

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

Complaint No. : 63 / 2024

Date : 23.10.2024

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. The complaint is against former Director General, All India Radio. Vide Order dated 27.05.2024, the Full Bench referred the matter to Central Bureau of Investigation (CBI) for conducting a Preliminary Inquiry and to submit a report on or before 02.07.2024.



2. After availing extension of time, vide letter dated 02.09.2024, CBI submitted the Preliminary Inquiry Report, along with the statements and comments of the Respondent Public Servant. It was stated in the said letter that comments of the Competent Authority had been requested and the same would be furnished on receipt. This was placed before the Full Bench on 05.09.2024. The Bench, in light of the mandate that the Preliminary Inquiry Report is required to be submitted within sixty days from the date of receipt of the reference in terms of Section 20(2) of Lokpal and Lokayuktas Act, 2013 (Act), directed the Competent Authority to ensure that the comments are furnished to the CBI within a period of two weeks from the date of receipt of the Order.
3. In compliance with this Order, the CBI, vide letter dated 28.09.2024, forwarded the comments of the Competent Authority.
4. The I.O. in his Preliminary Inquiry Report has concluded that none of the allegations are substantiated against the RPS Shri XXXXX (name redacted for confidentiality) and the Competent Authority has concluded that:-

“The details provided in factual findings are mostly taken from Prasar Bharati (Doordarshan and Akashvani files / documents) records.

No comments to offer regarding matters which are on record.

Further, there is no counter or additional comments on the observations/findings of the CBI.”

5. We have perused the Preliminary Inquiry Report, the comments of the Competent Authority and the concluding observations of the CBI. It is seen that the alleged illegal contracts given to around 17 companies owned by one Shri XXXXX (name redacted for confidentiality) relate to the period 2006-2011 which attracts provisions of limitation under Section 53 of the Lokpal and Lokayuktas Act, 2013. We take note of the fact that the Preliminary Inquiry Report is based on 210 programmes out of 257 acquired programmes during the aforesaid period, since details of 47 programmes are not traceable according to the I.O.

6. As per the Preliminary Inquiry Report, other two allegations of the complainant seemingly relate to programme of “Mahabharat” and “Chandi Ke Parde Se” of year 2016. We also take note of the fact that the allegation relating to unauthorized occupation of Government accommodation has also been actioned upon by the Directorate of Estates, and recovery of Rs.47,72,683/- for the unauthorized occupation by the RPS has been initiated. With

regard to the alleged action undertaken against the complainant under Rule FR 56(j), it emerges from the Preliminary Inquiry Report that SLP(C) is still pending in the Hon'ble Supreme Court.

7. In view of the aforesaid and particularly with regard to provisions of Section 53 of the Act of 2013, the Lokpal cannot entertain the complaint being founded on allegations regarding acts of commission and omission which are barred by limitation.
8. Accordingly, the complaint is 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)