

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

Complaint No. : 22/2025

Date : 07.04.2025

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

Shri Justice L. Narayana Swamy
Member

Shri Justice Sanjay Yadav
Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. The complaint is directed against a high official, hereinafter referred to as Respondent Public Servant (RPS) of West Central Railway. The complainant alleged tampering of OMR Sheets used for the departmental promotion exam held on 13.05.2023 and 17.05.2023 in exchange for bribes. It is alleged that the RPS conspired with the



candidates, instructing them to leave certain answers blank, which were later fraudulently filled in after the answer keys were released. The RPS is also accused of tampering with Annual Performance Appraisal Report (APAR) ratings and service records to favour specific individuals for promotion.

2. The Bench vide Order dated 24.01.2025 noted that similar allegations – albeit against other RPS and by other complainant – is a subject matter of Complaint No.190/2024; wherein, Preliminary Inquiry was caused through the CBI. On the basis of the Preliminary Inquiry, the matter is now proceeded under sub-section (3) of Section 20 of the Lokpal and Lokayuktas Act, 2013 (in short, the Act of 2013). The Bench further noted that the present complaint is against another RPS and there are verifiable materials on record. In light of the above, the Bench directed the CBI to inquire into the complaint and submit a PI Report.
3. CBI vide letter dated 04.03.2025 submitted its Preliminary Inquiry (in short, PI) Report in this case without the comments of the Competent Authority and observations of the IO thereon.
4. Vide letter dated 25.03.2025, CBI furnished the comments of the Competent Authority and observations of the Inquiry Officer.
5. The PI Report mentions that complaint No.190/2024 was also received from the Lokpal of India on similar allegations. However, the Respondent Public Servant in Complaint No.190/2024 was different from the RPS in the complaint under consideration. CBI



conducted a detailed inquiry in Complaint No.190/2024 during which many documents including Original OMR Sheets and corresponding Carbon Copy of OMR Sheets were collected and submitted before Lokpal of India with the Inquiry Report. **During present inquiry, some additional documents have been collected, and statements of witnesses were recorded.**

6. In the PI Report of the complaint under consideration, the CBI has framed two allegations against RPS. The first allegation pertains to conspiring with the candidates and tampering of OMR Sheets of the Departmental Promotion Examination in lieu of bribe. The second allegation relates to the manipulation of APAR grading for selection of the candidates.
7. In the PI Report, both the allegations against the RPS have not been substantiated. In regard to Allegation No.1, IO has concluded that the RPS had access to the OMR Sheets only after they were decoded and marks were to be filled in the Assessment Sheets. IO in regard to Allegation No.2 has concluded that the marks corresponding to APAR ratings filled by the Selection Committee in the Assessment Sheets are in accordance with the APAR grading already obtained by the candidates. Moreover, IO in his final conclusion in the PI Report indicates the possibilities of involvement of one or more officials being involved during the various stages of the conduct of the written examination.
8. The RPS has denied both the allegations levelled against him. In regard to Allegation No.1, he narrated the examination process

wherein he did not have custody of unsealed unevaluated OMR Sheets of candidates at any time before they were evaluated and sent back by the evaluator. The examination process permitted him to have access to OMRs after they were decoded and marks to be filled in the Assessment Sheet. The RPS, in regard to allegation No.2, has stated that the APARs of the candidates for 2019-20 to 2021-22 were already finalized before conducting the said examination and were filled in the Assessment Sheets with due care.

9. The Competent Authority has commented that the Preliminary Inquiry by CBI, prima facie, did not find any evidence to support the allegation of tampering of OMR sheets against the RPS. The inquiry also revealed that the Assessment Sheet prepared by the Selection Committee is as per the grading/awards/penalties obtained by the candidates that were already finalized before conducting the said examination. The Competent Authority, however, mentions that a probability of involvement of one or more officials, who have dealt with the case/handled the process of OMR sheet, cannot be ruled out for the aforesaid discrepancies in the original OMR sheet of Shri Mujahat Ali.
10. In his comments, the Competent Authority has stated further:

5. The current case (Complaint No.22/2025) is related to the same selection as being dealt with in Complaint No.190/2024 wherein while ordering to issue notice to 05 officials of West Central Railway, Kota for giving an opportunity of being heard on 12.02.2025, vide its Order dated 15.01.2025, it was the considered view of the Full Bench of Lokpal of India that a deeper probe may be required in this case. As such, detailed investigation by the Investigating agency i.e. CBI

would be required to fix the responsibility of the officials vis a vis their roles in the above irregularity.”

11. In the observations of the IO on the comments of the Competent Authority, the IO has stated that comments of Competent Authority are in line with the findings of CBI. The IO further observed that:

“The Hon’ble Lokpal of India vide its order dated 21.02.2025 in complaint No.190/2024 directed CBI to carry out the investigation in the case as per the terms of section 20(3)(a) of the Act of 2013. In compliance of the order of the Hon’ble Lokpal of India, CBI AC-II Branch New Delhi has registered case no.RC 217 2025 A 007 against (i) Shri XXXX Chief Office Superintendent, confidential section, DRM office, WCR, Kota (ii) Shri XXXX, Sr. Divisional Electrical Engineer, TRD, Kota (iii) Shri XXXX, Assistant Personnel Officer, Kota Division, WCR, Kota (iv) Shri XXXX, DPO, (v) Shri XXXX, Chief Office Superintendent and (vi) Shri XXXX, Chief Loco Inspector u/s 120B of IPC r/w section 7 & 8 of PC Act 1988 (as amended in 2018) and section 218, 420, 467, 468, 471 of IPC and substantive offences thereof.”

12. The Bench has perused the Complaint, the documents attached with the complaint, PI Report along with its annexures including some additional documents and statements of the witnesses recorded, comments of the RPS, comments of the Competent Authority and the observations of the IO thereon.
13. At the outset we note that the complaint under consideration is related to the **same selection** as being dealt with in Complaint No.190/2024, wherein vide Order dated 21.02.2025, the Lokpal of India directed the CBI to carry out the investigation in terms of Section 20(3)(a) of the Act of 2013. We further note that, in compliance of the said Order, CBI AC-II Branch New Delhi has

registered case no. RC 217 2025 A 0007 against six officials u/s 120B of IPC r/w section 7 & 8 of PC Act, 1988 (as amended in 2018) and section 218, 420, 467, 468, 471 of IPC and substantive offences thereof.

14. In light of the above, we are of the considered view that for ensuring comprehensive investigation including reckoning the view expressed by the Competent Authority about the possibility of involvement of other officials, in the larger interest of justice, we direct that all materials, documents and statements recorded during the process of PI Report in the present Complaint No.22/2025, be shared with the Investigating Officer in case no. RC 217 2025 A 0007. The Investigating Officer shall look into the efficacy/relevancy of these documents and records and proceed independently without being influenced by the observations and conclusions drawn in this PI Report or elsewhere in these proceedings. The Investigating Officer who has caused to register case no. RC 217 2025 A 0007 against six officials u/s 120B of IPC r/w section 7 & 8 of PC Act, 1988 (as amended in 2018) and section 218, 420, 467, 468, 471 of IPC and substantive offences thereof, shall deal with the investigation appropriately in a composite manner to unearth the larger conspiracy, if any, and to unravel the involvement of all concerned including the named RPS in this case, in the same selection process in accordance with the law.
15. The IO in the complaint under consideration is directed to share all records and materials of Complaint No.22/2025 to the Investigating

Officer of Complaint No.190/2024 forthwith whilst protecting the integrity of the records collated by him.

16. The Registry is directed to send a copy of this Order to the Director, CBI on his official email in addition to regular mode for his information and necessary action.
17. Accordingly, the complaint is disposed of.

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

Sd/-
(Justice L. Narayana Swamy)
Member

Sd/-
(Justice Sanjay Yadav)
Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/RR/