

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/419/2016/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001,
Date: 27/06/2019.**: Present:****Patil MohanKumar Bhimanagouda**Additional Registrar Enquiries-13,
Karnataka Lokayukta,
Bangalore.**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri. R. Venkatesh Padaki, the then
Deputy Commissioner of Excise,
Excise Department, Chikkamagaluru
District (now retired)-reg.

- Ref :**
- 1) Report u/s 12(3) of the K.L Act, 1984 in
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- Compt/Uplok/MYS-2828/2015/DRE-1,
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- dt.05/02/2016.
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- 2) Govt. Order No.FD 22 EPS 2016,
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- Bengaluru, dated :16/09/2016.
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- 3) Nomination Order No.UPLOK-2/DE/
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- 419/2016, Bengaluru, dated :03/10/2016.

1. This Departmental Enquiry is directed against Sri. R. Venkatesh Padaki, the then Deputy Commissioner of Excise, Excise Department, Chikkamagaluru 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 Upa Lokayukta-2, vide order dated: 03/10/2016 cited above at reference-3, nominated Additional Registrar of Enquiries-4 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. The Additional Registrar Enquires-4 prepared Articles of Charges, Statement of Imputations of misconduct, 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. Even though the AOC was duly served on the DGO, he has remained Ex-Parte.
4. As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.

5. The Article of Charges framed by ARE-4 against the DGO is as below:

ಅನುಬಂಧ -1

ದೋಷಾರೋಪಣೆ

6. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ. ಆರ್. ವೆಂಕಟೇಶ್ ಪದಕಿ, ಹಿಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ, ಆದ ನೀವು ದಿನಾಂಕ 04/09/2014 ರಂದು ಮಧ್ಯಾಹ್ನ 3.10 ಗಂಟೆ ಸಮಯಕ್ಕೆ ಸ್ಯಾಂಟ್ರೋ ಹುಂಡೈ ನಂ.ಕೆ.ಎ 02 ಎಂ.ಡಿ 3529 ರಲ್ಲಿ ಚಿಕ್ಕಮಗಳೂರಿನಿಂದ ಬೇಲೂರು ಕಡೆಗೆ ಹೋಗುವಾಗ, ಚಿಕ್ಕಮಗಳೂರು ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಮಾಗಡಿ ಗ್ರಾಮದ ಕೆರೆಯ ಹತ್ತಿರ ಚಿಕ್ಕಮಗಳೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ನಿಮ್ಮನ್ನು ತಡೆದು ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ತಪಾಸಣೆ ಮಾಡಿದಾಗ ಆ ಕಾರಿನ ಡಿಕ್ಕಿ ಬಾಕ್ಸ್‌ನಲ್ಲಿಟ್ಟಿದ್ದ ಸೆಲ್ಟ್ ನಂಬರ್ ಲಾಕಿಂಗ್ ಸೂಟ್‌ಕೇಸ್‌ನಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಕಾಗದದ ಕವರ್‌ಗಳಲ್ಲಿಟ್ಟಿದ್ದ ರೂ.6,85,257/- ಹಣ ದೊರೆತಿದ್ದು, ಆ ಹಣ ಹೊಂದಿದ್ದ ಬಗ್ಗೆ ಸೂಕ್ತವಾದ ಸಮಜಾಯಿಸಿ ನೀಡದೇ ಇದ್ದರಿಂದ ಆ ಹಣವನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಪ್ರಭಾವ ಬಳಸಿಕೊಂಡು ಅಕ್ರಮವಾಗಿ ಸಂಪಾದಿಸಿದ ಹಣವಾಗಿರುತ್ತದೆ ಎಂದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಅದರಂತೆ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3 (i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸುತ್ತೇನೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡಕ್ಟ್)

7. ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಚಿಕ್ಕಮಗಳೂರು (ಇನ್ನು ಮುಂದೆ " ತನಿಖಾಧಿಕಾರಿಯವರು " ಎಂದು ಸಂಖ್ಯಾಧಿಸಲಾಗುವ) ರವರು ನಿಮ್ಮ ವಿರುದ್ಧ ದೂರನ್ನು

ದಾಖಲಿಸಿದ್ದು, ನೀವು ದುರ್ನಡತನ ತೋರಿಸಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯಿದೆ 1984 ರ ಕಲಂ 7(2) ರನ್ವಯ ತನಿಖೆ ಕೈಗೊಳ್ಳಲಾಗಿರುತ್ತದೆ.

8. ಆಪಾದನೆಯ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ ಈ ಕೆಳಕಂಡಂತೆ ಇರುತ್ತದೆ:-

ಎ) ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆಯ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರಾದ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆಯಲ್ಲಿನ ಮಧ್ಯದ ಅಂಗಡಿಗಳ ಪರವಾನಿಗೆ ನವೀಕರಣಕ್ಕಾಗಿ ಪತ್ರದ ವ್ಯವಹಾರ ಒಪ್ಪಿಗೆ ಕಾರ್ಯಕ್ಕಾಗಿ ನಿಗದಿತ ಶುಲ್ಕವಲ್ಲದೇ ಹೆಚ್ಚುವರಿ ಲಂಚದ ಹಣ ನಿಗದಿಪಡಿಸಿದಂತೆ ಹಾಗೂ ಪ್ರತಿ ತಿಂಗಳೂ ಮಧ್ಯದ ಅಂಗಡಿಗಳ ನವೀಕರಣ ಪರವಾನಿಗೆಯ ಬಾಬು ಮಧ್ಯದ ಅಂಗಡಿಗಳ ಮಾಲೀಕರುಗಳಿಂದ ಹೆಚ್ಚುವರಿ ಲಂಚದ ಹಣ ಪಡೆದುಕೊಂಡಿರುತ್ತೀರಿ.

ಬಿ) ಅಷ್ಟೇ ಅಲ್ಲದೇ, ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ಮಧ್ಯದ ಅಂಗಡಿಗಳಿಗೆ ನಿಗದಿಪಡಿಸಿ ಮಾಮೂಲು ಹಣವನ್ನು ಆಯಾ ತಾಲ್ಲೂಕಿನ ಮಧ್ಯವರ್ತಿಗಳಿಂದ ಅಕ್ರಮವಾಗಿ ವಸೂಲು ಮಾಡಿಕೊಂಡು, ಹಣವನ್ನು ಚಿಕ್ಕಮಗಳೂರು ಅಬಕಾರಿ ಇಲಾಖೆಯ ಸಿಬ್ಬಂದಿಗೆ ಮನೆಯಲ್ಲಿ ಇಡುವಂತೆ ಕೊಟ್ಟು, ನೀವು ನಿಮ್ಮ ಊರಾದ ಮೈಸೂರಿನ ಮನೆಗೆ ವಾರಕ್ಕೊಮ್ಮೆ ಹೋಗುವಾಗ ಸಿಬ್ಬಂದಿಯವರನ್ನು ಹಣದ ಜೊತೆ ಕರೆದುಕೊಂಡು ಅಥವಾ ಸಿಬ್ಬಂದಿಯವರಿಗೆ ಮನೆಗೆ ತಲುಪಿಸಲು ತಿಳಿಸಿ ಹಾಗೂ ಕೆಲವೊಮ್ಮೆ ವಾಹನದಲ್ಲಿ ತೆಗೆದುಕೊಂಡು ಹೋಗಿರುತ್ತೀರೆಂದು ಬಲ್ಲ ಮೂಲಗಳಿಂದ ಬಂದ ಮಾಹಿತಿಯಂತೆ ನಿಮ್ಮ ವಿರುದ್ಧ ತನಿಖೆಯನ್ನು ಕೈಗೊಳ್ಳಲಾಗಿತ್ತು.

ಸಿ) ಸದರಿ ಮಾಹಿತಿಯಂತೆ ನೀವು ದಿನಾಂಕ: 04/09/2014 ರಂದು ಮಧ್ಯಾಹ್ನ 3.10 ಗಂಟೆಗೆ ಸ್ಯಾಂಟ್ರೋ ಹುಂಡೈ ನಂ.ಕೆ.ಎ.02 ಎಂ.ಡಿ 3529 ಕಾರಿನಲ್ಲಿ ಚಿಕ್ಕಮಗಳೂರಿನಿಂದ ಬೇಲೂರು ಕಡೆಗೆ ಹೋಗುವಾಗ, ಚಿಕ್ಕಮಗಳೂರು ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಮಾಗಡಿ ಗ್ರಾಮದ ಕೆರೆಯ ಹತ್ತಿರ ತನಿಖಾಧಿಕಾರಿಯವರು ಸದರಿ ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ತಪಾಸಣೆ ಮಾಡಿದಾಗ, ಕಾರಿನ ಡಿಕ್ಕಿ ಬಾಕ್ಸ್‌ನಲ್ಲಿಟ್ಟಿದ್ದ ಸೆಲ್ಫ್ ನಂಬರ್ ಲಾಕಿಂಗ್ ಸೂಟ್ ಕೇಸ್‌ನಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಕಾಗದದ ಕವರಗಳಲ್ಲಿಟ್ಟಿದ್ದ ರೂ.6.85.257/- ಗಳು ದೊರೆತಿರುತ್ತವೆ.

ಡಿ) ಅದೇ ದಿವಸ ಸದರಿ ಹಣ ರೂ.6,85,257/- ಗಳನ್ನು ನಿಮ್ಮಿಂದ ಪಂಚನಾಮೆ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಇ) ನಿಮ್ಮನ್ನು ಅದೇ ಕಾರಣಕ್ಕಾಗಿ ದಸ್ತಗಿರಿ ಮಾಡಿರುತ್ತಾರೆ.

ಎಫ್) ಸದರಿ ಹಣದ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯು ನಿಮ್ಮನ್ನು ಪ್ರಶ್ನಿಸಿದಾಗ, ಅದಕ್ಕೆ ನೀವು ಸಮಾಧಾನಕಾರಕ ಅಥವಾ ಸೂಕ್ತ ಉತ್ತರ ನೀಡಲು ವಿಫಲರಾಗಿರುತ್ತೀರಿ.

ಜಿ) ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಮತ್ತು ಸಂಬಂಧಿಸಿದ ದಾಖಲೆಗಳನ್ನು ಪ್ರಕರಣದಲ್ಲ ಹಾಜರುಪಡಿಸಿದ್ದು, ಅವೂ ಕೂಡ ನಿಮ್ಮ ಸತತವಾದ ದುರ್ನಡತೆ ಎಸಗಿರುವುದನ್ನು ತೋರಿಸುತ್ತದೆ.

9. ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ ನೀವು ಆ ಮಧ್ಯದ ಅಂಗಡಿಗಳ ಪರವಾನಿಗೆ ನವೀಕರಣಕ್ಕಾಗಿ, ಅಂಗಡಿಗಳ ಮಾಲೀಕರುಗಳಿಂದ ಹೆಚ್ಚುವರಿ ಲಂಚದ ಹಣ ಸ್ವೀಕರಿಸಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯವೆಂದು ಕಂಡು ಬಂದಿದ್ದು, ನೀವು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

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

11. ಮೇಲ್ಕಂಡ ಸಂಗತಿಗಳು, ಮಾಹಿತಿ, ದಾಖಲಾತಿ ಹಾಗೂ ಆಧಾರಗಳಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿದ್ದುಕೊಂಡು ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಸಂಪೂರ್ಣ

ಪ್ರಾಮಾಣಿಕತೆ ಹಾಗೂ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ಪಾಲಿಸದೇ ಮತ್ತು ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು, ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ, ಶಿಸ್ತುಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ತನಿಖೆ ಕೈಗೊಂಡು ತಕರಾರು/ಆಕ್ಷೇಪಣೆಯನ್ನು ಅವರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟು, ಅವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗಾಗಿ ಶಿಫಾರಸ್ಸು ವರದಿಯನ್ನು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಕಳುಹಿಸಿಕೊಡಬಾರದೆಂದು ಕಾರಣ ಕೇಳಲಾಗಿ, ಅದಕ್ಕೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಜವಾಬು ಕೊಟ್ಟಿದ್ದು, ಅದರಲ್ಲಿ ನೀವು ನಿಮ್ಮ ವಿರುದ್ಧ ತನಿಖೆಯನ್ನು ಕೈ ಬಿಡಲು ಸಮಂಜಸ/ಸೂಕ್ತವಾದ ಆಧಾರಗಳು ಇವೆಯೆಂದು ತೋರಿಸಿಲ್ಲ.

12. ಈ ಮೇಲ್ಕಂಡ ಕಾರಣಗಳಿಂದಾಗಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರೆಯುವುದು ಅಗತ್ಯ ಎಂದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬಂದಿದ್ದು, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೇ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ಸಾಕ್ಷ್ಯದ ಆಧಾರಗಳಿಂದ ನೀವು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ನಡತೆ) ನಿಯಮಗಳು, 1966 ರ 3(1)(i) ರಿಂದ (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡುಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ (ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ಅಡಿಯಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಗೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಉಲ್ಲೇಖ ಒಂದರಂತೆ ಈ ಸಂಸ್ಥೆಯಿಂದ ವಿಚಾರಣೆ ಮಾಡಲು ಕೋರಲಾಗಿರುವ ಕಾರಣ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

13. The AOC was duly served on 22/11/2016, however the DGO, remained absent and hence he was placed Ex-parte. Since the

DGO remained Ex-parte the question of recording FOS, SOS, defence evidence and Questionnaire does not arise.

14. In order to substantiate the charge, the Disciplinary Authority examined three witnesses as PW-1 to PW-3 and got marked documents at Ex.P-1 to P-6 and closed the evidence. Since the DGO remained Ex-parte, the question of recording FOS, SOS, defence evidence and questionnaire as provided U/Rule 11(9), 11(16), 11(17) and Rule 11(18) of Karnataka Civil Services (CC & A) Rules 1957 does not arise.

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

Point No-1) Whether the Disciplinary Authority has satisfactorily proved that, the DGO who was working as the Deputy Commissioner of Excise, Chikkamagaluru was on 04/09/2014 at about 3.10 P.M. found with bribe amount of Rs.6,85,257/- near the lake of Magadi Village on Chikkamagaluru-Beluru Road and the said amount was illegal gratification received and kept in 21 separate covers in a self locking suitcase and the said

amount was bribe amount collected by the DGO from the liquor shop owners and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed mis-conduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

16. My finding on the above point is held in “**Affirmative**” for the following:

:: REASONS ::

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

The Police Inspector, Karnataka Lokayukta, Chikkamagaluru is the complainant of the case. He has registered the case on behalf of the state, on the basis of credible information received by him. The complainant states that, the DGO was working as the Deputy Commissioner of Excise, Chikkamagaluru and he was collecting bribe from the liquor shop owners. The bribe was in the form of monthly bribe received by him and also for renewal of license etc. He further states that, he had received credible information that, the DGO was

collecting bribe amount through Excise guard Sri. Manjegowda and some amount was collected by him directly. Every month the DGO used to take the said bribe amount to his native place Mysore. The complainant further states that, on 04/09/2014, he had received credible information that, the DGO was travelling from Chikkamagaluru to Mysore in his private Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount. Hence, the complainant has registered the case in Cr.No.07/2014 U/s 7,13 (1) and 13(2) of the Prevention of Corruption Act, 1988. The complainant has secured two panchas and laid the trap to catch the DGO with the bribe amount. Accordingly he has secured the panchas and along with his staff he has gone near the Magadi Village lake on Chikkamagaluru - Beluru Road. At about 3.10 P.M. the accused was travelling from Chikkamagaluru to Mysore via Magadi Village in his Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount. The complainant has stopped the car and asked the DGO to co-operate for the investigation. The complainant has asked panchas to check the car. On checking the car, the DGO had kept one self locking suitcase in the dickey of the car. The complainant has asked the DGO to open the said suitcase. The DGO has accordingly opened the suitcase and the complainant/I.O has found a total cash or Rs. 6,85,257/- in various denominations kept in 21 separate covers. When the complainant asked the DGO about the said money, the DGO told that, he had taken the said amount on

loan from his friend Sri. Manjunath. The DGO has not given proper and satisfactory answer with regard to the possession of said amount. Later on, when the friend of DGO by name Sri. Manjunath was enquired, the said Sri. Manjunath has told that, he has not given any loan to the DGO. The complainant further states that, since the place where the DGO was caught, was a road and it had started raining, he along with the DGO, panchas and staff has come to the Lokayuktha Office at Chikkamagaluru and proceeded with the investigation. The complainant further states that, the two panchas counted the bribe amount recovered from the possession of DGO and it was totally Rs.6,85,257/-, which was kept in 21 separate packets and of different denominations. The complainant further states that, he has seized the said amount, the suitcase and the Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount. The DGO was arrested and produced before the Jurisdictional Court.

18. The complainant Sri. Jayanada K, has been examined as PW-1 and he has reiterated the facts stated, in the complaint. He states that, from 14/02/2014 to 20/10/2016 he was working as Police Inspector, Karnataka Lokayukta Police station, Chikkamagaluru. On 04/09/2014 when he was in the station, he received credible information that, the DGO Sri. Venkatesh Padaki, the Excise Deputy Commissioner, Chikkamagaluru was collecting bribe amount from the liquor shop owners. The bribe

was in the form of monthly bribe received by him and also for renewal of license etc. He further states that, the DGO was collecting bribe amount through Excise guard Sri. Manjegowda and some amount was collected by him directly. Every month the DGO used to take the said bribe amount to his native place Mysore.

19. PW-1 further states that, on 04/09/2014 at about 3.00 P.M he secured two panchas and along with his staff went near the lake of Magadi Village on Chikkamagaluru - Beluru Road, and he had received information that, the DGO was moving in his car from Chikkamagaluru to Mysore. At about 3.10 P.M the DGO was travelling in his Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount on Chikkamagalur - Beluru Road. PW-1 has stopped the car and asked the DGO to co-operate for the investigation. PW-1 has asked the panchas to check the car. On checking the car, the DGO had kept one self locking suitcase in the dickey of the car. PW-1 has asked the DGO to open the said suitcase. The DGO has accordingly opened the suitcase and the complainant/Investigation Officer has found a total cash or Rs.6,85,257/- in various denominations kept in 21 separate covers. PW-1 further states that, when he asked the DGO about the said money, the DGO told that, he had taken the said amount on loan from his friend Sri. Manjunath. The DGO has not given proper and satisfactory answer with regard to the

possession of said amount. Later on, when the friend of DGO by name Sri. Manjunath was enquired, the said Sri. Manjunath has told that, he has not given any loan to the DGO.

20. PW-1 further states that, the amount was kept in a self locking suitcase and the DGO opened the suitcase with the code number 543. The panchas found 21 covers with cash in them. He further states that, since the place where the DGO was caught was a road and it had started raining, he along with the DGO, panchas and staff came to the Lokayuktha Office at Chikkamagaluru and proceeded with the investigation. The complainant further states that, the two panchas counted the bribe amount recovered from the possession of DGO and it was totally Rs.6,85,257/-, which was kept in 21 packets and of different denominations. PW-1 further states that, he has seized the said amount, the suitcase and the Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount.

21. PW-1 further states that, on enquiry the DGO had stated that, the said amount of Rs.6,85,257/- was taken by him as loan from his friend Sri. Manjunath. However, when the said Sri. Manjunath was enquired, he categorically stated that, he has not advanced any loan to the DGO and the amount does not belong to him. PW-1 further states that, he called the Dy.S.P, Excise Department, Chikkamagaluru and asked him to produce the log

book of Government Vehicle used by the DGO, attendance register, cash declaration register and the dairy of the DGO. The said Dy.S.P immediately came with those documents and submitted them to the I.O. PW-1 further states that, on verification of the attendance register, the DGO had signed the attendance register and he had attended the office on 04/09/2014. PW-1 further states that, he conducted the Mahazar as Ex.P-3 and seized the cash of Rs.6,85,257/- and the Santro car, in the presence of two panchas.

22. PW-1 has identified the certified copy of his complaint at Ex.P-1 and the FIR at Ex.P-2. He further submits that, he has conducted the Mahazar as per Ex.P-3. He has drawn the rough hand sketch as per Ex.P-4. He has taken the photographs and also video graphed the proceedings. He has seized the photographs as per Ex.P-5. The Xerox copies of the photographs have been identified and commonly marked as Ex.P-6. PW-1 further states that, he recorded the statements of panchas Sri.Chiranjeevi, Sri. Dharmendar and his staff who had accompanied him to the raid. PW-1 further states that, he has completed the investigation and filed the charge sheet against the DGO/Accused.

23. PW-2 Chiranjeevi S/o Parameshwarappa is the second Division Assistant, working in PWD Department,

Chikkamagaluru. He states that, since 5 years is working as SDA in the office of Executive Engineer, PWD Department Chikkamagaluru. On 04/09/2014 when he was on duty, his higher officials deputed him to the duty at Lokayukta Office, Chikkamagaluru. Accordingly he reached the Lokayuktha Office at 2.40 P.M. The I.O. introduced himself and also briefed about the case registered against the DGO Sri. Venkatesh Padaki. The I.O has told the witness about bribe amount collected by the DGO and about the fact that, the DGO was transporting the bribe amount in his car from Chikkamagaluru to his native place Mysore. PW-2 further states that, at about 3.00 P.M. they reached near the lake of Magadi Village and at about 3.10 P.M. the DGO was travelling in his Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount on Chikkamagaluru - Beluru Road. The I.O has stopped the car and asked the DGO to co-operate for the investigation. The I.O has asked PW-2 and PW-3 to check the car. On checking the car, the DGO had kept one self locking suitcase in the dickey of the car. He further states that, the I.O has asked the DGO to open the said suitcase. The DGO has accordingly opened the suitcase and the I.O has found a total cash or Rs.6,85,257/- in various denominations kept in 21 separate covers.

24. PW-2 further states that, the amount was kept in a self locking suitcase and the DGO opened the suitcase with the code

number 543. They found 21 covers with cash in them. He further states that, since the place where the DGO was caught was a road and it had started raining, he along with the DGO, I.O and staff came to the Lokayuktha Office at Chikkamagaluru and proceeded with the investigation. PW-2 further states that, they counted the bribe amount recovered from the possession of DGO and it was totally Rs.6,85,257/- which was kept in 21 packets and of different denominations. PW-2 further states that, the I.O has seized the said amount.

25. PW-2 further states that, the I.O has seized the said amount and conducted the Mahazar as per Ex.P-3. He has identified his signature at Ex.P-3(b). He has identified the rough hand sketch map at Ex.P-4, the photographs seizure panchanama at Ex.P-5 and the photographs at Ex.P-6.

26. PW-3 Dharmendra S/o Sheshegowda is the Assistant Statistical Officer working in PWD Department, Chikkamagaluru. He states that, from April 2013 to December 2016, he was working as Assistant Statistical Officer in the office of Executive Engineer, PWD Department, Chikkamagaluru. On 04/09/2014 when he was on duty, his higher officials deputed him to the duty at Lokayukta Office, Chikkamagaluru. Accordingly he reached the Lokayukta Office at 2.30 P.M. The I.O. introduced himself and also briefed about the case registered against the

DGO Sri. Venkatesh Padaki. The I.O has told the witness about bribe amount collected by the DGO and about the fact that, the DGO was transporting the bribe amount in his car from Chikkamagaluru to his native place Mysore. PW-3 further states that, at about 3.00 P.M. they reached near the lake of Magadi Village and at about 3.00 P.M the DGO was travelling in his Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount, on Chikkamagalur - Beluru Road. The I.O has stopped the car and asked the DGO to co-operate with the investigation. The I.O has asked PW-2 and PW-3 to check the car. On checking the car, the DGO had kept one self locking suit case in the dickey of the car. He further states that, the I.O has asked the DGO to open the said suitcase. The DGO has accordingly opened the suitcase and they have found a total cash or Rs.6,85,257/- in various denominations kept in 21 separate covers.

27. PW-3 further states that, the amount was kept in a self locking suitcase and the DGO opened the suitcase with the code number 543. They found 21 covers with cash in them. He further states that, since the place where the DGO was caught was a road and it had started raining, he along with the DGO, I.O and staff came to the Lokayukta Office at Chikkamagaluru and proceeded with the investigation. PW-3 further states that, they counted the bribe amount recovered from the possession of DGO

and it was totally Rs.6,85,257/-, which was kept in 21 packets and of different denominations. PW-3 further states that, the I.O has seized the said amount.

28. PW-3 further states that, the I.O has seized the said amount and conducted the Mahazar as per Ex.P-3. He has identified his signature at Ex.P-3(c). He has identified the rough hand sketch map at Ex.P-4, the photographs seizure panchanama at Ex.P-5 and the photographs at Ex.P-6.

29. The DGO has remained Ex-parte and hence, cross examination of PW-1 to 3 was taken as nil. Hence, the evidence of PW-1 to 3 has totally remained unchallenged.

30. It is the case of the Disciplinary Authority that, the DGO was collecting the bribe from liquor shop owners. The Disciplinary Authority in support of its contentions has examined the Complainant/I.O as PW-1. The I.O has elaborately stated about the credible information received by him with regard to the bribe collected by the DGO from the liquor shop owners. He has stated of having secured two independent official witnesses from PWD Department, Chikkamagaluru. He has further stated that, on 04/09/2014 at about 3.00 P.M on the basis of credible information, he along with panchas and staff waited for the DGO near the lake of Magadi Village on Chikkamagaluru - Beluru

Road. The DGO came in his Santro car bearing Registration No.KA 02 MD 3539 with the bribe amount and on inspection he has recovered unaccounted cash of Rs.6,85,257/- from the dickey of the said car of the DGO. The witnesses has further stated of having conducted the cash seizure panchanama as per Ex.P-3 in the presence of PW-2 and PW-3 Mahazar witnesses.

31. The evidence of complainant/I.O is corroborated by the evidence of two independent official witnesses PW-2 and PW-3. PW-2 Chiranjeevi and PW-3 the Dharmendar have fully supported the case of the complainant/PW-1. They have categorically stated that, the DGO was found carrying unaccounted cash of Rs.6,85,257/-. PW-2 and PW-3 have categorically stated about the seizure of the cash by the I.O and they have further stated about the cash seizure panchanama conducted by the I.O as per Ex.P-3. PW-2 and PW-3 have consistently deposed and they have proved the cash seizure panchanama at Ex.P-3.

32. It is the specific case of the Disciplinary Authority that, the DGO was collecting bribe from the liquor shop owners in Chikkamagaluru district and on 04/09/2014 he was arrested with unaccounted money of Rs.6,85,257/-. The DGO has tried to give false explanation that, he had taken loan from his friend Sri. Manjunath. However, when the I.O has enquired his friend,

the said Sri. Manjunath has categorically denied of having advanced any loan to the complainant. The DGO has utterly failed to explain the possession of huge sum of unaccounted money.

33. On careful perusal of the evidence of PW-1, the I.O/complainant has summoned the cash declaration register from the office of DGO and the DGO has declared cash of Rs.3,100/- on 04/09/2014. It is pertinent to note that, the DGO had declared hard cash of Rs.3,100/-and it was duly entered in the cash declaration register. From careful perusal of the Mahazar at Ex.P-3, it is observed that, the suitcase of the DGO contained 21 packets of currency notes. Each packet contained different amount and it is as follows:

Packet No	Amount found
1	3,000-00
2	25,000 + 25,000-00
3	1,00,000-00
4	430-00
5	15,000+1,500-00
6	800+1,000-00
7	230-00
8	1,000-00
9	1,000-00

10	15,000-00
11	1,000+1,000-00
12	6000-00
13	500-00
14	3000+500-00
15	38,000-00
16	1000+60-00
17	27,000+1000+10
18	500+300+150+90+2
19	5000-00
20	385-00
21	10,000+800+50000+50000 +50,000+50,000+50,000+ 50,000+50,000+50,000
Total	6,85,257-00

34. The DGO has tried to explain the possession of said amount of Rs.6,85,257/- by stating that, he has taken loan from his friend Sri. Manjunath. However, the said Sri. Manjunath has categorically distanced himself from the recovered cash and he has stated before the I.O that, he has not advanced any loan to the DGO. The DGO has been found in possession of unaccounted cash of Rs.6,85,257/-. The DGO has remained Ex-Parte and he has failed to explain the source of this huge amount. If the said amount was his declared and known source

of income, the DGO would have produced relevant documents to prove that, the said cash legally belongs to him. However, the DGO has not at all appeared and he has not led any evidence in support of his contention. Another important aspect to be noted is that, the cash was not kept in a single bundle. Different amount was found in 21 packets kept in the suitcase. Quite naturally it appears that, this amount is the bribe amount and illegal gratification received by the DGO from the liquor shop owners towards renewal of license and other things.

35. The Disciplinary Authority by examining all the material witnesses i.e. the Complainant/Investigation Officer and two independent and official witnesses has duly proved that, on 04/09/2014 at about 3.00 P.M when the DGO was stopped near the Magadi lake on Chikkamagaluru - Beluru Road, the DGO was found in possession of unaccounted cash of Rs.6,85,257/-. The I.O /PW-1 has seized the cash and conducted the Mahazar as per Ex.P-3. The evidence of PW-1 is fully corroborated by the evidence of both the Mahazar witnesses PW-2 Chiranjeevi and PW-3 Dharmendar. I am of the opinion that, the Disciplinary Authority has duly proved the seizure of unaccounted cash of Rs.6,85,257/- from the DGO. The DGO has remained Ex-parte and he has failed to account for the huge cash and unaccounted money recovered from him. Hence, I am of the opinion that, the Disciplinary Authority has proved that, the DGO had collected

bribe from liquor shop owners of Chikkamagaluru district and on 04/09/2014 at about 3.00 P.M, the DGO was arrested by the I.O with illegal gratification and unaccounted cash of Rs.6,85,257/- from his possession. The Possession of such a huge amount, which is unaccounted and which is illegal gratification proves that, the DGO has committed misconduct.

36. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO is established. Hence, I answer point No.1 in the "**Affirmative**".

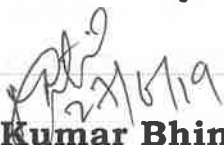
:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri. R. Venkatesh Padaki, the then Deputy Commissioner of Excise, Excise Department, Chikkamagaluru District (now retired).

419/16

37. This report is submitted to Hon'ble Upa Lokayukta-2 in a sealed cover for kind perusal and for further action in the matter.

Dated this the 27th day of June 2019



(Patil Mohankumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

ANNEXURE

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri. Jayananda K (Original)
PW-2: Sri. Chiranjeevi (Original)
PW-3: Sri. Dharmendra (Original)
Witness examined on behalf of the DGO
Nil
Documents marked on behalf of the Disciplinary Authority
Ex.P-1: Complaint (Certified copy)
Ex. P-1(a): Signature of I.O
Ex.P-2: FIR copy(Certified copy)
Ex. P-2(a): Signature of I.O
Ex. P-3: Certified copy of Search Mahazar
Ex. P-3(a): Signature of I.O
Ex.P-3(b): Signature of pancha-1
Ex.P-3(c) : Signature of pancha-2
Ex. P-4: Certified copy of rough sketch
Ex. P-5: Photo seizure panchanama (Xerox copies)
Ex. P-5(a): Signature of I.O
Ex.P-5 (b): Signature of pancha-1
Ex.P-5 (c) : Signature of pancha-2
Ex.P-6: Photographs (2 pages) (Xerox copies)
Documents marked on behalf of the DGO
Nil

Dated this the 27th day of June 2019

(Patil Mohan Kumar Bhimanagouda)

Additional Registrar Enquiries-13

Karnataka Lokayukta

Bangalore

419/16



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/419/2016/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 29.06.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri R.Venkatesh Padaki, the then Deputy Commissioner of Excise, Chikkamagaluru District(now retired) - reg.

- Ref:- 1) Government Order No. FD 22 EPS 2016 dated 16.09.2016.
- 2) Nomination order No. UPLOK-2/DE/419/2016 dated 03.10.2016 of Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 27.06.2019 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 16.09.2016, initiated the disciplinary proceedings against Shri R.Venkatesh Padaki, the then Deputy Commissioner of Excise, Chikkamagaluru District(now retired) [hereinafter referred

to as Delinquent Government Official, for short as 'DGO']  
and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/419/2016 dated 03.10.2016, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct said to have been committed by him. Subsequently, by Order No. UPLOK-1&2/DE/transfers/2018 dated 06.08.2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to continue the departmental inquiry against DGO.

3. The DGO - Shri R.Venkatesh Padaki, the then Deputy Commissioner of Excise, Chikkamagaluru District, was tried for the following charge:-

“ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ/ಶ್ರೀ ಆರ್. ವೆಂಕಟೇಶ್ ಪದಕಿ, ಹಿಂದಿನ ಅಬಕಾರಿ ಉಪ ಆಯುಕ್ತರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ, ಆದ ನೀವು ದಿನಾಂಕ:04.09.2014 ರಂದು ಮದ್ಯಾಹ್ನ 3.10 ಗಂಟೆ ಸಮಯಕ್ಕೆ

ಸ್ಯಾಂಟೋ ಹುಂಡೈ ನಂ.ಕೆ.ಎ. 02 ಎಂಡಿ 3529ರಲ್ಲಿ ಚಿಕ್ಕಮಗಳೂರಿನಿಂದ ಬೇಲೂರು ಕಡೆಗೆ ಹೋಗುವಾಗ, ಚಿಕ್ಕಮಗಳೂರು ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಮಾಗಡಿ ಗ್ರಾಮದ ಕೆರೆಯ ಹತ್ತಿರ ಚಿಕ್ಕಮಗಳೂರು ಲೋಕಾಯುಕ್ತ ಪೋಲೀಸರು ನಿಮ್ಮನ್ನು ತಡೆದು ಕಾರನ್ನು ನಿಲ್ಲಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ತಪಾಸಣೆ ಮಾಡಿದಾಗ ಆ ಕಾರಿನ ಡಿಕ್ಕಿ ಬಾಕ್ಸ್‌ನಲ್ಲಿದ್ದ ಸೆಲ್ಫ್ ನಂಬರ್ ಲಾಕಿಂಗ್ ಸೂಟ್‌ನಲ್ಲಿ ಬೇರೆ ಬೇರೆ ಕಾಗದದ ಕವರ್‌ಗಳಲ್ಲಿದ್ದ ರೂ.6,85,257- ಹಣ ದೊರೆತಿದ್ದು, ಆ ಹಣ ಹೊಂದಿದ್ದ ಬಗ್ಗೆ ಸೂಕ್ತವಾದ ಸಮಜಾಯಿಷಿ ನೀಡದೇ ಇದ್ದರಿಂದ ಆ ಹಣವನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಪ್ರಭಾವ ಬಳಸಿಕೊಂಡು ಅಕ್ರಮವಾಗಿ ಸಂಪಾದಿಸಿದ ಹಣವಾಗಿರುತ್ತದೆ ಎಂದು ಕಂಡು ಬಂದಿರುತ್ತದೆ. ಅದರಂತೆ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ, ಸಾರ್ವಜನಿಕ ಸೇವೆಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ 3(i) ರಿಂದ (iii) ನೇ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿರುತ್ತೀರೆಂದು ಆಪಾದಿಸಲಾಗಿದೆ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'proved' the above charge against the DGO - Shri R.Venkatesh Padaki, the then Deputy Commissioner of Excise, Chikkamagaluru District(now retired).

5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the

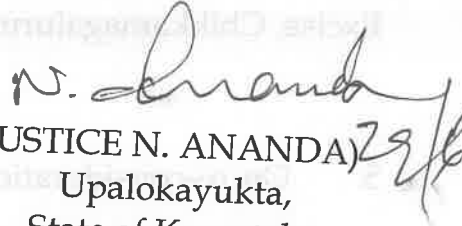
Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of the DGO furnished by the Inquiry Officer, DGO - Shri R.Venkatesh Padaki has retired from service on 30.04.2018.

7. Having regard to the nature of charge 'proved' against Shri R.Venkatesh Padaki, the then Deputy Commissioner of Excise, Chikkamagaluru District(now retired), it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DGO - Shri R.Venkatesh Padaki.

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

Connected records are enclosed herewith.

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