

**BEFORE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-2254/LOK/2013**

IN RE: INQUIRY UNDER SEC. 7 R/W SEC. 2 (b) OF
THE DELHI LOKAYUKTA & UPALOKAYUKTA ACT,
1995 INTO THE ALLEGATIONS BY SH. SAT
PRAKASH RANA, MLA, COMPLAINANT AGAINST
SMT. SHIELA DIKSHIT, CHIEF MINISTER,
RESPONDENT.

IN THE MATTER OF:

SHRI SAT PRAKASH RANA, MLA,
A-23, BIJWASAN,
NEW DELHI-110061 COMPLAINANT

Versus

SMT. SHIELA DIKSHIT,
CHIEF MINISTER,
GOVT. OF NCT OF DELHI,
DELHI SECRETARIAT,
I.P. ESTATE,
NEW DELHI-110002 RESPONDENT

ORDER

1. Complainant, Shri Sat Prakash Rana, a duly elected MLA from Bijwasan, addressed a communication dated 24th July 2013, and another communication dated 29th July 2013, complaining against the Respondent, Chief Minister alleging discrimination in the non-release of funds for the Rail Over Bridge (ROB) under construction in his constituency, due to political reasons.
2. Complainant alleges that the project for the ROB was passed, in 2006 and was to be executed through the MCD West Zone with funds provided by the Government

MS

of NCT. The project should have been completed, after its commencement, in December, 2011. Complainant's allegation is that due to the delays entailed in release of funds, the project cost of Rs. 58.00 Crores has increased to Rs. 132.70 Crores.

Complainant alleges that he had complained to the Public Grievances Commission, who also noticed in their directions that the delay in release of funds would delay the project, in turn increasing cost further and the grievance of the villagers would also aggravate. Complainant avers that as a result of the non-release of funds by the Respondent, the Najafgarh - Kapashera road is blocked causing immense inconvenience and harassment to the residents.

Complainant has also filed a status report by the Ex. Engineer (PR), West-I, SDMC, giving the various reasons for delay in acquisition of lands, non-release of funds for construction of a drain below the railway track.

3. Complainant alleges that the funds are being deliberately held back by the Chief Minister, who does not want development in his constituency, he being in the opposition. He claims that a similar ROB to be built in Sewa Nagar, which happens to be adjacent to the constituency of the Chief Minister, has been completed with release of funds. He says that funds are not being released by the Respondent, Chief Minister, despite the file being put up to her, ignoring the directions and entreaties of the PGC, due to political discrimination.
4. The substance of the allegations becomes that the non-release of funds on account of political discrimination is contrary to the norms of integrity and conduct and

violative of the Constitutional spirit and is actionable before the Lokayukta.

5. Construction of the ROB has certainly been delayed and has resulted in escalation of costs. Non-release of funds is attributed to political discrimination and to make things difficult for the Complainant, MLA. Non-construction of the ROB is causing inconvenience and harassment to the constituents. It is alleged to be a case of hostile discrimination when considered in the background that construction of ROB near Sewa Nagar has been completed.
6. The complaint is not in the prescribed form. However, the said communications are being treated as "other information".
7. Prior to issuing of any notice to the Respondent on the allegations made, it would be necessary, in my view, to call for the records, ascertain and consider the reasons as recorded for non-release of funds or impediments, if any, therein.
8. Issue **Notice** to the (i) Pr. Secretary (UD), and (ii) Pr. Secretary (Finance) of GNCTD, to make available the records in relation to grant and sanction of funds of project titled "Construction of approaches of Road Over Bridge and RUB/Underpass at Railway Level Crossing Najafgarh Bijwasan Road at Bijwasan" returnable on **27th August, 2013 at 2.30 PM.** Notice also to the complainant for the date fixed.


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA