

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: 29th May, 2018

Complainant : Sh. Atul Mehra

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi,
Old Secretariat,
Delhi – 110054

Grievance No. : PGC/2017/Edn./33
Grievance filed on : 21/ 11/ 2017
First hearing in the PGC : 28/ 11/ 2017
Scheduled on

1. Brief facts of the complaint

Shri Atul Mehra filed a complaint in PGC on 21/11/2017 in connection with misappropriation of funds to the tune of Rs.5,00,000/- by Shri Ravinder Kumar Gambhir, the then Principal of GBSSS Tagore Garden, New Delhi-110027 (School ID No.1515139)

2. Proceedings in the Public Grievances Commission

The PGC convened its hearings in the case on 28.11.2017, 27.12.2017, 06.02.2018, 21.03.2018, 24.4.2018 and the latest on 29.05.2018 wherein the following were present:

Complainant : Present.

Respondent : Sh.O.P. Pandey, ADE(Vigilance), GNCTD
Ms. Sujata Mehra, DDE, Zone-15, GNCTD.
Sh.Rakesh Kr. Meena, SO(VKS), GNCTD.

3. Relevant facts emerging during the hearing

3.1 On the last date of hearing held on 24.4.2018, it was directed that the matter being very important and serious, the onus is now on the complainant to come out with strong incriminating material to prove misappropriation. Shri O.P. Pandey, Asstt. Director (Vigilance), Education Department, GNCT of Delhi was advised to examine the point-wise reply furnished by the complainant and file a Status Report (in duplicate) on the next date of hearing in PGC with a copy in advance to the complainant to enable him to furnish his submissions / documents in support of his contention.

3.2 An ATR has been filed by Asst. Director of Education (Vig.), GNCT of Delhi stating that:-

“no new evidences have been adduced by the complainant rather than he repeatedly challenged the wisdom of officers of Directorate of Education for not taking decision of his liking. However, on the direction of Hon’ble PGC the matter was again examined to find any trace of new evidences but it is observed that the complainant has repeatedly levelled wild allegations without any documentary evidences in support of the case.

It is simply a criticism of the DDE Report and the then Director (Education).

The report submitted by RDE was placed before Director of Education and a SCN dated 17.8.2016 was issued to Shri Ravinder Kumar Gambhir and in response to the same, Shri Gambhir submitted that regarding purchase under VKS, meetings were organized and also attached copies of Agenda of Meeting, minutes of the meeting, work done / action taken report, attendance of meeting etc. He has also attached photographs showing the purchases under the VKS.

The minutes of the meeting and attendance sheets have also been signed by Shri Atul Mehra, Complainant.

After considering the reply, the Director of Education decided to close the matter.

Sh. Ravinder Kumar Gambhir has enclosed copy of minutes of meeting, agenda of meeting, action taken report along with attendance sheets. The minutes of meeting has signature of complainant. All the photographs submitted by Sh. Gambhir bears the signature of VKS In-charge as well as HOS, GBSSS, Tagore Gardden (other than Sh. Gambhir) even some bills / tender submitted by Sh. Gambhir bears the signature of members of Purchase Committee and complainant.

Photographs are also mentioned the year in which the work was done even the approval of RDE (West-A) was taken by the BALA work done in the year 2013-14.

The irregularities pointed out in the audit report has already been considered by the Director of Education and decision to issue Recordable Warning to Sh. Ravinder Kumar Gambhir was taken.

As per Audit Report, no embezzlement / misappropriation of Govt. money has been pointed out. The complainant has also not enclosed any cogent proof with his representation regarding the same.

The decision on the lapses on the part of Sh. Ravinder Kumar Gambhir noticed in the audit report has been taken by the Director of Education and it was directed to forward the copy of the Spl.Audit Report to DDE concerned for taking corrective measures, if any required. As far as taking action against a retired employee is concerned, the same may also be taken as per provision of Rule 9 of CCS (Pension) Rules, 1972. Further till date the DDE concerned has not pointed out any other lapses on the part of Sh. Ravinder Kumar Gambhir.

In some minutes of meeting, having signature of complainant, it has been clearly mentioned about the approval of work to be done. The copy of quotation also have the signature of Sh. Atul Mehra, complainant. The bill No.163 dated 30.8.2014 bears the signature of VKS In-charge as well as members of Purchase Committee. All the photographs submitted by Sh. Gambhir bears the signature of VKS In-charge and HOS, GBSSS, Tagore Garden.

That Shri Atul Mehra is putting a question mark on the decision taken by the Competent Authority on the basis of the allegations as he has made in his various representations while no such embezzlement of Govt. fund was noticed during the 2 preliminary enquiries and special audit report. Further, he may not be satisfied with the decision of the department but the department can take the action only on the basis of available facts and evidence emerged in PE / Audit Report and not only on the basis of allegations made by a complainant. Further, the quantum of punishment (warning, initiation of D.P. etc.) is also depend on the irregularities observed in PE / Audit report and the satisfaction of a complainant can not be a criteria for that.

Copy of the ATR has already been sent to the complainant by the Department.

4. Directions of the PGC

4.1 In view of the detailed Action Taken Report filed by the Department and oral submissions put forth by the representatives of the Department vis-à-vis guidelines of the Vidyalaya Kalyan Samiti and after going through the facts on record, the Commission is of the opinion that action as deemed fit has already been taken by the Competent Authority after taking into consideration all the relevant records / documents etc. Hence, the case of the complainant is closed in PGC.

**(SUDHIR YADAV)
MEMBER(PGC)**

Copy to :-

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
2. Shri Binay Bhushan, Spl. Director of Education (Vigilance), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Shri O.P. Pandey, Assistant Director (Vigilance), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
4. The Dy. Director of Education, Zone-15, GNCT of Delhi, District West-A, Karampura, New Moti Nagar, New Delhi-110015.
5. Shri Rakesh Kumar Meena, SO(VKS), Dte. of Education, GNCT of Delhi, VKS Branch, Room No.252, Old Secretariat, Delhi-110054.
6. Sh. Atul Mehra
7. PS to Member, PGC, GNCTD.