



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/201/2018/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 21.12.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Rajiv Shantagiri, Junior Health Assistant, Primary Health Centre, Anekal, Bengaluru Urban District- reg.

Ref:- 1) Government Order No. HFW 142 HSM 2018 dated 02.04.2018.

2) Nomination order No. UPLOK-1/DE/201/2018 dated 20.04.2018 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 16.12.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by order dated 02.04.2018 initiated the disciplinary proceedings against Sri Rajiv Shantagiri, Junior Health Assistant, Primary Health Centre, Anekal, Bengaluru Urban District, [hereinafter referred to as Delinquent Government Official, for short as ' DGO ' ] and entrusted the Departmental Inquiry to this Institution.

2

2. This Institution by Nomination Order No. UPLOK-1/DE/201/2018 dated 20.04.2018 nominated Additional Registrar of Enquiries-8, 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 was tried for the following charge:

You, Sri Rajiv Shantagiri, while working as Male Health Worker, Primary Health Centre, Anekal, Bengaluru by assuring the complainant Sri Mahantesh G.Gundali and Sri Manjunath of securing a job as Assistant Director in the Department of Industries and Commerce, and collected Rs.2 lakhs from Sri Mahantesh and collected a sum of Rs.1.30 lakhs by cash and Rs.70,000/- by account deposit from Sri Manjunath and later returned only 1 lakh to the said Manjunath and thereby involved yourself in unlawful activities and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966."

4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above

charge against the DGO Sri Rajiv Shantagiri, Junior Health Assistant, Primary Health Centre, Anekal, Bengaluru Urban District.

5. On perusal of the entire materials on record, in order to prove the misconduct of the DGO, the Disciplinary Authority has examined three witnesses as PW-1 to PW.3 and got marked documents Ex. P-1 to P.10. The DGO got examined himself as DW.1 but no documents were got marked on his behalf. Though the DGO has denied the charges, the entire evidence and the materials on record disclose that, DGO has committed misconduct. Therefore, there is no reason to deviate from the opinion expressed by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of Inquiry Officer.

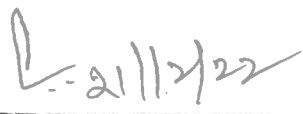
6. As per the information furnished by the Enquiry Officer, DGO Sri Rajiv Shantagiri, is due to retire from service on 30.09.2044.



7. Having regard to the nature of charge proved against the DGO and considering the totality of circumstances, it is hereby recommended to the Govt. to impose penalty of ' compulsory retirement on DGO Sri Rajiv Shantagiri, Junior Health Assistant, Primary Health Centre, Anekal, Bengaluru Urban District'.

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

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No: Uplok-1/DE/201/2018/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 16/12/2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against Sri. Rajiv Shantagiri, Junior Health Assistant, Primary Health Center, Anekal, Bengaluru Urban District - reg.

**Ref:-** 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act, 1984, in Complt/Uplok/BCD/8942 & 8943/2017/DRE-3, dtd.02/03/2018.  
2) Government Order No.HFW/142/HSM/2018, Bangalore, dtd.02/04/2018.  
3) Nomination Order No.UPLOK-1/DE/201/2018, Bangalore, dtd.20/04/2018.

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Present Departmental Enquiry is initiated on the basis of the complaint lodged by 1) Sri. Mahantesh G. Gundali r/o Kalyananagar, Dharawad and another complainant 2) Sri. Manjunath Hanumanthaiah, r/o

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Navodaya Nagar, Dharwad Town & District, (herein after referred as 'Complainants') against Sri. Rajiv Shantagiri, Junior Health Assistant, Primary Health Center, Anekal, Bengaluru Urban District and three others (herein after referred to as the Delinquent Government Official in short 'DGO').

**2. Brief allegations made in the complaint are that:**

Complainant 1) Sri. Mahantesh G. Gundali r/o Kalyananagar, Dharwad and another complainant 2) Sri. Manjunath Hanumanthaiah, r/o Navodaya Nagar, Dharwad Town & District, lodged a complaint alleging that a notification came to be issued for appointment of Assistant Directors in the Department of Industry and Commerce through KPSC in the year 2015. DGO was working as health worker at Primary Health Centre, Anekal and assured to secure appointment through his influence in the Government got complainant No.1 and 2 and collected Rs.2,00,000/- lakh each from complainants No.1 and 2 and when the KPSC results were declared name of the complainants for appointment of the said jobs were not seen. In this regard, both complainants Mahantesh and Manjunath approached DGO to return their money paid in advance for securing appointment deposited in DGO's account. For which DGO refused and committed misconduct as a Government servant. Accordingly,

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6. Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3-Order No. UPLOK-1/DE/201/2018, Bangalore, dtd.20/04/2018.

7. On the basis of the nomination, Article of Charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

**ANNEXURE No.I**  
**CHARGE**

1. You, Sri Rajiv Shantagiri, while working as Male Health Worker, Primary Health Center, Anekal, Bengaluru by assuring the complainant no.1 Manjunath of securing a job as Assistant Director in the Department of Industries and Commerce, collected a sum of Rs.1.30 lakhs by cash and Rs.70,000/- by account deposit and later returned only 1 lakh to the said Manjunath and thereby involved yourself in un-lawful activities and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

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

1. An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri Mahantesh G. Gundali C/o Asar Building, 7<sup>th</sup> Cross, Opposite to Central Library, Kalyan Nagar, Dharwad in Complaint No. Compt/Uplok/BCD /8942/2017 and another complaint filed by one **Sri Manjunath Hanumanthaiah**, 17<sup>th</sup> cross, Ruth building, KUD road, Navodaya Nagar, Dharwad (hereinafter referred to as complainant Nos. 1 and 2 for short) against Sri Rajiv Shantagiri S/o Manohar Shantagiri, Male Health Worker, Primary Health Center, Anekal, Bengaluru, (hereinafter referred to as 'respondent' for short).
  
2. Both the complainants alleges that there was notification for appointment of Assistant Directors in the Department of Industry and Commerce through KPSC in the year 2015. The respondent who is working as a Male Health Worker at Primary Health Centre, Anekal had taken Rs. 2 lakh from each complainant assuring them to get the job of Assistant Director. When the selection list was published by KPSC, it was found that the complainants were not selected. When they have sought the respondent to return their money, he has returned Rs. 1 lakh to

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Manjunath Hanumantaiah and has refused for returning the balance money. He has also refused to return Rs. 2 lakhs to Sri Mahantesh G. Gundali. Hence, has prayed to take action against the respondent.

3. Both the matters were referred for investigation to S.P., Karnataka Lokayukta, Bangalore Rural District who in turn has submitted his common report dated 24/07/2017 along with separate reports of I.O. Sri. P.M. Pradeep Kumar, Police Inspector, Bangalore Rural, Karnataka . Lokayukta dated 21/07/2017 in both complaints. Both the above said complaints have been consolidated and investigations have been proceeded in BCD/8942/2017.
4. Perused the materials on record. I.O. has submitted the following report in Compt/Uplok/BCD/8942/2017.

“2015ನೇ ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಕೆ.ಪಿ.ಎಸ್.ಸಿ. ವತಿಯಿಂದ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಸಹಾಯಕ ನಿರ್ದೇಶಕರ ಹುದ್ದೆಗೆ ಅರ್ಜಿ ಆಹ್ವಾನಿಸಿದ್ದು, ಸದರಿ ಕೆಲಸವನ್ನು ಕೊಡಿಸುವುದಾಗಿ ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ದೂರುದಾರರಿಂದ (ಶ್ರೀ ಮಹಾಂತೇಶ್ ಗುರುಸಿದ್ದಪ್ಪ ಗುಂಡಾಳಿ) ಮುಂಗಡವಾಗಿ 2 ಲಕ್ಷ ಹಣ ಪಡೆದುಕೊಂಡು ನಂತರ ಸದರಿ ಹುದ್ದೆ ಸಿಗದ ಕಾರಣ ಹಣವನ್ನು ವಾಪಸ್ಸು ಹಿಂದಿರುಗಿಸುವಂತೆ ಕೇಳಿದಾಗ ಹಣವನ್ನು ವಾಪಸ್ಸು ಕೊಡದೆ ಮಾನಸಿಕವಾಗಿ ತೀವ್ರ ಹಿಂಸೆಯವನ್ನು ನೀಡುತ್ತಿದ್ದಾರೆಂದು ದೂರು ಅರ್ಜಿಯಲ್ಲಿ ಸಲ್ಲಿಸಿರುತ್ತದೆ.

**ವಿಚಾರಣೆಯ ವಿವರ:**

ದೂರುದಾರರ ಆಪಾದನೆಯಂತೆ ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ಹೇಳಿಕೆಯನ್ನು ಪಡೆಯಲಾಗಿದ್ದು ಅದರಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ ಮಹಾಂತೇಶ್ ಗುರುಸಿದ್ದಪ್ಪ ಗುಂಡಾಳಿ ರವರು ತನ್ನ ಸಹೋದ್ಯೋಗಿ ಶ್ರೀಮತಿ ಸರಸ್ವತಿ ರವರ ಸಂಬಂಧಿಕರಾಗಿದ್ದು, ಅವರ ಮುಖಾಂತರ ಪರಿಚಯವಾಗಿರುತ್ತದೆ. ಮಹಾಂತೇಶ್ ರವರು 2015ನೇ ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಕೆ.ಪಿ.ಎಸ್.ಸಿ., ವತಿಯಿಂದ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಸಹಾಯಕ ನಿರ್ದೇಶಕರ ಹುದ್ದೆಗೆ ಅರ್ಜಿ

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ಸಲ್ಲಿಸಿದ್ದು, ಇದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಮಗೆ ಕೆ.ಪಿ.ಎಸ್.ಸಿ., ಯಲ್ಲಿ ಯಾರಾದರೂ ಪರಿಚಯವಿದ್ದರೆ ಅವರಿಂದ ಕೆಲಸ ಕೊಡಿಸುವಂತೆ ಕೇಳಿಕೊಂಡ ಕಾರಣ ತನಗೆ ಸುನೀಲ ಎಂಬ ವ್ಯಕ್ತಿ ಪರಿಚಯವಿದ್ದು ಅವರನ್ನು ಭೇಟಿ ಮಾಡಿ ಅವರು ಕೇಳಿದ ಮೊತ್ತ ರೂ.2 ಲಕ್ಷಗಳನ್ನು ಅರ್ಜಿದಾರರಿಂದ ತನ್ನ ಸಮಕ್ಷಮ ಸುನೀಲ ರವರಿಗೆ ಕೊಟ್ಟಿರುವುದಾಗಿ ತಮ್ಮ ಹೇಳಿಕೆಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರಿಗೆ ಸುನೀಲ್ ಎಂಬುವವರನ್ನು ವಿಚಾರಣೆಗೆ ಕರೆತರಲು ತಿಳಿಸಿದ್ದು ಮತ್ತು ಅವರ ಮೊಬೈಲ್ ನಂ. 74065-33907 ಗೆ ಕರೆ ಮಾಡಲಾಗಿ ಕರೆಯನ್ನು ಸ್ವೀಕರಿಸಿರುವುದಿಲ್ಲ ಹಾಗೂ ಅವರ ವಿಳಾಸವನ್ನು ತಿಳಿಸಿರುವುದಿಲ್ಲ ಕಾರಣ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ಸುನೀಲ್ ಎಂಬುವವರಿಗೆ ಹಣ ಕೊಡಿಸಿರುತ್ತೇನೆ ಎನ್ನುವ ವಿಚಾರವು ಸುಳ್ಳಾಗಿರುತ್ತದೆ.

ಮೇಲ್ಕಂಡ ಅರ್ಜಿದಾರರ ಹೇಳಿಕೆಯನ್ನು ಪಡೆಯಲಾಗಿದ್ದು, ಅವರು ದಿನಾಂಕ: 21/06/2016 ರಂದು ಧಾರವಾಡದ ಶ್ರೀಪಾದನಗರದಲ್ಲಿರುವ ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ನಿವಾಸದಲ್ಲಿ ಅವರ ತಂದೆಯವರಾದ ಶ್ರೀ ಮನೋಹರ ಶಾಂತಗಿರಿ ರವರ ಸಮ್ಮುಖದಲ್ಲಿ ರೂ. 1 ಲಕ್ಷಗಳನ್ನು ನಗದಾಗಿ ಮತ್ತು ಮರುದಿನ ದಿನಾಂಕ: 22/06/2016 ರಂದು ಮಹಾಂತೇಶ್ ಗುಂಡಾಳಿ ರವರು ಬೆಂಗಳೂರಿನ ಆನೇಕಲ್‌ಗೆ ಬಂದು ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರನ್ನು ಭೇಟಿ ಮಾಡಿ ಉಳಿಕೆ ಮೊತ್ತ ರೂ. 1 ಲಕ್ಷ ರೂಪಾಯಿಗಳನ್ನು ನಗದು ರೂಪದಲ್ಲಿ ನೀಡಿರುವುದು ವಿಚಾರಣೆಯ ಸಮಯದಲ್ಲಿ ನೀಡಿರುವ ಹೇಳಿಕೆಗಳಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಅರ್ಜಿದಾರರು ಸಲ್ಲಿಸಿರುವ ಸಿ.ಡಿ.ಯನ್ನು ಪರಿಶೀಲಿಸಿದ್ದು, ಅದರಲ್ಲಿ ಅರ್ಜಿದಾರರು ಮತ್ತು ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ನಡುವೆ ಸಂಭಾಷಣೆಯಾಗಿದ್ದು ಅದರಲ್ಲಿ ಅಸಿಸ್ಟೆಂಟ್ ಡೈರೆಕ್ಟರ್ ಇನ್ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಕೆಲಸ ಕೊಡಿಸುತ್ತೇನೆಂದು ಹಣ ಪಡೆದಿರುವ ಬಗ್ಗೆ ಇರುವ ಧ್ವನಿಯು ಅಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ. ಆದರೆ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರಿಂದ ಹಣ ವಾಪಸ್ಸು ಕೇಳುವ ಬಗ್ಗೆ ಮತ್ತು ಹಣವನ್ನು ನೀಡುವ ಬಗ್ಗೆ ಇರುವ ಧ್ವನಿಯು ಸ್ಪಷ್ಟವಾಗಿರುತ್ತದೆ.

ದೂರುದಾರರು ಹೊಂದಿದ್ದ ಭಾಗಲಕೋಟೆ ಜಿಲ್ಲೆ ಚೆಕ್ಕಲಗೊಂದಿ, ಬೀಳಗಿ ತಾಲ್ಲೂಕಿನ ಎಸ್.ಬಿ.ಎ. ಬ್ಯಾಂಕ್ ಖಾತೆ ಸಂಖ್ಯೆ: 33070400820 ಮತ್ತು ಅವರ ಅಳಿಯ ಮಂಜುನಾಥ್ ಸುರೇಶ್ ಉಡಾಪುಡಿರವರು ಹೊಂದಿದ್ದ ಎಸ್.ಬಿ.ಎ., ಬ್ಯಾಂಕ್ ಖಾತೆ ಸಂಖ್ಯೆ: 31589501018 ಗಳ ಬ್ಯಾಂಕ್ ಸ್ಟೇಟ್‌ಮೆಂಟ್‌ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಪರಿಶೀಲಿಸಿದ್ದು ದಿನಾಂಕ: 21/06/2016 ಮತ್ತು ದಿನಾಂಕ: 22/06/2016 ರಂದು ಒಟ್ಟು ರೂ.1,79,800/- ಗಳನ್ನು ವಿವಿಧ ಕಡೆಯ ಎ.ಟಿ.ಎಂ. ಗಳಿಂದ ತೆಗೆದಿರುವ ಬಗ್ಗೆ ಮಾಹಿತಿಯಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.

#### ವಿಚಾರಣಾಧಿಕಾರಿಯವರ ಅಭಿಪ್ರಾಯ

ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ಅಸಿಸ್ಟೆಂಟ್ ಡೈರೆಕ್ಟರ್ ಇನ್ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಕೆಲಸ ಕೊಡಿಸುತ್ತೇನೆಂದು ರೂ. 2 ಲಕ್ಷಗಳನ್ನು ನಗದು ರೂಪದಲ್ಲಿ ಪಡೆದಿರುವುದು ವಿಚಾರಣೆಯಿಂದ ಮತ್ತು ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ನೀಡಿರುವ ಹೇಳಿಕೆಯಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ಒಬ್ಬ ಸರ್ಕಾರಿ ನೌಕರನಾಗಿದ್ದರೂ ಸಹ ಈ ರೀತಿ ಕಾನೂನು ಬಾಹಿರ ಚಟುವಟಿಕೆಗಳಿಗೆ ಭಾಗಿಯಾಗಿರುವುದು ಸರ್ಕಾರಿ ಸೇವೆಗೆ ಲೋಪವೆಸಗಿ ಕರ್ತವ್ಯದಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ”.

*Whele*  
16/11/2022

5. I.O. has submitted the following report in Compt/Uplok/BCD/8943/2017.

“ಸದರಿ ದೂರು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿರುವ ಶ್ರೀ ಮಂಜುನಾಥ್, ರವರು 2015ನೇ ಡಿಸೆಂಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ಕೆ.ಪಿ.ಎಸ್.ಸಿ. ವತಿಯಿಂದ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಸಹಾಯಕ ನಿರ್ದೇಶಕರ ಹುದ್ದೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವುದಾಗಿ ತಮ್ಮ ದೂರು ಅರ್ಜಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಮತ್ತು ಜುಲೈ 2016ನೇ ಸಾಲಿನಲ್ಲಿ ಶ್ರೀ ಮಹಾಂತೇಶ್ ರವರ ಜೊತೆಯಲ್ಲಿ ಧಾರವಾಡದ ಶ್ರೀಪಾದನಗರದಲ್ಲಿರುವ ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ನಿವಾಸದಲ್ಲಿ ಅವರ ತಂದೆಯವರಾದ ಶ್ರೀ ಮನೋಹರ ಶಾಂತಗಿರಿ ರವರ ಸಮ್ಮುಖದಲ್ಲಿ ರೂ.1.30 ಲಕ್ಷಗಳನ್ನು ನಗದಾಗಿ ಕೊಟ್ಟಿರುವುದಾಗಿ ತಮ್ಮ ದೂರು ಅರ್ಜಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ನಂತರ ದಿನಾಂಕ: 01/07/2016 ರಂದು ಎಸ್.ಬಿ.ಎಂ. ಬ್ಯಾಂಕ್, ಅತ್ತಿಕೊಳ್ಳ, ಶಾಖೆ ಧಾರವಾಡದ ಎಸ್.ಬಿ. ಖಾತೆ ಸಂಖ್ಯೆ 64070162394 ಗೆ ರೂ.35,000 ಗಳನ್ನು ಮತ್ತು ದಿನಾಂಕ: 25/07/2016 ರಂದು ರೂ.5,000/- ಗಳನ್ನು ನಂತರ ದಿನಾಂಕ: 05/07/2016 ರಂದು ಆನೇಕಲ್ ಶಾಖೆಯ ಐ.ಡಿ.ಬಿ.ಐ., ಬ್ಯಾಂಕ್ ಎಸ್.ಬಿ. ಖಾತೆ ನಂ. 1875104000019707 ಗೆ ರೂ.30,000/- ಗಳನ್ನು ಜಮೆ ಮಾಡಿರುತ್ತಾರೆ. ಇವುಗಳೆಲ್ಲವೂ ಸಹ ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ಬ್ಯಾಂಕ್ ಖಾತೆಯಾಗಿರುತ್ತದೆ. ಹೀಗೆ ಒಟ್ಟು ರೂ.70,000/- ಗಳನ್ನು ಮಂಜುನಾಥ್ ರವರೇ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ಮೇಲ್ಕಂಡ ಅಕೌಂಟ್ ಖಾತೆಗಳಿಗೆ ಚಲನ್ ತುಂಬಿ ಜಮೆ ಮಾಡಿರುವುದು ದಾಖಲಾತಿಗಳಿಂದ ದೃಢಪಟ್ಟಿರುತ್ತದೆ. ಹೀಗೆ ಒಟ್ಟು ರೂ.2 ಲಕ್ಷಗಳನ್ನು ನಗದು ಮತ್ತು ಬ್ಯಾಂಕಿನ ಮೂಲಕ ಪಡೆದಿರುವುದು ವಿಚಾರಣೆಯಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ವಿಚಾರಣಾಧಿಕಾರಿಯವರ ಅಭಿಪ್ರಾಯ:

ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ಶ್ರೀ ಮಂಜುನಾಥ್ ರವರಿಗೆ ಅಸಿಸ್ಟೆಂಟ್ ಡೈರೆಕ್ಟರ್ ಇನ್ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆಯಲ್ಲಿ ಕೆಲಸ ಕೊಡಿಸುತ್ತೇನೆಂದು ರೂ.1.30 ಲಕ್ಷಗಳನ್ನು ನಗದು ರೂಪದಲ್ಲಿ ಮತ್ತು ರೂ.70,000/- ಗಳನ್ನು ಮಂಜುನಾಥ್ ರವರೇ ಖುದ್ದಾಗಿ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳಿಗೆ ಚಲನ್ ತುಂಬಿ ಜಮಾ ಮಾಡಿರುವುದು ಹಾಗೂ ಕೆ.ಪಿ.ಎಸ್.ಸಿ.,ಯಲ್ಲಿ ಕೆಲಸವಾಗದ ಕಾರಣ ರೂ.1 ಲಕ್ಷಗಳನ್ನು ಮಂಜುನಾಥ್ ರವರಿಗೆ ಹಿಂದಿರುಗಿಸಿರುವುದು ಮತ್ತು ಉಳಿಕೆ ಹಣ ರೂ.1 ಲಕ್ಷಗಳನ್ನು ವಾಪಸ್ಸು ಕೊಡದೆ ಸತಾಯಿಸುತ್ತಿರುವುದು ವಿಚಾರಣೆಯಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಶ್ರೀ ರಾಜೀವ್ ಶಾಂತಗಿರಿ ರವರು ಒಬ್ಬ ಸರ್ಕಾರಿ ನೌಕರನಾಗಿದ್ದರೂ ಸಹ ಈ ರೀತಿ ಕಾನೂನು ಬಾಹಿರ ಚಟುವಟಿಕೆಗಳಿಗೆ ಭಾಗಿಯಾಗಿರುವುದು ಸರ್ಕಾರಿ ಸೇವೆಗೆ ಲೋಪವೆಸಗಿ ಕರ್ತವ್ಯದಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ”.

6. Along with the report IO has submitted the statement of the present respondent Sri. Rajiv Shantagiri which is in his own hand writing. He has also submitted the copies

Revised  
16/11/18

of the bank statements of the respondent along with copies of the challan under which money has been deposited to the respondent's accounts.

7. Comments were called from the respondent. The respondent has submitted his comments dated 27/09/2017 stating that both the complainants have withdrawn the complaint and therefore has prayed to drop him from the proceedings. In view of the report of I.O., the comments of respondent cannot be accepted at this stage.
8. There are prima-facie materials against the respondent for the above said misconduct.
9. The facts and materials on record prima-facie show that, the respondent has committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against you and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS (CCA) Rules. Hence, the charge.

*R. S. Reddy*  
15/11/21

- 8.** Summons was issued along with copy of Article of Charges to DGO, same was served on DGO and he appeared through RN advocate and sought time for calling of objections.
- 9.** DGO has filed objection in detail denying all the allegations made in the complaints.
- 10.** It is specifically contended by DGO that complainants 1 and 2 were known to him since many years and they were family friends. His friend has raised loan from complainant to meet his necessity and the loan amount was agreed to be returned in the form of depositing in the bank and the amount will not be returned in the form of cash. In this regard, DGO became a mediator and it was agreed that the borrower friend of complainant and DGO shall deposit the loan amount in his bank account. Accordingly, he had given his bank account to his friend and later the loan amount came to be deposited in his account and he has not received any illegal gratification with the assurance of securing job in Department of Industry and Commerce.
- 11.** Further contended that the enquiry/investigation cannot be taken by the Lokayuktha institution as U/Sec. 8 of K.L. Act, matters involved in the complaints are not subjected to investigation under Lokayuktha Act and the

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notification issued by the Competent Authority to initiate D.E. against DGO is improper and illegal and prays to drop the proceedings.

**12.** After receiving the objections/written statement VOR was complied and enquiry was proceeded with.

**13.** In order to prove the allegations made in the Article of Charges, the Disciplinary Authority has examined complainant as PW.1 and PW.2 and have got marked Ex.P.1 to Ex.P.9. I.O. is examined as PW.3 through him got marked Ex.P.10. After the enquiry side was closed case was posted for defence evidence. DGO got examined himself as DW.1 and no documents have been got marked

**14.** Heard the arguments of P.O., and case was posted for submitting final report.

**15.** Following point arise for my consideration;

Whether the Charges leveled against DGO Sri. Rajiv Shantagiri, Junior Health Assistant, Primary Health Center, Anekal, Bengaluru Urban District, is proved by the Disciplinary Authority?

**16.** My answer to the above point is in the '**Affirmative**' for the following:

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16/12/18

**REASONS**

17. P.O. in order to substantiate the allegations made in the complaint has examined complainant No.1/CW.1 as PW.1 and has stated that DGO was working as health officer in Rural Health Assistant in Anekal and he came to be acquainted through his relative Saraswathy and during discussion DGO assured that he will secure appointment in Industrial and Commerce Department as Assistant Director as he was appearing for written examination conducted by KPSC. In this regard he demanded Rs.2,00,000/-. Believing DGO on 21/06/2016, PW.1 paid an amount of Rs.1,00,000/- and another Rs.1,00,000/- was paid to DGO in the office of PHC and he has withdrawn amount of Rs.90,000/- from his bank account. And another amount of Rs.20,000/- from the bank account of his son-in-law Manjunatha to pay the said amount. When the results of appointment of Assistant Director in the department of Industry and Commerce by KPSC, his name was not seen in the list of appointees. In this regard, PW.1 repeatedly requested DGO to repay his amount, but DGO failed to attend his request. He has further stated that PW.2 Manjunath had also paid Rs.2,00,000/- to secure the appointment as Assistant Director in the Department of Industry and Commerce. PW.2 was also not selected for the post and he returned Rs.1,00,000/- to PW.2.

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18/11/16*



**18.** In support of his oral evidence PW.1 has produced Ex.P.1 to Ex.P.3 i.e., complaints lodged before Lokayuktha.

**19.** Further PW.1/he has stated that in the course of investigation, I.O. has recorded his statement and DGO has paid Rs.2,00,000/- and collected from him and the statement given by him before I.O. is marked at Ex.P.4. Further he has also produced one CD containing the mobile conversation in between complainant and DGO.

**20.** Witness/PW.1 has been cross examined by the DGO and effort has been made to elicit the defence taken by him that PW.1 was known to one Sunil and he was also mediator in the transaction and the CD produced by him was not sent for examination to FSL laboratory. Further elicited that the notification of appointment does not disclose deposit of Rs.2,00,000/- for appointment and further no criminal complaint is lodged before the local Police.

**21.** PW.2 another complainant Manjunath has stated that he has paid Rs.2,00,000/- to DGO along with PW.1 on the basis of securing Assistant Director in Industry and Commerce Department and amount of Rs.2,00,000/- was paid. Out of that Rs.1,30,000/- was paid in cash and remaining Rs.70,000/- was paid by depositing the amount in the SBM account of DGO. When the appointment list was

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16/12/2018

published, name of complainant/PW.2 was not seen. Accordingly, he approached DGO to repay his amount of Rs.2,00,000/- out of that only Rs.1,00,000/- was paid and remaining amount was not paid. In this regard, he had lodged complaint in Form No.1 and 2 before Lokayukayukta. i.e., marked at Ex.P.6 to Ex.P.8 and challen of the Banks showing the deposits made in the bank account of DGO are marked at Ex.P.8.

**22.** PW.2 has been cross examined by DGO advocate and effort has made to elicit the said amount was deposited in his bank account relating separate loan transaction between himself and his friend Sunil and another. And no complaint is lodged before local police. Conversation recorded in the CD is sent for FSL examination. Further attempt has been made to elicit in the cross examination that PW.2/complainant has lodged his complaint vindictively because the mediator Sunil was not found by PW.2 and taking advantage of the fact that amount was deposited in his bank account, he has lodged his false complaint.

**23.** I.O. has been examined as PW.3. He has stated that after taking of investigation he recorded the statement of father of DGO and also collected the Bank account statement standing in the name of DGO. Further he collected the bank statement records of SBM, Hattikola

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branch, Dharwad, IDBI Bank Anekal Branch, of DGO and collected the service records of DGO from Primary Health Centre, Anekal and his investigation discloses that in the month of July 2016, DGO collected Rs.1,30,000/- in the house of his father and an amount of Rs.35,000/- was deposited in the account standing in the name of DGO at Hattikola branch, Dharwad on 01/07/2016 and another Rs.5,000/- on 25/07/2016 and Rs.30,000/- on IDBI Bank, Anekal, and totally an amount of Rs.70,000/- has been deposited by PW.2 in the bank account of DGO. Further PW.3. Investigation reveals that PW.1 and 2 not selected as Assistant Director even after collecting Rs.4,00,000/- from PW.1 and 2 and did not return the same even after PW.1 and 2 were not selected and his report is got marked at Ex.P.10.

**24.** PW.3 has been cross examined and DGO has made effort to bring out the fact that, no allegations were made about misappropriating the amount by him and no criminal complaint was lodged against DGO and I.O./PW.3 has not enquired about not lodging criminal complaints and effort is made to elicit in cross examination that CD submitted by complainant was not sent for FSL examination. Further suggestions are made in cross examination that there was separate loan transaction between complainant and his friend Sunil and DGO himself and in order to avoid the

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16/11/2018

payments in cash, it was agreed that part amount will be deposited in the account of DGO. And investigation is conducted by him only to help the complainant.

**25.** To rebut the Article of Charges DGO has got examined himself as DW.1 and has stated that DGO was introduced to him through his friend Saraswathy, when they became close, he came to know about loan transaction existing between complainant PW.1 and 2 and one Sunil. In order to avoid the payment to be made in cash, the friend requested him to allow the said Sunil to deposit the amount in his bank account of Anekal branch and Dharwad branch. Further he has stated that during the course of preliminary enquiry, ARE-2 has recommended for withdrawal of complaint and PW.2 has written a letter that he has received all amount of Rs.2,00,000/- from DGO and he has not misappropriated any amount as a Government servant.

**26.** Close assessment of evidence of PW.1 and 2 and the allegations made in the complaints would make it clear that DGO and PW.1 were known to each other and DGO was working in Primary Health Centre at Anekal had assured to secure jobs for PW.1 and 2 as Assistant Director in Industry and Commerce Department. In this regard, PW.1 and 2 have paid total Rs.2,00,000/- each on different occasions and PW.2 in particular has deposited the amount of Rs.2,00,000/- on different dates in SBM account of

*Subramanian*  
16/11/21

Dharwad and IDBI account of Anekal standing in the name of DGO.

**27.** Further it is clearly seen from the bank deposit challens of IDBI bank Anekal and SBM Bank Dharward, would disclose that an amount of Rs.35,000/-, Rs.30,000/- and Rs.5,000/- were deposited in the bank account of DGO by PW.2.

**28.** I.O. report marked at Ex.P.10 submitted by PW.3 Lokayuktha Inspector substantiate the allegations of complainants that DGO had demanded Rs.10,000/- as a bribe to secure job as Assistant Director in commerce Department and in the course of investigation father of DGO has paid Rs.1,00,000/- on 21/06/2016 to PW.1 in his house and further on 22/06/2016 was paid Rs.1,00,000/- cash in Anekal and assured to repay the rest of the amount shortly. Further the report Ex.P.10 discloses that the conversation recorded in CD disclose about the transaction of payment of money and securing of job to PW1 and 2 by DGO and in the end I.O./PW.3 is of opinion that DGO being a Government servant has indulged in committing misconduct as a Government servant in collecting money by falsely assuring Government jobs to PW.1 and 2 and statements recorded by I.O. related witness Saraswathy and PW.1 and 2, Manohar father of DGO are sufficient to understand that DGO has indulged in collecting

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16/7/2

Dharwad and IDBI account of Anekal standing in the name of DGO.

**27.** Further it is clearly seen from the bank deposit challens of IDBI bank Anekal and SBM Bank Dharward, would disclose that an amount of Rs.35,000/-, Rs.30,000/- and Rs.5,000/- were deposited in the bank account of DGO by PW.2.

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32. In view of the elaborate discussion made above, this enquiry authority is constrained to hold that, the charge framed against DGO is established. In the result above Point is answered in the '**AFFIRMATIVE**' and I proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official Sri. Rajiv Shantagiri, Junior Health Assistant, Primary Health Center, Anekal, Bengaluru Urban District.

Submitted to Hon'ble Upa-Lokayuktha, Karnataka Lokayukta, Bengaluru for further action in the matter.

  
(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

## ANNEXURES

### 1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

|       |                                                                                                                         |
|-------|-------------------------------------------------------------------------------------------------------------------------|
| PW1   | Sri. Mahantesha Gundala, S/o Gurusiddappa, aged about 29 years, r/o Kalyananagara, Dharawad, dtd.30/01/2019. (original) |
| PW.2. | Sri. Manjunatha S/o Hanumanthaiah, aged about 33 years, r/o Kalyanagara, Dharawad, dtd.29/04/2019.                      |
| PW.3. | Pradeep Kumar S/o Mallikarjunaiah, aged about 46 years, r/at Bangalore, dtd.23/02/2021.                                 |

### 2. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

|           |                                                                                               |
|-----------|-----------------------------------------------------------------------------------------------|
| Ex.P.1    | Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW1.(Original)    |
| Ex.P.1(a) | Signature of PW.1                                                                             |
| Ex.P2     | Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy)                     |
| Ex.P.2(a) | Signature of PW.1                                                                             |
| Ex.P.3    | Complaint submitted by complainant to Lokayuktha office, Bengaluru, dtd.27/02/2017 (original) |
| Ex.P. 4   | Statement dtd.24/05/2017 given before Lokayuktha Police, Bangalore. (Original copy)           |
| Ex.P.5    | One CD                                                                                        |
| Ex.P.6    | Form No.1- complaint submitted before Hon'ble Lokayuktha by the complainant-PW2.(Original)    |

*Received  
18/12/21*



|           |                                                                                                          |
|-----------|----------------------------------------------------------------------------------------------------------|
| Ex.P.6(a) | Signature of PW.2                                                                                        |
| Ex.P.7    | Form-II (complainant's Affidavit) submitted to Lokayuktha (Original copy)                                |
| Ex.P.7(a) | Signature of PW.2                                                                                        |
| Ex.P.8    | Complaint submitted by complainant Manjunatha to Lokayuktha office, Bengaluru, dtd.27/02/2017 (original) |
| Ex.P.9    | Xerox copies of bank challens                                                                            |
| Ex.P.10   | I.O./PW.3 report dtd.21/07/2017 submitted before Karnataka Lokayuktha, Bangalore, along                  |
| Ex.P10(a) | with other documents (xerox copies)<br>Signature of PW.3                                                 |

**3. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:**

|     |                                                                                                        |
|-----|--------------------------------------------------------------------------------------------------------|
| DW1 | Sri. Rajeeva Shanthagiri, S/o Manohara, aged about 38 years, r/o Bangalore. dtd.08/04/2022. (original) |
|-----|--------------------------------------------------------------------------------------------------------|

*Rajashakar V. Patil*  
**(RAJASHEKAR.V.PATIL)**  
 Additional Registrar Enquiries-8  
 Karnataka Lokayukta,  
 Bengaluru.

