

**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/239/2016/ARE-13

M.S. Building,  
Dr. B.R.Ambedkar Road,  
Bangalore-56001  
Date: 25/06/2020

**: Present:**

**Patil Mohankumar Bhimanagouda**  
Additional Registrar Enquiries-13,  
Karnataka Lokayukta,  
Bangalore.

**:: ENQUIRY REPORT ::**

**Sub:-** Departmental Enquiry against,  
Sri B.R. Seetharamu, Range  
Forest Officer, Aranya Sanchari  
Dala, Radio Park, Coul Bazaar,  
Bellary District (now retired).

**Ref :-** 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/GLB/3673/2015/DRE-5,  
dated:02/05/2016.  
2) Govt. Order No. APaJi 78 AEV 2016,  
Bengaluru, dated: 21/06/2016.  
3) Nomination Order No.UPLOK-2/DE/  
239/2016, Bengaluru, dated:  
14/07/2016.

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1. This departmental enquiry is directed against Sri B.R. Seetharamu, Range Forest Officer, Aranya Sanchari Dala, Radio Park, Coul Bazaar, Bellary District (now retired) (herein after referred to as the Delinquent Government Official in short "DGO").

2. After completion of the investigation, a report U/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Government as per Reference No-1.

3. In view of the Government Order cited above at reference-2, the Hon'ble Upa Lokayukta-2, vide order dated 14/07/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-8 of the office of the Karnataka Lokayukta as the enquiry officer to frame charges and to conduct enquiry against the aforesaid DGO. Thereafter it was transferred from ARE-8 to ARE-4. The Additional Registrar Enquiries-4 prepared Articles of Charges, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Articles of Charges. Copies of same were issued to the DGO calling upon him to appear before this authority and to submit written statement of his defence.

4. As per order of Hon'ble Uplok-1 & 2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta dated 06/08/2018 this enquiry file was transferred from ARE-4 to AR E-13.

5. The Articles of Charges framed by ARE-4 against the DGO is as below:

**ANNEXURE NO-1**  
**CHARGE**

6. That, you-DGO/Sri B.R. Seetharamu, the then Range Forest Officer, Forest Mobile Squad, Bellary on 03/11/2014 inspected the Saw-Mill of the complainant Sri M.D. Khaja Hasan Basha, in the name of style of M/s Syed Mohiyuddin Khadri Saw-Mill No.371/10, Nittur Road, Siraguppa, along with Deputy Forest Officers Sri P. Srinivas, Sri Nagendra and Sri Laxman and seized the vertical wood cutting machine without issuing any notice and directed the complainant to approach at your office on 04/11/2014 and when the complainant approach the you-DGO on 05/11/2014 at your office with a request to defreeze the vertical wood cutting machine of his saw-mill thereafter you-DGO visited the said saw mill on 06/11/2014 along with sub-ordinate and directed the complainant to come to a settlement for removing the seal put to the said vertical cutting machine demanded him to pay Rs.1,00,000/- as a bribe or else a case will be registered in the matter by reporting to DFO and on negotiation agreed to receive Rs.50,000/- bribe in that connection. Further on the very same day on 06/11/2014 at 6.10 p.m., you-DGO received bribe of Rs.50,000/- from the said complainant through your driver Sri B Chandrashekar in parking area in front of BUDA complex, Bellary. Thereby you-DGO being a Government Servant failed to maintain absolute integrity and devotion to the duty, the act which is unbecoming of a Government

Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

**ANNEXURE NO-II**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

7. On the complaint filed by Sri M.D. Khaja Hasan Basha, M/s Syed Mohiyuddin Khadri Saw-Mill N.371/10, Nittur Road, Siraguppa, Bellary district (herein after referred as "complainant" for short), against DGO committed misconduct, an investigation was taken up u/sec 9 of Karnataka Lokayukta Act 1984, after invoking power vested u/sec 7(2) of the said Act.

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

a) On 03/11/2014, you-DGO inspected the saw-mill run by complainant on rent, along with Dy. RFOs Sri P Srinivas, Sri Nagendra and Sri Laxman and seized vertical wood cutting machine without issuing any notice to the complainant and directed the complainant to visit your office on 04/11/2014. As it was a Holiday, the complainant went and met you-DGO on 05/11/2014 at your office and requested to de-freeze the machine of the saw mill, for which you-DGO stated that you would visit the saw mill on 06/11/2014. Accordingly you-DGO visited the saw mill of complainant along with your sub-ordinates and directed complainant to come to a settlement for removing the seal put to the wood cutting machine failing which big case will be registered if the matter is reported to DFO and further stated that if bribe amount of

Rs.1 lakh is paid, you would return the keys of the Saw Mill. The complainant requested for time and then you-DGO went away from the saw mill without defreezing the cutting machine. Thereafter, after bargain, you-DGO reduced the bribe amount and agreed to accept Rs.50,000/- as bribe.

b) Since the complainant was not willing to pay the amount, complainant approached Police Inspector, Karnataka Lokayukta, Bellary on 06/11/2014 and lodged the complaint, on the basis of which the Police Inspector, Karnataka Lokayukta, Bellary, registered a case against you-DGO in Crime No.7/2014 for the offences punishable under Sec. 7,13 (1)(d) r/w 13(2) of P.C. Act 1988.

c) Thereafter, on the same day on 06/11/2014 at about 6.10 p.m the you-DGO received bribe amount of Rs.50,000/- from the complainant through his driver Sri B. Chandrashekar in the parking area in front of the BUDA complex, in the presence of shadow witness.

d) You-DGO and said Chandrashekar were caught hold/trapped when found in possession of the tainted (bribe) amount on the said date and at said place, and the same was seized under a mahazar by the said I.O in the presence of shadow witness.

e) Added to that, you-DGO had failed to give any satisfactory account or explanation or reply for the said tainted amount, when questioned by the said I.O.

f) Even there are statements of witnesses, including complainant, besides materials available on record in connection with your repeated misconduct.

9. On the basis of said facts and material on record, a case of repeated misconduct was made out showing that, you-DGO, being a Government Servant, has failed to maintain absolute integrity, besides absolute devotion to duty and acted in a manner unbecoming of a Government Servant, and thereby made yourself liable for disciplinary action.

10. Therefore, investigation was taken up against you-DGO and an observation note was sent to you to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against you-DGO in the matter. For that, you-DGO gave your reply. However, the same has not been found convincing to drop the proceedings.

11. Since said facts and material on record prima-facie show that you-DGO has committed misconduct as per Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966, now acting u/sec 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against you-DGO and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. In turn Competent Authority initiated disciplinary proceedings against you-DGO and entrusted the Enquiry to this institution vide Reference

No.1 and Hon'ble Upalokayukta nominated this enquiry Authority, to conduct enquiry and report vide reference No.2. Hence, this charge.

12. The DGO appeared before this Enquiry Authority on 13/03/2017 and on the same day his First Oral Statement was recorded U/Rule 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. Subsequently the DGO has filed his written statement of defence by denying the articles of charge and statement of imputations contending that, there is no such evidence to prove that he has committed misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly, prayed to exonerate him from the charges framed in this case.

13. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3 and got marked the documents at Ex.P-1 to P-15 and closed the evidence.

14. After closing the case of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required U/Rule 11 (16) of KCS (CC & A) Rules, 1957 and wherein he has submitted that, the witnesses have deposed falsely against him. The DGO got examined himself as DW-1 and closed his side. Since the DGO got himself examined as DW-1, the questioning of the DGO as required U/Rule 11(18) of KCS (CC & A) Rules, 1957 was dispensed.

15. The Advocate for DGO filed his written submissions. Heard the oral arguments of Learned Presenting Officer.

16. Upon consideration of the charge leveled against the DGO the evidence led by the Disciplinary Authority by way of oral and documentary evidence and their written brief/submissions, the point that arises for my consideration is as under:

***Point No-1) Whether the Disciplinary Authority has satisfactorily proved that the DGO Sri B.R. Seetharamu, the then Range Forest Officer, Forest Mobile Squad Bellary, on 03/11/2014 inspected the Saw-Mill of the complainant Sri M.D. Khaja Hasan Basha, i.e M/s Syed Mohiyuddin Khadri Saw-Mill, No.371/10, Nittur Road, Siraguppa, and seized the vertical wood cutting machine and to remove the seal demanded a bribe of Rs.1,00,000/- which was after negotiation reduced to Rs. 50,000/- and the DGO demanded and received the bribe of Rs. 50,000/- as illegal gratification to do official favour. The DGO demanded and received the bribe through his Jeep driver Sri B. Chandrashekar on 06/11/2014 in the parking area of BUDA complex, Bellary and thereby the DGO failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a***



***Government Servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.***

17. My finding on the point No-1 is held in the “**Affirmative**” for the following:

**:: REASONS ::**

18. **Point No-1:-** The complainant Sri M.D. Khaja Hasan has been examined as PW-1 and he has reiterated the facts stated in the complaint. He states that, the DGO who was working as Range Forest Officer, Aranya Sanchari Dala, Radio Park, Coul Bazaar, Bellary had inspected his Saw-Mill and seized the vertical wood cutting machine. The DGO demanded a bribe of Rs.1,00,000/- to remove the seizure of the vertical wood cutting machine of his Saw-Mill. After negotiation the bribe amount was reduced to Rs.50,000/-. He further states that, he was not interested to pay the bribe, hence he approached the Lokayukta Police and lodged the complaint on 06/11/2014.

19. The witness further states that, Lokayukta Police summoned two pancha witnesses/Government servants i.e Sri K. Sathyanarayana Rao S/o K. Hanumunatha Rao, First Division Assistant, District Hospital, VIMS, Bellary and Sri V Suresh Babu S/o Subramanyam Shetty, Junior Engineer, Quality Control Sub

Divisional Office, Bellary. The complainant/PW-1 has handed over the bribe amount of Rs.50,000/- i.e 8 notes of Rs.1,000/- denomination and 84 notes of Rs.500/- denomination. The panchas noted down the serial numbers in a page i.e Ex.P-4. He further states that, the bait money was smeared with Phenolphthalein Powder. The Sodium Carbonate Solution was taken in a glass bowl. One of the staff of Lokayukta by name Sri Siddlingappa, Second Division Assistant, smeared the bait money with Phenolphthalein powder. The Pancha No-1 Sri Sathyanarayana Rao kept Rs. 25,000/- in the left pocket of the shirt and Rs.25,000/- in the right pocket of the pant of the complainant. The hands of the pancha were washed in Sodium Carbonate Solution. The colourless solution turned into pink colour, due to the presence of Phenolphthalein Powder. The police poured the pink solution in an empty bottle and sealed it. He further states that, the I.O conducted the Entrustment Mahazar as per Ex.P-5.

20. He further states that, the I.O told him to approach the DGO and pay the bribe amount, only if demand is made by DGO. The shadow witness Sri V. Suresh Babu/PW-2 was asked to accompany the complainant. He further states that, as per the directions of I.O he called the DGO on his mobile phone and the DGO asked the complainant to come near the BUDA office.

21. PW-1 further states that, he along the panchas, I.O and his staff left the Lokayukta office at 5-35 p.m and reached the area in front

of BUDA complex, Bellary. PW-1 further states that, the DGO was waiting in his Jeep in the parking area of the BUDA complex. He further states that, he along with shadow witness went near the Jeep and the DGO demanded the bribe. When the complainant tried to give the bribe amount to the DGO, he asked the complainant to give the bribe amount of Rs.50,000/- in the hands of his Jeep driver Sri. B Chandrashekar. He further states that, as per the directions of the DGO he handed over Rs.50,000/- to the Jeep driver.

22. PW-1 further states that, he gave the signal to the I.O. The Investigation Officer came to the parking area in front of BUDA complex, Bellary where the DGO was present and introduced himself and asked the DGO to co-operate for investigation. PW-1 further states that, the DGO has received bribe amount of Rs.50,000/- from the complainant through his driver Sri B Chandrashekar. He further states that, the I.O arrested both the DGO and his driver Sri B Chandrashekar.

23. PW-1 further states that, as it was a open space i.e the parking area, the I.O took all of them to the office of Mines and Geology Department situated in BUDA complex. The officials of Mines and Geology Department arranged one room for the investigation of the I.O.

24. PW-1 further states that, the I.O enquired the DGO's Jeep driver about the bait money of the Rs.50,000/-. The DGO's Jeep

driver handed over the bait money of Rs.50,000/- which he had kept in his pant pocket. PW-1 further states that, the staff of Lokayukta Police had caught hold the hands of DGO's Jeep driver Sri B Chandrashekar. The Sodium Carbonate Solution was prepared in glass bowls and both the hands of DGO's driver Sri B. Chandrashekar were washed in Sodium Carbonate Solution. Due to the presence of Phenolphthalein powder, the solution turned into the pink colour. It was poured in a bottle, sealed and seized. PW-1 further states that, alternate pant was arranged to the driver and his pant was seized. The pant pocket was washed in Sodium Carbonate Solution. Due to the presence of Phenolphthalein powder, the solution turned into the pink colour. It was poured in a bottle, sealed and seized. He further states that, the I.O conducted the Trap Mahazar as per Ex.P-9.

25. PW-2 Sri V Suresh Babu is the shadow witness and he has accompanied the complainant. He states that, he is working as Junior Engineer, T.B. Board, Bellary. The Lokayukta Police summoned him and Sri K. Sathyanarayana Rao S/o K. Hanumanatha Rao, First Division Assistant, District Hospital, VIMS, Bellary on 06/11/2014 and requested them to act as panchas. The Complainant was introduced to them and contents of Ex.P-1 complaint were explained to them. PW-2 further states that, the complainant handed over the bait money of Rs.50,000/- i.e 8 notes of Rs.1,000/- denomination and 84 notes of Rs.500/- denomination. The police staff applied Phenolphthalein powder to the notes and

first pancha Sri Sathyanarayana Rao counted the notes and kept Rs.25,000/- in the left pocket of the shirt and the remaining Rs.25,000/- in the right pocket of the pant of the complainant. PW-2 further states that, the hands of Sri Sathyanarayana Rao were washed in the Sodium Carbonate Solution and it turned into the pink colour. The police seized the said solution and sealed it in the bottle and drew the Entrustment Mahazar as per Ex.P-5. He further states that, they left the Lokayukta office and reached the parking area of BUDA complex, Bellary at about 5.35 p.m. He states that, he along with the complainant met the DGO. He further states that, the complainant asked the DGO about his work i.e to remove the seizure of the vertical wood cutting machine of his Saw-Mill for which the DGO demanded the bribe of Rs.50,000/-. When the complainant tried to hand over the bribe amount, the DGO directed the complainant to hand over the bribe amount to his Jeep driver Sri B Chandrashekar. Accordingly the complainant handed over the bribe amount to the DGO's Jeep driver.

26. PW-2 has elaborately stated as to how the bait amount was seized and the Trap Mahazar was conducted as per Ex.P-9. He further states that, the hands and pant pocket of the DGO's Jeep driver were washed in Sodium Carbonate Solution and the solution turned into the pink colour due to the presence of Phenolphthalein powder. The said solution was poured into separate bottles, sealed and seized.

27. The I.O Sri Guranna Hebbal, Police Inspector, Karnataka Lokayukta, Bellary has been examined as PW-3. He states that, the complainant approached him with the complaint on 06/11/2014 alleging that, the DGO had demanded bribe of Rs.50,000/- to remove the seizure of his Saw-Mill. He indentifies the complaint at Ex.P-1. PW-3 further states that, he registered the case in Cr.No. 07/2014 and submitted FIR to the court. On the same day he summoned two witnesses by name Sri K. Sathyanarayana Rao S/o K. Hanumunatha Rao, First Division Assistant, District Hospital, VIMS, Bellary and Sri V Suresh Babu S/o Subramanyam Shetty, Junior Engineer, Quality Control Sub Divisional Office, Bellary. He has introduced the complainant to the panchas and appraised the witnesses about the complaint. PW-3 has demonstrated the procedure for Entrustment Mahazar. He has received the bribe money Rs.50,000/- i.e 8 notes of Rs.1,000/- denomination and 84 notes of Rs.500/- denomination. The I.O has asked the panchas to note down the serial numbers of notes on a paper and they were noted down on a paper i.e Ex.P-4. He further states that, his staff i.e Sri Siddlinga, SDA applied Phenolphthalein powder to the notes and demonstrated how the colourless Sodium Carbonate Solution turns into pink colour due to the presence of Phenolphthalein powder. PW-3 states elaborately about the Entrustment Mahazar conducted by him as per Ex.P-5.

28. PW-3 further states that, he along with the complainant and panchas and his staff went near the parking area of BUDA complex,

Bellary. He had instructed the complainant and shadow witness/PW-2 to approach the DGO. He has specifically instructed the complainant that, the bait money shall be paid only on demand by the DGO. PW-3 further states that, after sometime he received signal from the complainant. He went and introduced himself to the DGO. PW-1 further states that, as it was a open space i.e the parking area, the I.O took all of them to the office of Mines and Geology Department situated in BUDA complex. The officials of Mines and Geology Department arranged one room for the investigation of the I.O.

29. PW-3 has narrated elaborately how he washed the hands of the Jeep driver of the DGO in Sodium Carbonate Solution and seized the bait money of Rs.50,000/- from the DGO's Jeep driver Sri B. Chandrashekar. He has narrated the details of Trap Mahazar conducted by him as per Ex.P-9. He has identified his signature on the mahazar.

30. The I.O/PW-3 has produced the copies of photographs which have been commonly marked as Exhibit P-13. There are totally 23 sheets, the original photographs have been produced to the court for the criminal case and here the xerox copies of the photographs have been produced. On careful perusal of these photographs, it is observed that, right from the point of lodging the complaint by the complainant, the conducting of Entrustment Mahazar and Trap Mahazar have been photographed. The complainant, the Mahazar

witnesses, the DGO, the Jeep driver Sri B Chandrashekar are all seen in the photographs. These photographs further corroborate the Entrustment and Trap Mahazars at Ex.P-5 and P-9 respectively.

31. The I.O has produced the report of the Chemical Examiner, which is at Ex.P-14. On careful perusal of this document, it is observed that, the test for the presence of Phenolphthalein Powder and Sodium Carbonate Powder was positive in respect of the items at serial No.2, 4, 5, 6, 7 and 8 sent for chemical examination.

32. The DGO in support of his contention has got himself examined as DW-1. He states that, he has not demanded any bribe amount and the complainant has lodged a false complaint against him. He submits that, he has not committed any mis-conduct. The allegations made by the complainant are false. He further states that, the complainant had forcibly given the money to his driver.

33. The advocate for DGO has canvassed his arguments that, the DGO has not demanded any bribe and the complainant had given the amount to the driver for renewal of the license. He further submits that, the DGO has not committed any misconduct and he has not demanded and accepted any bribe from the complainant. Hence, the Advocate for DGO prays for exonerating the DGO.

34. I have carefully gone through the oral evidence of the DGO. The contention taken up by the DGO that, the complainant had



given the amount to the driver for renewal of the license cannot be accepted. The DGO has not explained as to why his driver was to receive the license fee. The DGO has not produced any evidence to show that, a demand for license fee was raised. He has also failed to produce any evidence to show for which period and what amount of license fee was pending. The DGO has not explained why the license fee was to be paid to the driver. In regular course the fee has to be paid in the office during the office hours. Hence, the defence taken up by the DGO appears to be unbelievable. On the other hand the Disciplinary Authority has proved the pendency of the official work of the complainant with the DGO. The DGO had the powers to remove the seizure of the Saw-Mill. He had the powers to release the Saw-Mill from seizure. The DGO has received the bribe through his driver. Hence, the demand of bribe by the DGO appears to be highly probable. Therefore I am of the opinion that, the version to PW-1 in this regard is worthy of acceptance. Hence, the version of the Disciplinary Authority is believable.

35. On careful perusal of the oral and documentary evidence of PW-1 to 3 and the Exhibits at Ex.P-1 to P-15, the Disciplinary Authority has proved that, the DGO in order to do the official work had demanded and accepted the bribe of Rs.50,000/- on 06/11/2014. Hence, the story put forth by the DGO does not appear to be true.

36. On careful appreciation of the oral and documentary evidence adduced by the Disciplinary Authority, I am opinion that, the Disciplinary Authority has proved its case. First of all, the oral evidence of complainant/PW-1 proves that, he had official work with the DGO to remove the seizure of his vertical wood cutting machine of his Saw-Mill. PW-1 has further proved that, the DGO demanded and accepted bribe of Rs.50,000/-.

37. PW-1 has stated about lodging the complaint as per Ex.P-1 and he has deposed about the Entrustment Mahazar conducted as per Ex.P-5. He has further deposed of having approached the DGO along with shadow witness PW-2 and paid the bribe amount to the Jeep driver on the instructions of the DGO. PW-1 has deposed about the Trap Mahazar conducted by the I.O as per Ex.P-9.

38. The evidence of PW-1/Complainant is corroborated by the evidence of shadow witness/PW-2 Sri V Suresh Babu. This witness has also stated consistently about the procedure and Entrustment Mahazar conducted by the I.O. He has accompanied the complainant to the BUDA complex, Bellary and specifically states that, the DGO demanded bribe and the complainant paid the bribe amount i.e bait money to the Jeep driver as per the directions of the DGO. PW-2 has elaborately deposed about the Trap Mahazar conducted by the I.O. He has stated that, the hands of the Jeep driver were washed in Sodium Carbonate Solution and the solution turned into pink

colour. He has stated about the Trap Mahazar conducted as per Ex.P-9.

39. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-3. He has narrated the entire procedure, right from the time of lodging the complaint, till execution of successful Trap. He has deposed about the Entrustment Mahazar and Trap Mahazar at Ex.P-5 and P-9 respectively. The I.O has specifically stated that, the bait money was recovered from the Jeep driver of the DGO and his hands were washed in Sodium Carbonate Solution and the solution turning to pink colour, due to the presence of Phenolphthalein powder.

40. PW-1 to 3 have specifically stated about the bait money of Rs.50,000/- i.e 8 notes of Rs. 1,000/- denomination and 84 notes of Rs.500/- denomination produced by the complainant. The panchas have noted down the numbers and they have been mentioned in both the Entrustment and Trap Mahazars at Ex.P-5 and P-9. PW-1 to PW-3 have specifically stated that, the bait money recovered from the Jeep driver of the DGO was verified, and they were the same notes to which Phenolphthalein powder was applied and the serial numbers were noted down in Ex.P-4. The same notes were received by the DGO through his Jeep driver. All the three witnesses have stated about washing the hands of DGO's Jeep driver in Sodium Carbonate Solution, which turned to pink colour, due to the presence of Phenolphthalein powder. The evidence of PW-1 and 2 is

further corroborated by the evidence of I.O. PW-3 who has conducted the Entrustment Mahazar as per Ex.P-5 and Trap Mahazar as per Ex.P-9.

41. It is well settled proposition of law that, the standard of proof required in departmental enquiries is preponderance of probability. The Disciplinary Authority has to make out a case in which the preponderance of probability is towards the guilt of Delinquent Government employee. The standard of proof required in criminal cases is proof beyond reasonable doubt. However in departmental enquiries it will be sufficient if the preponderance of probability is towards the guilt of the DGO. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that, the Disciplinary Authority has proved that, the complainant had official work pertaining to, removing the seizure of the vertical wood cutting machine of his Saw-Mill.

42. PW-1 to 3 have been cross examined at length by the Advocate for DGO. Nothing material was elicited to discredit their testimony. PW-1 has categorically stated about the demand and acceptance of bribe by the DGO through his Jeep driver Sri B Chandrashekar. The Disciplinary Authority has proved the Entrustment Mahazar and Trap Mahazar at Ex.P-5 and P-9 with the evidence of PW-1 to 3. The chemical examiner's report at Ex.P-14 further corroborates the evidence of Disciplinary Authority.

43. The Disciplinary Authority has examined the complainant, the shadow witness and the investigation officer. Initially the DGO had demanded a bribe of Rs.1,00,000/-. However after negotiation the amount was settled to Rs.50,000/-. On careful perusal of the oral and documentary evidence adduced by the Disciplinary Authority, I am of the opinion that, the Disciplinary Authority has proved that, the DGO in order to do the official favour of removing the seizure of the Saw-Mill, demanded bribe of Rs.50,000/- from the complainant and he has accepted the same through his Jeep driver. The Disciplinary Authority has by cogent oral and documentary evidence proved that, the DGO had demanded and accepted the bribe of Rs.50,000/- to do the official work and it was successfully recovered by laying a Trap.

44. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity, besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that, the charge leveled against the DGO is established. Hence, I answer point No.1 in the "**Affirmative**".

**:: ORDER ::**

***The Disciplinary Authority has proved the charge against the DGO Sri B.R. Seetharamu, Range Forest Officer, Aranya Sanchari Dala, Radio Park, Coul Bazaar, Bellary District (now retired).***

45. This report is submitted to Hon'ble Upa Lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

**Dated this the 25<sup>th</sup> day of June 2020**

**(Patil Mohankumar Bhimanagouda)**

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

**ANNEXURES**

<b>Witness examined on behalf of the Disciplinary Authority</b>
PW-1: Sri M.D. Khaja Hasan Basha (Original)
PW-2: Sri V Suresh Babu (Original)
PW-3: Sri Guranna Hebbal (Original)
<b>Witness examined on behalf of the Defence</b>
DW-1 : Sri B.R. Seetharamu (Original)
<b>Documents marked on behalf of the Disciplinary Authority</b>
Ex. P-1: Complaint (Certified copies) Ex. P-1(a): Signature of the complainant.
Ex.P-2: Rent Agreement (Certified copies)
Ex.P-3: Certified copy of license of Saw-Mill
Ex.P-4: Certified copy of details of serial numbers of the notes.
Ex. P-5: Entrustment Mahazar (Certified copies) Ex. P-5(a): Signature of the complainant. Ex. P-5(b): Signature of the Pancha-2 Ex.P-5(c): Signature of the I.O
Ex.P-6: Explanation of DGO (Certified copies)
Ex.P-7: Rough Sketch of the spot (Certified copy)
Ex.P-8: Form No-28 passes issued by Forest Department and enclosures (Certified copies)
Ex. P-9: Trap Panchanama (Certified copies) Ex. P-9(a): Signature of the Pancha-2
Ex.P-10: Rough Sketch of the spot of Trap (Certified copy)
Ex. P-11: Panchanama (Certified copies) Ex.P-11(a): Signature of the Pancha-2

Ex.P-12: Voice recognition Mahazar (Certified copies) Ex.P-12(a): Signature of the pancha-2
Ex.P-13: Photographs (23 pages) (Certified copies)
Ex.P-14: Chemical examiner's Report (Certified copies)
Ex.P-15: FIR (Certified copies)

**Dated this the 25<sup>th</sup> day of June 2020**

**(Patil Mohankumar Bhimanagouda)**  
Additional Registrar Enquiries-13  
Karnataka Lokayukta  
Bangalore.





**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/239/2016/ARE-13

Multi-storeyed Building,  
Dr.B.R. AmbedkarVeedhi,  
Bengaluru, dt.26.06.2020.

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri. B.R.Seetharamu,  
Range Forest Officer, Aranya Sanchari Dala, Radio  
Park, Coul Bazaar, Bellary District (now retired)-reg.

- Ref: 1. Govt. Order No: APaJi 78 AEV 2016, Bengaluru,  
dated 21.06.2016.
- 2. Nomination Order No: UPLOK-2/DE/239/2016 of  
Hon'ble Upalokayukta-2, Bengaluru, dated 14.7.2016.
- 3. Report of ARE-13, KLA, Bengaluru, dated 26.6.2020.

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The Government by its order dated 21.06.2016 initiated the disciplinary proceedings against Sri. B.R.Seetharamu, Range Forest Officer, Aranya Sanchari Dala, Radio Park, Coul Bazaar, Bellary District [hereinafter referred to as Delinquent Government Official, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No: UPLOK-2/DE/239/2016 dated 14.7.2016 nominated Additional Registrar of Enquiries-8, 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.

Subsequently by order No. Uplok-2 /DE/2016, Bengaluru, dated 3.8.2016, ARE-13 was re-nominated to continue the said enquiry.

3. The DGO – Sri. B.R.Seetharamu, Range Forest Officer, Aranya Sanchari Dala, Radio Park, Coul Bazaar, Bellary District, was tried for the following charge:-

“That, you-DGO/Sri B.R. Seetharamu, the then Range Forest Officer, Forest Mobile Squad, Bellary on 03/11/2014 inspected the Saw-Mill of the complainant Sri M.D. Khaja Hasan Basha, in the name & style of M/s Syed Mohiyuddin Khadri Saw-Mill No.371/10, Nittur Road, Siraguppa, along with Deputy Forest Officers Sri P. Srinivas, Sri Nagendra and Sri Laxman and seized the vertical wood cutting machine without issuing any notice and directed the complainant to approach at your office on 04/11/2014 and when the complainant approach the you-DGO on 05/11/2014 at your office with a request to defreeze the vertical wood cutting machine of his saw-mill thereafter you-DGO visited the said saw mill on 06/11/2014 along with sub-ordinate and directed the complainant to come to a settlement for removing the seal put to the said vertical cutting machine demanded him to pay Rs.1,00,000/- as a bribe or else a case will be registered in the matter by reporting to DFO and on negotiation agreed to receive Rs.50,000/- bribe in that connection. Further on the very same day on 06/11/2014 at 6.10 p.m., you-DGO received bribe of Rs.50,000/- from the said complainant through

your driver Sri B Chandrashekar in parking area in front of BUDA complex, Bellary. Thereby you-DGO being a Government Servant failed to maintain absolute integrity and devotion to the duty, the act which is unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the charge (demand and acceptance of bribe) framed against the DGO - Sri. B.R.Seetharamu, Range Forest Officer, Aranya Sanchari Dala, Radia Park, Coul Bazaar, Bellary District, is proved.

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 - Sri. B.R.Seetharamu, has retired from service on 31.7.2018.

7. Having regard to the nature of charge (demand and acceptance of bribe) 'proved' against the DGO - Sri. B.R.Seetharamu and considering

the totality of circumstances; 'it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DGO – Sri. B.R.Seetharamu'.

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

Connected records are enclosed herewith.

*B.S. Patil 26.6.20*  
**(JUSTICE B.S.PATIL)**  
Upalokayukta,  
State of Karnataka.

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