

**PUBLIC GRIEVANCES COMMISSION**  
(Govt. of NCT of Delhi)  
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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: 01<sup>st</sup> July, 2019

Complainant : Sh. Mukesh Kr. Jain  
Respondant : Deputy Commissioner, Narela Zone  
Grievance No. : PGC/2019/MCD/20

**1. Brief facts of the complaint**

Sh. Mukesh Kr. Jain has filed a grievance in this Commission regarding nonpayment of full retiral dues and other arrears by Narela Zone, North DMC.

**2. Proceedings in the Public Grievances Commission**

The PGC has convened three hearings so far in the matter and in the hearing held on 01.07.2019, the following are present:

Complainant : Present

Respondent : Dr. Om Prakash, CAMO, Narela Zone

**3. Relevant facts emerging during the hearing**

3.1 A status report dated 25.06.2019 in the matter is submitted from CAMO, Narela Zone stating that the applicant has been paid all his retirement benefits according to the prescribed norms and rules amounting to Rs. 2927173/-.

The queries and question he has raised in this submission have already been addressed in the submissions by CAMO, Narela dated 21.05.2019. The applicant wants the pay fixation order dated 28.04.2014 to be implemented as it gives him undue benefit. It has already been submitted that his earlier pay fixation was erroneous and the same was rectified as per rules applicable to him. Should a faulty pay fixation which gives undue financial

benefit to the applicant at the cost of govt. money be implemented. The faulty pay fixation order is always corrected at a later stage before its implementation as it would not stand audit scrutiny and is subject to OPR, which is a precondition for such financial documents.

The new pay fixation dated 25.10.2017 has been done after review and approval of the competent authority that is Addl. Commissioner, Narela Zone. He has been given two ACP and MACP after approval of Addl. Commissioner Narela Zone through proper channel.

The House resolution 210 was according to the Court order to decide the kind of leave without any service break. This Resolution orders how to treat the leaves of the applicant and does not deliberate on pay fixation or salary of the applicant. The Director, Hospital Administration North DMC has issued order dated 02.11.2016, stating that the Corporation vide its Resolution No. 210 in compliance of orders of Hon'ble CAT dated 15.07.2009 has resolved that unauthorized absence of Mr. Mukesh Kumar Jain, St. Clerk (Retired 31.03.2015) w.e.f. 01.07.2001 to 14.01.2010 i.e. total of 3120 days (8 years, 6 months and 14 days) will be treated as 300 days as Earned Leave, 536 days as half pay leave and 2284 days as extraordinary leaves. In view of the above Mr. Mukesh Kumar Jain, St. Clerk is not given any leave encashment as he did not have any leaves to his credit.

Pointwise reply is as under :

a & b Pay fixation order dated 28.04.2014

c to g – This is not a matter of competence, financial document which is erroneous & faulty as already explained has been got corrected through the Competent Authority i.e. Addl. Commissioner, Narela Zone in this case.

h – Salary has been disbursed to the applicant as per CAT order dated 15.07.2009 at par with juniors taking into account the decided kind of leave without break in service as per Court order

and House resolution 210 according to DHA orders dated 02.11.2016.

i to p - Comments taken from the Resolution by the applicant are already documented. This faulty pay fixation dated 28.04.2014 was a part of the House resolution 210 subject to audit approval is clearly mentioned in his pay fixation order. The Accounts Department found this pay fixation to be faulty as already explained in detail and advised DDO to get it reviewed by the Competent Authority. The Competent Authority that is Addl. Commissioner, Narela Zone has reviewed and approved the new pay fixation dated 25.10.2017 and the applicant has been paid all his retirement dues accordingly.

3.2 The complainant present in the hearing has again submitted a representation that he is not satisfied with the reply of the department. The same has been handed over to the representative of the department.

**4. Recommendations of the PGC**

Dr. Anand P. Narnoliya, CAMO, Narela Zone is advised to take note of para 3.2 above, consider the representation of the complainant and take necessary action, if any due at his end.

With the above directions the matter stands closed at the level of this Commission.

(ASHOK KUMAR)  
CHAIRMAN

No. PGC/2019/MCD/20/

Dated:

Copy to:

1. Dr. Anand P. Narnoliya, Chief Admn. Med. Officer, Narela Zone, North DMC, Zonal Office, Primary Health Centre, Near Alipur, Narela, Delhi - 110040
2. Sh. Mukesh Kumar Jain