

National Commission for Scheduled Tribes

Proceedings of the sitting taken by Shri Ravi Thakur, Hon'ble Vice Chairperson, National Commission for Scheduled Tribes in the matter of Shri Samir C Minz, Danics, Ex-SDM (Seelampur), Govt of GNCT, Delhi

**Date of Sitting** : 05/01/2015


**List of Participants** :( Annexure-I)

At the outset Commission enquired from Special Secretary (Vigilance) the reasons for non-completion of enquiry initiated against the petitioner. The Special Secretary (Vigilance) said that enquiry was started and three enquiry officers have been appointed one after another. The enquiry was stopped because representations of Sh. Samir C Minz were received in the matter from MHA, National Commission for Scheduled Tribes etc. and these representations were under examination. It was informed that presently, a retired officer has been appointed as enquiry officer as per Central Vigilance Commission guidelines. The Commission further enquired whether the enquiry officer fulfills the DOP & T conditions and guidelines and is there no serving Govt. officer in Govt. of NCT of Delhi who can be appointed as enquiry officer.

The Special Secretary (Services) mentioned that in the representation dated 23-12-2014 of Shri Samir C Minz, there are broadly two issues brought out by him: i) transfer and ii) enquiry by the Commission. About the transfer, the Special Secretary (Services) deposed that petitioner was apprehending transfer, as there was nothing initiated on the file regarding transfer of Sh. Samir C Minz, petitioner.

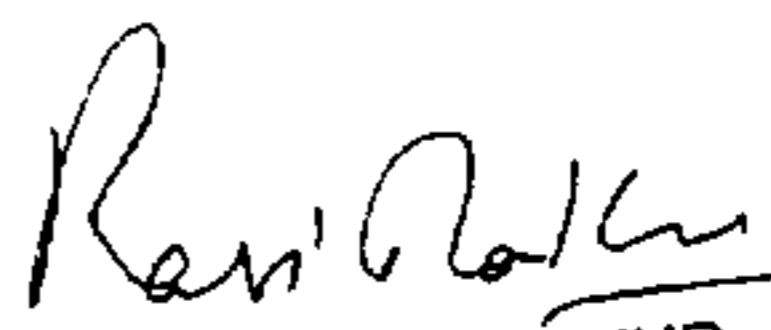
The petitioner, Sh. Samir C. Minz was given opportunity to explain his case. Sh. Samir C Minz, petitioner in his deposition before this Commission made the following statements:

- (i) Since the beginning of inquiry proceedings against him, he had continuously insisted upon for holding the enquiry under Rule 18 of CCS (CCA) Rules that envisages the "procedure of enquiry when two government servants accuse each other" and as it provides that both the

  
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trials in cross cases should be held simultaneously or in quick succession so as to avoid conflicting findings and different appraisal of the same evidence. Sh. H Rajesh Prasad, then DC North-East was himself involved in corrupt practices, illegal designs and had rendered very heavy losses to the Government exchequer for which the DC had received illegal gratifications. The charge sheet against the petitioner was nothing but action by DC to save himself from disciplinary action. He further stated that it is DC who was answerable and responsible and it was all done to suppress the voice of the petitioner. Therefore, the DC had leveled concocted, false and fabricated allegations. The petitioner stated that all the issues raised in representations and various complaints require to be examined, point by point by Directorate of Vigilance as this has not been done yet, for further examination by the Commission before restart of enquiry against the petitioner.

- (ii) Special attention was drawn towards the fact that the petitioner was given "Appreciation Letter" by the previous DC, Sh. K S Singh just about 2 months before, Sh. H Rajesh Prasad, DC had taken over charge. It is therefore to be taken notice of this fact on record that the same officer who was appreciated by the former DC for his good, exemplary work and hard work and good conduct became sore for the new DC, Sh. H Rajesh Prasad.
- (iii) Even *the Spl. Observer, Election Commission of India has sent report to the ECI appreciating the good work done by the petitioner SDM*, which is a matter on records and this fact can be verified.
- (iv) The petitioner has also submitted that in his long tenure of Government Service, his ACRs have been "Outstanding and Excellent" during most of the period that can be verified from records available with the GNCT of Delhi. Once, he had even been recommended for out of turn promotion. The petitioner has earlier received appreciation letter also from Commissioner, Sales Tax.
- (v) Sh. H Rajesh Prasad, then DC had made illegal and illegitimate demand from petitioner to provide him a tribal girl on the pretext of maid servant

  
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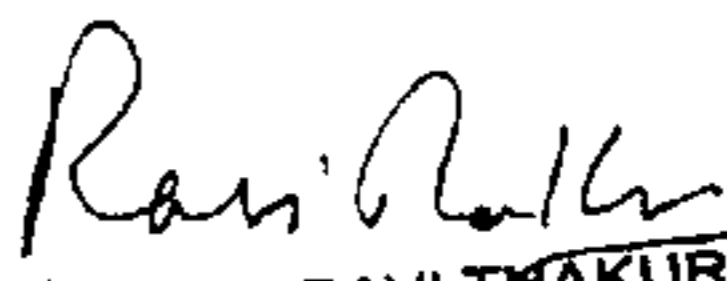
and that the petitioner should pay her monthly salaries. This refusal by the petitioner to fulfill this illegal demand of the DC, invited wrath of the DC and from that very day, the DC decided to take revenge and ruin the career of the petitioner. Even after lapse of about 10 long years, Directorate of Vigilance, GNCT of Delhi has made no investigation about this complaint against then DC from vigilance angle and conduct Rules.

- (vi) Details of illegal and malafide action by then DC were given and elaborated in 10 representations/complaints filed earlier with the government by the petitioner on 7/3/05, 12/10/06, 30/10/06, 14/12/06, 5/9/07, 14/3/08, 1/4/08, 21/2/11, 11/10/11 and 23/12/14. It was quiet strange that facts about the corrupt practices of the DC that had been reported in detail by the petitioner in all above representations and complaints alongwith supporting documents have not so far been examined point wise only to shield and protect the DC from disciplinary action. He requested that point wise examination of each representation/communication be done in fair manner and submit report after calling all relevant records from office of DC (NE).
- (vii) The long pending investigation had not been done by Directorate of Vigilance, in spite of the observations sent to them in this regard by the Commission earlier. The Commission vide its letter dated 20-11-2006 sent by the then Vice Chairman, Sh. Gajendra Singh RajuKhedi had specifically mentioned in para 3 of the letter that "he (petitioner) has also pointed certain serious irregularities against Sh. H Rajesh Prasad which have not yet been investigated. This should have been done as per the instructions on the subject". The petitioner submitted that the Govt. of Delhi may, therefore, be asked to investigate the matter and submit point wise report to the Commission before taking any further action against him.
- (viii) The petitioner further deposed that the DC had also crossed all limits of social barriers and caste discrimination when he had very bluntly commented upon the "attire of the petitioner" as it was even given in writing through Memo dated 21-2-2005, which was an extreme act of his

  
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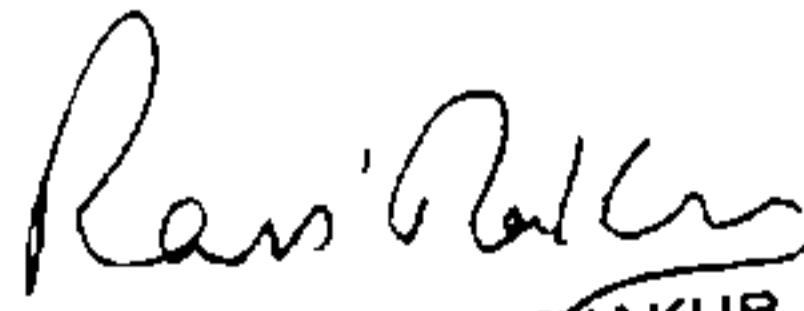
atrocities upon ST officer and he has requested to invoke provisions of SCs and STs (Prevention of Atrocities) Act, 1989. He has also sought action on other comment about his caste made by the DC as given in his complaint dated 7/3/2005 and invoke provisions of SC/ST Act:

- (ix) The petitioner stated that the DC had committed blatant violation of CCS (CCA) Rules, 1965 as the suspension of the petitioner was not reviewed after 3 months as per rules. Suspension Review was deliberately delayed for about 11 months and it was not put up to the Suspension Review Committee, only with his ulterior motive to put the petitioner to extreme mental torture and harassment and make him suffer from social stigma and financial hardship for long. *The suspension period from 13-06-2005 upto 15-5-2006 (11 months) was declared invalid by the Hon'ble L.G. and this intervening period was treated as the period spent on duty.* It was also informed by the petitioner that in suspension review matter file of the petitioner, the Hon'ble Lt. Governor of Delhi had given orders for taking action against those who were responsible for this lapse but no action whatsoever has yet been taken by the Directorate of Vigilance even after passage of about 9 long years. It was submitted that the concerned file may be called to verify the facts by the Directorate of Vigilance and disciplinary action may be taken against the DC who was squarely responsible for this lapse.
- (x) The petitioner further stated that Subsistence Allowance was also not paid to him for 11 months by the DC during the suspension period to multiply his hardships and that too in blatant violation of service rules. During this suspension period, the subsistence allowance was otherwise required to be also reviewed and given at enhanced rates as per rules.
- (xi) The petitioner further stated that the DC had implicated the petitioner to cover his own corrupt practices and illegal designs as the DC was hand in glove with land mafia and sand mafia who were involved in carrying out illegal purchase and sale of Vested Gaon Sabha lands, Gaon Sabha lands and agricultural lands on which farm houses, godowns and banquets were being constructed illegally and unlawfully. Physical survey of the areas

  
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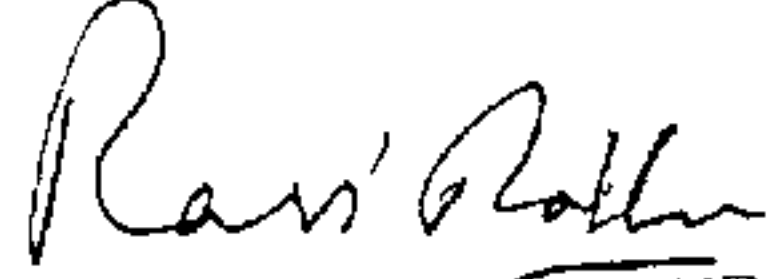
and dates of sanction of electricity connections will spell truth and reveal the land scam as it will be found that these are lands which the petitioner had prevented from being encroached and stopped from being developed as farm houses, godowns, factories and banquetts. The petitioner had taken steps to stop all such illegal constructions and even issued written directions to the local police which annoyed the DC, local police and land mafias. All these were given free hand later by the DC and allowed to mushroom and develop for which the DC had taken bribe money. He also submitted to produce latest copies of site photographs and videos of such properties. The petitioner further stated that status of encroachment and illegal possession of vested Gaon Sabha lands and Gaon Sabha lands of areas falling in DC(NE) that are under the possession of private parties, land mafia be called from DC(NE) office by the Directorate of Vigilance for examination and to detect land scam for appropriate action in these matters.

- (xii) The petitioner stated that one similar complaint was made in the year 2008 by Sh. Sitaram Yadav, MP to the Hon'ble Prime Minister against the DC alleging sale of DDA land worth crores of Rupees to a private party, M/s Ram Prastha Builders that also requires to be examined point wise and para wise, by Directorate of Vigilance. It has been informed that the Central Vigilance Commission has even asked for CBI enquiry in this case but the DC is being protected in this case.
- (xiii) The petitioner stated that there was high corruption in Sub Registrar (Seelampur) Office that was headed by the DC being its Registrar where large no. of touts operated, and also maintained the SR office records and even made entries in their own handwriting which can even now be verified from the old records. Revenue loss in lakhs and crores of rupees was made to the government exchequer by way of evasion of stamp duties, regn. with deficient stamp duties, regn. of properties without NOCs, false NOCs, regn. of documents relating to govt. lands. The petitioner also stated that about 25-30 complaints received in DC office (including complaints of SDM (Seemapuri, made by area MLA and Shahdara) were

  
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either hushed up or destroyed to save conduits of DC. For purpose of fair enquiry and to reveal the truth, all complaints received during the tenure of DC, against each and every officer be called from the DC(NE) Office and examined by Directorate of Vigilance.

- (xiv) The petitioner stated that the complaint file in r/o of Khasra No. 615/3, Village Sabhapur that was closed by the Chief Minister, had been suo moto reopened which is gross misconduct and act of gross insubordination and disobedience on the part of DC. This had been made a charge which also need to be investigated by the vigilance. In no case, the file closed by Chief Minister could be reopened by any subordinate officer of the State Government.
- (xv) The petitioner stated that the office staff was withdrawn by the DC and required minimum staff was not provided to him with an objective to create obstructions in day to day working of this big sub division only with the ulterior motive to put blame and frame charges later against the petitioner.
- (xvi) The petitioner also deposed that the complaints are sole creation and brain of the DC and in some of the complaints, these were got planted with malice and antipathy against the petitioner with concocted and totally false allegations, which in some cases do not even bear diary nos. but have been used as Annexures of charge sheet. He also stated that the DC also manipulated complaint as he had even put undue pressure on the petitioner to allow the factory owner to break open the seal/lock of sealed polluting factory without the clearance from De sealing Committee.
- (xvii) The petitioner also deposed that it is a big lie and the DC has cooked a concocted story and it was conspiracy of the DC as done in the matter of charge regarding issue of Sh. Parvinder, Instructor aimed only to ruin the career as the petitioner did not become his conduit as was done by few other officers and staff. There are major contradictions in the statements of DC and Sh. Parvinder and it proves that DC is the real complainant in this case.
- (xviii) The petitioner further deposed that it had come to his knowledge that it was being proposed to transfer him again with bias, prejudice and

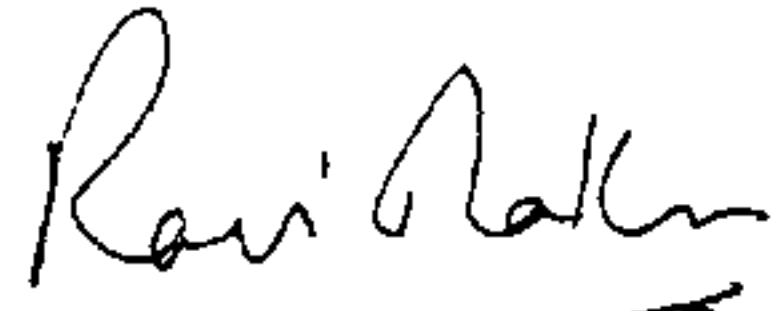
  
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discrimination though he was posted in the present Department only about one year ago because he is pursuing action for point wise and para wise examination on number of his pending complaints and initiation of action under Rule 18 of CCS (CCA) Rules.

Conclusion:

2. The Commission observed that Sh. Samir C Minz, presently posted in the Department of Trade and Taxes about one year ago has not completed the prescribed tenure. In view of the petitioner's apprehension of transfer the Special Secretary (Services) deposed and re-assured that there was no initiation on the file about his transfer. His instant transfer, if ordered despite assurance, will be considered as the willful and biased action against a ST officer.
3. After hearing the petitioner, the Commission observed that charges framed against petitioner appears to be of such a nature as these charges do not directly relate to him and instead Deputy Commissioner and other officers of District Office(NE) were equally responsible, yet Sh. Samir C Minz has been unnecessarily targeted and harassed. As the petitioner has also made accusations and revelations with documentary evidences against Sh. H Rajesh Prasad, DC, the Govt. of Delhi should immediately hold simultaneous enquiry against him as per the provisions of Rule 18 of CCS (CCA) Rules so as to avoid conflicting findings and different appraisal of the same evidence. The Directorate of Vigilance, Govt. of Delhi is accordingly advised to relook into the charge sheet of the petitioner under CCS Rules and send a detailed report to National Commission for Scheduled Tribes early.
4. The Commission took serious note of the Memo No. PA/DC/NE/222-23 dated 22-2-2005 and its contents are cognizable offence under SC & ST (POA) Act, 1989 against Shri H Rajesh Prasad, the Deputy Commissioner for this act of his towards a Tribal officer and this attitude of Dy. Commissioner needs to be reported in the ACR of Sh. H Rajesh Prasad.
5. The Disciplinary Authority of the petitioner had given orders in year 2006 for taking disciplinary action against those responsible for lapse in reviewing the suspension of the petitioner after 3 months as per rules as it was found that delay

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of 17 months was committed in this case. Reasons for not taking any action so far in this regard should be sent to the Commission.

6. It was deposed by the Special Secretary (Vigilance) that the complaint regarding sale of DDA land has been closed by the Central Vigilance Commission. The Commission desired that the closure report and the examination report of the Directorate of Vigilance be sent and the relevant files of the District Office and vigilance be produced before the Commission.

7. The complaint against the petitioner who had taken steps to stop illegal construction on agricultural land that were being carried out in violation of DLR Act was closed on the orders of CM but Sh. H Rajesh Prasad, DC had suo moto reopened the file at his own level and made it a charge against the petitioner. Reasons for reopening of the case be sent and the relevant file of DC (NE) office be produced before the Commission along with the investigation report of the Directorate of Vigilance for examination by this commission.

8. As revealed during the sitting, large no. of complaints were received from years 2003 to 2008, from elected representatives, associations and members of public against different officers and staff working in the District Office. The list of those complaints, action taken report in each complaint case, details of disciplinary action taken against the officers and staff be sent and files be produced for examination by the Commission.

9. The representations referred to in Para 1(VI) above received from the petitioner through various offices are stated to be under <sup>gone</sup> examination of the GNCT of Delhi. The petitioner has insisted for point wise examination of all his representations by the Directorate of Vigilance before proceeding further in the inquiry against the petitioner. The Commission desired that point wise examination should be done by the Directorate of Vigilance, at their level and detailed action taken report on all the points raised in each representation should be sent to the Commission for further examination before restart of inquiry against the petitioner.

  
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