



KARNATAKA LOKAYUKTA

NO: UPLOK-2/DE.423/2015/ARE-4

Multi Storied Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001
Date:10.10.2019.

RECOMMENDATION

Sub:- Departmental Enquiry against Sri Raghavendra.K, Junior Engineer, CHESCOM, Arasikere, Hassan District -reg.

Ref: (1) Proceedings Order No. KPTCL/B21/3614/2014-15 dt.29.07.2015.

(2) Nomination Order No. UPLOK-2/DE.423/2015 Dated 17.08.2015 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated 05.10.2019 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

The Karnataka Power Transmission Corporation by its Proceedings Order dated 29.07.2015, initiated the disciplinary proceedings against Sri Raghavendra.K, Junior Engineer, CHESCOM, Arasikere, Hassan District, (hereinafter referred to as Delinquent Board Official, for short as 'DBO') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-2/DE. 423/2015 Dated 17.08.2015, nominated the Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DBO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Nomination Order No.UPLOK-2/DE/2016 Dated 03.08.2016, the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, was renominated as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DBO for the alleged charge of misconduct, said to have been committed by him.

3. The DBO Sri Raghavendra.K, Junior Engineer, CHESCOM, Arasikere, Hassan District, was tried for the following charge:-

"That, you-DGO Sri K.Raghavendra, Pin 15700, Assistant Engineer(Elecl) CESC Arasikere, Hassan District, while working in the said capacity, one Sri D.K.Prabhakara S/o Krishnappa Kenchanahalli Village Arasikere Taluk- complainant has filed the complaint against you DGO alleging that, 100 KV

electrical Transformer provided to Pura Village in Arasikere Taluk was not working properly, in this regard the farmers intimated the said fact to the concerned lineman for repair of the said transformer. Thereafter, on 14.3.2014 the complainant and one Shivanna approached you the DGO and requested to change the transformer, as it was not working properly, for which you DGO demanded bribe amount of Rs.3,000/- from the complainant and others. The complainant on 15.3.2014 at about 11.15 a.m. contacted you the DGO through his mobile phone No.9008460881 to your cell No. 9448994974, however you the DGO directed him to give the bribe amount in the hands of one Lineman by name Shivanna, accordingly on the same day the complainant met said Shivanna and enquired him about the alleged work, but said Shivanna directed him to meet you the GO and get the work done through you the DGO and since the complainant was not willing to pay the bribe amount to you, he approached the Police Inspector, Karnataka Lokayukta, Hassan and produced conversation recorded in his mobile as to the demand of bribe made by you the DGO on 15.3.2014 and lodged the complaint on 17.3.2014 and on the basis of it the Police Inspector, Karnataka Lokayukta, Hassan registered a case in Crime No.04/2014 under section 7 of Prevention of Corruption Act 1988 against you and thereafter, on 17.3.2014 after conducting pre-trap formalities the Police Inspector, complainant, panch witnesses along with police staff went to your office for trap and watched and waited for signal from the complainant, but you DGO was not present in your office till 5.30 p.m. and you the DGO came to your

office at about 5.30 p.m. and when the complainant met you the DGO, you DGO directed the complainant to get work order from the Division Office and approach you the DGO on 18.3.2014 and therefore on 17.3.2014 the proposed trap was not materialized. Thereafter, again on 18.3.2014 in order to conduct trap against you the DGO, the Investigation Officer, Panch witnesses came nearby your office and on that day complainant met you the DGO and handed over the concerned file to you DGO, you DGO made signature in the work order and directed the complainant to get the signature of the AEE and at that time you DGO suspected about the complainant and did not receive the bribe amount from the complainant and therefore the I.O. could not conduct the proposed trap against you DGO, but in view of the above said facts you the DGO has demanded bribe of Rs.3,000/- from the complainant for change of 100 KV electrical transformer, as earlier transformer provided to the Pura Village was not working properly and thereby, you have failed to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of a Government Servant and caused dereliction of duty, and thereby you have committed official misconduct as enumerated u/r 3(1) (i) to (iii) of KEB Employees Services (Conduct) Regulations 1988. "



4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has ' failed to prove

' the aforesaid charge against DBO Sri Raghavendra.K,
Junior Engineer, CHESCOM, Arasikere, Hassan District.

5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer and exonerate the DBO Sri Raghavendra.K, Junior Engineer, CHESCOM, Arasikere, Hassan District, of the charges levelled against him.

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

Connected records are enclosed herewith.


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

KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/423/2015/ARE-4

M.S. Building
Dr.B.R.Ambedkar Road
Bengaluru-560 001
Date: 05/10/2019

:: INQUIRY REPORT ::

Sub: Departmental Inquiry against,

- 1) Sri Raghavendra K.
Junior Engineer
CHESCOM
Arasikere
Hassan District

Ref:

- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/ MYS/2977/2014/DRE-5 Dated:09/07/2015
- 2) Order. No. KPTCL B21 3614 2014 15, Bengaluru dated: 29/07/2015
- 3) Order No.UPLOK-2/DE/423/ 2015, Bengaluru dated:17/8/15 of the Hon'ble Upalokayukta

This Departmental Inquiry is directed against Sri Raghavendra K., Junior Engineer, CHESCOM, Arasikere, **Hassan District** (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: 17/08/2015 cited above at reference-3, nominated Additional Registrar of Enquiries-5 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-5 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. When the matter was pending for inquiry in recording the evidence of the witnesses of Disciplinary Authority, this matter was transferred to Addl. Registrar of Enquiries-4 vide Order No.UPLOK-2/DE/2016, Bengaluru dated: 03/08/2016 of the Hon'ble Uplokayukta Addl. Registrar of Enquirie-4 proceeded with the inquiry in recording the evidence. Hence, this inquiry case proceeded by this Addl. Registrar of Enquiries-4 in accordance with law.

5. The Articles of Charges framed by ARE-5 against the DGO is as below;

ANNEXURE -I
CHARGE:

That you, DGO Sri K. Raghavendra, Pin-15700, Assistant Engineer (Elec) CESC Arasikere, Hassan District while working in the said capacity, one Sri D.K. Prabhakara s/o Krishnappa Kenchanahalli Village

Arasikere Taluk complainant has filed the complaint against you DGO alleging that, 100 KV Electrical Transformer provided to Pura Village in Arasikere Taluk was not working properly, in this regard the farmers intimated the said fact to the concerned lineman for repair of the said transformer. Thereafter, on 14/03/2014 the complainant and one Sri Shivanna approached you the DGO and requested to change the transformer, as it was not working properly, for which you DGO demanded bribe amount of Rs. 3,000/- from the complainant and others. The complainant on 15/03/2014 at about 11.15 a.m. contacted you the DGO through his mobile phone No. 9008460881 to your cell No. 9448994974, however you the DGO directed him to give the bribe amount in the hands of one Lineman by name Shivanna, accordingly on the same day the complainant met said Shivanna, and enquired him about the alleged work, but said Shivanna directed him to meet you the DGO and get the work done through you the DGO and since the complainant was not willing to pay the bribe amount to you, he approached the Police Inspector, Karnataka Lokayukta, Hassan and produced conversation recorded in his mobile as to the demand of bribe made by you the DGO on 15/03/2014 and lodged the complaint on 17/03/2014 and on the basis of it the Police Inspector, Karnataka Lokayukta, Hassan registered a case in Crime No. 04/2014 under Section 7 of Prevention of Corruption Act 1988 against you and thereafter, on 17/03/2014 after conducting pre-trap formalities the Police Inspector, complainant, panch witnesses along with police staff went to your office for trap and watched and waited for signal from the complainant, but you DGO was not present in your office

till 5.30 p.m. and you the DGO came to the your office at about 5.30 p.m. and when the complainant met you the DGO, you DGO directed the complainant to get work order from the Division Office and approach you the DGO on 18/03/2014, and therefore, on 17/03/2014 the proposed trap was not materialised. Thereafter, again on 18/03/2014 in order to conduct trap against you the DGO, the Investigation Officer, Pancha witnesses came nearby your office to conduct trap against you the DGO and on that day complainant met you the DGO and handed over the concerned file to you-DGO, you-DGO made signature in the work order and directed the complainant to get the signature of the A.E.E., and at that time you the DGO suspected about the complainant and did not receive the bribe amount from the complainant and therefore the I.O. could not conduct the proposed trap against you DGO, but in view of the above said facts you the DGO has demanded bribe of Rs. 3,000/- from the complainant for change of 100 KV Electrical Transformer, as earlier transformer provided to the Pura village was not working properly and thereby you have failed to maintain absolute integrity and devotion to duty, and acted in a manner of unbecoming of a Government Servant and caused dereliction of duty, and thereby you have committed official misconduct as enumerated u/r 3(1)(i) to (iii) of KEB Employees Services (Conduct) Regulations 1988.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

On the basis of a report of the Additional Director General of Police in Karnataka Lokayukta at Bengaluru,

along with investigation papers filed by the Police Inspector in Karnataka Lokayukta at Hassan (hereinafter referred to as '**Investigating Officer**' -I.O. for short), alleging that Sri K. Raghavendra s/o Late Kantharajegowda, Assistant Engineer (Elec.) CESCO, Arasikere, Hassan District (hereinafter referred to as '**Respondent/DGO**' for short), being a Public/Government Servant has committed misconduct, when approached by Sri D.K. Prabhakara s/o Krishnappa, Kenchanahalli Garden House, Kasaba Hobli, Arasikere Taluk, Hassan District (herein after referred to as '**complainant**' for short). An investigation was taken up by the Hon'ble Upalokayukta u/s 9 of the Karnataka Lokayukta Act, 1984, after invoking power vested u/sec. 7(2) of the said Act, as misconduct has been found to have been committed by the respondent/DGO from the records.

Brief facts of the case are:

(a) That the complainant has filed this complaint alleging that, 100 KV. Electrical Transformer provided to Pura Vilalge in Arasikere Taluk was not working properly, in this regard, the formers intimated the said fact to the concerned lineman for repair of the said transformer. Thereafter, on 14/03/2014, the complainant and one Sri Shivanna approached the respondent/DGO requested him to change the transformer, as it was not working properly, for which the respondent/DGO demanded bribe amount of Rs. 13,000/- from the complainant and others. The complainant on 15/03/2014 at about 11.15 a.m

contacted the respondent/DGO through his mobile phone No.9008460881 to the Cell No. 9448994974 of DGO, however the respondent/DGO directed him to give the bribe amount in the hands of the Lineman by name Shivanna, accordingly on the same day the complainant met said Shivanna and enquired him about the alleged work, but said Shivanna directed him to meet the respondent/DGO and get his work done through the respondent/DGO only.

- (b) Since the complainant was not willing to pay the bribe amount, he approached the Police Inspector, Karnataka Lokayukta, Hassan and produced conversation recorded on his mobile as to the demand of bribe made by the respondent/DGO on 15/03/2014 and lodged the complaint on 17/03/2014 and on the basis of the same Police Inspector Karnataka Lokayukta, Hassan registered a case in Crime No. 04/2014 under section 7 of the Prevention of Corruption Act 1988.
- (c) Thereafter, on 17/03/2014 the Investigation Officer along with panchas, staff and complainant went to the respondent's/DGO office and watched and waited for signal from the complainant to conduct trap against the respondent/DGO, however the respondent came to the office at about 5.30 p.m. on the said day and directed the complainant to get work order from the Division office and approach the respondent/DGO on 18/03/2014 and hence on that day the proposed trap was not

materialized. Thereafter, again on 18/03/2014 in order to conduct trap against the respondent/DGO, the investigation officer along with pancha witnesses, Complainant and his staff came nearby his office to conduct trap against the respondent/DGO and on that day complainant met the respondent/DGO and handed over the concerned file to the respondent/DGO, who signed and handed over the concerned file to the complainant to get the signature of the A.E.E., and directed him to return the said file to him and at that time the respondent/DGO suspected about the complainant and did not receive the bribe amount from the complainant. The complainant informed the investigation officer that the respondent/DGO has refused to receive the bribe amount from him, as the signature of the A.E.E., is taken for work order as the respondent/DGO suspected the complainant. Hence, the investigation officer could not conduct the proposed trap against the respondent/DGO.

(d) Thereafter, the respondent/DGO demanded bribe of Rs. 3,000/- from the complainant for change of 100 KV Electrical Transformer, as earlier transformer provided to the Pura village was not working properly.

(e) Even there are statements of witnesses, including complainant, besides material and records filed by the said I.O., in connection with his said repeated misconduct.

Therefore, an investigation was taken up against the respondent/DGO and an observation note was sent to him to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him in connection with his misconduct. Though the respondent-DGO gave his reply, however, the same is not convincing to drop the proceedings.

Since said facts and material on record prima facie show that DGO has committed dereliction of duty which amounts to official misconduct u/r 3(1)(i) to (iii) of KEB Employees Services (Conduct) Regulations 1988 and the report of the Hon'ble Upalokayukta-2 u/sec. 12(3) of Karnataka Lokayukta Act was made to the Competent Authority to initiate proceedings against the said DGO. Accordingly, the Competent Authority has initiated Disciplinary Proceedings against DGO and entrusted the inquiry to the Hon'ble Upalokayukta u/r 14-A(1) of the KEB Employees (Classification, Disciplinary, Control and Appeal) Regulations, 1987. Hence, the charge.

6. DGO appeared before this Inquiry Authority on 19/11/2015 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.

7. DGO has filed his written statement as follows:

The DGO denies the entire allegations made in the articles of charge as false. It is admitted that the DGO is working as Assistant Engineer (Electrical) CHESCOM, Arsikere, Hassan District. It is false to state that during the course of work the DGO has demanded Rs. 3,000/- as bribe

from the complainant-Sri D.K. Prabhakara. The complainant is a total stranger to the DGO. The DGO did not have any occasion or reasons to meet the complainant either officially or personally. The DGO neither demanded nor accepted illegal gratification for showing any official favour. The complainant does not have patience to know the procedure in the office. The complainant is politically influenced person and he used all the political and official power every time. The complainant has to approach the jurisdictional electrical senior officer with appropriate documents as per rules. The office had already issued work order on 18/03/2014 as per the requisition filed by the Pura villagers. The I.O. has not conducted the investigation in accordance with law and no money has been seized from the possession of the DGO. The DGO has never demanded any bribe amount from the complainant or from any other person to show official favour. On the same set of facts the criminal case is also filed against the DGO. The DGO has not committed any misconduct as alleged. Hence, prays to exonerate him from the charges leveled against him in this case.

8. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all four witnesses as PW1 to PW4 and got marked documents at Ex.P1 to P14. After closing the evidence of the Disciplinary Authority, the Second Oral Statement of DGO was recorded as required u/Rule 11(16) of KCS (CC & A) Rules, 1957. After closing the evidence of the Disciplinary Authority, DGO himself examined as DW1 and closed his evidence. Hence, recording the answers

of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

9. The Disciplinary Authority has not filed the written brief, but on the side of the DGO written brief has been filed. Oral arguments of the Presenting Officer and the learned counsel for the DGO 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?

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

Point No.1: In the “ **NEGATIVE**”

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

:: REASONS ::

11 Point No.1: The charge framed my learned Predecessor is a lengthy one and it includes unnecessary matters and the gist of the charge is only to the effect that the DGO while working as Assistant Engineer (Electrical) CHESCOM, Arsikere, Hassan District on 14/03/2014 when the complainant and one Sri Shivanna approached the DGO and told that 100 KV Electrical Transformer provided to Pura village in Arsikere Taluk is not functioning properly and it requires replacement, you-DGO demanded bribe of Rs. 3,000/- from the complainant and further the complainant on 15/03/2014 at about 11.15 a.m. contacted the DGO over phone and the DGO directed the complainant to give the bribe amount in the hands of Lineman by name Sri Shivanna and

thereby the DGO has committed the misconduct. Thus the charge is noly regarding the demand of bribe amount by the DGO from PW1 on 14/03/2014 and 15/03/2014 as stated above.

12. The complainant has been examined as PW3 and the copy of the complaint is at Ex.P6. The gist of the complaint is to the effect that about three years back 100 K.V. T.C. was installed for Pura village and about 12 days back the transformer is not working due to which agricultural operations could not be carried out and the matter was informed to the Lineman. On 14/03/2014 PW3, Sri Kumara and Shivanna met the KEB Junior Engineer (DGO) and requested for replacement of the T.C. and the DGO demanded for Rs. 3,000/- and not willing to pay the bribe amount and to obtain evidence regarding the demand for bribe on 15/03/2014 at 11.15 a.m. PW3 made the call from his Mobile No. 9008460881 to the mobile of the DGO bearing No. 9448994974 and the DGO told to get the estimate by contacting the lineman Sri Shivanna and when PW3 asked the DGO whether the amount has to be given to the hands of Sri Shivanna the DGO told "Hu" and told PW3 to told with Shivanna and on the same day when PW3 contacted Sri Shivanna, Shivanna told that the estimate and T.C. indent have to be given by the DGO and to contact the DGO and the complaint has been filed on 17/03/2014 at 8.45 a.m. In the complaint it is also stated that the conversation dated: 15/03/2014 is recorded and the memory card is produced along with the complaint. Even according to the complaint,

after the phone call dated; 15/03/2014 stated above, PW1 has not met the DGO before lodging the complaint.

13. PW3 has deposed that for replacement of the transformer the application had been given to the A.E., and A.E., told that the lineman Sri Shivanna will check the T.C. and give the report. He has deposed that afterwards he met the DGO and requested for change of T.C. But the T.C. was not changed even after 10-15 days and some other person told him that the DGO demanded Rs. 3,000/- for replacing the T.C. and hence he lodged the complaint in the Lokayukta Police Station. He has deposed that he also produced the memory card of his mobile. But he has not deposed that when he made the mobile call to the DGO the DGO demanded for the bribe amount or the DGO instructed PW3 to pay the bribe amount to the Lineman Sri Shivanna.

14. PW3 has deposed about the contents of the entrustment mahazar and afterwards they went to the office of the DGO and himself and the pancha witness Sri Dinesh were sent inside the office of the DGO and the DGO was not in the office and he came to the office at 5 p.m. and he met the DGO and DGO told that the superior officer has to sign the work order and to approach him after getting that work done. He has deposed that he returned back and handed over the tainted currency notes to the police and on the next day they again went to the office of the DGO and himself and pancha witness Sri Dinesh met the DGO and the work of the complainant had been done and the DGO did not demand any amount and he also did not pay any amount and returned back and told the

matter to the I.O. He has deposed that the copy of the entrustment mahazar dated; 17/03/2014 is at Ex.P1 and Ex.P2 is panchanama for having returned the tainted currency notes to the I.O. on 17/03/2014. He has deposed that Ex.P3 is the entrustment mahazar dated; 18/03/2014 and Ex.P4 is the mahazar that was drawn after he returned the tainted currency notes to the I.O. on that day.

15. PW3 has been treated as hostile witness by the Presenting Officer and cross-examined. In his cross-examination he has denied the suggestion that he had met the DGO on 14/03/2014 along with lineman Sri Shivanna and at that time the DGO demanded the amount of Rs. 3,000/- to change the T.C. He has deposed that Ex.P5 are the copies of the photographs taken at the time of the entrustment mahazar.

16. In his cross-examination by the learned counsel for the DGO, he has deposed that the DGO never demanded any amount for changing the T.C. He has further deposed that in the memory card produced by him there is no conversation of the DGO demanding for the amount. He has deposed that the DGO gave the work order and the DGO never demanded for bribe amount when the work order was given or at any time. Thus PW3 who is the material witness to prove the demand for bribe amount by the DGO has not supported the case of the Disciplinary Authority and he has not at all deposed that the DGO demanded for the bribe amount when he met the DGO personally or over phone.

17. PW1 is Sri Shivaraj G.S. and PW2 is Sri Dinesh N.R. the pancha witnesses. PW1 has deposed that on 17/03/2014 he had been to Lokayukta police station, Hassan and the complainant produced the amount of Rs.3,000/-. He has deposed about the contents of entrustment mahazar, the copy of which is at Ex.P1. He has deposed that after the entrustment mahazar they went to the office of the DGO situated in Arsikere and PW3 and PW2 went inside the CHESCOM office at 12.40 p.m. and returned at 5.30 p.m. and informed the I.O. that the DGO asked them to come on the next day. He has further deposed that on the next day again they went to the office of the DGO and PW3 and PW2 again went inside the office of the DGO and returned back at 1.30 p.m. and informed that the DGO has not received money but the work was done and the complainant handed over the tainted currency notes and voice-recorder to the I.O. Thus the evidence of PW1 is only regarding the entrustment mahazar-Ex.P2 and the mahazars Ex.P2 to P4. As stated above, Ex.P2 is the panchanama for having received back the tainted currency notes from PW3 on 17/03/2014. Ex.P3 is the copy of the mahazar dated: 18/03/2014 for again entrusting the tainted currency notes to PW3. Ex.P4 is the copy of the mahazar regarding PW3 returning the tainted currency notes and the voice-recorder. In Ex.P4 it is also stated that the voice-recorder was played, but the recording was not clear.

18. PW2 is the shadow witness and he has deposed that on 17/03/2014 he had been to Lokayukta police station. He has also deposed about the entrustment mahazar, the copy of which is at Ex.P1. He has deposed that after the entrustment

mahazar they went to the office of the DGO and himself and PW3 went inside that office at 12.40 p.m. and returned back at 5.30 p.m. on the ground that the DGO asked them to come on the next day and PW3 handed over the tainted currency notes to the I.O. and copy of the mahazar written in that respect is at Ex.P2. He has deposed that on the next day at 8 a.m. he again went to the office of the Lokayukta station and again the tainted currency notes were kept in the shirt pocket of PW3 and the copy of the mahazar drawn at that time is at Ex.P3. He has deposed that after Ex.P3 they went to the office of the DGO and himself and PW3 went inside the office and met the DGO and DGO did not receive any money but the work was done. He has deposed that the complainant handed over the tainted currency notes and voice recorder to the I.O., and the mahazar was written in that respect and the copy of the same is at Ex.P4. He has deposed that the copies of the photographs taken at the time of the Ex.P1 are at Ex.P5. Even according to the evidence of PW2 when PW3 met the DGO on 17/03/2014 and 18/03/2014 the DGO has not demanded any amount nor received any amount from the complainant.

19. PW4 is the I.O. by name Sri T.N. Narasimhamurthy, and he has deposed that from December 2012 to September 2015 he was working as the Police Inspector, Karnataka Lokayukta, Hassan and on 17/03/2014 PW3 came to the police station and gave the written complaint and the copy of the same is at Ex.P6. He has deposed that on the basis of Ex.P6 he registered the case and sent the FIR to the court and the copy of the FIR is at Ex.P9. He has deposed that the averments made in the complaint disclosed that the DGO had demanded bribe of Rs.

3,000/- from the complainant to change the T.C. He has deposed that PW3 produced the memory card and the conversation recorded in the same was transferred to the C.D. He has deposed that the conversation recorded in the memory card was transcribed. But there is no transcription of the conversation in this case file. Thus the transcription of the conversation recorded in the memory card is not marked nor found in the file. He has deposed about securing panchas and PW3 producing the amount of Rs. 3,000/-. He has deposed about all the averments mentioned in the entrustment mahazar, the copy of which is at Ex.P1. He has deposed that the voice recorder was also given to PW3 to record the conversation and the photographs were taken and the copies of the photographs are at Ex.P5. PW4 has deposed that after the entrustment mahazar they went to the office of the DGO and PW3 and PW2 were sent inside the office to meet the DGO and they came back at 6.10 p.m. and told that the DGO was not in the office and he came to the office at 5.30 p.m. and when PW3 asked the DGO about his work the DGO told to get the work order and to come tomorrow. He has deposed that they returned back to Hassan and PW3 produced the tainted currency notes and voice-recorder and the copy of the mahazar drawn in that respect is at Ex.P2. He has further deposed that he instructed the complainant and panchas to come on 18/03/2014 at 8 a.m. and accordingly they came to the Lokayukta police station and the entrustment mahazar was drawn and the copy of the same is at Ex.P3. He has deposed that afterwards they went to the office of the DGO situated in Arsikere and PW3 and PW2 were sent inside the office to meet the DGO and they came back at 1.30 p.m. and

told that the DGO did not receive any amount by getting suspicion and returned back the tainted currency notes and the voice-recorder. He has deposed that the voice-recorder was played and the conversation was not clear and the copy of the panchanama drawn at that time is at Ex.P4.

20. PW4 has further deposed that he obtained the call details and the copy of the same is at Ex.P10. The DGO who has been examined as DW1 has admitted in his cross-examination that Mobile No. 94489 94974 was his mobile number and he was using the same at that time. As stated above, in the complaint-Ex.P6 PW3 has mentioned that his mobile No. at that time was 90084 60881. Ex.P10 discloses that on 15/03/2014 at 11.21 a.m. there was a mobile call from the mobile of PW3 to the mobile of the DGO and the duration of the talk was 46 seconds. On the basis of Ex.P10 it can only be said that PW3 had made a phone call to the DGO on the above said date and time. But on that ground itself it cannot be said that there was demand for the bribe amount by the DGO. As stated above, the complainant (PW3) has deposed that the DGO did not demand for any bribe amount personally or over phone.

21. PW4 has further deposed that he secured the details of mobile No. 90084 60881 and as per the details the said mobile sim card stands in the name of Sri Pradeep kumar. He has deposed that it may be that as per the Telegraphic Act the mobile standing in the name of one person should not be used by any other person. He has deposed that even in the conversation recorded in the mobile memory card of PW3

when PW3 asked whether the amount can be given to the hands of Sri Shivanna the DGO has said only ye. Thus in the alleged recorded conversation the DGO has not demanded for payment of the bribe amount.

22. PW4 has further deposed that by obtaining the permission of the court the cover in which the C.D. was kept was opened on 02/04/2019 and the C.D., was played and the sample voice of the DGO was taken by asking him to repeat the conversation recorded in the C.D. and the copy of the mahazar drawn in that respect is at Ex.P8. He has deposed that he sent the CD and the sample voice of the DGO to FSL and obtained FSL report and the copy of the same is at Ex.P12. In Ex.P12 the opinion is given as follows;-

“Comparison of respective voices based on auditory and feature extraction methods from questioned recording marked as Article No.1 with that of those of sample recordings marked as Article No. 8 has revealed that the respective speeches said to be of Sri Raghavendra recorded in CD marked as Articles NO. 1 are similar to the sample speeches recorded in CD marked as Article No.8”.

23. Ex.P8 only contains the details of the sample voice of the DGO and the same does not disclose the DGO demanding for any bribe amount from PW1. Hence, the opinion given in Ex.P12 is not of any help to the disciplinary authority to prove the demand for bribe said to have been made by the DGO to PW3. As stated above, the transcription of the entire conversation alleged to have been recorded in the memory

card produced by the complainant is also not found in the records. Hence, only on the basis of the sample words taken from the DGO mentioned in Ex.P8 and sent the FSL it cannot be said that the DGO has demanded for the bribe amount from PW1 when he had talked with the complainant over mobile phone on 15/03/2014 at 11.21 a.m.

24. In his cross-examination PW4 has deposed that he has not seized memory card produced by the complainant. He has deposed as follows:-

“ಪಂಚನಾಮೆ ಕಾಪಿ ಎಂದರೆ ನಿ.ಪಿ. 8ರಲ್ಲಿ ನಮೂದಾಗಿರುವ ಸಂಭಾಷಣೆಯಲ್ಲಿ ಎಲ್ಲೂ ಅ.ಸ.ನೌ.,ರವರು ಫಿರ್ಯಾದುದಾರರಿಗೆ ಹಣ ಕೊಡಿ ಎಂದು ಕೇಳಿರುವುದಿಲ್ಲ ಎಂಬುದು ನಿಜ”.

25. Thus, PW4 also admits that even in the conversation mentioned in Ex.P8 said to have been that of DGO there is no demand for amount from PW3. PW4 has further deposed that he do not know whether the DGO had done his duties prior to the lodging of the complaint itself.

26. DW1 is the DGO and he has deposed that on 14/03/2015 PW3 or Shivanna or Sri Kumar had not met him and requested him for replacement of the T.C. He has deposed that if the T.C. has to be replaced the estimate has to be prepared for the same and it has to be signed by A.E.E., and the same has to be sent to the division office and in the division office the estimate will be verified and if the same is correct and in case the alternative transformer is available the work order will be issued and that work order has to be noted in the indent and the T.C. has to be obtained from the gowdon

and replacement has to be done. He has deposed that on 15/03/2014 he has not at all talked with PW3. But he admits that mobile No. 94489 94974 was the mobile that was given to him from his office at that time.

27. As stated above, in this case the charge is only regarding the demand for the bribe by the DGO from PW3. As stated above PW3 has given his evidence to the effect that the DGO never demanded any bribe amount from him personally or over mobile phone. There is no other witness to prove the demand for bribe made by the DGO. As stated above PW1 and PW2 are the pancha witnesses who have come into picture after the lodging the complaint and their evidence is only regarding the entrustment mahazar and the trap being failure as the DGO did not demand or received any bribe amount from PW3. As stated above, the I.O. is also not a witness for the demand for the bribe made by the DGO. Hence the only material witness to prove the charge framed against the DGO is PW3 and as stated above PW3 has not supported the case of the disciplinary authority. Only on the basis of the call details Ex.P10 and FSL report-Ex.P12 it cannot be made out that the DGO had demanded for the bribe amount and he had asked PW3 to pay that bribe amount to the hands of the lineman Sri Shivanna. Hence, it has to be said that the disciplinary authority has failed to prove that the DGO had demanded for the bribe amount of Rs. 3,000/- from the PW3 for replacement of the T.C.

28. It is also pertinent to note that in case the DGO had demanded for the bribe amount from PW3 for replacement of

T.C. he would have received the same from PW3 on 17/03/2014 or 18/03/2014. PW3 the complainant and PW2 the shadow witness have also not deposed that on 18/03/2014 the DGO got suspicion and hence he did not receive the bribe amount. The facts and circumstances of this case stated above does not also probablise the case of the disciplinary authority. The Disciplinary Authority has failed to prove the charge leveled against DGO. Therefore, I hold that, the above point for consideration in the **NEGATIVE**.

29. Point NO.2:- For the reasons discussed above, I proceed to pass the following:-

:: ORDER ::

*The Disciplinary Authority has failed to prove the charge against the DGO-Sri Raghavendra K., Junior Engineer, CHESCOM, Arasikere, **Hassan District.***

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

Dated this the ^{5th}~~10th~~ day of October, 2019

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

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

- PW-1 : Sri Shivaraj G.S. (pancha witness)
 PW-2 : Sri Dinesh N.R. (shadow witness)
 PW-3: Sri Prabhakar (complainant)
 PW-4:Sri T.N. Narasimhamurthy (I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:Sri K. Raghavendra (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1:Certified copy of the Entrustment Mahazar dated:
17/03/2014
 Ex.P-2:Certified copy of the panchaname dated; 17/03/2014
 Ex.P-3: Certified copy of the Entrustment Mahazar dated:
18/03/2014
 Ex.P-4:Certified copy of the closing panchaname dated;
18/03/2014
 Ex.P-5: Xerox copy of the xeorxed photes on the white sheet (5
sheets)
 Ex.P-6:Certified copy of the explanation of DGO
 Ex.P-7: Xerox copy of the notes denomination and numbers
mentioned white sheet
 Ex.P-8:Xerox copy of the panchaname dated: 09/04/2014
 Ex.p-8(a): Relevant entry in Ex.P8
 Ex.P-9:Certified copy of the FIR
 Ex.P-10:Xerox copy of the letter of P.I, KLA, Hassan dated:
02/04/2014 addressed to S.P.-1 KLA, Bengaluru with xerox
copy of the enclosures
 Ex.P-11:Certified copy of the letter of Police Inspector, KLA, Hassan,
dated: 04/04/2014 addressed to A.E.E., (electrical), Karya
and Palane, Sub-Division, Arsikere with certified copy of
the enclosures
 Ex.P-12:Xerox copy of the acknowledgment with xerox copy of the
enclosures
 Ex.P-13:Xerox copy of the letter of S.E., Hassan, dated:
06/06/2014 addressed to P.I. KLA, Hassan
 Ex.P-14: Original reply of the DGO dated; 07/01/2015 addressed to
DRE, KLA, Bengaluru
 Ex.P-14(a); Relevant entry in Ex.P14

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

NIL

Dated this the 5th day of October, 2019

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