

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/308/2011/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 05/12/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri Narayanaswamy Reddy, S/o. Late Lingaiah Reddy, Village Accountant, Vishwanathapura Village, Bengaluru North Taluk, Bengaluru Urban District – Reg.

Ref:- 1) Government Order No.ಕಂಇ 117 ಬಡಿಬಿ 2011, Bengaluru dated 22/9/2011

2) Nomination order No.LOK/INQ/14A/308/2011, Bengaluru dated 29/9/2011 of Upalokayukta-1, State of Karnataka, Bengaluru

3) Inquiry Report dated 30/11/2017 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 22/9/2011, initiated the disciplinary proceedings against Sri Narayanaswamy Reddy, S/o. Late Lingaiah Reddy, Village Accountant, Vishwanathapur Village, Bengaluru North Taluk, Bengaluru Urban 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/14A/308/2011, Bengaluru dated 29/9/2011 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 Narayanaswamy Reddy, Village Accountant, Vishwanathapura Village, Bengaluru North Taluk, Bengaluru Urban District was tried for the following charge:-

“That, you Sri Narayanaswamy Reddy, the DGO, while working as Village Accountant of Vishwanathapura (Rajanakunte Village), in Bangalore North Taluk one Sri Ramakrishnappa the father of the Complainant namely S.R. Nagesh of Sadenahalli in Bangalore North Taluk had given application on 30.08.2006 for change of Khata in his name in respect of land bearing Sy. No. 76/3, 76/5 of Sadenahalli in Hesarabhata Hobli as the said land were in the name of the deceased Smt. Kempakka the mother of Ramakrishnappa and on 17/07/2006 he had given application for change of khata to his name in respect of land bearing Sy. No.20 to the extent of 30 Guntas in the same village which was granted by the Tahsildar and in that connection you asked the Complainant to pay bribe of Rs.2,000/- on 6/10/2006 to recommend the change of khata in favour of the above said Ramakrishnappa and you insisted to pay Rs.1,000/- and remaining amount after completion of work and on 7/10/2006, you managed one Sri Murthy to receive the said bribe of Rs.1,000/- from the Complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a public servant and thereby committed misconduct as enumerated U/R. 3(1)(i) to (iii) of Karnataka Civil Service (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 Narayanaswamy Reddy, Village Accountant, Vishwanathapura Village, Bengaluru North Taluk, Bengaluru Urban 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 First Oral Statement submitted by DGO, he has retired from service on 31/5/2014 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Narayanaswamy Reddy, it is hereby recommended to the Government to impose penalty of permanently withholding 50% of pension payable to DGO Sri Narayanaswamy Reddy, Village Accountant, Vishwanathapura Village, Bengaluru North Taluk, Bengaluru Urban District (now retired).

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 5/12
Upalokayukta-1,
State of Karnataka,
Bengaluru

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/14-A/ENQ-308/2011

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 30/11/2017

ENQUIRY REPORT

Present : Sri. S. Gopalappa
Additional Registrar of Enquiries-4 (Incharge)
Karnataka Lokayukta,
Bangalore

Sub: Departmental Enquiry against
Sri Narayanaswamy Reddy,
S/o Late Lingaiah Reddy,
Village Accountant,
Vishwanathapura Grama,
Bangalore North Taluk
(Now retired, on 31/01/2014).

Ref: 1. Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok
/BCD/293/2008/ARE-11 dt. 19/08/2011.
2. Govt. Order No. RD 117 BDP 2011 Bengaluru
dt. 22/09/2011.
3. Nomination Order No. LOK/INQ/14-A/308/2011 Bangalore
Dated 29/09/2011 by Hon'ble Upalokayukta-I.

1. On the basis of material placed by the Additional Director General of Police, Karnataka Lokayukta Bangalore, against DGO Sri Narayanswamy Reddy, Village Accountant, Vishwanthapura Grama, Bangalore North Taluk alleging dereliction of duty an investigation was taken up.
2. After completion of the investigation, a report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BCD/293/2008 dt.19/08/2011 was sent to the Government.

3. In pursuance of the report, Government was pleased to issue G.O. No. RD 117 BDP 2011 Bengaluru dt. 22/09/2011 authorizing Hon'ble Upalokayukta to hold enquiry as reference no.2. Hence in pursuance of Government order nomination was issued by Hon'ble Upalokayukta-1 on - 29/09/2011 authorizing ARE-4 to hold enquiry and report as per reference no. 3.
4. On the basis of nomination articles of charge was prepared under Rule 11(3) of KCS (CCA) Rules 1957 and sent it to the DGO on 04/11/2011.

ANNEXURE NO. I

CHARGE

Sri Narayanaswamy Reddy, the DGO, while working as Village Accountant of Vishwanthapura (Rajanakunte village) in Bangalore North taluk one Sri Ramakrishnappa the father of the complainant namely S.R. Nagesh of Sadenahalli in Bangalore North Taluk had given application on 30/08/2006 for change of khata in his name in respect of land bearing sy.no. 76/3,76/5 of Sadenahalli in Hesaraghatta hobli as the said land were in the name of the deceased Smt. Kempakka the mother of Ramakrishnappa and on 17/07/2006 he had given application for change of khata to his name in respect of land bearing sy.no. 20 to the extent of 30 guntas in the same village which was granted by the Tahasildar and in that connection you asked the complainant to pay bribe of Rs. 2,000/- on 06/10/2006 to recommend the change of khata in favour of the above said Ramakrishnappa and you insisted to pay Rs. 1000/- and remaining amount after completion of work and on 07/10/2006, you managed one Sri Murthy to receive the said bribe of Rs. 1,000/- from the complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a public servant and thereby

committed misconduct as enumerated U/R 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

ANNEXURE II

STATEMENT OF IMPUTATIONS OF MISCONDUCT.

On 30/08/2006, Sri S.H. Ramakrishnappa the father of the complainant namely S.R. Nagesh of Sadenahalli in Bangalore North taluk had filed application for change of khata in his name in respect of land bearing sy.no.s 76/3 and 76/5 of Sadenahalli village in Heasaraghatta hobli as the said lands were in the name of his deceased mother Smt. Kempakka. ON 17/07/2006, he had given another application in the same office for change of khata to his name in respect of land bearing sy.no. 20 to the extent of 30 guntas as the said land was granted by the Tahasildar. In connection with those applications, the complainant approached the DGO on 06/10/2006 as a report had to be made by the DGO . Then, the DGO put forward a demand for bribe of Rs. 2,000/- to change of khata in the name of Sri Ramakrihsnappa the father of the complainant and to recommend for change of khata. The DGO also insisted to pay Rs. 1000/- and to pay remaining amount of Rs. 1000/- after completion of the said work. The complainant was not willing to pay bribe as demanded by the DGO. Therefore, on 07/10/2006, he approached the Lokayukta Police Inspector of Bangalore City Division (hereinafter referred to as the Investigating Officer, for short, "the I.O.") and lodged a complaint. The I.O. registered the complaint in Cr.no. 37/2006 for the offences punishable u/s 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. During the course of investigation, the tainted bribe amount was given to the DGO by the complainant and the I.O. trapped the DGO on 07/10/2006 in the presence of complainant, panch witnesses and staff members at Yelahanka Upanagara in Bangalore. The I.O. seized the tainted bribe amount from one Murthy s/o Lakshmanappa who was sitting in the shop

as he had received the bribe amount on behalf of the DGO. The I.O. followed post-trap formalities and prepared mahazar. The I.O. recorded statements of complainant panch witnesses and others. The I.O. subjected the seized articles for chemical examination and obtained report. The facts and materials of investigation of the I.O. showed that the DGO being a public servant failed to maintain absolute integrity and devotion to duty and acted in a manner un-becoming of a Government Servant. Therefore, an investigation was taken under 7(2) of Karnataka Lokayukta Act and an observation note was sent to the DGO calling for explanation. The explanation given by the DGO was not satisfactory and not convincing. As the facts and materials on record prima facie showed that the DGO had committed misconduct /R 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, a report u/s 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings against the DGO and to entrust the departmental enquiry to the Hon'ble Upalokayukta U/R 14-A of KCS(CCA) Rules 1957. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta Authority U/R 14-A of KCS (CCA) Rules, 1957. Hence, this charge.

5. The said AOC was served on DGO. At the first instance the DGO appeared before the enquiry officer, his first oral statement under Rule 11(9) of KCS (CCA) Rules was recorded. DGO has denied the said charges. But subsequently the DGO remained absent hence the enquiry was proceeded ex-parte.
6. On behalf of the disciplinary authority, PW 1 to 3 are examined. Ex. P1 to 9 are marked.
7. Then the Learned Presiding Officer filed the written brief and he was also heard orally.

8. Points for consideration

- i. Whether the charge is proved by the Disciplinary Authority?
- ii. What order?

9. My answers to the above points are as follows;

- i. In the affirmative.
- ii. As per final order for the following.

REASONS

10. **Point no.1 :-** The complainant who is examined as PW-1 has deposed that during the year 2006 the DGO was working as village accountant in Rajanakunte Adhya Vishwanathapura village. The property bearing sy.no. 76/3 and 76/5 were standing in the name of his grandmother late kemapakka. Therefore his father submitted an application for change of khata into his name. Apart from this in Darakasth the property measuring 30 gutnas in sy.no. 20 of Sadhenahalli was granted. For that also his father submitted an application for change of khata. The Tahasildar forwarded the file to DGO to submit a report. Therefore on 6/10/2006 he approached DGO regarding his work at that time DGO demanded bribe amount of Rs. 2000/-. Also demanded to pay Rs. 1000/- on the same day and to pay the balance amount on the next day.
11. Further PW-1 has deposed that since he was not willing to pay the amount, on 07/10/2006 he lodged the complaint Ex.P1. I.O. secured panchas namely Lokesh and Kashinath and explained the contents of the complaint and introduced the complainant to him. He presented Rs. 1000/- (100 X10) panchas noted down the number. According to the instructions of Police, Kashinath applied phenolphthalein powder to the notes and kept into his pocket. The hand wash of Kashinath was taken in

sodium carbonate solution and it turned into pink colour. At that time IO has drawn the pre-trap mahazar Ex.P2

12. Further PW-1 has deposed that they left Lokayukta police station at about 1.30pm reached Yelahanka Upanagar Taluk office. When he telephoned DGO, DGO asked him to come after 15mins near Sharavathi hotel. Accordingly himself and pancha Lokesh went near Sharavathi hotel. The DGO came near Sharavathi hotel. When he informed the DGO that he brought the money demanded by him, DGO took him near a Xerox shop asked him to give the money to Murthy who was in Xerox shop. Said Murthy received the money and kept in the table drawer. He gave signal to I.O. Immediately I.O, his staff and another panch came there. He shown the Murthy and informed I.O. that according to the instructions of DGO, he gave the money to Murthy, DGO also informed that later he will receive the money from the Murthy and also questioned the Murthy whether the amount is correct or not.
13. Further PW1 has deposed that police held the hands of Murthy and DGO. Hand wash of Murthy was taken in sodium carbonate solution and it turned into pink colour. Murthy presented the money before IO. On verification the money was tallied with the amount entrusted to the complainant. Murthy and DGO have given their statement Ex.P3 & 4. The IO also seized all the articles and documents as per Ex.P5 and came back to Lokayukta police station and drawn the trap mahazar Ex.P6.
14. PW-2 has deposed that on 07/10/2006, the IO summoned himself and Kashinath to Lokayukta Police station, introduced the complaint and explained the contents of the complaint. The complainant presented Rs. 1000 (100 X10) Police applied phenolphthalein powder to the notes. Pancha Kashinath counted the money and kept the money into the shirt pocket of complainant. Hand wash of Kashinath wastaken in Sodium

Carbonate Solution and it turned into Pink colour. I.O gave instructions to Panch and his staff and drawn the pre-trap mahazar Ex.P2.

15. Further PW-2 has deposed that they left Lokayukta police station and reached Yelahanka taluk office. When complainant telephoned, DGO asked the complainant to come near Sharavathi hotel. Accordingly all of them went near Sharavathi Hotel. DGO come near Sharavathi Hotel. Complainant informed that according his instruction he has brought the money. The DGO without receiving the money took him near the Xerox shop and asked to give money the person who was sitting in the shop. The DGO informed that later he will receive money from that person. DGO asked whether the amount is correct. Then the complainant give signal to the I.O. Immediately I.O. and his staff and another pancha came there. The complainant shown one Murthy and informed I.O that according to the instructions of DGO he handed over the money to Murthy.
16. Further PW-2 deposed that the hand wash of Murthy was taken in sodium carbonate solution and it turned into pink colour. On enquiry Murthy presented bribe amount before IO. On verification the amount was tallied with the amount entrusted to the complainant. since it was a crowded place he took the DGO and Murthy to Lokayukta Police station. Seized all the articles and documents from DGO as per Ex.P5 and taken the copies of documents. On physical search of DGO they found cash of Rs. 9,600 and a mobile. DGO did not give satisfactory or acceptable reasons for the possession of said money. Murthy and DGO have given their statements as per Ex.P3 & 4. Then the IO has drawn the trap mahazar. Ex.P6.
17. The IO who is examined as PW-3 has deposed that on 07/10/2006 he received the complaint Ex.P1. Registered Cr.no. 37/2006 as per Ex.P7 and forwarded the FIRs to the concerned authorities. He secured the presence of panchas namely Lokesh and Kashinath introduced the

complainant and explain the contents of the complaint. The complainant presented Rs. 1000 (100 x 10), panchas noted down the numbers. Kashinath counted the money and kept into the shirt pocket of the complainant. Hand wash of Kashinath was taken in sodium solution carbonate solution and it turned into pink colour. He collected the solution then he gave instructions to the panchas and complainant. and drawn the pre-trap mahazar Ex.P2.

18. Further PW-3 deposed that on the same day at 1.30pm. they reached near Yelahanka Upanagar at 2.15 pm the complainant telephoned DGO. The DGO informed that he will come within 5 mins to Sharavathi hotel. The complainant and Lokesh went near Sharavathi hotel. At. 2.30pm the complainant from Xerox centre gave a signal. Immediately himself, staff and another pancha Kashinath went near the spot, where the complainant was standing. The complainant shown the DGO and informed that DGO demanded for money and asked him to hand over the money to Murthy. The said Murthy received and kept the money in the table drawer. At the time he introduced himself to DGO. Hand wash of Murthy was taken in sodium solution carbonate solution and it turned into pink colour. Murthy presented the money before him. On verification the money, it was tallied with the amount entrusted to the complainant. IO seized the copies of documents as per Ex.P5. Murthy and DGO have given the statements as per Ex.P 3 & 4. At that time he prepared the spot sketch Ex.P8.

19. Further PW-3 has deposed that since it was a crowded place he brought all of them to Lokayukta police station and drawn the trap mahazar Ex.P6 and recorded the statements of panchas, staff, witnesses. Seized articles were sent to FSL, received FSL report Ex.P.9 and charge sheet was submitted.

20. After First oral statement was recorded, the DGO remained Ex-parte, this attitude of DGO strengths the contention of disciplinary authority. Evidence of PW 1 to 3 remained unchallenged.
21. The oral and documentary evidence on record show that during the year 2006 an application was submitted to the Office of Yelahanka Upanagar Tahasildar for change of khata into the name of the father of complainant. For that DGO demanded bribe amount to submit his report. In this respect, on 07/10/2006 the complainant lodged complaint Ex.P1. IO secured the presence of panchas namely Lokesh and Kashinath. Complainant presented Rs. 1000 (100 X 10), panchas noted down the numbers. Police staff applied phenolphthalein powder to the notes. Kashinath counted and kept the money into the shirt pocket of the complainant. Hand wash of Kashinath was taken in sodium carbonate solution and it turned into pink colour. Then the IO has drawn pre-trap mahazar Ex.P2.
22. Further the oral and documentary evidence show that all the trap team reached near the Yelahanka Upanagar Taluk office. DGO asked the complainant to come near Sharavathi hotel. Accordingly the DGO came near Sharvathi hotel. At that time the complainant informed that the he has brought the money as demanded by DGO. DGO took him near a Xerox shop asked the complainant to handover the money to Murthy. Murthy received the same and kept in the table drawer. After giving the signal the IO came there and seized the money from the possession of Murthy. Before that hand wash of Murthy was taken in sodium carbonate solution and it turned into pink colour. On verification the amount was tallied with the money entrusted to the complainant.
23. The copy of the trap mahazar Ex.P6 show that on physical search the IO found a sum of Rs. 9,600/- with the possession of DGO. The DGO has not given any satisfactory explanation for the possession of this amount. The

DGO also not produced any cash declaration register copy to show that this amount was declared by him. The DGO has not examined himself as a witness to prove that he never demanded and received bribe amount from the complainant. The oral and documentary evidence on record clearly show that the DGO demanded bribe amount from the complainant and received the same through Murthy to do an official act. Thereby DGO has failed to maintain absolute integrity devotion to duty and acted in a manner unbecoming of a Government Servant. Hence I proceed to answer to this point in the affirmative.

POINT NO.2:- For the reasons discussed above I proceed to pass the following;

ORDER

The disciplinary Authority has proved the charges as framed against the DGO Sri Narayanswamy Reddy, Village Accountant, Vishwanthapura Grama, Bangalore North Taluk **(Now retired, on 31/01/2014)**.

Hence, this report is submitted to Hon'ble Upalokayukta-I for kind consideration.

Dated this the 30th day of November of 2017

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

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 :- Sri. S.R. Nagesh,
PW-2 :-Sri. Lokesh.R.
PW-3 :-Sri. Irshad Ahmed Khan.

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

Ex.P-1 : Attested copy of complaint.
Ex.P-2 : Attested copy of pre-trap mahazar.
Ex.P-3 : Attested copy of letter dated 07/10/2006
Ex.P-4 : Attested copy of letter dated 07/10/2006
Ex P-5 : Attested copy of letter dt. 30/08/2006.
Ex.P-6 : Attested copy of trap mahazar.
Ex.P-7 : Attested copy of FIR.
Ex.P-8 : Attested copy of sketch.
Ex.P-9 : Attested copy of FSL Report dt. 31/10/2006.

Dated this the 30th day of November of 2017

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

