

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
SERVICES DEPARTMENT: SERVICES-I BRANCH
DELHI SECRETARIAT: 7TH LEVEL: 'B' WING

I.P. ESTATE: NEW DELHI - 110002
(<http://services.delhigovt.nic.in> : Phone: 011-23392038)

No.F.55/10/2020/S-I/Pt.I/927

Dated: 18/05/2022

ORDER No. : 227

WHEREAS, the case of Shri Ramesh Chand Kataria (DOB: 06.04.1962, Snty. No. H8470 (Retd. as Grade-I DASS) was considered by the DPC convened for promotion to the post of Grade-I (DASS) in its meeting held on 26.12.2016 and his case was placed in sealed cover as the official was under suspension on the date of the meeting of the DPC.

WHEREAS, the case of Shri Ramesh Chand Kataria, (Grade-1 DASS) (Retd.) was considered in the meeting of review DPC held on 16.12.2020 and in view of vigilance report provided by Directorate of Education vide its letter F.DE.1(3)/08/E-1/ACP/Pt.F/8221 dated 10-08-2022 forwarding U.O. letter no DE.7/43/VCR/NGO/Vig/HQ/2020/2080 dated 30-07-2020 giving "clear vigilance status report" stating "No DP is pending" and mentioning that no charges are framed till date in the FIR 02/18 which is pending investigation, he was promoted notionally to the post of Grade-I (DASS) w.e.f. 30.12.2016 vide Services department's order No. 68 dated 17.02.2021.

WHEREAS, subsequently the Pr. Secretary (Education), GNCTD, vide his note dated 27.04.2022 submitted that *"the proposal to review the promotion of Shri Ramesh Chand Kataria as his promotion is based on erroneous facts as vigilance/criminal case is pending against him and till date, no final order on inquiry report has been passed by the Disciplinary Authority. Accordingly, Worthy Chief Secretary, Delhi directed to conduct review DPC as the promotion happened in absence of facts"*.

WHEREAS, as directed by Chief Secretary, another review DPC was convened on 29.04.2022 to review the promotion order No. 68 dated 17.02.2021 of Shri Ramesh Chand Kataria, (DASS) (Retd.) in view of new emergent facts brought about by Department of Education vide their note dated 27.04.2022.

WHEREAS, relevant extracts of para 2 & 7 of DoPT's O.M. dated 14.09.1992 which is reproduced hereunder, stipulates that:

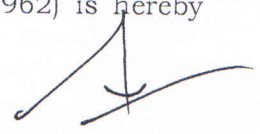
2"At the time of consideration of the cases of Government servant for promotion details of Government servant in the consideration zone for promotion falling under the following category should be specifically brought to the notice of the Departmental Promotion Committee.

- i) Government servants under suspension
- ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending: and
- iii) Government servants in respect of whom prosecution for criminal charge is pending.

7"A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before his actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this OM will be applicable in his case also."

AND WHEREAS, it has now become clear and evident that review DPC in its meeting held on 16.12.2020 was not apprised about issuance of prosecution sanction against the officer in FIR No. 02/18 PS, ACB and pendency of final orders w.r.t. his disciplinary Proceedings(vide Department of Education's Vigilance status F.DE.1(3)/08/E-1/ACP/Pt.F/8221 dated 10-08-2022) leading to his promotion to post of Grade-I (DASS) in the DPC, and that such decision was made in the absence of facts and therefore liable to be reversed.

NOW, THEREFORE; upon approval of the Competent Authority, i.e. Chief Secretary, Delhi the promotion order No. 68 dated 17.02.2021 in respect of Shri Ramesh Chand Kataria(the then Grade-I (DASS) with DOB:06.04.1962) is hereby Cancelled with retrospective effect.


(NAVEEN S.L.,IAS)
SPL. SECRETARY (SERVICES)

To,

Shri Ramesh Chand Kataria (DOB: 06.04.1962), (Retd.)
Through the Director (Education)
Directorate of Education, GNCT of Delhi,
Old Secretariat, Delhi-110054.

No.F.55/10/2020/S-I/Pt.I/227

Dated: 18/05/2022

Copy for information & necessary action to:-

1. OSD to Chief Secretary, Govt. of NCT of Delhi, Delhi.
2. Principal Secretary (Education), Dte. of Education, Govt. of NCT of Delhi, Delhi.
3. The Commissioner (DT&T), Govt. of NCT of Delhi.
4. PS to Secretary (Services), Govt. of NCT of Delhi, Delhi.
5. Section Officers (Services-II, IV, & ACP Cell), Services Department, GNCTD.
6. Section Officer (Co-ordination), Services Department, Govt. of NCT of Delhi, with the request to upload this order on the website of Services Department.
7. Section Officer (Monitoring Cell), Services Department, Govt. of NCT of Delhi.
8. PAO concerned through HOD concerned.
9. Officer concerned through HOD concerned.
10. Guard file.


(NAVEEN S.L.,IAS)
SPL. SECRETARY (SERVICES)