



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003

Dated: 29/11/2021

File No. NCST-100TH(DL)/1/2021-SSW

To,

The Chief Secretary,
Govt. of NCT Delhi,
Delhi Secretariat,
New Delhi-110002.
(Email: csdelhi@nic.in)

Sub: Fabrication documents and framing fraudulent vigilance case against a ST employee of Delhi Transco Ltd (DTL)- a representation dated 11.08.2021 of Shri Hemant Kumar, Working as Manager (T) in DTL.

Sir,

I am directed to refer to NCST's notice of even No. dated 15.09.2021 on the subject cited above. It is informed that NCST convened a sitting on 09.11.2021 with the Additional Chief Secretary, D/o Power, GNCID and Chairman-Cum-Managing Director, Delhi Transco Ltd. and petitioner on 09.11.2021. A copy of the minutes of Sitting held on 09.11.2021 at 11:30 A.M. under the Chairmanship of Shri Anant Nayak, Hon'ble Member, National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi-110003 in the matter is enclosed.

It is, requested that action taken on the suggestions / recommendations of the sitting held on 09.11.2021 may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Dr. Lalit Latta/डॉ. ललित लट्टा)

Director/निदेशक

Tel: 011-24615012.

(Email: director@ncst.nic.in)

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29/11/21
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. NCST-10 OTH(DL)/1/2021-SSW

MINUTES OF SITTING HELD IN THE COMMISSION ON 09.11.2021 AT 11:30 AM, UNDER THE CHAIRMANSHIP OF SH. ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE MATTER OF FABRICATION OF DOCUMENTS AND FRAMING FRAUDULENT VIGILANCE CASE AGAINST A ST EMPLOYEE OF DELHI TRANSCO LIMITED (DTL)- A REPRESENTATION OF SHRI HEMANT KUMAR, WORKING AS MANAGER(T) IN DELHI TRANSCO LIMITED (DTL).

Date of sitting: 09.11.2021

List of Participants is annexed

Shri Hemant Kumar, Manager (Tech), DTL submitted representation and requested Hon'ble Commission to intervene in the matter of framing fraudulent vigilance case based on forged documents. NCST took up the matter with Chief Secretary, GNCTD, Secretary, Department of Power, GNCTD and CMD, Delhi Transo Limited (DTL) for furnishing facts in this matter. Notice was issued and delivered through e-mail to authorities on 15.09.2021, subsequently Disciplinary Authority suspended the Petitioner. Further, no reply was submitted in stipulated time period.

Therefore, NCST convened a sitting on 09.11.2021. Both sides have put forward their respective contentions.

In the present case, a surprise inspection was carried out on 17.07.2019 to check the Attendance Documents at a particular site of DTL. The Complainant Hemant Kumar was posted there from year 2017 and had already joined a different portfolio at the time of inspection. It is the contention of Complainant that documents related to October 2018 till May 2019 only were inspected, and not of the whole period of his tenure.

Thereafter Complainant was issued multiple Call memos. Complainant argument is, he has duly replied the memos and asked details/specific questions, which was not responded by the Respondent Organization. His request for virtual hearing, reasons for inquiry etc are important information for a fair and transparent proceedings, which was not replied/clarified.

The DTL is yet to clarify before the Commission as, who has the control and authority over Rojnamcha and Shift Attendance register in light of office order dated 06.11.2017.



अनंता नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

The basis of Charge sheet is attendance documents. Complainant has submitted a private forensic report, showing that these attendance documents were forged and tempered. The forensic report was forwarded to the DTL as well by the Complainant. Still, the DTL apparently has not taken any action. The allegation of forged and tempered documents, and initiating a Departmental Inquiry based on those documents with issuance of Chargesheet, and subsequent suspension is a serious issue. Forging of documents and institution of false, malicious legal proceedings against a member of Scheduled Tribe attracts Penal Provisions.

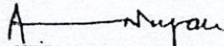
It is not clear as, when the Attendance register was signed by two officers – Complainant and S.O., why the Complainant only was issued call memo and not the other officer. This may amount to discrimination to a Scheduled Tribe.

Since the Departmental Proceedings alleges financial irregularities by giving undue favor to a private agency, it involves vigilance angle as well in light of CVC guidelines dated 27.04.2015, which apparently has not been followed.

In the light of these observations, the Commission makes following recommendations:

- The entries in attendance documents under inquiry be shown /explained by the DTL to the Commission, at the time of next sitting before the Commission.
- The steps taken by the DTL to inquire the allegation of Complainant regarding forged documents by verifying through Forensic report be appraised to the Commission.
- The steps taken by the DTL to inquire the financial irregularities and payments made to private security agency as per CVC guideline be appraised to the Commission.
- DTL agrees to revoke the suspension order of Complainant Shri Hemant Kumar, hence the steps taken in this direction be appraised to the Commission.
- Complainant Shri Hemant Kumar agrees to participate in the departmental inquiry accordingly. DTL authority assured that transparency and fairness be maintained during proceedings in the form of audio/video recording. Hence the steps taken in this direction be appraised to the Commission.

An Action Taken report may be submitted to the Commission before next date. Next date of sitting in this case is 23rd December, 2021.


 अनंति मायक/ANANTA MAYAK
 सदस्य/Member
 राष्ट्रीय अनुसूचित जनजाति आयोग
 NATIONAL COMMISSION FOR SCHEDULED TRIBES
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

List of participants of the sitting held on 09.11.2021 at 11:30 A.M under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST in the case of Fabrication documents and framing fraudulent vigilance case against a ST employee of Delhi Transeo Ltd (DTL)- a representation dated 11.08.2021 of Shri Hemant Kumar, Working as Manager (T) in DTL.

I.	<u>National Commission for Scheduled Tribes</u>
1	Dr. Lalit Latta, Director
2	Shri P.L. Bairwa, ASO
3	Shri H. Jha, Advisor (Legal)
4	Shri A. Sharma, Advisor (Legal)
II.	<u>D/o Power, GNCTD</u>
1	Azimul Haque, Spl Secretary (P), Dir/HR
2	Rabi Narayan Pani, GM (HR)
3	Mukesh Gupta Manager (Vig)
4	Anand Singh Rawat, AM (T)
5	Parveen Kumar (AMT)
III.	<u>Petitioner</u>
	Shri Hemant Kumar