



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂ: ಉಪಲೋಕ್-2/ಇವಿ.133/2018/ಅನಿವಿ.11

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು, ದಿ.03.05.2023.

ಶಿಫಾರಸ್ಸು

ವಿಷಯ:- ಶ್ರೀ ಎಂ.ಎಸ್.ಲೋಕೇಶ್, ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು, ಅವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ:-1. ಸರ್ಕಾರಿ ಆದೇಶ ಸಂ.ಆಕುಕ 147 ಸಿಜಿಇ 2016 ದಿ.18.01.2018.

2. ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂ. ಉಪಲೋಕ್-2/ಇವಿ.133/2018
ದಿನಾಂಕ 15.03.2018.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವಿಚಾರಣಾ ವರದಿ ದಿ.13.04.2023.

ಸರ್ಕಾರವು ದಿ.18.01.2018ರ ಆದೇಶದನ್ವಯ ಶ್ರೀ ಎಂ.ಎಸ್.ಲೋಕೇಶ್, ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು, (ಇನ್ನು ಮುಂದೆ 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ: ಉಪಲೋಕ್-2/ಇವಿ.133/2018 ದಿನಾಂಕ 15.03.2018ರನ್ವಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-II ಇವರನ್ನು ವಿಚಾರಣಾ

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ಅಧಿಕಾರಿಗಳನ್ನಾಗಿ ನೇಮಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಸದರಿ ಆರೋಪಗಳ ಕುರಿತಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತದೆ.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಕೆಳಕಂಡಂತೆ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುತ್ತಾರೆ.

ಮೊದಲನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಂ.ಎಸ್. ಲೋಕೇಶ್ ಆದ ನೀವು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಎನ್.ಪಿ.ಸಿ.ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ ಹಾಗೂ ಪ್ರಭಾರ ಅಂಕಿತ ಅಧಿಕಾರಿ ಆಗಿ 2015 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಮೈಸೂರು ನಗರದ ದೇವರಾಜ ಅರಸ್ ರಸ್ತೆಯಲ್ಲಿ ಸಂಖ್ಯೆ 5-ಎ ಮಳಿಗೆಯಲ್ಲಿ ಶ್ರೀ ಶಿವ ಆಯಿಲ್ ಟ್ರೇಡರ್ಸ್ ಎಂಬ ಶಿರೋನಾಮೆಯಡಿಯಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡಿಕೊಂಡಿರುವ ಶ್ರೀ ಸಂತೋಷ್ ಕೆ.ಎಸ್ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿಯ ದೂರುದಾರರ ಸದರಿ ಅಂಗಡಿಯ 2015-16 ನೆಯ ಸಾಲಿನ ವ್ಯಾಪಾರ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಂಬಂಧವಾಗಿ ನೀವು ದೂರುದಾರರಿಂದ ದಿನಾಂಕ 07/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ರೂಪಾಯಿ 6,000/- ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ತದನಂತರ ದಿನಾಂಕ 08/12/2015 ರಂದು ದೂರುದಾರರ ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯಲ್ಲಿ ಮದ್ಯಾಪ್ತ ಸುಮಾರು 2.00 ಗಂಟೆಗೆ ನೀವು ಈ ಮೊದಲು ಒತ್ತಾಯಿಸಿದ್ದ ಲಂಚ ರೂಪಾಯಿ 6,000/- ಗಳ ಪೈಕಿ ರೂಪಾಯಿ 3,000/- ಗಳ ಲಂಚವನ್ನು ದೂರುದಾರರಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಕರ್ತವ್ಯತೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

ಎರಡನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಂ.ಎಸ್. ಲೋಕೇಶ್ ಆದ ನೀವು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಎನ್.ಪಿ.ಸಿ.ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ ಹಾಗೂ ಪ್ರಭಾರ ಅಂಕಿತ ಅಧಿಕಾರಿ ಆಗಿ 2015 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ

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ಮೈಸೂರು ನಗರದ ದೇವರಾಜ ಅರಸ್ ರಸ್ತೆಯಲ್ಲಿ ಸಂಖ್ಯೆ 5-ಎ ಮಳಿಗೆಯಲ್ಲಿ ಶ್ರೀ ಶಿವ ಆಯಿಲ್ ಟ್ರೇಡರ್ಸ್ ಎಂಬ ಶಿರೋನಾಮೆಯಡಿಯಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡಿಕೊಂಡಿರುವ ಶ್ರೀ ಸಂತೋಷ್ ಕೆ.ಎಸ್ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿಯ ದೂರುದಾರರ ಸದರಿ ಅಂಗಡಿಯ 2015-16 ನೆಯ ಸಾಲಿನ ವ್ಯಾಪಾರ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಂಬಂಧವಾಗಿ ನೀವು ದೂರುದಾರರಿಂದ ದಿನಾಂಕ 07/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ರೂಪಾಯಿ 6,000/- ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ತದನಂತರ ದಿನಾಂಕ 08/12/2015 ರಂದು ದೂರುದಾರರ ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯಲ್ಲಿ ಮದ್ಯಾಹ್ನ ಸುಮಾರು 2.00 ಗಂಟೆಗೆ ನೀವು ಈ ಮೊದಲು ಒತ್ತಾಯಿಸಿದ್ದ ಲಂಚ ರೂಪಾಯಿ 6,000/- ಗಳ ಪೈಕಿ ರೂಪಾಯಿ 3,000/- ಗಳ ಲಂಚವನ್ನು ದೂರುದಾರರಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡ ನಂತರ ದಿನಾಂಕ 09/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಸಂಜೆ 5.15 ಗಂಟೆಯಿಂದ 5.25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರ ಬಾಪ್ತು ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯ ಸಂಬಂಧ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಲುವಾಗಿ ರೂಪಾಯಿ 6,000/- ಲಂಚದ ಬಾಪ್ತು ಮಿಕ್ಕುಳಿದ ಲಂಚ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ಸದರಿ ಹಣ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ದೂರುದಾರರಿಂದ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣ ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದ ಬಗ್ಗೆ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 8/2015 ರಲ್ಲಿಯ ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.'

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳಾದ ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆ-11 ಇವರು ಸುದೀರ್ಘ ವಿಚಾರಣೆ ನಡೆಸಿ, ಹಾಜರುಪಡಿಸಲಾದ ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಂ.ಎಸ್.ಲೋಕೇಶ್, ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು, ಅವರ ವಿರುದ್ಧ

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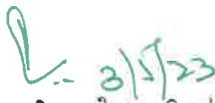
ಹೊರಿಸಲಾದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

5. ವಿಚಾರಣಾ ವರದಿ, ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು ಹಾಗೂ ಹಾಜರುಪಡಿಸಿರುವ/ಗುರುತಿಸಿರುವ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು, ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿದಾರರನ್ನು ಪ್ರಾ.ಸಾ. 1 ರಿಂದ 3 ಎಂದು ಸಾಕ್ಷಿ ನುಡಿಸಿದ್ದು, ಪಿ.1ರಿಂದ ಪಿ.16ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಪರವಾಗಿ ಯಾವುದೇ ಸಾಕ್ಷಿಗಳನ್ನು ಪರಿಚ್ಛಿಸಿಕೊಳ್ಳದೇ, ಕೇವಲ ಡಿ.1 ರಿಂದ ಡಿ.4ರವರೆಗಿನ ದಾಖಲೆಗಳನ್ನು ಗುರ್ತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ. ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಮೇಲಿನ ಆರೋಪಗಳನ್ನು ಅಲ್ಲಗಳೆದಿದ್ದರೂ ಸಹ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರದ ಪರವಾಗಿ ಗುರ್ತಿಸಿಕೊಂಡಿರುವ ದಾಖಲೆಗಳು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಆದುದರಿಂದ ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

6. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ದಾಖಲೆಗಳನ್ವಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಶ್ರೀ ಎಂ.ಎಸ್.ಲೋಕೇಶ್, ಅವರು ದಿನಾಂಕ 30.04.2032 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.

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7. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಸಾಬೀತಾದ ಆರೋಪ(ಲಂಚದ ಬೇಡಿಕೆ ಹಾಗೂ ಸ್ವೀಕಾರ)ದ ತೀವ್ರತೆಗನುಗುಣವಾಗಿ, 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಂ.ಎಸ್.ಲೋಕೇಶ್, ಅವರನ್ನು ಸರ್ಕಾರಿ ಸೇವೆಯಿಂದ ಕಡ್ಡಾಯ ನಿವೃತ್ತಿಗೊಳಿಸುವ' ದಂಡನೆ ವಿಧಿಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.
8. ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸಿನನ್ವಯ ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿದೆ.
9. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.


(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ,
ಕರ್ನಾಟಕ ರಾಜ್ಯ.

KARNATAKA LOKAYUKTA

NO. UPLOK-2/DE/133/2018/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 13/04/2023.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against Sri. M.S.Lokesh, Food Safety Officer, in-charge Gazetted Officer, Mysuru Mahanagarapalike, NPC Hospital Compound, Nazarbad, Mysuru-reg.

Ref: 1. Government Order No. ಅಕುಕ 147 ಸಿಜಿಇ2016 Bengaluru, dated 18/01/2017.
2. Nomination Order No. UPLOK-2/DE/133/2018 Bengaluru, dated 30/03/2012.

1. The Departmental Enquiry is initiated against Sri. M.S.Lokesh, Food Safety Officer, in-charge Gazetted Officer, Mysuru Mahanagarapalike, NPC Hospital Compound, Nazarbad, Mysuru (hereinafter referred to as the Delinquent Government Official, in short DGO), on the basis of the complaint dated 09/12/2015 filed by the complainant, Shri. K.S. Santhosh, the allegations in the complaint is that complainant is a dealer in Oil and Ghee and he is running business at No.5/A, Sri. Shiva Oil Traders, Devaraja Urs Road, Mysuru. He wanted to obtain of licence for the period


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of 2015-16 from the Food Department Mysuru. He met the DGO who was working as Food Safety Officer, in-charge Gazetted Officer, Mysuru Mahanagarapalike, Mysuru on 07/12/2015 and DGO demanded him to pay a sum of Rs.6,000/- prescribed fee and another Rs.6,000/- towards bribe. On the next day i.e., 08/12/2015 DGO came to the shop of complainant and gave the application pertaining to three shops belonging to the complainant and his brothers. At that time, the complainant paid sum of Rs.6,000/- towards the prescribed fee and Rs.3,000/- towards bribe to the respondent. Thereafter, DGO demanded to pay the balance bribe amount of Rs.3,000/-. As the complainant was not willing to pay the amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Mysuru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.8/2015 against the DGO for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.

The Investigating Officer took up investigation and on 09/12/2015 at 05:15 p.m. to 05:25 p.m. the DGO was caught red handed while demanding and accepted bribe amount of Rs.3000/- from the complainant in his office. Investigating Officer seized the tainted amount from the DGO. After following post trap formalities Investigating Officer secured DGO. The DGO has failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

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2. Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 04/12/2017 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Government by order dated 18/01/2017 entrusted the matter to the Hon'ble Upalokayukta.

3. The Hon'ble Upalokayukta by order dated 15/03/2018, nominated Additional Registrar Enquiries-11 to conduct the enquiry.

4. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಮೊದಲನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಂ.ಎಸ್. ಲೋಕೇಶ್ ಆದ ನೀವು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಎನ್.ಪಿ.ಸಿ.ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ ಹಾಗೂ ಪ್ರಭಾರ ಅಂಕಿತ ಅಧಿಕಾರಿ ಆಗಿ 2015 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಮೈಸೂರು ನಗರದ ದೇವರಾಜ ಅರಸ್ ರಸ್ತೆಯಲ್ಲಿ ಸಂಖ್ಯೆ 5-ಎ ಮಳಿಗೆಯಲ್ಲಿ ಶ್ರೀ ಶಿವ ಆಯಿಲ್ ಟ್ರೇಡರ್ಸ್ ಎಂಬ ಶಿರೋನಾಮೆಯಡಿಯಲ್ಲಿ ವ್ಯಾಪಾರ

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ಮಾಡಿಕೊಂಡಿರುವ ಶ್ರೀ ಸಂತೋಷ್ ಕೆ.ಎಸ್ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿಯ ದೂರುದಾರರ ಸದರಿ ಅಂಗಡಿಯ 2015-16 ನೆಯ ಸಾಲಿನ ವ್ಯಾಪಾರ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಂಬಂಧವಾಗಿ ನೀವು ದೂರುದಾರರಿಂದ ದಿನಾಂಕ 07/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ರೂಪಾಯಿ 6,000/- ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ತದನಂತರ ದಿನಾಂಕ 08/12/2015 ರಂದು ದೂರುದಾರರ ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯಲ್ಲಿ ಮದ್ಯಾಹ್ನ ಸುಮಾರು 2.00 ಗಂಟೆಗೆ ನೀವು ಈ ಮೊದಲು ಒತ್ತಾಯಿಸಿದ್ದ ಲಂಚ ರೂಪಾಯಿ 6,000/- ಗಳ ಪೈಕಿ ರೂಪಾಯಿ 3,000/- ಗಳ ಲಂಚವನ್ನು ದೂರುದಾರರಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

ಎರಡನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಂ.ಎಸ್. ಲೋಕೇಶ್ ಆದ ನೀವು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಎನ್.ಪಿ.ಸಿ.ಆಸ್ಪತ್ರೆಯಲ್ಲಿ ಆಹಾರ ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ ಹಾಗೂ ಪ್ರಭಾರ ಅಂಕಿತ ಅಧಿಕಾರಿ ಆಗಿ 2015 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಮೈಸೂರು ನಗರದ ದೇವರಾಜ ಅರಸ್ ರಸ್ತೆಯಲ್ಲಿ ಸಂಖ್ಯೆ 5-ಎ ಮಳಿಗೆಯಲ್ಲಿ ಶ್ರೀ ಶಿವ ಆಯಿಲ್ ಟ್ರೇಡರ್ಸ್ ಎಂಬ ಶಿರೋನಾಮೆಯಡಿಯಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡಿಕೊಂಡಿರುವ ಶ್ರೀ ಸಂತೋಷ್ ಕೆ.ಎಸ್ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿಯ ದೂರುದಾರರ ಸದರಿ ಅಂಗಡಿಯ 2015-16 ನೆಯ ಸಾಲಿನ ವ್ಯಾಪಾರ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಂಬಂಧವಾಗಿ ನೀವು ದೂರುದಾರರಿಂದ ದಿನಾಂಕ 07/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ರೂಪಾಯಿ 6,000/- ಗಳ ಲಂಚವನ್ನು ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ತದನಂತರ ದಿನಾಂಕ 08/12/2015 ರಂದು ದೂರುದಾರರ ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯಲ್ಲಿ ಮದ್ಯಾಹ್ನ ಸುಮಾರು 2.00 ಗಂಟೆಗೆ ನೀವು ಈ ಮೊದಲು ಒತ್ತಾಯಿಸಿದ್ದ ಲಂಚ ರೂಪಾಯಿ 6,000/- ಗಳ ಪೈಕಿ

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ರೂಪಾಯಿ 3,000/- ಗಳ ಲಂಚವನ್ನು ದೂರುದಾರರಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡ ನಂತರ ದಿನಾಂಕ 09/12/2015 ರಂದು ಮೈಸೂರು ನಗರದ ನಜರ್‌ಬಾದ್ ಎಂಬಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಸಂಜೆ 5.15 ಗಂಟೆಯಿಂದ 5.25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರ ಬಾಪ್ತು ಮೇಲ್ಕಂಡ ಅಂಗಡಿಯ ಸಂಬಂಧ ರಹದಾರಿಯನ್ನು ಕೊಡುವ ಸಲುವಾಗಿ ರೂಪಾಯಿ 6,000/- ಲಂಚದ ಬಾಪ್ತು ಮಿಕ್ಕುಳಿದ ಲಂಚ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ಸದರಿ ಹಣ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ದೂರುದಾರರಿಂದ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣ ನಿಮ್ಮ ಸ್ವಾದೀನದಲ್ಲಿದ್ದ ಬಗ್ಗೆ ತನಿಖಾ ಕಾಲದಲ್ಲಿ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೂ ಆಗಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರ ಎಂದರೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ8/2015 ರಲ್ಲಿಯ ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) ನಿಯಮ 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

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

ಅನುಬಂಧ-2ದೋಷಾರೋಪಣೆಯ ವಿವರ

ಮೈಸೂರು ನಗರದ ದೇವರಾಜ್ ಅರಸ್ ರಸ್ತೆಯಲ್ಲಿ ಮಳಿಗೆ ಸಂಖ್ಯೆ 5-ಎ ಎಂಬಲ್ಲಿ ಶ್ರೀ ಶಿವ ಆಯಿಲ್ ಟ್ರೇಡರ್ಸ್ ಎಂಬ ಶಿರೋನಾಮೆಯಡಿಯಲ್ಲಿ ವ್ಯಾಪಾರ ಮಾಡಿಕೊಂಡಿರುವ ದೂರುದಾರರಾದ ಶ್ರೀ ಸಂತೋಷ ಕೆ. ಎಸ್ ರವರ ಅಂಗಡಿಯ ವ್ಯಾಪಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 2015-16 ನೆಯ ಸಾಲಿನ ಪರವಾನಗಿಯನ್ನು ಪಡೆದುಕೊಳ್ಳುವ ಸಲುವಾಗಿ ದಿನಾಂಕ 7-12-2015ರಂದು ಮದ್ಯಾಹ್ನ 12-30 ಗಂಟೆಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ರೂ.6,000/- ಶುಲ್ಕ ಹಾಗೂ ರೂ.6,000/-ಗಳ ಲಂಚವನ್ನು ನೀಡಲು


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ಒತ್ತಾಯಿಸಿರುತ್ತೀರಿ. ಈ ಸಂಬಂಧ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ದೂರುದಾರರ ಅಂಗಡಿಗೆ ಬಂದು ದೂರುದಾರರು ಮತ್ತು ದೂರುದಾರರ ಸಹೋದರರು ಹೊಂದಿರುವ ಮೂರು ಅಂಗಡಿಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂರು ಅರ್ಜಿಗಳನ್ನು ನೀಡಿದ್ದು ಸದರಿ ಸಮಯದಲ್ಲಿ ದೂರುದಾರರು ರೂ.6,000/-ಗಳನ್ನು ಶುಲ್ಕವಾಗಿ ನೀಡಿ ರೂ.3,000/-ಗಳನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮಗೆ ಲಂಚವಾಗಿ ನೀಡಿರುತ್ತಾರೆ. ಉಳಿದ ರೂ.3,000/-ಗಳನ್ನು ಕೊಡುವಂತೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಸಂಭಾಷಣೆಯನ್ನು ದೂರುದಾರರು ತಮ್ಮ ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡು ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕಛೇರಿಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರನ್ನು ದಿನಾಂಕ 9/12/2015 ರಂದು ಭೇಟಿ ಮಾಡಿ ದೂರು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರು ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7 ರಡಿಯಲ್ಲಿ ನೋಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ದಿನಾಂಕ 09/12/2015 ರಂದು ಒಬ್ಬರು ನೆರಳು ಸಾಕ್ಷಿ ಹಾಗೂ ಒಬ್ಬರು ಪಂಚ ಸಾಕ್ಷಿಯನ್ನು ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಸದರಿ ಸಾಕ್ಷಿಗಳ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಒಂದು ಸಾವಿರ ಮುಖಬೆಲೆಯ ಮೂರು ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಮೈಸೂರು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯ ಆರಕ್ಷಕ ಉಪಾಧೀಕ್ಷಕರು ಎಂದರೆ ಅಪರಾಧ ಸಂಖ್ಯೆ 08/2015 ರಲ್ಲಿಯ ತನಿಖಾಧಿಕಾರಿಯವರು ನಮೂದು ಮಾಡಿಸಿ ತರುವಾಯ ಅವರ ಸಿಬ್ಬಂದಿಗಳು, ದೂರುದಾರರು ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿ ಹಾಗೂ ಪಂಚ ಸಾಕ್ಷಿಯ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿದ್ದು ನಂತರ ಅದೇ ದಿನ ಮೈಸೂರು ನಗರದ ನಜರಬಾದ್‌ನಲ್ಲಿರುವ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಎನ್.ಪಿ.ಸಿ. ಆಸ್ಪತ್ರೆಯ ಆವರಣದಲ್ಲಿರುವ ನಿಮ್ಮ ಕಛೇರಿಯ ಬಳಿಗೆ ತನಿಖಾಧಿಕಾರಿಯವರು ಅವರ ಸಿಬ್ಬಂದಿಗಳು, ದೂರುದಾರರು, ನೆರಳು ಸಾಕ್ಷಿ ಮತ್ತು ಪಂಚ ಸಾಕ್ಷಿಯ ಜೊತೆ ಬಂದಿದ್ದು ಅಂದು ಸಂಜೆ 5.15 ಗಂಟೆಯಿಂದ 5.25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ದೂರುದಾರರು ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿಯು ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದ್ದು ದೂರುದಾರರ ಬಾಪ್ಪು ವ್ಯಾಪಾರಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ರಹದಾರಿ

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ಬಗ್ಗೆ ನಿಮ್ಮನ್ನು ದೂರುದಾರರು ವಿಚಾರಿಸಿದಾಗ ನೀವು ನೆರಳು ಸಾಕ್ಷಿಯ ಸಮಕ್ಷಮ ಮಿಕ್ಕುಳಿದ ಲಂಚದ ಹಣ ರೂ.3,000/-ಗಳನ್ನು ದೂರುದಾರರಿಂದ ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ತನಿಖಾಧಿಕಾರಿಯವರ ಸಿಬ್ಬಂದಿಗಳ, ದೂರುದಾರರ, ನೆರಳು ಸಾಕ್ಷಿ, ಪಂಚಸಾಕ್ಷಿ ಮತ್ತು ನಿಮ್ಮ ಸಮಕ್ಷಮ ಪಂಚನಾಮೆಯನ್ನು ಜರುಗಿಸಿರುತ್ತಾರೆ ಮತ್ತು ಅಂದು ನೀವು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ನಿಮ್ಮ ಬಳಿ ಇದ್ದ ಹಣದ ಬಗ್ಗೆ ಲಿಖಿತ ಹೇಳಿಕೆಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತೀರಿ. ತನಿಖಾಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೆಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದೂರುದಾರರ ಅಂಗಡಿಯಲ್ಲಿ ದಿನಾಂಕ 08/12/2015 ರಂದು ಲಂಚವಾಗಿ ಭಾಗಶಃ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ಮದ್ಯಾಹ್ನ ಸುಮಾರು 2.00 ಗಂಟೆಗೆ ಪಡೆದುಕೊಂಡಿದ್ದು ತರುವಾಯ ಮಿಕ್ಕುಳಿದ ಲಂಚ ರೂಪಾಯಿ 3,000/- ಗಳನ್ನು ಮೇಲ್ಕಂಡ ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 09-12-2015ರಂದು ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡುದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ನಿಮ್ಮ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ವಿಧಿ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿದ್ದು ನಂತರ ನಿಮ್ಮ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿರುತ್ತದೆಯಾದುದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

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6. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 23/07/2018 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 23/07/2018 he pleaded not guilty and claimed to be enquired. **The Date of Retirement should be on 30/04/2032.**

7. The DGO has filed Written Statement dated 28/11/2018 contending that he has neither demanded nor accepted any illegal gratification and denied the charges levelled against him in Article of charges. Further contended that the complainant has filed false case to harass the DGO with an ulterior motive. The DGO has not committed any irregularity or misconduct as alleged. DGO further contended that he is no guilty of the charge and prays to drop the proceedings initiated against him.

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

1. Whether the disciplinary authority proves that the DGO while working as Food Safety Officer, In-charge Prescribed Officer at Mysuru City corporation, Mysuru on 07/12/2015 demanded bribe of Rs.6000/- from the complainant who is the dealer in Oil and Ghee


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and running business at No.5/A Sri. Shiva Oil Traders, Devaraja Urs Road, Mysure for issuing licence for the period 2015-16 and on the next day i.e.,08/12/2015 visited the shop of the complainant and received Rs.3000/- towards bribe amount out of demanded amount Rs.6,000/- and as the complainant was not willing to pay balance amount of Rs.3,000/- lodged complaint on 09/12/2015 in Lokayukta Police, Mysuru and on the same day DGO was caught red handed by Lokayukta Police while demanding and accepting balance amount of Rs.3,000/- from complainant in his office. After following post trap formalities Investigating Officer secured DGO and the DGO has failed to give satisfactory or convincing explanation for the said tainted amount found in his possession when questioned by the said I.O. and by this the DGO has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. What findings?


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9. (a) The disciplinary authority has examined in all 3 witnesses i.e., Sri. Santhosh K.S. /complainant as PW1 Sri.K.V. Ramakrishnaiah/shadow witness as PW2 and Sri.T.G.doddamani/Investigating Officer as PW3 and got exhibited 16 documents on it's behalf.

(b) The DGO has not examined himself, but got marked Ex.D1 to D4 documents on his behalf.

(c) Since DGO has not adduced evidence by examining himself or anybody, incriminating circumstances which appeared against him in the evidence of PWs 1 to 3 are put to him by way of questionnaire.

10. Heard both side arguments and perused the written argument filed by DGO counsel and all the documents.

11. The answers to the above points are:

1. In the Affirmative.

2. As per final findings for the following

REASONS

12. Point No.1:- (a) P.W.1 Sri. Santhosh.K.S. complainant, has deposed that in the year 2015, DGO was working as Food Safety Officer and his office is

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situated at Nagamma hospital building at Nazarbad. That on 06/12/2015 he visited the said office for renewal of his shop in name and style "Sri. Shiva Oil Traders" situated at Devaraj Urs Road, Mysuru and enquired about the same and received form in this regard from DGO. That DGO asked to fill the form and to give Rs.6,000/- fees and also demanded Rs.6,000/- bribe. That he received application form for renewal of his shop and the shop of his brother K.S.Dinesh which was under the name and style "VIP Traders" and also received application form for renewal for his another brother by name K.S. Rajesh's shop in the name and style "R.V.Districtors". That he informed to his father and got from filled and signed by his brothers.

PW1 has further stated that on 08/12/2015 at about 2.00 p.m DGO came to his shop and received those forms and said that he has to pay Rs.12,000/- fees for the renewal of his and his brothers shop. That he gave Rs.6,000/- towards fee and Rs.3,000/- to DGO and told that he would come later on. PW1 further stated that on 09/12/2015 he informed this to his father and later on lodged complaint in writing in Mysuru Lokayukta Police Station as per Ex.P1. That the Lokayukta Police registered the case in Cr. No.8/15 and prepared FIR.

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PW1 further stated that the Lokayukta Police have called two panchs by name Ravi and Ramakrishnaiah to the station and he has produced 3 notes of Rs.1000/- denomination each and I.O. got the currency numbers noted on dictation by Ramakrishnaiah to panch witness Ravi in a sheet. That I.O. got phenolphthalein powder smeared on those notes. Further he has stated that when DGO had come to his shop he has recorded the conversation and he has given it to the I.O who has converted it into C.D. PW1 has further stated that I.O got prepared sodium carbonate solution and taken sample of the same and Ravi has kept those notes in his left side shirt pocket and his hands were washed in the solution and solution turned to pink colour. Further stated that I.O. seized the said solution. That I.O. gave one voice recorder to him and asked him to switch it on at the time of meeting DGO and further instructed him to give tainted notes only on the demand by DGO and after acceptance to give signal by wiping his face with hand. Further PW1 deposed that I.O. instructed K.V. Ramakrishnaiah to accompany him and watch the happenings and he has conducted pre-trap mahazar as per Ex.P2.

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PW1 has further stated that all of them and staff went to the office of DGO and reached there at about 4.30 p.m. That he and shadow witness Ramakrishnaiah went inside the office of DGO. That PW1 enquired DGO about his work for which DGO told that it is not yet done and that he has to go for a meeting and assured that he would do the work and DGO demanded him to pay the balance amount for which the complainant gave the tainted notes of Rs.3,000/- to DGO. Further stated that DGO received the notes from his right hand and kept it in his left side shirt pocket and PW1 switched on voice recorder at that time. PW1 further stated that later on he came out and gave signal by wiping his face and then I.O, his staff and panch witness Ravi came inside the office of DGO and he showed DGO to I.O and also told about the happenings and told that he has given tainted notes to DGO and DGO has received it and kept it in his left side shirt pocket

PW1 has further stated that I.O introduced himself to DGO and got prepared sodium carbonate solution in two bowls and washed his right hand fingers in the solution and the solution turned to pink colour and I.O. also washed his left hand fingers in the solution kept in another bowl which turned to light pink colour. That I.O.

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seized those solutions separately and enquired DGO about the tainted notes and DGO told that he has not received the amount and later on removed it from his left side shirt pocket and gave it to I.O. That I.O. seized notes and the shirt of DGO after making alternate arrangement and got prepared sodium carbonate solution and got his left side shirt pocket washed in the said solution and the said solution turned to pink colour and I.O. seized the solution and shirt.

PW1 further stated that DGO has given his explanation and he has returned the voice recorder to I.O. That the I.O. burnt voice recorder to CD and has seized the copy of documents pertaining to him and his brothers which was in the possession of DGO. That I.O. has arrested DGO and has drawn trap mahazar of the above proceedings as per Ex.P3.

PW1 has further stated that I.O. has seized the service details of DGO as per Ex.P4 and later on I.O. brought all of them to Lokayukta Police Station. PW1 further stated that on 20/01/2016 I.O. has called him to Lokayukta Police station and has drawn mahazar with respect to identification of DGO as per Ex.P4.

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(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW1 to discredit his testimony or put forth the defence of DGO.

13. (a) PW-2 Sri. K.V. Ramakrishnaiah/Shadow witness has deposed in his evidence that he was working as SDA in Commercial Tax Department. That on 09/12/2015 on the instructions of his higher officer he and his colleague Ravi went to Lokayukta Police Station, Mysuru and reported before I.O at about 2.50 p.m. That complainant and I.O. were present there. That I.O. introduced the complainant to them and read over the contents of the complaint to them. That the complainant told that DGO has demanded bribe for renewal of the licence of his shop and he has lodged complaint in this regard. That complainant has produced mobile recordings before I.O and I.O. has put the recordings in the laptop and got it transcribed and burnt to compact disc. PW2 has further stated that he noted the numbers of the notes in a sheet and I.O. got smeared phenolphthalein powder on those notes and got it kept in the left side shirt pocket of the complainant through A.P.Ravi. PW2 further deposed that I.O. instructed the complainant to go to the office of


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DGO and to give the notes only on demand and after acceptance to give signal by wiping his head.


PW2 further stated that I.O. has given one voice recorder to PW1 and asked him to switch it on while meeting DGO. PW2 further stated that I.O. instructed him to accompany the complainant and to watch the transaction between complainant and DGO. Further PW2 stated that I.O. got prepared sodium carbonate solution and has taken sample of the same and got the hands of A.P.Ravi washed in the solutions and said solution turned to pink colour and the I.O. seized sample of the same and has conducted pre-trap mahzar of the above proceedings as per Ex.P2.

PW2 further stated that I.O. asked the complainant to contact DGO through mobile and complainant contacted DGO and DGO told that he was in the office of Food Safety and Quality office situated at Nazarabad and told him to come there. That later on all of them left the Lokayukta Police Station and reached near the office of Food Safety and Quality office situated at Nazarabad at about 4.50 p.m. and he and complainant went inside the office of DGO and he was present there and complainant enquired DGO about renewal of his licence for which DGO asked him whether he has brought the

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amount. PW2 further deposed that complainant told that he has brought the amount and gave the tainted notes to DGO and DGO received it from his right hand and counted it from both hands and kept it in his left side shirt pocket and later on complainant gave signal by wiping his head. PW2 further deposed that I.O. and his staff and A.P.Ravi entered the office and on enquiry by I.O. the complainant showed DGO and told that he has given amount to DGO. That I.O. caught hold of DGO and got prepared sodium carbonate solution in two bowls and took sample of the same and got both hands of DGO washed separately in those bowls and the right hand wash turned to pink colour and left hand wash turned to light pink colour. That I.O. has seized the above solution separately.

PW2 further deposed that I.O. enquired DGO about the said notes and DGO removed it from his left side shirt pocket and gave it to I.O. and I.O. seized the same. PW2 further stated that I.O. seized shirt of DGO after making alternate arrangement and got portion of the left side of shirt pocket washed in sodium carbonate solution and the solution turned to pink colour and I.O. seized the solution and shirt of DGO. PW2 further stated that on personal search of DGO I.O. got Rs.11,960/- in the

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private pant pocket and on enquiry DGO told that it was his salary amount and he has brought it for purchase of provisions. Since DGO has not given any document in this regard I.O. has seized the said amount. PW2 further deposed that DGO has given explanation to I.O. as per Ex.P4 and that the I.O. enquired DGO about the documents of PW1 and DGO has produced the documents pertaining to PW1 and his brothers and I.O. seized the copy of the same and PW2 further seized attested copy of attendance register extract. Further PW2 has stated that I.O. received voice recorder given to PW1 and got it converted to C.D and drawn trap mahazar about the above proceedings as per Ex.P3 and has got the voice recording transcribed in the mahazar. That later on I.O. has taken DGO and all of them to Lokayukta Police Station, Mysuru.

PW2 further stated that on 23/12/2015 he and Ravi have shown the spot to AEE of PWD department and on 21/01/2016 they went to Lokayukta Police station, Mysuru, complainant and one Dakshayani were present. That the said Dakshayanayani identified the voice of DGO in the voice recordings and I.O. got the voice recording transcribed. Further he has deposed that I.O. made the complainant and DGO to read the transcription


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separately and has recorded the same and has drawn mahazar in this regard as per Ex.P5.

(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW2 to discredit his testimony or put forth the defence of DGO.

14(a). PW3 Sri. Tayappa Gaddappa Doddamani/Investigating Officer has deposed in his evidence that he has worked as Deputy Superintendent of Police in Karnataka Lokayukta, Mysuru from 09/12/2015 to 27/01/2016. That on 09/12/2015, Sri.K.S.Santhosh, complainant/PW-1 came to his Lokayukta office at 1:15 p.m, and told that one Lokesh/DGO, working as Food Safety officer in Mysuru City Corporation is demanding bribe of Rs. 6,000/- for renewal of permission for sale of oil and ghee, with respect to 3 shops, one of complainant and 2 shops of complainant's elder brothers. The fees for renewal was Rs. 2,000/- for each shop, i.e., total Rs. 6,000/-. The DGO demanded additional Rs. 6,000/- as bribe and on 08/12/2015, DGO went to the shop of complainant/PW-1 and collected Rs. 6,000/- as fees, and part bribe amount of Rs. 3,000/-, and asked PW-1 to come the next day with balance bribe of Rs. 3,000/- and collect the renewal permission letters. PW-1 got the said


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conversation recorded in his mobile phone and lodged complaint before him on 09/12/2015 as per Ex.P1 and gave memory card of his mobile in which the conversation was recorded and copies of application, receipts and amount of Rs. 3,000/- to him for laying the trap. That the said amount of Rs. 3,000/- comprised 3 notes of Rs. 1,000/- denomination each. That he registered the complaint as crime number 8/2015 for offence u/s 7 of P.C.Act, 1988 and prepared the FIR as per Ex.P-6 and he sent the said complaint and FIR in closed envelope to the jurisdictional court. Further he identified the xerox copies of the documents given by PW-1 as per Ex.P-7.

PW3 further deposed that he secured 2 panch witnesses, PW-2 and Ravi, by sending requisition to Commercial Tax office Department. That they reported before him at 03:00 p.m on same day i.e., 09/12/2015 and he introduced himself and PW-1 to them and also briefed them about the contents of the complaint. That he played the memory card in presence of the panch witnesses and it contained conversation of demand of bribe by DGO. That he transcribed the same and burnt to CD, and also made a copy of the said CD.

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PW3 further deposed that he got the number of the currency notes noted by panch witnesses and got the same written by panch witness Sri.Ravi and identified the xerox copy of the same and the signatures on it as Ex.P-8. That he got phenolphthalein powder applied to both sides of the currency notes through his staff. That he got the same kept in the front left side shirt pocket of PW-1 through Ravi. That he got sodium carbonate solution prepared through his staff. That he took sample of the same, and also sample of the sodium carbonate powder. That he got the hands of Ravi washed in sodium carbonate solution. That the solution turned to pink colour. That he took samples of the same. That he told PW-1 and 2 and Ravi about the reaction between phenolphthalein powder and sodium carbonate solution. PW3 further stated that he gave voice recorder to PW-1, and instructed him to switch on while meeting the DGO. That he also instructed him to pay the amount only on demand by DGO and after acceptance, give signal by wiping his head with hands. That he instructed panch witness, Sri.Ramakrishnaiah/PW-2 to act as shadow witness. Further stated that he took photographs of entire proceedings and drew pre-trap as per Ex.P-2. Further stated that all of them left near the office of DGO,

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situated about one and half kilometer from Lokayukta police station.

PW3 further stated that they reached there at about 5:00 p.m, and stopped at a distance from office of DGO. That he repeated the instructions to PW-1 and 2 and sent PW-1 and 2 to the office of DGO. That at 5:25 p.m, PW-1 came out of the office and gave signal by wiping his head with hand. That all of them went near PW-1 and PW-1 showed DGO to him and told that he gave Rs. 3,000/- to DGO. PW3 further stated that PW-1 also told that DGO received the tainted money with his right hand, counted with both his hands and kept in his left side shirt pocket. PW-1 also handed over the voice recorder to him.

PW3 further stated that he instructed his staff to catch hold of DGO. That he got the hands of DGO washed separately in sodium carbonate solution. That the solution turned to pink colour and he seized the samples of the same. That he also informed another officer of DGO, Smt.Dhakshayani Badiger, about the arrest and also the higher officer of DGO in Bengaluru. That DGO removed the money from his shirt pocket and handed over the same to him. PW3 further stated that he seized the amount and the said notes were tallying with

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the numbers of the notes mentioned in Ex.P-8. That other than this money, the DGO had Rs. 11,960/- and enquiry DGO told that it is the money from his salary. PW3 further stated that he found it unsatisfactory and he seized the same. That he arranged for an alternate shirt for DGO and also got the portion of the shirt pocket of DGO dipped in sodium carbonate solution and the solution turned to pink colour and he seized the shirt, and also seized samples of the solution.

PW3 further stated that he played the voice recorder and transcribed the conversation and burnt it to CD. That the conversation contained the demand of bribe by DGO for doing the work. That he recovered the documents pertaining to PW-1 from Smt.Dhakshayani and Smt.Dhakshayani also identified the voice of DGO. That he took the copy of attendance register extract as per Ex.P-9. PW3 further stated that he took the explanation from DGO as per Ex.P-4. That the panch witnesses and complainant said that the explanation is false.

PW3 further stated that the shadow witness, PW-2 also told him at the time when he went at the spot on receiving signal that DGO asked for bribe amount and received the same. That he prepared rough sketch of the


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spot as per Ex.P-10. Further he stated that he drew trap mahazar as per Ex.P-3 and arrested DGO and followed the arrest procedure. That he took photographs of the trap proceedings as per Ex.P-11.

PW3 further stated that he recorded the statements of witnesses including Smt.Dhakshayani Badiger. That he wrote a letter to SBM, Nazarabad branch to give details of account and transactions of DGO and he got the sketch prepared from PWD Engineer as per Ex.P-12. PW3 further stated that he sent the articles for chemical examination and his successor, Sri.Swamynath received the report dated 28/12/201 as per Ex.P-13.

PW3 further stated that on 20/01/2016, he secured the same panch witnesses and got the CDs played and voice of DGO identified by Sri.H.N.Sathish, Food Safety officer and drew panchanama from 11:30 a.m to 1:30 p.m in his police station as per Ex.P-5.

PW3 further stated that he collected the service details of DGO as per Ex.P-14 and that he furnished certificate U/S 65 (B) Indian Evidence Act as per Ex.P-15. That after furnishing the certificate U/S 65(B) on 27/01/2016, he was transferred to Bidar and he gave the charge to Sri.K.B.Swamykumar on 27/01/2016.


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PW3 further stated that his successor has obtained the call records of PW-1 and DGO as per Ex.P-16. Further stated that his successor in office filed the charge sheet against DGO after obtaining sanction and he identified DGO.

(b) Nothing material is elicited by the learned counsel for DGO during the cross examination of PW3 to discredit his testimony or put forth the defence of DGO.

15. On perusal of documents, evidence of P.W.1/complainant, P.W.2/Shadow witness and PW3/Investigating Officer it reveals that on 09/12/2015, PW-1 lodged complaint against DGO who was working as Food Safety officer in Mysuru City Corporation as per ExP1, that he is demanding bribe of Rs. 6,000/- for renewal of permission for sale of oil and ghee, with respect to 3 shops, one of complainant and 2 shops of complainant's elder brothers and on 08/12/2015, DGO went to the shop of complainant/PW-1 and collected Rs. 6,000/- as fees, and part bribe amount of Rs. 3,000/-, and asked PW-1 to come the next day with balance bribe of Rs. 3,000/- and collect the renewal permission letters and PW-1 got the said conversation recorded in his mobile phone and gave memory card of his mobile in which the conversation was recorded to


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PW3 and PW3/I.O. registered the case against the DGO and secured PW/2 shadow witness and CW2/panch witness and informed them the purpose for which they are secured and also introduced them to the complainant and made known the contents of the complaint. Further their evidence reveals that PW1 placed three currency notes of denomination of Rs.1000/- each in all a sum of Rs.3,000/- to lay the trap and PW3 got applied phenolphthalein powder on the above notes through his staff and on his instructions the panch witness placed the above tainted notes in the left side pocket of shirt of the complainant and PW3 he got prepared solution with water and sodium carbonate powder and after obtaining sample of the said solution in a bottle instructed the panch witness to immerse fingers of hands in the residual solution in response to which the panch witness immersed fingers of hands in the residual solution which consequently turned to pink colour and he seized the said wash in a bottle and PW3 got transmitted the contents of voice recorder to a compact disc and obtained the copy of the said compact disc and seized the original compact disc.

16. Further the evidence of PW1 reveals that PW1 contacted the DGO over cell phone and DGO informed the complainant to meet him in his office. Further the evidence of PW1 to PW3 reveals that PW3/I.O. instructed PW1 to approach the DGO and to give the above tainted notes only in case of demand by DGO and to give signal by wiping his head with

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hands in case of acceptance of tainted cash and instructed PW2 to accompany the complainant and to observe as to what transpires between the complainant and DGO and the evidence of PW1 to PW3 reveals that PW3 conducted pre-trap mahazar with respect to the above proceedings as per Ex P2. Further their evidence reveals that later all of them left Lokayukta Police Station, Mysuru and reached near the office of DGO.

17. Further the evidence of PW1 & PW2 reveals that they went inside the office of DGO and PW1 enquired DGO about his work for which DGO told that it is not yet done and that he has to go for a meeting and assured that he would do the work and DGO demanded him to pay the balance amount for which the complainant gave the tainted notes of Rs.3,000/- to DGO and DGO received the notes from his right hand and kept it in his left side shirt pocket and PW1 switched on voice recorder at that time and later on PW1 came out and gave signal by wiping his face and then I.O, his staff and panch witness Ravi came inside the office of DGO and he showed DGO to I.O and also told about the happenings and told that he has given tainted notes to DGO and DGO has received it and kept it in his left side shirt pocket.


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18. Further the evidence of PW1 to PW3 reveals that PW3 disclosed his identity to DGO and informed the purpose of his visit and got the hands of DGO washed separately in sodium carbonate solution and the solution turned to pink colour and he seized the samples of the same and he also informed another officer of DGO, Smt.Dhakshayani Badiger, about the arrest and also the higher officer of DGO in Bengaluru. Further their evidence reveals that DGO removed the money from his shirt pocket and handed over the same to him and PW3 seized the amount and the said notes were tallying with the numbers of the notes mentioned in Ex.P-8 and PW3 arranged for an alternate shirt for DGO and also got the portion of the shirt pocket of DGO dipped in sodium carbonate solution and the solution turned to pink colour and he seized the shirt, and also seized samples of the solution.

19. Further their evidence reveals that PW3 played the voice recorder and transcribed the conversation and burnt it to C.D. and the conversation contained the demand of bribe by DGO for doing the work and PW3 recovered the documents pertaining to PW-1 from Smt.Dhakshayani and Smt.Dhakshayani also identified the voice of DGO. Further their evidence reveals that PW3 took the copy of

attendance register extract as per Ex.P-9 and explanation from DGO as per Ex.P-4 and the panch witnesses and complainant said that the explanation is false and PW3 has drawn trap mahazar as per Ex.P-3.

20. Nothing material is elicited from cross examination of PW1 to PW3 to discredit their testimony with respect to conducting pre-trap mahazar as per ExP2 and trap mahazar as per ExP3.

21. The defence of DGO is that the father of the complainant has sought for renewal of the licence for the shops for 3 years and DGO told that fees would be Rs 2000/- for one shop for one year and for 3 shops it would be Rs 6,000/- for one year and for 2 years it will be Rs12,000/- and complainant has given Rs 9,000/- licence fees to the DGO for 3 shops for 2 years and on the day of trap balance licence renewal fees of Rs 3000/- was given by the complainant and he has accepted it and the complainant has got him trapped. PW1 to PW3 have categorically denied the above suggestion put forth by the DGO counsel.

22. Further DGO has given explanation as per ExP4 with respect to possession of tainted notes wherein he has stated that on the day of trap PW1 came and forcibly gave bribe of


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Rs 3,000/- though he denied for the same and at that time the Lokayukta police came and trapped him. From the above evidence it can be inferred that DGO has received Rs.3,000/- from the complainant on 09/12/2015. There is two version in the defence of DGO, in Exp4 explanation given by DGO after trap he has stated that Rs 3000/- tainted notes was forcibly given by the complainant and in the cross examination of PW1 to PW3 it is suggested that it was towards balance renewal licence fees. This fact is specifically denied by PW1/complainant and PW3/ shadow witness in their cross examination by the DGOs counsel and nothing is elicited from them in support of the defence of the DGO and to disbelieve the evidence of PW1 & PW3. As such it can be construed that it is the after thought of DGO to escape from the admission made in Exp4. The DGO has not stepped into the witness box and has not any adduced evidence to prove his defence.

23. It is pertinent to note here that DGO has admitted that he has received Rs 3,000/- tainted notes from PW1 on that day as per Exp4. Further DGO has not adduced oral or documentary evidence on his behalf to prove his defence. As such his defence cannot be believed and his explanation i.e., Exp4 clearly corroborate the case of the Disciplinary Authority.

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24. It is not in dispute that the work of the complainant of renewing the licence of his shop and his brothers shops was pending before the DGO and therefore, it needs to be inferred that DGO must have thought of demanding illegal gratification. It needs to be inferred that since the renewal of licence of the shops of the complainant and his brothers was attended by DGO he must have insisted to fulfill the demand for illegal gratification.

25. It is pertinent to note here that the complainant/PW-1 has produced the recordings of the conversation taken place between complainant and DGO prior to trap on 07/12/2015 at the time of pre-trap mahazar conducted on 09/12/2015 and the transcription is marked as Ex.P-2. On perusal of the transcription of the voice recorder the conversation clearly goes to show the demand of Rs 3,000/- by the DGO from the complainant with respect to renewal of licence to his and his brothers shops. Further the recordings at the time of trap proceedings is transcribed as per Exp3. This also reveal the demand and acceptance of amount by DGO from the complainant. On 20/01/2016, PW3 has secured the same panch witnesses and got the CDs played and voice

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of DGO identified by Sri.H.N.Sathish, Food Safety officer and drew panchanama in his police station as per Ex.P-5. The said recordings have been played by PW3/I.O. before panchas and one Sri.H.N.Sathish, Food Safety officer who was present in Lokayukta Police Station, Mysuru and made him hear the conversation which was recorded before pre-trap mahazar and the said Sri.H.N.Sathish, Food Safety officer identified the voice of DGO which was recorded earlier to pre-trap mahazar and at the time of trap mahazar. As such all these proceedings goes to show that the DGO has demanded bribe from the complainant.

26. During evidence PW3 he has referred to Ex P2, Exp3 & Exp5. It is in his evidence that on 09/12/2015 he conducted trap mahazar the attested copy of which is at Ex.P2 and during the said mahazar, he took the voice recorder from PW1 and got it transcribed and burnt to C.D. and again PW3 had given voice recorder to PW1 at the time of trap proceedings and after trap has received it from him and got it and got it transcribed and burnt to C.D. Further his evidence reveals that on 20/01/2016, PW3 has secured the same panch witnesses and got the CDs played and voice of DGO identified by Sri.H.N.Sathish, Food Safety officer and drew panchanama in his police station as per Ex.P-5. Further PW3 has produced certificate U/S 65 (B) Indian

Evidence Act as per Ex.P-15 and call records of PW-1 and DGO as per Ex.P-16 which corroborate the case of disciplinary authority with respect to the conversation taken place between DGO and complainant as per transcription of recordings in Ex.P2 and P3 mahazars.

27. Nothing is found in the evidence of PW1 to PW3 that DGO herein was not found in possession of tainted cash. In these circumstances, the DGO has not lead any oral or documentary evidence to lend assurance to the defence put forward by him and would not lend support to his defence.

28. The DGO has produced certified copy of judgment in Spl Case No. 72/2016 dated 06/03/2021 on the file of III Additional, Sessions and Special court at Mysuru which shows that the DGO herein who faced trial in the said case has been acquitted. Upon perusal of the said judgement it is not found that DGO herein has been honourably acquitted. Nothing is found in the said judgement that DGO herein was not found in possession of tainted cash. In these circumstances copy of judgment in Spl Case No. 72/2016 will not lend assurance to the defence to put forward by the DGO.


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29. It is well settled that in the criminal trial proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence. Preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the inquiry of this nature. In order to establish the charge 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, prosecution has to establish demand and acceptance of illegal gratification in order to extend official favour. Mere possession of tainted cash in the absence of demand will not attract the charge 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. Evidence of PW1 & PW2 establishes demand of bribe by DGO. Evidence of PWs 1 to 3 establishes possession of tainted cash by DGO. Evidence of PWs 1 to 3 establishes change of colour of finger wash of DGO and also recovery of tainted cash from the possession of DGO. Further Exp13 i.e., FSL report reveals the presence of phenolphthalein in the right and left hand finger wash and shirt pocket wash of DGO and currency notes which corroborates the case of the disciplinary authority. Mere possession of tainted cash in the absence of satisfactory explanation attracts misconduct within the purview of Rule 3 (1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. In the presence of evidence of PWs 1 to 3 as discussed

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above I am not persuaded to accept the defence put forward in the course of written statement and also contentions raised in the course of written argument of DGO.

30. From the evidence of P.W.1 complainant, PW2 shadow witness and PW3 Investigating Officer the disciplinary authority has proved the pre-trap mahazar proceedings as per Ex.P2 and trap proceedings as per Ex.P3. Except minor discrepancies which does not go to the root of the Disciplinary Authority case, nothing material is elicited from the cross examination of PW1 to PW3 to discredit their testimony with respect to conducting of trap proceedings i.e., Pre-trap mahazar Ex.P2 and post trap mahazar Ex.P3.

31. Thus, this Additional Registrar Enquiries, finds that, the evidence of P.W1 to PW3, Ex.P1 to ExP16, as reasoned above, proves that the DGO had demanded and accepted bribe of Rs.3,000/- from P.W.1/complainant on 09/12/2015. The disciplinary authority has proved the charges against the DGO. The DGO has committed misconduct, dereliction of duty acted in a manner unbecoming of a Government Servant and not maintained absolute integrity violating Rule 3(1)(i) to (iii) of K.C.S. Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative**.

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

FINDINGS

The disciplinary authority has proved the charges against the D.G.O.

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


(J.P. Archana) 13/4/2023

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

ANNEXURES

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

PW1:-	Sri. Santhosh K.S./complainant
PW2:-	Sri.K.V.Ramakrishnaiah/shadow
PW3:-	Sri. T.G.Doddamani/I.O

List of witnesses examined on behalf DGO:- Nil.

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Xerox copy of complaint dated 09/12/2015.
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Ex P2	Xerox copy of entrustment mahazar dated 09/12/2015.
Ex P3	Xerox copy of trap mahazar dated 09/12/2015.
Ex P4	Xerox copy of statement of DGO dated 09/12/2015.
Ex.P5	Xerox copy of voice identification mahazar dated 20/01/2016.
Ex P6	Xerox copy of FIR in Cr.No.08/15.
Ex P7	Xerox copy of documents pertaining to PW1.
Ex P8	Xerox copy of list of currency notes.
Ex P9	Xerox copy attendance register extract.
Ex.P10	Xerox copy of rough sketch of the spot.
Ex.P11	Xerox copy of photographs of pre-trap and trap proceedings.
Ex.P12	Xerox copy of sketch prepared by PWD Engineer.
Ex.P13	Xerox copy of Chemical Examiner's report.
Ex.P14	Xerox copy of service details of DGO.
Ex.P15	Xerox copy of certificate U/s 65(B) of Indian Evidence Act.
Ex.P16	Xerox copy of call records of PW1 and DGO.

List of documents marked on behalf of Defence:-

Ex.D1 to D3	Certified copy of portion of evidence marked in the deposition of PW2 in Spl.C.C.72/16.
Ex.D4	Certified copy of evidence of PW8 T.G.Doddamani in Spl.C.C.72/16.

(J.P.Archana)

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

