



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/28/2013/ARE-11

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 09.02.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Adiveppa Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahsildar, Gajendragada, Gadag District - reg.

Ref:- 1) Government Order No. RD 550 BMM 2012 dated 13.12.2012 and Corrigendum dt.07.01.2013.

2) Nomination order No. LOK/INQ/14-A/28/2013 dated 18.01.2013 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 01.02.2022 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 13.12.2012 and Corrigendum dt.07.01.2013 initiated the disciplinary proceedings against Sri Adiveppa Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahsildar, Gajendragada, Gadag 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 LOK/INQ/14-A/28/2013 dated 18.01.2013 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, the matter was transferred to ARE-5 and then to Additional Registrar of Enquiries-11, to continue the said enquiry.

3. The DGO was tried for the charge of demanding and accepting illegal gratification from the complainant for entering names of complainant and others in RTC in pursuance to the judgement of the Civil Court and thereby committed misconduct.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Sri Adiveppa

Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahsildar, Gajendragada, Gadag District, is 'proved'.

5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Enquiry Officer.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Sri Adivappa Mallappa Girinivasa, is due to retire from service on 30.06.2027.

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against the DGO and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of 'compulsory retirement on DGO Sri Adivappa Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahsildar, Gajendragada, Gadag District.'

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

Connected records are enclosed herewith.

*B.S. Patil 9/2/22*  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

NO.LOK/INQ/14-A/28/2013/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 01/02/2022.

**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Adivappa Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahasildar, Gajendragada, Gadag, Gadag District -reg.

1. Government Order No. ಕಂಜ 500 ಬಿಎಂಎಂ 2012 Bengaluru, dated 13/12/2012 and Corrigendum dated 07/01/2013.
2. Nomination Order No. LOK/INQ/14-A/28/2013, Bengaluru, dated 18/01/2013.

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1. The Departmental Enquiry is initiated against Adivappa Mallappa Girinivasa, the then Deputy Tahsildar, Naregal Nada Kacheri and in-charge Special Tahasildar, Gajendragada Taluk, Gadag, Gadag District (hereinafter referred to as the Delinquent Government Official, in short 'DGO') on the basis of the complaint dated 21/10/2011 filed by Shri Shivanand Siddappa Saravi of Ron, Gadag. The allegations was that the DGO has demanded bribe of Rs.30,000/- for entering names of complainant and others in R.T.C. in pursuance of judgment passed in O.S.67/08 by Civil Court, Ron.

  
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When complainant pleaded his inability to pay, the DGO reduced the same to Rs.15,000/-. On 21/10/2011, the DGO was caught red-handed while demanding and accepting the said bribe amount in terrace of his room at 6.45 p.m. The police have filed the charge sheet against the DGO.

2. Hon'ble Upalokayukta invoking the powers section 7(2) of Karnataka Lokayukta Act, 1984, took up a suo-motu investigation against the DGO and on perusal of complaint, FIR, Mahazar, FSL report, and other documents found prima facie against the DGO and forwarded Report dated 27/09/2012 under section 12(3) of Karnataka Lokayukta Act, 1984, recommending to initiate disciplinary proceedings against the DGO. The Government by its order dated 13/12/2012 entrusted the enquiry to Hon'ble Upalokayukta.
3. Hon'ble Upalokayukta by order dated 18/01/2013 nominated Additional Registrar, Enquiries-4, to conduct the inquiry. On 03/08/2016, the file was ordered to be transferred to this Additional Registrar, Enquiries. Notice of Articles of charge, statement of imputations of misconduct with list of witnesses and documents was served upon the D.G.O. The D.G.O entered appearance and denied the charges and claimed to be enquired. **The DGO has shown his date of birth as 01/07/1967 in his**

  
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**First Oral Statement, which means he would be retiring on 30/06/2027.**

4. The Articles of charge as framed by ARE-4 is as follows:

That, you Sri Adivappa Mallappa Girinivas DGO, while working as Deputy Tahasildar of Naad kacheri in Naregal, when Sri Shivanand Siddappa Sarvi r/o Nidagundikoppa in Ron taluk (herein after referred to as the 'complainant') approached you-DGO before 8 days of 21-10-2011 to pass favourable orders in RTS proceedings relating to his land and land of his family members and to make entries in their names in the revenue records in pursuance of judgment passed in OS No.67/2008 on the file of Civil Court of Ron, you-DGO demanded bribe of Rs.30,000/-. For that, when the complainant pleaded his inability to pay that much amount, you-DGO reduced it to Rs.15,000/-. Again, when the complainant met you-DGO on 20-10-2011, you-DGO reiterated the said demand and asked him to bring the same on the next day to your residence. On 21-10-2011, you-DGO demanded and accepted the tainted (bribe) amount of Rs.15,000/- in your rented room in Gajendragad town thereby failing to maintain absolute integrity and devotion to duty, the act of which is un-becoming of A Government Servant and thereby committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

  
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5. The statement of imputations of misconduct as framed by ARE-4 is as follows:

Complainant approached the DGO for 8 days of 21-10-2011 to pass favourable orders in RTS proceedings relating to his land and land of his family members and to make entries in their names in the revenue records in pursuance of judgment passed in OS No.67/2008 on the file of Civil Court in Ron, the DGO demanded bribe of Rs.30,000/-. For that, when the complainant pleaded his inability to pay that much amount, it was reduced to Rs.15,000/-. Again when the complainant met the DGO on 20-10-2011, on approaching Lokayukta police on 20-10-2011, the DGO reiterated the said demand and asked him to bring the same on the next day to your residence. The complainant was not willing to pay the bribe demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta Police Inspector of Gadag (Herein after referred to as the Investigating Officer, for short "the I.O.") The I.O. registered this complaint in Cr.No.9/2011 for the offences punishable U/S 7, 13(1)(d) R/W 13(2) of Prevention of Corruption Act 1988. The I.O. took up the investigation and on 21-10-2011, the DGO was trapped at his rented room to Ganjendragad town, while receiving the tainted (bribe) amount of Rs.15,000/- into from the complainant. The I.O seized the tainted (bribe ) amount from the DGO after following post trap formalities. The DGO failed to give

  
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satisfactory or convincing reply about possession of the tainted amount. The I.O. recorded statement of the complainant and panch witnesses. The record of investigation and materials collected by I.O. showed that the DGO has committed mis-conduct failing to maintain absolute integrity and devotion to duty and acted in a manner un-becoming of Government servant. As the materials on record showed prima facie case about DGO receiving bribe for discharging duty as Government servant, a suo-motu investigation was taken up U/S 7(2) of the Karnataka Lokayukta Act against the DGO. An Observation Note was sent to the DGO calling for his explanation. DGO submitted his reply to observation note, but the same was not convincing to drop the proceedings. As there is prima facie case showing that the DGO has committed mis-conduct as per Rule 3(1) 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 the Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta U/R 14-A of KCS (CCA) Rules. Hence, the Charge."

6. The D.G.O. filed written statement dated 24/04/2013, denying the charges levelled against him.

7. (a) The disciplinary authority has examined 3 witnesses and got 12 documents exhibited.

  
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(b) The D.G.O has examined himself as D.W.1, and has not got any document marked, but has produced along with written brief, certified copy of Judgment dated 23/10/2019 in SVC No.8/12, wherein he is acquitted.

8. Heard Learned Presenting Officer and perused written brief of DGO and all documents.

9. The points that arise for consideration are as follows:

**(1) Whether the disciplinary authority proves that the D.G.O. on 21/10/2011 at 6.45 p.m. in terrace of his rented room in Gajendragad, has demanded and accepted bribe of Rs.15,000/- from P.W.1 for making entries in Record of Rights, and thereby, 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?**

10. The answers to the above points are:

(1) In the Affirmative.

(2) As per final findings, for the following.

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**REASONS**

11. (a) **Point No.1:-** Complainant/P.W.1 has stated in his evidence that his civil suit for 1/3<sup>rd</sup> right was decreed. He gave application for entering the name in Record of Rights. The file went to DGO and DGO told that, as appeal was preferred, no entry can be done. At that time, a person by name Shivappa of his village, gave a complaint to him, and asked him to give it to the Lokayukta police, Gadag. He has identified his complaint, and got marked as Ex.P1. P.W.1 has further stated that, he does not know the contents of the complaint. The police called 2 men to their station. He has not gone anywhere on that date, when he has given the complaint. He has identified his signature in pre-trap and trap panchanma, and the same are got marked as Ex.P2 and 3 respectively.

(b) This P.W.1 is treated as a hostile witness and he has been cross-examined by the I.O. Even in cross-examination by Learned Presenting Officer, P.W.1 has denied the entire pre-trap and trap procedure.

(c) The DGO has not chosen to cross-examine P.W.1.

12. (a) Shadow witness, Shri. Suresh Hanumanthappa Poojar, P.W.2 has deposed that, on 21/10/2011, at 1.00 p.m., he went to Gadag Lokayukta Police Station. P.W.1 and another witness, Shivakumar were also there. He came to know that P.W.1 has lodged complaint against DGO, for demanding bribe of Rs.15,000/-. P.W.1 gave 15 notes of Rs.1,000/- each to the police to lay the trap. P.W.2 noted the numbers of the currency notes. The same is got marked as Ex.P4. The police applied

  
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powder to the said notes. Shivakumar kept the said notes in shirt pocket of P.W.1. The hands of Shivakumar were washed, and the wash turned to pink colour. The police gave voice recorder to P.W.1 and drew pre-trap mahazar, Ex.P2.

(b) P.W.2 further states that all of them left the police station and reached near Siddarudha temple at about 6.45 p.m. Complainant/P.W.1 went towards a building which was at a little distance from the temple. P.W.1 entered a room in first floor of that building. P.W.2 followed him and stood near the staircase of the building on first floor. It was about 6.50 p.m. Then, P.W.1 and DGO came out of the room talking to each other. P.W.2 was standing about 8 feet far from them. P.W.1/complainant gave cash to DGO and the DGO counted the same, and kept in his left side shirt pocket. DGO went back to his room and P.W.1 gave signal by rolling the right hand sleeves of his shirt. The said portion of evidence is in paragraph No.3, and as the same is crucial in determining this matter, the said paragraph is reproduced herein:

**“After some time the complainant and DGO came out of the said room and began speaking to each other. I was standing at a distance of about eight feet from the place where complainant and DGO were talking. I have not heard the conversation in between complainant and DGO. I noticed the complainant giving cash to DGO after lifting the same from the pocket. I cannot say whether it was from the pocket of pant or pocket of shirt. DGO received cash and counted with both hands. I cannot say with which hand DGO received those notes. DGO placed those**

  
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**notes in the left side pocket of his shirt. Thereafter, DGO entered the said room. Afterwards the complainant rolled the right hand sleeves of his shirt”.**

(c) P.W.2 has further deposed that, the police arrived there. The hands of DGO were washed and the wash turned to pink colour. The police seized the said Rs.15,000/- from left side shirt pocket of DGO. The shirt pocket portion was also washed and the wash turned to pink colour. The shirt and the wash done were all seized. The voice recorder was played and it contained conversation between P.W.1 and DGO. Explanation of DGO was taken, and same is got marked as Ex.P5. Police drew trap mahazar, Ex.P3.

(d) In cross-examination by Learned Advocate for DGO, P.W.2 has denied that the hands of DGO were immersed in solution, after DGO produced the cash. The same is in paragraph No.12, 2<sup>nd</sup> sentence which reads as hereunder:

**“It is not true that after production of cash by the DGO fingers of hands are got immersed in the solution”.**

All other suggestions of having not performed trap and pre-trap procedure, are denied by P.W.2.

(e) Nothing useful to defence is elicited in the cross-examination, but the DGO has taken defence that he gave the amount from his pocket, and then his hands were washed. By this, it become clear that (1) the tainted amount was in the pocket of DGO; (2) the DGO has touched it; and (3) DGO's hands were washed in solution.

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13. (a) P.W.3/I.O., Shri. Manjunath Eraiah Naduvinamani, Police Inspector then, has deposed that, on 20/10/2011, P.W.1. came to his police station and orally informed that the DGO was demanding bribe. To ensure the same, P.W.3 gave P.W.1 voice recorder to record the conversation. On 21/10/2011 at 3.00 p.m. P.W.1 gave the voice recorder. It had the conversation of demand of bribe. P.W.1 gave written complaint, Ex.P1. P.W.3 registered the complaint. The FIR is got marked as Ex.P6. P.W.3 secured the panch witnesses, told them about complaint and completed the pre-trap procedure, which is, as stated by P.W.2, shadow witness. P.W.3 has identified the pre-trap panchanama, Ex.P2.

(b)At 5.00 p.m., all of them left to Gajendragad near Siddarud Muth. They reached there at 6.20 p.m. P.W.1 and 2 as per his instructions, started going towards the house of DGO, P.W.3, and his team and another panch witness were watching from a distance. At 6.45 p.m., P.W.1 from the terrace gave signal by lifting the sleeves of his shirt. P.W.2 was standing near the staircase on first floor. P.W.3 and his team went there. P.W.1 told P.W.3 that the DGO accepted the amount with his right hand, counted with both hands and kept in his right side shirt pocket. P.W.1 took them to the room of DGO and showed P.W.3 the DGO, who was sitting on the cot. It was 6.50 p.m., P.W.3 introduced himself and others to DGO and told him the purpose of coming and asked the DGO to co-

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operate. Both the hands of DGO were dipped in sodium carbonate solution. The solution turned to light pink colour. P.W.3 asked DGO about the money. DGO said it is in his left side shirt pocket. P.W.3 got the same removed from P.W.2. The said notes were tallying with the list of currency notes, which is marked as Ex.P4. P.W.3 seized the said notes. The left side shirt pocket of DGO was also dipped in solution and solution turned to light pink colour. The shirt was also seized. The voice recorder was played and it contained conversation, wherein it could be heard that DGO was demanding bribe. P.W.3 got the same burnt to C.D. using laptop. Explanation of DGO was taken which is marked as Ex.P5. P.W.3 got rough sketch prepared which is got marked as Ex.P7. P.W.3 drew trap panchanama, Ex.P3. On 22/10/2011, Village Accountant, Shri Anil Kumar identified the voice of DGO in conversation prior to trap and during trap. Panchanma was drawn to that effect, and same is got marked as Ex.P8. The documents pertaining to P.W.1 were seized and copies attested, and same is got marked as Ex.P9, FSL report, call records of P.W.1 and DGO, sketch prepared by P.W.D. Engineer are got marked as Ex.P10 to 12 respectively. FSL report dated 25/11/2011, Ex.P10, shows positive for phenolphthalein and sodium carbonate with respect to hand and shirt wash of DGO.

(c) In cross examination by Leaned Advocate for DGO, P.W.3 has stated that he has not got the voice recorder or C.D. examined by FSL. All other suggestion of P.W.2 having not seen

  
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the incident, or could not see as there was no electric supply are denied, and P.W.3 has stated that P.W.2 had seen in sunlight. Nothing beneficial to defence is elicited in cross-examination.

14. (a) The DGO/ D.W.1 in paragraph No.4 of his Affidavit filed in lieu of his chief-examination has stated that, P.W.1 had approached him in his room on 21/10/2011 to pass favourable orders in RTS proceedings, and to make entries in pursuance of Judgment passed in O.S. No.67/08 Civil Court of Ron. DGO/D.W.1 said, he will peruse and asked not to force. Suddenly, P.W.1/complainant kept something in his pocket, and immediately the officers trapped him, and removed cash from his pocket. For better understanding, the said paragraph is reproduced, as it is vital in determination of the matter. The same reads as hereunder:

**“ I say that, I am no way concerned in the above case for misconduct. I say it is false in view of the complainant. I state that on 21/10/2011 after my office hours I went to my rented room at Gajendragad town, at that time the complainant approached me and said to pass favourable orders in RTS proceedings relating to his land and the land of his family members and to make entries in their name in the revenue records in pursuance of judgement passed in OS**

  
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**67/2008 on the file of civil Court of Ron, I said let it complete I will peruse the same and also said not to force in this regard and suddenly the complainant kept something in the pocket and at that time there was no power and immediately officials trapped me and I was not knowing what was happening when the officials put the hand in the pocket and removed cash from the pocket, I was surprised and it is well planned by the complainant and accordingly arranged when I was going to my place after the office hours, I say these are false allegations made against me with the bad intention”.**

(b) By this, we see that, DGO admits.

(1) P.W.1 contacting him on 21/10/2011 in the evening after office hours.

(2) Work of P.W.1 was with DGO.

(3) The tainted amount was recovered from his right pocket.

(c) As far as, his defence that the tainted money was forcefully kept in his shirt pocket by P.W.1 is concerned, the same cannot be believed, as D.W.1/DGO from the terrace with that money, had gone to his room, and when the police came there, he was sitting on the cot of his room which shows that DGO has demanded and accepted the bribe of Rs.15,000/-.

  
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(d) In cross examination by learned Presenting Officer. D.W.1 has denied his involvement.

15. Hence, by evidence of P.W.2, 3, paragraph No.4 of D.W.1's chief-examination with respect to admissions as mentioned above in paragraph No.14(b), and all documents, Ex.P1 to P12 show that the DGO has demanded accepted bribe of Rs.15,000/- for entering names in R.T.C.

16. As regarding the acquittal of DGO in SVC No.8/12 by Judgment dated 23/10/2019 it is based on benefit of doubt and that cannot come to the aid of DGO herein, as P.W.2 and 3 shadow witness and Investigating Officer in said Special Case also have supported the prosecution case. The sketch herein, Ex.P7 and 8 shows P.W.2/shadow witness standing on the terrace at a distance of 1.90 meters from DGO. Even in criminal proceedings, the sketch is marked as Ex.P36 and in paragraph No.39 of the Judgment, it is shown that shadow witness was at 1.9 meters from accused, but in paragraph No.40 of the said Judgment, it is given reasoning that shadow witness was standing on the steps, which is not so, as per Ex.P36. Therefore, the DGO cannot be benefitted by this Judgment. Matter herein, is decided based on preponderance of probabilities and this is laid down in

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decisions reported in **KCCR 1.6.18 (SN156)(SC)184 and AIR 1954 SC 375 between Venkataraman V/s Union of India** and same are applicable.

17. Therefore, this Additional Registrar (Enquiries) finds that 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 by demanding and accepting bribe of Rs.15,000/-. Accordingly, this point is answered in the **Affirmative**.

18. **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 DGO.

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



**(SACHIN KAUSHIK R.N.)**

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

## ANNEXURE

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

PW1:- Sri. Shivanand Siddappa Saravi  
PW2:- Sri. Suresha  
PW3:- Sri. Manjunath Eraiah Naduvinamani.

List of witnesses examined on behalf of Defence:-

DW1:- Sri. Adivappa Mallappa Girinivas

List of documents marked on behalf of Disciplinary  
Authority:-

|        |                                                                                                                      |
|--------|----------------------------------------------------------------------------------------------------------------------|
| Ex P1  | Certified copy of the complaint dt.21/10/2011 of complainant.                                                        |
| Ex P2  | Certified copy of Entrustment panchanama dt.21/10/2011.                                                              |
| Ex P3  | Certified copy of seizure panchanama dt.21/10/2011.                                                                  |
| Ex P4  | Certified copy of list of currency notes dt.21/10/2011.                                                              |
| Ex P 5 | Certified copy of statement of DGO dt.21/10/2011.                                                                    |
| Ex P6  | Certified copy of FIR dt.21/10/2011.                                                                                 |
| Ex P7  | Certified copy of sketch dt.21/10/2011.                                                                              |
| Ex P8  | Certified copy of sound reinforcement panchanama dt.22/10/2011.                                                      |
| Ex P9  | Certified copies of documents of Ron Taluk Spl Tahasildar's office, Gajendragad Court as per index dated 22/10/2011. |
| Ex P10 | Certified copy of Chemical Examiner's report dated 24/11/2011.                                                       |
| Ex P11 | Certified copy of call details dated                                                                                 |

  
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|        |                                            |
|--------|--------------------------------------------|
|        | 31/10/2011.                                |
| Ex P12 | Certified copy of sketch<br>dt.02/11/2011. |

List of documents marked on behalf of Defence:- Nil



**(SACHIN KAUSHIK R.N.)**

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

