

HARYANA VIDHAN SABHA

COMMITTEE ON PETITIONS

(2018-2019)

(NINTH REPORT)

REPORT

on

**Various Petitions/Representations received by
the Committee**



(Presented to the House on 27th February, 2019)

**HARYANA VIDHAN SABHA SECRETARIAT
CHANDIGARH
2019**

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REPORT

The Committee on Petitions for the year 2018-19 consisting of seven Members was nominated by the Hon'ble Speaker Haryana Vidhan Sabha on 25th April 2018 under Rule 268 of the Amended Rules of the Rules of Procedure & Conduct of Business in the House. Shri Ghanshyam Dass, MLA was nominated as Chairperson of the Committee by the Hon'ble Speaker. Three special invitees were also nominated by the Hon'ble Speaker to serve on this Committee.

The Committee held 56 sittings during the year 2018-19 (till finalization of the Report).

(iii)

**COMPOSITION OF THE COMMITTEE ON PETITIONS
(2018-2019)**

CHAIRPERSON

1 Shri Ghanshyam Dass MLA Chairperson

MEMBERS

2 Shri Zakir Hussain MLA Member

3 Smt Geeta Bhukkal MLA Member

4 Shri Zakir Hussain MLA Member

5 Smt Shakuntla Khatak MLA Member

6 Shri Anoop Dhanak MLA Member

7 Ranbir Gangwa MLA Member

SPECIAL INVITEE

*8 Shri Sri Krishan MLA

*9 Shri Jagbir Singh Malik MLA

*10 Shri Ved Narang MLA

* Vide Notification No HVS/Petition/01 2018 19/42 dated 5th June 2018 The Hon ble Speaker has been pleased to nominate Shri Sri Krishan MLA Sh Jagbir Singh Malik MLA and Sh Ved Narang MLA to serve the Committee on Petitions as a Special Invitee for the remaining period of the year 2018 19

SECRETARIAT

1 Shri Rajinder Kumar Nandal Secretary

2 Shri Vishnu Dev Under Secretary

(v)

INTRODUCTION

1 I Ghanshyam Dass Chairperson of the Committee on Petitions having been authorized by the Committee in this behalf present this Ninth Report of the Committee on Petitions on the various Petitions/Representation received by the Committee

2 The Committee considered all the Petitions/Representation as per the details given in the Report and examined the concerned Government Officers. The Committee made its observations and has tried its level best to redress the grievances of the Petitioners/Applicants to the maximum extent

3 The Committee considered and approved this report at their sitting held on 20th February 2019

4 A Brief record of the proceedings of the meetings of the Committee has been kept in the Haryana Vidhan Sabha Secretariat

5 The Committee would like to express their thanks to the Government Officers and other representatives of various departments who appeared for oral evidence before them for the cooperation in giving information to the Committee

6 The Committee is also thankful to the Principal Secretary and other Officer/Officials of Haryana Vidhan Sabha Secretariat for their whole hearted cooperation and assistance given by them to the Committee

Chandigarh
The 20th February, 2019

(GHANSHYAM DASS)
CHAIRPERSON



**1 PETITION/REPRESENTATION RECEIVED FROM SH PAHEL SINGH
DEPUTY ENGINEER (ELECTRICAL) HARTRON #138, H S A M B COLONY,
SECTOR 14, PANCHKULA REGARDING REPRESENTATION ON BEHALF
OF PAHEL SINGH**

The Petition/Representation received from Sh Pahel Singh is reads as under

To

The Hon ble Speaker
Haryana Vidhan Sabha
Chandigarh

Subject Representation on behalf of Pahel Singh

Sr

The undersigned was appointed to the post of Junior Technical Assistant in the year 1984 in the department of Hartron Thereafter I was promoted to the post of Senior Technical Assistant in the year 1991 Thereafter I was again promoted to the post of Assistant Engineer Further I was promoted to the post of Deputy Engineer (Electrical) in the year 2004

2 The undersigned served in the Hartron department with dedication and devotion therefore maximum of the ACRs in the abovesaid department are marked as outstanding I was never charge sheeted as his whole service career remained unblemished

3 That thereafter the undersigned joined his duties as a Sub Divisional Engineer in HSAMB Board on deputation on 14 09 2007 I served in the department after deputation with devotion dedication and with honesty Most of time I was appointed for inspection works in the department

4 That while serving in the department of HSAMB Board the department entrusted to me the tender case of work of supply erection testing and commissioning of HT/LT Electrical work for Agro Shopping Mall Building at Sector 20 Panchkula In that case I have to inquire about irregularities committed while tender for the work in the department was allotted to M/s Jyoti Electrical Chandigarh I have to inquire about irregularities committed by some of the officials of the department while making the allotment of tender Briefly in that case it was found that the tender committee and concerned Chief Engineer alongwith other officials connived with each other and they have accepted the financial bid of M/s Jyoti Electrical which was the second lowest firm instead of M/s ECS Engineering Pvt Ltd Panchkula which was found first lowest There was a difference of Rs 21 40 822/- between the three bids Thus the official as well as the Chief Engineer want to cause loss to the department The undersigned was member of the inquiry committee and very fairly keeping in view all the documents available on record concluded that there is irregularity in allotment

After this inquiry, the Superintending Engineering Executive Engineer Sub Divisional Engineer were charge sheeted Though the Chief Engineer was also involved in that irregularity was not charge sheeted



The Chief Engineer namely Amar Singh and Superintending Engineer Yoginder Singh was pressurized the undersigned being a member from electrical side, but I done my work fairly without any favour or without any pressure. Since then the Chief Engineer and Superintending Engineer having a grudge against me and they want to settle their score in every realm. It is necessary to mention here that because of the honesty and integrity of undersigned the Engineer in Chief also handed over the inquiry of electrical wing and further transferred that inquiry to quality control department of HSAMB so that the loss caused to the department due to irregularities committed by the officials be assessed in fair manner.

5 That the officials having a grudge against undersigned because he has made a fair inquiry about the matter at the officials were charge sheeted because certain irregularities were committed by them. The Superintendent Engineer Yoginder Singh want to take revenge so he recommended a charge sheet against undersigned has made a request to the Chief Administrator HSAMB Board Panchkula in writing and explained his position. On that basis a committee consisting of Sh Satpal Sharma Secretary of the Board and Sh Udhay Bhan Executive Engineer was constituted. They held an inquiry against undersigned and found no fault rather he was found to be true on his strength. It was further observed by the Committee that Sh Pahel Singh has safeguarded the interest of the Board. It is therefore clear that the undersigned always tried to protect the interest of the institution in which he was serving.

6 That undersigned was transferred on the basis of complaint made by the Chief Engineer because Chief Engineer was biased against me. But because of honesty and integrity the Board required my services at Panchkula. Hence keeping in view my service record and integrity my transfer at Sirsa was cancelled and I again joined at Panchkula in the year 2015.

7 That it is necessary to reproduce the report of the committee in which the undersigned was not found at fault rather found to be protecting the interest of the institution. The report dated 27.05.2015 is reproduced as under:

Subject Representation of Shri Pahel Singh SDE (E)

The factual position of the matter may kindly be perused on page 12/N ante. From the response of the electrical wing given in annotated form all the allegations levelled by Shri Pahel Singh have proved to be true. The recommendations given in the column Remarks are just suggestions to regularize the irregularities committed in the execution of electrical works in question. This is clear that Shri Pahel Singh was not on any fault in not admitting the inadmissible payments of the contractors rather he has safeguarded the interests of the Board. It is also not understood why the 12 reports submitted by the committee constituted to enquire into the electrical works have been withheld in the engineering wing. Therefore it is proposed that:

- (i) The engineering wing may be directed to put up the said 12 reports immediately.

- (ii) Instead of entrusting enquiry to the electrical wing of the B&R Branch a special audit of these electrical works may be got conducted through the Principal A G (Audit) Haryana
- (iii) The orders of charge sheet against Shri Pahel Singh SDE (E) may be reviewed

Sd/
Secretary
29 07 2015

On the basis of above stated report the Chief Administrator has made following observation on 03 08 2015, which are reproduced as under

- 1 A approved CE 1 shall put up to 12 reports by finding with his comments
- 2 CFA will request for AG for special audit by Friday
- 3 Secy will put up the C/Sheet matter against Sh Pahel Singh for review
- 4 Order for temporary shifting of Sh Pahel Singh SDO (E) are withdrawn he will be posted with the CE 1 till further order

In spite of the above stated observation made by the Chief Administrator the officials are slumbering on the matter and due to biasness against undersigned they are lingering the above matter so that at the time of retirement the retiral benefits be stopped. The officials who have committed the irregularities are adamant and had conspired to harass the undersigned in every realm.

It is necessary to mention herein that the Secretary of HSAMB Board has dealt with the matter mentioned above and observed that on perusal of the entire history of the case it seems that in this case the role playing by Engineering wing is questionable. The above stated matter is still pending as there is no conclusive result.

8 That HSAMB Board has also issued a notice dated 15 05 2017 against me alleging the unauthorized use of computer system installed in the office room. The undersigned has already replied for the same and all the allegations in the notice dated 15 05 2017 are misconceived and after due deliberation between the officials who were affected due to fair inquiry made by me for the electrical works mentioned above. It is necessary to mention here that the undersigned has already repatriated to his parent department on 14 09 2017 and having no concern whatsoever with the department of HSAMB but because they have grudge against the undersigned therefore they are searching one lacuna or others so that the undersigned be harassed. It is further necessary to mention herein that during this period the undersigned was working under the kind control of Sh N S Kundu Chief Engineer 1 but the complaint against the undersigned had been submitted by Sh Ajay Kadyan Xen Electrical through S E Electrical Sh Yoginder Singh and Chief Engineer II Sh Amar Singh having no control over my work. They all the officials mentioned above have concocted the story because as per the averment made above they have grudge against undersigned.

9 That because the Chief Engineer Amar Singh and S E Electrical having a grudge against undersigned therefore they again send the case of inquiry against me to the

Chief Administrator for taking disciplinary action I was again charge sheeted for the same cause in which I was found innocent rather found to be safeguard in the interest of Board

10 That the last governance of the undersigned that House No 138 HSAMB Colony Sector 14 Panchkula was allotted to the undersigned but now undersigned but now undersigned has been repatriated to Hartron Sector 2 Panchkula on the same station and going to retire on February 2019 But this Juncture the worthy C A HSAMB has issued the notice to the undersigned for vacation of house whereas in the said colony of HSAMB about 30 employees of other department including contractual employees are residing there houses The same house has been allotted to Sub Divisional Clerk who is not entitled as per law for the house No 138 D type The action of the C A is arbitrary one Therefore the notice may please be withdrawn as undersigned be permitted to reside in house till retirement

It is therefore respectfully prayed that keeping in view the facts of the case and keeping in view th honesty and integrity and unblemished service career of the undersigned in his 35 years of ling service the charge sheets recommended on my file by the Chief Administrator may please be withdrawn immediately and retrial benefits (such as traturty leave encashment provident fund pending bonus etc) may be given to the undersigned

Dated 07 03 2018

Pahel Singh
Deputy Engineer
(Electrical)
Hartron
No 138
H S A M B Colony
PANCHKULA

The Petition/Representation was placed before the Committee in its meeting held on 22 03 2018 and the Committee considered the same and decided that said petition/representation may be sent to the concerned Department for sending their comments within a period of 15 days The Committee does not receive any reply from the department Reminder was sent to department for reply on dated 17 04 2018 Thereafter Committee orally examine Principal Secretary to Government Haryana Agriculture Department and Petitioner/ Applicant in its meeting held on 12 06 2018 and department submit its reply which reads as under

To

The Principal Secretary to Govt Haryana
Agriculture and Farmers Welfare Department
Chandigarh

Memo No 5259

Dated 11 06 2018

Subject Regarding representation on behalf of Sh Pahel Singh Deputy Engineer (Elect.) Hartron, Panchkula

Reference Your Office memo no 4974 dated 09 04 2018 and 5710 dated 26 04 2018

The petition/representation of Sh Pahel Singh has been received from Haryana Vidhan Sabha Secretariat through your office vide letter under reference The point wise reply of the representation is as under

- 1 It is a matter of record
- 2 It is a matter of record
- 3 Yes Sh Pahel Singh has joined HSAMB Board as Sub Divisional Engineer on deputation vide order Admn III 2007/1397/68214 22 dated 13 09 2007
- 4 Para No 4 partly admitted The concerned XEN and SE were charge sheeted under rule 12 (2) (b) as they stand retired from service and SDO concerned was charge sheeted under rule 8 for dereliction in performing their duties

A complaint was received regarding discrepancies involved in the 12 no Electrical works relating to Agro Malls at Karnal Panipat and Kisan Bhawan Panchkula The competent authority has directed the Engineering wing to put up the report for these works and further ordered on 13 08 2015 that the enquiry be got conducted through the Electrical wing of the PW(B&R) Department The EIC PW(B&R) Department had appointed Sh NK Handa WEN(Elect) PWD(B&R) vide letter No 136813 dated 28 12 2016 to conduct the enquiry in 2 No cases is pending due to non entering of detailed measurements of the executed work in the measurement book The details of the same are as under

Sr No	Name of Work	Latest status
i	Annual maintenance of centrally AC system in Kisan Bhawan at Panchkula	Disciplinary action against XEN SDO & JE has been taken and they are charge sheeted under rule 8
ii	Providing fire fighting system at Agro mall Karnal	XEN (Elect) was asked to get the balance work completed and system be got approved from the station fire officer
iii	Providing fire fighting system at Agro mall Panipat	XEN (Elect) was directed to get the balance work completed and system be got approved from the station fire officer The fire officer issued NOC on 21 11 2013 after inspecting the work
iv	Supply and Erection of various types of ceiling luminaries for Agro Mall Panipat	As per enquiry report, financial loss of Rs 93 068/ was caused to the Board and the responsible officers/officials have been charge sheeted under Rule 7
v	Supply and installation of HT/LT work at Agro Mall Karnal	As per enquiry report financial loss of Rs 1 35174 was caused to the Board The loss amount have been recovered from the pending dues of the agency The responsible officers/ officials have been charge sheeted under Rule 7

Sr No	Name of Work	Latest status
vi	Supply of 1 no 500KVA DG Set at Agro mall Panipat	The DG set of 500 KVA was produced through DGS&D having Cummins make engine and Stamford make alternator with manual panel So there is no loss to the Board Hence no action is required
vii	Supply of 2 no 750KVA compact type transformer at Agro mall Panipat	Siemens make transformer provided at site which is not the approved make as per the DNIT & without prior sanction of the competent authority The explanation of the responsible officers/officials has been called for not seeking prior approval for change in make
viii	Supply of 2 no 2000KVA compact type transformer at Agro Mall Karnal	Unversal make CSS as per DNIT has been provided However minor variation in rating of the internal equipment of the CSS was observed in the enquiry report and for that explanation of the responsible officers/officials have been called
ix	Supply of 12 no Panels for Agro Mall Panipat	As per enquiry report there is a difference in rating of the control panels thickness of sheet & earthing material provided at site and taken in the DNTT The disciplinary action against the responsible officers/officials have been taken
x	Supply of 16 no panels for Agro Mall Karnal	As per enquiry report there is a difference in rating of the control panels thickness of sheet & earthing material provided at site and taken in the DNIT The disciplinary action against the responsible officers/officials has been recommended
xi	Providing E I including distribution system at Agro Mall Karnal	The enquiry report from XEN(Elect) PWD (B&R) is pending due to non entering the details of the executed work in the Measurement Book For this lapse disciplinary action against the concerned JE/SDO has been recommended
xii	Providing E I including distribution system at Agro Mall Panipat	The enquiry report from XEN(Elect) PWD (B&R) is pending due to non entering the details of the executed work in the Measurement Book For this lapse disciplinary action against the concerned JE/SDO has been recommended

- 5 A committee of Chief Engineer 1 Secretary Board and Executive Engineer was constituted to hear the grievances of Sh Pahel Singh. The allegations raised by Sh Pahel Singh were discussed at length and on that the competent authority has passed the orders on 03 08 2015 which were reviewed on 13 08 2015. In compliance of the orders the enquiry of 12 No. works relating to Electrical wing as assigned to the Electrical wing of PWD(B&R). The order of temporary shifting of Sh Pahel Singh from Panchkula to Fatehabad was withdrawn on 06 08 2015.
- 6 It is a matter of record and orders of temporary shifting of Sh Pahel Singh then SDE (Elect) were withdrawn by the order dated 06 08 2015.
- 7 It is a matter of record. However after discussing the matter with the Chief Administrator the enquiry was assigned to the Electrical Wing of PW(B&R) Department on 13 08 2015 being technical and specialized electrical works. Accordingly the enquiry officer has submitted 10 enquiry reports and 2 cases are pending due to non entering the details of the executed work in the Measurement Book. The latest status of the action taken in these cases is tabulated above.
- 8 On the report submitted by the committee of the officers of the Board for unauthorised use of computer system installed in the office of Sh Pahel Singh Sh R P Bhasin (retired Session Judge) the enquiry officer has proved that it is fit case in which atleast Departmental action as per provisions of Haryana Civil Services (P&A) rules 1987 in the public interest is required to be taken against Sh Pahel Singh the then SDE to maintain the discipline in the organization for the serious irregularities committed by him. Accordingly Sh Pahel Singh was ordered to be charge sheeted under Rule 7 on dated 06 12 2017. The contemplated charge sheet ordered under Rule 7 has been dropped by the competent authority on 08 06 2018 with a warning.

On the writ petition filed by Sh Vinay Kumar Kakker against Sh Pahel Singh Hon ble Punjab and Haryana High Court has quashed the absorption order of Sh Pahel Singh by declaring it as illegal arbitrary and unconstitutional & accordingly he was repatriated to HARTRON (his parent department) vide order dated 14 09 2017.
- 9 On the recommendation of SE (Elect) and the Chief Engineer Sh Pahel Singh was ordered to be charge sheeted under Rule 8 on 18 06 2015 for halting the project and not releasing the due payment to the agency resulting delay in completion of the work of providing fire fighting system in the Agro Mall Sector 20 Panchkula. Later on the charge sheet ordered under Rule 8 was converted into Rule 7 for release of advance payment to the agency as pointed out by the audit party and causing loss to the tune of Rs 2 00 Lakh on account of interest on the advance payment to the Board against the same work. The contemplated charge sheet ordered under Rule 7 has been dropped by the competent authority on 08 06 2018 with a warning.

- 10 Para No 10 is partly correct to the extent that House No 138 HSAMB Coloney Sector 14 was allotted to Sh Pahel Singh Now he has already been repatriated to his parent department on 14 092017 and on account of the same the house allotted to him was required to be vacated the said house till date inspite of issuance of several notices
- 11 In reply to Para No 11 it is submitted that the payment of pending Bonus and leave encashment has already been released by HSAMB The share of new pension scheme (Employee share as well as employer share) has already been deposited in the NPS account of the petitioner and as per the provisions of defined contributory pension scheme he can withdraw the same by his own However the difference of EPF being claimed by HARTRON and NPS contribution if any as per law will be paid by HSAM Board For releasing his pro rata Gratuity directions have already been issued to Manager HARCO Bank vide this office letter No Pension/2018/GPO/2242/35513 15 dated 09 06 2018

In view of the above mentioned submissions the representation submitted by Sh Pahel Singh the then SDE may please be disposed off

Executive Engineer
for Chief Administrator
HSAM Board, PKL

After hearing the departmental representatives and petitioners/Applicants the Committee made following observation which reads as under

समिति की सस्तुति

उपरोक्त केस मे परस्पर चर्चा के पश्चात यह समिति इस निष्कर्ष पर पहुची है कि श्री पहल सिंह ने अपने जीवन के 10 महत्वपूर्ण वर्ष हरियाणा राज्य कृषि विपणन बोर्ड की सेवा मे दिए है। अत यह लिखित मे बोर्ड के समक्ष अपना प्रतिवेदन प्रस्तुत करे। मकान मिलने की अवस्था में यह अपनी रिटायरमेंट तक हरियाणा राज्य कृषि विपणन बोर्ड के मकान मे रह सकते है और रिटायरमेंट की समयावधि के पश्चात इनको मकान खाली करना पडेगा।

श्री लिखी ठीक है सर। माननीय समिति की सस्तुति का पालन किया जायेगा।

चेयरपर्सन वर्तमान अवस्था मे इस पेटिशन को डिस्पोज्ड ऑफ किया जाता है।

Petition is dispose off accordingly in its meeting held on 12 06 2018

2 PETITION/REPRESENTATION RECEIVED FROM SH SHANKAR LAL S/O SH SOHAN LAL, VILLAGE RESALIYAKHERA, TEHSILDABWALI, DISTRICT SIRSA, REGARDING RENEWAL AND TRANSFER OF WOODEN CUTTING SAW MACHINE LICENSE NO 62SFD/2007 08

The Petition/Representations received from Shri Shankar Lal reads as under

मेरा मे

श्रीमान चेयरमैन याचिका समिति
हरियाणा विधान सभा
चण्डीगढ़।

विषय आरा लाईसंस

श्रीमान जी

1 मैं शकर लाल पुत्र श्री सोहन लाल निवासी गांव रिसालिया खेडा तहसील डबवाली जिला सिरसा का रहने वाला हूँ। मैंने बैंक से लोन लेकर आरे का कार्य शुरू किया था लेकिन एक वर्ष से अभी तक बद है। मेरे पास ओर कोई रोजगार का साधन नहीं है ना ही और कोई कार्य जानता हूँ। मेरे परिवार में 11 सदस्य हैं जिनमें मैं इकलौता कमाने वाला हूँ। यह आरा मशीन लाईसंस सहित इन्द्रजीत पुत्र श्री शिशपाल निवासी गांव चक्का तहसील रानिया जिला सिरसा से 18-07-2017 को लाईसंस आरा मशीन सहित खरीदा और 20-07-2017 को सिरसा DFO ऑफिस के अन्दर सारे असल दस्तावेज व स्टॉक रजिस्ट्रार वा असल लाईसंस सहित 20-07-2017 को जमा करवा दिया था। यह लाईसंस अभी तक ना तो ट्रांसफर किया है और ना ही नवीनीकरण किया है तथा ना ही चलाने की अनुमति दे रहे हैं।

2 — मैंने लाईसंस आवेदन ऑनलाईन करवा रखा है और पांच हजार रुपये DFO सिरसा के नाम से ड्राफ्ट बनवा रखा है जो कि अभी तक जमा नहीं कर रहे हैं। मैंने रानिया रज अधिकारी की रिपोर्ट भी क्रमांक 9 डी दिनांक 07-04-2018 को जमा करवा दी थी। जिसका मेरे पास प्रणाम है।

— मैं कम से कम एक वर्ष से सिरसा चक्कर लगा रहा हूँ। तीन बार पचकूला भी जा चुका हूँ। लेकिन हमारी कोई भी सुनवाई नहीं हो रही है। हम सिरसा जाए तो सिरसा वाले कहते हैं कि पचकूला से स्वीकृति आयेगी। और हम पचकूला जाए जो पचकूला वाले कहते हैं कि लाईसंस ट्रांसफर व नवीनीकरण सिरसा DFO के द्वारा किया जायेगा। हमें तक आदेश देना है जो कि हम दे चुके हैं। लेकिन हमारी सुनवाई अभी तक नहीं हुई है। तो हमने तग आकर एक सी०एम० विन्डो पर प्रार्थनापत्र दिया था। उसका डाक के द्वारा जवाब आया कि आपकी मांग जायज है। और सिरसा जिला में 26 आरा लाईसंस नवीनीकरण और ट्रांसफर होने हैं। हम उसके बाद सिरसा गये और उनको सी०एम० विन्डो की रिपोर्ट जिनमें हमारा आठवाँ स्थान है। सिरसा जिले में अन्य 25 आरे चल रहे हैं तथा मेरा आरा बद है जब मैंने आरा सिरसा DFO को आरा बद करने का कारण पूछा तो मुझे जवाब मिला की आपके ऊपर शिकायत दर्ज है। तो मैंने कहा कि शिकायत तो कई आरों पर भी दर्ज है। मेरी जिम्मेवारी तो आपका कार्य है। लाईसंस नवीनीकरण तथा ट्रांसफर हेतु एक वर्ष का समय हो गया है परन्तु मेरा काम बद है।

- 3 सिरसा DFO कहते हैं कि पहले पुराने मालिक के नाम लाईसेंस नवीनीकरण होगा और वही पर मशीन देखी जायेगी। लेकिन 26 के 26 आरे जो नई जगह लगे हुये हैं जो नई जगह चल रहे हैं। श्रीमान जी मेरी प्रार्थना है कि जो मशीन जिस जगह पर लगी हुई है वह मशीन उसी जगह पर देखकर लाईसेंस नवीनीकरण तथा ट्रांसफर किया जाए।

श्रीमान जी मेरी तो कोई गलती नहीं है। मेरे पास एक ही रोजगार का साधन था जो विभाग द्वारा छीन लिया गया है। मैं इस आरे को ना तो बेच सकता हूँ ना ही विभाग कार्य शुरू करने दे रहा है। मैं एक वर्ष से तंग हूँ।

मेरे परिवार को कठिनाई का सामना करना पड़ रहा है अगर मैं तनाव में आकर कोई गलत कदम उठाता हूँ तो विभाग जिम्मेवार होगा। अतः आपसे नम्र निवेदन है कि आप उक्त आरे लाईसेंस को नवीनीकरण तथा ट्रांसफर करवाने की कृपा करें ताकि मैं अपना रोजगार चला सकूँ तथा अपने परिवार का पालन पोषण कर सकूँ। आपकी अति कृपा होगी।

धन्यवाद।

प्रार्थी

शकर लाल पुत्र श्री सोहन लाल
निवासी गांव रिसालिया खेडा
तहसील डबवाली
जिला सिरसा

The Petition was placed before the Committee in its meeting held on 20 06 2018 and the Committee considered the same and decided that said petition/representation may be sent to the concerned Department for sending their comments within a period of 15 days The Committee received the reply from District Forest Officer Sirsa, as under

कार्यालय वन मण्डल अधिकारी सिरसा।

क्रमांक 3612

दिनांक 07 08 2018

सेवा में

Under Secretary
Haryana Vidhan Sabha
Chandigarh

विषय Meeting of the Committee on petitions

संदर्भ आपका पत्र क्रमांक HVS/Petition/2/2018 19/17321 30 Date 03 08 2018

उपरोक्त विषय के सम्बन्ध में आपकी सेवा में अवगत करवाया जाता है कि श्री शकर लाल सुपुत्र श्री सोहन लाल निवासी गांव रिसालियाखेडा द्वारा दिनांक 20 07 2017 को प्रार्थना पत्र दिया गया था कि अनुज्ञापति पत्र नम्बर-62/SFD/2007-08 मै० इन्द्रजीत सिंह सौं मिल के मालिक श्री

इन्द्रजीत सुपुत्र श्री शिशपाल गाव चक्का जिला सिरसा से खरीद लिया है। इस उपरान्त वन मण्डल कार्यालय के पत्र क्रमांक 771 दिनांक 08 08 2017 द्वारा मुख्य वन संरक्षक हरियाणा पंचकूला को लाईसैस स्थानांतरण की सूचि भेजी गई थी जिसमें क्र०स०-8 पर संबंधित आरा लाईसैस को स्थानांतरण करने हेतु अनुमोदित सूचि भेजी गई जिसमें अनुज्ञपति नम्बर-62/SFD/2007-08 मै० इन्द्रजीत सिंह सॉ मिल के मालिक श्री इन्द्रजीत सुपुत्र श्री शिशपाल गाव चक्का जिला सिरसा को अनुमोदित नहीं किया गया। इस उपरान्त मण्डल कार्यालय के पत्र क्रमांक 1965 दिनांक 08 08 2018 426 दिनांक 27 04 2018 127 दिनांक 27 04 2018 व पत्र क्रमांक 722 दिनांक द्वारा संबंधित लाईसैस स्थानांतरण हेतु अनुमोदित करने बारे मुख्य वन संरक्षक हरियाणा पंचकूला को स्मरण पत्र लिखे गये। वन राजिक अधिकारी रानिया ने अपने पत्र क्रमांक 15 दिनांक 10 04 2018 द्वारा रिपोर्ट कह गई कि संबंधित आरा पत्र नम्बर-62/SFD/2007-08 मै० इन्द्रजीत सिंह सॉ मिल श्री शकर लाल सुपुत्र श्री सोहन लाल निवासी गाव रिसालियाखेडा को बेच दिया है। अब यह यूनिट गाव चक्का में नहीं है तथा वन राजिक अधिकारी डबवाली ने रिपोर्ट की गई कि संबंधित आरा रिसालियाखेडा गिन्दड रोड पर स्थापित किया हुआ है।

इसके अतिरिक्त आपको यह भी अवगत करवाया जाता है कि श्री शकर लाल सुपुत्र श्री सोहन लाल गाव रिसालियाखेडा ने दिनांक 05 12 2017 को सी०एम० विन्डो पर शिकायत नम्बर 138199 लगाई कि उन द्वारा न० नम्बर-62/SFD/2007-08 मै० इन्द्रजीत सिंह सॉ मिल के मालिक श्री इन्द्रजीत सिंह सुपुत्र श्री शिशपाल गाव चक्का जिला सिरसा को उसके नाम तबदील की जाये। तथा शिकायतकर्ता श्री रामप्रताप गाव रिसालियाखेडा इस बारे में श्री चरणजीत सिंह वन राजिक अधिकारी डबवाली को जाच अधिकारी ने शिकायत की जाच की तो शिकायतकर्ता को फोन करके दिनांक 15 12 2017 को मौके पर बुलाया गया शिकायतकर्ता को अवगत करवाया गया कि नई गाईड लाईसैस अनुसार भारत सरकार ने लाईसैस ट्रांसफर करने की शक्तिया वन अधिकारी को न देते हुए स्टेट लेवल कमेटी को प्रदान की गई है जिसके सदस्य में इस कार्यालय के पत्र क्रमांक 771 दिनांक 08 08 2017 1232 दिनांक 15 11 2017 व पत्र क्रमांक 918 दिनांक 26 09 2017 द्वारा उच्चाधिकारियों को सूचना भेजी जा चुकी है। जिसमें शिकायत का लाईसैस भी शामिल है। जिसके उत्तर में इस कार्यालय के पत्र क्रमांक 911 दिनांक 27-12-2017 द्वारा ए०सी०आर० भेज दी गई। सी०एम० कार्यालय द्वारा दिनांक 26 03 2018 को इस शिकायत को इस शिकायत को फाईल भी कर दिया गया है।

इसके बाद शिकायतकर्ता श्री जसवीन्द्र पुत्र श्री रामप्रताप गाव रिसालियाखेडा प्रधान मुख्य वन संरक्षक हरियाणा पंचकूला की सेवा में शिकायत की गई गाव रिसालियाखेडा से गिन्दड रोड पर श्री शकर लाल सुपुत्र श्री सोहन लाल गाव रिसालियाखेडा ने एक अवैध आरा मशीन लगा रखी है इस बारे में मण्डल कार्यालय पत्र क्र० 998 कद० 25 01 2018 द्वारा श्री रणजीत सिंह वन राजिक अधिकारी डबवाली को जाच करके रिपोर्ट भेजने बारे लिखा गया था। श्री रणजीत सिंह व०रा०अ० ने मौका निरीक्षण करने उपरान्त रिपोर्ट की गई कि यह आरा मशीन काफी समय से बन्द पड़ी हुई है। जिसकी सूचना मण्डल कार्यालय के पत्र क्र० 1423 दि० 23 02 2018 द्वारा मुख्य वन संरक्षक सुरक्षा-1 द्वारा कर दी गई तथा व०रा०अ० डबवाली को अवैध चल रही आरा मशीन के विरुद्ध कठोर कार्यवाही करने बारे निर्देश दिये गये थे।

अब मुख्य वन संरक्षक-1 हरियाणा पंचकूला के पत्र क्रमांक 1847-55 दिनांक 01 08 2018 द्वारा संबंधित लाईसैस को रिन्युवल व स्थानांतरण करने बारे अनुमोदित किया गया है जिसके अनुसार



नियमानुसार वन राजिक अधिकारी डबवाली व रानिया को लिख दिया गया है तथा निम्नहस्ताक्षरी द्वारा मौका निरीक्षक करके नियमानुसार नवीनीकरण व स्थानांतरण कार्यवाही कर दी जायेगी।

वन मण्डल अधिकारी
सिरसा।

पृ० क्रमांक 3613

दिनांक 07 08 2018

इसकी एक प्रति प्रधान मुख्य वन सख्तक हरियाणा पंचकूला को सूचनार्थ प्रेषित है।

वन मण्डल अधिकारी
सिरसा।

The Committee orally examined the departmental representative and petitioner/ applicant in its meeting held on 07 08 2018 and directed the department to resolve the grievances of petitioner within 15 days

Thereafter Committee received letter from Sh Shanker Lal in which petitioner/ applicant stated that his grievances was resolved and he thanks the Committee The letter received from Sh Shankar Lal is reads as under

सेवा मे

माननीय चैयरमेन याचिका समिति
हरियाणा विधान सभा चण्डीगढ़।

विषय — समस्या के निपटान करने के उपलक्ष मे धन्यवाद करने बारे।

श्रीमान जी

निवेदन है कि उपरोक्त विषयानुसार आपसे अनुरोध है कि मैं शकर लाल पुत्र श्री सोहन लाल गाव रिसालिया खेडा तहसील डबवाली जिला सिरसा का रहने वाला हूँ। मुझे दिनांक 07-08-2018 को मेरी समस्या के सम्बन्ध मे विधान सभा Petition Committee के अन्दर सुनवाई के दौरान बुलाया गया और बहुत अच्छे ढंग से सुनवाई हुई। अब मेरी आरा मशीन पूर्ण रूप से चल रही है। मुझे दिनांक 16-08-2018 को लाईसेंस और रजिस्टर वन मण्डल अधिकारी के ऑफिस सिरसा से प्राप्त हो गया है।

इस कार्य हेतु आपकी कमेटी के सभी सदस्यगण का मैं तह दिल से बहुत-बहुत धन्यवादी हूँ। मैं आपका अति आभारी हूँ।

धन्यवाद।

प्रार्थी

शकर लाल पुत्र श्री सोहन लाल
निवासी गाव रिसालिया खेडा
तहसील डबवाली
जिला सिरसा

Thereafter Committee considered the application of petitioner Sh Shanker Lal in its meeting held on 10 02 2019 and accordingly dispose of the petition



3 PETITION/REPRESENTATION RECEIVED FROM SHRI CHAND RAM, ASSISTANT, DEVELOPMENT BRANCH O/O DEPUTY COMMISSIONER KURUKSHETRA, REGARDING APPEAL AGAINST THE ORDER OF THE COMMISSIONER AMBALA DIVISION AMBALA CANTT DATED 14 12 2004 AND ORDER OF DEPUTY COMMISSIONER, KURUKSHETRA DATED 08 12 2003

The Petition/Representation received from Shri Chand Ram reads as under

सेवा मे

आदरणीय श्री मान चैयरमैन
पैटीशन कमेटी
हरियाणा विधान सभा चण्डीगढ़।

विषय —अपील विरुद्ध आदेश आयुक्त अम्बाला मण्डल अम्बाला छावनी दिनांक 14-12-2004 व आदेश उपायुक्त कुरुक्षेत्र दिनांक 08-12-2003

महोदय जी

सविनय निवेदन यह है कि वर्ष 2003 में मैं और श्री अजीत सिंह सहायक/रीडर (सेवानिवृत्त) उपमण्डल मैजिस्ट्रेट पेहवा के न्यायालय में कार्यरत थे तो उस समय गांव गुलडेर के पंजाब विलेज कामन लैण्ड एक्ट के तहत 7(2) के 2 कैसिज को मार्क न करवाने पर इनको डील करने पर इन कैसिज में केवल श्री अजीत सिंह रीडर द्वारा समन जारी करने के सम्बन्ध में अपीलार्थी/प्रार्थी व श्री अजीत सिंह सहायक जो अब सेवानिवृत्त हो चुका है को उपायुक्त कुरुक्षेत्र द्वारा पत्र क्रमांक 250-53/ई० बी० दिनांक 13 12 2013 द्वारा निलम्बित किया गया था उपायुक्त कुरुक्षेत्र के इस बारे प्रबन्धक निदेशक शुगर मिलज शाहाबाद को जाच अधिकारी नियुक्त किया गया था। जाच अधिकारी की रिपोर्ट (प्रति सलग्न पताका क) के अनुसार अपीलार्थी/प्रार्थी पर लगाये गये आरोप सिद्ध ना होने पर केवल लापरवाही का आरोप लगाते हुए उपायुक्त कुरुक्षेत्र द्वारा आदेश दिनांक 08-12-2003 (प्रति सलग्न पताका क) के अनुसार मेरी एक वार्षिक वेतन वृद्धि सचित प्रभाव से बन्द कर दी गई थी।

उक्त आदेश से असन्तुष्ट होकर अपीलार्थी/प्रार्थी द्वारा आयुक्त अम्बाला मण्डल के न्यायालय में अपील दायर की थी। आयुक्त अम्बाला मण्डल द्वारा आदेश दिनांक 14-12-2004 (प्रति सलग्न पताका ख) अनुसार अपीलार्थी/प्रार्थी की अपील खारिज पर दी गई।

तत्पश्चात अपीलार्थी/प्रार्थी उक्त आदेश के विरुद्ध वित्तायुक्त एव प्रधान सचिव हरियाणा सरकार राजस्व विभाग चण्डीगढ़ के सम्मुख अपील दायर की गई थी। वित्तायुक्त एव प्रधान सचिव हरियाणा सरकार राजस्व विभाग चण्डीगढ़ द्वारा भी उनके यदि क्रमांक 159-ए-आर-5-2005/13596 चण्डीगढ़ दिनांक 07-11-2005 (प्रति सलग्न पताका ग) अपीलार्थी/प्रार्थी का प्रतिवेदन विचारोपरान्त फाईल कर दिया गया।

तत्पश्चात अपीलार्थी/प्रार्थी द्वारा उक्त आदेशों के विरुद्ध माननीय पंजाब एव हरियाणा चण्डीगढ़ में सिविल रिट पैटीशन 308 ऑफ 2006 दायर की माननीय न्यायालय द्वारा उक्त पैटीशन अचमित की गई थी। करीब 10 वर्ष से भी अधिक समय बीत जाने पर भी मेरा केस अब तक सुनवाई में ना आने के कारण मैंने दिनांक 23/10/2017 को उक्त पैटीशन (Dismissed ad withdrawn) कर ली है। (प्रति सलग्न पताका घ)



इसके अतिरिक्त मैं यहाँ पर यह भी स्पष्ट करना चाहूँगा कि श्री अजीत सिंह सहायक जो अब सेवा निवृत्त हो चुका है को इस केस में तत्कालीन आयुक्त अम्बाला मण्डल द्वारा अपने आदेश दिनांक 28-04-2004 व 17-12-2004 (प्रति सलग्न पताका घ व ड है) द्वारा बकाया अवधि का वेतन तथा निलम्बन अवधि को लीव ऑफ दी काईन्ड ड्यू पिरियड ट्रीट करने का निर्णय लिया जा चुका है लेकिन मुझे उक्त लाभ अभी तक नहीं मिल सका। इस कारण यहाँ पर विरोधाभास उत्पन्न होता है क्योंकि एक ही केस में हम दोनों इनवोल्व थे और एक जैसे ही आरोप लगाये गये थे।

अतः आपसे विनम्र निवेदन है कि तत्कालीन आयुक्त अम्बाला मण्डल द्वारा पताका घ व ड पर श्री अजीत सिंह सहायक/रीडर (सेवानिवृत्त) के हक में दिये गए निर्णय अनुसार इन आदेशों की मदद नजर रखते हुए आयुक्त अम्बाला मण्डल अम्बाला छावनी द्वारा पारित आदेश दिनांक 14-12-2004 व उपायुक्त कुरुक्षेत्र आदेश दिनांक 08-12-2003 अपास्त करके इस अनुसार अपीलार्थी/प्रार्थी अपील मजूर की जाकर बकाया अवधि का वेतन तथा निलम्बन अवधि को लीव ऑफ दी काईन्ड ड्यू पिरियड ट्रीट करने के आदेश पारित करने की भी कृपा करें।

दिनांक 09/12/2017

अपीलार्थी/प्रार्थी

चाद राम सहायक

विकास शाखा कार्यालय

उपायुक्त कुरुक्षेत्र

The Petition/Representation was placed before the Committee in its meeting held on 20 12 2017 and the Committee considered the same and decided that said petition Representation may be sent to the concerned Department for sending their comments within a period of 15 days The Committee received the reply from O/o Deputy Commissioner Kurukshetra vide their letter No 1131/E B dated 19 03 2018 as under

पजीकृत

प्रेषक

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उपायुक्त कुरुक्षेत्र।

सेवा में

सचिव

हरियाणा विधान सभा सचिवालय

चण्डीगढ़।

क्रमांक 1131/ई०बी०

दिनांक 19-03-2018

विषय— Regarding grievances of Petitioner

यादि

उपरोक्त विषय पर आपके कार्यालय के पत्र क्रमांक No HVS/Petition/571/17 18/226 दिनांक 03-01-2018 के सन्दर्भ में।

विषयाधीन मामले बारे आप द्वारा मागी गई वांछित टिप्पणी निम्न प्रकार से है—

श्री अजीत सिंह सहायक (सेवानिवृत्त) व श्री चादराम लिपिक हाल सहायक पर निम्न अनुसार आरोप लगाये गये थे।

श्री अजीत सिंह सहायक (सेवानिवृत्त) पर लगाये गये आरोप	श्री चादराम लिपिक हाल सहायक पर लगाये गये आरोप	जाच अधिकारी की जाच रिपोर्ट लगाये का निष्कर्ष
<p>मै अभिलक्ष लिखी आई ए एस उपायुक्त कुरुक्षेत्र आप श्री अजीत सिंह रीडर उपमण्डल अधिकारी (ना०) पिहोवा पर दि हरियाणा सिविल सेवा दण्ड एव नियमावली 1987 के नियम 7 के अन्तर्गत निम्नलिखित आरोप लगाता हूँ।</p> <p>यह है कि दिनांक 12-02-2003 को एक दरखास्त श्री रमेश चन्द व चुडिया राम निवासीगण गुलडेरा तहसील पिहोवा द्वारा उपमण्डल अधिकारी (ना०) पिहोवा की कोर्ट में दी गई जिसमें प्रार्थीगण ने यह वयक्त किया कि ग्राम पचायत गुलडेरा की भूमि का पहले से ही कब्जा लिया जा चुका है उसी भूमि के बारे पुराने बेदखल पटटेदारों को बेदखल करने के लिए इसी न्यायालय से दफा 7(2) के नोटिस जारी हुए हैं जबकि इस भूमि का कब्जा पहले ही लेकर बोली कर दी गई।</p> <p>उपमण्डल अधिकारी (ना०) पिहोवा द्वारा जाच करने पर पाया गया कि उनके समक्ष ना कोई ऐसा केस प्रस्तुत किया गया और ना ही मार्क करवाया गया और इस बारे उपमण्डल अधिकारी (ना०) पिहोवा द्वारा</p>	<p>मै अभिलक्ष लिखी आई ए एस उपायुक्त कुरुक्षेत्र श्री चादराम अलमद उपमण्डल अधिकारी (ना०) पिहोवा पर दि हरियाणा सिविल सेवा दण्ड एव नियमावली 1987 के नियम 7 के अन्तर्गत निम्नलिखित आरोप लगाता हूँ।</p> <p>यह है कि दिनांक 12-02-2003 को एक दरखास्त श्री रमेश चन्द व चुडिया राम निवासीगण गुलडेरा तहसील पिहोवा द्वारा उपमण्डल अधिकारी (ना०) पिहोवा की कोर्ट में दी गई जिसमें प्रार्थीगण ने यह वयक्त किया कि ग्राम पचायत गुलडेरा की भूमि का पहले से ही कब्जा लिया जा चुका है उसी भूमि के बारे पुराने बेदखल पटटेदारों को बेदखल करने के लिए इसी न्यायालय से दफा 7(2) के नोटिस जारी हुए हैं जबकि इस भूमि का कब्जा पहले ही लेकर बोली कर दी गई।</p> <p>उ०म०त० अधिकारी पिहोवा द्वारा कोई ऐसा केस प्रस्तुत किया गया और ना ही मार्क करवाया गया और इस बारे उपमण्डल अधिकारी (ना०) पिहोवा द्वारा कोई भी आदेश पारित नहीं किये गये परन्तु आप द्वारा तैयार दो कोर्ट केस जिसमें दफा 7(2) पंजाब विलेज कोमन लैंड एक्ट व दूसरा केस</p>	<p>श्री अजीत सिंह तत्कालीन सहायक (सेवानिवृत्त) के सम्बन्ध में आयुक्त अम्बाला मण्डल द्वारा जाच रिपोर्ट तथा फाईल पर आये रिकार्ड के अवलोकन से पाया गया है कि श्री अजीत सिंह सहायक पर अहलमद के साथ मिलीभगत करके पुराने पटटेदारों को लाभ पहुँचाने का जो आरोप है केवल एक आरोप जाच अधिकारी द्वारा सिद्ध किया गया है कि कर्मचारी ने केस नम्बर 14/एसडीओ तेजा वगैरा बनाम ग्राम पचायत अन्तर्गत 10-ए पंजाब विलेज कामल लैंड एक्ट 1961 में अपने हस्ताक्षर से समन जारी किया है जिससे सरकार तथा जनहित को क्षति नहीं हुई है। समन जारी करने से भूमि की बोली रद्द करने बारे कोई अन्तिम फैसला अथवा किसी प्रकार का कोई महत्वपूर्ण आदेश जारी ना हुआ है। इससे प्रतीत होता है कि इस केस में कर्मचारी की कोई मैलाफाईड इन्टैन्शन नहीं पाई गई लेकिन लापरवाही जरूर बरती गई है। अतः कर्मचारी के साथ नमी का वर्ताव करते हुए उसके विरुद्ध नियम 7 के अन्तर्गत जारी किये गये आरोप पत्र को नियम 8 में परिवर्तित करते हुए कर्मचारी</p>



<p>कोई भी आदेश पारित नहीं किये गये परन्तु आप ने श्री चादराम द्वारा तैयार दो क केस जिनमे से एक दफा 7(2) पंजाब विलेज कोमन लैंड एक्ट व दूसरा केस 10 ए पी वी सी एल ए के तहत चलाये जा रहे केसो के नोटिस आप द्वारा हस्ताक्षर किये गये हैं और इस नोटिस का इन्द्राज डिस्पैज रजिस्टर मे करना नहीं पाया गया इससे स्पष्ट है कि पुराने बेदखल पटटेदारो की अनुचित लाम देने के लिए आपने श्री चादराम कोर्ट के अहलमद के साथ मिलकर झूठा साक्ष्य तैयार करके सारी कार्यवाही फर्जी की और उपमण्डल अधिकारी (ना०) पिहोवा को इन सभी तथ्यों बारे दिनांक 27 12 2002 से 11 02 2003 व 02 12 2002 से 11 02 2003 नक अघेरे मे रखा। ग्राम पचायत गुलडेरा की भूमि बारे माननीय उच्च न्यायालय मे पहले ही बेदखली के आदेश पारित होने उपरान्त पचायत को इस भूमि का कब्जा दे दिया था इसके बाद पचायत ने फर्जी तौर पर दो साल (2002-2003 व 2003-2004) तक बोली दिखा कर पुराने ही पटटेदारों को बहुत कम कीमत पर भूमि दे दी थी और उ०म०न० पिहोवा ने इसे बोली को 10 ए पंजाब विलेज कौमन लैंड एक्ट के तहत रद्द कर दी थी। और ग्राम पचायत सचिव व खण्ड विकास एव पचायत अधिकारी के खिलाफ</p>	<p>ए पी वी सी एल ए के केसो के नोटिस पर आप द्वारा मिलीभगत करके कोर्ट के रीडर से हस्ताक्षर करवाये और नोटिस का इन्द्राज करना नहीं पाया गया इसे स्पष्ट है कि पुराने बेदखल पटटेदारो को अनुचित लाम देने के लिए आप ने रीडर के साथ मिलकर झूठा साक्ष्य तैयार करके सारी कोर्ट कार्यवाही फर्जी की और उपमण्डल अधिकारी (ना०) पिहोवा को सभी तथ्यों बारे दिनांक 27 12 2002 से 11 02 2003 व 02 12 2002 से 11 02 2003 नक अघेरे मे रखा। ग्राम पचायत गुलडेरा की भूमि बारे माननीय उच्च न्यायालय मे पहले ही बेदखली के आदेश पारित होने उपरान्त पचायत को इस भूमि का कब्जा दे दिया था इसके बाद पचायत ने फर्जी तौर पर दो साल (2002-2003 व 2003-2004) तक बोली दिखा कर पुराने ही पटटेदारो को बहुत कम कीमत पर भूमि दे दी थी और उ०म०न० पिहोवा ने इसे बोली को 10 ए पंजाब विलेज कौमन लैंड एक्ट के तहत रद्द कर दी थी। और ग्राम पचायत सचिव व खण्ड विकास एव पचायत अधिकारी के खिलाफ फौजदार केस थाना पिहोवा मे दर्ज हो चुके हैं। इस भूमि को विधि अनुसार बोली करके नये पटटेदारो को भूमि दी गई थी और जिसका कब्जा नये पटटेदारो को 30 12 2002 को दे दिया गया</p>	<p>को भविष्य मे सचेत रहने की चेतावनी देता हूँ तथा इसकी एक प्रति गोपनीय फाईल मे रखने के भी आदेश देता हूँ।</p> <p>2 जाच रिपोर्ट के निष्कर्ष पर उपायुक्त कुरुक्षेत्र का निर्णय श्री चादराम के सम्बन्ध में मैने फाईलो पर आये रिकार्ड व जाच अधिकारी की रिपोर्ट का भली-भांति अवलोकन कर लिया है। कर्मचारी द्वारा कोर्ट के केस को कार्यवाही सक्षम अथोरिटी के नोटिस मे न लाना व जारी समन पर अथोरिटी के हस्ताक्षर न करवाकर लापरवाही ही है। अत मै अभिलक्ष लिखी आई ए एस उपायुक्त कुरुक्षेत्र श्री चादराम लिपिक कार्यालय उपायुक्त कुरुक्षेत्र को एक वार्षिक वेतन वृद्धि सचित प्रभाव से with commulative effect रोकने के आदेश पारित करता हूँ क्योंकि उक्त कर्मचारी ने कोर्ट की कार्यवाही अपने स्तर पर की जबकि इसका अधिकार कोर्ट की सक्षम अथोरिटी को था। उक्त आदेश सम्बन्धित कर्मचारी को जारी किया जावे। निलम्बन अवधि के दौरान जो गुजारा भत्ता दिया जा चुका है के अतिरिक्त अन्य कुछ नहीं दिया जायेगा।</p>
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<p>जाच रिपोर्ट भेज दी गई थी। जिनमें इन सभी केसों के खिलाफ फौजदार के थाना पिहोवा में दर्ज हो चुके हैं। इस भूमि को विधि अनुसार जेली फरके नये पटटेदारों को भूमि दी गई थी और जिसका कब्जा नये पटटेदारों को 30 12 2002 को दे दिया गया था। उक्त तथ्यों से स्पष्ट है कि आपने कोर्ट के अहलमद श्री चादराम के साथ मिलकर झूठा केस तैयार करने और इसे उपमण्डल अधिकारी (ना०) पिहोवा के नोटिस में लाये बगैर इसमें समन जारी किये गये ताकि पुराने पटटेदारों को गैरकानूनी तौर पर लाभ हो सके उपरोक्त वर्णित कार्यवाही करके आपने अनुशासनिक कार्यवाही का पात्र बना लिया।</p>	<p>था। उक्त तथ्यों से स्पष्ट है कि आपने कोर्ट के रीडर श्री अजीत सिंह के साथ मिलकर झूठा केस तैयार करने और इसे उपमण्डल अधिकारी (ना०) पिहोवा के नोटिस में लाये बगैर इसमें समन जारी किये गये ताकि पुराने पटटेदारों को गैरकानूनी तौर पर लाभ हो सके उपरोक्त वर्णित कार्यवाही करके अनुशासनिक कार्यवाही का पात्र बना लिया।</p>	
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उपायुक्त कुरुक्षेत्र द्वारा श्री चादराम लिपिक के केस में प्रबन्धक निर्देशक शूगर मिल शाहाबाद को जाच अधिकारी नियुक्त किया गया था जाच अधिकारी की रिपोर्ट अनुसार लगाये गये आरोप सिद्ध होने पर केवल लापरवाही का आरोप लगाते हुए उपायुक्त कुरुक्षेत्र द्वारा आदेश दिनांक 08 12 2003 के अनुसार एक वार्षिक वेतन वृद्धि सचित प्रभाव से बन्द कर दी गई थी।

जबकि श्री अजीत सिंह सहायक की जाच करने हेतु नगरधीश कुरुक्षेत्र को नियुक्त किया गया था जिसमें उक्त कर्मचारी पर लापरवाही का आरोप साबित हुआ जिसके पश्चात आयुक्त अम्बाला मण्डल ने अपने आदेश 28 04 2004 की पालना में पृ० क्रमांक ई ए III/4352-55 दिनांक 19 05 2004 द्वारा कर्मचारी पर लापरवाही का आरोप साबित हुआ जिसके पश्चात आयुक्त अम्बाला मण्डल ने अपने आदेश 28 05 2004 द्वारा कर्मचारी के साथ नरमी का बरताव करते हुए उसके विरुद्ध नियम 7 के अन्तर्गत जारी किए गये आरोप पत्र को नियम 8 में परिवर्तित करते हुए कर्मचारी को भविष्य में सचेत रहने के लिए चेतावनी दी गई थी।

श्री अजीत सिंह सहायक जीकि अब सेवानिवृत्त हो चुका है को तत्कालीन आयुक्त अम्बाला मण्डल द्वारा अपने आदेश दिनांक 28 04 2004 द्वारा बकाया अवधि का वेतन व निलम्बित अवधि को लीव ऑफ दी काइन्ड ड्यू पिरीयड ट्रीट करने का निर्णय लिया गया था लेकिन श्री चादराम लिपिक का निर्णय इस कार्यालय के पत्र क्रमांक 08 12 2003 द्वारा सक्षम अधिकारी उपायुक्त कुरुक्षेत्र द्वारा



स्वतन्त्र रूप से लिया गया व लापरवाही के मामले में नरमी का रूख न अपनाते हुए कर्मचारी की एक वार्षिक वेतनवृद्धि सचित्र प्रभाव से रोके जाने के आदेश पारित किये गए।

रिपोर्ट आपकी सेवा में प्रस्तुत है।

कते उपायुक्त कुरुक्षेत्र।

The Committee orally examine the Additional Chief Secretary to Govt Haryana, Revenue and Disaster Management Department Haryana and Deputy Commissioner Kurukshetra and Petitioner/Applicant and discussed the petition/representation in brief in its meeting held on 22 05 2018 The Committee give its observation on its meeting which reads as under

कमेटी की रिकमण्डेशन

श्री चाद राम के केस को कमेटी ने ध्यानपूर्वक सुना। केस को ध्यानपूर्वक सुनने के बाद कमेटी ने गहनता से विचार-विमर्श करने के बाद यह अनुभव किया कि श्री चाद राम के साथ अन्याय हुआ है इसलिए कमेटी ने यह महसूस किया है कि उपायुक्त कुरुक्षेत्र श्री चाद राम के केस को एक बार पुन चैक करे और इनके साथ जो अन्याय हुआ है इस पर सहानुभूतिपूर्वक विचार करते हुए श्री चाद राम को भी श्री अजित सिंह की तरह ही बैनीफिट्स दिये जाने बारे विचार करे। उपायुक्त कुरुक्षेत्र द्वारा इस मामले में एक महीने के अंदर आवश्यक कार्यवाही करके उसकी सूचना कमेटी को भी सबमिट की जाये।

Thereafter Committee received the compliance report/order of the Deputy Commissioner from Additional Chief Secretary to Govt Haryana Revenue and Disaster Management Department Haryana vide their letter No 1691 AR 5 2018/19771 dated 03 10 2018 which read as under

हरियाणा विधान सभा

प्रेषक

अतिरिक्त मुख्य सचिव एवं वित्तायुक्त हरियाणा सरकार
राजस्व एवं आपदा प्रबंधन विभाग।

सेवा में

माननीय चेयरमैन पेटिशन कमेटी
हरियाणा विधान सभा चण्डीगढ़।

यादि क्रमांक 1691-ए०आर०-5-2018/19771
चण्डीगढ़ दिनांक 03/10/18

विषय Meeting of the Committee on Petitions

संदर्भ आपका पत्र क्रमांक HVS/Petition/571/2018 19/13963 दिनांक 01 06 2018

उपरोक्त विषय पर संदर्भित पत्र के सम्बन्ध में उपायुक्त कुरुक्षेत्र द्वारा उनके पृ० क्रमांक 3234-38/ई०बी० दिनांक 07 08 2018 द्वारा की अनुपालना रिपोर्ट की प्रति आपको सूचनार्थ/आवश्यक कार्यवाही हेतु भेजी जाती है।

अधिक्षक

कते अतिरिक्त मुख्य सचिव एवं वित्तायुक्त हरियाणा सरकार
राजस्व एवं आपदा प्रबंधन विभाग।

पजीकत

आदेश

श्री चौद राम सहायक विकास शाखा कार्यलय उपायुक्त कुरुक्षेत्र ने याचिका कमेटी हरियाणा विधान सभा चण्डीगढ मे दिनाक 09 12 2017 को याचिका दायर की। माननीय चेयरमैन याचिका कमेटी हरियाणा विधान सभा चण्डीगढ द्वारा दिनाक 22 05 2018 की बैठक की कार्यवाही उनके कार्यालय के पत्र क्रमाक HVS/Petition/571/2018 19/13963 dated 01 06 2018 कमेटी द्वारा रिकमण्डेशन की गई जो निम्न प्रकार से है -

श्री चौद राम के केस को कमेटी ने ध्यानपूर्वक सुना। केस को ध्यानपूर्वक सुनने के बाद कमेटी ने गहनता से विचार-विमर्श करने के बाद अनुभव किया कि श्री चौद राम के साथ अन्याय हुआ है इसलिए कमेटी ने यह महसूस किया कि उपायुक्त कुरुक्षेत्र श्री चौद राम के केस को एक बार पुन चैक करे और इनके साथ जो अन्याय हुआ है इस पर सहानुभूतिपूर्वक विचार करते हुए श्री चौद राम को श्री अजीत सिंह की तरह ही बैनीफिट्स दिये जाने बारे विचार करे। उपायुक्त कुरुक्षेत्र द्वारा इस मामले मे एक महीने के अन्दर आवश्यक कार्यवाही करके उसकी सूचना कमेटी को भी सबमिट की जाए।

मैने समस्त रिकार्ड का पुनरावलोकन कर लिया है। रिकार्ड पर आये तथ्यो अनुसार श्री अजीत सिंह सहायक (सेवानिवृत्त) पर आरोप लगाया गया कि उसने अपने कोर्ट के अहलमद श्री चौद राम के साथ मिलकर केस तैयार करने और इसे उप-मण्डल अधिकारी (ना०) पेहवा के नोटिस मे लाये बगैर इसमे समन जारी किये ताकि पुनाने पटटेदारो को गैर कानूनी तौर पर लाभ पहुच सके। इसी प्रकार श्री चौद राम पर आरोप लगाया गया कि उसने कोर्ट के रीडर श्री अजीत सिंह के साथ मिलकर झूठा केस तैयार करने और इसे उप मण्डल अधिकारी (ना०) पेहवा के नोटिस मे लाये बगैर इसमे समन जारी किये ताकि पुराने पटटेदारो के गैर कानूनी तौर पर लाभ पहुच सके। दोनो कर्मचारियो को उप मण्डल अधिकारी (ना०) पेहवा की रिपोर्ट के आधार पर निलम्बित किया गया तथा दोनो ही कर्मचारियों को लम्बित जाच रखते हुए बहाल भी किया गया। दोनो कर्मचारियो पर एक जैसे आरोप-पत्र मे आरोप लगाये गये जिनकी नियमित जाच के लिए नगराधीश कुरुक्षेत्र को श्री अजीत सिंह सहायक के केस मे जाच अधिकारी नियुक्त किया गया तथा प्रबन्धक शुगर मिल शाहबाद को श्री चौद राम लिपिक हाल सहायक के केस मे जाच अधिकारी नियुक्त किया गया। नगराधीश कुरुक्षेत्र ने अपनी रिपोर्ट मे लिखा है कि कर्मचारी द्वारा पटटेदारो से मिलीभगत का आरोप सिद्ध नही हुआ है।

इसी प्रकार प्रबन्धक शुगर मिल शाहबाद ने श्री चौद राम लिपिक हाल सहायक के केस मे की गई जाच रिपोर्ट मे लिखा है कि श्री चौद राम लिपिक ने सक्षम अथोरिटी के ध्यान मे लाये बिना दोनो केसो मे कार्यवाही करके अपनी ड्यूटी मे लापरवाही बरती है लेकिन ठोस गवाही व साक्ष्य के अभाव मे यह साबित नही होता कि उसने यह कार्यवाही मिलीभगत से पुराने पटटेदारो को गैर-कानूनी तौर पर लाभ पहुचाने के उद्देश्य से की हो। तत्कालीन आयुक्त महोदय द्वारा नगराधीश कुरुक्षेत्र की रिपोर्ट को मध्यनजर रखते हुये श्री अजीत सिंह सहायक (सेवानिवृत्त) के साथ नरमी का बर्ताव बरतते हुये उसके विरुद्ध नियम-7 के अन्तर्गत जारी किये गये आरोप-पत्र को नियम-8 मे परिवर्तित करते हुये कर्मचारी को भविष्य मे सचेत रहने की चेतावनी दी गई थी तथा एक प्रति आचरण पजी मे रखने के आदेश जारी किये गये थे। इसके अतिरिक्त आयुक्त अम्बाला मण्डल अम्बाला छावनी के आदेश दिनाक 16 12 2004 द्वारा श्री अजीत सिंह के निलम्बन अवधि के समय को लीव आफ काइन्ड ड्यू करने का निर्णय लिया गया था। परन्तु तत्कालीन उपायुक्त महोदय द्वारा प्रबन्धक शुगरमिल शाहबाद की



जाच रिपोर्ट को मध्यनजर रखते हुए श्री चोंद राम लिपिक हाल सहायक की एक वार्षिक वेतनवृद्धि संचित प्रभाव से (with commulative effect) रोकने के आदेश देते हुये निलम्बन अवधि के दौरान जो गुजारा भत्ता दिया जा चुका है के अतिरिक्त अन्य कुछ नहीं दिया जायेगा के आदेश पारित किये गये।

श्री चोंद राम लिपिक हाल सहायक कार्यालय उपायुक्त कुरुक्षेत्र ने श्री अजीत सिंह सहायक (सेवानिवृत्त) के केस को मध्यनजर रखते हुये याचिका कमेटी हरियाणा विधान सभा चण्डीगढ़ में दिनांक 09/12/2017 को याचिका दायर की। जिसमे कमेटी ने यह महसूस किया कि उपायुक्त कुरुक्षेत्र श्री चोंद राम के साथ अन्याय हुआ माना गया है इसलिए कमेटी यह महसूस किया है कि उपायुक्त कुरुक्षेत्र श्री चोंद राम के केस को एक बार पुन चैक करे और इनके साथ जो अन्याय हुआ है उस पर पुन सहानुभूतिपूर्वक विचार करते हुए श्री चोंद राम को भी श्री अजीत सिंह की तरह बेंनीफिट्स दिये जाने बारे विचार करें।

विधानसभा कमेटी ने अपनी रिपोर्ट में अनुभव किया है कि श्री चोंद राम लिपिक हाल सहायक की एक वार्षिक वेतन वृद्धि संचित प्रभाव से (with commulative effect) तत्कालीन उपायुक्त महोदय द्वारा रोकने के जो आदेश दिये गए उनके अनुसार श्री चाद राम लिपिक के साथ अन्याय हुआ है।

अतः मैं डॉ० एस०एस० फुलिया आई०ए०एस० उपायुक्त कुरुक्षेत्र माननीय विधानसभा कमेटी की रिपोर्ट व सिफारिश आयुक्त अम्बाला मण्डल अम्बाला छावनी द्वारा दिये गये निर्देश तत्कालीन माननीय आयुक्त महोदय अम्बाला मण्डल अम्बाला द्वारा लिये गये निर्णय (श्री अजीत सिंह सहायक के केस में) सहायक जिला न्यायवादी कुरुक्षेत्र द्वारा दिये गये सुझाव तथा अनुभाग अधिकारी कार्यालय जिला मौलिक शिक्षा अधिकारी कुरुक्षेत्र द्वारा दिये गये सुझाव व समस्त रिकार्ड के अवलोकन उपरान्त श्री चोंद राम लिपिक हाल सहायक के केस में सहानुभूतिपूर्वक विचार करते हुये श्री चोंद राम लिपिक हाल सहायक के केस में सहानुभूतिपूर्वक विचार करते हुये श्री चोंद राम लिपिक हाल सहायक कार्यालय उपायुक्त कुरुक्षेत्र को श्री अजीत सिंह सहायक (सेवानिवृत्त) की तरह लाभ प्रदान करने के आदेश करता हूँ।

पृ० क्रमांक 3234 38/ई०बी० दिनांक 07/08/2018

उपायुक्त कुरुक्षेत्र।

इसकी एक-एक प्रति निम्नलिखित की सेवा में सूचनार्थ एव आवश्यक कार्यवाही हेतु प्रेषित है—

- 1—माननीय चेयरमैन याचिका कमेटी हरियाणा विधान सभा चण्डीगढ़ को उनके कार्यालय के पत्र क्रमांक HVS/Petition/571/2018 19/13963 दिनांक 01-06-2018 के सन्दर्भ में सूचनार्थ प्रेषित है।
- 2—अतिरिक्त मुख्य सचिव एव वित्तायुक्त हरियाणा सरकार राजस्व एव आपदा प्रबंधन विभाग चण्डीगढ़।
- 3—आयुक्त अम्बाला मण्डल अम्बाला छावनी।
- 4—श्री चोंद राम सहायक कार्यालय उपायुक्त कुरुक्षेत्र।
- 5—बिल लिपिक—1 कार्यालय उपायुक्त कुरुक्षेत्र।

उपायुक्त कुरुक्षेत्र।

The Committee satisfied with the reply of the department and accordingly dispose off the petition on in its meeting held on 10/02/2019



4 **PETITION/REPRESENTATION RECEIVED FROM SHRI SUNIL KALRA, OLD HAMIDA, YAMUNANAGAR REGARDING DEMOLITION OF WATER TANKI**

The Petition received from Shri Sunil Kalra reads as under

सेवा मे

चेयरमैन
पिटीशन कमेटी
विधानसभा हरियाणा।

विषय — हमीदा मे जर्जर हो चुकी पानी की टकी तुडवाने बारे।

श्री मान जी

निवेदन यह है कि मैं सुनील कालडा वार्ड नंबर-13 पुराना हमीदा का स्थाई निवासी हूँ। मेरे क्षेत्र मे एक लगभग 80 साल पुरानी 100 फुट ऊँची पानी की टकी है जो बुरी तरह से जर्जर हो चुकी है जिससे कभी भी कोई भी बड़ी दुर्घटना हो सकती है और जान माल की हानि हो सकती है। मैंने इस बारे मे पहले भी कई बार नगर निगम मे याचिका दी है पर कोई भी कार्यवाही नहीं हुई अत आपसे अनुरोध है कि इस विषय पर जल्द से जल्द सज्ञान लेकर सबधित विभाग को उचित कार्यवाही के निर्देश दिए जाये।

धन्यवाद सहित

28/04/2018

सुनील कालडा
पुराना हमीदा यमुनानगर

The Petition/Representation was placed before the Committee in its meeting held on 09 05 2018 and the Committee considered the same and decided that said petition may be sent to the concerned Department for sending their comments within a period of 15 days The Committee did not received any reply from the Department Therefore the Committee orally examine the Additional Chief Secretary to Government Haryana Public Health and Engineering Department EIC Public Health Engineering Department Chief Engineer Public Health & Engineering Department Director General Urban Local Bodies Department Haryana and the Petitioner in its meeting held on 05 06 2018 and discussed the matter with the departmental representative and departmental representative assured the Committee that demolition process is started and as the water tank is situated in the residential area therefore it will be demolished very carefully and department has given 4 months time to the contractor to demolish the water tank

The petition/representation is disposed off accordingly on 10 02 2019



5 PETITION/REPRESENTATION RECEIVED FROM SHRI SURINDER MOHAN AND KAUSHALYA KUMARI, H NO 147, SHAKTI NAGAR, MODEL TOWN, YAMUNANAGAR, REGARDING REVISION OF PENSION UNDER CWP 26387 OF 2015 (KARTAR SINGH HUDA) SR NO 7 AND 8 SH SURINDER MOHAN, RETD HEADMASTER, GHS MANDHAR (R) SMT KAUSHALYA KUMARI RETD HEADMISTRESS, GHS, AMADALPUR

The Petition/Representation received from Shri Surinder Mohan and Kaushalya Kumar reads as under

To

Chairman Petition Committee
Vidhan Sabha Haryana
Chandigarh

Sub Revision of pension under C WP 26387 of 2015 (Kartar Singh Huda) Sr No 7 and 8 Sh Surinder Mohan Retd Headmaster GH S Mandhar (R)
Smt Kushalya Kumari Retd Headmistress GH S Amadalpur

Hon'ble Sir

On the subject cited above the Deptt of Education o/o D S E Hr Panchkula is not following the decision of Hon ble Punjab and Haryana High Court it is almost 1 year we are not getting the revised pension by the deptt instead the deptt makes observation to delay the case so that the petitioner may exhaust sometimes A G Hr FD Hr makes observation even o/o D S E Hr Panchkula took four months to decide which branch to take up the case Even the speaking orders were not issued at directed by the court attached herewith copy of Civil Writ Petition No 26387 of 2015 Our name appear at Sr No 7 & 8 Even TRI Act 2005 has failed to convince the deptt the reply of D S E Hr Panchkula was incomplete Please held us to solve the case

Thanking you

Yours Faithfully

Dated 29 09 2017

Surinder Mohan and Kushalya Kumari
H No 47 Shakti Nagar
Model Town Yamuna Nagar

}

The Petition/Representation was placed before the Committee in its meeting held on 29 09 2018 the Committee considered the same and decided that the said petition may be sent to the concerned Department for sending their comments within a period of 15 days The Committee did not received any reply from the Department Therefore the Committee orally examine the Additional Chief Secretary to Government Haryana School Education Department Haryana Director Secondary Education Haryana and the Petitioner in its meeting held on 05 06 2018 and discussed the matter with the departmental representative and departmental representative informed that the case of the petitioner is pending in the office of Finance Minister and they will revise the pension of the petitioner within a month



and Director Secondary Education Haryana also assured the Committee if petitioner have any other grievance he may meet him directly in their office

The Committee satisfied with the reply of the department and accordingly dispose of the petition on in its meeting held on 10 02 2019

6 PETITION/REPRESENTATION RECEIVED FROM SHRI PARDEEP SINGH OF M/S MANISH COLD RETRADING COMPANY, PLOT NO 2827/5358, NEAR SADAR THANA, BHADURGARH, DISTRICT JHAJJAR, REGARDING NOT ATTESTING THE CULPRIT OF CHEQUE BOUNCE

The Petition/Representation received from Shri Pardeep Singh reads as under

सेवा मे

श्रीमान चेयरमैन महोदय
पेटिशनर कमेटी
हरियाणा विधान सभा चण्डीगढ।

विषय — दरखास्त बताए चैक बारजस होने पर मुकदमा न० 12/10 तिथि 28-10-2013 फैसला के तहत श्री ससार सिंह सुपुत्र श्री फकीरा निवासी ग्राम सिलौठी त० बहादुरगढ जिला झज्जर को दोषी पाए जाने पर अब तक गिरफ्तारी न करने पर तुरन्त गिरफ्तार करने के आदेश देने बारे।

श्रीमान जी

सविनय निवेदन है कि कम्पलेनेन्ट मैसर्स मनीष कोल्ड रिट्रेडिंग क० प्लॉट न० 5827/2358 नियर सदर थाना बहादुरगढ जिला झज्जर बजरिए प्रोपराईटर श्री प्रदीप सिंह राणा सुपुत्र श्री कर्ण सिंह राणा निवासी ग्राम व डा० घेवरा दिल्ली-81 को दोषी ससार सिंह सुपुत्र फकीरा निवासी ग्राम सिलौठी त० बहादुरगढ जिला झज्जर ने चैक न० 619378 दिनांक 12-11-2009 ब्राच आई सी आई सी आई बैंक लि० रिजनल प्रोसेसिंग सेंटर ई-4 झण्डेवालान एक्टेशन नीयर दिल्ली प्रैस नई दिल्ली-110055 बारुस हो जाने पर उक्त ससार सिंह को मुकदमा न० 12/10 दिनांक 28-10-2013 बा अदालत लोकेश गुप्ता सब डिविजनल जुडिसियल मजिस्ट्रेट बहादुरगढ की अदालत से बा अनुवान मुकदमा मैसर्स मनीष कोल्ड रिट्रेडिंग क० बनाम ससार सिंह के तिह सैक्शन 138/141/142 ऑफ इण्डियन निगोटीएबल इन्सट्रुमेंट एक्ट 1881 के तहत दोषी करार दिया जा चुका है लेकिन अब तक दोषी की गिरफ्तारी करवाए जाने का कृतार्थ करे। आपकी अति कपा होगी। नकल फैसला व चैको की फोटो कापियों सलग्न शिकायत किए गए है।

दिनांक C1-01-2018

प्रार्थी

मैसर्स मनीष कोल्ड रिट्रेडिंग क० प्लॉट न० 282/2358
नीयर सदर थाना बहादुरगढ जिला झज्जर
बजरिए प्रोपराईटर श्री प्रदीप सिंह राणा सुपुत्र
श्री करण सिंह राणा निवासी ग्राम व डा० घेवरा दिल्ली-81



The Petition/Representation was placed before the Committee in its meeting held on 08 01 2018 and the Committee considered the same and decided that said petition/Representation may be sent to the concerned Department for sending their comments within a period of 15 days. The Committee received the reply from O/o Superintendent of Police Jhajjar vide their letter No 871 P, dated 05 04 2018 as under

प्रेषण

प्रवर पुलिस अधीक्षक झज्जर।

सेवा में

अवर सचिव

हरियाणा विधान सभा सचिवालय

सैक्टर-1 चण्डीगढ़ - 160001

क्रमांक 871-P दिनांक 05-04-2018

विषय - शिकायत श्री प्रदीप सिंह।

यादि/

कृपया उपरोक्त विषय पर आपके कार्यालय के क्रमांक HVS/Petition/574/17 18/1778 दिनांक 02 02 2018 के सन्दर्भ में।

विषयाधीन मामले की जांच स्थानीय पुलिस थाना सदर बहादुरगढ़ के माध्यम से करवाई गई। जांच के दौरान उत्तरवादी ससार सिंह पुत्र फकीरा बारे गांव सिलौठी में गांव सिलौठी के सरपंच श्री रजनेश दलाल पंच श्री दलबीर सिंह व रोहताश से पूछताछ की गई। पूछताछ पर उत्तरवादी ससार सिंह 3-4 महीने से गांव से बाहर जाना पाया गया।

जांच से पाया गया कि शिकायतकर्ता श्री प्रदीप सिंह उपरोक्त का उत्तरवादी ससार सिंह के साथ आपस में पैसों का लेन-देन था और उत्तरवादी ससार सिंह ने इसी लेन-देन के सम्बन्ध में एक चैक दिया था जो यह चैक बाऊस हो गया और शिकायतकर्ता श्री प्रदीप सिंह ने उत्तरवादी ससार सिंह ने उत्तरवादी ससार सिंह के खिलाफ श्री लोकेश गुप्ता जेएमआईसी बहादुरगढ़ की अदालत में सिविल केस नं० 12/10 धारा 138/141/142 ऑफ इण्डियन निगोटिएबल इन्सट्रुमेंट अधिनियम 1881 के अन्तर्गत दायर किया था। जिसमें माननीय न्यायालय द्वारा उत्तरवादी ससार सिंह को दोषी करार दिया है लेकिन उत्तरवादी ससार सिंह सिलौठी में ना रहने के कारण उसे माननीय न्यायालय में पेश नहीं किया जा सका। जब भी उत्तरवादी ससार सिंह गांव सिलौठी में आएगा सूचना प्राप्त होने पर तुरन्त माननीय न्यायालय में पेश किया जाएगा। रिपोर्ट गांव सिलौठी के सरपंच व पंच की तसदीक रिपोर्ट सहित आपकी सेवा में सुचनार्थ प्रेषित है।

सलग्न यथोपरि।

प्रवर पुलिस अधीक्षक झज्जर।

The Committee orally examine the Superintendent of Police Jhajjar and Petitioner/Applicant and discussed the petition/Representation in brief in its meeting held on 12 06 2018. The Superintendent of Police Jhajjar assured the Committee that he will look into the matter personally and they will arrest the culprit within a month and accordingly they will inform the Committee. The Committee satisfied with the reply of the department and accordingly dispose off the petition/Representation on in its meeting held on 10 02 2019



7 PETITION/REPRESENTATION RECEIVED FROM TEACHERS OF GURU NANAK KHALSA COLLEGE, YAMUNANAGAR, REGARDING PLEA AGAINST WARNING LETTERS AND SUSPENSION ORDERS TO TWO COLLEGE TEACHERS BY COLLEGE MANAGEMENT

The Petition/Representation received from Teachers of Guru Nanak Khalsa College read, as under

To

The Hon ble Chairman
Petition Committee Haryana Vidhan Sabha
Chandigarh

SUBJECT PLEA AGAINST WARNING LETTERS AND SUSPENSION ORDERS OF TWO COLLEGE TEACHERS BY COLLEGE MANAGEMENT

Respected Sir

We the following harassed teachers of Guru Nanak Khalsa College Yamunanagar which is a Grant in Aid college of Haryana Govt approach your good office to narrate our humiliation and victimization by the college management

It was in the month of March that the staff salary was not paid for a long time It was on 10th and 11th in the month of March 2017 that the teaching and non teaching staff assembled and agreed to bring the problem to the notice of the college principal For this purpose the whole staff decided to gather outside the principal's office and organized a sit in to chalk out on how to approach the principal for this purpose When the matter was decided a staff deputation consisting of 56 teachers met the principal for this purpose When the matter was decided a staff for not being paid salaries The meeting went off peacefully and in the most cordial atmosphere the principal assured the delegation to take prompt action on the issue A copy of the agreement reached out is appended herewith On this note the matter came to the end then and there

To our utter surprise after a gap of a fortnight, only eight out of total 56 teachers were issued Show Cause notices Selecting only eight teachers for punishment is discriminatory and shows a biased attitude of the management Very serious charges of misconduct and being anti college were leveled against us Sir as an employee how asking for payment of salary through peaceful means is any misconduct or anti college? We responded the notices in the timely manner and as per rules

The management of the college on 26th May 2017 appointed a one-man committee to frame us in an arbitrary and pick and choose manner On the basis of this self styled enquiry committee the management initiated unilateral disciplinary action without seeking any consent and approval of the state Govt Their malafied intention was proved once again when the eight teachers were dealt with differently as far as disciplinary action was concerned Two teachers were put under suspension four were issued very strict warning letters and the other two were exempted due to undue influence and a written and regret apology All this injustice was carried out without taking the approval of the Director General Higher Education who is statutory head of the department in such matters



We have been working in the college for as much as 30 years without any issues. The college management is acting in the most repressive manner and against all Govt norms by misusing minority status of the college.

We are all peace loving and want to work for the growth of the college. On the other hand, the college management is creating hurdles in our day to day academic functioning. We request you to take up this matter on an urgent basis and safeguard the college teachers from such victimization by constituting a committee to look into the matter and revoke the suspension and warning letters forthwith.

Thanking you

Yours Sincerely

Dr M S Bhatti

Dr P/R Tyagi

Dr Pritam Singh

Dr Alok Goyal

Ashok Kumar

Dr Iqbal Singh}

Dr Baljit Singh

The Petition was placed before the Committee in its meeting held on 23 01 2018 and the Committee considered the same and decided that said petition may be sent to the concerned Department for sending their comments within a period of 7 days. As no reply was received within the stipulated period the Committee decided to orally examine the departmental representatives and the petitioners in its meeting held on 07 02 2018 and discussed the matter and recommend the College Management to hear the petitioner and resolve their grievances within a week and till their petition is kept pending. Thereafter Principal Guru Nanak Khalsa College Yamunanagar filed a reply dated 11 02 2018 which reads as under

Date February 11 2018

The Hon ble Chairman
Petition Committee
Haryana Vidhan Sabha
Chandigarh

REPLY TO THE REPRESENTATION / PETITION DATED 26 12 2017 FILED BY CERTAIN TEACHERS OF THE GURU NANAK KHALSA COLLEGE YAMUNA NAGAR

Respected Sir

On 01 02 2018 we received a notice from the Hon ble Petition Committee to appear before the same on 07 02 2018 regarding '*plea against warning letters and suspension orders to two college teachers by college management*'. On 07 02 2018 we duly appeared before the Hon ble Petition Committee and learnt that some teachers of Guru Nanak Khalsa College Yamuna Nagar (including Dr M S Bhatti) have filed a representation dated 26 12 2017 before this Hon ble Committee.

It is humbly submitted that the teachers who have approached this Hon'ble Committee are guilty of having concealed very material facts from this Hon'ble Committee. It is our duty in law to bring on record and to place before this Hon'ble Committee the true and corrects which are enumerated hereunder

- (i) Guru Nanak Khalsa College Committee Yamuna Nagar is running the Guru Nanak Khalsa College Yamuna Nagar and other institutions
- (ii) Guru Nanak Khalsa College Yamuna Nagar was started in the year 1968. The College is A+ accredited College by the National Association and Accreditation Council imparting education in various subjects
- (iii) The institutions run by the Guru Nanak Khalsa College Committee Yamuna Nagar were granted minority status by the National Commission for Minority Educational Institutions Government of India New Delhi (NCMEI for short) on 24.3.2011
- (iv) Dr M S Bhatti filed a petition before the NCMEI challenging the minority status granted to the Guru Nanak Khalsa College Yamuna Nagar. NCMEI vide order dated 19.5.2016 dismissed the said petition filed by Dr M S Bhatti challenging the minority status of the College. Thereafter Haryana College Teachers Association (Local Unit) Guru Nanak Khalsa College Yamuna Nagar through its President Dr M S Bhatti filed CWP No 18750 of 2016 before the Hon'ble Punjab & Haryana High Court. In the said matter the College appeared and filed its written statement. The matter is still pending and is now fixed before the Hon'ble High Court on 19.3.2018. During the pendency of the writ petition the petitioner in the writ petition filed an application bearing CM No 12664 of 2017 dated 5.9.2017 to bring on record certain facts which included the allegations that the salary of the teachers were not being paid. This application was accompanied by an affidavit of Dr M S Bhatti. The said application is still pending before the Hon'ble Punjab & Haryana High Court. A copy of the said application along with the affidavit of Dr M S Bhatti is annexed herewith as ANNEXURE A. Guru Nanak Khalsa College has filed a detailed reply to the said application and affidavit wherein a brief history of facts leading to the filing of the false affidavit dated 5.9.2017 by Dr M S Bhatti was given as under
 - (a) That the College was granted aid to the extent of 95% for the salary of its staff by the State Government. Vide letter no 25/1885 C II(I) dated 21.4.1986 the D H E Haryana stated that the 95% grant in aid would be released in four quarterly instalments. However over a period of time the grant in aid has not been released on time by the State Government.
 - (b) That on 2.3.2010 in a meeting of the Governing Body of Guru Nanak Khalsa College Committee Yamuna Nagar a decision was taken to release the salary of the grant in aid staff from the College sources on 15th of every month even if the 95% grant in aid from the State Government was not received. The said funds were to be raised by



drawing an overdraft against the FDR which was lying with the Principal in Guru Nanak Khalsa College Committee funds. It is pertinent to point out that at the time of this resolution was passed the monthly salary bill for the grant in aid staff was Rs 40 lakhs

- (c) The College diligently by raising amounts from its own sources and continued to pay the grant in aid staff their salaries by the end of every month. It is pertinent to point out that the efforts and the extra mile that the College went to ensure that the grant in aid staff receive their salaries on time by the 7th of every month is writ large from the facts narrated above. Though it is worth highlighting that this magnanimous gesture on the part of the management was never appreciated by the likes of Dr MS Bhatti.
- (d) That by the year 2017 the quantum of salary to be paid per month came to a huge amount of Rs 76 lakhs per month i.e. the salary only of the grant in aid staff (Teaching and Non Teaching). In a meeting held on 10.3.2017 this position was brought to the notice of the Governing Body by the Principal of the College. It was further informed that an amount of Rs 76 lakhs could not be released against FDRs due to no further limit being available with the College. It was therefore proposed and accepted that in future salary of the grant in aid staff would be paid on the receipt of the grant in aid from the State Government. It was also resolved that the management would disburse its 5% share timely. It is pointed out that the management has not defaulted in paying its 5% share timely on every month. The College due to its financial constraints is now unable to disburse the entire salary of the grant in aid staff without receipt of the grant-in aid from the State Government.
- (e) That on 8.3.2017 Dr MS Bhatti submitted a letter to the Principal of the College threatening him and the management to release the salary for the month of February 2017 by 9.3.2017. He also warned the Principal that if the salary was not paid by 9.3.2017 the staff members of the College would sit on Dharna on 10.3.2017 at 12.00 noon. It is worth highlighting and noting that the College management had paid the salary for the month of December 2016 and January 2017 to the grant in aid staff from their own sources though no grant in aid had been received from the State Government. A copy of the said letter dated 8.3.2017 is annexed herewith as ANNEXURE B.
- (f) That in reply to the letter dated 8.3.2017 (Annexure B) the Principal of the College vide letter dated 8.3.2017 stated that the threat as given out by Dr MS Bhatti was illegal and unlawful as per the provisions of the University Calendar Volume I which tantamounted to serious misconduct. A copy of the said reply dated 8.3.2017 is annexed as ANNEXURE C. A photocopy of the relevant portion of the University Calendar is annexed herewith as ANNEXURE D.

- (g) That on 9 3 2017 a legal notice was sent to the Principal Guru Nanak Khalsa College wherein the Principal was called upon to withdraw the letter dated 8 3 2017 (Annexure C) and not to stop Dr MS Bhatti and his associate members from agitating in a democratic way for the redressal of their grievances or to ensure the payment of the salary to the staff A copy of the said legal notice is annexed herewith as ANNEXURE-E
- (h) That Dr MS Bhatti and the other grant in aid staff sat on Dharna on 10 3 2017 and 11 3 2017 during college hours disrupting the functioning of the College and vitiating the peaceful atmosphere of the College
- (i) That it is worth highlighting that this act of sitting on a Dharna by the grant in aid teachers knowing fully well that the salaries were not being disbursed because of the reason that the grant in aid has not been received from the government was totally illegal and unjustified
- (j) That to continue with the narrative of facts on 21 3 2017 an emergent meeting of the Governing Body of the Guru Nanak Khalsa College was held at 4 30 PM The Governing Body discussed and deliberated on the letter written by five employees on 8 3 2017 as also the disobedience of the teachers in sitting on a Dharna on 10 3 2017 and 11 3 2017 It was also noted that an absolutely proper reply was given by the Principal vide letter dated 8 3 2017 as per Rules Besides the five office bearers three other staff members namely Dr P R Tyagi Dr Iqbal Singh and Dr Ashok Kumar also instigated the staff to join the Dharna on 10 3 2017 They also used derogatory language against the Principal and the College management It was also noticed that the Dharna which was totally against the Rules was held during the College hours The grant-in aid staff which sat on Dharna shouted slogans against the College authorities It was observed by the Governing Body that the staff tried to tarnish the image of a reputed College It (the Governing Body) was further of the opinion that though the grant in aid staff was drawing handsome salaries (it may be mentioned here that the grant in aid staff is drawing the salaries as per the 6th Pay Commission) but they were not discharging their duties honestly efficiently sincerely and faithfully The Governing Body keeping in view the serious acts of misconduct decided to issue a Show Cause Notice to the said eight staff members Accordingly the Show Cause Notices were issued to the said eight erring Staff members A copy of the show cause notice is attached as ANNEXURE F
- (k) That on 5 4 2017 a reply to the show case notice was received from the erring eight staff members a copy whereof is attached as ANNEXURE G
- (l) That on 26 5 2017 a meeting of the Governing Body was again held Copies of the show cause notice and the reply submitted by the eight



staff members were placed before the Governing Body. The Governing Body members emphatically voiced their concern at the reply given by the staff members which showed no signs of regret for their action of sitting on Dharna and asked for strict action against the said employees. The Vice President namely S. Randeep Singh Jauhar intervened to pacify the members of the Governing Body and proposed to initiate a One Member Enquiry Committee to go into the conduct of the teachers and to make necessary recommendations for consideration in the next meeting of the Governing Body. The said suggestion of the Vice President was accepted and it was decided to appoint a One Member Committee to look into the entire matter. It may be pointed out that the one Member Committee which was appointed by the Governing Body has conducted a preliminary inquiry regarding the entire incident and the report of the one Member Committee is concluded.

- (m) That it is further submitted that the College is a Minority Educational Institution set-up under Article 30 of the Constitution of India. It has been time and again laid down by the Hon'ble Supreme Court including in the case of TMA Pai which was a Constitutional Bench decision of 11 Judges that a Minority Educational Institution is well within its rights to take action for any dereliction of duty by its staff. In the present case Dr MS Bhatti is wanting to set in motion the State machinery against action being taken by the College legally and as per law against its staff members for dereliction of duty. The College cannot be pre-empted from initiating action or from doing what is well within the legal framework. The College has not acted in any illegal act and it is emphatically denied that there has been any harassment of any of the staff members as has been alleged by Dr MS Bhatti in the abovenoted affidavit.
- (n) That the decision of the College to release the salaries only on the receipt of the grant in aid from the State Government or its decision to initiate action against its erring staff members is something which the College is well within their legal right to do. There is no victimization or harassment as has been alleged by Dr MS Bhatti.
- (o) That it is further pointed out that Dr MS Bhatti is Officiating Head of the Punjabi Department since 23.8.2016 which has shown very poor results. In MA (I) (Punjabi) only four students appeared in the examination and only one passed while in MA (II) (Punjabi) only two out of five students passed. Details are annexed as ANNEXURE H. Dr MS Bhatti is not concerned about the less number of admissions in his department and its poor results and on the contrary he creates problems and disrupts the smooth functioning of the College. It is

worth mentioning that as per DGHE twenty students are mandatory to continue a class. In Punjabi subject the number of students have not touched double digits since the last so many years.

Dr Alok Goyal, General Secretary of HCTA, is heading the Department of Commerce. The department under his leadership has shown very poor results. The results in all B Com classes range between 09.22% to 42.38% while in BBA I Semester 18 students and in the 2nd Semester 12 students appeared in the session 2015-16 and all the students have been declared unsuccessful (failed). Dr Alok Goyal was the member of the Selection Committee and Head of the Department when teachers were selected for teaching these classes for which the result is negative. Dr Alok Goyal is the General Secretary of HCTA and the Head of the Department and instigated others to sit on Dharna after abstaining from taking the classes during the working hours of the College. The details are annexed as ANNEXURE I.

In B Com II in subject taught by Dr Ashok Khurana the result is just 31.58% and for Dr P R Tyagi the result is just 43.42% in B Com III. It is further added that the result of college as a whole is 23.98% for the session 2016-17 which shows lack of sincerity on part of the teachers.

The poor results are a hallmark of the teachers indulging in Dharnas and other disrupting activities.

A copy of the reply filed is annexed herewith as

ANNEXURE-B.

- (v) That it is further humbly submitted that some teachers of Guru Nanak Khalsa College, Yamuna Nagar (including Dr M S Bhatti) had on 1.12.2017 filed a Civil Suit [CS No 2260 of 2017] before the Learned Civil Judge (SD) Yamuna Nagar wherein it was inter alia prayed to restrain the College from taking any arbitrary, pervasive, autocratic, illegal disciplinary/detrimental action against them without adopting proper prescribed procedure. In this civil suit the factum of filing of affidavit dated 5.9.2017 (Annexure-A) was also admitted. The College and other defendants contested the said civil suit and on 4.1.2018 the plaintiffs, including Dr M S Bhatti, withdrew the same.
- (vi) That it is also pertinent to point out that some teachers of the College (including Dr M S Bhatti) had also filed a complaint before Sub-Divisional Magistrate, Jagadhri, where similar issues were raised. A copy of the complaint and the reply submitted by the College are annexed herewith as ANNEXURE-C.
- (vii) That it is humbly submitted that the teachers (including Dr M S Bhatti) have totally concealed the facts narrated above. The issues being raised in the representation before the Hon'ble Petition Committee are issues for



which there is an appropriate legal remedy available. The allegations leveled against the College in the representation have also been made in CWP No 18750 of 2016 which is pending in the Hon ble Punjab & Haryana High Court.

That the College having brought to the fore front the true and correct facts regarding the false complaint repeatedly being submitted by the teachers (including Dr M S Bhatti) and their not being able to obtain any relief they filed a representation before this Hon ble Petition Committee on 26.12.2017 making similar allegations against the College as made by them in the earlier unsuccessful complaints. Thus it is clear that every attempt is being made to malign and harass the College by filing multiple complaints against it before different Fora.

The teachers (including Dr M S Bhatti) who have submitted the representation to this Hon ble Committee are wanting to set in motion the State machinery against action being taken by the College legally and as per law against its staff members for dereliction of duty. The College cannot be pre-empted from initiating action or from doing what is well within the legal framework. The College has not acted in any illegal act and it is emphatically denied that there has been any harassment of any of the staff members as has been alleged.

That before approaching this Hon ble Committee some teachers of the College (including Dr M S Bhatti) had approached the Court of Law on 7.12.2017 for redressal of their grievances by filing CS No 2260 of 2017 as detailed above. It was during the pendency of the said civil suit that the representation was submitted to this Hon ble Committee without disclosing the fact that the civil suit was pending.

It is further humbly submitted that a perusal of the Rules of Procedure of the Haryana Vidhan Sabha particularly Rule 269(4)(iii)(a) clearly bars the raising of issues before this Hon ble Committee which falls within the cognizance of a Court of Law having jurisdiction in any part of India or a Court of Enquiry or a Statutory Body or a Commission. Further Rule 269(4)(iii)(d) also provides that representations for which remedy is available under the law including rules, regulations, bye-laws made by the Union or State Government or any authority to whom power to make such rules, regulations, etc. is delegated shall not be considered.

The teachers of the College have a legal remedy available to them for redressal of their grievances if any. As such, the representation submitted by them deserves to be filed.

That it is respectfully submitted that some teachers of the College (including Dr M S Bhatti) are indulging in Forum shopping in as much as same issues are being raised at various levels and before different Fora. A deliberate attempt is being made to misuse the process of law and to arm twist the College in not taking action against the erring teachers.

That it is further humbly stated that the College is a minority educational institution under Article 30 of the Constitution of India. Article 30(1) gives minorities the right to establish and administer educational institutions of their choice.

In the State of Kerala etc vs Very Rev Mother Provincial etc [1970 (2) SCC 417] it has been held by the Hon ble Supreme Court of India that the right to administer as stated in Article 30 of the Constitution of India means

- (9) The next part of the right relates to the administration of such institutions. Administration means management of the affairs of the institution. Thus management must be free of control so that the founders or their nominees can mould the constitution as they think fit and in accordance with their ideas of how the interest of the community in general and the institution in particular will be best served. No part of this management can be taken away and vested in another body without an encroachment upon the guaranteed right.

In TMA Pai Foundation and others vs State of Karnataka and Ors [2002 (8) SCC 481] the Hon ble Supreme Court made it clear that a minority institution does not cease to be so merely on receipt of aid from State or its agencies. In other words, receiving aid from the State does not alter the nature or character of a Minority Educational Institution.

In the case of P A Inamdar vs State of Maharashtra [2005 (6) SCC 537] the Hon ble Supreme Court reiterated what had been laid down in the TMA Pai s case holding as under

Q 5(c) Whether the statutory provisions which regulate the facets of administration like control over educational agencies, control over governing bodies, conditions of affiliation including recognition/withdrawal thereof and appointment of staff, employees, teachers and principals including their service conditions and regulation of fees etc would interfere with the right of administration of minorities?

A So far as the statutory provisions regulating the facts of administration are concerned, in case of an unaided minority educational institution, the regulatory measure of control should be minimal and the conditions of recognition as well as the conditions of affiliation to a university or board have to be complied with, but in the matter of day to day management like the appointment of staff, teaching and non teaching and administrative control over them, the management should have the freedom and there should not be any external controlling agency. However, a rational procedure for the selection of teaching staff and for taking disciplinary action has to be evolved by the management itself.

For redressing the grievances of employees of aided and unaided institutions who are subjected to punishment or termination from service, a mechanism will have to be evolved and in our opinion, appropriate tribunals could be constituted and till then, such tribunals could be presided over by a judicial officer of the rank of District Judge.

The State or other controlling authorities, however, can always prescribe the minimum qualification, experience and other conditions bearing on the merit of an individual for being appointed as a teacher or a principal of any educational institution.



Regulations can be framed governing service conditions for teaching and other staff for whom aid is provided by the State without interfering with the overall administrative control of the management over the staff

Fees to be charged by unaided institutions cannot be regulated but no institution should charge capitation fee

The Hon ble Supreme Court right from TMA Pa1 s case onwards has reiterated that the rights of administration guaranteed to a Minority Educational Institution under Article 30 of the Constitution of India. The same were relied upon and reiterated in 2007(1) SCC 386 in the case of Secy Malankara Syrian Catholic College v T Jose as under

- 19 The general principles relating to establishment and administration of educational institution by minorities may be summarized thus
 - (i) The right of minorities to establish and administer educational institutions of their choice comprises the following rights
 - (a) To chose its governing body in whom the founders of the institution have faith and confidence to conduct and manage the affairs of the institution
 - (b) To appoint teaching staff (teachers/lectures and Headmasiers/ Principals) as also non teaching staff, and to take action if there is dereliction of duty on the part of any of its employees,
 - (c) To admit eligible students of their choice and to set up a reasonable fee structure
 - (d) To use its properties and assets for the benefit of the institution
 - (ii) The right conferred on minorities under Article 30 is only to ensure equality with the majority and not intended to place the minorities in a more advantageous position vis a vis the majority. There is no reverse discrimination in favour of minorities. The general laws of the land relating to national interest, national security, social welfare, public order, morality, health, sanitation, taxation, etc. applicable to all will equally apply to minority institutions also.
 - (iii) The right to establish and administer educational institutions is not absolute. Nor does it include the right of maladministration. There can be regulatory measures for ensuring educational character and standards and maintaining academic excellence. There can be checks on administration as are necessary to ensure that the administration is efficient and sound so as to serve the academic needs of the institution. Regulations made by the State concerning generally the welfare of student and teachers, regulations laying down eligibility criteria and qualifications for appointment, as also conditions of service of employees (both teaching and non teaching), regulations to prevent exploitation or oppression of employees, and regulations prescribing

syllabus and curriculum of study fall under this category Such regulations do not in any manner interfere with the right under Article 30(1)

- (iv) Subject to the eligibility conditions/qualifications prescribed by the State being met the unaided minority educational institutions will have the freedom to appoint teachers/lecturers by adopting any rational procedure of selection
- (v) Extension of aid by the State does not alter the nature and character of the minority educational institution Conditions can be imposed by the State to ensure proper utilization of the said without however diluting or abridging the right under Article 30(1)

In view of the submissions made above the undersigned humbly request this Hon'ble Committee to dismiss/disregard the representation/petition filed by some of the teachers of the College in as much as not only have they approached this Hon'ble Committee with unclean hands by concealing facts but have also misled this Hon'ble Committee by not disclosing that the matter sought to be raised by them is already part of the pleadings in CWP No 18750 of 2016 and was also unsuccessfully agitated by them before the Civil Court in CS No 2260 of 2017 as detailed above Further the teachers have a recourse to their remedies which they have chosen not to opt for An attempt is being made at every stage to disrupt the functioning of the College and vitiate the peaceful atmosphere of the College The representation/petition filed by some teachers is also not maintainable III view of the Rules of Procedure mentioned above

It is our humble prayer that the above mentioned facts may be considered and the representation/petition dated 26 12 2017 be returned/dismissed/filed

Chandigarh

Principal
Guru Nanak Khalsa College
Yamuna Nagar (Haryana)

Guru Nanak Khalsa College Yamuna Nagar

The Committee again called the departmental representatives College Management and Petitioners in its meeting held on 16 02 2018 and discussed the matter in brief with the departmental representatives of Higher Education Management of Guru Nanak College Yamunanagar and Teachers of Guru Nanak Khalsa College Yamunanagar in which Committee direct the Director General Higher Education to submit their report in this matter and recommend the College Management to again consider the petitioner plea and resolve their grievances and submit their report within one month

The Petitioners/Teachers of College namely Dr M S Bahtti and Dr P R Tyagi submit their new applications dated 16 02 2018 and 21 02 2018 which reads as under



To

Dated 16 02 2018

The Chairman
Petition Committee
Haryana Vidhan Sabha
Chandigarh

Subject To apprise you of the proceedings of meeting held between the petitioners along with the H C T A Delegation and the Principal along with some official bearers of Guru Nanak Khalsa College Managing Committee and the minutes thereof held on 13 02 2018 at 3 30 PM in the office of the Principal of the college

Esteemed Sir

Please also refer to the Petition Committee Meeting held on 07 02 2018 at Haryana Vidhan Sabha, Chandigarh Those present at the meeting on 13 02 2018 to resolve the issue of unconstitutional and unfair suspension of two senior Professors of the college namely

1 Dr M S Bhatti Assoc Professor of Punjabi (under suspension) Dr P R Tyagi Assoc Professor of Commerce (under suspension) were the two petitioners led by Dr Narender Singh Chahar President BeTA with Dr U V Singh Ex President~ BeTA Dr Tejveer Singh President Yarnuna Nagar Zone HCTA Dr Sanjay Shanna & Dr Dayanand Malik Vice President HeT A (MDU Rohtak Zone) The representatives of the college management were

- 1 Mr Bhupinder Singh Jauhar Chairman governing body of the college
- 2 Principal Dr Mandeep Singh
- 3 Mr H S Gujral (Offg Gen Secretary)
- 4 Mr Amardeep Singh (offg Finance Secretary)
- 5 Mr Swam Singh Atwal (Patron)

Honorable Sir

At the outset we deem it pertinent to mention for your perusal that as a follow upto the consensus arrived at in the petitioner Committee Meeting held on 07 02 2018 at Chandigarh we initiated the process of arranging a meeting with the governing body through Principal by writing a letter dated 10 02 2018 to him with an earnest hope to extricate the tangle of illegal suspension of two teachers in compliance with the directive of the Hon ble and august constitutional petition committee of vidhan Sabha of the state of Haryana, with a view to sort out the matter within a week As law abiding and responsible members of the society we left no stone unturned to persuade and plead before the Principal to arrange our meeting with the President and we met some office bearers on 13 02 2018 in Principal's office at 3 30 PM to a minute in a dismal and extremely sepulchral environment to our utter dismay Our worthy President BCTA Dr Chahar tried to break the ice as there was no exchange of the pleasantries or courtesies among the members present in the meeting

Dr Narendra requested the President of managing committee to revoke the suspension of Dr Bhatti and Dr Tyagi in a most reverential manner but he was not given proper hearing and instead of paying attention to this serious issue of careers of two

teachers Mr Bhupinder Singh Jauhar started narrating his own story of achieving big success in life in terms of accumulating wealth. The historical biography and its rendering continued for almost an hour and it was only a monologue bloated with pride, arrogance and mildism. Everybody was in a fix and felt embarrassed and flabbergasted at his deportment. Then he suddenly started blustering out his achievements and his connections with high ups in bureaucracy, politics and judiciary with a view to terrorize and threaten us all humble teachers who are regarded role model by our students. He persistently kept on disclosing the name of the judges, top notch police officers and our steel framed bureaucrats and proved his well connectedness with them. It was a futile attempt to pressurize us to subjugate before him as his slaves/vassals. Like a feudal Baron he went to the extent of threatening us of closing the college for good without any consideration of the terrible plight of 4000 young scholars/students and the staff of about 200 whose livelihood will be lost. In view of these facts and the prevailing circumstances in the college, the temple of learning, we call upon you very sincerely that under such circumstances it is not possible to produce an academically viable and conducive atmosphere in the college. With utmost candor and farsightedness we pray your Petition Committee to appoint an administrator in place of managing committee which has mismanaged the affairs of the college and a special team should be constituted without any further loss of time to probe the mismanagement of funds by Mr Bhupinder Singh Jauhar and Principal Dr Mandeep Singh.

Once again we appeal to you most firmly but humbly that

1. Suspended teachers be reinstated because for demanding salary in time they should not have been suspended.
2. The vision of Chairman and Principal is lopsided and they are not efficient and competent enough to run the affairs of the college, students and teachers.
3. A thorough probe into the financial matters by SIT is the crying need of the hour.

In such abominable and suffocating atmosphere where HCTA delegation was not allowed to utter any word, so we decided to leave the meeting after one and a half hours. This meeting was a big fiasco as no matter was discussed and resolved.

Please resolve this issue before it harms the interests of general public, students, employees and the nation.

With warm regards

Sincerely yours

(Dr M S Bhatti)
Associate Professor of Punjabi
(Under Suspension)
Petitioner
Guru Nanak Khalsa College
Yamuna Nagar 135001

(Dr P R Tyagi)
Associate Professor of Commerce
(Under Suspension)
Petitioner
Guru Nanak Khalsa College
Yamuna Nagar 135001



To

The Chairman
Petition Committee
Haryana Vidhan Sabha
Chandigarh

Subject For Kind intimation of the Hon ble Petition Committee regarding meeting of HCTA representative with management of Khalsa College Yamuna Nagar held on 20 02 2018 at 3 30 PM in Principal s office vide his letter GNKI2017 18/906 907

Revered Sir

In the meeting referred to as subject above the following persons were present from management side

- 1 Mr Swaran Singh Atwal
- 2 Mr B S Banga
- 3 Mr Amardeep Singh offg Finance Secretary
- 4 Principal Dr Mandeep Singh

The HCTA was represented by

- 1 Dr Tejbir Singh Zonal President (Yamuna Nagar)
- 2 Dr B Madan Mohan
- 3 Dr Shri Prakash Press Secretary
- 4 Dr Nirmal Singh Komal (Zonal secretary)
- 5 Dr M S Bhatti (Petitioner)
- 6 Dr P R Tyagi (Petitioner)

We unanimously observed that the attitude of the management was rigid inflexible and uncompromising The meeting was without any positive resolution of the matter hanging fire since long

With warm regards and thanking you

Yours Sincerely

Dr M S Bhatti
(Associate Professor)
GN Khalsa College Yamuna Nagar

Dr P R Tyagi
(Associate Professor)
GN Khalsa College Yamuna Nagar

The Director General Higher Education submit his report on the Petition of Teachers of Guru Nanak Khalsa College Yamunanagar which read as under

The Committee again orally examined the departmental representatives College Management and Teachers of the Guru Nanak Khalsa College Yamunanagar in its meeting held on 01 03 2018 and 28 03 2018 and discussed the matter in brief After discussing the matter with departmental representatives College Management and Petitioners and after considering all the documents legal opinion etc the Committee made following recommendations

The Instant petition/representations have been preferred by Dr M S Bhatti & Ors against illegal suspension orders and warning letters issued to College Teachers by the Management of the Guru Nanak Khalsa College Yamunanagar

The applicants have stated that they are working as Teachers in Guru Nanak Khalsa College Yamunanagar for last so many years The College got declared itself as a Minority institution and College Teachers Association had challenged the same before the Punjab & Haryana High Court which is pending till date and only to browbeat and overawe the applicants the management is victimizing them Since the receipt of the notice of writ petition the management had framed ire in their mind against the teaching staff and they started delaying the disbursement of the Salary to the Teaching staff

The staff members gave notice to the Principal on 08 03 2017 and brought to his notice that if their salary is not paid by a 09th March 2017 then they would sit on Oharna for one hour on 10 03 2017 The request of staff made on 08 03 2017 was not conceded to so the Oharna was held on 10 03 2017 and 11 03 2017 by the staff The symbolic one hour dharna was withdrawn by staff on 14 03 2017 after met the Principal on 14 03 2017

The Management got vindictive and issued show cause notice to a specifically selected few 8 teaching staff members The above referred show cause notice was duly replied by applicants on 05 04 2017

It is their allegation that out of these 8 staff members majority were exonerated by the management and were let off without any charge while simple warning was issued to four of these Members and only two staff Members the applicants were picked up for invidious discrimination and were suspended The suspension letters had been served upon the two staff members on 11 12 2017 at 10 00 A M which were surprisingly made effective from back date i e 01 12 2017 while these staff members remained very much present in the institution and they had even been marking their attendance in the attendance register all these days It is also admitted position on record that against the Suspension orders the applicants have already preferred a statutory appeal to Director General Higher Education, Haryana which are also stated to be pending

The Committee called upon the parties and they were given an opportunity to file their replies Thereafter the parties sought and were granted opportunity for oral examination of the parties

The counsel for applicants Sh G.D Gupta brought to the notice of the Committee that these two teachers were suspended out of the fifty four persons who actually participated in the Dharna. In reply Dr Mandeep Singh Principal of Guru Nanak Khalsa College Yamunanagar explained why the action has been taken only eight person out of fifty four persons sitting in dharna as he stated that one of suspended teacher was the leader of the teachers and the other one had been instigating the other teachers and that is why the action against these two had been taken by the management consciously and out of malafide intent. He stated that the Governing body has given warning to those who committed offence for the first time. He further stated that a notice had been served upon these suspended teacher in 2009 regarding an incident pertaining to use of abusive language but no such details were produced before the Committee by the Principal Guru Nanak Khalsa College Yamunanagar.

Dr Mandeep Singh Principal Guru Nanak Khalsa College Yamunanagar told the Committee that the some petition is pending before Hon ble High Court at the behest of these two teachers but the counsel of the applicants denied the same and instead argued that that the Principal Guru Nanak Khalsa College Yamunanagar tried to mislead the Committee. Dr Mandeep Singh was questioned whether the suspension letter was issued on 01st December 2017 or received by the suspended petitioner 11th December 2017 but he could not produce any dispatch entries to show that the letters of suspension had been dispatched on 1st December 2017.

The Petition Committee considered all these facts submitted by both the parties and with the aid and assistance of the parties tried its level best to resolve the matter amicably all these days keeping in view that the matter pertained to teaching community and educational institutions who should not be in the court or should not be litigating over such issues but seemingly there was no chance of any cordial resolution of the dispute.

In her submissions Ms Alka Sareen Advocate of Guru Nanak Khalsa College Yamunanagar clarified the position as to why only eight persons participating in Dharna were targeted. She highlighted that the other teachers who sat on dharna tendered apology and they also requested that they shall not repeat this mistake in future. But these two suspended teachers have refused to do so. The Committee thereafter requested the parties to send a written brief of any possible solution to the matter amicably and the same be sent to the Committee.

After considering the facts submitted by the both the parties the Committee deemed it proper to request the Director General Higher Education Department to submit his report in the matter. The report was submitted by the Education Department on 21/03/2018 which is as under:

Subject A report with respect to alleged breach of basic principle of natural justice and discrimination by the management of Guru Nanak Khalsa College, Yamunanagar in suspension of two members of teaching staff namely, Sh M S Bhatti and Sh P R Tyagi

1 The staff members of the aforementioned college gave a notice to the management that they will be on a one hour dharna on 10 03 2017 (Annexure-A/1) The dharna was held on 10 and 11 03 2017 by the staff in which about 56 staff members protested against the non payment of salaries The symbolic one hour dharna was withdrawn by the staff on 14 03 2017 after a meeting with the college Principal (Annexure A/2)

2 Later on 29 03 2017 the General Secretary of College management issued Show Cause Notice (Annexure-A/3) to eight teaching staff members of the College (Out of 56 Professors who were on Dharna) On 05 04 2017 all the eight members submitted a common reply to the management Wrt the show cause notice issued to them (Annexure A/4)

3 Mr M S Bhatti also wrote a conciliatory letter stating that events unfolded are the unfortunate events on the issue of salary and subsequent events that followed Those events unfolded only due to unintentional misunderstanding and communication gap We have always worked for betterment of the college and its academics Let the matter be resolved for in the best interest of this great institution whose unparalleled legacy is a matter of pride for all of us (Annexure-A/4A)

4 Later on four teachers were issued strict warning (Annexure A/5) and two were exempted on written apology and two teachers were placed under suspension (Out of 56 persons who were on Dharna) by the management of the college It is not substantiated that two different treatment was given to different persons even though cause of action was same and the reply given by all was same Though for two persons who have given written apology that can be justified but different treatment has been given to different people and no reason/justification of such different treatment is available on record (Annexure-A/6)

5 A peculiar feature has been observed in the suspension orders which is reproduced below

You will not leave the station without prior permission & shall remain at your residence from 9 30 a m to 3 00 p m '

This is beyond comprehension that how college authority (or any office authority for that matter) can direct an employee to stay at home for a specific time At best and as per norms the authority could have fixed headquarter at college but giving order to confinement at home from 9 30 a m to 3 00 p m is beyond any laid procedure and is highly arbitrary

6 Surprisingly suspension orders have been received on 11 12 2017 and the date of suspension was 01 01 2017 and suspension is effective with immediate effect i e 1 12 17 (Annexure A/6) This also gives reasons for doubt how the management kept on hold the orders for a period of 10 days where as the incumbents were in college and have marked attendance on some of the days (Annexure A/7) It is also pertinent to mention here that the warning letters to



four teachers were issued on 09 12 2017 The details of chronology of these events also show different actions were taken for the same cause and that too on two separate dates

7 In view of the facts mentioned above it is prima facie apparent that the college management seems to have discriminated against the two teachers and in breach of basic principles of natural justice and equality

After receipt of the report submitted by Director General Education Department once again the Committee examined all the facts in detail and tried its level best to effect conciliation between the parties which was however not successful From the aforesaid background following broad picture has emerged

- (i) The one hour dharna regarding non payment of salary was held by 42 or more staff members of Guru Nanak Khalsa College Yamunanagar on 10 & 11 03 2017 and same was withdrawn by the staff members on 14 03 2017 a common show cause notice was issued by Sh H S Gujaral Officiating General Secretary of Guru Nanak Khalsa College Yamunanagar to eight persons with reference to the letter 08 03 2017 written and duly signed by five employees The common reply of the show cause notice was submitted by the eight persons on 05 04 2017 the Committee examined carefully the show cause notice and reply of the same by the staff members and oral examination in this regard and facts come to the knowledge in oral examination in this regard
- (ii) It is found out that there are particularly no such allegations separately levelled on Dr M S Bhatti and Dr P R Tyagi which could be termed more grave or different than the allegations levelled on the rest of the persons Moreover Dr M S Shatti sent the letter to the Principal on 27 04 2017 11 05 2017 and 30 05 2017 to amicably resolve the issue in the best interest of the institution It is seen that in reply of the show cause notice the staff members submitted enclosures 1 and 2 of the signatory who joined the Dharna and same was not denied by the representatives of the College in any manner whatsoever nor in written submissions It was the repeated contention of the applicants from the record that the allegations made by Dr Mandeep Singh Principal of Guru Nanak Khalsa College Yamunanagar against Dr M S Shatti is leader and Dr Tyagi that they were instigating other staff members could be substantiated in any manner
- (iii) Upon proper examination of the letters of suspension of Dr M S Bhatti and Dr P R Tyagi dated 01 12 2017 and warning letters issued to four other teachers it clearly emerged that the allegations made by the applicants that the contents of specific suspension letters in which directions were issued to suspended teachers to remain at their residence from 09 30 A M to 03 00 P M were also uncalled for and were not in accordance with law The wording of the suspension letter as well as warning letters are same except the names of aggrieved persons The allegations of the applicants are that a serious view regarding such type of suspension letters needs to be taken

which are totally against the principal of natural justice. The Committee's attention was also drawn by the applicants on the aspect that while the incident of holding of Dharna etc. had taken place on 10/11 03 2017 whereas the reprisal action of suspension etc. came to be effected in the month of December 2017 thereby contending that there was no nexus between the two and the contention of the management was incorrect. It was also contended by the applicants that by ante dating the suspension letters to be dated 01 12 2017 a clear attempt to violate the legal rights of the applicants had been made out of malicious intent on the part of the management whereas they were served with the said letters only on 11 12 2017 which had obviously been ante dated and there was no evidence of the serving of the same on 01 12 2017 as both the teachers Dr M S Shatti and Dr P R Tyagi were very much present in the college as per record shown to the Committee.

- (iv) The attention of the Committee was specifically drawn by the applicants to the contention of the representatives of Guru Nanak Khalsa College Yamunanagar who had stated that the suspension letters had been dispatched by Speed Post at their residence address but the same were not served upon the suspended teachers due to their houses being lock and it was argued vehemently by the applicants that the college management failed to produce any material or substance in support of this fact about the dispatch of letters to them and thus they argued that by not producing any material to this effect the non production of these evidences clearly raised serious doubts about the authenticity of the issuing date mentioned in the suspension letter.
- (v) When the repeated efforts of the Committee for attempting seriously to effect amicable settlement between the parties failed the applicants wanted the committee to adjudicate these matters and record its findings on the merits of the controversy on the various contentions raised above by the applicants.
- (vi) Ms Alka Sareen Advocate learned counsel appearing for the management however brought to the notice of the committee that all these contentions of the applicants could only be raised by them before the statutory authorities and this committee had no jurisdiction to adjudicate the merits of the matter because there was no such mandate with the committee to render any findings on merits under the Rules of Business of Vidhan Sabha and at best the committee could only effect conciliatory role in the matter and not beyond that.
- (vii) From a perusal of the aforesaid situation the Committee feels that it could only persuade the parties to effect amicable settlement but once the same has not taken place then the only course left open for the committee is to direct the Director General Higher Education Haryana to dispose off the statutory appeals preferred by the applicants before it which are statedly pending for last over three months by passing a speaking order preferably



within a period of 7 to 10 days In so doing the committee expects that the concerned authority to act according to the mandate of law and the concerned authority shall remain uninfluenced by any observations made herein which are only recording the contentions of the parties for the purpose of effecting amicable settlement

In the light of what has been discussed above and upon thoughtful consideration to the entire matter the Committee feels that it would be prejudicial to either of the parties if the committee was to render any finding on merits

Hence the Committee hereby directs the Director General Higher Education Haryana to dispose off the statutory appeals preferred by the applicants Dr M S Bhatti and Dr P R Tyagi filed before it which are statedly pending for last over three months by passing a speaking order preferably within a period of 7 to 10 days In so doing the committee expects that the concerned authority to act according to the mandate of law and the concerned authority shall remain uninfluenced by any observations made herein which are only recording the contentions of the parties for the purpose of effecting amicable settlement alone Let the Director General Higher Education Haryana do the needful under intimation to the committee

With these observations the present proceedings are hereby disposed off

Accordingly petition was disposed off in its meeting held on 28 03 2018 The Committee also received the letter dated 31 08 2018 from the Teachers of College regarding withdrawal of their representation dated 26 12 2017 which reads as under

To

The Hon ble Chairman
Petition Committee
Haryana Vidhan Sabha
Chandigarh

Respected Sir

SUB WITHDRAWAL OF OUR REPRESENTATION DATED 26 12 2017

Some of our members i e some teachers of Guru Nanak Khalsa College Yamuna Nagar had filed a representation dated 26 12 2017 before this Hon ble Committee making certain allegations/complaints against the College and it s management

This Hon ble Committee attempted to persuade the parties to try and amicably settle the matter However that did not fructify and in the Minutes of 28 3 2018 it was inter alia recommended it could only persuade the parties to effect amicable settlement but once the same has not taken place then the only course left open for the committee is to

direct the Director General Higher Education Haryana to dispose of the statutory appeals preferred by the applicants. The issue is since pending with the Director General Higher Education Haryana

Now with the efforts of mutual well wishers on 30.7.2018 a written compromise has been executed by and between the Haryana College Teachers Association (Local Unit) Guru Nanak Khalsa College Yamuna Nagar and the management of Guru Nanak Khalsa College Yamuna Nagar and the parties have mutually voluntarily and without any coercion or pressure decided to settle all the disputes between them

In view of the said written compromise dated 30.7.2018 there is no issue pending between the parties and no further action need be taken on the representation dated 26.12.2018 which may be treated as unconditionally withdrawn. As we are unconditionally withdrawing our representation dated 26.12.2017 there is no cause of action left for the Director General Higher Education Haryana to proceed further with the proceedings pending before him. We therefore also request you that the Director General Higher Education Haryana may be called upon to close all proceedings pending before him which relate to our members i.e. some teachers of Guru Nanak Khalsa College Yamuna Nagar and the said College

We may also mention that as the parties have amicably settled all the disputes our CWP No 18750 of 2018 [Haryana College Teachers Association (Local Unit) Guru Nanak Khalsa College Yamuna Nagar vs State of Haryana & Ors] which had been filed in the Hon'ble Punjab & Haryana High Court Chandigarh has been dismissed as having become infructuous on 21.8.2018

Thanking you

Yours faithfully

(Dr Baljeet Singh)

For Haryana College Teachers Association (Local Unit)
Guru Nanak Khalsa College Yamuna Nagar

(Dr M S Shatti)

(Dr P R Tyagi)

cc The Director General Higher Education Haryana Panchkula

The Chairman Guru Nanak Khalsa College Yamuna Nagar

The Principal Guru Nanak Khalsa College Yamuna Nagar



- 8 PETITION/REPRESENTATION RECEIVED FROM SHRI RAMPAL (R P GOYAL), PROP SHIV TRADERS C/o H NO 231/A, HBC, MODEL TOWN, IIND ROAD, KAITHAL, REGARDING NON PLACEMENT OF ORDER DESPITE HAVING L 1, FOR SEVERAL ITEMS AND DIFFERENCE OF RATE BETWEEN THEM AND WHOM THE ORDER WAS BEING ISSUED EVEN UPTO 60% OF THE PRICE AND THEREBY PUBLIC MONEY FOR WELFARE PURPOSE IS BEING GOING IN POCKETS OF FEW PERSONS AT THE COST OF TH E PURPOSE**

The Petition/Representation received from Shri Rampal reads as under

To

The Chairperson
Petitions Committee
Haryana Vidhan Sabha
Chandigarh

- Sub Tender for purchase of food peanut, soya bean, soya wadi, etc by Women & Child Development Department Ambala district opened on 25 09 2017**
- Reg Non placement of order despite having L 1 for several items and difference of rate between us and whom the order was being issued even upto 60% of the price and thereby public money for welfare purpose is being going in pockets of few persons at the cost of the purpose**

Sir/Madam

- 1 We are one of old supplier of different supplementary food items like peanut soya bean soya wadi besan haldi jeera ajwain and murmura mixture and executed several contracts successfully by making the supplies
- 2 We participated in an online tender for procurement of aforesaid items called by Women & Child Development Department Ambala with the terms specified therein which were mentioned in technical bid along with the documentary evidence indicating the following conditions only
 - (a) Affidavit that our firm is not blacklisted suspended/forfeiture of EMD/ debarred/disqualified with the time/year when it happened
 - (b) Turnover to be Rs 2 crores for last three years
- 3 Since we were meeting all the requirement and have been to serve for the welfare of women and child being our motto and otherwise also it has been the policy of our firm to give minimum rates at minimum margin as our firm motto is supply with minimum margin with object of general welfare and this particular object has been retained by us all the period
- 4 Due to this Hon ble object to serve the nation and deprive persons this has been big eyesore for few firms who are greedy to make huge profits at the cost of public money and have been successful in bagging the orders at more than even 50% of the price then prevailing in the market and for the reasons unknown

these procurement have been made at the cost of public money which was to be utilised for welfare of much required Women and Child Development

- 5 In this process despite our rates for above all items still to favour those firms the favourite contractor whose rates were upto 60% high still their tenders were considered and order placed on them while our technical bid was rejected without even issuance of any notice or informing any reason for rejecting our tender and not opening our technical bid while we had qualified as per terms of tender and thereby playing with the public money in most arbitrary illegal unheard manner our tender was rejected as it was known due to past experience of our giving the most competitive rates meeting the market rate keeping the low margin rate of to supply supplementary items to welfare of women and child the much required
- 6 Even as per instructions issued by Principal Secretary to government Haryana Industries and Commerce Department dated 25 07 2016 for grievance redressal of the participating bidders there should be 10 days gap between opening of Technical bid and Financial bid which proves that the committee acted in gross violation of the instruction merely to favour the cartel
- 7 It is established and the basic principle that when a tender is to be opened the terms mentioned in the invitation to tender are alone to be seen and whether the participant is meeting the requirement of the tender and no new term can be considered which is not specified or called for The principle of fair play and transparency in considering the tenders has been held by even Supreme Court is required and violation of it has been considered by the courts as discriminatory arbitrary highhandedness and amounts to favouritism and not only its gross violation of our rights but is in violation of fundamental rights guaranteed to us under the Constitution of India which is our sacred right and grossly violated by department
- 8 Such your department has not only acted illegally arbitrarily unfairly discriminatory and violating the fundamental rights guaranteed to us but also by adopting this act of favouritism which seems to be with ulterior object is at the cost of the public fund given to your office being the trustee of public money for the welfare of women and child for which purpose and object to be achieved the same has been given is being misused and therefore your office is responsible that when these supplementary food items are available in open market at 60% less than on which the order is placed on favourite contractor though low rates were available by colourable exercise of power The same has been ignored
- 9 We being a good citizen of nation and our firm is working with the same object and therefore we are victimised by placing the orders at high rates upto 60% higher than market rate/our rates placed to a cartel be cancelled/suspended and an enquiry is to be held against those who have flouted the rules of placement of tenders as not to change the terms after opening to favour their amount contractor It is even held by courts repeatedly and therefore open our tender which was as stated with the mala fide intention not opened and rejected for the reasons which were extraneous and not part of the tender terms

- 10 It is further added that the same District Programme Officer Mrs Rajbala Kataria in district Kurukshetra with the other committee members and chairman unanimously considered the decision of district Ambala as not based on facts and considered our Technical Bid as qualified in district Kurukshetra
- 11 It is added here that in district Sonapat, Yamunagar and Kurukshetra the technical bid of our firm was considered qualified and our financial bid was opened same documents and affidavits were presented by the firm in district Ambala also
- 12 No reply has been given in response to our several letters and even in response to our RTIs vague and delayed replies have been given by side tracking the main issue with ulterior object
- 13 Even after directions by Hon ble Additional Chief Secretary Women & Child Department to Hon ble Director Women & Child Department on 01 12 2017 to open our financial bid The above bid has not been opened in Ambala till date We even informed the department about the same via our letter dated 7 12 2017
- 14 Concerned officers have allegedly procured the food items at higher rates which have led to the loss of about 10 lakh per supply to the government
- 15 We hope you will act fairly and consider our representations seriously and open our financial bid and recover the loss that has been done to the state exchequer from the concerned persons since we will avoid any legal action/remedies as available to us against this illegality

Without prejudice

Thanking you

Yours Faithfully
Rampal (RP Goyal)
Prop Shiv Traders
C/o Hlno 231/a, HBC
Model Town Jind Road
Kathal

The Petition/Representation was placed before the Committee and the Committee desired to orally examine the departmental representatives and they were orally examined in its meeting held on 23 01 2018 and discussed the matter in brief and direct the departmental representatives to submit all the proofs and documents etc regarding this case within 15 days so that same may be scrutinize by the Committee and in its subsequent meetings The department has submit its preliminary reply which reads as under

From

Director
Women & Child Development Department
Haryana Panchkula

To

Secretary
Haryana Vidhan Sabha Secretariat

Memo No 48755 CD 2/WCD/2018 dated 22 01 2018

Subject -Meeting of the Committee on Petitions

With reference to your letter no HVS/Petitions/212017 1811136-45 dated 17 1-2018 the reply of the department in respect of petition submitted by Shri Rampal (RP Goyal) Prop Shiv Traders Clo H No 23/A HBC Model Town Jind Road Kaithal regarding Tender for purchase of food peanut soya bean soya wadi etc by Woman Child Development Department Ambala district opened on 25 09 2017 is as under

In this regard it is submitted that DPO Kurukshetra informed vide his letter no 4548 dated 29 12 2017 (Annexure A) that security of Shiv traders has been forfeited by DPO Fatehabad (Annexure B) and Justice Department has banned K L Enterprises for 3 year due to no supply of Material as per terms and conditions as intimated vide their letter no 33/3/2010-4JJ II dated 29 6 2017 (Annexure C) Goyal Enterprises Shakti Nagar Road Kaithal has been blacklisted by ADC cum Chairman District Level Purchase Committee Jind vide their letter no 8336 dated 11 11 2016 (Annexure D) Shri Jawala Traders clo Shri Amit Jindal House No 1222 Near Syndicate Bank Narela Road Allipur Delhi has been blacklisted by ADC cum Chairman District Level Purchase Committee Bhiwani vide their letter no 4556-4616 dated 11 10 2012 (Annexure-E) The Jindal Traders Clo Amit Jindal H No 1222 Syndicate Bank has been blacklisted vide DPO letter no 4016 dated 14 12 2012 (Annexure- F) The Hon ble Punjab and Haryana High court in CWP No 12752 of 2015 (Annexure-G) passed the order and the relevant portion is reproduced as under

We have heard learned counsel for the parties and find no merit in the argument of learned counsel for the petitioner though at the first instance it appears attractive. The fact remains that three brothers are in the same business operating from the same address. As per the written statement three firms of three brothers are participating and getting contract of similar nature. There are defaults committed by the petitioner as well. The brothers participate in the tender process so as to complete the formalities of three offers in the same tender process. Therefore we do not wish to interfere in the extraordinary equitable jurisdiction of this court in the present writ petition.

It is pertinent to mention here that the 3 brothers with 3 different firms is the case of Shiv Traders M/s K L Enterprises and M/s Goyal Enterprises. Directorate supplies and Disposals Panchkula vide letter no 7714 dated 31 8 2015 (Annexure H) informed that if a firm is blacklisted and documents of another firm is matching with blacklisted firm then that firm cannot participate in tender. According to documents received from DPO Ambala and Panchkula submitted by the firms for tender the mobile number 9467310631 is same for Shiv Traders and Jindal Enterprises (Annexure J & K) and that postal address i.e # 1222 K N New 6414217 old 839 Allipur Delhi are same for Shiv Traders and K L Enterprises (Annexure J & K). Father's Name Shri Khazanchilal is also same of M/s Sh Rampal

Sh Lakhmi Chand and Sh Om Prakash of M/s Jindal Traders (Annexure M N & P)
The permanent address of Shiv Traders and KL Enterprise is also same i.e. 2311 AHVS
Model town Jind Road Kaithal (Annexure J & L)

It is submitted that under the Integrated Child Development Services (ICDS) Supplementary Nutrition with prescribed nutritional norms of protein and calories is being provided in each Anganwadi Centre to the children in the age group of 6 months to 6 years pregnant women lactating mothers In Haryana state the receipes being provided to the beneficiaries include Aloo Parantha Poori Aloo Khichri Mitha Dalia Mitha Chawal Gulgule Panjiri etc

Three tier systems have been adopted for procurement of Supplementary Nutrition items under ICDS scheme At State Level Wheat and Rice under SNP is being procured from Govt of India under Wheat Based Nutrition Programme at subsidized rates @ Rs 200/ per Qtl and Rs 300/ per Qtl respectively with VAT as applicable Three types of edible oils i.e. soya cotton seed and mustard are being procured through HAFED a Haryana Govt approved agency

At District Level other items like pulses soyabean chana murmara mixture besan etc are being procured by District Level Purchase Committee headed by concerned ADC with the members as given below

- | | | |
|---|---------------------------------------|----------|
| 1 | Additional Deputy Commissioner | Chairman |
| 2 | District Food and Supplies Controller | Member |
| 3 | District Programme Officer | Member |
| 4 | Child Development Project Officer | Member |

At Village Level perishable items like vegetable spices etc are being procured at village level by Mother group member/helpers

The Directorate WCD is not involved anywhere in purchase of food items at district level as ADC cum Chairman of District Level Purchase Committee is competent authority for taking decision regarding procurement of food items as per terms and conditions laid down in the tender document for their district

In view of above it is very clear that Shiv Traders firm is sister concern of K L Enterprises and M/s Goyal Enterprises As their firm are either blacklisted or security of them has been forfeited or have been debarred therefore they are not eligible to participate in the tender

The point wise comments of the Department of the petition submitted by Shri Ram Pal Goyal Prop Shiv Traders Kaithal is given as below

Sr No	Issues	Comments of the Department
1	We are one of old supplier of different supplementary food items like Peanut Soya Bean Soya Wadi Besan Haldi Jeera Ajwain and Murmura Mixure and executed several contracts successfully by making the supplies	It is a matter of record hence no comments are required
2	We participated in an online tender for procurement of aforesaid items called by Women & Child Development Department Ambala with the terms specified therein which were mentioned in technical bid along with documentary evidence indicating the following conditions only (a) Affidavit that our firm is not blacklisted suspended/forfeiture of EMD/debarred/disqualified with the time/year when it happened (b) Turn over to be Rs 2 crores for last three years	The firm participated in the online tender floated on 25 9 2017 for procurement of tendered items called by District Level Purchase Committee of Ambala Four firms participated in the tender process in which Shiv Traders Alipur Delhi was one of the participants
3	Since we were meeting all the requirement and have been to serve for the welfare of women and child being our motto and otherwise also it has been the policy of our firm to give minimum rates at minimum margin as our firm motto is supply with minimum margin with object of general welfare and this particular object has been retained by us all the period	The firm/its sister concern firms were defaulter of supplies due to which they had been debarred/blacklisted/ fined with forfeiture of security etc
4	Due to this Hon ble object to serve the national and deprive persons this has been big eyesore for few firms who are greedy to make huge profits at the cost of public money and have been successful in bagging the orders at more than even 50% of the price then prevailing in the market and for the reasons unknown these procurement have been made at the cost of public money which was to be utilized for welfare of much required Women and Child Development	Purchase at district level is done by the District Level Purchase Committee under the Chairmanship of Additional Deputy Commissioner as per the terms and conditions of tender The complaint is illegal vague baseless and false and not based on the facts and is made with ulterior motives

Sr No	Issues	Comments of the Department
5	In this process despite our rates for above all items still to favour those firms the favourite contractor whose rates were upto 60% high still their tenders were considered and order placed on them while out technical bid was rejected without even issuance of any notice or informing any reason for rejecting our tender and not opening our technical bid while had qualified as per terms of tenders and thereby playing with the public money in most arbitrary illegal unheard manner our tender was rejected as it was known due to past experience of our giving the most competitive rates meeting the market rate keeping the low margin rate of to supply supplementary items to welfare of women and child the much required	The contents are vague and false without any base as the conditions are leveled in accordance with the instructions issued by Govt Directorate Supplies and Disposals Panchkula Haryana that if a firm is blacklisted and documents of another firm is matching with blacklisted firm then that firm cannot participate in tender
6	Even as per instructions issued by Principal Secretary to Government of Haryana Industries and Commerce Department dated 25 07 2016 for grievance redressal of the participating bidders there should be 10 days gap between opening of Technical bid and financial bid which proves that the committee acted in gross violation of the instruction merely to favour the cartel	Technical bid and financial bid were opened by the District Level Purchase Committee Ambala on 29 9 2017
7	It is established and the basic principle that when a tender is to be opened the terms mentioned in the invitation to tender are alone to be seen and whether the participant is meeting the requirement of the tender and no new term can be considered which is not specified or called for. This principle of fair play and transparency in considering the tenders has been held by even Supreme Court is required and violation of it has been considered by the courts as discriminatory arbitrary highhandedness and amounts to favouritism and not only its gross violation of our rights but is in violation of fundamental rights guaranteed to us under	Purchase at district level is done by the District Level Purchase Committee under the Chairmanship of Additional Deputy Commissioner as per the terms and conditions of tender The complaint is illegal vague baseless and false and not based on the facts and is made with ulterior motives

Sr No	Issues	Comments of the Department
	the Constitution of India which is our sacred right and grossly violated by department	
8	Such your department has not only acted illegally arbitrarily unfairly discriminatory and violating the fundamental rights guaranteed to us but also by adopting this act of favouritism which seems to be with ulterior object is at the cost of the public fund given to your office being the trustee of public money for the welfare of women and child for which purpose and object to be achieved the same has been given is being misused and therefore your office is responsible that when these supplementary food items are available in open market at 60% less than on which the order is placed on favourite contractor through low rates were available by colorable exercise of power The same has been ignored	The purchase was made as per rules and regulations The complaint is illegal vague baseless and false and not based on the facts and is made with ulterior motives
9	We being a good citizen of national and our firm is working with the same object and therefore we are victimized by placing the orders at high rates upto 60% higher than market rate/our rates placed to a cartel be cancelled/suspended and an enquiry is to be held against those who have flouted the rules of placement of tenders as not to change the terms after opening to favour their amount contractor It is even held by courts repeatedly and therefore open pur tender which was as stated with the malafide intention not opened and rejected for the reasons which were extraneous and not part of the tender terms	As stated in above paras the firm is habitual of quoting lower rates and not making the supply properly due to which the firm/sister concerns have been debarred / disqualified / blacklisted / punishment for forfeiture of security etc
10	It is further added that the same District Programme Officer Mrs Raj Bala Kataria in district Kurukshetra with the other committee members and chairman unanimously considered the decision of district Ambala as not based on facts and considered our Technical bid as qualified in district Kurukshetra	Online tender were floated by District Level Purchase Committee Kurukshetra on 29 9 2017 in which four firms participated including Shiv Traders Delhi During the opening of The technical bid J I Flour Mill raised the objection for participation of Shiv Traders Delhi has given wrong

Sr No	Issues	Comments of the Department
		<p>affidavit as the sister concern firm of the Shiv traders firm were either blacklisted or their security was forfeited so the technical bid cannot be opened. The chairman of the committee asked J J Flour Mill to submit the affidavit regarding the objection raised. But the firm did not submit any affidavit. The committee considered the technical bid of Shiv Traders to be correct so they opened the financial bid of the firm. Thereafter a legal notice was served by JJ Flour Mill. Ladwa along with the certain documents to WCD DPO Kurukshetra and ADC chairman of District level committee Kurukshetra. DPO kurukshetra wrote the department to give guidance regarding the technical bid of Shiv Traders is Ok or not.</p> <p>DPO was given direction that action may be taken by District level purchase committee at their level as per instructions issued by the department.</p>
11	<p>It is added here that in district Sonapat Yamunanagar and Kurukshetra the technical bid of our firm was considered qualified and our financial bid was opened. Same documents and affidavits were presented by the firm in district Ambala also.</p>	<p>ADC Cum Chairman of District level purchase committee is competent authority for taking decision regarding procurement of food items as per terms and conditions laid down in the tender document for their district.</p>
12	<p>No reply has been given in response to our several letters and even in response to our RTIs vague and delayed replies have been given by side tracking the main issue with ulterior object.</p>	<p>It is incorrect that the replies have not been given in RTI as no application/appeal of the complainant is pending in RTI.</p>
13	<p>Even after directions by Hon ble Additional Chief Secretary Women & Child Department to Hon ble Director Women & Child Department on 01.12.2017 to open our financial bid. The above bid has not been opened in Ambala till date. We even informed the department about the same via our letter dated 7.12.2017.</p>	<p>The complaint was received regarding not opening bid in Ambala district. The reply was submitted by department to W/ACS(WCD) who further recommended to file complaint to WCDM and the complaint was filed by WCDM.</p>

Sr No	Issues	Comments of the Department
14	Concerned officers have allegedly procured the food items at higher rates which have led to the loss of about 10 lakh per supply to the government	Purchase at district level is done by the District Level Purchase Committee under the Chairmanship of Additional Deputy Commissioner as per the terms and conditions of tender The complaint is illegal vague baseless and false and not based on the facts and is made with ulterior motives
15	We hope you will act fairly and consider our representations seriously and open our financial bid and recover the loss that has been done to the state exchequer from the concerned persons since we will avoid any legal action/remedies as available to us against this illegality	As the sister concern of the firms is blacklisted the firm can not participate in the tender accordance to instruction issued by Directorate Supplies and Disposals

From the facts given above it is crystal clear that firm Shiv Traders is sister concern of the blacklisted firms Goyal Enterprises Jindal Traders Jawala Traders and its security has been forfeited Hence the firm has concealed the facts of debar/blacklisting/ forfeiture of security as such liable to be prosecuted

Director
Women & Child Development Department
Haryana panchkula

The Committee again orally examine the departmental representatives and petitioner/applicant in its meeting held on 22 03 2018 after brief discussion the Committee direct the Principal Secretary Women and Child Development to take a decision after hearing the petitioner/applicant to disposal off the representation of M/s Shiv Traders before 28 03 2018 Accordingly Principal Secretary to Govt Haryana Women and Child Development Department passed the order dated 27 03 2018 which reads as under

Order dated 27 03 2018

ORDER

Oral examination before Committee of Petition held on 22 3 2018 was attended The Committee of Petition had asked the Principal Secretary Women and Child Development to take a decision for disposal of the representation of M/s Shiv Traders before 28 3 2018 Consequently on the same day at 2 00PM the undersigned heard M/s Shiv Traders The undersigned also verified the record from the Office of OPO Ambala The undersigned also perused the detailed reply filed by DWCD for the petition of M/s Shiv Traders before the Committee of Petition In furtherance the petitioner also

produced RTI reply from the OPO Ambala bearing No 7292 dated 06 11 2017 This RTI reply was given by OPO Ambala to an RTI query filed by M/s Shiv Traders on 27 09 2017

The core contention of the petitioner was that they were disqualified in the technical Bid vide para IX of the Part A of the Tender form The para IX is reproduced below

Affidavit on non judicial stamp paper of RS 10/ duty attested by the 1st Class Magistrate & Oath Commissioner regarding the acceptance of all the conditions of NIT and that the firm has not been blacklisted / suspended / forfeiture of EMO / debarred/disqualify and fresh affidavit undertaking may be obtained clearly specifying the time/years

The petitioner contended that as per the para IX of the form an agency should not have been black listed/ suspended/ forfeiture EMO/ debarred / disqualified The petitioner contended that only their security was forfeited which clearly means there Agency clearly fix into the requirement of para IX of technical bid From the RTI reply obtained by them they also contended at para a of the term and conditions of the tender form the security deposit is a minor aspect which is not mentioned in the technical bid conditions Therefore the petitioner contended that their technical bid should not have been rejected

The office of OPO also produced before meeting a letter from OPO Fatehabad to M/s Shiv Traders bearing No 3593 dated 18 11 2015 wherein a security amount of Rs 1 18 355/- has been forfeited for the failure of the firm for not supplying Chana Dal On a detailed reading of the technical bid para XII of the tender form is reproduced below

The performance certificate must be attached issued by the department/ organization satisfied with the supply of that firm for last two years (i.e 1/4/15 to 31/03/16 & 1/4/16 to 31/3/17)

It is found that M/s Shiv Traders Firm were expected to produce performance certificate from the district Fatehabad which they have concealed The letter dated 18 11 2015 which mentioned about forfeiture of security for non supply of Chana Dal shows that the performance of the firm is not to the satisfaction of the department wherein the OPO Fatehabad had forfeited their Security

I have found that the petitioner has not come with clean hands and merely by mentioning text at para IX the petitioner cannot escape his lack of performance of supply of required material to the department at Para XII The petitioner has also not obtained performance certificate from Fatehabad and had concealed facts I found no merit in the petition of the firm M/s Shiv Traders and reject their request

Dated 27 3 2018

sd/

Principal Secretary to Govt Haryana
Women & Child Development Department

Endst No

Dated 27 3 2018

A copy is forwarded to the following for information and necessary action

- 1 Sh Rampal (R P Goel) Prop Shrv Traders clo # 231/A HBC Model Town Jind road Kalthal
- 2 Secretary Haryana Vidhan Sabha
- 3 Director Women & Child Development Department, Haryana
- 4 PS/PSWCO

Superintendent Social Welfare
for Principal Secretary to Govt Haryana
Women & Child Development Department

The Committee further orally examined the department representatives and petitioner on 28 03 2018 and give following recommendations

समिति की सस्तुति

पैटीशन कमेटी के सदस्यो ने दोनो पक्षों को सुना। 6 महीने पहले 25 09 2017 को 6 महीने की सप्लाई के लिए टैंडर मागे गये थे जो अवधि पूरी हो चुकी है। अब इस एडवांस स्टेज पर विभाग ने यह जानकारी दी है कि सप्लाई ली जा चुकी है इसलिए इस पर कोई भी आदेश दिया जाना वाजिब नहीं रहेगा। दिनांक 22 03 2018 को पैटीशन कमेटी ने विभाग को यह आदेश दिया था कि अगर सप्लाई नहीं ली गई है तो इसके बाद वह आगामी आदेशों तक नहीं ली जानी चाहिए। अब प्रिंसीपल सैक्रेटरी विभाग से इसकी जानकारी लेकर पैटीशन कमेटी को लिखित में दे कि क्या 22 03 2018 से 28 03 2018 के बीच में विभाग द्वारा कोई सप्लाई ली गई या नहीं ली गई है। इस तरह से इस पैटीशन को डिस्पोज्ड ऑफ किया जाता है।

The petition/representation was disposed off accordingly in its meeting held on 28 03 2018

9 PETITION/REPRESENTATION RECEIVED FROM SHRI S N BANSAL, LAB TECHNICIAN (AUTO), VTI, ROHTAK, REGARDING GRANTING OF PENSION ON 1st OF EVERY MONTH

The Petition received from Sh S N Bansal is reads as under

प्रतिष्ठा में

परम आदरणीय श्री घनश्याम दास जी (विधायक)
चेयरमैन पिटीशन कमेटी
विधान सभा चण्डीगढ़।

विषय — वी०टी०आई० रोहतक में 17-02-2011 को B O M की मितिग में हुये फैसले को पूर्णतया लागू करवाकर मेरी फोरमैन (आटो) के पद पर पदोन्नती व बकाया सभी बनेफिट्स दिलवाने बारे।

श्रीमान जी

मैंने आपके यहाँ श्री B B Batra जी के दरबार में प्रार्थना की थी। उनके तुरन्त आदेश से मुझे 10 महीने बाद पैन्शन व ग्रेच्युटी मिली थी। फिर दुबारा मुझे प्रार्थना करने पर पैन्शन व ग्रेच्युटी रिवाइज करके व दो बार जानबूझ कर सस्पेंड किया गया था उसकी राशि बिना ब्याज के दी गई जबकि मुझे 1 लाख 25000/- हजार रुपये पैन्शन फण्ड में ब्याज जमा करवाया गया तथा पैन्शन 10 महीने देरी से मिलने के कारण मेरा 2 लाख 30 हजार रुपये के ब्याज (प्लेट चारीदने बारे) की हानि हुई है।

श्रीमान जी मैंने तथ्यो सहित सैकड़ों पत्र मैनेजमेंट प्रिंसीपल निदेशक निदेशक तकनीकी शिक्षा विभाग वित्तायुक्त एव सचिव तकनीकी शिक्षा विभाग को लिख चुका हूँ। परन्तु पता नहीं विभाग के कर्मचारी या अधिकारी एक्शन लेने को तैयार नहीं होते जबकि अन्य कर्मचारियों को अनैतिक लाभ प्रमोशन इत्यादि दिये हुये हैं जो मैं आपके समक्ष पेश करूंगा। श्रीमान जी वी०टी०आई० में सबसे ज्यादा मेरे साथ अन्याय किया गया है। जिसके कारण मुझे मकान का किराया घर का खर्चा चलाना दवाई इत्यादि के लिए मुश्किल का सामना करना पड़ता है।

श्री मान जी मेरी पैन्शन ग्रेच्युटी व जानबूझ कर दो बार (मनमोहन गोयल व श्री रामचेत तायल द्वारा) सस्पेंड की गई Salary पैन्शन व ग्रेच्युटी का लाभ दिलवाने के लिए पिटीशन कमेटी के पूरे स्टाफ का आभार प्रकट करता हूँ व आजीवन आभारी रहूंगा।

श्रीमान जी

17-02-11 को B O M की वी०टी०आई० मितिग में हुये फैसले में चार सरकारी अधिकारी भी मौजूद थे जो FCTE DTE AICTE की तरफ से रिप्रेजेंट कर रहे थे। परन्तु चेयरमैन B O M श्री राकेश गोयल जो वर्तमान प्रधान मनमोहन गोयल के चाचा का लडका है ने षडयंत्र रचकर व रचवाकर मेरे बनेफिट्स देना तो दूर बल्कि पैशन व ग्रेच्युटी भी रोकवा दी थी। श्री मान जी आपके यहाँ से आदेश होने पर तुरन्त जारी करनी पड़ी। प्रमाण के तौर पर मैं कुछ पत्र साथ सलग्न कर रहा हूँ जो प्रमाणित करते हैं कि मेरे समय-2 पर कैसे-2 तरीके से अन्याय भेदभाव किया गया है।

मुझे आशा ही नहीं पूर्ण विश्वास है कि आपके हाथों मुझे शीघ्र न्याय (मेरे सभी बनेफिट्स फिर से ब्याज सहित) मिलेगा ताकि मैं भी एक छोटी सी झोपड़ी बना कर अपना बच्चा सहित गुजर-बसर कर सकूँ। इसके लिए मैं आप सभी का सदैव आभारी रहूंगा।

आपकी कृपा का पात्र व आशावादी

एस०एन०बसल (वरिष्ठ नागरिक (63))

कर्मशाला अनुदेशक आटो वी टी आई रोहतक

C/o श्री आजाद सिंह सैनी RZ 7

नियर गुडविल पब्लिक स्कूल सुररूपररोड

नई दिल्ली -110043

The Petition was placed before the Committee in its meeting held on 11 06 2014 and the Committee considered the same and decided that said petition/representation may be sent to the concerned Department for sending their comments within a period of 15 days. The Committee does not receive any reply from the department. Thereafter Committee orally examine Departmental representative and Petitioner in its meeting held on 20 10 2018 and department submit its reply which reads as under

Regd

From

Director General
Technical Education Department
Sector 1 Chandigarh

Memo No E 16(55)2018/746
Dated 18 12-2018

/Admn

Subject Estt Sh S N Bansal (Retd) Vaish Technical Institute, Rohtak Speaking Order thereof

Kindly refer to the subject noted above

2. In view of the orders of the Petition Committee vide memo no HVS/Petition/385/2018 19/25562 dated 28 11 2018 Sh S N Bansal (Retd) Workshop Instructor employee of Vaish Technical Institute Rohtak was given personal hearing on 02 11 2018 by the Director General and the Speaking Order dated 17 12 2018 has been passed. A copy of the same is enclosed herewith for kind information and further necessary action in the matter

DA/as above

Joint Director (Admn)
for Director General Technical Education
Haryana Panchkula

**HARYANA GOVERNMENT
TECHNICAL EDUCATION DEPARTMENT
ORDER**

No 01

Dated 17 12 2018

Sh S N Bansal who has retired as Workshop Instructor VTI Rohtak on 29 02 2012 filed a petition before the Petition Committee Haryana Sabha regarding the claims for pay fixation as Workshop Instructor w e f 01 03 1988 promotion to the post of Foreman Instructor w e f 03 11 1997 and subsequent benefits of revised pension/gratuity on account of pay scale revision from time to time and the interest thereof. The matter came for hearing before the Petition Committee Haryana Vidhan Sabha for oral examination on 23 10 2018. On the basis of oral submissions and earlier reply of the department vide memo no E 16(55)-2016/244/Aided dated 11 07 2016 on his earlier

representation dated 13 06 2016 to the committee the Paetition Committee vide their memo no HVS/Pension/385/2018 19/25562 dated 28 11 2018 ordered that Sh S N Bansal (Retiree VTI Rohtak) shall submit a new application with detailed facts regarding the grievances/claims to the Department for consideration and the Director General shall hear him in person and decide his grievances/claims within 15 days

Accordingly personal hearing was granted to Sh S N Bansal (Retiree VTI Rohtak) on 02 11 2018 at 03 00 PM During the personal hearing he made oral submission regarding the claims for pay fixation as Workshop Instructor w e f 01 03 1998 promotion to the post of Forman Instructor w e f 03 11 1997 and subsequent benefits of received pension/gratuity on the ground of pay scale revision from time to time and interest thereof and requested for some time for making a detailed written representation in this regard which was submitted by him on 12 11 2018

After going through the facts of the case, records available and submission made by the Sh S N Bansal (Retiree VTI Rohtak) in his representation and during the personal hearing regarding the claims for grant of pay fixation as Workshop Instructor w e f 01 03 1988 promotion to the post of Forman Inatructor w e f 03 11 1997 and subsequent benefits of revised pesion/gratuity on the gound of pay scale revision form time to time and the interest thereof has been considered by me as under

(i) Vide his application dated 27 02 1997 Sh S N Bansal requested to count his services as Workshop Instructor w e f 01 03 1988 instead of 23 11 1990 stating that he will not claim any arrear of above said period on this account i e from 30 06 1989 to 22 11 1990 Accordingly vide order dated 03 03 1997 his promotion as Workshop Instructor (Automobile) was treated by management of the institute with retrospective effect form 01 03 1988 but without any arrear on this account This was challenged by Sh Mohinder Sharma in Civil Suit No 676/1997/2000 in th court of Civil Judge (Jr Div) Rohtak and which was disposed off vide judgement dated 09 09 2002 The operative part of which is re produced as *it is ordered that the suit of the plaintiff is decreed in his favour with the effect that the letter dated 03 03 1997 of the defendant given the operation to his letter Regarding seniority no relief of seniority is granted in favour of plaintiff as the same is to be taken up by the defendant as per rule governing then There are no orders as to cost* The defendant no 4 was Sh S N Bansal (Retiree VTI Rohtak) in the above civil suit Accordingly his request for the fixation of pay on the promoted post Workshop Instructor w e f 01 03 1988 was declined

(ii) Sh S N Bansal (Retiree VTI Rohtak) Workshop Instructor was promoted to the post of Foreman Insturctor (Auto) on unsanctioned post of Forman Instructor by the management in Aided course on his application dated 28 10 1997 w e f 03 11 1997 In view of the objection by the Technical Education Department the management vide their office order PB 999/98 dated 17 03 1998 cancelled his promotion as Foreman Instructor in Automobile Engineering Department w e f 03 11 1997 on the ground of non existence of sanctioned post and budget provisions in the institute Sh S N Bansal (Retiree Employee) filed CWP no 4199 of 1998 in the Hon ble Punjab

and Haryana High Court orders dated 27 10 1998 a speaking order dated 01 04 1998 was passed and he was demoted to the post of Workshop Instructor Further the above speaking orders dated 01 04 1999 has been challenged by him in the Hon ble High Court in CPW no 5513 of 1999 and this case is pending for regular hearing Therefore he has not been promoted as Foreman Instructor as the matter is subjudice

Keeping in view above facts and submissions I am of the considered view that his claim for grant of pay scale of Workshop Instructor w e f 01 03 1998 cannot be acceded to as the same has been rejected by the Hon ble court in Civil Suit No 676/1997/2000 titled Mohmder Sharma V/S Vaish Technical Institute Rohtak and others The other issue related to promotion to the post of Forman Instructor Rohtak and others The other issue related to promotion to the post of Foreman Instructor is pending before the Hon ble High Court in CPW No 5513 of 1999 and admitted for regular hearing and hence cannot be considered at this stage till final decision Further the request for revised pension/gratuity cannot be considered till finalization of the court case

I therefoe order accordingly

Dated 17 12 2018

A Sreenivas IAS
Director General
Technical Education Department
Haryana (Panchkula)

To

Sh S N Bansal Workshop Instructor (Retired)
VTI Rohtak

After prsuing the reply of deparment the Committee made following observation which reads as under

OBSERVATION DATED 05 01 2019

Memo No E 16 (55) 2018/746/Admn dated 18 12 2018 received from the Director General Technical Education Department Haryana Panchkual regarding Estt Sh S N Bansal (Retd) Vaish Technical Institute Rohtak sending therewith the Speaking Order dated 17 12 2018 was placed before the Committee After going through the Speaking Order dated 17 12 2018 the Committee observed that issue related to promotion of the petitioner as Foreman Instructor is also pending before the Hon ble High Court in CWP No 5513 of 1999 As the Sub judice issue could not be taken up for condideration hence the Committee decided to dispose off this petition

Petition is dispose of accordingly in its meeting held on 05 01 2019



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