

**KARNATAKA LOKAYUKTA**

No. UPLOK-1/DE-468/2016/ARE-10

M.S. Building  
Dr. B.R. Ambedkar Road  
Bengaluru.

Date: 14/03/2022.

**ENQUIRY REPORT**

**PRESENT: SRI. G. NANJUNDAIAH,**  
ADDITIONAL REGISTRAR (ENQUIRIES)-10  
M.S. BUILDING  
KARNATAKA LOKAYUKTA  
BENGALURU - 560 001.

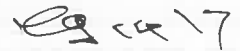
**Subject :** Departmental Inquiry against:

**DGO Sri. S.P. Thrinethra,** Excise  
Inspector, Devanahalli Range,  
Bengaluru - Reg.

- References:**
1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/BCD-4568/2015/DRE-2 dt: 20/08/2016.
  2. Government Order No. FD 81 EPS 2016 Bengaluru dated 04/10/2016.
  3. Nomination Order No. Uplok-1/DE/468/2016 Bengaluru dt. 14/10/2016 of Hon'ble Upalokayukta-1.

\* \* \*

1. This complaint is filed by the **complainant Sri. Bhavani Ram Prasad**, No. 6/1, Nagappa Street, P.G. Halli, Bengaluru (hereinafter referred to as 'complainant' for short) against (1) Sri. S.P. Trinethra, Excise Inspector, Yalahanka Range, presently working at Devanahalli Range, Bengaluru ( herein after referred to as the Delinquent Government Official for short, "**DGO** ) alleging that, he has committed dereliction of duty.



2. According to the complainant, the complainant gave complaints to the officials of Excise Department including Excise Deputy commissioner and Excise Superintendent regarding the sale of liquor for more than MRP price, loose sale of liquor in wine shops, location of liquor shops near schools, National Highways, Government offices, Violation of rule 5, violation of blue print, sale of liquor in unlicensed shops, public places, opening and closing timings of liquor sale etc. But, the respondent, for favoring the licensees has not registered any case against the violators and thereby caused loss of revenue to the Government.

3. Therefore, in this regard, the complainant filed a Writ Petition before the Hon'ble High Court of Karnataka, and Hon'ble High Court disposed the Writ Petition with an observation that "**if violation have taken place, the petitioner, if so advised, can have their legal remedy and liberty was also given to move miscellaneous Writ Petition**".

4. Therefore, the petitioner filed a complaint before Excise Deputy Commissioner and Excise Commissioner with evidence of violations. The Excise Commissioner had passed a circular dated 12/11/2010, directing the Excise Deputy Commissioner to take stringent action against the violators. But, no action was taken in this regard. The documents and complaints of the complainants were kept aside without taking any action and violation continued in the liquor shops. But, respondent and other officials did not take any action. They ignored the application of the complainant. The respondent being the Excise Inspector of Yalahanka Range, has failed to make proper verification of particulars furnished by the liquor

02.14/3

licenses and take action against the violators. It is further say of the complainant that he filed a complaint before the Excise Minister and Excise Commissioner about the dereliction of duty by the respondent and other officials. The Commissioner of Excise forwarded letter to the Joint Commissioner for enquiry and report. The Joint Commissioner submitted a report confirming the misconduct, negligence and dereliction of duty done by the respondent and others. The Joint Commissioner in last 3 paras of his report, has clearly observed that the respondent Sri. S.P. Trinethra and other officials of the Excise Department have not taken any action in respect of the complaint given by the present complainant. Even they have not issued the endorsement and thereby committed dereliction of duty and hence action shall be taken against them.

5. In the comments, the respondent has denied the entire averments of the complaint. The respondent, apart from denial of the averments of the complaint has produced a number of documents to show that he has registered the cases against the violators during his tenure. He has given yearwise breakage statement of cases registered under the Excise Act and fine amount collected under the Act. But, the important aspect to be noted is that he has not stated anything as to report submitted by the Joint Commissioner against him. He has not stated as to why and how the report of the Joint Commissioner is wrong. There are no reason to reject the report of the Joint Commissioner. Not satisfied with the comments of respondent a report was sent to the Government u/s 12(3) of the Karnataka Lokayukta Act, 1984 as per reference No.1. Pursuant to the report, Government was pleased to issue the Government Order authorizing Hon'ble Upa-lokayukta to hold an enquiry against DGO Sri. **S.P.**

6/2/17

**Trinethra**, Excise Inspector, Yalahanka Range, presently working at Devanahally Range, Bengaluru as per reference No. 2.

6. On the basis of the Government Order, nomination order was issued by Hon'ble Upalokayukta-1 on 14/10/2016 authorizing ARE-10 to frame Article of Charges against the DGO Sri. **S.P. Trinethra**, Excise Inspector, Yalahanka Range, presently working at Devanahally Range, Bengaluru and to hold an enquiry and to submit a report as per reference No. 3. On the basis of the nomination order, the Article of Charges against **DGO** was framed and sent to the Delinquent Government Official on 08/11/2016.

7. The Article of charges and the statement of imputations of misconduct prepared and leveled against the DGO is reproduced here as under :-

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

That, you DGO – **Sri. S.P. Thrinethra**, Excise Inspector, Devanahalli Range, Bangalore, has failed to take action in respect of the allegations made in the complaint namely sale of liquor for more than MRP price, sale of loose liquor in wine shops, location of liquor shops near schools, National Highways, Government Offices, violation of Rule 5, violation of blue print, sale of liquor in unlicensed shops, public

*[Handwritten Signature]*

places, opening and closing timings of liquor sale etc., and also not issued any endorsement.

Thus, you DGO, being a Government /public servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE NO. II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

1. According to the complainant : The complainant gave complaints to the officials of Excise Department including Excise Deputy Commissioner and Excise Superintendent regarding the sale of liquor for more than MRP price, loose sale of liquor in wine shops location of liquor shops near schools, National Highways, Government Offices, violation of Rule 5, violation of blue print, sale of liquor in unlicensed shops, public places, opening and closing timings of liquor sale etc., But the DGO, for favouring the licensees has not registered any case against the violators and thereby caused loss of revenue to the Government. Therefore, in this regard, the complainant filed a writ petition before the Hon'ble High Court of Karnataka and Hon'ble High Court disposed the writ petition with an observation that **"if violation**

*Excise*

**have taken place, the petitioner, if so advised, can have their legal remedy and liberty was also given to move Miscellaneous Writ Petition.”** Therefore, the petitioner filed a complaint before Excise Deputy Commissioner and Excise Commissioner with evidence of violations. The Excise Commissioner had passed a circular dated 12.11.2010, directing the Excise Deputy Commissioner to take stringent action against the violators. But no action was taken in this regard. The documents and complaints of the complainants were kept aside without taking any action and violations continued in the liquor shops. But the DGO and other officials did not take any action. They ignored the application of the complainant. The DGO being the then Excise Inspector of Yalahanka Range, has failed to make proper verification of particulars furnished by the liquor licensees and take action against the violators. It is further say of the complainant that he filed a complaint before the Excise Minister and Excise Commissioner about the dereliction of duty by the DGO and other officials. The Commissioner of Excise forwarded letter to the Joint Commissioner for enquiry and report. The Joint Commissioner submitted a report confirming the misconduct, negligence and dereliction of duty done by the DGO and others. The Joint Commissioner in last 3 paras of his report, has clearly observed that the DGO-Sri S .P. Trinethra and other officials of the Excise Department have not taken any action in respect of the complaint given by the present complainant. Even they have not issued the endorsement and thereby committed dereliction of duty and hence action shall be taken against them.



2. In the comments the DGO has denied the entire averments of the complaint. The DGO, apart from denial of the averments of the complaint has produced a number of documents to show that he has registered the cases against the violators during his tenure. He has given year wise breakage statement of cases registered under the Excise Act and the fine amount collected under the Act.

3. But the important aspect to be noted is that he has not stated anything as to report submitted by the Joint Commissioner against him. He has not stated as to why and how the report of the Joint Commissioner is wrong. Admittedly, these explanations of the DGO and other officials have already been rejected by the Joint Commissioner. Under these circumstances, there are no reasons to reject the report of the Joint Commissioner. The contentions raised by the DGO in his comments are all the defences that can be raised by him in the enquiry. This Authority cannot sit over the report of the Joint Commissioner and say that the report of the Joint Commissioner is wrong and the DGO and others are not liable for facing the enquiry.

4. As such the materials produced by the complainant prima facie proves that the DGO has committed dereliction of duty and done an act which is unbecoming of a public servant.



5. In view of the facts stated above and the material on record, reply of the DGO has not been found satisfactory to drop the proceedings. The facts supported by the material on record show that the DGO, being a Government servant, has failed to maintain absolute integrity, devotion to duty and also acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.

6. Since the said facts and material on record prima-facie show that the DGO has repeatedly committed misconduct as per Rule 3(1)(i) to (iii) of the KCS (Conduct) Rules, 1966, a report u/s 12(3) of Karnataka Lokayukta Act, was sent to the Competent Authority with a recommendation to initiate disciplinary proceedings Under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeals) Rules 1957. In turn Competent Authority initiated disciplinary proceedings against DGO and entrusted the enquiry to this Institution vide reference no. 2 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No. 3. **Hence, the above stated charge.**

8. The aforesaid Article of charges was served upon the DGO and the DGO appeared before this enquiry authority on 30/12/2016 and his first oral statement under Rule 11(9) of KCS (CCA) Rules, 1957 was recorded. The DGO pleaded not guilty and claimed for holding an enquiry.

*eg. 17*



9. DGO Sri. S.P. Thrinethra, Excise Inspector filed Written Statement on 01/03/2017 and denied the charges leveled against him. Hence, he requested to exonerate him from the charges leveled against him.

10. In order to prove the charge leveled against DGO, the disciplinary authority has examined the Complainant - Sri. **Bhavani Ram Prasad as PW-1** and Sri. **L.N. Mohan Kumar, Joint Commissioner of Excise, Bengaluru as PW-2** and got marked the documents as **Ex.P-1 to Ex.P-15**. After closure of the evidence on behalf of Disciplinary Authority, on the defense side **Sri. Jayasimha**, Deputy Commissioner of Excise (Retired) was got examined as DW-1, DGO Sri. **S.P. Trinetra**, Excise Inspector got examined himself as DW-2 and **Sri. Giri J**, Deputy Commissioner of Excise, Tumkur District as DW-3, Sri. **A. Ravishankar**, Superintendent of Excise, Bengaluru as DW-4 and Sri. **K.M. Chandra Mohan**, Excise Inspector, Yalahanka, Bengaluru as DW-5 and got 142 documents marked as **Ex. D-1 to D-142** and closed defense side.

11. Upon consideration of oral and documentary evidence, and the defense of DGO, the points that arise for my consideration are as follows;

*1 : Whether the charge leveled against the DGO is proved by the Disciplinary Authority?*

*Eg 14/3*

2: *What order?*

My findings to the aforesaid points are as under :-

POINT No. 1 : In the **Affirmative**

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

### **REASONS**

12. **POINT NO. 1** : In order to prove the charge leveled against the DGO, the disciplinary authority has examined the Complainant - Sri. **Bhavani Ram Prasad as PW-1** and Sri. **L.N. Mohan Kumar, Joint Commissioner of Excise, Bengaluru as PW-2** and got marked the documents as **Ex.P-1 to Ex.P-15**.

13. **PW-1 Sri. Bhavani Ram Prasad** complainant in his Chief Examination has deposed that, in Yalahanka Excise Range from the year 2010-2015 in liquor shops there was sale of loose liquors in wine shop, liquor was sold above MRP. There was sale of liquors in unlicensed shops, giving parcels in the bars, advertising liquor bottles, sale of liquor by the side of schools, temples, national highways, government offices, public places by violating regulations. There was no opening and closing timings for liquor sale. He brought these facts to the notice of the then Inspector, Thrinethra (DGO), but no action was taken.



14. **PW-1 complainant further deposed that,** therefore, he filed writ petition before Hon,ble High Court of Karnataka. In the Hon'ble High Court Excise Commissioner had undertaken to take action. On 28.3.2011, 3.5.2011, 28.6.2011 he submitted representations to DGO and Commissioner of Excise. Even after that no action was taken. The higher officers of DGO investigated the case and filed a charge sheet against licencees on the file of ACMM Court. In ACMM Court conviction was given to the said licencees.

15. **PW-1 complainant further deposed that,** on 31.1.2015 he lodged a complaint to Excise Minister. In turn Excise Minister referred the complaint to Excise Commissioner and in turn the Commissioner referred the complaint to Joint Commissioner. The Joint Commissioner investigated the case and submitted the report on 30.5.2015 to the Commissioner. Therefore, complainant lodged a complaint to Lokayukta along with form No.1 and 2. They are marked as **Ex.P.1 to 3.**

16. **PW-1 complainant further deposed that,** along with the complaint he has submitted copy of report of Joint Commissioner, marked as **Ex.P.4,** Copy of representation to Deputy Commissioner of Excise marked as **Ex.P.5,** Representation submitted to Commissioner of Excise marked as **Ex.P.6,** Another representation submitted to Commissioner of Excise marked as **Ex.P.7,** Another representation submitted to

22/4/17

Deputy Commissioner of Excise marked as **Ex.P.8**, Another representation submitted to Deputy Commissioner of Excise marked as **Ex.P.9**. Copy of the order of Hon'ble High Court of Karnataka is marked as **Ex.P.10**, Another representation given to Commissioner of Excise is marked as **Ex.P.11**, Representation given to Excise Minister is marked as **Ex.P.12**. The information given by ADGP, Lokayukta under RTI Act is marked as **Ex.P.13**. Copy of FIR is marked as **Ex.P.14**. Another report of Joint Commissioner of Excise is marked as **Ex.P.15**. DGO is the officer responsible for these discrepancies.

17. **PW-2 Sri. L.N. Mohan Kumar**, Joint Commissioner of Excise, Bengaluru Division, Bengaluru in his Examination in chief has deposed that, from 20.1.2015 he is working as Joint Commissioner in Bengaluru Division, K.R.Circle. On 26.2.2015 he received a direction from the Commissioner regarding the complaint lodged to Human Rights Commission & on 9.3.2015 he received the complaint lodged by the complainant from the Commissioner of Excise. He has verified the representations submitted by the complainant and documents furnished by him and he has given his opinion stating that DGO has not followed Excise Manual. DGO has not made the periodical inspections within his jurisdiction.

18. **PW-2 Joint Commissioner of Excise** deposed that, he found that DGO did not give any endorsement and not taken timely

*[Handwritten signature]*

action on the basis of representations given by the complainant. Only after the directions given by the Hon'ble High Court of Karnataka and one more complaint lodged by the complainant action was taken against the licencees who violated the terms and conditions of the licence and filed criminal cases before ACMM Court. He found that, within the jurisdiction of DGO there was sale of liquor above MRP, sale of loose liquor, sale of liquor near schools, national highways, government offices, public places, sale of liquor in unlicensed shops, violation of blueprint and the licencees have not maintained the opening and closing timings of liquor sale.

19. **PW-2 Joint Commissioner of Excise** further deposed that, therefore, he has opined in his report that DGO has failed to take timely action against the licencees who violated the terms & conditions. He has also found that the DGO has not given any endorsement for the complaint lodged by the complainant. Accordingly he has submitted his report. The reports are already marked as **Ex.P.4 and 15**.

20. Nothing important is elicited from the mouth of PW-2 during the course of cross-examination of PW-2 by the Advocate for DGO.

29.4.17

21. The evidence of Sri Jayasimha, the then Deputy Commissioner of Excise, Bengaluru examined as DW-1 is expunged. DGO Sri S.P. Trinethra, got examined himself as DW-2 and has deposed that, he has worked as Inspector of Excise, Yalahanka Range from 15-07-2010 to 31-10-2012, during the said period he has booked 175 cases for violation of license conditions and total 67 cases for Excise violations carrying business in unlicensed place and fine imposed amount of Rs. 16,90,000/- and an amount of Rs. 2,18,000/- was collected since all the offences are punishable with penalty only. He had handed over the charge of Excise Inspector, Yalahanka Range on 31-12-2012 and hence he do not know the violations which have taken place after 31-10-2012. He has got marked 142 documents as Ex.D-1 to Ex.D-142. The Presenting Officer has Cross-examined DW-2 and he admitted that,

“ಯಲಹಂಕ ವಲಯದಲ್ಲಿ ದಿ:15-07-2010ರಿಂದ 31-10-2012ರವರೆಗೆ ಅಬಕಾರಿ ನಿರೀಕ್ಷಕನಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿರುತ್ತೇನೆ. ನನ್ನ ಅವಧಿಯಲ್ಲಿ ಈ ಪ್ರಕರಣದಲ್ಲಿ ದೂರುದಾರರು ನನಗೆ ಯಾವುದೇ ದೂರು ಕೊಟ್ಟಿಲ್ಲ. ಸದರಿ ದೂರುದಾರರು ನನ್ನ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ದೂರು ಕೊಟ್ಟಿರುತ್ತಾರೆ ಎಂದರೆ ಆ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇಲ್ಲ ಎನ್ನುತ್ತೇನೆ. ಸದರಿ ದೂರುದಾರರ ಮನವಿ ಮೇರೆಗೆ ಮೇಲಾಧಿಕಾರಿಗಳು ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ನನಗೆ ಕೇಳಿದಾಗ ಸಲ್ಲಿಸಿರುತ್ತೇನೆ. ಆ ರೀತಿ ವರದಿಯನ್ನು 2-3 ಬಾರಿ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ದಿ:17-07-2010ರಂದು ಕೆಲಸಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಂಡಾಗ ಬಗಿನಿ ಗ್ರ್ಯಾಂಡ್ ಅಂಡ್ ರೆಸ್ಪೋರೆಂಟ್ ಹುಣಸೇ ಮಾರನಹಳ್ಳಿಯಲ್ಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿತ್ತು. ನನ್ನ ಅವಧಿಯಲ್ಲಿ ನಿಯಮ-5 ಉಲ್ಲಂಘಿಸಿದ ಯಾವುದೇ ಪ್ರಕರಣಗಳು ಇರುವುದಿಲ್ಲ. ಎಂಆರ್‌ಪಿ ಬೆಲೆಗಿಂತ ಹೆಚ್ಚಾಗಿ ಮದ್ಯಮಾರಾಟ ಮಾಡಿದರೆ ಅಂತಹವರ ವಿರುದ್ಧ

29.11.17

ಪ್ರಕರಣ ದಾಖಲಿಸಬೇಕು ಎಂದರೆ ಸರಿ. ಪ್ರತಿಯೊಬ್ಬ ಗ್ರಾಹಕರಿಗೂ ಪ್ರತ್ಯೇಕವಾಗಿ ಪ್ರಕರಣ ದಾಖಲಿಸಬೇಕು ಎಂದರೆ ಸರಿ. ಪ್ರತಿ ದಿನ ತಡವಾಗಿ ಮದ್ಯದಂಗಡಿ ಮುಚ್ಚಿದಾಗ ಆ ದಿನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಪ್ರಕರಣ ದಾಖಲಿಸಬೇಕು ಎಂದರೆ ಸರಿ. ಪರವಾನಗಿ ಪಡೆಯದೆ ನಿರ್ದಿಷ್ಟ ಜಾಗದಲ್ಲಿ ಮದ್ಯ ಮಾರಾಟ ಪ್ರಕರಣಗಳು ಕಂಡು ಬಂದಾಗ ಕೇಸ್ ದಾಖಲು ಮಾಡಬೇಕು ಎಂದರೆ ಸರಿ. ನೀಲಿ ನಕ್ಷೆಯ ಪ್ರಕಾರ ಪ್ರಕರಣ ದಾಖಲಿಸಬೇಕು ಎಂದರೆ ಸರಿ. ಮೇಲೆ ಹೇಳಿದ ಪ್ರಕರಣಗಳಲ್ಲಿ ನೆಪ ಮಾತ್ರಕ್ಕೆ ಪ್ರಕರಣ ದಾಖಲಿಸಿ ಸರ್ಕಾರಕ್ಕೆ ನಷ್ಟ ಉಂಟು ಮಾಡಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಅಬಕಾರಿ ನಿರೀಕ್ಷಕರ ಸುತ್ತೋಲೆ ದಿ: 12-11-2010ರಂತೆ ಯಾವ ರೀತಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಬೇಕು ಎಂದು ಸೂಚನೆ ಕೊಟ್ಟಿರುತ್ತಾರೆ ಎಂದರೆ ಆ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇಲ್ಲ. ಈ ಪ್ರಕರಣದ ದೂರುದಾರರು ನಮ್ಮ ಇಲಾಖೆಯ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ದೂರು ಕೊಟ್ಟಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಈ ಪ್ರಕರಣದ ದೂರಿನ ಸಂಬಂಧ ತನಿಖೆ ಮಾಡಲು ಜಂಟಿ ಆಯುಕ್ತರಿಗೆ ಅಬಕಾರಿ ಆಯುಕ್ತರು ಸೂಚಿಸಿದ್ದರು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಜಂಟಿ ಆಯುಕ್ತರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ನಾನು ಯಾವುದೇ ಕ್ರಮ ತೆಗೆದುಕೊಂಡಿಲ್ಲ ಎಂದು ನೀಡಿರುತ್ತಾರೆ ಎಂದರೆ ನನಗೆ ಆ ಬಗ್ಗೆ ಗೊತ್ತಿಲ್ಲ ಎನ್ನುತ್ತೇನೆ. ಜಂಟಿ ಆಯುಕ್ತರ ವರದಿ ಮೇರೆಗೆ ಆಯುಕ್ತರು ನನಗೆ ವಿವರಣೆಯನ್ನು ಕೇಳಿದ್ದು, ನಾನು ಸಲ್ಲಿಸಿರುತ್ತೇನೆ. ನಾನು ಸಲ್ಲಿಸಿದ ವರದಿಯನ್ನು ಆಯುಕ್ತರು ತಿರಸ್ಕರಿಸಿರುತ್ತಾರೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ದೋಷಾರೋಪಣ ಪಟ್ಟಿಯಲ್ಲಿ ಜಂಟಿ ಆಯುಕ್ತರ ವರದಿಯ ಉಲ್ಲೇಖ ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ದೂರಿಗೆ ನನ್ನ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಜಂಟಿ ಆಯುಕ್ತರ ವರದಿ ಸಂಬಂಧ ನಾನು ಯಾವುದೇ ವಿವರಣೆ ಕೊಟ್ಟಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನಾನು ಗುರುತಿಸಿರುವ ದಾಖಲೆಗಳು ಈ ಪ್ರಕರಣಕ್ಕೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ”.

22. Sri Giri J., Deputy Commissioner of Excise, Tumkru District examined as DW-3 deposed that, the allegations made against DGO are false and baseless, the DGO has suo-moto filed more

*(Signature)* 14/17

than 150 cases and collected more than 15 lakhs fine amount. Further submitted that the duties performed by the DGO during the alleged period is covered by the judgment of Hon'ble High Court of Karnataka. The High Court has satisfied with the functions performed by all the Excise Officials including the DGO and dismissed the Writ Petition.

23. Sri A. Ravi Shankar, Superintendent of Excise, Bengaluru is examined as DW-4 and has deposed that, on 20-10-2012 the DGO had taken action by filing FIRs on the licensees who had violated the license conditions and Sri Bhavani Ram Prasad was complainant in the said FIRs. The said cases ended with payment of penalty by the licensees.

[

24. Sri K.M. Chandramohan, Excise Inspector, yelahanka Range Bengaluru is examined as DW-5 and has deposed that, he worked as Excise Inspector in Yelahanka Range from 29-10-2012 to 29-10-2016. He obtained charge from DGO and he did not find any loss caused to the Government. DW-3 and DW-4 are the higher officers of the DGO and DW-5 is the colleague of the DGO and their evidence is not helpful to the DGO.

25. On perusal of depositions of PW-1, PW-2 with documents Ex. P-1 to P-15, and the evidence of DW-1 to DW-5 with documents Ex. D-1 to Ex. D-142 as well as connected documents

eg 14/3



it is clear that, in Yalahanka Excise Range from the year 2010-2015 in liquor shops there was sale of loose liquors in wine shop, liquor was sold above MRP. There was sale of liquors in unlicenced shops, giving parcels in the bars, advertising liquor bottles, sale of liquor by the side of schools, temples, national highways, government offices, public places by violating regulations. There was no opening and closing timings for liquor sale. Complainant, brought these facts to the notice of the then Inspector, **Thrinethra (DGO), but no action was taken.**

26. Therefore, complainant filed writ petition before Hon'ble High Court of Karnataka. In the Hon'ble High Court, Excise Commissioner had undertaken to take action. On 28.3.2011, 3.5.2011, 28.6.2011 complainant submitted representations to DGO and Commissioner of Excise. Even after that no action was taken. The higher officers of DGO investigated the case and filed a charge sheet against licencees on the file of ACMM Court. In ACMM Court conviction was given to the said licencees.

27. On 31.1.2015 he lodged a complaint to Excise Minister. In turn Excise Minister referred the complaint to Excise Commissioner and in turn the Commissioner referred the complaint to Joint Commissioner for investigation and report. The Joint Commissioner investigated the case and submitted the report on 30.5.2015 to the Commissioner as per **Ex. P-4 that DGO has not made periodical inspections within his**

eg. n/17

**jurisdiction, did not give any endorsement to complainant and not taken timely action on the basis of representations given by the complainant.**

28. PW-2 Joint Commissioner of Excise deposed in his evidence that, the DGO has failed to take action against the licencees who violated the terms of conditions and he had found that DGO has not given any endorsement for the complaint lodged by the complainant.

29. The report of Joint Commissioner of Excise in **Ex. P-4** clearly states that, the DGO Sri. Thrinetra and others of Excise Department have not taken any action regarding allegations on the complaint of the complainant.

30. On perusal of the evidence of the PW-1 and 2 and also evidence of DW-2 to 5 and connected documents it clearly shows that, DGO while working as Excise Inspector in Yelahanka Range has failed to take timely action in respect of the allegations of complainant regarding sale of liquor for more than MRP price, sale of loose liquor in wine shops, location of liquor shops near schools, National Highways, Government Offices, sale of liquor in unlicensed shops. Hence, DGO has committed misconduct. Hence, I answer Point No.1 in the **Affirmative**

29/11/12


**19. POINT NO.2 :** In view of findings on Point No.1, I proceed with the following :-

**: FINDINGS :**

The Disciplinary Authority **has proved** the charges leveled against **DGO Sri. Thrinethra, Escise Inspector, Yalahanka Range, Bengaluru (presently Retired).**

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

**Dated 14<sup>th</sup> March 2022.**

  
**(G. NANJUNDAIAH)**  
Additional Registrar (Enquiries-10)  
Karnataka Lokayukta,  
Bengaluru.

**LIST OF WITNESS EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :**

PW-1 : Sri. Bhavani Ram Prasad  
(Complainant) (original)

PW-2 : Sri. L.N. Mohan Kumar, Joint  
Commissioner of Excise, Bengaluru.  
(original)

**LIST OF WITNESS EXAMINED ON BEHALF OF DEFENSE :**

DW-1 : Sri. Jayasimha, Deputy  
Commissioner of Excise(Retired)  
(original)

DW-2 : Sri. S.P. Trinetra (DGO) – (original)

DW-3 : Sri. Giri J., Deputy Commissioner of  
Excise, Tumkur – (original)

DW-4 : Sri. A. Ravishankar, Superintendent  
of Excise, Bengaluru. – (original)

DW-5 : K.M. Chandramohan, Excise Inspector,  
Yalahanka. – (original)

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

Ex.P.1 :	Complaint of the complainant dated: 28/12/2015 (Orginal)
Ex.P.2 :	Form No. I (complaint) dated 26/12/2015 (original)
Ex.P.3 :	Form No. II (Affidavit) dated 26/12/2015 (original)
Ex.P.4 :	Copy of report of Joint Commissioner of Excise, Bengaluru dated: 30/05/2015. (Xerox)
Ex.P.5 :	Copy of representation dated: 28/06/2013 to Deputy Commissioner of Excise (Xerox)
Ex.P.6 :	Representation submitted to Commissioner of Excise dated: 01/07/2014. (Xerox)

Ex.P.7 :	Another representation submitted to Deputy Commissioner of Excise dated: 01/07/2014. (Xerox)
Ex.P.8 :	Another representation submitted to Deputy Commissioner of Excise dated: 07/05/2013. (Xerox)
Ex.P.9 :	Another representation submitted to Deputy Commissioner of Excise dated: 28/06/2013. (Xerox)
Ex.P.10	Copy of the order of Hon'ble High Court of Karnataka in W.P No. 20017/2010(GM-RES-PIL) (Xerox)
Ex.P.11	Another representation given to Commissioner of Excise dated: 16/06/2015. (Xerox)
Ex.P.12	Representation given to Excise Minister dated: 31-01-2015. (Xerox)
Ex.P. 13	Information given by ADGP, Lokayukta under RTI Act dated: 18/03/2015. (Xerox)
Ex.P. 14	Copy of FIR (Xerox)
Ex.P. 15	Copy of report of Joint Commissioner of Excise dated: 30/05/2015 (Xerox)
<b>LIST OF EXHIBITS MARKED ON BEHALF OF DEFENSE:</b>	
Ex.D-1 :	Comments of DGO dt:14.03.2016. ( Original)
Ex.D-2 :	WS of DGO dt:28.02.2017 along with enclosures (Original Page No. 253-284, Xerox 285-286)
Ex.D-3 :	Self Attested Details of RTI applications disposed of during 2010 to 2016 (Self attested xerox)

Ex.D-4 :	Self attested Details of penalty collected by DGO during 2010 to 2012 (Self attested xerox)
Ex.D-5 :	Self attested Copy of memorandum of writ petition No.20017/18 (Self attested xerox)
Ex.D-6 :	Self attested copy of Entire order sheet of writ petition No.20017/18 (Self attested xerox)
Ex.D-7 :	Self attested copy of Affidavit in writ petition No.20017/18 (Self attested xerox)
Ex.D-8 :	Self attested copy of letter of Excise Deputy Commissioner to DGO (Self attested xerox)
Ex.D-9 :	Self attested copy of letter of DGO to Excise Deputy Commissioner (Self attested xerox)
Ex.D-10 :	Self attested copy of entire case records relating to CM Bar and Restaurant in CC No.10397/13 (Self attested xerox)
Ex.D-11	Self attested copy of entire case records relating to Green House Family Restaurant in CC No.10399/13 (Self attested xerox)
Ex.D-12	Self attested copy of entire case records relating to Turmeric Food Land in CC No.10400/13 (Self attested xerox)
Ex.D-13	Self attested copy of Charge Handover list (Self attested xerox)
Ex.D-14	Self attested copy of Appreciation letter by the then Deputy Commissioner of Excise (Self attested xerox)

Ex.D-15	Self attested copy of 13 RTI applications and information received by Sri.Bhavani Ram Prasad from the Excise Inspector, Yalahanka Range (Self attested xerox)
Ex.D-16	Self attested copy of Information addressed to Deputy Commissioner, Excise relating to action taken on licensees for violation of rules (Self attested xerox)
Ex.D-17	Self attested copy of Letter of the Excise inspection to the Excise Superintendent (Self attested xerox)
Ex.D-18	Self attested copy of Letter of the Excise inspection to the Excise Deputy Superintendent (Self attested xerox)
Ex.D-19	Self attested copy of report of the Deputy Superintendent narrating that the DGO and other officers have taken timely action(Self attested xerox)
Ex.D-20	Self attested copy of Letter of the then Deputy Superintendent to the Deputy Commissioner, North, Bangalore (Self attested xerox)
Ex.D-21	Self attested copy of report of the Joint Commissioner of Excise indicating that the action has been taken by the officers (Self attested xerox)
Ex.D-22	Self attested copy of show cause notice issued by the Commissioner to the DGO (Self attested xerox)
Ex.D-23	Self attested copy of Reply of the DGO to the Show Cause Notice (Self attested xerox)
Ex.D-24	Self attested copy of reply of the DGO to the complainant of Sri.Bhavani Ram Prasad before Lokayukta (Self attested xerox)

Ex.D-25	Self attested copy of request of DGO to the Joint Commissioner to reconsider the report (Self attested xerox)
Ex.D-26	Self attested copy of appreciation letter from the then Superintendent (Self attested xerox)
Ex.D-27	Self attested copy of job Chart of Excise Officials of Excise Department, Karnataka (Self attested xerox)
Ex.D-28	Self attested copy of Circular of the Excise Department (Self attested xerox)
Ex.D-29	Self attested copy of Notification of the Government of Karnataka Exempting Rule 5 violations (Self attested xerox)
Ex.D-30	Self attested copy of License issued to Punjabi B/R for the year 2013-14 (Self attested xerox)
Ex.D-31	Self attested copy of the License issued to Vinayaka B/R for the year 2013-14 (Self attested xerox)
Ex.D-32	Self attested Copy of the License issued to CM B/R for the year 2013-14 (Self attested xerox)
Ex.D-33	Self attested Copy of the License issued to Srinivasa B/R for the year 2013-14 (Self attested xerox)
Ex.D-34	Self attested Copy of the License issued to Manikanta Wines for the year 2013-14 (Self attested xerox)
Ex.D-35	Self attested Copy of the License issued to Bhagini B/R for the year 2013-14 (Self attested xerox)
Ex.D-36	Self attested Copy of the License issued to Tanushree Wines for the year 2013-14 (Self attested xerox)
Ex.D-37	Self attested Copy of the shifting order of Parika Bar and Restaurant to the alleged violation place (Self attested xerox)



Ex.D-38	Self attested Copy of the letter dt:9.3.2015 by Excise Commissioner to all Joint Commissioners and Deputy Commissioners of Excise (Self attested xerox)
Ex.D-39	Self attested Copy of the note dt:4.2.2015 of Personnel Secretary to Minister addressed to the Excise Commissioner (Self attested xerox)
Ex.D-40	Self attested Copy of the annexed with representation dt:31.01.2015 the letter of Excise Commissioner dt:09.05.2015 (Self attested xerox)
Ex.D-41	Self attested Copy of the letter dt:16.05.2013 of Deputy Commissioner of Excise on complainant's letter dt:06.5.2013 (Self attested xerox)
Ex.D-42	Self attested Copy of the letter dt:03.07.2013 of Superintendent of Excise (Self attested xerox)
Ex.D-43	Self attested Copy of the letter dt:12.07.2013 of Deputy Superintendent of Excise (Self attested xerox)
Ex.D-44	Self attested Copy of the letter dt:06.07.2014 of Deputy Superintendent of Excise (Self attested xerox)
Ex.D-45	Self attested Copy of the FIR dt:26.5.2011 by DGO against Bar and Restaurant of C.M.Nagaraj and others (Self attested xerox)
Ex.D-46	Self attested Copy of the FIR dt:4.6.2012 by DGO against Bar and Restaurant of C.M.Nagaraj and others (Self attested xerox)
Ex.D-47	Self attested Copy of the FIR dt:29.9.2012 by DGO against Turmeric Food Land (Self attested xerox)
Ex.D-48	Self attested Copy of the FIR dt:04.5.2012 by PSI against Turmeric Food Land (Self attested xerox)

Ex.D-49	Self attested Copy of the FIR dt:28.10.2011 by DGO against Turmeric Food Land (Self attested xerox)
Ex.D-50	Self attested Copy of the FIR dt:22.10.2011 by DY.SP of Excise against Turmeric Food Land (Self attested xerox)
Ex.D-51	Self attested Copy of the FIR dt:10.08.2011 by DGO against Turmeric Food Land (Self attested xerox)
Ex.D-52	Self attested Copy of the FIR dt:30.09.2012 by DGO against Green House Family Dabha (Self attested xerox)
Ex.D-53	Self attested Copy of the FIR dt:24.01.2012 by DY.SP of Excise against Green House Family Dabha (Self attested xerox)
Ex.D-54	Self attested Copy of the FIR dt:28.09.2011 by DGO against Green House Family Dabha (Self attested xerox)
Ex.D-55	Self attested Copy of the letter of Sampige Halli Police Station to Commissioner of Excise (dt:17.07.2012) (Self attested xerox)
Ex.D-56	Self attested Copy of the letter of DGO to Deputy Commissioner of Excise dt:9.8.2012 (Self attested xerox)
Ex.D-57	Self attested copy of the notice dt:24.8.2012 issued to Panjabi Bar and Restaurant (Self attested xerox)
Ex.D-58	Self attested copy of the letter dt:4.9.2012 of DGO to Deputy Commissioner of Excise (Self attested xerox)
Ex.D-59	Self attested copy of the letter dt:22.9.2012 of Deputy Commissioner of Excise to DGO (Self attested xerox)
Ex.D-60	Self attested Copy of the Report of DGO dt:22.10.2012 (Self attested xerox)
Ex.D-61	Self attested copy of the letter dt:16.11.2012 of Deputy Commissioner of Excise (Self attested xerox)
Ex.D-62	Self attested copy of the letter dt:16.11.2012 of Inspector to Commissioner of Excise (Self attested xerox)

Ex.D-63	Self attested copy of the letter dt:23.12.2012 (Self attested xerox)
Ex.D-64	Self attested copy of the appeal memo dt:13.8.2015 (Self attested xerox)
Ex.D-65	Self attested copy of the renewal of license for the year 2013-14 of Bhagini Bar (Self attested xerox)
Ex.D-66	Self attested copy of the renewal of license for the year 2013-14 of Vinayaka Bar (Self attested xerox)
Ex.D-67	Self attested copy of the renewal of license for the year 2013-14 of CM Bar
Ex.D-68	Self attested copy of the renewal of license for the year 2013-14 of Thanushree Wines (Self attested xerox)
Ex.D-69	Self attested copy of the requisition by DGO to furnish information (Self attested xerox)
Ex.D-70	Self attested copy of the requisition by DGO to Deputy Superintendent of Police Excise (Self attested xerox)
Ex.D-71	Self attested copy of the letter of Public Information Officer (Self attested xerox)
Ex.D-72	Self attested copy of the proceedings exonerating Giri (Self attested xerox)
Ex.D-73	Self attested copy of the file notes
Ex.D-74	Self attested copy of the letter of CW-1 dt:29.6.2013 (Self attested xerox)
Ex.D-75	Self attested copy of the letter of Deputy Commissioner of Excise (Self attested xerox)
Ex.D-76	Self attested copy of the letter dt:22.12.2014 of Deputy Commissioner of Excise (Self attested xerox)
Ex.D-77	Self attested copy of the letter dt:11.11.2014 of Deputy Superintendent of Police of Excise (Self attested xerox)
Ex.D-78	Self attested copy of the letter 28.5.2015 of Deputy Commissioner of Excise (Self attested xerox)

Ex.D-79	Self attested copy of the file notes (Self attested xerox)
Ex.D-80	Self attested copy of the letter of Joint Commissioner of Excise, Mysore (Self attested xerox)
Ex.D-81	Copy of the deposition of Joint Commissioner in DE/ 123/17-ARE-9 (Self attested xerox)
Ex.D-82	Self attested copy of the Government Order (Self attested xerox)
Ex.D-83	Self attested copy of the letter of Deputy Commissioner of Excise (Self attested xerox)
Ex.D-84	Self attested Copy of the complainant against CW-1 by Dhanalakshmi Bar and Restaurant (Self attested xerox)
Ex.D-85	Self attested copy of the complaint against CW-1 by Mayur Bar and Restaurant (Self attested xerox)
Ex.D-86	Self attested copy of the complaint against CW-1 by Venkatesh Bar and Restaurant (Self attested xerox)
Ex.D-87	Self attested copy of the letter of Deputy Commissioner of Excise and Restaurant (Self attested xerox)
Ex.D-88	Self attested copy of the revised note of excise minister (Self attested xerox)
Ex.D-89	Self attested copy of the reply of Deputy Commissioner of excise complaint (Self attested xerox)
Ex.D-90	Self attested copy of the letter of Superintendent of Police of Excise (Self attested xerox)
Ex.D-91	Self attested copy of the letter of DGO to Medical Officer of Health to cancel license of Turmeric Food Land (Self attested xerox)
Ex.D-92	Self attested copy of the letter of DGO to Medical Officer of Health to cancel license of Green House Family Dhaaba (Self attested xerox)

Ex.D-93	Letter of Joint Commissioner of Excise dated: 01-03-2018 addressed to Excise Commissioner along with enclosures (Xerox)
Ex.D-94	In departmental Enquiry No.778/2016 evidence copy of complainant (Xerox)
Ex.D-95	Excise Inspector Yalahanka dated: 04-01-2019 issued certificate regarding no due is pending during DGO'S tenure. (Xerox)
Ex.D-96	Deputy Superintendent Excise, Yashavanthapura Sub-Division, Bengaluru issued a letter dated : 21-01-2020 stating that A Ravishankar Excise Inspector worked from 02-09-2009 to 26-08-2013. (Xerox)
Ex.D-97	Excise Inspector Yalahanka dated: 30-01-2020 issued information to DGO regarding RTI information. (Xerox)
Ex.D-98	Deputy Commissioner of Excise, Bengaluru City in his proceedings dated: 26-09-2013 M/s. Perika Bar and Restaurant has been shifted to Hunasemaranahalli. (Xerox)
Ex.D-99	DGO wrote a letter dated: 03-03-2011 to Deputy Commissioner of Excise, Bengaluru regarding shifting of CL-2 license. (Xerox)
Ex.D-100	The Predecessor of DGO submitted license of M/s Rekha wines for the year 2010-11. (Xerox)
Ex.D-101	The Mahazar dated: 06-06-2009 conducted by the predecessor of DGO of Bagani bar and restaurant. (Xerox)
Ex.D-102	On 09-06-2009 the Deputy Commissioner of Excise shifted Bagani bar and restaurant to DGO's Jurisdiction. (Xerox)
Ex.D-103	The predecessor of DGO's recommendation in respect of Bagani bar and restaurant. (Xerox)
Ex.D-104	DGO on 22-10-2012 wrote a letter to Deputy Commissioner of Excise, Bengaluru City regarding shifting of Panjabi bar and restaurant. (Xerox)

Ex.D-105	Stay Order of Excise Commissioner intimated to Police Inspector on 16-11-2011. (Xerox)
Ex.D-106	Police Inspector, Sampigehalli Police Station on 16-11-2012 written a letter to Joint Commissioner of Excise regarding of shifting of Panjabi bar and restaurant. (Xerox)
Ex.D-107	The Deputy Commissioner of Excise, Bengaluru City issued notice to Arunkumar regarding issue of license to Sri M. Arunkumar. (Xerox)
Ex.D-108	Letter of DGO to Deputy Commissioner of Excise, Bengaluru City regarding shifting of Panjabi bar and restaurant. (Xerox)
Ex.D-109	The Predecessor of DGO submitted license of M/s Vinayaka bar and restaurant for the year 2010-11 for renewal. (Xerox)
Ex.D-110	The Predecessor of DGO submitted license of M/s Vinayaka bar and restaurant for the year 2009-10 for renewal. (Xerox)
Ex.D-111	Stay Order of Excise Commissioner regarding Vinayaka bar and restaurant. (Xerox)
Ex.D-112	Stay order of M/s. CM bar and restaurant. (Xerox)
Ex.D-113	The Predecessor of DGO submitted license of M/s CM bar and restaurant for the year 2010-11 for renewal. (Xerox)
Ex.D-114	The Predecessor of DGO submitted license of M/s CM bar and restaurant for the year 2009-10 for renewal. (Xerox)
Ex.D-115	The Predecessor of DGO submitted license of M/s Shrinivas bar and restaurant for the year 2010-11 for renewal. (Xerox)
Ex.D-116	Self attested copy of the Predecessor of DGO submitted license of M/s Srinivas bar and restaurant for the year 2009-10 for renewal. (Self attested Xerox)
Ex.D-117	Stay order dated: 25-08-2015 of Excise Commissioner of Manikanta wines. (Xerox)

Ex.D-118	Self attested copy of after DGO's transfer his successor submitted license for renewal for the year 2013-14 of Panjabi bar and restaurant. (Self attested Xerox)
Ex.D-119	Self attested copy of DGO's successor submitted report regarding renewal of license in respect of M/s Vinayaka bar for the year 2013-14. (Self attested Xerox)
Ex.D-120	Self attested copy of DGO's successor submitted report regarding renewal of license in respect of M/s CM bar and restaurant for the year 2013-14. (Self attested Xerox)
Ex.D-121	Self attested copy of DGO's successor submitted report regarding renewal of license in respect of M/s Srinivas bar and restaurant for the year 2013-14. (Self attested Xerox)
Ex.D-122	Self attested copy of DGO's successor submitted report regarding renewal of license in respect of M/s Tanushree Wines for the year 2013-14. (Self attested Xerox)
Ex.D-123	Self attested copy of DGO's successor submitted report regarding renewal of license in respect of M/s Bhagini Pevilian Bar and Restaurant for the year 2013-14. (Self attested Xerox)
Ex.D-124	Self attested copy of Proceedings of Deputy Commissioner of Excise, Bengaluru City dated: 11-05-2015 regarding continuation of M/s Perika bar and restaurant. (Self Attested Xerox)
Ex.D-125	Self attested copy of Proceedings of Deputy Commissioner of Excise, Bengaluru City dated: 11-05-2015 regarding continuation of M/s Rekha wines. (Self Attested Xerox)

Ex.D-126	Self attested copy of Proceedings of Deputy Commissioner of Excise, Bengaluru City dated: 11-05-2015 regarding continuation of M/s Star Golden Amulya wines. (Self Attested Xerox)
Ex.D-127	Self attested copy of Proceedings of Deputy Commissioner of Excise, Bengaluru City dated: 11-05-2015 regarding continuation of M/s Bhagini Bar and Restaurant. (Self Attested Xerox)
Ex.D-128	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Panjabi bar and restaurant under RTI information. (Original)
Ex.D-129	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Tanushri bar and restaurant under RTI information. (Original)
Ex.D-130	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding Bhagini Grand bar and restaurant under RTI information. (Original 923, Certified copy 924)
Ex.D-131	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Srinivas bar and restaurant under RTI information. (Original 925, Certified copy 926)
Ex.D-132	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Rekha wines under RTI information. (Original 927, Xerox copy 928)
Ex.D-133	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s CM Bar and restaurant under RTI information. (Original)
Ex.D-134	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Vinayaka Bar and Restaurant under RTI information. (Original)
Ex.D-135	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Star Golden Amulya wines under RTI information. (Original)



Ex.D-136	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Bhagini Pevilin Bar and Restaurant under RTI information. (Original)
Ex.D-137	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Manikantha wines under RTI information. (Original 933, Xerox 934)
Ex.D-138	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Rachana Bar and Restaurant under RTI information. (Original 935, Xerox 936)
Ex.D-139	Letter of Excise Inspector, Yalahanka dated: 01-02-2021 regarding M/s Parika Bar and Restaurant under RTI information. (Original 937, Xerox 938)
Ex.D-140	Copy of Government Order dated: 02-02-2021 exonerated Sri Panduranga D., Excise Inspector (Rtd) the report. (Xerox)
Ex.D-141	Copy of documents obtained under RTI from the Commissioner of Excise regarding Panduranga D., Excise Inspector. (Xerox)
Ex.D-142	Covering letter of Superintendent of Excise-1 and Public Information Officer, Bengaluru dated: 24-09-2021 submitted information sought by the DGO. (Xerox)

DGO is already Retired dated: 31-03-2020.

14<sup>th</sup> March 2022.

  
(G. NANJUNDAIAH)

Additional Registrar (Enquiries)-10  
Karnataka Lokayukta,  
Bengaluru.



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

No.UPLOK-1/DE/468/2016/ARE-10

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001  
Date: **15/03/2022**

**RECOMMENDATION**

Sub:- Departmental inquiry against;  
Sri S.P. Trinethra, Excise Inspector, Devanahalli  
Range, Bengaluru - Reg.

- Ref:- 1) Govt. Order No. FD 81 EPS 2016, Bengaluru dated  
4/10/2016.
- 2) Nomination order No.UPLOK-1/DE/468/2016,  
Bengaluru dated 14/10/2016 of Upalokayukta-1,  
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 14/3/2022 of Additional  
Registrar of Enquiries-10, Karnataka Lokayukta,  
Bengaluru

-----

The Government by its order dated 4/10/2016 initiated the disciplinary proceedings against Sri S.P. Trinethra, Inspector of Excise, Devanahalli Range, 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.UPLOK-1/DE/468/2016 Bengaluru dated 14/10/2016 nominated Additional Registrar of Enquiries-10, 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 charge framed against DGO Sri S.P. Trinethra, Excise Inspector, Devanahalli Range, Bengaluru was to the effect that the DGO has failed to take action in respect of the allegations made in the Complaint against the liquor shops viz., sale of liquor for more than the MRP price; sale of loose liquor in the wine shops; location of liquor shops near schools, National Highways, Government offices; violation of Rule 5; violation of blue prints; sale of liquor in unlicensed shops, public places, opening and closing timings of liquor sale, etc. and has not issued any endorsement.
4. The Inquiry Officer (Additional Registrar of Enquiries-10) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri S.P. Trinethra, Excise Inspector, Devanahalli Range, Bengaluru.
5. On re-consideration of inquiry report and taking note of the totality of the circumstances of the case, 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 31/3/2020.
7. Having regard to the nature of charge proved against DGO Sri S.P. Trinethra, Excise Inspector, Devanahalli Range, Bengaluru, it is hereby recommended to the Government for imposing penalty of withholding 5% of pension payable to DGO Sri S.P. Trinethra for a period of 5 years.

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

Connected records are enclosed herewith.

*B.S. Patil* 15/3/22  
(JUSTICE B.S.PATIL)

Upalokayukta,  
State of Karnataka,  
Bengaluru

