

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

Complaint No. : 3871/2022

Date : 08.08.2024

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

Shri Justice L. Narayana Swamy
Judicial Member

Shri Justice Sanjay Yadav
Judicial Member

Shri Sushil Chandra
Member

Shri Justice Ritu Raj Awasthi
Judicial Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

Present:

1. Complainant : None.
2. Respondent Public Servant (RPS) : RPS (in person), XXXX (name redacted).
3. Central Bureau of Investigation : Shri Jai Kumar Bhartiya,
Dy. SP, AC-III, CBI, N.Delhi.



ORDER

1. Vide Order dated 05.07.2022, the Full Bench of Lokpal of India directed Central Vigilance Commission (CVC) to conduct Preliminary Inquiry under Section 20(1) of the Lokpal and Lokayuktas Act, 2013 (hereinafter referred to as "the Act, 2013") and to submit the report to the office of Lokpal of India within four weeks, i.e. by 16.08.2022.

2. CVC furnished the Preliminary Inquiry Report dated 13.09.2022 enclosing therewith a copy of the inquiry report dated 08.09.2022 from the Chief Vigilance Officer (CVO), Security Printing and Minting Corporation of India Limited (SPMCIL).

3. Vide Order dated 24.11.2022, the Division Bench perused the report of CVO, SPMCIL and sought information from CVC, on whether any criminal complaint was filed in this matter and if not why, on or before 02.01.2023.

4. Vide Order dated 13.01.2023, the Division Bench perused the CVC letter dated 29.12.2022 informing that criminal complaint was not filed in the case and no reason was found recorded for the same. The Bench directed that an opportunity of being heard be provided to the concerned Respondent Public Servant (RPS) in terms of Section 20(3) of the Act, 2013 and a period of three weeks was given for this purpose.



5. The RPS did not remain present on the dates of the hearing fixed on 21.02.2023 and 22.03.2023.
6. Vide Order dated 22.03.2023, the Division Bench passed the following Order: -
 - (i) *In accordance with the provisions of Section 20(3) of the Lokpal and Lokayuktas Act, 2013, the Bench is of the opinion that there exists a prima-facie case for directing investigation by CBI (Delhi Special Police Establishment) in this matter.*
 - (ii) *Accordingly, CBI is directed to carry out the investigation and complete the process within a period of four (04) months from the date of receipt of this Order, i.e. on or before 28.07.2023.*
7. This period was extended from time to time upto 04.02.2024.
8. In the meanwhile, RPS, in her letter dated 15.04.2023, stated the reason for not being able to attend the hearing and apologized for the same. Vide Order dated 23.05.2023, the Division Bench directed that the letter may be filed. Subsequently, another letter dated 01.07.2023 was received from RPS. RPS apologized for not being able to attend both the hearings. RPS had further prayed for the closure of the present enquiry against her. Vide Order dated 11.07.2023, the Division Bench decided not to pass any Order on the representation from the RPS and directed to file the letter.
9. The Division Bench, on 21.02.2024, perused the investigation report of the CBI along with copies of statements of witnesses and

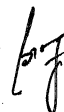
relevant documents forwarded by CVC vide O.M. dated 12.02.2024 & 14.02.2024.

10. The Division Bench noted that a case was registered on 02.05.2023 under Section 120B of the Indian Penal Code (IPC) and under Section 13(2) read with Section 13(1)(a) of the Prevention of Corruption Act (PCA), 1988 against the RPS who was then Senior Office Assistant in the India Government Mint. CBI had also sought sanction for prosecution as per Section 20(7) of the Lokpal and Lokayuktas Act, 2013 against the RPS for the offences defined under Section 420, 465, 468, 471 and 477A of IPC and Section 13(2) read with Section 13(1)(d) of PCA, 1988 and substantive offences thereof.
11. The Division Bench noted that sufficient evidence exists to proceed further in this case and directed to obtain the comments of the Competent Authority and the RPS in terms of Section 20(7) of the Act, 2013.
12. In compliance with the above Order, RPS vide letter dated 21.03.2024 submitted her comments and prayed for mercy to close the present inquiry against her as she had already been given major punishment, in the matter under consideration, in the Departmental Proceedings and requested that she may be given a chance to appear in person before the Full Bench to hear her once.
13. Vide Order dated 18.04.2024, the Full Bench considered the Investigation Report submitted by CBI under covering letter dated 06.02.2024, through CVC, vide OM dated 14.02.2024. The Full



Bench directed that the Investigation Officer (IO) to remain personally present during the next hearing fixed on 23.04.2024 along with relevant records.

14. Vide Order dated 23.04.2024, the Full Bench directed the CBI to submit an additional Report giving more details about the factual aspects, including the analysis of further investigation they wish to undertake. Vide letter dated 05.06.2024, the CBI furnished the said report.
15. The Full Bench on 24.07.2024 perused the additional Report of CBI, comments of the Competent Authority, i.e., Chief General Manager, IGM, Noida in respect of RPS dated 28.06.2024 received from Deputy CVO, SPMCIL dated 02.07.2024 and the comments of the RPS dated 21.03.2024. In pursuance of the RPS request to appear in person before the Full Bench to provide her one opportunity of being heard was acceded by the Full Bench. Accordingly, the Bench directed to issue notice to RPS to afford her an opportunity of hearing; and thus, call upon her to appear before the Full Bench on 08.08.2024.
16. Accordingly, the RPS remained present today in person and made oral and written submissions.
17. The complaint under consideration is dated 29.04.2022, diarized as Complaint No.3871/2022. It was received in the Office of the Lokpal of India against officials of India Government Mint, Noida [A Unit of Security Printing and Minting Corporation of India Limited



(SPMCIL)] coming under the Ministry of Finance, Government of India alleging embezzlement in disbursement of salaries to the employees of this organization. It has been alleged that the salaries of some of the employees are being wrongly remitted to different accounts. The complainant in his complaint has listed five cases where wrong transfers have been done. He has also alleged that there are many more such cases wherein wrong transfers have taken place not only in the case of employees but also to service providers, vendors, etc.

18. The analysis of evidence against the accused Smt. **XXXXXX** (name redacted for confidentiality) by CBI stated that: -

*".....Accused Smt. **XXXXXX** (name redacted for confidentiality) joined the IGM, Noida on 20.02.2008 as Data Entry Operator cum Office Assistant. She was working in Finance and Accounts section vide officer order dated 18.04.2017 and got promoted as Sr. Office Assistant on 04.04.2018 and continued to work in the same section till the date of her suspension (17.01.2019). Subsequently, she was removed from the service on 14.10.2019 pursuant to departmental disciplinary proceedings. During her postings in Finance and Accounts section, she used to prepare PBR, NEFT sheet, etc.*

Investigation has revealed that vide NEFT Sheet no. 181 dt 13.12.2017, an amount of Rs. 3560/- was credited into account no. 03291140018463 pertaining to Sh. Pramod Kumar Dwivedi on 14.12.2017 against LTC settlement. This



NEFT sheet was prepared by Smt. XXXXXX (name redacted for confidentiality) and signed by her. Despite the fact, while preparing the NEFT sheet No. 192 dated 16.12.2017, accused Smt. XXXXXX (name redacted for confidentiality) intentionally again entered the details of already paid bill of Rs. 3560/- of Sh. Pramod Kumar Dwivedi and replaced account details including IFSC of Sh. Pramod Kumar Dwivedi. Sr. Office Assistant with her salary account details including IFSC and wrongfully got credited Rs. 3560/- in her salary account from IGM A/c No. 00030350006240.

Investigation further revealed that accused Smt. XXXXXX (name redacted for confidentiality), while preparing NEFT sheet No. 201 dated 22.12.2017, intentionally entered her joint account details in place of account details of Sh. Ravi Kumar and wrongfully got credited Rs. 5440/- in her joint account from IGM A/c No. 00030350006240. Similarly, accused Smt. XXXXXX (name redacted for confidentiality) while preparing NEFT sheet Nos. 281 dated 17.03.2018, 294 dated 27.03.2018, 20 dated 30.04.2018 and 111 dated 18.07.2018, intentionally entered her joint account details in place of account details of Sh. C.B. Bharti, Sh. Ajay Maruti Shinde (for NEFT sheet Nos. 294 & 20) and Sh. Billu Ram Tyagi. Thus, she created false documents and wrongfully got credited amounts of Rs. 1288/-, Rs. 5956, Rs. 33817/- and Rs. 3000/- into her joint account from IGM A/c No. 00030350006240 on 17.03.2018,



27.03.2018, 30.04.2018 and 18.07.2018 by abusing her official position.

Investigation has established that Smt. **XXXXXX** (name redacted for confidentiality) prepared false documents viz NEFT sheet Nos. 192 dated 16.12.2017, 201 dated 22.12.2017, 281 dated 17.03.2018, 294 dated 27.03.2018, 20 dated 30.04.2018 and NEFT sheet No. 111 dated 18.07.2018 for cheating, used them as genuine and wrongfully got credited amounts of Rs. 3560/-, Rs. 5440/-, Rs. 1288/-, Rs. 5956/-, Rs. 33817/- and Rs. 3000/- to her salary account and her joint account with her husband from IGM. Noida A/c No. 00030350006240, as undue advantage by abusing her official position. Thereby, accused Smt. **XXXXXX** (name redacted for confidentiality) caused wrongful gain of Rs.53061/- to herself corresponding wrongful loss to IGM, Noida and she is the ultimate beneficiary of these undue advantages.

Investigation has thus established that Smt. **XXXXXX** (name redacted for confidentiality) prepared false documents for cheating, used them as genuine and wrongfully got credited amounts in her salary account and her joint account with her husband as undue advantage by abusing her official position.....”.

19. The additional report submitted by CBI, *inter-alia*, stated:-

“.....criminality has been revealed against her during investigation. Further, no criminal role of other persons during investigation for prosecution was established.....”.

20. The Competent Authority in respect of RPS is in agreement with the recommendations made by the CBI: -

“....Perusal of CBI’s Investigation Report dated 30.01.2024 depicts that it has sought sanction for prosecution as per Section 20(7) of the Lokpal and Lokayuktas Act, 2013 against the RPS viz. Smt. XXXXXX (name redacted for confidentiality) for the offences punishable under section 420, 465, 468, 471 & 477A of IPC and section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 and substantive offences thereof.

In the facts and circumstances stated above, the undersigned conveys it’s agreement with the recommendations made by the CBI against the RPS viz. Smt. XXXXXX (name redacted for confidentiality), in its Investigation Report dated 30.01.2024....”

21. The RPS in her written submission to the Lokpal dated 21.03.2024; and in her oral and written submission today before the Bench; stated that for the reported transactions, disciplinary proceedings were initiated against her and she has been removed from service. She has paid back remittances accrued to her. She expressed her inability to justify her innocence and pleaded mercy.



22. We have carefully gone through the Preliminary Inquiry Report, Investigation Report and additional Investigation Report of the CBI, material evidence on record, relevant documents, statement of witnesses, comments & submissions of RPS and comments of the Competent Authority and after minutely examining the same, we find sufficient evidence on record, both oral and documentary, against the RPS to establish that the RPS had embezzled the payments pertaining to other employees in her joint name account maintained with State Bank of India on more than one occasion, by fraudulently showing the correct name of the payee but changing the account number and IFSC code in the NEFT sheets prepared for disbursement of payment and forwarding these NEFT sheets to the remittance HDFC Bank.
23. Accordingly, in regard to the allegations, we consider it fit that the said Smt. XXXXXX (name redacted for confidentiality), the then Senior Office Assistant at India Government Mint, Noida be prosecuted in the Court having jurisdiction over the said alleged acts and offences committed by her.
24. The Full Bench, therefore, in exercise of the powers conferred upon it under Section 20(7) of the Lokpal and Lokayuktas Act, 2013 grants sanction to prosecute the said public servant, i.e. Smt. XXXXXX (name redacted for confidentiality), the then Senior Office Assistant at India Government Mint, Noida for the offences alleged to have been committed by her and punishable under Section 420, 465, 468, 471 and 477A of IPC and Section 13(2)

read with Section 13(1)(d) of PCA, 1988 and substantive offences thereof.

25. The Investigating Officer may do the needful and keep the Lokpal posted about the follow-up steps taken by him in due course.
26. The Registry is directed to retain the original records and evidence, if any which are likely to be required in the process of conduct of the case by the jurisdictional Court and make the same available to the concerned Court whenever needed.
27. Subject to above, the Complaint before the Lokpal be regarded as disposed of.

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

Sd/-
(Justice L Narayana Swamy)
Judicial Member

Sd/-
(Justice Sanjay Yadav)
Judicial Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Justice Ritu Raj Awasthi)
Judicial Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)

/RR/