

“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
I.P. Estate (near ITO), Vikas Bhawan, M-Block, New Delhi-110110
Tel Nos. 011-23379900-01 Fax No.011-23370903
Website : www.pgc.delhigovt.nic.in E-mail :pgcdelhi@nic.in

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 25.9.97

Date of hearing: 19.05.2022

Complainant : Sh. U. S. Bhatnagar – Present.

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi
through Sh. Mahak Singh,
H.O.S., SBBM Sarvodaya Vidyalaya,
Shankaracharya Marg.
Ms. Kamaljeet Kaur, DDE (Zone-VII),
District North.
Sh. Kanchan Pandey, Legal Assistant,
Office of DDE, District North – Present.

Grievance No. : PGC/2021/A.II/Edn./32

1. Brief facts of the complaint

1.1 Sh. U. S. Bhatnagar has filed a grievance petition before Public Grievances Commission, aggrieved by non-payment of his post-retirement benefits i.e. encashment of unutilized Earned Leaves and payment of Union Territory Government Employees Insurance Scheme(UTGEIS) by the Education Department. The post-retirement benefits have been withheld without any reason justifying for withholding the same despite the fact that he is entitled for the same, as per rules. He has requested for Commission’s intervention for direction to the Directorate of Education, GNCT of Delhi, for taking needful action promptly.

2. Relevant facts emerging during the hearing

1. Ms. Kamaljeet Kaur, DDE (Zone-VII), District North filed a status report dated 17.05.2022, stating therein that:-

S.No.	Direction	Action Taken
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1.	<p><i>Ms. Kamaljeet Kaur, Deputy Director of Education (Zone-VII), District North shall file a detailed reply as to why, the case of Sh. Sanjeev Bharti is treated differently by respondent department from the case of Sh. U. S. Bhatnagar, as in the case of Sh. Sanjeev Bharti, all the legitimate dues including Provisional Pension and 100% Leave Encashment had been paid by the department except gratuity. Further, in both the cases, the charged government officer/complainant had charges of misappropriation / corruption leveled against them while being posted at the RCS office.</i></p>	<p><i>It is an admitted fact that Sh. U. S. Bhatnagar and Sh. Sanjeev Bharti, retired Grade-III (Steno) were both service cadre employee and the disciplinary proceedings against both the employees were initiated. Sh. U. S. Bhatnagar superannuated on 31.10.2011 and Rule 9 of the CCS (Pension) Rules, 1972 provides that the President reserve to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the government, if in any departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of service including service rendered upon re-employment after retirement.</i></p> <p><i>In this regard, Memorandum dated 04.09.2019 may be referred to wherein, it has been held that the President is the competent authority in the instant case as Sh. U. S. Bhatnagar had retired on 31.10.2011 and thus, the penalty is imposed upon Sh. U. S. Bhatnagar after the case was referred to UPSC by the Ministry of Home Affairs before taking the final decision under Rule 9 of CCS (Pension) Rules, 1972.</i></p> <p><i>Whereas in the case of Sh. Sanjeev Bharti who was in empowerment till a penalty of compulsory retirement was imposed by competent authority i.e. Director of Education vide order dated 15.03.2018 after conviction by Hon'ble Court dated 30.04.2013. In view of the above, it is inferred that Sh. U. S. Bhatnagar had retired while the proceedings were pending with CBI Court whereas Sh. Sanjeev Bharti was in service at the time of conviction. Hence, the competent authorities in both the cases were different in respect of Sh. U. S. Bhatnagar and Sh. Sanjeev Bharti.</i></p> <p><i>The case of Sh. U. S. Bhatnagar was dealt under Rule 9 of CCS (Pension) Rules, 1972 whereas the case of Sh. Sanjeev Bharti was dealt under provision of Rule 19 (i) of CCS (CCA) Rules, 1965. The relevant orders / memorandum are annexed for kind perusal and for</i></p>
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		<p>reference.</p> <p>A letter dated 04.05.2022 was forwarded to Section Officer (Vigilance) HQ, DoE, Delhi – 54, request regarding copy of case file and chargesheet in r/o Sh. U. S. Bhatnagar, retired UDC. In response to this letter, the Section Officer provided MHA order dated 29.03.2019 and MHA order no. 14033/31/2017 dated 04.09.2019. Same is annexed as Annexure 1. However, chargesheet in respect of Sh.U.S. Bhatnagar, UDC(now Retd.), has not been received.</p>
2.	Leave Encashment status	As submitted by the concerned school HOS, file is under process to seek the approval of competent authority.

2.2 Sh. Kanchan Pandey, Legal Assistant, Office of DDE, District North submitted that the department has already released UTGEIS and GPF to the complainant. The complainant is also receiving provisional pension. Further, the file in respect of Sh.U.S. Bhatnagar for encashment of unutilized Earned Leaves is under process to seek the approval of competent authority of the Directorate of Education. He further stated that there are some court cases, in which, the complainant has got a stay from the Court and in other court cases, the complainant has been found guilty and sentenced.

3. **Directions:**

3.1 The Commission observes that there are serious charges related to corruption/misappropriation filed against the complainant. Further, the Special CBI Court has found the complainant Sh.U.S. Bhatnagar guilty of these charges. On the basis of these grave criminal charges in the aforesaid CBI case, the complainant has been convicted and sentenced in some of the cases, whereas, in other cases, he has got a stay from the Court. As some cases against the complainant, related to the instant grievance, are *sub-judice* in the Court, the present grievance cannot be heard further in the Commission. The complainant is free to approach other appropriate forums for redressal of his grievance.

3.2 The complainant has requested for encashment of unutilized Earned Leaves. To this, the departmental representative submitted that the file for seeking approval in respect of encashment of unutilized Earned Leaves is under process to the

competent authority and assured to release the same to the complainant as and when, the file is approved by the competent authority of the department.

3.3 With these directions, the case is disposed of in the Commission.

(MADHU SHARAN)
MEMBER

No. PGC/2021/A.II/Edn./32

Dated:

Copy to:

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
1. Dy. Director of Education (HQ), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Ms. Kamaljeet Kaur, Deputy Director of Education (Zone-VII), District North, Lucknow Road, Timarpur, Delhi.
4. H.O.O., SBBM Sarvodaya Vidyalaya, Shankaracharya Marg, Delhi – 110054.
5. Shri U. S. Bhatnagar

