

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14 A/52/2014

ENQUIRY REPORT Dated:20/09/2019

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

Delinquent Government Official : Sri. Gurunatha

Discharged duties as Panchayath
Development Officer, Islampura
Grama Panchayathi, Basavakalyana
Taluk, Bidar District in the year
2010.

Retired while in service on
superannuation on 30/07/2011.

Died on 16/05/2019.

1. In the year 2010 Delinquent Government Official (in short, 'DGO') was working as Panchayath Development Officer attached to Islampura Grama Panchayathi, Basavakalyana Taluk, Bidar District. DGO died on 16/05/2019.
2. Facts leading to initiating present inquiry against the DGO needs to be narrated in brief. One Sri. Ashok (hereinafter will be referred to as "complainant") is the resident of number 1-5-69, Pathak Galli, Bidar. Sharanamma is the wife of the complainant. During the year 2009 a house was sanctioned to the wife of the complainant at Mangaluru village of Basavakalyana Taluk of Bidar District under Indira Awas Scheme. According to the complainant, third instalment of Rs.10,000/- was due to be released to the wife of the complainant. Earlier to 18/12/2010

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the complainant approached the DGO in connection with cheque for Rs.10,000/- towards 3rd instalment. At that time, according to the complainant, DGO demanded illegal gratification of Rs.1,500/-. Thereafter, on 18/12/2010 the complainant appeared before the Police Inspector (hereinafter will be referred to as "Investigating Officer") attached to Lokayukta Police Station, Bidar and orally complained against the DGO. In order to ascertain the correctness or otherwise of the oral complaint, the Investigating Officer handed over a micro tape recorder to the complainant with instructions to approach the DGO and to record the conversation in the said micro tape recorder. Thereafter, on 19/12/2010 at about 2.00 P.M the complainant approached the DGO at Muchalamba village. DGO reiterated the earlier demand. The complainant recorded the conversation between him and DGO in the micro tape recorder and thereafter appeared before the Investigating Officer on 20/12/2010 in Lokayukta Police Station, Bidar and returned the micro tape recorder and lodged complaint against the DGO. On the basis of the said complaint, the Investigating Officer registered case against the DGO in crime number 12/2010 of Lokayukta Police Station, Bidar for the offence punishable under section 7, for the offence defined under section 13(1)(d) read with section 13(d) of The Prevention of Corruption Act, 1988 and submitted FIR to the Special Court at Bidar and instructed the complainant to appear on the next day. Accordingly, the complainant appeared before the Investigating Officer on 21/12/2010 in Lokayukta Police Station, Bidar at 6.45 A.M. The Investigating Officer secured shadow witness by name Krishna Rao and panch witness by name Satisha Kumar to Lokayukta Police Station, Bidar. The complainant placed five

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currency notes of denomination of Rs.100/- each and one currency note of denomination of Rs.500/- and thus in all a total sum of Rs.1,000/- before the Investigating Officer. The Investigating Officer got entered numbers of those notes on a sheet of paper and got applied phenolphthalein powder on those notes. The Investigating Officer got prepared solution with water and sodium carbonate powder and obtained sample of the solution in a bottle. On the instructions of the Investigating Officer the panch witness placed the tainted notes in the left side pocket of shirt of the complainant and afterwards immersed fingers of hands in the residual solution. The said wash turned to pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer handed over a voice recorder to the complainant with instructions to keep the same live at the time of approaching the DGO. The Investigating Officer instructed the complainant to approach the DGO and to give the tainted notes only in case of demand by DGO and further instructed to communicate by wiping face with kerchief in case of acceptance of tainted cash by DGO. The Investigating Officer instructed the shadow witness to accompany the complainant and to observe as to what transpires between the complainant and DGO. With the said process the Investigating Officer conducted pre-trap mahazar.

3. Subsequent to pre-trap mahazar the Investigating Officer along with his staff, complainant, shadow witness and panch witness left Lokayukta Police Station, Bidar on the same day ie., on 21/12/2010 at 8.30 A.M and proceeded to Basavakalyana. On the way the complainant contacted the DGO over cell phone. DGO responded that he has gone outside to attend personal

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work. At 4.00 P.M on the same day the complainant contacted the DGO over cell phone. DGO responded and informed the complainant to receive cheque from the Bill Collector by name Mahesha after paying cash of Rs.1,000/-. Afterwards, the complainant contacted Mahesha over cell phone. Mahesha responded the call and asked to meet near Taluk Panchayath office of Basavakalyana. Thereafter, the complainant along with shadow witness entered the premises of Taluk Panchayath office, Basavakalyana at 4.05 P.M. The complainant approached Mahesha who was in the compound of Taluk Panchayath office, Basavakalyana. Sathisha asked the complainant whether cash of Rs.1,000/- is brought or not. The complainant responded in the affirmative. Mahesha delivered the cheque for Rs.10,000/-. The complainant gave the tainted cash to Mahesha. Mahesha accepted the tainted cash and after counting the same with both hands placed those tainted notes in the right side front pocket of pant. After the communication conveyed by the complainant, Investigating Officer along with his staff and the panch witness entered the premises of the office of DGO where the complainant pointed out Mahesha and told that cash is received by Mahesha. The Investigating Officer disclosed his identity to Mahesha and informed the purpose of his visit. The Investigating Officer got prepared solution with water and sodium carbonate powder and after obtaining sample of the solution shared the solution in two containers. On the instructions of the Investigating Officer, Mahesha immersed fingers of right hand in the solution placed in a container and immersed fingers of left hand in the solution placed in another container. Finger wash of right hand of Mahesha turned to pink colour. Finger wash of left

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hand of Mahesha turned to light pink colour. The Investigating Officer seized those wash in separate bottles. On being questioned about the tainted cash, Mahesha responded that cash is in the right side pocket of pant. On the instructions of the Investigating Officer, panch witness lifted the tainted cash from right side front pocket of pant of Mahesha. On being questioned by the Investigating Officer about DGO, Mahesha told that DGO is in Seetha Colony of Basavakalyana. On the instructions of the Investigating Officer, Mahesha contacted the DGO over cell phone and asked about cash of Rs.1,000/-. The Investigating Officer got recorded the said phone conversation. Afterwards, the Investigating Officer brought his staff, complainant, shadow witness, panch witness and Mahesha to the office of Taluk Panchayathi, Basavakalyana and secured the DGO. The Investigating Officer got removed the pant of Mahesha after providing alternate pant got washed the right side front pocket of pant of Mahesha in the solution prepared with water and sodium carbonate powder. The said wash turned to light pink colour. The Investigating Officer seized the said wash in a bottle and also seized the pant of Mahesha. Mahesha and DGO placed their respective statement in writing before the Investigating Officer. The Investigating Officer secured the file of the wife of the complainant and after obtaining xerox copies of sheets of the file got those sheets attested and seized those sheets. The Investigating Officer obtained the xerox copy of the cheque which was placed with the complainant by Mahesha. After causing of arrest of DGO and Mahesha, the Investigating Officer released the DGO and sent the DGO to hospital in the background of the fact that DGO was not keeping good health.

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On the instructions of the Investigating Officer, staff of Investigating Officer produced Mahesha in the Home Office of the Presiding Officer of the Special Court at Bidar. On completion of investigation the Investigating Officer filed charge sheet against the DGO and Mahesha before the Special Court at Bidar.

4. On the basis of the report of the Additional Director General of Police, Karnataka Lokayukta, Bengaluru and the investigation papers made available by the Police Inspector attached to Lokayukta Police Station, Bidar, Hon'ble Upalokayukta-1, Karnataka, in exercise of the powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984, took up investigation which, on the basis of materials on record prima facie unearthed that DGO and Mahesha have committed misconduct and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984, recommended the competent authority to initiate disciplinary proceedings against DGO and Mahesha and to entrust the inquiry against DGO and Mahesha to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 with sanction in respect of DGO under Rule 214(2)(b)(i) of The Karnataka Civil Services Rules.
5. Subsequent to the report dated 19/10/2013 under section 12(3) of The Karnataka Lokayukta Act, 1984 Government Order bearing number ಗ್ರಾಅಪ/446/ಗ್ರಾಪಂಕಾ/2013 ಬೆಂಗಳೂರು ದಿನಾಂಕ 21/01/2014 has been issued by the In-charge Under Secretary to the Government of Karnataka, Department of Rural Development and Panchayath Raj entrusting the inquiry against the DGO to the Hon'ble

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Upalokayukta-1, Karnataka under Rule 214(2)(b)(i) of The Karnataka Civil Services Rules, 1957.

6. Subsequent to the Government Order ಗ್ರಾಅಪ /446/ ಗ್ರಾಪಂಕಾ/2013 ಬೆಂಗಳೂರು ದಿನಾಂಕ 21/01/2014, Order number LOK/INQ/14-A/52/2014, Bengaluru dated 30/01/2014 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating Additional Registrar,Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
7. As per Order number LOK/INQ/14-A/2014 dated 14/03/2014 of Hon'ble Upalokayukta-1, Karnataka this file has been transferred to this section i.e., Additional Registrar,Enquiries-11, Karnataka Lokayukta, Bengaluru.
8. Articles of charge dated 08/04/2014 at Annexure-1 which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar,Enquiries-11, Karnataka Lokayukta, Bengaluru is the following:

“ANNEXURE-1

CHARGE:

That you DGO Sri.Gurunatha, the then Panchayath Development Officer, Islampura Grama Panchayathi, Basavakalyana Taluk, Bidar District, demanded and accepted a bribe of Rs.1,000/- on 21/12/2010 from complainant Sri.Ashok S/o Sri.Nagashetty Patil R/o Mangalore Village in Basavakalyan Taluka of Bidar District for getting cheque to complainant's wife namely, Smt.Sharanamma for the amount of Rs.40,000/- which was sanctioned under Indira Aawas Scheme during the year 2009, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of

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

ANNEXURE-11

STATEMENT OF IMPUTATION OF MISCONDUCT

The complainant Sri.Ashok S/o Sri.Nagashetty Patil R/o Mangalore Village in Basavakalyan Taluka of Bidar District filed a complaint on 20/12/2010 before the Police Inspector in Karnataka Lokayukta for Bidar District alleging that complainant's wife namely, Smt.Sharanamma was identified as beneficiary under Indira Aawas Scheme during the year 2009 and allotted a site at his village -in Mangalore of Basva Kalyan Taluka. So, for getting cheque for the amount of Rs.40,000/- sanctioned in her name, he had approached the DGO but, expecting bribe amount, the DGO had unnecessarily delayed and harassed;

2. However, first instalment of Rs.10,000/- and second instalment amount of Rs.10,000/- had been received before 20/12/2010 in that connection, but cheque of third instalment of Rs.10,000/- was to be received. For that, when they enquired (about third instalment cheque of Rs.10,000/-), the DGO was pressurizing to pay bribe of Rs.1,500/-. So, he had approached Lokayukta Police on 18/12/2010 and thereafter contacted the DGO at Muchalamb village on 19/12/2010 (as told by the DGO). Then also, the DGO asked him, whether bribe amount of Rs.1,500/- has been brought or not. For that, when he told that he is not having amount, the DGO told him that if bribe amount of Rs.1,500/- is paid, then only cheque for Rs.10,000/- will be given, and took Rs.500/- as advance from him then, asking him to bribe the balance Rs.1,000/- on 21/12/2010 at the place to be informed by DGO.
3. As the complainant was not willing to pay bribe to the DGO, he went to Police Inspector, Karnataka Lokayukta, Bidar District

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on 21/12/2010 and lodged a complaint. On the basis of the same a case was registered in Bidar District Lokayukta Police Station Cr. No. 12/2010 for offences punishable under sections 7, 13(1)(d) r/w section 13(2) of the P.C. Act, 1988 and FIR was submitted to the concerned learned special judge.

4. After registering the case, investigating officer observed all the pre trap formalities and entrustment mahazar was conducted the DGO was asked complainant to pay the bribe amount of Rs.1,000/- in the hands of Sri.Mahesh Dasthapoore, Bill Collector. The Bill Collector Sri.Mahesh Dasthapoore trapped on 21/12/2010 by the Investigating Officer after demanding and accepting the balance bribe amount of Rs.1,000/- from the complainant for himself and on behalf of DGO in the presence of shadow witness near the gate of Taluk Panchayath Office, which Sri.Mahesh Dasthapoore, Bill Collector had received from the complainant was seized under the seizure mahazar after following the required post trap formalities. During the investigation the I.O. has recorded the statements of Panchas and other witnesses and further statement of complainant. The I.O. during the investigation has sent the seized articles to the chemical examiner and obtained the report from him and he has given the result as positive.
5. The materials collected by the I.O. during the investigation prima facie disclose that Sri.Mahesh Dasthapoore, Bill Collector, demanded and accepted bribe of Rs.1,000/- from the complainant on 21/12/2010 for himself and on behalf of DGO for doing an official act i.e., for issuing third instalment cheque for Rs.10,000/-. Thus the DGO has failed to maintain absolute integrity and devotion to duty and this act on his part is unbecoming of a Government servant. Hence, he has committed an act which amounted to misconduct as stated under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.
6. In this connection an observation note was sent to the DGO and he has submitted his reply which, after due consideration, was found not acceptable. Therefore, a recommendation was made


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to the Competent Authority under section 12(3) of the Karnataka Lokayukta Act 1984, to initiate Departmental Proceedings against the DGO. The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental / disciplinary proceedings against DGO and to submit report. Hence the charge".

9. In response to due service of articles of charge DGO entered appearance before this section on 23/05/2014 and engaged Advocate for his defence. In the course of first oral statement of DGO recorded on 23/05/2014 he pleaded not guilty.
10. In the course of written statement of DGO filed on 01/08/2014 he contended that the complainant is stranger to him and that he had no reason or occasion to meet the complainant. It is contended that DGO was not in a position to extend official favour for issue of cheque to the wife of the complainant. It is contended that investigation conducted by the Investigating Officer is not in accordance with law. It is contended that DGO neither demanded nor accepted illegal gratification. It is contended that charge sheet has been filed against the DGO in Special C.C. number 12/2010 on the file of The Principal District and Sessions Judge, Bidar and in the background of the same the present inquiry initiated is bad in law. DGO has denied the alleged misconduct.
11. The disciplinary authority has examined the panch witness Sri. Krishna Rao as PW1, the Investigating Officer Sri. R.S. Jagirdar as PW2, Sri. Ashok as PW3 and the shadow witness by name Sri. Sathisha Kumar as PW4. During evidence of PW1, attested copy of pre-trap mahazar dated 21/12/2010 in six sheets is marked as per Ex P1, attested copy of trap mahazar dated 21/12/2010 in

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ten sheets is marked as per Ex P2. During evidence of PW2, attested copy of complaint dated 20/12/2010 in a single sheet is marked as per Ex P3, attested copy of FIR dated 20/12/2010 in a single sheet in crime number 12/2010 of Lokayukta Police Station, Bidar is marked as per Ex P4, attested copy of statement dated 21/12/2010 in a single sheet of DGO is marked as per Ex P5, attested copy of statement dated 21/12/2010 in two sheets of Mahesha is marked as per Ex P6, attested copy of fifteen sheets of the file of the wife of the complainant are together marked as per Ex P7, attested copy of two sheets of the attendance register maintained in the office of DGO is marked as per Ex P8. During evidence of PW3, seven attested sheets containing xerox impressions of photographs are marked as per Exs P8 to P14. (by oversight, instead of marking as Exs P9 to P14 seven xerox sheets of photographs are marked as per Exs P8 to P14 and therefore a single attested sheet containing two xerox impressions of photographs marked as Ex P8 on 29/01/2019 will be referred to as Ex P8(a) and the said document is marked today as Ex P8(a)). During evidence of PW4 xerox copy of medical prescription dated 03/09/2019 in a single sheet is marked as per Ex P15.

12. On 08/08/2019 Advocate for DGO has filed original death certificate of DGO. Thereafter, xerox copy of death certificate is secured through the Police Inspector, Karnataka Lokayukta, Bidar. It is seen in the original death certificate and xerox copy of death certificate that DGO died on 16/05/2019.

13. In view of death of DGO, the present inquiry against the DGO cannot be continued and accordingly, the present inquiry shall stand abated. Accordingly, I proceed with the following:

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R E P O R T

Inquiry against the DGO in LOK/INQ/14-A/52/2014 shall stand abated in view of death of DGO.

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


(V.G. BOPAIAH)

Additional Registrar, Enquiries-11
Karnataka Lokayukta, Bengaluru.

ANNEXURE

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

PW1:-	Sri. Krishna Rao
PW2:-	Sri. R.S. Jagirdar
PW3:-	Sri. Ashoka
PW4:-	Sri. Sathish Kumar


List of witnesses examined on behalf DGO:- Nil.

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Attested copy of pre-trap mahazar dated 21/12/2010 in six sheets.
Ex P2	Attested copy of trap mahazar dated 21/12/2010 in ten sheets.
Ex P3	Attested copy of complaint dated 20/12/2010 in a single sheet.
Ex P4	Attested copy of FIR dated 20/12/2010 in a single sheet in crime number 12/2010 of Lokayukta Police Station, Bidar.

- Ex P5 Attested copy of statement dated 21/12/2010 in a single sheet of DGO.
- Ex P6 Attested copy of statement dated 21/12/2010 in two sheets of Mahesha.
- Ex P7 Attested copy of fifteen sheets of the file of the wife of the complainant.
- Ex P8 Attested copy of two sheets of the attendance register maintained in the office of DGO.
- Ex P8(a) A single attested sheet containing two xerox impressions of photographs Ex P8(a).
- Ex P9 A single attested sheet containing two xerox impressions of photographs.
- Ex P10 A single attested sheet containing two xerox impressions of photographs.
- Ex P11 A single attested sheet containing two xerox impressions of photographs.
- Ex P12 A single attested sheet containing two xerox impressions of photographs.
- Ex P13 A single attested sheet containing two xerox impressions of photographs.
- Ex P14 A single attested sheet containing a xerox impression of photograph.
- Ex P15 Xerox copy of medical prescription dated 03/03/2019 in a single sheet issued to PW4.

List of documents marked on behalf of DGO:- Nil.


 (V.G. BOPAI AH)
 Additional Registrar, Enquiries-11
 Karnataka Lokayukta, Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. LOK/INQ/14-A/52/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: 23/09/2019

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Gurunatha, the then Panchayath Development
Officer, Islampur Grama Panchayath, Basavakalyan
Taluk, Bidar District – Reg.

Ref:- 1) Government Order No. ಗ್ರಾಅಪ/446/ಗ್ರಾಪಂಚಾ/2013 Bengaluru
dated 21/01/2014

2) Nomination order No.LOK/INQ/14-A/52/2014,
Bengaluru dated 30/1/2014 of Upalokayukta-1,
State of Karnataka, Bengaluru

3) Report dated 20/09/2014 of Additional Registrar of
Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 21/1/2014, initiated the disciplinary proceedings against Sri Gurunatha, the then Panchayath Development Officer, Islampur Grama Panchayath, Basavakalyan Taluk, Bidar District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/52/2014, Bengaluru dated 30/1/2014 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. LOK/INQ/14-A/2014, dated 14/3/2014, the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri Gurunatha, Panchayath Development Officer, Islampur Grama Panchayath, Basavakalyan Taluk, Bidar District was tried for the following charge:-


“That you DGO Sri Gurunatha, the then Panchayath Development Officer, Islampura Grama Panchayathi, Basavakalayana Taluk, Bidar District, demanded and accepted a bribe of ₹1,000/- on 21/12/2010 from Complainant Sri Ashok S/o. Sri Nagashetty Patil, R/o. Mangalore Village in Basavakalyan Taluka of Bidar District for getting cheque to Complainant’s wife namely Smt. Sharanamma for an amount of ₹40,000/- which was sanctioned under Indira Awaz Scheme during the year 2009, and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.”

4. The DGO Sri Gurunatha died on 16/5/2019 during the pendency of inquiry. Therefore, the Inquiry officer has recorded the abatement of disciplinary proceedings against DGO Sri Gurunatha.

5. It is hereby recommended to Government to accept the report of inquiry officer and to record the abatement of disciplinary proceedings against DGO Sri Gurunatha, the then Panchayath Development Officer, Islampur Grama Panchayath, Basavakalyan Taluk, Bidar District.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)

Upalokayukta-1,
State of Karnataka,
Bengaluru

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