

GOVERNMENT OF KARNATAKA**KARNATAKA LOKAYUKTA**

No.UPLOK-2/DE/849/2017/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560001
Date: 21st November, 2022.

RECOMMENDATION

Sub: Departmental Inquiry against Shri H.Chandraiah, Village Accountant, Nosanur Revenue Circle, Anekal Taluk, Bengaluru Rural District (now retired)-reg.

Ref: 1) Government Order No.ಕಂಇ 44 ಬಿಡಿಪಿ 2017, Bengaluru, dated: 21/06/2017.

2) Nomination Order No.UPLOK-2/DE/849/2017, Bengaluru, dated: 04/07/2017 of Upalokayukta, State of Karnataka, Bengaluru.

3) Inquiry Report dated: 18/11/2022 of Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru.

The Government by its order dated: 21/06/2017 initiated the disciplinary proceedings against Shri H.Chandraiah, Village Accountant, Nosanur Revenue Circle, Anekal Taluk, Bengaluru Rural District (now retired) (hereinafter referred to as Delinquent Government Officials, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

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2. This Institution by Nomination Order No.UPLOK-2/DE/849/2017, Bengaluru, dated: 04/07/2017 nominated Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO.
3. The DGO, Shri H.Chandraiah, Village Accountant, Nosanur Revenue Circle, Anekal Taluk, Bengaluru Rural District (now retired) tried for the following charges:

ಅನುಬಂಧ-1

ದೋಷಾರೋಪಣೆ

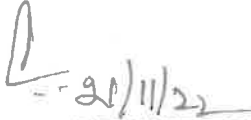
ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಹೆಚ್.ಚಂದ್ರಯ್ಯ, ಆದ ನೀವು ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆಯ ಆನೇಕಲ್ ತಾಲ್ಲೂಕಿನ ನೂಸನೂರು ಕಂದಾಯ ವೃತ್ತದ ಗ್ರಾಮಲೆಕ್ಕಿಗರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಾದ ಎನ್.ಗಣೇಶ್ ರವರ ತಾಯಿಯಾದ ರತ್ನಮ್ಮ ರವರಿಗೆ ಸದರಿಯವರ ತಂದೆಯವರಿಂದ ವಿಭಾಗ ಮೂಲಕ ಬಂದಿರುವ ಸರ್ವೆ ನಂ.124/5ರಲ್ಲಿನ 0.39 ಗುಂಟೆ ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡುವ ಸಂಬಂಧ ದೂರುದಾರರಿಂದ ರೂ.10,000/- ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿ ದಿನಾಂಕ: 12/05/2014 ರಂದು ಮಧ್ಯಾಹ್ನ 2:15 ರಿಂದ 2:45 ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ಆನೇಕಲ್ ಜಿಗಣಿ ರಸ್ತೆಯಲ್ಲಿ ದ್ಯಾವಸಂದ್ಧಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆಯ ಮಧ್ಯದಲ್ಲಿ ಅಂದರೆ ತಿರುವಿನಲ್ಲಿ ರೂ.10,000/- ಗಳ ಲಂಚವನ್ನು ಪಿರಿಯಾದಿಯಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಸದರಿ ಹಣವು ನಂತರ ಅಂದು ನಮ್ಮ ಏಕಮೇವ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದು ಸದರಿ ಹಣವು ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದ ಬಗ್ಗೆ ಸಮರ್ಪಕ ಉತ್ತರವನ್ನು ನೀಡಲು ನೀವು ವಿಫಲರಾಗಿ ಕರ್ತವ್ಯ ಲೋಪವನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರೀಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1)(i) ರಿಂದ (iii) ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿರುತ್ತೀರಿ.

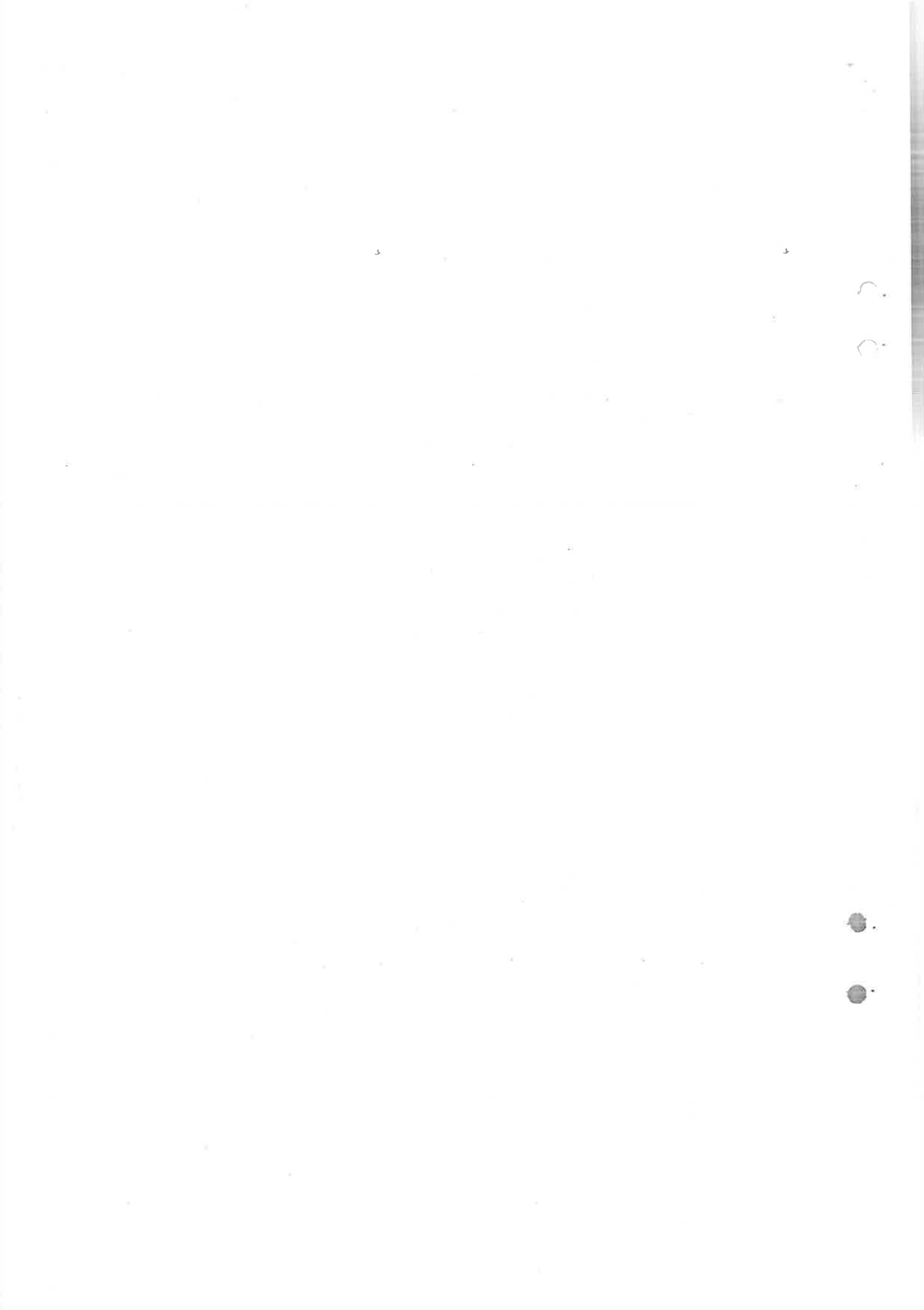
4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'Not Proved' the charge



- leveled against DGO, Shri H.Chandraiah, Village Accountant, Nosanur Revenue Circle, Anekal Taluk, Bengaluru Rural District (now retired).
5. On perusal of the Inquiry Report, in order to prove the guilt of DGO, the Disciplinary Authority has examined three witnesses i.e., PW-1 to PW-3 and Ex. P-1 and P-14 documents were got marked. DGO has examined himself as DW-1 and Ex. D-1 documents was got marked.
6. On re-consideration of Inquiry Report and taking note of the totality of the circumstances of the case, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate DGO, Shri H.Chandraiah, Village Accountant, Nosanur Revenue Circle, Anekal Taluk, Bengaluru Rural District (now retired).
7. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.


(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2,
STATE OF KARNATAKA.



KARNATAKA LOKAYUKTA

NO. LOK/INQ/14-A/849/2017//ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,

Date: 18/11/2022.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against
Sri. H.Chandraiah, Village Accountant,
Nosanuru Revenue, Anekal Taluk, Bengaluru,
Rural District-reg.

Ref: 1. Government Order No. ಕಂಇ 44 ಬಿಡಿಪಿ 2017
Bengaluru, dated 21/06/2017.
2. Nomination Order No.UPLOK-
2/DE/849/2017, Bengaluru, dated
04/07/2017.

1. The Departmental Enquiry is initiated against Sri. H.Chandraiah, Village Accountant, Nosanuru Revenue, Anekal Taluk, Bengaluru, Rural District (hereinafter referred to as the Delinquent Government Official, in short DGO) on the basis of the complaint dated 12/05/2014 filed by the complainant Shri. N.Ganesh s/o Narayanappa, Kaval Hosahalli, Anekal Taluk, Bengaluru Rural District. The allegations in the complaint is that mother of the complainant has been allotted land bearing



Sy.No.124/5, measuring 0.39 guntas through partition deed from her father and for change the khatha of the said allotted land DGO demanded Rs.10,000/- from the complainant.

2. As the complainant was not willing to pay the amount, he lodged complaint before Police Inspector, Karnataka Lokayukta Rural Police Station, Bengaluru (hereinafter referred to as "Investigating Officer"). On the said complaint Investigating Officer registered case on 12/05/2014 in Cr.No.10/2014 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 12/05/2014, DGO was caught red handed while demanding and accepting illegal gratification of Rs.10,000/- from the complainant in the middle of the road to Dyavasandra on Jigani Road in between 2.15 to 2.45p.m and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Bengaluru Rural District. The DGO has failed to give satisfactory or convincing explanation for the 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.

A handwritten signature in blue ink, followed by the date '18/11' written below it.

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 27/03/2017 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 Government by order dated 21/06/2017 entrusted the matter to the Hon'ble Upalokayukta.

5. The Hon'ble Upalokayukta by order dated 04/07/2017, nominated Additional Registrar Enquiries-11 to conduct the enquiry.

6. The Articles of charge as framed by Additional Registrar Enquiries-11 is as follows:

ಅನುಬಂಧ-1
ದೋಷಾರೋಪಣೆ

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಹೆಚ್. ಚಂದ್ರಯ್ಯ ಆದ ನೀವು ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆಯ ಆನೇಕಲ್ ತಾಲ್ಲೂಕಿನ ನೊಸನೂರು ಕಂದಾಯ ವೃತ್ತದ ಗ್ರಾಮಲೆಕ್ಕಿಗರಾಗಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿಕೊಂಡಿದ್ದ ಅವಧಿಯಲ್ಲಿ ದೂರುದಾರರಾದ ಎನ್. ಗಣೇಶ್ ರವರ ತಾಯಿಯಾದ ರತ್ನಮ್ಮ ರವರಿಗೆ ಸದರಿಯವರ ತಂದೆಯವರಿಂದ ವಿಭಾಗ ಮೂಲಕ ಬಂದಿರುವ ಸರ್ವೆ ನಂ.124/5ರಲ್ಲಿನ 0.39 ಗುಂಟೆ ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡುವ ಸಂಬಂಧ


18/11

ದೂರುದಾರರಿಂದ ರೂ.10,000/-ಗಳ ಲಂಚದ ಹಣವನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದರ ಸಂಬಂಧ ದಿನಾಂಕ:12-05-2014ರಂದು ಮದ್ಯಾಹ್ನ ಸರಿಸುಮಾರು 2-15 ರಿಂದ 2-45 ರ ಗಂಟೆಯ ಅವಧಿಯಲ್ಲಿ ರೂ.10,000/-ಗಳ ಲಂಚವನ್ನು ಫಿರ್ಯಾದಿಯಿಂದ ಒತ್ತಾಯಿಸಿ ಪಡೆದುಕೊಂಡು ಕರ್ತವ್ಯಲೋಪ ಎಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿದ್ದೀರಿ.

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

ಅನುಬಂಧ-2
ದೋಷರೋಪಣೆಯ ವಿವರ

ದೂರುದಾರರಾದ ಎನ್. ಗಣೇಶ್ ಬಿನ್ ನಾರಾಯಣಪ್ಪ, ನಂ.93, ಕಾವಲಹೊಸಹಳ್ಳಿ, ಸಿಡಿಹೊಸಕೋಟೆ, ಆನೇಕಲ್ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ಜಿಲ್ಲೆ ರವರು ತಮ್ಮ ದೂರಿನಲ್ಲಿ ತನ್ನ ತಾಯಿ ರತ್ನಮ್ಮ ಇವರ ತಂದೆಯವರು ವಿಭಾಗ ಪತ್ರದ ಮೂಲಕ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.124/5ರಲಿನ 0.30 ಗುಂಟೆ ಜಮೀನು ನೀಡಿದ್ದು ಸದರಿ ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ರೂ.10,000/-ಗಳ ಲಂಚವನ್ನು ನೀಡಲು ಒತ್ತಾಯಿಸಿದ ಬಗ್ಗೆ ದಿನಾಂಕ 29-04-2014ರಂದು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಭೇಟಿ ಮಾಡಿ ವಿಷಯ ತಿಳಿಸಿದಾಗ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಒಂದು ವಾಯ್ಸ್ ರೆಕಾರ್ಡ್ ನೀಡಿ ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡು ಬರುವಂತೆ ತಿಳಿಸಿದ ಮೇರೆಗೆ ದಿನಾಂಕ 8-5-2014ರಂದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಸಂಜೆ 4-30 ಗಂಟೆಯಲ್ಲಿ ದೂರುದಾರರು ಭೇಟಿ ಮಾಡಿ ಹಣವನ್ನು ಕಡಿಮೆ ಮಾಡಿಕೊಳ್ಳಲು ಕೋರಿದಾಗ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ರೂ.10,000/-ಕ್ಕಿಂತ ಕಡಿಮೆ ಆಗುವುದಿಲ್ಲವೆಂದು ತಿಳಿಸಿದ್ದು, ಸದರಿ ಸಂಭಾಷಣೆಯನ್ನು ಧ್ವನಿಮುದ್ರಿಸಿಕೊಂಡು ಲಂಚ ಕೊಟ್ಟ ಕೆಲಸ ಮಾಡಿಸಿಕೊಳ್ಳಲು ಇಷ್ಟವಿಲ್ಲದ ಕಾರಣ, ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರನ್ನು ಭೇಟಿ ಮಾಡಿ ದೂರನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.



ದೂರುದಾರರು ಸಲ್ಲಿಸಿದ ದೂರನ್ನು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆಯ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಮೊಕದ್ದಮೆ ಸಂಖ್ಯೆ.10/2014 ಕಲಂ 7, 13(1) (ಡಿ) ಜೊತೆಗೊಡಿ 13(2) ರಂತೆ ಪ್ರಕರಣವನ್ನು ನೊಂದಾಯಿಸಿಕೊಂಡು ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದೂರು ದಾಖಲಾದ ಬಳಿಕ ತನಿಖಾಧಿಕಾರಿಯವರು ಇಬ್ಬರು ಪಂಚರನ್ನು ಬರಮಾಡಿಕೊಂಡು ದೂರುದಾರರಿಗೆ ಪರಿಚಯ ಮಾಡಿಕೊಟ್ಟು, ದೂರಿನ ಸಾರಾಂಶವನ್ನು ತಿಳಿಸಿ ಪಂಚರ ಸಮಕ್ಷಮ ದೂರುದಾರರು ಐದು ನೂರು ರೂಪಾಯಿಯ ಮುಖಬೆಲೆಯುಳ್ಳ 20 ನೋಟುಗಳನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು, ನೋಟಿನ ಸಂಖ್ಯೆಗಳನ್ನು ಒಂದು ಬಿಳಿ ಹಾಳೆಯ ಮೇಲೆ ಬರೆದುಕೊಂಡಿದ್ದು, ನಂತರ ಪಂಚರ ಸಮಕ್ಷಮ ಪ್ರಾಯೋಗಿಕ ಪಂಚನಾಮೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಆಪಾದಿತರನ್ನು ಟ್ರಾಫ್ ಮಾಡಲು ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯನ್ನು ಬಿಟ್ಟು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕಛೇರಿ ಸಮೀಪದಲ್ಲಿ ಅಂದರೆ ಮದ್ಯಾಹ್ನ 2-15 ಗಂಟೆಗೆ ತಲುಪಿರುತ್ತಾರೆ.

ದೂರುದಾರರು ಮತ್ತು ನೆರಳುಸಾಕ್ಷಿದಾರರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕಛೇರಿಗೆ ಹೋದಾಗ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ನೀವು ದೂರುದಾರರೊಂದಿಗೆ ಮಾತನಾಡಿ ಹೊರಗೆ ಬಂದು ನಿಮ್ಮ ದ್ವಿಚಕ್ರ ವಾಹನದಲ್ಲಿ ಕುಳಿತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ದ್ವಿಚಕ್ರ ವಾಹನವನ್ನು ಹಿಂಬಾಲಿಸುವಂತೆ ಹೇಳಿ ಜಿಗಣಿ ಕಡೆ ಹೋಗುವ ರಸ್ತೆಯಲ್ಲಿ ಹೋದಾಗ, ದೂರುದಾರರು ಮತ್ತು ನೆರಳುಸಾಕ್ಷಿದಾರರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಹಿಂಬಾಲಿಸಿಕೊಂಡು ಹೋದಾಗ, ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಆನೇಕಲ್ ಜಿಗಣಿ ರಸ್ತೆಯಲ್ಲಿ ದ್ಯಾವಸಂದ್ರಕ್ಕೆ ಹೋಗುವ ರಸ್ತೆ ಮಧ್ಯದಲ್ಲಿ ದ್ವಿಚಕ್ರ ವಾಹನವನ್ನು ನಿಲ್ಲಿಸಿ ದೂರುದಾರರಿಂದ ಲಂಚದ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡು ದ್ಯಾವಸಂದ್ರದ ರಸ್ತೆಯಲ್ಲಿ ಹೋಗಿ ಮುಂದೆ ಆಯತಪ್ಪಿ ದ್ವಿಚಕ್ರ ವಾಹನದಿಂದ ಕೆಳಗೆ ಬಿದ್ದಾಗ ಲೋಕಾಯುಕ್ತ ತನಿಖಾಧಿಕಾರಿಯವರು, ಪಂಚಸಾಕ್ಷಿ ಮತ್ತು ಸಿಬ್ಬಂದಿಯವರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಹಿಡಿದುಕೊಂಡು ದೂರುದಾರರಿಂದ ಪಡೆದುಕೊಂಡ ಸದರಿ ಲಂಚದ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ವಶಪಡಿಸಿಕೊಂಡು ಪಂಚಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಜಪ್ತಿ ಪಂಚನಾಮೆಯನ್ನು ಮಾಡಲಾಗಿರುತ್ತದೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ತನಿಖಾಧಿಕಾರಿಯವರು ದೂರುದಾರರ, ಪಂಚರ ಹಾಗೂ ಇತರೆ ಸಾಕ್ಷಿದಾರರ ಹೇಳಿಕೆಗಳನ್ನು ಹಾಗೂ ನಿಮ್ಮ ಹೇಳಿಕೆಯನ್ನು ಸಹ ದಾಖಲು

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ಮಾಡಿಕೊಂಡಿರುತ್ತಾರೆ. ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಮುದ್ದೇಮಾಲುಗಳನ್ನು ರಾಸಾಯನಿಕ ತಜ್ಞರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿರುತ್ತಾರೆ.

ತನಿಖಾಧಿಕಾರಿಯವರು ತನಿಖಾ ಕಾಲದಲ್ಲಿ ವಶಪಡಿಸಿಕೊಂಡ ಎಲ್ಲಾ ದಾಖಲಾತಿಗಳ ಪ್ರಕಾರ ನೀವು ಅಂದರೆ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಜಮೀನಿನ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಲು ರೂ.10,000/-ಗಳನ್ನು ನೀಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಹಣವನ್ನು ದಿನಾಂಕ:12-05-2014ರಂದು ಪಡೆದುಕೊಳ್ಳುವಾಗ ನೆರಳುಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮದಲ್ಲಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಸಿಕ್ಕಿಬಿದ್ದಿರುತ್ತಾರೆ. ನೀವು ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆ ಎಸಗಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಸಾಬೀತಾಗಿರುತ್ತದೆ.

ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಆಪಾದಿತರುಗಳಿಗೆ ಪರಿಶೀಲನಾ ಟಿಪ್ಪಣಿಯನ್ನು ಕಳುಹಿಸಿ, ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ಆಪಾದಿತರುಗಳು ಉತ್ತರವನ್ನು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ಉತ್ತರವನ್ನು ಒಪ್ಪಲು ಬಾರದ ಕಾರಣ, ಆಪಾದಿತರುಗಳ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 12(3) ರಡಿಯಲ್ಲಿ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿ, ಆಪಾದಿತರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮವನ್ನು ಜರುಗಿಸಲು ತಿಳಿಸಲಾಗಿತ್ತು. ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಈ ಸಂಸ್ಥೆಯಿಂದ ಮಾಡಿರುವ ಶಿಫಾರಸ್ಸನ್ನು ಒಪ್ಪಿ ಆಪಾದಿತರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮಕೈಗೊಂಡು ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಗೌರವಾನ್ವಿತ ಉಪಲೋಕಾಯುಕ್ತರವರಿಗೆ ವಹಿಸಲಾಗಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ತಮ್ಮ ಮೇಲೆ ಈ 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 28/09/2017 and engaged advocate for defence. In the course of first oral statement of the DGO recorded on


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28/09/2017 he pleaded not guilty and claimed to be enquired. **The Date of Retirement as mentioned in the First Oral Statement of DGO is 30/04/2016.**

9. The DGO has filed Written Statement dated 25/10/2017 denying the allegations made against him in the articles of charge and statement of imputation. Further DGO contended that he while working as a Village Accountant at Nosenuru circle, Jigani Hobli, Anekal Taluk received the file of Form No.21 pertaining to one Rathnamma on 25/04/2014. On the same day, he had made an endorsement for approving the khatha in the name of Smt. Ratnamma. Further contended that on that day, the complainant had come to his office and asked about the status of the khatha and he told the complainant that he had approved the khatha but signatures of 5 members of adjacent owner or villagers are required. For that complainant told him that he was well conversant with the procedure, he could change khatha without signature of the adjacent owners or villagers. For that he refused to forward the file to the office of the Tahsildar without complying the procedure. Being annoyed by his say, complainant has lodged a false case with Lokayukta Police with false and created story.

DGO further contended that there is revenge against him. He has not demanded any amount or bribe from the complainant. There was no conversation of demand of bribe

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recorded in voice recorder. That the conversation said to have been recorded by the complainant is the created theory to fix him, in the false case. That the complainant has not met him on 08/05/2014.

He further contended that on 12/05/2014, the complainant had called him over phone and informed him that he would come to his office for obtaining the signatures of adjacent owners or villagers, for that he answered positively. That on the same day at about 2.15 to 2.30 P.M. the complainant had come to his office and asked him to go to the village for obtaining signatures. The documents pertaining to change of khatha was kept on the table. That he had come out of the office for collecting the rubber stamp, which he had kept in the bike petrol tank cover. After taking the rubber stamp, he went inside the office, during that time the complainant was sitting in front of his table. Thereafter, complainant informed him to go to village. At that juncture, complainant reminded him to collect the plastic cover containing the documents for change of khatha of his mother. Accordingly, he had collected the plastic cover and locked the office. That while going to village he kept the plastic cover inside the tank cover and moved towards village. The complainant alone followed him in his bike and when he reached Haragedde, Dyavansandra road connecting to Jigani the complainant stopped him and told that he would not come to village and if he comes to the village, the relative and adjacent owners would dispute for change of


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khatha in the name of his mother. DGO further contended that he shouted at complainant and he turned his bike towards his office and while he was riding his bike, the complainant has dashed his bike from backside and he fell on the road and sustained grievous injury to his leg. That other persons had come to the spot and left him and his bike. Thereafter they introduced themselves to him that they are Lokayukta Police and asked him to co-operate for investigation. That the complainant told Police Inspector that he has kept the amount in plastic cover kept in the tank cover and the Police Inspector asked him to take out the amount. That he had pleaded innocence about the amount as stated by the complainant. The Inspector had threatened him to search the amount in the plastic cover and then he got the amount from the plastic and came to know that the amount has been kept in the cover by the complainant without his knowledge. That he has been targeted by the complainant to settle his score and he is a victim of the circumstances, as he has discharged his duties loyally. That there was no work pending with him. The conspiracy has been hatched so as to deface him and to lower his prestige, accordingly false case has been foisted against him. That he has not demanded and accepted any amount from the complainant. Further contended that the allegation that the complainant approached Lokayukta Police and thereafter met him and he demanded bribe is incorrect, false and baseless. Further contended that the complaint filed by the complainant is ill motivated and with an intention to harass


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him. That he is retired from service and he earned good name and discharged his duties sincerely to the best of his official superiors and also maintained good character and conduct during his entire service. That there is no misconduct on his part and he prayed that he may be exonerated from the imputation of charges levelled against him 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 Village Accountant in Nosenuru Gram Panchayath of Anekal Taluk, Bengaluru Rural District, when the complainant approached the DGO to change the khatha of land measuring 0.39 guntas in Sy.No.124/5 allotted to his mother from her father through partition deed has demanded bribe of Rs 10,000/- for the said work and as the complainant was not willing to pay the amount, he lodged complaint before Police Inspector, Karnataka Lokayukta Rural Police Station, Bengaluru and the Investigating Officer registered case on 02/05/2014 in Cr.No.10/2014 against the DGO and took up investigation and on 02/05/2014, DGO was caught red handed while demanding and accepting illegal gratification of Rs.10,000/-

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from the complainant in the middle of the road to Dyavasandre on Jigani Road in between 2.15 to 2.45 p.m and the said amount was seized under a mahazar after following post trap formalities by the Investigating Officer, Karnataka Lokayukta, Bengaluru Rural District. 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 the DGO has committed misconduct, dereliction of duty, acted in a manner unbecoming of a Government Servant and not maintained absolute integrity, violating Rule 3(1)(i) to (iii) of K.C.S.(conduct) Rules, 1966?

2. What findings?

11. (a) The disciplinary authority has examined 3 witnesses i.e., one Sri. N.Ganesh/complainant as PW1, one Sri. M.N. Vasanthakuar/shadow witness as PW2 and Sri. K.V. Krishnappa, Investigating Officer as PW3 and got exhibited 14 documents on it's behalf.

(b) The DGO has examined himself as DW1 and got exhibited 1 document on his behalf.

(c) Since DGO has adduced evidence by examining witnesses, incriminating circumstances which appeared

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against him in the evidence of PWs 1 to 3 are not put to him by way of questionnaire and same is dispensed.

12. Heard both side arguments and perused 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) PW1/complainant Sri. Ganesh in his evidence deposed that DGO was working as Village Accountant in Nosenur Revenue Circle of Anekal Taluk in the year 2014. That his mother Rathnamma had acquired 39 guntas of land in Survey No.124/5 in Nosenur Village through partition deed from her father and they had applied for change of khatha in the Taluk Office and application had come before DGO. That in the year 2014 he went to the office of DGO and enquired about the application and he told that some persons are objecting for the same and asked for the money. That he has not told the amount on that day and he approached Police Inspector, Karnataka Lokayukta Police Station, Bengaluru and informed him about the demand of bribe. Then I.O. told him to record the conversation of demand of bribe by DGO and gave him one voice recorder. That on 29/04/2014 he went to the office of DGO and

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enquired about the khatha of his mother. Then DGO told that he want "Rs 10/- " and if Rs.2,000/- is paid less then also the khatha cannot be made. That he has recorded the said conversation in the voice recorder given to him and on 12/05/2014 he went to Lokayukta Police Station, Bengaluru at about 11.00 a.m and lodged complaint as per Ex.P1. that he has also given the voice recorder to the I.O. that the I.O. verified voice recorder through computer and asked him to bring Rs.10,000/-. That the I.O. has called for one M.S. Vasanth Kumar and Kodandraj. That he has given 20 notes of Rs.500/- denomination each to the I.O. and I.O. got numbers of currency notes noted in a sheet as per Ex.P2 and the I.O. got smeared powder on the notes and Kodandaraj counted the notes and kept it in the front right side pocket of his pant. That I.O. got washed hands of Kodandaraj in solution and the solution turned to pink colour and the I.O. has seized the solution. That I.O. gave him one voice recorder and asked him to switch it on while meeting the DGO. That I.O. has drawn pre-trap mahazar with respect to the above proceedings as per Ex.P3. That later on, the I.O. has taken him , his staff and panch witness in a jeep to Kavalahosahalli to his house. That he and M.S. Vasanthkumar went to the office of DGO at Haragadde in their motor cycle and Kodandaraj, I.O and his staff also came there and all of them stopped at a distance of 200 meter away from the office of DGO and reached there at 12.45 p.m. That he and M.S. Vasanthkumar went to the office of DGO and DGO was all alone in his office. That the DGO enquired him for what

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reason he had come there and he asked the DGO with respect to change of khatha of his mother's land. That DGO told to give what he had asked him the previous day and complainant went to give the tainted notes for which DGO told that he would receive the notes near Dyavasandra road and DGO left in his motor cycle towards Dyavasandra and he and M.S. Vasanthkumar also went in their motor cycle following the DGO. That the DGO stopped his motor cycle after going 250 meter away from the office. That DGO gave him one cover and asked him to keep the amount inside that cover. That he kept the notes inside the cover and gave it to DGO. That the DGO received the cover with his right hand and removed the notes inside and counted it with both of his hands and again kept it inside the cover and DGO kept the cover in the bag which was kept above the petrol tank of the motor cycle. That at that time M.S. Vasanthkumar was also present and he gave signal by wiping his face. That he and his staff came along with Kodandraj and DGO sat down on his motor cycle and went away in high speed and after going about 50 meter away the DGO fell down and he, M.s.Vasanthkumar, Kodanda Raju and I.O. and his staff went there. The I.O. showed him his I.D. card and told him the purpose of his coming. That one of the leg of DGO was injured. That all of them took him to the Government hospital in a car and the medical officer in the Government hospital gave first aid treatment and later on they took the DGO to his office at Haragadde. That there was no current in the office, so they took the DGO to Agricultural Service Co-

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operative Society building which was nearby and I.O. got prepared solution and washed the right hand fingers of DGO in the solution and the solution turned to pink colour and the I.O. seized the solution in a bottle. That I.O. washed left hand fingers of DGO in the solution, but the colour did not change. I.O. seized the solution separately and DGO gave tainted notes in the bag which was kept on his motor cycle tank and the documents pertaining to his mother's land to the I.O. and the I.O. seized the same. That the voice recorder given to him contains his and DGO's voice recording and I.O. called one Sri. Yogananda, Revenue Inspector to the spot and he identified the voice of DGO in the recordings. The DGO gave an explanation that he does not know anything about the case. That I.O. has conducted trap mahazar in this regard as per Ex.P5 in Agricultural Service Co-operative Society.

(b) In the cross examination of PW1 by the DGO counsel he has deposed as follows:-

“29/04/2014 ರಂದು ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿ ಮಾಡಿದಾಗ ಹಕ್ಕು ಬದಲಾವಣೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಇರುವ ಪುಸ್ತಕದಲ್ಲಿ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಬಹುದು ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಟಿಪ್ಪಣಿ ಬರೆದಿದ್ದರು ಎಂಬುದಾಗಿ ನನಗೆ ತಿಳಿಯಿತು. ಖಾತೆ ಬದಲಾವಣೆ ಸಂಬಂಧವಾಗಿ ಐದು ಗ್ರಾಮಸ್ಥರ ಸಹಿಗಳನ್ನು ಪಡೆಯುವ ಅವಶ್ಯಕತೆ ಇದೆ ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನನಗೆ ಹೇಳಿದರು ಎಂಬುದು ನಿಜ. ನನ್ನ ತಾಯಿಯ ಜಮೀನಿಗೆ ನನ್ನನ್ನು ಕರೆದುಕೊಂಡು ಹೋಗುವುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ನನಗೆ ಹೇಳಿದರು ಎಂಬುದು ನಿಜ. ನಾನು ಜಮೀನಿಗೆ ಬರುವುದಿಲ್ಲ

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ಎಂಬುದಾಗಿ ಹೇಳಿದೆನು. ಐದು ಜನರ ಸಹಿಗಳು ಪಡೆಯುವಂತೆ ನಾನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಹೇಳಿದೆನು.”

“ನಂತರ ಐದು ಜನರ ಸಹಿಗಳನ್ನು ಪಡೆಯಲು ನನ್ನನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ತಾಯಿಯ ಜಮೀನಿಗೆ ಕರೆದುಕೊಂಡು ಬಂದರು. ಅದಕ್ಕೂ ಮುನ್ನ ಪ್ಲಾಸ್ಟಿಕ್ ಚೀಲವನ್ನು ಇಟ್ಟುಕೊಳ್ಳುವಂತೆ ಹೇಳಿ ನಾನು ಅದನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕೊಟ್ಟೆನು. ಆ ಚೀಲವನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಎತ್ತಿಕೊಂಡು ಅವರ ಮೋಟಾರ್ ಸೈಕಲ್ ಪೆಟ್ರೋಲ್ ಟ್ಯಾಂಕ್ ಮೇಲಿನ ಒಂದು ಚೀಲದೊಳಗೆ ಇಟ್ಟರು. ನಂತರ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅವರ ಮೋಟಾರ್ ಸೈಕಲ್ ಮೇಲೆ ಒಬ್ಬರೇ ಹೊರಟರು ಮತ್ತು ನಾನು ನನ್ನ ಮೋಟಾರ್ ಸೈಕಲ್ ಮೇಲೆ ಒಬ್ಬನೇ ಹೊರಟೆನು ಹಾಗೂ ಸಾಕ್ಷಿಗಳು ಮತ್ತು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಗಳು ಜೀಪಿನಲ್ಲಿ ಹಿಂಬಾಲಿಸಿಕೊಂಡು ಬಂದರು.

ಹಾರೋಗದ್ದೆ ಎಂಬಲ್ಲಿರುವ ಕೆರೆಯ ಬಳಿ ತಲುಪಿದಾಗ ಜಮೀನಿನ ಹತ್ತಿರ ನಾನು ಬರುವುದಿಲ್ಲ ಎಂಬುದಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ನಾನು ಹೇಳಿದೆನು ಮತ್ತು ಅವರನ್ನು ಜಮೀನಿಗೆ ಹೋಗುವಂತೆ ತಿಳಿಸಿದೆನು. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಅವರ ಮೋಟಾರ್ ಸೈಕಲ್ ಮೇಲೆ ಅಲ್ಲಿಂದ ಹೊರಟಾಗ ಒಬ್ಬರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಯು ಒಂದು ಮೋಟಾರ್ ಸೈಕಲ್ ಮೇಲೆ ಬಂದು ಆ ಮೋಟಾರ್ ಸೈಕಲನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮೋಟಾರ್ ಸೈಕಲ್‌ಗೆ ಸ್ಪರ್ಶಿಸಿದರು ಮತ್ತು ಪರಿಣಾಮವಾಗಿ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೆಳಗೆ ಬಿದ್ದರು ಹಾಗೂ ಅವರ ಕಾಲುಗಳಿಗೆ ರಕ್ತಗಾಯಗಳಾದವು. ಆ ಸ್ಥಳಕ್ಕೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಯವರು ಮತ್ತು ಸಾಕ್ಷಿಗಳು ಇದ್ದ ಜೀಪು ಅಲ್ಲಿಗೆ ಬಂದು ತಲುಪಿತು.”

“ ಆ ಸ್ಥಳದಲ್ಲಿ ನಾನು ತನಿಖಾಧಿಕಾರಿಯವರನ್ನು ನೋಡಿದ ನಂತರ ಪ್ಲಾಸ್ಟಿಕ್ ಚೀಲದಲ್ಲಿ ಹಣ ಇದೆ ಎಂಬುದಾಗಿ ನಾನು ಹೇಳಿದೆನು. ಆ ಪ್ಲಾಸ್ಟಿಕ್ ಚೀಲದ ಒಳಗಿದ್ದ ದಾಖಲೆಗಳನ್ನು ಮತ್ತು ನೋಟುಗಳನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಮುಖಾಂತರ ಹೊರಗೆ ತೆಗೆಸಿದರು. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೈಗಳ ಬೆರಳುಗಳನ್ನು ಆ ಸ್ಥಳದಲ್ಲಿ ತೊಳೆಸಿದ್ದನ್ನು ನಾನು ನೋಡಲಿಲ್ಲ. ಕೊಠಡಿಯು ಸಣ್ಣದಾಗಿದ್ದ ಕಾರಣ ನನ್ನನ್ನು ಒಳಗಡೆ ಸೇರಿಸಲಿಲ್ಲ ಮತ್ತು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಕೈಗಳ ಬೆರಳುಗಳನ್ನು ತೊಳೆಸಲಾಗಿದೆ ಎಂಬುದಾಗಿ ಒಬ್ಬರು ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಸಿಬ್ಬಂದಿಯು ಕೊಠಡಿಯಿಂದ ಹೊರ ಬಂದು ನನಗೆ ಹೇಳಿದರು.

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ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಕಛೇರಿಯೊಳಗೆ ನಾನು ಹೋದ ನಂತರ ಅಲ್ಲಿ ನನ್ನಿಂದ ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಹಣ ಕೇಳಿಲ್ಲ.”

(c) PW-1 has deposed in his cross examination that the DGO had endorsed by putting up note that khatha can be changed and further stated that DGO had told that the sign of 5 villagers are required for changing the khatha and asked him to come with him and he had told that he would not come to the land. Further PW-1 has deposed that DGO has taken him to his mother's land to take the sign of 5 persons and before that he has given one plastic bag to DGO and he received it and kept it on the bag which was on the tank of the motor cycle and he left alone in the motor cycle. Further he has stated that he also went alone in the motor cycle and the I.O. and the other witnesses followed them in the jeep.

PW-1 has further deposed that when they reached near a lake of Harogadde he told the DGO that he will not come to the land and asked him to go to the land. That when DGO was going in his motor cycle one of the Lokayukta staff came in a motor cycle and touched to the motor cycle of the DGO as a result DGO fell down and sustained bleeding injuries to his leg.

PW-1 further stated that the I.O. and other witnesses and staff came to the staff in the jeep and he told I.O. that the amount is there in the plastic bag and I.O. has got it removed from the DGO. That he has not seen whether the hands of DGO were washed but one of the staff told him that the hands of DGO were washed. Further he has stated that when he went to the Grama Panchayathi office the DGO has not asked for the amount. There is

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major discrepancies in the evidence of PW1 and is not credit worthy to rely on the same without corroboration from other witnesses.

15. (a) PW2/shadow witness, Sri. M.S.Vasanthkumar has deposed in his evidence that the I.O. called him to Lokayukta Police Station situated in M.S. Building at 11.30 a.m. and complainant Ganesh was present and he came to know that he had lodged the complaint against DGO alleging demand of bribe. That the complainant produced Rs.10,000/- to the I.O. and I.O. got the numbers of the currency notes noted through Kodanda Raju in a sheet and the staff smeared phenolphthalein powder to the notes. Later on he has kept the said notes in the right side front pant pocket of PW1 and the I.O. washed his hands in the solution and the solution turned to pink colour and I.O. seized the solution in a bottle. That I.O. played voice recording and made them here it. That voice recordings contained demand of Rs.10,000/- bribe amount by the DGO and the I.O. instructed the complainant to give tainted notes only if demanded by DGO and after acceptance to give signal to the I.O. Further I.O. instructed him to accompany the complainant and watch the happening. That the I.O. has drawn pre trap mahazar of the above said proceedings as per Ex.P3. Further he has deposed that I.O. has given one voice recorder to the complainant and asked him to switch it on while meeting the DGO and record the conversation between them. PW2 further deposed that later on they all went to the office of DGO situated in Anekal Taluk and reached their at 2.30 p.m. That he went in the

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jeep along with I.O. and complainant came in his motor cycle. That at about 2.45 p.m. he and complainant went inside the office of DGO. That he stood 199 feet away and the Lokayukta police told him to stand outside the office, so he was standing outside the office. That the complainant went inside the office of DGO and talked with DGO. That after some time DGO came out of the office and put lock to his office and took a plastic cover and went in his scoter. That the complainant also went in his motor cycle towards Jigani. That he doesn't know towards which village the complainant and DGO proceeded and he, I.O and his staff went towards Jigani. That the I.O. contacted the complainant through his mobile and after sometime he, I.O. and his staff came back and in the middle of the road in a village near the lake they saw DGO had fell down from his scooter and they found that DGO has sustained bleeding injury to his right leg toe and knee. PW2 further stated that the complainant told that DGO has received the amount and DGO told that the amount was in his bag which was kept on the tank of his motor cycle. That the DGO removed the notes and gave it but he doesn't know who received it and later on the I.O. got right and left hand of DGO washed in the solution and the solution turned to pink colour. I.O. seized the sample of the solution in a bottle. That numbers of currency notes were tallied with Ex.P2 sheet. That the I.O. seized one document from the DGO and they have taken the DGO to hospital which was near by and gave treatment to him. That the complainant gave voice recorder to Investigating Officer and he does not know the

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contents of same. Later on all of them took DGO to his office from the Government Hospital. I.O. got some documents typed and took statement of DGO as per Ex.P6. I.O. conducted pre-trap mahazar in this regard of the above proceedings as per Ex.P4 and he has signed Ex.P4.

(b) PW2 has been partly treated as hostile and cross examined by Learned Presenting Officer wherein he has admitted that Sri.Polanraj has kept the tainted notes in the right side pant pocket of the complainant and later on his hands were washed in the solution. Further he has admitted that he has not kept the tainted notes in the right side pant pocket of the complainant and I.O. has not washed his hands.

Further PW2 denied that he went to the office of DGO along with the complainant. Further he denied that DGO told the complainant that he would receive the amount inside the office and has locked his office and went in his motor cycle. Further he admitted that the complainant gave signal and the I.O., he and other staff have followed the complainant. Further he has denied other suggestions put forth by the learned Presenting Officer with respect to the DGO stopping vehicle near Dyavasandra cross road and demanded bribe from the complainant and complainant gave tainted notes to him and he had received it and kept it in the bag and after giving signal by the complainant, DGO got suspicion and tried to flee from the spot towards Dyavasandra. Further he

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denied that the DGO gave the tainted notes to I.O after his hand wash.

PW2 admitted the contents of Ex.P3 and P4 are true. Further admitted that I.O. has got the voice recording transcribed and one K.Yoganand higher officer has identified the voice of the DGO. Further admitted that I.O. has drawn trap mahazar in the chamber of the President of Agricultural Service Co-operative Society.

(c) In the cross examination of PW2 by the DGO counsel he has deposed as follows:-

“ಒಂದೇ ಪಾತ್ರೆಯಲ್ಲಿದ್ದ ದ್ರಾವಣದಲ್ಲಿ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಬಲಗೈ ಮತ್ತು ಎಡಗೈ ಬೆರಳುಗಳನ್ನು ತೊಳೆಸಲಾಯಿತು. ಅಂದು ಫಿರ್ಯಾದಿ ಮತ್ತು ತಮ್ಮ ನಡುವೆ ನಡೆದ ವಿದ್ಯಮಾನಗಳನ್ನು ನಿಶಾನೆ ಪಿ-6 ರ ಮೂಲ ಹೇಳಿಕೆಯಲ್ಲಿ ಅಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಬರೆದರು ಎಂಬುದು ನಿಜ.”

PW2 has deposed in his cross examination by the DGO counsel that that both the hands of the DGO were washed in one bowl having the solution and further admitted that DGO has written what transpired that day between the complainant and himself as per Exp6.

16. (a) PW3/Investigating Officer Sri. K.V.Krishnappa has deposed in his evidence that he had worked as Police Inspector in Karnataka Lokayukta, Bengaluru Rural from 15/02/2014 to 02/08/2016. That on 29/04/2014, one, Sri.N.Ganesh came to his Police station and told that the DGO who is working as Village Accountant in Tahasildar


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office, Anekal, is demanding bribe of Rs.10,000/- for changing khatha in name of his mother, Smt.Rathnamma and she had got the rights as ancestral property. That he gave voice recorder to complainant/PW-1 to record the conversation. That on 12/05/2014, PW-1 came to his Police station and gave written complaint to him and also the voice recorder that he had given to him and Rs. 10,000/- for laying the trap. It was 9:45 a.m at that time and he identified the copy of complaint and his signature on the same as Ex.P-1. That he registered the said complaint at crime number 10/2014. PW-1 had given 20 notes of Rs. 500/- each and he sent requisition to Social Welfare Department, M.S.Building, Bengaluru to send two witnesses. Accordingly, PW-2 and CW-3 appeared before him at 11:10 a.m. that he introduced the complainant/PW-1 to them and told them about the complaint and gave the copy of the same to read and understand. PW-1 told them that he has got the conversation done on 08/05/2014 recorded, wherein the DGO has stated that he will not accept even 10 rupees lesser than Rs. 10,000/-. He played the voice recorder and got the conversation transcribed and burnt to CD. He also took a copy of the said CD, and sealed the same as article number 1. That he got the list of currency notes prepared by CW-3, Sri.Polanraj and took the signatures of the panch witnesses on the same and identified the list of currency notes and his signature on it as Ex.P-2. That he got phenolphthalein powder applied to the notes through his staff, Sri.Lokesh, working as P.C. and got verified through PW-2 that PW-1 had

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no money in his right side pant pocket, and thereafter, he got the said amount kept in the right side pant pocket of PW-1, through CW-3. That he got sodium carbonate solution prepared through his staff, P.C.Sri.Manju and he then got the hands of CW-3 washed in the solution, after taking the sample of the same. That the sample was marked as article number 2 and the solution turned to pink colour and he took the sample of the same and sealed as article number 3. That he gave instruction to PW-1 that he has to give the amount only if DGO demands and thereafter give signal by wiping the head with left hand and he also gave voice recorder to him to record the conversation. That he also instructed PW-2 to act as shadow witness and report the happenings to him and he got the entire procedure photographed and identified the copies of four photographs, as per Ex.P-7 and he drew pre-trap panchanama from 11:30 a.m to 12:45 p.m. and he identified the same as Ex.P-3 and he identified his signature and signature of witnesses on Ex.P-3.

PW3 further stated that all of them left their Police station at 1:30 p.m and on the way, PW-1 telephoned DGO and DGO asked him to come. That in Kavalhosahalli, the village of PW-1, PW-1 took 2 two wheelers, Honda Dio, KA 51 EG 3024 and Herohonda Splendor, KA 51 E 3243. PW-1 and 2 went from there to office of DGO on said Honda Dio and his staff, Sri.Manju and Nagesh went on the said motor cycle i.e., Splendor. That the office of DGO was about 5 to 6 kilometers from Kavalhosahalli to Haregadda village where DGO was

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working. That at 2:15 p.m, they reached there and he repeated the instructions given to PW-1 and 2 again.

PW3 further deposed that PW-1 and 2 went to the office of DGO and met the DGO. The DGO locked the office and asked complainant/PW-1 to follow him. That PW-1 gave signal by hand, and asked them to follow. That the DGO sat on his motorcycle Herohonda Splendar, KA 51 J 9715 and went from there. PW-1 and 2 followed him on their vehicles. That after going about 250 meters, the DGO stopped and started speaking to PW-1 and he was in the jeep, about 20 feet far from them. PW-1 gave the tainted amount to the DGO. The DGO took the amount and put in a plastic cover, and kept it in the cover of the bike above the fuel tank. Immediately, the DGO started his bike and started moving from there. PW-1 gave signal by wiping head with his left hand and all of them followed the DGO. That after about 250 meters, the DGO skidded and fell down and it was about 2:45 p.m then. That he and his team surrounded him and caught hold of him. The DGO had received injuries to his right knee and right toe. PW-1 told him that, the said person who fell is the DGO had demanded the bribe of Rs. 10,000/- for changing khatha in name of his mother and has obtained the said amount with his right hand, counted the notes and kept in a plastic, and then in the said cover of the said motorcycle. That he collected the name, address, designation of the DGO and introduced himself and others to him, and told him the purpose of coming and got sodium carbonate solution prepared through his staff, P.C, Sri.Nagesh. that he took


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sample of the same and got the hands of DGO dipped in the solution and the solution turned to pink colour. That he took samples of the same and he asked the DGO about the money and the DGO showed the same, which was in the plastic cover. That he got the same removed through shadow witness/PW 2. The plastic had the name 'Ganesh Textiles showroom, Sunkadakatte, Bengaluru'. That on checking the notes, it was Rs. 10,000/- having the same numbers of currency notes, noted in pre-trap mahazar and the list of currency notes, Ex.P-2 and he seized the said notes. The DGO gave the documents pertaining to the mother of PW-1. He took the copies of the same, and after attestation, seized the same as per Ex.P-8 and he drew panchanama from 3:00 p.m to 9:15 p.m, ending it near the office of DGO and he also took the explanation of DGO and he identified the same as per Ex.P-6 and he also identified the trap panchanama and his signature and signature of other witnesses on the same as per Ex.P-4. That he also got photographs taken of trap proceedings and he identified the 7 copies of the photographs as per Ex.P-9. PW-1 and 2 told him that the explanation given by DGO that he did not accept any amount, is false. That he called the Revenue Inspector, Sri.Yogananda Murthy, during trap mahazar, and he identified the voice of DGO, which was recorded in voice recorder containing conversation between PW-1 and DGO at the time of trap and he burnt the same into CD and transcribed the conversation and seized the CD. That he followed the arrest procedure, after getting treatment to the DGO and he recorded the statements of


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witnesses and he identified the xerox copy of transcription of conversation at the time of trap, as Ex.P-10 and he got the sketch of the spot prepared through PWD Engineer as per Ex.P-11 and he sent the materials to FSL for examination and received the report dated 22/05/2014 on 18/06/2014 as per Ex.P-12. That he took the call details of PW-1 and DGO as per Ex.P-13 and he collected the service details of DGO as per Ex.P-14. That he filed the charge sheet against the DGO, after obtaining the sanction and that he can identify the DGO.

(b) PW-3 in his chief examination has stated that PW1 told him that, the person who fell is the DGO, had demanded the bribe of Rs. 10,000/- for changing khatha in name of his mother, and has obtained the said amount with his right hand, counted the notes and kept in a plastic, and then in the said cover of the said motorcycle. But in the cross examination of PW3 by the DGO counsel he has admitted that PW-1 has told him that the amount was in the plastic bag and he got the amount removed from the plastic bag along with the things inside it through DGO and after that he has got sodium carbonate solution prepared and washed both hands of DGO in it and the DGO has given his explanation. Further admitted that DGO has endorsed that he has no objection to transfer of khatha to the name of the mother of PW-1.

17. The DGO has got himself examined as DW1 and filed his affidavit in lieu of his chief examination and reiterated the

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written statement averments and further got marked certified copy of judgement in Spl Case No.181/2014 as ExD1.

18. The disciplinary authority has relied upon the evidence of PW1/complainant, PW2/shadow witness and PW3/I.O to prove it's case. The evidence of PW1/complainant as discussed earlier is not consistent and is filled with material contradictions. PW-1 has deposed in his cross examination that the DGO had endorsed by putting up note that khatha can be changed and he came to know this on 29/04/2014 when he went to meet the DGO that is much prior to lodging of the complaint by him. PW1 further stated that DGO had told that the sign of 5 villagers are required for changing the khatha and asked him to come with him and he had told that he would not come to the land. Further PW-1 has deposed that DGO has taken him to his mother's land to take the sign of 5 persons and before that he has given one plastic bag to DGO and he received it and kept it on the bag which was on the tank of the motor cycle and he left alone in the motor cycle. Further he has stated that he also went alone in the motor cycle and the I.O. and the other witnesses followed them in the jeep.

19. PW-1 has further deposed that when they reached near a lake of Harogadde he told the DGO that he will not come to the land and asked him to go to the land. That when DGO was going in his motor cycle one of the Lokayukta staff came in a motor cycle and touched to the motor cycle of the

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DGO as a result DGO fell down and sustained bleeding injuries to his leg.

20. PW-1 further stated that the I.O. and other witnesses and staff came to the staff in the jeep and he told I.O. that the amount is there in the plastic bag and I.O. has got it removed from the DGO. That he has not seen whether the hands of DGO were washed but one of the staff told him that the hands of DGO were washed. Further he has stated that when he went to the Grama Panchayathi office the DGO has not asked for the amount.

21. From the above evidence of PW1 it can be gathered that the DGO had done his part of work by 25.04.2014 itself as per ExP8. Further as admitted by PW1 the sign of the neighbouring land holders were required and DGO was going to get the same and called PW1, but he has gone half way and told he would return. Further PW1 has stated that he has given cover to DGO without telling what is there inside it and the DGO received it and kept it in the bag on the tank of his motor cycle. Further PW1 has stated that after he told I.O. that the amount is in the bag on the tank of the motor cycle of DGO the I.O. got it removed from DGO and later washed his hands. As such the evidence of PW1 is contrary to the case of the Disciplinary Authority.

22. PW2/ shadow witness has deposed about the drawing of pre trap mahazar as per Ex.P3 and about drawing of trap mahazar Ex.P4 but he has stated in his evidence that he went in the jeep along with I.O. and complainant came in his

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motor cycle. That at about 2.45 p.m. he and complainant went inside the office of DGO. That he stood 199 feet away and the Lokayukta police told him to stand outside the office, so he was standing outside the office. That the complainant went inside the office of DGO and talked with DGO. That after some time DGO came out of the office and put lock to his office and took a plastic cover and went in his scooter. That the complainant also went in his motor cycle towards Jigani. That he doesn't know towards which village the complainant and DGO proceeded and he, I.O and his staff went towards Jigani. That the I.O. contacted the complainant through his mobile and after sometime he, I.O. and his staff came back and in the middle of the road in a village near the lake they saw DGO had fell down from his scooter and they found that DGO has sustained bleeding injury to his right leg toe and knee. PW2 further stated that the complainant told that DGO has received the amount and DGO told that the amount was in his bag which was kept on the tank of his motor cycle. That the DGO removed the notes and gave it but he doesn't know who received it and later on the I.O. got right and left hand of DGO washed in the solution and the solution turned to pink colour. I.O. seized the sample of the solution in a bottle.

23. PW2 has been partly treated as hostile and cross examined by Learned Presenting Officer wherein he has denied that he went to the office of DGO along with the

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complainant. Further he denied that DGO told the complainant that he would receive the amount inside the office and has locked his office and went in his motor cycle. Further he has denied other suggestions put forth by the learned Presenting Officer with respect to the DGO stopping vehicle near Dyavasandra cross road and demanded bribe from the complainant and complainant gave tainted notes to him and he had received it and kept it in the bag and after giving signal by the complainant, DGO got suspicion and tried to flee from the spot towards Dyavasandra. Further he denied that the DGO gave the tainted notes to I.O after his hand wash. PW2 has deposed in his cross examination by the DGO counsel that that both the hands of the DGO were washed in one bowl having the solution and further admitted that DGO has written what transpired that day between the complainant and himself as per Exp6.

24. From the above evidence it is clear that there is no demand of bribe by the DGO and the complainant himself has given the amount in the cover and the police have asked the DGO to remove the amount from bag and after DGO removed it they have washed his hands in sodium carbonate solution which has turned to pink colour. This evidence of PW2/shadow witness is in consonance with the explanation given by the DGO as per Exp6 and defence taken by the DGO and it corroborates the evidence of DW1/DGO. As such from

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the evidence of PW2/shadow witness there is no evidence with respect to demand and acceptance of bribe by DGO.

25. PW2/shadow witness has unequivocally stated that the police have asked DGO to remove the amount and later washed his hands which is the defence of DGO and he has also stated the same by examining himself as DW1. The evidence of PW1/complainant is inconsistent with respect to the demand and acceptance of bribe by DGO and does not inspire to repose confidence in it.

26. The evidence of PW3/I.O. with respect to drawing of trap mahazar Ex.P4 is also not consistent. PW-3 in his chief examination has stated that PW1 told him that, the person who fell is the DGO, had demanded the bribe of Rs. 10,000/- for changing khatha in name of his mother, and has obtained the said amount with his right hand, counted the notes and kept in a plastic bag and then in the said cover of the said motorcycle. But in the cross examination of PW3 by the DGO counsel he has admitted that PW-1 has told him that the amount was in the plastic bag and he got the amount removed from the plastic bag along with the things inside it through DGO and after that he has got sodium carbonate solution prepared and washed both hands of DGO in it and the DGO has given his explanation. Further admitted that

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DGO has endorsed that he has no objection to transfer of khatha to the name of the mother of PW-1 as per Exp8.

27. From the evidence of PW1 to PW3 it can be gathered that hand wash of the DGO was done after the I.O. got the tainted notes in the cover kept in the bag on the tank of the motor cycle of the DGO removed from him and not prior to it. PW2/shadow witness and PW3 I.O. went to the spot after the DGO had fell down and they have admittedly not seen the demand and acceptance of the bribe amount. The evidence of PW1 is inconsistent and contradictory as to the demand and acceptance of bribe by the DGO. As such there is no clear, cogent and convincing evidence placed by the disciplinary authority to show the demand and acceptance of bribe amount by the DGO. Admittedly, the work of PW1/complainant is completed as per Ex.P8 on 23/04/2014 i.e., prior to the trap proceedings which was laid on 12/05/2014 and PW1 was aware of the same on 29/04/2014 itself when he went to meet the DGO.

28. Further as per the evidence of PW3/I.O. he has not produced Sec 65(B) certificate with respect to the recordings of the conversation in the voice recorder which was produced by PW1/complainant at the time of Ex.P2 pre-trap mahazar and Ex.P4 trap mahazar. As such the same cannot be relied upon.


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29. Thus, this Additional Registrar Enquiries, finds that, evidence of P.Ws1 to 3, Ex.P1 to P14, as reasoned above, not proves that the DGO had demanded and accepted bribe of Rs.10,000/-, from the complainant on 12/05/2014. The disciplinary authority has not proved the charges against this DGO. Accordingly, this point is answered in the **Negative**.

30. 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.S. Ganesh
PW2:-	Sri. M.S.Vasanth Kumar
PW3:-	Sri. K.V.Krishnappa.


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List of witnesses examined on behalf DGO:-

DW1:- Sri. H.Chandraiah (DGO).

List of documents marked on behalf of Disciplinary Authority:-

Ex P1	Xerox copy of complaint of complainant dated 12/05/2014
Ex P2	Xerox copy of list of currency notes dated 12/05/2014
Ex P3	Xerox copy of pre-trap mahazar dated 12/05/2014
Ex P4	Xerox copy of Trap mahazar dated 12/05/2014
Ex.P5	
Ex P6	Xerox copy of statement of DGO dated 12/05/2014
Ex P7	Xerox copies of photographs in cr.No.10/2014
Ex P8	Xerox copies of documents pertaining to complainant.
Ex P9	Xerox copies of photographs in cr.No.10/2014
Ex.P10	Xerox copies of conversation of complainant and DGO.
Ex.P11	Xerox copy of scene of occurrence in Cr.No.10/2014
Ex.P12	Xerox copy of chemical examiner's report dated 22/05/2014.
Ex.P13	Xerox copies of call list in Cr.No.10/2014
Ex.P14	Serox copy of service particulars of DGO received from Tahasildar Anekal Taluk dated 28/05/2014.


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List of documents marked on behalf of Defence:-

Ex D1	Certified copy of judgment in Special Case No.181/2014 dated 21/05/2016.
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(J.P.Archana)

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

