



विधान सभा  
राष्ट्रीय राजधानी क्षेत्र दिल्ली

अन्य पिछड़ा वर्ग कल्याण समिति  
सातवीं विधान सभा का तीसरा प्रतिवेदन

दिनांक 15.12.2023 को प्रस्तुत

विधानसभा सचिवालय  
पुराना सचिवालय, दिल्ली-110054

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### प्राक्कथन

दिनांक 02.06.2023 को माननीय अध्यक्ष महोदय ने श्री ए.वी. प्रेमनाथ से श्री राजशेखर, आईएस, जो वर्तमान में राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार में विशेष सचिव (सतर्कता एवं सेवाएँ) के पद पर तैनात हैं, के विरुद्ध प्राप्त एक शिकायत भेजी। शिकायत में आरोप लगाया गया है कि श्री राजशेखर ने एक 'दानिक्स' अधिकारी के रूप में 'ओबीसी' श्रेणी के अंतर्गत, छलपूर्ण तरीके से प्राप्त एक फर्जी ओबीसी प्रमाणपत्र के आधार पर सरकारी नौकरी प्राप्त की है।

समिति ने अपनी पहली बैठक 09.06.2023 को की। समिति ने अपनी दिनांक 12.06.2023 की बैठक में इस मामले पर विस्तार से विचार करने के लिए एक उप समिति बनाने का निर्णय किया। उप समिति ने इस विषय पर दिनांक 14.06.2023, 23.06.2023, 03.07.2023, 10.07.2023, 19.07.2023, 21.07.2023, 27.07.2023, 01.09.2023 व 31.10.2023 को अपनी बैठकें कीं। समिति ने आंध्र प्रदेश में विशाखापटनम और अनकापल्ली का भी दौरा किया, जहाँ से यह प्रमाणपत्र जारी किया गया था।

उप समिति ने अपना प्रतिवेदन समिति को दिनांक 20.11.2023 को प्रस्तुत कर दिया। समिति ने इसे अंगीकृत किया व और विचार-विमर्श के बाद सदन में एक संयुक्त प्रतिवेदन प्रस्तुत करने का निर्णय किया।

समिति के प्रतिवेदन पर उसकी दिनांक 13.12.2023 की बैठक में विचार किया गया व उसे अंगीकृत किया गया। समिति ने सभापति तथा श्री मदन लाल को यह प्रतिवेदन सदन में प्रस्तुत करने के लिए अधिकृत किया।

दिनांक 13.12.2023

  
महेंद्र यादव  
अध्यक्ष

अन्य पिछड़ वर्ग कल्याण समिति



## प्रतिवेदन

### परिचय एवं पृष्ठभूमि:-

माननीय अध्यक्ष महोदय ने श्री ए.वी. प्रेमनाथ से प्राप्त एक शिकायत दिनांक 02.06.2023 को समिति को भेजी। श्री प्रेमनाथ ने अपनी शिकायत में यह आरोप लगाया था कि श्री वाईवीवीजे राजशेखर, आईएस ने दानिक्स (दिल्ली अंडमान निकोबार आयलेंड्स सिविल सर्विसेज) में 'सिविल सर्विसेज एग्जामिनेशन, 1994' (बैच 1995) के माध्यम से अपनी नौकरी ".....छलपूर्ण ओबीसी प्रमाणपत्र के आधार पर प्राप्त की है। यही एक मात्र अवसर था जब उन्होंने सिविल सर्विसेज परीक्षा पास की और वाईवीवीजे राजशेखर, जिन्होंने छलपूर्वक यह दावा करते हुए कि वह पिछड़ी जाति से हैं, 'ओबीसी प्रमाणपत्र' प्राप्त किया, और उन्हें दानिक्स में पद दिया गया।" अपनी शिकायत में यह भी कहते हैं कि "06. हमारे गृह राज्य आंध्र प्रदेश में पिछड़ी जातियों का वर्गीकरण और उप वर्गीकरण बीसी-ए, बीसी-बी, बीसी-सी और बीसी-डी श्रेणियों में किया जाता है और इस वर्गीकरण में भी उनके द्वारा छल किया गया और धोखे से 'सेंट्रल गवर्नमेंट प्रोफॉर्मा' में ओबीसी प्रमाणपत्र प्राप्त किया गया। इस मामले में ओबीसी प्रमाणपत्र जारी करने हेतु नियामक नियमों का भी उल्लंघन किया गया। उक्त नियमों तथा अविभाजित आंध्र प्रदेश सरकार द्वारा जारी सरकारी आदेश के अनुसार, 'एमआरओ/तहसीलदार द्वारा जारी सेंट्रल प्रोफॉर्मा ओबीसी प्रमाणपत्र को अनिवार्य रूप से 'डिस्ट्रिक्ट कलेक्टर' (डीएम) द्वारा प्रतिहस्ताक्षरित होना चाहिए, जो इस मामले में नहीं किया गया।" (संलग्नक 1)

शिकायतकर्ता ने श्री वाईवीवीजे राजशेखर के विरुद्ध अनेक अन्य आरोप भी लगाए, परंतु समिति ने उन मुद्दों का संज्ञान नहीं लिया क्योंकि वे समिति की कार्यसीमा से बाहर थे। समिति को केवल इस बात की चिंता थी कि क्या इस शिकायत में कोई सच्चाई है कि श्री राजशेखर ने भ्रामक आधार पर नौकरी प्राप्त की है, जिसके कारण सरकारी नौकरी में ओबीसी श्रेणी के किसी अन्य उम्मीदवार को नौकरी से वंचित रह जाना पड़ा हो।

राष्ट्रीय राजधानी क्षेत्र दिल्ली की विधान सभा में प्रक्रिया एवं कार्य-संचालन के नियम अन्य पिछड़ा वर्ग समिति के कार्यों को निम्न प्रकार से निर्धारित करते हैं :

#### 235खखख. समिति के कार्य

समिति के कार्य इस प्रकार होंगे -

- (i) अन्य पिछड़ा वर्गों के लिए कल्याण कार्यक्रमों एवं अन्य सुधारात्मक उपायों की प्रगति एवं क्रियान्वयन की समीक्षा करना तथा समीक्षांतर्गत मामलों के संबंध में सरकार द्वारा किए जाने वाले उपायों के बारे में सदन को प्रतिवेदन करना।
- (ii) सरकार द्वारा अपने अधीनस्थ सेवाओं एवं पदों में अन्य पिछड़ा वर्गों का उचित प्रतिनिधित्व करने के लिए किए गए उपायों की जाँच करना।
- (iii) इन वर्गों की दशा में न्यूनतम संभावित समय में सुधार लाने के लिए सरकारी की नीति के उद्देश्यों की पूर्ति हेतु उपाय और साधन सुझाना; और
- (iv) सदन या अध्यक्ष द्वारा विशेष रूप से सुझाए गए अथवा ऐसे मामलों की जांच करना जो कि समिति द्वारा उपयुक्त समझे जाएं।

कार्य-संचालन नियमों के प्रावधान व इस तथ्य को देखते हुए कि माननीय अध्यक्ष महोदय ने यह शिकायत समिति को भेजी है, समिति ने श्री राजशेखर से उनका उत्तर/टिप्पणी प्राप्त करनी चाही। उन्हें शिकायत की एक प्रति इस अनुरोध के साथ भेजी गई कि दिनांक 09.06.2023 के लिए नियत समिति की बैठक में वे उपस्थित हों। श्री राजशेखर बैठक में उपस्थित नहीं हुए, बल्कि उन्होंने सचिवालय को एक पत्र दिनांक 09.06.2023 भेजा, जिसमें उनके उपस्थित न होने का कोई कारण नहीं दिया गया था। उन्होंने समिति के अधिकारक्षेत्र को इस आधार पर चुनौती दी कि यह मामला एक 'सर्विस मैटर' है। उन्होंने यह दावा भी किया कि शिकायतकर्ता के विरुद्ध उच्च न्यायालय और उच्चतम न्यायालय के समक्ष अनेक आपराधिक शिकायतें हैं और इसलिए "समिति का यह अधिकारक्षेत्र नहीं है कि वह इस पर विचार करे और अपने निष्कर्ष दे जिनसे विभिन्न न्यायालयों में चल रहेवादों के प्रभावित होने की आशंका हो।"



उन्होंने यह दावा भी किया कि "ये सारी शिकायतें मेरे द्वारा माननीय मंत्री श्री सौरभ भारद्वाज के साथ माननीय उच्चतम न्यायालय के आदेश दिनांक 11.05.2023 के निर्णय और दिनांक 19.05.2023 को माननीय राष्ट्रपति द्वारा जारी अध्यादेश के बाद हुए पत्राचार के परिणामस्वरूप हैं।" इसके बाद शिकायतकर्ता श्री ए.वी. प्रेमनाथ के विरुद्ध विभिन्न आरोप लगाए गए।

इस प्रकार, कर्तव्यपूर्वक समिति की बैठक में उपस्थित होने और शिकायत के बारे में उत्तर या कोई टिप्पणी देने के स्थान पर श्री राजशेखर ने विभिन्न अप्रासंगिक मुद्दे उठाए। जैसा पहले ही बताया जा चुका है कि इस समिति की चिंता केवल अन्य पिछड़ा वर्ग के हितों की सुरक्षा को लेकर है। श्री राजशेखर को पत्र दिनांक 09.06.2023 के द्वारा सूचित किया गया कि वह समिति के समक्ष उपस्थित होकर व्यक्तिगत रूप से अपनी आपत्तियाँ बता सकते हैं।

दिनांक 12.06.2023 को हुई बैठक में श्री ए.वी. प्रेमनाथ समिति के समक्ष उपस्थित हुए और शपथपूर्वक बयान दिया। उन्होंने अन्य बातों के साथ-साथ बताया कि वे श्री राजशेखर को लंबे समय से जानते हैं, क्योंकि दोनों आंध्र प्रदेश में एक ही स्थान से हैं।

श्री प्रेमनाथ ने आरोप लगाया कि श्री राजशेखर 'करनम' (ज़ंतदंड) जाति से हैं, जो एक अगड़ी जाति है और इसे 'अन्य पिछड़ा वर्ग' में सम्मिलित नहीं किया गया है।

उन्होंने बताया कि आंध्र सरकार ने सभी राजस्व रिकॉर्डों को 'डिजिटाइज्ड' किया है और श्री राजशेखर का 'ओबीसी' प्रमाणपत्र रिकॉर्ड में नहीं है। उन्होंने यह भी आरोप लगाया कि श्री राजशेखर द्वारा सरकारी नौकरी 'ज्वाइन' करने के लिए जमा कराया गया प्रमाणपत्र जिलाधीश द्वारा प्रतिहस्ताक्षरित नहीं है, जो कि (नियमानुसार) आवश्यक है। उन्होंने अनुरोध किया कि समिति इस मामले को केंद्रीय जाँच ब्यूरो को भेज दे।

समिति ने निर्णय किया कि श्री राजशेखर के विरुद्ध श्री ए.वी. प्रेमनाथ की शिकायत की जाँच करने के लिए एक उप समिति का गठन किया जाए। कार्य-संचालन नियमावली के नियम 168 के अंतर्गत समितियों को अधिकार है कि वे उप-समितियों का गठन कर सकें जिनके पास वही शक्तियाँ होंगी जो अविभाजित (मुख्य) समिति के पास होती हैं। श्री मदन लाल उप समिति के अध्यक्ष बनाए गए और श्री नरेश यादव व श्री सही राम उसके सदस्य थे।

समिति ने यह निर्णय भी किया कि श्री राजशेखर को सूचित किया जाए कि वे उप समिति के समक्ष उपस्थित हो कर अपनी आपत्तियों को व्यक्तिगत रूप से बता सकते हैं। पत्र दिनांक 12.06.2023 के अनुसार श्री राजशेखर को समिति के निर्णय से अवगत करा दिया गया और अनुरोध किया गया कि वे समिति के समक्ष व्यक्तिगत रूप से दिनांक 14.06.2023 को उपस्थित हों।

हालाँकि, श्री राजशेखर पुनः उप समिति की दिनांक 14.06.2023 की बैठक में उपस्थित होने में असमर्थ रहे, बल्कि उन्होंने एक अन्य पत्र भेज दिया जिसमें समिति के अधिकारक्षेत्र पर आपत्तियाँ तथा श्री ए.वी. प्रेमनाथ के विरुद्ध आरोप थे। उप समिति ने श्री राजशेखर के आचरण पर गंभीर अप्रसन्नता व्यक्त की। उन्हें इस अप्रसन्नता से पत्र दिनांक 15.06.2023 के माध्यम से अवगत करा दिया गया और उन्हें दिनांक 19.06.2023 के लिए नियत अगली बैठक में उपस्थित होने के लिए कहा गया। यह भी पुनः बता दिया गया कि उन्हें उप समिति के समक्ष व्यक्तिगत रूप से उपस्थित होना चाहिए और जो कहना चाहें वह कहना चाहिए। दिनांक 19.06.2023 के लिए निर्धारित बैठक को दिनांक 23.06.2023 के लिए आगे बढ़ा दिया गया।

दिनांक 23.06.2023 को होने वाली बैठक में श्री राजशेखर नहीं आए और फिर एक पत्र भेजा जिसमें श्री ए.वी. प्रेमनाथ के विरुद्ध शिकायतों का उल्लेख किया गया था और यह भी कहा गया कि इस मामले को सुनने का अधिकार समिति को नहीं है। उनके किसी भी पत्र में न तो उनके विरुद्ध वास्तविक शिकायत का कोई उल्लेख था और न ही इस बात का, कि क्या उनके पास उस शिकायत को नकारने वाली कोई सूचना/प्रलेख हैं।

बावजूद इस तथ्य के, कि समिति ने उन्हें बार-बार उप समिति के समक्ष व्यक्तिगत रूप से उपस्थित होने और अपना बयान दर्ज कराने के लिए कहा, श्री राजशेखर समिति की बैठक में उपस्थित नहीं हुए। उप समिति के निर्देश पर सचिव-सह-निदेशक सतर्कता, प्रधान

सचिव (जीएडी) व प्रधान सचिव (सेवाएँ) से अनुरोध किया गया कि वे श्री राजशेखर की सर्विसबुक के 'बायोडेटा' पृष्ठ की प्रमाणित प्रति उपलब्ध कराएँ।

श्री प्रेमनाथ उप समिति की दिनांक 23.06.2023 की बैठक में उपस्थित हुए और शपथपूर्वक बयान दिया। उन्होंने अपने आरोपों को दोहराया और कहा कि श्री राजशेखर 'करनम' (Karanam) जाति से हैं जो अन्य पिछड़ा वर्ग की सूची में नहीं है।



उन्होंने कहा कि जब से उन्होंने शिकायत की है, तब से उन्हें परेशान किया जा रहा है। उन्होंने यह भी कहा कि जब श्री राजशेखर परिवहन विभाग में तैनात थे, उस समय भी उनके विरुद्ध 'सीएनजी फिटनेस मीटर' में आरोप लगे थे और यह भी कि जब वे 'नई दिल्ली नगरपालिका परिषद' में तैनात थे तब एक वरिष्ठ महिला अधिकारी ने उनके विरुद्ध शिकायत की थी। उप समिति ने स्पष्ट किया कि उनके लिए केवल ओबीसी प्रमाणपत्र का विषय ही विचारणीय है और वे किसी अन्य मुद्दे की जाँच नहीं कर सकते।

उसके बाद समिति ने दिनांक 10.07.2023 को एक बैठक की जिसमें श्री राजशेखर और श्री प्रेमनाथ को बयान देने के लिए बुलाया गया। श्री राजशेखर फिर से बिना कोई कारण बताए बैठक में उपस्थित नहीं हुए। श्री प्रेमनाथ ने यह कहते हुए ओबीसी प्रमाणपत्र (संलग्नक II) की एक प्रति के साथ शपथपूर्वक एक लिखित बयान दिया कि यह वही प्रमाणपत्र है जिसके आधार पर श्री राजशेखर ने सरकारी सेवा में प्रवेश किया है। इस प्रमाणपत्र के आधार पर यह दिखाया गया है कि श्री राजशेखर गवरा (Gavara) समुदाय से हैं। श्री प्रेमनाथ ने आरोप लगाया कि यह प्रमाणपत्र निर्धारित प्रारूप में नहीं है और यह डीएम/डिस्ट्रिक्ट कलेक्टर द्वारा प्रतिहस्ताक्षरित नहीं है। उन्होंने कहा कि प्रमाणपत्र में श्री राजशेखर का पता नहीं दिया गया है। उन्होंने यह भी कहा कि वर्ष 2010 तक गृह मंत्रालय द्वारा प्रकाशित दानिक्स सिविल लिस्ट में श्री राजशेखर का नाम ओबीसी श्रेणी में दिया गया था, परंतु 2015 और 2017 की बाद वाली सूचियों में उनके नाम के आगे 'ओबीसी' का उल्लेख नहीं था। उन्होंने इन सूचियों की प्रतियाँ भी उप समिति को सौंपीं।

पत्र दिनांक 19.07.2023 के द्वारा श्री राजशेखर को सूचित किया गया कि उनकी बार-बार अनुपस्थिति जानबूझकर की गई अवज्ञा के समान है और उन्हें दिनांक 21.07.2023 को उपस्थित होने के लिए एक अंतिम अवसर दिया जा रहा है। हालाँकि, वे दिनांक 21.07.2023 की बैठक में भी उपस्थित नहीं हुए। अतः समिति ने उनकी बार-बार अनुपस्थिति के मामले को विशेषाधिकार समिति को भेजने का निर्णय किया। उसके बाद उप समिति ने श्री राजशेखर के साथ-साथ प्रधान सचिव (सेवाएँ) और सचिव (सतर्कता) के विचार जानने के लिए दिनांक 27.07.2023 के लिए एक बैठक नियत की। हालाँकि इस बैठक में उक्त में से कोई भी अधिकारी उपस्थित नहीं हुआ। बल्कि सतर्कता निदेशालय की ओर से एक पत्र प्राप्त हुआ जिसमें कहा गया था कि समिति को इस मामले को छोड़ देना चाहिए क्योंकि श्री प्रेमनाथ के विरुद्ध अनुशासनात्मक कार्रवाई और आपराधिक मामले लंबित हैं। पत्र में यह भी कहा गया था कि रा.रा.क्षे.दि. (संशोधन) अध्यादेश, 2023 को देखते हुए 'सेवाएँ' विषय दिल्ली विधानसभा और उसकी समितियों के कार्यक्षेत्र से बाहर है। वे यह नहीं समझ पा रहे थे कि यह मामला 'सेवाएँ' का नहीं है।



समिति केवल यह जाँच रही थी कि क्या किसी फर्जी प्रमाणपत्र के कारण किसी वास्तविक ओबीसी उम्मीदवार को अपने अधिकार से वंचित होना पड़ा है। सतर्कता विभाग यह भी नहीं समझ सका कि समिति को श्री प्रेमनाथ या श्री राजशेखर के भी विरुद्ध चलने वाले अनुशासनात्मक या आपराधिक मामलों से कोई लेना-देना नहीं है। समिति के लिए जो आदेश है वह केवल इन आरोपों की सत्यता को जाँचना भर है कि क्या श्री राजशेखर ने फर्जी और छलपूर्वक प्राप्त ओबीसी प्रमाणपत्र के आधार पर नौकरी प्राप्त की है। अतः समिति ने अधिकारियों की अनुपस्थिति का मामला माननीय अध्यक्ष महोदय की अनुमति से दिनांक 01.08.2023 को विशेषाधिकार समिति को भेज दिया।

उप समिति का विचार था कि उन्हें ओबीसी प्रमाणपत्र के सत्यापन हेतु आंध्र प्रदेश जाना चाहिए क्योंकि उप समिति के साथ न तो श्री राजशेखर और न ही संबंधित विभाग, सहयोग कर रहा था। उप समिति ने दिनांक 21.08.2023 से 25.08.2023 तक की अवधि के लिए अपने दौरे को अंतिम रूप दिया। पत्र दिनांक 01.08.2023 के द्वारा आंध्र प्रदेश के मुख्य सचिव को, श्री राजशेखर के ओबीसी प्रमाणपत्र की एक प्रति संलग्न करते हुए, उप समिति के दौरे के उद्देश्य के विषय में सूचित किया गया। आंध्र प्रदेश सरकार ने उदारतापूर्वक उप समिति को सभी प्रोटोकॉल सुविधाएँ एवं शिष्टाचार प्रदान किए, परंतु जिला राजस्व अधिकारियों से उप समिति को अधिक सकारात्मक प्रतिक्रिया नहीं मिली। उप समिति के सदस्य दिनांक 22.08.2023 को विशाखपटनम के कलेक्टर से मिले, परंतु कोई जानकारी प्राप्त नहीं कर सके। कलेक्टर को मौके पर ही लिखित अनुरोध दिया गया। पुनर्गठन के बाद विशाखापटनम जिला विभाजित कर दिया गया था और एक नया जिला अनकापल्ली (Anakapalle) बनाया गया। क्योंकि ओबीसी प्रमाणपत्र में श्री राजशेखर के पते के रूप में अनकापल्ली का उल्लेख था, अतः उप समिति ने दिनांक 23.08.2023 को अनकापल्ली के कलेक्टर के कार्यालय का दौरा किया। हालाँकि, पूर्वसूचना होने के बावजूद अनकापल्ली के डिस्ट्रिक्ट कलेक्टर अपने कार्यालय में नहीं थे और उनके कार्यालय में कोई भी यह नहीं बता पा रहा था कि वे कहाँ हैं, और कब तक लौटेंगे। अतः मौके पर ही एक और हस्तलिखित अनुरोध कलेक्टर के कार्यालय में दिया गया, जिसमें ओबीसी प्रमाणपत्र के बारे में जानकारी और स्पष्टीकरण माँगा गया था। अभी तक हमें आंध्र प्रदेश राजस्व विभाग से कोई उत्तर प्राप्त नहीं हुआ है।

दिल्ली लौटने के बाद उप समिति ने अपनी अगली बैठक 01.09.2023 के लिए निर्धारित की और मुख्य सचिव से अनुरोध किया कि वे किसी जिम्मेदार अधिकारी को बैठक में उपस्थित होने और श्री राजशेखर के ओबीसी प्रमाणपत्र की प्रति तथा उनकी सर्विस बुक से बायोडेटा प्रस्तुत करने के लिए प्रतिनियुक्त करें। दिनांक 01.09.2023 को श्री सुधीर कुमार, सचिव (सतर्कता विभाग) उप समिति की बैठक में उपस्थित हुए।



हालाँकि वे कोई जानकारी नहीं लाए और उन्होंने बताया कि उन्हें उसी दिन वह नोटिस मिला है। अतः उन्हें जानकारी प्रस्तुत करने के लिए एक पत्र लिखा गया। पत्र दिनांक 06.09.2023 के द्वारा सतर्कता विभाग ने श्री राजशेखर के बायोडेटा (सर्विस बुक का प्रथम पृष्ठ) तथा उनके ओबीसी प्रमाणपत्र की प्रति भेजी। हालाँकि, इनमें से किसी भी प्रलेख में श्री राजशेखर का स्थाई पता नहीं था।

पहले समिति तथा उप समिति के समक्ष उपस्थित होने से बार-बार मना करने के बाद श्री राजशेखर ने अपने पत्र दिनांक 15.09.2023 के द्वारा अनुरोध किया कि वह समिति के समक्ष बयान देना चाहते हैं। उप समिति उन्हें अपना पक्ष प्रस्तुत करने के लिए अनेक अवसर दे चुकी थी और अंततः उनकी अनुपस्थित के मामले को विशेषाधिकार समिति को भेज चुकी थी। फिर भी, प्राकृतिक न्याय की दृष्टि से उप समिति दिनांक 17.10.2023 को उन्हें सुनने के लिए सहमत हो गई। श्री राजशेखर ने अनुरोध किया कि बैठक को आगे बढ़ा दी जाए क्योंकि उन्हें माननीय उपराज्यपाल महोदय के साथ एक बैठक में उपस्थित होना है। इसके बाद बैठक को 19.10.2023 को नियत किया गया। अब श्री राजशेखर ने उत्तर दिया कि वे कंधे के दर्द से पीड़ित हैं और अनुरोध किया कि बैठक को एक सप्ताह या दस दिन के लिए आगे बढ़ा दिया जाए। उप समिति ने पुनः उनके अनुरोध को स्वीकार करते हुए बैठक दिनांक 31.10.2023 के लिए निर्धारित कर दी।

अंततः श्री राजशेखर ने दिनांक 31.10.2023 को बैठक में भाग लिया। हालाँकि सतर्कता निदेशक, उस बैठक में नहीं आए, जबकि उनसे भी इस बैठक में भाग लेने का अनुरोध किया गया था। श्री राजशेखर के साथ सतर्कता विभाग तथा सेवाएँ विभाग के अधिकारी थे। हालाँकि किसी को भी निदेशक (सतर्कता) की अनुपस्थिति के कारणों की जानकारी नहीं थी, न ही उन्होंने सतर्कता विभाग से माँगी जानकारी प्रस्तुत की।

श्री राजशेखर ने उप समिति के समक्ष शपथपूर्वक बयान दिया और लिखित बयान भी दिया, जिसे रिकॉर्ड पर ले लिया गया। प्रारंभ में ही उन्होंने दावा किया कि समिति उनके कल्याणकारी हितों की रक्षा करने के बजाय उन्हें प्रताड़ित और परेशान कर रही है। वह ओबीसी प्रमाणपत्र के बारे में शिकायत के तथ्यों का उत्तर देने के बजाय शिकायतकर्ता को ग़लत साबित करने पर अधिक बल दे रहे थे। उन्होंने एकाधिकबार यह दावा किया कि समिति उनके विरुद्ध पूर्वग्रहग्रस्त और पक्षपाती है और यह शिकायत बाद में सोचा गया एक विचार है क्योंकि वह कुछ संवेदनशील मामलों को देख रहे हैं जिनसे माननीय मुख्यमंत्री भी संबद्ध हैं। श्री राजशेखर को लगातार सूचित किया गया कि समिति को शिकायतकर्ता की विश्वसनीयता से कोई लेना-देना नहीं है और यदि यह शिकायत ग़लत पाई गई तो माननीय अध्यक्ष महोदय

से उचित कार्रवाई करने का अनुरोध किया जाएगा। उन्हें यह भी बताया गया कि यदि उन्होंने पहले ही दिन उपस्थित होकर तथ्यों को स्पष्ट कर दिया होता तो मामला इतने दिनों तक खिंचता ही नहीं।

कार्यवाही के दौरान श्री राजशेखर ने कहा कि वह ओबीसी वर्ग से संबंधित हैं और उनका उपनाम 'यलप्पु' (Yellapu) है, जो 'गवरा' (Gavra) नामक ओबीसी समुदाय से संबंधित है। हालाँकि नियुक्ति के समय अपने निवास/स्थायी निवास के बारे में वह कुछ नहीं बता रहे थे। इसी प्रकार, अपनी नियुक्ति के समय अपने पिता/परिवार की अचल संपत्ति के बारे में भी उन्होंने कोई सूचना नहीं दी। यह सूचना यह निश्चय करने के लिए आवश्यक थी कि क्या श्री राजशेखर 'क्रीमी लेयर' में हैं या नहीं। बल्कि, संपूर्ण कार्यवाही के दौरान श्री राजशेखर शिकायतकर्ता और स्वयं समिति के विरुद्ध आरोप लगाने में अधिक उत्सुक रहे।

कार्यवाही के दौरान श्री राजशेखर ने जो लिखित बयान दिया है, उसमें भी उनके विरुद्ध लगाए गए आरोपों का जवाब दिए बिना इसी प्रकार आरोप और धमकियाँ भरी हुई हैं। इसके बाद उप समिति ने दिनांक 20.11.2023 को अपना प्रतिवेदन, इस संस्तुति के साथ मुख्य समिति को प्रस्तुत कर दिया कि समिति की विभिन्न बैठकों में अनुपस्थित रहने का मामला (जो पहले ही भेजा जा चुका है) तथा समिति के साथ उनके पत्राचार की सामग्री को विशेषाधिकार समिति को भेज दिया जाए। उप समिति ने यह संस्तुति भी की कि श्री सुधीर कुमार, आईएएस, सचिव (सतर्कता) के विरुद्ध भी, समिति की बैठक में उपस्थित न होने और माँगी गई जानकारी उपलब्ध न कराने के लिए, विशेषाधिकार की कार्रवाई की जाए। एतदसंबंधी उप समिति की रिपोर्ट, जिसे मुख्य समिति द्वारा अपनी दिनांक 20.11.2023 की बैठक में अंगीकृत किया गया, संलग्नक III पर उपलब्ध है। मुख्य समिति की दिनांक 20.11.2023 की बैठक में यह निर्णय भी किया गया कि विधानसभा की आगामी बैठक में एक रिपोर्ट सदन में प्रस्तुत की जाए।



### संस्तुतियाँ:-

1. जैसा कि प्रतिवेदन में वर्णित है, यथासंभव प्रयास करने के बाद भी यह समिति सरकारी नौकरी प्राप्त करने के लिए श्री राजशेखर के नाम से जारी ओबीसी प्रमाणपत्र की सत्यता की पुष्टि नहीं कर सकी। समिति को दिल्ली सरकार और आंध्र प्रदेश सरकार के अधिकारियों की ओर से कोई सहयोग प्राप्त नहीं हुआ। अतः समिति यह संस्तुति करती है कि गृह मंत्रालय इस मामले में एक विस्तृत जाँच करे। जाँच से यह पता चलना चाहिए कि क्या श्री राजशेखर ओबीसी श्रेणी में 'गैर क्रीमी लेयर' में आते हैं और क्या नियुक्ति के समय उनके द्वारा प्रस्तुत प्रमाणपत्र की प्रति वास्तव में आंध्र प्रदेश राजस्व प्राधिकारियों द्वारा जारी किया गया था। गृह मंत्रालय इस आरोप पर भी विचार करे कि श्री राजशेखर का नाम दानिक्स में ओबीसी सूची में 2010 तक आता रहा, और उसके बाद 2015 व 2017 में जारी सूचियों में उनका नाम 'सामान्य श्रेणी' के अधिकारी के रूप में आया है।

दिल्ली के मुख्य सचिव को गृह मंत्रालय तथा आंध्र प्रदेश सरकार से इस मामले पर निरंतर संपर्क रखना चाहिए और सदन द्वारा इस प्रतिवेदन को स्वीकार किए जाने के तीन महीने के अंदर एक 'स्टेटस रिपोर्ट' प्रस्तुत करनी चाहिए।

2. जैसा कि उप समिति के प्रतिवेदन में उल्लिखित है, समिति और उप समिति के समक्ष अनेक अवसर दिए जाने के बाद भी उपस्थित न होने के अवज्ञापूर्ण आचरण का मामला पहले ही माननीय अध्यक्ष महोदय की अनुमति से विशेषाधिकार समिति को भेजा जा चुका है। उप समिति ने श्री राजशेखर के लिखित बयान और उनके पत्रों को भी विशेषाधिकार समिति को भेजा है, जिसमें उन्होंने आपराधिक षड्यंत्र और बदनीयती के गंभीर आरोप विधानसभा, उसकी समिति, उसके सदस्यों और विधानसभा के अधिकारियों पर भी लगाए हैं (संलग्नक III)। विशेषाधिकार इन मुद्दों पर शीघ्रता से जाँच करके अपना प्रतिवेदन सदन में प्रस्तुत कर सकती है।
3. श्री राजशेखर का अवज्ञापूर्ण आचरण विशेषाधिकार हनन और सदन, उसकी समितियों और उसके सदस्यों की अवमानना का एक गंभीर मामला तो है ही, इसके लिए उनके विरुद्ध अनुशासनात्मक कार्रवाई भी अपेक्षित है। उनका आचरण और उनके पत्रों में प्रयुक्त अमर्यादित, अशोभनीय व उद्दंड भाषा सरकारी अधिकारियों के 'कंडक्ट रूल्स' के साथ, समय-समय पर जारी होने वाले उन सरकारी निदेशों का भी उल्लंघन है, जिनमें समितियों और विधायकों के साथ बरताव करते समय अधिकारियों के लिए अनुगम्य प्रोटोकॉल को निर्धारित किया गया है। समिति यह संस्तुति करती है कि 'नेशनल कैपिटल सिविल सर्विसेज अथोरिटी' (एनसीसीएसए) तत्काल सरकारी सेवा से उनके निलंबन तथा कठोर अनुशासनात्मक कार्रवाई की सिफारिश करे। दिल्ली के मुख्य सचिव इस प्रतिवेदन को विधानसभा द्वारा अंगीकृत किए जाने के एक महीने के अंदर एक 'स्टेटस रिपोर्ट' प्रस्तुत करें।

4. श्री राजशेखर और श्री प्रेमनाथ ने समिति को संबोधित पत्रों के माध्यम से एक-दूसरे के विरुद्ध अनेक आरोप लगाए हैं। जैसाकि प्रतिवेदन में उल्लिखित है, समिति ने इन आरोपों में जाना उचित नहीं समझा। यह सारा पत्राचार आगे की जाँच/कार्रवाई के लिए दिल्ली के मुख्य सचिव को भेजा जाए। मुख्य सचिव को विधानसभा द्वारा इस प्रतिवेदन को अंगीकृत किए जाने के एक महीने के अंदर इन सब पर एक 'कार्रवाई रिपोर्ट' प्रस्तुत करनी चाहिए।

### निष्कर्ष:-

अन्य पिछड़ा वर्ग समिति दिल्ली विधानसभा की एक विशेषाधिकार प्राप्त समिति है, जिसे वे सभी शक्तियाँ, विशेषाधिकार व शक्तियाँ प्राप्त हैं, जो लोकसभा की समितियों को प्राप्त होती हैं। दिल्ली विधानसभा व उसकी समितियों द्वारा गवाहों को बुलाने और प्रमाण व सूचना प्राप्त करने की शक्तियों को माननीय उच्चतम न्यायालय द्वारा, अजित मोहन बनाम दिल्ली विधानसभा के मामले [WP(C)1088 of 2020 में, जिसे लोगों द्वारा फेसबुक मामले के नाम से जाना जाता है] दोहराया गया है।

परंतु, समिति की कार्यवाही के दौरान यह देखा गया कि सेवाएँ और सतर्कता विभागों के अधिकारी समिति के समक्ष उपस्थित न होने और समिति को सूचना न देने को लेकर, समिति के निदेशों की अवज्ञा करने पर तुले हुए थे।

समिति ने इस मामले की जाँच-पड़ताल खुले मन से की और यह स्पष्ट कर दिया कि वह ओबीसी प्रमाणपत्र के अलावा, दोनों ही पक्षों द्वारा एक-दूसरे के विरुद्ध लगाए गए आरोपों और शिकायतों पर विचार करने नहीं जा रही है। श्री राजशेखर को अपना समिति के सामने अपना पक्ष रखने के लिए सामान्य से अधिक अवसर प्रदान किए गए।

समिति को अपेक्षा थी कि श्री राजशेखर, एक जिम्मेदार सरकारी अधिकारी होने के नाते, समिति के समक्ष उपस्थित होंगे और तथ्य प्रस्तुत करके आरोपों को नकारेंगे। हालाँकि, पहले दिन से ही उनका आचरण और रवैया अवज्ञापूर्ण रहा, जैसा विधानसभा सचिवालय के साथ उनके द्वारा किए जाने वाले पत्राचार से स्पष्ट है। उससे इन आरोपों को बल मिलता है कि कुछ ऐसा है जिसे वे छिपाना चाहते हैं। समिति अपेक्षा करती है कि गृह मंत्रालय इस मामले में निष्पक्ष तरीके से एक विस्तृत जाँच करके विवाद को समाप्त करेगी।

सच्चाई को जानने के लिए समिति के साथ सहयोग करने के स्थान पर श्री राजशेखर और सतर्कता विभाग ने समिति के अधिकारक्षेत्र को इस आधार पर चुनौती देना पसंद किया कि यह विषय 'सेवाएँ' का है। समिति 'सेवाएँ' के किसी विषय की जाँच नहीं कर रही थी, हालाँकि हाल के उच्चतम न्यायालय के निर्णय और एनसीटी (एमेंडमेंट) एक्ट 2023 के बावजूद, सेवाएँ विषय पूरी तरह से दिल्ली विधानसभा के अधिकारक्षेत्र से बाहर नहीं हुआ है। समिति की चिंता केवल इस बात को लेकर थी कि क्या किसी ओबीसी उम्मीदवार के अधिकार को फर्जी और छलपूर्वक प्राप्त ओबीसी प्रमाणपत्र के द्वारा छीना गया है।



एक यह आपत्ति भी उठाई गई कि एनसीटी (एमेंडमेंट) एक्ट, 2021 के बाद से समिति दिन-प्रतिदिन के प्रशासकीय मामले अथवा प्रशासन संबंधी मामलों की जाँच नहीं कर सकती है। इस संबंध में, माननीय अध्यक्ष, जो इस संबंध में अंतिम प्राधिकारी हैं, ने अपना निर्णय दे दिया था जिसे दिनांक 27.02.2023 को सभी सभपतियों के साथ होने वाली बैठक में मुख्य सचिव को बता दिया गया था। माननीय अध्यक्ष महोदय द्वारा विधानसभा में एतदसंबंधी व्यवस्था की घोषणा भी की गई थी (संलग्नक IV)।

इसी प्रकार, सतर्कता विभाग ने इस आधार पर आपत्ति जताई कि क्योंकि विधानसभा की शक्तियों को एनसीटी (एमेंडमेंट) अध्यादेश 2023 के द्वारा सीमित कर दिया गया है, अतः अब समिति का अधिकारक्षेत्र नहीं है। सतर्कता विभाग इस तथ्य को समझने में असफल रहा है कि समिति 'अन्य पिछड़ा वर्ग कल्याण' के विषय को देख रही है। साथ ही, एनसीटी (एमेंडमेंट) एक्ट 2023, जिसने अध्यादेश निष्प्रभावी कर दिया है, ने 'सेवाएँ' विषय पर दिल्ली विधानसभा की शक्तियों को बहाल कर दिया है।

सतर्कता विभाग की एक अन्य आपत्ति यह थी कि समिति को इस मामले को त्याग देना चाहिए क्योंकि शिकायतकर्ता विभागीय कार्रवाई और आपराधिक कार्यवाही का सामना कर रहा है। यह एक अरक्षणीय तर्क है, विशेषकर सतर्कता विभाग की ओर से। शिकायतकर्ता की मंशा और विश्वसनीयता के कारण, किसी भी प्राधिकारी को, मूल शिकायत की सत्यता की जाँच से पीछे नहीं हटना चाहिए। दिलचस्प बात यह भी है कि श्री राजशेखर ने हमेशा 'विशेष सचिव (सेवाएँ व सतर्कता)' के अपने आधिकारिक 'लेटरहेड' का प्रयोग किया, जबकि उनके विरुद्ध शिकायत व्यक्तिगत थी। दुर्भाग्य की बात यह है कि ये दोनों ही विभागों, अर्थात् सेवाएँ और सतर्कता, ने समिति की अवज्ञा के मामले में उन्हें हतोत्साहित करने के बजाय पूरा समर्थन दिया।

श्री राजशेखर ने इसके लिए भी बल दिया कि समिति को इस मुद्दे की जाँच इसलिए भी नहीं करनी चाहिए क्योंकि उन्होंने 'राष्ट्रीय अन्य पिछड़ा वर्ग आयोग' को एक अभिवेदन दिया है, जो एक संवैधानिक संस्था है। इतने वरिष्ठ अधिकारी होने के नाते श्री राजशेखर को समझना चाहिए कि विधानसभा की समितियाँ भी अपनी शक्ति संविधान से ही प्राप्त करती हैं। राष्ट्रीय आयोग को श्री राजशेखर के अभिवेदन पर विचार करना चाहिए ताकि अन्य पिछड़ा वर्ग के अधिकारों का संरक्षण हो सके।



हालाँकि यह, समिति को इस मुद्दे पर विचार करने से रोकता नहीं है, विशेषकर तब, जब समिति ने इस मुद्दे को राष्ट्रीय आयोग को दिए गए अभिवेदन से बहुत पहले ही विचारार्थ ले लिया था।

समिति निष्ठा से यह आशा करती है कि सभी प्राधिकारी, जो समिति की संस्तुतियों पर विचार करेंगे, इस मामले को निष्पक्षता से देखेंगे और शीघ्रातिशीघ्र आवश्यक कार्रवाई करेंगे।

दिल्ली

दिनांक : 13.12.2023



महेंद्र यादव

सभापति

अन्य पिछड़ा वर्ग कल्याण समिति



**LEGISLATIVE ASSEMBLY  
OF  
NATIONAL CAPITAL TERRITORY OF DELHI**

**COMMITTEE  
ON  
WELFARE OF OTHER BACKWARD CLASSES**

**THIRD REPORT**

**PRESENTED ON: 15<sup>th</sup> November 2023**

**LEGISLATIVE ASSEMBLY SECRETARIAT, OLD SECRETARIAT, DELHI 110054**

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LEGISLATIVE ASSEMBLY OF NCT OF DELHI  
COMMITTEE ON THE WELFARE OF OTHER BACKWARD CLASSES

**Composition of the Committee**

01	Shri Mahinder Yadav	Chairman
02	Shri Ajay Kumar Mahawar	Member
03	Shri Ajesh Yadav	Member
04	Shri Gulab Singh	Member
05	Shri Kartar Singh Tanwar	Member
06	Shri Madan Lal	Member
07	Shri Naresh Yadav	Member
08	Shri Preeti Jitender Tomar	Member
09	Shri Sahi Ram	Member

## PREFACE

On 02.06.2023 Hon'ble Speaker referred a complaint received from Shri A. V. Premnath against Shri Rajasekhar, IAS presently posted as the Special Secretary (Vigilance & Services) in the Govt of NCT of Delhi. The complaint alleged that Shri Rajasekhar had secured government employment as a DANICS officer under the OBC category on the basis of a fake and fraudulently obtained OBC Certificate.

The Committee held its first sitting on 09.06.2023. Under Rule 168, the Committee in its sitting held on 12.06.2023 decided to appoint a Sub-Committee to examine the issue in detail. The Sub-Committee held its sittings on this issue on 14.06.2023, 23.06.2023, 03.07.2023, 10.07.2023, 19.07.2023, 21.07.2023, 27.07.2023, 01.09.2023, 31.10.2023. The Sub-Committee also visited Visakhapatnam and Anakapalle in Andhra Pradesh from 21.08.2023 to 25.08.2023 from where the Certificate was issued.

The Sub-Committee submitted its Report to the Committee on 20.11.2023. The Committee adopted it and after further deliberations decided to submit a consolidated Report to the House.

The Report of the Committee was considered and adopted in its sitting held on 13.12.2023. The Committee authorized the Chairman and Shri Madan Lal to present the Report in the House.

Delhi

Date:13.12.2023



**Mahender Yadav**  
Chairman  
Committee on the Welfare  
of Other Backward Classes

## REPORT

### Introduction & Background:

Hon'ble Speaker referred a complaint received from Shri AV Premnath to the Committee on 02.06.2023. Shri Premnath had alleged in his complaint that Shri YVVJ Rajasekhar, IAS had secured his appointment to the DANICS (Delhi Andaman Nicobar Islands Civil Services) through the Civil Services Examination 1994 (batch of 1995) *"...on the basis of fraudulent OBC credentials. This was the only time when he cleared the Civil Services Examination and YVVJ Rajasekhar who falsely got an OBC Certificate by claiming that he belongs to a backward caste was allotted to DANICS."* He further stated in his complaint, *"06. In our home state Andhra Pradesh, there is a classification and sub-categorization of backward castes into BC-A, BC-B, BC-C and BC-D categories, and even this categorization was manipulated by him and OBC certificate in Central Government proforma was obtained by him fraudulently. The Rules governing issue of OBC certificates were also violated in his case. As per the said Rules and GO issued by the Government of undivided Andhra Pradesh, a central proforma OBC certificate issued by the MRO/ Tehsildar should be compulsorily counter signed by the District Collector (DM) which was not done in his case then."* (**Annexure 1**)

The complainant had made several other allegations against Shri YVVJ Rajasekhar, however the Committee did not take up those issues as they were beyond the scope of the functions of the Committee. The Committee was only concerned whether there was any merit in the complaint that Shri Rajasekhar had secured appointment on false grounds which could have deprived a candidate belonging to the OBC Category of government employment.

The Rules of Procedure and Conduct of Business in the Legislative Assembly of National Capital Territory of Delhi lays down the functions of the Committee on Welfare of OBCs as follows:

#### **"235BBB. Functions of the Committee**

*The Functions of the Committee shall be-*

- (i) to review the progress and implementation of the welfare programmes and other ameliorative measures for Other Backward*



*Classes and to report to the House as to the measures that should be taken by the Government in respect of matters within their purview;*

*(ii) to examine measures taken by the Government to secure due representation of the Other Backward Classes, nominated in services and posts under its control;*

*(iii) to suggest ways and means of realizing the objectives of Government policy to bring about improvement in the condition of these classes in the shortest possible time; and*

*(iv) to examine such measures as the Committee may deem fit or are specially referred to it by the House or the Speaker."*

In view of the provisions of the Rules of Procedure and in view of the fact that the Hon'ble Speaker had referred the complaint to the Committee, the Committee decided to seek the comments / reply of Shri Rajasekhar. A copy of the complaint was sent to him with the request to attend the sitting of the Committee which was scheduled for 09.06.2023. Shri Rajasekhar did not attend the sitting. He instead sent a letter dated 09.06.2023 to the Secretariat without assigning any reasons for his absence. He challenged the jurisdiction of the Committee on the grounds that it was a 'Services' matter. He also claimed that there were many criminal complaints against the complainant before the High Court and Supreme Court and hence 'the Committee has no jurisdiction to deliberate upon and give finding which may prejudice the ongoing litigation in various courts.' He also claimed that "all these complaints are in the aftermath of my correspondence with the Hon'ble Minister Sh. Saurabh Bhardwaj since 15.05.2023 judgement of the Hon'ble Supreme Court dated 11.05.2023 and Ordinance Promulgated by the Hon'ble President on 19.05.2023." Thereafter he proceeds to level various allegations against the complainant, Shri AV Premnath.

Thus instead of dutifully attending the sitting and assisting the Committee or giving any comments or reply on the complaint, Shri Rajasekhar raised various irrelevant issues. As mentioned earlier the Committee was only concerned with protecting the interests of the OBCs. Shri Rajasekhar was informed vide letter dated 09.06.2023 that he could appear before the Committee and state his objections in person.

In the sitting held on 12.06.2023 Shri AV Premnath appeared before the Committee and deposed under oath. He *inter alia* stated that he personally knew Shri Rajasekhar since long as both belonged to the same place from Andhra Pradesh. Shri Premnath alleged that Shri Rajasekhar belonged to the 'Karanam' caste which was a forward caste and not included in the list of OBCs. He stated that the Andhra Government had digitized all the revenue records and Shri Rajasekhar's OBC certificate was missing from the records. He also alleged that the certificate submitted by Shri Rajasekhar to join government service was not counter-signed by the District Magistrate as required. He requested that the Committee should refer the matter to the CBI.

The Committee decided that a Sub-Committee be constituted to examine the complaint of Shri AV Premnath against Shri Rajasekhar. Under Rule 168 of the Rules of Procedure the Committees are empowered to appoint sub-Committees which would have the same powers as that of the undivided (main) Committee. The Sub-Committee was to be chaired by Shri Madan Lal as Chairperson and Shri Naresh Yadav and Shri Sahi Ram as Members. The Committee also decided that Shri Rajasekhar be informed that he could appear before the Sub Committee and state his objections in person. Vide letter dated 12.06.2023 Shri Rajasekhar was informed about the decisions of the Committee and requested to appear in person before the Committee on 14.06.2023.

However, again Shri Rajasekhar failed to attend the sitting of the Sub Committee held on 14.06.2023 and instead sent another letter containing objections on the jurisdiction of the committee and allegations against Shri AV Premnath. The Sub Committee expressed its serious displeasure against the conduct of Shri Rajasekhar. The displeasure was conveyed to him vide letter dated 15.06.2023 and he was asked to be present in the next sitting which was scheduled for 19.06.2023. It was also reiterated that he should appear in person before the Sub Committee and make any submissions he wished. The sitting scheduled for 19.06.2023 was postponed to 23.06.2023.

In the sitting held on 23.06.2023, again Shri Rajasekhar failed to appear and instead sent a letter mentioning complaints against Shri AV Premnath and stating that the Committee had no jurisdiction to hear the matter. None of his letters had any mention about the actual complaint against him and whether he had any information / documents to deny the complaint. Shri Rajasekhar did not appear for the sitting in spite



of the fact that the Committee had repeatedly asked him to appear before the Sub-Committee in person and record his submissions. On the directions of the Sub-Committee the Secretary-cum-Director of Vigilance, the Principal Secretary (GAD) and the Principal Secretary (Services) were requested to provide the certified copy of the Bio-data page of the Service Book of Shri Rajasekhar.

Shri Premnath appeared in the sitting of the sub-committee held on 23.06.2023 and deposed under oath. He reiterated his allegations and stated that Shri Rajasekhar belonged to the 'karanam' caste which was not in the list of OBCs. He stated that he was being harassed since he had filed the complaint. He also informed that there were allegations against Shri Rajasekhar while he was posted in the Transport Department in 'CNG fitness matter' and that a senior lady officer had complained against him while he was posted in the New Delhi Municipal Council. The Sub-Committee clarified that they were only concerned about the OBC Certificate issue and could not examine any other issue.

The Committee thereafter held a sitting on 10.07.2023 in which Shri Rajasekhar and Shri Premnath were called to depose. Shri Rajasekhar again failed to attend the sitting without giving any reason. Shri Premnath, under oath submitted a written submission including a copy of an OBC Certificate (**Annexure-II**) stating that it was the Certificate on the basis of which Shri Rajasekhar had entered government service. As per the Certificate Shri Rajasekhar was shown to be belonging to the Gavara Community. Shri Premnath alleged that the certificate was not in the prescribed proforma and it was not counter-signed by the DM/ District Collector. He stated that the certificate did not mention the address of Shri Rajasekhar. He also stated that in the DANICS civil list published by the Ministry of Home Affairs, the name of Shri Rajasekhar appeared under the OBC category up-to 2010 but in the later lists of 2015 and 2017, OBC was not mentioned against his name. He submitted copies of these lists to the Sub-Committee.

Through letter dated 19.07.2023 Shri Rajasekhar was informed that his repeated absence amounted to willful disobedience and he was being given a last opportunity to appear on 21.07.2023. However he did not attend the sitting of 21.07.2023 also. The Sub-Committee therefore decided to refer his repeated absence to the Committee of

Privileges. The Sub-Committee thereafter scheduled a sitting for 27.07.2023 to seek the views of the Principal Secretary (Services) and Secretary (Vigilance) besides Shri Rajasekhar. However none of the officers appeared. Instead a letter was received from the Directorate of Vigilance stating that the Committee should drop the matter as there were disciplinary proceedings and criminal cases pending against the complainant Shri Premnath. The letter also stated that in view of the GNCTD (Amendment) Ordinance, 2023 the subject 'Services' was outside the purview of the Delhi Assembly and its Committees. They failed to appreciate that this issue was not a case of 'services'. The Committee was only examining the issue whether on the basis of a false certificate any genuine OBC candidate was deprived of his rights. The Vigilance Department also failed to appreciate that the Committee was not concerned with the disciplinary proceedings or criminal cases against Shri Premnath or for that matter against Shri Rajasekhar also. The mandate of the Committee was only to examine the merits of the allegation whether Shri Rajasekhar had secured employment on the basis of a false or fraudulently acquired OBC certificate. The Sub-Committee therefore referred the matter of the absence of the Officers to the Committee of Privileges with the approval of the Hon'ble Speaker on 01.08.2023.

The Sub-Committee was of the view that they should visit Andhra Pradesh to verify the OBC Certificate as neither Shri Rajasekhar nor the concerned departments were co-operating with the Sub-Committee. The Sub Committee finalized its tour for the period 21.08.2023 to 25.08.2023. Vide letter dated 1.08.2023 the Chief Secretary, Andhra Pradesh was informed about the purpose of the proposed visit of the Sub Committee alongwith a copy of the OBC Certificate of Shri Rajasekhar. The Andhra Pradesh Government was kind enough to extend all protocol facilities and courtesies to the Sub-Committee. However the Sub-Committee did not receive much positive response from the district revenue officers. The Members of the Sub-Committee met the Collector of Visakhapatnam on 22.08.2023 but could not get any information. A written request was handed over to the Collector on the spot. The district of Visakhapatnam had been bifurcated after reorganization and a new district of Anakapalle was formed. As the OBC Certificate mentioned Anakapalle as the address of Shri Rajasekhar, the Sub Committee visited the office of the Anakapalle Collector on 23.08.2023. However,



in spite of advance information, the District Collector, Anakapalle was not in office and nobody in his office could tell where he was or when he would return. Hence another hand-written request was handed over to the Collector's office on the spot seeking information and clarification about the OBC Certificate. Till date we have not received any reply from the Andhra Pradesh Revenue Department.

After returning to Delhi, the Sub-Committee scheduled its next sitting for 01.09.2023 with the request to the Chief Secretary to depute any responsible Officer to attend the sitting and submit a copy of the OBC Certificate of Shri Rajasekhar and the Bio-Data (extract) from the Service Book of Shri Rajasekhar. On 01.09.2023, Shri Sudhir Kumar, Secretary (Vigilance Department) attended the sitting of the Sub-Committee. However he did not bring any information or documents stating that he had received the notice on that day only. So a letter was written to him to submit the information. Vide letter dated 06.09.2023 the Vigilance Department sent a copy of the Bio Data (first page of service book) and OBC certificate of Shri Rajasekhar. However none of the documents had the permanent address of Shri Rajasekhar.

After earlier repeatedly refusing to appear before the Committee and Sub-Committee, Shri Rajasekhar through his letter dated 15.09.2023, requested that he would like to depose before the Committee. The Sub-Committee had given him numerous opportunities to hear his version and had finally sent the matter of his non-appearance to the Committee of Privileges. However, in the interest of natural justice, the Sub-Committee agreed to hear him on 17.10.2023. Shri Rajasekhar replied that the sitting be postponed as he had to attend a meeting with the Hon'ble Lieutenant Governor. Thereafter a sitting was scheduled for 19.10.2023. Now Shri Rajasekhar replied that he was suffering from shoulder pain and requested that the sitting be postponed by a week to ten days. The Sub-committee again agreed to the request and scheduled the sitting for 31.10.2023.

Finally Shri Rajasekhar attended the sitting on 31.10.2023. However the Director (Vigilance) who was also requested to attend the sitting did not attend. Shri Rajasekhar was accompanied by the officers of the Services and Vigilance Department. However none of them were aware about the reasons for the absence of the Vigilance Director nor did they furnish the information sought from the Vigilance Department.

Shri Rajasekhar, under oath, deposed before the Sub-Committee and also submitted a written submission which was taken on record. At the outset he claimed that the Committee was victimizing and harassing him instead of protecting his welfare interest. He was keener to discredit the complainant than responding to the contents of the complaint regarding the OBC Certificate. More than once he claimed that the Committee was prejudiced and biased against him and that the complaint was an afterthought because he was enquiring sensitive matters including that of the Chief Minister. Shri Rajasekhar was repeatedly informed that the Committee was not concerned with the credibility of the complainant and if the complaint was found to be false the Hon'ble Speaker would be requested to take appropriate action. He was also informed that had he chosen to appear on the first day and clarified the facts the matter would not have dragged for so many days.

During the proceedings Shri Rajasekhar stated that he belonged to the OBC Category and that his surname was 'Yellapu' which belonged to the OBC community called 'Gavra'. However he was not forthcoming with the information regarding his place of residence/ permanent residence at the time of his appointment. Similarly he did not give any information about the immoveable property owned by his father/ family at the time of his appointment. This information was necessary to ascertain whether Shri Rajasekhar belonged to the creamy layer or not. Instead throughout the proceedings, Shri Rajasekhar was more keen to level allegations against the complainant and the Committee itself.

The written submission which Shri Rajasekhar submitted during the proceedings was also similarly full of allegations and threats without any reply to the allegations against him. The Sub-Committee thereafter submitted its report to the main Committee in its sitting held on 20.11.2023 recommending that the entire matter of non-appearance before the Committee in various sittings (which had been already referred) and contents of his correspondences with the Committee be referred to the Committee of Privileges. The Sub-Committee also recommended that privilege proceedings be initiated against the Shri Sudhir Kumar, IAS, Secretary (Vigilance) for his failure to attend the sittings of the Committee and furnishing the information sought from him. The copy of the report of the Sub-Committee in this regard, which was adopted by the main Committee in its



sitting held on 20.11.2023 is placed at **Annexure-III**. In the sitting of the main Committee held on 20.11.2023 it was also decided to submit a Report to the Assembly in the next sitting of the Assembly.

### Recommendations:

1. In spite of its best efforts as detailed in the Report, the Committee could not ascertain the genuineness of the OBC Certificate issued in the name of Shri Rajasekhar to secure employment in the government. The Committee received no co-operation from the Officers of the Delhi Government or Andhra Pradesh Government. Hence the Committee recommends that the Ministry of Home Affairs conduct a detailed enquiry on this issue. The enquiry should reveal whether Shri Rajasekhar indeed belonged to the non-creamy layer of the OBC Category and whether the copy of the certificate submitted by him at the time of his appointment was genuinely issued by the Andhra Pradesh revenue authorities. The Ministry of Home Affairs may also look into the allegation that the name of Shri Rajasekhar appeared under the OBC category in the DANICS list till 2010 and thereafter in the lists issued in 2015 and 2017 his name appears as a 'General' category officer.

The Chief Secretary (Delhi) should follow up the matter with the Ministry of Home Affairs and the Government of Andhra Pradesh and submit a status report within three months of the adoption of the Report by the Assembly.

2. As mentioned in the Report of the Sub-Committee the defiant conduct of Shri Rajasekhar in not appearing before the Committee and the Sub-Committee in spite of being given numerous opportunities has already been referred to the Committee of Privileges with the approval of the Hon'ble Speaker. The Sub-Committee has also referred the written submission and letters of Shri Rajasekhar in which he has leveled serious allegations of criminal conspiracy, malafide intention and harassment against the Assembly, its Committee, its Members as well as the Officers of the Assembly (Annexure-III). The Committee of Privileges may expeditiously examine these issues and Report to the House.
3. Besides being a serious matter of breach of privilege and contempt of the House, its Committees and its Members, the defiant conduct of Shri Rajasekhar also deserves strict disciplinary action. His conduct and intemperate, indecorous, impolite language used in his letters are against the

Conduct Rules for Government Officers and government instructions issued from time to time which lays down the protocol for officers to follow while dealing with Committees and MLAs. The Committee recommends that the National Capital Civil Services Authority (NCCSA) immediately recommend for his suspension from government service and initiation of strict disciplinary action. The Chief Secretary (Delhi) should submit a status report in this regard within a month of the adoption of this Report by the Assembly.

4. Shri Rajasekhar and Shri Premnath have leveled various allegations against each other through their letters addressed to the Committee. As mentioned in the Report, the Committee in its wisdom did not deem fit to delve into these allegations. All these correspondences may be sent to the Chief Secretary (Delhi) for further enquiry/ action. The Chief Secretary should submit an action taken report on these within three months of the adoption of this Report by the Assembly.

### **Conclusion:**

The Committee on the Welfare of OBCs is a privileged Committee of the Delhi Assembly with all the powers, privileges and powers as are available to the Committees of the Lok Sabha. The powers of the Delhi Assembly and its committees to summon witnesses and seek evidence or information were reiterated by the Hon'ble Supreme Court in the *Ajit Mohan v. Legislative Assembly of Delhi* matter [WP(C) 1088 of 2020 popularly known as the Facebook matter].

However, during the proceedings of the Committee it appeared that the Officers of the Services and Vigilance Departments of the Delhi Government were hell bent on defying the directions of the Committee by not appearing before it and denying information to the Committee.

The Committee however, examined the issue with an open mind and made it clear that it was not going to examine any allegations or complaints made by both the parties' against each other, except the issue of the OBC Certificate. More than sufficient opportunity was provided to Shri Rajasekhar to present his case before the Committee.

The Committee expected that Shri Rajasekhar, being a responsible government officer, would appear before the Committee and present the facts and deny the allegations. However his conduct and attitude right from the first day was that of defiance as was obvious from his correspondences with the Assembly Secretariat. This gave credence to the allegations that he had something to hide. The Committee expects the Home Ministry to conduct a detailed enquiry into the matter in a fair manner and put the controversy to rest.

Instead of assisting the Committee to ascertain the truth, Shri Rajasekhar and the Department of Vigilance chose to challenge the jurisdiction of the Committee on the grounds that it was subject matter of 'Services'. The Committee was not examining a 'services' issue although after the recent Supreme Court judgement and in spite of the NCT (Amendment) Act of 2023 the subject matter of services is not entirely excluded from the ambit of the Delhi Assembly. The Committee was only concerned whether the rights of any OBC candidate had been snatched on the basis of a false or fraudulently obtained OBC Certificate.



An objection was also raised on the grounds that after the NCT (Amendment) Act, 2021 the Committee could not examine a matter of 'day-to-day administration' or enquire into 'matters of administration'. In this regard the Hon'ble Speaker, who is the final authority in this regard, had given his decision which was conveyed to the Chief Secretary in the meeting held with all the chairpersons on 06.03.2023. A ruling to this effect was also announced in the Assembly by the Hon'ble Speaker on 29.03.2023(**Annexure-IV**).

Similarly the Vigilance Department objected on the grounds that the Committee did not have jurisdiction as the powers of the Assembly on the subject of 'Services' had been curtailed by the NCT (Amendment) Ordinance of 2023. The Vigilance Department also failed to appreciate the fact that the Committee was examining an issue of OBC Welfare. Moreover, the NCT (Amendment) Act, 2023 which repealed the Ordinance, had restored the powers of Delhi Assembly over the subject of 'Services'.

Another objection of the Vigilance Department was that the Committee should drop the matter as the complainant was facing departmental action and criminal proceedings. This is an untenable argument especially coming from the Vigilance Department. The complainant's motive or credibility should not deter any authority from examining the merit of the actual complaint for which neither Shri Rajasekhar nor the Vigilance Department had any reply. Interestingly Shri Rajasekhar always used his official letter head of Special Secretary (Services & Vigilance) although the complaint was against his individual capacity. Unfortunately both these departments viz., Services and Vigilance accorded him full protection in his defiance towards the Committee instead of discouraging him.

Shri Rajasekhar had also urged that the Committee should not examine the issue because he had made a representation to the National Commission for OBCs which was a constitutional body. Shri Rajasekhar being such a senior officer should realize that the Committees of the Legislatures also derive their powers from the Constitution. The National Commission should examine the representation of Shri Rajasekhar so that the rights of the OBCs are protected. However, that does not preclude this Committee from examining the issue

especially when it had taken up the issue much before he made the representation to the National Commission.

The Committee sincerely hopes that all the authorities who would be dealing with the recommendations of the Committee take up the issue impartially and take necessary action at the earliest.

Delhi

Date: 13.12.2023



**Mahender Yadav**  
**Chairman**  
**Committee on the Welfare**  
**of Other Backward Classes**



To  
The Hon'ble Speaker  
Delhi Legislative Assembly  
Delhi

SECRET  
02.06.2023

Subject : Regarding taking immediate necessary action for CBI enquiry into fake and fraudulent OBC credentials of YVVJ Rajasekhar, Spl Secretary (Services) holding additional charge of Spl Secretary (Vigilance), GNCT of Delhi.

Hon'ble Sir,

01. YVVJ Rajasekhar, Spl Secretary (Services) holding additional charge of Spl Secretary (Vigilance), is 2 years senior to me in DANICS. He hails from my place. As an officer, it may not be normal to express myself in such terms, but the relentless pace at which his frenzy of hate-filled personal and private agenda is destroying fairness, justice and hope in the offices he holds, compels me to express my anguish and speak out truth about him.

02. Though I have not even been on talking terms with him for last decades as he started treating me as a personal enemy ever since I questioned him about his OBC credentials. Till then, he was on good terms with me, used to visit my house regularly but thereafter he has been leaving no stone unturned to wreak vengeance against me by direct and indirect methods and his persistent behaviour towards me since the year 2000 has been actuated by vengeance, ulterior motives and malafides. I and my family had decided to ignore him and we had ignored him all these great number of years. But not any longer and the truth about him must be told in larger public interest without prejudice.

03. The Civil Services Examination 1994 (batch of 1995) was the first in which all-India reservations for the Other Backward Classes (OBCs), based on Mandal Commission report was implemented. In the said CSE, after the Government of India's decision to implement OBC reservation, there was a second list of candidates for the Main Examination and YVVJ Rajasekhar entered this List on the basis of fraudulent OBC credentials. This was the only time when he cleared the Civil Services Examination and YVVJ Rajasekhar who falsely got an OBC certificate by claiming that he belongs to a backward caste was allotted to DANICS.

04. As the news spread in the area that YVVJ Rajasekhar got into the coveted civil services through reservation for OBC category, people were angry and a complaint

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was lodged by some locals that he does not belong to an OBC caste. The local enquiry in the then undivided Andhra Pradesh was manipulated and reportedly the entire file has disappeared and to avoid further limelight he himself cleverly opted for Andaman and Nicobar Islands as his first posting to remain away from public scrutiny associated with a mainstream area like Delhi. Even his Civil Services Examination record had only the rented room of students as his address as he deliberately avoided giving his permanent village address.

05. The number of people getting political, educational and employment privileges by obtaining such fake caste certificates has gone up. YVVJ Rajasekhar with the help of some Revenue Department officials of the then undivided Andhra Pradesh was able to obtain false caste certificate as OBC person and got allotted to DANICS. There should be a comprehensive CBI investigation into his OBC credentials. Stringent action should also be initiated against the Revenue Department officials for issuing his bogus caste certificate. This fake OBC caste certificate holder can easily manipulate any routine enquiry. Only CBI investigation can lead to stringent action against the offender and will also help to stop such fraudulent caste claims in the future.

06. In our home state Andhra Pradesh, there is a classification and sub-categorization of backward castes into BC-A, BC-B, BC-C and BC-D categories, and even this categorization was manipulated by him and OBC certificate in Central Government proforma was obtained by him fraudulently. The Rules governing issuance of OBC certificates were also violated in his case. As per the said Rules and G.O. issued by the Government of undivided Andhra Pradesh, a central proforma OBC certificate issued by the MRO/Tehsildar should be compulsorily counter-signed by the District Collector (DM) which was not done in his case then. All these aspects connected to the bogus nature of his OBC credentials can be properly investigated only by CBI because he is now inducted into the IAS from DANICS.

07. YVVJ Rajasekhar who grabbed the benefits under OBC quota and cheated the Government, obtained the OBC social status certificate with ulterior motive and a conspiracy and he is liable to be punished for the same. All the benefits secured on the basis of false Community Certificate should be withdrawn immediately.

08. It is recorded in several judicial orders that in the State of Andhra Pradesh several candidates belonging to forward communities were obtaining false Caste Certificates and claiming the privileges exclusively provided



for the Constitutionally permissible Classes to the detriment of the real candidates for whom the State has provided various privileges to bring them on par with the advanced sections of the Society.

09. In fact, this bogus certificate holder has amazing capacity to drag on the proceedings for years together and this YVVJ Rajasekhar, now aged 55 years, who has about 5 years of Service left before retirement, is notorious for employing dilatory tactics and hurdles in completion of any investigation against him and hence the said investigation should be made time bound.

10. As some one who had known him for so long time unlike any other in the Government, I need to state that YVVJ Rajasekhar is a well-entrenched, vicious and vindictive person, with no regard for normal human feelings and the law and he can stoop down to any level for his self-interest and benefit. The escalation of his criminal misconduct visible to one and all has acquired a frightening new dimension where at his private agendas not just officers like me are being victimized but alarmingly the subordination of the Rule of Law by twisting the law itself thereby driving several officers and citizens approaching the Government into fear and blackmail, forces me to seek immediate necessary action in the interest of justice.

11. Any one who criticizes him, YVVJ Rajasekhar would instantly present as corrupt and part of a deep conspiracy. He has unmatched expertise in accomplishing complete de-rationalisation and inversion of duties in the offices in which he is planted where his interests and agenda only thrive. His hate and target directed against any one who critics his colourable use and abuse of authority seems to have no effect on the administration of law, which instead of being an instrument of fairness and justice, has become the means by which he has been pursuing personal agendas and conspiracies with impunity. Many officers and citizens have become targets of his hate and the license given to him has been depriving even senior officers in the face of adversity and pain, of their fundamental rights, which is unprecedented and a serious cause of concern.

12. As I am aware of the sincerity and the commitment of the GNCT of Delhi in weeding out the bogus certificate holders from public employment however high they may be, I am bringing these facts which have a bearing on public service, public administration and public interest, to your kind knowledge.



13. In several judgments, Hon'ble Supreme Court has held that on account of false social status certificates being obtained by unscrupulous individuals, and cornering the benefits meant for real OBCs etc., persons who genuinely belonged to OBCs are denied the benefit of reservation in posts/seats and other benefits extended to them.

14. If persons not belonging to OBC falsely claim the status of OBC, they would thereby be depriving the rights and benefits available to genuine OBC candidates and consequently, the Hon'ble Legislative Assembly which expresses the will of the people is duty bound to initiate necessary action into such specific complaint as it relates to deprivation of rights and safeguards of genuine OBCs. There is a duty to initiate, recommend, direct, the verification of the genuineness of the said OBC certificate and credentials and also initiate immediate action for cancellation of his OBC certificate and consequently, initiate criminal action in accordance with law. Hence, as he is now inducted into IAS from DANICS, only the CBI can investigate into the background and correctness of such fake credentials of this promotee All India Services officer and stringent necessary action may kindly be taken with out any further delay.

15. Not only his absolute lack of political neutrality but mis-information and dis-information not only to his bosses and his notorious leaking of the same even to the media and his superbly cultivated craft of causing a media blitzkrieg, reeling off all kinds of canards through self-seeking propaganda in so-called 'official actions' are enough for any thinking person to see that he is just a sack of clumsy and cheep criminal fabrication.

16. Furthermore, continuous unprincipled and unethical behaviour, spreading of fear and falsehoods, false portrayals, motivated tirades and premeditated attacks against officers and others who question or oppose him or inconvenient to his set agenda, have become a standing feature of the distorted thinking of this malaise of our GNCTD, a malaise called YVVJ Rajasekhar which malaise emanates from a spurious OBC credential – the foundation through which this malaise had crept into Government. I am, like countless others in GNCT of Delhi, disturbed by the struggle, bravery and persistence of his several victims in the Government and society and the same inspires me to request you for initiating immediate action on his intolerable criminal misconduct, the foundation of which is rooted in his fake OBC status that kicked him into Government.



17. Never in my worst dreams could I imagine the things that began happening to me because of this man who hails from my place and whom I had known for so long. His vindictive misuse of power against me and spreading a false and bogus narrative officially by him in a vicious, manufactured false case lodged by unlawful means by certain vested criminal interests against me the proceedings of which have been stayed by Hon'ble Supreme Court vide Order dated 17.02.2023 in my Writ Petition (Criminal) no. 43/2023 and Hon'ble Supreme Court had issued NOTICE to the CBI for investigation as per my request for CBI Investigation into the entire conspiracy of falsely framing me in the said fake POCSO case. The wrongful impact of the said malicious and fabricated case and his connected actions including his hobnobbing with the conspirators cannot be described in its entirety and by misusing his position in the vigilance department, he cleverly and mischievously was also instrumental for the wrong statement in the MHA Order No. 14033/16/2022-UTS II dated 30.12.2022 which wrongly stated that charges have been framed against me in the said case where as no charges have been framed against me. Further, it is brought to your kind attention that YVVJ Rajasekhar is also through further motivated and calculated action by abusing vigilance administration openly, wilfully and deliberately throttling the Hon'ble Delhi High Court judgment in W.P.(C) 6856/2021 dated 25.05.2023 vide which Hon'ble Delhi High Court ordered for granting of all pending promotions to me within 4 weeks, and he is further trying to completely negate ex debito justitiae i.e. to do real and substantial justice for the administration of which alone the Courts exist. YVVJ Rajasekhar, Spl Secretary (Vigilance), leaves no stone unturned to paint a wrongful picture, and imposes his personal and private grudge onto the official proceedings also with absolutely no regard for truth and orders of Hon'ble Delhi High Court and Hon'ble Supreme Court at all. The GNCT of Delhi also needs to intervene immediately in the interest of justice and to avoid further miscarriage of justice.

18. Not just the said mis conduct, by direct/indirect methods, of the said YVVJ Rajasekhar amounting to interference with the administration of justice and obstructing the administration of justice in the aforementioned instances concerning the highest courts of this country and countless other instances of his criminal misconduct haunting several other officers/victims in same unimaginable and unfathomable ways which compel me to reminisce all these 25 years of my service, and a long period before entering service, and there emerges a striking similarity in his behavior and misconduct, a deep psychological pattern, and many times I, who alone have that strange kind of decades of knowledge about



him in GNCTD, am repeatedly shaken by the realisation that YVVJ Rajasekhar needs immediate comprehensive psychiatric treatment, and as his sick filthy mindset has been injurious to public health and public administration, as there is a duty of the State regarding providing proper treatment to such a mentally ill official, I APPEAL to Hon'ble Services and Health Minister/GNCTD, to have YVVJ Rajasekhar seized immediately and order his complete psychological evaluation by a Team of Psychiatrists, in a Delhi Government Hospital, for the benefit of his own health as well as ensuring public health objectives. I earnestly hope that such a treatment will contribute in raising the level and standard of his thinking and consequently his living and the same is expedient in the interest of public health and public interest also. And ordering such a psychological examination of a known mentally sick Government official and promoting mental health of such mentally ill officials and treating such extremely sick mindset which is the need of the hour is well within the domain of the Hon'ble Minister/GNCT of Delhi and the recent Ordinance passed by Union Government, I am sure, does not prohibit or interfere with the same.

19. As I had known YVVJ Rajasekhar so well and for such long period unlike any other in the Government, and even in the face of an adversity and immensity of pain that was thrust on me, I have no hesitation in stating that in my entire life and career I had not seen or known a master manipulator, conspirator and fraud like him, and I further fear that this extremely vicious, vindictive, sadistic, false pretender now claiming in the media to be a '*Karmayogi doing Nishkama Karma*' - like devil quoting the scriptures- can do anything to me and my family. If anything untoward happens, he should be held liable.

20. As the only person in Government who had known him for so long, I am afraid and it is my duty to state that this mischievous lumpen masquerading as an officer through fabricated OBC credentials is further thriving in a facilitating environment which makes him believe that he need not have any fear of law. Such facilitating institutional environment of his corruption, tyranny, organized blackmail and his unchecked twisting and perversion of the legal framework, which ought to be only around the ideas of 'due process' and 'rule of law', further forces me to write this and therefore I appeal to you to bring him to justice by invoking the Law, to make which this Hon'ble Legislative Assembly exists, and it is my fond hope that in the interest of justice, accountability and dignity of governance and public administration, immediate necessary action for CBI investigation upon the very illegal foundation of his entry into Government- his spurious OBC status - will be initiated by this Hon'ble Legislative Assembly, which investigation can be



judicially or otherwise expanded to include his entire comprehensive criminal misconduct.

SATYAMEVA JAYATE

Yours faithfully,

*AV Prem Nath*

(A V PREM NATH)  
DANICS-1997

R/o : 64, Delhi Govt Officers Flats  
GK-I, New Delhi-110048

E.601/94 B.57 -7-94  
ANNEXURE A

ANAKAPALLE  
ANAKAPALLE

FORM OF

CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES APPLYING  
FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA.

This is to certify that Y. V. V. J. RAJASEKHAR,  
Son of YELLAPU JAYA PRAKASH RAO Village ANAKAPALLE  
District/Division VISAKHAPATNAM  
in the ANDHRA PRADESH State  
belongs to the CHADDA Community  
which is recognised as a backward class under the Government of  
India, Ministry of Welfare Resolution No.12011/68/93-BCC(C), dt  
10th Sept. 1993 published in the Gazette of India Extraordinary, part-  
Section-I dated 13th Sept., 1993. Sri Y. V. V. J. RAJASEKHAR,  
and/or his family ordinarily reside(s) in the VISAKHAPATNAM  
District/Division of the ANDHRA PRADESH State.  
This is also to certify that he/she does not belong to the persons/  
sections (Creamy layer) mentioned in column 3 of the schedule to  
the Government of India, Department of personnel & Training OM No.  
36012/E2/93-Ess (SGT) dt 8.9.93.

Dated:-



District Magistrate,  
Anaparthi

N.B:-

- (a) The term 'Ordinarily' used here will have the same meaning as in Section 20 of the Representation of the peoples Act, 1950.
- (b) Where the certificates are issued by the Gazetted Officers of the Union Government or State Governments, they should be in the same form both Countersigned by the District Magistrate or Deputy Commissioner (Certificates issued by Gazetted Officers and attested by District Magistrate/Deputy Commissioner are not sufficient).

*[Handwritten signature]*



विधान सभा, रा.रा.क्षे.दिल्ली  
उप समिति  
अन्य पिछड़ा वर्ग कल्याण

06.11.2023

प्रति

श्री महेंद्र यादव,  
माननीय सभापति  
अन्य पिछड़ा वर्ग कल्याण समिति,  
रा.रा.क्षे.दिल्ली विधान सभा  
दिल्ली

विषय : श्री राजशेखर, आईएस के विरुद्ध ओ.बी.सी. प्रमाणपत्र के संबंध में शिकायत

महोदय,

अन्य पिछड़ा वर्ग उप समिति श्री ए.वी. प्रेमनाथ द्वारा श्री राजशेखर, आईएस के विरुद्ध भ्रामक आधारों पर फर्जी 'ओबीसी प्रमाणपत्र' प्राप्त किए जाने संबंधी शिकायत पर विचार कर रही है। यह शिकायत माननीय अध्यक्ष द्वारा अन्य पिछड़ा वर्ग कल्याण समिति को भेजी गई थी। अन्य पिछड़ा वर्ग कल्याण समिति की दिनांक 12.05.2023 को हुई बैठक में एक उप-समिति बनाने का निर्णय किया गया जिसमें श्री नरेश यादव, श्री सहीराम व स्वयं मैं, मदन लाल, सदस्य होंगे।

प्रारंभ से ही श्री राजशेखर ने उप समिति के साथ सहयोग नहीं किया और पर्याप्त अवसर दिए जाने के बाद भी वे समिति के समक्ष उपस्थित नहीं हुए। समिति की कार्यवाही में उनके उपस्थित न होने के मामले को, माननीय अध्यक्ष महोदय की स्वीकृति के साथ, आगे की कार्यवाही के लिए विशेषाधिकार समिति को भेज दिया गया।

इसके बाद श्री राजशेखर ने स्वयं ही अपने पत्र दिनांक 15.09.2023 के द्वारा समिति के समक्ष उपस्थित होने और साक्ष्य देने की इच्छा प्रकट की। उप समिति ने इस मामले में उन्हें अपना पक्ष रखने हेतु एक अवसर प्रदान करने का निर्णय किया। दो बार तारीख बढ़वाने के बाद, अंततः श्री राजशेखर दिनांक 31.10.2023 को समिति के समक्ष उपस्थित हुए और अपनी साक्षी दी। उन्हें अपने पक्ष में अपनी बात कहने के लिए पर्याप्त समय दिया गया। बैठक के दौरान श्री राजशेखर ने 'इंटरिम रिटन सबमिशन' अर्थात् अंतरिम लिखित कथन भी प्रस्तुत किया, जिसे उप समिति जाँच नहीं सकी, क्योंकि यह अत्यंत अल्पावधि सूचना पर दिया गया था।



श्री राजशेखर का अधिक जोर शिकायतकर्ता श्री ए.वी. प्रेमनाथ के विरुद्ध शिकायत करने और आरोप लगाने पर था। उन्होंने यह आरोप समिति को अपने पहले लिखे गए पत्रों में भी लगाए थे। श्री राजशेखर के समक्ष यह स्पष्ट कर दिया गया था कि समिति केवल उनके विरुद्ध लगाए गए आरोपों पर विचार करेगी, जिन्हें माननीय अध्यक्ष महोदय द्वारा उसे भेजा गया है, उनके द्वारा लगाए जाने वाले प्रत्यारोपों पर नहीं।

बैठक के बाद श्री राजशेखर ने सचिव, विधानसभा को संबोधित एक पत्र संख्या F.No.PS(SS)/DoV/2023/12648 दिनांक 31.10.2023 भेजा जिसमें संलग्नक के रूप में 'इंटरिम रिटन सबमिशन' था। श्री राजशेखर ने इस पत्र में आक्रामक, अशिष्ट और अमर्यादित भाषा का प्रयोग किया है। उन्होंने विधानसभा, अन्य पिछड़ावर्ग समिति व उसके सदस्यों तथा विधानसभा के अधिकारियों के विरुद्ध आरोप लगाए व उन पर बदनीयती का आरोप भी लगाया। उन्होंने समिति के अधिकारक्षेत्र को व उसके आंध्रप्रदेश दौरे के निर्णय को भी चुनौती दी। वे इस तथ्य से अनभिज्ञ थे कि उप समिति में केवल तीन सदस्य ही हैं, और उन्होंने कहा कि उपसमिति का कोरम पूरा नहीं था।

यह एक सरकारी कर्मचारी द्वारा विशेषाधिकार उल्लंघन, अवमानना व घोर अनुशासनहीनता का स्पष्ट मामला है। उनकी आक्रामक भाषा के कुछ उदाहरण निम्नलिखित हैं :

1. अपने पत्र में वे कहते हैं, "माननीय विधानसभा से एतद्वारा दिनांक 31.10.2023 को अपराह्न 3.10 से 4.30 बजे तक हुई बैठक के कार्यवृत्त/कार्यवाही (ऑडियो क्लिप सहित ताकि बयान में किसी छेड़छाड़ से बचा जा सके) की प्रति उपलब्ध कराए जाने का अनुरोध है, ताकि अधोहस्ताक्षरी को किसी भी प्रकार के उत्पीड़न और पक्षपात आदि से बचाया जा सके।"
2. लिखित बयान के अनुच्छेद 1 में वे कहते हैं, "अधोहस्ताक्षरी की जाति की सत्यता को प्रमाणित करने के बाद भी उन विधायकों ने अधोहस्ताक्षरी को परेशान करना बंद नहीं किया।"
3. उसके बाद, लिखित बयान में वे कुछ विधायकों पर पक्षपात का आरोप लगाते हैं। "(एफ) कुछ विधायकों की ओर से भेदभाव" में :- वे कहते हैं कि वे अवैध निर्माणों, बैंक्वेट हॉल, आदि में कुछ विधायकों की भूमिका के अतिरिक्त श्री अखिलेश पति त्रिपाठी और श्री एसके बग्गा के विरुद्ध अभियोजन-स्वीकृति की प्रक्रिया चला रहे हैं। उन्होंने यह आरोप भी लगाया कि स्वयं मैं और श्री नरेश यादव उनके विरुद्ध पक्षपाती हैं क्योंकि वे हमारे विरुद्ध कुछ शिकायतों की जाँच कर रहे हैं।
4. "(एच) श्री वाईवीवीजे राजशेखर आईएस के विरुद्ध आपराधिक षड्यंत्र" में वे स्पष्ट रूप से कहते हैं कि जबसे उन्होंने माननीय मुख्यमंत्री के आवास के संबंध में रिपोर्ट जमा कराई है, तब से उनके विरुद्ध एक आपराधिक षड्यंत्र चल रहा है। अपने पत्र के पूर्ववर्ती भागों में वे इस बात का भी उल्लेख करते हैं कि वे कुछ विधायकों के संवेदनशील मामलों, निजी परामर्शदाता श्री अंकित श्रीवास्तव की गैरकानूनी गतिविधियों व विभिन्न परामर्शदाताओं/फैलोज/एसोशिएट फैलोज, जिनमें से कुछ

पार्टी कार्यकर्ता व विभिन्न विधायकों के पारिवारिक सदस्य हैं, को हटाए जाने के मामलों को देख रहे हैं।

5. "(आई) वैधानिक स्थिति" में वे दावा करते हैं कि "(vi) प्रथमदृष्टया यह दिल्ली विधानसभा के उप सचिव के द्वारा अपनी सीमा से परे और अपने अधिकारक्षेत्र से बाहर जाने का मामला है, जो जीएनसीटीडी एक्ट के प्रावधानों का उल्लंघन है।" वे यह भूल जाते हैं कि इन मामलों का निर्णय माननीय अध्यक्ष महोदय द्वारा किया जाता है और उनके निर्णयों को चुनौती देना एक गंभीर मामला है।
6. अनुच्छेद 16 में वे कहते हैं, 'उक्त स्टेटस रिपोर्ट से यह प्रकट होता है कि श्री ए.वी. प्रेमनाथ विधानसभा के कर्मचारियों और माननीय मंत्री श्री सौरभ भारद्वाज के कार्यालय के साथ आपराधिक षड्यंत्र करते हुए सतर्कता निदेशालय द्वारा प्रस्तुत प्रतिकूल रिपोर्ट का बदला लेने के लिए विधानसभा समिति के मंच का दुरुपयोग कर रहे हैं, जिसे इस प्रकार की जाँच का अधिकार ही नहीं है।'
7. अनुच्छेद 18 में वे समिति के कर्मचारियों को धमकाते हैं। वे कहते हैं, "दिल्ली विधानसभा कर्मचारी कृपया यह जान लें कि रिकॉर्ड को दबाना एक दंडनीय अपराध है। क्योंकि इस मामले की जाँच अतिरिक्त क्षेत्रीय अधिकारक्षेत्र, अर्थात् आंध्र प्रदेश में चल रही है, अतः दिल्ली विधानसभा के कर्मचारी किसी वैधानिक बचाव का दावा नहीं कर सकते हैं, क्योंकि जैसा ऊपर वर्णित है, नियमों में ऐसा कोई शासनादेश नहीं है।"

दिनांक 02.12.2023 को श्री राजशेखर ने विधानसभा सचिवालय को पुनः एक पत्र, बैठक के 'ड्राफ्ट मिनिट्स' अग्रेषित करते हुए भेजा (प्रति संलग्न है)। उन्होंने इस पत्र की एक प्रति सचिव (सतर्कता) व प्रधान सचिव, विधायी मामले, को भेजी है। इससे पुनः विधायिका के प्रति उनकी अत्यंत अवमानना और संसदीय प्रक्रिया के प्रति आदर का संपूर्ण अभाव प्रकट होता है। समिति के कार्यों में हस्तक्षेप के इस स्पष्ट प्रयास को गंभीरता से लिए जाने की आवश्यकता है। साथ ही, समिति की कार्यवाही प्रकृत्यः गोपनीय होती है, और उन्हें इसकी प्रतियाँ अन्य अधिकारियों को नहीं भेजनी चाहिए थीं, क्योंकि यह विभाग का कोई सरकारी मामला नहीं, बल्कि श्री राजशेखर के विरुद्ध एक निजी शिकायत है।

अतः, उनके लिखित बयान और पत्रों से (प्रतियाँ संलग्न) यह स्पष्ट है कि श्री राजशेखर ने अपने विरुद्ध शिकायत के मुद्दों पर सीधे-सीधे उत्तर देने के स्थान पर अपने अवज्ञापूर्ण व्यवहार और पत्रों के माध्यम से विधानसभा, उसकी समिति, उसके सदस्यों और विधानसभा के कर्मचारियों पर भी आपराधिक षड्यंत्र, बदनीयती व परेशान करने के गंभीर आरोप लगाए हैं। सदन की अवमानना, उसकी समितियों और उसके सदस्यों के विशेषाधिकार हनन के गंभीर मामले के साथ-साथ इसमें कड़ी अनुशासनात्मक कार्रवाई किए जाने की भी आवश्यकता है। उनका



व्यवहार और पत्रों में प्रयुक्त उनकी अनर्गल, अशोभनीय व अशिष्ट भाषा सरकारी अधिकारियों के 'कंडक्ट रूल्स' तथा समय-समय पर समितियों और विधायकों के साथ कार्य-व्यवहार हेतु जारी किए गए सरकारी निदेशों व निर्धारित 'प्रोटोकोल' के भी विरुद्ध है।

समिति ने श्री राजशेखर को, उनके विरुद्ध लगे आरोपों पर अपना पक्ष और तथ्य प्रस्तुत करने के लिए सामान्य से अधिक अवसर प्रदान किए। परंतु श्री राजशेखर समिति के समक्ष शिकायत के तथ्यों के बारे में अपना उत्तर तथा बयान देते हुए उद्दंडता और टालमटोल करते रहे। उन्होंने समिति को मुख्य मुद्दे से भटकाने का प्रयास करते हुए शिकायतकर्ता के विरुद्ध आरोप लगाए, जो इस समिति के अधिकारक्षेत्र से बाहर थे। समिति ने श्री राजशेखर से लगातार उनके 'ओबीसी प्रमाणपत्र' प्राप्त किए जाते समय उनके निवास/गृहनगर में उनके स्थाई पते के बारे में जानना चाहा। इस संबंध में वे समिति के प्रश्नों का उत्तर नहीं दे सके। वह इस प्रश्न का भी कोई स्पष्ट उत्तर नहीं दे सके कि 'ओबीसी' प्रमाणपत्र प्राप्त करते समय वह 'क्रीमी लेयर' में आते थे या नहीं।

उप समिति ने सचिव (सतर्कता) से श्री राजशेखर के स्थाई पते के बारे में जानकारी माँगी। उन्हें यह सूचित किया गया कि वे या तो यह जानकारी भेज दें, अथवा उप समिति की दिनांक 31.10.2023 के लिए नियत बैठक में उपस्थित हों। सचिव (सतर्कता) श्री सुधीर कुमार ने न तो उक्त जानकारी भेजी और न ही वे समिति के समक्ष उपस्थित हुए। यह मामला भी विशेषाधिकार समिति को भेजा जाना चाहिए।

अतः यह संस्तुत किया जाता है कि यह पूरा मामला, श्री राजशेखर की उप समिति के समक्ष अनधिकृति अनुपस्थिति के पूर्ववर्ती मुद्दे के साथ-साथ, आगे और जाँच के लिए विशेषाधिकार समिति को भेजा जाए।

- Sd-  
(नरेश यादव)

सदस्य

- Sd-  
(सही राम)

सदस्य

- Sd-  
(मदन लाल)

सभापति

अन्य पिछड़ा वर्ग कल्याण  
उप समिति



LEGISLATIVE ASSEMBLY NCT OF DELHI  
SUB COMMITTEE  
WELFARE OF OTHER BACKWARD CLASSES

06.11.2023

To  
Shri Mahender Yadav,  
Hon'ble Chairman,  
Committee on Welfare of OBCs,  
Legislative Assembly of NCT of Delhi,  
Delhi

Subject: Complaint against Shri Rajasekhar, IAS regarding OBC Certificate

Sir

The Sub Committee on OBCs is examining a complaint made by Shri AV Premnath, against Shri Rajasekhar, IAS for obtaining false OBC Certificate obtained on fraudulent grounds. The Complaint had been referred to the Committee on Welfare of OBCs by the Hon'ble Speaker. In the sitting of The Committee on Welfare of OBCs held on 12.06.2023, the Committee decided to constitute a sub-committee consisting of Naresh Yadav, Sahi Ram and myself Madan Lal.

Since the beginning, Shri Rajasekhar refused to cooperate with the Sub Committee and did not appear before the Committee in spite of being ample opportunity. His failure to attend the Committee proceedings was referred to the Committee of Privileges with the approval of the Hon'ble Speaker for further action.

Thereafter, Shri Rajasekhar on his own, expressed his willingness to appear before the Committee and depose vide his letter dated 15.09.2023. The Sub Committee decided to give him an opportunity to present his case. After taking two extensions, Shri Raja Sekhar, finally appeared before the sub-committee on 31.10.2023 and deposed. He was accorded ample time to speak and present his case. During the sitting Shri Rajasekhar also submitted 'Interim Written Submissions' which the Sub Committee could not examine as it was given at short notice.

Shri Rajasekhar was more concerned in making complaints and allegations against Shri AV Premnath, the complainant. He had also leveled these allegations in his earlier letters to the Committee. It was made clear to Shri Rajasekhar that the Sub Committee was only concerned with the complaint against him which, had been referred by the Hon'ble Speaker, and not his counter complaints.

After the sitting Shri Rajasekhar sent a letter addressed to the Secretary, LA F.No.PS(SS)/DoV/2023/12648 dated 31.10.2023 with the 'Interim Written Submissions' as enclosures. Shri Rajasekhar has used offensive, indecorous and intemperate language in his letter. He has casted allegations against the Assembly, the OBC Committee and its Members as well as the Assembly Officers and imputed *malafide* intentions against them. He has challenged the jurisdiction of the Committee as well as its decision to visit Andhra Pradesh. He states that the sub-committee was not in quorum, unaware of the fact that the Sub Committee consisted of only three members.

These are clear cut cases of breach of privilege and contempt and gross indiscipline on the part of a government servant. A few instances of such offensive language are as follows:

1. In his letter he states, "*Hon'ble Assembly is hereby requested to provide the copy of the minutes/ proceedings (including the audio clip to avoid any tampering of the statement) of sitting held from 03.10PM to 04.30 PM on 31.10.2023 so that the undersigned is protected from any victimization, bias etc.*"
2. In Para 1. Of the written submission he states, "*even after verifying the veracity of the caste of the undersigned those MLAs have not stopped harassing the undersigned.*"
3. Thereafter, in the written submission, alleges bias on the part of certain MLAs. In "(F) **Bias on the part of certain MLAs:-** He states he is processing prosecution sanction against Shri Akhilesh Pati Tripathi and Shri SK Bagga besides role of certain MLAs in illegal constructions, banquet Halls etc., He further levels allegations that myself and Shri Naresh Yadav are biased because he is enquiring some complaints against us.
4. In "(H) Criminal conspiracy against Sh. YVVJ Rajasekhar IAS" he categorically states that **there is a criminal conspiracy against him** ever since he submitted report with respect to the residence of the Hon'ble CM. He also mentions in earlier parts of his letter that he is looking after sensitive issues of few MLAs, illegal activities of private consultant Shri Ankit Srivastava, and removal of various consultants/Fellows/ Associate fellows in which some of them happens to be party workers and family members of various MLAs.
5. In "(I) Legal Position" he claims that "(vi)i Prima-facie this is a **case of overreach** by Dy. Secretary of Delhi Legislative Assembly and **beyond their jurisdiction** in violation



of provision of the GNCTD Act." He fails to realize that these matters are decided by the Hon'ble Speaker and any challenge to his decision is a serious matter.

6. In Para 16. He states, *'From the above Status Report, it is revealed that Shri AV Premnath in criminal conspiracy with officials of Assembly and Office of Sh. Saurabh Bhardwaj, Hon'ble Minister in order to settle the score on account of adverse reports submitted by Directorate of Vigilance is misusing the forum of Assembly committee which has not mandate for such enquiries.'*
7. In Para 18. he threatens the Assembly Officials. He states, *"the officials of Delhi Legislative Assembly may also kindly note that the suppression of records is a penal offense. Since the matter is being examined in the extra territorial jurisdiction i.e. Andhra Pradesh, the officials of Delhi Legislative Assembly cannot claim any immunity as per law as there is no such mandate in the rules as explained above."*

On 02.11.2023, Shri Rajasekhar has again sent a letter to the Assembly Secretariat forwarding herewith 'draft minutes' of the sitting (Copy enclosed). He has endorsed a copy of this letter to the Secretary (Vigilance) and Principal Secretary, Legislative Affairs. This again shows his utter contempt towards the legislature and his complete lack of respect for parliamentary procedure. This brazen attempt to interfere in the Committee's working and attempt to dictate terms needs to be seriously addressed. Moreover the proceedings of the Committee are confidential in nature and he should not have endorsed copies to other officers as this is not an official matter of the Department but a personal complaint against Shri Rajasekhar.

Thus, from his written submission and letters (copies attached) it is clear that Shri Rajasekhar, instead of simply replying to the contents of the complaint against him has deliberately, through his defiant conduct and letters, leveled serious allegations of criminal conspiracy, malafide intention and harassment against the Assembly, its Committee, its Members as well as the Officers of the Assembly. Besides being a serious matter of breach of privilege and contempt of the House, its Committees and its Members, this also deserves strict disciplinary action. His conduct and intemperate, indecorous, impolite language used in his letters are against the Conduct Rules for Government Officers and government instructions issued from time to time which lays down the protocol for officers to follow while dealing with Committees and MLAs.



The Committee gave more than ample opportunity to Shri Rajasekhar to explain the facts and his stand on the allegation against him. However, Shri Rajasekhar was defiant and evasive in his replies to the Committee and during the deposition on the merits of the complaint. He tried to distract the Committee from the main issue and leveled allegations against the complainant which was not in the jurisdiction of this Committee. The Committee repeatedly sought to know from Shri Rajasekhar his place of residence/ permanent address in his hometown at the time of obtaining his OBC Certificate. He failed to answer the Committee's query in this regard. He was also not able to give any clear reply to the query that he did not fall under the 'non-creamy' layer category at the time of obtaining his OBC certificate.

The Sub Committee had sought information regarding the permanent address of Shri Rajasekhar from the Secretary (Vigilance). He was informed that he should either send the information or appear in the sitting of the Sub Committee which was scheduled for 31.10.2023. Shri Sudhir Kumar, Secretary (Vigilance) neither furnished the information nor appeared before the committee. This matter should also be referred to the Privileges Committee.

Hence, it is recommended that this entire matter be referred to the Committee of Privileges for further examination, in continuation of the earlier issue regarding the unauthorized absence of Shri Rajasekhar from the sittings of the Sub Committee.

*sd/-*  
(Naresh Yadav)  
Member

*sd/-*  
(Sahi Ram)  
Member

*sd/-*  
(Madan Lal)  
Chairman  
Sub Committee on  
Welfare of OBCs

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
**DIRECTORATE OF VIGILANCE**  
 4<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT  
 I.P. ESTATE, NEW DELHI - 110002

F.No.PS(SS)/DOV/2023/12712-713,714

Date: 02.11.2023

To

**The Secretary**

Legislative Assembly Secretariat

Govt. of NCT of Delhi

Old Secretariat

Delhi-110054

Email: sla.delhi@gov.in

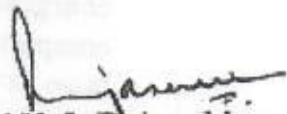
dvscommittee@gmail.com

**Sub: Forwarding of draft minutes of meeting/ sitting held on  
 31.10.2023 and request for another hearing**

Sir,

1. Please find enclosed the draft minutes with reference to the proceedings before the Hon'ble "Sub-Committee for Welfare of OBCs" held on 31.10.2023. The draft minutes were drafted based upon the memory of the undersigned. There is a possibility of error in the range of 2% to 3%.
2. Hence, I request the Hon'ble Assembly Secretariat to provide the draft minutes as recorded by their Stenographer alongwith audio clip, so that it can be compared and corrected and final minutes can be issued by Assembly Secretariat for further course of action.
3. At the cost of repetition, I may repeat that the Secretariat may kindly declare Sh. A.V. Premnath as false and sponsored complainant based upon the submissions made.

**Encl:** Draft Minutes of meeting/  
 sitting held on 31.10.2023

  
 (Y.V.V.J. Rajasekhar, IAS)  
**Special Secretary**  
**(Vigilance & Services)**  
 02.11.2023

**Copy to:**

1. Secretary (Vigilance), Govt. of NCT of Delhi
2. Pr. Secretary, Legislative Affairs, (Law Department), GNCTD



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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
DIRECTORATE OF VIGILANCE  
4TH LEVEL, C-WING, DELHI SECRETARIAT  
I.P. ESTATE, NEW DELHI - 110002

F. No. PS(SS)/DoV/2023/12611

Date: 31.10.2023

INTERIM WRITTEN SUBMISSIONS

Sub: Interim Written Submissions of Sh. Y.V.V.J. Rajasekhar, IAS, Spl. Secretary (Vigilance & Services) with reference to sitting notice F.No.24(34)/ OBC/ Part-III/ LAS-VII/ Leg/ 5290-5303 dated 20.10.2023.

Preamble:-

At the outset, the undersigned humbly submits that this commission has no jurisdiction keeping in view the various judgements of Hon'ble Supreme Court and in view of the matter being taken cognizance by Hon'ble National Commission for Backward Classes under Article 338B of Constitution of India.

It is to state as under: -

1. By own admission, certain MLAs have even met the concerned Backward Class Corporation of Govt. of Andhra Pradesh in Visakhapatnam and even after verifying the veracity of the caste of the undersigned those MLAs have not stopped harassing the undersigned.
2. On planned considerations, certain individuals have encouraged Sh. A.V. Premnath (a former employee who was chargesheeted and against whom several FIRs are lodged) to complaint against the undersigned after the earlier efforts of false complaints of Sh. Nakul Kashyap and an NGO namely Abhinav Samaj have failed (copies of FIRs about the fabricated complaint of NGO duly forwarded by the Minister as well as another fake FIR lodged in the context of Sh. Nakul Kashyap is also enclosed).

3. The undersigned is looking after the sensitive issues that include the revenue and building related matters of few MLAs who also happens to be the Members of this Committee.

4. Besides this, of late, the undersigned has also pointed out the illegal activities of a private consultant by name Sh. Ankit Srivastava who is attending the meetings of Hon'ble Minister of Water and Chairman of the Delhi Jal Board and giving directions to the Chief Engineers of Delhi Jal Board.

5. Directorate of Vigilance, GNCTD called a report from the Vigilance Department of Delhi Jal Board and the Delhi Jal Board has confirmed the interference of Sh. Ankit Srivastava (a private person) in day to day affairs of Delhi Jal Board though he is not on the pay rolls of the Delhi Jal Board and the Hon'ble Minister have allowed him to be on the official Whatsapp Group.

6. In this context, the Inquiry Report of the Vigilance Department of Delhi Jal Board dated 12.10.2023 states as under:-

*"...In view of the facts brought out as above in respect of Para 1 to 5 of the letter of Spl. Secretary (Vigilance), GNCTD dated 03.10.2023, the allegations that Sh. Ankit Srivastava continued to actively participate as a member of WhatsApp Group 'Minister (Water) Group' comprising senior officers of DJB, issued instructions to them and did not allow senior officers of the rank of ACEs to express their views freely, despite his discontinuation as Consultant (Hydraulics & Water Bodies) in DJB on 24.07.2023, have been found to be factually correct during the investigation conducted by the Vigilance Department of DJB..."*

7. Apart from this, after the removal of various Consultants/ Fellows/ Associate Fellows in which some of them happens to be party workers/family members and extended family member of various MLAs, directly or indirectly creating hardship, threat, mental agony and causing safety and security hazards not only to the undersigned but also to friends and family members of the undersigned in far off place like Andhra Pradesh.



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8. The undersigned has also detailed information vide following letters: -

SL.NO.	LETTER NO.	SUBJECT
1.	Letter No. PA(SS)/Services/2023/845 dated 09.06.2023	Regarding Sitting Notice of the Committee on Welfare of OBCs
2.	Letter No. PA(SS)/Services/2023/855-56 dated 12.06.2023(Reminder-I)	Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension)
3.	Letter No. PA(SS)/DOV/2023/7053-7055 dated 14.06.2023(Reminder-II)	Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension)
4.	Letter No. PA(SS)/DoV/2023/7449-7451 date:23.06.2023(Reminder-III)	Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension) and due diligence
5.	Letter No. PA(SS)/DoV/2023/7655 date:30.06.2023 (Reminder-IV)	1. Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension) and

			due diligence 2. False Complaint by Sh. A. V. Premnath and his liability u/s 182 of IPC
6.	Letter PA(SS)/DoV/2023/7745-7746 date:03.07.2023 (Reminder-V)	No.	1. Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension) and due diligence 2. False Complaint by Sh. A. V. Premnath and his liability u/s 182 of IPC
7.	Letter PA(SS)/DoV/2023/8046 date:10.07.2023 (Reminder-VI)	No.	1. Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension) and due diligence 2. False Complaint by Sh. A. V. Premnath and his liability u/s 182 of IPC 3. Regarding FIR No. 0171 dated 16.06.2023
8.	Letter PA(SS)/DoV/2023/8121 date:11.07.2023 (Reminder-VII)	No.	1. Regarding Sitting Notice of the Committee on Welfare of OBCs



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		(Complaint of Sh. A.V. Premnath - Currently under Suspension) and due diligence 2. False Complaint by Sh. A. V. Premnath and his liability u/s 182 of IPC 3. Clarification from DoPT, GoI regarding any discrepancy in the Caste Certificate of Sh. A.V. Premnath
9.	Letter PA(SS)/DoV/2023/8427 date:20.07.2023 (Reminder-VIII)	No. 1. Regarding Sitting Notice of the Committee on Welfare of OBCs (Complaint of Sh. A.V. Premnath - Currently under Suspension) and due diligence 2. False Complaint by Sh. A. V. Premnath and his liability u/s 182 of IPC

9. Further, for the sake of clarity again it is reiterated as under;

- (A) Regarding Caste Certificate of Sh. Y.V.V.J. Rajasekhar, IAS (AGMUT: 2012)
- (i) DANICS officers are appointed by UPSC through Civil Service Examination, every year

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- (ii) Caste Certificate of such officers are checked by the UPSC at the time of interviews
  - (iii) Subsequently, merit list of the selected candidates along with their dossiers is provided by UPSC to DoPT
  - (iv) DoPT undertakes verification of antecedents of such selected candidates as well as verification of their caste certificates
  - (v) After verification, DoPT assigns the cadres (IAS / IPS / DANICs / DANIPs) to such selected candidates on the basis of their ranks in the merit list (separate merit list for General / SC/ ST/ OBC candidates)
  - (vi) Dossiers of candidates who are selected under DANICS cadre are sent by DoPT to MHA
  - (vii) MHA issues the joining letters to such selected candidates and post them in respective segments (viz. Delhi, Andaman & Nicobar Islands, Lakshadweep, Daman and Diu & Dadra and Nagar Haveli)
  - (viii) Sh. Y. V. V. J. Rajasekhar was appointed as DANICS in the batch of 1995 and subsequently inducted as an IAS officer of 2012 Batch in the year 2020
  - (ix) Therefore, records regarding verification of caste certificate of Sh. Y. V. V. J. Rajasekhar may be available with DoPT, and DoPT may be asked to confirm caste credentials of OBC caste of Sh. Y. V. V. J. Rajasekhar
- (B) Official Duties assigned to Sh. Y.V.V.J. Rajasekhar, IAS (AGMUT: 2012)**
- (i) Sh. Y. V. V. J. Rajasekhar is posted as Special Secretary (Vigilance) with additional charge of Special Secretary (Services) in GNCTD
  - (ii) He is examining / looking after sensitive cases, such as Excise, 6 Flag Staff Road etc.:

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(C) History of false complaints against Sh. Y.V.V.J. Rajasekhar, IAS (AGMUT: 2012): -

- (i) Hon'ble Minister, Health referred to the complaints of one Sh. Nakul Kashyap and one related to NGO "Abhinav Samaj" and made allegations of extortion against the undersigned.
- (ii) However, Abhinav Samaj has informed that they never filed such complaint. FIR was registered by Delhi Police and the FIR reads as under: -

"...Subject: Factual report regarding unauthorized removing of confidential records from room of the undersigned during night hours in the Directorate of Vigilance of Government of NCT of Delhi- regarding Str. As Special Secretary (Vigilance), Government of NCT of Delhi, it is well known and on record that I have been dealing various sensitive vigilance matters involving high profile officials of Delhi government, some of which have culminated into cases and some are at different stages of inquiries. Some of the important cases are given below for ready reference: i. Expose Department Charge-Sheets and their sanctions under various provisions of PoC Act. The Charge Sheets under CCS Conduct Rules are under preparation ii. FBU(Feed Back Unit) Case pertaining to setting up of separate Intelligence Unit directly under Hon'ble Chief Minister is also being processed by the Directorate of Vigilance and sanctions were issued under PoC Act by the Vigilance Officials. iii. The matter relating to Directorate of information and Publicity (DiP) wherein payments worth more than Rs. 90 Crores (approx.) were made by the Officials of Department of Information & Publicity in violation of directions of the Hon'ble Supreme Court in the matter (Common Cause Judgment dated 13.05.2015) also currently being examined by the Directorate of Vigilance and it is in advance stage. iv. Matters relating to Mohalla Clinics regarding favorable treatment by virtue of hiring premises of Aam Aadmi Party workers is also being investigated by Directorate of Vigilance and an FIR was also registered by CBI pursuant to the reference of Directorate of Vigilance. V. With reference to PWD, there are about 20 permissions under section 17A of PoC Act Pending against various Officers of PWD, this includes the reference of engagement of Consultant by the PWD, wherein the Hon'ble CBI Court has sought report from the Directorate of Vigilance on the closure report filed against the then PWD Minister. vi. With reference to Central Jail, Directorate of Vigilance has issued sanctions under PoC Act for breach of Jail and for having

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nexus with the then Prison Minister, the department is also seized of certain confidential information in this matter. vii. With reference to Trade & Taxes Department, Directorate of Vigilance is also conducting investigation and inquiry for alleged siphoning of gold running into several Kgs and the matter is also seized off by Hon'ble District Court, wherein it is stated that certain evidence is being destroyed by Department Officials. viii. Alleged irregularities committed while carrying out renovation of 6, Flag Staff House, Civil Lines and complaint of extravagant and obscure expenditure, violation/circumvention of environment protection, heritage and Zonal plans while constructing the Hon'ble Chief Minister residence in Delhi. ix. With reference to Delhi Building and other construction worker welfare board, alleged Irregularities have been found in working of the Board and relief disbursement to the workers. X. Alleged collusion between DJB Officials for demolition of Heritage monument at Kilokari for construction & occupation of protected site area in spite of the report of handing over by Archaeology Department (ACL). 2. Unfortunately, the vigilance work undertaken by the undersigned, has invited wrath of persons in position and therefore, immediately after the judgment of the Hon'ble Supreme Court delivered on 11.05.2023, grounds were contrived to paralyze the ongoing inquiries and tamper with the record and probe by physically taking away the vigilance files from my custody. As is revealed from records on 13.05.2023, a false Note was generated by the Hon'ble Minister (Vigilance) Sh. Sawabh Bharadwaj sent to me on 15.05.2023, which is reproduced hereunder for ready reference (Annexure-1): "...There are complaints that Sh. YVWJ Rajshankar is running an extortion racket and demanding protection money. This allegation is quite serious, which needs to be examined in detail. Therefore, all work assigned to Sh. YVWJ Rajshankar is hereby withdrawn. The same may be distributed amongst ADs and ADs will directly report to Secretary (Vigilance). The ADs should directly put up the files to Secretary (Vigilance). This is for immediate compliance till further orders... 3. The note does not specifically refer or rely on any complaint. This note / order appears to have been generated for forthwith taking over the sensitive files/records available in the room of the undersigned. Without waiting, immediately on 16.05.2023 the Hon'ble Minister further directed that all files/records lying with the undersigned in my room should be taken over (Annexure-2). 4. This order of the Hon'ble Minister (Vigilance) was followed by an order issued by the Secretary (Vigilance) directing for taking over the files/records from the undersigned purported to be for safe custody and simultaneously another order was passed on the same day directing that all work of



the Directorate of Vigilance assigned to the undersigned stands withdrawn. The series of orders issued on 16.05.2023 on the same date are at Annexure-3. 5 All these above orders were issued without taking the concurrence of Chief Vigilance Officer (CVO), thus are in clear breach of CVC's instructions. 6 It is relevant to mention that in the meanwhile, during the interregnum period, on 15.05.2023 late night at about 09.15 p.m. Mr. Buniyad Singh, Assistant Director (Vigilance) informed me on phone that he has been instructed to take out the files/records from my room and handover to the Hon'ble Minister (Vigilance), to which I advised him to desist from the same. 7 Thereafter on 16.05.2023 when I reached the office, I was told by my personal secretary Sh. K.K. Shah and others that during the intervening night of 15.05.2023, the file/records from my room have been taken away and surreptitiously photocopied. I inquired from Mr. Sandeep, MTS of Secretary (Services), who informed me that Mr. Manish and Mr. Joshi, MTS/PA of Directorate of Vigilance got opened my room with the help of guard at around 09.30 p.m. on 15.05.2023 and took out the files to the conference hall of Directorate of Vigilance, where files were photocopied till 03.00 a.m. in the morning of 16.05.2023. I cannot affirm whether all the files were kept back or not. 8 In the morning of 16.05.2023, on reaching the office and coming to know about it, I immediately informed in writing to the Secretary (Vigilance) under intimation to Office of Hon'ble LG and Joint Secretary MHA vide letter dated 16.05.2023 (Annexure-4). 9 On 17.05.2023 at 11:29 AM I had instructed Sh. Buniyad Singh, AD to prepare an inventory of files in room no. 403 that contained sensitive vigilance files. Immediately thereafter I also instructed Mr. K. K. Shah (my personal staff) to contact Sh. Buniyad Singh in this context as I was physically at Saket Court. Later in the day, Sh. Buniyad Singh informed me over phone that he went to Secretary (Vigilance) who had stated that it will be "seen later" and he advised me to meet Secretary (Vigilance) in this regard. When I came to office on the same day, the rooms No. 403 and 404 were seen sealed with a note pasted super-scribing the name "Manish" on it. Thereafter on 17.05.2023, I formally lodged a complaint with DCP (Central), Delhi Police (Annexure-5). 10 It is relevant to mention that while it was claimed by Sh. Buniyad Singh, AD(Vig) that the room of the undersigned was sealed but the aspect of taking away the files and making photocopies of files, as came to be known later, as aforesaid was not informed. My office was thereafter formally de-sealed (Annexure-6) on 19.05.2023 and inventory was made (Annexure-7). The sequence of events shows that to support the allegations made in the note by Hon'ble Minister on 13.05.2023, an exhaustive complaint in small font of nearly 15

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pages was orchestrated purported to have been made by NGO Abinav Samaj through an advocate which curiously refers to the Hon'ble Supreme Court judgment of 11.05.2023 that was uploaded late in the evening. The Hon'ble Minister in his note dated 13.05.2023 does not refer to any complaint and appears to have premonition about this complaint while writing the note on 13.05.2023. Complaint appears to have been invited by design only to make occasion for taking vigilance files. The NGO later informed on 18.05.2023 that they never made any complaint (Annexure-8). 12 In order to prevent me from examining the several cases of corruption, it has been alleged that I'm corrupt and running an "extortion racket". Further, allegations of corruption have been made against me, by relying on complaints given by some unknown persons. However, the NGO has wholly denied filing any such complaint alleging corruption against me. Owing to denial by the NGO, it is apparent that the fabricated complaints against me have been deliberately made to derail sensitive investigations. This is to be further inquired into as to who has made such forged complaint by using a false document. 13 I humbly submit that above consequences of events clearly demonstrate that allegations made are contrived with design and ulterior motives by making forged/false/fabricating documents/complaints on behalf of NGO who reduced facts vide NGO's letter dated 18.05.2023 that they never made such complaint. Such acts are made to injure me and derail sensitive investigations that are being conducted by Directorate of Vigilance. Making photocopies of files at night is a serious criminal act, apart from being abuse of office and unbecoming of a public servant. I am apprehending that some mischief might have been done to the vigilance records and its confidentiality compromised, contrary to public interest bringing further damage to the institution of Directorate of Vigilance and to my reputation. 14 Considering that files pertaining to sensitive matters might have been misplaced/lost after the break-in, causing disappearance/destruction of evidences/documents of offences (especially in matters such as Excise Scam, PBU case, recovery of crores of Rupees in DIP matter, etc.) to prevent their production as evidence in ongoing investigations. 15 Further, any recordings of the CCTV cameras that are present in my office as well as the other room (Room Nos. 403 and 404) and recording of whole of the Directorate of Vigilance must be seized immediately, in order to prevent any tampering. 16 There is also an immediate need to enquire into this matter in order to prevent any destruction and loss of evidence and important documents, and to find out at whose behest this entire conspiracy was hatched so that the true set of events is revealed. 17 Therefore, in public interest, I



request a thorough dispassionate probe in regard to the whole matter through competent investigating agency so that the truth is unraveled, and the record and reputation retrieved to prevent future loss due to such illegal acts. 15 In the interest of justice, an expeditious thorough investigation is solicited and prayed. SD English (Y.V.V.J. Rajasekhar, IAS) Special Secretary GNCTD Directorate of Vigilance & Anti Corruption Govt. of NCT of Delhi Delhi Secretariat IP Estate New Delhi-110002 Encls: Annexures 1 to 8 Copy for necessary action to: 1. Chief Secretary-cum-CVO, GNCTD, Delhi Secretariat, New Delhi-110002 2. Joint Secretary, UT Division, Ministry of Home Affairs, North Block, New Delhi 3. Secretary (Vigilance), Directorate of Vigilance, GNCTD, Delhi Secretariat, New Delhi-110002 To The Duty Officer PS IP Estate New Delhi please register a Case U/S 380/464/465/120B IPC..."

- (iii) Sh. Nakul Kashyap has informed Delhi Police that he filed false complaint against Sh. Y. V. V. J. Rajasekhar at the behest of one Sh. A. V. Premnath (former employee) who lured/offered him a job and arranged meeting with Hon'ble Minister, Sh. Saurabh Bhardwaj. Delhi Police has registered an FIR in this matter on the complaint of Sh. Nakul Kashyap. The FIR reads as under: -

"...it is alleged that mails have been dispatched to Chief Secretary as well as Secretary (Vigilance) on the night of 10.06.2023, vide e-Mail ID nakulkashyap1717@gmail.com mentioning Mobile Number 9999412761 and the source information indicates that this is a fake mail ID and complaints are being lodged at the behest of Sh. Nakul Kashyap, whereas, Shri Nakul Kashyap has not lodged these complaints at all through this e-mail ID. To verify the above claim of Shri YVVJ Rajasekhar, the email ID detail verification was conducted from Google and it was informed by Google that above e-mail ID is created on 10/06/2023 from IP address 2405:201:4000:2802:12:734f:4749:3a1c and on further verification from Jio, the internet service provider, it was found that the user for source Mac is a8da.0ead.72bc and it is in the name of Aarti Premnath. Since the above e-mail was created on 10/06/2023, to verify the same, complainant Shri Nakul Kashyap was also called to verify the facts and during verification of facts, the complainant gave his above handwritten statement, denying about any caste based remarks made by Shri YVVJ Rajasekhar against him and he never met Shri YVVJ Rajasekhar. He also stated that the e-mail id nakulkashyap.1717@gmail.com does not belongs to him and is not created by him. His e-mail ID is

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nakulkashyap1708@gmail.com. He further stated that Shri Premnath, who is an officer in Delhi Government, duped him by alluring to provide him a job. He has no idea about the complaint filed in his name. From the complaint dated 27/05/2023 given in Shri Nakul Kashyap's name, e-mails sent through fake e-mail ID of nakulkashyap1717@gmail.com, reports received from Google/No in the above matter and the above statement of Shri Nakul Kashyap given today, prima facie offences u/s 417/419/468/471/120B IPC have been made out..."

- (iv) Official room of Sh. Y. V. V. J. Rajasekhar in the Delhi's Secretariat was breached at mid-night. CCTV records show that sensitive files were photocopied, for which an FIR has been registered by the Delhi Police
- (v) Thus, prima-facie, a case of harassment of Sh. Y. V. V. J. Rajasekhar by the Hon'ble Minister (Health) Sh. Saurabh Bhardwaj for reasons best known to him, is being made out.

**(D) Regarding Sh. A. V. Premnath, Former Employee**

- (i) Sh. A. V. Premnath is an officer, who was not only been charge sheeted for disciplinary proceedings by MHA, but criminal FIRs for serious matters (like POCSO, POA Act for disproportionate assets, cheating, forgery, etc.) are pending against him in more than one State/ UT (Uttarakhand and Delhi), which are at various stages.
- (ii) Services of Sh. A. V. Premnath has been terminated by the MHA vide order dated 09.10.2023 under FR 56j.
- (iii) There are 5 FIRs registered against Sh. A.V. Premnath and the details of the same are as under: -

Sl.No.	FIR No.
1.	FIR No. 34/02/SKG/ACB
2.	FIR No. 03/21: Vigilance Establishment, Uttarakhand
3.	FIR No. 03/22: Kotwali Ranikhet "POCSO"
4.	FIR No. 07/2023 dated 16.06.2023 u/s 13(1)(a) r/w 13(2) of the PoC Act, 1988 and 13(1)(b) r/w 120-B IPC PE And Corruption Branch, GNCTD



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S.	PIR	No.	G171/2023	dated	16.06.2023	u/s
			417/419/468/471/120-B of IPC, PS-IP Estate			

- (iv) Recently, MHA vide order dated 09.10.2023 has given Compulsory retirement to Sh. A.V. Premnath under Rule 56j. As on today, he is no more a government servant. Sh. A.V. Premnath has challenged the order under Rule 56j, which was dismissed by Hon'ble High Court vide order dated 18.10.2023.
- (E) Complaint filed by Sh. A. V. Premnath regarding alleged fake OBC credentials of the undersigned
- (i) Sh. A. V. Premnath filed a complaint with the Secretary, Delhi Legislative Assembly by alleging that Sh. Y.V.V.J. Rajasekhar does not belongs to OBC category and he misused the reservation for OBC quota for selection of Sh. Y.V.V.J. Rajasekhar as DANICS [Civil Services Exam- Year 1994].
- (ii) Considering the cases, including of Sh. A. V. Premnath, being handled by Sh. Y.V.V.J. Rajasekhar, prima-facie this complaint seems motivated.
- (iii) Dy. Secretary, Delhi Legislative Assembly not only entertained such complaint made by Sh. A. V. Premnath, but also deputed a team of 3 MLAs to the hometown of Sh. Y.V.V.J. Rajasekhar to check caste credentials, instead of confirming the same from the DoPT.
- (iv) The "Gavara Development and Welfare Corporation" of Government of Andhra Pradesh has confirmed the surname of the undersigned as "Yellapu" and confirmed that the undersigned belongs to "Gavara" Community which is a backward caste community.
- (v) Sh. A.V. Premnath is a habitual complainant, in this context, the earlier similar complaints filed by him may be taken note by the Hon'ble Assembly which were referred in the earlier communication.

**(F) Bias on the part of certain MLAs: -**

- (i) The undersigned has processed prosecution sanction of MLAs like Sh. Akhileshpati Tripathi and Sh. S.K. Bagga. Besides this, the Directorate of Vigilance is also examining the role of certain MLAs in illegal constructions, illegal Banquet Halls and violation of other provisions of Law by certain MLAs.
- (ii) 2 important revenue related violation like illegal construction in Nawada which falls in the jurisdiction of Sh. Madan Lal, MLA and alleged building violation of Calista Resort falling in the jurisdiction of Sh. Naresh Yadav, MLA are also being examined by the Directorate of Vigilance, GNCTD. Municipal Corporation of Delhi has already issued demolition notice in respect of Nawada illegal construction.
- (iii) Both the members are happens to be member of this committee. Hence, there is strong biased against the undersigned by MLA.

**(G) Regarding residential address of the undersigned.**

- (i) In this context, it is to mention that Hon'ble Committee Members had visited my Home Town for 5 days and by their own admission, they have met the concerned Backward Class Development and Welfare Corporation of Govt. of Andhra Pradesh in person and they are already aware of the local details more than the undersigned.
- (ii) Further, the undersigned obtained the certificate from the Revenue Department of Govt. of Andhra Pradesh about 30 years back and I do not remember which address was filled in the application while obtaining the OBC certificate and applying for Combined Civil Service Examination in 1994.
- (iii) Further, it is to mention that the Hon'ble MLAs have exceeded their legal jurisdiction and in their personal



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capacity visited my Home Town and met various Member of my community and they are liable for all legal consequences as per the jurisdiction of Andhra Pradesh.

(iv) As far as my permanent residential address is concerned, I left Andhra Pradesh after completing my graduation and currently Delhi is my permanent residence.

(v) It is requested that the Legislative Assembly Secretariat, GNCTD may contact UPSC/DoP&T in this regard.

**(B) Criminal conspiracy against Sh. Y.V.V.J. Rajasekhar, IAS (AGMUT: 2012): -**

(i) The undersigned firmly submits that there is a criminal conspiracy ever since the submission of report with respect to 6, Flag Staff Road pertaining to Hon'ble Chief Minister.

(ii) All the complaints against the undersigned were generated and the complaints are being monitored by Sh. Bibhav Kumar, Private Secretary to Hon'ble Chief Minister. Sh. Bibhav Kumar coordinating with Sh. A.V. Premnath (Former Officer), Sh. Udit Prakash Rai, IAS (under suspension by MHA) and few other MLAs for filing false complaints against the undersigned including the present one.

(iii) The E-mails of Sh. A.V. Premnath (Former employee) generated from his system may kindly be checked. Sh. Bibhav Kumar is also annoyed with the undersigned as the undersigned submitted a report that his appointment is illegal and contrary to DoP&T's guidelines as he was facing a trial in the State of Uttar Pradesh and DoP&T guidelines were suppressed.

(iv) Besides this, Sh. Bibhav Kumar with others including Sh. A.V. Premnath (Former employee) organized and sponsored demonstrations and violent protests against the undersigned.

- (v) In this context, a report may kindly be obtained from Delhi Police or independent investigation may also be explored.

**(I) Legal Position**

- (i) Proviso to Section 33(1) of the Government of National Capital Territory of Delhi Act, 1991, as introduced through GNCTD Amendment Act 2021 w.e.f. 27.04.2021, provides as under:

*"...33. Rules of procedure.—(1) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business which shall not be inconsistent with Rules of Procedure and Conduct of Business in House of the People:*

*Provided that the Legislative Assembly shall not make any rule to enable itself or its committees to consider the matters of day-to-day administration of the Capital or conduct inquiries in relation to the administrative decisions, and any of the rule made in contravention of this proviso, before the commencement of the Government of National Capital Territory of Delhi (Amendment) Act, 2021, shall be void..."*

- (ii) First Proviso to Section 33(1) of the GNCTD Act 1991 bars the Delhi Legislative Assembly as well as its Committees to conduct inquiries in relation to the administrative decisions.
- (iii) Further, Part-IVA of the GNCTD Act 1991 [as introduced by the Parliament through GNCTD Amendment Act 2023 w.e.f. 19.05.2023] provides that "service matters" in NCT of Delhi falls exclusively under the domain of the Central Government.
- (iv) While the elected Government of NCT of Delhi, through the then Hon'ble Minister, Sh. Saurabh Bhardwaj, has challenged the provisions of the GNCTD Amendment Act 2023 / GNCTD Amendment Ordinance 2023 before Hon'ble Supreme Court, however, Hon'ble Supreme Court refused to stay these statutory provisions.

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- (v) Subject of caste of an officer falls under the 'Service Matters' as on the basis of such caste, the DANICS/IAS officers are appointed through the Civil Service Examination (Gen./SC/ST/OBC).
  - (vi) Prima-facie this is a case of overreach by Dy. Secretary of Delhi Legislative Assembly and beyond their jurisdiction, in violation of provisions of the GNCTD Act.
  - (vii) As per rules and procedures, the Committee on the Welfare of Other Backward Classes have to perform the following functions: -

**"...236BBB Functions of the Committee**

*The functions of the Committee shall be :-*

*(i) to review the progress and implementation of the welfare programmes and other ameliorative measures for Other Backward Classes and to report to the House as to the measures that should be taken by the Government in respect of matters within their purview;*

*(ii) to examine measures taken by the Government to secure due representation of the Other Backward Classes, nominated in services and posts under its control;*

*(iii) to suggest ways and means of realizing the objectives of Government policy to bring about improvement in the condition of these classes in the shortest possible time; and*

*(iv) to examine such measures as the Committee may deem fit or are specially referred to it by the House or the Speaker..."*

10. There is no provision for conducting any investigation beyond the territorial jurisdiction (both Legislative as well as Executive Jurisdiction).

11. Further, under Article 338B of Constitution of India, the matter is already seized by the Hon'ble National Commission for Backward Classes and a cognizance of the complaint of harassment was also taken by the Commission. The Commission was prayed to look into the allegations and investigate the matter.

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12. Since, the National Commission for Backward Classes is having constitutional mandate on this subject, it is humbly prayed that Delhi Legislative Assembly in view of the foregoing facts and records may consider following Rule of Law.

13. If the Committee still wants to hear the undersigned, it is requested that the undersigned may be allowed to be represented alongwith advocate to determine the following issues:-

- a) Regarding maintainability of the present proceedings in view of the Constitutional Bar under Article 338B.
- b) Regarding legality propriety of the MLA's visiting the Home Town and investigating the caste antecedents and illegally interrogating the community members purportedly acting under rule of law under the guise of Sub-committee.
- c) Regarding maintainability of the present proceedings keeping in view that there is no such mandate for the Committee on backward classes under Rules of Business.
- d) Regarding maintainability of the present proceedings under statutory bar under Section 33(1) of GNCTD Act, 1991.
- e) Apart from above, it is also prayed that the proceedings may be made public and minutes may be authenticated and circulated by all concerned.
- f) The maintainability of the present proceedings on the account of the fact that individual concerned has been appointed by the UPSC and he is governed by the MHA.

14. If the Assembly intends to reject the plea of the undersigned the same may kindly be conveyed to the undersigned with reasons so that the undersigned will have course for appropriate remedy before appropriate forum in the interests of principle of natural justice.



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15. Report of Delhi Police.

Further, in this Written Submission the Assembly should also take into cognizance the reference sent by Delhi Police vide their letter dated 27.10.2023, wherein they have provided entire Status Report filed by them in Hon'ble Supreme Court of India.

The Status Report inter-alia mentions as under:-

- i. "...That during investigation, it revealed that the present Applicant/accused due to personal grudge with Sh. YVVJ Raj Sekhar, Spl Secretary (Services and Vigilance) made conspiracy to implicate him in false case and consequently he duped the complainant Sh. Nakul Kashyap by alluring to provide him a job on compassionate ground and lodged false and fabricated complaint against Sh. YVVJ Raj Sekhar on behalf of the complainant.
- ii. That the petitioner created fake email-id nakulkashyap1717@gmail.com from the internet of his residence without the knowledge, permission and presence of complainant Sh. Nakul Kashyap and he mailed several complaints to different agencies against YVVJ Raj Sekhar only to implicate him in a false criminal case.
- iii. That the petitioner purchased a second hand mobile Vivo-Y21 from Gaffar Market, Karol Bagh and also a SIM having mobile number 8384001874 in the name of his assistant Deepak to lodge false and fabricated complaint against YVVJ Raj Sekhar. The petitioner came in contact with Mr. Anil Gaur, PA of Sh. Saurabh Bhardwaj by this mobile number.
- iv. That as per the whatsapp chat between complainant and present petitioner with Mob. No.8384001874, it's found that it is the petitioner, who shared the details of Sh. YVVJ Raj Sekhar to the complainant.
- v. That the IP addresses of alleged email-id nakulkashyap1717@gmail.com obtained and during investigation it is found that mac-id registered in the name of Asha Prem Nath W/o the present applicant.

- vi. That during spot inspection at the residence of the present petitioner and on the instruction of FSL, Rohini expert team one desktop HP-22, No internet router containing mac-id A8DAOCAD72BC and three visiting card of Guru Kripa Electronics having details of mobile model No. and IMEI number were recovered in the case.
- vii. That during investigation, it was found that petitioner was using a Desktop HP-22 at his residence to commit instant crime by preparing the contents of complaints against Sh. YVVJ Raj Sekhar. The seized desktop contains several crucial evidence and several e-mail contents in relations to Sh. Nakul Kashyap complaint and against the Sh. YVVJ Raj Sekhar and same were sent to different mail account from the system having mail id- lastsamurai689@gmail.com.
- viii. That during visit of FSL cyber team and Police at the residence of petitioner, despite several calls, he was not joining enquiry with Police team and after information about Police team, present petitioner was attempting to hamper e-mail contents by opening the above e-mail-id in another system having mobile number 7302120584, which is possessed with petitioner.
- ix. That after lodging false complaint against Sh. YVVJ Raj Sekhar on the instruction of present petitioner in the office of Sh. Saurabh Bhardwaj, on 21.05.23 Mr. Anil Gaur visited at the residence of complainant and asked him to meet Sh. Saurabh Bhardwaj on 22.05.23.
- x. That on 22.05.2023, complainant visited at the residence of the petitioner, as per his instruction before going to meet with Sh. Saurabh Bhardwaj in respect of false complaint lodged against Sh. YVVJ Raj Sekhar.
- xi. That on the instruction of present petitioner, Mr. Anil Gaur arranged the meeting of complainant with Sh. Saurabh Bhardwaj with regards to his complaint lodged against Sh. YVVJ Raj Sekhar.
- xii. That it was present petitioner, who hired an advocate Orangazeh only to represent the complainant before the Vidhan Sabha and at the office of LG House.
- xiii. That on 13.06.2023, petitioner, had also visited at Vidhan Sabha alongwith the complainant and arranged advocate to represent him.
- xiv. That on 15.06.2023, petitioner had also taken out a rally/ protest against Sh. YVVJ Raj Sekhar at the LG House,



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where Advocate Orangzeb also represented the complainant.

- xii. That email-id lastsamurai689@gmail.com was created on 12/07/2022 in the desktop HP-22 of present petitioner and account recovery mobile number is 9999193164 and users' phone numbers are 9999193164, 8384001874, 9910816120, 6398460822 and 7302120584. The mobile number 8384001874 is that alleged mobile number by which complainant Sh. Nakul Kashyap was in regular touch with present petitioner and he was being guided and by which the information about Sh. YVJ Raj Sekhar was sent to the complainant through whatsapp.
- xvi. That during investigation shopkeeper Sh. Charandeep Singh, the owner of Guru Kripa Electronics, Gaffur Market, Karol Bagh identified the petitioner, who purchased the alleged mobile Vivo-Y-21 in which mobile number 8384001874 was being used during the commission of crime.
- xvii. That CDR location, CCTV footage and identification of the complainant corroborate the versions of complainant that Mr. Anil Gaur visited at the residence of complainant in the series of allurement to get job on compassionate ground.
- xviii. That statement of Mr. Rohan Kaushik recorded U/S-161 CrPC support the version of complainant that Advocate Manish prepared a complaint to file complaint at Vidhan Sabha.
- xix. That as per CDR analyses of different mobile numbers possess by the petitioner, Mr. Anil Gaur, Adv Orangzeb, Adv Manish, Mr. Deepak and complainant, the versions of complainant found correct and corroborating the allegations against the present petitioner.
- xx. That during investigation, the CCTV footages from the colony of petitioner Sh. A.V. Prem Nath, received for the dated- 10-12/06/2023 and analyzed. On analyses, it's found that the complainant has not visited at the residents of petitioner on 10.06.2023, where on that day alleged/fake E-mail id was created by the petitioner at his residence and first time complaint was mailed in the name of complainant without his knowledge and presence.
- xxi. That 04 criminal cases found registered against present petitioner and it has also been found that present

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petitioner was also involved in similar type of criminal activity previously.

- xxii. That the email-id created in the name of the complainant created by the present petitioner was identified as one nakulkashyap1717@gmail.com and it is the same mail through which complaints were made to the office of CP Delhi Police and various other authorities to pressurize authorities to take action on the physical complaint which was allegedly made by the complainant against Sh. YVJ Raj Sekhar before Delhi Police through SHO, IP Estate under the influence of the petitioner.
- xxiii. That present petitioner is a DANICS officer during suspension, he committed instant crime. It is matter of investigation that if the petitioner is not involved in the instant crime, then how he received documents filed in the present petition.
- xxiv. That despite the direction of Hon'ble High Court, present applicant has not complied with the same and has not produced the mobile phone Vivo-Y21 during investigation and he is not co-operating in the investigation of the case..."

16. From the above Status Report, it is revealed that Sh. A.V. Premnath in criminal conspiracy with officials of Assembly and Office of Sh. Saurabh Bhardwaj, Hon'ble Minister in order to settle the score on account of adverse reports submitted by Directorate of Vigilance is misusing the forum of Assembly Committee which has not mandate for such enquiries.

17. It is also humbly prayed and respectfully submitted that the officials of the Legislative Assembly do not suppress this report and quote in verbatim as a whole instead of making it as reference in case, if they intends to submit any report before any forum.

18. The officials of Delhi Legislative Assembly may also kindly note that the suppression of records is a penal offense. Since,

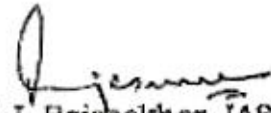


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this matter is being examined in the extra territorial jurisdiction i.e. Andhra Pradesh, the officials of Delhi Legislative Assembly cannot claim any immunity as per law as there is no such mandate in the rules as explained above.

19. Accordingly, the above interim Written Submission may be seen, the undersigned would like to submit another submission on or after 15.11.2023. Accordingly, next sitting may also be taken place after 15.11.2023.

20. This is hereby submitted in person also for facilitating the current sitting.

  
(Y.V.V.J. Rajasekhar, IAS)  
Special Secretary  
(Services & Vigilance)  
31.10.2023

To

The Secretary  
Legislative Assembly Secretariat  
Govt. of NCT of Delhi  
Old Secretariat  
Delhi-110054  
Email: sla.delhi@gov.in

सदन और इसकी समितियों में उपस्थित होने और सूचना प्रदान करने के संबंध में अध्यक्ष महोदय के निर्देश/व्यवस्था

माननीय सदस्यगण,

यह बार-बार बताया गया है कि कार्यपालिका की जवाबदेही सुनिश्चित करना विधान सभा का प्राथमिक उत्तरदायित्व है। सरकार विधानमंडल के प्रति जवाबदेह है और माननीय उपराज्यपाल को विधानसभा के कामकाज में हस्तक्षेप करने का कोई अधिकार नहीं है। इसके अलावा, विधान सभा का विषय 'राज्य का विषय' (State Subject) है और उपराज्यपाल इन मामलों में केवल मंत्रिपरिषद की सहायता और सलाह पर ही कार्य कर सकते हैं। यह बहुत ही दुर्भाग्यपूर्ण है कि कुछ अधिकारी, अपने संबंधित मंत्री की जानकारी के बिना उपराज्यपाल के अवैध और असंवैधानिक निर्देशों पर काम कर रहे हैं, जबकि मंत्री वास्तव में विधानसभा के प्रति जवाबदेह हैं।

जैसा कि आप जानते होंगे, पिछले कुछ वर्षों से विधानसभा और इसकी समितियों को, सरकार के इन अधिकारियों द्वारा समिति के समक्ष उपस्थित होने या विधानसभा और इसकी समितियों को जानकारी प्रदान करने के मामले में असहयोग का सामना करना पड़ रहा है। मुझे यकीन है कि वे माननीय उपराज्यपाल कार्यालय से सक्रिय लेकिन अवैध और असंवैधानिक समर्थन और संरक्षण प्राप्त कर रहे हैं।

माननीय सदस्यों को याद होगा कि 19 मार्च, 2018 को उपराज्यपाल कार्यालय ने अधिकारियों को निर्देश दिया था कि आरक्षित विषयों यानी लोक व्यवस्था, पुलिस और भूमि पर प्रश्नों को विधानसभा में स्वीकार नहीं किया जा सकता। मैंने इस विषय पर 26 मार्च, 2018 को सदन की बैठक में वैधानिक प्रावधानों और पूर्व उदाहरणों के आधार पर अपनी व्यवस्था दी थी और यह निर्णय लिया गया था कि ऐसे मुद्दों को विशेषाधिकार समिति के पास भेजा जाएगा। मेरे इस आदेश के बावजूद, इन विभागों ने विधानसभा को जानकारी देने से इंकार करना जारी रखा है। ये मामले विशेषाधिकार समिति के समक्ष विचाराधीन हैं।

अब राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार (संशोधन) अधिनियम, 2021 लागू होने के बाद फिर से उपराज्यपाल कार्यालय ने सरकारी विभागों को निर्देश दिया है कि वे विधानसभा या उसकी समितियों को



जानकारी ना दें। पत्र दिनांक 08 फरवरी, 2023 के माध्यम से उपराज्यपाल के Principal Secretary ने Chief Secretary, दिल्ली सरकार को लिखा कि वे राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार अधिनियम, 1991 की धारा 33 से विचलन (deviations) पर एक तथ्यात्मक रिपोर्ट प्रस्तुत करें। Chief Secretary की तरफ से सामान्य प्रशासन विभाग (GAD) ने विधानसभा सचिव और सभी विभागों से deviations के उदाहरणों पर रिपोर्ट लेने के लिए पत्र लिखा। सरल शब्दों में, उपराज्यपाल चाहते थे कि अधिकारी समिति की बैठकों में शामिल ना हों और संशोधित धारा-33 की आड़ में समितियों द्वारा मांगी गई कोई भी जानकारी प्रदान ना करें। विधानसभा सचिवालय ने अपने पत्र दिनांक 21 फरवरी, 2023 के माध्यम से सामान्य प्रशासन विभाग (GAD) को उत्तर दिया और उन्हें सूचित किया कि अध्यक्ष, विधानसभा और इसकी समितियों के मामलों में सर्वोच्च प्राधिकारी हैं और पूरा मामला विधानसभा के कामकाज में हस्तक्षेप करने का प्रयास प्रतीत होता है क्योंकि राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार अधिनियम के प्रावधानों से कोई deviation नहीं किया गया था।

इस पत्र के बावजूद कुछ अधिकारी समिति की बैठकों से अनुपस्थित रहे। इन अधिकारियों के लिए किसी भी अप्रिय स्थिति से बचने के लिए और विधानसभा और इसकी समिति के कामकाज के बारे में उन्हें संवेदनशील बनाने के लिए, मैंने समितियों के माननीय सभापतियों और मुख्य सचिव, दिल्ली के साथ दिनांक 06 मार्च, 2023 को बैठक की। बैठक में Additional Chief Secretary (GAD) और Principal Secretary (Law Department) ने भाग लिया। अधिकारियों को संवैधानिक और वैधानिक प्रावधानों के साथ-साथ विधानसभा और इसकी समितियों के कामकाज के बारे में संसदीय परम्पराओं के बारे में बताया गया। यह भी दोहराया गया कि किसी भी परिस्थिति में विधानसभा या उसकी समिति द्वारा बुलाया गया कोई अधिकारी स्वयं अनुपस्थित नहीं हो सकता और यह भी बताया गया कि विधानसभा या उसकी समितियों को कोई सूचना देने से मना नहीं किया जा सकता है। Chief Secretary ने कहा कि उनकी ओर से Principal Secretary (Law Department) राय देंगे।

Principal Secretary (Law Department) ने अपने पत्र दिनांक 23 मार्च, 2023 के तहत इस मुद्दे पर अपनी राय दी है। मैं इस मामले पर उनकी निष्पक्ष सलाह के लिए Law Department की सराहना करता हूँ क्योंकि उन्होंने स्वीकार किया है कि अध्यक्ष इन मामलों में Final Authority हैं। Principal Secretary (Law Department) की राय और संवैधानिक प्रावधानों, राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार अधिनियम, 1991 के प्रावधानों और लोकसभा में अपनाई जा रही प्रथा के आधार पर विचार करने के बाद, मैं निम्नलिखित निर्णय देता हूँ:

1. विधानसभा द्वारा (प्रश्नों आदि के रूप में) या इसकी समितियों द्वारा मांगी गई किसी भी जानकारी/दस्तावेज को राष्ट्रीय सुरक्षा के आधार पर या यदि सूचना का प्रकटीकरण राज्य की सुरक्षा या हितों के प्रतिकूल होगा, ऐसे मामलों को छोड़कर इंकार नहीं किया जाएगा।
2. यदि किसी विभाग को सूचना/दस्तावेज उपलब्ध कराने में कोई आपत्ति है तो मामले को संबंधित मंत्री के संज्ञान में लाया जाना चाहिए, जो इसे अध्यक्ष के समक्ष उठाएंगे। इस मामले में अध्यक्ष का फैसला अंतिम होगा।
3. अध्यक्ष की पूर्व अनुमति के बिना कोई भी अधिकारी समिति की बैठक से अनुपस्थित नहीं रहेगा।

सभी माननीय मंत्रियों से अनुरोध किया गया है कि वे अपने विभागों के अधिकारियों द्वारा इसकी अनुपालना सुनिश्चित करें।

इन निर्देशों की किसी भी अवज्ञा के मामले को आगामी आवश्यक कार्रवाई के लिए विशेषाधिकार समिति के पास भेज दिया जाएगा।

मैं विधानसभा सचिव से अनुरोध करता हूँ कि वे इस फैसले की एक प्रति और संबंधित दस्तावेजों को माननीय सदस्यों के साथ साझा करें।



29.03.2023

**Directions / Ruling of the Hon'ble Speaker on attendance and providing information to the House and its Committees:**

Hon'ble Members, it has been repeatedly pointed out that ensuring accountability of the executive is the primary responsibility of the Legislative Assembly. The Government is answerable to the Legislature and the Hon'ble Lieutenant Governor has no business in interfering in the functioning of the Assembly. Moreover, the subject of Legislative Assembly is a State Subject and the Lieutenant Governor can act only on the aid and advice of the Council of Ministers in these matters. It is very unfortunate that some Officers are acting on the illegal and unconstitutional directions of the Lieutenant Governor without the knowledge of their Minister who is actually accountable to the Assembly.

As you would be aware, for the past few years the Assembly and its Committees are facing the issue of non-cooperation by these officers of the Government in appearing before the Committee or providing information to the Assembly and its Committees. I am convinced that they are receiving active but illegal and unconstitutional support and protection from the Hon'ble Lieutenant Governor's Office.

Hon'ble Members would recollect that on 19.03.2018, the Lieutenant Governor's Office instructed the Officers that questions on the reserved subjects i.e. Public Order, Police and Land could not be admitted in the Assembly. I gave my ruling on this subject on 26.03.2018 in the sitting of the House on the basis of the statutory provisions and precedence and it was decided that such issues would stand referred to the Committee of Privileges. In spite of my ruling these departments have continued to deny information to the Assembly. These matters are before the Committee of Privileges.

Now, after the GNCTD (Amendment) Act, 2021 came into effect, again the Hon'ble Lt. Governor's Office has instructed the government departments to not provide information to the Assembly or its Committees. Vide letter dated 08.02.2023 the Principal Secretary to the Lieutenant Governor wrote to the Chief Secretary that he should furnish a factual report on the deviations from the amended Section 33 of the GNCTD Act, 1991. On behalf of the Chief Secretary, the General Administration Department wrote to the Assembly Secretary and all Departments seeking report on instances of deviations. In simple words, the LG wanted the officers to not attend the Committee Sitzings and also not provide any information asked by the Committees under the garb of the amended Section 33. On my directions, the Assembly Secretariat replied to the GAD vide letter dated 21.02.2023 and informed them that the Speaker is the final authority in the matters of the Assembly and its Committees and the whole matter appeared to be an attempt to interfere in its working as there were no deviations from the provisions of the Constitution or GNCTD Act, 1991.

In spite of this letter some officers still abstained from the sittings of the Committee. To avoid any unpleasant situation for these officers and in order to sensitise them about the functioning of the Assembly and its Committee I held a meeting with the Hon'ble Chairpersons of the Committees and the Chief Secretary, Delhi on 06.03.2023. The meeting was attended by the Additional Chief Secretary (GAD) and the Principal Secretary (Law) also. The officers were informed about the constitutional and statutory provisions as well as practice in the Parliament regarding the working of the Assembly and its Committees. It was reiterated that under no circumstances could any officer called by the Assembly or its Committee absent himself and also that no information could be denied to the Assembly or its



Committees. The Chief Secretary stated that the Principal Secretary (Law) would provide the comments on their behalf.

The Principal Secretary (Law) vide his letter dated 23.03.2023 has provided his opinion on this issue. I appreciate the Law Department for their objective advice on this matter in as much as they have admitted that the Speaker is the final authority in these matters. After considering the opinion of the Principal Secretary (Law) and on the basis of Constitutional provisions, provisions of the GNCTD Act, 1991 and the practice being followed in Lok Sabha, I give the following ruling:

1. No information/ document called for by the Assembly (in the form of Questions etc.) or its Committees shall be denied except on the grounds of national security or if the disclosure of the information would be prejudicial to the safety or interest of the State.
2. In case any department has any reservation in providing information/ documents, the matter should be brought to the notice of the concerned Minister who in turn will take it up with the Speaker. The Speaker's decision in this matter would be final.
3. No officer shall absent himself from the sittings of the Committee without the prior permission of the Speaker.

The Hon'ble Ministers have been requested to ensure compliance by the Officers of their Departments

Any defiance of these directions shall be referred to the Committee of Privileges for further necessary action.

I request the Assembly Secretary to share a copy of this ruling and relevant documents with the Hon'ble Members.