

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/627/2017/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 22nd February, 2023.

RECOMMENDATION

Sub: Departmental Inquiry against Shri Muniraju,
Panchayath Development Officer, Shettihalli
Grama Panchayath, Kolar Taluk and District-
reg.

Ref: 1) Government Order No.ಗ್ರಾಅಪ 598 ಗ್ರಾಪಂಕಾ 2016,
Bengaluru, dated: 26/10/2016 and
27/04/2017.

2) Nomination Order No.UPLOK-2/DE/627/
2017, Bengaluru, dated: 05/05/2017 of
Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 17/02/2023 of
Additional Registrar of Enquiries-11,
Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 26/10/2016 and
27/04/2017 initiated the disciplinary proceedings against Shri
Muniraju, Panchayath Development Officer, Shettihalli Grama
Panchayath, Kolar Taluk and District (hereinafter referred to as

Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.³

2. This Institution by Nomination Order No.UPLOK-2/DE/627/2017, Bengaluru, dated: 05/05/2017 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, Shri Muniraju, Panchayath Development Officer, Shettihalli Grama Panchayath, Kolar Taluk and District was tried for the following charges:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಮುನಿರಾಜು 2015ನೇ ಇಸವಿಯಲ್ಲಿ ಕೋಲಾರದ ಶೆಟ್ಟಿ ಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಶ್ರೀ ಮುನೇಗೌಡ ಬಿನ್ ಮುನಿತಿಮ್ಮಪ್ಪ, ಪುರಹಳ್ಳಿ ಗ್ರಾಮ, ವೇಮಗಲ್ ಹೋಬಳಿ, ಕೋಲಾರ ತಾಲ್ಲೂಕು ಇವರಿಗೆ 2011-12ನೆಯ ಸಾಲಿನಲ್ಲಿ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಸದರಿಯವರ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ರಾಧ ಇವರ ಹೆಸರಿನಲ್ಲಿ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡಿಕೊಳ್ಳಲು ಶೆಟ್ಟಿಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, 2013ನೆಯ ಸಾಲಿನಲ್ಲಿ ಮನೆ ಕಟ್ಟುವ ಸಂಬಂಧ ಅಡಿಪಾಯ ಹಾಕಿದ್ದು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರುಗಳು ಸ್ಥಳ ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿ ರೂ.12,500/-ಗಳ ಚೆಕ್‌ನ್ನು ನೀಡಿದ್ದು, ನಂತರ ಹಂತ ಹಂತವಾಗಿ ಮನೆ ನಿರ್ಮಾಣ ಮುಗಿದ ನಂತರ ಹಣ ಬರುತ್ತದೆಂದು ತಿಳಿಸಿದ್ದು, ದೂರುದಾರರ ಮನೆಯ ನಿರ್ಮಾಣ ಮುಗಿಯುವ ಹಂತದಲ್ಲಿದ್ದು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರುಗಳು ಮನೆಯ ಛಾಯಾಚಿತ್ರಗಳನ್ನು ತೆಗೆದು ಜಿ.ಪಿ.ಎಸ್. ನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿದ್ದು, ಹಣ ಮಂಜೂರಾದ ಬಳಿಕ ಆನ್‌ಲೈನ್ ಮುಖಾಂತರ ಫಲಾನುಭವಿಯ ಹೆಸರಿನಲ್ಲಿ ಅಕೌಂಟ್ ನಂಬರ್ ಬಂದಿರುವ ಮಾಹಿತಿಯನ್ನು ಬಿಲ್



ಕಲೆಕ್ಟರ್ ಕೆ.ಎನ್. ಚಂದ್ರಮೋಹನ್ ಇವರು ತಿಳಿಸಿ ಒಟ್ಟು ರೂ.62,500/- ಹಣ ಮಂಜೂರಾಗಿದ್ದು ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗೆ ರೂ.30,000/-ಗಳನ್ನು ಕೊಟ್ಟರೆ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿದಾಗ, ದೂರುದಾರರು ರೂ.30,000/- ಹಣ ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ರವರು ಮಂಜೂರಾದ ಹಣದಲ್ಲಿ ರೂ.30,000/-ಗಳನ್ನು ಸದರಿಯವರಿಗೆ ಕೊಟ್ಟರೆ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರನ್ನು ಒಪ್ಪಿಸಿ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡಿಸುತ್ತೇನೆಂದು ಹೇಳಿದಾಗ, ದೂರುದಾರರು ರೂ.30,000/-ಗಳನ್ನು ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ರವರು ರೂ.25,000/- ಹಣ ನೀಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ನಂತರದಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಬಳಿ ಕರೆದುಕೊಂಡು ಹೋದಾಗ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಹಣ ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದಾಗ, ದೂರುದಾರರು ಹಣ ಕೊಡಲು ಒಪ್ಪಿಕೊಂಡಾಗ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಅಕೌಂಟ್ ನಂಬರ್ ಇರುವ ಪತ್ರವನ್ನು ನೀಡಿ ಪ್ರಗತಿ ಕೃಷ್ಣ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್, ಪೇಪುಗಲ್, ಶಾಖೆಗೆ ನೀಡುವಂತೆ ತಿಳಿಸಿರುವ ಸಂಭಾಷಣೆಗಳನ್ನು ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡು ದೂರು ಸಲ್ಲಿಸಿದಾಗ, ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಶಾಣೆಯ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:05/2015ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನೀವು ದಿನಾಂಕ:19-06-2015ರಂದು ವೇಮಗಲ್ ನ ನರಸಾಪುರ ಕ್ರಾಸ್ ಬಳಿ ಇರುವ ಶ್ರೀ ಅನ್ನಪೂರ್ಣೇಶ್ವರಿ ಹೋಟೆಲ್ ನ ವರಾಂಡದಲ್ಲಿ ಸಂಜೆ ಸರಿಸುಮಾರು 5-25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ರೂ.25,000/-ಗಳನ್ನು ಲಂಚವಾಗಿ ಫಿರ್ಯಾದಿಯಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

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 charges leveled against DGO, Shri Muniraju, Panchayath Development Officer, Shettihalli Grama Panchayath, Kolar Taluk and District.
5. On perusal of the Inquiry Report, in order to prove the guilt of the DGO, the Disciplinary Authority has examined three

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witnesses i.e., PW-1 to PW-3 and Ex. P-1 to P-22 documents were got marked.

6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, 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 to exonerate DGO, Shri Muniraju, Panchayath Development Officer, Shettihalli Grama Panchayath, Kolar Taluk and District of the charges leveled against him.
7. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

22/2/23

(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.

KARNATAKA LOKAYUKTA


NO. UPLOK-2/DE/627/2017/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date:17/02/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Muniraju, Panchayath Development Officer, Shettihalli Gram Panchayath, Kolar Taluk and District - reg.

Ref: 1. Government Order No. ಗ್ರಾಅಪ 598 ಗ್ರಾಪಂಕಾ2016 ಬೆಂಗಳೂರು, ದಿನಾಂಕ 26/10/2016 and corrigendum dated 27/04/2017.
2. Nomination Order No. UPLOK-2/DE/627/2017, Bengaluru, dated 05/05/2017.

1. The Departmental Enquiry is initiated against Sri. Muniraju, Panchayath Development Officer, Shettihalli Gram Panchayath, Kolar Taluk and District (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 19/06/2015. The allegations in the complaint is that, in the year 2011-12 the complainant had given application to Grama Panchayath, Shettihalli in the name of his wife Smt. Radha under Indira Awaz Yojane to construct a house and after putting foundation of the building the DGO i.e., Panchayath Development Officer and Sri K.N. Chandramohan s/o Narayanswamy i.e., the bill Collector after



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inspection of spot have sanctioned 12,500/- and issued cheque to him and informed him that remaining amount will be given stage by stage after completion of the construction of the said building. That at the time of completion of the construction of house of the complainant, the Bill Collector and DGO have taken photographs and have got it registered in GPS and told that after sanction of amount cheque will be credited through online to the account number of complainant.

Further the complainant contended that one week before 19/06/2015, the Bill Collector called the complainant to panchaythi office and told him that Rs.62,500/- was sanctioned to him and out of that if Rs.30,000/- was paid to DGO, cheque will be credited to his account number. As the complainant was not having that much of amount requested to reduce the amount and the bill collector has reduced the amount to Rs.25,000/-. That when complainant was taken to DGO, he has not agreed to accept the reduced amount and the conversation between complainant, DGO and Bill collector was recorded in the mobile phone of complainant.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Kolar on 19/06/2014, he has lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Kolar (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.05/2015 against the DGO for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.

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3. The Investigating Officer took up investigation and on the same day, when the complainant approached Bill Collector Chandramohan and DGO, Bill Collector was caught red handed while accepting bribe amount of Rs.25,000/- at about 5.25 p.m from the complainant on the instructions of DGO in the veranda of Annapoorneswari Hotel situated near Vemgal Narasapura Cross. Both DGO and Bill Collector 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 DGO and Bill Collector, Chandramohan in the concerned jurisdictional Court. Thereby, DGO by demanding and accepting bribe amount of Rs. 25,000/- through Bill Collector from the complainant for remitting the remaining sanctioned amount to his/complainant's account number 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 dated 08/09/2016 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to


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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 by order dated 27/12/2016 and corrigendum dated 27/04/2016 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:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಮುನಿರಾಜು 2015ನೇ ಇಸವಿಯಲ್ಲಿ ಕೋಲಾರದ ಶೆಟ್ಟಿ ಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಪಂಚಾಯತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಶ್ರೀ ಮುನೇಗೌಡ ಬಿನ್ ಮುನಿತಿಮ್ಮಪ್ಪ, ಪುರಹಳ್ಳಿ ಗ್ರಾಮ, ವೇಮಗಲ್ ಹೋಬಳಿ, ಕೋಲಾರ ತಾಲ್ಲೂಕು ಇವರಿಗೆ 2011-12ನೆಯ ಸಾಲಿನಲ್ಲಿ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಸದರಿಯವರ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ರಾಧ ಇವರ ಹೆಸರಿನಲ್ಲಿ ಮನೆ ನಿರ್ಮಾಣ ಮಾಡಿಕೊಳ್ಳಲು ಶೆಟ್ಟಿಹಳ್ಳಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದು, 2013ನೆಯ ಸಾಲಿನಲ್ಲಿ ಮನೆ ಕಟ್ಟುವ ಸಂಬಂಧ ಅಡಿಪಾಯ ಹಾಕಿದ್ದು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರುಗಳು ಸ್ಥಳ ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿ ರೂ.12,500/-ಗಳ ಚೆಕ್‌ನ್ನು ನೀಡಿದ್ದು, ನಂತರ ಹಂತ ಹಂತವಾಗಿ ಮನೆ ನಿರ್ಮಾಣ ಮುಗಿದ ನಂತರ ಹಣ ಬರುತ್ತದೆಂದು ತಿಳಿಸಿದ್ದು, ದೂರುದಾರರ ಮನೆಯ ನಿರ್ಮಾಣ ಮುಗಿಯುವ ಹಂತದಲ್ಲಿದ್ದು, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಮತ್ತು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರುಗಳು ಮನೆಯ ಛಾಯಾಚಿತ್ರಗಳನ್ನು ತೆಗೆದು ಜಿ.ಪಿ.ಎಸ್. ನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿದ್ದು, ಹಣ ಮಂಜೂರಾದ ಬಳಿಕ ಆನ್‌ಲೈನ್ ಮುಖಾಂತರ ಫಲಾನುಭವಿಯ ಹೆಸರಿನಲ್ಲಿ ಅಕೌಂಟ್ ನಂಬರ್ ಬಂದಿರುವ ಮಾಹಿತಿಯನ್ನು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಕೆ.ಎನ್. ಚಂದ್ರಮೋಹನ್ ಇವರು ತಿಳಿಸಿ


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ಒಟ್ಟು ರೂ.62,500/- ಹಣ ಮಂಜೂರಾಗಿದ್ದು ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗೆ ರೂ.30,000/-ಗಳನ್ನು ಕೊಟ್ಟರೆ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿದಾಗ, ದೂರುದಾರರು ರೂ.30,000/- ಹಣ ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ರವರು ಮಂಜೂರಾದ ಹಣದಲ್ಲಿ ರೂ.30,000/-ಗಳನ್ನು ಸದರಿಯವರಿಗೆ ಕೊಟ್ಟರೆ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರನ್ನು ಒಪ್ಪಿಸಿ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡಿಸುತ್ತೇನೆಂದು ಹೇಳಿದಾಗ, ದೂರುದಾರರು ರೂ.30,000/-ಗಳನ್ನು ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ರವರು ರೂ.25,000/- ಹಣ ನೀಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿ ನಂತರದಲ್ಲಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿ ಬಳಿ ಕರೆದುಕೊಂಡು ಹೋದಾಗ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಹಣ ಕೊಡಬೇಕೆಂದು ಒತ್ತಾಯಿಸಿದಾಗ, ದೂರುದಾರರು ಹಣ ಕೊಡಲು ಒಪ್ಪಿಕೊಂಡಾಗ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಅಕೌಂಟ್ ನಂಬರ್ ಇರುವ ಪತ್ರವನ್ನು ನೀಡಿ ಪ್ರಗತಿ ಕೃಷ್ಣ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್, ವೇಮಗಲ್, ಶಾಖೆಗೆ ನೀಡುವಂತೆ ತಿಳಿಸಿರುವ ಸಂಭಾಷಣೆಗಳನ್ನು ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡು ದೂರು ಸಲ್ಲಿಸಿದಾಗ, ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಪ್ರಕರಣ ಸಂಖ್ಯೆ:05/2015ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನೀವು ದಿನಾಂಕ:19-06-2015ರಂದು ವೇಮಗಲ್ ನ ನರಸಾಪುರ ಕ್ರಾಸ್ ಬಳಿ ಇರುವ ಶ್ರೀ ಅನ್ನಪೂರ್ಣೇಶ್ವರಿ ಹೋಟೆಲ್ ನ ವರಾಂಡದಲ್ಲಿ ಸಂಜೆ ಸರಿಸುಮಾರು 5-25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ರೂ.25,000/-ಗಳನ್ನು ಲಂಚವಾಗಿ ಫಿರ್ಯಾದಿಯಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

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

ಅನುಬಂಧ-2

ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಶ್ರೀ ಮುನೇಗೌಡ ಬಿನ್ ಮುನಿತಿಮ್ಮಪ್ಪ, ಪುರಹಳ್ಳಿ ಗ್ರಾಮ, ವೇಮಗಲ್ ಹೋಬಳಿ, ಕೋಲಾರ ತಾಲ್ಲೂಕು ಇವರ ಹೆಂಡತಿ ಶ್ರೀಮತಿ ರಾಧ ಇವರಿಗೆ 2011-12ರಲ್ಲಿ ಇಂದಿರಾ ಆವಾಸ್ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಮಂಜೂರಾದ ನಿವೇಶನದಲ್ಲಿ ಮನೆ ಕಟ್ಟಲು

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ಅರ್ಜಿಯನ್ನು ಪಂಚಾಯಿತಿ ಕಛೇರಿಗೆ ನೀಡಿ, 2013ರಲ್ಲಿ ಮನೆ ಕಟ್ಟಲು ತಳಪಾಯ ಹಾಕಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಮತ್ತು ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿ ರೂ.12,500/-ಗಳ ಚೆಕ್‌ನ್ನು ನೀಡಿರುತ್ತಾರೆ. ತದನಂತರ, ಉಳಿದ ಹಣ ಮನೆ ಪೂರ್ಣಗೊಂಡ ನಂತರ ಮಂಜೂರಾಗುತ್ತದೆ ಎಂದು ಬಿಲ್ ಕಲೆಕ್ಟರ್ ತಿಳಿಸಿದ ಮೇರೆಗೆ ದೂರುದಾರರು ಮನೆಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರುತ್ತಾರೆ. ಈ ರೀತಿ ಪೂರ್ಣಗೊಂಡ ಮನೆಯ ಛಾಯಾಚಿತ್ರಗಳನ್ನು ತೆಗೆದು ಅವುಗಳನ್ನು ಜಿ.ಪಿ.ಎಸ್.ನಲ್ಲಿ ನೋಂದಣಿ ಮಾಡಿಸಿ ಹಣ ಮಂಜೂರಾದ ಮೇಲೆ ಆನ್‌ಲೈನ್ ಮುಖಾಂತರ ಅರ್ಜಿದಾರರ ಹೆಸರಿನಲ್ಲಿ ಅಕೌಂಟ್ ನಂಬರ್ ಬರುತ್ತದೆ ನಂತರ ಹಣ ಮಂಜೂರಾಗುತ್ತದೆ ಎಂದು ತಿಳಿಸಿದ್ದು, ಅದರಂತೆ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರು ಹಣ ಮಂಜೂರಾಗಿರುವ ವಿಷಯವನ್ನು ತಿಳಿಸಿ, ಒಟ್ಟು ರೂ.62,500/- ಹಣ ಮಂಜೂರಾಗಿದ್ದು ರೂ.30,000/-ಗಳನ್ನು ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರಿಗೆ ಕೊಟ್ಟರೆ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡುವುದಾಗಿ ಒತ್ತಾಯಿಸಿದ್ದು, ದೂರುದಾರರು ತನ್ನ ಬಳಿ ಹಣ ಇಲ್ಲವೆಂದು ತಿಳಿಸಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರು ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಮಂಜೂರಾದ ಹಣವನ್ನು ಡ್ರಾ ಮಾಡಿ ರೂ.30,000/- ನೀಡುವಂತೆ ಈ ಸಂಬಂಧ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರನ್ನು ಒಪ್ಪಿಸಿ ಅಕೌಂಟ್ ನಂಬರ್ ಕೊಡಿಸುವುದಾಗಿ ಹೇಳಿದಾಗ, ದೂರುದಾರರು ಅಷ್ಟು ಕೊಡಲು ಆಗುವುದಿಲ್ಲವೆಂದು ಹೇಳಿದಾಗ, ಬಿಲ್ ಕಲೆಕ್ಟರ್ ಇವರು ರೂ.25,000/- ಕೊಡಲೇ ಬೇಕು ಎಂದು ತಿಳಿಸಿ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರ ಬಳಿ ಹಲವಾರು ಸಾರಿ ಕರೆದುಕೊಂಡು ಹೋಗಿದ್ದಾಗ, ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಯವರು ಸಹ ಹಣ ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ನಂತರ ದೂರುದಾರರಿಗೆ ಅಕೌಂಟ್ ನಂಬರ್ ಇರುವ ಪತ್ರವನ್ನು ನೀಡಿ ಅದನ್ನು ಪ್ರಗತಿ ಕೃಷ್ಣ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್, ವೇಮುಗಲ್ ಶಾಖೆಗೆ ನೀಡುವಂತೆ ತಿಳಿಸಿರುವ ಸಂಭಾಷಣೆಗಳನ್ನು ದೂರುದಾರರು ತಮ್ಮ ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡು ಲಂಚ ಕೊಟ್ಟ ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕೋಲಾರ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.5/2015 ಕಲಂ 7, 13(2) ರಂತೆ ಪ್ರಕರಣವನ್ನು ದಿನಾಂಕ:19-6-2015ರಂದು ನೋಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.


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ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಐದು ನೂರು ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 50 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಆಪಾದಿತರನ್ನು ಟ್ರಾಫ್ ಮಾಡಲು ಸಂಜೆ 4-35 ಗಂಟೆಗೆ ಕಛೇರಿಯನ್ನು ಬಿಟ್ಟಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಚಂದ್ರಪ್ಪ ಇವರಿಗೆ ಪೋನ್ ಮಾಡಿ ಎಲ್ಲಿದ್ದಾರೆಂಬುದನ್ನು ತಿಳಿದುಕೊಂಡು ಅದರಂತೆ ವೇಮಗಲ್ ಬಸ್ ನಿಲ್ದಾಣದ ಬಳಿ ಇರುವ ನರಸಾಪುರ ಕ್ರಾಸ್ ಬಳಿ ಇರುವ ಹೊರನಾಡು ಅನ್ನಪೂರ್ಣೇಶ್ವರಿ ಉಪಹಾರ ಮಂದಿರದ ವರಾಂಡದಲ್ಲಿ ಇದ್ದ ಕುರ್ಚಿಗಳ ಮೇಲೆ ಕುಳಿತು ನಿಮ್ಮನ್ನು ಅಂದರೆ ಚಂದ್ರಪ್ಪ ಇವರನ್ನು ಭೇಟಿ ಮಾಡಿ ಕೆಲಸದ ವಿಚಾರಿಸಿದಾಗ ನೀವು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಪರವಾಗಿ ಹಣ ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು, ಅದರಂತೆ ಲಂಚ ಹಣ ರೂ.15,000/-ಗಳನ್ನು ದೂರುದಾರರಿಂದ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಪಡೆಯಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ನಿಮ್ಮ ಹೇಳಿಕೆಯನ್ನು ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೇಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ಅಂದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ರೂ.25,000/-ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಹಣವನ್ನು ಚಂದ್ರಪ್ಪ ಇವರಿಗೆ ನೀಡುವಂತೆ ಸೂಚನೆ ನೀಡಿದ್ದು ಅದರಂತೆ ದಿನಾಂಕ:19-06-2015ರಂದು ರೂ.25,000/- ಲಂಚದ ಹಣವನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಪರ ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಚಂದ್ರಪ್ಪ ಇವರು ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿರುತ್ತಾರೆ. ನೀವು ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ

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ವರ್ತಮಾನ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (1) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಆಪಾದಿತರಿಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ಆಪಾದಿತರು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತರ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ತಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.

8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 19/08/2017 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 19/08/2017, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/01/2041.**

9. The DGO has filed written statement dated 03/11/2017 denying the allegations made against him in the articles of charge and statement of imputation. Further contended that though it is true that Lokayukta Police have investigated on the basis of the complaint lodged by the complainant, complainant had filed false complaint by creating false documents. That he has never


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demanded bribe amount directly from the complainant or through Chandrappa. Further contended that the allegation made in the complaint on 16/06/2015 Chandrappa has received amount from the complainant on behalf of him (DGO) is false as he has not instructed Chandrappa to receive the amount and he was not in station at that time. As such allegations under section 13(1)(d) r/w 13(2) of P.C.Act are not applicable to him. That complainant with malafide intention to harass the DGO has given this complaint by creating false documents and evidence. That he has discharged his duties honestly and with devotion. That in order to remove him from service this false case has been filed before Lokayukta institution. That he has never asked any money to discharge his official duty during 10 years of his service. Further he contended that complainant had made false allegations against him and hence prays to exonerate him from the charges leveled against him.

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

1. Whether the disciplinary authority proves that the DGO while working as Panchayath Development Officer, Shettihalli Gram Panchayath, Kolar Taluk and District in the year 2011-12 when the complainant had given application to Grama Panchayath, Shettihalli in the name of his wife Smt. Radha under Indira Awaz Yojane to construct a house and after putting foundation of the building the


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DGO i.e., Panchayath Development Officer and Sri K.N. Chandramohan s/o Narayanswamy i.e., the bill Collector after inspection of spot have sanctioned 12,500/- and issued cheque to him and informed him that remaining amount will be given stage by stage after completion of the construction of the said building and at the time of completion of the construction of house of the complainant, the Bill Collector and DGO have taken photographs and have got it registered in GPS and told that after sanction of amount cheque will be credited through online to the account number of complainant and one week before 19/06/2015, the Bill Collector called the complainant to panchaythi office and told him that Rs.62,500/- was sanctioned to him and out of that if Rs.30,000/- is paid to DGO, cheque will be credited to his account number and the complainant was not having that much of amount requested to reduce the amount and the bill collector has reduced the amount to Rs.25,000/- and when complainant was taken to DGO, he has not agreed to accept the reduced amount and the complainant not willing to

pay the amount lodged complaint before the Investigating Officer who registered case in Cr.No.05/2015 against the DGO and took up investigation and on the same day, when the complainant approached Bill Collector Chandramohan and DGO, Bill Collector was caught red handed while accepting bribe amount of Rs.25,000/- at about 5.25 p.m from the complainant on the instructions of DGO in the veranda of Annapoorneswari Hotel situated near Vemgal Narasapura Cross and both DGO and Bill Collector 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 by demanding and accepting bribe amount of Rs. 25,000/- through Bill Collector from the complainant for remitting the remaining sanctioned amount to complainant's account number 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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11. (a) The disciplinary authority has examined Sri. Kodandarama/ shadow witness as PW-1, Sri. Munegowda/complainant as PW2, and Sri. Munikrishna /Investigating Officer as PW3 and got exhibited 22 documents on it's behalf.

(b) Since DGO has not adduced evidence by examining himself, hence, incriminating circumstances which appeared against him in the evidence of PW1 to PW3 is put to him by way of questionnaire.

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

13. The answers to the above points are:

1. In the Negative.

2. As per final findings for the following:-

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14. PointNo.1 P.W.1/shadow witness Sri. Kodandaram has deposed in his evidence that on 19/06/2015 at about 3.30 p,m he went Lokayukta Police Station. There complainant Munegowda and one witness C.S. Rithesh were present. That he came to know that complainant has given complaint that DGO and Chandramohan were demanding bribe with respect to house of his wife. Complainant has produced 50 notes of Rs.500/- each denomination. That he wrote numbers in a sheet on the say of C.S.


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Rithesh and one of Lokayukta staff smeared phenolphthalein powder on those notes, C.S.Rithesh kept the said notes in the left side T-shirt pocket of complainant. That Lokayukta Police prepared sodium carbonate solution and washed the hand fingers of C.S.Rithesh and the solution turned to pink colour and the same was seized by Lokayukta Police. The Complainant produced one voice recorder and it was burnt to CD. Further he deposed that Lokayukta Police has drawn pre trap panchanma as per Ex.P1.

PW1 further stated that later on complainant, I.O and his staff and C.S. Rithesh went to Vemgal side in a jeep. As per instructions of I.O. complainant contacted Chandramohan through mobile in turn he told that Chandramohan replied him that he is near the cross road leading to Narasapura and asked to come there. That all of them went near Narasapura cross and reached at 3.55 p.m and as per instructions of I.O. he and complainant went to Annapoorneswari Hotel which is at some distance away from that place.

PW1 further deposed that in front of that hotel complainant met one person and that person asked about him and complainant introduced him as the resident of Manchenahalli. That in the veranda of the said hotel there was one chair and one table. That the Complainant and that person went there and he stood near a wall about 20 meters away. That complainant and that person spoke about half an hour and after that complainant wiped his head from his left hand and I.O., his staff and C.S. Rithesh came there. Further PW1 deposed that complainant told to I.O. that the person who was with him has demanded bribe and received tainted notes from him. That the I.O. has introduced himself to the person and

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told him that he has arrested him and asked him to co-operate in the investigation. That I.O. got prepared sodium carbonate solution in two bowls through his staff and has seized the sample of the said solution and washed right hand fingers of the person in the solution which was in one of the bowl and the solution turned to pink colour. The I.O. seized the said solution. That the I.O. enquired with the person about the amount and he told that the amount is in the front right side pant pocket and he told that his name is Chandramohan and he is working as Bill Collector and as per the instruction's of I.O. he has removed notes from the right side pant pocket of the said Chandramohan and they were tainted notes and the I.O. has seized them in a sealed cover. Further he has deposed that I.O. got prepared sodium carbonate solution in another bowl and got washed right hand fingers of the complainant in sodium carbonate solution and the solution turned to pink colour and I.O. seized the same in the bottle. That since many people had gathered I.O. took all of them to Vemgal Police Station which is nearby. That with the permission of lady police in the said police station I.O. has done the further proceedings. That I.O. has seized pant of Chandramohan by making alternate arrangement and prepared sodium carbonate solution and got dipped right portion of pant pocket in the said solution and the solution turned to pink colour and I.O. seized solution in a bottle and also pant of the said Chandramohan.

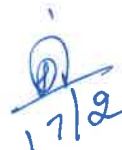
P.W1 further deposed that I.O. received voice recorder from the complainant and has got it burnt to C.D and has played the same and they have heard the voice of the complainant and Chandramohan and in the conversation there was conversation

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with respect to bringing the amount. Further he has deposed that Chandramohan has given explanation to the I.O as per Ex.P2 and I.O. has taken the statement of the complainant. That I.O. has drawn one panchanama at Vemgal Police Station as per Ex.P3.

PW1 further deposed in his evidence that on 02/07/2015 the I.O. called him to the Lokayukta Police Station, Kolar and he took the PWD Engineer to the above said hotel and Engineer verified there and prepared sketch. Further on 07/07/2015 again I.O. called him to Lokayukta Police Station, Kolar and there the I.O. had called the Executive Officer of Kolar taluk Panchayathi and played the voice recorder before him and the said officer identified the voice of Chandramohan. That the I.O. had called DGO to the station. Further the I.O. has drawn mahazar in this regard as per Ex.P4. Further PW1 deposed that I.O. has also drawn another mahazar on the same day as per Ex.P5.

15. (a) PW2 Sri. Munegowda/complainant has deposed in his evidence that Smt.Radha is his wife and she had filed application for benefit under the Government scheme, Indira Avaz Yojana for construction of house. That he knows the DGO. That DGO was working as PDO in Shettihalli gram panchayath, where his wife had filed above application. That DGO and bill collector said that the amount/funds is not sanctioned. That somebody told him that if he goes to lokayukta police station the amount will be given, so he went there. That the DGO did not demand any money from him. That he has not given complaint before lokayukta police. That he gave Rs. 25,000/- to Lokayukta police,


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expecting that he will get Rs75,000/- from panchayath office meant for construction of house. That he has given evidence before the criminal court as he has given here.

PW2 further deposed in his evidence that Rs. 10,000/- was paid. PW2 further admitted in his cross examination by learned Presenting Officer that remaining amount was agreed to be paid after construction of house. Further stated that he signed to the mahazar, Ex.P-3.

(b) Learned Presenting Officer has treated PW2 as hostile witness and cross examined PW2. During cross examination by learned Presenting Officer PW2 admits his sign in Exp6 complaint and denied all the suggestions put forth by the Presenting Officer in support of disciplinary authority case.

16(a). P.W.3 Sri. Munikrishna /Investigating Officer has deposed in his evidence that he has worked as Police Inspector in Karnataka Lokayukta, Kolar from February 2014 to September 2016. That on 19/06/2015, at 3:00 p.m. complainant/PW-2 came to his police station and told that his wife was allotted house under Indira Avaz Yojana for the year 2011-12 of Shettihalli village and she has received Rs.12,500/- as advance and the construction of the house was nearly completed and the PDO and Bill collector of Shettihalli Grama Panchayathi visited the house and taken photographs of the house and to release the remaining Rs.62,500/- they have demanded Rs.30,000/- bribe amount and later on bargain they settled the amount for Rs. 25,000/-. That not willing to pay the said bribe amount the


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complainant has lodged the written complaint against the PDO i.e., DGO and bill collector of Shettihalli Grama Panchayathi, Vemgal Taluk, Kolar District as per Ex.P-6. Further PW-2 had brought the demand of bribe conversation recorded in his mobile.

P.W.3 further stated that after hearing the conversation recorded in the mobile, he registered the case in crime number 5/2015 for offences u/s 7, 13(2) of P.C.Act, 1988, after confirming the contents of the recorder and prepared FIR as per Ex.P-7 and he sent the said complaint and FIR along with the documents in closed envelope to the jurisdictional court. That he secured 2 panch witnesses, PW-1 and CW-3, by sending requisition to ZP and Agriculture department. The panch witnesses reported before him at about 03:40 p.m. and he introduced himself and PW-2 to them and also briefed them about the contents of the complaint and gave copy of complaint to them to read and verify the same. PW3 further stated that the said witnesses, PW-2 and CW-3 have agreed to act as witnesses. That he played the voice recorder using computer and got the conversation heard in presence of the panch witnesses and he got the said conversation burnt to CD and transcribed the same in entrustment mahazar and he has seized the CD.

PW3 further deposed in his evidence that PW-2 gave him 50 notes of Rs. 500/- each i.e., total Rs. 25,000/- to lay the trap. That he got the number of the currency notes noted by PW-1 in a sheet as per Ex.P-8. That he got phenolphthalein powder applied to both sides of the currency notes through his staff and he got the same counted by CW-3 and kept in the front left side T-shirt pocket of PW-2 after confirming that there is nothing in the


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pocket through CW 3. That he got sodium carbonate solution prepared through his staff and he took sample of the same and also sample of the sodium carbonate powder. That he also took sample of the phenolphthalein powder and got the hands of CW-3 washed in sodium carbonate solution and the solution turned to pink colour. That he took sample of the same and told PW-1 and 2 and CW-3 about the reaction between phenolphthalein powder and sodium carbonate solution.

P.W.3 has further deposed that he gave voice recorder to PW-2 and instructed him to switch on while meeting the DGO and he also instructed him to pay the amount only on demand by the DGO and after acceptance, give signal by wiping his head with hand and he instructed PW-1 to follow PW-2 and act as shadow witness. That all of them washed their hands thoroughly with soap and he got photographs taken of entire proceedings. That he drew pre-trap mahazar as per Ex.P-1 and identified the signatures of witnesses on it. That all of them left near the office of DGO, situated at Shettihalli, Vemgal Taluk at 4:45 p.m and PW-2 received call from bill collector Chandramohan to come near Narasapura Gate near Sri Annapoorneshwari Hotel and they reached Sri Annapoorneshwari Hotel at about 5:00 p.m, and stopped the vehicle at a distance of 200 meters away from the said hotel. That he repeated the instructions to PW 1 and 2 and he sent PW-2 to the said hotel. That after sometime at 5:25 p.m, PW-2 came out of the hotel and gave signal by wiping his head with hand. That all of them went near PW-2 and PW-2 took them inside, where the bill collector Chandramohan was sitting. PW-2 showed them the bill collector Chandramohan and told that,


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when PW-2 asked about his work, the bill collector Chandramohan demanded money and PW-2 gave him the money and the bill collector Chandramohan received the tainted money with his right hand and kept it in his right side pant pocket.

P.W.3 has further stated that he showed his identity card to bill collector Chandramohan and told him the purpose for coming and asked him to co-operate and he collected the name, designation and address of bill collector Chandramohan and asked PW-1 about the happenings and he too told the same, and that he watched standing beside PW-2. That he got sodium carbonate solution prepared through his staff. and took sample of the same and got the right hand of bill collector Chandramohan dipped in the solution and the solution turned to light pink colour. That he took sample of the same and seized the amount, from bill collector Chandramohan through CW-3. That the said notes were tallying with the numbers of the notes mentioned in Ex.P-8 and he seized the tainted notes.

PW3 further stated that he got the sodium carbonate solution prepared and washed both hands of PW-2. The solution turned to pink colour and he seized the solution. That since it was open place and public had gathered, he took PW-1, 2, CW-3 and bill collector Chandramohan and his staff to Vemgal Police station which was near by. That he also got the portion of pant pocket of bill collector Chandramohan dipped in sodium carbonate solution and the solution turned to light pink colour and he seized the pant, after having made arrangement of alternate pant to bill collector Chandramohan and also seized samples of the solution.


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PW3 further stated he took the voice recorder from PW-2 and got the same played in the presence of panch witnesses through laptop, transcribed the same and transferred to CD. That in the conversation at the time of trap, there was demand and acceptance of bribe and he identified the attested copy of transcription as per Ex.P-3. That he took the explanation from bill collector Chandramohan as per Ex.P-2. PW-1 and 2 on seeing the explanation, said that it is false. That he enquired bill collector Chandramohan with respect to PDO i.e., the DGO and he told that PDO has gone to Benglauru and he drew trap mahazar as per Ex.P-3. That he arrested the bill collector Chandramohan and took the statement of the witnesses and followed the arrest procedure. That he has drawn the rough sketch at the spot as per Ex.P-9. That on 28/06/2015, he got the sketch prepared from PWD Engineer as per Ex.P-10. That he collected the service details, duties and responsibilities and attendance register extract of bill collector Chandramohan and the DGO as per Ex.P-11 to Ex.P-16 respectively.

PW3 further stated that he has taken documents from EO, Kolar pertaining to work of PW-2 and he seized the same after obtaining the copies as per Ex.P-17. That he sent the articles for chemical examination and received the report dated 29/06/2015 as per Ex.P-18. That on 02/07/2015 he sent letter to manager, Pragathi Krishna Gramina Bank with respect to bank account of the wife of complainant and received the documents in this regard as per Ex.P-19.

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PW3 further stated that on 07/07/2015 he called the panch witness PW-1 and CW-3 and EO, Narayanaswamy to the police station and played the voice recorder before them and EO identified the voice of the DGO and bill collector Chandramohan in the said conversation and he conducted mahazar in this regard as per Ex.P-4. That on same day the DGO appeared before him obtaining anticipatory bail and he arrested him and released him on bail. That on the same day he has recorded voice sample of the DGO in front of PW-1 and CW-3 and he got it transferred to CD and transcribed the same and he seized the CD and conducted mahazar in this regard from 11:00 a.m to 1:00 p.m as per Ex.P-5. That he has sent the CD along with the CD which was produced by PW-2 to FSL and received the FSL report on 19/11/2015 as per Ex.P-20. That he collected the CDRs of mobile phones used by PW-2 and bill collector Chandramohan as per Ex.P-21 and he recorded the further statements of panch witnesses and statements of witnesses. That he has taken the statement of the DGO as per Ex.P-22. That after completion of investigation he filed the charge sheet against the DGO and bill collector Chandramohan after obtaining sanction and he identified the DGO.

17. From the evidence of PW1/shadow witness, PW2/complainant and PW3/Investigating Officer it reveals that the complainant/PW2 filed complaint that there is demand of bribe by DGO along with bill collector for release of the remaining amount of Rs.62,500/- on construction of house in the name of wife Smt. Radha the wife of the complainant under Indira Avaz

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Yojana for the year 2011-12 of Shettihalli village. Further their evidence reveals that PW2 has lodged complaint as per Ex.P1 and PW3/I.O. has registered the case and called PWs1 and CW3 as panch witnesses and had conducted pre-trap mahazar as per Ex.P1.

18. At this juncture it is pertinent to note the evidence of PW2/complainant in his chief examination wherein he has deposed:

“DGO has not demanded any money from me. I did not give any complaint before lokayukta police.”

PW2 in his cross examination by DGO counsel has deposed:

“It is true that my wife’s bank, Pragathi Krishna Grameen Bank was in another village Talagavara, Chinthamani Taluk. It is true that, as the bank account of my wife was transferred to Vemgal, Kolar Taluk, there was delay in getting the amount. It is true that similar problem had arose to other 42 beneficiaries too. It is true that the delay was from the bank side. It is true that I have given complaint for this reason against the DGO.”

From the above evidence of PW2, it reveals that DGO has not demanded bribe from him. He has unequivocally deposed that DGO has not demanded any bribe from him and he has not given any bribe to him. Further he has deposed that he has not recorded any conversation between him and DGO and he has


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gone to the extent of stating that he has not named DGO in his statement but police have included him in the complaint. He has been treated as hostile and cross examined in length by the learned Presenting Officer but he has denied all the suggestion put forth by the learned Presenting Officer in support of disciplinary authority case.

19. Further PW1/ shadow witness has deposed in his chief examination that:

“It is true hotel Annapoorneshwari is a big hotel. It is true there were many people who had come for lunch in the said hotel. I was standing near a wall which was 20 feet away from veranda compound where complainant and Chandramohan, Bill collector were sitting. It is true there were around 10 tables. It is true there were persons in the table and they are doing their work. It is true since there was noise around I was not able to hear the talk between the complainant and Chandramohan, Bill collector. The complainant gave signal sitting in the table and the police who were watching him came inside.”

From the above evidence PW1, a shadow witness, who accompanied the complainant at the time of trap. Even on perusal of evidence of PW.1, he has deposed that after the

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entrustment mahazar was drawn as per Ex.P1. He was sent along with the complainant to meet the bill collector and before that, the complainant made a telephone call to the bill collector and he asked the complainant to approach him at Annapurneshwari Hotel of Nasrasapur Cross, Vemgal. PW.2 has deposed that the complainant and the bill collector went inside the varanda of the said hotel and were talking together seated across the table and at that time, he was standing outside wall of the hotel. PW.1 has further deposed that thereafter the complainant gave a signal to the Lokayuktha police by wiping his head, then the police came to the spot and apprehended the bill collector. Even on perusal of the evidence of PW.1 in the examination in chief itself, he has not stated anything that he had followed the complainant at a distance of overhearing the conversation between the complainant and the bill collector and he heard the bill collector making a demand for Rs.25,000/- as bribe, etc as per the instruction of DGO. According to PW.1, it is only the complainant and bill collector who were seated across the table in the varanda of Annapurneshwari Hotel and at that time, he was standing at outside wall of the said hotel and as such, he cannot be treated as an eyewitness to the demand of Rs.25,000/- and a witness for overhearing the conversation between the bill collector and the complainant. PW.1 also admits in his cross-examination that he was standing at a distance of 25 feet from the place

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where the bill collector and the complainant were talking together seated across the table in the varanda of Annapurneshwari hotel. So, it is not possible for PW.1 to overhear the conversation between the complainant and the bill collector. As such from the above evidence of PWs 1 to 3 there is no piece of evidence to show that DGO had demanded bribe from PW2 for his work and has received it through Chandramohan, bill collector.

20. From the evidence of PWs1 to 3 it can be seen that money has been recovered from the possession of Chandramohan who according to the disciplinary authority is a bill collector working in the office of DGO. Further their evidence reveals the hand wash of said Chandramohan turned to pink colour and he has given tainted notes received from PW2 by removing it from his pant pocket and his pant pocket wash also turned to pink colour and I.O has drawn trap mahazar in this regard as per Ex.P3. The evidence of PWs 1 to 3 reveals that amount was recovered from the possession of Chandramohan. To connect the DGO to the recovered amount that the said Chandramohan was working under him as bill collector and he has received the amount on the instructions of DGO is concerned. No iota of evidence is placed by the disciplinary authority.

21. DGO has taken defence that he has completed the work of complainant prior to lodging of the complaint and the amount was already released in favour of the wife of the complainant. It


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is also much argued by the learned counsel for the DGO that there was no amount to be released to the account of the wife of the complainant under Indira Awas Housing Scheme as on the date of the alleged complaint itself and as such, there is no circumstance either for the complainant to approach the DGO for release of the balance amount or the DGO demanding the complainant to give bribe for release of the balance amount. In this regard, the evidence of PW.3/Investigating Officer is found very much importance to the DGO. During the course of cross-examination by the counsel for the DGO, PW.3 clearly admits that an amount of Rs.22,500/- has been released directly to the beneficiary i.e. wife of the complainant on 08.09.2014. He has also admitted that an another amount of Rs.40,000/- was credited to the account of the wife of the complainant on 20.03.2015. He has also admitted that an amount of Rs.12,500/- has been paid by way of a cheque at the time of conducting spot inspection to the wife of the complainant on 25/05/2012. So, if all these payments are added together, it will comes to Rs.75,000/. The complainant has stated in his complaint that an amount of Rs.75,000/-was granted for construction of a house to his wife under Indira Awas Housing Scheme. So, the entire amount of Rs.75,000/-has already been paid to the wife of the complainant as admitted by PW.3. So, as on the date of the complaint i.e.19.06.2015 itself, an amount of Rs.75,000/- has already been credited to the account of

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the wife of the complainant and as such, the complainant had no occasion to approach the DGO asking for release of the balance amount in this regard. Even the intention behind the complainant approaching the DGO and the DGO making a demand for bribe is not proved by the disciplinary authority. So, a reasonable doubt will arise with regard to the very efforts made by the complainant in approaching the DGO requesting for release of the balance amount granted in favour of his wife under Indira Awas Housing Scheme. Moreover, the complainant himself did not depose anything before the court that the DGO has demanded to pay an amount of Rs.25,000/- as bribe for release of the balance amount under Indira Awas Housing Scheme.

22. Further it is in the evidence of PW3 that on 07/07/2015 he called the panch witness PW-1 and CW-3 and EO, Narayanaswamy to the police station and played the voice recorder before them and EO identified the voice of the DGO and bill collector Chandramohan in the said conversation and he conducted mahazar in this regard as per Ex.P-4. As such from the evidence of PW.3 and the CDS produced the demand is sufficiently proved. It is pertinent to note the decision laid down in 2014 AIR SCW 5695 between Anvar P.V. Vs. P.K. Basheer and others, wherein at head note 'A' it is held as follows:

“(A) Evidence Act (1 of 1872), Ss.59, 65A,
65B, 63, 65 – Electronic records – Admissibility –


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Secondary evidence of electronic record –

Inadmissible unless requirements of S. 65B are satisfied.”

23. So, mere production of voice recorder without proving the contents of the same in accordance with the provisions of Section 65B of Indian Evidence Act is not enough to prove the demand of bribe by the DGO. So, considering all these aspects, it is very much clear that the disciplinary authority has utterly failed to prove that the DGO having the liability of releasing the balance amount of Rs.62,500/- to the wife of the complainant in respect of Indira Awas Housing Scheme and for that, both the DGO and the bill collector have demanded a bribe of Rs.25,000/-. The disciplinary authority has also failed to prove that the DGO has received the bribe of Rs.25,000/- through the bill collector on demand to do an official favour to the complainant. Further PW1 clearly deposed that DGO has not demanded any bribe from him for the said work. Such being the case, the work of PW1/complainant was completed on 25/05/2012 prior to trap and it was brought to the notice of PW1, then demand and acceptance of bribe for the said work will not arise. Further there is no clear, cogent and convincing evidence placed by the disciplinary authority to prove that DGO demanded bribe from PW1 for his work which was not at all pending before him.

24. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P1 to P22, as reasoned above, does


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not prove that the DGO had demanded and accepted bribe of Rs.25000/- from the complainant through one Chandramohan bill collector on 19.06.2015. The disciplinary authority has not proved the charges against this DGO. Accordingly, this point is answered in the **Negative**.

25. 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.

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


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

ANNEXURES

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

PW1:- Sri. Kodandaram
PW2:- Sri. Munegowda
PW3:- Sri. Munikrishna


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List of witnesses examined on behalf DGO:-Nil.

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Certified copy of pre-trap mahazar dated 19/06/2015.
Ex P2	Certified copy of statement of Chandramohan dated 19/06/2015.
Ex P3	Certified copy of recovery panchanama dated 19/06/2015.
Ex P4	Certified copy of voice identifying panchanama dated 07/07/2015.
Ex.P5	Certified copy of sample voice seizure panchanma dated 07/07/2015.
Ex P6	Certified copy of complaint of complainant dated 19/06/2015.
Ex P7	Certified copy of FIR in Cr. No.05/2015.
Ex P8	Certified copy of letter of currency notes comparison in Cr.No.05/2015.
Ex P9	Certified copy of rough sketch of the spot in Cr.No.05/2015.
Ex P10	Certified copy of sketch in Cr. No.05/2015 of AE, PW,P & IWTD Sub Division, Kolar.
Ex P11	Certified copy of letter of PI, KLA, Kolar addressed to EO, Taluk Panchayath, Kolar dated 20/06/2015 regarding sending of Service particulars of DGO
Ex P12	Certified copy of Service particulars of Chandramohan.
Ex P13	Certified copy of letter of EO, Taluk Panchayath Kolar dated 03/07/2015 regarding duty particulars of DGO.
Exp14	Certified copy of letter of EO, Taluk Panchayath Kolar dated 07/07/2015 addressed to PI, KLA, Kolar.
Ex P15	Certified copy of extract of attendance register for the month of June 2016.
Ex P16	Certified copy of extract of attendance register for the month of July 2016.
Ex.P17	Certified copy of letter dated 16/06/2015 addresssed to Manager, Pragathi Krishna Grameen Bank, Vemgal Branch from



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	Shettihalli Gram Panchayath, Kolar Tq and Dist.
Ex P18	Certified copy of Chemical Examiner's report dated 29/06/2015.
Ex P19	Certified copy of letter dated 02/07/2015 addressed to the Manager, Pragathi Krishna Grameen Bank with respect to bank account of wife of complainant page No.132 to 136.
Ex P20	Certified copy of Forensic science Laboratory dated 19/11/2015.
Ex P21	Certified copy of CDRs of Mobile phones from page 138 to 141.
Ex P22	Certified copy of statement of DGO.

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


(J.P. Archana)

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

