



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/35/2015/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Dated 01.03.2023.

RECOMMENDATION

Sub:- Departmental inquiry against 1)
Sri.Shivappa H. Lamani, the then
Special Tahasildar, Bengaluru South
Taluk, at present working as Tahasildar
(Grade-1), Bengaluru North Taluk and
2) Smt.Shyamala P.S, First Division
Assistant, Taluk Office, Bengaluru
South Taluk, Bengaluru – reg.

Ref:- 1) Government Order No.ಆರ್‌ಡಿ 118 ಎಡಿಇ
2014, ಬೆಂಗಳೂರು, ದಿ:08-01-2014.

2) Nomination order No.UPLOK-1/DE/
35/2015, dated 28.01.2015 of
Upalokayukta-1, State of Karnataka.

3) Inquiry report dated 23.02.2023 of
Additional Registrar of Enquiries-11,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 08.01.2014  
initiated the disciplinary proceedings against 1)  
Sri.Shivappa H. Lamani, the then Special Tahasildar,  
Bengaluru South Taluk, at present working as Tahasildar

(Grade-1), Bengaluru North Taluk and 2) Smt.Shyamala P.S, First Division Assistant, Taluk Office, Bengaluru South Taluk, Bengaluru [hereinafter referred to as Delinquent Government Officials/Officers, for short as 'DGO No.1 and 2'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/35/2015, dated 28.01.2015, nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGO No.1 Sri.Shivappa H. Lamani, the then Special Tahasildar, Bengaluru South Taluk, at present working as Tahasildar (Grade-1), Bengaluru North Taluk and the DGO No.2 Smt.Shyamala P.S, First Division Assistant, Taluk Office, Bengaluru South Taluk, Bengaluru, were tried for the following charge:-

## **ANNEXURE-1**

### **CHARGE:**

That you DGO No.1, Shivappa H. Lamani, the then Special Tahasildar, Bangalore South Taluk, at present working as Tahasildar (Grade-1), Bangalore North Taluk and you DGO No.2, Smt.Shyamala P.S., First Division Assistant, Taluk Office, Bangalore South Taluk, Bangalore while discharging your duties:

- (a) Having purchased land to the extent of 2.11 acres in Sy. No.72/11 of Kolor village in Tavarekere Hobli of Bangalore South Taluka from one Sri.Ramanaik on 09/02/2011, the complainant had given an application in the office of Special Tahasildar of Bangalore South Taluka requesting for change of khatha in his name. At that time, one Smt. Parvathibai W/o Ramachandra Naik-daughter of said Sri Ramanaik filed objections for that. As such, he had requested and took assistance of one Sri Narasimha Murthy in attending said matter. However, later said Smt.Parvathibai compromised and gave consent letter stating 'no objections' for mutation in his name. As such, filing

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her affidavit in the said office, he requested for change of khatha. In that regard, he approached you DGO No.1 before about two weeks and enquired. Then you DGO No.1 demanded Rs.50,000/- bribe for attending his said work;

- (b) When he told that he cannot pay that much demanded amount and offered Rs.25,000/- you DGO No.1 asked to give that amount in the hands of another person available in his office and accordingly, he gave that amount in the hands of that person;
- (c) In spite of that, khatha had not been made in his name and he approached you DGO No.1 for 5-6 times, but still khatha had not been made in his name;
- (d) As such, on 17/10/2013, when he and said Sri Narasimha Murthy went to you DGOs office and enquired you DGO No.1 about it, then again you DGO No.1 demanded bribe of Rs.75,000/- asking them to go out of your chamber;



- (e) When he told said Sri.Narasimha Murthy that he cannot pay the said demanded amount, to have a record about it, when he went to you DGO No.1 office, you DGO No.1 got DGO No.2 to his chamber and spoken about the said bribe amount. Then you DGO No.2 came out from the room of DGO No.1 and told the demand of ₹ 75,000/- made by you DGO No.1;
- (f) Not willing to pay bribe to you DGO No.1, after approaching Lokayukta Police on 23/10/2013 itself, when he approached you DGO No.1 at said Tahasil office along with said Sri.Narasimha Murthy, you DGO No.1 asked said Sri.Narasimha Murthy about the said matter of amount as to what has been done;
- (g) For that, when said Sri Narasimha Murthy informed that it was not possible to bring Rs.75,000/- but presently bought Rs.25,000/-, then you DGO No.1 called Sri L.Shailesh alias Giri (private person) and asked that Sri Shailesh to accompany them and have said amount of Rs.25,000/- (tainted-bribe amount);



- (h) Accordingly, said amount was taken by said Sri. Shailesh for and on behalf of you DGO No.1 in connection with said work on said date;
- (i) Said Sri. Shailesh failed to give any satisfactory reply or account for the said amount found then;
- (j) Thereafter, the said tainted (bribe) amount was seized from said Sri Shailesh by the I.O. in the presence of panchas as said Sri Shailesh failed to give any satisfactory reply or account for the said amount found then;
- (k) Even there are statements of witnesses, including complainant, besides records and material seized by the I.O. in support of said misconduct committed by you DGO Nos.1 and 2.

and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under



Rule 3(1)(i) to (iii) of KCS (Conduct) Rules  
1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '**not proved**' the above charge against the DGO No.1 Sri.Shivappa H. Lamani, the then Special Tahasildar, Bengaluru South Taluk, at present working as Tahasildar (Grade-1), Bengaluru North Taluk and the DGO No.2 Smt.Shyamala P.S, First Division Assistant, Taluk Office, Bengaluru South Taluk, Bengaluru.

5. On perusal of the Inquiry Report, in order to prove the guilt of the DGOs, the Disciplinary Authority has examined three witnesses as per PW-1 to PW-3 and Ex. P-1 to P-21 documents were got marked. The DGO No.1 has examined himself as DW-1 and got marked Ex.D-1 and Ex.D-2 documents.


6. On re-consideration of report of inquiry and on perusal of the entire records, 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 Inquiry Officer and exonerate DGO No.1 Sri.Shivappa H. Lamani, the then Special Tahasildar, Bengaluru South Taluk, at present working as Tahasildar (Grade-1), Bengaluru North Taluk and the DGO No.2 Smt.Shyamala P.S, First Division Assistant, Taluk Office, Bengaluru South Taluk, Bengaluru, of the charges leveled against them.

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

Connected records are enclosed herewith.

  
**(JUSTICE K.N.PHANEENDRA)**  
Upalokayukta,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

NO. UPLOK-1/DE/35/2015/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 23/02/2023.

**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against  
(1) Sri. Shivappa H Lamani, the then  
Tahasildar, Bengaluru Sout Taluk, at present  
working as Tahasildar (Grade-1) Bengaluru  
Nort Taluk and

(2) Smt. Syamala P.S. First Division Assistant,  
Taluk Office, Bengaluru South Taluk,  
Bengaluru -reg.

Ref: 1. Government Order No. ಆರ್‌ಡಿ 118 ಎಡಿಇ 2014  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ 08/01/2014.  
2. Nomination Order No. UPLOK-  
1/DE/35/2015, Bengaluru, dated  
28/01/2015.

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1. The Departmental Enquiry is initiated against (1) Sri. Shivappa H Lamani, the then Tahasildar, Bengaluru South Taluk, at present working as Tahasildar (Grade-1) Bengaluru North Taluk and (2) Smt. Syamala P.S. First Division Assistant, Taluk Office, Bengaluru South Taluk, Bengaluru (hereinafter referred to as the Delinquent Government Officials, in short DGO 1 and 2 respectively) on the basis of the complaint dated

  
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23/10/2013. The allegations in the complaint is that, complainant had purchased land to the extent of 2.11 acres in Sy. No. 72/11 of Kolur village in Tavarekere Hobli of Bangalore South Taluk from one Sri Ramanaik on 09/02/2011 and had given an application in the office of Special Tahasildar of Bangalore South Taluka requesting for change of khatha in his name. At that time, one Smt. Parvathibai W/o Ramachandra Naik-daughter of said Sri Ramanaik filed objections for that. As such, he had requested and took assistance of one Sri Narasimha Murthy in attending the said matter. That later on the said Smt. Parvathibai compromised and gave consent letter stating 'no objections' for mutation in his name. As such, after filing her affidavit in the said office, he requested for change of khatha. In that regard, he approached DGO No.1 about two weeks before and enquired. Then DGO No. 1 demanded Rs.50,000/- bribe for attending his said work. When the complainant told that he cannot pay that much demanded amount and offered Rs.25,000/- and DGO No. 1 asked to give that amount in the hands of another person available in his office and accordingly, he gave that amount in the hands of that person.

That inspite of that, khatha had not been made in his name and he approached DGO No.1 for 5-6 times, but still khatha had not been made in his name. That on 17/10/2013, when complainant and said Sri Narasimha Murthy went to DGOs office and enquired DGO No.1

  
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about it, then again DGO No. 1 demanded bribe of Rs.75,000/- asking them to go out of his chamber. Further DGO expressed his inability to pay and told the said Sri Narasimha Murthy that he cannot pay the said demanded amount and to record about it, when he went to DGO No.1's office, DGO No.1 got DGO No.2 to his chamber and spoken about the said bribe amount. Then DGO No. 2 came out from the room of DGO No. 1 and told the demand of Rs.75,000/- made by DGO No. 1.

2. As the complainant was not willing to pay the he bribe amount, after contacting Lokayukta Police, City Division, Bengaluru on 23/10/2013, he has lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru( hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.58/2013 against the DGO for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.

3. The Investigating Officer took up investigation and on the same day the complainant met DGO-1 along with Sri Narasimha Muthy in the thasildar office and DGO-1 asked the said Sri Narasimha Murthy about the amount for which he told that they could not arrange for Rs 75,000/- amount and they have brought Rs 25,000/-, then DGO-1 called one Shailesh @ Giri and asked him to collect the amount and the said Shailesh @ Giri on the

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instructions of DGO No.1 accepted the bribe amount of Rs.25,000/- from the complainant in connection with his work and was caught red handed by the Investigating Officer. The DGO No.1 Sri. Shailaish have failed to give satisfactory or convincing explanation for the demand and acceptance of bribe amount, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGOs 1 and 2 in the concerned jurisdictional Court. Thereby DGO No.1 and 2 by demanding and accepting bribe amount of Rs. 25,000/- through one Shailesh @ Giri for change of khathain the name of the complainant 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.

4. The 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 datcd 22/11/201 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 Competent Authority

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by order dated 08/01/2014 entrusted the matter to the Hon'ble Upalokayukta.

5. The Hon'ble Upalokayukta by order dated 05/05/2017, nominated Additional Registrar Enquiries-11 to conduct the enquiry.

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

**ANNEXURE-1**

**CHARGE:**

That you DGO No. 1, Shivappa H. Lamani, the then Special Tahsildar, Bangalore South Taluk, at present working as Tahsildar (Grade-1), Bangalore North Taluk and you DGO No. 2, Smt. Shyamala P.S., First Division Assistant, Taluk Office, Bangalore South Taluk, Bangalore while discharging your duties:

- (a) Having purchased land to the extent of 2.11 acres in Sy. No. 72/11 of Kolar village in Tavarekere Hobli of Bangalore South Taluka from one Sri Ramanaik on 09/02/2011, the complainant had given an application in the office of Special Tahasildar of Bangalore South Taluka requesting for change of khatha in his name. At that time, one Smt. Parvathibai W/o Ramachandra Naik-daughter of said Sri Ramanaik filed objections for that. As such, he

  
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had requested and took assistance of one Sri Narasimha Murthy in attending said matter. However, later said Smt. Parvathibai compromised and gave consent letter stating 'no objections' for mutation in his name. As such, filing her affidavit in the said office, he requested for change of khatha. In that regard, he approached you DGO No. 1 before about two weeks and enquired. Then you DGO No. 1 demanded Rs.50,000/- bribe for attending his said work;

- (b) When he told that he cannot pay that much demanded amount and offered Rs.25,000/- you DGO No. 1 asked to give that amount in the hands of another person available in his office and accordingly, he gave that amount in the hands of that person;
- (c) In spite of that, khatha had not been made in his name and he approached you DGO No. 1 for 5-6 times, but still khatha had not been made in his name;
- (d) As such, on 17/10/2013, when he and said Sri Narasimha Murthy went to you DGOs office and enquired you DGO No. 1 about it, then again you DGO No. 1 demanded bribe of Rs.75,000/- asking them to go out of your chamber;

  
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- (e) When he told said Sri. Narasimha Murthy that he cannot pay the said demanded amount, to have a record about it, when he went to you DGO No. 1 office, you DGO No. 1 got DGO No. 2 to his chamber and spoken about the said bribe amount. Then you DGO No. 2 came out from the room of DGO No. 1 and told the demand of ₹ 75,000/- made by you DGO No. 1;
- (f) Not willing to pay bribe to you DGO No. 1, after approaching Lokayukta Police on 23/10/2013 itself, when he approached you DGO No. 1 at said Tahasil office along with said Sri.Narasimha Murthy, you DGO No. 1 asked said Sri.Narasimha Murthy about the said matter of amount as to what has been done;
- (g) For that, when said Sri Narasimha Murthy informed that it was not possible to bring Rs.75,000/- but presently bought Rs.25,000/-, then you DGO No. 1 called Sri L.Shailesh alias Giri (private person) and asked that Sri Shailesh to accompany them and have said amount of Rs.25,000/- (tainted-bribe amount);
- (h) Accordingly, said amount was taken by said Sri.Shailesh for and on behalf of you DGO No. 1 in connection with said work on said date;

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- (i) Said Sri.Shailesh failed to give any satisfactory reply or account for the said amount found then;
- (j) Thereafter, the said tainted (bribe) amount was seized from said Sri Shailesh by the I.O. in the presence of panchas as said Sri Shailesh failed to give any satisfactory reply or account for the said amount found then;
- (k) Even there are statements of witnesses, including complainant, besides records and material seized by the I.O. in support of said misconduct committed by you DGO Nos. 1 and 2.

and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servants and thus you are guilty of misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

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

### **ANNEXURE-11**

#### **STATEMENT OF IMPUTATION OF MISCONDUCT**

On the basis of a report of the Superintendent of Police in Karnataka Lokayukta for Bangalore City Division at Bangalore, along with investigation papers

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filed by the Police Inspector in Karnataka Lokayukta for Bangalore City Division at Bangalore (herein after referred to as Investigating Officer-'I.O.' for short), stated that 1) Shivappa H. Lamani, the then Special Tahsildar, Bangalore South Taluk, at present working as Tahsildar (Grade-1), Bangalore North Taluk and, 2) Smt.Shyamala P.S., First Division Assistant, Taluk Office, Bangalore South Taluk, Bangalore, being public/Government servants, have committed misconduct, when approached by Sri Revanna R/o Koluru Village of Tavarekere Hobli in Bangalore South Taluk (herein after referred to as 'Complainant' for short) an investigation was taken up U/s 9 of the Karnataka Lokayukta Act, after invoking power vested U/s 7 (2) of that Act.

**2. Brief facts of the case are :-**

(a) According to the complainant : Having purchased land to the extent of 2.11 acres in Sy. No. 72/11 of Kolor village in Tavarekere Hobli of Bangalore South Taluka from one Sri Ramanaiik on 09/02/2011, the complainant had given an application in the office of Special Tahasildar of Bangalore South Taluka requesting for change of khatha in his name. At that time, one Smt. Parvathibai W/o Ramachandra Naik-daughter of said Sri Ramanaiik filed objections for that. As such, he had requested and took assistance of one Sri Narasimha Murthy in attending said matter.

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However, later said Smt. Parvathibai compromised and gave consent letter stating 'no objections' for mutation in his name. As such, filing her affidavit in the said office, he requested for change of khatha. In that regard, he approached DGO No. 1 before about two weeks and enquired. Then DGO No. 1 demanded Rs.50,000/- bribe for attending his said work;

(b) When he told that he cannot pay that much demanded amount and offered Rs.25,000/- DGO No. 1 asked to give that amount in the hands of another person available in his office and accordingly, he gave that amount in the hands of that person;

(c) In spite of that, khatha had not been made in his name and he approached DGO No.1 for 5-6 times, but still khatha had not been made in his name;

(d) As such, on 17/10/2013, when he and said Sri Narasimha Murthy went to DGOs office and enquired DGO No. 1 about it, then again DGO No. 1 demanded bribe of Rs.75,000/- asking them to go out of his chamber;

  
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- (e) When he told said Sri Narasimha Murthy that he cannot pay the said demanded amount, to have a record about it, when he went to DGO No. 1 office, DGO No. 1 got DGO No. 2 to his chamber and spoken about the said bribe amount. Then DGO No. 2 came out from the room of DGO No. 1 and told the demand of Rs.75,000/- made by DGO No. 1;
- (f) Not willing to pay bribe to DGO No. 1, after approaching Lokayukta Police on 23/10/2013 itself, when he approached DGO No. 1 at said Tahasil office along with said Sri Narasimha Murthy, DGO No. 1 asked said Sri Narasimha Murthy about the said matter of amount as to what has been done;
- (g) For that, when said Sri Narasimha Murthy informed that it was not possible to bring Rs.75,000/- but presently bought Rs.25,000/-, then DGO No. 1 called Sri L.Shailesh alias Giri (private person) and asked that Sri Shailesh to accompany them and have said amount of Rs.25,000/- (tainted-bribe amount);
- (h) Accordingly, said amount was taken by said Sri Shailesh for and on behalf of DGO No. 1 in connection with said work on said date;

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(i) Said Sri. Shailesh failed to give any satisfactory reply or account for the said amount found then;

(j) Thereafter, the said tainted (bribe) amount was seized from said Sri Shailesh by the I.O. in the presence of panchas as said Sri Shailesh failed to give any satisfactory reply or account for the said amount found then;

(k) Even there are statements of witnesses, including complainant, besides records and material seized by the I.O. in support of said misconduct committed by DGOs.

Said facts supported by the material on record show that the DGO Nos. 1 and 2, being public servants, have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants, and thereby committed misconduct and made themselves liable for disciplinary action.

Therefore, an investigation was taken up against the DGO Nos. 1 and 2 and an observation note was sent to them to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against them in the

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matter. For that, the DGO No. 1 has not given reply and DGO No. 2 has gave her reply. However, the same has not been found convincing to drop the proceedings.

Since said facts and material on record prima facie show that the DGO Nos. 1 and 2 have committed misconduct under Rule 3(1) of the KCS Conduct Rules, 1966, recommendation is made under section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO Nos. 1 and 2 and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

The Government after considering the recommendation made in the report, entrusted the matter to the Hon'ble Upalokayukta to conduct departmental/disciplinary proceedings against the DGO Nos. 1 and 2 and to submit report. Hence the charge.

8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO1 & 2. In response to the service of articles of charge, DGO 1 & 2 appeared before this authority on 22/06/2015 and 13/05/2015 respectively and engaged their respective advocates for defence. In the course of first oral

  
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statement of the DGO2 recorded on 13/05/2015 and DGO-1 recorded on 22/06/2015, they pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO1 is 31/03/2025 and DGO2 is 31/03/2017.**

9. The DGO-1 has filed written statement dated 31/03/2016 contending that the departmental enquiry ordered by the government dated 08/01/2014 is wholly without jurisdiction and government has no power to direct to hold of departmental enquiry and entrust the matter to Hon'ble Upalokayukta who in turn nominating ARE-11 to conduct the enquiry. Hence the very departmental proceedings is illegal and not clothed with the legal authority to proceed with the enquiry. Further denied the allegations made against him in the articles of charge and statement of imputation. Further contended that at no point of time in his capacity as Special Tahasildar demanded any money much less illegal gratification and the allegations are cooked up for the purpose of the case. That he always acted in good faith with utmost integrity and devotion to duty his service records are clean and the officers who have written his service record have always appreciated his good work and devotion to duty. The allegations made by the complainant with regard making khatha in his name is factually in correct and contrary to the documentary evidence on record.

Further contended that since the Lokayukta Police have investigated the case assistant registrars of enquiry being a part of Lokayukta and the proposed enquiry is being

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conducted under the supervision of Upalokayukta in the office of Upalokayukta does not inspire confidence in his mind that to get a fair and free enquiry and atmosphere under which the proposed enquiry is being conducted is not suitable for a fair and free enquiry does not inspire confidence in his mind.

Further contended that even though he has given a legal and proper explanation the same has been suppressed by the investigation agency which has resulted in miscarriage of justice. Further contended that the essential ingredients to constitute a misconduct i.e., official favour demand and acceptance are totally absent in his case in the absence any proof of demand and acceptance of illegal gratification the use of corrupt or illegal means or abuse of position as public servant to obtain any pecuniary advantage cannot be sustained. Further contended that the entire case of the complainant and investigation by Lokayukta Police is based on possible surmises or conjectures and the case of the Lokayukta Police rests on realm of may be true but has never upgraded in it's investigation in the domain of must be true. Hence the whole investigation is based on conjecture and surmises rather than evidence and facts on record. Further contended that the present departmental enquiry is not clothed with legal authority. Therefore it is illegal and improper to go ahead with an enquiry and further proceedings need to be dropped by sending the papers back

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to the Government of Karnataka and requested to drop the proceedings against him.

10. The DGO-2 is filed her written statement on 17/02/2016 contending that she worked as FDA, in Taluk Office, Bengaluru South Taluk, Bengaluru. The complaint filed by the complainant on 23/10/2023 making allegations which are all in toto false, frivolous and baseless and there is absolutely no iota of evidence with regard to demand, acceptance and recovery concerned from her. Further contended that even in the complaint by complainant dated 23/10/2023 there is absolutely no mention of demand and acceptance by her. The only allegation is that she is conveyed the message of DGO No.1 to the complainant which is completely false, frivolous and baseless.

DGO No 2 further contended that on the date of trap she was on leave and same was granted to her on 23/10/2013 to 24/10/2013 and from 25/10/2013 to 01/11/2013 and hence there is absolutely no question of demand and acceptance and recovery from her. Hence she is completely innocent and has been falsely implicated in the above mentioned enquiry.

Further contended that she is only the custodian of files and she is not concerned with regarding to sending notice or application or change of name in khatha. Therefore the work was never pending before her nor does it come under her power or authority to change the name in khatha. Further contended that the alleged conversation said to be

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recorded in the mobile does not pertain to her, it is false and fabricated. Further contended that, she has never met DGO No.1, then Special Tahasildar, with regard to or concerning the above mentioned matter nor she has conveyed any message on behalf of DGO No.1.

Further contended that she has been falsely implicated in this case for the reasons best known to the complainant. She has put in more than 25 yehears of service, through her service she has maintained absolute integrity and honesty. She has never give scope for any much incidents. The allegation against her is absolutely false and is denied in toto she is in no way concerned or connected with the alleged incident. Hence contended that she is innocent of all the alleged charges and hence she may exonerated for all the charges.

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

**1. Whether the disciplinary authority proves that the DGO 1 while working as the Special Tahsildar and DGO2 while working as the First Division Assistant, Taluk Office, Bangalore South Taluk, Bangalore when the complainant had given application in the office of Spl. Tahasildar of Bangaluru South Taluk for change of Khatha with respect to land purchased by him to the extent of 2.11 acres in Sy.No.72/11 of Kolur Village in Tavarekere Hobli, Bengaluru and**

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approached DGO No.1 for 5-6 times, but still khatha had not been made in his name and on 17/10/2013, when complainant and Sri Narasimha Murthy went to DGOs office and enquired DGO No.1 about it, then again DGO No. 1 demanded bribe of Rs.75,000/- asking them to go out of his chamber and DGO expressed his inability to pay and told the said Sri Narasimha Murthy that he cannot pay the said demanded amount and to record about it, when he went to DGO No.1's office, the DGO No.1 got DGO No.2 to his chamber and spoken about the said bribe amount and the DGO No. 2 came out from the room of DGO No. 1 and told the demand of Rs.75,000/- made by DGO No.1 and as the complainant was not willing to pay the he bribe amount, after contacting Lokayukta Police, City Division, Bengaluru on 23/10/2013, he has lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, City Division, Bengaluru and the Investigating Officer took up investigation and on the same day the complainant met DGO-1 along with Sri Narasimha Muthy in the thasildar office and DGO-1 asked the said Sri Narasimha Muthy about the amount for which he told that

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they could not arrange for Rs 75,000/- amount and they have brought Rs 25,000/- and then DGO-1 called one Shailesh @ Giri and asked him to collect the amount and the said Shailesh @ Giri on the instructions of DGO No.1 accepted the bribe amount of Rs.25,000/- in his chamber situated in the O/o Bengaluru South Tahasildar Office, 5<sup>th</sup> floor of Mahavir Complex, K.G. Road, Bengaluru from the complainant in connection with his work and was caught red handed by the Investigating Officer and the DGO No.1 and Sri. Shailaish @ Giri have failed to give satisfactory or convincing explanation for the demand and acceptance of bribe amount, when questioned by the said I.O. and thereby DGO No.1 and 2 by demanding and accepting bribe amount of Rs. 25,000/- through one Shailesh @ Giri for change of khatha in the name of the complainant 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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12. (a) The disciplinary authority has examined Sri.Revanna/complainant as PW-1, Sri. G.Srinivasappa/shadow witness as PW2 and Sri. B.S.Angadi/ Investigating Officer as PW3 and got exhibited 21 documents on it's behalf.

(b) DGO1 examined himself as DW1 and 2 documents are marked on his side.

(c) Since DGO-1 has adduced evidence by examining himself, hence, incriminating circumstances which appeared against him in the evidence of PW1to PW3 is not put to him by way of questionnaire and the same is dispensed.

(d) It is pertinent to note here that inspite of issue of notice to DGO-2 to appear before this authority for recording second oral statement on 17/05/2022, she has not appeared before this authority though notice was duly served. So SOS of DGO2 is taken as nil.

13. Heard both side arguments and perused the written argument filed by the counsel for the DGO-1 and all the documents. The DGO 2 counsel remained absent and has not submitted arguments on behalf of DGO-2 and same is taken as nil.

14. The answers to the above points are:

1. In the Negative.

A handwritten signature in blue ink, followed by the date '23/2' written below it.

2. As per final findings for the following:-

**REASONS**

**15. PointNo.1:-** (a) P.W.1/complainant Sri. Revanna has deposed in his evidence that he had purchased 2 acres 11 guntas land 5 years back from one Ramanaik and he had been Bengaluru Taluk office for change of khatha. That since khatha was not change though he had given all the documents he met the DGO-1 and enquired him in this regard in Taluk office. Further he deposed that DGO-1 has demanded Rs.75,000/- bribe amount and told if the amount will be paid then only khatha will be changed. That he has given Rs.25,000/- to DGO-1. Then also khatha was not transferred to his name. That inspite of going to the office 4 times khatha was not changed. That he took one Narashimha Murthy who is from his adjacent village and again went to the office of DGO No.1 and DGO No.2 demanded Rs.75,000/- for change of khatha and told that DGO No.1 instructed her to take the amount. That he pleaded his inability to pay the amount. That later on Narashimamurthy took him to Lokayukta Police station and he lodged typed complaint as per Ex.P1 and he has also produced xerox copy of the documents as per Ex.P2 and affidavit as per Ex.P3, RTCs pertaining to his land as per Ex.P4 and 5, copy of the application as per Ex.P6 and office note as per Ex.P7 and copy of sale deed as per Ex.P8. Further he has deposed that Lokayukta police called 4 to 5

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witnesses and he has produced Rs.25,000/- before the I.O to lay the trap and I.O. got smeared some powder on those notes and asked one person to keep it in right side inner half pant and the hands of that person was washed in the solution and the solution turned to pink colour. That I.O. got noted the numbers of the said currency notes in a sheet and has conducted pre-trap mahazar in this regard as per Ex.P9. Further he has deposed that Narashima Murthy recorded the conversation between him and DGO No.1 and later on all of them left to Lokayukta Police Station and went to Taluk office and since DGO No.1 was not there they returned to Lokayukta Police station and again I.O has drawn mahazar as per Ex.P10 and he has signed it. PW1 further deposed that later on the next day he went to Lokayukta police station and he, panchas and I.O. along with his staff went to Taluk office, Bengaluru and it was about 3.30 or 4.00 p.m. and he went inside Taluk office alone and DGO-1 enquired him whether he has brought the money or not and he told that he had brought amount and DGO-1 pressed the bell and then a tall man came inside and DGO-1 told him to go with him by making sign. That the said person took him from the chamber of DGO1 and he gave Rs.25,000/ to him and Lokayukta police who were watching this from the gate immediately they came there and he got frightened and sat down in a place. That I.O. seized the notes from the said person and I.O. prepared some documents and he does not know the contents of the same. That I.O. has taken his sign in a document in the

  
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office of DGO -1 as per Ex.P11. That I.O. enquired DGO-1 and he came to know that DGO-2 was on leave on that day. That all of them returned along with DGO1 and the person who has received the amount to Lokayukta Police Station.

16. PW2 Sri. G.Srinivasappa/shadow witness deposed in his evidence that on 23/10/2013, he and J. Raju went to the office Lokayukta, City Division, Bengaluru. Further stated that the complainant and his friend Narashimha Murthy were present there. That he came to know that the Special Tahasildar has demanded bribe through his case worker from the complainant for change of khatha in the Tahasildar office situated at Kempegowda road. That I.O. has played voice recorder containing the conversation of demand of bribe. That complainant has produced 50 notes of Rs. 500/- denomination each and I.O. has got noted the numbers of said notes in a sheet of paper as per Ex.P12. That I.O. got prepared some solution and smeared some powder on the notes and kept the notes in half pant pocket of the complainant through Raju and got his hands washed in the solution and the solution turned to pink colour. That the I.O. seized the solution. That I.O. has given one voice recorder to J. Raju and has conducted pre-trap mahazar with respect to the above proceedings as per Ex.P9. That all of them left Lokayukta Police station and reached Tahasildar office situated at Kempegowda road, Bengaluru. That he, complainant and J.Raju went inside the office of DGO. That the Tahsildar who has asked the amount was not

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there so they returned back to Lokayukta Police Station and I.O. has drawn mahazar in this regard as per Ex.P10.

PW2 further stated that on 24/10/2013 again he and J. Raju went to Lokayukta Police Station, City Division and the complainant and Narashimha Murthy were present. That I.O. gave the amount which was returned by the complainant on 23/10/2013 along with voice recorder. That he, complainant, Narashimha Murthy and J. Raju along with lokayukta police left the Lokayukta Police station reached Tahasildar office, Bengaluru at about 3.30 p.m. That he complainant and his friend Narashimha Murthy went inside the office of DGO-1 and Lokayukta Police stood near the office and Tahasildar and some person were present there. That they waited for 20 minutes till the complainant's turn came. That the complainant and Narashimha Murthy entered into the office of DGO1, he was standing in the hall of the chamber. That they talked with DGO-1 for 3 minutes and later on they came out. That at that time one person entered into the DGO-1's office and came out and later on he came to know that the name of the person is Shylesh. The said Shylesh took the complainant and Narashimha Murthy to the stair case leading to 6<sup>th</sup> floor and after some time complainant came out and gave signal by wiping his head with his right hand, that he informed to Lokayukta police and immediately Lokayukta police came and caught hold of the said Shylesh and went inside the chamber of DGO1. That before that the complainant showed Shylesh and told that he has given the amount to him.

  
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PW2 further deposed that I.O. got prepared solution in two bowls and washed the hands of Shylesh in those solutions and right hand wash of Shylesh turned to pink colour and left hand wash did not change the colour. That I.O. has seized them separately. That he has removed the notes from right side pant pocket of Shylesh and I.O. seized them. That the I.O. has taken explanation of Shylesh and DGO1 as per Ex.P13 and P-14 respectively. That DGO-2 was not present in the office. Later on he came to know that the voice recording was not working on that day. But I.O. seized some revenue documents from the possession of Shylesh pertaining to the complainant. That documents pertaining to the complainant was kept in the almirah which was under the custody of DGO-No.2. The I.O. called Tahasildar and has taken the copy of those documents from him. Later on I.O. has taken all of them and DGO-1 and Shylesh to Lokayukta Police Station and there the I.O. seized the pant of Shylesh providing alternative pant and conducted mahazar with respect to the above proceedings as per Ex.P11.

PW2 further deposed that on 17/11/2013 he and J.Raju again went to the Lokayukta police station and I.O. has played the voice recorder before them which contained the voice of DGO2 and the I.O has drawn mahazar in this regard as per Ex.P15.

17. PW3 Sri. B.S.Angadi /Investigating Officer has deposed in his evidence that he worked as Dy.S.P. in Lokayukta

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Police Station, City Division, Bengaluru from October 2013 to December 2013. That on 23/10/2013 complainant appeared before him at 12.40 p.m. and lodged complaint against DGOs 1 and 2 as per Ex.P1 and he has also produced the C.D. That on verifying the same he found prima facie case and he has registered the case in Cr. No.58/2013 of Lokayukta Police Station, City Division, Bengaluru for the offence punishable u/s 7, 13(1)(d) r/w 13(2) of P.C. Act, 1988 and prepared FIR as per Ex.P16 and send it to jurisdictional Court.

Further PW3 deposed that he has received Ex.P2 to Ex.P8 documents from PW1. That he called Shadow witness Sri. G. Srinivasappa and panch witness J.Raju and asked them to co-operate in investigation and they agreed for the same. That one Narshimha Murthy accompanied the complainant and complainant produced 50 notes of Rs.500/- denomination each in total Rs.25,000/- and he got phenolphthalein powder smeared on both side of the currency notes and got it kept in the inner half pant pocket of PW1 through J.Raju. Later on hands of J.Raju was washed in the sodium carbonate solution and the solution turned to pink colour. That he has taken sample of the same. PW3 further deposed that he has played C.D. before panch witnesses and got it transcribed as per Ex.P17 and has seized the C.D. Further PW3 deposed that he instructed PW1 to go to the DGO and give the tainted notes only on demand and after acceptance give signal by wiping his head. Further he has instructed to shadow witness to

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accompany the complainant and he has taken video of the said proceedings and conducted pre-trap mahazar in this regard as per Ex.P9.

PW3 further deposed in his evidence that all of them left to Lokayukta Police Station, City Division, Bengaluru along with Narashimhamurthy and reached the office of DGO at about 4.40 p.m. and he has given spy camera and voice recorder to PW1 and sent PW1, Narshimha Murthy and shadow witness to the office of DGOs. After sometime they returned and he came to know that DGO-1 has gone to attend meeting at D.C. office and they would come on the next day at about 11.30 P.M. Thereafter all of them returned to Lokayukta Police Station, City Division, Bengaluru. PW3 further stated that he received tainted notes, spy camera and voice recorder from PW1 and drawn mahazar in this regard as per Ex.P10 and instructed all of them to come on next day at 10.00 a.m to police station.

PW3 further deposed that on 24/10/2013, PW1, Narashimha Murthy panch witnesses appeared before him at 10.00 a.m. and he kept tainted notes in right side front pocket of half pant of PW1 through panch witness and he has given spy camera and voice recorder to PW1 and he has repeated the instructions given at the time of pre-trap mahazar to the complainant and shadow witness. That later on he got information that DGOs have come at about 3.30 p.m to the office and all of them left Lokayukta Police Station, City Division, Bengaluru and reached DGOs office at about 3.30 p.m. That as per the instructions

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complainant, Narashimha Murthy and shadow witness went inside the chamber of DGO's which was in the 5<sup>th</sup> floor of Mahaveer Complex situated at Kempegowda Nagar, Bengaluru. That he, his staff and his colleagues and panch witness stood outside waiting for them. That after some time PW1 and Narashimha Murthy went inside the office of Spl.Tahasildar and later they came out with some person and took him to the chamber of Spl.Tahasildar and later on PW1 and Narashimha Murthy came out with that person and went near stair case leading to 6<sup>th</sup> floor. That later on he and his staff and Panch witness stood in front of 5<sup>th</sup> floor stair case. The complainant and Narashimha Murthy climbed down 5<sup>th</sup> floor stair case at about 4.20 p.m. and the complainant gave signal by wiping his head with right hand. That he and his staff went near the complainant and a person coming down with the complainant. PW1 showed him and told that he had received tainted notes. That later, on enquiry they came to know the name of the person was L.Shylesh and he was private person working under DGO No.1. That they have taken the said L.Shylesh to the chamber of Spl. Tahasildar ie., DGO 1 and he showed his I.D.card to DGO No.1 and told him the purpose of their coming. That on enquiry to PW1 he told that he has given the tainted notes to L.Shylesh on the instructions of DGO1 and that he has also given Rs.25,000/- earlier to L.Shylesh on the instructions of DGO1.

PW3 further deposed that on enquiry to L.Shylesh he told that he was working as agent under DGO-1 when

  
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DGO-1 was working as PSI in Chickpete Police Station. That on enquiry of DGO-2 working as case worker in the said office. DGO-1 told that she was on leave on that day. PW3 prepared sodium carbonate solution through his staff in two bowls and seized sample in a bottle and on his instructions both the hands of L.Shylesh were washed in the said solutions, the right hand wash turned pink colour and left hand wash turned to light pink colour and he has seized the said solution in separate bottles. That on enquiry of the tainted notes to Shylesh, he told that he has kept it in the right side front pant pocket. That he got the said tainted notes removed from right side front pant pocket of Shylesh through shadow witness and tallied the note numbers noted in pre-trap mahazar Ex.P12. The said notes were seized in a cover.

PW3 further deposed that on person search of L.Shylesh he found some documents and on verifying the same they were belonging to some other persons and from this he came to know that L.Shylesh was working as broker and seized those documents as per Ex.P18. That those documents were pertaining to the properties of private persons. PW3 further deposed that he has called Dr. B.R. Dayanand, Tahasildar and he has removed the documents pertaining to PW1 which was kept in the almirah of DGO2 and produced it. On seizure of said documents, he came to know that work of PW1 was pending with DGOs and he has seized the said documents as per Ex.P19.

  
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PW3 has further deposed that he has seized part of L.Shylesh by making alternative arrangements and also seized spy camera and voice recorder given to PW1 and he has got burnt to C.D. PW3 further stated that he has taken the explanation of L.Shylesh as per Ex.P13 and explanation of DGO-1 as per Ex.P14. that he has seized mobile phone of L.Shylesh and DGO-1 and has drawn trap panchanama with respect to the above proceedings as per Ex.11. has taken his statement as per Ex.P20. That he has got video of the proceedings. That he has taken statement of complainant, shadow witness. That since PW1 was illiterate he could not use the spy camera and voice recorder at the time of meeting DGO-1, so the recording was not clear. That he has prepared rough sketch as per Ex.P21. that he arrested L.Shylesh and DGO-1 and has brought all of them to Lokayukta Police Station. That he sent the articles to FSL and since he was transferred he was handed over charge to V.P.M. Swamy, Dy.SP KLA Police Station. That later on after receiving the case for further investigation from V.P.M. Swamy, Sri. S.D. Venkataswamy has conducted further investigation and filed charge sheet against DGOs.

18. DGO-1 has examined himself as DW1 and filed his affidavit in lieu of his chief examination wherein he has denied the allegations made against him in the articles of charge and statement of imputation and reiterated the written statement averments. DGO No.1 further stated that the complainant has not filed the complaint voluntarily. As

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one Narshimamurthy and Shylesh are the brokers. They were indulging the illegal act of harassing the public in the guise of getting the work done in the revenue office and extracting the money from them. As a honest public servant he had stopped broker to harass the public. They have been prevented from illegal activities and he had warned them not to come to his office. Therefore, they have developed wreck vengeance against him. That as PW1 (complainant) is an illiterate and innocent same has been misused by Narashimamirthy and Shailesh, to file the case against him and accordingly they have filed the false case in the guise of mutation proceedings. Further stated that PW1 never met him and he has not at all demanded any bribe from complainant. The said fact has been categorically admitted by PW1/complainant in his cross examination. That PW-1 has also been examined as PW3 in Spl.C.C.310/2014 on 02/08/2017 and he has deposed as per Ex.D2.

DW1 further stated that as could be seen from the deposition of PW1, who is the complainant in the said case, PW1 categorically stated that DGO No.1 and 2 never demanded bribe from him and he has not filed any complaint against them. As such the said Narashimhamurthy has created the false complaint against the DGOs in the name of PW1.

DW1 further stated that even on the date of trap also PW1 has not met him and he has not at all demanded any bribe from him. The entire proceedings of trap was conducted as per direction of Narashmhamurthy and

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Shailesh. Further submitted that the entire proceedings have been monitored by Narashimhamurthy who has drafted the complaint in the computer of Lokayukta. The said fact has been admitted by PW2 in the cross examination. PW3 also admitted that Narashimhamurthy had not signed any mahazar.

DW1 further stated that shadow witness has been deputed to overhear the conversation and transaction between him and the complainant. But PW2 has not heard or seen any transaction or conversation with regard to the demand and acceptance of the bribe amount. That he went to the spot only after placing the pre-determined signal by Narashimhamurthy. As such there is no independent evidence with regard to the demand and acceptance of bribe amount. Further he stated that there was no official work pending with him. He produced certified copy of Judgment in Spl.Case No.310/2014 marked as Ex.D-1 and also produced deposition copy of PW3 in Spl.Case No.310/2014 marked as Ex.D2.

19. From the evidence of PW1/ complainant, PW2/ shadow witness and PW3/Investigating Officer it reveals that the complainant/PW1 filed complaint that there is demand of bribe by DGO-1 i.e., Spl Thasildhar through his case worker DGO-2 for change of Khatha of his land measuring 2.11 acres in Sy. No. 72/11 of Kolar village in Tavarekere Hobli of Bangalore South Taluk which he had purchased from one Sri Ramanaik on 09/02/2011 and had given an application in

  
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the office of Special Tahasildar of Bangalore South Taluka requesting for change of khatha in his name. Further their evidence reveals that PW1 has lodged complaint as per Ex.P1 and PW3/I.O. has registered the case and called PW2 and CW3 as panch witnesses and had conducted pre-trap mahazar as per Ex.P9.

20. At this juncture it is pertinent to note the evidence of PW1/complainant in his cross examination wherein he has deposed:

“ ನಾನು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ತಾವರೆಕೆರೆ ಹೋಬಳಿ ಕೋಲೂರು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.72/11 ರಲ್ಲಿ 2 ಎಕರೆ 11 ಗುಂಟೆ ಜಮೀನನ್ನು ಖರೀದಿಸಿದ್ದು ಸದರಿ ಜಮೀನಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ವಿಶೇಷ ತಹಶೀಲ್ದಾರ ರವರ ಕಚೇರಿಯಲ್ಲಿ ಕೇಸ್ ನಡೆದಿದೆ ಎಂದರೆ ಸರಿ. ನನ್ನ ಹೆಸರಿಗೆ ಖಾತೆ ಮಾಡಬಾರದು ಎಂದು ಮಾರಾಟಗಾರ ರಾಮ ನಾಯಕ್ ರವರ ಮಗಳು ಪಾರ್ವತಿಯು ತಕರಾರು ಹಾಕಿದ್ದರು ಎಂದರೆ ಸರಿ. ನನಗೆ ಹೆಚ್ಚು ತಿಳುವಳಿಕೆ ಇಲ್ಲದಿದ್ದರಿಂದ ನನ್ನ ಪರ ನಡವಳಿಗಳನ್ನು ನೋಡಿಕೊಳ್ಳಲು ನರಸಿಂಹಮೂರ್ತಿ ಬಿನ್ ಗಾಳಪ್ಪ ನನ್ನ ಪರ ಬಂದಿದ್ದರು ಎಂದರೆ ಸರಿ. ಆತ ಎಲ್ಲಾ ನಾನೇ ನೋಡಿಕೊಳ್ಳುವುದಾಗಿ ಹೇಳಿ ಅದಕ್ಕೆ ರೂ. 75,000/- ಖರ್ಚಾಗುತ್ತದೆ ಎಂದು ತಿಳಿಸಿದ್ದರು ಎಂದರೆ ಸರಿ.”

“ನಾನು ಖುದ್ದಾಗಿ ತಹಶೀಲ್ದಾರ ರವರನ್ನು ಅಥವಾ ಕೇಸ್ ವರ್ಕರ ಶ್ಯಾಮಲ ದೇವಿ ರವರನ್ನು ಭೇಟಿ ಮಾಡಿಲ್ಲ. ನಾನು ನರಸಿಂಹಮೂರ್ತಿಗೆ ಖಾತೆ ಮಾಡಿಕೊಡಲು ರೂ.75,000/- ಕೊಟ್ಟಿದ್ದೆನು.”

“ನನ್ನನ್ನು ನರಸಿಂಹಮೂರ್ತಿ ರವರೇ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ದಿನಾಂಕ 23/10/2013 ರಂದು ಕರೆದುಕೊಂಡು ಬಂದಿದ್ದಾರೆಂದರೆ ಸರಿ.

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ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆ ಕಾಲದಲ್ಲಿ ರೂ.25,000/- ಹಣವನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರಿಗೆ ನರಸಿಂಹಮೂರ್ತಿ ರವರು ಕೊಟ್ಟಿದ್ದಾರೆ. ನಾನು ಲೋಕಾಯುಕ್ತರಿಗೆ ದೂರು ನೀಡಿದ್ದೇನೆ. ನರಸಿಂಹಮೂರ್ತಿ ರವರು ನನ್ನ ಕೈಯಿಂದ ದೂರುನ್ನು ಕೊಡಿಸಿದ್ದಾರೆ. ನನಗೆ ಓದು ಬರಹ ಬರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಆದ್ದರಿಂದ ನರಸಿಂಹಮೂರ್ತಿ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ದೂರನ್ನು ಬೆರಳಚ್ಚು ಮಾಡಿಸಿ ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ. ದೂರಿನಲ್ಲಿ ಬರೆದಿರುವ ವಿಚಾರ ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಎಂದರೆ ಸರಿ. ನರಸಿಂಹಮೂರ್ತಿ ರವರು ಸಹಿ ಮಾಡು ಎಂದಿದ್ದಕ್ಕೆ ಸಹಿ ಮಾಡಿದ್ದೇನೆ. ನನಗೆ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯಲ್ಲಿ ಬರೆದಿರುವ ವಿಷಯ ಗೊತ್ತಿಲ್ಲ. ನಾನು ವಾಯ್ಸ್ ರೆಕಾರ್ಡರ್ ಅಥವಾ ಸಿ.ಡಿ.ಯನ್ನು ಹಾಜರು ಪಡಿಸಿಲ್ಲ. ಅದನ್ನು ನಾನು ನೋಡಿಲ್ಲ.”

“ಮಾರನೇ ದಿನ ನಾನು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಿಂದ ತಹಶೀಲ್ದಾರ್ ರವರ ಕಛೇರಿಗೆ ಹೋದೆನು ಎಂದರೆ ಸರಿ. ಆ ದಿನ ನನ್ನನ್ನು ತಹಶೀಲ್ದಾರ್ ಕಛೇರಿಯ ಕೆಳ ಮಹಡಿಯಲ್ಲಿ ಕೂರಿಸಿ ನರಸಿಂಹಮೂರ್ತಿ ಮತ್ತು ಶ್ರೀನಿವಾಸ್ ರವರು ತಹಶೀಲ್ದಾರ್ ಕಛೇರಿಯ 5ನೆಯ ಮಹಡಿಗೆ ಹೋಗಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ. ನರಸಿಂಹಮೂರ್ತಿ ಸನ್ನೆ ಮಾಡಿದಾಗ ನಾನು ಪೊಲೀಸ ತನಿಖಾಧಿಕಾರಿಗಳು ತಹಶೀಲ್ದಾರ್ ಕಛೇರಿಗೆ ಹೋಗಿದ್ದೇವೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಪೊಲೀಸರು ನನ್ನನ್ನು ನಡಿ ಎಂದು ಕಳುಹಿಸಿ ನಂತರ ಹಿಂದೆ ಬಂದರು. ನಾನು ಹೋದಾಗ ನರಸಿಂಹಮೂರ್ತಿ ಶೈಲೇಶ್ ಎಂಬವರಿಗೆ ರೂ.25,000/- ಹಣ ಕೊಟ್ಟಾಗ ಪೊಲೀಸರು ಎಂದು ಹಿಡಿದುಕೊಂಡಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ.”

From the evidence of PW1, it reveals that one Narashimamurthy was looking after the case file by the Tahasildar Court with respect to change of khatha in his name and he has told that the expenses would come to

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Rs.75,000/- and he has given the said amount to him. Further he has stated that he has not personally contacted DGOs 1 and 2. Further he has admitted that the said Narashimhamurthy himself took him to Lokayukta Police Station and he had given Rs.25,000/- to Lokayukta police and got the complaint lodged through him. That he is an illiterate and does not know the contents of the complaint and he has signed it on the say of said Narashimhamurthy. That he does not know the contents of pre-trap mahazar. Further he has gone to the extent stating that he has not produced any C.D. or voice recorder and he has not seen it.

21. Further from the evidence of PW1 it can be gathered that on the next day when they went for trap Narshimhamurthy and shadow witness Srinivas went to the office of DGO in the 5<sup>th</sup> floor by making him sit in the ground floor. Further he has stated that the police asked him to go and followed him and when he went there Narashimhamurthy had given Rs.25,000/- amount to Shailesh and the police have trapped him.

22. There is material contradiction in the evidence of PW1 and it is inconsistent to case of the disciplinary authority. According to him in his cross examination he has never met DGOs 1 and 2 personally and he had deputed one Narshimhamurthy to look after the case which was filed before Spl Tahsildar i.e., DGO-1 with respect to change of khatha and the said Narshimhamurthy received Rs.75,000/- from him and he himself has lodged complaint before

  
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Lokayukta Police and given Rs.25,000/- to lay the trap and further Narashimhamurthy has gone to office of DGO-1 and given Rs.25,000/- to Shylesh who was trapped by Lokayukta police. The evidence of PW1 is inconsistent to the case of disciplinary authority. As such it is unsafe to rely on the same and law of prudence requires corroboration from independent witness.

23. Further PW2/ shadow witness has deposed in his chief examination that :-

“ 1ನೇಯ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೊಠಡಿಯ ಒಳಗೆ ಫಿರ್ಯಾದಿ ಮತ್ತು ನರಸಿಂಹಮೂರ್ತಿ ಹೋದರು. ನಾನು ಆ ಕೊಠಡಿಯ ಮುಂದಿರುವ ಹಾಲ್‌ನಲ್ಲಿದ್ದೆನು.”

24. PW2 in his cross examination has deposed that :

“On that day, I did not go into the chamber of Tahasildar i.e., DGO number 1. It is true that after Narashimhamurthy, PW1 and Shailesh came outside and when PW1 gave signal, I went inside along with trap team. PW1, Narashimhamurthy and Shailesh were getting down from 6<sup>th</sup> floor, and we met them at the staircase of the 5<sup>th</sup> floor, and we met them at the staircase of the 5<sup>th</sup> floor, where we were waiting.”

“I saw DGO number 1 for the first time at that spot, when he has called and brought by the police there.”

"It is true that I have not seen or overheard about the demand and acceptance of the tainted amount of Rs.25,000/-. Witness volunteers that he was in 5<sup>th</sup> floor, and the demand and acceptance of tainted amount had taken place in staircase between 5<sup>th</sup> floor and 6<sup>th</sup> floor, as the door to 6<sup>th</sup> floor which is terrace floor was closed."

25. From the above evidence PW2, a shadow witness, who accompanied the complainant at the time of trap From the above evidence of PW2 it can be gathered he has not gone into the chamber of DGO-1 and he went along with I.O after signal was given. He has categorically stated that he was standing outside the chamber of DGO-1 in the hall. Further he has admitted in his cross examination that he has not seen or overheard DGO-1 demanding and accepting money from PW1. Further he has gone to the extent of deposing that he has saw DGO-1 for the first time at the spot when he was called and brought by police. So he cannot be termed as an eye witness who has watched DGO-1 demanding money from PW1 and instructing him to give bribe amount to one Shylesh and in turn the said Shylesh receiving the same from PW1 as per the say of DGO-1.

26. As such from the evidence of PWs 1 to 3 there is no iota of evidence placed by the disciplinary authority to prove that DGO-1 has demanded bribe from PW1 and accepted the

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same through his broker Shylesh by instructing him to receive the same on his behalf.

27. From the evidence of PWs 1 to 3 it can be seen that money has been recovered from the possession of Shylesh who according to the disciplinary authority is a broker working in the office of DGO. Further their evidence reveals the hand wash of said Shylesh turned to pink colour and the I.O. has got removed the tainted notes through the panch witness from right side front pant pocket of Shylesh and his right side front pant pocket wash also turned to pink colour and I.O has drawn trap mahazar in this regard as per Ex.P11. The evidence of PWs 1 to 3 reveals that amount was recovered from the possession of Shylesh. To connect the DGOs to the recovered amount that the said Shylesh was working under them as broker and he has received the amount on the instructions of DGO-1 is concerned. No iota of evidence is placed by the disciplinary authority.

28. DGO has taken defence that no work of PW1 was pending before him and as such there was no question of demand and acceptance of illegal gratification by PW-1. Further DGO-1 has taken up specific contention that one Narasimhamurthy and Shailesh have foisted false case against him in order to take vengeance against him for warning them not to come to his office as they were taking money and getting the work done in his office. PW-3 I.O after the trap has seized documents from the almerah of

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DGO-2 which is relating to case no. 75/11-12 which is the file pertaining to PW-1 which reveals that case of PW1 was pending on the file of Special Tahasildar with respect to change of khatha of the land belonging to PW-1. In the said record there is no application given by PW-1 for change of khatha. As such from this record it can be gathered that case in RRT 75/11-12 filed by complainant against Smt.Parvathi Bai was pending before the Special Tahasildar Court and there was no application given by PW-1 for change of khatha. Further, as discussed above there is material contradiction in the evidence of PW-1 and it is not consistent to the complaint and chief-examination. PW-1 has admitted that he had given Rs. 75,000/- to one Narasimhamurthy to look after the case filed by him before Special Tahasildar Court and he has also stated that he has not given Rs. 25,000/- to I.O. to lay the trap and that it was Narasimhamurthy who has given the said amount to the I.O. Further, in his cross examination he has gone to the extent of stating that Narasimhamurthy and shadow witness went inside the office DGO-1 by making him sit in the ground floor of Tahasildar office. As such from the evidence of PW1 to PW3 there is no clear, cogent and convincing evidence to prove that DGO-1 demanded and accepted bribe amount of Rs25,000/- from PW1 for change of khatha of his land in his name through broker Shylesh who received it on his behalf.

29. The charge against DGO-2 is that she being the case worker working under DGO-1 has demanded bribe on behalf

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of DGO-1 through PW1. In this regard there is no piece of evidence placed by disciplinary authority. PW3/I.O has stated that PW1 has produced C.D. of the recordings of the conversation which has taken place between DGO-2 and PW1 at the time of drawing pre-trap mahazar as per Ex.P9.

30. PW1 in his cross examination has unequivocally deposed he has not produced any voice recorder or C.D. to I.O. and he has not seen it. Such being the case there is no material placed by disciplinary authority to show that the C.D. which is played before Dr. B.R. Dayanand, Tahsildar contained the voice of DGO-2. Further PW3/I.O. has stated that he has played the voice recordings before Dr. B.R. Dayanand, Tahsildar which he had received at the time of pre-trap mahazar and he has identified voice of DGO-2 and given report as per Ex.P20. On perusal of Ex.P20 report nowhere the said Dr. Dayanand has stated that the voice belongs to DGO-2. He has stated that the voice is of female but he has not identified voice as the voice of DGO.2. As such the disciplinary authority has miserably failed to produce any material to show that DGO 2 has demanded bribe from PW1.

31. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P1 to P22, as reasoned above, does not prove that the DGO1 & 2 had demanded and accepted bribe of Rs.25000/- from the complainant through broker one Shylesh on 23.10.2013. The disciplinary

  
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authority has not proved the charges against the DGO1 & 2. Accordingly, this point is answered in the **Negative**.

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

### **FINDINGS**

The disciplinary authority has not proved the charges against the D.G.O. No.1 & 2.

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

  
(J.P. Archana) 23/2/23

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

### **ANNEXURES**

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

PW1:- Sri. Revanna  
PW2:- Sri. G.Srinivasappa  
PW3:- Sri. B.S.Anagadi

List of witnesses examined on behalf DGO:-

DW1:- Sri. Shivappa H Lamani (DGO)

  
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List of documents marked on behalf of Disciplinary Authority:-

|                 |                                                                                                                         |
|-----------------|-------------------------------------------------------------------------------------------------------------------------|
| Ex P1           | Certified copy of the complaint dated 23/10/2013.                                                                       |
| Ex P2           | Certified copy of Thiluvallike patra (Endorsement letter) dated 12/03/2013.                                             |
| Ex P3           | Certified copy of Affidavit (Pramana Pathra) dated 16/09/2013.                                                          |
| Ex P4 and Ex.P5 | Certified copy of 2RTC extracts.                                                                                        |
| Ex P6           | Certified copy of application addressed to Tahasildar, Bengaluru South from complainant.                                |
| Ex P7           | Certified copy of office note No.RRT 7H CR 636/08/09.                                                                   |
| Ex P8           | Certified copy of sale deed dated 09/02/2011.                                                                           |
| Ex P9           | Certified copy of pre-trap panchanama dated 23/10/2013.                                                                 |
| Ex P10          | Certified copy of returned panchanama dated 23/10/2012.                                                                 |
| Ex P11          | Certified copy of trap panchanama dated 24/10/2013.                                                                     |
| Ex P12          | Certified copy of list of currency notes in Cr. No.58/2013.                                                             |
| Ex P13          | Certified copy of statement of Sri. Shylesh dated 24/10/2013.                                                           |
| Ex P14          | Certified copy of statement of DGO Shivappa Lamani.                                                                     |
| Ex P15          | Certified copy of panchnama of sample voice recorder dated 24/10/2013.                                                  |
| Ex P16          | Certified copy of FIR dated 58/2013.                                                                                    |
| Ex P17          | Certified copy of transcription of conversation in between complainant, Narashimhamurthy and DGO No.2 dated 17/10/2013. |
| Ex P18          | Certified copy of documents seized from Shylesh in 17 sheets.                                                           |
| Ex P19          | Certified copy of documents pertaining to complainant in 58 sheets.                                                     |
| Ex P20          | Certified copy of statement of Dr. B.R. Dayananad dated 24/10/2013.                                                     |

  
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|        |                                              |
|--------|----------------------------------------------|
| Ex P21 | Certified copy of spot sketch in Cr.58/2013. |
|--------|----------------------------------------------|

List of documents marked on behalf of Defence:-

|       |                                                                |
|-------|----------------------------------------------------------------|
| Ex.D1 | Certified copy of judgment in special CC No.310/2014.          |
| Ex.D2 | Certified copy of judgment of PW3 in Special C.C. No.310/2014. |

  
23/2/23  
(J.P. Archana)

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

