

KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/56/2011/ARE-4

M.S. Building
Dr.B.R.Ambedkar Road
Bengaluru-560 001
Date: 08/03/2019

:: INQUIRY REPORT ::

Sub: Departmental Inquiry against,

- 1) Sri Kempegowda
Second Division Surveyor
Department of Survey Settlement
and Land Records
(the then Second Division
Surveyor, Taluk Office,
Srirangapatna Taluk
Mandya District) **(Now retired)**

Ref:

- 1) Report u/s 12(3) of the K.L
Act, 1984 in Compt/Uplok/
MYS/427/2010/DRE-4
Dated:25/03/2011
- 2) Government Order. No.ಕಂಇ 71
ಭೂದಾಸೇ (3) 2011, Bengaluru dated:
18/04/2011
- 2) Order No.LOK/INQ/14-
A/56/2011, Bengaluru
dated:29/04/2011
of the Hon'ble Upalokayukta

This Departmental Inquiry is directed against Sri Kempegowda, Second Division Surveyor, Department of Survey Settlement and Land Records (the then Second Division, Surveyor, Taluk Office, Srirangapatna Taluk,

Mandya District) **(Now retired)** (herein after referred to as the Delinquent Government Officials 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: 29/04/2011 cited above at reference-3, nominated Additional Registrar of Enquiries-4 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-4 prepared Articles of Charge, Statement of Imputations of misconduct, list of documents proposed to be relied and list of witnesses proposed to be examined in support of Article of Charges. Copies of same were issued to the DGO calling upon him to appear before this Authority and to submit written statement of his defence.

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

ANNEXURE NO.I
CHARGE

That, you Kempegowda the DGO while working as Second Division Surveyor, Srirangapatna Taluk and on 28/03/2008 demanded and accepted bribe of Rs. 1,500/- from the complainant namely Sri Lokesh s/o Siddaiah of Ganjam in Srirangapatna Taluk of Mandya District, to issue Tippani of land bearing sy.No. 81 and 82 measuirng 1.06 acres of Chennanayakanahalli village in

order to get change of khata in his name from the name of his father who had died four years back, failing to maintain absolute integrity and devotion to duty which act is unbecoming of a Government Servant and thereby committed misconduct as enumerated u/Rule 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT

The complainant namely Sri Lokesh s/o Siddaiah of Ganjam in Srirangapatna Taluk of Mandya District approached the DGO requesting to issue copy of Tippani of land bearing sy.No. 81 and 82 measuring 1.06 acres of land Channanayakanahalli in order to get khata changed to his name from the name of his father who had died about 4 years ago. Then, the DGO demanded bribe of Rs. 1,500/-. The complainant was not willing to pay the bribe. Therefore, on 28/03/2008, the complainant approached Lokayukta Police Inspector (herein after referred to as the Investigating officer, for short "the I.O.") and lodged a complaint. The I.O. registered the complaint Cr. No. 4/2008 for the offences u/sec. 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act and submitted FIR in the concerned court. On 28/03/2008 itself, the I.O. secured two pancha witnesses and conducted entrustment mahazar for entrustment of bribe amount to the complainant after applying phenolphthalein powder and followed pre-trap procedure required for that purpose. Thereafter I.O. along with complainant, the panchas and staff went near the office of the DGO namely Taluk office of Srirangapatna. Then, the complainant and shadow

witness approached the DGO in the said office. The complainant gave bribe and the DGO received the same asking him to bring further amount of Rs. 500/- Thereafter, on pre-arranged signal given by the complainant, the I.O. went and seized bribe amount from the possession of the DGO under mahazar after following post-trap formalities. I.O. recorded statement of DGO during the course of investigation. The I.O. recorded statements of complainant, panchas and other witnesses. The I.O. sent the articles seized in the course of pre-trap and post-trap formalities to the Chemical Examiner for examination. The report of Chemical Examiner was positive. The material collected by the I.O. during the course of investigation showed, prima facie, case against the DGO for receiving bribe for discharging his official duty as public servant, failing to maintain absolute integrity and devotion to duty. Therefore, a suo-moto investigation was taken up u/sec. 7(2) of Karnataka Lokayukta Act and observation note was sent to the DGO. The DGO submitted reply and same was not convincing. The material on record, prima facie, showed that the DGO failed to maintain absolute integrity and devotion to duty unbecoming of Government Servant. Therefore, a recommendation u/sec. 12(3) of the Karnataka Lokayukta Act was sent to the competent authority to initiate disciplinary proceedings. Accordingly, the competent authority initiated departmental proceedings and entrusted to Lokayukta authority u/Rule 14-A of CCA Rules, Hence, this charge.

5. DGO appeared before this Inquiry Authority on 23/06/2011 and 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.

6. DGO has filed his written statement as follows:

The DGO has filed his written statement categorically denying the charge and imputations made against him and he has also prayed for holding the trial. Hence, prays to exonerate him from the charges leveled against him in this case.

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 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, on behalf of the DGO DGO himself examined as DW1 and got marked documents Ex.D1 to D6 and closed his side 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 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 satisfactorily proved the charges 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 Second Division Surveyor, Srirangapattana on 28/03/2008 demanded and accepted the bribe of Rs. 1,500/- from the complainant by name Sri Lokesh s/o Siddaiah to issue Tipani copies of lands bearing sy.Nos. 81 and 82 of Channanayakanahalli village in order to get change of khatha in his name from the name of his father who died four years back and thereby the DGO has committed the misconduct.

11. The complainant has been examined as PW1 and the copy of the complaint lodged by him in the Lokayukta police station is at Ex.P2. The gist of Ex.P2 is to the effect that the father of the complainant has got 1.06 guntas of land in sy.Nos. 81 and 82 of Channanayakanahalli village and his father died about 4 years back. The khatha of the said land has not been changed and in that connection tippani copy of the above said sy.no. was required and PW1 applied for the same on 30/03/2008. In respect of the same the concerned case worker by name Sri Kempegowda (DGO) already received Rs. 500/- from him and on 28/03/2008 in the morning when

the complainant met the DGO and asked for the Tippani copy, the DGO demanded further amount of Rs. 1,500/- and hence he has lodged the complaint. The complaint has been lodged on 28/03/2008 at 11 a.m.

12. PW1 has deposed that in the year 2008 he was in need of the Tippani copies and in that connection he had been to Tahasildar office, Srirangapattana. He has deposed that the concerned staff were not available and he was asked to come after two days and one person approached him and took him to the Lokayukta police station, Mandya and in that station his signatures were taken. He has further deposed that afterwards he came to Taluk Office of Srirangapattana along with Lokayukta police and he met the DGO and asked for the Tippani copy and immediately the Lokayukta police apprehended himself and the DGO and they were taken to Mandya Lokayukta police station. He has been treated as hostile witness and cross-examined by the learned Presenting Officer.

13. In his cross-examination by the Presenting Officer he admits that Ex.P1 is the copy of the application given by him for Tippani copy. He has deposed that he has not lodged the complaint as per Ex.P2. He has deposed that the hands of pancha witness Sri Mahadevu were washed in the sodium carbonate solution and that solution turned to pink colour. Even though PW1 denies about producing the amount of Rs. 1,500/- (Rs.500x3) and the Lokayukta police smearing the phenolphthalein powder to the notes and keeping them in his shirt pocket through the witness Sri Mahadevu he admits

about the hand wash of Sri Mahadevu being positive which clearly supports the case of the Disciplinary Authority to the effect that he had produced the amount of Rs. 1,500/- and phenolphthalein powder was smeared to those notes and those notes were kept in the shirt pocket of PW1 through the pancha witness Sri Mahadevu and afterwards the hands of Sri Mahadevu was washed in the solution and that solution turned to pink colour. PW1 also admits that he had gone to Srirangapattana taluk office along with Lokayukta police and others and he alone had gone to meet the DGO and requested the DGO to give the Tippani copies. He admits that the hands of the DGO were washed separately in the sodium carbonate solution and that solution turned to pink colour. He also admits that the right side pant pocket of the DGO when washed in the sodium carbonate solution, that solution also turned to pink colour. Thus even though the PW1 does not admit about the DGO demanding for the bribe amount and receiving the tainted currency notes from him and keeping the same in his right side pant pocket his admission that the hands of the DGO were washed separately in the solution and those solutions turned to pink colour and further the admission that the right side pant pocket of the DGO was also washed in the solution and that solution also turned to pink colour supports the case of the Disciplinary Authority to the effect that in view of the DGO receiving the tainted currency notes and keeping them in his right side pant pocket his hand wash and his pant wash were conducted. Hence, it can be said that PW1 has made half-hearted attempt to help the DGO by suppressing the true facts. The reasons stated above clearly

proves that PW1 has suppressed the real facts in his evidence at the instance of the DGO.

14. PW2 is Sri Chikkamoganna and he has deposed that in the year 2008 he was working as SDA in Mandya Panchayath Raj Engineering section and another pancha witness Sri Mahadevu was also working in the above said section as Junior Engineer. He has further deposed that in the morning the panchas were sent to the Lokayukta police station, Mandya, on 28/03/2008 with the permission of their higher officers and in the police station the complainant was present (PW1). He has deposed about the averments made in the complaint also. He has deposed that PW1 produced three notes of the denomination of Rs. 500/- and the numbers of those notes were noted down and powder was smeared to those notes and the pancha witness Sri Mahadevu kept those notes in the shirt pocket of the DGO. He has deposed that that hands of the said Sri Mahadevu were washed in the solution and that solution turned to pink colour. He has deposed that the copy of the Entrustment Mahazar is at Ex.P3.

15. PW2 has further deposed that afterwards all of them went to the survey office situated in Srirangapattana and himself and PW1 were sent inside the office to meet the DGO and the remaining persons remained outside. He has deposed that there were several persons present in the office and he was not able to see what transpired between PW1 and the DGO. He has deposed that PW1 gave the pre-arranged signal to the Lokayukta and immediately Lokayukta police came inside the office and PW1 showed the DGO and told that he is

the case worker and he has received the amount from him. He has deposed that the hands of the DGO were washed in the sodium carbonate solution and the solution turned to pink colour. He has also deposed that the tainted currency notes were in the pant pocket of the DGO and the same was seized. He has deposed that even the pant wash of the DGO was positive. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P6. He has deposed that the copy of the Trap Mahazar is at Ex.P5. He has been treated as hostile witness and cross-examined by the Presenting Officer and in his cross-examination he admits that PW1 met the DGO in the record room of the Taluk Office and asked for the Tippani cipy. He has deposed that he did not observe whether the DGO asked for the amount of Rs. 1,500/- and received the same and kept it in his right side pant pocket. He admits that he was able to see PW1 contacting the DGO from the place he was present at that time. He admits that in view of the DGO receiving the tainted currency notes and keeping the same in his right side pant pocket, his hand wash and his pant wash was positive. Thus even though PW2 had not deposed that he has seen the DGO demanding for the bribe amount and receiving the same his evidence stated above supports the case of the Disciplinary Authority and it has to be said that only with an intention to help the DGO, PW2 has deposed that he has not seen the DGO demanding for the amount and receiving the same from PW1.

16. PW3 is Sri A. Mahadevu, another pancha witness and he has deposed about going to the Lokayukta Police station, Mandya on 28/03/2008 and PW1 present in the police

station. He has deposed about the complaint lodged by PW1 and also about all the averments made in the Entrustment Mahazar, the copy of which is at Ex.P3. He has deposed that afterwards himself, PW1, PW2, I.O., and his staff went to Srirangapattana Taluk Office and PW1 and PW2 were sent inside the office to meet the DGO. He has deposed that after 10 minutes of the same, PW1 gave the pre-arranged signal and immediately himself, I.O. and his staff went inside the office and PW1 showed the DGO and told that he has received amount. He has deposed about the hand wash of the DGO being positive. He has deposed that the tainted notes were found in the right side pant pocket of DGO and the same was seized. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P6. He has deposed about the pant wash of the DGO being positive (right side pant pocket). He has deposed that the certified copies of the records of the complainant were also seized and the copies of the same are at Ex.P4. He has deposed that Ex.P5 is the copy of the Trap Mahazar. PW3 has been cross-examined and in his cross-examination no ground is made out to discard his evidence.

17. PW4 is the I.O. and he has deposed that on 28/03/2008 PW1 came to the Lokayukta police station, Mandya and lodged the complaint as per Ex.P2 and he registered the case in Crime No. 4/2008 and sent the FIR to the concerned court and the copy of the same is at Ex.P8. He has deposed about the securing the two panchas, PW1 producing the amount of Rs. 1,500/- and panchas noting down the denomination and numbers of those notes as per Ex.P9 and about all the other

averments mentioned in the Entrustment Mahazar-Ex.P3. Thus PW4 has given his evidence regarding the complaint lodged by PW1 and also about all the averments mentioned in the Entrustment Mahazar, the copy of which is at Ex.P3. PW4 has further deposed that after the entrustment mahazar, they went to Srirangapattana in the departmental vehicle and the vehicle was parked near Sriranganathaswamy temple and PW1 and PW2 were sent inside the office to meet the DGO. He has deposed that the micro voice-recorder was also given to PW1 to record the conversation between himself and the DGO. He has deposed that himself and others were waiting outside the taluk office for the signal of the complainant. He has deposed that at about 3 p.m. PW1 came out of the office and gave the pre-arranged signal and immediately they approached PW1 and PW1 took them inside the office and showed the DGO who was sitting in the record room as the case worker who has received the amount of Rs. 1,500/- from him and kept the same in his right side pant pocket and also returned the voice-recorder. He has deposed about conducting the hand wash of the DGO and the solution turned to pink colour. He has deposed that afterwards the DGO produced the tainted currency notes from his right side pant pocket and those notes were the same notes mentioned in Ex.P8 and he seized the same. He has deposed that the pant worn by the DGO was got removed and the right side pocket portion of the same when washed in the sodium carbonate solution and that solution also turned to pink colour. He has deposed that the DGO produced the concerned file of the complainant and he seized the certified copies of the same and the copies of those documents are at Ex.P1 and P4. He has deposed that the

attendance register copy is at Ex.P10. He has deposed that Ex.P6 is the copy of the written explanation given by the DGO and Ex.P11 is the copy of the rough sketch prepared by him of the scene of occurrence. He has deposed that the copy of the Trap Mahazar is at Ex.P5. He has deposed that the copies of the photographs taken at the time of Ex.P3 and P5 are at Ex.P7. He has deposed that the copy of the sketch prepared by the PWD Engineer is at Ex.P12 and the copy of the service particulars of the DGO is at Ex.P13. He has deposed that the FSL report copy is at Ex.P14. PW4 in his cross-examination admits that the Tippani copies were ready, but the Tahasildar had not signed the same. Only on the ground that Tippani copies were ready it cannot be said that the work of the complainant was not pending with the DGO. It is pertinent to note that it is the duty of the DGO to get the signature of the Tahasildar to the Tippani copies and deliver the same to PW1. PW3 has admitted that in the Trap Mahazar it is mentioned that the DGO asked for further amount of Rs.500/- (apart from Rs. 1,500/-) which is not mentioned in the complaint. But on that ground only the case of the Disciplinary Authority cannot be doubted. He has deposed that in the application given to the Tahasildar the Tippani copies of 16 sy.No.s have been asked. But in the complaint only two sy.Nos. out of the same has been mentioned and he has not investigated in that respect. The same also does not go to root of the case of the Disciplinary Authority.

18. As stated above, Ex.P6 is the copy of the explanation given by the DGO immediately after the trap. In which it is stated that the amount was forcibly thrust into his pocket by

PW1 stating that he wants the Tippani copies urgently. DW1` is the DGO and he has not deposed about the same in his evidence. On the other hand, he has deposed that on 28/03/2008 when he was in his office, the DGO approached him and sought for the Tippani copies and he told PW1 that the Tippani copies are kept for signature and after signature PW1 can receive the same and immediately the I.O. approached him and apprehended him. Thus DW1 has not at all deposed that PW1 forcibly kept the tainted currency notes into his pocket. As stated above the tainted currency notes were in the right side pant pocket of the DGO and it is not the case of the DGO that he tried to gave back the notes to PW1 in case the same was pushed into his right side pant pocket by PW1 by force as stated in Ex.P6.

19. In his cross-examination DW1 admits that there is no personal ill-will between himself and PW1. Hence, there is no reasons as to why PW1 has lodged the false complaint against the DGO. He has deposed that there is no ill-will between himself and PW4 also. He has deposed that he did not observe whether his hand wash was positive. He has deposed that he did not observe the tainted currency notes being seized from his pant pocket. It is hard to believe that DW1 did not observe whether his hand wash was positive or not and that he has also did not observe about the tainted currency notes seized from his right side pant pocket. The above said evidence of DW1 shows that he is also suppressing the truth and he is also not coming forth with true facts in his evidence. Ex.D1 to D6 are the phanies copies of sy.No. 81 and 82 for the year 2018 and 2019. Ex.D1 and D6 are produced to show that the

name of the father of PW1 is not mentioned in the same. It is pertinent to note that the application for Tippani copies had been given by PW1 on 13/03/2008 as per Ex.P1. But the phani copies produced by the DGO are for the year 2018-2019. No doubt in Ex.D1 to D6 the names of the father of PW1 is not mentioned. But on that ground it cannot be said that in the year 2008-2009 also the name of the father of PW1 was not found in the RTC extract of sy.NO. 81 and 82. The DGO has not given any explanation in his evidence as to why his hand wash was positive, in case he had not at all received the tainted currency notes. The FSL report Ex.P14 clearly shows that both the left and right hand wash of the DGO was positive. As stated above even the right side pant pocket wash of the DGO was positive and the DGO had also not yet given the Tippani copies to PW1. The facts and circumstances of this case stated above clearly probabalises the case of the Disciplinary Authority to the effect that the DGO demanded and received the illegal gratification of Rs. 1,500/- for issuing the Tippani copies.

20. Thus the DGO has failed to maintain absolute integrity, devotion to duty and acted in a manner of unbecoming of Government Servants. Hence, I answer the above point No.1 in the **AFFIRMATIVE**.

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

:: ORDER ::

*The Disciplinary Authority has satisfactorily proved the charge against the DGO-Sri Kempegowda, Second Division Surveyor, Department of Survey Settlement and Land Records (the then Second Division, Surveyor, Taluk Office, Srirangapatna Taluk Mandya District) **(Now retired)**.*

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

Dated this the 8th day of March, 2019

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

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

- PW-1:Sri Lokesh (complainant)
 PW-2: Sri Chikkamoganna (shadow witness)
 PW-3:Sri A. Mahadevaru (pancha witness)
 PW-4:Sri T.S. Veerabhadraiah (I.O.)

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE:

- DW-1:Sri Kempegowda (DGO)

LIST OF EXHIBITS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY

- Ex.P-1:Certified copy of the letter of Sri Lokesh dated:
 13/03/2008 addressed to Tahasildar, Srirangapattana
 Ex.P-2:Certified copy of the complaint
 Ex.P-3:Certified copy of the Entrustment Mahazar
 Ex.P-3(a); Relevant entry in Ex.P3
 Ex.P-4:Certified copy of the file of the complainant
 Ex.P-5: Certified copy of the Trap Mahazar
 Ex.P-5(a,b): Relevant entries in Ex.P5
 Ex.P-6:Certified copy of the explanation of DGO
 Ex.P-6(a, b): Relevant entries in Ex.P6
 Ex.P-7: Xerox copies of the xeorxed photos on the white sheet
 Ex.P-7(a to e): Relevant entries in Ex.P7
 Ex.P-8: Original reply of the DGO dated: 17/02/2011 to the
 observation note with certified copy of the FIR
 Ex.P-8(a): Relevant entry in Ex.P8
 Ex.P-9: Certified copy of the notes numbers and denomination
 mentioned white sheet
 Ex.P-9(a): Relevant entry in Ex.P9
 Ex.P-10: Certified copy of the attendance register extract
 Ex.P-10(a): Relevant entry in Ex.P10
 Ex.P-11:Certified copy of the rough sketch
 Ex.P-11(a): Relevant entry in Ex.P11
 Ex.P-12:Certified copy of the sketch
 Ex.P12(a): Relevant entry in Ex.P12
 Ex.P-13:Xerox copy of the service particulars
 Ex.P-13(a): Relevant entry in Ex.P13
 Ex.P-14: Certified copy of the chemical examination report

LIST OF EXHIBITS MARKED ON BEHALF OF DGO:

- Ex.D1 to D6: Xerox copies of the phani extracts

Dated this the 8th day of March, 2019

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

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No: LOK/INQ/14-A/56/2011/ARE-4

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: 12/03/2019

RECOMMENDATION

Sub:- Departmental inquiry against Sri Kempegowda, Second Division Surveyor, Department of Survey, Settlement and Land Records (the then Second Division Surveyor, Taluk Office, Srirangapatna Taluk, Mandya District) (Now Retired)- Reg.

Ref:-1) Government Order No.ಕಂಇ 71 ಭೂದಾಸೇ(3)2011, Bengaluru dated 18/04/2011.

2) Nomination order No.LOK/INQ/14-A/56/2011 Bengaluru dated 29/04/2011 of Upalokayukta-2, State of Karnataka, Bengaluru.

3) Inquiry Report dated 08/03/2019 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 18/04/2011 initiated the disciplinary proceedings against Sri Kempegowda, Second Division Surveyor, Department of Survey, Settlement and Land Records (the then Second Division Surveyor, Taluk Office, Srirangapatna Taluk, Mandya District) (Now Retired) (hereinafter referred to as Delinquent Government Official for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. LOK/INQ/14-A/56/2011 dated 29/04/2011 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 Sri Kempegowda, Second Division Surveyor, Department of Survey, Settlement and Land Records (the then Second Division Surveyor, Taluk Office, Srirangapatna Taluk, Mandya District) (Now Retired) was tried for the following charge:-

“That, you Kempegowda the DGO while working as Second Division Surveyor, Srirangapatna Taluk and on 28-03-2008 demanded and accepted bribe of Rs.1500/- from the complainant namely Sri Lokesh, S/o Siddaiah of Ganjam in Srirangapatna Taluk of Mandya District, to issue Tippani of land bearing sy.no.81 and 82 measuring 1.06 acres of Chennanayakanahalli Village in order to get change of khata in his name from the name of his father who had died four years back, failing to maintain absolute integrity and devotion to duty which act is un-becoming of a Govt. servant and thereby committed misconduct as enumerated U/R 3(1)(i) to (iii) of the Karnataka Civil Service (Conduct) Rules, 1966”.

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 DGO Sri Kempegowda, Second Division Surveyor, Department of Survey, Settlement and Land Records (the then Second Division Surveyor, Taluk Office, Srirangapatna Taluk, Mandya District) (Now Retired).

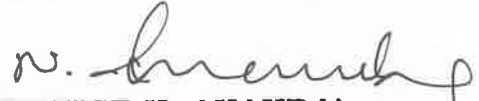
5. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

6. As per the First Oral Statement submitted by DGO Sri Kempegowda, he has retired from service on 31/01/2012 (during the pendency of inquiry).

7. Having regard to the nature of charge (demand and acceptance of bribe) proved against DGO Sri Kempegowda, it is hereby recommended to the Government for imposing penalty of permanently withholding 50% of pension payable to DGO Sri Kempegowda, Second Division Surveyor, Department of Survey, Settlement and Land Records (the then Second Division Surveyor, Taluk Office, Srirangapatna Taluk, Mandya District) (Now Retired).

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-2, 12/3
State of Karnataka,
Bengaluru

