

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

Complaint No. : 4323, 4324, 4325/2022

Date : 13.12.2024

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. These complaints are filed against the high official [Respondent Public Servant (RPS)], of the Lokpal of India.

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2. The thrust of the allegations against the named officer is about accumulation of numerous immovable properties in his name and in the name of his family members, being benamidars. It is also alleged that the RPS facilitated grant of unsecured loans to his family members and shell companies; and misused his official position for securing loans at cheaper rates through various public sector banks. The shell companies later became NPAs. It is also alleged that the RPS has made substantial investments in shares, securities and foreign vehicles and benami transactions with jewelers. It is also alleged that he indulged in corruption during his tenure in the office of Lokpal of India, through his brother.

3. The allegations of corruption being against one of our own high official (of the Lokpal of India), which is an autonomous and independent statutory body established to deal with the allegations of corruption against the functionaries enumerated in Section 14 of the Lokpal and Lokayuktas Act, 2013 (Act of 2013), it was considered appropriate to conduct a thorough inquiry despite the complaint being anonymous/pseudonymous. This was imperative to do away with even a tittle of doubt lingering on the integrity of our officer



(of the Lokpal of India). In fact, even a slightest reflection on the integrity of an official of any standing - be it highly placed officer or otherwise - of the Lokpal, it would inevitably undermine the public trust in the whole institution of the Lokpal itself, which has been essentially tasked to cause inquiry/investigation into the allegations of corruption against (specified) functionaries. It is an onerous responsibility nay bounden duty of the Lokpal, for effectuating corruption free governance at all levels in public offices. It is apposite to recall the celebrated adage, "who will police the Police". The Lokpal being a Body established to inquire into the allegations of corruption against public functionaries including to sanction their prosecution, it became imperative for us to discharge the unpleasant task of inquiring into the allegations of corruption against our own officer including to uphold probity of the highest standards. For, Caesar's wife must be above suspicion. Therefore, the Full Bench vide order dated 29.05.2024, directed the Central Bureau of Investigation (CBI) to conduct a thorough Preliminary Inquiry under section 20(1)(a) of the Act, 2013 and submit its report. Indeed, we have not been able to complete the inquiry within the timeframe predicated in Section 38(2) of the Act of 2013 owing to the reasons recorded in our orders passed in these cases from time to time, for

reasons entirely beyond our control. The same need not be reiterated for the sake of brevity. Further, because the RPS was already repatriated when the preliminary inquiry was ordered, there was no need to pass an order in terms of sub-section (3) of Section 38 of the Act of 2013.

4. After availing several extensions, the CBI has submitted Preliminary Inquiry Report on 13.09.2024. Thereafter, the IO obtained comments of the Competent Authority and forwarded it to the Registry with his observations thereon. The allegation wise report by the IO is summarised as under:

a) Allegation No. 1, 2, & 3: These allegations are regarding accumulation of numerous immovable properties. After exhaustive inquiry, it has been submitted by the IO that the RPS has intimated to the department about the acquisitions and disposal of properties which are in his name and in the joint name with his wife and no information could be found regarding any Benami property. Therefore, in view of the detailed inquiry, these allegations are found to be not substantiated.



- b) Allegation No. 4: This is regarding settling of corruption cases during his tenure at Lokpal of India. It has been submitted by the IO that during inquiry, no information could be found regarding alleged corruption by the RPS. Therefore, this allegation is also not substantiated.
- c) Allegation No. 5: This allegation is regarding facilitation of unsecured loans to family members and shell companies at cheaper rates, which later became NPA. The IO has enquired from various banks regarding all the loans taken by the RPS and family members as well as the business entities of his family members. After thorough examination it has been submitted by the IO that there is no loan in the name of RPS and his family members/ firms which have turned NPA. Therefore, the allegation is not substantiated.
- d) Allegation No. 6: This is regarding substantial amount of Rs. 25 Crores routed through shell entities in his father's business. The IO has conducted inquiry regarding various firms/entities of his parents and relatives; and it is submitted that even this allegation is baseless and unsubstantiated. The Inquiry has also revealed that there is no association of the RPS with these companies/firms.



- e) Allegation No. 7: This allegation is regarding the substantial investments in shares, securities and ownership of luxury foreign vehicles. Inquiry Officer has conducted detailed inquiries from various RTOs/ Public Vehicle Departments, CDSL and share broker firms. After thorough inquiry, he has submitted that no information has surfaced in respect of luxury foreign vehicles owned by the RPS and his family members. Also, no specific information has been provided by the complainant in this regard. Regarding the investment of shares by the RPS and his wife, it is concluded by the IO that investment made by RPS, and his wife appears to be from genuine sources and disclosed to the appropriate Authority.
- f) Allegation No. 8: This allegation is regarding the benami transaction with jewelers. After inquiry it was concluded by the IO that this allegation is also not substantiated.
- g) Allegation No.9: This allegation is regarding receipt of huge amount of bribe from unemployed individuals by promising jobs in Railways through a power broker: It has been submitted by the IO that inquiries were made with the concerned Ministry, and it was revealed that the RPS has not been associated with any recruitment process that has taken place in the department.



Moreover, no tangible and verifiable material is produced by the complainant to substantiate this allegation. Thus, the IO has noted that even this allegation is not substantiated.

h) In conclusion, the IO has noted that none of the allegations, as mentioned in the complaints, has been substantiated against the RPS.

5. The comments of the Competent Authority submitted by the AIG (E)/CBI vide letter dated 25.11.2024 are as under:

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- 1) I have reviewed the detailed findings submitted by the Central Bureau of Investigation (CBI) regarding allegations made against Shri Xxxxx, xxxxx (name redacted), who previously held the position of xxxxxxxxx at the Lokpal of India.

- 2) Of the nine allegations under investigation, the CBI has identified four specific allegations (Nos. 1, 2, 3, and 9) that directly relate to Shri Xxxxx (name redacted) position as a public servant in Indian Railways. Allegation No. 4 pertains to his tenure at the Lokpal of India, while the remaining allegations concern matters related to his brothers and parents.



- 3) The CBI has submitted an allegation-specific report, after examining each allegation. In the course of inquiry, the CBI consulted relevant information from the Ministry of Railways and sought records from several other entities, including the Income Tax Department, various Regional Transport Offices, Transport Departments, multiple banks (HDFC, PNB, ICICI, RBL, Karnataka Bank, Indian Bank, Axis Bank, UCO Bank), financial institutions (CDSL, NSDL, FIU), and mutual fund houses that were allegedly associated with Shri Xxxxx (name redacted) investments and those of his family members.
- 4) Based on its inquiry, the CBI found no prima-facie evidence to substantiate any of the allegations. The investigation confirmed that all questioned property transactions involving Shri Xxxxx were conducted through banking channels, with requisite notifications submitted to the department. The CBI's report also mentions the combined income of Shri Xxxxx (name redacted) and his spouse, along with their property transactions and loan procurements, which substantiates the expenditures on properties and investments made by the officer during the check period. It has also been mentioned in CBI's investigation that no specific information has been



provided by the complainant in a few allegations and no material evidence was provided by the complainant to substantiate other allegations, including the alleged purchase of expensive foreign vehicles or involvement in recruitment scams and thus the allegations could not be substantiated. Each allegation was addressed with details including explanations provided by Shri Xxxxx (name redacted).”

6. The IO has also given his observations on the comments of the Competent Authority, and it has been noted that the comments of the Competent Authority are in line with the findings/observations recorded in the Preliminary Inquiry Report.

7. We have considered the Preliminary Inquiry Report, the accompanying documents, comments of the Competent Authority and the comments of the Respondent Public Servant. After considering the same, we are of the opinion that the allegations against the named RPS have remained unsubstantiated. We, therefore, fully endorse the conclusions recorded by the IO including



the comments of the Competent Authority. Therefore, no further action is required and the proceedings against the named RPS need to be closed.

8. The Complaint is disposed of accordingly.

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)

/SK/