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

Minutes of the 143rd meeting of Delhi Jal Board held on 24.12.2018 (Monday) at 12.00 Noon in Conference Room No.03, Delhi Secretariat, I.P. Estate, New Delhi-110 002.

PRESENT

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, MLA	Member
6.	Sh.Jagat Singh Lohia, Delhi Cantonment Board	Member
7.	Sh.Satya Pal Malik, Municipal Councillor, SDMC	Member
8.	Sh.R.K. Mishra, Member (A)	Member
9.	Sh.S.Naiyer Ali Najmi, Member (Finance)	Member
10.	Sh.R.S. Negi, Member (DR.)	Member
11.	Sh.S.K. Juneja, OIC, SUO, CGWB	Representative of CGWB
12.	Sh.S.S. Gill, Special Secretary (UD)	Representative of Urban Development

CONFIRMATION OF MINUTES

Minutes of 142nd meeting of the Board held on 15.10.2018 were confirmed.

ACTION TAKEN NOTE

The action taken note in respect of the decisions taken in 142nd meeting of the Board held on 15.10.2018 was placed before the Board and the same were taken on record.

RESOLUTION NO. 694
ITEM NO. ADMN.- 274 Payment of Ex-Gratia (Ad-hoc Bonus) to Group 'C 'and Non-Gazetted Group 'B' Employees of Delhi Jal Board, for the accounting year 2017-2018. - (Ex-post-facto approval)

The Board ratified the proposal contained in letter No. DJB/ Director (A&P)/LWO/Preamble/2018/607 dated 19.11.2018 of Director (A&P) and resolved to accord ex-post-facto approval for the payment of Ex-Gratia (Ad-hoc Bonus) for the accounting year 2017-2018 to all eligible employees of Delhi Jal Board.

RESOLUTION NO. 695
ITEM NO. ADMN.- 275 Extension of contractual engagement of Sh.Brajendra Kumar Srivastava as Consultant (Law) in Delhi Jal Board against sanctioned vacant post of Chief Law Officer of Rs.37400-67000 with Grade Pay of Rs.8900/- (Pre-revised)

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/AC(D)/Preamble/2018/608 dated 18.12.2018 of Director (A&P) and resolved to accord permission for extending the contractual engagement of Sh. Brajendra Kumar Srivastava as Consultant (Law) for another one year w.e.f. 22.12.2018 onwards or till further orders on the same terms & conditions as mentioned at the time of initial engagement in DJB. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 696
ITEM NO. ADMN.- 276 Up-gradation of 10 posts of Assistant Engineer (Civil) to the post of Executive Engineer (Civil) on co-terminus basis

The Board considered the proposal contained in letter No. DJB/ Director (A&P) /AC(T)/ Preamble/2018/609 dated 19.12.2018 of Director (A&P) and resolved to approve the up-gradation of 10 posts of Assistant Engineer (Civil) to the post of Executive Engineer (Civil), which will automatically revert to the substantive post on retirement of the concerned officer. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 697
ITEM NO. ADMN.- 277 Continuation of appointment of Consultant (Landscape Architecture), Consultant (Sewage) and Consultant (GIS) on contract basis for further period of one year w.e.f. 07.01.2019 after 02 days break in Delhi Jal Board

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/AC(T)/ Preamble/2018/610 dated 19.12.2018 of Director (A&P) and resolved to approve continuation of engagement of Consultant (Landscape Architecture), Consultant (Sewage) and Consultant (GIS) purely on contract basis for a further period of one year w.e.f. 07.01.2019 after 02 days break in Delhi Jal Board. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 698
ITEM NO. ADMN.- 278 Extension of Dr.Vijender Gupta as Consultant (Physician) on contract basis against sanctioned post of Doctor (GDO) Grade-II for a period of 1 year w.e.f. 13.12.2018

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/AC(D)/Preamble/2018/611 dated 20.12.2018 of Director (A&P) and resolved to approve the extension of contract of Dr. Vijender Gupta as Consultant (Physician) against sanctioned vacant post of Doctor (GDO)Grade-II for a further period of one year w.e.f. 13.12.2018 onwards on the same terms & conditions. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 699
ITEM NO. ADMN.- 279 Extension of Dr.Harish Gupta as Consultant (Physician) on contract basis against sanctioned post of Doctor (GDO) Grade-II for a period of 01 year w.e.f. 09.01.2019

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/AC(D)/Preamble/2018/612 dated 20.12.2018 of Director (A&P) and resolved to approve the extension of contract of Dr.Harish Gupta as Consultant (Physician) against sanctioned vacant post of Doctor (GDO)Grade-II for a further period of one year w.e.f. 09.01.2019 on the same terms & conditions. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 700
ITEM NO. ADMN.- 280 Extension of Scheme for Regularization of Domestic/ Commercial Un-authorized water connections

The Board was apprised of the proposal contained in letter No. DJB/ Director (Revenue)/Preamble/2018/195 dated 26.11.2018 of Director (Revenue) and the Board resolved to extend the Scheme for Regularization of Unauthorized Water Connections for the period from 27.10.2018 to 31.03.2019 on same terms and conditions. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 701
ITEM NO. ADMN.- 281 Reimbursement of waiver of principal amount of arrears of water Charges given to the consumers of Domestic category by DJB under the scheme of slab-wise waiver effective w.e.f. 14.02.2016 to 31.12.2017 by Government

The Board considered the proposal contained in letter No. DJB/ Director (Revenue)/Preamble/Arrear Rebate/2018/196 dated 26.11.2018 of Director (Revenue) and resolved to recommend to Govt. of NCT of Delhi to reimburse an amount of Rs. 490.45 Crore waived off by DJB on account of principal dues of domestic consumers, in line with the decision of Government circulated vide order No. F.No.16(545)/UD/W/2016/213-222 dated 24.02.2016 issued by Asstt. Director (Water), Deptt of UD, GNCTD. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 702
ITEM NO. ADMN.- 282 Extending Pilot Scheme implemented in M/s Malviya Nagar Water Services Pvt. Ltd. area for sanctioning/ regularization of New Water Connection on fixed down payment and balance due in installments to unauthorized colonies falling under M/s Nangloi Water Services Pvt. Ltd. (NWS)

The Board considered the proposal contained in letter No. DJB/ Director (Revenue)/Preamble/2018/197 dated 26.11.2018 of Director (Revenue) and resolved to approve the Pilot Scheme for un-authorized/regularized colonies falling in PPP area of M/s Nangloi Water Services Pvt Ltd. (480 colonies) for sanction / regularization of water connections on fixed down payment and balance in installments on same terms and conditions as approved earlier vide Resolution No. 608 dated 09.07.2018, in the case of M/s MNWS area. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 703
ITEM NO. ADMN.- 283 Engagement of Sh.V.K.Madan, Ex-Senior Stenographer (Private Secretary) as Consultant in Finance Wing

The Board considered the proposal contained in letter No. DJB/ Director (A&P)/Preamble/2018/613 dated 21.12.2018 of Director (A&P) and resolved to reject the same.

RESOLUTION NO. 704 (Confidential)
ITEM NO. ADMN.- 284 Disciplinary proceedings against Sh.Yad Ram Singh Raju, EE(C)- retired

The Board considered the proposal contained in letter No. DJB/CVO/2018/37 dated 07.08.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. YRS Raju, EE(Civil)-Retd. vide memorandum dated 20.10.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. Virender Kumar, SE(Proj.) W-I as Inquiry Officer, who submitted his findings holding the charges as "Not Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority, in its 138th meeting held on 07.05.2018 in which the Board resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the charged official. Accordingly, a copy of the inquiry report was served to the charged official for his comments, if he so desired. In response to that the charged official submitted his reply wherein he accepted the findings of the Inquiry Officer.

The Board, after careful perusal of the facts and circumstances of the case available on record, was of the view that ends of justice would be met if Sh. YRS Raju, EE(Civil)-Retd. is 'Exonerated' from the charges levelled against him. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the charged official.

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

RESOLUTION NO. 705 **(Confidential)**
ITEM NO. ADMN.- 285 **Disciplinary proceedings against Sh.Prashant Kumar, EE (C)-retired**

The Board considered the proposal contained in letter No. DJB/CVO/2018/38 dated 07.08.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Prashant Kumar, EE(Civil)-Retd., vide memorandum dated 20.10.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. Virender Kumar, SE(Proj.)W-I as Inquiry Officer, who submitted his findings holding the charges as "Not Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority, in its 138th meeting held on 07.05.2018 in which the Board resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the charged official. Accordingly, a copy of the inquiry report was served to the charged official for his comments, if he so desired. In response to that the charged official submitted his reply wherein he accepted the findings of the Inquiry Officer.

The Board, after careful perusal of the facts and circumstances of the case available on record, was of the view that ends of justice would be met if Sh. Prashant Kumar, EE(Civil)-Retd. is 'Exonerated' from the charges levelled against him. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the charged official.

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

RESOLUTION NO. 706 **(Confidential)**
ITEM NO. ADMN.- 286 **Disciplinary proceedings against Sh.Dhani Ram Arya, DTQC (Retd.)**

The Board considered the proposal contained in letter No. DJB/CVO/2018/39 dated 07.08.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Dhani Ram Arya, DTQC-Retd., vide memorandum dated 15.09.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. J.Vinayan, IRTS, CVO, FACT as Inquiry Officer, who submitted his findings holding Article 1 of the Charge as 'Partly Proved' and Article 2 as "Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority, in its 136th meeting held on 01.02.2018 in which the Board resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the charged official. Accordingly, a copy of the inquiry report was served to the charged official for his comments, if he so desired. In response to that the charged official submitted his reply contesting the findings of the Inquiry Officer.

The Board was also apprised of subsequent death of the charged official on 08.08.2018. As per Rule 15 of CCS (CCA) Rules, 1965, the Board, therefore, decided to close the disciplinary proceedings against Sh. Dhani Ram Arya, the charged official.

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

RESOLUTION NO. 707 (Confidential)
ITEM NO. ADMN.- 287 Disciplinary proceedings against Sh.Mahesh Chand, ACWA (Retd.)

The Board considered the proposal contained in letter No. DJB/CVO/2018/40 dated 07.08.2018 of Chief Vigilance Officer and resolved as under : -

Disciplinary proceedings for major penalty were initiated against Sh. Mahesh, DTQC-Retd., vide memorandum dated 15.09.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. J.Vinayan, IRTS, CVO, FACT as Inquiry Officer, who submitted his findings holding both the Articles of Charge as "Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority, in its 136th meeting held on 01.02.2018 in which the Board resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the charged official. Accordingly, a copy of the inquiry report was served to the charged official for his comments, if he so desired. In response to that the charged official submitted his reply contesting the findings of the Inquiry Officer.

The Board, after careful perusal of facts on record, observed that the conclusion reached by the Inquiry Officer (IO) while holding the articles of charge as 'Proved' that '...After lying unused for five years the machine was shifted elsewhere and put to use. This shows that the machine was certainly not feasible for Bawana WTP. Therefore, processing of this proposal justifying the requirement for Bawana WTP certainly appears to be uncalled for to the point of being an infructuous expenditure. This certainly points to reckless and highly negligent, and possibly malafide decision making. Though the Prosecution has not been able to conclusively establish the malafide intentions, the infructuousness and recklessness of the expenditure has been established and based on preponderance of probabilities there is a strong likelihood of the latter', was quite reasonable, and, the submission made by the charged official in his reply were mere reiteration of his contentions made earlier during the inquiry proceedings, and, the same were duly taken into consideration by the Inquiry Officer before reaching the conclusion. Thus, the facts on record conclusively established grave misconduct on the part of charged official, as framed in the Articles of charge of Memorandum No. DJB/Vig./Disp/CS-(B)-128/(11)/2015/8656 dated 15.09.2015, and, therefore, in view of gravity of the charge, the Board resolved to impose the penalty of "10% (ten percent) cut in pension for a period of 02 (two) years" upon Sh. Mahesh Chand, ACWA (Retd.). The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the charged official.

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

RESOLUTION NO. 708 (Confidential)
ITEM NO. ADMN.- 288 Appeal of Sh.Sunil Kumar, AE(E&M) filed against the order of Disciplinary Authority

The Board considered the proposal contained in letter No. DJB/CVO/2018/41 dated 07.08.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Sunil Kumar, AE (E&M), vide memorandum no. DJB/Vig/Disp/Major/2013/CS-(B)-52/(11)/6123 dated 12.6.2014. A departmental inquiry was conducted by Sh. S. N. Gupta, CDI, CVC as Inquiry Officer, who submitted his findings holding the article of charge as "Not Proved" against the Charged Officer. The findings of the Inquiry Officer were placed before the Chief Executive Officer (DJB), being the Disciplinary Authority, who disagreed with the findings of the Inquiry Officer and gave his disagreement note. Accordingly, the inquiry report along with disagreement note was served to the Charged Officer for his comments, if he so desired. In response to that the charged officer submitted his reply. The Disciplinary Authority, after considering all the facts and circumstances of the case, including inquiry report, disagreement note, reply of the Charged Officer, imposed the penalty of "Reduction to four lower stage in the time-scale of pay for the period up to 31.12.2017, i.e. the date of retirement of Sh. Sunil Kumar, with further directions that the charged officer will not earn increment of pay during the period of such reduction, and on the expiry of such period, the reduction will have the effect of postponing the future increments of his pay" upon Sh. Sunil Kumar, A.E. (E&M), vide Order No. 205 dated 30.10.2017/Corrigendum dated 28.11.2017.

Aggrieved with the penalty imposed upon him, Sh. Sunil Kumar, AE (E&M)-now retd., preferred an appeal before the Board, being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority mainly on the following grounds:

a. 'That in this case the inquiry was conducted by an independent authority i.e. Commissioner of Departmental inquiries of the CVC, which in itself is the highest advisory body in India for all the Govt. departments in disciplinary cases. The report of the CDI, CVC in my case have proved that on the basis of documentary and oral evidences on record, the charges leveled against me are not proved. This absolves me of the false and fabricated charges leveled against me by the DJB vide Memorandum No. DJB/Vig./Disp/CS-(B)-52/(11)/2013/6123 dated 12-06-2014.'
b. 'The CEO issued a Disagreement Note vide office letter No. DJB/Vig/Major/CS-B52/2014/16/ACK/2016/7776 dated 05.09.2016 conveying me reasons that one documents i.e. D-1(II) has been found to be fabricated on the basis of some versions/investigations done by the vigilance department of DJB surprisingly after conclusion of the inquiry and submission of its report by the CDI, CVC.'
c. 'I submitted a reply to the CEO against the Disagreement Note stating that I have not been given any benefit of the document referred by the CEO (in the Disagreement Note) in the report of the CDI, CVC. This fact was also not considered by the CEO and the penalty was imposed upon me against the spirits of the inquiry report of the CDI, CVC. This order of the CEO is baseless, arbitrary and prejudiced. It is also a fact that the prosecution had not raised any objection regarding the document D-1(ii) during the inquiry before the CDI, CVC and it is also possible that any investigation by the vigilance department of DJB after the inquiry report can be motivated and obtained under duress to fabricate false claims.'
d. 'If the documents D-1(ii) was fabricated with some ulterior motive of any of the charged officers in this case the weight on this Dharam Kanta receipt would also have been fabricated but in this case the weight is same as found by the Vigilance department in its surprise checking i.e. 32685 Kg.'
e. 'The argument of the prosecution that "Radhhi" has been mentioned in D-1 (ii) and hence, it is fabricated is false on the following grounds. It is virtually impossible that the alum loaded in the truck could have been unloaded and loaded with "Raddhi" with in the short period. Again on 02.12.2010 night when the vigilance department of DJB made surprise checking the same truck was loaded with alum after the so called "Raddhi" was unloaded. Considering the weight of 32685Kg and "Raddhi" being voluminous it is impossible that so much "Raddhi" could be loaded

in one truck. This proves that the so called investigation by the vigilance department of DJB after conclusion of the inquiry was a deliberate cover up with motivated intentions and highly prejudiced attitude. No opportunity has been given to the under signed to defend their false claims.'

f. 'It is evident that the Disciplinary Authority have neglected the report of the Inquiry Officer /CDI, CVC, on the basis of some distorted versions violated the principles of natural justice in imposing the penalty on an employee like me who have been proved innocent during the inquiry. The unjustified and unwarranted orders of the CEO imposing the penalty upon me may be withdrawn/ quashed and it is humbly requested that I may be exonerated of all the false, fabricated and frivolous charges leveled against me.'

The Board carefully perused the appeal of Sh. Sunil Kumar and observed that the submissions made by him were not tenable since the document Ex. D-1 had been requested by him only, during the enquiry proceedings, as additional document in his defense. This document was never produced or referred to earlier during the investigation stage nor did he mention this document while furnishing his reply to the charge memorandum, and was simply an afterthought on his part. Further, this document was never mentioned by any of the officials concerned during the investigation stage. As the document Ex.D-1 was not mentioned or produced earlier during the investigation stage, its authenticity was verified separately when it was found that the said document was tampered with on various counts, and, was a fake and fabricated document.

The Board after going through all the facts on record, viz. Charge sheet, findings of the Inquiry Officer, disagreement note of the disciplinary authority, reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the Appellant, did not find any merit in the appeal and, therefore, resolved to reject the appeal of Sh. Sunil Kumar, AE(E&M)-Retd. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Sunil Kumar, AE(E&M)-Retd.

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

RESOLUTION NO. 709 **(Confidential)**
ITEM NO. ADMN.- 289 **Disciplinary proceedings against Smt.Shashi Sharma, ZRO (Retd.)**

The Board considered the proposal contained in letter No. DJB/CVO/2018/42 dated 07.08.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Smt. Shashi Sharma, Zonal Revenue Officer (Retired), vide memorandum no. DJB/Vig./Disp./CS-12-(B)/(11)/ 2015/1046 dated 10.02.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. V.K.Gupta, then SE (Dr) Pr-E/NE (DJB), as Inquiry Officer, who submitted his findings holding the charge as "Not Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority. The Board in its 138th meeting held on 07.05.2018 disagreed with the findings of the Inquiry Officer. The view so taken by the Disciplinary Authority was accordingly conveyed to the charged official, along with a copy of the IO's Report and disagreement of the Board thereon, for her comments, if she so desired. In response to that the charged official submitted her reply, the main contents of which are given as under:-

a) 'It is submitted that the charged official herself had admitted that Water connection was sanctioned by "mistake during camp", is misunderstood by the Disciplinary Authority.'
b) 'As per departmental instructions issued from time to time, wherever a special camp is organized water connection are provisionally sanctioned on spot on the basis of facts and relevant documents produced by the Applicant subject to the condition that sanction shall be withdrawn and water connection shall be disconnected in case my adverse report is received during site inspection or otherwise.'
c) 'Accordingly, I sanctioned two water connections on the basis of property papers submitted by the applicants in the camp for plot area of 100sq. yards, without verification of sites subject to the condition that the water connections will be disconnected as per DJB rules in case any information/fact furnished by the applicants is found to be wrong after the site verification. When the camp was concluded, site verification was got done through Meter Reader & Area Inspector. After the site verification it was found that the area of the property was of 500 sq. yards & not 100 sq. yard. So, I issued a notice for disconnection of water connection in question with immediate effect, as per DJB rules, to avoid any loss of revenue to DJB'.

The Board considered the reply submitted by the charged official, and after careful perusal of the same observed that as per documents Exhibit P-4/13 and P-4/22, the Charged Officer in the capacity of ZRO had regularized/sanctioned the water connections in the same property (i.e. A-56-A & A-56-E, P-I, Vijay Vihar) without levying infrastructure charges. Further, the charged official in her statement [document Exhibit P-4/1], had accepted 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.

The Board, after careful perusal of the facts placed before it, was of the view that the misconduct on the part of charged official, as framed in the Articles of charge of Memorandum No. DJB/Vig./Disp/CS-12-(B)/(11)/2015/1046 dated 10.02.2015, was conclusively established, and, therefore, the Board resolved to impose the penalty of "5% (five percent) cut in pension for a period of 01 (one) year" upon Smt. Shashi Sharma, ZRO (Retd.). The Board further resolved to authorize Member (Admn.) to convey the Board's decision to the charged official.

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

RESOLUTION NO. 710 **(Confidential)**
ITEM NO. ADMN.- 290 **Appeal of Sh.Anand Kumar Garg, Foreman against the order of Disciplinary Authority**

The Board considered the proposal contained in letter No. DJB/CVO/2018/43 dated 09.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Anand Kumar Garg, Foreman (now Retd.), vide memorandum no.DJB/Vig/Disp/Major/2013/CS-(B)-52/(11)/6124 dated 12.6.2014. A departmental inquiry was conducted by Sh. S. N. Gupta, CDI, CVC as Inquiry Officer, who submitted his findings holding both the articles of charge as "Not Proved" against the Charged Officer. The findings of the Inquiry Officer were placed before the Chief Executive Officer (DJB), being the Disciplinary Authority, who disagreed with the findings of the Inquiry Officer and gave his disagreement note. Accordingly, the inquiry report along with disagreement note was served to the Charged Officer for his comments, if he so desired. In response to that the charged officer submitted his reply. The Disciplinary Authority, after considering all the facts and circumstances of the case, including inquiry report, disagreement note, reply of the Charged Officer, imposed the penalty of "Reduction to three lower stage in the time-scale of pay for the period upto30.04.2019, i.e. the date of retirement of Sh. Anand Kumar Garg, with further directions that the charged officer will not earn increment of pay during the period of such reduction, and on the expiry of such period, the reduction will have the effect of postponing the future increments of his pay" upon Sh. Anand Kumar Garg, Foreman vide Order No. 246 dated 29.12.2017.

Aggrieved with the penalty imposed upon him, Sh. Anand Kumar Garg, Foreman (now retd.) preferred an appeal before the Board, being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority mainly on the following grounds:

a. 'It is submitted that during inquiry proceedings the allegation levelled under Article No.1 and 2 had been proved to be false and thus, Inquiry Officer have given his findings by holding charges as 'Not Proved'. The entire prosecution case cooked upon assumption, presumption and misconception. It is pertinent to mention here that it was proved during inquiry proceeding that undersigned was on leave on 30-12-2010 i.e. on the date of vigilance checking done at Haiderpur Water Works. The prosecution witnesses including Investigating Officer of the case had admitted this fact. It was further proved that vigilance team had found the alum loaded truck no. HR-55-G-9842 outside of the main gate of Water Works and no alum was received from this alum loaded truck on 31-12-2010.'
b. 'It is submitted that during inquiry proceeding it was also established that Alum Stock Register for the year 2010 exhibited as P-17 did not reveal anything as alleged in the charge sheet of receiving alum without getting same weighed from independent Weigh Bridge. Neither this document nor any other documents placed during inquiry establishes the allegation that undersigned had received alums without getting same weighed from independent Weigh Bridge. It was further established that there was no complaint found in the prosecution listed documents in respect of receiving less quantity of alum during the year 2010.'
c. 'It is submitted that alum is being used to treat the water and the quantity of alum to be used to treat water depends on quality of raw water. The theoretical consumption of alum to be used to treat water is being calculated by the laboratory staff on daily basis according to impurities & turbidity in raw water in proportion to water treated on that particular day. It is pertinent to mention here that if short quantity of alum ever received at Haiderpur Plant, as alleged, in that event the then Laboratory staff must have found variation between theoretical consumption of alum vis-à-vis quantity of alum received at Plant. It is important to see that no such incident of procuring short quantity of alum had been reported by laboratory staff of Haiderpur Water Works. Thus, it was proved that allegation of accepting less quantity of alum against excess quantity shown in delivery documents during the year 2010 was false and baseless.'

d. 'It is submitted that Alum Stock Register for the year 2010 (Exhibit P-17 running into 54 pages from page no. 54 to 107) had only 8 pages relevant to Haiderpur Water Works from page No. 100-107 and remaining 46 pages from 54 to 99 were related to Wazirabad Water Works. It is pertinent to mention here that Alum Stock Register did not reveal anything as alleged in the charge sheet on allegation of receiving alum without getting same weighed from independent Weigh Bridge. Neither this document nor any other document placed during inquiry proceeding substantiate the allegation of receiving alum without getting it weighed from independent Weigh Bridge. The prosecution documents [Exb.P-1 pg-1-2; P-2 pg-6-7; P-3 pg-11-12; P-4 pg-16 &19; and P-8 pg-27] had proved above allegation false and baseless. The gross & tare weight of all the alum loaded trucks were always cross checked from independent computerized Weigh Bridge located at Delhi as weight receipt of independent computerized Weigh Bridge were already annexed with the documents of the alum supply. Besides above prosecution documents, several defense documents [Exb. D-4 (page nos. 57, 62, 68, 69, 77, 81, 86, 92, 101, 109, 115, 122, 129, 135 and page no.143)] also proved the fact that weight receipt of independent Weigh Bridge located at Delhi were found annexed with alum supply document. Hence, the allegation of receiving alum without getting it weighed from independent Weigh Bridge was proved as false and baseless during inquiry proceeding.'

e. 'It is further submitted that it was proved during inquiry proceeding from prosecution document itself that DGS&D was assigned the job of quality assurance and for this purpose department (DJB) had paid huge sum of money (@ 1.2% of total cost of alums) to DGS&D for every alum supply indent given to it. The alum delivery documents, of every alum supply, found annexed DGS&D inspection note confirming description of material inspected and passed by Inspector, Office of the Dy. Director Quality Assurance, DGS&D (Exhibit D-4 page no. 64, 72, 79, 88, 97, 116, 123, 130, 138, and 142). It was further proved during inquiry proceeding that the seal of the alum sample was not found legible by the testing laboratory Shriram Institute for Industrial Research as such the testing result of illegible sealed sample cannot be trusted and substantiate the prosecution allegation.'

f. 'It is further submitted that undersigned was not authorized to get tested alum cakes from outside laboratory on its own, being a junior rank employee. The during the tenure of undersigned the DGS&D inspection note was found annexed with the delivery documents of alum supplied at Haiderpur Plant, so there was no cause of suspicion left for undersigned in respect of the quality aspect of alum. It is pertinent to mention here that in the event of quality testing from outside agency got done by undersigned then who would have borne the cost of testing charges. The undersigned has no such authority to allow/approve such testing charges of testing laboratory. It is submitted that nothing was produced during inquiry proceeding to substantiate above allegation of lifting sample of alum cakes on random basis for getting it examined from reputed laboratory.'

g. 'It is further submitted that disagreement note issued by Disciplinary Authority contained a new allegation in Para No. 4 of the disagreement note whereas nothing like such allegation found in the charge sheet under Annexure-I – Statement of Articles of Charge; under Annexure-II - Statement of imputations of misconduct; and under Annexure-III – List of Documents (i.e. Prosecution documents). Hence, the penalty on the basis of disagreement note containing fresh allegation after submission of inquiry report cannot be held legal and valid in the eyes of law and also against the Principles of Natural Justice required to be adhered in quasi-judicial proceedings.'

h. 'However, on the above allegation it is submitted that documentary evidence in respect of alums received from M/s. Kay Bee Alum (P) Ltd. lying in the custody of the custodian office i.e. EE (E&M)-III, Chandrawal were not allowed to the undersigned despite the requisition made by undersigned to the Inquiry Officer for supply of additional documents pertaining to alum supplied by M/s. Kay Bee Alum Pvt. Ltd. during the year 2009-10 to 2010-11 and documents in respect of all alum suppliers having supplied alum at Haiderpur Plant during 1-1-2010 to 31-12-2010 at Sr. No.3 and 4 of List of Additional document requisitioned by undersigned. It is pertinent to mention here that few of the documents were provided by the department and undersigned had relied upon on all such documents in Exb. D4. Therefore, undersigned cannot be held responsible for non-submission of independent weighment receipt of alums supplied by M/s. Kay Bee Alum (P) Ltd.'

i. 'Hence, in view of the facts and circumstances stated above, it is crystal clear and established that undersigned had not accepted short quantity of alum on 30-12-2010 from alum loaded trucks bearing Registration Nos. HR-47-D-7207, HR-47-K-7207, RJ-32-GA-3805 and HR-55-G-9842. Further on 31-12-2010, the undersigned had not received any alum from the alum loaded truck no. HR-55-G-9842 and during the inquiry proceedings the prosecution had failed to substantiate any of the allegation contained the Article No. 1 and 2. The principle of natural justice demands that in case allegations are not proved then no penalty should be imposed. The imposition of penalty in such circumstance amounts to improper, arbitrary and biased decision causing injustice to the undersigned. It is humble request of the undersigned to kindly take in consideration the findings of the inquiry officer and the facts on record and exonerate the undersigned from all the charges in the larger interest of justice.'

j. 'Therefore, in view of the explanations and submissions, it is clear that all the allegations levelled in Article-1 and 2 are false, fabricated and without any merit. Moreover, as per Inquiry Report the charges are not proved and hence liable to be quashed. The imposition of major penalty is illegal, harsh and without any merit keeping in view that charges are not proved as per independent inquiry instituted by the department. Hence it is prayed to the Appellate Authority to kindly consider the entire inquiry proceedings and evidence on record and grant justice to me.'

The Board carefully perused the appeal of Sh. Anand Kumar Garg and observed that Para 1 to 5 of the Disagreement Note gave detailed reasoning/grounds on which the Disciplinary Authority had decided not to agree with the findings of the Inquiry Officer. During Vigilance inspection on 30 & 31.12.2010, total 53895 Kg alum was found short in the four trucks checked, besides quality of alum being inferior/substandard on the basis of test report of Shriram Institute for Industrial Research. The Board also observed that the document Exhibit P-17 conclusively established that during the intervening period of four months (Sept to Dec 2010), total 633.245 MT of alum was received on different dates from the supplier M/s Kay Bee Alum (P) Ltd. (whose alum was found deficient quality and quantity wise both during Vigilance checking on 30 & 31.12.2010), without getting the same weighed through independent weigh bridge.

The Board after going through all the facts on record, viz. Charge sheet, findings of the Inquiry Officer, disagreement note of the disciplinary authority, reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the Appellant, did not find any merit in the appeal and, therefore, resolved to reject the appeal of Sh. Anand Kumar Garg, Foreman (Retd.).The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Anand Kumar Garg, Foreman (Retd.).

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

RESOLUTION NO. 711 **(Confidential)**
ITEM NO. ADMN.- 291 **Appeal of Sh.Virender Kumar Grover, Executive Engineer (E&M), against the order of Disciplinary Authority**

The Board considered the proposal contained in letter No. DJB/CVO/2018/44 dated 11.10.2018 of Chief Vigilance Officer and resolved as under:-

Disciplinary proceedings for minor penalty were initiated against Sh. Virender Kumar Grover, Executive Engineer (E&M) vide memorandum no. DJB/Vig/CS-(A)-50/(11)/ 2017/2011 dated 15.03.2017. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed the penalty of "Reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension" upon him vide Order No. 44 dated 25.01.2018.

Aggrieved with the penalty imposed upon him, Sh. Virender Kumar Grover, EE (E&M) preferred an appeal before the Board, being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Board after going through all the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the Appellant, did not find any merit in the appeal of Sh. Virender Kumar Grover, EE (E&M), and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Virender Kumar Grover, EE (E&M).

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

RESOLUTION NO. 712 **(Confidential)**
ITEM NO. ADMN.- 292 **Appeal of Sh. Jaswant Kumar Singh, Superintending Engineer(E&M) against the order of Disciplinary Authority**

The Board considered the proposal contained in letter No. DJB/CVO/2018/45 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for minor penalty were initiated against Sh. Jaswant Kumar Singh, Superintending Engineer (E&M) vide memorandum no. DJB/Vig/CS-(A)/ 2017/95/5230 dated 21.08.2017. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed the penalty of "Reduction to a lower stage in the time-scale of pay by one stage for a period of two years, without cumulative effect and not adversely affecting his pension" upon him vide Order No. 101 dated 16.03.2018.

Aggrieved with the penalty imposed upon him, Sh. Jaswant Kumar Singh, SE (E&M) preferred an appeal before the Board, being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Board after going through all the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the Appellant, did not find any merit in the appeal and, therefore, resolved to reject the appeal of Sh. Jaswant Kumar Singh, Superintending Engineer (E&M). The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Jaswant Kumar Singh, Superintending Engineer (E&M).

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

RESOLUTION NO. 713 (Confidential)
ITEM NO. ADMN.- 293 Revision Petition filed by Sh.Surender Pal Singh Rana, Assistant Engineer (E&M) against the orders of Disciplinary Authority

The Board considered the proposal contained in letter No. DJB/CVO/2018/46 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for minor penalty were initiated against Sh. Surender Pal Singh Rana, Assistant Engineer (E&M) vide memorandum no. DJB/Vig/CS-(A)-98/2016/9630 dated 18.11.2016. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed 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 him vide Order No. 153 dated 04.08.2017.

Aggrieved with the penalty imposed upon him, Sh. Surender Pal Singh Rana, AE (E&M) preferred an appeal before the Chief Executive Officer (DJB), being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Appellate Authority after going through the facts of the case and other materials on record, rejected the appeal of Sh. Surender Pal Singh Rana, AE (E&M) vide order no. 114 dated 27.03.2018.

Sh. Surender Pal Singh Rana, AE (E&M) then filed a revision petition before the Board against the orders of the Disciplinary Authority, i.e. Member (Administration), DJB dated 04.08.2017 imposing a 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 him. In his petition he submitted that the facts and reply furnished by him earlier had not been considered in totality which had formed the basis of rejection of his appeal. The Board, being the authority competent to decide the revision petition of Sh. Surender Pal Singh Rana, AE (E&M), after carefully perusing the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the appellant, orders of the appellate authority, revision petition, observed that the submissions made by Sh. Surender Pal Singh Rana, Assistant Engineer (E&M) before the Disciplinary Authority as well as the Appellate Authority, were duly taken into consideration by them, and they had accordingly, passed the reasoned orders in the matter. As such, the Board did not find any merit in the revision petition of Sh. Surender Pal Singh Rana, Assistant Engineer (E&M),and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Surender Pal Singh Rana, Assistant Engineer (E&M).

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

RESOLUTION NO. 714 (Confidential)
ITEM NO. ADMN.- 294 Review appeal of Sh.Vijay Kumar, Beldar, Delhi Jal Board

The Board considered the proposal contained in letter No. DJB/CVO/2018/47 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :

Disciplinary proceedings for minor penalty were initiated against Sh. Vijay Kumar, Beldar vide memorandum no. DJB/Vig/CS-102(A)/(11)/2017/5364 dated 25.08.2017. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed the penalty of "Reduction to a lower stage in the time-scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension" upon him vide Order No. 03 dated 01.01.2018.

Aggrieved with the penalty imposed upon him, Sh. Vijay Kumar, Beldar preferred an appeal before the Chief Executive Officer (DJB), being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Appellate Authority after going through the facts of the case and other materials on record, rejected the appeal of Sh. Vijay Kumar, Beldar vide order no. 107 dated 26.03.2018.

Sh. Vijay Kumar, Beldar then filed a review petition before the Board against the orders of the Disciplinary Authority, i.e. Member (Administration), DJB dated 01.01.2018 imposing a penalty of 'Reduction to a lower stage in the time scale of pay by one stage for a period of one year, without cumulative effect and not adversely affecting his pension' upon him. The Board, being the authority competent to decide the revision petition of Sh. Surender Pal Singh Rana, AE (E&M), after carefully perusing the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the appellant, orders of the appellate authority, review petition, observed that the submissions made by Sh. Vijay Kumar, Beldar before the Disciplinary Authority as well as the Appellate Authority, were duly taken into consideration by them, and they had accordingly, passed the reasoned orders in the matter. As such, the Board did not find any merit in the review petition of Sh. Vijay Kumar, Beldar, and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh. Vijay Kumar, Beldar.

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

RESOLUTION NO. 715 (Confidential)
ITEM NO. ADMN.- 295 Appeal of Sh.V.K. Grover, Executive Engineer (E&M), against the order of Disciplinary Authority

The Board considered the proposal contained in letter No. DJB/CVO/2018/48 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for minor penalty were initiated against Sh.Virender Kumar Grover, Executive Engineer (E&M) vide memorandum no. DJB/Vig/CS-(A)/2017/96/5231 dated 21.08.2017. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed the penalty of "Reduction to a lower stage in the time-scale of pay by one stage for a period of two years, without cumulative effect and not adversely affecting his pension" upon him vide Order No. 102 dated 16.03.2018.

Aggrieved with the penalty imposed upon him, Sh. Virender Kumar Grover, EE (E&M) preferred an appeal before the Board, being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Board after going through all the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the Appellant, did not find any merit in the appeal of Sh.Virender Kumar Grover, EE (E&M), and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Sh.Virender Kumar Grover, EE (E&M).

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

RESOLUTION NO. 716 (Confidential)
ITEM NO. ADMN.- 296 Revision Petition filed by Sh.Udaybir Singh, Senior Account Officer (Retd.) against the orders of Disciplinary Authority

The Board considered the proposal contained in letter No. DJB/CVO/2018/49 dated 11.10.2018 of Chief Vigilance Officer and resolved as under: -

Disciplinary proceedings for minor penalty were initiated against Sh. Udaybir Singh, SAO (Retd.), vide memorandum no. DJB/Vig/CS-(A)-97/2016/9617 dated 17.11.2016. A reply to the said memorandum was submitted by the charged official. The Disciplinary Authority, after considering all the facts and circumstances of the case, including reply of the charged official, imposed the penalty of "Reduction to a lower stage in the time-scale of pay by one stage till retirement, without cumulative effect and not adversely affecting his pension" upon him vide Order No. 117 dated 26.07.2017.

Aggrieved with the penalty imposed upon him, Sh. Udaybir Singh, SAO (Retd.) preferred an appeal before the Chief Executive Officer (DJB), being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Appellate Authority after going through the facts of the case and other materials on record, rejected the appeal of Sh. Udaybir Singh, SAO (Retd.) vide order no. 185 dated 10.10.2017.

Sh. Udaybir Singh, SAO (Retd.) then filed a revision petition before the Board against the orders of the Disciplinary Authority, i.e. Member (Administration), DJB dated 26.07.2017 imposing a penalty of 'Reduction to a lower stage in the time scale of pay by one stage till retirement, without cumulative effect and not adversely affecting his pension' upon him. The Board, being the authority competent to decide the revision petition of Sh. Udaybir Singh, SAO (Retd.), after carefully perusing the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the appellant, orders of the appellate authority, revision petition, observed that the submissions made by Sh. Udaybir Singh, SAO (Retd.) before the Disciplinary Authority as well as the Appellate Authority, were duly taken into consideration by them, and they had accordingly, passed the reasoned orders in the matter. As such, the Board did not find any merit in the revision petition of Sh. Udaybir Singh, SAO (Retd.), and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision toSh. Udaybir Singh, SAO (Retd.).

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

RESOLUTION NO. 717 (Confidential)
ITEM NO. ADMN.- 297 Review appeal of Sh.Prem Pal Singh, Zonal Revenue Officer (Retired), Delhi Jal Board

The Board considered the proposal contained in letter No. DJB/CVO/2018/50 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Prem Pal Singh, ZRO (Retd.) vide memorandum no. DJB/Vig/Disp/CS-(B)-36/(13)/2015/3501 dated 01.04.2015. A departmental inquiry was conducted by Sh. V.P.Tanwar, Joint Director (R) W/NW as Inquiry Officer, who submitted his findings holding the articles of charge as "Not Proved" against the Charged Officer. The findings of the Inquiry Officer were placed before the Member (Admn.), being the Disciplinary Authority, who disagreed with the findings of the Inquiry Officer and gave his disagreement note. Accordingly, the inquiry report along with disagreement note was served to the Charged Officer for his comments, if he so desired. In response to that the charged officer submitted his reply. The Disciplinary Authority, after considering all the facts and circumstances of the case, including inquiry report, disagreement note, reply of the Charged Officer, imposed the penalty of "Reduction to two lower stage in the time-scale of pay till his retirement i.e. 31.12.2016, upon Sh. Prem Pal Singh, ZRO (Retd.) vide Order No. 381 dated 26.12.2016.

Aggrieved with the penalty imposed upon him, Sh. Prem Pal Singh, ZRO (Retd.) preferred an appeal before the Chief Executive Officer (DJB), being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Appellate Authority after going through the facts of the case and other materials on record, amended the penalty imposed by the Disciplinary Authority to 'Censure' upon Sh. Prem Pal Singh, ZRO (Retd.) vide order no. 83 dated 20.04.2017.

Sh. Prem Pal Singh, ZRO (Retd.) then filed a review appeal before the Board against the orders of the Appellate Authority. The Board, being the authority competent to decide the review petition of Sh. Prem Pal Singh, ZRO (Retd.), after carefully perusing the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the appellant, orders of the appellate authority, review petition, observed that the submissions made by Sh. Prem Pal Singh, ZRO (Retd.) before the Disciplinary Authority as well as the Appellate Authority, were duly taken into consideration by them, and they had accordingly, passed the reasoned orders in the matter. As such, the Board did not find any merit in the review petition of Sh. Prem Pal Singh, ZRO (Retd.), and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision toSh. Prem Pal Singh, ZRO (Retd.).

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

RESOLUTION NO. 718 (Confidential)
ITEM NO. ADMN.- 298 Disciplinary proceedings against Smt. Kamlesh Gupta, Zonal Revenue Officer (Retired), Delhi Jal Board

The Board considered the proposal contained in letter No. DJB/CVO/2018/51 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Smt. Kamlesh Gupta, Zonal Revenue Officer (Retired), vide memorandum no. DJB/Vig./Disp./CS-70-(B)/(11)/ 2015/6250 dated 02.07.2015. As per prescribed procedure, a departmental enquiry was conducted by Sh. Arvind Kaushik, Dy. Dir (Rev), as Inquiry Officer, who submitted his findings holding both the articles of charge as "Proved" against the Charged Official.

The above findings of the Inquiry Officer were placed before the Board, being the Disciplinary Authority. The Board in its 131th meeting held on 29.09.2017 in which the Board resolved to accept the findings of the Inquiry Officer and granted permission to serve the inquiry report to the charged official. The view so taken by the Disciplinary Authority was accordingly conveyed to the charged official, along with a copy of the IO's Report for her comments, if she so desired. In response to that the charged official submitted her reply,the main contents of which are given as under:

a) <u>Submissions in respect of Article-1</u>

(i) The work had strictly been carried out on RMS as per order no DJB/DOR/ RMS/12/4017 dated 7th May 2012 vide Exhibit D2. User groups were created and Sh. Sangam Pandey, MI was made in-charge and Sh. Rakesh Dubey was made member of CMG with roles, responsibilities and activities as specified in the circular. NWC's of both the files had been processed on RMS.

(ii)The representative of builder applied for NWCs of both properties Online on 24-07-2013 at 06:03:43 PM to 06:43:04 PM and ARNs generated instantaneously [Page 1 & 5 in EX D4].

(iii)In RMS, files for NWC's are not to be forwarded to Area meter Inspector but as per EX D2, ZRO forwards ARN's [appearing in "To do List" on her computer] to CMG. In this case also, the ARN's were transferred to Sh. Sangam Pandey, in-charge CMG, though he has denied as DW 1 [as he himself is facing enquiry before I.O. Sh. V.P. Tanwar] to save his own skin.

(iv)As per RMS procedure, as soon as ARN's are generated, they appear in "To do List" of ZRO. Unless ZRO forwards the ARN's to CMG, no further action can be taken. As the Process of NWC's had been completed in RMS, it proves that ARN's were forwarded to CMG. Therefore, the allegation of not forwarding the files to area meter inspector is not substantiated.

v) The applicants can apply for sewer connection directly with ZE office as done by the applicants on 28-09-2013 and EE sanctioned the sewer connection on 2-12-2013 [EX P3 & P4] as it was not obligatory that the files for sewer connection should be moved through ZRO. Accordingly, representative of builder got the Infrastructure Charges calculated directly from the o/o JE/ZE.

(vi)The DOR circular no 4017 dated 7th May 2012 does not make it mandatory that the files for sewer connections should be routed through ZRO. [Ex.D2]. Therefore, the charge is not proved.

(vii)As per Delhi Water & Sewer (Tariff and Metering) Regulations 2012, the Infrastructure Charges for both sewer & water are to be calculated by JE (W). Representative deposited Water Infrastructure Charges through DD for both properties on RMS on 26-07-2013 at counter no EZ4-CNT 1 YojnaVihar. [EX. P1 & P2]. He also submitted G-8 receipt for sewer Infrastructure charges through DD for correct amount same day [EX. P1 & P2] because there was no provision for accepting payments for sewer I.F. Charges on RMS. This bottleneck in RMS has been corrected from 31-08-2014 [EX D1].

(viii)As per Delhi Water & Sewer (Tariff & Metering 2012], copies of paid receipts are only required for imposing I.F. Charges. CMG has verified all the documents, prepared computerized Inspection report, signed the report, prepared the check list and placed the files before ZRO [EX. P1 & P2]. ZRO completed the procedure on RMs after the paid receipts for I.F. Charges for both sewer & water were available on record [Ex. D4]. CMG had verified all the documents as per DOR circular no 4017 dated 7th May 2012 [EX D2].

(ix)It is submitted that in reply to RTI, Joint Dir (DJB) vide EX D1 has stated that in various offices G-8 receipts were being used up to 23-09-2013. Therefore, it is wrong to allege that why G-8 receipt was accepted by C.O. [Ex. D1].

(x)Vide circular no DJB/DOR/RMS/12/4017 dated 7th May 2012 [EX D2], the functionality of Revenue Department had been divided between different groups for management of activities efficiently and in a time bound manner. The detail of user groups along with their roles, responsibilities and activities to be undertaken by members if each group were defined in clear terms. As per directions in circular, the details of all members of groups were fed in the system to avoid any confusion at any stage. Further, these details were filled in the annexure received with circular, in MS excel format and sent to Dy. DOR (HQ-II) and e-mailed to jyoti.chug@tcs.com. Sh. Sangam Pandey, MI was made in-charge and Sh. Rakesh Dubey was made member of CMG and user ID and passwords were issued both of them [matter of record]. Proper work allocation in clear terms had been explained in the circular. It has been clearly mentioned that "all the documents are verified by CMG". [Ex. D2].

(xi)The I.O. has proved the charge on the basis of instructional order dated 24-02-2014 which is not applicable to me as I had already retired on 30 Oct 2013.

<u>Submissions in respect of Article-2</u>

i. RMS had been introduced in DJB vide order no DJB/DOR/RMS/12/4017 dated 7th May 2012 to decentralize all the revenue process at ZRO level [EX D2]. User groups were created and Sh. Sangam Pandey, MI was made in-charge and Sh. Rakesh Dubey was made member of CMG with roles, responsibilities and activities as specified in the circular. There was no post of allotment clerk after the implementation of RMS; however, before implementation of RMS, NWCs were dealt by allotment clerk.

ii. Being cashier, Mr. Rakesh Dubey was expert in computer and as such he was assisting Sh. Sangam Pandey on computer. Sh. Sangam Pandey checked all the documents, signed the computerized Inspection report, prepared the check list and placed the files before ZRO who completed NWC's procedure on RMS as required under the rules. Since these officials are also facing inquiry before Sh. V.P. Tanwar, Jt. Dir., their evidence in this enquiry was not straight forward and true keeping in view their own vested interest. This fact needs serious consideration by the Disciplinary Authority though the I.O. failed to consider this aspect.

iii. There is no evidence on record to substantiate the allegation that I failed to supervise the functioning of subordinate staff under me in as much as I might have handled hundreds of such cases earlier and there was no complaint whatsoever against me in my whole career of 37 years in DJB. Hence this charge also fails.

iv. ZRO's office [CMG] need only copies of paid receipts [refer instructions laid down in "Delhi Water and Sewer regulations 2012"]. The calculation sheet of I.F. Charges calculated by JE (w) is not required at all in ZRO's office.

v. The dishonest applicants, taking advantage of shortcomings in RMS, got NWCs sanctioned by submitting fake G-8 for sewer I.F. charges. However, after nearly two months, on their own applied for sewer connections for both properties on 28-09-2013 [EX P3 & P4]. These sewer connections were sanctioned by EE[East II] on 02-12-2013 after recovering sewer I.F. charges [amounting to Rs 1,25,000/-] and penalty of [Rs 12,500/] for each property [EX P3 & P4]. The process of sewer connection was completed before the start of inquiry. This fact is on record [Ex. P3 & P4]. The allegation of loss of revenue etc becomes irrelevant.

The Board considered the reply submitted by the charged official, and after careful perusal of the same observed that no new facts have been brought out therein, and the submissions made by the Charged Official in her reply were mere reiteration of her contentions made earlier during the inquiry proceedings, and, the same were duly taken into consideration by the Inquiry Officer before reaching the conclusion that on the basis of the evidences adduced in the inquiry, both documentary and oral, and the analysis carried out thereupon, the articles of charge made against the Charged Official were held as 'Proved'.

The Board, after careful perusal of the facts placed before it, was of the view that the misconduct on the part of charged official, as framed in the articles of charge of Memorandum No. DJB/Vig./Disp/CS-70-(B)/(11)/2015/6250 dated 02.07.2015, was conclusively established, and, therefore, the Board resolved to impose the penalty of "10% (ten percent) cut in pension for a period of 01 (one) year" upon Smt. Kamlesh Gupta, ZRO (Retd.). The Board further resolved to authorize Member (Admn.) to convey the Board's decision to Smt. Kamlesh Gupta, ZRO (Retd.).

The Board also directed that in future CVC guidelines for referring cases having criminal angle to external investigation agencies, be followed invariably.

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

RESOLUTION NO. 719 (Confidential)
ITEM NO. ADMN.- 299 Revision Petition filed by Sh.Inder Raj Sharma, Upper Division Clerk, against the orders of Disciplinary Authority

The Board considered the proposal contained in letter No. DJB/CVO/2018/52 dated 11.10.2018 of Chief Vigilance Officer and resolved as under :-

Disciplinary proceedings for major penalty were initiated against Sh. Inder Raj Sharma, UDC vide memorandum no. DJB/Vig./Disp./CS-(B)-48/(11)/ 2014/5365 dated 19.05.2014. As per prescribed procedure, a departmental enquiry was conducted by Sh. Paras Ram, then Jt. Director

(Rev.), as Inquiry Officer, who submitted his findings holding charge No. 1 as 'proved' and charge No. 2 as 'not proved'.

The above findings of the Inquiry Officer were placed before Member (Admn.), being the competent Disciplinary Authority. The IO's report was, however, not accepted by the Disciplinary Authority, and a Disagreement Note was issued accordingly. The same, along with a copy of the Inquiry Report, was forwarded to the charged official for his comments, if he so desired. In response, the charged official submitted his reply which was placed before the Disciplinary Authority for his consideration. On considering all the facts and circumstances of the case, the Disciplinary Authority decided to impose a penalty of 'Reduction to a lower stage in the time scale of pay for a period of two years, with further directions that he will not earn increments of pay during the period of such reduction and the reduction will have the effect of postponing the future increments of his pay' upon him vide Order No. 66 dated 09.03.2017.

Aggrieved with the penalty imposed upon him, Sh. Inder Raj Sharma, UDC preferred an appeal before the Chief Executive Officer (DJB), being the Appellate Authority, against the aforesaid orders of the Disciplinary Authority. The Appellate Authority after going through the facts of the case and other materials on record, rejected the appeal of Sh. Inder Raj Sharma, UDC vide order no. 210 dated 06.11.2017.

Sh. Inder Raj Sharma, UDC then filed a revision petition before the Board against the orders of the Disciplinary Authority, i.e. Member (Administration), DJB dated 09.03.2017 imposing a penalty of 'Reduction to a lower stage in the time scale of pay for a period of two years, with further directions that he will not earn increments of pay during the period of such reduction and the reduction will have the effect of postponing the future increments of his pay' upon him. The Board, being the authority competent to decide the revision petition of Sh. Inder Raj Sharma, UDC, after carefully perusing the facts on record, including the reply furnished by the charged official, penalty order passed by the disciplinary authority, appeal filed by the appellant, orders of the appellate authority, revision petition, observed that the submissions made by Sh. Inder Raj Sharma, UDC before the Disciplinary Authority as well as the Appellate Authority, were duly taken into consideration by them, and they had accordingly, passed the reasoned orders in the matter. As such, the Board did not find any merit in the revision petition of Sh. Inder Raj Sharma, UDC, and, therefore, resolved to reject the same. The Board further resolved to authorize Member (Admn.) to convey the Board's decision toSh. Inder Raj Sharma, UDC.

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

RESOLUTION NO. 720

ITEM NO. ADMN.-300 Withdrawal of Water connection to Bottling Plants/ Cooling Plants/ Selling/ Packaging of water in Jars, Canes, Bottles, Glasses etc.

The Board considered the proposal contained in letter No. DJB/DOR/UA/Bottling-Cooling Plants/2018/198 dated 21.12.2018 of Director (Revenue) and resolved to approve: -

(i) Sanction of water connection (any category) to Cooling Plants/Bottling Plants/ Packaging Units/ Filling Plants for Selling/Packaging of water in Jars, Canes, Bottles, Glasses, etc. will be treated as withdrawn/cancelled with immediate effect. Zonal Engineers would take steps to disconnect all such water connections from ferrule at the earliest.

The Board further directed to explore the possibility of using/ interconnection of any bore well existing in these units, so as to supply water in the local area. In cases where it is not feasible, the area Executive Engineer (Maintenance) would recommend sealing of the said bore well to area SDM.

(ii) Once above action is completed, it would be the responsibility of field EE/ZE/JE (Maintenance) to ensure no Cooling Plant / Bottling Plant/ Packaging Unit / Filling Plant for Selling/ Packaging of Water in Jars, Canes, Bottles, Glasses, etc is functional in their area.

(iii) Henceforth, no water connection will be sanctioned or category changed either in residential or any commercial area for Cooling Plants/ Bottling Plants/ Packaging Units/ Filling Plants for Selling/ Packaging of water in Jars, Canes, Bottles, Glasses, etc.

(iv) DJB would also recommend to MCDs that no licence for Cooling Plants/ Bottling Plants / Packaging Units/ Filling Plants for Selling/ Packaging of Water in Jars, Canes, Bottles, Glasses, etc with DJB water or with ground water be issued in GNCTD area and those issued may be cancelled / withdrawn forthwith.

(v) No Pvt Tanker, supplying water in GNCT of Delhi would be allowed without registration with DJB and declaring source from which water is procured, which would be verified by the concerned official.

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

RESOLUTION NO. 721
ITEM NO. Est. - 214 Rehabilitation of 750mm dia sewer line (brick barrel) from Fatehpuri Masjid to Lal Quila

The Board considered the proposal contained in letter No. DJB/ CE(DR.)Proj.-I/2018/33 dated 26.11.2018 of Chief Engineer (DR.) Proj.-I and resolved to accord administrative approval to the estimate amounting to Rs.611.11 Lakh (Rs.Six Hundred Eleven Lakh and Eleven Thousand Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 722
ITEM NO. Est.- 215 Providing and Laying 250mm to 1400mm nominal dia internal and peripheral sewer line in Sant Nagar Group of Colonies under Coronation Pillar Catchment area in Delhi

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-II/2018/P-19 dated 19.12.2018 of CE(DR.)Proj.-II and resolved to accord administrative approval to the estimate amounting to Rs.270,26,95,510/- (Rs.Two Hundred Seventy Crore Twenty Six Lakh Ninety Five Thousand Five Hundred Ten Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 723
ITEM NO. Est.- 216 Providing water supply in U/A colonies which are inhabited partially on the Forest land under Deoli Constituency in the reaches not falling under the forest land

The Board considered the proposal contained in letter No. DJB/CE(W)Proj./2018/206 dated 21.12.2018 of CE(W)Proj. and resolved to accord administrative approval to the estimate amounting to Rs.09,96,50,763/- (Rs. Nine Crore Ninety Six Lakh Fifty Thousand Seven Hundred Sixty Three Only). The Board further directed to carry out such development works in other unauthorized colonies in Delhi which are inhabited partially on the Forest land on the same pattern as adopted in this case. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 724
ITEM NO. Est.- 217 Separation of command area of Greater Kailash, Deer Park, and Malviya Nagar of UGRs and BPS and hydraulic modeling of Deer Park UGR command area

The Board considered the proposal contained in letter No. DJB/CE(South)/2018/05 dated 21.12.2018 of CE(South) and resolved to accord administrative approval to the estimate amounting to Rs.10,39,08,084/- (Rs. Ten Crore Thirty Nine Lakh Eight Thousand Eighty Four Only). The Board further directed that consultancy estimates for other areas falling under these UGRs & BPS may also be prepared and submitted before the Board in next Board meeting. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 725
ITEM NO. Est.- 218 Block estimate for Creation of Water body at Sector-25, Rohini STP

The Board considered the proposal contained in letter No. DJB/CE(South)/2018/04 dated 21.12.2018 of CE(South) and resolved to accord administrative approval to the estimate amounting to Rs.53,84,65,664/- (Rs. Fifty Three Crore Eighty Four Lakh Sixty Five Thousand Six Hundred Sixty Four Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 726
ITEM NO. Est.- 219 Block estimate of Creation of Water body at Nilothi STP Phase-II including pump house and rising main etc.

The Board considered the proposal contained in letter No. DJB/CE(South)/2018/06 dated 21.12.2018 of CE(South) and resolved to accord administrative approval to the estimate amounting to Rs.2349.59 Lakh (Rs.Two Thousand Three Hundred Forty Nine Lakh Fifty Nine Thousand Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 727
ITEM NO. Est.- 220 Block estimate for the work of Rejuvenation of 155 Nos. Water Bodies in various parts of Delhi

The Board considered the proposal contained in letter No. DJB/CE(South)/2018/07 dated 21.12.2018 of CE(South) and resolved to accord administrative approval to the estimate amounting to Rs. 376,78.93 Lakh (Rs.Three Hundred Seventy Six Crore Seventy Eight Lakh Ninety Three Thousand Only). The Board further directed CE(South) to arrange a visit for DJB members for Rajkori Water Body. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 728

ITEM NO. Est.- 221 Providing & Laying 250mm to 1600mm nominal dia internal and peripheral sewer line in Kirari group of colonies under Rohini catchment area in Delhi and construction of WWPS at Prem Nagar, Bhagya Vihar & Pratap Vihar including rising mains

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-III/2018/02 dated 22.12.2018 of CE(DR.)Proj.-III and resolved to accord administrative approval to the estimate amounting to Rs. 437,16,77,208/- (Rs.Four Hundred Thirty Seven Crore Sixteen Lakh Seventy Seven Thousand Two Hundred Eight Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 729

ITEM NO. T- 220 Construction of 11.00 M.L. capacity UGR & BPS, laying of feeder and peripheral mains etc. at Patpargenj near Aster Public School in East-I (AC-57)

The Board considered the proposal contained in letter No. DJB/CE (East) /2018/02 dated 17.12.2018 of CE(East) and resolved to award the work in favour of M/s Rehman Builders (P) Ltd. JV with M/s R.K. Project (P) Ltd. & M/s Enviro Infra Engineers (P) Ltd. at a total cost of Rs.30,34,12,352.00 including 10 years O&M (Rs.Thirty Crore Thirty Four Lakh Twelve Thousand Three Hundred and Fifty Two Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 730

ITEM NO. T- 221 P/L Sewer lines in Kakrola Group of Colonies in Matiyala Constituency

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/ Preamble/34 dated 20.12.2018 of CE(DR.)Proj.-I and resolved to award the work in favour of JV of M/s Raj Conbuild Ltd. and Jai Hind Projects Ltd. at a total cost of Rs.31,77,80,097/- (Rs. Thirty One Crore Seventy Seven Lakh Eighty Thousand and Ninety Seven Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 731
ITEM NO. T- 222 Providing & laying 250mm to 1400mm nominal dia internal and peripheral sewer lines in Begumpur group of colonies under the Rohini WWTP catchment area in Delhi

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-III/2018/01 dated 20.12.2018 of CE(DR.)Proj.-III and resolved to award the work in favour of M/s Ajab Singh and Co. – Tapi Pre-stressed Products Limited (JV) at a total cost of Rs.153,95,45,433/- (Rs.One Hundred Fifty Three Crore Ninety Five Lakh Forty Five Thousand Four Hundred Thirty Three Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 732
ITEM NO. T- 223 Operation & Maintenance of 1 MGD WTP at CWG Akshardham Temple for next 05 years including Rehabilitation Work

The Board considered the proposal contained in letter No. DJB/CE(WW)/2018/11 dated 20.12.2018 of CE(WW) and resolved to award the work in favour of JV of M/s Integral Screw Industries and M/s SN Enviro-Tech Pvt. Ltd. at a total cost of Rs.12,67,00,000/- (Rs. Twelve Crore Sixty Seven Lakh Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 733
ITEM NO. T- 224 Construction of 11 MGD SPS on DBO Basis at Satya Park, Naraina Industrial Area Phase-II along with Rising main
Part-1 : Construction of 11 MGD SPS on DBO basis along with rising main
Part-2 : Construction of approach road through Naraina DTC bus Depot

The Board considered the proposal contained in letter No. DJB/CE(DR.)Proj.-I/2018/35 dated 21.12.2018 of CE(DR.)Proj.-I and resolved to award the work in favour of M/s Mohini Electricals Ltd. at a total cost of Rs.2360.00 Lakh (Rs.Twenty Three Crore and Sixty Lakh Only). The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 734
ITEM NO. T- 225 **Revision in awarded cost of Consultancy work of "Transaction advisory Services for Improvement & Revamping of existing water supply, transmission & distribution network under the command area of Nangloi WTP"**

The Board considered the proposal contained in letter No. DJB/CE(W)Proj./2018/207 dated 22.12.2018 of CE(W)Proj. and resolved to revise the earlier awarded cost of consultancy work from Rs.9.90 Cr. to Rs.12.57 Cr. plus applicable taxes with excess of 26.96% for the above work. The Board further resolved to release the payment to the consultant on actual manpower deployment basis instead of releasing on prorata basis of progress of Nangloi project work. The Board also resolved to take further action in anticipation of confirmation of the minutes.

RESOLUTION NO. 735
ITEM NO. T- 226 **Waste Water Treatment of Aya Nagar, Kair and Mitraon Villages through natural and sustainable technologies**

The Board was apprised of the proposal contained in letter No. DJB/CE (South)/2018/08 dated 21.12.2018 of CE(South) and resolved to ratify with the proposal of M/s CSIR-NEERI to re-invite the tenders of water bodies at Mitraon-1, Mitraon-2, Kair and Aya Nagar. Although an amount of Rs.13,48,24,881/- has already been approved earlier by the Board in its meeting held on 29.09.2017. Variation in cost of work, if any, shall be got approved later on by the Board. The Board also resolved to take further action in anticipation of confirmation of the minutes.

Other Item : -

The Board directed CE(South) to examine the proposal of Sh.Satya Pal Malik, Municipal Councillor, SDMC & Member, DJB for providing Tubewell boring permission to Nangli Dairy owners.

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

Sanjay 21/01/2019

CHAIRPERSON, DJB **SECRETARY, DJB**