



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-1/ಡಿಇ/1138/2017/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ  
ಬೆಂಗಳೂರು-560001  
ದಿನಾಂಕ:07-06-2023

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಶ್ರೀಮತಿ.ಗುರುಲಿಂಗಮ್ಮ ಕೋಂ ರಾಜಕುಮಾರ್  
ಮಲಬಸಪ್ಪಗೋಳ, ಸಹಾಯಕ ಅಭಿಯಂತರರು,  
ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಚೇರಿ,  
ಕೃಷ್ಣಾ ಭಾಗ್ಯ ಜಲ ನಿಗಮ ನಿ., ಚಿಗರಹಳ್ಳಿ, ಜೇವರ್ಗಿ  
ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ, ರವರ ವಿರುದ್ಧದ ಇಲಾಖಾ  
ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ.ಜಸಂಇ 29 ಸೇಇವಿ 2016,  
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:17/11/2017.  
2) ಉಪಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ,  
ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ  
ಸಂ.ಉಪಲೋಕ್-1/ಡಿಇ/1138/2017, ಬೆಂಗಳೂರು,  
ದಿ:27/11/2017.  
3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ  
ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ  
ಪರದಿ ದಿ:26/05/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ:17/11/2017 ರಂತೆ ಶ್ರೀಮತಿ.ಗುರುಲಿಂಗಮ್ಮ  
ಕೋಂ ರಾಜಕುಮಾರ್ ಮಲಬಸಪ್ಪಗೋಳ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಸಹಾಯಕ  
ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಚೇರಿ, ಕೃಷ್ಣಾ ಭಾಗ್ಯ ಜಲ ನಿಗಮ ನಿ., ಚಿಗರಹಳ್ಳಿ,  
ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ  
ನೌಕರರು/ಅಧಿಕಾರಿ ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು

ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯು ನಾಮನಿರ್ದೇಶನದ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1 /ಡಿಇ/1138/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:27/11/2017ರ ರೇತ್ಯಾ ಅಪರ ನೆಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ 'ಆ.ಸ.ನೌಕರರ' ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ.ಗುರುಲಿಂಗಮ್ಮ ಕೋಂ ರಾಜಕುಮಾರ್ ಮಲಬಸವ್ವಗೋಳ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಚೇರಿ, ಕೃಷ್ಣಾ ಭಾಗ್ಯ ಜಲ ನಿಗಮ ನಿ., ಚಿಗರಹಳ್ಳಿ, ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ, ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

### ಅನುಬಂಧ-1

### ದೋಷಾರೋಪಣೆ

ಮೊದಲನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಗುರುಲಿಂಗಮ್ಮ ಆದ ನೀವು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಚಿಗರಹಳ್ಳಿ ಕೃಷ್ಣ ಭಾಗ್ಯ ಜಲ ನಿಗಮ, ನಿ., ಇಲ್ಲಿ ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2016ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶಿವಶಂಕರ ಬಿನ್ ಭೀಮರಾಯ ಸಾಲೋಟಗಿ, ಗುತ್ತಿಗೆದಾರರು, ಮುರಡಿ, ಸಿಂಧಗಿ ತಾಲ್ಲೂಕು,

ವಿಜಯಪುರ ಜಿಲ್ಲೆ, ರವರು ನಿಮ್ಮ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಮುಖ್ಯ ಕೊಳವೆಯ ಇಂಡೆಂಟ್ ಸಂಖ್ಯೆ 7827 ರಲ್ಲಿಯ ಕಾಮಗಾರಿಯನ್ನು ಸಿಂದಗಿಯ ಕಾಳಿಕಾ ನಗರದಲ್ಲಿರುವ ಜಿ.ಎ.ದೇಸಾಯಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ ಗುತ್ತಿಗೆದಾರರಿಂದ ದಿನಾಂಕ 6/6/15 ರಂದು ವಹಿಸಿಕೊಂಡು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ 14.01.16 ರಂದು ಪೂರ್ಣಗೊಳಿಸಿ ಆ ಬಗ್ಗೆ ಬಿಲ್ ಸಂಬಂಧವಾಗಿ ಭಾಗಶಃ ರೂ.41,57,260.00 ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಉಳಿಕೆ ಹಣದ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ದಿನಾಂಕ 28/01/2016 ಕ್ಕೆ ಮುನ್ನ ನೀವು ದೂರುದಾರರಿಂದ ಲಂಚ ರೂಪದಲ್ಲಿ ರೂ.1,00,000/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಆ ಮೂಲಕ ನೀವು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (1) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

ಎರಡನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಗುರುಲಿಂಗಮ್ಮ ಆದ ನೀವು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಚಿಗರಹಳ್ಳಿ ಕೃಷ್ಣ ಭಾಗ್ಯ ಜಲ ನಿಗಮ, ನಿ., ಇಲ್ಲಿ ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2016ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶಿವಶಂಕರ ಬಿನ್ ಭೀಮರಾಯ ಸಾಲೋಟಗಿ, ಗುತ್ತಿಗೆದಾರರು, ಪುರಡಿ, ಸಿಂಧಗಿ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ, ರವರು ನಿಮ್ಮ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಮುಖ್ಯ ಕೊಳವೆಯ ಇಂಡೆಂಟ್ ಸಂಖ್ಯೆ 7827 ರಲ್ಲಿಯ ಕಾಮಗಾರಿಯನ್ನು ಸಿಂದಗಿಯ ಕಾಳಿಕಾ ನಗರದಲ್ಲಿರುವ ಜಿ.ಎ.ದೇಸಾಯಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ ಗುತ್ತಿಗೆದಾರರಿಂದ ದಿನಾಂಕ 6/6/15 ರಂದು ವಹಿಸಿಕೊಂಡು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ 14.01.16 ರಂದು ಪೂರ್ಣಗೊಳಿಸಿ ಆ ಬಗ್ಗೆ ಬಿಲ್ ಸಂಬಂಧವಾಗಿ ಭಾಗಶಃ ರೂ.41,57,260.00 ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಉಳಿಕೆ

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ಹಣದ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ನೀವು ದಿನಾಂಕ 28/01/2016 ರಂದು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕಿನ ಚಿಗರಳ್ಳಿ ಕ್ಯಾಂಪ್ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಕೆ.ಬಿ.ಜೆ.ಎನ್.ಎಲ್ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ ಕಛೇರಿಯ ತಾಂತ್ರಿಕ ಶಾಖೆಯ ಕೋಣೆಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಿಂದ ರೂ.1,70,000/- ಲಂಚವನ್ನು ಸಂಜೆ 4.10 ಗಂಟೆಯಿಂದ 4.25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯಾದ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಲಬುರಗಿ ಆರಕ್ಷಕ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ನಿಮ್ಮಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ನೀವು ಹೊಂದಿದ್ದ ಆ ಹಣದ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ತನಿಖಾ ಸಮಯದಲ್ಲಿ ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ಕೊಡಲು ನೀವು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯಲೋಪವೆನ್ನಿಸಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ.ಗುರುಲಿಂಗಮ್ಮ ಕೋಂ ರಾಜಕುಮಾರ್ ಮಲಬಸಪ್ಪಗೋಳ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಚೇರಿ, ಕೃಷ್ಣಾ ಭಾಗ್ಯ ಜಲ ನಿಗಮ ನಿ., ಚಿಗರಹಳ್ಳಿ, ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ, ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.

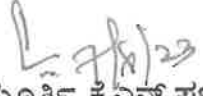
5. ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಯವರು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ಸಾಬೀತುಪಡಿಸಲು ನಾಲ್ವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-4 ರಂತೆ ವಿಚಾರಣೆಗೆ ಜಳಪಡಿಸಿ, ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-20 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ ತಮ್ಮನ್ನು ಡಿ.ಡಬ್ಲ್ಯೂ-1 ಎಂದು ಸಾಕ್ಷಿಯನ್ನಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಸಿಕೊಂಡಿದ್ದಾರೆ. ಆದರೆ, ಯಾವುದೇ ದಾಖಲಾತಿಗಳನ್ನು ಸಹ ತಮ್ಮ ಪರ ಗುರುತಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ.

6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ.ಗುರುಲಿಂಗಮ್ಮ, ಕೋಂ ರಾಜಕುಮಾರ್ ಮಲಬಸಪ್ಪಗೋಳ, ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರ ಕಚೇರಿ, ಕೃಷ್ಣಾ ಭಾಗ್ಯ ಜಲ ನಿಗಮ ನಿ., ಚಿಗರಹಳ್ಳಿ, ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಕಲಬುರಗಿ ಜಿಲ್ಲೆ, ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.



ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

  
(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)  
ಉಪಲೋಕಾಯುಕ್ತ-1  
ಕರ್ನಾಟಕ ರಾಜ್ಯ

**KARNATAKA LOKAYUKTA**

NO. UPLOK-1/DE/1138/2017/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 26/05/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against  
Smt.Gurulingamma, W/o Rajkumar  
Malabasappagola, Assistant Engineer, O/o the  
Assistant Executive Engineer, Krishna Bhagya  
Jala Nigama Niyamitha, Chigarahalli, Jevargi  
Taluk, Kalburgi District -reg.

Ref: 1. Order No. ಜಸಂಇ 29 ಸೇಇವಿ 2016, ಬೆಂಗಳೂರು,  
ದಿ:17/11/2017.

2. Nomination Order No. UPLOK-  
1/DE/1138/2017, Bengaluru, dated  
27/11/2017.

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1. The Departmental Enquiry is initiated against Smt.Gurulingamma, W/o Rajkumar Malabasappagola, Assistant Engineer, O/o the Assistant Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Chigarahalli, Jevargi Taluk, Kalburgi District (hereinafter referred to as the Delinquent Government Officials, in short DGO) on the basis of the complaint dated 28/01/2016. The allegation in the complaint is that Smt.Gurulingamma while working as Assistant Engineer in the office of the Assistant

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Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Chigarahalli, Jevargi Taluk, Kalburgi District during the period 2016, the complainant had taken the work of Mallabad Lift Irrigation Main Canal, Indent No.7827 at Sindagi, Kalikanagar from one G.A.Desai, Class-1 Contractor coming within the jurisdiction of DGO and completed the work on 14/01/2016 for Rs 85,31,211/- and had received part payment of Rs.41,57,260/- towards the bill and when complainant met the DGO to take steps for releasing the balance bill amount, the DGO demanded bribe of 4% of total bill amount for writing the measurements in Measurement Book and DGO has received Rs.1,00,000/- bribe amount prior to 28/01/2016.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Kalaburgi lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Kalaburgi (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.01/2016 against the DGO for the offences punishable under section 7,13(1)(d) r/w 13(2) of P.C.Act, 1988.
3. The Investigating Officer took up investigation and on 28/01/2016, DGO was caught red handed while demanding and accepting illegal gratification of Rs.1,70,000/- from the complainant in the office of DGO and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Kalaburgi. The DGO has failed to give satisfactory or convincing explanation for the

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said tainted amount found then, when questioned by the said I.O. After completion of investigation the investigating officer has filed charge sheet against the DGO in the concerned jurisdictional Court.

4. The Hon'ble Upalokayukta invoking power vested under section 7(2) of the Karnataka Lokayukta Act, 1984, took up investigation and on perusal of complaint, FIR, Mahazars, FSL report and other documents, found prima facie case and forwarded report dated 31/08/2017 U/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate disciplinary proceedings against the DGO and to entrust the enquiry to the Hon'ble Upalokayukta, Karnataka under Rule 14-A of the KCS (CC& A) Rules 1957. The Competent Authority by order dated 17/11/2017 entrusted the matter to the Hon'ble Upalokayukta.
5. The Hon'ble Upalokayukta by order dated 27/11/2017, nominated Additional Registrar Enquiries-11 to conduct the enquiry.
6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

**ANNEXURE-1**

**CHARGE**

ಮೊದಲನೆಯದಾಗಿ :- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಗುರುಲಿಂಗಮ್ಮ ಆದ ನೀವು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಚಿಗರಹಳ್ಳಿ ಕೃಷ್ಣ ಭಾಗ್ಯ ಜಲ ನಿಗಮ, ನಿ., ಇಲ್ಲಿ

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ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2016ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶಿವಶಂಕರ ಬಿನ್ ಭೀಮರಾಯ ಸಾಲೋಟಗಿ, ಗುತ್ತಿಗೆದಾರರು, ಮುರಡಿ, ಸಿಂಧಗಿ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ, ರವರು ನಿಮ್ಮ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಮುಖ್ಯ ಕೊಳವೆಯ ಇಂಡೆಂಟ್ ಸಂಖ್ಯೆ 7827 ರಲ್ಲಿಯ ಕಾಮಗಾರಿಯನ್ನು ಸಿಂಧಗಿಯ ಕಾಳಿಕಾ ನಗರದಲ್ಲಿರುವ ಜಿ.ಎ. ದೇಸಾಯಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ ಗುತ್ತಿಗೆದಾರರಿಂದ ದಿನಾಂಕ 6/6/15 ರಂದು ವಹಿಸಿಕೊಂಡು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ 14.01.16 ರಂದು ಪೂರ್ಣಗೊಳಿಸಿ ಆ ಬಗ್ಗೆ ಬಿಲ್ ಸಂಬಂಧವಾಗಿ ಭಾಗಶಃ ರೂ.41, 57,260.00 ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಉಳಿಕೆ ಹಣದ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ದಿನಾಂಕ 28/01/2016 ಕ್ಕೆ ಮುನ್ನ ನೀವು ದೂರುದಾರರಿಂದ ಲಂಚ ರೂಪದಲ್ಲಿ ರೂ.1,00,000/- ಗಳನ್ನು ಪಡೆದುಕೊಂಡು ಆ ಮೂಲಕ ನೀವು ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (1) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

ಎರಡನೆಯದಾಗಿ:- ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಗುರುಲಿಂಗಮ್ಮ ಆದ ನೀವು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕು, ಚಿಗರಹಳ್ಳಿ ಕೃಷ್ಣ ಭಾಗ್ಯ ಜಲ ನಿಗಮ, ನಿ., ಇಲ್ಲಿ ಸಹಾಯಕ ಅಭಿಯಂತರರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಎಂದರೆ 2016ರಲ್ಲಿ ದೂರುದಾರರಾದ ಶಿವಶಂಕರ ಬಿನ್ ಭೀಮರಾಯ ಸಾಲೋಟಗಿ, ಗುತ್ತಿಗೆದಾರರು, ಮುರಡಿ, ಸಿಂಧಗಿ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರ ಜಿಲ್ಲೆ, ರವರು ನಿಮ್ಮ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಮುಖ್ಯ ಕೊಳವೆಯ ಇಂಡೆಂಟ್ ಸಂಖ್ಯೆ 7827 ರಲ್ಲಿಯ ಕಾಮಗಾರಿಯನ್ನು ಸಿಂಧಗಿಯ ಕಾಳಿಕಾ ನಗರದಲ್ಲಿರುವ ಜಿ.ಎ. ದೇಸಾಯಿ ಎಂದು ಕರೆಯಲ್ಪಡುವ ಗುತ್ತಿಗೆದಾರರಿಂದ ದಿನಾಂಕ 6/6/15 ರಂದು ವಹಿಸಿಕೊಂಡು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ 14.01.16 ರಂದು ಪೂರ್ಣಗೊಳಿಸಿ ಆ ಬಗ್ಗೆ ಬಿಲ್ ಸಂಬಂಧವಾಗಿ ಭಾಗಶಃ ರೂ.41.57.260.00 ಗಳನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಉಳಿಕೆ ಹಣದ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ನೀವು ದಿನಾಂಕ 28/01/2016 ರಂದು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಜೇವರ್ಗಿ ತಾಲ್ಲೂಕಿನ ಚಿಗರಹಳ್ಳಿ ಕ್ಯಾಂಪ್ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಕೆ.ಬಿ.ಜಿ.ಎನ್.ಎಲ್ ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗ ಕಛೇರಿಯ ತಾಂತ್ರಿಕ ಶಾಖೆಯ ಕೋಣೆಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಿಂದ ರೂ.1,70,000/- ಲಂಚವನ್ನು ಸಂಜೆ 4.10 ಗಂಟೆಯಿಂದ 4.25 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಸದರಿ

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ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯಾದ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಲಬುರಗಿ ಆರಕ್ಷಕ ಶಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರು ನಿಮ್ಮಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ನೀವು ಹೊಂದಿದ್ದ ಆ ಹಣದ ಬಗ್ಗೆ ತನಿಖಾಧಿಕಾರಿಯವರಿಗೆ ತನಿಖಾ ಸಮಯದಲ್ಲಿ ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ಕೊಡಲು ನೀವು ವಿಫಲವಾಗಿ ಕರ್ತವ್ಯಲೋಪವೆನ್ನಿಸಿ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ತಕ್ಕದಲ್ಲದ ದೀಕ್ಷಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯೆನ್ನಿಸಿರುತ್ತೀರಿ.

7. The statement of imputations of misconduct as framed by Additional Registrar Enquiries-11 is as follows:-

### **ANNEXURE-II**

#### **STATEMENT OF IMPUTATION OF MISCONDUCT:**

ದೂರುದಾರರಾದ ಶಿವಶಂಕರ ಬಿನ್ ಭೀಮರಾಯ ಸಾಲೋಟಗಿ, ಗುತ್ತಿಗೆದಾರರು, ಮುರಡಿ, ಸಿಂಧಗಿ ತಾಲ್ಲೂಕು, ವಿಜಯಪುರಜಿಲ್ಲೆ, ರವರು ನಿಮ್ಮ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೊಳಪಡುವ ಇಂಡೆಂಟದ ಸಂಖ್ಯೆ 7827 ರಲ್ಲಿಯ ಏತ ನೀರಾವರಿ ಕಾಮಗಾರಿಯನ್ನು ಸಿಂಧಗಿಯ ಗುತ್ತಿಗೆದಾರರಾದ ಜಿ.ಎ. ದೇಸಾಯಿ ರವರಿಂದ ವಹಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ದಿನಾಂಕ 4-12-2015ರಂದು ಪೂರ್ಣಗೊಳಿಸಿದ್ದು, ಸದರಿ ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರುವ ಸಂಬಂಧ ದಿನಾಂಕ 14-1-2016ರಂದು ಕಾಮಗಾರಿ ಪೂರ್ಣಗೊಳಿಸಿರುವ ಸಂಬಂಧ ಪ್ರಮಾಣಪತ್ರವನ್ನು ಸಹ ನೀಡಿದ್ದು, ಕಾಮಗಾರಿಯ ಒಟ್ಟು ಮೊತ್ತ ರೂ.95,52,037/- ಗಳ ಪೈಕಿ ರೂ.41,57,260/-ಗಳ ಹಣವನ್ನು ಪಡೆದಿದ್ದು, ಉಳಿದ ಮೊತ್ತದ ಮಾಹಿತಿಯನ್ನು/ಬಿಲ್ಲನ್ನು ಅಳತೆ ಪುಸ್ತಕದಲ್ಲಿ ಬರೆಯುವ ಸಂಬಂಧ ಶೇಕಡಾ 4ರಷ್ಟು ಹಣ ನೀಡಿದ್ದಲ್ಲಿ ಅಳತೆ ಪುಸ್ತಕ ಬರೆಯುವುದಾಗಿ ನೀವು ತಿಳಿಸಿದ್ದು ಅಂದರೆ ದೂರುದಾರರಿಂದ ಈಗಾಗಲೇ ಮುಂಗಡವಾಗಿ ರೂ.1-00 ಲಕ್ಷಗಳನ್ನು ಪಡೆದುಕೊಂಡು ರೂ.1,70,000/-ಗಳನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿರುವುದನ್ನು ದೂರುದಾರರು ಸದರಿಯವರ ಮೊಬೈಲ್‌ನಲ್ಲಿ ಧ್ವನಿಮುದ್ರಿಸಿ ಕೊಂಡು ಲಂಚ ಕೊಟ್ಟು ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಕಲಬುರಗಿ ಲೋಕಾಯುಕ್ತ

  
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ಪೊಲೀಸರನ್ನು ಈ ಸಂಬಂಧ ದಿನಾಂಕ 28-01-2016ರಂದು ಭೇಟಿ ಮಾಡಿ ನಿಮ್ಮ ವಿರುದ್ಧ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಕಲಬುರಗಿ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.01/2016 ರಲ್ಲಿ ಲಂಚ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ ವಿಧಿ 7, ರಡಿಯಲ್ಲಿ ಪ್ರಕರಣ ನೊಂದಾಯಿಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಕಲಬುರಗಿಯ ವಿಶೇಷ ಜಿಲ್ಲಾ ಮತ್ತು ಸತ್ರ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಐದುನೂರು ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 140 ನೋಟುಗಳು ಮತ್ತು ಒಂದು ಸಾವಿರ ಮುಖ ಬೆಲೆಯ 100 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ನಿಮ್ಮನ್ನು ಬಲೆಗೆ ಕೆಡವಲು ಹೊರಟು ಕಲಬುರಗಿ ಜಿಲ್ಲೆಯ ಚೇವರ್ಗಿ ತಾಲ್ಲೂಕಿನ ಚಿಗರಹಳ್ಳಿ ಕ್ರಾಸ್‌ನ ಚಿಗರಹಳ್ಳಿ ಕ್ಯಾಂಪ್‌ನಲ್ಲಿರುವ ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಕೆ.ಬಿ.ಜೆ.ಎನ್.ಎಲ್. ಮಲ್ಲಾಬಾದ್ ಏತ ನೀರಾವರಿ ಯೋಜನೆ ಉಪವಿಭಾಗದ ತಾಂತ್ರಿಕ ಶಾಖೆಯ ಕಛೇರಿಯಲ್ಲಿ ಭೇಟಿ ಮಾಡಿದಾಗ ಆಪಾದಿತರಾದ ನೀವು ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಸಂಜೆ 4-15ರಿಂದ 4-25ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಿಂದ ರೂ.1,70,000/-ಗಳ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ದಾಖಲು ಮಾಡಿಕೊಂಡಿದ್ದು ನೀವು ನಿಮ್ಮ ಲಿಖಿತ ಹೇಳಿಕೆಯನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಸಲ್ಲಿಸಿರುತ್ತೀರಿ. ತನಿಖಾಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೆಮಾಲುಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿ ಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ದೂರುದಾರರ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ದಿನಾಂಕ:28-01-2016ರಂದು

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ರೂ.1,70,000/- ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳು ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಸಿಕ್ಕಿಬಿದ್ದಿದ್ದು ಆ ರೀತಿಯಾಗಿ ನೀವು ಕರ್ತವ್ಯಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ಸಡಲೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii) ಛಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಿಮಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ನೀವು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ನಿಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ನಿಮ್ಮ ವಿರುದ್ಧ ಈ ಮೇಲ್ಕಂಡ ದೋಷಾರೋಪಣೆ.

8. Notice of Articles of charge, statement of imputation of misconduct with list of witnesses and documents was served upon the DGO. In response to the service of articles of charge, DGO entered appearance before this authority on 24/02/2018, DGO engaged advocate for defence. In the course of first oral statement of the DGO recorded on 24/02/2018, she pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/07/2035.**

9. The DGO has filed her written statement denying the allegations made in the articles of charge and statement of imputations of misconduct. DGO further submitted that, the complainant Shivashankar was not allotted the contract work for KBJNL Sub-Division, Chigarahalli, Jewargi Taluk. The said work was allotted to one Sri.Gurubasappa S/o Addappa Desai, Class-I Contractor

  
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and estimated cost of the work and estimate cost was 1,62,74,238/-. The tender period was 4 months including monsoon, commencing from 08/06/2015 and the work had to be completed by 07/10/2015 as per the agreement dated:08/06/2015.

DGO further submits that, the work allotted was construction of Minor-2 Offtaking at 5.945 km of Lift-1 Main Canal of Mallabad Lift Irrigation from 0.00 to 1.615 km (Earthwork Excavation, Embankment, Lining and CD Works) Indent No.7827).

DGO further submits that, the contractor had completed some portion of the work and the applicant prepared the first bill, as per the agreement, after compulsory deductions, the cheque for Rs.41,57,260.00 was given to the contractor. The contractor did not complete the tendered work within the period of sanctioned tender period. The second bill was not submitted by the contractor. The contractor has not obtained for extension of time for completing the work. Without sanction, it was not possible for the submission of the bills.

DGO further submits that, the DGO never received Rs.1,00,000/- for the said work of recording the measurements in the Measurement Book and she has not demanded the alleged balance amount of Rs.1,70,000/- for recording the measurements in the Measurement Book, which was not signed by the Assistant Executive Engineer on all relevant pages. The same is evident from letter dated:01/02/2016 of AEE, KBJNL, MLIS Sub-Division, Chigarahalli Camp, Jewargi Taluk, Kalaburagi District.

A handwritten signature in blue ink, followed by the date '26/5' written below it.

DGO further submits that, she never demanded the illegal gratification through her phone on 28/01/2016, and the complainant has filed false complaint before the Lokayukta Police Station, Kalaburgi in Cr.No.1/2016. That there is no misconduct on her part and she prayed that she may be exonerated from the imputation of charges leveled against her in the interest of justice and equity.

10. The points that arise for consideration are as follows:-

1. **Whether the disciplinary authority proves that the DGO while working as Assistant Engineer in the office of the Assistant Executive Engineer, Krishna Bhagya Jala Nigama Niyamitha, Chigarahalli, Jevargi Taluk, Kalburgi District during the period 2016 the complainant had taken the work of Mallabad Lift Irrigation Main Canal indent No.7827 at Sindagi, Kalikanagar from one G.A.Desai, Class-1 Contractor coming within the jurisdiction of DGO and completed the work on 14/01/2016 for Rs 85,31,211/- and had received part payment of Rs.41,57,260/- towards the bill and when complainant met the DGO to take steps for releasing the balance bill amount, the DGO demanded bribe of 4% of total bill amount for writing the measurements in Measurement Book and DGO has received**

  
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**Rs.1,00,000/- bribe amount prior to 28/01/2016 and the complainant not willing to pay the said amount, lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Kalaburgi, who registered case in Cr.No.01/2016 and took up investigation and on 28/01/2016, DGO was caught red handed while demanding and accepting illegal gratification of Rs.1,70,000/- from the complainant in his office and the said amount was seized by the Investigating Officer and the DGO has failed to give satisfactory or convincing explanation for the said tainted amount found then, when questioned by the said I.O, and by this the DGO has committed Misconduct as enumerated under Regulation 3(1)(i) to (iii) of KEB (Conduct) Regulations.?**

## **2. What findings?**

11. (a) The disciplinary authority has examined Sri.Shivashankar/Complainant as PW-1, Sri.Mallikarjuna/Shadow Witness as PW2, Smt.Rajalakshmi/Panch Witness as PW-3 and Sri.T.R.Raghavendra/Investigating Officer as PW-4 and got exhibited Ex.P-1 to 20 on it's behalf.

(b) The DGO has examined herself as DW1 and has not got marked any document on her behalf.

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(c) Since DGO has adduced evidence by examining herself, incriminating circumstances which appeared against her in the evidence of PW1 to PW4 is not put to them by way of questionnaire and the same is dispensed.

12. Heard both side arguments and perused the written argument filed by the counsel for the DGO and all the documents.

13. The answers to the above points are:

1. In the **Negative**.

2. As per final findings for the following:-

### **REASONS**

14. **Point No.1:-** (a) P.W.1/complainant Sri.Shivashakar has deposed in his evidence that, he is working in Public Works Department on contract basis. That DGO was working as Assistant Engineer in Irrigation Department at Chigarahalli, Kalaburgi District. That he had completed the work on contract basis of Mallabad Lift Irrigation Canal work at Chigarahalli and had submitted bill for the amount of Rs.95,00,000/- to the office of one Nayakvadi, Assistant Executive Engineer. That out of the said bill he has received Rs.41,00,000/- in the year 2014 and he has completed the work in the year 2015 and balance amount of Rs.54,00,000/- was to be paid to him. That in the year 2014 he met DGO and enquired about the amount. Then DGO told (4) to him and hearing

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this he thought that the intention of DGO was that he has to give 4% of amount to her. That he met one Patil Lokayukta Officer in the year 2015, then he told him to bring as much as amount he could arrange. That he gave Rs.1,70,000/- to Patil and he has applied some powder on it. That the said Patil called one Mallikarjuna and kept the tainted notes in a cover and kept it in his right side pant pocket. That the hands of Mallikarjun was washed in water and water turned to pink colour and I.O. has seized the same. That he has signed a complaint comprising of 3-4 pages as per Ex.P-2 and he has signed Ex.P-1 pre-trap mahazar. That in the Ex.P-2 complaint date is mentioned as 28/01/2016. That he heard only (4) in voice recorder.

PW-1 has further deposed that, later on he, Mallikarjun and other persons went to the office of DGO and DGO was present there. That when he enquired DGO about bill she told that it is with AEE. That he kept the tainted notes inside the vanity bag of DGO, which was on the table. That later on he showed the vanity bag to Mallikarjun and four lokayukta police came inside and sent him out and have taken photos as per Ex.P-3 to 8. That his image is not found in Ex.P-3 to 8. That DGO and other 2 women images are found in Ex.P-3. In Ex.P-4 image of DGO and another woman is found. In Ex.P-5 the image of DGO and other 2 women is found. That lokayukta police made him sit in other room and seized the notes and have taken his signature on one complaint that is Ex.P-9. Later on after reading the contents of the Ex.P-9 it appears to be trap mahazar. The I.O. has taken photos in Kalburgi Lokayukta Police Station. That after 2 months the I.O. returned

  
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Rs.1,70,000/- through cheque and he has got it deposited in his savings bank account at Corporation Bank, Sindagi.

(b) At this stage learned Presenting Officer treated PW1 as hostile and cross examined him suggesting the Disciplinary Authority case that I.O. had given one voice recorder to him and he has recorded the voice of DGO in it and DGO has demanded 4% of amount as bribe from him, for which he has denied the same. Further he has denied that I.O. has drawn pre-trap mahazar about the above proceedings as per Ex.P-1.

Further PW-1 denied that, on 28/01/2016 he and Mallikarjun went inside the office of DGO and the DGO demanded the amount from him and he has given the tainted notes of Rs.1,70,000/- to her and she has received the same from her both hands and she has kept it in her vanity bag and again asked him to give Rs.15,000/- for other work.

Further PW-1 has admitted that his car No. is KA 25 Z 8610. Further he has denied the suggestion put forth by the learned Presenting Officer with respect to both hand wash of DGO in sodium carbonate solution and about changing of the colour of the solution to pink colour. Further he has denied that the vanity bag in which tainted notes was kept was wiped with cotton and dipped sodium carbonate solution and it changed colour. Further he has denied that he has recorded the conversation between DGO and himself at the time of trap proceedings. Further he has denied that

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DGO has given explanation to I.O. Further he colluding with DGO he has falsely deposing.

15. (a) PW2/Shadow witness Sri Mallikarjuna has deposed in his evidence that on 28/01/2016 he reached Lokayukta Police Station, Kalaburagi at 12.55 P.M where the complainant and witness Sri. Rajalakshmi, Police Inspector by name T.R. Raghavendra and his staff were found. The Police Inspector (Investigating Officer) played a voice recorder which contained the voice of DGO and the complainant touching illegal gratification. He came to know that DGO had demanded illegal gratification at the rate of 4% on the bill amount.

PW-2 further deposed that, the complainant placed 140 currency notes of denomination of Rs.500/- each and 100 currency notes of denomination of Rs.1,000/- each and thus in all a sum of Rs.1,70,000/- before the Investigating Officer. Lokayukta Police staff applied phenolphthalein powder on those notes. On the instructions of the Investigating Officer he placed the tainted cash in the right side front pocket of pant of complainant. Lokayukta Police staff prepared sodium carbonate solution. He immersed fingers of his hands in the said solution. The said wash turned to pink colour. Lokayukta Police staff seized the said wash in a bottle. He was instructed by the Investigating Officer to accompany the complainant at the time of the complainant approaching the DGO. The Investigating Officer informed the complainant to wipe face with kerchief in case of acceptance of

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tainted cash by DGO. A mahazar was drawn by the Investigating Officer in Lokayukta Police Station, Kalaburagi as per Ex P1 and the Investigating Officer handed over voice recorder to the complainant.

PW-2 further deposed that, he along with the Investigating Officer, his staff, complainant and Rajalakshmi proceeded towards a place called Chigralli cross of Jevaragi Taluk and they reached there at 4.15 P.M. Afterwards we went near the office of DGO. The complainant entered the chamber of DGO. He followed the complainant. It was then about 4.30 P.M. DGO spoke to the complainant. He was watching at the door of the chamber of DGO as already instructed by the Investigating Officer. That at that time the distance between him and DGO was about 5 feet and he could not clearly hear the conversation between the complainant and DGO and he could not witness as to what transpired between the complainant and DGO.

PW-2 further deposed that, the Investigating Officer along with his staff and Rajalakshmi entered the chamber of DGO. The complainant pointed out the DGO to the Investigating Officer. DGO washed fingers of right hand in sodium carbonate solution and also washed fingers of left hand in sodium carbonate solution. Finger wash of both hands of DGO turned to pink colour. The Investigating Officer seized the said wash in three or four bottles. A vanity bag was bound on the floor near the chair of DGO. Rajalakshmi and Lokayukta Police staff took out tainted cash from the vanity bag of DGO. The Investigating Officer seized tainted cash and also vanity bag. Voice recorder was not displayed in the

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office of DGO. Measurement book has been seized by the Investigating Officer. DGO placed explanation in writing before the Investigating Officer. Afterwards the Investigating Officer along with his staff brought him, DGO, complainant and Rajalakshmi to Lokayukta Police Station, Kalaburagi and before that mahazar was drawn in the office of DGO as per Ex P9.

(b) At this stage learned Presenting Officer treated PW2 as hostile and cross examined him suggesting the Disciplinary Authority case, wherein he has denied that the complainant told DGO that as per the earlier instructions he has brought case and given the tainted notes. Further he has denied that the DGO received the tainted cash with right hand and after counting with both hands placed the same in the vanity bag. Further he has denied that DGO further asked sum of Rs.15,000/- and further he colluding with DGO has falsely deposing.

16. (a) PW3/Panch witness Smt.Rajalakshmi has deposed in his evidence that, on 28/01/2016 she reached Lokayukta Police Station, Kalaburagi at 12.55 P.M. the Police Inspector (Investigating officer) attached to the Lokayukta Police station Kalaburagi, his staff, complainant where present in Lokayukta Police station Kalaburagi where the complainant and witness Sri. Rajalakshmi, Police Inspector by name T.R. Raghavendra and his staff were found in Lokayukta Police station, Kalburagi. Complaint of the complainant was shown to him in which the

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complainant had mentioned that in the matter of measurement book the DGO had demanded illegal gratification of Rupees 1,70,000/-. A voice recorder was displayed in which some conversation touching demand for money was found recorded. The complainant placed 140 currency notes of denomination of Rupees 500/- each and 100/- currency notes of denomination of rupees 1,000/- each before the Investigating Officer. As per his dictation PW-2 entered the numbers of the above notes on a sheet of paper. Staff of the Investigating Officer applied phenolphthalein powder on the above notes. PW-2 placed the tainted notes in the right side front pocket of the complainant and I.O. got washed fingers of PW-2 in sodium carbonate solution. The said wash turned to light pink colour. The Investigating Officer seized the said wash in a bottle. The Investigating Officer got transmitted the contents of voice recorded into four compact discs. The Investigating Officer handed over a voice recorder to the complainant. Some photographs were flashed during the above proceedings. The Investigating Officer instructed the complainant to convey message in case of acceptance of tainted notes by DGO. The Investigating Officer told the complainant to keep the voice recorder on at the time of approaching the DGO. The Investigating Officer instructed PW-2 to watch near the door of the chamber of DGO and to observe as to what transpires between the complainant and DGO. The Investigating Officer conducted pre-trap mahazar as per Ex P-1.

PW-3 further deposed that, she along with the Investigating Officer, his staff, PW-2 and the complainant left Lokayukta Police Station Kalaburagi and reached Chigaralli cross at 3.45 P.M. The

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complainant and PW-2 went inside the office of DGO. After about 15 minutes the complainant came out of the office of DGO and wiped face with kerchief. Afterwards, she along with the Investigating Officer and his staff entered the chamber of DGO. The complainant pointed out the DGO and told that he gave tainted cash to DGO. The Investigating Officer disclosed his identity to DGO. On the instructions of the Investigating Officer she along with a lady police constable held the hands of DGO.

PW-3 further deposed that, Investigating Officer got prepared solution with water and sodium carbonate powder in two bowls and obtained sample of the same in a bottle. On the instructions of the Investigating Officer, DGO immersed fingers of right hand in the solution kept in a bowl and immersed fingers of left hand in the solution kept in another bowl. Finger wash of both hand of DGO turned to light pink colour. The Investigating officer seized the finger wash of hands of DGO in separate bottles. She took out tainted cash from the vanity bag of DGO which was on the table of DGO. The Investigating Officer seized the said cash. The Investigating Officer got rubbed the inner portion of the vanity bag with cotton and got immersed the said cotton in sodium carbonate solution. The said wash turned to light pink colour. The Investigating Officer seized the said wash in a bottle and also seized the vanity bag of DGO. The higher officer of DGO identified the voice of DGO which was found recorded in the voice recorder. The Investigating Officer seized the file of the complainant. Trap mahazar was conducted in the office of DGO. The Investigating Officer arrested the DGO and took the DGO to Lokayukta Police

  
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Station Kalaburagi. During trap mahazar DGO offered statement in writing before the Investigating Officer.

17. (a) PW4/Sri.T.R.Raghavendra, Investigating Officer has deposed in his evidence that, he had worked as Police Inspector, Lokayukta, Kalaburgi from 10/09/2015 to 01/01/2018. On 28/01/2016, at 10:40 a.m, complainant/PW-1 came to his police station and gave him written complaint that DGO, has demanded bribe of Rs.2,76,000/- i.e., 4% of the work done. The work done was of Rs.85,34,211/-, out of which, after deducting royalty, tax, the amount payable was Rs. 69,00,000/-. This amount was payable on completion of work i.e., 14/01/2016, when the completion certificate was given.

PW-4 further deposed that, the complainant therefore contacted the DGO on her mobile phone on 27/01/2016 at 4:45 p.m. The DGO at that time told the complainant to pay 4% of the amount and then take the amount. On 28/01/2016, again when PW-1 contacted DGO on mobile phone, the DGO made the said demand. PW-1 told him that he has already paid Rs.1,00,000/- to the DGO, and he has to pay balance bribe amount of Rs.1,76,000/- and leaving the 6,000/-, Rs. 1,70,000/- has to be paid. PW-1 not willing to pay the said amount, lodged complaint before him and gave his mobile phone, in which the conversation made on 27/01/2016 and 28/01/2016 was recorded. In the said conversation on 28/01/2016, the DGO had agreed to receive Rs.1,70,000/-.

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PW-4 further deposed that, he registered the complaint at crime number 01/2016 for offences u/s 7 of P.C. Act, 1988 as Ex.P-2 and identified the xerox copy of FIR as per Ex.P-10. That he secured 2 panch witnesses, PW-2 and 3 by giving requisition. PW-2 and 3 reported before him on 28/01/2016 at 12:55 p.m. He asked them to act as panch witness after telling them about the complaint. They agreed for the same. He gave the copy of complaint to them to know and verify its contents. They read and ascertained the same from PW-1. He played the mobile and the said witnesses heard the conversation. He transcribed the same as per Ex.P-11 and burnt it to CD, and then took 4 copies of the same.

PW-4 further deposed that, PW-1 gave 140 notes of Rs.500/- each and 100 notes of Rs. 1,000/- each i.e., total Rs. 1,70,000/- to lay the trap. He got the numbers of the currency notes noted in the mahazar. He got phenolphthalein powder applied to both sides of all notes through his staff. He got the said notes kept in the right side front pant pocket of PW-1 through panch witness, Sri.Mallikarjuna/PW-2. He got sodium carbonate solution prepared through his staff. He got the hands of PW-2 washed in the said solution and the said solution turned to pink colour and he took sample of the same.

PW-4 further deposed that, he gave instructions to PW-1 to pay the amount only on demand by DGO and also instructed him to give signal by wiping face with kerchief, after the DGO accepts the amount. He also gave voice recorder to PW-1 and asked him to

  
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switch it on while meeting the DGO. He also instructed PW-2 to act as shadow witness and report about the happenings there. The complainant/PW-1 had given the consent letter given to him by the contractor, Sri.A.Desai, alongwith complaint as per Ex.P-12 and he has drawn pre-trap mahazar as per Ex.P-1.

PW-4 further deposed that, all of them left to the office of DGO at 3:00 p.m, and reached near Jevargi at 3:55 p.m. The DGO's office i.e., KBJNL office was about 40 kilometers from the police station. He asked PW-1 to call DGO. The DGO asked PW-1 to come to her office and he repeated the instructions, and sent PW-1 and 2 to the office of DGO and they were watching from a distance. PW-1 entered the office premises in his Duster car along with PW-2 and parked his said vehicle there and went inside along with PW-2 to meet the DGO. After 10 minutes, i.e., at 4:25 p.m, PW-1 came outside and gave signal. All of them went there. PW-1 showed the DGO to them who was sitting on her chair. PW-1 told that the DGO has taken the tainted amount and kept in her chocolate colour vanity bag. He introduced himself and his staff and panch witnesses to the DGO. The DGO told her name and address. He got the sodium carbonate solution prepared through his staff. He took sample of the same and got the right hand of DGO immersed in the solution and the solution turned to light pink colour and he took sample of the same. Thereafter, he got the left hand of DGO immersed in the solution. The solution turned to light pink colour and he took sample of the same and labelled it as article number 6 and 6(a). He asked the DGO about the bribe amount. The DGO told that it is in the said chocolate

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colour vanity bag. The said vanity bag was on the table. He got the amount removed through panch witness, Smt.Rajalakshmi/PW-3. He got the number on the currency notes verified with the numbers noted during pre-trap. The said numbers tallied with each other. He seized the same. He got the portion of the vanity bag where the tainted money was kept wiped with cotton swab and got sodium carbonate solution prepared and the said cotton swab was dipped in it and the solution turned to pink colour and he took samples of the same and he seized the vanity bag.

PW-4 further deposed that, on asking PW-2, he also said that the DGO demanded and accepted the said bribe amount and kept the same in her vanity bag. PW-1 and 2 also said that the DGO has demanded another Rs.10 to 15 for MB and other works. He took the voice recorder from PW-1. He played the same, transcribed it as per Ex.P-13 and burnt it to CD. That he called the senior officer of DGO, Sri.Mallikarjun Naikodi, AEE to the chamber of DGO, to identify the voice of DGO and the said Mallikarjun has identified the voice of DGO and given statement accordingly. That the said Mallikarjun Naikodi also identified DGO's voice in the conversation recorded prior to trap. He has seized all the CDs. He has also seized the memory card of complainant, containing the conversations. He also seized the Nokia mobile of the DGO, through which she had conversed with complainant/PW-1. He took explanation from DGO as per Ex.P-14.

  
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PW-4 further deposed that, he asked about the file pertaining to PW-1 and DGO gave the file from her table as per Ex.P-15. From the said documents, he came to know that the bills were kept pending by the DGO for long period, for the purpose of bribe amount. That he got all the documents attested by Executive Engineer, Sri.Shivaputhra and took copies of the same. He got the copies of photographs and videography of trap proceedings done by his staff and burnt the videograph to CD and seized the same and he drew sketch of the spot as per Ex.P-16 and has drawn panchanama from as per Ex.P-9.

PW-4 further deposed that, he followed the arrest procedure and sent the articles to FSL for examination. He received the FSL report dated 21/03/2016 as per Ex.P-17. He received the call details of PW-1 and DGO as per Ex.P-18. He collected the service details of the DGO from Executive Engineer, Sri.Mallikarjun Naikodi. He got the sketch of the spot prepared through PWD Engineer as per Ex.P-19. He recorded the statements of witnesses. He obtained 'B' extract of the vehicle used by PW-1 during trap as per Ex.P-20 and he filed the charge sheet against the DGO after obtaining sanction.

18. The DGO has got herself examined as DW-1 and has filed her affidavit in lieu of her chief examination wherein she has reiterated the written statement averments. Further DW-1 has deposed that the complainant is her relative and was previously working with her elder brother, who is also a contractor. Hence,

  
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when the complainant was in need of money and had requested for monetary help, she gave him three sums of Rs.50,000/-, Rs.50,000/- and Rs.70,000/- on different occasions, as hand loans and upon the directions of the complainant she handed over the said amounts to him through one Chavan, who was a contractor working with the complainant. In the above circumstances, the complainant attempted to pass on the bait amount to her under the guise of returning to her the loan amount and framed her in this matter.

19. On over all evaluation of the oral and documentary evidence adduced by both the parties, PW-1/Complainant in his chief examination has deposed as follows:

“ನಾಲ್ಕು” ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನನಗೆ ಹೇಳಿದರು. ಅದನ್ನು ಕೇಳಿದಾಗ ಶೇಕಡಾ 4 ರಷ್ಟು ಹಣ ಕೊಡಬೇಕು ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಉದ್ದೇಶವಾಗಿತ್ತು ಎಂದು ನಾನು ಗ್ರಹಿಸಿದೆನು.”

20. PW-1 further deposed that:

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಲ್ಲಿದ್ದರು. ನಾನು ಬಿಲ್ ಬಗ್ಗೆ ವಿಚಾರಿಸಿದಾಗ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರ ರವರ ಬಳಿ ಇದೆ ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಿಳಿಸಿದರು. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೇಜಿನ ಮೇಲೆ ಅವರು ಇಟ್ಟಿದ್ದ ವ್ಯಾನಿಟಿ ಬ್ಯಾಗ್ ಒಳಗೆ ನಾನು ಮೇಲ್ಕಂಡ ನೋಟುಗಳನ್ನು ಇಟ್ಟೆನು. ನಾನು ವ್ಯಾನಿಟಿ ಬ್ಯಾಗ್‌ನ್ನು ಮಲ್ಲಿಕಾಜುನ ರವರಿಗೆ ತೋರಿಸಿದೆನು. ನಂತರ ಅಲ್ಲಿಗೆ ನಾಲ್ವರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಬಂದರು. ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ನನ್ನನ್ನು ಹೊರಗೆ ಕಳುಹಿಸಿ ಛಾಯಾಚಿತ್ರಗಳನ್ನು ತೆಗೆದುಕೊಂಡರು.”

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21. From the above evidence of PW-1 it can be gathered that, DGO had told 4 and PW-1 presumed that as 4% amount which he has to give it to DGO. Further he has deposed that when he went to the DGO and enquired about his work she told him that the bill is with AEE and he has put the tainted notes inside the vanity bag of DGO and four lokayukta persons came inside the office and sent him out. He has not deposed anything about the demand and acceptance of bribe amount by DGO. He has stated that, he has himself put the amount inside the vanity bag of DGO.

22. PW-1 in his cross examination by the DGO counsel has deposed as follows:

“ಮೊದಲನೆಯ ಬಿಲ್ ಸಂಬಂಧವಾಗಿ ರೂ.49.41,874/-ಗಳನ್ನು ಗುತ್ತಿಗೆದಾರರಾದ ಜಿ.ಎ.ದೇಸಾಯಿ ರವರು ಪಡೆದುಕೊಂಡಿದ್ದರು. ಆ ಪೈಕಿ ಮಾರಾಟ ತೆರಿಗೆ ಶೇಕಡ 4, ಆದಾಯ ತೆರಿಗೆ ಶೇಕಡ 1 ಮತ್ತು ಸೆಸ್ ಶೇಕಡ 1 ಕಡಿತಗೊಳಿಸಬೇಕಾಗಿತ್ತು. ದಾಳಿ ನಡೆದ ನಂತರ ಜಿ.ಎ.ದೇಸಾಯಿ ರವರು ಎಷ್ಟು ಹಣವನ್ನು ಬಿಲ್ ಮುಖಾಂತರ ಪಡೆದುಕೊಂಡರು ಎಂದು ಗೊತ್ತಿಲ್ಲ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ನಾನು ಫೋನ್ ಮುಖಾಂತರ ಸಂಪರ್ಕಿಸಿ ಮಾರಾಟ ತೆರಿಗೆ, ಆದಾಯ ತೆರಿಗೆ ಮತ್ತು ಸೆಸ್ ಎಷ್ಟು ಕೊಡಬೇಕೆಂದು ಕೇಳಿದ್ದೆನು. ಆ ಬಗ್ಗೆ ಲೆಕ್ಕ ಹಾಕಿ ಎಷ್ಟಾಗುತ್ತದೆ ಎಂಬುದಾಗಿ ಹೇಳಬೇಕಾಗುತ್ತದೆ ಎಂಬುದಾಗಿ ನನ್ನ ಫೋನ್ ಕರೆಗೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಉತ್ತರಿಸಿದರು. ಮೇಲ್ಕಂಡ ಸಂಭಾಷಣೆಗಳು ಧ್ವನಿ ಮುದ್ರಕದಲ್ಲಿ ದಾಖಲಾಗಿದ್ದವು.”

23. PW-1 further deposed that:

“ಕಾಮಗಾರಿಯನ್ನು ನಾನು ನಡೆಸಿ ಹಣವನ್ನು ನಾನು ಪಡೆದುಕೊಳ್ಳುವಂತೆ ನನ್ನ ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ನಡುವೆ ಬಾಯಿ ಮಾತಿನ ಒಪ್ಪಂದವಾಗಿತ್ತು ಮತ್ತು ಅದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಗೊತ್ತಿರಲಿಲ್ಲ.”

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## 24. PW-1 further deposed that:

“ನಾಲ್ಕು ಎಂಬುದಾಗಿ ನನಗೆ ಫೋನ್ ಮುಖಾಂತರ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹೇಳಿದ್ದನ್ನು ನಾನು ಶೇಕಡ 4 ಎಂಬುದಾಗಿ ತಿಳಿದುಕೊಂಡೆನು. ಬಿಲ್‌ನಲ್ಲಿ ನಮೂದು ಮಾಡಲಾಗಿರುವ ಹೇಳಿಕೆ ಎಷ್ಟಾಗುತ್ತದೆಯೋ ಅಷ್ಟು ಹಣ ತರಬೇಕೆಂದು ರಾಫಾವೇಂದ್ರ ಮತ್ತು ಪಾಟೀಲ್ ರವರು ನನಗೆ ಹೇಳಿದರು. ಮಾರಾಟ ತೆರಿಗೆ ಶೇಕಡ 4, ಆದಾಯ ತೆರಿಗೆ ಶೇಕಡ 2 ಮತ್ತು ಸೆಸ್ ಶೇಕಡ 1 ಎಂಬುದಾಗಿ ನನಗೆ ದಿ:29/01/2016 ರಂದು ಚೌಹಾಣ್ ರವರ ಮುಖಾಂತರ ತಿಳಿಯಿತು.”

## 25. PW-1 further deposed that:

“ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕಚೇರಿಯ ಒಳಗೆ ನನ್ನೊಡನೆ ಪಿ.ಡಬ್ಲ್ಯೂ-2 ರವರು ಬಂದಿಲ್ಲ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೊಠಡಿಯೊಳಗೆ ನಡೆಯುತ್ತಿದ್ದ ವಿದ್ಯಮಾನಗಳು ಪಿ.ಡಬ್ಲ್ಯೂ-2 ರವರಿಗೆ ಕಾಣುತ್ತಿರಲಿಲ್ಲ.”

## 26. PW-1 further deposed that:

“ಕಾಮಗಾರಿಯನ್ನು ನಡೆಸಲಾಗುತ್ತಿದ್ದ ಸಮಯದಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬಂದು ಅಳತೆಗಳನ್ನು ಮಾಡಿಕೊಂಡು ಹೋಗುತ್ತಿದ್ದರು. ಮೊದಲನೆಯ ಬಿಲ್ ಕಾಲದಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ವಿಳಂಬ ಮಾಡಿಲ್ಲ. ಕಾಮಗಾರಿ ಅವಧಿ ನಿಸ್ತರಣೆಗೆ ವಿಭಾಗೀಯ ಕಚೇರಿಗೆ ಬರೆದ ಕಾರಣ ಎರಡನೆಯ ಬಿಲ್ ಮಾಡಲಾಗಿಲ್ಲ ಎಂಬುದು ನಿಜ. ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ಜಿ.ಎ.ದೇಸಾಯಿ ರವರು ಸಹಿ ಮಾಡಿಲ್ಲ ಎಂದು ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಬಿಲ್ ತಯಾರಿಸಲು ಬೆರಳಚ್ಚು ಮಾಡಿಸುವ ಖರ್ಚು ಆಗಿತ್ತು ಆದರೆ ಎಷ್ಟೆಂದು ಗೊತ್ತಿಲ್ಲ. ನನ್ನ ಮನವಿ ಮೇರೆಗೆ ನನ್ನ ಪರವಾಗಿ ಬಿಲ್ ತಯಾರಿಸಲು ಬೆರಳಚ್ಚು ಮಾಡಿಸಬೇಕಾಗಿತ್ತು ಎಂಬುದು ನಿಜ. ಲಂಚ ಬೇಕೆಂದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೇಳಿಲ್ಲ ಎಂಬುದು ನಿಜ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಫೋನ್ ಮುಖಾಂತರ ನನಗೆ ಕೊಟ್ಟ ಉತ್ತರದ ಅಂಶಗಳನ್ನು ತಪ್ಪಾಗಿ ತಿಳಿದುಕೊಂಡು ನಾನು ಫಿರ್ಯಾದು ಕೊಟ್ಟಿದ್ದೇನೆ ಎಂಬುದು ನಿಜ. ನಾನು ಇದೇ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕಲಬುರಗಿಯ ವಿಶೇಷ ನ್ಯಾಯಾಲಯದಲ್ಲಿ

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ಸಾಕ್ಷಿ ನುಡಿದಿರುತ್ತೇನೆ. ಕಾಲಾವಕಾಶದ ಅಭಾವದಿಂದಾಗಿ ಪಂಚನಾಮೆಗಳನ್ನು ನಾನು  
ಓದದೇ ಸಹಿ ಮಾಡಿದ್ದೇನೆ ಎಂಬುದು ನಿಜ.”

27. From the above evidence of PW-1 it can be gathered that the first bill of Rs.49,41,874/- was received by G.A.Desai and the amount was given after deducting Sales Tax @ 4%, Incom Tax @ 1%, Cess @ 1%. That he does not know after the raid how much amount was received by G.A.Desai. Further he has deposed that with he called the DGO through phone he enquired her how much of Sales Tax, Income Tax and Cess has to be given and she has replied for the same which was recorded in the voice recorder. Further he has deposed that there is no written agreement between himself and Desai to do the work and receive the amount on his behalf. That there was only oral agreement between them and the officials of the DGO department were not aware of this. That the DGO had told only 4% which was recorded and he came to know through one Chavan on 29/01/2016. That it was 4% Sales Tax, 2% Income Tax and 1% Cess. Further he has gone to extent of deposing that PW-2 did not come with him inside the office of DGO and he could not see what happened in the DGO chamber. Further he has deposed that the DGO had come at the time of work and has taken measurement and she has not done any delay in disbursing first bill amount. Further he has admitted that G.A.Desai has not signed in the measurement book so the bill was not done and he does not know why G.A.Desai had not signed the bill. Further he has unequivocally admitted that DGO had not demanded bribe from him and by wrongly assuming the facts about the reply given

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by DGO he has given complaint. That he has not read the contents of the mahazar. PW-1 has not spoken anything about demand and acceptance of bribe by DGO for passing the bill.

28. PW-2 in his cross examination by the DGO counsel has deposed as follows:

“About 10 staff were in the office of DGO. when I was standing outside the chamber of DGO the complainant and DGO were not visible to me.”

29. Further PW-2 deposed that:

“At the time when I was sitting outside the door of the chamber of DGO after the arrival of the I.O. and his staff I could not see the proceedings which were conducted in the chamber of DGO. I have not verified the records pertaining to the complainant. The I.O. has not shown the documents before me. The I.O. has not seized any records pertaining to the complainant in my presence. Three days thereafter I was secured by the I.O., and obtained my signatures.”

30. From the above evidence of PW-2 it can be gathered that he was standing outside the chamber of DGO and he has not accompanied PW-1 inside the chamber and what transpired between PW-1 and DGO was not visible to him. Further he has not seen the proceedings that took place in the chamber of DGO and

  
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he has signed the documents after three days of trap. The evidence of PW-2 who is an independent eye witness does not reveal anything about demand and acceptance of bribe by DGO.

31. PW-1 to 4 have deposed about conducting of pre-trap mahazar as per Ex.P-1 and about recovery of money from the vanity bag of DGO and the evidence of PW-3 and 4 reveals about recovery of tainted notes from the vanity bag of DGO and hand wash of DGO in sodium carbonate solution turned to pink colour and about wiping of the vanity bag portion with cotton swab and dipped it in sodium carbonate solution turned to pink colour and about DGO having given explanation as per Ex.P-14 and drawing of trap mahazar as per Ex.P-9. But, as far as demand and acceptance of bribe by DGO is concerned no iota of evidence is placed by the disciplinary authority. As such the Disciplinary Authority has failed to prove the demand and acceptance of bribe by DGO from PW-1. It is well settled that mere recovery of tainted notes from the possession of DGO itself will not prove the demand and acceptance of bribe by DGO.

32. The specific defence of DGO is that, the contract work construction of minor 02 of Lift No.1, main canal Mallabad, LIS Ch.0.00 to 1.615 (earthwork) embankment, Lining & CD works (indent No.7827) was allotted through tender to one Gurubasappa who was a Class-1 Contractor and not the Complainant. That her work was only to record measurements in the Measurement Book. After the Contractor submits the bills the cheque in respect of the

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bill has to be issued by the Chief Accounts Officer and she had no authority to do so. As the contractor had completed a portion of the said work and submitted his first bill, a cheque of Rs.41,57,260/- towards the same was handed over to him after making the compulsory deductions. The contractor had not completed the remaining work within the sanctioned tender period and the second bill was not even submitted by the contractor. That she had made the necessary entries in the Measurement Book prior to the date of the alleged trap and all the records of the work pertaining to the said contract work were already sent to the office of the Executive Engineer. Therefore, she had completed her work in relation to the same and there was no delay on her part and no work of complainant was ending before her.

33. It is the further defence of DGO that the complainant is her relative and was previously working with her elder brother, who is also a contractor. Hence, when the complainant was in need of money and had requested for monetary help, she gave him three sums of Rs. 50,000/-, Rs. 50,000/- and Rs. 70,000/- on different occasions, as hand loans and upon the directions of the complainant she handed over the said amounts to him through one Chavan, who was a contractor working with the complainant. In support of her defence she got herself examined as DW-1 and reiterated the above contention.

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34. PW-4/I.O. in his cross examination by DGO counsel has deposed as follows:

“ಕಾಂಟ್ರಾಕ್ಟ್ ವರ್ಕ್ ದೇಸಾಯಿ ರವರಿಗೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದು ಎಂದರೆ ಸರಿ. ದೂರು ನೀಡುವಾಗ ದೇಸಾಯಿ ರವರು ಬಂದಿರಲಿಲ್ಲ. ದೇಸಾಯಿ ನೀಡಿರುವ ಒಪ್ಪಿಗೆ ಪತ್ರ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ದೂರುದಾರ ಸಲ್ಲಿಸಿದ್ದಾನೋ ಇಲ್ಲವೋ ಗೊತ್ತಿಲ್ಲ. ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ವಶಪಡಿಸಿಕೊಂಡ ದಾಖಲೆಗಳಲ್ಲಿ ದೂರುದಾರರ ಹೆಸರಿರಲಿಲ್ಲ. ನಾನು ವಶಪಡಿಸಿಕೊಂಡ ದಾಖಲೆಗಳಲ್ಲಿ ದೂರುದಾರ ಕಾಮಗಾರಿಗಳನ್ನು ಹಣ ಖರ್ಚು ಮಾಡಿ ನಡೆಸಿರುವ ಬಗ್ಗೆ ನಮೂದಿಸಿಲ್ಲ ಎಂದರೆ ಸರಿ. ಈ ಕೇಸಿನಲ್ಲಿ ಯಾವುದೇ ಹಣ ಪಾವತಿ ಮಾಡಬೇಕಾದರೆ ಅದು ದೇಸಾಯಿ ರವರ ಹೆಸರಿನಲ್ಲಿ ಮಾಡಬೇಕು ಎಂದರೆ ಸರಿ. ಯಾವ ಕಾರಣಕ್ಕೆ ದೇಸಾಯಿ ರವರ ಹಣ ಪಾವತಿಯಾಗಿಲ್ಲ ಎಂದು ಡಿ.ಜಿ.ಓ. ರವರ ಮೇಲಾಧಿಕಾರಿಯಿಂದ ಮಾಹಿತಿ ಪಡೆದಿಲ್ಲ.”

35. From the above evidence of PW-4/I.O. it can be gathered that the contract work was allotted to one Desai and he had not accompanied the complainant while filing the complaint. Further the I.O. has not investigated whether the said Desai had given authorisation letter to PW-1 to act on his behalf. Further the I.O. has stated that he does not know whether Desai has give authorisation letter to the concerned department and the documents seized does not reveal that the complainant had done the work by spending amount and that any amount paid for the above said work was to be paid in the name of the said Desai. Further PW-4 has stated that he has not investigated with the higher officer of DGO as to why payment was not done. The DGO has taken specific contention that contractor had not completed the work at the time of 2<sup>nd</sup> bill and had admitted by PW-4 in his

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cross examination the contractor Desai has not signed the C.C. 2<sup>nd</sup> and final bill. Further the same has already been signed by Section Officer and Assistant Executive Engineer, but, Contractor and Executive Engineer had not signed it, why they have not signed the said 2<sup>nd</sup> bill has not been ascertained by the I.O. by enquiring them. Without their signature the bill cannot be passed or paid. Further there is no document produced by PW-4/I.O. to show that DGO had not made entries in the M.B. book and due to this the payment of bill was stalled. More over PW-1 has unequivocally deposed that there was no written agreement or authorisation letter given by the said Desai to do the work on his behalf and collect the bill amount. In the instant case the I.O. has not recorded the statement of above said Desai and his evidence is not adduced who is vital witness, who has to speak about the passing of the 2<sup>nd</sup> bill. Under the attending circumstances the oral evidence of PW-4/I.O. and documents produced corroborate the defence of DGO.

36. Further it is forth coming in the evidence of PW-4/I.O. that he played the mobile produced by PW-1 and got it transcribed as per Ex.P-11 and got it burnt to C.D. and that he has given one voice recorder to PW-1 at the time of trap and after the trap he has received the said voice recorder and played it before panchas and one Sri.Mallikarjun Naikodi, Assistant Executive Engineer senior officer of DGO and got it transcribed as per ExP13 and burnt it to C.D. and seized the same and that the said Sri.Mallikarjun Naikodi has identified the voice of DGO in the C.D. recovered at the time of pre-trap and as well as trap proceedings. PW-1 has denied having

  
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produced any C.D. containing the conversation of himself and DGO to I.O. at the time of pre trap mahazar.

37. On the basis of the transcription at Ex.P-11 & Ex.P-13, it is contended that the DGO had demanded bribe from complainant during his talk with complainant. In respect of C.D which was transmitted from voice recorder, no certificate under section 65 (B) of Indian Evidence Act is obtained. The Investigating Officer PW4 has also not issued certificate under section 65 (B) of Indian Evidence Act with respect to copy of C.D. Certificate under section 65 (B) of Indian Evidence Act is not obtained and as such this C.D without such certificate is not admissible in evidence.
38. In a decision reported in 2014 AIR SCW 5696 (Anvar P.V. V/s P.K. Bhasheer and others) Hon'ble Supreme Court in para No.22 has held as under:
- 22.... An electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under section 65B are satisfied. Thus, in the case of CD VCD Chip etc., the same shall be accompanied by the certificate in term of section 65B obtained at the time of taking the document, without which, the secondary evidence pertaining to the electronic record, is inadmissible".*
39. In respect of CD as there is no 65(B) certificate, it is inadmissible and transcription as per Ex.P-11 & Ex.P-13 on the basis of CD is also inadmissible. For all these reasons, recordings in CD are not

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helpful to the disciplinary authority to prove alleged demand of bribe by DGO on 28/01/2016.

40. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 4, Ex.P1 to P20, as reasoned above, not proved that the DGO had demanded and accepted bribe of Rs.1,70,000/- from the complainant on 28/01/2016. The disciplinary authority has not proved the charges against the DGO. Accordingly, this point is answered in the **Negative**.

41. **Point No.2** :- For the aforesaid reasons, this Additional Registrar (Enquiries) proceeds to record the following.

### **FINDINGS**

The disciplinary authority has not proved the charges against the DGO.

Submitted to Hon'ble Upalokayukta for kind approval, and necessary action in the matter. .

  
26/5/2023

**(J.P. Archana)**

Additional Registrar (Enquiries-11),  
Karnataka Lokayukta,  
Bangalore.



**ANNEXURES**

List of witnesses examined on behalf of the Disciplinary Authority:-

PW1:- Sri. Shivashankar  
 PW2:- Sri. Mallikarjuna  
 PW3:- Smt. Rajalakshmi  
 PW4:- Sri. T.R.Raghavendra

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Xerox copy of pre-trap mahazar dated 28/01/2016.
Ex P2	Xerox copy of complaint dated 28/01/2016.
Ex P3 to 8	Xerox copy of Photos.
Ex P9	Xerox copy of trap mahazar dated 28/01/2016.
Ex P10	Xerox copy of FIR in Cr.No.01/2016
Ex P11	Xerox copy of transcription of the conversation in pre trap
Ex P12	Xerox copy of consent letter given to PW-1 by the contractor.
Ex P13	Xerox copy of transcription of the conversation while trap
Ex P14	Xerox copy of statement of DGO dated:28/01/2016.
Ex P15	Xerox copy of documents pertaining to PW1
Ex P16	Xerox copy of rough sketch of the spot. Xerox copy of Charge sheet.
Ex P17	Xerox copy of Chemical Examiner's report.
Ex P18	Xerox copy of CDRs of DGO and PW1.
Ex P19	Xerox copy of sketch prepared by PWD Engineer.
Ex P20	Xerox copy of 'B' extract of complainant vehicle.

  
 (J.P. Archana) 26/5/2023

Additional Registrar (Enquiries-11),  
 Karnataka Lokayukta, Bangalore.

