



"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
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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: 25.08.2022

Complainant : Mrs. Vijay Badhwar – Present.

Respondent : The Director,
Directorate of Education,
Govt. of NCT of Delhi.
Through Dr. Indal Singh,
Addl. Dy.Dir.of Education (Zone-29),
Distt.South-East.

Sh. Jitender Kumar, S.O. (Vigilance Branch, HQ),
Directorate of Education.

Ms. Kamakshi Jolly, HOS,
Govt. Girls Senior Secondary School No.1, Badarpur
(School ID: 1925042) - Present.

Grievance No. : PGC/2022/A.II/Edn./03

1. Brief facts of the complaint

1.1 Mrs. Vijay Badhwar (retired as Principal from Govt. Girls Sr. Secondary School No. 1, Badarpur, School ID-1925042 on 31st October, 2021) has filed the present grievance before Public Grievances Commission against the Dte. of Education, GNCTD, alleging therein that none of her retirement benefits i.e. GPF, Gratuity, Leave Encashment, Insurance etc. have been paid to her. She further alleged that her medical facility card has also not been issued by the department. She has claimed to have escalated the issue repeatedly with the department, however no action as claimed by the applicant has been taken till date for redressal of her grievance.

2. Relevant facts emerging during the hearing

2.1 The grievance was listed for hearing and the Commission vide its order dt. 06.04.2022 has recommended that Director Education, GNCTD shall look into the issue at his level for redressal of the grievance as per rules. As no conclusive ATR has been filed hence the matter was adjourned to 28.4.2022.

On 28.4.2022, an ATR dt. 27.4.2022 was filed by DDE (Vigilance), Dte. of Education, GNCTD wherein it has been informed that:-

“as per the record of the department, on the date of her retirement, neither the said Smt. Vijay Badhwar, Principal (Retd.) was under suspension nor departmental proceedings was pending against her.”

However, as informed in the ATR dt. 27.4.2022 a case FIR No. 577/2020 dt. 19.11.2020 u/s 420/468/471/134 IPC is registered against Smt. Vijay Badhwar the then vice Principal and Sh. Prem Chandra Sharma, the then DDE(Zone-29) in P.S. Govindpuri, Delhi, lodged by Sh. Omprakash, PET regarding engagement of guest teachers on fake certificates/degree, which is under investigation.

The perusal of vigilance status, as furnished by DoV, GNCTD as annexed with the ATR, reveals that the officer retired from Govt. Service on 31st October, 2021 whereas the letter seeking vigilance clearance of the officer was sought by GOC Br. Dte. of Education on 04.02.2022 i.e. almost three months after retirement. This reflect the lackadaisical approach of the department and is simply not acceptable.

On hearing dt. 25.05.2022, an ATR dt. 24.5.2022 was filed on behalf of DDE, Distt. South East wherein it is informed that all the retirement benefits except releasing of Gratuity has been finalized and bills for the same have been submitted to concerned PAO on 23.5.2022. The medical facilities card has also been issued to the applicant. As the status/outcome of FIR was still not known, the case was adjourned to 23.06.2022. During the proceedings on 23.6.2022, an ATR dt. 22.6.2022 by DDE, Distt. South East was filed informing therein that

“the investigation of case FIR No. 577/20 u/s 420/468/471/134 IPC is in progress and yet to be completed.”

As the status of FIR was remained pending, the case was adjourned for 25.08.2022 with a direction to SHO, Govindpuri to remain present on 25.8.2022 alongwith status report of FIR No. 577/20.

Though none from SHO, PS Govindpuri attended, however, an ATR dt. 24.8.2022 has been filed by DDE (Vigilance), Dte. of Education, GNCTD wherein it is informed that no vigilance case has been made out against the complainant i.e. Mrs. Vijay Badhwar, Principal(Retd.) by the Vigilance Branch (Hq), Dte. of Education. It is also informed that DDE(South East) being administrative head in respect of Mrs. Vijay Badhwar, Principal (Retd.) is solely responsible for the release of retirement benefits as no action is pending on the part of DDE (Vigilance)(Hq.).

Another ATR dt. 24.8.2022 is filed by DDE, Distt. South East informing therein that the file for release of gratuity and regular pension in r/o Mrs. Vijay Badhwar has been returned by the PAO-23 for want of clear cut vigilance clearance.


3. Directions of the PGC

3.1 From the record available on file and on the basis of ATRs filed by the respondent department, the Commission appreciate that all the retirement benefits of the applicant has now been released except gratuity and regular pension. The medical facilities card has also been issued to her. Admittedly, the file for release of gratuity has been moved by the concerned authority, however as per ATR dt. 24.8.2022 by DDE(South East) the same has been returned by the PAO-23 for want of clear cut vigilance clearance.

The investigation in the pending FIR may take time and the outcome of that FIR may or may not have bearing on the release of payment of gratuity. The Commission cannot adjudicate upon the issue. However, if DDE (Vigilance) has given clear cut vigilance report that no vigilance case is made out against the complainant i.e. Mrs. Vijay Badhwar, then what stops the district authority i.e. DDE (South East) to process the file for release of gratuity and regular pension. In any case, this has to be initiated and decided by the department.

3.2 In view of the position made hereinabove, Director (Education), Directorate of Education, GNCTD is once again requested to look into the issue and ensure that the case of release of amount of gratuity and regular pension be processed afresh in view of the ATR dated 24.08.2022 filed by DDE (Vigilance), Directorate of Education, GNCT of Delhi, wherein, DDE (District South East) has informed that file for release of gratuity and regular pension in respect of Mrs. Vijay Badhwar has been returned by the concerned PAO (PAO-23) for want of clear cut vigilance clearance.

3.3 In view of the above observations, the case is ordered to be closed before the Commission.


(SUDHIR YADAV)
MEMBER

PGC/2022/A.II/Edn./03 7899-7907

Dated: 16/9/22

1. The Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Addl. Director of Education/Nodal Officer, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110054.
3. Dy. Director of Education (HQ), Directorate of Education, Govt. of NCT of Delhi, Old Patrachar Building, Lucknow Road, Timarpur, Delhi-110054.
4. Deputy Director (Vigilance Branch), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi - 110054.
5. Sh. Sanjay Chaturvedi, Dy. Director of Education, District South East, GNCT of Delhi, C- Block, Defence Colony, New Delhi-110024.
6. Dr. Shamshad Ali, Dy. Director of Education, Zone-29, District South East, GNCT of Delhi, C- Block, Defence Colony, New Delhi-110024.
7. SHO, Police Station Govind Puri, Baba Fateh Singh Marg, Kalkaji Extension, Block A-14, Govind Puri, New Delhi - 110019.
8. Ms. Kamakshi Jolly, Head of School, Govt. Girls Senior Secondary School No.1, Badarpur (School ID: 1925042).
9. Mrs. Vijay Badhwar, R/o: 297, Nilgiri Apartments, Alaknanda, New Delhi - 110019.
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