

Through Special Messenger  
By Speed Post

**ALL INDIA INSTITUTE OF MEDICAL SCIENCES**

F.No. 1-2/2017-Genl.

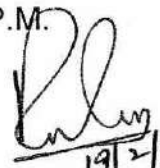
Ansari Nagar, New Delhi-29  
Dated: 19 FEB 2018

**MEMORANDUM**

**Subject:- Final minutes of the 152<sup>nd</sup> Extra Ordinary Meeting of the Institute Body held on Tuesday, the 10<sup>th</sup> October, 2017 at 12:00 P.M. in the Committee Room, 3<sup>rd</sup> Floor, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.**

Minutes of the Institute Body meeting held on 10<sup>th</sup> October, 2017 at 12:00 P.M. in the Committee Room, 3rd Floor, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi duly approved by the President were circulated to all the Members of the Institute Body vide No.1-2/2017-Genl. dated 03.02.2018 inviting observations/comments, if any, within **two weeks** from the date of issue of the memo.

As no observations/comments received from any members of Institute Body, the minutes circulated on 03.02.2018 may be treated as final minutes of the 152<sup>nd</sup> Meeting of the Institute Body held on Tuesday, the 10<sup>th</sup> October, 2017 at 12:00 P.M.

  
19/2/18  
(PROF. RANDEEP GULERIA)  
DIRECTOR &  
MEMBER SECRETARY

The President and all the  
Members of the Institute Body.

Through Special Messenger  
By Speed Post

**ALL INDIA INSTITUTE OF MEDICAL SCIENCES**

F.No. 1-2/2017-Genl.

Ansari Nagar, New Delhi-29


Dated:

3 FEB 2018

**MEMORANDUM**

**Subject:- Final minutes of the 152<sup>nd</sup> Extra Ordinary Meeting of the Institute Body held on Tuesday, the 10<sup>th</sup> October, 2017 at 12:00 P.M. in the Committee Room, 3<sup>rd</sup> Floor, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.**

Minutes of the meeting of Institute Body held on 10<sup>th</sup> October, 2017 at 12:00 P.M. in the Conference Room, 3<sup>rd</sup> Floor, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi as approved by the Chairman are circulated to Chairman and all the Members of the Institute Body for information. Observations, if any, may kindly be communicated to the undersigned ***within two weeks*** from the date of issue of this memorandum.



(PROF. RANDEEP GULERIA)  
DIRECTOR &  
MEMBER SECRETARY

**Encl. As above**

The President and all the  
Members of the Institute Body.

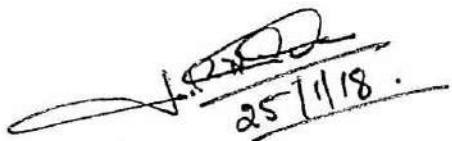
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**MINUTES OF THE 152<sup>ND</sup> (EXTRA ORDINARY) MEETING OF THE INSTITUTE BODY HELD AT 12.00 NOON ON TUESDAY, THE 10<sup>TH</sup> DAY OF OCTOBER, 2017 IN THE MINISTRY OF HEALTH & FAMILY WELFARE, NIRMAN BHAWAN, NEW DELHI.**

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Meeting of the 152<sup>nd</sup> (Extra Ordinary) meeting of the Institute Body of AIIMS, New Delhi was held at 12.00 Noon on Tuesday, the 10<sup>th</sup> October, 2017 in the Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi and the followings were present:-

- 1) Shri Jagat Prakash Nadda -- President  
Hon'ble Union Minister of Health & Family Welfare  
Government of India,  
Nirman Bhawan,  
New Delhi - 110 011
- 2) Prof. Ram Gopal Yadav -- Member  
Hon'ble Member of Parliament (Rajya Sabha)  
8-A, Lodhi Estate,  
New Delhi - 110 003
- 3) Shri Ramesh Bidhuri -- Member  
Hon'ble Member of Parliament (Lok Sabha)  
H.No.179, Sunpath House,  
Village Tughlakabad,  
New Delhi - 110 044
- 4) Shri Parvesh Sahib Singh Verma -- Member  
Hon'ble Member of Parliament (Lok Sabha)  
1/14B, Shanti Niketan,  
New Delhi
- 5) Shri C.K. Mishra -- Member  
Secretary to the Govt. of India,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi - 110 011
- 6) Smt. Vijaya Srivastava -- Member  
Special Secretary & Financial Adviser  
Government of India  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi - 110 011
- 7) Dr. Jagdish Prasad -- Member  
Director General of Health Services,  
Government of India,  
Ministry of Health & Family Welfare  
Nirman Bhawan,  
New Delhi - 110 011


  
25/11/18

  
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- 8) Prof. Yogesh Kumar Tyagi -- Member  
Vice-Chancellor  
University of Delhi  
Delhi - 110 007
- 9) Dr. M.K. Bhan -- Member  
Former Secretary to the Govt. of India  
Deptt. of Biotechnology  
Ministry of Science & Technology  
New Delhi
- 10) Dr. D.S. Rana -- Member  
Chairman  
Board of Management  
Sir Ganga Ram Hospital,  
New Delhi
- 11) Prof. Randeep Guleria -- Member-Secretary  
Director,  
All India Institute of Medical Sciences  
Ansari Nagar  
New Delhi -110 029

Following members could not attend the meeting:-

- 1) Shri Kewal Kumar Sharma  
Secretary to the Govt. of India  
Deptt. of Higher Education  
Ministry of Human Resource Development  
Shastri Bhawan,  
New Delhi - 110 001/
- 2) Dr. (Smt.) Vijay Laxmi Saxena  
Coordinator Bioinformatics Infrastructure Facility Centre of DBT  
Government of India,  
Head of the Deptt. of Zoology  
Dayanand Girls P.G. College  
Kanpur - 208 002 (U.P.)
- 3) Dr. Mahesh B. Patel  
F-001, Shilalekh Society  
Opposite Police Stadium  
Shahi Baug,  
Ahmedabad-380 004
- 4) Dr. D.G. Mhaisekar  
Vice Chancellor  
Maharashtra University of Health Sciences,  
Dindori Road, Mhasrul  
Nashik - 422 004.
- 5) Dr. N. Gopalkrishnan  
Professor (Nephrology)  
Madras Medical College  
Chennai

  
25/11/18



Prof. Balram Airan, Dean (Academic), AIIMS, New Delhi; Dr. D.K. Sharma, Medical Superintendent, AIIMS, New Delhi and Shri Arun Kumar Singhal, Joint Secretary, Ministry of Health & Family Welfare attended the meeting as Special invitee.

Shri Ramesh Kumar Sudhanshu, Dy. Director (Admn.) and Shri Neeraj Kumar Sharma, Sr. Financial Adviser, AIIMS, New Delhi were also present during the meeting.

At the outset, the President welcomed all the members and officers to the Institute Body meeting of AIIMS, New Delhi and requested the Director & Member-Secretary to present the agenda for discussion.

In his opening address, Director welcomed the President, all the members present and the officers to the 152<sup>nd</sup> meeting of the Institute Body of AIIMS, New Delhi. He sought the guidance and advice of the members of the Institute Body for the progress & development of the Institute as the instant meeting of the Institute Body was the maiden one for him as well as for his team comprising of Shri R.K. Sudhanshu, Dy. Director (Admn.) and Shri Neeraj Kumar Sharma, Sr. Financial Adviser.

With the permission of the President, agenda was presented for discussion by the Director as under:-

**Item No.IBN-152/1**

**Confirmation of Minutes of 151<sup>st</sup> meeting of the Institute Body held on 28.01.2017 in the Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.**

Minutes of the 151<sup>st</sup> meeting of the Institute Body held on 28.01.2017 were confirmed.

**Item No.IBN-152/2**

**Confirmation of Minutes of 154<sup>th</sup> meeting of the Governing Body held on 21.10.2016 in the Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi.**

Minutes of the 154<sup>th</sup> meeting of the Governing Body held on 21.10.2016 were confirmed.

  
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**Item No. IBN-152/3**

**Ratification of Item No. GB-154/13 approved by the Governing Body in its meeting held on 21.10.2016 titled "To consider the proposal for Enhancement of Age of Retirement on Superannuation of Officers belonging to General Duty Medical Officers (GDMO) and Blood Transfusion Officer (BTO) Cadre of AIIMS from 60 years to 65 years".**

Institute Body ratified the decision of Governing Body on issue of enhancement of retirement age from 60 years to 65 years in respect of GDMOs and BTOs at the AIIMS, New Delhi.

**Item No. IB-152/4**

**To consider an appeal of Shri Rajiv Lochan, Ex-Deputy Chief Security Officer, AIIMS, New Delhi against the penalty of "Removal from Service which shall not be a disqualification for future employment under the Government" imposed on him under CCS (CCA) Rules, 1965.**

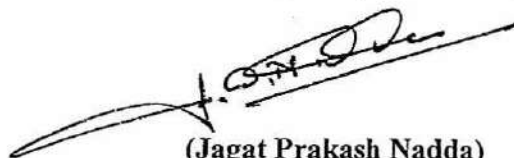
Dy. Director (Admn.) informed that the penalty of removal of service was imposed on the individual by the Governing Body and aggrieved with the penalty imposed on him, he approached the CAT for seeking relief. The Hon'ble CAT had directed the individual that he had one more channel to be exhausted by him hence he should approach the Appellate Authority in his case. The individual had accordingly tendered his appeal for consideration to the Institute Body being the Appellate Authority in his case as he was a Group "A" Officer.

The members deliberated the matter in detail and subsequently it was decided by the Institute Body to reject the appeal tendered by Shri Rajiv Lochan against the penalty imposed on him by the Governing Body on account of the grounds enclosed as Annex.A. These grounds may be conveyed to him through a Speaking Order.

The meeting ended with a vote of thanks to all those present.



**(Prof. Randeep Guleria)  
Director &  
Member Secretary  
Institute Body, AIIMS**



**(Jagat Prakash Nadda)  
Hon'ble HFM &  
President, Institute Body, AIIMS**

The Institute Body considered the case of appeal of Shri Rajiv Lochan, against the penalty Order dated 14.09.2016 of AIIMS and found no merit for setting aside the Penalty Order dated 14.09.2016 on the following grounds:-

It has been observed that as per condition No. 30 of contract/agreement with M/s Prehari Protection Systems Pvt. Ltd. "Overtime can be given in a special case with prior approval of Dy. CSO which should not exceed 4 hours a day and 60 hours in a month." However, as per the audit report, the wages at agreed rates are to be paid to the firm for guards/security staff actually deployed as per Schedule A of the agreement. Rate of wages also includes elements of EPF @ 13.61%, ESI @ 4.75%, Bonus @ 8.33%, Gratuity/Terminal Benefits @ 4.81%, uniforms, washing allowances @ 10% for Ex-servicemen and 5% for civilian guard and weekly offs/national holidays/other holidays 28.98% for Ex-serviceman and 1/6<sup>th</sup> for Civilian Guard. In case of over time Allowances to the guards no statutory and other benefits are payable to the contractor for over time duty of guards. The contractor is entitled for basic wages, service charges and service tax only. The Audit report states, irregular payment to the contractor for engagement of Security Guards etc. amounting to Rs.8,78,07,200/- and the total amount which was paid to the contractor in addition to the basic wages is Rs.11,63,18,729/- only and indicates failure to monitor and comply the terms and conditions of the contract/agreement executed between the Institute and contractor. The audit report, states that the total amount of wages and OTA paid to contractor during the contract period of 3 years was Rs.15,19,59,673/- and the said calculation statement was duly signed by Shri Deepak Kumar, Security Officer, AIIMS, New Delhi. Further, Shri Rajiv Lochan has been furnished all the requested documents during the Inquiry proceedings by the Inquiry Officer.

2. As per Para 41 of the agreement between AIIMS and M/s Prehari Protection Systems Pvt. Ltd. the contractor shall be responsible to provide all service benefits, viz. Bonus, provident fund, ESI facility, gratuity/Terminal benefits, uniform etc. and shall furnish a certificate to this effect every month along with proof/receipt, failing which the AIIMS will have the right to withhold their bills for the subsequent period(s). Further, clause No. 28 of the contract/agreement, Dy. Chief Security Officer or any other officer authorized by the Director, AIIMS is responsible for overall supervision. The bills for payment of security agency were processed and verified by Security Department and in this way, the complete post contract management was the responsibility of the Security Department of AIIMS.

3. As per audit report a test check was conducted for the Bill No. PSS/AIIMS/II-64 dated 1.5.2009 for Rs.17,04,770.22 for 228.5 guards relating to PC Block for the month of April, 2009 which was verified and passed by Shri Rajiv Lochan. Sanctioned strength shown in the bill was 228.5 guards. A statement was prepared on the basis of Duty Register for the month of April and by taking all the details shift wise regarding deployment of guards, number of guards deployed worked out as 218.5. However the bill was passed for 228.5 guards by Dy. CSO. Audit Party observed that the bill was passed by Dy. CSO for 228.5 guards instead of 218.5 guards and Dy. CSO had not exercised proper check before passing the bill. Audit Party had stated that OTA hours were also converted into number of workers deployed by the contractor. The number of workers calculated for OTA hours are 46.5 and hence actual number of workers deployed by the contractor worked out to  $218.5 - 46.5 = 172$  for which gross wages including EPF, ESI & other benefits etc. must be paid. OTA payment must be paid for 46.5 workers @ basic wages + services charges +service tax only and no EPF, ESI & other elements were reimbursed to the contractor. As per reply dated 26.10.2013 to the said Audit Report, Shri Rajiv Lochan had himself mentioned that statutory benefits were being paid to security agency on overtime allowance as nothing was mentioned in this regard in the agreement /contract and that he also mentioned due to over sight he had verified the bill for the 228.5 security guards instead of 218.5 guards.

4. As per the reference of terms and conditions of agreement was a minimum of 30% Ex-servicemen guards of the sanctioned strength, had to be maintained area-wise. The check of bills for the month of April, 09 September, 09, duly verified/certified by Shri Rajiv Lochan, Dy. CSO showed excess payment were made to the firm without imposition of penalty clause considering placement of short number of Ex-servicemen. During the course of disciplinary proceedings, the requested defence documents, which were found relevant were allowed by the Inquiry Officer, and provided to him. It is evident from the Audit Report that there were irregular payments to the contractor without proper verification of bills submitted by the security agency.



5. The plea of Shri Rajiv Lochan that being an officer from Security, he was not aware about the provisions of procurement activity/tender process, is unacceptable and untenable. As being an officer of the level and seniority of Dy. Chief Security Officer, who was part of the Committee as Member Secretary, which evaluated the EOI offers and shortlisted the bidders based on the said EOI offers only, and recommended for award of work without the mandatory two bid system, was expected to the mandatory two bid system, was expected to know all the relevant rules, guidelines and procedures particularly when it was clearly mentioned in the note of Dy. Director (Admn.) to follow the bid procedure.
6. As per the note dated 27.8.2008 of the then Dy. Director (Admn.), he had directed Dy. CSO that "two bid systems should be adopted as per existing guidelines of the Central Vigilance Commission. After examination of technical bids, financial bids of qualified security agencies/agency must be opened without any delay. Accordingly, correction should be made in the proposed pre-qualification bid. As per the decision of the "Fire & Security Committee", new tenders are to be floated. One month time has to be given for receiving tender documents from the bidders". Shri Rajiv Lochan was also advised to put up a comprehensive note after due correction in the bid document for Director's approval.
7. The Stores Officer (DO) in his note dated 15.9.2008 had stated that as informed by Shri Rajiv Lochan, Dy. CSO that a meeting of the Security management Committee held on 30.7.2008 under the Chairmanship of Dy. Director (Admn.) wherein it was decided that a fresh tender for the security should be floated. Before floating fresh tender for the deployment of Pvt. Security agency, a tender set (EOI) was forwarded to Dy. CSO for any correction/amendment, if any. The Dy. CSO made some corrections/amendments in the set and sent to Stores Section for floating a fresh tender for the same after getting administrative approval of the competent authority. It was proposed to put up the note the competent authority i.e. Dy. Director (Admn.) before floating the open tender (through media/public portals as mentioned in the note) for his approval, which was approved on 15.9.2008 by the Dy. Director (Admn.).
8. Rule 152 of GFR provides procedure for two bid tender system. It inter alia states that bids may be obtained in two parts viz. (a) technical bid consisting of all technical details along with commercial terms and condition; and (b) financial bid indicating item wise price for the items mentioned in the technical bids. The technical bid and the financial bid should be sealed by the bidder in separate covers duly super scribed and both these sealed covers are to be put in a bigger cover which should also be sealed and duly super scribed. The technical bids are to be opened by the purchasing ministry or department at the first instance and evaluated by a competent committee or authority. At the second state financial bids of only the technically acceptable offers should be opened for further evaluation and ranking before awarding the contract. The above guidelines and instruction of the Dy. Director (Admn.), were not followed and EOI invited and based on the said EOI the eligibility of bidders was adjudged and subsequently shortlisted three bidders as technically qualified, their financial bids were called, and work was awarded. All officers including Shri Rajiv Lochan, who were part of the process, are individually and collectively responsible for the violation of GFR 2005 and CVC's guideline relating to award of tenders on two bid system. The plea of Shri Rajiv Lochan that earlier security contracts were also awarded on the same pattern/procedure, cannot be acceptable in view of guidelines on the subject, and he cannot absolve himself of violation guidelines/procedures on the subject.
9. Shri Rajiv Lochan, Dy. Chief Security Officer was the member secretary of Technical Committee and specifically assigned the job of preparing comparative statement of technical bids for the preparation of comparative statement. It is evident from the records that Shri Rajiv Lochan while preparing the comparative statement had ignored vital facts leading to qualification of two agencies namely M/s Terrier Utility Services and M/s Prehari Protection Systems Pvt. Ltd., which otherwise was not eligible. Shri Rajiv Lochan was member secretary of the committee and had the responsibility to ensure that all the technical parameters from prequalification documents were properly verified for evaluating technically and short listing the firms, after due diligence, the issue was to be decided.



10. Regarding the clause "Satisfactory performance report/certificate issued from Head of the Security Department of any Govt./Semi govt. organization regarding deployment of minimum 400 security personnel with at least 200 security personnel at one location/organization during the last two years", in column No.4 of the comparative statement wherein particulars of M/s Prehari Protection Systems Pvt. Ltd. regarding the said clause, has been mentioned that the documentary evidence in support of engagement of 450 security personnel from 23.2.2006 to till date in Govt. Organisation is placed at Page 222 of the file. However, at Page No. 222 of the file there is a document, which only shows extension of contract for further six months w.e.f. February, 2008 for providing security in Markfed Complexes in respect of M/s Prehari Security & Detective Services Ltd. In this document nothing was mentioned regarding satisfactory performance or from which date 450 numbers of security personnel were provided to the M/s Punjab State Co-Op. Supply & Marketing Federation Ltd. Therefore, the averment of Shri Rajiv Lochan that extension of contract does not implied that the performance of the agency was satisfactory, as extension given to the firm cannot be construed to be a certificate of satisfactory performance, as was the requirement, and the extension letter was issued by the Manager Storage and Preservation Expert, whereas the certificate of satisfactory performance was required to be signed by the Head of the Security Department only, as per tender document. The tender documents were signed by one Shri Surinder Pal for M/s Terrier Utility Services Pvt. Ltd., Chandigarh, who does not hold any appointments in the Group profile of the company and that the name of the company was changed from M/s Prehari Security and Detective Services Pvt. Ltd. to M/s Prehari Protection Systems Pvt. Ltd. on 5.6.2008 but the balance sheet dated 15.4.2008 duly certified by the CA was in the name of M/s Prehari Protection Systems Pvt. Ltd. The balance sheet prepared on 15.4.2008 could not be in the name of a company was not in existence on the said date. The Auditor's report 31.08.2008 and the Punjab State Co-op Supply & Marketing Federation Ltd. letter dated 08.09.2008 were addressed to M/s Prehari Security & detective Services Pvt. Ltd. it could not be possible when M/s Prehari Security & Detective Service Pvt. Ltd. was no longer, in existence on the said dates having been renamed as M/s Prehari Protection Systems Pvt. Ltd. with effect from 5.6.2008. The submissions of Shri Rajiv Lochan in this regard appears to be irrelevant.

11. As per the qualification criteria vendor should have satisfactory performance report during last 2 years from any Govt. /Semi Govt. Organization having 400 minimum deployments of security personnel with at least 200 security personnel at one location/organization. Tender in this case was due on 23.10.2008 whereas the performance certificate given by the Punjab State Cooperative Supply & Marketing Federation Ltd is dated 23.2.2006. As certificate itself is more than 2 years old, firm cannot be considered qualified on the basis of this document. It is also observed that the extension given to the firm cannot be construed to be a certificate of satisfactory performance, as was the requirement and further, the extension letter was issued by Storage and Preservation Expert, whereas the certificate of satisfactory performance was required to be signed by the Head of the Security Department only, as per tender condition/requirement. The contract placed by Punjab State Co-op Supply & Marketing Federation Ltd. was extended up to 31.10.2008 but complete documentation in this regard was not available. Original contract was valid up to 31.03.2005 only and there is no record of extension or otherwise of this contract during the period 1.4.2005 to 28.2.2007. There are some extension letters issued during 2007-2008 by different officials under different reference numbers and these letters do not indicate if the extension is in respect of the same contract dated 27.3.2002. Dates in the letter reference No. SPE/CLKI08/addressed to M/s Prehari Security & Detective Service Ltd. 5463, Sector-38(West), Chandigarh are not legible. Even otherwise, these are the letters extending the contract period only and not the satisfactory performance report as was required in the tender. Therefore, the submission of the CO appears to be based on presumption.

12. As per qualifying condition, there should have been deployment of at least 200 security personnel at one location out of 400 minimum deployment in one organization, but as per the certificate dated 23.2.2006 and order dated 27.3.2002, the deployment of personnel was at various Markfed Complexes located at Amritsar, Gurdaspur, Hosiharpur, Jalandhar, Nawashahr & Kapurthala. Thus, the firm was also not meeting the qualifying condition of at least 200 security personnel at one location.

13. Having regard to the evidences as elaborated in preceding paras that the provisions of GFR & directions of CVC for two bids system were violated and some vital information were concealed/manipulated while making comparative statement by Shri Rajiv Lochan, which benefitted a particular bidder. By the act of manipulating the records, incorrect comparative statement prepared by Shri Rajiv Lochan, made an ineligible firm qualify. This resulted in various financial irregularities by the successful bidder (M/s Prehari Protection Systems Pvt. Ltd) subsequently. In addition, the malafide actions referred above by Shri Rajiv Lochan, also led to strike in AIIMS by the security guards, which apart from causing financial loss to the institute resulted in loss of reputation for the organization as well.