



KARNATAKA LOKAYUKTA

No.LOK/ARE-4/ENQ/43/2008

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 24.07.2018

RECOMMENDATION

Sub:- Departmental inquiry against
Shri Chikkamadegowda, the then District Manager,
D. Devaraja Urs Backward Classes Development
Corporation Limited, Dakshina Kannada District -
reg.

- Ref:- 1) Order No. ದೇಹಿನಿ/ಸಿಬ್ಬಂದಿ/ಲೋಕಾ/ತ/ವ/ಸಿ.ಆರಾ-37/2008-09
dated 06.10.2008.
2) Nomination order No. LOK/INQ/14-A/28/2008-
09 dated 30.10.2008 of Upalokayukta, State of
Karnataka.
3) Inquiry Report dated 21.07.2018 of Additional
Registrar of Enquiries-4, Karnataka Lokayukta,
Bengaluru.

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The Managing Director, D. Devaraja Urs Backward Classes  
Development Corporation Limited, Bengaluru, by his Order  
dated 06.10.2008, initiated the disciplinary proceedings against  
Shri Chikkamadegowda, the then District Manager, D.  
Devaraja Urs Backward Classes Development Corporation  
Limited, Dakshina Kannada District [hereinafter referred to as  
Delinquent Government Official, for short as 'DGO'] and  
entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/28/2008-09 dated 30.10.2008, nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO - Shri Chikkamadegowda, the then District Manager, D. Devaraja Urs Backward Classes Development Corporation, Dakshina Kannada District was tried for the following charge:-

“ನೀವು ಶ್ರೀ ಚಿಕ್ಕಮಾದೇಗೌಡ, ಜಿಲ್ಲಾ ವ್ಯವಸ್ಥಾಪಕರು, ಡಿ. ದೇವರಾಜ ಅರಸು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ, ಅಪ್ಪೆಕ್ ಯುವಕಾಂ ತರಬೇತಿ ಸಂಸ್ಥೆಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಣಾಧಿಕಾರಿ, ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ಬಿನ್ ಡಾ: ಮಹಾಬಲ ಭಟ್, ತಪೋವನ ಮನೆ, ಶಿವಾಜಿನಗರ, ಉಜಿರೆ, ಬೆಳ್ತಂಗಡಿ ತಾ; ಮಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ಫಿಯಾದಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ) ಎಂಬುವವರಿಗೆ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಹಾಗೂ ಅಲ್ಪಸಂಖ್ಯಾತ ವರ್ಗದ 10 ವಿದ್ಯಾವಂತ ನಿರುದ್ಯೋಗಿ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಕಂಫ್ಯೂಟರ್ ತರಬೇತಿ ನೀಡಿದ ಬಾಬು ಪಾವತಿ ಮಾಡಬೇಕಾದ ರೂ.1,10,000/- ರೂ.ಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡಲು ನೀವು ಫಿಯಾದಿಯನ್ನು ರೂ. 16,000/- ಲಂಚದ ಹಣ ನೀಡಲು ಒತ್ತಾಯಿಸಿದ್ದು, ಈ ಬಾಬು ಫಿಯಾದಿಯಿಂದ ಮುಂಗಡವಾಗಿ ರೂ. 6,000/- ಸ್ವೀಕರಿಸಿದ್ದು ನಂತರ ದಿನಾಂಕ: 05/04/2004 ರಂದು ರೂ. 10,000/- ಲಂಚದ ಹಣವನ್ನು ಬೇಡಿ ನಿಮ್ಮ ಸಹಾಯಕ ಜಾರ್ಜ್ ಶರೀಫ್ ರವರ ಮುಖಾಂತರ ಸ್ವೀಕರಿಸಿ, ತನ್ನೂಲಕ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆಯನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದು, ಅಂತಹ ನೌಕರರಿಗೆ ಸಲ್ಲದ ಕೃತ್ಯವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ

(ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3ನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-4) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DGO - Shri Chikkamadegowda, the then District Manager, D. Devaraja Urs Backward Classes Development Corporation, Dakshina Kannada District.

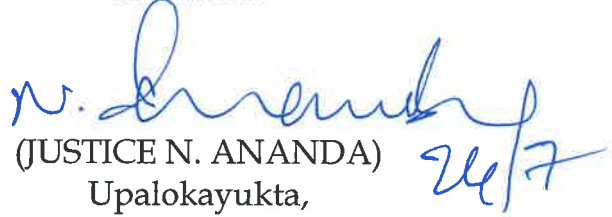
5. On re-consideration of report of inquiry, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement of the DGO furnished by the Inquiry Officer, DGO - Shri Chikkamadegowda has retired from service on 31.05.2014 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against Shri Chikkamadegowda, the then District Manager, D. Devaraja Urs Backward Classes Development Corporation, Dakshina Kannada District, it is hereby recommended to the Government to impose penalty of 'permanently withholding 50% of the pension payable to the DGO - Shri Chikkamadegowda'.

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

Connected records are enclosed herewith.

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

**KARNATAKA LOKAYUKTA**

No. LOK/ARE-4/ENQ/43/2008  
Old No.LOK/INQ/14-A/28/08-09

M.S.Building,  
Dr.B.R.Ambedkar Road  
Bangalore-560 001  
Date: 21/07/2018

**ENQUIRY REPORT**

**Sub:** Departmental Enquiry against,

- 1) Sri Chikka Madegowda  
District Manager  
D. Devaraja Urs Backward Classes  
Development Corporation  
Dakshina Kannada **(now retired)**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in  
Compt/Uplok/MYS/349/2005/PP dated:  
18/07/2008
- 2) Order. No.ದೇಹಿನಿ/ಸಿಬ್ಬಂದಿ/ಲೋಕಾ/ತ/ವ/ಸಿಆರಾ-  
37/2008-09 Bangalore dated:06/10/2008
- 3) Order No.LOK/INQ/14-D/28/2008-09  
Dtd.30/10/2008 of the Hon'ble  
Upalokayukta

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1. This Departmental Enquiry is directed against Sri Chikka Madegowda, District Manager, D. Devaraja Urs Backward Classes, Development Corporation, Dakshina Kannada **(now retired)** (herein after referred to as the Delinquent Government Official in short "DGO")

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

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated:

30/10/2008 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 Inquiry against the aforesaid DGO. Additional Registrar Enquires-4 prepared Articles of Charge, Statement of Imputations of mis-conduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

4. The Articles of Charges framed by ARE-4 against the DGO is below;

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ-1

ನೀವು ಶ್ರೀ ಚಿಕ್ಕಮಾದೇಗೌಡ, ಜಿಲ್ಲಾ ವ್ಯವಸ್ಥಾಪಕರು, ಡಿ. ದೇವರಾಜ ಅರಸು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದಾಗ, ಅಪ್ಪೆಕ್ ಯುವಕಾಂ ತರಬೇತಿ ಸಂಸ್ಥೆಯ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಣಾಧಿಕಾರಿ, ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ಬಿನ್ ಡಾ: ಮಹಾಬಲ ಭಟ್, ತಪೋವನ ಮನೆ, ಶಿವಾಜಿನಗರ, ಉಜಿರೆ, ಬೆಳ್ತಂಗಡಿ ತಾ:ಮಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ಫಿರ್ಯಾದಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ) ಎಂಬುವವರಿಗೆ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಹಾಗೂ ಅಲ್ಪಸಂಖ್ಯಾತ ವರ್ಗದ 10 ವಿದ್ಯಾವಂತ ನಿರುದ್ಯೋಗಿ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಕಂಫ್ಯೂಟರ್ ತರಬೇತಿ ನೀಡಿದ ಬಾಬು ಪಾವತಿ ಮಾಡಬೇಕಾದ ರೂ.1,10,000/- ರೂ.ಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡಲು ನೀವು ಫಿರ್ಯಾದಿಯನ್ನು ರೂ. 16,000/- ಲಂಚದ ಹಣ ನೀಡಲು ಒತ್ತಾಯಿಸಿದ್ದು, ಈ ಬಾಬು ಫಿರ್ಯಾದಿಯಿಂದ ಮುಂಗಡವಾಗಿ ರೂ. 6,000/- ಸ್ವೀಕರಿಸಿದ್ದು ನಂತರ ದಿನಾಂಕ: 05/04/2004 ರಂದು ರೂ. 10,000/- ಲಂಚದ ಹಣವನ್ನು ಬೇಡಿ ನಿಮ್ಮ ಸಹಾಯಕ ಜಾಫರ್ ಶರೀಫ್ ರವರ ಮುಖಾಂತರ ಸ್ವೀಕರಿಸಿ, ತನ್ನೂಲಕ ನೀವು ಸಾರ್ವಜನಿಕ ನೌಕರರಾಗಿ ಸಂಪೂರ್ಣ ಪ್ರಾಮಾಣಿಕತೆಯನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವಲ್ಲಿ ವಿಫಲರಾಗಿದ್ದು, ಅಂತಹ ನೌಕರರಿಗೆ ಸಲ್ಲದ ಕೃತ್ಯವನ್ನು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ಭರ್ತನೆ) ನಿಯಮಾವಳಿ 1966ರ ನಿಯಮ 3ನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ಯೂಟೇಷನ್ ಆಫ್ ಮಿಸ್‌ಕಾಂಡೆಕ್ಟ್)

- 1) 2004ನೇ ಇಸವಿಯಲ್ಲಿ ಆಪಾದಿತ ನೌಕರರಾದ ಶ್ರೀ ಚಿಕ್ಕ ಮಾದೇಗೌಡ, ಜಿಲ್ಲಾ ವ್ಯವಸ್ಥಾಪಕರು, ಡಿ. ದೇವರಾಜು ಅರಸು ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ದಕ್ಷಿಣ ಕನ್ನಡ ಜಿಲ್ಲೆ, ಇಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದರು.
- 2) ಶ್ರೀ ಚಂದ್ರಶೇಖರ್, ಮಂಗಳೂರು (ಇನ್ನು ಮುಂದೆ ಫಿಯಾರ್ದಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ) ಎಂಬುವರು ಮಂಗಳೂರಿನ ಕರಂಗಲ್ಪಾಡಿಯಲ್ಲಿ ಅಪ್ಪೆಕ್ ಯುವಡಾಡ್ ಕಾಮ್ ಎಂಬ ಕಂಪ್ಯೂಟರ್ ತರಬೇತಿ ಕೇಂದ್ರವನ್ನು ನಡೆಸುತ್ತಿರುತ್ತಾರೆ. ಈ ಕೇಂದ್ರಕ್ಕೆ 2002-03ನೇ ಮೇ ಸಾಲಿನಲ್ಲಿ 10 ಜನ ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಕರ್ನಾಟಕ ಹಿಂದುಳಿದ ವರ್ಗಗಳು ಮತ್ತು ಅಲ್ಪ ಸಂಖ್ಯಾತರ ಅಭಿವೃದ್ಧಿ ನಿಗಮದವರು ತರಬೇತಿ ಕುರಿತು ನಿಯೋಜಿಸಿದ್ದು, ಎಲ್ಲಾ ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ತರಬೇತಿ ಕೇಂದ್ರದಿಂದ ತರಬೇತಿ ನೀಡಿ ಕರಾರಿನ ಪ್ರಕಾರ ಪ್ರತಿ ಅಭ್ಯರ್ಥಿಗೆ ರೂ. 11,000/- ದಂತೆ 10 ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ರೂ. 1,10,000/- ಹಣದ ಚೆಕ್ ನೀಡುವಂತೆ ತರಬೇತಿ ಕೇಂದ್ರದ ವತಿಯಿಂದ ಅರ್ಜಿ ಸಲ್ಲಿಸಲಾಗಿ ಹಿಂದುಳಿದ ವರ್ಗ ಮತ್ತು ಅಲ್ಪ ಸಂಖ್ಯಾತರ ಅಭಿವೃದ್ಧಿ ನಿಗಮದ ಜಿಲ್ಲಾ ವ್ಯವಸ್ಥಾಪಕರು, ಚಿಕ್ಕ ಮಾದೇಗೌಡ ರವರು ಚೆಕ್ ವಿತರಿಸಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ರೂ. 15,000/- ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿದ್ದು ಇರುತ್ತದೆ. ರೂ. 6,000/- ಹಣವನ್ನು ಈಗಾಗಲೇ ಫಿರ್ಯಾದುದಾರರಿಂದ ಆಪಾದಿತ ನೌಕರರು ಪಡೆದುಕೊಂಡಿರುತ್ತಾರೆ ಮತ್ತು ಉಳಿದ ರೂ. 10,000/- ಲಂಚದ ಹಣಕ್ಕೆ ಚೆಕ್ ವಿತರಿಸಲು ನೀಡಬೇಕೆಂದು ತಿಳಿಸಿದ್ದು, ಈ ಬಗ್ಗೆ ಫಿರ್ಯಾದಿಯು ಆಪಾದಿತ ನೌಕರರನ್ನು 2/04/2004 ರಂದು ದೂರವಾಣಿ ಮುಖಾಂತರ ಸಂಪರ್ಕಿಸಿದಾಗ ಲಂಚದ ಹಣವನು ತನ್ನ ಸಹಾಯಕ ಅಧಿಕಾರಿ ಶರೀಫ್ ರವರಿಗೆ ನೀಡಿ ಚೆಕ್ ತೆಗೆದುಕೊಂಡು ಹೋಗುವಂತೆ ತಿಳಿಸಿದ್ದು ಅದರಂತೆ ಫಿರ್ಯಾದಿಯ ಮಾರನೆ ದಿನ ಆಪಾದಿತ ನೌಕರರ ಕಚೇರಿಗೆ ಹೋಗಿ ಸಹಾಯಕ ಅಧಿಕಾರಿ, ಶರೀಫ್ , ಅವರನ್ನು ಭೇಟಿಯಾಗಿ ಚೆಕ್ ಕೊಡುವಂತೆ ಮತ್ತು ಚೆಕ್ ನಗದೀಕರಿಸಿದ ನಂತರ ಬಾಕಿ ಇರುವ ಲಂಚದ ಹಣವನ್ನು ಕೊಡುತ್ತೇನೆಂದು ತಿಳಿಸಿದಾಗ ಅವರು ಆಗುವುದಿಲ್ಲ ನೀವು ದಿನಾಂಕ: 05/04/2004 ರಂದು ಬಂದು ಆಪಾದಿತ ನೌಕರರ ಚಿಕ್ಕಮಾದೇಗೌಡರನ್ನು ಭೇಟಿ ಮಾಡಿ ಚೆಕ್ ಪಡೆದುಕೊಂಡು ಹೋಗಿ ನನಗೆ ಹಣ ಪಡೆದುಕೊಳ್ಳಲು ಮಾತ್ರ ತಿಳಿಸಿರುತ್ತಾರೆಂದು ಹೇಳಿರುತ್ತಾರೆ. ಈ ಲಂಚದ ಹಣವನ್ನು ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಫಿರ್ಯಾದಿಯು ಆಪಾದಿತ ನೌಕರರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ಮಂಗಳೂರು

ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರಿಗೆ ದೂರನ್ನು ದಿನಾಂಕ 05/04/2004 ರಂದು ನೀಡಿರುತ್ತಾರೆ.

- 3) ಈ ದೂರಿನ ಆಧಾರದ ಮೇಲೆ ಮಂಗಳೂರು ಲೋಕಾಯುಕ್ತ ಠಾಣೆ ಮೊ. ಸಂ. 3/2004, ಕಲಂ 7, 13(1)(ಡಿ) ಸಹವಾಚಕ 13(2) ಲಂಚ ನಿರೋಧ ಕಾಯ್ದೆ 1988 ರಂತೆ ಪ್ರಕರಣವನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡು, ಸಂಬಂಧಿಸಿದ ವಿಶೇಷ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಕಳುಹಿಸಿಕೊಡಲಾಯಿತು.
- 4) ನಂತರ ಶ್ರೀ ಡಿ. ಆಶೋಕ್, ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರು, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಮಂಗಳೂರು, ತನಿಖಾಧಿಕಾರಿಯಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಟ್ರಾಪ್ ಕಾರ್ಯಾಚರಣೆ ಕೈಗೊಳ್ಳಲು ನಿರ್ಧರಿಸಿದರು. ಅದರಂತೆ, ಪಂಚರನ್ನಾಗಿ 1) ಮುದ್ದೇಗೌಡ, ಶೀಘ್ರಲಿಪಿಗಾರ, ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಕಚೇರಿ, ಹಾಗೂ 2) ಭರತ ಕುಮಾರ್ ದ್ವಿತೀಯ ದರ್ಜೆ ಸಹಾಯಕ, ಆಯುಕ್ತರ ಕಚೇರಿ, ಮಂಗಳೂರು ಇವರುಗಳನ್ನು ಕರೆಸಿಕೊಂಡರು. ನಂತರ ಪಂಚರು ಮತ್ತು ಫಿರ್ಯಾದಿಯ ನಡುವೆ ಪರಿಚಯ ಮಾಡಿಸಿಕೊಟ್ಟು, ಫಿರ್ಯಾದಿ ನೀಡಿದ ದೂರಿನ ಸಾರಾಂಶವನ್ನು ಪಂಚರುಗಳಿಗೆ ವಿವರಿಸಿರುತ್ತಾರೆ. ಪಂಚರ ಸಮ್ಮುಖದಲ್ಲಿ ಫಿರ್ಯಾದಿಯು ರೂ. 500/- ಮುಖಬೆಲೆಯ 20 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುತ್ತಾರೆ.
- 5) ತನಿಖಾಧಿಕಾರಿಯು ಸಿಬ್ಬಂದಿಗಳ ಮುಖಾಂತರ ಮೇಲ್ಕಂಡ ನೋಟುಗಳಿಗೆ ಹಾಗೂ ಒಂದು ಕವರಿಗೆ ಫಿನಾಪ್ತಲಿನ್ ಪುಡಿಯನ್ನು ಸವರಿಸಿ, ನಂತರ ನೋಟುಗಳನ್ನು ಕವರಿನಲ್ಲಿಡಿಸಿ ಪಂಚ ಭರತಕುಮಾರ್ ರವರಿಗೆ ಕೊಡಿಸಿ ಅವರಿಂದ ಎಣಿಸಿ ಕ್ರಮಸಂಖ್ಯೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ನಂತರ ಆ ನೋಟುಗಳನ್ನು ಫಿರ್ಯಾದಿಯ ವಶಕ್ಕೆ ಕೊಡಲಾಯಿತು. ನಂತರ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣ ತಯಾರು ಮಾಡಿಸಿ ಇದರಲ್ಲಿ ಭರತಕುಮಾರು ರವರ ಎರಡೂ ಕೈ ಬೆರಳುಗಳನ್ನು ಅದ್ದಿಸಿದ್ದು, ಆ ದ್ರಾವಣವು ತಿಳಿ ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಈ ದ್ರಾವಣವನ್ನು ಬಾಟಲಿಗೆ ಹಾಕಿ ಸೀಲು ಮಾಡಿರುತ್ತಾರೆ. ಬಳಿಕ ಟ್ರಾಪ್ ಕಾರ್ಯಾಚರಣೆಯ ಪೂರ್ವದ ಎಲ್ಲಾ ಪ್ರಕ್ರಿಯೆಗಳನ್ನು ಮಾಡಿ ಫಿರ್ಯಾದಿ, ಶ್ರೀ ಚಂದ್ರಶೇಖರ್ ರವರಿಗೆ ಆಪಾದಿತ ನೌಕರರ ಬಳಿ ಹೋಗಿ ಭೇಟಿ ಮಾಡಿ ನಿಮ್ಮ ಕೆಲಸದ ಬಗ್ಗೆ ಮಾತನಾಡಿ ಅವರು ಲಂಚದ ಹಣವನ್ನು ಕೇಳಿದಾಗ ಮಾತ್ರ ಕೊಡಬೇಕೆಂದು ಹಾಗೂ ಅವರು ಪಡೆದರೆ, ಸಮಯಾವಕಾಶ ನೋಡಿಕೊಂಡು ಫಿರ್ಯಾದಿಯ ಮೊಬೈಲ್‌ನಿಂದ ತನಿಖಾಧಿಕಾರಿಯ ಮೊಬೈಲ್‌ಗೆ ಕರೆ ಮಾಡುವ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ತಿಳಿಸಬೇಕೆಂದು ಫಿರ್ಯಾದಿಗೆ ತಿಳಿಸಿ, ಅದೇ ರೀತಿ ಸಾಕ್ಷಿ ಮುದ್ದೇಗೌಡ ರವರಿಗೆ ಫಿರ್ಯಾದಿಯೊಂದಿಗೆ



ಸನಿಹದಲ್ಲಿದ್ದು ಅಲ್ಲಿ ನಡೆಯುವ ಘಟನೆಗಳ ಬಗ್ಗೆ ಗಮನವಿಟ್ಟು ನಂತರ ಕೇಳಿದಾಗ ತಿಳಿಸುವಂತೆ ತಿಳಿಸಿರುತ್ತದೆ. ಈ ಬಗ್ಗೆ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಿರುತ್ತಾರೆ.

6) ನಂತರ ಅದೇ ದಿನ ಅಂದರೆ, ದಿನಾಂಕ 05/04/2004 ರಂದು ಫಿಯಾರ್ಡಿ, ಪಂಚರು ಹಾಗೂ ಲೋಕಾಯುಕ್ತ ಸಿಬ್ಬಂದಿಯವರೊಂದಿಗೆ 3.45 ಗಂಟೆ ಸುಮಾರಿಗೆ ಕಚೇರಿ ಬಿಟ್ಟು ಕೊಟ್ಟಾರಕ್ಕೆ ಸಂಜೆ 4-00 ಗಂಟೆ ಸುಮಾರಿಗೆ ತಲುಪಿ ವಾಹನವನ್ನು ನಿಲ್ಲಿಸಿ ಫಿಯಾರ್ಡಿ ಶ್ರೀ ಚಂದ್ರಶೇಖರ ಹಾಗೂ ಸಾಕ್ಷಿ ಶ್ರೀ ಮುದ್ದೇಗೌಡರವರಿಗೆ ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯ ಸಮಯದಲ್ಲಿ ನೀಡಿದ್ದ ತಿಳುವಳಿಕೆ ಮತ್ತು ಸೂಚನೆಯನ್ನು ಮತ್ತೊಮ್ಮೆ ಕೊಟ್ಟು ಅಪಾದಿತ ನೌಕರರ ಕಚೇರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟರು. ನಂತರ ತನಿಖಾಧಿಕಾರಿ ಮತ್ತು ಇತರೆ ಸಿಬ್ಬಂದಿಯವರುಗಳು ಅವರಿಬ್ಬರನ್ನು ಹಿಂಬಾಲಿಸಿ ಅಪಾದಿತ ನೌಕರರ ಕಚೇರಿಯ ಹತ್ತಿರ ಮರೆಯಾಗಿ ಫಿರ್ಯಾದಿದಾರರ ಸೂಚನೆಗಾಗಿ ಗುಪ್ತವಾಗಿ ಕಾಯುತ್ತಾ ನಿಂತಿದ್ದರು ಸುಮಾರು 4.20 ಸಮಯದಲ್ಲಿ ಫಿಯಾರ್ಡಿಯು ಪೊಲೀಸ್ ನಿರೀಕ್ಷಕರ ಮೊಬೈಲ್‌ಗೆ ಕರೆ ಮಾಡಿ ಆರೋಪಿ ಅಧಿಕಾರಿ ಲಂಚ ಸ್ವೀಕರಿಸಿದ ಬಗ್ಗೆ ಸೂಚನೆಯನ್ನು ನೀಡಿರುತ್ತಾರೆ. ತಕ್ಷಣ ಸಾಕ್ಷಿ ಭರತಕುಮಾರ್, ತನಿಖಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಸಿಬ್ಬಂದಿ ವರ್ಗದವರು ಅಪಾದಿತ ನೌಕರರ ಕಚೇರಿಯ ಕಡೆ ಹೊರಟರು. ಅಷ್ಟರಲ್ಲಿ ಫಿರ್ಯಾದಿ ಮಹಡಿಯಿಂದ ಕೆಳಗಿಳಿದು ಬಂದು ಕಟ್ಟಡದ ಮುಂದಿನ ರಸ್ತೆ ಪಕ್ಕದಲ್ಲಿ ನಡೆದು ಹೋಗುತ್ತಿದ್ದ ವ್ಯಕ್ತಿಯೊಬ್ಬರನ್ನು ತೋರಿಸಿ ಇವರೇ ನನ್ನಿಂದ ಲಂಚ ಸ್ವೀಕರಿಸಿದ ಸಹಾಯಕ ಅಧಿಕಾರಿ ಎಂದು ತೋರಿಸಿರುತ್ತಾರೆ. ಸದರಿ ವ್ಯಕ್ತಿಯನ್ನು ತನಿಖಾಧಿಕಾರಿಯು ವಿಚಾರಿಸಿದಾಗ ಅವರು ಅಲ್ಪಸಂಖ್ಯಾತರ ಅಭಿವೃದ್ಧಿ ನಿಗಮದ ಕಚೇರಿಯಲ್ಲಿ ಚಿಕ್ಕಮಾದೇಗೌಡರ ಸಹಾಯಕ ಅಧಿಕಾರಿ ಜಾಫರ್ ಶರೀಫ್ ಎಂದು ತಿಳಿದು ಬಂದಿರುತ್ತದೆ. ನಂತರ ತನಿಖಾಧಿಕಾರಿಯು ಅವರನ್ನು ಅಪಾದಿತ ನೌಕರರ ಕೊಠಡಿಗೆ ಕರೆದುಕೊಂಡು ಹೋಗಿ ಅಪಾದಿತ ನೌಕರರ ಮುಂದೆ ಕೂರಿಸಿ ಅಪಾದಿತ ನೌಕರರಿಗೆ ತಮ್ಮ ಪರಿಚಯವನ್ನು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ.

7) ನಂತರ ಫಿರ್ಯಾದಿ ಮತ್ತು ಪಂಚರನ್ನು ನಡೆದ ಘಟನೆ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಅಪಾದಿತ ನೌಕರರು ಚೆಕ್ ಕಾಣೆಯಾಗಿದ್ದು ಬೆಂಗಳೂರಿನ ಕೇಂದ್ರ ಕಚೇರಿಗೆ ಬೇರೆ ಚೆಕ್ ಕಳುಹಿಸುವಂತೆ ವಿನಂತಿಸಲಾಗಿದ್ದು ಸದರಿ ಚೆಕ್ ಕೊರಿಯರ್ ಮೂಲಕ ಬರುತ್ತದೆಂದು ತಿಳಿಸಿ ತಾನು ಡಿಮ್ಯಾಂಡ್ ಮಾಡಿರುವ ಲಂಚದ ಮೊತ್ತದ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಫಿರ್ಯಾದಿಯು ತಂದಿರುವುದಾಗಿ ತಿಳಿಸಿದ್ದು ಅಪಾದಿತ ನೌಕರರು ತನ್ನ ಸಹಾಯಕ ಅಧಿಕಾರಿಯನ್ನು ಕರೆದು ನನ್ನಿಂದ ಹಣ ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಸೂಚನೆ ನೀಡಿದ್ದು ಅದರಂತೆ ರೂ. 10,000/-ಗಳನ್ನು ಅವರಿಗೆ ಕೊಟ್ಟಿರುತ್ತಾರೆಂದು ನಂತರದ ಲಂಚ ಸ್ವೀಕರಿಸಿದ ಸಹಾಯಕ ಅಧಿಕಾರಿಯು ಫಿರ್ಯಾದಿಗೆ ಬೈಕ್ ನಲ್ಲಿ ಲೇಡಿಹಿಲ್ ತನಕ ಬಿಟ್ಟು ಬರುವಂತೆ ತಿಳಿಸಿ ಕಟ್ಟಡದಿಂದ ಕೆಳಗೆ ಬಂದಿರುತ್ತಾರೆಂದು ಅಷ್ಟರಲ್ಲಿ ಸೂಚನೆ

ನೀಡಿರುತ್ತಾರೆಂದು ಫಿರ್ಯಾದಿಯು ತಿಳಿಸಿರುತ್ತಾರೆ. ಈ ಹೇಳಿಕೆಯನ್ನು ಪಂಚ ಮುದ್ದೇಗೌಡ ರವರು ಅನುಮೋದಿಸಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ, ಆಪಾದಿತ ನೌಕರ ಚಿಕ್ಕ ಮಾದೇಗೌಡರವರು ಲಂಚದ ಹಣಕ್ಕೆ ಡಿಮ್ಯಾಂಡ್ ಮಾಡಿ ತನ್ನ ದಿನಗೂಲಿ ಸಹಾಯಕ ಶರೀಫ್ ರವರ ಮೂಲಕ ಸ್ವೀಕರಿಸಿರುತ್ತಾರೆ. ನಂತರ ಎರಡು ಸ್ವಚ್ಛವಾದ ಬಟ್ಟಲುಗಳಲ್ಲಿ ಸೋಡಿಯಂ ಕಾರ್ಬೋನೇಟ್ ದ್ರಾವಣವನ್ನು ತಯಾರು ಮಾಡಿಸಿ, ಶ್ರೀ ಜಾಫರ್ ಶರೀಫ್ ರವರ ಎರಡೂ ಕೈ ಬೆರಳುಗಳನ್ನು ಪ್ರತ್ಯೇಕವಾಗಿ ತೊಳೆಸಲಾಯಿತು. ಅವರ ಬಲಗೈ ಬೆರಳುಗಳನ್ನು ದ್ರಾವಣದಲ್ಲಿ ಅದ್ದಿದ್ದಾಗ ದ್ರಾವಣವು ತಿಳಿ ಗುಲಾಬಿ ಬಣ್ಣಕ್ಕೆ ಬಂದಿರುತ್ತದೆ. ಅದೇ ರೀತಿ ಎಡಗೈ ತೊಳೆಸಿದ ದ್ರಾವಣದ ಬಣ್ಣ ಬದಲಾಗಿದ್ದು ಬರಿಗಣ್ಣಿಗೆ ಕಂಡು ಬರುವುದಿಲ್ಲ. ಆದರೆ ದ್ರಾವಣವು ಧೂಳು ಮಿಶ್ರಿತವಾಗಿತ್ತು. ಈ ದ್ರಾವಣಗಳನ್ನು ಬೇರೆ ಬೇರೆ ಬಾಟಲುಗಳಲ್ಲಿ ಸಂಗ್ರಹಿಸಿ ಸೀಲು ಮಾಡಲಾಯಿತು. ತನಿಖಾಧಿಕಾರಿಯು ಫಿರ್ಯಾದಿಯಿಂದ ಪಡೆದ ಲಂಚದ ಹಣದ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಜಾಫರ್ ಶರೀಫರು ತಮ್ಮ ಪ್ಯಾಂಟಿನ ಬಲ ಮುಂಭಾಗದ ಕಿಸೆಯಿಂದ ಕವರನ್ನು ತೆಗೆದು ಹಾಜರುಪಡಿಸಿದರು. ಈ ಕವರಿನಲ್ಲಿದ್ದ ನೋಟುಗಳನ್ನು ಪಂಚ ಸಾಕ್ಷಿ ಮುದ್ದೇಗೌಡ ಅವರಿಂದ ಪರಿಶೀಲಿಸಿದಾಗ ಅವುಗಳ ನಂಬರುಗಳು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯಲ್ಲಿ ಪಂಚನಾಮ ಕಾಲಕ್ಕೆ ಫಿರ್ಯಾದುದಾರರಿಗೆ ವಹಿಸಿಕೊಟ್ಟ ನೋಟುಗಳು ಎಂದು ಖಚಿತಪಡಿಸಿಕೊಂಡು ನೋಟುಗಳನ್ನು ಕವರಿನಲ್ಲಿ ಹಾಕಿ ಸೀಲು ಮಾಡಿ, ಅಮಾನತ್ತುಪಡಿಸಿರುತ್ತಾರೆ.

8) ನಂತರ ತನಿಖಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ನೌಕರರನ್ನು ಲಂಚದ ಹಣದ ಬಗ್ಗೆ ವಿವರಣೆ ಕೇಳಿದಾಗ ಅವರು ತಮ್ಮ ವಿವರಣೆಯನ್ನು ಬರೆದುಕೊಟ್ಟಿರುತ್ತಾರೆ. ಈ ಹೇಳಿಕೆಯನ್ನು ಫಿರ್ಯಾದಿ ಮತ್ತು ನೆರಳು ಸಾಕ್ಷಿ ಅಲ್ಲಗಳೆದಿರುತ್ತಾರೆ. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಅಮಾನತ್ತು ಪಡಿಸಿದ ನಂತರ ಈ ಬಗ್ಗೆ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಿರುತ್ತಾರೆ.

9) ಮೇಲ್ಕಂಡಂತೆ ವಶಪಡಿಸಿಕೊಂಡ ವಸ್ತುಗಳನ್ನು ಮತ್ತು ಆಪಾದಿತ ನೌಕರರ ಕೈಬೆರಳುಗಳನ್ನು ತೊಳೆದ ದ್ರಾವಣವುಳ್ಳ ಬಾಟಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ಪರೀಕ್ಷೆಗಾಗಿ ತನಿಖಾಧಿಕಾರಿಯವರು ಕಳುಹಿಸಿ ಅವರಿಂದ ವರದಿಯು ಬಂದಿರುತ್ತದೆ. ಆದುದರಿಂದ ಆಪಾದಿತ ನೌಕರರು ಲಂಚ ನಿರೋಧ ಕಾಯ್ದೆಯ 7ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಅಕ್ರಮವಾಗಿ ರೂ. 10,000/- ಸಂಭಾವಣೆಯನ್ನು ಫಿರ್ಯಾದುದಾರರಿಂದ ಕೇಳಿ ತನ್ನ ಸಹಾಯಕ ಜಾವೀದ್ ಶರೀಫ್ ರವರ ಮುಖಾಂತರ ಪಡೆದರೆಂದು ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ತನಿಖಾಧಿಕಾರಿಯು ಫಿರ್ಯಾದಿ, ಪಂಚರು ಹಾಗೂ ತನಿಖಾದಳದ ಸದಸ್ಯರ ಹೇಳಿಕೆಯನ್ನು ಪಡೆದುಕೊಂಡರು. ಕಡತದಲ್ಲಿ ಇರುವ ದಾಖಲಾತಿಗಳಿಂದ, ಆಪಾದಿತ ನೌಕರರು ಒಟ್ಟು ರೂ. 16,000/- ಲಂಚವನ್ನು ಬೇಡಿ ಮೊದಲಿಗೆ ರೂ. 6,000/- ಪಡೆದು ನಂತರ ದಿನಾಂಕ: 05/04/2004 ರಂದು ರೂ. 10,000/-ಗಳನ್ನು ಬೇಡಿ

ತನ್ನ ಸಹಾಯಕ ಶರೀಫ್ ರವರ ಮುಖಾಮತರ ಸ್ವೀಕರಿಸಿ ಘೋರ ದುರ್ನಡತೆಯನ್ನು ಎಸಗಿದ್ದಾರೆಂದು ಕಂಡು ಬರುತ್ತದೆ.

- 10) ಆಪಾದಿತ ನೌಕರರಿಗೆ ತಿಳುವಳಿಕೆ ಪತ್ರ ಕಳುಹಿಸಿ, ಅವರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಬಾರದೇಕೆಂದು ಸಮಜಾಯಿಷಿ ಕೇಳಲಾಯಿತು. ಅವರು ತಮ್ಮ ಸಮಜಾಯಿಷಿ ನೀಡಿರುತ್ತಾರೆ. ಅವರ ಸಮಜಾಯಿಷಿ ತೃಪ್ತಿಕರವಾಗಿಲ್ಲವೆಂದು ಕಂಡು ಬಂದ ಕಾರಣ ಅವರ ವಿರುದ್ಧ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಲು ವರದಿ ಕಳುಹಿಸಿದ್ದು, ಆ ವರದಿಯ ಆಧಾರದ ಮೇಲೆ ಆಪಾದಿತ ನೌಕರರ ವಿರುದ್ಧ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ದೇವರಾಜು ಅರಸು ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ಇವರು ಈ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಆದೇಶ ಮಾಡಿ, ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಿ ವರದಿ ಸಲ್ಲಿಸಲು ವಹಿಸಿರುತ್ತದೆ. ಅದರಂತೆ ಈ ವಿಚಾರಣೆ. ಆದ್ದರಿಂದ ಈ ದೋಷಾರೋಪಣೆಯ ವಿವರ.

5. DGO appeared before this Enquiry Authority on 22/12/2008 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 enquiry.

6. DGO has filed his written statement contending that he denies the charges framed against him and he desires to cross-examine the witnesses going to be examined on the side of the disciplinary authority. He is not guilty of the charge and he has not demanded and accepted the bribe amount through his Assistant one Sri Javeed Shariff. Hence he has prayed to discharge him from the charges framed against him.

7. 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 P11. 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, DW1 examined and got

marked documents at Ex.D1 to D7 and closed their evidence. Hence, recording the answers of DGO to questionnaire u/Rule 11(18) of KCS (CC&A) Rules was dispensed with.

8. The Disciplinary Authority through the Presenting Officer and as well as the DGO submitted their separate written brief. In addition arguments on both the sides was also heard. The points, that arise for the consideration of this enquiry authority are:

1) Whether the Disciplinary Authority satisfactorily proved the charge framed against DGO?

2) What order?

9. My finding on the above points are as follows

Point No.1: In the "**AFFIRMATIVE**"

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

**:: REASONS ::**

10. **Point NO.1:** It is the case of the disciplinary authority that the DGO while working as District Manager, D. Devaraja Urs Backward Classes Development Corporation, D.K. district, the complainant-Sri Chandrashekhar, CEO of Aptech Yuva.Com Training Centre had given the application for payment an amount of Rs. 1,10,000/- towards giving computer training to 10 educated and unemployed candidates of Backward Classes and Minorities and for releasing the amount of Rs. 1,10,000/- demanded Rs. 16,000/- as bribe amount and also received Rs. 6,000/- and received the amount of Rs. 10,000/- on 05/04/2004 through assistant of

the DGO by name Sri Javeed Shariff and thereby committed misconduct.

11. By going through the oral and documentary evidence adduced by the parties some facts are not in dispute and they are as follows:-

12. The DGO was working as District Manager, Karnataka Backward Classes Development Corporation Limited., Mangalore, at the relevant point of time. The Aptech Yuva.Com computer training had given training to 10 educated and unemployed candidates belonging to Backward Classes and Minorities, for one year and in that respect the CEO of the above said computer training centre (complainant) had given the bill along with the necessary documents to the above said development corporation for payment of Rs. 1,10,000/-.

13. The complainant has been examined as PW1 and the copy of the complaint lodged by him is marked as Ex.P1. The gist of the complaint-Ex.P1 is to the effect that as per the Government order dated: 30/09/2002 he was given the contract of giving training to 10 candidates by the above said development corporation and accordingly he commenced the training in October 2002 and closed the same in October 2003 and in that respect the above said development corporation had to pay Rs. 1,10,000/- and in that respect he contacted the DGO and the DGO demanded bribe amount of Rs. 15,000/- and he paid the bribe amount of Rs. 6,000/- in two installments. But even then the amount, due to him was not paid. On the other hand, the DGO demanded an amount of Rs.10,000/- and to give the same on 02/04/2002 in his office.

As he was not able to give the above said amount he informed the matter to Lokayukta Inspector and the Lokayukta Inspector, gave him a voice-recorder to record the conversation and on 02/04/2004 he made telephone call to the DGO and enquired about the amount due to him for which the DGO told that on that day he is going to his village and to give the bribe amount of Rs. 10,000/- to his assistant Sri Javeed Shariff and to receive the cheque. In Ex.P1 it is also stated that on 02/04/2004 he was not able to arrange the above said amount and on 03/04/2004 he met the above said Sri Javeed Shariff in his office and asked him to give the cheque and that after encashing the cheque he will pay the bribe amount, for that Sri Javeed Shariff did not agree and told him to come on 05/04/2004 and to meet the DGO and to receive the cheque. The complaint has been filed on 05/04/2004 at 1 p.m. as per Ex.P1.

14. PW1 in his examination in chief has deposed about giving computer training to 10 candidates as stated above. He has deposed that in that respect Rs. 1,10,000/- was due to him from the above said development corporation and for payment of the same he met the DGO and the DGO told that the amount has not yet come from the Government and also asked him to give the bribe amount of Rs. 10,000/-. He has deposed that in fact he had given the bribe amount of Rs. 3,000/- each two times but even then the amount due to him was not given to him. He has deposed that again he went to the office of the DGO, but the DGO was not present in the office and the assistant of the DGO by name Sri Javeed Shariff was present and he told him that the DGO will come within 2-

3 days and to meet the DGO for receiving the cheque. He has deposed that afterwards he lodged the complaint and the copy of the same is at Ex.P1.

15. PW1 has further deposed that on the same day the Police Inspector secured two panchas by name Sri Muddegowda and Sri Bharath kumar and introduced him to them. He has deposed that they were told about the complaint lodged by him and he produced 20 notes of the denomination of Rs. 500/- and those notes were smeared with phenolphthalein powder and through one of the pancha witness the notes were kept in his shirt pocket. He has deposed that even the numbers of those notes were recorded and entrustment mahazar was drawn and the copy of the same is at Ex.P2. He has deposed that on the same day himself and the pancha Sri Muddegowda went in the motor cycle to the office of the DGO and the police inspector, his staff and another pancha followed them in the police jeep. He has deposed that the vehicles were stopped at a distance of about 150 meters from the office of the DGO and the police inspector told him that only if the DGO demands for the amount the tainted currency notes have to be given and afterwards he has to inform about the same to the police inspector through the mobile call. He has deposed that the pancha witness Sri Muddegowda will be watching what will happen when he meets the DGO. He has deposed that himself and Sri Muddegowda (PW2) went inside the office of the DGO and he met the DGO and enquired about his work and the DGO told that the cheque has been lost and after receiving another cheque he will give the same. He has deposed that the DGO

told him to talk with his assistant Sri Javeed Shariff and accordingly Sri Javeed Shariff met him and asked him about the amount demanded by the DGO and he gave the amount to Sri Javeed Shariff and Sri Javeed Shariff received the same and kept the same in his pant pocket. He has deposed that PW2 watched the same. He has deposed that Sri Javeed Shariff asked him to give drop in his motor cycle to Lady Hill Circle and hence both of them came out and afterwards he gave the signal to the police and the police apprehended Sri Javeed Shariff and he told that Sri Javeed Shariff received the amount and hence he has taken inside the office of the DGO. He has deposed that hands of Sri Javeed Shariff were washed in the solution and that solution changed into pink colour. He has deposed that Sri Javeed Shariff produced the amount which he had received from him. He has deposed that the copy of the statement given by the DGO at Ex.P3 and copy of the statement given by Sri Javeed Shariff is at Ex.P4. He has deposed that the documents pertaining to his case were also seized and the copies of the same are at Ex.P6. He has deposed that Ex.P5 is the copy of the attendance register. He has deposed that Ex.P7 is the copy of the Trap Mahazar.

16. It is pertinent to note that PW1 was examined in chief on 04/10/2011. But he has been cross-examined on 16/12/2014 after more than 3 years by recalling him for cross-examination. In his cross-examination he has deposed that he had also met the predecessor of the DGO by name Sri Channigarayappa for payment of the amount. He has deposed that the DGO did not talk with him directly about the bribe amount and Sri Javeed Shariff did the talk with him in that



respect on behalf of DGO, which cannot be given much weight for the simple reason that in his examination in chief he has clearly deposed that the DGO himself demanded the bribe amount and the same is stated in the complaint also. In his cross-examination he has deposed that when he met the DGO in his chambers on that day himself and the DGO were only present in the chambers which is also contrary to the trap panchanama and his examination in chief. As stated above PW1 has been cross-examined after more than three years and it has to be said that only with an intention to help the DGO PW1 has given the above said evidence in his cross-examination at the instance of the DGO only.

17. PW2 is the above said Sri Muddegowda, and he has deposed that in the year 2004 he was working as Stenographer in Forest Department, Mangalore. He has deposed that on 05/04/2004 he had been to the Lokayukta police station and one Sri Bharath kumar was also present in the Lokayukta police station as another pancha witness. He has deposed that he was told about the complaint given by PW1 and PW1 produced 20 notes of the denomination of Rs. 500/- and also produced the cover. He has deposed that phenolphthalein powder was smeared not only to the currency notes, but also to the cover. The entrustment mahazar also shows that the DGO had received the amount of Rs. 6,000/- in cover only and hence the amount of Rs. 10,000/- was also kept in the cover and that cover was entrusted to PW1. PW2 has further deposed that the hands of the Sri Bharath kumar were washed in the solution and that solution turned to little

purple colour. He has deposed that Ex.P2 is the copy of the entrustment mahazar.

18. He has deposed that on that day itself after Ex.P2 himself and PW1 went in the motor cycle of PW1 to the office of the DGO and Sri Bharath kumar and the police followed them in the police jeep. He has deposed that the vehicles were stopped at a little distance from the office of the DGO and himself and PW1 went inside the office of the DGO. He has deposed that the DGO was in his chambers and PW1 enquired about his work and the DGO told that the cheque has to come from Bangalore and asked PW1 about the money and PW1 told that he has brought the money and DGO told PW1 to give the amount to his assistant Sri Javeed Shariff and accordingly PW1 gave the tainted notes which were in the cover to PW2 along with cover. He has deposed that Sri Javeed Shariff asked PW1 to give drop to him to Lady Hill Circle in the motor cycle of PW1. He has deposed that afterwards the police came there and PW1 showed the DGO and also Sri Javeed Shariff and told what happened as stated above. He has deposed that the hands of Sri Javeed Shariff were washed in the solution separately and the solution in respect of the right hand turned to little purple colour where as the solution of left hand wash turned to ash colour. He has deposed that Sri Javeed Shariff produced the notes and those notes tallied with the notes noted in the entrustment mahazar. He has deposed that Ex.P3 and P4 are the copies of the statements given by the DGO and Sri Javeed Shariff respectively and the copy of the trap mahazar is at Ex.P7.

19. In his cross-examination he has deposed that Ex.D1 is the copy of the sketch and he was standing in the place marked as per Ex.D1(a) at the time of the incident. In the written argument of the DGO it is contended that as per sketch Ex.D1, PW2 had not gone inside the chambers of the DGO and as per Ex.D1 he was standing outside the chamber of the DGO and hence the evidence of PW2 stated above given in his examination in chief cannot be believed. In Ex.D1 it is shown that PW2 was standing just outside the door of the chamber of the DGO and distance between the place PW2 was standing and the complainant was only 10 feet. There is no evidence to the effect that the door of the room of the DGO was closed at the time of the incident of this case. Hence, the above said arguments of the learned counsel for the DGO cannot be given much weight. In his cross-examination PW2 has clearly deposed that he has seen PW1 talking with the DGO and at the instance of DGO, PW1 giving the amount to Sri Javeed Shariff. Thus PW2 who is the shadow witness has clearly supported the case of the disciplinary authority and there is no reason to discard his evidence.

20. PW3 is Sri Bharath Kumar, another pancha witness and in his examination in chief he has deposed about entrustment mahazar-Ex.P2 and his evidence in that respect is according to Ex.P2. He has deposed that on that day itself after entrustment mahazar PW1 and PW2 went in the motor cycle to the office of the DGO and himself and the police followed that motor cycle in the police jeep. He has deposed that the vehicles were stopped at a little distance from the office of the DGO and PW1 and PW2 went inside the office of the DGO. He

has deposed that after some time PW1 was coming along with Sri Javeed Shariff and PW1 gave the signal and PW1 also told that Sri Javeed Shariff took the amount from him and police caught hold of Sri Javeed Shariff and took him inside the office of the DGO. He has deposed that the hands of Sri Javeed Shariff only was washed in the solution and the solution in respect of the right hand wash turned to purple colour but the solution in respect of the left hand wash turned to ash colour. He has deposed that Sri Javeed Shariff produced the amount which he had received from PW1 and those notes were the same notes mentioned in the entrustment mahazar. He has deposed that PW1 told that as per the instructions of the DGO he paid the amount to the Sri Javeed Shariff. He has deposed that Ex.P7 is the copy of the trap mahazar. PW3 was examined in chief on 13/04/2012, but he has been cross-examined by recalling him on 15/05/2015. In his cross-examination he has given evidence contrary to his examination in chief and hence the learned presenting officer has treated PW3 as hostile witness and cross-examined him and in his cross-examination by the learned Presenting Officer he admits the case of the disciplinary authority. In his cross-examination by the learned counsel for the DGO he has deposed that opposite to the office of the DGO there is a Titan show-room and near the Titan show-room the DGO and Sri Javeed Shariff came and PW1 told the Lokayukta police that he has given the amount to Sri Javeed Shariff and at that time Sri Javeed Shariff threw one cover and police took that cover and caught hold of Sri Javeed Shariff.

21. PW4 is the police inspector by name Sri D. Ashok. He has deposed that from 20/11/2002 to 26/06/2006 he was working as Police Inspector, Karnataka Lokayukta, Mangalore district. He has deposed that on 02/04/2004, PW1 came to Lokayukta police station and complained that the DGO is demanding bribe amount of Rs. 10,000/- for releasing the amount of Rs. 1,10,000/-. He has deposed that he gave a tape-recorder to the PW1 and asked him to record the conversation. He has deposed that on 05/04/2004 PW1 came to the Lokayukta police station and told him that he has recorded the conversation and also gave the typed complaint, the copy of which is at Ex.P1. He has deposed that on the basis of the Ex.P1, he registered the case, send the FIR to the court. He has deposed that he secured two panchas and they reported before him at 2.15 p.m. on that day itself and he has deposed about the contents of the entrustment mahazar, the copy of which is at Ex.P2. He has deposed that afterwards they left the Lokayukta police station and went to the office of the DGO and PW1 and PW2 were sent to the office of the DGO and himself and his staff and PW3 were waiting outside the office of the DGO. He has deposed that at about 4.20 p.m. PW1 made a call to his mobile and informed that the DGO has received the bribe amount through his assistant. He has deposed that immediately himself, his staff and PW3 went towards the office of the DGO and by that time PW1 and another person were coming out of the office of the DGO and PW1 told him that the other person going in front of him is Sri Javeed Shariff and he has received the amount on the instructions of the DGO. He has deposed that he stopped the above said person and took him inside the office of the DGO.

He has deposed about the hand wash of Sri Javeed Shariff and recovery of the cover from his pant pocket containing the amount of Rs. 10,000/-. He has deposed that even the pant wash of the DGO was positive. He has also deposed in detail about the contents of the trap mahazar. He has deposed that apart from seizing the document the copy of which is at Ex.P6 he also seized the other documents pertaining to the file of PW1 and the copies of the same are at Ex.P10. He has deposed that Ex.D1 is the copy of the sketch prepared by him in respect of the scene of occurrence. He has deposed that he had sent the seized articles to the FSL for chemical examination and got the report and the copy of the same is at Ex.P11. Ex.P11 shows that the left hand wash of the Sri Javeed shariff was not positive in respect of phenolphthalein where as the right hand wash of Sri Javeed Shariff was positive in that respect. According to Ex.P11 the cover containing the amount had phenolphthalein powder also. According to the Ex.P11 even the pant wash of the DGO was positive for phenolphthalein. In his cross-examination he has deposed that he obtained the documents pertaining to PW1 from one Sri Shivappa, the staff of the office of the DGO. Nothing is made out in the cross-examination of PW4 to discard his evidence.

22. As stated above Ex.P3 is the copy of the statement of the DGO and in the same it is only stated that he came to know that the police have seized the amount from Sri Javeed Shariff near the office of the DGO but he has nothing to do with the same. In Ex.P4 it is stated that Sri Javeed Shairff was working as attender (daily wager) in the office of the DGO from the last

three months and on 02/04/2004 PW1 had come to the office to meet the DGO. But the DGO was on tour. In the same it is further stated that on 05/04/2004 at 4.15 p.m. near Titan Watch Centre the cover was given to him and he thought that it contains the office paper. But suddenly the jeep came and he threw the cover near the dustbin.

23. DGO who is examined as DW1 has deposed that he had send the file to the Head Office, Bangalore for issue of cheque for PW1. He has deposed that the letter correspondence was also done in that respect and copies of the same are at Ex.D2 to D5. He has deposed that as per Ex.D5 the cheque has been sent on 01/04/2004 but it had not been received in the office of the DGO. Thus he has deposed that he had not at all received the cheque from Bangalore office and hence he was not able to give the cheque to PW1. He has deposed that on 30/06/2004 another letter is written from Bangalore as to why there was delay in sending the cheque and it is at Ex.D6. In Ex.D6 it is mentioned that on 02/04/2004 the cheque was not sent through registered post and 03/04/2004 was Mahaveer Jayanthi and 04/04/2004 was Sunday and hence the cheque was dispatched on 05/04/2004 through RPAD. It is pertinent to note that the matter in dispute is only regarding the demand and acceptance of the bribe amount and not the question whether the office of the DGO had received the cheque from Bangalore office or not. In case the cheque had not been received from the Bangalore office the DGO could have told the same to the PW1. But as stated above PW1 has clearly deposed that the DGO demanded bribe amount for

issuing the cheque and received the same also through his assistant.

24. DW1 has deposed that the criminal case had been filed against himself and Sri Javeed Shariff in Special C.C. No. 24/2005 before the III Addl. District and Sessions Judge and special court for trial of cases relating to Prevention of Corruption Act, Mangaluru and in that case both of them have been acquitted and the certified copy of the said judgment is at Ex.D7. It is well established principle of law that, in the criminal case the prosecution has to prove its case beyond all reasonable doubt. Where as in the departmental enquiry the evidence has to be scrutinised on the basis of the preponderance of probabilities. In the decision reported in 1997(2) SCC 699 in case of Depot Manager, APSRTC V/S Mohammed Yosuf Miya and others, (2005)7 SCC 764 between Ajit Kumar Nag v/s General manager (P) Indian Oil Corporation Limited, Haldia and others and recent decision of Hon'ble Supreme Court in (2012)13 Supreme Court Cases 142 in a case of Avinash Sadashiv Bhosale (dead) V/S Union of India and others made out very clear that, the purpose of departmental enquiry and the prosecution are too different and distinct aspect though the two proceedings relates to the same set of facts. The nature of evidence in criminal case is entirely different from the departmental proceedings and in a criminal case the prosecution is required to prove the guilt of the accused beyond all reasonable doubt on the touch-stone of human conduct and where as the evidence required in a departmental enquiry is not regulated by the Evidence Act. Therefore,



misconduct of the DGO required to be taken into consideration on the basis of preponderance of probabilities and merely the DGO has been acquitted in the criminal case by the judgment on the file of III Addl. District and Sessions Judge and Special Court for trial of cases relating to Prevention of Corruption Act, Mangaluru, by itself is not sufficient to overlook the evidence placed on record in this enquiry by the Disciplinary Authority.

25. As stated above PW1 and PW2 have clearly given the evidence in support of the case of the disciplinary authority. PW3 in his cross-examination by the presenting officer also supported the case of the disciplinary authority. Even PW4 who is the I.O. has also given his evidence which supports the case of the disciplinary authority. There is absolutely no reason as to why PW1 to PW4 have deposed falsely against the DGO and there are no reasons to discard their evidence. The facts and circumstances of this case stated above clearly supports the case of the disciplinary authority that the DGO demanded the bribe amount of Rs. 10,000/- and accepted the same through his assistant Sri Javeed Shariff as stated above. As stated above it is also not in dispute that the work of PW1 was still pending as on the date of the trap.

26. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of a Government Servant. Hence, I answer this point in the **AFFIRMATIVE.**

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

**:: ORDER ::**

*The Disciplinary Authority has satisfactorily proved the charge in this case that, DGO-Sri Chikka Madegowda, District Manager, D. Devaraja Urs Backward Classes, Development Corporation, Dakshina Kannada (now retired) committed misconduct as enumerated U/R 3(1) (i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.*

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

Dated this the 21<sup>st</sup> day of July, 2018

-Sd/-

(Somaraju)

Additional Registrar Enquiries-4,  
Karnataka Lokayukta,  
Bangalore.

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

- PW-1 :Sri M. Chandrashekhar (complainant)  
PW-2:Sri Muddegowda (shadow witness)  
PW-3:Sri Bharath Kumar (another pancha)  
PW-4:Sri D. Ashok (I.O.)

**LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:**

- DW-1:Sri Chikkamadegowda (DGO)

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

- Ex.P-1: Certified copy of the complaint  
Ex.P-2:Certified copy of the entrustment mahazar  
Ex.P-3: Certified copy of the explanation of DGO  
Ex.P-4: Certified copy of the statement of Sri Javeed Shariff  
Ex.P-5: Certified copy of the muster roll for the month of April 2004

- Ex.P-6: Certified copy of the resolution passed by Karnataka Back Ward Classes Development Corporation
- Ex.P-7: Certified copy of the Trap Mahazar
- Ex.P-8: Certified copy of the letter of District Manager, dated: 10/10/2002
- Ex.P-9: Certified copy of the list of the candidates who are eligible for the computer training with certified copy of the enclosures
- Ex.P-10: Certified copy of the file of the complainant
- Ex.P-11: Certified copy of the chemical examination report
- LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**
- Ex.D1- Xerox copy of the sketch
- Ex.D1(a): Relevant entry in Ex.D1
- Ex.D2- Xerox copy of the letter of District Manager, Mangalore dated: 17/02/2004 addressed to Managing Director, Karnataka Backward Class Development Corporation Limited, Bangalore
- Ex.D3- Xerox copy of the letter of District Manager, Mangalore dated: 09/03/2004 addressed to Managing Director, Karnataka Backward Class Development Corporation Limited, Bangalore
- Ex.D4- Xerox copy of the letter of District Manager, Mangalore, dated: 26/03/2004, addressed to Managing Director, Karnataka Backward Class Development Corporation Limited, Bangalore
- Ex.D5- Xerox copy of the letter of District Manager, Bangalore dated: 01/04/2004 addressed to District Manager, Karnataka Backward Class Development Corporation Limited, Dakshina Kannada
- Ex.D6- Xerox copy of the letter of District Manager, Bangalore dated: 30/06/2004, addressed to Managing Director, Karnataka Backward Class Development Corporation Limited, Mangalore
- Ex.D7- Certified copy of the judgment passed in Special Case No. 24/2005

Dated this the 21<sup>st</sup> day of July, 2018

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

