

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/168/2012

ENQUIRY REPORT Dated: 29/02/2020.

Enquiry Officer: V.G.Bopaiah
Additional Registrar, Enquiries-11
Karnataka Lokayukta, Bengaluru.

Delinquent Government Official : Sri. G.Ramappa

Discharged duties as Child Development Project Officer, Kanakapura, Ramanagara District from the month of April 2006 to February 2008.

Due for retirement on superannuation on 30/04/2020.

1. Delinquent Government Official(in short, "DGO",) by name Sri.G.Ramappa was working as Child Development Project Officer, Kanakapura, Ramanagara District from the month of April 2006 to February 2008. He is due for retirement on superannuation on 30/04/2020.
2. Background for initiating the present inquiry against the DGO needs to be set out in brief one Sri. Shivanna(hereinafter will be referred to complainant) is the resident of a place called Krishnabovidoddi, Maralavadi Hobli, Kanakapura taluk, Ramangara District. According to the complainant, his wife Chandramma had applied for the post of Anganawadi worker on 13/12/2007 in the office of Child Development Project Officer, Kanakapura. At that time, according to the complainant, DGO

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was working as Child Development Project Officer at Kanakapura. The complainant has alleged that at the time of filing of application by his wife, he had paid a sum of Rs.15,000/- to DGO. According to the complainant, despite payment of Rs.15,000/- DGO insisted for additional payment of a sum of Rs.5,000/- in order to see that the wife of the complainant is accommodated to the post of Anganawadi worker. DGO cautioned the complainant that in case the said demand is not fulfilled, the wife of the complainant will not be accommodated to the post of Anganawadi worker. Since the complainant was not willing to fulfil the said demand of DGO, he appeared before the Deputy Superintendent of Police(hereinafter will be referred to as "Investigating Officer") attached to Lokayukta Police Station, Ramanagara on 27/12/2007 at 1.30 P.M and lodged complaint in writing against the DGO. On the basis of the said complaint the Investigating Officer registered case against the DGO in crime number 2/2007 for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and submitted FIR to the jurisdictional Special Court at Ramanagar. Thereafter, the Investigating Officer secured shadow witness by name R.Raju and panch witness by name K.S.Vishwanath and informed them the purpose for which they are secured. The complainant placed five currency notes of denomination of Rs.1,000/ each before the Investigating Officer. On the instructions of the Investigating Officer, the shadow witness noted the numbers of currency notes on a sheet of paper. On the instructions of the Investigating Officer, the shadow witness placed the tainted notes in the left side pocket of shirt of the complainant. The Investigating Officer

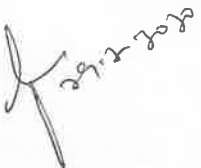
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got prepared solution with water and sodium carbonate powder and obtained sample of the said solution in a bottle. On the instructions of the Investigating Officer, the shadow witness immersed fingers of hands in the residual solution. The said finger wash of hands of shadow witness turned to pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer instructed the complainant to approach the DGO and to give the tainted cash to DGO only in case of demand by DGO. The Investigating Officer also instructed the complainant to communicate message by wiping face with kerchief in case of acceptance of tainted cash by DGO. The Investigating Officer instructed the shadow witness to accompany the complainant and to observe as to what transpires between the complainant and DGO. With the above process the Investigating Officer conducted pre-trap mahazar as primitive step of investigation.

3. Subsequent to pre-trap mahazar, on the same day, i.e., on 27/12/2007 the Investigating Officer along with his staff, complainant, shadow witness and panch witness left Lokayukta Police Station, Ramanagara at 3.30 P.M and reached near the office of DGO situated at Dr. Raja Rao road, Kanakapura at 4.30 P.M. afterwards, the complainant and shadow witness entered the office of DGO at 5.30 P.M. DGO was attending the office work. The complainant wished the DGO and informed the purpose of his visit. On the instructions of the DGO, the complainant placed the tainted cash in the left side drawer of the table under control of DGO. Afterwards, the complainant came out of the office of DGO and communicated by wiping face with kerchief. Afterwards, the Investigating Officer along with his staff and panch witness entered the office of DGO where the

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complainant pointed out the DGO and told that DGO accepted cash of Rs.5,000/-. The Investigating Officer got prepared solution with water and sodium carbonate powder in two containers and obtained sample of the said solution in a bottle. On the instructions of the Investigating Officer DGO immersed fingers of right hand in the residual solution kept in a container and immersed fingers of left hand in the residual solution kept in another container. Finger wash of both hands of DGO turned to light pink colour. The Investigating Officer seized the said wash in separate bottles. On being questioned by the Investigating Officer about tainted cash, DGO expressed that cash is placed in the right side drawer of the table. The Investigating Officer seized the said tainted cash. The Investigating Officer again got prepared solution with water and sodium carbonate powder and instructed the complainant to immerse fingers of right hand in the said solution. The complainant immersed the fingers of right hand in the said solution which consequently turned to light pink colour. The Investigating Officer seized the said wash in a bottle. On being questioned by the Investigating Officer about the file of the wife of the complainant, the DGO produced the file. The Investigating Officer obtained xerox copies of three sheets of the said file and after getting those sheets attested seized those sheets. On being questioned by the Investigating Officer about the manner in which tainted cash was found in the drawer of the table DGO offered statement in writing. The Investigating Officer conducted trap mahazar in the office of DGO. The Investigating Officer caused arrest of DGO and thereafter brought the DGO to Lokayukta Police Station, Ramanagara. On the instructions of the Investigating Officer his staff produced the DGO in the Home Office of the Presiding Officer of the jurisdictional Special Court

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at Ramanagara. Further investigation conducted by the Investigating Officer unearthed prima facie case against the DGO for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and thereafter, after obtaining sanction for prosecution of DGO as contemplated under section 19 of The Prevention of Corruption Act, 1988 submitted charge sheet against the DGO in the jurisdictional Special Court at Ramanagara.

4. On the basis of the report of the Additional Director General of Police, Karnataka Lokayukta, Bengaluru along with the investigation papers made available by the Deputy Superintendent of Police, Karnataka Lokayukta, Ramanagar, Hon'ble Upalokayukta-2 Karnataka, in exercise of the powers conferred upon under section 7(2) of The Karnataka Lokayukta Act 1984 took up investigation which, on the basis of records prima facie unearthed that DGO has committed misconduct within the purview of Rule 3(1) of The Karnataka Civil Services(Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to the Hon'ble Upalokayukta Karnataka under Rule 14-A of The Karnataka Civil Services(Classification, Control and Appeal) Rules, 1957.
5. Subsequent to the report dated 01/02/2012 under section 12(3) of The Karnataka Lokayukta Act, 1984 Government Order bearing No. ಮಮಇ 35 ಎಸ್‌ಜೆಡಿ 2008 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11-04-2012 has been issued by the Under Secretary -2 to the Government of Karnataka, Department of Women and Child Development

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entrusting the inquiry against the DGO to the Hon'ble Upalokayukta -2 Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

6. Subsequent to the Government Order bearing No. ಮಮಇ 35 ಎಸ್‌ಜೆಡಿ 2008 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 11-04-2012 Order Number LOK/INQ/14-A/168/2012 Bengaluru dated 21/04/2012 has been ordered by Hon'ble Upalokayukta-1 Karnataka nominating Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
7. Articles of charges dated 09/08/2012 at Annexure I which includes statement of imputation of misconduct at Annexure II framed by the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru is the following:

“ANNEXURE NO.1

CHARGE

That, you Sri G.Ramappa, the DGO, while working as Child Development Project Officer at Kanakapura in Ramanagara District, Smt. Chandramma the wife of the complainant namely Sri.P.Shivanna of Krishnabhovi Doddi in Kanakapura Taluk applied on 13/12/2007 for the post of honorary Anganawadi worker and on that day you took bribe of ₹. 15,000/- from the complainant for the post of honorary Anganawadi worker and again asked further bribe of ₹.5000/- on 27/12/2007, to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government Servant and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

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ANNEXURE NO.II
STATEMENT OF IMPUTATIONS OF MISCONDUCT

On 13/12/2007 Smt. Chandramma the wife of the complainant namely Sri.P.Shivanna S/o late Sri Papaiah R/o Krishnabhovi Doddi in Kanakapura Taluk at Ramanagar District applied for the post of honorary Anganawadi worker. On that day the DGO took bribe of ₹. 15,000/- from the complainant out of the demanded bribe amount of ₹.20,000/- for giving appointment as honorary Anganawadi worker. Subsequently, the DGO insisted for remaining amount of ₹.5,000/- also. The complainant was not willing to pay bribe as demanded by the DGO. Therefore, on 27/12/2007, the complainant lodged complaint before the Lokayukta Police Inspector of Ramanagar (herein after referred to as the Investigating Officer, for short, "the I.O."). The I.O. registered the complaint in Cr.No.02/2007 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the said crime, when the tainted amount of ₹. 5000/- was given by the complainant, the IO trapped the DGO on 27/12/2007 in the presence of the complainant, the Panch witnesses and his staff in his office and seized the tainted amount from the DGO under mahazar after following post-trap formalities. The I.O took statement of the DGO in writing and recorded statements of the complainant, the panch witnesses and others. After receiving report of the chemical examiner, the

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I.O submitted report of investigation. The facts and materials on the record of investigation of the I.O prima facie showed that, the DGO being a Government servant failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government servant. Therefore, a suo-moto investigation was taken up U/S 7(2) of Karnataka Lokayukta Act and an observation note was sent to the DGO calling for his explanation. The DGO submitted his reply and the reply was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima-facie showed that the DGO has committed mis-conduct as per rule 3(1)(i)&(iii) of KCS(Conduct) Rules, 1966, a report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry to the Hon'ble Upalokayukta U/R 14-A of the Karnataka Civil Services (Classification, Control and Appeal) 1957. Accordingly the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry U/R 14-A of the KCS(CCA) Rules 1957 to Hon'ble Upalokayukta. Hence, this charge."


8. In response of due service of articles of charge, DGO entered appearance before the then Additional Registrar, Enquiries-4, Bengaluru on 08/11/2012. In the course of first oral statement of DGO recorded on 08/11/2012 he pleaded not guilty.

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9. In the course of written statement of DGO filed on 21/01/2013 he has denied the charge levelled against him and contended that he neither demanded nor accepted illegal gratification. It is contended that without any lawful authority Government Order has been issued and that Hon'ble Upalokayukta Karnataka is not vested with the powers of nominating the Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru to conduct departmental inquiry. It is contended that ingredients of section 7 and section 13(1)(d) of The Prevention of Corruption Act, 1988 are lacking. It is contended that the materials collected by the Investigating Officer would show that DGO never abused his position while discharging official duty. It is contended that official work of the wife of the complainant was not pending with the DGO on the day of trap. Thus, according to DGO he is not guilty of the charge levelled against him.
10. Subsequently, DGO has engaged Advocate for his defence.
11. The disciplinary authority has examined the complainant as PW1 before the Additional Registrar, Enquiries -4, Karnataka Lokayukta, Bengaluru. During evidence of PW1, attested copy of the application dated 13/12/2007 in a single sheet of the wife of the complainant is marked as Ex P1, reverse page of Ex P1 which is the attested copy of the complaint dated 27/12/2007 is marked as Ex P2, attested copy of pre-trap mahazar dated 27/12/2007 in two sheets is marked as Ex P3, signature of PW1 found on Ex P3 is marked as Ex P3(a), three attested sheets of the file of the wife of the complainant are together marked as Ex P4, attested copy of trap mahazar dated 27/12/2007 in three sheets is marked as Ex P5, signature of the complainant found on Ex P5 is marked as per Ex P5(a).

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12. As per Order number LOK/INQ/14-A/2014 dated 14/03/2014 of Hon'ble Upalokayukta-1 Karnataka this file has been transferred to Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru.
13. Thereafter, the disciplinary authority has examined the shadow witness as PW2 and panch witness as PW3. During evidence of PW2 recorded by the then Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru signature of PW2 found on Ex P3 is marked as per Ex P3(b), signature of PW2 found on Ex P5 is marked as per Ex P5 (b), portion of Ex P5 is marked as per Ex P5(c). During evidence of PW3 recorded by the then Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru signature of PW3 found on Ex P3 is marked as per Ex P3(c), attested copy of statement dated 27/12/2007 in a single sheet of DGO given before PW4 is marked as per Ex P6, signature of PW3 found on Ex P6 is marked as per Ex P6(a), signature of PW3 found on Ex P5 is marked as per Ex P5(d), portion of Ex P5 is marked as per Ex P5(e).
14. As per Order number Uplok-1/DE /2016 Bengaluru dated 03/08/2016 of Hon'ble Upalokayukta-1 Karnataka this file has been transferred to this section i.e., Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru.
15. Thereafter, the disciplinary authority has examined the Investigating Officer as PW4. During evidence of PW4, attested copy of FIR dated 27/12/2007 in a single sheet in crime number 2/2007 of Lokayukta Police Station, Ramanagara is marked as per Ex P7, attested copy of sketch in a single sheet drawn by the Assistant Engineer attached to Public Works Department Sub-Division, Kanakapura is marked as per Ex P8, attested copy of report dated 24/04/2008 in two sheets of the Chemical

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Examiner attached to Public Health Institute, Bengaluru is marked as per Ex P9.

16. In the course of second oral statement of DGO recorded on 18/05/2019 he has stated that he would get himself examined as defence witness and that he would also examine the defence witness by name Chandrashekaraiiah.
17. Smt. Thavari Bai. N has been examined as DW1. DGO got himself examined as DW2. During evidence of DW1, xerox copy of the application dated 13/12/2007 in a single sheet of the wife of the complainant is marked as per Ex D1, xerox copy of proceedings dated 06/06/2008 in two sheets of selection committee of Anganawadi workers, Kanakapura Taluk in two sheets is marked as Ex D2, xerox copy of transfer certificate dated 13/06/1992 in a single sheet issued to the wife of the complainant by the Head master attached to Sree Sharada High school, Kodihalli, Kanakapura Taluk is marked as per Ex D3, xerox copy of Karnataka Secondary Education Examination Board certificate dated 30/05/1992 in a single sheet issued to the wife of the complainant is marked as per Ex D4, xerox copy of residential certificate dated 15/12/2007 in a single sheet of the wife of the complainant issued by the Secretary, Grade-I, Doddamaralavadi Grama Panchayath, Kanakapura Taluk is marked as per Ex D5, xerox copy of income certificate dated 14/12/2007 of the wife of the complainant issued by the Tahasildar, Kanakapura is marked as per Ex D6. During evidence of DGO, attested copy of the academic certificate dated 04/06/2008 in a single sheet of the daughter of the complainant issued by the Head Master attached Government Model Primary School, Sarakki, J.P.Nagara 6th stage, Bengaluru is marked as per Ex D7, xerox copy of the letter addressed to the Child

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Development Project Officer, Kanakapura addressed by the Manager attached to the office of Child Development Project Officer, Kanakapura is marked as per Ex D8.

18. Since, DGO has adduced defence evidence incriminating circumstances which appeared against him in the evidence of PWs 1 to 4 are not put to him by way of questionnaire.

19. In the course of written argument of the Presenting Officer filed on 13/11/2019 she has referred to the charge levelled against the DGO and also evidence on record. It is contended that though the complainant has not fully supported the case of disciplinary authority his evidence would show that cash is placed in the drawer of the table of DGO. With reference to the evidence of PWs 2 to 4 it is sought to contend that nothing worthy is brought out during their cross examination to disbelieve their evidence. With reference to the evidence of DW1 it is sought to contend that cross examination of DW1 would show that except receiving letters and despatch nothing is known to her. With reference to evidence of DGO it is sought to contend that DGO has admitted that there is no enmity between him and PW4 and also admitted change of colour of finger wash of hands. It is thus sought to contend that the alleged charge stands established.

20. In tune with the articles of charge, point which arises for consideration is:

Whether it stands established that during the tenure of DGO as Child Development Project Officer attached to Kanakapura, Ramanagara District from the month of April 2006 to February 2008, in order to accommodate Chandamma as Anganawadi worker demanded and accepted illegal gratification of Rs.15,000/- from the

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complainant who is the husband of Chandamma earlier to 27/12/2007 and thereafter, demanded and accepted illegal gratification of Rs. 5,000/- from the complainant on 27/12/2007 at 5.30 P.M in his office i.e., in the office of Child Development Project Officer, Kanakapura, Ramanagara District and during investigation conducted in crime number 2/2007 of Lokayukta Police Station, Ramanagara, DGO failed to offer satisfactory explanation for possession of tainted cash of Rs.5,000/- possessed by him in his office at 5.30 P.M on 27/12/2007 and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services(Conduct) Rules, 1966 ?

21. In the course of evidencce the complainant has stated that on 13/12/2007 Smt. Venkatalakshamma contacted over phone and informed that a sum of Rs.15,000/- has been demanded for the post of Anganawadi worker and afterwards told that cash was paid to the concerned officer. He has stated that on the same day after 12 noon, Venkatalakshamma again contacted over phone and informed that there was demand for additional sum of Rs.5,000/- and thereafter he met the Police Inspector by name Jagadish Prasad attached to Lokayukta Police Station and informed the matter. He has stated that on 24/12/2007 at 3.00 P.M he was introduced to PW4 and afterwards he contacted PW4 on 26/12/2007 and informed that he would contact on 27/12/2007. He has stated that he went to Lokayukta Police Station, Ramanagara on 27/12/2007 along with cash of Rs.5,000/- but he had not lodged complaint on that day. He has further stated that on the same day i.e., on 27/12/2007 he was taken to Kanakapura at 5.00 P.M by

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Lokayukta Police Staff and asked to pay cash of Rs.5,000/- to DGO and accordingly he paid cash of Rs.5,000/- to DGO and thereafter offered communication by wiping face with kerchief and afterwards DGO was apprehended by Lokayukta Police Staff. He has not supported his own cause and turned hostile. During cross examination by the Presenting Officer after treating him hostile he has admitted lodging of application by his wife on 13/12/2007 for the post of Anganawadi worker. He also has admitted during cross examination by the Presenting Officer that he lodged complaint in Lokayukta Police Station, Ramanagara. Ex P2 is the reverse page of Ex P1 which shows that the complainant lodged complaint against the DGO on 27/12/2007 alleging that he had already paid illegal gratification of Rs.15,000/- and thereafter there was demand for additional sum of Rs.5,000/-. He has admitted during cross examination by the Presenting Officer that he placed cash of Rs.5,000/- in Lokayukta Police Station, Ramanagara. Though he has not fully supported his own cause answers elicited during his cross examination by the Presenting Officer establishes lodging of complaint and placing of cash of Rs.5,000/- before PW4.

22. Evidence of PW4 that the complainant lodged complaint before him on 27/12/2007 with allegation of demand for illegal gratification by DGO has not been assailed during his cross examination in its true letter and spirit and as such his evidence establishes that the complainant lodged complaint against the DGO alleging demand for illegal gratification. Evidence of PW4 that on the basis of the complaint he registered case against the DGO in crime number 2/2007 of Lokayukta Police Station, Ramanagara for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under

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section 13(2) of The Prevention of Corruption Act, 1988 is not under challenge which establishes submission of FIR to the jurisdictional Special Court at Ramanagara. His evidence that he secured the shadow witness and panch witness to Lokayukta Police station, Ramanagara is not under challenge. His evidence that the complainant placed five currency notes of denomination of Rs.1000/- each is not under challenge and as such his evidence establishes production of cash Rs.5,000/- before him by the complainant. He has spoken to during evidence that on his instructions the shadow witness entered the numbers of those notes on a sheet of paper and that he got applied phenolphthalein powder on those notes and afterwards, on his instructions the shadow witness placed the tainted notes in the left side pocket of shirt of the complainant. It is in his evidence that he got prepared solution with water and sodium carbonate and obtained sample of the said solution in a bottle. He has spoken to that the shadow witness immersed fingers of hands in the residual solution and consequently the said wash turned to pink colour and with the said process he conducted pre-trap mahazar. His evidence touching the proceedings of pre-trap mahazar has been assailed during cross examination suggesting that he has not secured the shadow witness and panch witness and has not conducted proceedings of pre-trap mahazar. The said suggestion has been denied by him. Upon appreciation of his evidence touching the proceedings of pre-trap mahazar I find nothing worthy to disbelieve his evidence and therefore his evidence is worthy of credence and acceptance which establishes that he conducted proceedings of pre-trap mahazar.

23. In the course of evidence PWs 2 and 3 have spoken to that they appeared in Lokayukta Police Station, Ramanagara. It is in

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the evidence of PW2 that the complainant was present in Lokayukta Police Station, Ramanagara and that he was told by Lokayukta Police staff Ramanagara that complaint is lodged by the complainant alleging demand for illegal gratification by DGO. He has spoken to that the complainant placed five currency notes of denomination of Rs.1,000/- each and that PW3 noted the numbers of those notes in a sheet of paper. It is in his evidence that phenolphthalein powder has been applied on those notes by Lokayukta Police staff and afterwards he placed the tainted notes in the pocket of shirt of the complainant and afterwards, he immersed fingers of hands in the solution and consequently the said solution turned to pink colour and with that process pre-trap mahazar has been conducted. Suggestion posed to him during cross examination suggesting that pre-trap mahazar has not been drawn has been denied by him. Suggestion posed to him suggesting that Venkatalakshamma was present with the complainant also has been denied by him. Upon appreciation of his entire evidence I find nothing to disbelieve his evidence touching the proceedings of pre-trap mahazar and therefore his evidence needs acceptance.

24. In the course of evidence PW3 has spoken that after he reached Lokayukta Police Station, Ramanagara on 27/12/2007 he saw the complainant and PW2. It is in his evidence that the complaint lodged by the complainant was read over to him and that it was found in the complaint that the complainant had alleged that in connection with the job of the wife of the complainant the complainant had paid cash Rs.15,000/- to DGO. It is in his evidence that it was found alleged in the complaint that DGO was still demanding a sum of Rs.5,000/- to accommodate the wife of the complainant as Anganawadi

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worker. It is in his evidence that the complainant placed cash of Rs.5,000/- in Lokayukta Police Station, Ramanagara. It is in his evidence that after application of phenolphthalein powder on those notes PW2 placed those notes in the pocket of shirt of the complainant. He has spoken to that some chemical solution has been prepared and that sample of the said solution has been obtained in a bottle. It is in his evidence that PW2 immersed fingers of hands in the solution which consequently turned to pink colour. He has spoken to that with the said process pre-trap mahazar has been conducted. His entire evidence has remained unchallenged and since no serious infirmity is found in his evidence his evidence needs acceptance. On the strength of the evidence of PWs 2 to 4 I have no hesitation whatsoever to hold that PW4 conducted pre-trap mahazar as primitive step of investigation.

25. During examination-in-chief though the complainant has not spoken anything incriminating against the DGO he has spoken during cross examination by the Presenting Officer after treating him hostile that he along with PWs 2 and 3 and Lokayukta Police staff reached near the office of DGO. Suggestion posed to him by the Presenting Officer suggesting that after he entered the office of DGO he was asked by DGO whether the amount was brought or not has been denied by him. Suggestion posed to him by the Presenting Officer suggesting that as per the instructions of DGO he placed cash in the drawer of the table though is denied he admits that afterwards he came out of the office of DGO and wiped face with kerchief. It needs to be expressed that in case there was no demand and acceptance of tainted cash by DGO, then, the complainant would not have wiped face with kerchief. He specifically admits the suggestion

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posed to him by the Presenting Officer after treating him hostile that on being questioned by Lokayukta Police Staff he pointed out the DGO and told that as per the instructions of DGO he placed cash in the drawer of table. This portion of his evidence has not been assailed during his cross examination and therefore the said portion of his evidence needs acceptance which establishes that as per the instructions of DGO he placed tainted cash in the drawer of the table under the control of DGO. He admits during cross examination by the Presenting Officer regarding seizure of Ex P4 the attested sheets of the file of the wife of the complainant. When subjected to cross examination from the side of DGO though he has stated that he lodged complaint against Lakshmiddevamma that portion of his answer cannot be accepted for the reason that the attested copy of the complaint does not show that the complaint was against Venkatalakshamma. Though he states during cross examination from the side of DGO that he was told by Lokayukta Police Staff that in the absence of mention of name of DGO complaint cannot be registered it can be understood that the said answer has emerged to safeguard the interest of DGO. Though he further admits during cross examination that he was told by Lokayukta Police Staff that in case of lodging of compliant against DGO steps would be taken for accommodation of his wife the said answer will not lend assurance to the defence for the reason that such a suggestion is not posed to PW1 who registered case against the DGO.

26. During evidence, PW2 has stated that subsequent to pre-trap mahazar he along with the complainant, PW3 and Lokayukta staff reached near the office of DGO at 4.30 P.M . This portion of his evidence is not in challenge. His evidence that

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Lokayukta police staff sent him and the complainant to the office of DGO is also not under challenge. His evidence that DGO was found in the office is also not under challenge. He has spoken that since there was no space inside the office of DGO he stood near the window. He has spoken that he noticed the complainant and DGO talking to each other. It is in his evidence that he noticed placing of cash in the drawer of the table of DGO by the complainant. This portion of his evidence is not under challenge and therefore the said portion of his evidence needs acceptance which unerringly establishes that the complainant placed cash in the drawer under the control of DGO. He has spoken that the complainant wished the DGO by holding hands and after coming out of the office of DGO the complainant conveyed message by wiping face with kerchief. Suggestion posed to him during his cross examination suggesting that the complainant has not offered signal has been denied by him. It is in his evidence that after apprehension of DGO fingers of hands of DGO are got washed and consequently the said wash turned to pink colour. Suggestion posed to him during his cross examination suggesting that fingers of hands of DGO are not washed and that the said wash has not turned to pink colour has been denied by him. Though it is brought out during his cross examination that the Police Constable who had applied phenolphthalein powder on the currency notes washed the hands of DGO it is significant to mention that nothing is elicited during cross examination of PW2 that subsequent to pre-trap mahazar fingers of hands of the Police Constable who washed the hands of DGO are not washed. Evidence of PW2 thus establishes that finger wash of hands of DGO have turned to pink colour which establishes handling of tainted cash by DGO.

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PW2 has spoken to trap mahazar drawn in the office of DGO. Upon appreciation of the entire evidence of PW2 I find no inherent infirmity in his evidence and therefore his evidence is worthy of credence and acceptance.

27. It is in the evidence of PW3 that subsequent to pre-trap mahazar the complainant along with PW2 entered the office of DGO and that he along with PW4 followed the complainant and DGO. It is in his evidence that after entering the office of DGO the complainant came out of that office at about 5.30 P.M and offered signal. He has spoken that after pointing out the DGO the complainant expressed before PW4 that DGO received cash. It is in his evidence that the complainant also expressed that initially DGO did not receive the amount and thereafter the complainant kept the amount in the drawer of the table. At another stretch PW3 has stated that the complainant told that DGO refused to receive and touched the hands of the complainant and thereafter the complainant placed the amount in the drawer of the table. These two divergent answers will not drive to hold that DGO was reluctant to accept cash. He has spoken that on the instructions of PW4 DGO lifted cash from the drawer of the table and placed the same at the hands of PW2 who in turn verified the cash and found that currency notes are tainted notes. PW3 has stated that finger wash of hands of DGO have turned to pink colour. He has spoken to seizure of finger wash of hands of DGO and also touching trap mahazar conducted in the office of DGO. Though PW3 has been treated hostile to some extent outcome of his entire evidence unerringly establishes that DGO handled the tainted cash and therefore finger wash of hands of DGO turned to pink colour.

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28. Time was sought on 25/08/2015 for cross examination of PW3 from the side of DGO and accordingly time was granted for cross examination. On 19/11/2016 PW3 was present on which day neither DGO nor his Advocate appeared and therefore cross examination of PW3 was taken as nil. Thereafter, DGO has not evinced interest for recall of PW3 for the purpose of cross examination. Thus, entire evidence of PW3 has remained unchallenged. Since no material infirmity is noticed in the evidence of PW3 his evidence needs acceptance.

29. Evidence of PW 4 that subsequent to pre-trap mahazar he along with his staff, complainant, shadow witness and panch witness reached near the office of DGO at Kanakapura at 4:30 P.M is not under challenge. His evidence that the complainant and shadow witness entered the office of DGO has been assailed during his cross examination suggesting that he has not sent the complainant and shadow witness to the office of DGO. The said suggestion has been denied by him. His evidence that at about 5:30 P.M the complainant signalled communication by wiping face with kerchief though has been assailed during his cross examination suggesting that no such signal was conveyed, the said suggestion has been denied by him.

30. PW 4 has spoken during evidence that after the signal by the complainant he along with his staff and panch witness entered the office of DGO. This portion of his evidence is not under challenge. Evidence of PW 4 that after his entry to the office of DGO the complainant pointed out the DGO and told that DGO accepted cash of Rs. 5,000/- has not been assailed during his cross examination and therefore the said portion of his evidence needs acceptance which incriminates the DGO. Even during evidence of DGO who got himself examined as DW 1

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he has not refuted the evidence of PW 4 that the complainant expressed that DGO accepted cash of Rs. 5,000/-. In these circumstances it needs to be expressed that DGO accepted tainted cash of Rs. 5,000/- from the complainant.

31. During evidence of PW 4 he has spoken that he got prepared solution with water and sodium carbonate powder and obtained sample of the said solution in a bottle. This portion of his evidence is not under challenge and therefore the same needs acceptance. He has spoken that on his instructions DGO immersed fingers of right hand in the solution placed in a container and immersed fingers of left hand in the solution placed in another container and that finger wash of both hands of DGO turned to light pink colour. Suggestion posed to PW 4 during his cross examination suggesting that he has not conducted the process of finger wash of hands of DGO has been denied by him. I do not find any infirmity in the evidence of PW 4 touching the process of finger wash of hands of DGO and therefore evidence of PW 4 that he got immersed fingers of hands of DGO in the solution needs acceptance. Evidence of PW 4 that finger wash of hands of DGO turned to light pink colour has not been assailed in its true letter and spirit during his cross examination and therefore evidence of PW 4 touching change of colour of finger wash of hands of DGO needs acceptance which establishes that since DGO handled the tainted cash his finger wash turned to light pink colour.

32. Evidence of PW 4 that on being questioned by him about tainted cash DGO responded that cash is placed in the right side drawer of the table has not been assailed during his cross examination and therefore that portion of his evidence needs acceptance. This portion of his evidence establishes that DGO



was very much aware of the fact that tainted notes are in the drawer of the table. Evidence of PW 3 that he seized the tainted cash is not under challenge which establishes seizure of tainted cash which was very much within the knowledge of DGO. Three attested sheets marked as per Ex P4 are the attested sheets of the file of the wife of the complainant. Seizure of Ex P4 as spoken to by PW 4 is not under challenge. Ex P6 is the attested copy of statement in writing of DGO placed before PW 4. Ex P6 has not been disputed during cross examination of PW 4. Relevant portion of Ex P6 reads:

“ದಿನಾಂಕ 27/12/2007 ರಂದು ಸಂಜೆ 5 ಘಂಟೆಗೆ ಕಛೇರಿಯಲ್ಲಿ ಕೆಲಸ ನಿರ್ವಹಿಸುತ್ತಿರುವಾಗ ಬೈದೇಗೌಡನದೊಡ್ಡಿ ಅಂಗನವಾಡಿಕಾರ್ಯಕರ್ತೆಯಾದ ಶ್ರೀಮತಿ ವೆಂಕಟಲಕ್ಷ್ಮಮ್ಮನವರು ಪಿಯಾರದಿ ಶ್ರೀ ಶಿವಣ್ಣ ಹಾಗೂ ಅವರ ಪತ್ನಿ ಎಂದೂ ಹೇಳಲಾದ ಚಂದ್ರಮ್ಮ ಎಂ.ಜಿ ರವರ ಜೊತೆ ನನ್ನ ಕೊಠಡಿಗೆ ಬಂದರು ಶ್ರೀಮತಿ ವೆಂಕಟಲಕ್ಷ್ಮಮ್ಮನವರು ಇವರು ಶ್ರೀಮತಿ ಚಂದ್ರಮ್ಮ ಎಂಬವರು ನಮ್ಮ ಸ್ವಂತದವರಾಗಿದ್ದು, ಕೃಷ್ಣಮೋವಿದೊಡ್ಡಿ ಅಂಗನವಾಡಿ ಕೇಂದ್ರಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದಾಗಿ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿ ಏನದೂ ಲೋಪದೋಷಗಳಿದ್ದರೆ ತಿಳಿಸುವಂತೆ ತಿಳಿಸಿ ಇವರಿಗೆ ಸಾಧ್ಯವಾದರೆ ಸಹಾಯ ಮಾಡುವಂತೆ ಕೇಳಿಕೊಂಡಿರುವ ಸಮಯದಲ್ಲಿ ಅರ್ಜಿದಾರರ ಗಂಡ ನನ್ನ ಕಾಲುಗಳನ್ನು ಮುಟ್ಟಿ ನಮಸ್ಕರಿಸಿ ನನ್ನ ಕೈ ಹಿಡಿದುಕೊಂಡು ನಾವು ತುಂಬಾ ಬಡವರು ನಮಗೆ ಸಹಾಯ ಮಾಡುವಂತೆ ಕೇಳಿಕೊಂಡರು. ನನ್ನ ಕೈ ಕುಲಿಕೆ ಬುರತ್ತೆನೆಂದು ತಿಳಿಸಿ ಹೊರ ಹೋದರು ಇವರ ಜೊತೆಯಲ್ಲಿ ಶ್ರೀಮತಿ ವೆಂಕಟಲಕ್ಷ್ಮಮ್ಮ ಸಹಾ ಹೊರಗೆ ಹೋದರು. ಪಿಯಾರದಿದಾರರು ತಿಳಿಸಿರುವಂತೆ ನಾನು ಯಾವ ಲಂಚವನ್ನು ಕೇಳಿರುವುದಿಲ್ಲ ಹಾಗೂ ನನ್ನ ಡ್ರಾ ನಲ್ಲಿ ಯಾವ ರೀತಿ ಹಣ ಇಟ್ಟು ಎಂಬುದು ನನಗೆ ತಿಳಿದಿಲ್ಲ.

ಅಂಗನವಾಡಿ ಕಾರ್ಯಕರ್ತೆಯರ ಆಯ್ಕೆಯು ನನ್ನ ಕರ್ತವ್ಯವಲ್ಲ ಅದಕ್ಕೆ ಜಿಲ್ಲೆ ಮಟ್ಟದ ಅಧಿಕಾರಿ ಆಯ್ಕೆ ಸಮಿತಿ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದು ಸದಸ್ಯರನ್ನು ಒಳಗೊಂಡಿರುತ್ತದೆ. ಅರ್ಜಿ ಪಡೆಯಲು ನಿಗದಿಪಡಿಸಿರುವ ಕೊನೆ ದಿನಾಂಕ ಮುಗಿಯುವ ಮುನ್ನವೇ ಇವರಿಗೆ ನಾನು ಆಯ್ಕೆ ಮಾಡುವ ಬಗ್ಗೆ ಆಸ್ಪಾಸನೆ ನೀಡಿ ಲಂಚ ಕೇಳಿರುವುದಾಗಿ ತಿಳಿಸಿರುವುದು ಸತ್ಯಕ್ಕೆ ದೂರವಾದ ಸಂಗತಿ. ಈ ಬಗ್ಗೆ ಬೇರೆ ಯಾವುದೇ ಕಾರಣ ಕೈ ಕೆಲಸ ಮಾಡಿದ್ದು ನನ್ನನ್ನು ತೇಜೋವದೆ ಮಾಡುವ ಪ್ರಯತ್ನವಾಗಿದ್ದು ಆ ಬಗ್ಗೆ ಸೂಕ್ತ ತನಿಖೆ ಮಾಡಿ ಕ್ರಮ ಜರುಗಿಸಲು ಕೋರಿದೆ. ಈ ಬಗ್ಗೆ ನಾನು ಸಂಪೂರ್ಣ ನಿರಪರಾಧಿ ಆಗಿರುತ್ತೇನೆ ಎಂದು ತಮ್ಮಲ್ಲಿ ತಿಳಿಯಬಯಸುತ್ತೇನೆ.”

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The portion as excerpted hereinabove would not show that according to DGO, tainted cash was not found in the drawer of the table. Nothing is found in the portion as excerpted hereinabove that finger wash of hands of DGO have not turned to any colour. No satisfactory explanation is found offered in the portion as excerpted hereinabove touching the manner in which tainted cash are found in the drawer of the table and therefore, the said statement of DGO cannot be held as satisfactory one in offering explanation as to the manner in which tainted cash are found in the drawer of the table.

33. During evidence of PW4 he has spoken that he conducted trap mahazar in the office of DGO. He has spoken regarding arrest of DGO, further investigation and submission of charge sheet against the DGO in the jurisdictional Special Court at Ramanagara.
34. During cross examination it is brought out that on the strength of the contents of the application dated 13/12/2007 the attested copy of the same is at sheet number one of Ex P4 and also Ex P1 he completed investigation. Exhibits P1 and P4 are one and the same. These two documents would show that wife of the complainant applied for the post of Anganawadi Worker on 13/12/2007. Suggestion posed to PW4 suggesting that on 13/12/2007 application was not filed in the office of DGO has been denied by him. It needs to be noted that in the presence of Ex D1 which is marked through DW1 the said suggestion has no substratum to adhere. Much is attempted to be unearthed during cross examination of PW4 touching the pendency of work of the wife of the complainant. After having gone through the entire cross examination of PW4 I find nothing worthy to hold that the official work of the wife of the complainant was not

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pending with the DGO. Suggestion posed to PW4 during cross examination suggesting that DGO neither demanded not accepted illegal gratification and that he concocted mahazars to suit his convenience has been denied by him.

35. DW1 who was working as Second Division Assistant in the office of DGO has spoken to during her evidence that she was looking after the section of inward and outward in the office DGO and that the last date scheduled for acceptance of application for the post of Anganawadi Worker was scheduled on 25/12/2007 and that the wife of the complainant who received the application form on 13/12/2007 placed the said application before her on 20/12/2007. She has referred to Exs D1 to D6. Though it is in her evidence that the selection committee rejected the application of the wife of the complainant on 26/02/2008 it is significant to mention that trap was laid on 27/12/2007 and therefore rejection of application of the wife of the complainant by the selection committee will not lend assurance to the defence. Ex D2 is the xerox copy of the proceedings of selection committee. It shows that proceedings were held on 06/06/2008 i.e., subsequent to trap and therefore Ex D2 is of no relevance. Ex D3 to D8 are in connection with the appointment for the post of Anganawadi Worker. These documents equally are of no relevance in the background the fact that trap was laid on 27/12/2007. It is in the evidence of DW1 that the selection committee rejected the application of the wife of the complainant on 20/02/2008 and also on 26/02/2008. For the reasons already mentioned above, this portion of evidence of DW1 will not lend assurance to the defence. During cross examination DW1 has stated that except the work in relation to inward and outward she is not aware of any facts touching this matter.

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Suffice to mention that evidence of DW1 is of no assistance to the defence.

36. In the course of evidence, DW2 has stated that he had issued notification on 10/12/2007 calling for applications for 38 posts of Anganawadi Workers and that last date for filing of applications was scheduled to 27/12/2007. He has spoken that wife of the complainant obtained the application form from his office on 13/12/2007 and filed the said application along with originals of Exhibits D3 to D6 on 20/12/2007. He has stated that as found in Ex D2 the selection committee rejected the application of the wife of the complainant on 20/02/2008 and also on 26/02/2008. Since trap was laid on 27/12/2007 the above portion of evidence of DGO is of no relevance.
37. DGO has spoken to that trap was laid at 3.00 P.M on 27/12/2007. It is spoken by him that before scrutiny of applications decision of the selection committee will not be known to anybody. He has spoken that he had not assured the complainant about selection. He has spoken that false case has been lodged against him. Exs D7 and D8 marked through DGO are of no relevance in the background of the fact that trap was laid on 27/12/2007.
38. During cross examination suggestions posed to him suggesting the alleged demand for Rs.20,000/- and acceptance of part payment of Rs.15,000/- are denied by him. Further suggestion that subsequently i.e., on the day on which the wife of the complainant placed the application demand was laid for Rs.5,000/- has been denied by him. It is worthy to mention that during cross examination DGO has stated that there is no enmity between him and the wife of the complainant and equally there is no enmity between him and the complainant. He further

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has stated during cross examination that there is no enmity between him and PW4. In the presence of these answers elicited during cross examination of DGO false implication of DGO is totally ruled out. DGO admits change of colour of finger wash of his hands. Change of colour of finger wash of hands of DGO establishes that DGO handled the tainted cash.

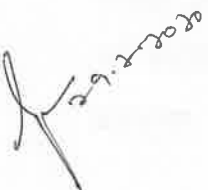
39. It is well settled that in order to bring home the guilt of the accused in the prosecution for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988, the prosecution has to establish demand and acceptance of illegal gratification to extend official favour. It is well settled that in order to fasten the guilt of the accused for the above charges the evidence of the complainant touching demand and acceptance of illegal gratification shall be corroborated by the testimony of shadow witness and in the absence of the same guilt cannot be fastened. It is also well settled that mere possession of tainted cash will not lead to draw presumption under section 20 of The Prevention of the Corruption Act, 1988. It is also well settled that while appreciating evidence in criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied and that preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry proceedings of this nature. Keeping in mind the yardstick of preponderance of probabilities when the evidence adduced by the disciplinary authority is appreciated it stands established that DGO who had the occasion to call for applications for the post of Anganawadi Workers must have attempted to encash the situation and in that background he must have laid demand for illegal gratification. It equally needs

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to be expressed that on the day of trap DGO demanded and accepted illegal gratification from the complainant. Ex P6 when appreciated would not point out that DGO offered satisfactory explanation touching possession of tainted cash on the day of trap. Failure on the part of DGO to offer satisfactory explanation touching possession of tainted cash on the day of trap amounts to the act of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services(Conduct) Rules, 1966.

40. Regarding the charge at Annexure No.1 of articles of charge that on 13/12/2007 DGO accepted illegal gratification of Rs.15,000/- from the complainant, nothing is found in the evidence of PW1 in support of the said charge. Since PWs2 and 3 have stepped into the picture on 26/12/2017 no evidence from them can be expected in support of the said charge. During cross examination PW4 who conducted investigation has stated that he has not conducted investigation touching the allegation of payment of a sum of Rs.15,000/- to DGO by the complainant. In the absence of evidence attracting the said charge it needs to be expressed that the said charge has remained not established.
41. Regarding charge at Annexure No.1 of articles of charge that DGO demanded and accepted illegal gratification of Rs.5,000/- from the complainant on 27/12/2007 evidence as discussed above is convincing and therefore it needs to be expressed that the said charge stands established.
42. For the reasons mentioned above, I proceed with the following:

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REPORT

Charge against the DGO by name Sri. G.Ramappa that during his tenure as Child Development Project Officer attached to Kanakapura, Ramanagara District from the month of April 2006 to February 2008, in order to accommodate Chandramma as Anganawadi Worker demanded and accepted illegal gratification of Rs.15,000/- earlier to 27/12/2007 from the complainant who is the husband of Chandramma and thereby is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is not proved.

Charge against the DGO that during his tenure as Child Development Project Officer attached to Kanakapura, Ramanagara District from the month of April 2006 to February 2008, in order to accommodate Chandramma as Anganawadi Worker demanded and accepted illegal gratification of Rs.5,000/- from the complainant who is the husband of Chandramma in the office of DGO i.e., in the office of Child Development Project Officer, Kanakapura, Ramangara District on 27/12/2007 at 5.30 P.M and during investigation conducted in crime number 2/2007 of Lokayukta Police Station, Ramanagara, DGO failed to offer satisfactory explanation for possession of tainted cash of Rs.5,000/- possessed by him in his office at 5.30 P.M on 27/12/2007 and thereby is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services(Conduct) Rules, 1966 is proved.

DGO is due for retirement on superannuation on 30/04/2020.

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Submit this report to the Hon'ble Upalokayukta-2 Karnataka in a sealed cover forthwith along with the connected records.


(V.G. BOPAI AH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

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

- | | |
|-------|----------------------|
| PW1:- | Sri Shivanna. P. |
| PW2:- | Sri. Raju. |
| PW3:- | Sri. K.S.Vishwanath. |
| PW4:- | Sri. H.Manjappa. |

List of witnesses examined on behalf of DGO:-

- | | |
|-------|---------------------|
| DW1:- | Smt. Thavari Bai |
| DW2:- | Sri. G.Ramappa(DGO) |

List of documents marked on behalf of Disciplinary Authority:-

1. Ex P1 :- Reverse page(xerox impression of application dated 13/12/2007 of Chandramma) of Ex P2.
2. Ex P2 :- Attested copy of complaint dated 27/12/2007 in a single sheet of the complainant.
3. Ex P3:- Attested copy of pre-trap mahazar dated 27/12/2007 in two sheets
4. Ex P3(a) :- Signature of PW1 found on Ex P3.

5. Ex P3(b) :- Signature of PW2 found on Ex P3.
6. Ex P3(c) :- Signature of PW3 found on Ex P3.
7. Ex P4 :- Three attested sheets of the file of Chandramma(wife of the complainant).
8. Ex P5 :- Attested copy of trap mahazar dated 27/12/2007 in three sheets.
9. Ex P5(a) :- Signature of the complainant found on Ex P5.
10. Ex P5(b) :- Signature of PW2 found on Ex P5.
11. Ex P5(c) :- Portion of Ex P5.
12. Ex P5(d) :- Signaturc of PW3 found on Ex P5.
13. Ex P5(e) :- Portion of Ex P5.
14. Ex P6:- Attested copy of statement dated 27/12/2007 in a single sheet of DGO placed before PW4.
15. Ex P6(a) :- Signature of PW3 found on Ex P6.
16. Ex P7:- Attested copy of FIR dated 27/12/2007 in a single sheet in crime number 2/2007 of Lokayukta Police Station, Ramanagara.
17. Ex P8:- Attested copy of sketch dated 07/12/2007 in a single sheet drawn by the Assistant Engineer attached to Public Works Department Sub-Division, Kanakapura.
18. Ex P9:- Attested copy of report dated 24/04/2008 in two sheets of the Chemical Examiner attached to Public Health Institute, Bengaluru.

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List of documents marked on behalf of DGO:-

1. Ex D1:- Xerox copy of the application dated 13/12/2007 in a single sheet of Chandramma(wife of the complianant)
2. Ex D2:- Xerox copy of the proceedings dated 06/08/2008 in two sheets of the selection committee for the post of Anganawadi Workers, Kanakapura, Ramanagar District.
3. Ex D3:- Xerox copy of the transfer certificate in a single sheet of Chandramma(wife of the complainant) dated 13/06/1992 issued by the Head Master attached to Sree Sharada High School, Kodihalli, Kanakapura Taluk.
4. Ex D4:- Xerox copy of the certificate dated 30/05/1992 in a single sheet of Chandramma(wife of the complainant) issued by the Karnataka Secondary Education Examination Board.
5. Ex D5:- Xerox copy of the residential certificate dated 13/12/2007 in a single sheet of Chandramma(wife of the complainant) issued by the Secretary, Grade I, Doddamaralavadi Gram Panchayath, Kanakapura Taluk.
6. Ex D6:- Xerox copy of income certificate dated 14/12/2007 of Chandramma(wife of the complainant) issued by the Tahasildar, Kanakapura.
7. Ex D7:- Attested copy of the academic certification dated 04/06/2010 in a

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single sheet of the daughter of the complainant issued by the Head Master attached to Government Model Primary School, Sarakki, J.P.Nagara 6th Stage, Bengaluru.

- 8 Ex D8:- Xerox copy of the letter addressed to the Child Development Project Officer, Kanakapura addressed by the Manager attached to the office of Child Development Project Officer, Kanakapura.


(V.G. BOPAI AH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RESEARCH REPORT
NO. 1000
1960

BY
J. H. GOLDSTEIN
AND
R. F. FIESH

RECEIVED





KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/168/2012/ARE-11 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 02.03.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Sri G.Ramappa,
the then Child Development Project Officer,
Kanakapura Taluk, Ramanagara District - reg.

Ref:- 1) Government Order No. MME 35 SJD 2008
dated 11.04.2012.

2) Nomination order No. LOK/INQ/14-
A/168/2012 dated 21.04.2012 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 29.02.2020 of Additional
Registrar of Enquiries-11, Karnataka
Lokayukta, Bengaluru.

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The Government by its order dated 11.04.2012,  
initiated the disciplinary proceedings against Sri G.Ramappa,  
the then Child Development Project Officer, Kanakapura Taluk,  
Ramanagara 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/168/2012 dated 21.04.2012 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 14/03/2014, Additional Registrar Enquiries-5 was re-nominated and later on by order No. UPLOK-1&2/DE/2016 dated 03/08/2016 Additional Registrar Enquiries-11 was re-nominated to continue the said enquiry.

3. The DGO Sri G.Ramappa, the then Child Development Project Officer, Kanakapura Taluk, Ramanagara District, were tried for the following charges :-

" That, you Sri G.Ramappa, the DGO, while working as Child Development Project Officer at Kanakapura in Ramanagara District, Smt. Chandamma the wife of the complainant Sri. P.Shivanna of Krishnabhovi Doddi in Kanakapura Taluk applied on 13/12/2007 for the post of honorary Anganawadi worker and on that day you took bribe of ₹.15,000/- from the complainant for the post of honorary Anganawadi worker and again asked further bribe of ₹. 5,000/- on 27/12/2007, to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government Servant and

thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) 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 charge of demand and acceptance of Rs.5,000/- from the complainant on 27/12/2017 at 5.30 P.M. by the DGO Sri G.Ramappa, the then Child Development Project Officer, Kanakapura Taluk, Ramanagara District' is proved.

5. On re-consideration of report of inquiry and on consideration of all the materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO Sri G.Ramappa, is due to retire from service on 30.04.2020.

7. Having regard to the nature of charge '*proved*' (demand and acceptance of bribe) against DGO Sri G.Ramappa, the then Child Development Project Officer, Kanakapura Taluk,

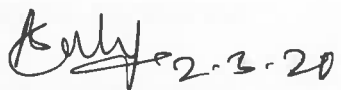
Ramanagara District, and considering the totality of circumstances, particularly the fact that the DGO is retiring shortly on 30.4.2020 (less than 2 months from today), the penalty of compulsory retirement from service would not be adequate having regard to the gravity of the charge proved. Hence in addition to the same, withholding of 50% pension payable to DGO for a period of five years is found to be just and necessary. Hence, it is hereby recommended to the Government;

- i) to impose penalty of 'compulsory retirement of DGO and also to withhold 50% of pension payable to DGO Sri G. Ramappa for a period of five years '.

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

Connected records are enclosed herewith.

Bs\*

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