

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/288/2011/ARE-4

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date:27/12/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri Chandrashekar,  
Second Division Assistant, Office of the Block  
Education Officer, Aurad (B) Taluk, Bidar District  
- Reg.

- Ref:- 1) Government Order No ಇಡಿ 447 ಎಲ್‌ಐಬಿ 2011,  
Bengaluru dated 22/7/2011 and its  
Corrigendum dated 2/8/2011.
- 2) Nomination order No.LOK/INQ/14-A/288/  
2011, Bengaluru dated 23/9/2011 of  
Upalokayukta-1, State of Karnataka,  
Bengaluru
- 3) Inquiry Report dated 23/12/2017 of Additional  
Registrar of Enquiries-4, Karnataka  
Lokayukta, Bengaluru

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The Government by its Order dated 22/7/2011 read with its Corrigendum dated 2/8/2011, initiated the disciplinary proceedings against Sri Chandrashekar, Second Division Assistant, Office of the Block Education Officer, Aurad (B) Taluk, Bidar 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/288/2011, Bengaluru dated 23/9/2011 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.

3. The DGO Sri Chandrashekar, Second Division Assistant, Office of the Block Education Officer, Aurad (B) Taluk, Bidar District was tried for the following charge:-

“That, you Sri Chandrashekar, the DGO, while working as Second Division Assistant in the office of the Block Education Officer at Aurad (B) Taluk in Bidar District, the Complainant namely Mahadev Shivaraj Sajjan who was working as an Assistant Teacher at Government High School in Khatgava of Aurad (B) Taluk in Bidar District had completed ten years of service from 24/08/1998 to 23/08/2008 and he had filed an application on 24/11/2008 for grant of time bound increment and his application was not considered for more than six months and on 22/05/2009 you demanded bribe of Rs.700 to attend his application and on 27/05/2009 you received bribe of Rs.700 from the Complainant, failing to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R. 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri Chandrashekar, Second Division Assistant, Office of the Block Education Officer, Aurad (B) Taluk, Bidar District.

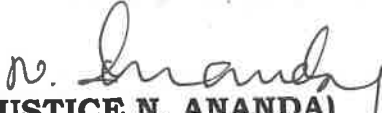
5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/3/2035.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Chandrashekar, it is hereby recommended to the Government to impose penalty of compulsory retirement from service on DGO Sri Chandrashekar, Second Division Assistant, Office of the Block Education Officer, Aurad (B) Taluk, Bidar District.

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta-1, 29/12  
State of Karnataka,  
Bengaluru



## KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-288/2011

M.S.Building,  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 23/12/2017

### :: ENQUIRY REPORT ::

**Sub:** Departmental Enquiry against,

- 1) Sri Chandrashekar  
Second Division Assistant  
Office of the Block Educational Officer  
Aurad (B) Taluk  
**Bidar District**

- Ref:**
- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/GLB/57/2011/ARE-7  
dated:02/07/2011
  - 2) Govt. Order. No. ED 447 LIB 2011  
Bangalore dated: 22/07/2011 and its  
corrigendum dated: 02/08/2011
  - 3) Order No.LOK/INQ/14-A/288/2011  
Dated:23/09/2011 of the Hon'ble  
Upalokayukta

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This Departmental Enquiry is directed against Sri Chandrashekar, Second Division Assistant, Office of the Block Educational Officer, Aurad (B) Taluk, **Bidar 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: 23/09/2011 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, 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 DGO calling upon him to appear before this Authority and to submit written statement of his defence.
4. The Article of Charges framed by ARE-4 against the DGO is as below:

**ANNEXURE NO. 1**  
**CHARGE**

*That, you Sri Chandrashekar, the DGO, while working as Second Division Assistant in the office of the Block Education Officer at Aurad (B) Taluk in Bidar District, the complainant namely Mahadev Shivaraj Saijjan who was working as an Assistant Teacher at Government High School in Khatgava of Aurad (B) Taluk in Bidar District had completed ten years of service from 24/08/1998 to 23/08/2008 and he had filed an application on 24/11/2008 for grant of time bound*

*increment and his application was not considered for more than six months and on 22/05/2009 you demanded bribe of Rs. 700 to attend his application and on 27/05/2009 you received bribe of Rs. 700 from the complainant, failing to maintain absolute integrity devotion to duty and acted in a manner unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

### **ANNEXURE NO. II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant namely Mahadev Shivaraj Saijjan was working as an Assistant Teacher at Government High School in Khatgava of Aurad (B) Taluk in Bidar District. He was working in that capacity since 24/08/98. He had completed ten years of service as on 23/08/2008. Therefore, on 24/11/2008 he filed an application for sanction of time bound increment. On 25/11/2008 the Head master had sent his application along with Service Register to Block Education Officer at Aurad. In spite of lapse of six months, application of the complainant was not considered. Therefore, on 22/05/2009, the complainant approached the DGO at Block Education Office in Aurad. Then, the DGO asked the complainant to pay bribe of Rs. 700/- to attend the application of the complainant. The complainant was not willing to pay bribe amount to the DGO. Therefore, on 27/05/2009, the complainant approached the Lokayukta Police Inspector at Bidar (herein after referred to as the Investigating Officer, for short "the I.O."). The I.O., registered the complaint in*

Crime No. 4/2009 for the offences punishable u/sec. 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act 1988. During the course of investigation and on 27/05/2009 the DGO received bribe of Rs. 700 from the complainant at Block Education office of Aurad and then the I.O. trapped the DGO. The I.O. seized bribe amount from the possession of the DGO and drew mahazar. The I.O. took statement of the DGO in writing and recorded statements of the complainant and panch witnesses. The I.O. sent the articles seized under trap mahazar to the chemical examiner for examination and report. After obtaining the report from the Chemical Examiner, the I.O. completed investigation and filed report of investigation. The record of the investigation and the materials collected by the I.O., showed that, the DGO had committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant. As the materials on record showed prima facie case about the DGO receiving bribe for discharging his official duty as a public servant, a suo-moto investigation was taken up u/sec. 7(2) of Karnataka Lokayukta Act against the DGO and an observation note was sent to the DGO calling for his explanation. The explanation given by the DGO was not convincing and not satisfactory to drop the proceedings. As there was prima facie case showing that the DGO committed misconduct as per rule 3(1) of KCS (Conduct) Rules, 1966, a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust



*the departmental enquiry to the Hon'ble Upalokayukta U/Rule 14-A of KCS (CCA) Rules. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta. Hence, the charge.*

5. DGO appeared before this Enquiry Authority on 06/07/2012 and on the same day his First Oral Statement was recorded u/Rule 11(9) of KCS (CC&A) Rules, 1957. The DGO pleaded not guilty and claims to hold an enquiry.

6. DGO has filed his written statement denying all the allegations. Further submits that, he was working as SDA in the office of the BEO, Aurad, Bidar District. He never committed any offence nor committed any act of unbecoming of a Government Servant and hence prays to exonerate him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all six witnesses as PW1 to PW6 and got marked documents at Ex.P1 to P8. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO is recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DW1 is examined and got marked documents at Ex.D1 and closed his evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority through the Presenting Officer and as well as the DGO submitted their separate written brief. In addition arguments on both the sides is heard. The point, that arise for the consideration of this enquiry authority are:-

- 1) Whether the Disciplinary Authority satisfactorily proved the charges framed against DGO?
- 2) What order?

9. My finding on the above points are as follows:-

Point No.1: In the “ **AFFIRMATIVE**”

Point No.2: As per the final order for the following:

**:: REASONS ::**

**10. Point NO.1:** Complainant who is examined as PW1 has deposed that, on 22/05/2009 when he met the DGO regarding his time bound promotion, DGO demanded bribe amount of Rs.700/- and therefore, on 27/05/2009 he has lodged the complaint-Ex.P1. I.O. secured the presence of two panchas, introduced to him and explained the contents of complaint. He presented Rs. 700/- (Rs. 500x1+Rs.100x2), panchas noted down the numbers, police applied the phenolphthalein powder to the notes. Pancha-Sri Basappa Hibatthi, counted and kept the money on the table, hand wash of Sri Basappa Hibatthi, was taken in sodium carbonate solution and it turned into pink colour. Sri Basappa Hiubatthi, kept the money into his shirt pocket. I.O. gave instructions to himself and pancha

handed over a voice-recorder and drawn the pre-trap Mahazar-Ex.P2.

11. Further PW1 has deposed that, all of them went near the Aurad bus-stand himself and pancha-Sri Santhosh swamy, went to the office of the DGO and others were waiting outside. When he enquired the DGO, the BEO was on leave and inspite of it, the DGO demanded to give Rs. 700/- assuring to do his works. Therefore, he paid Rs. 700/- to the DGO. DGO counted the same and kept it in his shirt pocket. Then he came out and gave a signal to the I.O. After receiving signal Lokayukta police came near him. He informed the I.O. that, DGO had to do his work. The I.O. introduced himself to DGO took the hand wash of the DGO in sodium carbonate solution and it turned into pink colour. On enquiry DGO took out the money and presented it. On verification the amount was tallied with the money entrusted to him. Shirt pocket the portion of DGO was dipped into sodium carbonate solution and it turned into pink colour. DGO has given his statement before I.O. as per Ex.P3. I.O. seized the documents pertaining to his work as per Ex.P4 and drawn the Trap Mahazar-Ex.P5.

12. In the cross-examination PW1 has deposed that, at the time of the incident, he was working in Government High School, Khathagav village and is residing in Kamalanagar situated about 65 kilometer away from Bidar. He denies that, Kamalanagar is situate 93 kilometer away from Bidar it will take two hours travel in bus. The office timings starts 10 to 10.30 a.m. But at the time of the incident it was summer. Therefore, the commencement hours of the office was at 8 a.m.10-12 days back they had been to Lokayukta police

station, he lodged the complaint. He was aware that, if complaint is lodged to the Lokayukta police the work will be done as early as possible. But at the time, he has lodged the complaint. Complainant approached the Lokayukta staff, Sri Babu rao, asked him to give a complaint. But he has not given. Because Dy.S.P., was busy in other wok and asked him to come on some other day.

13. Further PW1 has deposed that on 27/05/2009 after he went inside the office Dy.S.P. came. He admits that, in special case, he has deposed that, the office opening hour was at 10 a.. and at 10.30 a.m. Further he has deposed that on 27/05/2009 when Dy.S.P., enquired, he has lodged a complaint. On 27/05/2009 before lodging the complaint, voice-recorder was not given to him. He doesn't remember that in special court, he has deposed that, voice-recorder was given to him and it was returned back at the time of lodging the complaint.

14. Further PW1 has deposed that, after going from Bidar to Aurad the conversation was recorded. After the pre-trap mahazar they went to Aurad. At the time of lodging the complaint, he was having Rs. 2,000 to Rs. 3,000/-. Out of that he presented Rs. 700/- before Lokayukta police. Further he denies that on 27/05/2009, he had no money and Lokayukta police themselves arranged the money. Before keeping the money a physical search was done. In Tata-sumo, 5-6 persons went to Aurad. After the contents of the Ex.P2 was read over, he has put his signature. On 27/05/2009 at 10 a.m. panchas came to Lokayukta police station they were introduced to him, he did not talked to the panchas directly.

15. Further PW1 has deposed that, in Tata-sumo 7 of them travelled. But he cannot say their names. But himself and two panchas travelled at 10.30 or 11 a.m. they left Bidar, Aurad is situated at about 45 kilometer away from Bidar. Therefore, they reached Aurad at 12 noon, the vehicle was stopped by the side of the bus-stand. But he cannot say the exact name of the place. BEO's office was not visible, from the place where the vehicle was stopped. On 24/11/2008 application was given to Head Master for Time Bound Promotion. The Head Master forwarded the same to the office of the BEO. But he cannot say the exact date.

16. Further PW1 has deposed that, according to the procedure the order of the BEO was to be communicated to him by post. Since no order was passed on his application he met the DGO 2 to 3 times. He doesn't know that on 04/12/2008 the DGO along with his report submitted the file to the Office Superintendent. He admits that, his wife is also a teacher. He admits that on 04/12/2008, the office superintendent returned the application for want of certified documents. He admits that, on 10/12/2008 he submitted the certified documents. But documents were not given directly to the DGO.

17. PW1 doesn't know that on 11/12/2008 the manager of BEO office recommended for permission. He doesn't remember that on 15/12/2008, BEO wrote the confidential report and handed over a file to him to submit the file. He doesn't remember that on 16/12/2008, when he gave the Confidential Record to DGO, he handed over the same to the Office Superintendent. He doesn't know that on 16/12/2008 the

Office Superintendent and Manager along with the Confidential Record submitted a report to BEO, the BEO again returned the file to officer who has authroise to write confidential report. He doesn't know that on 19/12/2008 the DGO again submitted the file to the Office Superintendent. He doesn't know that on 25/05/2009, the DGO submitted a file to the BEO and BEO passed an order on 26/05/2009.

18. Further PW1 has deposed that, the office of the DGO is situate about 100 to 150 meters away from the place where the jeep was stopped. The DGO was acquainted to him since 6 to 7 years and was working as a section clerk. He has done some of his works. At the time of the incident, two persons had come with him. But he cannot say their names. He denies that, nobody accompanied him to go to the office of the DGO. He doesn't know whether the file was on the table of the DGO or not, when he went to meet the DGO. But the file was in the office.

19. PW1 doesn't know that the file was not with the DGO. He admits that, he was present when the file was seized. Further he admits that on 27/05/2009, time bound promotion order was passed. He denies that, he had taken hand loan from the DGO and when DGO demanded to return the hand loan he has filed the complaint. He denies that, when the DGO asked him when he is going to repay the money, he handed over Rs. 700/- to DGO. When he went to meet the DGO two panchas were with him. After giving signal, I.O. and his staff came to the spot, the hand wash of the DGO was turned into pink colour. Along with him pahncha and Dy.S.P., also have signed the mahazar.

20. PW2 and PW3 have deposed that, on 27/05/2009, the I.O. summoned them to the Lokayukta police station, introduced the complainant and explained the contents of the complaint. The complainant presented Rs. 700 (Rs.500x1+Rs.100x2), they noted down the numbers, police applied the phenolphthalein powder to the notes. PW2 kept the money in to his shirt pocket of the complainant, hand wash of the PW2 was taken in sodium carbonate solution and it turned into pink colour. I.O. gave instructions to themselves and complainant and drawn the pre-trap mahazar-Ex.P2. Then all of them went near the office of BEO Aurad. Complainant and PW3 went to meet the DGO, the others were waiting outside.

21. Further PW2 has deposed that, after some time, they received the signal. PW3 has deposed that, the complainant enquired the DGO and at that time asked the complainant to give the money. Complainant gave Rs. 700/- to DGO. DGO received the same and kept in his shirt left side pocket. Then, the complainant gave a signal to I.O.

22. Further PW2 and PW3 have deposed that, the complainant informed that the DGO has received the money. I.O. has taken the hand wash of the DGO in sodium carbonate solution and it turned into pink colour. On enquiry the DGO presented the notes before the I.O. On verification the amount was tallied with the money entrusted to the complainant. The shirt of the DGO was taken and pocket was dipped into sodium carbonate solution and it turned into pink colour. DGO has given his statement as per Ex.P3. I.O. seized the

documents pertaining to the complainant as per Ex.P4 and drawn the Trap Mahazar-Ex.P5.

23. In the cross-examination PW2 has deposed that, on 27/05/2009 when they had been to the Lokayukta police station it was 9.30 a.m. to 10 a.m. It took 10 minutes to come from the District hospital to Lokayukta police station. He admits that, in special case he has deposed that, he went to Lokayukta police station at 10.30 a.m., but he doesn't remember the exact time. The complainant and another witness were present before the Lokayukta police station. The application submitted by the complainant for Time Bound Promotion was given to him. BEO was to attend the work of the complainant, file of the complainant was on the table of the BEO. But was not signed by the DGO.

24. PW2 admits that, I.O. was seized some documents from the table of the BEO. He denies that, out of those documents, the time bound promotion application was signed. He doesn't know that, the complainant and DGO are friends. But they are working in the same department and DGO was case worker. He admits that, the DGO was given statement before the I.O. stating that himself and complainant are friends. The complainant borrowed hand loan from the DGO, the loan amount was returned. He denies that, all of them agreed for statement given by the DGO.

25. Further PW2 has deposed that, at 10.30 a.m. phenolphthalein powder was applied to the notes. He counted the money kept on the table, his hand wash was taken in sodium carbonate solution and it turned into pink colour. I.O.



collected the solution. He doesn't know the name of staff who applied phenolphthalein powder to the notes. The notes were presented by the complainant. He denies that, though pre-trap mahazar was not drawn, he is deposing falsely. The pre-trap procedure was done from 10.30 am. to 11.30 a.m. he denies that, pre-trap mahazar was not drawn between 10.30 a.m. to 11.30 a.m. All of them went near the office of the BEO, in about 1 hour.

26. PW2 cannot say at what time he left Bidar and reached Aurad. The vehicle was stopped little away from the office of the BEO near the service stand. It may take 5 minutes to reach BEO office from that spot. He stayed with the I.O. In the vehicle, there were four members in the first team who alighted from the vehicle. They are the I.O. one constable, complainant and pancha-Sri Santhosh Swamy. He doesn't remember whether the name of the four persons are mentioned in mahazar or not. He denies that, without reading the mahazar, he has put his signature, After receiving the signal, they went to the spot. He denies that, a signal was not visible to the spot.

27. Further PW2 has deposed that, 3-4 staff members were there in the office, apart from the staff 7 persons <sup>who</sup> were in the trap team. Lokayukta police had handed over a voice-recorder to the complainant and instructed to record the conversation. The tape-recorder was played and conversation was recorded in the same. He admits that, as per Ex.P9 he has deposed that the conversation was not properly audible, when tape-recorder was played the conversation of the DGO that, officer has gone to Bangalore, he has done his part of work and kept

the file for signature was recorded. Further he has deposed that, he has not personally seen the DGO receiving money from the complainant. I.O. seized the documents from the office of the DGO.

28. PW2 admits that, the documents were not seized from the possession of the DGO. The complainant informed I.O. that, he gave money to the DGO. The complainant informed that, he gave the money to Sri Chandrashekar. The complainant has not stated before the I.O. that, DGO assured to do work only if the money is paid. The money was in the shirt pocket of the DGO. Another witness also has stated that, money is in the shirt pocket of the DGO, the I.O. took out the money. I.O., had not washed his hand before taking the money out. He has not seen whether the hand wash of the I.O. was taken after taking out the money. He was present there. But he has seen the hand wash of the DGO. He denies that, when I.O. after applying the phenolphthalein powder to his hand took out the money from the shirt pocket of the DGO and then, hand wash of the DGO was taken.

29. Further PW2 has deposed that, both the hands were dipped into single bowl, before taking the hand wash the solution was prepared. He denies that, both phenolphthalein and sodium carbonate solution was mixed and solution was prepared. But in his presence, the powder was mixed to a water and solution was prepared. He denies that, since I.O. mixed phenolphthalein powder and prepared a solution, the hand wash of the DGO was turned into pink colour. He doesn't remember which chemical was mixed to the solution. When the shirt pocket portion was dipped into the solution, it

turned into pink colour. The I.O. has drawn the mahazar. After drawing the mahazar they came back to Lokayukta police station. He denies that, he has put his signature to all the mahazar in Lokayukta police station. He denies that, in his presence mahazar was not drawn.

30. In the cross-examination, PW3 has deposed that, he has put his signature to the mahazar in BEO office between 2.30 p.m. to 3 p.m. After putting the signature, I.O. took the DGO along with them. 2-3 days later he has shown the spot to draw the sketch. He has not given his statement in Lokayukta police station on the date of the incident. I.O. has recorded the statement in Bidar office. He denies that, on 27/05/2009 he has not given statement before the I.O. On 28/05/2009, he did not go to Lokayukta police station. On 27/05/2009 at about 8.30 a.m. to 9 a.m. he had been to Lokayukta police station. Usually he goes to his office at 10 a.m. On 27/05/2009, he did not go to his office. Since his higher officers asked him to go to Lokayukta police station. He directly went to Lokayukta police station.

31. Further PW3 has deposed that, the contents of the complaint was read over to him. In the office of the DGO the complainant has not disclose what is the reasons for 6 months delay. After seizure of the documents, he came to know that, the time bound promotion was ordered. But he came to know that, the order was not handed over to the complainant. He doesn't know whether the DGO could give the copy of the order to the complainant from taking out the same from the almirah kept in the chambers of the DGO. He doesn't remember about the reference made in the complaint

regarding the bribe amount of Rs. 700/-. But the complainant informed the same. The conversation between the complainant and DGO was audible to him.

32. Further PW3 has deposed that, he has not heard the DGO asked him for Rs. 700/- and informed him to forward the file. He admits that, a voice-recorder was given to the complainant. Further he has deposed that, a voice-recorder was played. He denies that, the conversation was not recorded in the voice-recorder. The amount seized from the possession of the DGO was tallied with the notes entrusted in Lokayukta police station. The DGO himself informed that, the DGO and complainant are friends. He did not observe whether the complainant accepted this fact or not. He admits that, DGO has stated in his statement that, the complainant return the hand loan to him.

33. I.O. who is examined as PW4 has deposed that on 27/05/2009 he received the complaint-Ex.P1, registered Crime No. 4/09 secured the presence of panchas PW2 and PW3, introduced the complainant and explained the contents of complaint. The complainant presented Rs.700/- (Rs.500x1+Rs.100x2), panchas noted down the numbers, phenolphthalein powder was applied to the notes, pancha Sri Basappa Hibatthi-PW2 kept the money into the shirt pocket of the complainant. The hand wash of the PW2 was taken in sodium carbonate solution and it turned into pink colour. He gave instructions to the complainant and panchas and drawn the pre-trap mahazar-Ex.P2.

34. Further PW4 has deposed that, all of them went near the Aurad town bus-stand. The complainant and PW3 went to meet the DGO at 11.55 a.m. he received the signal from the complainant. They went inside the office of the DGO. The complainant informed that, DGO has received the money. He introduced himself to DGO and explained about the case registered against him. Hand wash of the DGO was taken in sodium carbonate solution and it turned into pink colour. On verification of the amount which was in the shirt pocket of the DGO it was tallied with the amount entrusted to the complainant. The shirt pocket portion of the DGO dipped into sodium carbonate solution and it turned into pink colour. The DGO informed that he has done his part of work and put up the file before the BEO. Incharge BEO-Sri Pavar Kishan presented some documents from the office of the BEO. He seized the copies of the said documents as per Ex.P4. DGO has given his statement-Ex.P3. He has drawn the Trap Mahazar-Ex.P5 and arrested the DGO. Further PW4 has deposed that, he prepared the rough sketch-Ex.P6 seized articles were sent to FSL.

35. In the cross-examination PW4 has deposed that, for the first time on 27/05/2009 the complaint was lodged. Usually he goes to the office in the morning at 8 a.m. He doesn't remember at what time he had been to the office on 27/05/2009. But when the complaint was received it was 8 a.m. He had handed over a tape-recorder before going to the trap. He denies that, before 25/05/2009 the voice-recorder was given to the complainant and on that day he received the voice-recorder. He doesn't remember whether the complainant

was having money other than Rs.700/- and it is not written in the mahazar.

36. Further PW4 has deposed that, before entrusting the money, physical search of the complainant was not done. He has not enquired whether the complainant met the DGO during the period of 6 months from the date of application. He admits that, the work of the complainant was completed. He admits that, he has seized the time bound promotion order. He admits that, he had enquired the matter on 25/05/2009. He would have come to know about the time bound order dated: 25/05/2009. There is no provision to investigate the case without registering the FIR. According to the documents seized the DGO has done his part of the work. Further some suggestions and denials nothing much is elicited from the mouth of the PW4 in order to disbelieve his evidence.

37. PW5 has deposed that, on 10/07/2009 he received the sketch from the PWD as per Ex.P8. On 24/10/2009 he received the FSL report-Ex.P7 and handed over further investigation to his successor.

38. In the cross-examination PW5 has deposed that, when he took the charge, FSL report was not received. He has not participated in the trap. He has not enquired the witnesses. But on 10/07/2009 he recorded the statement of the Enigneer-Sri Subhash, on 16/10/2009 he recorded further statement of constable-Sri Naganath, on 03/07/2009 he recorded the further statement of panchayath secretary-Sathosh.

39. PW6 has deposed that, on 13/10/2010 he received the further investigation from Sri T.J. Rayakar, submitted a requisition through the District Court to rectify the mistakes and on 08/12/2010 he submitted the charge sheet against the DGO.

40. In the cross-examination PW6 has deposed that, in the FIR, panchanama there were some mistakes. Therefore, he submitted the requisition to rectify the mistakes. Earlier I.O.'s had not rectified the mistakes. When he verified the file he found these mistakes. He has not received the FIR and not recorded the statements. He has not recorded the statement of earlier I.O.'s. He admits that, it was his duty bound to bring the facts of the mistakes to his higher authorities.

41. The DGO who is examined as DW1 has deposed that, on 25/11/2008 the complainant has submitted his application to the Head Master for time bound promotion and forwarded to the office of the BEO, on 29/11/2008, he has put a note before BEO. BEO ordered to put up the file after receiving the confidential records. Accordingly on 16/12/2008 he has sent the file back to the Head Master, Kathagav Government High School. Then, the Head Master received the confidential report of the complainant and submitted the file on 08/05/2009. On 14/05/2009 he has put up the note before BEO. At that time, earlier BEO was under suspension. One Sri Arjun Bosle was in charge BEO. In charge BEO on 22/05/2009 sent the file back to him to prepare office memo. On 26/05/2009, he prepared the memo put his signature and sent the file to the tappal section and informed the tappal section to communicate the same to the complainant. At the time of the

trap, the work of the complainant was not pending before him. he has not caused any delay.

42. In the cross-examination DW1 has deposed that, earlier there was no enmity between himself and complainant. He denies that, on 22/05/2009 the work of the complainant was not completed. He admits that, facts deposed in his chief examination are not written in his statement-Ex.P3 and the comments. He denies that, the facts stated in Ex.P3 are not stated in his comments. He denies that, the I.O. seized the bribe amount from his pocket. He admits that his hand wash was taken. He doesn't know that, the hand wash was turned into pink colour. The question of informing the complainant regarding the completion of the work on 22/05/2009 does not arise.

43. DGO has taken a contention that, the complainant is his friend. The complainant borrowed hand loan from him and on the date of the incident the complainant return back the hand loan. Except the oral assertion DGO has not produced any materials on record to show that, himself and complainant are friends and complainant had borrowed hand loan. According to DGO himself, the application was submitted on 25/11/2008. But up to 26/05/2009 the work of the complainant was not completed. Therefore, the contention of the DGO that, the complainant was his friend and had borrowed hand loan from him and returned the same on the date of the trap cannot be accepted.

44. The oral and documentary evidence on record to show that, the application of the complainant was pending before



the DGO to attend the work, the DGO demanded bribe amount of Rs.700/-, not willing to pay the bribe amount, complainant has lodged the complaint-Ex.P1. I.O. secured the presence of panchas, introduced the complainant and explained the contents of complaint. The complainant presented Rs. 700/- before I.O. panchas noted down the numbers. Police staff applied phenolphthalein powder to the notes. After following the procedure pre-trap-Ex.P2 was drawn. Then all of them went to near the office of the DGO. When the complainant and PW3 met the DGO and enquired about the work of the complainant. DGO demanded and received sum of Rs.700/- from the complainant. I.O. seized the bribe amount from the possession of the DGO in the presence of panchas and drawn Trap Mahazar-Ex.P5.

45. The complainant who was working as Assistant Teacher at Government High School in Kathagav, Aurad Taluk, Bidar district, had completed 10 years service from 24/08/1998 to 23/08/2008 and had filed an application on 24/11/2008 for grant of Time Bound promotion and his application was not considered for more than 6 months and on 22/05/2009 DGO demanded bribe of Rs. 700/- to attend the application and on 27/05/2009 the DGO received the bribe amount of Rs 700/- from the complainant. DGO has failed to give any acceptable or satisfactory reasons for having possession of the tainted amount.

46. Thus DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant. Hence, I answer this point in the **AFFIRMATIVE**.

**47. Point NO.2:-** For the reasons discussed above, I proceed to pass the following:-

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO-Sri Chandrashekar, Second Division Assistant, Office of the Block Educational Officer, Aurad (B) Taluk, **Bidar District**, committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

*Send the records/files/documents back to the concerned section/department and keep the copies of the marked documents and acknowledgment in the file.*

48. Hence this report is submitted to Hon'ble Upalokayukta-1 for kind perusal and for further action in the matter.

Dated this the 23<sup>rd</sup> day of December, 17

-Sd/-  
(S. Gopalappa)  
I/c Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

**:: ANNEXURE ::****LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

- PW-1 :- Sri Mahadev Shivaraj Sajjan (complainant)  
PW-2 :- Sri Basappa Hibatthi (pancha witness)  
PW-3:- Sri Santhosh (shadow panch witness)  
PW-4:- Sri T.G. Rayakar (I.O.)  
PW-5:- Sri H.N. Panchakashrappa (another I.O.)  
PW-6:- Sri Ravindranath (one more I.O.)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

- DW-1:- Sri Chandrashekar (DGO)

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

- Ex.P-1: Certified copy of the complaint with certified copy of the letter of the complainant dated: 24/11/2008  
Ex.P-2: Certified copy of the Entrustment Mahazar  
Ex.P-3: Certified copy of the explanation of DGO  
Ex.P-4: Certified copy of the file of the complainant (containing 13 sheets)  
Ex.P-5: Certified copy of the Trap Mahazar  
Ex.P-6: Xerox copy of the rough sketch  
Ex.P-7: Xerox copy of the chemical examination report  
Ex.P-8: Xeroo copy of the sketch map

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

- Ex.D-1:- Certified copy of the letter of BEO dated: 11/08/2014 with certified copy of the enclosures

Dated this the 23<sup>rd</sup> day of December, 17

-Sd/-

(S. Gopalappa)

I/c Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

