NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/11

To consider the representation of Dr. Rakesh Kumar Deepak, Assistant Professor in the Department of Transplant Immunology & Immunogenetics, AIIMS, for reconsideration of his promotion to the next Grade of Associate Professor under assessment promotion scheme (APS) at AIIMS, New Delhi

NOTE FOR THE GOVERNING BODY

Item No. GB/159/11 144

SUBJECT: TO CONSIDER THE REPRESENTATION OF DR. RAKESH KUMAR DEEPAK, ASSISTANT PROFESSOR IN THE DEPARTMENT OF TRANSPLANT IMMUNOLOGY & IMMUNOGENETICS, AIIMS, FOR RECONSIDERAION OF HIS PROMOTION TO THE NEXT GRADE OF ASSOCIATE PROFESSOR UNDER ASSESSMENT PROMOTION SCHEME (APS) AT AIIMS, NEW DELHI.

****

1. **INTRODUCTION**

1.1 Dr. Rakesh Kumar Deepak was initially appointed on 04.11.2016 in the capacity of Assistant Professor of Transplant Immunology & Immunogenetics, at AIIMS, New Delhi.

1.2. Dr. Rakesh Kumar Deepak become eligible for the promotion to the next grade i.e. Associate Professor of Transplant Immunology & Immunogenetics for the batch of 01.07.2020 after completion of a period of 3 years service.

1.3. He had appeared before the Standing Selection Committee for the promotion to the grade of Associate Professors under Assessment Promotion Scheme (APS) on 24.07.2021.

1.4 He was found 'UNFIT' by the Standing Selection Committee for promotion to the grade of Associate Professor of Transplant Immunology & Immunogenetics, AIIMS, New Delhi.

1.5 Dr. Rakesh Kumar Deepak, Assistant Professor of Transplant Immunology & Immunogenetics vide his representation/letter dated 20.09.2021 has made representation against his not being promoted (**Annexure-I**). He has stated that "He fulfill the required criteria for promotion to Associate Professor as evidenced by his ACRs, his publications and research projects as detailed below:-

1. ACR grading "Outstanding" throughout the period.
   He has published three research papers with two as first author and one as co-author. Two more articles have been submitted.
2. Three intramural research grants as Principal Investigator (Total funding: 40 Lakhs)
3. He is also the Co-PI in eight collaborative research projects.
4. He is involved as a Co-Inv. in the collaborative development of an "Integrated Medical Device for remote monitoring of NCDs between IIT,

Kharagpur and AIIMS, New Delhi. A patent application has been filed for this device of which he is a joint holder.

5. He is also informed as a Co-Inv. In two ongoing clinical trials featuring adjunct therapies for Tuberculosis.

6. He is looking for after the Primary Immune Deficiencies and for the Haematological Transplant Services as the designate faculty member of their departments.

7. He has also serving as the Nodal Officer – Covid-19 for the past two years.

8. He has also been serving as Nodal Officer – Fire Safety of his department for the past three years.

"All the above and more had clearly been outlined in his application and presentation during his interview, he is a physically handicapped person and it is not possible for him to walk over 100 steps at a constant pace. Yet, he cover the distance of over 800 metres between his office and his lab twice a day daily and has managed to accomplish the above mentioned in the past five years. He has been declared as Unfit which is very surprising and totally incomprehensible to him. He strongly feel that he has been inappropriately denied his due promotion on grounds beyond his comprehension and therefore, requested to take corrective measures at your end and to restore his faith and dedication to the Institute".

2. ADMINISTRATIVE COMMENTS

The reason of not promoting Dr. Rakesh Kumar Deepak as recorded in the Standing Selection Committee's minutes are as bellow:- **(Annexure-II)**

"The technical experts observed that Dr. Rakesh K. Deepak had very little knowledge of his subject. Publications were very few and he was not well versed in his own work which he has published. His performance in the interview was also poor. Based on these observations, the selection committee recommended that Dr. Rakesh Kumar Deepak be declared "UNFIT" for promotion to the grade of Associate Professor of Transplantation Immunology & Immunogenetics".

2.2 In this regard, it is submitted that Institute Body vide Agenda Item No. IB/5 in its meeting held on 15.01.1997 had discussed the issue of as to how to deal with representations of faculty who are declared 'UNFIT' in APS and other issues related to selection of faculty.

A Sub-Committee had been constituted earlier for making selection transparent and more participatory at the AIIMS, New Delhi.

The relevant part of recommendation of this Sub-Committee which was also considered is as under:- 146

"In case of appeals, the Governing Body should scrutinize the appeals as to whether they should be entertained. If any appeal/ representation has a reasonable basis, the same should be referred back to the full Selection Committee for reconsideration and the experts assisting the Committee during reconsideration, should not be the same who participated in the original selection.

The appellant should invariably be given an opportunity of personal hearing by the Selection Committee".

2.3 Institute Body accepted recommendations of Sub-Committee in this matter. Institute Body however added that in appeal(s), when the cases are referred back to the Selection Committee by the Governing Body the individual may be interviewed with new technical experts.

The copy of Institute Body agenda and minutes are at **Annexure-III.**

The said decision was confirmed by the Institute Body in its meeting held on 17.06.1998 (**Annexure-IV**).

3. APPROVAL SOUGHT

In view of the above, the representation of Dr. Rakesh Kumar Deepak, Assistant Professor of Transplant Immunology & Immunogenetics, AIIMS, New Delhi to review the decision of Standing Selection Committee declaring him 'UNFIT' is placed before the Governing Body for consideration.

DIRECTOR, AIIMS, NEW DELHI has approved the submission of this matter to Governing Body for consideration and further orders.

****

Annexure-I

निदेशक कार्यालय, अ.भा.आ.सं. प्राप्त किया 782377 16 OCT 2021 DIRECTOR OFFICE AIIMS RECEIVED 18/10/2021

21/10/2021 377

Computerised FTS No. 2361999 Date 14/10/2021

147

Dated: 20 September, 2021

स्वास्थ्य एवं परिवार कल्याण मंत्रालय कार्यालय/Office R&I Ministry of Health & F.W., New Delhi FTS No. 2361999 Date 14/10/2021

प्राप्त किया/RECEIVED निदेशक (प्रशा.) कार्यालय अ.भा.आ.सं. Director (Admn.) Office AIIMS 16 OCT 2021

To
The President
AIIMS, New Delhi

Sub: Regarding result of Promotion to the grade of Associate Professor under the APS for the batch of 01.07.2020 at AIIMS, New Delhi.

Respected Sir,

In response to the letter bearing No.F.11-2/2020-Estt.I., dated 16-Jun-2021, I (*Dr Rakesh Kumar Deepak, Assistant Professor, Dept of Transplant Immunology & Immunogenetics, AIIMS, New Delhi*) had applied for promotion to the grade of "Associate Professor" and appeared for the APS interview held on 24-07-2021. However, I was dismayed to see myself declared as "Unfit" in the result for the same on 15-09-2021.

Sir, as I understand, I fulfil the required criteria for promotion to Associate Professor as evidenced by my ACRs, my publications and research projects as detailed below:

1. ACR grading "**Outstanding**" throughout the period.
2. I have published three research papers with **two as first author** and one as co-author. Two more articles have been submitted.
3. **Three intramural research grants as Principal Investigator (Total Funding: 40 lakhs)**
4. I am also the Co-PI in eight collaborative research projects.
5. I am involved as a Co-Inv. in the collaborative development of an "*Integrated Medical Device for remote monitoring of NCDs*" between IIT, Kharagpur and AIIMS, New Delhi. **A patent application has been filed for this device**, of which I am a **joint holder.**
6. I am also involved as a Co-Inv. in two ongoing clinical trials featuring adjunct therapies for Tuberculosis.
7. I am looking for after the Primary Immune Deficiencies and for the Haematological Transplant (IRCH) Services as the designate faculty member of our department.
8. I have also serving as the **Nodal Officer – Covid-19** for the past two years.
9. I have also been serving as **Nodal Officer - Fire Safety** of my department for the past three years.

All of the above and more had clearly been outlined in my application and presentation during my interview. Sir, I am a **physically handicapped person** and it is not possible for me to walk over 100 steps at a constant pace. Yet, I cover the distance of over 800 metres between my office and my lab twice a day daily and have managed to accomplish

the above mentioned in the past five years (notwithstanding the two years of covid-19). Still, I have been declared as "Unfit" which is very surprising and totally incomprehensible to me.

I strongly feel that I have been inappropriately denied my due promotion on grounds beyond my comprehension and therefore, I request you to take corrective measures at your end and to restore my faith and dedication to the institute.

Sincerely,

Rakesh

राकेश कुमार दीपक
RAKESH KUMAR DEEPAK
सहायक आचार्य
Assistant Professor
प्रतिरोपण प्रतिरक्षा विज्ञान एवं प्रतिरक्षा आनुवंशिकी विभाग
Deptt. of Transplant Immunology & Immunogenetics
अ.आ.सं., अंसारी नगर, नई दिल्ली -29
A.I.I.M.S., Ansari Nagar, New Delhi-29

Dr. Rakesh Kumar Deepak

CC: Director AIIMS, New Delhi

Encl:

1. ACR
2. PUBLISHED PAPERS
3. RESEARCH GRANTS
4. LIST OF RESEARCH PROJECTS (AS Co-INVESTIGATOR)
5. FILED PATENT DOCUMENT

PART-IV

I. REPORTED BY ACCEPTING AUTHORITY:

1. Do you agree with the officer's own account as recorded in this report?

2. Do you agree with the observations of the Reporting Officer/ Reviewing Officer?

3. Do you agree with the Reporting/Reviewing Officer's over assessment of the officer reported upon?

4 Assessment of Integrity. Without a doubt

5. Has the officer been informed of any markings below "Normal" with which you agree, if he/she has not been, please given reason thereon?

6. General remarks by the Accepting Authority including a note of any particular achievement during the assessment period.

Outstanding

Signature of Accepting Officer ..... Prof. Pradeep Gulati
(with Official seal) निदेशक/Director
अखिल भारतीय आयुर्विज्ञान संस्थान
All India Institute of Medical Sciences
अंसारी नगर, नई दिल्ली-29
Ansari Nagar, New Delhi-110029

Designation.....

Date: ...03.10.2020.....

Note: The Accepting Authority should normally discuss, in case the adverse markings which are below "Normal" with the Reporting Officer/Reviewing Officer and should make suggestions for improvement, to the reporting officer and, if necessary, the officer reported upon should be counseled thereon, record his remarks/adverse remarks below bench mark against Column.

IV. PROFESSIONAL COMPETENCE

i. General professional knowledge whether wide, thorough and up to date. 9/10

ii. Competence in clinical skills or laboratory skill pertaining to his discipline. 9.5/10

V. ADMINISTRATIVE ABILITY

i. Organizing ability - 9/10

ii. Initiative and drive - 9.5/10

iii. Capacity to work in a team. 9.5/10

iv. General administrative efficiency. 9.5/10

VI. Assessment of the Officer's overall work his/ her particular position

Exceptionally brilliant/Outstanding/ Well above the average standard/Good average man/ The average man fairly competent but without special ability or initiative/ Insufficient initiative and capacity for work without constant supervision/ Indifferent but just worth retaining/ Not worth retaining in the present position.

GENERAL REMARKS

(Make any general comments you think desirable e.g. special remarks on any characteristics not brought out. Do you agree with the officer's own account of work recorded in this report or is there anything you wish to modify or add)?

Outstanding officer. Works in a Positive manner.

Signature of Reporting Officer .....
(with Official seal) Dr Pradosa Kumar Mishra

Designation Professor & H.O.D

Date: 27.12.2019

Dr. D. K. Mishra, M.D.
Deptt. Medicine & Transfusion
Medicine & Immunology
Govt. Medical College, Hal...

Signed By	Designation	Place	Signed On
Dipendra Kumar Mitra	Head of Department	Delhi	29-Sep-2020

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Part 3: Reported by Reviewing Officer

3.1: Do you agree with the officer's own account as recorded in this report?

YES

3.2: Do you agree with the observations of the Reporting officer?

YES

3.3: Do you agree with the reporting officer's overall assessment of the officer reported upon/ Column VI of the Part II.

YES

3.4: Assessment of Integrity.

HIGH INTEGRITY

3.5: Has the officer been informed of any markings below 'Normal' with which you agree? If he/she has not been, please state why?

NA

3.6: General remarks by reviewing officer, including a note of any particular achievement.

OUTSTANDING

Remarks:-

Content available at: https://www.ipinnovative.com/open-access-journals

Indian Journal of Pathology and Oncology

Journal homepage: www.ijpo.co.in

Original Research Article

Evaluation of cytokines during the loosening of prosthesis in knee and hip replacements

Rakesh Kumar Deepak[1,*], Abhinav Saurabh[1], Lata Kumari[1], Deepak Gautam[2], Rajesh Malhotra[3]

[1] *Dept. of Transplant Immunology & Immunogenetics, All India Institute of Medical Sciences (AIIMS), New Delhi, India*
[2] *Dept. of Orthopaedics, All India Institute of Medical Sciences, New Delhi, India*
[3] *Dept. of Pathology, All India Institute of Medical Sciences, New Delhi, India*

ARTICLE INFO

Article history:
Received 15-10-2020
Accepted 03-11-2020
Available online xx xx xxxx

Keywords:
Arthroplasty
Total knee arthroplasty
Total hip arthroplasty
Aseptic loosening
Debrisinduced inflammation !

ABSTRACT

Total hip and total knee joint arthoplasty has become a successful orthopaedic intervention for relieving joint pain and functions. However, over the time problems may occur due to implant wear and loosening as well as due to chronic inflammation induced by increased level of bone resorbing cytokine(s) level. This study was undertaken to evaluate the level of cytokines in patients with painful THA/TKA without any sign of lysis around the implant. These patients were further planned for revision arthoplasty. We did not observe any such significant change in hematological, biochemical parameter and signs of lysis among the groups. However, a storm of bone resorbing cytokine level was observed in patients with revision arthoplasty at baseline. Furthermore, this increased level of cytokines remained sustained for early time point of revision arthoplasty. Although, with time, the level of these cytokines decreased but was still observed to be on the higher side when compared with the accident arthoplasty group of patients. The bone resorbing cytokine(s) level remained stable in the accident arthoplasty group of patients throughout the study period. However, the arthoplasty group of patients were observed to take longer time for normalization of cytokine storms. Our results suggest that continuous monitoring of bone resorbing cytokine(s) level in patients with arthoplasty is essential for evaluation of successful implants.

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1. Introduction

Total hip and total knee joint arthoplasty (THA and TKA) is essential to improve the quality of life in terms of regaining of compromised physical activity and reliving pain of affected individuals. It is one of the most successful and cost effective intervention in orthopaedic practice where there is chronic refractory joint pain association.[1–3] There are several conditions: osteoarthritis, inflammatory arthritis, fracture malignancy, dysplasia and other in which either/both TKA and THA are considered as a treatment option.[4,5] The prevalence of total replacement is higher in women than in men and also higher in increased aged group than the early age group individuals.[6,7] The successful outcome of total arthoplasty depends on disease condition, age, gender, body weight and race etc.

The main complications after total replacement includes: dislocation, fracture, infection, lysis and loosening of bones, etc. The need for late revision of implant is mostly due to mechanical wear and loosening of bone. However, the need for early revision is mostly due to prosthetic joint infection (PJI) and instability of implant at the local site.[8,9] In spite of all careful management to evade the possible source of infection, it is estimated that the occurrence of 1.7% PJI in primary hip arthoplasty and 2.5% in primary knee arthoplasty. The majority of PJI are associated with intraoperative contamination of implanted appliance that has been used. The contaminated implanted appliances in host body elicit the local innate host response that helps in

* *Corresponding author.*
E-mail address: rakeshdeepak2008@gmail.com (R. K. Deepak).

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To
Rakesh Kumar Deepak
Assistant Professor
Dept. of Pathology And Immunology
All India Institute Of Medical Sciences (AIIMS), New Delhi

Acceptance Date: 15.07.2021
Sub. Date: 25-06-2021
Pub. Month: Dec.2021

Subject: Article Acceptance Letter

Dear Author,
Thanking you for submission of your article Ref No. 11550

Journal Name:	Indian Journal of Pathology and Oncology
Indexing:	Index Copernicus, Crossref, IP-Indexing, Google Scholar, J-gate, Academia.edu, Researchgate etc.
Manuscript Title:	Update: Primary Immunodeficiency Disorders Among North Indian Children
Article Type:	Research Article
Author Name:	Rakesh Kumar Deepak, Prabin Kumar, Abhinav Saurabh, Narendra Bagri, Sonia Verma
Volume:	8
Issue:	4
Print-ISSN:	2394-6784,Online-ISSN:2394-6792

Congratulations on behalf of our editorial team for acceptance of your article for publishing by Innovative Publication. This letter will provide as our formal confirmation that this paper has been accepted for publication in our upcoming issue as mentioned above.

Looking forward for your further participation.

Best Wishes

[Anshu Chauhan]
Editorial Manager
IP Innovative Publication Pvt. Ltd.

Eur. J. Immunol. 2020. 00: 1–12

DOI: 10.1002/eji.201948283

Research Article

Improved Mycobacterium tuberculosis clearance after the restoration of IFN-γ^+TNF-α^+CD4$^+$T cells: Impact of PD-1 inhibition in active tuberculosis patients

Divya Kamboj[1], Pushpa Gupta[2], Mandira Varma Basil[3], Anant Mohan[4], Randeep Guleria[4], Anuj Bhatnagar[5], Girija Mehta[1], Prabin Kumar[1], Abhinav Saurabh[1], Rakesh Deepak[1], Deepshi Thakral[1], Pragya Misra[1], Rati Tandon[6], Umesh D Gupta[2] and Dipendra Kumar Mitra[1]

[1] Department of Transplant Immunology & Immunogenetics, All India Institute of Medical Sciences, New Delhi, India
[2] Animal Experimentation Laboratory, National JALMA Institute for Leprosy and other Mycobacterial Diseases, Agra, India
[3] Department of Microbiology, Vallabhbhai Patel Chest Institute, University of Delhi, Delhi, India
[4] Department of Pulmonary Medicine & Sleep Disorders, All India Institute of Medical Sciences, New Delhi, India
[5] Department of Chest & Tuberculosis, Rajan Babu TB Hospital, Delhi, India
[6] Jamia Hamdard-Institute of Molecular Medicine, Jamia Hamdard University, New Delhi, India

Prolonged therapy, drug toxicity, noncompliance, immune suppression, and alarming emergence of drug resistance necessitate the search for therapeutic vaccine strategies for tuberculosis (TB). Such strategies ought to elicit not only IFN-γ, but polyfunctional response including TNF-α, which is essential for protective granuloma formation. Here, we investigated the impact of PD-1 inhibition in facilitating protective polyfunctional T cells (PFTs), bacillary clearance, and disease resolution. We have observed PD-1 inhibition preferentially rescued the suppressed PFTs in active tuberculosis patients. In addition, polyfunctional cytokine milieu favored apoptosis of infected MDMs over necrosis with markedly reduced bacillary growth (≪CFU) in our in vitro monocyte-derived macrophages (MDMs) infection model. Furthermore, the animal study revealed a significant decline in the bacterial burden in the lungs and spleen of infected mice after in vivo administration of α-PD-1 along with antitubercular treatment. Our findings suggest that rescuing polyfunctional immune response by PD-1 inhibition works synergistically with antituberculosis chemotherapy to confer improved control over bacillary growth and dissemination. In summary, our data strongly indicate the therapeutic potential of α-PD-1 as adjunct immunotherapy that can rejuvenate suppressed host immunity and enhance the efficacy of candidate therapeutic vaccine(s).

Keywords: polyfunctional T cells · PD-1 · Treg cells · tuberculosis · immunotherapy

Additional supporting information may be found online in the Supporting Information section at the end of the article.

Introduction

Immune containment in TB is evident from the facts that (i) only few individuals develop active tuberculosis following *Mycobacterium tuberculosis* (*M.tb*) infection, (ii) individuals with immune-suppressed states such as concomitant HIV infection

Prof. Dipendra Kumar Mitra
e-mail: salilmitra2@gmail.com

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World Journal of Otorhinolaryngology-Head and Neck Surgery

Vitamin D deficiency and Interleukin levels in Allergic Rhinitis: A case-control study

--Manuscript Draft--

Manuscript Number: WJORL-D-21-00087

Article Type: Research Paper

155

Keywords: Allergic Rhinitis; Vitamin D; Interleukins; SNOT-22

Corresponding Author: Hitesh Verma.
All India Institute of Medical Sciences
INDIA

First Author: Smile Kajal

Order of Authors: Smile Kajal

Prazwal Shrestha

Yashdeep Gupta

Rakesh Deepak

Hitesh Verma

Abstract: Introduction: Various studies have shown a positive co-relation between Vitamin D deficiency and severity of Allergic Rhinitis (AR) based on subjective symptoms. AR is also associated with serum eosinophilia and raised levels of various interleukins (IL) - particularly IL-4, IL-5 and IL-13. Objective: To compare serum Vitamin D levels, IL-4 IL-5, and IL-13 levels, and eosinophilia in AR patients with healthy controls and co-relate disease severity using Sino-nasal Outcome Test-22 (SNOT-22) score in patients with Vitamin D deficiency. Methodology: 30 patients and 30 healthy controls were recruited. 10 ml blood sample was drawn from each patient and healthy control. It was then processed to evaluate absolute eosinophil count, serum levels of Vitamin D, and IL-4, IL-5, and IL-13. Results: 93.33 % of patients with AR and 70% of healthy controls had decreased Vitamin D levels (below 25 ng/ml). The mean Vitamin D leveis was 10.50 ± 2.34 ng/ml and 17.54 ± 2.84 ng/ml in the patient and control group, respectively (p = 0.001). But there was no significant co-relation between SNOT-22 score and Vitamin D level, and between interleukin levels in patient and control group. Conclusion: Vitamin D deficiency is associated with Allergic Rhinitis and therefore, checking Vitamin D levels in patients with AR can be considered as routine practice in outpatient clinics. However, co-relation between severity of Allergic Rhinitis and Vitamin D levels and the proven therapeutic role of Vitamin D in Allergic Rhinitis is still debatable and thus, requires large sample size randomised controlled trials.

Suggested Reviewers: Ankit Agrawal
drankit.agrawal91@gmail.com
Expert in reviewing papers with special interest in allergies/asthma

Opposed Reviewers:

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES
RESEARCH SECTION 156
ANSARI NAGAR, NEW DELHI 110029

No. F.8-740/A-740/2019/RS

Dated : _____

MEMORANDUM

Subject:- Sanction of Operative Approval for the Intramural Research project titl
Evaluation of donor specific antibodies (DSA), HLA typing and maj
histocompatibility complex (MHC) in the outcome of post heart transplan
rejection status: Clinicopathological study, Funded by AIIMS under the
RAKESH KUMAR DEEPAK, ASSISTANT PROFESSOR, Department
TRANSPLANT IMMUNOLOGY & IMMUNOGENTICS

The competent authority has been pleased to sanction Operative Appro
in respect of subject cited above for a duration of financial year 2019-20.

Further, this project has been registered in the Research Section vide Proje
Code No. A-740 which may be mentioned to all future correspondence relate
with the said project for quick disposal and all the bills pertaining to the abo
project may be submitted to Accounts Officer (Research Section) for further
action.

This Section will facilitate all support to uphold the noble profession in th
field of research to serve humanity.

Administrative Officer

DR. RAKESH KUMAR DEEPAK
ASSISTANT PROFESSOR
Deptt. of TRANSPLANT IMMUNOLOGY & IMMUNOGENTICS
AIIMS.

Copy to :- 1. Accounts Officer, Research Section. } for information.
2. Stores Officer, Research Section.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
RESEARCH SECTION

No.F.1-2/CRI-IRG/2018/RS

Ansari Nagar, New Delhi-29.
Dated: 18.05.2021

MEMORANDUM

Subject:- Decision on your Intramural Collaborative Research Project for the year 2020 – 2021.

Dear Dr. Sharma and Dr. Rakesh,

Your project entitled "Interrogation of human leukocyte antigen genetic variants in clinically, serologically and histologically defined subgroups of idiopathic inflammatory myopathies (IIMs)." has been reviewed by the External Project Review Committee.

The project has been approved for funding.

Reviewer Comments:

Reviewer-1 :- Its an interesting project with promise for generating valuable new insights in myositis especially in Indian patients, but a major concern is the projected limitation due to a very small sample size. The sample size (48) may preclude deriving statistically significant associations with HLA haplotypes. A statement on sample size calculation would have helped assess the possibilities.

Reviewer-2 :- The PI wants to study HLA genetics variants in well defined IIM . Though it is a doable project and may have some scientific merit. Some of the concerns are 1. Already a project is ongoing on similar subject by PI 'Clinicopathological and serological assessment of adult-onset idiopathic inflammatory myopathies (IIM) aimed at improved characterization of sporadic inclusion body myositis funded by ICMR where similar pathological and serological tests are being done. Since that project copy is not there it is difficult to judge the overlap 2. HLA typing in only 48 subjects may be too small to make any associations with autoantibodies or clinical phenotype as you will have small groups with different autoantibodies. Suggestion: HLA typing should be done for all 150 subjects and the money for serology should be removed as it anyway being done in ICMR project.

Operative Approval:

- The operative approval and funds will be given after submission of Institute Ethics Committee clearance/any other clearance if applicable.

Budget:

- Maximum permissible is Rs. 5 lakhs/year per P.I.
- Contingency (Stationary, Photocopy, Printing) and Staff not allowed.
- Please provide detailed budget with justification item wise.

(Dr. Vineet Ahuja)
Assoc. Dean (Research)

(Dr. Subrata Sinha)
Dean (Research)

Dr. Mehar Chand Sharma
Professor of Pathology

Dr. Rakesh Kumar Deepak
Assistant Professor, Transplant Immunology and Immunogenetics

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES
RESEARCH SECTION

F. No. 8-A-780/2020/RS

Date: 07.06

MEMORANDUM

Subject: Change of Principal Investigator of AIIMS Intramural Research Project (A-780)

****

A letter has been received from Dr. Sonia Verma (PI) regarding to change of P.I for the entitled "**Generation of 3D Breast Tumor Organoids as an in vitro Drug Screening Study Mod** 780. She stated that, she resigned from the Institute and transfer the project to Dr. Rakesh K D Assistant Professor of Transplant Immunology & Immunogentics, AIIMS. Presently, Dr. Rakesh K D is Co- Investigator in the above said project.

The competent authority recommends the request of Dr. Sonia Verma (PI), Scientist-I, Dept T.I.I, and permitted to Dr. Rakesh K Deepak, Assistant Professor of Transplant Immunolo Immunogentics, AIIMS to act as a Principal Investigator of the Intramural Research Project (A-780.

(Dr. Vineet Ahu
Assoc. Dean (Rese

Dr. Sonia Verma
Scientist-I,
Deptt. of T.I.I, AIIMS.

Dr. Rakesh K Deepak
Assistant Professor,
Deptt. of Transplant Immunology & Immunogentics, AIIMS

Copy to:

- Accounts Officer (Research)

Research Projects: Co-Investigator

1. To study the prevalence and clinical characteristics of Pediatric Multisystem Inflammatory Syndrome associated with COVID-19 Pediatrics / AIIMS

2. An evaluation of HLA, phagocytic function and trace elements in cases of sinusitis, invasive fungal sinusitis and non-invasive fungal sinusitis ENT / AIIMS

3. Association between immunological characteristics and clinical outcomes in COVID-19 patients Medicine/ AIIMS

4. To study the prevalence and types of refractory celiac disease, as well as to work out the best possible cost effective diagnostic panels, in a cohort of non responsive patients with celiac disease Pathology / AIIMS

5. Identification of metabolic markers in Rheumatic Heart Disease (RHD) with Atrial Fibrillation using untargeted LC/MS based Metabolic Approach Pathology/VMMC

6. Identification of the parabens modulated cellular signaling pathways in neutrophils TII/AIIMS

7. Genome wide transcription analyses in DR M.tb: Identification and Immunomodulation of novel targets. TII/AIIMS

8. To study the role of regulatory T cells in patients with colorectal cancer

9. Exosomes based immune profiling of Multi Drug Resistant(MDR) Tuberculosis" TII/AIIMS

FORM 1
THE PATENTS ACT 1970
(39 OF 1970)
&
The Patent Rules, 2003
APPLICATION FOR GRANT OF PATENT
[See Section 7, 54 & 135 and Rule 20 (1)]

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(FOR OFFICE USE ONLY)

Application No.	
Filing Date:	
Amount of Fee paid	
CBR No.	
Signature	

1. APPLICANT'S REFERENCE/ IDENTIFICATION NO. (AS ALLOTTED BY OFFICE)

2. TYPE OF APPLICATION *Please tick ([✓]) at the appropriate category+

Ordinary (✓)		Convention ( )		PCT-NP ( )	
Divisional ( )	Patent of Addition ( )	Divisional ( )	Patent of Addition ( )	Divisional ( )	Patent of Addition ( )

3A. APPLICANT

Name in Full	Nationality	Country of Residence	Address of the Applicant
ALL INDIA INSTITUTE OF MEDICAL SCIENCES, NEW DELHI	INDIAN	INDIA	Ansari Nagar, New Delhi-110029, India
BIOART AZURE RESEARCH & DEVELOPMENT PRIVATE LIMITED	INDIAN	INDIA	Module No.-533, SDF Building, Sector-V, Saltlake, Kolkata, West Bengal, 700091, India

3B. CATEGORY OF APPLICANT *Please tick ([✓]) at the appropriate category+

Natural Person ( )	Other Than Natural Person		
	Small Entity ( )	Startup ( )	Others (✓)

4. INVENTOR(S) *Please tick ([✓]) at the appropriate category+

Are all the inventor(s) same as the applicant(s) named above? Yes ( ) No (✓)

If "No", furnish the details of the inventor(s)

Name in Full	Nationality	Country of Residence	Address of the Inventor
MITRA, Dipendra Kumar	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi Ansari Nagar, New Delhi-110029, India
MALLICK, Kallol	INDIAN	INDIA	Bioart Azure Research & Development Private Limited, Module No.- 533, SDF Building, Sector-V, Saltlake, Kolkata, West Bengal, 700091, India
GULERIA, Randeep	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi, Ansari Nagar, New Delhi-110029, India
DEY, Aparajit Ballav	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi Ansari Nagar, New Delhi-110029, India
NARANG, Rajiv	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi Ansari Nagar, New Delhi-110029, India
MOHAN, Anant	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi Ansari Nagar, New Delhi-110029, India
DEEPAK, Rakesh Kumar	INDIAN	INDIA	All India Institute of Medical Sciences, New Delhi, Ansari Nagar, New Delhi-110029, India

5. TITLE OF INVENTION:
"DEVICE, SYSTEM AND METHOD FOR REAL TIME MONITORING AND ANALYSIS OF NON-COMMUNICABLE DISEASES"

6. AUTHORISED REGISTERED PATENT AGENT(S)	IN/PA No.	1311
	Name	Dr CHITRA ARVIND
7. ADDRESS FOR SERVICE OF APPLICANT IN INDIA	Name	LEX IP CARE LLP
	Postal Address	212, B Block, Unitech Business Zone, Nirvana Country, Sector-50, Gurgaon -122018, Haryana, INDIA
	Telephone No.	0124-4252014
	Mobile No.	+91-9910048689

MINUTES OF 2ND PHASE OF THE MEETING OF THE STANDING SELECTION COMMITTEE HELD FROM 24TH TO 26TH JULY, 2021 IN THE COMMITTEE ROOM OF THE DIRECTOR, A.I.I.M.S., NEW DELHI

Annex-II

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CONTAINING ITS RECOMMENDATIONS

PROCEEDINGS OF DAY ONE - SATURDAY THE 24TH JULY, 2021

The following is the composition of the Standing Selection Committee :-

01	Dr. D. S. Rana	Chairman
02	DR. Sunil Kumar	Member
03	Prof. Deelip Govind Mhaisekar	Member
04	Dr. Amit Khare	Member
05	Dr. Mahesh B. Patel	Member
06	Dr. N. Gopalakrishnan	Member
07	Dr. Randeep Guleria	Member-Secretary

The following members could not attend the meeting:-

1.	Dr. Sunil Kumar	Member
2.	Dr. Amit Khare	Member

Contd.. .....Page-2

7 ASSOCIATE PROFESSOR OF PLASTIC SURGERY UNDER [illegible]

Dr. Manoj Jha, Professor of Burns, Plastic and Maxillofacial Surgery, PGIMER & R.M.L. Hospital. New Delhi – 110 001 (joined meeting in person) and Dr. Rajiv Agarwal, Professor & Head & Chief, Department of Plastic Surgery & Burns, SGPGIMS, Lucknow (joined meeting via zoom meeting, virtual mode) assisted as Technical Advisors/Experts.

The recommendations of the Standing Selection Committee for promotion to the grade of Associate Professor of Plastic Surgery under Assessment Promotion Scheme are as under:-

Sl. No.	NAME OF CANDIDATE	BATCH	RECOMMENDATIONS (FIT/UNFIT)
01.	DR. RAJA TIWARI	01.07.2020	FIT
02.	DR. SHASHANK CHAUHAN	01.07.2020	FIT
03	DR. RAJ KUMAR MANAS	01.07.2020	FIT
04	DR RAKESH DAWAR	01.07.2020	FIT

8 ASSOCIATE PROFESSOR OF TRANSPLANT IMMUNOLOGY & IMMUNOGENETICS (UNDER ASSESSMENT PROMOTION SCHEME)

Dr Sunil K Arora, Professor, Department of Immunopathology & Head, Department of Translational & Regenerative Medicine, PGIMER, Chandigarh (joined meeting via zoom meeting, virtual mode) and Dr Anurag Agarwal, Director, CSIR-IGIB, Institute of Genomics & Integrative Biology, University of Delhi (North), Delhi – 110 007 (joined meeting in person) assisted as Technical Advisors/Experts.

The recommendations of the Standing Selection Committee for promotion to the grade of Associate Professor of Transplant Immunology & Immunogenetics under Assessment Promotion Scheme are as under :-

Sl. No	NAME OF CANDIDATE	BATCH	RECOMMENDATIONS (FIT/UNFIT)
01	DR. UMA KANGA	01.07.2020	FIT
02	DR RAKESH KUMAR DEEPAK	01.07.2020	UNFIT

Contd..... .....Page-6

The technical experts observed that Dr. Rakesh K Deepak had very little knowledge of his subject. Publications were very few and he was not well versed in his own work which he has published. This performance in the interview was also poor. Based on these observations, the Selection Committee recommended that Dr. Rakesh Kumar Deepak be declared "UNFIT" for promotion to the grade of Associate Professor of Transplant Immunology & Immunogenetics.

Proceeding of first day of the 2nd Phase of the meeting of the Standing Selection Committee ended with a vote of thanks to the Chair.

****

Annex.-III

No.F.14-3/69(96)-Estt.I

NOTE FOR THE INSTITUTE BODY

Item No.IB/__5

TO CONSIDER THE SUGGESTIONS OF THE SUB-COMMITTEE FO MAKING SELECTIONS TRANSPARENT AND MORE PARTICIPATORY A THE A.I.I.M.S., NEW DELHI.

****

The President, AIIMS in the meeting of the Institut Body held on 21st August, 1996 while considering the action take on the minutes of the Institute Body meeting held on 28.12.1995 informed that a Group had been constituted with the followin members to come up within 15 days with suggestions for makin selections transparent and more participatory:-

i) Dr. L.K. Bhutani, Director, AIIMS.
ii) Dr. Narendra Behari, DGHS.
iii) Shri Vijay Singh, JS(FA).
iv) Smt. Sunila Basant, JS(SB).

The Sub-Committee has submitted its recommendations t the President, AIIMS and the Minister of State for Health Family Welfare/President, AIIMS has approved the same as conveye by the Ministry of Health & Family Welfare vide D.O No.V.16020/66/96-ME(PG) dated the 28th October, 1996. Copy o the letter and the recommendations are at ANNEXURE-I.

While submitting the recommendations, it was noted b the Committee that the Governing Body is the Appointin Auithority for Group 'A' posts (other than the Director) an there is a Standing Selection Committee for making selections. The services of outside experts are also taken while makin selections and the recommendations of the Standing Selectio Committee are advisory in nature.

The Sub-Committee has recommended as under:-

1. As per the present practice, only the experts giv their gradings/markings. Perhaps the members of the Selection Committee could also give markings/gradings.

2. The technical experts who are asked to leave afte giving the gradings/markings before the final selection is made, should continue to remain till the final selection process is over.

3. To make selections more transparent, the gradings/markings given by the members of the Standin Selection Committee should be kept as records which could be scrutinized by the Governing Body, in case of need.

4. In case of appeals, the Governing Body should scrutinize the appeals as to whether they should be entertained. If any appeal/representation has a reasonable basis, the same should be referred back t the full Selection Committee for reconsideration and the experts assisting the Committee durin reconsideration, should not be the same wh participated in the original selection.

5. The appellant should invariably be given an opportunity of personal hearing by the Selection Committee.

In order to make the selections transparent and more participatory, it is proposed that all the members of the Selection Committee as well as the technical experts should be asked to give confidentially gradings/markings of each candidate in the following manner:-

1) A+
2) A

3) B+
4) B

5) C

The gradings given by all the members of the Selection Committee and technical experts should be placed before the Chairman of the Selection Committee and final selection of the candidate will be made on the basis of gradings/markings given by the members of the Selection Committee and the technical experts as mentioned above. In case, there is a tie in the gradings in respect of any candidate, the final decision for the selection of the candidate, should rest with the Chairman of the Selection Committee after discussion with other members of the Selection Committee.

If the above method is applied for making the final selection of the candidates, then there is no need for the technical experts to continue to sit in the Selection till a final decision is made. In this way, the confidentiality of the selected candidate will be maintained. The members of the Selection Committee and the technical experts will specifically be asked to give the gradings in respect of each and every candidate as mentioned above. The same procedure should be applied in case of candidates who are appearing under the Assessment Promotion Scheme.

The recommendations of the Sub-Committee as well as the above procedure is placed before the Institute Body for consideration.

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c\misc

 ANNEXURE-I

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NEW DELHI-110011

Mrs. Sunila Basant
Joint Secretary
Tele: 301-6730

D.O.No. V.16020/66/96-ME(PG)
Dated: 28th October,1996

Dear Dr. Dave,

As you may be aware that in the meeting of the Institute Body of AIIMS held on 21st August,1996. The President, AIIMS informed that a Group had been constituted with the following members to come out within 15 days with suggestions for making selections transparent and more participatory:

1. Dr. L.K. Bhutani, Director, AIIMS (since retired)
2. Dr. Narendra Behari, DGHS
3. Shri Vijay Singh, JS (FA)
4. Smt. Sunila Basant, JS(SB)

I enclose herewith a copy of the recommendations of the Group. The recommendations have been approved by the Minister of State for Health & Family Welfare/President, AIIMS.

I would request you to take necessary action to implement the recommendations under intimation to this Ministry at the earliest.

With regards,

Yours sincerely,

sd/-
(SUNILA BASANT)

Dr. P.K. Dave,
Director
AIIMS,
New Delhi.

In the meeting of the Institute Body of AIIMS held on 21.8.96, the President, AIIMS informed (IB/3) that a group had been constituted with the following members to come up within 15 days with suggestions for making the selections transparent and more participatory:-

1. Dr. L.K. Bhutani, Director, AIIMs
2. Dr. Narendra Bihari, DGHS
3. Shri Vijay Singh, JS (FA)
4. Smt. Sunila Basant, JS(SB)

Accordingly Dr. Bhutani, Dr. Bihari, Shri Singh and Smt. Bansant met on two occasions. We noted the provisions of the AIIMS Act, Rules and Regulations that the Governing Body is the appointing authority for Group 'A' posts (other than the Director). There is a Standing Selection Committee for making selections. The services of outside experts are also taken while making selections. The recommendations of the Standing Selection Committee are advisory in nature.

We considered the functioning of the Selection Committee. As per the present practice only the experts give gradings. Perhaps the members of the Selection Committee could also give markings/gradings. The experts leave after giving the gradings before the selection is made. It is suggested that the experts should remain till the selection process is over. To make selections more transparent, the gradings/markings given by the members of the Standing Selection Committee should be kept as records which could be scrutinised by the Governing Body in case of need.

In case of appeals the Governing Body should scrutinise the appeals as to whether they should be entertained.

If any appeal/representation has a reasonable basis, this should be referred back to the full Selection Committee for reconsideration. The experts assisting the Committee during reconsideration should not be the same who participated in the original selection. The appellant should invariably be given the opportunity of a personal hearing by the Selection Committee.

The alternative of setting up another ad hoc Committee to go into appeals would not be advisable in view of likely legal complications.

(DR. L.K. BHUTANI)
Director
A.I.I.M.S.
(since retired)

sd/-
(DR. NARENDRA BIHARI)
Director General of
Health Services

Sd/-
(VIJAY SINGH)
Joint Secretary(FA)
M/o Health & F.W.

Sd/-
(SUNILA BASANT)
Joint Secretary (SB)
M/o Health & F.W.

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ANNEXURE-IV

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The Institute Body on 18.09.1997 after considering the aforesaid agenda item, decided as under:-

"The report of the Sub-Committee along with the suggestions made in the agenda note was ~~Body, however, felt that in appeal(s), when the cases are referred back to the Selection Com~~ Body, the individual may be interviewed with new technical experts. The Institute Body re- ~~the candidates will continue to be valid for one year, extendable by six months~~".

The aforesaid decision was confirmed by the Institute Body in its meeting held on 17.06.1998.

The above matter is placed before the Standing Selection Committee for kind perusal.

****

5

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/12

To consider the proposal for holding the reassessment interview in respect of Dr. Shailendra Kumar, Associate Professor, Department of Anaesthesiology for consideration his promotion to the post of Additional Professor under Assessment Promotion Scheme.

NOTE FOR THE GOVERNING BODY

ITEM NO. GB/159/12

SUBJECT: TO CONSIDER THE PROPOSAL FOR HOLDING THE REASSESSMENT INTERVIEW IN RESPECT OF DR. SHAILENDRA KUMAR, ASSOCIATE PROFESSOR, DEPARTMENT OF ANAESTHESIOLOGY FOR CONSIDERATION OF HIS PROMOTION TO THE POST OF ADDITIONAL PROFESSOR UNDER ASSESSMENT PROMOTION SCHEME.

****

1. INTRODUCTION:-

This issue relates to consideration of Dr. Shailendra Kumar, Associate Professor, Department of Anaesthesiology for his promotion to the post of Additional Professor under Assessment Promotion Scheme. Dr. Shailendra Kumar appeared before the Standing Selection Committee in its meeting held on 15.7.2021 and the recommendation of the Standing Selection committee was that he is 'Unfit' for promotion. He had submitted a representation after his interview alleging bias by one of the External Exerts during his interview (**Annexure-I**).

2. ADMINISTRATIVE COMMENTS:-

The brief of the case of Dr. Shailendra Kumar is as under:-

- Dr. Shailendra Kumar was appointed to the post of Assistant Professor of Anaesthesia against vacant OBC Category on regular basis and he joined on 30.06.2015(F.N).
- He completed three years as Assistant Professor on 30.06.2018 & as per the requirement of APS guidelines, he was eligible for next promotion. He was assessed & found to be fit by the Standing Selection Committee and was promoted to the grade of Associate Professor of Anaesthesia w.e.f. 01.07.2018.
- As per APS guidelines, he became eligible for promotion to the grade of Additional Professor of Anaesthesia w.e.f 01.07.2021.
- Dr. Shailendra Kumar appeared before the Standing Selection Committee in its meeting held on 15.07.2021.
- The recommendation of the Standing Selection Committee was that he is 'Unfit' for promotion.

- Dr. Shailendra Kumar raised the issue that one of external expert Dr. M.K. Arora was biased.

The detail of process for calling of External experts is as under:-

- HOD's are requested to suggest a panel of external experts. Panel of experts proposed by HOD is put-up to Chairman, Standing Selection Committee to approve two experts to be called for interview.

- In this case also, the same method was adopted for interview for specialty of Anaesthesia. Following external experts were approved by Chairman, Standing Selection Committee to be called (**Annexure-II**)

  i) Dr. Pradeep Bhatia, Professor & Head, Department of Anaesthesia, AIIMS, Bansi Industrial Area, Phase-2, Jodhpur-342005.

  ii) Dr. Mahesh Kumar Arora, Senior Professor, Department of Anaesthesiology and Critical Care, I.L.B.S., D- 1, Vasant Kunj, New Delhi.

2.2 The detail of process for assessing candidate by the Standing Selection Committee for their promotion is as under:-

- Guideline of Assessment Promotion Scheme (**Annexure-III**) for Assessment process to be followed by Selection Committee is:-

  "The Assessment Board shall take into consideration recommendations of the Head of the Department/Unit, the performance of the faculty members with reference to annual confidential reports and his/her performance in the interview for deciding his fitness for promotion to the next higher grade. However, the board may consider in absentia the candidature of such faculty members as are unable to present themselves for interview".

- Selection Committee assess faculty for his/her suitability to be promoted to next level.

- Selection committee members assess each candidate independently & decide whether one is FIT or UNFIT to be promoted.

- Opinion of all members present & subject experts are considered to decide whether one is Fit or Unfit.

- In those cases where one is found Unfit, the reason for his/her being unfit are recorded.

- In the case of Dr. Shailendra Kumar, the same process was followed & reasons for finding Dr. Shailendra Kumar 'Unfit' are recorded by the Standing Selection Committee (**Annexure-IV**), which is reproduced below:-

  "The technical experts observed that during the assessment period, Dr. Shailendra Kumar's research output was poor. He was also not updated in his subject and his performance in the interview was unsatisfactory. Based on these observations, the Selection Committee recommended that Dr. Shailendra Kumar, be declared 'Unfit" to be promoted to the grade of Additional Professor of Anaesthesiology under the Assessment Promotion Scheme".

- The decision to declare him Unfit was by consensus and it was not influenced by anyone's bias as alleged.

- It is also submitted that there is no reservation applicable for promotion in respect of faculty members under Assessment Promotion Scheme (APS). Promotion in this scheme is without linkage of vacancies and is subject to individual found fit by the Standing Selection Committee.

2.3 The recommendations of the Standing Selection Committee was considered and approved by the HR Sub-committee under the Chairmanship of Secretary (Health), Government of India, Ministry of Health & Family Welfare in its meeting held on 6.9.2021. The minutes of HR Sub-Committee and recommendations of the Standing Selection committee were thereafter approved by the Hon'ble President, AIIMS, New Delhi.

2.4 In this regard, it is to be submitted that as per decision of the Institute Body in its meeting held on 15.1.1997, in case of appeals, the Governing Body should scrutinize the appeals as to whether they should be entertained. If any appeal/representation has a reasonable basis, the same should be referred back to the full Selection Committee for recommendation and the experts assisting the Committee during reconsideration, should not be the same who participate in the original selection. The appellant should invariably be given an opportunity of personal hearing by the Selection Committee.

2.5 Dr. Shailendra Kumar approached National Commission for Backward Classes that he was treated with prejudice and bias in the selection process for his promotion to the post of Additional Professor under Assessment Promotion Scheme (APS). The Director, AIIMS and Secretary (Health) attended hearing at National Commission for

Backward Classes and explained selection process to the Hon'ble Chairman. The Commission advised for holding reassessment interview for the selection under APS of Dr. Shailendra Kumar.

2.6 Since the meeting of the Governing Body was not scheduled, the advice of National Commission for Backward Classes for holding the reassessment interview for promotion of Dr. Shailendra Kumar to the post of Additional Professor under APS was placed before the President, AIIMS for consideration, to be ratified in the Governing Body later on.

2.7 The Standing Selection Committee as constituted on 29.03.2022 conduced reassessment interview of Dr. Shailendra Kumar for his consideration of his candidature on 26.08.2022 for promotion to the post of Additional Professor under Assessment Promotion Scheme (APS), as per direction of the President, AIIMS. The recommendations of the Standing Selection Committee is being placed before the HR Sub-Committee and the President, AIIMS for consideration/approval. After completion of laid down procedure, action on the recommendations of the Committee will be taken accordingly.

3. PROPOSAL & APPROVAL SOUGHT:-

The decision regarding conducting reassessment interview for promotion of Dr. Shailendra Kumar, Associate Professor, Department of Anaesthesiology to the post of Additional Professor under Assessment Promotion Scheme (APS) is submitted for expost-facto ratification of the Governing Body please.

This proposal has been approved by the Director, AIIMS, New Delhi.

****

165:15

09 AUG 2021

10/8/2021

RECEIVED ... A.I.I.M.S. 10 AUG 2021

09.08.21

To
The Director,
AIIMS, NEW DELHI

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Annex-I

SUB: Redressal of grievances w.r.t my letter dated 19.07.21

Respected Sir,

Please find herewith a copy of my aforesaid letter in which I have requested for redressal of my grievances arose due to harassment by Dr. M. K. Arora (Panel Expert, Ex-HoD), during assessment interview for promotion to next higher grade.

Being from humble OBC background, it is felt that my Self pride and dignity is still at stake

Also till date ,my aforesaid grievance has not been redressed, hence it is requested to kindly redress my aforesaid grievances at the earliest.

Thanking you,

Yours sincerely,

(Dr Shailendra Kumar)
Associate Professor
Department of Anaesthesiology ,Pain Medicine and Critical Care

16/8/20

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For

1. (Through Proper Channel : Director, AIIMS, New Delhi)Hon'ble Union Minister , Health & Family Welfare, Govt of India and President , Governing Body AIIMS, New Delhi
2. Faculty In-Charge OBC Cell AIIMS ,New Delhi

PIC Cell

13/8/2021

To

19th July, 2021

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Director
AIIMS
New Delhi

Sub: Regarding harassment by Dr. M. K. Arora (Internal, Ex-HoD), during assessment interview for promotion to next higher grade

Respected Sir,

I was invited for submission of biodata vide F.11-2/2020-Estt.1 dated 16th June 2021 for promotion to the grade of Additional Professor under the APS Scheme for the batch of 1.7. 2021.

After due scrutiny of my biodata and other requisite eligibility AGR etc. I was asked to appear in front of Standing Selection Committee on 15th July, 2021 vide letter no. F.11-2/2020-Estt.1 dated 5th July, 2021 along with my other colleagues who were eligible for the same post from 1.7.2020.

Following Hon'ble members were present during my interview :

1. Dr. D. S. Rana (Chairman)
2. Dr. R.Guleria (Director,AIIMS)
3. Dr. Pradeep Bhatia (External, Online through V.C)
4. Dr. M. K. Arora (Internal ,Ex-HoD, AIIMS, Anaesthesiology)

With all due regards to the committee, it is pertinent to mention the following points about Dr. M. K. Arora :

1. During his service period he was highly biased against me since I was appointed as Assistant Professor against in 2015.I was the only candidate having DM degree from AIIMS,New Delhi in the selection interview and was selected on merits.
2. After becoming HoD, he became more vindictive against me and has always tried to harass me, on pretext of one or another reason. Even he issued the memo when I was Assistant Professor, finally none of my mistake was found.
3. Dr. M. K. Arora was one of the member of interview board who always has preconceived vendetta against me since my appointment and shockingly continues even after his retirement.
4. During the interview, Dr. M. K. Arora tried his level best to portray and cast me in a very bad light before the reverent interview board since the beginning of the interview in spite of all other members being cordial .Very quickly he jumped into a humiliation spree and he tried to convert the positive environment into a very negative one.
5. Instead of assessing objectively & unbiasedly my professional skills and acumen, dedication and devotion to my work as Associate Professor of this institute, he keeping the memo incident in his mind which he deliberately got issued against me during his stint as HoD, tried to portray me in bad light and undermine all my achievements, dedication and commitment during the interview.
6. I am aghast at the serious conflict of interest that Dr.M.K.Arora (Retired) whose authority and power to assess me professionally and determine the trajectory of my career progression has already been extinguished as a consequence of his retirement from our

institution but now has surreptitiously tried to do the same unduly and prejudicially in a manner to pursue his unfinished vested interests

Since the onset of COVID-19 pandemic, being anaesthesiologist we dedicated our life as frontline healthcare professionals with full commitment and with professional expertise and took care of patients and saved many of the lives.I feel very proud to contribute in this fight against COVID-19 pandemic by dedicating myself to continuous and uninterrupted duty in COVID Care Centre of our institute. Though ,many of our colleagues got rotated out of the COVID duties but I had been entrusted with the onerous responsibility of COVID duty continuously without rotation up-till recently.

During serving the patients even I also got infected ,my family consisting of wife, daughter(08 years) Son(4 years) all got infected altogether. Even-after that ,12 days later , I reported to my duty place despite weak health but sacrificed personal interests for the sake of my beloved alma mater and institution.

It gives all of us an immense sense of pride and satisfaction that we as doctors have staked everything overcoming so many hurdles and challenges to save the lives. This all became possible because of our visionary and dynamic Director Sir who lead us from the front and always kept us at our highest motivational level. This selfless service towards the nation during this Covid pandemic shall remain as the brightest spot of our entire carrier.

Very painstakingly, I humbly submit that Dr. M.K. Arora was very unfair and highly biased against me and he used this forum and tried to settle the score with me even after he knows that I come from simple and humble family background belonging to OBC community.

Dr.M.K.Arora's unbecoming conduct has trampled my dignity and self esteem and belittled all my contributions.He has disgraced me in front of others.

Sir,thus it is humbly requested and beseeched that an impartial, fair and transparent inquiry with reference to the above mentioned unfortunate incident may please be conducted at the earliest so that my dignity and honour is restored.

Thanking you

Yours faithfully,

Dr.Shailendra Kumar
Associate.Professor
Department of Anaesthesiology Pain Medicine and Critical Care
AIIMS,New Delhi

Copy to (through proper channel : Director AIIMS) :- The Hon'ble Union Minister,Health & Family Welfare, Govt.of India and President, Governing Body, AIIMS,New Delhi

Annexure-II

In annex II, this should be at

Confidential

OFFICE OF THE DIRECTOR, AIIMS, NEW DELHI

9th July, 2021

Sub: Standing Selection Committee (15th to 18th July 2021)
Selection of Technical Advisor/Experts for various subjects.

Director, taking inputs from various departments as well as previous records with regard to Appointment of Technical Advisor/Experts for selection of Faculty posts in AIIMS consulted with the Chairman of the Standing Selection Committee and accordingly decided the final list of such Advisor/Experts, as per list enclosed.

Chairman, Standing Selection Committee may kindly approve the names.

(Prof. Randeep Guleria)
Director

Dr. D.S. Rana
Chairman,
Selection committee

Annexure – II

Annexure A-III

CONFIDENTIAL

DEPARTMENT OF ANAESTHESIOLOGY, PAIN MEDICINE & CRITICAL CARE

Dr. S. Rajeshwari
Professor & Head

Ph. 011-26593212, 4421
Mail ID - drsrajeshwari@gmail.com

Dated the 15th of June, 2021

To,

The Director
All India Institute of Medical Sciences
Ansari Nagar, New Delhi-110029.

Subject: Submission of panel of experts for faculty selections from Delhi and outside Delhi.

Dear Sir,

Please find enclosed the list of panel of experts for faculty selections from Delhi and outside Delhi.

This is for your kind information.

Thanking you,

Sincerely yours,

(Dr. S. Rajeshwari)
Professor & Head

Encls. As above.

LIST OF EXPERTS FROM DELHI

S.No	Name	Designation	Office Address	Residence Address	E mail ID	Mobile No.
1.	Dr. Mahesh Kumar Arora	Senior Professor	Department of Anaesthesiology & Critical Care Institute of Liver and Biliary Sciences (ILBS) D-1, Vasant Kunj, New Delhi-110070	H. No. 703, Ganga Tower –I D-6 Vasant Kunj New Delhi-110070	mkarora442@gmail.com	9811365293
2.	Dr. Ravinder Kumar Batra	Ex- Professor	H. N. 5/11, West Patel Nagar New Delhi-110008	H. N. 5/11, West Patel Nagar New Delhi-110008	rkbatra27@gmail.com	9911189053
3.	Dr. H.H. Dash	Consultant	Consultant Anaesthesiology Fortis Memoraial Research Institute Sector-44, Gurgaon - 122002	H. No. 1602 Tower-4, The palms South City -1 Sector -30 Gurgaon	dr.harihardash@gmail.com	9871153470
4.	Dr. Rakesh Kumar	Professor	Department of Anaesthesia Dr. B,S. Ambedkar Medical College and Hospital Rohini, Delhi 110085.	H. No.C-334 Saraswati Vihar Delhi-110034	rakeshrampal@hotmail.com	9968604214
5.	Dr. Rajiv Chawla	Director Professor	Department of Anaesthesiology Rajiv Gandhi Cancer Institute Sir Chotu Ram Marg. Sector – 5, Rohini Institutional Area, Rohini, New Delhi, Delhi – 110085	H. No. A-32, Saraswati Vihar, Near Deepali Chowk ,New Delhi-110034	drrajivchawla@gmail.com	9718599404
6.	Dr. Jayashree Sood	Professor	Sir Ganga Ram Hospital, Room No 2, 5th Floor, Superspeciality Research Block, Old Rajender Nagar, Delhi – 110060	507, Adishwar 34 Firozshah Road Delhi -110001	drjayashreesood@gmail.com	9811294608

LIST OF EXPERTS FROM OUTSIDE DELHI

S. No	Name	Designation	Office Address	Residence Address	E-mail ID	Mobile No.
1.	Dr. J.V. Divatia	Professor & Head	Department of Anaesthesiology Tata Memorial Hospital Dr. E Borges Road, Parel, Mumbai - 400 012	A-16 Shatdal Azad Lane Andheri West Mumbai-400058	Jdivatia@yahoo.com	9869077435
2.	Dr. Ravi Shankar Murugesan	Professor & Dean	Department of Anaesthesiology & Critical Care Mahatma Gandhi Medical College & Research Institute Sri Balaji Vidyapeeth Pondicherry -607403	H. No. 47, 3rd Cross Thiru Nagar, Moolakulam Pondicherry 605 010	rshankarm@gmail.com	9789454016
3.	Dr. Pradeep Bhatia	Professor & Head	Department of Anaesthesia Basni Industrial Area, Phase-2 AIIMS Jodhpur-342005	H. No. A-54/3, Arvind Nagar, Gold Link Road, Jodhpur (Rajasthan) 342011	pk_bhatia@yahoo.com	9829159665
4.	Dr. Neerja Bhardwaj	Professor	Department of Anaesthesiology Sector -12, PGIMER, Chandigarh – 160012.	H. No. 991, Sector-2, Panchkula, Haryana	neerja.bhardwaj@gmail.com	7087009521 9815174439
5.	Dr. Mahesh Vakamudi	Professor	Department of Anaesthesiology, Dean of Faculties Sri Ramachandra Institute of Higher Education Porur, Chennai-600 116	H. No. 7 & 8, Ganpathy Avenue, Kavua Gardens, Phase-3, Porur, Chennai-600116	vakamudi@gmail.com	9840022626

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SELECTION OF PROFESSORS/ADDITIONAL/ASSOCIATE/ASSISTANT PROFESSOR, AIIMS

5th July, 2023(Thursday) - 9.30 AM

Sl. No.	Name of the Posts	Name of Expert
1.	Additional Professor of Anaesthesiology Associate Professor of Anaesthesiology	Dr. Pradeep Bhatia, Professor & Head, Department of Anaesthesia, AIIMS, Basni Industrial Area, Phase-2, Jodhpur – 342005. Mobile No. 09829159665. Email ID: pk_bhatia@yahoo.com. Dr. Mahesh Kumar Arora, Senior Professor, Department of Anaesthesiology and Critical Care, I.L.B.S., D-1, Vasant Kunj, New Delhi – 110070. Mobile No. 9811365293. Email ID: mkarora442@gmail.com.
2.	Additional Professor of Anatomy	Dr. Brijendra Singh, Professor & Head, Department of Anatomy, AIIMS, Rishikesh – 249203. Mobile No. 08003996900. Email ID: drbrijendrasingh@gmail.com. Dr. Sabita Mishra, Director Professor of Anatomy, Maulana Azad Medical College New Delhi – 110002. Mobile No. 9968604206. Email ID: sabitamishra12@gmail.com.
3.	Additional Professor of Electron Microscopy for Nano-Technology & 3D Tomography(Anatomy)	Dr. Arun K Jain, Scientist 'F', EM Laboratory, National Institute of Pathology (ICMR), Safdarjung Hospital Campus, New Delhi – 110029. Mobile No. 9868345424. Email ID: drakjain@gmail.com. Dr. Anil K Tripathi, Professor & Director, Faculty of Science, School of Biotechnology, B.H.U., Varanasi – 221005. Mobile No. 9451525811. Email ID: tripathianil@rediffmail.com.
4.	Additional Professor of Biotechnology Associate Professor of Biotechnology	Dr. Manoj K Bhat, Director, National Centre for Cell Science, Pune – 411007. Mobile No. 09422364566. Email ID: manojkbhat@nccs.res.in. Dr. Yogendra Singh, Professor, Department of Zoology, University of Delhi, Delhi – 110007. Mobile No. 9871095673. Email ID: ysinghdu@gmail.com.

5.	Additional Professor of Biophysics Associate Professor of Biophysics	Dr. Dinakar M. Salunke, Adjunct Professor, National Centre for Cell Science, Ganeshkhind, Aruna Asaf Ali Road, New Delhi – 110067. Mobile No. 9650782444. Email ID: dinakar.salunke55@gmail.com. Dr. B. Gopal, Professor of Molecular Biophysics Unit, Indian Institute of Science, Bangalore – 600012. Mobile No. 09880450577, 08762290831. Email ID: mbubgopal@gmail.com, bgopal@iisc.ac.in.
6.	Additional Professor of Biochemistry Additional Professor of Chemistry Associate Professor of Biochemistry	Dr. Debabrata Dash, Professor, Department of Biochemistry, Institute of Medical Sciences, Banaras Hindu University, Varanasi, U.P. – 221005. Mobile No. 09670957414. Email ID: ddash.biochem@gmail.com. Dr. D.P. Sarkar, Professor, Department of Biochemistry, University of Delhi, South Campus, New Delhi. Mobile No. 9810696767. Email ID: dpsarkar59@gmail.com.

IMPLEMENTATION [redacted] ASSESSMENT PROMOTION SCHEME FOR THE FACULTY OF AIIMS - GUIDELINES AS APPROVED BY THE GOVERNING BODY ON 25.04.1992 AND 5TH MARCH, 2001.

The Government of India, Ministry of Health & Family Welfare vide their D. letter No.V.16020/35/89-ME(PG) dated the 24th December, 1991 conveyed the approval for implementation of the revised Assessment Promotion Scheme for t faculties of AIIMS. While conveying the revision of scales of pay of the facul members of AIIMS, New Delhi/PGI, Chandigarh, Government of India, Ministry Health & Family Welfare vide letter No.V.16020/41/97-ME(PG) (Vol.II) dated t 10th March, 2000, has also conveyed their approval for extension of Assessme Promotion Scheme from Additional Professors to Professors w.e.f. 01.07.20(Further, the Government of India, Ministry of Health & Family Welfare vide the letter No. V.16020/57/2008-ME-I dated the 12th January, 2011 and No V.16020/41/2009-ME-I dated the 30th March, 2011 conveyed the revised Promotio Scheme which shall be effective from 01.07.2008 notionally subject to condition th pay fixation and other financial benefits shall be from 31.12.2008. The salie features of the Assessment Promotion Scheme are as under:-

i) Assistant Professors with three years of service will be eligible for appointme to the post of Associate Professor subject to clearance of the prescribe selection process.

ii) Associate Professors with three years of service will be eligible fc appointment to the post of Additional Professor subject to clearance of th prescribed selection process

iii) Additional Professors with four years of service will be eligible fc appointment to the post of Professor subject to clearance of the prescribe selection process.

2. APPLICATION

These Guidelines will apply to promotions to the faculty posts in the grades c Associate Professor, Additional Professor and Professor.

3. ELIGIBILITY

Assistant Professors & Associate Professors with 3 years and Additional Professors with 4 years of regular service in the respective grades in AIIMS are eligible for Promotion as Associate Professor, Additional Professor and Professor respectively. No other conditions, e.g. higher qualifications as for direct recruits, need be fulfilled.

The Assessment Board will meet once a year and considered the fitness of all persons who have completed the requisite eligibility service as on 30th June of that year. All promotions under the Scheme will be effective from 1st July.

6. SENIORITY LIST

As per the rules in force, there can be direct recruitment to all grades of the faculty and selection on each occasion could be for appointment to be made at the same time but in more than one discipline. The combined seniority list of the Institute shall be worked out as follows:-

i) The seniority of employees of the Institute in each category shall be determined by the order of merit in which they were selected for appointment to the grade in question, those selected on an earlier occasion being ranked senior as a block to those selected later (Regulation 26 of AIIMS Regulations, 1958).

ii) The preparation of a seniority list of persons selected in the same selection committee would involve the following steps:-

STEP-I

Draw up list of persons on the basis of their date of joining those joining on an earlier date being placed above those joining on a later date.

STEP-II

In the list prepared as above, those who join on the same date may be arranged in order of age—those born earlier being placed above those born later.

STEP-III

For those joining on the same date and adjusted as in step II above according to their age, further re-arrangement may be carried out so that the original inter-seniority of the Institute employees in the Lower Post/Grade maintained. This operation may be done by pulling down the junior in the previous combined seniority list immediately below his senior in that list now appearing in this list even though he may be elder in age.

STEP-IV

The above list may now be further modified to carry corrections of violation of departmental merit/seniority laid down by the selection committee. This will be done by pulling the junior down immediately below his senior in merit.

NOTE: In cases where a junior in the combined & seniority list is being considered for assessment, all persons senior to him/her in the seniority list will also be considered even though the seniors do not have the requisite years of service. The senior if found fit will be given notional promotion with effect from the date of promotion of his/her junior and for purpose of pay etc. it would be granted to him/her with effect from the date of actual promotion i.e. the date on which he completes 2 years service on the grade at the AIIMS, provided the following two conditions are fulfilled:-

a) Probation should have been completed by him/her successfully.

b) The total period of extension granted to join the service should not have exceeded 6 months.

7. ASSESSMENT PROCESS

The Assessment Board shall take into consideration its recommendations of the Head of the Department/Unit, the performance of the faculty members with reference to annual confidential reports and his/her performance in the interview for deciding his fitness for promotion to the next higher grade. However, the Board may consider in absentia the candidature of such faculty members as are unable to present themselves for interview.

8. NUMBER OF CHANCES

Faculty members would be eligible to avail of three consecutive chances to appear before the Standing Selection Committee in 3 (three) years.

(Authority :- Agenda Item No. GB-149/4 of the Governing Body meeting held on 19.07.2013.).

9. PAY SCALES

Assistant Professor	Pay Band – 3 (Rs. 15600-39100) subject minimum Pay being Rs.30000/- and Academ Grade Pay of Rs. 8000/- After three yea Assistant Professor will move to Pay Band -4 (R 37400-67000) with Academic Grade Pay of Rs 8700/-.
Associate Professor	Pay Band – 4 (Rs. 37400-67000) subject minimum Pay being Rs.42800/- and Academi Grade Pay of Rs. 9000/-
Additional Professor	Pay Band – 4 (Rs. 37400-67000) subject to minimum Pay being Rs.46000/- and Academic Grade Pay of Rs. 9500/-
Professor	Pay Band – 4 (Rs. 37400-67000) subject to minimum Pay being Rs.51600/- and Academic Grade Pay of Rs.10500/-

Ape guidelines

MINUTES OF 1ST PHASE OF THE MEETING OF THE STANDING SELECTION COMMITTEE HELD FROM 15TH TO 18TH JULY, 2021 IN THE COMMITTEE ROOM OF THE DIRECTOR, A.I.I.M.S., NEW DELHI

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CONTAINING ITS RECOMMENDATIONS

PROCEEDINGS OF DAY ONE – THURSDAY THE 15TH JULY, 2021

The following is the composition of the Standing Selection Committee:-

01	Dr. D. S. Rana	Chairman
02	DR. Sunil Kumar	Member
03	Prof. Deelip Govind Mhaisekar	Member
04	Dr. Amit Khare	Member
05	Dr. Mahesh B. Patel	Member
06	Dr. N. Gopalakrishnan	Member
07	Dr. Randeep Guleria	Member-Secretary

The following members could not attend the meeting:-

1.	DR. Sunil Kumar	Member
2.	Prof. Deelip Govind Mhaisekar	Member
3.	Dr. Amit Khare	Member
4.	Dr. N. Gopalakrishnan	Member

Contd. Page-2

1. ADDITIONAL PROFESSOR OF ANAESTHESIOLOGY (INCLUDING ART (OBST. & GYNAE.) (UNDER ASSESSMENT PROMOTION SCHEME).

Dr. Pradeep Bhatia, Professor & Head, Department of Anaesthesia, AIIMS, Basni Industrial Area, Phase-2, Jodhpur - 342005 (joined meeting via zoom meeting, virtual mode) and Dr. Mahesh Kumar Arora, Senior Professor, Department of Anaesthesiology and Critical Care, I.L.B.S., D-1, Vasant Kunj, New Delhi - 110 070 (joined meeting in person) assisted as Technical Advisors/Experts.

The recommendations of the Standing Selection Committee for promotion to the grade of Additional Professor of Anaesthesiology (including ART (Obst. & Gynae.) under Assessment Promotion Scheme are as under :-

Sl. No.	NAME OF CANDIDATE	BATCH	RECOMMENDATIONS (FIT/UNFIT)
01.	DR. PUNEET KHANNA	01.07.2020	FIT
02	DR. BIKASH RANJAN RAY	01.07.2020	FIT
03	DR. RAHUL KUMAR ANAND	01.07.2020	FIT
04	DR. DEBESH BHOI	01.07.2020	FIT
05	DR. SHAILENDRA KUMAR (ART) (DEPTT. OF OBST. & GYNAE.)	01.07.2021	UNFIT

The technical experts observed that during the assessment period, Dr. Shailender Kumar's research output was poor. He was also not updated in his subject and his performance in the interview was unsatisfactory. Based on these observations, the Selection Committee recommended that Dr. Shailender Kumar be declared "UNFIT" to be promoted to the grade of Additional Professor of Anaesthesiology under the Assessment Promotion scheme.

2. ASSOCIATE PROFESSOR OF ANAESTHESIOLOGY, MAIN / INCLUDING DR. R.P. CENTRE (UNDER ASSESSMENT PROMOTION SCHEME).

Dr. Pradeep Bhatia, Professor & Head, Department of Anaesthesia, AIIMS, Basni Industrial Area, Phase-2, Jodhpur - 342005 (joined meeting via zoom meeting, virtual mode) and Dr. Mahesh Kumar Arora, Senior Professor, Department of Anaesthesiology and Critical Care, I.L.B.S., D-1, Vasant Kunj, New Delhi - 110 070 (joined meeting in person) assisted as Technical Advisors/Experts.

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NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/13

To consider the proposal regarding rationalization of the cadre of Laboratory at the AIIMS, New Delhi

NOTE FOR THE GOVERNING BODY

Item No. GB/159/13

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SUBJECT :- TO CONSIDER THE PROPOSAL REGARDING RATIONALIZATION OF THE CADRE OF LABORATORY AT THE AIIMS, NEW DELHI

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INTRODUCTION:-

The Ministry of Health & Family Welfare vide letter No V-16020/23/2021-INI-I dated 02.11.2021 (Annexure-I) intimated that the proposal for rationalization of existing Laboratory Cadre of Institute had been approved subject to the following conditions:-

i. Approval of Governing Body of AIIMS, New Delhi

ii. Abolition of 132 live posts of Medical Laboratory Technologist in AIIMS, New Delhi

iii. The proposal strictly remains within the parameters of DoE OM No.5(3)/E-III/97 dated 7.1.1999.

iv. The proposal does not contravene the recommendations of the Coordination Committee regarding cadre review of Laboratory Cadre of AIIMS, New Delhi.

v. There is adequate functional justification in increase of posts at the levels of CTO, Sr. TO and TO of MLT cadre.

The said proposal was with the approval of IFD, MoHFW vide CD No. 1780 dated 22.10.2021.

ADMINISTRATIVE COMMENTS:-

In the above context, it is to be submitted that the Officer Association of AIIMS, New Delhi had submitted a representation that the pay scales and nomenclature of the Central Government Hospitals has been implemented at this Institute vide notification No. 9-34/2008-Estt(RCT) dated 02.4.2016. However, the re-structuring had not taken place, and in the present scenario, the cadre structure is irrational and unrealistic causing obstacles in the promotional avenues of the incumbents. The incumbents of this cadre have been facing acute stagnation and hence, they have requested that the existing posts of Laboratory Cadre may be restructured to overcome the issue of stagnation. The restructuring of Laboratory cadre proposed by the Officer Association of AIIMS is as under:-

S.No	Existing Cadre of Laboratory	Existing No. of Posts	Proposed No. of Posts
01	Chief Technical Officer (MLT) Level-10 in the Pay Matrix	15	22
02	Sr. Technical Officer (MLT) Level-8 in the Pay Matrix	62	110
03	Technical Officer (MLT) Level-7 in the Pay Matrix	120	164
04	Medical Lab. Technologist Level-6 in the Pay Matrix	569	437

05	Jr. Medical Lab. Technologist Level-5 in the Pay Matrix	93	93
	Total	**859**	**826**

The proposal for recommendation of revised pay scales in respect of the cadre of Laboratory Technicians of AIIMS, New Delhi was placed before the SFC in its 210th meeting held on 7.1.2016. The SFC recommended that the pay scales of Laboratory Technicians in AIIMS may be revised in accordance with the Ministry of Health & Family Welfare Office Memorandum No. 28020/11/2008-PMS(Part-I) dated 17th July 2015 regarding the cadre review proposal for the cadre of Laboratory Technicians for the 4 Central Government Hospitals/ Institutions of Delhi under the Ministry of Health and Family Welfare Government of India. Accordingly, the pay scales and nomenclature of the Central Government Hospitals has been implemented at this Institute vide notification No. 9-34/2008-Estt(RCT) dated 02.4.2016 (Annexure-II).

The above revision primarily focused on the issues of Recruitment Rules, Nomenclature, Pay scales and restructuring the existing cadre of Laboratory at AIIMS, New Delhi. However, the rationalization of the cadre of Laboratory has not taken in the above revision. Therefore, the above proposal for re-structuring of Laboratory cadre at AIIMS is submitted.

Apart from this, a Coordination Committee was constituted by the Ministry of Health & Family Welfare in the year 2012 for bringing uniformity in Recruitment rules for various Non-Faculty posts, their nomenclature, Qualification, Pay Scales & year of services etc. in AIIMS, New Delhi, PGIMER, Chandigarh and JIPMER, Puducherry. The Coordination Committee had given its recommendations. The same is under consideration of the Ministry and yet to be finalized.

As regards approval of MoHFW & conditions referred thereof for rationalization of laboratory cadre, the following is the submission:-

S.No	Directions of MoHFW	Action taken
i.	Approval of Governing Body of AIIMS, New Delhi.	The proposal is placed before the Governing Body for its approval.
ii.	Abolition of 132 live posts of Medical Lab Technologists in AIIMS, New Delhi.	It is to be submitted that at present there is no vacant posts of MLT for abolition. It may be seen in the present proposal of rationalization of Laboratory Cadre, the Institute has proposed to enhance/ create 99 posts at various levels {Chief Technical Officer (07), Sr. Technical Officer (48) and Technical Officer (44)}. To offset financial implication for such creation of posts at higher level, 132 posts at the level of Medical Laboratory Technologist are proposed to be abolished / surrendered. These 132 posts of Medical Laboratory Technologist will stand phased out after DPCs are held for newly created

		posts. Thus as soon as newly created posts are filled, posts at MLT level will fall vacant and will stand phased out. Since 99 promotional posts are created, therefore overall 33 posts will be phased out in the cadre after implementation of this proposal.
iii.	The proposal strictly remains within the parameters of DoE OM No.5(3)/E-III/97 dated 07.01.1999. The parameters of the DoE OM No. 5(3)/E-III/97 dated 07.01.1999 is as under:- "..... While forwarding the proposals, care may be taken to ensure that the proposals are complete in all respects and invariably contain the following information:- a. Full functional justification for each upgradation suggested. b. Confirmation to the effect that the proposal will not result in any increase in the over strength of the increase or in introduction of new scales/grades; c. Details of matching savings provided through abolition of live post; and d. Details of the manner in which the instructions relating to imposition of a 10% cut on posts have been implemented by the Department.	There are more than 200 functional Laboratories in AIIMS, & number of patient increased exponentially. The increased work load is there in every department providing diagnostic services like Lab Medicine, Microbiology, Blood Bank Main/CNC/JPNTC, Anatomy, Pathology, Physiology, Smart Lab, Jhajjar, Ballabhgarh, NDDTC, Eye Bank, Valve Bank, Biochemistry, Hematology, IRCH, RPC Lab, CNC Lab, CNC, Centralize Lab, Pharmacology, Pulm- Medicine, Bio-Tech, Endocrinology, ECG Services Main and CNC, Reproductive Biology, Nephrology, Blood sampling division, Cath Lab, Holter Lab, Echo lab, Neuro laboratory etc. The management of the staff, laboratories, patient data, results and assessment of all the functional activities of these labs necessitates posting of experienced lab. Cadre staff. Therefore, technically trained/ experienced professionals i.e. TO, STO& CTO level posts are necessary to provide quality services in these medical laboratories. Rationalization of number of posts at every level of the cadre is thus need of the hour. In the past whenever posts were created, these were primarily created at the entry level only. As a result, the Laboratory cadre has become bottom heavy. Laboratory services need front line workers but supervisors with adequate experience are needed to mentor and supervise their younger colleagues. For proper management of laboratories and patient care services adequate number of seniors at every level are required. The job profile/ responsibilities of Technicians at all levels though similar in nature yet level of expertise of those at higher level will make substantial difference to institutional knowledge which will translates into better services. After proposed restructuring of laboratory cadre, we will

		have larger pool of motivated staff at various levels who will help in development of these lab to a higher level. Further, if the proposal of the rationalization of laboratory cadre is ratified, it will not result in any increase in the overall strength of the cadres or in introduction of new scales/ grades; The proposal for matching saving is part of the proposal. It is to be submitted that at present no vacant posts of MLT are available for abolition. It may be seen in the present proposal of rationalization of Laboratory Cadre, the Institute has proposed to enhance/ create 99 posts at various levels {Chief Technical Officer (07), Dr. Technical Officer (48) and Technical Officer (44)}. To offset financial implication for such creation of posts at higher level, 132 posts at the level of Medical Laboratory Technologist are proposed to be abolished / surrendered. These 132 posts of Medical Laboratory Technologist will stand phased out after DPCs are held for newly created posts. Thus as soon as newly created posts are filled, posts at MLT level will fall vacant and will stand phased out. Since 99 promotional posts are created, therefore overall 33 posts will be phased out in the cadre after implementation of this proposal.
iv.	The proposal does not contravene the recommendations of the Coordination Committee regarding cadre review of Laboratory Cadre of AIIMS, New Delhi.	The recommendation of co-ordination committee w.r.t. this cadre are related to change of recruitment rule, nomenclature and pay scales in the cadre. There is no recommendation regarding structure of cadre in this proposal. The present proposal is for rationalization of the cadre of laboratory, which involve only restructuring of numbers in posts at various levels in the cadre. Hence, this proposal does not contravene the recommendation of Co-ordination Committee.
v.	There is adequate functional justification in increase of posts at the levels of CTO, Sr. TO and TO of MLT Cadre.	The functional justification in increase of posts at higher level in the Laboratory cadre has been mentioned in column (iii) above.

The Ministry vide letter No V-16020/23/2021/INI-I dated 17.08.2021 had directed that the posts proposed to be surrendered as matching saving should be live post and its should not be under 'deemed

abolished' category, in terms of orders of M/o Finance. In this regards, it is submitted that in proposal of rationalization of Laboratory Cadre, it is proposed to enhance/ create 99 posts at the level of Chief Technical Officer (07), Dr. Technical Officer (48) and Technical Officer (44) and to offset financial implication for such creation of posts at higher level, 132 posts at the level of Medical Laboratory Technologist are proposed to be abolished / surrendered. It is further to submit here that 132 posts of Medical Laboratory Technologist will gradually be phased out. Since 99 promotional posts will be made available, thus when DPC's are held, overall 33 posts will become vacant to be abolished.

It is pertinent to mention here that the process of constitution of Institute Body/Governing Body was in process, therefore, the matter for rationalization of laboratory cadre was submitted to the President, AIIMS being Chairman of the Governing Body for consideration/approval and taking post-facto approval of the Governing Body.

The direction of the President AIIMS, as under:-

"I have perused the proposal regarding rationalization of the cadre of Laboratory at the AIIMS, New Delhi and of the view that this proposal be submitted for consideration in the next meeting of the Governing Body as and when it takes place. Meanwhile, it may be ensured that no fresh recruitment is made against any of the post proposed to be abolished."

The proposal for rationalization of Laboratory cadre at AIIMS, New Delhi as approved by the Ministry vides Letter No V-16020/23/2021-INI-I dated 02.11.2021 is submitted to the Governing Body for approval.

PROPOSAL & APPROVAL SOUGHT:-

The proposal for rationalization of Laboratory cadre at AIIMS, New Delhi as approved by the Ministry vide Letter No V-16020/23/2021-INI-I dated 02.11.2021 is submitted for consideration and approval of the Governing Body.

This proposal has the approval of the Director, AIIMS

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Annex-I

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V-16020/23/2021-INI-I
Govt. of India
Ministry of Health and Family Welfare
(INI-I Section)

Nirman Bhawan, New Delhi
Dated 02/11/2021

To,
Director,
AIIMS, Ansari Nagar,
New Delhi-29

Subject: Proposal regarding rationalization of the cadre of laboratory at AIIMS, New Delhi- reg.

Sir,

I am directed to refer to AIIMS, New Delhi letter no 9-34/2008-Estt. (RCT) dated 20.10.2021 on the above subject and to say that the Competent authority has approved the above referred proposal of the Institute subject to following conditions:

i. Approval of Governing Body of AIIMS, New Delhi.

ii. Abolition of 132 live posts of Medical Lab Technologists in AIIMS, New Delhi.

iii. The proposal strictly remains within the parameters of DoE OM No.5(3)/E-III/97 dated 07.01.1999.

iv. The proposal does not contravene the recommendations of the Coordination Committee regarding cadre review of Laboratory Cadre of AIIMS, New Delhi.

v. There is adequate functional justification in increase of posts at the levels of CTO, Sr.TO and TO of MLT Cadre.

2. This issues with the approval of IFD, MoHFW vide CD no. 1780 dated 22.10.2021.

Yours faithfully,
Signed by Sunita Dhaundiyal
Date: 03-11-2021 10:17:12
Reason: Approved

(Sunita Dhaundiyal)
Under Secretary to the Govt. of India.
Tel:23061843

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
[RECRUITMENT CELL]

No. F.9-34/2008-Estt.(RCT)-PF

Ansari Nagar, New Delhi-110029
Dated the:- 02 APR 2016

OFFICE MEMORANDUM

Subject :- Revision of Cadre and pay structure of Laboratory at AIIMS.

****

The undersigned is directed to convey the approval/sanction of the Standing Finance Committee/ President, AIIMS being the Chairman Governing Body for revision of Cadre and pay structure of Laboratory at AIIMS, New Delhi in terms of Government of India, Ministry of Health and Family Welfare (AHS Division) O.M. No. F.No. A-28020/11/2008-PMS (Part-I) dated 17th July, 2015 as under:-

Existing Cadre of Laboratory at AIIMS						Revised Cadre Laboratory at AIIMS			
S. N	Existing post in lab cadre	Pay-Scale	M.O.R	S.S	Qualification	Name of Post Pay Scales	Sanctioned Strength	Mode of Recruitment	Professional Qualification (For Direct)
1.	Laboratory Attendant GR II	Rs. 5200-20200+ GP Rs. 1900	100 % by Direct	125	(i) 12th with Science. OR (ii) 10th with Science + 5 years service (regular or Ad-hoc) as Laboratory attendant in any Govt. /autonomous Medical College Hospital	These posts will be gradually phased out on functional ground.			
2	Laboratory Assistant	Rs. 5200-20200+ GP Rs. 2000	100 % by Promotion	66	Lab Attendant (Grade-II) with Matriculation with Science and having 5 years as regular service in the grade	Junior Medical Lab. Technologist Pay Scale PB-1, GP-2800 Group-C	88	100% Direct	10+2 with Science Subjects and DMLT from any Govt. Recognised institution with 1 year relevant experience Desirable Bachelor Degree in Medical Laboratory Science
3	Sr. Laboratory Attendant	Rs. 5200-20200+ GP Rs. 2400	100 % by Promotion	22	Lab Attendant Gr. I with Matriculation and having 7 years as regular service in the grade failing which combined regular service of 12 years in Gr.II and Gr.I out of which not less than 3 years in Gr.I OR Lab Attendant Gr.I having passed 8th standard with 9 years of regular service failing which 15 years of regular service in Gr.I and Gr. II of which not less than 5 years shall be in Gr.I. OR Lab Attendant Gr.I who has studies upto any class below 8th Standard with 11 years of regular service in the grade failing which 18 years of combined regular service in Gr.I and Gr.II of which not less than 7 years shall be in Gr.I.				

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4	Laboratory Technician	Rs. 5200-20200+ GP Rs. 2800	75 % by Direct & 25 % by Promotion	544	Essentials For direct recruits :- Degree in Science, from a recognized University. OR i. 12th Class pass with science subject (in 10+2 system) or Intermediate (Science) or equivalent from a recognised University/Institution. ii. Diploma in Medical Laboratory Techniques from a recognised Institute; and iii. One year experience in a Medical Laboratory Essentials For promotion:- Senior laboratory Attendant/ laboratory Attendant Grade-I with 12th years of regular service in the Cadre of laboratory attendant. OR Senior laboratory Attendant /laboratory attendant Grade-I with 10+2 (in Science) having 10 years of regular service in the Cadre of laboratory Attendant Note: Promotees must at least posses matriculation education with Science subject.	Medical Lab. Technologist PB-2, GP-4200 Group-B	544	Direct and Promotional (50 % Promotional and 50% Direct)	For Direct- Bachelor Degree in Medical laboratory science with 2 Year relevant experience For Promotion:- RR to be obtained from MoHFW
5	Technical Assistant (Laboratory)	Rs. 9300-34800+ GP Rs. 4200	100 % by Promotion	118	i. Laboratory Technician possessing B.Sc. or Inter (or 12th Class) + Diploma in MLT with 5 years of regular service in the grade OR ii. Laboratory Technician possessing 12th Class pass or Intermediate or equivalent with 7 years of regular service in the grade: or iii. Laboratory Technician possessing Matriculation with 09 years regular service in the grade.	Technical Officer (MLT) PB-2, GP-4600 Group-B	118	100% Promotional	RR to be obtained from MoHFW

Contd...3..

6	Technical Officer (Laboratory)	Rs. 9300-34800+ GP Rs. 4600	100 % by Promotion	60	Technical Assistant with 5 years of regular service in the grade and promotees should possess B.Sc. Degree OR Intermediate (Science) 10+2 plus Diploma in MLT	Senior Technical Officer (MLT) PB-2, GP 4800,	60	100% Promotional	RR to be obtained from MoHFW
7	Senior Technical Officer (Laboratory)	Rs. 15600-39100+ GP Rs. 5400	100 % by Promotion	15	Technical officer/ Sr. Technical Assistant with 3 years of regular service in the grade and promotees should possess B.Sc. Degree OR Intermediate/10+2 plus Diploma in MLT	Chief Technical Officer (MLT) PB-3 GP 5400 Group A	15	100% Promotional Subject to fulfilling of eligibility criteria.	RR to be obtained from MoHFW
			Total	950		Total	950		

Note:-

1. Order of Revised RRs will be issued separately.
2. The existing Medical Laboratory staff at level 2, 3 & 4 may be considered for promotion on basis of length of service based on DoP&T Guidelines to be notified in Recruitment Rules.
3. Mere upgradation of pay scales and nomenclature will not entail change in the nature of duty being performed or supposed to be performed by the incumbent. It is made clear that all personnel in the cadre of laboratory are required to perform all the tasks assigned to them by the HOD/Faculty-in-Charge of the respective Laboratory.

The above orders will be effective from 17.07.2015 i.e. the date of issue of MoHFW O.M. No. F.No. A-28020/11/2008-PMS (Part-I) dated 17th July, 2015. The expenditure will be met out of the sanctioned budget of the Institute.

Authority: Item No. SFC-210/2 of the Standing Finance Committee meeting held on 7th January, 2016 and approval of President, AIIMS Note dated 22nd March, 2016.

(K.K. GIRIDHARI)
SENIOR ADMINISTRATIVE OFFICER

Distribution:-

1. The Chief of Centres
2. The Medical Superintendent
3. All Departments/ Units
4. The Financial Advisor
5. PPS to Director
6. P.A. to Dy. Director (Administration)
7. P.A. to Chief Administrative Officer
8. Senior Administrative Officer RPC/ Recruitment Cell
9. The Administrative Officer (DO)/ RPC/ CNC/ IRCH/ Hospital/ DAC/ JPNATC/ CRHSP Ballabgarh/ NDDTC Ghaziabad/ Outreach OPD Jhajjar
10. All Establishment Section
11. The Accounts Section- I, II & III
12. The Concerned Dealing clerks
13. The General Section/ GPF Section/ Estate Section
14. The Guard File
15. The OFFICER-IN-CHARGE, Computer facility – to be upload on Institute website.

5.4.2016

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/14

To consider the appeal of Sh. Rakesh Kumar, Sr. Stores Officer (DO) against the penalty of Withholding of one increment for the period of 1 year imposed on him under CCS (CCA) Rules, 1965.

NOTE FOR THE GOVERNING BODY

Item No. GB/159/14

SUBJECT: TO CONSIDER THE APPEAL OF SH. RAKESH KUMAR, SR. STORES OFFICER (DO) AGAINST THE PENALTY OF WITHHOLDING OF ONE INCREMENT FOR THE PERIOD OF 1 YEARIMPOSED ON HIM UNDER CCS (CCA) RULES, 1965.

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INTRODUCTION :

Sh. Rakesh Kumar,Sr. Stores Officer (DO), AIIMS (the then Stores Officer of Computer Facility), AIIMS has submitted an appeal dated 10/12/2020 **(Annexure – I)** against the penalty of "Withholding of one increment for one year" imposed upon him by the Disciplinary Authority vide Order No. 17/NVC/2013 (346) dated 28/10/2019. Shri Rakesh Kumar has not submitted the appeal within the prescribed time limit of 45 days from the date when order of penalty imposed on him as prescribed in rule 25 of CCS (CCA) Rule 1965.

In his appeal Sh. Rakesh Kumar, Sr. Stores Officer (DO), AIIMS has inter-alia submitted the following :

Sh. Rakesh Kumar, Senior Stores Officer has mentioned the reasons for delay in filing of his appeal, such as having been assigned to look after the work of various centres/ departments viz. Store Section-DO (Indigenous), Store Section-DO (Foreign Store Cell), Dr. R. P. Centre, Surgery Department, Hostel Section, New RAK OPD Block, National Centre for Ageing, Surgical Block, Transport Section etc. In addition to above, the responsibilities of procurement of items related to Covid-19 pandemic were also assigned and further time consumed to search/compile the data from Computer Facility for reply.

2. That Sh. Rakesh Kumar, the then Stores Officer has enumerated his role at Computer Facility, AIIMS during the process of tender under cause of action was only to process the tenders being Stores Officer (Computer Facility)

3. The details of the tender has been indicated in his appeal placed at (Annexure –I)

4. That after floating of tender, he was informed by Sh. Vinay Pandey, the then Officer In-charge, Stores, C.F that he had received call from Dr. Deepak Agarwal who directed to preponethe date of all tender, so that all the tenders related to e-hospital Project shall be completed before 15th March, 2014. He denied and informed to Sh. Vinay Pandey that there is no provision of preponement of dates of tender. On very next day Dr. Deepak Agrawal, Chairman, Computerization Committee, instructed verbally to pre-pone the bid opening date in respect of the nine tenders including the ERP tender as well as the VISTA HER tender stating that this is as per decision taken in the e-hospital Committee,

5.That he tried to convince Dr. Deepak Agrawal that there are no guidelines issued by CVC/Govt. agencies for preponement of date of submission of bids but he refused to consider his suggestion.

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6.That as per past practice due approval was taken for preponement of bid from Professor-in-Charge, Computer Facility, AIIMS before issuing corrigendum vide note dated 30.01.2014.

7. That he being member of Stores Purchase Committee, AIIMS (SPC) appraised the issue before the Chairman of SPC in its meeting held on 19.03,2014. The SPC decided to scrap all the tenders including ERP tender wherever the pre-ponement of tender was done clearly recording that "Committee noted that after floating global tender and giving sufficient time for pre-bid meeting and submission of bids, the dates were preponed with the approval of Dr. P.P. Kotwal, Prof. In-charge, Computer Facility. Two of the firm had also objected this preponement, subsequently SPC recommended to re-float this tender.

8. That he despite explaining the repercussions of preponement of dates, Dr. Deepak Agrawal the then Chairman, Computerization Committee pressurized to prepone the dates by giving the plea that eHospital Project were to be completed before 15.03.2014.

9. That he has been serving the various stores of the Institute around 26 years in different capacities, has never done wrong intentionally and he is discharging his duties sincerely as assigned to him time to time by the AIIMS authority. Despite heavy work load he always tries to complete the assigned task on daily basis by sitting beyond office hour and even on holidays , which can be confirmed from Chief of Centres/HODs/Project Officers of the Institute.

In view of theabove submission he has appealed to consider his case sympathetically and exonerate him from penalty imposed against him vide above said order dated 28.10.2019".

ADMINISTRATIVE COMMENTS & BACKGROUND OF THE CASE :

1. Two complaint dt. 10/03/2014 &03.03.2014 **(Annexure –II)** were received by Vigilance Cell, AIIMS against preponement of tender No. CF-04/ERP/GT/13-14/CFST & CF-12/VSITA/13-14/CFST by Computer Facility, AIIMS. Accordingly, comments were sought from Dr. Deepak Agrawal, Addl. Prof. of Neurosurgery, JPNATC the then Chairman, Computerization Committee, AIIMS, New Delhi and original file of tenders was called for from Computer Facility. The file was examined by the then CVO, AIIMS and found that initial date of tenders were pre-poned, which was found improper by the then CVO, AIIMS. Moreover the dates of tenders were pre-poned without seeking approval of competent authority. Besides it was pointed out by the then CVO that following conditions were missing in the tender documents :

a) Statement of financial standing from banker
b) Performance report/list of organization supplied with the same equipment.

c) Authority letter from manufacturer.
d) Affidavits for non blacklisting /vigilance /CBI case.
e) Quality assurance certificate ISO 9002 etc.
f) Statement of turnover for last three years.
g) Literature of original catalogue of the product.

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2. In addition, complaints were received from firms who had been disqualified during the process of technical evaluations on unreasonable grounds. Accordingly, the comments were sought from Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS on aforesaid issue.

3. Meanwhile, the matter was placed before Stores Purchase Committee, AIIMS, wherein the SPC after considering the issue of preponement of dates of tender recommended to scrap this tender and to float tender afresh. Accordingly, the tender was scrapped on SPC recommendation

4. It is pertinent to mention here that one of the bidder of Tender No. CF-12/VISTAHER/2013-123/CFST had approached Hon'ble High Court of Delhi against preponement of tender and tender conditions, wherein the writ was later disposed off by the Court in view of decision of AIIMS SPC to scrap the tender and float the tender afresh.

5. Meanwhile the then Dy. Secy. &CVO, AIIMS hadreferred this matter to CBI and CVC, wherein the CBI informed that the matter may be treated as closed on their part since the tender has been already scrapped by the SPC, whereas the CVC directed to examine the case in details and fix the responsibility of officials and the refer the case to Commission for advice**(Annexure –III).**

6. The CVC, New Delhi had been apprised the position taken by CBI and Hon'ble High Court of Delhi vide Letter dt. 15/07/2017, wherein in turn the CVC vide OM No. 014/HFW/029/354192 dated 14/08/2017 observed that even CBI did not find any criminal liability, it does not absolve the officials who committed irregularities in tender process and advised for initiation of minor penalty proceeding against the officials who floated the tender.

7. Accordingly, after considering the matter by the competent authority, chargesheet were issued to following 7 officialswho were considered responsible in the said case including Sh.Rakesh Kumar, Sr. Stores Officer (D), AIIMS, New Delhi:

(i) Sh. Mangal Singh, UDC, Computer Facility, AIIMs.

(ii) Sh. Rakesh Kumar Sharma, the then Stores Officer (Computer Facility), AIIMS.

(iii) Sh. Satish Prasad System Analyst, Computer Facility, AIIMS.

(iv) Sh. A.K. Kamra, (on deputation) the then CPO.

(v) Dr. Deepak Agrawal, the then Chairman, Computerization committee, AIIMS.

(vi) Sh. Vinay Pandey, Sr. Programmer, Computer Facility, AIIMS.

8. The replies submitted by above officials against the charges leveled in chargesheet Memorandum were submitted to President, AIIMS wherein the President, AIIMS after due consideration had imposed the minor penalty of "Withholding of one increment forone year on the following officer :

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(i) Dr. Deepak Agrawal, the then Chairman, Computerization Committee, AIIMS.
(ii) Sh. Rakesh Kumar, the then Stores Officer, Computer Facility, AIIMS.

And the President, AIIMS, New **Delhi recommended to closed the cases in respect of the following officials:**

(i) Sh. Mangal Singh, the then UDC, Computer Facility, AIIMS.
(ii) Sh. A.K. Kamra, (on deputation) the then CPO, AIIMS.
(iii) Sh. Satish Prasad, System Analyst, Computer Facility, AIIMS.

In case of Shri Vinay Pande Penalty of **"Reduction of lower stage in the time scale of pay for the period till the date of attaining the age of superannuation i.e. 31.03.2020 without cumulative effect of not adversely affecting his pension"**vide order dated 16.03.2020. Appeal of Shri Vinay Pande against the above said penalty order was placed before the Governing Body and Appellate Authority in its meeting held on 10.06.2021. The Governing Body disposed of his appeal with direction **to maintain the status quo.**

Facility, AIIMS being part of process of pre-poning of tender without getting approval of competent authority.

Shri Vinay Pande, Senior Programmer is thus found responsible for gross misconduct, failed to maintain devotion to duty and acted in a manner unbecoming of an Institute employee; hereby contravening the provision of Rule 3 (1) (i)(ii) & (iii) of the CCS(Conduct) Rules, 1964 as applicable to the employees of the Institute.

IMPUTATION OF ARTICLE OF CHARGE IN RESPECT OF SHRI RAKESH KUMAR :-

"That the said Sh. Rakesh Kumar, while working as Stores Officer (CF), in the Computer Facility, AIIMS, New Delhi had been responsible for misconduct during floating of tender(Tender No.CF-04/ERP/GT/2013-14/CFST and Tender No. CF-12/VISTA/13-14/CFST) process regarding proponing of last date of submission of bids and pre-bid meeting and manipulation of pre-qualification conditions to favour a particular firm. The tender was floated by the computer Facility, AIIMS, New Delhi with the approval of the Director, AIIMS, New Delhi. Subsequently the Computer Facility had proponed the date of submission of bids, which is highly irregular and is not allowed. Moreover, even the approval of the competent authority was not taken. The details in respect of both the tenders are as under:-

(i). CF-04/ERP/GT/13-14/CFST- Supply and Implementation of Enterprise Resource Planning (ERP) Solution for AIIMS.

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(ii). CF-12/VISTA/13-14/CFST-Customization, support and up gradation of existing electronic Health record "VISTA HER" open RIS and open PC.

- Date of pre-bid conference meeting with prospective bidders (for CF-04/ERP/GT/13-14/CFST was fixed on 27.02.2014 at 11.00 A.M.
- Last date for sale of TE documents – 07.03.2014 upto 4.30. P.M.
- Closing date for sale of TE documents– on or before 12.03.2014 (upto 12.30 P.M.)
- Date, Time and Place for opening of Technical bids – 12.03.2014 at 2.30 P.M.

Later on the dates of tender was pre-poned. The detail of the same are asunder:-

- Date of pre-bid conference meeting with prospective bidders (for CF-04/ERP/GT/13-14/CFST-19.02.2014 at 11.00 A.M.
- Last date for sale of TE documents – 25.02.2014 up to 4.30 P.M.
- Closing date for sale of TE documents – on or before 27.02.2014(up to 12.30.P.M.)
- Date, time and Place for opening of Technical bids – 27.02.2014 at 2.30 P.M.

2. It was observed that pre-qualification criteria was also not clearly specified and there was no performance criteria mentioned in the bid document. Moreover, the essential pre-qualification criteria/conditions were missing in the tender documents and some firms were disqualified on account of unreasonable grounds during the technical evaluation.

3. Shri Rakesh Kumar, is thus found responsible for gross misconduct, failed to maintain devotion to duty and acted in a manner unbecoming of an Institute employee; hereby contravening the provision of Rule 3 (1) (i)(ii) & (iii) of the CCS(Conduct) Rules, 1964 as applicable to the employees of the Institute**(Annexure-IV)**.

DECISION OF THE DISCIPLINARY AUTHORITY :

That the President, AIIMS, being Disciplinary Authorityin this case, after considering CVC advise, representation of CO, and all relevant facts, decided that action of preponing the process of tender without taking approval of competent authority is an administrative impropriety accordingly, the penalty of "Withholding of one increment for one year" imposed on him vide memorandum No.F.17/NVC/2013(346) dated 28.10.2019 **(Annexure-V)**.

APPELLATE AUTHORITY :

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Sh. Rakesh Kumar, is working in the post of Sr. Stores Officer (DO) in AIIMS, New Delhi, which is Group "A" post and, as per Schedule II of the AIIMS Regulation 1999, the Governing Body is appellate Authority in his case and his appeal needs to be decided by the Governing Body being Appellate Authority.

PROPOSAL PLACE BEFORE GOVERNING BODY :

In view of the CVC advice, representation of the CO, facts relevant to the case, and an appeal filed by the then Stores Officer (Computer Facility), AIIMS against Order of imposition of penalty of "Withholding of one increment for one year" is placed for kind perusal, consideration and further direction of the Governing Body, AIIMS, New Delhi.

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Annexure-I

E.O.No-3/2020

Annex. I

10th December, 2020

To

प्राप्त किया/RECEIVED
उप निदेशक (प्रशा.) कार्यालय, अ.भा.आ.सं.
Dy. Director (Admn.) Office, A.I.I.M.S.
10 DEC 2020

The Hon'ble Director,
All India Institute of Medical Sciences
Ansari Nagar,
New Dehi – 110029.

Through Proper Channel

Sub.: Irregularities in tender Process – Appeal thereof.

Ref. : Letter No.F.17/NVC/2013 (346) dated 28th Oct. 2019.

Sir,

With reference to the above mentioned letter, wherein the undersigned is informed that the reply submitted dated 28th February, 2019 is unconvincing and the action of officer in preponing the process of tender without taking the approval of Competent Authority for AIIMS is an administrative impropriety and imposed minor penalty of withholding of one increment for one year is **imposed (copy enclosed at p. no. 01-02).**

In this connection, at the outset, I want to inform the delay held in submitting the appeal as under:

The undersigned has been assigned to look after the work related to procurement of various centres/ departments viz. Store Section-DO (Indigenous), Store Section-DO (Foreign Store Cell), Dr. R. P. Centre, Surgery Deptt., Hostel Section, New RAK OPD Block, National Centre for Aging, Surgical Block, Transport Section etc. I am very much aware that delay in purchase of any item will ultimately affect the patient care services adversely. Being the sincere and honest employee, I always try to process the purchase cases in a time bound manner. During this period, Covid-19 also broken out severely all over the world including India. AIIMS authorities also assigned the procurement of items related to Covid-19 pandemic in addition to existing responsibilities to the undersigned. The delay in procurement in any case cannot be compromised. The excessive work load assigned to the undersigned depicts the faith of higher authorities and I always tries to prove the same.

11/12/2020 CMO

Due to engagement in looking after a large number of files & issues; significant time was required to search/ collect data from the files related to this case kept in Computer Facility Department where the undersigned is not deputed at present. The efforts to collect relevant evidences were also affected as the undersigned also found Covid-19 positive and remained admitted. The delay in submitting the appeal is not deliberately but it is because of the reasons explained above. Therefore, requested to consider my appeal for favorable decision.

However, the undersigned is submitting his submissions with relevant evidences collected from various sources.

10/12/2020

Vigilance Delhi
16/12/2020
ई-कार्यालय सं./E-office No.
प्राप्ति/Received 3120803

During that period, Dr. Deepak Agarwal, designated as Chairman, Computerization Committee was looking after the work of Computer Facility department and Sh. Vinay Pande, Sr. Programmer was the Officer In-charge of Stores.

1. The role of undersigned was only to process the tenders.

2. As per Government Guidelines sufficient time was given to all prospective bidders to submit their bids. The detail of the same is as under:

Last date for sale of TE documents	07.03.2014 upto 4.30 p.m.
Closing date & Time for Receipt of Bids:	On or before 12.03.2014 (upto 12.30. p.m.)
Date, Time and place for opening of technical bids:	12.03.2014 at 2:30 p.m. Seminar Room, Computer Facility, Near Examination Section at AIIMS, New Delhi-110 029.

3. After floating the tender, Sh. Vinay Pandey, Officer In-charge, Stores, Computer Facility informed to the undersigned that he had received phone call from Dr. Deepak Agarwal and directed that the date of tender should be preponed, so that all the tenders related to eHospital Project should be completed before 15th March, 2014. It was denied and informed to Sh. Vinay Pandey that there is no provision of preponement of dates of tender. **This can also be confirmed from Sh. Vinay Pandey, Sr. Programmer, Computer Facility.**

4. Next day, Dr. Deepak Agarwal, Chairman, Computerization Committee came to the office of the undersigned and instructed to pre-pone the bid opening date in respect of the nine tenders including the ERP tender as well as the VISTA HER tender stating that as per decision taken in the eHospital Committee, the project is to be completed before 15.03.2014 and all the rate contracts are to be completed before that. **Dr. Deepak Agarwal was tried to make aware that there are no guidelines issued by CVC and other Government agencies for preponement of date of submission of bids.** It was also informed to Dr. Deepak Agarwal that the possibility that some bidders, after seeing the original dates of tender, did not notice corrigendum for preponement of date of submission of bids and failed to submit their bid. Even though, Dr. Deepak Agarwal instructed to pre-pone the bid opening date in respect of the nine tenders including the ERP tender as well as the VISTA HER tender stating that as per decision taken in the eHospital Committee the project is to be completed before 15.03.2014 and all the rate contracts are to be completed before that.

5. A comprehensive note including preponement of bid was also put up to Professor-in-Charge, Computer Facility for approval before issuing

10/12/2014

corrigendum in the AIIMS/Government website vide note dated 30.01.2014 **(copy enclosed at p. no. 63-64).**

a. As per prevailing procedure being followed at AIIMS, the approval of competent authority is sought before floating any fresh tender. In this case also, the approval of competent authority (Dy. Director (Admn.)/Director) was sought **(Copy enclosed at p. no. 03-04).**

b. In case of any corrigendum is required after floating the tender, approval of Technical Specification/Evaluation Committee is required and necessary corrigendum of any type is issued with the approval of Professor In-charge, CF. At this stage, files were not being sent to Dy. Director (Admn.)/Director for approval. At present also, this procedure is being followed in Computer Facility and other centers/Sections at AIIMS, New Delhi.

c. To establish this statement, I am enclosing few examples of other tenders wherein same procedure is being followed.

i. Tender no. CF-18/Pneumatic Tube System/2014-15/St.-Administrative approval was sought from Director, AIIMS at **p. no.05-06** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no. 09-10).**

ii. Tender no. CF-40/Wi Fi Facility/2015-16/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no.**13-14** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.16-17).** The said tender was scraped with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.18).**

iii. Tender no. CF-41/Network Parts/Hardware/2015-16/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no. **19-20** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no. 22-23).** The said tender was scraped with the approval of Professor In-charge, Computer Facility (**Copy enclosed at p. no. 26**).

iv. Tender no. CF-42/CISCO Switch/2015-16/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no. **28-29** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.30-31).** The said tender was scraped with the approval of Professor In-charge, Computer Facility (**Copy enclosed at p. no. 32**).

v. Tender no. CF-15/Call Center/2016-17/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no.**34-35** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.36).** The said tender was

10/12/2020

scraped with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.37).**

vi. Tender no. CF-53/Disaster Recvery/2015-16/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no.**38-39** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.40-41).** The said tender was scraped with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.50).**

vii. Tender no. CF-28/Digital Signage/2016-17/St.-Administrative approval was sought from Dy. Director (Admn.), AIIMS at p. no.**52-53** before floating the tender. Thereafter, corrigendum was issued with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.55).** The said tender was scraped with the approval of Professor In-charge, Computer Facility **(Copy enclosed at p. no.61).**

d. It was clearly mentioned in the said note **enclosed at p. no.63-64** that as per laid down procedure, the NIT was published in the leading newspaper and AIIMS/Government website with above dates of submission and opening. Further, it was also mentioned in the same note that as per the decision taken by the eHospital Committee, the project is to be completed before 15.03.2014 and as per instructions of Dr. Deepak Aggarwal, Chairman, Computerization Committee the above dates of Pre-Bid Conference and the date of receipt/opening of bids were reduced keeping in view of the decision of the eHospital Committee. This note was put up to Prof. in-charge, Computer Facility through Sh. Vinay Pandey, Officer In-charge, Stores, Computer Facility and Dr. Deepak Aggarwal, Chairman, e-Hospital Project. Before, putting said note, Dr. Deepak Aggarwal was make to understand that there are no guidelines for preponement of date of submission of bids but he was so adamant and instructed to prepone the dates by saying that eHospital Project is to be completed before 15.03.2014. This thing was clearly mentioned in the said note and Dr. Deepak Aggarwal has also agreed and signed the note.

e. Thereafter, the case was put up before the Store Purchase Committee **(Agenda enclosed at p. no.65)** in its meeting held on 19.03,2014 **(enclosed at p. no.68-69)** for consideration and further recommendations wherein Stores Officer, CF was the Member Secretary of SPC. As a Member Secretary, I appraised the chair regarding the procedure being followed in the said tenders including representation received & preponment of the dates. Store Purchase Committee decided prima-facie to scrap all the tenders including ERP tender wherever the pre-ponment of tender was done clearly recording that "Committee noted that after floating global tender and giving sufficient time for pre-bid meeting and submission of bids, the dates were preponed with the approval of Dr. P.P. Kotwal, Prof. In-charge, Comptuer Facility. A representation was also received from M/s Tech Mahindra Limited against the

10/12/2020

preponment of dates of tender at Sr. No. 01. Firm further stated in their letter that there is a violation of norms and passing of processes, which does not augur well of both the parties. This feeling is being shared by a number of vendors and not only us (M/s Tech Mahindra). The representation alongwith the facts was put up to Director, AIIMS for further orders. On the comments of DDA (Nothing to comment on as process is being undertaken by Computerization Committee), there were no clear directions from Director whether the tender may be further processed or not. It was informed to the Committee that 09 tenders were floated for various items related to Computer Facility including subject item with the approval of Director, AIIMS. Out of 09 tenders, there was no quotation received in two tenders (Hiring of Printers as service & Purchase of LED TV 19") and only single quotation was received in two other tenders (Android Based Chip Set & Purchase of CCTV). In another tender (Customization, Support & Up-Gradation of existing electronics Health Record- "Vista HER" open RIS and open PCS), one firm (M/s Shine Star) filled a writ petition in the Hon'ble High Court wherein the firm has raised objections against the preponement of dates of tenders alongwith other objections related to tender specifications. The decision of Hon'ble High Court is still awaited as the next date of hearing is fixed on 25.03.2014. Committee also noted that the subject services are required for eHospital Project which was to be completed before 15.03.2014. Committee under the circumstances deliberated that there are no guidelines issued by CVC and other Govt. agencies for preponement of date of submission of bids. The possibility that some bidders, after seeing the original dates of tender, did not notice corrigendum for preponement of date of submission of bids and failed to submit their bid because of preponement cannot be ruled out. Although guidelines exist from CVC and other Govt. agencies for the procedure to be followed in case of postponement of tender. After detailed discussions between committee members & Dr. Deepak Agarwal, Chairman, eHospital Computerization Committee, SPC recommended to refloat fresh advertised tender after giving sufficient time for submission of quotations and pre-bid meeting.

f. It is also worthy to inform here that when a representation dated 27.02.2014 **(copy enclosed at p. no. 71)** was received from M/s Tech Mahindra Ltd., the same alongwith all details of the tender were put up to the Director, AIIMS for further orders on dated 4.3.2014. *It was also brought out in the said note that the dates of the bid opening and pre-bid meeting were preponed on the advice of Dr. Deepak Agarwal, Chairman, eHospital Project.* On this note, *Dr. Deepak Agarwal himself recorded that "All process followed in Tendering"* and thereafter the file was sent to Prof. In-charge, Computer Facility who in-turn marked to Dy. Director (Admn.) and Director. DDA remarked that "nothing to comment on as the process is being undertaken by Computerization

10/12/2020

Committee" which was endorsed by Director, AIIMS (Copy of note enclosed at **p. no.70).**

g. It is necessary to inform here that even after explaining the repercussions of preponement of date of submission/opening of tender to Dr. Deepak Agarwal, he pressurized to prepone the dates by giving the plea that eHospital Project were to be completed before 15.03.2014. At that time everyone working in Computer Facility was under tremendous pressure. Dr. Deepak Agarwal was very aggressive to complete all eHospital Projects in a time bound manner and fixed the deadline of finishing/ implementing almost all Information Communication Technology (ICT) projects before **15th March 2014. Dr. Deepak was having the tremendous support of Dr. M.C. Mishra (then Director). For Dr. Deepak Agarwal rules/ regulations are not at all important.** During that period, various times it was come to the notice that minutes of meetings were prepared by the incharge of nursing staff, Nursing Informatics Specialists (NIS), posted in Computer Facility, working under him, and circulated through email (without getting the signature of the members).

In the light of the above facts, the charges made against the undersigned are totally false, denied. It is also important to mention here that in my entire carrier of 38 years there was not any even small, allegation leveled against me.

I have full confidence and faith in the higher Authorities and belief that they will give justice in this case by considering my appeal by exonerating of all these charges.

I wish my views will be considered sympathetically and justice will be granted and this matter may be treated as closed/ withdrawn.

Thanking you,

Yours sincerely,

10/12/2020

(Rakesh Kumar)
Sr. Stores Officer
AIIMS, New Delhi

Annexure II

Annex. II

210

Dated :- 10/03/2014

To,
Mr. Chaturvedi
The Chief Vigilance officer
AIIM.S
ANsari Nagar
Delhi

Sub: Complaint against procurement of ERP vide Tender No.: CF-04/ERP/GT/2013-2014/CFST and EHR tender no . CF -12/vista/13-14/CFST

Sir

1. The above mentioned tenders was floated in Feb 14, with a due date of submission for on the 12th of March 2014 and the pre bid meeting on 27th February 2014.

2. But all of a sudden a corrigendum was uploaded on the site proponing the Pre Bid Meeting to 19th February 2014 and Submission date 27th February 2014. We are surprised at the hurry in which the procurement team and the IT team led by Dr. Deepak Aggarwal want to close the procurement process. I have sufficient proof to establish that Dr Deepak Agrawal who is in charge of both tenders has personal interest in venders, and trying to help the known favorite venders to win both tenders.

3. All possible illegal means is being adopted by Mr. Deepak Agrawal to favour selected vender to win above mentioned jobs .these processes adopted are direct violation of established CVC rules and guide lines no. 12-02-1-CTE-6 of 17/12/2002 adopted by all govt. and PSU tenders.

4. Also if you go through the RFP Pre Qualification criteria's and Specifications, it clearly looks like the procurement committee headed by Dr Deepak Agrawal is biased and wants to favour on ERP OEM and one of EHR bidder M/S Medi Line Clinic Technology (P) Ltd. Some of the points are reproduced from the RFP:

Reference Para 5.2 sub Para 3(a) NIT asking for Rs. 500 crs. Is clear breach to CVC ruling Para 3

Reference Para 5.2 sub Para 4b of NIT asking for 250 consultant and 3 (a) 1000 employees in break of Para 4 CVC ruling.

5. Preponing the tender: Sir, One of prospecting bidder M/s Peak Time Infosystem of Banglore has made written complaint to director AIIMs that he had booked his tickets on 9th Feb for travel on 25 Feb for the purpose of pre-bid pre bid meeting date after checking the website for the tender then found tender prepounded .

Raghuvir Singh

15/3/14 AIIMS

14/3/2014

सतर्कता प्रकोष्ठ, अ. भा. आ. सं.
VIGILANCE CELL, A.I.I.M.S.
एफ डी एस सं./FTS No. 798
दिनांक/DATE 14-3-14

6. I would like to bring to your notice and submit that after pre bid meeting , the questions and quarry of all bidders were summarily rejected and pre pond date of filling the bid given as Feb 26 th was maintained. Such hurry unfavorably provides advantage to a known vendor M/S Medi Line Clinic Technology (P) Ltd. for EHR tender known to Dr Deepak Agrawal .It is normal tender process that Para wise reply of bidders query is uploaded for every bidder to know, but for no reason what so ever the normal bidding process was dispensed with..

7. in one of tender for ERP the turn over requirement was raised to Rs 500 cr for a project of just Rs 7 crore Only. CVC order dated 2002 clearly states the recommended turn over to be defined in NIT. The ERP NIT is clear breach of CVC order to favour known vender by eliminating all known Indian venders like TCS, WIPRO,HCL,Infosys, Tech Mahindra etc,

8. On the other hand in another tender , the project cost was reduced from Rs 1.5 cr to just Rs 25 lacs to allow a just formed company M/S Medi Line Clinic Technology (P) Ltd. (hereafter called M/S Medi Line Clinic Technology (P) Ltd.)in which Dr Agrawal has personal stake as Benami share holder .

9. Not only the project cost and EMD was reduced to favour M/S Medi Line Clinic Technology (P) Ltd. but also the pre qualification condition was totally eliminated to make Dr agrawal's newly formed, company eligible for bid.

10. So on one hand in one tender the P.Q was was inflated to eliminate venders like HCL, TCS etc on the other hand in another tender on same date P.Q. Was eliminated to eliminate established venders of VistA like M/S Edgeware, Ohum, Torres global and GTI Infotel who are indian established company having global presence in VistA EHR who knew that tender is invited for M/S Medi Line Clinic Technology (P) Ltd. set up by Dr DeepK Agrawal jointly with Mr. Santosh Misra and Umesh sharma .

11. The tender specification was heavily dependent on SRS and, Document which was made available to only Mr. Santosh Misra working for AIIMS and denied to others.

12. The Bill of quantity (BOQ) provided with NIT was vague to the extent to eliminate defining quantity which is unheard in any tender , though NIT was said to be global tender . This was intentionally done to manipulate tender evaluation and adopt quantity to suit Dr deepak Agrawal own vender M/S Medi Line Clinic Technology (P) Ltd.

13: The BOQ was intentionally designed to call for unit rate of training and man day for expert to help vender decided by Dr Deepak Agrawar at latter date after award of tender .Obviously it is only vender well known to Dr Deepak Agrawal is assured to get quantity defined in his favor after tender is awarded, other can not take it and stand to loose and even if awarded will have to beg for enhancing quantity and get post tender favor for personal consideration of controlling officer.

14. Dr Agrawal formed new company M/S Medi Line Clinic Technology (P) Ltd. by not only contractual breach but also criminal breach to JPNATC contract no.TC-752/CF/11-12/FSC Dated 03/05/2012 condition 13E read

to non poaching of each other staff and took away entire technical team of GTIInfotel trained by GTIInfotel for years .

15. Dr Agrawal is looking towards six new AIIMS coming up and promote his own company to introduce EHR thus establish big EHR company in India , in this direction Dr Agrawal introduced M/S Medi Line Clinic Technology (P) Ltd. to AIIMS Bhopal to install VistA through . (it is on record that Dr Agrawal introduced mr Santosh Misra to AIIMS Bhopal as AIIMS delhi representative)

Please investigate the following , this will establish the case of corruption beyond doubt .

a. Why M/s Edgeware withdrew all its software in 2013 , why were their deposit not released , his complaint is on JPNATC record ?
b. why did M/s Edgeware not bid for this tender for which they were really qualified ?
c. Why did M /s Torres global not bid for this tender for which they were really qualified ?
d. Why did M /s Torres global not allowed to upload their lab integration software , and not paid for ?.
e. why did M/s Ohum the largest VistA company not bid for AIIMS tender ?
f. Why did M/s GTI the existing EHR contractor who was invited to address as key note speaker in its seminar not bid for this tender.
g. Please compare this EHR NIT in 2014 with same NIT by same name "support and upgradation of existing EHR VistA " . This job in 2014 is ten times bigger than that of NIT in 2012 limited to just JPNATC having 200 beds as compared to present tender for 2000 beds now ?
h. Why the project cost reduced from Rs 1.5 cr for 20012 JPNATC job to only Rs 25 lacs?
I. Why the PQ in 2012 was diluted from turn over required Rs one cr to NIL in 2014 with job increased ten fold ?
j why the PQ of experience of vista job for three years in 2012 NIT was eliminated in 2014 ?
k why was the contract no. TC 752 Condition 13E read." Will not hire each other employees " breached by Dr Agrawal to engage mr Santosh Mishra , Sahai and sharma the employees of old contractor for VistA implementation at AIIMS .
In under what rules and which public tender was mediline selected to work for AIIMS Delhi ?
m. Please refer CVC rules dated 2002 Para 2 read " very often it is seen that only contractors known to the official of the organization are placed in select list " here is clear case of motive and corruption where newly formed company by known persons is promoted and selected first and then tender is invited to give post facto approval ?
n is Mr santosh Mishra not related to company mediline ? Is Dr Deepak Agrawal not related to promotors of mediline ?
o. Why did AIIMS Bhopal cancel its tender no. 2013-2014/02 dated 10/09/2013 And accepted Dr Deepak Agrawal introduced VistA ?
p. why and under what rules without public tender AIIMS Delhi introduced M/S Medi Line Clinic Technology (P) Ltd. (Mr. Santosh Mishra) to implement Vista at AIIMS Bhopal ?
q. What is interest of Dr Deepak Agrawal to promote M/s mediline to upcoming six AIIMS ?
r. What is interest of Dr Agrawal to violate CVC rules to manipulate pre qualification condition of both tenders!

s. what is interest of Dr Agrawal to propound tender date ?
t. What is interest of Dr Agrawal to avoid publish bidders query ?
u what is interest of Dr Agrawal to disallow giving SRS and other documents to bidders ?
v. What is interest of Dr Agrawal to ask for unit rate of training without defining quantity?
x. What is interest of Dr Agrawal to ask for unit rate of manday of expert without defining the quantity ?
y. What is interest of Mr agrawal to breach AIIMS contract dated 03/05/2012 condition 12E " JPNATC or the vender will not hire any of each other s employees "to take over contractors employees ?
z. What is interest of Mr Agrawal to promote M/s mediline to other Aiims .
aa. Why did ERP tender ask for 1000 staff on board when the work needs only twenty five staff, this is clear breach of CVC rules.ref Para 4 of CVC ruling dated 17/12/2002.
bb. why did ERP tender ask for Rs 500 cr as turn over when project cost is just RS seven cr ref Para 3 ii) of CVC ruling dated 17/12/2002.

Regards,

Raghvendra Singh

Raghvendra Sing Dangi

Address: 10349, Gali Pathshala, Manakpura -110055

Date: 03/03/2014

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To,
Mr. Sanjiv Chaturvedi
The Chief Vigilance officer
AIIMS, Ansari Nagar
Delhi

Sub: Complaint against procurement of ERP vide Tender No.: CF-04/ERP/GT/2013-2014/CFST

Sir

The above mentioned tender was floated in Feb 14, with a due date of submission for on the 12th of March 2014 and the pre bid meeting on 27th February 2014.

But all of a sudden a corrigendum was uploaded on the site proponing the Pre Bid Meeting to 19th February 2014 and Submission date 27th February 2014. We are surprised at the hurry in which the procurement team and the IT team led by Dr. Deepak Aggarwal want to close the procurement process. It clearly appears that there is some vested interest.

Also if you go through the RFP Pre Qualification criteria's and Specifications, it clearly looks like the procurement committee is biased and wants to favour on ERP OEM and one SI. Some o f the points are reproduced from the RFP:

a. Capacity building for the COE, by training the people on the COTS solution **with SAP certified training** of 10 AIIMS computer facility staff in development, management, deployment 7 support of the procured software in different modules of FI, HR,MM,ABAP and BASIS (2 persons in each module) – **This is the bait that SAP gives to**

सतर्कता प्रकोष्ठ, अ. भा. आ. सं.
VIGILANCE CELL, A.I.I.M.S.
एफ टी एस सं./FTS No. 718
दिनांक/DATE 27/2/14

Urgent
26/3/14
A(V)

Urgent
comments to be sought
Sd/
26/3/2014

customers and the IT department people get lured that I will get SAP certification free of cost and start favoring SAP

b. RFP Page No. 183 -

"Ti ght Integration with Existing SAP System
1.11 - If complied, explain few test cases & how the same would be achieved (with reference cases)

Where in AIIMS SAP is already running that integration with SAP is required. This shows that the IT Team and Dr. Deepak got the specs made in collusion with SAP.

c. Sec. 3.2 Page no. 184

Create dispatch item for scanned documents, email and notification from internal SAP user

Business Intelligence & Reporting:
BI Solution should be able to connect natively to SAP ERP / SAP BW / Oracle Applications for reporting? (the tool should be able to understand ERP specific contents)

d. **Eligibility Criteria for ERP solution:** The COTS Solution should support -all of the Operating System- Microsoft Windows, UNIX, Linux and the proposed integrated application should work on any database. The primary database for ERP implementation at AIIMS is Postgres. However, the product should be capable of running on all standard RDBMS like – Sybase, Oracle, DB2 , MS SQL, MySql etc. **: This clearly favours SAP as SAP is the only company which allows its application to run on all other databases as it does not have its own database. This is good feature but this should not be used to eliminate other OEM's as there are good ERPs from other OEMs also like Oracle, Microsoft which do not use other databases other than their own database Oracle and MS SQL.**

e. **Source Code:** Page no. 201. Software source code is asked for which SAP generally says to all customers that they will give source code. But they do not give the actual source code. In turn they give the tool called ABAP to write some reports or customize and they call this as giving the source code. They never give the entire source code but get this clause written in the RFP so that other OEM's are dissuaded to bid as no body really shares the source code including SAP. In case this tenders go through I would request the AIIMS authorities to really take the entire source code as asked in the RFP and not simply the ABAP tool.

f. **ERP Licenses:** Why should AIIMS or any government pay for the ERP licenses till the time it is implemented? Because the SI may implement it or not, but the tax payers money would have been given to a multinational firm and the end result would be zero. Waste of money. In fact the OEM should be made a party in the contract and their money released only when the go live happens. What these MNC's do is that they ask the SI to pay for the licenses to them and they go off. It becomes then the headache of an INDIAN SI Company and the buyer – AIIMS in this case to see that the project is successful. The project whether it is successful or not SAP would enjoy. SO my strong suggestion is that there should be a clause that till the time the implementation is successful no money should be given to SAP or any other ERP company either by SI or by AIIMS and if possible the money should be paid directly to SAP by AIIMS once the ERP implementation is live, not before that.

g. **ERP Licenses:** Most of the OEM's have made a policy of giving named user licenses to customers. In this case there are more than 7000 users in the hospital. But at any given moment of time around 30% of the users would use that application and the rest of the licenses remain unused but paid for. If the licensing policy is concurrent user based then AIIMS save license cost of around 4000 users. Here AIIMS would buy licenses for 7000 users or more. AIIMS should ask for an enterprise wide license or concurrent user based as

asked for in other tenders which do not bind them to named users. In fact any OEM which asks for named user base licenses should be banned in India.

In the named user license way the customer ends up paying huge money which ultimately is the tax payer's money. Dr. Deepak Agarwal is Oblivious of this fact or he does not care to get the project done at a low cost.

Also in any project of this type of project where customer insists on COTS with such a definition of COTS that only MNC companies products qualify most of the project cost goes to the MNC's, and only proposing COTS product is restrictive for Indian companies. Over here in this tender it has asked for COTS product only.

In any COTS ERP product like SAP or Oracle or MS Dynamics, there are different components. The functionality of some products are good and some are poor. Here the favoring of SAP was so much that the IT team said whether the feature in SAP is good or bad, all the products should come from the same OEM. Let me try to explain, the HR license are based on the number of payroll generated in an organisation. SO if there are 10000 employees in AIIMS you need 10000 licenses or so. This is huge cost. In the market there are several other HR systems which are good and tuned as per the Indian system, but the IT team has so much affinity with SAP that the RFP does not allow this to happen under the garb of difficulty in managing multiple products. Allowing os Indian HR system would save lots of money to AIIMS.

Similarly for document Management System, that is required in the RFP, there are very good Indian Systems also but no, AIIMS would like to go with SAP only whether they end up paying more tax payer money to an MNC.

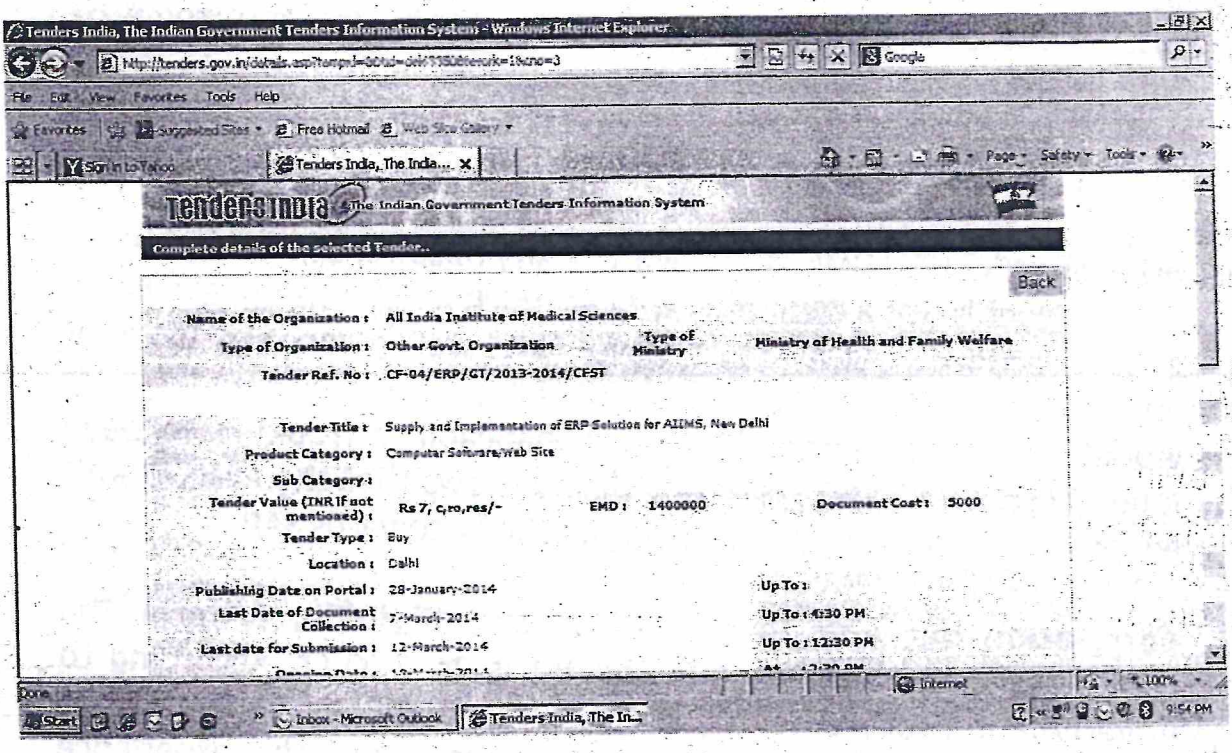
h. **Less Competition** due to COTS demand in RFP: If AIIMS or any other government buyer gives an indication to an OEM that they will procure their product only, then the OEM does not give maximum discounts to bidders. In this particular case all the three vendors who have put the bid have proposed SAP ERP. This SAP does not have any reason to give good discounts to be competitive. Had this been open to COTS and Custom developed products, SAP to win the deal would have given discounts in the range of 95-97% of their list price which would not have been the case over here. Then the support cost is 22% of the license cost, so the support cost also would be high as the initial license price is high. Would request you to take a certificate from OEM that they have not supplied the ERP licenses at a lesser price elsewhere in Government or Private sector.

i. **HIS from NIC:** HIS / HMIS is the heart of any hospital operations. When this product is not a COTS then why so much insistence om ERP being a COTS product. AIIMS could have very well given the work of implementing ERP to NIC so that the solution platform and vendor would have been same. SO that manageability would have been much better for AIIMS staff. This clearly shows that the AIIMS IT staff led by Dr. Deepak Aggarwal has some affinity towards SAP.

j. **Correlation between Project Value and Eligibility Criteria:** The project value as mentioned in the NIT is Rs. 7.00 Cr. According to Government procurement guidelines the Turnover or experience should not be more than 7 cr in any case , but the experience required was Rs. 500.00 Cr. This definitely points to efforts in elimination of most of the parties and favoring few parties who would be fulfilling these criteria. I am sure the answer from the internal team would come that they want to have the best implementation company but most of the top IT firms did not turn up for the bid.

Also would like to mention in the end that for so many years when there is no ERP in AIIMS what was the tearing hurry to get the submission dates proponed. One reason the IT team may give is that the enforcement of

Election Code of Conduct, but this does not sound a good reason. AIIMS does not have ERP till date and I am sure it can wait for another 3 months also. The net result of the conditions in RFP and the hurry shown in closing is that only 3 companies have submitted the bid. None of the good and large vendors like TCS, WIPRO, HCL, Infosys, Tech Mahindra etc. have participated. I would request you to look into the matter and ascertain for yourself if there is any vested interest or not.



Yours Sincerely

Rashmi Prasad

Asha Charitable Trust
(Delhi)

rashmiprasad1990@yahoo.com.

CC:

1. IT Head - AIIMS
2. CVC, GoI.

Confidential

Annex. III

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्पलैक्स,
ब्लॉक–ए, आई.एन.ए., नई दिल्ली–110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

24651186

सं./No. 014/HFW/029-1303

दिनांक / Dated 04/01/2016

OFFICE MEMORANDUM

Sub: Complaint regarding various malpractices in the purchase of medicines, investigation to prevent the loot of public money.

AIIMS may refer to their letter No. F.Vig./2-840-2009 dated 05/12/2015 on the above subject.

2. The matter has been examined and the Commission has observed that though CBI did not find any criminal liabilities that does not absolve the officials who committed irregularities in tender process. The Commission, therefore, would advise CVO, AIIMS to examine the case in details, fix the responsibilities of officials and refer the case to the Commission for its advice.

4.1.16

(Mukesh Kumar)
Director

All India Institute of Medical Sciences,
(Shri Manoj Jhalani, CVO),
Nirman Bhawan,
New Delhi.

06 JAN 2016

Received on: .....
Time: ..... Sign: .....

O.A. 531/92

Annex. IV

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No.F.17/NVC/2013(346)

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
(VIGILANCE CELL)

Ansari Nagar, New Delhi-29.
Dated the: 10 JAN 2019

MEMORANDUM

Shri Rakesh Kumar Sharma, Sr. Stores Officer(DO), AIIMS, New Delhi is hereby informed that it is proposed to take action against him under Rule 16 of CCS(CCA) Rules, 1965. A statement of the imputations of misconduct on which action is proposed to be taken as mentioned above is enclosed.

Shri Rakesh Kumar Sharma, Sr. Stores Officer(DO), is hereby given an opportunity to make such representation as he may wish to make against the proposal.

If, Shri Rakesh Kumar Sharma, Sr. Stores Officer(DO), fails to submit his representation within 10 days of the receipt of this order, it will be presumed that he has no representation to make and orders will be liable to be passed against him ex-parte.

The receipt of this memorandum should be acknowledged by Shri Rakesh Kumar Sharma, Sr. Stores Officer(DO),AIIMS, New Delhi..

By order and on behalf of
President, AIIMS & Disciplinary Authority

9/1/19

(Prof. Randeep Guleria)
Director, AIIMS

Shri Rakesh Kumar Sharma,
Sr. Stores Office(DO),
AIIMS, New Delhi.

STATEMENT OF IMPUTATION OF MISCONDUCT ON WHICH ACTION IS PROP TAKEN AGAINST SHRI RAKESH KUMAR SHARMA, SR. STORES OFFICER(DO) DELHI.

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IMPUTATION OF ARTICLE OF CHARGE:-

Shri Shri Rakesh Kumar Sharma, while working as Stores Officer(CF) in the Compute Facility, AIIMS, New Delhi has been responsible for misconduct during floating of tender(Tender No.CF-04/ERP/GT/2013-14/CFST and Tender No. CF-12/VISTA/13-14/CFST) process regarding proponing of last date of submission of bids and pre-bid meeting and manipulation of prequalification conditions to favour a particular firm. The tender was floated by the computer Facility, AIIMS, New Delhi with the approval of the Director, AIIMS, New Delhi. Subsequently the Computer Facility had proponed the date of submission of bids, which is highly irregular and is not allowed. Moreover, even the approval of the competent authority was not taken. The details in respect of both the tenders are as under:-

1. CF-04/ERP/GT/13-14/CFST- Supply and Implementation of Enterprise Resource Planning (ERP) Solution for AIIMS.
2. CF-12/VISTA/13-14/CFST-Customization, support and up gradation of existing electronic Health record "VISTA HER" open RIS ad open PC.

Date of pre-bid conference meeting with prospective bidders (for CF-04/ERP/GT/13-14/CFST was fixed on 27.02.2014 at 11.00 a.m.
Last date for sale of TE documents – 07.03.2014 upto 4.30. p.m.
Closing date for sale of TE documents – on or before 12.03.2014(upto 12.30 p.m.)
Date, Time and Place for opening of Technical bids – 12.03.2014 at 2.30 p.m.
Later on the dates of tender was proponed. The detail of the same are as under:-
Date of pre-bid conference meeting with prospective bidders(for CF-04/ERP/GT/13-14/CFST-19.02.2014 at 11.00 a.m.
Last date for sale of TE documents – 25.02.2014 up to 4.30 p.m.
Closing date for sale of TE documents – on or before 27.02.2014(up to 12.30.p.m.)
Date, time and Place for opening of Technical bids – 27.02.2014 at 2.30 p.m.

Further, from the tender documents, it has also been observed that pre-qualification criteria was also not clearly specified and there was no performance criteria mentioned in the bid document. Condition that the tenderer should have previous experience in undertaking/handling of similar work, should have been be incorporated in the tender document, however, the same was missing in the bid document. Apart from this, certain important conditions, such as, statement of financial standing from bankers, quality assurance certificates and statement of turnover were also missing from the tender/bid document. As per the laid

down instructions of CVC, the prequalification criteria is a yardstick to allow of disallow the firms to participate in the bids. A condition in the tender bid that the renderer should have previous experience in undertaking/handling of similar work, had to be incorporated in the tender document, however, no condition of previous performance was indicated in the bid document. Apart from the above, some firms were disqualified during technical evaluation for the following reasons:-

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- The System Requirement Specifications (SRC) and Business Process Re-engineering(BPR) documents were not provided to the intending bidders despite their requests. As per NIT, the bidders had to study these documents and quote accordingly. One firm (M/s Multifacet Software Systems Pvt. Ltd. was rejected as they requested for exemption of EMD being small scale enterprise.
- Further, another firm M/s Mediff Technology Pvt. Ltd. was rejected as they bid in as a consortium with GTI Infotel Ltd. However, the NIT provides as under:-"

  "No consortium will be entertained by AIIMS. The bidder shall hold the full responsibility of the contract, any consortium formed by the Bidder at his end which was formed either to gain entry into agreement with AIIMS or during the project for execution of the agreement will be at sole risk and responsibility of the bidders".

- The project value in the NIT was Rs. 7 cr. and experience required to become eligible to participate in the said tender was Rs. 500 cr. There was no justification for keeping such high eligibility criteria.

Since, being Stores Officer(CF), he was involved in processing the case for floating the aforesaid tender and subsequently, preponing the date for submission of bids, thereby, responsible for not following the laid down procedures and guidelines and leaving the scope of favoritism by diluting the pre-qualification criteria which is a yard stick to allow or disallow the firms to participate in the bids and responsible for administrative/procedural lapses. Such an act on his part is a misconduct and unbecoming of an employee of the Institute and in violation of Central Civil Services(Conduct) Rules, 1964.

Shri Rakesh Kumar Sharma, Sr. Stores Officer Mangal Singh, UDC is thus responsible for gross misconduct, failed to maintain devotion to duty and acted in a manner unbecoming of an Institute employee; hereby contravening the provision of Rule 3(1)(ii) & (iii) of the CCS(Conduct) Rules, 1964 as applicable to the employees of the Institute.

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(6) Annex.-V Confidential

No.F.17/NVC/2013/(346)
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
(Vigilance Cell)

Ansari Nagar, New Delhi – 029
Dated the: 28 OCT 2019

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ORDER

WHEREAS, Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS, New Delhi has been charge sheeted under Rule 16 of CCS(CCA) Rules, 1965 vide Vigilance Cell's Memorandum of even number dated 10.01.2019 and he has been asked to submit his representation on the following statement of imputation of misconduct:-

ARTICLE OF CHARGE:-

Shri Rakesh Kumar Sharma, while working as Stores Officer (CF), in the Computer Facility, AIIMS, New Delhi has been responsible for misconduct during floating of tender(Tender No.CF-04/ERP/GT/2013-14/CFST and Tender No. CF-12/VISTA/13-14/CFST) process regarding proponing of last date of submission of bids and pre-bid meeting and manipulation of prequalification conditions to favour a particular firm. The tender was floated by the computer Facility, AIIMS, New Delhi with the approval of the Director, AIIMS, New Delhi. Subsequently the Computer Facility had proponed the date of submission of bids, which is highly irregular and is not allowed. Moreover, even the approval of the competent authority was not taken. The details in respect of both the tenders are as under:-

1. CF-04/ERP/GT/13-14/CFST- Supply and Implementation of Enterprise Resource Planning (ERP) Solution for AIIMS.
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Closing date for sale of TE documents – on or before 27.02.2014(up to 12.30. P.M.)

Date, time and Place for opening of Technical bids – 27.02.2014 at 2.30 P.M.

Further, from the tender documents, it has also been observed that pre-qualification criteria was also not clearly specified and there was no performance criteria mentioned in the bid document.

Condition that the tenderer should have previous experience in undertaking/handling of similar work, should have been incorporated in the tender document, however, the same was missing in the bid document. Apart from this, certain important conditions, such as, statement of financial standing from bankers, quality assurance certificates and statement of turnover were also missing from the tender/bid document. As per the laid down instructions of CVC, the prequalification criteria is a yardstick to allow or disallow the firms to participate in the bids. A condition in the tender bid that the tenderer should have previous experience in undertaking/handling of similar work, had to be incorporated in the tender document, however, no condition of previous performance was indicated in the bid document. Apart from the above, some firms were disqualified during technical evaluation for the following reasons:-

The System Requirement Specifications (SRC) and Business Process Re-engineering(BPR) documents were not provided to the intending bidders despite their requests. As per NIT, the bidders had to study these documents and quote accordingly. One firm (M/s Multifacet Software Systems Pvt. Ltd. was rejected as they requested for exemption of EMD being small scale enterprise.

Further, another firm M/s Mediff Technology Pvt. Ltd. was rejected as they bid in as a consortium with GTI Infotel Ltd. However, the NIT provides as under:-"

"No consortium will be entertained by AIIMS. The bidder shall hold the full responsibility of the contract, any consortium formed by the Bidder at his end which was formed either to gain entry into agreement with AIIMS or during the project for execution of the agreement will be at sole risk and responsibility of the bidders".

The project value in the NIT was Rs. 7 cr. and experience required to become eligible to participate in the said tender was Rs. 500 cr. There was no justification for keeping such high eligibility criteria.

Since, being Stores Officer (Computer Facility), AIIMS, New Delhi he was involved in processing the case for floating the aforesaid tender and subsequently, preponing the date for submission of bids, thereby, responsible for not following the laid down procedures and guidelines and leaving the scope of favoritism by diluting the pre-qualification criteria which is a yard stick to allow or disallow the firms to participate in the bids and responsible for administrative/procedural lapses. Such an act on his part is a misconduct and unbecoming of an employee of the Institute and in violation of Central Civil Services(Conduct) Rules, 1964.

Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS, is thus responsible for gross misconduct, failed to maintain devotion to duty and acted in a manner unbecoming of an Institute employee; hereby contravening the provision of Rule 3 (1) (i)(ii) & (iii) of the CCS(Conduct) Rules, 1964 as applicable to the employees of the Institute".

AND WHEREAS, Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS submitted his representation dated 28st February, 2019 and explained his position on the charges of misconduct levelled against him. The representation of Shri Rakesh Kumar Sharma, Senior Stores Officer has been considered by the President, AIIMS, New Delhi and after careful consideration of imputation of misconduct, submission of Shri Rakesh Kumar Sharma, Senior Stores Officer and all other relevant material/facts/records and circumstances of the case, the President, AIIMS, New Delhi has reached to the conclusion that the representation dated 28th February, 2019 submitted by Shri Rakesh Kumar Sharma is unconvincing and the action of officer in preponing the process of tender without taking the approval of competent authority of AIIMS, is an administrative impropriety The ends of justice would be met, if the minor penalty of withholding of one increment for one year is imposed.

NOW THEREFORE, after careful consideration of imputation of misconduct submission of Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS New Delhi and all other relevant material/facts/records and circumstances of the case, the President, AIIMS, New Delhi being Disciplinary Authority in exercise of the powers conferred by Rule 15 of the CCS(CCA) Rules, 1965 read with regulation 33(2) of the AIIMS regulations, 1999 (as amended time to time), now for good and sufficient reasons has decided to impose the penalty of **" Withholding of one increment for one year"** on Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS, New Delhi. Accordingly, penalty of **"Withholding of one increment for one year "** has been imposed on Shri Rakesh Kumar Sharma, Senior Stores Officer (DO) AIIMS, New Delhi.

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A copy of this order may be placed in the ACR/APAR folder of Shri Rakesh Kumar Sharma, Senior Stores Officer (DO), AIIMS, New Delhi.

By order and on behalf of
President, AIIMS & Disciplinary Authority

(Dr. Randeep Guleria)
Director, AIIMS

Shri Rakesh Kumar Sharma
Senior Stores Officer (DO)
Stores Section (DO),
AIIMS, New Delhi
Thr:- Dy. Secretary, AIIMS, New Delhi.

Copy to:-

1. The Chief Admn. Officer,
2. The Admn. Officer(Legal Cell)
3. The Establishment Section (E) - for Personal File
4. The Accounts Section-II/(Audit)
5. The ACR Cell.

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/15

To consider the appeal of Ms. Anitha B. , Nursing Officer, JPNA Trauma Centre, AIIMS, New Delhi against the penalty of "Reduction to a Lower Stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay " imposed on Ms. Anitha B., Nursing Officer as an outcome of a disciplinary proceedings under CCS (CCA) Rules, 1965.

NOTE FOR THE GOVERNING BODY

Item No.GB/159/15

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SUBJECT: TO CONSIDER THE APPEAL OF MS. ANITHA B., NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS, NEW DELHI AGAINST THE PENALTY OF "REDUCTION TO A LOWER STAGE IN THE TIME SCALE OF PAY BY ONE STAGE FOR A PERIOD OF 05 YEARS WITH THE DIRECTIONS THAT SHE WILL NOT EARN INCREMENTS OF PAY DURING THE PERIOD OF SUCH REDUCTION AND ON THE EXPIRY OF SUCH PERIOD, THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING FUTURE INCREMENTS OF HER PAY " IMPOSED ON MS. ANITHA B., NURSING OFFICER AS AN OUTCOME OF A DISCIPLINARY PROCEEDINGS UNDER CCS (CCA) RULES, 1965.

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INTRODUCTION

Disciplinary Proceeding under Rule 14 of the CCS (CCA) Rules, 1965 was initiated against Ms. Anitha B., Nursing Officer vide Memorandum dated 03.07.2021 as she misused the LTC facility by submitting forged and fraud tickets.

FACTS OF THE CASE AND ADMINISTRATIVE COMMENTS

Ms. Anitha B., Nursing Officer has requested to grant her 09 days Earned Leave w.e.f. 23.05.2019 to 31.05.2019 and also requested to grant her LTC for the Block Year 2018-2019 to visit Havelock, Port Blair for herself and family members.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 09 days Earned Leave alongwith LTC was sanctioned to Ms. Anitha B., Nursing Officer with the Clause that "उन्हेंपरामर्शदियाजाताहैकिवेअपनीटिकटयातोसीधेरेलवे/एयरलाइन्ससेअथवासरकारद्वाराप्राधिकृतकिएगए विक्रेतासेखरीदें" vide Office Memorandum No.45-41/2007-Estt.(TC) dated 25.04.2019.**(Annexure-I)**

When Mrs. Anitha B., Nursing Officer has submitted her LTC claim the Account Officer pointed out that air fare claimed by her were appearing exorbitant.

Accordingly, necessary letter regarding verification for air tickets were sent to the Air India, IndiGo & GoAir vide this Office Letter dated 11.01.2020. **(Annexure-II)**

In response to this letter dated 11.01.2020, no reply was received from GoAir. However, details of tickets was downloaded from GoAir website and as per the reply received from Air India and IndiGo, the following discrepancies in purchased tickets was found:-

Air line	**Place**	**Amount Claimed for reimbursement by the official**	**Actual cost of tickets as per information received from air lines**	**Difference**
Air India	Kolkata-Port Blair-Kolkata	Rs. 37,786.00 x 4 persons = Rs. 1,51,144.00	Rs. 11,929.00 x 4 persons = Rs. 47,716.00	Rs. 1,03,428.00

IndiGo	Delhi-Kolkata	Rs. 15,772.00	Rs. 15,884.00	(-)Rs. 112.00
GoAir	Kolkata-Delhi	Rs. 17,004.00	Rs. 16,232.00	Rs. 772.00
Total		**Rs. 1,83,920.00**	**Rs. 79,832.00**	**Rs. 1,04,088.00**

A Show Cause Notice was issued to Ms. Anitha B., Nursing Officer and directed to submit her written explanation as to why she has submitted forged tickets with excess claim amount of Rs.1,04,088/- rather than original amount (Rs.79,832/-) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against her vide this Office Memorandum No. 45-41/2007-Estt.(TC) dated 20.03.2020. **(Annexure-III)**

The reply submitted by Ms. Anitha B., Nursing Officer was considered and it was decided by the Director (AIIMS) to initiate disciplinary proceedings under rule 14 of CCS (CCA) rules and Charge Sheet Memorandum was served to her on 29.08.2020. **(Annexure-IV)**

The explanation submitted by Ms. Anitha B., Nursing Officer against Charge Sheet memorandum was considered by the Director (AIIMS). Sh. Satyendra Kumar, Chief Security Officer (on deputation) was appointed as Inquiry Officer to conduct further inquiry vide Office Order dated 17.12.2020. As per the findings of the Inquiry Report submitted by Inquiry Officer, the charged framed against Ms. Anitha B., Nursing Officer has been **proved/found guilty**vide Note No. 23.SEC/INQUIRY-REPORT/JAN/2021 dated 06.01.2021. The inquiry report was sent to Ms. Anitha B., Nursing Officer as provided under Rule-15 of the CCS (CCA) Rules, 1965to submit her written representation, if she so desire within 15 daysdated 02.02.2021. **(Annexure-V)**

In response to this Office Memorandum dated 02.02.2021, Ms. Anitha B., Nursing Officer vide letter dated 10.02.2021 has informed that this mistake has been committed by her due to insufficient knowledge of concerned rule and regulation and by adopting the same procedure as other employees had adopted to claim LTC, but she received only advance amount before going to LTC. She has further requested to consider her case leniently keeping in view her lengthy service and impeccable and clear service record. She assure that she will be more careful in future to avoid repetition of such mistake.

In the above connection, it is stated that after careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule-15 of the CCS (CCA) Rules 1965, has decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay"on Ms. Anitha B., Nursing Officer vide this Order dated 03.07.2021. (Annexure-VI)**

OBSERVATIONS

In response to the penalty order dated 03.07.2021, Ms. Anitha B., Nursing Officer has submitted an appeal before the Governing Body with the prayer to restore her status back to her original status and exonerate the appellant of all the charges. The details of appeal alongwith administrative comments are as under:-

Sr. No.	Appeal	Administrative Comments
1.	That by the present petition, Appellant is	The order issued vide No. 45-

	challenging the Order dated 03.07.2021 bearing reference no. 45-41/2007-Estt.(TC) by which the Disciplinary Authority was pleased to impose the penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay" **BY A NON-SPEAKING ORDER.**At the outset, since it is submitted that since the order of the Disciplinary Authority is a non-speaking order, therefore the same is liable to be set aside by the Governing Body.	41/2007-Estt. (TC) is speaking order as per format prescribed in CCS (CCA) Rules. 229
2.	That the Appellant is working as a Nursing Officer, in Jai Prakash Narayan Apex Trauma Centre (JPNATC), AIIMS, New Delhi, which is a Group-B post since 2006. The appellant is having an unblemished career track record. The Appellant was presented with an award on the occasion of Nurses Day Program 2008 from All India Institute of Medical Sciences (AIIMS), New Delhi. Fact of the manner is a letter of appreciation was issued by the Respondent Authority to the Appellant on 29.08.2015 appreciating her dedication and sincerity for the last 2 years.	It is stated that these are separate issue. The appellant has submitted forged air tickets for LTC reimbursement claim and which has been proved in the inquiry reports. Inquiry report has been submitted by the Inquiry Officer as per instructions laid down under the CCS (CCA) conduct rule.
3.	That by the letter dated 25.04.2019 appellant was granted 9 days of paid leave to visit Port Blair, Havelock on LTC basis along with her family members. This leave was sanctioned for the bock year 2018-2019 and the same was in accordance with the rules. The Copy of the letter dated 25.04.2019 granting 9 days of paid leave to the Appellant to visit Port Blair; Havelock on LTC.	Matter of record.
4.	That after the sanction of the leave, Appellant enquired the ticket fares from her colleagues and in the open market in asmuchas the tickets could be purchased by the Appellant from the market. Even on enquiry from account staff of respondent institute (as it is their everyday routine), she was informed that LTC ticket will cost her Rs. 21,848/- per person each way. After making an inquiry the appellant has sought a sum of Rs.1, 74,784/- as an LTC advance. The Copy of Appellant's application form for grant of LTC advance dated 26.04.2019.	
5.	That Appellant's request was assessed by the respondent department. After the assessment they concluded that the Appellant is entitled for	In this regard, it is stated that as per verification from the concerned airlines, the total claim

	an LTC advance of Rs.1, 55,000/- only. It is relevant to mention here that the LTC/Accounts Department of the respondent authority day in and day out, are dealing in LTC expenses and thus their estimates are quite close to the actual travel expenses which will be incurred by the Appellant during the LTC. It is also relevant to mention here that the LTC advance represents the portion of the estimated expenses which were to be incurred by the Appellant during her leave. It is also relevant to mention here that the estimates of the personnel of the LTC/ Accounts department, by virtue of their experience and daily dealing with such matters was quite close to the actual expenses to be incurred by the Appellant.	is Rs. 1, 83,920.00 against the actual fair work out Rs. 79,832.00 i.e. Rs. 1, 04,088.00. Therefore, applicant's claim that the estimated amount is quite close not correct and it is the self-explanatory note of the appellant. 230
6.	That the Appellant has enquired from her colleagues and friends working in the respondent organization about the travel agent from whom to purchase the air tickets. On enquiry Appellant came to know that a substantive portion of the employees of the respondent organization are purchasing their air tickets from Ivtravels.com (India View Travels), D-324, Street No.11, Lalita Park, Near Laxmi Nagar Metro Station, Delhi-110092. Since a substantive portion of the employees of the respondent organization were purchasing their LTC ait tickets from Ivtravels.com. It is worth mentioning here that inspite of the fact that a substantive portion of the employees of the respondent organization are purchasing their LTC air tickets from Ivtravels.com, Appellant is singled out for initiation of the departmental proceedings against her for purchasing her LTC air tickets from Ivtravels.com. To the best of the Appellant's knowledge, No departmental action is initiated against any other employee of the respondent organization for purchasing his/her LTC air tickets from IVtravels.com.	No comments.
7.	That in good faith Appellant purchased her LTC air-tickets from Ivtravels.com and paid a sum of Rs.1,50,000/- to them through Banking Channel. A further sum of Rs.20,000/- was transferred by the Appellant to IVtravels.com from her husband's Bank Account and Balance of Rs.13,920/- was given to them in cash.	
8.	That it is an undisputed position that the Appellant and her family members travelled from Kolkata to Port Blair on 25.05.2019 and from Port Blair to Kolkata on 30.05.2019.	
9.	That immediately after her return the appellant submitted the TA particulars of reimbursement of the LTC claim to the respondent authority on	

	12.06.2019. The same was also forwarded to the Accounts III Section for necessary action. It is relevant to mention here that the Appellant returned from LTC on 01.06.2019 and has submitted her TA particulars of reimbursement of the LTC claim on 12.06.2019 i.e., within 30 days from the date of completion of the return journey.	231
10.	That inspite of submission of TA particulars for reimbursement of the LTC claim on 12.06.2019 itself, Respondent Authority, after a lapse of more than three and a half months on 27.09.2019, issued a notice to the Appellant direction her to deposit the LTC advance. This notice was issued on the basis that Appellant has failed to submit her bills within 30 days as per Rules. No cognizance of the TA particulars of reimbursement of the LTC claim submitted by the Appellant on 12.06.2019 and forwarded by the concerned officer to Account III Section was taken while issuing Notice dated 27.09.2019. The Copy of the Notice dated 27.09.2019 of the Respondent Authority directing the Appellant to deposit the entire LTC advance on the premise that appellant has not submitted TA particulars of reimbursement of the LTC claim.	
11.	That it is worth mentioning here that with the issuance of the letter dated 27.09.2019, arbitrary and discriminatory actions were initiated against the appellant. Not only was this Appellant singled out also.	The letter has been issued by the Accounts Officer in respect of adjustment of LTC advance as per the instruction laid down by the Government of India.
12.	That it seems that by a letter dated 11.01.2020 the Respondent Authority has sought the verification of tickets submitted by the Appellant and several other employees. Fact of the matter is that these employees travelled with the Appellant in the same flight on the same day/ nearby days to their destinations. It is also submitted that the respondent authority has not provided the complete information received by it from the airlines company in asmuchas the airlines company will not single out the Appellant and give information in her respect ONLY. Appellant believes that the airline fares of the other inquired persons are at par with that of the Appellant and therefore the same was concealed. With respect to Respondent Authority has deliberately singled out the appellant and issued show cause notice to her only. Since, there is an element of arbitrariness, biasness, discrimination and non-equality which is the foundation of the show cause notice/disciplinary action issued against the	The disciplinary proceedings have been conducted as per provisions of CCS (CCA) Rules and ample opportunity has been provided to Ms. Anitha B., Nursing Officer to submit statements/documents in her defence.

	Appellant, the same is liable to be set aside. The Copy of the letter dated 11.01.2020 by which the Respondent Authority sought the verification of tickets submitted by the Appellant and several other employees.	232
13.	With respect it is submitted that deliberate and intentional withholding of information relating to travel expenses of similarly situated persons by the respondent authority proves beyond any doubt that the departmental proceedings are utilized to settle personal scores by the Disciplinary Authority and others concerned against the Appellant.	In this regard, it is stated that the inquiry proceedings have been conducted as procedure laid down in CCS (CCA) Rules, 1965.
14.	With respect it is also submitted that though by a single letter Indigo has provided information in respect of 3 PNR numbers but the respondent authority chose to supply only the first page of the said letter, which contains the details relating to Appellant's PNR only. Other pages of the same letter, at least, are not provided to the Appellant. With respect it is submitted that a departmental proceedings which proceeded on incomplete documents or by concealing relevant information from the show cause notice is liable to be set aside by the Appellate Authority. The Copy of letter by Indigo providing information in respect of the Appellant's PNR dated 30.01.2020.	In this regard, it is stated that there is issue of the Indi Go Airlines not the AIIMS Authority.
15.	That as far as receipt of information from Air-India of issuance of tickets for a lower value is concerned, it is submitted that even the Respondent Authority did not have free access to the said information. The said information was provided to the Respondent Authority (in spite of being a Government Agency), only on the payment of Rs.295 per ticket to Air-India. In these circumstances it is submitted that it is too harsh to presume that the said information was available to the Appellant when she booked the tickets. Appellant has paid the amount claimed by her to the travel agency through banking channel. Appellant's payment is not disputed by Respondent Authority. It is submitted, that at the best, it is a case where appellant stands cheated. It is also submitted that since the Appellant stands cheated by the travel agent and the same was not known to the Appellant at the time of the submission of her LTC claim with the respondent authority, therefore appellant cannot be blamed and charged for the offence of fraud/cheating. It seems that Appellant was cheated by the travel agent who had charged more money from the Appellant.	In this regard, it is stated that as per the information received from the concerned Airlines, the appellant did not purchase the Flight Tickets from the concerned Airlines or the Authorised Agency as required as per the standing instructions for purchasing of air tickets for availing of LTC.

16.	That a show cause notice dated 20.03.2020 was issued to the Appellant by the Assistant Administrative Officer alleging that the LTC air tickets purchased by the Appellant were overvalued and the Appellant has claimed excess amount by submitting fake tickets. It is alleged that the air tickets purchased by the Appellant were sent to the office of Air India, Go-Air and Indigo for necessary verification. It is also alleged that the respondent organization has received the reply from ALL the airline companies and on the basis of the reply received from the airline companies the actual amount spent by the appellant for purchasing the air tickets for LTC Travel was Rs.79,832/-. It is further alleged that excess amount claimed by the appellant from the respondent authority amount to Rs.1,04,088/-. It is further alleged the total amount claimed by the appellant from the respondent authority is Rs.1, 83,920/-.	The Show Cause has been issued by the Asstt. Administrative Officer with the approval of the competent authority. 233
17.	That with greatest respect it is submitted that show cause notice dated 20.03.2020 was illegal for the following reasons. 1. The officer issuing show cause notice and seeking explanation from the Appellant is of equivalent rank as that of Appellant and hence he is not entitled to issue show cause notice to the Appellant. In the respectful submission of the appellant, Show Cause notice dated 20.03.2020 is an illegal show cause notice and hence any action in furtherance thereof, is also illegal. 2. The said show cause notice is based upon surmises and conjectures in asmuchas no reply was received by the respondent authority from Go Air. With respect it is submitted that since the respondent authority has failed to receive authoritative expense figure from Go Air airlines and has presumed the same in the show cause notice, therefore, the show cause notice fails. Respondent Authority is trying to build up a case that the LTC air tickets submitted by the Appellant are fake. The genuineness of air tickets submitted by the Appellant with the respondent authority was not questioned by the respondent authority from the airline companies. Since the genuineness of the LTC Air tickets was not 4. Questioned by the respondent authority from the airlines companies, therefore, it is not open to the respondent authority to allege that the air tickets submitted by the appellant was forged. Fact of the matter is two of the Airline	

	Companies has confirmed the genuineness of air tickets and Go Air chooses not to respond. Since the basis of issuance of show cause notice dated 20.03.2020 is non-existent, therefore, show cause notice and all actions initiated in pursuance thereto, are liable to fail. 5. A proper opportunity of being heard/ making representation/ replying to show cause notice was not granted to the Appellant in asmuchas Appellant was directed to reply within 3 days. During such a short span of time, no proper reply was practically possible.	234
18.	Since the time frame provided by the notice issuing authority was unreasonable and extremely short, therefore Appellant was not able to provide any reasonable explanation to the concerned authority. Fact of the matter is that the authority issuing notice has given the Appellant too short a period to respond to the same. In these circumstances, Appellant vide her letter dated 27.03.2020 expressed her unawareness of the factual position and further submitted that if any violation of the regulation is committed by the Appellant she may be pardoned. Appellant has also brought the fact that she is the only bread earner in the family to the notice of the authority.	The disciplinary proceedings have been conducted as per CCS (CCA) Rules. The penalty has been imposed by the President, AIIMS and disciplinary authority after taking into account the report of Inquiry Officer and facts of the records.
19.	Ordinarily, on receipt of reply to show cause notice, the same deserves to be considered by the authority. It the authorities are of the opinion that the reply is unsatisfactory they may seek clarification. In any view of the matter, before proceeding further, it is incumbent on the authorities to give an opportunity of oral hearing to the notice. In the instant case neither an opportunity of oral hearing was given by the authorities, to the notice nor were any reasons communicated to the appellant as to why her response is unsatisfactory. Fact of the matter is, Respondent Authority has not even considered the Appellant's reply in asmuchas no order was passed and communicated to the appellant in this regard.	
20.	That Memorandum/Charge-Sheet dated 29.08.2020 was issued by the Director, AIIMS, being the disciplinary authority. Even on the perusal of this document, it stands established that authority which issued show cause notice to the Appellant has utterly failed to consider the Appellant's reply. This memorandum also gave an extremely short span of time to the Appellant to respond to the said Memorandum. As per this Memorandum the Appellant is charged with submitting forged and fraud	In this regard, it is stated that as per the Central Civil Services Conduct Rule 1965, the memorandum/charge sheet has been issue to the appellant after proper examination of this issue dated 29.08.2020 by the Disciplinary Authority as the power conferred under the AIIMS Regulation 2019 for the misuse of LTC.

	tickets for her travel from Delhi to Kolkata and Kolkata to Delhi by private airlines. She was also charged with exhibiting lack of devotion to duty and has acted in a manner unbecoming of an institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii), (xviii) of Central Civil Services (Conduct) Rules, 1964. For convenience of this Hon'ble Authority the relevant provisions of Central Civil Services (Conduct) Rules, 1964 are extracted herein below. "3, General (1) Every Government servant shall at all times- (i) Maintain absolute integrity; (ii) Maintain devotion to duty; and (iii) Do nothing which is unbecoming of a Government servant. XXXXXXX (xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society; (xviii) Refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices....." The copy of Memorandum/Chare-Sheet dated 29.08.2020 of the Respondent Authority is annexed and marked as Annexure P 14.	The appellant was given opportunity to submit the written statement within ten days in her defence. 235
21	That in response to RTI query, Respondent Authority has clarified that it has sent three different air tickets for verification in the year 2017, 2018 and 2019. It has also been clarified that some discrepancy was found in two of the air tickets submitted by the employee and an explanation was sought from them. It is also stated by the Respondent Authority that those two employees who have axcessed billed for airline tickets were directed to deposit the excessed billed with the respondent authority. It is also clarified that no action is taken against such employees. Whereas, in response to another RTI query sending of Air-Tickets for verification during the same period is ironically denied by the Respondent Authority. With respect it is submitted that the Appellant is a similarly situated person and Principles of Article 14 of the Constitution of India demands that the Appellant should not be singled out and treated discriminately.	All the suspicious cases are under process for initiating Disciplinary Proceeding against the concerned employees.
22	Appellant by a letter dated 23.10.2020 to the Respondent Authority once again reiterated that	The appellant letter dated 23.10.2020 has been examined

	the LTC tickets were purchased by her through a travel agent and she is the only earning member in her family. It is also stated by the appellant that she is ready to deposit the excess amount. The Appellant, in all fairness, has further stated that she is ready and willing to withdraw her entire LTC claim and deposit the entire LTC amount received by her. Since the disciplinary authority was bend down to settle personal vendetta with the Appellant nether her reply was considered nor previous precedents were given effect to.	properly and the amounts claimed for reimbursement has been found more than the actual fare as per the clarification received from the concerned Airlines. 236
23	With respect it is stated that on receipt of letter dated 23.10.2020 of the Appellant, ordinarily, the matter deserves to be closed. But since scores were to be settled, therefore disciplinary authority vide its letter dated 17.12.2020 appointed Chief Security Officer, who was on deputation as Inquiring Officer to inquire into the charges framed against the Appellant.	Inquiry Officer and Presenting Officer hasbeen appointed as per CCS (CCA) Rules.
24	With respect it is submitted that an officer on deputation since not belonging to the original cadre, is not entitled to be appointed as an Inquiring Officer to inquire into the charges levied against the appellant. It is also submitted that since the appointment of the Inquiring Officer, is not in accordance with law, therefore the entire inquiry proceeding fails.	
25	With greatest respect it is submitted that the Appointing Authority for Group- B post is the President of the Institute. It is further submitted it is a settled proposition of law that the Disciplinary Authority cannot be of a rank of lower than that of the Appointing Authority. Even as per Scheduled II of the All India Institute of Medical Sciences Act, 1956 the Disciplinary Authority is mentioned to be (a) President (b) Director. Though the Director of the Institution is an officer lower in rank than the Appointing Authority, he has been specifically made as a Disciplinary Authority by way of a subordinate legislation. In the instant case the inquiry was conducted by Chief Security Officer and not the Director. Chief Security Officer is an officer of a rank much lower than that of the Appointing officer (President) or even Director (to whom the disciplinary proceedings were specifically conferred). It is submitted that since the Director is an officer of rank lower than that of Appointing Authority, he could not have sub-delegated the power of inquiry to a subordinate officer. The entire inquiry proceedings being conducted by an officer of a lower rank to	In terms of Regulation 33 (Schedule II, Sl.no.2), President (AIIMS) is competent Disciplinary Authority to impose Major as well as minor penalty whereas Director (AIIMS) is competent Disciplinary Authority to impose Minor penalty only in case of Group 'B' officers. However Director (AIIMS) is competent to initiate Disciplinary Proceeding for major penalty under Rule 14 of CCS (CCA) Rules also in terms of Rule 13 (2) of CCS (CCA) Rules. Accordingly, the proposal for intimating Disciplinary Proceeding against Mrs. Anitha B., Nursing Officer was approved Director (AIIMS).

	whom disciplinary powers are not specifically conferred, is liable to be set aside.	
26	That the Inquiring Officer by its letter dated 19.12.2020 fixed 29.12.2020 as preliminary hearing date.	No comment. 237
27	That even before the date of preliminary hearing, Appellant in all fairness, by her letter dated 22.12.2020 submitted before the Inquiry Officer that the tickets were booked through a travel agent. Other similarly situated persons have also booked tickets through the same/similar travel agent. Several staff members of the Respondent Authority have confirmed that they have booked their tickets through the same travel agent. In the past, discrepancies of excess LTC claim are met with direction to the concerned officer to deposit the excess claim amount. Appellant is being singled out in as much as others persons who have travelled in the same fashion are not subjected to any inquiry. It was also prayed that no action deserves to be taken against the appellant till an inquiry is conducted in respect of similarly situated persons.	
28	That on the date of preliminary hearing Appellant, in all fairness, has stated the truth before the Inquiry Officer. Inquiry Officer by its Order dated 29.12.2020 has closed the inquiry against the Appellant on the finding that she has pleaded guilty. While closing the Inquiry, Inquiry Officer choose neither to record the evidence nor assign any reason as to why no evidence is recorded in terms of Rule 14 (5) (a) of Central Civil Service (Classification, Control and Appeal) Rules, 1965. Inquiry Officer submitted its final report to the Disciplinary Authority. While concluding that the Appellant has pleaded guilty, the Inquiry Officer chose to completely overlook the various issues raised by the appellant in her letter dated 22.12.2020. Cognizances of neither this letter nor earlier letters were taken by the Inquiry Officer in concluding that the appellant has pleaded guilty. The conclusion, thus derived by the Inquiry Officer is devoid of any merits and is liable to the set aside by this Ld. Appellate Authority.	The Inquiry has been conducted as per CCS (CCA) Rules, 1965.
29	By the letter dated 02.02.2021, Inquiry Officer	

	forwarded a copy of the inquiry report to the Appellant, giving her 15 days time to submit her representation, if any. By letter dated 10.02.2021 the Appellant again reiterated that she has not deliberately violated any rules or regulations. It is also reiterated that she has been singled out and an inquiry was conducted only against herself in spite of the fact that it was pointed out by her to all the concerned authorities that the procedure adopted by her in booking LTC air tickets is similar to the procedure adopted by other similarly situated persons and the same procedure is generally being following in Respondent Institute.	238
30	That though the Disciplinary Authority was duty bound to grant an opportunity of Oral Hearing to the Appellant, before passing the final order, no such opportunity was granted to the Appellant by the Disciplinary Authority. Disciplinary Authority sitting in the comfort of his office, even without giving an opportunity of Oral Hearing to the Appellant, passed the impugned order dated 03.07.2021 imposing unreasonable, harsh and disproportionate punishment upon the Appellant. Being aggrieved by the Impugned Order dated 03.07.2021 passed by the Disciplinary Authority, Appellant, inter alia is moving the present appeal on the following independent and mutually exclusive grounds.	The order for imposing the penalty has been issued with the approval of President (AIIMS) and Disciplinary Authority.

GROUNDS

Sr. No.	Grounds of appeal	Administrative comments
1	For that the disciplinary authority has to personally conduct the disciplinary proceeding. In the respectful submission of the Appellant, the Disciplinary Authority cannot sub-delegate his power to conduct disciplinary proceedings to any other authority. In the instant case all the Disciplinary Proceedings were conducted by the Director of respondent authority in the name of the President of the respondent authority. However, for conducting the inquiry, disciplinary authority, without a legal excuse, sub-delegated the power in favour of Chief Security Officer. Since there is an illegal delegation of power by the Director (a	In terms of Regulation 33 (Schedule II, Sl.no.2), President (AIIMS) is competent Disciplinary Authority to impose Major as well as minor penalty whereas Director (AIIMS) is competent Disciplinary Authority to impose Minor penalty only in case of Group 'B' officers. However Director (AIIMS) is competent to initiate Disciplinary Proceeding for major penalty under Rule 14 of CCS (CCA) Rules also in terms of Rule 13 (2) of CCS (CCA) Rules. Accordingly, the proposal for intimating Disciplinary Proceeding against Mrs. Anitha B., Nursing Officer was approved Director (AIIMS).

	delegate CANNOT further delegate), therefore the entire disciplinary proceeding is liable to be set aside by this governing body. In any view of the matter Appellant was not even communicated above this delegation of power, not to talk of taking her consent.	239
2	For that the Impugned Order dated 03.07.2021 fails to assign even a single reason as to why the punishment/penalty deserves to be imposed on the appellant. With respect it is submitted that in the absence of any assigned reason, imposition of penalty by impugned order, is liable to be set aside. A perusal of the impugned order also demonstrates, beyond any doubt that the impugned order is passed in a mechanical manner and without any application of mind and hence is liable to be set aside.	The disciplinary proceedings have been conducted as per CCS (CCA) Rules. The penalty has been imposed by the President, AIIMS and disciplinary authority after taking into account of the report of Inquiry Officer submitted in his report and facts of the records.
3	For that the Impugned Order is a non-speaking order in asmuchas it has failed to assign any reason as to why such a harsh punishment is imposed on the Appellant.	The order issued by vide No. 45-41/2007-Estt. (TC) dated 03.07.2021 is speaking order as per format prescribed in CCS (CCA) Rules.
4	For that the Impugned Order violates the Doctrine of Proportionality. The punishment imposed by the disciplinary authority on the appellant is disproportionate to the alleged offence. The Impugned Order is liable to be set aside by the Hon'ble Governing Body being violative of the Doctrine of Proportionality.	Reply as above para 1.
5	For that imposition of such harsh draconian and disproportionate penalty against the Appellant establishes beyond any doubt that the disciplinary authority is settling the personal vendetta against the Appellant.	

6	For that Appellant is singled out in initiation of disciplinary proceedings against her as well as in the imposition of disproportionate penalty. With respect it is submitted that NO inquiry proceedings are initiated against any of the employees of the respondent authority, who are similarly placed. With all respect it issubmitted that more than a dozen employees of the respondent authority have availed LTC in the same/similar fashion, for which the Appellant is charged. Singling out the Appellant for disciplinary proceedings is discriminatory, arbitrary and is also violative of Article 14 of the Constitution of India. It is also proves beyond any doubt that the disciplinary authority, in the garb of exercising his statutory power, is settling scores with the Appellant.	All the suspicious cases are under process for initiating Disciplinary Proceeding against them of LTC claim. 240
7	For that the procedure adopted by the Appellant for purchasing the air ticket for LTC is similar to the procedure adopted by a substantial portion of the employees of the Respondent Institute. The data in respect of these similarly placed persons is available with the Respondent Institute and the same is not in the Appellant's control. Fact of the matter is that in response to the RTI reply dated 01.10.2020 Respondent Authority has admitted that in the past also some persons have availed the in the same fashion as that by the Appellant. In the interest of justice and also in the interest of the Institute, the Governing Body, shall direct an inquiry of LTC availed by various employees and officials of the Institute, including high ranking officials. Such an inquiry will establish that the procedure adopted by the appellant is similar to the procedure adopted by other persons and the same is fair and practical. Since this is the general practice being adopted by the employees/officers of the Institute, even in the past, therefore Appellant ought not have been discriminated. The Impugned Order violates Article 14 of the Constitution of India.	
8	For that the Impugned Order is also liable to be set aside for the reason that no proper opportunity of being heard	The disciplinary proceedings has been conducted as per provision of CCS (CCA) Rules and opportunity has been provided

	was given to the Appellant by the Disciplinary Authority. In asmuchas Appellant was not called upon by the Disciplinary Authority to address her Oral Submissions before him. Infact, disciplinary authority has utterly failed to give sufficient time to the appellant to explain her stand before itself this holds the doctrine of audi alteram partem.	to Ms. Anitha B., Nursing Officer to submit statements/documents in her defence. 241
9	For that Appellant's request for LTC advance was assessed by the respondent department. After the assessment they concluded that the appellant is entitled for an LTC advance of Rs.1,55,000/- only. It is relevant to mention here that the LTC/ accounts department of the respondent authority day in and day out, are dealing in LTC expenses and this their estimates are quite close to the actual expenses which will be incurred by the Appellant during the LTC. It is also relevant to mention here that the LTC advanced represents a portion of the estimated expenses which were to be incurred by the Appellant during her leave. It is also relevant to mention here that the estimates of the personnel of the LTC/Accounts Department, by virtue of their experience and daily dealing with such matters were quite close to the actual expenses to be incurred by the Appellant.	Mrs. Anitha B., Nursing Officer has submitted her LTC claim.The Account Officer pointed out that air fare claimed by her were appearing exorbitant. It is matter fact that the Account Division has paid advance Rs. 1,55,000/- against total worked out amount Rs. 1,74,784.00. But, the same tickets have been verified from the concerned Airlines and the total journey air fare worked out Rs. 79,832/- only against the total claimed Rs. 1,83,920/- by the appellant, which incurred excess claimed by the appellant for an amount of Rs. 1,04,088/-. This is gross violation of LTC Rule.
10	For that show cause notice dated 20.03.2020 is illegal and bad for the simple reason that it failed to provide a reasonable time to the appellant to respond to the said notice. With respect it is submitted that since this show cause notice dated 20.03.2020, per se, is illegal, therefore all subsequent proceeding are illegal and liable to be set aside by the Hon'ble Appellate Authority.	The Show Cause has been issued by the Asstt. Administrative Officer with the approval of the competent authority.
11	For that it is submitted that the show cause notice dated 20.03.2020 is illegal also because of the fact that the officer issuing the show cause notice also belongs to Group B post, as that of the Appellant.	
12	For that with respect it is submitted that said show cause notice is based upon surmises and conjectures in asmuchas no	In this regard, it is stated that the reply has not been received from the Go Air. But the fair of Go-Air is being uploaded under the

	reply was received by the respondent authority from Go Air. With respect it is submitted that since the respondent authority has failed to receive authoritative expense figure from Go Air airlines and has presumed the same in the show cause notice, therefore, the show cause notice fails.	Go Air website time to time. Accordingly, the variation has been calculated and the Show Notice has been served upon the appellant. 242
13	For that with respect it is submitted that the Respondent Authority is trying to build up a case that the air tickets by the Appellant is fake. It is submitted that the genuineness of the air tickets submitted by the Appellant with the respondent authority was not questioned by the respondent authority from the airlines companies. Since the genuineness of the LTC Air-Tickets was not questioned by the respondent authority from the airlines companies, therefore, it is not open to the respondent authority to allege that air-tickets submitted by the Appellant was forged. Fact of the matter is that two of the Airline Companies has confirmed the genuineness of the Air-Tickets and Go Air Choose not to respond. It is submitted that since basis of issuance of show cause notice dated 20.03.2020 is non-existent, therefore, show cause notice and all actions initiated in pursuance thereto, are liable to fail.	In this regard, it is stated that as per the guidelines Government of India for "Leave Travel Concession" it is clearly mentioned that "entitled Officers and their families may travel, only by Air India. The reimbursement of the expenses on air travel has to be restricted to the cost of travel by economy class irrespective of entitlement". -Rule 12, GIDs (12-F), (12-G) and (12-H). LDC-80 Scheme: - In order to remove the difficulties in determination of the cheapest economic fare in air journey, it is clarified that officers and/or their families may choose travel on LTC by any Airline, provided that the fare does not exceed the fares offered by NACIL (Air India) under their LTC-80 Scheme effective from 01.12.2008. –Rule 12, GID (12-B).
14	For that with respect it is submitted that a proper opportunity of being heard/making representation/ replying to show cause notice was not granted to the Appellant in asmuchas Appellant was directed to reply within 03 days. During such a short span of time, no proper reply was practically possible.	Matter of record.
15	For that it seems that by a letter dated 11.01.2020 the Respondent Authority has sought the verification of tickets submitted by the Appellant and several other employees. Fact of the matter is that these employees travelled with the Appellant in the same/ Similar flight on the same/similar day to their destinations. It is also submitted that the respondent authority has not provided the complete information received by it	In this regard, it is stated that the case is being initiated on case to case basis.

	from the airlines company in asmuchas the airlines company will not single out the Appellant and give information in her respect only. It seems that since the airline fare of other inquired persons were similar to that of the Appellant, and the same destroys the Respondent Institution's case against the Appellant, therefore the same was deliberately concealed and an incomplete document was supplied by the Disciplinary Authority to the Appellant. The action of Respondent Authority to deliberately conceal material information amount to suppression of facts and disentitles the Respondent Authority from any indulgence from Hon'ble Tribunal/Governing Body. The order passed by the Disciplinary Authority is liable to be set aside on the grounds of deliberate and active concealment of facts. The respondent authority has deliberately singled out the appellant and issued show cause notice to her only. Since, there is an element of arbitrariness, biasness, discrimination and non-equality which is the foundation of the show cause notice/disciplinary action issued against the Appellant, the same is liable to be set aside.	243
16	For that with respect it is submitted that deliberate and intentional withholding of information relating to travel expenses of similarly situated persons by the respondent authority proves beyond any doubt that the departmental proceedings are utilized to settle personal scores by the Disciplinary Authority and other concerned.	All the suspicious cases are under process for initiating Disciplinary Proceeding against them of LTC claim.
17	For that with respect it is submitted that on receipt of letter dated 23.10.2020 of the Appellant, ordinarily, the matter deserves to be closed. But since scores were to be settled, therefore disciplinary authority vide its letter dated 17.12.2020 appointed Chief Security Officer, who was on deputation as Inquiring Officer to inquire into the charges framed against the Appellant.	In this regard, it is stated that the appellant is the employee of the employer, she could not choose for her Inquiry/Presenting Officer under the Disciplinary Proceedings as per the service rule.

18	For that with respect it is submitted that an officer on deputation since not belonging to the original cadre, is not entitled to be appointed as an inquiring officer to inquire into the charges levied against the appellant. It also submitted that since the appointment of Inquiring Officer, is not in accordance with law, therefore the entire inquiry proceedings fails.	244
19	For that with respect it is submitted that the Appointing Authority for Group B post is the President of the Institute. It is further submitted it is a settled proposition of law that the Disciplinary Authority cannot be of a rank lower than that of the Appointing Authority. Even as per Scheduled II of the All India Institute of Medical Sciences Act, 1956 the Disciplinary Authority is mentioned to be (a) President (b) Director. Though the Director of the Institution is an officer lower in rank than the Appointing Authority, he has been specifically made as a Disciplinary Authority by was of a subordinate legislation. In the instant case the inquiry was conducted by Chief Security Officer and not the Director. Chief Security Officer is an officer of a rank much lower than that of the Appointing officer (President) or even Director (to who the disciplinary proceedings were specifically conferred). It is submitted that since the Director is an officer of rank lower than that of Appointing Authority, he could not have sub-delegated the power of inquiry to a subordinate officer. The entire inquiry proceeding being conducted by an officer of a lower rank to whom disciplinary powers are not specifically conferred, is liable to be set aside.	In terms of Regulation 33 (Schedule II, Sl.no.2), President (AIIMS) is competent Disciplinary Authority to impose Major as well as minor penalty whereas Director (AIIMS) is competent Disciplinary Authority to impose Minor penalty only in case of Group 'B' officers. However Director (AIIMS) is competent to initiate Disciplinary Proceeding for major penalty under Rule 14 of CCS (CCA) Rules also in terms of Rule 13 (2) of CCS (CCA) Rules. Accordingly, the proposal for intimating Disciplinary Proceeding against Mrs. Anitha B., Nursing Officer was approved Director (AIIMS).
20	For that with respect it is submitted that Appellant has been suffering from HCV infection which she contracted while working for the Respondent Institute. It is submitted that she has been undergoing treatment for the same since the past 08 years and the present situation is only adding to her distress.	No comments.

21	For that with respect it is submitted that on the date of preliminary hearing Appellant, in all fairness, has stated the truth before the Inquiry Officer. Inquiry Officer by its Order dated 29.12.2020 has closed the inquiry against the Appellant on the finding that she has pleaded guilty. While closing the Inquiry, Inquiry Officer choose neither to record the evidence nor assign any reason as to why no evidence is recorded in terms of Rule 14 (5) (a) of Central Civil Service (Classification, Control and Appeal) Rules, 1965. Inquiring Officer submitted its final report to the Disciplinary Authority. While concluding that the Appellant has pleaded guilty, the Inquiry Officer chose to completely overlook the various issued raised by the appellant in her letter dated 22.12.2020. Cognizance of neither this letter nor earlier letters were taken by the Inquiry Officer is concluding that the appellant has pleaded guilty. The conclusion, thus derived by the Inquiring Officer is devoid of any merits and is liable to be set aside by this Ld. Appellate Authority.	In this regard, it is stated that Disciplinary Proceedings has been initiated against the appellant for Misuse of LTC as per the guideline of CCS (CCA) conduct rules and she has "stand proved" under the Inquiry Proceeding for the same, therefore, the charge could not be set aside as per the service rule. 245
22	For that there is a gross violation of provision of Central CCS Rules in asmuchas shorter period of 10 days was granted by the Inquiry Officer to the Appellant to file her written statement/response, in comparison with the statutory period of 15 days. With respect it is submitted that since there is a gross violation of Rule CCS and that goes to the root of the matter and in effect it takes away the Appellant's right to defense, therefore the same is liable to be set aside by the Governing Body.	In this regard, it is stated that as per the standard provision of Government of India under CCS (CCA) Conduct Rule1965, wherein, it is clearly mentioned 10 days. Accordingly, there is no shorter time as per the guideline.
23	For that the provision of Regulation 3 does not stand attracted in the instant case.	In this regard, it is stated that the Government has made standard the guidelines for initiating the disciplinary proceedings under provisions of CCS (conduct) Rules and CCS (CCA) Rules which are applicable to all employees of the Institute.
24	For that the present appeal deserves to be allowed in the interest of justice.	No Comments.

PROPOSAL:-

The appellant has filed appeal against the decision of the Disciplinary Authority and requested to reconsider her case and set aside the order dated 03.07.2021.

APPROVAL SOUGHT

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In view of the above, the appeal filed by Ms. Anitha B., Nursing Officer against the penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay" imposed on her vide this Order dated 03.07.2021 is placed for consideration of the Governing Body, being the Appellate Authority as per Schedule-II of AIIMS regulations, 2019.

This issue with the approval of Director, AIIMS, New Delhi.

[PROF. VIVEK TRIKHA]
CHIEF (OFFICIATING)
JPNATC, AIIMS
Contact No. 011-26731153

Annex. I

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जय प्रकाश नारायण एपेक्स ट्रॉमा केन्द्र
अखिल भारतीय आयुर्विज्ञान संस्थान
राज नगर, नई दिल्ली-110029

दिनांक: 25 APR 2019

फा.सं.: 45-41/2007- स्था. (टी.सी.)

कार्यालय आदेश

विषय: यात्रा रियायत अवकाश (छुट्टी का नकदीकरण के बिना) प्रदान करने संबंधी।

*****

श्रीमति अनिथा बी., परिचर्या अधिकारी, के उपर्युक्त विषयक दिनांक शून्य के पत्र के संदर्भ मे उन्हें स्वयं तथा परिवार के निम्नलिखित सदस्यों के लिए **पोर्टब्लेयर, हवेलोक्क** भ्रमण हेतु ब्लॉक वर्ष **2018-2019** के लिए परिवर्तित गृहनगर रियायती यात्रा अवकाश प्रदान किए जाने की सहर्ष अनुमति दी जाती है।

नाम	*संबंध*	*जन्मतिथि*
Anitha B.	स्वयं	10.05.1975
R M Arivukkani	पति	14.05.1970
M A Mathanraj	पुत्र	31.01.2002
A Selva Ganesh	पुत्र	14.04.2010

2. उन्हें दिनांक **23.05.2019** से **31.05.2019** तक 09 दिनों के लिए **अर्जित अवकाश** प्रदान किया जाता है।

3. उन्हें परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत किए गए विक्रेता से खरीदें।

4. रेल टिकट/बोर्डिंग पास के खो जाने पर अथवा यदि किसी कारणवश यात्रा रियायत अवकाश ग्रहण न करने की स्थिति में इसकी सूचना स्थापना अनुभाग को लिखित रूप से कारण सहित तुरंत की जाए अन्यथा अनुशासनिक कारवाई की जा सकती है।

5. सरकारी कर्मचारी को बुकिंग के समय अथवा यात्रा की निर्धारित तिथि एवं समय पर सबसे सस्ते/कम दर पर उपलब्ध हवाई टिकट खरीदनी चाहिए। सरकारी कर्मचारी को दिये गए किराए के अतिरिक्त बुकिंग की तिथि तथा समय को दर्शाने वाले टिकट का प्रिंट आउट जमा करवाना आवश्यक होगा।

6. वह पहले **गृहनगर जिला- विरुद्धनगर, नजदीकी रेलवे स्टेशन- राजापलायम, तमिलनाडु** भ्रमण के लिए दिनांक **29.05.2016** से **19.06.2016** तक की अवधि के दौरान ब्लॉक वर्ष **2016-17** का गृहनगर यात्रा रियायत अवकाश ले चुकी/चुके हैं।

7. 105 का अर्जित अवकाश शेष है।

8. छुट्टी से वापस आने पर दिनांक **01.06.2019** के पूर्वाहन को **श्रीमति अनिथा बी., परिचर्या अधिकारी,** अर्जित अवकाश से वापस आ कर अपने पद पर कार्य ग्रहण करेंगे।

कार्यालय अधीक्षक 25/4/19

O/C 25/4/19

Received 25/4/19

श्रीमति अनिथा बी., परिचर्या अधिकारी,
परिचर्या अधीक्षक, जे.पी.एन.ए.टी.सी.

ESTABLISHMENT SECTION, ROOM NO. 225
JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCE
RAJ NAGAR, NEW DELHI - 110029

The General Manager
The Air India
Safdarjung Airport Area
Sri Aurobindo Marg
New Delhi
Delhi 110003
Email: contactus@airindia.in

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11 JAN 2020

Sub: Verification of Air Tickets of officials of JPNA Trauma Centre, AIIMS New Delhi – reg

Sir/Madam,

I am directed to say that following employees was permitted to avail of LTC to visit. The details of their visit viz. Flight/air ticket/departure/arrival time/ etc. are as under, however, copies of air tickets are enclosed herewith for ready reference:

Name of the passenger	Date & Flight No.	Departure	Arrival	Ticket No.	PNR No.
Ms. Jangmailiu Gengmei	AI 485 2.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130054253	AI ZCF5T
Ms. Parul Chauhan Mr. Trush Chauhan Ms. Shuddhi Chauhan Mr. Ravi Chauhan	AI 787 10.6.2019 AI 788 15.6.2019	Kolkata Port Blair	Port Blair Kolkata	0989570231000 0989570231002 0989570231003 0989570231001	AI YMLY9 AI YMLY9 AI YMLY9 AI YMLY9
Ms. Anitha B Mr. MA Mathanraj Mr. RM Arivukkani Mr. A Selva Ganesh	AI 787 25.5.2019 AI 788 30.5.2019	Kolkata Port Blair	Port Blair Kolkata	09834767520 53 09834767520 55 09834767520 54 09834767520 56	AI HE16L AI HE16L AI HE16L AI HE16L
Mr. Ebin S Raj	AI 485 1.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130053226	AI HFZYH

In view of the above, it is requested to kindly provide the following details within 15 days from the received this letter so as to enable us to clean reimbursement claim of the concerned employee:
The actual cost of air travel vis-à-vis the cost indicated on the air tickets.

a) Whether the above mentioned air tickets were purchased by the concerned person directly through Air
b) India or Authorized Agent as approved by the Govt.

An early reply in the matter is requested.

Yours faithfully

(Lalit Oraon)
Senior Administrative Officer

Ph: 011-26731157/1057

Email: admi.jpnatcaiims@gmail.com

Details

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Ticket Records / E-Ticket Details

...5.61/srdt/ElectronicTicket

AIR INDIA

A STAR ALLIANCE MEMBER

TKT NBR: 0983476752053 ISSUING CITY: DEL ISSUING OFFICE: 14339942
NAME: ANITHAB/ANITHABMRS
ORIG/DEST:CCUCCU NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002
CPN'S FRM/TO A/L FLT CLS DATE TIME ST FBC BAG RLOC STATUS
1-O CCUIXZ AI 787 S 25MAY19 0530 OK SAP8 25K HE16L FLOWN 0985P143393TD
NV25MAY19/25MAY19
2-O IXZCCU AI 788 T 30MAY19 0830 OK TAP8 25K HE16L FLOWN 0985VI4339A4W
NV30MAY19/30MAY19

ENDORSEMENTS/FARE CALCULATION
ER:NON ENDORSABLE/ CHANGE//CANCELLATION/NO-SHOW FEE/APPLY PER SECTOR
FARE CALCULATION/LADDER FARE CALC INDICATOR: G
CCU AI IXZ 4450 AI CCU 5900 INR10350END

** FARE BREAKDOWN / FOP / TOUR CODE **
TKT FARE DATA * AUDITOR
BASE:INR 10350 BASE:INR 10350
EQUIV: EQUIV:
T/F/C:INR 1579 T/F/C:INR 1579
TTL:INR 11929 TTL:INR 11929

* TAX/FEE/CHARGE DETAIL:
TAX:INR 662IN TAX:INR 518K3 TAX:INR 399WO

TOUR CODE :
FOP:CC-VIXXXXXXXXXXXX0500 EXP 12/19 APVL:086699
FOPAMT:11929 COMM AMT: COMM RATE:002.00

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/PLOC:1G/G930JI
DATE OF ISSUE: 25MAR19
PSGR PHONE: INVOICE NBR:

Close

AIR INDIA LTD.

TRAVEL/FARE CERTIFICATE

CERTIFIED FLOWN ON 25MAY19 30MAY19

FLIGHT AI787/AI788 SECTOR CCUIXZCCU

INR2957- collected against emd no. 0988203534229

14-3/94006 Delhi Reservation

07/02/2020

AIR INDIA LIMITED

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www.airindiaexpress.in

...ng AIRINDIA and wish you a happy journey

(24)

Ticket Records / E-Ticket Details

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A STAR ALLIANCE MEMBER

TKT NBR: 0983476752056 ISSUING CITY: DEL ISSUING OFFICE: 14339942
NAME: GANESH/ASELVAMR
ORIG/DEST:CCUCCU NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002

CPN	FRM/TO	A/L	FLT	CLS	DATE	TIME	ST	FBC	BAG	RLOC	STATUS
1-0	CCUIXZ	AI	787	S	25MAY19	0530	OK	SAP8	25K	HE16L	FLOWN 0985P143393TK
								NV25MAY19/25MAY19			
2-0	IXZCCU	AI	788	T	30MAY19	0830	OK	TAP8	25K	HE16L	FLOWN 0965V14339A5A
								NV30MAY19/30MAY19			

ENDORSEMENTS/FARE CALCULATION
ER:NON ENDORSABLE/ CHANGE//CANCELLATION/NO-SHOW FEE/APPLY PER SECTOR
FARE CALCULATION/LADDER FARE CALC INDICATOR: G
CCU AI IXZ 4450 AI CCU 5900 INR10350END

** FARE BREAKDOWN / FOP / TOUR CODE **

TKT FARE DATA		* AUDITOR	
BASE:INR	10350	BASE:INR	10350
EQUIV:		EQUIV:	
T/F/C:INR	1579	T/F/C:INR	1579
TTL:INR	11929	TTL:INR	11929

* TAX/FEE/CHARGE DETAIL:

TAX:INR	662IN	TAX:INR	518K3	TAX:INR	399WO

TOUR CODE :
FOP:CC-VIXXXXXXXXXXXX0500 EXP 12/19 APVL:086699
FOPAMT:11929 COMM AMT: COMM RATE:002.00

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/RLOC:1G/G930JY
DATE OF ISSUE: 25MAR19
PSGR PHONE: INVOICE NBR:

AIR INDIA LTD.

TRAVEL/FARE CERTIFICATE

CERTIFIED FLOWN ON 25MAY19/30MAY19

FLIGHT AI787/AI788 SECTOR CCUIXZCCU

INR295/- collected against emd no. 0988203534229

Reservation

02/2020

1 of 1

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AIR INDIA
A STAR ALLIANCE MEMBER

TKT NBR: 0983476752055 ISSUING CITY: DEL ISSUING OFFICE: 14339942
NAME: MATHANRAJ/MAMR
ORIG/DEST:CCUCCU NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002

CP	S	FRM/TO	A/L	FLT	CLS	DATE	TIME	ST	FBC	BAG	RLOC	STATUS
1-O		CCUIXZ	AI	787	S	25MAY19	0530	OK	SAP8	25K	HE16L	FLOWN 0985P143393TG
									NV25MAY19/25MAY19			
2-O		IXZCCU	AI	788	T	30MAY19	0830	OK	TAP8	25K	HE16L	FLOWN 0985V1433[illegible]56
									NV30MAY19/30MAY19			

ENDORSEMENTS/FARE CALCULATION
ER:NON ENDORSABLE/ CHANGE//CANCELLATION/NO-SHOW FEE/APPLY PER SECTOR
FARE CALC INDICATOR: G
FARE CALCULATION/LADDER
CCU AI IXZ 4450 AI CCU 5900 INR10350END

** FARE BREAKDOWN / FOP / TOUR CODE **

TKT FARE DATA		* AUDITOR	
BASE:INR	10350	BASE:INR	10350
EQUIV:		EQUIV:	
T/F/C:INR	1579	T/F/C:INR	1579
TTL:INR	11929	TTL:INR	11929

* TAX/FEE/CHARGE DETAIL:
TAX:INR 662IN TAX:INR 518K3 TAX:INR 399WO

TOUR CODE :
FOP:CC-VIXXXXXXXXXXXX0500 EXP 12/19 APVL:086699
FOPAMT:11929 COMM AMT: COMM RATE:002.00

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/RLOC:1G/G9300Y
DATE OF ISSUE: 25MAR19 INVOICE NBR:
PSGR PHONE:

Cancelled

AIR INDIA LTD.
TRAVEL/FARE CERTIFICATE
CERTIFIED FLOWN ON 25MAY19/30MAY19
FLIGHT/A 787/AI788 SECTOR CCUIXZCCU
INR295/- collected against emd no. 0988203534229

Reservation Office, Delhi
05/08/2020

1 of 1

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TKT NBR: 0983476752054 ISSUING CITY: DEL ISSUING OFFICE: 14339942
NAME: ARIVUKKANI/RMMR
ORIG/DEST:CCUCCU NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002

CP	S	FRM/TO	A/L	FLT	CLS	DATE	TIME	ST	FBC	BAG	RLOC	STATUS
1-O		CCUIXZ	AI	787	S	25MAY19	0530	OK	SAP8	25K	HE16L	FLOWN 0985P143393TE
									NV25MAY19/25MAY19			
2-O		IXZCCU	AI	788	T	30MAY19	0830	OK	TAP8	25K	HE16L	FLOWN 0985V14339A52
									NV30MAY19/30MAY19			

ENDORSEMENTS/FARE CALCULATION
ER:NON ENDORSABLE/ CHANGE//CANCELLATION/NO-SHOW FEE/APPLY PER SECTOR
FARE CALCULATION/LADDER FARE CALC INDICATOR: G
CCU AI IXZ 4450 AI CCU 5900 INR10350END

** FARE BREAKDOWN / FOP / TOUR CODE **

TKT FARE DATA		* AUDITOR	
BASE:INR	10350	BASE:INR	10350
EQUIV:		EQUIV:	
T/F/C:INR	1579	T/F/C:INR	1579
TTL:INR	11929	TTL:INR	11929

* TAX/FEE/CHARGE DETAIL:
TAX:INR 662IN TAX:INR 518K3 TAX:INR 399WO

TOUR CODE :
FOP:CC-VIXXXXXXXXXXXX0500 EXP 12/19 APVL:086699
FOPAMT:11929 COMM AMT: COMM RATE:002.00

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/RLOC:1G/G930JY
DATE OF ISSUE: 25MAR19
PSGR PHONE: INVOICE NBR:

AIR INDIA LTD.
TRAVEL/FARE CERTIFICATE
CERTIFIED FLOWN ON 25MAY19/30MAY19
FLIGHT AI 787/AI 788 SECTOR CCU IXZ CCU

INR295/- collected against card no. 098820853422

Sitaram D. Giri Delhi Reservation 05/02/2020

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By Registered A.D / Post / Courier

January 30, 2020

To,

Mr. Lalit Oraon
Senior Administrative Officer
Establishment Section, Room No. 225
Jai Prakash Narayan Apex Trauma Center
All India Institute of Medical Science
Raj Nagar, New Delhi – 110029
Email: admi.jpnatcaiims@gmail.com
Ph. No: 011-26731157/1057

Dear Sir,

Reference: Your Letter bearing Subject line: Verifications of Air Tickets of Officials of JPNA Trauma Center, AIIMS New Delhi - Reg. Dated: 11.01.2020 requesting for information for the purpose of verification of air tickets *("Letter")*

We, InterGlobe Aviation Limited ("IndiGo"), write in reference to your Letter seeking certain travel details in respect of a persons alleged to have travelled under PNRL THU17T, HD5INF, and BFLCWM on board certain IndiGo Flight(s) for the purpose of verification of air tickets.

IndiGo states that being a law abiding organization we are always willing to extend all possible support for any investigation as and when called upon in writing and in accordance with law.

Pursuant to our records, which is the primary database to store all air travel related information, based on the details provided by your good self, please find below the complete travel details of the passengers who were booked under PNRL THU17T, HD5INF, and BFLCWM:

- PNR number: THU17T
- Passenger(s) Name: Anitha B Mrs, R M Arivukkani, M A Mathanraj, A Selva Ganesh
- Date of booking: 29-03-2019
- Sector: DEL-CCU
- Flight Number: 6E 219
- Date of travel: 24-05-2019
- Status: Boarded
- Mode of booking: Agency- Balaji Travco India Pvt Ltd
- Mode of payment: Agency account
- Total fare: 15,884 INR
- Contact number: 9999882792
- E-mail ID: indiaviewtravels2016@gmail.com
- Address: Delhi, India, Online booking 100100

- PNR number: HD5INF

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Itinerary

Booked on 28 Mar 2019 17:54 (UTC)*

Delhi (T1) → Kolkata

One Way | 24 May 19 | 4 Pax

PNR/Booking Ref.

THU17T | Confirmed

Payment Status

Complete

*Booking Date reflects in UTC (Coordinated Universal Time), all other timings mentioned are as per local TIME

Passenger Details

MS ANITHA B MRS

Mr R M ARIVUKKANI

Mr M A MATHANRAJ

Mr A SELVA GANESH

Flight Details

Departing Flight • 24 May 2019 • Non Stop

Delhi → Kolkata

6E 219 • A320 • Check-in/Bag Drop Closes 06:03

06:48 DEL - Indira Gandhi International Airport (T1)

Travel Time: 2h 5m

08:53 CCU - Netaji Subhash Chandra Bose International Airport

Fare Details

Airfare Charges	14,196.00 INR
Passenger Service Fee	976.00 INR
CGST For Delhi	356.00 INR
SGST For Delhi	356.00 INR
Total	**15,884.00 INR**

More Information

Note

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Passenger(s) / Seat No. (Pre book your seat on www.

...PER KUMARVO KANT 29E

S MR M A MATHANRAJ 29D

...SHA GANESH 29A

...Details

...Confirmed

Paid

Contact Information

...Mrs S ANITHA B MTS

...IN

Mobile 9999882792

Email indianewtravels2016@gmail.com

Payment Information

...ment Type Agency Payment

...Amount 16,232.00

...t Date 28 Mar 2019

Payment Status Confirmed

Fare Description

Airfare Charges	INR	9,777.00
Airline Fuel Charge	INR	0.00
Seat Fee	INR	0.00
RCS Fee	INR	400.00
CUTE Charge (PHF)	INR	208.00
Passenger Service Fee - F	INR	612.00
User Development Fee	INR	2,648.00
CGST for West Bengal	INR	318.00
SGST for West Bengal	INR	318.00
Total Fare	INR	16,232.00

Note

...Effective ...ctober 2016 ...

Terms & Conditions

...Detailed Terms & Conditions and Baggage ... https://www.goair.in/terms-conditions ... for Passenger Charter ... https://www.goair.in/citizens-charter

We recommend you show your e-ticket from your mobile phone to Go Paperless and save the trees.

Thank you for choosing ... as your preferred airline.

Annex. III (30)

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CONFIDENTIAL 83

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi-110029

No. 45-41/2007 /Estt. (TC)

Dated:- 20 MAR 2020

MEMORANDUM

Subject:- Show cause notice to Ms. Anitha B, Nursing Officer, JPNA Trauma Centre

****

It is to inform that Ms. Anitha B, Nursing Officer, JPNATC had applied for LTC from 23.05.2019 to 31.05.2019 and submitted her TA bills at Accounts Section (TC) and it was decided to verify the tickets based on the observation of finance department.

Accordingly, Air Tickets purchased by her were sent to Office of the Air India, GoAir & IndiGo for necessary verification and as per the reply received from Air India, GoAir and IndiGo the following discrepancies were observed in the purchased tickets were found:-

Air line	Place	Amount claimed for reimbursement by the official	Actual amount spent/incurred by the official as per reply of the Airlines	Excess amount claim by the official
Air India	Kolkata-Port Blair-Kolkata	Rs. 37,786x4person Rs. 1,51,144	Rs.11,929x4 person= Rs. 47,716	Rs. 1,03,428
GoAir	Kolkata-Delhi	Rs. 17,004	Rs. 16,232	Rs. 772
Indi Go	Delhi-Kolkata	Rs. 15,772	Rs. 15,884	(-)Rs. 112
Total		**Rs. 1,83,920**	**Rs. 79,832**	**Rs. 1,04,088**

From the above table, it is evident that she has claimed excess amount by submitting fake tickets.

In view of the above, Ms. Anitha B is directed to submit her written explanation as to why she has submitted forged tickets with excess claim amount of Rs. 1,04,088 rather than original amount (Rs. 79,832) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) rules shall not be initiated against her. Her reply should reach to the undersigned within a period of 03 days from the date of issuance of this Memorandum failing which, it will be assumed that she has nothing says in her defense and necessary action as deemed fit, shall be taken against her.

This issues with the approval of the Competent Authority, AIIMS.

20/3/2020

(JOGINDER KUMAR)
ASSTT. ADMIN. OFFICER

Ms. Anitha B,
Nursing Officer
Thr: Deputy Nursing Superintendent

Copy to:

1. Chief, JPNATC
2. Addl. M.S., JPNATC
3. Deputy Nursing Superintendent (TC)

Ann-ex-IX (31)

29 AUG 2020

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JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Raj Nagar, New Delhi – 110029

No.F.45-41/2007-Estt.(TC)

Dated:- 29 AUG 2020

MEMORANDUM

1. It is proposed to hold an inquiry against Ms. Anitha B., Nursing Officer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 read with Regulation 33 of AIIMS Regulation 2019. The substance of the imputation of charge in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge **(Annexure-I)**. A statement of the imputations of misusing of LTC facility is enclosed **(Annexure-II)**. A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed **(Annexure-III & IV)**.

2. Ms. Anitha B., Nursing Officer is directed to submit within 10 days of the receipt of this memorandum a written statement of her defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. She should, therefore, specifically admit or deny each article of charge.

4. Ms. Anitha B., Nursing Officer is further informed that if she does not submit her written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuse to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against her ex-parte.

5. Attention of Ms. Anitha B., Nursing Officer is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Ms. Anitha B., Nursing Officer is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

DISCIPLINARY AUTHORITY

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

Ms. Anitha B.,
Nursing Officer
Thr: Dy. Nursing Superintendent (TC)

29/8

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ANNEXURE-I 102

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST MS. ANITHA B., NURSING OFFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED.

Article of Charge:-

That the said Ms. Anitha B. while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets. Further she has travelled from Delhi to Kolkata and Kolkata to Delhi by private airlines (IndiGo and GoAir), which is not permissible under LTC Rules.

By her aforesaid act, Ms. Anitha B. has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

28/8/12

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

(33)

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST MS. ANITHA B., NURSING OFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED

****

Ms. Anitha B., Nursing Officer has requested to grant her 09 days Earned Leave w.e.f. 23.05.2019 to 31.05.2019 and also requested to grant her LTC for the Block Year 2018-2019 to visit Havelock, Portblair for herself and family members.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 09 days Earned Leave alongwith LTC was sanctioned to Ms. Anitha B., Nursing Officer with the Clause that "उन्हें परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत किए गए विक्रेता से खरीदें" vide Office Memorandum No.45-41/2007-Estt.(TC) dated 25.04.2019.

In the meanwhile, Ms. Anitha B., Nursing Officer has submitted her TA Bill claim at Accounts Section (TC) alongwith air tickets/boarding pass as per details given below :-

Airline	Flight Number	Date	From	To	Amount
IndiGo	6E 219	24.05.2019	Delhi	Kolkata	Rs. 15,772.00
Air India	AI 787	25.05.2019	Kolkata	Port Blair	Rs. 37,786.00 x 4 person
	AI 788	30.05.2019	Port Blair	Kolkata	
GoAir	G8 102	30.05.2019	Kolkata	Delhi	Rs. 17,004.00

Subsequently, the Accounts Officer, JPNA Trauma Centre vide Memorandum dated 20.12.2019 has intimated that as per clause of Memorandum issued for grant of leave and LTC, individual had to purchase cheapest ticket available on the day of booking. It appears that ticket has been purchased at high cost. There could be possibility of tampering with the original ticket. He has further requested to check the tickets from administrative point of view whether all are genuine.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, necessary letter regarding verification for air tickets were sent to the Air India, IndiGo & GoAir vide this Office Letter dated 11.01.2020.

In response to this letter dated 11.01.2020, no reply was received from GoAir. However, details of tickets was downloaded from GoAir website and as per the reply received from Air India and IndiGo, the following discrepancies in purchased tickets was found:-

Air line	Place	Amount to be proposed for reimbursement by the official	Actual amount details received from air lines	Difference
Air India	Kolkata-Port Blair-Kolkata	Rs. 37,786.00 x 4 persons = Rs. 1,51,144.00	Rs. 11,929.00 x 4 persons = Rs. 47,716.00	Rs. 1,03,428.00
IndiGo	Delhi-Kolkata	Rs. 15,772.00	Rs. 15,884.00	(-)Rs. 112.00
GoAir	Kolkata-Delhi	Rs. 17,004.00	Rs. 16,232.00	Rs. 772.00
Total		**Rs. 1,83,920.00**	**Rs. 79,832.00**	**Rs. 1,04,088.00**

As per the information provided by the concerned air lines the original/actual prize of air tickets is Rs.79,832/- whereas the official has requested to reimbursement of airfare of Rs.1,83,920/- which includes additional amount of Rs.1,04,088/-. The tickets submitted by the official and verified by airlines have same tickets number and PNR Number.

A Show Cause Notice was issued to Ms. Anitha B., Nursing Officer and directed to submit her written explanation as to why she has submitted forged tickets with excess claim amount of Rs.1,04,088/- rather than original amount (Rs.79,832/-) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against her vide this Office Memorandum No. 45-41/2007-Estt.(TC) dated 20.03.2020.

In response to this Show Cause Notice dated 20.03.2020, Ms. Anitha B., Nursing Officer vide letter dated 27.03.2020 has submitted that she is unaware of any forged tickets. This explanation is found unsatisfactory.

By her aforesaid act, Ms. Anitha B., Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST MS. ANITHA B., NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1 Request letter by Ms. Anitha B. for LTC

2 Office Order dated 25.04.2019

3 Memorandum dated 20.12.2019 received from Accounts Officer, JPNATC, AIIMS, New Delhi

4 Letter sent to Air India, IndiGo and GoAir on dated 11th January, 2020

5 Reply received from Air India by email dated 16th January, 2020

6 Reply received from IndiGo by post dated 30th January, 2020

7 Print out of tickets from GoAir

8 Hard copies of verified tickets from Air India

9 Show Cause Notice to Ms. Anitha B. dated 20th March, 2020

10 Reply from Ms. Anitha B. received on 27.03.2020

DISCIPLINARY AUTHORITY

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MS. ANITHA B. NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1 Sh. Prem Pal,
Accounts Officer, JPNATC

2 Ms. Neha,
D.E.O.
Establishment Section (TC)

3 Ms. Jyoti Rana, Dealing Assistant
D.E.O.,
Establishment Section (TC)

DISCIPLINARY AUTHORITY,

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

DE. MS. ANITHA B., NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS

FINAL REPORT OF THE INQUIRY OFFICER

INTRODUCTION

The departmental inquiry against Ms. Anitha B., Nursing Officer, JPNA Trauma Centre AIIMS was ordered by Director , AIIMS vide order No. F.45-41/2007-Estt.(TC) dated 17th December'2021. Shri Satyendra Kumar, Chief Security Officer was appointed as the Inquiring Authority and Sh. Sanjay Nandi, Asstt. Admn. Officer, AIIMS as Presenting Officer in the case.

CHARGE

In brief, Ms. Anitha B., Nursing Officer, JPNA Trauma Centre, AIIMS was charged for misuse of the LTC facility by submitting forged and fraud tickets. Further she has travelled from Delhi to Kolkata and Kolkata to Delhi by private airlines (IndiGo and GoAir), which is not permissible under LTC Rules.

By her aforesaid act, Ms. Anitha B. has exhibited lack of devotion to duty and has acted in a manner unbecoming of an institute employee thereby contravening Rule 3(1)(i),(ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the institute.

PARTICIPATION OF CO

The preliminary hearing was held on 29th December'2020 at 11:00 AM in the office of Chief Security Officer, Ground Floor, Administrative Block, AIIMS. The CO admitted that she has received the statement of articles of charges framed against her and preliminary hearing notice. She has refused to engage or name any person as her

defence Assistant. Ms. Anitha B., Nursing Officer has **"pleaded guilty"** for the charges framed against her.

FINDINGS

Keeping in view the totality of facts and circumstances of the cases duly supported by the evidences on record the Charged Officer Ms. Anitha B, Nursing Officer JPNA Trauma Centre is guilty of the charged framed against her.

6/1/21

(Satyendra Kumar)
INQUIRY OFFICER

The Director (Disciplinary Authority)
AIIMS

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi – 110029

No.F.45-41/2007-Estt.(TC) Dated:- 03 JUL 2021

ORDER

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Service (Classification Control and Appeal) Rules, 1965 was initiated against Ms. Anitha B., Nursing Officer vide Office Memorandum No.F.45-41/2007-Estt. (TC) dated 29th August, 2020 on the following **Article of Charges :-**

"That the said Ms. Anitha B. while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets. Further she has travelled from Delhi to Kolkata and Kolkata to Delhi by private airlines (IndiGo and GoAir), which is not permissible under LTC Rules.

By her aforesaid act, Ms. Anitha B. has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute."

AND WHEREAS Ms. Anitha B., Nursing Officer vide letter dated 23.10.2020 has submitted her written statement of defence stating that she visited Port Blair on all India LTC after approval of the Chief, JPNATC in the year 2019 and some problems has been found in LTC Claim. She had purchased the tickets with the help of her colleague through e-mail. She is not aware where mistakes occurred as official mail site is not in her control. She has further informed that she was ready to pay excess amount which not entitled to her in LTC fare, if that is not possible she would like to withdraw her LTC claim completely and deposit withdrawal of advance amount.

Accordingly, Sh. Satyendra Kumar, Chief Security Officer (on deputation) was appointed as Inquiry Officer by the Disciplinary Authority to inquire into the charges framed against her vide order No.F.45-41/2007-Estt.(TC), dated 17th December, 2020. The Inquiry Officer, after holding the inquiry had submitted his report vide letter No. 23.SEC/INQUIRY-REPORT/JAN/2021 dated 6th January, 2021 and concluded that the charge framed against Ms. Anitha B., Nursing Officer stands Proved.

AND WHEREAS a copy of the Inquiry Report had been forwarded under provision of Rule 15 of CCS (CCA) Rules 1965 to Ms. Anitha B., Nursing Officer to enable her to submit her representation/submission, if any, in writing within 15 days to the Disciplinary Authority on the Inquiry Report vide Office Memorandum No. 45-41/2007-Estt. (TC) dated 2nd February, 2021.

Contd.....2/-

AND WHEREAS Ms. Anitha B., Nursing Officer vide letter dated 10th February, 2012 has submitted her written representation/submission stating that this mistake has been committed by her due to insufficient knowledge of rules and regulations and by adopting the same procedure as other in her department and all other department of AIIMS employees had adopted to claim LTC many times. She further requested to consider her case leniently in view of her long and impeccable service record. She assured that she would be more careful in future to avoid repetition of such mistake.

NOW, after careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule 15 of the CCS (CCA) Rules 1965, now for good and sufficient reasons has decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay"** on Ms. Anitha B., Nursing Officer. Accordingly, the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay"** is imposed on Ms. Anitha B., Nursing Officer with immediate effect.

A copy of this Order be added to the confidential roll of Ms. Anitha B., Nursing Officer.

For and On Behalf of President and Disciplinary Authority, AIIMS

[DR. RANDEEP GULERIA]
DIRECTOR, AIIMS

Ms. Anitha B.,
Nursing Officer
Thr: Nursing Superintendent (TC)

Copy to:-

1 Chief, JPNA Trauma Centre
2 Addl. Medical Superintendent (TC)
3 Chief Administrative Officer, AIIMS
4 Sr. Administrative Officer, JPNATC.
5 Nursing Superintendent, JPNATC.
6 Administrative Officer, Recruitment Cell, AIIMS.
7 Administrative Officer, Estate Section, AIIMS.
8 Administrative Officer, ACR Cell, AIIMS.
9 Administrative Officer, Vigilance/Legal Cell, AIIMS.
10 Account Section (JPNATC), Audit Section/Guard File

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/16

To consider the appeal dated 23.04.2022 filed by Sh. Ebin S. Raj, Nursing Officer, JPNA Trauma Centre, AIIMS, New Delhi against the penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of his pay" imposed on Sh. Ebin S. Raj, Nursing Officer as an outcome of a disciplinary proceedings under CCS (CCA) Rules, 1965.

NOTE FOR THE GOVERNING BODY

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Item No./GB/159/16

SUBJECT: TO CONSIDER THE APPEAL DATED 23.04.2022 FILED BY MR. EBIN S. RAJ, NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS, NEW DELHI AGAINST THE IMPOSED PENALTY OF "REDUCTION TO A LOWER STAGE IN THE TIME SCALE OF PAY BY ONE STAGE FOR A PERIOD OF 05 YEARS WITH THE DIRECTIONS THAT HE WILL NOT EARN INCREMENTS OF PAY DURING THE PERIOD OF SUCH REDUCTION AND ON THE EXPIRY OF SUCH PERIOD, THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING FUTURE INCREMENTS OF HIS PAY IMPOSED ON SH. EBIN S.RAJ, NURSING OFFICER AS AN OUTCOME OF A DISCIPLINARY PROCEEDINGS UNDER CCS (CCA) RULES, 1965.

****

INTRODUCTION

Disciplinary Proceeding under Rule 14 of the CCS (CCA) Rules, 1965 was initiated against Mr. Ebin S. Raj, Nursing Officer vide Memorandum dated 29.08.2020 as he misused the LTC facility by submitting forged tickets.

FACTS OF THE CASE AND ADMINISTRATIVE COMMENTS

Mr. Ebin S. Raj, Nursing Officer has requested to grant her 05 days Earned Leave w.e.f. 01.07.2019 to 05.07.2019 and also requested to grant him LTC for the Block Year 2019 to visit Havelock, Port Blair for himself only.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 05 days Earned Leave alongwith LTC had been sanctioned to Mr. Ebin S. Raj, Nursing Officer with the terms and conditions that "उन्हेंपरामर्शदियाजाताहैकिवेअपनीटिकटयातोसीधेरेलवे/एयरलाइन्ससेअथवासरकारद्वाराप्राधिकृतकिएगए विक्रेतासेखरीदें" vide Office Memorandum No.45-635/2014-Estt.(TC) dated 10.06.2019.**(Annexure-I)**

When Mr. Ebin S. Raj, Nursing Officer has submitted his LTC claim the Account Officer pointed out that air fare claimed by him were appearing exorbitant. Accordingly, necessary letter was sent on 11.01.2020 to the Air India with request to verify the tickets and its genuineness.**(Annexure-II)**

As per the information provided by the Air India, the following discrepancies have been found :-

Air line	Place	Amount claimed for reimbursement by the official	Actual cost of ticketsas per information received from air lines	Difference
Air India	Delhi-Port Blair-Delhi	Rs. 61,163.00	Rs. 15,232.00	Rs. 45,931.00

As per the information provided by the Air India the original/actual price of air ticket is Rs.15,232/- whereas the official has requested to reimburseRs.61,163/-.**(Annexure-III)**

Accordingly, a Show Cause Notice was issued to Mr. Ebin S. Raj, Nursing Officer to submit his written explanation as to why he has submitted forged tickets with excess claim amount of Rs.45,931/- rather than original amount (Rs.15,232/-) for LTC claim and also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against him vide this Office Memorandum No. 45-635/2014-Estt.(TC) dated 20.03.2020. **(Annexure-IV)**

The reply submitted by Mr. Ebin S. Raj, Nursing Officer was considered and it was decided by the Director (AIIMS) to initiate disciplinary proceedings under rule 14 of CCS (CCA) rules and Charge Sheet Memorandum was served to him on 29.08.2020and asked himto submit a written statement of his defence.

In response to the Charge Sheet, he hassubmitted his written statement of his defence stating that he had visited Port Blair on All India LTC after due approval in 2019, but some problems has been found in the LTC claim. He had purchased the ticket with the help of his colleague through email.**(Annexure-V)**

The explanation submitted by Mr. Ebin S. Raj, Nursing Officer was considered by the Competent Authority and Sh. B.K. Singh, Administrative Officer was appointed as Inquiry Officer vide Office Order dated 17.12.2020 to conduct the inquiry as per procedure laid down in Rule 14 of CCS (CCA) Rules, 1965.

After conducting a detailed inquiry, the Inquiry Officer submitted report vide letter No. Inquiry/Ebin S. Raj/2020-21 dated 16.03.2021. As per the findings of the Inquiry Report, Mr. Ebin S. Raj, Nursing Officer has been proved/ found guilty on the charges framed against him. **(Annexure-VI)**

A copy of the Inquiry Report was sent to Mr. Ebin S. Raj, Nursing Officer as provided under Rule-15 of the CCS (CCA) Rules, 1965 to submit his written representation, if he so desire within 15 days vide this Office Memorandum dated 13.04.2021.

In response to this Office Memorandum dated 13.04.2021, Mr. Ebin S. Raj, Nursing Officer vide letter dated 26.06.2021 informed that he travelled to Andaman & Nicobar in the year 2019 availing All India LTC facility for the same as his colleague visited. He has also informed that the above event happened because of his lack of knowledge about LTC rules and he has already apologized for the event and he has given written application for withdrawal of his LTC claim.

After careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule-15 of the CCS (CCA) Rules 1965, decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of his pay"on Mr. Ebin S. Raj, Nursing Officer vide this Order dated 14.09.2021. (Annexure-VII)**

OBSERVATION 269

The penalty has been imposed after conducting the disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965. Mr. Ebin S. Raj, Nursing Officer has not brought out any new fact in his appeal dated 23.04.2022.

Mr. Ebin S. Raj, Nursing Officer vide letter dated 22.01.2022 has informed that he undergone enquiry for irregular LTC claim and punished for the same vide Order dated 14.09.2021. He has further informed that the recently an Office Memorandum No. 20-26/2020 (Audit) Estt. I for one time relaxation is allowed to 131 other employees and their cases are resolved. He has further requested to consider him for one time relaxation and cancel his punishment **(Annexure-VIII).** In this connection, it is submitted that the representation of Mr. Ebin S. Raj, Nursing Officer has been examined and noted that the Office Memorandum No.20-26/2020 (Audit) Estt. I dated 29.11.2021 has been issued by the Establishment Section (DO) w.r.t. audit para. ***The decision to initiate Disciplinary Proceedings will be taken on case to case basis. Copy of the relevant extract of the note annexed*** at **Annexure-IX.**

PROPOSAL:-

In response to the penalty order dated 14.09.2021, Mr. Ebin S. Raj, Nursing Officer has submitted an appeal before the Governing Body with the prayer to revoke the penaltyand status back to his original status and exonerate the appellant of all the charges.

APPROVAL SOUGHT

In view of the above, the appeal filed by Mr. Ebin S. Raj, Nursing Officer against the penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of his pay" imposed on himvide this Order dated 14.09.2021 is placed for consideration of the Governing Body, being an Appellate Authority as per Schedule-II of AIIMS regulations, 2019.

This issue with the approval of Director, AIIMS, New Delhi.

[PROF. VIVEK TRIKHA]
CHIEF (OFFICIATING),
JPNATC, AIIMS
Contact No. 011-26731153

जय प्रकाश नारायण एपेक्स ट्रॉमा सेन्टर

अखिल भारतीय आयुर्विज्ञान संस्थान
राज नगर, नई दिल्ली-110029

Annex-I 11

45-635/2014- स्था.(टी.सी.)

दिनांक 270 10 JUN 2019

कार्यालय आदेश

विषय: यात्रा रियायत अवकाश (छुट्टी का नकदीकरण के बिना) प्रदान करने संबंधी।

*****

श्री एबिन एस. राज, परिचर्या अधिकारी के उपर्युक्त विषय के दिनांक ,...शून्य.....के पत्र के संदर्भ मे उन्हें स्वयं के लिए **अंडमान निकोबार, हवलोक** भ्रमण हेतु ब्लॉक वर्ष **2019** के लिए **परिवर्तित गृहनगर** रियायती अवकाश प्रदान किये जाने की सहर्ष अनुमति दी जाती है।

2. उन्हें दिनांक **01/07/2019** से **05/07/2019** तक **05** दिनों का **अर्जित अवकाश** भी प्रदान किया जाता है।

3. उन्हें परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत किए गए विक्रेता से खरीदें।

4. रेल टिकट/बोर्डिंग पास के खो जाने पर अथवा यदि किसी कारणवश यात्रा रियायत अवकाश ग्रहण न करने की स्थिति में इसकी सूचना स्थापना अनुभाग को लिखित रूप से कारण सहित तुरंत की जाए अन्यथा अनुशासनिक कारवाई की जा सकती है।

5.सरकारी कर्मचारी को बुकिंग के समय अथवा यात्रा की निर्धारित तिथि एवं समय पर सबसे सस्ते/कम दर पर उपलब्ध हवाई टिकट खरीदनी चाहिए। सरकारी कर्मचारी को दिये गए किराए के अतिरिक्त बुकिंग की तिथि तथा समय को दर्शाने वाले टिकट का प्रिंट आउट जमा करवाना आवश्यक होगा।

6. **अर्जित अवकाश** शेष नहीं है।

7. छुट्टी से वापस आने पर दिनांक **06/07/2019** के पूर्वाहन को **श्री एबिन एस. राज, परिचर्या अधिकारी** अपने पद पर कार्य ग्रहण करेगा।

जोशी 10/6
कार्यालय अधीक्षक

श्री एबिन एस. राज, परिचर्या अधिकारी
द्वारा : **उप-परिचर्या अधीक्षक, जे.पी.एन.ए.टी.सी.**

10/6/19

प्रतिलिपि:
लेखा अनुभाग,जे.पी.एन.ए.टी.सी.

ESTABLISHMENT SECTION, ROOM NO. 225
JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCE
RAJ NAGAR, NEW DELHI - 110029

(11)

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Annex-II

10 JAN 2020

The General Manager
The Air India
Safdarjung Airport Area
Sri Aurobindo Marg
New Delhi,
Delhi 110003
Email: contactus@airindia.in

Sub: Verification of Air Tickets of officials of JPNA Trauma Centre, AIIMS New Delhi – reg

Sir/Madam,

I am directed to say that following employees was permitted to avail of LTC to visit. The details of their visit viz. Flight/air ticket/departure/arrival time/ etc. are as under, however, copies of air tickets are enclosed herewith for ready reference:

Name of the passenger	Date & Flight No.	Departure	Arrival	Ticket No.	PNR No.
Ms. Jengmailiu Gengmei	AI 485 2.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130054253	AI ZCF5T
Ms. Parul Chauhan Mr. Trush Chauhan Ms. Shuddhi Chauhan Mr. Ravi Chauhan	AI 787 10.6.2019 AI 788 15.6.2019	Kolkata Port Blair	Port Blair Kolkata	09895702310000 09895702310021 09895702310031 09895702310011	AI YMLY9 AI YMLY9 AI YMLY9 AI YMLY9
Ms. Anitha B Mr. MA Mathanraj Mr. RM Arivukkani Mr. A Selva Ganesh	AI 787 25.5.2019 AI 788 30.5.2019	Kolkata Port Blair	Port Blair Kolkata	09834767520530 09834767520550 09834767520540 09834767520560	AI HE16L AI HE16L AI HE16L AI HE16L
Mr. Ebin S Raj	AI 485 1.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130053226	AI HFZYH

In view of the above, it is requested to kindly provide the following details within 15 days from the received this letter so as to enable us to clear reimbursement claim of the concerned employee:
The actual cost of air travel vis-à-vis the cost indicated on the air tickets.

a) Whether the above mentioned air tickets were purchased by the concerned person directly through Air
b) India or Authorized Agent as approved by the Govt.

An early reply in the matter is requested.

Yours faithfully

(Lalit Oraon)
Senior Administrative Officer

Ph: 011-26731157/1057

Email: admi.jpnatcaiims@gmail.com

ESTABLISHMENT SEC NO. 225
JAI PRAKASH NARAYAN APE CENTRE
ALL INDIA INSTITUTE OF CIENCE
RAJ NAGAR, - 110029

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16

The General Manager
The Air India
Safdarjung Airport Area
Sri Aurobindo Marg
New Delhi,
Delhi 110003
Email: contactus@airindia.in

Sub: Verification of Air Tickets of officials of JPNA Trauma Centre, AIIMS New Delhi – reg

Sir/Madam,

I am directed to say that following employees was permitted to avail of LTC to visit. The details of their visit viz. Flight/air ticket/departure/arrival time/ etc. are as under, however, copies of air tickets are enclosed herewith for ready reference:

Name of the passenger	Date & Flight No.	Departure	Arrival	Ticket No.	PNR No.
Ms. Jengmailiu Gengmei	AI 485 2.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130054253	AI ZCF5T
Ms. Parul Chauhan Mr. Trush Chauhan Ms. Shuddhi Chauhan Mr. Ravi Chauhan	AI 787 10.6.2019 AI 788 15.6.2019	Kolkata Port Blair	Port Blair Kolkata	0989570231000 0989570231002 0989570231003 0989570231001	AI YMLY9 AI YMLY9 AI YMLY9 AI YMLY9
Ms. Anitha B Mr. MA Mathanraj Mr. RM Arivukkani Mr. A Selva Ganesh	AI 787 25.5.2019 AI 788 30.5.2019	Kolkata Port Blair	Port Blair Kolkata	0983476752053 0983476752055 0983476752054 0983476752056	AI HE16L AI HE16L AI HE16L AI HE16L
Mr. Ebin S Raj	AI 485 1.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130053226	AI HFZYH

In view of the above, it is requested to kindly provide the following details within 15 days from the received this letter so as to enable us to clear reimbursement claim of the concerned employee: The actual cost of air travel vis-à-vis the cost indicated on the air tickets.

a) Whether the above mentioned air tickets were purchased by the concerned person directly through Air
b) India or Authorized Agent as approved by the Govt.

An early reply in the matter is requested.

Yours faithfully

(Lalit Oraon)
Senior Administrative Officer

Ph: 011-26731157/1057
Email: admi.jpnatcaiims@gmail.com

Annex-III

AIR INDIA

A STAR ALLIANCE MEMBER

Ticket Records / E-Ticket Details

B3

SE-5

TKT NBR: 0982130053226 ISSUING CITY: BOM ISSUING OFFICE: 14395953
NAME: RAJ/EBINSMR
ORIG/DEST:DELDEL NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002

CP	S	FRM/TO	A/L	FLT	CLS	DATE	TIME	ST	FBC	BAG	RLOC	STATUS
1	O	DELIXZ	AI	485	U	01JUL19	0530	OK	UAP14	25K	HFZYH	FLOWN 09871143958VA
									NV01JUL19/01JUL19			
2	O	IXZDEL	AI	486	U	06JUL19	1050	OK	UAP14	25K	HFZYH	FLOWN 0987714395D6A
									NV06JUL19/06JUL19			

ENDORSEMENTS/FARE CALCULATION
ER:NON-END/VLD ON AI FLT ONLY/AIBE48549714/AMEX DIRECT
FARE CALCULATION/LADDER FARE CALC INDICATOR: 0
DEL AI IXZ6850AI DEL6850INR13700END

NON-ENDORSABLE
** FARE BREAKDOWN / FOP / TOUR CODE **

TKT FARE DATA		* AUDITOR	
BASE:INR	13700	BASE:INR	13700
EQUIV:		EQUIV:	
T/F/C:INR	1532	T/F/C:INR	1532
TTL:INR	15232	TTL:INR	15232

* TAX/FEE/CHARGE DETAIL:
TAX:INR 702K3 TAX:INR 490WO TAX:INR 200YR
TAX:INR 140YR

TOUR CODE :03
FOP:CC-AXXXXXXXXXXX1007 EXP 06/24 APVL:222536
FOPAMT:15232 COMM AMT: COMM RATE:

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/RLOC:AI/HFZYH
DATE OF ISSUE: 16JUN19
PSGR PHONE:91 INVOICE NBR:

AIR INDIA LTD.
TRAVEL/FARE CERTIFICATE
CERTIFIED FLOWN ON 01JUL19 | 06JUL19
FLIGHT 485/486 SECTOR DELIXZ DEL

INR295/- collected against emd no. 0988203534229

Reservation 05/02/2020

We thank you for flying AIRINDIA and wish you a happy j
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www.airindiaexpress.in

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CONFIDENTIAL

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi-110029

No. 45-635/2014 /Estt. (TC)

Dated:- 20 MAR 2020

MEMORANDUM

Subject:- Show cause notice to Mr. Ebin S. Raj, Nursing Officer, JPNA Trauma Centre

****

It is to inform that Mr. Ebin S. Raj, Nursing Officer, JPNATC had applied for LTC from 01.07.2019 to 05.07.2019 and submitted his TA bills at Accounts Section (TC) and it was decided to verify the tickets based on the observation of finance department.

Accordingly, Air Tickets purchased by his was sent to Office of the Air India for necessary verification and as per the reply received from Air India the following discrepancies was observed in the purchased tickets was found:-

Air line	Place	Amount claimed for reimbursement by the official	Actual amount spent/incurred by the official as per reply of the Airlines	Excess amount claim by the official
Air India	Delhi-Port Blair-Delhi	Rs. 61,163	Rs.15,232	Rs. 45,931
Total		**Rs. 61,163**	**Rs. 15,232**	**Rs45,931**

From the above table, it is evident that he has claimed excess amount by submitting fake tickets.

In view of the above, Mr. Ebin S. Raj is directed to submit his written explanation as to why he has submitted forged tickets with excess claim amount of Rs. 45,931 rather than original amount (Rs. 15,232) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) rules shall not be initiated against him. His reply should reach to the undersigned within a period of 03 days from the date of issuance of this Memorandum failing which, it will be assumed that he has nothing says in his defense and necessary action as deemed fit, shall be taken against him.

This issues with the approval of the Competent Authority, AIIMS.

20/03/2020

(JOGINDER KUMAR)
ASSTT. ADMIN. OFFICER

Mr. Ebin S. Raj
Nursing Officer
Thr: Deputy Nursing Superintendent

Copy to:

1. Chief, JPNATC
2. Addl. M.S., JPNATC
3. Deputy Nursing Superintendent (TC)

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Annexure-I

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi – 110029

No.F.45-635/2014-Estt.(TC) Dated:- 29 AUG 2020

MEMORANDUM

1. It is proposed to hold an inquiry against Mr. Ebin S. Raj, Nursing Officer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 read with Regulation 33 of AIIMS Regulation 2019. The substance of the imputation of charge in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge **(Annexure-I)**. A statement of the imputations of misusing of LTC facility is enclosed **(Annexure-II)**. A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed **(Annexure-III & IV)**.

2. Mr. Ebin S. Raj, Nursing Officer is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Mr. Ebin S. Raj, Nursing Officer is further informed that if he does not submit his written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuse to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against his ex-parte.

5. Attention of Mr. Ebin S. Raj, Nursing Officer is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Mr. Ebin S. Raj, Nursing Officer is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

DISCIPLINARY AUTHORITY

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

25/8

Mr. Ebin S. Raj
Nursing Officer
Thr: Dy. Nursing Superintendent (TC)

ANNEXURE-I

58

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST MR. EBIN S. RAJ, NURSING OFFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED.

Article of Charge:-

That the said Mr. Ebin S. Raj while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets.

By his aforesaid act, Mr. Ebin S. Raj has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

ANNEXURE II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST MR. EBIN S. RAJ, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED.

****

Mr. Ebin S. Raj, Nursing Officer has requested to grant him 05 days Earned Leave w.e.f. 1.07.2019 to 05.07.2019 and also requested to grant him LTC for the Block Year 2019 to visit Havelock, Portblair for himself.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 05 days Earned Leave alongwith LTC was sanctioned to Mr. Ebin S. Raj, Nursing Officer with the Clause that उन्हे परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत केए गए विक्रेता से खरीदें" vide Office Memorandum No.45-635/2014-Estt.(TC) dated 10.06.2019.

In the meanwhile, Mr. Ebin S. Raj, Nursing Officer has submitted his TA Bill claim at Accounts Section (TC) alongwith air tickets/boarding pass as per details given below :-

Airline	Flight Number	Date	From	To	Amount
Air India	AI 485 AI 486	1.7.2019 6.7.2019	Delhi Port Blair	Port Blair Delhi	Rs. 61,163/-

Subsequently, the Accounts Officer, JPNA Trauma Centre vide Memorandum dated 20.12.2019 has intimated that as per clause of Memorandum issued for grant of leave and LTC, individual had to purchase cheapest ticket available on the day of booking. It appears that ticket has been purchased at high cost. There could be possibility of tampering with the original ticket. He has further requested to check the tickets from administrative point of view whether all are genuine.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, necessary letter regarding verification for air ticket was sent to the Air India vide this Office Letter dated 11.01.2020.

As per the reply received from Air India, the following discrepancies in purchased tickets was found:-

Air line	Place	Amount to be proposed for reimbursement by the official	Actual amount details received from air lines	Difference
Air India	Delhi-Port Blair-Delhi	Rs. 61,163.00	Rs. 15,232.00	Rs. 45,931/-

As per the information provided by the concerned air line the original/actual prize of air ticket is Rs.15,232/- whereas the official has requested to reimbursement of airfare of Rs.61,163/- which includes additional amount of Rs.45,931/-. The tickets submitted by the official and verified by airlines have same tickets number and PNR Number.

A Show Cause Notice was issued to Mr. Ebin S. Raj, Nursing Officer and directed to submit his written explanation as to why he has submitted forged tickets with excess claim

amount of Rs.45,931/- rather than original amount (Rs.15,232/-) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against him vide this Office Memorandum No. 45-635/2014-Estt.(TC) dated 20.03.2020.

In response to this Show Cause Notice dated 20.03.2020, Mr. Ebin S. Raj, Nursing Officer vide letter dated 27.03.2020 has submitted that he is unaware of any forged tickets. This explanation is found unsatisfactory.

By his aforesaid act, Mr. Ebin S. Raj, Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

28/8/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST MR. EBIN S. RAJ, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1. Request letter by Mr. Ebin S. Raj, for LTC dated 22.05.2019
2. Office Order dated 10.06.2019
3. Memorandum dated 20.12.2019 received from Accounts Officer, JPNATC, AIIMS, New Delhi
4. Letter sent to Air India on dated 11th January, 2020
5. Reply received from Air India by email dated 16th January, 2020
6. Hard copy of verified ticket from Air India
7. Show Cause Notice to Mr. Ebin S. Raj dated 20th March, 2020
8. Reply from Mr. Ebin S. Raj received on 28.03.2020

DISCIPLINARY AUTHORITY

28/8/20

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

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ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MR. EBIN S. RAJ, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1 Sh. Prem Pal,
Accounts Officer, JPNATC

2 Ms. Rahul Arya,
D.E.O.,
Establishment Section (TC)

3 Ms. Jyoti Rana,
D.E.O.,
Establishment Section (TC)

Dealing Assistant

DISCIPLINARY AUTHORITY,

29/8/2012

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

अखिल भारतीय आयुर्विज्ञान संस्थान
अंसारी नगर, नई दिल्ली-110029

Annex-VI

पत्रांक- जाँच/एबिन एस. राज/2020-21 दिनांक: 16.03.2021

सेवा में,

निदेशक
एवं अनुशासनिक पदाधिकारी
एम्स, नई दिल्ली-29

विषयः- श्री एबिन एस. राज, नर्सिंग पदाधिकारी, जे.पी.एन.ए.टी.सी. ट्रामा सेन्टर, अ.भा.आ. संस्थान, नई दिल्ली के विरुद्ध केन्द्रीय सिविल सेवा(वर्गीकरण, नियंत्रण एवं अपील)1965 के उपनियम 14 के तहत निर्गत आरोप पत्र का जांच प्रतिवेदन।

महोदय,

उपर्युक्त विषयक एम्स के पत्रांक. एफ. 45/635/2014-स्थापना. (टी.सी.) दिनांक 29.08.2020 के संदर्भ में जाँच प्रतिवेदन सभी अनुलग्नकों के साथ आगे की कार्रवाई हेतु प्रेषित किया जाता है।

भवदीय,

16/3/2021

(बी.के.सिंह)
प्रशासनिक अधिकारी (संकाय प्रकोष्ठ)
एवं जांच अधिकारी

अनुसंलग्नक

1. आरोप पत्र दिनांक 29.08.2020
2. सरकारी पक्ष दस्तावेज़ एस.ई. 1 (I,II) से एस.ई.-8
3. डेली ऑर्डर शीट 01 से 06
4. सरकारी पक्ष गवाहों का डिपोजिशन एवं परीक्षण/प्रतिपरीक्षण
5. प्रस्तोता पदाधिकारी का लिखित पक्ष
6. आरोपित पदाधिकारी का लिखित पक्ष
7. जाँच अधिकारी का नियुक्ति पत्र
8. अन्य कागजात

17.3.21

10/03/2021

19/3/21

SO(A) (SPNPATC)

श्री एबिन एस. राज, नर्सिंग पदाधिकारी, ज.प्र.न. ट्रॉमा सेन्ट्र, एम्स, नई दिल्ली के विरुद्ध केन्द्रीय सिविल सेवा (वर्गीकरण, वर्गीकरण, नियंत्रण एवं अपील) 1965 के उप नियम 14 के तहत अभियोजित जाँच से संबंधित जाँच अधिकारी का प्रतिवेदन।

1. **परिचयात्मक टिप्पणी**

(क) जाँच अधिकारी का नाम एवं पदनाम	बी.के.सिंह प्रशासनिक अधिकारी(संकाय प्रकोष्ठ) एम्स, नई दिल्ली
(ख) आरोपित पदाधिकारी का नाम एवं पदनाम	श्री एबिन एस. राज, नर्सिंग पदाधिकारी, ज.प्र.न. ट्रॉमा सेन्ट्र, एम्स, नई दिल्ली
(ग) प्रस्तोता पदाधिकारी का नाम एवं पदनाम	श्रीमती संयोज लाल, सहायक प्रशासनिक अधिकारी, शैक्षिक अनुभाग
(घ) जाँच अधिकारी की नियुक्ति संबंधी पत्र का विवरण	पत्रांक. 45-635/2014-स्थापना (टी.सी.) दिनांक 17.12.2020
(ङ) आरोप पत्र का पत्रांक एवं दिनांक	पत्रांक. 45-635/2014- स्थापना (टी.सी.) दिनांक 29.08.2020

जाँच अधिकारी से संबन्धित नियुक्ति पत्र दिनांक 17.12.2020 की प्राप्ति के पश्चात, आरोप पत्र दिनांक 29.08.2020 के अनुसंलग्नक में उल्लेखित सरकारी दस्तावेज़ क्रम संख्या एस.ई. 1 (I,II) से एस.ई. 8 भेजने हेतु अनुरोध पत्र भेजा गया। वांछित सरकारी दस्तावेज़ प्राप्ति के पश्चात जाँच निम्नवत की गई :-

प्रारंभिक सुनवाई	02.01.2021, 21.01.2021
नियमित सुनवाई	06.02.2021, 10.02.2021

प्रारंभिक सुनवाई के दिन आरोपित पदाधिकारी ने जाँच अधिकारी पर अपना विश्वास व्यक्त किया। फिर सुनवाई शुरू हुई जिसकी कई बैठकें की गई। नियमित सुनवाई के अंत में आरोपित पदाधिकारी ने कहा कि जांच की कार्रवाई से वह संतुष्ट है।

प्रस्तोता पदाधिकारी ने अपना लिखित पक्ष दिनांक 24.02.2021 को जाँच अधिकारी एवं आरोपित पदाधिकारी को दिया। आरोपित पदाधिकारी का लिखित बचाव पक्ष दिनांक 12.03.2021 को जाँच अधिकारी को प्राप्त हुआ। तत्पश्चात जाँच रिपोर्ट समर्पित किया जा रहा है।

16/3/21

श्री एबिन एस. राज, परिचर्या पदाधिकारी, जे.पी.एन.ए.टी.सी. के रूप में कार्य करते समय एल.टी.सी. सुविधा का उपयोग किया है और धोखाधड़ी एवं जाली टिकटों को सबमिट किया है

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अत: उक्त कार्य के द्वारा श्री एबिन एस. राज., परिचर्या पदाधिकारी अपने कर्तव्य के प्रति पूर्ण निष्ठा बनाए रखने में असफल रहे हैं और उनका यह व्यवहार संस्थान कर्मचारी होने के लायक नहीं है जोकि संस्थान के कर्मचारियों पर लागू केंसिसे. (आचरण) नियमावली, 1964 के नियम 3(1) (ii) एवं (iii), (xvii) तथा (xviii) का उल्लंघन है।

3- आरोपित पदाधिकारी द्वारा स्वीकार किए गए अथवा अस्वीकार किए गए आरोप एवं उसकी जाँच :-

आरोपित पदाधिकारी ने आरोप पत्र दिनांक 29.08.2020 में लगाये गये आरोप के बारे में बताया कि वे लगाये गये आरोप को स्वीकार करने से इनकार करते हैं, क्योंकि ऐसे कई मामले हैं पर, उन्हें आरोप पत्र नहीं दिया गया। उन्हे कुछ भी भुगतान एल.टी.सी. में नहीं हुआ हैं फिर भी उन्हें आरोप पत्र दिया गया। अत: लगाये गये आरोप के सभी बिन्दुओं पर जाँच की गई।

4- अभियोजन पक्ष अभिलेखों का विवरण :-

एस.ई.-01(i)	:-	अर्जित अवकाश उपभोग के लिए दिया गया आवेदन पत्र
एस.ई.-01 (ii)	:-	एल.टी.सी. उपभोग के लिए आवेदन पत्र
एस.ई.-02	:-	दिनांक 10.06.2019 का ज्ञापन संख्या 45-635/2014- स्थापना (टी.सी.)
एस.ई.-03	:-	ज्ञापन संख्या दिनांक 20.12.2019 जो लेखा अधिकारी द्वारा वरिष्ठ प्रशा. अधिकारी ज.प्र.न.ट्रॉमा सेन्टर High cost हवाई यात्रा टिकट की कीमत जाँच हेतु भेजी गई।
एस.ई.-04	:-	दिनांक 11.01.2020 को वरिष्ठ प्रशासनिक अधिकारी द्वारा जनरल मैनेजर, एयर इण्डिया को भेजा गया पत्र
एस.ई.-05	:-	दिनांक 26.01.2020 को एयर इण्डिया से प्राप्त ई-मेल
एस.ई.-06	:-	ई-टिकट
एस.ई.-07	:-	दिनांक 20.03.2020 को जारी कारण बताओ नोटिस
एस.ई.-08	:-	आरोपित पदाधिकारी द्वारा दिया गया लैटर ऑफ एक्सप्लेनेशन

5-अभियोजन पक्ष गवाहों के नाम :-

(क) श्री प्रेम पाल
लेखा अधिकारीजे.पी.एन.ए.टी.सी.

(ख) श्री राहुल आर्या
डाटा एण्ट्री ऑपरेटर,
स्थापना अनुभाग (टी.सी.)

(ग) श्रीमती ज्योती रावणा
स्थापना अनुभाग (टी.सी.)

16/3/2021

बचाव पक्ष अभिलेखों एवं गवाहों की सूची :-

बचाव पक्ष अभिलेख

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शून्य

बचाव पक्ष गवाह

शून्य

7. सरकारी पक्ष का कथन संक्षेप में :- श्री एबिन एस. राज जब नर्सिंग पदाधिकारी के पद पर जे.पी.एन.ए.टी.सी., एम्स, नई दिल्ली में वर्ष 2019 में कार्यरत थे तब जाली एवं धोखाधड़ी वाला टिकट भुगतान हेतु समर्पित कर एल.टी.सी. सुविधा का दुरुपयोग किया। उनका यह आचरण केन्द्रीय सिविल सेवा आचरण नियम 1964 के उप-नियम 3(1) (i), (ii), (iii), (xvii) एवं (xviii) का उल्लंघन हैं।

8. आरोपित पदाधिकारी का कथन जाँच के दौरान संक्षेप में – कुछ कर्मचारी एल.टी.सी. सुविधा उपभोग हेतु प्राइवेट एयरलाइन्स से गयेउनका भी वैसा ही केस था जैसा उनका है। फिर उन कर्मचारियों से एडवान्स +सूट वापस लेकर मामला समाप्त कर दिया गया। जबकि उनके मामले में हालाँकि उन्होंने एल.टी.सी. अग्रिम भी नहीं लिया, ऐसा नहीं किया गया और उन्हें आरोप पत्र दे दिया गया। उन्होंने क्षमा पत्र भी दिया था। उन्हें एल.टी.सी. का क्लैम नहीं देते हुए मामला समाप्त करना था पर उनके साथ ऐसा नहीं किया गया।

9. **प्रस्तोता पदाधिकारी का लिखित पत्र संक्षेप में –** आरोपित पदाधिकारी ने इस मामले में क्षमा पत्र दिया था।उनका कहना है कि उन्हें एल.टी.सी. का क्लेम नहीं देते हुए मामले को समाप्त करना था। लेकिन उनके साथ ऐसा नहीं है। आरोपित पदाधिकारी को लगता है कि उनके साथ भेदभाव हुआ है।

इस प्रकार श्री एबिन एस. राज ने खेद व्यक्त करते हुए आरोपों को स्वीकार कर लिया है।

इसलिए लगाये गए आरोप सिद्ध होते हैं।

10. आरोपित पदाधिकारी का लिखित पक्ष संक्षेप में – जैसा कि पहले कहा गया था कि कई अन्य कर्मचारियों ने एल.टी.सी. सुविधा का उपयोग किया था और अधिक राशि के जाली टिकट जमा किए थे, उनके टिकटों का सत्यापन नहीं किया गया था और उसी लेखा अधिकारी ने एल.टी.सी. प्रतिपूर्ति को मंजूरी दी थी। मैंने अपनी जांच के दौरान स्वीकार किया कि मेरा क्लेम वास्तविक कीमत से अधिक था। यह एल.टी.सी. नियमों के बारे में मेरे ज्ञान की कमी के कारण हुआ और मैं भी वर्षों से अपने वरिष्ठों और एम्स में हो रही प्रणाली का पालन कर रहा था, इस सर्विस के दौरान एल.टी.सी. के लिए यह मेरा पहला क्लेम है। जाँच की कार्रवाई के दौरान, स्थापना अनुभाग के प्रतिनिधि से उन्हें यह पता चला कि उन्होंने सत्यापन के लिए छह टिकट भेजे थे परंतु उन्होंने दो कर्मचारियों पर चार्जशीट नहीं की, क्योंकि उन्होंने प्राइवेट एयरलाइन के माध्यम से यात्रा की और एयरलाइन ने सत्यापन प्रक्रिया का जबाव नहीं दिया। उन्होंने कहा कि उन दोनों कर्मचारियों से केवल अतिरिक्त एमाउण्ट वापस करने के लिए कहा लेकिन मेरे खिलाफ चार्जशीट दर्ज की गई जबकि मैंने क्लैम को विदड्रॉ करने के लिए पत्र भी दिया था।

11. **समीक्षा –** नियमित सुनवाई के दौरान सरकारी गवाह श्री प्रेम पाल, लेखा अधिकारी का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

डिपोजिशन

मेरा नाम प्रेम पाल है। मैं लेखा अधिकारी के पद पर जे.पी.एन.ए.टी.सी., एम्स, नई दिल्ली में जुलाई 2019 से कार्यरत हूँ। मुझे श्री एबिन एस. राज, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.)पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप

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में बुलाया गया है। जिस केस पर फिरोदया ज्यादा किराया में लगता है उस में प्रशासन को जांच के लिए भेज देता हूं और इस केस में भी मैंने वही किया है।

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सरकारी पक्ष गवाह का परीक्षण

प्रस्तोता पदाधिकारी — आपको कैसे पता चला कि श्री एबिन एस. राज ने एल.टी.सी. का जो क्लैम किया है उसका किराया अपेक्षित किराया से कहीं ज्यादा है।

सरकारी पक्ष गवाह (श्री प्रेमपाल) — मुझे जिस केस में टिकट को देखने से लगता है कि दर्शाया गया किराया ऑनलाइन किराये से काफी अधिक है उन cases में प्रशासन को वेरिफिकेशन के लिये भेज देते हैं।

प्रस्तोता पदाधिकारी — वेरिफिकेशन के बाद प्रशासन से दुबारा श्री एबिन एस. राज का एल.टी.सी. क्लैम क्या आपके पास आया है।

सरकारी पक्ष गवाह (श्री प्रेमपाल) — नहीं आया है।

प्रस्तोता पदाधिकारी — जब श्री एबिन एस. राज का क्लैम verify होकर प्रशासन से दुबारा नहीं आया तो आपने क्या कार्रवाई की है।

सरकारी पक्ष गवाह (श्री प्रेमपाल) — कोई कार्रवाई नही की है।

सरकारी गवाह का प्रति परीक्षण (श्री प्रेमपाल)

आरोपित पदाधिकारी — मैंने 6 साल की सेवा में पहली बार एल.टी.सी. क्लैम जैसा और लोग कर रहे थे, किया था। मुझे बताया गया कि क्लैम में कुछ गडबडी है। मैंने एल.टी.सी. क्लैम वापसी के लिए Apology करते हुए आवेदन दिया था। फिर मुझे यह क्यों किया गया। इस केस को Apology देने के बाद समाप्त कर देना चाहिए था।

सरकारी पक्ष गवाह (श्री प्रेमपाल) — यह प्रश्न फाइनेंस से संबंधित नहीं है और न ही इन्होंने लेखा अनुभाग को withdrawal से संबंधित कोई कागज जमा किया है।

नियमित सुनवाई के दौरान सरकारी गवाह श्री राहुल आर्या, डाटा एण्ट्री ऑपरेटर, स्थापना अनुभाग, एम्स नई दिल्ली का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

डिपोजिशन

मेरा नाम राहुल आर्या है। मैं डाटा एण्ट्री ऑपरेटर के पद पर स्थापना अनुभाग में अप्रैल 2018 से कार्यरत हूं। मुझे श्री एबिन एस. राज, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप में बुलाया

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गया है। मेरा कहना है कि श्री एबिन एस. राज का एल.टी.सी क्लैम 2019 को लेखा अनुभाग से verification के लिए आया तो मैंने दिनाक 08.08.2019 को सेवा पंजी में दर्ज करके लेखा अनुभाग में लौटा दिया। इसके बाद का इस संबंध में मुझे कोई जानकारी नहीं है।

सरकारी पक्ष गवाह का परीक्षण

प्रस्तोता पदाधिकारी — इनको जो आरोप पत्र दिया गया है उसके बारे में आपको क्या जानकारी है।

सरकारी पक्ष गवाह (श्री राहुल आर्या) — मुझे कोई जानकारी इस संदर्भ में नहीं है क्योंकि यह मामला मिस. ज्योति डील करती हैं।

सरकारी गवाह का प्रति परीक्षण

आरोपित पदाधिकारी — फाइनेंस वाले श्री प्रेमपाल जी बोल रहे थे कि मुझे इस संबंध में कोई जानकारी नहीं है। और आप भी बता रहे हे कि आपको भी चार्जशीट के बारे में कोई जानकारी नहीं है तो चार्जशीट कैसे हुई।

सरकारी पक्ष गवाह (श्री राहुल आर्या) — इस संबंध में मुझे कोई जानकारी नहीं है।

- नियमित सुनवाई के दौरान सरकारी गवाह श्रीमती ज्योती राणा, डाटा एण्ट्री ऑपरेटर, स्थापना अनुभाग (टी.सी.), एम्स नई दिल्ली नई दिल्ली का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

डिपोजिशन

मेरा नाम ज्योती राणा है। मैं डाटा एण्ट्री ऑपरेटर के पद पर स्थापना अनुभाग में दिनांक 01.01.2020 से कार्यरत हूँ। मुझे श्री एबिन एस. राज, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप में बुलाया गया है। आज की तिथि में मैं आचार्य डॉ. छवि सुहानी, Anaesthesia Trauma Centre के कार्यालय में कार्यरत हूँ। जब मैंने ट्रॉमा सेंटर ज्वॉइन किया था मुझे एक संचिका दी गई जिसमें लेखा अनुभाग के द्वारा अनुरोध किया गया था कि कुछ LTC tickets हैं इनका cross verification किया जाए क्योंकि Accounts को लग रहा था कि टिकट high cost का है। ऐसे कुल छ: मामले आये थे। मैंने सबसे पहले यह देखा कि ट्रैवल के लिए कौन-कौन सी Airlines use की गई हैं। हमने उनका bifurcate किया कि Air India और other private airlines कौन-कौन सी हैं। श्री एबिन एस. राज, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) ने Air India से Delhi से Port Blair और Port Blair से Delhi travel किया था। इसी के अनुसार मैंने Air India को Email किया एवं इनका Ticket verify करवाया। हमें तुरंत Air India से email आया जिसमें उनके actual cost ticket का हमें soft copy भेजी इस ticket को भी verify करवाने के लिए हमारे दफ्तर से Air India के office जाकर 295/- के शुल्क देने पर हमें hard copy इनकी original ticket श्री एबिन एस. राज, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) की प्राप्त हुई जिसमें यह साफ-साफ दर्शाया जा रहा था कि जो इन्होंने reimbursement के लिए amount claim किया है जो कि 61,163 है वह बिल्कुल ही original payment 15232/- से अलग है एवं बहुत ज्यादा है यानि 45931 का difference है। इसके बाद मैंने officially file आगे बढ़ाई और जैसे जैसे मुझे निर्देश दिए गये हमने process किया और इन्हें पहले ज्ञापन दिया गया कि इन्होंने ऐसा क्यों किया है। फिर इनका जवाब आया जो कि सक्षम अधिकारी को suitable नहीं लगा जिसके बाद इन्हें आरोप पत्र दिया गया है।

सरकारी पक्ष गवाह का परीक्षण

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पदाधिकारी

जब आपके पास एयर इण्डिया से टिकट वेरीफिकेशन प्रमाण पत्र आ गया तो उसके बाद आपने क्या किया?

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सरकारी पक्ष गवाह
(श्रीमती ज्योती राणा)

मैंने नोटशीट पर आगे की कार्यवाही हेतु अधिकारी के पास भेजा। निर्देशानुसार मैंने इन्हें कारण बताओ नोटिस दिनांक 20.03.2020 को दिया फिर इनका जबाब 27.03.2020 को आया जोकि मेरे कार्यालय में 28.03.2020 को मिला। फिर मैंने इसे नोटशीट के माध्यम से पुट अप किया। सक्षम पदाधिकारी को उनका जबाब संतोषजनक नहीं लगा जिसके बाद आरोप पत्र दिनांक 29.08.2020 निर्गत किय गया।

सरकारी गवाह का प्रति परीक्षण (श्रीमती ज्योती राणा)

आरोपित पदाधिकारी

मैंने Apology letter दिनांक 27.03.2020 को दिया। मैंने कोई एडवान्स भी नहीं लिया था। मुझे एल.टी.सी. क्लैम के विरुद्ध कोई पेमेंट भी नहीं हुआ है पर मुझे आरोप पत्र दे दिया गया। जैसी मुझे जानकारी है कि ट्रॉमा सेन्टर के ही अन्य कर्मचारी जिन्होंने अण्डमान एवं निकोबार की यात्रा की है, एल.टी.सी. क्लैम का भुगतान भी ले चुके हैं, उनका भी इसी तरह का मामला है, तो क्या यह मेरे साथ injustice नहीं है कि apology letter के बाद भी आरोप पत्र दिया गया। ऐसा मुझे लगता है कि यह मेरे साथ जानबूझकर किया गया है।

सरकारी पक्ष गवाह
(श्रीमती ज्योती राणा)

आपही के साथ ऐसा हुआ है यह सही नहीं है मेरे पास एल.टी.सी. ज्यादा क्लैम के 6 मामले आये थे जिसके लिये मेरे द्वारा same procedure adopt किया गया जैसा कि आपके साथ किया गया है। इसके 2 मामले प्राइवेट एयरलाइन के थे जिनसे कोई जवाब नहीं आया। इन दो मामलो में सक्षम पदाधिकारी की अनुमति से दिया गया advance with interest वापस करा लिया गया है 4 मामलों में जिसमें एयरइण्डिया से लिखकर के आया कि original payment से बहुत ही अधिक क्लैम किया गया है उसको सक्षम अधिकारी ने fraud claim मानते हुए उनके विरुद्ध अनुशासनात्मक कार्यवाही की है।

उपरोक्त परीक्षण एवं प्रति-परीक्षण तथा आरोपित पदाधिकारी से जाँच अधिकारी द्वारा पूछे गये मैनडेटरी प्रश्न के प्रतिउत्तर में उनसे प्राप्त जबाव से स्पष्ट है कि आरोपित पदाधिकारी ने हवाई यात्रा के वास्तविक कीमत से अधिक राशि का क्लैम जो एल.टी.सी. नियम के भुगतान के लिए किया गया, उसपर उनका कोई बचाव पक्ष नहीं आया कि उनका क्लैम सही था अथवा प्रशासन द्वारा जो कहा गया कि वास्तविक टिकट राशि से उन्होंने अधिक क्लैम धोखाधड़ी एवं जालसाजी के नियत से किया वह आरोप गलत है। उन्हंने यह जरूर कहा कि ऐसा ही मामला दूसरों का भी था। पर, उनके साथ आरोप पत्र देने वाला कार्रवाई नहीं की गई और उनके साथ भेदभाव हुआ है। उनका पक्ष था कि उन्हें एल.टी.सी. की राशि भुगतान भी नहीं हुआ है।

आरोपित पदाधिकारी पर आरोप एल.टी.सी. में अधिक राशि भुगतान लेने का नहीं है। उनपर आरोप है कि उन्होंने धोखाधड़ी एवं जालसाजी की नियत से एल.टी.सी. के हवाई यात्रा के वास्तविक व्यय से ज्यादा क्लेम किया है। इस आरोप से आरोपित पदाधिकारी ने इनकार नहीं किया। हालाँकि उनका पक्ष था कि जब उन्होंने क्षमा पत्र दे दिया तो मामला समाप्त हो

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...हिए था पर, मामला यह नहीं है कि क्या होना चाहिए बल्कि आरोप यह है कि आरोपित पदाधिकारी ने धोखाधड़ी ...साजी वाला टिकट एल.टी.सी. क्लेम भुगतान हेतु समर्पित किया और यह आरोप प्रमाणित होता है कि ऐसा उन्होंने

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निष्कर्ष :- जाँच के दौरान स्वीकृत साक्ष्य, सरकारी गवाहों, बचाव पक्ष गवाह के बयानों से स्पष्ट है कि आरोप ...दाधिकारी पर पत्र संख्या 45-653/2014 स्थापना (टी.सी.) दिनांक 29.08.2020 के तहत लगाया गया आरोप प्रमाणित होता है।

14/3/2021

(बी.के.सिंह)
प्रशासनिक अधिकारी (संकाय प्रकोष्ठ)
एवं जांच अधिकारी

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi – 110029

No.F.45-635/2014-Estt.(TC) Dated:- 14 SEP 2021

ORDER

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Service (Classification Control and Appeal) Rules, 1965 was initiated against Sh. Ebin S. Raj, Nursing Officer vide Memorandum No.F.45-635/2014-Estt. (TC) dated 29th August, 2020 on the following **Article of Charges :-**

"That the said Sh. Ebin S. Raj while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets.

By his aforesaid act, Sh. Ebin S. Raj has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute."

AND WHEREAS Sh. Ebin S. Raj, Nursing Officer vide letter dated 23rd October, 2020 has submitted his written statement of defence stating that he visited Port Blair on All India LTC after approval of the Chief, JPNATC in the year 2019, but some problem has been found in the LTC claim. He had purchased the ticket with the help from a colleague through email and he is not aware where mistake has occurred as official mail site.

Accordingly, Sh. B.K. Singh, Administrative Officer (on deputation) was appointed as Inquiry Officer by the Disciplinary Authority to inquire into the charges framed against him vide order No.F.45-635/2014-Estt.(TC), dated 17th December, 2020. The Inquiry Officer, after holding the inquiry had submitted his report vide letter No. Inquiry/Ebin S. Raj/2020-21 dated 16th March, 2021 and concluded that the charge framed against Sh. Ebin S. Raj, Nursing Officer stands Proved.

AND WHEREAS a copy of the Inquiry Report had been forwarded under provision of Rule 15 of CCS (CCA) Rules 1965 to Sh. Ebin S. Raj, Nursing Officer to enable him to submit his representation/submission, if any, in writing within 15 days to the Disciplinary Authority on the Inquiry Report vide Office Memorandum No. 45-635/2014-Estt. (TC) dated 13th April, 2021.

AND WHEREAS Sh. Ebin S. Raj, Nursing Officer vide letter dated 26th June, 2021 submitted his written representation/submission stating that he travelled to Andaman & Nicobar on the year 2019 availing All India LTC facility for the same as his other colleagues visited. He has gone through the departmental enquiry under the enquiry officer Sh. B.K. Singh and he have already

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submitted his stand for the same in written immediately after the last hearing. He has also informed that the said event happened because of his lack of knowledge about LTC rules and he already apologized for the event. He has further informed that he had given written application for withdrawing his claim.

NOW, after careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule 15 of the CCS (CCA) Rules 1965, now for good and sufficient reasons has decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of his pay"** on Sh. Ebin S. Raj, Nursing Officer. Accordingly, the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that he will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of his pay"** is imposed on Sh. Ebin S. Raj, Nursing Officer with immediate effect.

A copy of this Order be added to the confidential roll of Sh. Ebin S. Raj, Nursing Officer.

For and On Behalf of President and
Disciplinary Authority, AIIMS

10/9/14

[DR. RANDEEP GULERIA]
DIRECTOR, AIIMS

4/9

Sh. Ebin S. Raj,
Nursing Officer
Thr: Nursing Superintendent (TC)

Copy to:-

1 Chief, JPNA Trauma Centre
2 Addl. Medical Superintendent (TC)
3 Chief Administrative Officer, AIIMS
4 Sr. Administrative Officer, JPNATC.
5 Nursing Superintendent, JPNATC.
6 Administrative Officer, Recruitment Cell, AIIMS.
7 Administrative Officer, Estate Section, AIIMS.
8 Administrative Officer, ACR Cell, AIIMS.
9 Administrative Officer, Vigilance/Legal Cell, AIIMS.
10 Account Section (JPNATC)/Audit Section/Guard File

EE-816987

28-1-2022

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Through proper channel

प्राप्त किया 24/1/22

24 JAN 2022

RECEIVED DIRECTOR OFFICE A.I.I.M.S.

From

Mr Ebin S Raj

Nursing officer, Tc3 ICU

JPNATC, AIIMS, New Delhi.

Annex-VIII

प्राप्त किया/RECEIVED
उप निदेशक (प्रशा.) कार्यालय अ.भा.आ.सं.
Dy. Director (Admn.) Office, A.I.I.M.S.
25 JAN 2022

To

The Administrative officer

JPNATC, AIIMS

New Delhi

Subject : "request for consideration to revoke major penalty because no bill passed/cleared against the inflated tickets, imposed on Mr. Ebin s Raj nursing officer JPNATC"

Respected sir/madam

I Ebin s Raj working as a nursing officer in tc3 ICU since 2014, had undergone enquiry for irregular LTC claim and punished for the same as office memorandum no F.45-635/2014-Esst.(TC) on 14th sep 2021.I am the one of the nursing officer in the group of three nursing officer who got punishment for the same in the whole institution.

Recently an office memorandum is released (No.20-26/2020(Audit)-Esst.1) saying one time relaxation is allowed to 131 other employees and their case is resolved. I am enclosing the ref letter along with this application. Even I did not received any cash for the LTC claim from the institution. I kindly requesting you to consider me for one time relaxation and please cancel my punishment. I am assuring you, there will not be any mistakes from my side in future and I am apologising for the past event.

Thanking you

Date : 22/01/2022

Place : delhi

yours sincerely

EBIN S RAJ

Sr. A.O
JPNATC

Copy to

The Director AIIMS New Delhi

The DDA AIIMS New Delhi

The Chief JPNATC AIIMS New Delhi

The chief Administrative officer AIIMS New Delhi

Pl. see. DDA

CAO

If there any relaxation given

AO(LDO)

E.O. No.-311/2266

From pre-page:

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Annex-IX

Subject:- Irregular Leave Travel Concession Claim amounting to R.0.74 Crore – reg.

****

It may be recalled that F & CAO (MSU) vide its letter No.F.Misc./2019-20/MSU dated 30.03.2020 and its reminder dated 6th June, 2020 has forwarded the copy of the Audit Para=-5 on the subject cited above thereby enclosed the copy of audit para-5 which is reproduced as under:

Rule 21 of the General Financial Rules (GFR) 2005 stipulates that every officer incurring of authorizing expenditure from the public funds should be guided by the highest standards of financial propriety and should enforce financial orders and strict economy. It also states that the amount of allowance granted to meet expenditure should be so regulated that allowances are not on the whole a source of profit to the recipients.

Government of India (GOI) permitted all employees including non-entitled employees to travel by Air India to North East region and by any airline to Jammu and Kashmir (J&K) on Leave Travel Concession (LTC) vide its orders dated 19 September 2016 and 20 September 2018, as extended form time to time. Subject to conditions contained therein. GOI orders stipulated that air tickets for travel on LTC was to be purchased either directly from the airlines at booking counters/websites of the airlines or by utilizing the services of authorized travel agents viz. M/s Balmer Lawrie and Company, M/s Ashoka Travel and Tours and IRCTC.

Test check of LTC records of the employees of AIIMS for the Year 2018-19 disclosed unauthorized claim by 131 of its employees who performed air journey to J&K, North East region and Andman and Nicobar Island. Audit compared the claims submitted by the employees with the details available on websites of respective airlines and found that the tickets furnished with the claims were fabricated. The fares claimed by the employees were higher than the amounts actually paid to the airlines.

Audit could retrieve travel details of only those employees who had travelled by four private airlines from their respective websites and was not able to retrieve the details of those employees who had travelled by Air India, Vistara and Jet Airways. Excess airfare amounting to 0.74 crore claimed by these 131 employees (Annex-II & Annex-III) and reimbursed by Institute without exercise of due diligence and without ensuring compliance with the extant instructions.

Thus failure to exercise the check before passing bills resulted in payment of Rs. 0.74 crore toward irregular LTC claims. The institute may identify all other such cases ad recover excess amount paid, form the concerned employees under intimation to audit.

2. Further, the details of 131 employees as mentioned above are as under:

S. No.	Name of Employee	Designation
1	Sunil Kumar	O.T.Technician
2	Sunita Malik	SNO
3	Archana Rana	Nursing Officer
4.	Yash Pal	Hospital Attendant
5	Dashrath Prasad	Hospital Attendant
6	Navita	Nursing Officer
7	Brahm Singh	ANS
8	Raj Kumar Sharma	DEO Grade-I
9	Pradeep Kumar Yadav	Sr. Veterinary Officer
10	Krishan Murari	Office superintendent

E.O.No.

11.	Neelam Arya	LDC
12	Amit Vats	M/Bearer
13	Rajesh Kumar	Khalasi
14	Siny Alexander	Nursing Officer
15	Hema Chahabra	Nursing Officer
16	Bhusan Saran	STO Radiology
17	Sohan Bir (Katari Devi)	ANS
18	Smitha Sajeev	SNO
19	Kanchana Tai Khobre	Nursing Officer
20	Mamta	Nursing Officer
21	Runihsa Bomrah	Tech Radiology
22	Kumar Premlata	Nursing Officer
23	Renu Rani	Medical Lab Technologists
24	Shazia Qumar	Tech Radiology
25	Suman Lata	Nursing Officer
26	Rajeev Kumar	DEO Grade-A
27	Kiran Sharma	Lab. Technologist
28	Rakesh Kumar	Nursing officer
29	Jithin P?	Nursing Officer
30	Ms. Renu	Stenographer
31	Amulya Rattan	Senior Resident
32	Bharat Singh	O.T.Technician
33	Sudha Rao	SNO
34	Arvind Kumar Tripathi	OTA
35	Jatin Ahuja	Sr. Resident
36	Narender Singh Bist	MLT
37	Rajni Das	SNC
38	Bhanu Pratap Singh	Sr. Technical Officer
39	Subhod Jha	Sr. Technical Officer
40	Vijay Pal	LDC
41	Rajkumari	Electrician
42	Neeru Bala	SNO
43	Santosh Kumar	Radiographer
44	Niharika Katija	Nursing Officer
45	Sunil Babu	FA
46	Amrit Lal Meena	CTA
47	Moti Lal	Technical Assistant (OT)
48	Dharamvir	M.Bearer
49	Jyoti Aneja	Medical Lab. Technologist
50	Mamta Rana	Medical Lab. Technologist
51	Biswanath Acharya	Jr. Reception Officer
52	Poonam	Medical Lab.Technologist
53	Manjeet Dagar	LDC
54	Leena Bejoy	SNO
55	Ramya Paulose	Nursing Officer
56	Yashpal Singh	Hospital Attendant
57	Ashish Sahoo	OTA
58	Ram Kumar Raman	Radiographer
59	Amarjeet	Hospital Attendant
60	Narender Kumar	Mechanic AC
61	Neelam Prakash	DEO
62	Rajesh Kumar	Lab. Technologist
63	Kanchan Kumari	Nursing Officer
64	Isha Kaushik	Nursing Officer
65	Ajay Kumar Sarwan	Medical Lab. Technologist
66	Arpana Paul	Nursing Officer
67	Reetu	OTA
68	Sunita Singh	UDC
69	Dr. Vibhor Upadhay	Sr. Resident
70	Sarita Singhal	SNO

71	Jitin	Nursing Officer
72	Ashok Kumar-II	LDC
73	Babita Yadav	Nursing Officer
74	Satish Kumar	UDC
75	Harishchandra Singh	UDC
76	Mulk Raj	Fireman
77	Jiby Chako	Nursing Officer
78	Vikash Singh Kuntal	Nursing Officer
79	Mohd Javed	LDC
80	Sushil Kumar	Jr. Reception Officer
81	Hari Mohan	Nursing Officer
82	Rajeev Ranjan Kumar	Senior Resident
83	Priyanka	OTA
84	Reeta Kumari Gautam	Medical Lab. Technologist
85	Anand Singh	Medical lab. Technologist
86	Pradeep Kumar	UDC
87	Sarita	Nursing officer
88	Prakash Mohan	Technical Officer
89	Rakesh Kumar	Hospital Attendant
90	Kuldeep Singh	Sr. Technical Officer
91	Rajesh Kumar Mishra	Radio Tech grade-II
92	Sohan Bir	ANS
93	Jitender Singh	Medical Lab Technologist
94	Narender Singh	Hospital Attendant Grade-III
95	Devender Kumar	Bearer
96	Gian Babu	Sr. Mechanic
97	Geeta Prasad	Senior Resident
98	Anju Ali	SNO
99	Akshya Kumar	Nursing Officer
100	Deepa Rawat	Steno
101	Rakesh Kumar	Hospital Attendant
102	Manjeet Kumar Tomar	Medical Lab Technologist
103	Dharamchand Kumawat	Nursing Officer
104	Shiji Binu	Technical Officer
105	Rameshwari Jat	Nursing Officer
106	Ganga Rawat	Steno
107	Veena Kaintura	Personal Assistant
108	Brijesh Kumar	LDC
109	Anil Chaudhari	Nursing Officer
110	Dr. Sudha Sazawal	Scientist-I
111	Bhupendra Kumar	Medical Lab Technologists
112	Dinesh Chandra Suttar	Nursing Officer
113	Neeraj Vijayran	OTA
114	Pinki Raj	SNO
115	Vijay Kumar	Office Attendant
116	Brij Mohan	Beldar
117	Sangeeta Shokeen	Nursing Officer
118	Chander Singh	Wireman
119	Dharamendra	RadiologyTech
120	Anil Kumar Tejwani	UDC
121	Praveen Kumar	Sr. Mechanic (AC&R)ESD
122	Ramji Rai	Sr. Technical Officer
123	Sachin Kumar	Scientist-II
124	Chitra Bakshi	Nursing Officer
125	Pradeep Purushappan	Nursing Officer
126	Dharamnath Sah	Medical Lab Technologist
127	Surendra Babu	Technical Officer
128	Anita Rai Saxena	Sr. Hindi Translator
129	Rajendra Singh Kuri	Nursing officer
130	Lokesh Yadav	Nursing Officer
131	Deepchand	Nursing Officer

In this context, it is submitted that several representation/reply has been received from the following employees (Estt. Section-Hospital) :

S. No.	Sl. No. in the list	Name	Designation	Written statement
1.	1	Sh. Sunil Kumar	O.T. Technician	Agree to recover excess amount
2.	3	Ms. Archana Ran	Sr. Nursing Officer	Agree to recover excess amount
3.	4	Mr.Yashpal	Hosp. Attendant	Agree to recover excess amount
4.	5	Mr. Dashrath Prasad	Hosp. Attendat	Agree to recover excess amount
5.	6	Ms Navita	Nursing Officer	Not pertain
6.	14	Ms Siny Alexander	Nursing Officer	Agree to recover excess amount
7.	18	Ms. Smitha Sajeev	SNO	Not pertain
8.	33	Ms. Sudha Rao	SNO	Agree to recover excess amount
9.	34	Mr. Arvind Kumar Tirpathi	OTA	Agree to recover excess amount
10.	36	Mr. Narender Singh Bisht	MLT	Agree to recover excess amount
11.	37	Ms. Rajni Das	SNO	Agree to recover excess amount
12.	39	Mr. Subhod Jha	STO	Agree to recover excess amount
13	42	Ms Neeru Bala	SNO	Agree to recover excess amount
14	44	Ms Niharika Katija	Nursing Officer	Agree to recover excess amount
15	46	Mr. Amrit Lal Meena	OTA	Agree to recover excess amount
16	47	Mr. Moti Lal	Technical Assistant	Agree to recover excess amount
17	54	Ms. Leena Bejoy	SNO	Agree to recover excess amount
18	57	Mr. Ashish Sahoo	OTA	Agree to recover excess amount
19	63	Ms Kanchan Kumari	Nursing Officer	Agree to recover excess amount
20	66	Ms. Arpana Paul	Nursing Officer	Agree to recover excess amount
21	70	Ms. Sarita Singhal	SNO	Agree to recover excess amount
22	71	Mr. Jitin Viswambharun	Nursing Officer	Agree to recover excess amount
23	77	Mr. Jiby Chako	Nursing Officer	Agree to recover excess amount
24.	87	Ms. Sarita	Nursing Officer	Not pertain
25	90	Mr. Kuldeep Singh	STO	Agree to recover excess amount
26	94	Mr. Narender Singh	Hospital Attendant Gd.-III	Agree to recover excess amount
27	98	Ms. Anju Ali	SNO	Agree to recover excess amount
28	99	Mr. Akshya Kumar	Nursing Officer	Agree to recover excess amount
29	103	Mr.Dharamchand Kumawat	Nursing Officer	Agree to recover excess amount
30	105	Ms. Rameshwari Jat	Nursing Officer	Agree to recover excess amount
31	109	Mr. Anil Choudhari	Nursing Officer	Agree to recover excess amount
32	111	Mr. Bhupendra Kumar	MLT	Agree to recover excess amount
33	113	Mr. Neeraj Vijayran	OTA	Agree to recover excess amount
34	114	Ms. Piriki Raj	SNO	Agree to recover excess amount
35	55	Ms. Ramya Paulose	Nursing Officer	Resigned from duty on 20.03.2021
36.	64	Ms. Isha Kaushik	Nursing Officer	Absent since 29.03.2021
37	125	Mr. Pradeep Purushappan	Nursing Officer	Not in the roll of Estt. (Hospital
38	15	Ms. Hema Chahabra	Nursing Officer	No reply
39	56	Mr. Yashpal Singh	Hospital Attendant	No reply
40	59	Mr. Amarjeet	Hospital Attendant	No reply
41	67	Ms. Reetu	OTA	No reply
42	89	Mr. Rakesh Kumar	Hosp. Attendant	No reply
43	101	Mr. Rakesh Kumar	Hosp. Attendant	No reply
44	93	Mr. Jitender Singh	MLT	Agree to recover excess amount
45	19	Ms.Kanchana Tai	Nursing Officer	Not in the roll of Estt. (Hospital)

47	43	Santosh Kumar	Radiographer	Not in the roll of Estt. (Hospital)
49	73	Babita Yadav	Nursing Officer	Not in the roll of Estt. (Hospital)
50	81	Hari Mohan	Nursing Officer	Not in the roll of Estt. (Hospital)
51	131	Mr. Deepchand	Nursing Officer	Not in the roll of Estt. (Hospital)
52	09	Dr. Pardeep Kumar Yadav	Sr. Veterinary Officer	Agree with the decision of Competent Authority
53	21	Ms Runisha Bomrah	Technician (Radiology)	Agree with the decision of Competent Authority
54	24	Ms Shazia Qumar	Technician (Radiology)	Agree with the decision of Competent Authority
55	23	Ms Renu Rani	Medical Lab. Tech.	The reimbursement amount is neither false nor inflated.
56	27	Ms. Kiran Sharma	Med.Lab.Tech.	Agree with the decision of Competent Authority
57	85	Sh. Anand Singh	Med. Lab. Tech	Not availed
58	32	Sh. Bharat Singh	Technician O.T	Agree with the decision of Competent Authority
59	22	Ms Kumari Premlata	Nursing Officer	Not claim any excess amount
60	86	Sh. Pradeep Kumar	Sr. Admn. Asstt	Agree with the decision of Competent Authority
61	123	Sh. Sachin Kumar	Scientist-II (IRCH)	Agree with the decision of Competent Authority
62	124	Ms. Chitra Bakshi	Nursing Officer (IRCH)	Not claim excess amount
63	126	Sh. Dharamnath Sah	Tech. Officer (IRCH)	Not claim excess amount
64	127	Sh. Surinder Babu	Tech. Officer	Not claim excess amount
65	45	Sh. Sunil Babu	P.A.	Agree with the decision of the Competent Authority

4 In the above context, it is submitted that out of 131 only 65 reply/detail has been received and out of above 65 employee (04 Nos.) (Sl. No.7, 5, 24 & 57 have stated that they have not claimed LTC and in the case of (08 Nos.) (Sl No.37 & 45 to 51) is not concerned with the Estt. Section (Hospital), 40 Nos. employees are agree to recover the excess amount and Sl. No. 35 resigned from the service Sl. No. 36 absent from March, 2021 and Sl. No. 38 to 43 (06 Nos.) has not submit any reply and Sl. No. 55, 59, 62, 63 & 64 (05 Nos.) not claim excess amount.

5. Further, a reference vide letter No.3/2021/NU-KU-AO dated 15th September, 2021 has been received from the President of Karamchari Union, Officers' Association and AIIMS Nurses Union wherein stated that the matter has been discussed with the Director and Sr. Financial Advisor and it has been decided that by the Competent Authority that the excess amount of fare may be recovered from each of the employees mentioned in the list and no need of any administrative action in this matter.

6. In view of the position as explained above the following is submitted for kind consideration:

(i) Whether the Finance Division may be advise to recover the excess amount from those employees mentioned in the list provided by the Finance Division, and

(ii) Finance Division may also be requested to provide the details/list of the other such cases to the Establishment Section (DO) as advised by the Audit.

Submitted please.

CAO

A.O (Audit)

A.O (Cash)

E.O. No. - 31 / 2020

On Prepage

The proposals as mentioned under para 6/N on prepage are submitted for consideration for compliance of the audit objection as mentioned on P. 13/N.

12/10/21

DD(A) Excess amount will be recovered. Rest proceedings will be continue

15/11/2021

Director (Acts)

13/11/21.

CAO

18/11/21

Sh. Ravi on examdt AO(DO)

Ref. above:

As per approved DFA plan

24/11/21

24/11/21

25.11.21

Sh. Ravi CAO Pl. revise as amended.

25/11/21

AO (DO) 1/11/21

माता विद्या/RECEIVED
उप निदेशक (प्रशा.) कार्यालय, अ.भा.आ.सं.
Dy. Director (Admn.) Office, AIIMS.
12 OCT 2021

निदेशक कार्यालय, अ.भा.आ.सं.
प्राप्त किया
16 NOV 2021
RECEIVED
DIRECTOR OFFICE, A.I.I.M.S.

Ref. draw pr-page!

300

As per direction of the Competent Authority DFA plan

28/11/2021

26/11/21

CAO pl. May pl. see before issue

27/11/21

DD(A)

CAO - on leave 27/11/2021

AO(DO)

Ref. above

As per query, his memo is placed below for signature pl.

29/11/2021

AO(DO)

Manuals
29/11/21

Sh. Ravi

RECEIVED
Dy. Director (Admn.) Office, A.I.I.M.S.
26 NOV 2021

Subject: Reimbursement of fraudulent Leave Travel Concession claims - reg.

नई आवती

श्री प्रवीन कुमार सक्सेना, उप–निदेशक ए.एम.जी.–1, कार्यालय प्रधान निदेशक लेखापरीक्षा (स्वास्थ्य, कल्याण एवं ग्रामीण विकास), भारतीय लेखापरीक्षा एवं लेखा विभाग ने अपने अर्द्ध अधिकारिक पत्र (DO letter)- संख्या ऐ.एम.जी.–1/डी.पी.प्रकोष्ठ/पी.डी.पी.–05/2020.21/707 दिनांक 10 दिसंबर, 2021 के माध्यम से संस्थान के निदेशक महोदय की संज्ञान में अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली से संबधित "Reimbursement of fraudulent Leave Travel Concession claims" शीर्षक पर ड्राफट पैरा जोकि भारत के नियंत्रक एवं महालेखापरीक्षक के वर्ष 2020–21 के लेखा परीक्षा प्रतिवेदन में सम्मिलित किये जाने की संभावना है व अनुरोध किया है कि पैरा में उल्लिखित तथ्य की पुष्टि करे तथा अपनी टिप्पणियॉ, यदि कोई हो तो, दो सप्ताह के भीतर प्रेषित करें व यह भी दर्शाया है कि अगर इस सन्दर्भ में कोई पत्राचार प्राप्त नहीं होता है तो यह मान लिया जाएगा कि पैरा के संबधं में कोई टिप्पणी नहीं है और पैरा में उल्लिखित तथ्य तथा आंकडे सही है एवम विभाग/मंत्रालय का मान्य है कि विवरणी में व्यक्त किए गए विचार अंतरिम है, जिन्हे विभाग/मंत्रालय से प्राप्त उत्तर को ध्यान में रखते हुए परिवर्तित किया जा सकता है । व अनुरोध किया गया है कि विवरणी/पैरा के संबंध में गोपनियता सुनिश्चित करें ।

2. उपरोक्त के संदर्भ में, प्रस्तुत है कि वित्तीय एवं मुख्य लेखा अधिकारी, एम.एस. युनिट ने अपने पत्र दिनांक 30.03.2020 के माध्यम से यात्रा रियायत अवकाश में अनियमितता के चलते रूपये 0.74 करोड से संबंधित लेखापरीक्षा पैरा संख्या–5 को प्रस्तुत किया था जिसके साथ संस्थान के विभिन्न केन्द्रो एवं विभागो में भिन्न –भिन्न पदों पर कार्यरत 131 अधिकारियों एवं कर्मचारियों द्वारा उनके एवं उनके आश्रितों के साथ वर्ष 2018–19 में ग्रहण यात्रा रियायत अवकाश का ब्यौरा उचित कार्यावाही एवं आदेश हेतु प्रस्तुत किया गया था – कृप्या क देखें ।

3. प्रथम दृष्टियां मामले कि जांच करने के पश्चात उपरोक्त सभी 131 अधिकारियों एवं कर्मचारियों को उनके द्वारा ग्रहण यात्रा रियायत भत्ते में अनियमिता एवं उपरोक्त लेखापरीक्षा पैरा –5 का हवाला देते हुए दिनांक 23.03.2021 को कारण बताओ ज्ञापन जारी कर सभी से स्पष्टीकरण मांगा गया – कृप्या–ख देखें व समय समय पर संस्थान के सभी कर्मचारी संगठनो एवं संघों द्वारा आग्रह करने पर उपरोक्त मामले को संस्थान की पी.एन.एम. समिति के पक्ष उचित निर्णय हेतु प्रस्तुत किया गया किन्तु समिति ने उपरोक्त विषय पर बैठक कर यह निर्णय लिया उक्त विषय इस समिति से संबधित नहीं है व पुनः विषय को सक्षम अधिकारी के समक्ष आदेश हेतु प्रस्तुत कर समस्त केन्द्रो व विभागों से उपरोक्त कर्मचारियों द्वारा प्रस्तुत स्पष्टीकरण को मांग कर सक्षम अधिकारी के समक्ष आदेश हेतु प्रस्तुत किया गया जिसमें सिर्फ 65 अधिकारियों एवं कर्मचारियों का ही स्पष्टीकरण प्राप्त हुआ व अधिकतर ने यही आग्रह किया की अगर अनजाने में कुछ गलत हुआ है तो उनके वेतन से अतिरिक्त रकम की वसूली कर ली जाए जिसको सक्षम अधिकारी ने स्वीकार कर दिनांक 29.11.2021 को वित्तीय एवं मुख्य लेखा अधिकारी, एम.एस. युनिट को सूचित कर दिया गया – कृप्या ग

पिछले पृष्ठ के संदर्भ में

302

4. उपरोक्त के संदर्भ में प्रस्तुत है की वित्तीय सलाहकार ने उपरोक्त लेखापरीक्षा पैरा पर अध्यन जवाब/टिप्पणी माँगा है ताकि प्रधान निदेशक लेखापरीक्षा (स्वास्थ्य, कल्याण एवं ग्रामीण विकास), भारतीय लेखापरीक्षा एवं लेखा विभाग को जवाब भेजा जा सके । अतः अनुमोदित हो तो पूर्व पृष्ठ पर वर्णित जानकारी को वित्तीय सलाहकार को भेज दिया जाएं ।

21/12/21

22/12/21

उ. नि. अधिकारी

उ./अ.
निर्णय
22/12/21

22/12/21

उप निदेशक (प्र.ले.)

CAO please discuss

22/12/2021

Please ~~get~~ account settled FD not proves. as indicated for recovery of excess amount claimed by officers as indicated by audit.

Director

24/12/2021

28/12/21

Copy sent to FA for further necessary action.

CAO

M. Rawat
Fellow

संस्थान, अ.भा.आ.सं. प्राप्त किया
27 DEC 2021
RECEIVED FOR OFFICE, A.I.I.M.S.
27 DEC 2021
RECEIVED Dy. Director (Admn.) Office, A.I.I.M.S.
अ.भा.आ.सं. A.I.I.M.S.
Ext-3117266

303

अखिल भारतीय आयुर्विज्ञान संस्थान, अंसारी नगर, नई दिल्ली-110029
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi – 110029

No. F.MSU/DP/2020-21/707 Dated:05.01.2022

To

Shri. Praveen Saxena
Deputy Director(AMG-I)
Office of the Director General of Audit
(Health, Welfare and Rural Development)
I P Estate, New Delhi - 110002

स्थापना अनुभाग (नि का.)
Establishment Section (GA)
फाईल File
दिनांक/Date 6-1-2022
आयुर्वि.नं./Doc. No.
अ.भा.आ. संस्थान, अंसारी नगर, नई दिल्ली-110029
AIIMS, New Delhi-110029

Subject: Draft paragraph on Reimbursement of fraudulent Leave Travel Concession claims- updated status thereon.

Sir,

I am directed to invite a reference to your D.O letter No. AMG-I/DP Cell/PDP-05/2020-21/707 dated 10.12.2021 addressed to Director, AIIMS, New Delhi forwarding therewith draft para on the subject noted above. In this regard, it is apprised that the competent authority has already issued orders for recovery of excess air fare from the salary of the employees concerned. The photocopy of the Office Memorandum is enclosed for ready reference. Other cases of similar nature are also being reviewed and excess amount paid,if any, would be recovered.

In view of above, it is requested to drop the para.

This issues with the approval of Director,AIIMS , New Delhi.

Encl: A/A

Yours faithfully,

Financial Advisor

Copy to:

Chief Admn. Officer } for information and necessary action.

Sh. Ravi

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR, NEW DELHI-110029

F.No.20-26/2020 (Audit)-Estt.I Dated:29.11.2021

OFFICE MEMORANDUM

Subject:-Irregular Leave Travel Concession Claim amounting to R.0.74 Crore – reg.

****

With reference to letter No.F.Misc/2019-20/MSU dated 23.03.2021 on the subject cited above, it is informed that the matter has been examined and the Competent Authority has decided to recover the excess amount from the salary of the employeeconcerned.

2. Shri Anand Singh at Sl. No.85 has stated that he had not availed LTC as pointed out by Audit. Therefore, the case of Shri Anand Singh may be re-examined by the concerned Accounts Section. Copy of representation of Shri Anand Singh is enclosed.

This issues with the approval of the Director (AIIMS), New Delhi.

29/11/21
(Nirmala J. Kujur)
ADMINISTRATIVE OFFICER

Encl: As above

The Financial & Chief Account Officer
M.S.Unit, AIIMS, New Delhi

વિષય: મુદ્દા ની સંપર્ક કે.

સવિનય સાદિવાર્થ એ જણાવવાનું

કે ઉપરોક્ત આદેશ દર્શાવ્યા મુજબ કરવા જણાવવું છે

20/4/2021

(ડી. [illegible])

નાયબ-કલેક્ટર-મામલતદાર

306

79.	Power to sanction advances of pay on the eve of important festivals. Under the Treasury Rules	Full powers				
80.	Power to authorise a departure from the provisions of the Rules 109 (1) relating to custody of Institute money.	Full power				

SCHEDULE II

(See regulation 33)

The Appointing, Disciplinary and Appellate Authority for the various posts in the Institute

Sl. No.	Description of Posts	Appointing Authority	Authority competent to impose penalty or penalties which it may impose with reference to Rule – 11 of the Central Civil Services (Classification Control and Appeal) Rules, 1965		Appellate Authority
			Disciplinary Authority	Penalties under Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.	
1	2	3	4	5	6
1	Group 'A' Posts (i) Director	Institute subject to Rule – 7 of the All India Institute of Medical Sciences Rules.	Institute	All, subject to condition that penalties (v) to (ix) shall not be imposed without the prior approval of the Central Government	
	(ii) Other Posts	Governing Body	(a) Governing Body (b) President	(a) All Penalties (b) Penalties (i) to (iv)	(a) Institute Governing Body
2	Group 'B' posts	President	(c) President (d) Director	(c) All Penalties (d) Penalties (i) to (iv)	(b) Governing Body (c) President
3	Group 'C' posts	Director	(a) Director	(a) All penalties	(a) President
4	Group 'D' posts	Director	(a) Director (b) Deputy Director (Administration) in the case of Institute employees other than those provided in (c) and (d) below (c) Medical Superintendent in the case of All India Institute of Medical	(a) All Penalties (b) Penalties (i) to (iv) (c) Penalties (i) to (iv) (d) Penalties (i) to (iv)	(a) President (b) Director (c) Director (d) Director

			Sciences Hospital employees. (d) Chief Organiser, Dr Rajendra Prasad Centre for Ophthalmic Sciences and Chiefs of other Centres as and when established by the Institute in the case of the employees working in the Centres concerned.		

(i) Authorisation of the Director, All India Institute of Medical Sciences to issue the Charge-sheet and statement of allegation, penalties and suspension orders after obtaining the approval of the Governing Body, the President, All India Institute of Medical Sciences, as the case may be. The notice, the charge-sheet and statement of allegations shall be signed by the Director for and on behalf of the Governing Body or the President, as the case may be, and the documents shall also expressly state this fact. Phrases like "By order of the Governing Body" or "the President" or the "approval by the Governing Body" or the "President" can be used on such documents.

(ii) Since the Governing Body meeting are fixed at intervals, the Chairman of the Governing Body is authorised to initiate disciplinary proceedings against employees of Group A and faculty members and the final decision on penalty shall be taken in the Governing Body meeting.

By the Authority of the Institute

RANDEEP GULERIA, Director

[ADVT.-III/4/Exty./148/19]

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and Published by the Controller of Publications, Delhi-110054. ALOK KUMAR

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/17

To consider the appeal dated 22.04.2022 filed by Ms. Jengmailiu Gengmei, Nursing Officer JPNA Trauma Centre, AIIMS, New Delhi against the imposed penalty of "Reduction to a Lower Stage in the Time scale of pay by one stage for a period of 05 years with the direction that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay" imposed on Ms. Jengmailiu Gengmei, Nursing Officer as an outcome of a disciplinary proceedings under CCS (CCA) Rules, 1965.

NOTE FOR THE GOVERNING BODY

Item No./GB/159/17

308

SUBJECT: TO CONSIDER THE APPEAL DATED 22.04.2022 FILED BY MS. JENGMAILIU GENGMEI, NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS, NEW DELHI AGAINST THE IMPOSED PENALTY OF "REDUCTION TO A LOWER STAGE IN THE TIME SCALE OF PAY BY ONE STAGE FOR A PERIOD OF 05 YEARS WITH THE DIRECTIONS THAT SHE WILL NOT EARN INCREMENTS OF PAY DURING THE PERIOD OF SUCH REDUCTION AND ON THE EXPIRY OF SUCH PERIOD, THE REDUCTION WILL HAVE THE EFFECT OF POSTPONING FUTURE INCREMENTS OF HER PAY" IMPOSED ON MS. JENGMAILIU GENGMEI, NURSING OFFICERAS AN OUTCOME OF A DISCIPLINARY PROCEEDINGS UNDER CCS (CCA) RULES, 1965.

****

INTRODUCTION

Disciplinary Proceeding under Rule 14 of the CCS (CCA) Rules, 1965 was initiated against Ms. Jengmailiu Gengmei, Nursing Officer vide Memorandum dated 29.08.2020 as she misused the LTC facility by submitting forged tickets.

FACTS OF THE CASE AND ADMINISTRATIVE COMMENTS

Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 13.06.2019 requested to grant her 05 days Earned Leave w.e.f. 02.07.2019 to 06.07.2019 and also requested to grant her LTC for the Block Year 2018-2021 to visit Havelock, Port Blair for herself only.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 05 days Earned Leave alongwith LTC was sanctioned to Ms. Jengmailiu Gengmei, Nursing Officer with the terms and conditions that "उन्हेंपरामर्शदियाजाताहैकिवेअपनीटिकटयातोसीधेरेलवे/एयरलाइन्ससेअथवासरकारद्वाराप्राधिकृतकिएगएविक्रेतासेखरीदें" vide Office Memorandum No.45-393/2010-Estt.(TC) dated 25.06.2019.**(Annexure-I)**

When Ms. Jengmailiu Gengmei, Nursing Officer submitted her LTC claim the Account Officer pointed out that air fare claimed by her were appearing exorbitant. Accordingly, letter was sent on 11.01.2020 to the Air India with request to verify the tickets and its genuineness.**(Annexure-II)**

As per the information provided by the Air India, the following discrepancies have been found :-

Air line	**Place**	**Amount claimed for reimbursement by the official**	**Actual cost of ticketsas per information received from air lines**	**Difference**
Air India	Delhi-Port Blair-Delhi	Rs. 61,163.00	Rs. 15,232.00	Rs. 45,931.00

As per the information provided by the Air India the original/actual price of air ticket is Rs.15,232/- whereas the official has requested to reimburseRs.61,163/-.**(Annexure-III)**

Accordingly, a Show Cause Notice was issued to Ms. Jengmailiu Gengmei, Nursing Officer to submit her written explanation as to why she has submitted forged tickets with excess claim amount of Rs.45,931/- rather than original amount (Rs.15,232/-) for LTC claim and also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against her vide this Office Memorandum No. 45-393/2010-Estt.(TC) dated 20.03.2020.**(Annexure-IV)**

The reply submitted by Ms. Jengmailiu Gengmei, Nursing Officer was considered and it was decided by the Director (AIIMS) to initiate disciplinary proceedings under rule 14 of CCS (CCA) rules and Charge Sheet Memorandum was served to her on 29.08.2020and asked her to submit a written statement of her defence and also to state whether she desires to be heard in person. **(Annexure-V)**

In response to the Charge Sheet submitted her written statement of defence stating that she had visited Port Blair on All India LTC after due approval in 2019, but some problems has been found in the LTC claim. She had purchased the ticket with the help from a colleague through email. She has also informed that she has not taken any advance from Institute.

The explanation submitted by Ms. Jengmailiu Gengmei, Nursing Officer was considered by the Competent Authority and Sh. B.K. Singh, Administrative Officer was appointed as Inquiry Officer vide Office Order dated 17.12.2020 to conduct the inquiry as per procedure laid down under Rule 14 of CCS (CCA) Rules, 1965.

After conducting a detailed inquiry, the Inquiry Officer submitted report vide letter No. Inquiry/Jengmailiu Gengmei/2020-21 dated 16.03.2021. As per the findings of the Inquiry Report, Ms. Jengmailiu Gengmei, Nursing Officer has been **proved/ found guilty** on the charges framed against her. **(Annexure-VI)**

A copy of the Inquiry Report was sent to Ms. Jengmailiu Gengmei, Nursing Officer as provided under Rule-15 of the CCS (CCA) Rules, 1965 to submit her written representation, if she so desire within 15 days vide this Office Memorandum dated 13.04.2021.

In response to this Office Memorandum dated 13.04.2021, Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 28.06.2021 informed that she travelled to Andaman & Nicobar in the year 2019 availing All India LTC facility. She has gone through the departmental enquiry under the enquiry officer Sh. B.K. Singh. She has already submitted her stand for the same in writing immediately after the last hearing in the month of March, 2021. She has further informed that the above even happened because of her lack of knowledge about LTC rules and she has already apologized for the event and given written application for withdrawalof her LTC claim.

After careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule-15 of the CCS (CCA) Rules 1965, decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will**

have the effect of postponing future increments of her pay"on Ms. Jengmailiu Gengmei, Nursing Officer vide this Order dated 14.09.2021.(Annexure-VII)

OBSERVATION

The penalty has been imposed after conducting the disciplinary proceedings under Rule 14 of CCS (CCA) Rules, 1965. Ms. JengmeiliuGengmei, Nursing Officer has not brought out any new fact in her appeal dated 22.04.2022.

Ms. JengmeiliuGengmei, Nursing Officer vide letter dated 22.01.2022 has informed that she undergone enquiry for irregular LTC claim and punished for the same vide Order dated 14.09.2021. She has also informed that she is the one of the Nursing Officer in the group of three Nursing Officers, who got punishment for the same in the whole Institution. Ms. JengmeiliuGengmei, Nursing Officer has further informed that the recently an Office Memorandum No. 20-26/2020 (Audit) Estt. I for one time relaxation is allowed to 131 other employees and their cases is resolved. She has further requested to consider her for one time relaxation and cancel her punishment**(Annexure-VIII).** In this connection, it is submitted that the representation of Ms. JengmeiliuGengmei, Nursing Officer has been examined and noted that the Office Memorandum No.20-26/2020 (Audit) Estt. I dated 29.11.2021 has been issued by the Establishment Section (DO) w.r.t. audit para. ***The decision to initiate Disciplinary Proceedings will be taken on case to case basis. Copy of the relevant extract of the note annexed*** at **Annexure-IX.**

PROPOSAL:-

In response to the penalty order dated 14.09.2021, Ms. Jengmailiu Gengmei, Nursing Officer has submitted an appeal before the Governing Body with the prayer to revoke the penaltyand status back to her original status and exonerate the appellant of all the charges.

APPROVAL SOUGHT

In view of the above, the appeal filed by Ms. Jengmailiu Gengmei, Nursing Officer against the penalty of "Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay" imposed on her vide this Order dated 14.09.2021 is placed for consideration of the Governing Body, being an Appellate Authority as per Schedule-II of AIIMS regulations, 2019.

This issues with the approval of Director, AIIMS, New Delhi.

[PROF. VIVEK TRIKHA]
CHIEF (OFFICIATING),
JPNATC, AIIMS
Contact No. 011-26731153

जय प्रकाश नारायण एपेक्स ट्रॉमा केन्द्र Annex-I
अखिल भारतीय आयुर्विज्ञान संस्थान
राज नगर, नई दिल्ली-110029 311

फा.सं.: 45-393/2010 - स्था. (टी.सी.)

दिनांक: 25

कार्यालय आदेश

विषय: यात्रा रियायत अवकाश (छुट्टी का नकदीकरण के बिना) प्रदान करने संबंधी।

*****

श्रीमती जेन्गमैलिउ गेंग्मी, परिचर्या अधिकारी, के उपर्युक्त विषयक दिनांक 13.06.2019 के पत्र के संदर्भ में उन्हें स्वयं के लिए अंडमान-निकोबार (हेवलॉक) भ्रमण हेतु ब्लॉक वर्ष 2018-2021 के लिए अखिल भारतीय यात्रा अवकाश प्रदान किए जाने की सहर्ष अनुमति दी जाती है।

नाम	जन्मतिथि	संबंध
जेन्गमैलिउ गेंग्मी	14.10.1978	स्वयं

2. उन्हें दिनांक 02.07.2019 से 06.07.2019 तक 05 दिनों के अर्जित अवकाश प्रदान किया जाता है।
3. उन्हें परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत किए गए विक्रेता से खरीदें।
4. रेल टिकट/बोर्डिंग पास के खो जाने पर अथवा यदि किसी कारणवश यात्रा रियायत अवकाश ग्रहण न करने की स्थिति में इसकी सूचना स्थापना अनुभाग को लिखित रूप से कारण सहित तुरंत की जाए अन्यथा अनुशासनिक कार्रवाई की जा सकती है।
5. सरकारी कर्मचारी को बुकिंग के समय अथवा यात्रा की निर्धारित तिथि एवं समय पर सबसे सस्ते/कम दर पर उपलब्ध हवाई टिकट खरीदनी चाहिए। सरकारी कर्मचारी को दिये गए किराए के अतिरिक्त बुकिंग की तिथि तथा समय को दर्शाने वाले टिकट का प्रिंट आउट जमा करवाना आवश्यक होगा।
6. 87 का अर्जित अवकाश शेष है
7. छुट्टी से वापस आने पर दिनांक 07.07.2019 के पूर्वाहन को श्रीमती जेन्गमैलिउ गेंग्मी, परिचर्या अधिकारी, अपने पद पर कार्य ग्रहण करेंगी।

जोगी 26/6/19
कार्यालय अधीक्षक

1. श्रीमती जेन्गमैलिउ गेंग्मी, परिचर्या अधिकारी,
द्वारा : परिचर्या अधीक्षक, जे.पी.एन.ए.टी.सी.

N Rani 26/6/19

प्रतिलिपि:

लेखा अनुभाग, जे.पी.एन.ए.टी.सी.

ESTABLISHMENT SECTION, ROOM NO. 225
JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCE
RAJ NAGAR, NEW DELHI - 110029

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Annex-II 113

11 JAN 2020

The General Manager
The Air India
Safdarjung Airport Area
Sri Aurobindo Marg
New Delhi,
Delhi 110003
Email: contactus@airindia.in

Sub: Verification of Air Tickets of officials of JPNA Trauma Centre, AIIMS New Delhi – reg

Sir/Madam,

I am directed to say that following employees was permitted to avail of LTC to visit. The details of their visit viz. Flight/air ticket/departure/arrival time/ etc. are as under, however, copies of air tickets are enclosed herewith for ready reference:

Name of the passenger	Date & Flight No.	Departure	Arrival	Ticket No.	PNR No.
Ms. Jengmailiu Gengmei	AI 485 2.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130054253	AI ZCF5T
Ms. Parul Chauhan Mr. Trush Chauhan Ms. Shudchi Chauhan Mr. Ravi Chauhan	AI 787 10.6.2019 AI 788 15.6.2019	Kolkata Port Blair	Port Blair Kolkata	0989570231000 0989570231002 0989570231003 0989570231001	AI YMLY9 AI YMLY9 AI YMLY9 AI YMLY9
Ms. Anitha B Mr. MA Mathanraj Mr. RM Arivukkani Mr. A Selva Ganesh	AI 787 25.5.2019 AI 788 30.5.2019	Kolkata Port Blair	Port Blair Kolkata	0983476752053 0983476752055 0983476752054 0983476752056	AI HE16L AI HE16L AI HE16L AI HE16L
Mr. Ebin S Raj	AI 485 1.7.2019 AI 486 6.7.2019	Delhi Port Blair	Port Blair Delhi	0982130053226	AI HFZYH

In view of the above, it is requested to kindly provide the following details within 15 days from the received this letter so as to enable us to clear reimbursement claim of the concerned employee: The actual cost of air travel vis-à-vis the cost indicated on the air tickets.

a) Whether the above mentioned air tickets were purchased by the concerned person directly through Air
b) India or Authorized Agent as approved by the Govt.

An early reply in the matter is requested.

Yours faithfully

(Lalit Oraon)
Senior Administrative Officer

Ph: 011-26731157/1057

Email: admi.jpnatcaiims@gmail.com

AIR INDIA
A STAR ALLIANCE MEMBER

Ticket Records / E-Ticket Details

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Annex-III

TKT NBR: 0982130054253 ISSUING CITY: BOM ISSUING OFFICE: 14395953
NAME: GENGMAI/JENGMAILIUMS
ORIG/DEST:DELDEL NBR OF TKTS ISSUED:001 TTL NBR OF SEGS:002

CP	S	FRM/TO	A/L	FLT	CLS	DATE	TIME	ST	FBC	BAG	RLOC	STATUS
1-O		DELIXZ	AI	485	U	02JUL19	0530	OK	UAP14	25K	ZCF5T	FLOWN 098721439S8E3
									NV02JUL19/02JUL19			
2-O		IXZDEL	AI	486	U	06JUL19	1050	OK	UAP14	25K	ZCF5T	FLOWN 0987714395ERE
									NV06JUL19/06JUL19			

ENDORSEMENTS/FARE CALCULATION
ER:NON-END/VLD ON AI FLT ONLY/AIBE48552573/AMEX.DIRECT FARE CALC INDICATOR: 0
FARE CALCULATION/LADDER
DEL AI IXZ6850AI DEL6850INR13700END

NON-ENDORSABLE
** FARE BREAKDOWN / FOP / TOUR CODE **

TKT FARE DATA		* AUDITOR	
BASE:INR	13700	BASE:INR	13700
EQUIV:		EQUIV:	
T/F/C:INR	1532	T/F/C:INR	1532
TTL:INR	15232	TTL:INR	15232

* TAX/FEE/CHARGE DETAIL:
TAX:INR 702K3 TAX:INR 490WO TAX:INR 200JR
TAX:INR 140YR

TOUR CODE :03
FOP:CC-AXXXXXXXXXXXX1007 EXP 06/24 APVL:222575
FOPAMT:15232 COMM AMT: COMM RATE:

** ADDITIONAL PASSENGER INFORMATION **
PSGR TYPE:ADULT ISSUING SYSTEM/RLOC:AI/ZCF5T
DATE OF ISSUE:16JUN19
PSGR PHONE:91 INVOICE NBR:

Close

AIR INDIA LTD.

TRAVEL/FARE CERTIFICATE

CERTIFIED FLOWN ON 02JUL19/06JUL19

FLIGHT AI485/AI486 SECTOR DELIXZDEL

INR295/- collected against emd no. 0988203534422 9

05/02/2020

05-02-20, 12:

CONFIDENTIAL

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Annex-IV

Raj Nagar, New Delhi-110029

No. 45-393/2010 /Estt. (TC)

Dated:- 20 MAR 2020

MEMORANDUM

Subject:- Show cause notice to Ms. Jengmailiu Gengmei, Nursing Officer, JPNA Trauma Centre

****

It is to inform that Ms. Jengmailiu Gengmei, Nursing Officer, JPNATC had applied for LTC from 02.07.2019 to 06.07.2019 and submitted her TA bills at Accounts Section (TC) and it was decided to verify the tickets based on the observation of finance department.

Accordingly, Air Tickets purchased by her was sent to Office of the Air India for necessary verification and as per the reply received from Air India the following discrepancies was observed in the purchased tickets was found:-

Air line	Place	Amount claimed for reimbursement by the official	Actual amount spent/incurred by the official as per reply of the Airlines	Excess amount claim by the official
Air India	Delhi-Port Blair-Delhi	Rs. 61,163	Rs.15,232	Rs. 45,931
Total		**Rs. 61,163**	**Rs. 15,232**	**Rs45,931**

From the above table, it is evident that she has claimed excess amount by submitting fake tickets.

In view of the above, Ms. Jengmailiu Gengmei is directed to submit her written explanation as to why she has submitted forged tickets with excess claim amount of Rs. 45,931 rather than original amount (Rs. 15,232) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) rules shall not be initiated against her. Her reply should reach to the undersigned within a period of 03 days from the date of issuance of this Memorandum failing which, it will be assumed that she has nothing says in her defense and necessary action as deemed fit, shall be taken against her.

This issues with the approval of the Competent Authority, AIIMS.

20/3/2020

(JOGINDER KUMAR)
ASSTT. ADMIN. OFFICER

Ms. Jengmailiu Gengmei
Nursing Officer
Thr: Deputy Nursing Superintendent

Copy to:

1. Chief, JPNATC
2. Addl. M.S., JPNATC
3. Deputy Nursing Superintendent (TC)

Draft

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JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Annex-V

Raj Nagar, New Delhi – 110029

No.F.45-393/2010-Estt.(TC) Dated:-

MEMORANDUM

1. It is proposed to hold an inquiry against Ms. Jengmailiu Gengmei, Nursing Officer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 read with Regulation 33 of AIIMS Regulation 2019. The substance of the imputation of charge in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge **(Annexure-I)**. A statement of the imputations of misusing of LTC facility is enclosed **(Annexure-II)**. A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed **(Annexure-III & IV)**.

2. Ms. Jengmailiu Gengmei, Nursing Officer is directed to submit within 10 days of the receipt of this memorandum a written statement of her defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. She should, therefore, specifically admit or deny each article of charge.

4. Ms. Jengmailiu Gengmei, Nursing Officer is further informed that if she does not submit her written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuse to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against her ex-parte.

5. Attention of Ms. Jengmailiu Gengmei, Nursing Officer is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Ms. Jengmailiu Gengmei, Nursing Officer is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

DISCIPLINARY AUTHORITY

24/8/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

Ms. Jengmailiu Gengmei,
Nursing Officer
Thr: Dy. Nursing Superintendent (TC)

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST MS. JENGMAILIU GENGMEI, NURSING OFFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED.

Article of Charge:-

That the said Ms. Jengmailiu Gengmei while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets.

By her aforesaid act, Ms. Jengmailiu Gengmei has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

24/8/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST MS. JENGMAILIU GENGMEI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI PROPOSED TO BE SUSTAINED.

****

Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 13.06.2019 has requested to grant her 05 days Earned Leave w.e.f. 02.07.2019 to 06.07.2019 and also requested to grant her LTC for the Block Year 2018-2021 to visit Havelock, Portblair for herself.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, 05 days Earned Leave alongwith LTC was sanctioned to Ms. Jengmailiu Gengmei, Nursing Officer with the Clause that "उन्हें परामर्श दिया जाता है कि वे अपनी टिकट या तो सीधे रेलवे/एयरलाइन्स से अथवा सरकार द्वारा प्राधिकृत किए गए विक्रेता से खरीदें" vide Office Memorandum No.45-393/2010-Estt.(TC) dated 25.06.2019.

In the meanwhile, Ms. Jengmailiu Gengmei, Nursing Officer has submitted her TA Bill claim at Accounts Section (TC) alongwith air tickets/boarding pass as per details given below :-

Airline	Flight Number	Date	From	To	Amount
Air India	AI 485 AI 486	2.7.2019 6.7.2019	Delhi Port Blair	Port Blair Delhi	Rs. 61,163/-

Subsequently, the Accounts Officer, JPNA Trauma Centre vide Memorandum dated 20.12.2019 has intimated that as per clause of Memorandum issued for grant of leave and LTC, individual had to purchase cheapest ticket available on the day of booking. It appears that ticket has been purchased at high cost. There could be possibility of tampering with the original ticket. He has further requested to check the tickets from administrative point of view whether all are genuine.

Accordingly, with the approval of the Chief, JPNA Trauma Centre, necessary letter regarding verification for air ticket was sent to the Air India vide this Office Letter dated 11.01.2020.

As per the reply received from Air India, the following discrepancies in purchased tickets was found:-

Air line	Place	Amount to be proposed for reimbursement by the official	Actual amount details received from air lines	Difference
Air India	Delhi-Port Blair-Delhi	Rs. 61,163.00	Rs. 15,232.00	Rs. 45,931.00

As per the information provided by the concerned air line the original/actual prize of air ticket is Rs. 15,232/- whereas the official has requested to reimbursement of airfare of Rs.61,163/- which includes additional amount of Rs. 45,931/-. The tickets submitted by the official and verified by airlines have same tickets number and PNR Number.

A Show Cause Notice was issued to Ms. Jengmailiu Gengmei, Nursing Officer and directed to submit her written explanation as to why she has submitted forged tickets with

excess claim amount of Rs.45,931/- rather than original amount (Rs.15,232/-) for LTC claim and is also directed to explain as to why disciplinary proceedings under CCS (CCA) Rules shall not be initiated against her vide this Office Memorandum No. 45-393/2010-Estt.(TC) dated 20.03.2020.

In response to this Show Cause Notice dated 20.03.2020, Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 27.03.2020 has submitted that she is unaware of any forged tickets. This explanation is found unsatisfactory.

By her aforesaid act, Ms. Jengmailiu Gengmei, Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY

14/5/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST MS. JENGMAILIU GENGMEI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1 Request letter by Ms. Jengmailiu Gengmei, for LTC dated 13.06.2019

2 Office Order dated 25.06.2019

3 Memorandum dated 20.12.2019 received from Accounts Officer, JPNATC, AIIMS, New Delhi

4 Letter sent to Air India on dated 11th January, 2020

5 Reply received from Air India by email dated 16th January, 2020

6 Hard copies of verified ticket from Air India

7 Show Cause Notice to Ms. Jengmailiu Gengmei dated 20th March, 2020

8 Reply from Ms. Jengmailiu Gengmei received on 28.03.2020

DISCIPLINARY AUTHORITY

14/8/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

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ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MS. JENGMAILIU GENGMEI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1 Sh. Prem Pal,
Accounts Officer, JPNATC

2 Ms. Rahul Arya,
D.E.O.,
Establishment Section (TC)

3 Ms. Jyoti Rana, Dealing Assistant
D.E.O.,
Establishment Section (TC)

DISCIPLINARY AUTHORITY,

24/8/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

अखिल भारतीय _____ संस्थान
अंसारी नगर, नई दिल्ली-110029

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Annex-VI

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पत्रांक- जाँच/जैंगमैलिउ गेंगमें/2020-21

दिनांक: 16.03.2021

सेवा में,

निदेशक
एवं अनुशासनिक पदाधिकारी
एम्स. नई दिल्ली-29

विषय:- श्रीमती जैंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी, जे.पी.एन.ए.टी.सी. ट्रामा सेन्टर, अ.भा.आ. संस्थान, नई दिल्ली के विरुद्ध केन्द्रीय सिविल सेवा(वर्गीकरण, नियंत्रण एवं अपील)1965 के उपनियम 14 के तहत निर्गत आरोप पत्र का जांच प्रतिवेदन।

महोदय,

उपर्युक्त विषयक एम्स के पत्रांक. एफ. 45/393/2010-स्थापना. (टी.सी.) दिनांक 29.08.2020 के संदर्भ में जाँच प्रतिवेदन सभी अनुलग्नकों के साथ आगे की कार्रवाई हेतु प्रेषित किया जाता है।

भवदीय,

16/3/2021

(बी.के.सिंह)
प्रशासनिक अधिकारी (संकाय प्रकोष्ठ)
एवं जांच अधिकारी

अनुसंलग्नक

1. आरोप पत्र दिनांक 29.08.2020
2. सरकारी पक्ष दस्तावेज़ एस.ई. 1 (I,II) से एस.ई.-8
3. डेली ऑर्डर शीट 01 से 06
4. सरकारी पक्ष गवाहों का डिपोजिशन एवं परीक्षण/प्रतिपरीक्षण
5. बचाव पक्ष गवाह श्रीमती जैंगमैलिउ गेंगमें का डिपोजिशन एवं परीक्षण
6. प्रस्तोता पदाधिकारी का लिखित पक्ष
7. आरोपित पदाधिकारी का लिखित पक्ष
8. जाँच अधिकारी का नियुक्ति पत्र
9. अन्य कागजात

DDA

CAO

18/03/2021

17/3/21

Sr. AO (SPNATC)

13/3

अखिल भारतीय आयुर्विज्ञान संस्थान
अंसारी नगर, नई दिल्ली-110029

मिस. जैंगमैलिउ गेंगमें , नर्सिंग पदाधिकारी, ज.प्र.न. ट्रॉमा सेन्टर, एम्स, नई दिल्ली के विरुद्ध केन्द्रीय सिविल सेवा (वर्गीकरण, वर्गीकरण, नियंत्रण एवं अपील) 1965 के उप नियम 14 के तहत अभियोजित जाँच से संबंधित जाँच अधिकारी का प्रतिवेदन।

1. **परिचयात्मक टिप्पणी**

(क) जाँच अधिकारी का नाम एवं पदनाम	बी.के.सिंह प्रशासनिक अधिकारी(संकाय प्रकोष्ठ) एम्स, नई दिल्ली
(ख) आरोपित पदाधिकारी का नाम एवं पदनाम	मिस. जैंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी, ज.प्र.न. ट्रॉमा सेन्टर, एम्स, नई दिल्ली
(ग) प्रस्तोता पदाधिकारी का नाम एवं पदनाम	श्री संजय नन्दी, सहायक प्रशासनिक अधिकारी, मुख्य अस्पताल, एम्स, नई दिल्ली
(घ) जाँच अधिकारी की नियुक्ति संबंधी पत्र का विवरण	पत्रांक. 45-393/2010-स्थापना (टी.सी.) दिनांक 17.12.2020
(ङ) आरोप पत्र का पत्रांक एवं दिनांक	पत्रांक. 45-393/2010- स्थापना (टी.सी.) दिनांक 29.08.2020

जाँच अधिकारी से संबन्धित नियुक्ति पत्र दिनांक 17.12.2020 की प्राप्ति के पश्चात, आरोप पत्र दिनांक 29.08.2020 के अनुसंलग्नक में उल्लेखित सरकारी दस्तावेज़ क्रम संख्या एस.ई. 01 से 8 भेजने हेतु अनुरोध पत्र भेजा गया। वांछित सरकारी दस्तावेज़ प्राप्ति के पश्चात जाँच निम्नवत की गई :-

प्रारंभिक सुनवाई	04.01.2021, 20.01.2021
नियमित सुनवाई	03.02.2021, 12.02.2021

प्रारंभिक सुनवाई के दिन आरोपित पदाधिकारी ने जाँच अधिकारी पर अपना विश्वास व्यक्त किया। फिर सुनवाई शुरू हुई जिसकी कई बैठकें की गई। नियमित सुनवाई के अंत में आरोपित पदाधिकारी ने कहा कि जांच की कार्रवाई से वह संतुष्ट है।

प्रस्तोता पदाधिकारी ने अपना लिखित पक्ष दिनांक 22.02.2021 को जाँच अधिकारी एवं आरोपित पदाधिकारी को दिया। आरोपित पदाधिकारी का लिखित बचाव पक्ष दिनांक 12.03.2021 को जाँच अधिकारी को प्राप्त हुआ। तत्पश्चात जाँच रिपोर्ट समर्पित किया जा रहा है।

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2- **अभियोजित आरोप (हिन्दी अनुवाद)** 147

मिस. जैंगमैलिउ गेंगमें, परिचर्या पदाधिकारी, जे.पी.एन.ए.टी.सी. के रूप में कार्य करते समय एल.टी.सी. सुविधा का दुरूपयोग किया है और धोखाधड़ी एवं जाली टिकटों को सब्मिट किया है 323

अत: उक्त कार्य के द्वारा **मिस.** जैंगमैलिउ गेंगमें, परिचर्या पदाधिकारी अपने कर्तव्य के प्रति पूर्ण निष्ठा बनाए रखने में असफल रहे हैं और उनका यह व्यवहार संस्थान कर्मचारी होने के लायक नहीं है जोकि संस्थान के कर्मचारियों पर लागू केंद्रीय सिविल सेवा (आचरण) नियमावली, 1964 के नियम 3(1) (ii) एवं (iii), (xvii) तथा (xviii) का उल्लंघन है।

3- **आरोपित पदाधिकारी द्वारा स्वीकार किए गए अथवा अस्वीकार किए गए आरोप एवं उसकी जाँच :-**

आरोपित पदाधिकारी ने आरोप पत्र दिनांक 29.08.2020 में लगाये गये आरोप के बारे में बताया कि वे लगाये गये आरोप को स्वीकार करने से इनकार करती हैं, क्योंकि दूसरों मामलों में आरोप पत्र नहीं निर्गत किया गया। फिरउन्हे कुछ भी भुगतान एल.टी.सी. मद में नहीं हुआ है फिर भी उन्हें आरोप पत्र दिया गया। अत: लगाये गये आरोप के सभी बिन्दुओं पर जाँच की गई।

4- **अभियोजन पक्ष अभिलेखों का विवरण :-**

एस.ई.-01(i)	:-	अर्जित अवकाश उपभोग के लिए दिया गया आवेदन पत्र
एस.ई.-01 (ii)	:-	एल.टी.सी. उपभोग के लिए आवेदन पत्र
एस.ई.-02	:-	दिनांक 23.06.2019 का ज्ञापन संख्या 45-393/2010- स्थापना (टी.सी.)
एस.ई.-03	:-	ज्ञापन संख्या दिनांक 20.12.2019 जो लेखा अधिकारी द्वारा वरिष्ठ प्रशा. अधिकारी ज.प.न.ट्रॉमा सेन्टर High cost हवाई यात्रा टिकट की कीमत जाँच हेतु भेजी गई।
एस.ई.-04	:-	दिनांक 11.01.2020 को वरिष्ठ प्रशासनिक अधिकारी द्वारा जनरल मैनेजर, एयर इण्डिया को भेजा गया पत्र
एस.ई.-05	:-	दिनांक 16.01.2020 को एयर इण्डिया से प्राप्त ई-मेल
एस.ई.-06	:-	ई-टिकट
एस.ई.-07	:-	दिनांक 20.03.2020 को जारी कारण बताओ नोटिस
एस.ई.-08	:-	आरोपित पदाधिकारी द्वारा दिया गया लैटर ऑफ एक्सप्लानेशन

5-**अभियोजन पक्ष गवाहों के नाम :-**

(क) श्री प्रेम पाल
लेखा अधिकारीजे.पी.एन.ए.टी.सी.

(ख) श्री राहुल आर्या
डाटा एण्ट्री ऑपरेटर,
स्थापना अनुभाग (टी.सी.)

(ग) श्रीमती ज्योती राणा
स्थापना अनुभाग (टी.सी.)

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6-बचाव पक्ष अभिलेखों एवं गवाहों की सूची :-

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बचाव पक्ष अभिलेख

शून्य

बचाव पक्ष गवाह

1. श्रीमती जैंगमैलिउ गेंगमें - स्वयं

7-सरकारी पक्ष का कथन संक्षेप में :- मिस. जैंगमैलिउ गेंगमें जब नर्सिंग पदाधिकारी के पद पर जे.पी.एन.ए.टी.सी., एम्स, नई दिल्ली में वर्ष 2019 में कार्यरत थीं तब जाली एवं धोखाधड़ी वाला टिकट भुगतान हेतु समर्पित कर एल.टी.सी. सुविधा का दुरुपयोग किया। उनका यह आचरण केन्द्रीय सिविल सेवा आचरण नियम 1964 के उप-नियम 3(1) (i), (ii), (iii), (xvii) एवं (xviii) का उल्लंघन हैं।

8. आरोपित पदाधिकारी का कथन जाँच के दौरान संक्षेप में - एम्स में कार्यरत दूसरे कर्मचारी एल.टी.सी. सुविधा उपभोग हेतु प्राइवेट एयरलाइन्स से गये।उनका भी वैसा ही केस था जैसा उनका है। फिर उन कर्मचारियों से एडवान्स +सूद वापस लेकर मामला समाप्त कर दिया गया। जबकि उनके मामले में हालाँकि उन्होंने एल.टी.सी. अग्रिम भी नहीं लिया, ऐसा नहीं किया गया और उन्हें आरोप पत्र दे दिया गया। उन्होंने क्षमा पत्र भी दिया था। उन्हें एल.टी.सी. का क्लैम नहीं देते हुए मामला समाप्त करना था पर उनके साथ ऐसा नहीं किया गया।

9. **प्रस्तोता पदाधिकारी का लिखित पत्र संक्षेप में –** मामले पर सभी तथ्यों और परिस्थितियों की समग्रता को ध्यान में रखते हुए, रिकॉर्ड में सबूतों पर विधिवत विवेचन के आधार पर आरोपित पदाधिकारी पर लगाए गए आरोप सिद्ध होते हैं। हालाँकि आरोपित अधिकारी ने 12.02.2021 (डेली ऑर्डर शीट संख्या 06) को आयोजित कार्यवाही के दौरान कहा है कि एल.टी.सी. दावे से संबंधित ऐसे सभी मामलों में समान कार्रवाई की जानी चाहिए।

10. आरोपित पदाधिकारी का लिखित पक्ष संक्षेप में – जैसा कि पहले कहा गया था कि कई अन्य कर्मचारियों ने एल.टी.सी. सुविधा का उपयोग किया था और अधिक राशि के जाली टिकट जमा किए थे, उनके टिकटों का सत्यापन नहीं किया गया था और उसी लेखा अधिकारी ने एल.टी.सी. प्रतिपूर्ति को मंजूरी दी थी। मैंने अपनी जांच के दौरान स्वीकार किया कि मेरा क्लेम वास्तविक कीमत से अधिक था। यह एल.टी.सी. नियमों के बारे में मेरे ज्ञान की कमी के कारण हुआ और मैं भी वर्षों से अपने वरिष्ठों और एम्स में हो रही प्रणाली का पालन कर रहा था, इस सर्विस के दौरान एल.टी.सी. के लिए यह मेरा पहला क्लेम है। जाँच की कार्रवाई के दौरान, स्थापना अनुभाग के प्रतिनिधि से उन्हें यह पता चला कि उन्होंने सत्यापन के लिए छह टिकट भेजे थे परंतु उन्होंने दो कर्मचारियों पर चार्जशीट नहीं की, क्योंकि उन्होंने प्राइवेट एयरलाइन के माध्यम से यात्रा की और एयरलाइन ने सत्यापन प्रक्रिया का जबाव नहीं दिया। उन्होंने कहा कि उन दोनों कर्मचारियों से केवल अतिरिक्त एमाउण्ट वापस करने के लिए कहा लेकिन मेरे खिलाफ चार्जशीट दर्ज की गई जबकि मैंने क्लैम को विदड्रॉ करने के लिए पत्र भी दिया था।

11. **समीक्षा –** नियमित सुनवाई के दौरान सरकारी गवाह श्री प्रेम पाल, लेखा अधिकारी का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

डिपोजिशन

मेरा नाम प्रेम पाल है। मैं लेखा अधिकारी के पद पर जे.पी.एन.ए.टी.सी., एम्स, नई दिल्ली में जुलाई 2019 से कार्यरत हूँ। मुझे मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.)पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप में बुलाया गया है। जिस केस पर किराया ज्यादा दिखने में लगता है उसे मैं प्रशासन को जाँच के लिए भेज देता हूँ और इस केस में भी मैंने वही किया है।

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सरकारी पक्ष गवाह का परीक्षण

प्रस्तोता पदाधिकारी

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ऐसे और भी मामले हो सकते हैं क्या आपने मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) के एल.टी.सी. क्लैम के साथ दूसरे एल.टी.सी. क्लैम को भी जाँच के लिए प्रशासन में भेजा था या केवल इन्हीं का भेजा

सरकारी पक्ष गवाह
(श्री प्रेमपाल)

मैंने इनके क्लैम के साथ 4 एल. टी.सी क्लैम जाँच के लिए प्रशासन भेजे थे।

प्रस्तोता पदाधिकारी

जैसे प्रशासन कार्रवाई मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) के विरुद्ध चल रही है वैसी ही कार्रवाई क्यादूसरे क्लैम का भी हो रहा है?

सरकारी पक्ष गवाह
(श्री प्रेमपाल)

इसकी मुझे कोई जानकारी नहीं है। यह प्रशासन ही बता सकता है।

सरकारी गवाह का प्रति परीक्षण (श्री प्रेमपाल)

आरोपित पदाधिकारी

जबसे आपने ट्रॉमा सेन्टर में ज्वॉइन किया है तबसे अबतक कितना एल.टी.सी. क्लैम आपने हैण्डल किया है। मेरा यह प्रश्न एल.टी.सी. के अंतर्गत अण्डमान एवं निकोबार (पोर्ट ब्लेयर) की विजिट से संबंधित है।

सरकारी पक्ष गवाह
(श्री प्रेमपाल)

पिछले 1 साल से कोरोना चल रहा है इसलिए यात्रा न के बराबर लोग ने की है। अण्डमान एवं निकोबार एल.टी.सी. क्लैम की वास्तविक संख्या बताना अभी इस समय संभव नहीं है क्योंकि मेरे पास इस समय कोई डाटा नहीं है।

आरोपित पदाधिकारी

आपने कहा कि 4-5 केस की जाँच हेतु प्रशासनिक अनुभाग में आपके द्वारा भेजा गया। कोरोना मार्च 2020 से शुरु हुआ है। आपके द्वारा कहा गया 4-5 केस मेरे भी संज्ञान में हैं लेकिन जुलाई 2019 से मार्च 2020 के पहले और भी similar case trauma centre में हैं उसके बारे में कौन सी कार्रवाई की गई। मैंने तो advance भी नहीं लिया था और न ही कुछ payment हुआ है। क्या इन लोगों को मेरी तरह ही inquiry rule-14 में हो रही है।

सरकारी पक्ष गवाह
(श्री प्रेमपाल)

अपर चिकित्सा अधीक्षक के आदेशानुसार, पिछले 5 साल के cases review किये जा रहे हैं। इसकी जो भी report inquiry based होगी वह प्रशासन को भेज दी जायेगी।

आरोपित पदाधिकारी

5 साल तक क्यों इंतजार किया गया और मुझे ही क्यों टारगेट उन 4-5 मिस. पारुल (फिजियोथेरेपिस्ट), ट्रॉमा सेन्टर, मिस. अनीता नर्सिंग पदाधिकारी ट्रॉमा सेन्टर, श्री एबिन एस. राज के साथ किया गया और नियम 14 के तहत कार्रवाई की गई। 2010 में मैंने ट्रॉमा सेन्टर ज्वॉइन किया तबसे मैंने सुना नहीं कि इस तरह का action जैसा कि मुझपर लिया गया है किसी के विरुद्ध लिया गया।

सरकारी पक्ष गवाह

यह प्रश्न मेरे कार्यकाल से संबंधित नहीं है इसलिए मैं इसका

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(श्री प्रेमपाल) जवाब नहीं देना चाहता हूँ।

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आरोपित पदाधिकारी आपने जब ट्रॉमा सेन्टर का चार्ज लिया होगा तो आपको पुराना डॉक्यूमेंट्स भी चार्ज में लिया होगा। फिर आपको कैसे पता नहीं है? मैं आपसे एक ही बार मिली थी। यह मामला उस समय भी समाप्त हो सकता था। आप मुझे समझा देते तो उसी स्तर पर मामला समाप्त हो जाता, पर अब तो मेरे विरुद्ध कार्रवाई हो गई है। मैंने इस संबंध में apologize letter भी दे दिया था तो मैं expect कर रही थी कि मुझे क्षमा कर दिया जायेगा पर ऐसा नहीं हुआ। 144

सरकारी पक्ष गवाह (श्री प्रेमपाल) किसी भी विषय में क्षमा करना या नहीं करना प्रशासनिक विषय है और यह प्रशासन के द्वारा ही सुनिश्चित किया जाता है।

आरोपित पदाधिकारी फिर मुझसे apologize letter ही क्यों लिखवाया गया। जब मामला आगे ले जाना था। मेरे साथ जो मिस पारुल दीदी, मिस. अनीता वो प्रशासन से मिली थीं और उन्होंने advise किया था कि apologize letter दे दो तो मामला समाप्त हो सकता है फिर मैंने apologize letter दे दिया। फिर भी मुझे चार्जशीट किया गया। जबसे मुझे चार्जशीट मिला है तबसे मेरे लिये यह easy time नहीं रहा। जबकि मैं पी.पी.ई. किट के साथ कोरोना पेसेन्ट के direct contact में रही हूँ।

सरकारी पक्ष गवाह (श्री प्रेमपाल) यह प्रश्न सीधा-सीधा प्रशासन से संबंधित है क्योंकि चार्जशीट प्रशासन द्वारा किया गया है यह accounts का मामला नहीं है।

नियमित सुनवाई के दौरान <u>सरकारी गवाह श्री राहुल आर्या, डाटा एण्ट्री ऑपरेटर, स्थापना अनुभाग, एम्स</u> नई दिल्ली का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

<u>डिपोजिशन</u>

मेरा नाम राहुल आर्या है। मैं डाटा एण्ट्री ऑपरेटर के पद पर स्थापना अनुभाग में अप्रैल 2018 से कार्यरत हूँ। मुझे मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप में बुलाया गया है। मेरा कहना है कि मेरे स्तर से मिस. जेंगमैलिउ गेंगमें के एल.टी.सी. परमीशन हेतु रिक्वेस्ट सक्षम पदाधिकारी को पुट-अप किया गया था और पुनः उन्हें परमीशन दी गई थी। फिर मिस. जेंगमैलिउ गेंगमें ने अपना एल.टी.सी. क्लैम लेखा अधिकारी को सब्मिट किया वहाँ से दिनांक 31.07.2019 को सेवा पंजी में एण्ट्री के लिए मेरे पास आया और मैंने उसे 03.08.2019 को सेवा पंजी में एण्ट्री कर उनके एल.टी.सी. क्लैम को लेखा अनुभाग में भेज दिया। इसके बाद इस मामले की मुझे कोई जानकारी नहीं है।

<u>सरकारी पक्ष गवाह का परीक्षण</u>

मुझे इनसे कुछ भी नहीं पूछना है क्योंकि आरोप पत्र से संबंधित इनको कोई भी जानकारी नहीं हैं।

<u>सरकारी गवाह का प्रति परीक्षण</u>

मुझे इनसे कुछ भी नहीं पूछना है क्योंकि आरोप पत्र से संबंधित इनको कोई भी जानकारी नहीं हैं।

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नियमित सुनवाई के दौरान सरकारी गवाह श्रीमती ज्योती राणा, डाटा एण्ट्री ऑपरेटर, स्थापना अनुभाग (टी.सी.), एस नई दिल्ली नई दिल्ली का डिपोजिशन, परीक्षण एवं प्रति परीक्षण निम्नवत है

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मेरा नाम ज्योती राणा है। मैं डाटा एण्ट्री ऑपरेटर के पद पर स्थापना अनुभाग में दिनांक 01.01.2020 से कार्यरत हूँ। मुझे मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) पर लगाए गए आरोप के संबंध में सरकारी गवाह के रूप में बुलाया गया है। आज की तिथि में आचार्य डॉ. छवि सुहानी, Anaesthesia Trauma Centre में कार्यरत हूँ। जब मैंने ट्रॉमा सेंटर ज्वॉइन किया था मुझे एक संचिका दी गई जिसमें लेखा अनुभाग के द्वारा अनुरोध किया गया था कि कुछ LTC tickets हैं इनका cross verification किया जाए क्योंकि Accounts को लग रहा था कि टिकट high cost का है। ऐसे कुल छः मामले आये थे। मैंने सबसे पहले यह देखा कि ट्रैवल के लिए कौन-कौन सी Airlines use की गई हैं। हमने उनका bifurcate किया कि Air India और other private airlines कौन-कौन सी हैं। मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) ने Air India से Delhi से Port Blair और Port Blair से Delhi travel किया था। इसी के अनुसार मैंने Air India को Email किया एवं इनका Ticket verify करवाया। हमें तुरंत Air India से email आया जिसमें उनके actual cost ticket का हमें soft copy भेजी इस ticket को भी verify करवाने के लिए हमारे दफ्तर से Air India के office जाकर 295/- के शुल्क देने पर हमें hard copy इनकी original ticket मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) की प्राप्त हुई जिसमें यह साफ-साफ दर्शाया जा रहा था कि जो इन्होंने reimbursement के लिए amount claim किया है जो कि 61,163 है वह बिल्कुल ही original payment 15232/- अलग है एवं बहुत ज्यादा है यानि 45931 का difference है। इसके बाद मैंने officially file आगे बढ़ाई और जैसे जैसे मुझे निर्देश दिए गये हमने process किया और इन्हें पहले ज्ञापन गया कि इन्होंने ऐसा क्यों किया है। फिर इनका जवाब आया जो कि सक्षम अधिकारी को suitable नहीं लगा जिसके बाद इन्हें आरोप पत्र दिया गया है।

सरकारी पक्ष गवाह का परीक्षण

प्रस्तोता पदाधिकारी	आप कब से ट्रॉमा सेन्टर के डीलिंग सीट पर थी और ऐसे कितने मामले आपके पास लेखा अनुभाग से भेजे गये थे।
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	01.01.2020 को प्रशासन ट्रॉमा सेन्टर को ज्वॉइन किया था उसकी दौरान एक साथ 6 केस आये थेइन 6 को show cause notice और चार्ज शीट मेरी जानकारी के हिसाब से निर्गत हो चुका है।
प्रस्तोता पदाधिकारी	केवल 6 केस ही आपको मिले थे?
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	मैं जब तक ट्रॉमा सेन्टर प्रशासनिक सीट पर थी। 2 और मामले आये थे। जिसकी फाइल मैंने आगे बढ़ाई थी उसके बदा मेरा ट्रांसफर हो गया। उसके बाद मुझे जानकारी नहीं है।
प्रस्तोता पदाधिकारी	क्या मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) चार्जशीट होने से पहले आपसे मिलने आई थी।
सरकारी पक्ष गवाह	नहीं। पारूल मैम administration में आई थी परन्तु मुझसे नहीं

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श्रीमती ज्योती राणा)	मिली।
प्रस्तोता पदाधिकारी	328 क्या मिस. जेंगमैलिउ गेंगमें, नर्सिंग पदाधिकारी (जे.पी.एन.ए.टी.सी.) का जवाब जो उन्हें ज्ञापन दिनांक 20.03.2020 को दिया गया था, उसका जवाब उनसे समय पर आ गया था? 142
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	हाँ। 27.03.2020 को इन्होंने जवाब दे दिया था।

सरकारी गवाह का प्रति परीक्षण (श्रीमती ज्योती राणा)

आरोपित पदाधिकारी	आपने कहा कि ऐसे मामले 6 थे लेकिन मेरे कॉलेज में केवल 4 ही हैं जैसा कि मैं, मि. पारुल चौहान (फिजियोथेरेपिस्ट), मिस. अनीता, श्री एबिन एस. राज हैं तो शेष 2 कौन हैं।
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	श्री शैलेन्द्र उत्तम (ओ.टी. टेक्निशियन), ट्रॉमा सेन्टर, श्री सलमगीर खान (ओ.टी. टेक्निशियन), ट्रॉमा सेन्टर
आरोपित पदाधिकारी	क्या इन्हें भी चार्जशीट हो गई है।
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	प्रोसेसिंग वैसे ही की गई थी जैसे आपके मामले में हुआ था। मेरी जानकारी में इन्हें भी चार्जशीट हो गई है पर मैं sure नहीं हूँ।
आरोपित पदाधिकारी	कैसे पता चलेगा कि इन दोनों को चार्जशीट हुई है अथवा नहीं
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	जो फाइल ट्रॉमा सेन्टर में अभी डील कर रहा है वह बता सकता है।
आरोपित पदाधिकारी	जो फाइल डील कर रहा है उसका नाम क्या है।
सरकारी पक्ष गवाह (श्रीमती ज्योती राणा)	इसका मुझे पता नहीं है।

आरोपित पदाधिकारी ने अपने बचाव में कहा कि लेखा पदाधिकारी, सरकारी गवाह जिन्होंने मेरे एल.टी.सी. क्लैम वेरीफिकेशन के लिए स्थापना अनुभाग (ट्रॉ.से.) में भेजा था, पूर्व में डॉ. आर.पी.सी. में लेखा पदाधिकारी के पद पर कार्यरत थे। ऐसी मुझे जानकारी मिली है कि डॉ. आर.पी.सी. में भी इसी तरह के मामले हुये थे, पर वहाँ पर Excess amount की वापसी लेकर मामले को समाप्त कर दिया गया था। कई एल.टी.सी. क्लैम को वेरीफिकेशन के लिए नहीं भेजा गया और क्लैम एमाउण्ट को पे कर दिया गया। ट्रॉमा सेन्टर में भी कई ऐसे मामले हैं जिन्हें Excess amount payment without verification किया गया जबकि वो क्लैमेण्ट को भी एजेण्ट के थ्रू ही टिकट क्रय करके अण्डमान एवं निकोबार गये थे। जिस ओ.टी.ए के बार में सरकारी गवाह ने जिक्र किया है कि उन्हें चार्जशीट दिया गया हैं मुझे ऐसी सूचना है कि उन्हें चार्जशीट भी नहीं दिया गया है। जब दूसरे क्लैमेण्ट को difference amount जमा कराकर के मामले को समाप्त किया गया है तो मेरे मामले में discrimination किया गया है। मैं एल.टी.सी. क्लैम वापसी का request पहले भी दे चुका हूँ अत: उस मामले को समाप्त किया जाए।

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उपरोक्त परीक्षण एवं प्रति-परीक्षण तथा आरोपित पदाधिकारी से जाँच अधिकारी द्वारा पूछे गये मैनडेटरी प्रश्न के प्रतिउत्तर में उनसे प्राप्त जबाव से स्पष्ट है कि आरोपित पदाधिकारी ने हवाई यात्रा के वास्तविक कीमत से अधिक राशि का क्लैम जो एल.टी.सी. नियम के भुगतान के लिए किया गया, उसपर उनका कोई बचाव पक्ष नहीं आया कि उनका क्लैम सही था अथवा प्रशासन द्वारा जो कहा गया कि वास्तविक टिकट राशि से उन्होंने अधिक क्लैम धोखाधड़ी एवं जालसाजी के नियत से किया वह आरोप गलत है। उन्हंने यह जरूर कहा कि ऐसा ही मामला दूसरों का भी था। पर, उनके साथ आरोप पत्र देने वाला कार्रवाई नहीं की गई और उनके साथ भेदभाव हुआ है। उनका पक्ष था कि उन्हें एल.टी.सी. की राशि भुगतान भी नहीं हुआ है। 14)

आरोपित पदाधिकारी पर आरोप एल.टी.सी. में अधिक राशि भुगतान लेने का नहीं है। उनपर आरोप है कि उन्होंने धोखाधड़ी एवं जालसाजी की नियत से एल.टी.सी. के हवाई यात्रा के वास्तविक व्यय से ज्यादा क्लेम किया है। इस आरोप से आरोपित पदाधिकारी ने इनकार नहीं किया। हालाँकि उनका पक्ष था कि जब उन्होंने क्षमा पत्र दे दिया तो मामला समाप्त हो जाना चाहिए था। पर, मामला यह नहीं है कि क्या होना चाहिए। बल्कि आरोप यह है कि आरोपित पदाधिकारी ने धोखाधड़ी एवं जालसाजी वाला टिकट एल.टी.सी. क्लेम भुगतान हेतु समर्पित किया और यह आरोप प्रमाणित होता है कि ऐसा उन्होंने किया।

12- <u>निष्कर्ष :-</u> जाँच के दौरान स्वीकृत साक्ष्य, सरकारी गवाहों, बचाव पक्ष गवाह के बयानों से स्पष्ट है कि आरोप पदाधिकारी पर पत्र संख्या 45-393/2010 स्थापना (टी.सी.) दिनांक 29.08.2020 के तहत लगाया गया आरोप प्रमाणित होता है।

16/3/2021

(बी.के.सिंह)
प्रशासनिक अधिकारी (संकाय प्रकोष्ठ)
एवं जांच अधिकारी

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Annx-VII

Raj Nagar, New Delhi – 110029

No.F.45-393/2010-Estt.(TC) Dated:- 14 SEP 2021

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ORDER

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Service (Classification Control and Appeal) Rules, 1965 was initiated against Ms. Jengmailiu Gengmei, Nursing Officer vide Office Memorandum No.F.45-393/2010-Estt. (TC) dated 29th August, 2020 on the following **Article of Charges** :-

"That the said Ms. Jengmailiu Gengmei while working as Nursing Officer at JPNA Trauma Centre has misused the LTC facility by submitting forged and fraud tickets.

By her aforesaid act, Ms. Jengmailiu Gengmei has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (i), (ii), (iii), (xvii) & (xviii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute."

AND WHEREAS Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 23rd October, 2020 has submitted her written statement of defence stating that she visited Port Blair on All India LTC after approval in the year 2019, but some problem has been found in the LTC claim. She had purchased the ticket with the help from a colleague through email and she is not aware where mistake has occurred as official mail site.

Accordingly, Sh. B.K. Singh, Administrative Officer (on deputation) was appointed as Inquiry Officer by the Disciplinary Authority to inquire into the charges framed against her vide order No.F.45-393/2010-Estt.(TC), dated 17th December, 2020. The Inquiry Officer, after holding the inquiry had submitted his report vide letter No. Inquiry/Ms. Jengmailiu Gengmei/2020-21 dated 16th March, 2021 and concluded that the charge framed against Ms. Jengmailiu Gengmei, Nursing Officer stands Proved.

AND WHEREAS a copy of the Inquiry Report had been forwarded under provision of Rule 15 of CCS (CCA) Rules 1965 to Ms. Jengmailiu Gengmei, Nursing Officer to enable her to submit her representation/submission, if any, in writing within 15 days to the Disciplinary Authority on the Inquiry Report vide Office Memorandum No. 45-393/2010-Estt. (TC) dated 13th April, 2021.

AND WHEREAS Ms. Jengmailiu Gengmei, Nursing Officer vide letter dated 28th June, 2021 has submitted her written representation/submission stating that she travelled to Andaman & Nicobar on the year 2019 availing All India LTC facility for the same as her other colleagues visited. She has gone through the

Contd....2/-

departmental enquiry under the enquiry officer Sh. B.K. Singh and she have already submitted her stand for the same in written immediately after the last hearing. She has also informed that the said event happened because of her lack of knowledge about LTC rules and she already apologized for the event. She has further informed that she had given written application for withdrawing her claim.

NOW, after careful consideration of the Inquiry Report, submission made by the charged officer, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule 15 of the CCS (CCA) Rules 1965, now for good and sufficient reasons has decided to impose the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay"** on Ms. Jengmailiu Gengmei, Nursing Officer. Accordingly, the penalty of **"Reduction to a lower stage in the time scale of pay by one stage for a period of 05 years with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will have the effect of postponing future increments of her pay"** is imposed on Ms. Jengmailiu Gengmei, Nursing Officer with immediate effect.

A copy of this Order be added to the confidential roll of Ms. Jengmailiu Gengmei, Nursing Officer.

For and On Behalf of President and
Disciplinary Authority, AIIMS

10/9/21

[DR. RANDEEP GULERIA]
DIRECTOR, AIIMS

Ms. Jengmailiu Gengmei,
Nursing Officer
Thr: Nursing Superintendent (TC)

Copy to:-

1 Chief, JPNA Trauma Centre
2 Addl. Medical Superintendent (TC)
3 Chief Administrative Officer, AIIMS
4 Sr. Administrative Officer, JPNATC.
5 Nursing Superintendent, JPNATC.
6 Administrative Officer, Recruitment Cell, AIIMS.
7 Administrative Officer, Estate Section, AIIMS.
8 Administrative Officer, ACR Cell, AIIMS.
9 Administrative Officer, Vigilance/Legal Cell, AIIMS.
10 Account Section (JPNATC)/Audit Section/Guard File

2018 - 2021

Establishment Section (DO)
Receipt Date 28-1-2022 334
Diary No. 191
AIIMS, New Delhi-110029

Estt- 816987 25/1/22

निदेशक कार्यालय, अ.भा.आ.सं.
प्राप्त किया
24 JAN 2022
RECEIVED
DIRECTOR OFFICE, A.I.I.M.S.
27/1/22

Through proper channel

From

Mr Jengmeiliu Gengmei

Nursing officer, Tc3 ICU

JPNATC, AIIMS, New Delhi.

Annx-VIII

प्राप्त किया/RECEIVED
उप निदेशक (प्रशा) कार्यालय अ भा आ सं
Dy. Director (Admn.) Office: A.I.I.M.S.
25 JAN 2022

To

The Administrative officer

JPNATC, AIIMS

New Delhi

Subject : "request for consideration to revoke major penalty because no bill passed/cleared against the inflated tickets, imposed on Ms. Jengmeiliu Gengmei nursing officer JPNATC"

Respected sir/madam

I Jengmeiliu Gengmei working as a nursing officer in tc3 ICU since 2010, had undergone enquiry for irregular LTC claim and punished for the same as office memorandum no F.45-393/2010-Esst.(TC) on 14th sep 2021.I am the one of the nursing officer in the group of three nursing officer who got punishment for the same in the whole institution.

Recently an office memorandum is released (No.20-26/2020(Audit)-Esst.1) saying one time relaxation is allowed to 131 other employees and their case is resolved. I am enclosing the ref letter along with this application. Even I did not received any cash for the LTC claim from the institution. I kindly requesting you to consider me for one time relaxation and please cancel my punishment. I am assuring you, there will not be any mistakes from my side in future and I am apologising for the past event.

Thanking you

Jengmei 24/1/22

Date : 22/01/2022

Place : delhi

yours sincerely

JENGMEILIU GENGMEI

Sr. A.O
JPNATC

Copy to 28/1

The Director AIIMS New Delhi

The DDA AIIMS New Delhi

The Chief JPNATC AIIMS New Delhi

The chief Administrative officer AIIMS New Delhi

CAO JPNATC

P/SPM 27/1/22

I do not think any relaxation is given

CAO

AO (DO)

भा०आ०सं०
I. I. M. S.

E. O. No. - 3117266

134-

-26/2020(Audit)-Estt.I

From pre-page:

336

Annex-IX

Subject:- Irregular Leave Travel Concession Claim amounting to R.0.74 Crore – reg.

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It may be recalled that F & CAO (MSU) vide its letter No.F.Misc./2019-20/MSU dated 30.03.2020 and its reminder dated 6th June, 2020 has forwarded the copy of the Audit Para=-5 on the subject cited above thereby enclosed the copy of audit para-5 which is reproduced as under:

Rule 21 of the General Financial Rules (GFR) 2005 stipulates that every officer incurring of authorizing expenditure from the public funds should be guided by the highest standards of financial propriety and should enforce financial orders and strict economy. It also states that the amount of allowance granted to meet expenditure should be so regulated that allowances are not on the whole a source of profit to the recipients.

Government of India (GOI) permitted all employees including non-entitled employees to travel by Air India to North East region and by any airline to Jammu and Kashmir (J&K) on Leave Travel Concession (LTC) vide its orders dated 19 September 2016 and 20 September 2018, as extended form time to time. Subject to conditions contained therein. GOI orders stipulated that air tickets for travel on LTC was to be purchased either directly from the airlines at booking counters/websites of the airlines or by utilizing the services of authorized travel agents viz. M/s Balmer Lawrie and Company, M/s Ashoka Travel and Tours and IRCTC.

Test check of LTC records of the employees of AIIMS for the Year 2018-19 disclosed unauthorized claim by 131 of its employees who performed air journey to J&K, North East region and Andman and Nicobar Island. Audit compared the claims submitted by the employees with the details available on websites of respective airlines and found that the tickets furnished with the claims were fabricated. The fares claimed by the employees were higher than the amounts actually paid to the airlines.

Audit could retrieve travel details of only those employees who had travelled by four private airlines from their respective websites and was not able to retrieve the details of those employees who had travelled by Air India, Vistara and Jet Airways. Excess airfare amounting to 0.74 crore claimed by these 131 employees (Annex-II & Annex-III) and reimbursed by Institute without exercise of due diligence and without ensuring compliance with the extant instructions.

Thus failure to exercise the check before passing bills resulted in payment of Rs. 0.74 crore toward irregular LTC claims. The institute may identify all other such cases ad recover excess amount paid, form the concerned employees under intimation to audit.

2. Further, the details of 131 employees as mentioned above are as under:

S. No.	Name of Employee	Designation
1	Sunil Kumar	O.T.Technician
2	Sunita Malik	SNO
3	Archana Rana	Nursing Officer
4.	Yash Pal	Hospital Attendant
5	Dashrath Prasad	Hospital Attendant
6	Navita	Nursing Officer
7	Brahm Singh	ANS
8	Raj Kumar Sharma	DEO Grade-I
9	Pradeep Kumar Yadav	Sr. Veterinary Officer
10	Krishan Murari	Office superintendent

E. O. No.

11.	Neelam Arya	LDC
12	Amit Vats	M/Bearer
13	Rajesh Kumar	Khalasi
14	Siny Alexander	Nursing Officer
15	Hema Chahabra	Nursing Officer
16	Bhusan Saran	STO Radiology
17	Sohan Bir (Katari Devi)	ANS
18	Smitha Sajeev	SNO
19	Kanchana Tai Khobre	Nursing Officer
20	Mamta	Nursing Officer
21	Runihsa Bomrah	Tech Radiology
22	Kumar Premlata	Nursing Officer
23	Renu Rani	Medical Lab Technologists
24	Shazia Qumar	Tech Radiology
25	Suman Lata	Nursing Officer
26	Rajeev Kumar	DEO Grade-A
27	Kiran Sharma	Lab. Technologist
28	Rakesh Kumar	Nursing officer
29	Jithin PP	Nursing Officer
30	Ms. Renu	Stenographer
31	Amulya Rattan	Senior Resident
32	Bharat Singh	O.T.Technician
33	Sudha Rao	SNO
34	Arvind Kumar Tripathi	OTA
35	Jatin Ahuja	Sr. Resident
36	Narender Singh Bist	MLT
37	Rajni Das	SNO
38	Bhanu Pratap Singh	Sr. Technical Officer
39	Subhod Jha	Sr. Technical Officer
40	Vijay Pal	LDC
41	Rajkumari	Electrician
42	Neeru Bala	SNO
43	Santosh Kumar	Radiographer
44	Niharika Katija	Nursing Officer
45	Sunil Babu	PA
46	Amrit Lal Meena	OTA
47	Moti Lal	Technical Assistant (OT)
48	Dharamvir	M.Bearer
49	Jyoti Aneja	Medical Lab. Technologist
50	Mamta Rana	Medical Lab. Technologist
51	Biswanath Acharya	Jr. Reception Officer
52	Poonam	Medical Lab.Technologist
53	Manjeet Dagar	LDC
54	Leena Bejoy	SNO
55	Ramya Paulose	Nursing Officer
56	Yashpal Singh	Hospital Attendant
57	Ashish Sahoo	OTA
58	Ram Kumar Raman	Radiographer
59	Amarjeet	Hospital Attendant
60	Narender Kumar	Mechanic AC
61	Neelam Prakash	DEO
62	Rajesh Kumar	Lab. Technologist
63	Kanchan Kumari	Nursing Officer
64	Isha Kaushik	Nursing Officer
65	Ajay Kumar Sarwan	Medical Lab. Technologist
66	Arpana Paul	Nursing Officer
67	Reetu	OTA
68	Sunita Singh	UDC
69	Dr. Vibhor Upadhay	Sr. Resident
70	Sarita Singhal	SNO

71	Jitin	Nursing Officer
72	Ashok Kumar-II	LDC
73	Babita Yadav	Nursing Officer
74	Satish Kumar	UDC
75	Harishchandra Singh	UDC
76	Muik Raj	Fireman
77	Jiby Chako	Nursing Officer
78	Vikash Singh Kuntal	Nursing Officer
79	Mohd Javed	LDC
80	Sushil Kumar	Jr. Reception Officer
81	Hari Mohan	Nursing Officer
82	Rajeev Ranjan Kumar	Senior Resident
83	Priyanka	OTA
84	Reeta Kumari Gautam	Medical Lab. Technologist
85	Anand Singh	Medical lab. Technologist
86	Pradeep Kumar	UDC
87	Sarita	Nursing officer
88	Prakash Mohan	Technical Officer
89	Rakesh Kumar	Hospital Attendant
90	Kuldeep Singh	Sr. Technical Officer
91	Rajesh Kumar Mishra	Radio Tech grade-II
92	Sohan Bir	ANS
93	Jitender Singh	Medical Lab Technologist
94	Narender Singh	Hospital Attendant Grade-III
95	Devender Kumar	Bearer
96	Gian Babu	Sr. Mechanic
97	Geeta Prasad	Senior Resident
98	Anju Ali	SNO
99	Akshya Kumar	Nursing Officer
100	Deepa Rawat	Steno
101	Rakesh Kumar	Hospital Attendant
102	Manjeet Kumar Tomar	Medical Lab Technologist
103	Dharamchand Kumawat	Nursing Officer
104	Shiji Binu	Technical Officer
105.	Rameshwari Jat	Nursing Officer
106	Ganga Rawat	Steno
107	Veena Kaintura	Personal Assistant
108	Brijesh Kumar	LDC
109	Anil Chaudhari	Nursing Officer
110	Dr. Sudha Sazawal	Scientist-I
111	Bhupendra Kumar	Medical Lab Technologists
112	Dinesh Chandra Suttar	Nursing Officer
113	Neeraj Vijayran	OTA
114	Pinki Raj	SNO
115	Vijay Kumar	Office Attendant
116	Brij Mohan	Beldar
117	Sangeeta Shokeen	Nursing Officer
118	Chander Singh	Wireman
119	Dharamendra	RadiologyTech
120	Anil Kumar Tejwani	UDC
121	Praveen Kumar	Sr. Mechanic (AC&R)ESD
122	Ramji Rai	Sr. Technical Officer
123	Sachin Kumar	Scientist-II
124	Chitra Bakshi	Nursing Officer
125	Pradeep Purushappan	Nursing Officer
126	Dharamnath Sah	Medical Lab Technologist
127	Surendra Babu	Technical Officer
128	Anita Rai Saxena	Sr. Hindi Translator
129	Rajendra Singh Kuri	Nursing officer
130	Lokesh Yadav	Nursing Officer
131	Deepchand	Nursing Officer

3. In this context, it is submitted that several representation/reply has been received from the following employees (Estt. Section-Hospital) :

S. No.	Sl. No. in the list	Name	Designation	Written statement
1.	1	Sh. Sunil Kumar	O.T. Technician	Agree to recover excess amount
2.	3	Ms. Archana Ran	Sr. Nursing Officer	Agree to recover excess amount
3.	4	Mr.Yashpal	Hosp. Attendant	Agree to recover excess amount
4.	5	Mr. Dashrath Prasad	Hosp. Attendat	Agree to recover excess amount
5.	6	Ms Navita	Nursing Officer	Not pertain
6.	14	Ms Siny Alexander	Nursing Officer	Agree to recover excess amount
7.	18	Ms. Smitha Sajeev	SNO	Not pertain
8.	33	Ms. Sudha Rao	SNO	Agree to recover excess amount
9.	34	Mr. Arvind Kumar Tirpathi	OTA	Agree to recover excess amount
10.	36	Mr. Narender Singh Bisht	MLT	Agree to recover excess amount
11.	37	Ms. Rajni Das	SNO	Agree to recover excess amount
12.	39	Mr. Suibhod Jha	STO	Agree to recover excess amount
13	42	Ms Neeru Bala	SNO	Agree to recover excess amount
14	44	Ms.Niharika Katija	Nursing Officer	Agree to recover excess amount
15	46	Mr. Amrit Lal Meena	OTA	Agree to recover excess amount
16	47	Mr. Moti Lal	Technical Assistant	Agree to recover excess amount
17	54	Ms. Leena Bejoy	SNO	Agree to recover excess amount
18	57	Mr. Ashish Sahoo	OTA	Agree to recover excess amount
19	63	Ms Kanchan Kumari	Nursing Officer	Agree to recover excess amount
20	66	Ms. Arpana Paul	Nursing Officer	Agree to recover excess amount
21	70	Ms. Sarita Singhal	SNO	Agree to recover excess amount
22	71	Mr. Jitin Viswambharun	Nursing Officer	Agree to recover excess amount
23	77	Mr. Jiby Chako	Nursing Officer	Agree to recover excess amount
24.	87	Ms. Sarita	Nursing Officer	Not pertain
25	90	Mr. Kuldeep Singh	STO	Agree to recover excess amount
26	94	Mr. Narender Singh	Hospital Attendant Gd.-III	Agree to recover excess amount
27	98	Ms. Anju Ali	SNO	Agree to recover excess amount
28	99	Mr. Akshya Kumar	Nursing Officer	Agree to recover excess amount
29	103	Mr.Dharamchand Kumawat	Nursing Officer	Agree to recover excess amount
30	105	Ms. Rameshwari Jat	Nursing Officer	Agree to recover excess amount
31	109	Mr. Anil Choudhari	Nursing Officer	Agree to recover excess amount
32	111	Mr. Bhupendra Kumar	MLT	Agree to recover excess amount
33	113	Mr. Neeraj Vijayran	OTA	Agree to recover excess amount
34	114	Ms. Piniki Raj	SNO	Agree to recover excess amount
35	55	Ms. Ramya Paulose	Nursing Officer	Resigned from duty on 20.03.2021
36.	64	Ms. Isha Kaushik	Nursing Officer	Absent since 29.03.2021
37	125	Mr. Pradeep Purushappan	Nursing Officer	Not in the roll of Estt. (Hospital
38	15	Ms. Hema Chahabra	Nursing Officer	No reply
39	56	Mr. Yashpal Singh	Hospital Attendant	No reply
40	59	Mr. Amarjeet	Hospital Attendant	No reply
41	67	Ms. Reetu	OTA	No reply
42	89	Mr. Rakesh Kumar	Hosp. Attendant	No reply
43	101	Mr. Rakesh Kumar	Hosp. Attendant	No reply
44	93	Mr. Jitender Singh	MLT	Agree to recover excess amount
45	19	Ms.Kanchana Tai	Nursing Officer	Not in the roll of Estt. (Hospital)

47	43	Santosh Kumar	Radiographer	Not in the roll of Estt. (Hospital)
49	73	Babita Yadav	Nursing Officer	Not in the roll of Estt. (Hospital)
50	81	Hari Mohan	Nursing Officer	Not in the roll of Estt. (Hospital)
51	131	Mr. Deepchand	Nursing Officer	Not in the roll of Estt. (Hospital)
52	09	Dr. Pardeep Kumar Yadav	Sr. Veterinary Officer	Agree with the decision of Competent Authority
53	21	Ms Runisha Bomrah	Technician (Radiology)	Agree with the decision of Competent Authority
54	24	Ms Shazia Qumar	Technician (Radiology)	Agree with the decision of Competent Authority
55	23	Ms Renu Rani	Medical Lab. Tech.	The reimbursement amount is neither false nor inflated.
56	27	Ms. Kiran Sharma	Med.Lab.Tech.	Agree with the decision of Competent Authority
57	85	Sh. Anand Singh	Med. Lab. Tech	Not availed
58	32	Sh. Bharat Singh	Technician O.T	Agree with the decision of Competent Authority
59	22	Ms Kumari Premlata	Nursing Officer	Not claim any excess amount
60	86	Sh. Pradeep Kumar	Sr. Admn. Asstt	Agree with the decision of Competent Authority
61	123	Sh. Sachin Kumar	Scientist-II (IRCH)	Agree with the decision of Competent Authority
62	124	Ms. Chitra Bakshi	Nursing Officer (IRCH)	Not claim excess amount
63	126	Sh. Dharamnath Sah	Tech. Officer (IRCH)	Not claim excess amount
64	127	Sh. Surinder Babu	Tech. Officer	Not claim excess amount
65	45	Sh. Sunil Babu	P.A.	Agree with the decision of the Competent Authority

4 In the above context, it is submitted that out of 131 only 65 reply/detail has been received and out of above 65 employee (04 Nos.) (Sl. No.7, 5, 24 & 57 have stated that they have not claimed LTC and in the case of (08 Nos.) (Sl No.37 & 45 to 51) is not concerned with the Estt. Section (Hospital), 40 Nos. employees are agree to recover the excess amount and Sl. No. 35 resigned from the service Sl. No. 36 absent from March, 2021 and Sl. No. 38 to 43 (06 Nos.) has not submit any reply and Sl. No. 55, 59, 62, 63 & 64 (05 Nos.) not claim excess amount.

5. Further, a reference vide letter No.3/2021/NU-KU-AO dated 15th September, 2021 has been received from the President of Karamchari Union, Officers' Association and AIIMS Nurses Union wherein stated that the matter has been discussed with the Director and Sr. Financial Advisor and it has been decided that by the Competent Authority that the excess amount of fare may be recovered from each of the employees mentioned in the list and no need of any administrative action in this matter.

6. In view of the position as explained above the following is submitted for kind consideration:

(i) Whether the Finance Division may be advise to recover the excess amount from those employees mentioned in the list provided by the Finance Division, and

(ii) Finance Division may also be requested to provide the details/list of the other such cases to the Establishment Section (DO) as advised by the Audit.

Submitted please.

CAO

SI/7266

on prepage

The DPCs as mentioned under para 6/N on prepage are submitted for consideration for compliance of the audit objection as mentioned on P. 13/N.

12/10/21

DD(A) Excess amount will be recovered. Rest proceedings will be continue

15/11/2021

Director (AIIMS)

12/11/21.

CAO

18/11/21

on encumbent AO(DO)

Ref. above:

A/c pre approved DFA plan

24/11/21

24/11/21

25.11.21

Sh:- Ravi CAO p/. revise as amended.

25/11/21

AO(DO) 1/11/21

RECEIVED
Dy. Director (Admn.) AIIMS
12 OCT 2021

निदेशक कार्यालय, अ.भा.आ.सं.
प्राप्त किया
16 NOV 2021
RECEIVED
DIRECTOR OFFICE, A.I.I.M.S.

19/N-

Ref. draw pre-page! 342

As per direction of the Competent Authority DFA placed

26/11/2021

AAO 26/11/21

CAO pl. May pl. see before issue

27/11/21

DD(A)

CAO - on Leave 27/11/2021

AO(DO)

Ref. above

As per query, file memo is placed below for signature pl.

29/11/2021

A.O (DO)

Accounts 29/11/21

Sh. Ravi

प्राप्त किया/RECEIVED
उप निदेशक (प्रशा.) कार्यालय, अ.भा.आ.सं.
Dy. Director (Admn.) Office, A.I.I.M.S.
26 NOV 2021

20/नवं

343 F.No.20-26/2020 (Audit)-Estt.I

Subject: Reimbursement of fraudulent Leave Travel Concession claims – reg.

नई आवती

श्री प्रवीन कुमार सक्सेना, उप–निदेशक ए.एम.जी.–1, कार्यालय प्रधान निदेशक लेखापरीक्षा (स्वास्थ्य, कल्याण एवं ग्रामीण विकास), भारतीय लेखापरीक्षा एवं लेखा विभाग ने अपने अर्ध अधिकारिक पत्र (DO letter)- संख्या ऐ.एम.जी.–1/डी.पी.प्रकोष्ठ/पी.डी.पी.–05/2020.21/707 दिनांक 10 दिसंबर, 2021 के माध्यम से संस्थान के निदेशक महोदय की संज्ञान में अखिल भारतीय आयुर्विज्ञान संस्थान, नई दिल्ली सें संबधित "Reimbursement of fraudulent Leave Travel Concession claims" शीर्षक पर ड्राफट पैरा जोकि भारत के नियंत्रक एवं महालेखापरीक्षक के वर्ष 2020–21 के लेखा परीक्षा प्रतिवेदन में सम्मिलित किये जाने की संभावना है व अनुरोध किया है कि पैरा में उल्लिखित तथ्य की पुष्टि करे तथा अपनी टिप्पणियॉं, यदि कोई हो तो, दो सप्ताह के भीतर प्रेषित करें व यह भी दर्शाया है कि अगर इस सन्दर्भ में कोई पत्राचार प्राप्त नहीं होता है तो यह मान लिया जाएगा कि पैरा के संबधं में कोई टिप्पणी नहीं है और पैरा में उल्लिखित तथ्य तथा आंकडे सही है एवम विभाग/मंत्रालय का मान्य है कि विवरणी में व्यक्त किए गए विचार अंतरिम है, जिन्हे विभाग/मंत्रालय से प्राप्त उत्तर को ध्यान में रखते हुए परिवर्तित किया जा सकता है । व अनुरोध किया गया है कि विवरणी/पैरा के संबंध में गोपनियता सुनिश्चित करें ।

2. उपरोक्त के संदर्भ में, प्रस्तुत है कि वित्तीय एवं मुख्य लेखा अधिकारी, एम.एस. युनिट ने अपने पत्र दिनांक 30.03.2020 के माध्यम से यात्रा रियायत अवकाश में अनियमित्ता के चलते रूपये 0.74 करोड से संबंधित लेखापरीक्षा पैरा संख्या–5 को प्रस्तुत किया था जिसके साथ संस्थान के विभिन्न केन्द्रो एवं विभागो में भिन्न –भिन्न पदों पर कार्यरत 131 अधिकारियों एवं कर्मचारियों द्वारा उनके एवं उनके आश्रितों के साथ वर्ष 2018–19 में ग्रहण यात्रा रियायत अवकाश का ब्यौरा उचित कार्यावाही एवं आदेश हेतु प्रस्तुत किया गया था – कृप्या क देखें ।

3. प्रथम दृष्टियां मामले कि जांच करने के पश्चात उपरोक्त सभी 131 अधिकारियों एवं कर्मचारियों को उनके द्वारा ग्रहण यात्रा रियायत भत्ते में अनियमिता एवं उपरोक्त लेखापरीक्षा पैरा –5 का हवाला देते हुए दिनांक 23.03.2021 को कारण बताओ ज्ञापन जारी कर सभी से स्पष्टीकरण मांगा गया – कृप्या–ख देखें व समय समय पर संस्थान के सभी कर्मचारी संगठनो एवं संघों द्वारा आग्रह करने पर उपरोक्त मामले को संस्थान की पी.एन.एम. समिति के पक्ष उचित निर्णय हेतु प्रस्तुत किया गया किन्तु समिति ने उपरोक्त विषय पर बैठक कर यह निर्णय लिया उक्त विषय इस समिति सें संबधित नहीं है व पुनः विषय को संक्षम अधिकारी के समक्ष आदेश हेतु प्रस्तुत कर समस्त केन्द्रो व विभागों से उपरोक्त कर्मचारियों द्वारा प्रस्तुत स्पष्टीकरण को मांग कर सक्षम अधिकारी के समक्ष आदेश हेतु प्रस्तुत किया गया जिसमें सिर्फ 65 अधिकाारियों एवं कर्मचारियों का ही स्पष्टीकरण प्राप्त हुआ व अधिकतर ने यही आग्रह किया की अगर अनजाने में कुछ गलत हुआ है तो उनके वेतन से अतिरिक्त रकम की वसूली कर ली जाए जिसको सक्षम अधिकारी ने स्वीकार कर दिनांक 29.11.2021 को वित्तीय एवं मुख्य लेखा अधिकारी, एम.एस. युनिट को सूचित कर दिया गया – कृप्या ग

अ०भा०आ०सं०
A.I.I.M.S.

पिछले पृष्ठ के संदर्भ में

4. उपरोक्त के संदर्भ में प्रस्तुत है की वित्तीय सलाहकार ने उपरोक्त लेखापरीक्षा पैरा पर अध्यन जबाव/टिप्पणी माँगा है ताकि प्रधान निदेशक लेखापरीक्षा (स्वास्थ्य, कल्याण एवं ग्रामीण विकास), भारतीय लेखापरीक्षा एवं लेखा विभाग को जबाव भेजा जा सके । अतः अनुमोदित हो तो पूर्व पृष्ठ पर वर्णित जानकारी को वित्तीय सलाहकार को भेज दिया जाए ।

21/12/21

22/12/21

22/12/21

22/12/21

22/12/21

Please discuss

22/12/2021

Please FD that process is initiated for recovery of excess amount claimed by officers as indicated by audit.

24/12/2021

22/12/21

Copy sent to FA for further necessary action

22 DEC 2021

RECEIVED
Dy. Director (Admn.) Office, A.I.I.M.S.

17 DEC 2021

RECEIVED
OR OFFICE, A.I.I.M.S.

22/04

विषय सूचक के संबंध में। 345

सत्य अधिनियम के अनुरोध पर

उपरोक्त आदेश इत्यादि हेतु प्रस्तुत है

20/04/2024

(डी. [illegible])
सहा.-सूचना-अधिकारी

अखिल भारतीय आयुर्विज्ञान संस्थान, अंसारी नगर, नई दिल्ली-110029
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi – 110029

No. F.MSU/DP/2020-21/707 Dated:05.01.2022

स्थापना अनुभाग (नि.का.)
Establishment Section (D.I.)
फाईल/File & ...
दिनांक/Date 6/1/2022
आयी स./Diary ...
अ.भा.आ. संस्थान, ...
AIIMS, New Delhi-110029

To

Shri Praveen Saxena
Deputy Director(AMG-I)
Office of the Director General of Audit
(Health, Welfare and Rural Development)
I P Estate, New Delhi - 110002

Subject: Draft paragraph on Reimbursement of fraudulent Leave Travel Concession claims- updated status thereon.

Sir,

I am directed to invite a reference to your D.O letter No. AMG-I/DP Cell/PDP-05/2020-21/707 dated 10.12.2021 addressed to Director, AIIMS, New Delhi forwarding therewith draft para on the subject noted above. In this regard, it is apprised that the competent authority has already issued orders for recovery of excess air fare from the salary of the employees concerned. The photocopy of the Office Memorandum is enclosed for ready reference. Other cases of similar nature are also being reviewed and excess amount paid,if any, would be recovered.

In view of above, it is requested to drop the para.

This issues with the approval of Director,AIIMS , New Delhi.

Encl: A/A

Yours faithfully,

Financial Advisor

Copy to:

Chief Admn. Officer } for information and necessary action.

Sh. Ravi Jr 6/1/22 5/1/22

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
ANSARI NAGAR, NEW DELHI-110029

F.No.20-26/2020 (Audit)-Estt.I

Dated:29.11.2021

OFFICE MEMORANDUM

Subject:-Irregular Leave Travel Concession Claim amounting to R.0.74 Crore – reg.

****

With reference to letter No.F.Misc/2019-20/MSU dated 23.03.2021 on the subject cited above, it is informed that the matter has been examined and the Competent Authority has decided to recover the excess amount from the salary of the employee concerned.

2. Shri Anand Singh at Sl. No.85 has stated that he had not availed LTC as pointed out by Audit. Therefore, the case of Shri Anand Singh may be re-examined by the concerned Accounts Section. Copy of representation of Shri Anand Singh is enclosed.

This issues with the approval of the Director (AIIMS), New Delhi.

29/11/21
(Nirmala J. Kujur)
ADMINISTRATIVE OFFICER

Encl: As above

The Financial & Chief Account Officer
M.S.Unit, AIIMS, New Delhi

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79.	Power to sanction advances of pay on the eve of important festivals. Under the Treasury Rules	Full powers	-	-	-	-
80.	Power to authorise a departure from the provisions of the Rules 109 (1) relating to custody of Institute money.	Full power	-	-	-	-

SCHEDULE II

(See regulation 33)

The Appointing, Disciplinary and Appellate Authority for the various posts in the Institute

Sl. No.	Description of Posts	Appointing Authority	Authority competent to impose penalty or penalties which it may impose with reference to Rule - 11 of the Central Civil Services (Classification Control and Appeal) Rules, 1965		Appellate Authority
			Disciplinary Authority	Penalties under Rule- 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.	
1	2	3	4	5	6
1	Group 'A' Posts (i) Director	Institute subject to Rule - 7 of the All India Institute of Medical Sciences Rules.	Institute	All, subject to condition that penalties (v) to (ix) shall not be imposed without the prior approval of the Central Government	
	(ii) Other Posts	Governing Body	(a) Governing Body (b) President	(a) All Penalties (b) Penalties (i) to (iv)	(a) Institute Governing Body
2	Group 'B' posts	President	(c) President (d) Director	(c) All Penalties (d) Penalties (i) to (iv)	(b) Governing Body (c) President
3	Group 'C' posts	Director	(a) Director	(a) All penalties	(a) President
4	Group 'D' posts	Director	(a) Director (b) Deputy Director (Administration) in the case of Institute employees other than those provided in (c) and (d) below (c) Medical Super intendent in the case of All India Institute of Medical	(a) All Penalties (b) Penalties (i) to (iv) (c) Penalties (i) to (iv) (d) Penalties (i) to (iv)	(a) President (b) Director (c) Director (d) Director

			Sciences Hospital employees. (d) Chief Organiser, Dr.Rajendra Prasad Centre for Ophthalmic Sciences and Chief of other Centres as and when established by the Institute in the case of the employees working in the Centres concerned.		

(i) Authorisation of the Director, All India Institute of Medical Sciences to issue the Charge-sheet and statement of allegation, penalties and suspension orders after obtaining the approval of the Governing Body, the President, All India Institute of Medical Sciences, as the case may be. The notice, the charge-sheet and statement of allegations shall be signed by the Director for and on behalf of the Governing Body or the President, as the case may be, and the documents shall also expressly state this fact. Phrases like "By order of the Governing Body" or "the President" or the "approval by the Governing Body" or the "President" can be used on such documents.

(ii) Since the Governing Body meeting are fixed at intervals, the Chairman of the Governing Body is authorised to initiate disciplinary proceedings against employees of Group A and faculty members and the final decision on penalty shall be taken in the Governing Body meeting.

By the Authority of the Institute

RANDEEP GULERIA, Director

[ADVT.-III/4/Exty./248/19]

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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2019.10.22 13:44:47 +05'30'

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/18

To consider the appeal of Ms. Nidhi, Nursing Officer, JPNA Trauma Centre, AIIMS, New Delhi against the penalty of "reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of 03 years in the time scale of pay i.e., Level 7, with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty" as an outcome of a disciplinary proceedings under CCS (CCA) Rules, 1965.

NOTE FOR THE GOVERNING BODY

Item No.GB/159/19

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SUBJECT: TO CONSIDER THE APPEAL OF MS. NIDHI, NURSING OFFICER, JPNA TRAUMA CENTRE, AIIMS, NEW DELHI AGAINST THE PENALTY OF "REDUCTION TO A LOWER STAGE IN TIME SCALE OF PAY OF THE POST OF NURSING OFFICER FOR A PERIOD OF 03 YEARS IN THE TIME SCALE OF PAY i.e., LEVEL 7, WITH THE DIRECTIONS THAT SHE WILL NOT EARN INCREMENTS OF PAY DURING THE PERIOD OF SUCH REDUCTION AND ON THE EXPIRY OF SUCH PERIOD, THE REDUCTION WILL NOT HAVE THE EFFECT OF POSTPONING THE FUTURE INCREMENTS OF HER PAY, AFTER IMPOSITION OF PENALTY" AS AN OUTCOME OF A DISCIPLINARY PROCEEDINGS UNDER CCS (CCA) RULES, 1965.

****

INTRODUCTION

Disciplinary Proceeding under Rule 14 of the CCS (CCA) Rules, 1965 was initiated against Ms. Nidhi, Nursing Officer vide Memorandum dated 19.02.2022 as she was willful/unauthorized absent from duty w.e.f. 20.11.2019 onwards.

FACTS OF THE CASE AND ADMINISTRATIVE COMMENTS

Ms. Nidhi, Nursing Officer had applied for 60 days Earned Leave w.e.f. 21.09.2019 to 19.11.2019 with the permission to visit Cape Town, South Africa. Her request had been recommended and forwarded by the concerned controlling authority. **(Annexure-A)**

Accordingly, the Competent Authority was granted/sanctioned 60 days Earned Leave with the permission to visit Cape Town, South Africa to Ms. Nidhi, Nursing Officer vide Office Memorandum No.45-739/2016-Estt.(TC) dated 28.09.2019 subject to the following conditions:-

1. *She will not extend the leave from abroad and will join the duty after availing of above leave.*
2. *She will not submit resignation from abroad.*
3. *No financial commitment/foreign exchange would devolve on the part of the AIIMS/ Government of India.*
4. *She will not take up any assignment/job during the above leave period.*
5. *She will spend her leave only in Cape Town, South Africa.*
6. *She will join duty on 20.11.2019 (F/N).*

However, Ms. Nidhi, Nursing Officer did not join duty on 20.11.2019 and requested for extension of leave on Medical Ground 16.02.2020 w.e.f. 20.11.2019 to 16.02.2020 for 89 days vide her letter dated 18.11.2019. The same request for extension of leave on Medical Ground was not recommended by the concerned controlling authority. **(Annexure-B)**

Accordingly, the extension of leave on Medical Ground up to 16.02.2020 w.e.f. 20.11.2019 to 16.02.2020 has been regretted by the Competent Authority and a recall notice followed by the Reminder-I was issued with direction to report for duty immediately vide letter dated 30.11.2019 & 13.12.2019 through physical mode by post as well as electronic mode in her email (Nidhineerajkhatri@outlook.comrespectively. **(Annexure-C& D)**

Subsequently, a email dated 16.12.2019 was received from Ms. Nidhi, Nursing Officer at Establishment Section (TC) for grant of same 89 days Medical Leave, wherein, she again requested to grant her extension of leave for 89 days on Medical Ground w.e.f. 20.11.2019 to 16.02.2020.**(Annexure-E)**

Her request was not recommended by the concerned controlling authority. Accordingly, it was regretted by the competent authority and Reminder-II was issued to her on 23.12.2019 with direction to join the duty within the period of 03 days through physical mode by post as well as electronic mode in her email (Nidhineerajkhatri@outlook.comrespectively. **(Annexure-F)**

It is brought to the notice that Ms. Nidhi, Nursing Officer again and again requested for the same Medical Leave for 89 days on Medical Ground vide email dated 26.12.2019. Her request has again not been recommended by the concerned controlling authority; accordingly, the request has been considered by the competent authority and regretted and the competent authority has decided that a Show Cause Notice may issue to her. **(Annexure-G)**

Accordingly, a Show Cause Notice was issued to her with direction to report for duty within 15 days from the date of issuance of Show Cause Notice failing which necessary action as deemed fit under the CCS (CCA) Rules 1965 shall be taken against her on 10.01.2020 through physical mode by post as well as electronic mode in her email (Nidhineerajkhatri@outlook.comrespectively. **(Annexure-H)**

In response to the Show Cause Notice dated 10.01.2020 Ms. Nidhi, Nursing Officer has again requested for extension of leave on Medical Ground up to 16.02.2020 as she has intimated that she is still undergoing treatment for her back pain vide her email dated 24.01.2020. Her request has not been recommended by the concerned controlling authority. **(Annexure-I)**

Since, Ms. Nidhi, Nursing Officer did not join her duty on 20.11.2019 and continuously, she was going to be absent from her duty w.e.f. 20.11.2019 onwards.

In the light of above, Director; AIIMS & Disciplinary Authority decided that the Disciplinary Proceeding may be initiated against Ms. Nidhi, Nursing Officer. Accordingly, the charge sheet under Rule 14 of the CCS (CCA) Rules, 1965 has been issued to Ms. Nidhi, Nursing Officer vide Memorandum No.F.45-739/2016-Estt. (TC) dated 19.02.2020. Ms. Nidhi, Nursing Officer

was asked to submit a written statement of her defense and also to state whether she desires to be heard in person. **(Annexure-J)**

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In response to the charge sheet memorandum dated 19.02.2020, Ms. Nidhi, Nursing Officer submitted her written statement and requested to hear in persons as she will join her duty as soon on resuming of International Flights vide letter dated 04.08.2020 and she has again requested to grant her medical leave for the same period.**(Annexure-K)**

After considering the written submissions made by Ms. Nidhi, Nursing Officer, it was decided by the Director (AIIMS) & Disciplinary Authority to appoint Sh. Nikhil Bhatnagar, Administrative Officer as Inquiry Officer and Sh. R.K. Sharma, Assistant Administrative Officer as Presenting Officer to complete the Inquiry Proceedings as per provision prescribed in CCS (CCA) Rules, 1965 vide Office Order dated 26.03.2020. **(Annexure-L & M)**

In this connection, it is also submitted that after absenting herself w.e.f. 20.11.2019 onwards, Ms. Nidhi, Nursing Officer has joined her duty on 22.03.2021. Her joining report duly been recommended & forwarded by the Nursing Superintendent (TC).

It is also stated that after conducting a detailed inquiry the Inquiry Officer submitted its report to the Director, AIIMS in this case vide letter No. 2/Inquiry/2020/NB/AO (Legal) dated 12.11.2021. As per the findings of the inquiry report, the charges of unauthorized absence from duty framed against Ms. Nidhi Nursing Officer is **"Partially Proved".(Annexure-N)**

A copy of the Inquiry Report was sent to Ms. Nidhi, Nursing Officer as to provide under Rule-15 of the CCS (CCA) Rules, 1965 to submit her written representation, if she so desire within 15 days vide this Office Memorandum dated 10.01.2022. **(Annexure-O)**

In response to this Office Memorandum dated 10.01.2022, Ms. Nidhi, Nursing Officer has informed vide email dated 25.01.2022, her statement is as under:-

1. *That she was unable to comply with directions of the Institute due to pressing health reasons. She was suffering from sharp pain in the back and hands and was undergoing treatment from Dr. P.C. Patel from November, 2019 to December, 2020. Despite submission of all medical reports like X-ray and medical certificate recommending rest, her request for extension of leave (dated 18.11.2019) on medical grounds (which is permissible as per existing DOPT and M/o Health and Family Welfare Rules) was not accepted.*
2. *She had always responded to any correspondence from the Institute with sufficient reasons and explanation. In addition to health reasons, the shutdown of air travel due to covid pandemic and restrictions on movement had made life very difficult to her and her family.*
3. *During 2019-20, there was no panel of Doctors at CGI Cape Town. The proposal for empanelment which included Dr. Patel was in process and finally approved by the Government in July 2021. Pending approval of the*

panel, Dr. Patel was the preferred General Practitioner among the Consulate officials. On account of this, she also had sought his advice at that time.

4. *She has also informed that she is a committed member of this esteemed organisation and hasalways strived to deliver her responsibilities with utmost care and professionalism. She keen to learn and grow as a person and as a professional in the precincts of this Institute.*

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The same matter has been placed to the competent authority and the competent authority has after careful consideration of the Inquiry Report, all the facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the power conferred under Rule 15 of the CCS (CCA) Rules 1965, has decided to impose the penalty of "Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of three years in the time scale of pay i.e. Level 7, with further directions that the said Ms. Nidhi, Nursing Officer will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty".

Accordingly, the penalty of "Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of three years in the time scale of pay i.e. Level 7, with further directions that the said Ms. Nidhi, Nursing Officer will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty" imposed on her vide Order dated 28th April, 2022. **(Annexure-P)**

In response to the penalty order dated 28.04.2022, Ms. Nidhi, Nursing Officer has submitted an appeal before the Governing Body and requested to reconsider her case and set aside the penalty order issued by the Disciplinary Authority in view of extant DoPT guidelines and facts submitted in this regard. The details of appeal alongwith administrative comments are as under:-

Sr. No.	Appeal	Administrative Comments
1.	Reference JPNATC Memorandum No. F. 45-739/2016-Estt. (TC) dated 28.04.2022, the Disciplinary Authority has decided to impose the penalty of "Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of three years in the time scale of pay i.e., Level-7, with further directions that the said Ms. Nidhi, Nursing Officer will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty" on her.	The penalty has been imposed after following the laid down procedure in CCS (CCA) Rule 1965.
2.	In respect of the above said Memorandum, she would like to mention all facts chronologically, Initially; the competent authority had granted her 60 days Earned	Ms. Nidhi, Nursing Officer had applied for 60 days Earned Leave w.e.f. 21.09.2019 to 19.11.2019 with the permission to visit Cape

	Leave from 21.09.2019 to 19.11.2019 with permission to leave the country to visit Cape Town, South Africa. She was supposed to join her duties on 20.11.2019, but due to pressing health reasons. She couldn't join her duties. 354	Town, South Africa. Accordingly, with the approval of the Competent Authority, Ms. Nidhi, Nursing Officer was granted /sanctioned 60 days Earned Leave with the permission to visit Cape Town, South Africa vide Office Memorandum No.45-739/2016 Estt.(TC) dated 28.09.2019 subject to the following conditions:- 1. *She will not extend the leave from abroad and will join the duty after availing of above leave.* 2. *She will not submit resignation from abroad.* 3. *No financial commitment/foreign exchange would devolve on the part of the AIIMS/Government of India.* 4. *She will not take up any assignment/job during the above leave period.* 5. *She will spend her leave only in Cape Town, South Africa.* 6. *She will join duty on 20.11.2019 (FN).* But, she did not comply the order of the Government Order and she has violated the service rule.
3.	She was suffering from severe pain in the back and hands and was undergoing treatment from Dr. P.C. Patel from November, 2019 to March 2020. She had already applied for leave on Medical Grounds w.e.f. 20.11.2019 to 16.02.2020 with all the medical certificates and was not in a position to travel with 2 year old child and join her duties.	As per the Office Memorandum No.45-739/2016-Estt. (TC) dated 28.09.2019 Clause-1. **"She will not extend the leave from abroad and will join the duty after availing of leave."** Accordingly, her request for extension was considered and the same was regretted.
4.	As she was undergoing treatment for her back pain, she visited doctor on 03.02.2020 for follow up. The doctor advised her to continue the same treatment with due care as already prescribed. Then again, she visited the doctor on 12.03.2020 and on the same day, he gave her fitness certificate. However, due to COVID-19 pandemic, all the international flights for India were suspended from 22.03.2020.	The reply is same as above 3.

5.	Despite the submission of all medical reports like X-ray and medical certificate recommending rest, her request for extension of leave (dated 18.11.2019) on medical grounds (which is permissible as per existing DOPT and M/o Health and Family Welfare Rules) was not accepted and disciplinary proceedings were initiated against her.	In this regard, it is stated that as per the Office Memorandum No.45-739/2016-Estt. (TC) dated 28.09.2019 Clause-1. Her request for extension of leave was considered and the same was regretted by Competent Authority. It was decided that disciplinary proceedings should be initiated against her as she failed to join back the duty after expiry of sanctioned leave.
6.	Separately, it is pertinent to mention that during 2019-20, there was no panel of doctors at CGI Cape Town. The proposal for empanelment which included Dr. P.C. Patel was in process and finally approved by the government in July 2021 (a copy of the panel of doctors is enclosed for reference). Pending approval of the panel. Dr Patel was the preferred General Practitioner among the Consulate Officials. On account of this, she also sought his advice at that time.	
7.	Being a mother of nearly 2 years old baby and suffering from severe backache and pain in thumbs, she was not able to join duty w.e.f. 20.11.2019 as she was even not able to move properly. The Department instead of enquiring about her health and not hearing her even electronically through mobile phone, started initiating Disciplinary Proceedings which would hamper any employees morale and would discourage women working in the society. These things encourage women mental harassment at the work place. Being in such a medical trauma is not lack of devotion to duty in any circumstance and in any law.	Ms. Nidhi, Nursing Officer was granted sufficient time to report for duty. In spite of repeated Office Memorandum dated 30.11.2019, 13.12.2019, 23.12.2019 & 10.01.2020. All the Office Memorandums sent to her through email. She failed to comply with the orders of the Competent Authority and kept absenting herself from duty without prior sanction of leave. Accordingly, disciplinary proceeding under Rule 14 of the CCS (CCA) Rules 1965 was initiated against her and charge sheet memorandum was served to her on 19.02.2020.
8.	Further, she always responded to any correspondence from the Institute with sufficient reason and explanation. In addition to health reasons, the shutdown of air travel due to COVID pandemic and restrictions on movement had made life very difficult for her and her family.	No comments.
9.	South Africa had imposed a complete lockdown during the first wave of COVID-19 and closed all International borders and even cancelled all its international flights after the outbreak of COVID-19. Further, due to the emergence of new strain of COVID-19 in December, 2020. South African Government had re-imposed lockdown with strict restrictions for two weeks which was further extended till 15 February, 2021.	No comments.

10.	Also, it is pertinent to mention that there was no direct flight from South Africa to India. She had to travel via a third country to reach India. Also, her 3 years old son was undergoing treatment for some health issues during the pandemic time, she had to personally take care of him.	No comments. 356
11.	During COVID-19 pandemic, she tried her best to reach India. On account of COVID-19 related restrictions in South Africa and availability of flights, she booked flight from Cape Town to New Delhi via Dubai on 18.01.2021. Unfortunately, Emirates had temporarily suspended flights from South Africa from 16.01.2021 to 28.01.2021 due to operational reasons. Then, she re-booked her flight on 29.01.2021 but Emirates had further extended its suspension till 04.02.2021 and then again till 12.02.2021, in line with Government directives that restrict the entry of travellers originating from South Africa, into the UAE.	No comments.
12.	Finally, after passing the hurdles, her flight was booked from Cape Town to New Delhi on 05.03.2021. She reached Delhi on 07.03.2021 and reported on duty 22.03.2021 after following mandatory COVID-19 quarantine protocol.	No comments.
13.	Further, vide Memorandum No. F. 45-739/2016-Estt. (TC) dated 10.01.2022, a copy of Inquiry Report dated 12.11.2021 was forwarded to her. Finally, after scrutinising all the facts, the inquiry officer concluded that the charges levelled against her for unauthorised absence were partially proved. However, the Inquiry Officer has also agreed that the absence from the duty appears to be due to medical conditions (as certified by the Doctor and the Consulate General of India, Cape Town) and then from 13.03.2020 to 21.03.2021 was situational due to COVID-19 throughout the world.	No comments.
14.	Additionally, the inquiry officer had also mentioned that any leave on medical grounds may be granted by the Institute on production of medical certificate from Institute only. Further, in case of being at outstation, such leave may be allowed on production of medical certificate from Govt. Hospital. In this context, a certificate dated 22.01.2020 had been issued by Vice Consul, Consulate General of India, Cape Town stating that Ms. Nidhi W/o Mr. Neeraj Khatri, Asstt. Section Officer, CGI, Cape Town had been undergoing treatment for	No comments.

	back pain from Dr. P.C. Patel since 09.11.2019 and there was no empanelled doctor/hospital approved by CGI, Cape Town at that time.	357
15.	Also, DoPT vide OM no. F. No. 14029/5/2019-Estt. (L0(Pt.2) dated 28.07.2020, had advised that the Government Servants who were on leave prior to issue of lockdown orders with effect from 25.03.2020 and the leave ended during Lockdown period were deemed to have joined duty from the date of expiry of leave, if intimation in any form, indications difficulty in joining duty due to non-availability of public transport/flights has been given by the Government servant to the office. In case of leave on medical grounds, this is subject to production of medical/fitness certificate.	No comments.
16.	Keeping in view the two different statements of the Inquiry Officer, the findings and the decision in the Inquiry report are contradictory in nature. It seems that the decision of the Inquiry Officer is biased. Based on the decision of the Inquiry Officer, the Disciplinary Authority has imposed the above mentioned penalty on her.	No comments.
17.	Also vide Memorandum dated 28.04.2022, Disciplinary Authority has mentioned that no reply/written statement of defence was received from her in response of JPNATC Memorandum No. F. 45-739/2016-Estt. (TC) dated 19.02.2020. In this context, she would like to mention that the above mentioned memorandum was received by the undersigned on 27.07.2020 (proof of receiving had already been submitted to the Inquiry Officer) and the response was sent on 04.08.2020.	No comments.
18.	She is a committed member of this esteemed organisation and has always strived to deliver her responsibilities with utmost care and professionalism. She is keen to learn and grow as a person and as a professional in the precincts of this Institute.	No comments.
19.	She has hereby submitted all the facts. In view of above, she would like to request the appellate authority to reconsider her case and set aside the penalty order issued by the Disciplinary Authority in view of extant DoP&T guidelines and facts submitted in this regard.	Ms. Nidhi, Nursing Officer was granted sufficient opportunity to report for duty in spite of repeated Office Memorandum dated 30.11.2019, 13.12.2019, 23.12.2019 & 10.01.2020. All the Office Memorandums were also sent to her through email. It is also noted that she has visited to Family Practitioner only two days during these period dated on

	358	09.11.2019 and 16.11.2019. There is no document to prove that the patient was going on continuously treatment w.e.f. 20.11.2019 onwards. In the light of above, the Competent Authority has decided that the disciplinary proceeding under Rule 14 of the CCS (CCA) Rules 1965 be initiated against her and the charge sheet memorandum was served to her on 19.02.2020. As per the Inquiry Report charge has been "stand partially proved". The matter has been considered by the President (AIIMS) and disciplinary authority and penalty has been imposed upon Ms. Nidhi, Nursing Officer as per CCS (CCA) Rule-1965. Therefore, it is not possible to set aside the penalty order issued dated on 28.04.2022.

PROPOSAL:-

In this regard, it is stated that the appellant has filed appeal against the decision of the Disciplinary Authority and requested to reconsider her case and set aside the penalty order issued on 28.04.2022.

APPROVAL SOUGHT

In view of the above, the appeal filed by Ms. Nidhi, Nursing Officer against the penalty of "Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of 03 years in the time scale of pay i.e., Level 7, with the directions that she will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing future increments of her pay, after imposition of penalty" imposed on her vide this Order dated 28.04.2022 is placed for consideration of the Governing Body, being the Appellate Authority as per Schedule-II of AIIMS regulations, 2019.

This issue with the approval of Director, AIIMS, New Delhi.

[PROF. VIVEK TRIKHA]
CHIEF (OFFICIATING)
JPNATC, AIIMS
Contact No. 011-26731153

JAI PRAKASH NARAYAN APEX TRE
ALL INDIA INSTITUTE OF MEDI CES
RAJ NAGAR, NEW DELHI -

Annex.-A

No.F.45-739/2016-Estt.(TC) 359 Dated:- 08 SEP 2019

MEMORANDUM

Subject: Request of Grant of Leave and Permission to Visit Abroad

Ms. Nidhi, Nursing Officer is informed that the competent authority has been pleased to grant her **60** days leave (**60** Earned Leave) from **21.09.2019** to **19.11.2019** with permission to leave the country to visit **Cape Town, South Africa** on the following terms and condition:

1. She will not extend the leave from abroad and will join the duty after availing of above leave.
2. She will not submit resignation from abroad.
3. No financial commitment/foreign exchange would devolve on the part of the AIIMS/Government of India.
4. She will not take up any assignment/Job during the above leave period.
5. She will spend her leave only in Cape Town, South Africa.
6. She will join duty on **20.11.2019** (F/N).

[NARANDER KUMAR]
Sr. ADMINISTRATIVE OFFICER

HC NO 27.9.19 27/9/19 ISSUED 28/9/19

Ms. Nidhi, Nursing Officer,
Thru: Dy. Nursing Superintendent,
JPNATC, AIIMS.

Copy to:-

1. The Chief, JPNATC
2. The Addl. Med. Supdt., JPNATC
3. The Accounts Section (TC)

1. Ms. Nidhi W/O Sh. Neeraj Khatri
Consulate General Of India, Cape Town
Town The Terraces, 8th Floor
34 Bree Street, Cape Town 8001,
South Africa.

2. Ms. Nidhi W/O Sh. Neeraj Khatri
H.No.-550, Sector-4, Rohatak
Haryana-124001.

3. Ms.Nidhi D/o Sh. Ashok Kumar,
VPO. Mundsa, Dist. Jhajjar,
Haryana -124106

4. Ms. Nidhi, W/o Sh. Neeraj Khatri
H.No.-395, Sector-4, Rohatak,
Haryana-124001.

278

Annex-B

360

To
Deputy Nursing Superintendent
JPNATC, AIIMS,
New Delhi

Sub: Application for Leave on Medical grounds.

Date: 18.11.2019

Respected Sir/Madam,

Reference JPNATC Memorandum No. G.45-739/2016-Estt(TC) dated 28.09.2019, 60 days earned leave was granted to me from 21.09.2019 to 19.11.2019 with permission to leave the country to visit Cape Town, South Africa.

2. I supposed to join duty on 20.11.2019 (F/N) but I am suffering from severe back pain and pain in thumbs, so I am not able to join my duty and unable to take any kind of long journey as doctor advised me to take rest till 16.02.2020. Enclosed herewith my medical certificate dated 16.11.2019. I shall be grateful to grant me leave on medical grounds for the aforesaid period. At the time of joining, I will submit my fitness certificate.

Yours faithfully
Nidhi
(Nidhi)
Nursing officer
JPNATC

Not recommanded
according to memorandum

22/11/19
Dy. Nursing Superintendent
JPNATC, AIIMS, N. Delhi

Mr. Nahar
22/11/19

Nidhi
Tc 07.
22/11/19

22

45334
23/11/19

JAI P NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
RAJ NAGAR, NEW DELHI-110029

No. F. 45-475/2010-Estt.(TC) 361 Dated:-

Annex-C

30 NOV 2019

MEMORANDUM

Subject:- Request for extension of leave-Ms. Nidhi, Nursing Officer, JPNA Trauma Centre, AIIMS.

****

With reference to her request dated 18.11.2019 on the subject cited above, Ms. Nidhi, Nursing Officer is informed that her request for extension of Medical Leave w.e.f. 20.11.2019 to 16.02.2020 has not been recommended by the concerned Controlling Authority.

In view of the above, Ms. Nidhi, Nursing Officer is therefore, directed to report for duty within 07 days from the date of issuance of this memorandum, failing which it will be presumed that she has nothing to say in her defense and necessary disciplinary action shall be initiated against her.

Further, it is also informed that as per the Clause 1. of the office Memorandum of even number dated 28.09.2019, no extension of leave can be granted to her under any circumstances.

30.11.19

[NARANDER KUMAR]
SR. ADMINISTRATIVE OFFICER

Ms. Nidhi W/O Sh. Neeraj Khatri
Consulate General of India,Cape Town
The Terraces, 8th Floor
34, Bree Street, Cape Town 8001,
South Africa.

Ms. Nidhi W/o Sh. Neeraj Khatri
H.No.-395, Sector-4, Rohatak,
Haryana-124001.

Ms. Nidhi W/O Sh. Neeraj Khartri
H.No.-550, Sector-4, Rohatak
Haryana-124001.

Ms. Nidhi D/o Sh. Ashok Kumar
VPO. Mundsa, Dist. Jhajjar,
Haryana-124106.

Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung
Enclave, New Delhi-110029.

Copy to:-

1. Deputy Nursing Superintendent(TC)
2. Accounts Section (TC)-**NTP may be marked accordingly.**

Annex-D

REMIN...

JAI PRAKASH NARAYAN APEX ...CENTRE
ALL INDIA INSTITUTE OF MEI ...ENCES
RAJ NAGAR, NEW DELHI-110029

362

No. F. 45-739/2016-Estt.(TC) Dated:- 13 DEC 2019

MEMORANDUM

Subject:- Request for extension of leave-Ms. Nidhi, Nursing Officer, JPNA Trauma Centre, AIIMS.

****

With reference to her request dated 18.11.2019 on the subject cited above, Ms. Nidhi, Nursing Officer is informed that her request for extension of Medical Leave w.e.f. 20.11.2019 to 16.02.2020 has not been accepted by the Competent Authority.

In view of the above, Ms. Nidhi, Nursing Officer is therefore, directed to report for duty within 03 days from the date of issuance of this memorandum, failing which it will be presumed that she has nothing to say in her defense and necessary disciplinary action shall be initiated against her.

Further, it is also informed that as per the Clause 1. of the office Memorandum of even number dated 28.09.2019, no extension of leave can be granted to her under any circumstances.

[NARANDER KUMAR]
SR. ADMINISTRATIVE OFFICER

Ms. Nidhi W/O Sh. Neeraj Khatri
Consulate General of India,Cape Town
The Terraces, 8th Floor
34, Bree Street, Cape Town 8001,
South Africa.

Ms. Nidhi W/o Sh. Neeraj Khatri
H.No.-395, Sector-4, Rohatak,
Haryana-124001.

Ms. Nidhi W/O Sh. Neeraj Khatri
H.No.-550, Sector-4, Rohatak
Haryana-124001.

Ms. Nidhi D/o Sh. Ashok Kumar
VPO. Mundsa, Dist. Jhajjar,
Haryana-124106.

Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung
Enclave, New Delhi-110029.

Copy to:-

1. Deputy Nursing Superintendent(TC)
2. Accounts Section (TC)-**NTP may be marked accordingly.**

1/1

Gmail

363

Trauma Centre <estt.section301@gmail.com>

Annex-E

Application for leave on medical grounds

1 message

Nidhi Datika <Nidhineerajkhatri@outlook.com> Mon, Dec 16, 2019 at 1:35 PM
To: "estt.section301@gmail.com" <estt.section301@gmail.com>

Dear Sir/Madam,

Reference JPNATC Memorandum No. G.45-475/2010-Estt(TC) dated 30.11.2019 on the above subject, received via email, I hereby submit that I have not sought extension of leave but I requested for leave on medical grounds due to the reasons beyond my control as I have been suffering from severe back pain and pain in thumbs. This has made me almost difficult to even attend my day to day work. Doctor had accordingly advised me not to undertake any type of journey and strenuous work/movements. As such, at this stage I cannot take risk of my health and will join as soon as I get fit to join the duty.

2. Copy of Doctor's advise and medical certificate in support of my sickness is again enclosed herewith for your kind perusal.

3. In view of the above, I request you to kindly grant me leave on medical grounds from 20.11.2019 to 16.02.2020 as I am unable to go for such a strenuous journey from Cape Town, South Africa to New Delhi, India.

Thanking you,

Yours faithfully,

Nidhi
Nursing Officer,
TC-OT, JPNATC,
AIIMS

Mr. Nahar
19/12/19

Medical.pdf
1388K

Ref. above: -

D.N.S.(TC) is requested to write comments on urgent basis. The request of Ms. Nidhi, N.O. is extension Medical Leave.

19/12/19

A.A.O

Estt. Office JPNATC
स्थापना अनुभाग अ.प्र.ना.उ.टी.सी.
Diary No./डायरी सं. 4066
Date/दिनांक 19/12/19

D.N.S.(TC) Keeping in view the condition in the Memorandum No f. 45-739/2016-Estt[TC] the request for leave extension can not be recommended.

Superintendent
JPNATC

REMINDER-II

JAI PRAK[illegible]AYAN APEX TRAUMA CENTRE
ALL IND[illegible]UTE OF MEDICAL SCIENCES
RAJ NAGAR, NEW DELHI-110029

364 Annex-F

No. F. 45-739/2016-Estt.(TC) Dated:-

MEMORANDUM 23 DEC 2019

Subject:- Request for extension of leave-Ms. Nidhi, Nursing Officer, JPNA Trauma Centre, AIIMS.

****

With reference to her email dated 16.12.2019 on the subject cited above, Ms. Nidhi, Nursing Officer is informed that her request for extension of Medical Leave w.e.f. 20.11.2019 to 16.02.2020 has not been recommended by the Concerned Controlling Authority (TC).

In view of the above, Ms. Nidhi, Nursing Officer is therefore, directed to report for duty within 03 days from the date of issuance of this memorandum, failing which it will be presumed that she has nothing to say in her defense and necessary disciplinary action shall be initiated against her.

23.12.19

[NARANDER KUMAR]
SR.ADMINISTRATIVE OFFICER

Ms. Nidhi W/O Sh. Neeraj Khatri
Consulate General of India, Cape Town
The Terraces, 8th Floor
34, Bree Street, Cape Town 8001,
South Africa.

Ms. Nidhi W/o Sh. Neeraj Khatri
H.No.-395, Sector-4, Rohatak,
Haryana-124001.

Ms. Nidhi W/O Sh. Neeraj Khartri
H.No.-550, Sector-4, Rohatak
Haryana-124001.

Ms. Nidhi D/o Sh. Ashok Kumar
VPO. Mundsa, Dist. Jhajjar,
Haryana-124106.

Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung
Enclave, New Delhi-110029.

ISSUED
जारी किया
23.12.2019

Copy to:-

1. Deputy Nursing Superintendent(TC)
2. Accounts Section (TC)-**NTP may be marked accordingly.**

247

Gmail

<estt.section301@gmail.com>

365

Annex.-G

(17/18)

Reminder-II

2 messages

Trauma Centre <estt.section301@gmail.com>
To: Nidhi Datika <Nidhineerajkhatri@outlook.com>
Tue, Dec 24, 2019 at 2:17 PM

Dear mam,
With reference to your email dated 16.12.2019, it is informed that your request for extension of leave has not been recommended by the concerned controlling authority (TC) and the necessary memorandum has been attached with this mail.



Page0001.tif
73K

Nidhi Datika <Nidhineerajkhatri@outlook.com>
To: Trauma Centre <estt.section301@gmail.com>
Thu, Dec 26, 2019 at 5:35 PM

Dear Sir/Madam,

Reference earlier mails on this subject, I had not sought for any kind of extension of leave but I am forced to seek leave on medical grounds. I had already intimated/explained about my illness/health condition and accordingly, sought leave on medical grounds. I am still undergoing my treatment. I have nothing to add more but only to retreat that at this stage, I cannot take risk of my health and as soon as I get fit, I will join the duties.

2. Enclosed herewith latest review/follow up report of doctor for reference.

Regards,

Nidhi
Nursing Officer
JPNATC-OT
AIIMS

Ref. above:-
The D.N.S. (TC) is requested to write comments that Her Medical leave extension is recommended or not.
27.12.19

From: Trauma Centre <estt.section301@gmail.com>
Sent: Tuesday, December 24, 2019 12:47 AM
To: Nidhi Datika <Nidhineerajkhatri@outlook.com>
Subject: Reminder-II

[Quoted text hidden]

A.A.O. 27/12/19

D.N.S.(TC)
As per issued memorandum No. F. 45-739/2016 estt(TC) Dated 23/12/19 Extension of leave can not be recommanded. the medical Supports document attached does not have physician advised of Medical leave.
Mute

Nidhi.pdf
481K

Diary No./डायरी सं. 46309...
Date/दिनांक ...28/12/19

REGISTERED A/D

JAI P ARAYAN APEX TRAUMA CENTRE
ALL TITUTE OF MEDICAL SCIENCES
GAR, NEW DELHI-110029

250
(18)

No. F. 45-739/2016-Estt.(TC) 366 Annex-H Dated:- 10 JAN 2020

MEMORANDUM

Subject:-Show cause notice for unauthorized absence from duty.

****

It has been observed that Ms. Nidhi, working as Nursing Officer in JPNATC has been absenting herself from duty unauthorizedly and willfully from 20.11.2019 without prior approval/sanction of the competent authority despite of recall notices sent to her on 30.11.2019 and its subsequent reminders dated 13.12.2019 and 23.12.2019.

In the relevant to mention here that the Institute is inter alia, running patient care services and such frequently unauthorized absence of Ms. Nidhi have very serious implications on the life and as well as this Institute is a patient care organization. In this regard, clear cut instructions have also been issued from time to time, including the instructions issued vide O.M. F. DS/Circular/2013(6), dated 07.05.2014 clearly indicating that, in view of implications on the life and as well as this Institute is a patient care organization, stringent action will be taken in case of such unauthorized absence. Therefore, being emergency services, such unauthorized absence has been viewed very seriously and considered as serious misconduct.

In view of the above, Ms. Nidhi is once again directed to report for her duty immediately and explain her position in the above matter. Her reply should reach to the undersigned within 15 days from the date of issue of this memorandum, failing which it will be presumed that she has nothing to say in her defense and the action as deemed fit under the CCS (CCA) Rules, 1965 shall be taken against her.

[LALIT ORAON]
SR. ADMINISTRATIVE OFFICER

O/C Nurse 10.01.2020

Ms. Nidhi W/O Sh. Neeraj Khatri
Consulate General of India,Cape Town
The Terraces, 8th Floor
34, Bree Street, Cape Town 8001,
South Africa.

Ms. Nidhi W/o Sh. Neeraj Khatri
H.No.-395, Sector-4, Rohatak,
Haryana-124001.

Ms. Nidhi W/O Sh. Neeraj Khartri
H.No.-550, Sector-4, Rohatak
Haryana-124001.

Ms. Nidhi D/o Sh. Ashok Kumar
VPO. Mundsa, Dist. Jhajjar,
Haryana-124106.

Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung
Enclave, New Delhi-110029.

ISSUED
जारी किया
10 JAN 2020

Copy to:-
1. Dy. Nursing Superintendent (TC)
2. Account Section (TC)

Gmail

Annex.- I

368

ıma Centre <estt.section301@gmail.com>

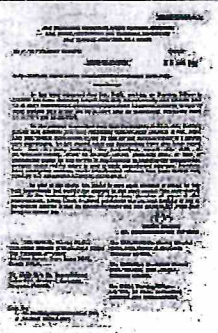
Show Cause Notice for unauthorized absent

367

2 messages

Trauma Centre <estt.section301@gmail.com> Fri, Jan 10, 2020 at 3:50 PM
To: Nidhi Datika <Nidhineerajkhatri@outlook.com>

Dear Mam,
Please find the attachment.



Page0001.tif
95K

Nidhi Datika <Nidhineerajkhatri@outlook.com> Fri, Jan 24, 2020 at 3:29 PM
To: Trauma Centre <estt.section301@gmail.com>

Dear Sir/Madam,

Reference JPNATC Memorandum No. F. 45-739/2016-Estt.(TC) dated 10 January 2020 and trailing mails, I hereby humbly plead and reiterate that I am still undergoing treatment for my back pain. Though there is a little improvement but still doctor has advised me to continue my treatment and due care as he has already prescribed. I had already intimated/explained about my illness/health condition (copy enclosed) and accordingly, sought leave on medical grounds.

2. Reference Ministry of Health & Family Welfare OM No. A.36016/01/2013-CHS-V dated 04.04.2013, point no. (iv), wherein there is a provision for extension of leave on medical grounds by producing the medical certificate from a hospital approved by the Indian Embassy concerned (copy enclosed). In this regard, it is stated that there is no empanelled doctor/hospital approved by CGI, Cape Town as on date. Therefore, Consulate General of India, Cape Town vide letter dated 22.01.2020 has endorsed my medical bills and has also stated that there is no empanelled hospital approved by CGI, Cape Town. The copy of letter is enclosed for ready reference.

3. As Institute is running patient care services but I am suffering from back pain and still undergoing my treatment. I have nothing to add more but only to reiterate that at this stage, I cannot take risk of my health and as soon as I get fit, I will join the duties and serve the institute.

4. In view of the above, I humbly request you to kindly **review my case sympathetically and consider my request of leave on medical grounds from 20.11.2019 to 16.02.2020** as I am unable to go for such a strenuous journey from Cape Town, South Africa to New Delhi, India.

Regards,

Nidhi
Nursing Officer
JPNATC-OT

प्राप्त किया / RECEIVED
27 JAN 2020
Estt. Section, JPNATC, AIIMS

Estt. Office JPNATC
Diary No./डायरी सं. 7239
Date/दिनांक 27/1/20

AIIMS 369

From: Trauma Centre <estt.section301@gmail.com>
Sent: Friday, January 10, 2020 2:20 AM
To: Nidhi Datika <Nidhineerajkhatri@outlook.com>
Subject: Show Cause Notice for unauthorized absent

[Quoted text hidden]

4 attachments

- Follow up.pdf 481K
- Letter from CGI cape town.pdf 274K
- Medical.pdf 1388K
- Ministry of Health.pdf 1593K

Ref. From Pre-page:-

Ms. Nidhi, Nursing Officer vide email dated 24.01.2020 has again requested to grant her Medical Leave w.e.f. 20.11.2019 to 16.02.2020 as she still undergoing treatment for her back pain.

In view of the above, the Deputy Nursing Superintendent (TC) is requested to intimate as to whether Ms. Nidhi, Nursing Officer may be granted Medical Leave w.e.f. 20.11.2019 to 16.02.2020 as requested by her or we may regret her request.

24.01.2020

A.A.O. 24/01/2020

D.N.S.(TC)

Not recommanded (Previous leave also was not recommanded)

उप-परिचर्या अधीक्षक 27.1.2020
Dy. Nursing Superintendent
ज.अ.ना.शौर्य ट्रॉमा केन्द्र / J.P.N.A.T.C.
अ.भा.आ.सं. नई दिल्ली / AIIMS, N. Delhi

प्राप्त किया / RECEIVED
27 JAN 2020
कार्यालय अधीक्षक, ज.अ.ना.शौ.ट्रॉ.के., एम्स
Asstt. Section, JPNATC, AIIMS

Not recommanded
27/1/2020

Annex- J

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
RAJ NAGAR, NEW DELHI – 110029

No.F.45-739/2016-Estt.(TC) 370 Dated: 19 FEB 2020

MEMORANDUM

1. Competent Authority proposes to hold an inquiry against Ms. Nidhi, Nursing Officer under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputation of continued wilful and unauthorized absence from duty in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge **(Annexure-I)**. A statement of the imputations of continued wilful and unauthorized absence in support is enclosed **(Annexure-II)**. A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed **(Annexure-III & IV)**.

2. Ms. Nidhi, Nursing Officer is directed to submit within 10 days of the receipt of this memorandum a written statement of her defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. She should, therefore, specifically admit or deny each article of charge.

4. Ms. Nidhi, Nursing Officer is further informed that if she does not submit her written statement of defence on or before the date specified in Para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuse to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against her ex-parte.

5. Attention of Ms. Nidhi, Nursing Officer is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Ms. Nidhi, Nursing Officer is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of rule 20 of the CCS (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

DISCIPLINARY AUTHORITY,

18/2/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

1. Ms. Nidhi, W/o Sh. Neeraj Khatri, H.No.395, Sector-4, Rohtak, Haryana-124001
2. Ms. Nidhi, W/o Sh. Neeraj Khatri, H.No.550, Sector-4, Rohtak, Haryana-124001
3. Ms. Nidhi, D/o Sh. Ashok Kumar, VPO-Mundsa, Distt. Jhajjar, Haryana-124106
4. Ms. Nidhi, A1/151, 3rd Floor, Safdarjung Enclave, New Delhi-110029
5. Ms. Nidhi, W/o Sh. Neeraj Khatri, Consulate General of India, Cape Town, The Terraces, 8th Floor, 34, Bree Street, Cape Town 8001, South Africa

13/2 13/2/2020

ISSUED
जारी किया
19.02.2020

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST MS. NIDHI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

Article of Charge:-

That the said Ms. Nidhi, while working as Nursing Officer at JPNATC has been absenting herself from duty willfully and unauthorisedly since 20.11.2019 without prior sanction of leave by the Competent Authority.

By her aforesaid act, Ms. Nidhi, Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (ii) & (iii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY,

18/2/20

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

(23) 25 (24)

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGE FRAMED AGAINST MS. NIDHI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

****

Ms. Nidhi, Nursing Officer had applied for 60 days Earned Leave w.e.f. 21.09.2019 to 19.11.2019 with the permission to visit Cape Town, South Africa. Her request had been recommended and forwarded by the concerned controlling authority. Accordingly, with the approval of the Competent Authority, Ms. Nidhi, Nursing Officer was granted/sanctioned 60 days Earned Leave with the permission to visit Cape Town, South Africa vide Office Memorandum No.45-739/2016-Estt.(TC) dated 28.09.2019 subject to the following conditions :-

1. She will not extend the leave from abroad and will join the duty after availing of above leave.
2. She will not submit resignation from abroad.
3. No financial commitment/foreign exchange would devolve on the part of the AIIMS/Government of India.
4. She will not take up any assignment/job during the above leave period.
5. She will spend her leave only in Cape Town, South Africa.
6. She will join duty on 20.11.2019 (FN).

Instead of joining duty on 20.11.2019, Ms. Nidhi, Nursing Officer vide her letter dated 18.11.2019 requested for extension of leave on Medical Ground w.e.f. 20.11.2019 to 16.02.2020. Her request for extension of leave on Medical Ground was not recommended by the concerned controlling authority. Accordingly, with the approval of the Competent Authority, a recall notice followed by the Reminder-I was issued to her on 30.11.2019 & 13.12.2019 with direction to report for duty immediately. The said Office Memoranda was also sent to her through her email i.d. (Nidhineerajkhatri@outlook.com).

In the meanwhile, a email dated 16.12.2019 was received from Ms. Nidhi, Nursing Officer at Establishment Section (TC) whereby she again requested to grant her extension of leave for 89 days on Medical Ground w.e.f. 20.11.2019 to 16.02.2020. Her request was not recommended by the concerned controlling authority. Accordingly, Reminder-II was issued to her on 23.12.2019 to join the duty within 03 days. The said Reminder-II was also sent to her through her email (Nidhineerajkhatri@outlook.com).

Subsequently, Ms. Nidhi, Nursing Officer vide email dated 26.12.2019 again requested for extension of leave for 89 days on Medical Ground w.e.f. 20.11.2019 to 16.02.2020. Her request has not been recommended by the concerned controlling

authority. Accordingly, with the approval of the Competent Authority, a Show Cause Notice was issued to her on 10.01.2020 with direction to report for duty within 15 days from the date of issuance of Show Cause Notice failing which necessary action as deemed fit under the CCS (CCA) Rules 1965 shall be taken against her. The Show Cause Notice dated 10.01.2020 was also sent to her through her email (Nidhineerajkhatri@outlook.com).

In response to the Show Cause Notice dated 10.01.2020, Ms. Nidhi, Nursing Officer vide her email dated 24.01.2020 has again requested for extension of leave on Medical Ground upto 16.02.2020 as she is still undergoing treatment for her back pain. Her request has not been recommended by the concerned controlling authority.

By her aforesaid act, Ms. Nidhi, Nursing Officer has failed to maintain devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (ii) & (iii) of the CCS (Conduct) Rules 1964 as applicable to the employees of the Institute.

DISCIPLINARY AUTHORITY,

18/2/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

(25) (26) 242

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST MS. NIDHI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1	Request for 60 days earned leave & foreign visit dated 17.09.2019
2	Office Memorandum No.45-739/2016-Estt.(TC) dated 28.09.2019.
3	Letter dated 18.11.2019
4	Office Memorandum No. 45-475/2010-Estt.(TC) dated 30.11.2019
5	Mail sent to Ms. Nidhi on 30.11.2019 by the Estt. Section (TC)
6	Office Memorandum No. 45-739/2016-Estt.(TC) dated 13.12.2019
7	Mail sent to Ms. Nidhi on 13.12.2019 by the Estt. Section (TC)
8	Mail dated 16.12.2019 received from Ms. Nidhi
9	Office Memorandum No. 45-739/2016-Estt.(TC) dated 23.12.2019
10	Mail sent to Ms. Nidhi on 24.12.2019 by Estt. Section (TC)
11	Mail dated 26.12.2019 received from Ms. Nidhi
12	Show Cause Notice dated 10.01.2020
13	Mail sent to Ms. Nidhi on 10.1.2020 by Estt. Section (TC)
14	Mail dated 24.01.2020 received from Ms. Nidhi.

DISCIPLINARY AUTHORITY,

19/4/2020

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MS. NIDHI, NURSING OFFICER, JPNATC, AIIMS, NEW DELHI ARE PROPOSED TO BE SUSTAINED.

1. Mrs. Meera Mukund Dhote,
   Deputy Nursing Superintendent (TC)

2. Sh. Nahar Singh Meena, - **Dealing Assistant**
   Jr. Admn. Assistant
   Establishment Section, JPNATC.

DISCIPLINARY AUTHORITY,

18/4/23

(DR. RANDEEP GULERIA)
DIRECTOR, AIIMS

Annex-K

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To
Director
JPNATC, AIIMS,
New Delhi

Sub: Acknowledgement of JPNATC Memorandum No. F. 45-739/2016-Estt.(TC) dated 19 February 2020 in respect of Ms. Nidhi, Nursing Officer.

Date: 04.08.2020

Respected Sir/Madam,

As Disciplinary Authority vide above Memorandum desired to submit a written statement of defence and also desired to state whether I desire to be heard in person within 10 days of receipt of this memorandum, therefore, on receipt of this Office Memorandum on 27th July 2020, I hereby state that I had already applied for leave on medical grounds w.e.f. 20.11.2019 to 16.02.2020 as per DOPT Leave Rules and Ministry of Health and Family Welfare OM No. A.36016/01/2013-CHS-V dated 04.04.2013, wherein there is a provision of extension of leave on medical grounds by producing a medical certificate from a hospital approved by the Indian Embassy.

2. However, even on production of Medical Certificates and all the medical bills vide my request dated 18.11.2019, my leave application on medical grounds as per existing DOPT and M/o Health and Family Welfare Rules was not accepted without any reason. Further, I was continuously replying to all the communications from the Department thereafter well in time and with sufficient reasons which had been ignored by the Department.

3. Being a mother of nearly 2 years old baby and suffering from severe back pain and pain in thumbs, I was not able to join duty w.e.f. 20.11.2019 as I was even not able to move properly. The Department instead of enquiring about my health and not hearing me even electronically through mobile phone, started initiating Disciplinary Proceedings which will hamper any employee morale and will discourage women working in the society. These things encourage women mental harassment at the work place.

4. Further, as per para 3 of Memorandum, I deny the article of charges that has been framed against me as I was not wilfully and unauthorisedly absented from duty instead I had already submitted leave application on medical grounds w.e.f. 20.11.2019 to 16.02.2020 with all the medical certificates and was not in the health of travel with the 2 year old child and joining duty. Even, I could barely move. Being in such a medical trauma is not lack of devotion to duty in any circumstance and in any law.

5. As I was undergoing treatment for my back pain, I visited doctor on 03.02.2020 (copy enclosed). The doctor advised me to continue my treatment and due care as he has already prescribed. I visited the doctor again on 12th March 2020

RECEIVED AUG 2020 JPNATC, AIIMS
Estt. Office JPNATC Diary No. 50430 8/8/20

Mr. Nahar

(31) (28) (33)

377

when doctor gave me Fitness Certificate and I was fit to join duty, However, due to COVID-19, International flights were not operating from 22 March 2020 to till date.

6. Now, I am feeling better and fit to join my duties and will join my duty immediately after the commencement of International Flights from Cape Town to India. In this regard, Department should sympathetically take a lenient view and consider my request for grant of Medical Leave w.e.f. 20.11.2019 in view of serious medical trauma that I was undergoing at that time for which I have enclosed all the documents. I request you to kindly hear me in person as I am joining my duty soon on resuming of International flights as a principle of Natural Justice.

Yours Sincerely,

Nidhi

(Nidhi)
Nursing officer
JPNATC-OT

Enclosed:-

1. Leave application dated 18.11.2019 (including medical certificates)–Annexure I
2. Reply in respect of Memorandum dated 30.11.2019 - Annexure II
3. Reply in respect of Memorandum dated 13.12.2019 (including follow up report) - Annexure III
4. Reply in respect of Show cause notice dated 10.01.2020(Including Consulate General of India, Cape Town letter)-Annexure IV
5. Doctor's follow up dated 03.02.2020-Annexure V
6. Fitness certificate dated 12.03.2020 - Annexure VI

Sr Ad O.

अध्यक्ष / Chief
ज.प्र.ना.रो.प्रे. ट्रेनिंग केन्द्र, अ.भा.आ.सं.
J.P.N.A.T.C., A.I.I.M.S.,
नई दिल्ली-29 / N.Delhi-29

JAI NARAYANA APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Annex-L

29 29

No.45-739/2016-Estt.(TC) 378 Raj Nagar, New Delhi-110029
Dated 26 MAR 2020

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Ms. Nidhi, Nursing Officer JPNA Trauma Centre, AIIMS.

AND WHEREAS the Director, AIIMS considers that an Inquiring Authority should be appointed to inquire into the charges framed against the said Ms. Nidhi, Nursing Officer.

NOW, THEREFORE, the Competent Authority in exercise of the powers conferred by sub-rule (2) of the said rule, hereby appoints Sh. Nikhil Bhatnagar, Administrative Officer as Inquiring Authority to inquire into the charges framed against the said Ms. Nidhi, Nursing Officer, JPNATC, AIIMS, New Delhi.

26/3/2020

(JOGINDER KUMAR)
ASSTT. ADMIN. OFFICER

DISTRIBUTION

1 Sh. Nikhil Bhatnagar,
Administrative Officer, Legal Cell &
Inquiry Officer — **Alongwith a copy of charge-sheet**

2 Ms. Nidhi W/o Sh. Neeraj Khatri,
Consulate General of India,
Cape Town, The Terraces, 8th Floor, 34, Bree
Street, Campe Town 8001, South Africa

3 Ms. Nidhi W/o Sh. Neeraj Khatri,
House No. 395, Sector-4, Rohtak,
Hryana-12401

4 Ms. Nidhi W/o Sh. Neeraj Khatri,
House No.550, Sector-4, Rohtak,
Haryana-1024001

5 Ms. Nidhi D/o Sh. Ashok Kumar,
VPO- Mundsa, Distt. Jhajjar,
Haryana-124106

6 Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung Enclave,
New Delhi-11029

7 Sh. R.K. Sharma,
Asstt. Administrative Officer, C.D.E.R. &
Presenting Officer

Annex-M

JAI NARAYANA APEX TRAUMA CEN
ALL INDIA INSTITUTE OF MEDICAL SCIEN

No.45-739/2016-Estt.(TC) 379 Raj Nagar, New Delhi-110029
Dated 26 MAR 2020

ORDER

WHEREAS an inquiry under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, is being held against Ms. Nidhi, Nursing Officer, JPNA Trauma Centre, AIIMS.

AND WHEREAS the Director, AIIMS considers that a Presenting Officer should be appointed to present on behalf of the undersigned the case in support of articles of charge.

NOW, THEREFORE, the Competent Authority in exercise of the powers conferred by sub-rule (5)(c) of Rule 14 of the said rules, hereby appoints Sh. R.K. Sharma, Asstt. Administrative Officer, C.D.E.R., AIIMS, New Delhi as the Presenting Officer.

26/03/2020
(JOGINDER KUMAR)
ASSTT. ADMIN. OFFICER

DISTRIBUTION

1 Sh. R.K. Sharma,
Asstt. Administrative Officer, C.D.E.R. &
Presenting Officer — **Alongwith a copy of charge-sheet**

2 Ms. Nidhi W/o Sh. Neeraj Khatri,
Consulate General of India,
Cape Town, The Terraces, 8th Floor, 34, Bree
Street, Campe Town 8001, South Africa

3 Ms. Nidhi W/o Sh. Neeraj Khatri,
House No. 395, Sector-4, Rohtak,
Hryana-12401

4 Ms. Nidhi W/o Sh. Neeraj Khatri,
House No.550, Sector-4, Rohtak,
Haryana-1024001

5 Ms. Nidhi D/o Sh. Ashok Kumar,
VPO- Mundsa, Distt. Jhajjar,
Haryana-124106

6 Ms. Nidhi, Nursing Officer
A1/151, 3rd Floor, Safdarjung Enclave,
New Delhi-11029

7 Sh. Nikhil Bhatnagar,
Administrative Officer, Legal Cell &
Inquiry Officer

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi – 110029

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No F 2/Inquiry/2020/NB/AO (Legal) 380 Annex-N Nov, 12th 2021

31 32

INQUIRY REPORT

Subject: - Departmental Inquiry against Ms Nidhi, Nursing Officer, JPNATC, AIIMS, New Delhi- regarding.

INTRODUCTION

The undersigned has been appointed as Inquiring Authority (IO) by Disciplinary Authority, AIIMS, New Delhi vide Order No 45-739/2016-Estt (TC) dated 26/03/2020 **(Annexure/Page-1)** to inquire into the charges levelled against Ms Nidhi, Nursing Officer, JPNATC, AIIMS, New Delhi under Rules 14 of CCS (CCA) Rules, 1965. Charge sheet memorandum No 45-739/2016-Estt (TC) dated 19.02.2020 **(Annexure/Page-2-7)** was issued to Ms Nidhi, Nursing Officer (the Charged Official (CO)). Shri R.K Sharma, Admin Officer (the Asstt. Admn. Officer), AIIMS, New Delhi has been appointed as Presenting Officer (PO) in this case by the Disciplinary Authority.

Article of Charge

That the said Ms Nidhi, while working as Nursing Officer at JPNATC has been absenting herself from duty wilfully and unauthorisedly w.e.f 20.11.2019 without prior sanction of leave by the Competent Authority.

By her aforesaid act, Ms Nidhi, Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (ii) & (iii) of CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

STATEMENT OF IMPUTATIONS OF MISCONDUCT

Ms Nidhi, Nursing Officer had applied for 60 days Earned Leave w.e.f. 21.09.2021 to 19.11.2019 with the permission t visit Cape Town, South Africa, Her request had been recommended and forwarded by the concerned controlling authority. Accordingly, with the approval of the Competent Authority, Ms. Nidhi, Nursing Officer was granted/sanctioned 60 days Earned Leave with the permission to visit Cape Town, South Africa vide Office memorandum No. 45-739/2016 –Estt. (TC) dated 29.09.2019 subject to the following conditions:-

1. She will not extend the leave from abroad and will join the duty after availing of above leave.
2. She will not submit resignation form aboard.
3. No financial commitment/foreign exchange would devolve on the part of the AIIMS/Government of India.
4. She will not take up any assignment/job during the above leave period.
5. She will spend her leave only in Cape Town, South Africa.
6. She will join duty on 20.11.2019 (FN).

Instated of joining duty on 20.11.2019, Ms Nidhi Nursing Officer vide her letter dated 18.11.2019 requested for extension of leave on Medical Ground w.e.f 20.11.2019 to 16.02.2020. Her request for extension of leave on Medical Ground was not recommended

Nidhi Bhatnagar

by the concerned controlling authority. Accordingly, with the approval of the Competent Authority, a recall notice followed by the Reminder-I was issued to her on 30.11.2019 & 13.12.2019 with direction to report for duty immediately. The said Office Memoranda was also sent to her through her email i.d (Nidhineerajkhatri@outlook.com).

In the meanwhile, a email dated 16.12.2019 was received from Ms. Nidhi, Nursing Officer at Establishment Section (TC) whereby she again requested to grant her extension of leave for 89 days on Medical Ground w.e.f. 20.11.2019 to 16.02.2020. Her request was not recommended by the concerned controlling authority days. The said Reminder-II was also sent to her through her email (Nidhineerajkhatri@outlook.com).

Subsequently, Ms. Nidhi, Nursing Officer vide email dated 26.12.2019 again requested for extension of leave for 89 days on Medical Ground w.e.f. 20.11.2019 to 16.02.2020. Her request has not been recommended by the concerned controlling authority. Accordingly, with the approval of the Competent Authority, a show cause Notice was issued to her on 10.01.2020 with direction to report for duty within 15 days from the date of issuance of show Cause Notice failing which necessary action as deemed fit under the CCS (CCA) Rules 1965 shall be taken against her.

The show Cause Notice dated 10.01.2020 was also sent to her through her email (Nidhineerajkhatri@outlook.com).

In response to the show Cause Notice dated 10.01.2020, Ms. Nidhi, Nursing Officer vide her email dated 24.01.2020 has again requested for extension of leave on Medical Ground upto 16.02.2020 as she still undergoing treatment for her back pain. Her request has not been recommended by the concerned controlling authority.

By her aforesaid act, Ms. Nidhi, Nursing Officer has failed to maintain devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contriving Rule 3 (1) (ii) & (iii) of the CCS (Conduct) Rules 1964 as applicable to the employees of the Institute.

DETAILS OF INQUIRY PROCEEDINGS:

Vide letter dated 06.06.2020, JPNATC was informed that due to lockdown and Closure of postal services, enquiry cannot be started (**Annexure/Page-8-9**). Vide letter dated 15.09.2020, Chief Admin Officer has informed that Disciplinary Authority has granted extension of time limit for the enquiry (**Annexure/Page-11**).

The notice dated 16.12.2020 (**Annexure/Page-13**) was issued to the Charged Official (CO) and the Presenting Officer (PO) intimating the date, time and venue of Preliminary Hearing (PH) fixed for 23.12.2020 (11.00 AM) to inquire into the charges levelled against the CO vide charge sheet memorandum No. 45-739/2016-Estt (TC) dated 19.02.2020 issued under Rule 14 of CCS (CCA) Rules 1965. The CO was informed vide ibid notice that in case she fails to appear the said preliminary hearing on 23.12.2020, the inquiry proceedings will be taken ex-parte. Opportunity was given to CO for attending the hearing along with his defence Assistant. A copy of the notice dated 16.12.2020 was sent to the CO through speed post on all her address available in records. CO did not attend the hearing and daily order sheet was sent to her at her email. CO vide letter dated 04.01.2021(Page-23-24) informed that the said notice was received at her home town address on 23.12.2020 through speed post but she is out of country (at South Africa) and

Nidhi Khatri

trying to reach India as all international travel is from south Africa is closed due to COVID.

The same was followed by another letter dated 18.01.2021 **(Annexure/Page-19)** from CO informing that she had booked her travel to Delhi via Dubai but Emirates has closed international travel from South Africa. The same was followed by another letter 03.02.2021 **(Annexure/Page-20)** from CO informing therein that lockdown at South Africa has been extended till 15th February 2021 and she is exploring all possibilities to come back to India.

On return of CO, vide notice dated 23.07.2021 **(Annexure/Page-27)**, a Preliminary hearing was kept for 28th July 2021 at 3:00 PM which was attended by PO only. However, it was brought to the notice that CO had not received the notice. Accordingly, notice dated 23.07.2021 **(Annexure/Page-29)** for hearing on 30.07.2021 was served to CO and PO both.

Hearing started on 30.07.2021 which was attended by CO and PO both. Inquiry Officer (IO) asked the Charged Officer (CO), as to whether she had received the charge sheet along with its enclosures, wherein CO replied that she had received the Memo of Charge sheet along with Annexure. The Presenting Officer also explained her about the charges levelled against her in Hindi and English both and also shown the documents annexed in the charge sheet. CO confirmed that she has understood the charges. CO denied the charges leveled against her in the charge memo dated 19.02.2020 and further shown intention to defend her case through Defense Assistant (DA). She was informed that the next date of hearing will be 04.08.2021**(Annexure/Page-31-32)**. Vide email dated 02.08.2021 **(Annexure/Page-33)** CO informed that she wants to appoint his spouse (Mr Neeraj Khatri, Assistant Consular Officer, Consulate General of India) as DA for defending her case. The same was allowed.

Hearing started on 04.08.2021 **(Page-34)** and CO & PO both attended the hearing. All documents in the list of Annexure-III of the Charge Sheet were shown to the CO. CO has submitted that in defence, she do not want to have any other document of witness. Presenting Officer (PO) presented his case with all the charges and relevant papers. CO has sought time for 10 days for presenting her case along with Defence Assistant as her son is not well. The same was accepted. CO was informed that next date of hearing will be 14.08.2021 and witnesses will be examined **(Annexure/Page-34)**.

Hearing started on 14.08.2021 and CO & PO both attended the hearing. Both the witnesses (Ms Meera Mukund Dhote and Shri Nahar Singh Meena) attended the hearing **(Annexure/Page-40)**. All documents in the list of Annexure-III of the Charge Sheet were shown to the Witness-I and II and confirmed from original. Witness-I informed that initial leave of 60 days EL was recommended .However thereafter the same was not recommended. Witness-II has confirmed that ex-India leave to Ms Nidhi was approved after approval of Director, AIIMS with the condition that she will not extend the leave from abroad and will join on 20.11.2020. Opportunity was given to CO and DA to cross examine the witnesses but no cross examination of witnesses was made by DA and CO.

DA and CO presented their case and submitted that request for leave was extended on medical ground which was beyond their control on recommendation of Doctor at South

Africa. At that time, no Doctor was empanelled by the consulate for the same. A certificate in original to this regard will be submitted by CO/DA. CO was give opportunity to get herself examine as witness for which she refused.

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ASSESSMENT AND ANALYSIS OF EVIDENCE

Initial leave of 60 days EL was recommended to Ms Nidhi, Charged Officer (CO). However, thereafter the extension of the leave was not recommended. The ex-India leave to CO was approved after approval of Director, AIIMS with the condition that she will not extend the leave from abroad and will join on 20.11.2020.

CO submitted that the extension of leave was extended on medical ground which was beyond her control on recommendation of Doctor at South Africa. At that time, no Doctor was empanelled by the consulate for the same. A certificate in original to this regard has been submitted by CO.

PO in his written brief dated 25.08.2021 **(Annexure/Page-44)** has stated that article of charge levelled against the CO are proved.

CO in her written brief dated 10.09.2021 **(Annexure/Page-47)** has submitted that she was granted 60 days EL from 21.09.2019 to 19.11.2019 with permission to visit Cape Town, South Africa and she was supposed to join her duties on 20.11.2019 but as she was suffering from severe back pain and pain in thumbs so, the doctor advised her not to undertake any kind of journey and strenuous work/movements and to take bed rest for 3 months.

She got fitness certificate in mid March 2020 and immediately after this strict lockdown was imposed and international travel was banned and she had travelled via a third country to reach India. She joined back duty on 22.03.2021. She has also submitted that last time in Jan 2019, she was granted 6 months CCL with permission to visit Cape Town and she joined back her duties on time.

FINDINGS & DESICION OF THE INQUIRY OFFICER:-

On the basis of findings/observations during the course of inquiry, depositions of Prosecution Witnesses and relying upon the documents and the written brief submitted by the PO and CO, it is evident that period of absence w.e.f 21.09.2019 to 21.03.2021 is divided into three parts:-

(i). 21.09.2019 to 19.11.2019 - Authorised EL (ex-India to South Africa)
(ii). 20.11.2019 to 12.03.2020 - Extension of leave on medical grounds (which was not recommended)
(iii). 13.03.2020 to 22.03.2021 - Absence due to lockdown and no International Travel due to Covid-19

Any leave on medical grounds may be granted by the Institute on production of medical certificate from the Institute only. Further, in case of being at outstation, such leave may be allowed on production of medical certificate from Govt Hospital.

It is evident from record that Spouse of CO (Mr Neeraj Khatri) is a Government official and posted at Consulate of India, Cape-town, South Africa. In this regard a certificate dated 22.01.2020 (Annexure/Page-46) has been provided to the inquiry officer from Vice Consul, Consulate of India, Cape town informing therein that Ms Nidhi, w/o Sh Neeraj

Nidhi Khatri

Khatri, Assistant Section Officer, CGI, Cape town has been undergoing treatment for back pain from Dr P.C patel since 09.11.2019 and there is no empanelled doctor/hospital approved by CGI, Cape Town.

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In view of above, I have reached to the conclusion that Ms Nidhi, Nursing Officer has failed to obey the directions of the authorities and remain herself absent from duty without any proper sanction. However, the absence from the duty appears to be due to medical condition (as certified by the Doctor and Consulate of India, Cape town) and then situational due to Covid-19 throughout the world.

Accordingly, the charges levelled vide memorandum No 45-739/2016-Estt (TC) dated 19.02.2020 against Ms Nidhi, Nursing Officer, JPNATC, AIIMS, New Delhi under Rules 14 of CCS (CCA) Rules, 1965 for her unauthorised absence from her duties of the Institute w.e.f 20.11.2019 onwards stands **'Partially Proved'**. The inquiry proceedings completed accordingly.

Nikhil Bhatnagar

(Nikhil Bhatnagar)
Inquiry Officer &
Administrative Officer Estate Section & Legal cell
AIIMS, New Delhi.

New Delhi, dated 02.11.2021

Annexure 13 (87) 386

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Raj Nagar, New Delhi-110029

No.F. 45-739/2016-Estt. (TC) 385 Dated the :- 10.01.2022

MEMORANDUM

Subject:- Departmental Inquiry against Ms. Nidhi, Nursing Officer, JPNATC, New Delhi.

****

The undersigned is directed to refer to the subject cited above and to forward herewith a copy of Inquiry Report dated 12.11.2021 to Ms. Nidhi, Nursing Officer, JPNATC, AIIMS, New Delhi under Rule-14 of CCS (CCA) Rules-1965 as per the provision of Rule 15(2) of CCS (CCA) Rules, 1965, as received from the Inquiry Officer.

Through this memorandum, opportunity to Ms. Nidhi is being given to represent against the enclosed Inquiry Report dated 12.11.2021. Ms. Nidhi may submit her representation, if any in writing to the Disciplinary Authority within 15 days from the date of issuances of this Memorandum, failing which it will be presumed that Ms. Nidhi has nothing to say on the findings of Inquiry Report and the decision on the basis of Inquiry Report will be taken by the Disciplinary Authority accordingly.

Encl: as above.

By order and for & behalf of the Director & Disciplinary Authority

[DEO NATH SAH]
CHIEF ADMINISTRATIVE OFFICER

1. **Ms. Nidhi,**
   Nursing Officer
   Thr: Nursing Superintendent (TC)
2. **Nidhineerajkhatri@outlook.com**
3. **neerajkhatri@live.in**

(456) (37)

Annex-P

JAI PRAKASH NARAYAN APEX TRAUMA CENTRE
ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Raj Nagar, New Delhi – 110029

No.F.45-739/2016-Estt.(TC) 386 Dated:- 28 APR 2022

ORDER

WHEREAS the disciplinary proceedings under Rule 14 of the Central Civil Services (Classification Control and Appeal) Rules, 1965 was initiated against Ms. Nidhi, Nursing Officer vide Office Memorandum No.F.45-739/2016-Estt. (TC) dated 19th February, 2020 on the following **Article of Charges**:-

"That the said Ms. Nidhi, while working as Nursing Officer at JPNATC has been absenting herself from duty willfully and unauthorisedly since 20.11.2019 without prior sanction of leave by the Competent Authority.

By her aforesaid act, Ms. Nidhi, Nursing Officer has exhibited lack of devotion to duty and has acted in a manner unbecoming of an Institute employee thereby contravening Rule 3 (1) (ii) & (iii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute".

WHEREAS in response to the Office Memorandum No.F.45-739/2016-Estt. (TC) dated 19th February, 2020, no reply/written statement of defence was received from Ms. Nidhi, Nursing Officer.

Accordingly, Sh. Nikhil Bhatnagar, Administrative Officer was appointed as Inquiry Officer by the Disciplinary Authority to inquire into the charges framed against Ms. Nidhi, Nursing Officer vide Order No. 45-739/2016-Estt.(TC), dated 26th March, 2020.

AND WHEREAS Ms. Nidhi, Nursing Officer vide letter dated 4th August, 2020 has submitted her written statement of defence and requested to hear in person as she will join her duty as soon on resuming of International Flights. She has also requested to grant/sanction of leave as she requested earlier.

In the meanwhile, Ms. Nidhi, Nursing Officer joined her duty on 22nd March, 2021 at JPNA Trauma Centre.

AND WHEREAS the Inquiry Officer, after holding the inquiry submitted his report vide letter No.2/Inquiry/2020/NB/AO (Legal) dated 12th November, 2021 and concluded that the charge framed against Ms. Nidhi, Nursing Officer stands 'Partially Proved'.

AND WHEREAS a copy of the Inquiry Report had been forwarded under provision of Rule 15 of CCS (CCA) Rules 1965 to Ms. Nidhi, Nursing Officer to enable her to submit her representation/submission, if any, in writing within 15 days to the Disciplinary Authority on the Inquiry Report vide No. 45-739/2016-Estt.(TC) dated 10th January, 2022.

AND WHEREAS in response to the Inquiry Report dated 10th January, 2022, Ms. Nidhi, Nursing Officer has submitted her written representation/submission vide letter dated 24th January, 2022 received through email dated 25th January, 2022 stating that she was unable to comply with directions of the Institute due to pressing health reasons and was undergoing treatment from November, 2019 to December, 2020. She has also informed that she had always responded to any correspondence from the Institute with sufficient reasons and explanation and in addition to health reasons, the shutdown of air travel due to Covid pandemic and restrictions on movement had made life difficult to her and her family.

Contd.....2/-

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AND WHEREAS, after careful consideration of the Inquiry Report, all facts and circumstances of the case, the President, AIIMS being Disciplinary Authority, in exercise of the powers conferred under Rule 15 of the CCS (CCA) Rules 1965, now for good and sufficient reasons has decided to impose the penalty of ***"Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of three years in the time scale of pay i.e., Level 7, with further directions that the said Ms. Nidhi, Nursing Officer will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty"*** on Ms. Nidhi, Nursing Officer.

NOW THEREFORE, the penalty of ***"Reduction to a lower stage in time scale of pay of the post of Nursing Officer for a period of three years in the time scale of pay i.e., Level 7, with further directions that the said Ms. Nidhi, Nursing Officer will not earn increments of pay during the period of such reduction and on the expiry of such period, the reduction will not have the effect of postponing the future increments of her pay, after imposition of penalty"*** is hereby imposed on Ms. Nidhi, Nursing Officer with immediate effect.

A copy of this Order be added to the confidential roll of Ms. Nidhi, Nursing Officer.

For and On Behalf of President and Disciplinary Authority, AIIMS

23/4/24

[DR. RANDEEP GULERIA]
DIRECTOR, AIIMS

06/04

Ms. Nidhi,
Nursing Officer
Thr: Nursing Superintendent (TC)
Email:Nidhineerajkhatri@outlook.com

Copy to:-

For necessary action

1 Chief, JPNA Trauma Centre
2 Addl. Medical Superintendent (TC)
3 Chief Administrative Officer, AIIMS
4 Nursing Superintendent, JPNATC
5 Sr. Administrative Officer, JPNATC
6 Sr. Administrative Officer, Recruitment Cell, AIIMS
7 Sr. Administrative Officer, Vigilance Cell, AIIMS
8 Administrative Officer, Estate Section, AIIMS
9 Administrative Officer, ACRs Cell, AIIMS
10 Administrative Officer, Legal Cell, AIIMS
11 Accounts Section, JPNATC/Audit
12 Dr. B.B. Dikshit Library
13 Dy. Chief Security Officer
14 Faculty In-Charge, C.F. (JPNATC)
15 M.I.E. Co-Operative Thrift & Credit Society Ltd.
16 Officer In-Charge, E.H.S.
17 G.P.F. Section/N.P.S. Cell

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-159/19

To consider the proposal for ex-post-facto approval for grant of voluntary retirement to Prof. Randeep Guleria, former Director and Professor of Pulmonary, Critical Care & Sleep Medicine from the Service of this Institute w.e.f. 01.12.2022 (F.N.).

NOTE FOR THE GOVERNING BODY

Item No. G.B/ 159/19

SUBJECT: **TO CONSIDER THE PROPOSAL FOR EX-POST-FACTO APPROVAL FOR GRANT OF VOLUNTARY RETIREMENT TO PROF. RANDEEP GULERIA, FORMER DIRECTOR AND PROFESSOR OF PULMONARY, CRITICAL CARE & SLEEP MEDICINE FROM THE SERVICE OF THIS INSTITUTE W.E.F. 01.12.2022 (F.N .).**

****

1. INTRODUCTION

1.1 Dr. Randeep Guleria, former Director & Professor of Pulmonary, Critical Care & Sleep Medicine, AIIMS, New Delhi vide his letter dated 10.10.2022 has informed that he is due to superannuate from his services in April, 2024, but would like to take Voluntary Retirement as per VRS policy of Government of India from his job due to certain personal reasons. He has requested for Voluntary Retirement from the service of the Institute w.e.f. 01.12.2022 and to waive off the remaining notice period (Annexure-I).

1.2 Dr. Randeep Guleria had joined the Institute on 27.04.1992 and he is due to superannuate on 30.04.2024. He has completed more than 29 years of qualifying service. He fulfills the requisite requirement for voluntary retirement. No vigilance/disciplinary case is pending/contemplated against him.

2. ADMINISTRATIVE COMMENTS

2.1 In the above context, the following points are submitted:-

(i) Rule 43 of CCS (Pension) Rules, 2021 stipulates that a Government Servant after completing 20 years of qualifying service can seek voluntary retirement from the service by giving notice of not less than 3 months in writing to the appointing authority. The appointing authority may consider such request for the curtailment of the period of notice of 3 months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of pension of a part of his pension before the expiry of the period of notice of 3 months. Dr. Randeep Guleria has completed more than 29 years of service at the Institute. He fulfills the requisite requirement of the Rule 43 of the CCS (Pension), Rules.

Continued Page No. -----2/-

(ii) As per Item No.1(ii) of the Schedule II under AIIMS Regulations, 2019 (as amended), the Appointing Authority of Group A posts at AIIMS, New Delhi is Governing Body. Accordingly, Governing Body is the competent authority to approve voluntary retirement from the service of the Institute.

(iii) Regulation 30 (4) of AIIMS Regulation, 2019 provides as under :

"Any employee of the Institute may, by giving notice of not less than three months in writing to the appointing authority, retire from the service after he has attained the age of fifty years, if he is in Group A or Group B service or post and had entered the service of the Institute before attaining the age of thirty-five years and in all other cases after he has attained the age of fifty-five years."

(iv) The AIIMS Regulations, 2019 (as amended) have no provisions for VRS. However, the Regulation No. 35 of the AIIMS Regulations, 2019 (as amended) provides as under:-

"In respect of matters not provided for in these regulations, the rules as applicable to the Central Government servants regarding the general condition of service, pay, allowances including traveling and daily allowances, leave salary, joining time, foreign service terms and orders and decisions issued in this regard by the Central Government from time to time shall apply to the employees of the Institute."

Hence, provisions of Rule 43 of CCS (Pension) Rules, 2021 are applicable.

In light of the position explained above, the Hon'ble HFM, Chairman, Governing Body, AIIMS, New Delhi accorded approval regarding voluntary retirement of Dr. Randeep Guleria w.e.f. 1.12.2022 and waiving off his remaining notice period in his capacity as and directed that the Institute will get it ratified subsequently by the Governing Body (Annexure-II).

3. **APPROVAL SOUGHT**

In view of the above, Hon'ble President, AIIMS in his capacity as Chairman of the Governing Body, AIIMS, New Delhi has approved the request of Dr. Randeep Guleria for grant of voluntary retirement w.e.f. 1.12.2022 and has waived off remaining notice period.

This proposal is submitted to Governing Body for consideration & ratification.

****

Office No → 926629
12/10/22
12/10/22

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Annexure-I

प्राप्त किया/RECEIVED
उप निदेशक (प्रशा.) कार्यालय, अ.भा.आ.सं
Dy. Director (Admn.) Office, A.I.I.M.S.
12 OCT 2022

3/8509t
19/X/22

DEPARTMENT OF PULMONARY, CRITICAL CARE & SLEEP MEDICINE
AIIMS, NEW DELHI

संकाय प्रकोष्ठ/Faculty Cell
अ.भा.आ.सं. नई दिल्ली
AIIMS, New Delhi
दिनांक/ Dated 13/10/22
डायरी सं/Dairy No. 1335

Date : 10/10/2022

Re-submit
25/X/22

The Director
All India Institute of Medical Sciences
New Delhi.

Dear Sir.

I was selected as an Assistant Professor in the department of Medicine in 1992 and subsequently as a Professor in 2003. I have worked at AIIMS for more than 30 years as a faculty member. It has been a wonderful experience working in AIIMS, New Delhi for more than three decades in various capacities. I owe a lot to this great institution My academic and professional growth, my national and international recognition is all due to this magnificent institution

I am due to superannuate in April, 2024, but would like to take Voluntary Retirement as per VRS policy of Govt of India from my job due to certain personal reasons. Kindly accept this letter for VRS as per rules. I would request you to relieve me of my responsibilities on 1st December, 2022 and the remaining notice period may kindly be waived off.

With regards

Yours sincerely

Dr. Randeep Guleria 10/10/22

Discussed with Sir (Prof Guleria)

AD(A)

12/10/2022

on file pl

Pte (Cell)

12/10/2022

12/10

Sr AO(FE)

12/10/22
JAO(FC)

MR RJ

Annexure-II

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

No.F.6-22/92-Estt. I. 391

Ansari Nagar, New Delhi-29
Dated the : 15 NOV 2022

OFFICE MEMORANDUM

Subject: Voluntary Retirement of Prof. Randeep Guleria, Former Director & Professor of Pulmonary, Critical Care & Sleep Medicine Care at the AIIMS, New Delhi.

****

With reference to his letter dated the 10th October, 2022 on the subject cited above, Prof. Randeep Guleria is informed that the President, AIIMS, New Delhi has been pleased to grant him voluntary retirement from the service of the Institute in the forenoon of 1st December, 2022. The notice period falls short i.e. from 01.12.2022 to 09.01.2023 has been waived off, subject to the condition that the commutation of pension can be applied only after the expiry of normal notice period of three months i.e. after 09.01.2023. He will require to obtain a 'No Objection' from the Institute in the case he is accepting any commercial employment within one year from the date of his voluntary retirement in accordance with the Rule 10 of CCS (Pension) Rules, 1972 and Regulation No. 35 of the AIIMS Regulation, 1999 (as amended).

Prof. Randeep Guleria is advised to handover the charge of Professor of Pulmonary, Critical Care & Sleep Medicine Care to Head of the Department of Pulmonary, Critical Care & Sleep Medicine in the forenoon of 01.12.2022 and submit his charge relinquishment report along-with a 'No Demand Certificate' to the Faculty Cell. He is also advised to return the Identity Card/EHS Card issued to him to the Security Officer and Faculty Cell respectively.

15/11/22

(B. S. GILL)
SR. ADMINISTRATIVE OFFICER

Prof. Randeep Guleria,
Former Director & Professor
Department of Pulmonary, Critical Care & Sleep Medicine

15/11/22

Coy to :

1. The Dean (Academic/Research), AIIMS
2. The Dean (Examination), AIIMS
3. The PPS to Director, AIIMS
4. The P. & P.R.O., AIIMS
5. The Medical Superintendent, AIIMS
6. The HOD of Pulmonary, Critical Care & Sleep Medicine
7. The Accounts Section-II & III
8. The General Section
9. The Deputy Chief Security Officer
10. The Academic Section
11. The Asstt. Engineer (Telephone)
12. The Estate Section
13. The Dr. B.B. Dixit Library
14. The National Medical Library (DGHS) Ansari Nagar, New Delhi
15. The officer-in-charge, EHS (R-7266)
16. The Central Animal Facility
17. The Bill Clerk, Main Hosp./Dr. R.P. Centre/ C.N. Centre/Dr. B.R.A. IRCH
18. The Professor-in-charge, Computer Facility
19. The Administrative Officer (Research)
20 The Medical Instt. Thrift. & Credit Society Ltd.
21. The Professor-in-charge (Vehicles)
22. The Administrative Officer (Recruitment Cell)
23. The GPF Section
24. The Pension Cell
25. The ACR Cell
26. The RTI Cell
27. The SC/ST Cell

It is requested that a 'No Demand Certificate' in favour of Prof. Randeep Guleria may kindly be issue at an early date.

15 NOV 2022

15/11/22

(SR. ADMINISTRATIVE OFFICER)

15/11/22