



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.619/2016/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 14.03.2022

RECOMMENDATION

Sub:- Departmental inquiry against Sri K.V.Jagadish, the then Village Accountant, Thopannahalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District - reg.

Ref:- 1) Government Order No.RD 43 BDP 2015 dated 15.11.2016.

2) Nomination order No. UPLOK-2/DE.619/2016 dated 16.11.2016 of Hon'ble Upalokayukta, State of Karnataka.

3) Inquiry report dated 11.03.2022 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 15.11.2016 initiated the disciplinary proceedings against Sri K.V.Jagadish, (retired), the then Village Accountant, Thopannahalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District, [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE.619/2016 dated 16.11.2016 nominated Additional Registrar of Enquiries-11, 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.
3. The DGO was tried for the charge of demanding and accepting bribe of Rs.4,000/- from the complainant for effecting separate kathas in the names of himself and his brothers, in respect of the lands owned by his father 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 Disciplinary Authority has '*proved*' the above charge against the DGO Sri K.V.Jagadish, (retired), the then Village Accountant, ThopanaHalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District.
5. On re-consideration of report of inquiry, 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.

6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, the DGO has retired from service on 31.10.2014.

7. Having regard to the nature of charge proved against DGO and considering the totality of circumstances, it is hereby recommended to the govt. to impose penalty of 'permanently withholding 50% of pension payable to DGO Sri K.V.Jagadish,(retired), the then Village Accountant, Thopanahalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta-2,  
State of Karnataka.



**KARNATAKA LOKAYUKTA**

NO.UPLOK-2/DE/619/2016/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 11/03/2022.

**:: ENQUIRY REPORT ::**

Sub:Departmental Enquiry against Sri.K.V. Jagadish, S/o K.V. Venkatanarayana, the then Village Accountant, Thopanahalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District. -reg.

1. Order No. ಕಂಇ 43 ಬಿಡಿಪಿ 2015, ಬೆಂಗಳೂರು 15/11/2016.
2. Nomination Order No.UPLOK-2/DE/619/2016, Bengaluru, dated 16/11/2016.

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1. The Departmental Enquiry is initiated against Sri.K.V. Jagadish, S/o K.V. Venkatanarayana, the then Village Accountant, Thopanahalli Revenue Circle, Kamasamudra Hobli, Bangarpet Taluk, Kolar District (hereinafter referred to as the Delinquent Government Official, in short DGO) on the complaint dated 03/03/2014 of complainant, Shri. Rama Reddy of Chamanahalli Village, Bangarpet Taluk, Kolar District. The allegations in the complaint was that the DGO demanded and accepted bribe of Rs.1,000/- each from complainant,

  
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Indramma and Venkata Rama Reddy on 20/02/2014, for change of khatha. Yet, the DGO did not take any steps with respect to same. When the complainant asked DGO about his work, the DGO demanded again bribe of Rs.15,000/-. The complainant said that the amount is more, and DGO agreed to do the work for total amount of Rs.12,000/- for 3 persons, i.e., Rs.4,000/- each. On 03/03/2014, at about 2.35 p.m. at the back of DGO's office, the police caught the DGO, while demanding and accepting bribe of Rs.4,000/- from complainant. The police filed charge sheet against the DGO.

2. Hon'ble Upalokayukta invoking power under section 7(2) of Karnataka Lokayukta Act, 1984 took up suo-motu investigation, and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case, and forwarded Report dated 07/08/2015 under section 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against the DGO. The Government by its order dated 15/11/2016 accorded sanction under Rule 214(2)(b)(i) of KCS Rules, as the DGO had retired on 30/04/2014 and entrusted the

  
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matter under Rule 14-A of K.C.S.(CCA) Rules, 1957  
to Hon'ble Upalokayukta.

3. Hon'ble Upaloklayukta by order dated 16/11/2016 nominated this Additional Registrar, Enquires to conduct enquiry. Notice of Articles of charge, statement of imputations of misconduct with list of witnesses and documents as served upon the D.G.O. The DGO denied the charges and claimed to be enquired.

4. The Articles of charge framed is as follows:

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಕೆ.ವಿ. ಜಗದೀಶ್ ಆದ ನೀವು ಕೋಲಾರ ಜಿಲ್ಲೆಯ ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕಿನ ಕಾಮಸಮುದ್ರ ಹೋಬಳಿಯ ತೋಪನಹಳ್ಳಿ ಕಂದಾಯ ವೃತ್ತದಲ್ಲಿ ಗ್ರಾಮಲೆಕ್ಕಗಾರಾಗಿ 2014ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಫಿರ್ಮಿಯಾದ ಶ್ರೀ ರಾಮರೆಡ್ಡಿ ಬಿನ್ ಲೇಟ್ ಮುನಿಸ್ವಾಮಿರೆಡ್ಡಿ, ಚಾಮನಹಳ್ಳಿ ಗ್ರಾಮ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರು ಅವರ ತಂದೆ ಮುನಿಸ್ವಾಮಿರೆಡ್ಡಿ ಬಿನ್ ಗಂಗಿರೆಡ್ಡಿ ರವರು ಹೆಸರಿನಲ್ಲಿ ಚಾಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಮೋಜಿನಿ ಸಂಖ್ಯೆ.19, 47, 46, 49, 45, 41, 24, 23, 20, 12, 13, 15, 40 ಮತ್ತು 45, ಕೀರುಮಂದೆ ಗ್ರಾಮದ ಮೋಜಿನಿ ಸಂಖ್ಯೆ. 22, 21, ತೊಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಮೋಜಿನಿ ಸಂಖ್ಯೆ.50, 51, 20, 76 ಮತ್ತು ಬಂಗಾರನತ್ತ ಗ್ರಾಮದ ಮೋಜಿನಿ ಸಂಖ್ಯೆ.4, 7, 9ರಲ್ಲಿ ಇದ್ದು, ಸದರಿ ಜಮೀನನ್ನು ಮಕ್ಕಳಾದ ವೆಂಕಟರಾಮರೆಡ್ಡಿ, ರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀನಿವಾಸರೆಡ್ಡಿ ರವರುಗಳ ಹೆಸರುಗಳಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಖಾತೆ ಮಾಡಿಕೊಡುವ

  
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ಸಂಬಂಧ ವೆಂಕಟರಾಮರೆಡ್ಡಿ, ರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀಮತಿ ಇಂದಿರಮ್ಮ (ಮೃತ ಶ್ರೀನಿವಾಸರೆಡ್ಡಿ ರವರ ಪತ್ನಿ) ರವರುಗಳು ದಿನಾಂಕ 16-02-2014ರಂದು ತೊಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನಡೆದ ಕಂದಾಯ ಅದಾಲತ್‌ನಲ್ಲಿ ಅರ್ಜಿ ನೀಡಿದ್ದು, ಆಪಾದಿತರ ಸೂಚನೆಯಂತೆ ದಿನಾಂಕ 20-02-2014ರಂದು ನಿಮ್ಮನ್ನು ಅವರ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ನೀವು ರೂ.1,000/- ಸದರಿಯವರಿಂದ ಪಡೆದುಕೊಂಡು ನಂತರ ವೆಂಕಟರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀಮತಿ ಇಂದಿರಮ್ಮ ರವರುಗಳಿಂದ ತಲಾ ರೂ.1,000/- ಪಡೆದುಕೊಂಡಿರುತ್ತೀರಿ. ತರುವಾಯ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ರೂ.3,000/- ಹಣ ಸಾಲದು ಮತ್ತೆ ರೂ.15,000/- ಹಣ ಕೊಡಬೇಕು, ಸದರಿ ಹಣದಲ್ಲಿ ಅದಾಲತ್ ಆಫೀಸರ್‌ಗೆ ರೂ.6,000/- ಮತ್ತು ಪಹಣಿ ಕೊಡುವ ಕಂಪ್ಯೂಟರ್ ಆಪರೇಟ್ ಮತ್ತು ಆರ್.ಐ. ರವರಿಗೆ ಸಹ ಕೊಡಬೇಕೆಂದು ನೀವು ತಿಳಿಸಿದಿರಿ. ಅದರಂತೆ ರೂ.15,000/-ಗಳನ್ನು ಕೊಡಲು ಆಗುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿದಾಗ ನೀವು ತಲಾ ಮೂವರಿಂದ ರೂ.4,000/-ಗಳಂತೆ ಒಟ್ಟು ರೂ.12,000/- ಕೊಡಲು ಒತ್ತಾಯಿಸಿದ್ದು, ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ಕೊಡಲು ಒತ್ತಾಯಿಸಿದ ಸಂಭಾಷಣೆಯನ್ನು ಒಂದು ಧ್ವನಿಮುದ್ರಕದಲ್ಲಿ ಮುದ್ರಿಸಿಕೊಂಡು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಆ ಸಂಬಂಧವಾಗಿ ಫಿರ್ಯಾದಿಯು ನಿಮ್ಮ ವಿರುದ್ಧ ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರವರಿಗೆ ಫಿರ್ಯಾದು ಕೊಟ್ಟಿದ್ದು ದಿನಾಂಕ 03-03-2014ರಂದು ಮದ್ಯಾಹ್ನ 2-10 ಗಂಟೆಯಿಂದ 2-35 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ನೀವು ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಅಂದರೆ ಕಾಮಸಮುದ್ರ ಹೋಬಳಿಯ ಕಂದಾಯ ನಿರೀಕ್ಷಕರ ಕಛೇರಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯ ಬಾಬು ಸರ್ಕಾರಿ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ಲಂಚವನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಒತ್ತಾಯದನುಸಾರ ಫಿರ್ಯಾದಿಯು ನಿಮಗೆ ರೂ.4,000/- ಲಂಚ ಹಣವನ್ನು ಕೊಟ್ಟಿದ್ದು ನೀವು ಸದರಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ತರುವಾಯ ಅದೇ ದಿನ ಸದರಿ ಹಣವನ್ನು

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ತನಿಖಾಧಿಕಾರಿಯವರು ನಿಮ್ಮಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ಹಣದ ಬಗ್ಗೆ ನೀವು ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.”

5. The statement of imputations of misconduct framed is as follows:

ದೂರುದಾರರಾದ ಶ್ರೀ ರಾಮರೆಡ್ಡಿ ಬಿನ್ ಲೇಟ್ ಮುನಿಸ್ವಾಮಿರೆಡ್ಡಿ, ಚಾಮನಹಳ್ಳಿ ಗ್ರಾಮ, ಬಂಗಾರಪೇಟೆ ತಾಲ್ಲೂಕು, ಕೋಲಾರ ಜಿಲ್ಲೆ ರವರು ಅವರ ತಂದೆ ಮುನಿಸ್ವಾಮಿರೆಡ್ಡಿ ಬಿನ್ ಗಂಗಿರೆಡ್ಡಿ ರವರು ಹೆಸರಿನಲ್ಲಿ ಚಾಮನಹಳ್ಳಿ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ.19, 47, 46, 49, 45, 41, 24, 23, 20, 12, 13, 15, 40 ಮತ್ತು 45, ಕೀರುಮಂದೆ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ. 22, 21, ತೊಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ.50, 51, 20, 76 ಮತ್ತು ಬಂಗಾರನತ್ತ ಗ್ರಾಮದ ಮೋಜಣಿ ಸಂಖ್ಯೆ.4, 7, 9ರಲ್ಲಿ ಇದ್ದು, ಸದರಿ ಜಮೀನನ್ನು ಮಕ್ಕಳಾದ ವೆಂಕಟರಾಮರೆಡ್ಡಿ, ರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀನಿವಾಸರೆಡ್ಡಿ ರವರುಗಳ ಹೆಸರುಗಳಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಖಾತೆ ಮಾಡಿಕೊಡುವ ಸಂಬಂಧ ವೆಂಕಟರಾಮರೆಡ್ಡಿ, ರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀಮತಿ ಇಂದಿರಮ್ಮ (ಮೃತ ಶ್ರೀನಿವಾಸರೆಡ್ಡಿ ರವರ ಪತ್ನಿ) ರವರುಗಳು ದಿನಾಂಕ 16-02-2014ರಂದು ತೊಪ್ಪನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ ನಡೆದ ಕಂದಾಯ ಅದಾಲತ್‌ನಲ್ಲಿ ಅರ್ಜಿ ನೀಡಿದ್ದು, ನಿಮ್ಮ ಸೂಚನೆಯಂತೆ ದಿನಾಂಕ 20-02-2014ರಂದು ನಿಮ್ಮನ್ನು ಅವರ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ನೀವು ರೂ.1,000/- ಸದರಿಯವರಿಂದ ಪಡೆದುಕೊಂಡು ನಂತರ ವೆಂಕಟರಾಮರೆಡ್ಡಿ ಮತ್ತು ಶ್ರೀಮತಿ ಇಂದಿರಮ್ಮ ರವರುಗಳಿಂದ ತಲಾ ರೂ.1,000/- ಪಡೆದುಕೊಂಡಿರುತ್ತೀರಿ. ತರುವಾಯ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ರೂ.3,000/- ಹಣ ಸಾಲದು ಮತ್ತೆ ರೂ.15,000/- ಹಣ ಕೊಡಬೇಕು, ಸದರಿ ಹಣದಲ್ಲಿ ಅದಾಲತ್ ಆಫೀಸರ್‌ಗೆ ರೂ.6,000/- ಮತ್ತು ಪಹಣಿ ಕೊಡುವ ಕಂಪ್ಯೂಟರ್ ಆಪರೇಟ್ ಮತ್ತು ಆರ್.ಐ. ರವರಿಗೆ ಸಹ ಕೊಡಬೇಕೆಂದು ತಿಳಿಸಿರುತ್ತೀರಿ. ಅದರಂತೆ ರೂ.15,000/-ಗಳನ್ನು ಕೊಡಲು ಆಗುವುದಿಲ್ಲ ಎಂದು

  
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ತಿಳಿಸಿದಾಗ ನೀವು ತಲಾ ಮೂವರಿಂದ ರೂ.4,000/-ಗಳಂತೆ ಒಟ್ಟು ರೂ.12,000/- ಕೊಡಲು ಒತ್ತಾಯಿಸಿದ್ದು, ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಆ ಸಂಬಂಧವಾಗಿ ಫಿರ್ಯಾದಿಯು ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.3/2014 ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7, 13(1) (ಡಿ) ಜೊತೆಗೋಡಿ 13(2)ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣವನ್ನು ನೋಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಸಾವಿರ ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 4 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ನಿಮ್ಮನ್ನು ಟ್ರಾಫ್ ಮಾಡಲು ಮದ್ಯಾಹ್ನ 1-00 ಗಂಟೆಗೆ ಕಛೇರಿಯನ್ನು ಬಿಟ್ಟು ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 03-03-2014ರಂದು ಮದ್ಯಾಹ್ನ 2-10 ಗಂಟೆಯಿಂದ 2-35 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ಫಿರ್ಯಾದಿಯ ಬಾಬು ಸರ್ಕಾರಿ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ನೀವು ಫಿರ್ಯಾದಿಯಿಂದ ಲಂಚವನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಒತ್ತಾಯದ ಅನುಸಾರ ಫಿರ್ಯಾದಿಯು ನಿಮಗೆ ರೂ.4,000/- ಲಂಚ ಹಣವನ್ನು ಕೊಟ್ಟಿದ್ದು ನೀವು ಸದರಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ತರುವಾಯ ಅದೇ ದಿನ ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ನಿಮ್ಮಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ನಿಮ್ಮ

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ಹೇಳಿಕೆಯನ್ನು ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:03-03-2014ರಂದು ರೂ4,000/- ಲಂಚದ ಹಣವನ್ನು ತಮ್ಮ ಕಛೇರಿಯಲ್ಲಿ ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ನಿಮ್ಮ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಹಾಗೂ ಈಗಾಗಲೇ ದಿನಾಂಕ 30-04-2014ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಿರುವುದರಿಂದ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು 214(2) (ಬಿ) ರ ಅಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ”

6. The DGO has not filed any written statement despite having been given opportunity.

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

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**(1) Whether the disciplinary authority proves that the DGO demanded and accepted bribe of Rs.4,000/- from complainant, on 03/03/2014, at about 2.35 p.m., at the back of DGO's office in Kamasandra, Bangarpete Taluk, Kolar for doing complainant's work on application for changing name in khatha, and thereby, DGO has committed misconduct, dereliction of duty, acted in manner unbecoming of Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966.**

**(2) What findings?**

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

(b) The DGO has not examined himself or any witness, and he has not <sup>to</sup> get any document marked from his side, but with his defence statement, he has produced certified copy of judgment dated 10/08/2020 passed in Spl.Case (Corruption) No.12/2014 by Learned Principal District and Sessions Judge, Kolar

  
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wherein, he has been acquitted, xerox copies of deposition in Spl.C.C. 12/2014 of Smt. Ratnamala, Deputy Tahasildar and Smt. S.R.Usha, Tahasildar then, to the effect that receipts were given and Rs.2,850/- was only to be paid, and other documents, pertaining to objection over changing khatha.

(c) The DGO has denied the allegations of P.W.1 to P.W.3 in his questionnaires.


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

10. The answers to the above points are:

- (1) In the Affirmative.
- (2) As per final findings, for the following.

#### **REASONS**

11. (a) **Point No.1:-** P.W.1 Shri. Ramareddy, complainant has deposed that, he alongwith Venkatramreddy, Indramma had filed application for change of khatha of lands on 16/02/2014. On 20/02/2014, he had been to office of DGO at Kamasandra. The DGO, working as Village Accountant in Tophanhalli circle, Kamasandra, Bangarapete taluk, Kolar asked for money. PW-1 paid Rs. 1,000/- to him.

  
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He also told the wife of his younger brother to pay money to DGO. Indramma and Venkataramreddy also paid Rs. 1,000/- each to DGO. As, the DGO did not take steps to change the khatha. PW-1 contacted the DGO. The DGO demanded Rs. 15,000/-. PW-1 bargained and DGO reduced the amount to Rs. 12,000/-. On 04/04/2014, PW-1 lodged complaint before the Lokayukta Police. He gave Rs. 4,000/- to the Police with respect to his share to lay the trap. The Police applied powder to the said notes and the same was placed in left side pocket of his shirt. Mobile instrument was also kept in the left side pocket of his shirt. The Police wrote about the proceedings and took PW-1's signature. All of them left near to DGO's office at 1 p.m., and reached there at 2 p.m. PW-1 and Narayanaswamy, panch witness went to office of DGO. DGO was not there. PW-1 learnt that DGO is in Nemmadi Kendra. PW-1 went to Nemmadi Kendra. The DGO was there. PW-1 returned to DGO's office. The DGO saw PW-1 and asked whether amount is brought. PW-1 said yes, and gave the amount from his shirt pocket. PW-1 gave signal by shaking his towel. The police came there. The DGO's hands were washed. The washed turned to pink colour. The police seized the notes and samples of the solution. The shirt of DGO left side shirt pocket was also washed in solution. PW-1

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has identified his complaint, pre trap mahazar and trap mahazar and same are got marked as Ex.P-1 to 3 respectively.

(b) In cross-examination by Learned Advocate for DGO., P.W.1 has stated in paragraph No.8 that he got 4 acres land in division. The Tahsildar had ordered to change the khatha on 16/02/2014. He had paid Rs.2,850/- fees for change of khatha. The same reads hereunder:

“ವಿಭಾಗದಲ್ಲಿ ನನಗೆ 4 ಎಕರೆ ಜಮೀನು ಬಂತು.

16/02/2014 ಖಾತೆ ಬದಲಾವಣೆಗಂದು ತಹಸಿಲ್ದಾರ್ ರವರು ಆದೇಶ ಹೊರಡಿಸಿದ್ದಾರೆ. ನಾನು ಕಂದಾಯ ಪಾವತಿ ಮಾಡಿದ್ದೇನೆ. ರೂ. 2,850/-ಗಳ ಕಂದಾಯ ಪಾವತಿ ಮಾಡಿದ್ದೇನೆ. ನಂತರ ನಾನು ತಹಸಿಲ್ದಾರ್ ಹಾಗೂ ಉಪ ತಹಸಿಲ್ದಾರ್ ರವರ ಬಳಿ ಹೋಗಿಲ್ಲ.”

In paragraph No.9, page No.5, 8<sup>th</sup> line, P.W.1 has deposed that DGO came later and he paid him the amount near Thippa Reddy's house on his demand. The same reads as hereunder:

“ನಂತರ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆ ಕಛೇರಿಗೆ ಬಂದರು. ನಾನು ತಿಪ್ಪರೆಡ್ಡಿ ಎಂಬವರ ಮನೆ ಹತ್ತಿರ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಹಣ ಕೊಟ್ಟೆನು. ಹಣ ಕೊಡಿ ಎಂಬುದಾಗಿ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನನ್ನನ್ನು ಕೇಳಿಲ್ಲ ಎಂಬುದು ಸರಿಯಲ್ಲ. ತಿಪ್ಪರೆಡ್ಡಿ ಎಂಬವರ ಮನೆಯು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕಛೇರಿಯ ಹತ್ತಿರ ಇದೆ. ತಿಪ್ಪರೆಡ್ಡಿ ಎಂಬವರ ಮನೆಯ ಹತ್ತಿರ

  
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ಬೇರೆ ಮನೆಗಳು ಇಲ್ಲ. ಆದರೆ ಸ್ವಲ್ಪ ದೂರದಲ್ಲಿ ಮನೆಗಳು ಇವೆ”.

All other suggestions of having given false complaint are denied by P.W.1. Nothing useful to defence is elicited in evidence of P.W.1.

12. (a) PW-2 Shri. Mahendra Kumar M, entrustment witness, as deposed that on 03/03/2014, at 12:30 p.m. he had gone to the Lokayukta police station in Kolar. Complainant and another witness, Muniswamy were there. Muniswamy has now expired. He came to know about the complaint. Complainant gave 4 notes of Rs. 1,000/- each to the police to lay the trap. Phenolphthalein powder was applied to the said notes. PW-2 counted the notes. PW-2's hands were washed in sodium carbonate solution. The solution turned to pink colour. The police drew mahazar, Ex.P-2. PW-2 further states that they went to DGO's office. He removed the tainted amount from left side shirt pocket of DGO. The notes were the same as given by PW-1 for laying the trap. The money and shirt was seized. The hands of DGO was washed in solution. The solution turned to pink colour. The police drew trap mahazar, Ex.P-3.

(b) In cross examination by learned Advocate for DGO., P.W.2, in paragraph No.5, page No.3, 5<sup>th</sup> line has stated that witness, Narayanaswamy went along with complainant to meet DGO. This clarifies that the shadow witness is Narayanaswamy and not Muniswamy as stated by P.W.2 in chief-examination, and that the

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shadow witness has expired. The said sentence reads as hereunder:

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಳಿಗೆ ಸಾಕ್ಷಿ ನಾರಾಯಣ ಸ್ವಾಮಿ ಹೋದರು. ಆದರೆ ನಾನು ಹೋಗಿಲ್ಲ”.

All other suggestions of having not conducted trap proceedings are denied by P.W.2. Even in evidence of P.W.2, nothing useful to defence is elicited.

13. (a) PW-3, Shri. Munikrishna, investigating officer, has deposed that PW-1 lodged complaint against DGO on 03/03/2014. PW-1 narrated about all the DGO's demand of bribe, and registered the complaint. PW-3 has identified the FIR, and same is got marked as Ex.P-4. PW-3 secured two witnesses. He got the list of currency notes prepared by panch witnesses. The attested copies of the same is got marked as Ex.P-5. He got Phenolphthalein powder applied to the notes which was given by PW-1 i.e., 4 notes of Rs. 1,000/- each to lay the trap. He got the said notes kept in pocket of PW-1 through PW-2. Hands of PW-2 were washed in sodium carbonate solution. The solution turned to pink rose colour. He gave instruction to PW-1 and asked another panch witness, Narayanaswamy to act as shadow witness. He gave voice recorder to PW-1. He drew mahazar, Ex.P-2. PW-3 has further stated that all of them left near to the office DGO, and reached there at 2.10 p.m. PW-3 repeated his instructions, asking PW-1 to give signal by raising his right hand towel above shoulder. At 2:35 p.m., PW-1 gave

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signal. PW-3 and his team and PW-2 went there. PW-1 and the shadow witness told him that the DGO demanded the money and kept in his shirt pocket. PW-3 got hands of DGO washed in solution. The solution turned to pink colour. The left side shirt pocket where the DGO had kept the tainted amount was washed in solution, and the solution turned to pink colour. PW-3 took samples of the same and got the amount removed from pocket of DGO by another witness, Shri. Narayanaswamy. PW-3 found excess amount of Rs. 8,140/- with DGO. As the DGO did not give satisfactory explanation, the same was seized. PW-3 further states that he took the voice recorder from PW-1 and got the conversation transcribed and burnt to C.D. Smt. Rathnamala, Revenue Inspector identified the voice of DGO. Explanation was DGO was taken and the same is got marked as Ex.P-6. Documents pertaining to PW-1 were also collected from Smt. Rathnamala and same is got marked as Ex.P-7. The procedure for effecting khatha given by said Smt. Rathnamala is got marked as Ex.P-8. The Photographs taken are also got marked as Ex.P-9. PW-3 has stated that he drew mahazar, Ex.P-3. He has got rough sketch marked as Ex.P-10, sketch prepared by Engineer as Ex.P-11 and FSL report is got marked as Ex.P-12.

(a) In cross-examination by Learned Advocate for DGO., P.W.3/Investigating Officer has denied the suggestion that DGO was not in the office. P.W.3 has stated that he and his team followed DGO, P.W.1 and C.W.2 i.e.,

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Narayanaswamy/shadow witness, when they went to back side. He has also denied the suggestion that, P.W.1 has forcibly kept the amount in DGO's pocket. The same is in paragraph number 18, page No.8, 3<sup>rd</sup> last sentence which reads as hereunder:

**“It is false to suggest that PW-1 has forcibly kept the amount in DGO's pocket.”.**

By this contention, the incident possession of tainted money of Rs.4,000/- by DGO gets accepted. What the DGO contends is that, the money was kept forcefully. If that was really so, his hand wash would not have changed the sodium carbonate solution to pink color.

14. The DGO has produced Judgment dated 10/08/2020 passed by Learned Principal District and Sessions Judge, Kolar in Spl. CC. No. 12/14, wherein, DGO is acquitted. The acquittal is based on benefit of doubt, that information was not registered on 02/03/2014 on receiving first information, but giving voice recorder to complainant, and after conversation is recorded, the information was registered on 03/03/2014. It is settled law now, that such portion of evidence collected before registration of complaint has to be excluded, but that itself does not vitiate the entire investigation. Further, in page No. 50, paragraph No.34, of said Judgment, it is shown that the shadow witness/PW4 and Investigating

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Officer/PW6 have supported the prosecution case. The decisions reported in **KCCR 01/06/2018(SN156)(SC)184, AIR 1954 SC 375 between Venkatraman V/s Union of India and decision of Hon'ble Supreme Court in Civil Appeal No.7130/09 dated 01/08/2019 Shashi Bhushan Prasad V/s Inspector General, CISF and Others** that disciplinary proceedings and criminal proceedings are different, and in disciplinary proceedings, it is preponderance of probabilities that is applicable, are applicable to the matter herein. This Additional Registrar, Enquiries finds that said Judgment or any other document produced by DGO does not come to his aid.

15. Hence, by evidence of PW1 to 3, wherein complainant/PW1 has deposed that DGO has demanded and accepted bribe amount of Rs.4,000/-, and PW2 entrustment witness in his cross-examination has stated that Narayanswamy, who is shadow witness has expired, and contention of DGO in evidence of IO/PW3, that the amount was forcibly kept in pocket of DGO, and as reasoned in above paragraph, that the incident and possession of tainted amount gets accepted by DGO, supported by documents Exp1 to P12, excluding the transcription portion in Exp3, Trap Mahazar, as same is not supported by certificate under U/s 65B of Indian Evidence Act or FSL report with respect to genuinity of recorded conversation proves that the DGO has demanded

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and accepted the bribe from PW1 for change of Khatha. This Additional Registrar Enquires finds that the disciplinary authority has proved the charges against the DGO, and 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 (i) to (iii) of K. C. S. (Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative**.

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

**F I N D I N G S**

The disciplinary authority has proved the charges against the DGO.

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



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

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

**ANNEXURES**

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

PW1:- Sri. Rama Reddy



PW2:- Sri. Mahendra Kumar.  
PW3:- Sri. Munikrishna.

List of witnesses examined on behalf DGO:- Nil.

List of documents marked on behalf of Disciplinary Authority:-.

|        |                                                                              |
|--------|------------------------------------------------------------------------------|
| Ex P1  | Certified copy of complaint of complainant.                                  |
| Ex P2  | Certified copy of pre-trap Mahazar.                                          |
| Ex P3  | Certified copy of recovery panchanama.                                       |
| Ex P4  | Certified copy of FIR.                                                       |
| Ex P5  | Certified copy of list of currency notes.                                    |
| Ex P6  | Certified copy of statement of DGO.                                          |
| Ex P7  | Certified copy of list of documents pertaining to complainant.               |
| Ex P8  | Certified copy of documents with respect to change of khatha of complainant. |
| Ex P9  | Certified copies of photographs.                                             |
| Ex P10 | Certified copy of sketch of spot.                                            |
| Ex P11 | Certified copy of sketch of AE, P.W.D.                                       |
| Ex P12 | Certified copy of FSL Report.                                                |

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

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**(SACHIN KAUSHIK R.N.)**  
I/c Additional Registrar (Enquiries-11),  
Karnataka Lokayukta,  
Bangalore.