

ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ:ಉಪಲೋಕ್-2/ಡಿಇ/4/2018/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 24ನೇ ಮೇ 2024.

--: ಶಿಫಾರಸ್ಸು :-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಂ. ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮತ್ತು (2) ಶ್ರೀ. ಪಿ. ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಇವರುಗಳ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ: (1) ಆದೇಶ ಸಂಖ್ಯೆ: ಲೋಇ 89 ಸೇಇವಿ 2017, ಬೆಂಗಳೂರು ದಿನಾಂಕ: 20/12/2017.

(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ. ಉಪಲೋಕ್-2/ಡಿಇ/4/2018 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/01/2018.

(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 22/05/2024.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 20/12/2017 ರಂತೆ (1) ಶ್ರೀ. ಎಂ. ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮತ್ತು (2) ಶ್ರೀ. ಪಿ. ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು 1 ಮತ್ತು 2 ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು 1 ಮತ್ತು 2' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

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2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-2/ಡಿಇ/4/2018 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/01/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಂ ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮತ್ತು (2) ಶ್ರೀ. ಪಿ. ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ದಿ: 18/09/2014 ರಂದು ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಂ.ಮುರಳೀಧರ ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಕಚೇರಿಯಲ್ಲಿ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದು ಅದೇ ಕಚೇರಿಯಲ್ಲಿ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಪಿ.ವಿ.ಶ್ರೀನಿವಾಸಲು ರವರು 4ನೆಯ ದರ್ಜೆಯ ಸಿಬ್ಬಂದಿಯಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದು ಚಿಕ್ಕಬಳ್ಳಾಪುರದ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂ:11/2014 ರಡಿಯಲ್ಲಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಎಂದರೆ ತನಿಖಾಧಿಕಾರಿಯವರು ದಿ:18/09/2014 ರಂದು ಮಧ್ಯಾಹ್ನ 2.00 ಗಂಟೆಯ ನಂತರದ ಅವಧಿಯಲ್ಲಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ವಿಭಾಗದ ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಇಲಾಖೆಯ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ರವರ ಕಚೇರಿಯನ್ನು ಶೋಧನಾ ವಾರೆಂಟ್ ಸಮೇತ ಶೋಧಿಸಿದಾಗ ಸದರಿ ಕಚೇರಿಯ ಕೋಣೆಯೊಂದರಲ್ಲಿ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬಳಸುವ ಬೀರುವಿನ ಒಳಗಡೆ

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ರೂ.16,490/-ಗಳು ದೊರೆತಿದ್ದು, ನಂತರ ಅಂದು ಸಂಜೆ 5-15 ಗಂಟೆಯಿಂದ 6-30 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನೀಡು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿರುವ ವಾಸದ ಮನೆಯ ಆವರಣದಲ್ಲಿದ್ದ ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಾಪ್ತು ಕೆ.ಎ.01-ಜಿ-5116 ಸಂಖ್ಯೆಯ ಕಾರಿನೊಳಗೆ ಒಂದು ಚೀಲದಲ್ಲಿ ರೂ.2,46,000/-ಗಳು ದೊರೆತಿದ್ದು, ಆ ಹಣವು ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದು ಕಂಡು ಬಂತು. ಮೇಲ್ಕಂಡ ಹಣದ ಬಗ್ಗೆ ನೀವು ಎಂದರೆ 1ನೆಯ ಮತ್ತು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀವು ನೀಡಲು ವಿಫಲರಾಗಿ ಸದರಿ ಹಣವು ಕಾನೂನು ಬಾಹಿರ ಮೂಲದಿಂದ ನೀವು ಹೊಂದಿದ್ದ ಹಣವೆಂಬುದಾಗಿ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಕಂಡು ಬಂದಿದ್ದು ನೀವು ಎಂದರೆ 1ನೆಯ ಮತ್ತು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಂ ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮತ್ತು (2) ಶ್ರೀ. ಪಿ.ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ನಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-3 ರವರನ್ನು ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-20

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ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರುಗಳ ಪರವಾಗಿ ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ನಿಶಾನೆ ಡಿ-16ರ ವರೆಗಿನ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ.

6. ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ಅಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡು ಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

7. ಆ.ಸ.ನೌಕರರ-1 ರವರ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, ಆ.ಸ.ನೌ-1 ರವರು ದಿನಾಂಕ: 31/05/2028 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದುವವರಿದ್ದಾರೆ. ಆ.ಸ.ನೌ-2 ರವರು ದಿನಾಂಕ: 30/06/2037 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದುವವರಿದ್ದಾರೆ.

8. ಆ.ಸ.ನೌಕರರಾದ (1) ಶ್ರೀ. ಎಂ. ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಮತ್ತು (2) ಶ್ರೀ. ಪಿ.ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರವರ ವಿರುದ್ಧ ಸಾಭೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

(1) 'ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಎಂ. ಮುರಳೀಧರ, ಹಿಂದಿನ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರವರಿಗೆ ಮುಂದಿನ ನಾಲ್ಕು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮ ಸಹಿತವಾಗಿ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಬಹುದೆಂದು ಸರ್ಕಾರದ ವಿವೇಚನೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ'.

(2) 'ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ. ಪಿ. ವಿ. ಶ್ರೀನಿವಾಸಲು, ಜವಾನ, ಲೋಕೋಪಯೋಗಿ ಇಲಾಖೆ ವಿಭಾಗ, ಚಿಕ್ಕಬಳ್ಳಾಪುರ ರವರಿಗೆ ಮುಂದಿನ ಎರಡು ವಾರ್ಷಿಕ ವೇತನ ಬಡ್ಡಿಗಳನ್ನು ಸಂಚಿತ ಪರಿಣಾಮ ಸಹಿತವಾಗಿ ತಡೆಹಿಡಿಯುವ ದಂಡನೆಯನ್ನು ವಿಧಿಸಬಹುದೆಂದು ಸರ್ಕಾರದ ವಿವೇಚನೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ'.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಘಣೇಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-1,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.

UPLOK-2/DE/4/2018/ARE-11

KARNATAKA LOKAYUKTA

NO. UPLOK-2/DE/4/2018/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 22/05/2024.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against 1) M.Muralidhara, the then Executive Engineer, Public Works Department Division, Chikkaballapura and 2) P.V.Srinivasalu, Attender, Public Works Department Division, Chikkaballapura-reg.

Ref: 1. Report under section 12(3) of the KLA Act. 1984 in No.Compt/Uplok/BD/2877/2016/DRE-1, dated:21/02/2017.
2. Government Order No. ಲೋಕ 89 ಸೇವಾಡಿ 2017, Bengaluru, dated 20/12/2017.
3. Nomination Order No. UPLOK-2/DE/4/2018 Bengaluru, dated 02/01/2018.

1. The Departmental Enquiry is initiated against 1) M.Muralidhara, the then Executive Engineer, Public Works Department Division, Chikkaballapura and 2) P.V.Srinivasalu, Attender, Public Works Department Division, Chikkaballapura (hereinafter referred to as the Delinquent Government Official, in short DGO-1 and 2), on the basis of the complaint dated

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17/09/2014 filed by the Deputy Superintendent of Police, Karnataka Lokayukta, Chikkaballapura, a letter was sent to Superintendent of Police, Karnataka Lokayukta, Chikkaballapura alleging that the Executive Engineer and his staff in the PWD Division, Chikkaballapura are collecting bribe amount from the contractors and sharing it between themselves. On the basis of this information FIR was registered on 17/09/2014 bearing Cr.No.11/2014 for the offences punishable under section 7, 13(1)(d) of P.C. Act, 1988.

2. The Investigating Officer secured a search warrant and sent a requisition for panch witnesses. On 18/09/2014 at 2.00 p.m. the I.O. entered the Executive Engineer office of PWD with a search warrant conducted a search of the premises. After taking a copy of the cash declaration register, they conducted personal search of the various people in the office and also conducted a search of almerahs/cupboards used by the staff. The almerah of the DGO-2 was also searched and found Rs.16,490/- in the almerah. Investigating Officer seized the amount from the DGO-2. Further on receiving credible information that when DGO-1 went to his house has kept amount in his house. Manjegowda, Police Inspector, Karnataka Lokayukta, Chikkaballapura has given search warrant under section 165 Cr.P.C to C.N.Bopaiah, Deputy Superintendent of Police, Karnataka Lokayukta, Chikkaballapura to search the quarters and vehicle of DGO-1 and Dy.S.P. has taken panchas along with DGO-1 and went to the quarters of DGO-1 and after

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search there was white ambassador car bearing No.KA 01G 5116 parked in front of the quarters of DGO-1 and after search of the said car the I.O. found one black colour hand bag and on search of the bag there was one laptop, cash of Rs.2,46,000/-. The Investigating Officer seized the amount. After following post raid formalities Investigating Officer secured DGO-1 and 2. The DGO-1 and 2 have failed to give satisfactory or convincing explanation for the said amount found then, when questioned by the said I.O. Hence, charge sheet was filed against DGO-1 and 2 in Spl.C.C.15/2016 before the Hon'ble Principal District and Sessions Judge, Special Judge, Chikkaballapur for offences punishable under Section 13(1)(c) and 13(1)(d) r/w Section 13(2) of the P.C. Act.

3. On the basis of the report of the Additional Director General of Police, ACB, Bengaluru along with investigation report filed by the Police Inspector, Karnataka Lokayukta, Chikkaballapura, alleging that the DGO-1 and 2, along with other staff members were collecting bribe money from contractors and distributing the same among themselves, an investigation was taken up under section 7(2) of the Karnataka Lokayukta Act, 1984. The Hon'ble Upalokayukta on perusal of materials, comments of DGO-1 and 2 and other documents, found prima facie case and forwarded report dated 21/02/2017 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO-1 and 2 and to entrust the enquiry to the Hon'ble


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Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Competent Authority by order dated 20/12/2017 entrusted the matter to the Hon'ble Upalokayukta.

4. The Hon'ble Upalokayukta by order dated 02/01/2018, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
5. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

ದಿ:18/09/2014 ರಂದು ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಂ.ಮುರಳಿಧರ ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿ ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಕಚೇರಿಯಲ್ಲಿ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದು ಅದೇ ಕಚೇರಿಯಲ್ಲಿ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಪಿ.ವಿ.ಶ್ರೀನಿವಾಸಲು ರವರು 4ನೆಯ ದರ್ಜೆಯ ಸಿಬ್ಬಂದಿಯಾಗಿ ಕೆಲಸ ಮಾಡಿಕೊಂಡಿದ್ದು ಚಿಕ್ಕಬಳ್ಳಾಪುರದ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂ:11/2014 ರಡಿಯಲ್ಲಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ಎಂದರೆ ತನಿಖಾಧಿಕಾರಿಯವರು ದಿ:18/09/2014 ರಂದು ಮಧ್ಯಾಹ್ನ 2.00 ಗಂಟೆಯ ನಂತರದ ಅವಧಿಯಲ್ಲಿ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ವಿಭಾಗದ ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಇಲಾಖೆಯ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು ರವರ ಕಚೇರಿಯನ್ನು ಶೋಧನಾ


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ವಾರೆಂಟ್ ಸಮೇತ ಶೋಧಿಸಿದಾಗ ಸದರಿ ಕಚೇರಿಯ ಕೋಣೆಯೊಂದರಲ್ಲಿ ನೀವು ಎಂದರೆ 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬಳಸುವ ಬೀರುವಿನ ಒಳಗಡೆ ರೂ.16,490/-ಗಳು ದೊರೆತಿದ್ದು, ನಂತರ ಅಂದು ಸಂಜೆ 5-15 ಗಂಟೆಯಿಂದ 6-30 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನೀಡು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಚಿಕ್ಕಬಳ್ಳಾಪುರದಲ್ಲಿರುವ ವಾಸದ ಮನೆಯ ಆವರಣದಲ್ಲಿದ್ದ ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಾಪ್ಪು ಕೆ.ಎ.01-ಜಿ-5116 ಸಂಖ್ಯೆಯ ಕಾರಿನೊಳಗೆ ಒಂದು ಚೀಲದಲ್ಲಿ ರೂ.2,46,000/-ಗಳು ದೊರೆತಿದ್ದು, ಆ ಹಣವು ನೀವು ಎಂದರೆ 1ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದುದ್ದು ಕಂಡು ಬಂತು. ಮೇಲ್ಕಂಡ ಹಣದ ಬಗ್ಗೆ ನೀವು ಎಂದರೆ 1ನೆಯ ಮತ್ತು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀವು ನೀಡಲು ವಿಫಲರಾಗಿ ಸದರಿ ಹಣವು ಕಾನೂನು ಬಾಹಿರ ಮೂಲದಿಂದ ನೀವು ಹೊಂದಿದ್ದ ಹಣವೆಂಬುದಾಗಿ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಕಂಡು ಬಂದಿದ್ದು ನೀವು ಎಂದರೆ 1ನೆಯ ಮತ್ತು 2ನೆಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಉಚಿತವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

6. The statement of imputations of misconduct as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರಿಗೆ ಬಂದ ಖಚಿತ ಮಾಹಿತಿಯನ್ವಯ ಚಿಕ್ಕಬಳ್ಳಾಪುರದ ಲೋಕೋಪಯೋಗಿ, ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಇಲಾಖೆಯ ವಿಭಾಗೀಯ ಕಛೇರಿಯ ಅಧಿಕಾರಿ ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳು ಇಲಾಖೆಯ

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ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಕೈಗೊಳ್ಳಲಾದ ಕಾಮಗಾರಿಗಳ ಗುತ್ತಿಗೆದಾರರ ಬಿಲ್ಲುಗಳನ್ನು ಅಂಗೀಕಾರ ಮಾಡುವ ಸಂಬಂಧ ಮತ್ತು ಖಜಾನೆಯಿಂದ ಪಡೆದಂತಹ ಧನಾದೇಶಗಳನ್ನು ಗುತ್ತಿಗೆದಾರರಿಗೆ ನೀಡುವ ಸಂಬಂಧ ಅಕ್ರಮವಾಗಿ ಶೇಕಡಾವಾರು ಹಣವನ್ನು ಪಡೆಯುತ್ತಿರುವುದರ ಮಾಹಿತಿಯನ್ನು ಪಡೆದಂತಹ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರು ಮಾಹಿತಿಯನ್ನು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರಿಗೆ ಸಲ್ಲಿಸಿದಾಗ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರು ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರಿಗೆ ಪ್ರಕರಣ ದಾಖಲು ಮಾಡಲು ಕೊಟ್ಟ ಸೂಚನೆಯನ್ವಯ ಚಿಕ್ಕಬಳ್ಳಾಪುರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ರಾಣಿಯ ಅಪರಾಧ ಸಂಖ್ಯೆ: 12/2014 ರಲ್ಲಿ ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 13(1)(ಸಿ)(ಡಿ)(ಇ) ಅಧಿಕಾರಯುಕ್ತ ವಿಶೇಷ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿ ತರುವಾಯ ಚಿಕ್ಕಬಳ್ಳಾಪುರದ ಲೋಕೋಪಯೋಗಿ ಬಂದರು ಮತ್ತು ಒಳನಾಡು ಜಲ ಸಾರಿಗೆ ಇಲಾಖೆಯ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರ ರವರ ಕಛೇರಿಗೆ ಹೋಗಿ ಶೋಧಿಸಿದಾಗ ಆ ಕಛೇರಿಯಲ್ಲಿದ್ದ 2ನೆಯ ಆಪಾದಿತ ಸರಕಾರಿ ನೌಕರರು ಬಳಸುವ ಬೀರುವಿನ ಒಳಗೆ ನಗದು ರೂ. 16,490/-ಗಳು ದೊರೆತಿದ್ದು, ನಂತರ ಅಂದು ಸಂಜೆ 5-15 ರಿಂದ 6.30 ಗಂಟೆಯ ಒಳಗೆ 1ನೆಯ ಆಪಾದಿತ ಸರಕಾರಿ ನೌಕರರ ವಾಸದ ಮನೆಯ ಆವರಣದಲ್ಲಿ ಇದ್ದಾ 1ನೆಯ ಆಪಾದಿತ ಸರಕಾರಿ ನೌಕರರ ಬಾಪು ಕೆ.ಎ.01-ಜಿ-5116 ಸಂಖ್ಯೆಯ ಕಾರಿನೊಳಗೆ ರೂ.2,46,000/-ಗಳು ದೊರೆತಿದ್ದು, ಆಪಾದಿತ ಸರಕಾರಿ ನೌಕರ 1 ಮತ್ತು 2 ರವರು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಆ ಬಗ್ಗೆ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿಯನ್ನು ನೀಡಲು ವಿಫಲರಾದ ಕಾರಣ ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ಸಲ್ಲಿಸಿರುವ ತನಿಖಾ ವರದಿಯ ಮೇಲೆ ನೀವು ಸಲ್ಲಿಸಿರುವ ಆಕ್ಷೇಪಣೆಗಳು ಸ್ವೀಕಾರ ಯೋಗ್ಯವಲ್ಲವೆಂದು ಕಂಡು ಬಂದಿದ್ದು ನೀವು ನಿಮ್ಮ ಕರ್ತವ್ಯವನ್ನು ನಿಷ್ಠೆಯಿಂದ ಮಾಡಿಲ್ಲದಿರುವುದು ಕಂಡು


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ಬಂದಿದ್ದು ಮತ್ತು ಸದರಿ ನಿಮ್ಮ ನಡತೆಯು ದುರ್ನಡತೆ ಎಂಬ ಪರಿಭಾಷೆಯ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟಿದ್ದು ಕರ್ನಾಟಕ ಸಿವಿಲ್ ಸೇವಾ (ನಡತೆ) 1966 ರಡಿ ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ನೀವು ದುರ್ವತ್ರನೆಯನ್ನೆಸಗಿರುತ್ತೀರೆಂದು ಕಂಡು ಬಂದಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಗೌರವಾನ್ವಿತ ಉಪ ಲೋಕಾಯುಕ್ತ ರವರು ಸರ್ಕಾರಕ್ಕೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿದ ಮೇರೆಗೆ ಸರ್ಕಾರವು ಈ ಮೇಲೆ ಉಲ್ಲೇಖಿಸಿದ ಆದೇಶದಲ್ಲಿ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಅನುಮತಿ ನೀಡಿದ್ದು, ಅದರಂತೆ ಗೌರವಾನ್ವಿತ ಉಪ ಲೋಕಾಯುಕ್ತ ರವರು ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಆದೇಶಿಸಿದ್ದು, ಆದ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

7. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO-1 and 2. In response to the service of articles of charge, DGO-1 and 2 entered appearance before this authority on 21/07/2018 and engaged advocate for defence. In the course of first oral statement of the DGO-1 and 2 recorded on 21/07/2018 he pleaded not guilty and claimed to be enquired. **The Date of Retirement of DGO-1 is 31/05/2028 and DGO-2 is 30/06/2037.**
8. The DGO-1 has filed Written Statement dated 29/09/2018 denying the allegations made in the articles of charge and statement of imputations of misconduct. DGO-1 further contended that, as the Hon'ble Lokayukta not being the disciplinary authority on this DGO-1, this ARE-11 cannot


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frame the Articles of charges against this DGO-1, as such the further proceedings are without jurisdiction. Further, the list of documents and statements of each witnesses are not furnished by the office along with the Article of charges as such, the same being mandatory under rule-11(4) of CCA Rules, non-compliance of the same vitiates the entire process.

DGO-1 has further contended that, without furnishing of the said documents like statements of witnesses, the DGO-1 will not be able to address and reply to the articles of charges properly. Further contended that the complaint is politically motivated, mis-conceived, based on conjunctions and surmises.

DGO-1 has further contended that, it is false to state that the Lokayukta Police have lawful enquiry and investigation against DGO-1 and they have seized Rs.2,46,000/- from the bag in a car stating to be belonging to DGO-1 on 18/09/2014 at the vicinity of the PWD quarters in Chikkaballapura and the said amount is illegal money. A false FIR was registered against DGO-1 without lawful authority and jurisdiction.

DGO-1 has further contended that, no amount was seized from the possession of DGO-1. All the documents were fabricated by the Lokayukta Police with vested interest. No valid sanction was obtained for conducting the enquiry,

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investigation, for filing charge-sheet, as such, DGO-1 needs to be exonerated from the false charges.

DGO-1 has further contended that, the present enquiry is filed only to degrade his image and to harass him. That viewed from any angle there are no material to prove the charges against him. That he is innocent in the said enquiry and has not committed any irregularity or misconduct as alleged. DGO further contended that he is not guilty of the charge and prays to drop the proceedings initiated against him.

9. The DGO 2 has filed Written Statement dated 29/09/2018 denying the allegations made in the articles of charge and statement of imputations of misconduct. DGO-2 further contended that, he has not violated any of the Law and Rules concerned to the alleged charges which is clear from the charge itself. The charges are silent about his involvement in any of the misconduct alleged. That there is no specific charge against him as to under what circumstance the charges are framed. On perusal of the entire charge there is no whisper about him having committed any misconduct nor accepting any illegal gratification. There is no iota of evidence to show his involvement in the said allegation. There are no materials to frame charge against him, moreover the documents produced are not sufficient to proceed against him.


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DGO-2 has further contended that, his wife was pregnant and the date of delivery was near as such he had availed hand loan of Rs.20,000/- from one Smt.Rathnamma on 15/09/2014 for hospital and medical charges of his wife and he was carrying the said amount with him on the date of alleged incident. The Lokayukta Police came and started searching him and seized Rs.20,000/- from him. He explained the same fact to the I.O. but, the same was not accepted by the I.O. The amount seized is his personal amount borrowed as hand loan from Smt.Rathnamma, the same cannot be attributed as ill-gotten money without there being any bases. Under such circumstances he cannot be related to the charges alleged. Further he has discharged his duties without there being any fear and favour to the society and has not given any room to question his integrity. Due to some disgruntled persons who were having axe to grind against him have misused the authority of the prestigious institution of this Lokayukta and filed this false case against him.

DGO-2 has further contended that, the present enquiry is filed only to degrade his image and to harass him. That viewed from any angle there are no material to prove the charges against him. That he is innocent in the said enquiry and has not committed any irregularity or misconduct as alleged. DGO-2 further contended that he is not guilty of the charge and prays to drop the proceedings initiated against him.


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10. The points that arise for consideration are as follows:-

1. Whether the disciplinary authority proves that DGO-1 Sri M.Muralidhara and DGO-2 Sri P.V.Srinivasalu while working as the then Executive Engineer and Attender respectively in Public Works Department Division, Chikkaballapura, the Deputy Superintendent of Police, Karnataka Lokayukta, Chikkaballapura, received credible information that the Executive Engineer and his staff in the PWD Division, Chikkaballapura were collecting bribe amount from the contractors and sharing it between themselves. On the basis of this information FIR was registered on 17/09/2014 bearing Cr.No.11/2014 for the offences punishable under section 7, 13(1)(d) of P.C. Act, 1988 and the Investigating Officer secured a search warrant and sent a requisition for panch witnesses. That on 18/09/2014 at 2.00 p.m. the I.O. entered the Executive Engineer office of PWD with a search warrant conducted a search of the premises. After taking a copy of the cash declaration register, they conducted

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personal search of the various people in the office and also conducted a search of almerahs/cupboards used by the staff. The almerah of the DGO-2 was also searched and found Rs.16,490/- in the almerah. Investigating Officer seized the amount from the DGO-2. Further on receiving credible information that when DGO-1 went to his house has kept amount in his house. Manjegowda, Police Inspector, Karnataka Lokayukta, Chikkaballapura has given search warrant under section 165 Cr.P.C to C.N.Bopaiah, Deputy Surperintendent of Police, Karnataka Lokayukta, Chikkaballapura to search the quarters and vehicle of DGO-1 and Dy.S.P. has taken panchas along with DGO-1 and went to the quarters of DGO-1 and after search there was white ambassador car bearing No.KA 01G 5116 parked in front of the quarters of DGO-1 and after search of the said car the I.O. found one black colour hand bag and on search of the bag there was one laptop, cash of Rs.2,46,000/-. The Investigating Officer seized the amount. After following post raid formalities Investigating Officer

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secured DGO-1 and 2. The DGO-1 and 2 have failed to give satisfactory or convincing explanation for the said amount found then, when questioned by the said I.O. and by this the DGO-1 and 2 have committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. What findings?

11. (a) The disciplinary authority has examined Sri A.G.Manjegowda/Investigating Officer as PW-1, Sri.C.N.Bopaiah/Investigating Officer as PW-2 and Sri T.S.Dadapeer/panch witness as PW-3 and got exhibited Ex.P-1 and 20 on it's behalf.

(b) The DGO-2 has got examined himself as DW-1 and one Smt.Rathanmma as DW-2 and got marked Ex.D-1 to 16 documents on his behalf.

(c) Since DGO-1 has not adduced evidence by examining himself or anybody, incriminating circumstances which

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appeared against him in the evidence of PWs 1 to 3 are put to him by way of questionnaire.

(d) Since DGO-2 has adduced evidence by examining himself incriminating circumstances which appeared against him in the evidence of PWs 1 to 3 are not put to him by way of questionnaire and the same is dispensed.

12. Heard both side arguments and perused the written argument filed by DGO-1 and 2 counsel and all the documents.
13. The answers to the above points are:
 1. In the Affirmative.
 2. As per final findings for the following

REASONS

14. **Point No.1:-** (a) PW-2 Sri. C.N.Bopaiah/Investigating Officer has deposed in his evidence that, he has worked as Dy.S.P, KLA, Chikkaballapura from October 2013 to December 2015. That on 17/09/2014, he had received credible information that bribe amount is taken for passing the bill in Executive Engineer Office, PWD office, Chikkaballapura. So, he has given a report in this regard to S.P, KLA, Chikkaballapura as per Ex.P-1. The S.P. KLA, Chikkaballapura has directed P.I, Manjegowda to register case and conduct investigation. That on 18/09/2014,



Manjegowda, P.I, KLA, Chikkaballapura has given him search warrant under section 165 Cr.P.C to search the quarters and vehicle of DGO-1 as per Ex.P-20.

PW-2 has further deposed that, on the same day he has taken 2 panchas sent by Manjegowda, P.I, KLA, Chikkaballapura along with DGO-1 and went to the quarters of DGO-1 and after search of the quarters of DGO-1 they did not get any material. That there was white ambassador car bearing No. KA 01G 5116 parked in front of the quarters of DGO-1. He along with panchas searched the car and found one black colour hand bag and on search of the bag there were one laptop, Rs.2,46,000/- cash inside it. That on enquiry to DGO-1, he has given explanation that it was given by contractor when he had come to quarters for having lunch. That he has seized the black colour hand bag with laptop and cash and he has drawn mahazar in the presence of panchas. The mahazar and explanation given by DGO-1 are as per Ex.P-9 and Ex.P-10 respectively. That he has taken the seized articles to the police station and he has given the seized articles to Manjegowda, P.I, KLA, Chikkaballapura and returned the warrant.

(b) Nothing material is elicited by the learned counsel for DGO-1 and 2 during the cross examination of PW-2 to discredit his testimony or put forth the defence of DGO-1 and 2.


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15. (a) PW-1 Sri. A.G.Manjegowda/Investigating Officer, has deposed in his evidence that, he had served as Police Inspector in Chikkaballapur Lokayukta office from December 2012 to October 2015. That on 17/9/2014, at about 12:00 p.m, he received a letter from Superintendent of Police, Lokayukta office, Chikkaballapur, along with report of Deputy Superintendent of Police, Lokayukta, Chikkaballapur, to register the report and investigate the matter. The report was that the Chikkaballapur PWD, Executive Engineer, Muralidhar and other staff members have been receiving bribe from the contractors. He registered the report dated 17/9/2014 as per Ex.P-1 at crime number 11/2014 for offences u/s 7, 13(1)(d) of P.C. Act, 1988 and prepared FIR as per Ex.P-2 and sent the FIR to the jurisdictional court in sealed cover.

PW-1 has further deposed that, he sent requisition to Fisheries department and BCM department, Chikkaballapur to send one official each, to act as panch witness. That at about 2:30 p.m. on 17/9/2014 Sri.T.S.Dadapheer from Fisheries department and Sri.S.M.Venkatesh from BCM department reported before him and he introduced himself to them and explained the contents of the complaint to them. That he had obtained search warrant from the District and Sessions court, to search the office of the Executive Engineer, PWD, P&IWTD division, Chikkaballapur. That he told the said witnesses about having secured the search warrant. They waited for confirmed information upto 7:30 p.m, but did not receive any such

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information. That he received information that the Executive Engineer has gone to Bengaluru, therefore, he postponed the raid that was to be done. That he gave instructions to the said panch witnesses and his staff, to maintain secrecy and to come on 18/9/2014 at 9:00 a.m.

PW-1 has further deposed that, on 18/9/2014 at 9:00 a.m, the said panch witnesses reported before him. They were waiting for information and at 1:30 p.m., he received information that the Executive Engineer has come to the office. That all of them left to the office, situated about 300 meters from his Lokayukta office. They entered the office at about 2.00 p.m, and he introduced himself and his staff and witnesses to them and showed the search warrant to Executive Engineer and asked all of them to co-operate in the investigation. Further he has identified the copy of the search warrant and the signatures of Executive Engineer, Muralidhar (DGO-1) and the panch witnesses and his signature on the same as per Ex.P-3.

PW-1 has further deposed that, he took the cash declaration register, obtained the xerox of the same and returned it and identified the copy of the same along with circular dated 15/5/2008 as per Ex.P-4. That he enquired about the cheque distribution and pending cheques. FDA, Sri.Chandramohan furnished the register of cheques which was in volume III. That he got xerox copy of the pages from 224 to 229 as per Ex.P-5 and returned the register. That 76 pending

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cheques were produced and he got the same xeroxed and returned the same and identified the same from page numbers 72 to 86 as per Ex.P-6.

PW-1 has further deposed that, after that he searched the Executive Engineer, Muralidhar (DGO-1) he found Rs.190/- with him and learning that it is his personal amount, he returned the same to him. That he also searched 3 private persons sitting in the chamber of said Executive Engineer and he found Rs.460/- with Sri.K.Narayan, and he returned the same to him. On searching Sri. Srinivas Murthy, Contractor, he found Rs.50,000/- containing 100 notes of Rs.500/- each. The said Srinivas Murthy said that it is the money which he has kept for purchasing construction materials for work in Gowribidanur. As he found the reason suspicious, he seized the said amount. On searching Sri. Ramachandra Raju, he found Rs.550/- and he returned the same to him.

PW-1 has further deposed that, thereafter, he started searching the other officials. That he searched 13 officials, and he did not find any surplus amount with them, except nominal amounts and he returned the same to them. Thereafter, he searched the places and cupboards of the officials who were working there. On searching so, in the cupboard of P.V.Srinivasalu (DGO-2), working as 'D' group employee there, he found Rs.16,490/- comprising 31 notes of Rs.500/- each, 8

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notes of Rs.100/- each, 3 notes of Rs.50/- each and 4 notes of Rs.10/- each. That he asked explanation from said Srinivasalu (DGO-2) and he said that, 15 days back he had taken loan from one, Smt.Rathnamma. As he did not find the reason satisfactory, he seized the said amount. In the cash declaration register, Ex.P-4, nothing was entered with respect to the said date. The last entry done in Ex.P-4 was on 20/8/2014 and after that, no entries were done.

PW-1 has further deposed that, at that time, he received information that Executive Engineer, Muralidhar has shifted substantial amount from his office to his residential quarters in his car bearing number KA-01 G5116. That in order to search the said car, he gave a search warrant to Deputy Superintendent of Police, Sri.Bopaiah and he continued his search of said office.

PW-1 has further deposed that, he searched the place and cupboard of M.Muthuraj, working as Audit officer there. In the cupboard of said Muthuraj, he found Rs.22,500/-, comprising 1 note of Rs.1,000/- and 43 notes of Rs.500/- each. That he asked for explanation from said Muthuraj, and he gave explanation in writing as per Ex.P-7. That as he did not find the explanation satisfactory, he seized the said amount. That he put the amount in separate covers, and sealed the same, and took the signatures of the panch witnesses on the same. That

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he has drawn search panchanama as per Ex.P-8 and he also took photographs of the search that he had done.

PW-1 has further deposed that, he sent the Executive Engineer, Muralidhar (DGO-1) and his staff and panch witnesses with the said Deputy Superintendent of Police, to search the car and house of the Executive Engineer, as the Executive Engineer had the keys and the search was to be done in presence of the person concerned. That at 8:00 p.m, the said Deputy Superintendent of Police handed a bag containing laptop and amount of Rs.2.46 lakhs, and panchanama as per Ex.P-9 and search warrant. That Muralidhar (DGO-1) has given explanation to the Deputy Superintendent of Police as per Ex.P-10. The copies of photographs of entire search made by him and Deputy Superintendent of Police is as per Ex.P-11. That he produced all the seized articles before the Learned Special Judge under P.F and produced Muralidhar and P.V.Srinivasalu (DGO-1 and 2) and other accused before Learned Special Judge, after following the arrest procedure.

PW-1 has further deposed that, he recorded the statement of witnesses. That on 17/12/2014, he received the sketch from AEE, PWD, Chikkaballapur. The said sketch and two rough sketches made by him, are as per Ex.P-12 to Ex.P-14. That on 30/12/2014 he sent letter to Executive Engineer, PWD, Chikkaballapur to furnish details about the work tender, approval, bills and cheque and details of contractors with



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respect to work from 10/9/2014 to 20/9/2014. That he received the details on 23/3/2015 along with covering letter dated 19/3/2015 as per Ex.P-15. That on 9/2/2015 he wrote letter to Executive Engineer, PWD, Chikkaballapur to furnish details with respect to any work done by contractors, Ramachandra and Srinivas Murthy in Gowribidanur. That on 18/2/2015 he received the information, along with covering letter dated 1/10/2014 as per Ex.P-16.

PW-1 has further deposed that, he collected the service details of the DGO-1 and 2 and other accused as per Ex.P-17 to 19. That he was transferred on 16/10/2015 and his successor in office, Sri.Siddaraju, P.I, filed the charge sheet after obtaining prosecution sanction.

(b) Nothing material is elicited by the learned counsel for DGO-1 and 2 during the cross examination of PW-1 to discredit his testimony or put forth the defence of DGO-1 and 2.

16. (a) PW-3 Sri. T.S.Dadapeer/panch witness has deposed in his evidence that, on 17/09/2014, the Lokayukta police had come to his office, and his senior officer, Assistant Director of Fisheries instructed him to go along with police to act as witness. They reached the Lokayukta police station at 2:30 p.m. There was another witness also there. That the Inspector,

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Sri.Manjegowda, PW-1 told them that there is information that officials in PWD department are receiving bribe and distributing among themselves and therefore the police are going for raid and asked them to co-operate and they agreed for the same. That the police asked them to wait till specific information is received and they waited up to 7:30 p.m. That at 7:30 p.m, PW-1 told that the officials have not turned up there and as such asked them to come the next day at 9:00 a.m. and asked them to maintain secrecy.

PW-3 has further deposed that, on 18/09/2014, he and another witness reported before PW-1 at 9:00 a.m. in the police station. The police asked them to wait till they get the specific information. That at 1:30 p.m., the police received the information and at 2:00 p.m. all of them went to the PWD office situated about 400 meters from the police station. The DGO was in the office.

PW-3 has further deposed that, the police told the officials the purpose of coming and showed them the search warrant, Ex.P-3. The police got the cash declaration register and the police took the copies of the same by attesting through the concerned officer as per Ex.P-4. That the police also took the cheque books and cheque distribution register and non-distributed cheques. There were 76 cheques that were not distributed. The police took the copies of the same and got the

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same attested and took his and another witnesses signature as per Ex.P-5 and P-6.

PW-3 has further deposed that, on searching Muralidhar, Executive Engineer (DGO-1), an amount of Rs.190/- was found. The police returned the same to him.

PW-3 has further deposed that, there were 3 persons sitting in the office of the Executive Engineer and on enquiry they told that they were contractors. One of the person was K.Narayan and on searching him Rs.450/- was found and on enquiry he told that he had brought it for his expenses. The police returned the same to K.Narayan.

PW-3 has further deposed that, another person was Srinivasamurthy and on searching him Rs.50,000/- was found and on enquiry he told that he had brought it for purchasing building materials and since his answer was not satisfactory the I.O. seized Rs.50,000/- from him. That he had Rs.1,670/- in his pocket and on enquiry he told that he had brought it for his expenses. The police returned the same to him.

PW-3 has further deposed that, another person was K.Ramachandra and on searching Rs.550/- was found and on enquiry he told that he had brought it for his expenses. The police returned the same to him.


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PW-3 has further deposed that, after the search of the chamber the I.O. went to another chamber which was to the right side of this chamber. In the said chamber only one person was there. On inspection Rs.200/- and something was found and on enquiry by the I.O. he told that he has brought it for his expenses, so the I.O. returned the amount to him.

PW-3 has further deposed that, the I.O. next went to the hall of the office and there were many persons and on search they were having some amount with them and on enquiry they told that they have brought it for their expenses so the I.O. returned the amount to them.

PW-3 has further deposed that, the I.O went to the room which was opposite to the hall and a person by name Muthuraj was there and on search of the almerah there was Rs.22,500/- in the almerah and on enquiry he told that he was going to his place so he had taken it from his friend and he has given explanation in this regard as per Ex.P-7. Since, he had not given satisfactory explanation for the amount the same was seized by the I.O.

PW-3 has further deposed that, I.O went to the entrance of the hall where one Srinivas (DGO-2), 'D' group employee of the office was present and on search Rs.16,490/- was found and on enquiry he told that his wife was pregnant so he has

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borrowed the amount. Since, he had not given satisfactory explanation for the amount the same was seized by the I.O.

PW-3 has further deposed that, the I.O. after seizing the amount has put it in the packet and sealed it and conducted mahazar in this regard as per Ex.P-8. The I.O arrested Srinivas, 'D' group employee and Muthuraj.

PW-3 has further deposed that, the I.O. received information that some of the amount has been transferred in the official Ambassador car to the PWD quarters. The Dy.S.P. and S.I, KLA have taken them stating that they have to raid the PWD quarters which is situated behind the office. The I.O. took them to the PWD quarters at 5:15 p.m. The Executive Engineer, Muralidhar was present in the quarters the I.O. showed the search warrant as per Ex.P-17 and asked him to co-operate. After searching the house no amount was found. In the compound Ambassador car which is official car was parked. The doors of the car were opened by the driver and on search of the said car in the back seat there was a bag. The I.O. seized the same and the I.O. found amount inside the bag. On counting the same there was Rs.2,46,000/- and they were in the denomination of Rs.500/- and Rs.1,000/- notes. On enquiry to Muralidhar (DGO-1), he has given explanation in writing as per Ex.P-10. The explanation was not satisfactory so the I.O. seized the amount and conducted mahazar in this regard as per Ex.P-9. The I.O. has taken photos of the

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proceedings which is as per Ex.P-11. The next day the I.O. has taken their statements.

(b) Nothing material is elicited by the learned counsel for DGO-1 and 2 during the cross examination of PW-3 to discredit his testimony or put forth the defence of DGO-1 and 2.

17. The DGO-2 has got himself examined as DW-1 and has filed his affidavit in lieu of his chief examination and reiterated the written statement averments. DW-1 further deposed that, he and his wife went to the house of maternal aunt of his wife at Nandi village. By oversight he has stated in his affidavit that they had been to PWD quarters. Further in support of his contention DW-1 has got marked Original mother card from National Rural Health Scheme in the name of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-5. Original Urine Pregnancy test report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-6. Original ultrasound obstetric report and scan report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-7. Original blood test report of of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-8. Original ultrasound obstetric report and scan report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-9. Original ECG, Medical prescription, ultrasound obstetric report, ultrasound scan and pregnancy record of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per

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- Ex.D-10. Original blood test report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-11. Original Jeevan Hospital and Jeevan Pharma bills of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-12. Original discharge summary along with birth certificate and delivery certificate of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-13. Original IAP immunization timetable of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2) as per Ex.D-14. Original blank cheque as per Ex.D-15. Original indemnity bond as per Ex.D-16.
18. Further DGO-2 has got examined one Smt.Rathnamma as DW-2 and she has deposed that, she knows DGO-2 since 2002 who is the son-in-law of her elder sister as his family has been in close contact with his family and herself. DW-2 further deposed that, in 2014 her niece, Smt.Saraswathi W/o Srinivasulu was pregnant. She had complications during the pregnancy and her husband had to bear significant medical costs. During this time, not having money at hand immediately, he had requested her to lend him Rs.20,000/- for her niece's medical expenses. Since they were related by family and knew each other, she had given him a loan of Rs.20,000/-.

DW-2 further deposed that, the DGO-2 and his wife had visited her in her residence at PWD Quarters on 03/09/2014 and had requested her to lend them some money. Accordingly, she gave her a blank cheque and also signed a bond, which she

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and her husband also signed. DGO-2 promised to pay the money back within 6 months. Thereafter, he repaid the money in March 2015. DW-2 further deposed that, DGO-2 and his wife came to her house at Nandi village. By oversight she has stated in her affidavit that they had come to PWD quarters. She was doing vegetable vending business at that time and due to oversight it is written as labourer in the affidavit.

19. On perusal of documents, evidence of PW-1 & PW-2/ Investigating Officers and PW-3/panch witness it reveals that, PW-2 Dy. S. P., received information about the Executive Engineer and his staff, PWD division Chikkaballapura collected bribe amount from contractors and were sharing the amount in their office and residence of Executive Engineer on 17.09.2014. PW-2 sent that information [complaint] to Superintendent of Police, Lokayuktha. Thereafter, Superintendent of Police entrusted that file to Police Inspector for investigation.
20. Further PW-1 Police Inspector, received report from Superintendent of police Lokayuktha on 17.09.2014. On the basis of the report of PW-2, PW-1 registered the case in Lokayuktha crime No.11/2014 under section 7(a) and 13 (1) (d) of Prevention of Corruption Act, 1988 and dispatched First Information Report to the court and



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higher authorities. PW-1 sent requisition to Fisheries Department and Backward Class and Minorities department for deputing panch witnesses. The panch witnesses appeared before PW-1. PW-1 introduced himself to the panch witnesses and explained the First Information Report. PW-1 obtained search warrant from the court on 17.09.2014 and then waited for definite information. He could not receive any information on that day. Due to which, PW-1 sent back panch witnesses with the instructions to appear before him on the next day.

21. On 18.09.2014 at 9:00am the panch witnesses and staff appeared before PW-1 and they waited for information. They got information about DGO-1 returning to his office at 1:30 pm. Immediately, PW-1 along with panch witnesses and staff went to PWD office and then to the Chambers of DGO-1 and introduced himself by showing his ID and also served search warrant on DGO-1. PW-1 obtained cash declaration register and got Xerox copies of declaration register and returned back original register. PW-1 also verified cheque issued register and balance cheques produced by FDA. PW-1 got Xerox copies of cheque register and balance cheque leaves.
22. PW-1 physically searched DGO-1 and found Rs.190/- with him and he returned that cash to him. At the


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- same time, PW-1 found three public people present in the chamber of DGO-1. PW-1 physically checked K.Narayana and found Cash of Rs.460/- and returned back that cash to him. PW-1 physically searched Srinivasa Murthy and found 100 currency notes of denomination of Rs.500/- each in his pocket and Rs.1,670/- in his purse. PW-1 returned back cash of Rs.1,670/- to him and on enquiry Srinivasa told that he carried that much cash for purchasing Jelli and sand for the purpose of construction work undertaken at First Grade College, Gauribidanur. PW-1 seized the said cash of Rs.50,000/- as Srinivasa Murthy did not give satisfactory explanation.
23. Thereafter, PW-1 physically checked Ramachandra Raju, present in that chamber and found cash of Rs.550/- in his pocket. PW-1 returned that cash to him. PW-1 physically searched the staff present in that office. Meanwhile, PW-1 received information that there was a cash kept in the office car of DGO-1 bearing No. KA-01/G-5116 parked at his quarters. PW-1 sent Search Warrant to PW-2, as he was engaged in searching PWD office.
24. PW-1 continued search and found cash of Rs.1100/- with draft man Prabakar, Rs.195/- with computer operator Munikrishna, Rs.140/- with


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computer operator Venkatesh Babu, Rs.720/- with AEE Venkatesh, Rs.40/- with FDA Chandramohan, Rs.210/- with Munirajappa and Rs.50/- with Srinivasa D-group employee. PW-1 returned back cash to the respective staffs as they kept the same for their personal expenses.

25. PW-1 searched almerah at DGO-2/Srinivasa and found 31 currency notes of denomination of Rs.500/- each, 8 currency notes of denomination of Rs.100/- each, 3 currency notes of denomination of Rs.50/-each and 4 currency notes of denomination of Rs.10/- each in total Rs.16,490/-. The DGO-2 did not give satisfactory explanation regarding that much cash found in that almerah and PW-1 seized the said cash. Meanwhile, searched almerah of M. Muthuraj and found one currency note of Rs.1000/- denomination and 43 currency notes of denomination of Rs.500/- each in total Rs.22,500/-. PW-1 seized that cash from M.Muthuraj and he has given explanation as per Ex.P-7 which was not satisfactory. PW-1 seized total cash of Rs.88,990/- under mahazar between 2:00 pm and 5:00 pm. Thereafter, PW-1 received information that that Executive Engineer, Muralidhar (DGO-1) has shifted substantial amount from his office to his residential quarters in his car bearing number KA-01 G 5116. That in order to search


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the said car, he gave a search warrant to PW2/ Sri.Bopaiah, Deputy Superintendent of Police as per Ex.P-20 and he continued his search of the said office.

26. PW-2 visited the residence of DGO-1 Executive Engineer along with accused and panch witnesses. They searched in the residential quarters, but they could not trace anything. Meanwhile, PW-2 searched the said official car in front of residential quarters and found black colour bag on the back seat of that car. PW-2 found one laptop, one bundle of 100 currency notes of denomination of Rs.1000/- and one bundle of 100 currency notes of denomination of Rs.500/- and another bundle of 82 currency notes of denomination of Rs.1000/-each in total Rs.2,46,000/- in the said bag. PW-2 seized the said cash and laptop with bag under panchanama as per Exp8. PW-2 sought explanation from DGO-1 as per Exp10 having found that bag with laptop and cash during search. The DGO-1 stated that the contractors kept cash of Rs.2,46,000/-in his car and told him to take bag after having lunch. PW-2 handed over the said bag containing laptop and cash to PW-1.
27. PW-2 subjected the seized articles to PF and obtained permission to retain from the court and then produced Muthuraj and DGO-1 and 2 before the court for judicial custody. On 30.12.2014 PW-1 wrote a letter to



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Executive Engineer, Chikkaballapur for furnishing information regarding tenders, approval of bill and cheques issued during 10.09.2014 to 20.09.2014 and also received the said information from Executive Engineer on 22.03.2015. On 09.01.2015 PW-1 obtained service details of DGO-1 and 2. He obtained service details of Muthuraj on 13.01.2015. PW-1 sent requisition to Executive Engineer calling details of contract work undertaken by Ramachandra Raju and Srinivasa Murthy at First Grade College at Gauribidanur on 09.02.2015 and received details on 18.02.2015. PW-1 recorded the statements of witnesses.

28. In the instant case DGO-1 has denied the entire case of disciplinary authority and contended that the above Ambassador car in which the amount was seized was not his official car and that the amount has been implanted in the said car by the I.O. The DGO-1 at the time of evidence has produced one pen drive pertaining video clippings and has produced the same before the I.O. at the time of cross examination and I.O. has stated that the video in the pen drive is an edited version and is not in continuous record. Since PW1 /I.O. has not admitted the pen drive recordings it is not marked by way of confrontation. Further DGO-1 has not stepped into the witness box and has not adduced


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any oral and documentary evidence and has not got marked the pen drive and has not examined the person who has recorded the video and transferred it to pen drive to prove his defence. As such the evidence of DGO-1 that the bag was implanted in the car of DGO-1 cannot be believed.

29. The DGO-1 soon after the arrest and seizure of the cash and laptop from the official car has given explanation as per Ex.P-10, wherein he has stated that the amount of Rs.2,46,000/- seized from his bag was kept by the contractors Ramachandra Raju and Srinivas who had told that they will take that amount after lunch. But by that time the I.O. has seized it. DGO-1 has taken defence that the said explanation has been taken forcibly by the I.O. Thereby he has admitted that he has given explanation as per Ex.P-10. To show that the said explanation was taken forcibly by I.O. DGO-1 has not placed any material before this authority. Further he has not lodged any complaint against the I.O. for forcibly taking the explanation and there is no evidence adduced to show that there was enmity between I.O. and DGO-1 to implicate him in a false case. As such the defence of DGO-1 that his explanation as per Ex.P-10 was taken forcibly cannot be believed. Admittedly the amount of Rs.2,46,000/- has been


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recovered from the bag which was inside the Ambassador car bearing No.KA-01/G-5116 parked at the quarters of DGO-1 and DGO-1 has not given any satisfactory explanation. As such presumption as to be raised against him that DGO-1 has intentionally enriched him illicitly as he has not given any proper satisfactory account of the seized amount found in his possession during his office hours.

30. DGO-2 has admitted the seizure of Rs.16,500/- from his possession. But, he has taken up defence that he has taken loan of Rs.20,000/- from one Rathnamma to meet the medical expenses of his pregnant wife. In the written statement filed by DGO-2 he has stated that he had availed hand loan of Rs.20,000/- from Rathnamma on 15/09/2014 and he was carrying the said amount with him on the date of the raid. But, in his evidence he has stated that he has taken loan from Rathnamma on 03/09/2014. Further DW-2 Rathnamma as also retreated the same thing and DW-1 has produced Ex.D-16 Indemnity Bond to have been executed by him in favour of Rathnamma for sum of Rs.20,000/- on 03/09/2014 for receiving Rs.20,000/- from her to meet the medical expenses of his pregnant wife and agreed to discharge the same within six months. The DGO-2 in his written

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statement and pleading has stated that he has availed hand loan of Rs.20,000/- from one Rathnamma on 15/09/2014 for Hospital and Medical charges of his wife, but in the evidence he has stated that the said Rathnamma is his relative and he has taken hand loan on 03/09/2014 and has produced Indemnity Bond said to have been executed by him in favour of Rathnamma. The DGO-2 has also stated that he has discharged the loan in May 2015. But, no such endorsement is written in Ex.D-16. As such the evidence of DGO-2 and DW-2 and Ex.D-16 does not inspire to repose confidence and believe the documents. They appear to have been created as an after thought to escape from the liability.

31. Further the medical documents produced by DGO-2 from Ex.D-5 to 14 reveals that wife of DGO-2 has given birth to a female baby on 11/11/2014 with normal delivery and the bills produced by DGO-2 reveals that there was no such expenditure incurred by him as alleged to take loan. Ex.D-13 discharge summary reveals that the wife of DGO-2 was admitted on 10/11/2014 and discharged on 12/11/2014 after normal delivery. As such the defence taken by DGO-2 that he has taken loan to meet the medial expenses due to complication arise in pregnancy of his wife cannot be believed. DGO-2 has not stated anything in

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explanation given soon after the seizure of the amount with respect to from whom he has taken the loan and about execution of ExD16. What prevented him from stating this fact creates doubt and it appears that it is only an after thought to escape from the liability. Moreover DW2 has not produced any material to show she was having financial capacity to give loan to DGO-2 and the evidence of DW1&DW2 does not inspire to repose confidence.

32. The pleading and oral evidence of DGO-2 with respect to the date of taking loan is different and inconsistent. As such it appears that this defence of DGO-2 is an after thought to escape from the clutches of the law and same cannot be believed. As such a presumption is to be raised against him that DGO-2 has intentionally enriched himself illicitly as he has not given any proper satisfactory account of the seized amount found in his possession during his office hours.
33. The DGO1 & 2 have produced certified copy of judgment in Spl Case No. 15/2016 dated 09/02/2021 on the file of Principal District and Sessions Judge at Chikkaballapura which shows that the DGO1 & 2 herein who faced trial in the said case have been acquitted. Upon perusal of the said judgement it is not found that DGO1 & 2 herein have been honourably acquitted. Nothing is found in the said judgement that DGO1 & 2 herein


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were not found in possession of tainted cash. In these circumstances copy of judgment in Spl Case No.15/2016 will not lend assurance to the defence put forward by the DGO-1 & DGO-2.

34. It is well settled that in the criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry of this nature. In the presence of evidence of PWs 1 to 3 as discussed above I am not persuaded to accept the defence put forward in the course of written statement and also contentions raised in the course of written argument of DGO-1 and 2.
35. Thus, for the foregoing reasons, I hold that disciplinary authority from the evidence of PW-1 to 3 and Ex.P-1 to 20 proved that the DGO-1 Sri M.Muralidhara and DGO-2 Sri P.V.Srinivasalu while working as the then Executive Engineer and Attender respectively in Public Works Department Division, Chikkaballapura, the Deputy Superintendent of Police, Karnataka Lokayukta, Chikkaballapura, received credible information that the Executive Engineer and his staff in the PWD Division, Chikkaballapura were collecting bribe amount from the contractors and sharing it between themselves. On the basis of this information FIR was registered on 17/09/2014 bearing Cr.No.11/2014 for the offences



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punishable under section 7, 13(1)(d) of P.C. Act, 1988 and the Investigating Officer secured a search warrant and sent a requisition for panch witnesses. That on 18/09/2014 at 2.00 p.m. the I.O. entered the Executive Engineer office of PWD with a search warrant conducted a search of the premises. After taking a copy of the cash declaration register, they conducted personal search of the various people in the office and also conducted a search of almerahs/cupboards used by the staff. The almerah of the DGO-2 was also searched and found Rs.16,490/- in the almerah. Investigating Officer seized the amount from the DGO-2. Further on receiving credible information that when DGO-1 went to his house has kept amount in his house. Manjegowda, Police Inspector, Karnataka Lokayukta, Chikkaballapura has given search warrant under section 165 Cr.P.C to C.N.Bopaiah, Deputy Superintendent of Police, Karnataka Lokayukta, Chikkaballapura to search the quarters and vehicle of DGO-1 and Dy.S.P. has taken panchas along with DGO-1 and went to the quarters of DGO-1 and after search there was white ambassador car bearing No.KA 01G 5116 parked in front of the quarters of DGO-1 and after search of the said car the I.O. found one black colour hand bag and on search of the bag there was one laptop, cash of Rs.2,46,000/-. The Investigating Officer seized the amount. After following post raid formalities Investigating Officer secured DGO-1 and 2. and thereby DGO-1 and 2 have committed dereliction of duty and misconduct and thereby failed to maintain absolute integrity and devotion to duty and committed an act which is

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unbecoming of Government Servants and thus is guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

36. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

FINDINGS

The disciplinary authority has proved the charges against the DGO-1 M.Muralidhara, the then Executive Engineer, Public Works Department Division, Chikkaballapura and DGO-2 P.V.Srinivasalu, Attender, Public Works Department Division, Chikkaballapura.

The date of retirement of DGO-1 is 31/05/2028 and DGO-2 is 30/06/2037.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter.


(J.P. Archana)

Additional Registrar (Enquiries-11),
Karnataka Lokayukta,
Bangalore.

ANNEXURES

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

PW1:- Sri. A.G.Manjegowda
 PW2:- Sri. C.N.Bopaiah
 PW3:- Sri. T.S.Dadapeer

List of witnesses examined on behalf DGO:-

Nil.

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Xerox copy of complaint dated 17/09/2014.
Ex P2	Xerox copy of FIR in Cr.No.11/14.
Ex P3	Xerox copy of search warrant.
Ex P4	Xerox copy of cash declaration register along with circular dated 15/05/2008.
Ex.P5	Xerox copy of register of cheques.
Ex P6	Xerox copy of pending cheques.
Ex P7	Xerox copy of statement of DGO.
Ex P8	Xerox copy of mahazar dated 18/09/2014.
Ex P9	Xerox copy of search warrant of house.
Ex.P10	Xerox copy of statement of Muralidhar.
Ex.P11	Xerox copy of photos.
Ex.P12 to 14	Xerox copy of sketches prepared by PWD Engineer.
Ex.P15	Xerox copy of letter written by P.I. KLA Chikkaballapura to Executive Engineer, PWD, Chikkaballapura and reply of Executive Engineer, PWD, Chikkaballapura along with details.
Ex.P16	Xerox copy of information received from Executive Engineer, PWD, Chikkaballapura.



Ex.P17 to 19	Xerox copy of service particulars of Sri Muthuraj and DGO-1 and 2.
Ex.P20	Xerox copy of search warrant.

List of documents marked on behalf of Defence:-

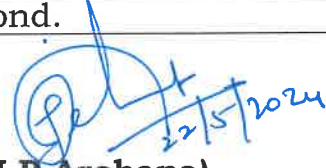
Ex.D1	Certified copy of deposition of PW-1 in Spl.C.C.15/16.
Ex.D2	Certified copy of evidence of PW-2 in Spl.C.C.15/16.
Ex.D3	Certified copy of statement of PW-3.
Ex.D4	Certified copy of evidence of PW-3 in Spl.C.C.15/16.
Ex.D5	Original mother card from National Rural Health Scheme in the name of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D6	Original Urine Pregnancy test report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D7	Original ultrasound obstetric report and scan report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D8	Original blood test report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D9	Original ultrasound obstetric report and scan report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D10	Original ECG, Medical prescription, ultrasound obstetric report, ultrasound scan and pregnancy record of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D11	Original blood test report of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D12	Original Jeevan Hospital and Jeevan Pharma bills of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)



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Ex.D13	Original discharge summary along with birth certificate and delivery certificate of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D14	Original IAP immunization timetable of Smt.K.N.Saraswathi W/o Sri P.V.Srinivasalu (DGO-2)
Ex.D15	Original blank cheque.
Ex.D16	Original indemnity bond.

**(J.P.Archana)**Additional Registrar (Enquiries-11),
Karnataka Lokayukta, Bangalore.

