

Directorate of Vigilance  
Government of NCT of Delhi  
4<sup>th</sup> Level, C-Wing, Delhi Secretariat  
1.P. Estate, New Delhi-110002.

No. F. 7(24)/2016/DOV/

Dated:

**ORDER**

WHEREAS, minor penalty proceedings under rule 16 of CCS (CCA) Rules, 1965, were instituted against Sh. Dinesh Singh, Grade-I (DASS), vide Memorandum/Charge Sheet No. F.7(24)/2016/DOV/13871 dated 19.09.2016, on following imputation of misconduct:-

"In a matter titled Shiv Lal (deceased) through LRS Vs. Union of India & Ors., WP(C) No. 475/1999, relating to allotment of alternative plot in lieu of acquisition of his land measuring 4 Bighas and 17 Biswas i.e. 4890 Sq. Yards of Khasra No. 632-633 in revenue estate of Village Peera Garhi, New Delhi, Hon'ble High Court of Delhi passed an order dated 27/09/2012 with following directions: -

64/2016/DOV/13871  
17/3/17  
"10. In light of the aforesaid, this petition is disposed of with direction to respondent - DDA to consider petitioner's case for allotment of an alternate residential plot at current cost, by giving an opportunity to petitioner to fulfil the eligibility conditions, regarding which respondent - DDA shall seek clarification from the fourth respondent i.e. Director/Secretary, Land & Building Department of Government of NCT of Delhi at Vikas Bhawan, New Delhi. The needful be done preferably within a period of sixteen weeks from today after affording an opportunity of Representation and hearing to petitioner within two weeks and thereafter to communicate to petitioner the decision taken in this regard, so that petitioner may avail of the remedy as available in law, if required."

Accordingly, the Director (Resdl. Land) vide letter no. Mis. (2002)07/HC/ Legal/6197 dated 22/11/2012 requested the Land & Building Department, Government of NCT of Delhi to intimate the particulars of recommendee, zone, size, eligibility and seniority of petitioner/date of taken over the physical possession of acquired land to enable the DDA to take further action in the matter, but no reply was provided by Land & Building Department, Government of NCT of Delhi to DDA.

Further, although, the then Secretary (Land & Building) had accorded approval to file the review petition before the same Judge, but no correspondence was made by the department after 11/04/2013.

Sh. Amit Garg S/o Sh. Shree Lal filed an application dated 15/10/2015 to the Dy. Secretary (Alt.), Land & Building Department, requesting to provide the requisite information to the DDA, but no action was taken in the matter. Thereafter, the aforesaid Sh. Amit Garg again filed an application/reminder dated 18/11/2015 to the Dy. Secretary (Alt.), Land & Building Department for expediting his matter, but even then, no action was taken by the Land & Building Department.

On 27<sup>th</sup> February, 2013, Sh. Amit Garg had filed a second writ petition no. WP(C) 1371/2013, titled Amit Garg Vs. Secretary (Alt.), Land & Building Department & Anr., again seeking the allotment of an alternative plot as well as the stay on the auction of the plots by the respondents. In that matter, Hon'ble High Court of Delhi passed following order on 21/01/2016: -

"7. This court is of the prima facie view that the judgment dated 27<sup>th</sup> September, 2012 has attained finality and respondent no. 1 is in clear contempt of the judgment dated 27<sup>th</sup> September, 2012. There is an unexplained delay of more than three years in compliance of the order. It is a fit case to initiate contempt proceedings against the officers responsible for non compliance of the judgment dated 27<sup>th</sup> September, 2012.

8. Respondent no. 1 is directed to file an affidavit to place on record the names of the officers responsible for the non compliance of judgment dated 27<sup>th</sup> September, 2012 within a period of one week from today."

Sh. Dinesh Singh, Gr.-I(DASS) was holding the charge of Superintendent of Alternative Branch in Land & Building Department during the period 06/03/2013 till 22/03/2016, and the matter was very much in his knowledge, as he himself had marked the applications dated 15/10/2015 and 18/11/2015 of Sh. Amit Garg to the Dealing Assistant in the Alternative Branch. However, despite a time bound court matter, he failed to follow up the matter properly, which resulted in adverse remarks/observations by Hon'ble High Court of Delhi on the functioning of Land & Building Department, Govt. of NCT of Delhi.

Being the Superintendent In-charge of the Alternative Branch of Land & Building Department, Govt. of NCT of Delhi, Sh. Dinesh Singh, Gr.-I (DASS) was duty bound to exercise proper supervision over the functioning of his subordinates, particularly in the time bound court matters, in which he failed miserably, causing adverse remarks/observations by Hon'ble High Court of Delhi in the aforesaid court case.

By the above acts of omission and commission, Sh. Dinesh Singh, Gr.-I (DASS), committed gross negligence and dereliction of duty, which is unbecoming of a Govt. Servant, in violation of the provisions under Rule 3 of CCS (Conduct) Rules, 1964".





AND WHEREAS, the Charged Officer made a representation dated 17.10.2016. The summary of the submissions made in the representation are:

- (i) His predecessor is responsible for non-compliance of Order dated 27.09.2012 of the Hon'ble High Court and the Disciplinary proceedings should be initiated against his predecessor.
- (ii) DDA and its officers are responsible for the contempt of the Order, instead of the Land & Building Department, GNCTD and its officers.
- (iii) The representations dated 15.10.2015 and 18.11.2015 submitted by Sh. Amit Garg, the Petitioner, were factually RTI applications filed under the RTI Act.
- (iv) The Dealing Clerk had never put up the said case before the Charged Officer.

AND WHEREAS, the undersigned being Competent Disciplinary Authority, has carefully considered the imputation of misconduct, reply of the Charged Officer, facts and circumstances of the case and observes that:-

1. The Charged Officer failed to:-

- (i) comply with the Order dated 27.09.2012 of the Hon'ble High Court leading to contempt proceedings;
- (ii) file the Review Petition as per the direction dated 08.02.2013 of the Secretary (L&B); and
- (iii) furnish the requisite information/documents to DDA on the correspondence/representation dated 15.10.2015 and 18.11.2015 received from the Petitioner Sh. Amit Garg.

2. The Charged Officer is responsible for non compliance of the Order dated 27.09.2012 of the Hon'ble High Court and causing contempt proceedings as revealed from the Enquiry Report conducted by the Land & Building Department, GNCTD.

3. The Charged Officer also failed to furnish the requisite information to DDA in response to correspondence/representations dated 15.10.2015 and 18.11.2015 received from Sh. Amit Garg, the Petitioner.


4. The Charged Officer has further admitted supervisory lapses on his part.

js/c

AND WHEREAS, the undersigned being Competent Disciplinary Authority is of the considered view that the Charged Officer did fail to comply with the Orders dated 27.09.2012 and 21.01.2016 of the Hon'ble High Court during his period. He also failed to follow up the court matter on a time-bound basis and to exercise adequate supervision over his subordinates which resulted in contempt of Hon'ble High Court. Therefore, it is felt that it is a fit case for imposition of minor penalty upon the Charged Officer.

NOW, THEREFORE, in exercise of the powers conferred by Rule 12 of the CCS (CCA) Rules, 1965, the undersigned being the Competent Disciplinary Authority, hereby imposes the penalty of "reduction to a lower stage in the time scale of pay by one stage for a period of three years, without cumulative effect and not adversely affecting his pension" upon Sh. Dinesh Singh, Grade-I (DASS), with immediate effect.

I hereby order accordingly.

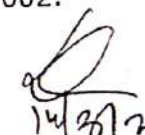
  
(Dr. M.M. Kutty)  
Chief Secretary, Delhi.

✓ Sh. Dinesh Singh, Grade-I (DASS),  
Superintendent, Directorate of Economics & Statistics,  
3<sup>rd</sup> Floor, B-Wing, Vikas Bhawan-II,  
Civil Lines, Delhi-110054.  
**Through Principal Secretary (Finance),**  
Govt. of NCT of Delhi.

No. F. 7(24)/2016/DOV/ 4190 - 4200  
Copy for information & necessary action to:-

Dated: 16/3/17

1. The Principal Secretary (Finance), GNCTD, Delhi Secretariat, I.P. Estate, New Delhi.
2. The Secretary (Services), GNCTD, Delhi Secretariat, New Delhi.
3. The Secretary (L&B), GNCTD, Vikas Bhawan, I.P. Estate, New Delhi-110002.

  
14/3/2017  
(Rajesh Tiwari)  
Deputy Secretary (Vigilance)



Directorate of Vigilance  
Government of NCT of Delhi  
4<sup>th</sup> Level, C-Wing, Delhi Secretariat  
I.P. Estate, New Delhi-110002.

No. F.7(38)/2016/DOV 13095

Dated: 26/11/17

**ORDER**

WHEREAS, minor penalty proceedings under rule 16 of CCS (CCA) Rules, 1965, were instituted against Sh. Dinesh Singh, Grade-I (DASS), vide Memorandum/Charge Sheet No. F.7(38)/2016/DOV/18112 dated 02.12.2016, on following imputation of misconduct or misbehaviour:-

"Sh. Dinesh Singh, Gr.-I (DASS) while functioning as Superintendent (Alternative Branch) in Land & Building Department, Govt. of NCT of Delhi during the period 01/01/2015 to 30/09/2015 committed gross misconduct in as much as he remained absent from duty for 41 days on various occasions, unauthorizedly, without prior approval/permission of the competent authority. Details of period of unauthorized absence from duty are as under: -

S. No.	Month	Dates	No. of Days
1.	January, 2015	7, 8, 9, 21, 22 & 23	6
2.	February, 2015	2, 13, 16 & 17	4
3.	March, 2015	23 & 24	2
4.	April, 2015	3, 21, 22, 23 & 24	5
5.	May, 2015	18, 22 & 25	3
6.	June, 2015	1, 15, 16, 22 & 30	5
7.	July, 2015	6, 7, 8, 9, 10 & 29	6
8.	August, 2015	12, 13 & 14	3
9.	September, 2015	2, 3, 4, 11, 16, 24 & 25	7
<b>Total</b>			<b>41</b>

Besides above, the aforesaid Sh. Dinesh Singh, Gr.-I (DASS) proceeded on earned leave for five days w.e.f. 09/11/2015 to 13/11/2015 and left station, without obtaining prior sanction/permission from the competent authority. He was also habitual late comer and availed leave most of time with new excuses.

The Alternative Branch in Land & Building Department deals with very sensitive and important works, such as court cases, PGC, CIC, PGMS matters. Being the Superintendent of Alternative Branch, Sh. Dinesh Singh was duty bound to be quite punctual and sincere in the performance of his duty, but due to his casual attitude, he failed miserably in the performance of his duty despite several warnings by his supervisory officer.

Thus, by the aforesaid acts of omission & commission, Sh. Dinesh Singh, Gr.-I (DASS) has committed gross negligence and dereliction of duty, which is unbecoming of a Govt. Servant, and is violation of the provisions of Rule 3 of CCS (Conduct) Rules, 1964."

AND WHEREAS, the Charged Officer made a representation dated 23.01.2017 with the salient submissions that: -

- (i) The Charged Officer attended hearings and meetings at CIC, PGC, CBI office and Statutory Authorities with the permission of the Competent Authority. However, he was shown absent on 22.06.2015. It is possible that he might have skipped marking his attendance.
- (ii) The request of the Charged Officer for Earned Leave etc. was always refused by his immediate Superior Authority.
- (iii) Department has given misleading facts regarding his absence period.
- (iv) There is a possibility that the Charged Officer might have forgotten to mark his attendance due to some urgent work or call from the higher authorities and Public. This is human error. Non-marking of attendance can also be happened due to error in Biometric Machine.
- (v) The Charged Officer's presence can be ascertained through his signatures made in files on each and every case.

AND WHEREAS, the undersigned being Competent Disciplinary Authority has considered the Charge Sheet, representation of the Charged Officer, relevant documents/records, facts and circumstances of the case and observes that: -

- (i) The Charged Officer was duty bound to mark his attendance on Biometric System as per instructions of the Department. However, he failed to mark his attendance. Non-marking of attendance through Biometric Machine indicates that he has failed to adhere to instructions on the matter and is a valid ground to conclude that he remained absent from office without approval of Competent Authority.
- (ii) Record reveals that the Charged Officer proceeded on Earned Leave without obtaining prior permission of the Competent Authority.
- (iii) The Charged Officer has admitted that he failed to mark his attendance through Biometric Machine. Rests of submissions of the Charged Officer have been found without merit, therefore, liable to be rejected.

AND WHEREAS, the undersigned being Competent Disciplinary Authority has gone through the Charge Sheet, representation of the Charged Officer, relevant documents / records, facts and circumstances of the case and is not convinced with the submissions





and averments made by the Charged Officer. It can be safely concluded that he failed to produce adequate corroborative evidence against the charges levelled against him. Therefore, the Charged Officer is liable to be held responsible for committing the misconduct of non observance of punctuality and remaining absent unauthorizedly without obtaining prior permission of the Competent Authority. Such action on his part tantamounts to negligence, dereliction of duty and conduct unbecoming of a Government servant. Thus, it is felt that it is a fit case for imposition of minor penalty upon the Charged Officer.

NOW, THEREFORE, in exercise of the powers conferred by Rule 12 of the CCS (CCA) Rules, 1965, the undersigned being the Competent Disciplinary Authority, hereby imposes the penalty of *"reduction to a lower stage in the time scale of pay by one stage for a period of three years, without cumulative effect and not adversely affecting his pension"* upon Sh. Dinesh Singh, Gr.-I (DASS), with immediate effect.

I hereby order accordingly.

(Dr. M.M Kutty)  
Chief Secretary, Delhi.

✓ Sh. Dinesh Singh, Grade-I (DASS),  
Superintendent, Directorate of Economics & Statistics,  
3<sup>rd</sup> Floor, B-Wing, Vikas Bhawan-II,  
Civil Lines, Delhi-110054.

**Through Principal Secretary (Finance),**  
Govt. of NCT of Delhi.

Vin/1717932

No. F.7(38)/2016/DOV 13096 - 13100

Dated: 24/11/16

Copy for information & necessary action to:- 2283

1. The Secretary to Hon'ble LG, GNCTD, Raj Niwas, Civil Lines, Delhi.
2. The Principal Secretary (Finance), GNCTD, Delhi Secretariat, I.P Estate, New Delhi.
3. The Secretary (Services), GNCTD, Delhi Secretariat, New Delhi.
4. The Secretary (L&B), GNCTD, Vikas Bhawan, I.P. Estate, New Delhi-110002.
5. The Secretary (Revenue), GNCTD, 5, Sham Nath Marg, Delhi-110054.

(Rajesh Tiwari)  
Dy. Secretary (Vigilance)