

LOKPAL OF INDIA
(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)
New Delhi- 110070

Complaint No. : **194/2025**

Date : **04.09.2025**

Coram : **Shri Justice A.M. Khanwilkar**
Chairperson

Shri Justice L. Narayana Swamy
Member

Shri Justice Sanjay Yadav
Member

Shri Sushil Chandra
Member

Shri Pankaj Kumar
Member

Shri Ajay Tirkey
Member

ORDER

1. Complaint is against the Secretary and Additional Secretaries of the Union Public Service Commission.
2. As the Union Public Service Commission (UPSC) is established by the Constitution and not by an Act of Parliament, the complainant, vide order dated 18.08.2025, was called upon to clarify and explain on affidavit as to how the officials of such a Body, are covered under one of the clause(s) of Section 14 of the Lokpal and Lokayukas Act, 2013 (Act of 2013).



3. The complainant has filed an Affidavit stating therein that Secretaries and Additional Secretaries of the UPSC are Group 'A' Officers of the Central Government. Therefore, they are amenable to the jurisdiction of Lokpal. Complainant has placed reliance on Section 14 (1) (d) and (e) read with sub-clauses (i) and (ii) of Clause (c) of Section 2 of Prevention of Corruption Act, 1988 to bring home his stand.

4. Clause (o) of sub-section (1) of Section 2 of the Act of 2013 defines "Public Servant" to mean:

"a person referred to in clauses (a) to (h) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950 (45 of 1950), the Air Force Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Coast Guard Act, 1978 (30 of 1978) or the procedure is applicable to such public servant under those Acts"

5. Clause(s) (d) and (e) of sub-section (1) of section 14 of the Act 2013 stipulates :

"(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served, in connection with the affairs of the Union;

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i)

and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;”
(Emphasis supplied)

6. In other words, by virtue of Section 14, the Lokpal has jurisdiction to inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of any Group ‘A’ Group ‘B’ Group ‘C’ or Group ‘D’ official/officers or equivalent or above, from amongst the Public Servants defined in sub-clauses (i) and (ii) of clause (c) of Section 2 of the PC Act of 1988 (i.e. any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty and any person in the service or pay of a Local Authority), **when serving or who has served, in connection with the affairs of the Union.**
7. Thus, unless Group A, B, C, and D officials/officers or equivalent thereto are serving or have served, in connection with the affairs of Union, such person (s) are not amenable to the jurisdiction of Lokpal under Section 14 of the Act of 2013.
8. In the case at hand, apparent it is from the complaint that the allegations against the Secretary and Additional Secretaries are in

respect of certain acts of these officials while they are serving in connection with the affairs of UPSC and not of the Union.

9. In view whereof, in our considered opinion, they are not amenable to our jurisdiction under Section 14 of the Act of 2014.
10. The complaint is disposed of on above terms.
11. Needless to say, the complainant will be at liberty to avail remedy under any other law.

Sd/-
(Justice A.M. Khanwilkar)
Chairperson

Sd/-
(Justice L. Narayana Swamy)
Member

Sd/-
(Justice Sanjay Yadav)
Member

Sd/-
(Sushil Chandra)
Member

Sd/-
(Pankaj Kumar)
Member

Sd/-
(Ajay Tirkey)
Member


(Court Master)