

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

Complaint No. : 4204/2022 & 162/2023

Date : 16.07.2024

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

ORDER

1. In both the complaints, Preliminary Inquiry Report as well as the comments of the Competent Authority were examined and vide Order dated 05.06.2024 the Action Taken Report was called for on the following six remaining issues:-

- (a) Appointment/promotion of family members of the employees of ICHR on the posts of LDC in the year 2018.



- (b) Irregularities pertaining to recruitment and promotion and the outcome of proposal of first stage advice as proposed by CVO.
- (c) Irregularities in promotion of Shri XXXXXXXXX to the post of Dy. Director (Administration).
- (d) 100% advance to vendors without any Bank guarantee resulting into violation of GFR Rules.
- (e) Repeatedly increasing local vendors without any MoU and without following e-tender process.
- (f) Auction of old and new items of office at very less price.

2. The Central Vigilance Commission (CVC) has submitted the Action Taken Report received from the Ministry of Education vide O.M. dated 27.06.2024. The issues were kept before the General Council which is the Apex Body in the ICHR. The decisions of the General Council were considered by the Ministry and further comments of the CVO have been given on each of the issues which are as under :-

“(i) The lapses in recruitment stemmed from erroneous interpretation of RRs by Administrative Committee (AC) which in its 56th meeting decided that relaxation of any sort may be provided by the Selection Committee constituted for recruitment. This decision, among others made by the AC, was ratified by the 64th General Council.

It is pertinent to mention that the General Council in a meeting held on 13.05.2024 has decided to undo decision taken by the



56th Administrative Committee and 64th General Council in respect of providing relaxation for recruitment. Henceforth, **no relaxation in qualification, eligibility, age, experience**, etc. will be given to any candidate/employee in recruitment and promotions. The same would be rectified in the ICHR's Recruitment Rules which are being reviewed for amendment by a committee constituted in the 99th General Council meeting dated 27.03.2024.

While it is a matter of concern that such blanket relaxation was never questioned by the Selection Committee, the onus of pointing out such violation/misinterpretation of RRs to the GC vested with the Member Secretary. Hence, actions resolved by the GC in its meeting on 06.06.2024 viz; issuing warnings to members of Selection Committee, seeking explanation from then Member Secretary for not ensuring adherence to RRs and drafting new Rules within 6 months to limit scope for ambiguity appear satisfactory. The Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure framing of RRs is completed by 06.12.2024, with non-compliance being subject to strict disciplinary action.

As remedial action has been taken to address the irregularity, the allegation may be dropped.



(ii) The Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure first-stage advice proposal is submitted by 08.07.2024, with non-compliance being subject to strict disciplinary action.

ICHR has also been advised that in cases where irregularity in promotion is established, the incumbent may be reverted to their earlier positions.

(iii) Action resolved by the GC is found to be satisfactory, however, no timeline has been committed for completing the action. Accordingly, this Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure all corrective actions related to this allegation such as giving effect to reversion of promotion of Shri XXXXXX and placing versions of erring officials in the GC for deciding on disciplinary action are completed by 08.07.2024, with non-compliance being subject to strict disciplinary action.

(iv) It is reiterated that instant allegations have already been substantiated during the internal audit and are being taken up with ICHR for effective settlement of audit para following due process laid out by Internal Audit Wing. To expedite the process, this Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure action taken on

the report of the Committee examining audit findings is submitted by 08.07.2024, with non-compliance being subject to strict disciplinary action.

- (v) Action resolved by the GC is found to be satisfactory, however, no timeline has been committed for completing the action. Accordingly, this Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure first stage advice proposal for irregularities in select cases of procurement is submitted by 20.07.2024, with non-compliance being subject to strict disciplinary action.
- (vi) Action resolved by the GC is found to be satisfactory, however no timeline has been committed for completing the action. Accordingly, this Ministry vide letter dated 24.06.2024 (copy enclosed) has inter-alia directed Member Secretary, ICHR to ensure first stage advice proposal for irregularities in such auctions is submitted by 20.07.2024, with non-compliance being subject to strict disciplinary action.”

3. After considering the Action Taken Report by the General Council and the comments of the CVO, we find that there were various irregularities in appointments, promotions, engagement of local vendors and not following the procedure in auction, which warrant disciplinary action by the Department. The action on all such irregularities have been initiated

by the General Council and the department. The Ministry has also fixed the timelines for completing the action.

4. As a result of preliminary inquiry it is seen that no act of omission or commission constituting an offence punishable under the Prevention of Corruption Act, 1988, is made out. Therefore, no further action is required at our end and we have decided to close the matter. Accordingly, the complaints are disposed of.
5. However, we direct that the Secretary, Department of Higher Education do ensure that proper departmental action as proposed by the CVO is taken to its logical end in right earnest; and a report be sent to us on completion of the same.


(COURT MASTER)