

ಕರ್ನಾಟಕ ಸರ್ಕಾರಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಲೋಕ್/ಐ.ಎನ್.ಕ್ಯೂ/14-ಎ/244/2013/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,  
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,  
ಬೆಂಗಳೂರು-560001.  
ದಿನಾಂಕ: 05ನೇ ಮೇ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಬಿನ್ ಪಿಡ್ಡಪ್ಪ ಗಟ್ಟಿ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಕೊಪ್ಪಳ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ:ಇಡಿ 950 ಎಲ್ಐಬಿ 2012, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 09/04/2013 ಮತ್ತು 10/05/2013.  
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಲೋಕ್/ಐ.ಎನ್.ಕ್ಯೂ/14-ಎ/244/2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27/05/2013.  
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 27/04/2023.

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ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 09/04/2013 ಮತ್ತು 10/05/2013 ರಂತೆ ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಬಿನ್ ಪಿಡ್ಡಪ್ಪ ಗಟ್ಟಿ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಕೊಪ್ಪಳ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು) ರವರ

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

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಲೋಕ್/ಐ.ಎನ್.ಕ್ಯೂ/14-ಎ/244/2013, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 27/05/2013ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-4 ರವರಿಗೆ ಆ.ಸ.ಸರ್ಕಾರಿ ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ:ಕಲೋ/ಸಿಬ್ಬಂದಿ-1/54/2013-14, ದಿನಾಂಕ: 01/03/2014ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-5 ರವರನ್ನು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ. ಮತ್ತೆ ಮುಂದುವರೆದು, ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿಇ/2016, ದಿನಾಂಕ: 03/08/2016ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರನ್ನು ಆ.ಸ.ನೌಕರರುಗಳ ವಿರುದ್ಧ ನಡೆದಿದೆ ಎನ್ನಲಾದ ದುರ್ನಡತೆ ಆರೋಪಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ನಡೆಸಲು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಬಿನ್ ಪಿಡ್ಡಪ್ಪ ಗಟ್ಟಿ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಕೊಪ್ಪಳ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

**ANNEXURE-1**  
**CHARGE:**

That, you DGO Sri Mallappa while working as First Division Assistant in the office of the Chief Executive Officer, Zilla Panchayath, Koppal District, complainant Sri Kallappa S/o Mallappa Saravi was working as Second Division Assistant in the office of Child Development Project Office at Kustagi from November 2009. Complainant had faced as Departmental Enquiry for the period of his work as Second division Assistant in Junior College Kanakagiri prior to

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November 2009, Enquiry was started from Sept-2010. In the said Departmental enquiry DDPI Koppal who was Enquiry Officer submitted a report to the Chief Executive Officer, Zilla Panchayath, Koppal in the month of January 2011. He learnt that Chief Executive Officer, Zilla Panchayath Koppal has passed an order on the report of the enquiry officer. But it was not communicated to him. You DGO demanded and taken bribe of Rs.2,000/- from the complainant during enquiry by assuring him to help in that case. Not only that, you DGO gave a miscall to the mobile of complainant on 06.07.2011, in turn complainant made a phone to you DGO, during the conversation you DGO demanded bribe of Rs.15,000/- to get a favourable order to the complainant. Accordingly, you DGO accepted tainted money of Rs.15,000/- on 11.07.2011 near old D.C. Office on Sarajung Cross Road at Koppal. Thereby, you DGO has failed to maintain absolute integrity and devotion to duty, the act of which was unbecoming of a Government Servant and thereby committed mis-conduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅವರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಚೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಬಿನ್ ಪಿಡ್ಡಪ್ಪ ಗಟ್ಟಿ ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಕೊಪ್ಪಳ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಐವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-5 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-25 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರು ಅವರ ಪರವಾಗಿ ಇಬ್ಬರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಡಿ.ಬ್ಲ್ಯೂ-1 ಮತ್ತು

ಡಿ.ಬ್ಲ್ಯೂ-2 ರಂತೆ ವಿಚಾರಣೆಗೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-3 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.

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 ಶ್ರೀ ಮಲ್ಲಪ್ಪ ಬಿನ್ ಪಿಡ್ಡಪ್ಪ ಗಟ್ಟಿ, ಪ್ರಥಮ ದರ್ಜೆ ಸಹಾಯಕರು, ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಕಛೇರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಕೊಪ್ಪಳ ಜಿಲ್ಲೆ, ಕೊಪ್ಪಳ ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ 'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.
7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.  
ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.

*R. S. S. / 23*

(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)

ಉಪಲೋಕಾಯುಕ್ತ-2,

ಕರ್ನಾಟಕ ರಾಜ್ಯ.

**KARNATAKA LOKAYUKTA**

NO. LOK/INQ/14-A/244/2013/ARE-11

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 27/04/2023.**:: ENQUIRY REPORT ::**

Sub: Departmental Enquiry against Sri. Mallappa Son of Piddappa Gatti, First Division Assistant, Office of the Chief Executive Officer, Zilla Panchayath, Koppal District. -reg.

Ref: 1. Order No. ಇಡಿ 950 ಎಲ್‌ಐಬಿ 2012 ಬೆಂಗಳೂರು,  
ದಿನಾಂಕ :09/04/2013 and  
2. Corrigendum dated 10/05/2013.  
3. Nomination Order No. LOK/INQ/14-  
A/244/2013, Bengaluru, dated  
27/05/2013.

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1. The Departmental Enquiry is initiated against Sri Mallappa Son of Piddappa Gatti, First Division Assistant, Office of the Chief Executive Officer, Zilla Panchayath, Koppal District (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 11/07/2011. The allegations in the complaint is that the complainant has faced a departmental enquiry in the 2009-10. In the said departmental

  
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enquiry DDPI, Koppal submitted a report to the Chief Executive Officer, Zilla Panchayath, Koppal in the month of January 2011. The order passed by the Chief Executive Officer, A.P.Koppal was not communicated to the complainant. The DGO demanded and taken bribe of Rs.2,000/- from the complainant assuring him to help in the said D.E. Complainant had received a miscall from DGO on 06/07/2011 in turn complainant has called DGO over mobile and during conversation DGO demanded bribe of Rs.15,000/- to get a favourable order to the complainant.

2. As the complainant was not willing to pay the amount, after contacting Lokayukta Police, Koppal lodged complaint before Police Inspector, Karnataka Lokayukta Police Station, Koppal (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case in Cr.No.9/2011 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 11/07/2011, DGO was caught red handed while demanding and accepting illegal gratification of Rs.15,000/- from the complainant near the D.C. Office on Salarjung Cross Road, Koppal and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Koppal. The DGO has failed to give satisfactory or convincing explanation for the said tainted

  
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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 06/11/2012 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 09/04/2013 entrusted the matter to the Hon'ble Upalokayukta.

5. The Hon'ble Upalokayukta by order dated 27/05/2013, nominated Additional Registrar Enquiries-4 to conduct the enquiry.

6. The Articles of charge as framed by Additional Registrar Enquiries-4 is as follows:

  
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**ANNEXURE-1****CHARGE:**

That, you DGO Sri Mallappa while working as First Division Assistant in the office of the Chief Executive Officer, Zilla Panchayath, Koppal District, complainant Sri Kallappa S/o Mallappa Saravi was working as Second Division Assistant in the office of Child Development Project Office at Kustagi from November 2009. Complainant had faced as Departmental Enquiry for the period of his work as Second division Assistant in Junior College Kanakagiri prior to November 2009, Enquiry was started from Sept-2010. In the said Departmental enquiry DDPI Koppal who was Enquiry Officer submitted a report to the Chief Executive Officer, Zilla Panchayath, Koppal in the month of January 2011. He learnt that Chief Executive Officer, Zilla Panchayath Koppal has passed an order on the report of the enquiry officer. But it was not communicated to him. You DGO demanded and taken bribe of Rs.2,000/- from the complainant during enquiry by assuring him to help in that case. Not only that, you DGO gave a miscall to the mobile of complainant on 06.07.2011, in turn complainant made a phone to you

  
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DGO, during the conversation you DGO demanded bribe of Rs.15,000/- to get a favourable order to the complainant. Accordingly, you DGO accepted tainted money of Rs.15,000/- on 11.07.2011 near old D.C. Office on Sarajung Cross Road at Koppal. Thereby, you DGO has failed to maintain absolute integrity and devotion to duty, the act of which was un-becoming of a Government Servant and thereby committed misconduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966.

7. The statement of imputations of misconduct as framed by Additional Registrar Enquiries-4 is as follows:-

**ANNEXURE-11**

**STATEMENT OF IMPUTATION OF MISCONDUCT**

Complainant Sri Kallappa S/o Mallappa Saravi who was working as Second Division Assistant in the office of Child Development Project Office at Kustagi since November 2009. For the said period when he was working as Second Division Assistant in Junior College Kanakagiri earlier, a Departmental Enquiry had been started in the month of September 2010. Deputy Director of Public Instructions at Koppal conducted enquiry and to the Chief Executive Officer,

  
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Zilla Panchayath at Koppal in the month of January 2011. He (Complainant) heardt that Chief Executive Officer, Zilla Panchayath at Koppal, has passed an order. However, it had not yet been communicated to him. During the period of enquiry, you DGO demanded and taken bribe of Rs.2000/- from the complainant during enquiry by assuring him to help in that case and demanded money. So, he had paid Rs.2000/- to you DGO towards expenses. However, when you DGO made missed call to his mobile/phone on 06.07.2011, he made mobile/phone call to you DGO, you DGO then told him that you DGO got order passed in his favour and asked him to take a copy of that order after paying bribe of Rs.15,000/- through money was not at all required to be paid by him for that.

Not only that, you DGO took the tainted (bribe) amount on 11.07.2011 near old DC office on Sararjung Road at Koppal in that connection. Added to that, you DGO has failed to give satisfactory or convincing explanation or account for the said tainted amount found them, when questioned by the said I.O. The, you DGO was caught hold as found in possession of i.e., with the tainted (bribe) amount on said date and place. That then the said tainted (bribe) amount was seized under a mahazar by the said I.o. Further,

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there are statements of witnesses including complainant, besides material and records collected and filed, which show your said repeated misconduct of you-DGO.

Said facts supported by the material on record show that the DGO, being a public/Government servant, has failed to maintain absolute integrity besides, devotion to duty and acted in a manner unbecoming of a Government servant, and thereby repeatedly committed misconduct and made himself liable for disciplinary action. Therefore, an investigation was taken up against the DGO and an observation note was sent to him to show cause as to why recommendation should not be made to the Competent Authority for initiating departmental inquiry against him in the manner. For that, the DGO gave his reply. However, the same has not been found convincing to drop the proceedings. Since said facts and material on record prima-facie show that DGO has committed misconduct Rule 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966, now, action U/S 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate proceedings against the DGO and to entrust the enquiry to this Authority under Rule /R 14-A of

  
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Karnataka Civil Service (Classification, Control and Appeal) Rules 1957. Hence, the Charge.

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 ARE-4 authority on 05/07/2013 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on 05/07/2013, he pleaded not guilty and claimed to be enquired. **The date of Retirement of DGO is 31/05/2030.**

9. As per order of Hon'ble Upalokayukta dated 01/03/2014 this file is transferred to Additional Registrar, Enquiries-5, Karnataka Lokayukta and thereafter as per order of Hon'ble Upalokayukta dated 03/08/2016 this file is transferred to Additional Registrar Enquiries-11.

10. The DGO has filed written statement dated 17/10/2013 denying the allegations made in the articles of charge and statement of imputations of misconduct. The DGO further contended that criminal proceedings in Special Case 24/2012 before the Special Court i.e., Hon'ble Prl. Sessions Judge Court Koppal is pending based on the same allegations and on the

  
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same set of facts. The charges made against the DGO are one and the same in both the proceedings. Therefore the parallel proceedings may not be conducted till the disposal of the proceedings before the Sessions Court, Koppal.

DGO further contended that he has maintained his absolute integrity and devotion to his duty and never acted in manner unbecoming of a Government Servant and he has never committed such an act amounting to misconduct, under rules 3 (1) (i) to (iii) of Karnataka Civil Service (Conduct) Rules 1966. Further prays that this authority may be pleased receive the written statement of defence and to provide opportunity of personal hearing as per the principles of natural justice and further prays to adjourn the enquiry till the completion of criminal case in Spl. Case No.24/2012 on the file of Hon'ble Principal Sessions Court, Koppal in the interest of justice and equity.

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

**1. Whether the disciplinary authority proves that the DGO, while working as First Division Assistant in the office of Chief Executive Officer, Zilla panchayath, Koppal District, complainant Sri Kallappa S/o Mallappa Saravi was working as Second Division Assistant in the office of Child**

  
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**Development Project Office at Kustagi from November 2009 and complainant had faced Departmental Enquiry for the period of his work as Second division Assistant in Junior College Kanakagiri prior to November 2009, Enquiry started from Sept-2010 and in the said Departmental enquiry DDPI Koppal who was Enquiry Officer submitted a report to the Chief Executive Officer, Zilla Panchayath, Koppal in the month of January 2011 and the complainant learnt that Chief Executive Officer, Zilla Panchayath Koppal has passed an order on the report of the enquiry officer, but it was not communicated to him, so the DGO demanded and taken bribe of Rs.2,000/- from the complainant during enquiry by assuring him to help in that case and DGO gave a miscall to the mobile of complainant on 06.07.2011, in turn complainant called DGO through phone, during the conversation DGO demanded bribe of Rs.15,000/- to get a favourable order to the complainant and not willing to pay the said amount, the complainant lodged complaint before Police Inspector,**

  
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**Karnataka Lokayukta Koppal, who registered case in Cr.No.9/2011 and took up investigation and the DGO on 11/07/2011 accepted bribe amount of Rs.15,000/- from the complainant near old D.C. Office on Salarjung Cross Road at Koppal 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 thereby failed to maintain absolute integrity and devotion to duty, the act which is unbecoming of a Public Servant and thereby committed mis-conduct as enumerated under Regulation 3(1)(i) to (iii) of KCS (Coduct Rules) 1966?**

**2. What findings.?**

12. (a) The disciplinary authority has examined Sri. Kallappa/ complainant as PW-1, Sri. Manjunath /Panch Witness as PW2, Sri.Ramachandra.S/ Shadow witness as PW3 and Sri. Saleem Pasha and Sri.Basanagowda Investigating Officers as PW4 and PW5 and got exhibited 20 documents on it's behalf.

  
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(b) The DGO got examined one Sri. Amarappa Veerappa Amaragol as DW1 and Huchappa Hanamappa Bichagati as DW2 and got exhibited Ex.D1 to D3 on his behalf.

(c) Since DGO has adduced evidence by examining two witnesses on his behalf, incriminating circumstances which appeared against him in the evidence of PWs 1 to 5 are not put to him by way of questionnaire and same is dispensed with.

13. Heard both side arguments and perused the written arguments filed by the DGO counsel and all the documents.

14. The answers to the above points are:

1. In the Negative.
2. As per final findings. for the following:-

### **REASONS**

**15. Point No.1:-** (a) P.W.1/complainant Sri.Kallappa has deposed in his evidence that he was working as Second Division Assistant in the office of CDPO, Kustagi in the year 2009. His wife committed suicide as such case was registered against him in District and Sessions, Court Kustagi and DE was initiated against him in this regard. That he was exonerated from the charges leveled against him in the departmental enquiry. That DGO was working as First

  
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Division Assistant in Zilla Panchayath, Kustagi and final order copy of DE was with the DGO. That in July 2011 he met DGO in S.P.Koppala and he assured him that he would help him in getting his document and received Rs.2000/- from him. Thereafter, demanded Rs.15,000/- by contacting him through mobile phone. That on 10/07/2011 he went to Lokayukta Police Station, Koppal and informed the same. That on 11/07/2011 he again went to Lokayukta Police Station, Kustagi and produced 30 notes of Rs.500/- denomination each and gave complaint orally which was reduced in typing by the police as per Ex.P1. That later on I.O. called on Ramachandra and Manjunath as panch witnesses and Ramachandra noted down numbers of currency notes on a sheet. That I.O. got smeared phenolphthalein powder on the said currency notes and Ramachandra kept the said notes in his left side shirt pocket. That I.O. got washed hands of Ramachandra in the solution and the solution turned to pink colour and I.O. seized sample of the said solution in a bottle. That he produced the recorded the conversation between himself and DGO in his mobile before I.O.and Lokayukta Police got those recordings converted to C.D and conducted pre trap mahazar with respect to the above proceedings as per Ex.P2. and later on all of them left to old office of D.C. Koppala and reached at 12.30 p.m. That DGO contacted him through his phone and asked him to come near the circle which is near old DC office.

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PW1 further deposed that he and Manjunath went near the circle and DGO came there asked whether he brought money. That he gave tainted notes to DGO and he received it with his right hand and kept it in the left side pant pocket. Later on he combed his hair and gave signal to the police. Police came there. PW1 further deposed that he showed DGO to I.O. and told that he has received the tainted notes. I.O. got prepared sodium carbonate solution and got washed right hand of the DGO in the solution and the solution turned to pink colour. I.O. seized sample of the said solution in a bottle. That DGO removed tainted notes from right front side pant pocket and gave it to I.O. and I.O. seized the notes. That I.O. later on took DGO and all of them to Water Purification Project office, Koppala and seized pant of the DGO by making alternate arrangement and got portion of right side pant pocket dipped in the solution and the solution turned to pink colour and I.O. seized the said solution and pant. That I.O. enquired DGO about the tainted notes, he has given explanation in this regard as per Ex.P13. That the I.O. has drawn trap mahazar with respect to the above proceedings in Water Purification Project office, Kustagi as per Ex.P4. Later on all of them went to Lokayukta Police Station, Koppala.

16. (a) PW2/ Shadow witness Sri. Manjunth has deposed in his evidence on 11/07/2011 at 10.30 a.m. he reported before

  
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I.O. in Lokayukta Police Station, Koppala and one Ramachandra and complainant were present and he came to know that the complainant had lodged complaint against the DGO that he demanded bribe from him. That complainant produced 5 notes of Rs.500/- denomination each and some person wrote down the numbers of said currency notes in a sheet and kept those notes in the left side shirt pocket of the complainant and I.O. got washed the hands of that person in the solution and the solution turned into red colour and I.O. seized sample of the said solution in a bottle and has drawn pre trap mahazar in this regard as per Ex.P2.

PW2 further deposed that all of them left Lokayukta Police station and came near the cross road of old bus stand at about 11.00 a.m to 12.00 p.m. that he has not seen what happened between complainant and DGO. That he does not about the demand and acceptance by DGO from the complainant. That I.O has drawn mahazar and seized tainted notes from the DGO. That DGO produced the tainted notes from his pant and produced it to the I.O. and the I.O. got both left and right hand of DGO washed in the solution and the solution turned to pink colour. That I.O. took them to some office along with DGO and I.O. took DGO to first floor of the office building and got seized pant of the DGO and got dipped one of the pocket of the said pant in the solution and it turned to red colour and I.O. seized the hand wash and pant pocket wash solution and drawn mahazar as per Ex.P4. ....

  
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(b) At this stage the learned Presenting treated PW1 as hostile and cross examined him and in his cross examination by learned Presenting Officer, PW1 has denied all the suggestions put forth by the presenting officer in support of the disciplinary authority case.

17 (a) PW3/ Pancha witness, Sri. Ramachandra.S. has deposed in his evidence that on 11/07/2011 he reported before Lokayukta Police Station at 11.00 or 11.00 a.m. Manjunatha was there and he came to know that PW1 lodged complaint against DGO for demand of bribe. That PW1 produced 30 notes of Rs.500/- denomination each to I.O to lay the trap. That Manjunath read over the numbers of the currency notes and noted it in a sheet and I.O got smeared some powder on the said currency notes. Later on he kept said notes in the left side shirt pocket of PW1. I.O. got washed his hands in the solution and the solution turned to pink colour. I.O. seized sample of the said solution in a bottle. I.O. instructed PW1 to give tainted notes to DGO and on acceptance of the same by DGO to give signal by combing his head. I.O. sent Manjunath with complainant. That I.O. played the contents of mobile recordings before them and made them hear the recordings and conducted pre trap mahazar in this regard as per Ex.P2.

PW3 further deposed that later on all of them left Lokayukta police station and reached old D.C. office at 12.30 p.m Later

  
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on complainant and Manjunath went near Salarjung road and after some time the complainant took out his comb and combed his hair. Later all of them went near him to spot and complainant showed DGO and told that he has given the tainted notes to him. I.O got hands of DGO washed in the solution and the solution turned to pink colour. I.O. seized the solution. That later on all of them went to Water Purification office, Koppal along with DGO. That I.O. took DGO to the 1<sup>st</sup> floor of the office along with them and enquired DGO about the tainted notes. That DGO told that it is in his right side pant pocket. That DGO removed tainted notes from right side pant pocket and gave it to Lokayukta police and number of the notes were tallied with the notes mentioned in Ex.P2 sheet. I.O. seized pant of DGO by making alternative arrangement and got portion of the pant pocket dipped in the solution and the solution turned to pink colour and I.O. seized the pant. That I.O. enquired the DGO about the tainted notes he told he does not remember whether DGO has given explanation for that. I.O. enquired DGO about the documents of the complainant. I.O. has drawn trap mahazar in this regard as per Ex.P4.

(b) PW3 has been treated as partly hostile and cross examined by the learned Presenting Officer suggesting the case of disciplinary authority wherein he has admitted that he has signed Ex.P3 explanation given by DGO and also admitted that I.O. seized some documents from the office of DGO.

  
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18. (a) PW5/Investigating Officer Sri. Basana Gowda has deposed in his evidence that he has worked as Police Inspector in Karnataka Lokayukta, Koppal from 2011 to 2012. That on 11/07/2011, at 10:00 a.m. complainant/PW-1 came to his police station, and told that DGO who was working as clerk in ZP, Koppal was not giving the DE final report pertaining to the complainant to him and was demanding money to give the same. That the complainant had given Rs. 2,000/- to the DGO twice in spite of that he has not given the DE final report to him. Further complainant told that on 06/07/2011 the DGO called him through mobile phone and demanded Rs. 15,000/- to give the DE final report to him. Not willing to pay the said amount the complainant came and lodged the complaint. The complainant had recorded the conversation between himself and DGO in mobile and produced it before him.

PW5 further deposed that PW-1 gave him the mobile recordings containing conversation between him and DGO and oral complaint of the complainant was typed by his staff as per ExP1 and he registered the case in this regard as crime number 09/2011 for offences u/s 7, 13(1)(d) r/w 13(2) of P.C.Act, 1988, after confirming the contents of mobile recording and identified the attested copy of the FIR as Ex.P-11. PW5 further stated that he sent the said complaint and FIR along with the documents in closed envelope to the jurisdictional court and secured 2 panch

  
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witnesses, PW-2 and 3, by sending requisition to Assistant Director of Handloom and Textiles department and to the hostel warden, Kustagi Taluk. The panch witnesses reported before me at about 12:00 p.m. That he introduced himself to them and PW-1 to them. That he also briefed them about the contents of the complaint and gave copy of complaint to them to read and verify the same. The said witnesses, PW-2 and 3 have agreed to act as witnesses. PW-1 gave him 30 notes of Rs. 500/- each i.e., total Rs. 15,000/- to lay the trap. That he got the number of the currency notes noted by PW-3 in a sheet as per Ex.P-12. That he got phenolphthalein powder applied to both sides of the currency notes through his staff. That he got the same kept in the front left side shirt pocket of PW-1 through PW-3. That he got sodium carbonate solution prepared through his staff. That he took sample of the same, and also sample of the sodium carbonate powder. That he also took sample of the phenolphthalein powder. That he got the hands of PW-3 washed in sodium carbonate solution. The solution turned to pink colour. That he took sample of the same. That he told PW-1 to 3 about the reaction between phenolphthalein powder and sodium carbonate solution.

PW5 further deposed that he gave voice recorder to PW-1, and instructed him to switch on while meeting the DGO and he also instructed him to pay the amount only on demand by DGO and after acceptance, give signal by combing his hair. That he instructed PW-2 to follow PW-1 and act as shadow witness. That all of them washed their hands thoroughly with soap and he

  
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got photographs taken of entire proceedings. That he drew pre-trap mahazar from 11:15 a.m to 12:15 p.m. and identified the same, and signatures of witnesses on it, as per Ex.P-2. That all of them left near the office of DGO.

PW5 further deposed that they reached there at about 12:30 p.m, and stopped at a distance from office of DGO. That he instructed PW-1 to give the tainted amount only if demanded by the DGO and repeated his instructions to PW-1 and 2. That he sent PW-1 to the office of DGO. The DGO came to Salarjan cross near old D.C. office. After sometime at 12:40 p.m, PW-1 came out of the office and gave signal by combing his hair. That all of them went near PW-1 and PW-1 took them inside where the DGO was standing. PW-1 showed them the DGO and told that when PW-1 asked about his work, the DGO demanded money, and PW-1 gave him the money. The DGO received the tainted money with his right hand and kept in his right side pant pocket.

PW5 further deposed that he showed his identity card to DGO and told him the purpose for coming, and asked him to cooperate. That he collected the name, designation and address of DGO. That he asked PW-2 about the happenings, and he too told the same. That he got sodium carbonate solution prepared through his staff. That he took sample of the same. That he got the right hand of DGO dipped in the solution. The solution turned to pink colour. That he took sample of the same. That he enquired DGO about the tainted amount and the DGO produced it by taking it out from his pant pocket. That he got the notes

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tallied with Ex.P-12 sheet and they were tallying with the numbers of the notes mentioned in Ex.P-12. That he seized the tainted notes. Since, there was crowd gathered at the spot he shifted all of them to Water shed department which was nearby in the 1<sup>st</sup> floor. That also got the portion of pant pocket of DGO where tainted money was kept dipped in sodium carbonate solution. The solution turned to pink colour. That he seized the pant, after having made arrangement of alternate pant to DGO and also seized samples of the solution. That PW-1 gave him the voice recorder and told that he could not switch on the recorder. That there was no recording in the said recorder.

PW5 further deposed that he asked the DGO about the copy of the DE final order pertaining to PW-1. The DGO told that after receiving the bribe he has given it to complainant. That he took the explanation from DGO as per Ex.P-13. That he prepared rough sketch of the spot as per Ex.P-14. That he has seized the copy of the DE final orders from the complainant as per Ex.P-15. That he drew trap mahazar from 01:20 p.m to 4:30 p.m. as per Ex.P-4. That he took photographs of the trap as per Ex.P-16. That he arrested the DGO and followed the arrest procedure.

PW5 further deposed that on 03/08/2011 he called PW-1 to 3 and Thanaji Naragund, Personal Assistant, CEO office, ZP, Koppal and he played the CD which had mobile recordings given by PW-1 to him on 06/07/2011. Thanaji Naragund, Personal Assistant, CEO office, ZP, Koppal identified the voice of the DGO in the said CD. That he got the same transcribed and identified the same

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marked as Ex.P-17. That he has drawn mahazar in this regard and identified the same marked as Ex.P-18.

That PW5 further deposed that on 20/07/2011, he got the sketch prepared from PWD Engineer as per Ex.P-19 and has taken the statement of witnesses. That he sent the articles for chemical examination and PW-4 has received the chemical examination report as per Ex.P-20. In view of his transfer to Dharwad Lokayukta he has handed over the further investigation of this case to PW-4 and he identified the DGO present before this authority.

19 (a) PW4/ Investigating Officer Sri. Saleem Pasha, Dy.S.P has deposed in his evidence that he has served as Police Inspector, KLA, Koppal from September 2010 to October 2013. That on 10/09/2011 he has received the case from B.P.Hulusugund, Police Inspector, KLA, Koppal. That on 11/09/2011 he has taken the call details of complainant and DGO and identified the copies of the same which are in 2 pages and same together marked as Ex.P-5.

PW4 further deposed that on 28/11/2011 he has received the copy of attendance register extract of DGO and identified the copy of the same as per Ex.P-6. That on 06/02/2012, he has received the C.L particulars of the DGO as per Ex.P-7. That on 13/02/2012, he has received order copy which revealed that DGO has worked in ZP office, Koppal on OOD as per Ex.P-8.

  
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PW4 further deposed that on 23/02/2012, he has received the copy of the work allotment order of DGO as per Ex.P-9. PW4 further stated that the copy of the DE order copy and proceedings initiated against the complainant which is 4 in pages and identified the copies of the same and the same are together marked as Ex.P-10.

Further PW4 deposed that he has recorded the statements of witnesses and after completion of investigation he has filed charge sheet against DGO after obtaining the sanction from the competent authority. PW4 further deposed that he has received the call details pertaining to DGO and complainant which is in 4 sheets as per Ex.P21. That he has taken the statement of Amarappa, SDA, Out Ward register in-charge, CEO office, ZP, Koppala as per Ex.P22. Further stated that on 06/02/2012 he has received the CL particulars of complainant as per Ex.P7 and not DGO.

20. (a) The DGO in support of his defence has examined one Sri. Amarappa Veerappa Amargol as DW1 and he has deposed that he was working as SDA in Zilla Panchayathi, Koppala from 2008 to 2018. That he had received order copy of DE pertaining to complainant on 06/07/2011. That he has dispatched order copy to CDPO, Koppala on 06/07/2011 and he identified the xerox copy of the dispatch register extract and it is marked as Ex.D-1. Further he deposed that he has written the entries in serial no.

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1093 of the said register marked as Ex.D-1(a). That he has not issued the DE copy to any other person. Further stated that he has given evidence before criminal Court in Special CC.No: 24/2012 and identified the certified copy of the same marked as Ex.D-2 and that he has not given any statement before I.O.

(b) The DGO in support of his defence has examined one Sri. Huchappa Hanumappa Bichagatti as DW2 and he filed his affidavit in lieu of his chief examination wherein he has deposed that during the year 16/03/2011 he was working as First Division Assistant at Koppal Zilla Panchayath. That he worked at Koppal, Z.P. since from 2011 until his retirement on 31/03/2017. The DGO has working along with him for about three to four months. Further deposed that he also know Kallappa/complainant working as FDA at CDPO at Kustagi. He and the said Kallappa/PW1 were working together at the said office from 2006 up to the year 2011 until his transfer to ZP, Koppal. ]

Further DW2 has deposed that around about 8 days prior to the incident of trap, when he and DGO were having tea at the canteen of Administrative Bhavan, at around 4.30 p.m. Kallappa had come to canteen and at that time, DGO was there had sought hand loan of Rs.15,000/- from complainant and accordingly Kallappa/complainant obliged the same. That he has given his evidence before the District and Sessions Court in Spl.

  
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Case No.24/2012 and accordingly he is producing the certified copy of the same. Further DW2 has produced certified copy of his deposition in Spl.C.C. No.24/2012 marked as Ex.D3.

21. On perusal of the evidence of PW-1/Complainant, PW-2/Shadow Witness, PW-3/Panch Witness and PW-5/I.O. and the documents in record it reveals that on 11/07/2011, PW-1 has lodged complaint against DGO stating that he has demanded bribe of Rs.15,000/- and had already received Rs.2,000/- for giving the order copy of the D.E. initiated by CEO, Koppal against complainant, who was working as SDA in CDPO office Kustagi and that he had recorded the conversation and produced it before PW-5/I.O. and lodged complaint as per Ex.P-1. Further their evidence reveals that PW-1 has produced 30 notes of Rs.500/- each to I.O. to lay the trap and the I.O has registered the case and called for two panchas i.e., PW-2 and 3 and got the numbers of notes noted in a sheet and got phenolphthalein powder applied to currency notes through staff and got the same kept in the left side shirt pocket of PW-1. Further their evidence reveals that, I.O. got prepared sodium carbonate solution and got the hands of PW-2 washed in it and it turned to pink colour and I.O. has seized the same. Further their evidence reveals that I.O. has given voice recorder to PW-1 and instructed him to switch it on while meeting DGO and instructed PW-1 to give the amount only on demand by DGO and after acceptance to give signal by combing his hair and further he instructed PW-2 to act as shadow witness and watch

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what transpires between DGO and PW-1 and as drawn pre trap mahazar as per Ex.P-2.

22. Further PW-1 to 3 and 5 evidence reveals that they reached DGO office at 12.30 p.m. and PW-1 has deposed that DGO contacted him through phone and asked him to come near the circle which is near the old building of D.C. Office. Further PW-1 as deposed that he and PW-2 went to the circle and DGO enquired about the money and he has given it to him. DGO has received it with his right hand and kept it in his pant right side pocket and PW-1 gave signal by combing his hair, then I.O. and other panch witness came there.

23. It is pertinent to note that PW-2 /shadow witness who had accompanied PW-1 has deposed in his chief examination that

“ಅಲ್ಲಿ ಫಿರ್ಯಾದಿ ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ನಡುವೆ ಏನು ನಡೆಯಿತು ಎಂಬುದಾಗಿ ನಾನು ನೋಡಿಲ್ಲ. ಹಣ ಬೇಕೆಂದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೇಳಿದ ಬಗ್ಗೆ ಮತ್ತು ಹಣವನ್ನು ಫಿರ್ಯಾದಿಯಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಪಡೆದುಕೊಂಡ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.”

From the above evidence it is clear that PW-2 has not heard the conversation between PW-1 and DGO. Further he has categorically denied about DGO having demanded the amount and receiving it from PW-1. As such the evidence of PW-2 who is an independent witness who has to speak about demand and acceptance of bribe by DGO has totally turned hostile and noting has elicited from him in

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his cross examination by Presenting Officer in support of Disciplinary Authority case.

24. PW-3 is panch witness and PW5/ I.O. speak about recovery of amount from DGO and hand wash of DGO and also about the changing of colour of the hand wash and seizure of sample of the solution and tainted notes from DGO. Further their evidence reveals seizure of pant of DGO and about washing portion of pant pocket of DGO in the solution and change of colour of said solution to pink colour and seizure of pant and solution by PW-5/I.O. and conducting of trap mahazar as per Ex.P-4.

25. The DGO has given explanation to I.O. immediately after arrest as per ExP13 that PW1 has given loan amount of Rs15,000/- for his personal needs and he has received it from him. The DGO counsel has cross examined PW1 in consonance with the explanation given by the DGO as per ExP13. PW-1 in his cross examination by defence counsel though has denied the suggestion put forth by the defence counsel that DGO has received Rs.15,000/- hand loan amount from him in the tea stall, but he has admitted that he was having financial transaction with DGO, such being the case then it is unsafe to rely on the sole testimony of PW-1 with respect to demand and acceptance of bribe by DGO, without corroboration from independent witness. As discussed earlier. PW-2 is the shadow

  
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witness who has to speak about what transpired between PW-1 and DGO has turned hostile and stated that he has not watched demand and acceptance of bribe by DGO from PW-1.

26. It is the specific defence taken by DGO that there was no work of PW-1 pending before him. In order to prove the same he has examined one Sri.Amarappa Veerappa Amargol and Sri.Huchappa Hanamappa Binchagati as DW-1 and 2 respectively and got marked Ex.D-1 to 3.

27. On perusal of Ex.P-25, the CEO of the Zilla Panchayath, Koppal has passed an order on 24/06/2011 and even when looked into the said exhibit, it could be seen that the said order has been dispatched to various authorities/departments including the complainant through the department. The said order has been dispatched by DW1 and the said orders at Sl. No.1093 bears his signature which is Ex.D1(a). Further on perusal of ExD1 register, it could be seen that the order copy has been dispatched to departments including the complainant through the department on 06/07/2011. From this it can be gathered that the order has been passed by the CEO on 24/06/2011 and the said order has been dispatched to the various departments including the complainant on 06/07/2011 itself. The complainant has lodged the complaint on 11/07/2011, i.e., after the orders has been dispatched to the departments and despite the said dispatch, the complainant has made allegations that the DGO had told that he would do the order

  
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in his favour, after the order has been passed by the CEO. Thus, by looking into the said facts and circumstances, the contention of the complainant though having got the knowledge about passing of the order by the CEO, has proceeded to offer illegal gratification to DGO in order to get the order in his favour is not believable.

28. Admittedly the order was passed much prior to lodging of the complaint and even the said order was also dispatched much prior to the lodging of the complaint. Further the DGO did not possess any power with respect to the order that is to be passed by the CEO on the enquiry report. As such there was no work pending consideration before the DGO and that further, even the DGO did not have any sort of knowledge or authority with respect to the order that was supposed to be passed by the CEO.

29. From the evidence of PW1 it can be gathered that the DGO and the complainant were known to each other as admitted by the complainant himself as he was in frequent contact with the DGO, that further, even during the course of the cross examination, the complainant himself admits that he was having financial transactions with the DGO. This probablises the defence of the DGO that he has received Rs 15,000/- as hand loan from PW1 and in this regard, the DGO has given his explanation as per Exp13 after the trap.

30. Thus, by looking into the entire facts and circumstances of the case, it is the case of the DA authority that the DGO has demanded illegal gratification to give the final order copy of the disciplinary

  
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proceedings supposed to be passed by the CEO. It is an admitted fact that the disciplinary proceedings was conducted as against the PW-1, and as per the narrations in the complaint, the PW-1 knew that the enquiring authority had given it's report way back in the month of January 2011 and the same was sent to the office of the CEO, Koppal on 19-2 vide Ex.P-24 and that the same was awaiting for the final order to be passed over the said enquiry report by the CEO. It is the case of the PW-1 that the DGO had contacted the PW-1 to get the order in his favour, on the contrary the investigation shows that the for giving the final order copy the DGO demanded illegal gratification. Further it is an admitted fact that the final order was passed by the CEO on 24/06/2011 vide Ex.P-25 and as per the evidence of DW1 who is working as SDA in Zilla Panchayathi, Koppala from 2008 to 2018, he had received order copy of DE pertaining to complainant on 06/07/2011 and he has dispatched order copy to CDPO, Koppala on 06/07/2011 and he identified the xerox copy of the dispatch register extract as Ex.D-1. Further he deposed that he has written the entries in serial no. 1093 of the said register marked as Ex.D-1(a). further he has clearly stated that he has not issued the DE copy to any other person. Nothing is elicited from him in his cross examination by the Presenting officer that DGO has received the order copy from him stating that he will give it to PW1. He has denied having given such statement before the I.O. Further on perusal of ExD24 Ex.P-25, the CEO of the Zilla Panchayath, Koppal has passed an order on 24/06/2011 and even when looked into the said exhibit, it could be

  
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seen that the said order has been dispatched to various authorities/departments including the complainant through the department. The said order has been dispatched by DW1 and the said orders at Sl. No.1093 bears his signature which is Ex.D1(a) and this goes to show that the said order has been dispatched to the complainant through the department way back on 06/07/2011, i.e., much prior to the lodging of the complaint. On the contrary it is the case of the DA that the DGO had taken copy of the final order in his hand and on the date of incident he gave the said final order copy to the complainant after receiving the amount, it should be noted that, the final order was dispatched from the office way back prior to the lodging of the complaint, that further, the PW-1 was very well aware of the factum of getting the order copies which he has admitted, when such being the case, why would he go for giving the amount for getting the order copy. That further, he being well versed with getting the proceedings of getting the copies, he would have certainly got the same by applying it. As such the demand and acceptance of bribe for the said work will not arise. Further there is no clear, cogent and convincing evidence placed by the disciplinary authority to prove that DGO demanded bribe from PW1 for his work which was not at all pending before him.

31. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 5, Ex.P1 to P25, as reasoned above, does not prove that the DGO had demanded and accepted bribe of Rs.15000/- from the complainant on 11/07/2011. The disciplinary authority has not

  
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proved the charges against this DGO. Accordingly, this point is answered in the **Negative**.

**32. 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 D.G.O.

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

  
(J.P. Archana)

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

**ANNEXURES**

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

PW1:- Sri. Kallappa  
 PW2:- Sri. Manjunath  
 PW3:- Sri. Ramachandra.S.  
 PW4:- Sri. Saleem Pasha.  
 PW5:- Sri. Basa Gowda

List of witnesses examined on behalf DGO:-

DW1:- Sri.Amarappa Veerappa amargol  
 DW2:- Sri. Huchappa Hanamappa Bichagati

**List of documents marked on behalf of Disciplinary Authority:-**

Ex P1	Xerox copy of complaint of complainant dated 11/07/2011.
Ex P2	Xerox copy of pre-trap mahazar dated 11/07/2011.
Ex P3	Xerox copy of statement of DGO.
Ex P4	Xerox copy of seizure panchanama dated 11/07/2011.
Ex.P5	Xerox copy of call details of complainant and DGO.
Ex P6	Xerox copy of attendance register extract of DGO.
Ex P7	Xerox copy of C.L. particulars of the DGO.
Ex P8	Xerox copy of order dated 18/05/2000.
Ex 9	Xerox copy of work allotment order dated 23/02/2012.
Ex P10	Xerox copy of Z.P. Koppala order dated 31/12/2009.
Ex P11	Xerox copy of FIR dated 11/07/2011.
Ex P12	Xerox copy of list of currency notes crime no.09/11.
Ex P13	Xerox copy of statement of DGO dated 11/07/2011.
Ex.P14	Xerox copy of spot sketch cr. No. 9/2011.

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Ex.P15	Xerox copy of office order of Z.P.Koppal dated 24/06/2011.
Ex.P16	Xerox copy of photographs in 7 sheets in Cr.No.9/2011.
Ex.P17	Xerox copy of conversation of DGO and complainant.
Ex.P18	Xerox copy of voice identification panchanama dated 03/08/2011.
Ex.P19	Xerox copy of sketch prepared by AE, PWD Sub Div. Koppal in Cr.No.9/2011.
Ex.P20	Xerox copy of Chemical Examiner's report dated 11/08/2011.
Ex.P21	Xerox copy of mobile call details from 05/07/2011 to 11/07/2011.
Ex.P22	Xerox copy of statement of Amarappa dated 29/9/2011.
Ex.P23	Xerox copy of details of the officials working in Z.P.Koppal.
Ex.P24	Xerox copy of enquiry report pertaining to complainant.
Ex.P25	Xerox copy of order dated 24/06/2011 passed by CEO, ZP.Koppal.

**List of documents marked on behalf of Defence:-**

Ex.D1	Xerox copy of letter issued to PI,KLA,Koppala by Chief Officer, Z.P.Koppala on 23/07/2011 with outward register extract.
Ex.D2	Certified copy of deposition in Special C.C. No.24/2012 of DW2
Ex D3	Certified copy of deposition in Special C.C. No.24/2012 of DW1.

  
(J.P.Archana)

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