

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

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Complaint No. : 193 / 2023

Date : 02.08.2024

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 against three public servants of the Department of Posts, namely the then Chief Post Master General (CPMG) Haryana



Circle (hereinafter referred to as RPS-1), the then Senior Superintendent of Post Offices (SSPOs), Gurgaon Division (hereinafter referred to as RPS-2) and the then Superintendent of Post Office (SPO), Sonapat Division (hereinafter referred to as RPS-3).

2. This complaint was placed before the Full Bench of Lokpal of India on 21.12.2023 and subsequently on 04.06.2024. Vide Order dated 21.12.2023, the complaint was referred to the CVC for causing a Preliminary Inquiry under Section 20(1)(a) read with Section 20(2) of the Lokpal and Lokayuktas Act, 2013 by the DSPE/CBI in the matter and submitting a report within a period of six (06) weeks from the date of receipt of the Order, i.e. on or before 09.02.2024.
3. After availing extension of time, CVC, vide OM dated 28.06.2024, forwarded the Preliminary Inquiry Report received from the CBI. CVC had intimated that the comments of the Competent Authority had not been received from CBI. The matter was placed before the Full Bench of the Lokpal of India on 05.07.2024. Vide Order of the same date, the Bench took note of the inordinate and unexplained delay in furnishing of the comments of the Competent Authority with concern and directed the Competent Authority to ensure that the comments are furnished to the CBI in a week's time from the date of receipt of the Order.



4. Pursuant thereto, the CVC, vide letter dated 25.07.2024, has forwarded the letter dated 16.07.2024 received from the CBI enclosing therewith the comments of the Competent Authority, received vide letter dated 10.07.2024.
  
5. We have perused the Preliminary Inquiry Report, along with the enclosed documents, and the comments of the Competent Authority. The observations / findings of the Preliminary Inquiry, allegation wise, as stated in the Preliminary Inquiry Report are as follows:-
  - (i) Regarding the allegation against RPS-1 and RPS-2, relating to issue of a letter by them directing that old contractors shouldn't be allowed to enter the tender process, to curtail the previous vendors with any future contracts merely because vendors did not fulfil demand of bribe, it has been stated in the Preliminary Inquiry Report that the said RPSs *"did not issue the said letter and it was issued by XXXXX (name redacted for confidentiality) Asst. Director, Postal Services-II, Ambala with the approval of XXXXX (name redacted for confidentiality) DPS(HQ). Further, the intent of the order was not specific to debar the old contractors from entering into the tender but to provide a general guideline to encourage LPC to go for fair market survey before hiring. Instructions were issued with a view*

*that after expiry of regular tender, extension shall not be granted for same vendor through Local Purchase Committee (LPC) to enhance the transparency and promote fair competition between the vendors”.*

- (ii) Regarding the allegation against RPS-1 and RPS-2 that a tender contract was approved between Department of Posts and Universal Network of Infotech for Gurgaon G-1, 2, 3, 5, 6, 7, 9 schedules at an exorbitant highly inflated rates which are over and above the market estimated rates given by SSPOs/SPOs Gurgaon after market survey and further demanded Rs.2 per KM in the form of bribe from XXXXX (name redacted for confidentiality) to pass the bills, it has been stated in the Preliminary Inquiry Report that :-

*“.....although there was a significant difference between the previous contract rate and the newly approved rate, the price discovery through GeM portal was recommended and was accepted by the Tender Opening Committee/Tender Evaluation Committee, Director of Account (CIFA) and approved by the CPMG in consonance with Rule 147 of GFR.*

*Further, no involvement of RPS-1 and RPS-2 in the payment of hired motor vehicles could be found during Inquiry”.*

- (iii) With regard to the allegation against RPS-3 for approving an inflated rate for route Gohana MDG to Rohtak NSH, it has been stated in the Preliminary Inquiry Report that the Inquiry has revealed that the said allegation against RPS-3 is completely baseless and not substantiated.



(iv) Another allegation against RPS-3 is that he cancelled duly awarded tender for mail motor vehicle on Sampla to Badli route in Rohtak division, on the flimsy and baseless ground and bias stating that this is an outcome of complaints against postal authorities/officers. It is further alleged that he harassed the vendor by asking him to furnish the performance security after 5 months of awarding tender which was not required under rule 430(1) (c) (ii) of Postal Manual Volume II. On these allegations, it has been stated in the Preliminary Inquiry Report that tender awarded to M/s XXXXX (name redacted for confidentiality) was cancelled vide letter dated 18.04.2023 pursuant to letter dated 12.04.2023 wherein APMG directed RPS-3 to cancel the existing tender for violation of terms and conditions of tender contract. Vendor was reported to be carrying mail through Auto (vehicle) instead of authorized mail motor which is also a clear violation of terms and conditions of tender contract. It has been further stated that -

*“Statement of Independent witness sheds light on Rule 170, 171 of GFR, 2017, Rule 430(1)c(ii) of Postal Manual Volume-II and Para 7 of GeM 4.0 General terms and conditions. It is apparent from these rules that XXXXX (name redacted for confidentiality) could not be exempted from Performance Security”.*

After recording in detail the observations/findings, the Preliminary Inquiry Report has concluded that *“Based on the findings in the*



*Preliminary Inquiry, the allegations pertaining to XXXXX, XXXXX, and XXXXX (names of the three RPSs redacted due to confidentiality) are not substantiated". The Competent Authority has also stated that the allegations against the said RPSs are not found sustained.*

6. Having perused the Report and after scrutinizing the records, we agree with the findings of the I.O. in the Preliminary Inquiry; and are of the considered opinion that no further action is warranted by the Lokpal in the matter.
7. Accordingly, it is ordered that the complaint stands disposed of.

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)**