



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/372/2011/ARE-4

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 15.06.2020.

RECOMMENDATION

Sub:- Departmental inquiry against Shri Gangareddy, the then Village Accountant, Ettakodi Circle, Malur Taluk, Kolar District- reg.

Ref:- 1) Government Order No. RD 122 BDP 2011 dated 13.10.2011.

2) Nomination order No. LOK/INQ/14-A/372/2011 dated 29.10.2011 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 12.06.2020 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 13.10.2011 initiated the disciplinary proceedings against Shri Gangareddy, the then Village Accountant, Ettakodi Circle, Malur Taluk, Kolar 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. LOK/INQ/14-A/372/2011 dated 29.10.2011 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.

3. The DGO - Shri Gangareddy, the then Village Accountant, Ettakodi Circle, Malur Taluk, Kolar District, was tried for the following charges :-

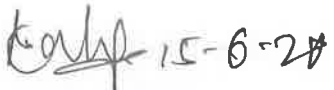
“ That you Shri Gangareddy, the DGO, while working as Village Accountant, Ettakodi Circle, Malur Taluk, Kolar District, the complainant namely Sri Shantharaj S/o Late gurumurthy Reddy, r/o Bangalore intending to convert 6 acres 18 guntas of land in Sy.No.202 of Ettakodi Village belonging to himself and his family members for non-agricultural purpose to form residential plots on the converted lands, approached you DGO with necessary documents and you told the complainant that you would contact the concerned officials and asked for bribe of Rs.70,000/- per acre which comes to a total sum of Rs.4,25,000/- and after the complainant pleaded his inability, you reduced it to Rs.75,000/- and on 2.3.2009 received the said amount of Rs.75,000/- from the complainant as bribe to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/r 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966. “

4. The Inquiry Officer (Additional Registrar of Enquiries- 4) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO Shri Gangareddy, the then Village Accountant, Ettakodi Circle, Malur Taluk, Kolar District, is 'proved'.
5. On re-consideration of report of inquiry and all other materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.
6. As per the First Oral Statement of DGO furnished by the Enquiry Officer, DGO Shri Gangareddy, has retired from service on 31-05-2019.
7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against the DGO - Shri Gangareddy, the then Village Accountant, Ettakodi Circle, Malur Taluk, Kolar District, and considering the totality of circumstances, it is hereby recommended to the Government to impose penalty of

'withholding 50% of pension payable to DGO Sri Gangareddy permanently.'

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\*

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/372/2011/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date:12/06/2020

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

- 1) Sri Gangareddy  
s/o Muniswamy Reddy  
Village Accountant  
Ettakodi Circle  
Malur Taluk  
**Kolar District (Now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L  
Act, 1984 in No.  
Compt/Uplok/BD/734/2009/  
ARE-6, dated: 02/09/2011
- 2) G.Order No.RD 122 BDP 2011  
Bengaluru, dated: 13/10/2011
- 3) Order No.LOK/INQ/14-  
A/372/2011, Bengaluru  
dated:29/10/2011  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri  
Gangareddy, s/o Muniswamy Reddy, Village Accountant,  
Ettakodi Circle, Malur Taluk, **Kolar District (Now retired)**

(herein after referred to as the Delinquent Government Official in short "DGO").

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

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 29/10/2011 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Inquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, 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.

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

**ANNEXURE NO. 1**  
**CHARGE**

*That, you Sri Gangareddy s/o Muniswamy Reddy, the DGO, while working as Village Accountant of Ettakodi Circle in Malur Taluk of Kolar District, the complainant namely Sri Shantharaj s/o Late*

*Gurumurthy Reddy r/o Bengaluru intending to convert 6 acres 18 guntas of land in sy.No. 202 of Ettakodi village belonging to himself and his family members for non-agricultural purpose to form residential plots on the converted lands, approached you DGO with necessary documents and you told the complainant that you would contact the concerned officials and asked for bribe of Rs. 70,000/- per acre which comes to a total sum of Rs. 4,25,000/- and after the complainant pleaded his inability, you reduced it to Rs. 75,000/- and on 02/03/2009 received the said amount of Rs. 75,000/- from the complainant as bribe to show official favour, failing to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

**ANNEXURE NO. II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*The complainant Sri Shantharaj s/o Late Gurumurthy Reddy is the r/o Bengaluru. The complainant and his family members own 6 acres 18 guntas of land in sy.No. 202 situated at Ettakodi village in Malur Taluk of Kolar District. The complainant and his family members wanted to get the said land converted for non-agricultural purpose intending to form residential plots. Therefore, the complainant with the consent of his mother and brother approached the DGO and told him about their intention. Then, the DGO*

asked for bribe of Rs. 70,000/- per acre and the total bribe amount worked out to Rs. 4,25,000/-. The complainant pleaded his inability to pay that much of amount. Then, the DGO reduced it to Rs. 75,000/- and the complainant agreed for the same. But, as the complainant was not willing to pay bribe amount, lodged a complaint before Lokayukta Police Inspector at Kolar (herein after referred to as Investigating Officer, for short, "the I.O.") on 02/03/2009. The I.O. registered the complaint in Cr. No. 2/2009 for the offences punishable u/sec. 7, 13(1)(d) r/w sec. 13(2) of the Prevention of Corruption Act 1988. During the course of investigation into the said crime, when the complainant gave the tainted amount on 02/03/2009 to the DGO in his private office at Railway Feeder Road in Malur, the I.O. trapped the DGO in the presence of the complainant and pancha witness and seized the tainted amount from the possession of the DGO under mahazar and followed post-trap formalities. The I.O. took the statement of DGO in writing. The I.O. recorded statement of complainant, panch witnesses and others. After receiving the report of chemical examiner about the articles sent for chemical examination, the I.O. filed his Investigation report. The facts and materials on record of the investigation report, prima facie showed that, the DGO being a Government Servant failed to maintain absolute integrity and devotion to duty, the act of which was unbecoming of Government Servant. Therefore, a suo-moto investigation was taken up



*u/sec. 7(2) of Karnataka Lokayukta Act against him and an observation note was sent to the DGO calling for his explanation. The reply given by the DGO was not convincing and not satisfactory to drop the proceedings. As the facts and materials on record prima facie showed that he committed misconduct as per Rule 3(1)(i) and (iii) of KCS (Conduct) Rules, 1966, a report u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the Competent Authority with recommendation to initiate disciplinary Proceedings against him and to entrust the departmental enquiry to the Hon'ble Upalokayukta u/Rule 14-A of KCS (CCA) Rules. Accordingly, the Competent Authority initiated disciplinary proceedings and entrusted the enquiry to the Hon'ble Upalokayukta. Hence, the charge.*

5. DGO appeared before this Inquiry Authority on 26/03/2012 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. The DGO has filed his written statement denying the charge framed against him. The DGO is innocent and he has not committed any misconduct as alleged by the Disciplinary Authority. The case put forward by the Disciplinary Authority is false and baseless and it is denied in toto. Hence, prays to exonerate him from the charges leveled against him in this case.

7. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined five witnesses as PW1 to PW5 and got marked documents at Ex.P1 to P12. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of the DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, the DGO himself examined as DW1 and one witness examined as DW2 and closed side. Hence, recording the answer of DGOs to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority as well as the DGO have not filed any written brief. Oral arguments of the Presenting Officer was heard. The points, that arise for the consideration of this inquiry authority are:-

1. Whether the Disciplinary Authority has satisfactorily proved the charges framed against DGO?

2. What order?

9. My finding on the above points are as follows:-

Point No.1: In the “ **AFFIRMATIVE**”

Point No.2: As per the final order for the following:

**:: REASONS ::**

**10. Point No.1:** It is the case of the Disciplinary Authority that, the DGO while working as Village Accountant of Ettakodi Circle in Malur Taluk of Kolar

District, the complainant namely Sri Shantharaj s/o Late Gurumurthy Reddy approached the DGO with necessary documents to convert 6 acre 18 guntas of land in sy.No. 202 of Ettakodi village belonging to himself and his family members for non-agricultural purpose (to form residential plots) and the DGO told the complainant that the DGO would contact the concerned officials and get the work of the complainant done and asked for the bribe of Rs. 70,000/- per acre which comes to a total sum of Rs. 4,25,000/- and received the advance amount of Rs. 75,000/- from the complainant on 02/03/2009 and thereby committed the misconduct.

11. The complainant has been examined as PW3 and the copy of the complaint lodged by him before the Lokayukta police, Kolar District is at Ex.P5. The gist of Ex.P5 is to the effect that PW3 is residing in Bengaluru and working as Auditor, Sy.No. 202 of Ettakodi village measuring 6 acre 18 guntas belongs to himself and his younger brother, Sri Manohar and their mother Smt. Neelamma and his brother and mother asked him to get the said land converted for residential purpose and he collected all the documents of the above said land and also prepared the application addressed to the Deputy Commissioner and approached the DGO for conversion of land. He approached the DGO along with the relevant documents and asked the DGO about converting the above said land for residential plots and the DGO took the documents and told PW3 that he will get the above said work of PW3 done by contacting the

concerned officials and demanded Rs. 70,000/- per acre (in all Rs. 4,25,000/-) to do the above said work of PW3. The DGO asked PW3 to pay Rs. 1,50,000/- at present for the office work and PW3 told that he will pay Rs. 75,000/- and not willing to get his work done by paying the bribe amount he is giving the complaint. The complaint has been lodged on 02/03/2009.

12. PW3 has deposed that sy.No. 202 measuring 6 acre 18 guntas stood in the name of his mother Smt. Neelamma and his brother Sri Manohara and he approached the DGO in connection of converting the above said land for forming house sites. He has deposed that the application addressed to the Deputy Commissioner was also given. He has deposed that the DGO demanded bribe amount of Rs. 70,000/- per acre for converting the above said land to form the house sites. He has deposed that totally the DGO demanded the bribe of Rs. 4,25,000/- and for doing the Taluk office work he demanded Rs. 1,50,000/- urgently and PW3 told that he will pay whatever amount he can pay and not willing to get his work done by paying the bribe amount he informed the matter to the Lokayukta Inspector and the Lokayukta Inspector gave him a tape-recorder and asked him to approach the DGO and to record the conversation. He has deposed that accordingly he met the DGO and recorded the conversation and again went to Lokayukta police station and gave the complaint and the copy of the same is at Ex.P5.

13. PW3 has further deposed that the I.O. secured Sri Dilipkumar and Sri Rajanna as panchas and introduced them to him and the gist of the complaint was also told to the panchas. He has deposed that the conversation recorded was played and it was transcribed and that cassette was also seized. He has deposed that he gave Rs. 75,000/- (Rs. 5x1,000+140xRs. 500) and those notes were verified by the panchas and the denomination and the numbers were noted and the I.O. got the phenolphthalein powder smeared to the notes through his staff and those notes were given to the hands of the pancha witness Sri Rajanna and he kept those notes in his right side pant pocket. PW3 has further deposed that afterwards the hands of Sri Rajanna were washed in the solution and that solution which was colourless turned to pink colour and that solution was also seized. He has deposed that he was instructed to approach the DGO and if the DGO demands for the bribe amount the tainted currency notes kept in his right side pant pocket should be given and afterwards he should come out and to give the signal by lifting his right hand. He has deposed that the pancha witness Sri Dilipkumar has appointed as shadow witness. He has deposed that the Entrustment Mahazar was drawn and copy of the same is at Ex.P1 and Ex.P1(a) is his signature. He has deposed that photographs were also taken at the time of the Ex.P1.

14. PW3 has further deposed that after the Entrustment Mahazar they left Kolar Lokayukta police station at 1.45

p.m. and went to Malur and he made the phone call to the DGO and DGO told that he is in the field and that he will come to the office at about 5 p.m. and hence they waited in Malur itself for the DGO. He has deposed that at about 5.10 p.m. the DGO made the call to his mobile and told that he is in his private office situated by the side of Sri Anjaneya swamy temple and to come there. He has deposed that all of them towards the private office of the DGO and that the vehicle was stopped at a little distance and himself and the shadow witness Sri Dilipkumar were sent to meet the DGO. He has deposed that himself and Sri Dilipkumar went to the private office of the DGO and Sri Dilipkumar stood in the corridor and he went inside the private office of the DGO and Sri Dilip kumar was able to see what was happening inside the private office of the DGO through the window. He has deposed that he sat in front of the DGO and the DGO asked him whether he has brought the amount and he gave the tainted currency notes and the DGO received the same with his right hand and kept it in the tray which was on his table. He has deposed that afterwards he came out of that room and gave the pre-instructed signal and immediately, the I.O. and his staff, and another pancha witness came to the private office of the DGO and he showed the DGO and told that, the DGO demanded for the amount and received the amount. He has deposed that the I.O. introduced himself to the DGO and also informed the DGO about the case registered against him. He has deposed that the hands of the DGO were washed separately and the hand wash was positive. He has deposed that the I.O. enquired the DGO

about the amount and the DGO showed the amount which were in the tray. He has deposed that the pancha witness Sri Rajanna examined the notes which were in the tray and those notes were the same notes mentioned in the Entrustment Mahazar and those notes were seized. He has deposed that his right hand was washed in the solution and that solution also turned to pink colour. He has deposed that the I.O. enquired the DGO about the file and the DGO gave the file which was on his table and the Xerox copies of the same were prepared, certified and seized and the copies of the same are at Ex.P2. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P3. He has deposed that Ex.P4 is the copy of the Trap Mahazar and Ex.P4(a) is his signature. He has deposed that the copies of the photographs taken at the time of the Entrustment Mahazar and Trap Mahazar are at Ex.P6.

15. PW3 has been cross-examined at length by the learned counsel for the DGO. He has denied the suggestion that in respect of sy.No. 202 the case was pending before the Malur Civil Court. He has deposed that the civil suit was in respect of sy.No.201 only. He has deposed that sy.No. 178/2B belonged to his mother Smt. Neelamma and in the phani instead of the name of his mother the name of Leelamma had been entered by mistake and in that connection the application had been given for rectification of the phani. He has denied the suggestion that his mother had given the application for khatha change of Sy.No. 2 measuring 11acre 21 guntas and in that respect DGO had

given adverse report. He has deposed that on 02/03/2009 he met the DGO in the private office and at that time another Village Accountant was also there and he recorded the conversation between himself and the DGO. He has deposed that on the same day he returned back the tape-recorder to the I.O. and the I.O. secured the panchas and conducted the Entrustment Mahazar. He has denied the suggestion that the DGO did not demand for any bribe amount and that he himself kept the tainted currency notes in the tray that was on the table of the DGO. He has also denied the suggestion that, after Lokayukta Police came inside the private office of the DGO, the Lokayukta police asked the DGO to take the amount which was in the tray. Thus even though PW3 has been cross-examined at length, nothing is made out in his cross-examination to discard or disbelieve his evidence stated above.

16. PW1 is the shadow witness by name Sri Dilip Kumar. He has deposed that from the year 2007 to 2011 he was working as FDA in Karnataka State Finance Corporation, Kolar Branch office. He has deposed that as per the instructions of his higher officer on 02/03/2009 he had been to the Lokayukta Police station, Kolar and another pancha by name Sri Rajanna also came to the Lokayukta police station. He has deposed that PW3 was there and he had given the complaint against the DGO. He has deposed about the gist of the complaint also. He has deposed that PW3 (complainant) had also produced the tape-recorder and it was played and the conversation recorded in the same



was heard and transcribed. He has deposed about PW3 producing the amount of Rs. 75,000/- and the I.O. conducting the Entrustment Mahazar as mentioned in Ex.p1. In fact he has deposed about all the averments made in Ex.P1 in his deposition. He has deposed that after the Entrustment Mahazar they went to Malur and PW3 made the phone call (mobile) to the DGO and the DGO informed PW3 that he will come to his private office in the evening. He has deposed that at about 5.30 p.m. himself and PW3 were sent to meet the DGO and DGO asked PW3 about the amount and PW3 gave the tainted currency notes and the DGO received the same and kept it in the tray that was on his table and afterwards PW3 gave the pre-instructed signal. He has deposed that the hands of the DGO were washed in the solution separately and the solution turned to pink colour. He has deposed that the I.O. got the notes which were in the tray examined and those notes were the same notes mentioned in the Entrustment Mahazar and those notes were seized. He has deposed that the file pertaining to PW3 was also found and the copies of the same are at Ex.P2. He has deposed that Ex.P3 is the copy of the explanation given by the DGO and Ex.P4 is the copy of the Entrustment Mahazar. He has deposed that himself and PW3 told the I.O. that the explanation given by the DGO is false.

17. PW1 has also been cross-examined at length by the learned counsel for the DGO. He has denied the suggestion that he was not able to hear the conversation between the

DGO and PW3. He has also denied the suggestion that PW3 himself kept the tainted currency notes in the tray which was on the table of the DGO. He has also deposed that there was a window to the above said private office of the DGO. Nothing is made out in his cross-examination to discard or disbelieve his evidence stated above. The minor discrepancies in his evidence cannot be given much weight.

18. PW2 is the pancha witness by name Sri Rajanna rao and he has deposed that from 2005 to 2012, he was working as SDA in the Minor Irrigation Department in Kolar. He has deposed that on 02/03/2009 as per the instructions of his higher officer he went to Lokayukta police station, Kolar at about 12.30 p.m. He has deposed about PW1 also coming to the Lokayukta police station as another pancha witness and that PW3 was also present in the station and he had given the complaint. He has also deposed about the gist of the complaint lodged by PW3. In fact, he has deposed that Ex.P5 is the copy of the complaint that was lodged by PW3. He has deposed about PW3 producing the amount of Rs. 75,000/- and about all other proceedings which took place in Lokayukta Police station mentioned in the Entrustment Mahazar, the copy of which is at Ex.P1. He has deposed that he has signed Ex.P1 and at that time photographs were also taken.

19. PW2 has deposed that after Ex.P1 they left the Lokayukta police station and reached Malur Town at about 3 p.m. and PW3 made the phone call to the DGO and told

that the DGO will come to the office in the evening. He has deposed that till 5.30 p.m. they waited and PW3 and PW1 were sent to meet the DGO in his private office. He has deposed that himself and others was standing by the side of that building and after some time PW3 gave the pre-instructed signal and immediately himself, Police Inspector and his staff went inside the private office of the DGO. He has deposed that PW3 showed the DGO and Police Inspector enquired the DGO about the amount and the DGO showed the amount which was kept in the tray. He has deposed that those notes were examined and those notes were the same notes mentioned in the Entrustment Mahazar. He has deposed that the hand wash of the DGO was also positive and the DGO also produced the file as the file of the complainant. He has deposed that the copy of the Trap Mahazar is at Ex.P4.

20. PW2 has been cross-examined at length by the learned counsel for the DGO. But nothing is made out in his cross-examination to discard or disbelieve his evidence. He has deposed that he cannot say the numbers of the currency notes and on that ground his evidence cannot be disbelieved. He has denied the suggestion that on the instructions of the Lokayukta police, the DGO took the amount which was in the tray and gave it to Lokayukta police. He has also denied the suggestion that the hand wash of the DGO was not positive. He has deposed that the file of PW3 was with the DGO and he cannot say about the documents which were in that file.

21. PW5-Sri S. Manjunatha is the I.O. who has received the complaint and laid the trap. He has deposed that from December 2007 to October 2012 he was working as Police Inspector in Lokayukta Police station, Kolar. He has deposed that on 02/03/2009 at 10.30 a.m. PW3 came to the station and orally told about the demand for bribe by the public servant and to confirm the same, he gave a micro-tape-recorder to PW3 and asked him to meet the concerned public servant and to record the conversation. He has deposed that on the same day at 12.30 p.m. PW3 came to the station and gave the written complaint and also produced the micro tape-recorder which he had given to him. PW3 has deposed about the gist of the complaint given by PW3, the copy of which is at Ex.P5. He has deposed that on the basis of Ex.P5 he registered the case and sent the FIR to the concerned court and the copy of the same is at Ex.P8. He has deposed about securing PW1 and PW2 as panchas and they reported before him on the same day at 12.45 p.m. He has deposed about playing the micro tape-recorder in the presence of panchas and seizing the cassette which was in the same. He has deposed about PW1 producing the amount of Rs. 75,000/- and about all the other proceedings conducted in the Lokayukta police station which are mentioned in the Entrustment Mahazar, the copy of which is at Ex.P1. He has also deposed about he panchas being introduced to the complainant and that the panchas were also made known about the complaint lodged by PW3.

22. PW5 has further deposed that after the Entrustment Mahazar they left Lokayukta Police Station and went to Malur and PW3 contacted the DGO over mobile phone and DGO told that he is in the field and he will come back in the evening. He has deposed that at 5.10 p.m. the DGO made call to PW3 and told him that he is in his private office and hence, all of them went to private office of the DGO situated in Malur town by the side of Sri Anjaneya swamy temple. He has deposed that PW3 and PW1 was sent to meet the DGO in his private office and himself, his staff and another pancha witness were waiting outside the building for the pre-instructed signal from PW3. He has deposed that at about 5.30 p.m. PW3 from the first floor of the building gave the pre-instructed signal and immediately himself, his staff and PW2 went to the first floor and PW3 took them to the third room which was in the first floor and showed the DGO and told that he had received the amount of Rs. 75,000/- from him and kept the same in the tray which was kept on his table. He has deposed that he introduced himself to the DGO and also told him about the case registered against him. He has deposed that the hands of the DGO were washed separately and the solution turned to pink colour. He has deposed that when enquired about the file of PW3 the DGO gave two files which were on his table and the copies of those files are at Ex.P2. He has deposed that notes found in the tray tallied with the notes mentioned in the Entrustment Mahazar and those notes were seized. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P3 and the copy of the Trap

Mahazar is at Ex.P4. He has deposed that Ex.P6 are the copies of the photographs taken at the time of Ex.P1 and Ex.P4. He has deposed that he had sent the seized articles to the FSL and the copy of the FSL report is at Ex.P9. In Ex.P9 it is mentioned that the presence of phenolphthalein is detected in both the right and left hand fingers washes of the DGO. He has deposed that Ex.P10 is the copy of the sketch of the scene of occurrence prepared by the PWD Engineer.

23. PW5 has been cross-examined by the learned counsel for the DGO and nothing is made out in his cross-examination to discard or disbelieve his evidence. Only on the ground that the DGO is not the Competent Authority to permit the conversion and that the application for conversion has to be given to the Deputy Commissioner the case of the Disciplinary Authority cannot be disbelieved. It is pertinent to note that in the complaint-Ex.P5 it is clearly mentioned that PW3 gave the application addressed to the Deputy Commissioner along with the relevant documents to the DGO and the DGO received the same stating that he will contact the concerned officials and get the conversion done if bribe amount demanded by him is given to him. Hence, the cross-examination of the witnesses to the effect that the DGO is not the Competent Authority to permit the conversion and that the file had not come to the DGO for his report through proper channel, the case of the Disciplinary Authority cannot be doubted.

24. PW4-Sri M.V. Venkateshappa and he has deposed that he was working as Lokayukta Superintendent of Police of Kolar District from 2007 to 2009 and PW5 had completed the investigation and he had only sent the documents to the ADGP Lokayukta for prosecution sanction and received the prosecution sanction order and the copy of the same is at Ex.P7.

25. DW1 is the DGO and he has deposed that in the year 2009 he was working as Village Account of Ettakodi Circle, Malur Taluk. He has deposed that there was ill-will between himself and the complainant. He has deposed that there was litigation in respect of the lands of the complainant and the complainant had asked him to change the khatha in his name for which he had denied and in that connection the complainant had threatened him. It is pertinent to note that to prove the above said evidence of DW1 no documents is produced. DW1 has further deposed that the complainant had not given him any application for conversion of sy.No. 202. He has deposed that only the Deputy Commissioner has got the powder to convert the agriculture land to non-agricultural purpose. He has deposed that in respect of sy.No. 202 there was litigation before the Civil Court. But he has not produced any documents to show the same. He has further deposed that he was residing in Ettakodi Grama and he was going to his native place twice in a week. He has deposed that from his village, he was coming to Malur by train and from Malur he was going to Ettakodi by road. He

has deposed that the villagers were meeting him in Ettakodi grama for their work.

26. DW1 has further deposed that on 02/03/2009 he had not at all met the complainant and on that day to go to his village, he went to Malur railway station and at that time complainant made the mobile call to him and told him that, the Revenue Inspector is calling him and hence, he went outside the railway station and saw a jeep and the complainant and police were there and he was taken in the police jeep to Kolar Lokayukta police station and in the Lokayukta police station he was made to take the amount which was in the tray and afterwards his hands were washed. He has deposed that he was also produced before the Judge. It is pertinent to note that there was no cross-examination of witnesses examined on the side of the Disciplinary Authority to the effect that when the DGO was in the Kolar Railway Station on 02/03/2009 PW3 made phone call to him and told that the Revenue Inspector is calling him and the DGO came out of the Malur railway station and the complainant and police were there and they took him to Kolar Lokayukta Police Station in a jeep and in the Lokayukta police station he was forced to take the amount which was kept in the tray. The above said contention is also not taken in the written statement or in the comments of the DGO to the observation note. It is also pertinent to note that the above said evidence of DW1 is completely contrary to the cross-examination of PW1 and PW5. In the cross-examination of PW1, PW3 and PW5 it is



the case of the DGO that on 02/03/2009 at 5.30 p.m. PW3 came to the private office of the DGO and kept the tainted currency note in the tray which was on the table of the DGO and by that time Lokayukta police came there and forced him to give the notes which were kept in the tray and afterwards his hands were washed in his private office. Thus the above said contention is taken for the first time in the evidence of DGO and it cannot be given any weight.

27. In his cross-examination DW1 has deposed that there is no ill-will between himself and the I.O. and he has not produced any documents to show that there was ill-will between himself and PW3. He has deposed that he had not filed any complaint against PW3 for threatening him. As stated above, Ex.P3 is the copy of the explanation given by the DGO and in the same it is mentioned that the complainant and Sri S. Venkatarama reddy have got trapped him due to ill-will. In the same there is no mention for what reason there was ill-will between the DGO and the complainant. There is no evidence as to who is Sri Vankatarama reddy and why there was ill-will between the DGO and Sri S. Venkatarama reddy. In the same also there is no mention that the DGO was taken to Lokayukta police station in the police jeep from Malur Railway station and in the station he was made to take the tainted currency notes which were kept in the tray.

28. DW2 is Sri T. Narayana reddy and he has deposed that PW3 had requested the DGO to make a bogus khatha

for which the DGO did not agree due to which PW3 had ill-will against the DGO. It is pertinent to note that DW2 had not stated the details of the bogus khata (survey number extent etc.,) sought by PW3 and hence his above said evidence cannot be given much weight. He has deposed that PW3 had given an application to the Deputy Commissioner for conversion of the land and on that ground only the case of the Disciplinary Authority cannot be doubted or discarded and there is no document to show that PW3 had given the application to Deputy Commissioner. He has deposed that on 02/03/2009 he took PW3 in his car to Malur railway station. He has deposed that in the railway station the DGO was standing in the ticket counter to purchase the ticket and PW3 approached the DGO and told the DGO that the Revenue Inspector is calling him and DGO came outside the railway station and the Lokayukta police jeep came there and the DGO was taken in that jeep to Kolar and himself and PW3 followed the jeep to Kolar and that jeep reached the Lokayukta station at 7 or 7.45p.m. and in the station on the table there was some amount and he do not know how that amount came there. He has deposed that as per the direction of the Lokayukta police, the DGO took that amount and gave the same to the Lokayukta police.

29. In his cross-examination DW2 has deposed that, DGO had not given any complaint to the police regarding PW3 seeking for making fraudulent khatha in his name. He has deposed that his signatures were also taken by the

Lokayukta police to empty sheets and he has not given any complaint in that respect to the higher officers. It is pertinent to note that DW2 is not a witness to the case of the Lokayukta police and taking his signatures to empty sheets does not arise at all. It is also not the case of DW2 that he has given his statement before the I.O. as told by him in his examination in chief. Hence, it has to be said that DW2 is a created witness to support the evidence given by DW1 and his evidence cannot be given any weight.

30. It is pertinent to note that Ex.P12 is the comments of the DGO to the observation note and in the same he has mentioned that the criminal case filed against him is now pending before the Hon'ble High Court of Karnataka in Criminal Appeal No. 302/2011. From the website of the Hon'ble High Court of Karnataka it is ascertained that, the DGO has been convicted in the criminal case filed by the Lokayukta police and the DGO has preferred the Criminal Appeal in Criminal Appeal No. 302/2011 and it is still pending before the Hon'ble High Court of Karnataka. Hence, it can be said that even in the criminal case the DGO has been convicted.

31. The facts and circumstances of this case stated above only probablise the case of the Disciplinary Authority and not the case of the DGO.

32. Thus the charge that the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner

of unbecoming of Government Servants is proved. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

**33. Point NO.2:-** For the reasons discussed above, I proceed to give the following Report:

**:: REPORT ::**

*The Disciplinary Authority has satisfactorily proved the charge against the DGO- Sri Gangareddy, s/o Muniswamy Reddy, Village Accountant, Ettakodi Circle, Malur Taluk, **Kolar District (Now retired)**, demanded and accepted the bribe of Rs. 75,000/- from the complainant on 02/03/2009 for doing an official act and thereby committed misconduct under Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.*

34. Hence this report is submitted to Hon'ble Upalokayukta-2 for kind perusal and for further action in the matter.

Dated this the 12<sup>th</sup> day of June, 2020

-Sd/-  
(Somaraju)  
Additional Registrar Inquiries-4,  
Karnataka Lokayukta,  
Bengaluru.