

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

NO: LOK/INQ/14-A/368/2011/ARE-4

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 15/02/2017

RECOMMENDATION

Sub:- Departmental inquiry against Sri N.G.
Narasimhamurthy, Superintendent, (Incharge
Assistant Registrar), Karnataka Appellate Tribunal,
Bengaluru - Reg.

Ref:- 1) Government order No.ಆರ್‌ಡಿ 49 ಆರ್‌ಎಂಇ 2011, Bengaluru
dated 14/10/2011

2) Nomination order No.LOK/INQ/14-A/368/2011,
Bengaluru, dated 29/10/2011 of Hon'ble
Upalokayukta-1, State of Karnataka, Bengaluru

The Government by its Order dated 14/10/2011, initiated the disciplinary proceedings against Sri N.G. Narasimhamurthy, Superintendent, (Incharge Assistant Registrar), Karnataka Appellate Tribunal, Bengaluru (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/368/2011 dated 29/10/2011 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 was tried for the following charges:-

“That, you Sri N.G. Narasimhamurthy, the DGO, while working as Superintendent and Incharge Asst. Registrar at Karnataka Appellate Tribunal in Bangalore, Appeal No.264/2010 before K.A.T., filed by the complainant/ Sri Rudolph Ivor Lobo and his mother challenging the order dated 28/06/1996 passed by the Assistant Commissioner of Bangalore North Sub-Division was allowed on 07/02/2010 by setting aside the order of the Assistant Commissioner and the matter was remitted back to the Assistant Commissioner and the concerned record was to be sent back to the Assistant Commissioner and then complainant approached you on 24/12/2010 requesting to send back the records from the office of the KAT and when the complainant met you again on 28/12/2010 you demanded bribe of Rs.500/- from him and on 29/12/2010 received the said amount as bribe from the complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of the 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 satisfactorily proved the charge in this case that, DGO/ Sri N.G. Narasimhamurthy, Superintendent (Incharge Asst. Registrar), Karnataka Appellate Tribunal, Bangalore (now retired) committed misconduct as

enumerated U/R 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.


5. On re-consideration of the evidence, 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 31/5/2015 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri N.G. Narasimhamurthy, it is hereby recommended to the Government to impose penalty of permanently withholding 50% of pension payable to DGO Sri N.G. Narasimhamurthy.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1,
State of Karnataka,
Bengaluru. 15/2

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-368/2011

M.S.Building,
Dr.B.R.Ambedkar Road,
Bangalore-560 001
Date: 13/02/2017

:: NOTE ::

Sub: Departmental Enquiry against,
Sri N.G. Narasimhamurthy
Superintendent
(Incharge Asst. Registrar)
Karnataka Appellate Tribunal
Bangalore (**now retired**)

Ref: 1) Govt. Order. No. RD 49 RME
2011, Bangalore dated: 14/10/2011
2) Order No.LOK/INQ/14-A/368/2011
Dated:29/10/2011 of the Hon'ble
Upalokayukta

With reference to the subject and reference cited above, original enquiry report in sealed cover and connected original records as below, are forwarded for kind perusal and needful.

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Receipt of the above report and original records may kindly be acknowledged.

The date of Retirement of the DGO: **31/05/2015.**


 (CHANDRASHEKAR PATIL)
 Additional Registrar Enquiries-4
 Karnataka Lokayukta,
 Bangalore

To:

The Hon'ble Upalokayukta-1
 Karnataka Lokayukta,
Bangalore

KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ-368/2011

M.S.Building,
Dr.B.R.Ambedkar Road
Bangalore-560 001
Date: 13/02/2017

ENQUIRY REPORT

Sub: Departmental Enquiry against,
Sri N.G. Narasimhamurthy
Superintendent
(Incharge Asst. Registrar)
Karnataka Appellate Tribunal
Bangalore (**now retired**)

- Ref:**
- 1) Govt. Order. No. RD 49 RME
2011, Bangalore dated: 14/10/2011
 - 2) Order No.LOK/INQ/14-A/368/2011
Dated:29/10/2011 of the Hon'ble
Upalokayukta

This Departmental Enquiry is directed against Sri N.G. Narasimhamurthy, Superintendent, (Incharge Asst. Registrar), Karnataka Appellate Tribunal, Bangalore (now retired) (herein after referred to as the Delinquent Government Official in short "DGO" respectively)

2. In view of the Government Order cited above at reference-1, the Hon'ble Upalokayukta, vide order dated: 29/10/2011 cited above at reference-2, 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.

3. The Article of Charges framed by ARE-4 against the DGOs is as below;

ANNEXURE NO. 1

CHARGE

That, you Sri N.G. Narasimhamurthy, the DGO, while working as Superintendent and Incharge Asst. Registrar at Karnataka Appellate Tribunal in Bangalore, Appeal No. 264/2010 before K.A.T. filed by the complainant/Sri Rudolph Ivor Lobo and his mother challenging the order dated: 28/06/1996 passed by the Assistant Commissioner of Bangalore North Sub-Division was allowed on 07/12/2010 by setting aside the order of the Assistant Commissioner and the matter was remitted back to the Assistant Commissioner and the concerned record was to be sent back to the Assistant Commissioner and then complainant approached you on 24/12/2010 requesting to send back the records from the office of the KAT and when the complainant met you again on 28/12/2010 you demanded bribe of Rs.500/- from him and on 29/12/2010 received the said amount as bribe from the complainant to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming

of Government Servant and thereby committed misconduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE NO. II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

The complainant namely Sri Rudolph Ivor Lobo s/o Baptist Lobo R/o Mangalore and his mother had filed Appeal No.264/2010 before KAT at M.S. Building in Bangalore challenging the order passed by the Assistant Commissioner of Bangalore North Sub-Division. On 07/12/2010 the said Appeal was allowed by setting aside the order of the Assistant Commissioner and remitting the matter back to the Assistant Commissioner. Therefore, on 24/12/2010 the complainant filed application and approached the DGO and requested to send back the records from KAT to the office of the Assistant Commissioner. For that purpose, the DGO told the complainant that the record will be sent back shortly and asked to look after him properly and separately. Thereafter, the complainant met the DGO again and enquired about it. Then, the DGO told about some expenditure to send back the records. It was also told that records were not sent as he was not looked after properly to send back the record to the office of the Assistant Commissioner. The complainant met the DGO again on 28/12/2010 and then, the DGO demanded bribe of Rs.500/-As the complainant was not willing to pay bribe amount of Rs.500/-, he lodged a complaint before Lokayukta Police Inspector, Bangalore City Division on 29/12/2010 (here-in-after referred to as Investigating Officer, for short, "the I.O.") The I.O. registered the complaint in Cr.No.67/2010 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 into the said crime, when the complainant gave the tainted amount on 29/12/2010 to the DGO in the office of the DGO at M.S. Building in Bangalore, the I.O. trapped the DGO in the presence of the complainant and panch witness and seized the tainted amount from the possession of the DGO under mahazar following post-trap formalities. The I.O. took the statement of the DGO in writing. The I.O. recorded statement of the complainant, the panch witnesses and others. After receiving the report of chemical examiner about the articles sent for chemical examination, the I.O. filed his Investigation Report. The facts and materials on record of the investigation report prima facie showed that, the DGO being a Government Servant failed to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servant. Therefore, a suo-moto investigation was taken up U/Sec. 7(2) of the Karnataka Lokayukta Act against him. An observation note was sent to the DGO calling for his explanation. The reply given by the DGO was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima facie showed that, the DGO has committed misconduct as per Rule 3(1)(i) & (iii) of KCS (Conduct) Rules, 1966, a report U/S 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/R 14-A of K.C.S (CCA) Rules. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta. Hence, the charge.

4. DGO appeared before this Enquiry Authority on 03/04/2012 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 claimed for an enquiry. Subsequently the DGO submit his detail written statement of defence by denying the charges leveled against him in the articles of charge and statement of facts narrated in the statement of imputations. It is stated that, he was in charge Assistant Registrar, working at Karnataka Appellate Tribunal on the alleged trap on 29/12/2010 and denied the allegations of acceptance of bribe on demand by the complainant in order to send back the lower court records in Appeal No. 264/2010 to the concerned Assistant Commissioner. Since the complainant filed memo on 28/12/2010 itself for sending the lower courts records in Appeal No. 264/2010 to the concerned Assistant Commissioner and on the same day an endorsement made to put up the records in case judgment passed by KAT being scanned and otherwise put up the records in usual course. It is submitted that, the complainant who wanted to send the records by deviating the procedure filed this false case and since from the beginning the complainant was in habit of giving bribe to the officials and putting them into trouble unnecessarily. The complainant without the knowledge of this DGO put the amount of Rs. 500/- in a diary kept on his table in order to harassing him at the instance of his colleagues by name Sri A.L. Kundaragi, the then Deputy Registrar, KAT. Accordingly, submitted that, he neither demanded nor accepted the bribe in connection with the official work of the complainant and prays to exonerate him in this case.

5. In order to substantiate the charge, the disciplinary authority examined in all four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P12 and closed the evidence.

6. After closing the evidence of the disciplinary authority, Second Oral Statement of DGO being recorded as required U/R 11(16) of KCS (CC & A) Rules, 1957. DGO denied the evidence adduced against him as false and chosen to examine himself as defence evidence. Accordingly, DGO examined himself as DW1 and got marked documents at Ex.D1 to D28 and closed the evidence.

7. Heard the arguments of both the sides, in addition both the Disciplinary Authority and as well as DGO submitted their written brief separately.

8. Therefore, the only point, that arisen for the consideration of this enquiry authority is:-

- i) *Whether the Disciplinary Authority satisfactorily proved that, this DGO/Sri N.G. Narasimha murthy, Superintendent (Incharge Asst. Registrar) Karnataka Appellate Tribunal, Bangalore, on demand accepted a bribe of Rs. 500/- from the complainant/Sri Rudolph Ivor Lobo on 29/12/2010 at his chamber of KAT office, Bangalore in order to forward the lower court records in Appeal NO. 264/2010 to the Assistant Commissioner, Bangalore North Sub-division and thereby failed to maintain absolute integrity and devotion to duty, which act is un-*

becoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966?

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

:: REASONS ::

10. **Point NO.1:- The case of the Disciplinary Authority in brief that,** the complainant by name Sri Rudolph Ivor Lobo and his mother Miss Rosy Ivor Lobo, challenged the order of Assistant Commissioner, Bangalore North Sub-division before the Karnataka Appellate Tribunal in Application No. 264/2010 and same being allowed on 07/12/2010 by remanding the matter to the concerned Assistant Commissioner to reconsider the matter and in that connection lower court records secured by KAT required to be retransmitted to the Assistant Commissioner, Bangalore North Sub-division and till the date of trap such a records were not sent back by this KAT. It is the case of the Disciplinary Authority that, the complainant approached this DGO on 24/12/2010 by filing an application with a request to send back the lower courts records from KAT to the office of the Assistant Commissioner, Bangalore North Sub-division and in that connection the DGO not responded properly and told to incur some expenditure to send back the records. Again this complainant approached this DGO in connection with the said official work in sending the lower court records from KAT to


Assistant Commissioner, Bangalore Sub Division. At this juncture the DGO demanded the complainant to pay bribe of Rs.500. Since the complainant who was not willing to pay the bribe approached Police Inspector, Karnataka Lokayukta, Bangalore City Division and filed a complaint on 29/12/2010. Accordingly, a case registered in Crime No. 67/2010 and proceeded to investigate the matter on securing the presence of official pancha witnesses and drawing an Entrustment Mahazar. Thereafter on the same day at about 3 to 3.30 p.m. trap laid at the office of this DGO situated at M.S. building and this DGO found accepted the bribe amount from this complainant in connection with the above official work. The same being seized under the mahazar and the explanation offered by the DGO to Investigating Officer is not acceptable one. Accordingly, case of the Disciplinary Authority that, this DGO on demand accepted a bribe of Rs.500/- from the complainant in connection with the sending back the records to the Assistant Commissioner, Bangalore North Sub-division and thereby committed a misconduct in violation of Rule 3(1) of KCS (CC&A) Rules, 1966. In the light of these allegations the disciplinary authority proceeded with this enquiry.

11. The witnesses examined on behalf of the Disciplinary Authority to prove the charge are PW1/Sri Rudolph Ivor Lobo, the complainant of this case, PW2/Sri Naresh Kumar, PW3/Sri Ramachandra Yaralli, are the official pancha witnesses who have assisted the I.O. in conducting the investigation of this case. Lastly PW4/Sri Ramesh G.R., the I.O. of this case. In addition the disciplinary authority got marked Ex.P1 to P12. As against the above evidence of the

disciplinary authority the DGO examined himself as DW1 in support of his defence and got marked at Ex.P1 to P28. Now I required to analyse the evidence of the disciplinary authority as well as the defence evidence of the DGO in order to find out as to whether charge leveled against this DGO regarding acceptance of bribe on demand is proved or not.

12. PW1/Sri Rudolph Ivor Lobo, the complainant of this case has stated that, himself and his mother acquired a property in sy.No. 13/1 measuring 1 acre of Madanayakana halli village, Dasanapura Hobli, Nelamangala Taluk in the year 1985 and in that connection an order passed by the Assistant Commissioner, Bangalore North in vesting the said land to the Government and same being challenged by them before the Karnataka Appellate Tribunal (herein after referred to as the Karnataka Appellate Tribunal in short "KAT" respectively) in Appeal No. 264/2010. He also stated that, the said Appeal No.264/2010 came to be disposed finally on 07/12/2010 by remanding to the Assistant Commissioner, Bangalore North to reconsider the same as per Ex.P2 order and thereafter, the records secured by the KAT in the said case required to be retransmitted to the Assistant Commissioner, Bangalore North to proceed further as per the directions of the order of KAT. He has further stated that, he approached this DGO, the then incharge Assistant Registrar of Revenue section of KAT with a request to retransmit the lower court records in the said Appeal No.264/2010 and then this DGO did not received the application stating that, the copy of the order has not been scanned so far and asked him to get the application from his advocate. He further stated that, he took memo from his

advocate on 24/12/2010 as per Ex.P3 and submitted before this DGO with a request to transmit the records and then this DGO without making any order kept it in his custody. He also stated that, on 27/12/2010 again he approached this DGO and then this DGO asked him to pay the amount to the said work and then he approached Lokayukta police on 28/12/2010. He further stated that, on his oral say regarding the act of the DGO, the Lokayukta police given him a voice recorder stating to approach the DGO and record the conversation and accordingly, he approached this DGO on the very same day and then also DGO demanded to pay the bribe. He further stated that, on 29/12/2010 he returned the voice-recorder and also filed a complaint as per Ex.P4 to Lokayukta police and accordingly on securing the presence of panch witnesses by name Sri Naresh Kumar and Sri Ramachandra Yarelli conducted an entrustment mahazar. He also further stated that, on the very same day he approached this DGO at his office with a request to retransmit the records to the Assistant Commissioner and then also DGO on demanding to pay Rs. 500/- shown his diary by asking him to put the amount and accordingly he put the amount of Rs. 500/- in the said diary of this DGO. He also states that, the panch witness by name Sri Ramachandra Yaralli, who was with him at a distance observed the happenings of the above acceptance of the bribe by this DGO. He also states that, after giving signal the police inspector entered the office of the DGO and recovered the amount of Rs.500/- from the diary kept on the table of this DGO and accordingly drawn the Trap Mahazar as per Ex.P6.



13. PW2/Sri Naresh Kumar, SDA of RTO office, Jayanagar, Bangalore being a co-pancha witness has stated that, on 29/12/2010 Bangalore police secured him and also another panch witness Sri Ramachandra Yaralli at their office and explained the complaint filed by the complainant/Sri Rudolph Ivor Lobo, in connection with the demand of bribe by this DGO in order to transmit the records to Assistant Commissioner office and then displayed the voice recorder in which they have heard the conversation. He further stated that, on production of Rs. 500/- a currency notes by the complainant, the Lokayukta police got applied phenolphthalein powder and as per the directions of the police inspector, he placed the said currency notes in the pant pocket of this complainant and thereafter his hand wash turned into pink colour. Accordingly, he stated regarding the proceedings took place as per Ex.P5/Entrustment Mahazar at the office of Karnataka Lokayukta Bangalore City. He further stated that, thereafter the police inspector took them and as well as the complainant and his staff members to the office of KAT situated in M.S. Building, Bangalore and as per the directions of the Police Inspector, the complainant went inside the office of KAT and another panch witness Sri Ramachandra Yaralli followed him. He also stated that, when himself and the police inspector and his staff waiting for the signal the police inspector received a missed call at 3.30 p.m. and thereafter all of them enter into the office of KAT and that too to the chamber of this DGO in the said KAT office premises. He further stated that, at that time the complainant pointed out this DGO stating that, he has received the amount. He also stated that, another pancha witness shown the diary on the table of this DGO stating that,

as per the directions of the DGO the amount kept in the said diary by the complainant. He also states that, the said amount kept in the said diary being recovered found tallied with the numbers noted in the Entrustment Mahazar and accordingly drawn the Entrustment Mahazar.

14. PW3/Sri Ramachandra Yaralli, the shadow panch witness of this case has given evidence that on 29/12/2010 as per the directions of his superior appeared before police inspector, Karnataka Lokayukta, Bangalore and by the same time another panch witness Sri Narash Kumar present in the said office and then the Police Inspector narrated about the complaint filed by the complainant/Sri Rudolph Ivor Lobo regarding the demanding bribe at the office of the KAT in connection with transmission of the records. He also further stated that, on production of currency notes of Rs.500/- by the complainant an entrustment mahazar was drawn at Ex.P5 and thereafter the police inspector took himself, another pancha and complainant towards the office of the KAT. He also states that, the complainant and himself went inside the KAT office as directed by the police inspector and then the complainant met this DGO at his office with a request to transmit his file and then the DGO called an employee of the said office to bring the records and the said employee told that, the person who was holding the records has not attended office today. He also further stated that, at that time the complainant requested the DGO to do the work today itself and then DGO agreed to do the same and asked the complainant that have you brought thing told you yesterday and then the complainant tendered the amount of Rs. 500/-


to this DGO and then DGO placed his diary open asking the complainant to put the amount in the said diary. He further stated accordingly the complainant put the amount of Rs.500/- in the said diary and the DGO who was holding the diary kept with him. He also stated that, the complainant in the meanwhile given a miss call to the police inspector and immediately the police inspector, another pancha and staff entered into the said office and recovered the amount of Rs. 500/- kept in the diary and same being tallied with the entrustment mahazar. He further stated that, the DGO given explanation regarding the amount found in his possession as per Ex.P7 and thereafter a mahazar drawn as per Ex.P6.

15. PW4/Sri Ramesh G.R. the then Police Inspector, and Investigating Officer of this case has given evidence that, on filing the complaint/Ex.P4 by the complainant on 29/12/2010 at about 12.30 p.m. a case registered in Crime No.67/2010 and thereafter, secured the presence of PW2/Sri Naresh Kumar and PW3/Sri Ramachandra Yaralli and conducted an entrustment mahazar as per Ex.P5. He further stated that, on the very same day trap laid at the office of DGO situated in KAT premises of M.S. Building, Bangalore and at that juncture with proper direction send the complainant as well PW3/Sri Ramachandra Yaralli to approach the DGO in connection with the official work of the complainant. He further stated that, at about 3.45 p.m. he received miss call from the complainant and immediately entered the office of the DGO and then the complainant narrated about the facts by pointing out the DGO and also stating that, the amount of Rs. 500/- received by the DGO is in the diary kept on the table. He further stated that,

the amount of Rs. 500/- found in the diary of this DGO being recovered and found tallied with the Entrustment Mahazar and recovered the records pertaining to the official work of the complainant from the office of the DGO and accordingly drawn a trap mahazar as per Ex.P6.

16. Thus upon considering the evidence of PW1 to PW4 examined on behalf of the disciplinary authority to prove the charges leveled against the DGO regarding acceptance of bribe and also on consideration of the Ex.P1 to P12 documents there is a probable evidence to hold that, this DGO while working as in charge Assistant Registrar, KAT, Bangalore on demand accepted a bribe of Rs.500/- from the complainant in order to transmit the lower court records in Appeal NO. 264/2010 to the office of the Assistant Commissioner, Bangalore North Division and committed a misconduct in violation of Rule 3(1) of KCS (Conduct) Rules, 1966. The defence of the DGO that, he neither demanded nor accepted a bribe amount from the complainant and actually there was no such official work of the complainant was pending on the same date of the alleged trap on 29/12/2010 and a false case being filed by the complainant. In this connection, the DGO not only cross-examined this PW1 to PW4 and also examined himself as defence witness in this case and got marked documents at Ex.D1 to D28. The main defence of this DGO that, this complainant became angry on account of endorsement made by him in Ex.P3/memo on 28/12/2010 to put up the records in a usual course and after the scanning the judgement filed this false case and made him to involve in this false trap proceedings. Further it is contended that, this


case being foisted on account of this case being filed at the instigation of the Deputy Registrar, KAT., and other mischievous officials of KAT etc., Anyhow evidence of PW1 to PW4 adduced by the Disciplinary Authority in order to prove the charge leveled against the DGO required to be analysed on the basis of pendency of the official work of the complainant and the manner in which this DGO accepted the bribe on demand and also considering the defence set out by the DGO in this case.

17. Regarding the official work of the complainant/Sri Rudolph Ivor Lobo, in connection with this trap proceedings. The case of the disciplinary authority that, this complainant/Sri Rudolph Ivor Lobo, for himself and as a General Power of Attorney holder of his mother Miss Rosy Ivor Lobo filed an appeal No. 264/2010 before the Karnataka Appellate Tribunal, Bangalore, challenging the order of the Assistant Commissioner, Bangalore North Sub-division in case No.LRF(83)188/1995-96/10:91-92 dated: 28/06/1996 and same being allowed by the court Hall No. 1 of KAT on 07/12/2010 by remanding the matter to the Assistant Commissioner, Bangalore North to reconsider the same after providing an opportunity to this complainant and his mother as appellants in the said case. It is forthcoming from the evidence of the Disciplinary Authority more particularly from the evidence of PW1/Sri Rudolph Ivor Lobo and that too on consideration of undisputed Ex.P8 records pertains to the said Appeal No. 264/2010 recovered by PW4/Sri G.R. Ramesh, I.O. of this case at the time of the trap under Ex.P6/Trap Mahazar. The filing of the said appeal and its disposal by the KAT dated: 

07/12/2010 and that too the Ex.P8 records being seized which pertains to appeal No. 264/2010, under Ex.P6/Trap Mahazar is not disputed in this case. It is also not disputed that, the records of Assistant Commissioner, Bangalore north Sub-division in LRF:(83)188/1995-96/10:91-92 being secured in this Appeal NO. 264/2010 and after disposal of this Appeal No. 264/2010 by the order dated: 07/12/2010 the said lower court records required to be transmitted to the Assistant Commissioner, Bangalore North Sub-division immediately. It is also a direction of the bench of the KAT consisting of Hon'ble Chairman and District Judge members wherein it is made out specifically to send the records immediately to the concerned. It is also admitted by the DGO not only in his defence statement and also in evidence and also in his written brief that, as per the directions of the KAT in Appeal NO. 264/2010 the lower court records of the Assistant Commissioner, Bangalore North sub-division, referred above required to be transmitted immediately. However, the contention of the DGO that, the records secured from the Assistant Commissioner, Bangalore North Sub-division required to be transmitted after the decision dated: 07/12/2010 only after scanning of the judgment and not otherwise. He further contended that, when the application filed by the complainant at the first instance seeking the transfer of records to the Assistant Commissioner records were not scanned and thereby there is a delay in sending the records. It is an admitted fact by this DGO in his evidence that, the judgment in the said Appeal No.264/2010 required to be scanned and thereafter required to be transmitted to the Assistant Commissioner, Bangalore North sub-division

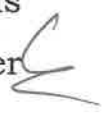
through his signature. It is also admitted by him that, till the date of trap the lower court records along with the copy of the judgment in Appeal No.264/2010 still pending for retransmission to the Assistant Commissioner, Bangalore North Sub-Division and he never disputed the fact that, the letter prepared to transmit the said records on 29/12/2010 as per Ex.P8 has not been signed by him. Thus it is very clear that, the official work of the complainant pending with this DGO as on the date of the trap. The DGO in his own chief examination clearly admitted that, for the first time this complainant approached him on 23/12/2010 with a request to transmit the records to Assistant Commissioner, Bangalore North sub-division by filing a Xerox copy of the judgment in Appeal No. 264/2010 dated: 07/12/2010 and then he told that, it could not be done unless the judgment being scanned in scanning section and insisted him to file a memo so that he can get the judgment scanned immediately. He also admitted fact that, on 28/12/2010 this DGO approached him by filing Ex.P3/memo with a request to send the lower courts records immediately and on which this DGO made an endorsement that, if scanned the judgment received from the scanning section, if LCR is received from the Superintendent, Court Hall-1 then, only put up otherwise put up in usual course and send it to case worker. When the very evidence of the DGO is very clear that, in case of urgency and if a memo filed in that connection there is a scope for getting scan judgment immediately and send the records to the concerned office. Therefore, there is no need for the DGO to make an endorsement as per Ex.P3 on 28/12/2010 and the very manner in which the DGO made such an endorsement is itself

clearly corroborates the version of the PW1 regarding the demand made to pay bribe in connection with transmission of lower court in Appeal No.264/2010. The consideration of the evidence of PW1/Sri Rudolph Ivor Lobo and the very admission of the pendency of the work in connection with the transmission from lower court records in Appeal No.264/2010 and upon consideration of the memo in appeal as per Ex.P3 and also on consideration of the Ex.P8 records which clearly goes to show that, the official work of the complainant actually pending with this DGO the then Assistant Registrar, Karnataka Appellate Tribunal, Bangalore. It is to be noted here again that, the very evidence of this DGO adduced in this case is clearly goes to show that, as per the directions given by the Court Hall NO.1 of KAT in Appeal No. 264/2010 marked as per Ex.P2 the records secured from the Assistant Commissioner, Bangalore North in the said appeal required to be retransmitted immediately and where as the DGO states that, the judgment passed in the said appeal required to be scanned in scanning department and then only such a lower court records required to be retransmitted. It is very clear from his evidence that, till the date of the trap such a lower court records were not transmitted to the Assistant Commissioner, Bangalore North Sub-division and such a transmission of lower court records still pending in the office of KAT, Bangalore. Admittedly this DGO being the Assistant Registrar of KAT and such a records required to be retransmitted through the letter signed by him. Further the DGO admitted that, in case of urgency there is a scope for getting the judgments scanned immediately and send records to the concerned office. Therefore, considering these evidence placed




on record and also admission of DGO it is clear that, the official work of the complainant still pending with this DGO who required to transmit the lower court records in Appeal NO. 264/2010 to the Assistant Commissioner, Bangalore North Sub-division.

18. Regarding the filing of the complaint and drawing of an Entrustment Mahazar the evidence of the complainant has clearly goes to show that, on 29/1/2010 he filed a complaint as per Ex.P4 to PW4/Sri G.r.Ramesh, the then Police Inspector, Karnataka Lokayukta, Bangalore city and thereafter on registering the case an Entrustment Mahazar drawn as per Ex.P5. The evidence of PW4 goes to show that, he registered a a case in Crime No. 67/2010 on filing the Ex.P4/complaint and thereafter conducted an entrustment mahazar as per Ex.P5. The drawing of Ex.P5/entrustment mahazar at the office of the Karnataka Lokayukta, Bangalore on 29/10/2010 is supported by the evidence of PW2/Sri Naresh Kumar and PW3/Sri Ramachandra Yaralli. Thus upon totality of the consideration of the evidence of PW1 to PW4 it is clear that, on filing of the complaint as per Ex.P4 by this PW1/Sri Rudolph Ivor Lobo, this PW4/Sri G.R. Ramesh, the then police inspector, Karnataka Lokayukta, Bangalore registered a case in Crime No. 67/2010 and thereafter conducted an Ex.P5/Entrustment Mahazar by demonstrating the significance of phenolphthalein powder and sodium carbonate solution.

19. Regarding demand and acceptance of the bribe by this DGO, it is the case of the disciplinary authority that, after 

drawing an entrustment mahazar as per Ex.P6 on 29/12/2010 trap laid at the office of this DGO situated in KAT premises of M.S. Building and the amount of Rs. 500/- recovered from the diary of this DGO found tallied with the numbers noted in the entrustment mahazar. In order to consider the demand and acceptance of the bribe by this DGO, the evidence of PW1 to PW4 is to be analysed in detail. PW1/Sri Rudolph Ivor Lobo, the complainant of this case approached this DGO by filing Ex.P3/memo and then this DGO demanded him to pay bribe and again he approached this DGO on 27/12/2010 in that connection and at that time also DGO demand him to pay bribe. It is stated in the evidence of this PW1. The fact that, this PW1 approached this DGO before the time of this trap proceedings and also at the time of trap is not disputed by this DGO either in his defence statement or in his evidence. When such being the case the evidence of this PW1 is to be accepted regarding the fact that, he approached the DGO prior to the date of the trap and also on the date of trap in connection with the official work. Therefore, in view of the very admissions of the DGO is taken into consideration the fact that, this complainant approached DGO in connection with transmission of lower court records pertaining to Appeal No. 264/2010 at KAT, Bangalore is quite acceptable one and there is no reason to disbelieve the evidence of this PW1. Regarding the demand of bribe made by this DGO this PW1 in his evidence clearly stated that, on 24/12/2010 when he filed a memo as per Ex.P3 with a request to transmit the lower court records the DGO demanded him to pay bribe of Rs. 500/- and accepted the same on 29/12/2010 when he kept the same in his diary at his instance. It is clearly stated by the



complainant/PW1 that on 27/12/2010 when he approached this DGO clearly asked him to pay Rs. 500/- in order to send the records to the lower courts and on 29/12/2010 i.,e., at the time of trap also DGO demanded him to pay the bribe of Rs.500/- and at the instance of DGO he kept the amount in diary placed before him by opening its pages. The fact that, amount of Rs.500/- found in the diary of the DGO at the time of the trap proceedings under Ex.P6/trap mahazar is not disputed. However, the DGO contending that, this PW1 took this diary from his table pertaining to see the wisdom words and kept the amount without his knowledge is not acceptable one for the simple reason that, it is a diary belonged to the DGO and it was in his possession and control. Nextly the very defence taken by this DGO is considered it is quite improbable that, the said diary handed over to this complainant as contended. When such being the case, there is no reason to disbelieve the version of PW1. Regarding the fact that, this DGO on demand accepted a bribe amount from him in connection with the transmission of the lower court records and at the instance of the DGO he kept the amount in the said diary is corroborated by the evidence of PW3/shadow panch witness who was present along with the complainant at the time of trap on 29/12/2010 and he observed the incident in which the DGO on demand accepted a bribe of Rs.500/- from the complainant. He also clearly stated that, the DGO placed his diary open asking the complainant to put the amount and accordingly, DGO received the amount of Rs.500/- from the complainant. Thus the evidence of this PW3/Sri Ramachandra Yeralli, is corroborative with the evidence of PW1/Sri Rudolph Ivor Lobo, the complainant of this case. Apart from the above,

the evidence of PW2/Sri Naresh Kumar and the I.O. of this case is clearly goes to show that, the amount of Rs.500/- recovered from the diary of this DGO found tallied with the numbers noted in the Entrustment Mahazar. The fact of recovery of Rs. 500/- from the diary of this DGO has not been disputed in the cross-examination of any of this PW1 to PW4. Therefore, considering the evidence of PW1 to PW4 is clear that, this DGO on demand accepted bribe of Rs.500/- from the complainant in connection with the official work i.e., transmission of lower court records in Application No.264/2010 to Assistant Commissioner, Bangalore North Sub-Division. Thus it is clear that, the Disciplinary Authority has placed all probable satisfactory evidence to prove the charge of acceptance of bribe by the DGO in violation of 3(1) of KCS (Conduct) Rules,1966. The whatever defence taken by the DGO in this case is quite untenable one when his own evidence undoubtedly speak about the pendency of the official work of the complainant and the fact that the amount of Rs. 500/- found in his diary tallied with the numbers noted in the entrustment mahazar. Thus there is a consistent evidence of acceptance of the bribe on demand and also in connection with the official work of the complainant pending with this DGO. When such being the case the whatever defence taken by him in this case by producing Ex.D1 to D28 documents is only after thought and cannot be accepted. Apart from the above, the very the written brief/arguments submitted by the DGO is clearly goes to show that, the whatever defence taken by him in this case was also taken in a criminal case before the Lokayukta court and same being turned down by the Special Court by convicting him in a Special C.C107/2011

dated: 23/12/2013. Therefore, it is clear that the evidence placed by the Disciplinary Authority through the evidence of PW1 to PW4 and Ex.P1 to P12 documents is clearly substantiate the charge of acceptance of bribe by this DGO on demand in violation of Rule 3(1) of KCS (Conduct) Rules, 1966.


20. In the result of the above, over all reasonings I hold that, the Disciplinary Authority satisfactorily proved charges of the misconduct of this DGO. Hence, I answer the above point in the **AFFIRMATIVE**. Hence, I proceed to pass the following:-

:: ORDER ::

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO /Sri N.G. Narasimha murthy, Superintendent (Incharge Asst. Registrar), Karnataka Appellate Tribunal, Bangalore **(Now retired)** committed mis-conduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 13th day of February, 17


(Chandrashekar Patil)

Additional Registrar Enquiries-4,
Karnataka Lokayukta,
Bangalore.

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

- PW-1 :- Sri Rudolph Ivor Lobo (complainant)
 PW-2 :- Sri Naresh Kumar (panch witness)
 PW-3:-Sri Ramachandra Yaralli (shadow witness)
 PW-4: Sri Ramesh G.R. (I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW1-Sri N.G. Narasimha Murthy (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1: Certified copy of the Form No.1 (KAT) with enclosures (KAT)
 Ex.P-2: Certified copy of the order passed in Appeal No.264/2010 by KAT, Bangalore
 Ex.P-3: Certified copy of the memo in Appeal No. 264/2010 dated:24/12/2010
 Ex.P-4: Certified copy of complaint dated: 29/12/2010 with enclosure
 Ex.P-5: Certified copy of the Entrustment Mahazar
 Ex.P-6: Certified copy of the Trap Mahazar
 Ex.P-7: Certified copy of the explanation of DGO
 Ex.P-8: Certified copy of the file of the complainant containing 40 sheets
 Ex.P-8(a):Relevant entry in Ex.P8
 Ex.P-9: Certified copy of the chemical examination report
 Ex.P-10: Certified copy of the sketch
 Ex.P-11:Reply to the observation note of DGO dated: 20/08/2011(original)
 Ex.P11(a):Relevant entry in Ex.P11
 Ex.P-12:Certified copy of the letter of A.C, Bangalore dated: 28/08/2010

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D-1:- Certified copy of the sketch
 Ex.D-2:-Certified copy of the sketch shown by P.C. Sri Umesh, B. KLA, Bangalore
 Ex.D-3:-Certified copy of letter of Registrar of KAT, Bangalore dated: 19/01/2011
 Ex.D-4:-Certified copy of the judgment passed in Appeal No. 264/2010 by Hon'ble KAT, Bangalore
 Ex.D-5:-Certified copy of the memo requesting to return the documents
 Ex.D-6:-Certified copy of the file of the complainant containing 10 sheets
 Ex.D-7:-Certified copy of the deposition of Smt.S.R. Vijayrathna in Spl. C.C. No.107/2011
 Ex.D-8:- Certified copy of the deposition of Sri G.R. Ramesh in Spl. C.C. No.107/2011
 Ex.D-9:- (Not marked)

- Ex.D-10:-Certified copy of the C.L. granting letter
 Ex.D-11:-Certified copy of the memorandum of appeal in
 Appeal NO.24/2008 with certified copy of the
 enclosures
 Ex.D-12:-Certified copy of the Form No. 13 dated: 29/12/10
 Ex.D-13:- Certified copy of the Form No. 13 dt:30/12/2010
 Ex.D-14:-Certified copy of the letter of A.C. Bangalore North
 Division, dated: 28/08/2010
 Ex.D-15:- Original letter dated:06/01/2011 of Registrar, KAT
 (the sheet is torn at the end of the page contents not
 available on that part)
 Ex.D-16:-Xerox copy of the ADGP, KLA, Bangalore, letter dated:
 13/07/2011
 Ex.D-17:-Original order passed by Registrar, KAT, Bangalore
 dated:01/02/2012
 Ex.D-18:- Certified copy of the requisition asking to return the
 file for the reasons of reopen the lower court case
 Ex.D-19:-Certified copy of the Form No. 13 dated: 28/12/2010
 Ex.D-20:-Certified copy of the order sheet of KAT in Application No.
 986/07dated: 09/11/2010
 Ex.D-21:-Certified copy of the deposition of Sri B.L. Sreedhar
 in Spl.C.C.No. 107/2011
 Ex.D-22,23:-Original photos affixed on the green sheet
 Ex.D-24:-Certified copy of the deposition of Sri Rudolph Ivor
 Lobo in Special C.C.NO.107/2011
 Ex.D-25:-One C.D.
 Ex.D-25(a):-Mobile to mobile telephonic typed conversation between
 Shivannagowda S.A.steno and Narasimha murthy
 N.G. Superintendent on 22/11/2011 (original)
 Ex.D-26:One C.D.
 Ex.D-26(a):- Mobile to mobile telephonic typed conversation
 between Shivannagowda S.A.steno and Narasimha
 murthy N.G. Superintendent on 23/11/2011 (original)
 Ex.D-27:-One C.D.
 Ex.D-27(a):- Face to Face talking typed conversation between
 Narayana Raju, Peon and Narasimhamurthy
 N.G. Superintendent on 02/02/2012 (original)
 Ex.D-28:-Certified copy of the deposition of Sri
 Shivannagowda S.A. in Special C.C.No. 107/2011

Dated this the 13th day of February,17


 (Chandrashekar Patil)

Additional Registrar Enquiries-4,
 Karnataka Lokayukta,
 Bangalore.

