



## KARNATAKA LOKAYUKTA

No.LOK/ARE-4/14-A/ENQ-422/2012 Multi-storeyed Building,  
Dr.B.R. AmbedkarVeedhi,  
Bengaluru, dt.29.12.2017.

RECOMMENDATION

Sub: Departmental inquiry against  
(1) Smt. Vijayalakshmi Sanganala, Senior  
Asst. Director of Horticulture, Zilla  
Panchayath, Challakere (prtly. at Zilla  
Panchayath, Hubli); and  
(2) Shri H.S. Venkatesha Deekshith, First  
Division Assistant, O/o the Sr. Asst. Director  
of Horticulture, Zilla Panchayath, Challakere  
(prtly at Chitradurga) - reg.

Ref: 1. Govt. Order No. ಕೃತೋಇ 143 ತೋಸೇಪ 2008  
dated 01.10.2012.  
2. Nomination order No. LOK/INQ/14-A/  
422/2012 dated 18.10.2012.

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Government, by its Order dated 01.10.2012, initiated the  
disciplinary proceedings against (1) Smt. Vijayalakshmi  
Sanganala, Senior Asst. Director of Horticulture, Zilla  
Panchayath, Challakere (prtly. at Zilla Panchayath, Hubli); and

S. J. J.

(2) Shri H.S. Venkatesha Deekshith, First Division Assistant, O/o the Sr. Asst. Director of Horticulture, Zilla Panchayath, Challakere (prtly at Chitradurga) [hereinafter referred to as the Delinquent Government Officials 1 & 2 respectively, for short 'DGOs 1 & 2'] and entrusted the departmental inquiry to this Institution. This Institution, by nomination order dated 18.10.2012, nominated the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, to conduct the departmental inquiry against the DGOs for the alleged charge of misconduct alleged to have been committed by them.

2. The Inquiry Officer has submitted his report dated 26.12.2017 inter alia holding that, the Disciplinary Authority has '*proved*' the charge of misconduct as alleged against DGOs 1 & 2.

3. The charges levelled against DGOs 1 & 2 were that, while they were working as Senior Asst. Director of Horticulture, Zilla Panchayath, Challakere; and First Division Assistant in the O/o the Sr. Asst. Director of Horticulture, Zilla Panchayath,

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Challakere respectively, one Shri K.V. Hanumanthareddy of Kuluvehalli in Challakere Taluk [hereinafter referred to as 'the complainant'] approached the DGOs 1 & 2 for issue of cheque of Rs.30,000/- as solatium towards loss that they had suffered due to bacterial bite on pomegranate crop in 3 acres of land in Sy. No. 167/3 of Kuluvenahalli village. On 09.05.2008, DGO2 received the bribe amount of Rs.2,000/- for himself and Rs.3,000/- for DGO1. Thereby, they failed to maintain absolute integrity, devotion to duty and rendered themselves as unbecoming of Government servants and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

4. In order to prove the charge of misconduct, Disciplinary Authority has examined the complainant as PW1; shadow witness as PW2; another panch witness as PW3; and the Investigating Officer who conducted the investigation as PW4 and got marked 18 documents as Exs.P1 to P18, whereas, DGOs

*Sgd.*

1 & 2 did not chose to lead any oral evidence, however got marked one document as Ex.D1 on their behalf.

5. The Inquiry Officer, after completing the inquiry, has found that the evidence led b y the Disciplinary Authority probabalises the misconduct alleged against DGOs 1 & 2. Relying on the evidence of PWs 1 to 4, though PWs 2 & 3 partially turned hostile, has found that, the Disciplinary Authority has proved that, the DGOs 1 & 2 to discharge their official function demanded and accepted bribe amount and thereby, they committed misconduct.

6. Hence, in view of the findings of the Inquiry Officer and also having regard to the nature and gravity of the misconduct alleged against DGOs 1 & 2, it is hereby recommended to the Government that, the DGOs 1& 2 viz., (1) *Smt. Vijayalakshmi Sanganala, Senior Asst. Director of Horticulture, Zilla Panchayath, Challakere (prtly. at Zilla Panchayath, Hubli); and (2) Shri H.S. Venkatesha Deekshith, First Division Assistant, O/o the Sr. Asst.*

*Sjdl*

*Director of Horticulture, Zilla Panchayath, Challakere (prtly at Chitradurga), 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.*

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

Connected records are enclosed herewith.

*S. J. D. 29.12.17.*  
(Justice Subhash B. Adi)  
Upalokayukta,  
State of Karnataka.

Slg\*



**KARNATAKA LOKAYUKTA**

No.LOK/ARE-4/14-A/ENQ-422/2012

M.S. Building,  
Dr. B.R. Ambedkar Road  
Bangalore-560 001  
Date: 26/12/2017

**ENQUIRY REPORT**

**Present :** Sri. S. Gopalappa  
Additional Registrar of Enquiries-4 (Incharge)  
Karnataka Lokayukta  
Bangalore

**Sub:** Departmental Enquiry against

1) Smt. Vijayalakshmi Sanganala,  
Senior Assistant Director of  
Horticulture, Zilla Panchath, Hubli,  
(working then as the Senior  
Assistant, Director of Horticulture,  
Z.P. Challakere

2) Sri H.S. Venkatesha Deekshith,  
First Division Assistant,  
Office of the Senior Assistant  
Director of Horticulture,  
Zilla Panchayath,  
Challkere  
(Presently working as F.D.A. office of  
the Senior Assistant Director of  
Horticulture, Z.P. Chitradurga) -reg

- Ref:** 1. Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/BD-523/2009/ARE-8 dt. 13/8/2012.  
2. Government Order No. kru.tho.e.143.tho.se.pa.2008  
dt. 01/10/2012.  
3. Nomination Order by Hon'ble Upalokayukta-II,  
dt. 18/10/2012.

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1. On the basis of materials placed by ADGP, KLA, Bengaluru an investigation was taken against DGO 1 & 2 have committed misconduct as Public Servants 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-523/2009/ARE-8 dt. 13/8/2012 was sent to the Government as per reference no.1. In pursuance of the report, the Government was pleased to issue order dt. 01/10/2012 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 18/10/2012 authorizing ARE-4 to hold enquiry and report as per reference no. 3.

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 17/12/2012.

### **ANNEXURE NO. I**

#### **CHARGE**

*DGO-1 Smt. Vijayalaxmi Sanginala and DGO-2 Sri Venkatesh Dikshith while working as senior assistant Director and FDA respectively in Zilla Panchayath at Challakere, the complainant namely Sri.K.V. Hanumanthareddy of Kuluvehalli in Challakere taluk who suffered heavy loss due to effect of bacterial bite on pomegranate crop in his 3 acres of land in Sy. No. 167/3 of Kuluvenahalli approached DGO-1 to issue cheque of Rs. 30,000/- as solatium and on 09/05/2008, DGO-2 took bribe of Rs. 2,000/- and Rs. 3,000/- for DGO-1, failing to maintain absolute integrity and devotion to duty, the act of which was 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.*

### **ANNEXURE II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT.**

*The complainant namely resident of Kuluvenhalli village in Challakere taluk had planted pomegranate during the year 2011 in 3 acres of his land bearing Sy. No 769/3 of Kuluvenahalli. His pomegranate archard was affected with bacterial bite. Therefore, the complainant suffered heavy loss. During the*



year 2007, Karnataka Government acted for good management in bacterial bite affected in pomegranate archard under National Horticulture Mission Scheme of 2007-08. Therefore, the complainant filed application in the office of the Senior Assistant Director of Horticulture seeking solatium. The officials of the Horticulture department inspected the said Archard. Afterward, the complainant came to know that solatium amount has been released from Bangalore Horticulture office. About 15 days earlier to 9/5/2008. The complainant approached DGO-2 and enquired about cheque of solatium payable to him. DGO-2 told that cheque for Rs. 30,000/- has been received in the name of the office. DGO-2 further told the complainant to pay percentage for himself and also to DGO-1. On 7/5/2008, the complainant approached DGO-1 and enquired about cheque of solatium. Then DGO-1 called DGO-2 and told to look into the matter. Then, DGO-2 asked to pay 20% of the cheque of solatium. The complainant stated inability to pay demanded amount. Then, DGO-2 asked to pay Rs. 2,000/- for himself and Rs. 3,000/- to DGO-1. The complainant was not willing to pay bribe demanded by the DGO-1 and 2. Therefore, 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. 4/2008 for the offences punishable u/s 13(d) r/w 13(2) of Prevention of Corruption Act 1988. The I.O. took up the investigation and on 7/5/2008, the I.O. trapped DGO-1 while receiving tainted amount through DGO-2 from the complainant. The I.O. seized the tainted amount after following post-trap formalities. The DGO's failed to give satisfactory or convincing reply about possession of the tainted amount. The I.O. recorded statement of the complainant and panch witnesses. The record of investigation and materials collected by the I.O. showed that the DGO's have committed misconduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant. As the materials on record showed, prima facie case about DGO's receiving bribe for discharging his duty as Public servants, a suo-moto investigation was taken up u/s 7(2) of the Karnataka Lokayukta Act against the DGOs. An observation note was sent to the DGOs calling for their explanation. The reply given by the DGP's were not convincing and not satisfactory to drop the

*proceedings. As there is a prima facie case showing that the DGO's have committed misconduct as per Rules 3(1) 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, this charge.*

4. The said AOC was served on DGO 1 & 2. The DGO's appeared before the Enquiry officer, and then their First oral statement under Rule 11(9) of KCS (CCA) Rules was recorded. DGO-1 & 2 have pleaded not guilty and filed their written statement by denying all the allegations. They further submits that in Spl.case no. 5/2009 they were acquitted vide judgment dt. 31/12/2013. No appeal is filed against the acquittal order. In fact the complainant being entitled for subsidy of Rs. 27,000/- towards National Horticulture Mission scheme of 2007-08 and as such the entire official work pertaining to his file was completed by DGO and same was sent to Deputy Director of Horticulture of Chitradurga for further legal action before lodging the complaint. The complainant being aggrieved by the said recommendation of Rs. 27,000/- as solatium amount approached the DGO 1 & 2. He verbally fought in this regard and inspite of the DGO's informing him about the maximum limit of Rs. 27,000/- as solatium he approached the Deputy Director of Horticulture, Chitradurga and using influence and political power got the solatium amount enhance to Rs. 30,000/- as per the revised Government order 0-5 dt. 22/02/2008 and this revised order is not applicable to the complainants case and further more the same complainant had obtained the subsidy during the year 1995-96 for having adopted drip irrigation in his land and once again during 2003-04 he had applied for subsidy for drip irrigation and during this time the DGO one being the case worker brought to the notice of the complainant and also to the Senior Assistant Director of Horticulture as to the fact of the complainant having obtained the drip irrigation subsidy during 1995-96 and as such the complainant is not entitled for second subsidy for the

year 2003-04. Hence his application was rejected and therefore the complainant developed ill will and anger towards DGO's. The DGO's after receipt of the solatium cheque from the Deputy Director of Horticulture office informed the complainant to come and collect the same after furnishing the necessary vouchers and affidavit and the complainant collected the proforma of affidavit from the office and that to from DGO-1, intentionally postponed the receipt of the cheque and in particular on 7/5/2008 the complainant along with his brother came to the office in the evening at the closing hours and demanded for the issuance of cheques to him and his brother. As the said time was being closing hour of the office, DGO-1 asked him to come on the next day morning, but the complainant verbally started fighting with the DGO insisting for the delivery of the cheque and at that time the DGO- 2 intervened and informed the complainant that he and his brother have to furnish the affidavit in order to receive the cheque and asked them to come with the affidavits on the next day morning. The complainant was ready with the affidavit, therefore DGO-2 asked DGO-1 to issue the cheque to the complainant and his brother. Thus the cheques are duly issued to the complainant without there being any demand of bribe or receipt of the same either by DGO-1 or by DGO-2 and in the meanwhile the Lokayukta police came to the office and arrested DGO-1 and 2 by creating a false story. The I.O forcibly obtained the letters on to his dictation from DGOs and fabricated the Mahazars and other documents. They have not committed any misconduct and hence pray to exonerate from the charges.

5. In support of the disciplinary authority, PW 1 to 4 are examined. Ex. P1 to 18 are marked. DGO's have not chosen to examine themselves as witnesses. Therefore answer of DGO's to questionnaire is recorded under Rule 11(18) of KCS (CCA) Rules, 1957. DGO's denied the questions. Then the Learned Presenting Officer filed written brief and they were also heard orally.

6. Points for consideration

- i. Whether the charge is proved by the Disciplinary Authority?
  - ii. What order ?
7. My answers to the above points are as follows;
- i. In the affirmative.
  - ii. As per final order  
for the following.

### REASONS

8. **Point no.1 :-** The complainant who is examined as PW-1 has deposed that in Kulluvehalli sy.no. 169 belonging to him, he had grown pomegranate, Because of bacterial bite the crop was not properly yielded. Therefore on his requisition the government sanctioned compensation of Rs. 30,000/-, when he approached DGO-2, he demanded for bribe amount of Rs. 6,000/-. Since he was not willing to pay the bribe amount, he went to Lokayukta police and gave the complaint. Lokayukta police handed over a tape recorder to him and gave the intimation. Again he met DGO-2 he demanded Rs. 6,000/- and on negotiation he reduced the demand to Rs. 3,000/- to DGO-1 and Rs. 2,000/- to himself.
9. Further PW-1 has deposed that on 9/5/2008 he went to Lokayukta police station and lodged the complaint Ex.P.1. The I.O secured the presence of panchas namely Sri Horake Rangaiah and Smt Dakshayini. Tape recorder was played and heard. He presented Rs. 5000 (500 X 10) before I.O. Panchas noted down the numbers. Police staff applied phenolphthalein powder to the notes. Pancha Horake Rangaiah kept the money into his shirt pocket. Hand wash of Horake Rangaiah was taken in some solution and it turned into pink colour. I.O gave instructions to himself and panchas and drawn the pre-trap mahazar Ex.P2.
10. Further PW-1 has deposed that all of them went near Chalkere horticulture office. Himself and Horake Rangaiah went inside the office, met the DGO -2 asked about his cheque, the DGO-2 asked whether he has brought the money and took him near DGO-1. DGO-1 asked him to

verify the cheque. The DGO asked him to bring an affidavit. On the same day at 3.00pm along with affidavit he met DGO-2, he came out from his office to hall, received Rs. 2,000/-, and kept it in his pant pocket and asked him to give Rs. 3,000 to DGO-1. According to the instructions of DGO-2 he went inside the chambers of DGO-1 and kept the money on the table and return back to the chambers of DGO-2. DGO-2 put a signature and handed over a cheque to him. Along with his signature he has also had put the date. DGO-2 asked him to strike out the date. Then he came out and gave a signal to I.O.

11. Further PW-1 has deposed that Lokayukta police came near him, he informed that he gave Rs. 2,000/- to DGO-2 and kept Rs. 3,000/- on the table of DGO-1. Lokayukta police introduced themselves to DGO 1 & 2 and explained about the case registered against them. DGO-2 took out Rs. 2,000/- and on verification it was tallied with the money entrusted to him. Pant of DGO-2 was taken, Pant pocket portion was dipped into solution and it turned into pink colour. When searched the chambers of DGO-1 the amount was in the table drawer. On verification of Rs. 3,000/- it was tallied with the money entrusted to him. Hand wash of DGO-1 was taken in some solution but it has not turned into so much colour. That means not so much of the colour that was turned when the hand wash of DGO-2 was taken. The hand wash of DGO-2 was taken before the hand wash of DGO-1 and it turned into pink colour. The I.O recorded the statement of DGO-1 & 2 and drawn the trap mahazar Ex.P3, the I.O seized the documents pertaining to his file as per Ex.P4 and arrested DGO's.
12. Regarding the demand made by DGO-1 and instructions, the Presenting Officer has partly treated him as hostile and cross examined him. In the cross examination made by P.O, PW-1 admits that the he gave signal to I.O. He admits that when he met DGO-2 he took him to veranda and asked him, how much he has brought, he informed that he has brought Rs. 5,000/-. He denies that DGO-1 asked him whether the money has brought and he informed that he has brought the money. He admits that

DGO-1 called the file and asked him to come at 3.30pm along with an affidavit. He admits that at 3.30pm along with Horake Rangaiah, he met DGO-2. DGO-2 received the affidavit and kept it into the file. He admits that DGO-2 took him to veranda, demanded and received Rs. 2,000/- from him. He admits that DGO-2 asked him to go near DGO-1, when he met DGO-1, DGO-2 came inside the chambers of DGO-1.

13. Further PW-1 denies that according to the instructions of DGO-1 he kept the money on the table. But he has kept the money on the table. He does not know that immediately DGO-1 pushed the money into the table drawer. Because immediately after keeping the money, he came out of the chamber. He denies that DGO-2 handed over the cheque to him in the chambers of DGO-1. But DGO-1 handed over a cheque to him in his chamber. He admits that when the I.O. and pancha Dakshayini came near him, he informed that DGO-2 received Rs. 2,000/- and DGO-1 received Rs. 3,000/- . He admits that hand wash of DGO-2 was taken in solution and it turned into pink colour. He admits that pancha Horake Rangaiah took out the money from the pant pocket of DGO-2 and I.O. seized the same. He admits that right hand wash of DGO-1 was turned into pink colour. But not so much. He admits that pancha Dakhsayini took out Rs. 3,000/- from table drawer and it was tallied. He admits that DGO-1 & 2 have given the statements as per Ex.P.5 and 6 which is false.
14. Further PW-1 admits that the I.O seized the Attendance register extract. In the cross examination made by DGO, PW-1 admits that while issuing the cheque DGO-1 has not caused any trouble to him. For the question that after how many days he met DGO, PW-1 has deposed that the grant of amount was not informed to him.
15. Further PW-1 has deposed that he does not know on what date DGO-2 informed him that a compensation of Rs. 30,000/- is granted and for that DGO-2 demanded bribe amount of Rs. 6,000/-, because it was many days back. Further PW-1 has deposed that 2 to 3 days of demand made by

DGO-2, he met lokayukta police. When he met lokayukta police on the first day itself, he lodged the complaint. Before lodging the complaint and after lodging the complaint no new facts are included. He has not inserted the words “ ಲಂಚ ಬೇಡಿದ ಬಗ್ಗೆ ಧ್ವನಿ ಮುದ್ರಿಸಲು ತಮ್ಮಿಂದ ಪಡೆದಿದ್ದ ಟೀಪ್‌ಕಾರ್ಡ್, ಕ್ಯಾಸೆಟ್ ಧ್ವನಿಮುದ್ರಿ ಹಾಜರುಪಡಿಸಿದ್ದೇನೆ”

16. On perusal of Ex.P.1 it is evident that these words were subsequently inserted in Ex.P1. I find no fault in the complaint in inserting these words. As deposed by PW-1 before lodging the complaint he had met the Lokayukta police and lokayukta police gave instructions and had handed over the tape recorder to him. It was not a new allegation.
17. Further PW-1 admits that he visited Challakere Horticulture office for other works also. He admits that on 09/5/2008 the I.O. applied some powder to the notes and through Pancha Horake Rangaiah verified and counted the money and kept it into his shirt pocket. He admits that both hands of Horake Rangaiah were turned into pink colour and I.O collected the solution in separate bottles. Ex.P.2 was typewritten in lokayukta office. But he does not know the names and designation of person who typed it. Before signing he has not read Ex.P2. Further he has deposed that when DGO-2 in veranda asked whether he has brought the money Horake Rangaiah was present. DGO-2, has not enquired either himself or Horake Rangaiah who is he. He admits that there was no impediment to DGO-2 to demand and receive the money in veranda.
18. Further PW-1 has deposed that when he went inside the chambers of DGO-1 Horake Rangaiah had not come with him. When he came out from the chambers of DGO-1 to bring the affidavit, lokayukta police were waiting but he did not talk to them. When he went to horticulture office again along with affidavit. Horake Rangaiah was waiting outside. At that time also lokayukta police did not talk to him and he did not talk to him. He admits that passage shown in Ex.D.1 the hand wash, typewriting and other procedure was done. Further he has deposed that after giving the

signal when lokayukta police came inside the office and done all the procedure, he was present in the passage. All the procedure was done from 3.30 pm to 10.30pm. He admits that since he was in the passage, he was not aware where the money was lying and who took out the money in the chambers of DGO-1.

19. Further PW-1 admits that in the year 1995-96 he has submitted an application to Challakere Horticulture office for drip irrigation of mango crop, at that time also subsidy was granted. He denies that in the year 2002-03, he submitted an application for drip irrigation for Mosambi crop. He denies that since drip irrigation was provided in the year 1995-96, his application filed in the year 2002-03 was rejected. He has voluntarily deposed that the amount was very less and he was not willing to pay the bribe amount, therefore he had withdrawn the application. He does not know whether DGO-2 was working in Challakere horticulture office in the year 2002-03. He denies that since DGO-2 was aware about the drip irrigation facility to mango crop, the subsidy to mosambi crop was rejected, therefore he has enmity with DGO-2 and lodged a false complaint and laid a false trap.
20. PW-1 has deposed that in Chalkere horticulture office Ex.P.3 was typewritten by Lokayukta staff. But he does not know his name and designation. He has deposed that when Ex.P3 was typewriting there was problem in computer and somebody corrected the same, but there was no power cut. He admits that before putting his signature he has not read Ex.P.3. He does not remember that the stamp paper Ex. P4(a) was purchased on 25/04/2008. He admits that he is a BA degree holder and doing agriculture and having oil mill. Further except some suggestions and denials nothing much elicited from his mouth.
21. PW-2 has deposed that on 09/8/2008 lokayukta police summoned himself and Dakshayini to Lokayukta police station. At that time Dakshayini, complainant and IO present. The contents of the complaint



were explained to him. Voice recorder was played and heard. IO seized the cassette. The complainant presented Rs. 5000/- (500 X 10). Pancha Dakshayini counted and noted down the numbers then phenolphthalein powder was applied to the notes, he kept the money into the shirt pocket of the complainant, I.O gave instructions to themselves and complainant. His hand wash was taken in sodium carbonate solution and it turned into pink colour. Then IO has drawn the pre-trap mahazar Ex.P.2.

22. Further PW-2 has deposed that all of them went to Chalkere, himself and complainant went inside the office of DGO's. The complainant met the DGO-2 asked about his cheque. DGO-2 brought the complainant out of his room and asked him to meet the DGO-1. When enquired DGO-1 asked him to come at 3.30pm along with affidavit. Accordingly he went to office of DGO-1 along with affidavit to meet DGO-2. At that time complainant handed over Rs. 2,000/- to him. DGO-2 received the same and kept it in pant pocket.
23. Further PW-2 deposed that when the complainant met DGO-1, DGO-1 asked him whether he has brought the money, at that time the complainant kept the money in the chamber of DGO-1. DGO-2 came to the chambers of DGO-1 took the signature of complainant and handed over a cheque then the complainant gave a signal to I.O. The I.O., his staff and another pancha came there. The complainant and himself shown the DGO-1 & 2 and informed that the complainant gave Rs. 3,000/- to DGO-1 and Rs. 2,000/- to DGO-2.
24. Further PW-2 has deposed that on the instructions of I.O, he took out the money from the pant pocket of DGO-2. On verification it was tallied with the money entrusted to the complainant. The I.O took both hand wash of DGO-2 in sodium carbonate solution and it turned into pink colour. On enquiry DGO-1 informed that the money is in the table drawer. Pancha Dakshayini took out the money. On verification it was tallied with the money entrusted to the complainant. I.O seized the money, both the hand

wash of DGO-1 was taken in solution, the right hand wash was turned into pink colour and left hand wash was not turned into any colour.

25. Further PW-2 has deposed that DGO-1 & 2 have given statements as per Ex.P5 & 6 which was false. I.O. seized the files pertaining to the complainant as per Ex.P.7. The conversation was not properly recorded in the tape recorder. The I.O has taken the photographs at each and every stage and drawn the trap mahazar Ex.P.3.
26. The learned Presenting Officer has treated PW-2 as partly hostile and cross examined him. In the cross examination made by P.O. PW-2 admits that at the time of pre-trap mahazar photos were taken at each and every stage. He admits that DGO-1 also asked whether he has brought the money. He admits that after giving the signal the I.O first taken the hand wash of DGO-2 and then the amount was taken out from the pant pocket. He admits that the hand wash of dGO-1 was taken first and then the amount was taken out from the drawer. He admits that the pant pocket portion wash was turned into pink colour.
27. In the cross examination made by DGO, PW-2 has deposed that he has not noted down the numbers. The mahazars and statements were given to him to read when he had been to the court. He has given his evidence in criminal case no. 5/2009. On 9/5/2008 when he went to his office, he was sent to Lokayukta police station at 10.00 am. At 11.00 am he reached Lokayukta police station, at that time Lokayukta police had not given the complaint of the complainant to him, he has not enquired the complainant. He admits that he does not know when the cassette was given to the complainant and on what date the conversation was recorded.
28. Further PW-2 has deposed that when he counted the money in both hands and kept them into the shirt pocket of the complainant, his both hand wash was taken in sodium carbonate solution and it turned into pink colour. The solution was collected this procedure was done in

Lokayukta Police Inspector chamber as per Ex.P.2 and Ex.P.2 was prepared in computer section. He does not know that he has not given dictation to prepare Ex.P.2 and he does not know who has given the dictation to prepare the same. He admits that when he came out to take the affidavit until he met the DGO's he did not see another pancha Dakhsayini and Lokayukta police and he did not meet them. He admits that he had to purchase the stamp papers, type the matter and get the signature of the notary.

29. Further PW-2 has deposed that at 3.30pm second time the DGO looking at the complainant came to veranda. DGO and other enquired himself and complainant about him. He did not hear properly the conversation between complainant and DGO-2. He did not observe from which hand DGO received the money and where he has kept the money. He did not go along with the complainant for the chambers of DGO-1. He admits that outside the chambers of DGO 1, there is a passage. He did not observe that adjoining to the passage there is store room and bath room. He did not properly hear the conversation took place between complainant and DGO01 when the compliant gave a signal he was in the veranda. The complainant did not go out of the premises. After receiving the signal Lokayukta Police held the hands of both DGO's at the instructions of IO he took out the money from the pant pocket of DGO-2. After he verified the note numbers Lokayukta Police also verified the note numbers.
30. Further PW-2 admits that at the time of exchange phenolphthalein powder may fall down. He did not advise Lokayukta Police to take the hand wash of DGO-2 and then take out the money. Further PW-2 has deposed that the table drawer was not locked. DGO-1 herself pulled the draw and shown the money. The place where money was found was not swabbed with cotton and it was not dipped into solution. He did not advise the lokayukta police to take the hand wash of DGO-1 first and then verify the money. I.O. enquired DGO-1 & 2 regarding the incident. He admits that DGO-2 also gave his oral statement. He does not know whether that oral

statement was reduced into writing or not. Voice recorder was played and heard. But the conversation was not properly audible. Voice recorder was not seized in his presence. From 3.30pm to night at 11.00 or 12.00pm they were in the office of DGO's. After the office hours except DGO-1 & 2 nobody were present. At that time Thimmareddy the younger brother of complainant was not present. He did not see the presence of Thimmareddy and his signature and receiving the cheque. The IO prepared the trap mahazar in their computer. He cannot say the description of the computer. He has not given dictation to type the mahazar because he has not read the mahazar completely.

31. Further PW-2 has deposed that after 09/05/2008 again he did go to lokayukta office. He does not remember that on the next day he did not go to lokayukta office and he has not given his statement. During the period of trap there was no power cut and there was no problem in the laptop. But there was some problem in the printer and it was rectified. Further except some suggestions and denials nothing much is elicited from the mouth of PW-2
32. PW-3 has deposed that on 9/5/2008 lokayukta police summoned her to lokayukta police station. At that time, the I.O and complainant were present. Contents of the complaint were explained to her. The complainant presented Rs. 5,000/- (500 X 10), she noted down the numbers. IO applied powder to the notes. Pancha Horake Rangaiah gave the money to the complainant, it was informed her that hand wash of Horake Rangaiah was taken in solution and it was turned into pink colour. But she did not see his hand wash. She admits her signature on pre-trap mahazar Ex.P.2.
33. Further PW-3 has deposed that all of them went near the office of Horticulture, complainant and PW-2 went inside the horticulture office, after that she went to the said office. The I.O. shown the DGO's and informed that at the time of issuance of cheque they have taken the

money and asked her to wait. The hands wash of DGOs was taken and it turned into pink colour. At that time the money was on the table of DGO-1 the remaining money was in the pocket of DGO-2. The amount was tallied with notes entrusted to the complainant, at that time the I.O has drawn the trap mahazar Ex.P.3. DGO's have given their statements as per Ex.P5 & 6.

34. PW-3 has not fully supported the Disciplinary Authority, therefore Presenting officer has treated her as hostile and cross examined her. In the cross examination made by P.O. PW-3 admits that on 9/5/2008 the tape recorder was played and she heard the conversation of DGOs. She denies the details of the conversation. She admits that the note numbers were noted down and further procedure was done. She admits that complainant presented Rs. 5,000/- numbers were noted down. Horake Rangaiah kept the money into the shirt pocket of complainant. Hand wash of Horake Rangaiah was turned into pink colour. She does not know at that time, the I.O handed over the voice recorder to the complainant gave instructions to the complainant and themselves.
35. Further she admits that at 12.40pm, they left Lokayukta police station reached Challakere behind the court. I.O gave instructions to compliant and Horake Rangaiah sent them to the office of DGO. She admits that at 3.30pm they received signal from complainant and Horake Rangaiah the complainant informed that DGO-2 received the money and asked him to bring the affidavit and asked him to give Rs. 3000/- to DGO-1. Accordingly the complainant kept the money on the table of DGO-1. He admits that when they went inside the office DGO-1 and 2 were in the chambers of DGO-1. She denies that on the instructions of I.O. DGO-1 presented the money before I.O., She did not see that DGO-2 took out the money from pant pocket and presented it before I.O. She denies that the hand wash of pant pocket portion was witnessed by her. He admits that the hand wash of DGOs was turned into pink colour. Further PW-3 has deposed that the amount was tallied with the money entrusted to the

complainant. She admits about the seizure of documents, photographs and her signature.

36. In the cross examination made by DGO, PW-3 has deposed that the mahazar was typewritten in different computer room. The place where she was sitting was different from the place where the mahazar was typed. She was inside the horticulture office for 10 minutes and then came out. From the place where the jeep was parked the horticulture office was not visible. First they went to the hall where the staffs were working. The DGO-2 was in the hall. Lokayukta police went near DGO-2 and enquired him. She does not know what was the conversation took place between DGO-2 and Lokayukta police. She has not enquired which serial number notes and how many notes were with DGO1 & 2. But she has seen Rs. 3,000/- on the table of DGO-1. After verifying the notes the hand wash of DGOs was taken. The right hand wash of DGO-1 was turned into pink colour, but not the left hand wash. The IO orally enquired DGOs and they have given oral statement. Lokayukta police recorded the same. It might be true that I.O. instructed DGOs 1 & 2 to write the statement according to his say. The mahazar was typewritten in the laptop but she does not know where the print was taken. Since lokayukta police informed and dictation was given in her presence she has put her signature. Further some suggestions and denials nothing much is elicited from the mouth of PW-3.
37. The I.O who is examined as PW-4 has deposed that on 06/05/2008 the complainant approached him and narrated the incident. Therefore he handed over a micro tape recorder and gave instructions, on 9/5/2008 he received the complaint Ex.P.1 and registered in crime no. 04/2008 and forwarded the FIR Ex.P.9 to the concerned authorities. He secured the presence of panchas namely PW-2 and 3, introduced the complainant to him and explained the contents of complaint. The tape recorder was played and heard and it was reduced into writing as per Ex.P.10. The complainant presented Rs. 5,000/- (500 X 10). Panchas noted down the

numbers as per Ex.P.8. The staff applied phenolphthalein powder to the notes. PW-2 counted the money and kept it in the shirt pocket of the complainant. Hand wash of PW-2 was taken in sodium carbonate solution and it turned into pink colour. He handed over a micro tape recorder to the complainant gave instructions to panchas, taken photographs at each and every stage and drawn pre-trap mahazar Ex.P.2.

38. Further PW-4 has deposed that all of them went to Challakere at 12.40pm behind the court. The complainant and PW-2 went inside the office of DGOs. At 3.45pm the complainant gave a signal. Himself PW-3 and staff went near the complainant. The complainant informed that DGO-2 received Rs. 2,000/- and DGO-1 has received Rs. 3,000/-. He introduced himself to DGOs and explained about the case registered against them. Both hand wash of DGO-2 was taken in sodium carbonate solution and it turned into pink colour. Both the hand wash of DGO-1 was taken in sodium carbonate solution. The right hand wash was only turned into pink colour and not the left hand wash. The complainant narrated the incident.
39. Further PW-4 has deposed that on enquiry DGO-2 informed that the money is in his right pant pocket. And amount was taken out from the pant pocket of DGO-2. On verification of the money, it was tallied with the amount entrusted to the complainant. Pant of DGO-2 was taken, pant pocket portion was dipped into solution. On enquiry DGO-1 informed that the money is in the drawer, through PW-3 money was taken out from the drawer. On verification of the money, it was tallied with the amount entrusted to the complainant.
40. Further PW-4 has deposed that DGO-1 & 2 have given their statements as per Ex.P.5 & 6 which were false, according to the complainant and PW-2. He seized the pant, money, solution and file pertaining to the complainant, attendance register extract and copy of the cheque. The conversation was not property recorded in micro tape recorder, he has

taken photographs at each and every stage and drawn the trap mahazar. Ex.P.3. He continued the investigation, recorded the statements of witnesses and panchas and drawn the spot sketch. Received the certificate from KEB office stating that on 06/05/2008 there was electricity supply to office of DGOs. On his transfer he handed over the investigation to his successor. Further PW-4 has deposed that his successor received FSL report, PSO and submitted the charge sheet against the DGOs.

41. In the cross examination PW-4 has deposed that he has not produced the case diary in order to show that on 06/05/2008 the complainant had come to the police station and lodged the complaint and handed over a tape recorder. He denies that there was no difficulty for him to register a FIR on 6/5/2008. He has deposed that on that day the complaint was not lodged. He has further admits that he has not mentioned in Ex.P.1 on what day at what time the amount was to be given. But it is mentioned that he asked the complainant to come after 10 days after completion of election. He has not secured the information before going to Challakere, further DGOs had come to the office or not.
42. Further PW-4 has deposed that panch Horake Rangaiah kept the money into the shirt pocket of the complainant, he instructed him to act as a shadow witness. The people entering and coming out the office of DGO was visible to the outside. Before giving the signal he saw the complainant and pancha coming out of the office. It took 2-3 minutes to go inside the office. The first time when the complainant came out, he did not give the signal. He does not know at that time where the complainant had been to. And what he had done. He admits that before giving the signal the complainant had gone out for 2 hours.
43. When they went inside the office of DGO the other staff and public were not present. When Ex.P.3 was drawn the other employees and public had not come. He enquired the DGO orally whether he has any explanation.



He denies that for the said enquiry the DGO has given the reply. The Complainant informed about the DGO asking him to come at 3.30pm. He has not investigated how much time was taken to go to notary and to do the affidavit. I can't say that the stamp paper was purchased on 25/4/2008, but April 2008 is visible on the stamp paper. The date is not properly visible.

44. Further PW-4 admits that in Ex.P.4 the documents pertaining to Thimmareddy are there. He denies that the Thimmareddy received the cheque as appearing in Ex.P4. But it is mentioned that the cheque is issued to Thimmareddy. It is appearing in Ex.P.12 that after the complainant received the cheque Thimmareddy has signed for having received the cheque.
45. Further PW-4 has deposed that he secured Ex.P12 at the time of trap. But he does not know when exactly the cheques were issued by the persons signed on Ex.P.12. He admits that to draw the trap mahazar as per Ex.P3 he has taken 6hours. At that time there was no power cut or problem in laptop. He has not mentioned the presence of public in Ex.D-1. He does not know that by the side of storeroom the toilet and bathroom are existing. He does not know that in the year 1995-96 the complainant had taken the subsidy for drip irrigation. He does not know that again in the year 2002-03 the complainant had submitted an application for drip irrigation to mosambi crop. He does not know that at that time DGO-2 was working as FDA. He does not know that the application was rejected by DGO stating that the complainant is not entitled for benefit twice.
46. Further PW-4 has deposed that at the time of trap the tape recorder was on. But the conversation was not properly recorded ad it was not properly audible. Further except some suggestions and denials nothing much is elicited from the mouth of PW-4 in order to disbelieve his evidence.

47. DGO has taken a contention that during the year 1995-96 the complainant had obtained subsidy, again during the year 2002-03 the complainant submitted an application, at that time DGO-2 rejected the application therefore the complainant was having personal enmity against him and lodged the complaint. If the complainant was not entitled for subsidy subsequent to the year 95-96. The present cheque would have not been given to the complainant. According to the DGO's the complainant using the influence got sanctioned the subsidy by his higher authorities. But the DGOs have not produced any documents and records and also have not examined themselves as witnesses to substantiate the said contention. Therefore this contention of DGOs cannot be accepted. The DGO himself has suggested to PW-1 that from landline DGO-2 called the complainant to come and collect the cheque. This fact clear shows that the work of the complainant was pending before DGO-1 & 2. DGO-2 is not a layman. If the complainant tried to keep the money forcibly in his pant pocket DGO should have refused it. If DGO-1 had not received the bribe amount, her hand wash would have not turned into pink colour. After keeping the money on the table DGO-1 pushed the same into the table drawer. Therefore her hand wash was turned into pink colour.
48. The oral and documentary evidence on record clearly shows that when DGO-1 Smt. Vijayalaxmi Sanginala and DGO-2 Sri Venkatesh Dikshith while working as Senior Assistant Director and FDA respectively in Zilla Panchayath at Challakere, the complainant namely Sri.K.V. Hanumanthareddy of Kuluvehalli in Challakere taluk who suffered heavy loss due to effect of bacterial bite on pomegranate crop in his 3 acres of land in Sy. No. 167/3 of Kuluvenahalli approached DGO-1 to issue cheque of Rs. 30,000/- as solatium and on 09/05/2008, DGO-2 took bribe of Rs. 2,000/- and Rs. 3,000/- for DGO-1, Therefore I hold that DGO-1 & 2 have failed to maintain absolute integrity and devotion to duty, acted in a manner of unbecoming of a Government Servants. 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 & 2 Smt. Vijayalaxmi Sanginala and DGO-2 Sri Venkatesh Dikshith while working as Senior Assistant Director and FDA respectively in Zilla Panchayath at Challakere.

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

Dated this the 26<sup>th</sup> day of December of 2017

sq/-  
(S. Gopalappa)  
Additional Registrar Enquiries-4(Incharge),  
Karnataka Lokayukta,  
Bangalore.

**ANNEXURES**

**LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW-1 :- Sri. Hanumantha Reddy.K.V.  
PW-2 :-Sri. K.B. Horake Rangaiah  
PW-3 :-Smt. Dakshayini  
PW-4 : Sri. L. Kumarappa

**LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY**

Ex.P-1 : Complaint.  
Ex.P-2 : Pre-trap Mahazar.  
Ex.P-3 : Spot Mahazar  
Ex.P-4 : Documents pertaining to complainant.  
Ex.P-5 : Statement of DGO-1

- Ex.P-6 : Statement of DGO-2  
Ex.P-7 : Seized files  
Ex.P-8 : Note numbers  
Ex P-9 : FIR  
Ex P-10 : Tape recorder voice reduced to writing.  
Ex.P-11 : Photographs  
Ex P-12 : Cheque issuances register  
Ex.P.13 : Attendance Register  
Ex.P.14 : Xerox copy of cheque  
Ex.P.15 : Photographs  
Ex.P.16 : Sketch  
Ex.P.17 : Letter of BESCO  
Ex.P.18 : FSL Report

**LIST OF EXHIBITS MARKED ON BEHALF OF DEFENCE WITNESS**

- Ex.D-1 : Sketch.

Dated this the 26<sup>th</sup> day of December of 2017

*sd/r*  
(S. Gopalappa)  
Additional Registrar Enquiries-4 (Incharge),  
Karnataka Lokayukta,  
Bangalore.