

"No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene."

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
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Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 15.07.2021

Complainant : Shri V.S. Yadav.

Respondent : The Director,
Dte.of Education, GNCTD.
Through Sh. Satish Kumar Sharma,
DDE (Zone-2), District East.

Dr. Ashok Kumar Gaur, HOS,
Sarvodaya Co-ed Sr.Sec.School,
I.P. Extn. Patparganj, Delhi.

Ms. Gladys Givar, Section Officer
O/o. DDE(East)

Sh. Kamal Nayan, Section Officer
Dte.of Vigilance, GNCTD – Present.

Grievance No. : PGC/2019/A.II/Edn./15/

1. Brief facts of the complaint

1.1 Shri V.S. Yadav has filed a grievance petition before Public Grievances Commission requesting early disposal of charge memo No.1186-87 dated 06.02.2013. It further states that the complainant has retired as Principal on 30.6.2013 on superannuation. Three months prior to his retirement, he had received a charge memo No.F.5/26/2005/DOV/1186-87 dated 06.2.2013. Briefly, the facts are as under:-

The complainant had joined SBV Shakarpur on 03.7.2005 on transfer from New Ashok Nagar School. On 16.07.2005, when he visited New Ashok Nagar School to handover charge of the School to new Principal of the School, Shri Vijay Kumar, IAS, the then Director of Education was also present in the School for inspection.

Inadvertently, due to some misunderstanding, an unpleasant situation emerged on some issue between him and the Director(Education), which perhaps annoyed the Director of Education.

Consequently, the Director got seized all the official records relating to his tenure, without preparing any seizure memo, and took away all with him.

Subsequently, the Director of Education got audited all the official records belonging to his tenure and a final report was submitted on 04.10.2005. The special audit of the record was done and a final report was submitted on 05.5.2006. Alongside, Director of Education referred the matter to Anti Corruption Branch, Dte. of Vigilance, vide letter dated 27.10.2005 and final report was submitted in the matter on 08.2.2007.

The complainant was given the chargesheet on 15.2.2013 and Inquiry commenced on 06.1.2014 by the Inquiry Officer, Shri Prakash Chander (IAS ret'd.). The inquiry was concluded on 21.12.2016 and Final report of the inquiry by Shri Prakash Chander was submitted on 28.7.2017 to Dte.of Vigilance, GNCT of Delhi. An approved copy of the final report of the inquiry was furnished to him on 16.4.2018 by the Directorate of Vigilance. The counter reply to inquiry report was accordingly submitted by him with Dte. of Vigilance on 01.5.2018.

No information regarding the outcome of the charge memo (since 01.5.2018) has been received so far. The inquiry file contains all records like Audit Report, Special Audit Report, FIR by AC Branch.

The complainant requested early disposal of the charge memo/disciplinary proceedings against him as all his retiral benefits are on hold ever since he retired from Govt. of Delhi.

2. Facts emerged during the proceedings.

2.1 Dr. Ashok Kumar Gaur, HOS, Sarvodaya Co-ed Sr.Sec.School, I.P. Extn. Patparganj filed action taken report dated 07.07.2021 on behalf of DDE (Zone-2), District East, Dte. of Education. It is stated in the report that:

"1. The proposal was initiated for releasing 50% of gratuity amounting to Rs.4,99,385/- only as per the directions of higher authorities.

2. Amount released till date:	Rs.
(i) GPF Accumulation	: 8,42,314/-
(ii) UTGIS (2014)	: 51,146/-
(i) E.L. encashment	: 6,34,140/-

(ii) *Provisional pension* : *As per rules*

There is no provision under Pension rules to release part payment of Gratuity, pending finalization of pension case since the complainant was charge sheeted u/r 14 of CCS (CCA) Rules, 1965. Conclusion of departmental proceedings and final orders of the Competent Authority is yet awaited."

2.2 The complainant was present in the hearing and requested for expeditious conclusion of departmental proceedings..

3. **Directions:**

3.1 The respondent department has been reluctant in finalization of the departmental proceedings and the concerned officers has not properly pursued the case for release of 50% of gratuity. The Commission noted this apparent laxity on the part of the departmental officers with seriousness as a person who has completed his whole service with lot of dedication, has to suffer in the form of non receipt of his legitimate dues after a lapse of 8 years of superannuation. The Commission also requested the department to release 50% of gratuity. Further, the legal position in this case also supports the complainant in that since the charged government servant has not committed any major financial loss, the department should at least release 50% of gratuity amount to the complainant. The respondent department, under the garb of pension rules, has been depriving the complainant of his legitimate dues, thereby causing grave injustice to the complainant.

1.2 As the department has not resolved the grievance of the complainant regarding release of 50% of gratuity amount pending finalization of the departmental proceedings and the whole process could linger on for many more years, the complainant is advised to approach other forums for redressal of his grievance.

3.3 With these directions, the case is disposed of in this Commission.

(MRS. MADHU SHARAN)
MEMBER(PGC)

No.PGC/2019/A.II/Edn./15/

Dated:

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. The Dy.Director of Education (HQ)/Nodal Officer, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.

3. The Director(Vigilance), GNCT of Delhi, Directorate of Vigilance, 4th Level, C-Wing, Delhi Secretariat, I.P.Estate, New Delhi-10002.
4. The Asstt. Director(Vigilance), Directorate of Vigilance, Govt.of NCT of Delhi, 4th Level, C-Wing, Delhi Secretariat, I.P.Estate, New Delhi-10002.
5. Head of School, Sarvodaya Co-ed Sr.Sec.School (Code-1002189), I.P. Extn. Patparganj, Delhi-110092.
6. Pay & Accounts Officer, Pay & Accounts Office No.XXIV, GNCT of Delhi, Vishwas Nagar, Sahara, Delhi.
7. Dy.Director of Education, Distt. (East), Dte.of Education, GNCT of Delhi, RTI Branch, Anand Vihar, Delhi-110092.
8. Sh. V.S. Yadav

