

**KARNATAKA LOKAYUKTA**

No: Lok/ARE-10/Enq-236/2011

Dated: 05-09-2014

**RECOMMENDATION**

Sub: Departmental Enquiry against

R.Krishnappa, the then First  
Division Surveyor (now retired  
Tahasildar officer, Mulbagal taluk,  
Kolar dist.

1. Government Order No. RD 166 BDS(3)  
2011, Bangalore dt.24-08-2011
2. Nomination Order No.LOK/INQ/14-  
A/236/2011 Bangalore Dated: 7-9-2011 &  
dt. 14-03-2014 of Hon'ble Upalokayukta.

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1. This office by report dt.23-07-2011, had recommended to the Govt. for initiation of the disciplinary proceedings and entrusting the departmental enquiry to this institution against one R.Krishnappa, the then First Division Surveyor (now retired) Tahasildar office, Mulabagilu, Kolar district. (in short referred to as "DGO")

2. In pursuance of the Govt. order dt.24-08-2011, this institution by nomination orders dt.7-9-2011 and 14-03-2014 nominated Assistant Registrar Enquiries-10 as an Enquiry Officer to conduct departmental enquiry against the DGO.

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3. The Enquiry Officer, on completion of the enquiry, has submitted a report dt.26-08-2014 inter-alia holding that he charge of mis-conduct alleged against the DGO is held PROVED.

4. The charge alleged against the DGO was that while he was working as First Division Surveyor at Tahasildar office, Mulabagilu, he demanded Rs.1000/- by way of bribe to discharge official function and received ₹ 500/- and balance ₹ 500/- he received on 12-03-2008 from one K.Narayanaswamy s/o Krishnappa r/o Kambamdinne village who had applied for survey sketch for his land bearing survey no.26/2 of Kambamdinne village. The DGO was found caught receiving ₹ 500/- balance bribe amount and accordingly, the police who had registered the case against the DGO in pursuance of the complaint given by the complainant, filed a final report before the competent court.

5. This institution, after preliminary enquiry on the basis of the Lokayukta Police report had recommended to the Govt. for initiation of disciplinary proceedings and entrusting the same

to this institution.

6. Before the Enquiry Officer, three witnesses have been examined, however, complainant K.Narayanaswamy, who had given the statement before the police, since dead before the initiation of the enquiry, his evidence was not recorded, in turn the shadow witness and panch witness PW-1 and 3 and I.O. have been examined. The evidence of independent witnesses coupled with the complaint and the material collected by the Investigating Officer and material produced before the Enquiry Officer establishes the charge alleged against the DGO.

7. The disciplinary enquiry being a domestic enquiry, does not require the proof beyond reasonable doubt, but if the evidence on record, probabalizes the charge, it is sufficient to hold the DGO guilty of mis-conduct.

8. In this case, Enquiry Officer, on proper appreciation of the material produced before him has rightly found that, the charge of mis-conduct alleged against the DGO is held proved. Even on re-consideration of the material, I find no reason to

dis-believe the said finding. The charge alleged against he DGO being demanding and accepting the bribe amount for doing official work which is a serious mis-conduct hence it does not warrant any recommendation for lesser punishment. The DGO has failed to maintain absolute integrity, devotion and dedication to duty and has acted as un-becoming of Govt. servant.

9. Considering the gravity of the charge, there is also no reason to recommend lesser punishment against the DGO. However, since DGO has already retired, I hereby recommend that, for imposing the punishment of withholding 30% of the pensionary benefit permanently by not reducing the pension below the limits prescribed U/R 214 (1)(a) of K.C.S.R.

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed here with.

*Sqm 5/9/14*  
**(JUSTICE SUBHASH B ADI)**  
**UPALOKAYUKTA**  
**STATE OF KARNATAKA**