

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1060/Lok/2011

Hari Om Gupta

Vs.

Smt. Sheila Dikshit, Chief Minister – Respondent No. 1

And

Sh. Tarvinder Singh Marwah, MLA – Respondent No. 2

Present:

1. Mr. Hari Om Gupta, Complainant in person
2. Mr. Tarvinder Singh Marwah, Respondent No. 2 in person

Mr. Marwah seeks two weeks time to file reply. He states that he was away to Chandigarh and received the notice on his return only. Two weeks time is granted to file reply with advance copy to the complainant. Rejoinder, if any, within one week thereafter.

Notice in this case had been issued to the Complainant also on the issue of maintainability of the Complaint against Smt. Sheila Dikshit, Chief Minister, who has been impleaded as Respondent No. 1.

Mr. Hari Om Gupta submits that the Respondent No. 2 Mr. Tarvinder Singh Marwah was very close to and has been functioning as the Parliamentary Secretary to the Chief Minister. He had been operating from the office of the Chief Minister. He submits that designation on the letter head of Mr. Tarvinder Singh Marwah also bears out this fact.

He further submits that no action had been taken by the Delhi Police even though the factum of forgery and fabricated mark sheet had come to the knowledge of police in July, 2011 and was delayed till 3rd March, 2012. This was solely on account of influence and pressure exercised by the Chief Minister in supporting Mr. Marwah, Respondent No. 2.

At this stage I may also notice the averments made in para 6 of the complaint which is reproduced below for facility of reference.

“Here in the present case the public functionary Mr. Tarvinder Singh Marwah, MLA and Parliamentary Secretary of Chief Minister, Delhi and Smt. Sheila Dikshit, Chief

Minister in collusion with each other have committed the very serious offence of forgery and misused their official position to illegally get the admission of Ms. Jasmine Kaur in Mata Sundri College/Delhi University”

On my enquiry as to the basis for this allegation against Respondent No. 1 Smt. Sheila Dikshit having colluded with the Respondent No. 2 and committed the offence of forgery and misuse of position, Mr. Hari Om Gupta repeated his submissions that Mr. Tarvinder Singh Marwah was functioning from the office of the Chief Minister and with her knowledge and blessings.

Having considered the matter, I am of the view that while making averments and allegations against public functionaries, the complainant must do so with a sense of responsibility and seriousness. In the instant case, the mere fact that Respondent No. 2, who has been accused of forgery and misuse of his official position in obtaining admission of his daughter on the basis of fake mark sheet was working as Parliamentary Secretary in the office of the Chief Minister, without anything more does not provide any ground or basis to implead Smt. Sheila Dikshit as first Respondent.

The fact that action in this case was delayed from 19th July 2011 to 3rd March, 2012 cannot form the basis of drawing an inference that it was so done at the behest of the Respondent no. 1, the Chief Minister. It could well have been on account of the Respondent No. 1 or other factors. I am not persuaded that the complaint discloses any allegation in terms of section 2(b) of the Act against Respondent No. 1, Chief Minister, Smt. Sheila Dikshit. Accordingly the name of Smt. Sheila Dikshit, Respondent No. 1 in this complaint is directed to be deleted from the array of Respondents. Ordered accordingly.

Re-notify on **18th April, 2012 at 2.30 PM.**


Justice Manmohan Sarin)
Lokayukta

Dated : 20.03.2012
rk