

**BEFORE THE LOKAYUKTA**  
**Justice Manmohan Sarin**

**Complaint No. C-1908/Lok/2012**

**RE : Complaint by Sh. Achal Sharma against Sh. Deshraj Raghav, Municipal Councillor (Bindapur Ward – 128) & Ors.**

**Present :-**

1. Sh. Achal Sharma, Complainant

I have perused the complaint as well as the documents obtained in response to RTI queries and produced on record. The allegations in the complaint prima facie find support from the response received from the RTI queries.

The Complainant alleges that the Respondent Sh. Desh Raj Raghav, Municipal Councillor, Bindapur Ward is in flagrant violation of rules and regulations in having 8 ration shops and KODs in his name. This is apart from 5 number of KODs which are alleged to be in the name of his brothers, sisters and other relations.

The Complainant further alleges that apart from these 5 KODs in the name of relations there are 6 number of KODs and Fair Price Shops which are run by the Councillor under licence from others. Irregularities in the issuance of BPL card holders in Respondent No. 1's Constituency were urged. Bogus card holders are alleged to be in the shops run by the Respondent.

The Complainant Sh. Achal Sharma, former Municipal Councillor who appeared in person in support of the complaint. His statement was, recorded on oath. He was questioned on the reason for impleadement of Respondents No. 2-4. As regards impleadement of Respondent No. 2 i.e Sh. Mukesh Sharma, MLA, Complainant, sought to justify it on the ground that he was actively involved with Respondent No. – 1 in the activities and recommendations for grant of KODs and ration Shops.

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As regards impleadment of Respondent No. 3 & 4 he was questioned as to the basis of his allegation regarding abuse of position or their actions being actuated by improper or corrupt motive i.e namely Sh. Harun Yusuf, Minister and Smt. Sheila Dikshit, Chief Minister. The complaint being bereft of allegations with material particulars against them.

The Complainant sought to justify the impleadment on the ground that he wrote several representations addressed to inter alia Respondent No. 3 & 4, however, they failed to take corrective actions indicating their involvement and failing to act in accordance with norms of integrity and conduct expected from them.

I am unable to accept this submission. The filing of a complaint under the Delhi Lokayukta and Upalokayukta Act against high Public Functionaries such as Chief Minister, Ministers is a serious matter. It is not to be treated in a cavalier or light manner. Allegations within the meaning of Section 2 (b) of the Act require specific conduct falling within Section 2 (b) (i) to (iv) of the Act on the part of the Public Functionary must be prima facie shown. Mere inaction normally would not fall within such misconduct though in special and extra ordinary circumstances where Public Functionaries have direct responsibility inaction could come within such conduct. However, in cases where the Public Functionaries have forwarded the grievances or complaint to the appropriate authority for handling such cases are not to be taken as one of misconduct. Hundreds and thousands of representations may be received by Chief Minister or Ministers who mark it to the appropriate authorities to deal with. From this, the Public Functionaries can not be imputed with misconduct so as to form an allegation within the meaning of Section 2 (b) (i) to (iv) of the Act for such actions. Accordingly, I hold there is no basis to implead Sh. Harun Yusuf, Minister of Food and Supplies and Smt. Sheila Dikshit, Chief Minister, the complaint in so far as the Respondents No. 3 & 4 are concerned, is dismissed.

