

**BEFORE THE HON'BLE LOKAYUKTA
JUSTICE REVA KHETRAPAL
COMPLAINT NO. C-3179/LOK/2016**

IN THE MATTER OF:

SHRI VIVEK GARG, ADVOCATE COMPLAINANT

VS.

SHRI MANISH SISODIA, MLA/DEPUTY CM &
ORS. RESPONDENTS

PRESENT:

Shri Vivek Garg, Advocate, Complainant in person.

ORDER

1. By way of this complaint, the complainant seeks to challenge the alleged illegal Office Order No. F.16(50)/2014-15/LAS/CT/5437-6443 dated 23-09-2015 issued by Shri Ram Niwas Goel, Speaker of the Delhi Legislative Assembly for allotting twenty-one office rooms for twenty-one Parliamentary Secretaries of Delhi along with other facilities as wrongful gains obtained by these twenty-one Parliamentary Secretaries by abusing their official positions in contravention of the rules.
2. It is alleged by the complainant that the aforesaid order passed by the Speaker has been passed under the influence of

respondent No.1, the Deputy Chief Minister of Delhi, though these twenty-one Parliamentary Secretaries were not entitled for any separate/new office rooms except to use the already allotted/existing offices of Cabinet Ministers, and thus the aforesaid order was passed by the respondent No.1 in collusion with Shri Ram Niwas Goel, MLA/Speaker of the Assembly.

3. At the outset, it may be noted that this Forum has no jurisdiction to go into any allegation of the nature specified in Section-2(b) of the Delhi Lokayukta & Uplokayukta Act, 1995 (hereinafter referred to as the "Act"), or any other allegation whatsoever in respect of the conduct and/or any orders passed by the Speaker and Deputy Speaker of the Legislative Assembly. For the sake of convenience, the provisions of Section-2(b) which define "allegation" and those of Section-2(m) which define the term "Public functionary" to the extent relevant, are reproduced hereunder:-

"2. Definitions: In this Act, unless the context otherwise require-

(a).....

(b) "allegation" in relation to a public functionary means by affirmation that such public functionary in capacity as such:-

- (i) *has failed to act in accordance with the norms of integrity and conduct which ought to be followed by the public functionaries or the class to which he belongs;*
- (ii) *has abused or misused his position to obtain any gain or favour to himself or to any other person or to cause loss or undue harm or hardship to any other person;*
- (iii) *was actuated in the discharge of his functions as such public functionary by improper or corrupt motives or personal interest;*
- (iv) *allegation of corruption, favour, nepotism or lack of faithfulness.*
- (v) *.....”*
- (m) **“Public functionary”** means a person who is or has been at any time-
 - (i) *the Chief Minister or a Minister;*
 - (ii) *a Member of Legislative Assembly;*
 - (iii) *a person having the rank of Minister but shall not include Speaker and Deputy Speaker of the Legislative Assembly”*
 - (iv) *.....”*

4. From the aforesaid provisions of law, it clearly emerges that this Forum has no jurisdiction to entertain any complaint

