

PUBLIC GRIEVANCES COMMISSION
(Govt. of NCT of Delhi)
M-Block, Vikas Bhawan, IP Estate, New Delhi – 110110
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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: 20th Nov, 2019

Complainant : Sh. Jai Kishan.
Respondent : Commissioner,
Food & Civil Supplies Department
Grievance No. : PGC/2019/F&S/02

1. Brief facts of the case:

Shri Jai Kishan has filed a grievance in PGC on 12/07/2019 against the implementation of penalty order No. F.7(18)/2015/dov/14473 dated 21.08.2017.

2. Proceedings in the Public Grievances Commission

The PGC has convened four hearings in the matter so far and in the hearing on 20.11.2019, the following are present:

Complainant : Present
Respondent : Absent

3. Facts emerged during the proceedings :

3.1 No one present from the Food & Supplies Department but an Action Taken Report is submitted stating that

“On the subject referred to above, I am to convey the view of department in verbatim as under:

After scrutinizing the case, FSO (Vigilance) stated that “*It is submitted that the appellant has already exhausted all the appeal channels as per provisions of CCS(CCA) Rules, 1965. However, if he is not satisfied with the order of Appellate Authority i.e.*

Hon'ble Lt. Governor, Delhi, he can approach or file an appeal to review his case under Rules-29 A before the Hon'ble President of India."

29-A review: *The president may, at any time, either on own motion or otherwise review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice: Provided that no order imposing or enhancing any penalty shall be made by the President unless the Government Servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in Rule 11 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under Rule 14 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in Rule 14, subject to the provisions of Rule 18 and except after consultation with the Commission where such consultation is necessary and the Government Servant has been given an opportunity of representing against the advice of the Commission within the time limit specified in clause (b) Sub rule (3) of Rule 15.*

Moreover, stated that "As per available records, it appears that the official has not given reference of order dated 01.03.2018 passed by Hon'ble CAT in his earlier representation/appeals. However, the applicant may also look into this aspect at his level.

"Furthermore, the applicant may avail legal opportunities whatever he has in such circumstances. The administrative department can't review the status or comment upon the decision of the disciplinary authority i.e. worthy Chief Secretary, Delhi or the appellate authority i.e. Hon'ble LG, Delhi. We may inform

PGC that the applicant may explore his legal opportunities with appropriate forum.”

4. Directions:

The food & Supplies Department has submitted that they can't review the status or comment upon the decision of the disciplinary authority i.e. Chief Secretary, Delhi or the Appellate Authority i.e. Hon'ble L.G. A copy of the status report submitted by the department has been handed over to the complainant.

The complainant may explore his legal opportunities with appropriate forum.

With the above advice to the Complainant, the matter stands closed at the level of the Commission.

(ASHOK KUMAR)
CHAIRMAN (PGC)

No. PGC/2019/F&S/02/

Dated:

Copy to:

1. Ms Ankita Bundela Mishra, Commissioner, Food & Civil Supplies Department, GNCTD, K-Block, Vikas Bhawan, I.P. Estate, New Delhi-110010
2. Sh. Jai Kishan