

LOKPAL OF INDIA
(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)
New Delhi- 110070

Complaint No. : 110/2023

Date : 22.05.2024

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. Letter dated 30.04.2024 addressed to the Lokpal of India by the complainant is taken up for consideration. The said letter is in respect of order passed in Complaint No.110/2023.

2. In the said communication, the complainant alleges non compliance and disobedience of the order of Lokpal of India by the Chief Executive Officer, Prasar Bharti.
3. Record reveals that the said complaint dated 09.03.2023 was directed against the Cluster Head of All India Radio and Doordarshan Kendra, Port Blair. The allegations against the public servant were in regard to diversion of a sanctioned post in violation of guidelines and without concurrence from the Department of Expenditure, Ministry of Finance, violation of Recruitment Rules, misuse of her official position and power, misuse of official vehicle, violation of relevant circulars regarding duty hours, loss of an inverter, misuse of new Airtel Broad Band connection, reducing the power of AIR transmitter, use of vehicles for Engineers without payment and thereby causing financial loss, converting leave into a tour, etc.
4. The complaint was considered by the Full Bench of the Lokpal of India on 31.05.2023; whereon, direction was issued to the Central Vigilance Commission (CVC) to conduct a Preliminary Inquiry and to submit a report. The CVC submitted the report on the basis whereof the Full Bench in its hearing on 12.09.2023 took note of the fact that out of nine allegations made by the complainant, only one allegation (i.e. allegation No.5) regarding the violation of a circular regarding duty hours



and not adhering to office timings was found substantiated. And took note of the recommendations by CVC that **“Matter of attendance and punctuality are administrative in nature, concerned administrative/controlling authority may be requested to review the conduct of XXXXXX (name of the RPS redacted for the sake of confidentiality) in this regard and take remedial action as per rule, wherever is necessary,”** the Full Bench disposed of the complaint with an observation that the recommendations by the CVC may be implemented strictly.

5. It appears that the said observations are construed by the complainant as a mandate of the Lokpal.

6. It will be pertinent to mention at this stage, that, the Lokpal under Lokpal and Lokayutas Act, 2013 (hereinafter referred to as Act of 2013) is empowered to inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of an offence punishable under the Prevention of Corruption Act, 1988 against the person/persons which find mention under section 14 of the Act of 2013.

7. In other words, it is not within the jurisdiction of the Lokpal to supervise the purely administrative action or inaction of the respective department of the Union. Thus the observations by the Full Bench in



Order dated 12.09.2023 is mis-construed by the complainant as a mandate.

8. Having thus considered, we find no substance in the grievance raised by the complainant vide communication dated 30.04.2024.

9. Consequently, the communication is directed to be consigned to record.

10. The matter is disposed of finally in above terms.


COURT MASTER
LOKPAL OF INDIA