

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/112/2013/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **27/09/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Yellabhovi S/o. Hanumappa, Senior Teacher and
Incharge Head Master, Government High School,
Konkal, Yadgir Taluk and District - Reg.

- Ref:- 1) Govt. Order No. ED 27 SES 2013, Bengaluru dated
14/2/2013.
- 2) Nomination order No.LOK/INQ/14-A/112/2013
Bengaluru dated 27/2/2013 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 7/9/2021 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 14/2/2013 initiated the disciplinary proceedings against Sri Yellabhovi S/o. Hanumappa, Senior Teacher and Incharge Head Master, Government High School, Konkal, Yadgir Taluk and District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/112/2013, Bengaluru dated 27/2/2013 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. LOK/INQ/14-A/2014, dated 14/3/2014, the Additional Registrar of

Enquiries-5, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again as per Order No.UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri Yellabhovi S/o. Hanumappa, Senior Teacher and Incharge Head Master, Government High School, Konkana, Yadgir Taluk and District was tried for the following charge:-

“That, you Sri Yallabhovi-the DGO, while working as Senior Teacher and Incharge Head Master, Government High School, Konkana, Yadgiri taluk and District, one Sri Santhosh S/o Sharanappa Myadyal R/o Yadgir, (herein after referred to as ‘Complainant’) approached you-DGO, since his father Sri Sharanappa is the Proprietor of Anand Book Stall at Yadagir, running of since about 30 years. Since about 10 years, the complainant is helping his father in running that book stall. Said Book stall supplied books, maps, globes, stationery articles, etc., to Government schools and colleges. About one month prior to 10-03-2011, you-DGO had ordered for supply of books, maps, globes and stationery articles valued at Rs.7,993/-. Accordingly, books were supplied but not maps and globes. Thereafter, when the complainant approached you-DGO and requested to issue cheque for the amount of said order, you-DGO asked the complainant to supply books and said materials valued at Rs.4,333/- only and to pay cash/balance amount of i.e., Rs.3,660/- to you-DGO saying that cheque will be issued For Rs.7,993/- later. Not only that, when

the complainant approached you-DGO again on 9/3/2011 after contacting Lokayukta Police at Yadgir and requested to issue cheque for the said order, you-DGO stuck to said earlier demand of Rs.3,660/- and told that, then only you will issue acknowledgement for the receipt of books and materials of Rs.7,993/- and also assured him to issue cheque for Rs.7,993/-. Above all, you-DGO took the tainted (bribe) amount on 10/3/2011 from the complainant at Anand Book Stall in Yadgir in that connection. Thereby you-DGO has failed to maintain absolute integrity and devotion to duty, that your such act is un-becoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

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 Yellabhovi S/o. Hanumappa, Senior Teacher and Incharge Head Master, Government High School, Konkall, Yadgir Taluk and District.

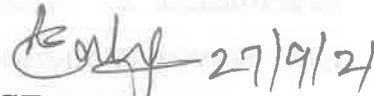
5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/5/2034.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Yellabhovi S/o. Hanumappa, Senior Teacher and Incharge Head Master, Government High School, Konkali, Yadgir Taluk and District, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri Yellabhovi S/o. Hanumappa.

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

Connected records are enclosed herewith.

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(JUSTICE B.S.PATIL)

Upalokayukta,
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

NO.LOK/INQ/14-A/112/2013/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 07/09/2021.**ENQUIRY REPORT:**

Sub: Departmental Enquiry against Sri. Yallabhovi S/o of Hanumappa, Senior Teacher and incharge Head Master, Government High School, Konkall, Yadagiri Taluk and District-reg.

Ref: 1. Government Order No. ಇಡಿ 27 ಎಸ್‌ಇಎಸ್ 2014 Bengaluru, dated 14/02/2013.
2. Nomination Order No. LOK/INQ/14-A/112/2013, Bengaluru, dated 27/02/2013.

1. The Departmental Enquiry is initiated against Yallabhovi S/o of Hanumappa, Senior Teacher and incharge Head Master, Government High School, Konkall, Yadagiri Taluk and District (hereinafter referred to as the Delinquent Government Official, in short DGO).
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-4)

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to frame Articles of Charge and to conduct enquiry against DGO. On 03/08/2016 this matter was transferred to this Additional Registrar, Enquiries-11.

3. The complainant, Shri. Santhosh S/o Sharanappa Myadyal R/o Yadagir lodged complaint before Lokayukta Police that DGO, Yellabhovi S/o Hanumappa, in-charge Headmaster of Government High School at Konkali in Yadgir Taluk order for stationeries of Rs.7,793/- about a month prior to 10/03/2011 and asked complainant to supply articles of Rs.4,333/- only and pay balance Rs.3,660/- to DGO, as he will be issuing cheque for Rs.7,993/-. The complainant supplied the articles, but the DGO did not issue cheque despite repeated demands, and DGO went on demanding Rs.3,660/- for issuing cheque. The complainant lodged complaint on 10/03/2011 and Lokayukta Police laid trap and DGO was caught while demanding and accepting bribe of Rs.3,660/- at Anand Book Stall in Yadagiri.
4. Suo-motu investigation was taken up by Hon'ble Upalokayukta. On perusal of complaint, Mahazar and FSL Report and other documents, a prima-facie case was found and Report dated 20/12/2012 u/s 12(3) of the Karnataka Lokayukta Act, 1984 was furnished by Hon'ble Upalokayukta to initiate disciplinary proceedings against the DGO. The competent authority



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vide Government Order No. ಇಡಿ 27 ಎಸ್‌ಇಎಸ್ 2014 Bengaluru, dated 14/02/2013 has accordingly entrusted the matter to Hon'ble Upalokayukta.

5. Notice of Articles of charge, statement of imputations of misconduct with list of witnesses and documents was served upon the DGO. The DGO denied the charges and claimed to be enquired. The DGO in FOS has stated that his date of birth as 22/05/1974. By this date, it appears, he will retire on 31/05/2034.
6. The Articles of charge as framed by Additional Registrar, (Enquiries-4) is as follows:

ANNEXURE NO.1 - CHARGE

2. That, you Sri Yallabhovi-the DGO, while working as Senior Teacher and Incharge Head Master, Government High School, Konkana, Yadgiri taluk and District, one Sri Santhosh s/o Sharanappa Myadyal r/o Yadgir Therein after referred to as 'complainant') approached you-DGO, since his father Sri Sharanappa is the Proprietor of Anand Book Stall at Yadagir, running of since about 30 years. Since about 10 years, the complainant is helping his father in running that book stall, etc., to government schools and colleges. About one month prior to 10-03-2011, you-DGO had ordered for supply of books, maps, globes and stationery articles valued at Rs.7,993/-. Accordingly, books were supplied but not maps and globes. Thereafter, when


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the complainant approached you-DGO and requested to issue cheque for the amount of said order, you-DGO asked the complainant to supply books and said materials valued at Rs.4,333/- only and to pay cash/balance amount of i.e., Rs.3,660/- to you-DGO saying that cheque will be issued For Rs.7,993/- later. Not only that, when the complainant approached you-DGO again on 09-03-2011 after contracting Lokayukta Police at Yadgir and requested to issue cheque for the said order, you-DGO stuck to said earlier demand of Rs.3,660/- and told that, then only you will issue acknowledgement for the receipt of books and materials of Rs.7,993/- and also assured him to issue cheque for Rs.7,993/-. Above all, you-DGO took the tainted (bribe) amount on 10-03-2011 from the complainant at Anand Book Stall in Yadgir in that connection. Thereby you-DGO has failed to maintain absolute integrity and devotion to duty, that your such act is un-becoming of a Government Servant and thereby committed mis-conduct as enumerated U/R 3(1) of Karnataka Civil Service (Conduct) Rules 1966.

7. The statement of imputations of misconduct as framed by ARE-4 is as follows:

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

The complainant approached the DGO since his father Sri Sharanappa is the Proprietor of Anand Book Stall at Yadagir, running it since about 30 years. Since about 10 years the complainant is helping his father in running that book stall, etc., to government schools and colleges. About one month prior to 10-03-2011, you-DGO had ordered for supply of books, maps, globes and stationery articles valued at Rs.7,993/-. Accordingly, books were supplied but not maps and globes. Thereafter, when the complainant approached you-DGO and requested to issue cheque for the amount of said order, you-DGO asked the complainant to supply books and said materials valued at Rs.4,333/- only and to pay cash/balance amount of i.e., Rs.3,660/- to you-DGO saying that cheque will be issued For Rs.7,993/- later. Not only that, when the complainant approached you-DGO again on 09-03-2011 after contracting Lokayukta Police at Yadgir and requested to issue cheque for the said order, you-DGO stuck to said earlier demand of Rs.3,660/- and told that, then only you will issue acknowledgement for the receipt of books and materials of Rs.7,993/- and also assured him to issue cheque for


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Rs.7,993/-. The complainant was not willing to pay the bribe demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta Police Inspector of Yadgir (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O. registered the complaint in Cr.No.02/2011 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of Prevention of Corruption Act 1988. The I.O. took up investigation and on 10-03-2011 the DGO received the tainted (bribe) amount at Anand Book Stall in Yadgiri. The I.O. seized the tainted (bribe) amount under mahazar. The record of investigation and materials collected by the I.O. showed that the DGO has committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner un be-coming of Government servant. As the materials on record showed prima facie case about DGO receiving bribe for discharging duty as Government Servant, a suo-motu investigation was taken up I/s 7(2) of the Karnataka Lokayukta Act against the DGO. An Observation Note was sent to the DGO calling for his explanation. The DGO gave his reply and the same has not been found convincing to drop the proceedings. As there is a prima facie case showing that the DGO has committed mis-conduct as per Rule 3(1) of Karnataka Civil Service (Conduct) Rules 1966, report U/S 12(3) of


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the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate the disciplinary proceedings against the DGO. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta U/R 14-A of Karnataka Civil Service (Classification, Control and Appeal) Rules 1957. Hence, the Charge".

8. The DGO has filed written statement dated 18/07/2013, wherein he has admitted his employment, order to complainant for supply of stationeries and DGO going to Anand Book Stall on 10/03/2011 to give cheque for Rs.7,993/- and complainant giving him amount, but forcefully, is all in page Nos.2 and 3. The DGO states, there was no occasion for him to accept bribe and as he had declined to pay Rs.7,993/- by cash, and paid by cheque, the complainant has lodged false complaint against him, and so, he has prayed to exonerate him.

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

(1) Whether the disciplinary authority proves that the D.G.O. accepted bribe of Rs.3,660/- from complainant at Anand Book Stall, Yadgiri, on 10/03/2011, for issuing cheque towards purchase of stationary articles, and thereby, has committed misconduct, acted in a manner unbecoming of a


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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 the complainant as P.W.1, and got 3 documents exhibited, shadow witness as P.W.2 and got Ex.P4 to 6 marked. Investigating Officer as P.W.3 and Ex.P7 to 11 marked.

(b) The DGO got himself examined as D.W.1 and got 19 documents exhibited. However, he did not subject himself to cross examination, and DGO No.1's/DW1's evidence was taken as nil on 12/07/2021. The 19 documents do not pertain to criminal proceedings, but transaction documents.

11. Heard learned Presenting Officer and learned Counsel for DGO and perused all documents.

12. The answer to the above points are:

(1) In the Affirmative.

(2) As per final findings for the following:

REASONS

13(a) **Point No.1:-** Complainant/P.W.1 has stated in his evidence that the DGO, while working as teacher in Government High School, Konkhal, Yadgir, had procured books and stationeries of Rs.7,993/-. The DGO did not pay the amount, and so, PW1 lodged complaint before Lokayukta Police, P.W.1


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has identified his complaint and got it marked as Ex.P.1. P.W.1 has further stated that Lokayukta Police called 2 witnesses Ambadas and Manjunath/P.W.2. P.W.2 gave 7 notes of Rs.500/- each, 1 note of Rs.100/-, 1 note of Rs.50/- and 1 note of Rs.10/-, total Rs.3,660/- to the Police for laying the trap. The Police applied powder to said notes, and gave the said amount to P.W.1. P.W.1 kept the amount in his shirt pocket. The trap team came near his shop. The DGO came to his shop and issued cross cheque of Rs.7,993/- to P.W.1. P.W.1 took the amount from his shirt pocket and kept in shirt pocket of DGO. P.W.1 gave signal to police by wiping his forehead with kerchief. The police came there, recovered the amount from DGO and washed hands of DGO. P.W.1 has identified the entrustment mahazar dated 10/03/2011, Ex.P2.

(b) P.W.1 in cross-examination by learned Counsel for DGO has admitted that DGO issued supply order on 06/03/2011, and P.W.1 supplied books and stationeries worth Rs.7,993/- on 07/03/2011, P.W.1 also states that he has given false complaint against DGO, as DGO has not paid the amount in cash. In cross-examination by learned Presenting Officer, P.W.1 has denied that the hand wash of DGO in chemical mixture, turned to rose colour. The statement u/s 161 of Cr.PC of P.W.1 is marked as Ex.P3.

14. (a) Shadow witness, Sri. Manjunath S/o Ashok, P.W.2 has deposed, as deposed by P.W.1, with difference that, the amount

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of Rs.3,660/- was given by P.W.1 to Police, and that, he and P.W.1 had gone inside the Anand Book Stall standing in name of complainant's father, Sharanappa. P.W.1 asked DGO for cheque and DGO asked for Rs.3,660/-. The DGO gave cheque and P.W.1 counted the tainted money and gave to DGO. The DGO counted the amount and kept in his front shirt pocket. The shirt was also seized, and the hand wash of DGO and shirt pocket were all washed. In cross-examination by learned Presenting Officer, P.W.2 has stated that the wash turned to rose colour. In chief-examination, the seizure panchanama is marked as Ex.P4, voice identification panchanama dated 11/03/2011 is marked as Ex.P6.

(b) In cross examination, the DGO represented by learned Counsel has contended in page 6, 5th line of deposition of P.W.2, that the tainted amount was found in pocket of DGO. The same reads as hereunder:

“ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಜೇಬಿನಲ್ಲಿ ಹಣವನ್ನು ಇಟ್ಟಿರುವುದಾಗಿ
ಫಿರ್ಯಾದಿಯು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರಿಗೆ ಹೇಳಿದರು ಎಂಬುದು ನಿಜ”.

15. (a) Investigating Officer, Shri. Lingappa S/o Kandeppa, Police Inspector/P.W.3 has narrated the entire procedure of trap and has got marked copies of ; FIR as Ex.P7, statement of DGO as Ex.P8, Bill as Ex.P9, cheque as Ex.P10, FSL Report as Ex.P11. In Ex.P8, the DGO has stated that he received the

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amount, but to take books from other book stall, which were not available in shop of complainant.

(b) Nothing useful to defence is elicited in cross-examination of P.W.3.

16. (a) Considering the evidence, oral, documentary, Written Statement, Statement of DGO given at time of trap, Ex.P8, it is clear that, at the inception of this proceedings, the DGO in his written statement, Page 3, 2nd paragraph, has admitted the possession of tainted money. The same read as follows:

“ಆದಕಾರಣ ನಾನು ದಿ.10.3.2011 ರಂದು ಯಾದಗಿರಿಗೆ ಹೋಗಿ ರೂ.7,993/-
ಮೊತ್ತದ ಚೆಕ್ ಅನ್ನು ನಿಯಮಗಳನ್ವಯ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಚೆಕ್ ಕೊಟ್ಟ ಸ್ವಲ್ಪ
ಸಮಯದಲ್ಲಿ ನನಗೆ ಒತ್ತಾಯಪೂರ್ವಕಿ ಹಣ ನನ್ನ ಕೈಯಲ್ಲಿ ಕೊಟ್ಟರು ಇದು
ನನಗೆ ತೊಂದರೆಯಾಗುವ ಹಣವೆಂದು ತಿಳಿಯಿತು”.

(b) In cross-examination of P.W.2 as reasoned in paragraph 14(b) of this report, the possession of tainted amount is shown. Further, in DGO's statement at time of trap, Ex.P8 also, DGO has stated that, he has accepted the amount. The defence of DGO is that forcefully the tainted amount was given to him, which is in his written statement as well as in cross-examination of P.W.1 and 2. If that is really so, the DGO would have not accepted the amount. He would have not opened his hands for accepting, and the amount would have not reached his shirt pocket. Even if the defence

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of DGO is taken that amount was thrust into his pocket, as argued by learned Counsel for DGO, even that cannot be believed, as, if that is attempted, there is counter table between complainant and DGO and the DGO will close the mouth of his pocket and if it is successfully thrust he will remove the amount away from his pocket. But nothing of that sort is forthcoming. Recovery of amount is from shirt pocket of DGO which is as reasoned above, proved. The conversation portion in panchanama is not relied by this ARE, as C.D. and certificate of genuineness is not produced. Even, the DGO going to shop of P.W.1 for giving his cheque is not within the purview of official duties. The DGO would have given cheque, when P.W.1 comes to collect the same, but the DGO was caught at 5.10 p.m. on 10/03/2011 at Anand Book Stall, i.e. during school hours. The different versions of DGO i.e., in evidence, contending that the amount was kept in his pocket, in written statement that the amount was given forcefully in his hand also show that the DGO is only uttering falsehood, to escape from consequences of his misdeeds. This Additional Registrar, (Enquiries), for reasons stated above, finds that the disciplinary authority has proved that the DGO has demanded and accepted bribe of Rs.3,660/- from P.W.1 for issuing cheque of Rs.7,993/- and this act of DGO amounts to misconduct, dereliction of duty, act unbecoming of a Government Servant and not maintaining absolute

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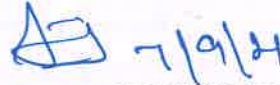
integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative**.

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

FINDINGS

The disciplinary authority has proved the charges against the D.G.O.

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

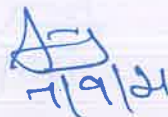
List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:-	Sri. Santhosh
PW2:-	Sri. Manjunatha
PW3:-	Sri. Lingappa

List of witnesses examined on behalf DGO:-

DW1:- Sri. H.Yellabhovi.

List of documents marked on behalf of Disciplinary Authority:-



LOK/INQ/14-A/112/2013/ARE-11

Ex P1	Attested copy of complaint of complainant.
Ex P2	Attested copy of Entrustment Panchama dated 10/03/2011.
Ex P3	Attested copy of statement of PW1 dated 10/03/2011.
Ex P4	Attested copy of list of currency notes dated 10/03/2011.
Ex P5	Attested copy of seizure mahazar dated 10/03/2011.
Ex P6	Attested copy of seizure of Tape Casette dated 10/03/2011.
Ex P7	Attested copy of FIR dated 10/03/2011.
Ex P8	Attested copy of statement of DGO dated 10/03/2011.
Ex P9	Attested copy of cash bill of Anand Book Depot.
Ex P10	
Ex P12	Attested copy of Chemical Examiner's report in Cr.No.2/2011 of Yadgir Lokayukta P.S.

List of documents marked on behalf of Defence:-

Ex.D1	Certified copies of Karnataka Government Proceedings
Ex D2	Certified copy of Order of Government Samyukta Padavi Poorva University, Konkall, Yadgir, Gulbarga Dist. Dated 17/03/2010.
Ex D3	Certified copy of Earned Leave Application of DGO dated 18/03/2010.
Ex D4	Certified copy of Letter of DGO addressed to Principal Government Higher School, Konkall dated 18/12/2019.
Ex D5	Certified copies of guide lines of 2009-10 and 2010-11 dated 10/05/2010 office of Director of State Planning , Bengaluru.
Ex D6	Certified copies of Meeting proceedings.


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Ex D7	Certified copy xerox copy of one page meeting proceedings.
Ex D8	Certified copy of price list of Anand Book Depot
Ex D9	Certified copy of price list addressed to Head Master, Government High School, Konkani.
Ex D10	Certified copy of price list quotation.
Ex D11	Certified copy of difference price list of Book Depot.
Ex D12	Certified copy of Meeting Resolution dated 20/02/2011.
Ex D13	Certified copy of Bill dated 7/3/11 of Anand Book Depot.
Ex D14	Certified copy of Charge Certificate handed over to Library Supervisor one Mariyappa.
Ex D15	Certified copy of Receipt Voucher No.31.
Ex D16	Certified Xerox copy of Cash Book.
Ex D17	Certified Xerox copy of cash book.
Ex D18	Certified copy of statement of DGO/DW1.



(SACHIN KAUSHIK R.N.)

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

