GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION : (VIGILANCE BRANCH)
OLD SECTT. DELHI.

F.No.DE.7/403/DP/NG(HC)/Vig.(HQ)/10/ Dated:-

ORDER

Whereas, Shri Ashok Kumar Sethi, Gr.II (DASS)/H.C. (retired) was chargesheeted under Rule 14 of CCS (CCA) Rules, 1965 vide Memo. No.F.DDE/NE/Vig./1090 dated 26.10.2010 on the following article of charge:-

"Whereas, Shri Ashok Kumar Sethi, Gr.II (DASS), G.B.S.S.S. No.1, C-Block, Yamuna Vihar, Delhi disobeyed the orders issued by the Directorate of Education, Govt. NCT of Delhi.

Thus, the above said misconduct on the part of Shri Ashok Kumar Sethi, Gr.II (DASS)/HC, is unbecoming of a Govt. Servant violating sub Rule 1 of Rule 3 of the CCS (Conduct) Rules, 1964."

And whereas, on denial of the charge by the C.O. vide his representation dated 30.10.2010, Sh. O.P. Raj, Principal, GBSSS, Gokulpuri was appointed as Inquiry Officer vide order dated 10.11.2010 to enquire into the charge levelled against him. Consequent upon the retirement on superannuation of Sh. O.P. Raj, before completion of the inquiry, Sh. H.K Goel, Principal, GBSSS, Babarpur, Delhi was appointed as I.O. vide order dated 09.03.2011. The I.O. submitted his inquiry report dated 01.07.2011, concluding the charge as not proved. The then Director (Education) observed that Services Department vide its letter dated 18.01.2010 directed all the officials deployed for election duties to report back to their parent department w.e.f. 01.04.2010 without waiting for any formal relieving order. Even after this specific order, the C.O. did not join back. Therefore, a Disagreement Note dated 12.10.2011 was issued to the C.O. for making representation, if any. The C.O. filed a representation dated 18.11.2011 on the said Disagreement Note. In his representation the C.O. has broadly submitted that he never wanted to defy the order dated 10.03.2010 of the Directorate rearding joining back to the parent department. He had requested repeatedly the AERO, AC-51 to relieve him from election duty. Instead of relieving, AERO, AC-51 requested Education Department to extend his services with Election office vide letter dated 10.07.2010.

And whereas, from the record, it is an admitted fact that Sh. A.K. Sethi was directed to join as B.L.O. in A.C. 7 (Kalkaji Assembly Constituency) by ERO, AC-7, vide order dated 10.05.08. It is observed from the available record that vide letter dated 12.01.10 of Services Department (listed document no.2) and order dated 10.03.10 of Directorate of Education (listed document no.3), all officials deployed for VERCs were directed to report back for duties in the

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Directorate of Education w.e.f. 01.04.10 without waiting for any formal relieving order. Further, vide circular dated 22.07.10 of Directorate of Education (listed document no.4), it was clarified that the officials deployed as BLOs in Election Offices are allowed to report for their BLO duties in addition to their regular duties in the Directorate. Copies of these order/letter/circular were also endorsed to the office of C.E.O. for information and necessary action. Accordingly, the charged official was supposed to report back to the Directorate of Education. But instead, he kept on performing duties in the Election Office and joined back Directorate of Education on 13.10.10.

And whereas, further, it is also noted that AERO-51, Kalkaji vide his letter dated 25.09.2010 and 05.10.2010 informed that Sh. Ashok Kumar Sethi, Head Clerk was performing duties in AC-51 and as Election Commission of India has issued an order No.23/2010-Vol.III/ERS dated 14.09.2010, duly endorsed by Chief Electoral Office, Delhi regarding special summary Revision of Electoral Rolls with reference to 01.01.2011, the staff working in Election Offices are being retained further according to provisions of section 13 CC of Representation of People Act, 1950. AERO-51, further, expressed inability to relieve Sh. Ashok Kumar Sethi, at that stage. It may not be without significance to observe that the Deputy Commissioner, District South vide his D.O. letter dated 09.11.2011 to the Director, Education has informed that Sh. Ashok Kumar Sethi had requested his office to relieve him in order to join his parent Department but due to some important work assigned by higher authority, his services were utilized in public interest up to 12.10.2010.

And whereas, it is also significantly noted that the charged official has retired on attaining age of superannuation w.e.f 31.10.2010. Therefore, the disciplinary proceedings instituted against Sh. A.K. Sethi during the course of his service deemed to be proceedings u/r 9 of CCS(Pension) Rules, 1972 after his retirement.

And whereas, it is obvious from the record that the Directorate of Education was trying hard to get back its officials from the Election Office and accordingly issued various orders/circulars/letters. There is no denial that prima-facie, it appears that the charged official did not follow the departmental orders and failed to join back his parent office without any formal relieving. But, this fact alone is not adequate to substantiate the charge levelled against the C.O. It has emerged from the communications between the Election Office and the Directorate of Education, available on record that the charged official was imparted with some important work assigned by the higher authorities of Election Department. Leaving all those important works at once without any formal relieving would not have been proper on the part of the C.O. Furthermore, the attendance certificates issued by AERO, AC-51 are indicative of the regular presence of the charged official in the concerned office.

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Under these circumstances, it is apparent that the charged official was constrained to perform the work assigned to him in the Election Office and there appear no deliberation in defying the orders issued by the Directorate of Education.

And whereas, after considering all the relevant record of the case, I have arrived to conclusion that action under Rule-9 of the CCS (Pension) Rules, 1972 is not justified.

Now, therefore, I, Amit Singla, Director of Education, being the Disciplinary Authority, in excercise of powers conferred upon me under Rule 12 of CCS (CCA) Rules, 1965 hereby drop the disciplinary proceedings initiated against Shri Ashok Kumar Sethi, Grade-II (DASS) vide charge Memo. No. DDE/NE/ Vig./1090 dated 26.10.2010.

Sh. Ashok Kumar Sethi,
Grade-II (DASS)/HC (Retired),
GBSSS No.I, C-Block, Yamuna Vihar, Delhi-53.
Through DDE (North-East).

F.No.DE.7/403/DP/NG(HC)/Vig.(HQ)/10/779-85 Dated:- 27/3/12

Copy for information & necessary action to:-

1. Jt. Secy.,(Services-II) Department, Delhi Sachivalaya, GNCTD, Delhi.
2. The ADE (E-I), Dte. Of Edn., Old Sectt., Delhi.
3. The DDE (N/E), Yamuna Vihar, Delhi.
4. The HOS/DDO/PAO concerned through DDE (N/E).
5. O.S. (IT), Dte. Of Education.

(AJAY BISHT)
ASSTT. DIRECTOR OF EDN.(VIG.)