R

Reserved on : 11.03.2026
Pronounced on : 27.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.2783 OF 2026 (GM – RES)

BETWEEN:

SRI RAVICHANDRE GOWDA N.R.
AGED ABOUT 56 YEARS,
S/O N.L.RACHE GOWDA,
R/AT 62/B, 5TH MAIN,
MARUTHI TEMPLE STREET,
NEAR NALPAK HOTEL, KUVEMPUNAGAR,
MYSURU DISTRICT,
KARNATAKA – 570 023.

... PETITIONER

(BY SRI BIPIN HEGDE, ADVOCATE)

AND:

1 . STATE OF KARNATAKA,
REPRESENTED BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

2 . THE UNDER SECRETARY,
DEPARTMENT OF PERSONNEL
AND ADMINISTRATIVE REFORMS (D.P.A.R.),
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU – 560 001.

3 . THE SUPERINTENDENT OF POLICE,
KARNATAKA LOKAYUKTA,
NO.317, "PADMALAYA",
DEWANS ROAD, SHIVARAMPET,
MYSURU, KARNATAKA – 570 004.

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, ADDL.SPP FOR R-1 AND R-2;
SRI B.LETHIF, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF BNSS, 2023 PRAYING TO QUASH THE ORDER DTD. 26.05.2025 BEARING NO. CSUI 51 SAS 2022, PASSED BY THE R-2 HEREIN, WHICH IS PRODUCED HERETO AS ANNEXURE-"A"; DIRECT THE R-2 HEREIN, TO GRANT APPROVAL UNDER SECTION 17(A) OF THE PREVENTION OF CORRUPTION ACT, 1988; DIRECT R-3 HEREIN, TO REGISTER THE FIRST INFORMATION REPORT AND CONDUCT INVESTIGATION IN ACCORDANCE WITH LAW.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.03.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before this Court calling in question an order dated 26-05-2025 passed by the 2nd respondent declining to grant approval as sought by him under Section 17A of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'the Act' for short) in terms of an order passed by this Court on an earlier occasion.

2. Heard Sri Bipin Hegde, learned counsel appearing for the petitioner, Sri B.N. Jagadeesha, learned Additional State Public Prosecutor appearing for respondents 1 and 2 and Sri B. Lethif, learned counsel appearing for respondent No.3.

3. Facts, in brief, germane are as follows: -

3.1. The petitioner is said to be a Lawyer by profession and a Social Activist. The backdrop and the fulcrum in the subject petition dates back to a meeting held under the Chairmanship of the Deputy Commissioner, Mysore District – an Officer of the Indian Administrative Service – Smt. Rohini Sindhuri, with regard to waste management and disposal activities being carried out across the District and to ensure redressal of grievances/problems relating to waste management in the District. It is said to have been decided in the said meeting to ban use of plastic bags across the District and further resolved to distribute eco-friendly cloth bags to all the residents who would come within the precincts of Mysore City Corporation and other local bodies.

3.2. The District Urban Development Cell, in furtherance of the said resolution, issues a direction on 17-03-2021 wherein the IEC funds to the tune of ₹10/- lakhs of Swatch Bharath Mission specifically allocated for development in K.R.Nagar Gram Panchayat are said to have been diverted towards purchase of eco-friendly cloth bags. The Deputy Commissioner, Mysore District issues

certain directions on 09-04-2021 for procurement of said bags using various funds specifically allocated to different Corporations and Gram Panchayats. The Karnataka Handloom Development Corporation was issued a work order for procurement of both 5 Kg. and 10 Kg capacity eco-friendly cloth bags at ₹52/- per bag including GST. 14,71,458 bags were to be purchased at an estimated cost of ₹7,65,15,816/-.

3.3. The District Urban Development Cell addresses a communication to the Commissioner, Mysore City Corporation that certain funds belonging to the Corporation and other local bodies were directed to be diverted immediately into the Bank account of the Deputy Commissioner for the aforesaid purpose. The eco-friendly bags were then procured by the Karnataka Handloom Corporation as resolved and directed. It is the averment in the petition that a complaint was made that eco-friendly bags that were purchased, were being sold in retail market at ₹13/- per bag and the bags of the same quality were being procured at a rate of ₹52/- per bag, in terms of the order of the Deputy Commissioner, Mysore District. Based upon this, the withdrawal of funds from all the

projects and concentrating on procurement of eco-friendly bags allegedly resulted in loss to the State exchequer to the tune of ₹7,55,00,000/-. This becomes the fulcrum of the complaint registered by the present petitioner before the Superintendent of Police of the then Anti-Corruption Bureau ('ACB') of Mysore District.

3.4. Based upon the prima facie material available in the complaint, the ACB, Bengaluru communicates to the Government, Department of Personnel and Administrative Reforms ('DPAR') on 17-12-2021 seeking approval as obtaining under Section 17A of the Act. In terms of a particular standard operating procedure that was put in place by Government of India, time was taken to consider approval or otherwise. Finally, on 19-09-2022 the approval sought for by the ACB comes to be rejected. The rejection of which comes to challenged before this Court by the present petitioner in Writ Petition No.2805 of 2025. A coordinate Bench of this Court, by order dated 20-02-2025 allows the petition, quashes the communication impugned therein and remits the matter back to the hands of the Government for re-consideration afresh, within one month from the date of receipt of a copy of the order. The result to

the order passed by this Court is passing of the impugned order on 26-05-2025. The petitioner now calls in question the order dated 26-05-2025 on the score that it is verbatim similar to the order that was passed earlier and quashed by the coordinate Bench of this Court.

SUBMISSIONS:

PETITIONER:

4. The learned counsel Sri Bipin Hegde appearing for the petitioner would take this Court through the documents appended to the petition to demonstrate that the order does not bear any application of mind. A coordinate Bench of this Court had clearly held that a fresh order has to be passed, as the order that was challenged earlier suffered from want of application of mind. He would further contend that the officer against whom approval was sought was proceeded departmentally on the same set of facts. In the departmental enquiry the officer has been exonerated. The exoneration is accepted by the Disciplinary Authority. The learned counsel would submit that, that cannot be a reason for declining

approval under Section 17A of the Act, as mere closure of departmental enquiry would not mean that criminal proceedings cannot even be commenced. He would seek to place reliance upon several judgments of the Apex Court, all of which would bear consideration in the course of the order *qua* their relevance.

THE STATE:

5. Per contra, the learned Additional State Public Prosecutor Sri B.N.Jagadeesha has placed the entire file concerning the allegations, holding of departmental inquiry and the order passed thereto. He would submit that what can be gathered from the impugned order is that approval under Section 17A of the Act is declined only on the ground that the officer has been proceeded departmentally and the departmental inquiry is in favour of the officer. He would leave the decision to the hands of this Court, as submitting anything on merits at this nascent stage is not called for.

THE LOKAYUKTA:

6. The learned counsel Sri B. Lethif would submit that at this juncture the Lokayukta is only a formal party and, therefore, he would leave the decision to the Court.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

CONSIDERATION:

THE GENESIS:

8. The afore-narrated facts though not in dispute, they would require little more reiteration/elaboration. Under the Chairmanship of the Deputy Commissioner, Mysore District a meeting was convened on 04-03-2021. The subject of the meeting was how to handle waste management and considering banning of plastic bags in the District. It was resolved to ban plastic bags in the District, a laudable object, but what was brought in becomes the fulcrum of the allegation. The agenda item No.3 deals with this subject. It reads as follows:

"<u>ವಿಷಯ 03</u>: ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧವನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಜಾರಿಗೊಳಿಸುವ ಬಗ್ಗೆ.

ನಗರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧವನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಜಾರಿಗೊಳಿಸುವ ಸಂಬಂಧ ಕೈಗೊಂಡ ಕ್ರಮಗಳ ಬಗ್ಗೆ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ವಿವರ ನೀಡುವಂತೆ ಸೂಚಿಸಿದರು.

ಆಯುಕ್ತರು, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರುರವರು ಮಾತನಾಡುತ್ತಾ. ಈಗಾಗಲೇ ಮೈಸೂರು ನಗರದಲ್ಲಿ ಪ್ಲಾಸ್ಟಿಕ್ ರೇಡ್‌ಗಳನ್ನು ಮಾಡುತ್ತಿದ್ದು ಎಸ್.ಡಬ್ಲ್ಯೂ.ಎಂ ಬೈಲಾದಲ್ಲಿ ಅಳವಡಿಸಿಕೊಳ್ಳಲಾದಂತೆ ದಂಡ ವಿಧಿಸಲಾಗುತ್ತಿದೆ. ಪ್ಲಾಸ್ಟಿಕ್ ಬ್ಯಾಗ್‌ಗಳ ಬದಲು ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಉಪಯೋಗಿಸುವ ಕುರಿತು ಅರಿವು ಮೂಡಿಸಿ ರಿಯಾಯಿತಿ ದರದಲ್ಲಿ ಪಾಲಿಕೆಯಿಂದಲೇ ಬಟ್ಟೆಯ ಕೈಚೀಲಗಳನ್ನು ವಿತರಿಸಲು ಕ್ರಮವಹಿಸಲಾಗಿರುವುದಾಗಿ ತಿಳಿಸಿದರು ಹಾಗೂ ಕಳೆದ ಸಾಲಿನಲ್ಲಿ ಮೈಸೂರು ನಗರ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸುಮಾರು 04 ಮದುವೆ ಸಮಾರಂಭಗಳನ್ನು ಹಸಿರು ಮದುವೆ ಪರಿಕಲ್ಪನೆಯಲ್ಲಿ ಮಾಡಲಾಗಿದ್ದು ಮುಂದಿನ ದಿನಗಳಲ್ಲಿ ಇನ್ನು ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆಯಲ್ಲಿ ನಡೆಸಲು ಅರಿವು ಮೂಡಿಸಲಾಗುವುದಾಗಿ ತಿಳಿಸಿದರು.

ಇತರೆ ನಗರಸಭೆ, ಪುರಸಭೆಯ ಪೌರಾಯುಕ್ತರು/ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಪರಿಸರ ಅಭಿಯಂತರರು ತಮ್ಮ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ಲಾಸ್ಟಿಕ್ ರೇಡ್‌ಗಳನ್ನು ಮಾಡುತ್ತಿದ್ದು ಎಸ್.ಡಬ್ಲ್ಯೂ.ಎಂ ಬೈಲಾದಲ್ಲಿ ಅಳವಡಿಸಿಕೊಳ್ಳಲಾದಂತೆ ದಂಡ ವಿಧಿಸಲಾಗುತ್ತಿದೆ. ಪ್ಲಾಸ್ಟಿಕ್ ಬ್ಯಾಗ್‌ಗಳ ಬದಲು ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಉಪಯೋಗಿಸುವ ಕುರಿತು ಅರಿವು ಮೂಡಿಸಲಾಗುತ್ತಿದೆ ಆದರೂ ಶೇ.50.00ರಷ್ಟು ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಸಾಧ್ಯವಾಗುತ್ತಿಲ್ಲ. ಉತ್ಪಾದನೆ ಹಂತದಲ್ಲಿಯೇ ಮತ್ತು ಸಗಟು ಸರಬರಾಜು ಆಗದಂತೆ ತಡೆಗಟ್ಟಲು ಕ್ರಮವಹಿಸಲು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಗೆ ಸೂಚಿಸುವಂತೆ ಕೋರಿದರು.

ಈ ಬಗ್ಗೆ ಚರ್ಚಿಸಿ ಮೈಸೂರು ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ನಗರ ಹಾಗೂ ಗ್ರಾಮಾಂತರ ಪ್ರದೇಶಗಳಿಗೆ ಮೈಸೂರು ನಗರದ ಮುಖ್ಯ ಮಾರುಕಟ್ಟೆಯ ಸಗಟು ಮಾರಾಟ ಮಳಿಗೆಗಳಿಂದ ಸರಬರಾಜು ಆಗುತ್ತಿದ್ದು ಸದರಿ ಮಳಿಗೆಗಳನ್ನು ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿಯವರೊಂದಿಗೆ ದಾಳಿ ಮಾಡಿ ಅವರ ವಿರುದ್ಧ ಕ್ರಮಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದರು.

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಏಪ್ರಿಲ್ 05 ರಿಂದ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ **ಪ್ಲಾಸ್ಟಿಕ್ ಬಳಕೆಯನ್ನು** ಪರಿಣಾಮಕಾರಿಯಾಗಿ ತಡೆಗಟ್ಟಲು ಪೂರ್ಣ ಪ್ರಮಾಣದಲ್ಲಿ ನಿಷೇಧ ಮಾಡಲು ಆದೇಶಿಸಲಾಗುವುದು. ಈ ಸಂಬಂಧ ಪರ್ಯಾಯವಾಗಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಉಪಯೋಗಿಸಲು ಅರಿವು ಮೂಡಿಸುವಂತೆ ಸೂಚಿಸಿದರು. ಆದರೆ ಕೂಡಲೇ ಸಾರ್ವಜನಿಕರು ಸದರಿ ವ್ಯವಸ್ಥೆಗೆ ಒಳಪಡಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಪ್ರತಿ ಮನೆಗಳಿಗೂ ಸ್ವ ಸಹಾಯ

ಸಂಘಗಳ ಸಹಯೋಗದೊಂದಿಗೆ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ನಗರಸಭೆ, ಪುರಸಭೆ ವತಿಯಿಂದ ಪ್ರಾರಂಭಿಕವಾಗಿ ಉಚಿತವಾಗಿ ವಿತರಿಸಲು ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ಸೂಚಿಸಲಾಯಿತು.

(ಕ್ರಮ: ಆಯುಕ್ತರು, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು, ಜಿಲ್ಲೆಯ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಪೌರಾಯುಕ್ತರು/ಮುಖ್ಯಾಧಿಕಾರಿಗಳು ಹಾಗೂ ಪರಿಸರ ಅಭಿಯಂತರರರು)

ಮೇಲಿನ ಎಲ್ಲಾ ವಿಷಯಗಳು ರಾಷ್ಟ್ರೀಯ ಹಸಿರು ನ್ಯಾಯಾಧಿಕರಣಕ್ಕೆ ಒಳಪಟ್ಟಿರುವುದರಿಂದ ಗಂಭೀರವಾಗಿ ಪರಿಗಣಿಸಿ ಸೂಚಿಸಿದ ದಿನಾಂಕದೊಳಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳು ಸೂಕ್ತ ಕ್ರಿಯಾಯೋಜನೆ ಹಾಗೂ ಅಂದಾಜುಪಟ್ಟಿಗಳೊಂದಿಗೆ ಸೂಚಿಸಿದ ದಿನಾಂಕದಂದು ಸಭೆಗೆ ಹಾಜರಾಗಲು ಸೂಚಿಸಲಾಯಿತು.

ವಂದನೆಗಳೊಂದಿಗೆ ಸಭೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲಾಯಿತು.

ಸಹಿ /-
ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು,
ಮೈಸೂರು ಜಿಲ್ಲೆ. ಮೈಸೂರು"

It was resolved that plastic bags be completely banned in Mysore District to be replaced by eco-friendly cloth bags. How to procure eco-friendly cloth bags and what capacity is in the Official Memorandum issued by the District Urban Development Cell in the office of the Deputy Commissioner, Mysore District. The Official Memorandum reads as follows:

"ಸಂ. ಮುನಿಸಿ(4)ಎಸ್.ಡಬ್ಲ್ಯೂ -ಎಂ/ಐಇಸಿ/ಕ್ರಿಯೋ/ಕೆ.ಆರ್.ನ./ಸಿ.ಆರ್.-36/2020-21

ದಿನಾಂಕ: 17-03-2021

<u>ಅಧಿಕೃತ ಜ್ಞಾಪನ</u>

ವಿಷಯ: ಕೆ. ಆರ್. ನಗರ ಪುರಸಭೆಯ 2020-21 ನೇ ಸಾಲಿನ ಬಿ ಇ ಸಿ ಚಟುವಟಿಕೆಗಳಿಗೆ ಎಸ್. ಬಿ. ಎಂ. 2020-21 ನೇ ಸಾಲಿನಲ್ಲಿ ಯೋಜನೆಯಡಿ

ಬಿಡುಗಡೆಗೊಳಿಸಿರುವ ಅನುದಾನದ ಕ್ರಿಯಾ ಯೋಜನೆಗೆ ಅನುಮೋದನೆ ನೀಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ1 ಮಾನ್ಯ ನಿರ್ದೇಶಕರು, ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯ, ಬೆಂಗಳೂರುರವರ ಅಧಿಕೃತ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ ಪೌನಿ/ಫವನಿ/ ಎಸ್. ಬಿ.ಎಂ/6/2020, ದಿನಾಂಕ: 14-9-2020

2 ಮುಖ್ಯಾಧಿಕಾರಿ, ಪುರಸಭೆ ಕೆ.ಆರ್. ನಗರರವರ ಪತ್ರ ಸಂಖ್ಯೆ ಪುಸಕೃ/ಐಇಸಿ/ಸಾಮಾನ್ಯ ಸಭೆ/ 02/2020-21 ದಿನಾಂಕ: 05.02.2021 (ಈ ಕಛೇರಿ ಸ್ವೀಕೃತಿ ದಿನಾಂಕ : 15.02.2021)

3 ದಿನಾಂಕ : 22.01.2021 ರಂದು ನಡೆದ ಕೆ.ಆರ್. ನಗರ ಪುರಸಭೆ ಕೌನ್ಸಿಲ್ ಸಭೆಯ ಸಭಾ ನಡಾವಳಿ.

4 ದಿನಾಂಕ 04.03.2021 ಮತ್ತು 15.03.2021 ರಂದು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಘನ ತ್ಯಾಜ್ಯ ವಸ್ತು ನಿರ್ವಹಣೆ ನಿಯಮಗಳು -2016 ನ್ನು ಸಮರ್ಪಕವಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಕುರಿತ ಸಭೆಯ ಸಭಾ ನಡವಳಿ.

*****

<u>ಪ್ರಸ್ತಾವನೆ</u>.

ಮುಖ್ಯಾಧಿಕಾರಿ, ಪುರಸಭೆ, ಕೆ.ಆರ್. ನಗರರವರು ಉಲ್ಲೇಖ (2) ರ ಪತ್ರದಲ್ಲಿ, ಉಲ್ಲೇಖ (1) ರ ಮಾನ್ಯ ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯದ ಅಧಿಕೃತ ಜ್ಞಾಪನದಂತೆ ಕೆ.ಆರ್. ನಗರ ಪುರಸಭೆಗೆ ಎಸ್. ಬಿ. ಎಂ. ಯೋಜನೆಯಡಿ ಬಿಡುಗಡೆಗೊಳಿಸಲಾಗಿರುವ ಅನುದಾನಕ್ಕೆ ಈ ಕೆಳಕಂಡಂತೆ ಕ್ರಿಯಾಯೋಜನೆಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಅನುಮೋದನೆಗಾಗಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

<u>ಕ್ರಿಯಾಯೋಜನೆ ವಿವರ</u>

ಮೊತ್ತ ರೂ ಲಕ್ಷಗಳಲ್ಲಿ

ಕ್ರ.ಸಂ.	ಐ. ಇ. ಸಿ. ಕಾರ್ಯಕ್ರಮದ ವಿವರ	ಮೊತ್ತ (ರೂ. ಲಕ್ಷಗಳಲ್ಲಿ)
01	ಕಛೇರಿಯ ವಿವಿಧ ಐ. ಇ. ಸಿ. ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಪ್ರೊಜೆಕ್ಟರ್ ಮತ್ತು ಸ್ಕ್ರೀನ್ (wall mount kit, 20 mts cable, 8X6 feet screen, 12 A portable public address system with 2 wireless mic and laptop along with	0.60

	supply installation and commissioning of the projector system) ಖರೀದಿಸಲು	
02	ಮಹಿಳಾ ಸ್ವ ಸಹಾಯ ಗುಂಪುಗಳ ಸಹಕಾರದೊಂದಿಗೆ ಪುರಸಭೆ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ರತಿ ಮನೆ ಮನೆಗಳಿಗೆ ಭೇಟಿ ನೀಡಿ ತ್ಯಾಜ್ಯ ವಿಂಗಡಣೆ, ವಿಲೇವಾರಿ ಹಾಗೂ ಇತರೆ ಸ್ವಚ್ಛತೆಗಳ ಬಗ್ಗೆ ಸಾರ್ವಜನಿಕರಿಗೆ ಅರಿವ ಮೂಡಿಸುವುದು (House to house awareness on waste segregation and handling through private agency /NGO/SHG	1.50
03	ಸರ್ಕಾರಿ ಕಛೇರಿ ಕಟ್ಟಡ, ಮಾರುಕಟ್ಟೆ, ಬಸ್ ನಿಲ್ದಾಣ ಹಾಗೂ ಇತರೆ ಸಾರ್ವಜನಿಕ ಪ್ರದೇಶಗಳಲ್ಲಿ ಗೋಡೆ ಬರಹ ಬರೆಯಿಸಲು	0.70
04	ಸ್ವಚ್ಛ ಸರ್ವೇಕ್ಷಣ -2021 ಬ್ಯಾನರ್, ಕರಪತ್ರ, ಪೋಚರ್ ಮುದ್ರಿಸಲು (printing of banners, phomplets & other IEC (materials for SS- 2021)	2.15
05	ಪುರಸಭಾ ಕಛೇರಿಯಲ್ಲಿ ಎಲ್ ಇ ಡಿ ಫಟಕ ಅಳವಡಿಸಲು	2.20
06	ಶಾಲಾ ಕಾಲೇಜು ವಿದ್ಯಾರ್ಥಿಗಳು/ಸ್ವ ಸಹಾಯ ಗುಂಪುಗಳಿಗೆ ತರಬೇತಿ/ಅರಿವು ಮೂಡಿಸಲು	1.00
07	ಸ್ಥಳೀಯ ಸುದ್ದಿವಾಹಿನಿಗಳಲ್ಲಿ ತ್ಯಾಜ್ಯ ವಿಲೇವಾರಿ ಕುರಿತು ಜಾಹಿರಾತು ಪ್ರಕಟಿಸಲು	0.90
08	ಘನ ತ್ಯಾಜ್ಯ ನಿರ್ವಹಣೆ ಉಪಯೋಗಿಸುವವರ ಶುಲ್ಕ ಹಾಗೂ ದಂಡ ವಿಧಿಸುವ ಉಪ ನಿಯಮ, ಗೆಜೆಟ್ ಅಧಿಸೂಚನೆ ಪ್ರತಿ ಮುದ್ರಣ.	0.95
	ಒಟ್ಟು	10.00

ಮುಖ್ಯಾಧಿಕಾರಿ, ಪುರಸಭೆ, ಕೆ. ಆರ್. ನಗರರವರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಉಲ್ಲೇಖ (1) ನಿರ್ದೇಶನಾಲಯದ ಅಧಿಕೃತ ಜ್ಞಾಪನದಲ್ಲಿ ಕೆ.ಆರ್. ನಗರ ಪುರಸಭೆಯ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗೆ ರೂ.10.00 ಲಕ್ಷ ಅನುದಾನ ಬಿಡುಗಡೆಯಾಗಿದ್ದು, ಸದರಿ ಅನುದಾನಕ್ಕೆ ಸಿದ್ಧಪಡಿಸಿರುವ ಈ ಮೇಲ್ಕಂಡ ಕ್ರಿಯಾಯೋಜನೆಯ ಬದಲಿಗೆ ಉಲ್ಲೇಖ (4) ರ ಸಭಾ ನಡಾವಳಿಯಲ್ಲಿ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಐಇಸಿ ಚಟುವಟಿಕೆ ಗಳಿಗಾಗಿ ಬಿಡುಗಡೆಗೊಳಿಸಲಾಗಿರುವ ಅನುದಾನಕ್ಕೆ ಸಿದ್ಧಪಡಿಸಿ ಸಲ್ಲಿಸಲಾಗಿರುವ ಕ್ರಿಯಾಯೋಜನೆಗಳನ್ನು ಜಿಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಕೋಶದ ಹಂತದಲ್ಲಿಯೇ ಪರಿಷ್ಕರಿಸಿ

ಜಿಲ್ಲೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧವನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಸಲುವಾಗಿ ಪುರಸಭೆ ವ್ಯಾಪ್ತಿಯ ಪ್ರತಿ ಮನೆ ಗಳಿಗೆ ಸಣ್ಣ, ಮಧ್ಯಮ ಹಾಗೂ ದೊಡ್ಡ ಗಾತ್ರದ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್ ಗಳನ್ನು ಖರೀದಿಸಿ ವಿತರಿಸಲು ಕ್ರಿಯಾಯೋಜನೆ ಅನುಮೋದನೆಗೆ ಸಲ್ಲಿಸುವಂತೆ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಸೂಚಿಸಿರತ್ತಾರೆ.

ಆದೇಶ

ಮುಖ್ಯಾಧಿಕಾರಿ, ಪುರಸಭೆ, ಕೆ.ಆರ್. ನಗರದವರು ಸಲ್ಲಿಸಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಉಲ್ಲೇಖ (4) ರ ಸಭಾ ನಡವಳಿಯಂತೆ ಕೆ.ಆರ್. ನಗರ ಪುರಸಭೆಯ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗೆ ಬಿಡುಗಡೆಯಾಗಿರುವ ರೂ. 10.00 ಲಕ್ಷಗಳಿಗೆ ಈ ಕೆಳಕಂಡ ಕ್ರಿಯಾಯೋಜನೆಗೆ ಉಲ್ಲೇಖ (1) ಅಧಿಕೃತ ಜ್ಞಾಪನದಲ್ಲಿನ ಷರತ್ತುಗಳಂತೆ ಮತ್ತು ಉಲ್ಲೇಖ (4) ರ ಸಭಾ ನಡಾವಳಿಯಂತೆ ಕ್ರಮವಹಿಸುವ ಹಾಗು ಸದರಿ ಕ್ರಿಯಾಯೋಜನೆಗೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಆಡಳಿತಾತ್ಮಕ ಮತ್ತು ತಾಂತ್ರಿಕ ಅನುಮೋದನೆ ಪಡೆಯುವ ಷರತ್ತುಗೊಳಪಡಿಸಿ ಹಾಗೂ ಸರ್ಕಾರದ ಸುತ್ತೋಲೆ ಮತ್ತು ಮಾರ್ಗಸೂಚಿ ರೀತ್ಯಾ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಅನುಮೋದನೆ ನೀಡಿದೆ.

ಕ್ರಿಯಾ ಯೋಜನೆ ವಿವರ

ಕ್ರ.ಸಂ.	ಐ. ಇ. ಸಿ. ಕಾರ್ಯಕ್ರಮದ ವಿವರ	ಮೊತ್ತ ರೂ ಲಕ್ಷ ಗಳಲ್ಲಿ ಮೊತ್ತ
01	ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧವನ್ನು ಪರಿಣಾಮಕಾರಿ ಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಸಲುವಾಗಿ ಪುರಸಭೆ ವ್ಯಾಪ್ತಿಯ ಪ್ರತಿ ಮನೆಗಳಿಗೆ ಸಣ್ಣ ಮಧ್ಯಮ ಹಾಗೂ ದೊಡ್ಡ ಗಾತ್ರದ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸಿ ವಿತರಿಸಲು	10.00

ಷರತ್ತುಗಳು :

1. ಈ ಕ್ರಿಯಾಯೋಜನೆಯಲ್ಲಿ ಅನುಮೋದನೆಯಾಗಿರುವ ಕಾಮಗಾರಿ/ಕಾರ್ಯಕ್ರಮದ ಅಂದಾಜು ಪಟ್ಟಿಗೆ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಆಡಳಿತಾತ್ಮಕ ಮತ್ತು ತಾಂತ್ರಿಕ ಮಂಜೂರಾತಿ ಪಡೆದುಕೊಂಡು ನಿಯಮಾನುಸಾರ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಕ್ರಮ ವಹಿಸುವುದು.

2. ಅನುದಾನವನ್ನು ಸ್ವಚ್ಛ ಭಾರತ್ ಮಿಷನ್ ಅಡಿಯಲ್ಲಿ ಐ. ಇ. ಸಿ. ಚಟವಟಿಕೆಗಳಿಗಾಗಿ ಮಾತ್ರ ಬಳಸತಕ್ಕದ್ದು. ಹಾಗೂ ಬಳಸಿದ ಮೊತ್ತಕ್ಕೆ ನಿಗಧಿತ ನಮೂನೆಯಲ್ಲಿ (ಕೆ. ಎಫ್. ಸಿ. 187) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಮೇಲು ರುಜುವಿನೊಂದಿಗೆ ಬಳಕೆ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸಲ್ಲಿಸುವುದು.

3. ಅನುದಾನವನ್ನು ರಾಷ್ಟ್ರೀಯ ದಿನಪತ್ರಿಕೆಗಳಲ್ಲಿ ಜಾಹೀರಾತು ಪ್ರಕಟಿಸುವ ಹಾಗೂ ರಾಷ್ಟ್ರೀಯ ಟಿ.ವಿ ಮಾಧ್ಯಮಗಳಲಿ ಐ. ಇ. ಸಿ. ಚಟುವಟಿಕೆಗಳನ್ನೂ ಪ್ರಚುರ ಪಡಿಸುವ ವಾಹನಗಳ ಖರೀದಿ, ಕಟ್ಟಡಗಳ ನಿರ್ಮಾಣ ಮತ್ತು ನಿರ್ವಹಣೆ. ವೇತನ ಪಾವತಿ, ಪೀಠೋಪಕರಣಗಳ ಖರೀದಿಗೆ ಇತ್ಯಾದಿಗಳಿಗೆ ಬಳಸಬಾರದಾಗಿರುತ್ತದೆ.

4. ಪುರಸಭೆ ವ್ಯಾಪ್ತಿಯ ಪ್ರತೀ ಮನೆಗಳೀಗೂ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸಿ ವಿತರಿಸಿದ ನಂತರ ಅನುದಾನ ಉಳಿತಾಯವಾದಲ್ಲಿ ಇತರೆ ಅವಶ್ಯಕ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗೆ ಸರ್ಕಾರದ ಮಾರ್ಗಸೂಚಿ ರೀತ್ಯಾ ಕ್ರಿಯಾ ಯೋಜನೆ ಸಿದ್ಧಪಡಿಸಿ, ಅನುಮೋದನೆಗೆ ಸಲ್ಲಿಸುವುದು ಹಾಗು ಅನುದಾನ ಕಡಿಮೆಯಾದಲ್ಲಿ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ನಿಧಿಯಿಂದ ಹೆಚ್ಚುವರಿ ಮೊತ್ತವನ್ನ ಭರಿಸುವುದು.

(ಕ.ಟಿ. ಜಿ. ಅ. ಮೇ)

ಸಹಿ/-
ಜಿಲ್ಲಾಧಿಕಾರಿರವರ ಪರವಾಗಿ
ಮೈಸೂರು ಜಿಲ್ಲೆ, ಮೈಸೂರು"

The price of each bag both of 5 Kg and 10 Kg is projected to be at ₹52/- per bag. A direction comes to be issued then by the office of the Deputy Commissioner on 09-04-2021 for procurement of bags. The direction reads as follows:

"ಸಂ: ಮುನಿಸಿ(4) ಜಿನಕೋ/ಮೈ.ಜಿ/ಎಸ್‌ಬಿಎಂ/ಐ.ಇ.ಸಿ/2020-21 ದಿನಾಂಕ: 09-04-2021.

ಕಾರ್ಯಾದೇಶ

ವಿಷಯ: ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಸರಬರಾಜು ಮಾಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1) ಈ ಕಛೇರಿ ಸಮಸಂಖ್ಯೆ ಪತ್ರ ದಿನಾಂಕ: 23-03-2021.

2) ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರುರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಡಿ.ಆರ್.ಡಿ.ಎ(2)/NRLM/Convergence/53/2020-21 ದಿನಾಂಕ: 08-04-2021.

3) ವ್ಯವಸ್ಥಾಪಕರ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಹುಬ್ಬಳ್ಳಿರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಕೈ ಅನಿ/ವ್ಯನಿ/ಮಾ(ಸಗಟು)/2020-21 ದಿನಾಂಕ: 31-03-2021.

4) ದರ ಅನುಮೋದನೆ ದಿನಾಂಕ: 08-04-2021.

****

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೈಸೂರು ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಉಲ್ಲೇಖ(1)ರ ಪತ್ರದಂತೆ 4ಹೆಚ್ ವಿನಾಯಿತಿ ಇರುವ ತಮ್ಮ ನಿಗಮಕ್ಕೆ ಅಗತ್ಯ ದರ ಹಾಗೂ ನಿರ್ದಿಷ್ಟತೆ (Specification)ಗಳನ್ನು ನಿಗಧಿಪಡಿಸಿ ಸಲ್ಲಿಸಲು ಕೋರಲಾಗಿತ್ತು. ಈ ಮೇರೆಗೆ ತಾವು ಸಲ್ಲಿಸಿರುವ ದರಗಳನ್ನು ಉಲ್ಲೇಖ(4)ರಂತೆ ಪ್ರತಿ ಬ್ಯಾಗ್‌ಗೆ ರೂ 52.00(ಜಿ.ಎಸ್.ಟಿ. ಸೇರಿದಂತೆ)ಗಳನ್ನು ನಿಗಧಿಪಡಿಸಿ ಅನುಮೋದನೆ ನೀಡಲಾಗಿದ್ದು ಈ ಕೆಳಕಂಡ ಪ್ರಮಾಣಗಳಂತೆ ಸರಬರಾಜು ಮಾಡಲು ಕೋರಲಾಗಿದೆ.

ಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ವ್ಯಾಪ್ತಿಗೆ ಸರಬರಾಜು ಮಾಡಬೇಕಾದ ಬ್ಯಾಗ್‌ಗಳ ವಿವರ

ಕ್ರ ಸಂ	ಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ಹೆಸರು	ಬಟ್ಟೆ ಬ್ಯಾಗ್ ಸಂಖ್ಯೆ	
		ಸಣ್ಣದು (5ಕೆ.ಜಿ. ಸಾಮರ್ಥ್ಯ)	ಮಧ್ಯಮ (10ಕೆ.ಜಿ. ಸಾಮರ್ಥ್ಯ)
1.	ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಮೈಸೂರು	2,20,000	2,20,000
2.	ನಗರಸಭೆ, ನಂಜನಗೂಡು	12,971	12,971
3.	ನಗರಸಭೆ, ಹುಣಸೂರು	16,304	16,304
4.	ಪುರಸಭೆ, ಕೆ.ಆರ್.ನಗರ	9,515	9,515
5.	ಪುರಸಭೆ, ಟಿನ್ನೂರು	6,500	6,500
6.	ಪುರಸಭೆ, ತಿ.ನರಸೀಪುರ	8,500	8,500
7.	ಪುರಸಭೆ, ಪಿರಿಯಾಪಟ್ಟಣ	5,800	5,800
8.	ಪುರಸಭೆ, ಹೆಚ್.ಡಿ.ಕೋಟೆ	6,000	6,000
9.	ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ, ಸರಗೂರು	3,600	3,600
	ಒಟ್ಟು	2,89,190	2,89,190

ಮುಂದುವರೆದಂತೆ ಉಲ್ಲೇಖ(2)ರ ದಿನಾಂಕ: 08-04-2021ರ ಪತ್ರದಲ್ಲಿ ಮೈಸೂರು ಜಿಲ್ಲಾ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸರಬರಾಜು ಮಾಡಬೇಕಾಗಿರುವ ವಿವರಗಳು ಕೆಳಕಂಡಂತಿವೆ.

ಜಿಲ್ಲಾ ಪಂಚಾಯತ್/ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ವ್ಯಾಪ್ತಿಗೆ ಸರಬರಾಜು ಮಾಡಬೇಕಾದ ಬ್ಯಾಗ್‌ಗಳ ವಿವರ

ಕ್ರ ಸಂ	ಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ಹೆಸರು	ಗ್ರಾಮ ಪಂಚಾಯತ್ ಸಂಖ್ಯೆ	10ಕೆ.ಜಿ. ಬ್ಯಾಗ್‌ಗಳ ಬೇಡಿಕೆ	5ಕೆ.ಜಿ. ಬ್ಯಾಗ್‌ಗಳ ಬೇಡಿಕೆ
1.	ಹೆಚ್.ಡಿ. ಕೋಟೆ	26	46,404	46,404
2.	ಸರಗೂರು	13	16,372	16,372
3.	ಹುಣಸೂರು	41	61,632	61,632
4.	ನಂಜನಗೂಡು	45	78,727	78,727
5.	ತಿ.ನರಸೀಪುರ	36	59,672	59,672
6.	ಮೈಸೂರು	37	72,485	72,485
7.	ಕೆ.ಆರ್.ನಗರ	34	57,172	57,172
8.	ಪಿರಿಯಾಪಟ್ಟಣ	34	54,075	54,075
	ಒಟ್ಟು	266	4,46,539	44,6,539

ಕ್ರೋಢೀಕೃತ ಸರಬರಾಜು ಪಟ್ಟಿ

5ಕೆ.ಜಿ. ಬ್ಯಾಗ್‌ಗಳ ಬೇಡಿಕೆ	10ಕೆ.ಜಿ. ಬ್ಯಾಗ್‌ಗಳ ಬೇಡಿಕೆ	ಸರಬರಾಜು ಮಾಡಬೇಕಾಗಿರುವ ಒಟ್ಟು ಬ್ಯಾಗ್ ಸಂಖ್ಯೆ
7.35,729.00	7,35,729.00	**14,71,458.00**

ಸೂಚಿಸಿರುವ ಪರಿಮಾಣಗಳು ತಾತ್ಕಾಲಿಕವಾಗಿದ್ದು ಇನ್ನೂ ಹೆಚ್ಚಿನ ಸಂಖ್ಯೆಯ ಅವಶ್ಯಕವಿದ್ದಲ್ಲಿ ಇದೇ ಅನುಮೋದಿತ ದರದಂತೆ ಸರಬರಾಜು ಮಾಡಲು ಸೂಚಿಸುತ್ತಾ, ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧ ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸಲು ಪರಿಸರ ಸ್ನೇಹಿ ಬ್ಯಾಗ್‌ಗಳ ಅವಶ್ಯಕತೆ ಇರುವುದರಿಂದ ಆದ್ಯತೆ ಮೇರೆಗೆ ತುರ್ತಾಗಿ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಅಗತ್ಯ ಗುಣಮಟ್ಟ ಪರಿಶೀಲನಾ ವರದಿಯೊಂದಿಗೆ ಸರಬರಾಜು ಮಾಡಲು ಆದೇಶಿಸಿದೆ.

ಸಹಿ/-
ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಆಚಯಂತರರು (ಪರಿಸರ)
ನಗರಸಭೆ ನಂಜನಗೂಡು.

ಸಹಿ/-
ಜಿಲ್ಲಾಧಿಕಾರಿರವರ ಪರವಾಗಿ
ಮೈಸೂರು ಜಿಲ್ಲೆ, ಮೈಸೂರು"

ಗೆ,
ವ್ಯವಸ್ಥಾಪಕರ ನಿರ್ದೇಶಕರು,
ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ,
ಪ್ರಿಯದರ್ಶಿನಿ ನೇಕಾರ ಭವನ, ವಿದ್ಯಾನಗರ,
ಹುಬ್ಬಳ್ಳಿ

ಪ್ರತಿಯನ್ನು:

1) ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿ, ಜಿಲ್ಲಾ ಪಂಚಾಯತ್, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರುರವರ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ.
2) ಆಯುಕ್ತರು ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಮೈಸೂರುರವರ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ..
3) ಪೌರಾಯುಕ್ತರು, ನಗರಸಭೆ ನಂಜನಗೂಡು ಮತ್ತು ಹುಣಸೂರುರವರ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ.
4) ಮುಖ್ಯಾಧಿಕಾರಿ ಪುರಸಭೆ, ಕೆ.ಆರ್.ನಗರ, ಬನ್ನೂರು, ತಿ.ನರಸೀಪುರ, ಪಿರಿಯಾಪಟ್ಟಣ ಮತ್ತು ಹೆಚ್.ಡಿ.ಕೋಟೆ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಸರಗೂರುರವರ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ.
5) ಜಿಲ್ಲೆಯ ಎಲ್ಲಾ ಗ್ರಾಮ ಪಂಚಾಯಿತಿ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳ ಮಾಹಿತಿಗಾಗಿ ಹಾಗೂ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ."

After the said direction, funds that were belonging to other local bodies meant for development purpose were diverted to this purpose and were directed to be deposited into the account of the

Deputy Commissioner. The communication dated 30-06-2021 reads as follows:

"ಸಂ: ಮುನಿಸಿ(4)/ಜಿನಕೋ/ಮೈ.ಜಿ/ಎಸ್‌ಬಿಎಂ/ಐಇಸಿ/2020-21 ದಿನಾಂಕ: 30.06.2021

ಗೆ,

1. ಆಯುಕ್ತರು, ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, ಮೈಸೂರು.

2. ಪೌರಾಯುಕ್ತರು, ನಗರಸಭೆ ನಂಜನಗೂಡು ಮತ್ತು ಹುಣಸೂರು.

3. ಮುಖ್ಯಾಧಿಕಾರಿ. ಪುರಸಭೆ. ಕೆ.ಆರ್.ನಗರ, ಬನ್ನೂರು. ತಿ.ನರಸೀಪುರ. ಪಿರಿಯಾಪಟ್ಟಣ ಮತ್ತು ಹೆಚ್.ಡಿ.ಕೋಟೆ ಹಾಗೂ ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ ಸರಗೂರು.

ಮಾನ್ಯರೆ,

ವಿಷಯ : ಸ್ವಚ್ಛ ಭಾರತ್ ಮಿಷನ್ ಯೋಜನೆಯಡಿ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗಾಗಿ ಬಿಡುಗಡೆಗೊಳಿಸಲಾಗಿರುವ ಅನುದಾನವನ್ನು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಎಸ್.ಬಿ.ಎಂ (ಸ್ವಚ್ಛ ಭಾರತ್ ಮಿಷನ್) ಖಾತೆಗೆ ಜಮೆಗೊಳಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ:1. ಮಾನ್ಯ ನಿರ್ದೇಶಕರು, ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯ ಬೆಂಗಳೂರುರವರ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ: ಪೌನಿ/ಫವನಿ/ ಎಸ್.ಬಿ.ಎಂ /6/2020, ದಿನಾಂಕ: 14.09.2020.

2. ದಿನಾಂಕ:04.03.2021, 15.03.2021 ಹಾಗೂ 19.03.2021 ರಂದು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ನಡೆದ ಘನತ್ಯಾಜ್ಯ ವಸ್ತು ನಿರ್ವಹಣೆಯ ನಿಯಮಗಳು-2016ನ್ನು ಸಮರ್ಪಕವಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಕುರಿತ ಸಭೆಯ ಸಭಾ ನಡಾವಳಿ.

3. ಈ ಕಛೇರಿ ಸಮ ಸಂಖ್ಯೆ ಕಾರ್ಯಾದೇಶ ದಿನಾಂಕ: 09.04.2021.

*****

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ(1)ರ ಪೌರಾಡಳಿತ ನಿರ್ದೇಶನಾಲಯದ ಅಧಿಕೃತ ಜ್ಞಾಪನದಲ್ಲಿ ಮೈಸೂರು ಜಿಲ್ಲೆಯ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗಾಗಿ ಸ್ವಚ್ಛ

ಭಾರತ್ ಮಿಷನ್ ಯೋಜನೆಯಡಿ ಒಟ್ಟು ರೂ. 172.50 ಲಕ್ಷ ಅನುದಾನವನ್ನು ಬಿಡುಗಡೆಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಅನುದಾನಕ್ಕೆ ಉಲ್ಲೇಖ(2)ರ ಸಭಾ ನಡಾವಳಿಗಳಂತೆ ಜಿಲ್ಲೆಯಾದ್ಯಂತ ಪ್ಲಾಸ್ಟಿಕ್ ನಿಷೇಧವನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಗೊಳಿಸುವ ಸಂಬಂಧ ಐಇಸಿ ಚಟುವಟಿಕೆಗಳಿಗಾಗಿ ಹಂಚಿಕೆಯಾಗಿರುವ ಅನುದಾನದಲ್ಲಿ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವ್ಯಾಪ್ತಿಯ ಪ್ರತಿ ಮನೆಗೂ ಎರಡು (ಒಂದು ಮಧ್ಯಮ ಮತ್ತು ಒಂದು ದೊಡ್ಡ) ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ವಿತರಿಸಲು ಸಿದ್ಧಪಡಿಸಲಾದ ಕ್ರಿಯಾಯೋಜನೆಗಳಿಗೆ ಅನುಮೋದನೆ ನೀಡಲಾಗಿರುತ್ತದೆ. ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸುವ ಸಂಬಂಧ 4 ಹೆಚ್ ವಿನಾಯಿತಿ ಇರುವ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತರವರಿಂದ ದರಪಟ್ಟಿ ಹಾಗೂ ತಾಂತ್ರಿಕ ನಿರ್ದಿಷ್ಟತೆಗಳನ್ನು ಪಡೆದು ಪ್ರತಿ ಒಂದು ಬಟ್ಟೆ ಬ್ಯಾಗಿಗೆ ರೂ.52.00/-ಗಳಂತೆ ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳಿಗೆ ಜಿಲ್ಲಾಮಟ್ಟದಲ್ಲಿ ಸರಬರಾಜು ಮಾಡಲು ಉಲ್ಲೇಖ(3)ರಂತೆ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಕಾರ್ಯಾದೇಶ ನೀಡಿರುತ್ತಾರೆ.

ಕ್ರಿಯಾಯೋಜನೆ ವಿವರ

ಮೊತ್ತ ರೂ.ಲಕ್ಷಗಳಲ್ಲಿ

ಕ್ರ. ಸಂ.	ನಗರಸ್ಥಳೀಯ ಸಂಸ್ಥೆ ಹೆಸರು	ಅನುಮೋದಿತ ಮೊತ್ತ
01.	ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ	ಐಇಸಿ-100.00 ಮತ್ತು 15 ನೇ ಹಣಕಾಸು–134.00
02.	ನಂಜನಗೂಡು ನಗರಸಭೆ	ಐಇಸಿ-20.00
03.	ಹುಣಸೂರು ನಗರಸಭೆ	ಐಇಸಿ-10.00
04.	ಕೆ.ಆರ್.ನಗರ ಪುರಸಭೆ	ಐಇಸಿ-10.00
05.	ಬನ್ನೂರು ಪುರಸಭೆ	ಐಇಸಿ-05.00
06.	ತಿ.ನರಸೀಪುರ ಪುರಸಭೆ	ಐಇಸಿ-05.00
07.	ಪಿರಿಯಾಪಟಣ ಪುರಸಭೆ	ಐಇಸಿ-10.00
08.	ಹೆಚ್.ಡಿ.ಕೋಟೆ ಪುರಸಭೆ	ಐಇಸಿ-10.00
09.	ಸರಗೂರು ಪಟ್ಟಣ ಪಂಚಾಯಿತಿ	ಐಇಸಿ-02.50

ರಾಜ್ಯಾದ್ಯಂತ ಕೋವಿಡ್ -19 ನಿಂದಾಗಿ ಲಾಕ್‌ಡೌನ್ ಉಂಟಾದ್ದರಿಂದ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಲು ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತರವರಿಗೆ ಸಾಧ್ಯವಾಗಿರುವುದಿಲ್ಲ. ಪ್ರಸ್ತುತ ಲಾಕ್‌ಡೌನ್ ಸಡಿಲಗೊಂಡಿರುವುದರಿಂದ ಸರಬರಾಜು ಮಾಡಲು ಸಿದ್ಧರಿದ್ದು ಬ್ಯಾಗ್ ಗಳನ್ನು ಸರಬರಾಜು ಮಾಡಿದ ನಂತರ ಸದರಿರವರಿಗೆ ಬಿಲ್ ಪಾವತಿಸಲು ತಮ್ಮ ಎಸ್.ಬಿ.ಎಂ ಐಇಸಿ ಖಾತೆಯಲ್ಲಿರುವ ಅನುದಾನ ಹಾಗೂ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ 2020-21ನೇ ಸಾಲಿನ 15ನೇ

ಹಣಕಾಸು ಅನುದಾನದಡಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳ ಖರೀದಿಗೆ ಮೀಸಲಿರಿಸಿರುವ ರೂ. 134.99 ಲಕ್ಷ ಅನುದಾನವನ್ನು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಈ ಕೆಳಕಂಡ ಖಾತೆಗೆ ಕೂಡಲೇ ವರ್ಗಾಯಿಸಲು ಕೋರಿದೆ.

ಬ್ಯಾಂಕ್ ಹೆಸರು - ಹೆಚ್‌ಡಿಎಫ್‌ಸಿ, ಸರಸ್ವತಿಪುರಂ ಶಾಖೆ
ಖಾತೆ ಸಂಖ್ಯೆ - 50200027942477
ಐಎಫ್‌ಎಸ್‌ಸಿ ಕೋಡ್ - HDFC0000065

ತಮ್ಮ ನಂಬುಗೆಯ
ಸಹಿ/-
ಯೋಜನಾ ನಿರ್ದೇಶಕರು.
ಜಿಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಕೋಶ
ಮೈಸೂರು ಜಿಲ್ಲೆ, ಮೈಸೂರು."

The Karnataka Handloom Development Corporation was entrusted with the job of such supply. This becomes the fulcrum of a complaint by the petitioner to the ACB. The reason for the complaint is that the same bag of the same quality was being sold at ₹13/- per bag in the retail market. But, the same bag is sought to be procured at ₹52/- per bag. It would be four times the value that is sold in the retail market. According to the petitioner, the loss caused to the exchequer of the State is ₹ 5,88,58,320/-. The complaint reads as follows:

"ಗೆ,

ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು,
ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳ,
ಮೈಸೂರು ಜಿಲ್ಲೆ,

ಮೈಸೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್ ಗಳ ಸರಬರಾಜು ಸಂಬಂಧ ನಡೆದಿರುವ ಅಕ್ರಮದ ಕುರಿತು ತನಿಖೆ ನಡೆಸಿ, ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ಅಧಿನಿಯಮ 1988ರ ಅಡಿಯಲ್ಲಿ (14-03-2016 ಕಾನೂನಿನ ಅನ್ವಯದಂತೆ) ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯನ್ನು ದಾಖಲಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: ಜಿಲ್ಲಾ ನಗರಾಭಿವೃದ್ಧಿ ಕೋಶ, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯ, ಮೈಸೂರು ಜಿಲ್ಲೆ, ಮೈಸೂರು ಇವರ ಕಾರ್ಯಾದೇಶ ಸಂಖ್ಯೆ. ಮುನಿಸಿ(4) ಜೆನಕೋ/ಮೈ.ಜಿ./ ಎಸ್.ಬಿ.ಎಂ/ಐ.ಇ.ಸಿ./2020-21, ದಿನಾಂಕ: 09-04-2021.

***

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮೈಸೂರು ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಮುಖಾಂತರ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸುವ ಸಂಬಂಧ ಉಲ್ಲೇಖದಂತೆ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಕಾರ್ಯಾದೇಶ ಹೊರಡಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಕಾರ್ಯಾದೇಶದಲ್ಲಿ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ ಇವರಿಂದ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಮೈಸೂರು ಜಿಲ್ಲೆಯ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ವ್ಯಾಪ್ತಿಗೆ ಸರಬರಾಜು ಮಾಡುವ ಸಂಬಂಧ 4ಹೆಚ್ ವಿನಾಯಿತಿ ಅಡಿಯಲ್ಲಿ ದರ ಪಟ್ಟಿಗಳನ್ನು ಪಡೆದಿದ್ದು, ಅದರಂತೆ 5 ಕೆ.ಜಿ. ಮತ್ತು 10 ಕೆ.ಜಿ. ಸಾಮಾರ್ಥ್ಯದ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಿಗೆ ರೂ. 52 (ಜಿ.ಎಸ್.ಟಿ. ಸೇರಿದಂತೆ) ನಿಗಧಿಪಡಿಸಿ ಒಟ್ಟು 14,71,458 ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸಲು ಅನುಮೋದನೆ ನೀಡಿರುತ್ತಾರೆ. ಇದರ ಒಟ್ಟು ಮೌಲ್ಯ ರೂ. 7,65,15,816/- (ಏಳು ಕೋಟಿ ಆರವತ್ತೈದು ಲಕ್ಷದ ಹದಿನೈದು ಸಾವಿರದ ಎಂಟುನೂರು ಹದಿನಾರು). ಸದರಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳ ವಿತರಣೆ ಸಂಬಂಧ ಮೈಸೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಮತ್ತು ಜಿಲ್ಲಾ ಪಂಚಾಯತ್ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿರುವ ಎಲ್ಲಾ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಗಳ ಹಾಗೂ ಪುರಸಭೆಗಳ ಸಾಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಯಾವುದೇ ವಿಧವಾದ ಅನುಮೋದನೆಯನ್ನು ಪಡೆದಿರುವುದಿಲ್ಲ. ನಗರ ಮತ್ತು ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳು ಸ್ವಯಂ ಪರಿಪೂರ್ಣ ಸಂಸ್ಥೆಗಳಾಗಿದ್ದು, ಅವುಗಳಲ್ಲಿನ ಜನಪ್ರತಿನಿಧಿಗಳ ಅಧಿಕಾರವನ್ನು ಮೊಟಕುಗೊಳಿಸಿ, ಹಣವನ್ನು ದುರುಪಯೋಗಗೊಳಿಸಿಕೊಳ್ಳುವ ಉದ್ದೇಶದಿಂದ ಈ ರೀತಿ ಕಾರ್ಯಾದೇಶ ನೀಡಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡುಬರುತ್ತದೆ. ಮುಂದುವರೆದು ಸದರಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳ ದರಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಹೇಳುವುದಾದರೆ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮದವರು ಸರಬರಾಜು ಮಾಡಿರುವ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಷ್ಟೆ ಗುಣಮಟ್ಟ ಮತ್ತು ಗಾತ್ರ ಹೊಂದಿರುವ ಬ್ಯಾಗ್‌ಗಳು ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಜಿ.ಎಸ್.ಟಿ. ಸೇರಿದಂತೆ 13 ರೂ ಗಳಲ್ಲಿ ಮಾರಾಟವಾಗುತ್ತಿರುತ್ತವೆ. ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯ ಚಿಲ್ಲರೆ(Retail) ಮಾರಾಟದಲ್ಲಿ 13 ರೂಪಾಯಿಗಳಿಗೆ ಮಾರಾಟವಾಗುವ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಿಗೆ ಸಗಟು (Wholesale) ದರದಲ್ಲಿ ರೂ. 52 ಗಳನ್ನು ನಿಗಧಿಪಡಿಸಿ,

ಅನುಮೋದನೆ ನೀಡಿರುವುದು ಸಾರ್ವಜನಿಕ ಹಣದ ಅಪವ್ಯಯವಲ್ಲದೆ ಮತ್ತೇನು ಆಗಲಾರದು. ಅಲ್ಲದೆ 5 ಕೆ.ಜಿ. ಮತ್ತು 10 ಕೆ.ಜಿ. ಸಾಮಾರ್ಥ್ಯದ ಎರಡೂ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಿಗೂ 'ರೂ. 52/- ಜಿ.ಎಸ್.ಟಿ. / ಸೇರಿದಂತೆ ನಿಗಧಿಪಡಿಸಿರುವುದು ಭ್ರಷ್ಟಾಚಾರಕ್ಕೆ ಸಾಕ್ಷಿಯಾಗಿದೆ. ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಸಗಟು (Wholesale) ದರದಲಿ 5ಕೆ.ಜಿ.ಯ 7,35,729 ಬ್ಯಾಗ್‌ಗಳಿಗೆ ರೂ. 10/- ರಂತೆ ರೂ. 73,57,290/-(ಎಪ್ಪತ್ತೂರು ಲಕ್ಷದ ಐವತ್ತೇಳು ಸಾವಿರದ ಇನ್ನೂರತೊಂಬತ್ತು) ಆಗುತ್ತದೆ. 10 ಕೆ.ಜಿ. 7,35,729 ಬ್ಯಾಗ್‌ಗಳಿಗೆ ರೂ. 14/- ರಂತೆ ರೂ. 1,03,00,206/- (ಒಂದು ಕೋಟಿ ಮೂರು ಲಕ್ಷದ ಇನ್ನೂರ ಆರು) ಅಂದರೆ ರೂ. 14,71,458 ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸಲು ಒಟ್ಟು ಮೌಲ್ಯ ರೂ. 1,76,57,496/-(ಒಂದು ಕೋಟಿ ಎಪ್ಪತ್ತಾರು ಲಕ್ಷದ ಐವತ್ತೇಳು ಸಾವಿರದ ನಾನೂರತ್ತೊಂಬತ್ತಾರು) ಗಳು ಸಾಕಾಗುತ್ತದೆ. ಇವರು ಕನಿಷ್ಟ 5 ಕೆ.ಜಿ. ಸಾಮಾರ್ಥ್ಯದ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಿಗೆ ಕಡಿಮೆ ದರವನ್ನು ನಮೂದಿಸಿದ್ದರೆ ಸ್ವಲ್ಪ ಮಟ್ಟಿಗಾದರೂ ಅನುಮಾನ ಕಡಿಮೆ ಆಗುತ್ತಿತ್ತು. ಆದರೆ ಎರಡೂ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳಿಗೂ ರೂ.52/- ರಂತೆ ಒಂದೇ ಬೆಲೆಯನ್ನು ನಮೂದಿಸುವ ಮೂಲಕ ಸುಮಾರು ರೂ. 5,88,58,320/- (ಐದು ಕೋಟಿ ಎಂಬತ್ತೆಂಟು ಲಕ್ಷದ ಐವತ್ತೆಂಟು ಸಾವಿರದ ಮುನ್ನೂರ ಇಪ್ಪತ್ತು) ಕೋಟಿ ಗಳಿಗೂ ಮಿಗಿಲಾಗಿ ಭ್ರಷ್ಟಾಚಾರವನ್ನು ಎಸಗಿದ್ದಾರೆ ಹಾಗೂ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮದ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ಒಂದು ಬ್ಯಾಗ್‌ಗೆ ರೂ. 52 ದರವನ್ನು ತೆಗೆದುಕೊಂಡಿರುವುದಕ್ಕೆ ಪೂರಾವೆಯಂತೆ ಕೆ.ಆರ್.ನಗರದ ಪುರಸಭೆಗೆ ಸರಬರಾಜು ಮಾಡಿರುವ ಒಟ್ಟು ಬ್ಯಾಗ್ ಸಂಖ್ಯೆ. 19230. ಇದರ ಒಟ್ಟು ಮೌಲ್ಯ ರೂ. 9,99,991/-(ಒಂಬತ್ತು ಲಕ್ಷದ ತೊಂಬತ್ತೊಂಬತ್ತು ಸಾವಿರದ ಒಂಬೈನೂರ ತೊಂಬತ್ತೊಂದು) ಕ್ಕೆ ದಿನಾಂಕ. 09-08-2021 ರಂದು ಟ್ಯಾಕ್ಸ್ ಇನ್ವಾಯ್ಸ್ (GST Bill) ನಂ. 196 ರನ್ನು ನೀಡಿರುತ್ತಾರೆ. ಟ್ಯಾಕ್ಸ್ ಇನ್ವಾಯ್ಸ್ ಪುರಾವೆಯನ್ನು ಈ ದೂರಿನ ಜೊತೆ ಲಗತ್ತಿಸಲಾಗಿದೆ ಮತ್ತು ಮುಕ್ತ ಮಾರುಕಟ್ಟೆಯ ಚಿಲ್ಲರೆ (Retail) ಮಾರಾಟದಲ್ಲಿ 5 ಕೆ.ಜಿ. ಸಾಮಾರ್ಥ್ಯದ ಒಂದು ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ನ್ನು ರೂ. 13 ಗಳಿಗೆ ನಾನು GREENTARA EARTHSAFE COTTON BAGS ನಿಂದ ಖರೀದಿಸಿರುವ ಟ್ಯಾಕ್ಸ್ ಇನ್ವಾಯ್ಸ್ (GST Bill) ನಂ.51 ಅನ್ನು ಈ ದೂರಿನ ಜೊತೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಹಾಗೂ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ಸದರಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ನಿಗಮದ ವತಿಯಿಂದಲೇ ಕೈಯಿಂದ (Hand Made) ತಯಾರಿಸಿ ಸರಬರಾಜು ಮಾಡುವ ಬದಲು ತಮ್ಮ ಸಂಸ್ಥೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಮಹಿಳಾ ಉದ್ಯೋಗಿಯ ಪತಿಯ ಕಡೆಯಿಂದ ಯಂತ್ರದ ಮೂಲಕ ತಯಾರಿಸಿದ ಬ್ಯಾಗ್ ಗಳನ್ನು ಖರೀದಿಸಿ ಸರಬರಾಜು ಮಾಡಿರುತ್ತಾರೆ. ಈ ಮೂಲಕ ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮದ ಸ್ಥಾಪನೆಯ ಮೂಲ ಉದ್ದೇಶವನ್ನು ಮರೆತ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ಮಹಿಳಾ ಉದ್ಯೋಗಿ ಹಾಗೂ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಸ್ವಜನ ಪಕ್ಷಪಾತ ಭ್ರಷ್ಟಾಚಾರ ನಡೆಸಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿ ಗೋಚರಿಸುತ್ತದೆ.

ಹಾಗಾಗಿ ಸದರಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳ ಸರಬರಾಜಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನಡೆದಿರುವ ಸಂಪೂರ್ಣ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕುರಿತು ತನಿಖೆ ನಡೆಸಿ, ಸದರಿ ಅವಧಿಯಲ್ಲಿ ಕಾರ್ಯಾದೇಶ ನೀಡಿರುವ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟವರ ವಿರುದ್ಧ ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ಅಧಿನಿಯಮ 1988ರ ಅಡಿಯಲ್ಲಿ (14-03-2016 ಕಾನೂನಿನ ಅನ್ವಯದಂತೆ) ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯನ್ನು ದಾಖಲಿಸುವ ಮೂಲಕ ಸೂಕ್ತ' ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳಬೇಕೆಂದು ಕೋರಿದೆ.

ಇವರ ವಿರುದ್ಧ ಇಲ್ಲಿಯವರೆಗೆ ಮಾಡಿರುವ ಪಾರಂಪರಿಕ ಕಟ್ಟಡದ ಹಣ ದುರುಪಯೋಗ, ಕೋವಿಡ್ ಬಗ್ಗೆ ಸುಳ್ಳು ಮಾಹಿತಿ, ಅಧಿಕಾರ ನಿಯಮ ಉಲ್ಲಂಘನೆ ಮತ್ತು ಈ ಬಗ್ಗೆ 2 ಬಾರಿ ತಮಗೆ ದೂರನ್ನು ನೀಡಿದ್ದರೂ ಸಹ ಸದರಿಯವರ ಮೇಲೆ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ.

ರಾಷ್ಟ್ರತ ಮಹಾತ್ಮಾ ಗಾಂಧೀಜಿಯವರು ಗ್ರಾಮ ಸ್ವರಾಜ್ಯದ ಬುನಾದಿಯ ಮೇಲೆ ರಾಷ್ಟ್ರೀಯ ಸರ್ಕಾರ ಸ್ಥಾಪಿಸುವ ಆಶಯವನ್ನು ಕಂಡಿದ್ದರು. ಅದರಂತೆ ಸಂವಿಧಾನದ 73 ಮತ್ತು 74 ನೇ ತಿದ್ದುಪಡಿಯ ಮೂಲಕ ಸ್ಥಾಪಿಸಲ್ಪಟ್ಟ ಸ್ಥಳೀಯಾಡಳಿತ ವ್ಯವಸ್ಥೆ ಕ್ರಮಿಸಿದ ಹೆಜ್ಜೆ ಗುರುತುಗಳು ಇತಿಹಾಸದ ದಾಖಲೆಗಳಾಗಿ ಉಳಿದಿದೆ. ಗಾಂದೀಜಿಯವರ 1948ರ ಜನವರಿ ಯೋಜನೆ ಅವರ ಆಶಯವನ್ನು ಪ್ರತಿಪಾದಿಸುತ್ತದೆ. ಭಾರತದಲ್ಲಿ ನಾವು ಗಾಂಧೀ ಪ್ರಣಿತ ಹಿಂದ್ ಸ್ವರಾಜ್ ಆಡಳಿತವನ್ನು ಸ್ಥಾಪಿಸುವ ದಾರಿಯಿಂದ ವಿಮುಖರಾಗಿದ್ದೇವೆ. ಆದರೆ ಪಂಚಾಯತ್ ರಾಜ್ ಸಂಸ್ಥೆಗಳ ಸಬಲೀಕರಣದ ಮೂಲಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಆಶಯಗಳನ್ನು ಸ್ವಲ್ಪ ಮಟ್ಟಿಗೆ ಜೀವಂತವಾಗಿ ಇಡುವ ಪ್ರಯತ್ನಗಳು ಮುಂದುವರೆದಿದೆ. ಇದರ ಭಾಗವಾಗಿ ಕರ್ನಾಟಕದಲ್ಲಿ ಕರ್ನಾಟಕ 1[ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್] 1 ಅಧಿನಿಯಮ, 1993 ಜಾರಿಗೆ ಬಂದಿದೆ.

ಇದರ ಉದ್ದೇಶಗಳು ಮತ್ತು ಕಾರಣಗಳ ಹೇಳಿಕೆ

1993ರ ಅಧಿನಿಯಮ 14 - 1991 ರ ಎಪ್ಪತ್ತೇರಡನೇ ಸಂವಿಧಾನದ ತಿದ್ದುಪಡಿ ವಿಧೇಯಕದಲ್ಲಿ ಪ್ರಸ್ತಾವಿಸಿರುವ ಬದಲಾವಣೆಗಳ ಪರಿಣಾಮವಾಗಿ 1983ರ ಕರ್ನಾಟಕ ಜಿಲ್ಲಾ ಪರಿಷತ್ತುಗಳ, ತಾಲೂಕು ಪಂಚಾಯಿತಿಗಳ, ಮಂಡಲ ಪಂಚಾಯಿತಗಳ ಮತ್ತು ನ್ಯಾಯ ಪಂಚಾಯಿತಿಗಳ ಅಧಿನಿಯಮದ ಬದಲಾಗಿ ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ವಿಧೇಯಕ 1993 ನ್ನು ಮಂಡಿಸಲಾಗಿದೆ. ರಾಜ್ಯದಲ್ಲಿನ ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ಜನರು ಹೆಚ್ಚಾಗಿ ಪಾಲ್ಗೊಳ್ಳುವಂತೆ ಮಾಡುವ ಮತ್ತು ಆ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಇನ್ನಷ್ಟು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಅನುಷ್ಠಾನಕ್ಕೆ ತರುವ ಸಲುವಾಗಿ ಗ್ರಾಮ, ತಾಲೂಕು ಮತ್ತು ಜಿಲ್ಲಾ ಮಟ್ಟಗಳಲ್ಲಿ ಚುನಾಯಿತ ಸಂಸ್ಥೆಗಳು ಇರುವ ಮೂರು ಹಂತದ ಪಂಚಾಯತ್‌ರಾಜ್ ವ್ಯವಸ್ಥೆಯನ್ನು ಸ್ಥಾಪಿಸಲು ಈ ವಿಧೇಯಕ.

ಆದರೆ ನಿರ್ಗಮಿತ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿ ರೋಹಿಣಿ ಸಿಂಧೂರಿ ಗ್ರಾಮ ಸ್ವರಾಜ್ಯದ ಎಲ್ಲಾ ಕನಸುಗಳನ್ನು ಗಾಳಿಗೆ ತೂರಿ ಭ್ರಷ್ಟಚಾರ ಎಸಗಿರುವುದು ದುರದೃಷ್ಟಕರ. ಆದ್ದರಿಂದ ಇವರ ಮೇಲೆ ಕ್ರಿಮಿನಲ್ ಮೊಕದ್ದಮೆಯನ್ನು ದಾಖಲಿಸಿ ಕಾನೂನು ಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ಈ ಮೂಲಕ ಕೋರುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ,

ಸಹಿ/-

(ಎನ್.ಆರ್.ರವಿಚಂದ್ರೇಗೌಡ)

ವಕೀಲರು"

The then ACB, based upon the said complaint, communicates to the Government seeking approval under Section 17A of the Act to register a crime, as offence under the Act was prima facie made out. For a long time no order is passed. Finally, on 17-02-2022 the following order is passed directing the complaint to be treated as per the Standard Operating Procedure. The order reads as follows:

"ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 51 ಎಸ್‌ಎಎಸ್ 2022
ಆಡಕ 08 ಪುಟಗಳು

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ
ವಿಧಾನಸೌಧ
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17/02/2022.

ಇವರಿಂದ:-

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ
ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು - 560 001.

ಇವರಿಗೆ:

ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು.

ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳ, ನಂ.49, ಖನಿಜ ಭವನ,
ರೇಸ್‌ಕೋರ್ಸ್ ರಸ್ತೆ, ಬೆಂಗಳೂರು-560 001.

ಮಾನ್ಯರೇ.

ವಿಷಯ : ಮೈಸೂರು ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ನಗರ, ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಮುಖಾಂತರ ಪರಿಸರಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸುವ ಸಂಬಂಧ ಅಕ್ರಮ ನಡೆದಿದೆ ಎಂದು ಮಾಡಿರುವ ಆರೋಪಗಳ ಕುರಿತು 1) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರು, 2)ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ಬೆಂಗಳೂರು

ರವರುಗಳ ವಿರುದ್ಧದ ವಿಚಾರಣೆ/ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಕಲಂ 17(ಎ) ಭ್ರಷ್ಟಾಚಾರ ತಡ ಕಾಯ್ದೆ-1988 ರಂತೆ ಪೂರ್ವಾನುಮತಿಯನ್ನು ನೀಡುವ

ಉಲ್ಲೇಖ:1)ತಮ್ಮ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಸಿಬಿ / ಕೇಂ.ಕ / ಪೂ.ಠಾ / ಮೈ / ಎಸ್.ಪಿ.ಅರ್ಜಿ / 70 / 2021, ದಿನಾಂಕ: 17/12/2021

2) ಭಾರತ ಸರ್ಕಾರದ ಸಿಬ್ಬಂದಿ ಮತ್ತು ತರಬೇತಿ ಮಂತ್ರಾಲಯದ ಪತ್ರ ದಿನಾಂಕ:03/09/2021

*****

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಸಿದ ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ ಅಡ್ವೋಕೇಟ್ & ಆಡಿಟರ್, ಮೈಸೂರು ಇವರು ದಿನಾಂಕ: 13/10/2021ರಂದು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಅನ್ವಯ ಮೈಸೂರು ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನಗರ ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಮುಖಾಂತರ ಪರಿಸರಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸುವ ಸಂಬಂಧ ಅಕ್ರಮ ನಡೆದಿದೆ ಎನ್ನಲಾದ ಆರೋಪಗಳ ಕುರಿತು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮೈಸೂರು. 2)ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ಬೆಂಗಳೂರು ರವರುಗಳ ವಿರುದ್ಧದ ವಿಚಾರಣೆ/ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಕಲಂ 17(ಎ) ಭ್ರಷ್ಟಾಚಾರ ತಡೆ ಕಾಯ್ದೆ-1988 ರಂತೆ ಪೂರ್ವಾನುಮತಿಯನ್ನು ನೀಡುವಂತೆ ಉಲ್ಲೇಖಿತ(1)ರ ಪತ್ರದಲ್ಲಿ ಕೋರಲಾಗಿರುತ್ತದೆ.

ಆದರೆ, ಉಲ್ಲೇಖಿತ(2)ರ ಪತ್ರದಲ್ಲಿ ಭಾರತ ಸರ್ಕಾರದ ಸಿಬ್ಬಂದಿ ಮತ್ತು ತರಬೇತಿ ಮಂತ್ರಾಲಯವು Prevention of Corruption Act, 1988ರ ಕಲಂ 17 A ರಡಿಯಲ್ಲಿನ ಪ್ರಕರಣಗಳನ್ನು ನಿರ್ವಹಿಸುವ ಕುರಿತು ತನಿಖಾ ದಳ ಹಾಗೂ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಗಳು ಕೈಗೊಳ್ಳಬೇಕಾದ ಕ್ರಮಗಳ ಕುರಿತು Standard Operating Procedures (SOPs) ಮಾರ್ಗಸೂಚಿಗಳನ್ನು ಹೊರಡಿಸಿದ್ದು(ಪ್ರತಿ ಲಗತ್ತಿಸಲಾಗಿದೆ) ಸದರಿ ಮಾರ್ಗಸೂಚಿಯನ್ವಯ ಉಲ್ಲೇಖಿತ(1)ರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸುವಂತೆ ಕೋರಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ

ಸಹಿ/-

(ಸಂಜಯ್ ಬಿ.ಎಸ್)

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ

(ಸೇವೆಗಳು-1)”

But, this was not communicated to the petitioner. Thereafter, the Government by its order dated 19-09-2022 declines to grant the approval under Section 17A of the Act. The order reads as follows:

"ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಸಿಆಸುಇ 51 ಎಸ್ಎಸ್ಎಸ್ 2022

ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ
ಕೊಠಡಿ ಸಂಖ್ಯೆ.15 'ಬಿ' ವಿಧಾನ ಸೌಧ
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:19.09.2022

ಇಂದ:

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ
ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ:

ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರು
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ
ಅಂಬೇಡ್ಕರ್ ವೀಧಿ
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ
ಬೆಂಗಳೂರು..

ಮಾನ್ಯರೆ.

ವಿಷಯ: ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ, ಅಡ್ವೋಕೇಟ್ & ಆಡಿಟರ್, ಚಾಮರಾಜಪುರಂ, ಮೈಸೂರು ಇವರು ಅಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಅಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು. ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹದಳ, ಮೈಸೂರು ಇಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹದಳ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಸಿಬಿ/ಕೇಂಕ/ಪೂ.ಠಾ/ಮೈ/ಎಸ್.ಪಿ. ಅರ್ಜಿ/70/2021, ದಿನಾಂಕ: ಭ್ರಷ್ಟಾಚಾರ 17.12.2021.

*****

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ (1)ರ ಪತ್ರದಲ್ಲಿ ಹಿಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಹಿಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಮಾಡಲಾದ ಆರೋಪಗಳ ಕುರಿತು ಭ್ರಷ್ಟಾಚಾರ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ, 1988ರ ಕಲಂ 17(ಎ)ರಡಿ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕೋರಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ನಿರಾಕರಿಸಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ
ಸಹಿ/-
(ಜೇಮ್ಸ್ ತರಕನ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ
ಇಲಾಖೆ (ಸೇವೆಗಳು-1)"

The petitioner then seeks the status of the complaint lodged by him before the Lokayukta. The communication of the petitioner reads as follows:

"To, Date: 13-02-2023

The Superintendent of police
Lokayukta
Mysore.

Subject: Request for the Stauts of the complaint lodged by me against Rohini sindhuri IAS & Managing Director of Karnatataka Handloom Corporation with Certified copy

Ref: ACB/CO/PS/MYS/SP/APP Number 70/2021,

With reference to the above I, wish to submit that I, have Filed the complaint with you about the corruption in the purchase of eco-friendly clothes from Karnataka handlooms development corporation limited Bangalore against Rohini sindhuri when she was a Deputy Commissioner of MYSORE district for the period of Year 2021, & the Managing Director of Karnatataka Handloom Corporation Bangalore, Dated on 13/10/2021 to take action against them according to Anti coruption Act 1988 Sub Section 17 (A) & Karnataka Lokayukta Amended Act 2013 (NO.1 of 2014) and (Original Act 1984) So, 3 months back file transferred to your office from ACB according to the High court Order, but Still now I,Could not get any updates from your Department, so now Kidnly update the status of the Complaint from your office till the Chief Secretary Chamber & also issue the certified copy of the complaint status.

Advocate.

Sd/-
Ravichandregowda.N.R."

It is then on 27-02-2023 information is rendered to the petitioner by the following communication:

"ಈ ಮೂಲಕ ತಮಗೆ ಮಾಹಿತಿ ನೀಡುವುದೇನೆಂದರೆ, ತಾವು ಜಿಲ್ಲಾಧಿಕಾರಿ ರೋಹಿಣಿ ಸಿಂದೂರಿ ಮತ್ತು ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕೈಮಗ್ಗ ನಿಗಮ ರವರ ವಿರುದ್ಧ ನೀಡಿರುವ ದೂರು ಅರ್ಜಿಯ ಪ್ರಸ್ತುತ ಹಂತದ ಬಗ್ಗೆ ಮಾಹಿತಿ ನೀಡಲು ಕೋರಿ ದಿನಾಂಕ:24.02.2023 ರಂದು ನಮ್ಮ ಕಛೇರಿಗೆ ಪತ್ರ ವ್ಯವಹಾರ ಮಾಡಿರುತ್ತೀರಿ.

ತಾವು ನೀಡಿರುವ ದೂರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ/ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಅನುಮತಿ ಕೋರಿ ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಅನುಮತಿ ನೀಡಲು ಕೋರಿ ಪತ್ರ ವ್ಯವಹಾರ ಮಾಡಲಾಗಿದ್ದು, ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರವು ಸದರಿ ದೂರು ಅರ್ಜಿಯನ್ನು ವಿಚಾರಣೆ/ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಅನುಮತಿಯನ್ನು ನಿರಾಕರಿಸಿ ಆದೇಶ ಮಾಡಿರುತ್ತದೆ.

ಸದರಿ ಮಾಹಿತಿಗೆ ಸಂಬಂಧಿಸಿದ ದೃಢೀಕೃತ ಪ್ರತಿಯನ್ನು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರದಿಂದ ಪಡೆಯಬಹುದೆಂದು ಈ ಮೂಲಕ ತಮಗೆ ತಿಳಿಸಲಾಗಿದೆ."

The order dated 19-09-2022 declining to grant approval as obtaining under Section 17A of the Act is called in question by the petitioner in Writ Petition No.2805 of 2025. A coordinate Bench of this Court allows the petition by the following order dated 20-02-2025:

"…. …. ….

3. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner invited my attention to the impugned order dated 19.09.2022 passed by respondent No.2 under Section 17(A) of the Prevention of Corruption Act, 1988 in order to point out that the said order passed by respondent No.2 refusing to grant approval for conduct of enquiry/investigation for the offences alleged by the petitioner by passing impugned non-speaking, cryptic, laconic and unreasoned order without application of mind, which is contrary to the following judgment of the Apex Court and this Court .

- ***Yashwant Sinha v. Central Bureau of Investigation - (2020) 2 SCC 338.***
- ***Shreeroopa v. State of Karnataka - (2022) SCC OnLine Kar 1714.***
- ***Prakash Singh Badal v. State of Punjab- (2007) 1 SCC 1.***
- ***Inspector of Police v. Battenapatia Venkata Ratnam - (2015) 13 SCC 87.***
- ***Indra Devi v. State of Rajasthan - (2021) 8 SCC 768.***
- ***Shankara Bhat v State of Kerala and Ors - (2021) SCC OnLine Ker 16357.***

4. It is therefore submitted that the impugned order deserves to be set aside and the matter remitted back to respondent No.2 for re-consideration afresh in accordance with law.

5. Per contra, learned counsel for respondent No.3 and learned Additional State Public Prosecutor for respondent Nos.1 and 2, submit that there is no merit in the petition and the same is liable to be dismissed.

6. Before adverting to the rival contentions, it would be necessary to extract the impugned order/communication which reads as under:

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂಖ್ಯೆ:ಸಿ.ಅಸು.ಇ51ಎಸ್ಎಎಸ್2022 ಕರ್ನಾಟಕ ಸರ್ಕಾರ ಸಚಿವಾಲಯ
ಕೊಠಡಿ ಸಂಖ್ಯೆ.15 'ಬಿ' ವಿಧಾನ ಸೌಧ
ಬೆಂಗಳೂರು, ದಿನಾಂಕ 19.09.2022.

ಇಂದ:
ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ
ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.

ಇವರಿಗೆ:
ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರು
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ
ಅಂಬೇಡ್ಕರ್ ವೀಧಿ
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೆ,

ವಿಷಯ: ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ, ಅಡ್ವಕೇಟ್ & ಆಡಿಟರ್, ಚಾಮರಾಜಪುರಂ, ಮೈಸೂರು ಇವರು ಅಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಅಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹದಳ, ಮೈಸೂರು ಇಲ್ಲಿ ಸಲ್ಲಿಸಿರುವ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹದಳ ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಸಿಬಿ/ಕೇಂಕ/ಪೊ.ಠಾ/ಮೈ/ಎಸ್.ಪಿ. ಅರ್ಜಿ/70/2021, ದಿನಾಂಕ. 17.12.2021.

ಮೇಲಿನ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ (1)ರ ಪತ್ರದಲ್ಲಿ ಹಿಂದಿನ ಮೈಸೂರು ಜಿಲ್ಲಾಧಿಕಾರಿ ಹಾಗೂ ಹಿಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ, ಬೆಂಗಳೂರು ರವರ ವಿರುದ್ಧ ಮಾಡಲಾದ ಆರೋಪಗಳ ಕುರಿತು ಭ್ರಷ್ಟಾಚಾರ ಪ್ರತಿಬಂಧಕ ಕಾಯ್ದೆ, 1988ರ ಕಲಂ 17(ಎ)ರಡಿ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕೋರಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ನಿರಾಕರಿಸಿದೆ ಎಂದು ತಮಗೆ ತಿಳಿಸಲು ನಿರ್ದೇಶಿಸಲ್ಪಟ್ಟಿದ್ದೇನೆ.

ತಮ್ಮ ನಂಬುಗೆಯ
sd/-
(ಜೇಮ್ಸ್ ತರಕನ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ
ಇಲಾಖೆ ಸೇವೆಗಳು –1

7. As is clear from the impugned communication/order that the same is an absolutely cryptic, laconic, unreasoned and non-speaking order/communication without any application of mind whatsoever, as to why approval for the conduct of inquiry/enquiry/investigation was being declined/refused by respondent No.2. In other words, the impugned order being passed without assigning any reasons as to why the request of the petitioner to conduct inquiry/enquiry/investigation was declined and without referring to the contentions of the petitioner or material on record, I am of the considered opinion that the impugned non-speaking order passed without application of mind runs contrary to the principles laid down by the Apex Court and this Court in the aforesaid judgments warranting interference by this Court in the present petition.

8. In the result, I proceed to pass the following:

ORDER

(i) The petition is hereby allowed.

(ii) The impugned Communication/order dated 19.09.2022 bearing No.CSUI 51 SAS 2022 *vide* Annexure-A is hereby set aside.

(iii) Matter is remitted back to respondent No.2 for reconsideration afresh in accordance with law.

(iv) Respondent No.2 shall reconsider the matter afresh and pass appropriate orders in accordance with law within a period of one (1) month from the date of receipt of a copy of this order."

The coordinate bench, having examined the matter in its entirety, deemed it appropriate to remit the matter back to the hands of the Government with a clear mandate to reconsider the question and pass orders in accordance with law. It is this direction, that forms the very fulcrum upon which the present *lis* now rests. Pursuant to such remand, the Government has passed the impugned order, the substance of which reveals that upon consideration of the proposal, the Government has chosen, to once again decline the grant of approval under Section 17A of the Prevention of Corruption Act, 1988. **The reasoning, though expanded in form, remains fundamentally anchored on the earlier stance, now supplemented by reference to a departmental enquiry, that**

culminated in the exoneration of the concerned. The order impugned reads as follows:

"**ಪ್ರಸ್ತಾವನೆ**

ಮೇಲೆ ಓದಲಾದ (1)ರ ಪತ್ರದಲ್ಲಿ ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ, ಅಡ್ವೋಕೇಟ್ ಮತ್ತು ಆಡಿಟರ್, ಮೈಸೂರು ರವರು ಮೈಸೂರು ಜಿಲ್ಲಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿನ ನಗರ, ಗ್ರಾಮಾಂತರ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಮುಖಾಂತರ ಪರಿಸರ ಸ್ನೇಹಿ ಬಟ್ಟೆ ಬ್ಯಾಗ್‌ಗಳನ್ನು ಖರೀದಿಸುವ ಸಂಬಂಧ ಅಕ್ರಮ ನಡೆದಿದೆ ಎಂದು ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹ ದಳಕ್ಕೆ ನೀಡಿರುವ ದೂರಿನ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅಂದಿನ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮತ್ತು ಅಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ, ಬೆಂಗಳೂರು ರವರುಗಳ ವಿರುದ್ಧ ಭ್ರಷ್ಟಾಚಾರ ತಡೆ ಕಾಯ್ದೆ-1988 ಕಲಂ 17(A) ರಂತೆ ವಿಚಾರಣೆ/ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೂರ್ವಾನುಮತಿಯನ್ನು ನೀಡುವಂತೆ ಅಪರ ಪೊಲೀಸ್ ಮಹಾನಿರ್ದೇಶಕರು, ಭ್ರಷ್ಟಾಚಾರ ನಿಗ್ರಹದಳ ಇವರು ಕೋರಿರುತ್ತಾರೆ.

ಮೇಲ್ಕಂಡ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಪರಿಶೀಲಿಸಿ, ಮೇಲೆ ಓದಲಾದ (2)ರ ಸರ್ಕಾರದ ಪತ್ರದಲ್ಲಿ ಅಂದಿನ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮತ್ತು ಅಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ, ಬೆಂಗಳೂರು ಇವರುಗಳ ವಿರುದ್ಧ ಮಾಡಲಾದ ಆರೋಪಗಳ ಕುರಿತು ಭ್ರಷ್ಟಾಚಾರ ತಡೆ ಕಾಯ್ದೆ-1988 ಕಲಂ 17(A) ರಡಿ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕೋರಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ನಿರಾಕರಿಸಲಾಗಿರುತ್ತದೆ.

ಸದರಿ ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 51 ಸೆಅಸೆ 2022, ದಿನಾಂಕ: 19.09.2022ನ್ನು ರದ್ದುಪಡಿಸುವಂತೆ ಶ್ರೀ ಎನ್. ಆರ್ ರವಿಚಂದ್ರೆಗೌಡ ರವರು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 2805/2025 ರನ್ವಯ ಪ್ರಕರಣವನ್ನು ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ಮೇಲೆ ಓದಲಾದ (3)ರ ದಿನಾಂಕ: 20.02.2025 ರ ಆದೇಶದಲ್ಲಿ ರಿಟ್ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಿರುತ್ತದೆ ಹಾಗೂ ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಿಆಸುಇ 51 ಸೆಅಸೆ 2022, ದಿನಾಂಕ: 19.09.2022ನ್ನು ತಳ್ಳಿಹಾಕಿರುತ್ತದೆ ಮತ್ತು ಕಾನೂನಿನ ಪ್ರಕಾರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಮರುಪರಿಗಣಿಸುವಂತೆ ಮತ್ತು ಸೂಕ್ತ ಆದೇಶವನ್ನು ಹೊರಡಿಸುವಂತೆ ಆದೇಶಿಸಿರುತ್ತದೆ.

ಮೇಲೆ ಓದಲಾದ (4)ರಲ್ಲಿ ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ, ಅಡ್ವೋಕೇಟ್ ಮತ್ತು ಆಡಿಟರ್, ಮೈಸೂರು ಇವರು ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶ ದಿನಾಂಕ: 20.02.2025 ರಂತೆ ಕ್ರಮ ವಹಿಸುವಂತೆ ಕೋರಿ ಸರ್ಕಾರಕ್ಕೆ ಮನವಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಅದರಂತೆ, ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 2805/2025ರ ಪ್ರಕರಣದಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ನೀಡಿರುವ ಆದೇಶದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮೇಲೆ ಓದಲಾದ (1) ರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಮತ್ತೊಮ್ಮೆ ಪರಿಶೀಲಿಸಲಾಗಿ,

ಸದರಿ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ದೂರುದಾರರು ಮಾಡಿರುವ ಆರೋಪಗಳ ಕುರಿತು ಈಗಾಗಲೇ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಯವರ ವಿರುದ್ಧ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ಕೈಗೊಂಡು, ಮೇಲೆ ಓದಲಾದ (5)ರ ಸರ್ಕಾರದ ಆದೇಶದಲ್ಲಿ ಅಧಿಕಾರಿಯವರನ್ನು ದೋಷಮುಕ್ತಗೊಳಿಸಿ, ಇಲಾಖಾ ವಿಚಾರಣೆಯಿಂದ ಕೈಬಿಡಲಾಗಿರುತ್ತದೆ.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಶ್ರೀ ರವಿಚಂದ್ರೇಗೌಡ ರವರು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ : 2805/2025 ರ ಪ್ರಕರಣದಲ್ಲಿ ಪ್ರಶ್ನಿಸಿರುವ ಅಂಶ ಹಾಗೂ ಇಲಾಖಾ ವಿಚಾರಣೆಯ ಅಂಶಗಳು ಒಂದೆ ಆಗಿರುವುದರಿಂದ ಮತ್ತೊಮ್ಮೆ ಇದೇ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತರವರಿಗೆ ಭ್ರಷ್ಟಾಚಾರ ತಡೆ ಕಾಯ್ದೆ-1988, ಕಲಂ 17(A) ರಡಿ ತನಿಖೆ / ವಿಚಾರಣೆ ಕೈಗೊಳ್ಳಲು ಸರ್ಕಾರದ ಪೂರ್ವಾನುಮತಿಯನ್ನು ನೀಡುವುದು ಸಮಾಂಜಸವಾಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ

ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ಸಿಆಸುಇ 51 ಸೆಆಸೆ 2022,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ 26.05.2025.

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಅಂದಿನ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಮೈಸೂರು ಜಿಲ್ಲೆ ಮತ್ತು ಅಂದಿನ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು, ಕರ್ನಾಟಕ ಕೈಮಗ್ಗ ಅಭಿವೃದ್ಧಿ ನಿಗಮ, ಬೆಂಗಳೂರು ಇವರುಗಳ ವಿರುದ್ಧ ಮಾಡಲಾದ ಆರೋಪಗಳ ಕುರಿತು ಭ್ರಷ್ಟಾಚಾರ ತಡೆ ಕಾಯ್ದೆ-1988 ಕಲಂ 17(A) ರಡಿ ತನಿಖೆ ಕೈಗೊಳ್ಳಲು ಪೂರ್ವಾನುಮತಿಯನ್ನು ಕೋರಿರುವ ಪ್ರಸ್ತಾವನೆಯನ್ನು ನಿರಾಕರಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆಜ್ಞಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ
ಸಹಿ/-
(ಟಿ.ಮಹಂತೇಶ್)
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಸಿಬ್ಬಂದಿ ಮತ್ತು ಆಡಳಿತ ಸುಧಾರಣೆ ಇಲಾಖೆ
(ಸೇವೆಗಳು-1)"

The impugned order draws sustenance from a Government Order dated 11-04-2025. The Government order is affirming the findings of the Enquiry Officer who had exonerated the said officer from the

allegations in the departmental enquiry. The conclusion of the Enquiry Officer, is as follows:

> "**SUMMARY OF FINDINGS AND CONCLUSION:**
>
> As discussed above, broadly the Charges made against the officer are that the CO has acted without authority in approving action plans to purchase cloth bags and that the CO has violated Zonal regulations (Amendment),2020 heritage conservation rules.
>
> From the available statues, rules, GOs, the statements recorded, and documents marked these charges do not stand independently on their own for the following reasons:
>
> - The Karnataka Municipalities act, 1964, u/s 307 specifically empowers the DC to direct expenditure by Municipalities
> - The delegation of powers as per the GO No UDD MNE 2015 dated 11.11.2016 in fact designate the DC as tender approving authority.
> - The KTPP act u/s 4(h) gives express exemption to Karnataka Handloom Development Corporation and the same organization has been supplying uniforms and other stitched cloth to various govt organizations over the years.
> - The Zonal Regulations (Amendment), 2020 under Regulation 2, specifically mention that the State Government must constitute the Heritage Conservation Committee
> - There is no saving clause in these rules which enables the earlier heritage structures to continue, and the rules delineate the process for notifying heritage structures de-novo.

- On examination of 16 witnesses and marking of 54 documents, no incriminating evidence has been recorded in the Present Enquiry against the Charged officer.

The Presenting Officer has failed to prove that the Charged Officer is guilty of the Charges as alleged. Therefore, in the light of all the above, I am of the opinion that the evidence collected during the course of this enquiry and the material brought on record through the documents examined and the statements of the witnesses examined does not substantiate any of these seven charges framed against the Charged Officer. **I therefore conclusively hold that the Charge Nos.1, 2, 3, 4, 5, 6 and 7 are not proved**.

Before parting with this report, in keeping with my conscience as an experienced judicial officer, I would like to draw the attention of the Government to the fact that bonafide actions of the Government officials like the Charged Officer need to be protected in public interest, and that subjecting of government officials to the rigours and rigmarole of Departmental Enquiries for the asking, would diminish the morale of such officials to undertake such initiatives and thereby would irreparably erode public faith and trust in the executive.

Public-spirited and action-oriented officers are the backbone of effective governance and societal progress. These individuals often go above and beyond their duties, making tough decisions to serve the public good and uphold justice. Their work, driven by integrity and dedication, ensures that the principles of fairness, transparency, and accountability are maintained within administrative systems. However, when such officers are targeted for political vengeance, it not only undermines their morale but also disrupts the functioning of institutions.

Political retaliation against officers who prioritize the public's welfare over political interests sets a wrong precedent. It discourages value-based officers from discharging their official duties by taking right decisions at the right time for the right cause, effectively to protect the larger interest of the general public.

Proactive public servants committed to the public good are essential for effective governance. They often take risks to serve the public interest and uphold justice. However, when they are targeted for political reasons, it creates a climate of fear and discourages others from taking bold action.

This kind of political retaliation is detrimental to our democracy. It erodes public trust, hampers development, and obstructs justice. Instead of punishing honest and dedicated officers, we should protect them and encourage them to continue their important work. By safeguarding these individuals, we can strengthen our institutions and inspire future generations of public servants to prioritize the nation's welfare over personal or political gain.

In a democratic society, integrity and dedication must be celebrated, not punished. By safeguarding such officers from political vendettas, we strengthen the fabric of our institutions and inspire a generation of administrators who prioritize the nation's welfare over personal or political gains. Ensuring their protection is vital for long-term progress and justice

Sd/-
Dr. A. Gurumurthy
District and Sessions Judge (Retd.)
Enquiry Officer."

Since the order dated 11-04-2025 confirms the afore-quoted findings of the Enquiry Officer, it assumes certain significance and warrants closer scrutiny. The order reads as follows:

"Preamble:

Based on the Preliminary Enquiry Report read at (1) above submitted by Dr G. Ravishankar, IAS it was decided to initiate disciplinary action against Smt. Rohini Sindhuri Dasari, IAS, while working as Deputy Commissioner, Mysuru Dist, Mysuru for alleged irregularities in the procurement of eco-friendly cloth bags and undertaking construction of swimming

pool and installation of vitrified tiles in the official residence of Deputy Commissioner which is the heritage building. Accordingly, notice under rule 6(1) of the All India Services (Death-cum- Retirement Benefits) Rules, 1958 read with Rule 8 of the All India Services (Discipline and Appeal) Rules, 1969 along with Article of Charges and the Statement of Imputations of misconduct in support of the Article of Charges (Annexure - I to IV) with supporting documents was issued vide notice dated 24.02.2023 read at (2) above to Smt. Rohini Sindhuri Dasari, IAS.

Smt. Rohini Sindhuri Dasari, IAS in the letter dated 04.05.2023 read at (3) above submitted her written statement of defence to the notice dated 24.02.2023 and has denied charges made against her and has requested to exonerate all the charges levelled against her.

The State Government had examined the reply submitted by Smt. Rohini Sindhuri Dasari, IAS. As the reply submitted by the officer was unsatisfactory, it was decided to inquire into the charges levelled against the officer and vide Government order dated:09.06.2023 read at (4) above Sri Yogendra Tripathi, IAS (Retd) was appointed as Inquiry Officer and Sri Ujjwal Kumar Ghosh, IAS was appointed as Presenting Officer under Rule 8(2) & 8(6)(c) of All India Services (Discipline and Appeal) Rules, 1969.

In the Government Order read at (6) above Dr. A.Gurumurthy, District and Sessions Judge (Retd.) was appointed as Inquiry officer in place of Sri Yogendra Tripathi, IAS (Retd.) and Sri S.B.Shettennavar, IAS, Managing Director, Hutti Gold Mines Company Limited, Bengaluru was appointed as Presenting Officer in place of Sri Ujjwal Kumar Ghosh, IAS.

The Inquiry Officer submitted the Inquiry report on 25.11.2024 read at (7) above and held that all the charges (Charge 1 to 7) are not proved. The same was examined and accepted by the Government.

Meanwhile Sri S.R Mahesh filed a Writ Petition No. 25133/2024 before the Hon'ble High of Karnataka praying to quash the proceedings/order No. DPAR 218 SAS 2022 dated

11.07.2024 and to appoint any Retired High Court Judge as Inquiry Officer in the above departmental enquiry.

The Hon'ble High Court in its order dated: 19.12.2024 read at (8) above disposed the Writ Petition stating as below:

> "….5. The enquiry having been completed and the report submitted to the State Government/Disciplinary Authority, at this stage, the validity of changing the Enquiry officer cannot be gone into.
>
> 6. Therefore, it is expedient to dispose of the petition reserving liberty to the petitioner to submit the objections with the State Government/Disciplinary Authority.
>
> 7. If such objections are filed, the State Government/Disciplinary Authority is to consider the same before passing the order either accepting or rejecting the report, in accordance with law. The said objections, if any, are to be filed within a week from the date of receipt of certified copy of this order...."

In view of the Hon'ble High Court order, Sri S. R Mahesh filed objections read at (9) above and the same was examined. Further, it was decided to the drop the disciplinary proceedings and close the matter with an administrative warning to the officer. Hence, the following orders.

GOVERNMENT ORDER No. DPAR 218 SAS 2022, BENGALURU, DATED: 11 April, 2025.

In the circumstances detailed in the preamble, Smt. Rohini Sindhuri Dasari, IAS is exonerated of all the charges levelled against her vide notice dated 24.02.2023, and the departmental inquiry is hereby closed with an administrative warning given to the officer in this regard.

By order and in the name of the
Governor of Karnataka

Sd/-11/4/2025
(T.Mahanthesh)
Under Secretary to Government
DPAR (Services-1)"

A careful perusal at the said order discloses that on the very same set of allegations, disciplinary proceedings were initiated against the officer, under the All India Services (Discipline and Appeal) Rules, 1969. Articles of charges were framed, a reply was submitted in denial, and upon the reply being found unsatisfactory, an Enquiry Officer was appointed to delve into the allegation. The enquiry culminated in a report holding that the charges were not proved. The finding thereafter accepted by the Government results in closure of the proceedings, *albeit*, accompanied by an administrative warning. The Enquiry Officer goes beyond his brief. If he had stopped at finding the charges proved or not proved, it would have been within what brief was entrusted to him. He would observe that the officer is action oriented, value based and it is the opinion of the Enquiry Officer that dedicated officers must be protected and encouraged to continue their important work. This is the foundational thought of the Enquiry Officer, which perhaps has

resulted in closure of the departmental enquiry itself. Be that as it may.

9. **The pivotal question that thus arises for consideration is, whether such exoneration in a departmental proceeding can legitimately constitute a foundation for refusal of approval under Section 17A of the Act? The factual canvas is neither complex nor obscure**. The genesis of the complaint lies in an alleged decision that resulted in substantial loss to the State exchequer, **a consequence attributed not of inadvertence, but of a conscious exercise or a decision taken by the Official Authority.** The decisions are quoted hereinabove. If the allegation pertains to a decision taken in the discharge of official functions, it would indubitably fall within the ambit of Section 17A. Notably, the request for approval was made as early as the year 2021, long before the initiation of the departmental enquiry itself, which commenced only on 24-02-2023 and concluded on 11-04-2025. In the present context, it is neither necessary nor desirable to traverse the minutiae of the departmental enquiry.

10. It would suffice to observe that the close of such proceedings cannot, in law, operate as a protective shield, insulating the officer from even the threshold scrutiny of criminal investigation, the threshold scrutiny being an approval under Section 17A of the Act and the consequent registration of the crime, for the purpose of inquiry, enquiry or investigation. **To hold otherwise, would be to conflate two distinct legal regimes - crime and a departmental enquiry, each governed by its own objectives, standards, and evidentiary thresholds. The complaint registered was neither vague or speculative. It did set out, with clarity and documentary support, allegation that prima facie discloses abuse of the office and consequential financial loss to the state. If such material does not even warrant the grant of approval to initiate investigation under Section 17A, this Court is constrained to ponder what would. The statutory safeguard under Section 17A is not intended to stifle legitimate inquiry into serious allegations of corruption, it is designed to prevent frivolous harassment not to foreclose accountability.**

11. The coordinate Bench of this Court, in the judgment quoted *supra*, has clearly held that the order should bear application of mind answering every contention in the complaint. **If the earlier order that formed the subject matter of writ petition is juxtaposed with the order that forms the subject matter of the present petition, it is verbatim similar to the earlier order, except the statement that the Officer has been exonerated in a departmental enquiry. If any officer is exonerated in a departmental enquiry, it is no law that even the crime cannot be registered.**

12. Jurisprudence with regard to this issue is replete with the latest judgment of the Apex Court in the case of **KARNATAKA LOKAYUKTHA BAGALKOTE DISTRICT, BAGALKOT v. CHANDRASHEKAR**[1] wherein the Apex Court has held as follows:

"…. …. ….

> **6.** In *Radheshyam Kejriwal*, the raid on the premises of the appellant therein, by the Enforcement Directorate gave rise to proceedings under the Foreign Exchange Regulation Act, 1973. Initially, a show-cause notice was issued by the Director of the Enforcement Directorate proposing adjudication

[1] **2026 SCC OnLine SC 13**

proceedings under Section 51 of the FERA, which, after explanation received was concluded with a decision taken by the Adjudicating Officer that the contravention of the provisions alleged cannot be sustained since the transaction itself is not proved. The said order became final for reason of the Enforcement Directorate having not challenged it. Later, on the same set of facts, as enabled under Section 56 of the FERA criminal proceedings were initiated, which even as per the enactment could be continued without any prejudice to any award of penalty by the Adjudicating Officer under Section 51 of the FERA. It is in this context that the three-Judge Bench, by a majority, held *inter alia* that though the adjudication and criminal proceedings are independent of each other, if in the former the offender is exonerated on merits then the criminal prosecution also comes to an inevitable end. It was also categorically found that if the exoneration in the adjudication proceeding is on a technical ground and not on merits, the prosecution could continue.

7. In *Radheshyam Kejriwal* the adjudication proceedings and the criminal proceedings were under the FERA, one for penalty; to recoup the economic loss caused by the transaction contravening the provisions of the statute and the other, prosecution; to provide penal consequences as a deterrent measure. The subject matter of the offence alleged in both proceedings was the contravention of the provisions of the statute through the transaction detected. When the adjudication proceedings found the transaction alleged to have not taken place, then it cuts at the root of the prosecution too. Other decisions under the FERA, where the two proceedings of adjudication and prosecution were found to be independent; the decision in one having no bearing on the other, were noticed. So were the decisions under the Income Tax Act, 1961 noticed, wherein, when the penalty imposed on a presumed violation of the provisions of the I.T. Act was set aside by the Tribunal; the last fact-finding authority under the scheme of the I.T. Act, for that reason alone the prosecution was found redundant and quashed. *Radheshyam Kejriwal* culled out the principles in the following manner:

> ***38.*** *The ratio which can be culled out from these decisions can broadly be stated as follows:*

(i) Adjudication proceedings and criminal prosecution can be launched simultaneously;

(ii) Decision in adjudication proceedings is not necessary before initiating criminal prosecution;

(iii) Adjudication proceedings and criminal proceedings are independent in nature to each other;

(iv) The finding against the person facing prosecution in the adjudication proceedings is not binding on the proceeding for criminal prosecution;

(v) Adjudication proceedings by the Enforcement Directorate is not prosecution by a competent court of law to attract the provisions of Article 20(2) of the Constitution or Section 300 of the Code of Criminal Procedure;

(vi) The finding in the adjudication proceedings in favour of the person facing trial for identical violation will depend upon the nature of finding. If the exoneration in adjudication proceedings is on technical ground and not on merit, prosecution may continue; and

(vii) In case of exoneration, however, on merits where the allegation is found to be not sustainable at all and the person held innocent, criminal prosecution on the same set of facts and circumstances cannot be allowed to continue, the underlying principle being the higher standard of proof in criminal cases.

***39.** In our opinion, therefore, the yardstick would be to judge as to whether the allegation in the adjudication proceedings as well as the proceeding for prosecution is identical and the exoneration of the person concerned in the adjudication proceedings is on merits. In case it is found on merit that there is no contravention of the provisions of the Act in the adjudication proceedings, the trial of the person concerned shall be an abuse of the process of the court.*

[*underlining by us for emphasis*]

8. In *Radheshyam Kejriwal* the very substratum of the allegation of violation of the provisions of FERA was found to be non-existent, an adjudication on merits that the transaction

alleged had not occurred. In the instant case the Enquiry Report found that for reason of the Officer in charge of the trap having not been examined, the department was unable to establish the charge, not at all an exoneration on merits, but more a discharge for lack of diligence. The *ratio decidendi* of that case cannot be extended to every situation where a statute provides for a civil liability and a criminal liability, in which event Courts would be presuming what logically follows from the finding, without any application on the facts.

9. In a disciplinary enquiry the employer satisfies itself as to whether the misconduct alleged is proved and if proved, decides on the proportionate punishment that should be imposed; both of which are in the exclusive domain of the employer, to be determined on the standard of preponderance of probabilities. In a criminal prosecution launched what assumes significance is the criminality of the act complained of or detected which has to be proved beyond reasonable doubt. Both are independent of each other not only for reason of the nature of the proceedings and the standard of proof, but also for reason of the adjudication being carried on by two different entities, regulated by a different set of rules and more importantly decided on the basis of the evidence led in the independent proceedings. If evidence is not led properly in one case, it cannot govern the decision in the other case where evidence is led separately and independently.

10. No doubt, the principles in *Radheshyam Kejriwal* are applicable in a disciplinary inquiry, which was the specific question considered in *Ajay Kumar Tyagi*; interestingly by the very same Hon'ble Judge who authored the majority judgment in *Radheshyam Kejriwal*. True, the earlier decision was not noticed in the latter decision; according to us with just cause since there were distinctions on facts.

11. *Ajay Kumar Tyagi* was a case in which a successful trap was laid and there was exoneration in the enquiry conducted without a final order by the Disciplinary Authority. Therein the Disciplinary Authority had not passed an order, in deference to the pending criminal prosecution, which action of deferment was unsuccessfully challenged in a writ petition by the delinquent. Then a further writ petition was filed challenging the continuance of the criminal prosecution on the ground of

exoneration in the Enquiry Report, which stood allowed. The Disciplinary Authority then passed an order exonerating the delinquent, subject to a challenge to the quashing of the criminal proceedings. In the SLP filed against the order of quashing there was a reference to a larger Bench noting the divergence of opinion with regard to the quashing of a prosecution based on exoneration in a disciplinary proceeding. Even before answering the reference the larger Bench found the quashing to be wrong insofar as the Disciplinary Authority having power to differ from the findings in the report of enquiry and the High Court, in that case having upheld the action of the Disciplinary Authority, keeping in abeyance the final order. We pause here to notice that herein the Disciplinary Authority passed an order concurring with the findings in the Enquiry Report on 08.07.2024, produced as Annexure R-1, with a rider that the order is subject to the proceedings in the criminal case, the consequences of which would necessarily follow.

12. The reference too was answered in *Ajay Kumar Tyagi*. A two-Judge Bench decision of this Court in *P.S. Rajya* v. *State of Bihar* was referred to wherein the criminal prosecution was quashed when the departmental proceedings concluded in exoneration. In *P.S. Rajya*, the allegation was of possession of assets disproportionate to the source of income. The Central Vigilance Commission dealt with the charge and in its elaborate report concluded that the valuation report on which CBI placed reliance is of doubtful nature. The Court on facts found that the value given as a base for the chargesheet was not the value given in the reports subsequently given by the valuers. The decision in *P.S. Rajya* relying on *State of Haryana* v. *Bhajan Lal*; the water shed decision in invocation of the inherent powers under Section 482 of the Criminal Procedure Code, 1973 for quashing criminal prosecution, held that the prosecution in that case should be quashed for more than one reason as laid down in *Bhajan Lal*. *Ajay Kumar Tyagi* categorically held that the quashing of criminal proceedings in *P.S. Rajya* was not merely on account of the exoneration in the disciplinary proceedings. Referring to a number of decisions, it was held so in paragraphs 24 & 25 which are extracted hereunder:

> ***"24.*** *Therefore, in our opinion, the High Court quashed the prosecution on total misreading of the judgment in* P.S. Rajya case *(1996) 9 SCC 1. In fact,*

> *there are precedents, to which we have referred to above, that speak eloquently a contrary view i.e. exoneration in departmental proceeding ipso facto would not lead to exoneration or acquittal in a criminal case. On principle also, this view commends us. It is well settled that the standard of proof in a department proceeding is lower than that of criminal prosecution. It is equally well settled that the departmental proceeding or for that matter criminal cases have to be decided only on the basis of evidence adduced therein. Truthfulness of the evidence in the criminal case can be judged only after the evidence is adduced therein and the criminal case cannot be rejected on the basis of the evidence in the departmental proceeding or the report of the inquiry officer based on those evidence.*
>
> *25. We are, therefore, of the opinion that the exoneration in the departmental proceeding ipso facto would not result in the quashing of the criminal prosecution. We hasten to add, however, that if the prosecution against an accused is solely based on a finding in a proceeding and that finding is set aside by the superior authority in the hierarchy, the very foundation goes and the prosecution may be quashed. But that principle will not apply in the case of the departmental proceeding as the criminal trial and the departmental proceeding are held by two different entities. Further, they are not in the same hierarchy."*

13. We are of the opinion that in the present case the distinction as brought out in *Ajay Kumar Tyagi* squarely applies and the *ratio decidendi* therein is not regulated by the ratio of the earlier judgment in *Radheshyam Kejriwal*. In *Radheshyam Kejriwal*, the adjudication proceedings and the prosecution were both by the very same entity, the Enforcement Directorate under the FERA. In *Ajay Kumar Tyagi*, the allegation was of a demand and acceptance of bribe in which a trap was laid, and the prosecution was commenced and continued by the ACB while the departmental proceedings were by the Delhi Jal Board under which the delinquent employee worked. Identical is the fact in this case where the ACB laid the trap, commenced and continued the criminal proceedings, at the behest of the appellant, while the department carried on with the enquiry. The findings in

the enquiry report also do not persuade us to quash the criminal proceedings as we would presently notice.

14. At the outset, we cannot but reiterate that the enquiry report in disciplinary proceedings is not conclusive of the guilt or otherwise of the delinquent employee, which finding is in the exclusive domain of the disciplinary authority. The enquiry officer is appointed only as a convenient measure to bring on record the allegations against the delinquent employee and the proof thereof and to ensure an opportunity to the delinquent employee to contest and defend the same by cross-examination of the witnesses proffered by the department and even production of further evidence, in defense. The enquiry officer, strictly speaking, merely records the evidence and the finding entered on the basis of the evidence led at the enquiry does not have any bearing on the final decision of the disciplinary authority. The disciplinary authority takes the ultimate call as to whether to concur with the findings of the enquiry authority or to differ therefrom. On a decision being taken to differ from the findings in the enquiry report as to the guilt of the delinquent employee, if it is in favour of the delinquent employee nothing more needs to be done since the enquiry stands closed exonerating the employee of the charges levelled. If the decision is to concur with the finding of guilt by the Enquiry Officer, then a show-cause is issued with the copy of the Enquiry Report. However, while differing from the finding of exoneration in the enquiry report, necessarily the disciplinary authority will not only have to issue a show-cause against the delinquent employee, with a copy of the Enquiry Report, but the show-cause notice also has to specifically bring to attention of the delinquent, the aspects on which the disciplinary authority proposes to differ, based on the facts discovered in the enquiry so as to afford the delinquent employee an opportunity to proffer his defense to the same.

15. Having thus stated the law regulating the final decision in a departmental enquiry, we cannot but notice that in the present case, there is a final order produced as passed by the Disciplinary Authority. The learned

Counsel for the respondent vehemently argued that a retired District Judge was the Enquiry Officer, which according to us gives the enquiry no higher sanctity than that would be conferred on any enquiry report in any disciplinary proceeding carried out by a person not trained in law. The Enquiry Officer often is appointed as an independent person who would have no connection with the management to ensure against any allegation of bias. A retired judicial officer being appointed as an enquiry officer does not confer the enquiry report any higher value or greater sanctity than that is normally available to such reports. We cannot but observe that in this case the Enquiry Officer fell into an error by requiring proof at a higher level than that necessary under preponderance of probabilities and so did the Disciplinary Authority, in concurring with the same.

16. We also notice the specific findings in the enquiry report. The exoneration was on the basis of two aspects, one, the Inspector of the ACB who carried out the trap having not been examined and the other, two independent witnesses accompanying the trap team having stated that they were standing outside the office room wherein the handing over of the bribe took place. The first ground of the Inspector not having been examined, according to us, based on the preponderance of probabilities, is not imperative, especially when the two independent witnesses were examined. More so, insofar as the department not being at fault since three summons were taken out and a further request was made again for summoning the witness, which was declined by the Enquiry Officer. We cannot but notice that there would be no consequence in not responding to a summons in departmental proceedings, while a like failure in criminal proceedings would be more drastic. The criminal court has ample powers to ensure the presence of a witness in a criminal proceeding, which the Enquiry Officer does not possess. In this context, the fact that the prosecuting agency and the one carrying on the departmental enquiry being two entities assumes significance. Further, here the trap was laid by the ACB, and the prosecution was conducted at the behest of the Lokayukta, and we cannot presume or anticipate any laxity on the prosecuting agency of not bringing the Inspector to the box, before the criminal court.

More pertinently we cannot, on such anticipated laxity put an end to the prosecution.

17. We looked at the evidence laid at the enquiry, not to regulate the order in the departmental proceedings which is not challenged before us, but to satisfy ourselves and to understand whether there is total exoneration on merits, which we find to be absent. In the present case, the witnesses proffered by the department where, (i) the complainant; the contractor who complained of the demand of bribe and (ii) two independent witnesses, government officers in two different departments who accompanied the trap team. PW-1, the complainant categorically stated that a bribe was demanded from him of Rupees ten thousand to clear five bills at the rate of Rupees two thousand each. He complained to the ACB whose Inspector marked the notes, powdered them and put them in a packet, after noting down the numbers to later identify them. The trap team along with the complainant and two witnesses went to the office of the delinquent employee. The complainant went inside the office room wherein he handed over the packet containing the money to the delinquent employee, who counted and put it in his pant's pocket, clearly spoken of by the complainant at the enquiry. The complainant gave the signal as agreed upon, a missed call on the mobile, when the trap team went in, checked the pockets of the delinquent employee, recovered the packet with the money and when the hands of the delinquent employee were dipped in the solution earlier prepared, the colour changed bringing forth the taint.

18. PW-2 and PW-3 were the independent witnesses who were standing outside the office room when the complainant went in. They deposed that on the signal being given, the officers went inside the room and the witnesses followed. They witnessed the money being taken out from the pocket of the delinquent and the delinquent's hands being dipped in a solution which displayed the tainted colour. Even without the examination of the Inspector who laid the trap we are of the opinion that there was sufficient proof on the standard of preponderance of probabilities to find the delinquent guilty of the charge of demand and acceptance of bribe. The complainant and the independent witnesses have spoken about the incident of the successful trap laid.

> **19. On the principles of law as stated hereinabove and also on the peculiar facts coming out from the above case, we are not convinced that this is a fit case where the criminal proceedings can be quashed on the exoneration of the delinquent employee in a departmental enquiry. We find the decision in *Ajay Kumar Tyagi* to be squarely applicable. The appeal stands allowed permitting the continuation of criminal proceedings. We make it clear that since the disciplinary authority has accepted the enquiry report, there cannot be reopening of the same based on the findings hereinabove; but a conviction in the criminal case would bring in consequences as mandated by rules regulating the service, specifically reserved in the order of the disciplinary authority, Annexure R-1."**
>
> (Emphasis supplied)

In the light of the aforesaid judgment of the Apex Court, any amount of defence projected by the State in its application by way of statement of objections would be of no avail.

13. **The controversy, that arises for consideration in the present *lis*, is one that strikes at the very heart of public probity. It concerns allegations of corruption and consequent loss to the State exchequer. What is projected is not a mere administrative lapse, but a decision whose ramifications allegedly extend to grave financial detriment to public funds. A cloth bag available in the open market at a**

modest price of ₹13 per unit is sought to be procured at an inflated rate of ₹52 per bag, pursuant to a decision attributed to the Deputy Commissioner. Compounding the gravity of the matter, is the allegation that funds earmarked for welfare schemes intended to benefit the economically vulnerable sections within the Grama Panchayath, were diverted to this procurement, thereby inflicting substantial loss upon the public treasury. Such a decision, by its very nature and consequence, cannot be placed beyond the pale of scrutiny under the Provisions in the Prevention of Corruption Act, 1988. The approval sought under Section 17A, pertains to a case where which, at least prima facie discloses elements of corruption. In such circumstances, it becomes imperative for this Court to advert to the judgment of the Apex Court, which illuminate the manner in which allegations of corruption are to be approached and adjudicated. In a public interest litigation, the Apex Court notices various of its decisions in **CENTRE FOR PUBLIC INTEREST LITIGATION v. UNION INDIA**[2] and holds as follows:-

---

[2] **2026 SCC OnLine SC 57**

"…. …. ….

7.1. In the case of *Sheonandan Paswan* v. *State of Bihar* (1987) 1 SCC 288 ("*Sheonandan Paswan*"), E.S. Venkataramiah, J. (as the learned Chief Justice of India then was) in the majority opinion, deciding on the correctness of an order of the Magistrate Court allowing for the withdrawal of prosecution in a case relating to allegations of corruption, noted the need to balance probity in public life by convicting corrupt public servants on one hand with a measured approach that ensures only genuine cases lead to a conviction on the other, by observing that:

> **"37. … Corruption, particularly at high places should be put down with a heavy hand. But our passion to do so should not overtake reason. The court always acts on the material before it and if it finds that the material is not sufficient to connect the accused with the crime, it has to discharge or acquit him, as the case may be, notwithstanding the fact that the crime complained of is a grave one. …"**

7.2. In the case of *State of Haryana* v. *Bhajan Lal*, 1992 Supp 1 SCC 335 ("*Bhajan Lal*"), which laid down the now-familiar seven-prong indicative test as to when the powers under Article 226 of the Constitution or Section 482 of the Code of Criminal Procedure, 1973 ("CrPC") could be exercised to quash a criminal proceeding, Ratnavel Pandian, J. rightly observed that:

> "4. Everyone whether individually or collectively is unquestionably under the supremacy of the law. Whoever he may be, however high he is, he is under the law. No matter how powerful he is, or how rich he may be.
>
> xxx
>
> 9. Mere rhetorical preaching of apostolic sermons listing out the evils of corruption and raising slogans with catch words are of no use in the absence of practical and effective steps to eradicate them; because evil tolerated is evil propagated.

10. At the same time, one should also be alive to cases where false and frivolous accusations of corruption are maliciously made against an adversary exposing him to social ridicule and obloquy with an ulterior motive of wreaking vengeance due to past animosity or personal pique or merely out of spite regardless of the fact whether the proceedings will ultimately culminate into conviction or not.

7.3. In *Vineet Narain*, this Court held that:

"56. The adverse impact of lack of probity in public life leading to a high degree of corruption is manifold. It also has adverse effect on foreign investment and funding from the International Monetary Fund and the World Bank who have warned that future aid to under-developed countries may be subject to the requisite steps being taken to eradicate corruption, which prevents international aid from reaching those for whom it is meant. **Increasing corruption has led to investigative journalism which is of value to a free society. The need to highlight corruption in public life through the medium of public interest litigation invoking judicial review may be frequent in India but is not unknown in other countries: *R* v. *Secretary of State for Foreign and Commonwealth Affairs*.**

57. Of course, the necessity of desirable procedures evolved by court rules to ensure that such a litigation is properly conducted and confined only to mattes of public interest is obvious. This is the effort made in these proceedings for the enforcement of fundamental rights guaranteed in the Constitution in exercise of powers conferred on this Court for doing complete justice in a cause. It cannot be doubted that there is a serious human rights aspect involved in such a proceeding because the prevailing corruption in public life, if permitted to continue unchecked, has ultimately the deleterious effect of eroding the Indian polity."

(underlining by me)

7.4. In the case of *J. Jayalalitha* v. *Union of India*, (1999) 5 SCC 138 ("*Jayalalitha*"), Nanavati, J. when discussing the purpose behind the enactment of the Act held as under:

> **"15. Corruption corrodes the moral fabric of the society and corruption by public servants not only leads to corrosion of the moral fabric of the society but is also harmful to the national economy and national interest, as the persons occupying high posts in the Government by misusing their power due to corruption can cause considerable damage to the national economy, national interest and image of the country."**

7.5. Further, Sethi, J. in *State of M.P* v. *Ram Singh*, (2000) 5 SCC 88 ("*Ram Singh*"), observed as under:

> **"8. Corruption in a civilised society is a disease like cancer, which if not detected in time is sure to maliganise the polity of country leading to disastrous consequences. It is termed as a plague which is not only contagious but if not controlled spreads like a fire in a jungle. Its virus is compared with HIV leading to AIDS, being incurable. It has also been termed as royal thievery.** The socio-political system exposed to such a dreaded communicable disease is likely to crumble under its own weight. Corruption is opposed to democracy and social order, being not only anti-people, but aimed and targeted against them. It affects the economy and destroys the cultural heritage. Unless nipped in the bud at the earliest, it is likely to cause turbulence shaking of the socio-economic-political system in an otherwise healthy, wealthy, effective and vibrating society."

7.6. In the case of *K.C. Sareen* v. *CBI*, (2001) 6 SCC 584, this Court speaking through K.T Thomas, J. remarked on the possibility of a public servant who has been convicted of corruption continuing to hold office during the pendency of an appeal against the conviction, by stating that:

> **"12. Corruption by public servants has now reached a monstrous dimension in India. Its tentacles have started grappling even the**

institutions created for the protection of the republic. Unless those tentacles are intercepted and impeded from gripping the normal and orderly functioning of the public offices, through strong legislative, executive as well as judicial exercises the corrupt public servants could even paralyse the functioning of such institutions and thereby hinder the democratic polity. Proliferation of corrupt public servants could garner momentum to cripple the social order if such men are allowed to continue to manage and operate public institutions. When a public servant was found guilty of corruption after a judicial adjudicatory process conducted by a court of law, judiciousness demands that he should be treated as corrupt until he is exonerated by a superior court. The mere fact that an appellate or revisional forum has decided to entertain his challenge and to go into the issues and findings made against such public servants once again should not even temporarily absolve him from such findings. If such a public servant becomes entitled to hold public office and to continue to do official acts until he is judicially absolved from such findings by reason of suspension of the order of conviction it is public interest which suffers and sometimes even irreparably. When a public servant who is convicted of corruption is allowed to continue to hold public office it would impair the morale of the other persons manning such office, and consequently that would erode the already shrunk confidence of the people in such public institutions besides demoralising the other honest public servants who would either be the colleagues or subordinates of the convicted person. If honest public servants are compelled to take orders from proclaimed corrupt officers on account of the suspension of the conviction the fall out would be one of shaking the system itself. Hence it is necessary that the court should not aid the public servant who stands convicted for corruption charges to hold only public office until he is exonerated after conducting a judicial adjudication at the appellate or revisional level. It is a different matter if a corrupt public officer could continue to hold such public office even without the help of a court order suspending the conviction."

7.7. In the case of *State of M.P.* v. *Shambhu Dayal Nagar*, (2006) 8 SCC 693 ("*Shambhu Dayal Nagar*"), Dalveer Bhandari, J. noted that:

> "32. It is difficult to accept the prayer of the respondent that a lenient view be taken in this case. The corruption by public servants has become a gigantic problem. It has spread everywhere. No facet of public activity has been left unaffected by the stink of corruption. It has deep and pervasive impact on the functioning of the entire country. Large scale corruption retards the national building activities and everyone has to suffer on that count. As has been aptly observed in *Swatantar Singh* v. *State of Haryana*, **corruption is corroding like cancerous lymph nodes, the vital veins of the body politics, social fabric of efficiency in the public service and demoralizing the honest officers. The efficiency in public service would improve only when the public servant devotes his sincere attention and does the duty diligently, truthfully, honestly and devotes himself assiduously to the performance of the duties of his post. The reputation of corrupt would gather thick and unchaseable clouds around the conduct of the officer and gain notoriety much faster than the smoke."**

7.8. This Court, speaking through Dr. B.S. Chauhan, J. in *State of Maharashtra* v. *Balakrishna DattatryaKumbhar*, (2012) 12 SCC 384 ("*Kumbhar*"), wherein the suspension of the conviction of the respondent therein for offences under the Act was challenged, observed that:

> "17. The aforesaid order is therefore, certainly not sustainable in law if examined in light of the aforementioned judgments of this Court. Corruption is not only a punishable offence but also undermines human rights, indirectly violating them, and systematic corruption, is a human rights' violation in itself, as it leads to systematic economic crimes. Thus, In the aforesaid backdrop, the High Court should not have passed the said order of suspension of sentence in a case involving corruption. …"

7.9. In *Manohar Lal Sharma* v. *Principal Secretary*, (2014) 2 SCC 532 ("*Manohar Lal Sharma*"), Lodha, J. (as the learned Chief Justice then was) observed that:

> "34. The abuse of public office for private gain has grown in scope and scale and hit the nation badly. Corruption reduces revenue; it slows down economic activity and holds back economic growth. The biggest loss that may occur to the nation due to corruption is loss of confidence in the democracy and weakening of rule of law.
>
> **35. In recent times, there has been concern over the need to ensure that the corridors of power remain untainted by corruption or nepotism and that there is optimum utilization of resources and funds for their intended purposes.**
>
> 36. In 350 B.C.E., Aristotle suggested in the "Politics" that to protect the treasury from being defrauded, let all money be issued openly in front of the whole city, and let copies of the accounts be deposited in various wards. What Aristotle said centuries back may not be practicable today but for successful working of the democracy it is essential that public revenues are not defrauded and public servants do not indulge in bribery and corruption and if they do, the allegations of corruption are inquired into fairly, properly and promptly and those who are guilty are brought to book."

7.10. Further, in *Subramanian Swamy*, R.M Lodha, C.J. held that:

> **"72. Corruption is an enemy of nation and tracking down a corrupt public servant, however high he may be, and punishing such person is a necessary mandate under the PC Act, 1988. The status or position of public servant does not qualify such public servant from exemption from equal treatment. The decision-making power does not segregate corrupt officers into two classes as they are common crimedoers and have to be tracked down by the same process of inquiry and investigation.""**
>
> (Emphasis supplied)

The Apex Court, in the afore-quoted judgment, drawing upon a rich tapestry of precedents, has underscored the delicate yet crucial balance that Courts must maintain between the imperative of rooting out corruption and necessity of ensuring that only cases supported by credible material culminate in prosecution. At the same time, the court has consistently sounded a note of caution that corruption, particularly in public life, is not a mere aberration, but a corrosive force that erodes the very foundations of governance, undermines public confidence, and impairs the economic and moral fabric of the nation. The jurisprudence of the **Apex Court resounds with a singular unambiguous theme, corruption is an insidious menace, variously described as cancer, a plague, and a contagion that if left unchecked, has the potential to destabilise the polity and corrode democratic institutions. The Apex Court has unequivocally held that corruption is an enemy of the nation and that pursuit, detection and punishment of corrupt public servants, irrespective of their rank or stature, is not merely permissible, but a constitutional and statutory imperative under the Act.**

14. In this backdrop, it becomes necessary to notice Section 17A of the Act. It reads as follows:

> "**17-A. Enquiry or Inquiry or investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties**.—(1) No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—
>
> (*a*) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;
>
> (*b*) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;
>
> (*c*) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:
>
> Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:
>
> Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month."

Section 17A was introduced by way of amendment in the year 2018, was conceived as a safeguard to shield honest public servants from vexatious and frivolous prosecution arising out of bonafide decisions taken in the discharge of official duties. However, such a provision was never intended to operate, as a protective cloak for those, against whom, credible allegations of corruption are laid, *albeit,* prima facie. **It is a shield for the innocent, not a sanctuary for the culpable.**

15. In the case at hand, what emerges is not a frivolous accusation, but a set of allegations that warrant, at the very least, a thorough and impartial investigation. **The spectre of corruption once raised, on the basis of material placed on record, cannot be summarily extinguished at the threshold. It must be allowed to unfold through the process of investigation, which alone can ascertain the truth.** It is equally well settled that a mere exoneration of an officer in departmental proceedings cannot by itself foreclose the initiation of criminal investigation on the same set of facts. **Departmental proceedings and criminal prosecution operate in distinct spheres, governed by distinct**

standards of proof and objectives. The closure of one does not *ipso facto* extinguish the other. The impugned order, in the considerate view of the Court is perfunctory, bereft of substantive reasoning and reflective of mechanical exercise of power. It fails to engage with the gravity of the allegation or material on record and thus, cannot withstand judicial scrutiny.

16. Ordinarily, this Court would have deemed it appropriate to remit the matter back to the Government for a fresh consideration. **However, in the peculiar facts of the present case, render such a course, both unnecessary and unwarranted. The coordinate bench had already issued a clear mandate to reconsider the matter in accordance with law. Yet, the Government instead of undertaking a meaningful re-evaluation, has chosen to reiterate its earlier position, *albeit*, with a little justification. In the circumstances, a further remand would serve no fruitful purpose and would only prolong the process to the detriment of justice.** This Court, therefore deems it appropriate, in the interest of justice, to direct the 1st respondent/Government

to accord approval for the registration of the FIR and for conduct of an investigation, in accordance with law.

17. For the aforesaid reasons, the following:

O R D E R

(i) Writ Petition is **allowed.**

(ii) Order bearing No.CSUI 51 SAS 2022 dated 26-05-2025 passed by the 2nd respondent stands quashed.

(iii) *Mandamus issues* to the 1st respondent to grant necessary approval as sought for by the petitioner under Section 17A of the Prevention of Corruption Act, 1988, in the light of the observations made in the course of the order, within an outer limit of 4 weeks from the date of receipt of a copy of this order.

(iv) All further proceedings be regulated in accordance with law.

Sd/-
(M.NAGAPRASANNA)
JUDGE

Bkp/CT:MJ