

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.LOK/INQ/14-A/86/2013/ARE-11

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date: **09/02/2022**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri Ananth Vittal Bandekar, Village Accountant,
Basanal Saja, Shiggaon Taluk, Haveri District – Reg.

- Ref:- 1) Govt. Order No.ಕಂಇ 150 ಬಿಡಿಎ 2012, Bengaluru dated
29/1/2013.
- 2) Nomination order No.LOK/INQ/14-A/86/2013,
Bengaluru dated 12/2/2013 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 31/1/2022 of Additional
Registrar of Enquiries-11, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 29/1/2013 initiated the disciplinary proceedings against Sri Ananth Vittal Bandekar, Village Accountant, Basanal Saja, Shiggaon Taluk, Haveri District (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.LOK/INQ/14-A/86/2013 Bengaluru dated 12/2/2013 nominated Additional Registrar of Enquiries-4, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct Departmental Inquiry against DGO for the alleged charge of misconduct, said to have been committed by him. Subsequently, by Order No. LOK/INQ/14-A/2014, dated 14/3/2014, the Additional Registrar of Enquiries-5, Karnataka Lokayukta, Bengaluru was re-nominated

as inquiry officer to conduct departmental inquiry against DGO. Again as per Order No.UPLOK-1/DE/2016 dated 3/8/2016, the Additional Registrar of Enquiries-11, Karnataka Lokayukta, Bengaluru was re-nominated as inquiry officer to conduct departmental inquiry against DGO.

3. The charge against the DGO Sri Ananth Vittal Bandekar, Village Accountant, Basanal Saja, Shiggaon Taluk, Haveri District was to the effect that the complainant Sri Shivanand Yellappa Hattennanavar, being a General Power of Attorney holder of his maternal uncle Yellapa and his sons was looking after the lands standing in the name of Smt. Gowramma, who had adopted Sri Yellappa and died on 22/9/2011. Since one Sri Guleppa and others have created documents in respect of the properties of Smt. Gowramma had sought for effecting Khata, the Complainant filed objections on 26/11/2011 before the Tahsildar. In that connection, when the complainant met the Tahsildar on 26/11/2011, he was told to contact the DGO. Later, one Sri Yellappa @ Vakil contacted the DGO through his mobile on 30/11/2011 regarding the objections filed by complainant before the Tahsildar, the, the DGO demanded bribe of Rs.10,000/- to consider the objections and to treat the same as a RTC Case, failing which the khata would be effected as per the application filed by Sri Guleppa and others. On negotiation, the DGO reduced the bribe amount to Rs.8,000/- and received an advance bribe of Rs.1,000/- on 1/12/2011. Further on 2/12/2012, the DGO received the bribe amount of Rs.7,000/- near the Primary Credit Cooperative Society's gate at Shiggaon and thereby committed misconduct under Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

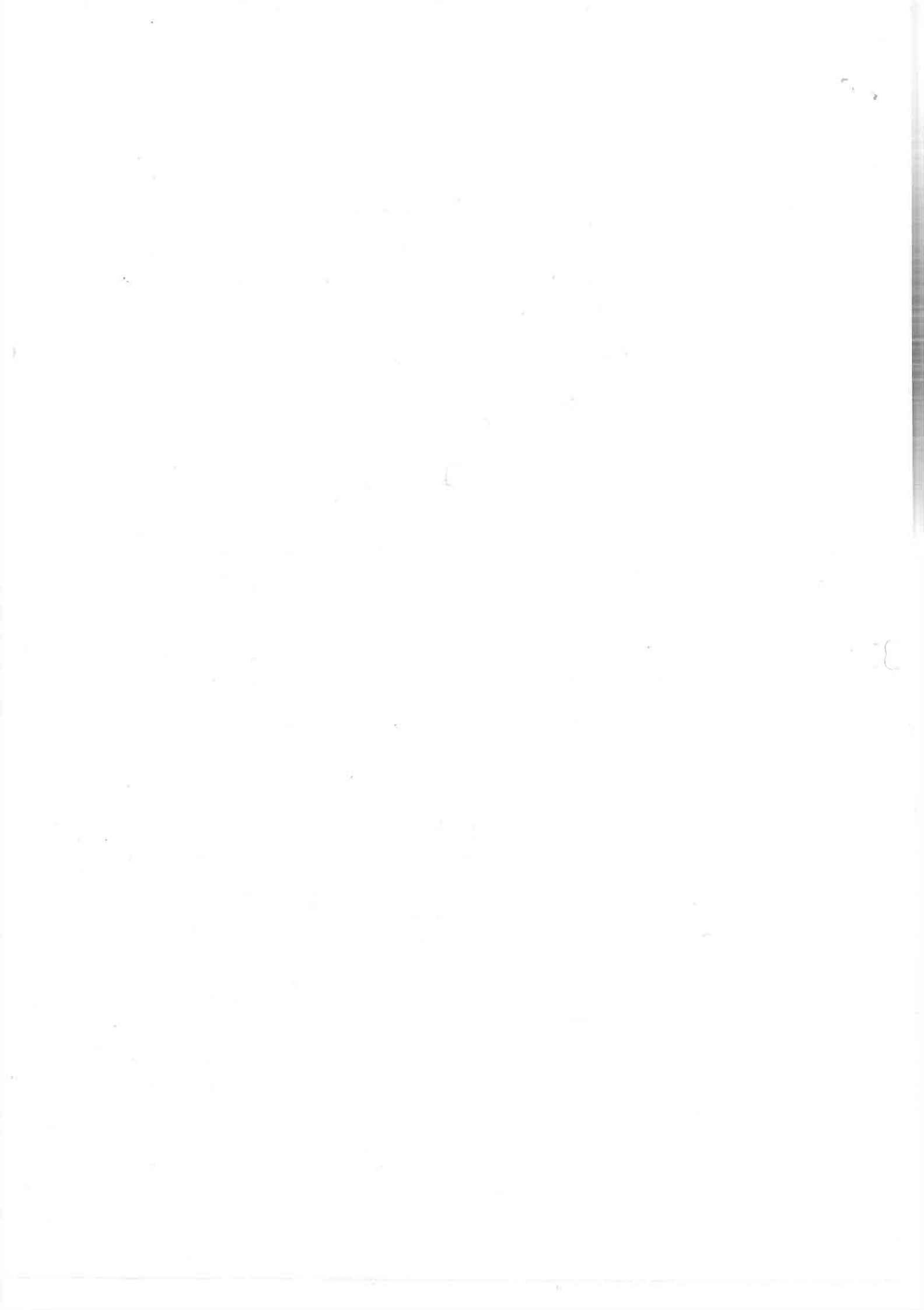
4. The Inquiry Officer (Additional Registrar of Enquiries-11) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has failed to prove the above charge against DGO Sri Ananth Vittal Bandekar, Village Accountant, Basanal Saja, Shiggaon Taluk, Haveri District.
5. 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.
6. It is hereby recommended to the Government to accept the report of Inquiry Officer and to exonerate the DGO Sri Ananth Vittal Bandekar, Village Accountant, Basanal Saja, Shiggaon Taluk, Haveri District from the aforesaid charge.
7. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

Kaly 9/12/22

(JUSTICE B.S.PATIL)

Upalokayukta,
State of Karnataka,
Bengaluru



ಕರ್ನಾಟಕ ಸರ್ಕಾರಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-1/ಡಿ.ಇ/441/2016/ಎ.ಆರ್.ಇ-11

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 21ನೇ ಜುಲೈ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ಇವರ ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಕಂಇ 27 ಬಿಡಿಪಿ 2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 22/09/2016.

(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-1/ಡಿಇ/441/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05/10/2016.

(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ ದಿನಾಂಕ: 18/07/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 22/09/2016 ರಂತೆ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ (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.

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2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1/ಡಿಇ/441/2016, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05/10/2016ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE-1 CHARGE

ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ ಆದ ನೀವು ಹಾವೇರಿ ಜಿಲ್ಲೆಯ ಹಾನಗಲ್ ತಾಲ್ಲೂಕಿನ ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮದ ಗ್ರಾಮ ಲೆಕ್ಕಾಧಿಕಾರಿಯಾಗಿ 2014ನೆಯ ಇಸವಿಯಲ್ಲಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಅವಧಿಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯಾದ ಶಂಭುಲಿಂಗಯ್ಯ ಬಸವಣ್ಣಯ್ಯ ಹಿರೇಮಠ ರವರು ತಮ್ಮ ತಂದೆಯಾದ ಬಸವಣ್ಣಯ್ಯ ಚನ್ನಬಸಯ್ಯ ಹಿರೇಮಠ, ತಮ್ಮ ತಂದೆಯವರ ಸಹೋದರರಾದ ದುಂಡಯ್ಯ ಚನ್ನಬಸಯ್ಯ ಹಿರೇಮಠ ಮತ್ತು ಶಿವಮೂರ್ತಯ್ಯ ಚನ್ನಬಸಯ್ಯ ಹಿರೇಮಠ ರವರ ಜಂಟಿ ಹೆಸರಿನಲ್ಲಿ ಹಾನಗಲ್ ತಾಲ್ಲೂಕಿನ ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮದಲ್ಲಿ ಮೋಜಣಿ ಸಂಖ್ಯೆ.120/2ರಲ್ಲಿ 4-20 ಎಕರೆ ಜಮೀನು ಇದ್ದು ಆರ್.ಟಿ.ಸಿ.ಯಲ್ಲಿ ಅಂಕಣ 9ರಲ್ಲಿ "ಸರಕಾರ" ಎಂಬ ಪದವನ್ನು ನಮೂದು ಮಾಡಲಾಗಿರುವುದು ಕಂಡುಬಂದು ಆ ಪದವನ್ನು ತೆಗೆದು ಹಾಕುವಂತೆ ದಿನಾಂಕ 26-12-2012ರಂದು ಮತ್ತು ದಿನಾಂಕ 12-06-2013ರಂದು ತಾವು ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಆ ಸಂಬಂಧವಾಗಿ ದಿನಾಂಕ 11-07-2014ರಂದು ಮದ್ಯಾಹ್ನ ಸುಮಾರು 1-15 ಗಂಟೆಗೆ ವಿರೂಪಾಕ್ಷಯ್ಯ ಚನ್ನಬಸಯ್ಯ ಶಿವಜೋಗಿಮಠ ರವರು ನಿಮ್ಮನ್ನು ಮೊಬೈಲ್ ಫೋನ್ ಮುಖಾಂತರ ಸಂಪರ್ಕಿಸಿದ್ದು ಆ ಸಮಯದಲ್ಲಿ ಮೇಲ್ಕಂಡ ಸರ್ಕಾರಿ ಕೆಲಸವನ್ನು ನಿರ್ವಹಿಸಿಕೊಡಲು ರೂ.3,000/-ಗಳ ಅಕ್ರಮ ಹಣವನ್ನು ಕೊಡುವಂತೆ ನೀವು ಕೇಳಿದ್ದು ಆ ಸಂಬಂಧವಾಗಿ ತಾವು ದಿನಾಂಕ 14-07-2014ರಂದು ಬೆಳಿಗ್ಗೆ 10-00 ಗಂಟೆಗೆ ಹಾವೇರಿ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸ್ ಠಾಣೆಯ ಆರಕ್ಷಕ ನಿರೀಕ್ಷಕರವರಿಗೆ ಫಿರ್ಯಾದು ಕೊಟ್ಟಿದ್ದು, ದಿನಾಂಕ 15-10-2014ರಂದು ಮದ್ಯಾಹ್ನ 2 ಗಂಟೆಯಿಂದ 2-20 ಗಂಟೆಯ ಹಾನಗಲ್ ಪಟ್ಟಣದ ಈಶ್ವರ ನಗರದಲ್ಲಿರುವ ಮಕ್ಕಲ್ ಅಹ್ಮದ್ ಎಂಬವರಿಗೆ ಸೇರಿದ ವಾಸದ ಮನೆಯ ನಡುಮನೆಯಲ್ಲಿ ಎಂದರೆ ನೀವು ಬಾಡಿಗೆಗೆಂದು ಪಡೆದು ನಿಮ್ಮ ಸ್ವಾಧೀನದಲ್ಲಿದ್ದ ಮನೆಯಲ್ಲಿ ಫಿರ್ಯಾದಿಯ ಬಾಬು ಸರ್ಕಾರಿ ಕೆಲಸವನ್ನು ಮಾಡಿಕೊಡಲು ನೀವು ಫಿರ್ಯಾದಿಯಿಂದ ಕೈಸನ್ನೆ ಮುಖಾಂತರ ಲಂಚವನ್ನು ಕೊಡುವಂತೆ ಒತ್ತಾಯಿಸಿದ್ದು ಸದರಿ ಒತ್ತಾಯದ ಅನುಸಾರ ಫಿರ್ಯಾದಿಯು ನಿಮಗೆ ರೂ.3,000/- ಲಂಚ ಹಣವನ್ನು ಕೊಟ್ಟಿದ್ದು ನೀವು ಸದರಿ ಹಣವನ್ನು ಪಡೆದುಕೊಂಡಿದ್ದು ತರುವಾಯ ಅದೇ ದಿನ ಸದರಿ ಹಣವನ್ನು ತನಿಖಾಧಿಕಾರಿಯವರು ನಿಮ್ಮಿಂದ ವಶಪಡಿಸಿಕೊಂಡಿದ್ದು ಸದರಿ ಹಣದ ಬಗ್ಗೆ ನೀವು ತೃಪ್ತಿದಾಯಕ ಉತ್ತರವನ್ನು ನೀಡಲು ವಿಫಲರಾಗಿ

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ಕರ್ತವ್ಯಲೋಪನ್ನೆಸಗಿ ಸರ್ಕಾರಿ ನೌಕರನಿಗೆ ತಕ್ಕುದಲ್ಲದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಂಡು ದುರ್ನಡತೆಯಿಂದ ವರ್ತಿಸಿ, ಕರ್ನಾಟಕ ನಾಗರಿಕ ಸೇವಾ ನಿಯಮಗಳು (ನಡತೆ) 1966 ನಿಯಮ 3(1) (i) ರಿಂದ (iii)ರಡಿಯಲ್ಲಿ ದುರ್ನಡತೆಯನ್ನೆಸಗಿದ್ದೀರಿ.

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-11), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಮೂವರು ಸಾಕ್ಷಿಗಳನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಿಂದ ಪಿ.ಡಬ್ಲ್ಯೂ-3 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-23 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರು ತಮ್ಮನ್ನು ತಾವೇ ಡಿಡಬ್ಲ್ಯೂ-1 ಎಂದು ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ ಹಾಗೂ ತಮ್ಮ ಪರವಾಗಿ ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-4 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 ಸರ್ಕಾರಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸುವಂತೆ ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.
7. ಆ.ಸ.ನೌಕರರ ಪ್ರಥಮ ಮೌಖಿಕ ಹೇಳಿಕೆಯ ಪ್ರಕಾರ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ಮಾಹಿತಿಯಂತೆ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ರವರು ದಿನಾಂಕ: 31/05/2045 ರಂದು ನಿವೃತ್ತಿ ಹೊಂದಲಿದ್ದಾರೆ.

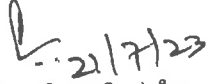


8. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಸಾಬೀತಾಗಿರುವ ಆರೋಪದ ಸ್ವರೂಪವನ್ನು ಹಾಗೂ ಸಂದರ್ಭಗಳ ಸಂಪೂರ್ಣತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಆರೋಪಗಳನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ 'ಸಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ನಿರ್ಣಯಿಸಿದೆ:-

ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀ ಸಂತೋಷ್ ಕೊಟ್ಟಪ್ಪ ರಾಂಪುರದ, ಗ್ರಾಮಲೆಕ್ಕಿಗರು, ಹುಲ್ಲತ್ತಿ ಗ್ರಾಮ, ಹಾನಗಲ್ ತಾಲ್ಲೂಕು, ಹಾವೇರಿ ಜಿಲ್ಲೆ ರವರಿಗೆ ನೇವೆಯಿಂದ ಕಡ್ಡಾಯ ನಿವೃತ್ತಿ ದಂಡನೆ ವಿಧಿಸಲು ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

9. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.

ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.


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

KARNATAKA LOKAYUKTA

NO.LOK/INQ/14-A/86/2013/ARE-11

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001,
Date: 31/01/2022.

:: ENQUIRY REPORT ::

Sub: Departmental Enquiry against:
(1) Shri. Ananth Vittal Bandekar, Village
Accountant, Basanaal Saaja, Shiggon
Taluk, Haveri District-reg.

- Ref: 1. Government Order No.RD 150 BDP 2012,
dated 29/01/2013 .
2. Nomination Order No. LOK/INQ/14-
A/86/2013, Bengaluru dated
12/02/2013.

1. The Departmental Enquiry is initiated against Shri. Ananth Vittal Bandekar, Village Accountant, Basanala Saja, Shiggon, Haveri District (hereinafter referred to as the Delinquent Government Official, in short DGO), on the complaint dated 1/12/2011 lodged by Shri Shivanand Yellappa Hattenanavar of Budrasingi Village, Hubli. The allegation was that the D.G.O. demanded bribe of Rs.10,000/- on 30/11/2011 from complainant on phone, to treat his objection as RTC case. On 1/12/2011, the DGO on bargaining by complainant agreed for Rs 8,000/- and received Rs 1,000/- as advance. The complainant lodged


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complaint and gave balance of Rs 7,000/- to the police to lay the trap. On 2/12/2011 at 9.55 a.m., the police caught the D.G.O. while demanding and accepting said bribe of Rs 7,000/- from complainant near primary Co-Operative Credit society Gate at Shiggaon, Haveri District. The police filed charge sheet against the D.G.O.

2. Honourable Upalokayukta taking up investigation u/s 7(2) of Karnataka Lokayukta Act, 1984, on perusal of complaint, FIR, Mahazar, FSL report, and other documents, found prima-facie case and forwarded report dated 14/12/2012 u/s 12(3) of The Karnataka Lokayukta Act 1984 to initiate disciplinary proceedings against the D.G.O., The Government by its order dated 29/01/2013, entrusted the said matter to Hon'ble Upalokayukta.
3. Hon'ble Upalokayukta by order dated 12/02/2013, nominated ARE-4 to conduct the enquiry. On 03/08/2016, this matter was transferred to this A.R.E. Notice of Articles of Charges, Statement of Imputations of misconduct with list of witness and documents was served upon the D.G.O. The D.G.O. denied the charges and claimed to be enquired. **The D.G.O. has shown his date of birth as 01/06/1979 in his first oral statement dated 14/05/2013, which means the D.G.O. may retire on 30/06/2039.**
4. The Articles of charge framed by ARE-4 is as follows:


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That, you Sri Ananth Vittal Bandhekar- the DGO, while working as Village Accountant in Basanaal Saaja of Shiggaon taluk in Haveri District, Sri Shivanand Yellappa Hattenanavar of Budrasingi village in Hubli taluk (herein after referred to as the 'complainant') approached you-DGO since his maternal uncle Sri Yellappa along with his (Yellappa's) sons, being illiterate had executed a General Power of Attorney in favour of their landed properties. So, he was looking after those lands standing in the name of Smt. Gowramma, who had adopted said Sri Yellappa and died on 22/09/2011. But, one Sri Guleppa and others have created some documents in respect of her properties and submitted an application before the Tahasildar for effecting khata. On coming to know that he had submitted objection application before the tahasildar on 26/11/2011, then, the Tahasildar told him to contact you-DGO also. But, you - DGO was not available in the office. So, later when he and one Sri Yellappa alias Vakil contacted you-DGO through mobile on 30/11/2011 and told regarding the objections filed before the Tahasildar, you-DGO demanded Rs.10,000/- for treating said application as RTC case, failing which mutation


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takes place in the name of Sri Guleppa and others referred to above. On approaching Lokayukta police at Haveri on 01/12/2011 when he along with his said brother Sri Yellappa met you-DGO in your office and enquired, you-DGO reiterated the said demand. For that, when he requested, you – DGO reduced it to Rs. 8,000/- and asked him to pay some amount as advance and took an amount of Rs. 1,000/- then as advance. On 02/12/2011 you-DGO had taken the tainted (bribe) amount near the Primary Co-Operative Credit Society's gate at Shiggaon, thereby failing to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and thereby committed misconduct as enumerated U/R 3 (1) of Karnataka Civil Service (Conduct) Rules 1966.

5. The statement of imputations of misconduct as framed by ARE-4 is as follows:

Complainant's maternal uncle Sri Yellappa along with his (Yellappa's) sons, being illiterate had executed a General Power of Attorney in favour of their landed properties. So, he was looking after those lands standing in the name of Smt. Gowramma, who had adopted said Sri


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Yellappa and died on 22/09/2011. But, one Sri Guleppa and others have created some documents in respect of her properties and submitted an application before the Tahasildar for effecting khata. On coming to know that he had submitted objection application before the Tahasildar on 26/11/2011, then, the Tahasildar told him to contact the DGO also. But, the DGO was not available in the office. So, later when he and one Sri Yellappa alias Vakil contacted the DGO through mobile on 30/11/2011 and told regarding the objections filed before the Tahasildar, the DGO demanded Rs.10,000/- for treating said application as RTC case, failing which mutation takes place in the name of Sri Guleppa and others referred to above. On approaching Lokayukta Police at Haveri on 01/12/2011 when he along with his said brother Sri Yellappa met the DGO in your office and enquired, the DGO reiterated the said demand. For that, when he requested, the DGO reduced it to Rs. 8,000/- and asked him to pay some amount as advance and took an amount of Rs. 1,000/- then as advance. The complainant was not willing to pay the bribe demanded by the DGO. Therefore, the complainant lodged a complaint before the Lokayukta police Inspector of


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Haveri(herein after referred to as the Investigating Officer, for short 'the I.O.')

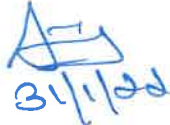
The I.O. registered the complaint in Cr.No.15/2011 for the offences punishable U/S 7, 13(1)d R/W 13(2) of Prevention of Corruption Act 1988. The I.O. took up investigation and on 02/12/2011 the DGO received the tainted (bribe) amount near the Primary Co-Operative Credit Society's gate at Shiggaon. The I.O. seized the tainted (bribe) amount from the DGO under mahazar. The I.O. recorded statement of the complainant and panch witness. The record of investigation and materials collected by the I.O. showed that the DGO has committed mis-conduct failing to maintain absolute integrity and devotion to duty and acted in a manner unbecoming of Government servant. As the materials on record showed prima facie case about DGO receiving bribe for discharging duty as Government Servant, a suo-motu investigation was taken up U/S 7(2) of the Karnataka Lokayukta Act against the DGO. An Observation Note was sent to the DGO calling for his explanation. DGO submitted his reply to the observation note, but the same was not convincing to drop the proceedings. As there is a prima facie case showing that the DGO has committed mis-


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conduct as per Rule 3(1) of Karnataka Civil Service (Conduct) Rules 1966, report U/S 12(3) of the Karnataka Lokayukta Act was sent to the Competant Authority with recommendation to initiate the disciplinary proceedings against the DGO. Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta U/R 14-A of Karnataka Civil Service (Classification, Control and Appeal) Rules 1957. Hence, the Charge.

6. The D.G.O. filed written statement dated 29/06/2013, denying the allegations, and has stated that complainant lodged false complaint against him, for reasons best known to complainant, and has prayed for exoneration.
7. The points that arise for consideration are as follows:

1) Whether the disciplinary authority proves that the DGO demanded bribe of Rs.10,000/-, finally agreed for Rs. 8,000/-, received Rs.1,000/-as advance on 01/12/2011 and balance Rs.7,000/- on 02/12/2011 at 9.55a.m., near Primary Co-operative Credit Society Gate, Shiggaon, Haveri from complainant for treating complainants objection as RTC case, and thereby has committed misconduct, dereliction of duty, acted in a


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manner unbecoming of a Government Servant, and not maintained absolute integrity, violating R.3(1)(i) to (iii) of K.C.S.(conduct) Rules 1966?

2) What findings ?

8. (a) The disciplinary authority has examined 3 witnesses and got 10 documents exhibited.

(b) The DGO has not lead any evidence or any documents exhibited.

9) Heard Learned Presenting Officer, and perused written brief of DGO and all documents produced by DGO.

10) The answers to the above points are:

(1) In the Negative.

(2) As per final findings for the following.

REASONS

11) (a) **Point No.1:-** Complainant/PW1 has deposed that his sister, Gowramma had 20 acres of land in Basanaal and Nelagudda. She died in 2010. Record of Right of her land was to be mutated in name of Yellappa, who was her adopted son, and elder brother of his mother. However, one Fakeerappa and others were trying to get their names mutated. So Yellappa filed objection to the same in Shiggaon. The Tahasildar asked to contact the DGO for


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determination of the matter. The DGO demanded Rs. 10,000/- for said work. He and Yellappa complained to Haveri Lokayukta Police. The Police gave voice recorder to him. He met the DGO again, paid Rs1,000/- as advance, and got conversation recorded. PW1 lodged complaint and same is got marked as Ex.P1. The police secured 2 panch witnesses and played the said voice recorder before them, and got the conversation burnt to C.D.. PW1 gave 14 currency notes of Rs. 500/- each that is total Rs 7,000/- to police to lay the trap. The police applied powder to the said notes, and got the same kept in his shirt pocket. The hands of the person who kept the said money in his shirt pocket were washed in chemical mixture. The chemical mixture turned to rose colour. The police took photographs and drew Mahazar, and same is got marked as ExP2.

(b) As the DGO was not available, all of them went to meet DGO in Shiggaon, the next day, and entrustment mahzar Exp3 was drawn. They went near new bus stand. From there, the DGO asked to come near old bus stand. He and panch witness were going towards old bus stand. At that time, the DGO met PW1 and asked about money. PW1 gave the amount to DGO, the DGO received with his right hand, counted with both hands and kept in his pant pocket. PW1 gave signal by raising his hand. All this happened near Vyavasaya Sahakara Sangha Building. The police came there. PW1 told the police that DGO demanded and accepted


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the amount. The police washed the hands of DGO in separate bowls, and the wash turned to rose colour. The police got the amount removed through panch witness and found the same amount, which was given by him, to lay the trap. The police got voice of DGO., identified by playing the voice recorder. The explanation of DGO was taken, the right side pant pocket of DGO was also washed, and the wash turned to rose colour. The police drew Mahazar, which is got marked as Ex P4.

(c) In cross examination by Learned Advocate for DGO, PW1 has stated that he does not know the contents of complaint, ExP1. There was galata near bus stand. He does not know what happened in said society near bus stand. He signed Exp2 to 4 in Lokayukta police station. His chief examination evidence is, as per the say of the police.


(d) PW1 has turned hostile in cross examination.

12. (a) Shadow witness, Shri Jayraj Purushottam Deshpande, PW2, has deposed that, he and Sadanand Bhimappa Muddi went to Haveri Lokayukta Police Station on 01/12/2011 at 5.30 p.m. , PW1 was there and he gave Rs 7,000/- to police to lay the trap. The police prepared list of numbers of currency notes. PW2 has identified the same, which is got marked as Exp5. Upto 7.30 p.m., the police did pre-trap procedure by getting the notes kept by Sadanand


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Muddi and washing hands of Sadanand Muddi. The solution turned to pink colour. The police drew Mahazar, Exp2. Next day, they come to Lokayukta police station again. The police gave voice recorder to PW1 and again pre-trap procedure as per Exp3 was repeated. They reached near Shiggaon bus stand, at about 8.15 a.m. PW1 Sadanand and another person went to Sahakar Sangha near bus stand. PW2 was standing at about 60 meters far from them. The DGO was standing near the Sahkari Sangha. PW2 does not know what happened between DGO and PW1. Afterwards PW1 gave signal by shaking his towel. The police, PW2, Sadanand, went there. PW1 told the police that he has given amount to DGO. The police took DGO into the Sahakari Sangha. The police prepared solution in 2 bowls and dipped the fingers of DGO on the same separately. The solution turned to pink colour. The DGO gave Rs.7,000/- to the police from one of his pant pocket. The notes were the same, to which the police had applied powder. The pant pocket of DGO was also dipped in solution, after making alternate arrangement of pant to DGO. The police seized the amount, pant and sample of solution. Explanation of DGO was taken, and same is got marked as Exp6. The police drew panchanama , Exp4.

(b) PW2 in cross examination by learned presenting officer, has denied that he was with PW1, when PW1 went to meet the DGO. He has also denied that DGO demanded


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amount by hand signal, and PW1 gave the said amount to DGO, who counted and kept in his right side pant pocket, the same in paragraph no.5 reads as hereunder.

“ಫಿರ್ಯಾದಿಯ ಜೊತೆಗೆ ಹೋಗಿ ವಿದ್ಯಮಾನಗಳನ್ನು ಗಮನಿಸುವಂತೆ ನನಗೆ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ತಿಳಿಸಿದ್ದರು ಎಂಬುದು ನಿಜ. ಫಿರ್ಯಾದಿಯು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರನ್ನು ಭೇಟಿಯಾದಾಗ ನಾನು ಸಹ ಅವರ ಬಳಿ ಇದ್ದೆನು ಎಂಬುದು ಸರಿಯಲ್ಲ. ಕೈ ಸನ್ನೆಯಿಂದ ಹಣ ಬೇಕೆಂದು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಕೇಳಿದರು ಮತ್ತು ಆ ಪ್ರಕಾರ ಫಿರ್ಯಾದಿ ಪುಡಿ ಲೇಪಿತ ನೋಟುಗಳನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಕೊಟ್ಟರು ಮತ್ತು ಅವುಗಳನ್ನು ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರು ಪಡೆದುಕೊಂಡು ಎಣಿಸಿ ತಮ್ಮ ಪ್ಯಾಂಟಿನ ಬಲ ಜೇಬಿನಲ್ಲಿ ಇಟ್ಟುಕೊಂಡರೆಂಭುದು ಸರಿಯಲ್ಲ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರ ಪ್ಯಾಂಟಿನ ಬಲಕ ಭಾಗದ ಜೇಬಿನಿಂದ ಲೋಕಾಯುಕ್ತ ಪೊಲೀಸರು ಪುಡಿ ಲೇಪಿತ ನೋಟುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಂಡರು ಎಂಬುದು ನಿಜ. ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಹಾಯ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ನಾನು ಸುಳ್ಳು ಸಾಕ್ಷಿ ಹೇಳುತ್ತಿದ್ದೇನೆ ಎಂಬುದು ಸರಿಯಲ್ಲ”.

(c) In cross examination by Learned Advocate for DGO, PW2 has stated that he does not know about the recording in voice recorder.

(d) Hence, as PW2 being shadow witness as per the case of disciplinary authority, has not spoken about demand and acceptance of bribe by DGO, and also that he was shadow witness , his evidence is not useful to the disciplinary authority.


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13. (a) PW3 , I.O., Shri Lakshman Nayak C has deposed about entire pre-trap procedure done twice and trap procedure as stated by PW1 and 2 in their chief examinations and specifically that, the PW1, Yellappa and PW2 went towards old bus stand, Shiggaon, near the Gate of Primary Sahakara Sangha. The DGO met them. At 9.55 a.m. the DGO gave signal by removing his towel from the shoulder. He and his team, with another panch witness went there and conducted trap procedure. The copies of FIR, documents pertaining to PW1, FSL report dated 26/03/2012 and rough sketch are got marked as Exp7 to 10 respectively.

(b) PW3 has denied the suggestion in cross examination that no trap or pre-trap procedure were conducted.

14. From these evidence, it is seen that complainant/PW1 has turned hostile in his cross examination. Shadow witness/PW2 has not spoken about demand and acceptance of bribe by DGO and that he was shadow witness. I.O./PW3 is not eye witness. Moreover, DGO has produced Judgment dated 16/10/2021 in Special SVC Case 9/2012 wherein he has been acquitted. As such, this Additional Registrar Enquiries finds that the disciplinary authority has not proved the charges against the DGO. Accordingly, this point is answered in the **Negative**.


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

FINDINGS

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

Submitted to Honorable Upalokayukta for kind approval, and necessary action in the matter.



(SACHIN KAUSHIK R.N.)

I/c Additional Registrar Enquiries-11),
Karnataka Lokayukta, Bangalore.

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:

PW1	Sri. Shivanand Yellappa Hattennavar.
PW2	Sri. Jairaj Purushotham Deshpande.
PW3	Sri. Lakshman Naik.S.

2. LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENCE: NIL

3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P1	Certified copy of the complaint of complainant.
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Ex.P2	Certified copy of entrustment mahazar.
Ex.P3	Certified copy of re-entrustment mahazar.
Ex.P4	Certified copy of seizure mahazar.
Ex.P5	Certified copy of List of currency notes.
Ex.P6	Certified copy of statement of DGO.
Ex.P7	Certified copy of FIR.
Ex.P8	Certified copy of application dated 26/11/2011 addressed to Tahasildr, Shiggaon Taluk, Shiggaon.
Ex.P9	Certified copy of Chemical Examiner's report dt. 26/03/2012.
Ex.P10	Certified copy of sketch in cr. No.15/2011.

4. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:

NIL

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(SACHIN KAUSHIK R.N)
Additional Registrar (Enquiries-11)
Karnataka Lokayukta,
Bengaluru.

