

Lokpal of India
Plot No.6, Vasant Kunj Institutional Area – Phase-II
New Delhi – 110070

Complaint No. : 49/2024
Date : April 15, 2024.
Coram : **Shri Justice A.M. Khanwilkar**
Chairperson
Shri Justice L. Narayana Swamy
Judicial Member
Shri Sushil Chandra,
Member
Shri Justice Ritu Raj Awasthi
Judicial Member
Shri Pankaj Kumar
Member
Shri Ajay Tirkey
Member

ORDER

This is the fifth complaint, filed by the same complainant. The complainant has been making unsubstantiated allegations against different public servants in (mostly) the

same organization i.e. National Research Laboratory for Conservation of Cultural Property (NRLC), funded by the Government of India. The allegations, however, would not disclose material facts concerning the acts of commission and omission of the concerned officials, indicative of offence of corruption within the meaning of the Prevention of Corruption Act, 1988 giving authority to the Lokpal of India to initiate action in that regard.

2. The first complaint was filed by the complainant again in 2021, being Complaint No. 19/2021, against 05 (five) officials of Directorate of Plant Protection, Quarantine and Storage (PPQ&S), Faridabad (Haryana), Division of Department of Agriculture, Cooperation and Farmers' Welfare, Ministry of Agriculture & Farmers' Welfare, Government of India, alleging that they promoted few Group 'D' officials (Technical Assistants) in 2010-2011 with retrospective effect. As a matter of fact, the said action was challenged before the Central Administrative Tribunal (CAT), New Delhi, by way of O.A. No. 1913/2012 by the aggrieved persons. Recording this fact, it has been found in Order, dated 03rd March 2021, while disposing of Complaint No. 19/2021 that the complainant has not given any details of corruption or illegal gratification against the named officials, for allegedly misinterpreting the Judgment of the CAT.

3. The second complaint being Complaint No. 98/2023, filed by the complainant, is against the officials of NRLC. Once again, this complaint refers to the proceedings before the CAT, New Delhi, regarding the excess amount paid to the stenographer at the behest

of RPS. Even this complaint was disposed of, vide Order dated 31st May, 2023, on the finding that the complaint is essentially about irregularities in the appointment and promotion of some officials, which is an administrative matter; and moreso some of the allegations made by the complainant were hit by limitation, prescribed under Section 53 of the Lokpal and Lokayuktas Act, 2013 (Act).

4. The third complaint is against the officials (retired and serving) of NRLC, Lucknow being Complaint No. 194/2023. This was disposed of, vide Order dated 08th November, 2023, on the finding that there was no supporting evidence concerning the allegations of corruption against the RPSs therein.

5. The fourth complaint being Complaint No. 38/2024, filed by the complainant, is again against the public servants working in NRLC, including the Under Secretary (E), Department of Legislative Affairs, Ministry of Law & Justice (then Under Secretary, Museum-II Section, Ministry of Culture). Once again, in this complaint the allegations were about involvement of named public servants, having indulged in irregularities during the recruitment of officials on the posts of LDC/Accountant, Stenographer and Storekeeper. After due consideration of the complaint, vide order dated 05.04.2024, we were constrained to dispose of the same, on the finding that the allegations pertained to events of 1993, 1994 and 1995 which were sought to be brought to the fore for the first time in the year 2022. Accordingly, this complaint also came to be disposed of, as it was clearly barred by limitation.

7. The present complaint is the fifth complaint, being Complaint No. 49/2024. It is filed against 06 (six officers) of Ministry of Culture (MoC) for having entrusted the charge of Director General (DG), NRLC to an Additional Director General (ADG), Archaeological Survey of India (ASI) Ministry of Culture (MoC), without following prescribed procedure, who then misused his financial powers and was engaged in corrupt activities. We have carefully examined the complaint and the accompanying documents. The complainant has stated that he had made such complaints before multiple forums, including the Office of the Prime Minister of India, but did not get any response thereto.

8. The grievance in the present complaint is mainly two-fold. The first is about the official, entrusted with an additional charge, making appointments to the post of 08 nos. of security guards in the year 2022 and again in the year 2023. He had no authority to do so much less without following proper procedure and obtaining prior permission, including from IFD. The second part of the complaint is about the engagement of 20 nos. of the Project Interns to work at NRLC, Lucknow on a temporary basis in the year 2023. Even for these engagements, no prior permission much less approval of IFD had been obtained. These are the main allegations regarding the improper exercise of authority in the appointment process, followed by the ADG, who was given additional charge of the Director General. Except for the expression 'corruption', no material facts could be discerned from the complaint as to how and in what manner the named public servants had indulged in corruption. It is not even a case of criminal misconduct within the meaning of Section 13 of the Prevention of Corruption Act, 1988, requiring dishonestly or fraudulently misappropriating or otherwise converting for his own use any property

entrusted to him or any property under his control as a public servant or allows any other person so to do; or if he intentionally enriches himself illicitly during the period of his office.

9. The tenor of the allegations is essentially about the lack of authority owing to absence of prior approvals of the concerned Authorities and nothing more. To put it differently, the allegations contained in the complaint are more about administrative and procedural irregularities, which do not persuade us to take notice or to initiate any action in that regard under the Act of 2013, not being a matter of corruption *per se*. It is open to the complainant to pursue his grievance before some other competent Forum, if he is so advised.

10. At this stage, we wish to highlight that the complainant has been making repeated complaints, mostly in respect of appointment processes followed in the concerned organization without substantiating the insinuations regarding corruption, indulged into by the named public servant. As noted earlier, this is the 5th complaint, filed by the same complainant and on each occasion, the complaint came to be disposed of, as being devoid of merits.

11. Notably, from the Annexure (Annexure 13 being letter sent by Complainant dated 28.11.2023, to Minister for Culture) appended in the paperbook of the present complaint, it is noticed that the complainant has had the gumption to mention that he had made a similar grievance by way of representation to the Office of Prime Minister of India and all that he expected was a personal appointment with the Prime Minister at least once. This is what he says in his own complaint, he has stated:

"...I am more disturbed when I get no tangible response from my towering Prime Minister. His Excellency, Sh. Narendra Modiji, I did not demand moon or diamond, just to advice ego egoistic Secretary, Culture, Sh. Govind Mohand, IAS to correct his decision by withdrawing the charge of Head of Office, NRLC, Lucknow from an officer from autonomous body, Sh, Mouiddin Ansari, a non gaztted and technically not Central Government Officer..."

Again at the end of paragraph 1 of this very letter he says:

"...Sir, I will never make such complaint if you get my meeting with Hon'ble Prime Minister or meeting with you in case Secretary, Culture is not advised to consider my valid pass stated above."

12. It is intriguing to note that the complainant had access to the information and records of NRLC in his capacity as a consultant. This can be discerned from the narration given in the complaint in Part C of Complaint No. 98/2023, which reads thus:

*"...I would also like to bring to the kind notice of Hon'ble Lok Pal of India that the complaints of back door entry or manipulated and unsustainable promotions were not only against Sh. K.P. Yadav, Stenographer, NRLC, Lucknow but also against the existing two stenographers, namely, Sh. Ashok Kumar and Sh. Umesh Kumar presently posted in NRLC, Lucknow. **But because of my limitation as Consultant I could not examine the complaints against them. Nevertheless, after my ousting from Consultancy from Ministry of Culture on 1.2.2022, I also filed RTI application dated 19.5.2022. ...**"*

(emphasis supplied)

13. We are inclined to take a view that the complainant is a busy body and is in the habit of filing frivolous and vexatious complaints, if not making false allegations



successively. This cannot be countenanced. Such complainants can be proceeded with under Section 46 of the Act, which reads thus:

"Sec. 46 (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

(2) No Court, except a Special Court, shall take cognizance of an offence under sub-section (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokpal.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the Central Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation.—For the purpose of this sub-section, the expression "good faith" means any act believed or done by a person in good faith with due care, caution and sense of responsibility or by mistake of fact believing himself justified by law under section 79 of the Indian Penal Code (45 of 1860)."

14. Be that as it may, in our considered opinion, to observe sobriety, this complaint needs to be disposed of, being devoid of merits. We order accordingly.



15. We direct the Registry to forthwith upload this Order and forward a copy thereof to the complainant for his information to mend his ways and take recourse to complaint mechanism under the Act of 2013 only in genuine cases, where he is in a position to substantiate the allegations of corruption before this Forum.



(Court Master)