

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/331/2016/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001
Date: 21/09/2019.**: Present:****Patil MohanKumar Bhimanagouda**
Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri. Manjunatha B, First Division
Assistant, Taluk Office, Harapanahalli
Taluk, Davangere District.**Ref :** 1) Report u/s 12(3) of the K.L Act,
1984 in Compt/Uplok/BD/233/2015
/DRE-1, dated: 20/05/2015.2) Govt Order No. ಕಂಇ 107 ಭೂದಾಸೇ (3) 2016,
Bengaluru, dated : 12/08/2016.3) Nomination Order No.UPLOK-2/DE
/331/2016, Bengaluru, dated :
26/08/2016.

1. This Departmental Enquiry is directed against Sri. Manjunatha B, First Division Assistant, Taluk Office, Harapanahalli Taluk, Davangere District (herein after referred to as the Delinquent Government Official in short "DGO" respectively).

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:26/08/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. Additional Registrar Enquiries-4 prepared Article 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 Article 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. Initially the DGO had appeared on 07/12/2016 and his FOS was recorded on the same day. However, he later on remained absent and hence, he was placed Ex-parte.
4. As per order of Hon'ble UPLOK-1 & 2/DE/Transfers/2018 dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.
5. The Article of Charges framed by ARE-4 against the DGO is as below:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

6. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು/ಶ್ರೀ.ಜಿ. ಮಂಜುನಾಥ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ತಾಲ್ಲೂಕು ಕಚೇರಿ, ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ, ಆದ ನೀವು ಡಿಸೆಂಬರ್ 2012 ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ.ಜಿ. ಶ್ರೀಧರ ಬನ್ ನಂದೀಬಸಪ್ಪ, ನಿವೃತ್ತ ಶಿರಸ್ತೇದಾರ್, ವಿನಾಯಕ ಬಡಾವಣೆ, ವಿದ್ಯಾನಗರ, ದಾವಣಗೆರೆ ಅವರು ಅಣಜಿಗೇರಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.4ಬ/1 ರಲ್ಲಿ 3 ಎಕರೆ 84 ಸೆಂಟ್ಸ್ ಜಮೀನಿನ ಬಗ್ಗೆ ಈಗಾಗಲೇ ತಹಶೀಲ್ದಾರ್ ರವರ ಕಚೇರಿಗೆ ಸರ್ಕಾರಿ ಫೀಸ್ ಮತ್ತು ಚಲನ್‌ನೊಂದಿಗೆ ಜಮೀನಿನ ಅಳತೆ ಮಾಡಿ ಹದ್ದುಬಸ್ತು ಗುರುತು ಮಾಡಲು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಬಗ್ಗೆ ಸರ್ವೆಯರ್‌ರನ್ನು ನೇಮಕ ಮಾಡಲು ಭೇಟಿಯಾದಾಗ ಅವರಿಗೆ ನೀವು ಸ್ಥಳೀಯ ಚುನಾಯಿತ ಪ್ರತಿನಿಧಿಗಳಿಂದ ಶಿಫಾರಸ್ಸು ಪತ್ರ ಮತ್ತು ರೂ.4,000/- ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡಬೇಕೆಂದು ಬೇಡಿಕೆಯಿಟ್ಟು, ಕಡತವನ್ನು ಫಾಸ್ಟಾಗಿ ಕಳುಹಿಸುವುದಕ್ಕೆ ದೂರುದಾರರು ಅವರ ಅಣ್ಣನ ಮಕ್ಕಳ ಒಪ್ಪಿಗೆ ಪತ್ರ ಮತ್ತು ರೂ.2,000/- ಹಣವನ್ನು ಪಡೆದು, ನಂತರ ಪುನಃ ಮಾರ್ಚ್ 2013 ರಲ್ಲಿ ಉಳಿದ ರೂ.2,000/- ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿದ್ದು ಮತ್ತು ದಿನಾಂಕ 09/07/2013 ರಂದು ಹರಪನಹಳ್ಳಿಯ ಅಭಿರುಚಿ ಹೋಟೆಲಿನಲ್ಲಿ ದೂರುದಾರರನ್ನು ಭೇಟಿಯಾದಾಗ ಅವರಿಗೆ ಮೊದಲಿಗೆ ರೂ.1,500/- ಕೊಡು ಎಂದು ಹೇಳಿದ್ದು ಮತ್ತು ಪುನಃ ಹೆಚ್ಚಿಗೆ ರೂ..500/- ಕಳುಹಿಸಿ ಕೊಡಿ ಮತ್ತು ದೂರುದಾರರು ದಿನಾಂಕ 11/07/2013 ರಂದು ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಚೇರಿಯ ಎದುರುಗಡೆಯಿರುವ ಶ್ರೀ ಸುಬ್ರಹ್ಮಣ್ಯ ರವರ ಟೀ ಹೋಟೆಲಿನಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ. ಕೃಷ್ಣೇಜಿರಾವ್ ರವರ ಸಮಕ್ಷಮ ಅದೇ ಕೆಲಸಕ್ಕಾಗಿ ಲಂಚದ ಹಣ ರೂ.2,000/- ಪಡೆದುಕೊಂಡು ಶರ್ಟ್‌ನ ಎಡ ಜೇಬಿನಲ್ಲಿಟ್ಟು ಕೊಂಡಿರುತ್ತೀರಿ. ಅದರಂತೆ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ಗರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 3 (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸುತ್ತೇನೆ.

ಅನುಬಂಧ-2
ದೋಷಾರೋಪಣೆಯ ವಿವರ
(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

7. ಶ್ರೀ.ಜಿ. ಶ್ರೀಧರ ಚನ್ ನಂದೀಬಸಪ್ಪ, ನಿವೃತ್ತ ಶಿರಸ್ತೇದಾರ್, ವಿನಾಯಕ ಬಡಾವಣೆ, ವಿದ್ಯಾನಗರ, ದಾವಣಗೆರೆ (ಇನ್ನು ಮುಂದೆ "ದೂರುದಾರರು" ಎಂದು ಸಂಬೋಧಿಸಲಾಗುವ) ರವರು ನಿಮ್ಮ ವಿರುದ್ಧ ದೂರನ್ನು ದಾಖಲಿಸಿದ್ದು, ನೀವು ದುರ್ನಡತನ ತೋರಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 7 ರನ್ವಯ ತನಿಖೆ ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ.

8. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:-

ಎ) ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ಅಣಜಿಗೇರಿ ಗ್ರಾಮದ ಸ.ನಂ.4 ಬ/1 ರಲ್ಲಿ 3 ಎಕರೆ 84 ಸೆಂಟ್ಸ್ ಜಮೀನು ದೂರುದಾರರಿಗೆ ಮತ್ತು ಅವರ ಸಹೋದರನಿಗೆ ಪಿತ್ರಾರ್ಜಿತವಾಗಿ ಬಂದಿದ್ದು, ಅವರ ಸಹೋದರ ಪೌತಿಯಾದ ನಂತರ ಅವರ ಮಕ್ಕಳ ಮತ್ತು ತನ್ನ ಹೆಸರಿಗೆ ಜಂಟಿಯಾಗಿ ಬಂದಿದ್ದು, ಸದರಿ ಜಮೀನನ್ನು ಅಳತೆ ಮಾಡಿ ಹದ್ದುಬಸ್ತು ಮಾಡಲು ದಿನಾಂಕ 25/05/2012 ರಂದು ಸರ್ಕಾರಿ ಫೀಸ್ ತುಂಬಿ ಚಲನ್‌ನೊಂದಿಗೆ ಅರ್ಜಿಯನ್ನು ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಕಚೇರಿಗೆ ಸಲ್ಲಿಸಿದ್ದು, ಎರಡು ತಿಂಗಳ ನಂತರ ಭೂಮಾಪನ ಶಾಖೆಗೆ ಹೋಗಿ ವಿಚಾರಿಸಿದಾಗ, ಜಮೀನಿನಲ್ಲಿರುವ ಬೆಳೆ ಕಟಾವು ಆದ ನಂತರ ಅಳತೆ ಮಾಡಿಕೊಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಅದರಂತೆ ಬೆಳೆ ಕಟಾವು ಆದ ನಂತರ ತಹಶೀಲ್ದಾರ್ ರವರನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ, ತಹಶೀಲ್ದಾರ್ ರವರು ನಿಮ್ಮನ್ನು ಕರೆಸಿ ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಕೂಡಲೇ ಮಾಡಿಕೊಡುವಂತೆ ತಿಳಿಸಿರುತ್ತಾರೆ. ನೀವು 2012 ಡಿಸೆಂಬರ್ ಮೊದಲ ವಾರದಲ್ಲ ಸರ್ವೆಯರ್‌ರನ್ನು ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತೀರಿ. ಡಿಸೆಂಬರ್ ಸರ್ವೆಯರ್ ಬರದಿದ್ದ ಕಾರಣ, ಪುನಃ ನಿಮ್ಮನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ, ನೀವು ಸ್ಥಳೀಯ ಚುನಾಯಿತ ಪ್ರತಿನಿಧಿಗಳಿಂದ ಶಿಫಾರಸ್ಸು ಪತ್ರ ಮತ್ತು ರೂ.4,000/- ಫೀಸ್ ತರುವಂತೆ ತಿಳಿಸಿರುತ್ತೀರಿ. ಈ ಹಿಂದೆ ಚಲನ್ ತುಂಬಿ ಕೊಟ್ಟಿರುತ್ತೇನೆಂದು ಹೇಳಿದಾಗ ನೀವು ಫೈಲನ್ನು ಫಾಸ್ಟಾಗಿ ಕಳುಹಿಸುವುದಕ್ಕೆ ಬೇಕು ಎಂದು ಹೇಳಿರುತ್ತೀರಿ. ದೂರುದಾರರು ತನ್ನ ಅಣ್ಣನ ಮಕ್ಕಳ ಒಪ್ಪಿಗೆಯನ್ನು ಪಡೆದು ರೂ.2,000/- ಗಳನ್ನು ನಿಮಗೆ ನೀಡಿರುತ್ತಾರೆ. ನಂತರ 2013 ರ ಫೆಬ್ರವರಿ ಅಂತ್ಯದೊಳಗೆ ಕಳುಹಿಸಿಕೊಡುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತೀರಿ.

ಬ) 2013 ರ ಮಾರ್ಚ್ ಕೊನೆಯವರೆಗೂ ಯಾರೂ ಬಾರದ ಕಾರಣ ದೂರುದಾರರು ಪುನಃ ನಿಮ್ಮನ್ನು ಕಂಡು ಮಾತನಾಡಿದಾಗ, ನೀವು ಕಡಿಮೆ ಹಣ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿ ಅಂದರೆ ಹೇಗೆ ಇನ್ನು ಸ್ವಲ್ಪ ಹಣ ಕೊಟ್ಟಿ ಮಾತ್ರ ನಿಮ್ಮ ಫೈಲನ್ನು ಕಳುಹಿಸುತ್ತೇನೆಂದು ಹೇಳುತ್ತೀರಿ. ದಿನಾಂಕ 06/07/2013 ರಂದು ನಿಮ್ಮ ಬಳಿ ಬಂದಾಗ ರೂ.2,000/- ತೆಗೆದುಕೊಂಡು ಬರುವಂತೆ ಹೇಳುತ್ತೀರಿ.

ಸಿ) ದೂರುದಾರರಿಗೆ ಲಂಚದ ಹಣ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದೇ ಇದ್ದುದರಿಂದ, ದಿನಾಂಕ 08/07/2013 ರಂದು ದಾವಣಗೆರೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹಾಜರಾಗಿ ತನಿಖಾಧಿಕಾರಿಗೆ ವಿಚಾರ ತಿಳಿಸಿರುತ್ತಾರೆ. ಸದರಿ ತನಿಖಾಧಿಕಾರಿಯು ದೂರುದಾರರಿಗೆ ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್‌ನ್ನು ನೀಡಿ ಮತ್ತೊಮ್ಮೆ ನಿಮ್ಮ ಜೊತೆ ಮಾತನಾಡುವಂತೆ ಹೇಳಿ ಕಳುಹಿಸಿದ ಮೇರೆಗೆ, ದಿನಾಂಕ 09/07/2013 ರಂದು ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಹರಪನಹಳ್ಳಿಯ ಅಭಿರುಚಿ ಹೋಟೆಲಿನಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ, ದೂರುದಾರರಿಗೆ ರೂ.1,500/- ಕೊಡು ಎಂದು ಹೇಳಿದ್ದು, ನೀವು ದೂರುದಾರರೊಂದಿಗೆ ದಾವಣಗೆರೆ ಬಸ್ಸಿನಲ್ಲಿ ಬಂದಿದ್ದು, ಪುನಃ ನಿಮ್ಮೊಂದಿಗೆ ಮಾತನಾಡುವಾಗ ಇನ್ನು ಹೆಚ್ಚಿಗೆ ರೂ.500/- ಕಳುಹಿಸಿ ಕೊಡಿ ಎಂದು ಹೇಳುತ್ತೀರಿ. ಈ ವಿಚಾರ ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್‌ನಲ್ಲಿ ರೆಕಾರ್ಡ್ ಆಗಿರುತ್ತದೆ.

ಡಿ) ದೂರುದಾರರಿಗೆ ಲಂಚ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ದಿನಾಂಕ 10/07/2013 ರಂದು ತನಿಖಾಧಿಕಾರಿಯನ್ನು ಭೇಟಿಯಾಗಿ ಅಖತ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ನಂತರ ದಿನಾಂಕ 11/07/2013 ರಂದು ನಿಮ್ಮ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ದೂರುದಾರರಿಂದ ಲಂಚದ ಹಣಕ್ಕಾಗಿ ಒತ್ತಾಯಿಸಿ, ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು ಕಚೇರಿಯ ಎದುರುಗಡೆ ಇರುವ ಶ್ರೀ ಸುಬ್ರಹ್ಮಣ್ಯ ರವರ ಟೀ ಹೋಟೆಲ್‌ನಲ್ಲಿ ಲಂಚದ ಹಣ ರೂ. 2,000/- ಗಳನ್ನು ನೀವು ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ. ಕೃಷ್ಣೋಜಿರಾವ್ ರವರ ಸಮಕ್ಷಮ ಪಡೆದು ನಿಮ್ಮ ಶರಣ ಎಡ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡಿರುತ್ತೀರಿ.

ಇ) ಅದೇ ದಿವಸ ಸದರಿ ಲಂಚದ ಹಣ ರೂ.2,000/- ಗಳನ್ನು ನಿಮ್ಮಿಂದ ಪಂಚನಾಮೆಯ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಎಫ್) ತನಿಖಾಧಿಕಾರಿಯು ನಿಮ್ಮನ್ನು ಅದೇ ಕಾರಣಕ್ಕಾಗಿ ದಸ್ತಗಿರಿ ಮಾಡಿರುತ್ತಾರೆ.

ಜ) ಸದರಿ ಹಣದ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯು ನಿಮ್ಮನ್ನು ವಿಚಾರಿಸಿದಾಗ ಸರಿಯಾದ ತೃಪ್ತಿದಾಯಕವಾದ ಉತ್ತರ ಅಥವಾ ವಿವರಣೆ ಅಥವಾ ಲೆಕ್ಕ ನೀಡಿರುವುದಿಲ್ಲ.

ಹೆಚ್) ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು, ದೂರು ಅರ್ಜಿ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿ ಸಂಗ್ರಹಿಸಿದ ದಾಖಲೆ ಮತ್ತು ಇತರ ಅಂಶಗಳು ನಿಮ್ಮ ಸತತವಾದ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ.

9. ಈ ಮೇಲ್ಕಂಡ ವಿಚಾರಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ, ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಣೆಯಲ್ಲಿ ನಿಷ್ಠೆ ಇಲ್ಲದೇ, ಕರ್ತವ್ಯಲೋಪವೆಸಗಿ ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುತ್ತೀರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿರುತ್ತದೆ.

10. ಮೇಲ್ಕಂಡ ಸಂಗತಿಗಳು, ಮಾಹಿತಿ, ದಾಖಲಾತಿ ಹಾಗೂ ಆಧಾರಗಳಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿದ್ದುಕೊಂಡು ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೇ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು, ದುರ್ನಡತೆ/ದುರ್ವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಶಿಸ್ತುಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ತನಿಖೆ ಕೈಗೊಂಡು ತಕರಾರು/ಆಕ್ಷೇಪಣೆಯನ್ನು ಅವರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟು, ಅವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗಾಗಿ ಶಿಫಾರಸ್ಸು ವರದಿಯನ್ನು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಕಳುಹಿಸಿಕೊಡಬಾರದೆಂದು ಕಾರಣ ಕೇಳಲಾಗಿ, ಅದಕ್ಕೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಜವಾಬು ಕೊಟ್ಟಿದ್ದು, ಅದರಲ್ಲಿ ನೀವು ತಮ್ಮ ವಿರುದ್ಧದ ತನಿಖೆಯನ್ನು ಕೈ ಬಿಡಲು ಸಮಂಜಸ /ಸೂಕ್ತವಾದ ಆಧಾರಗಳು ಇವೆಯೆಂದು ತೋರಿಸಿಲ್ಲ.

11. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ

ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ರ 3(1) (i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ/ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

12. Initially the DGO had appeared on 07/12/2016 and his FOS was recorded on the same day. However, he later on remained absent and hence, he was placed Ex-parte. Since the DGO remained Ex-parte the question of recording SOS, defence evidence and Questionnaire does not arise.

13. The DGO appeared before this Enquiry Authority on 07/12/2016 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.

14. In order to substantiate the charge, the Disciplinary Authority examined four witnesses as PW-1 to PW-4 and got marked the documents at Ex.P-1 to P-15 and closed the evidence.

15. Initially the DGO had appeared on 07/12/2016 and his FOS was recorded on the same day. However, he later on remained absent and hence, he was placed Ex-parte. Since the DGO remained Ex-parte the question of recording SOS, defence evidence and Questionnaire does not arise.

16. Heard the oral arguments of Learned Presenting Officer.

17. Upon consideration of the charge leveled against the DGO, the evidence led by the Disciplinary Authority by way of oral and documentary evidence, the only point that arises for my consideration is as under:

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that, the DGO Sri. Manjunatha B, First Division Assistant, Taluk Office, Harapanahalli Taluk, Davangere District had demanded a bribe of Rs.4,000/- from the complainant Sri.G. Shridhar S/o Nandi Basappa and he had already received Rs.2,000/- as advance and on 11/07/2013 demanded and accepted the remaining amount of bribe of Rs.2,000/- to survey and fix the boundaries of complainant's land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka

Harapanahalli, District Davangere and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

18. My finding on the above point is held in "**Affirmative**" for the following:

:: REASONS ::

19. **Point No-1:-** The case of the Disciplinary Authority in brief is that,

The Complainant by name Sri G. Shridhar S/o Nandi Basappa has approached Karnataka Lokayukta, Davangere and lodged the complaint on 10/07/2013. He has alleged that, the DGO who was working as FDA in Survey Department, Taluka Office, Harapanahalli had demanded a bribe of Rs.4,000/- with regard to survey and fixation of boundaries of his land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka Harapanahalli, District Davangere. The complainant had already paid bribe amount of Rs.2,000/- out of that total amount of Rs.4,000/- demanded by the DGO. Even

after receiving Rs.2,000/- the DGO did not carry out the survey work and demanded the balance bribe of Rs. 2,000/-.

20. The complainant further states that, he approached the DGO to conduct the survey of his land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka Harapanahalli, District Davangere. However the DGO demanded the balance bribe of Rs.2,000/- and told that, the work of the complainant would be attended only if remaining bribe of Rs.2,000/- is paid. The complainant was not interested to pay the bribe, hence the complainant approached the Lokayukta Police and lodged the complaint on 10/07/2013.

21. The Complainant Sri. G. Shridhar S/o Nandi Basappa has been examined as PW-1. He has reiterated the facts stated in the complaint. PW-1 states that, he approached the DGO to conduct the survey of his land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluk Harapanahalli, District Davangere. However the DGO demanded the balance bribe of Rs.2,000/- and told that the work of the complainant would be attended only if remaining bribe of Rs.2,000/- is paid. The complainant was not interested to pay the bribe, hence the complainant approached the Lokayukta Police and lodged the complaint as per Ex.P-1 on 10/07/2013.

22. The witness further states that, Lokayukta Police summoned two witnesses/Government servants i.e Sri Krishnoji Rao S/o Dwarkoji Rao, working as FDA in Municipal Corporation, Davangere and Sri Krishna S/o Nagoji Rao working as FDA in Municipal Corporation, Davangere. The complainant/PW-1 has handed over the bribe amount of Rs.2,000/- i.e 2 notes of Rs.1,000/- denomination. 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 Police smeared the bait money with Phenolphthalein Powder and PW-2 shadow witness kept them in the left shirt pocket of the complainant. The hands of the PW-2 Sri. Krishnoji Rao were washed in Sodium Carbonate Solution. The colourless solution turned into pink colour. The Police poured the pink solution in an empty bottle and sealed it. He further states that the Entrustment Mahazar was conducted as per Ex.P-4.

23. PW-1 further states that, he along the panchas, I.O and his staff left the Lokayukta office at 9.45 a.m and went to the office of the DGO. The I.O told the complainant to go into the office of the DGO and pay the bribe amount, only if demand is made by DGO. The shadow witness by name of Sri. Krishnoji Rao/PW-2 was asked to accompany the complainant. PW-1 further states that, he along with PW-2 shadow witness went to the office of DGO at about 11.20 a.m, the complainant went and enquired the DGO about his file.

The DGO demanded the balance amount of bribe of Rs.2,000/-. The complainant took out the bait money from his shirt pocket and handed over the money to the DGO.

24. PW-1 further states that, he went outside and gave the signal to the I.O. The Investigation Officer came inside the chamber of DGO and introduced himself and asked the DGO to co-operate for investigation. The complainant/PW-1 showed the DGO and told that, the DGO had received the bribe amount of Rs.2,000/-. PW-1 further states that, the I.O recovered the amount from the DGO and washed the hands of DGO in Sodium Carbonate Solution and the solution turned into pink colour, it was poured in a bottle, sealed and seized.

25. PW-1 further states that, the I.O enquired the DGO about the bait money of the Rs.2,000/-. The DGO removed the said amount from his shirt pocket and handed over it to the I.O. The I.O has seized the said amount. PW-1 further states that, alternate shirt was arranged to the DGO and the shirt worn by the DGO was seized. The left pocket of the shirt was washed in Sodium Carbonate Solution and it also turned into the pink colour. It was poured in a bottle, sealed and seized.

26. PW-1 further states that, the I.O conducted the Trap Mahazar as per Ex.P-7. The file pertaining to the survey of complainant's

land was also seized and all the documents were commonly marked as Ex.P-5.

27. PW-2 Sri Krishnoji Rao S/o Dwarkoji Rao is a shadow witness and he has accompanied the complainant to the Office of DGO. He states that, he is working as a FDA in Municipal Corporation, Davangere. The Davangere Lokayukta Police summoned him and Sri Krishna working in the same Department, to their office and requested them, to act as panchas. The Complainant was introduced to them and contents of Ex.P-1 complaint were explained to them. The mobile voice recording with regard to demand of bribe by DGO was also played. PW-2 further states that, the complainant handed over the bait money of Rs.2,000/- i.e 2 notes of Rs.1,000/- denomination. He further states that, they noted down the serial numbers of the notes in a paper i.e Ex.P-3. The Police applied Phenolphthalein Powder to the notes and he counted the notes and kept them in the shirt pocket of the complainant. PW-2 further states that, his hands 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-4. He further states that, they left the Lokayukta office at 9.45 a.m and reached the office of the DGO at 11.20 p.m. He states that, he along with the complainant went inside office of DGO and rest of the persons were waiting outside.

28. He further states that, the complainant asked about the survey of his land, for which the DGO demanded remaining bribe of Rs.2000/-. He further states that, the complainant handed over the bait money/bribe of Rs.2,000/- to DGO.

29. PW-2 has elaborately stated as to how the bait amount was seized and the Trap Mahazar was conducted as per Ex.P-7. He further states that, the hands of the DGO were washed in Sodium Carbonate Solution and the solution turned into the pink colour. The said solution was poured into a bottle and sealed.

30. The I.O Sri. Sannathammappaiah Wadiyar, Police Inspector has been examined as PW-4. He states that, the complainant approached him with the complaint on 10/07/2013 alleging that, the DGO had demanded bribe of Rs.4,000/- and he had already paid Rs. 2,000/- and the DGO was demanding balance bribe of Rs.2,000/-. He indentifies the complaint at Ex.P-1.

31. PW-4 further states that, he registered the case in Cr.No. 54/2013 and submitted FIR to the court. On the same day he summoned two witnesses by name Sri Krishnoji Rao S/o Dwarkoji Rao, FDA in Municipal Corporation, Davangere and Sri Krishna S/o S. Nagoji Rao, FDA in Municipal Department. He has introduced the complainant to the panchas and appraised the witnesses about the complaint. PW-4 has demonstrated the procedure for

Entrustment Mahazar. He has received the bribe money Rs.2000/- i.e 2 notes of Rs.1,000/- denomination. The I.O has asked the panchas to note down the serial numbers of the notes on a paper and they were noted down in the document at Ex.P-3. The staff of PW-4 has applied Phenolphthalein Powder to the notes and demonstrated how the colourless sodium carbonate solution turns into pink colour. PW-4 states elaborately about the Entrustment Mahazar conducted by him as per Ex.P-4.

32. PW-4 further states that, he along with the complainant and panchas and his staff went to the office of DGO. He had instructed the complainant and shadow witness/PW-2 to go into the chambers of DGO. He has specifically instructed the complainant that, the bait money shall be paid only on demand by the DGO. PW-4 further states that, after sometime he received signal from the complainant. He went inside and introduced himself to the DGO. PW-4 has narrated elaborately, how he washed the hands of the DGO in Sodium Carbonate Solution and seized the bait money of Rs.2,000/- from the DGO. He has narrated the details of Trap Mahazar conducted by him as per Ex.P-7. He has identified his signature on the mahazar. The FIR is marked as Ex.P-14.

33. PW-3 Sri. Manjunatha K Gangal is the second Investigation Officer. He was working as Police Inspector in Davangere Lokayukta Office. He has taken charge of the Investigation from

PW-4. He has conducted further investigation i.e he has received the FSL report, recorded the statements of witnesses and thereafter he has filed the charge sheet. The important part of the investigation has been done by PW-4. PW-3 has merely collected the documents, recorded the statements of witnesses and filed the charge sheet.

34. The evidence of PW-1 to 4 has totally remained unchallenged. Even though the DGO had appeared initially later on he remained Ex-parte.

35. 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 pertaining to Survey of land bearing Sy.No.4B/1, measuring 3 acres and 84 cents, situated in Anajigere Village, Arasikere Hobli, Taluk Harapanahalli, District Davangere. PW-1 has further proved that the DGO in order to do the official work of the survey and fixation of boundaries of his land bearing Sy.No.4B/1 measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka Harapanahalli, District Davangere, demanded and received the bribe amount of Rs.2,000/-.

36. PW-1 has stated about lodging the complaint as per Ex.P-1 and he has deposed about the Entrustment Mahazar as per Ex.P-4.

He has further deposed of having approached the DGO along with shadow witness PW-2 and paid the bribe amount on demand by the DGO. PW-1 has deposed about the Trap Mahazar as per Ex.P-7.

37. The evidence of PW-1 complainant is corroborated by the evidence of shadow witness/PW-2 Sri Krishnoji Rao. This witness has also stated consistently about the procedure and Entrustment Mahazar conducted by the I.O. He has accompanied the complainant to the office of DGO and specifically states that, the DGO demanded bribe and the complainant paid the bribe amount i.e bait money of Rs.2,000/- to the DGO. PW-2 has elaborately deposed about the Trap Mahazar conducted by the I.O. He has stated that, the hands of the DGO were washed in Sodium Carbonate Solution and the solution turned into pink colour. He has stated about the Trap Mahazar as per Ex.P-7 and the seizure of the said solution in a bottle.

38. The complainant who is examined as PW-1 has reiterated the facts of having lodged the complaint. He has deposed about the Entrustment Mahazar and Trap Mahazar conducted by the I.O. The complainant has specifically stated about the demand of bribe by the DGO. He has also narrated as to how the trap was laid and DGO was caught red handed.

39. The evidence of PW-1 is corroborated by the evidence of shadow witness i.e PW-2 Sri Krishnoji Rao who had accompanied PW-1 to the office of DGO. This witness has specifically stated that, on 11/07/2013 when he along with the complainant approached the DGO, he demanded balance bribe of Rs.2,000/- to attend the file. PW-2 has stated about the bribe paid by the complainant and also about the Trap Mahazar conducted by the I.O as per Ex.P-7. PW-1 and 2 have also deposed about the Sodium Carbonate Solution turning into pink colour, when the hands of DGO were washed in the said solution.

40. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-4. 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-4 and P-7 respectively. The I.O has specifically stated that, the bait money was recovered from the said DGO and his hands were washed in Sodium Carbonate Solution and the solution turning to pink colour, due to the presence of Phenolphthalein Powder. He has also deposed about the wiping of the inner parts of the of the shirt pocket of the DGO, in which he had kept the bait money and the shirt pocket was washed in Sodium Carbonate Solution and the solution turned to pink colour, due to the presence of Phenolphthalein Powder.

41. The shadow witness PW-2 has specifically stated about the bait money of Rs.2,000/- i.e 2 notes of Rs. 1,000/- denomination produced by the complainant. The panchas have noted down the numbers and they have been mentioned in both the entrustment and Trap Mahazars. PW-1, PW-2 and PW-4 have specifically stated that, the bait money recovered from the said 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-3. The same notes were received by the DGO. All the 3 witnesses have stated about washing the hands of DGO 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-4 who has conducted the Entrustment Mahazar as per Ex.P-4 and Trap Mahazar as per Ex.P-7.

42. 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 of the survey and fixation of boundaries of his land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka Harapanahalli, District Davangere.

43. The Disciplinary Authority has examined the complainant, the shadow witness and the investigation officer. 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 attend the file of complainant, i.e in order to do the official work, received a total bribe of Rs.4,000/- i.e Rs.2,000/- was paid as advance and remaining amount of Rs.2,000/- was paid on 11/07/2013 by the complainant and the DGO has accepted the same. The Disciplinary Authority has by cogent oral and documentary evidence proved that, the DGO has demanded and accepted the bribe amount to do the official work and it was successfully recovered by laying a Trap.

44. It is the case of the Disciplinary Authority that the DGO in order to do the official work had demanded balance bribe of Rs.2,000/- and he had received the said amount. The complainant and shadow witness have specifically stated that, when they approached the DGO with bait money, the DGO was present in the office, the DGO demanded bribe amount and received the bribe amount. PW-1/complainant and the shadow witness PW-2 Sri.

Krishnoji Rao have consistently deposed about the bribe money received by the DGO. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O/PW-4. After giving the bait money, the complainant had given signal to the I.O, who came inside the office and caught hold of the DGO. The I.O/PW-4 has washed the hands of DGO in Sodium Carbonate Solution. Because of the presence of phenolphthalein Powder, the solution has turned into pink colour. The I.O/PW-4 has elaborately stated about the Entrustment Mahazar and Trap Mahazar conducted by him as per Ex.P-4 and P-7 respectively. The bribe money/bait money has been recovered from the said DGO. The evidence of PW-1, PW-2 and PW-4 has totally remained unchallenged. All these three witnesses have deposed about the demand of bribe by the DGO and also the acceptance of the bribe money by the DGO. The evidence of complainant/PW-1 is corroborated by the evidence of shadow witness/PW-2, who had accompanied the complainant to the office of DGO and who had watched all the events. Further the evidence of PW-1 and 2 is fully collaborated by the evidence of I.O/PW-4. The Disciplinary Authority by the cogent evidence of PW-1 to 4 has proved the Entrustment Mahazar and Trap Mahazar at Ex.P-4 and P-7 respectively. The bribe/bait money has been recovered from the DGO. The Disciplinary Authority has proved that the DGO in order to attend the official work of the survey and fixation of boundaries of complainant's land bearing Sy.No.4B/1, measuring 3 acres and 84 cents situated in Anajigere Village, Arasikere Hobli, Taluka

Harapanahalli, District Davangere had demanded and accepted the bribe of Rs.2,000/-.

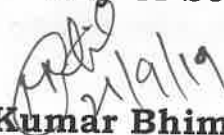
45. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity, besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence of Disciplinary Authority I hold that, the 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. Manjunatha B, First Division Assistant, Taluk Office, Harapanahalli Taluka, Davangere District.

46. 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 21st day of September 2019


(Patil Mohan Kumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURE

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri G. Shridhar (Original)
PW-2: Sri Krishnoji Rao (Original)
PW-3: Sri Manjunatha K. Gangal (Original)
PW-4: Sri Sannathammappaiah Odeyar (Original)
Witness examined on behalf of the Defence
NIL
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Complaint (Certified copy)
Ex. P-1(a): Signature of complainant.
Ex.P-1(b): Complaint copy (Xerox copy)
Ex. P-2: Transcription of the Audio tape (certified copy)
Ex.P-2(a) : Signature of the complainant.
Ex.P-3: The document in which the numbers of Currency notes were noted down. (Certified copy)
Ex.P-3(a): Signature of the Complainant.
Ex.P-3(b): Signature of the I.O
Ex. P-4: Entrustment Mahazar (Certified copy)
Ex.P-4(a): Signature of the complainant.
Ex.P-4(c): Signature of the pancha-1
Ex.P-4(d): Signature of the I.O
Ex.P-4(b): Entrustment Mahazar (Xerox copy)
Ex. P-5: File pertaining to complainant and connected documents (20 sheets) (Certified copy)
Ex.P-6: Explanation of DGO (Certified copy)
Ex.P-6(a): Signature of the I.O
Ex.P-6(b): Signature of the DGO

Ex.P-7: Trap Mahazar (Certified copy) Ex.P-7(a): Signature of the complainant. Ex.P-7(c): Signature of the pancha-1 Ex.P-7(d): Signature of the I.O
Ex.P-7(b) : Trap Mahazar (xerox copy)
Ex.P-8: Rough hand sketch Map. Ex.P-8(a) : Signature of the I.O
Ex.P-9: Tax register extract (Certified copy)
Ex.P-10: Letter of Chief Officer, Town Panchayath, Harapanahalli dated 11/02/2014. (Certified copy)
Ex.P-11: Sanction for prosecution of DGO (Certified copy)
Ex.P-12: Letter of ADLR, Harapanahalli dated 31/01/2014(Certified copy)
Ex.P-13: Letter of the Senior Officer of the DGO, who has identified the voice of DGO. (Certified copy). Ex.P-13(a): Signature of the I.O
Ex.P-14: FIR copy (Certified Copy) Ex.P-14(a) : Signature of the I.O
Ex.P-15: The service particulars of DGO issued by the Tahsildar, Harapanahalli. (Certified copy).
Documents marked on behalf of the DGO
NIL

Dated this the 21st day of September 2019

Patil
21/9/19
(Patil MohanKumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

331/1



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE.331/2016/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 24.09.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri B.Manjunath,
First Division Assistant, Harapanahally Taluk,
Davanagere District - reg.

Ref:- 1) Government Order No. RD 107 BDS(3) 2016
dated 12.08.2016.

2) Nomination order No. UPLOK-2/DE.331/2016
dated 26.08.2016 of Upalokayukta, State of
Karnataka.

3) Inquiry report dated 21.09.2019 of Additional
Registrar of Enquiries-13, Karnataka
Lokayukta, Bengaluru.

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The Government by its order dated 12.08.2016 initiated the disciplinary proceedings against Shri B.Manjunath, First Division Assistant, Harapanahally Taluk, Davanagere 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.331/2016 dated 26.08.2016, nominated Additional Registrar of Enquiries-4, 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 Nomination Order No. UPLOK-1&2/DE/Transfers/2018 dated 06.08.2018 Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru, was renominated as the Inquiry Officer to continue the said departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri B.Manjunath, First Division Assistant, Harapanahally Taluk, Davanagere District, was tried for the following charges:-

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಶ್ರೀ.ಬಿ. ಮಂಜುನಾಥ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ತಾಲ್ಲೂಕು ಕಚೇರಿ, ಹರಪನಹಳ್ಳಿ ತಾಲ್ಲೂಕು, ದಾವಣಗೆರೆ ಜಿಲ್ಲೆ, ಆದ ನೀವು ಡಿಸೆಂಬರ್ 2012 ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ.ಜಿ. ಶ್ರೀಧರ ಬನ್ ನಂದೀಬಸಪ್ಪ, ನಿವೃತ್ತ ಶಿರಸ್ತೇದಾರ್, ವಿನಾಯಕ ಬಡಾವಣೆ, ವಿದ್ಯಾನಗರ, ದಾವಣಗೆರೆ ಅವರು ಅಣಜಿಗೇರಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.429/1 ರಲ್ಲಿ 3 ಎಕರೆ 84 ಸೆಂಟ್ಸ್ ಜಮೀನಿನ ಬಗ್ಗೆ ಈಗಾಗಲೇ ತಹಶೀಲ್ದಾರ್ ರವರ ಕಚೇರಿಗೆ ಸರ್ಕಾರಿ ಫೀಸ್ ಮತ್ತು ಚಲನ್‌ನೊಂದಿಗೆ ಜಮೀನಿನ ಅಳತೆ ಮಾಡಿ ಹದ್ದುಬಸ್ತು ಗುರುತು ಮಾಡಲು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಬಗ್ಗೆ


ಸರ್ವೆಯರ್‌ರನ್ನು ನೇಮಕ ಮಾಡಲು ಭೇಟಿಯಾದಾಗ ಅವರಿಗೆ ನೀವು ಸ್ಥಳೀಯ ಚುನಾಯಿತ ಪ್ರತಿನಿಧಿಗಳಿಂದ ಶಿಫಾರಸ್ಸು ಪತ್ರ ಮತ್ತು ರೂ.4,000/- ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡಬೇಕೆಂದು ಬೇಡಿಕೆಯಿಟ್ಟು, ಕಡತವನ್ನು ಫಾಸ್ಟಾಗಿ ಕಳುಹಿಸುವುದಕ್ಕೆ ದೂರುದಾರರು ಅವರ ಅಣ್ಣನ ಮಕ್ಕಳ ಒಪ್ಪಿಗೆ ಪತ್ರ ಮತ್ತು ರೂ.2,000/- ಹಣವನ್ನು ಪಡೆದು, ನಂತರ ಪುನಃ ಮಾರ್ಚ್ 2013 ರಲ್ಲಿ ಉಳಿದ ರೂ.2,000/- ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯ ಮಾಡಿದ್ದು ಮತ್ತು ದಿನಾಂಕ 09/07/2013 ರಂದು ಹರಪನಹಳ್ಳಿಯ ಅಭಿರುಚಿ ಹೋಟೆಲಿನಲ್ಲಿ ದೂರುದಾರರನ್ನು ಭೇಟಿಯಾದಾಗ ಅವರಿಗೆ ಮೊದಲಿಗೆ ರೂ.1,500/- ಕೊಡು ಎಂದು ಹೇಳಿದ್ದು ಮತ್ತು ಪುನಃ ಹೆಚ್ಚಿಗೆ ರೂ.500/- ಕಳುಹಿಸಿ ಕೊಡಿ ಮತ್ತು ದೂರುದಾರರು ದಿನಾಂಕ 11/07/2013 ರಂದು ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಚೇರಿಯ ಎದುರುಗಡೆಯಿರುವ ಶ್ರೀ ಸುಬ್ರಹ್ಮಣ್ಯ ರವರ ಟೀ ಹೋಟೆಲಿನಲ್ಲಿ ಭೇಟಿಯಾದಾಗ ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ. ಕೃಷ್ಣೇಶ್ವರಾಚಾರ್ ರವರ ಸಮಕ್ಷಮ ಅದೇ ಕೆಲಸಕ್ಕಾಗಿ ಲಂಚದ ಹಣ ರೂ.2,000/- ಪಡೆದುಕೊಂಡು ಶರ್ಟ್‌ನ ಎಡ ಜೇಬಿನಲ್ಲಿಟ್ಟು ಕೊಂಡಿರುತ್ತೀರಿ. ಅದರಂತೆ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966-ನಿಯಮ 3 (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸುತ್ತೇನೆ."

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charge against the DGO - Shri B.Manjunath, First Division Assistant, Harapanahally Taluk, Davanagere District.

5. On re-consideration of report of inquiry, 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 B.Manjunath is due to retire from service on 31.05.2025.
7. Having regard to the nature of charge 'proved' (demand and acceptance of bribe) against the DGO - Shri B.Manjunath, First Division Assistant, Harapanahally Taluk, Davanagere District, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Shri B.Manjunath.'
8. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA)  
Upalokayukta,  
State of Karnataka. 