

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/1103/2017/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **18/09/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri P. Jnaneshwar S/o. Parashuram, Assistant
Engineer, Bruhat Bengaluru Mahanagara Palike
Yelahanka Sub Division, Bengaluru – Reg.

- Ref:- 1) Govt. Order No. ಸಅಇ 491 ಎಂಎನ್‌ಜಿ 2017, Bengaluru
dated 27/10/2017.
- 2) Nomination order No.UPLOK-1/DE/1103/2017,
Bengaluru dated 13/11/2017 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 9/9/2021 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru.

The Government by its order dated 27/10/2017 initiated the disciplinary proceedings against Sri P. Jnaneshwar S/o. Parashuram, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike Yelahanka Sub Division, Bengaluru (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/1103/2017, Bengaluru dated 13/11/2017 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO Sri P. Jnaneshwar S/o. Parashuram, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike Yelahanka Sub Division, Bengaluru was tried for the following charge:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಪಿ.ಜ್ಞಾನೇಶ್ವರ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಬಿ.ಬಿ.ಎಂ.ಪಿ ಯಲಹಂಕ ಉಪವಿಭಾಗದಲ್ಲಿ ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2015ನೆಯ ಇಸವಿಯಲ್ಲಿ ಬೆಂಗಳೂರಿನ ಬಿ.ಬಿ.ಎಂ.ಪಿ. ವಾರ್ಡ್ ಸಂಖ್ಯೆ 1, ಕೆಂಪೇಗೌಡ ವಾರ್ಡ್ ಮತ್ತು ವಾರ್ಡ್ ಸಂಖ್ಯೆ 5ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿರುವ ಬೀದಿ ದೀಪ ನಿರ್ವಹಣೆ ಮತ್ತು ಕಾಮಗಾರಿ ಗುತ್ತಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 2012ನೆಯ ಇಸವಿಯ ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನ ಬಿಲ್ ಮಂಜೂರಾತಿ ಬಗ್ಗೆ ನೀವು ಫಿರ್ಯಾದಿಯಾದ ವೈ.ವಿ.ಕೃಷ್ಣಮೂರ್ತಿ ರವರಿಂದ ದಿನಾಂಕ 24/11/2015ರಂದು ಸಂಜೆ 4.20 ಗಂಟೆಯಿಂದ 4.30 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನಿಮ್ಮ ಕಛೇರಿಯಾದ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಯಲಹಂಕ ಉಪ ವಿಭಾಗದಲ್ಲಿ ಫಿರ್ಯಾದಿಯಿಂದ ರೂ.17,000/- ಲಂಚವನ್ನು ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣವು ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದ ಬಗ್ಗೆ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ತೃಪ್ತಿಕರವಾದ ಉತ್ತರವನ್ನು ನೀವು ನೀಡಲು ವಿಫಲರಾಗಿ ಆ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಆ ಮೂಲಕ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966ರ ನಿಯಮ 3(1) ಮತ್ತು (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri P. Jnaneshwar S/o. Parashuram, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike Yelahanka Sub Division, Bengaluru.

5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, I do not find any reason

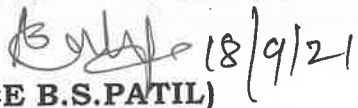
to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/5/2039.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri P. Jnaneshwar S/o. Parashuram, Assistant Engineer, Bruhat Bengaluru Mahanagara Palike Yelahanka Sub Division, Bengaluru, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri P.Jnaneshwar.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

NO.UPLOK-1/DE/1103/2017/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 09/09/2021.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against Sri P.Jnaneshwar, S/o Parashuram, Assistant Engineer, Yalahanka Sub Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru -reg.

Ref: 1.Government Order No. ಸಲಜ 491 ಎಂಎಸ್‌ಜಿ
2017 Bengaluru, dated 27/10/2017.
2. Nomination Order No.UPLOK-
1/DE/1103/2017, Bengaluru, dated
13/11/2017.

1. The Departmental Enquiry is initiated against Sri P. Jnaneshwar, S/o Parashuram, Assistant Engineer, Yalahanka Sub Division, Bruhath Bengaluru Mahanagara Palike, Bengaluru (hereinafter referred to as the Delinquent Government Official, in short DGO).


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2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta vide order cited at reference No.2, has nominated Additional Registrar (Enquiries-11) to frame Articles of Charge and to conduct enquiry against aforesaid DGO .
3. The complainant, Shri Y.B.Krishnamurthi of Yelahanka, Bengaluru lodged computerised complaint dated 24/11/2015, before Lokayukta Police, that DGO, P, Jnaneshwar S/o Parashuram, working as Assistant Engineer, (Electrical) then, in BBMP, Yelahanka Division, Bengaluru, on 20.04.2015, demanded illegal gratification of Rs.18,000/- in his office, to clear complainant's bill of Rs. 18,00,000/- with respect to maintenance of street lights in ward number 1 and 5 of Bengaluru. He has given his mobile that contains the recording of conversation of demand of bribe on 23/04/2015. Based on complaint, the Lokayukta Police laid the trap and caught DGO on 24/11/2015 between 4.20 p.m. to 4.30 p.m, while demanding and accepting the said bribe amount.
4. On perusal of complaint, mahazars, FSL Report, transcriptions of conversation between complainant and DGO, Hon'ble Upalokayukta found prima-facie case and forwarded report u/s 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against the D.G.O. The competent authority by its Order No. ನ೨೩ 491

A handwritten signature in blue ink, followed by the date '9/9/21' written in blue ink.

NO.UPLOK-1/DE/1103/2017/ARE-11
ಎಂಎನ್‌ಜಿ 2017 Bengaluru, dated 27/10/2017 entrusted the
matter to Hon'ble Upalokayukta.

5. Notice of Articles of charge, statement of imputations of misconduct (details of charge) with list of witnesses and documents was served upon the D.G.O. The D.G.O. denied the charges and claimed to be enquired. The D.G.O. has shown his date of retirement as 31/05/2039 and serving as Assistant Engineer (Electrical) in South Zone BBMP, Jayanagar, Bengaluru in his First Oral Statement dated 28/02/2018.
6. The Articles of charge framed is as follows:

"ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಪಿ.ಜ್ಞಾನೇಶ್ವರ್ ಆದ ನೀವು ಬೆಂಗಳೂರಿನ ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಯಯಲಹಂಕ ಉಪವಲಯದಲ್ಲಿ ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2015ನೆಯ ಇಸವಿಯಲ್ಲಿ ಬೆಂಗಳೂರಿನ ಬಿ.ಬಿ.ಎಂ.ಪಿ. ವಾರ್ಡ್ ನಂ.1 ಕೆಂಪೇಗೌಡ ಮತ್ತು ವಾರ್ಡ್ ನಂ.5ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಿರುವ ಬೀದಿ ದೀಪ ನಿರ್ವಹಣೆ ಕಾಮಗಾರಿ ಗುತ್ತಿಗೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 2012ನೆಯ ಇಸವಿಯ

ವಿಸೆಂಬರ್ ತಿಂಗಳಿನ ಬಿಲ್ ಮಂಜೂರಾತಿ ಬಗ್ಗೆ ನೀವು ಫಿರ್ಯಾದಿಯಾದ ವೈ.ಬಿ. ಕೃಷ್ಣಮೂರ್ತಿ ರವರಿಂದ ದಿನಾಂಕ:24-11-2015ರಂದು ಸಂಜೆ 4-20 ಗಂಟೆಯಿಂದ 4-30 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನಿಮ್ಮ ಕಛೇರಿಯಾದ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಯಯಲಹಂಕ ಉಪ ವಲಯದ ಕಛೇರಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಿಂದ ರೂ.17,000/- ಲಂಚವನ್ನು ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣವು ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದ ಬಗ್ಗೆ ತನಿಖಾ ಕಾಲದಲ್ಲಿ


9/9/18

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ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ತೃಪ್ತಿಕರವಾದ ಉತ್ತರವನ್ನು ನೀವು ನೀಡಲು ವಿಫಲರಾಗಿ ಈ ಮೂಲಕ ಕರ್ತವ್ಯ ಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಆ ಮೂಲಕ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ಮತ್ತು (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ”.

7. The statement of imputations of misconduct (details of charge) framed is as follows:

“ಅನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ


ದೂರುದಾರರಾದ ವೈ.ಬಿ. ಕೃಷ್ಣಮೂರ್ತಿ ನಂ.309/286, ಕೋಗಿಲು ಕ್ರಾಸ್. ಮಾರುತಿ ನಗರ ಮುಖ್ಯರಸ್ತೆ, ಯಲಹಂಕ, ಬೆಂಗಳೂರು ರವರು ವಿದ್ಯುತ್ ಗುತ್ತಿಗೆದಾರರ ಲೈಸೆನ್ಸ್ ಹೊಂದಿದ್ದು, ಸದರಿಯವರು ಕಳೆದ 12 ವರ್ಷಗಳಿಂದ ವಿದ್ಯುತ್ ಗುತ್ತಿಗೆದಾರರಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದು ಸದರಿಯವರು ಬಿ.ಬಿ.ಎಂ.ಪಿ.ಯ ವಾರ್ಡ್ ನಂ.1 ಕೆಂಪೇಗೌಡ ಮತ್ತು ವಾರ್ಡ್ ನಂ.5 ಜಕ್ಕೂರು ಎಂಬಲ್ಲಿ ಬೀದಿ ದೀಪ ನಿರ್ವಹಣೆ ಕಾಮಗಾರಿಯ ಗುತ್ತಿಗೆಯನ್ನು 2012ನೇ ಸಾಲಿನಲ್ಲಿ ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ. ಸದರಿ ಗುತ್ತಿಗೆ ಅವಧಿಯು 2015 ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಮುಕ್ತಾಯವಾಗಲಿರುವ ಕಾರಣ ಸದರಿ ಬೀದಿ ದೀಪಗಳ ನಿರ್ವಹಣೆ ಸಂಬಂಧ ನಿಮ್ಮ ಕಛೇರಿಗೆ ಐದು ತಿಂಗಳ ಬಿಲ್ಲನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಬಿಲ್ ಮಂಜೂರು ಮಾಡಲು ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ರೂ.17,000/-ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡಲು ಬೇಡಿಕೆ ಇಟ್ಟಿದ್ದು, ಈ ಸಂಬಂಧ ದಿನಾಂಕ 23-11-2015 ರಂದು ಮದ್ಯಾಹ್ನ 3-00 ಗಂಟೆಗೆ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ರೂ.17,000/- ಹಣ ನೀಡಲು ಬೇಡಿಕೆಯನ್ನು ಮುಂದುವರೆಸಿದ್ದು ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ಕಡಿಮೆ ಮಾಡಲು ದೂರುದಾರರು ವಿನಂತಿಸಿಕೊಂಡರೂ ಸಹ ನೀವು ಕಡಿಮೆ ಮಾಡಲು ಒಪ್ಪದೆ ರೂ.17,000/-ಗಳ

9/9/14

NO.UPLOK 1/DE/1103/2017/ARE 11
 ಹಣವನ್ನು ನೀಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿರುವುದನ್ನು ದೂರುದಾರರು ಅವರ
 ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡಿದ್ದು ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು
 ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಬೆಂಗಳೂರು ನಗರ ಟೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ದಿನಾಂಕ
 24-11-2015ರಂದು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಟೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಬೆಂಗಳೂರು
 ನಗರ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.72/2015 ಕಲಂ 7ರಂತೆ ದಿನಾಂಕ
 24-11-2015 ರಂದು ಪ್ರಕರಣವನ್ನು ನೋಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ
 ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು
 ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ
 ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಐದುನೂರು
 ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 34 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ
 ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ
 ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ನಿಮ್ಮನ್ನು ಬಲೆಗೆ ಬಿಳಿಸಲು
 ಹೊರಟು ಬೆಂಗಳೂರಿನ ಅಮೃತಹಳ್ಳಿ ರಸ್ತೆಯಲ್ಲಿರುವ ಬಿ.ಬಿ.ಎಂ.ಪಿ. ಕಛೇರಿಯ
 ಎರಡನೆಯ ಮಹಡಿಯಲ್ಲಿರುವ ಕಛೇರಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿ ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿಯು
 ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಸಂಜೆ 4-20 ರಿಂದ 4-
 30 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ ರೂ.17,000/-ಗಳ ಲಂಚದ
 ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು
 ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು
 ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ
 ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು
 ನೀವು ನಿಮ್ಮ ಲಿಖಿತ ಹೇಳಿಕೆಯನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಕೊಟ್ಟಿರುತ್ತೀರಿ.


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ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೆಮಾಲುಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು
ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ
ಪ್ರಕಾರ ನೀವು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:24-11-
2015ರಂದು ರೂ.17,000/- ಲಂಚದ ಹಣವನ್ನು ಫಿರ್ಯಾದಿಯಿಂದ ನಿಮ್ಮ
ಕಛೇರಿಯಲ್ಲಿ ಸಂಜೆ 4.-20 ರಿಂದ 4-30 ಗಂಟೆ ಅವಧಿಯಲ್ಲಿ ಪಡೆದುಕೊಳ್ಳುವಾಗ
ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ನೀವು
ಕರ್ತವ್ಯತೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು
ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ)
1966 ನಿಯಮ 3(1) ಮತ್ತು (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ
ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

ಸದರಿ ವಿಷಯಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು
ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು
ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ನಿಮ್ಮ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಮೇಲೀಸರು ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು
ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ
ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು
ಕ್ರಮಕ್ಕೆಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ
ವಹಿಸಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ."

8. The D.G.O. has denied the allegations in his written statement and stated that Lokayukta Police have registered the case for statistical purpose. There

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is no demand and acceptance of bribe. There was no work of complainant for which official favour could be shown, and has prayed to drop the proceedings.

9. The points that arise for consideration are as follows:

(1) Whether the disciplinary authority proves that the D.G.O. has on 24/11/2015 between 4.20 p.m and 4.30 p.m., in his office has demanded and accepted bribe of Rs.17,000/- from complainant for passing the bill of Rs.18,00,000/-, and thereby, has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

(2) What findings?

10. (a) The disciplinary authority has examined shadow witness as P.W.1 and got Ex.P1 to 8 marked, complainant as P.W2 and got Ex.P9 marked, Investigating Officer as P.W.3 and got Ex.P10 to Ex.P17 marked.


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(b) The D.G.O. has denied the allegations of above witnesses in his questionnaires and got Ex.D1 marked in evidence of P.W.2, Ex.D2 marked in evidence of P.W.3 and Ex.D3 marked in evidence of P.W.1. He has produced the certified copy of Judgment dated 22/03/2019 passed in Spl.C.C. No.74/2017 by learned LXXVII ACC&S.J & S.J, Bengaluru, along with his written arguments.


11. Perused Written Arguments of both sides and all documents.
12. The answers to the above points are:
 - (1) In the Affirmative.
 - (2) As per final findings, for the following.

REASONS

13. **(a) Point No.1:-** P.W.1 Shri. D. Mathew, shadow witness, has deposed that on 24/11/2015 at about 1.15 p.m, he and another witness, Shri. G. Srinivasaiah, went to Lokayukta Police Station and met the Police Inspector, R. Sudhir. The complainant/P.W.2 was also there. Another Police Inspector, Shri. Ravishankar was also there. P.W.2 gave the Investigating Officer, R. Sudhir/P.w.3, 4 notes of Rs.500/- each. The Police prepared the attested

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copy of list of currency notes, Ex.P1. The Police then applied phenolphthalein powder to the said notes. They got the notes kept in the left side pant pocket of P.W.2 through Srinivasaiah. Investigating Officer/P.W.3 played the recording in mobile. It contained demand of Rs.17,000/- as bribe. The hands of Srinivasiah were washed in sodium carbonate solution. It turned to pink colour. P.W.3/I.O. gave instructions to P.W.2 to give the amount only on demand and after acceptance by DGO, to give signal by wiping face with kerchief. Investigating Officer also instructed P.W.1 to act as shadow witness. P.w.1 has identified the attested copy of prep-trap panchanama, Ex.P2. All of them left to office of DGO i.e., BBMP in Amrutahalli Road, and reached there at 3.40 p.m.

(b) P.W.1 and 2 went to meet the DGO in his chamber. The DGO was about to have food. He received the bribe amount with his right hand, counted and kept in his left side front pant pocket. P.W.2 gave signal and the police came there. The Investigating Officer showed his identity card to the DGO., whom the complainant/P.W.2 showed as DGO. Sodium carbonate solution was prepared. The hands of DGO were washed and solution turned to pink colour. P.W.1 removed the money from pant pocket of DGO.


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The money was same as in the list of currency notes. The left side pant pocket was also dipped in solution and same turned to pink colour. The police prepared the trap panchanama, Ex.P3. The statement of DGO was taken, Ex.P4. The higher officer of DGO Shri. Ramanjneya was called and voice of DGO was got identified through him. The panchanma with respect to voice identification was prepared, Ex.P5. The conversation was transcribed, Ex.P6 and P7. Attendance register copy was marked as Ex.P8.


(c) In cross examination, P.W.1 has identified his deposition in SPL.C.C. 74/2017, and same is marked as Ex.D3. P.W.1 has admitted that, in Ex.D3, he had stated that, the chamber of DGO was closed and he was standing in front of another room. Further, in Ex.D3, he has also stated that complainant came out and gave signal, and then P.W.1 has gone inside along with Investigating Officer. All this is in page 6, 2nd paragraph of Ex.D3.

(d) Looking into P.W.1's evidence in Ex.D3, this Additional Registrar (Enquiries) finds that P.W.1's evidence that he witnessed DGO demanding and accepting tainted amount cannot be believed. So also, his say that pant was dipped in solution and it turned

A handwritten signature in blue ink, followed by the date '9/9/21'.

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to pink colour, cannot be believed, as PW3 has not said about the same, nor FSL report dated 21/12/2016 shows presence of sodium carbonate in pant. But all other things relating to the pre-trap and recovery of tainted amount from DGO is believable.

- 14.(a) Complainant/P.W.2 has deposed that his bill for Rs.18,00,000/- with respect to maintenance of street lights in ward No.1 and 5 of BBMP was pending, and to clear the same, the DGO demanded illegal gratification of Rs.18,000/- on 20/04/2015 in DGO's office. He lodged complaint on 23/04/2015 before Lokayukta Police Station. The police asked him to record the conversation demanding bribe, in his mobile. On the same day, he recorded conversation. On 24/11/2015 he gave computerised complaint, Ex.P9. He also gave 37 notes of Rs.500/- each, totalling Rs.17,000/- to the police, to lay the trap. The police prepared the list of currency notes. The Police also applied powder to the notes. Srinivasa, another panch witness counted the notes and kept the same in his right side front pant pocket. Srinivasa's hands were washed and the solution turned to pink colour. The police took samples of same, and drew mahazar, Ex.P2.


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- (b) Further, P.W.2 has deposed that, all of them went to office of DGO at 4.00 p.m. When he entered DGO's office, DGO was going to open his Tiffin box. The DGO signalled P.W.2 to wait. P.W.2's friend Kaushik was with him. P.W.2 placed the tainted amount of Rs.17,000/- on the table, and came out, and gave signal by wiping face with kerchief. The Investigating Officer and his staff came there, prepared solution, and washed both hands of DGO in it. The solution turned to pink colour. The staff of Investigating Officer removed the currency notes from DGO's left side front pocket. Alternate pant was arranged to DGO. The conversation recorded in mobile was played. Panchanma, Ex.P3 was drawn.
- (c) P.W.2, in cross-examination by Presenting Officer has denied that DGO received tainted cash from him, counted and kept in his left side pant pocket. He has stated that DGO demanded the amount.
- (d) In cross examination by DGO, he has identified his deposition in Spl. C.C. 74/2017 marked here as Ex.D1. He has stated that his old bill till 01/07/2015 was cleared. His subsequent second bill was pending. The said bill was to be placed on 30/11/2015. Bills were paid through online in chronological order. He has also stated that his friend Kaushik took him to Lokayukta Police Station for lodging complaint. He

A handwritten signature in blue ink, appearing to be 'A. S.', with the date '9/9/21' written below it.

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also states that, on instructions of Kaushik, he placed the cash on the table. The said evidence is in page 4 paragraph no.9, 10th line as under:

“On the instructions of Kaushik I placed the cash on the table”.

This goes to show that DGO lays defence that P.W.2 has come to his office on 24/11/2015, and at 4.00 p.m. or so, P.W.2 kept Rs.17,000/- on his table, and P.W.2's friend Kaushik was also there and Kaushik asked him to place on the table. There is nothing that that DGO has suggested that, it was against the wish of DGO that the amount was kept. Further, DGO has not denied that amount was recovered from his left side pant pocket of DGO, and his hand wash turned to pink colour. Obviously, the table where DGO accepted that tainted money which was kept, was DGO's office table, which means DGO accepts the possession of said amount.

(e) Ex.D1, page 8, last para, this P.W.2 in criminal proceedings has stated that, when he went into the chamber of accused/DGO, the accused made signal by hand, not to pay bribe amount, but at instance of Kaushik, P.W.2, he kept that bribe amount on table. He has also stated that he was sitting outside chamber and he personally does not know about other proceedings.....


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(f) It is pertinent to note that, even in criminal proceedings, it is contended that the amount was kept on the table of DGO, by which possession is accepted. Obviously, the tainted amount of Rs.17,000/- cannot jump from the table into left side front pant pocket of DGO. It is not the case of DGO, here or in criminal proceedings that hand wash did not turn into pink colour or somebody thrust money into DGO's pant pocket. Therefore, in entirety, the possession of tainted amount being admitted that it was kept on table of DGO, and recovered from pant pocket, and hand wash of DGO having turned to pink colour, proves the case against DGO. Mere stating wrong total number of notes as 37 instead of 34, does not give room or suspicion, as normally man commits mistakes in calculation and numbers. Even stating in criminal proceedings that PW2 was sitting outside chamber does not imply that he has not seen the trap proceedings and on-goings on the spot.

15. (a) P.W.3/I.O. Shri. R.Sudhir, Police Inspector has deposed about the entire pre-trap and trap procedure. He has stated that he registered the complaint at Cr.No.72/15, and has identified the certified cpy of FIR, Ex.P10. He got 2 witnesses, P.W.1 and G. Srinivasiah for this matter. P.W.2/complainant gave 34 notes of Rs.500/- each. He got phenolphthalein powder applied

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to the notes and got them kept in left side pant pocket of P.W.2 through Srinivasaiah. He then got sodium carbonate solution prepared through his staff and got hands of Srinivasaiah washed in solution. The solution turned to pink clour. He then states that he gave instructions to P.W.2 to give the amount only on demand, and after DGO receives, to give the signal by wiping face with kerchief. He instructed P.W.1 to follow P.W.2 and tell him about the things that happened. P.W.3/I.O. has identified pre-trap panchanama, Ex.P2. He got pre-trap procedure Videographed too and burnt to C.D.

(b) P.W.3 then states that, all reached DGO's office at 4.15 p.m., P.W.2 and 1 both went to DGOs' office. At 4.30 p.m., P.W.2/complainant gave signal by wiping his face with kerchief. He went with his staff and another witness there. The DGO was preparing to have lunch. P.W.3 introduced himself to DGO. P.W.3 got sodium carbonate solution prepared and got DGOs both hands washed in two separate bowls. Both solutions turned to light pink colour. P.W.3 asked DGO about the money and DGO said, it is in his left side pant pocket. P.W.3 got the same removed through P.W.1. The notes were matching with the list , Ex.P1. P.W.3 got the file of complainant from DGO and the attested copies are marked as Ex.P11. P.W.3 prepared rough sketch, Ex.P12. P.W.3 seized the

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part of DGO. He got the conversation recorded in mobile transcribed, Ex.P7. The voice of DGO was identified by his superior officer, Shri.Ramanjneya, Ex.P13. He got report from FSL, Ex.P14 and 16 with respect to C.D, the solutions and notes. Sketch of spot was got prepared from P.W.D. officials, Ex.P15. P.W.3 has got certificate u/s 65B of Indian Evidence Act, marked as Ex.P17. All the documents marked are attested copies.

(e) P.W.3, in cross-examination has denied all suggestion that the procedure was not followed. His deposition in Spl. C.C.74/2017 is marked as Ex.D2. Even in Ex.D2, nothing useful to defence is elicited in cross-examination.

16. The certified copy of Judgment dated 22/03/2019 in Spl.C.C.74/2017 passed by learned LXXVII ACC&SJ &SJ, Bengaluru is produced. The accused is acquitted on the ground that complaint itself is pre-mature and demand and acceptance is not proved beyond all reasonable doubt.

17. This matter is disciplinary proceedings wherein disciplinary authority has to prove the charges based on preponderance of probabilities and not beyond reasonable doubt. Acquittal in Spl. C.C. No.74/2017 does not help the DGO in this matter, as these proceedings are different from Criminal proceedings, and this principle is laid down


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in decision reported in **KCCR 1.6.18 (SN156)(SC)184 and AIR 1954 SC 375 between Venkataraman V/s Union of India.** In Criminal proceedings guilt is to be proved beyond reasonable doubt, while in disciplinary proceedings, it is based on preponderance of probabilities.

18. The admission by DGO that tainted amount of Rs.17,000/- was kept on his table, in this proceedings, as well as in criminal proceedings and that he accepted the same, as recovery from pant pocket is not disputed herein, as also reasoned in paragraph 14(f), 13(d) of this report, and that complainants work was pending and file, Ex.P11 was also recovered from DGO, with evidence of P.W.1 to 3 and other exhibits clearly proves that the DGO on 24/11/2015 at about 4.30 p.m. received bribe of Rs.17,000/- from complainant to pass pending bill of Rs.18,00,000/-. The Additional Registrar Enquiries finds that the disciplinary authority has proved the charges against the DGO. The DGO has committed misconduct, acted in a manner unbecoming of a Government Servant, dereliction of duty and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. Accordingly this point is answered in the **Affirmative.**

19. **Point No.2:-** For the aforesaid reasons this Additional Registrar (Enquiries) proceeds to record the following:



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FINDINGS

The disciplinary authority has proved the charges against the DGO.

Submitted to Hon'ble Upalokayukta for kind approval, and further action in the matter.



(SACHIN KAUSHIK R.N.)

I/c Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURE

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. D.Mathew
PW2:- Sri. Y.B. Krishnamurthy
PW3:- Sri. R.Sudhir

List of witnesses examined on behalf DGO:-Nil

List of documents marked on behalf of Disciplinary Authority:-Nil.

Ex P1	Certified copy of list containing numbers of currency notes.
Ex P2	Certified copy of pre-trap mahzar.
Ex P3	Certified copy of trap panchanama.
Ex P4	Certified copy of statement of DGO.
Ex P5	Certified copy of another panchanama.
Ex P6	Certified copy of document containing typed conversation of DGO and complainant.
Ex P7	Certified copy of another document containing typed conversation of

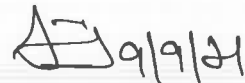


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	DGO and complainant.
Ex P8	Certified copy of attendance register.
Ex P9	Certified copy of complaint.
Ex P10	Certified copy of FSL report.
Ex P11	Certified copy of documents pertaining to complainant.
Ex P12	Certified copy of scene of occurrence rough sketch.
Ex P13	Certified copy of report submitted by Sri. Ramanjaneya.
Ex P14	Certified copy of report of mobile conversation C.D.
Ex P15	Certified copy of sketch of scene of occurrence submitted by P.W.D.
Ex P16	Certified copy of Chemical Examiners Report.
Ex P17	Certified copy of letter submitted by PW3 under 65 B of Indian Evidence Act.

List of documents marked on behalf of Defence:-

Ex.D1	Certified copy of deposition of PW2 in Spl.C.C. No.74/2017 by learned LXXVII ACC&S.J & S.J, Bengaluru
Ex D2	Certified copy of deposition of PW3 in Spl.C.C. No.74/2017 by learned LXXVII ACC&S.J & S.J, Bengaluru
Ex D3	Certified copy of Judgment dated 22/03/2019 passed in Spl.C.C. No.74/2017 by learned LXXVII ACC&S.J & S.J, Bengaluru.


(SACHIN KAUSHIK R.N.)

I/c Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

