

Lokpal of India

Plot No. 6, Vasant Kunj Institutional Area - Phase-II

New Delhi - 110070

Complaint No. : 83/2024 (arising out of Dy.No.762024)

Date : 03<sup>rd</sup> May, 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 Full Bench of Lokpal has examined the details furnished by the complainant in Part 'A' and also in Part 'C'. In Part 'A' at column no. 7, no notarized affidavit has been enclosed. In form 'C' at column No. 4, the complainant has mentioned the time period as from 2018 to 2024



for the purpose of Section 53 of Lokpal and Lokayuktas Act, 2013. The complainant has not attached the particulars of the documents.

2. The Full Bench has perused the complaint. This complaint pertains to termination from service. The complainant claims that she was engaged as full time sweeper on temporary basis and her services was regularized w.e.f. 14.05.2005. The RPS who has been working as Chairman, RI and Dy.CME/WWS/GTPL, has terminated the services of complainant from Railway Institute, Guntupalli, Andhra Pradesh on 03.08.2018.
3. The complainant challenged the Order of termination before Hon'ble Addl. Junior Civil Judge, Vijaywada (State of Andhra Pradesh) in OS No. 851/2018 and the same came to be decreed. The RPS did not obey the order passed by the court. Hence, the complainant filed EP No 266 of 2019. The RPS has filed AS No. 196 of 2019 in the court of XII Addl. District Judge, Vijaywada (Andhra Pradesh) and the Ld. Judge having found insufficient ground to stay the order passed by the Junior Civil Judge in OS No. 851 of 2018 and dismissed the petition on 4<sup>th</sup> December, 2019.
4. The adjudication court issued warrant of arrest on 5.11.2020 against RPS. As against the arrest of warrant, the RPS had approached the Hon'ble High Court in RP No. 1204/21 and the Hon'ble High Court pleased to remand the matter for fresh adjudication to the lower court. The V Additional Judge (Junior Division Vijaywada) passed an order and issued warrant to the JDR i.e. RPS on 13<sup>th</sup> March, 2024.



5. The prayer of the complainant is to initiate the proceedings against RPS for having committed act of illegal termination. The complainant further says that RPS has committed an act under Section 7(A) of the PC Act.
6. We have carefully perused the complaint. The allegation is essentially about matters, unconnected with the ingredients of Section 7A of the Prevention of Corruption Act, 1988 (PC Act). To wit, the relevant extract of the complaint is reproduced:

"...This is not the first time to use his undue influence several times made on workers/employees by this J. Praddep Kumar in the earlier occasion also his behaviour was illegal which should not supposed to do by a person who was nominated from Govt. is only to the look after the activities of elected committee members, but he used entire his influence and to mend all the workers, if any one by virtue of any representation in his tenure he took it as ego/vengeance and worn life threat, live examples are:- under his charimnan ship (Sri J.Pradeep Kumar) the workers/ regular railway employee were terminated/Dismissed..."

We may now usefully reproduce Section 7A, which reads thus:

***"Section 7A Taking undue advantage to influence public servant by corrupt or illegal means or by exercise of personal influence.--Whoever accepts or obtains or attempts to obtain from another person for himself or for any other person any undue advantage as a motive or reward to induce a public servant, by corrupt or illegal means or by exercise of his personal influence to perform or to cause performance of a public duty improperly or dishonestly or to forbear or to cause to forbear such public duty by such public servant or by another public servant, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine."***



7. Thus, for the nature of allegations and taking the same as it is, we are of the view that it does not fulfill the ingredients of Section 7A of the PC Act. Moreover, the complaint itself discloses that the complainant has been illegally terminated by the RPS and the case was taken up upto the High Court. The concerned court had also issued an arrest warrant against RPS. In other words, the grievance is essentially about the service matter or improper treatment meted out to the complainant.
8. Under these circumstances, the Full Bench does not wish to proceed further in examining this complaint.
9. Hence, this complainant is disposed of.

  
(Court Master)