



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/278/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 27.08.2021.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri J.B.Mahalingappa, Manager and (2) Sri Siddaiah, Draftsman, Office of the Deputy Conservator of Forest, Hassan- reg.

Ref:- 1) Government Order No.FEE 33 FDE 2014 dated 26.03.2014 and corrigendum dt.5.5.2014.

2) Nomination order No. LOK/INQ/14-A/278/2014 dated 09.05.2014 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 18.08.2021 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 26.03.2014 and corrigendum dt.5.5.2014 initiated the disciplinary proceedings against (1) Shri J.B.Mahalingappa, Manager and (2) Sri Siddaiah, Draftsman, Office of the Deputy Conservator of Forest, Hassan, [hereinafter referred to as Delinquent

Government Officials, for short as 'DGOs 1 and 2 ' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination LOK/INQ/14-A/278/2014 dated 09.05.2014 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the following charges:-

**CHARGE:**

That you DGO No. 1 Sri.J.B.Mahalingappa while working as Manager, Office of the Deputy Conservator of Forest, Hassan, Hassan District and you DGO No. 2 Sri.Siddaiah while working as Draftsmen, Office of the Deputy Conservator of Forest, Hassan, Hassan District while discharging your duties:

- (a) The mother of the complainant owns a land bearing Sy. No. 36 measuring 3 acres situated at Hebbarahalli Village, Arasikere Taluk. The complainant had applied for permission to start decorative stone mining in 1 acre out of 3 acres, before Mines and Geology Department, Hassan, who in turn has sent the case file to the Deputy Conservator of Forest to obtain NOC. Hence, the complainant approached you DGO Nos. 1 and 2 on 23/02/2013 to enquire about his case file. But, you DGO No. 1 has demanded a bribe

- amount of Rs.25,000/- from the complainant to give NOC.
- (b) The complainant unwilling to pay the bribe amount to you DGO Nos. 1 and 2 gave complaint to the Police Inspector, Karnataka Lokayukta, Hassan on 25/02/2013. The case was registered on 25/02/2013 under their station in Crime No. 2/2013.
- (c) Thereafter, during the trap time i.e., on 25/02/2013 at about 12-35 p.m., the complainant has bargained about the bribe amount and paid an amount of Rs.500/- as a bribe initially to you DGO No. 1 and you DGO No. 1 has paid the same to you DGO No. 2. Thereafter, the complainant has paid the remaining balance bribe amount of Rs.24,500/- to you DGO No. 1, you DGO No. 1 paid the said bribe amount of Rs.24,500/- to Sri.Sumana J, Daily wages employee, at the office of Deputy Conservator of Forest, Hassan.
- (d) You DGO Nos. 1 and 2 were caught red handed, as you were found receiving the tainted (bribe) amount from the complainant on the said date, time and place when trap was conducted.
- (e) The proceedings against Sri.Sumana J, were dropped as he is not a Government Employee, but a daily-wage employee in the said office of Deputy Conservator of Forest, Hassan.
- (f) Added to that, you DGO Nos. 1 and 2 have 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 DGOs on 25/02/2013 by the said Investigating Officer. 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 above charge against the DGO 1 Shri J.B.Mahalingappa, Manager and DGO 2 Sri Siddaiah, Draftsman, Office of the Deputy Conservator of Forest, Hassan, 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 Enquiry Officer.

6. As per the First Oral Statement of the DGOs furnished by the Enquiry Officer,

- i) DGO 1 Shri J.B.Mahalingappa has retired from service on 30.6.2013; and
- ii) DGO 2 Sri Siddaiah, is due to retire from service on 31.10.2022.


7. Having regard to the nature of charge proved against the DGOs and considering the totality of circumstances, it is hereby recommended to the Competent Authority:

- i) to impose penalty of " withholding Twenty-five (25%) of pension payable to DGO-1 Sri J.B.Mahalingappa for a period of five years;
- ii) Having regard to the fact that DGO.2 Sri Siddaiah is due for retirement during October

2022 and the time required for service of second show-cause notice etc., it is recommended to impose penalty of 'withholding Twenty-five (25%) of pension payable to DGO-2 Sri Siddaiah for a period of five years".

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL) 27/8/21  
Upalokayukta,  
State of Karnataka.

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**KARNATAKA LOKAYUKTA**

NO.LOK/INQ/14-A/278/2014/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 18/08/2021.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against:  
(1) Sri. J.B.Mahalingappa, Manager and  
(2) Sri. Siddaiah, Draftsmen, Office of the  
Deputy Conservator of Forest, Hassan, Hassan  
District-reg.

Ref: 1. Government Order No. ಅಪಜಿ 33 ಅಇವಿ 2014  
Bengaluru, dated 26/03/2014.  
2. Corrigendum No. ಅಪಜಿ 33 ಅಇವಿ 2014  
Bengaluru, dated 05/05/2014  
3. Nomination Order No. LOK/INQ/14-  
A/278/2014, Bengaluru, dated  
09/05/2014.

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1. The Departmental Enquiry is initiated against  
1) Sri. J.B.Mahalingappa, Manager and (2) Sri. Siddaiah,  
Draftsmen, Office of the Deputy Conservator of Forest,  
Hassan, Hassan District (hereinafter referred to as the  
Delinquent Government Official, in short DGO No.1 and  
DGO No.2 respectively).
2. In view of Government Order cited at reference No.1, the  
Hon'ble Upalokayukta vide order cited at reference No.2,



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has nominated Additional Registrar (Enquiries-11) to frame Articles of Charge and to conduct enquiry against aforesaid DGO No.1 and 2.

3. The complainant, Sri. Athif Pasha S/o Shaik Mehaboobsab of Hebbarahalli, Kasaba Hobli, Arsikere Hassan, had lodged complaint dated 25/02/2013 before Lokayukta that the D.G.O.No.1 and 2, J,B.Mahalingappa and Siddaiah respectively working as Manager and Draftsmen respectively in the Office of Deputy Conservator of Forests then, were demanding bribe of Rs.25,000/- for granting No Objection Certificate for permission to start decorative stone mining in 1 acre, out of 3 acres in Sy.No.36 of Hebbarahalli Village, belonging to his mother. The Lokayukta completed pre-trap procedure, and the team set out to the office of Deputy Conservator of Forests. On the same day, i.e., 25/02/2013, at about 12.35 P.M. The D.G.O.No.1 demanded and accepted bribe of Rs.500/-, and asked the complainant to pay balance Rs.24,500/- at 5.00 p.m., when the NOC would be ready. At about 5.00 pm, the D.G.O.No.1 demanded and accepted balance Rs.24,500/-, and gave the same to his staff, Daily Wage employee, Suman, after putting it in a cover, and the said Suman, kept the cover containing Rs.24,500/- in his pocket. On giving signal, the Lokayukta Police, caught D.G..No.2, after introducing themselves and telling him, their purpose of coming. The amount Rs.24,500/- was recovered. D.G.O.No.1 was called, and from him too, Rs.500/- was recovered. The hands of D.G.O.No.1 and 2 were washed, and the sodium

  
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carbonate solution turned into pink colour. The pant of D.G.O.No.1, where he had kept the said Rs.500/- was also recovered. The Police drew trap panchanama. The file pertaining to complainant was recovered from D.G.O.No.2. The signed N.O.C. was there in the file. The complainant, in his complaint has prayed to take action.

4. On perusal of pre-trap mahazar, trap mahazar, documents pertaining to complaint, and other documents, Hon'ble Upalokayukta, found prima-facie case, and filed Report dated 23/01/2014, u/s 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against D.G.O. No.1 and 2. The competent authority vide Government Order No. ಅಪಜಿ 33 ಅಇವಿ 2014 Bengaluru, dated 26/03/2014 has accordingly entrusted the matter to Hon'ble Upalokayukta.
5. Notices of Articles of charge, statement of imputations of misconduct with list of witnesses and documents was served upon the D.G.Os No.1 and 2. The D.G.Os have denied the charges and claimed to be enquired.
6. The Articles of charge framed is as follows:

**ANNEXURE-1**

**CHARGE:**

That you DGO No. 1 Sri.J.B.Mahalingappa while working as Manager, Office of the Deputy Conservator of Forest, Hassan, Hassan District and you DGO No. 2 Sri.Siddaiah while working as Draftsmen, Office of the

  
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Deputy Conservator of Forest, Hassan, Hassan District  
while discharging your duties:

- (a) The mother of the complainant owns a land bearing Sy. No. 36 measuring 3 acres situated at Hebbarahalli Village, Arasikere Taluk. The complainant had applied for permission to start decorative stone mining in 1 acre out of 3 acres, before Mines and Geology Department, Hassan, who in turn has sent the case file to the Deputy Conservator of Forest to obtain NOC. Hence, the complainant approached you DGO Nos. 1 and 2 on 23/02/2013 to enquire about his case file. But, you DGO No. 1 has demanded a bribe amount of Rs.25,000/- from the complainant to give NOC.
- (b) The complainant un-willing to pay the bribe amount to you DGO Nos. 1 and 2 gave complaint to the Police Inspector, Karnataka Lokayukta, Hassan on 25/02/2013. The case was registered on 25/02/2013 under their station in Crime No. 2/2013.
- (c) Thereafter, during the trap time i.e., on 25/02/2013 at about 12-35 p.m., the complainant has bargained about the bribe amount and paid an amount of Rs.500/- as a bribe initially to you DGO No. 1 and you DGO No. 1 has paid the same to you DGO No. 2. Thereafter, the complainant has paid the remaining balance bribe amount of Rs.24,500/- to you DGO No. 1, you DGO No. 1 paid the said bribe amount of


  
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Rs.24,500/- to Sri.Sumana J, Daily wages employee, at the office of Deputy Conservator of Forest, Hassan.

- (d) You DGO Nos. 1 and 2 were caught red handed, as you were found receiving the tainted (bribe) amount from the complainant on the said date, time and place when trap was conducted.
- (e) The proceedings against Sri.Sumana J, were dropped as he is not a Government Employee, but a daily-wage employee in the said office of Deputy Conservator of Forest, Hassan.
- (f) Added to that, you DGO Nos. 1 and 2 have 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 DGOs on 25/02/2013 by the said Investigating Officer.

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".

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

  
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**"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 Hassan District (herein after referred to as Investigating Officer-'I.O.' for short), stated that 1) Sri.J.B.Mahalingappa, Manager, Office of the Deputy Conservator of Forest, Hassan, Hassan District and 2) Sri.Siddaiah, Draftsmen, Office of the Deputy Conservator of Forest, Hassan, Hassan District, being public/Government servants, have committed misconduct, when approached by Sri.Athif Pasha S/o Shaik Mehaboobsab, Hebbarahalli Village, Kasaba Hobli, Arasikere Taluk, Hassan 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.

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

- (a) According to the complainant: The mother of the complainant owns a land bearing Sy. No. 36 measuring 3 acres situated at Hebbarahalli Village, Arasikere Taluk. The complainant had applied for permission to start decorative stone mining in 1 acre out of 3 acres, before Mines and Geology Department, Hassan, who in turn has sent the case file to the Deputy Conservator of Forest to obtain NOC. Hence, the complainant approached the DGO Nos. 1 and 2 on 23/02/2013 to

  
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enquire about his case file. But, the DGO No. 1 has demanded a bribe amount of Rs.25,000/- from the complainant to give NOC;

- (b) The complainant unwilling to pay the bribe amount to DGO Nos. 1 and 2 gave complaint to the Police Inspector, Karnataka Lokayukta, Hassan on 25/02/2013. The case was registered on 25/02/2013 under their station in Crime No. 2/2013;
- (c) Thereafter, during the trap time i.e., on 25/02/2013 at about 12-35 p.m., the complainant has bargained about the bribe amount and paid an amount of Rs.500/- as a bribe initially to the DGO No. 1 and the DGO No. 1 has paid the same to the DGO No. 2. Thereafter, the complainant has paid the remaining balance bribe amount of Rs.24,500/- to the DGO No. 1, the DGO No. 1 paid the said bribe amount of Rs.24,500/- to Sri.Sumana J, Daily wages employee, at the office of Deputy Conservator of Forest, Hassan.
- (d) The DGO Nos. 1 and 2 were caught red handed, as they were found receiving the tainted (bribe) amount from the complainant on the said date, time and place when trap was conducted.
- (e) The proceedings against the Sri.Sumana J, were dropped as he is not a Government Employee, but a daily-wage employee in the said office of Deputy Conservator of Forest, Hassan.

  
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(f) Added to that, DGO Nos. 1 and 2 have 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) amount was seized under mahazar from the DGOs on 25/02/2013 by the said Investigating Officer.

3. Said facts supported by the material on record show that the DGOs, being public servants, have failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servants, and thereby committed misconduct and made themselves liable for disciplinary action.
4. Therefore, an investigation was taken up against the DGOs 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 DGOs gave their reply. However, the same has not been found convincing to drop the proceedings.
5. Since said facts and material on record prima facie show that the DGO Nos. 1 and 2 have 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 Nos. 1 and 2 and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

  
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6. 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 Nos. 1 and 2 and to submit report. Hence the charge”.

8. Both DGOs have filed Written Statement separately, and denied, demand and acceptance of bribe. The D.G.O.No.2, in page 5, last paragraph of his Written Statement has even stated that, he had never seen the complainant at any point of time.

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

**(1) Whether the disciplinary authority proves that the D.G.Os No.1 and 2 on 25/02/2013 at about 12.35 pm and 6.55 p.m. have received illegal gratification of total Rs.25,000/- from complainant in their office, for granting NOC to accord permission to start decorative stone mining in 1 acre in Sy.No. 36 of Hebbaranahalli village, and thereby, have committed misconduct, dereliction duty, acts unbecoming of a Government Servant, not maintaining absolute integrity, violating section 3(1)(i) to (iii) of K.C.S. (conduct) Rules, 1966?**

**(2) What findings?**

10. (a) The disciplinary authority has examined the complainant as P.W.1 and Ex.P1 to P3 are marked. Panchas are examined as P.W.2 and 4. Witness is examined as P.W3 and Ex.P4 marked in his evidence. Investigating Officer is examined as P.W5 and Ex.P5 to P12 are marked.

(b) Retired Publication Manager in the Office of Chief Conservator of Forests is examined as D.W.1, D.G.O. No.1 has

  
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examined himself as D.W.2 and Office Superintendent is examined as D.W.3.

(c) D.G.O. No.2 has denied the allegations of P.W.1 to 5 in the questionnaire.

11. Perused Written Brief of both sides, and all documents.

12. The answers to the above points are:

(1) In the Affirmative.

(2) As per final findings for the following

**REASONS**

13. **Point No.1:-** (a) Complainant/P.W.1 has got certified copy of his complaint dated 25/02/2013 marked as Ex.P1. Certified copies of pre-trap panchanama and trap panchanama both dated 25/02/2013 marked as Ex.P2 and P3 respectively. He has deposed about his filing of complaint and happening of events as narrated in paragraph No.3 of this report. He has stated that he gave 2 bundles of notes, containing Rs.15,000/- and Rs.10,000/-. The Police applied phenolphthalein powder to both sides of currency notes, prepared list of notes, and the notes were kept in the pocket of P.W.1 and he was instructed to give Rs.15,000/- on demand by D.G.Os and if insisted for full amount by D.G.Os, the remaining Rs.10,000/-. P.W.1 has stated that he was also instructed to rub his head to give signal to the trap team. Conversation recorded in mobile was also burnt to C.D. and transcribed. At 12.45 p.m., P.W.1 went near D.G.O.2 and asked whether signature to his file is complete, D.G.O. No.2 Siddaiah asked whether he had brought the amount. P.W.1 said, he had brought Rs. 15,000/-. D.G.O.


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No.2 told him to pay Rs.500/- then, and asked P.W.1 to come with Rs.24,500/- at 5.00 p.m. At 5.00 p.m. he met D.G.O.No.2. D.G.O. No.2 demanded the amount. P.W.1 paid him Rs.24,500/- which D.G.O No.2 accepted. He put it in a cover, and gave to the staff, Suman, who kept it in his pocket. P.W.1 and the shadow witness, came outside and P.W.1 gave the signal. The Police came there and recovered the said Rs.24,500/- from Suman. The 49 notes of Rs.500/- each were verified with the list of currency notes. The hands of D.G.O. No.2 were got dipped in sodium carbonate solution, and the same turned to pink colour. D.G.O.No.2 was asked about Rs.500/- he had received earlier, and he said he had given it to D.G.O. No.1, Manager. D.G.O. No.1 was called and on checking, the said note was recovered from his pant pocket. Pant was seized by making alternative arrangement and said pocket was also dipped in sodium carbonate solution, and even that, turned into pink colour. The panchanamas were drawn.

(b) Nothing useful to the defence has come out in cross-examination of P.W.1.

14. (a) P.W.2 Sri. Ishrar Pasha, entrustment witness has deposed that in 2013, he was called by Lokayukta Police to act as panch witness. He went there. His friend Shri Yogeshwara/P.W.4 was also called for said purpose. Complainant/P.W.1 gave 2 bundles of notes , Rs.15,000/- and Rs.10,000/- to the police. The Police applied

  
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phenolphthalein powder to the said notes. P.W.4 entered the numbers of the notes. All the notes were of denomination of Rs.500/-. P.W.2's hands were washed in sodium carbonate solution. The Police instructed P.W.1 to give the money, only if DGOs demand the same, and got both the bundles kept in separate pockets of P.W.1. P.W.1 and P.W.4 went to the Forest Department, situated about 2-3 kms. far from Lokayukta Police Station. At 12.30 p.m. all left the Lokayukta office. The Police also instructed P.W.1 to give signal by wiping head, after the DGOs receive the amount. P.W.2 and others were waiting outside.

(b) Both P.W.1 and P.W.4 came and said they will go again at 4.00 p.m. or 5.00 p.m. After sometime P.W.1 gave signal and P.W.2 and others went there. Complainant/P.W.1 took them to the place where DGO No.2 sits. P.W.1 pointing to DGO No.2 said that, DGO No.2 has received the amount and given to one, Suman. Suman/PW3 was also standing there. DGO No.2's hands were washed in sodium carbonate solution. It turned to pink colour. P.W.4 was asked to check Suman for the money. Suman had the money in a cover. It was Rs.24,500/= Suman's hands were not washed. DGO No.2 was asked, about Rs.500/- which was found less. DGO No.2 said that, it is put in file and sent to DGO No.1 for signature.

(c) The DGO No.1 was called and his hands were also washed in solution, the solution turned to pink colour. DGO No.1 was asked about the money. DGO No.1 gave it from his pant's secret pocket. The number of the note was checked

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and found correct. The pant pocket of DGO No.1 was also washed in solution and it turned to pink colour. All the articles were seized and procedure written and signature of P.W.2 was taken. He further states that, the entire procedure started at 7.30 p.m. and ended at 4.30 a.m. Documents were seized and P.W.2's signatures were taken. Suman/P.W.3 was also there, all along.

(d) In cross-examination of P.W.2, by DGO No.1, DGO No.1 has admitted about the possession of Rs.500/- tainted note. The same is in page 10, paragraph No.8, 3<sup>rd</sup> line which reads as under:

“1ನೇ ಅ.ಸ.ನೌಕರರ ಬಳಿ ತನ್ನ ಬಲಭಾಗದ ಜೇಬಿನಲ್ಲಿ ಇನ್ನೂ ಬೇರೆ  
ನೋಟುಗಳು ಇದ್ದದ್ದು ನಿಜ.”

(e) In cross examination by DGO No.2, P.W.2 has denied the suggestion, that the hand wash of DGO No.2 did not change colour. Nothing useful to defence is elicited in cross-examination.

(f) P.W.2 was recalled and further cross-examined by DGO No.1. P.w.2 has stated that he kept Rs.15,000/- in P.w.1's pant right side front pocket. He has also stated that, when P.W.1 gave signal, it was 6.30 p.m or 6.45 p.m. He too has denied all suggestions of DGO No.1 that no procedure was adopted. Nothing beneficial to defence is brought out in cross-examination of P.W.2.

15. (a) P.W.3, Shri. J. Suman, Dailywage worker, has supported the prosecution with respect to recovery of Rs.24,500/- from D.G.O. No.2 and Rs.500/- from D.G.O. No.1. But, he has

  
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denied that D.G.O.No.2 had put Rs.24,500/- in cover, and he i.e., P.W.3 was aware that amount was in the cover. Certified copy of his statement is marked as Ex.P4.

(b) P.W.3 has stated that his superior officer is D.F.O. He was working as Literate Assistant and his job was to do Xerox, enter inwards and other works. His evidence is very crucial in determining this case, as he was not part of trap team. He is a chance witness, having role of keeping money given by DGO No.2 to him. His evidence in paragraph 2 is as under:

“2, ಫೆಬ್ರವರಿ 2013 ರಲ್ಲಿ ಪೊಲೀಸರು ಅ.ಸ.ನೌಕರರೊಂದಿಗೆ ನನ್ನನ್ನು ದಸ್ತಗಿರಿ ಮಾಡಿದರು. ನನ್ನ ಜೇಬಿನಲ್ಲಿ ದುಡ್ಡಿನ ಕವರ್ ಇತ್ತು. ಅದನ್ನು ಅತೀಪ್ ಪಾಷ ರವರು ಕೊಟ್ಟಿದ್ದರು. 2ನೇ ಅ.ಸ.ನೌಕರರಾದ ಸಿದ್ದಯ್ಯ ನವರು ನನಗೆ ಆ ದುಡ್ಡನ್ನು ಇಟ್ಟುಕೊಳ್ಳಲು ಹೇಳಿದರು, ಸದರಿ ದುಡ್ಡು 24,500/- ಇತ್ತು. ಅತೀಪ್ ಪಾಷ ರವರಿಗೆ ಸಂಬಂಧಿಸಿದ ಆದೇಶವನ್ನು ಜೆರಾಕ್ಸ್ ಮಾಡುವಾಗ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ನನ್ನನ್ನು ಹಿಡಿದರು, ಆಗ ನಾನು ಅತೀಪ್ ಪಾಷ ರವರು ಕೊಟ್ಟಂತಹ ಕವರ್ ಅನ್ನು ತೆಗೆದು ಪೊಲೀಸರಿಗೆ ಕೊಟ್ಟೆ, ಅದರಲ್ಲಿ 24,500/- ಹಣವಿತ್ತು. 500/- ರೂಪಾಯಿ ಒಂದು ನೋಟು 1ನೇ ಅ.ಸ.ನೌಕರರಾದ ಮಹಾಲಿಂಗಪ್ಪ ರವರ ಬಳಿ ಇತ್ತು. ಅದನ್ನು ಪೊಲೀಸರು ಜಪ್ತು ಮಾಡಿದರು. ಮಹಾಲಿಂಗಪ್ಪ ರವರ ಸದರಿ ದುಡ್ಡನ್ನು ತಮ್ಮ ಪ್ಯಾಂಟಿನ ಜೇಬಿನಲ್ಲಿಟ್ಟುಕೊಂಡಿದ್ದರು. ಮಹಾಲಿಂಗಪ್ಪ ರವರ ಪ್ಯಾಂಟನ್ನು ಪೊಲೀಸರು ಜಪ್ತು ಮಾಡಿದರು. ನನ್ನ ಕೈಯನ್ನು ದ್ರವಣದಲ್ಲಿ ತೊಳೆಸಿದಾಗ, ದ್ರವಣದ ಬಣ್ಣ ಬದಲಾಗಲಿಲ್ಲ. ಅ.ಸ.ನೌಕರರ ಕೈಯನ್ನು ದ್ರವಣದಲ್ಲಿ ತೊಳೆಸಿದಾಗ ಸದರಿ ದ್ರವಣ ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ತಿರುಗಿತು. ಪೊಲೀಸರು ನನ್ನನ್ನು ವಿಚಾರಿಸಿದಾಗ ನಾನು ಲಿಖಿತ ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದೇನೆ. ಅದನ್ನು ನಿ.ಪಿ-4 ಆಗಿ ಗುರುತಿಸಲಾಯಿತು.”

  
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(c) In cross-examination by DGOs, very same P.W.3, who stated above about money recovery from DGO No.1 and DGO No.2, has denied the recovery of money and supported the DGOs.

(d) However, taking evidence in totality, his chief-examination reproduced above is believable.

16. (a) P.W.4, Shri. Yogeshwara B.S., shadow witness has deposed that on 25/02/2013, he was called by Lokayukta Police to their station. P.W.2 was also called. They were there at 10.30 a.m. The complainant/P.W.1 was introduced to them and contents of complaint was told to them. P.W.1 handed first Rs.15,000/- and then Rs.10,000/- to the Police. The list of currency notes was prepared. The notes were smeared with phenolphthalein powder and the amount was got kept in 2 pockets of P.W.1 through P.W.2. P.w.2's hands were washed in solution, and solution turned to pink colour. He has identified pre-trap panchanama, Ex.P2. The police instructed him to participate as shadow witness and voice recorder was given to P.W.1. At 12.30 p.m, all went to forest office and stopped about 200 meters far from forest office. P.W.1 and he went inside the office. At 7.00 p.m., P.W.1 was inside. P.W.1 put the amount of Rs.25,000/- in cover and gave to Suman/PW3. They gave signal. Police came there and recovered the cover containing Rs.24,500/- from Suman through P.W.2, Rs.500/- was recovered from DGO No.1. P.W.4 has stated that pant pocket of DGO No.1 was washed in solution and it turned to pink colour. He does not know whether hand wash of DGO No.2, changed colour. In

  
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cross-examination by learned Presenting Officer, P.W.4 has denied the suggestions that DGO No.2 received the amount and kept in cover and his hand wash turned to pink colour. He has identified the pamchanama, Ex.P.3.

(b) The evidence of P.W.4 with respect to P.W.1 putting the amount into cover and giving to Suman/PW3 and saying that he does not know about change of colour when DGO No.2's hands were washed in solution is against the contents of Trap panchanama, Ex.P3, to which he is signatory. Not only he has deposed against the document to which is is signatory, but also his version is against the evidence of P.W.1 and 2, Chief -examination of P.W.3, himself and P.W.5. Hence, the Additional Registrar (Enquiries) finds that P.W.4 has deposed falsely about the above mentioned points, that P.W.1 put the amount in cover and gave to P.W.3/ Suman.

17. Investigating Officer, Shri. Shanthinath Jinappa Vannur, Police Inspector/ P.W.5 has deposed about the entire events of trap as deposed by P.W.1,2 and 4, and has got the certified copies of FIR, list of currency notes , file containing 33 sheets pertaining to complainant seized from office of D.G.O., Attendance Register, Statements of D.G.O.1 and 2, Chemical Examiner's report, marked as Ex.P5 to Ex.P12. The N.O.C. is at 3<sup>rd</sup> sheet of Ex.P8 and is dated 25/03/2013, the date of trap. Nothing useful to defence is derived in cross-examination of P.W.5.

18. (a) D.W.1 and 3, Shri. Eregoweda T.K. and Shri. Ramachandra.N., Office Superintendent and F.D.A. respectively in the Office of Chief Conservator of Forests have deposed that, at about 6.30 p.m., in

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the office of D.W.1, when D.W.1 and D.G.O.No.1 were talking, 4 officials came there, and asked taking the name of D.G.O. No.1, as to who was D.G.O. No.1. D.W.1 pointed out at D.G.O. No.1, and they took him to ground floor office of D.G.O.No.2. D.W1 and 3 were not allowed to enter the place where investigation was going on. D.W.3 was about to leave the office at 6.00 p.m. but no one was allowed to leave at that time.


(b) Thus, the occurrence of incident gets admitted by D.G.O.No.1. The search of D.G.O.No.1 also gets admitted.

19. (a) D.G.O.No.1/D.W.2 has also stated the same as D.W.1 and 3 and, further stated that the Police searched the right front secret pocket of his pant through panch witnesses. He says, that Rs.500/- was not found, but approximately Rs.400/- were there. The same is in chief-examination. Page 2, 12<sup>th</sup> line, as follows:

“ನನ್ನ ಪ್ಯಾಂಟಿನ ಬಲ ಮುಂದಿನ ಗುಪ್ತ ಜೇಬಿನಲ್ಲಿ ಹಣ ಇದೆ ಎಂಬುದಾಗಿ ಲೋಕಾಯುಕ್ತ ಪೋಲಿಸರು ಹೇಳಿ ರೂ.500/- ಒಂದು ನೋಟನ್ನು ನನಗೆ ತೋರಿಸಿ ಆ ನೋಟು ಗುಪ್ತ ಜೇಬಿನಲ್ಲಿ ಇದ್ದ ನೋಟು ಎಂಬುದಾಗಿ ಹೇಳಿದರು. ನನ್ನ ಗುಪ್ತ ಜೇಬಿನಲ್ಲಿ ಅಂದಾಜು ರೂ.400/- ಇದ್ದು ಅದು ನನ್ನ ಹಣ ಎಂಬುದಾಗಿ ಹೇಳಿ ತೋರಿಸಿದನು. ನಾನು ನಿರಪರಾಧಿ ಎಂಬುದಾಗಿ ಫಿರ್ಯಾದಿಯು ಹೇಳಿದರು.”

(b) This admission clearly establish recovery of money from D.G.O. No.1 from right front pocket of pant.

20. From all the above admissions, evidences of P.W.1 to 5 and Ex.P1 to P12 it is clear that total tainted amount of Rs.25,000/-, Rs.500/- from D.G.O. No.1 and Rs.24,500/- from D.G.O. No.2 was

  
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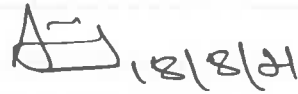
recovered, that the same was demanded and accepted by D.G.O. No.2 for himself and D.G.O. No.1, for giving No Objection Certificate to complainant/PW1 which is in the 3<sup>rd</sup> sheet of Ex.P8. This amounts to misconduct, acts unbecoming of a Government Servant, dereliction of duty and not maintaining absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. This Additional Registrar (Enquiries) finds that the disciplinary authority has proved the charges against D.G.O. No.1 and 2, and therefore, this point is answered in the **Affirmative**.

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

**ORDER**

The disciplinary authority has proved the charges against the DGOs 1 and 2.

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



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

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



## ANNEXURE

List of witnesses examined on behalf of the Disciplinary

Authority:-


PW1:- Sri. Athif Pasha  
 PW2:- Sri. Ishrar Pasha  
 PW3:- Sri. J.Suman.  
 PW4:- Sri. Yogeshwara B.S.  
 PW5:- Sri. Shanthinath Ginnappa Vannur.  
 List of witnesses examined on behalf DGO:-

DW1:- Sri. Eregowda T.K.  
 DW2:- Sri. J.B. Mahalingappa.  
 DW3:- Sri. Ramachandra.N.

List of documents marked on behalf of Disciplinary

Authority:-

|        |                                                                                             |
|--------|---------------------------------------------------------------------------------------------|
| Ex P1  | Certified copy of complaint of complainant dated 25/02/2013.                                |
| Ex P2  | Certified copy of pre-trap Panchanama dated 25/02/2013.                                     |
| Ex P3  | Certified copy of Trap Panchanama dated 25/02/2013                                          |
| Ex P4  | Certified copy of Written explanation of Sri. J.Suman dated 25/02/2013.                     |
| Ex P5  | Certified copy of FIR dated 25/02/2013.                                                     |
| Ex P6  | Certified copy of currency note numbers identified during pre-panchanama dated 25/02/2013.. |
| Ex P7  | Certified copy of currency note numbers identified during pre-panchanama dated 25/02/2013.. |
| Ex P8  | Certified copy of file pertaining to complainant.                                           |
| Ex P9  | Certified copy of Attendance Register.                                                      |
| Ex P10 | Certified copy of statement of D.G.O.No.1.                                                  |

  
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|        |                                            |
|--------|--------------------------------------------|
| Ex P11 | Certified copy of statement of D.G.O.No.2. |
| Ex P12 | Certified copy of FSL Report.              |

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



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

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