

KARNATAKA LOKAYUKTA

No.Uplok-2/ DE/461/2015/ARE-13

M.S. Building,
Dr. B.R.Ambedkar Road,
Bangalore-56001
Date: 10/10/2018**:: ENQUIRY REPORT ::****Sub:-** Departmental Enquiry against,
Sri. K.T.Karisiddaiah, Executive Engineer (E),
MESCOM, Kadur Division, Chickmagalur
District. (Now retired).**Ref : 1)** Report u/s 12(3) of the K.L Act, 1984 in
Compt/Uplok/Mys-232/2015/DRE-1,
Dtd.16.09.2015.**2)** Govt Order No. ಕವಿಪ್ರನಿ/ಃ21/39722/
2013-14 dated :22/09/2015.**3)** Order No.Uplok-2/DE/461/2015,
Bangalore, Dated :24/09/2015 of
the Hon'ble Upalokayukta-2.

1. This Departmental Enquiry is directed against Sri.K.T. Karisiddaiah, Executive Engineer(E), MESCOM, Kadur Division, Chickmagalur District (Now retired) (herein after referred to as the Delinquent Government Official in short "DGO" respectively).
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 : 24/09/2015 cited above at reference-3, nominated Additional Registrar of Enquiries-8 of the office of the Karnataka Lokayukta as the Enquiry Officer to frame charges and to conduct Enquiry against the aforesaid DGO. Additional Registrar Enquires-8 prepared Articles of Charges, Statement of Imputations of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGOs calling upon them to appear before this Authority and to submit written statement of their defence.

As per order of Hon'ble UPLOK-1 & 2/DE/Tranfers/2018 Dated 06/08/2018 this enquiry file was transferred from ARE-4 to ARE-13.

4. The Article of Charges framed by ARE-8 against the DGO is as below:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ -1

5. ಆ.ಸ.ನೌ ಶ್ರೀ.ಕೆ.ಟಿ. ಕರಿಸಿದ್ದಯ್ಯ, ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ (ವಿ), ಮೆಸ್ಕಾಂ, ಕಡೂರು ವಿಭಾಗ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ (ಬೃಹತ್ ಕಾಮಗಾರಿ ವಿಭಾಗ, ಕವಿಪ್ರನಿನಿ, ಚಿಕ್ಕಮಗಳೂರು) (ಪ್ರಸ್ತುತ ಮೇಜರ್ ಹೌಸ್, ಕವಿಪ್ರನಿನಿ, ಶಿವಮೊಗ್ಗ) ಆದ ನಿಮ್ಮ ಮೇಲೆ ಈ ಕೆಳಕಂಡ ಆಪಾದನೆಗಳನ್ನು ಮಾಡಲಾಗಿದೆ.

ಎ) ದೂರುದಾರರು ದಿನಾಂಕ 13/01/2014 ರಂದು ಬೆಳಿಗ್ಗೆ 10.40 ಗಂಟೆಗೆ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಮೆಸ್ಕಾಂ, ಕಡೂರು ರವರಿಂದ ಸಾಮಗ್ರಿಗಳ ಇಂಡೆಂಟ್‌ನ್ನು

ಪಡೆದುಕೊಂಡು, ನಿಮ್ಮ ಬಳಿ ಬಂದು ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದ್ದು, ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕೈಯ ಮೂರು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.3,000/-ಗಳನ್ನು ಕೊಡುವಂತೆ ಸಂಜ್ಞೆ ಮಾಡಿ ದೂರುದಾರರಿಂದ ರೂ.3,000/-ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ನಂತರ ದೂರುದಾರರು ಕಡೂರು ಮೆಸ್ಕಾಂ ಕಚೇರಿಯಿಂದ ಸಾಮಗ್ರಿಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಕೆಲಸ ಮಾಡಿಸಿರುತ್ತಾರೆ.

ಬಿ) ದಿನಾಂಕ 22/2/2014 ರಂದು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಕಡೂರು ರವರಿಂದ 25 ಕೆ.ವಿ ಹೆಚ್ಚುವರಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ನ್ನು ಪಡೆದು, ಒಂದೆರಡು ದಿನಗಳ ನಂತರ ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಬೇಟಿಯಾಗಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಲು ಕೇಳಿದ್ದು, ನೀವು - ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೈ ಸಂಜ್ಞೆ ಮೂಲಕ ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ ರೂ.2,000/- ಗಳ ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿರುತ್ತೀರಿ.

ಸಿ) ದಿನಾಂಕ 11/03/2014 ರ ಬೆಳಿಗ್ಗೆ 10.45 ಗಂಟೆಗೆ ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಬೇಟಿಯಾಗಿ ಅಡಿಷನಲ್ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಬಗ್ಗೆ ಕೇಳಿದ್ದು, ಆಗ ನೀವು-ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಬಲಗೈನ ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.2,000/- ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೀರಿ.

ಆದಕಾರಣ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು, ನಿಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ 1966 ರ 3(1) (ii) ಮತ್ತು (iii) ರಲ್ಲಿ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

(ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಆಫ್ ಇಂಪ್ರೂಟೀಷನ್ ಆಫ್ ಮಿಸ್ ಕಾಂಡೆಕ್ಟ್)

6. ಶ್ರೀ.ಎ.ಜೆ. ಫೈಜ್ ಅಹಮದ್ ಬನ್ ಎನ್. ಮಹಮ್ಮದ್ ಜಾಫರ್, ಕೆ.ಹೆಚ್. ಮುದಿಯಪ್ಪ ಬಡಾವಣೆ, ಕಡೂರು ತಾಲ್ಲೂಕು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ ಫಿಯಾದಿಯೆಂದು ಸಂಭೋದಿಸಲಾಗುವ) ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮತ್ತು ಇತರರ ವಿರುದ್ಧ ಈ ಸಂಸ್ಥೆಯಲ್ಲಿ ದೂರುಗಳನ್ನು ದಾಖಲಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಮತ್ತು ಇತರ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಂಡು ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತಾರೆಂದು ಆಪಾದಿಸಿದ್ದಾರೆ.

7. ದೂರಿನ ಸಂಕ್ಷಿಪ್ತ ಸಾರಾಂಶ:-

ಎ) ದೂರುದಾರರು ಪರವಾನಗಿ ಹೊಂದಿದ ಎಲೆಕ್ಟ್ರಿಕಲ್ ಕಂಪ್ರಾಕ್ಟರ್ ಆಗಿರುತ್ತಾರೆ. ಕಡೂರು ತಾಲ್ಲೂಕು, ಯಳ್ಳಂಬಳಸೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ ವ್ಯಾಪ್ತಿಯ ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ಗ್ರಾಮದ ಶ್ರೀ. ಬದ್ರಿ ಬಸಪ್ಪ ರವರ ತೋಟದಲ್ಲ 25 ಕೆ.ವಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇದ್ದು, ಅದು ಓವರ್ ಲೋಡ್ ಆಗಿದ್ದು, ಅದಕ್ಕೆ ಹೆಚ್ಚುವರಿಯಾಗಿ 25 ಕೆ.ವಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಆಳವಡಿಸಲು ನಂ.ಎಂ.485/31-12-13 ರಂತೆ ಕಡೂರು ಮೆಸ್ಕಾಂ ಕಚೇರಿಯಿಂದ ಆದೇಶವಾಗಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಯ ಕೂಲಿಕಾರರ ಕೆಲಸ ಮಾಡಲು ಲೇಬರ್ ಗುತ್ತಿಗೆಯನ್ನು ದೂರುದಾರರಿಗೆ ಕೊಟ್ಟು ದಿ:10/1/2014 ರಂದು ಅನುಮತಿ ಪತ್ರವನ್ನು ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಪಾಲನೆ ಮತ್ತು ನಿರ್ವಹಣೆ, ಮೆಸ್ಕಾಂ, ಕಡೂರು ರವರು ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ಬಿ) ದೂರುದಾರರು ದಿ: 13/1/2014 ರಂದು ಬೆಳಿಗ್ಗೆ 10.40 ಗಂಟೆಗೆ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಮೆಸ್ಕಾಂ, ಕಡೂರು ರವರಿಂದ ಸಾಮಗ್ರಿಗಳ ಇಂಡೆಂಟ್‌ನ್ನು ಪಡೆದುಕೊಂಡು, ಆ.ಸ.ನೌ ರವರ ಬಳಿ ಬಂದು ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದ್ದು, ಆ.ಸ.ನೌ ರವರು ತಮ್ಮ ಕೈಯ ಮೂರು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.3,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಸಂಜ್ಞೆ ಮಾಡಿ ದೂರುದಾರರಿಂದ ರೂ.3,000/-ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ನಂತರ ದೂರುದಾರರು ಕಡೂರು ಮೆಸ್ಕಾಂ ಕಚೇರಿಯಿಂದ ಸಾಮಗ್ರಿಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಕೆಲಸ ಮಾಡಿಸಿರುತ್ತಾರೆ.

ಸಿ) ದಿ: 22/2/2014 ರಂದು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಕಡೂರು ರವರಿಂದ 25 ಕೆ.ವಿ ಹೆಚ್ಚುವರಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ನ್ನು ಪಡೆದು, ಒಂದೆರಡು ದಿನಗಳ ನಂತರ ದೂರುದಾರರು ಆ.ಸ.ನೌ ರವರನ್ನು ಭೇಟಿಯಾಗಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಲು ಕೇಳಿದ್ದು, ಆ.ಸ.ನೌ ರವರು ಕೈ ಸಂಜ್ಞೆ ಮೂಲಕ ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ ರೂ.2,000/-ಗಳ ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿರುತ್ತಾರೆ. ಆ ಸಮಯದಲ್ಲ ನಡೆದ ಸಂಭಾಷಣೆಯು ದೂರುದಾರರ ಮೊಬೈಲ್ ಫೋನಿನಲ್ಲ ರೆಕಾರ್ಡ್ ಆಗಿರುತ್ತದೆ.

ಡಿ) ಲಂಚದ ಹಣ ಕೊಡಲು ಇಷ್ಟವಿಲ್ಲವೇ ಇದ್ದುದರಿಂದ, ದೂರುದಾರರು, ದಿ.11/03/2014 ರಂದು ಚಿಕ್ಕಮಗಳೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಗೆ ಹಾಜರಾಗಿ, ತನಿಖಾಧಿಕಾರಿಯ ಮುಂದೆ ಅಖತ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಅದರಂತೆ ಸದರಿ ಪೊಲೀಸ್ ಠಾಣೆಯಲ್ಲ ಮೊ.ಸಂ.01/2014 ರಂತೆ, ಪಿ.ಸಿ ಕಾಯಿದೆ ಕಲಂ 7,13(1)(ಡಿ) ಸಹ ಕಲಂ 13(2) ರಡಿಯಲ್ಲ ದೂರುದಾರರ ವಿರುದ್ಧ ಪ್ರ.ವ.ವರದಿ ದಾಖಲಾಗಿರುತ್ತದೆ.

ಇ) ಅದೇ ದಿನ 10.45 ಗಂಟೆಗೆ ದೂರುದಾರರು ಆ.ಸ.ನೌ ರವರನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾಗಿ ಅಡಿಷನಲ್ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಬಗ್ಗೆ ಕೇಳಿದ್ದು, ಆಗ ಆ.ಸ.ನೌ ರವರು ತಮ್ಮ ಬಲಗೈನ ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.2,000/- ಲಂಚದ ಹಣವನ್ನು ನೆರಳು ಸಾಕ್ಷಿ ಶ್ರೀ.ಸಿ.ಪಿ. ಕೃಷ್ಣೇಗೌಡ ರವರ ಸಮಕ್ಷಮ ಪಡೆದುಕೊಂಡಿದ್ದಾರೆ.

ಎಫ್) ಅದೇ ದಿವಸ ಸದರಿ ಲಂಚದ ಹಣ ರೂ.2,000/- ಗಳನ್ನು ಆ.ಸ.ನೌ ರವರಿಂದ ಪಂಚನಾಮೆ ಮೂಲಕ ತನಿಖಾಧಿಕಾರಿ ವಶಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

ಜ) ತನಿಖಾಧಿಕಾರಿಯು ಆ.ಸ.ನೌ ರವರನ್ನು ಅದೇ ಕಾರಣಕ್ಕಾಗಿ ದಸ್ತಗಿರಿ ಮಾಡಿರುತ್ತಾರೆ.

ಹೆಚ್) ಸದರಿ ಹಣದ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯು ಆ.ಸ.ನೌ ರವರನ್ನು ವಿಚಾರಿಸಿದಾಗ ಸರಿಯಾದ, ತೃಪ್ತಿದಾಯಕವಾದ ಉತ್ತರ ಅಥವಾ ವಿವರಣೆ ಅಥವಾ ಲೆಕ್ಕ ನೀಡಿರುವುದಿಲ್ಲ.

ಐ) ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು, ದೂರು ಅರ್ಜಿ ಹಾಗೂ ತನಿಖಾಧಿಕಾರಿ ಸಂಗ್ರಹಿಸಿದ ದಾಖಲೆ ಮತ್ತು ಇತರ ಅಂಶಗಳು ಆ.ಸ.ನೌ ರವರ ಸತತವಾದ ದುರ್ನಡತೆಯನ್ನು ತೋರಿಸುತ್ತದೆ.

8. ಆರೋಪ ಪಟ್ಟಿಯಲ್ಲಿ ಕಾಣಿಸಿರುವ ಸಂಗ್ರಹವಾದ ಆಧಾರಗಳಿಂದಾಗಿ, 'ಆ.ಸ.ನೌ' ರವರು ಅಧಿಕಾರ ಒಲವು ತೋರಲು ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯ ಮಾಡಿ, ಸ್ವೀಕರಿಸಿದ್ದು, ಮೇಲ್ನೋಟಕ್ಕೆ 'ಆ.ಸ.ನೌ' ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸುವ ಸಂಬಂಧ ಮುಂದುವರಿಯುವುದು ಅಗತ್ಯ ಎಂದು ಕಂಡುಬಂದಿದ್ದು, 'ಆ.ಸ.ನೌ' ರವರು ಸರ್ಕಾರಿ ನೌಕರರಾಗಿ ತಮ್ಮ ಕರ್ತವ್ಯ ಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯ ನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ ಮತ್ತು ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿರುವುದು ವೇದ್ಯವಾಗುತ್ತದೆ.

9. ನಂತರ, ಆ.ಸ.ನೌ ರವರಿಗೆ ವೀಕ್ಷಣಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಅವರ ದುರ್ನಡತೆಯ ಬಗ್ಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳುವ ಸಂಬಂಧ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಏಕೆ ಶಿಫಾರಸ್ಸು ವರದಿ ಕಳುಹಿಸಬಾರದು? ಎಂಬ ಬಗ್ಗೆ ಕಾರಣಗಳನ್ನು ಕೇಳಲಾಯಿತು. 'ಆ.ಸ.ನೌ' ರವರು ತನಿಖಾ ವರದಿಯಲ್ಲಿ ಕಾಣಿಸಿದ ಸಂಗತಿಗಳನ್ನು ನಿರಾಕರಿಸಿ, ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳಿಗಾಗಿ ತಮ್ಮ ವಿರುದ್ಧದ ತನಿಖೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬೇಕೆಂದು ಕೋರಿದ್ದಾರೆ. ಆದರೆ, ಆ.ಸ.ನೌ ರವರು ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ನೀಡಿರುವ ಕಾರಣಗಳು ಸೂಕ್ತ ಅಥವಾ ಸಮಧಾನಕರವಾಗಿರುವುದಿಲ್ಲ.

10. ಆದುದರಿಂದ, ಮೇಲಿನ ಕಾರಣ ಹಾಗೂ ಕಡತದಲ್ಲನ ಆಧಾರಗಳಿಂದ, 'ಆ.ಸ.ನೌ' ರವರು ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವೆ(ನಡತೆ) ನಿಯಮ 1966 ರ, ನಿಯಮಗಳು 3(1)(ii) ಮತ್ತು (iii) ರಲ್ಲಿ ಹೇಳಿದಂತೆ ದುರ್ನಡತೆ/ದುವರ್ತನೆಯಿಂದ ವರ್ತಿಸಿ ಶಿಸ್ತು ಕ್ರಮಕ್ಕೆ ಬಾಧ್ಯರಾಗಿದ್ದಾರೆಂದು ಕಂಡು ಬಂದಿದ್ದರಿಂದ, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆಯ ಕಲಂ 12 (3) ರಡಿಯಲ್ಲಿ ಪ್ರದತ್ತವಾದ ಅಧಿಕಾರದಡಿಯಲ್ಲಿ, ಈ ಮೂಲಕ 'ಆ.ಸ.ನೌ' ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ನಡವಳಿಕೆ ಹೂಡಲು ಮತ್ತು ಹಾಗೆಯೇ ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ(ವರ್ಗೀಕರಣ, ನಿರ್ಬಂಧ ಮತ್ತು ಮೇಲ್ಮನವಿ) ನಿಯಮಗಳು, 1957 ರ ನಿಯಮ 14-ಎ ರ ಅಡಿಯಲ್ಲಿ 'ಆ.ಸ.ನೌ' ರವರ ಇಲಾಖಾ ವಿಚಾರಣೆ ಮಾಡಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಒಪ್ಪಿಸುವಂತೆ, ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿ, ಶಿಸ್ತು ನಡವಳಿಕೆಯನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಹೂಡಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲು ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರಿಯಾದ ಸರ್ಕಾರ ಉಲ್ಲೇಖ ಒಂದರ ಆದೇಶದಲ್ಲ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ-2 ರವರಿಗೆ ವಹಿಸಿದ್ದು, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತ-2 ರವರು ಈ ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನು ವಿಚಾರಣೆ ನಡೆಸಲು ನೇಮಕ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಆಪಾದನೆ.

11. DGO appeared before this Enquiry Authority on 28/10/2015 and on 11/02/2016, his First Oral Statement was recorded U/Rule 11(9) of KCS (CC &A) Rules 1957. The DGO pleaded not guilty and claimed to hold an enquiry. (It appears through oversight the format used is of SOS. But the DGO has not pleaded guilty and claimed to hold an enquiry. In the real sense it is FOS and its shall be read as FOS). Subsequently the DGO filed his written statement of defence

12. The DGO has filed his written statement denying all the allegations made against him. He submits that, the departmental enquiry initiated against him. is bad in law and without any legal authority. The delinquent officer further submits that, the Upa Lokayukta has no powers to conduct departmental enquiry. The Lokayukta police have registered a false case only for the purpose of statistics. The delinquent government official has been made a scapegoat. The investigation officer has abused his position and

lodged a false complaint. The trap Mahazar shows that, there is no clinching evidence in favour of the prosecution. He further submits that, he has never demanded and accepted any illegal gratification to show official favour. The DGO further submits that no official work is pending of the complainant and he has not at all committed any misconduct. The DGO further submits that, he has not received any illegal gratification. The Trap conducted is in a very unusual manner and the DGO has not committed any misconduct and hence he submits that the proceedings may be dropped. He has denied the articles of charge and statement of imputations contending that, there is no such evidence to prove that he has accepted a bribe on demand so as to hold him guilty for misconduct U/Rule 3(1) of KCS (Conduct) Rules, 1966. Accordingly he has prayed to exonerate him from the charges framed in this case.

13. In order to substantiate the charge, the Disciplinary Authority examined in all three witnesses as PW1 to PW3 and got marked documents at Ex.P-1 to P-10 and closed the evidence. Even though sufficient opportunity was given, the DGO did not cross examine PW-1 to 3. Hence he was placed ex-parte. Since the DGO was treated as ex-parte, the SOS was dispensed with and defence evidence was taken was nil.

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

Whether the Disciplinary Authority has satisfactorily proved that DGO who was Executive Engineer, MESCOM, Kadur, District Chickmagalur demanded and accepted bribe amount of Rs.2000/- to sign the indent of Complainant in connection with installation of Additional transformer in the land of Sri.Badri Basappa of Chikkanayakanahalli, Yallambalase Grama Panchayath of Kadur Taluk and thereby failed to maintain absolute integrity and devotion to duty, which act is unbecoming of a Government Servant and thus committed misconduct as enumerated U/R 3(1)(i) to (iii) of Karnataka Civil Service (Conduct) Rules, 1966.

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

:: REASONS ::

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

The Complainant by name Sri.A.J.Fayaz Ahmed who is Electrical Contractor has approached Karnataka Lokayukta, Chickmagalur and lodged complaint that, DGO who was Executive Engineer of MESCOM, Kadur had demanded bribe of Rs.2,000/-

to sign the indent. The Complainant approached the Lokayukta Police and lodged the complaint on 11/03/2014.

17. The Complainant Sri A.J. Fayaz Ahmed has been examined as PW-1. He states that he is an Electrical Contractor at Kadur of Chickmagalur District. One Sri. Badri Basappa of Chikkanayakanalli had applied for Additional Transformer of 25 K.V. The Additional sanction was granted and the complainant states that, the labour contract for installing Additional 25 K.V transformer was given to him on 10/01/2014. Accordingly he went to the Assistant Executive Engineer, MESCOM, Kadur and obtained the indent. He approached the DGO to get his signature to the indent. At that time, the DGO demanded bribe amount of Rs.3,000/- by showing his 3 fingers. Accordingly he has paid the bribe and obtained the signature to indent. PW-1 further states that on 22/02/2014 he obtained additional indent. He approached the Delinquent Government Official for signature, the DGO again made a demand for bribe amount of Rs.2,000/-. The complainant states that he was not willing to pay bribe to the DGO and hence he approached the Lokayukta Police of Chickmagalur. PW-1 further states on 11/03/2014 he lodged a complaint as per Ex.P-1. The witness further states that Lokayukta Police summoned two witness and requested them to act as panchas.

18. The complainant/PW-1 has handed over the bribe amount of Rs.2,000/- i.e 4 notes of 500 denomination. The Complainant further states that Police conducted Entrustment Mahazar as per Exhibit P-2. The bait money was smeared with Phenolphthalein

Powder. The Sodium Carbonate solution was taken in a glass bowl. One of the staff of Lokayukta Police smeared the bait money with Phenolphthalein powder and kept them in the left shirt pocket of the complainant. The hands of the official was washed in sodium Carbonate solution. The colourless solution turned into pink colour. The Police poured the pink solution in an empty bottle and sealed it.

19. P.W 1 further states that, he along the panchas, I.O and his staff went to office of the DGO at about 9-45 A.M. The I.O told the complainant to go into the office of the DGO and pay the bribe amount only if demand is made by DGO. The shadow witness by name of Sri.Krishne Gowda, was asked to accompany the complainant. PW-1 further states that, he went in the chambers of DGO and introduced the shadow witness as his client. PW-1 requested the DGO to sign the indent. At that time the DGO by showing his two fingers demanded the bribe amount of Rs.2,000/-. PW-1 has paid the said amount. The DGO has received the said amount by his right hand and kept it in his vallet. PW-1 states that, he went outside and gave the signal to the I.O. The Investigation Officer came inside the chambers of DGO and introduced himself and asked the DGO to co-operate for investigation. The right hand of DGO was washed in Sodium Carbonate solution and it turned into the pink colour. It was poured in a bottle, sealed and seized. The I.O enquired the DGO about the bait money of the Rs. 2,000/-. The DGO removed the said amount and handed over it to the I.O. The I.O has seized the said amount and also the inner parts of his vallet was wiped with cotton and it was also dipped in the sodium

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carbonate solution. Due to the presence of Phenolphthalein powder, the said liquid also turned into the pink colour. PW-1 further states that the I.O conducted the Trap Mahazar as per Ex.P-5. The documents were also seized. The documents are as per Ex.P-3. The copies of the Photographs at the time of mahazars have been produced and the same are as per Ex.P-6.

20. PW-2 Sri. Krishne Gowda is a shadow witness and he has accompanied the complainant to the Office of DGO. He states that, he is working as a teacher in Government Junior College, Chickmagalur. On 11/03/2014 the Karnataka Lokayukta Police summoned him and Sri. Aslam Nouris to the office and requested them, to act as panchas. The Complainant was introduced to them and contents of Ex.P-1 complaint were explained to them. The mobile voice recording with regard to demand of bribe was also played. PW-2 further states that the complainant handed over the bait money of Rs.2,000/- i.e 4 notes of 500 denominations. The panchas noted down the serial numbers of the notes. The Police applied Phenolphthalein powder to the notes and the pancha Sri. Aslam Nouris counted the notes and kept them in the shirt pocket of the complainant. PW-2 further states that, the hands of Aslam Nouris were washed in the Sodium carbonate solution and it turned in to the pink colour. The police seized the said solution and sealed it in the bottle and drew the entrustment Mahazar as per Ex.P-2. He further states that, they left the Lokayukta Office at 10.30 A.M. and reached Kadur MESCOM Office. He states that, he along with the complainant went inside office of DGO and rest of the persons were waiting outside. The complainant handed over the files for

signature and the DGO demanded Rs.2,000/-. The complainant paid the said amount to the DGO. Thereafter signal was given to the I.O. The I.O came inside and introduced himself to the DGO. PW-2 has elaborately stated as to how the bait amount was seized and the trap mahazar was prepared as per Ex.P-5. He further states that, the hands of the DGO was washed in Sodium Carbonate Solution and the solution turned into the pink colour. The said solution was poured into a bottle and sealed.

21. The I.O Mr. Jayanand K, Police Inspector has been examined as PW-3. He states that the complainant approached him with the complaint on 11/03/2014 alleging that, the DGO had demanded bribe to sign the indent. He indentifies the complaint at Ex.P-1. The complainant who is an Electrical Contractor had approached the DGO in connection with installing additional 25 K.V. transformer in the land of one Badri basappa. PW-3 further states that, the complainant had already paid Rs.3,000/- as bribe at the initial stage. On 22/02/2014 the complainant had obtained the additional indent for materials from AEE. He approached the DGO who was the Executive Engineer for counter signature to the indent. At that time the DGO again demanded a bribe of Rs.2,000/-.

22. PW-3 further states that, he registered the case in Cr.No.1/2014 and submitted FIR to the court. On the same day he summoned two witness by name Sri. Krishne gowda and Aslam Nouris from the office of BEO. He has introduced the complainant to the panchas and appraised the witnesses about the complaint. PW-3 has demonstrated the procedure for entrustment mahazar.

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He has received Rs.2,000/- i.e 4 notes of Rs.500 denomination. The I.O has asked the panchas to note down the serial numbers of notes on a paper. He has applied Phenolphthalein Powder to the notes and demonstrated how the colourless sodium carbonate solution turns into pink colour. PW-3 states elaborately about the entrustment mahazar conducted by him as per Ex.P-2.

23. Pw-3 further states that, he along with the complainant and panchas and his staff went to the office of DGO i.e. MESCOM office of Kadur. He has instructed the complainant and shadow witness Krishne gowda to go into the chambers of DGO. He has specifically instructed the complainant that, the bait money shall be paid only on demand by the DGO. PW-3 further states that, after sometime he received signal from the complainant. He went inside and introduced himself to the DGO. PW-3 has narrated elaborately how he washed the hands of DGO in sodium carbonate solution and seized the bait money of Rs.2,000/- from the DGO. He has narrated the details of trap mahazar conducted by him as per Ex.p-5. He has identified his signature on the mahazar. He has identified the photographs at Ex.p-6 and the mahazar at Ex.p-7. PW-3 has recovered the documents pertaining to the indent of complainant, which are at Ex.p-3. The FIR is marked as Ex.P-10. The sample voice of DGO was recorded and a mahazar was prepared as per Ex.P-9.

24. The I.O has produced the copies of photographs which have been commonly marked as exhibit P6. There are totally 33 photographs, the original photographs have been produced to the

court for the criminal case and here the xerox copies of the photographs have been produced. On careful perusal of these photographs, it is observed that, right from the point of lodging the complaint by the complainant, the conducting of entrustment Mahazar and trap Mahazar has been photographed. The complainant, the Mahazar witnesses and the DGO while he was trapped are all seen in the photographs. These photographs further corroborate the entrustment and trap mahazars at Ex.P-2 and P-5 respectively.

25. The evidence of PW-1 to 3 has totally remained unchallenged. Even though the DGO had appeared and sufficient time was granted, he has failed to cross examine PW-1 to 3.

26. On careful appreciation of the oral and documentary evidence adduced by the disciplinary Authority, I am opinion that, the Disciplinary Authority has proved its case. First of all, the oral evidence of complainant/ PW-1 proves that, he is an Electrical Contractor and he was awarded the work to install additional 25 K.V transformer in the land of Badri basappa of chickkanayakahalli Taluk Kadur. Initially the DGO has taken a bribe of Rs.3,000/- . Again when the complainant approached the DGO for counter signature to the indent, the DGO has demanded bribe of Rs. 2,000/-. PW-1 has stated about lodging the complaint as per Ex.p-1 and he has deposed about the entrustment mahazar as per Ex.p-2. He has further deposed of having approached the DGO along with shadow witness PW-2 and paid the bribe amount on demand by the DGO. PW-1 has deposed about the trap mahazar as per Ex.p-5.

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27. The evidence of PW-1 complainant is corroborated by the evidence of shadow witness/PW-2 Krishna gowda. This witness has also stated consistently about the procedure and entrustment mahazar conducted by the I.O. He has accompanied the complainant to the office of DGO and specifically states that, the DGO demanded bribe and the complainant paid the bribe amount i.e bait money. PW-2 has elaborately deposed about the trap mahazar conducted by the I.O. He has stated that, the right hand of the DGO was washed in sodium carbonate solution and the solution turned into pink colour. He has stated about the Trap Mahazar as per Ex.P-5 and the seizer of solution in a bottle.

28. The Disciplinary Authority has to prove that the complainant who is a Electrical Contractor, was awarded the labour contract to install additional 25 K.V. transformer in the land of Badri basappa. In order to sign the indent, the DGO had demanded a bribe of Rs. 2,000/-. PW-1 has specifically stated that the labour contract was awarded on 10/01/2014. He approached the A.E.E, MESCOM, Kadur on 13/01/2014 and obtained the indent. Thereafter he went to the DGO for counter signature. At that time, the DGO has demanded bribe of Rs.3,000/-. The complainant has paid the bribe amount and he has executed the labour work. For additional indent he approached A.E.E on 22/02/2014 and obtained the Second indent. After 2 or 3 days when he approached the DGO, he again demanded the bribe of Rs. 2,000/-.

29. The complainant who is examined as PW-1 has reiterated the facts of having lodged the complaint. He has deposed about the

entrustment mahazar and Trap Mahazar conducted by the I.O. The complainant has specifically stated about the demand of bribe by the DGO. He has also narrated as to how the trap was laid and DGO was caught red handed.

30. The evidence of PW-1 is corroborated by the evidence of shadow witness i.e PW-2 Krishne gowda who has accompanied PW-1 to the office of DGO. This witness has specifically stated that, on 11/03/2014 when he along with complainant approached the DGO at about 11.00 A.M, the DGO demanded bribe of Rs.2,000/- to sign the indent. PW-2 has stated about the bribe paid by the complainant and also about the Trap Mahazar conducted by the I.O as per Ex.P-5. PW-1 and 2 have also deposed about the sodium carbonate solution turning into pink colour, when the hands of DGO were washed in the said solution.

31. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-3. He has narrated the entire procedure, right from the time of lodging the complaint, till execution of successful Trap. He has deposed about the entrustment mahazar and Trap Mahazar at Ex.P-2 and P.5 respectively. The I.O has specifically stated that, the bait money was recovered from the DGO, his hands were washed in sodium carbonate solution and the solution turning to pink colour due to the presence of Phenolphthalein powder. He has also deposed about the wiping of the inner parts of the valet of DGO, in which he had kept the bait money.

32. Now on careful perusal of the documents, the Disciplinary Authority has produced the indent and other work order related documents, which have been commonly marked as Ex.P3. On perusal of these documents, the Disciplinary Authority has proved that the labour contract for the work was allotted to the complainant and the certified copies of the indent show that materials were issued to execute the work. On careful perusal of Ex.P-3, it consists of 13 pages pertaining to the labour contract awarded to the complainant. By producing these documents the Disciplinary Authority has proved that the complainant was having a official work with the DGO and in order to sign the indent, the DGO had demanded bribe.

33. The shadow witness PW-2 has specifically stated about the bait money of Rs.2,000/- i.e 4 notes of Rs. 500 denominations produced by the complainant. The panchas have noted down the numbers and they have been mentioned in both the entrustment and trap mahazars. PW-1 to 3 have specifically stated that, the bait money recovered from the DGO was verified, and they were the same notes to which phenolphthalein powder was applied and the serial numbers were noted down. The same notes were received by the DGO and he had kept it in his valet. All the 3 witness have stated about washing the hands of DGO in sodium carbonate solution, which turned to pink colour, due to the presence of phenolphthalein powder. The evidence of PW-1 and 2 is further corroborated by the evidence of I.O PW-3 who has conducted the entrustment mahazar as per Ex.P-2 and trap mahazar as per Ex.P-3.

34. It is well settled proposition of law that, the standard of proof required in departmental enquiries is preponderance of probability. The disciplinary authority has to make out a case in which the preponderance of probability is towards the guilt of delinquent government employee. The standard of proof required in criminal cases is proof beyond reasonable doubt. However in departmental enquiries it will be sufficient if the preponderance of probability is towards the guilt of the DGO. On careful perusal of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that the disciplinary authority has proved that the complainant had official work of getting the indent signed by DGO. In order to sign that indent, i.e to do the official work, the DGO had demanded and accepted the bribe of Rs.2,000/-. The disciplinary authority has examined the complainant, the shadow witness and the investigation officer. On careful perusal of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that, the disciplinary authority has proved that the DGO in order to sign the indent, i.e in order to do his official work demanded a bribe of Rs.2,000/- from the complainant and he has accepted the same. The disciplinary authority has by cogent oral and documentary evidence proved that, the DGO has received the bribe amount and it was successfully recovered by laying a Trap.

35. On careful appreciation of the oral and documentary evidence adduced by the disciplinary authority, I am of the opinion that, the Disciplinary Authority has proved that the delinquent government

official demanded a bribe of rupees 2000 and he had accepted the said amount to sign the indent.

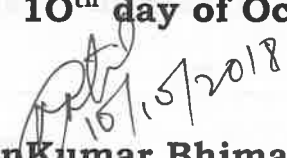
36. For the reasons stated above the DGO, being the Government/Public Servant has failed to maintain absolute integrity besides devotion to duty and acted in a manner unbecoming of Government servant. On appreciation of entire oral and documentary evidence I hold that the charge leveled against the DGO.,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

:: ORDER ::

The Disciplinary Authority has proved the charge against the DGO Sri.K.T. Karisiddaiah, Executive Engineer(E), MESCOM, Kadur, Chickmagalur District (Now retired).

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

Dated this the 10th day of October 2018


(Patil Mohan Kumar Bhimanagouda)

Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore

ANNEXURE

Witness examined on behalf of the Disciplinary Authority
PW-1: Sri.A.J. Fayaz Ahmad (Original)
PW-2: Sri. Krishne gowda C.P (Original)
PW-3: Sri.Jayananda K (Original)
Witness examined on behalf of the DGO Nil
Documents marked on behalf of the Disciplinary Authority
Ex. P-1: Written complaint dtd.,11/03/2014 (Certified copy).
Ex.P-2: Pre-trap Mahazar (Certified copy). Ex. P-2(a): Relevant entry in Ex.P-2
Ex. P-3: Complainants documents related to work order (13 pages)
Ex. P-4: DGO Statement
Ex. P-5: Trap Mahazar (Certified copy) Ex. P-5(a): Relevant entry in Ex.P-5
Ex.P-6: Photographs (11 pages) (Certified copy)
Ex.P-7: Photographs seizure mahazar Ex.P-7(a): Relevant entry in Ex.P-7
Ex.P-8: Sketch (Certified copy)
Ex.P-9: Voice sample Mahazar (Certified copy)
Ex.P-10: Certified copy of FIR in Cr.No.01/2014 Ex.P-10(a) Relevant entry in Ex.P-10
Documents marked on behalf of the DGO Nil

Dated this the 10th day of October 2018

(Patil Mohankumar Bhimanagouda)
Additional Registrar Enquiries-13
Karnataka Lokayukta
Bangalore



KARNATAKA LOKAYUKTA

No. UPLOK-2/DE/461/2015/ARE-13

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 15.10.2018

RECOMMENDATION

Sub:- Departmental inquiry against Shri K.T. Karisiddaiah, Pin No.10677, the then Executive Engineer (Ele.), MESCOM, Kadur Division, Chickmagalur District - reg.

- Ref:- 1) Order No. KPTCL/B21/39722/2013-14 dated 22.09.2015.
2) Nomination order No. UPLOK-2/DE/461/2015 dated 24.09.2015 of Upalokayukta-2, State of Karnataka.
3) Inquiry Report dated 10.10.2018 of Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru.

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The Director (Administration and Human Resources) Karnataka Power Transmission Corporation Limited, Bengaluru, by his Order dated 22.09.2015, initiated the disciplinary proceedings against Shri K.T. Karisiddaiah, Pin No.10677, the then Executive Engineer (Ele.), MESCOM, Kadur Division, Chickmagalur District [hereinafter referred to as Delinquent Board Employee, for short as 'DBE'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-2/DE/461/2015 dated 24.09.2015 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DBE for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. UPLOK-2/DE/2016 dated 03.08.2016, the Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to continue the departmental inquiry against DBE. Finally, by Order No. UPLOK-1&2/DE/Transfrers/2018, dated 06.08.2018, the Additional Registrar of Enquiries-13, Karnataka Lokayukta, Bengaluru was re-nominated as Inquiry Officer to continue the departmental inquiry against DBE.

3. The DBE - Shri K.T. Karisiddaiah, Pin No.10677, the then Executive Engineer (Ele.), MESCOM, Kadur Division, Chickmagalur District was tried for the following charge:-

“ಆ.ಸ.ನೌ ಶ್ರೀ ಕೆ.ಟಿ. ಕರಿಸಿದ್ದಯ್ಯ, ಕಾರ್ಯನಿರ್ವಾಹಕ ಇಂಜಿನಿಯರ್ (ಎ), ಮೆಸ್ಕಾಂ, ಕಡೂರು ವಿಭಾಗ, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ (ಬೃಹತ್ ಕಾಮಗಾರಿ ವಿಭಾಗ, ಕವಿಪ್ರನಿನಿ, ಚಿಕ್ಕಮಗಳೂರು (ಪ್ರಸ್ತುತ ಮೇಜರ್ ಹೌಸ್, ಕವಿಪ್ರನಿನಿ, ಶಿವಮೊಗ್ಗ) ಆದ ನಿಮ್ಮ ಮೇಲೆ ಈ ಕೆಳಕಂಡ ಆಪಾದನೆಗಳನ್ನು ಮಾಡಲಾಗಿದೆ:-

(ಎ) ದೂರುದಾರರು ದಿನಾಂಕ 13.01.2014ರಂದು ಬೆಳಿಗ್ಗೆ 10.40 ಗಂಟೆಗೆ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್, ಮೆಸ್ಕಾಂ, ಕಡೂರುರವರಿಂದ ಸಾಮಗ್ರಿಗಳ ಇಂಡೆಂಟನ್ನು ಪಡೆದುಕೊಂಡು, ನಿಮ್ಮ

ಬಳಿ ಬಂದು ಇಂಡೆಂಟ್‌ಗೆ ಸಹಿ ಮಾಡಿಕೊಡುವಂತೆ ಕೇಳಿದ್ದು, ನೀವು-  
ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಕೈಯ ಮೂರು ಬೆರಳುಗಳನ್ನು  
ತೋರಿಸಿ, ರೂ.3,000/-ಗಳನ್ನು ಕೊಡುವಂತೆ ಸಂಜ್ಞೆ ಮಾಡಿ  
ದೂರುದಾರರಿಂದ ರೂ.3,000/-ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಇಂಡೆಂಟ್‌ಗೆ  
ಸಹಿ ಮಾಡಿಕೊಟ್ಟಿದ್ದು, ನಂತರ ದೂರುದಾರರು ಕಡೂರು ಮೆಸ್ಕಾಂ  
ಕಚೇರಿಯಿಂದ ಸಾಮಗ್ರಿಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಕೆಲಸ ಮಾಡಿಸಿರುತ್ತಾರೆ.

(ಬಿ) ದಿನಾಂಕ 22.02.2014ರಂದು ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ  
ಇಂಜಿನಿಯರ್, ಕಡೂರುರವರಿಂದ 25 ಕೆ.ವಿ. ಹೆಚ್ಚುವರಿ  
ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ನ್ನು ಪಡೆದು, ಒಂದೆರಡು ದಿನಗಳ ನಂತರ  
ದೂರುದಾರರು ನಿಮ್ಮನ್ನು ಭೇಟಿಯಾಗಿ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಇಂಡೆಂಟ್‌ಗೆ  
ಸಹಿ ಮಾಡಲು ಕೇಳಿದ್ದು, ನೀವು - ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೈ  
ಸಂಜ್ಞೆ ಮೂಲಕ ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.2,000/-ಗಳ  
ಲಂಚದ ಹಣಕ್ಕೆ ಒತ್ತಾಯಿಸಿರುತ್ತೀರಿ.

(ಸಿ) ದಿನಾಂಕ 11.03.2014ರ ಬೆಳಿಗ್ಗೆ 10.45 ಗಂಟೆಗೆ ದೂರುದಾರರು  
ನಿಮ್ಮನ್ನು ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿಯಾಗಿ ಅಡಿಷನಲ್ ಟ್ರಾನ್ಸ್‌ಫಾರ್ಮರ್ ಬಗ್ಗೆ  
ಕೇಳಿದ್ದು, ಆಗ ನೀವು - ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಮ್ಮ ಬಲಗೈನ  
ಎರಡು ಬೆರಳುಗಳನ್ನು ತೋರಿಸಿ, ರೂ.2,000/- ಲಂಚದ ಹಣವನ್ನು  
ಪಡೆದುಕೊಂಡಿರುತ್ತೀರಿ.

ಆದಕಾರಣ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ಸರ್ಕಾರಿ ಸೇವಕರಾಗಿದ್ದು,  
ನಿಮ್ಮ ಕರ್ತವ್ಯಪಾಲನೆಯಲ್ಲಿ ಪರಿಪೂರ್ಣ ಕರ್ತವ್ಯನಿಷ್ಠೆಯನ್ನು ತೋರಿಸದೆ  
ಸಾರ್ವಜನಿಕ ಸೇವಕರಿಗೆ ತರವಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡಿದ್ದು, ನೀವು  
ಕರ್ನಾಟಕ ಸರ್ಕಾರಿ ಸೇವಾ (ಸದ್ವರ್ತನೆ) ನಿಯಮಾವಳಿ, 1966ರ ನಿಯಮ  
3(1)(ii) ಮತ್ತು (iii)ರಲ್ಲಿ ನಿಬಂಧನೆಯನ್ನು ಉಲ್ಲಂಘಿಸಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.”

4. The Inquiry Officer (Additional Registrar of Enquiries-13) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has '*proved*' the above charge against the DBE - Shri K.T. Karisiddaiah, Pin No.10677, the then Executive Engineer (Ele.), MESCOM, Kadur Division, Chickmagalur 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 DBE furnished by the Inquiry Officer, the DBE - Shri K.T. Karisiddaiah has retired from service on 30.09.2015.


7. Having regard to the nature of charge (demand and acceptance of bribe) '*proved*' against DBE - Shri K.T. Karisiddaiah, Pin No.10677, the then Executive Engineer (Ele.), MESCOM, Kadur Division, Chickmagalur District, it is hereby recommended to the Government to impose penalty of '*permanently withholding 50% of the pension payable to the DBE - Shri K.T. Karisiddaiah.*'

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



461/18

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 15/10  
Upalokayukta,  
State of Karnataka.

