

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: LOK/INQ/14-A/324/2013/ARE-11

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 11/04/2019

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri M. Sreenivas, Sub-Registrar, Jigani, Anekal Taluk, Bengaluru District.
- 2) Sri K.S. Puttaraju, First Division Assistant (now retired), Office of the Sub-Registrar, Jigani, Anekal Taluk
- 3) Sri M.K. Chandrashekaraiiah, Second Division Assistant, Office of the Sub-Registrar, Jigani, Anekal Taluk.

- Ref:-1) Government Order No. ಕಂಇ 23 ಮುನೋಜೇ (2) 2013 Bengaluru dated 03/07/2013.
- 2) Nomination order No.LOK/INQ/14-A/324/2013 Bengaluru dated 03/08/2013 of Upalokayukta-1, State of Karnataka, Bengaluru.
 - 3) Inquiry Report dated 09/04/2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 03/07/2013 initiated the disciplinary proceedings against (1) Sri M. Sreenivas, Sub-Registrar, Jigani, Anekal Taluk; (2) Sri K.S. Puttaraju, First Division Assistant (now retired), Office of the Sub-Registrar, Jigani, Anekal Taluk and (3) Sri M.K. Chandrashekaraiiah, Second Division Assistant, Office of the Sub-Registrar, Jigani, Anekal Taluk (hereinafter referred to as Delinquent Government Official's 1 to 3 for short as DGO-1, DGO-2 and DGO-3 respectively) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/324/2013 dated 03/08/2013 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 to 3 for the alleged charge of misconduct, said to have been committed by them. Subsequently by Order No. LOK/INQ/14-A/2014 dated 14/3/2014 the Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGOs 1 to 3. Again by order No. UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGOs 1 to 3.

3. The DGO-1 Sri M. Sreenivas, Sub-Registrar, Jigani, Anekal Taluk; and DGO-2 Sri K.S. Puttaraju, First Division Assistant (now retired), Office of the Sub-Registrar, Jigani, Anekal Taluk and DGO-3 Sri M.K. Chandrashekaraiiah, Second Division Assistant, Office of the Sub-Registrar, Jigani, Anekal Taluk were tried for the following charge:-

“That, on surprise visit and raid to Sub-Registrar office, Jigani and check by the Deputy Superintendent of Police, Karnataka Lokayukta, Bangalore Rural, Bangalore on 08/08/2011, you DGO-1 being the Sub-Registrar of Jigani engaged one Kishore a private agent on your behalf who was found with possession of Rs.37,800/- and another Satish who is also an agent illegally appointed by you was found in possession of 25,700/- both of them have collected the said amount

possession of cash of Rs.25,700/- and also demand drafts for a total sum of Rs.7,62,363/- for and behalf of DGO 1 as per the instructions of DGO1 and thereby DGO1 is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 2 by name Sri. K.S. Puttaraju that DGO 2 while discharging duties as First Division Assistant in the office of the Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011 was found in possession of undeclared cash of Rs.8,890/- and thereby is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 3 by name Sri. M.K. Chandrashekaraiiah that DGO 3 while working as Second Division Assistant in the office of Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011, instead of keeping a sum of Rs.2,575/- collected towards the fee touching encumbrance certificate and scanning charges was found possessed a sum of Rs.1,420/- and instead of collecting a sum of Rs.1,54,440/- towards registration fee was found collected a sum of Rs.36,355/- and thus there was shortage of collection of Rs.1,15,510/- and thereby accommodated the parties who appeared for registration of documents to pay the balance of a sum of Rs.1,15,510/- inspite of presentation of documents for registration and thereby is guilty of misconduct within the purview of Rule 3 (1) (i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

illegally on your behalf and said Satish also found with DDs for a sum of Rs.7,62,363/- and you DGO-2 Puttaraju K.S was found in possession of undeclared amount of Rs. 8,890/- and you DGO-3 Chandrashekaraiah was also found in possession of 1,420/- against Rs.2,575/- to be collected towards issuance of encumbrance certificate and scanning charges. You DGO-3 was found in possession of only Rs.36,355/- instead of collecting Rs.1,15,510/- as per the records in that way there was a shortage of legal collection of Rs.1,15,510/- and you DGO-3 accommodated the parties to pay the balance of Rs.1,15,510/- inspite of presented the papers for registration for which you ought to have collected Rs.1,51,865/- against which you have collected only Rs.36,355/- In this way, you DGOs 1 to 3 have failed to maintain absolute integrity, devotion to duty and you act amounts to acting in a manner unbecoming of a govt servant which is a 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-11) on proper appreciation of oral and documentary evidence has held that, Charge against DGO 1 by name Sri. M. Srinivas (name written by DGO 1 as M. Sreenivas on the note sheet on 16/09/2016) that on 08/08/2011 at 4.00 P.M while DGO 1 was working as Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District was found engaged one Kishore and Satish to accumulate illegal gratification from the public who used to approach DGO 1 during which time Kishore was found in possession of cash of Rs.37,800/- for and on behalf of DGO-1, Satish was found in

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 DGOs 1 to 3;

- i) DGO 1 Sri M. Sreenivas is due to retire from service on 31/03/2027.
- ii) DGO 2 Sri K.S. Puttaraju has retired from service on 31/03/2013.
- iii) DGO 3 Sri M.K. Chandrashekaraiiah is due to retire from service on 31/03/2023.


7. Having regard to the nature of charge proved against DGO-1 Sri M. Srinivas; DGO-2 Sri K.S. Puttaraju; and DGO-3 Sri M.K. Chandrashekaraiiah

- i) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-1 Sri M. Sreenivas, Sub-Registrar, Jigani, Anekal Taluk, Bengaluru District.
- ii) it is hereby recommended to the Government for imposing penalty of permanently withholding 20% of pension payable to DGO-2 Sri K.S. Puttaraju, First Division Assistant (now retired), Office of the Sub-Registrar, Jigani, Anekal Taluk
- iii) it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO-3 Sri M.K. Chandrashekaraiiah,

Second Division Assistant, Office of the Sub-
Registrar, Jigani, Anekal Taluk.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 11/4
Upalokayukta-1,
State of Karnataka,
Bengaluru

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/324/2013

ENQUIRY REPORT Dated: 09/04/2019

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

Delinquent Government Official No.1: Sri. M.Srinivas

(name written by him on the
note sheet on 16/09/2016 as
M.Sreenivas)

Discharged duties as Sub-Registrar,
Jigani, Anekal Taluk, Bengaluru
Rural District in the year 2011.

Due for retirement on
superannuation on 31/03/2027.

Delinquent Government Official No.2: Sri. K.S. Puttaraju

(name written by him as K.S.
Puttaraju on the note sheet on
16/09/2016)

Discharged duties as First Division
Assistant in the office of the Sub-
Registrar, Jigani, Anekal Taluk,
Bengaluru Rural District in the year
2011.

Retired on superannuation on
31/03/2013.

Delinquent Government Official No.3: Sri. M.K. Chandrashekaraiiah

(name written by him as M.K.
Chandrashekaraiiah on the note
sheet on 16/09/2016)

Discharged duties as Second Division
Assistant in the office of the Sub-

 9.4.2019

2
LOK/INQ/14-A/324/2013/ARE-11

Registrar, Jigani, Anekal Taluk,
Bengaluru Rural District in the year
2011.

Due for retirement on
superannuation on 31/07/2023.

1. Delinquent Government Official No.1(in short, "DGO1) by name Sri. M.Srinivas (name written by him as M. Sreenivas on the note sheet on 16/09/2016) was working as Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District in the year 2011. He is due for retirement on superannuation on 31/03/2027. Delinquent Official No.2 (in short, "DGO2") by name Sri. K.S. Puttaraju was working as First Division Assistant in the office of Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District in the year 2011. He retired on superannuation on 31/03/2013. Delinquent Government Official No.3 (in short, "DGO 3") by name Sri. M.K. Chandrashekaraiyah was working as Second Division Assistant in the office of Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District in the year 2011. He is due for retirement on superannuation on 31/07/2023.
2. Background for initiating the present inquiry against DGOs 1 to 3 needs to be narrated in brief. On receipt of credible information that the officers attached to the office of Sub-Registrar, Jigani, Sub-Registrar, Doddaballapura and Sub-Registrar, Hosakote are collecting illegal gratification from the public, the Superintendent of Police attached to Lokayukta Police Station, Bengaluru Rural District, Bengaluru passed order on 08/08/2011 calling upon the Deputy Superintendent of police, Karnataka Lokayukta, Bengaluru Rural District, Bengaluru, Police Inspector attached to Lokayukta Police Station, Bengaluru Rural District, Bengaluru, Police Inspector

 14/11/2019

attached to Lokayukta Police Station, Bengaluru Rural District, Bengaluru to ascertain the correctness or otherwise of the said information and to initiate action. Thereafter, in response to the said Order dated 08/08/201, Sri T.D. Durgaiyah (hereinafter will be referred to as "Investigating Officer") who then was working as Deputy Superintendent of Police, attached to Lokayukta Police Station, Bengaluru Rural District, Bengaluru secured two witness by name S.N. Kemparaju and S.Sandanam to Lokayukta Police Station, Bengaluru Rural District, Bengaluru and informed the purpose for which they are secured. Thereafter, on the same day the Investigating Officer along with his staff and the above two witnesses left Lokayukta Police Station, Bengaluru Rural District, Bengaluru and reached the office of Sub-Registrar, Jigani at 4.00 P.M. At that time DGOs 1 to 3 were found on duty in the said office. The Investigating Officer disclosed his identity to DGO 1 and informed the purpose of his visit. The Investigating Officer inspected the cash declaration register maintained in that office. DGOs 1 to 3 including the remaining staff who were on duty in that office had declared their personal cash in the cash declaration register. DGO 2 had declared his personal cash of Rs.50/- in the cash declaration register. The Investigating Officer conducted personal search of DGO 2 and found possessed of cash of Rs. 8,890/-. On being questioned by the Investigating Officer, DGO 2 stated that he had spent a sum of Rs.50/- for mid day meals. On being questioned by the Investigating Officer about the nature of work of DGO 2, DGO 2 stated that he used to scrutiny the documents. On being questioned by the Investigating Officer, DGO 3 stated that he is assigned with the work of collecting registration fee and issue of encumbrance

[Handwritten signature]
9.11.2019

certificate. As per records, a sum of Rs.2,525/- was to be in possession of DGO 3 but instead, DGO 3 was possessed of a sum of Rs.1,420/-. Records disclosed that DGO 3 had to collect a sum of Rs.1,54,440/- towards registration fee. The Investigating officer found shortage of Rs.1,16,665/- which was to be collected towards registration fee. On being questioned by the Investigating Officer about shortage of a sum of Rs.1,16,665/- DGO 3 has not offered any explanation touching shortage of the said figure of Rs.1,16,665/-. One S.B.Ramachandra who was working as Second Division Assistant in that office was found seated near DGO 3. A sum of Rs.2,750/- which was collected towards adjudication was found in the drawer of the table which was near S.B. Ramachandra. A person by name Kishore was found in that office. On being questioned by the Investigating Officer, the Investigating Officer came to know that Kishore was functioning as unauthorised agent in that office. On personal search of Kishore a sum of Rs.37,800/- was found in his possession for which he has not offered suitable explanation. One Satish was found in that office. On being questioned by the Investigating Officer, Satish expressed that he arrived at there as agent. On personal search of Kishore the Investigating Officer noticed cash of Rs.25,700/-, twenty demand drafts of the total value of Rs.7,62,363/- possessed by Kishore in respect of which Kishore has not offered suitable explanation. One Kiran who was found in the said office was questioned by the Investigating Officer and came to know that on 04/08/2011 Kiran had filed application in the name of Rajappa for certificate of encumbrance and that on 16/08/2011 Rajappa received encumbrance certificate. Kiran was found in possession of cash of Rs.4,500/-. One Anil

 5.11.2019

Kumar who was attending scanning work was found possessed of cash of Rs.3,802/-. One Jayashankar who was found in that office was found in possession of cash of Rs.1,200/-. One Suma attached to the said office was found in possession of cash of Rs.500/-. One Group 'D' official by name Basavaraj was not found possessed of cash. Entry of cash mentioned in the register touching collection of fee has not corresponded with the cash possessed by DGO 3. Agents who were found in that office were not officially authorised agents. The Investigating Officer conducted mahazar in that office and brought DGOs 1 to 3 to Lokayukta Police Station, Bengaluru Rural District and thereafter prepared a report and afterwards registered case against DGOs 1 to 3, Kishore and Satish in crime number 23/2011 of Lokayukta Police Station, Bengaluru Rural District and submitted FIR to the jurisdictional Court. DGOs 1 to 3 offered explanation before the Investigating Officer. on completion of investigation the Investigating Officer obtained sanction for prosecution for filing of charge sheet against DGOs 1 to 3 and filed charge sheet in the jurisdictional Court.

3. On the basis of the report of the Additional Director General of Police, Karnataka Lokayukta, Bengaluru enclosed with the investigating papers made available by the Deputy Superintendent of Police, Lokayukta Police Station, Bengaluru Rural District, Hon'ble Upalokayukta, Karnataka, in exercise of powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984 took up investigation which prima facie unearthed that one Kishore and Satish were acting as agents of DGO1 and that Kishore failed to offer satisfactory explanation for possession of cash of Rs.37,800/-, Satish failed to offer satisfactory explanation for possession of cash of Rs.25,700/-

Handwritten signature and date
14/11/2019

and demand drafts of the total value of Rs.7,62,363/-. Investigation also unearthed that DGO 2 was found in possession of unaccounted cash of Rs.8,890/-. Investigation unearthed that DGO 3 had collected a sum of Rs.2,575/- towards encumbrance certificate and scanning charges but was found possessed of cash of Rs.1,420/-. Investigation further unearthed that as per records amount collected by DGO 3 was Rs.1,51,865/- but was found in possession of a sum of Rs.36,355/- and thus there was shortage of a sum of Rs.1,15,510/. Hon'ble Upalokayukta, Karnataka prima facie found that DGOs 1 to 3 have committed misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against DGOs 1 and 3 under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and to initiate disciplinary proceedings against DGO 2 under Rule 214(2)(b) of The Karnataka Civil Services Rules since DGO 2 retired from service on 31/03/2013 and to entrust the inquiry against DGOs 1 to 3 to the Hon'ble Upalokayukta, Karnataka.

4. Subsequent to the report dated 08/04/2013 under section 12(3) of The Karnataka Lokayukta Act, 1984 Government Order bearing number ಕಂಇ 23 ಮುನೋಸೇ(2) 2013 ಬೆಂಗಳೂರು ದಿನಾಂಕ 03/07/2013 has been issued by the Desk Officer attached to Department of Revenue(Registration and Stamps) entrusting the inquiry against DGOs 1 and 3 to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 and entrusting the inquiry

 03/07/2013

against DGO 2 to the Hon'ble Upalokayukta, Karnataka under Rule 214(2)(b) of The Karnataka Civil Services Rules.

5. Subsequent to the Government Order ಕಂಇ 23 ಮುನೋಸೇ(2) 2013 ಬೆಂಗಳೂರು ದಿನಾಂಕ 03/07/2013, Order number LOK/INQ/14-A/324/2013 Bengaluru dated 03/08/2013 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs 1 to 3.
6. Articles of charge dated 28/08/2013 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar, Enquireis-4, Karnataka Lokayukta, Bengaluru is the following:

"ANNEXURE.I

CHARGE

2. That, on surprise visit and raid to Sub-Registrar office, Jigani and check by the Deputy Superintendent of Police, Karnataka Lokayukta, Bangalore Rural, Bangalore on 08-08-2011, you DGO-1 being Sub-Registrar of Jigani engaged one Kishore a private agent on your behalf who was found with possession of Rs.37,800/- and another Satish who is also an agent illegally appointed by you was found in possession on 25,700/- both of them have collected the said amount illegally on your behalf and said Satish also found with DDs for a sum of Rs.7,62,363/- and you DGO-2 Puttaraju K.S. was found in possession of un-declared amount of Rs.8,890/- and you DGO-3 Chandrashekaraiah was also found in possession of

H. S. S. S. S. S.

1,420/- against Rs.2,575/- to be collected towards issuance of encumbrance certificate and scanning charges. You DGO-3 was found in possession of only Rs.36,355/- instead of collecting Rs.1,15,510/- as per the records in that way there was a shortage of legal collection of Rs.1,15,510/- and you DGO-3 accommodated the parties to pay the balance of Rs.1,15,510/- inspite of presented the papers for registration for which you ought to have collected Rs.1,51,865/- against which you have collected only Rs.36,355/- in this way, you DGOs 1 to 3 have failed to maintain absolute integrity, devotion to duty and your act amounts to acting in a manner un-becoming of a govt servant which is a mis conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

On receipt of a credible information on 08-08-2011 that DGO-1 through his staff and private agents, is engaged in collecting more amount than the legal fees fixed by the Government for registration of the documents from persons coming to the office of Sub-Registrar at Jigani, the Deputy Superintendent of Police in Karnataka Lokayukta for Bangalore Rural Division along with his staff and panchas conducted raid and search of that office at Jigani on the date only at about 4 p.m. At that time, they found;

 11/11/2019

- (i) DGO-2 Sri. Puttaraju K.S, First Division Assistant in possession of undeclared/ unaccounted amount of Rs.8,890/-.
- (ii) DGO-3 Sri Chandrashekaraiiah M.K., Second Division Assisant in possession of Rs.1,420/- only as against Rs.2,275/- collected towards issuance of Encumrance certificate, scanning charges etc; and
- (iii) Though as per records, Rs.1,51,865/- was collected by DGO-3 towards registration fees etc. DGO-3 was in possession of only Rs. 36,355/- when checked and thus, there was a shortage of Rs.1,15,510/- with DGO-3;
- (iv) One Sri Kishore, acting as an agent for and on behalf of DGO-1 in possession of Rs.37,800/-, for which he failed to give satisfactory reply or explanation;
- (v) One Sri. Sathish, acting as an agent for and on behalf of DGO-1, in possession of Rs.25,700/- and several DDs, totally for Rs.7,62,363/- for which he failed to give satisfactory reply;
- (vi) DGO-1 had allowed said Sri Kishore and Sri Sathosh to deal/meddle records in the registration of documents, issuance of receipts etc., and to act as if they were his staff or agents acting on his behalf and encouraging them to collect amount illegally on behalf of DGO-1.

 9.11.2013

b. That then the said amount of Rs.8,890/-, Rs.37,800/- and Rs.25,700/- besides DDs for Rs. 7,62,363/- found were seized under a amahazar on the said date and place as found in possession of said DGO-1 and said two other persons without authority.

5. Therefore, an investigation was taken up against the DGOs and an observation note was sent to him to show cause to as why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him in the manner. For that, the DGOs gave reply. However, the same has not been found convincing to drop the proceedings. Since said facts and material on record prima-facie show that DGOs have committed mis-conduct Rule 3 (1) (iii) of K.C.S(Conduct) Rules, 1966, acting U/S 12(3) of Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate proceedings against the DGOs with sanction of Government as required under Rule 214(2)(b) of KCSR for DGO-2 as he retired from service on 31-03-2012 and to entrust the inquiry to this Authority under Rule 14-A of K.C.S. (CC&A) Rules, 1957. Hence, the Charge”.

7. In response to due service of articles of charge, DGOs 1 to 3 entered appearance before the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru on 28/09/2013 and engaged advocate for their defence. In the course of first oral statement of DGOs 1 to 3 recorded on 28/09/2013 they have pleaded not guilty.

 9.11.2013

8. As per Order number LOK/INQ/14-A/2014 dated 14/03/2014 of Hon'ble Upalokayukta-1, Karnataka this file has been transferred to Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru.
9. In the course of written statement of DGO1 filed on 19/08/2014 he has denied the charge levelled against him and contended that he collected registration fee and stamp duty in accordance with law. It is contended that all of a sudden the Investigating Officer entered his office at which point of time process of registration was under progress. It is contended that the Investigating Officer collected money and recorded that the said cash is collected illegally by treating those persons who were possession of cash as agents. It is contended that he neither colluded with his staff nor engaged any agents and has not collected illegal remuneration. He has thus contended that he is not guilty of the alleged misconduct.
10. In the course of written statement of DGO 2 filed on 19/08/2014 he has contended that at the time of raid conducted by the Investigating Officer he was in possession of cash of Rs.8,890/- which according to him was his salary received on the previous dates. It is contended that he alone was staying in a room at Jigani and therefore he was constrained to keep the salary with him. He has contended that he neither colluded with his staff nor appointed any agents for collection of illegal remuneration. He has thus denied the alleged misconduct.
11. Despite opportunity DGO3 has not filed written statement.
12. The disciplinary authority has examined the panch witness Sri.Sandhanam as PW1, one more panch witness Sri. S.M. Kemparaju as PW2 and Investigating officer Sri. T.D. Durgaiyah

 9.11.2017

as PW3. During evidence of PW1 attested copy of mahazar dated 08/08/2011 in six sheets is marked as per Ex P1. During evidence of PW3 attested copy of Order dated 08/08/2011 in a single sheet of the Superintendent of Police, Karnataka Lokayukta, Bengaluru Rural District is marked as per Ex P2, attested copy of a single sheet of attendance register maintained in the office of DGOs 1 to 3, attested single sheet of cash declaration register in a single sheet maintained in the office of DGOs 1 to 3 is marked as per Ex P4, attested two sheets of the adjudication book is marked as per Ex P5, attested two sheets of daily book is marked as per Ex P6, attested copy of receipt dated 04/08/2011 in a single sheet touching encumbrance certificate is marked as per Ex P7, attested two sheets of a book touching issue of encumbrance certificate is marked as per Ex P8, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P9, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P10, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P11, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P12, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P13, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P14, attested copy of receipt dated 08/08/2011 in a single sheet is marked as per Ex P15, six attested sheets of register touching collection of fee is marked as per Ex P16, attested copy of his report dated 08/08/2011 in a single sheet is marked as per Ex P17, attested copy of FIR dated 08/08/2011 in two sheets in crime number 23/2011 of Lokayukta Police Station, Bengaluru Rural District is marked as per Ex P18, attested copy of statement dated 08/08/2011 in a

9.11.19

single sheet of DGO1 given before PW3 is marked as per Ex P19, attested copy of statement dated 08/08/2011 in two sheets given before PW3 is marked as per Ex P20, attested copy of statement dated 08/08/2011 in three sheets given before PW3 is marked as per Ex P21. During cross examination of PW3 two attested sheets of statement of accounts maintained by DGO2 in savings bank account number 64059491540 in State Bank of Mysuru, Anekal Branch is marked as per Ex D1, twenty attested sheets containing the particulars of fee collected on 08/08/2011 is marked as per Ex D2, attested copy of work allotment order in a single sheet maintained in the office DGOs 1 to 3 is marked as per Ex D3, attested copy of single sheet of the acquittance register (salary disbursement register) maintained in the office of DGOs 1 to 3 is marked as per Ex D4, attested copy of a single sheet of remittance book dated 08/08/2011 is marked as per Ex D5.

13. During second oral statement of DGO 1 recorded on 16/08/2017, during second oral statement of DGOs 2 and 3 recorded on 08/08/2017 DGOs 1 to 3 have stated that they do not intend to examine themselves as defence witness and equally they do not intend to examine any defence witness.
14. Though, during second oral statement DGOs 1 to 3 have stated that they do not intend to get examined themselves as defence witnesses and to examine defence witnesses, DGO 1 got himself examined as DW1. Sri. Kishore Kumar is examined as DW2. Sri. Satisha.S is examined as DW3.
15. Incriminating circumstances which appeared against DGOs 1 to 3 are put to them by way of questionnaire on 12/09/2017 and their answers are recorded.

 21.11.2019

16. During questionnaire DGO 1 has admitted his presence in the office of Sub-Registrar, Anekal as found in the evidence of PW1, seizure of records and drawing of panchanama as spoken to by PW1 during evidence, presence of Kishore and Satish in his office. He has admitted the mahazar drawn in his office as spoken to by PW2, possession of cash of Rs.37,800/- by Kishore as spoken to by PW2, possession of twenty demand drafts and cash of Rs.25,700/- by Satish as spoken to by PW2 seizure of records as spoken to by PW2. He had admitted his presence in the office of Sub-Registrar, Anekal as spoken to by PW3 during evidence, possession of cash of Rs.37,800/- by Kishore as spoken to by PW3 during evidence, possession of cash of Rs.25,700/- and demand drafts of the value of Rs.7,62,363/- by Satish as spoken to by PW3 during evidence, seizure of cash possessed by Kishore as spoken to by PW3, seizure of cash and demand draft possessed by Satish as spoken to by PW3, seizure of Exs P3 to P16 as spoken to by PW3 during evidence. Regarding the presence of Satish and Kishore as spoken to by PW3, it is the version of DGO1 that Satish and Kishore had come to his office in connection with registration.

17. During questionnaire, DGO2 has admitted his presence in the office of Sub-Registrar, Anekal, presence of PW1 in the said office as spoken to by PW1, seizure of records from his office as spoken to by PW1, mahazar drawn in his office as spoken to by PW1, seizure of cash of Rs.8,000/- from his possession as spoken to by PW1, presence of Kishore and Satish in his office as spoken to by PW2, mahazar drawn in his office as spoken to by PW2, seizure of records from his office as spoken to by PW2, possession of cash of Rs.37,800/- by Kishore as spoken to by PW2, possession of cash of Rs.25,700/- and twenty demand drafts by Satish as spoken to by PW2, seizure of cash of Rs.8,890/- from him as spoken to by PW2. Regarding cash of Rs.8,890/- which was not declared by him in

[Handwritten signature]
14/12/19

the cash declaration book as spoken to by PW2 it is his version that the said cash is the salary drawn by him. He has admitted declaration of cash of Rs.50/- by him in the cash declaration book as found in the evidence of PW3, unaccounted cash of a sum of Rs.8,890/- possessed by him as spoken to by PW3, seizure of cash of Rs.8,890/- from him by PW3 as spoken to by PW3, possession of cash of Rs.37,800/- by Kishore as spoken to by PW3, possession of cash of Rs.25,700/- and demand drafts of the value of Rs.7,62,363/- by Satish as spoken to by PW3 during evidence. He has pleaded ignorance over the evidence of PW3 that Kishore and Satish have not given explanation touching cash and demand drafts. He has admitted seizure of Exs P3 to P16, seizure of cash from Kishore, seizure of cash and demand drafts from Satish as spoken to by PW3. He has admitted the mahazar drawn by PW3 as spoken to by PW3.

18. During questionnaire, DGO3 has admitted his presence in the office of the Sub-Registrar, Anekal at 4.00 P.M on 08/08/2011. Regarding the presence of Kishore and Satish as found in the evidence of PW1, it is the version of DGO3 that Kishore and Satish had come to his office in connection with registration. He has admitted the evidence of PW2 touching the presence of Kishore and Satish, drawing of panchanama, possession of cash of Rs.37,800/- by Kishore, possession of cash of Rs.25,700/- and twenty demand drafts by Satish. He has admitted seizure of records as spoken to by PW2. He has admitted the evidence of PW2 that cash of Rs.1,420/- which was found in his office, evidence of PW2 that a sum of Rs.2,750/- which was to be collected towards scanning and encumbrance certificate, possession of cash of Rs.37,800/- by Kishore,

 9.11.2019

possession of cash of Rs.25,700/- by Satish, possession of demand drafts of the value of Rs.7,62,363/- by Satish as found in the evidence of PW2 and stated that Kishore had brought cash of Rs.37,800/- and that Satish had brought cash of Rs.25,500/- and demand drafts of the value of Rs.7,62,363/- towards registration. He has admitted seizure of cash from Kishore, seizure of cash and demand drafts from Kishore as spoken to by PW3. He has pleaded ignorance over the evidence of PW3 that Kishore has not given explanation touching the cash possessed by Kishore and pleaded ignorance over the evidence of PW3 that Satish has not given explanation touching the cash and demand drafts possessed by Satish. He has admitted possession of Exs P3 to P16 from his office and the mahazar in his office as found in the evidence of PW3. Regarding the evidence of PW3 touching twenty seven encumbrance certificates issued by him on 08/08/2011, possession of cash of Rs.1,420/- instead of a sum of Rs.2,525/- in respect of encumbrance certificate, DGO 1 has stated that after passing of receipts amount has been given to him. Regarding the evidence of PW3 that shortage of a sum of Rs.1,16,665/- on 08/08/2011 towards registration fee of twenty seven documents, it is the version of DGO 3 that registration was still under progress and therefore balance of amount was yet to be collected. Regarding the evidence of PW3 that explanation was not offered touching the shortage of Rs.1,16,665/- it is his version that he has offered explanation.

19. In the course of written argument of the Presenting Officer filed on 20/12/2018 she has referred to evidence on record. It can be gathered from the contents of the written argument of

 5.12.2018

the Presenting Officer that she intended to contend that charge against DGOs is established.

20. In the course of written argument of DGO1 filed on 28/01/2019 reference is made to the portion of cross examination of PWs1 to 3. It is sought to contend that while discharging duties DGO1 was not in the habit of collecting illegal gratification and that PWs1 to 3 have stated that DGO 1 has not collected illegal gratification. Reference is made to the evidence of DWs 2 and 3 and on the basis of their evidence it is sought to contend that cash which was found at the time of raid does not belong to DGO 1. With reference to misconduct, decision in State of Punjab V/S Ram Singh reported in AIR 1992 SC page 2188, decision in Baladev Singh Gandhi V/S State of Punjab reported in (2002) 3 SCC page 667, Bhagwat Prasad V/S I.G of Police reported in AIR 1970 Punjab and Haryana page 81 are relied upon. It is sought to contend that DGO1 is not guilty of the alleged charge.
21. In the course of written argument of DGO 2 filed on 28/01/2019, while contending that DGO 2 does not agree with the articles of charge referred to certain answers elicited during cross examination of PWs 1 to 3. It is contended that collection of illegal gratification by DGO 2 is not established and that DGO 2 made it clear that the amount which was possessed by him is his salary. Decisions relied upon by DGO 1 are also relied upon in the course of written argument of DGO 2. It is sought to contend that DGO 2 is not guilty of the alleged charge.
22. In the course of written argument of DGO 3 filed on 28/01/2019 he has denied the charge and referred to certain answers elicited during cross examination of PWs 1 to 3. It is contended that the alleged collection of unaccounted money by

 9.11.2019

DGO 3 is not established and that DGO 3 offered explanation touching the fee collected towards encumbrance certificate and also scanning fee and that at the time of raid the process of registration was not yet completed. It is contended that difference in the amount mentioned in the demand drafts is towards stamp duty and registration fee touching the registration of documents which were yet to be completed. It is sought to contend that DGO 3 is not guilty of the alleged charge. Decisions relied upon in the course of written argument of DGOs 1 and 2 are also relied upon in the course of written argument of DGO 3.

23. In tune with the articles of charge, points which arise for consideration are the following:

Point number 1:- Whether it stands established that on 08/08/2011 at 4.00 P.M while DGO 1 was working as Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District was found engaged one Kishore and Satish to accumulate illegal gratification from the public who used to approach DGO 1 during which time Kishore was found in possession of cash of Rs.37,800/- for and on behalf of DGO1, Satish was found in possession of cash of Rs.25,700/- and also demand drafts for a total sum of Rs.7,62,363/- for and behalf of DGO 1 as per the instructions of DGO1 and thereby DGO1 is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

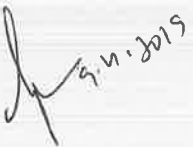
Point number 2:- Whether it stands established that DGO 2 while discharging duties as First Division

[Handwritten signature]
14.11.2019

Assistant in the office of the Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011 was found in possession of undeclared cash of Rs.8,890/- and thereby is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

Point number 3:- Whether it stands established that DGO 3 while working as Second Division Assistant in the office of Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011, instead of keeping a sum of Rs.2,575/- collected towards the fee touching encumbrance certificate and scanning charges was found possessed of a sum of Rs.1,420/- and instead of collecting a sum of Rs.1,54,440/- towards registration fee was found collected a sum of Rs.36,355/- and thus there was shortage of collection of Rs.1,15,510/- and thereby accommodated the parties who appeared for registration of documents to pay the balance of a sum of Rs.1,15,510/- inspite of presentation of documents for registration and thereby is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

24. Fact that on 04/08/2011 at 4.00 P.M PW3 along with his staff and PWs 1 and 2 entered the office of Sub-Registrar, Jigani for surprise visit on the Order dated 08/08/2011 of the Superintendent of Police, Karnataka Lokayukta, Bengaluru Rural District, Bengaluru is not in dispute. Fact that at that time DGO 1 was discharging duties as Sub-Registrar, DGO 2 was

 4.11.2015

discharging duties as First Division Assistant in the office of DGO1, DGO 3 was discharging duties as Second Division Assistant in the office of DGO1 is equally not in dispute. It is in the evidence of PW1 that on 08/08/2011 PW3 and staff of PW3 conducted search of the premises of the office of the Sub-Registrar, Jigani at which point of time DGO 1 was found in that office and he noticed Kishore (DW2) and Satish (DW3) were found seated in front of DGO1. It is in his evidence that he came to know that Kishore and Satish were agents. He has stated that he does not know the exact cash which was possessed by Kishore and Satish. It is in his evidence that DGO 2 was possessed of unaccounted cash and that DGO 3 was also found possessed of unaccounted cash. He has spoken to seizure of some documents and also the mahazar drawn in that office. He has not fully supported the case and turned hostile.

25. When subjected to cross examination by the Presenting Officer, PW1 has admitted that cash of Rs.8,000/- was found in the drawer of the table which was under the control of DGO 2 and that the said unaccounted cash has been seized by the Lokayukta Police staff. When subjected to cross examination from the side of DGOs 1 to 3 though he has stated that he cannot say the exact amount which was possessed by DGOs 1 to 3 his evidence that unaccounted cash of Rs.8,000/- was found in the drawer of the table under the control of DGO 2 has not been specifically assailed during his cross examination. It is found in the evidence of PWs 2 and 3 that DGO 2 was found in possession of unaccounted cash of Rs. 8,890/- which portion of their evidence is in conformity with page number 3 of Ex P3. Evidence of PW1 is not in full conformity with the evidence of PWs 2 and 3 and page number 3 of Ex P1. Be that as it may,

 9.11.2019

fact remains established that as per the evidence of PW1 some amount which was possessed by DGO 2 was unaccounted. Though it is in the cross examination of PW1 that DGO 2 has stated that the said amount is his personal cash the burden to establish that cash was personal cash is on DGO 2. For the reasons well within the knowledge of DGO 2 he has not chosen to get himself examined as defence witness.

26. During cross examination by the Presenting Officer after treating hostile PW1 has stated that there was difference of amount found entered in two receipt books which were in possession of DGO 2. He states further during cross examination by the Presenting Officer that Kishore and Satish were found as agents and that both of them have not offered explanation for possession of cash by them. He also states that Satish was found possessed of twenty demand drafts. When subjected to cross examination from the side of DGOs 1 to 3 PW1 has stated that some documents were yet to be registered. Though he has stated so, DGO 1 was expected to insist payment of registration fee soon after production of documents for registration. Upon appreciation of the entire cross examination from the side of DGOs 1 to 3 I find nothing worthy to express that answers elicited from the side of DGOs 1 to 3 during cross examination of PW1 will lend assurance to the defence.
27. It is in the evidence of PW2 that DGO 1 was not found possessed of unaccounted cash. It is in his evidence that two agents were found in the office of DGO 1 and that except cash nothing was found with those two agents. It is in his evidence that cash of about Rs.7,000/- was found with DGO 2. He has not fully supported and turned hostile. The Presenting Officer

J. 9.11.2019

subjected PW2 for cross examination after treating hostile. During cross examination by the Presenting Officer PW2 has stated that DGO 2 was found possessed of a sum of Rs.8,890/- which was not found entered in the cash declaration register. He has stated that the said cash has been seized by Lokayukta Police staff. His evidence touching the said cash of Rs.8,890/- has not been assailed from the side of DGOs 1 to 3 during cross examination. When subjected to cross examination by the Presenting Officer PW2 has stated that as per records DGO 3 was bound to collect a sum of Rs.2,750/- towards scanning charges and encumbrance certificate but DGO 3 was found possessed of a sum of Rs.1,420/-. The said portion of his evidence has not been assailed during cross examination from the side of DGOs 1 to 3 and therefore that portion of evidence of PW2 needs acceptance.

28. When subjected to cross examination by the Presenting officer after treating hostile PW2 has stated that DGO 3 was bound to possess a sum of Rs.1,51,865/- but was found in possession of a sum of Rs.36,355/-. The said portion of his evidence has not been assailed from the side of DGOs 1 to 3 during cross examination. It is in his evidence that DGO 3 has not offered explanation touching shortage of cash. It is in the evidence of PW2 that Kishore was found possessed of cash of Rs.37,800/- for which no explanation was offered by Kishore. That portion of his evidence has remained unchallenged from the side of DGOs 1 to 3 during cross examination.

29. When subjected to cross examination by the Presenting Officer after treating hostile PW2 has stated that Satish was found in possession of cash of Rs.25,700/- and twenty demand drafts. When subjected to cross examination from the side of

 9.4.2019

DGOs 1 to 3 PW2 has stated that one agent was found possessed of twenty demand drafts and cash of Rs.37,300/- and another agent was found possessed of cash of Rs.25,700/-. This portion of his answer though is not in full conformity with the evidence of PW3 touching the cash possessed by Kishore fact remains established that Kishore and Satish were found possessed of cash.

30. It is in the evidence of PW3 that after he entered the office of Sub-Registrar, Jigani he verified the cash declaration register in which he noticed that DGO 2 had declared cash of Rs.50/-. This portion of his evidence has not been assailed during his cross examination and therefore the said portion of his evidence needs acceptance. It is in the evidence of PW3 that on being questioned by him he was told by DGO 2 that DGO 2 spent cash of Rs.50/- for midday meals. It is in his evidence that on personal search of DGO 2 he noticed possession of cash of Rs.8,890/- and that he seized the said cash. Seizure of cash of Rs.8,890/- as spoken to by PW3 has not been assailed during his cross examination and therefore seizure of the said amount has remained established. Ex D4 is the attested copy of a single sheet of acquittance roll (payment disbursement register) maintained in the office of DGOs 1 to 3. Serial number 2 of Ex D4 refers to the salary of DGO 2 which shows that gross salary of DGO 2 was Rs.16,579/-. It shows that after deductions under various heads home take salary was Rs.11,174/-. Raid was conducted on 08/08/2011. According to DGO 2 cash of Rs.8,890/- was the salary drawn by him. ExD1 is the attested copy of statement of accounts in a single sheet in savings bank account number 64059491540 maintained by DGO 2 in State Bank of Mysuru, Anekal branch. It does not show that salary

A-5/10/15

was credited to the said account. Ex D1 does not show that amount is credited to the said account in the month of August 2011. Ex D1 shows that a total sum of Rs.20,500/- has been debited in the month of August 2011. In these circumstances, defence of DGO 2 that a sum of Rs.8,890/- is the amount which is drawn by way of salary in the month of August 2011 cannot be accepted.

31. It is in the evidence of PW3 that he noticed that DGO 3 has issued twenty seven encumbrance certificates for which fee of Rs.2,525/- was to be collected but DGO 3 was found possessed of a sum of Rs.1,420/-. The said portion of his evidence is not under challenge and therefore the same needs acceptance. It is in the evidence of PW3 that a total sum of Rs.1,54,440/- was to be collected towards registration fee of twenty seven documents. This portion of his evidence is not under challenge. It is in the evidence of PW3 that he verified the cash in possession of DGO 3 and found a sum of Rs.37,775/- towards registration charges and he noticed shortage of a sum of Rs.1,16,665/- for which DGO 3 has not offered explanation. This portion of his evidence has not been assailed during his cross examination and therefore the same needs acceptance. Though it is found in the cross examination of PW3 that some persons paid amount by way of demand drafts on 08/08/2011 presentation of demand drafts are in no way concerned with shortage of a sum of Rs.1,16,665/. It is in the evidence of PW3 that DGO 3 has not offered explanation for shortage of the said amount.

32. It is in the evidence of PW3 that one Kishore was found near DGO 1 and on being questioned the said Kishore disclosed that he is the agent. This portion of his evidence is not under

 9.11.2019

challenge. During evidence DGO 1 (DW1) has stated that some mediators were found in that office and that cash and demand drafts which were with those mediators are seized by Lokayukta Police staff.

33. It is in the evidence of PW1 that Kishore (DW2) was possessed of cash of Rs.37,800/- for which Kishore has not offered explanation. This portion of his evidence has not been assailed during his cross examination. During evidence DW2 has stated that cash of Rs.37,000/- which was possessed by him in the office of DGOs 1 to 3 has been seized and subsequently the said cash has been returned to him. It is in the evidence of PW3 that he seized cash of Rs.37,800/- from DW2 and seized twenty demand drafts and cash of Rs. 25,700/- from DW3 (Satish). Evidence of PW3 that he seized cash of Rs. 37,800/- from DW2 has remained unchallenged and nothing is specifically spoken to by DW2 touching the seizure of cash of Rs.37,800/-. During evidence PW3 has stated that he used to frequently visit the office of DGOs 1 to 3 in connection with registration of a concerned called "Celebrity Layout". It is in his evidence that on a day in the month of August 2011 he had been to the office of DGOs 1 to 3 in connection with the property registration of "Celebrity Layout" and therefore he was possessed of demand draft and cash. When subjected to cross examination by the Presenting Officer he has stated that he was possessed of cash of Rs.25,700/- on 08/08/2011. He further states during cross examination that he cannot say the names of persons in whose name demand drafts are obtained. He has not mentioned the names of purchasers of properties and therefore his evidence cannot be accepted.

 9.11.2019

34. It is in the evidence of PW3 that on being questioned a person by name Kiran who was in the office of DGOs 1 to 3 he came to know that the said Kiran had come to that office to obtain encumbrance certificate and that Kiran was found possessed of cash of Rs.4,500/-. It is in the evidence of PW3 that one Rajappa who was present there for the purpose of obtaining encumbrance certificate. It is in the evidence of PW3 that one Anil Kumar who was attending scanning process was found possessed of personal cash of Rs.3,820/-. It is in the evidence of PW3 that one Jayashankar who was attending registration work was found possessed of cash of Rs.1,200/- which was his personal cash. It is in the evidence of PW3 that a staff by name Suma was attending computer work who was found possessed of personal cash of Rs.500/- and that one Basavaraj who was working as Group 'D' official was not found possessed of cash. It is in the evidence of PW3 that he has not seized cash from Kiran, Rajappa, Anilkumar, Jayashankar, Suma. If really PW3 had any intention of false implication of DGOs 1 to 3, then he would also have implicated Kiran, Rajappa, Anilkumar, Jayashankar and Suma. Therefore, considering this aspect it cannot be expressed that PW3 intentionally implicated DGOs 1 to 3. PW3 has spoken to seizure of Ex P16, registration of case and submission of FIR, statements placed before him by DGOs 1 to 3 and also submission of charge sheet in the jurisdictional Court.

35. Though it is in the cross examination of PW3 that process of registration was not yet completed the fact remains that after the receipt of documents for registration there was no impediment to collect registration charges.

H. N. 2019

36. It is in the evidence of DGO 1 (DW1) that registration fee was still to be received. He has stated that there was shortage of funds. There is no explanation offered by him for shortage of funds. He specifically states that some agents were found in that office. The said portion of his evidence unerringly establishes that Kisore and Satish were acting as agents of DGO1.
37. In the presence of evidence as discussed above, I find nothing to accept the defence put forward in the course of written statement of DGOs 1 and 2. I equally find nothing to accept the contentions raised in the course of written argument of DGOs 1 to 3.
38. Upon meticulous appreciation of the oral and documentary evidence on record I am of the considered view that the alleged misconduct of DGOs 1 to 3 has remained established and being of this view I proceed with the following:

R E P O R T

Charge against DGO 1 by name Sri. M.Srinivas (name written by DGO 1 as M.Sreenivas on the note sheet on 16/09/2016) that on 08/08/2011 at 4.00 P.M while DGO 1 was working as Sub-Registrar, Jigani, Anekal Taluk, Bengaluru Rural District was found engaged one Kishore and Satish to accumulate illegal gratification from the public who used to approach DGO 1 during which time Kishore was found in possession of cash of Rs.37,800/- for and on behalf of DGO1, Satish was found in possession of cash of Rs.25,700/- and also demand drafts for a total sum of Rs.7,62,363/- for and behalf of DGO 1 as per the instructions of DGO1 and thereby DGO1 is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

 9.11.2019

Charge against DGO 2 by name Sri. K.S. Puttaraju that DGO 2 while discharging duties as First Division Assistant in the office of the Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011 was found in possession of undeclared cash of Rs.8,890/- and thereby is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

Charge against DGO 3 by name Sri. M.K. Chandrashekaraiah that DGO 3 while working as Second Division Assistant in the office of Sub-Registrar, Jigani at 4.00 P.M on 08/08/2011, instead of keeping a sum of Rs.2,575/- collected towards the fee touching encumbrance certificate and scanning charges was found possessed of a sum of Rs.1,420/- and instead of collecting a sum of Rs.1,54,440/- towards registration fee was found collected a sum of Rs.36,355/- and thus there was shortage of collection of Rs.1,15,510/- and thereby accommodated the parties who appeared for registration of documents to pay the balance of a sum of Rs.1,15,510/- inspite of presentation of documents for registration and thereby is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

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


(V.G. BOPAIAH)

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

ANNEXURE

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

- PW 1:- Sri. Sandhanam
PW2:- Sri. S.M. Kemparaju
PW3:- Sri. T.D. Durgaiyah

List of witnesses examined on behalf DGOs:-

- DW 1:- Sri. M. Srinivas (DGO1)
DW 2:- Sri. Kishore Kumar
DW 3:- Sri. Satish.N.

List of documents marked on behalf of Disciplinary Authority:-

1. Ex P 1 Attested copy of mahazar dated 08/08/2011 in six sheets.
2. Ex P 2 Attested copy of Order dated 08/08/2011 in a single sheet of the Superintendent of Police, Karnataka Lokayukta, Bengaluru Rural District.
3. Ex P3 Attested copy of a single sheet of attendance register maintained in the office of DGOs 1 to 3.
4. Ex P4 Attested single sheet of cash declaration register in a single sheet maintained in the office of DGOs 1 to 3.
5. Ex P 5 Attested two sheets of the adjudication book.
6. Ex P 6 Attested two sheets of daily book.
7. Ex P 7 Attested copy of receipt dated 04/08/2011 in a single sheet touching encumbrance certificate.
8. Ex P8 Attested two sheets of a book touching issue of encumbrance certificate.

S. N. N. 2019

9. Ex P 9 Attested copy of receipt dated 08/08/2011 in a single sheet.
10. Ex P 10 Attested copy of receipt dated 08/08/2011 in a single sheet.
11. Ex P 11 Attested copy of receipt dated 08/08/2011 in a single sheet.
12. Ex P 12 Attested copy of receipt dated 08/08/2011 in a single sheet.
13. Ex P 13 Attested copy of receipt dated 08/08/2011 in a single sheet.
14. Ex P 14 Attested copy of receipt dated 08/08/2011 in a single sheet.
15. Ex P 15 Attested copy of receipt dated 08/08/2011 in a single sheet.
16. Ex P 16 Six attested sheets of register touching collection of fee.
17. Ex P 17 Attested copy of his report dated 08/08/2011 in a single sheet.
18. Ex P 18 Attested copy of FIR dated 08/08/2011 in two sheets in crime number 23/2011 of Lokayukta Police Station, Bengaluru Rural District.
19. Ex P 19 Attested copy of statement dated 08/08/2011 in a single sheet of DGO1 given before PW3.
20. Ex P 20 Attested copy of statement dated 08/08/2011 in two sheets given before PW3.
21. Ex P 21 Attested copy of statement dated 08/08/2011 in three sheets given before PW3.

 9.11.2015

List of documents marked on behalf of DGO :-

1. Ex D1 Two attested sheets of statement of accounts maintained by DGO2 in savings bank account number 64059491540 in State Bank of Mysuru, Anekal Branch.
2. Ex D2 Twenty attested sheets containing the particulars of fee collected on 08/08/2011.
3. Ex D3 Attested copy of work allotment order in a single sheet maintained in the office DGOs 1 to 3.
4. Ex D4 Attested copy of single sheet of the acquittance register (salary disbursement register) maintained in the office of DGOs 1 to 3.
5. Ex D5 Attested copy of a single sheet of remittance book dated 08/08/2011.

(V.G. BOPALIAH)

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

