

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/246/2012

ENQUIRY REPORT Dated: 30/09/2019

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

Delinquent Official : Sri.Nagaraj Bhimappa Kalabhavi

(Name written by him as
Nagaraj.B.Kalabhavi on the note
sheet on 27/09/2016.)

Discharged duties as Section
Officer, HESCOM, Karjagi,
Haveri Taluk, Haveri District
during the years 2010 and
2011.

Due for retirement on
superannuation on
31/07/2044.

1. Delinquent Official by name Sri. Nagaraj Bhimappa Kalabhavi (name written by him as Nagaraj.B. Kalabhavi on the note sheet on 27/09/2016) was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District during the years 2010 and 2011. He is due for retirement on superannuation on 31/07/2044.
2. Background for initiating the present inquiry against the delinquent official needs to be set out in brief. One Sri. Neelappa (hereinafter will be referred to as "complainant") is the resident of a place called Karjagi, Haveri Taluk, Haveri District. According to the

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complainant, in order to secure electricity connection to his house at Karjagi he filed application in the office of the Assistant Executive Engineer, HESCOM, Haveri. The complainant has paid the scheduled fee. Work Order in respect of the file of the complainant was thereafter sent to the office of delinquent official. The complainant was required to pay a sum of Rs.1,200/- towards meter charges. Earlier to 11/01/2011 the complainant approached the delinquent official at which point of time delinquent official demanded total sum of Rs.3,600/-. Despite request of the complainant, delinquent official has not scaled down the said figure and therefore, the complainant approached the Police Inspector (hereinafter will be referred to as "Investigating Officer") attached to Lokayukta Police Station, Haveri on 11/01/2011 at about 4.30 P.M and orally complained against the delinquent official. In order to ascertain the correctness or otherwise of the oral allegations, the Investigating Officer handed over a voice recorder to the complainant with instructions to approach the delinquent official and to record the conversation between the complainant and delinquent official. Thereafter, on the same day i.e., on 11/01/2011 at 5.30 P.M the complainant approached the delinquent official in the office of the delinquent official and requested to provide electricity connection to the house of the complainant. According to the complainant, delinquent official reiterated the earlier demand. The complainant reminded the delinquent official that already ~~paid~~ a sum of Rs.500/- has been paid. After coming to know of the

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same, the delinquent official scaled down the demand at Rs.3,100/-. The complainant again requested to scale down the figure. Delinquent official insisted for payment of a sum of Rs.2,500/-. The complainant could make out that out of the said figure a sum of Rs.1200/- is towards meter charges and balance of Rs.1300/- is towards illegal gratification. Thereafter, the complainant appeared before the Investigating Officer in Lokayukta Police Station, Haveri at 8.30 A.M on 12/01/2011 and lodged written complaint. On the basis of the said complaint the Investigating Officer registered case against the delinquent official in crime number 01/2011 of Lokayukta Police Station, Haveri for the offence punishable under section 7 of The Prevention of Corruption Act, 1988 and submitted FIR to the Special Court at Haveri. The Investigating Officer secured shadow witness by name Shankara.K and panch witness by name Murigeppa Basappa Handrala to Lokayukta Police Station, Haveri and informed them the purpose for which they are secured. The complainant placed the voice recorder before the Investigating Officer. The Investigating Officer got transmitted the contents of the voice recorder to a compact disc and got transmitted the relevant portion of the voice recorder to a sheet of paper. The complainant placed four currency notes of denomination of Rs.500/- each and five currency notes of denomination of Rs.100/- each before the Investigating Officer. The complainant expressed before the Investigating Officer that out of the said amount a sum of Rs. 1,200/- is towards meter charges

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and a sum of Rs.1,300/- is towards illegal gratification. The Investigating Officer got entered numbers of the above notes on a sheet of paper and out of those notes got applied phenolphthalein powder on two currency notes of denomination of Rs.500/- each and on three currency notes of denomination of Rs.100/- each. The Investigating officer got prepared solution with water and sodium carbonate powder and obtained sample of the same in a bottle. On the instructions of the Investigating Officer the panch witness placed the above notes in the left side pocket of shirt of the complainant and immersed fingers of hands in the residual solution. The said finger wash turned to pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer instructed the complainant to approach the delinquent official and give the said cash to delinquent official only in case of demand by delinquent official. The Investigating Officer instructed the complainant to come out of the office of delinquent official and to spit and then to wipe ~~the~~ face with kerchief in case of acceptance of cash by delinquent official. The Investigating Officer instructed the shadow witness to remove the pant and to substitute the pant with lungi and to roll a towel over the head and instructed to accompany the complainant and to watch as to what transpires between the complainant and delinquent official. The Investigating Officer handed over the voice recorder to the complainant with instructions to keep the same live at the time of approaching the

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delinquent official. With the said process the Investigating Officer conducted pre-trap mahazar.

3. Subsequent to pre-trap mahazar the complainant along with the Investigating Officer left Lokayukta Police Station, Haveri on a motor cycle destined at the office of the delinquent official. The Police Inspector by name Sri. M.K. Gangal attached to Lokayukta Police Station, Haveri along with the shadow witness left Lokayukta Police Station, Haveri on a motor cycle destined at the office of delinquent official. Head Constable by name N.G. Kanavalli and Police Constable by name I.I. Madarakhandi attached to Lokayukta Police Station, Haveri proceeded on a motor cycle destined at the office of delinquent official. The panch witness, the Deputy Superintendent of Police by name M.B. Patil attached to Lokayukta Police Station, Haveri, Head Constable by name Kulakarni, Police Constables by name M.D. Hirematha and Shambulingaiah proceeded on the jeep destined at the office of delinquent official. After reaching near the office of delinquent official the complainant along with the shadow witness entered the office of delinquent official. After entering the chamber of delinquent official, the complainant asked the delinquent official about the file. The delinquent official asked the complainant by way of signs with right hand as to whether amount is brought or not. The complainant lifted the above cash from the left side pocket of the shirt. At that time the delinquent official asked about the quantum. The complainant told that out of the said amount a sum of Rs.1,200/- is towards meter

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charges and paid cash of Rs.1,200/- which was not applied with phenolphthalein powder. Delinquent Official accepted the said cash with right hand. Afterwards, the complainant gave tainted cash of Rs.1,300/- to delinquent official. Delinquent Official accepted the said tainted cash with right hand and after counting with both hands placed the same in the left side pocket of shirt. The complainant asked the delinquent official to accelerate the file. Delinquent official responded that the file will be attended on the very next day. Afterwards, the complainant came out of the chamber of delinquent official. Afterwards, the Investigating Officer along with other Lokayukta Police staff entered the chamber of delinquent official. The complainant pointed out the delinquent official and told that delinquent official received cash. The Investigating Officer disclosed his identity to the delinquent official and informed the purpose of his visit including registration of case in crime number 1/2011 of Lokayukta Police Station, Haveri and thereafter caused arrest of delinquent official.

4. The Investigating Officer got prepared solution with water and sodium carbonate powder in a container and obtained sample of the same in a bottle. Afterwards, on the instructions of the Investigating Officer, the delinquent official immersed fingers of right hand in a portion of solution shared in a container and immersed fingers of left hand in a portion of solution shared in another container. Finger wash of both hands of delinquent official turned to pink colour. The

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Investigating Officer seized those wash in separate bottles. On being questioned by the Investigating Officer about cash the delinquent official produced the cash. The Investigating Officer seized the tainted cash. The Investigating Officer again got prepared solution with water and sodium carbonate powder in a container and obtained sample of the same in a bottle. The Investigating Officer secured alternate shirt through the Lineman by name Shivaputhrappa attached to the office of delinquent official and got removed the shirt of delinquent official. The Investigating Officer got immersed the left side pocket of shirt of delinquent official in the residual solution. The said wash turned to light pink colour. The Investigating officer seized the said wash in a bottle. The Investigating Officer seized the shirt of delinquent official. On being questioned by the Investigating Officer about the cash, delinquent official offered explanation in writing which was found not satisfactory. The complainant returned the voice recorder to the Investigating Officer. The said voice recorder was found contained the words touching as to what transpired between the complainant and delinquent official after the entry of the complaint to the chamber of delinquent official. The colleagues of delinquent official identified the voice of the delinquent official which was found recorded in the voice recorder returned by the complainant. On being questioned by the Investigating Officer about the file of the complainant, the delinquent official placed the file. The Investigating Officer obtained xerox copies of sheets of

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the file and after getting those sheets attested seized those attested sheets. The Investigating Officer returned the original file of the complainant to one Vijay Kumar who was working as Assistant Executive Engineer, HESCOM along with plain cash of Rs.1,200/- which was towards meter charges. The Investigating Officer has drawn rough sketch in the place of trap and thereafter conducted trap mahazar in the office of delinquent official. Thereafter, the Investigating Officer brought the delinquent official to Lokayukta Police Station, Haveri. On the directions of the Investigating Officer, staff of Investigating Officer produced the delinquent official before the Principal District and Sessions Judge, Haveri. During investigation the Investigating Officer secured the sketch of the office building of delinquent official from the Assistant Engineer, Public Works Department, Haveri. The Investigating Officer recorded statements of witnesses and also transmitted the seized articles to the Chemical Examiner and obtained the report from the Chemical Examiner. Consequent upon ~~the~~ transfer of the Investigating Officer he handed over the case file to his successor in office by name Sri. M.K.Gangal.

5. On the basis of the report of the Additional Director General of Police, Karnataka Lokayukta, Bengaluru along with the investigation papers and report of the Police Inspector attached to Lokayukta Police Station, Haveri, Hon'ble Upalokayukta-1, Karnataka, in exercise of the powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984 probed into the matter which on the basis of the records prima facie unearthed

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that ~~the~~ delinquent official has committed misconduct within the purview of Rule 3(1) of The Karnataka Electricity Board Employees' Service (Conduct) Rules, 1988 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 delinquent official and to entrust the inquiry against the delinquent official to Hon'ble Upalokayukta-1, Karnataka under Rule 14-A(1)(a)(i) of The Karnataka Electricity Employees' (Classification, Discipline, Control and Appeal) Regulations, 1987.

6. Subsequent to the report dated 30/03/2012 under section 12(3) of The Karnataka Lokayukta Act, 1984, the competent authority i.e., The Director (Administration and Human Resources) attached to Karnataka Power Transmission Corporation Limited issued Order ಆದೇಶ ಸಂಖ್ಯೆ: ಕವಿಪ್ರನಿನಿ/ಜಿ 21/32313/2012-13 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18/05/2012 entrusting the inquiry to the Hon'ble Upalokayukta, Karnataka in exercise of the powers conferred upon under Regulation 14-A (1)A(1) of The Karnataka Electricity Board Employees' (classification, Discipline, Control and Appeal) Regulations, 1987.

7. Subsequent to Order ಆದೇಶ ಸಂಖ್ಯೆ: ಕವಿಪ್ರನಿನಿ/ಜಿ 21/32313/2012-13 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18/05/2012, Order number LOK/INQ/14-A/246/2012 Bengaluru, dated 30/05/2012 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar Enquiries-4, Karnataka Lokayukta, Bengaluru to frame charges and

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to conduct departmental inquiry against the delinquent official.

8. Articles of charge dated 16/08/2012 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed against the delinquent official by the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru is the following:

“ ANNEXURE NO.1

CHARGE

2. That, you Sri Nagaraj Bhimappa Kalabhavi, the DCO, while working as Section Officer of HESCOM at Karjagi in Haveri taluk and district, the complainant namely Sri Neelappa mallappa Talawar @ Angaragatti of Karjagi village approached you in connection with electricity supply to his newly constructed house at Karjagi and then you received advance bribe of Rs.500/- towards total demanded of Rs. 3,600/- and on 12-01-2011 you received further bribe of Rs. 1,300/- in your office at Karajagi 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 misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations 1987.

ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

The Complainant namely Sri Neelappa Mallappa Talawar @ Angaragatti of Karjagi village in Haveri taluk and district constructed a new house at Karjagi.

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After construction he entered into the new house in the month of January 2008. But, he had not obtained electricity supply because of the financial problems to collect some records for the month of November 2010. The Complainant filed application in the office of the HESCOM sub-division at Karjagi. The complainant got the wiring work done through a contractor. Afterward, he made his request to give connection of electricity to his new house. Then, the DCO asked the complainant to pay bribe of Rs.3,600/-. In spite of request the DCO did not reduce the demand but, received an amount of Rs.500/- as an advance of bribe. On 29-11-2010 he filed application before the Assistant Executive Engineer at Haveri and made payment of registration fee, under required form and also gave test report, N.O.C. issued by Panchayath a long khata extract of the house. Though, application was forwarded to the office of the DCO to prepare estimate. The DCO did not submit estimate to the office of the A.E.E. After depositing the fee and supervising charges, the complainant signed the agreement for supply of electricity in the office of the Assistant Executive Engineer. Afterward, the DCO asked the complainant to purchase meter for Rs. 1,200/- for electricity connection. But, the DCO again asked for bribe of Rs. 2,500/- including meter charges of Rs. 1,200/-. Thus after deducting earlier advance of Rs. 400/- the DCO asked for balance bribe of Rs.1,300/-. The complainant was not willing to pay bribe demanded

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by the DCO. Hence, he lodged complaint before the Lokayukta Police Inspector at Haveri (herein after referred to as the Investigating Officer, for short, "the I.O.") The I.O. registered the complaint in Cr.no.1/2011 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. The I.O. took up investigation and on 12-01-2011, the I.O. trapped the D.C.O. at his office in Karjagi while receiving bribe of Rs. 1,300/- meter charge of Rs. 1,200/- from the complainant. The I.O. seized tainted amount from the DCO under mahazar after following post-trap formalities. The I.O. recorded statement of the complainant and panch witnesses and took the statement of the DCO in writing. The record of investigation and the materials collected by the I.O. showed that, the DCO had committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner un-becoming of a Government Servant. As the materials on record showed prima facie case about the DCO receiving bribe for discharging his official duty as a public servant a suo-moto investigation was taken up U/S 7(2) of Karnataka Lokayukta Act against the DCO. An observation note was sent to the DCO calling for his explanation. Reply submitted by the DCO was not convincing and acceptable. As there was prima facie case showing that the DGO committed misconduct as per rule 3(1) of Karnataka Electricity Board Employees (Condcut) Rules, a report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competent

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Authority with recommendation to initiate disciplinary proceedings against the DCO and to entrust the departmental enquiry to the Hon'ble Upalokayukta U/R 14-A of Karnataka Electricity Board Employees' (CC&A) Regulations 1987. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta. Hence, the charge."

9. In response to due service of articles of charge delinquent official entered appearance before this section on 28/09/2012. In the course of first oral statement of delinquent official recorded on 05/12/2012 he pleaded not guilty.
10. In the course of written statement of delinquent official filed on 05/12/2012 he has denied the allegations levelled against him in the course of articles of charge and contended that in the presence of criminal prosecution on the similar set of facts in the Court of Principal District and Sessions Judge, Haveri there is need for parallel inquiry. He has denied the alleged demand and acceptance of illegal gratification.
11. Subsequently, delinquent official has engaged Advocate for his defence.
12. The disciplinary authority has examined the complainant by name Neelappa as PW1, panch witness by name Murigeppa as PW2, shadow witness by name Shankar.K as PW3, Investigating Officer Sri. B.C. Umapathi as PW4. During evidence of PW1, attested copy of his complaint dated 12/01/2011 in a single sheet is marked as per Ex P1, his signature found on

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sheet number 2 of Ex P1 is marked as per Ex P1(a), attested copy of pre-trap mahazar dated 12/01/2011 in four sheets is marked as per Ex P2, his signature found on sheet number 4 of Ex P2 is marked as per Ex P2(a), attested copy of trap mahazar dated 12/01/2011 in eight sheets is marked as per Ex P3, his signature found on sheet number 8 is marked as per Ex P3(a), attested copy of his statement dated 13/01/2011 in four sheets recorded by PW4 under section 162 of The Code of Criminal Procedure is marked as per Ex P4. During evidence of PW2, his signature found on sheet number 4 Ex P2 is marked as per Ex P2(b), his signature found on sheet number 8 of Ex P3 is marked as per Ex P3(b). During cross examination of PW2, xerox copy of statement dated 12/01/2011 in a single sheet of delinquent official given before PW4 is marked as per Ex D1, signature of delinquent official found on Ex D1 is marked as per Ex D1(a). During evidence of PW3, xerox copy of a single sheet dated 12/01/2011 containing the numbers of currency notes is marked as per Ex P5, xerox copy of a single sheet of dated 12/01/2011 containing the numbers of currency notes is marked as per Ex P6, attested copy of statement dated 12/01/2011 in a single sheet of delinquent official given before PW4 is marked as per Ex P7, nineteen attested sheets of the file of the complainant maintained in the office of delinquent official is marked as per Ex P8, attested copy of attendance register in a single sheet maintained in the office of the delinquent official is marked as per Ex P9. During cross examination of PW3, certified copy of

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his evidence in four sheets in the criminal case assigned with number S.V.C 1/2012 on the file of the Special Court, Haveri is marked as per Ex D2. During evidence of PW4, attested copy of FIR dated 12/01/2011 in two sheets in crime number 01/2011 of Lokayukta Police Station, Haveri is marked as per Ex P10, attested copy of sketch in a single sheet of the place of trap is marked as per Ex P11, attested copy of report dated 25/03/2011 in two sheets of the Regional Assistant Chemical Examiner to the Government of Karnataka, Dharawada Region, Dharawada is marked as per Ex P12.

13. In the course of second oral statement of delinquent official recorded on 17/09/2018 he has stated that he would get examine himself as defence witness and that he would also examine defence witnesses.

14. Delinquent official got himself examined as DW1. During his evidence, certified copy of field report dated 07/12/2010 in two sheets is marked as per Ex D3, certified copy of sanction for prosecution dated 05/11/2011 in two sheets is marked as per Ex D4, certified copy of one more sanction for prosecution dated 26/11/2011 in a single sheet is marked as per Ex D5, certified copy of judgment dated 24/06/2016 in ten sheets in Special (LOK) C. number 1 of 2012 passed by the Principal District and Sessions Judge and Special Judge at Haveri is marked as per Ex D6. A defence witness by name Sri. Vijayakumara Mudakannanavara is examined on behalf of delinquent

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official as DW2. No documents are tendered in evidence during evidence of DW2.

15. In the course of defence statement of delinquent official filed on 20/11/2018, while admitting that at the relevant point of time he was working as Section Officer, HESCOM, Karjagi it is contended that the complainant was stranger to him and that delinquent official neither demanded nor accepted illegal gratification. It is stated that on 06/12/2010 ~~the~~ delinquent official has sent the field report and as such as on the date of trap official work of the complainant was not pending with him. It is contended that evidence of PWs 1 and 2 does not establish the charge. It is contended that evidence of PW3 equally does not establish the charge. It is contended that PW4 has concocted false case. It is contended that arrest of delinquent official is against the guidelines laid down by the Hon'ble Apex Court.
16. In the course of written argument of the Presenting Officer filed on 13/09/2019 it is contended that though the complainant (PW 1) has turned hostile and not supported the case of the disciplinary authority, nothing worthy is found in the cross examination of PWs 2 to 4 to disbelieve and to discredit their testimony and therefore their evidence needs to be believed. With reference to the evidence of the delinquent official (DW 1) it is contended that during evidence delinquent official has admitted the statement in writing given before PW 4. With reference to the evidence of DW 2 it is contended that DW 2 has stated that he is not aware of the trap.

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17. In the course of written argument of DGO filed on 13/09/2019 it is contended that articles of charge is not maintainable. It is contended that without considering the written argument of delinquent official inquiry proceedings are continued. With reference to the evidence of PW 1 it is contended that evidence of PW 1 who turned hostile has admitted that electricity connection has been dislodged by the Linemen. Referring to the evidence of PW 2 it is contended that portion of cross examination of PW 2 shows that Lokayukta Police staff asked the delinquent official about bribe amount and in response the delinquent official replied that in the background of enmity complaint has been lodged. Referring to cross examination of PW3 it is contended that evidence of PW3 during cross examination would show that PW3 stood at the door of the chamber of delinquent official. It is contended that evidence of PW3 coupled with Ex D2 does not inspire confidence to arrive at conclusion that charges are proved. It is contended that evidence of PW4 that voice recorder at the very first instance placed at the hands of the complainant would show evil design of the complainant. It is contended that PW4 has concocted the case. It is contended that PW4 has not followed the guidelines laid down by the Hon'ble Apex Court touching arrest of delinquent official. It is contended that official work of the complainant was attended by the delinquent official on 06/12/2010 and that delinquent official has been acquitted in Special (LOK) C. Number 1/2012. It is contended that

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photographs are flashed to suit the convenience of PW4. It is contended that report of the chemical examiner is fabricated. It is contended that compact discs and report touching the recording of voice are not made available before this authority. It is thus sought to contend that there is no convincing evidence to attract the alleged charge.

18. In tune with the articles of charge, following points arise for consideration.

Point number 1: Whether it stands established that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karjagi village, Haveri Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District demanded illegal gratification from the complainant earlier to 12/01/2011 and accepted a sum of Rs.500/- towards part of illegal gratification and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987?

Point number 2: Whether it stands established that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karjagi village, Haveri Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM,


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Karjagi, Haveri Taluk, Haveri District demanded and accepted illegal gratification of Rs.1,300/- in the office of the Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District on 12/01/2011 between 1.20 P.M and 1.30 P.M and during investigation conducted by the Police Inspector attached to Lokayukta Police Station, Haveri in crime number 01/2011 of Lokayukta Police Station, Haveri, delinquent official failed to offer satisfactory explanation for possession of tainted cash of Rs.1,300/- possessed by delinquent official in his office on 12/01/2011 between 1.20 P.M and 1.30 P.M and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987?

19. In the course of evidence the complainant has stated that he constructed house at Karjagi in the year 2008. This portion of his evidence is not under challenge. Though it is stated by him that his uncle by name Fakhirappa has filed application for power supply to the said house, sheet number 2 of Ex P8 would show that it is the complainant who filed application. Therefore, on the strength of sheet number 2 of Ex P8 it stands established that the complainant himself has filed the application. This aspect is not in dispute. It is the evidence of the complainant that he paid a sum of Rs.1,200/- to his uncle towards meter charges. This portion of his evidence cannot be accepted for the reason that the complainant has not referred to the contents of sheet number 2 of Ex P8. Though he has spoken to Ex P1 which is the attested copy of his

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complaint lodged with PW4 and that his uncle obtained signature on the complaint the said portion of his evidence equally cannot be accepted. He admits Ex P2 which is the attested copy of pre-trap mahazar and states that he is not aware of the contents of the same. For the reasons well within his knowledge he has not supported his own cause and turned hostile and as such his evidence is of no assistance to establish the proceedings of pre-trap mahazar.

20. It is in the evidence of PW2 who is the panch witness that he appeared before the Investigating Officer on 12/01/2011 at Lokayukta Police Station, Haveri at which point of time the complainant expressed that in connection with electricity connection delinquent official demanded illegal gratification of Rs.2,500/-. Suggestion made to him suggesting to the contrary during his cross examination has been denied by him. It is in his evidence that the complainant placed cash before the Investigating Officer and that numbers of currency notes are noted on a sheet of paper. It is in his evidence that out of total cash produced by the complainant phenolphthalein powder has been applied on the cash of Rs.1,300/-. It is in his evidence that he placed the cash in pocket of the shirt of the complainant and thereafter immersed fingers of hands in the solution prepared with water and sodium carbonate powder and that consequently the said wash turned to pink colour and with the process pre-trap mahazar has been conducted. Suggestions made to him during his cross examination assailing the proceedings of pre-trap mahazar are denied

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by him. Nothing worthy is brought out during his cross examination to characterise him as partisan witness. Therefore I have no hesitation whatsoever to hold that his evidence is worthy of acceptance.

21. It is in the evidence of PW3 that on 12/01/2011 after he appeared before PW4 in Lokayukta Police Station, Haveri he came to know that the complainant had lodged complaint against the delinquent official alleging demand for illegal gratification. He has spoken to production of currency notes in Lokayukta Police Station, Haveri. It is in his evidence that he along with PW2 noted the numbers of currency notes on a sheet of paper. He has spoken to that out of the currency notes produced by the complainant PW2 placed a sum of Rs.1,200/- in the left side pocket of shirt of the complainant. It is in his evidence that Lokayukta Police staff applied phenolphthalein powder on the currency notes of the total value of Rs.1,300/- and thereafter PW2 placed the tainted cash in the left side pocket of shirt of the complainant and afterwards PW2 immersed fingers of hands in the solution prepared with water and sodium carbonate powder and consequently the said wash turned to pink colour. It is in his evidence that the Investigating Officer seized the said wash. It is his evidence that the Investigating officer handed over a voice recorder to the complainant. He has spoken to that a voice recorder was played in his presence which contained voice touching illegal gratification. He has spoken to that he was

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instructed by the Investigating Officer to accompany the complainant and to observe as to what transpires between the complainant and delinquent official. He has deposed that on the instructions of the Investigating Officer he substituted lungi for the pant and placed towel on the shoulder. He has spoken to that proceedings of pre-trap mahazar came to be completed at 12.40 P.M. Evidence of PW3 touching the proceedings of pre-trap mahazar has not been seriously assailed during his cross examination and therefore his evidence touching the proceedings of pre-trap mahazar is worthy of acceptance.

22. Evidence of PW4 would show that on 11/01/2011 at about 4.30 P.M while he was on duty in Lokayukta Police Station Haveri the complainant appeared before him and orally alleged against the delinquent official that delinquent official is demanding illegal gratification. It is in his evidence that in order to ascertain the correctness or otherwise of the oral allegations he handed over a voice recorder to the complainant with instructions to approach the delinquent official and to record the conversation between the complainant and delinquent official. Suggestions made to him to the contrary are denied by him. It is in his evidence that on the next day i.e., on 12/01/2011 at 8.30 A.M the complainant appeared before him in Lokayukta Police Station Haveri and lodged written complaint on the basis of which he registered case against the delinquent

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official in crime number 01/2011 of Lokayukta Police Station, Haveri for the offence punishable under section 7 of The Prevention of Corruption Act, 1988 and submitted FIR the attested copy of which is at Ex P20. There is no serious challenge touching registration of case and submission of FIR.

23. It is in the evidence of PW4 that he secured PWs 2 and 3 to Lokayukta Police Station, Haveri and that the complainant placed cash of Rs.2,500/- and that out of the said cash a sum of Rs.1,200/- is towards meter charges and a sum of Rs. 1,300/- is towards fulfilment of illegal gratification. It is in his evidence that he got entered numbers of currency notes on a sheet of paper. It is in his evidence that out of total cash of Rs. 2,500/- he got applied phenolphthalein powder on two currency notes of denomination of Rs.500/- each and on three currency notes of denomination of Rs.100/- each and afterwards on his instructions PW2 placed those tainted notes in the left side pocket of the shirt of the complainant and afterwards PW2 immersed fingers of hands in the solution prepared with water and sodium carbonate powder. It is in his evidence that finger wash of hands of PW2 turned to pink colour and that he seized the said wash. It is in his evidence that he handed over the voice recorder to the complainant. It is in his evidence that he instructed the complainant to approach the delinquent official and to give tainted cash only in case of demand by the delinquent official. He has spoken to that he

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instructed the complainant to convey message in case acceptance of tainted cash by delinquent official. It is also in his evidence that he instructed PW3 to accompany the complainant and to observe as to what transpires between the complainant and delinquent official. He has thus spoken to that with the above process he conducted pre-trap mahazar the attested copy of which is at Ex P2. Attempts are made during his cross examination to assail the proceedings of pre-trap mahazar. Suggestions made to him during his cross examination assailing the proceedings of pre-trap mahazar are denied by him. Upon appreciation of the cross examination of PW4 I find nothing to disbelieve his evidence touching the proceedings of pre-trap mahazar. On the strength of the evidence of PWs 2 to 4 I have no hesitation whatsoever to hold that evidence of PWs 2 to 4 establishes the proceedings of pre-trap mahazar.

24. In the course of evidence though PW1 who is the complainant has not spoken anything either in relation to demand or in relation to acceptance of illegal gratification and turned hostile for the reasons well within his knowledge it is elicited by the Presenting Officer during cross examination after treating hostile that wash of left side pocket of shirt of delinquent official turned to pink colour and that cash has been seized under trap mahazar as could be seen from page number 6 of his evidence. This portion of evidence of PW1 has remained unchallenged and therefore the said portion of his

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evidence needs acceptance which establishes change of colour of finger wash of hands of delinquent official and equally seizure of cash from the possession of delinquent official. It needs to be expressed that during examination-in-chief though PW1 attempted to screen the reality truth has emerged to some extent from the above portion of his evidence elicited after treating him hostile. When subjected to cross examination from the side of delinquent official PW1 admits that delinquent official told to file case in connection with drawing of unauthorised electricity connection. This portion of his answer would show that delinquent official was aware of unauthorised electricity connection which has been tool at the hands of delinquent official to enrich himself by resorting to the mode of demand for illegal gratification.

25. It is in the evidence of PW3 who is the shadow witness that after reaching the office of delinquent official he stood near the door of the chamber of delinquent official and that delinquent official was found seated on the chair at a distance of about 15 feet. Suggestion made to him during cross examination suggesting that he has not been to the office of delinquent official and further suggestion that he was not standing at the door of the chamber of delinquent official are denied by him. Nothing worthy to discredit the above portion of the evidence of PW3 is forthcoming during his cross examination and therefore his presence at

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the door of the chamber of delinquent official at a distance of about 15 feet needs acceptance.

26. It is in the evidence of PW3 that delinquent official demanded cash by offering signs with fingers of right hand. Suggestion made to him during cross examination suggesting that no such signs are conveyed has been denied by him. Nothing worthy is brought out during his cross examination to characterise him as interested witness and therefore his evidence touching demand by delinquent official by way signs is worthy of credence and therefore the same needs acceptance. Thus, on the strength of the evidence of PW3 it stands established that delinquent official demanded illegal gratification by way of signs and in response to the said demand the complainant (PW1) gave tainted cash to delinquent official. It is in the evidence of PW3 that delinquent official counted cash with both hands and thereafter placed cash in the left side pocket of shirt. Suggestion made to PW3 during cross examination suggesting that delinquent official has not placed cash in the left side pocket of the shirt has been denied by him.

27. It is in the evidence of PW4 who is the Investigating Officer that subsequent of pre trap mahazar he along with his staff, PWs 1 to 3, the Police Inspector by name Sri. M.K.Gangal and Deputy Superintendent of Police by name Sri. M.B. Patil went near the office of delinquent official. Suggestion made to him during his cross examination suggesting that he has not

30.9.2011

visited the office of delinquent official has been denied by him. He has spoken to that after entering the office of delinquent official the complainant pointed out the delinquent official and thereafter he disclosed his identity and caused arrest of delinquent official. PW2 has spoken to that subsequent to pre-trap mahazar he accompanied PW4, staff of PW4, PWs 1 and 3 to the office of delinquent official. He has spoken to that at about 1.30 P.M PW1 came out of the office of delinquent official and communicated by way of wiping face with kerchief and thereafter he along with Lokayukta Police staff entered the office of delinquent official where PW1 told that amount is paid to delinquent official. Suggestion made to him during cross examination disputing his entry to the office of delinquent official has been denied by him. Suggestion made to him suggesting that PW1 has not told that delinquent official accepted cash has been denied by him. PWs 2 to 4 have categorically spoken to finger wash of hands of delinquent official. PWs 2 to 4 have also spoken to touching change of colour of finger wash of both hands of delinquent official. Though the process of finger wash of hands of delinquent official and consequential change of finger wash of hands of delinquent official are assailed during their cross examination I find nothing worthy to disbelieve the evidence of PWs 2 to 4 touching process of finger wash of hands of delinquent official and the consequential change of colour of finger wash. Throughout the evidence of delinquent official

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who got himself examined as DW1 has not stated anything disputing the finger wash of hands and consequential change of the said wash. Thus, upon appreciation of the evidence as referred to above it stands established that PW⁴ subjected fingers of both hands of delinquent official to wash in the solution prepared with water and sodium carbonate powder and consequential change of the said wash which unerringly establishes that delinquent official came in contact with tainted cash.

28. Evidence of PWs 2 to 4 would show seizure of tainted cash and also cash of Rs.1,200/- which was given to delinquent official towards meter charges. Though evidence of PWs 2 to 4 touching seizure of tainted cash has been attempted to be challenged by assailing their evidence suggestions made to them during their cross examination suggesting to the contrary are denied by them. PWs 2 to 4 have also spoken to during their evidence touching seizure of attested copies of the file of PW1. PW4 has specifically spoken to during his evidence that after obtaining xerox copies of sheets of the file of the complainant he got attested those sheets and seized those sheets. Ex P8 totally consisting of nineteen sheets are those sheets seized by PW4. It is in page number 6(sheet number six) of Ex P8 that that delinquent official placed the file of PW1 before PW4. Production of the file of PW1 by delinquent official speaks in volumes. It needs to be inferred that with the evil intention of achieving unjust gain delinquent official retained the

 30.9.2017

file with him. Upon appreciation of the same it needs to be expressed that with the sole intention of extracting illegal gratification delinquent official has not literally forwarded the file of PW1 to the concerned section.

29. In the course of evidence PW4 has spoken to that delinquent official gave statement in writing the attested copy of which is at Ex P7. Ex D1 is also xerox copy of the very statement in writing of delinquent official. It is seen in exhibits P7 and D1 that according to delinquent official PW1 had unauthorizedly drawn electricity connection and after coming to know of the same he disconnected power supply and subsequently PW1 secured illegal connection and in the background of disconnection of power supply he has been falsely implicated. In the course of evidence, delinquent official has not spoken to anything touching the contents of Exs P7 and D1 and therefore his defence as set out in Exs P7 and D1 cannot be accepted. In the course of evidence delinquent official has not whispered anything about the manner in which he came in contact with tainted cash and thus failed to offer satisfactory explanation for possession of tainted cash.

30. In the course of evidence delinquent official though has spoken to that after receipt of field report on 06/12/2010 he forwarded the same on 07/12/2010 his evidence that he forwarded the file on 07/12/2010 is not worthy of acceptance for the

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reason that he placed the file before PW4 soon after trap. Though delinquent official has spoken to his acquittal in Special (LOK)C.number 1/2012 in which he faced trial on the similar set of charges nothing is found in Ex D6 which is the certified copy of the judgment in Special (LOK)C.number 1/2012 that he has been honourably acquitted. Nothing worthy is found in the evidence of delinquent official in support of his defence. His evidence does not point out towards his innocence.

31. In the course of evidence DW2 has spoken to that delinquent official is his official subordinate. It is his evidence that delinquent official placed the receipt dated 02/12/2010 for having remitted the fee, filing of application, placing of khatha extract, test report and no objection certificate issued by the Panchayath and that on the same day the application has been sent to delinquent official for preparation of estimate and that on 07/12/2010 delinquent official placed the field report and that on the same day sanction order has been given and thus there was no delay. Thus, his evidence is confined to make believe that without any delay delinquent official attended the file. Though he has stated so fact remains established that the file was very much with delinquent official on the day of trap and therefore evidence of DW2 that there was no delay on the part of delinquent official will not lend assurance to the defence that official work of the complainant was not pending with the delinquent official on the day of trap.

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32. It is well settled that in a criminal prosecution for the offence punishable under section 7 of The Prevention of Corruption Act, 1988, the prosecution has to establish that in order to extend official favour the accused therein has to demand and accept illegal gratification. In order to bring home the guilt of the accused in a charge for the offence punishable under section 7 of The Prevention of Corruption Act, 1988, the complainant has to depose touching demand and acceptance of illegal gratification which evidence of the complainant has to be corroborated by the testimony of shadow witness. It is also well settled that mere possession of tainted cash in the absence of demand and acceptance guilt cannot be fastened against the accused in a criminal prosecution for the offence punishable under section 7 of The Prevention of Corruption Act, 1988. It is also equally settled that proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence in a criminal trial. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry proceedings of this nature. Evidence as discussed above establishes that delinquent official demanded and accepted illegal gratification of Rs.1,300/- from PW1 in connection with the file of PW1. Seizure of tainted cash of Rs.1,300/- stands established. Nothing is found in evidence that delinquent official has offered satisfactory explanation for possession of tainted cash

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of Rs.1,300/- possessed by him in his office on 12/01/2011 between 1.20 P.M and 1.30 P.M.

33. In so far as the charge covered under point number 1 at paragraph number 18 supra, PW1 was alone competent to speak about the said charge but since he has not whispered anything attracting the said charge it needs to be held that the said charge that earlier to 12/01/2011 delinquent official demanded and accepted a sum of Rs.500/- towards part of illegal gratification has remained not established.
34. In so far as charge covered under point number 2 paragraph number 18 supra, evidence as discussed earlier establishes the said charge. In the presence of evidence discussed above I find no reasons to accept the defence formulated in the course of written statement of delinquent official filed on 05/12/2012 and also the contentions put forward in the course of written argument of delinquent official filed on 13/09/2019.
35. For the foregoing reasons, I proceed with the following:

R E P O R T

Charge against the delinquent official by name Sri. Nagaraj Bhimappa Kalabhavi (name written by delinquent official as Nagaraj.B.Kalabhavi on the note sheet on 27/09/2016) that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karjagi village, Haveri

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Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District demanded illegal gratification from the complainant earlier to 12/01/2011 and accepted a sum of Rs.500/- towards part of illegal gratification and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987 is not proved.

Charge against the delinquent official by name Sri. Nagaraj Bhimappa Kalabhavi (name written by delinquent official as Nagaraj.B.Kalabhavi on the note sheet on 27/09/2016) that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karjagi village, Haveri Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District demanded and accepted illegal gratification of Rs.1,300/- in the office of the Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District on 12/01/2011 between 1.20 P.M and 1.30 P.M and during investigation conducted by the Police Inspector attached to Lokayukta Police Station, Haveri in crime number 01/2011 of Lokayukta Police Station, Haveri, delinquent official failed to offer satisfactory explanation for possession of tainted cash of Rs.1,300/- possessed by delinquent official in his office on 12/01/2011 between 1.20 P.M and 1.30

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P.M and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987 is proved.

Submit this report to the Hon'ble Upalokayukta-1, Karnataka in a sealed cover forthwith along with connected records.


(V.G. BOPAIAH)

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

ANNEXURE

List of witness examined on behalf of the Disciplinary

Authority

PW 1:- Sri. Neelappa
PW 2:- Sri. Murigeppa
PW 3:- Sri. Shankar.K
PW 4:- Sri. B.C. Umapathi

List of witness examined on behalf of Delinquent Official:-

DW 1:- Sri. Sri.Nagaraj Bhimappa
Kalabhavi(Delinquent Official)
DW 2:- Sri. Vijayakumara Mudakannanavara

List of documents marked on behalf of Disciplinary

Authority:-

Ex P 1 Attested copy of complaint dated 12/01/2011 in a single sheet of PW1.
Ex P1(a) Signature of PW1 found on sheet number 2 of Ex P1.

- Ex P 2 Attested copy of pre-trap mahazar dated 12/01/2011 in four sheets.
- Ex P 2(a) Signature of PW1 found on sheet number 4 of Ex P2.
- Ex P 2(b) Signature of PW2 found on sheet number 4 Ex P2.
- Ex P 3 Attested copy of trap mahazar dated 12/01/2011 in eight sheets.
- Ex P3(a) Signature of PW1 found on sheet number 8.
- Ex P3(b) Signature of PW2 found on sheet number of Ex P2.
- Ex P 4 Attested copy of ~~his~~ statement of PW1 dated 13/01/2011 in four sheets of PW1 recorded by PW4 under section 162 of The Code of Criminal Procedure.
- Ex P 5 Xerox copy of a single sheet dated 12/01/2011 containing the numbers of currency notes.
- Ex P 6 Xerox copy of a single sheet of dated 12/01/2011 containing the numbers of currency notes.
- Ex P7 Attested copy of statement dated 12/01/2011 in a single sheet of delinquent official given before PW4.
- Ex P 8 Nineteen attested sheets of the file of the complainant maintained in the office of delinquent official.

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- Ex P 9 Attested copy of attendance register in a single sheet maintained in the office of the delinquent official.
- Ex P 10 Attested copy of FIR dated 12/01/2011 in two sheets in crime number 01/2011 of Lokayukta Police Station, Haveri.
- Ex P 11 Attested copy of sketch of place of trap in a single sheet drawn by the Assistant Engineer, Public Works, Port, Inland Water Transport Sub Division, Haveri.
- Ex P 12 Attested copy of report dated 25/03/2011 in two sheets of the Regional Assistant Chemical Examiner to the Government of Karnataka, Dharawada Region, Dharawada.

Documents marked on behalf delinquent official:-

- Ex D1 Xerox copy of statement dated 12/01/2011 in a single sheet of delinquent official given before PW4.
- Ex D1(a) Signature of delinquent official found on Ex D1.
- Ex D2 Certified copy of evidence of PW3 in four sheets in the criminal case assigned with number S.V.C 1/2012 on the file of the Special Court, Haveri.
- Ex D3 Certified copy of field report dated 07/12/2010 in two sheets.

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- Ex D4 Certified copy of sanction for prosecution dated 05/11/2011 in two sheets.
- Ex D5 Certified copy of one more sanction for prosecution dated 26/11/2011 in a single sheet.
- Ex D6 Certified copy of judgment dated 24/06/2016 in ten sheets in Special (LOK) C. number 1 of 2012 passed by the Principal District and Sessions Judge and Special Judge at Haveri.


(V.G. BOPAI AH)

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

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/246/2012/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date 03/10/2019

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Nagaraj Bhimappa Kalabhavi, the then Section
Officer, Hubli Electricity Supply Company Limited,
Karajgi, Haveri Taluk & District – Reg.

- Ref:- 1) Order No.ಕವಿಪ್ರನಿ/ಬ21/32313/2012-13, Bengaluru dated
18/5/2012 of the Director (Administration &
Human Resources), Karnataka Power Transmission
Corporation Limited, Bengaluru.
- 2) Nomination order No.LOK/INQ/14-A/246/2012,
Bengaluru dated 30/5/2012 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 30/09/2019 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru.

The Director (Administration & Human Resources),
Karnataka Power Transmission Corporation Limited, Bengaluru by
Order dated 18/5/2012, initiated the disciplinary proceedings
against Sri Nagaraj Bhimappa Kalabhavi, the then Section officer,
Hubli Electricity Supply Company Limited, Karajgi, Haveri 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/
246/2012, Bengaluru dated 30/5/2012 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 14/3/2014, the Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again, by 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 Nagaraj Bhimappa Kalabhavi, the then Section officer, Hubli Electricity Supply Company Limited, Karajgi, Haveri Taluk and District was tried for the following charge:-

“That, you Sri Nagaraj Bhimappa Kalabhavi, the DCO, while working as Section Officer of HESCOM at Karjagi in Haveri Taluk and District, the complainant namely Sri Neelappa Mallappa Talawar @ Angaragatti of Karjagi Village approached you in connection with electricity supply to his newly constructed house at Karjagi and then you received advance bribe of ₹500/- towards total demanded of ₹3,600/- and on 12/1/2011 you received further bribe of ₹1,300/- in your office at Karajagi to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987.”

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that;

- (i) charge against the delinquent official by name Sri Nagaraj Bhimappa Kalabhavi (name written by delinquent official as Nagaraj B.Kalabhavi on the note sheet on 27/09/2016) that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karjagi Village, Haveri Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District demanded illegal gratification from the complainant earlier to 12/01/2011 and accepted a sum of ₹500/- towards part of illegal gratification and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987 is not proved.
- (ii) charge against the delinquent official by name Sri Nagaraj Bhimappa Kalabhavi (Name written by delinquent official as Nagaraj B. Kalabhavi on the note sheet on 27/09/2016) that in order to attend the application of the complainant filed in the office of the Assistant Executive Engineer, HESCOM, Haveri for electricity connection to the residential house of the complainant situated at Karajgi Village, Haveri Taluk, Haveri District, the delinquent official who was working as Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District demanded and accepted illegal gratification of ₹1,300/- in the office of the Section Officer, HESCOM, Karjagi, Haveri Taluk, Haveri District on 12/01/2011 between 1.20 P.M and 1.30 P.M. and during investigation conducted by the Police Inspector attached to Lokayukta Police Station, Haveri in crime number

01/2011 of Lokayukta Police Station, Haveri, delinquent official failed to offer satisfactory explanation for possession of tainted cash of ₹ 1,300/- possessed by delinquent official in his office on 12/01/2011 between 1.20 P.M and 1.30 P.M. and thereby delinquent official is guilty of misconduct within the purview of Rule 3(1)((i) to (iii) of Karnataka Electricity Board Employees (Conduct) Regulations, 1987 is proved.


5. On re-consideration of inquiry report, 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 31/7/2044.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Nagaraj Bhimappa Kalabhavi, it is hereby recommended to the Government for imposing penalty of Compulsory retirement from service on DGO Sri Nagaraj Bhimappa Kalabhavi, the then Section officer, Hubli Electricity Supply Company Limited, Karajgi, Haveri Taluk and District.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 3/10
Upalokayukta-1,
State of Karnataka,
Bengaluru