

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

Complaint No(s). : 186/2024, 188/2024 and
222/2024 (arising out of Dy.
2392024)

Date : 08.11.2024

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 Ajay Tirkey
Member

ORDER

1. We have perused the concerned complaint, and the explanatory affidavit filed by the respective complainant pursuant to the liberty given in terms of our order dated 20.09.2024.
2. The first complaint was filed on 13.08.2024, naming the public



servant (for short, RPS) against whom action need to be initiated under the Lokpal and Lokayuktas Act, 2013 (for short, the Act of 2013) for having committed offence punishable under the provisions of Prevention of Corruption Act, 1988 (for short, the Act of 1988).

3. The second complaint was filed on 11.09.2024, by another complainant more or less dealing with the same subject matter noted in the first complaint and mentioning that primarily the complaint is against the same RPS named in the first complaint and implicitly against other persons referred to in the complaint, who according to this complainant are also accountable for the acts of commission and omission spelt out in the complaint.
4. The third complaint is dated 14.10.2024. It has been filed by yet another complainant, once again raising the same issues as noted in the first two complaints making allegations against the same RPS.
5. Considering the fact that the subject matter of all the three complaints is seemingly overlapping, we deemed it appropriate to proceed with the matters analogously.
6. Initially, we called upon the complainants in the first two complaints (i.e. C- 186/2024 and C-188/2024) to clarify certain issues as



articulated in our order dated 20.09.20224. Pursuant to the said order, the complainants in the concerned complaint have filed explanatory affidavit. In other words, we are now called upon to consider not only the allegations noted in the original complaint(s) but also the contents of the explanatory affidavit(s) filed to delineate justification as to why action against the named RPS ought to proceed.

7. We have perused the concerned complaint(s), and the explanatory affidavits filed by the complainant pursuant to liberty given in terms of our order dated 20.09.2024, in the respective cases. As has been noted in the previous order passed by the Bench, the subject matter in these Complaints is overlapping and ought to proceed analogously.
8. For the present, without expressing any opinion on the relevance and admissibility of the allegations/contents of the Complaint(s) and the explanatory affidavit(s), including about the correctness of the plea taken therein by the respective Complainant, we deem it appropriate to call upon the named RPS to offer explanation qua the allegations made against her in the respective Complaint and elaborated in the concerned explanatory affidavit.
9. This opportunity is being afforded to the named RPS as per the mandate in the third proviso of sub section (1) of section 20 of the



Act of 2013, before the Bench would proceed to determine whether there exists a prima facie case for investigation into the allegations contained in the concerned Complaint and the explanatory affidavit filed therein.

10. Needless to clarify that the named RPS is free to submit her response or explanation in terms of this order, complaint wise or a consolidated one in all the three Complaints, as may be advised to avoid repetition.
11. We reiterate that this order is not an expression of our opinion on "any matter in issue", either way. This is only a procedural direction in consonance with the third proviso in section 20(1) of the Act of 2013.
12. We also make it amply clear that since the allegations are primarily against the named RPS being a public servant and implicit reference is made to other persons, coupled with the fact that the complainant(s) themselves have primarily prayed for action under the Act of 2013 against the named RPS, the opportunity to offer explanation is being limited to the named RPS in the respective complaint at this stage.
13. The Respondent Public Servant (RPS) shall file an affidavit to offer explanation, in terms of this order within four weeks from the receipt of copy of this order from the Registry of the Lokpal.



14. List on 19.12.2024 before this Bench, for further consideration of the matter.

15. Since the previous order has been placed in public domain, we deem it appropriate to place even this order in public domain for the same reason.

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

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

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/SN/