

BEFORE THE HON'BLE LOKAYUKTA
Justice Manmohan Sarin
Complaint No. C-1707/Lok/2012/

In the matter of

Sh. Kailash Pandit

- Complainant/Informant

Vs.

Sh. Bhupinder Gupta, Councillor

-Respondent

ORDER

1. On 24th August, 2012 a communication was received purporting to be written by one Kailash Pandit, r/o RZH-312, Gali No. 11, Raj Nagar, Part-II, Delhi, having mobile No. 9212226798. Communication was entered vide diary No. 373. It was alleged therein that there were malpractices in distribution of pension to old and handicapped persons in the Ward. Further that a number of cheques issued in a single name, were encashed and credited to one account. It is alleged that 20 cheques were deposited in the name of one Sushila and encashed. It was also claimed that the sewing machines meant for widows were given belatedly and the money for daughters of widows was also misappropriated. Inquiry was sought in disbursement of pension in Najafgargh Ward and guilty person being punished.

The said communication/information was treated as "Other Information" under section 7 of the Delhi Lokayukta and Upalokayukta Act, 1995 and registered as a Complaint.

2. The Informant was issued notice for confirmation of the allegations made. Simultaneously for purpose of preliminary inquiry, record was called for from Dy. Commissioner, Najafgargh Zone in relation to the distribution of sewing machines to the beneficiaries of Ward -142, Raj Nagar, Part-II. There was no response to the initial notice sent, returnable on 26.9.12 by the Dy. Commissioner, Najafgargh Zone. A fresh notice was directed to be issued, returnable on 3rd October, 2012. Notice was also directed to be issued to the Informant again as well as to Sunita, Munni Devi and Banto, who as per the allegations, had not been delivered sewing machines.

3. A letter was received from one Kailash Chandra Sharma @ Kailash Pandit claiming that he has not lodged any complaint. The three persons to whom notices had been issued i.e. Sunita, Banto and Munni Devi

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appeared on 3rd October, 2012 and confirmed that sewing machines were received by them with some delay through Kailash Pandit only and they might have signed the letter of complaint earlier.

4. As there was no response to notice issued to Dy. Commissioner Najafgargh Zone under section 11 of Delhi Lokayukta and Upalokayukta Act, 1995, requiring him to show cause why proceedings under section 174-175 IPC be not initiated against him for non compliance with the directions given. In order to ascertain whether there was any delay in delivery of sewing machines, Municipal Corporation was directed to give the dates on which the above three beneficiaries received sewing machines. Notice was also directed to be issued to Kailash Pandit for his personal presence.

5. During the course of proceedings affidavit of Dy. Commissioner Najafgargh Zone, explaining the circumstances due to which the officer who had been deputed to attend was unable to reach, were set out. It is stated that due to a sudden acute chest pain, he could not be present. Thereafter notice was inadvertently marked to the Engineering Department, which resulted in the proceedings not being attended. The Dy. Commissioner tendered unconditional apology for the lapses and inconvenience caused. He informs that officials have been directed to remain vigilant and to be careful in dealing with the notices. The said explanation is accepted and quietus is applied, to this aspect.

6. On 9th November, 2012, the necessary record was produced by Sh. Rajesh Bhardwaj, Assistant Commissioner, and Najafgargh Zone. He confirmed that 20 pension cheques were not deposited in one single account of Sushila as alleged and encashed. There were 4 women by the name of Sushila out of 700 pension beneficiaries. Each of the 4 persons named Sushila were different persons, independent and having different addresses and the pension amounts were credited to their individual accounts.

7. Regarding distribution of sewing machines, the Stock Register was seen which shows that the distribution was started on 26th May, 2009 and went on till July, 2010. Sewing machines were delivered to Banto on 30.12.09, Sunita on 7.10.10 and Munni Devi on 13.10.10. The above averments are supported by affidavit.

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8. Sh. Kailash Chandra Sharma @ Kailash Pandit was present on 9.11.12. His specimen signatures were taken and kept in a sealed cover. His statement was recorded. In his statement, he accepted his association with the Councillor and his mobile number being mentioned in the communication/Complaint. He denied his signatures on Mark "A" and stated that the communication is not written by him. He stated that no complaint was lodged by him. Further he stated that he has not filed any complaint regarding non distribution of sewing machines.

9. The communication Mark "A" carried details of the Informant including his mobile number and photocopy of ID card issued by Election Commission of India. The above coupled with his association with Councillor tends to indicate that Kailash Pandit could be the original 'Informant' or the Informant was someone close to Councillor and him.

10. Be that as it may, in view of Kailash Pandit's statement on oath denying to be the author of the communication and more importantly the factor that the allegations are not borne out from the record as produced by the MCD, in as much as the delivery of sewing machines has been confirmed from the record as well as by the statement of the recipients and 20 pension cheques are not found to be deposited in one account and encashed by one single person, there is no case made out for continuing the inquiry on the basis of allegations in the said communication Mark 'A'. There being no prima facie case for further inquiring in the matter unless other evidence comes up. It appears that this complaint has been filed by some acquaintance of the Respondent who wanted to settle scores with the Councillor and had information in relation to the transactions. No further case for proceeding with the inquiry is made out and the complaint/inquiry as registered stands disposed of.


(Justice Manmohan Sarin)
Lokayukta

Dated : 16-11-2012
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