

BEFORE THE LOKAYUKTA, DELHI
JUSTICE MANMOHAN SARIN
COMPLAINT NO. 2284/LOK/2013

In the matter of:-

Sh. S.C. Gupta ... Complainant

Vs.

Smt. Seema Pandit
Municipal Councillor Ward No.145 ... Respondent No.1

Sh. Vjay Pandit, Ex Municipal Councillor ... Respondent No.2

AND

In the matter of:-

COMPLAINT NO. C-1957/LOK/12

Ms. Usha Sharma ... Complainant

Vs.

Ms. Parmila Tokas
Municipal Councillor Ward No. 166 Munirka ... Respondent No.1

Deputy Commissioner, SDMC ... Respondent No.2

REPORT

1. The two Complaints are being decided and dealt with together as they raised common legal issues. However, the facts and the evidence recorded in both the Complaints are being separately considered.

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2. A pseudonymous communication purporting to be from one S.C. Gupta, who wanted to withhold his identity, was received in this office enclosing a list of 55 pensioners of Ward No.145, Najafgarh Zone, Delhi. It was claimed that these persons were getting pensions owing to their allegiance with the Respondent, Mrs. Seema Pandit, Municipal Councillor Ward No. 145, and her husband Sh. Vijay Pandit, Ex Municipal Councillor, though they were not eligible. In the remarks column of the list attached with the communication, the Complainant gave the sources of income of the said pensioners. According to the Complainant, these pensioners were either gainfully employed or their spouses or family members had other sources of income.
3. This communication was treated as "other information" under section 7 of the Delhi Lokayukta and Uplokayuka Act 1995 (hereinafter referred to as "the Act") and registered as a Complaint. Copy of the Complaint is annexed hereto and marked as ANNEXURE-I.
4. Notice was directed to be issued vide order dated 7.8.2013, to the Commissioner, South Delhi Municipal Corporation to confirm whether these persons were getting pension. Further, to have a field enquiry conducted to ascertain the veracity of the allegations regarding the said persons or their spouses being possessed of other sources of income, therefore, being ineligible under the scheme for grant of pension.
5. Notice was also directed to be issued to Ms. Seema Pandit and her husband Vijay Pandit, Ex Municipal Councillor, under section 7 (2)(b) of the Act for inquiry into the allegations of misuse of power by recommending alleged ineligible

pensioners instead of deserving persons for extraneous factors. Hence, their failure to act in accordance with the norms of integrity and conduct expected of a 'public functionary'.

6. Another communication containing a similar list of pensioners was also received from an NGO namely, "Nai Asha Ek Kiran". This was also taken up for consideration along with the above said complaint
7. Shri Rajiv Kumar, Administrative Officer, Najafgarh Zone SDMC tendered the status report in response to the notice issued. Statement of Shri Rajiv Kumar was also recorded on oath. Copy of status report and statement of Shri Rajiv Kumar are annexed hereto and marked as ANNEXURE-II (COLLY).

As per the status report filed, inspection was carried out by Sh. Ajay Kumar, Licensing Officer alongwith Sh. Vinay Kumar LDC in respect of all the 55 pensioners mentioned in the list and they were not found to be eligible for grant of old age pension. Names of these 55 pensioners have since been deleted from the list of pensioners of ward No. 145 and notices to them for refund of the already disbursed pension amount issued. Major penalty proceedings against area Sanitation Inspector Sh. Anil Kumar Yadav have been initiated, by referring the case to Vigilance Department.

Shri Rajiv Kumar, Administrative Officer, deposed that in the first instance, a Councillor certifies the eligibility of the applicants/pensioners and makes recommendation for grant of pension. As per the guidelines, there is further requirement of certification by the Sanitary Inspector/Assistant Commissioner/Investigating Officer of the area, who scrutinizes

the application and documents for completeness. Deputy Commissioner is the sanctioning authority.

8. Respondent Seema Pandit in her reply stated that she submitted the applications of the pensioners in terms of Circular dated 4.12.2012. She admitted that if any applicant provides wrong details/ information in the application form, she does not verify it but all the documents furnished and duly signed by the applicant are forwarded for verification and approval of the Competent Authority. According to her, the Competent Authority or the Verification Officer can approve or reject an application. This verification is to be done by the staff and officers of Sanctioning Authority. She submitted that if the information given by the applicants is found to be false by inspecting Officers during verification, their names should be removed and pension should be stopped. The reply fails to address the issue of her responsibility for recommending ineligible applicants for grant of pension.
9. Respondent's statement was also recorded on 23.9.2013 on oath. She admitted that she does not do any verification on receiving the application forms from the applicants regarding their entitlement and simply forwards the same with all the documents received for verification and approval. She stated that when a person approaches her for pension, she asks him/her as to how many of his /her family members are earning members? Whether they were drawing pension from any other Forum? This is the only enquiry she makes. She does not enquire about the extent of income of other members of the family i.e. brother, sister, son, daughter, etc. If a lady comes to her and says that she has no source of income and shows her

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BPL card, she recommends her case. She admitted that in these 55 cases, she did not do any verification and accepted the affidavits alongwith the applications as filed. She further stated that out of the said 55 persons, 6 persons were known to her and the rest she would possibly know by face. Two persons, she indicated, have since expired. These persons were alive when she had made a recommendation. She stated that the Department verifies and in fact had returned 200 forms due to incomplete documents and others for wrongful declaration. These cases were not processed for pension. Upon a sample form being shown to the Councillor together with the "certification" done by her, she admitted that she did not do any physical verification or make any enquiry but only saw the documents. She claimed that the other Councillors in the zone were recommending the applications and forwarding the same without physical verification. This practice was prevalent in all the wards of Najafgarh Zone, but enquiry was being done only in her ward. Finally, she said that she was sorry for what had happened.

10. Mr. Vijay Pandit, her husband and Ex-Councillor deposed on oath and claimed that Administrative Officer of Najafgarh zone was trying to mislead this forum. He claimed that Corporation was acting irrationally as there were some cases which have been wrongly removed from the list. He cited the case of one Santosh, whose husband is working with him as a peon on a monthly salary of Rs. 3000/-. Santosh would still be eligible for pension. He emphasized on the role of the Investigating Officer, who after recommendation of the Councillor is required to go to the site, verify and then give the certification. In these cases,

