



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/68/2011/ARE-4 Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 09.07.2019.

RECOMMENDATION

Sub:- Departmental inquiry against Shri D.Veerendra Prasad, Village Accountant, Chirunthanahalli Circle, Sira Taluk, Tumkur District - reg.

Ref:- 1) Government Order No. RD 32 BDP 2011 dated 26.04.2011.

2) Nomination order No. LOK/INQ/14-A/68/2011 dated 10.05.2011 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 06.07.2019 of Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 26.04.2011 initiated the disciplinary proceedings against Shri D.Veerendra Prasad, Village Accountant, Chirunthanahalli Circle, Sira Taluk, Tumkur 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/68/2011 dated 10.05.2011, 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 - Shri D.Veerendra Prasad, Village Accountant, Chirunthanahalli Circle, Sira Taluk, Tumkur District, was tried for the following charges:-

“ That you Shri D.Veerendra Prasad, while working as Village Accountant at Chirunthanahalli Circle in Sira Taluk of Tumkur District, on 23.12.2008 demanded and accepted bribe of Rs.1,500/- from the complainant namely Sri Chittanna S/o Dasappa when he requested to issue correct RTC by making entry in the RTC regarding digging of bore well in the land bearing Sy.No.195/5 of Chiruntanahalli Village belonging to the complainant's father-in-law namely Sri Katalinappa and thus committed dereliction of duty failing to maintain absolute integrity and devotion to duty which act is

unbecoming of a Govt. servant and thereby committed misconduct as enumerated under Rule 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 the DGO - Shri D.Veerendra Prasad, Village Account ant, Chirunthanahalli Circle, Sira Taluk, Tumkur 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 DGO furnished by the Inquiry Officer, the DGO - Shri D.Veerendra Prasad is due to retire from service on 31.05.2035.

7. Having regard to the nature of charge 'proved' (demand and acceptance of bribe) against the DGO - Shri D.Veerendra Prasad, Village Account ant, Chirunthanahalli Circle, Sira Taluk, Tumkur District, it is hereby recommended to the Government to impose penalty of 'compulsory retirement from service on the DGO - Shri D.Veerendra Prasad.'

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 9/7  
Upalokayukta,  
State of Karnataka.

**KARNATAKA LOKAYUKTA**

No.LOK/INQ/14-A/68/2011/ARE-4

M.S. Building  
Dr.B.R.Ambedkar Road  
Bengaluru-560 001  
Date: 06/07/2019

**:: INQUIRY REPORT ::**

**Sub:** Departmental Inquiry against,

Sri D. Veerendra Prasad  
Village Accountant  
Chiruthanahalli Circle  
Sira Taluk  
**Tumkur District**

**Ref:**

- 1) Report u/s 12(3) of the K.L Act, 1984 in Compt/Uplok/BD/731/2009/ARLO-2  
Dated:10/03/2011
- 2) Government Order No. RD 32 BDP 2011 Bengaluru, dated: 26/04/2011
- 3) Order No.LOK/INQ/14-A/68/2011 Bengaluru  
Dated:10/05/2011  
of the Hon'ble Upalokayukta

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This Departmental Inquiry is directed against Sri D. Veerendra Prasad, Village Accountant, Chiruthanahalli Circle, Sira Taluk, **Tumkur District** (herein after referred to as the Delinquent Government Official in short "DGO").

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

3. In view of the Government Order cited above at reference-2, the Hon'ble Upalokayukta, vide order dated: 10/05/2011 cited above at reference-3, nominated Additional Registrar of Inquiries-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 Inquires-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 Sri D. Veerendra Prasad, the DGO, while working as Village Accountant at Chiruthanahalli circle in Sira Taluk of Tumkur District and on 23/12/2008 demanded and accepted bribe of Rs. 1,500/- from the complainant namely Sri Chittanna s/o Dasappa when he requested to issue correct RTC by making entry in the RTC regarding digging of borewell in the land bearing sy.No. 195/5 of Chirutanahalli village belonging to the complainant's father-in-law namely Sri Katalingappa and thus committed dereliction of duty 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 Karnataka Civil Service (Conduct) Rules, 1966.*

**ANNEXURE NO.II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

*One Sri D. Chittanna, s/o Dasappa of Karedasarahalli village in Sira Taluk of Tumkur District is the complainant of this case. The complainant's father-in-law by name Katalingappa had dug a borewell in his land bearing sy.No. 195/5 of Chirutanahalli village. In order to apply for loan, the complainant's father-in-law had filed an application on 17/12/2008 in Taluk Office and in that connection, the complainant approached the DGO and requested to issue corrected RTC by making entry in the RTC regarding digging of borewell in the above said land. For that purpose, the DGO demanded bribe of Rs. 1,500/-. The complainant was not willing to pay bribe. Hence, on 23/12/2008, the complainant lodged a complaint before the Lokayukta Police Inspector of Tumkur (herein after referred to as the Investigating Officer, for short "the I.O.") The I.O. registered the complaint u/sec. 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act 1988 and submitted FIR to the concerned court. On 23/12/2008 itself, the I.O. secured two pancha witnesses and conducted entrustment mahazar about entrustment of bribe amount of Rs. 1,500/- produced by the complainant. Phenolphthalein powder was applied to those currency notes and the I.O. followed pre-trap proceedings required for that purpose. Thereafter, the I.O. along with complainant, pancha witnesses and his staff members*

went near the office of the DGO. Then, the complainant along with shadow witness approached the DGO in his office. The complainant gave bribe amount of Rs. 1,500/- to the DGO on demand. The DGO received the smeared currency notes. After pre-arranged signal given by the complainant, the I.O. along with remaining, trap party members went near the DGO and seized bribe amount from the possession of the DGO under mahazar after following post-trap formalities. During the course of investigation I.O. recorded statement of complainant, the pancha witness and others. The I.O. sent articles seized in the course of pre-trap and post-trap mahazar for chemical examination. The report of the chemical examiner was positive. The materials collected by the I.O. during the course of investigation, showed prima facie case against the DGO for demand and acceptance of bribe 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 calling for explanation. The DGO submitted his explanation and the same was not convincing. As the facts and materials on record prima facie showed a case of misconduct by the DGO, a recommendation u/sec. 12(3) of the Karnataka Lokayukta Act was made to Competent Authority to initiate departmental proceedings and to entrust the enquiry to Karnataka Lokayukta u/sec. 14-A of the CCA Rules. Accordingly, the Competent Authority initiated departmental proceedings and entrusted the same for enquiry by the authority of Karnataka Lokayukta. Hence, this charge.



5. DGO appeared before this Inquiry Authority on 20/06/2011 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules 1957. The DGO pleaded not guilty and claims to hold an inquiry.

6. DGO has filed his written statement as follows:

It is false to state that the DGO demanded and accepted the bribe amount of Rs. 1500/- from the complainant to correct RTC by making entry in the RTC. Hence, prays to exonerate him from the charges leveled against him in this case.

7. The DGO filed an application for dropping this departmental enquiry on the ground that he has been convicted in Special C.C. No. 123/2010 by the 2<sup>nd</sup> Additional District and Sessions Judge, Tumkur, and that he has been dismissed from the service as per the order of the D.C. and the disciplinary authority, Tumkur District dated: 25/11/2013. The said application was opposed by the Presenting Officer and after hearing both the sides my learned predecessor has dismissed the above said application mainly on the ground that the criminal proceedings and the departmental enquiry are quite different. Further even in the application itself the DGO has stated that he has preferred the Criminal Appeal against his conviction and the same is pending before the Hon'ble High Court in Criminal Appeal No. 572/2013.

8. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined in all three witnesses as PW1 to PW3 and got marked documents at Ex.P1

to P12. After closing the evidence of the Disciplinary Authority, the DGO did not choose to examine either himself or any witnesses but got marked Ex.D1. The learned counsel for the DGO has cross-examined PW1 and PW2. But the DGO and his counsel remained absent and there is no cross-examination of PW3 and on 03/06/2019 the DGO has been placed exparte.

9. The Disciplinary Authority has not filed the written brief. Oral arguments of the Presenting Officer was heard. The points, that arise for the consideration of this inquiry authority are:-

- 1) Whether the Disciplinary Authority has satisfactorily proved the charges framed against DGO?
- 2) What order?

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

Point No.1: In the “ **AFFIRMATIVE**”

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

**:: REASONS ::**

**11. Point No.1:** It is the case of the Disciplinary Authority that the DGO while working as Village Accountant at Chiruthanahalli circle in Sira Taluk of Tumkur District, on 23/12/2008 demanded and accepted bribe of Rs. 1,500/- from the complainant for issue of correct RTC by making entry in the RTC regarding digging of borewell in the land bearing Sy.No. 195/5 of Chirutanahalli village belonging to the father-in-law of the complainant by name Sri Katalingappa and thus committed the misconduct.

12. The complainant has been examined as PW2 and the copy of the complaint lodged by him before the Lokayukta police station, Tumkur is at Ex.P1. The gist of Ex.P1 is to the effect that the father in-law of PW2 is having land in sy.NO. 195/5 to the extent of 2 acre and in that land he has dug a borewell for irrigation purpose and he has given the application to the bank for loan and in that respect RTC showing the existence of borewell is necessary and for that purpose the application has been given on 17/12/2008. The father-in-law of PW2 is aged and he is not well and hence he entrusted the said work to the complainant. (to get the RTC extract showing the existence of the borewell) PW2 approached the Village Accountant-Sri D. Veerendra Prasad, (DGO) and the DGO demanded the bribe of Rs. 1,500/- and not willing to pay the bribe amount with the permission of his father-in-law he has been lodged the complaint. The complaint has been lodged on 23/12/2008 at 10.15 a.m.

13. PW2 has deposed that the land in sy.No. 195 belongs to his father-in-law and in that land his father-in-law had dug the borewell. He has deposed that his father-in-law had approached the Canara Bank for loan and the bank officials asked his father-in-law to bring the phani copy showing the existence of the borewell and in that connection his father-in-law gave the application to the office of the Tahasildar. He has deposed that in that connection he approached the DGO twice or thrice and the DGO demanded the bribe amount of Rs. 1,500/-. He has deposed that with the permission of his father-in-law and the elders of his village he gave the complaint to the Lokayukta police and also produced the

amount of Rs. 1,500/- (Rs.500x3). He has deposed that Lokayukta police secured two panchas and the panchas noted the numbers of those notes. He has deposed that the notes were kept in his pocket and afterwards the hands of the pancha was washed and the copies of the photos taken at that time are at Ex.P4. He has deposed that the panchanama was also prepared in the Lokayukta police station at that time and the copy of the same is at Ex.P2. He has deposed that a voice-recorder was also given to him to record the conversation. He has deposed that himself and the pancha witness Sri Nataraj approached the DGO and he requested for his work and gave the amount to one Sri Thippeswamy who was with the DGO. He has deposed that afterwards he gave the pre-instructed signal to the Lokayukta police inspector. He has deposed that he came to know that Sri Thippeswamy had given the amount to the DGO and the hands of the DGO were washed in the solution and that solution turned to pink colour and the amount was also seized from the pant pocket of the DGO. He has deposed that Ex.P9 is the copy of the trap mahazar and Ex.P7 are the copies of the photographs taken at that time. He has deposed that Ex.P6 are the copies of the documents that were seized. He has been treated as hostile witness as he has not given some details of the case of the disciplinary authority in his examination in chief. In his cross-examination by the Presenting Officer he admits that Ex.P2 is the copy of the paper on which the numbers of the notes were noted by the panchas. He also admits that the phenolphthalein powder was smeared to the notes and the pancha witness Sri Rajanna kept the same in his left side shirt pocket and afterwards the hands of Sri Rajanna were washed in the solution and that

solution turned to pink colour. He has also admitted that he was instructed to approach the DGO and to give the tainted currency notes only if the DGO demands for the amount. He also admits that the pancha witness Sri Nataraju was instructed to accompany him as a shadow witness. In his cross-examination he has deposed that Ex.P1 is in his hand writing. He has denied the suggestion of the learned counsel for the DGO to the effect that on 22/12/2008 his father-in-law had met the DGO and the DGO told his father-in-law that his work has been done. He has also denied the suggestion that Sri Thippeswamy is not the assistant of the DGO. He also admits that he gave the amount to Sri Thippeswamy. He has denied the suggestion that the DGO did not demand any bribe amount from him and that he has given the false complaint to get his work done. Thus the over all evidence of PW2 only shows that as per the instructions of the DGO, he had given the tainted currency notes to Sri Thippeswamy and the DGO had received the same from Sri Thippeswamy even before the Lokayukta Inspector came inside the office of the DGO.

14. PW1 is the shadow witness-Sri D.N. Nataraj. He has deposed that from the year 2000 to 2013 he was working as SDA in Agricultural Department in Tumkur. He has deposed that on 23/12/2008 as per the instructions of his higher officer he had been to the Lokayukta police station, Tumkur and in the Lokayukta police station another pancha witness Sri Rajanna and the complainant were present. He has deposed that the police inspector Sri Umashankar introduced him to the complainant and the above said Sri Rajanna and the complaint lodged by the complainant also given for him to

go through the same. He has deposed that as per the complaint the DGO had demanded the bribe of Rs. 1,500/- to include the existence of the borewell in the RTC of the land belonging to the father-in-law of PW2. PW1 has further deposed about PW2 producing the amount of Rs. 1,500/- and himself and another pancha witness noted the denomination and numbers of those notes and the copy of the same is at Ex.P2. He has deposed about the Lokayukta staff smearing the phenolphthalein powder to the notes and those notes were given to the pancha witness Sri Rajanna and he kept the same in the left side shirt pocket of PW2 and afterwards the hands of Sri Rajanna were washed in the solution and that solution turned to pink colour. He has also deposed about the instructions given to the complainant and to himself by the I.O. He has deposed that the tape-recorder was also given to PW2 to record the conversation that is going to take place between the DGO and PW2. He has deposed that the entrustment mahazar was drawn in that respect and the copy of the same is at Ex.P3. He has deposed that the copies of the photographs taken at the time of the entrustment mahazar are at Ex.P4. Thus PW1 has deposed about the all the averments mentioned in the entrustment mahazar, the copy of which is at Ex.P3.

15. PW1 has further deposed that after the entrustment mahazar, they left the Lokayukta police station and went to Baraguru village and the vehicle was stopped at a distance from the office of the DGO and himself and PW1 were sent to meet the DGO. He has deposed that they went inside the office and the DGO was present along with his assistant and PW2

approached the DGO and requested about his work and the DGO told that he has done his work and to get the remaining work done by others. He has deposed that PW2 requested the DGO to get the entire work done for which the DGO told that PW2 is not giving anything and only requesting orally. He has deposed that the DGO demanded Rs. 1,300/- for himself and to give the amount of Rs. 200 to others. He has deposed that PW2 gave the tainted currency notes to the assistant of the DGO by name Sri Thippeswamy as per the instructions of the DGO and Sri Thippeswamy received the same and kept it in his pant pocket and afterwards himself and PW2 came out of the office and PW2 gave the pre-instructed signal. He has deposed that the police inspector, his staff and another pancha came there and all of them went inside the office of the DGO and PW2 showed the DGO as the person who has received the amount and when Sri Thippeswamy was enquired, he told that he had come from the neighbouring village for collecting the land revenue and as per the instructions of the DGO he received the amount from PW2, thinking that it is the land revenue amount. He has deposed that the hands of the DGO were washed separately in the sodium carbonate solution and the solutions turned to pink colour. He has deposed that when DGO enquired about the tainted currency notes, the DGO told that he received the tainted currency notes from Sri Thippeswamy and kept it in his pant pocket. He has deposed that the pancha witness Sri Rajanna was asked to remove the amount from the left side pant pocket of the DGO and Sri Rajanna removed the amount of Rs. 1,500/- from that pocket and those notes were the same notes mentioned in Ex.P2. He has deposed that those notes

were seized and even the left side pant pocket wash was positive. He has deposed that the DGO gave his explanation in writing and the copy of the same is at Ex.P5 and in the same the DGO has admitted the receipt of the amount. He has deposed that the file was with the DGO and the certified copy of the same was prepared and seized and the copies of the same are at Ex.P6. (5 sheets). He has deposed that the copies of the photographs taken at the time of trap mahazar are at Ex.P7. He has deposed that PW2 had recorded the conversation that took place between himself and the DGO and the same was played and transcribed and the copy of the transcription is at Ex.P8. He has deposed that Ex.P9 is the copy of the trap mahazar. He has deposed that Ex.P10 is the copy of the scene of occurrence prepared by the PWD Engineer and that he showed the scene of occurrence to the Engineer. Thus PW1 has completely supported the case of the disciplinary authority.

16. PW1 has been cross-examined at length. But nothing is made out in his cross-examination to discard or disbelieve his evidence stated above. He has denied the suggestion of the learned counsel for the DGO to the effect that Sri Thippeswamy was not present in the office of the DGO. He has also denied the suggestion that Sri Thippeswamy had not received the amount from PW2 as per the instructions of the DGO. He has deposed that he has given his evidence in the criminal case and Ex.D1 is the certified copy of his evidence given in the criminal case. Ex.D1 is the certified copy of the deposition of PW1 in the criminal case bearing NO. 123/2010. No omission or contradiction are made out by confronting



Ex.D1 or any portion of the same to PW1. Even in Ex.D1 PW1 has given his evidence to the effect that on the instructions of the DGO, PW2 gave the tainted currency notes to the assistant of the DGO and afterwards PW2 went outside and gave the pre-instructed signal to the inspector.

17. PW3 is Sri B. Umashankar and he has deposed that from July 2008 to July 2011 he was working as Police Inspector in Lokayukta police station, Tumkur. He has deposed that on 23/12/2008 PW2 came to the police station and gave the written complaint and the copy of the same is at Ex.P1. He has also deposed about the gist of Ex.P1. He has deposed that on the basis of the above said complaint he registered the case in Crime No. 18/2008 and sent the FIR to the court and the copy of the FIR is at Ex.P11. He has deposed about securing two panchas and PW2 producing the amount of Rs. 1,500/-. He has deposed about all the averments made in the entrustment mahazar, the copy of which is at Ex.P3. Thus PW3 has deposed about the details of the entrustment mahazar conducted in the Lokayukta police station as per Ex.P3. He has also deposed that Ex.P2 is the document which contains the denomination and numbers of the notes. He has also deposed about the instructions given to complainant and the shadow witness at the time of the entrustment mahazar. PW3 has deposed that after the entrustment mahazar they left the Lokayukta police station and went to the office of the DGO situated in Baraguru village of Sira taluk. He has deposed that the vehicle was stopped at a little distance from the office of the DGO and PW1 and PW2 were sent to meet the DGO. He has deposed that himself, his staff and another pancha

witness were waiting outside the office of the DGO for the pre-instructed signal from PW2 (complainant). He has deposed that at about 2.30 p.m. PW2 and PW1 came outside the office of the DGO and PW2 gave the pre-instructed signal and immediately himself, his staff and another pancha witness went to the office of the DGO and PW2 showed the DGO and told that as per the instructions of the DGO he has given the amount to the person who was with the DGO and that person was also present in the office of the DGO. He has also deposed that the hands of the DGO were washed in the solution separately and the solutions turned to pink colour. He has deposed that when enquired about the amount received from PW2 the DGO told that he has received the amount through Sri Thippeswamy and kept the amount in his left side pant pocket. He has deposed that the pancha witness Sri Rajanna removed the tainted currency notes from the left side pant pocket of the DGO and those notes were seized. He has deposed that the pant wash of the DGO was also positive and Sri Thippeswamy also told that as per the instructions of the DGO he received Rs. 1,500/- from PW2 and gave the same to the DGO. He has deposed that Ex.P5 is the copy of the explanation given by the DGO. He has deposed that the concerned file was with the DGO and the DGO produced the same and the certified copy of the same was prepared and seized and the copies of the same are at Ex.P6. He has deposed that the microcasettee that was given to PW2 at the time of the entrustment mahazar was played and the conversation recorded in the same was transcribed and the copy of the same is at Ex.P8. He has deposed that the microcassette was also seized. He has deposed that Ex.P7 are

the copies of the photographs taken at the time of the trap mahazar and the copy of the trap mahazar is at Ex.P9. He has deposed that the seized articles were sent to FSL and the certified copy of the report received from FSL is at Ex.P12. In Ex.P12 also shows that the presence of phenolphthalein is detected in both right and left hand finger washes of the DGO. He has deposed that Ex.P10 is the copy of the scene of occurrence prepared by the PWD, Engineer.

18. There is no cross-examination of PW3 and the evidence of PW3 has remained unchallenged. The evidence of PW1 and PW2 only shows that as per the instructions of the DGO PW2 gave the tainted currency notes to Sri Thippesamy and afterwards PW1 and PW2 went outside the office of the DGO and PW2 gave the pre-instructed signal to PW3 and in the meanwhile the DGO had received the tainted currency notes from Sri Thippeswamy and kept it in his left side pant pocket. There is absolutely no reasons as to why PW2 and PW3 have deposed falsely against the DGO.

19. Ex.P5 is the copy of the explanation given by the DGO and the gist of the same is to the effect that the DGO did not demand for any bribe amount from PW2 and even then PW2 tried to give the amount to him and he told PW2 to give the amount to Sri Thippeswamy as Sri Thippeswamy was going to Sira.

20. As stated above the hand wash of the DGO is positive and even the tainted currency notes have been seized from the left side pant pocket of the DGO. Ex.P6 also discloses that the work of the father-in-law of PW2 was still pending and even

the file was with the DGO as on the date of trap. In other words as on the date of the trap the existence of the borewell in the land of father-in-law of PW2 had not been entered in the RTC even though some proceedings were made in that respect by the Village Accountant (DGO). The fact and circumstances of this case and the over all evidence of PW1 to PW3 only supports the case of the disciplinary authority to the effect that the DGO has demanded and accepted the bribe amount of Rs. 1,500/- from PW2. There is no evidence on the side of the DGO to rebut the evidence given by PW1 to PW3. There is also no believable evidence by the DGO as to why his hand wash was positive in case he had not demanded and received the bribe amount from PW2 through Sri Thippeswamy.

21. From the official website of Hon'ble High Court of Karnataka it is also ascertained that the Criminal Appeal No. 572/2013 filed by the DGO against his conviction in Special Case No. 123/2010 has been allowed by the Hon'ble High Court on 24/01/2017 and the DGO has been acquitted. Hence, it can be said that the DGO has sought for reinstatement on the basis of the judgment of Hon'ble High Court of Karnataka stated above and reinstated also.

22. No doubt the DGO has been acquitted in the Criminal Case by the Hon'ble High Court of Karnataka as stated above. Even otherwise it is pertinent to note that only on the ground that the DGO has been acquitted in the criminal appeal it cannot be held that, the disciplinary authority has not proved its case in this departmental inquiry. 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 inquiry 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 inquiry 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 the 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 inquiry 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 appeal by the judgment in Criminal Appeal NO. 572/2013 by the Hon'ble High Court of Karnataka, Bengaluru, by itself is not sufficient to overlook the evidence placed on record by the Disciplinary Authority in this inquiry.

23. 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 the above point No.1 in the **AFFIRMATIVE**.

**24. 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 D. Veerendra Prasad, Village Accountant, Chiruthanahalli Circle, Sira Taluk, Tumkur District.*

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

Dated this the 6<sup>th</sup> day of July, 2019

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

**:: ANNEXURE ::**

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

PW-1:Sri D.S. Nataraj (shadow witness)  
PW-2:Sri Chittanna (complainant)  
PW-3:Sri B. Umashankar (I.O.)

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

NIL

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

Ex.P-1:Certified copy of the complaint  
Ex.P-1(a): Relevant entry in Ex.P1  
Ex.P-2:Certified copy of the notes numbers and denomination mentioned white sheet

- Ex.P-2(a): Relevant entry in Ex.P2  
Ex.P-3: Certified copy of the entrustment mahazar  
Ex.P-3(a): Relevant entry in Ex.P3  
Ex.P-4: Xerox copy of the Xeroxed photos on the white sheet  
Ex.P-5: Certified copy of the explanation of DGO  
Ex.P-5(a): Relevant entry in Ex.P5  
Ex.P-6: Certified copy of the application addressed to Tahasildar,  
Sira Taluk, Tumkur district with certified copies of the ]  
enclosures  
Ex.P-7: xerox copies of the Xeroxed photos on the white sheet  
Ex.P-8: Xerox copy of the conversation takes place between  
complainant and the DGO  
Exp-8(a): Relevant entry in Ex.P8  
Ex.P-9: Certified copy of the trap mahazar  
Ex.P-9(a): Relevant entry in Ex.P9  
Ex.P-10: Xerox copy of the sketch  
Ex.P-11: Certified copy of the FIR  
Ex.P-11(a): Relevant entry in Ex.P11  
Ex.P12: Xerox copy of the chemical examination report

**LIST OF EXHIBITS MARKED ON BEHALF OF DGO:**

- Ex.D1- Certified copy of the deposition of Sri T.S. Nataraju in  
Special case No. 123/2010

Dated this the 6<sup>th</sup> day of July, 2019

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

