

Lokpal of India
Plot No.6, Institutional Area, Phase-II
Vasant Kunj, New Delhi - 110070

Complaint No. : 129/2024

Date : 23.07.2024.

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

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. The Full Bench, vide Order dated 07.06.2024 had directed the CVC to conduct a Preliminary Inquiry under Section 20(1)(a) of the Lokpal & Lokayuktas Act, 2013 (Act); and submit a report to the office of Lokpal within a period of four weeks i.e on or before 08.07.2024 after seeking comments of the respondent public servant and the Competent Authority in terms of Section 20(2) of the Act.



2. Vide O.M. dated 15.07.2024, the CVC has forwarded the Preliminary Inquiry Report along with the comments of the Competent Authority and connected documents. As per the said report, the first allegation of the complainant i.e. demand and acceptance of bribe of Rs.30 lakh by the RPS is identical to the issues in CBI Case No. XXXXXXXXXXXX dated XXXXXXXXX. The CBI had also sought sanction of the Competent Authority for prosecution against the RPS which has been granted and the chargesheet has been filed by the CBI before the competent court against the RPS. The case is pending trial before Court of Principal District & Session Judge, Ahmedabad.
3. In fact, in that matter, after consideration of CBI reports and material on records, the departmental proceedings have been initiated against the RPS and the first stage advice for initiating major penalty proceedings against the RPS has been given by the CVC and disciplinary proceedings are pending against the RPS in which charge memo has been issued.
4. Further, CVO, CBDT has informed that the other allegations in the present complaint i.e. (i) misuse of official position by the RPS by way of advising against the Income Tax Department and deliberately helping certain individuals in getting a favourable order in the matter pending before ITAT and in lieu thereof get a property



transferred in favour of his wife at a grossly undervalued rate, and (ii) laundering of bribe amount through several persons via various entities, are identical with the contents of CBI Case No. XXXXXXXXXX dated XXXXXXXXXX which is pending under active investigation of the CBI.

5. Indisputably, the complaint under consideration has been filed on 27.05.2024. Resultantly, by virtue of Section 15 of the Act, the criminal action already initiated by the CBI in respect of the self-same allegations of corruption, bearing CBI Case No. XXXXXXXXXX dated XXXXXXXXXX, ought to proceed on its own merit and need to be taken to its logical end by the CBI.
6. In view of the above, we do not wish to keep this complaint pending; and the same is, therefore, disposed of accordingly.


(Court Master)