

**BEFORE THE HON'BLE LOKAYUKTA****Justice Manmohan Sarin****Complaint No. C-1782/Lok/2012**

**In the matter of complaint by Zonal Officers and Employees of  
Najafgarh Zone, SDMC.**

**Informant****AND**

**In respect and against Smt. Poonam Bhardwaj, Municipal Councillor,  
Ward No. – 142 presently Dy. Chairperson, Ward Committee,  
Najafgarh Zone.**

**Respondent****REPORT**

(1) A complaint dated 20.08.2012 addressed, to the Lokayukta against the conduct of the Dy. Chairperson, Ward Committee, Najafgarh Zone, SDMC and Councillor Smt. Poonam Bhardwaj and her husband Sh. Surinder Bhardwaj for harassment of the Zonal officers and employees of the Najafgarh Zone, SDMC, was received on 22.08.2012. A copy of the said complaint together with its English translation, are annexured as Annexure -I & I (b). The said communication referred to an incident that took place in the office on 08.08.2012. The Dy. Secretary of this office vide letter bearing No. C-1705/Lok/2012/4335 dated 06.09.2012, asked the Dy. Commissioner, SDMC to inquire into the alleged incident of 08.08.2012 and whether a case for violation of norms of integrity and conduct, against the said Councillor was prima-facie indicated. A report was asked to be filed at the earliest.

Copy of the said communication with its English Translation, are annexed as Annexure - II and II (b).

(2) The Asstt. Commissioner, Najafgarh Zone, SDMC vide its communication dated 20.09.2012 in response, submitted in relation to the incident of 08.08.2012, the recorded version of the Superintending Engineer, Najafgarh Zone, SDMC and the FIR lodged by him bearing No. 261/2012. Copy of the above and other notings, letter dated 9.8.2012 to the SHO by Sh. K.P Singh, S.E – II as also copy of the FIR as registered, were furnished.

(3) The statement signed by E.E.B, LD(B) & O.I (B), NGZ with communications from other employees are collectively annexured as annexure III and annexure III (b) (Colly).

(4) Upon receipt of the information and report from the Najafgarh Zone, SDMC as also copies of the statements, the allegations against the Municipal Councillor and her husband barging into the office of the Dy. Commissioner, throwing the MTNL telephones installed in the office of the Dy. Commissioner and earlier causing hindrance in demolition action alongwith her husband were prima facie confirmed and found to be against the norms of integrity and conduct that ought to be followed by a Public Functionary. The Respondent Smt. Poonam Bhardwaj is a Municipal Councillor, being a Public Functionary as defined in Section 2 (m) of the Delhi Lokayukta & Upalokayukta Act. Therefore she is subject to the jurisdiction of the Lokayukta for the acts alleged against her which fall within the definition of "allegation" as defined in Section 2 (b) (i) of the Act.

118

(5) A Show cause notice was directed to be issued to the Respondent on 11.10.2012. Copy of the said notice dated 11.10.2012 is annexed here to Annexure – IV. The Respondent was asked to show cause as to why an inquiry under Section 7 read with Section 2 (b) (i) of the Act, may not be initiated against her, returnable on 29.11.2012 at 2.30 P.M.

(6) On 29.11.2012, the Respondent appeared with her husband. She tendered reply to the notice. The response is inclusive of a 'Compromise Deed' to be filed in the High Court to obtain quashing of the FIR as registered. As per the 'Compromise Deed', the matter has been settled and resolved between the parties. It has been duly signed based on which the quashing of FIR is to be sought. The same is awaiting approval of the Commissioner (SDMC) for being filed in the High Court. Here the question is primarily of the observance of the norms of the integrity and conduct in respect of which Complaint has been filed by Sh. Kuldeep Singh (SE), NGZ and his staff.

(7) Notice was also directed to be issued to Sh. Kuldeep Singh (SE), NGZ for verification of the alleged 'Compromise Deed'.

On 3<sup>rd</sup> of December, 2012, statement of Smt. Poonam Bhardwaj, Councillor and Sh. K.P. Singh, SE, were recorded separately. Smt. Poonam Bhardwaj deposed on oath that she had fought election for the first time and elected as an independent candidate. She was devoted and committed to the service of her constituents. She was elected the Dy. Chairman of the Najafgarh Zone. She stated that she had gone to her office which is also in the zone. Some demolitions of houses had been carried out which enraged the local population.

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Besides, there was no proper sewage and drainage of water. Sizeable members of constituency came to her office at the zone to protest. She advised them to make a representation to Dy. Commissioner. The Dy. Commissioner was however, not available in Zone being busy in a meeting elsewhere. The crowd began exiting and would have dispersed when Sh. K.P. Singh arrived. He was mistaken by the crowd as DC and they took their ire and anger on him. She further deposed that she realized her mistake. She now recognizes that a crowd can become uncontrollable at any time. It is better to have a select body of 4-5 persons out of the gathering to present a representation and hand over it to DC rather the whole crowd trying to have its say. She further deposed that she has expressed her regret to Sh. K.P. Singh and others for the misbehaviour of the crowd. She states that she will ensure that such a mistake does not happen in future. It was her first experience as a newly elected Councillor. A Compromise Deed which has been signed with the SDMC, has been filed along with reply. The same is exhibit 'A'. It is also signed by Sh. K.P. Singh, SE, Smt. Poonam Bhardwaj, Municipal Councillor and her husband. It is pending approval by the Commissioner (SDMC) for filing a petition for quashing of the FIR in the High Court.

(8) Statement of Sh. K.P Singh, SE has also been recorded on oath on 3.12.2012 who has accepted the statement of Smt. Poonam Bhardwaj as correct and stated that he has no objection if the forum accepts it. In view of the regret offered by Smt. Poonam Bhardwaj coupled with the assurance of being careful in future, it is a fit case for considering quietus to be applied to the matter.

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(9) The documents filed by the officers and staff of the SE (SDMC) including FIR and other documents, have been perused. These clearly demonstrate the behaviour of Respondent which is in violation of the norms of integrity and conduct. The Public Functionary who is elected representative, breaches the decorum of the office by shouting, use of abusive language and rule of law is negated when doors were kicked open, telephone instruments were thrown down and chaos created in the office. The demolition of unauthorized construction carried out pursuant to the rule of law are questioned and those responsible for it are sought to be taught a lesson. Normally such conduct calls for stern action so that such tendencies are nipped in bud. However, at the same time, the Councillor has submitted that being the first time elected Councillor she got carried away with the grievances as being projected by the residents. She now realizes that it is difficult to control the crowd once it gets restive.

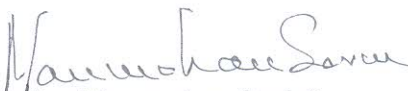
In the instant case, the young Councillor who is first time elected Councillor, possibly feels lack of experience to appreciate human conduct and behaviour of unmanageable crowds went along. She now appears to have learnt her lesson as she realize that if a representation is to be made it should be by 3-4 persons out of the gathering and not permit the crowd to agitate in this manner. The objective of the Lokayukta Act is to bring about probity in governance and among the elected representatives. Here, if the public representative is giving assurance and has expressed willingness to avoid such mistakes in future, then it is appropriate that she is encouraged to make amends.



Accordingly, in my view her regret be accepted and quietus be applied to the matter and opportunity given to the concerned Councillor to follow the path of rectitude and abide by Rule of Law, over the option of censure or other action being taken which hardens the stance.

In view of the foregoing discussion, the regret and assurance expressed by the Respondent Municipal Councillor, is accepted and quietus is applied to the matter. Needless to mention, if at any time in future the Respondent is found to be exhibiting similar signs of behaviour as in this case, then she would be dealt with sternly having already enjoyed the benefit of her initial innocence.

Copy of this report be sent to His Excellency, the Lt. Governor, Delhi with the recommendation of applying quietus in the matter, in view of the facts and circumstances noted .

  
(Justice Manmohan Sarin)  
Lokayukta

**Dated : 13.12.2012**

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