

282

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

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Complaint No. : 189/2024  
Date : 05.12.2024  
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 directed against Senior Technician (C&W), Chitput, Sealdah, Eastern Railway.

 1

2. The complainant has alleged that the Respondent Public Servant (RPS) who is an employee of the Eastern Railway (Sealdah Division) is also holding the post of Assistant Secretary of **xxxx** Trust (name redacted for confidentiality) and thereby has directly involved himself in seeking and accepting contributions from the public as well as receiving funds and donations, collecting funds in cash and misappropriating the same for his personal use. His living standard is inconsistent with his income as Railway employee.
  
3. It has been alleged that the RPS has amassed wealth and has acquired multiple flats/properties in the name of his relatives and himself. It has also been alleged that the conduct of the named public servant is in violation of the rules and regulations of the 'Railway Servants (Conduct) Rules, 1966'. That, the public servant has involved himself in the activities of the Trust without permission from the Competent Authority.
  
4. Vide Order dated 27.09.2024, the Full Bench directed the Chief Vigilance Officer (CVO), Railway Board, to inquire into the complaint and submit a Preliminary Inquiry Report.



5. In compliance of the above Order dated 27.09.2024, , Joint Director Vigilance (A&P), Railway Board has forwarded the Preliminary Inquiry Report of the Chief Vigilance Officer, Ministry of Railways, Railway Board, vide letter dated 28.11.2024.
6. The PI Report was perused by the Full Bench. The CVO, Ministry of Railways, Railway Board, in the PI Report has observed that:
- (i) *xxxx is an office bearer of xxxx Trust, a non-Railway religious Mandir Trust located at Belgachia, Kolkata-700037 since 1990-91 and is working as a priest in the said temple. Presently, he is holding the post of Assistant Secretary in the said Trust. xxxx joined Railway Service in 1987. He was required to report/intimate the Railway Administration giving details of the nature of his participation within one month of his taking part in such activities. But he did not intimate the Railway Administration about his engagement/participation as on office bearer of the said xxxx Trust in violation to Rules-15(2)(ii) of the Railway Services (Conduct) Rules, 1966.*
  - (ii) *In his statement, xxxx has disowned about receiving of any grant or financial benefits from the Trust as well as any gift the devotees visited to the Mandir. The Secretary of the said Trust has intimated that xxxx is the younger son of xxxx, the Founder of xxxx as well as xxxx Trust and is partially entrusted with the 'Seva Puja' of the deities in the Temple as per his convenient schedule and he does not draw any remuneration or allowance from the said Trust. However, the account of the said trust could not be scrutinized as the trust does not come under purview of Railway Vigilance. Hence, the allegation regarding acceptance of fund/remuneration has not been substantiated.*
  - (iii) *During special puja occasions, xxxx alongwith his family stayed in the said Temple premises. However, he is ordinarily residing in his own flat with his family. He has taken permission from the Railway Authority for purchasing of the above flat. Hence, the allegation regarding residing in the premises of the Trust has not been substantiated.*

- (iv) *He has purchased a second hand four wheeler/car on 06.04.2024 at Rs.2,90,000/. The value of the car exceeds his two months' basic pay but intimation regarding purchase of this car has not been submitted to the Railway Administration under Rule 18(3) of the Railway Services (Conduct) Rules, 1966. The allegation regarding possession of multiple properties could not be investigated as the allegation is not specific and the complainant has not provided any specific document/information about the matter.*
- (v) *xxxx has received Rs.1,49,775/- on 18.06.2024 in his SBI Bank Account No.10877870788 which exceeds his two months' basic pay. He did not intimate the Railway Administration about this transaction, in violation of Rule-18(3) of the Railway Services (Conduct) Rules, 1966.*

7. The concerned RPS in his comments has stated that :-

- (i) *xxxx Trust is a Non-Railway Religious Mandir Trust wherein he is holding the post of Assistant Secretary of xxxx Trust since 1985 and no remuneration in this regard has been taken by him or his family members.*
- (ii) *He is working as a priest in the said temple beyond office hours without charging any fees from the xxxx.*

8. The Competent Authority in his comments has stated that:-

*The detailed findings regarding allegations made against xxxx, Sr. Technician/C&W/Chitpur, Sealdah have been perused and it has been found that xxxx is holding the post of Assistant Secretary of xxxx Trust (a non-Railway Religious Mandir Trust). However, xxxx has committed misconduct by not reporting/intimating the Railway Administration regarding (i) his engagement/participation in the said Trust, (ii) purchase of a second hand car (movable property) (whose value exceeds his two month's basic pay) within the time limit of (01) month and (iii) the transaction (credit) of Rs.149,775/- made in his SBI Bank Account on 18.06.2024, in violation of Railway Services (Conduct) Rules, 1966. And that, remaining allegations have not been substantiated during the preliminary inquiry.*

9. The CVO has concluded as follows:-

*It has been concluded that Vigilance angle is not established in the instant case. However, following lapses/irregularities have been noted on the part of xxxx, Sr. Technician (C&W), Chitpur, Sealdah, Eastern Railway: -*

- (i) He has not reported/intimated regarding his engagement/participation in xxxx Trust to the Railway Administration which is in violation to Rule15(2)(ii) of the Railway Services (Conduct) Rules, 1966.*
- (ii) He has not intimated the transaction (purchase) of a second had four wheeler/car (movable property) within the time limit of one (01) month to the Railway Administration as the value of the said car exceeds his two months' basic pay, in violation to Rule-18(3) of the Railway Services (Conduct) Rules, 1966.*
- (iii) He has not intimated the transaction of Rs.149,775/- made in his Bank Account on 18.06.2024 to the Railway Administration which exceeds his two months' basic pay, in violation of Rule-18(3) of the Railway Services Conduct Rules, 1966.*

10. We have carefully considered the Preliminary Inquiry Report dated 28.11.2024 along with the comments of the Competent Authority.

It has been reported by the Competent Authority that there are certain irregularities and misconduct as in para 8 above, allegedly committed by the RPS. The CVO, Railway Board has noted that vigilance angle is not established in the instant case.

11. Considering the material on record, we agree with the conclusions recorded in the report of the CVO, Railway Board. It is open to the Chairman, Railway Board, to take recourse to appropriate action including departmental proceedings in relation to the alleged



irregularities and misconduct, as mentioned in para 8 of this order,  
in accordance with law. This complaint is disposed of accordingly.

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

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

  
**(Court Master)**

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