

DELHI JAL BOARD
GOVT. OF N.C.T. OF DELHI

Minutes of the 138th meeting of Delhi Jal Board held on 07.05.2018 (Monday) at 11.30 A.M. in Conference Room No.03, Delhi Secretariat, I.P. Estate, New Delhi-110 002.

P R E S E N T

1.	Sh. Arvind Kejriwal, Hon'ble Chief Minister, Delhi	Chairperson
2.	Sh. Dinesh Mohaniya, Member of Legislative Assembly	Vice-Chairman
3.	Sh. Anil Kumar Singh, Chief Executive Officer, DJB	Member
4.	Sh.Sharad Kumar Chauhan, MLA	Member
5.	Sh.Som Dutt, Member of Legislative Assembly	Member
6.	Sh.Jagat Singh Lohia, Member Delhi Cantonment Board	Member
7.	Sh.Satya Pal Malik, Municipal Councillor, SDMC	Member
8.	Sh. R.K. Mishra, Member (Admn.)	Member
9.	Sh.S.Naiyer Ali Najmi, Member (Finance)	Member
10.	Sh.R.S. Negi, Member (DR.)	Member
11.	Sh.S.K. Juneja, Scientist 'D'	Representative of CGWB

CONFIRMATION OF MINUTES

Minutes of 137th meeting of the Board held on 28.03.2018 were confirmed.

ACTION TAKEN NOTE

The action taken note in respect of the decisions taken in 137th meeting of the Board held on 28.03.2018 was placed before the Board and the same were taken on record.

RESOLUTION NO. 578

ITEM NO. ADMN.- 212 Budget Estimates of Delhi Jal Board for the year 2018-19.

The Board considered the proposal contained in letter No.DJB/ Director (F&A) / Preamble/2018/64 dated 23.04.2018 of Director(F&A) and resolved to approve the Revised Budget Estimates for the year 2017-18 and Budget Estimates for the Financial year 2018-19. A PPT Presentation in respect of overview of Revised Budget Estimate for the year 2017-18 and Budget Estimates for the year 2018-19 was also shown to the Board by Finance department. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 579

ITEM NO. ADMN.- 213 Extension of contractual engagement to the post of Dental Surgeon in r/o Dr.Shweta Tanwar on contract basis against sanctioned vacant post of Doctor (GDO) Grade-II for a period of 01 year w.e.f. 03.05.2018 to 02.05.2019.

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/AC(D)/Preamble/2018/586 dated 24.04.2018 of Director(A&P) and resolved to approve the same for a period of another one year w.e.f. 03.05.2018 to 02.05.2019. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 580 (Confidential)

ITEM NO. ADMN.- 214 Disciplinary proceedings against Sh.Naveen Mohan Solan, the then Executive Engineer (Civil) {Superintending Engineer [Civil]} – Retired}.

The Board considered the proposal contained in letter No. DJB/CVO/2018/29 dated 23.02.2018 of Chief Vigilance Officer with the following details :-

1. The matter of Sh. Naveen Mohan Solan, the then Executive Engineer (Civil) [Superintending Engineer (Civil)-(Retd.)], DJB, was placed before the Board with the following details-
 - a. That disciplinary proceedings for major penalty were initiated against Sh. Naveen Mohan Solan, the then Executive Engineer (Civil) [Superintending Engineer (Civil)-(Retd.)] and a charge sheet was issued to him vide Memorandum No. DJB/Vig./Disp./CS-(B)-93/(11)/ 2013/8215 dated 15.07.2013.
 - b. Sh. V.K.Babbar, Member (Dr)-Retd., Delhi Jal Board, was appointed as the Inquiry Officer (IO) for conducting inquiry into the case. After conducting inquiry, the IO submitted its report holding Article-1 of the charge as 'Not Proved', Article-2 as 'Partly Proved', and Article-3 and Article-4 as 'Proved' against the charged officer on the grounds mentioned therein.
 - c. The IO's Report was placed before Delhi Jal Board, being the competent Disciplinary Authority in the case, in its 130th meeting held on 16.02.2017. The Board accepted the findings of the IO and granted the permission to serve the inquiry report to the Charged Officer.
 - d. A copy of the Inquiry Report was, accordingly, served upon the Charged Officer on 15.03.2017 for his comments, if he so desired, within 15 days of the receipt of the Inquiry Report. However, he failed to furnish any reply to the same. Accordingly, the matter was again placed before the Board, being the competent Disciplinary Authority, in its 132nd meeting held on 29.09.2017 for its consideration and to pass a final order, i.e. to decide the quantum of penalty under Rule 9 of CCS Pension Rules.
 - e. The Board, after considering all the facts and circumstances of the case on record, resolved that penalty of "50% (fifty percent) cut in pension for rest of his life" be imposed upon Sh. N. M. Solan, the then Executive Engineer [SE-Retd.]. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the Charged Officer. Accordingly, the above orders of the Board were conveyed to the Charged Officer vide Member (Admn.)'s Order No. 204 dated 30.10.2017.
 - f. Aggrieved with the above orders of the Disciplinary Authority, the Charged Officer filed an Original Application (OA) before the Central Administrative Tribunal (CAT), Principal Bench, New Delhi mainly for quashing of the impugned order dated 30.10.2017. The OA inter alia contained a reply which the Charged Officer claimed to have submitted to the DJB in response to Inquiry Report forwarded to him vide letter dated 15.03.2017 (Annexure A-7 of the OA).
 - g. CAT vide its Orders dated 21.12.2017 has set aside the impugned order of the disciplinary authority dated 30.10.2017 and remitted the case back to the disciplinary authority for reconsideration of the matter. The disciplinary authority to reconsider the response of the applicant to the report of the inquiry and thereafter pass a reasoned and speaking order.

2. In view of the orders of the CAT dated 21.12.2017 to consider the reply of the Charged Officer so furnished before it, i.e. Annexure A-7 of the OA, the same as well as further submissions made by the Charged Officer vide his subsequent letter ref. M(A) diary no. 3886 dated 22.01.2018, as brought out below, were placed before the Board for its consideration:
 - i) 'As per work order date of start of work was 28/09/2008 however the department had not provided Road Cutting permission to divert the traffic from Delhi Police(Traffic) up to last week of February 2009 being a busiest road at Dabri Mode, Janakpuri. Department had pursued up to level of Spl. Police Commissioner (Traffic) and then they personally fixed an inspection and took a decision in the last week of February 2009. After his personal attention he agreed to give traffic diversion permission in parts with the condition that about 50% work will be executed with open cut method and rest of the work with trenchless Technology Method.'
 - ii) 'Contractor had supplied approximately 100% material at site most probably in November, 2008.'
 - iii) 'Infact, Contractor was pressing that why should he extend performance guarantee when he was not at the fault. Moreover, traffic police has also not given clear cut permission to execute the work at one instance.'
 - iv) 'As regards release of security against Bank Guaranty: In this reference, I had already stated that the security was released as per order of SE(Proj.)W-II, on dated 29/04/2009. This is in reference to contractor request vide letter no: SA/S/DJB/09-2010/04 Dated 01/04/2009. I forwarded his request to SE(Proj.)W-II, on Dated 27/04/2009 which can be confirmed from the documents available in the Division. Moreover, this is as per manual of CPWD.'
 - v) 'As regards Performance Guaranty: In this regard, I hereby state that we always take care the interest of the department. More than Bank Guaranty amount i.e. Rs. 45,85,306/- was kept in the division. We had not issue any payment to the contractor from June, 2009 to 30th September, 2009. During this period he has submitted three numbers of running bills amounting to more than Rs. One Crore. The same can be verifying from the division records.'
3. The Board considered all the facts placed before it including the replies furnished by the Charged Officer, and observed that:
 - i) As per charge sheet issued to the Charged Officer vide Memorandum dated 15.07.2013, there were four articles of charge made against him. These charges were mainly related to following lapses on his part in respect of the work of 'Shifting of water mains 1500mm dia and 1000mm dia due to construction of grade separator at Dabri Intersection of Pankha Road and road leading to Dwarka near Janakpuri with use of MS pipes':
 - a) Article-1: The Charged Officer while working as EE-in charge of the work, had initially accepted the Performance Guarantee (PG) validity of which was short by one month.
 - b) Article-2: The Charged Officer had intentionally accepted the flawed PG, thereby, forfeiting the right of Delhi Jal Board to lodge a claim with the issuing Bank within six months of the date of expiry, in case of default on the part of Contractor.
 - c) Article-3: The Charged Officer did not take necessary action as per Contract Agreement to get the PG extended and allowed it to expire, thereby extending undue financial benefit to the contractor.

- d) Article-4: The Charged officer processed the RA bills for release of payment to the tune of Rs.7,04,57,740/- in the months of May and June 2009 without getting the PG extended. Not only this, he also released Rs.20,00,000/- in the month of May 2009, which had been withheld on account of security deposit, against another Bank Guarantee.
- ii) The Inquiry Officer, after examining the evidences adduced by the Department as well as the Charged Officer, had submitted its detailed report with proper reasons holding therein Article-1 of the charge as 'Not Proved', Article-2 as 'Partly Proved', and Article-3 and Article-4 as 'Proved' against the charged officer.
- iii) The submissions made by the Charged Officer in his replies are evasive in nature and he has not submitted specific replies to the Articles of charge made against him. He has apparently accepted the lapses on his part by submitting that due to want for permission from the traffic police the work got delayed, and since the contractor had supplied almost 100% of the material at site he was not ready to extend the PG.
- iv) The submissions made by the Charged Officer vide his letter dated 22.01.2018 are not correct since he had processed the RA Bills for making final payment amounting to Rs. 7,04,57,740/- besides releasing security deposit amount of Rs.20,00,000/-, without getting the performance guarantee extended which was mandatorily required as per relevant clauses of the contract agreement. He had, therefore, extended undue financial benefit to the contractor.
4. After careful perusal of the materials on record, including the submissions made by the charged officer vide his replies mentioned at para 2 above and the observations of the Board at Para 3 thereupon, the Board was of the considered view that the facts on record conclusively establish misconduct, as framed in the Articles of Charge (Annexure-I) of Memorandum No. DJB/Vig./Disp./CS-(B)-93/(11)/2013/8215 dated 15.07.2013, and, therefore, in view of the gravity of the charges the Board resolved to impose the penalty of "50% (fifty percent) cut in pension for rest of his life" upon Sh. N. M. Solan, the then Executive Engineer [SE-Retd.].
5. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the Charged Officer in the instant case as well as all future departmental proceedings related cases.

The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 581 (Confidential)

ITEM NO. ADMN.- 215 Disciplinary proceedings against Smt. Shashi Sharma, ZRO(Retd.).

The Board considered the proposal contained in letter No. DJB/CVO/2018/30 dated 22.03.2018 of Chief Vigilance Officer and resolved to disagree with the findings of the Inquiry Officer on the ground that the Inquiry Officer had not properly considered the prosecution documents A-4/13 and P-4/22 in which the charged official had sanctioned the water connection in the same properly without levying the requisite infrastructure charges. Further, the Inquiry Officer also failed to give credence to Ex.P-4/1 wherein the charged official herself had admitted that the water connection against property No.A-56-C was sanctioned by mistake during the camp organized for the purpose, and the same was cancelled subsequently. Further the detailed Disagreement Note of the Board will be issued in this regard for and on behalf of the Board by Member (Admn.). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 582 (Confidential)

ITEM NO. ADMN.- 216 Disciplinary proceedings against Sh.Yad Ram Singh Raju, Executive Engineer (C)-retired.

The Board considered the proposal contained in letter No. DJB/CVO/2018/31 dated 03.05.2018 of Chief Vigilance Officer and resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the Charged Officer. The Board further desired to know as to whether there was lapse on the part of officials other than the civil maintenance staff, which resulted in the death of a DJB employee. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 583 (Confidential)

ITEM NO. ADMN.- 217 Disciplinary proceedings against Sh.Prashant Kumar, Executive Engineer (C) – retired.

The Board considered the proposal contained in letter No. DJB/CVO/2018/32 dated 03.05.2018 of Chief Vigilance Officer and resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the Charged Officer. The Board further desired to know as to whether there was lapse on the part of officials other than the civil maintenance staff, which had resulted in death of a DJB employee. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 584 (Confidential)

ITEM NO. ADMN.- 218 Disciplinary proceedings against Sh.Ranbir Yadav, Chief Engineer (E&M) – Retired.

The Board considered the proposal contained in letter No. DJB/CVO/2018/33 dated 03.05.2018 of Chief Vigilance Officer with the following details :-

1. The matter of Sh. Ranbir Yadav, the then Chief Engineer [E&M]-(Retd.), DJB, was placed before the Board with the following details-
 - i) Disciplinary proceedings for major penalty were initiated against Sh. Ranbir Yadav, Chief Engineer (E&M)-Retired, and a charge sheet was issued to him vide Memorandum No. DJB/Vig./Disp./CS-(B)-04/11/2014/2444 dated 19.02.2014. The Articles of charge made against him, in brief, were as under:

Article-1

‘Following additional conditions were inserted in NIT No:10 (2009-10) dated 29.03.2010 on the request of M/s Degremont Ltd. (one of the bidders) just five days before the due date of opening of tenders in the work of ‘‘Rehabilitation and O&M of 40 MGD STP, Rithala, Phase-II, for the period of 10 years’:

- a. The bidder should have experienced of operation and maintenance of at least one WTP/STP in India with ISO certification.
- b. The bidder should have at least two years experience of operation and maintenance of STP in India.

Though, the inclusion of the above two additional conditions have been justified on the basis of existence of similar conditions in other works and also due to essentiality, the manner and circumstances in which these conditions were included in this contract raises doubts about the intent. The conditions were critical from competition point of view and had the effect of exclusion of those firms which did not have an India subsidiary or any previous India specific experience.

The late inclusion of conditions in the tender on a request made by M/s Degremont Ltd. (a participating bidder), which already satisfied the said conditions, was done with malafide intent by Shri Ranbir Yadav, the then CE(E&M), purposely which resulted into exclusion of M/s VEOLIA WATER from the tender competition. M/s Degremont Ltd finally secured the work.’

Article -2

‘While processing the tender case for ‘Rehabilitation and O&M of 40 MGD STP Rithala (Phase-II) for 10 years’ Shri Ranbir Yadav, the then CE(E&M) had accepted the representation dated 19.07.2010 of M/s DegremontLtd, and directed EE(SDW)-VII to extend the tender submission/closing date by one week vide his order dated 22.07.2010. Prior to this, vide other representations made by M/s Degremont Ltd. he extended the bid submission date to 01.07.2010 vide his order dated 14.06.2010; then extended the bid submission date to 16.07.2010 vide his order dated 28.06.2010; and, he again extended the bid submission date to 27.07.2010, vide his order dated 15.07.2010. By extending the date four times, he extended undue favour to M/s Degremont Ltd in the said tender case.’

- ii) Sh. Asit Gopal, Commissioner for Departmental Inquiries (CDI), CVC, was appointed as the Inquiry Officer (IO) for conducting inquiry into the case. After conducting inquiry, the IO submitted its report holding both the articles of charge as ‘Proved’ against the charged officer on the grounds mentioned therein.
- iii) The IO’s Report was placed before the Delhi Jal Board, being the competent Disciplinary Authority in the case, in its 124th meeting held on 30.09.2015. The Board accepted the Inquiry Report and also granted the permission to serve the report to the Charged Officer.
- iv) A copy of the Inquiry Report was, accordingly, served on the Charged Officer on 03.11.2015 for his comments, if he so desired, within 15 days of the receipt of the Inquiry Report.
- v) The Charged Officer submitted his reply in response to the inquiry report. The matter was again placed before the Board, along with the reply furnished by the Charged Officer, for taking a view, as deemed fit.
- vi) The Board in its 126th meeting held on 01.03.2016, after considering all the facts and circumstances of the case in totality, including the Charged Officer’s reply, resolved that penalty of “50% (fifty percent) cut in pension for a period of 15 (fifteen) years” be imposed upon Sh. Ranbir Yadav, Chief Engineer –(Retd.). The Board further resolved to authorize Member (Admn.) to convey its decision to the Charged Officer. Accordingly, the above orders of the Board were conveyed to the Charged Officer vide Member (Admn.)’s Order No. 86 dated 04.04.2016.

vii) Aggrieved with the above orders of the Disciplinary Authority, the Charged Officer filed an Original Application (OA) before the Central Administrative Tribunal (CAT), Principal Bench, New Delhi mainly for quashing and setting aside the impugned penalty order dated 04.04.2016.

viii) CAT vide its Orders dated 12.03.2018 has quashed the impugned order of the disciplinary authority dated 04.04.2016 and remitted the matter back to the Disciplinary Authority to examine the facts on record and pass reasoned and speaking order in accordance with law. CAT has further taken a view that on account of quashing of the impugned order, the applicant is entitled to all the consequential benefits.

2. In view of the orders of the CAT dated 21.12.2017, the case has been examined again with respect to the facts on record, namely viz. Charge sheet, Report and findings of the Inquiry Officer, reply furnished by the Charged Officer in response to the inquiry report. The Charged Officer in reply to IO's findings had mainly submitted that-

- a. 'That the Ld IO has not concluded the report in a proper manner and in the right earnest. He has grossly erred in reaching to the conclusions which are not based on record and are based on his own assessment of evidence and charges have been proved based on suspicious, surmises and conjectures and his own misconceptions and misnotions.'
- b. 'There are two charges against me i.e (i) Late inclusion of conditions in the tender on a request made by M/s Degremont Ltd. which resulted into exclusion of M/s Veolia water and (ii) Extending the bid submission date four times to extend undue favour to M/s Degremont Ltd.'
- c. 'Regarding inclusion of the conditions, M/s Degremont, who had constructed the plant requested that for such critical plant it is necessary that the bidders should be highly skilled and qualified. The CO sought the advice of SE(SDW)-III on the latter of the firm itself by stating since you were there of a long time I need your comments. SE(SDW)-III replied yes I agree this is a most prestigious plant and these conditions be incorporated so that right companies participate. The CO noted OK. A& B be incorporated and date be extended by a week.'
- d. 'Regarding Charge-I, the Ld. IO in his inquiry report has mentioned that the charge sheet itself justifies to an extent the action of the CO. It admits that the two additional conditions were justified but the manner in which these conditions were included raises doubt about intent.'
- e. 'Regarding Charge-2 Ld IO in his inquiry report has concluded that extension in the common interest is justified but extension on request of only M/s Degremont is not justified.'
- f. 'Regarding Charge-1, it is submitted that there is no doubt that the conditions were necessary considering the nature of specialized O & M work which has also been agreed by Ld. IO but he

has raised the issue of manner for introduction of the conditions. It is not clear as to what should be the manner for issuing any amendments to the tender condition. Amendments are issued considering the requirement of the work and providing enough time to the bidders to submit a bid in line with the tender requirements. In case any prospective bidder seems that the time is short, the extension in bid submission date is granted to provide enough time to the bidder so that there is sufficient competition in the tender. In this case it has not been disputed that the conditions were necessary for the work and the same were accordingly introduced. Sufficient time of 13 days was given and no firm asked for extension in bid submission date. That means the prospective bidders were satisfied with the time granted for the bid. Because of inclusion of the condition, M/s Veolia was excluded is not a ground for criticizing the manner of introduction. Conditions were included considering the requirement of the work not to include or exclude any firm. It has been mentioned in the charge sheet as well as the Ld. IO's report that because of inclusion of the conditions, M/s Veolia could not bid, as if the conditions were to be framed in such a way so that M/s Veolia could have been eligible for the tender. His logic is highly unethical and might result in considering a firm which was not competent to carry out the work.'

- g. 'The inclusion of the conditions has in no way affected the competitions in the tender as three bids were received and all the three bidders were qualified and their financial bids were opened.'
- h. 'Advice of Chief Vigilance Officer DJB was sought by CEO(DJB), and the CVO had noted that it is not necessary for any tender condition to be stagnant. Tender conditions can be changed to suit the requirement of advance needs, operations, or technology, experience of similar case in the past which require correction....there appears to be no reason for reconsideration to accommodate any vendor specific requests. This is subject to the fact that Member and CE are convinced that this amendment was technically necessary for the project in question.'
- i. 'I permitted the inclusion of the conditions in the interest of the work so that competent firms are awarded the work. Hence, charging me for granting permission for inclusion of the conditions to favour M/s Degremont, is baseless and totally wrong. The fact is that, I did not budge to the pressure to keep conditions in such a way so as to make M/s Veolia eligible for the tender.'
- j. 'Regarding charge 2: It is beyond anybody's imagination that how any firm can be granted favour by simply extending the date of submission of the bids when open tenders are invited. It is a matter of record that it is not only M/s Degremont who requested for extending the dates but

- k. M/s SPML and M/s Veolia also requested for extending the date of submission of bids. In this regard several exhibits on record at P-277, 296, 353 & 356 may be referred (copy enclosed). Ld IO has chosen to ignore even the documents on record for the reason best known to him. Hence, his conclusion that the charges is proved is malicious, wrong and erroneous.'
3. On the basis of facts on record, it is observed that the above contentions of the Charged Officer were mere reiteration of his earlier submissions made during the course of inquiry into the matter. The same, however, lacks substance mainly on account of the following facts on record:
- a. The Charged Officer in his defense has submitted that M/s Degremont Ltd. had constructed the Rithala STP, and for such a critical plant bidders should be highly skilled and qualified. The tenders for the work of 'Rehabilitation and O&M of 40 MGD STP, Rithala Phase-II, for the period of 10 years' were invited vide NIT No. 10(2009-10) dated 29.03.2010. While the tendering process was underway, Charged Officer ordered to incorporate the conditions, i.e. bidder should have experience of O&M of at least one WTP/STP with ISO certification in India, and must have two years' experience of O&M of STP in India. As per materials on record, the said conditions had been suggested by one of the prospective bidders, namely M/s Degremont Ltd. vide their letter dated 19.07.2010 which was received in the Diary on 22.07.2010. The same were seen by the SE-Sh. D.K.Arora (who has since expired) and the Charged Officer, being the Chief Engineer-in-charge, on 22.07.2010 itself. After the recommendation of the SE, the Charged Officer ordered to incorporate the said conditions into the tender and also extend the date of opening by a week. The corrigendum in this regard was also issued and uploaded on the website the same day, i.e. 22.07.2010.
- b. Thus, the said conditions were inserted to extend favour to M/s Degremont Ltd. which had experience of O&M of WTP/STP in India. Whereas M/s Veolia Water, another prospective bidder was not fulfilling the above criteria as condition was vendor specific and stringent from bid point of view. The conditions were critical and had the effect of exclusion of those firms which did not have an Indian subsidiary or any previous India specific experience. As such, intentional inclusion of the said conditions were with a view to extend favour to some particular firms/contractors, and affected the process of competitive bidding as only three firms including M/s Degremont Ltd. could participate in the tender. Facts on record, also reveal that after opening of tenders, M/s Degremont Ltd. was found to be the L-1 bidder. The bid of the L-1 was recommended for acceptance by the Charged Officer though the offer of L-1 was 1.61% above the departmental justification.

- c. The Charged Officer extended the bid submission date further by one week to 03.08.2010 despite the fact that he had already extended the same earlier three times i.e. to 01.07.2010, 16.07.2010 and 27.07.2010, thereby extending undue favour to M/s Degremont Ltd.
4. The Board after careful perusal of the facts on record was of the considered view that the Charged Officer had intentionally ordered to insert the said two conditions in the tender with a view to extending favour to M/s Degremont Ltd. which had the experience of O&M of WTP/STP in India. The conditions were critical and had the effect of exclusion of those firms which did not have an Indian subsidiary or any previous India specific experience. This affected the process of competitive bidding. It is also on record that he extended the bid submission date again from 27.07.2010 to 03.08.2010, i.e. fourth time, thereby extending undue favour to M/s Degremont Ltd. Thus, the facts on record conclusively establish grave misconduct on part of the Charged Officer, as framed in the Articles of Charge (Annexure-I) of Memorandum No. DJB/Vig./Disp./CS-(B)-04/11/2014/2444 dated 19.02.2014, and, therefore, in view of the gravity of the charges, the Board resolved to impose the penalty of “50% (fifty percent) cut in pension for a period of 15 (fifteen) years” upon Sh. Ranbir Yadav, Chief Engineer –(Retd.).

The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 585

ITEM NO. Est.- 180 Replacement of 1000mm dia PSC Rising main with 1000 mm dia M.S Lined & Coated Pipes from Bawana WTP to Karala OHT.

The Board considered the proposal contained in letter No. DJB/CE(W)Proj./2018/184 dated 20.04.2018 of CE(W)Proj. and resolved to accord administrative approval to the estimate amounting to Rs.30.61 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 586

ITEM NO. Est.- 181 Rehabilitation, Operation and Maintenance for 5 years of 1 MGD SCADA Operated and Ultra Filtration based WTP at CWG near Aksardham Temple.

The Board considered the proposal contained in letter No. DJB/CE(WW)/2018/06 dated 16.04.2018 of CE(WW) and resolved to accord administrative approval to the estimate amounting to Rs.14.05 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 587

ITEM NO. Est.- 182 P/L/J peripheral water mains in the self command of Palla UGR.

The Board considered the proposal contained in letter No. DJB/CE(W)Proj./2018/185 dated 23.04.2018 of CE(W)Proj. and resolved to accord administrative approval to the estimate amounting to Rs.35.10 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 588

ITEM NO. T- 180 Rehabilitation of Peripheral Sewer Lines in Delhi (Contract 2) “Rehabilitation of Peripheral Sewers of Dia 450-1100 mm by CIPP structural lining method in Saket Pushp Vihar, Phanchsheel Park Area, Soami Nagar, Greater Kailash & Adjoining Areas in South Delhi”.

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/13 dated 13.04.2018 of CE(DR.)Proj.-I and resolved to award the work in favour of M/s KKSIL-O Liner JV at a total cost of Rs.64.81 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 589

ITEM NO. T- 181 P/L/J 900/600 mm dia MS/DI Feeder main and various sizes of distribution mains for Bijwasan and Rajokari UGRs/BPS.

The Board considered the proposal contained in letter No. DJB/CE(W)Proj./2018/Preamble/186 dated 23.04.2018 of CE(W)Proj. and resolved to discharge the single bid being non-competitive and to re-invite the tenders for the existing work to have more participation by prospective bidders. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 590

ITEM NO. T- 182 Rehabilitation of peripheral sewers of dia 450-1200mm by CIPP structural lining method in Uttam Nagar, Paschim Vihar, Saraswati Vihar, Moti Nagar & adjoining areas in West-North West Delhi.

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/14 dated 24.04.2018 of CE(DR.)Proj.-I and resolved to allow continuation of the work already awarded to M/s Michigan Engineers Pvt. Ltd. at a total cost of Rs.102.24 Cr. approx. During discussion on this proposal, Sh. Jagat Singh Lohia, Member-DJB, however, raised certain issues regarding award of similar nature of work at lower cost in U.P. Jal Nigam. In this regard, it was explained by the Member (DR.) that the awarded cost depends upon the scope of work and site conditions which varies from site to site depending upon the geographical conditions. The sanctity of contract depends upon the fact whether the work awarded is comparable to the in-house justification and extent of participation in the tendering process. In the instant case, the work has been awarded at a cost of Rs.102.24 Cr. approx. in comparison to the in-house justification of Rs.119.58 Cr. approx. Three nos. of bidders participated in the tendering process, out of which two participants qualified the bid, where it indicates that bids received were competitive. Sh. Jagat Singh Lohia further enquired about the enquiry being carried out in this case regarding rates received for similar nature of work in DJB. In this regard, it was explained by Member (DR.) that Enquiry was conducted at the level of Vice Chairman, DJB and Member (DR.), DJB. The enquiry report was shared with the Board members of DJB in the meeting held on 23.04.2018 under the Chairmanship of Vice Chairman, DJB.

As per enquiry report, "The rates of individual item cannot be taken as a bench mark to compare rates of other bidder. Further, the rate quoted by the each bidder depends on various

situations such as Site Constraints, Accessibility, Experience in similar geographical conditions (New entrant quote more aggressively), Bidders internal bidding policy etc. Further, as far as item rate contracts are concerned the individual item rates are not considered for evaluation of the L-1 Bidder. The L-1 bidder is evaluated on the basis of complete packages cost. Therefore, the rates quoted by M/s Michigan Engineers are justified when compared to rates of Boards item No.T-141 & T-143 in similar nature of work”.

Keeping in view the above, the Board discussed at length and finally resolved to allow the contractor for continuation of the work which has already been awarded to M/s Michigan Engineers Pvt. Ltd. at a total cost of Rs.102.24 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 591

ITEM NO. T- 183 Appointment of IIT Delhi as Monitoring Agency for the work of Rehabilitation of peripheral sewer lines in Delhi – Package 5, 6 & 7.

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/15 dated 24.04.2018 of CE(DR.)Proj.-I and resolved for allowing issuance of work order to IIT-Delhi as monitoring agency and further release of consultancy fee amounting to Rs.4.71 Cr. approx. out of DJB fund which will be adjusted later on against the fund to be received from DDA. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 592

ITEM NO. T- 184 Providing and Laying of 280 to 1000mm nominal dia internal and peripheral sewer lines in Budh Vihar group of colonies falling under Rithala & Rohini WWTP catchment areas in Delhi.

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-II/2018/P-09 dated 26.04.2018 of CE(DR.)Proj.-II and resolved to award the work in favour of M/s K.R. Anand – P.C. Snehal (J.V.) at a total cost of Rs.79.67 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 593

ITEM NO. T- 185 Providing and Laying water lines in Tirathanker Nagar Jain Nagar Colony in Mundka Constituency AC-08 under EE(West)-III.

The Board considered the proposal contained in letter No. DJB/CE(West)/2018/03 dated 02.05.2018 of CE(West) and resolved to award the work in favour of M/s Mahavira Buildcon Pvt. Ltd. at a total cost of Rs.03.81 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 594

ITEM NO. T- 186 Providing and Laying water distribution system in JJC Sawda Ghevra in Mundka Constituency AC-08 under EE(West)-III.

The Board considered the proposal contained in letter No. DJB/CE(West)/2018/04 dated 02.05.2018 of CE(West) and resolved to award the work in favour of M/s Mahavira Buildcon Pvt. Ltd. at a total cost of Rs.03.54 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 595

ITEM NO. T- 187 Construction of 2 MGD WWPS at Harkesh Nagar along with P/L pumping mains and related/ allied appurtenant works near Okhla, New Delhi.

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/16 dated 02.05.2018 of CE(DR.)Proj.-I and resolved to discharge the existing tender documents and abandon the proposal for construction of 2 MGD SPS at Harkesh Nagar and find out some other alternate arrangement for this work. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 596

ITEM NO. T- 188 Rehabilitation and Up-gradation of Rithala Phase-I Wastewater Treatment Plant (WWTP) of 182 MLD with Effluent Standards of BOD< 10mg/1, TSS < 10mg/1 or better under YAP (III) (Package R2).

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-II /2018/P-10 dated 14.05.2018 of CE(DR.)Proj.-II and resolved to award the work in favour of M/s VA Tech Wabag Limited at a total cost of Rs.296.13 Cr. approx. The Board also resolved to take further action in anticipation of confirmation of the minutes.

Other Points :

1. A PPT Presentation in respect of overview of outstanding dues as on December, 2017 was made by the Revenue department. The Board was satisfied with the efforts made and the progress shown in the presentation and directed to continue the recovery drive against consumers having arrears.
2. The Board heard the appellant in person and deferred the decision. The matter will be placed in next Board meeting for its decision on the appeal of Sh.Bhupesh Kumar, SE(E&M).
3. Hearing case of Sh.O.P. Gaud, Ex.-Assistant Engineer (Civil) is as under :
 1. Sh. Om Prakash Gaud, Ex- Assistant Engineer (Civil), Delhi Jal Board has filed an appeal before the Board against the orders of CEO, DJB dated 22.11.2016 imposing a penalty of “Dismissal from service which shall ordinarily be a disqualification for future employment under the Government”,and exonerate him of the charges.
 2. The appeal of Sh. Om Prakash Gaud, Ex. Assistant Engineer (C), DJB, was placed before the Board. The Appellant in his appeal has mainly submitted:
 - a. ‘That at the time of appointment in DJB as JE and as AE in 1991 & 1999 respectively, appellant had submitted copy of his ST caste certificate No. 1075 dated 17.12.1980 issued by Sh. G.D. Joshi, competent authority- then Executive Magistrate/Naib-Tehsildar, Indore and shown its original to the authorities and after verification and being satisfied with the authenticity and genuineness of the same the appellant was appointed in the Job.’
 - b. ‘That during the investigation & disciplinary proceedings, the appellant consistently asserted throughout the proceedings that his ST caste certificated

No. 1075 bears the date of issue 17.12.1980 issued by Sh. G.D. Joshi, then Naib –Tehsildar/Executive Magistrate, Indore. The Tehsildar, Indore vide his letters dated 05.08.2014, 21.10.2015 & dated 15.03.2016 has also certified- (i) The ST caste certificate No. 1075 issued in the name of Sh. O.P. Gaud bear the date of issue 17.12.1980 was issued by Sh. G.D. Joshi, then Naib-Tehsildar/Executive Magistrate, Indore (ii) The further verification of said certificate no. 1075 communicated vide letter dated 21.10.2015 did not include the registers of Sh. G.D. Joshi as these were not available. (iii) Appellant genuinely belong to “Gond” S.T. community certified on the basis of his brother’s S.T. certificate No. 235 dated 14.05.1993 issued from same office of Tehsildar, Indore.’

- c. ‘Ignoring the truth, the appellant ultimately was awarded the punishment of dismissal from service while holding that “no caste certificate was issued by district administration Indore in the name of Sh. O.P. Gaud vide certificate no. 1075 dated 17.12.1990 or vide on 1075 dated 17.12.1983” whereas the Caste Certificate which formed the basis of the disciplinary proceedings itself bears the date of issue 17.12.1980 and not 17.12.1983 or 17.12.1990 (Coloured copy of S.T. Certificate was also attached as Annexure of the defense brief submitted to IO) and it had already been certified authentic by office of issuing authority alongwith certifying the ST status of CO hence the complete article of charge is disproved.’

3. In the matter, after perusal of facts on record, the Board observed that:

- a. On the basis of investigation into a complaint regarding fake caste certificate of Sh. Om Prakash Gaud, the then AE(C), it was found that the individual had submitted a copy of forged/fake Scheduled Tribe caste certificate at the time of his appointment in DJB as Assistant Engineer (C) in the year 1999.
- b. The matter was, therefore, placed before the competent Disciplinary Authority, i.e. Member (Admn.), DJB, who ordered to initiate disciplinary proceedings for major penalty against Sh. Om Prakash Gaud. Accordingly, a charge sheet for major penalty proceedings was issued to Sh. Om Prakash Gaud, AE(C) vide Memorandum dated 03.12.2013 with subsequent corrigendum dated 25.02.2014.

- c. A departmental inquiry was conducted by Sh. Amit Satija, the then Director (F&A), as Inquiry Officer, who submitted his findings holding the Charge as “Proved” against the Charged Officer.
- d. The findings of the Inquiry Officer were placed before the Member (A), being the competent Disciplinary Authority, for accepting the same. However, Member(A) sent the file to CEO, DJB, being the next higher authority, for acceptance of Inquiry Report, since he, i.e. Member (A) was also looking after the work of CVO. The inquiry report was accepted by the CEO, DJB and it was then served to the charged official for his comments, if he so desired.
- e. After acceptance of the Inquiry Report by the CEO, DJB, it was forwarded to the appellant for his comments, if any. He, however, failed to furnish any comments on the Report and, therefore, after considering the facts and circumstances of the case CEO, DJB imposed the penalty of “Dismissal from service which shall ordinarily be a disqualification for future employment under the Government” upon the appellant.
- f. Besides this, it was also observed by the Board that Sh. Om Prakash Gaud had filed a petition/representation dated 10.04.2017 before the Hon’ble Commission for Scheduled Tribes against his dismissal from service, and that the Commission had issued a Notice dated 31.08.2017 for the hearing in the matter on 08.09.2017. After hearing both the parties the Commission had directed Sh. Om Prakash Gaud to get a fresh caste certificate issued by the Competent Authority at Indore and submit the same within next 15 days to the Commission, to verify his ST status. A letter conveying the above directions of the Commission was accordingly sent by the CEO, DJB to DM, Indore on 13.09.2017. However, as Sh. O.P.Gauidid not submit the required original caste certificate with the Department, Member (A) vide letter dated 16.11.2017has, therefore, requested the Hon’ble Commission to dispose off the representation of Sh. O.P.Gaud dated 10.04.2017.

4. After going through the submissions made in the appeal preferred by the Appellant, the Board resolved to afford him personal hearing before taking a decision on the appeal. Accordingly, the Appellant appeared before the Board during the 137th meeting held on 28.03.2018, and explained his position in the matter. After hearing the appellant in person, the Board deferred the matter.
5. The matter was accordingly placed before the Board in its 138th meeting held on 07.05.2018, along with a copy of fresh representation dated 20.04.2018 made by Sh. Om Prakash Gaud to the Hon'ble Chairperson (DJB). The Board after going through all the facts on record viz. Charge sheet, findings of the Inquiry Officer, penalty order passed by the disciplinary authority, appeal filed by the Appellant and also hearing in person, besides other facts of the case placed before it, did not find any merit in the appeal and, therefore, resolved to reject the appeal of Sh. Om Prakash Gaud, Ex- Assistant Engineer (Civil), Delhi Jal Board. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the Charged Officer. The Board also resolved to take further action in anticipation of confirmation of the minutes.
4. Hon'ble Member Sh.Som Dutt, MLA recommended for engagement of Sh.Ankit Srivastava as Technical Advisor to Vice Chairman, DJB. Another Member Sh.Jagat Singh Lohia enquired about the qualification and experience of Sh.Ankit Srivastava who is being asked to submit his curriculam-vitae, to be placed before the Board in the next meeting.

The meeting ended with a vote of thanks to the Chair.

CHAIRPERSON, DJB

SECRETARY, DJB