

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

Complaint No. : 174 / 2024
(arising out of Dy.No.1722024)

Date : 26.07.2024

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 Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. The complaint is placed before the Full Bench for consideration of the Scrutiny Report and to pass appropriate order. We are disposed to condone the remarks made in the Scrutiny Report and entertain the complaint.



2. The complaint is against two public servants - (i) I.G. (P), Special Police Establishment, Lokayukt Organisation, Bhopal, Madhya Pradesh and (ii) Principal Secretary, Food and Civil Supply Department, Government of Madhya Pradesh. The complainant has alleged that he was implicated in a false and fabricated case by the said IG (P). He has further alleged that the said Principal Secretary, Food and Civil Supply and Consumer Protection Department, Governemnt of Madhya Pradesh, without perusal of record and application of mind, issued a sanction order to prosecute the complainant in the Special Court (Lokayukt), Raisen. The complainant has stated that the trial concluded on 15-12-2015 and that he was found guilty of taking bribe and was sentenced to three years' imprisonment and fine of Rs.12000/-. He has further stated that an appeal against this Order was filed by him before the High Court of Madhya Pradesh, Jabalpur on 02-01-2016 and the final hearing is pending. The complainant has also stated that his applications (in January, 2024) for documents relating to the Police Report and Prosecution sanction orders were rejected. He has further stated that the proceedings of the said case, allegedly false and fabricated, are continuing for more than 12 years. The complainant has requested the Lokpal to take cognizance of the alleged criminal conspiracy.

3. Having perused the complaint and allegations therein, it is found that the complaint is against the public servants working under the State

Government of Madhya Pradesh and not against public servants working in connection with the affairs of the Union. Therefore, the named public servants are not amenable to the jurisdiction of Lokpal within the meaning of Section 14 of the Lokpal and Lokayuktas Act, 2013 (Act). Moreover, it is observed from the complaint that the complainant has also approached the High Court of Madhya Pradesh where the matter is pending. Hence, action by the Lokpal of India under the provisions of the Act is not warranted.

4. Accordingly, the complaint is disposed of. The complainant is at liberty to approach the appropriate forum for redressal of his grievance.


COURT MASTER