

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated
25.9.97

Date of hearing: 23.01.2020

Complainant : Sh. Shankar Sharma – Present

Respondent : District Magistrate (South)
Revenue Department, GNCT of Delhi,
Through Sh.Alok Kumar Misra,
Tehsildar(Mehrauli) - Present.

Grievance No. : PGC/2019/A.II/Rev./11

1. Brief facts of the complaint:

1.1 Shri Shankar Sharma had filed a grievance before the Public Grievances Commission aggrieved by non-receipt of Rs.43,726/- along with interest @ 10% p.a. on account of Gratuity outstanding.

Brief facts of the case are that the complainant was working at Kendriya Vidyalaya Sangathan from where he was removed under the provisions of Section 81(D) of Education Code, KVS. He filed a case before the Labour Tribunal whereupon the Tribunal vide order dated 19.9.2017 directed for payment of Gratuity from KVS. The amount ordered to be paid was Rs.43,726/- along with interest @ 10% p.a. SDM(Mehrauli) had been directed to recover the amount and remit the same in the Office of Labour Tribunal through a demand draft in favour of Shri Shankar Sharma, the complainant. In compliance, KVS issued a demand draft and deposited it in the Office of SDM(Mehrauli). The Tehsildar(Mehrauli) vide his letter dated 25.5.2019 forwarded the demand draft to the Office of Assistant Labour Commissioner.

The complainant has alleged that this letter dated 25.5.2019 of Tehsildar(Mehrauli) is forged and no such letter was sent to the Office of Assistant Labour Commissioner(Central). He submitted a letter dated 5.8.2019 from the Office of ALC(Central) in which it has been clearly mentioned that they have not received any such letter. The complainant

further states that he had given a complaint in this regard to the Revenue Department on 20.8.2019 and 19.9.2019.

2. Facts emerged during the proceedings.

2.1 Shri Alok Kumar Mishra, Tehsildar(Mehrauli), Revenue Department, GNCT of Delhi is present. He filed a report stating therein that as per the directions of the Hon'ble Commission on the last date of hearing, a report was filed before the Sub-Divisional Magistrate(Mehrauli) and on the basis of the report, a Show Cause Notice vide No.1422 dated 07.01.2020 was issued to the concerned Halqa Patwari regarding non-delivery of the Demand Draft which was received from Kendriya Vidyalaya Sangathan for Rs.86,552/- in favour of Shri Shankar Sharma vide No.799207 dated 07.5.2019.

It is further stated that in compliance of the Show Cause Notice, Halqa Patwari, Shri Ghanshyam Sharma submitted his reply on 07/01/2020 wherein he accepted that concerned file was bundled up in old files by mistake and also assured that this kind of mistake will never be repeated in future.

Furthermore, on the reply of Halqa Patwari, SDM(Mehrauli) has taken a view that a mistake has occurred since there was no procedure of handing over/taking over of records, the reply of the Halqa Patwari appears genuine and the official has also accepted his lapse and assured that this kind of mistake will never happen in future.

As directed on the last date of hearing, copy of dispatch register wherein the said letter dated 25.05.2019 was dispatched by the official has also been enclosed with the report.

2.2 Shri Shankar Sharma, the complainant, has given a letter today stating he has received the said cheque No.799207 dated 07/05/2019 for a sum of Rs. 86,552/- revalidated upto March, 2020. However, he expressed his dissatisfaction over the intentional delay caused and the manner in which he was treated by the officials of the revenue department in releasing his legitimate dues even after pursuing the matter numerous times with the District Magistrate and ADM/SDM.

2.3 The Commission notes that the stern action should have been taken against the Halqa Patwari for dereliction of duty and causing inordinate and

intentional delay with regard to releasing of cheque of the complainant. The concerned official should have been issued at least a recordable warning by making an entry in his Service Book which would have served as a deterrent for him as well as other officials and avoided recurrence of such incidents in future. Not taking stern action will set a bad precedent as the misdemeanor on the part of the Halqa Patwari is serious in view of the fact he did not take any action even after the mistake was noticed and also when the complainant pursued this issue for about seven months with District Magistrate/ADM/SDM. The complainant was compelled to approach the Commission and only after the intervention of the Commission, the revenue officials have woken up from their deep slumber and took action.

2.4 The Commission further notes that there is a procedural lapse in not handing over/taking over of the records on the part of the revenue officials in the District as it may lead to missing of important document if not accounted for properly.

3. Directions:

3.1 District Magistrate(South), GNCT of Delhi is requested to look into the matter of lapse and misconduct on the part of delinquent official at his level.

3.2 Ms. Sonalika Jivani, Sub-Divisional Magistrate(Mehrauli) to issue a recordable warning to the concerned Halqa Patwari along with an entry in his Service Book for the dereliction of duty and intentional harassment to the complainant with regard to releasing of Cheque of his Gratuity amount within the scheduled time frame. Further, proper mechanism may be devised and adopted for proper handing over/taking over of the records.

3.3 Shri Alok Kumar Mishra, Tehsildar (Mehrauli) is directed to ensure that such incidents do not happen in future and keep a strict monitoring on the functioning of the staff failing which he shall be held responsible.

3.4 With the above directions, the case of the complainant stands disposed in the Commission.

(ASHOK KUMAR)
CHAIRMAN (PGC)

No. PGC/2019/A.II/Rev./11

Dated:

Copy to:

1. District Magistrate (South), Revenue Department, Govt. of NCT of Delhi, M.B. Road, Saket, New Delhi-110017.
2. Ms. Sonalika Jivani, Sub-Divisional Magistrate (Mehrauli), Revenue Department, Govt. of NCT of Delhi, Old Tehsil Building, Mehrauli, New Delhi-110030.
3. Shri Alok Kumar Mishra, Tehsildar(Mehrauli), Revenue Department, Govt.of NCT of Delhi, Old Tehsil Building, Mehrauli, New Delhi-110039.
4. Shri Shankar Sharma.