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

+ W.P.(C) 1264/2025, CM APPL. 6274/2025

RAJESH KUMAR SINGH & ORS.Petitioners

Through: Mr. Vikas Singh, Sr. Advocate with
Mr. Varun Singh, Ms. Deepeika
Kalia, Ms. Kajal Gupta, Ms. Somesa
Gupta and Mr. Sudeep Chandra,
Advocates.

versus

LOKPAL OF INDIARespondent

Through: Appearance not given, proxy counsel
(Through VC)

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
20.03.2025

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CM APPL. 16438/2025
CM APPL. 6272/2025

1. Application CM APPL. No. 6272/2025 under Section 151 of the Code of Civil Procedure, 1908 read with Article 226 of the Constitution of India has been filed on behalf of the petitioners/applicants seeking the following reliefs:

“a. Stay the proceeding under Complaint No. 162/2024 before the Respondent;



b. Stay the operation and effect of the Impugned Order dated 06.01.2025 (Annexure P-1) passed by Respondent;

c. Stay the operation and effect of the Notices dated 07.01.2025 (Annexure P-1) issued by the Respondent to the Applicant no. 1 to 3 under Section 20(3) of the Lokpal and Lokayuktas Act, 2013;

d. Pass any other order(s)/direction(s) as this Hon'ble Court may deem fit in the interest of justice.”

2. By way of a subsequent application bearing C.M. APPLN. No.16438/2025, the petitioners/applicants have made the following prayers:

“a. Stay the operation of the order dated 04.03.2025 passed by the Respondent, during the pendency of the captioned writ petition;

b. Stay the operation of the notice of opportunity dated 05.03.2025 passed by the Respondent directing Petitioner no. 1 to 3 to appear before them on 02.04.2025, during the pendency of the captioned writ petition

c. Pass any other order(s)/direction(s) as this Hon'ble Court may deem fit in the interest of justice.”

3. Issue notice on C.M. APPLN. No. 16438/2025.

4. Let reply be filed within 04 weeks; rejoinder thereto, if any, be filed within 02 weeks thereafter; with copies to the opposing counsel.

5. Learned proxy counsel appearing on behalf of the respondent/non-applicant, through VC, prayed for an adjournment.

6. Learned senior counsel appearing on behalf of the petitioners/applicants vehemently opposed the request for adjournment made by the learned proxy counsel for the respondent on the ground that the matter is listed before the respondent for further proceedings.

7. It is submitted that the petitioners have filed the instant writ petition seeking issuance of a writ to set aside the order dated 6th January, 2025 and



the notices dated 7th January, 2025 issued by the respondent. Vide the order dated 6th January, 2025, the respondent has issued notice to the petitioners.

8. It is submitted that the impugned order and the notices are beyond the jurisdiction of the respondent as the Lokpal and Lokayuktas Act, 2013 mandates that complaints should pertain to offences under the Prevention of Corruption Act, 1988 (hereinafter “PC Act”). However, in the present case, no such allegations of corruption or commission of offences under the PC Act have been made out, and thus, the impugned order and notices have been issued without taking into consideration any sufficient evidence or grounds to proceed under the Lokpal and Lokayuktas Act, 2013.

9. It is also submitted that the only allegation from the very inception was that there were irregularities in the promotions conducted by the National Productivity Council on 28th March, 2023, which pertain to a period even before the petitioner no. 1 joined as Secretary, DPIIT on 21st April, 2023. However, the respondent failed to consider that irregularities in promotions, as alleged, do not constitute an offence under the PC Act, therefore, any action under the Lokpal and Lokayuktas Act, 2013 in the absence of any allegation or *prima facie* case of corruption, is *ultra vires* and legally unsustainable. It is further submitted that since the jurisdiction of the respondent has been challenged in the present writ petition, therefore, it is prayed that the proceedings before the respondent may be stayed till the next date of hearing.

10. It is further pointed out that *vide* last order dated 31st January, 2025, the Predecessor Bench have made the following observations:

“3. *The petitioners have, inter alia, sought a stay of the operation of the impugned order dated 06.01.2025. However,*



we have noticed that the said order has been passed to provide the petitioners an opportunity of hearing. We clarify that the petitioners are not precluded from raising the issues that are raised in the present petition before the respondent. Needless to state the respondent shall also consider the same.

4. We may note that the petitioners have challenged the proceedings, inter alia, on the ground that it was initiated on a complaint, which did not specify the offence or have any specific provision for initiating proceedings under the Prevention of Corruption Act, 1988. According to the petitioner, the same strikes at the root of the jurisdiction to initiate the subject proceedings. In this regard, we clarify that any order that may be passed by the respondent shall be subject to further order that may be passed in this petition.”

11. Learned senior counsel appearing for the petitioners submitted that subsequent to the last order the respondent has rejected the preliminary objection taken by the petitioner with the following observations vide order dated 4th March, 2025:

“23. In the case at hand evidently, Column 9 requires the complainant to give details of the cause of action or the cause of offence under the Prevention of Corruption Act, 1988, in the context of Section 53 of the Act of 2013 which is substantiated by stipulation in clause (i) to (iv) of column 9. The complaint under consideration, besides delineating the statement of allegation - which runs in almost three pages – has also filed documents annexed therewith in compliance to the stipulation contained in Column 10 which states that “Summary of acts/allegations of corruption: [Detailed complaint duly signed to be enclosed].

24. The complainant having substantially complied with the stipulation contained in the Rules of 2020, the complaint can not be faulted with as would deprive the Lokpal to exercise its jurisdiction. Nor the action of the Registry can be faulted. Whereas, the Registry is bound by the stipulations in Circular



No.2/2024 dated 06.06.2024, whereby it cannot reject on its own, even a defective complaint – which is not the case here.

25. In view whereof, we do not perceive any force in the preliminary objections raised on behalf of Respondent Public Servant (RPS). Consequently; the objections stand rejected.”

12. Heard.

13. The learned senior counsel for the petitioners has contended that the respondent does not have the jurisdiction to pass the impugned order and the same has been passed without considering the material on record. It has been argued that the Lokpal and Lokayuktas Act, 2013 does not confer jurisdiction upon the respondent to take action unless there is an allegation of corruption or commission of offences under the PC Act, which is absent in the instant case, thus, rendering the impugned order and notices beyond the respondent’s jurisdiction.

14. Taking into consideration the arguments advanced by the learned senior counsel for the petitioners, this Court is of the view that the instant matter requires in-depth consideration. In light of the same, this Court is inclined to grant stay on the operation of the impugned order dated 6th January, 2025, the notices dated 7th January, 2025, order dated 04th March 2025 and the proceedings pending *before* the respondent – Lokpal under Complaint No. 162/2024.

15. Accordingly, the operation of the impugned order dated 6th January, 2025, the notices dated 7th January, 2025, order dated 04th March 2025 and the proceedings under Complaint No. 162/2024, pending *before* the respondent – Lokpal, shall be kept in abeyance till the next date of hearing.

16. List on 24th July, 2025.



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At request, the matter is adjourned.

List on 24th July, 2025.

CHANDRA DHARI SINGH, J

ANUP JAIRAM BHAMBHANI, J

MARCH 20, 2025

gs/ryp

[Click here to check corrigendum, if any](#)