

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

Complaint No. : 3346/2022
Date : 02nd February, 2024
Coram : Smt. Justice Abhilasha Kumari
Judicial Member

Shri Dinesh Kumar Jain
Member

Shri Mahender Singh
Member

ORDER

Perused the Office Memorandum No.023/I&B/009/13569/2023 dated 15.12.2023 received from Central Vigilance Commission (CVC) enclosing therewith a copy of O.M. dated 15.12.2023 from CVC addressed to CEO, Prasar Bharati and a copy of the Preliminary Inquiry Report of Prasar Bharati dated 06.12.2023 in compliance with the Order of the Division Bench of the Lokpal dated 11.07.2023 in respect of Complaint No.3346/2022.

2. The complaint was considered by the Full Bench on 07.06.2022 and vide Order of the same date, the Full Bench had directed the Secretary, Ministry of Information and Broadcasting to submit a status report to the Lokpal by 01.08.2022. Subsequently, a letter dated 04.08.2022 was received from the M/o I & B informing that the public servant named in the complaint is a Group 'C' employee of All India Radio, Gwalior and Head of Office, AIR, Bhopal is the disciplinary authority and taking approval of Director General of All India Radio, the case has been sent to the Head of Office, All India Radio, Bhopal for disciplinary action and for filing an FIR in local police station for criminal investigation/prosecution. In the same letter, the Ministry had requested the Lokpal of India to allow three more months time for furnishing the final action taken report. The request of the M/o I & B was considered by the Full Bench on 08.09.2022 and vide Order of the same date, the Full Bench granted three more months to the Ministry to submit its Action Taken Report. However, as neither the Status



Report/Action Taken Report nor the details about filing of FIR were received despite sufficient time having elapsed, the Full Bench, vide Order dated 31.05.2023 directed Secretary, M/o I&B to depute the concerned officer of the Ministry (not below the rank of Deputy Secretary) to appear in person before the designated Bench on 11.07.2023 at 1130 hours to explain the delay in this long pending matter and also to submit a detailed action taken report.

3. After hearing the replies of the officials with respect to the complaint on 11.07.2023, vide Order of the same date, the Division Bench had given the following directions: -

- (a) Referred the matter to CVC, under Section 20(1)(a) of the Lokpal and Lokayuktas Act, 2013 for a Preliminary Inquiry into the matter. In the event, the CVC does not find involvement of any other officer than the UDC, who is a Group 'C' official, they will decide the matter on their own. However, if it appears that there is some involvement of any Group 'A' or 'B' official, they would submit the report to the Lokpal of India by 08.09.2023.
- (b) The CEO, Prasar Bharati to take into consideration every aspect of the complaint as well as the issues that have been stated in this order and outline what has been done in the matter. Further, what systemic improvements are required to be done to improve the working of the AIR/Prasar Bharati/Doordarshan so that a clear line of accountability can be fixed, shall also be stated. The requirements of framing proper rules and regulations, to cover up such aspects may also be indicated.
- (c) The CEO, Prasar Bharati shall file a detailed report as stated above, to the CVC, so that it is considered to be part of the Preliminary Inquiry Report. Even otherwise, the CVC is required to obtain the comments of the Competent Authority as part of the Preliminary Inquiry under Section 20(2) of the Lokpal and Lokayuktas Act, 2013. The CVC shall also look into the aspect whether systemic improvements are required to be done to make the working and coordination of the AIR/PB/DD so that a clear line of accountability can be fixed.



- (d) A copy of this order shall also be sent to the Secretary, M/o I&B, in addition to the CEO, Prasar Bharati.

4. In compliance with the Order dated 11.07.2023 of the Division Bench of the Lokpal of India, vide O.M dated 15.12.2023, CVC has enclosed a copy of the Preliminary Inquiry Report of Prasar Bharati dated 06.12.2023 and a copy of O.M. dated 15.12.2023 from CVC addressed to CEO, Prasar Bharati.

5. The report states that no involvement of any other officers/officials except, UDC who is a Group 'C' official has been found in the matter. Prasar Bharati has also intimated that a minor penalty of reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension along with a minor penalty of recovery of Rs.96,129/- from his pay of the whole pecuniary loss caused to the organization by his negligence was imposed on the UDC vide Order dated 08.07.2023. The recovery of pecuniary loss is subject to the outcome of O.A. 501/2019 dated 20.06.2019 filed before Hon'ble CAT, Jabalpur Bench. Prasar Bharati has also intimated that an FIR has been lodged against the UDC at the local police station on 28.06.2023. In the said report, it is also observed that Prasar Bharati has recommended certain systemic improvements to improve the working of Prasar Bharati.

6. The Bench has taken note of the CVC's direction to CEO, Prasar Bharati to pursue the Miscellaneous Application (MA) filed before Hon'ble CAT, Jabalpur Bench in O.A.501/2019 for vacating the stay Order dated 20.06.2019, whereby the Hon'ble Tribunal had stayed the recovery of the amount from the concerned public servant and the FIR lodged against him. The CVC has also directed that the commission be informed of the steps taken by Prasar Bharati. The Bench has also noted that CVC had advised CEO, Prasar Bharati to implement the recommendation for systemic improvements and frame proper rules and regulations, specific guidelines for better & smooth functioning and coordination among AIR/PB/DD, so that a clear line of accountability could be fixed in future.

7. The Bench, having gone through the report & the direction and advice of CVC to CEO, Prasar Bharati, is of the view that at this stage, there does not appear to be any involvement of any other officers/officials except the UDC, who is a Group 'C' employee. Keeping in view, the second proviso to Section 20 of the Lokpal and Lokayuktas Act, 2013, the Bench has decided



to close the matter at the level of Lokpal of India. CVC and CEO, Prasar Bharati are directed to deal with the matter further.

8. With these directions, the complaint is disposed of,



Court Master
Lokpal of India