is found guilty of misconduct or negligence during the period of his service. Therefore, having regard to the facts and circumstances of the case and keeping in mind the loss caused to the state exchequer and commission of theft by a Government servant is a serious misconduct and the DGO No.1 was working as a driver, I am of the view, the ends of justice would be met if a recommendation is made for denial of 15% (fifteen percent) of the monthly pension payable to DGO No.1 and 30% (thirty percent) of the monthly pension payable to DGO No. 3 and 4 for a period of 5 years (five years) from



the date of such denial in addition to the direction for recovery of the loss caused to the BBMP.

39. In the light of the discussions made above, I make the following recommendations to the Competent Authority;

(i) The Enquiry Report dated 11-09-2020 submitted by the Enquiry Officer i.e., ARE-4 holding that;

(a) the disciplinary authority has established the charge leveled against the DGOs No.1 that he has indulged in committing theft of 179 liters of petrol and 1243 liters of diesel every day (5370 liters of petrol and 37290 liters of diesel per month) from the petrol and diesel Bunks of BBMP requires to be accepted.

(b) DGO No. 3 and 4 have connived with DGO No.1 in committing theft of petrol and diesel every month from the Bunks belonging to the BBMP requires to be accepted.

(c) DGO No.1, 3 and 4 have caused pecuniary loss of Rs.9,18,000/- (Rupees Nine Lakhs Eighteen



thousand only) each to the BBMP requires to be accepted.

(d) The disciplinary authority has failed to prove the first part of charge leveled against DGO No.5 and 7, second part of charge leveled against DGO No. 3 to 7 and the charge leveled against DGO No.8 also requires to be accepted.

(c) So far as DGO No.2 and 6 are concerned, the conclusion reached by the enquiry officer that since they had died during the course of enquiry and proceedings against him was closed as having been abated, the pecuniary loss caused by them to the BBMP is requires to be recovered from their assets in accordance with law is not correct and the same is requires to be rejected.

(ii) To deny 15% (fifteen percent) of the monthly pension payable to DGOs No.1 for a period of 5 years (five years) from the date of such denial.

(iii) To deny 30% (thirty percent) of the monthly pension payable to DGOs No.3 and 4 for a period of 5 years (five years) from the date of such denial.




(iv) To recover a sum of Rs.9,18,000/- (Rupees nine lakhs eighteen thousands only) each from DGOs No. 1, 3 and 4 towards the loss caused to the BBMP out of the benefits payable including the pensionary benefits payable or such other mode which the Competent Authority may deem fit with interest at the rate of 8% (eight percent) P.A. from the date of occurrence of pecuniary loss caused to the State till the date of recovery.

Accordingly, recommendation is made to the Government.

40. Action taken in the matter be intimated to this Authority within three months from the date of receipt of the recommendation.

Connected records are enclosed.


(Justice P. Vishwanatha Shetty)
Lokayukta,
State of Karnataka, Bengaluru.

12/10/20

KARNATAKA LOKAYUKTA

New No.LOK/INQ/14-A/74/02-03/ARE-4 M.S.Building
Old No.LOK/INQ/14-A/77/02-03/ARE-4 Dr. B. R. Ambedkar Road
Bengaluru-560 001
Date: 11/09/2020

:: INQUIRY REPORT ::

Sub: Departmental Inquiry against,

- 1) Sri Abdul Kareem
Driver **(Now retired)**
- 2) Sri Adikeshavulu
Driver **(Dead)**
- 3) Sri H.S. Siddaramanna
Executive Engineer
(S &W)
(Now retired)
- 4) Sri T. Jayaram
A.E.E., (Stores)
(Now retired)
- 5) Sri Shivanna
A.E.E., (Workshop)
(Now retired)
- 6) Sri A.K. Gogi
Stores Superintendent
(Dead)
- 7) Sri Rangaiah
Vehicle Superintendent
(Now retired)
- 8) Sri Arasoji Rao
Group 'D' Official
Bengaluru Mahanagara Palike
Bengaluru (Now retired)

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Lok/BCD/122/2002-03 dated: 06/09/2002
 - 2) G.Order. No. UDD 411 MNY 2002, Bengaluru, dated: 11/11/2002
 - 3) Order No.LOK/INQ/77/14-A/2002-2003 Bengaluru, Dt:04/12/2002 of the Hon'ble Lokayukta

This Departmental Inquiry is directed against 1) Sri Abdul Kareem (**(Now retired)**) 2) Sri Adikeshavulu, Drivers (**(Dead)**), 3) Sri H.S. Siddaramanna, Executive Engineer (S&W), (**(Now retired)**), 4) Sri T. Jayaram, A.E.E., (Stores), (**(Now retired)**), 5) Sri Shivanna, A.E.E., (Workshop), (**(Now retired)**), 6) Sri A.K. Gogi, Stores Superintendent (**(Dead)**), 7) Sri Rangaiah, Vehicle Superintendent (**(Now retired)**) and 8) Sri Arasoji Rao, Group 'D' Official, Bengaluru Mahanagara Palike, **Bengaluru** (**(Now retired)**) (herein after referred to as the Delinquent Government Officials in short "DGO No.1, DGO No.2, DGO No.3, DGO No.4, DGO No.5, DGO No. 6, DGO No. 7 and DGO No. 8 or DGOs" respectively)

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

3. In view of the Government Order cited above at reference-2, the Hon'ble Lokayukta, vide order dated: 04/12/2002 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to

conduct Inquiry against the aforesaid DGOs. 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 DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

4. The Article of Charges framed by ARE-4 against the DGOs are as follows:-

ANNEXURE -1

CHARGE AGAINST DGOs 1 AND 2:

That you-DGO No.1-Abdul Kareem and you-DGO No.2-Adikeshavulu, while working as Drivers in Bengaluru, Mahanagara Palike, Bengaluru were indulged in thieving 179 liters of petrol and 1243 liters of Diesel every day from the Petrol and Diesel Bunks of the Corporation, using various illegal modes and thereby caused financial loss of Rs. 1,72,000/- plus Rs. 7,46,000/- per month, prior to 29/05/2002 for past several years and thereby you being a public servant failed to maintain absolute integrity and devotion to duty and did an act which was unbecoming of a Government Servant and thereby you have committed an act of misconduct under Rule 3(1)(i) (ii) and (iii) of KCS (Conduct) Rules, 1966.

CHARGE AGAINST DGOs 3 TO 7:-

1. *That you-DGO No.3-H.S.Siddaramanna, Executive Engineer (S & W), DGO NO.4-Sri T. Jayaram, A.E.E., (Stores), DGO No. 5, Shivanna, A.E.E., (Workshop), DGO No. 6 A.K. Gogi, Stores Superintendent, DGO No.7, Sri Rangaiah, Vehicle*

Superintendent, while working at Bengaluru Mahanagara Palike, Bengaluru being in charge of control and supervision of two petrol and diesel bunks of the Corporation, have connived with DGOs 1 and 2 in thieving 5370 litres of petrol and 37290 litres of diesel every month from the petrol and diesel bunks of the Corporation using various illegal means and thereby you are responsible for causing financial loss of Rs. 9,18,000/- for the past several years prior to 29/05/2002 and thereby you DGOs 3 to 7 being public servants, failed to maintain integrity and devotion to duty and thereby committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

2. That you DGO No.3-Sri H.S. Siddaramanna, Executive Engineer (S&W), DGO NO.4-Sri T. Jayaram, A.E.E., (Stores), DGO No. 5-Sri Shivanna, A.E.E., (Workshop), DGO No. 6 A.K. Gogi, Stores Superintendent, DGO NO.7-Sri Rangaiah, Vehicle Superintendent, while working at Bengaluru Mahanagara Palike, Bengaluru by your dereliction of duty, mal-administration, failure to check and control, you have allowed the drivers of the Corporation to run the vehicles without log books and you failed to fix speedometers or get repairs of the speedometers fixed to the vehicle of the corporation to check the petrol consumption by the vehicles and thereby you DGOs 3 to 7 failed to maintain absolute integrity and devotion to duty and thereby committed an act of misconduct u/rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

CHARGE AGAINST DGO No.8:

That you DGO No. 8 Arasoji Rao while working as Group D Official in Bengaluru Mahanagara Paokike, connived with DGOs 1 and 2 in thieving 5370 litres of petrol and 37290 litres of Diesel from the petrol and Diesel Bunks of the Corporation

from past several years prior to 29/05/2002 and thereby caused financial loss of Rs. 9,18,000/- to the Corporation and managed to keep the officers in good books and thereby you DGO NO. 8 being public servant, failed to maintain absolute integrity and devotion to duty and did an act which was unbecoming of a Government Servant and thereby you have committed an act of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

On a credible information of malpractice and irregularities in the Petrol and Diesel Bunks of the Bengaluru City Corporation, the Superintendent of Police, Karnataka Lokayukta, Bengaluru after getting Search and Seizure warrant, conducted raid on the Diesel Bunk situated at Ashoknagar, Magarath Road, Bengaluru City Corporation Stores and Workshop premises on 29/05/2002 and the Dy.S.P., Sri Rangaswamy Naik, at the City Shed Petrol Bunk of the Corporation, on the quantum of petrol and diesel found in petrol and Diesel Storage Tanks of the Bunks and drawn the Mahazars. The Diesel found in the Diesel Storage Tank of City Shed Petrol Bunk of the Corporation was far in excess of the stock shown in the Diesel Stock Register, kept in the Bunk, while the petrol found in the Petrol Storage Tank in that Bunk, was far less than the stock shown in the Petrol Stock Register kept in the Bunk, and the diesel found in the Diesel Storage Tank of the Ashoknagar, Civil Station Diesel Bunk was far in excess of the stock of the diesel shown in the Diesel Register kept in that Bunk.

The Statement of Sri H.K. Prubhakarachar, the Petrol and Diesel Clerk of the City Shed Petrol Bunk of the Corporation and Sri Srinivas, the Diesel Clerk, in charge of Diesel Bunk at Ashoknagar, Civil Station Diesel Bunk of the Corporation, recorded during the course of investigation reveals that the quantum of petrol or diesel in the Petrol or Diesel tanks in the Petrol and Diesel Bunks of the Corporation, in which they which they were dispensing petrol and diesel, were not in accordance with the stocks shown in Stock Registers in respect of petrol and diesel, maintained by them and they were not issuing the petrol or diesel according to the quantum of petrol or diesel for which indents were brought to them by the Drivers of Motor Vehicles of Corporation and the petrol and diesel given on each indent was always far less than the quantum mentioned in the indents themselves. According to the statement of Sri Ameer, Srui Honnegowda, Sri S. Nagaraj and Sri S. Babu, drivers of different motor vehicles of the corporation, petrol or diesel given on their respective indents was far less than what was required to be put into their motor vehicles' tanks and whenever the indents for 30 liters of diesel was to be put into their vehicles, hardly 15 to 20 litres was being put into the tanks of their diesel motor vehicles and more or less the same percentage of lesser quantum of petrol used to be put into the petrol motor vehicles, even though the indents indicated higher quantum of petrol to be put into the motor vehicles and cash was being given to them for such quantum of petrol or diesel not put into the tanks of their vehicles either by Abdul Kareem or Adikeshavalu or their representatives and the quantum of petrol or diesel not put into their vehicles according to the quantities found

in indents, was being subsequently collected from the concerned petrol or diesel bunk either by Abdul Karim or Adikeshavalu or by some other driver of the vehicle acting on their behalf by making petrol clerks put the excess petrol left out by the drivers, into the tanks of their motor vehicles even up to the quantity of 200 to 250 liters at each time and take away the vehicle to the deprivation to its use by the Corporation. The statement furnished by Sri G.N. Krishnan, Assistant Executive Engineer of Corporation who is incharge of Petrol and Diesel Bunks, show the details of petrol and diesel consumption by Corporation's of motor vehicles from January 2002 to July 2002 and after the raids of the Lokayukta Police on Petrol and Diesel Bunks of the Corporation on 29/05/2002. According to this statement, reduction in consumption of diesel per day is 1243 litres, while reduction in the consumption of petrol per day is 179 litres. Therefore, this statement disclose the fact that the quantum of petrol and diesel that was thieved before 29/05/2002 from the petrol and diesel bunks of the Corporation could not have been less than 179 litres and 1243 litres per day and the petrol and diesel thieved thereby works out to 5370 litres and 37290 litres respectively per month and the loss caused by such thieving prior to 29/05/202 is Rs. 1,72,000/- plus Rs,. 7,46,000/- respectively per month.

The statements of the drivers Ameer, Honnegowda, Nagaraj S, and Babu reveals that the DGOs 1 and 2 were the main persons who were actually responsible for thieving of the petrol and diesel from the Bunks of the Corporation and the DGOs 3 to 7, though were fully aware of the thieving of the petrol and diesel by the DGOs 1 and 2, had connived in that activity of thieving. The

statements of Prabhakarachar and Srinivas Petrol Clerks, makes it clear that under the threats posed to their lives by DGOs 1 and 2, they had to allow the thieving of petrol and diesel by them from the Bunks of the Corporation and it is the said officers in charge of the management of the Petrol and Diesel Bunks of the Corporation who had by their silence encouraged the thieving of petrol and diesel by DGOs 1 and 2 instead they warned CW.5 not to develop enmity with DGOs 1 and 2 when he complained them about the thieving activities of DGOs 1 and 2 and they had allowed the drivers of the Corporation to run the Motor vehicles without log books and without fixing speedometers to check petrol and diesel consumption by the vehicles. The DGO No.8 had managed to keep the officers in good books and was also sharer in the activity of thieving of petrol and diesel by the DGOs 1 and 2 and thereby the DGOs 1 to 8, being public servants failed to maintain absolute integrity and devotion to duty and did an act which was unbecoming of a Government Servant and thereby they have committed an act of misconduct under Rule 3(1)(i) (ii) & (iii) of KCS (Conduct) Rules, 1966.

Hence, the charge.

5. DGOs appeared before this Inquiry Authority on 31/03/2003 and on the same day their First Oral Statement was recorded u/Rule 11(9) of KCS (CC&A) Rules, 1957. The DGOs pleaded not guilty and claimed for an inquiry.

6. This enquiry has a long history from 2002-03. As stated above, FOS of DGO Nos. 1 to 8 recorded on 31/03/2003. On that day DGO Nos.2, 3, 5 to 8 have filed

application praying for time to file their written statement. But in the order sheet by mistake it is mentioned that the above said DGOs have filed their written statement. The order sheet of the subsequent hearing dates clearly shows that time was given to the DGOs to file their written statement. But none of the DGOs have filed their written statements. On 12/08/2003 it is noted in the order sheet that the written statement has not been filed. Thereafter the learned counsel for the DGOs filed the memo along with the copies of the interim order passed by the Hon'ble High Court of Karnataka in W.P.no. 37901-37904-37905-37907/2003. Thereafter, this enquiry has been adjourned from time to time awaiting further order of the Hon'ble High court and in the meantime the DGO No.6 was reported dead and the same is noted in the order sheet dated: 14/01/2004. Letters have been addressed from time to time to the Chief of the Legal Cell, Lokayukta to inform about the proceedings pending before the Hon'ble High Court Karnataka including the connected Writ Appeals. On 12/07/2011 information has been received from CLC to the effect that by way of common order dated: 01/06/2011 the Writ Appeals and the connected Writ Petitions have been disposed of and hence this enquiry was proceeded and posted for evidence. The order sheet dated: 21/10/2011 discloses that the Presenting Officer submitted that some of the documents reported to have been seized are not available in the record and those records are necessary to continue the further evidence of PW1. Thereafter the office was directed to search and put up the missing records and number of the hearing dates have been given for the same. In the meantime it was reported that, the DGO No.2 died and same is noted in

the order sheet dated: 28/02/2012. The order sheet further discloses that ARE-5 was also called upon to produce the missing records and ARE-5 reported that, all the records have also been submitted to ARE-4. The order sheet further discloses that afterwards notice has been issued to Sri Rangaswamy Naika, the then Deputy Superintendent of Police, Karnataka Lokayukta, Bengaluru City to produce the documents and he has replied that as he was transferred he has handed over the records to Sri A.N. Rajanna, the then Police Inspector, Karnataka Lokayukta, Bengaluru. There afterwards notice has been issued to Sri A.N. Rajanna to produce the documents and after taking much time he has produced copies of some documents and replied that remaining document shave been returned to BBMP and produced the copy of the acknowledgment in that respect dated: 05/09/2002. Thereafter letters have been written to the Commissioner, BBMP, Bengaluru to produce the documents which have been returned as per the above said acknowledgment. The acknowledgment discloses that the DGO No.6 who was working as Store Superintendent, Central Stores Sub-Division, BBMP, Bengaluru and Sri H. Mohan, SDA, of the above said Central Stores Sub-Division have received the documents. As stated above, DGO No. 6 is dead and Sri H. Mohan also did not produce the documents. Even the Commissioner, BBMP and the Executive Engineer (Transport) BBMP did not produce the documents and as per the order of the Hon'ble Lokayuka, the search warrant was issued to search and seize the documents. The search warrant has been returned without producing the documents mentioned in the acknowledgment. But some other documents

have been seized and produced. As the enquiry was a very old one of the year 2002-03 as per the order of the Hon'ble Lokayukta dated: 22/04/2019, this enquiry was proceeded on the available records.

7. In order to substantiate the charge leveled against the DGOs, the Disciplinary Authority examined twelve witnesses as PW1 to PW12 and got marked documents at Ex.P1 to P80. By oversight Ex.P6 and P7 are marked twice. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO Nos. 1,3, 4, 5, 7 and 8 was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, except DGO Nos.2 and 6, others DGOs examined as DW1 to DW6 and got marked documents at Ex.D1 to D14 and closed their evidence. Hence, recording the answers of DGOs to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. It was reported that CW6-Sri Srinivas, the then SDA, BBMP, CW9-Sri B.A. Joyappa, the then Dy.SP.,Karnataka Lokayukta, Bengaluru City and CW15-Sri Dayananda , the then SDA, Social Welfare Department, Bengaluru are dead and hence, they could not be examined.

9. The Disciplinary Authority has not filed the written brief, but on the side of the DGO Nos.1,3,4,5,7 and 8 written brief has been filed. Oral arguments of the Presenting Officer and the learned counsel for the DGOs was heard. The points, that arise for the consideration of this inquiry authority are:-

- Point No.1:- Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO Nos. 1 and 2?
- Point No.2:- Whether the Disciplinary Authority satisfactorily proved the 1st part of charge framed against DGO Nos. 3 to 7?
- Point No.3: Whether the Disciplinary Authority satisfactorily proved the 2nd part of charge framed against DGO Nos. 3 to 7?
- Point No.4:- Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO No.8?
- Point No.5:- What order?

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

- Point No.1: **“IN THE AFFIRMATIVE”** to the effect that the theft of the petrol and diesel from five months prior to 29/05/2002 only.
- Point No.2: In the **“IN THE AFFIRMATIVE”** in regarding DGO Nos. 3,4 and 6 only and **“IN THE NEGATIVE”** in respect of DGO Nos. 5 and 7
- Point No.3: In the **“IN THE NEGATIVE”**
- Point No.4: In the **“IN THE NEGATIVE”**
- Point No.5: As per the final order for the following:

:: REASONS ::

11. Point No.1, 2 and 4:- Point No.1 relates to charge against DGO Nos.1-Sri Abdul Kareem and DGO No.2-Sri Adikeshavulu, to the effect that the DGO Nos.1 and 2 while working as drivers in Bengaluru Mahanagar Palike (herein after referred to as “BMP” for short) were indulged in thieving

179 liters of petrol and 1243 liters of diesel every day from the petrol and diesel bunk of BMP using various illegal modes for past several years prior to 29/05/2002 and caused financial loss of Rs. 9,18,000/- to BMP.

12. Point No. 2 pertains to first part of the charge against DGO No. 3-Sri H.S. Siddaramanna, Executive Engineer (S&W), DGO No.4-Sri T.Jayaram, A.E.E., (Stores), DGO No.5-Sri Shivanna, A.E.E., (Workshop), DGO No.6-Sri A.K. Gogi, Stores Superintendent, DGO No.7-Sri Rangaiah, Vehicle Superintendent to the effect that while working at BMP, Bengaluru being in charge of control and supervision of two petrol and diesel bunks of the corporation, have connived with DGO Nos.1 and 2 in thieving 5370 litres of petrol and 37290 litres of diesel every month from the petrol and diesel bunk of the corporation for the past several years prior to 29/05/2002 and caused financial loss of Rs. 9,18,000/- to the corporation and thereby committed misconduct.

13. Point No.4 is in respect of charge against DGO No.8 to the effect that, DGO No. 8-Sri Arasojji Rao, while working as Group 'D' official in BMP connived with DGO Nos.1 and 2 in thieving 5370 litres of petrol and 37290 litres of Diesel per month from the petrol and Diesel Bunks of the Corporation from past several years prior to 29/05/2002 and thereby caused financial loss of Rs. 9,18,000/- to the corporation and managed to keep the officers in good books and thereby committed the misconduct.

14. As the above said charges are related to each other they are taken up together for discussion in order to avoid the repetition.

15. PW7-Sri S. Rangaswamy Naik, has deposed that from 02/05/2002 to 15/07/2002 he was working as Dy.S.P., in Karnataka Lokayukta, City Division, Bengaluru and the search warrant was issued by the Hon'ble Lokayukta to search the diesel and petrol bunk of the corporation situated in Usman Khan road and also the vehicles parked in the same and the said search warrant had been issued for ascertaining whether there is illegal activities regarding the use of petrol and diesel in respect of the petrol and diesel of the above said bunk and the search warrant is at Ex.P19. Ex.P19 discloses that the search warrant has been issued regarding complaint of corruption and maladministration prevailing in maintenance of vehicles, use of petrol and diesel and disposal of the used parts and purchase of new automobile parts by the officers of BMP.

16. PW7 has further deposed that he secured two panchas by name Sri K. Veerabhadraiah and Sri Siddegowda and also secured the Motor Vehicle Officer-Sri Balachandrarao, Sri M.D. patil and Sri H. Rajanna. He has deposed that he secured Sri Manjappa, Legal Metrology Inspector, also and all of them went to City Shed Petrol Bunk of the Corporation situated in Usman Khan road at 11.15 a.m. He has deposed that Sri H.K. Prabhakara char who was looking after the same was present and the search warrant was shown to him and he was asked to co-operate in

conducting the search. He has deposed that in that bunk there was a petrol pump and a diesel pump and the above said Sri H.K. Prabhakara Char produced the diesel and petrol stock registers and also the density registers and the diesel density register is at Ex.P18. He has deposed that as per the petrol stock register the opening balance as on 29/05/2002 was 7724/- litres and till 12 p.m. on 29/05/2002 454 litres of petrol had been given and there should have been 7270 liters petrol in the petrol tank of the bunk and the physical verification of the tank by the Legal Metrology Inspector disclosed that there was 6228 litres petrol only and the stock of petrol was less by 1042 litres. He has further deposed that as per the diesel stock register the opening balance as on 29/05/2002 was 4958 litres and till 12 p.m. on that day 380 litres was issued and the balance was 4578 litres and the verification of the diesel tank disclosed that there was 9760 litres of diesel and thereby there was excess stock of diesel by 5182 litres. He has clearly deposed that the Legal Metrology Inspector Sri Manjappa physically verified the stock available in the tanks. Thus he has deposed that the stock of petrol was less by 1042 litres where as the stock of diesel was excess by 5182 litres when compared to the records namely the stock registers and the indents given to the bunk on 29/05/2002. He has deposed that the petrol stock register and diesel stock register are not forthcoming in the case file and hence they could not be marked. He has deposed that Ex.P18 is the diesel density register. He has deposed that at the time of search 14 diesel indents slip were seized and out of them the copies of 11 diesel indents slip are at Ex.P24 to 34. He has deposed that the copy of another indent slip is at Ex.P34(a).

17. PW7 has further deposed that in the above said bunk premises 17 vehicles were parked and those 17 vehicles were examined by the Motor Vehicle Inspector and he has given the report in that respect as per Ex.P6.

18. He has deposed that he has recorded the statement of the above said Sri H.K. Prabhakar Char, and it is at Ex.P20. He has deposed that he has recorded the statement of Sri G.K. Venkatesh murthy, Sri B. Arjin, Sri. Mohammed Firoz, Sri A.S. Nanjegowda, Sri N. Narasimha, Sri Narasaiah, Sri H. Peddanna, Sri Chennaiah, and they are at Ex.P51 to P58 respectively.

19. He has deposed that for executing the search warrant he has given his report and it is at Ex.P59. He has deposed that Ex.P22 and P23 are the copies of the two invoices which were seized by him. Ex.P22 and P23 are the invoices for having obtained the fuel from the Indian Oil Corporation Limited.

20. PW7 has been cross-examined on behalf of the DGOs and nothing is made out in his cross-examination to discard his evidence stated above. In his cross-examination his evidence regarding opening balance of petrol and diesel shown in the stock registers as on 29/05/2002 and the actual stock of diesel and petrol available on that day when examined by the Inspector of Legal Metrology is not at all disputed. He has denied the suggestion that the indents of the garbage trucks, truck carrying dead bodies etc., were given to the

above said bunk on 28/05/2002 itself stating that the vehicles will get the diesel from the bunk on the next day and hence there was excess diesel in stock. His evidence to the effect that, when the above said Bunk of the Corporation was checked on 29/05/2002 there was excess diesel in the tank by 5182 litres where as petrol was less by 1042 litres is believable even in the absence of the stock registers which were verified by PW7 at the time of search.

21. The above said Sri Manjappa, Assistant Controller of Legal Metrology Department has been examined as PW9 and he has given his evidence which supports the above said evidence given by PW7 completely. He has clearly deposed that he checked the petrol and diesel tanks of the bunk and found shortage of petrol by 1042 litres. But there was excess of diesel by 5182 litres. He has deposed that he has given his statement in that respect and it is at Ex.P62. He has been cross-examined and nothing is made out in his cross-examination to disbelieve his above said evidence.

22. PW7 and PW9 have also deposed that in the said bunk in respect of 5 litres of diesel only 4.850 liters was given and in respect of 5 litres of petrol 80 ml was less. But there is no charge in that respect against the DGOs.

23. The above said Sri H.K. Prabhakar char has been examine as PW6. He has deposed that, in the year 2002 he was working as SDA in BMP office and he was looking after the petrol and diesel bunk stated above as petrol clerk. He has deposed that the drivers of BMP vehicles used to bring the

indents from their officers and getting the fuel to their vehicles from the above said bunk. He has deposed that at that time, DGO No. 6 was working as the Stores Superintendent and DGO No.4 was his higher officer being the A.E.E., He has deposed that on 29/05/2002 Lokayukta Police raided the above said bunk by showing the search warrant. He has deposed that the search warrant is at Ex.P19 and his signature is at Ex.P19(a). He has deposed that the petrol and diesel available in the bunk was checked and even connected registers and indents were also checked. He has deposed that excess diesel less petrol. He has deposed that the documents were also seized and the panchanama was also drawn and that panchanama is at Ex.P9 and he has also signed the same and his signature is at Ex.P9(b). He has clearly deposed that the stock registers, density registers and available indents were also seized. As stated above, the stock registers could not be marked as they are not available in the file. Even PW6 has clearly admitted in his evidence that there was excess diesel and less petrol in the bunk when compared to the stock registers and indents. He has deposed that he has given his statement before PW7 as per Ex.P20 and Ex.P20(a) is his signature. He has deposed that even before the Hon'ble Lokayukta he has given his sworn statement and it is at Ex.P21 and he has signed the same. He has deposed that the drivers were asking him to fill less fuel than the fuel mentioned in the indents and he had brought the same to the knowledge of his higher officers. He has deposed that one person by name Sri Peer used to be in the above said bunk and that Sri Peer and some drivers threatened his life and hence he was not able to control the theft of petrol and diesel.

24. In Ex.P20, PW6 has stated that there was excess diesel by 5182 litres where as the available petrol was less by 1042 litres when compared to stock registers and other records maintained in the bunk. In Ex.P21, PW6 has stated that for each lorry belonging to the Health Department every day 30 litres diesel indent was given and in respect of civil works lorry 25 litres indent per day was given and for two days for each Ambassador car 30 litres petrol indent was given and for each Martuhi van for 2 days 24 litres petrol indent was given. It is further stated in Ex.P21 that in the petrol bunk the DGO No.1 or the assistant of DGO No.1 by name Sri Peer used to be present and for the indent of 30 liters diesel only 20 litres used to be given and DGO No.1 or Sri Peer used to give some amount to the drives in respect of 10 liters of diesel which was not given. In the same it is further stated that in respect of petrol vehicles also the petrol given was less than the quantum mentioned in the indent. In the same it is also stated that Sri Karim (DGO No.1) or Sri Peer used to disburse the petrol or diesel to the vehicles from the above said bunk. In the same it is stated that he was threatened with life by the above said Sri Karim and even though he brought the same to the knowledge of his higher officers DGO Nos.4 and 3 they did not take any action. It is also stated in the same that, the above said irregularity going on in the petrol bunk was known to DGO NOs. 3 and 4 and DGO No.6. In the same it is also stated that the diesel and petrol that was not disbursed as stated above used to be taken away by DGO No.1 or his followers by filling the same to the vehicles they bring to the above said bunk. No doubt PW6 has not deposed about all the above said matters mentioned in Ex.P21 in his evidence but

he has clearly deposed that he has given his statement before the Hon'ble Lokayukta as per Ex.P21 and there is no cross-examination of PW6 in respect of the contents of Ex.P21. Hence, it has to be said that the above said statement Ex.P21 given by PW5 before the Hon'ble Lokayukta clearly supports the case of the disciplinary authority regarding the illegality committed in disbursing the diesel and petrol in the above said bunk to the vehicles of the BMP.

25. In the cross-examination of PW6, Ex.D1 has been marked. Ex.D1 is the copy of the note of DGO No.3 submitted to the Commissioner, BMP in which it is mentioned that there is savings of petrol and diesel as mentioned in Ex.D1. But on that ground only the above said evidence of PW6 cannot be discarded as false. As stated above, the stock of diesel in the above said bunk was excess by more than 5000 litres and the DGOs have not given any believable explanation in that respect, which only supports the case of the Disciplinary Authority stated above. In his cross-examination he has also deposed that the drivers of the vehicles were not objecting regarding the fuel put to their vehicles being less than the indents. As stated above, in Ex.P21 it is clearly stated that the DGO No.1 or his Assistant Sri Peer used to give some amount to the drivers for agreeing to take less fuel than the fuel shown in their indents and that fuel being taken away by DGO NO.1 and his followers in the vehicles they were bringing to the bunk.

26. Ex.P66 is another Mahazar dated: 25/09/2002 drawn in the diesel pump of the corporation situated in

Magarath Road, Ashoknagar, Bengaluru and the ride on the above said bunk was headed by Sri B.A. Joyappa, the then Dy.S.P., Karnataka Lokayukta, Bengaluru City Division, Bengaluru and he is dead. Ex.P66 has been marked by consent and hence it can be considered as an admitted document. In Ex.P66 it is clearly mentioned that along with the panchas and others the above said diesel bunk of BMP was raided and one Sri Srinivas was in charge of the above said bunk. In the same it is stated that, there was a excess diesel by 990 litres when compared with the records of the bunk. In the same it is stated that the above said Sri Srinivas has given his report in writing and it forms part of Ex.P66. In that report the above said Sri Srinivas has mentioned that the drivers who used to bring indents for 30 litres of diesel used to take only 10 litres and remaining 20 litres used to be taken by DGO Nos.1 and 2 by bringing their vehicles or in the drumps and they used to give Rs. 3000/- each to him per month. The above said Sri Srinivas is dead and he could not be examined. Any how as stated above, Ex.P66 has been marked as consent and the above said report of Sri Srinivas forms part of Ex.P66 and it can be considered.

27. PW2 is one Sri Babu and he has deposed that from last 28 years he is working as driver in BMP and he knows the DGOs. He has deposed that in the year 2002 he was driving the vehicle of the corporation bearing No. KA.-01-A.1271 (garbage truck). He has deposed that the corporation Medical Officer used to give him the indent. He has deposed that for his lorry 40 litres of petrol was fixed every day and he was taking only 30 litres diesel per day instead of 40 litres. He has

deposed that for the remaining 10 litres one Sri Iliyas who was with DGO No.1 used to give him Rs. 10/- per litre (totally Rs. 100/-). He has deposed that he used to spend the above said Rs. 100/- for minor repairs of the lorry. He has deposed that even the speedometer of the said lorry was not working from 6 to 7 months. He has deposed that he has given his statement before the Investigating Officer as per Ex.P2 and Ex.P3 is the sworn statement given by him before the Hon'ble Lokayukta. In Ex.P2 also it is stated that instead of 40 litres of diesel he used to take 30 litres of diesel and for the remaining 10 litres DGO No.1 or his Assistant Sri Iliyas used to give him Rs. 10/- per litre. In Ex.P3 also PW2 has stated the something. In Ex.P3 it is also stated that the above said misuse of diesel of the corporation was known to the concerned higher officers also. In his cross-examination PW2 has deposed that in the log book it is mentioned that everyday he has taken 40 litres of diesel. He has deposed that as less diesel was given to him as stated above he can say that there was thieving of diesel belonging to the corporation. He has clearly deposed that he has given his statement as per Ex.P2 and P3 and Ex.P2 and P3 supports the case of the Disciplinary Authority.

28. PW3 is one Ameer and he has deposed that from last 30 years he is working in BMP. He has deposed that earlier he was working as Cleaner and afterwards he was working as driver. He has deposed that he is the driver of the Lorry bearing No. CAS-253 and in the year 2002 the speedometer of the said lorry was not working. He has deposed that the said lorry was used as garbage lorry and every day indent was given for 30 litres of diesel and he used to take only 20 litres of

petrol per day from the corporation bunk. He has also deposed that for the remaining 10 litres some amount was given to him by Sri Iliyas and he used to spend the same for repair of the above said vehicle and for his expenses. He has also deposed that Sri Iliyas and others were selling the diesel which was not disbursed as stated above. He has deposed that he has given his statement before the Lokayukta police as per Ex.P4 and his sworn statement before the Hon'ble Lokayukta as per Ex.P5. In Ex.P4 it is stated that he was given Rs. 11/- per litre of diesel which was not given and that amount used to be given to him by the followers of DGO Nos.1 and 2. In Ex.P5 it is stated that instead of 30 litres diesel every day 20 litres of diesel was given and in respect of the remaining diesel the amount was given to him.

29. In his cross-examination he has deposed that in the log book he used to mention the receipt of diesel as mentioned in the indent. He has denied the suggestion that he was misusing the diesel by selling the same.

30. PW4 is Sri S. Nagaraju, and he has deposed that he was working as driver in BMP and in the year 2000 he was driving the lorry bearing No. CAS-3839 and he used to get 25 litres diesel indent every day for the said vehicle and he used to take only 20 litres of diesel per day and DGO No.2 used to give him Rs. 50/- to Rs. 100/- per day for taking 10 liters of diesel every day. He has deposed that he used to spend the above said amount given by DGO No.2 for minor repairs of the lorry. He has deposed that Ex.P6 is the statement given by him before the I.O. and Ex.P7 is the sworn statement given by

him before the Hon'ble Lokayukta. In Ex.P6 it is stated that DGO No.2 or his follower by name Sri Iliyas used to give him the amount for the diesel not taken by him at Rs. 11 per litre. In Ex.P7 he has stated that DGO Nos.1 and 2 and Sri Iliyas used to give him the amount for the diesel he was leaving in the bunk. Thus Ex.P6 and P7 also support the case of the Disciplinary Authority. In his cross-examination he has deposed that he used to give the indent to Sri Srinivas the clerk and he used to keep the same after making entry in his register.

31. PW11 is Sri Honnegowda, and he has deposed that from 2000 he was working as driver in BMP and he was driving the garbage vehicle bearing No. CAS-48. He has deposed that the speedometer of the said lorry was not working and the diesel indent was given to him by the Medical Officer. He has deposed that 30 litres indent was given and only 20 or 25 litres of diesel used to be put to the fuel tank of the said lorry and for the remaining 5 or 10 litres of diesel Rs. 10/- per liter was given to him by Sri Iliyas and he used to spent that amount for the minor repairs of the lorry and even the other drivers used to do the same thing. He has deposed that he has given his statement before the I.O. as per Ex.P64 and the sworn statement given by him before the Hon'ble Lokayukta is at Ex.P65. In Ex.P64 it is stated that instead of 30 litres PW11 used to receive only 20 litres and for the remaining 10 litres he was given amount by Sri Illiyas who is the helper of DGO Nos.1 and 2. In Ex.P65 also the same thing is stated. There is no cross-examination of PW11 regarding the

above said statements given by him before the I.O. and the Hon'ble Lokayukta.

32. PW12 is Sri G.N. Krishnan and he has deposed that from 1999 to 2002 he was working as A.E.E., in BMP. He has deposed that on 29/05/2002 there was Lokayukta raid in respect of the above said two bunks of the corporation and after the raid the work shop, stores and transport section were given to his charge and earlier to that DGO NO.3 Sri H.S. Siddaramanna was working as the Executive Engineer of the work shop, stores and the transport sections and DGO No.4 was working as A.E.E., of stores and DGO No. 6 was working as Stores Superintendent. It is not in dispute that the bunks stated above comes under the stores. In fact PW12 has deposed that DGO No. 6 was working as Store Superintendent from 5 years prior to the raid and DGO NO.4 was working as A.E.E., of Stores from 2 years prior to the raid. He has deposed that from few months earlier to the raid DGO No.5 was working as A.E.E., in respect of the work shop.

33. DGO No.1 Sri Abdul Kareem has been examined as DW1 and he has deposed that he has not committed any theft of petrol or diesel from the above said bunks of the corporation and that he was working as spare driver only and he was not entrusted with any vehicle. As stated above, there is the evidence of the drivers and Sri Prabhakar char to show that the DGO Nos.1 and 2 and his followers were responsible for the theft of the petrol and diesel from the above said bunks of the corporation.

34. DW4 is the DGO No.4. He has deposed that Sri Prabhakar Char was the clerk in respect of Usmankhan bunk and Sri Srinivas was the clerk in respect of diesel bunk situated at Magarath road and they were independently looking after the above said bunks and they were maintaining the records and he is not responsible for any irregularity in respect of the petrol and diesel of the above said bunks. He has deposed that there was no thieving of the fuel at all which cannot be believed. It is pertinent to note that, PW6-Sri Prabhakar char has clearly deposed that he had brought to the notices of DGO Nos.3 and 4 about the thieving of fuel of the above said bunks and they did not take any action.

35. DW6 is Sri H.S. Siddaramanna who is the DGO No.3. He has deposed that he was working as incharge Executive Engineer of stores and work shop and the raid was conducted on the petrol and diesel bunks of the corporation on 29/05/2002. He has deposed that on 17/11/2000 he has passed the order reducing the supply of fuel to the corporation vehicles and the copy of the same is at Ex.D14. He has deposed that he had taken action against some of the drivers Sri Ameer, Sri Venkatesh, Sri Siddappa, Sri Babu and Sri Muniswamy and hence they had ill-will against him. In that respect he has produced Ex.D12 the copy of the suspension order dated: 29/09/2002 which is long after the raid and hence Ex.D12 is not any help to DGO No.3. He has deposed that he is not concerned with the theft of the petrol and diesel from the corporation bunks. He has also deposed that the concerned clerks of the bunks are responsible for the same. It is not in dispute that the above said bunks were coming

within the jurisdiction of the DGO No.3 and it was his duty to check from time to time the registers of the above said bunks and also to verify whether the stock of the petrol and diesel in the above said bunks is in accordance with the records maintained in the bunks or not. As stated above, PW6 has deposed that he had brought to the notice of DGO No.3 regarding thieving of petrol and diesel from the bunk and DGO No.3 did not take any action. In Ex.P5 which is the sworn statement of the driver Sri Honnegowda before the Hon'ble Lokayukta it is mentioned that DGO Nos.3 and 4 were knowing about the thieving of the diesel and petrol from the corporation bunks and they did not take any action.

36. Another circumstance which supports the case of the Disciplinary Authority is the non-functioning of the speedometer of most of the vehicles of the corporation. In that respect there is the evidence of PW1-Sri V.P.M. Swamy, Police Inspector, PW5-Sri H. Rajanna, RTO, PW8-Sri S.S.Kumar, RTO and PW10-Sri P. Parvathareddy RTO. The RTO's have checked the vehicles and also the log books. The report given by PW6 is at Ex.P6. Ex.P6 pertains to examination of 17 vehicles and in Ex.P6 it is mentioned that, in most of the vehicles mentioned in Ex.P6 the speedometer was not functioning. PW5 has also deposed that log books were also not written properly. PW10 has deposed that the report given by him is at Ex.P43 and the log books were not written properly. PW12 Sri G.N. Krishnan, the retired Executive Engineer of BMP has deposed that he has given Ex.P68 after the raid. In Ex.P68 it is clearly mentioned that the speedometer of 336 BMP vehicles have been retired/replaced,

sealed after the Lokayukta raid. The non-functioning of the speedometer has only helped the drivers to take less fuel than the fuel mentioned in the indents and in none of the log books the speedometer reading of the vehicle is shown. As the speedometer was not working the drivers were not showing the speedometer reading in the log books and even how much distance the vehicle was moving per litre of fuel could not be ascertained and the log books have been written as if the vehicle has run as per the fuel shown in the indent. Thus the above said circumstance clearly supports the case of the Disciplinary Authority regarding the theft of diesel and petrol.

37. No doubt the evidence adduced discloses that the drivers and the bunk clerks were also involved in the theft of the diesel and petrol of the corporation and they are not arrayed as the DGOs in this enquiry. On the other hand, they are cited as witnesses on the side of the Disciplinary Authority and some of them have been examined on the side of the Disciplinary Authority as discussed already. It is the case of the Disciplinary Authority that the DGOs are primarily responsible for the theft of the diesel and petrol and they have done so with the help of the drivers and the clerks of the bunks. Hence, only on the ground that the drivers of the BMP vehicles and the clerks of the bunks are not made as the DGOs the case of the Disciplinary Authority cannot be discarded or doubted. As stated above, some of the drivers and one of the clerk of the bunk examined in this enquiry have substantially supported the case of the Disciplinary Authority.

38. As stated above, DGO NO.6 is the Store Superintendent and there is evidence to show that, he has also not taken any action to stop the theft, inspite of knowing the same. As stated above, there is evidence against the DGO Nos.1 and 2 and their followers regarding thieving of petrol and diesel by the drivers examined as stated above. Hence, it has to be said that DGO Nos.3,4 and 6 have colluded with DGO Nos.1 and 2 and caused loss to the corporation in the manner stated above.

39. DGO No.5 is one Sri Shivanna who was working as A.E.E. in work shop and he has been examined as DW3. He has clearly deposed that the bunks were not coming within his jurisdiction and he was only maintaining the work shop. He has deposed that only if any repairs of the corporation vehicles has to be done by securing the spare parts repairs were being done in the workshop. He has clearly deposed that, all the affairs of the bunks was coming within the jurisdiction of the stores sub-division. PW6 has clearly deposed that DGO No.5 has nothing to do with the above said bunks of the corporation. PW12 Sri G.N. Krishnan, retired Executive Engineer of BMP has deposed that the Transport Division used to look after the repair of the vehicles. Thus there is no evidence to show that the DGO No.5 was concerned to the above said bunks of the corporation in any way.

40. DGO No.7 Sri Ranaiah^g has been examined as DW5. He has deposed that he was working as Vehicle Supervisor and his duty was only attending the vehicles which are met with accident, registration of the new vehicles and insurance

coverage of the vehicles and to maintain ambulances. PW12 – Sri G.N. Krishnan has deposed that DGO No.7 has no connection whatsoever regarding theft of fuel in the bunks of the corporation. There is no evidence to show that DGO No. 7 was concerned with the above said bunks of the corporation in any way.

41. DGO No.8-Sri Arasoji Rao, has been examined as DW2 and he has deposed that he was working as Group 'D' official and he has nothing to do with the above said bunks of the corporation at any point of time. There is absolutely no evidence to show that DGO No.8 connived with DGO Nos.1 and 2 and committed the theft of diesel and petrol from the above said bunks of the corporation. There also no evidence to show that he managed to keep the officers in good books. Thus there is no evidence to hold that the DGO Nos.5,7 and 8 had connived with DGO Nos.1 and 2 in committing the theft of diesel and petrol from the above said bunks of the corporation. Hence, I hold that the Disciplinary Authority has proved that DGO Nos.1 to 4 and 6 are responsible for the theft of diesel and petrol from the above said bunks of the corporation.

42. No I have to decide what is the loss caused to the corporation due to the theft of petrol and diesel from the above said bunks of the corporation.

43. As stated above, it is the case of the Disciplinary Authority that, there was theft of 179 litres of petrol and 1243 litres of diesel every day. In the charge against the DGO Nos.1 and 2 it is clearly mentioned that there was financial loss of

Rs. 1,72,000/- in respect of petrol and Rs. 7,46,000/- in respect of diesel per month and totally Rs. 9,18,000/- per month. In the charge against the DGO Nos.3 to 7 by mistake the financial loss of Rs. 9,18,000/- is not shown specifically as the financial loss per month. But in the charge it is clearly mentioned that there was theft of 5,300 litres of petrol and 37290 litres of diesel every month. In the charge it is stated that the theft as stated above has taken place for past several years prior to 29/05/2002. There is no evidence on the side of the Disciplinary Authority as to exactly form which date or month or year the theft of petrol and diesel started prior to 29/05/2002.

44. PW12-Sri G.N. Krishnan has deposed that from 1999 to 2002 he was working as A.E.E.in BMP and he was looking after the roads division. He has deposed that on 29/05/2002 Lokayukta police raided the bunks of the corporation and afterwards he came to know that there was misuse of petrol and diesel and the speedometer of the vehicles of the corporation were not working and even then those vehicles were used. He has deposed that after the raid the stores, work shop and transport section of the corporation were entrusted to him. He has deposed that after the raid the responsibility of the officials were also fixed in respect of bunks and also the vehicles and copy of the same is at Ex.P66. Ex.P66 is the signed on 20/06/2002 immediately after the raid. Even in the same it is mentioned that, it is the responsibility of the A.E.E., Executive Engineer and the Stores Superintendent to visit the bunks and examine whether the stock in the bunk is in accordance with the stock registers or

not. He has deposed that DGO Nos. 3 and 4, who were working as Executive Engineer and A.E.E., of stores have not done their above said duty and even the Store Superintendent has not done his part of duty stated above. He has deposed that there were 361 vehicles belonging to the corporation and out of them except 6 vehicles the speedometer of all other vehicles were not functioning and in that respect he has given his report and it is at Ex.P68.

45. PW12 has further deposed that he examined the records to know how much diesel and petrol has been used for five months prior to the raid. He has deposed that he verified what was the consumption of petrol and diesel for a period of two months after the raid. He has deposed that in that respect he has prepared his report and submitted to the Lokayukta and it is at Ex.P69 and Ex.P69(a) is his signature. He has further deposed that after the raid the consumption of the diesel was less by 1240 litres per day and consumption of petrol was less by 179 litres per day due to which there was savings of Rs. 7,46,000/- per month in respect of diesel and Rs. 1,72,000/- per month in respect of petrol to the corporation and totally corporation has saved Rs. 9,18,000/- per month and for one year it comes to Rs.1,08,00,000/-.

46. The perusal of Ex.P69 discloses that there was savings of 179 litres of petrol per day and rate of petrol is calculated at Rs. 32/- per litre. In the same it is stated that there was savings of diesel of 1,234 litres per day and the price of the diesel is calculated at Rs.20 /- per litre. Thus on the basis of the use of petrol and diesel for the period of five

months prior to the raid and the use of petrol and diesel for two months after the raid has been taken into consideration in making the calculation and the report is to the effect that there was total savings of Rs.9,18,000/-p.m to the corporation and on that basis PW12 has calculated that there was theft of 1243 litres of diesel per day and 179 litres of petrol per day prior to the raid. When the work of the corporation has been done by the use of the vehicles of the corporation as it was done prior to the raid after the raid also, it has to be said that the whatever diesel and petrol saved after the raid was the diesel and petrol misused as stated above by way of theft. The DGOs have not given any acceptable reasons why the consumption of diesel and petrol was reduced after the raid. In his cross-examination PW12 has deposed that after the raid the diesel for the generator might not have been taken. The DGOs have also not adduced any satisfactory evidence to prove what was the diesel consumed by the generators before the raid and after the raid. Hence, I hold that the calculation made by the PW12 regarding the theft of diesel and petrol prior to the raid cannot be discarded and it is only way to calculate the theft when it has been committed by number of persons i.e., DGO No.1 to 4 & 6 by colluding with the drivers of the vehicles and the clerks of the bunks of the corporation. Any how it has be said that PW1 has calculated the petrol and diesel used for a period of five months only prior to the date of raid and not earlier to it. As stated above, in Ex.P69 the consumption of petrol and diesel for five months prior to the date of raid is mentioned and there is no statistics regarding the consumption of petrol and diesel prior to that date. Hence, I hold that as per Ex.P69 the loss caused to the corporation

due to the theft of diesel and petrol has to be considered for 5 months prior to the date of raid only.

47. No doubt PW2 the driver has deposed that for each litre of diesel which was left in the bunk itself against indent DGO No.1 or his follower Sri Iliyas were giving him Rs. 10/-. Even PW3 and PW4 have deposed that there were given some amount for the diesel which they left in the bunk itself. It is pertinent to note that DGO Nos.1 and 2 have denied the said fact and they have come up with the defence that, they were not at all involved in commission of theft of petrol and diesel as alleged in the charge leveled against them. I have already held that, there is evidence to show that DGO Nos.1 and 2 along with DGO Nos. 3,4 and 6 have committed the theft of diesel and petrol from the bunks. When they are primarily responsible for thieving of petrol and diesel from the bunks they are responsible for the entire loss caused to the corporation in that respect. I have already held that loss to the corporation in that respect was Rs. 9,18,000/- per month. I have already held that as per Ex.P69 the loss caused to the corporation due to the theft of diesel and petrol has to be considered for five months prior to the date of the raid only. Hence, the total loss to the corporation for the period of five months prior to the raid comes to Rs. 45,90,000/-. As stated above, the Disciplinary Authority has proved the charge against the DGO Nos. 1 to 4 and 6 only and they are equally liable to pay the above said loss of Rs. 45,90,000/-. Hence, DGO Nos.1 to 4 and 6 are liable to pay Rs. 9,18,000/- each in respect of the loss caused to the corporation due to the thieving of diesel and petrol. DGO Nos.2 and 6 died during the

pendency of this enquiry and this enquiry abated against them and even then, as per law the above said amount can be recovered from their assets as they are also responsible for the financial loss caused to the corporation as stated above. DGO Nos. 1,3 and 4 are liable to reimburse Rs. 9,18,000/- each to the Government regarding the financial loss caused to the corporation as stated above. Hence, for all the reasons stated above I answer point No.1 in the Affirmative to the effect that the Disciplinary Authority has proved the theft of the petrol and diesel from five months prior to 29/05/2002 only. Point No.2 in the affirmative regarding DGO Nos. 3, 4 and 6 only and in Negative in respect of DGO Nos. 5 and 7 and I answer point No. 8 in the negative.

48. **Point No.3:** The 2nd part of charge framed against DGO Nos. 3 to 7 is to the effect that, DGO Nos. 3 to 7 while working in BMP by dereliction of duty, mal-administration failure to check and control, allowed the drivers of the corporation to run the vehicles without log books and also failed to fix the speedometers or get repairs of the speedometers fixed to the vehicles of the corporation to check the fuel consumption of the vehicles and thereby committed the misconduct. As stated above, DGO No.3 was working as Executive Engineer (S&W), DGO No.4 was working as A.E.E., (Stores), DGO No. 5 was working as A.E.E., (Workshop), DGO No. 6 was working as Store Superintendent, and DGO No.7 was working as Vehicle Superintendent.

49. PW-1 Sri V.P.M. Swamy, has deposed that he was working as Police Inspector from 2000 to 2003 in Lokayukta

Bengaluru City Division and on 29/05/2002 he was given the search warrant for execution and it is at Ex.P1. He has deposed that by securing the panchas he visited the work shop division of the corporation and secured the audit report copies for the year 1995-1996 to 1997-1998 and also some vouchers and also examined the 17 vehicles of the corporation and he has also given the details of the vehicles examined by him. He has deposed that he secured the Motor Vehicle Inspector by name Sri Muniswamy and he examined the vehicles and given his report consisting of 3 sheets and it is at Ex.P35. In Ex.P35 it is mentioned that the speedometer of some of the vehicles checked were not working and log books of some of the vehicles were not produced and even the log books of some of the vehicles produced were not written properly. PW1 has deposed that he has given his report for executing the search warrant and it is at Ex.P36.

50. PW5 is Sri H. Rajanna, the Motor Vehicle Inspector and he has deposed that he examined some of the vehicles of the corporation as per the request of PW7 and he has given his report as per Ex.P6. He has deposed that he examined the log books of some of the vehicles and in respect of the remaining vehicles log books were not available. In Ex.P6 also it is mentioned that the speedometers of most of the vehicles examined were not functioning.

51. PW8 is Sri S.S. Nagendra and he has deposed that he has examined the car bearing Reg. No. K.A.-02-Z-1998 and its speedometer was not in order and the log book of the said car was also not produced. He has deposed that he also

examined the Maruthi car bearing Reg. No. K.A.-01-M-3425 and its log book was not written properly. He has deposed that, he examined the lorry bearing Reg. No. CAS-304 and its speedometer was not working and the log book was not produced.

52. PW10 is Sri P. Parvathareddy the Motor Vehicle Inspector and he has also deposed that he examined some of the vehicles of the corporation which were parked in the premises of the corporation and he has given his report as per Ex.P43 and Ex.P43(a) is his signature. Some of the log books available in the file have been marked as Ex.P13 to P18 and P.46.

53. By the evidence of the above said witnesses the Disciplinary Authority has proved that the speedometers of most of the vehicles of the corporation were not working and even the log books were not written by the drivers properly. Now I have to see whether the DGO Nos.3 to 7 are responsible for the same or not. PW1 in his cross-examination has deposed that, he has not ascertained who were the drivers of the 17 vehicles of the corporation mentioned in his report and who were the officers using them.

54. PW6 has deposed in his cross-examination as follows:-

“ವಾಹನವನ್ನು ಯಾರಿಗೆ ನಿಯೋಜಿಸಿರುತ್ತದೋ ಅವರು ಆ ವಾಹನದ ಉಸ್ತುವಾರಿ ಮತ್ತು ನಿಯಂತ್ರಣ ಮಾಡಬೇಕು ಎನ್ನುವುದು ನಿಜ. ಆ ವಾಹನದ ಲಾಗ್ ಪುಸ್ತಕ ಸದರಿ ವಾಹನದ ಚಾಲಕ ಮತ್ತು ಸದರಿ ವಾಹನದ ಉಸ್ತುವಾರಿ ಅಧಿಕಾರಿಗೆ ಸಂಬಂಧಪಡುತ್ತದೆ ಎನ್ನುವುದು ನಿಜ. ವಾಹನದ ಯಾವುದೇ ದುರಸ್ತಿ

ಬಗ್ಗೆ ಆ ವಾಹನವನ್ನು ಯಾರಿಗೆ ನಿಯೋಜಿಸಲಾಗಿತ್ತೋ ಅಥವಾ ಅದನ್ನು ಯಾರು ಉಪಯೋಗಿಸುತ್ತಿದ್ದರೋ ಅವರಿಗೆ ಅದು ಸಂಬಂಧ ಪಡುತ್ತದೆ ಎನ್ನುವುದು ನಿಜ”.

Thus as per the evidence of PW6 it is the responsibility of the officer using the vehicle to get the speedometer of the vehicle repaired in case it was not working and it is duty of the driver of that vehicle to write the log book and it should be examined by the officer using that vehicle.

55. PW8 has deposed in his cross-examination that, for the discrepancies in the log books the driver and officer using that vehicle are responsible. PW10 has deposed in his cross-examination that the discrepancies in respect of which he has given his evidence pertains to the driver and the officer who was using that vehicle. Even PW12 Sri G.N. Krishnan has deposed as follows:-

“ವಾಹನದ ಸ್ಪೀಡೋ ಮೀಟರ್ ಸುಸ್ಥಿತಿಯಲ್ಲಿ ಇದೇಯೋ ಅಥವಾ ಇಲ್ಲವೋ ಎಂಬುದು ಸದರಿ ವಾಹನದ ಚಾಲಕ ಮತ್ತು ಅದರ ನಿರ್ವಾಹಕರಿಗೆ ಗೊತ್ತಿರುತ್ತದೆ ಎಂಬ ಪ್ರಶ್ನೆಗೆ ಸಾಕ್ಷಿ ಇರಬಹುದು ಎಂದು ಹೇಳುತ್ತಾರೆ. ಸ್ಪೀಡೋ ಮೀಟರ್ ಕೆಟ್ಟಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಅದನ್ನು ರಿಪೇರಿ ಮಾಡಿಸಿಕೊಳ್ಳುವ ಕೆಲಸ ಸಂಬಂಧ ಪಟ್ಟ ವಾಹನದ ಚಾಲಕ ಮತ್ತು ನಿರ್ವಾಹಕರಿಗೆ ಸಂಬಂಧಿಸಿದ್ದು ಎನ್ನುವುದು ನಿಜ”.

56. There is no evidence to show that any of the driver of the officer using of the vehicle had brought to the knowledge of any of the DGO Nos. 3 to 7 about the non-working of the speedometer and sought for its repair. When the driver or the officer using the vehicle has not brought to the knowledge of

the work shop or stores official about the non-working of the speedometer and prayed for repair of the same, the officers of the work shop and stores (DGO Nos. 3 to 7) cannot be held responsible for not repairing or replacing the speedometer. As stated above, it is the duty of the driver of the vehicle to write the log books and to write the same properly. In case the same has not been done it is the duty of the officer using that vehicle to see that the log book is maintained and written properly by the driver and for the same officials working in the work shop department or store department cannot be held responsible. As stated above, in this case the I.O. has not at all ascertained the names of the officers who were using the vehicles of the corporation. For all the reason stated above, it has to be said that, the Disciplinary Authority has failed to prove that the above said charge framed against the DGO Nos. 3 to 7. Hence, I answer the above said point in the negative. For the reasons discussed above, I proceed to pass the following:-

: REPORT ::

The Disciplinary Authority has proved the charge framed against DGO No.1 partly to the effect that, DGO No.1 was involved in the theft of 179 litres of petrol and 1243 liters of Diesel everyday from the bunks of BMP along with deceased DGO No.2 from five months prior to 29/05/2002 and caused financial loss of Rs.9,18,000/- each and thereby committed the misconduct. In view of the death of DGO No.2 during the pendency of this enquiry this enquiry abated in respect of DGO No.2 and

the financial loss of Rs. 9,18,000/- caused by DGO No.2 to BMP to be recovered from the assets of the deceased DGO No.2 as per law.

Disciplinary Authority has proved the first part of the charge framed against DGO No. 3 to 7 only against the DGO Nos.3 and 4 to the effect that DGO Nos.3 and 4 and deceased DGO No. 6 connived with the DGO Nos.1 and 2 in the theft of 5370 litre of petrol and 37290 litre of diesel per month from the bunks of BMP and caused financial loss of Rs.9,18,000/- each to the BMP and thereby committed the misconduct.

In view of the death of DGO No.6 during the pendency of this enquiry, this enquiry is abated in respect of DGO No.6 and the financial loss of Rs. 9,18,000/- caused by DGO No. 6 to BMP to be recovered from the assets of DGO No. 6 as per law.

The Disciplinary Authority has failed to prove the first part of charge framed against DGO Nos. 3 to 7 in respect of DGO Nos. 5 and 7.

The Disciplinary Authority has failed to prove the second part of charge framed against DGO Nos. 3 to 7 and the charge framed against DGO No. 8.

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

Dated this the 11th day of September, 2020

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bengaluru.

:: ANNEXURE ::

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

- PW-1: Sri V.P.M. Swamy
- PW-2: Sri Babu
- PW-3: Sri Ameer
- PW-4: Sri S. Nagaraju
- PW-5: Sri H. Rajanna
- PW-6: Sri H.K. Prabakharachar
- PW-7: Sri S. Rangaswmay naika
- PW-8: Sri S. S. Kumar
- PW-9: Sri K.C. Manjappa
- PW-10: Sri P. Parvatha reddy
- PW-11: Sri Honnegowda
- PW-12: Sri G. N. Krishnamn

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1: Sri M. Karim Saheb
- DW-2: Sri Arasojirao
- DW-3: Sri Shivanna
- DW-4: Sri T. Jayaram
- DW-5: Sri Rangaiah
- DW-6: Sri H.S. Siddarmanna

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1: Certified copy of Form No.10
 Ex.P-1(a): Signature
 Ex.P1(b,c,d): Related entries
 Ex.P-2: Original Statement of Sri Babu dated: 29/05/2020
 Ex.P-3: Original statement of Sri Babu (deposition)
 Ex.P-4: Original statement of Sri Ameer
 Ex.P-P4(a); Signature
 Ex.P-5: Original deposition of Sri Ameer
 Ex.P-5(a); Signature
 Ex.P-6: Original statement of Sri S. Nagaraj
 Ex.P-6(a): Signature
 Ex.P-6: Original Vehicle Inspection Report dated: 29/05/2002
 Ex.P-6(a,b): Signatures
 Ex.P-7: Original Inspection report of Log books dated:
 29/05/2020
 Ex.P-7(a): Signature
 Ex.P-7: Original deposition of Sri S. Nagaraj
 Ex.P-7(a,b): Signatures
 Ex.P-8: Original deposition of Sri H. Rajanna
 Ex.P-8(a): Signature
 Ex.P-9: Original mahazar
 Ex.P-9(a to d): Signatures
 Ex.P-10: Original Log book
 Ex.P-11: Original Log book
 Ex.P-12: Original Book
 Ex.P-13: Original Log book
 Ex.P-14: Original Log Book
 Ex.P-15: Original Log book
 Ex.P-16: Original Log book
 Ex.P-17: Original Log book
 Ex.P-18: Original Log book
 Ex.P-19: Certified copy of Form No. 10 (search warrant)
 Ex.P-19(a,b): Signatures
 Ex.P-20: Original statement of Sri H.K. Prabhkar char
 Ex.P-20(a): Signature
 Ex.P-21: Deposition of Sri H.K. Prabhakarchar (in
 compt/Uplok/BCD/122/2002-03)
 Ex.P-21(a): Signature
 Ex.P-22: Certified copy of IOC indents dated: 28/05/2002
 Ex.P-23: Certified copy of IOC indents dated: 28/05/2002
 Ex.P-24 to P34: Certified copy of indents
 Ex.PP34(a to o): Certified copy of Indent slip
 Ex.P-35: Original vehicle investigation report dated:
 29/05/2002
 Ex.,P-35(a,b): Signatures

- Ex.P-36: Original mahazar dated: 29/05/2002
Ex.P-36(a,b,c): Signatures
Ex.P-37:Original Report regarding execution of warrant
Ex.P-37(a): Signature
Ex.P-38:Original letter from Sri Kumar to S.P. Karnataka
Lokayukta, Bengaluru dated: 01/06/2002
Ex.P-38(a,b): Signatures
Ex.P-39:Original report from Sri S.S.Kumar dated: 31/05/2002
Ex.P-39(a): Vehicle repair report dated: 29/05/2002
Ex.P39(b): Signature
Ex.P-40: Original report from Sri S.S. Kumar
Ex.P-40(a): Original log books reading report
Ex.P-40(b): Signature
Ex.P-41:Original Inspection Report by Sri S.S. Kumar
Ex.P41(a): Signature
Ex.P-42: Original Inspection report by Sri S.S. Kumar
Ex.P-42(a): Signature
Ex.P-43:Original Inspection report by Sri Parvathareddy
Ex.P-43(a,b): Signature
Ex.P-44:Original report from Sri V.P.M. Swamy
Ex.P-44(a); Signature
Ex.P-45: Original report from Sri G. Ramesh
Ex.P-46:Original Log book
Ex.P-47: Original check report by Assistant Controller of Legal
Metrology, Bengaluru
Ex.P47(a,b): Signature
Ex.P-48: Xerox Receipt
Ex.P-48(a): Signature
Ex.P-49:Xerox copy of statement of Sri T. Nataraj dated:
29/05/2020
Ex.P-50:Xerox copy of statement of Sri T. Jayaram dated;
31/05/2020
Ex.P-51:Xerox copy of statement of Sri G.K. Venkatesh
Ex.P-52:Xerox copy of statement of Sri S. Rangaswmay Naik
dated: 30/05/2002
Ex.P-53:Xerox copy of statement of Sri Mohammed Firoz dated:
30/05/2002
Ex.P-54:Xerox copy of statement of Sri K.S. Nanjegowda dated:
30/05/2002
Ex.P-55:Xerox copy of statement of Sri N. Narasimha dated:
30/05/2002
Ex.P-56: Xerox copy of statement of Sri Narasayya dated:
30/05/2002
Ex.P-57:Xerox copy of statement of Sri H. Peddanna dated:
30/05/2002
Ex.P-58:Xerox copy of statement of Sri Channayya dated:
30/05/2002

- Ex.P-59:Original report from Sri S. Rangaswamy naik dated:
02/06/2002
- Ex.P-59(a); Signature
- Ex.P-60:Original deposition of Sri S. Rangaswamy naik
- Ex.P-60(a); Signature
- Ex.P-61:Original deposition of Sri S.S. Kumar
- Ex.P-61(a); Signature
- Ex.P-62:Original deposition of Sri K.C. Manjappa
- Ex.P-62(a,b); Signatures
- Ex.P-63:Original deposition of Sri Parvathareddy Palla
- Ex.P-63(a); Signature
- Ex.P-64:Original statement by Sri Honnegowda
- Ex.P-64(a); Signature
- Ex.P-65:Original deposition of Sri Honnegowda
- Ex.P-65(a,b,c)- Signatures
- Ex.P-66: Original Mahazar dated: 29/05/2002
- Ex.P-66: Original Sibbande vivara (officials description)
- Ex.P-67:Original Letter from Assistant Commissioner, BBMP to
Director (jagrutha Vibaga) Karnataka Lokayukta, dated:
21/06/2002
- Ex.P-68:Original Letter from E.E. (Stores and Workshop)BMP to
Chief Accounts Officer, BMP, Bengaluru dated:
26/08/2002 and annexures
- Ex.P-68(a,b,c,d); Signatures
- Ex.P-69:Original Statement showing the details of diesel and
petrol consumption from January 2002 to July 2002
- Ex.P69(a); Signature
- Ex.P-70:Original Reply from E.E. (S&W) BMP, Bengaluru to
Director, (Vigilance) Lokayukta, BMP, Bengaluru
dated: 18/07/2002 and circular
- Ex.P70(a); Signatures
- Ex.P-71:Original list of vehicles with drivers name and addresses
- Ex.P-71(a); Signature
- Ex.P-72:Original deposition of Sri G.N. Krishnan
- Ex.P72(a); Signature
- Ex.P-72: Original Letter from E.E. (Stores & work Shop Division)
BMP, to the Director, Lokayukta, BMP, dated:
27/08/2002
- Ex.P-72(a); Signature
- Ex.P-73:Original letter from DGO No.1 to ARE-4 dated:
31/03/2003
- Ex.P-73(a); Signature
- Ex.P-74:Original letter from Sri Arasoji rao to ARE-4 section
dated: 31/03/2003
- Ex.P-74(a); Signature
- Ex.P-75:Original statement of Sri Shivanna dated; 30/05/2002
- Ex.P-75(a); Signature

- Ex.P-76:Original letter from Sri Shivanna dated: 30/03/2003
Ex.P-76(a); Signature
Ex.P-77:Original statement from Sri T. Jayaram
Ex.P-77(a): Signature
Ex.P-78:Original letter from Sri T. Jayaram to ARE-4 dated;
31/03/2003
Ex.P-78(a): Signature
Ex.P-79:Original letter from DGO No. 7 to ARE-4 dated:
31/03/2003
Ex.P-79(a); Signature
Ex.P-80:Original letter from DGO No. 3 to ARE-4 dated:
31/03/2003

LIST OF EXHIBITS MARKED ON BEHALF OF DGOs:

- Ex.D-1:Xerox copy of letter from Sri H.S. Siddaramanna
Ex.D-1(a): Related entry
Ex.D-2:Xerox copy of office order dated: 14/08/2003
Ex.D-3:Xerox copy of office order dated: 16/04/2002
Ex.D-4:Xerox copy of letter from A.E.E., (Engineer, Transport
sub-division)BMP, Bengaluru dated; 20/10/2002
Ex.D-5:Xerox copy of letter from A.E.E. Horticulture department,
Bengaluru dated; 01/10/2002
Ex.D-6:Xerox copy of certificate from S.C. Khuntia dated:
12/04/1999
Ex.D-7:Xerox copy of certificate dated: 14/08/1998
Ex.D-8:Xerox copy of office order dated: 14/08/2000
Ex.D-9:Xerox copy of office order dated: 30/04/2001
Ex.D-10:Xerox copy of statement of vehicles
Ex.D-11:Xerox copy of statement showing the list of BMP
Vehicles
Ex.D-12:Xerox copy of office order dated;
29/09/2002(suspension order)
Ex.D-13:Xerox copy of memo dated: 07/04/1998
Ex.D-14:Xerox copy of office order dated: 17/11/2002

Dated this the 11th day of September, 2020

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

