

KARNATAKA LOKAYUKTA

No. Uplok-2/DE/320/2018/ARE-16

M.S. Building
Dr. B.R. Ambedkar Road
Bengaluru.

Date: 28/07/2023

ENQUIRY REPORT**PRESENT: SMT. ANITHA.M**ADDITIONAL REGISTRAR (ENQUIRIES)-16
M.S. BUILDING
KARNATAKA LOKAYUKTA
BENGALURU – 560 001.**Subject :**

Departmental Inquiry against:

Sri. S.G. Lakshmikanth, Junior Engineer
(V), BESCO, Badavanahalli Unit-2,
Madhugiri Taluk, Tumkur District-reg.,**References:**

1. Report u/s 12(3) of the Karnataka Lokayukta Act, 1984 in Compt/Uplok/BD/3593/2017/DRE-2 dt. 26/4/2018.
2. Government Order No. ಕವಿಪ್ರನಿ/ಬಿ21/86861/2018-19 Bengaluru dated: 21/06/2018.
3. Nomination Order No. Uplok-2/ DE/320/2018 Bengaluru dt.06/07/2018 of Hon'ble Upalokayukta.

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1. This Departmental Inquiry is directed against Sri. S.G. Lakshmikanth, Junior Engineer (V), BESCO, Badavanahalli Unit-2, Madhugiri Taluk, Tumkur District (hereinafter referred to as 'DGO' for brief).



2. After completion of the investigation a report under Section 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 Uplokayukta, vide order dated 06/07/2018 cited at reference-3, nominated Additional Registrar of Enquiries-11 of the office of the Karnataka Lokyaukta as the Enquiry Officer to frame charges and to conduct Inquiry against the aforesaid DGO. There afterwards file was transferred to the Present Additional Registrar of Enquiries-16 as per Note No. Uplok-1&2/DE/ Transfer/2019 dated 07/02/2019.
4. Accordingly, Additional Registrar of Enquiries-16 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. At this juncture, it is appropriate to reproduce the Articles of charge made against the DGO;

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಸ್.ಜಿ.ಲಕ್ಷ್ಮೀಕಾಂತ ಆದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕಿನ ಬಡವನಹಳ್ಳಿ ವಿಭಾಗ-2 ಬೆಸ್ಕಾಂ ಕಚೇರಿಯಲ್ಲಿ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ (ವಿದ್ಯುತ್) ಆಗಿ 2013 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ



ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ ಎನ್.ಸಿ.ರಂಗನಾಥ್ ಬಿನ್ ಲೇಟ್ ಚಿಕ್ಕರಂಗಯ್ಯ, ನಾಗೇನಹಳ್ಳಿ ದೊಡ್ಡೇರಿ ಹೋಬಳಿ, ಮಧುಗಿರಿ ಹೋಬಳಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇವರು ವಿದ್ಯುತ್ ಗುತ್ತಿಗೆದಾರರು ವರ್ಗ-1 ಆಗಿದ್ದು, ಸದರಿಯವರಿಗೆ ಬೆಸ್ಕಾಂ ಎಇಇ, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು ಇವರಿಂದ ದಿನಾಂಕ: 12/10/2012 ರಂದು ಲೇಬರ್ ಕಂಟ್ರಾಕ್ಟರ್ ವರ್ಕ್ ಅವಾರ್ಡ್ ಸಿಕ್ಕಿದ್ದು, ಶ್ರೀ ಬಿ.ಹೆಚ್.ವೆಂಕಟೇಶ್ ಬಿನ್ ಹನುಮಂತರಾಯಪ್ಪ, ಶ್ರೀ ಲಕ್ಷ್ಮಯ್ಯ ಇವರುಗಳಿಗೆ ಅಕ್ರಮ-ಸಕ್ರಮ ಕಾರ್ಯಾದೇಶ ನೀಡಿದ್ದು ಸದರಿ ಕಾರ್ಯಾದೇಶದ ಪ್ರಕಾರ ದೂರುದಾರರು ಕೆಲಸ ಪೂರ್ಣಗೊಳಿಸಿ ಆಪಾದಿತರಿಗೆ ಕಂಬಗಳಿಗೆ ಮತ್ತು ವೈರ್‌ಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಟ್ಟಿದ್ದು ಸದರಿ ಕೆಲಸವನ್ನು ಸಹ ಪೂರ್ಣಗೊಳಿಸಿ 25 ಕೆ.ವಿ. ಪರಿವರ್ತಕದ ಇಂಡೆಂಟ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಸದರಿ ಆಪಾದಿತರು ಎರಡೂವರೆ ತಿಂಗಳಿನಿಂದ ಇಂಡೆಂಟ್ ನೀಡದೇ ಸತಾಯಿಸುತ್ತಿದ್ದು ಈಗಾಗಲೇ ರೂ.3,500/- ಗಳನ್ನು ಆಪಾದಿತರಿಗೆ ನೀಡಿದದು, ಟಿ.ಸಿ. ಇಂಡೆಂಟ್ ನೀಡಲು ಒಂದೊಂದು ಟಿ.ಸಿ.ಗೆ ರೂ.5,000/-ಗಳಂತೆ ಒಟ್ಟು ಗಳಂತೆ ಒಟ್ಟು ರೂ.10,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸುತ್ತಿದ್ದು, ಈ ಸಂಬಂಧ ದಿನಾಂಕ: 26/03/2013 ರಂದು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯ ಅಧಿಕಾರಿಗಳನ್ನು ಭೇಟಿ ಮಾಡಿ ಒಂದು ಧ್ವನಿಮುದ್ರಕವನ್ನು ಪಡೆದುಕೊಂಡು ದಿನಾಂಕ: 27/03/2013 ರಂದು ಆಪಾದಿತರಾದ ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ಒಂದೊಂದು ಐ.ಪಿ.ಸೆಟ್‌ಗೆ ರೂ.5,000/-ಗಳಂತೆ ಒಟ್ಟು ರೂ.10,000/- ಗಳನ್ನು ನೀಡಿದರೆ ಟಿ.ಸಿ.ಗಳಿಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಅಂತಿಮವಾಗಿ ರೂ.8,000/- ಗಳನ್ನು ನೀಡುವಂತೆ ಮಾತನಾಡಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡು ದಿನಾಂಕ: 28/03/2013 ರಂದು ಹಣ ನೀಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ತಾಣೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ದಿನಾಂಕ: 28/03/2016 ರಂದು ಭೇಟಿ ಮಾಡಿದಾಗ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ಪ್ರಕರಣ ಸಂಖ್ಯೆ:3/2013 ರಲ್ಲಿ ಕಲಂ 7, 13(1)(ಡಿ) ಮತ್ತು 13(2) ಪ್ರತಿಬಂಧಕ ಕಾಯಿದೆ 1988ರಡಿಯಲ್ಲಿ ಮೊಕದ್ದಮೆ ದಾಖಲು ಮಾಡಿದದು, ದಿನಾಂಕ: 28/03/2013 ರಂದು ಬಡವನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿರುವ ಆಪಾದಿತರ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ದೂರುದಾರರು ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವ ಸಲುವಾಗಿ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಲಂಚದ ಹಣ ರೂ.8,000/- ಗಳನ್ನು ಮದ್ಯಾಹ್ನ 2-10 ರಿಂದ 2-25ರ ಅವಧಿಯಲ್ಲಿ ನೀವು ಪಡೆದುಕೊಂಡಿದ್ದು, ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ಹಣದ ಬಗ್ಗೆ ನೀವು ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

ಅನುಬಂಧ-2

ದೋಷಾರೋಪಣೆಯ ವಿವರ

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ದೂರುದಾರರಾದ ಶ್ರೀ ಎನ್.ಸಿ.ರಂಗನಾಥ್ ಬಿನ್ ಲೇಟ್ ಚಿಕ್ಕರಂಗಯ್ಯ, ನಾಗೇನಹಳ್ಳಿ ದೊಡ್ಡೇರಿ ಹೋಬಳಿ, ಮಧುಗಿರಿ ಹೋಬಳಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇವರು ವಿದ್ಯುತ್ ಗುತ್ತಿಗೆದಾರರು ವರ್ಗ-1 ಆಗಿದ್ದು, ಸದರಿಯವರಿಗೆ ಬೆಸ್ಕಾಂ ಎಇಇ, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು ಇವರಿಂದ ದಿನಾಂಕ: 12/10/2012 ರಂದು ಲೇಬರ್ ಕಂಟ್ರಾಕ್ಟರ್ ವರ್ಕ ಅವಾರ್ಡ್ ಸಿಕ್ಕಿದ್ದು, ಶ್ರೀ ಬಿ.ಹೆಚ್.ವೆಂಕಟೇಶ್ ಬಿನ್ ಪನುಮಂತರಾಯಪ್ಪ, ಶ್ರೀ ಲಕ್ಷ್ಮಯ್ಯ ಇವರುಗಳಿಗೆ ಅಕ್ರಮ-ಸಕ್ರಮ ಕಾರ್ಯಾದೇಶ ನೀಡಿದ್ದು, ಸದರಿ ಕಾರ್ಯಾದೇಶದ ಪ್ರಕಾರ ದೂರುದಾರರು ಕೆಲಸ ಪೂರ್ಣಗೊಳಿಸಿ ಆಪಾದಿತರಿಗೆ ಕಂಬಗಳಿಗೆ ಮತ್ತು ವೈರ್‌ಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಟ್ಟಿದ್ದು ಸದರಿ ಕೆಲಸವನ್ನು ಸಹ ಪೂರ್ಣಗೊಳಿಸಿ 25 ಕೆ.ವಿ. ಪರಿವರ್ತಕದ ಇಂಡೆಂಟ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಸದರಿ ಆಪಾದಿತರು ಎರಡೂವರೆ ತಿಂಗಳಿನಿಂದ ಇಂಡೆಂಟ್ ನೀಡದೇ ಸತಾಯಿಸುತ್ತಿದ್ದು, ಈಗಾಗಲೇ ರೂ.3,500/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸುತ್ತಿದ್ದು, ಈ ಸಂಬಂಧ ದಿನಾಂಕ: 26/03/2013 ರಂದು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯ ಅಧಿಕಾರಿಗಳನ್ನು ಭೇಟಿ ಮಾಡಿ ಒಂದು ಧ್ವನಿ ಮುದ್ರಕವನ್ನು ಪಡೆದುಕೊಂಡು ದಿನಾಂಕ: 27/30/2013 ರಂದು ಆಪಾದಿತರಾದ ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ನೀವು ಒಂದೊಂದು ಐ.ಪಿ. ಸೆಟ್‌ಗೆ ರೂ.5,000/-ಗಳಂತೆ ಒಟ್ಟು ರೂ.10,000/- ಗಳನ್ನು ನೀಡಿದರೆ ಟಿ.ಸಿ.ಗಳಿಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಅಂತಿಮವಾಗಿ ರೂ.8,000/-ಗಳನ್ನು ನೀಡುವಂತೆ ಮಾತನಾಡಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡು ದಿನಾಂಕ: 28/03/2013 ರಂದು ಹಣ ನೀಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ಈ ಸಂಬಂಧ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ದಿನಾಂಕ: 28/03/2013 ರಂದು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ:3/2013 ರಲ್ಲಿ ಕಲಂ 7, 13(1)(ಡಿ) ಮತ್ತು 13(2) ಪ್ರತಿಬಂಧಕ ಕಾಯಿದೆ 1988 ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣವನ್ನು ನೋಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರ ಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಒಂದು ಸಾವಿರ ಮುಖಬೆಲೆಯ ಐದು ನೋಟುಗಳು, ಐದು ನೂರು ಮುಖಬೆಲೆಯ ನಾಲ್ಕು ನೋಟುಗಳು ಹಾಗೂ ಒಂದು ನೂರು ಮುಖಬೆಲೆಯ ಹತ್ತು ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಆಪಾದಿತರನ್ನು ಟ್ರಾಪ್ ಮಾಡಲು ಹೋಗಿದ್ದು, ದಿನಾಂಕ: 28/03/2013 ರಂದು ಬಡವನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿರುವ ಆಪಾದಿತರ

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ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ದೂರುದಾರರು ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವ ಸಲುವಾಗಿ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಲಂಚದ ಹಣ ರೂ.8,000/- ಗಳನ್ನು ಮದ್ಯಾಹ್ನ 2-10 ರಿಂದ 2-25 ರ ಅವಧಿಯಲ್ಲಿ ನೀವು ಪಡೆದುಕೊಂಡಿದ್ದು, ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ಆಪಾದಿತರುಗಳ ಹೇಳಿಕೆಯನ್ನು ಸಹ ದಾಖಲು ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೆಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ಆಪಾದಿತರುಗಳು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ: 28/03/2013 ರಂದು ಲಂಚದ ಹಣ ರೂ.8,000/- ಗಳನ್ನು ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಆಪಾದಿತರಿಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ಆಪಾದಿತರು ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ಆಪಾದಿತರ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ, ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರು, ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ವಿಚಾರಣೆ ನಡೆಸಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ನೇಮಕ/ನಾಮನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತಾರೆ. ಉಲ್ಲೇಖ-3 ರ ಕಚೇರಿ ಟಿಪ್ಪಣಿಯ ಪ್ರಕಾರ ಸದರಿ ಇಲಾಖಾ ವಿಚಾರಣಾ ಕಡತವು ಎ.ಆರ್.ಇ-11 ರಿಂದ ಎ.ಆರ್.ಇ-16 ಶಾಖೆಗೆ ವರ್ಗಾವಣೆಗೊಂಡಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ಮೇಲೆ ಈ ದೋಷಾರೋಪಣೆ.

4. DGO appeared before this Inquiry Authority on 15/05/2019 and on the same day his First Oral statement was recorded U/R 11(9) of KCS (CC & A) Rules

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1957. The DGO pleaded not guilty and claims to hold an inquiry.

5. The DGO filed his written statement denying all the allegations leveled against him in the Article of charges. He however admitted that he has served as Junior Engineer (Electrical) in the office of BESCO, Badavanahalli division-2, Madhugiri Taluk, Tumkur District in the year 2013. He has stated that on 28/03/2013 when he was waiting in the bus stop for going to the office of Assistant Executive Engineer, the complainant brought him to his office and foisted the amount into his pocket suddenly. Immediately the Lokayukta Police came and caught him. The complainant has filed a false case against him before Lokayukta Police for the reasons not known to DGO. The DGO denies the conversation said to have been recorded by the complainant and it is concocted one. The incident has taken in a public place where large numbers of people visit the office. There is no single person who has seen that the DGO has taken bribe or even heard of his alleged demands which proves beyond doubt that DGO is falsely implicated in this case. Further, on the very same allegation and incident of trap, the Lokayukta Police filed charge sheet before Special court at Tumkur District and the same is pending adjudication. When the criminal

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case is pending before Special Court, departmental enquiry cannot be conducted since the charge before the Court will have more serious consequence than the Departmental Enquiry. The DGO has not committed any misconduct and the trap was hoisted against him to tarnish his image. Wherefore it is prayed to close the enquiry proceedings.

6. In order to substantiate the charge leveled against the DGO, the Disciplinary Authority examined Sri. N.H. Shashidhar (Shadow Witness) as PW-1 and got marked the documents Ex.P1 to P4. Panch Witness-Sri. Hanumantaiah.D.N. was examined as PW-2 and got marked Ex.P5 document and Investigation Officer-Sri. Ramesh Kumar.H.B was examined as PW-3 and got marked Ex.P6 to P23 documents. After closing the case of disciplinary authority, Second oral statement of DGO was recorded under Rule 11(16) of KCS (CCA) Rules, 1957 and wherein he submitted that, he had no defence evidence to lead. Hence questionnaire of DGO was recorded under Rule 11(18) of KCS (CC & A) Rules, 1957.
7. Heard oral arguments of Learned Presenting Officer and perused the written notes of arguments submitted by the learned counsel for DGO.
8. The point that emerge for consideration is as under;

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Whether the Disciplinary Authority has proved the charge leveled against DGO ?

9. My findings on the above Point is as under for the reasons assigned hereinafter :-

Point – Negative.

REASONS

10. **POINT** : It is the case of the Disciplinary Authority that the DGO while working as Junior Engineer (Electrical) in the office of BESCO, Badavanahalli Division-2, Madhugiri Taluk, Tumkur District in the year 2013 harass the complainant namely Sri. Ranganath, a Class-I Electrical Contractor for about 2½ months without issuing him the indent and has demanded bribe of Rs. 5,000/- per T.C and had already received Rs. 3,500/- from the complainant and therefore, the complainant filed complaint before Lokayukta office at Tumkur and the DGO was trapped while receiving bribe amount of Rs. 8,000/-.
11. It is unfortunate to mention that the complainant Sri. Ranganath at whose instance the wheels of justice set into motion against the DGO has reported dead and copy of death certificate is placed before this authority. As

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such the evidence of the complainant is not available to substantiate the allegations made by him in his Ex.P6-Complaint. Now it is to be determined whether the disciplinary authority has proved the charges leveled against the DGO even in the absence of the evidence of complainant Sri. Ranganath.

12. Sri.N.H. Shashidhar, the alleged shadow witness was examined as PW-1. He has stated in his chief examination that while he was working as M.S.W Executive in the office of Building and Construction Works Board, Tumkur his higher officer i.e., the Labour Officer directed him on 28/3/2013 to go to the office of Lokayukta as a witness in one trap case. Accordingly, when he went to the office of Lokayukta, Tumkur, he saw the complainant, the Police Officers, the Police staff and another Government servant namely Sri. Hanumantharayappa in the office. The Police revealed them the contents of the complaint and have done certain proceedings there in the office. The procedure consists of verification of currency notes brought by the complainant Sri. Ranganath and after verification, the Police prepared certain documents and have filled certain liquids in the bottle and have drawn experimental panchanama as per Ex.P1 and he subscribed his signature to the same as per Ex.P1(a).

28/3/13

13. PW-1 further stated in his chief examination that on the same day i.e., on 28/3/2013 around 2.00 pm, the Lokayukta Police taken them in the jeep near to the office of Badavanahalli BESCO. Himself, complainant and one Police constable went inside the office and where for the first time, they found the DGO namely Sri.S.G. Lakshmikanth and two other persons, who have not allowed him to enter into their chamber. They instructed him to sit in the next room. That after 10 minutes the complainant came out and has removed spectacles giving indication to the Police. The Lokayukta Police earlier informed the complainant that in the event the DGO received bribe amount to give them the signal by removing his spectacles.
14. Besides PW-1 stated that when the complainant gave the amount to the DGO, he was sitting in the next room i.e., the room situated next to the room of DGO. By that time, the Public and Senior Officers of the BESCO Office have assembled. The Lokayukta Police have done all the procedures. Himself and another witness were sitting in the nearby room and therefore they are not aware of the procedures done by the Lokayukta Police. The Police have prepared several documents in the spot through computers. After lapse of two hours, the Police have taken them all along with the DGO in jeep to their Lokayukta Office. He is not aware whether the Police

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seized anything in the spot and the Police have not obtained his signatures in the spot and have obtained his signature to Ex.P2-Trap Panchanama on the succeeding day of trap by mentioning anti-date in the same. On 28/03/2013, due to paucity of time they have not obtained his signature and have issued him the relieving letter on next day. He is not aware of the contents of the document and the statement allegedly made by the DGO. The Police, while travelling in the jeep had given him the details of the procedures that they done in the office. He could not say the place where the Ex.P3 – Photographs is taken, whether it was taken in Lokayukta Office or in BESCO office.

15. By treating PW-1 as Hostile witness he was subjected to acid test of cross examination. In his cross examination, he has specifically refuted the suggestions of the Presenting Officer that he was made to heard the conversation recorded in the voice recorder relating to the demand of bribe made by the DGO with the complainant for having issued indent. So all also refuted the suggestion that when the complainant produced Rs. 8,000/- in Lokayukta Office, himself and another witness Hanumantaiah after counting the amount have also mentioned the denomination as well as the numbers of currency notes in one white sheet and subscribed their signatures to the same. He further denied the suggestion

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that after application of phenolphthalein powder to the currency notes, the witness Hanumanthaiah had kept the tainted currency notes in the shirt pocket of the complainant and when the hands of Hanumantaiah was dipped in Sodium carbonate solution, the solution turned into pink colour.

16. PW-1 in his cross examination by the Presenting Officer has not admitted the suggestion that Experimental Panchamana was drawn in Lokayukta Office and at that time photographs is taken as per Ex.P3. Further he has not admitted the next suggestion that he along with complainant went inside the chamber of DGO as instructed by the Police and in his presence, the DGO received Rs. 8,000/- bribe amount from the complainant and after counting the currency notes, the DGO kept the same in his shirt pocket. PW-1 refuted further suggestion that when the hands of the DGO were dipped in Sodium Carbonate solution, it turns pink and in this regard, the Police drew the Trap Panchanama and have also taken the photographs in the spot. PW-1 refuted further that he made statement before Police as per Ex.P4.
17. In the said manner, the PW-1 who is a shadow witness playing vital role in the case has turned hostile. To be more precise, PW-1 has totally refuted the case of disciplinary authority and turned hostile.

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18. Yet another witness namely Sri. Hanumantaiah was examined as PW-2. He has stated in his chief examination that the Lokayukta Police by writing letter to his higher officer has called him as witness. His higher officer send him to Lokayukta Office on 28/3/2013 where the complainant Sri. Ranganath was introduced by the Police Inspector, Lokayukta, he had seen there another Government official namely Shashidhar who is also called as witness. The complaint contents are disclosed to them. They came to know that the DGO is demanding bribe from the complainant who is a contractor to give him the indent. The complainant has brought Rs. 8,000/-. Sri. Shashidhar while counting the amount, he had recorded the number of the currency notes in white sheet as per Ex.P5. The Police applied phenolphthalein powder to currency notes and as per the direction of the Police Inspector, he kept the tainted currency notes in the shirt pocket of the complainant. Later on, his hands when washed with Sodium Carbonate solution, the solution turned into pink colour and that solution was collected in one bottle. The mahazar was drawn as per Ex.P1 and photographs is taken as per Ex.P3 and he subscribed his signature to the Mahazar.

19. PW-2 further stated that the Police Inspector has deployed Mr. Shashidhar as Shadow witness and himself as Panch witness. One voice recorder was given to the

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complainant with instruction to give signal by removing spectacles in the event the DGO received the bribe amount. Later on, they all went near the office of BESCO, Badavanhalli, where the complainant and the shadow witness went inside the office. He and Police were waiting nearby the BESCO office and after 10 minutes the complainant has come out from the office and he gave signal to the Police by removing his spectacles. Immediately the Police Inspector, his staff and himself went inside of the office. The office is very congested. The complainant explored before the Police that the DGO received from him the amount. The Police Inspector introduced the DGO. Mr. Shashidhar has counted the amount. The numbers of currency notes counted by Mr. Shashidhar tallies with the number already recorded by them. Due to rush, in the place he had not seen from where Mr. Shashidhar had brought the amount. At that time, the Police when washed the hands of DGO in Sodium Carbonate solution, the solution turned into pink colour. Likewise, the shirt worn by the DGO when removed and dipped in the solution, the solution turned into pink colour. Alternative shirt was furnished to the DGO.

20. PW-2 stated further in his chief examination that the Police Inspector has called out the higher officer of the DGO to the spot and the conversations recorded in the



voice recorder was heard by the Higher Officer of DGO and he identified the voice of the DGO. In this regard, Mahazar was drawn as per Ex.P2 and photographs are taken as per Ex.P3 (c) to (i), wherein he was also found. The Police recorded the statement and have obtained the signature to Dastagiri Panchanama.

21. In the cross examination of PW-2, it is elicited that he has already participated as a witness in many number of trap cases of Lokayukta. He had not contacted the complainant Sri.N.C. Ranganath and had not talk with him directly in Lokayukta Office. He had not read over the contents of complaint. But the Police informed them about the contents of complaint. He had not seen the Labour Contractor order and indent copies related to the complainant Mr. Ranganath. He is not aware when the complainant had met the DGO in connection of his work.
22. When PW-2 was questioned whether the complainant Mr.Ranganath produced the cash amount of Rs. 8,000/- in his presence in Lokayukta Office, he pleaded his ignorance. He has stated that Shashidhar after counting the currency notes had mentioned the numbers of the notes and he recorded the numbers as per Ex.P5. He pleaded his ignorance about the names of chemical solutions used in the trap. He admitted that the solutions were in clear white colour.

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23. It is elicited from the mouth of PW-2 that on the date of trap i.e., on 28/3/2013, he had not subscribed his signatures on photographs as the prints of the photos was prepared on subsequent date. Further elicited that the distance between the BESCO and the place they were standing is about 500 feet. He admitted that what was happening inside the BESCO office was not visible for them from the place where they were standing. He had not witnessed any demand made by the DGO from the complainant and so also the amount allegedly received by him. He admitted that by the time he entered inside the office already 7-8 persons were assembled there.

24. With regard to the evidence of PW-2, be it noted that one important statement was made by him in chief examination and the same reads as under;

ಶಶಿಧರ್ ರವರು ಹಣವನ್ನು ಏಣಿಸಿದರು. ಆ ಹಣದಲ್ಲಿದ್ದ ನೋಟಿನ ಸಂಖ್ಯೆಗಳು ನಾನು ಬರೆದಿದ್ದ ನೋಟಿನ ಸಂಖ್ಯೆಗಳಿಗೆ ತಾಳೆಯಾಗುತ್ತಿತ್ತು. ಆ ಹಣವನ್ನು ಶಶಿಧರ್ ಎಲ್ಲಿಂದ ತೆಗೆದರೂ ಎಂದು ನನಗೆ ರಶ್‌ನಲ್ಲಿ ಕಾಣಿಸಲಿಲ್ಲ.

25. Added to afore mentioned material statement, PW-2 made himself in his cross examination that he has neither witnessed the demand of bribe made by DGO nor the bribe amount paid by the complainant to the DGO. In this context, it is significant to mention that PW-2 is not a shadow witness and the shadow witness – PW-1 totally turned hostile. So also it is significant to mention that

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the complainant is dead and as per the cross examination evidence of PW-2, he had not met the complainant in Lokayukta Office and had not made any direct conversation with him.

26. The Investigation Officer Mr. Ramesh Kumar H.B., the then Police Inspector of Karnataka Lokayukta, Tumkur District was examined as PW-3.
27. It is the evidence of PW-3 that he was working as Police Inspector of Lokayukta Police station, Tumkur from 16/10/2012 to 01/10/2013. That on 26/3/2013, the complainant Sri. N.C. Ranganath came to Lokayukta Police Station and delivered information that the DGO is demanding bribe of Rs. 10,000/- for giving indent to two T.Cs. They recorded the said information in the Station house register and have provided the complainant one voice recorder with instruction that if the DGO demanded for bribe record the conversation in the voice recorder. Accordingly, the complainant received the voice recorder and on 28/3/2013 at about 10.00 am, the complainant was back to Lokayukta station and he produced the voice recorder before them stating that the conversation relating to bribe was recorded in the same. When they heard the conversation, it was sound that the DGO demanded indirectly Rs. 10,000/- as bribe and when the complainant pleaded his inability the amount was

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reduced to Rs. 8,000/-. After confirmation of demand for bribe, he received complaint from the complainant which is at Ex.P6 and has registered the FIR as per Ex.P7. He made request by writing two letters as per Ex.P8 & P9 to two Departments of the Government to provide Government servants as witnesses to trap proceedings. Two witnesses namely Sri. Shashidhar and Sri. Hanumanthaiah appeared before him at 11.00 am. They were introduced to the complainant and they came to know about the details of FIR. As per his direction, the complainant produced Rs.8,000/- and after that phenolphthalein powder was applied to all the currency notes. Currency note numbers was read over by one witness and recorded by another witness over one white sheet as per Ex.P5. When both the hands of the witness who has counted the amount was dipped in Sodium Carbonate solution, it turns pink and the sample of the solution was collected in separate bottle with identification number. Both the witnesses have made to hear the conversation recorded in the voice recorder. The conversation was transferred from voice recorder to CD through Laptop. Experimental Panchanama was drawn as per Ex.P1 and during that period, photographs are taken as per Ex.P3. It was decided to send Mr. Shashidhar as shadow witness along with the

Shashidhar

complainant. Voice recorder was given to the complainant with due instructions.

28. Later on they went to the office of DGO at about 12.45pm and they parked their vehicles near the office around 2.10pm. They send the complainant and the shadow witness with instruction to the office. At about 2.25pm, when the complainant gave them a signal they entered the office of DGO, where the complainant shown them the DGO. After revealing his identity as Police Inspector, he enquired about the incident with DGO. When the hands of DGO are dipped in the Sodium Carbonate solution, there was change in the colour of the solution and it was turned to pink colour. DGO when asked has produced the currency notes from the left pocket of his shirt and the witness Hanumantaiah had received the amount.
29. When the witness Hanumantaiah verified the currency notes, the numbers of the currency notes tallies with the number recorded by him in Ex.P5. The shirt worn by the DGO when removed and dipped in the solution, the solution turned into pink colour. Alternative shirt was furnished to the DGO. When DGO was enquired with regard to the records pertaining to the complainant, he produced the records which are at Ex.P10. Mahazar was drawn as per Ex.P11 with regard to recovery of records.

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When the recorded conversation was heard by the higher officer of DGO by name Sri. Basavarajaih, he identified the voice of DGO Sri. Lakshmikanth and in this regard, mahazar was drawn as per Ex.P2. Recorded conversation was transferred to C.D. The Attendance register extract was secured as per Ex.P11. Recorded conversation was reduced into writing as per Ex.P13 & P14 respectively. The explanation given by the DGO was recorded as per Ex.P12. The Assistant Engineer of PWD was invited to the spot and he drew the spot map as per Ex.P15 and the letter written to the Assistant Engineer seeking his assistance is at Ex.P16. With information to his higher officer as per Ex.P17 and receiving reply from him as per Ex.P18, the DGO was arrested and produced before Court. The Executive Officer was requested as per Ex.P10 to furnish Report in respect of completing the work relating to the complainant. The report was accordingly received as per Ex.P21. A letter was written to FSL as per Ex.P22 and Report was received from FSL as per Ex.P23. Later on, as he was transferred further investigation was taken up by his successor namely Mr. Gautham. He had submitted the certificate required under Section 65(B) of Indian Evidence Act to the Special Court, Tumkur District.

30. In the cross examination of PW-3, it is elicited that no mahazar was drawn with regard to delivering the

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possession of voice recorder to the complainant and however he has not produced before Court the extract of the register wherein the entry was made with regard to handing over voice recorder to the complainant. Further elicited that the complainant has not furnished any documents to show that he was Class-I contractor and has completed the work entrusted to him and he had already paid Rs. 3,500/- in respect of first indent to the DGO. He admitted that he had written letter to Assistant Executive Engineer seeking explanation about the pendency of work relating to the complainant and the Assistant Executive Engineer submitted his reply on 15/5/2013 as per Ex.P18. However he refuted that as per the contents of Ex.P18 as the work of installation of T.C was not completed by the complainant due to scarcity of labours and as there was scarcity of materials in the warehouse, the work was pending.

31. When PW-3 was questioned that whether any documents are available with regard to filing of application for indent by the complainant, PW-3 stated that no such applications are necessary since it is after completion of first indent work by verifying the same, the second indent should be issued by the DGO. It was suggested that there is no mention about the said fact in Ex.P18. For this suggestion, PW-3 stated that it is mentioned in Ex.P18 that DGO is having power to issue the indent.

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PW-3 admitted the suggestion that as mentioned by the complainant in the complaint, he had installed the light poles and drawn the lines. PW-3 stated that he had not drawn any mahazar while he visited the work spot. PW-3 stated further that he had not received any documents to know that whether 25 KVA transformers are available in the Godown as that portion would arise only after issuance of indent.

32. With regard to the evidence of Investigation Officer-PW3, no doubt there is no inconsistency in his evidence. But there is contradiction between the evidence of PW-2 namely Sri. Hanumantaiah and PW-3-Investigation Officer. The contradiction is that according to PW-2 -Sri. Hanumantaiah after trap, the shadow witness Sri. Shashidhar has counted the tainted currency notes and however he is not aware from where Mr. Shasidhar had collected the amount. Contradictorily, PW-3 stated at Paragraph No. 9 of his chief examination that when the witness Shashidhar taken out the tainted currency notes from the shirt pocket of the DGO and handed over the same to the witness Hanumantiah, the witness Hanumantiah after verifying the amount has confirmed that the numbers of currency notes tally with the numbers mentioned in Ex.P5.

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33. As mentioned in Ex.P6-Complaint by the time the complaint is filed, the complainant already paid Rs. 3,500/- as part of bribe amount to the DGO. But it is elicited in the cross examination of PW-3 – Investigation Officer that no evidence is available to show that Rs. 3,500/- is already received as bribe by the DGO. I have to emphasize that complaint averments are not established as the author of the same is dead. To be more precise, as the complainant is dead his evidence to corroborate Ex.P6-complaint is not available. Added further to this, the material witness Mr. Shashidhar who is projected as Shadow witness turned hostile. There is material contradiction between the evidence of PW-2-Panch witness and PW-3- Investigation Officer, which creates doubt in the mind of this Inquiry Authority. At this juncture, incidentally it may be bring it on record that the DGO Sri. S.G. Lakshmikanth is acquitted of the offences punishable under Prevention of Corruption Act, 1988 in Spl.Case No. 729/2017. This acquitted copy of the judgment is produced along with written notes of arguments by the Counsel for DGO. Needless to state that the subject matter of Article of charge framed in the present D.E and the charges framed in Special Case No. 729/2017 is one the same. When the Court of Law acquitted the DGO and when the shadow witness turned hostile and when there is contradiction in the evidence of

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Panch witness and the I.O., it is unsafe to answer the point for consideration in the affirmative.

34. Of Course, the disciplinary proceedings are not a criminal trial, and in spite of the fact that same are quasi-judicial and quasi-criminal, doctrine of proof beyond reasonable doubt, does not apply in such cases, but the Principle of Preponderance of Probabilities would apply. Therefore the Enquiry authority has to see whether there is evidence on record to reach the conclusion that the Delinquent Government Official had committed misconduct. However, the said conclusion should be reached on the basis of test of what a prudent person would have done. More so, it is the arguments of the learned Counsel for DGO that evidence of I.O (Trap witness) who is interested in securing conviction is unworthy of credit and unless demand for bribe is proved and circumstances only amount to creating suspicion, the DGO is entitled to be exonerated from charges. In this preposition, the learned Counsel for DGO placed reliance on the ruling reported in 2007 (4) Criminal Court cases 0107 (Rajasthan).

35. Wherefore, as rightly pointed out by the Learned Counsel for DGO in his written brief that as there is no evidence of the complainant, the same would have paved the way for the DGO to vigoursly cross-examine the complainant and

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unearth the truth behind the complaint that was lodged against the DGO. The evidence of the complainant is very much required to prove the fact of the complaint and it is lacking in the present case.

36. In substance, non availability of the complainant's evidence, non availability of the evidence of the shadow witness certainly makes the case of Disciplinary Authority weak.
37. The term misconduct is not at all defined either in KCS (conduct) Rules or under Prevention of Corruption Act. It should be gathered on the circumstances of the case and on the basis of Principles of Natural justice and on the basis of Preponderance of probabilities that conclusion shall has to be arrived. In present case, no such circumstances are made out to prove the alleged misconduct of the DGO. In other words, the evidence on record is insufficient to hold the DGO guilty of the charge leveled against him. Wherefore I am inclined to hold the point is in the **Negative**.
38. In view of findings on Point, I proceed with the following;-

: FINDINGS :

The Disciplinary Authority has **failed to prove** the charge against DGO- Sri. S.G. Lakshmikanth, Junior

 29/7/18

Engineer (V), BESCO, Badavanahalli Unit-2, Madhugiri Taluk, Tumkur District.

This report is submitted to the **Hon'ble Upalokayukta-II** in a sealed cover along with connected records.

Dated this the 28th July 2023

Anitha.M

(Anitha.M)
Additional Registrar (Enquiries-16)
Karnataka Lokayukta,
Bengaluru.

Date of Retirement of DGO : 31/03/2046

ANNEXURES

I. LIST OF WITNESS/S EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY :-

PW-1 : Sri. N.H. Shashidhar (witness)
PW-2 : Sri. Hanumantaiah (witness)
PW-3 : Sri. Ramesh Kumar.H.B (I.O.)

II. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY :-

Ex.P.1 :	Pre-trap Mahazar dated 28/3/2013
Ex.P.2 :	Trap Mahazar dated 28/3/2013-
Ex.P.3 :	Trap photos
Ex.P.4 :	Statement of N.H. Shashidhar dated. 29/3/2013

Anitha.M

Ex.P.5 :	Currency notes details-
Ex.P.6 :	Letter dt. 28/3/2013- certified copy
Ex.P.7 :	FIR dated 28/3/2013
Ex.P.8 :	Letter dated 28/3/2013-certified copy
Ex.P.9:	Letter dated 28/3/2013-certified copy
Ex.P.10:	Form for awarding labour contract
Ex.P.11:	Attendance Register-certified copy
Ex.P.12:	Letter dated 28/3/2013 of DGO-certified copy
Ex.P.13:	Phone conversation details
Ex.P.14:	Telephone conversation details
Ex.P.15:	Spot map-certified copy
Ex.P.16:	Letter dated 28/3/2013 –certified copy
Ex.P.17:	Letter dated 16/4/2013
Ex.P.18:	Letter dated 15/5/2013-certified copy
Ex.P.19:	Contractor details along with enclosures
Ex.P.20:	Letter dated 28/3/2013-certified copy
Ex.P.21:	Letter dated 25/6/2013-certified copy
Ex.P.22:	Letter dated 3/4/2013-certified copy
Ex.P.23:	Letter dated 16/4/2013-certified copy

Dated this the 28th July 2023



(Anitha.M)

Additional Registrar (Enquiries-16)
Karnataka Lokayukta,
Bengaluru.



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ಸಂ: ಉಪಲೋಕ್-2/ಇವಿ.320/2018/ಅನಿವಿ.16

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು, ದಿ.31.07.2023.

ಶಿಫಾರಸ್ಸು

ವಿಷಯ:- ಶ್ರೀ ಎಸ್.ಜಿ.ಲಕ್ಷ್ಮೀಕಾಂತ, ಕಿರಿಯ ಅಭಿಯಂತರು (ವಿ), ಬೆಸ್ಕಾಂ, ಬಡವನಹಳ್ಳಿ ಯೂನಿಟ್-2, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಅವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ:- 1. ಆದೇಶ ಸಂ.ಕೆಪಿಟಿಸಿಎಲ್/ಬಿ21/86861 2018-10 ದಿ.21.06.2018.

2. ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂ.ಉಪಲೋಕ್-2/ಇವಿ.320/2018 ದಿನಾಂಕ 06.07.2018.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿದ ವಿಚಾರಣಾ ವರದಿ ದಿ.28.07.2023.

ನಿರ್ದೇಶಕರು, (ಆಡಳಿತ ಮತ್ತು ಮಾನವ ಸಂಪನ್ಮೂಲ), ಕರ್ನಾಟಕ ವಿಧ್ಯುತ್ ಪ್ರಸಾರಣ ನಿಗಮ ನಿಯಮಿತ, ಇವರ ದಿ.21.06.2018ರ ಆದೇಶದನ್ವಯ ಶ್ರೀ ಎಸ್.ಜಿ.ಲಕ್ಷ್ಮೀಕಾಂತ, ಕಿರಿಯ ಅಭಿಯಂತರು (ವಿ), ಬೆಸ್ಕಾಂ, ಬಡವನಹಳ್ಳಿ ಯೂನಿಟ್-2, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, (ಇನ್ನು ಮುಂದೆ 'ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು' ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ಪ್ರಕರಣವನ್ನು ಉಪಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿರುತ್ತದೆ.

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2. ಈ ಸಂಸ್ಥೆಯು ನಾಮ ನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಇವಿ.320/2018 ದಿನಾಂಕ 06.07.2018ರನ್ವಯ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-11 ಇವರನ್ನು ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳನ್ನಾಗಿ ನೇಮಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಸದರಿ ಆರೋಪಗಳ ಕುರಿತಂತೆ ಇಲಾಖಾ ವಿಚಾರಣೆ ನಡೆಸಲು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಿರುತ್ತದೆ. ತದನಂತರ ವಿಚಾರಣೆಯನ್ನು ಮುಂದುವರೆಸಲು ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆ-16 ಅವರಿಗೆ ಪ್ರಕರಣವು ವರ್ಗಾವಣೆಗೊಂಡಿರುತ್ತದೆ.

3. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ಈ ಕೆಳಕಂಡಂತೆ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿರುತ್ತಾರೆ.

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಎಸ್.ಜಿ.ಲಕ್ಷ್ಮೀಕಾಂತ ಆದ ನೀವು ತುಮಕೂರು ಜಿಲ್ಲೆಯ ಮಧುಗಿರಿ ತಾಲ್ಲೂಕಿನ ಬಡವನಹಳ್ಳಿ ವಿಭಾಗ-2 ಬೆಸ್ಕಾಂ ಕಚೇರಿಯಲ್ಲಿ ಕಿರಿಯ ಇಂಜಿನಿಯರ್ (ವಿದ್ಯುತ್) ಆಗಿ 2013 ರಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಾದ ಶ್ರೀ ಎನ್.ಸಿ.ರಂಗನಾಥ್ ಬಿನ್ ಲೇಟ್ ಚಿಕ್ಕರಂಗಯ್ಯ ನಾಗೇನಹಳ್ಳಿ ದೊಡ್ಡೇರಿ ಹೋಬಳಿ, ಮಧುಗಿರಿ ಹೋಬಳಿ, ತುಮಕೂರು ಜಿಲ್ಲೆ ಇವರು ವಿದ್ಯುತ್ ಗುತ್ತಿಗೆದಾರರು ವರ್ಗ-1 ಆಗಿದ್ದು, ಸದರಿಯವರಿಗೆ ಬೆಸ್ಕಾಂ ಎಇಇ, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು ಇವರಿಂದ ದಿನಾಂಕ: 12/10/2012 ರಂದು ಲೇಬರ್ ಕಂಟ್ರಾಕ್ಟರ್ ವರ್ಕ್ ಅವಾರ್ಡ್ ಸಿಕ್ಕಿದ್ದು, ಶ್ರೀ ಬಿ.ಹೆಚ್.ವೆಂಕಟೇಶ್ ಬಿನ್ ಹನುಮಂತರಾಯಪ್ಪ, ಶ್ರೀ ಲಕ್ಷ್ಮಯ್ಯ ಇವರುಗಳಿಗೆ ಅಕ್ರಮ-ಸಕ್ರಮ ಕಾರ್ಯಾದೇಶ ನೀಡಿದ್ದು ಸದರಿ ಕಾರ್ಯಾದೇಶದ ಪ್ರಕಾರ ದೂರುದಾರರು ಕೆಲಸ ಪೂರ್ಣಗೊಳಿಸಿ ಆಪಾದಿತರಿಗೆ ಕಂಬಗಳಿಗೆ ಮತ್ತು ವೈರ್‌ಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಟ್ಟಿದ್ದು ಸದರಿ ಕೆಲಸವನ್ನು ಸಹ ಪೂರ್ಣಗೊಳಿಸಿ 25 ಕೆ.ವಿ. ಪರಿವರ್ತಕದ ಇಂಡೆಂಟ್ ಕೊಡುವಂತೆ ಕೇಳಿದಾಗ ಸದರಿ ಆಪಾದಿತರು ಎರಡೂವರೆ ತಿಂಗಳಿನಿಂದ ಇಂಡೆಂಟ್ ನೀಡದೇ ಸತಾಯಿಸುತ್ತಿದ್ದು ಈಗಾಗಲೇ ರೂ.3,500/- ಗಳನ್ನು ಆಪಾದಿತರಿಗೆ ನೀಡಿದ್ದು, ಟಿ.ಸಿ. ಇಂಡೆಂಟ್ ನೀಡಲು ಒಂದೊಂದು ಟಿ.ಸಿ.ಗೆ ರೂ.5,000/- ಗಳಂತೆ ಒಟ್ಟು ರೂ.10,000/- ಗಳನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸುತ್ತಿದ್ದು, ಈ ಸಂಬಂಧ ದಿನಾಂಕ: 26/03/2013 ರಂದು ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಕಚೇರಿಯ ಅಧಿಕಾರಿಗಳನ್ನು ಭೇಟಿ ಮಾಡಿ ಒಂದು ಧ್ವನಿಮುದ್ರಕವನ್ನು ಪಡೆದುಕೊಂಡು ದಿನಾಂಕ: 27/03/2013 ರಂದು ಆಪಾದಿತರಾದ ನಿಮ್ಮನ್ನು ನಿಮ್ಮ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ

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ನೀವು ಒಂದೊಂದು ಐ.ಪಿ.ಸೆಟ್‌ಗೆ ರೂ.5,000/-ಗಳಂತೆ ಒಟ್ಟು ರೂ.10,000/- ಗಳನ್ನು ನೀಡಿದರೆ ಟಿ.ಸಿ.ಗಳಿಗೆ ಇಂಡೆಂಟ್ ಹಾಕಿ ಕೊಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಅಂತಿಮವಾಗಿ ರೂ.8,000/- ಗಳನ್ನು ನೀಡುವಂತೆ ಮಾತನಾಡಿರುವ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿ ಮುದ್ರಿಸಿಕೊಂಡು ದಿನಾಂಕ: 28/03/2013 ರಂದು ಹಣ ನೀಡುವುದಾಗಿ ತಿಳಿಸಿದ್ದು, ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ ತುಮಕೂರು ಲೋಕಾಯುಕ್ತ ಆರಕ್ಷಕ ಠಾಣೆಯ ಅಧಿಕಾರಿಗಳನ್ನು ದಿನಾಂಕ: 28/03/2016 ರಂದು ಭೇಟಿ ಮಾಡಿದಾಗ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ಪ್ರಕರಣ ಸಂಖ್ಯೆ:3/2013 ರಲ್ಲಿ ಕಲಂ 7, 13(1)(ಡಿ) ಮತ್ತು 13(2) ಪ್ರತಿಬಂಧಕ ಕಾಯಿದೆ 1988ರಡಿಯಲ್ಲಿ ಮೊಕದ್ದಮೆ ದಾಖಲು ಮಾಡಿದದು, ದಿನಾಂಕ: 28/03/2013 ರಂದು ಬಡವನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿರುವ ಆಪಾದಿತರ ಕಚೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ದೂರುದಾರರು ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡುವ ಸಲುವಾಗಿ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಲಂಚದ ಹಣ ರೂ.8,000/- ಗಳನ್ನು ಮದ್ಯಾಹ್ನ 2-10 ರಿಂದ 2-25ರ ಅವಧಿಯಲ್ಲಿ ನೀವು ಪಡೆದುಕೊಂಡಿದ್ದು, ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ಹಣದ ಬಗ್ಗೆ ನೀವು ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ. '

4. ವಿಚಾರಣಾಧಿಕಾರಿಗಳಾದ ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆ-16 ಇವರು ಸುದೀರ್ಘ ವಿಚಾರಣೆ ನಡೆಸಿ, ಹಾಜರುಪಡಿಸಲಾದ ದಾಖಲೆಗಳನ್ನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳ ಹೇಳಿಕೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧದ ಆರೋಪಗಳನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ವರದಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.


5. ವಿಚಾರಣಾ ವರದಿ, ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳು ಹಾಗೂ ಹಾಜರುಪಡಿಸಿರುವ/ಗುರುತಿಸಿರುವ ಎಲ್ಲಾ ದಾಖಲೆಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿದಾಗ, ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು ಅಲ್ಲಗಳೆಯಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬರುತ್ತಿಲ್ಲ. ಆದುದರಿಂದ ವಿಚಾರಣಾ ಅಧಿಕಾರಿಗಳ ವರದಿಯನ್ನು

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ಅಂಗೀಕರಿಸಿ, ಆರೋಪಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಎಸ್.ಜಿ.ಲಕ್ಷ್ಮೀಕಾಂತ, ಕಿರಿಯ ಅಭಿಯಂತರು (ವಿ), ಬೆಸ್ಕಾಂ, ಬಡವನಹಳ್ಳಿ ಯೂನಿಟ್-2, ಮಧುಗಿರಿ ತಾಲ್ಲೂಕು, ತುಮಕೂರು ಜಿಲ್ಲೆ, ಅವರ ವಿರುದ್ಧದ ಆರೋಪಗಳಿಂದ ಅವರನ್ನು ಮುಕ್ತಗೊಳಿಸಲು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಲಾಗಿದೆ.

6. ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು ಈ ಪ್ರಕರಣದಲ್ಲಿ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಶಿಫಾರಸ್ಸಿನನ್ವಯ ಕೈಗೊಂಡ ಕ್ರಮದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿದೆ.

7. ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಲಗತ್ತಿಸಿದೆ.


(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ,
ಕರ್ನಾಟಕ ರಾಜ್ಯ.