

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

Complaint No. : 53/2024

Date : 10 April, 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

The complaint has been perused by the Full Bench of Lokpal for consideration of the Scrutiny Report and pass appropriate order.

It is seen that the complainant has not enclosed the notarized affidavit but enclosed a non-notarized filed and signed proforma of affidavit on plain paper.

We deem it appropriate to condone the remarks made by the office in the Scrutiny Report and entertain the complaint.



The complaint has been made against seven officials of Nuclear Power Corporation of India Ltd. (NPCIL) and Atomic Energy Education Society who were members of an Internal Complaints Committee (ICC), Rawatbhata Rajasthan site (RR Site), NPCIL that conducted an inquiry into allegations of sexual harassment against the complainant, who is an employee of NPCIL. The complainant has alleged that the members of the ICC acted in a corrupt manner and intentionally violated statutory provisions of the Prevention of Sexual Harassment Act, 2013. The complainant has further submitted that subsequently a charge-sheet/Memorandum was issued to him, which was quashed and set aside by the Hon'ble Division of the Hon'ble High Court of Rajasthan, Jodhpur when he approached the Hon'ble Court. The complainant has requested the Lokpal to take strict disciplinary and legal action against all members of the ICC, RR site for their alleged corrupt/dishonest acts.

From the perusal of the documents annexed with the complaint, it is evident that one Ms. Nilofar Khan posted at RAPS Unit 3&6, Rawatbhata, NPCIL had made a complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act, 2013) against the complainant who was posted at the same place. On the complaint made by Ms. Nilofar Khan, Departmental Internal Complaints Committee (ICC), Rawatbhata Rajasthan Site of NPCIL was constituted. It consisted of seven members who enquired into the complaint of Ms. Nilofar Khan. Ms. Nilofar Khan, in fact, had made a complaint about stalking and unwanted proposal to her by the complainant which the ICC found to be correct. Subsequently, the disciplinary authority issued a charge-sheet/memorandum dated 10.12.2019 to the complainant. The complainant



challenged the said charge-sheet/memorandum before the High Court of Rajasthan, Jodhpur. The Division Bench of the High Court in Appeal No.DBSAW No.705/2022 dated 04.11.2022 quashed the charge-sheet/memorandum on technical grounds and remanded back the matter to the disciplinary authority to initiate proceedings under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 from the stage of calling for the representation against the findings arrived at by the ICC.

It is alleged in the complaint that the Internal Complaints Committee blatantly and intentionally did not provide any opportunity to the present complainant and thereby violated statutory provisions mentioned under Section 11 and 13 of the POSH Act, 2013 which exhibited corrupt practices while investigating the complaint of sexual harassment.

The complainant has not made any specific allegation of corruption against the respondent public servants. Mere bald allegations that the ICC acted in a corrupt manner and intentionally violated statutory provisions of the POSH Act, 2013 would not constitute case of corruption against the respondent public servants. The redressal of such grievance of the complainant does not lie in the domain of the Lokpal of India. Hence, no order needs to be passed in the matter.



Accordingly, the complaint stands disposed of.


(Court Master)