LOKPAL OF INDIA

[Plot No. 6, Institutional Area, Phase- II, Vasant Kunj]
New Delhi - 110070

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Complaint No.	:	131/2023
Date	:	November 28, 2023.
Coram	:	**Justice Abhilasha Kumari** **Judicial Member** **Smt. Archana Ramasundaram** **Member** **Shri Mahender Singh** **Member**

ORDER

The present complaint is directed against a public servant serving in the Regional Provident Fund Commissionerate, Raipur, hereinafter referred to as the Respondent Public Servant (RPS).

2. A series of allegations have been levelled against him ranging from changing his name, cheating and forgery to secure government employment, and amassing illegal assets disproportionate to his known sources of income in the name of his family members and himself, by indulging in corrupt and illegal practices and abuse of his official position.

The detailed allegations are as follows:

1. It is alleged that the public servant concerned committed cheating and forgery to take the matriculation examination twice, to reduce his official age and thereby obtained government employment.
2. It is alleged that the public servant concerned amassed disproportionate assets illegally and dishonestly in his name and his family's name through prohibited and illegal practices.

2(i) It is alleged that the public servant concerned bought a market on the main road in his wife's name from Mr. Chandrika Prasad, Khata No. 344, Plot No. 3424, area 14 Dismil in Roh, Nawada, Bihar.

2(ii) It is alleged that the public servant concerned purchased several lands and buildings across different states in his wife's name.

2(iii) It is alleged that the public servant concerned purchased several lands and buildings in his brother-in-law's name in Mirzapur, Nawada, Bihar.

2(iv) It is alleged that the public servant concerned established a jewellery shop in the name of another brother-in-law, through whom, he runs a money-lending business worth several crores.

2(v) It is alleged that the public servant concerned set up a similar shop and purchased several lands in the name of another brother-in-law.

2(vi) It is alleged that the public servant concerned, on 3.12.2005, purchased two shops on one plot (Khasra No. 14076/05) in the name of his wife. The estimated market value of the said shops along with the vacant land is around Rs. 40/- lakhs [rupees Forty Lakhs).

2(vii) It is alleged that the public servant concerned, on 17.10.2006), purchased shops (Khasra No. 10386) in the name of his wife. The estimated market value of the said shops along with the vacant land is around Rs. 90/- lakh [rupees Ninety Lakhs].

2(viii) It is alleged that the public servant concerned, on 4.6.2007, purchased a shop and vacant land on the plot behind the shop in the name of his brother-in-law. The estimated market value of the same is around Rs. 20/- lakh [rupees Twenty Lakhs].

2(ix): It is alleged that the public servant concerned purchased cultivable land in Neemhara from Mohammad Ishtiaq Miyan and Ashfaq Miyan in his and his wife's name.

2(x): It is alleged that the public servant concerned purchased land in his wife's name in village Roh in the year 2006 for Rs. 4/- lakh [rupees Four Lakhs].

2(xi): It is alleged that the public servant concerned purchased several plots of agricultural land in the name of his father and his wife's name from the year 2005 to the middle of 2007.

2(xii): It is alleged that the public servant concerned purchased an old house in his wife's name in Najafgarh, Nagli Dairy, Arjun Park, Delhi in the year 2006. The estimated

market value of this house is Rs. 45/- [rupees Forty Five Lakhs].

3. It is alleged that all these valuable lands have been purchased by the public servant concerned after showing their value as being far below the prevailing market rate and thereby, an attempt has been made to cheat the revenue department as well.

4. It is alleged the public servant concerned has also taken bribe money and acted as a middleman by giving assurance to several candidates that he would arrange to get them government jobs on payment of certain bribe money.

5. The complaint was perused by the Full Bench of the Lokpal of India on 13th June, 2023. By an order of that date, the Full Bench considered it appropriate to refer the matter to the Central Vigilance Commission (CVC) for causing a Preliminary Inquiry through DSPE/CBI under Section 20(1)(a) read with Section 20(2) of the Lokpal and Lokayuktas Act, 2013, and submit the report of the Preliminary Inquiry on or before 31st July, 2023.

6. After availing of extension of time, the DSPE/CBI has submitted the report of the Preliminary Inquiry vide communication dated 8.11.2023 of the CVC. In the covering letter of the CVC, it is mentioned that the CBI is in the process of obtaining comments of the Competent Authority which would be furnished on receipt. Till date, the comments of the Competent Authority have not been received. Therefore, we presume that the said Authority has nothing further to say in

the matter. The public servant has furnished his comments regarding the allegations.

7. The complaint along with the Report of the Preliminary Inquiry and related material, has been put up to this Division Bench for further consideration and adjudication.

8. We have perused the complaint and the report of the Preliminary Inquiry, along with the attached documents.

9. Insofar as Allegation No. 1 is concerned, it pertains to an inquiry regarding the identity of the respondent public servant and dates back to the year 1979, when the respondent public servant took admission in class 5 and studied till class 8. There appears to be some confusion regarding the identity of the respondent public servant and Shri Mahendra Prasad, son of Shri Govind Sav. The school records show the respondent public servant's father's name is the same as that of Shri Mahendra Prasad. Other records of the school indicate that the respondent public servant took admission in class 9 in the High School during the year 1988, and studied in the same school upto class 10. In the report of the Preliminary Inquiry, there are no clear-cut findings regarding the identity of the respondent public servant vis-à-vis Shri Mahendra Prasad. On the basis of circumstantial evidence, it has been concluded that both are one and the same person. However, in the absence of any conclusive documentary evidence, the identity is not established beyond doubt. Therefore, it has been stated that Allegation No. 1 has not been substantiated. In any case, this allegation appears to be time-barred as per Section 53 of the Lokpal and Lokayuktas Act and, therefore,

insofar as the Lokpal of India is concerned, nothing further remains to be done regarding the same.

10. With regard to the second allegation, there has been a detailed probe in this regard, as indicated in the Preliminary Inquiry Report, but this allegation has not been substantiated as well.

11. With regard to allegation No.3, it is stated in the report of the Preliminary Inquiry that the allegation is very general in nature and has not been substantiated.

12. Similarly allegation No. 4 has also not been substantiated in the absence of specific information about any particular instance.

13. Having perused the report of the Preliminary Inquiry, we find that apart from the Preliminary Inquiry, the matter has also been looked into by the Hon'ble High Court of Patna. Further, it appears from the record that a case was registered with the CBI/ACB, Kolkata to investigate the possession of disproportionate assets by the respondent public servant in which a closure report has been filed. On the whole, from the Preliminary Inquiry Report, there does not appear to be any conclusive or convincing evidence regarding corruption or malpractices on the part of the respondent public servant. No substantial evidence or proof is available on record, therefore, we find no reason to deviate from the findings contained in the Preliminary Inquiry Report.

14. For the above reasons, we do not find any justification for further scrutiny in the matter. The complaint, therefore, stands closed and the matter is disposed of.

COURT MASTER,
LOKPAL OF INDIA.