



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI,  
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT  
1, CANNING LANE, KASTURBA GANDHI MARG, NEW DELHI-110001

F.3(2)/DWCD/Vig./2008/38486-94

Dated: 24 NOV 2017

**ORDER**

WHEREAS, Shri Kanwar Singh, Craft Instructor, was charge-sheeted under Rule 14 of the CCS (CCA) Rules, 1965, vide Memorandum dated 05.02.2009 on the following Articles of Charges, purported to show lack of devotion to duty and act of unbecoming of a government servant in contravention to Rule 3 of the CCS (CCA) Rules :-

**Article No. 1** *Shri Kanwar Singh, while functioning as a craft instructor during the period of time on 30.01.2008 while on duty failed to perform his duty properly which resulted in escape of five inmates from Observation Home for Boys – II, Sewa Kutir, Kingsway Camp, Delhi.*

**Article No.2** *Shri Kanwar Singh, Craft Instructor while working in the Observation Home for Boys – II, Sewa Kutir, Kingsway Camp, Delhi at the relevant point of time, you were on duty but you remained engaged in preparing list of juveniles to be produced before the juvenile justice report. You were required to keep vigilance on the inmates and also to look after security & safety arrangements of the institution.*

*The above act of Shri. Kanwar Singh, Craft Instructor shows lack of devotion to duty and act of unbecoming of a Govt. Servant thereby contravention of Rule 3 of CCS (Conduct) Rules, 1964.*

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*Shri*

2. AND WHEREAS, the Statement of Imputations in support of the articles framed against Shri Kanwar Singh, Craft Instructor, purporting lack of devotion of duty and an act of unbecoming of a government servant in contravention to the provisions of Rule 3 of CCS (CCA) Rules, read as under :-

*"Five inmates escaped from Observation Home for Boys – II, Sewakutir, Kingsway Camp, Delhi in the morning of 30.01.2008. Shri Kanwar Singh, Craft Instructor (Duty Officer) was on duty at the relevant period of time. You were Overall Incharge of the institution on the day. Your duty to keep a vigil on the inmates and look after the security & safety arrangement of the institution. The inmates managed to escape under a pre-planned conspiracy and you were not alert on your duty and failed to challenge the exodus of these inmates out of the main gate in wee hours."*

3. AND WHEREAS, vide two separate Orders dated 05.10.2009, Shri R P Kukreti, Sr. Supdt. (SD) was appointed as the Inquiry Officer and Shri Avinash Dua, Welfare Officer, as the Presenting Officer, to inquire into the charges framed against Shri Kanwar Singh, Craft Instructor. Subsequently, on request of the Inquiry Officer, vide Order dated 12.11.2009, Shri D P Sharma, Sr. Supdt. (ICDS) was appointed as the Inquiry Officer in placed of Shri R P Kukreti, Sr. Supdt. (SD). Further, due to departmental transfer of Shri D P Sharma, Sr. Supdt., via Officer Order dated 04.05.2012, Shri Balbir Singh, Sr. Supdt., was appointed as the Inquiry Officer.

3. AND WHEREAS, Shri Balbir Singh, Sr. Supdt./Inquiry Officer, submitted his final report dated 20.09.2016 in respect of Shri Kanwar Singh, Charged Official. The Inquiry Officer in his analysis concluded that none of the charges as detailed in Memorandum dated 05.02.2009 issued to the Charged Official, Shri Kanwar Singh, are established.

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*Shih*

4. AND WHEREAS, the then Disciplinary Authority i.e. Director (WCD), GNCTD, did not agree with the Inquiry Report of the Inquiry Officer and issued disagreement note with the views that the charges stand proved against the Charged Official, Shri Kanwar Singh. The Disagreement Note, alongwith the Inquiry Report was served upon the charged officer vide Memorandum dated 24.03.2017, seeking his representation/submission on the same.

5. AND WHEREAS, the Charged official submitted his representation dated 10.04.2017.

6. AND WHEREAS, now, the matter requires a careful judicious examination in terms of the provisions of Rule 15 Sub Rule 4 of the CCS (CCA) Rules, 1965. Thus, the entire record available in file has been given a careful consideration, hence, the present order.

7. AND WHEREAS, the instant matter relates to escape of five inmates from the Observation Home for Boys – II at Sewa Kutir, Kingsway Camp on 30.08.2008. Subsequent to the incident, the three officials namely Shri Kanwar Singh (Craft Instructor), Shri Sant Lal (Care Taker) and Shri Ram Dass (Chowkidar) were placed under suspension vide Order dated 04.02.2008. Further, disciplinary proceedings were initiated against the said three officials u/r 14 of the CCS (CCA) Rules, 1965.

8. AND WHEREAS, subsequent to the incidence of escape of five inmates, a preliminary inquiry was assigned to Shri Mahesh Sharma, DSWO (NW-II), who also happens to be the listed witness in the present case. During the examination-in-chief, in the inquiry proceedings, he deposed that he stands by his report dated 31.08.2008 and has nothing more to add. It was observed in the preliminary inquiry report dated 31.01.2008 that :-

- a). *the modus operandi of the escape was engineered by these juveniles under a conspiracy. The possibility of involvement of the home guards posted in the OHB-II for security duties cannot be ruled out as one home guard namely Shri Anil Kumar was instrumental*

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*in providing safe passage for escape of these inmates. The home guard had taken the children out of the building of OHB-II and escorted them to the main gate of the institution on the pretext of providing milk from outside market. It was learnt that these children had escaped in a private vehicle kept in waiting outside the main gate of the institution. This home guard did not, reportedly, resist or prevent the escape of these inmates.*

- b). one of the juvenile of the institution namely – Sheikh Jafar S/o Shekh Kalu revealed that one home guard namely Shekhar (Badge No. 5232 of previous shift 10 PM to 06 AM) was also involved in the conspiracy of escape of these children. The child further revealed that another home guard whose name is not known to the child, is also accomplice in this conspiracy.*
- c). the staff of DWCD deployed on night duty also failed to challenge the exodus of these inmates out of the main gate in the wee hours.*
- d). Shri Kanwar Singh, Craft Instructor (Duty Officer) stated that one home guard Shri Anil Kumar (badge no. 5770) took five inmates outside without his permission while he was engaged in preparing the list for juveniles to be appeared in JJB during the change of duties among home guards for next shift.*
- e). it is evident that the home guards deployed in the institution in different shift duties have been involved in engineering and master minding the conspiracy of escape of juveniles as clearly indicated by the statement of child Jafar and statements of staff and one of the home guard, Shri Vijay Kumar.*
- f). Mr. Subhash (Badge No. 5780) stated that Mr. Anil Kumar, Home Guard was taking the 05 escaped inmates for a walk in the early morning and later the said Mr. Anil Kumar informed that all the 05 inmates have escaped. Mr. Vijay Kumar (Badge No. 4951) stated that Mr. Anil Kumar, Home Guard had asked him to take these 05 inmates outside for a*

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*short period for getting milk. He further stated that he was alone at the main gate and he noticed the home guard stating that all the 05 inmates have escaped in a Maruti 800 Car of Red Colour.*

- g). *it is prima facie evident that the escape incidence was conspired by the home guard staff deployed in the OHB-II in connivance with some outside anti-social elements for the ulterior motives.*

Thus, the afore detailed observations in the Preliminary Inquiry Report dated 31.01.2008 which is the main relied document, in the present proceeding, clearly opine that the escape was a pre-planned conspiracy by the escaped inmates in connivance with the Home Guard Staff deployed in the OHB-II, for ulterior motives. No doubt in the said report has been cast on the staff of the Home including the Charged Official.

9. AND WHEREAS, Shri Rajiv Kumar Saxena, Sr. Supdt., DSW, GNCTD, was second listed witness in the present case and was the Supdt., OHB-II, at the time of the escape incidence. His examination and cross-examination does not reveal much, however, it also does not implicate the charged officer for the escape incidence directly or indirectly.

10. AND WHEREAS, the records show that the following officials of DWCD were assigned the duties on the intervening night of 29/30<sup>th</sup> January, 2008 :-

|   |  |
|---|--|
| Shri Kanwar Singh, Occupational Teacher | 08.00 PM to 08.00 AM. (29/30 Jan)            |
| Shri Sant Lal, Care Taker               | 08.00 PM to 08.00 AM. (29/30 Jan)            |
| Shri Ram Dass, Chowkidar                | 08.00 PM to 08.00 AM. (29/30 Jan)            |
| Shri Suresh Kumar, Care Taker           | 06.00 AM to 02.00 PM. (30 <sup>th</sup> Jan) |
| Shri Anil Kumar, Care Taker             | 06.00 AM to 02.00 PM. (30 <sup>th</sup> Jan) |

Besides, there were seven no. of Home-Gaurds, on duty, at the time of the escape incidence. The incidence of escape actually happened at/around 06.40 AM on 30<sup>th</sup> January, 2008.

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*Shiv*

11. AND WHEREAS, the Charged Official during the Inquiry Proceedings and even in his reply to the Memorandum conveying the disagreement note, has time & again, stressed upon the duties & responsibilities, as per his designation. His contentions have been given a careful consideration.

12. AND WHEREAS, it is agreed even at this stage i.e. subsequent to the disagreement note, that the proceedings of the inquiry & specially finally report by the Inquiry Officer in the present case has been quite pathetic and such things are not expected from Officers of such senior designations. It would have been better for the Inquiry Officer to reclude from the Inquiry owing to his limited or no knowledge about the disciplinary proceedings. There are glaring contradictions in the facts & findings and inconsistencies in the wording of the Inquiry Report.

13. AND WHEREAS, in the concluding paras of the report, the Inquiring Authority has stated that *"on the basis of above mentioned facts, it appears that Shri Kanwar Singh was overall Incharge of the institution during the period in which escape took place. His duty was to look after the inmates security and safety of the Institution. Although from the preliminary report it appears that inmates managed to escape due to pre-planned conspiracy in connivance of home guards but Shri Kanwar Singh, in charge of institution was not alert and vigilant enough to anticipate the conspiracy to escape and alongwith other staff failed to challenge the exodus of inmates out of main gate."* This statement as such is factually incorrect & creation of an imaginary mind. It is not understood, as to how an official deputed on duty for a night alongwith other personnels and security guards, can anticipate a pre-planned conspiracy and that too in connivance with the security/home guards deputed on duty. Hence, the contention of the Inquiry Officer is simply not acceptable.

14. AND WHEREAS, in concluding paras of the report, the Inquiring Authority has also stated that *"the duties mentioned in the departmental manual, Craft Instructor/Occupational*

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*Teacher are silent about the charges framed against the charged official. But he failed to comply the orders of the Supdt., when he was deployed in night shift, the report of Presenting Officer mentioned that the detailed preliminary inquiry report of Shri Mahesh Sharma, the then DSWO states that possibility of involvement of home guards posted in OHB-II cannot be ruled out as one home guard, Shri Anil Kumar was instrumental in providing safe passage for escape of these inmates. The report also stated that it is evident that the home guards deployed in the institution in different shift duties have been involved in engineering and master minding conspiracy of escape of juveniles."* It is not understood as to what the Inquiry Officer is intending to say in this statement. The IO has agreed that the departmental manual is silent about the duties/responsibilities of the charged officer, as regards to the charges framed in the present case. However, he states that the Charged Officer failed to comply with the Order's of the Supdt., when he was deployed in night shift. The contention of the IO regarding non-compliance, in this case, is not convincing. There is nothing on record to show that the charged officer did not report for his duty as per the orders of the Supdt. There could have been no way or reason, by which the charged officer, who was only deputed for the night shift, could have sensed/anticipated a pre-hatched conspiracy for escape by the juveniles (who were transferred from Central Jail Tihar under orders of the JJB and involved in heinous crimes) in connivance with the security/home guards of the Home, itself. Hence, the apprehension of the Inquiry Officer is not convincing.

15. AND WHEREAS, the deposition of the listed witnesses and listed documents have not supported the case against the charged official. The charged official although on duty at the time of escape of inmates, but cannot be held liable on the ground of not being careful enough to anticipate a pre-hatched conspiracy for escape by the juveniles (who were transferred from Central Jail Tihar under orders of the JJB and involved in heinous crimes) in connivance with the security/home guards of the Home, itself.

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15. AND WHEREAS, I, SHILPA SHINDE, DIRECTOR (DWCD), GNCTD, being the Disciplinary Authority in the present case, in exercise of the powers conferred under the provisions of the CCS (CCA) Rules, 1965, having carefully considered all the material facts placed on records, and the contents of the Inquiry Report, and Reply of the Charged Official, is of the considered opinion that **none of the articles of charge enumerated in the Memorandum dated 05.02.2009 stands proved against Shri Kanwar Singh, Craft Instructor and he deserves to be complete exoneration.** Further, it is ordered that Shri Kanwar Singh, Craft Instructor, shall be eligible for full pay and allowances for his period of suspension and the period of suspension shall be treated as period spent on duty for all purposes.

38486-94



( SHILPA SHINDE )  
DIRECTOR, DWCD

Dated: 24 NOV 2017

F.3(2)/DWCD/Vig./2008/ 24 NOV 2017

Copy for information to :-

- 1). PS to the Secretary, Department of Social Welfare/DWCD, GNCTD, GLNS Complex, Delhi Gate, New Delhi - 110 002.
- 2). Deputy Director (Admn.), DWCD, GNCTD, 1, Pt. Ravi Shankar Shukla Lane, K G Marg, New Delhi - 110 001.
- 3). The Supdt. (HHB-II), DWCD, GNCTD, Sewa Kutir Complex, New Delhi.
- 4). PAO through the concerned DDO.
- 5). DDO/HOO concerned through Supdt.(Admn.), DWCD, GNCTD.
- 6). Sr. System Analyst, DWCD, for uploading this order on the website of the department.
- 7). Service Book of the concerned through Supdt. (Admn.), DWCD, GNCTD.
- 8). Shri Kanwar Singh, Craft Instructor through Supdt. (Admn.), DWCD, GNCTD.
- 9). Guard File



( S. K. Srivastava )  
Deputy Director (Admn.)