

BEFORE THE ADDITIONAL REGISTRAR, ENQUIRIES-11

KARNATAKA LOKAYUKTA, BENGALURU

ENQUIRY NUMBER: LOK/INQ/14-A/238/2014

ENQUIRY REPORT Dated: 27/12/2019

Enquiry Officer: V.G.Bopaiah
Additional Registrar Enquiries-11
Karnataka Lokayukta Bengaluru.

Delinquent Government Official :- Sri. Sridhar

(Name written by him as Sreedhara. A on the note sheet on 25/07/2016).

Discharged duties as Block Education Officer, Magadi Taluk, Magadi, Ramanagara District in the year 2011. He is due for retirement on superannuation on 30.09.2025.

1. Delinquent Government Official (in short, "DGO ") was working as Block Education Officer, Magadi Taluk, Magadi, Ramanagara District in the year 2011. He is due for retirement on superannuation on 30.09.2025.

2. Background for initiating the present inquiry against the DGO needs to be set out in brief. One Sri. Umesh. V.S (hereinafter will be referred to as "complainant") joined service as Teacher on 12.01.2009 in Sri. Mahalingeshwara Rural Higher Secondary School, Veeregowdana Doddi, Magadi Taluk, Ramanagara District. The said school is Government aided school. His appointment has been approved by the Deputy Director of Public Instructions,

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Ramanagara on 26.03.2011 and accordingly, order has been passed for release of salary of the complainant from 26.03.2011. On 29.04.2011 salary bill of the complainant for six days in the month of March 2011 and salary bill for the month of April 2011 are sent to the office of DGO for counter signature. The complainant approached the DGO several times and requested for counter signature. According to the complainant, at the time of his approach, DGO demanded illegal gratification of Rs. 10,000/-. On 15.06.2011 the complainant paid a sum of Rs. 10,000/- to DGO. Thereafter, the complainant approached the DGO several times in connection with the above salary bill. On 20.06.2011 at 3.00 P.M the complainant approached the DGO and asked about counter signature. According to the complainant, DGO demanded illegal gratification of Rs. 5,000/- for counter signature. The complainant expressed his inability to fulfil the entire quantum. Though the complainant expressed his willingness to pay a sum of Rs. 3,000/-, DGO has not agreed for the said quantum. DGO instructed the complainant to pay amount keeping the same in a envelope on 20.06.2011 in the noon hours. Since the complainant was not willing to fulfil the illegal demand of DGO thought of setting law into motion and accordingly, on 21.06.2011 appeared before the Police Inspector (hereinafter will be referred to as "Investigating Officer") attached to Lokayukta Police Station, Ramanagara and lodged complaint in writing at 12.30 P.M against the DGO. On the basis of the said complaint, the Investigating Officer registered case against the DGO in crime number 9/2011 of Lokayukta Police Station, Ramanagara for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988 and submitted FIR to the Court of

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Principal District and Sessions Judge at Ramanagara. Thereafter, the Investigating Officer secured shadow witness by name Sri. Deepak. N and panch witness by name Sri. Chikkaveerappa to Lokayukta Police Station, Ramanagara and informed them the purpose for which they are secured. The above witnesses agreed to assist the investigation. The complainant placed six currency notes of denomination of Rs. 100/- each before the Investigating Officer. The Investigating Officer got entered the numbers of currency notes on a sheet of paper and got applied phenolphthalein powder on the above currency notes through his staff. The Investigating Officer got prepared solution with water and sodium carbonate solution and obtained sample of the said solution in a bottle. On the instructions of the Investigating Officer the panch witness placed the tainted notes inside a small envelope and placed the said envelope inside a small bag of the complainant and afterwards the panch witness immersed fingers of both hands in the residual solution. The said wash turned to pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer instructed the complainant to approach the DGO and give tainted cash to DGO only in case of demand by DGO. The Investigating Officer instructed the complainant to convey message by wiping face with kerchief in case of acceptance of tainted cash by DGO. The Investigating Officer handed over a voice recorder to the complainant with instructions to keep the same live at the time of approaching the DGO. The Investigating Officer instructed the shadow witness to accompany the complainant and to observe as to what transpires between the complainant and DGO. With the above process the Investigating Officer conducted pre-trap mahazar as primitive step of investigation.

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3. Subscquent to pre-trap mahazar, the Investigating Officer along with his staff, complainant, shadow witness and panch witness left Lokayukta Police Station, Ramanagara at 2.30 P.M destined at Magadi. On the way, on the instructions of the Investigating Officer the complainant contacted the DGO over cell phone. The DGO picked up the call and informed the complainant to arrive at near K.R. Circle, Bengaluru. Thereafter, the Investigating Officer along with his staff, complainant, shadow witness and panch witness reached K.R. Circle Bengaluru at 5.00 P.M. Afterwards, the complainant contacted the DGO over cell phone. DGO picked up the call and instructed to arrive at near gate number 1 of Multi Storied Building at Bengaluru which is near K.R. Circle, Bengaluru. Thereafter, the Investigating Officer along with his staff, complainant, shadow witness and panch witness reached near the entrance gate number 1 of Multi Storied Building, Bengaluru at 5.15 P.M. Afterwards, the complainant along with the panch witness reached near gate number 1 of Multi Storied Building Bengaluru at 5.25 P.M where DGO was found. On being questioned by the complainant about the salary, DGO asked whether cash of Rs. 5,000/- is brought or not. The complainant responded that a sum of Rs. 3,000/- is brought. DGO asked about balance of Rs. 2,000/-. The complainant replied that balance will be paid after receipt of salary for which DGO agreed and asked to pay Rs. 3,000/-. In response the complainant handed over the envelope consisting of tainted cash of Rs. 3,000/-. DGO accepted the said envelope and held the same with left hand. The complainant offered communication by wiping face with kerchief. It was then 5.30 P.M. immediately thereafter, the Investigating Officer along with his staff and

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panch witness rushed to gate number of Multi Storied Building, Bengaluru where the complainant pointed out the DGO and expressed that DGO accepted tainted cash. Staff of the Investigating Officer apprehended the DGO. The Investigating Officer disclosed his identity to DGO and since there was density of traffic and since many persons were found moving the Investigating Officer along with his staff, complainant, shadow witness and panch witness brought the DGO to Lokayukta head office at Multi Storied Building, Bengaluru. The Investigating Officer got prepared solution with water and sodium carbonate powder at the entrance of Lokayukta main office and obtained sample of the said solution in a bottle. On the instructions of the Investigating Officer DGO immersed fingers of right hand in the solution placed in a container and immersed fingers of left hand in the solution placed in another container. Finger wash of both hands of DGO turned to light pink colour. The Investigating Officer seized the said wash in separate bottles. The Investigating Officer seized tainted cash including the envelope from the DGO. The voice recorder which was handed over to the complainant was returned by the complainant to the Investigating Officer and stated that the said voice recorder was not kept live at the time of approaching the DGO. On being questioned by the Investigating Officer about the file of the complainant, DGO responded that the file is in his office. On being questioned by the Investigating Officer about tainted cash DGO offered statement in writing. The Investigating Officer conducted rough sketch of the place of trap and thereafter conducted trap mahazar in the main office of Lokayukta. The Investigating Officer prima facie felt that DGO acquired properties disproportionate to the known source of income and

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therefore after obtaining search warrant conducted search of the residence of DGO situated at RPC Layout, Bengaluru where no incriminating items were found. For having conducted search of the residence of DGO the Investigating Officer conducted mahazar. After causing arrest of DGO the Investigating Officer took the DGO to the office of DGO at Magadi at 10.30 A.M on 22.06.2011 where the Investigating Officer seized xerox copies of the file of the complainant and conducted mahazar for having seized those xerox copies. Thereafter, on the same day, on the instructions of the Investigating Officer the staff of Investigating Officer produced the DGO in the Court of District and Sessions Judge, Ramanagara. Afterwards, the Investigating Officer conducted further investigation in part and thereafter on his transfer to Lokayukta Police Station, City Division, Bengaluru his successor in office obtained report from the Chemical Examiner and on completion of investigation obtained sanction for prosecution of DGO and submitted charge sheet against the DGO in the Court of District and Sessions Judge, Ramanagara.

4. On the basis of the report of the Additional Director General of Police, Karnataka Lokayukta, Bengaluru along with the investigation papers made available by the Police Inspector attached to Karnataka Lokayukta, Ramanagara, Hon'ble Upalokayukta-2 Karnataka, in exercise of the powers conferred upon under section 7(2) of The Karnataka Lokayukta Act, 1984 conducted investigation which, on the basis of records prima facie unearthed that DGO has committed misconduct within the purview of Rule 3(1) of The Karnataka Civil Services (Conduct) Rules, 1966 and accordingly, in exercise of the powers conferred upon under section 12(3) of The Karnataka Lokayukta Act, 1984

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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 Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

5. Subsequent to the report dated 20.01.2014 under section 12(3) of The Karnataka Lokayukta Act, 1984, Government Order bearing number ಇಡಿ 39 ಡಿಜಿಟ 2011, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21.04.2014 has been issued by the Under Secretary to the Government of Karnataka, Department of Education (Committees) entrusting the inquiry to the Hon'ble Upalokayukta-2 Karnataka against the DGO under Rule 14-A of The Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
6. Subsequent to the Government Order ಇಡಿ 39 ಡಿಜಿಟ 2011, ಬೆಂಗಳೂರು, ದಿನಾಂಕ 21.04.2014 Order bearing number LOK/INQ/14-A/238/2014 Bengaluru dated 26.04.2014 has been ordered by the Hon'ble Upalokayukta-2, Karnataka nominating the Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru as Inquiry Officer to frame charges and to conduct departmental inquiry against the DGO.
7. Articles of charge dated 24.05.2014 at Annexure-I which includes statement of imputation of misconduct at Annexure-II framed by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru is the following:

"ANNEXURE-1"

CHARGE:

That you DGO Sri. A. Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District (Presently working as

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Administrative Officer, Regional Institute of English (RIE), jynanabharathi, Bangalore City) while discharging your duties:

- (a) The complainant is working as a Teacher at Sri. Mahalingeshwar Rural High School, Veeregowdanadoddi, an Aided Educational Institution since 12/01/2009. The post of the complainant had been approved under grant in aid scheme by the Commissioner on 26/03/2011. As such DDPI, Ramanagar has ordered for the salary of the complainant on account of which the complainant had to get salary for 6 days of March and for full month of April 2011. The salary bill was prepared and submitted to the office of you DGO on 29/04/2011 for the payment to be made by Treasury. Hence, the complainant met you DGO many times and requested to attend his salary bill. But you DGO did not attend and ultimately put-forth his demand of bribe amount of Rs. 10,000/- stating that you will get the salary bill of the complainant passed if the bribe amount is paid. The complainant told you DGO that it is not possible to pay the demanded bribe amount as he has been working without salary since 3 years. You DGO refused to pass the salary bill of the complainant. As such the complainant has paid bribe amount of Rs.10,000/- to you DGO. But, you DGO did not attend the salary bill of complainant inspite of receiving bribe amount though complainant requested you DGO several times. Lastly, when the complainant met you DGO at your office on 20/06/2011, you DGO has further demanded bribe amount of Rs. 5,000/- from the complainant and asked the complainant to pay it on the next day. Then complainant has bargained the bribe amount requesting you DGO to take Rs.

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3,000/- only. But you DGO did not agree for the said amount.

(b) After approaching the Lokayukta Police, the complainant has contacted you DGO over mobile. At that time you DGO was not present at your office. After ascertaining that complainant has brought amount, you DGO asked the complainant to come to K.R. Circle, Bangalore as you has some work at Bangalore.

(c) Accordingly, the complainant came near main gate of M.S. Building at Bangalore. Then, you DGO met the complainant and asked him to pay the amount of Rs. 5,000/-. Then, the complainant has told to you DGO that he will bring Rs. 3,000/- as he has no amount of Rs. 5,000/-.

(d) Unwilling to pay the bribe amount, the complainant gave written complaint on 21/06/2011 in the afternoon before Lokayukta Police, Ramanagar. The complainant on 21/06/2011 at about 5-30 p.m. near Gate No. 1 of M.S. Building, Bangalore paid tainted (bribe) amount of Rs. 3,000/- to you DGO, you DGO received the bribe amount of Rs. 3,000/- from the complainant, during the trap time.

(e) You DGO were caught red handed, as you were found receiving tainted (bribe) amount from the complainant on the said date, time and place.

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(f) Added to that, you DGO has failed to give any satisfactory reply or explanation or account for the receipt of the said tainted (bribe) amount, when you was questioned by the I.O.

(g) Further the said tainted (bribe) was seized under mahazar from you DGO on 21/06/2011 by the said I.O.

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

ANNEXURE-11

STATEMENT OF IMPUTATION OF MISCONDUCT

On the basis of a report of the Additional Director General of Police in Karnataka Lokayukta at Bangalore, filed with papers of investigation made by the Police Inspector in Karnataka Lokayukta at Ramanagara District (herein after referred to as Investigating Officer - 'I.O.' for short), stated that Sri. A. Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District (presently working as Administrative Officer, Regional Institute of English (RIE), Jynanabharathi, Bangalore, being a public/Government servant, has committed misconduct, when approached by Sri. V.S. Umesh S/o Shivarjudraiah, Assistant Teacher, Sri. Mahalingeshwara High School, Veeregowdanadoddi, Magadi Taluk, resident of Veeraiahnadoddi village, Kodihalli Hobli, Kanakapura Taluk, Ramanagara District (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.

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2. Brief facts of the case are :-

(a) According to the complainant: The complainant is working as a Teacher at Sri. Mahalingeshwar Rural High School, Veeregowdanadoddi, an Aided Educational Institution since 12/01/2009. The post of the complainant had been approved under grant in aid scheme by the Commissioner on 26/03/2011. As such DDPI, Ramanagar has ordered for the salary of the complainant on account of which the complainant had to get salary for 6 days of March and for full month of April 2011. The salary bill was prepared and submitted to the office of DGO on 29/04/2011 for the payment to be made by Treasury. Hence, the complainant met the DGO many times and requested to attend his salary bill. But the DGO did not attend and ultimately put-forth his demand of bribe amount of Rs. 10,000/- stating that he will get the salary bill of the complainant passed if the bribe amount is paid. The complainant told the DGO that it is not possible to pay the demanded bribe amount as she has been working without salary since 3 years. The DGO refused to pass the salary bill of the complainant. As such the complainant has paid bribe amount of Rs. 10,000/- to the DGO. But, the DGO did not attend the salary bill of complainant inspite of receiving bribe amount though complainant requested DGO several times. Lastly, when the complainant met DGO at his office on 20/06/2011 the DGO has further demanded bribe amount of Rs. 5,000/- from the complainant and asked the complainant to pay it on the next day. Then complainant has bargained the bribe amount requesting the DGO to take Rs. 3,000/- only. But the DGO did not agree for the said amount.

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(b) After approaching the Lokaykta Police, the complainant has contacted you DGO over mobile. At that time you DGO was not present at your office. After ascertaining that complainant has brought amount, the DGO asked the complainant to come to K.R. Circle, Bangalore as he has some work at Bangalore.

(c) Accordingly, the complainant came near main gate of M.S. Building at Bangalore. Then, DGO met the complainant and asked him to pay the amount of Rs. 5,000/-. Then, the complainant has told the DGO that he will bring Rs. 3,000/- as he has no amount of Rs. 5,000/-.

(d) Unwilling to pay the bribe amount, the complainant gave written complaint on 21/06/2011 in the afternoon before Lokayukta Police, Ramanagar. The complainant on 21/06/2011 at about 5-30 p.m. near Gate No. 1 of M.S. Building, Bangalore paid tainted (bribe) amount of Rs. 3,000/- to the DGO, the DGO received the bribe amount of Rs. 3,000/- from the complainant, during the trap time.

(e) The DGO was caught red handed, as he was found receiving tainted (bribe) amount from the complainant on the said date, time and place.

(f) Added to that, DGO has failed to give any satisfactory reply or explanation or account for the receipt of the said tainted (bribe) amount, when he was questioned by the I.O.

(g) Further the said tainted (bribe) was seized under mahazar from the DGO on 21/06/2011 by the said I.O.

(h) Said facts supported by the material on record show that the DGO, being a public servant, has failed to maintain absolute

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integrity besides devotion to duty and acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.

(i) Therefore, an investigation was taken up against the DGO 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 matter. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings.

(j) Since said facts and material on record prima facie show that the DGO has 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 and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

(k) 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 and to submit report. Hence the charge”

8. In response to due service of articles of charge, DGO entered appearance before the then in-charge Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru on 23.06.2014 and engaged Advocate for his defence. In the course of first oral statement of DGO recorded on 23.06.2014 he pleaded not guilty.

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9. In the course of written statement of DGO filed on 11.08.2014 DGO has denied the alleged charge and contended that he neither demanded nor accepted illegal gratification. It is contended that with an ulterior motive he has been falsely implicated. It is contended that since parallel proceedings on the similar set of charges is pending in the Court of District and Sessions Judge at Ramanagara there is no need for initiating the present inquiry.

10. The disciplinary authority has examined the complainant as PW1, shadow witness by name Deepak as PW2, panch witness by name Chikkaveerappa as PW3 and the Investigating Officer as PW4. During evidence of PW1 recorded by the then Additional Registrar, Enquiries-11, Karnataka Lokayukta, Bengaluru, attested copy of his complaint dated 21.06.2011 in a single sheet is marked as per Ex p1, attested copy of order dated 26.03.2011 in ಸಿ8(7)(1)ಶಾ.ಶಿ.ಅ.ಖಾ.ಹು.ಭೃಅ/10/2010-11 of the Commissioner of Public Instructions, Government of Karnataka Bengaluru is marked as per Ex P2, attested copy of pre-trap mahazar dated 21.06.2011 in three sheets is marked as per Ex P3, attested copy of trap mahazar dated 21.06.2011 in six sheets is marked as per Ex P4, attested copy of mahazar dated 22.06.2011 in three sheets is marked as per Ex P5. During evidence of PW3 reverse page of sheet number five of Ex P3 is marked as per Ex P6. During evidence of PW4, attested copy of FIR dated 21.06.2011 in a single sheet in crime number 9/2011 of Lokayukta Police Station, Ramanagar is marked as per Ex P7, attested copy of rough sketch in a single sheet of the place of trap is marked as per Ex P8, attested copy of order ಲೋಕ್/ಎಸ್ಪಿ/ರಾವಿ/ಮೊ.ಸಂ./09-2011/ದಿನಾಂಕ 21.06.2011 in a single sheet of the Superintendent of Police, Karnataka

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Lokayukta, Ramanagara Division, Ramanagara is marked as per Ex P9, attested copy of mahazar dated 21.06.2011 in three sheets drawn by PW4 in the residence of DGO is marked as per Ex P10, fifty attested sheets of the file pertaining to PW1 are together marked as per Ex P11, attested copy of report dated 28.07.2011 in a single sheet of the Assistant Chemical Examiner, Public Health Institute, Bengaluru is marked as per Ex P12.

11. In the course of second oral statement of DGO recorded on 22.11.2018 he has stated that he would get himself examined as defence witness and that he would also examine defence witness.
12. On behalf of DGO defence witness by name Mohamed Imran is examined as DW1. DGO got himself examined as DW2. During evidence of DW1, attested copy of statement in writing dated 21.06.2011 in a single sheet of DGO given before PW4 is marked as per Ex D1, xerox copy of note sheet in four sheets maintained in the office of Block Education Officer, Department of Public Instructions, Magadi Taluk, Ramanagara District is marked as per Ex D2, xerox copy of order dated 26.03.2011 in ಸಿ8(7)(1)ಶಾ.ಶಿ.ಅ.ಖಾ.ಹು.ಭಅ/10/2010-11 of the Commissioner of Public Instructions, Government of Karnataka Bengaluru is marked as per Ex D3.
13. Since DGO has adduced defence evidence incriminating circumstances which appeared against him in the evidence of PWs 1 to 4 are not put to him by way of questionnaire.

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14. In the course of written statement of defence filed by DGO on 05.12.2018 he has stated that Ex D1 which is the attested copy of his statement in writing given before PW4 reflects true state of affairs. He has stated that all the witnesses have given false evidence. It is stated that records show that there was no question of demand or acceptance of illegal gratification. It is stated that on the very next day of trap before contacted the concerned Deputy Director of Public Instructions and obtained annexure-I and II and also obtained counter signature of the Gazetted Manager who is competent to counter sign. It is stated that after his visit to the above school on 16.06.2011 he put up note in paragraph number 12 of the note sheet and that on 20.06.2011 the case worker noted in paragraph number 63 of the note sheet that approval may be given for release of salary. It is stated that on 21.06.2011 the Gazetted Manager perused the information found in annexures-1 and 2 and noted that instructions may be given to the case worker to initiate further action. It is stated that he had been to the office of the Deputy Director of Public Instructions, Ramanagara in order to attend meeting and on completion of meeting he went to the office of the Education Minister at Bengaluru and in that background he had not attended the office on 21.06.2011. It is stated that he neither demanded nor accepted illegal gratification and that he is duty bound to obey the instructions and orders of his higher officers and that he is not guilty of misconduct.

15. In the course of written argument of the Presenting Officer she has referred to evidence on record and on the strength of the evidence on record she sought to content that charge against the DGO stands established. It is contended that it was the duty of

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DGO to counter sign the bill. She has emphasised change of colour of fingers wash of hands of DGO.

16. In the course of written argument of DGO filed on 03.12.2019 reference is made to articles of charge. It is contended that the term misconduct is not defined under The Karnataka Civil Services (Conduct) Rules, 1966 and conclusions are to be arrived at on the basis of principles of natural justice and equally keeping in mind the doctrine of the preponderance of probabilities. It is contended that since DGO was not aware of the proceedings of pre-trap mahazar no importance be given to the proceedings of pre-trap mahazar. It is contended that PW4 was duty bound to find out during investigation as to whether any kind of misconduct is committed by DGO. It is contended that PW4 could have filed "B" report on conclusion of investigation. It is contended that PW1 who is the complainant has turned hostile and that evidence of PW1 during cross examination unfolds that DGO never had demanded illegal gratification. It is contended that the evidence of PW1 also does not establish the alleged demand for illegal gratification. It is contended that the evidence of PW1 touching the innocence of DGO is supported by documents. It is contended that evidence of DGO coupled with Exs D2, D3 and P11 would point out that DGO has neither demanded nor accepted illegal gratification. Decisions in Raghbir Singh V/s State of Haryana reported in AIR 1974 SC page 1516, Chironjilal V/s State of Madhya Pradesh reported in 2008 Criminal Law Journal 1784, Dilip Kumar Das V/s Republic of India reported in (2) I (2016) CCR 265(Orissa) are relied upon in the course of written argument of DGO. Referring to cross examination of PW2 and evidence of PW3 it is sought to contend that their evidence does not establish

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the charge. Referring to the evidence of PW4 it is sought to contend that his evidence establishes that he has been falsely implicated the DGO.

17. In tune with the articles of charge, point which arises for consideration is :

Whether its stands established that in connection with the salary bill of the complainant for six days in the month of March 2011 and in connection with counter signature of the salary bill of the complainant for the month of April 2011, DGO who was working as Block Education Officer, Magadi Taluk, Magadi, Ramanagara District demanded and accepted illegal gratification of Rs. 3,000/- from the complainant on 21.06.2011 between 5.15 P.M and 5.30 P.M near gate number 1 of Multi Storied Building, Bengaluru and during investigation conducted by the Police Inspector attached to Lokayukta Police Station, Ramanagara in crime number 9/2011 of Lokayukta Police Station, Ramanagara DGO failed to offer satisfactory explanation for possession of tainted cash of Rs. 3,000/- possessed by DGO near gate number 1 of Multi Storied Building, Bengaluru on 21.06.2011 between 5.15 P.M and 5.30 P.M and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966?

18. Evidence of PW1 touching his occupation as Teacher in Sri. Mahalingeshwara Rural Higher Secondary School, Veeregowdanadoddi, Ramanagara District is not under challenge.

His evidence that his salary for six days for the month of March

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2011 and salary for the month of April 2011 was to be released by the office of Deputy Director of Public Instructions is also not under challenge. His evidence that salary bill along with the concerned order touching release of salary is submitted to the office of Block Education Officer Magadi is also not under challenge. He has spoken to that when he approached the concerned case worker in the office of Block Education Officer Ramanagara he was informed that the case worker had no information touching release of salary.

19. Regarding the complaint, it is the evidence of the complainant that a School Teacher by name Rafi told him in the office of DGO that in case complaint is lodged to Lokayukta, then, the Block Education Officer will accelerate the matter and thereafter he lodged the complaint in Lokayukta office at Ramanagara on 21.06.2011 and at that time he never had complained demand for illegal gratification.

20. Regarding pre-trap proceedings and also regarding the alleged complicity of DGO the complainant has not come forward to state anything against the DGO during evidence and turned hostile. His evidence does not establish the proceedings of pre-trap mahazar.

21. Regarding pre-trap proceedings it is in the evidence of PW2 and PW3 that they were summoned to Lokayukta Police Station Ramanagara on 21.06.2011 where the complainant was found. It is in the evidence of PW2 that he came to know that in connection with the salary bill of the complainant the complainant has already paid a sum of Rs. 10,000/- to DGO and that the

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complainant told that DGO is still demanding a sum of Rs. 5,000/-. It is in the evidence of PW2 that the complainant placed six currency notes of denomination of Rs. 500/- each in Lokayukta Police Station, Ramanagara. That portion of his evidence is also spoken to by PW3 during evidence of PW3. It is in the evidence of PW2 that after noting the numbers of currency notes phenolphthalein powder was applied on the currency notes and afterwards PW3 handled the tainted notes and afterwards PW3 washed hands in the solution and consequently the said solution turned to pink colour and with the said process pre-trap mahazar has been conducted. Suggestion made to him during his cross examination from the side of DGO suggesting that he has deposed false evidence touching pre-trap proceedings has been denied by him. It is in the evidence of PW2 that tainted cash is placed in a envelope and said envelope is placed in a bag of the complainant and afterwards the complainant was instructed by PW4 to give the tainted cash to DGO and to communicate by wiping face in case of acceptance of tainted cash by DGO. PW3 has not fully supported the proceedings of pre-trap proceedings.

22. Evidence of PW4 touching registration of the case on 21.06.2011 on the strength of the complaint in writing lodged before him by the complainant and submission of FIR after registration of case in crime number 09/2011 of Lokayukta Police Station, Ramanagara for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable section 13(2) of The Prevention of Corruption Act, 1988 has not been assailed in its true letter and spirit during his cross examination and therefore filing of complaint before him by the complainant and registration of case in crime number 9/2011 and submission of FIR the

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attested copy of which is at Ex P7 stands established. Though it is spoken to by the complainant during his evidence that at the time of lodging of complaint he was told that complaint will be received only in the event of incorporating the allegations that there was demand for illegal gratification nothing is suggested to PW4 during cross examination pointing out the said version of the complainant and therefore it needs to be expressed that the say of the complainant during his evidence that he was instructed to incorporate the allegations touching demand for illegal gratification is aimed at safeguarding the DGO. It needs to be expressed that the complainant being a responsible school teacher must have lodged complaint with concrete allegations of demand for illegal gratification.

23. PW4 has spoken to during evidence that after submission of FIR he secured PWs 2 and 3 to Lokayukta Police Station Ramanagara and called upon to assist the witnesses and informed the contents of the complaint. This portion of evidence is not under challenge and therefore the said portion of his evidence needs acceptance. His evidence that the complainant placed six currency notes of denomination of Rs. 500/- each and that he got entered numbers of those notes in a sheet of paper and afterwards got applied phenolphthalein powder on those notes is not under challenge. His evidence that he got prepared solution with water and sodium carbonate powder and obtained sample of the solution is also not under challenge. His evidence that on his instructions PW3 handled the tainted notes and after placing those notes in a envelope and thereafter placed the envelope in the bag of the complainant and afterwards immersed fingers of hands in the residual solution and consequently the said solution turned to

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pink colour is not under specific challenge. His evidence that he handed over a voice recorder to the complainant and instructed the complainant to keep the same live at the time of approaching the DGO he is not under specific challenge. His evidence that he instructed the complainant to approach the DGO and to give tainted cash to DGO only in case of demand by the DGO is also not under challenge. His evidence that he instructed the complainant to convey message by wiping face with kerchief in case of acceptance of tainted cash by DGO is equally not under challenge. He has thus spoken to that with the above process he conducted pre-trap mahazar the attested copy of which is at Ex P3. Evidence of PWs 2 and 4 establishes that PW4 conducted pre-trap mahazar as primitive step of investigation.

24. In the course of evidence the complainant has spoken to that he along with Lokayukta staff, PWs 2 and 3 proceeded to the office of the DGO at about 1.30 P.M where DGO was not found and on enquiry he came to know that DGO has gone to the office of Deputy Director of Public Instructions, Ramanagara and thereafter he contacted the DGO over cell phone and that DGO responded that he is in the office. It is in the evidence of the complainant that he along with Lokayukta Police staff, PWs 2 and 3 reached the office of Deputy Director of Public Instructions Ramanagara where DGO was not found. It is in his evidence that on the information of DGO he along with Lokayukta Police staff and PWs 2 and 3 reached near Multi Storied Building Bengaluru where he noticed DGO near gate number 1 of Multi Storied Building at Bengaluru at 5.30 P.M.

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25. During evidence the complainant has spoken to that on instructions of Lokayukta staff he approached the DGO along with a panch witness and handed over the envelope containing cash of Rs. 3,000/- stating that the information sought by DGO is inside the envelope. He has spoken to that DGO accepted the envelope and held the same with one of the hands. He has spoken to apprehension of DGO by Lokayukta Police staff . It is in his evidence that afterwards DGO was brought to a hall in the premises of the office of Lokayukta at Bengaluru. He has spoken to finger wash of hands of DGO and consequential change of colour of the said wash.

26. The complainant (PW1) has not supported the alleged demand by DGO at gate number 1 of Multi Storied Building, Bengaluru for the reasons well with him his knowledge. Suggestions made to him by the Presenting Officer after treating hostile suggesting the alleged demand and acceptance of tainted cash though are denied by him his evidence during his examination-in- chief establishes that subsequent to pre-trap proceedings he ventured upon to contact the DGO. It is not his say that the required documents were kept inside the envelope and in the background of the same defence of the DGO that annexures-1 and 2 were kept inside the envelope cannot be believed. It needs to be expressed that since DGO had earlier laid demand the complainant ventured upon to trace the whereabouts of DGO and after noticing the presence of DGO at gate number 1 of Multi Storied Building, Bengaluru with the sole intention of fulfilling part of illegal gratification of Rs. 3,000/-.

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27. When subjected to cross examination from the side of DGO the complainant admits that DGO used to countersign the bill. This portion of his answer establishes that as a matter of rule bill has to be counter signed by DGO and it is thus clear that as on the day of trap official work of the complainant was very much pending at the hands of DGO. No doubt he admits during cross examination from the side of DGO that he was bit unhappy for delay in drawing of salary the said answer is not adequate to disbelieve the contents of his complaint in which he has specifically alleged against DGO that DGO demanded illegal gratification in the matter of pending bills. Though he admits during his cross examination from the side of DGO that since he was told by Lokayukta staff that in the presence of the contents attracting illegal gratification he made mention of the said allegation the said portion of his answer is nothing but an attempt to protect the interest of DGO. As already stated above nothing is brought out during cross examination of PW4 that the complainant was informed and instructed to insert the allegations touching demand for illegal gratification. Though it is brought out during cross examination of PW1 that he handed over the envelope stating that annexures are placed in the envelope that portion of his evidence does not find place during his examination-in-chief. Nothing is spoken to by him during his examination-in-chief that along with tainted cash annexures are also placed in the envelope. Thus, upon appreciation of the answers elicited during cross examination from the side of DGO clear inference can be drawn that the complainant has not come forward to unfold the truth with the intention of safeguarding the DGO. Therefore, hostility on the part of the complainant will not come in rescue of DGO.

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28. It is in the evidence of PW2 who is the shadow witness that subsequent to pre-trap mahazar he along with the complainant, PW3 and Lokayukta Police staff left Ramanagara at 2.30 P.M and reached Magadi at 3.15 P.M. It is in his evidence that the complainant contacted the DGO over cell phone and came to know that DGO is in the office of the Deputy Director of Public Instructions, Ramanagara and that DGO responded that DGO would arrive at K.R. Circle, Bengaluru and therefore he along with the complainant, PW3 and Lokayukta Police staff arrived at near K.R. Circle, Bengaluru where DGO was not found. He has spoken to that again when the complainant contacted the DGO over phone DGO responded that he is near Multi Storied Building at Bengaluru and afterwards he along with the complainant, PW3 and Lokayukta Police staff arrived at near gate number 1 of Multi Storied Building, Bengaluru where DGO was found. Upon appreciation of his cross examination I find nothing worthy to disbelieve his movements from Ramanagara to Multi Storied Building at Bengaluru and therefore his evidence touching his movements will have to be accepted.

29. Regarding the alleged demand and acceptance PW2 has spoken to that DGO asked the complainant whether cash is brought for which the complainant responded that a sum of Rs.3,000/- is brought and told that balance will be paid after receipt of salary and saying so the complainant placed the tainted envelope in which tainted notes are placed at the hands of DGO and that after accepting the same with right hand DGO placed the envelope at the left hand. The above portion of his evidence has been challenged by posing suggestion during cross examination suggesting that DGO has not demanded cash of Rs.3,000/-. The

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said suggestion has been denied by him. Suggestion made to him suggesting that the complainant has not handed over the tainted envelope equally is denied by him. Suggestion made to him suggesting that the complainant told DGO that the information sought by DGO is brought and saying so envelope has been handed over to DGO has been denied by him. He admits the suggestion that DGO was apprehended at the time when the envelope was in possession of DGO. This portion of his answer establishes possession of envelope by DGO. Though PW2 states during cross examination that DGO had not seen the contents of the envelope this portion of his answer will not drive to focus at the defence put forward by DGO. Though PW2 states during his cross examination that tainted notes are seen at reception counter of the office of Hon'ble Lokayukta, Karnataka the said portion of his evidence equally will not lend assurance to the defence. His evidence in the course of his examination-in-chief that DGO asked the complainant whether cash is brought unerringly establishes specific demand by DGO. I find nothing worthy to disbelieve the said portion of his evidence and as such his evidence establishes that DGO demanded and accepted tainted envelope containing tainted cash with belief that the envelope contained cash of Rs.3,000/-.

30. PW3 who is the panch witness has not supported recovery of tainted cash, finger wash of hands of DGO and consequential change of colour of finger wash of hands of DGO and the proceedings of trap mahazar. On the day of trap PW3 was working as First Division Assistant in the office of Zilla Panchayath, Ramanagara. In the presence of evidence of PWs 2 and 4 which establishes the presence of PW3 throughout the

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proceedings hostility of PW3 is nothing but an attempt to safeguard the DGO. Though PW3 has turned hostile and not supported the proceedings of trap mahazar his hostility will not lend assurance to the defence. His hostility will not equally damage the matrix of the case of the disciplinary authority.

31. Evidence of PW4 who is the Investigating Officer that subsequent to pre-trap mahazar he left Lokayukta Police Station, Ramanagara along with his staff, shadow witness and panch witness at 2.30 P.M destined at Ramanagara is not under challenge. His evidence that on the way the complainant contacted the DGO over cell phone and in response DGO instructed to arrive at near K.R. Circle, Bengaluru and accordingly he along with his staff, complainant, shadow witness and panch witness reached K.R. Circle, Bengaluru at 5.00 P.M is not under challenge. His evidence that after reaching K.R. Circle, Bengaluru the complainant contacted the DGO over cell phone and came to know through the DGO that DGO instructed to arrive at near gate number 1 of Multi Storied Building, Bengaluru is not under challenge. His evidence that afterwards he along with his staff, complainant, shadow witness and panch witness reached near gate number 1 of Multi Storied Building, Bengaluru is not under challenge. His evidence that after communication of signal by the complainant at 5.30 P.M he along with his staff , complainant, shadow witness and panch witness reached near gate number 1 of Multi Storied Building, Bengaluru is not under challenge. His evidence thus establishes that right from the stage of pre-trap proceedings till he reached near gate number 1 of Multi Storied Building, Bengaluru his staff, complainant, PWs 2 and 3 were with him.

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32. Evidence of PW4 that after he reached near gate number 1 of Multi Storied Building, Bengaluru the complainant pointed out the DGO and expressed that DGO accepted tainted cash has remained unchallenged and therefore the said portion of his evidence needs acceptance which incriminates the DGO. His evidence that since the place where he apprehended the DGO was dense with traffic and also many persons were moving in that place he brought the DGO to the entrance of Lokayukta office, Bengaluru needs acceptance. He has spoken to the process of finger wash of both hands of DGO and consequential change of colour of finger wash of hands of DGO. The said portion of his evidence has remained unchallenged and therefore the same needs acceptance. Though it is found in the evidence of PW2 that after lifting of tainted notes from the envelope process of finger wash of hands of DGO are conducted the same will not lend assurance to the defence for the reason that the envelope was also tainted one and acceptance of the said envelope is not under challenge. Change of colour of finger wash of both hands of DGO establishes acceptance of tainted envelope which contained tainted notes. It is in the evidence of PW4 that he came to know through the complainant that the complainant had not kept the voice recorder live. He has spoken to statement in writing of DGO the attested copy of which is at Ex D1. He also has spoken to trap mahazar.

33. During cross examination though PW4 has stated that nine conditions are found imposed in Ex P2 touching the bill and that before registration of case he has not questioned the complainant about fulfilment of those conditions failure on the part of PW4 in ascertaining the same will not lend support to the

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defence for the reason that in order to attract the misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 pendency of official work alone is not one of the essential components.

34. Ex D1 is the attested copy statement in writing of DGO given before PW4 on the day of trap. Prime defence put forward as could be seen from Ex D1 is that in order to release the very first salary of the complainant some documents are to be furnished and in that connection the complainant was very well informed. It is stated that the file of the complainant was still pending and that DGO had informed the complainant that in the absence of furnishing documents first salary of DGO cannot be released. It is stated that note was put up in that connection on 16/06/2011. It is stated that the complainant after coming to know of the arrival of DGO near Multi Storied Building, Bengaluru the complainant offered a cover which is substantially large in size stating that the said cover contains documents which are to be furnished to the office and stating so forcibly placed the said cover at the hands of DGO. It is stated that believing the words of the complainant DGO accepted the said cover without ascertaining the contents of the cover. It is stated that according to him, the complainant has done so in the background of enmity. It is stated that DGO has not laid demand for illegal gratification.

35. During cross examination though PW4 has admitted that in the course of the said statement in writing DGO has mentioned about annexures 1 and 2 which are required for passing of bill the said admission by PW4 is nothing but the contents of the statement of DGO. It needs to be expressed at this juncture that

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PW4 has not stated during cross examination that contents of Ex D1 are true and correct and as such the said admission will not convey meaning that contents of Ex D1 are proved.

36. Suggestion made to PW4 during cross examination suggesting that his investigation disclosed that DGO asked to furnish annexures 1 and 2 and other documents but not demanded illegal gratification is denied by PW4. Though PW4 admits during cross examination that note will be put up by the case worker and afterwards the file will be placed before the Gazetted Assistant of the office of DGO the said admission will not point out that DGO had no role in releasing the salary of the complainant. Though it is brought out during cross examination of PW4 that on the very next day of the trap the task of bill has been completed the said portion of his answer will not lead to draw inference that DGO is not guilty of the alleged misconduct. Thus, upon appreciation of the entire cross examination of PW4 I find nothing worthy to disbelieve the testimony of PW4. His evidence establishes change of colour of finger wash of hands of DGO and also recovery of tainted cash from the possession of DGO.

37. Evidence of PW4 establishes that after securing search warrant search has been conducted in the residence of DGO and that no incriminating materials to hold that DGO was found possessed of assets disproportionate to the known source of income. This aspect has nothing to with the charge levelled against the DGO. Evidence of PW4 would show that he conducted part of investigation and his successor in office prepared final report.

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38. DW1 was working as Gazetted Manager in the office of Block Education Officer, Ramangara from 03/03/2009 to 31/05/2012. It is his evidence that a office staff by name Syed Sajuddin was attending the bills of private schools including the bill of the complainant and one Usha. He has spoken to Ex D1, xerox copy of note sheet in four sheets at Ex D2 maintained in the office of DGO, xerox copy of the order dated 26/03/2011 in ಸಿ8(7)(1)ಶಾ.ಶಿ.ಅ.ಖಾ.ಪ.ಭಅ/10/2010-11 of the Commissioner of Public Instructions, Government of Karnataka Bengaluru. It is in his evidence that item number 9 found in Ex D3 was not found in the concerned file and that he came to know that item number 9 of Ex D3 are not secured. It is in his evidence that on 21/06/2011 he put up note to place annexures 1 and 2 and on the same day he placed the file before the DGO. He has spoken to that on 22/06/2011 DGO was brought to the office of Deputy Director of Public Instructions, Ramanagara on which day the Deputy Director of Public Instructions, Ramanagara contacted his over phone and asked the reason for not attending the file of the complainant for which he responded that for want of annexures 1 and 2 the file could not be attended. He has spoken to that he was compelled by the Deputy Director of Public Instructions, Ramanagara to subscribe signature on annexures 1 and 2 and therefore he subscribe signatures. Upon appreciation of the entire evidence of DW1 it cannot be made out that DGO had no role in the salary bill of the complainant and in that background evidence of PW1 is on no assistance to the defence put forward by DGO.

39. In the course of evidence DGO has spoken to that the first month salary bill of the complainant and Usha was sent to his

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office on 29/04/2011 and that original of the order at Ex D3 was not received. He has stated that after the acceptance of the proposal for appointment of teachers and staff of aided schools by the Commissioners of Public instructions the Deputy Director of Public Instructions will issue order in writing to the Block Education officer. He has spoken to that on 29/04/2011 he addressed letter to the Deputy Director of Public Instructions about salary bills and thereafter reply has been received stating that decision may be taken by the Block Education Officer in relation to salary bills. He has stated that thereafter the file was put up and afterwards on 16/06/2011 he visited the school in which the complainant was working and during his visit he came to know that annexures 1 and 2 are available in Nirvanaswamy Matha at Kanakapura and that some relevant documents were not available and accordingly he noted the same in the report of his visit. He has stated that he handed over the file to the Office Manager with instructions to put up suitable note and thereafter the Office Manager put up note on 21/06/2011 and that the Office Manager is empowered to countersign the salary bill.

40. It is also the evidence of DW2 (DGO) that on 21/06/2011 at about 5.35 P.M the complainant approached him near gate number 1 on Multi Storied Building at Bengaluru and pushed a envelope inside the file which was possessed by him and told that annexures 1 and 2 are inside the envelope. It is stated by him that at that point of time Lokayukta Police staff arrived at there and apprehended him at which point of time the file fell down. He has stated that on the instructions of Lokayukta Police staff he picked up the file along with the envelope. He has stated that he not accepted the cash. It is in his evidence that he

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believed the work of the complainant about annexures 1 and 2 and therefore he accepted the envelope at 5.35 P.M on 22/06/2011. He has referred to Ex D1 and also search conducted subsequently in his residence.

41. During cross examination DGO has stated that the complainant approached him in his office and asked about the bill. Suggestions are made to him during cross examination touching change of colour of his finger wash and placing of the envelope containing cash of Rs.3,000/. He states during cross examination that there is no enmity between him and the complainant and equally there is no enmity between him and PW4. This answer rules out the possibility of his false implication.

42. In the decision reported in I (2016) CCR page 265 law is laid down touching the offence punishable under section 7, the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988. Law is not laid down in the said decision as to what constitutes the act of misconduct and therefore law laid down in the said decision in my view, will not lend assurance to the defence. Likewise, law laid down in the decision in AIR 1974 SC page 1516 and also law laid down in the decision reported in 2008 Criminal Law Journal page 1784 also, in my view is of no assistance to the defence.

43. In the presence of evidence as discussed above I am not persuaded to accept the contentions put forward in the course of written statement of DGO. Equally I am not persuaded to accept the contentions put forward by DGO in the course of his

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statement of defence in writing and also contentions put forward in the course of written argument of DGO.

44. It is well settled that in the criminal trial for the charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988, the prosecution has to establish the charge beyond reasonable doubt. It is well settled that in the absence of corroboration of the testimony of the complainant by the testimony of shadow witness guilt cannot be fastened against the accused in the criminal trial. It is well settled that proof beyond reasonable doubt is the yardstick which needs to be applied while appreciating evidence in the trial for charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988. It is equally well settled that preponderance of probabilities is the yardstick which needs to be applied while appreciating evidence in the proceedings of this nature. Mere possession of tainted cash in the absence of evidence for demand and acceptance is not sufficient to fasten the guilt in the trial for charge for the offence punishable under section 7, for the offence defined under section 13(1)(d) which is punishable under section 13(2) of The Prevention of Corruption Act, 1988. Failure on the part of delinquent Government official or Government officials as the case may be in the inquiry proceedings of this nature to explain possession of tainted cash is nothing but the act of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966. DGO has failed to establish his defence as formulated in his statement in writing the attested copy of which is at Ex D1.

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45. Upon appreciation of the entire oral and documentary evidence on record I am of the considered view that charge levelled against the DGO stands established and being of this view I proceed with the following:

R E P O R T

Charge against the DGO that in connection with the salary bill of the complainant for six days in the month of March 2011 and in connection with counter signature of the salary bill of the complainant for the month of April 2011, DGO who was working as Block Education Officer, Magadi Taluk, Magadi, Ramanagara District demanded and accepted illegal gratification of Rs. 3,000/- from the complainant on 21.06.2011 between 5.15 P.M and 5.30 P.M near gate number 1 of Multi Storied Building, Bengaluru and during investigation conducted by the Police Inspector attached to Lokayukta Police Station, Ramanagara in crime number 9/2011 of Lokayukta Police Station, Ramanagara DGO failed to offer satisfactory explanation for possession of tainted cash of Rs. 3,000/- possessed by DGO near gate number 1 of Multi Storied Building, Bengaluru on 21.06.2011 between 5.15 P.M and 5.30 P.M and thereby DGO is guilty of misconduct within the purview of Rule 3(1)(i) to (iii) of The Karnataka Civil Services (Conduct) Rules, 1966 is proved.

DGO is due for retirement on superannuation on 30/09/2025.

Submit this report to Hon'ble Upalokayukta-2 Karnataka in a sealed cover forthwith along with the connected records.


(V.G. BOPAIAH)
Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.

ANNEXUREList of witnesses examined on behalf of the disciplinary authority:-

- PW1:- Sri. Umesh V.S.
PW2:- Sri. Deepak.
PW3:- Sri. Chikkaveerappa.
PW4:- Sri. Sannathammappaiah Wadeyar.

List of witnesses examined on behalf of DGO:-

- DW1:- Sri. Mohamed Imran.
DW2:- Sri. Sreedhara.A. (DGO).

List of documents marked on behalf of disciplinary authority:-

- Ex P1 Attested copy of complaint dated 21.06.2011 in a single sheet of PW1.
- Ex P2 Attested copy of order dated 6.03.2011 in ಸಿ8(7)(1)ಶಾ.ಶಿ.ಅ.ಖಾ.ಹು.ಭಅ/10/2010-11 of the Commissioner of Public Instructions, Government of Karnataka Bengaluru.
- Ex P3 Attested copy of pre-trap mahazar dated 21.06.2011 in three sheets.
- Ex P4 Attested copy of trap mahazar dated 21.06.2011 in six sheets.
- Ex P5 Attested copy of mahazar dated 22.06.2011 in three sheets.
- Ex P6 Reverse page of sheet number five of Ex P3.
- Ex P7 Attested copy of FIR dated 21.06.2011 in a single sheet in crime number 9/2011 of Lokayukta Police Station, Ramanagara.

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- Ex P8 Attested copy of rough sketch in a single sheet of the place of trap.
- Ex P9 Attested copy of order
ಲೋಕ/ಎಸ್.ಪಿ./ರಾವಿ/ವೆ.ಸಂ./09-2011/ದಿನಾಂಕ
21.06.2011 in a single sheet of the Superintendent of Police, Karnataka Lokayukta, Ramanagara Division, Ramanagara.
- Ex P10 Attested copy of mahazar dated 21.06.2011 in three sheets drawn by PW4 in the residence of DGO.
- Ex P11 Fifty attested sheets of the file pertaining to PW1.
- Ex P12 Attested copy of report dated 28.07.2011 in a single sheet of the Assistant Chemical Examiner, Public Health Institute, Bengaluru.

List of documents marked on behalf of DGO:-

- Ex D1 Attested copy of statement in writing dated 21.06.2011 in a single sheet of DGO given before PW4.
- Ex D2 Xerox copy of note sheet in four sheets maintained in the office of Block Education Officer, Department of Public Instructions, Magadi Taluk, Ramanagara District.
- Ex D3 Xerox copy of order dated 26.03.2011 in ಸಿಐ(7)(1)ಶಾ.ಶಿ.ಅ.ಖಾ.ಹ.ಭಅ/10/2010-11 of the Commissioner of Public Instructions, Government of Karnataka Bengaluru.

(V.G. BOPAIAH)

Additional Registrar, Enquiries-11,
Karnataka Lokayukta, Bengaluru.



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/238/2014/ARE-11 Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 02.01.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri A.Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District - reg.

Ref:- 1) Government Order No. ED 39 DGO 2011 dated 21.04.2014.

2) Nomination order No. I.OK/INQ/14-A/238/2014 dated 26.04.2014 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 27.12.2019 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 21.04.2014 initiated the disciplinary proceedings against Shri A.Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar 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. LOK/INQ/14 A/238/2014 dated 26.04.2014, 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 A.Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District, was tried for the following charges:-

"CHARGE:

That you DGO Sri. A. Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District (Presently working as Administrative Officer, Regional Institute of English (RIE), Jnanabharathi, Bangalore City) while discharging your duties:

(a) The complainant is working as a Teacher at Sri. Mahalingeshwar Rural High School, Veeregowdanadoddi, an Aided Educational Institution since 12/01/2009. The post of the complainant had been approved under grant in aid scheme by the Commissioner on 26/03/2011. As such DDPI, Ramanagar has ordered for the salary of the complainant on account of which the complainant had to get salary for 6 days of March and for full month of April 2011. The salary bill was prepared and submitted to the office of you DGO on 29/04/2011 for the payment to be made by Treasury. Hence, the complainant met you DGO many times and requested to attend his salary bill. But you DGO did not attend and ultimately put-forth his demand of bribe amount of Rs. 10,000/- stating that you will get the salary bill of the complainant passed if the bribe amount is paid. The complainant told you DGO that it is not possible to pay the



demanded bribe amount as he has been working without salary since 3 years. You DGO refused to pass the salary bill of the complainant. As such the complainant has paid bribe amount of Rs.10,000/- to you DGO. But, you DGO did not attend the salary bill of complainant in spite of receiving bribe amount though complainant requested you DGO several times. Lastly, when the complainant met you DGO at your office on 20/06/2011, you DGO has further demanded bribe amount of Rs. 5,000/- from the complainant and asked the complainant to pay it on the next day. Then complainant has bargained the bribe amount requesting you DGO to take Rs. 3,000/- only. But you DGO did not agree for the said amount.

- (b) After approaching the Lokayukta Police, the complainant has contacted you DGO over mobile. At that time you DGO was not present at your office. After ascertaining that complainant has brought amount, you DGO asked the complainant to come to K.R. Circle, Bangalore as you has some work at Bangalore.
- (c) Accordingly, the complainant came near main gate of M.S. Building at Bangalore. Then, you DGO met the complainant and asked him to pay the amount of Rs. 5,000/-. Then, the complainant has told to you DGO that he will bring Rs. 3,000/- as he has no amount of Rs. 5,000/-.
- (d) Unwilling to pay the bribe amount, the complainant gave written complaint on 21/06/2011 in the afternoon before Lokayukta Police, Ramanagar. The complainant on 21/06/2011 at about 5-30 p.m. near Gate No. 1 of M.S. Building, Bangalore paid tainted (bribe) amount of Rs. 3,000/- to you DGO, you DGO received the bribe amount of Rs. 3,000/- from the complainant, during the trap time.
- (e) You DGO were caught red handed, as you were found receiving tainted (bribe) amount from the complainant on the said date, time and place.
- (f) Added to that, you DGO has failed to give any satisfactory reply or explanation or account for the receipt of the said tainted (bribe) amount, when you was questioned by the I.O.

(g) Further the said tainted (bribe) amount was seized under mahazar from you DGO on 21/06/2011 by the said I.O.

and thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of Government Servant 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 '*proved*' the above charge against the DGO - Shri A.Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District.
5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.
6. As per the First Oral Statement of DGO furnished by the Inquiry Officer, the DGO - Shri A.Sridhar, is due for retirement from service on 30.09.2025.

7. Having regard to the nature of charge 'proved' (demand and acceptance of bribe) against the DGO - Shri A.Sridhar, the then Block Education Officer, Magadi Taluk, Ramanagar District, and considering the totality of circumstances, it is hereby recommended to the Government to 'impose penalty of compulsory retirement from service on DGO - Shri A.Sridhar.'

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

Connected records are enclosed herewith.

BS\*

*Patil 2-1-20*  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.

