

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

Complaint No. : 208 / 2023

Date : 13.08.2024

Coram : **Shri Justice A M Khanwilkar**
Chairperson

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Ajay Tirkey
Member

ORDER

1. The complaint is against Chief General Manager, Bharat Sanchar Nigam Limited, Uttar Pradesh, West Telecom Circle, hereinafter referred to as the public servant.

2. The complainant has levelled several allegations against the said public servant, the gist of which is given below:

- (i) Corruption in National Optical Fibre Network (NOFN) work and other bills payments, regarding which there are allegations of

siphoning off of funds, embezzlement and irregular financial transactions.

- (ii) Abuse of authority by indulging in favouritism, despotism and improper allocation of resources within BSNL, resulting in an unhealthy work environment and compromising the efficiency and transparency of operations.
- (iii) Manipulation of transfers and postings of employees to serve personal interests or to further his own personal agenda, rather than adhering to a fair and transparent process beneficial to BSNL and its employees. It is alleged that the public servant usually does not relieve officers, or transfers them forcibly, until his demands are satisfied.
- (iv) Over-expenditure on the installation and repair of a Bore Well that has reportedly been approved by the public servant, raising questions about the proper allocation of resources and public funds.
- (v) Non-payment of Quarters' Licence Fee allocation for accommodation on time, resulting in financial losses and violation of established regulations.
- (vi) Inadequate maintenance and construction of BSNL Inspection Quarters (IQ) raising concerns about the quality of work,



excessive expenditure and misuse of resources, resulting in substandard living conditions for BSNL employees.

(vii) Intrusion into the privacy of employees, by unauthorizedly collecting mobile cell location data without their consent.

3. This complaint was placed before the Full Bench of the Lokpal of India on 21.12.2023. Vide Order of the same date, the Full Bench referred the complaint *"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, through the DSPE/CBI, the report of the Preliminary Inquiry be submitted within a period of 6(six) weeks i.e., on or before 9th February, 2024"*.

4. After availing extension of time, CVC, vide OM dated 14.06.2024, forwarded the Preliminary Inquiry Report received from the CBI and stated that the comments of the Competent Authority had not been received and that CBI was requested to furnish the comments of the Competent Authority to the Commission immediately so that the same could be submitted to the Lokpal.

5. When the matter was placed before the Full Bench on 05.07.2024, the Bench noted the inordinate and unexplained delay 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. The Bench further directed the Lokpal Registry to send a copy of the order to the Secretary, Department of Telecommunications, Ministry of Communications, Government of India, with a request to ensure that the comments are obtained and forwarded to the CBI within the specified time. Pursuant to this Order, the CVC, vide OM dated 06.08.2024 has forwarded the comments of the Competent Authority received from the CBI vide letter dated 01.07/08.2024.

6. We have perused the Preliminary Inquiry Report received from the CVC. The Inquiry has revealed that the instant complaint is a pseudonymous complaint. The conclusion of the findings of the Preliminary Inquiry, allegation wise, as stated in the Report, are given below:

Allegation (i) – No specific details regarding the allegation pertaining to corrupt practices related to National Optical Fibre (NOFN) work have been provided and the complaint also revealed to be a pseudonymous complaint during the inquiry. The allegation is prima facie not substantiated.

Allegation (ii) – Inquiry revealed that promotion orders in respect of the said employees were issued by the BSNL Corporate Office, New Delhi after Departmental Promotion Committee (DPC) at BSNL Corporate Office, New Delhi and the same were not within the powers of the



Principal General Manager of the Telecom Districts. The allegation is not substantiated.

Allegation (iii) – The transfer/retention orders of the Officers were passed based on the requests submitted by them. In view of this, the allegation that the public servant had manipulated transfers and postings of employees to serve personal interests and further had not relieved officers or transferred them forcibly is not substantiated.

Allegation (iv) – The public servant had no role in approving the works related to installation and repair of a Bore Well within Dampier Nagar as the same was approved by the then GM XXXXX (name redacted for confidentiality) as per the records obtained from the concerned office. The allegation is not substantiated.

Allegation (v) – The amount pending towards rent, licence fee, water charges, servant quarter, garage and other charges, as calculated by the Department, was realised from the public servant before his retirement. The allegation is not substantiated.

Allegation (vi) – Inquiry revealed that all the said works had no involvement of the public servant as per the data obtained from BSNL Office. The Allegation is not substantiated.

Allegation (vii) – The public servant, during his posting as PGMTD, Mathura had approved the letters put up to him to fetch the Call Data Records along with BTS locations of the mobile numbers of XXXXX



(name redacted for confidentiality), SDE (Raya/Mant) and XXXXX (name redacted for confidentiality), SDE, Sadabad. In view of this, the allegation that the public servant has unauthorizedly fetched the Cell location of the Closed User Groups (CUG) Mobile of the BSNL Employees is substantiated based on the inquiry.

7. We have perused the comments of the Competent Authority who has agreed with the findings of the Preliminary Inquiry.

8. The Preliminary Inquiry has revealed that the RPS had fetched the Cell location of BSNL Officials without being authorized to do so and has committed a cognizable offence punishable under the Information and Technology Act, 2000 and the Indian Telegraph Act, 1885. This allegation has been substantiated, but the same is not ascribable to offence of corruption within the meaning of the Prevention of Corruption Act, 1988. Hence, action by the Lokpal of India under the provisions of the Lokpal and Lokayuktas Act, 2013 is not warranted.

9. The complaint is being disposed of with directions to the Ministry of Communications, Department of Telecommunications, Government of India, to proceed with the case against the RPS relating to the substantiated



allegation pertaining to intrusion into the privacy of employees by him, by unauthorizedly collecting mobile cell location data.

10. The Registry is directed to do the needful. A copy of this Order be sent to the Secretary, Department of Telecommunications, Ministry of Communications, Government of India for necessary action.

11. The complaint is disposed of, accordingly.

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

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
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Sd/-
(Ajay Tirkey)
Member


(COURT MASTER)