

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/250/2013/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **09/08/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Maruthi, Food Inspector, Food & Civil Supplies and
Consumer Affairs Department, Bidar – Reg.

Ref:- 1) Govt. Order No. ಅನಾಸೇ 88 ಅಇಸೇ 2013, Bengaluru dated
27/5/2013.

2) Nomination order No.LOK/INQ/14-A/250/2013,
Bengaluru dated 3/6/2013 of Upalokayukta-1, State
of Karnataka, Bengaluru

3) Report dated 4/8/2021 of Additional Registrar of
Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its order dated 27/5/2013 initiated the disciplinary proceedings against Sri Maruthi, Food Inspector, Food & Civil Supplies and Consumer Affairs Department, Bidar (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/250/2013 Bengaluru dated 3/6/2013 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. LOK/INQ/14-A/2014, dated 14/3/2014, the Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again as per Order No.UPLOK-1/DE/ 2016 dated 3/8/2016 , the Additional Registrar of Enquiries-11, Karnataka Lokayukta,

Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri Maruthi, Food Inspector, Food & Civil Supplies and Consumer Affairs Department, Bidar was tried for the following charge:-

“That, you DGO Sri Maruthi while working as Food Inspector, Food, Civil Supplies and Consumer Affairs Department, Bidar, complainant Sri Shivakumar S/o Hanumantharao Biradar of Hippalagaon in Bidar Taluk and District approached you DGO and filed an application 02.04.2009 and 17.10.2010 requesting to transfer kerosene Dealership License to his name from his father Sri Hanumantarao Biradar’s name who expired on 26.02.2009, you DGO demanded illegal gratification of Rs.20,000/- on 04.01.2012. The complainant who was unwilling to pay the illegal gratification for a legal entitlement approached the Karnataka Lokayukta, Bidar on 04.01.2012 and contacted you DGO by mobile, recorded conversation, in your voice in the Tape recorder provided by Lokayukta Police. On seeing you coming towards hotel again he recorded the conversation of you DGO during that time, you DGO took the complainant to have a tea in the hotel. At that time also you DGO demanded a sum of Rs.10,000/- immediately. In order to submit favourable report to higher officer. At that time complainant asked you DGO as to the total expenses, you DGO stuck to Rs.20,000/- and instructed him to come on the next day with Rs.10,000/-. At that time complainant requested you DGO to reduced the amount Rs.15,000/-, in spite of it, you DGO told him to bring and pay him


Rs.10,000/- by 11.00 A.M. on the next day at the place he fixes, otherwise his work will not be done. Apart from that, you DGO demanded and accepted a tainted amount of Rs.10,000/- on 05.01.2012 in the Food, Civil Supplies Godown situated in Mailnoor of Bidar City. Thereby, you-have failed 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 Civil Service (Conduct) Rules 1966.”

4. During the pendency of inquiry, the DGO died on 26/3/2021. Therefore, the inquiry officer has recorded the abatement of disciplinary proceedings against DGO Sri Maruthi, Food Inspector, Food & Civil Supplies and Consumer Affairs Department, Bidar.

5. It is hereby recommended to accept the report of inquiry officer and to record the abatement of disciplinary proceedings against DGO Sri Maruthi, Food Inspector, Food & Civil Supplies and Consumer Affairs Department, Bidar, in view of his death on 26/3/2021.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

NO.LOK/INQ/14-A/250/2013/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date:04/08/2021.**:: R E P O R T ::**

Sub: Departmental Enquiry against Sri. Maruthi,
Food Inspector, Food, Civil Supplies and
Consumer Affairs Department, Bidar-reg.

Ref: 1. Government Order No. ಅನಾಸ 88 ಅಇಸೇ 2013
Bengaluru, dated 27/05/2013.
2. Nomination Order No. LOK/INQ/14-
A/250/2013, Bengaluru, dated
03/06/2013.

1. The Departmental Enquiry is initiated against Sri. Maruthi, Food Inspector, Food, Civil Supplies and Consumer Affairs Department, Bidar (hereinafter referred to as the Delinquent Government Official, in short DGO).
2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta vide order cited at reference No.2, has nominated Additional Registrar (Enquiries-4) to frame Articles of Charge and to conduct enquiry against aforesaid DGO. By order dated 03/08/2016, this matter was transferred to this Additional Registrar (Enquiries).
3. The complainant, Sri. Shivakumar S/o Hanumantharao Biradar of Hippalagaon in Bidar Taluk and District lodged complaint dated 05/01/2012 before Lokayukta Police, Bidar, that the DGO, Maruthi working as Food Inspector, Food, Civil Supplies and

Handwritten signature and date: 4/8/21

Consumer Affairs Department, Bidar, has demanded a bribe of Rs.20,000/- on 04/01/2012 to transfer Kerosene Dealership License from his father to him, as the complainant's father had expired on 26/02/2009. The DGO had also asked the complainant to pay a sum of Rs.10,000/- as initial payment to be made on 05/01/2012. The Lokayukta Police laid the trap and caught the DGO while demanding and accepting bribe of Rs.10,000/- on 05/01/2012 in Food and Civil Supplies Godown situated in Miloore of Bidar District.

4. On receipt of the documents pertaining to this case the Hon'ble Upalokayukta took up investigation, and on perusal of complaint, pre-trap mahazar, trap mahazar, FSL report, statement of DGO and other documents found prima-facie case and forwarded report dated 09/04/2013 u/s 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against the D.G.O.

5. Notice of Articles of charge, statement of imputations of misconduct with list of witnesses and documents was served upon the D.G.O. The D.G.O. has denied the charges and claimed to be enquired.

6. The Articles of charge as framed by Additional Registrar (Enquiries)-4 is as follows:

ANNEXURE NO.1

CHARGE

2. That, you DGO Sri Maruthi while working as Food Inspector, Food, Civil Supplies and Consumer Affairs


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Department, Bidar, complainant Sri Shivakumar S/o Hanumantharao Biradar of Hippalagaon in Bidar Taluk and District approached you DGO and filed an application 02.04.2009 and 17.10.2010 requesting to transfer kerosene Dealership License to his name from his father Sri Hanumantarao Biradar's name who expired on 26.02.2009, you DGO demanded illegal gratification of Rs.20,000/- on 04.01.2012. The complainant who was unwilling to pay the illegal gratification for a legal entitlement approached the Karnataka Lokayukta, Bidar on 04.01.2012 and contacted you DGO by mobile, recorded conversation, in your voice in the Tape recorder provided by Lokayukta Police. On seeing you coming towards hotel again he recorded the conversation of you DGO during that time, you DGO took the complainant to have a tea in the hotel. At that time also you DGO demanded a sum of Rs.10,000/- immediately. In order to submit favourable report to higher officer. At that time complainant asked you DGO as to the total expenses, you DGO stuck to Rs.20,000/- and instructed him to come on the next day with Rs.10,000/-. At that time complainant requested you DGO to reduced the amount Rs.15,000/-, in spite of it, you DGO told him to bring and pay him Rs.10,000/- by 11.00 A.M. on the next day at the place he fixes, otherwise his work will not be done. Apart from that, you DGO demanded and accepted a tainted amount of Rs.10,000/- on 05.01.2012 in the Food, Civil Supplies Godown situated in Mailnoor of Bidar City. Thereby, you-have


H/S/H

failed 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 Civil Service (Conduct) Rules 1966.

7. The statement of imputation of misconduct as framed by Additional Registrar (Enquiries)⁴ is as follows:

ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

3. Complainant Sri Shivakumar S/o Hanumantharao Biradar of Hippalagaon in Bidar Taluk and District his father Hanumantharao Biradar, in whose name Keroscene Dealership License was standing, expired on 26.02.2009. So, complainant filed an application 02.04.2009 and 17.10.2010 in the Taluk office requesting to transfer the said license in his name. In that connection, complainant met you DGO on 04.01.2012 in the Taluk Office and enquired about his said application/work. For that, you DGO demanded bribe of Rs.20,000/-. As such, after approaching Lokayukta, he went to Tahasildar Office on the same day but you DGO informed him that, you DGO will be coming after about half an hour. Thereafter, you DGO was found coming near a Hotel. So, when he approached, you DGO took him in that Hotel for taking Tea. At that time, when he enquired about his said work, you DGO asked him to pay Rs.10,000/- for the present so that you DGO can submit a report to higher officer about said license. For that, when he asked you


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DGO about expenditure for getting the license transferred in his name, you DGO told him that, it comes to Rs.20,000/- and asked him to bring Rs.10,000/- on the next day. Then complainant requested to attend the work within Rs.15,000/- telling that he is poor. For that, you DGO asked him to pay Rs.10,000/- on the next day telling that thereafter you DGO will say about balance to be paid later. For that, when he asked whether his work will not be attended without payment, you DGO told him that on payment of amount, his work will be attended, otherwise not.

4. Not Only that, on 05.01.2012, you DGO had taken the tainted (bribe) amount from him in the Godown of Food and Civil Supplies Department located at Mailoor for attending his said work. Added to that, you DGO was caught hold as you DGO was found with the tainted amount then. Added to that, you-DGO failed to give any satisfactory account or explanation or reply for the said tainted amount then, when questioned by the said I.O. Thereafter, the tainted (bribe) amount was seized from you DGO under a mahazar by the I.O. then. Further, there are statements of witnesses, including complainant, besides material and records collected and filed, which show your said repeated misconduct of you-DGO.

5. Said facts supported by the material on record show that the DGO, being a public/Government servant, has failed to maintain absolute integrity besides, devotion to duty and acted in a manner unbecoming of a

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Government servant, and thereby repeatedly committed misconduct and made himself liable for disciplinary action. Therefore, an investigation was taken up against the DGO and an observation note be made to the Competent Authority for initiating departmental inquiry against him in the manner. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings. Since said facts and material on record prima facie show that DGO has committed misconduct Rule 3(1)(iii) of KCS (Conduct) Rules, 1966, now, action U/S 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate proceedings against the DGO and to entrust the enquiry to this Authority under Rule 14-A of K.C.S. (CC & A) Rules, 1957. Hence, the Charge.

8. The D.G.O. has filed written statement denying the allegations, and stated that he is innocent and has not committed any offence and has prayed to drop the proceedings.
9. The complainant was examined as P.W.1 and complaint, pre-trap mahazar and trap mahazar were marked as Ex. P1 to Ex.P3 respectively and also, the transcription of conversation were marked as Ex.P4 and Ex.P5 and documents seized were marked as Ex.P6. One of the shadow witness Shri. B.Kashinath was also examined as P.W.2 on 04/01/2017 and cross examined on 06/03/2017. When the case was posted for evidence of CW4, summons to CW4 was issued from 06/03/2017, CW4 did not turn up and on 05/04/2021


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the learned Advocate for DGO submitted that the DGO has expired on 26/03/2021. The attested copy of death certificate of DGO was produced on 27/07/2021 by learned Counsel for DGO as well as the Lokayukta Police.

10. Accordingly, the approval of Hon'ble Upalokayukta was sought for closing the case, as stands abated and same was approved on 27/07/2021 itself.
11. Hence, on approval of the same, this case may be permitted to be closed, as stands abated and submitted to Hon'ble Upalokayukta, for further action in the matter.



(SACHIN KAUSHIK R.N.)
I/c Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURE

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

PW1:- Sri. Shivakumar
PW2:- Sri. B.Kashinath

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Certified copy of complaint of complainant dated 05/01/2012.
Ex P2	Certified copy of Entrustment Panchanama dated 05/01/2012.
Ex P3	Certified copy of Trap panchanma dated 05/01/2012.
Ex P4	Certified copy of details of cell phone conversation of DGO and complainant dated 04/01/2012
Ex P5	Certified copy of details of conversation of DGO and complainant dated 04/01/2012



Ex P6	Certified copy of attendance Register from Jan-2012 to December 2012 and other documents.
Ex P7	Certified copy of statement of DGO.

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(SACHIN KAUSHIK R.N.)

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