

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

**Complaint No.** : **13/2025**

**Date** : **19.03.2025**

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

**Shri Justice L. Narayana Swamy**  
**Member**

**Shri Justice Sanjay Yadav**  
**Member**

**Shri Justice Ritu Raj Awasthi**  
**Member**

**Shri Pankaj Kumar**  
**Member**

**Shri Ajay Tirkey**  
**Member**

**ORDER**

1. This complaint, filed on 16.12.2024, is against the then Director General (for short, DG) of Railway Protection Force (for short, RPF) and the then Chairperson of the Railway Board and Chief Executive

Officer (for short, CRB and CEO), for allegedly having committed offence under Section 7 of the Prevention of Corruption Act 1988 (for short, PC Act 1988) by their acts of commission and omission.

2. Vide order dated 24.01.2025, explanation was called from the then Respondent Public Servants (for short, RPSs) named in the complaint, to determine whether there exists a prima facie case for investigation, as mandated in the third proviso of Section 20(1) of the Act 2013, within four weeks from receipt of copy of the stated order from the Registry of the Lokpal. Accordingly, the matter was listed on 25.02.2025.
3. On 25.02.2025, the Registry circulated three communications, one dated 20.02.2025 and two dated 24.02.2025 received from RPS-1, RPS-2 (through his legal counsel - Shri Pankaj Pandey) and RPS-3.
4. Vide communication dated 20.02.2025, RPS-3 submitted her explanation by way of reply affidavit in compliance of the order dated 24.01.2025.
5. However, vide communications dated 24.02.2025, RPS-1 and RPS-2 requested for two weeks' time, for the reasons stated therein, which was granted, and the matter was deferred till 11.03.2025.

6. On 11.03.2025, the Registry placed before us written explanation dated 10.03.2025 and 01.03.2025, along with affidavit received from RPS-1 and RPS-2, in compliance of order dated 24.01.2025. The Registry was directed to circulate the same to all the Members before the next date of hearing and the matter was listed for today i.e. on 19.03.2025.
7. We have perused the explanation tendered by the RPSs. Taking the response of RPS-1, he has filed an elaborate affidavit cum explanation running into 36 pages giving background of his work as DG, Railway Protection Force and other matters which however are not relevant for our consideration. It is also repetitive about certain events. He has also attempted to throw light on how the inquiries pursuant to complaints of such nature are being handled by the Central Vigilance Commission, as per the CVC Manual. Needless to underscore that the process before the Lokpal is governed by the special Legislation enacted by the Parliament; and for which the Lokpal has been established and mandated to inquire into the complaints regarding corruption in the manner provided in the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013) and the Rules made thereunder.
8. Suffice it to observe that the emphasis placed by RPS-1 on other aspects may not be apposite at all. Further, this narrative will not take



the matter any further because, what was expected from RPS-1 was only an explanation about the circumstances in which he reversed the disciplinary order passed by the complainant on the very next day i.e. on 28.02.2023. To this, he has merely stated that it was a *bonafide* decision taken by him under Rule 219.4 of RPF Rules. Indeed, he could have legitimately exercised that jurisdiction; and we would also presume that he did so *bonafide* in the interest of the Organization to preserve the high morale of the rank and file of the Force. But what has been glossed over by the RPS-1 is the proviso in Rule 219.4, RPF Rules, which predicates that no proceedings for revision shall be commenced by the superior authority until after – (i) expiry of the period for making an appeal in subsection (2) of Section 9; (ii) or the disposal of the appeal, where any such appeal has been preferred. Both these situations were clearly absent on 28.02.2023, to invoke the enabling provision empowering him being the superior authority to call for the records of any inquiry and revise any order on his own motion.

9. Be that as it may, we find merit in the plea taken by the RPS-1 that even the complainant himself had recalled the order passed by him on 27.02.2023, as it suffered from irregularities and non-consideration of relevant aspects. Further, we agree with the RPS-1 that the




complainant has failed to disclose all the relevant and material facts highlighted in the explanation of RPS-1 including in paragraphs 23, 27, 32, 33, 36 and 42 to 44. Further, the plea taken by the RPS-1 that the present complaint has been filed intentionally after a lapse of more than one and a half year from the date of the incident that too without disclosing the material and relevant facts, must suffer the consequence and deserves to be dismissed on that count alone, being bordering on frivolous and vexatious action.

10. Having said this, we need not dilate on the explanation offered by the other two RPSs which follows the same suit and because the stand taken by the RPS-1 noted hitherto has commended us. To place the record straight, RPS-2 has denied all the allegations made by the complainant qua him and has asserted that the issue considered by him was completely independent. It was unrelated to the occurrence of the incident giving rise to the complaint against RPS-1. RPS-2 has also questioned the intention of the complainant in taking recourse to the subject complaint after long gap from the date of incident and especially during the pendency of the complainant's departmental inquiry. In that, the complainant in the reply filed to the Memorandum of Charge against him did not raise any issue regarding the way the review order was

passed by the RPS-1 or any alleged illegality therein. In other words, the complainant has intentionally/ deliberately chosen to interpolate the facts of disciplinary inquiry qua Mr. Sanjay Kumar, with his own case of disciplinary proceedings. Suffice it to observe, even if we were to hold that the complaint refers to verifiable facts, considering the stand taken by RPS-1 and RSPS-2 the same must be dealt with cautiously and with circumspection. As regards the allegations against RPS-2, we find merit in his explanation that the subject complaint is founded on some imaginary hypothesis without being backed by any substantive material to bring home the allegation against him. Taking any view of the matter, therefore, the complaint must fail even against RPS-2.

11. For the reasons already mentioned even the case made out against RPS-3 must fail on the same logic, as she was the Chairperson and Chief Executive Officer of the Railway Board which had to deal with the issue of departmental action against the complainant. To sum up, we agree with the plea taken by the RPSs that the complainant seems to be a disgruntled person and must have resorted to this complaint as an after thought to influence the decision in the matter handled by the RPSs against him.

 6

12. Accordingly, this complaint is disposed of as being devoid of merit.

**Sd/-**  
**(Justice A.M. Khanwilkar)**  
**Chairperson**

**Sd/-**  
**(Justice L. Narayana Swamy)**  
**Member**

**Sd/-**  
**(Justice Sanjay Yadav)**  
**Member**

**Sd/-**  
**(Justice Ritu Raj Awasthi)**  
**Member**

**Sd/-**  
**(Pankaj Kumar)**  
**Member**

**Sd/-**  
**(Ajay Tirkey)**  
**Member**

  
**(Court Master)**

/SN/