

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

Complaint No. : 2237/2022
Date : 28 April, 2023.
Coram : **Justice Abhilasha Kumari**
Judicial Member
Smt. Archana Ramasundaram
Member
Shri Mahender Singh
Member

ORDER

This complaint dated 17.03.2022 has not been filed in the proper format as per rules. Despite communication from the Secretariat of the Lokpal of India, the complainant had not done the needful. As sufficient time had elapsed, the complaint was taken up for consideration and passing of an appropriate order.

The complainant has alleged that the Head of Office (Scientist-B) NRLC, Lucknow (the public servant) is demanding a bribe of Rs. 5 lakh for passing bills against housekeeping and security services of the complainant's company. The complainant has also informed that a bribe of Rs.1 lakh has already been paid to the concerned public servant.

Contd.2/-



The complaint was perused by the Full Bench of Lokpal on 08.09.2022. The Full Bench of Lokpal vide the Order of that date, directed that the complaint may be referred to the CVC for making a Preliminary Inquiry under Section 20(1)(a) of the Lokpal & Lokayuktas Act, 2013 and submit a report within a period of six weeks i.e. on or before 28.10.2022.

After availing extension of time, the CVC, vide letter dated 13.04.2023, has submitted the report of the Preliminary Inquiry, enclosing therewith a report from the Ministry of Culture. This Division Bench has considered the report of the Preliminary Inquiry. It is revealed that the competent authority for sanctioning the bills is DG, NRLC. The then DG, NRLC was terminated on 03.09.2021. After his termination, financial powers to sanction the bills were not delegated to any officer by the Ministry. Instead, an Order dated 27.09.2021 was issued by the Ministry, according to which payment of all the bills sanctioned by the earlier DG was to be released by DDO, NRLC. only after getting the approval of the named public servant. Before the appointment of a new DG, NRLC, financial powers to sanction the bills were not delegated by the Ministry to any other officer. The named public servant worked as Head of Office, NRLC and RCL, Mysore with effect from 27.09.2021 to 18.01.2022.

It is also revealed that the bills for the months of April, May and June, 2021 in respect of RCL Mysore were sanctioned by the

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Ex-DG. As per Ministry' Order dated 27.09.2021, these bills were submitted by the Accountant, NRLC to the named public servant (who was Head of Office during the relevant period) for approval to release the payment. The named public servant, however, kept the file with him and returned the file without any comments/approval to the Accountant, NRLC after few months. The named public servant, however, was not given powers by the Ministry to sanction the bills for NRLC, Lucknow which were submitted in the month of August, 2021 and were pending at the relevant time.

From the inquiry report, it emerges that the total amount of the bills of RCL, Mysore for the month of April, May and June, 2021 amounted to Rs.3,58, 233/- which were put up before the named public servant for release of the amount to the contractor. The remaining amount out of the total amount of Rs.33 lakhs (as claimed by the complainant) were neither put up before the named public servant nor was he authorised to sanction the same. It, therefore, appears unlikely that the named public servant will demand a bribe of Rs.5 lakhs to release an amount of Rs.3,58, 233/-. His contention that he was not authorised to approve release of previously sanctioned bills amounting to Rs,3,58,233/- is, however, not correct as the Ministry, vide their Order dated 27.09.2021 had specifically authorised the named public servant to approve release of the already sanctioned bills.

Furthermore, no evidence has emerged during the inquiry about the demand/payment or receipt of bribe money by the named public servant.

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From the above, it appears that there was a lack of clarity on the part of the Ministry, regarding the appropriate authority for sanctioning the bills pertaining to NRLC. Ministry of Culture is, therefore, directed to issue clear-cut guidelines and resolve the matter at their own level.

With these observations and directions, the complaint is closed and stands disposed of.

A handwritten signature in black ink, appearing to be the initials 'S. G.' or similar, located below the text.