

LOKPAL OF INDIA

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

Complaint No. : 27/2020
(Complaint Nos. 2149, 2150,
2188/2022 are tagged)

Date : 18th January, 2023

Coram : **Justice Pradip Kumar Mohanty**
Acting Chairperson

Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Smt. Archana Ramasundaram
Member

Shri Mahender Singh
Member

Dr. Indrajeet Prasad Gautam
Member

ORDER

The matter has arisen out of a complaint dated 13.07.2020 against an Assistant Commissioner of Delhi Police, alleging illegal gratification, corruption and acquisition of properties / assets worth more than Rs.20 crores, disproportionate to his known sources of income. The complaint was placed before the Full Bench of the Lokpal of India on 25.08.2020 and as the allegations were serious, vide an Order of the same date, the matter was referred to the CVC to cause a Preliminary Inquiry by the DSPE into the matter in accordance with the provisions of Section 20 (1) (a) and (2) of the Lokpal and Lokayuktas Act, 2013, to ascertain whether there exists a *prima facie* case for proceeding in the matter.

2. The Preliminary Inquiry Report received from the DSPE/ CBI was placed before the Full Bench of the Lokpal of India on 24.03.2021. The Inquiry Officer had concluded that the allegations mentioned in the complaint against the Government servant were not substantiated.

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3. However, after perusing this report, the Full Bench of the Lokpal of India observed that *“The findings of the inquiry do raise a suspicion over the links of the said government servant with the properties acquired in the name of his family members. He also appears to have been promoted and given important postings in spite of an extremely bad service record. It is reported that 41 Censure / Show Cause Notices were issued to him of which some contain very adverse remarks on his conduct and performance..... It is also noted that his name was added twice in the ‘Agreed List’ for the Officers of Doubtful Integrity and removed later”*. Hence, the matter was referred again by the Full Bench to the CVC to obtain the comments of the competent authority by 03.05.2021.

4. After availing several extensions, the CVC vide letter dated 17.11.2021 informed that the DSPE/CBI was reminded again to furnish the comments/report by 12.11.2021, which were still awaited as on 17.11.2021. The complaint was placed before the Full Bench on 30.11.2021 and vide an order of the same date, the comments of the Competent Authority were sought before 20.12.2021. The Full Bench also asked for transfer of the said public servant outside Delhi/NCR Region as his presence in Delhi could affect the inquiry adversely. In compliance, the Ministry of Home Affairs, vide letter dated 12.01.2022, intimated that the said public servant had been transferred from Delhi to UT of Andaman & Nicobar Islands on 31.12.2021.

5. The CVC, after availing a few more extensions, informed vide their letter dated 19.04.2022 that the enquiry against the said public servant was completed and enclosed a copy of the letter dated 07.04.2022 received from the DSPE/CBI forwarding a copy of the letter dated 16.03.2022 of the Deputy Commissioner of Police, Vigilance, Delhi, along an Assurance Memo by the Special Commissioner Police, Vigilance, Delhi. In this report, the DCP (Vigilance), Delhi reported that it had emerged during the enquiry that the said public servant had violated the Rule 18(2) of the Central Civil Services (Conduct) Rules, 1964. It was also informed that the Enquiry Report had been submitted to the Hon'ble Lt. Governor, Andaman & Nicobar Islands, Port Blair, where the Government servant concerned was posted, for taking necessary action against him.

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6. This was placed before the Full Bench of the Lokpal of India on 06.05.2022 and it was decided to give an opportunity to the said Government servant to offer his explanation in the matter. Accordingly, vide an Order of the same date, he was directed to submit an affidavit, under section 20(3) of the Lokpal and Lokayuktas Act, 2013, with regard to the allegations raised against him in the complaint.

7. In compliance to this order, the Government servant filed an Affidavit dated 06.06.2022, running into eleven pages, wherein he denied all the allegations. He had explained that the complainant had sent this false and frivolous complaint against him, with a malicious intent, to the Lokpal because on the directions of the Hon'ble High Court of Delhi, he had conducted an inquiry into the allegations that the complainant was giving fake complaints against some persons and then extorting money to withdraw his complaints. In his report before the Hon'ble High Court of Delhi, the Government servant had concluded that the complainant was "*using and misusing Government machinery, law of the land through different courts including this Hon'ble Court for his personal gains.*" After this report was filed by him, the complainant had to tender an affidavit before the Hon'ble High Court, containing his unconditional apology.

8. The public servant also claimed that he was given postings based on his "*capability and performance in the troublesome areas.*" He had stated that he has served his parent department "*for around 33 years dutifully and without any blemish record.*"

9. As regards the main allegations against him of having acquired assets/ property disproportionate to his known income, the said Government servant denied these allegations and informed that he does not own even a single property in Delhi or other State, except one Honda City car purchased by him in the year 2016. He further added that during the DSPE/CBI enquiry against him, these allegations were looked into and were found to be incorrect.

10. The Full Bench, on 05.07.2022, perused this Affidavit filed by the Government servant and noticed that he had mainly focussed on the bad antecedents and motive of the complainant in having given a complaint

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against him to the Lokpal. His explanation was cursory on the allegations of having acquired disproportionate assets. Moreover, his contention of having an unblemished service record also did not appear to be correct, going by the details of the multiple show-cause notices issued to him and punishments awarded. Besides, his name was also added for some time to the 'Agreed List' of officers having doubtful integrity. In this connection, the Full Bench also took note of the letter dated 19.04.2022 received from the CVC, enclosing a copy of the letter of the CBI/DSPE dated 07.04.2022 along with a copy of letter dated 16.03.2022 received from the DCP, Delhi Police wherein it was intimated that the public servant had violated Rule 18 (2) of the Central Civil Services (Conduct) Rules, 1964 and that the Enquiry report had been submitted to the Hon'ble Lt. Governor, Andaman & Nicobar Islands, Port Blair for taking necessary action against him.

11. Since the report had already been placed before the Hon'ble Lt. Governor, Andaman & Nicobar Islands, Port Blair for taking necessary action against the errant Government servant, the Full Bench of Lokpal of India decided not to intervene at this stage but directed that a copy of the order passed by the Hon'ble Lt. Governor, Andaman & Nicobar Islands, Port Blair in the matter be obtained by the CVC and forwarded to the Lokpal of India.

12. In compliance with this Order, the CVC, vide OM dated 01.12.2022 has forwarded a copy of letter dated 17.11.2022 received from the Andaman & Nicobar Administration wherein it has been intimated that the said public servant has been placed under suspension by the Chief Secretary, Andaman & Nicobar Administration vide Order No.1730 dated 30.06.2022 and all the pensionary benefits were stopped due to withholding of vigilance clearance. The public servant retired from service on 30.06.2022. It has been further intimated that the entire matter has been referred to the Ministry of Home Affairs, New Delhi, being the Cadre Controlling / Disciplinary Authority for appropriate necessary action vide Andaman & Nicobar Administration letter No. 26-623/2022-Home dated 03.11.2022 (Copies of the suspension order and the letter addressed to the Ministry of Home Affairs have been enclosed).

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13. Having perused the documents received from the CVC intimating about the action being taken in the matter, the Full Bench is of the view that no further intervention is required at our level in this connection.

14. Accordingly, the complaint stands disposed of.



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