

KARNATAKA LOKAYUKTA

No.UPLOK-1/ DE/26/2016/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001
Date: 6/12/2018**:: ENQUIRY REPORT ::**

Sub:- Departmental Enquiry against,
Sri. Mohamad Usman, Village Accountant,
Kyadiguppa Circle (In charge Bijakallu
Grama) Kustagi Taluk, Koppal District.

Ref : 1) Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/GLB-725/2015/ARE-3,
Dtd. 06/10/2015.
2) Govt Order No.RD 48 BDP 2015,
dated : 04/01/2016.
3) Order No.UPLOK-1/DE/26/2016,
Bangalore, Dated : 27/01/2016 of
the Hon'ble Upalokayukta-1.

1. This Departmental Enquiry is directed against Sri. Mohamad Usman, Village Accountant, Kyadiguppa Circle (In charge Bijakallu Grama) Kustagi Taluk, Koppal District (herein after referred to as the Delinquent Government Official in short "DGO" respectively).
2. After completion of the investigation a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated : 27/01/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-8 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. Additional Registrar Enquires-8 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGOs calling upon him to appear before this Authority and to submit written statement of their defence. Thereafter it was transferred ARE-7.
4. As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-7 to ARE-13.
5. The Article of Charges framed by ARE-8 against the DGO is as below:

ANNEXURE-I
CHARGE

6. That you- Sri. Mohamad Usman – while working as Village Accountant, Kyadiguppa Circle (in charge Bijakal Grama), Kustagi Taluk, Koppal Dist., when Sri. Sangappa S/o Marigowda Bannigola, Bijakal Village, Kustagi Taluk, Koppal District (hereinafter referred to as 'Complainant') approached you-DGO for changing khata of 2.00 acre in his name and 1.00

acre in his brother's name in land bearing Sy.No.183/3 of Bijakal Village, you-DGO demanded bribe of Rs.1500/- and accepted Rs.1,000/- as bribe to get complainant's work done i.e., change of khata as per the decree in O.S. No.261/2012 on the file of Civil Judge, Kushatagi, and thereby you DGO failed to maintain absolute devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

ANNEXURE-II
CHARGE

7. The complainant by name Sri. Sangappa S/o Marigowda Bannigol, R/o Bijakallu Village in Kustagi Taluk, Koppal District(hereinafter referred to as 'Complainant' for short) against you-DGO an investigation was taken up U/sec. 9 of the Karnataka Lokayukta Act, 1984, by invoking powers vested U/s 7(2) of the said Act.
8. 4 acres of land in Sy.No.183/3 in Bijakallu village of Kustagi Taluk which was in the name of Sri. Manjunath (brother of complainant) was partitioned as per the decree in O.S. No.261/2012 on the file of Civil Judge, Kustagi. Accordingly, khatha was to be changed in respect of 2 acres of land in the name of complainant and 1 acre of land in the name of Adeppa (brother of complainant) and another 1 acre of land in

the name of Sri. Manjunath and in that connection, complainant gave an application on 28/08/2013 to the Tahsildar, Kustagi, requesting to change the khatha. When the complainant contacted the DGO, DGO demanded Rs.1500/- bribe to get his work done. For that when the complainant told that the said amount is more, you, the DGO told him to pay Rs.1000/- to get his work done.

9. Being unwilling to pay bribe to the DGO, after approaching Lokayukta police, Koppal on 01/10/2013 and after filing complaint, same was registered in Cr.No.3/2013 in Koppal Lokayukta Police Station. When the Complainant approached DGO, DGO took the tainted bribe amount of Rs.1,000/- from the complainant in connection with his said work through Sri. Sharanappa S/o Duragappa Valikar, Village Assistant (daily wager), Kyadiguppa Village in Kustagi Taluk of Koppal District.
 - a) Thereafter, Sri. Sharanappa was caught hold as at the instruction of DGO had received the bribe amount and was found with the bribe amount on said date at said place. Added to that, Sri. Sharanappa and DGO failed to give any satisfactory reply or explanation or account for the said bribe amount found then, when questioned by the I.O. Then the said bribe amount was seized from Sri. Sharanappa under a mahazar in the presence of panchas by the I.O. on said date. Sri. Sharanappa in his written reply to the IO has stated that he has received said amount of Rs.1000/- at the instruction of

the DGO. Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O., which show repeated misconduct by DGO.

10. A careful consideration of the material on record, prima facie showed that the DGO has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of government servant and thereby committed misconduct under rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, and made themselves liable for disciplinary action.

11. Therefore, an observation note was sent to DGO to show cause as to why recommendation be not made to the Competent Authority for initiating disciplinary inquiry against him in the matter. For that, DGO has failed to submit his reply, hence taken that he has nothing to say.

12. Since said facts and material on record prima-facie showed that the DGO has committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) rules, 1966, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

13. Accordingly, Competent Authority initiated disciplinary proceedings against DGO and entrusted the Enquiry under Rule 14-A of the Karnataka Civil Services(Classification, Control and Appeal) Rules, 1957 to Hon'ble Upalokayukta and Hon'ble Upalokayuta-1 nominated Additional Registrar Enquires -8 to conduct enquiry. Hence, the charge.

14. Though the AOC was duly served on the DGO, he remained absent and hence he was placed Ex-parte. Since the DGO remained Ex-parte the question of recording FOS and SOS does not arise.

15. In order to substantiate the charge, the Disciplinary Authority examined in all three witnesses as PW-1 to PW-3 and got marked documents at Ex.P-1 to P-8 and closed the evidence. Since the DGO remained ex-parte, the question of recording FOS, SOS, Defence evidence and questionnaire as provided U/Rule 11(9), 11(16), 11(17) and Rule 11(18) of Karnataka Civil Services(CC & A) Rules 1957 does not arise.

16. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the only point that arises for my consideration is as under:

Whether the Disciplinary Authority has satisfactorily proved that, the DGO who was working as the Incharge Village Accountant of Bijakal Village, Taluk Kustagi, District

Koppal had demanded a bribe of Rs.1500/- and accepted the bribe amount of Rs.1000/- from the complainant on 01/10/2013, to effect mutation of the name of complainant Sangappa S/o Marigowda Bannigol and his brothers in respect of land bearing Sy.No.183/3 measuring 4 acres of Bijakal Village, as per compromise decree in O.S.NO.261/2012 and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

17. My finding on the above point is held in **“Affirmative”** for the following:

:: REASONS ::

18. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The Complainant by name Sri. Sangappa S/o Marigowda Bannigol has lodged a complaint as per Ex.P-1 to the Lokayukta Police, Koppal on 01/10/2013. The complainant states that, he is an Agriculturist and permanent resident of Bijakal Village Taluk Kustagi. He has four brothers by name Basavaraj, Basavanagouda, Adeppa and Manjunath. He is the eldest son of Marigowda. He also has three sisters. He states that, his family owns agricultural land bearing Sy.No.183/3 measuring 4 acres and

situated in Bijakal Village. A suit for partition was filed before the Civil Court at Kustagi bearing O.S.No.261/2012. The said suit was decreed as per the compromise entered into between the brothers and sisters and accordingly decree was passed. He approached the DGO to effect mutation as per the compromise decree in O.S.No.261/2012. The complainant states that, he had moved the application for mutation before the learned Tahsildar Kustagi on 28/08/2013. The learned Tahsildar had sent the file for local inspection to the DGO who was Village Accountant of Bijakal Village. The complainant further states that, he approached the DGO to effect mutation as per the compromise decree in O.S.No.261/2012. However the DGO demanded a bribe of Rs.1500/- and work of the complainant would be attended only if bribe of Rs.1500/- is paid. Later on the request of complainant and negotiation the amount of bribe was reduced to Rs.1,000/-. The complainant was not interested to pay the bribe, hence the Complainant approached the Lokayukta Police and lodged the complaint on 01/10/2013.

19. The Complainant Sri. Sangappa S/o Marigowda Bannigol has been examined as PW-1. He has reiterated the facts stated in the complaint. PW-1 states that, he is an Agriculturist and permanent resident of Bijakal Village Taluk Kustagi. He has 4 brothers by name Basavaraj, Basavanagouda, Adeppa and Manjunath. He is the eldest son of Marigowda. He also has 3 sisters. PW-1 further states that, his family owns agricultural land bearing Sy.No.183/3, measuring 4 acres and situated in Bijakal Village. A suit for partition was filed before the Civil Court at Kustagi bearing O.S.No.261/2012. The said suit was decreed as per the compromise entered into between the

26/16

brothers and sisters and accordingly decree was passed. He approached the DGO to effect mutation as per the compromise decree in O.S.No.261/2012. PW-1 further states that he had moved the application for mutation before the learned Tahsildar Kustagi on 28/08/2013. The learned Tahsildar had sent the file for local inspection to the DGO who was Village Accountant of Bijakal Village. The complainant/PW-1 further states that, he approached the DGO to effect mutation as per the compromise decree in O.S.No.261/2012. However the DGO demanded a bribe of Rs.1500/- and work of the complainant would be attended only if bribe of Rs.1500/- is paid. Later, on the request of complainant and negotiation the amount of bribe was reduced to Rs.1,000/-. The complainant was not interested to pay the bribe, hence the Complainant approached the Lokayukta Police and lodged the complaint as per Ex.P-1 on 01/10/2013.

20. The witness further states that, Lokayukta Police summoned two witness/Government servants from the Department of Education i.e the teachers working in Gavisiddeshwara Primary School, Koppal and requested them to act as panchas. The complainant/PW-1 has handed over the bribe amount of Rs. 1000/- i.e 1 note of Rs.500/- denomination and 5 notes of Rs.100/- denomination. The Complainant further states that Police conducted Entrustment Mahazar as per Exhibit P-2. The bait money was smeared with Phenolphthalein Powder. The Sodium Carbonate solution was taken in a glass bowl. One of the staff of Lokayukta Police by name Vilas, Head Constable smeared the bait money with Phenolphthalein

powder and kept them in the left shirt pocket of the complainant. The hands of the official was washed in sodium Carbonate solution. The colourless solution turned into pink colour. The Police poured the pink solution in an empty bottle and sealed it. He further states that the entrustment mahazar was conducted as per Ex.P-2.

21. PW-1 further states that, he along the panchas, I.O and his staff left the lokayukta office at 11.50 A.M. and went to the office of the DGO. The I.O told the complainant to go into the office of the DGO and pay the bribe amount, only if demand is made by DGO. The shadow witness by name of Sri. Hanumanthappa S/o Mukkannappa Bangaligidad was asked to accompany the complainant. PW-1 further states that, he along with PW-2 shadow witness went to the office of DGO at about 11.45 A.M. However the DGO was not in the office and they waited for him. After about 5 minutes the DGO came to office, the complainant went and enquired the DGO about his file. The DGO demanded the bribe of Rs. 1000/- . The complainant took out the bait money from his shirt pocket and tried to hand over the money to the DGO. However the DGO directed the complainant to pay the amount to his assistant by name Sharanappa. Accordingly PW-1 has paid the amount to Sharanappa, who received it and kept it in his shirt pocket.

22. PW-1 states that, he went outside and gave the signal to the I.O. The Investigation Officer came inside the chamber of DGO and introduced himself and asked the DGO to co-operate for investigation. The complainant/PW-1 showed the DGO and told that, the DGO had received the bribe amount through his assistant Sharanappa. PW-1

26/10

further states that, the I.O recovered the amount from the said Sharanappa and washed his hands in Sodium Carbonate solution and the solution turned into pink colour.

23. The right hand of Sharnappa was washed in Sodium Carbonate solution and it turned into the pink colour. It was poured in a bottle, sealed and seized. The I.O enquired the said Sharanappa about the bait money of the Rs. 1,000/-. The said Sharanappa removed the said amount and handed over it to the I.O. The I.O has seized the said amount and also the shirt of Sharanappa was seized and its left pocket was washed in Sodium Carbonate solution and it turned into the pink colour. It was poured in a bottle, sealed and seized.

24. PW-1 further states that, the I.O conducted the Trap Mahazar as per Ex.P-3. The file pertaining to mutation application of the complainant was also seized. The copies of the Photographs at the time of mahazars have been produced and the same are as per Ex.P-7.

25. PW-2 Sri. Hanumanthappa is a shadow witness and he has accompanied the complainant to the Office of DGO. He states that, he is working as a teacher in Gavisiddeshwara Primary School, Koppal. On 01/10/2013 the Koppal Lokayukta Police summoned him and Sri. Gavisiddappa to the office and requested them, to act as panchas. The Complainant was introduced to them and contents of Ex.P-1 complaint were explained to them. The mobile voice recording with regard to demand of bribe by DGO was also played. PW-2 further states that the complainant handed over the bait money of Rs.1,000/-

i.e 1 note of Rs.500/- denomination and 5 notes of Rs.100/- denomination. The panchas noted down the serial numbers of the notes. The Police applied Phenolphthalein powder to the notes and Vilas, the Head Constable counted the notes and kept them in the shirt pocket of the complainant. PW-2 further states that, the hands of said Vilas were washed in the Sodium carbonate solution and it turned into the pink colour. The police seized the said solution and sealed it in the bottle and drew the entrustment Mahazar as per Ex.P-2. He further states that, they left the Lokayukta Office at 11.50 A.M. and reached the office DGO at 12.45 P.M. He states that, he along with the complainant went inside office of DGO and rests of the persons were waiting outside.

26. He further states that they waited for DGO and when the DGO came, the complainant asked about the mutation file pertaining to his land. The DGO demanded Rs.1,000/- bribe and asked the complainant to hand over the said amount Sharanappa i.e. his assistant. Accordingly complainant handed over the bait money of Rs.1,000/- to Sharanappa.

27. PW-2 has elaborately stated as to how the bait amount was seized and the trap mahazar was prepared as per Ex.P-3. He further states that, the hands of the Sharanappa were washed in Sodium Carbonate Solution and the solution turned into the pink colour. The said solution was poured into a bottle and sealed.

26/16

28. The I.O Mr. Venkatesh Murnal, Police Inspector has been examined as PW-3. He states that, the complainant approached him with the complaint on 01/10/2013 alleging that, the DGO had demanded bribe to effect mutation as per compromise decree. He indentifies the complaint at Ex.P-1.

29. PW-3 further states that, he registered the case in Cr.No.3/2013 and submitted FIR to the court. On the same day he summoned two witness by name Sri. Gavisiddappa and Hanumanthappa from Education Department. He has introduced the complainant to the panchas and appraised the witnesses about the complaint. PW-3 has demonstrated the procedure for entrustment mahazar. He has received Rs.1,000/- i.e 1 note of Rs.500/- denomination and 5 notes of Rs.100/- denomination. The I.O has asked the panchas to note down the serial numbers of notes on a paper. Head constable Vilas has applied Phenolphthalein Powder to the notes and demonstrated how the colourless sodium carbonate solution turns into pink colour. PW-3 states elaborately stated about the entrustment mahazar conducted by him as per Ex.P-2.

30. PW-3 further states that, he along with the complainant and panchas and his staff went to the office of DGO. He has instructed the complainant and shadow witness Hanumanthappa to go into the chambers of DGO. He has specifically instructed the complainant that, the bait money shall be paid only on demand by the DGO. PW-3 further states that, after sometime he received signal from the

complainant. He went inside and introduced himself to the DGO. PW-3 has narrated elaborately how he washed the hands of Sharanappa i.e the assistant of DGO in sodium carbonate solution and seized the bait money of Rs.1,000/- from the Sharnappa. He has narrated the details of trap mahazar conducted by him as per Ex.P-3. He has identified his signature on the mahazar. He has identified the photographs at Ex.p-7. The FIR is marked as Ex.P-6. The sample voice of DGO was recorded and a mahazar was prepared as per Ex.P-4.

31. The I.O has produced the copies of photographs which have been commonly marked as exhibit P-7. There are totally 15 photographs, the original photographs have been produced to the court for the criminal case and here the xerox copies of the photographs have been produced. On careful perusal of these photographs, it is observed that, right from the point of lodging the complaint by the complainant, the conducting of entrustment Mahazar and trap Mahazar has been photographed. The complainant, the Mahazar witnesses, the DGO and Sharanappa while he was trapped are all seen in the photographs. These photographs further corroborate the entrustment and trap mahazars at Ex.P-2 and P-3 respectively.

32. The evidence of PW-1 to 3 has totally remained unchallenged. Even though the notice was duly served on the DGO, he has remained Ex-parte.

26/16

33. On careful appreciation of the oral and documentary evidence adduced by the disciplinary Authority, I am opinion that, the Disciplinary Authority has proved its case. First of all, the oral evidence of complainant/ PW-1 proves that, he had official work pertaining to mutation of his land bearing Sy.No.183/3 of Bijakal Village. PW-1 has further proved that, the DGO demanded bribe of Rs. 1500/- and which was later on reduced to Rs.1,000/-. PW-1 has further proved that the DGO in order to do the official work of mutation, received the bribe amount of Rs.1,000/- through his assistant Sharanappa.

34. PW-1 has stated about lodging the complaint as per Ex.P-1 and he has deposed about the entrustment mahazar as per Ex.P-2. He has further deposed of having approached the DGO along with shadow witness PW-2 and paid the bribe amount on demand by the DGO. PW-1 has deposed about the trap mahazar as per Ex.P-3.

35. The evidence of PW-1 complainant is corroborated by the evidence of shadow witness/PW-2 Hanumanthappa. This witness has also stated consistently about the procedure and entrustment mahazar conducted by the I.O. He has accompanied the complainant to the office of DGO and specifically states that, the DGO demanded bribe and the complainant paid the bribe amount i.e bait money to Sharanappa as per the instructions of DGO. PW-2 has elaborately deposed about the trap mahazar conducted by the I.O. He has stated that, the hands of the Sharanappa was washed in

sodium carbonate solution and the solution turned into pink colour. He has stated about the Trap Mahazar as per Ex.P-3 and the seizure of solution in a bottle.

36. The complainant who is examined as PW-1 has reiterated the facts of having lodged the complaint. He has deposed about the entrustment mahazar and Trap Mahazar conducted by the I.O. The complainant has specifically stated about the demand of bribe by the DGO. He has also narrated as to how the trap was laid and DGO was caught red handed.

37. The evidence of PW-1 is corroborated by the evidence of shadow witness i.e PW-2 Hanumanthappa who has accompanied PW-1 to the office of DGO. This witness has specifically stated that, on 01/10/2013 when he along with complainant approached the DGO, he demanded bribe of Rs.1,000/- to attend the file. PW-2 has stated about the bribe paid by the complainant and also about the Trap Mahazar conducted by the I.O as per Ex.P-3. PW-1 and 2 have also deposed about the sodium carbonate solution turning into pink colour, when the hands of Sharanappa were washed in the said solution.

38. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-3. He has narrated the entire procedure, right from the time of lodging the complaint, till execution of successful Trap. He has deposed about the entrustment mahazar and Trap Mahazar at Ex.P-2 and P.3 respectively. The I.O has specifically

stated that, the bait money was recovered from the said Sharanappa, his hands were washed in sodium carbonate solution and the solution turning to pink colour, due to the presence of Phenolphthalein powder. He has also deposed about the wiping of the inner parts of the left pocket of shirt of the said Sharanappa, in which he had kept the bait money and the shirt was washed in sodium carbonate solution and the solution turning to pink colour, due to the presence of Phenolphthalein powder.

39. The shadow witness PW-2 has specifically stated about the bait money of Rs.1,000/- i.e 1 note of Rs. 500 denomination and 5 notes of Rs.100/- denomination produced by the complainant. The panchas have noted down the numbers and they have been mentioned in both the entrustment and trap mahazars. PW-1 to 3 have specifically stated that, the bait money recovered from the said Sharanappa was verified, and they were the same notes to which phenolphthalein powder was applied and the serial numbers were noted down. The same notes were received by the DGO through his assistant Mr. Sharanappa. All the 3 witness have stated about washing the hands of Sharanappa in sodium carbonate solution, which turned to pink colour, due to the presence of phenolphthalein powder. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-3 who has conducted the entrustment mahazar as per Ex.P-2 and trap mahazar as per Ex.P-3.

40. It is well settled proposition of law that, the standard of proof required in departmental enquiries is preponderance of probability. The Disciplinary Authority has to make out a case in which the

preponderance of probability is towards the guilt of delinquent government employee. The standard of proof required in criminal cases is proof beyond reasonable doubt. However in departmental enquiries it will be sufficient if the preponderance of probability is towards the guilt of the DGO. On careful perusal of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that, the Disciplinary Authority has proved that, the complainant had official work of getting his land transferred as per the compromise decree in O.S.No.261/2012.

41. The Disciplinary Authority has examined the complainant, the shadow witness and the investigation officer. On careful perusal of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that, the Disciplinary Authority has proved that, the DGO in order to attend the file of complainant, i.e in order to do the official work, demanded a bribe of Rs.1,000/- from the complainant and he has accepted the same through his assistant Sharanappa. The Disciplinary Authority has by cogent oral and documentary evidence proved that, the DGO has received the bribe amount through his assistant Sharanappa and it was successfully recovered by laying a Trap.

42. On careful appreciation of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that, the Disciplinary Authority has proved that the delinquent government

26/18

official demanded a bribe of Rs.1000/- and he had accepted the said amount through his assistant Sharanappa.

43. The evidence of PW-1 to 3 has totally remained unchallenged because the DGO remained Ex-parte. Initially the DGO had made demand for bribe of Rs.1500/-. Later when the complainant requested, the DGO has reduced the amount to Rs.1000/-. The Disciplinary Authority by the cogent evidence of PW-1 to 3 has proved that one Sharnappa was the assistant of DGO. The DGO demanded bribe of Rs.1,000/- and when the complainant came forward to pay the bribe money, the DGO directed the complainant to hand over the money to the said Sharanappa. The I.O has seized the bait money from Sharanappa and they have been tallied with the numbers already noted down in a white paper by the panchas. The numbers have been noted down in Ex.P-5. The amount seized from the said Sharanappa was tallied with Ex.P-5 and it was the same bait money, which was handed over by the Lokayukta Police to the complainant, to lay the trap. All the 3 witness have stated about washing the hands of Sharanappa in sodium carbonate solution, which turned to pink colour, due to the presence of phenolphthalein powder.

44. It is the case of the Disciplinary Authority that the DGO in order to carry on the mutation, as per the compromise decree entered into between the complainant and his brothers, had demand bribe of Rs.1,000/- and he had received the said amount through his assistant Sharanappa. The complainant and shadow witness have

specifically stated that, when they approached the DGO with bait money, the DGO was present in the office along with his assistant by name Sharanappa. When the complainant enquired about the mutation, the DGO demanded bribe amount and directed the complainant to hand over the amount to Sharanappa. Accordingly the complainant has handed over the money to the said Sharanappa. PW-1/complainant and the shadow witness Pw-2/Hanumanthappa have consistently deposed about the bribe money accepted by the DGO through his assistant Sharanappa. The evidence of PW-1 and 2 is further collaborated by the evidence of I.O/PW-3 . After giving the bait money, the complainant had given signal to the I.O, who came inside the office and caught hold of the DGO as well as Sharanappa. The I.O/PW-3 has washed the hands of Sharanappa in Sodium carbonate solution. Because of the presence of phenolphthalein powder , the solution has turned into pink colour. The I.O/PW-3 has elaborately stated about the entrustment mahazar and trap mahazar conducted by him as per Ex.P-2 and P-3 respectively. PW-1 and PW-2 have specifically stated that, the DGO directed the complainant to hand over the bribe money to Shanaranappa. The bribe money/bait money has been recovered from the said Sharanappa who was present in the office of DGO, along with the DGO. The evidence of PW-1 to 3 has totally remained unchallenged. All these three witnesses have deposed about the demand of bribe by the DGO and also the acceptance of the bribe money by the DGO through the said Sharanappa. The evidence of complainant/PW-1 is corroborated by the evidence of shadow witness/PW-2, who had accompanied the

26/16

complainant to the office of DGO and who had watched all the events. Further the evidence of PW-1 and 2 is fully collaborated by the evidence I.O/PW-3. The Disciplinary Authority by the cogent evidence of PW-1 to 3 has proved the entrustment mahazar and trap mahazar at Ex.P-2 and P-3. The bribe/bait money has been recovered from Sharanappa and the Disciplinary Authority has proved that the DGO in order to attend the official work of mutation of the complainant's land had demanded and accepted the bribe of Rs.1,000/-.

45. Hence for all these reasons, I am of the Opinion that the Disciplinary Authority by cogent evidence has proved that the DGO in order to carry out the mutation, as per the compromise decree in O.S.No.261/2012 has demanded bribe of Rs.1,000/- and he has accepted said amount through his assistant Sharanappa.


46. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO., is established. Hence, I answer point No.1 in the "**Affirmative**"

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri. Mohamad Usman, Village Accountant, Kyadiguppa Circle (In charge Bijakallu Grama) Kustagi Taluk, Koppal District.

47. This report is submitted to Hon'ble Upa-lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 6th day of December 2018


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

26/11/18

ANNEXURE

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. Sangappa (Original)
PW-2: Sri. Hanumathappa (Original)
PW-3: Sri. Venkatesh Murnal (Original)
Witness examined on behalf of the DGO
Nil
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint Copy dtd.,01/10/2013 (Certified copy).
Ex.P-2: Entrustment Mahazar (Certified copy) Ex. P-2(a): Relevant entry in Ex.P-2
Ex. P-3: Trap panchanama (Certified copy).
Ex.P-3(a): Relevant entry in Ex.P-3
Ex. P-4: Transcript of voice recorder (Certified copy)
Ex. P-5: Details of bait money (Certified copy)
Ex.P-6: Certified copy of FIR in Cr.No.03/2013
Ex.P-6(a): Relevant entry in Ex.P-6
Ex.P-7: Photographs (8 pages) (Certified copy)
Ex.P-8: Voice sample Mahazar Ex.P-8(a): Relevant entry in Ex.P-8
Documents marked on behalf of the DGO
Nil

Dated this the 6th day of December 2018

(Patil Mohankumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No:UPLOK-1/DE/26/2016/ARE-13

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date:10/12/2018

RECOMMENDATION

Sub:- Departmental inquiry against Sri Mohammad Usman S/o. Mohammad Ummar, Village Accountant, Kyadiguppa Circle (Incharge Bijakallu Grama), Kushtagi Taluk, Koppal District – Reg.

- Ref:-1) Government Order No.ಕಂಇ 48 ಬಿಡಿಪಿ 2015, Bengaluru dated 04/01/2016
- 2) Nomination order No.UPLOK-1/DE/26/2016 Bengaluru dated 27/01/2016 of Upalokayukta-1, State of Karnataka, Bengaluru.
- 3) Inquiry Report dated 06/12/2018 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 04/01/2016, initiated the disciplinary proceedings against Sri Mohammad Usman, S/o. Mohammad Ummar Village Accountant, Kyadiguppa Circle (Incharge Bijakallu Grama), Kushtagi Taluk, Koppal 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.UPLOK-1/DE/26/2016 dated 27/01/2016 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. Subsequently by Order No. UPLOK-1/DE/2016, Bengaluru dated 03/08/2016 the Additional Registrar of Enquiries-7 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGO. Again by order No. LOK/DE/Transfers/2018, Bengaluru, dated 06/08/2018 the Additional Registrar of Enquiries-13 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGO.

3. The DGO Sri Mohammad Usman S/o. Mohammad Ummar, Village Accountant, Kyadiguppa Circle (Incharge Bijakallu Grama), Kushtagi Taluk, Koppal District was tried for the following charge:-

“That you – Sri Mohamad Usman – while working as Village Accountant, Kyadiguppa Circle (in charge Bijakal Grama), Kustagi Taluk, Koppal District, when Sri Sangappa S/o Marigowda Bannigola, Bijakal Village, Kustagi Taluk, Koppal District (hereinafter referred to as ‘Complainant’) approached you-DGO for changing Khata of 2.00 acre in his name and 1.00 acre in his brother’s name in land bearing Sy.No.183/3 of Bijakal Village, you-DGO demanded bribe of Rs.1500/- and accepted Rs.1000/- as bribe to get complainant’s work done i.e., change of khata as per the decree in O.S No.261/2012 on the file of Civil Judge, Kushtagi, and thereby you DGO failed to maintain absolute devotion to duty and committed an act which is unbecoming of a Government Servant and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966”.

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge

26/16

against DGO Sri Mohammad Usman S/o. Mohammad Ummar Village Accountant, Kyadiguppa Circle (Incharge Bijakallu Grama), Kushtagi Taluk, Koppal District.


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 information furnished by the Inquiry Officer, DGO is due to retire from service on 30/06/2042.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Mohamad Usman, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri Mohammad Usman S/o. Mohammed Ummar, Village Accountant, Kyadiguppa Circle (Incharge Bijakallu Grama), Kushtagi Taluk, Koppal District.

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

Connected records are enclosed herewith.


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

10/12

