



2026:DHC:9422-DB



\$~148

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 13.10.2026

CNR No. DLHC010496502026

+ W.P.(C) 15243/2026, CM APPL. 71577/2026, CM APPL. 71578/2026 & CM APPL. 71579/202

BALA SUBRAHMANYAM POCHINAPEDDI Petitioner

Through: Petitioner-in-person.

versus

THE LOKPAL OF INDIA & ORS. Respondents

Through: *Nemo.*

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MS. JUSTICE RENU BHATNAGAR

JUDGMENT (ORAL)

1. The present petition has been filed under Articles 226 and 227 of the Constitution of India seeking quashing of the order dated 19.08.2026 passed by the learned Lokpal of India (hereinafter "Lokpal") rejecting the complaint made by the petitioner wherein he had made allegations against one J.S. Jawahar Raj, who was working as a Senior Superintendent of Railways in 2023 and the then Postmaster General, Southern Region, Madurai, Tamil Nadu.

2. The allegations in the complaint given to the learned Lokpal have been stated in paragraph no. 10, and the same is reproduced as under:-

"Facts and Circumstances: Summary of facts:

Signature Not Verified
HARIOM SINGH KIRMOLIYA

21.10.2026 16:46

W.P.(C) 15243/2026

Page 1 of 10



2026:DHC:9422-DB



1. Without issuing any order in writing, one official Sri N. Varunraja, working as Multi Tasking Staff (MTS) was drafted to the residential quarters of both PMG's who utilised him as cook and watchman for their personal needs.
2. Officially the MTS was shown as working at Head Record Office, Madurai but he was utilised as a personal cook cum watchman at the residential quarters without any orders.
3. False documents were created to draw his pay and allowances even changing the Drawal and Disbursing Officer (DDO) without any written order.
4. There is no post of Cook or Night Watchman attached to the residence of the PMG.
5. No official document of his signing in attendance register while working as cook cum night watchman at the residence of the PMG nor in any official document.
6. Statement of the MTS dated 07-02-2026 corroborates his working as cook cum watchman at the residence of the PMG for more than 2 years with other connected documents not showing him working anywhere.
7. Loss sustained by the department out of this irregular arrangement personally benefitting the PMG couple is Rs. 10,99,117/- (Rs Ten lakhs ninety nine



2026:DHC:9422-DB



thousand one hundred seventeen only) without penal interest and without getting any departmental service from this MTS.

8. Connected documents in annexure format explain relevancy of each document relating to this misuse of official power for personal gain. Complaint with CVC:

1. Detailed complaint filed with CVC vide complaint dated 10-02-2026 registered by CVC with complaint number 144432/2026.

2. CVC informed on 01-04-2026, that the CVO of the Department of Posts “filed the complaint in view of the nature of issues therein after examination”. This strategic reply closing the complaint in an attempt to shield corruption is now taken up with the Hon’ble Lokpal with the following details.

3. Complaint is filed with documentary evidence of “deriving undue advantage monetarily at the cost of the department misusing official power and does not have ingredients to be filed”.

4. The statements of the officials enclosed with the complaint categorically lead to a definite conclusion that the arrangement was made at the behest of the PMG couple who without engaging outsider for cooking and watchman, drafted this MTS misusing official power thereby allowing the department to forego his service while paying for him without getting any official service.



2026:DHC:9422-DB



5. Filing the complaint amounts to shielding the corruption even when existence of overwhelming documentary evidence is there which deserves scrutiny by the Hon'ble Lokpal.

Details of offences alleged under PC Act 1988

1. Attracts Section-7 (a) of PC Act -1988 (as amended in 2018) since this complaint involved “deriving undue monetary advantage for personal gain misusing official power”. If the couple are in need of a cook, they can arrange from outside spending personal money but getting a departmental MTS drafted for cooking purpose through circuitous route without any written order and utilising him at their residence without any service to the department is enriching personally causing loss to the department.

2. Department did not benefit from the service of the MTS rather paid this MTS from the department for more than 2 years and 2months for his cooking for the benefit of the PMG couple personally.

3. Also attracted section-7 (a) in terms of “performance of a public duty improperly and dishonestly” for personal benefit of the PMG couple.

4. Attracts Section-7 (b) in terms of “undue advantage from any person as a reward for the improper or dishonest performance of a



2026:DHC:9422-DB



public duty or for forbearing to perform such duty”. By improperly drafting his services as a cook, derived undue advantage from this person as a reward making him perform his duties improperly.

5. Attracted Section- 7 (c) when the PMG couple “induced this MTS who is a public servant to perform his duties improperly”. Para No 13: information which the complainant wants to furnish: The CVO who is one cadre above of the PMG couple did not critically examine the content of the complaint with its documentary enclosures swiftly ordering filing of the complaint leading to shielding the activities of corruption which would send a wrong message to the cadre working in the department that the officers at higher level can do corruption with impunity. Requests full fledged inquiry.”

3. The said complaint has been rejected by the learned Lokpal vide the impugned order stating that identical complaints have been made before the Chief Vigilance Commissioner (hereinafter “CVC”), who had got the complaints inquired into by the Office of the Chief Vigilance Officer (hereinafter “CVO”), Department of Posts, Ministry of Communications, and then closed the complaints.

4. The learned Lokpal also took note of the fact that the CVC, while conducting the inquiry, was of the opinion that the complaints had been made with *malafide* intentions and the statements of the employee regarding misuse of the employee’s services for personal benefit had been obtained by the complainant for his own personal



2026:DHC:9422-DB



benefit to harm the officer. It was found that the petitioner, who took the complaint of the concerned employee, was neither the controlling authority of that official nor was he authorised as a competent authority to conduct the inquiry to obtain such statement. Accordingly, the complaints were found to be unsubstantiated.

5. Aggrieved by the impugned order, the petitioner first approached the High Court of Madras, Madurai Bench, by filing WP (MD) No. 26231/2026. The said writ petition was rejected on the ground of want of territorial jurisdiction, with liberty to the petitioner to approach this Court.

6. The petitioner appears in person.

7. The petitioner contends that the procedure prescribed under Section 20 of the Lokpal and Lokayuktas Act, 2013 (hereinafter “Lokpal Act”) has not been followed and that the learned Lokpal has adopted a casual and mechanical approach by deviating from the procedure.

8. He submits that the learned Lokpal should have applied its mind independently and not relied on the decision of the CVC, and that without conducting an independent inquiry as contemplated in Section 20, the learned Lokpal could not have closed the complaint.

9. Heard the petitioner.

10. A complaint under the Lokpal Act is defined under Section 2(e). The same is extracted and read as under:-

“(e) "complaint" means a complaint, made in such form as may be prescribed, alleging that a public servant has committed an offence punishable under the Prevention of Corruption Act, 1988”



2026:DHC:9422-DB



11. To attract the provisions of the Lokpal Act, the act complained about must come within the definition of Section 7 of the Prevention of Corruption Act, 1988 (hereinafter “PCA”).

12. On the face of it, it is doubtful as to whether the actions complained about by the petitioner would come within the definition of Section 7 of the PCA, which deals with offences relating to public servants being bribed.

13. Be that as it may, the contention of the petitioner in the present case is that the procedure prescribed under Section 20 of the Lokpal Act has not been followed.

14. The procedure to be adopted by the learned Lokpal related to complaints, preliminary inquiry and investigation is given under Section 20 of the Lokpal Act. Section 20(1) of the Lokpal Act is reproduced and reads as under:-

“20. Provisions relating to complaints and preliminary inquiry and investigation.—

(1)The Lokpal on receipt of a complaint, if it decides to proceed further, may order

(a)preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a prima facie case for proceeding in the matter; or

(b)investigation by any agency (including the Delhi Special Police Establishment) when there exists a prima facie case: Provided that the Lokpal shall if it has decided to proceed with the preliminary inquiry, by a general or special order, refer the complaints or a category of complaints or a complaint received by it in respect of public servants belonging to Group A



2026:DHC:9422-DB



or Group B or Group C or Group D to the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003 (45 of 2003):Provided further that the Central Vigilance Commission in respect of complaints referred to it under the first proviso, after making preliminary inquiry in respect of public servants belonging to Group A and Group B, shall submit its report to the Lokpal in accordance with the provisions contained in sub-sections (2) and (4) and in case of public servants belonging to Group C and Group D, the Commission shall proceed in accordance with the provisions of the Central Vigilance Commission Act, 2003 (45 of 2003):Provided also that before ordering an investigation under clause (b), the Lokpal shall call for the explanation of the public servant so as to determine whether there exists a prima facie case for investigation: Provided also that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency (including the Delhi Special Police Establishment) under this Act.”

15. A reading of the aforesaid section shows that upon receiving a complaint, the learned Lokpal has to first make up its mind as to whether to proceed with the complaint or not.

16. While deciding to proceed with the complaint, it is for the learned Lokpal to look into all the material on record carefully and then initiate an inquiry, as initiation of an inquiry under Section 20 of the Lokpal Act has its own consequences. Initiating an inquiry under the Lokpal Act cannot be for the asking. For this purpose, in the



2026:DHC:9422-DB



present case, the learned Lokpal has looked into the identical complaint made by the complainant before the CVC which is relevant material.

17. The petitioner has given two complaints before the CVC. The first one is dated 10.02.2026, and the other is dated 18.02.2026. Both complaints have been investigated by the CVO, and the CVO recommended the closure of both the complaints on 01.04.2026.

18. The learned Lokpal has also reproduced the conclusion of the CVO, which is being reproduced by this Court to read as under:-

"In view of the facts and circumstances of the case in the light of the observations made above after due examination of the matter, the allegations levelled in the complaints are not substantiated. It may rather be inferred that the complainant has deliberately made a malicious and malafide attempt to mislead and misrepresent facts before the highest statutory institutions entrusted with addressing corruption and public misconduct apparently with an intent to malign the officers named in the complaint and to disrupt smooth functioning of the Tamil Nadu Circle. The Hon'ble Lokpal and the CVC may, consider allowing this Department to take further action against the said Shri. P. Balasubrahmanyam, the complainant, in accordance with applicable Conduct Rules and may also pass such other orders as deemed fit."

19. The learned Lokpal has satisfied itself regarding the complaint. The learned Lokpal has also considered that the complaint made by the petitioner herein is stemming out of his own personal agenda and





2026:DHC:9422-DB



is, thus, *malafide*.

20. The CVO, on inquiry by the CVC, has found that the concerned Multi-Tasking Staff (MTS) was not under the administrative control of the petitioner and the petitioner could not have elicited the complaint or any statement from the said officer.

21. In the opinion of this Court, a reading of the impugned order dated 19.08.2026 passed by the learned Lokpal does indicate that the petitioner is actually abusing the process of law.

22. In view thereof, this Court does not find any infirmity with the decision-making process of the learned Lokpal, who is authorised to look into all the material before deciding to initiate an inquiry. It is not necessary that to every complaint, the learned Lokpal has to initiate an inquiry. Therefore, the procedure adopted by the learned Lokpal cannot be found fault with. No other ground has been urged by the Petitioner.

23. Accordingly, the present petition, along with all pending applications, stands dismissed.

SUBRAMONIUM PRASAD, J

RENU BHATNAGAR, J

OCTOBER 13, 2026/ng/sm