

KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/65/2016/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001
Date: 25/02/2021**: Present:****Patil Mohankumar Bhimanagouda**
Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri. M.B. Ravi, Second Division
Assistant, Office of the Directorate
of Health and Family Welfare Services,
Bangaluru- reg.

- Ref :-**
- 1) Report u/s 12(3) of the K.L Act, 1984 in
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- Compt/Uplok/BCD/3407/2015/DRE-2,
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- dated:03/02/2016.
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- 2) Govt. Order No.ಅಕುಕ 45 ಹೆಚ್‌ಎಸ್‌ಎಂ 2016,
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- ಬೆಂಗಳೂರು, dated: 03/03/2016.
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- 3) Nomination Order No.UPLOK-1/DE/
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- 65/2016, Bengaluru, dated:
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- 17/03/2016.

1. This departmental enquiry is directed against Sri. M.B. Ravi, Second Division Assistant, Office of the Directorate of Health and Family Welfare Services, Bengaluru (herein after referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation, a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.
3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-1, vide order dated : 17/03/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-1 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. The Additional Registrar Enquiries-1 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charges. Copies of the same were issued to the DGO calling upon him to appear before this authority and to submit written statement of his defence. Later on the file was transferred from ARE-1 to ARE-7.
4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta dated 06/08/2018 this enquiry file was transferred from ARE-7 to AR E-13.
5. The Articles of Charges framed by ARE-1 against the DGO is as below:

ANNEXURE-1**CHARGE:**

6. While you DGO Sri. M.B. Ravi was working as Second Division Assistant in Office of Directorate of Health and Family Welfare Services, Bangalore demanded Sri. Massod Ahamed, First Division Assistant, Primary Health Centre, Kaggalipura to pay bribe of Rs.3,500/- for searching the records and to attend to his request for treating the period of his suspension as on duty and further on 27/08/2014 when Sri. Massod Ahamed approached you along with a shadow witness and requested you to attend to his work you again demanded and received Rs.3,500/- from him as bribe and you were caught red handed and therefore you the DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966. Hence, this charge.

ANNEXURE-II**STATEMENT OF IMPUTATION OF MISCONDUCT:**

7. An investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984, after invoking Section 7(2) of the Karnataka Lokayukta Act, 1984, as misconduct was alleged to have been committed by the respondent on the basis of the report submitted by the Superintendent of Police, City Division,

Karnataka Lokayukta, Bangalore along with investigation report submitted by the Police Inspector, Karnataka Lokayukta, Bangalore City Division alleging that M.B. Ravi, Second Division Assistant, office of the Directorate of Health and Family Welfare Services, Ananda Rao Circle, Bangalore (hereinafter referred to as "Respondent" for short) being public servant, has committed misconduct, when approached by Sri. Massod Ahamed S/o Late Abdulgani, FDA, PHC, Kaggalipura, now working in Health and Family welfare Training Centre, Magadi Road, Bangalore (hereinafter referred to as "complainant" for short).

8. Brief facts of the Case are:

(a) According to the complainant: When the complainant was working in PHC, Kaggalipura, he was placed under suspension for the period from 04/04/1996 to 03/02/1998 on the allegations of misappropriation of Government fund. The Complainant approached the Hon'ble KAT in this regard and Hon'ble KAT has cancelled the order of suspension and ordered for revoking from suspension, and to treat the suspension period of the complainant as duty period.

(b) As such, the complainant on 03/06/2014 applied for revoking his suspension as per the orders of the Hon'ble KAT. Even after 3 months there was no endorsement to

his application, the complainant approached the Respondent who was working in DPN Section and respondent replied that his file is not come to him and demanded for Rs.500/- for searching the file.

(c) Further the complainant on 20/08/2014 again contacted the Respondent through phone, the respondent replied that for taking order from the higher officer, he has to pay more bribe. Further on 26/08/2014 the respondent over phone informed the complainant to pay Rs.4,500/- bribe, after bargain, the respondent reduced to Rs.3,500/-. The complainant recorded the said conversation in his mobile phone.

(d) Unwilling to pay bribe among to the respondent, he approached the Lokayukta Police, Bangalore City Division, Karnataka Lokayukta, Bangalore on 27/08/2014 and filed a written complaint. On the basis of the written complaint the I.O. has registered case in Cr.No.43/2014 under section 7, 13(1)(d) read with section 13(2) of the P.C. Act 1988.

(e) On 27/08/2014 after conducting trap formalities a trap was laid and the respondent was caught red handed while demanding and accepting the bribe amount of Rs.3,500/- from the complainant. I.O. recovered the

tainted currency notes from the possession of the respondent under mahazar and copy of the documents.

(f) Added to that, respondent failed to give any satisfactory reply or explanation or account for the said (tainted) bribe amount found then, when questioned by the I.O.

(g) Even there are statements of witnesses, including complainant, besides collected records and material filed by the I.O. which show his said repeated misconduct.

9. Said facts supported by the materials on record show that the respondent, being a Government servant, has failed to maintain absolute integrity, besides absolute devotion to duty and acted in a manner unbecoming of Government servant, and thereby repeatedly committed misconduct and made himself liable for disciplinary action.

10. Therefore, investigation was taken up against the respondent and the observation note was sent to him to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him in the matter. For that the respondent gave his reply. However, the same has not been found convincing to drop the proceedings.

11. Further, since said facts and material on record prima facie show that, the respondent has committed grave misconduct, now, acting under Section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent for misconduct under Rule 3(1) (i) to (iii) of KCS(conduct) rules 1966 the Govt. after consideration of materials, has entrusted enquiry to Hon'ble Upalokayukta. Hence the charge.

12. The DGO appeared before this Enquiry Authority on 22/04/2016 and on the same day his First Oral Statement was recorded U/Rule 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed his written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that he has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, prayed to exonerate him from the charges framed in this case.

13. In order to substantiate the charge, the Disciplinary Authority examined four witnesses as PW-1 to PW-4 and got marked the documents at Ex.P-1 to P-4 and closed the evidence.

14. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of

KCS (CC & A) Rules, 1957 and wherein he has submitted that, the witnesses have deposed falsely against him. After recording of the SOS, the DGO remained absent for a very long period. At the request of Advocate for DGO several adjournments were granted. In spite of it the DGO did not appear. Even though sufficient opportunity was given, the DGO did not lead any evidence. Hence, the prayer of Advocate for DGO was rejected and the evidence of DGO was taken as Nil. Since the DGO remained absent, the questionnaire was also dispensed.

15. Heard the oral arguments of both the sides.

16. Upon consideration of the charge leveled against the DGO the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the point that arises for my consideration is as under:

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO Sri. M.B. Ravi while working as Second Division Assistant in Office of Directorate of Health and Family Welfare Services, Bangalore demanded from the complainant Sri. Massod Ahamed, First Division Assistant, Primary Health Centre, Kaggalipura to pay a bribe of Rs.3,500/- for searching the records and to attend to his request for treating the

period of his suspension as on duty and further on 27/08/2014 when Sri. Massod Ahamed approached the DGO along with a shadow witness and requested him to attend to his work the DGO again demanded and received Rs.3,500/- from him as bribe and thereby the DGO failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

17. My finding on the point No-1 is held in the “**Affirmative**” for the following:

:: REASONS ::

18. **Point No-1:-** The complainant Sri Massod Ahamed has been examined as PW-1 and he has reiterated the facts stated in the complaint. He states that, the DGO who was working as Second Division Assistant in the Office of Directorate of Health and Family Welfare Services, Bangalore demanded from the complainant Sri. Massod Ahamed, First Division Assistant, Primary Health Centre, Kaggalipura to pay a bribe of Rs.3,500/- for searching the records and to attend to his request for treating the period of his suspension as on duty. He further states that, he was not

interested to pay the bribe, hence he approached the Lokayukta Police and lodged the complaint.

19. The witness further states that, Lokayukta Police summoned two pancha witnesses/Government servants i.e Sri Lakshmi Narasimha Swamy S/o Narasaiah, Superintendent, Office of the Rural Development and Panchayath Raj Department, M.S. Building, Bengaluru and Sri. B.S. Mohan S/o Sathigaiah, Supervisor, Office of the Sericulture Department, Okalipura, Bengaluru. The complainant/PW-1 has handed over the bribe amount of Rs.3,500/- i.e 7 notes of Rs.500/- denomination. The panchas noted down the serial numbers in a page i.e Ex.P-2. He further states that, the bait money was smeared with Phenolphthalein Powder. The Sodium Carbonate Solution was taken in a glass bowl. One of the staff of Lokayukta by name Sri Umesh B, Police Constable smeared the bait money with Phenolphthalein powder. The Pancha No-2 Sri B.S. Mohan kept the bait money of Rs.3,500/- in the right pant pocket of the complainant. The hands of the pancha were washed in Sodium Carbonate Solution. The colourless solution turned into pink colour, due to the presence of Phenolphthalein Powder. The police poured the pink solution in an empty bottle and sealed it and seized it. He further states that, the I.O conducted the Entrustment Mahazar as per Ex.P-3.

20. He further states that, the I.O told him to approach the DGO and pay the bribe amount, only if demand is made by DGO. The

shadow witness Sri Lakshmi Narasimaha Swamy S/o Narasaiah/PW-2 was asked to accompany the complainant. He further states that, as per the directions of I.O he called the DGO on his mobile phone and the DGO asked the complainant to come near the Hotel Ksheera Sagara, Anand Rao Circle, Bengaluru.

21. PW-1 further states that, he along the panchas, I.O and police staff left the Lokayukta office at 2-45 p.m and reached near the Hotel Ksheera Sagara, Anand Rao Circle, Bengaluru. PW-1 further states that, the DGO was waiting in front of the Hotel. He further states that, he along with shadow witness went to the place where the DGO was standing. He further states that when he asked about his official work the DGO demanded the bribe. Accordingly the complainant has handed over the bribe money to the DGO. The DGO received the bribe money of Rs.3,500/- and kept in his backside left pocket of his pant.

22. PW-1 further states that, he gave the signal to the I.O. The Investigation Officer came near the Hotel Ksheera Sagara, Anand Rao Circle, Bengaluru where the DGO was present and introduced himself and asked the DGO to co-operate for investigation. PW-1 further states that he told the I.O that the DGO had received bribe amount of Rs.3,500/- from him.

23. PW-1 further states that, the I.O enquired the DGO about the bait money of the Rs.3,500/-. The DGO handed over the bait money

of Rs.3,500/- which he had kept in his pant pocket. PW-1 further states that, the staff of Lokayukta Police had caught hold the hands of DGO. The Sodium Carbonate Solution was prepared in glass bowls and both the hands of DGO were washed in Sodium Carbonate Solution. Due to the presence of Phenolphthalein Powder, the solution turned into the pink colour. It was poured in a bottle, sealed and seized. PW-1 further states that, alternate pant was arranged to the DGO and his pant was also seized. The pant pocket was washed in Sodium Carbonate Solution. Due to the presence of Phenolphthalein Powder, the solution turned into pink colour. It was poured in a bottle, sealed and seized. He further states that, the I.O conducted the Trap Mahazar as per Ex.P-4.

24. PW-2 Sri Lakshmi Narasimha Swamy is the shadow witness and he has accompanied the complainant. He states that, he is working as Superintendent, Office of the Rural Development and Panchayath Raj Department, M.S. Building, Bengaluru. The Lokayukta Police summoned him and Sri B.S. Mohan, Supervisor, Office of the Sericulture Department, Okalipura, Bengaluru on 27/08/2014 and requested them to act as panchas. The Complainant was introduced to them and contents of Ex.P-1 complaint were explained to them. PW-2 further states that, the complainant handed over the bait money of Rs.3,500/- i.e 7 notes of Rs.500/- denomination. The police staff applied Phenolphthalein powder to the notes and second pancha Sri B.S. Mohan counted the notes and kept Rs.3,500/- in the right pocket of the pant of the

complainant. PW-2 further states that, the hands of Sri B.S. Mohan were washed in the Sodium Carbonate Solution and it turned into pink colour. The police seized the said solution and sealed it in the bottle and drew the Entrustment Mahazar as per Ex.P-3. He further states that, they left the Lokayukta office and reached the Hotel Ksheera Sagara, Anand Rao Circle, Bengaluru at about 2.45 p.m. He states that, he along with the complainant met the DGO. He further states that, the complainant asked the DGO about his work i.e for searching the records and to attend to his request for treating the period of his suspension as on duty for which the DGO demanded the bribe of Rs.3,500/-. The complainant handed over the bribe amount to the DGO. The DGO received the bribe amount and kept it in his pant pocket.

25. PW-2 has elaborately stated as to how the bait amount was seized and the Trap Mahazar was conducted as per Ex.P-4. He further states that, the hands and pant pocket of the DGO were washed in Sodium Carbonate Solution and the solution turned into the pink colour due to the presence of Phenolphthalein Powder. The said solution was poured into separate bottles, sealed and seized.

26. PW-3 Sri B.S. Mohan is the second pancha witness and he has accompanied the police. He states that, he is working as Supervisor, Office of the Sericulture Department, Okalipura, Bengaluru. The Lokayukta Police summoned him and PW-2 on 27/08/2014 and requested them to act as panchas. The Complainant was introduced

to them and contents of Ex.P-1 complaint were explained to them. PW-2 further states that, the complainant handed over the bait money of Rs.3,500/- i.e 7 notes of Rs.500/- denomination. The police staff applied Phenolphthalein Powder to the notes and he counted the notes and kept Rs.3,500/- in the right pocket of the pant of the complainant. PW-3 further states that, his hands were washed in the Sodium Carbonate Solution and it turned into the pink colour. The police seized the said solution and sealed it in the bottle and drew the Entrustment Mahazar as per Ex.P-3. He further states that, they left the Lokayukta office and reached the Hotel Ksheera Sagara, Anand Rao Circle, Bengaluru at about 2.45 p.m. He states that, PW-2 along with the complainant met the DGO. He along with I.O, police staff were standing at some distance. After some time the complainant gave the sign and he along with the I.O and police staff went to the place i.e Hotel Ksheera Sagara, Ananda Rao Circle, Bengaluru. He further states that, the I.O introduced himself and asked the DGO to co-operate for investigation. PW-3 further states that the complainant told the I.O that the DGO had received bribe amount of Rs.3,500/- from him.

27. PW-3 further states that, the I.O enquired the DGO about the bait money of the Rs.3,500/-. The DGO handed over the bait money of Rs.3,500/- which he had kept in his pant pocket. PW-3 further states that, the staff of Lokayukta Police had caught hold the hands of DGO. The Sodium Carbonate Solution was prepared in glass bowls and both the hands of DGO were washed in Sodium

Carbonate Solution. Due to the presence of Phenolphthalein Powder, the solution turned into the pink colour. It was poured in a bottle, sealed and seized. PW-3 further states that, alternate pant was arranged to the DGO and his pant was seized. The pant pocket was washed in Sodium Carbonate Solution. Due to the presence of Phenolphthalein Powder, the solution turned into the pink colour. It was poured in a bottle, sealed and seized. He further states that, the I.O conducted the Trap Mahazar as per Ex.P-4.

28. The I.O Sri. K.P Vishnuvardhan Pandit, Police Inspector, Karnataka Lokayukta, Bangaluru City Division has been examined as PW-4. He states that, the complainant approached him with the complaint on 27/08/2014 alleging that, the DGO had demanded bribe of Rs.3,500/- for searching the records and to attend to his request for treating the period of his suspension as on duty. He indentifies the complaint at Ex.P-1. PW-4 further states that, he registered the case in Cr.No. 43/2014 and submitted FIR to the court. On the same day he summoned two witnesses by name Sri Lakshmi Narasimha Swamy S/o Narasaiah, Superintendent, Office of the Rural Development and Panchayath Raj Department, M.S. Building, Bengaluru and Sri. B.S. Mohan S/o Sathigaiah, Supervisor Office of the Sericulture Department, Okalipura, Bengaluru. He has introduced the complainant to the panchas and appraised the witnesses about the complaint. PW-4 has demonstrated the procedure for Entrustment Mahazar. He has received the bribe money Rs.3,500/- i.e 7 notes of Rs.500/- denomination. The I.O

has asked the panchas to note down the serial numbers of notes on a paper and they were noted down on a paper i.e Ex.P-2. He further states that, his staff i.e Sri. Umesh B, Police Constable applied Phenolphthalein Powder to the notes and demonstrated how the colourless Sodium Carbonate Solution turns into pink colour due to the presence of Phenolphthalein Powder. PW-4 states elaborately about the Entrustment Mahazar conducted by him as per Ex.P-3.

29. PW-4 further states that, he along with the complainant and panchas and his staff went near the Hotel Ksheera Sagara, Ananda Rao Circle, Bengaluru. He had instructed the complainant and shadow witness/PW-2 to approach the DGO. He had specifically instructed the complainant that, the bait money shall be paid only on demand by the DGO. PW-4 further states that, after sometime he received signal from the complainant. He went and introduced himself to the DGO.

30. PW-4 has narrated elaborately how he washed the hands of the DGO in Sodium Carbonate Solution and seized the bait money of Rs.3,500/- from the DGO. He has narrated the details of Trap Mahazar conducted by him as per Ex.P-4. He has identified his signature on the mahazar at Ex.P-4(a).

31. The advocate for DGO has canvassed his arguments that, the DGO has not demanded any bribe and the complainant had repaid the loan taken from the DGO. He further submits that, the DGO has

not committed any misconduct and he has not demanded or accepted any bribe from the complainant. Hence, he prays for exonerating the DGO.

32. I have carefully gone through the oral evidence of the DGO. The DGO has taken up a contention that, the complainant had repaid the loan taken from the DGO. However the DGO has not produced any documents in support of his contention. Hence the story put forth of by the DGO is not believable. On the other hand the Disciplinary Authority has proved the pendency of the official work of the complainant with the DGO. The DGO was incharge of putting the file of the complainant for searching the records and to attend to his request for treating the period of his suspension as on duty. Hence, the demand of bribe by the DGO appears to be highly probable. Therefore I am of the opinion that, the version to PW-1 in this regard is worthy of acceptance. Therefore I accept the evidence of the complainant. The version of the Disciplinary Authority is believable.

33. On careful perusal of the oral and documentary evidence of PW-1 to 4 and the Exhibits at Ex.P-1 to P-4, the Disciplinary Authority has proved that, the DGO in order to do the official work had demanded and accepted the bribe of Rs.3,500/- on 27/08/2014. Hence, the story put forth by the DGO does not appear to be true.

34. On careful appreciation of the oral and documentary evidence adduced by the Disciplinary Authority, I am opinion that, the Disciplinary Authority has proved its case. First of all, the oral evidence of complainant/PW-1 proves that, he had official work with the DGO for searching the records and to attend to his request for treating the period of his suspension as on duty. PW-1 has further proved that, the DGO demanded and accepted bribe of Rs.3,500/-.

35. PW-1 has stated about lodging the complaint as per Ex.P-1 and he has deposed about the Entrustment Mahazar conducted as per Ex.P-3. He has further deposed of having approached the DGO along with shadow witness PW-2 and paid the bribe amount to the DGO. PW-1 has deposed about the Trap Mahazar conducted by the I.O as per Ex.P-4.

36. The evidence of PW-1/Complainant is corroborated by the evidence of shadow witness/PW-2 Sri Lakshmi Narasimha Swamy. This witness has also stated consistently about the procedure and Entrustment Mahazar conducted by the I.O. He has accompanied the complainant to Hotel Ksheera Sagara, Ananda Rao Circle, Bengaluru and specifically states that, the DGO demanded bribe and the complainant paid the bribe amount i.e bait money to the DGO. PW-2 has elaborately deposed about the Trap Mahazar conducted by the I.O. He has stated that, the hands of the DGO were washed in Sodium Carbonate Solution and the solution turned into pink colour. He has stated about the Trap Mahazar conducted as per

Ex.P-4. The evidence of PW-1 and 2 is further corroborated by the evidence of second pancha Sri. B.S. Mohan.

37. The evidence of PW-1 to 3 is further corroborated by the evidence of I.O PW-4. He has narrated the entire procedure, right from the time of lodging the complaint, till execution of successful Trap. He has deposed about the Entrustment Mahazar and Trap Mahazar at Ex.P-3 and P-4 respectively. The I.O has specifically stated that, the bait money was recovered from the DGO and his hands were washed in Sodium Carbonate Solution and the solution turning to pink colour, due to the presence of Phenolphthalein powder.

38. PW-1 to 4 have specifically stated about the bait money of Rs.3,500/- i.e 7 notes of Rs. 500/- denomination produced by the complainant. The panchas have noted down the numbers and they have been mentioned in both the Entrustment and Trap Mahazars at Ex.P-3 and P-4. PW-1 to PW-4 have specifically stated that, the bait money recovered from the DGO was verified, and they were the same notes to which Phenolphthalein Powder was applied and the serial numbers were noted down in Ex.P-2. The same notes were received by the DGO. All the four witnesses have stated about washing the hands of DGO in Sodium Carbonate Solution, which turned to pink colour, due to the presence of Phenolphthalein powder. The evidence of PW-1 to 3 is further corroborated by the evidence of I.O.

PW-4 who has conducted the Entrustment Mahazar as per Ex.P-3 and Trap Mahazar as per Ex.P-4.

39. It is well settled proposition of law that, the standard of proof required in departmental enquiries is preponderance of probability. The Disciplinary Authority has to make out a case in which the preponderance of probability is towards the guilt of Delinquent Government employee. The standard of proof required in criminal cases is proof beyond reasonable doubt. However in departmental enquiries it will be sufficient if the preponderance of probability is towards the guilt of the DGO. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that, the Disciplinary Authority has proved that, the complainant had official work pertaining to for searching the records and to attend to his request for treating the period of his suspension as on duty

40. PW-1 to 4 have been cross examined at length by the Advocate for DGO. Nothing material was elicited to discredit their testimony. PW-1 has categorically stated about the demand and acceptance of bribe by the DGO. The Disciplinary Authority has proved the Entrustment Mahazar and Trap Mahazar at Ex.P-3 and P-4 with the evidence of PW-1 to 4.

41. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that, the

Disciplinary Authority has proved that, the DGO in order to do the official favour i.e for searching the records and to attend to his request for treating the period of his suspension as on duty demanded bribe of Rs.3,500/- from the complainant and he has accepted the same. The Disciplinary Authority has by cogent oral and documentary evidence proved that, the DGO had demanded and accepted the bribe of Rs.3,500/- to do the official work and it was successfully recovered by laying a Trap.

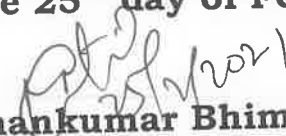
42. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity, besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that, the charge leveled against the DGO is established. Hence, I answer point No.1 in the "**Affirmative**".

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri. M.B. Ravi, Second Division Assistant, Office of the Directorate of Health and Family Welfare Services, Bangaluru.

43. This report is submitted to Hon'ble Upa Lokayukta-1 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 25th day of February 2021


(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURES

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. Massod Ahamad (Original)
PW-2: Sri. Lakshmi Narasimha Swamy (Original)
PW-3: Sri. B.S. Mohan(Original)
PW-4: Sri. K.P. Vishnuvardhan Pandit (Original)
Witness examined on behalf of the Defence
NIL
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint (Certified copies) Ex. P-1(a): Signature of the complainant.
Ex.P-2: Certified copy of details of serial numbers of the notes. Ex.P-2(a): Signature of the I.O.
Ex. P-3: Entrustment Mahazar (Certified copies) Ex. P-3(a): Signature of the complainant.
Ex. P-4: Trap Panchanama (Certified copies) Ex.P-4(a): Signature of the I.O.

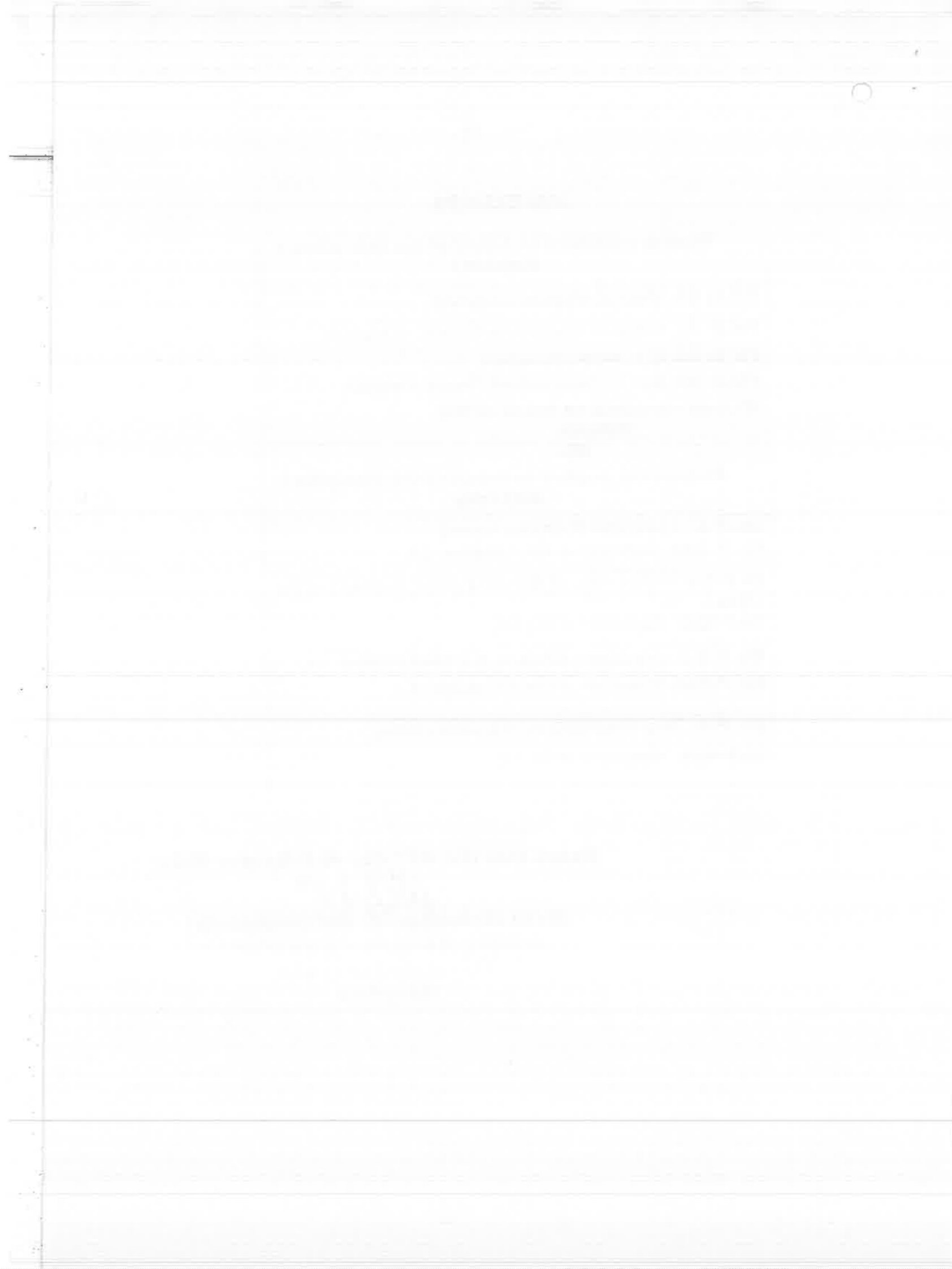
Dated this the 25th day of February 2021

(Patil Mohankumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore.



GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/65/2016/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **09/03/2021**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri M.B. Ravi, Second Division Assistant, Office of the
Directorate of Health and Family Welfare Services,
Bengaluru – Reg.

- Ref:- 1) Govt. Order No. ಆಕುಕ 45 ಹೆಚ್‌ಎಸ್‌ಎಂ 2016, Bangalore
dated 3/3/2016.
- 2) Nomination order No.UPLOK-1/DE/65/2016,
Bengaluru dated 17/3/2016 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 25/2/2021 of Additional
Registrar of Enquiries-13, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 3/3/2016 initiated the disciplinary proceedings against Sri M.B. Ravi, Second Division Assistant, Office of the Directorate of Health & Family Welfare Services, 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/65/2016 Bengaluru dated 17/3/2016 nominated Additional Registrar of Enquiries-1, 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.UPLOK-1/DE/2017, dated 6/7/2017, Additional Registrar of Enquiries-7,

Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO. Again as per Order No.UPLOK-1&2/DE/Transfers/2018 dated 6/8/2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The DGO Sri M.B. Ravi, Second Division Assistant, Office of the Directorate of Health & Family Welfare Services, Bengaluru was tried for the following charge:-

“While you DGO Sri. M.B. Ravi was working as Second Division Assistant in Office of Directorate of Health and Family Welfare Services, Bangalore demanded Sri. Massod Ahamed, First Division Assistant, Primary Health Centre, Kaggalipura to pay bribe of Rs.3,500/- for searching the records and to attend to his request for treating the period of his suspension as on duty and further on 27/08/2014 when Sri. Massod Ahamed approached you along with a shadow witness and requested you to attend to his work you again demanded and received Rs.3,500/- from him as bribe and you were caught red handed and therefore you the DGO has failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servant and therefore you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri M.B. Ravi, Second Division Assistant, Office of the Directorate of Health & Family Welfare Services, Bengaluru.

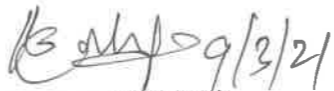
5. On re-consideration of inquiry report and taking note of totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/8/2022.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri M.B. Ravi, Second Division Assistant, Office of the Directorate of Health & Family Welfare Services, Bengaluru and taking note of the date of retirement of DGO on 31/8/2022, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri M.B. Ravi and also for permanently withholding 30% of pension payable to DGO.

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

Connected records are enclosed herewith.


(JUSTICE B.S.PATIL)
Upalokayukta
State of Karnataka,
Bengaluru

