

“No carelessness until there is a cure. Wear Mask, follow physical distancing & maintain hand hygiene.”

PUBLIC GRIEVANCES COMMISSION
GOVT. OF NATIONAL CAPITAL TERRITORY 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: 21.06.2021

Complainant : Ms.Madhu Bala Sharma – Present.

Respondent : The Secretary,
Deptt.of Art, Culture & Languages,
Govt. of NCT of Delhi.
Through Sh.U.K. Pillai,
Section Officer.

Shri Pradeep Kumar,
Dy.Secretary, Health & Family Welfare
Department, GNCT of Delhi.

Shri Buniyad Singh,
Assistant Director, Dte.of Vigilance,
GNCT of Delhi - Present.

Grievance No. : PGC/2020/A.II/Art & Culture/01

1. Brief facts of the complaint

1.1 Ms.Madhu Bala Sharma filed a complaint in PGC aggrieved by non-receipt of her Gratuity, Leave Encashment, Commutation of Pension and pension.

2. Facts emerging during the hearing

2.1 The complainant stated that she had retired on 31st May 2020 on attaining the age of superannuation. As on date, she has not received her Gratuity, Leave Encashment, Commutation of Pension and also pension from the Art & Culture Department, GNCT of Delhi, on the grounds that no Vigilance Clearance has been issued by the Directorate of Vigilance, GNCT of Delhi. This is the despite the fact that there is no

vigilance case pending against her and further she has not been served with any Charge Sheet at the time of her retirement. She requested the Commission's intervention in the matter for further directions to the Directorate of Vigilance, GNCT of Delhi to issue Vigilance Clearance immediately to enable the Art & Culture Department, GNCT of Delhi to release her above outstanding benefits/payments.

2.2 An action taken report dated 18.06.2021 has been filed by Shri Pradeep Kumar, Dy.Secretary(Vigilance), Health & Family Welfare Department, GNCT of Delhi. It is stated in the report that *"DOV has informed that the matter was placed before Chief Secretary, Delhi, for his consideration and he has directed that the department may fix responsibility of concerned officers/officials who failed to take necessary action to safeguard the public money and provide an Action Taken Report within 06 weeks. The matter was allowed to languish for more than 23 years which involves missing of Rs. 10.83 lakhs of public money.*

The directions of PGC and DOV were duly conveyed to Director, DHS vide office letter dated 26.03.2021 with the request to submit ATR immediately as the matter regarding initiation of disciplinary proceedings against Smt. Madhubala Sharma, the then DCA(now retired) was mainly dealt between DGHS and DOV in view of the fact that the officer was working in DGHS under Cadre Control of Finance Department, GNCTD, when the incident of financial irregularities was detected/reported in DGHS at that time.

*Further, a report dated 19.04.2021(copy attached) has been submitted by Addl.Director(Vigilance) DGHS stating that **"No responsibility could be fixed on any one as timely action has been taken by them from time to time."** Since the above reply of Addl.Director(Vig.), DGHS was not found satisfactory, another letter dated 07.06.2021 (copy attached) has been issued to Director, DHS, with the request *"to provide the chronology of events of the case from the date of incidence and fix responsibility of concerned officers/officials who failed to take necessary action in the matter to safeguard the public money and delayed the matter so long as much as that one of the SPS Smt. Madhubala Sharma was allowed to retire from government service without any action against her."**

The action taken report is still awaited from DGHS is still awaited. It is also submitted that most of the staff in H&FW Department & DHS is busy in COVID-19 related work for the last more than 02 months and therefore ATR from DHS is still awaited.

2.3 An action taken report dated 21.06.2021 has been filed by Shri Buniyad Singh, Assistant Director (Vigilance), GNCT of Delhi. It is stated in the report that “*Ms.Madhu Bala Sharma, while posted as DDO, DHS during the year 1997-98 drawn advances of Rs.10,00,000/- and Rs.83,000/- for purchase of drugs and consumables under centrally sponsored National Programme for Control of Blindness(NPCB). This amount was drawn vide advance contingency bill No.788 & 787 both dated 31.03.1997 subject to the condition that detailed bills would be submitted within a period of one month from the date of drawal of the said advances. However, she failed to obtain proper vouchers for settlement of above said advances and adjustment bills of the amount so drawn were never submitted by Ms.Madhu Bala Sharma, the then DDO, to the concerned PAO during the entire period of her tenure as DDO, DHS i.e. upto 15.05.2001. Besides this, out of the above advances, sum of Rs.1,40,078/- and Rs.32,767/- were reportedly refunded by the State Programme Officer to Ms.Madhu Bala Sharma, the then DDO as unspent amount. This amount, however, was spent on other heads like contingency and telephone bills, without approval of the Competent Authority. She also did not hand over the charge/cash book to subsequent DDO, due to which a new cash book was opened by his successor and for this reason entry of amount of Rs.10,83,000/- was not made.*

A special audit of accounts for the period 01.04.1996 to 31.03.1999 was also taken up by the Directorate of Audit and a report was submitted on 25.06.2001. The audit party raised many serious irregularities such as unsigned Cash Book, overwriting in cash book, short deposits of Govt. money received through TR-5, variation in cash balance, mis-utilization of the funds to the tune of Rs.32,10,880/-, amount drawn from Govt. account but not dispersed, non-adjustment of bills against advances drawn etc.

The matter was pending for want of requisite information/documents from H&FW Department despite several reminders/meetings.

The H&FW Department, vide their letter dated 30.10.2020 forwarded the instant matter to Directorate of Vigilance with the recommendation of dropping the charges against Smt. Madhu Bala Sharma, DCA(now retired) and Sh.Ramesh Kumar, the then Cashier, now Section Officer/Gr-I/DASS.

Examination of the matter has revealed that the cause of action is almost 23 years back. It is unfortunate that the matter has been allowed to languish for so long, which involved missing of Rs.10.83 lacs of public money. The H&FW Department has now recommended closure of matter and only one SPS i.e. Sh.Ramesh Kumar,SO is in service and other SPSs have already retired. Smt. Madhu Bala Sharma, the then Dy.Controller of Accounts, Department of Art & Culture, is also proceeded to her retired on 31.05.2021 without any action in the aforementioned matter.

The matter was placed before the Chief Secretary/CVO, Delhi for his consideration. The Chief Secretary/CVO Delhi has directed that H&FW Department may fix responsibility of concerned, who failed to take necessary action to safeguard public money and provide an action taken report within 06 weeks.

Accordingly, vide letter dated 03.03.2021, the H&FW Department has been requested to take further necessary action as per the direction of the Chief Secretary/CVO, Delhi and provide an action taken report to Dte.of Vigilance in time, so that further action can be taken in the matter. Reminders for the same issued on 01.04.2021 & 21.06.2021. However, nothing fruitful received from the H&FW Department till date except several communications to Directorate of Health Services, last on 07.06.2021.”

A copy of the letter dated 31.07.2020 addressed to Jt.Secretary Finance(Accounts), Finance Accounts Department by Assistant Director(Vigilance),GNCT of Delhi with regard to vigilance status in respect of Smt. Madhu Bala Sharma, DCA(Retd.) for the purpose of pensionary benefits, has also been filed along with action taken report. In the vigilance status it is mentioned that:-

“1. Ms. Madhubala Sharma, Adhoc DCA was charge sheeted vide memo dated 24.07.2014 u/r 14 of CCS(CCA) Rules, 1965.

Further, penalty of "Reduction in pay by two stages for a period of one year, with further direction that she will be allowed to draw her increment during the currency of penalty and the reduction will not have the effect of postponing her future increment of pay" imposed by the disciplinary authority vide order dated 14.07.2017.

Ms. Madhubala Sharma has preferred an O.A. against the penalty order dated 14.07.2017 in the Hon'ble CAT vide O.A. No.3975/2017 titled Madhubala Sharma Vs. Lt.Governor, Delhi & Government of NCT of Delhi. As per order dated 15.07.2020 of Hon'ble CAT, the above O.A. is dismissed as withdrawn.

2. In the matter regarding settlement of long outstanding adjustment bills in r/o two advances amounting to Rs.10,83,000/- and non-submission of contingent bills, some documents/information/clarification, in connection with initiation of RDA against Ms.Madhubala Sharma, the then Sr.A.O., DHS and others, were sought from Health & Family Department, GNCTD. However, in absence of rectification upon the deficiencies/shortcomings in time, as communicated by this Directorate, the proposal of RDA could'nt be processed further. On the contemplated RDA, the Department of H&FW, vide letter dated 10.07.2020, was requested to place the matter before the competent authority with full facts and records. Her name is in Agreed List for 2019 and Doubtful Integrity List for 2018."

The above vigilance status is issued as per record presently available in this Directorate and the same may be interpreted by the HOD/Competent Authority in the light of DOPTs/GOI's OM No.11012/11/2007-Estt(A) dated 14.12.2017, OM NO.22034/4/2012-Estt(D) dated 02.11.2012 and other related circulars of DOPT, Govt.of India. However, the same may also be checked from her service record.

Similar Vigilance report may be obtained from the concerned department."

2.4 An action taken report has been filed by Shri U.K. Pillai, Section Officer, Art & Culture Department, GNCT of Delhi. It is stated in the report that *"The Pension papers of Smt. Madhubala Sharma has been submitted to Pay & Accounts Office-X and obtained the authority letter (copy enclosed). The Department will submit the bill for Provisional Pension of Smt. Madhu Bala Sharma, DCA(Retd.) to PAO-X today i.e. 21.06.2021 for payment."*

2.5 The Commission notes from the records that the cause of action is almost 23 years back. It is unfortunate that the matter has been allowed to languish for so long, which involved missing of Rs.10.83 lacs of public money due to dereliction on the part of the concerned officers which was

also observed in the special audit of accounts for the period 01.04.1996 to 31.03.1999 taken up by the Directorate of Audit. It is also very surprising that some officials involved in the case have already retired and no timely action/decision was taken by the departments concerned on their misconduct when they were in service to safeguard public money. This is also evident from the fact that the Chief Secretary/CVO Delhi has directed that H&FW Department may fix responsibility of concerned, who failed to take necessary action to safeguard public money.

It is also very clear from the records that the complainant herself was aware of these facts and never tried to resolve it knowing fully well the consequences. Also she went for legal remedies which was dismissed and she chose not to file an appeal also.

3. Directions of the PGC

3.1 Spl.Secretary, (Art, Culture and Languages), GNCT of Delhi is advised to coordinate with Health & Family Welfare Department as well as Dte.of Vigilance, GNCT of Delhi, for expeditious investigation of the matter so that truth comes out. Further action of releasing the pensionary benefits of the complainant be initiated upon receiving the outcome of the action taken report of the Health & Family Welfare Department/Directorate of Vigilance, GNCT of Delhi. However, It may be ensured that Provisional Pension is released to the complainant without further delay.

3.2 Pr.Secretary, Deptt.of Health & Family Welfare, GNCT of Delhi is requested to take further necessary action as per the direction of Chief Secretary/CVO, Delhi, as stated by the Asstt.Director(Vigilance), within the stipulated time, and provide an action taken report to Directorate of Vigilance, GNCTD after thorough investigation and verifying the facts so that decision and action can be taken in the matter by Art & Culture Department to release of outstanding pensionary benefits of the complainant.

3.3 Director, Directorate of Vigilance, GNCT of Delhi, is requested to look into the matter and take expeditious action on the report of Health & Family Welfare Department, GNCT of Delhi.

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

(MRS. MADHU SHARAN)
MEMBER

PGC/2020/A.II/Art & Culture/01

Dated:

1. Secretary, Deptt.of Art, Culture & Languages, Govt. of NCT of Delhi, 7th Level, C-Wing, Delhi Secretariat, I.P.Estate, Delhi-110002.
2. Pr.Secretary, Deptt.of Health & Family Welfare, GNCT of Delhi, R.No.907, 9th Floor, A-Wing, Delhi Secretariat, I.P.Estate, New Delhi.
3. Director, Dte.of Vigilance, GNCT of Delhi, 4th Level, C- Wing, Delhi Secretariat, New Delhi-110002.
4. Director, Directorate of Health Services, GNCT of Delhi, F-17, Karkardooma, Delhi-110032.
5. Spl.Secretary, Govt. of NCT of Delhi, Deptt.of Art & Culture, Room No.1005, 10th Level, B-Wing, Delhi Secretariat, I.P. Estate, Delhi-110002.
6. Ms. Madhu Bala Sharma.