

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI**  
**SERVICES DEPARTMENT (BRANCH-II)**  
**A-WING, 5<sup>TH</sup> LEVEL, DELHI SECRETARIAT,**  
**NEW DELHI - 110002**

No.F.3(1)/(12)/2022/S-II/3236-45

Dated: 08/12/22

**ORDER**

**Whereas,** Services Department vide letter/circular dated 01/10/2020 had initiated the process of promotion of Grade-III (DASS) to the post of Grade-II (DASS) wherein the name of the Sh. Satish Singh Aswal, Grade III (DASS) was also under the consideration zone;

**And Whereas,** the Women and Child Development Department, GNCTD vide letter No. F.9(291)/Admm./WCD/Promotion/2019/11608 dated 06/11/2020 sent the service particulars viz. Service Particular Proforma, Integrity Certificate and Vigilance Clearance in respect of the said Sh. Satish Singh Aswal, Grade III (DASS) duly signed by the Head of Office (ACH, DWCD) alongwith the Vigilance Clearance at HQ Level. In Vigilance Report in respect of the said official, the W&CD Department has mentioned that "no case/ disciplinary proceedings contemplated/pending against Sh. Satish Singh Aswal, Grade III (DASS);

*The above vigilance status has been issued on the basis of vigilance status record presently available in their vigilance branch";*

**And Whereas,** on the basis of the above service particulars, Sh. Satish Singh Aswal, Grade III (DASS) [D.O.B. – 12/09/1976, Seniority No. -9517A] was promoted to the post of Grade II (DASS) vide Order No. 77 dated 14/09/2021. Further, it is clearly mentioned in the said promotion order that "promotion is subject to the condition that Head of the Departments concerned shall ensure that the above mentioned officials are free from vigilance angle and no penalty against the official is in operation before relieving above Grade III (DASS) officials to assume their duties as Grade-II (DASS) as per the instructions contained in DoPT OM No. 22011/4/91-Estt. (A) dated 14/09/1992 and other related OMs. If any of the officials out of the above, is not clear from vigilance angle or his integrity is not certified as on date or has resigned/expired/taken VRS etc., the same should be brought to the notice of this department immediately;

**And Whereas,** despite of above facts, Sh. Satish Singh Aswal, Grade III (DASS) relieved from Women and Child Development Department and he assumed the duties of the post of Grade II (DASS) in Directorate of Education for pay purpose & physically in W&CD Department on promotion;


**And Whereas,** the Directorate of Vigilance vide their letter No. F.7(A)/09/2019/DOV/1921 dated 02/03/2022 and letter No. F.7(A)/09/2019/DOV/5531/282 dated 18/05/2022 forwarded therewith the list of Non-Gazetted officials of DASS Cadre involved in Registrar Cooperative Societies cases and the name of Sh. Satish Singh Aswal was mentioned in the said lists;

**And Whereas,** this department sought the comments/clarification from Department of Women and Child Development on the above letter dated 02/03/2022 of DOV vide letter No. F.3(1)/(12)/2022/S.II/1891-92 dated 29/06/2022 and subsequent reminder dated 15/07/2022 and 23/08/2022;

**And Whereas,** the administrative department, i.e., W&CD replied very lately, i.e., after issuance of Show-cause-notice dated 25/10/2022 to the official & letter dated 25/10/2022 to W&CD, vide their letter dated 02/11/2022 mentioning therein that Vigilance Status provided by the department was as per the documentary records which is not tenable as the prosecution sanction to prosecute Sh. Satish Singh Aswal has already been issued on 25/03/2008 prior to issuance of vigilance clearance by W&CD;

**And Whereas,** Directorate of Vigilance vide their letter No. F.7(A)/17/2008/DOV/11705/961 dated 26/09/2022 has forwarded prosecution sanction dated

Contd...2

  
08.12.2022

25/03/2008 in respect of Sh. Satish Singh Aswal and also furnished the status of RCS cases against the official as under :-

Sl. No.	RC No.	Name of CGHS	Status
a.	RC No. 11(A)/2006/SCU.V/ SCR.II dated 29/09/2006	Durga Puja CGHS	The case has been stayed by Hon'ble Supreme Court of India. The case was at stage of Argument on Charge.
b.	RC.22-A-2006-SCU.V-SCR-II	Chanderlok CGHS	File is submitted to Hon'ble Court on 09/11/2020.
c.	RC-12(A)/2006/SCU.V/SCR-II/CBI/ND dated 29/09/2006	Palwell CGHS	Pending under trial.

**And Whereas,** the fact regarding pending criminal proceedings against him was not revealed by the said Sh. Satish Singh Aswal to W&CD Department;

**And Whereas,** para 7 of DoPT's O.M dated 14/09/1992 which is reproduced hereunder , stipulates that :-

*"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 he is 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,** the prosecution sanction had been issued and charge sheet has been submitted before the Court of Law against the said official was not apprised to the DPC held on 06-07/09/2021 as the same was not informed by the Administrative Department concerned i.e, Women & Child Development Department and official was promoted to the post of Grade-II (DASS) on being recommended FIT by the DPC. Hence, promotion of the official was made in the absence of facts about criminal cases pending against him and therefore promotion order dated 14/09/2021 is liable to be reversed and recommendation of DPC would be deemed considered as if his case had been placed in sealed cover by the DPC until he is completely exonerated of the charges against him in consonance with above referred para 7 of O.M dated 14/09/1992;

**And Whereas,** Sh. Satish Singh Aswal was given an opportunity vide Show Cause Notice No. F.3(1)/(12)/2022/S-II/2969-72 dated 25/10/2022 to offer his written representation, if any;

**And Whereas,** Sh. Satish Singh Aswal has given his written submission dated 07/11/2022 with enclosures in response to show cause notice dated 25/10/2022 duly forwarded by W&CD Department's letter dated 15/11/2022 and the official has admitted the three RCS criminal cases against him are pending as under:

Sr. No.	RC No./Name of CGHS	Status
1	RC No.11(A)/2006/SCU.V/SCR-II dated 29/09/2006 (Durga Pooja CGHS Ltd.)	Charge-sheet filed in the competent court, however, charges has not been framed in the matter, till date. The next date of hearing in the matter is fixed on 16/11/2022, for arguments on charge.
2	RC No.22-A-2006-SCU.V-SCR-II (Chander Lok CGHS Ltd.)	The trial in the matter has been concluded. The next date of hearing in the matter is fixed on 01/12/2022, for final arguments.
3	RC No. 12(A)/2006/SCU.V/SCR-II/CBI/ND dated 29/09/2006(Pawlwell CGHS Ltd.)	Charge-sheet filed in the Competent court, however, charges has not been framed in the matter, till date. The next date of hearing in the matter is fixed on 21/11/2022, for arguments on charge.

Contd...3

*08.12.2022*



**And Whereas**, this matter was placed before the Chief Secretary, Delhi being the appointing authority in case of Grade-II and he has considered the averments submitted by the said official;

**And Whereas**, as per CCS(Conduct) Rules, every Govt. servant shall maintain absolute integrity and is required to report any material fact affecting his service conditions to his department concerned, viz., pending criminal case/departmental proceedings initiated in other department. Further, the official was aware that the process of his promotion was undergoing and vigilance clearance is a pre-requisite for considering his case for promotion, but the said official did not inform the W&CD department about pending criminal proceedings against him;

**And Whereas**, the Competent Authority, i.e., the Chief Secretary, Delhi after taking into consideration facts and circumstances of this case as well as his submission with enclosures, has accorded approval for cancellation of promotion of Sh. Satish Singh Aswal to the post of Grade-II with retrospective effect and reversion to the post of Grade-III with immediate effect ;

**Now Therefore**, upon approval of the competent Authority, i.e., the Chief Secretary, Delhi, the promotion of Sh. Satish Singh Aswal to the post of Grade-II (GNCTDSS erstwhile DASS) vide order No. 77 dated 14/09/2021 is hereby cancelled with retrospective effect and the recommendation of DPC shall be deemed considered as if his case had been placed in a sealed cover by the DPC until he is completely exonerated of the charges against him and Sh. Satish Singh Aswal is reverted back to the post of Grade-III/Sr. Asstt. with immediate effect. Further, consequent upon cancellation of his promotion, Sh. Satish Singh Aswal is hereby posted in Education Department to the post of Grade-III(GNCTDSS)/Sr. Asstt. for all purposes with immediate effect & **STAND RELIEVED FORTHWITH** with the direction to report for his duties in Education Department.

*[Signature]*

08.12.22

(KULANAND JOSHI)

SPECIAL SECRETARY (SERVICES)

Sh. Satish Singh Aswal, Grade II (GNCTDSS)  
Through Director (W&CD Department)  
Women & Child Development Department,  
Govt. of NCT of Delhi,  
Maharana Pratap ISBT Complex,  
Kashmere Gate, Delhi-110006.

No.F.3(1)/(12)/2022/S-II/ 3236-45

Dated 08/12/22

Copy for information and necessary action to :-

1. S.O. to Chief Secretary, GNCTD, Delhi.
2. The Secretary/Director, Women & Child Development Department, GNCTD, Delhi.
3. The Director, Education Department, GNCTD, Old Secretariat, Delhi.
4. The Assistant Director, Directorate of Vigilance, GNCTD, Delhi Secretariat, Delhi-110002.
5. Section Officers(Services-IV & ACP Cell), Services Department, GNCTD, Delhi.
6. Section Officer(Co-ordination), Services Department, GNCTD, Delhi with the direction to upload this order on the website of Services Department.
7. Section Officer(Monitoring Cell), Services Department, GNCTD, Delhi.
8. PAO concerned through HOD concerned.
9. Official concerned with the direction to send the copy of the joining report to Services Department on email id : services2gnctd@gmail.com.
10. Guard file.

*[Signature]*

08.12.2022

(KULANAND JOSHI)

SPECIAL SECRETARY (SERVICES)