

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: 14th Oct., 2019

Complainant : Dr. P.C. Dikshit - Present

Respondent : Principal Secretary,
Health & Family Welfare,
Govt. of NCT of Delhi
Through :
Shri Ajay Bisht, DS, H&FW
Shri Sanjeev Khurana, AAO
from PAO-XV
Shri Nitin Kumar,UDC,MAMC

Grievance No. : PGC/2019/All/DHS/03

1. Brief Facts of the Case

The complainant has filed a grievance in the Commission on 15.4.2019 stating that he belongs to CHS Cadre and was on deputation to Delhi Govt. He worked in MAMC College from 1986 to 2012. During this period, he was deputed as Medical Superintendent in GTB hospital in the year 2007 to 2009. He further stated that during this period, an anonymous complaint against him was inquired by Delhi Govt. and the same was found to be false. Another complaint alleging attempt to increase number of security personnel, actually did not happen.

He retired from govt. service in August 2012 and at the time of retirement, he has written letters to Dean, MAMC for clearance. However, the Health Department, GNCT of Delhi instead issued him provisional pension. He further added that he got vigilance clearance from Govt. of India on 30.7.2012 and from Health Department, GNCTD on 30.8.2017. An administrative order accordingly was issued by Dean, MAMC on 13.3.2018. However, the PAO, LN Hospital turned down the proposal stating non-availability of specific clearance from Dte. of Vigilance, GNCTD. Vigilance Report from DoV, GNCTD, was later issued on 6.11.2018.

2. Facts emerged during the proceedings

Shri Ajay Bisht, Deputy Secretary from Health & Family Welfare Department is present and submitted a report, stating :-

A meeting was held on 27.9.2019 regarding possibilities of the release of pensionary benefits in r/o Dr. P.C. Dixit.

Submission of Directorate of Vigilance (DoV) :-

It was informed that status of the complaints forwarded by CVC vide OM No. 09/DLH/029 as well as the current status of filing of FIR by ACB vide NO. 9/2019 has already been apprised to the PGC on the last hearing. The Directorate has nothing more to add in the matter. At the time of the retirement of the officer, vigilance status was provided informing about the pending complaint against the officer received from the Central Vigilance Commission.

Submission of Maulana Azad Medical College (MAMC)

The MAMC vide letter dated 3.10.2019 submitted that Dr. P.C. Dixit has received the payments of GPF, leave encashment and CGIES amounting to Rs. 9,83,117/-, 14,02,500/- and Rs. 1,03,464/- respectively.

Further, it is mentioned that in order to facilitate the release of DCRG, a request was sent to DoV to provide the Vigilance Clearance report, which is essential for the same. However, in response to this request, a vigilance status report was received from DoV referring to 02 cases (CVC reference) which also mention of missing file/records alongwith direction to the MD-GTBH to fix the responsibility for the missing records and file an FIR for the same. The MD-GTBH was also requested to clarify as to whether any cases have been registered by the Anti Corruption Branch.

In response to various representations of Dr. Dixit, it was directed to consider releasing of remaining pensionary benefits in terms of OM dated 14.12.2007 and 2.11.2012. The DoV was requested to clarify and inform whether there was any criminal case registered on the basis of the complaints or any communication regarding preliminary inquiry being done which would indicate prima-facie substance to verifiable allegations regarding (i) Corruption, (ii) Possession of assets disproportionate to known sources of income, (iii) Moral turpitude and (iv) violation of CCS Conduct Rules, 1964 as the said case relates the period when Dr. Dixit was posted at GTBH. However, no such clarification has been

received by this office. It is further added that vide Administrative Order dated 13.3.2018, the then Dean, MAMC, while taking a considered view of the fact that no charge-sheet has been issued in two cases despite passage of more than five years, directed to release pensionary benefits and Gratuity to Dr. Dixit. The bills preferred before the PAO were returned in original with the remarks that " Vigilance Clearance Report from DoV was required to be enclosed with the preferred bills."

Further, during the course of meeting, this office has been provided with a copy of communication regarding FIR No. 09/2019 dated 03.06.2019 in Anti Corruption Branch having been registered against Dr. Dixit and others. Therefore, the payment of DCRG and balance pensionary benefits will be possible once vigilance clearance is received from DoV, GNCT of Delhi.

Submission of PAO-XV

The PAO-XV in his reply, submitted in the meeting, vide letter dated 26.09.2019 stated that the pension case of Dr. Dixit, Ex. Director & Professor of MAMC was received vide letter dated 25.04.2018 and the same was returned to the MAMC vide letter dated 9.5.2018 with the remarks that Vigilance Clearance from DoV in Form -5 (New) duly filled in all respect is required. Further, an Undertaking addressed to Bank regarding recovery of overpayment including signatures of two witnesses with full name & address and pay fixation chart from date of appointment to retirement is required. The said pension case has not been re-submitted in the PAO thereafter.

Comments of H&FW Department

As per records, there are two complaint cases, both CVC references, wherein allegations have been levelled against Dr. P.C. Dixit.

(1) CVC OM No. 009/DLH/029 dated 24.2.2009 is pending against Dr. P.C. Dixit, on the subject "embezzlement of public fund of Rs. 20 lacs in Parking Scandal in GTB Hospital".

Upon enquiry, it was informed that complaint relates to embezzlement/loss of Government fund to the tune of Rs. 63,52,680/- and inquiry is under way in the matter.

An FIR No. 09/2019 dated 3.6.2019 u/s POC Act read with section 120-B IPC has been registered by PS AC Branch against Dr. P.C. Dixit, the then Medical Superintendent and

others. The approval of competent authority has been accorded to AC Branch for conducting investigation in the matter vide letter dated 22.5.2019.

(2)CVC, OM No. 008/DLH/145 dated 3.12.2008 regarding change in conditions for the outsourcing of security services in GTB Hospital.

The DoV has intimated that AC Branch has furnished investigation report in the matter. Upon examination of the report, DOV has requested to intimate whether the contract was awarded on the basis of the recommendation of AR Department made originally or on the basis of noting which was allegedly changed. In response to the same, GTB hospital has informed that as per available record, it is concluded that while communicating additional forty security guard on 30.6.2008, the conditions originally communicated by AR Department, GNCTD, were not included in the award letter. It is further informed therein that the contractor was directed to deploy additional security guard as per the terms and condition of the contract. The then existing agreement dated 1.3.2008 did not have any of the conditions communicated by AR Department dated 30.6.2008 while recommending increase of forty security guards in GTB Hospital.

As informed by MAMC GPF, Leave Encashment and CGIES have already been given to Dr. P.C. Dixit. Presently, on the recommendation of GTB Hospital, an inquiry is under way by AC Branch. All pending benefits in respect of Dr. Dixit will therefore be released only if no case is made out against him after submission of inquiry report by AC Branch.

3. **Directions of PGC**

Directorate of Vigilance is advised to conclude the complaint/references received from CVC in the year 2010, on priority, in a period of two months.

Considering the fact that retiral benefits like GPF, Leave Encashment, CGEIS, except for DCRG, have already been paid, and a vigilance enquiry including criminal case under POC Act are under investigation with AC Branch, GNCT of Delhi, the Commission decided to close the proceeding in the matter, till the investigation is concluded/trial is complete. Accordingly, the grievance stands closed in the Commission.

The complainant Dr. P.C. Dixit is advised to approach Directorate of Vigilance (DoV) or Chief Vigilance Officer, GNCT of Delhi for any clarification or relief in the matter.

(SUDHIR YADAV)
MEMBER(PGC)

Copy to :-

1. The Principal Secretary, H&FW, Govt. of NCT of Delhi, 9th Floor, Delhi Secretariat, New Delhi.
2. The Dean, Maulana Azad Medical College, 2-Bahadur Shah Zafar Marg, New Delhi-110002.
3. The Secretary (Vigilance), Dte. of Vigilance, GNCTD, 4th Level, C-Wing, Delhi Secretariat, New Delhi.z
4. The Special Secretary (Vigilance), Dte. of Vigilance, 4th Level, C-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi-110002
5. The Controller of Accounts, Principal Accounts Office, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002.
6. The Pay & Accounts Officer-XV, MRD Block, LN Hospital, New Delhi-110002.
7. Dr. Purna Chandra Dikshit