

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

Complaint No. : 69/2024
Date : 26.04.2024
Coram : **Shri Justice A.M. Khanwilkar**
Chairperson
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

The complaint dated 20.3.2024, is placed before the Full Bench for consideration of the Scrutiny Report and to pass appropriate order.



2. Perused the Scrutiny Report. We are disposed to condone the remarks made by the office in this report and entertain the complaint.

3. This complaint is purportedly against the Administrative Member of the Armed Forces Tribunal (AFT) and Registrar-In-Charge of the same Tribunal, concerning irregularity and illegality in the appointment process to the post of PPS and PS, including about the wrongful termination of the complainant. The relevant extract from the complaint reads thus:

“Nowhere in the Termination Order dated 22.7.2019, it is mentioned that I was terminated on disciplinary ground for violating of the terms of the agreement. The decision conveyed by the CPIO on 10.08.2023 referred at Para 2(I) and (II) are totally incorrect. There was no whisper in the Termination Order dated 22.07.2019 about the grounds referred by CPIO, AFT, Kolkata dated 22.07.2019. It is not known wherefrom these grounds referred by the CPIO in his reply dated 10.08.2023 were found.

At the time of submitting my application in response to the advertisement, I disclosed all the details and after being satisfied with the bio-data of myself, AFT, Kolkata, called me for the test followed by interview along with other candidates. The grounds taken by the AFT, Kolkata, as referred in Para 2(I) and (II) in the order of CPIO, Kolkata, dated 10.08.2023 for not found me suitable could have been taken at the threshold by rejecting my application. AFT was fully aware of my biodata and permitted me to sit in the proficiency test and interview. It is the established fact that selection was not made on the result of the proficiency test and interview but on the whims of the Registrar-in-Charge, AFT, Kolkata, which proves illegality, arbitrariness, whimsical and bias attitude of the AFT, Kolkata. It is completely on pick and choose method. It is also not known what was the yardstick for appointing the persons for the post of Consultant (PPS and PS) and on what basis the other two candidates were engaged when no marks were given to any candidate for the selection test. The other ground mentioned by CPIO in Para 2(II) is in no way connected and/or bearing with the selection process. I mentioned all the details in my bio-data annexed hereto. So, question of suppression/providing false information with regard to my previous employment referred by CPIO, AFT, Kolkata dated 10.08.2023 cannot and does not arise at all.



It is to be mentioned here that the candidates engaged unlawfully are still working and also getting extension from time to time at the whims of the authority.

I fervently request You, please to take appropriate step in this regard, if necessary, after giving me an opportunity of hearing so that I can submit all the documents in my support of my grievance.

I hope and trust that now Your Honour will be kind enough to respond my prayer and will take appropriate step regarding the issue in question. It is also my request that if it is establish that selection has not been done in accordance with law and norms, then please consider my case by cancel the selection process including disengagement of the two candidates as they were not selected following the law, rules and norms."

4. As aforementioned, we have decided to examine the complaint on its own merit.

In the first place, we find that no specific case of having indulged in corruption has been made out in the complaint, against the concerned Administrative Member of the AFT, including the Registrar-In-Charge of the Tribunal. The complaint is conspicuously silent about the material facts, indicative of commission of offence of corruption by the named public servant(s). The complaint is obviously by a disgruntled person, whose contractual services came to be terminated, vide Office Memorandum, dated 22nd July, 2019. If he had any grievance against that action or for that matter regarding the subsequent appointment process of two persons in June 2023 against the vacancy for which the selection process was undertaken, ought to have pursued the matter before the appropriate forum.

5. Suffice it to observe that absent material facts, constituting commission of offence of corruption by the named public servant(s), the question of the Lokpal of India proceeding further on the basis of such complaint does not arise.

6. Hence, this complaint must fail and is accordingly disposed of.


(Court Master)