

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
I.P. Estate (near ITO), Vikas Bhawan, M-Block, 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: 19.11.2019

Complainant : Sh. A.K. Madan.

Respondent : The Commissioner,
Industries Department,
Govt of NCT of Delhi.
Through Sh. P.N. Srivastava, Section Officer,
Shri Arun Kr. Yadav, Sr.Asstt. - Present.

Grievance No. : PGC/2019/Ind./01

1. Brief facts of the complaint

1. Shri A.K Madan has filed a grievance petition dated 13.1.2019 and 14.1.2019 before Public Grievances Commission for (i) quashing the impugned recovery order dated 25.10.2017 issued by HR Branch of Industries Department after 3 months of his retirement; restoration of original basic pay drawn prior to the retirement & reimbursement of amount recovered illegally from the Gratuity and (ii) release of consequential benefits of the past service and grant of 3rd Financial Upgradation under MACP pending since 2009 prior to his retirement, respectively.

2. Facts emerged during the proceedings.

2.1 Shri P.N. Srivastava, Section Officer on behalf of the Respondent Department filed a Report and the same has been taken on record. It states as under:

“Sh. A.K. Madan, ACI(retd.) filed two appeals before the Hon’ble L.G, Delhi as under:

- (1) *Quashing the impugned recovery order dated 25.10.2017 issued by HR Branch of Industries Department after 3 months of*

his retirement, restoration of original basic pay drawn prior to the retirement & reimbursement of amount recovered illegally from the Gratuity.

- (2) *Release of consequential benefits of past service and grant of 3rd Financial upgradation under MACP pending since 2009 prior to his retirement.*

In the matter No.2, the concerned file has been sent on 13.9.2019 to Services Department for their opinion in respect of counting of past service for the purpose of granting 3rd MACP which is awaited from services department as on date.

In respect of grievance No.1, the concerned file was sent to Hon'ble Lt.Governor, Delhi, on 16.9.2019. The said file has been received back on 31.10.2019 with the direction that:-

a) *Department of Industries, GNCTD, to look into the reason for not obtaining the approval of the Competent Authority for ad-hoc promotion from 01.07.2012 onwards & to look into the reason for the same and fix responsibility of the erring officer/official.*

b) *Proposal for Ex-post facto approval for the extension of ad-hoc promotion from 01.07.2012 to 31.07.2017 i.e. date of retirement in respect of Shri A.K. Madan may be got examined from Finance Department and further Services Department, GNCTD may also be requested to advice on the appropriate course of action in the matter. The concerned file has been sent on 06.11.2019 to higher authorities of Industries Department for approval for sending the proposal to Finance & Services Department.*

2.2 The complainant is not present to apprise the Commission about the status of his case. He also did not appear in the Commission on 09.7.2019 and 24.09.2019. It appears that he is not interested in pursuing his case in the Commission.

2.3 The Commission had already noted in its earlier hearing during which it had transpired that It is not in dispute that the complainant had discharged his duties and functions as Dy.Commissioner of Industries. The complainant has not committed any wrong for which he is being penalized. Hence, in the circumstances appearing in the case, it would be travesty of justice if the complainant is denied his claims despite rendering continuous service as Dy.Commissioner of Industries from 27.9.1995 to 31.7.2017 (date of superannuation). The case before this Commission is a clear example of departmental negligence in as much as the rules and instructions require these

actions to be taken long before retirement. Apparently, there was a utter failure on the part of the officers of the department in not obtaining extension of ad-hoc appointment at appropriate time. Such conduct on behalf of the officers of the respondent department is not sustainable legally.

3. Directions :

3.1 In view of the foregoing discussions and submissions made by Section Officer (HR), Industries Department, through his Action Taken Report in respect of Grievance No.1 & 2, Commissioner (Industries), GNCT of Delhi, is advised to monitor the case at his level and ensure that the directions of the Hon'ble Lt.Governor, Delhi, are complied. Further, matter be taken up with concerned departments for expeditious redressal of grievances of the complainant.

3.2 The Commissioner(Industries), GNCT of Delhi is also advised to furnish status report to the Commission for its information as soon as the grievances of the complainant are resolved to his satisfaction.

3.3 With the above observations, the case of the complainant stands disposed of in the Commission.

(MRS. MADHU SHARAN)
MEMBER(PGC)

No.PGC/2019/Ind./01/

Dated:

Copy to :-

1. The Commissioner(Industries), GNCT of Delhi, 419, F.I.E., Udyog Sadan, Patparganj Industrial Area, Delhi-110092.
2. Section Officer(HR), O/o. The Commissioner(Industries), GNCT of Delhi, 419, F.I.E., Udyog Sadan, Patparganj Industrial Area, Delhi-110092.
3. Shri A.K. Madan.