

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

Complaint Nos. : 187/2023
Date : 8th November, 2023.
Coram : **Justice Pradip Kumar Mohanty**
Hon'ble Acting Chairperson

Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh,
Member.

ORDER

Perused the complaint.

2. This complaint dated 16.8.2023 has been filed by the complainant who has already filed several other complaints before the Lokpal of India.
3. The present complaint has been filed against two public servants, namely, (i) the Additional Director General of Vigilance, Customs & Central Excise and (ii) a Director, Chief Vigilance Commission, for allegedly submitting a "baseless, devoid of merit, frivolous, motivated, fake and misleading report to the Lokpal".
4. The complainant has not clarified in which case the said report has been submitted. However, upon going through the documents enclosed with the complaint, it appears that the report has been submitted in Complaint Nos. 61/2020 & 62/2020, which have been disposed of by the Division Bench of the Lokpal of India, vide orders dated 14.6.2021 and 5.10.2021, respectively.



5. In complaint No. 61/2020, the Division Bench, after considering the material on record, vide order dated 16.10.2020, had directed that the matter be referred to the Central Vigilance Commission (CVC) to cause a Preliminary Inquiry under Section 20(1)(a) of the Lokpal and Lokayuktas Act, 2013. After scrutinizing the report of the Preliminary Inquiry by the CVC and the Report of Director General of Vigilance, Customs and Central Excise, the Division Bench had arrived at certain conclusions by a detailed order. The said complaint was disposed of vide order 14.6.2021, after receipt and consideration of the Report of the Preliminary Inquiry submitted by the CVC.

6. Complaint No. 62/2020 was also disposed of vide Order of the Division Bench dated 5.10.2021, after perusing and taking into consideration the report(s) received from CVC and the compliance reports submitted by the CBIC and the Directorate General of Foreign Trade (DGFT).

7. Now, the complainant has filed the present complaint dated 4.8.2023, approximately six months after the disposal of Complaint Nos. 61/2020 & 62/2020, alleging that the Report filed by the two concerned public servants before the Lokpal of India, is false and misleading.

8. Having considered the entire matter and the material on record, the Full Bench has arrived at the following conclusions:

i. The present complaint is based upon a false and incorrect premise that the two public servants concerned had filed a report before the Lokpal of India. In fact, the Report of the Preliminary Inquiry has been filed by the CVC, as directed by the Division Bench.



ii. The complaint in which the said Report is filed by the CVC (which is being attributed to the public servants) has already been disposed of, by the order dated 14.6.2021 passed in complaint No. 61/2020 and order dated 5.10.2021 in complaint No. 62/2020. This fact would be well within the knowledge of the complainant, who would have received a copy of the said orders, from the Registry of the Lokpal of India.

iii. This being the position, the complainant, by filing the present complaint, appears to be obliquely attempting to initiate proceedings in order to re-open a complaint that has already been disposed of, by a detailed and reasoned order.

iv. Such a course of conduct is impermissible in law and cannot be encouraged.

v. There is no provision for review of orders in the Lokpal and Lokayuktas Act, 2013. The present complaint appears to be an attempt in that direction, which is against the legal mandate given to the Lokpal of India.

9. For the above reasons, the Full Bench is not inclined to entertain the present complaint.

10. Accordingly, the complaint stands dismissed.



COURT MASTER,
LOKPAL OF INDIA.