

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/8/2012

ENQUIRY REPORT Dated: 27/02/2019

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

Delinquent Government Official: Sri. Lakshmana Dundappa
Jagadale

(name written by him as
Laxman.D.Jagadale on the
note sheet on 17/08/2017).

Discharged duties as Village
Accountant, Mamadapur,
Chikkodi Taluk, Belagavi
District in the year 2009.

Dismissed from service on
31/08/2013 by the order of
Deputy Commissioner,
Belagavi as stated by DGO
during his evidence on
26/03/2018.

1. Delinquent Government Official (in short, "DGO") by name Sri. Lakshmana Dundappa Jagadale (name written by him as Laxmana.D.Jagadale on the note sheet on 17/08/2017) was working as Village Accountant attached to Mamdapura, Chikkodi Taluk, Belagavi District.
2. Background for initiating the present inquiry proceedings may be stated in brief. One Sri. Maruthi Venkappa Barchi

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(hereinafter will be referred to as "complainant") is the resident of a place called Jaganoora, Chikkodi Taluk, Belagavi District. His elder brother by name Panduranga Venkappa Barchi and his elder sister by name Kashavva Venkappa Barchi are physically handicapped and are residing with him. Panduranga Venkappa Barchi and Kashavva Venkappa Barchi are extended with the benefit of monthly pension at the rate of Rs.400/- each. The said quantum has been enhanced and revised pension has been fixed at Rs.1,000/- per month about six months earlier to the month of June 2009. For the purpose of enhancement of pension of Maruthi Venkappa Barchi and Kashavva Venkappa Barchi the complainant filed application with the DGO about three months earlier to the month of June 2009. According to the complainant, at the time of filing of application for enhancement of pension, DGO demanded illegal gratification of Rs.6,000/-. Though the complainant was not in a position to fulfil the said quantum he paid a sum of Rs.2,000/- to the DGO which, at that time was inevitable. Thereafter, the complainant waited for a period of about three months. DGO has not attended the application for enhancement of pension. Whenever the complainant used to approach the DGO, DGO used to demand the balance of Rs.4,000/-. On 04/06/2009, the complainant approached the Deputy Superintendent of Police (hereinafter will be referred to as "Investigating Officer") Karnataka Lokayukta, Belagavi and lodged complaint in writing against the DGO. On the basis of the said complaint the Investigating Officer registered case against the DGO in crime number 06/2009 of Lokayukta Police Station, Belagavi for the offence punishable under

section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and submitted FIR to the jurisdictional Court. Thereafter, the Investigating Officer secured shadow witness by name Gurulingaiah Ningiah Hirematha and panch witness by name Sanjayakumara Thanjirao Jadhava to Lokayukta Police Station, Belgavi and informed the purpose for which they are secured. The complainant placed two currency notes of denomination of Rs. 500/- each and ten currency notes of denomination of Rs.100/- each before the Investigating Officer. The Investigating Officer got entered the numbers of the above notes on a sheet of paper and got applied phenolphthalein powder on the above notes. On the instructions of the Investigating Officer, the panch witness placed the tainted notes at the hands of DGO. The Investigating Officer got prepared solution with water and sodium carbonate powder. Thereafter, on the instructions of the Investigating Officer the panch witness immersed fingers of hands in the said solution which consequently turned to pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer instructed the complainant to approach the DGO and to give the tainted notes to the DGO only in case of demand 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. The Investigating Officer further instructed the complainant to wipe face in case of acceptance of tainted notes by DGO. With the said process, the Investigating Officer conducted pre-trap mahazar as primitive step of investigation.



3. Subsequent to pre-trap mahazar the Investigating Officer along with his staff, complainant, shadow witness and panch witness left Lokayukta Police Station, Belagavi at 11.15 A.M and reached near the bus stand at Chikkodi at about 12.30 P.M on the same day i.e., on 04/06/2009. On the instructions of the Investigating Officer the complainant along with shadow witness proceeded to the office of DGO which is on the road leading to R.D. High School, Chikkodi . After reaching the office of DGO the complainant asked about the application for enhancement of pension. DGO asked to pay Rs.2,000/- which was earlier told by him. The complainant gave tainted cash of Rs.2,000/-. DGO accepted the tainted notes with right hand and after counting with both hands placed those tainted notes in the left side pocket of his shirt. Afterwards, the complainant conveyed message to the Investigating Officer by wiping face with kerchief. It was then about 12.45 P.M. Immediately thereafter, the Investigating officer along with his staff and panch witness proceeded to the place where DGO accepted tainted cash. On seeing the Investigating Officer and staff, suspicion lingered in the mind of DGO and therefore, DGO attempted to escape. The staff of Investigating Officer apprehended the DGO at a distance of about 52 meters from the place where DGO accepted tainted cash. Afterwards, the complainant pointed out the DGO to the Investigating Officer and stated that DGO accepted illegal gratification of Rs.2,000/-. The Investigating Officer disclosed his identity to the DGO. At the time of attempt to escape, tainted notes have fallen down on the ground. The Investigating Officer got prepared solution with water and sodium carbonate powder in two containers.



On the instructions of the Investigating Officer DGO immersed fingers of right hand in the solution kept in a bowl and immersed fingers of left hand kept in the solution kept in another bowl. Fingers wash of right hand of DGO turned to light pink colour. The Investigating Officer seized the said wash in a bottle. Finger wash of left hand of DGO turned to pink colour. The Investigating Officer seized the said wash in a bottle. On being asked by the Investigating Officer about tainted notes, DGO picked up tainted notes and placed before the Investigating officer. The Investigating Officer seized those tainted notes. On being questioned by the Investigating Officer, DGO offered explanation in writing stating that the complainant asked for khatha extract and in response he furnished khatha extract without expecting cash and that afterwards, on his way to the office of Tahasildar, Chikkodi the complainant placed cash in the pocket of shirt and immediately thereafter he has been apprehended by the Lokayukta Police staff. The complainant refuted the said statement. The Investigating officer secured the concerned file and obtained xerox copies of sheets of the said file and got those sheets attested. The Investigating officer provided alternate shirt and got removed the shirt of the DGO. The Investigating Officer got prepared solution with water and sodium carbonate powder and got immersed the pocket of shirt of DGO in the said solution. The said solution turned to pink colour. The Investigating officer seized the said wash in a bottle and also seized the shirt of DGO. Since the said place was public place the Investigating Officer brought the DGO to the office of Tahasildar, Chikkodi along with the staff



of the Investigating Officer, complainant and shadow witness and conducted trap mahazar.

4. On the basis of the report of the Deputy Superintendent of Police, Karnataka Lokayukta, Bengaluru placed before the Hon'ble Upalokayukta-1, Karnataka by the Additional Director General of Police, Karnataka Lokayukta, Bengaluru, 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 prima facie unearthed that the DGO has committed misconduct within the purview of Rule 3 (1) of The Karnataka Civil Services (Conduct) Rules, 1966 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 the DGO and to entrust the inquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
5. Subsequent to the report dated 21/10/2011 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಕಂಇ 144 ಬಿಡಿಪಿ 2011 ಬೆಂಗಳೂರು ದಿನಾಂಕ 12/12/2011 has been issued by the Under Secretary to the Government of Karnataka, Department of Revenue(Disaster Management and Services-2) entrusting the inquiry against the DGO to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
6. Subsequent to the Government Order ಕಂಇ 144 ಬಿಡಿಪಿ 2011 ಬೆಂಗಳೂರು ದಿನಾಂಕ 12/12/2011, Order bearing number LOK/INQ/14-A/8/2012



Bengaluru dated 04/01/2012 has been ordered by the Hon'ble Upalokayukta-1, Karnataka nominating the Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.

7. Articles of charge dated 29/03/2012 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru is the following:

“ ANNEXURE NO.1
CHARGE.1

2. That, you Sri Lakshmana Dundappa Jagadale, the DGO while working as Village Accountant at Mamadapura in Chikkodi Taluk of Belgaum District, about six months earlier to 04/06/2009, as the pension amount of handicapped persons was enhanced from ₹400/- to ₹ 1000/-, the complainant viz., Sri. Maruti Venkappa Barchi @ Hanumannavar R/o Jaganoor in Chikkodi Taluk of Belgaum District had given necessary document of his handicapped brother Sri Panduranga and sister Smt Kaararavva to you for sanction of the enhanced handicapped pensions @ 1000/- p.m. to each of them and then you asked the complainant to pay bribe of ₹6000/-, to give order of sanction of the said pension and you took bribe of ₹2000/- from the complainant and after lapse of 3 months you asked the complainant to pay balance bribe of ₹4000/- and on 04/06/2009 you



received further sum of ₹2000/-, as bribe to show official, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government Servant and thereby committed mis-conduct as enumerated U/R Rule 3 (1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, Rule 3(1) of The Karnataka Civil Services (Conduct) Rules, 1966.

ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

Sri. Panduranga and Smt. Kaarravva are the elder brother and elder sister of the complainant namely Sri Maruti Venkappa Barchi @ Hanumannavar R/o Jaganoor in Chikkodi Taluk of Belgaum District. The said Sri Panduranga and Smt Kaarravva are handicapped persons residing with the complainant getting handicapped pension of ₹400/- p.m. About 6 months earlier to 04/06/2009 pension amount was raised to ₹1000/- p.m. to each handicapped persons. In that connection, the complainant gave necessary documents of his handicapped brother and sister to the DGO for sanction of handicapped pension of ₹1000/-p.m. to each of them. Then the DGO asked the complainant to pay bribe of Rs ₹6,000/- to get copy of the order of sanction of enhanced handicapped pension. As there was no any alternative, the complainant paid bribe of ₹2000/- to the DGO. Even after lapse of 3

months, the DGO did not give copy of the sanction order of pension. Again the complainant approached the DGO and then the DGO asked the complainant to pay balance bribe of ₹4000/-. Then the complainant paid agreed to pay ₹2000/- taking to pay balance bribe of ₹2000/- at the later stage. The complainant was not willing to pay the balance bribe as demanded by the DGO. Therefore, on 04/06/2009, the complainant lodged a complaint before the Lokayukta Police Inspector pf Belgaum (herein after referred to as the Investigating Officer, for short, "the I.O"). The I.O. registered the complaint in Cr. No.06/2009 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the said crime, when the tainted amount of ₹2000/- was given by the complainant to the DGO, the IO trapped the DGO on 04/06/2009 in the presence of the complainant, the Panch witnesses and his staff at his office and seized the tainted amount from the DGO under mahazar after following post-trap formalities. The I.O. took statement of the DGO in writing and recorded statements of the complainant, the panch witnesses and others. After receiving report of the chemical examiner, the I.O submitted report of investigation. The facts and materials on the record of investigation of the I.O prima facie showed that, the DGO being a Government servant, failed to maintain absolute integrity, devotion to duty and acted in a manner



unbecoming of a Government servant. Therefore, a suo-moto investigation was taken up U/S 7(2) of Karnataka Lokayukta Act and an observation note was sent to the DGO calling for his explanation. The DGO submitted his reply and the reply was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima-facie showed that the DGO has committed mis-conduct as per rule 3(1)(i)&(iii) of KCS (Conduct) Rules, 1966, a report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO and to entrust enquiry to the Hon'ble Upalokayukta U/R 14-A of the Karnataka Civil Services (Classification, Control and Appeal) 1957. Accordingly the Competent Authority initiated disciplinary proceedings against the DGO and entrusted the enquiry U/R 14-A of the KCS (CCA) Rules 1957 to the Hon'ble Upalokayukta. Hence, this charge".

8. In response to due service of articles of charge DGO entered appearance before the then Additional Registrar, Enquiries-4, Karnataka Lokayukta, Bengaluru on 03/05/2012. During first oral statement of DGO recorded on 03/05/2012 he denied the charge levelled against him. Subsequently, DGO has engaged advocate for his defence.
9. In the course of written statement of DGO filed on 03/08/2015 he has denied the charge levelled against him. According to DGO, during his tenure as Village Accountant,



Mamdapura he was not authorised to receive application either for grant or for enhancement of pension to handicapped persons. It is contended that the Government of Karnataka has established "Nemmadi Kendra" under the supervision of the Tahasildar who is responsible to deal with the pension to the handicapped persons. It is contended that Kashavva Venkappa Barchi has submitted application and was drawing pension on the ground that she has no sufficient income for maintenance. It is contended that DGO verified records and submitted report to the Tahasildar against Kashavva Venkappa Barchi and in that background, according to the DGO, he has been falsely implicated. He has denied the alleged demand and acceptance of illegal gratification.

10. 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 Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru.
11. The disciplinary authority has examined the complainant as PW1 before the Additional Registrar, Enquiries-5, Karnataka Lokayukta, Bengaluru. During evidence of complainant attested copy of his complaint dated 04/06/2009 in a single sheet is marked as per Ex P1, his signature found on Ex P1 is marked as per Ex P1(a), attested copy of pre-trap mahazar dated 04/06/2009 in three sheets is marked as per Ex P2, signature of complainant found on Ex P2 is marked as per Ex P2(a), attested copy of trap mahazar dated 04/06/2009 in six sheets is marked as per Ex P3, signature of complainant found on Ex P3 is marked as per Ex P3(a), attested copy of statement dated 04/06/2009 in a single sheet of DGO is marked as per Ex P4, signature of

complainant found on Ex P4 is marked as per Ex P4(a), attested copy of forty three sheets of the file pertaining to the complainant are together marked as per Ex P5.

12. As per order number UPLOK-1/DE/2016 Bengaluru dated 03/08/2016 of Hon'ble Upalokayukta-1, Karnataka this file has been transferred to this section.

13. Thereafter, the disciplinary authority has examined the shadow witness by name Gurulingaiah Ningaiah Hirematha is examined as PW2.

14. During second oral statement of DGO recorded on 17/08/2017 he has stated he would get himself examined as defence witness and also would examine defence witnesses.

15. DGO got himself examined as DW1. One defence witness by name Sri. Shivappa Kenchappa Karigar is examined as DW2.

16. In the course of written argument of the Presenting Officer filed on 19/12/2018 she has referred to evidence on record. It can be gathered from the said written argument that the Presenting Officer sought to contend that charge against the DGO stands established.

17. In the course of written argument of DGO filed on 16/02/2019 he has contended that he is not the competent authority to deal with the matter of pension and sought to contend that since he is not in a position to receive the application and to pass order touching sanction of pension to physically handicapped persons there is no question of the alleged demand and acceptance. It is contended that evidence of the complainant, shadow witness and the evidence of the Investigating Officer does not establish the alleged misconduct. It is contended that since he has

submitted report to the Tahasildar, Chikkodi against Kashavva Venkappa Barchi false case has been filed.

18. In tune with the articles of charge, point which arises for consideration is whether in order to attend the application of the complainant touching enhancement of physically handicapped pension of Panduranga Venkappa Barchi and Kashavva Venkappa Barchi, DGO who was working as Village Accountant attached to Mamadapura Circle, Chikkodi Taluk, Belagavi District demanded illegal gratification of Rs.6,000/- earlier to 04/06/2009 and thereafter, DGO accepted a sum of Rs.2,000/- towards part of illegal gratification and afterwards, on 04/06/2009 between 12.30 P.M and 12.45 P.M DGO demanded and accepted illegal gratification of Rs.2,000/- from the complainant in the office of DGO at Chikkodi and during investigation in crime number 06/2009 of Lokayukta Police Station, Belagavi DGO failed to offer satisfactory explanation before the Deputy Superintendent of Police, Lokayukta Police Station, Belagavi touching possession of tainted cash of Rs.2,000/- possessed by DGO in his office at Chikkodi between 12.30 P.M and 12.45 P.M on 04/06/2009 and thereby DGO is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?
19. Evidence of PW1 that at the relevant point of time he was working as Village Accountant attached to Mamadapura Circle, Chikkodi Taluk, Belagavi District is not under challenge. His evidence that his elder brother by name Panduranga Venkappa Barchi and his elder sister by name Kashavva Venkappa Barchi are handicapped and were earlier drawing pension at the rate of Rs.400/- each per month

which thereafter has been enhanced at Rs.1000/- per month is not under specific challenge. It is in his evidence that he filed application before the DGO for enhancement of the said pension and that DGO went on postponing the matter. It is in his evidence that DGO demanded illegal gratification of Rs.6,000/- and he paid a sum of Rs.2,000/- towards part of illegal gratification. During cross examination it is elicited that from 04/06/2009 monthly pension has been enhanced upto Rs.1,000/-. It is in his cross examination that application was to be filed in Nemmadi Kendra but he has not received acknowledgment. Suggestion made to him during his cross examination suggesting that he has not paid a sum of Rs.2,000/- at the earliest point of time has been denied by him.

20. It is in the evidence of PW1 that he lodged complaint the attested copy of which is at Ex P1. It is in his evidence that the shadow witness and panch witness are secured to Lokayukta Police Station, Belagavi and that he placed cash of Rs.2,000/- in Lokayukta Police Station, Belagavi. It is in his evidence that some powder was applied on the currency notes and thereafter a person placed tainted notes in the pocket of shirt and that finger wash of the said person turned to pink colour and with the said process pre-trap mahazar has been conducted in Lokayukta Police Station, Belagavi. His evidence touching the proceedings of pre-trap mahazar has not been seriously assailed during his cross examination.

21. It is in the evidence of PW2 that on 04/06/2009 he had been to Lokayukta Police Station along with the panch witness where PW1 was found. It is in his evidence that PW1 placed cash of Rs.2,000/- in Lokayukta Police Station,

Belagavi and that after noting numbers of those notes the panch witness placed the tainted notes at the hands of PW1 and thereafter washed hands in the solution which turned to pink colour and with the said process pre-trap mahazar has been conducted. His evidence has remained unchallenged. During evidence of DGO (DW1) he has not spoken anything disputing the proceedings of pre-trap mahazar. On the strength of the evidence of PWs1 and 2 the proceedings of pre-trap mahazar has been remained established.

22. It is in the evidence of PW1 that subsequent to pre-trap mahazar he along with PW2 entered the office of DGO where DGO was found. It is in his evidence that on being enquired by him DGO asked for amount and in response he gave cash of Rs.2,000/-. It is in his evidence that after accepting the said cash DGO placed the same in the left side pocket of shirt and afterwards came out of the office and on seeing Lokayukta Police staff DGO attempted to escape and that DGO was apprehended. It is in his cross examination that he met the DGO in the office of DGO. It is brought out during his cross examination that DGO received the amount and placed the same in the left side pocket of the shirt. Suggestion made to him during his cross examination that at the time of his attempt to escape amount is given to DGO and that DGO refused the same has been denied by him. It is in his cross examination that after receiving the amount DGO proceeded towards the office of the Tahasildar and on seeing the Lokayukta Police staff DGO started running and fell down. Suggestion made to PW1 suggesting that he attempted to forcibly pay the amount which is refused and at that time the amount fell down has been denied by him. Suggestion made

to him suggesting that due to fall DGO sustained injury has been denied by him. Upon appreciation of the entire evidence of PW1 I find that his evidence is convincing. His evidence does not suffer from any inherent infirmity and therefore his evidence touching demand and acceptance needs acceptance. His evidence would show that finger wash of hands of DGO turned to pink colour which is suggestive of acceptance of tainted notes.

23. Evidence of PW2 would show that after he along with PW1 entered the office of DGO there was conversation between PW1 and DGO touching pension and during that time PW1 gave cash to DGO and that DGO accepted the same and placed in the left side pocket of shirt. It is in the evidence of PW2 that after paying cash PW1 came out of the office of DGO and wiped face in response of which the panch witness and Lokayukta Police staff rushed there. It is in his evidence that DGO ran upto a distance of about 60 feet and fell on the ground. It is in his evidence that at that time currency notes have fallen down which are seized by Lokayukta Police staff. It is in his evidence that finger wash of both hands of DGO and wash of the pocket of shirt of DGO turned to pink colour. He has spoken to trap mahazar. His entire evidence has remained unchallenged and therefore since no inherent infirmity is found in his evidence, his evidence needs acceptance which establishes that DGO demanded and accepted illegal gratification of Rs.2,000/-.

24. Attempts are made during cross examination of PW1 to make believe that DGO was not competent to extend official favour. Fact remains that pension was enhanced at Rs.1000/- per month and therefore PW1 moved for

enhancement of the said quantum. It is not necessary in the circumstances that DGO was authorised to accord sanction. Evidence of PW1 establishes that in connection with enhancement of pension he approached the DGO and in that connection DGO demanded illegal gratification and received part of the same at Rs.2,000/- at the earliest point of time and subsequently on the date of trap DGO demanded and accepted balance of Rs.2,000/-. Evidence of PWs 1 and 2 establishes that DGO demanded and accepted illegal gratification of Rs.2,000/- on the day of trap.

25. During evidence DGO (DW1) has stated that he was not co-operating the complainant whenever the complainant used to approach him to get illegal works of the public. It is his evidence that he was not authorised to receive application and that the application was to be filed in Nemmadi Kendra. It is his evidence that physically handicapped person has to obtain disability certificate and the said person shall not hold any post of gain and annual income shall not exceed Rs.6,000/- and equally shall not possess lands more than one acre twenty guntas. It is his evidence that application from Nemmadi Kendra will be placed before the Revenue Inspector from whom the file will be placed before the Village Accountant who has to furnish information to the Tahasildar within seven days and subsequently the Tahasildar will pass order to the eligible person. It is in his evidence that the Village Accountant has to submit the list of ineligible persons every year. It is in his evidence that in the month of April 2009 he had submitted report to the Tahasildar stating that Kashavva Benkappa Barchi has annual income of more than



Rs.30,000/- and in that background false complaint has been lodged.

26. It is the evidence of DGO that on 04/06/2009 at 12.00 noon his wife contacted him over mobile phone while he was out of his office and at that time the complainant arrived at there and pushed him as a result of which he fell down. It is in his evidence that after he fell down cash which was in the pocket of the complainant fell down. It is in his evidence at that time about four or five persons apprehended him and assaulted him. It is in his evidence that he has been falsely implicated.
27. During cross examination he admits change of colour of his finger wash and as volunteered that he was forced to touch the currency notes. His evidence that he was forced to touch the currency notes cannot be accepted for the reason that the same is not found in his written statement. Evidence of DGO that he has been falsely implicated cannot be accepted. His evidence that the file will have to reach his office would establish that he was empowered to attend the file. His evidence touching background for false implication cannot be accepted.
28. Evidence of DW2 is that there were quarrel between the complainant and DGO in connection with pension and therefore the complainant falsely implicated the DGO. Evidence of DW2 that the sister of complainant was getting monthly salary of Rs.15,000/- is not supported by any document and therefore that portion of his evidence cannot be accepted. Evidence of DW2 is of no assistance to the defence put forward by the DGO.



29. Upon appreciation of the evidence on record I hold that the charge levelled against the DGO has remained established. Evidence of PWs 1 and 2 has established the alleged demand and acceptance of illegal gratification of Rs.2,000/- on the day of trap. Evidence of PW1 establishes that earlier to lodging of complaint the attested copy of which is at Ex P1 DGO demanded and accepted part of illegal gratification of Rs.2,000/-. Nothing worthy is placed by the DGO explaining the manner in which he came in possession of tainted notes soon after trap. Possession of unexplained cash of Rs.2,000/- attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966.

30. Evidence as discussed above has established the alleged misconduct and being of this view I proceed with the following:

R E P O R T

Charge against the DGO by name Sri. Lakshmana Dundappa Jagadale (name written by DGO as Laxman.D.Jagadale on the note sheet on 17/08/2017) that in order to attend the application of the complainant touching enhancement of physically handicapped pension of Panduranga Venkappa Barchi and Kashavva Venkappa Barchi, DGO who was working as Village Accountant attached to Mamadapura Circle, Chikkodi Taluk, Belagavi District demanded illegal gratification of Rs.6,000/- earlier to 04/06/2009 and thereafter, DGO accepted a sum of Rs.2,000/- towards part of illegal gratification and afterwards, on 04/06/2009 between 12.30 P.M and 12.45 P.M DGO demanded and accepted illegal gratification of Rs.2,000/-



from the complainant in the office of DGO at Chikkodi and during investigation in crime number 06/2009 of Lokayukta Police Station, Belagavi DGO failed to offer satisfactory explanation before the Deputy Superintendent of Police, Lokayukta Police Station, Belagavi touching possession of tainted cash of Rs.2,000/- possessed by DGO in his office at Chikkodi between 12.30 P.M and 12.45 P.M on 04/06/2009 and thereby DGO is guilty of misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

As per the order dated 31/08/2013 of the Deputy Commissioner, Belagavi DGO is dismissed from service.

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



(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXURE

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

1. PW1:- Sri. Maruthi
2. PW2:- Sri. Gurulingaiah Ningaiah Hiremath

List of witnesses examined on behalf of DGO:-

1. DW 1:- Sri. Laxman.D.Jagadale (DGO)
2. DW 2:- Sri. Shivappa Kenchappa Karigar.

List of documents marked on behalf of Disciplinary Authority:-

1. Ex P 1 Attested copy of his complaint dated 04/06/2009 in a single sheet.
Ex P1(a) Signature of PW1 found on Ex P1.
2. Ex P 2 Attested copy of pre-trap mahazar dated 04/06/2009 in three sheets.
Ex P2(a) Signature of complainant found on Ex P2
3. Ex P3 Attested copy of trap mahazar dated 04/06/2009 in six sheets.
Ex P3(a) Signature of complainant found on Ex P3.
4. Ex P4 Attested copy of statement dated 04/06/2009 in a single sheet of DGO.
Ex P4(a) Signature of complainant found on Ex P4.
5. Ex P 5 Attested copy of forty three sheets of the file pertaining to the complainant.

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

(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: LOK/INQ/14-A/8/2012/ARE-11

Multi Storied Buildings,
Dr. B.R.Ambedkar Verdi,
Bengaluru-560 001,
Date: 02/03/2019

RECOMMENDATION

Sub:- Departmental inquiry against Sri Lakshmana Dundappa Jagadale, the then Village Accountant, Mamadapura, Chikkodi Taluk, Belagavi District – Reg.

Ref:-1) Government Order No.ಕಂಇ 144 ಬಿಡಿಐ 2011 Bengaluru dated 12/12/2011.

2) Nomination order No.LOK/INQ/14-A/8/2012 Bengaluru dated 04/01/2012 of Upalokayukta-1, State of Karnataka, Bengaluru.

3) Inquiry Report dated 27/02/2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 12/12/2011 initiated the disciplinary proceedings against Sri Lakshmana Dundappa Jagadale, the then Village Accountant, Mamadapura, Chikkodi Taluk, Belagavi 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/8/2012 dated 04/01/2012 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/14A/2014 dated 14/3/2014, Additional Registrar of Enquiries-5 was re-nominated as Inquiry Officer to conduct Departmental inquiry against DGO. Again by order No. UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-11 was re-nominated as Inquiry Officer to conduct Departmental Inquiry against DGO.

3. The DGO Sri Lakshmana Dundappa Jagadale, the then Village Accountant, Mamadapura, Chikkodi Taluk, Belagavi District was tried for the following charge:-

“That, you Sri Lakshmana Dundappa Jagadale, the DGO, while working as Village Accountant at Mamadapura in Chikkodi Taluk of Belgaum District, about six months earlier to 04/06/2009, as the pension amount of handicapped persons was enhanced from Rs.400/- to Rs.1000/-, the complainant viz., Sri Maruti Venkappa Barchi @ Hanumannavar R/o Jaganoor in Chikkodi Taluk of Belgaum District had given necessary documents of his handicapped brother Sri Panduranga and sister Smt. Kaararavva to you for sanction of the enhanced handicapped pensions @ 1000/- p.m. to each of them and then you asked the complainant to pay bribe of Rs.6000/- to give order of sanction of the said pension and you took bribe of Rs.2000/- from the complainant and after lapse of 3 months you asked the complainant to pay balance bribe of Rs.4000/- and on 04/06/2009 you received further sum of Rs.2000/- as bribe to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government

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

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, charge against the DGO by name Sri. Lakshmana Dundappa Jagadale (name written by DGO as Laxman.D.Jagadale on the note sheet on 17/08/2017) that in order to attend the application of the complainant touching enhancement of physically handicapped pension of Panduranga Venkappa Barchi and Kashavva Venkappa Barchi, DGO who was working as Village Accountant attached to Mamadapura Circle, Chikkodi Taluk, Belagavi District demanded illegal gratification of Rs.6,000/- earlier to 04/06/2009 and thereafter, DGO accepted a sum of Rs.2,000/- towards part of illegal gratification and afterwards, on 04/06/2009 between 12.30 P.M and 12.45 P.M DGO demanded and accepted illegal gratification of Rs.2,000/- from the complainant in the office of DGO at Chikkodi and during investigation in crime number 06/2009 of Lokayukta Police Station, Belagavi DGO failed to offer satisfactory explanation before the Deputy Superintendent of Police, Lokayukta Police Station, Belagavi touching possession of tainted cash of Rs.2,000/- possessed by DGO in his office at Chikkodi between 12.30 P.M and 12.45 P.M on 04/06/2009 and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

5. On re-consideration of inquiry report, 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.

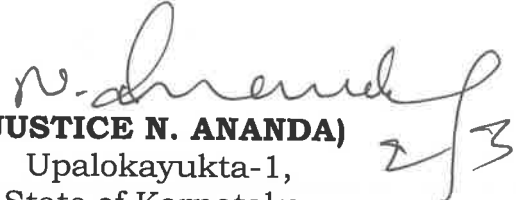
6. The DGO was convicted in Spl. C.C No.111/2010 on the file of IV Additional District and Sessions Judge & Special Judge, Belagavi and sentenced rigorous imprisonment for a period of one year with fine of Rs.5000/- for the offences u/s 7 of Prevention of Corruption Act, 1988 with default clause. Further, the DGO was sentenced rigorous imprisonment for a period of one year and fine of Rs.5000/- for the offences u/s 13(1)(d) of Prevention of Corruption Act, 1988 with default clause. In view of his conviction DGO was dismissed from service by Order No. ಕಂಶಾ/ಸಿಬ್ಬಂದಿ-3/ಎವ-31/2009-10 ದಿನಾಂಕ: 25/08/2013 of the Deputy Commissioner, Belagavi District, Belagavi. The DGO has filed appeal against the judgment of conviction before High Court of Karnataka, Dharwad Bench in Criminal Appeal No.2676/2012 and the same is pending consideration.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Lakshmana Dundappa Jagadale, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri Lakshmana Dundappa Jagadale, the then Village Accountant, Mamadapura, Chikkodi Taluk, Belagavi District, if the conviction of DGO Sri Lakshmana Dundappa Jagadale is set aside in Criminal Appeal No.2676/2012. If the judgment of conviction is

confirmed in Criminal Appeal No.2676/2012, this recommendation shall be treated as redundant.

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

Connected records are enclosed herewith.


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

