

Dated : July, 2009

**BEFORE THE LOKAYUKTA, DELHI
Justice Manmohan Sarin**

Complaint No. C-165/Lok/2009/

In the matter of :

Sh. R.N.Bararia,

Complainant

Vs.

Sh.Jalaj Srivastava, posted as Commissioner (Trade & Taxes)
& Ex. MD, DSIDC.

Respondent

ORDER

1. The Complainant Sh. R.N.Bararia, is an employee working with DSIDC. He has filed the present complaint dated 26.5.2009, accusing the Respondent Sh. Jalaj Srivastava, former Managing Director of Delhi State Industrial Development Corporation (DSIDC) of claiming reimbursement of false entertainment bills and thereby cheating the exchequer. The Complainant alleges that the entertainment bills had been presented by the Respondent Sh. Jalaj Srivastava, as having been incurred in promotion of the business of the Corporation and for the luncheon meetings held at “The Chinese Restaurant” and “Le Meridian” hotel on 1.04.05 & 18.05.05 respectively.

2. The gravamen of the complaint is that while the meetings were allegedly held on 1st April & 18th May 2005, the bills of which reimbursement has been sought are bearing No. 0018114 dated 14.1.05 for Rs. 1415/- and bill No. 16937 dated 18.5.05 for Rs. 3155.65. The bill dated 14.1.05 for Rs. 1415/- is assailed on the ground that it could not be of a meeting on 1st April 2005. It is urged that this itself shows that claim for reimbursement of this bill was a false one.

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Apart from challenge to the payment of bill dated 14.1.05 for Rs. 1415/- it is claimed that payment of bill no. 16937 dated 18.5.05 for Rs. 3155.65 was made through credit card provided by DSIDC that the Respondent also claimed reimbursement in cash for the same.

3. The complainant also questions the factum of these meetings being actually held. It is urged that there is nothing on record either by way of "Meeting Notice" or "Minutes of meeting" or other official record to substantiate the holding of the meetings. The Complainant had sought information under the RTI Act, 2005 regarding names of the officers who attended the meetings, no records are said to be available to show any meeting in which the officers of CII and other Govt. Departments attended. The claimant states that if names of names of officers who actually attended are disclosed and the log books of their cars are checked, it would nail the lie.

Reference is also invited to the note dated 19.5.05 by which the bills were approved. As per this note, the dates of meetings are mentioned as 1st April 2005 and 18th May 2005, while the date of first bill is given as 14.1.2005.

4. Notice of the complaint had been issued to the Respondent. Notice had also been issued to the present Managing Director of DSIDC to produce the original records. The Respondent has filed its reply. The MD of DSIDC Sh. Sanghi produced the original records, including the bill dated 14.1.05. The Complainant, the Respondent and MD of DSIDC have been heard.

5. The Respondent in his reply submits that identical and similar complaint under a different name had been received in December 2005 in the Delhi Govt. and the Ministry of Home. Respondent had duly submitted its reply to it. No action had been taken thereon. This would demonstrate that the complaint made in December 2005 was also at the behest of the Complainant. It is urged that the Complainant as a person is habitually addicted to filing false and frivolous complaints. He has complained also against the past three MDs of DSIDC.

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It is submitted that more than 15 complaints filed by the Complainant are pending. He has been suspended in the past and his entry to the office even now is barred.

Regarding the duties being discharged as MD of DSIDC, the Respondent explained that he was holding the charge not only as MD of the Corporation but as Commissioner of Industries. Promoting and setting up of industries was an essential part of his assignment. Incurring expenses inter alia on entertainment was well within the powers of the MD of the DSIDC. The "Chinese Restaurant" was 10 meters away i.e. walking distance from the office, while the "Le Meridian hotel" was about 1.5 Kms. away.

6. The Respondent's explanation is that the incident being an old one, he does not recall whether it was his car which was used or they travelled by the car of any other officer or for that matter the names of officers who had accompanied him. Regarding the discrepancy pointed out in the bill dated 14.1.05, Respondent's explanation is that mentioning of the date of meeting as 01.04.05 was an inadvertent error on the part of his Secretary, possibly since the latter read the bill dated 14.1.05 as 01.04.05. Mr. Jalaj Srivastava submits that this was a simple case where bill dated 14.1.05 had been left out, while claiming reimbursement earlier. He submits that he does not recall the names of persons who were entertained for lunch with him in January 2005. He regrets the mistake in the note mentioning the date as 01.04.05. He states that he would endeavor to be careful in future.

7. I have examined the pleadings, heard the parties as well as the MD of DSIDC and examined the documents including the bill dated 14.1.05. The Respondent, Mr. Jalaj Srivastava is a senior IAS officer who was occupying an important assignment as MD of DSIDC. It is an assignment entailing entrepreneurship and taking marketing initiatives in promoting industry. The administration, therefore, in keeping with the job requirements granted necessary facilities and perquisites required for successful execution of the assignment.

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The MD of the DSIDC in his discretion is free to entertain persons, who he feels would promote the interest of the Corporation and claim reimbursement for the same.

It would be an onerous burden and stretching it too far if in the case of a bill submitted for entertainment, the integrity of a person in such a high position is doubted and questioned. Such entertainment can occur during a working session or even spontaneously or otherwise can be planned. The original bill of 14.1.05 shows that it covers service to 3 or 4 persons. I see no reason to question or doubt the version of the Respondent that while claiming the reimbursement, this bill had been left out earlier. Further, that the mentioning of the meeting on 1st April was an inadvertent typographical error in mentioning the date. It can not be made the basis of questioning the veracity of the claim or the integrity of the highly placed public functionary.

The second allegation questioning the bill, i.e the 2nd bill of Rs. 3155.65 has only to be stated to be rejected. The DSIDC has confirmed that no Credit Card had been provided by it to the Respondent. Accordingly, once the payment of the said bill has been made either in cash by the Respondent or through his personal credit card, he is entitled to its reimbursement.

The complaint is accordingly found to be without any substance and merit. No action is called for and the same is directed to be filed.

In an endeavor to bring back the Complainant who is described as a person habitually addicted to making numerous complaints into the main stream, the MD of the DSIDC agreed to give him an audience and hearing on 20.7.2009. Further, to take a decision on its representation, to be permitted to join duties within 15 days. This is without prejudice to the rights of the DSIDC to take disciplinary action against the Complainant for any false or frivolous complaint.

Justice Manmohan Sarin
Lokayukta
29.07.09