

KARNATAKA LOKAYUKTA

No.LOK/ARE-10/14-A/ENQ-37/2013

M.S. Building,
Dr. B.R. Ambedkar Road
Bangalore-560 001
Date: 30/01/2018

ENQUIRY REPORT

Present : Sri. S. Gopalappa
Additional Registrar of Enquiries-10
Karnataka Lokayukta
Bangalore

Sub: Departmental Enquiry against

- 1) Sri. M. Malleshappa,
The Then Executive Officer,
Taluk Panchayath, Chitradurga
and
- 2) Sri H. Srinivas, Secretary,
Grama Panchayath, Ingaldal,
Chitradurga Taluk - reg.

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/BD/1877/2012/ARE-8
dt. 26/11/2012.
2. Government Order No. Graa Aa Pa 222
V SE B 2012 Bangalore dt. 15/01/2013.
 3. Nomination Order by Hon'ble Upalokayukta
dt. 22/01/2013.
 4. Nomination order by Hon'ble Upalokayukta
Dt. 23/01/2018.

1. On the basis of materials placed by ADGP, KLA, Bengaluru that
DGO -1 Sri. M. Malleshappa, the then Executive Officer, Taluk
Panchayath, Chitradurga and DGO-2 Sri H. Srinivas, Secretary, Grama

Panchayath, Ingaldal, Chitradurga have committed misconduct as Public Servant in the official work of the complainant, an investigation was taken up u/s 7(2) of K.L. Act 1984.

2. After completion of the investigation, a report u/s 12(3) of the K.L Act, 1984 in No. Comp/Uplok/BD/1877/2012/ARE-8 dt. 26/11/2012 was sent to the Government as per reference no. 1. In pursuance of the report, the Government was pleased to issue order dt. 15/01/2013 authorizing Hon'ble Upalokayukta to hold enquiry as per reference no.2. Hence in pursuance of Government order nomination was issued by Hon'ble Upalokayukta on 22/01/2013 authorizing ARE-4 to hold enquiry and report as per reference no. 3. On 23/01/2018 nomination was issued by Hon'ble Upalokayukta authorizing ARE-10 to hold enquiry and report as per reference no. 4.

3. On the basis of nomination articles of charge was prepared under Rule 11(3) of KCS (CCA) Rules 1957 and sent it to the DGO's on 10/04/2013.

ANNEXURE NO. I
CHARGE

DGO-1 Sri. M. Malleshappa S/o Mahadevappa, the then Executive Officer, Taluk Panchayath, Chitradurga and DGO-2 Sri H. Srinivas S/o Hanumanthaiah, the then Secretary of Grama Panchayath, Ingaldal Village, Chitradurga Taluk while DGO-1 working as Executive Officer, Taluk Panchayath, Chitradurga and DGO-2 working as Secretary of Grama Panchayath, Ingaldal Village, Chitradurga Taluk and Chitradurga District demanded and accepted

a bribe of Rs. 12,000/- on 19/03/2011 from the complainant for counter signing the bill in respect of the supply of necessary materials for the road work from Rudraswamy temple to Kurumaradikere at Ingaldal in Chitradurga taluk, i.e. for doing an official favour and thereby failed to maintain absolute integrity and devotion to duty, which act as unbecoming of a Government servant and thus committed misconduct as enumerated under rule 3(1)(i) to (iii) of the Karnataka Civil Service (conduct) Rules, 1966.

ANNEXURE II

STATEMENT OF IMPUTATIONS OF MISCONDUCT.

The complainant Sri K. Manjanna S/o Kampalappa, R/o Ingaldal Village, Chitradurga Taluk and Chitradurga District lodged a complaint on 19/03/2011 before the Police Inspector, Karnataka Lokayukta, Chitradurga alleging that, he is resident of Ingaldal village and he is a photographer and small scale contractor and doing the works on tender basis and that he has done the works within the limits of Grama Panchayat, Ingaldal. The complainant has supplied the necessary materials for taking up the development work of the road from Rudraswamy temple to Kurumaradikere at Ingaldal. For supply of contract materials, contract was given to Sri Manjunatha of Chitradurga who has executed a power of attorney in his favour. Ingaldal Grama Panchayath was due to him of Rs. 3,00,000/-. The Complainant has submitted the bill to Ingaldal Grama Panchayath and that was sent to the DGO-1 for counter signature. When the complainant approached the DGO-1 and requested him to counter sign the bill the DGO-1 asked him to pay 4% of the total bill of Rs. 3,00,000/- which comes to Rs. 12,000/-

though no money was required to be paid to the DGO-1 and 2, Sri Malleshappa and Sri Srinivasa (hereinafter referred to Delinquent Government official, in short DGO-1 & 2).

The complainant was not willing to pay bribe to the DGO-1 & 2. Therefore, on 19/03/2011, the complainant lodged a complaint before the Lokayukta Police Inspector of Chitradurga (hereinafter referred to as the Investigating Officer, for short, "the I.O.") The I.O. registered the complaint in Cr.no. 4/2011 for the offences punishable u/s 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the same crime, when the tainted amount of Rs. 12,000/- was given by the complainant to DGO-1 & 2, the I.O. trapped DGO-1 & 2 in the presence of the complainant, the Panch witnesses and his staff in the office of DGO-1 & 2, and seized the tainted amount under mahazar after following post-trap formalities. The I.O. took statement of DGO in writing and recorded statements of the complainant, the panch witnesses and others.

After receiving report of the chemical examiner, the I.O. submitted report of investigation. The facts and materials on the record of investigation of the I.O. *prima facie* showed that, the DGO being a Public servant, failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of Public servant. Therefore, a *suo-moto* investigation was taken up u/s 7(2) of Karnataka Lokayukta Act and an observation note was sent to DGO-1 & 2, calling for their explanation. DGO-1 & 2 have submitted their reply and their reply was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record *prima-facie* showed that DGO-1 & 2 have committed misconduct as per

regulation 3(1)(i) of KCS (conduct) Rules 1966. A report u/s 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary proceedings against the DGO-1 & 2 and to entrust enquiry to the Hon'ble Upalokayukta U/R 14-A of KCS(CCA) Rules 1957. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta, Hence, the charge.

4. The said AOC was served to DGOs on 19/04/2013 & 03/05/2013. The DGO's appeared before the Enquiry officer, and then their First oral statement under Rule 11(9) of KCS (CCA) Rules was recorded.
5. DGO-1 has filed the written statement denying all the allegations. Further submits that no work of complainant was pending with him and never demanded bribe from any person, much less, from the complainant for the alleged payment of bill amount. He has not accepted any bribe amount either from the complainant or from anybody else. The road work namely from Rudraswamy temple to Kurumardikere at Ingaladal village in Chitradurga Taluk indicated in the complaint and in the charge was not the one executed by the complainant. The said work was not even sanctioned. Hence, there cannot be any pending claims. The bill does not require his counter signature. DGO has no power to counter sign such bills of Gram Panchayath.
6. The DGO-2 has filed written statement denying all the allegations. He further submits that there is no misconduct by DGO-2. DGO-2

- never demanded and accepted the illegal gratification and he has not committed any misconduct.
7. In support of the disciplinary authority, PW 1 to 3 are examined. Ex. P1 to 19 are marked. After closure of the evidence by the disciplinary authority, the Second oral statements of DGO-1 & 2 are recorded. DGO-1 & 2 have submitted that they have no defence evidence. Hence the answers of questionnaires of DGO u/r 11(18) are recorded and DGO's denied all the questions.
 8. Then the Learned Presenting Officer and Assistant for DGO's have filed written brief and they were also heard orally.
 9. Points for consideration
 - i. Whether the charge is proved by the Disciplinary Authority?
 - ii. What order ?
 10. My answers to the above points are as follows;
 - i. In the affirmative.
 - ii. As per final order
for the following.

REASONS

11. **Point no.1** :- The complainant who is examined as PW-1 has deposed that one Manjunath had taken the contract to develop the road from Rudraswamy temple to Gokatte situated at Kurumaralikere village within the jurisdiction of ingalga village at the cost of Rs. 5 lakhs under NREGA Scheme. The said Manjunatha

has given the power to him to execute the work therefore he got executed the work. In this respect payment of Rs. 3 lakhs was due to him. In this respect, he met the Chief Executive Officer Malleshappa in Taluk Panchayath, Chitradurga. DGO-2 Srinivas was working as Secretary in Ingaldala Gram Panchayath. He enquired DGO-1 for payment at that time DGO-1 demanded 4% of the amount i.e. Rs. 12,000/- as a bribe.

12. Further PW-1 has deposed that he was not willing to pay the bribe amount therefore approached Lokayukta Police. Lokayukta police gave a voice recorder and instructions to him. Then he met the DGO-1 again at that time DGO-1 demanded bribe amount of Rs. 12,000/- he recorded the conversation and lodged the complaint before the Lokayukta police as per Ex.P.1. The IO secured the panchas namely Chandra Bhovi and Thippaiah, introduced to him and explained the contents of the complaint. Voice recorder was played and heard and it was converted into CD. He presented Rs. 12,000/- before I.O. (500 X 24). Panchas noted down the numbers. I.O. applied Phenolphthalein powder to the notes. Pancha Chandra Bhovi kept the money into pant right side pocket. Hand wash of Pancha Chandra Bhovi & Thippaiah was taken in sodium carbonate solution and it turned into pink colour. Hand wash of Thippaiah was turned into pink colour. IO handed over the voice recorder and gave instructions to panchas, taken photographs and drawn the pre-trap mahazar Ex.P.2.

13. Further PW-1 has deposed that all of them went near Chitradurga Taluk Panchayath office. Himself and Chandra Bhovi met the DGO-1 and attempted to give the money to him. DGO-1 by giving a signal

asked him to give the money to DGO-2. Therefore he gave Rs. 12,000/- to DGO-2. DGO-2 counted the money and gave it to the hands of DGO-1. DGO-1 counted the money and kept on a file which was in the wrack. Then he came out and gave signal to IO. At that time the IO, his staff and Thippaiah came near him. They went inside the office. He informed the I.O. that he gave money to DGO-2 and in turn the DGO-2 gave the money to DGO-1 and DGO-1 kept the money on the rack. IO has taken both hand wash of both DGOs in sodium carbonate solution and it turned into pink colour. DGO-1 has shown the bribe amount to the I.O. I.O. has seized the bribe amount and solution. The file top portion was swabbed with cotton, it was dipped into sodium carbonate solution and it turned into pink colour. IO also seized the solution and file. On verification the money was tallied with the amount entrusted to the complainant. The DGO-1 & 2 have given their statements Ex.P.5 & 4. Voice recorder was played and heard. IO arrested DGO-1 & 2. Before that IO secured documents from Gram Panchayath and drawn the trap mahazar Ex.P.6. IO has also taken the photographs as per Ex.P.9.

14. In the cross examination, PW-1 has deposed that at the time of lodging the complaint, he has not produced any documents. He does not know what was the quantum of amount fixed for each one in NREGA scheme. After Manjunath gave the power to him, he started the work. The work was executed through labourers. He himself made payment to the labourers. He has not produced any documents to show that the contract was given to Manjunath. And Manjunath gave permission to him. He has produced the authorization letter before DGO-2. Manjunath was working as coordinator in Taluk Panchayath on contract basis. He does not

know whether the work order was given to Manjunath or not. He has made allegation that Rs. 3 lakhs was due to him. But he has not stated the details. Out of the contract amount of Rs. 5 lakhs, Rs. 3 lakhs was due to him. He does not know on what day the work order was given. He admits that according to the condition wages to the labourers were to be deposited directly to the bank accounts of the labourers. He admits that the remaining Rs. 2 lakhs was to be deposited directly to the bank accounts of the suppliers of the materials. He admits that the amount meant for the work was to be spent for the same work.

15. Further PW-1 admits that the work was commenced on 22/02/2010 and was completed on 13/03/2010. But he does not know the entire payment of the money. Totally 116 labourers have worked in this work. He admits that according to the documents the work was completed on 13/03/2010. He admits that on 7/7/2010 last payment was made to the labourers. He further deposed that he has not mentioned the names of the labourers and supply of materials in any book. He denies that Ex.P.10 is a created document. He admits his signature in Ex.P.10. He has deposed that Ex.P.10 was executed on 14/03/2011 and he went to lokayukta office for the first time on 24/11/2011. After one day he had been to lokayukta office again he did not go to lokayukta office. He does not know who has verified the work during execution of work.
16. Further PW-1 admits that the voice recorder was handed over to him. He denies that he has not met the DGO and he has created the voice of DGO. He has not called the panchas. He denies that he has not produced money before I.O. and entrustment mahazar was not

drawn in his presence. The panchas have not questioned him. He denies that photos were not taken, he did not go to the office of DGO. DGO had not given any signal to give the money to DGO-2. He denies that DGO-2 has not issued the bribe amount and has not kept the same on the file. He denies that he has not enquired DGO-1 about his bill and DGO-1 has not asked for the money. He denies that the hand wash of DGO-1 was not taken, the money was not on the rack and top portion was not swabbed. He denies that IO has not seized any file. His sample voice was not taken. He denies that mahazar was not drawn and the statements of DGOs are taken forcibly.

17. Further PW-1 has deposed that during the year 2009-10, one Mruthanajaya was working as Secretary in Ingaldala Gram Panchayath. He admits that Mruthanajaya was under suspension in some other case. He has further deposed that during that period DGO-2 was working as in-charge Secretary of Ingaldala Gram Panchayath. He admits that his work was not pending before DGO-2 and the voice of DGO-2 was not there in pre-trap conversation.
18. The shadow witness who is examined PW-2 has deposed that on 19/03/2011 the I.O. summoned himself and Thippaiah, introduced the complainant and explained the contest of the complaint. The complainant presented Rs. 12,000/- cassette was played and heard and recorded in the mahazar. The demand for bribe amount was recorded in the voice recorder. The complainant presented Rs. 12,000/- before IO. Himself and Thippaiah noted down the numbers as per Ex.P.3. Police staff applied phenolphthalein powder to the notes. Pancha Thippaiah gave the money to the complainant.

Complainant kept the money into his pant pocket. Hand wash of Thippaiah was taken in sodium carbonate solution and it turned into pink colour. IO seized the solution. IO handed over a voice recorder to the complainant. Taken the photographs, gave instructions to complainant and themselves and drawn pre-trap mahazar Ex.P.2.

19. Further PW-2 has deposed that all of them went near Chitradurga Taluk Panchayath office. Himself and complainant went inside the office of DGO but he was not present. Therefore himself and complainant came out to have the coffee. After having the coffee they went inside the office of DGO. When they were entering the office of DGO-1, DGO-2 came there. DGO-2 asked the complainant whether he has brought the money. The complainant said yes. Then the DGO-1 & 2 & complainant went inside the room. The door was automatically closed. Then the complainant came out and gave the signal. Then himself, another pancha, IO and staff went inside the chambers of DGO-1. The complainant shown DGO-1 & 2 and narrated the incident. The police staff immediately held the hands of DGO-1 & 2. Both the hand wash of DGO-1 & 2 was taken in sodium carbonate solution and it turned into pink colour. DGO-1 & 2 have shown the money which was lying in the rack. On verification it was tallied with the money entrusted to the complainant. Top portion of the file was swabbed with cotton. Cotton was dipped into solution and it turned into pink colour.

20. Further PW-2 has deposed that DGO-1 & 2 have given their statements as per Ex.P.5 & 4. I.O. seized the solution, bribe

amount, cotton, copies of documents, taken the photographs and drawn the trap mahazar Ex.P.6.

21. In the cross examination PW-2 admits that he could not identify the voice in the voice recorder. But it was containing the voice of 2 persons. He denies that the complainant has not presented the money. Phenolphthalein powder was not applied to the notes and entrustment procedure was not done. He denies that he has not read the entrustment mahazar, he was not personally aware about the meeting in Taluk Panchayath office. But he heard the same from somebody. He admits that after completion of the meeting many officers and persons came out. He admits that he could not identify who was DGO-2 out of them. He denies that the complainant did not talk to the officers and directly he went inside the chamber. Then only he came to know about DGO-2. He denies that he did not go inside the chamber of DGO-1. He denies that he does not know what has transpired inside the chamber of DGO-1 and the hand wash was taken.
22. Further PW-2 denies that he has not read the trap mahazar. He denies that without reading the mahazar he has put the signature at the request of Police. He denies that he never met DGO-2. He does not know that DGO-2 did not ask the complainant to give the bribe amount. He denies that though the hand wash of DGO-2 was not taken, since he was in the chambers of DGO-1 he is falsely implicated in this case.
23. Further PW-2 admits that the complaint Ex.P.1 was lodged on 26/12/2011. For the question that, whether the sample voice of complainant was recorded and played?, PW-2 has deposed that in

the voice recorder, the voice of 2 persons was there. He admits that the conversation was not clearly audible. He denies that suppressing the true facts, he is deposing according to the mahazar. He denies that the complainant has not presented the money and Thippaiah has not noted down the numbers, Police have not applied phenolphthalein powder to the notes. He denies that pre-trap mahazar was not drawn and photos were not taken. He denies that the IO has not given instructions, he did not go from lokayukta office in jeep and jeep was not parked near Chowdeshwari temple.

24. PW-2 has further deposed that 2 persons and complainant went inside the chamber of Executive Officer. At that time the door was closed atomically. Therefore the conversation took place was not audible to him. He admits that he has not deposed that DGO has not received the money, gave it to the hands of DGO-1 and DGO-1 kept the money on the file which was on the rack. These facts were informed to him by the I.O. He denies that the bribe amount was not found on the rack and it was not tallied. He denies that the top portion of the file was not swabbed with the cotton and cotton was not dipped into sodium carbonate solution. He denies that the IO did not seize any bribe amount. On enquiry DGO-1 informed that the file has not come to his office. He has not seen the file brought from Gram Panchayath, but he was aware about the file but not read the file. He has not verified the file in order to know that the Manjunath was a contractor. Sample voice of DGO-1 was not taken in his presence. He has put all the signatures in Taluk Panchayath office. He admits that the IO has dictated and the staff typewritten. He is deposing the facts, he witnessed. He denies that to help the lokayukta police he is deposing falsely.

25. The IO who is examined as PW-3 has deposed that on 19/03/2011 he received the complaint Ex.P.1 along with voice recorder, registered Cr. no. 4/2011 and forwarded FIR Ex.P.11 to the court. He secured the presence of panchas namely Chandra Bhovi and Thippaiah. Introduced the complainant and explain the contents of complainant. Voice recorder was played and heard and it was converted into CD. The complainant presented Rs. 12,000/-. Panchas noted down the numbers. Police applied phenolphthalein powder to the notes. Pancha Thippaiah kept the money into right side pocket of the complaint. Hand wash of Thippaiah was taken and seized the solution and gave instructions the complainant and panchas handed over a voice recorder to the complainant taken the photographs and drawn entrustment mahazar Ex.P.2.
26. Further PW-3 has deposed that all of them went near Taluk Panchayath office. Complainant and PW-2 went to the office of DGO. The complainant came back and informed that DGO was not in the chamber and he is in the meeting he asked them to wait. Little later the complainant and pancha -2 went inside the office after some time the complainant came out and gave the signal. Immediately himself, his staff and another pancha went near the complainant. The complainant shown the DGO-1 & 2 and informed that he gave the money to DGO-2. DGO-2 counted the money and gave it to DGO-1. DGO-1 kept the money on the rack.
27. Further PW-3 has deposed that the complainant & PW-2 narrated the incident. Both the hand wash of both DGO-1 & 2 was taken in sodium carbonate solution and it turned into pink colour. On enquiry DGO-1 informed that the money is in the rack. On

verification it was tallied with the money entrusted to the complainant. Top portion of file was swabbed in cotton and cotton was dipped in sodium carbonate solution and it turned into pink colour. He seized the solution, cotton, bribe amount. DGO-1 & 2 have given their statements as per Ex.P.5 & 4. The statement given by DGO-2 is true, but the statement given by DGO-1 is false. The conversation was not recorded in the voice recorder. He secured the copies of documents from Ingaldala Gram Panchayath. Prepared the rough sketch Ex.P.12 taken the photographs and drawn the trap mahazar Ex.P.6. Arrested DGO-1 & 2, seized articles were sent FSL, received the FSL report Ex.P.14. on his transfer he handed over further investigation to P.I. Mruthyunjaya

28. In the cross examination, PW-3 has deposed that the complainant might have come to his office 3days before 19/03/2012. He does not know whether the said visit is registered in case dairy or not. On the first day he has not received the complaint. Mahazar was not drawn in the voice recorder given to the complainant, he has taken the sample voice of the complainant. During the time of investigation he has verified the authorization letter given by the M.B. Manjunath. He did not find the authorization letter in the office of DGO. He did not ask the complainant whether he has produced the authorization letter in the office or not. The complainant informed that after receiving the authorization letter, he has commenced his work. He admits that along with the complaint, the complainant had shown Ex.P.10. He has verified the genuineness of the authorization letter. The date is not properly visible in Ex.P.10. The signature is not found on Ex.P.10. He has not secured the documents to show the relationship between the complainant and DGOs. He has enquired

how many labourers have worked and at what time the money was released. Separate payment was made to the labourers and material suppliers. He has not enquired about M.B. Manjunath working as coordinator in the office of DGOs. After receiving the complaint, he did not go to the office of DGOs to enquire the genuineness of the complaint. He denies that he has not secured the panchas and he has created the entrustment mahazar to suit his convenience, he denies that pre-trap procedure was not held and he has not seized any articles. He has not enquired the bank officials.

29. Further PW-3 has denied that he has not drawn the trap mahazar but it s created document. He denies that he has created the trap mahazar to suit his convenience. He denies that he had not taken the panchas and complainant to the office of DGO and he has created all the documents in his office. He denies that the bribe amount was not recovered from the possession of DGO-1. He denies that the DGO has not demanded and received any bribe amount. He denies that though the complainant is no way related to this office he has created a false story. He has not enquired the complainant about the documents and GPA. The complainant informed that after receiving the authorization, he has supplied the materials to this work. According to Ex.D.1 the work was completed as on 13/03/2010. He has not enquired the Manjunath regarding genuineness of Ex.P.10. He has not taken the sample voice of DGOs. He has not taken the certificates from the higher officers of DGOs to certify their voice.
30. Further PW-3 has deposed that the voice of DGO-2 was not there in the conversation. He denies that DGO-2 has not demanded for bribe

amount from the complainant and not received any amount from the complainant. He denies that he has taken the statement of DGO-2 forcibly.

31. The DGO-1 & 2 have denied the receipt of bribe amount from the complainant. Admittedly the contract work was given to one Manjunath. Though it was not permissible to entrust the work to the complainant. The DGOs allowed the Manjunath to entrust the work to the complainant. The DGOs has also allowed the complainant to claim the bill. For payment of Rs. 3 lakhs DGO-1 demanded bribe amount of Rs. 12,000/- not willing to pay the bribe amount, complainant approached lokayukta police, at that time Lokayukta Police handed over a voice recorder to the complainant and gave the instructions. The complainant met DGO-1, enquired about the payment at that time also DGO-2 demanded for brie amount the same was recorded in the voice recorder.
32. Therefore the complainant came before I.O. and lodged the complaint and handed over voice recorder. The I.O. secured the presence of panchas, introduced the complainant to them and explained the contents of the complaint. Complainant presented Rs. 12,000/- before I.O. Panchas noted down the numbers. Police staff applied Phenolphthalein powder to the notes. Pancha Thippaiah kept the money into the pant pocket of the complainant. Hand wash of Thippaiah was taken in sodium carbonate solution and it turned into pink colour. The I.O. handed over a voice recorder to the complainant and gave instructions to complainant and panchas and drawn the pre-trap Ex.P.2.

33. Then all of them went near Chitradurga Taluk Panchayath. Complainant and PW-2 went to meet the DGO. At that time DGO was not there. After some time the DGO-1 & 2 came to the chambers of DGO-1. When the complainant attempted to give the bribe amount to DGO-1, he asked the complainant to give the bribe amount to DGO-2. DGO-2 received the bribe amount. Counted the same and gave it to DGO-1. DGO-1 counted the money and kept it on a file which was in the rack, then the complainant gave a signal to I.O. Immediately I.O., his staff and another pancha came there. Took both the hand wash of both DGO-1 & 2 in sodium carbonate solution and it turned into pink colour. DGO's shown the money lying in the rack. On verification it was tallied with the money entrusted to the complainant. IO seized the solution, cotton and bribe amount and drawn the trap mahazar Ex.P.6.
34. The oral and documentary evidence on record shows that on 19/03/2011 the DGO-1 & 2 have demanded and accepted bribe amount of Rs. 12,000/- from the complainant for counter signing the bill in respect of the supply of necessary materials for the road work from Rudraswamy temple to Kurumaradikere at Ingaldal in Chitradurga taluk.
35. Thereby DGO-1 & 2 have failed to maintain absolute integrity and devotion to duty, acted in a manner of unbecoming of a Government Servant as enumerated U/R 3 (1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Hence, I proceed to answer this point in the affirmative.

POINT No.2 :- for the reasons discussed above I proceed to pass the following;

ORDER

The disciplinary Authority has proved the charges as framed against the DGO -1 Sri. M. Malleshappa, the then Executive Officer, Taluk Panchayath, Chitradurga and DGO-2 Sri H. Srinivas, Secretary, Grama Panchayath, Ingaladal, Chitradurga.

Hence, this report is submitted to Hon'ble Upalokayukta-II for kind consideration.

Dated this the 30th day of January of 2018

Sd/-

(S. Gopalappa)
Additional Registrar Enquiries-10,
Karnataka Lokayukta,
Bangalore.

ANNEXURES

LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

PW-1 :- Sri. K. Manjanna
PW-2 :-Sri. T. Chandrabhovi
PW-3 :-Sri. M.N. Rudrappa

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE WITNESS:

- NIL -

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex P-1 : True copy of complaint dated 26-2-2011
Ex P-2 : True copy of entrustment mahazar
Ex P-3 : True copy of note numbers
Ex P-4 : True copy of written statement DGO
Ex P-5 : True copy of written statement of other DGO
Ex P-6 : True copy of seizure mahazar
Ex P-7 : True copy of seized documents
Ex P-8 : True copy of seized comments of GramaPanchayath
Ex P-9 : True copy of photographs
Ex P-10 : True copy of power of Attorney
Ex P-11 : True copy of FIR
Ex P-12 : True copy of Sketch
Ex P-13 : True copy of Sketch
Ex P-14 : True of FSL report
Ex P-15 : True copy of letter of EO, Chitradurga
Ex P-16 : True copy of letter of Under Secretary
Ex P-17 : True copy of statement showing expenditure
Ex P-18 : True copy of expenditure statement
Ex P-19 : True copy of documents

LIST OF EXHIBITS MARKED ON BEHALF OF DGO

- Ex D-1 : Certified copy of statement

Dated this the 30th day of January of 2018

sd/-
(S. Gopalappa)
Additional Registrar Enquiries-10,
Karnataka Lokayukta,
Bangalore.



KARNATAKA LOKAYUKTA, BENGALURU

No:LOK/INQ/14-A/37/2013/ARE-10

M.S.Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru. Dated: 8/2/2018

RECOMMENDATION

Sub:Departmental Enquiry against Sriyuths 1)
M.Mallesha, the then Executive Officer,
Taluk Panchayath, Chitradurga & 2)
H.Srinivas, Secretary, Grama Panchayath,
Ingaldal, Chitradurga Taluk-reg.

Ref: 1) Government Order No. Graa Aa Pa 222 V
SE B 2012 Bangalore dtd 15/01/2013.

2) Nomination order by Hon'ble Upalokayukta
dtd 22/1/2013 and 23/1/2018

The Government by order dtd 15/1/2013 initiated the disciplinary proceedings against the Delinquent Government Servants : Sriyuths 1) M:Malleshappa, the then Executive Officer, Taluk Panchayath, Chitradurga & 2) H.Srinivas, Secretary, Grama Panchayath, Ingaldal, Chitradurga Taluk (hereinafter referred to as 'DGO-1' and 'DGO-2' in short) and entrusted the disciplinary enquiry to this institution. Accordingly, by nomination order dtd 22/1/2013 and modified nomination order dtd 23/1/2018 nominated the Additional Registrar Enquiries-10 to conduct departmental enquiry against the DGO-1 and DGO-2 for the alleged charge of misconduct alleged to have been committed by them.

S. J. Adh

The said enquiry officer, after completing the departmental enquiry, submitted his report dtd 30/1/2018, inter-alia holding that, the disciplinary authority has satisfactorily proved the charge of misconduct as alleged against the DGO-1 and DGO-2.

The charges alleged against the DGO-1 and DGO-2 was that, while DGO-1 was working as Executive Officer, Taluk Panchayath, Chitradurga and DGO-2 was working as Secretary of Grama Panchayath, Ingaldal village, Chitradurga Taluk and District, demanded and accepted bribe amount of Rs.12,000/- from one Sri K.Manjanna, s/o Kampalappa, r/o Ingaldal village, Chitradurga Taluk and District (referred to as 'complainant' and his mother in short) for counter signing the bill in respect of the supply of necessary materials for road work from Rudraswamy temple to Kurumaradikere at Ingaldal in Chitradurga Taluk and thereby, the DGO-1 and DGO-2 have failed to maintain absolute integrity and devotion to the duty, the act of which is unbecoming of Government servants and thereby have committed misconduct under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966".

The disciplinary authority, to prove the charge of misconduct against the DGOs, has examined 3 witnesses, namely, complainant as PW1, shadow witness as PW2, and IO as PW3 and got marked Ex.P1 to P19 in their evidence. However, DGO- 1 and DGO-2 did not enter the witness box except getting one document marked as Ex.D1.

The said enquiry officer, considering the evidence on record, has found that, the disciplinary authority has satisfactorily proved the

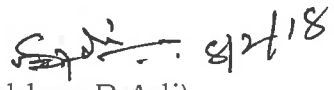
S. J. D. S.

charge of misconduct and also held that the DGO-1 and DGO-2 failed to prove their defence.

Hence, having regard to the findings of the enquiry officer and the nature and gravity of misconduct alleged against the DGOs, **it is hereby recommended to the Government that Sriyuths 1) M.Mallesappa, the then Executive Officer, Taluk Panchayath, Chitradurga & 2) H.Srinivas, Secretary, Grama Panchayath, Ingaldal, Chitradurga Taluk be punished with the penalty of 'dismissal from service ' in exercise of powers under Rule 8(viii) of the Karnataka Civil Service (Classification, Control and Appeal) Rules, 1957**

Action taken in the matter is to be intimated to this Authority.

Connected records are enclosed herewith.


(Justice Subhas B Adi)
Upalokayukta
Karnataka State, Bengaluru

