GOVT OF NCT OF DELHI
DIRECTORATE OF EDUCATION
OLD SECRETARIAT, DELHI
(VIGILANCE BRANCH)

No.DE.7/820/DP(HC)/Vig./HQ/2012/ Dated:

ORDER

Whereas, Smt. Sunanda, Grade II (DASS)/Head Clerk was charge sheeted under Rule 14 of CCS (CCA) Rules, 1965 vide Memorandum No.F.8(40)Nig./DNWB/07/1200 dated 08.10.2007 for the following article of charge.

ARTICLE I

SMT. Sunanda while working as Grade II (DASS)/Head Clerk with Assistant Registrar (South) in the office of RCS, Govt. of NCT of Delhi failed to maintain absolute integrity, devotion to duty and acted in a manner unbecoming of a government servant in as much as Smt. Sunanda while processing the application for revival of Shri Shivpuri CGHS wrote the note favourable to a non-existant applicant, K.P.Singh, as suggested and instructed to her by Shri Man Singh, Assistant Registrar (South) without application of her mind. She wrote a note dated 26.02.2004 stating that Shri Hemraj, Secretary of the said Society submitted the record/documents to her personally, whereas she wrote the said note on the instruction of Shri Man Singh, Assistant Registrar (South), without scrutinizing the original record, and without meeting Shri Hemraj or any other person of the Society in person.

Thus, by doing so, Smt. Sunanda, Grade II (DASS)/Head Clerk has violated the provisions of Rule 3 (1)(i)(ii) and (iii) of CCS (Conduct) Rules, 1965.

I have carefully gone through the record adduced before me in respect of the Departmental Proceedings matter of Smt. Sunanda, Gr.II (DASS).

On denial of charge, Shri Rajpal, Principal was appointed Inquiring Authority vide order No. 47 dated 08.11.2007 and Shri Satnam Gulati, UDC was appointed as Presenting Office vide order No. 48 dated 08.11.2007. Subsequently Shri Rakesh Malhotra, Sudt. was appointed as P.O. vide Order No. 50 dated 17.12.2007 in place of Shri Satnam Gulati, UDC due to administrative reasons. Vide report dated 08.10.2008, the IO concluded the charge to be partially proved to the extent that she failed to maintain devotion to duty. It could, however, not be proved that the CO favoured any person with any motive.

The then Disciplinary Authority in the Trade & Taxes Department (where she was transferred) observed that the Inquiry Report is inconclusive and vague and vide letter dated 06.07.2009, it was sent back to the IO with the direction to give clear cut findings in respect of the charge. Even when the IO re-submitted
the report on 07.09.2009, the charge was concluded to be partially proved only.
And, again, the then Disciplinary Authority in the Directorate of Education (where
she was transferred later) vide order dated 07.11.2012 remitted back the Inquiry
Report for conducting the enquiry de-novo from the stage of General
Examination of the CO under rule 14 (18) of CCS (CCA) Rules, 1965.

Meanwhile, Mrs. Sunanda submitted a letter on 02.01.2013 to the then
Director (Education) requesting to change the IO citing unnecessary delays, not
following the provisions of Rule 14 of the CCS (CCA) Rules, 1965 and having a
prejudicial mindset. Her request was duly considered by the Competent Authority
and DDE (NW-B) was issued direction on 21.01.2013 to appoint a new IO to
conduct the de-novo enquiry. Consequently Smt. Shashikanta Bansal, Principal,
SKV, Sector 16, Rohini replaced Sh. Raj Pal Singh, Principal, GSBV, Anandvas
as IO vide order dated 22.01.2013.

The new IO took four months time and submitted the report on
28.05.2013 after conducting the enquiry de-novo. The IO has concluded that the
State has failed to establish that the CO was in a position to favour the applicant
society nor was she responsible for cross checking the reports submitted by
the field functionaries i.e. Inspectors. The IO is of the view that it was the Inspection
Reports submitted by Sh. Ram Nath & Sh. Faiz Mohammad (both Inspectors)
which formed the basis to revive the Sh. Shivpuri Co-operative Group Housing
Society. The IO has finally concluded that the lone charge stands Not Proved.

After going through the report of enquiry in totality, the undersigned
accepted it vide note dated 04.03.2014 and the same was forwarded to the CO
for her comments.

In her reply dated 14.03.2014, the CO has submitted that she was merely
a dealing assistant and not a field officer viz Inspector. So, she was not
supposed to conduct field visits to verify records. The verification was personally
done by the Asstt. Registrar and this very fact has been recorded on file by the
Registrar himself. As for not applying her own mind, the CO has argued that she
could not have usurped the authority vested in the field officers and her
superiors. What she recorded in the concerned file was a note of purely routine
nature. The CO quoted Section 3 of the Delhi Co-operative Society Act, 1973
to prove that powers are vested in officers like Registrar, Jt. Registrar etc.

Having gone through the case in its entirety, I conclude that the CO wrote
her comments on the basis of the reports submitted by the filed inspectors. She
had no means/authority to go to the field and cross check the reports submitted
by the filed inspectors. In this connection, I have also gone through the
memorandum dated 05.05.2000 issued by the then Registrar of Co-operative
Society which issues instructions on how to deal with matters regarding Co-
operative Group Housing Societies. The Memo clearly lays down the following:

"The Zonal Asstt. Registrar should certify in his note that he has checked the
documents on various aspects of the proposals for clearance as mentioned
above and the same are in order before submitting the proposal for clearance."
In these circumstances one can safely conclude that it was for the Zonal Asstt. Registrar to finally verify that the documents are in order. As a dealing assistant, the CO was supposed to rely on the report of the field inspectors. Another positive aspect in her favour is that in any of the enquiries held in this matter earlier, her having a malafide intention has never been proved. In the exigencies of service, an employee might commit a mistake here and there, but it is the intention that counts most. Moreover, the charge sheet itself has it that Mrs. Sunanda gave the remarks under the suggestion and instruction of her superior Asstt. Registrar.

I, therefore, agree with the IO that the charge against Smt. Sunanda, Grade II (DASS) does not stand proved. Already she has suffered enough mental agony on account of the long delays which occurred on account of repeated enquiries in this matter. I, therefore, exonerate her of the charges leveled vide Memorandum No.F.8(40)/Vig./DNWB/07/1200 dated 08.10.2007. Let the case be filed.

(PADMINI SINGLA)
DIRECTOR (EDUCATION)

Smt. Sunanda, Grade II (DASS)/Head Clerk
Through ADE (E-I),
Directorate of Education.

No.DE.7/820/DP(HC)/Vig./HQ/2012/ 1843  Dated: 2/5/2014
Copy forwarded for information and necessary action to:
1. The Secretary (Services), Services Department, Govt. of NCT of Delhi, 7th Floor, A - Wing, Delhi Sachivalaya, New Delhi.
2. The DDE (North-West-B), Dte. of Education, FU Block, Pitampura, Delhi.
3. The ADE (E-I), Dte. of Education, Govt. of NCT of Delhi.
4. OS (IT) with the direction to upload the order on the website.
5. Concerned HOS/PAO/DDO through DDE North-West-B, Dte. of Education.

(R.K. RATHEE)
DDE (VIGILANCE)