



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/365/2014/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 20.09.2021.

RECOMMENDATION

Sub:- Departmental inquiry against Dr.R.S.Shankarappa,
Medical Officer, Government Hospital,
Somavarapete, Kodagu District- reg.

Ref:- 1) Government Order No.HFW 346 MSA 2008 dated
29.05.2014.

2) Nomination order No. LOK/INQ/14-
A/365/2014 dated 17.06.2014 of
Upalokayukta, State of Karnataka.

3) Inquiry report dated 08.09.2021 of
Additional Registrar of Enquiries-11,
Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 29.05.2014 initiated the disciplinary proceedings against Dr.R.S.Shankarappa, Medical Officer, Government Hospital, Somavarapete, Kodagu District, [hereinafter referred to as Delinquent Government Officer, for short as 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination LOK/INQ/14-A/365/2014 dated 17.06.2014 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO was tried for the following charges:-

“ That you DGO Dr.R.Shankarappa, Medical Officer, Government Hospital, Somavarapete, Kodagu District, while discharging your duties:

(a) On 08.07.2008 the complainant went to Government Hospital, Somavarapete for the treatment for chest pain, you DGO being on duty after examining the complainant, you DGO demanded bribe amount of Rs.100/- for E.C.G. from the complainant. The complainant for want of money he paid only Rs.50/- as per the demand of you DGO and went back to his house. Thereafter on 17.7.2008 again the complainant had chest pain as such again he visited the hospital, you DGO again demanded Rs.100/- for E.C.G.

(b) As the complainant was not willing to pay the said amount, he approached the Lokayukta police station, Madikeri on 17.7.2008 and lodged the complaint. Thereafter when he approached, you DGO for E.C.G., you demanded bribe amount of Rs.100/- and received the same from the complainant in the presence of shadow witness Sri Halesh.

- (c) The said tainted(bribe) amount was seized from you DGO under a mahazar by the I.O.
- (d) Thereafter, you DGO was caught hold when found with the tainted(bribe) amount on the said date at said place.
- (e) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the receipt of the said tainted amount, when you DGO was questioned by the I.O.
- (f) Further the statements of witnesses, including complainant, besides material and records collected and filed by the I.O. which show that you DGO has committed misconduct.

And thereby you failed to maintain absolute integrity and devotion to duty and committed an act which is unbecoming of a Government Servants 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 Dr.R.S.Shankarappa, Medical Officer, Government Hospital, Somavarapete, Kodagu 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 Enquiry Officer.

6. As per the First Oral Statement of the DGO furnished by the Enquiry Officer, the DGO Dr.R.S.Shankarappa, is due to retire from service on 31.05.2022.

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against the DGO and considering the totality of circumstances, it is hereby recommended to the Competent Authority to impose penalty of " compulsory retirement on DGO and also to permanently withhold 10% of pension payable to DGO Dr.R.S.Shankarappa, Medical Officer, Government Hospital, Somavarapete, Kodagu District".

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

Connected records are enclosed herewith.

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

BS\*

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**KARNATAKA LOKAYUKTA**

NO.LOK/INQ/14-A/365/2014/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 08/09/2021.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Dr.  
R.S.Shankarappa, Medical Officer,  
Government Hospital, Somvarpete, Kodagu  
District -reg.

Ref: 1. Government Order No. ಅಕುಕ 346 ಎಂಎಸ್‌ಎ  
2008, Bengaluru, dated 29/05/2014.  
2. Nomination Order No. LOK/INQ/14-  
A/365/2014, Bengaluru, dated  
17/06/2014.

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1. The Departmental Enquiry is initiated against Dr. R.S.Shankarappa, Medical Officer, Government Hospital, Somvarpete, Kodagu District (hereinafter referred to as the Delinquent Government Official, in short DGO).
2. In view of Government Order cited at reference No.1, the Hon'ble Upalokayukta vide order cited at reference No.2, has nominated Additional Registrar (Enquiries-11) to frame Articles of Charge and to conduct enquiry against DGO.
3. The complainant, Shri Mani S/o Banneri of Gonimarooru, Somwarpet, Kodagu lodged complaint on 17/07/2008 before Lokayukta Police, that the



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DGO, Dr. R.S.Shankarappa, working as Medical Officer in Government Hospital, Somwarpet, Kodagu, on 08/07/ 2008 demanded Rs.100/- from complainant, for ECG, who had gone for treatment, as he had chest pain. The complainant did not have Rs.100/- but Rs.50/-. The DGO took the same from complainant for treating him and giving him medicines. On 17/07/2008, again the complainant had chest pain and he went to Government hospital, and the DGO again said ECG has to be done and demanded Rs.100/-. The complainant had no money and was pained by the demand and lodged complaint. The Police laid the trap, an on 17/07/2008 at about 3 p.m., the DGO was caught red-handed with the tainted note of Rs.100/-.

4. The Lokayukta took up investigation U/S 9 R/W section 7(2) of Karnataka Lokayukta Act, 1984. On perusal of complaint, Mahazar and FSL Report and other documents, a prima-facie case was found and Hon'ble Upalokayukta forwarded Report dated 28/04/2014 u/s 12(3) of the Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against the DGO. The competent authority vide Government Order No. ಅಕುಕ 346 ಎಂಎಸ್ಎ 2008, Bengaluru, dated 29/05/2014 has accordingly entrusted the matter to Hon'ble Upalokayukta.

A handwritten signature in blue ink, followed by the date 29/5/14.

5. Notice of Articles of charge, statement of imputations of misconduct with list of witnesses and documents was served upon the DGO. The DGO denied the charges and claimed to be enquired. The DGO in FOS has stated that his date of birth as 01/06/1962. By this date, it appears, he will retire on 31/05/2022.
6. The Articles of charge framed is as follows:

**ANNEXURE-1**

**CHARGE:**

That you DGO Dr.R.S.Shankarapa, Medical Officer, Government Hospital, Somvarpete, Kodagu District while discharging your duties:

- (a) On 08/07/2008 the complainant went to Government Hospital, Somwarpet for the treatment for chest pain, you DGO being on Duty after examining the complainant, you DGO demanded bribe amount of Rs.100/- for E.C.G. from the complainant. The complainant for want of money he paid only Rs.50/- as per the demand of you DGO and went back to his house. Thereafter on 17/07/2008 again the complainant had chest pain as such again he visited the hospital, you DGO again demanded Rs.100/- for E.C.G.

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- (b) As the complainant was not willing to pay the said amount, he approached the Lokayukta Police Station, Madikeri on 17/07/2008 and lodged the complaint. Thereafter when he approached, you DGO for E.C.G., you DGO demanded bribe amount of Rs.100/- and received the same from the complainant in the presence of shadow witness Sri.Halesh.
- (c) The said tainted (bribe) amount was seized from you DGO under a mahazar by the I.O.
- (d) Thereafter, you DGO was caught hold when found with the tainted (bribe) amount on the said date at said place.
- (e) Added to that, you DGO failed to give any satisfactory reply or explanation or account for the receipt of the said tainted amount, when you DGO was questioned by the I.O.
- (f) Further the statements of witnesses, including complainant, besides material and records collected and filed by the I.O., which show that you DGO has committed misconduct.

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

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


**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 Kodagu District (herein after referred to as Investigating Officer-'I.O.' for short), stated that Dr.R.S.Shankarapa, Medical Officer, Government Hospital, Somvarpete, Kodagu District, being a public/Government servant, has committed misconduct, when approached by Sri.Mani S/o Banneri, Gonimaruru Village, Somwarpete Taluk, Kodagu 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 : On 08/07/2008 the complainant went to Government Hospital, Somwarpet for the treatment for chest pain, the DGO being on Duty after examining the complainant, you DGO demanded bribe amount

  
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of Rs.100/- for E.C.G. from the complainant. The complainant for want of money he paid only Rs.50/- as per the demand of the DGO and went back to his house. Thereafter on 17/07/2008 again the complainant had chest pain as such again he visited the hospital, the DGO again demanded Rs.100/- for E.C.G.

- (b) As the complainant was not willing to pay the said amount, he approached the Lokayukta Police Station, Madikeri on 17/07/2008 and lodged the complaint. Thereafter when he approached, the DGO for E.C.G., the DGO demanded bribe amount of Rs.100/- and received the same from the complainant in the presence of shadow witness Sri.Halesh.
- (c) The said tainted (bribe) amount was seized from the DGO under a mahazar by the I.O.
- (d) Thereafter, the DGO was caught hold when found with the tainted (bribe) amount on the said date at said place.
- (e) Added to that, DGO failed to give any satisfactory reply or explanation or account for the receipt of the said tainted amount, when he was questioned by the I.O.
- (f) Further the statements of witnesses, including complainant, besides material and records

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collected and filed by the I.O., which show that the DGO has committed misconduct.

3. Said facts supported by the material on record show that the DGO, being a public servant, has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of a Government servant, and thereby committed misconduct and made himself liable for disciplinary action.
4. Therefore, an investigation was taken up against the DGO and an observation note was sent to them to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against them in the matter. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings.
5. Since said facts and material on record prima facie show that the DGO has committed misconduct under Rule 3 (1) of the KCS Conduct Rules, 1966, recommendation is made under Section 12(3) of the Karnataka Lokayukta Act, to the Competent Authority to initiate disciplinary proceedings against the DGO and to entrust the inquiry to this Institution under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

  
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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 and to submit report. Hence the charge.
8. The DGO has filed written statement dated 01/10/2014, admitting his employment and that he treated the complainant but he has not demanded or accepted any bribe, and hence, has prayed for honourable discharge of DGO.
9. The points that arise for consideration are as follows:
- (1) Whether the disciplinary authority proves that the D.G.O. on 17/07/2008 at about 3.00 p.m., in Government Hospital, Somwarpet, has demanded and accepted bribe of Rs.100/- from complainant for doing E.C.G., and prior to that on 08/07/2008, also demanded Rs.100/- for ECG and took Rs.50/- from complainant for treatment, and thereby the DGO has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1) (i) to (iii) of K.C.S. (Conduct) Rules, 1966?**
- (2) What findings?**

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10. (a) The disciplinary authority has examined the complainant, entrustment witness, shadow witness and Investigating Officer as P.W.1 to P.W.4 and got 10 documents exhibited.

(b) The DGO has denied the allegations in the questionnaires and produced 4 documents marked as Annexures-1 to 4, which are hospital records containing details of various posts, income details from 2005-14, letter dated 13/10/2011 to give details to DGO and enquiry with respect of Dr. Krishnanand and Shri.B.B.Shivappa, working as S.D.A. giving finding to transfer both.

(c) The DGO filed request dated 14/09/2017 to stop further proceedings, as he is dismissed on 18/08/2017. The request was rejected on 13/07/2021 as there was no mention of acceptance of dismissal order.

11. Perused Written Arguments of both sides and documents.

12. The answer to the above points are:

(1) In the Affirmative.

(2) As per final findings for the following:

### **REASONS**

13(a) **Point No.1:-** Complainant/P.W.1 has stated in his evidence that in 2008 he had gone for treatment to Government Hospital and DGO had seen him. He had paid Rs.100/- to DGO for treatment. He had gone 2-3 times, and the DGO was not treating him properly.

b) In cross-examination by learned Presenting Officer, the complainant/P.W.1 has denied about the trap. The certified

  
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copies of the complaint, pre-trap mahazar, trap mahazar are got marked as Ex.P1 to 3 respectively.

(c) In cross-examination by DGO, the DGO has taken defence that he has treated the complainant twice. The same is in page 5, 4<sup>th</sup> line of deposition of P.W.1, as under :

“ನಾನು ಎರಡು ಸಲ ಅ.ಸ.ನೌಕರರ ಹತ್ತಿರ ಚಿಕಿತ್ಸೆ ಪಡೆದಿದ್ದೆ”

14. (a) Entrustment witness, Sri. Jagadish N./P.W.2 has deposed that, on 17.7.2008 he had gone to Lokayukta Police station, the Police applied phenolphthalein powder to Rs.100/-. He kept the note in shirt pocket of P.W.1. The number of the note was written on a paper. The same is got marked as Ex.P4. All of them left to Government Hospital, Somwarpet. P.W.1 and shadow witness, P.W.3 were asked to meet the DGO, and give amount, only if DGO demands money and then to give signal. P.W.1 gave signal, and P.W.2 and trap team went there. There were 4 patients. They were sent out, and Lokayukta Police Inspector, introduced himself to DGO. P.W.1 told that DGO has taken the money from him. The Investigating Officer/P.W.4 asked DGO about the money and DGO removed the tainted note as well as other money he had and gave to P.W.4. P.W.2 and 3 checked the number with the notes in Ex.P4 and found the same note. The DGO's fingers were washed in solution, and turned to red colour. Even the DGO's shirt pocket, when washed in solution, it turned to red colour. The shirt, note was seized. In cross-examination by learned Presenting Officer P.W.2 has identified Trap mahazar, Ex.P3 and P.W.2 has stated that the DGO gave statement that P.W.1 forcefully put the note

  
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into his pocket. The same is in pages 2 and 3, last line onwards as under:

“ಅ.ಸ.ನೌಕರ ರವರನ್ನು ಸದರಿ ಪೊಲೀಸರು ವಿಚಾರಣೆ ಮಾಡಿದಾಗ ಅವರು ಸದರಿ ಹಣವನ್ನು ಪಿ.ಸಾ-1 ರವರಿಂದ ನಾನು ಕೇಳಿರಲಿಲ್ಲಾ ಅದರೆ, ಅವರೇ ಒತ್ತಾಯಮಾಡಿ ನನ್ನ ಶರ್ಟ್ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟರು ಎಂದು ಹೇಳಿಕೆ ನೀಡಿದಾಗ ನಾನು ಅಲ್ಲಿ ಇದ್ದೇ ಎಂದು ಹೇಳುವುದು ನಿಜ.”

(b) Here, it is pertinent to note that, this statement is marked as Ex.P8 in evidence of P.W.4/ I.O., and by this defence, the aspect of the tainted note being found in possession of DGO in his shirt pocket, comes to light. The DGO says it was forcefully put, while there is no evidence of forceful thrusting either in cross-examination of any witnesses or examination of DGO. Moreover, against any person's wish, amount cannot be inserted, as, if attempted, the DGO may close the mouth of his shirt pocket, and even if it is still put, he will remove it off. In addition, Doctors are considered reputed officers, and no one, nonetheless, patient, will dare to forcibly thrust amount in pocket of Doctor.

15. (a) Shadow witness, Shri B.T. Halesh, P.W3 has also deposed as P.w.2, and specifically deposed that he and P.W.1 went to Room No.9 of DGO. The DGO and some patients were there. After other patients went, P.W.1 told DGO that he is having chest pain. The DGO said that ECG is to be done and enquired whether P.W.1 has brought Rs.100/- and the DGO took with his right hand and kept in his shirt pocket. The same is in page 2, 3<sup>rd</sup> line of deposition of P.W.3, which reads as under:

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“ಮಧ್ಯಾಹ್ನ 2:00 ಗಂಟೆಗೆ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯನ್ನು ಬಿಟ್ಟು ಸುಮಾರು 3:30 ಕ್ಕೆ ಸೋಮವಾರಪೇಟೆಯ ಸರ್ಕಾರಿ ಆಸ್ಪತ್ರೆಗೆ ಹೋದೇವು, ಇಲಾಖೆಯ ಜೀಪಿನಲ್ಲಿ ಹೋದೇವು, ನಾವೆಲ್ಲರೂ ಆಸ್ಪತ್ರೆಯ ಹಿಂದೆ ನಿಂತೆವು, ನಾನು ಮತ್ತು ಮಣಿ ಅ.ಸ.ನೌಕರನ ಕೊಠಡಿ ಸಂಖ್ಯೆ:9 ಕ್ಕೆ ಹೋದೇವು, ಅಲ್ಲಿ ಅ.ಸ.ನೌಕರ ಇದ್ದ ಮತ್ತು ಕೆಲ ರೋಗಿಗಳು ಕೂಡ ಇದ್ದರು. ರೋಗಿಗಳು ಹೋದ ನಂತರ ಮಣಿಯವರು ಅ.ಸ.ನೌಕರನ ಬಳಿ ಹೋಗಿ ಎದೆನೋವು ಬರುತ್ತಿದೆ ಅಂತ ಪುನಃ ಹೇಳಿದರು. ಆಗ, ಅ.ಸ.ನೌಕರ ಇ.ಸಿ.ಜಿ., ಮಾಡಿಸಬೇಕಾಗುತ್ತೆ ಎಂದು ಹೇಳಿದರು, ಆ ಇ.ಸಿ.ಜಿ.ಗಾಗಿ ರೂ.100/- ತಂದಿದ್ದೀಯಾ ಅಂತ ಅ.ಸ.ನೌಕರ ಮಣಿ ಅವರಿಗೆ ವಿಚಾರಿಸಿದರು. ನದರಿ ರೂ.100/-ನ್ನು ಮಣಿಯವರು ಅ.ಸ.ನೌಕರರಿಗೆ ಕೊಟ್ಟರು, ಅವರು ಬಲಗೈಯಿಂದ ಪಡೆದು ತನ್ನ ಶರ್ಟಿನ ಜೇಬಿನಲ್ಲಿಟ್ಟುಕೊಂಡರು”.

(b) In cross-examination of P.W.2 and 3, the DGO has not been able to elicit any useful material to his defence.

16. (a) Investigating Officer Shri. R.V. Gangadharappa, P.W.4 has narrated the entire incident, as deposed by P.W.2 and P.W.3 and has got certified copies of FIR, out-patient slip dated 19/07/2008, extract of Doctors attendance book, statement of DGO., another out-patient slip dated 08/07/2008 and FSL Report marked as Ex.P5 to 10 respectively. In Ex. P7, copy of Doctors Attendance Book, name of DGO is at Sl.No.2.

b) Nothing beneficial to defence has come out in cross-examination of P.W.4.

17. By all this, Ex.P1 to 10, evidence of P.W.2 to P.W.4, particularly, Ex.P8, statement of DGO, wherein possession of tainted note of Rs.100/- comes into light, and as reasoned in

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paragraph 14(b) of this report, there is no evidence of forceful inserting tainted amount into shirt pocket of DGO., this Additional Registrar, (Enquiries), finds that disciplinary authority has proved that the DGO has accepted bribe of Rs.100/- for treating P.W.1 and thereby has committed misconduct, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966. Accordingly, this point is answered in the **Affirmative.**

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

**FINDINGS**

The disciplinary authority has proved the charges against the D.G.O.

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. Mani

PW2:-

Sri. Jagadish.N.



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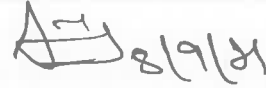
PW3:- Sri. B.T.Halesh  
 PW4:- Sri. R.V.Gangadharappa.

List of witnesses examined on behalf DGO:- Nil.

List of documents marked on behalf of Disciplinary Authority:-

|        |                                                                                                |
|--------|------------------------------------------------------------------------------------------------|
| Ex P1  | Certified copy of complaint of complainant dated 17/07/2008.                                   |
| Ex P2  | Certified copy of Entrustment Panchama dated 17/07/2008.                                       |
| Ex P3  | Certified copy of seizure mahazar dated 17/07/2008.                                            |
| Ex P4  | Certified copy of document mentioning the note number in Cr.2/2000 of Madikeri Lokayukta, P.S. |
| Ex P5  | Certified copy of FIR dated 17/07/2008.                                                        |
| Ex P6  | Certified copy of out-patient chit dated 17/07/2008.                                           |
| Ex P7  | Certified copy of Doctors Attendance Register from 1/1/2008 to 17/7/2008.                      |
| Ex P8  | Certified copy of statement of DGO dated 17/07/2008.                                           |
| Ex P9  | Certified copy of one more out-patient chit dated 05/07/2008.                                  |
| Ex P10 | Certified copy of Chemical Examiner's report in Cr.No.2/2008 of Mysuru Lokayukta P.S.          |

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



(SACHIN KAUSHIK R.N.)  
 I/c Additional Registrar (Enquiries-11),  
 Karnataka Lokayukta,  
 Bangalore.