

MUNICIPAL CORPORATION OF GRATER MUMBAI

No. dtd. 03.2019

Sub : F.F.D.E. Report regarding fire at Kamla Mill on 29.12.2017.

Perused the enquiry report of the Enquiry Officer alongwith files accompanied with this report, perused the Nasti No.(1) where charges levied against each delinquent are elaborated. Perused the Annexure-E of the enquiry report which explicitly mentions the charges proved / not proved against each delinquent.

The incident on the night of 28th and 29th December 2017 wherein 14 innocent people lost their lives is extremely serious. On perusal of enquiry report, it is very clear that there was a very casual approach towards ensuring compliance of regulations. It was apparent and clear that ground reality at these restaurants was at variance with what was approved. The officers tasked with the responsibility of detecting them completely failed to do so, in fact, their acts points towards negligence and connivance. This is a clear case where negligence and greed at the ground level has led to regulations being flouted with impunity, and a complete failure of even the minimum compliance requirements. In order to prevent recurrence and the seriousness of the issue commensurate punishment needs to be meted out.

I, therefore, pass the following punishment order :-

Sr No	Name of the Officer & Designation	Period of service in G/South ward	Charges proved as per Enquiry Officer's findings	Punishment awarded
1.	Dr. Satish B. Badgire, MOH, G/South	04.06.2015 to 30.12./2017	Charges No.2, 3, 5, & 6 as well as supplementary charges No.2, 3, 4, 5, 6, 8C & 6 are proved fully. Charges No. 1 & 4, supplementary charges No.. 1, 7, 8A & 8B proved partly.	Dr. Badgire, MOH has given Health License under section 394 of MMC Act to both the restaurant, One-Above & Mojo even-though there was illegal encroachment on the terrace. He has issued license without verifying the compliance of CFO NOC. He has not taken any coercive action to cancel the license as per circular No.HO/14432/C, dtd. 4.7.2011 even-though Hookah Parlour activity was going on in the above restaurants. Instead of cancelling the licenses, he has given

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				permission for smoking zone on 02.12.2017. Had Dr. Badgire cancelled the license on account of various irregularities like Hookah Parlour, illegal construction, non-compliance of Fire NOC, this tragic incidence which has caused 14 deaths of innocent citizens would have not happened. This act of Dr. Badgire amounts to dereliction of the duty, negligence amounting to connivance and moral turpitude. Therefore, he shall be removed from the Municipal services. His suspension period shall remain un-condoned.
2.	Shri M.G. Shelar, Designated Officer, G/South	21.08.2012 to 28.03.2016	Charges No. 2 & 3 and supplementary charges No.3 & 5 are proved fully. Charges No. 1 & 4 and supplementary charge No.1, 2 & 4 proved partly.	Shri Shelar has worked in G/South Ward as Asstt. Engineer, B&F (D.O.) for almost 4 years. During his tenure he has overlooked the complaints regarding illegal construction in Kamla Mill. He has shown on record that structures were demolished as per complaints but actually on site, structures were not demolished. He has failed to get the stay vacated and deliberately prolonged the litigations. This tragic incidence happened as Shri Shelar has not taken timely actions against illegal constructions in Kamla Mill. This act of Shri Shelar is not only negligence and dereliction of duty but amounts to connivance done for malafide intention. Therefore, Shri Shelar, Asstt. Engineer be removed from Municipal services. His suspension period remains un-condoned.
3.	Shri Milind Vhatkar, Designated Officer, G/South Ward	31.05.2017 to 30.12.2017	Charges No. 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19 & 20 are proved fully and charges No. 6 & 10 are proved partly.	Shri Vhatkar, Asstt. Engineer has failed to take effective action against illegal constructions in Kamla Mill compound during his tenure of 7 months. He has not acted on the complaint of Councillor Shri Samadhan Sarvankar regarding illegal

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				<p>construction in Kamla Mill. He has not fully demolished shed on open terrace of Mojo and One-Above Restaurant, Had these unauthorised construction been demolished completely this tragic incidence would have not happened. This act of Shri Vhatkar is dereliction of duty and amounts to severe negligence with malafide intention. In view of <i>his</i> small tenure (7 months), a punishment of stoppage of 5 increments with permanent effect be given.</p>
4.	Shri Manohar V. Kulkarni, Designated Officer, G/South	13.07.2016 to 25.05.2017	Charges No. 3, 4, 5, 6, 7 & 9 are proved fully and charges No. 1 & 2 proved partly. Charge No.8 not proved.	<p>Shri Kulkarni, Asstt. Engineer has failed to monitor the unauthorised construction in Kamla Mill during his tenure of 10 months. He also failed to check the constructions of Trade House in Kamla Mill after receipt of plan from E.E.B.P. He has also failed to detect the unauthorised construction of shed on terrace which was going since November-2016.</p> <p>This act of Shri Kulkarni is dereliction of duty and amounts to severe negligence, hence 5 increments of Shri Kulkarni be stopped with permanent effect.</p>
5.	Shri Dharmaraj Shinde, J.E. (B&F), G/South ward	03.07.2012 to 21.03.2017	Charges No. 2, 3, 4, 5 and supplementary charges No.1, 2, 4, 5,6, 9 are proved fully. Charge No.1 and supplementary charge No. 3 & 7 proved partly. Charge No.8 not proved.	<p>Shri Shinde was in G/South ward for 4 years and 8 months in Building Department. He has failed to detect and demolish illegal construction in Mill areas. The illegal construction in Mojo and One-Above Restaurant was going on since November 2016, however, he has not initiated any action against these illegal constructions. He has not properly recorded and processed the complaints of illegal constructions to logical end in RETMS Module.</p> <p>With regards to complaints of Sky View Café, Trade View Building, Kamla Mill compound in RETMS module, Shri Shinde has not acted</p>

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				against the illegal constructions on the grounds that there is Court stay, however, there was no stay for these illegal constructions. This act of Shri Shinde is extremely serious. It is done with malafide intention. He has not been diligent in his duty. Therefore, he should be removed from Municipal services His suspension period remains uncondoned
6.	Shri Dinesh Y. Mahale, Sub Engineer (B&F), G/South Ward	01.10.2015 to 30.12.2017	Charges No. 1, 2,3, 5, 6 and supplementary charges No. 3, 4, 7, 8, 10, 11,12, 13, 15, 16 proved fully. Supplementary charges No. 1B, 5, 6 and 14 proved partly. Charge No. 9 not proved.	Shri Mahale has failed to demolish the illegal construction of open terrace of Mojo and One-Above Restaurant fully. He has not given correct reply to the Complainant on his complaint dtd. 07.10.2017, instead of taking appropriate action against the illegal construction, Shri Mahale has replied to the complainant that there is no recent construction, therefore, action not warranted. This act of Shri Mahale shows malafide intention. He has given protection to this illegal open shed for his ulterior motives. It is complete negligence and dereliction of duties, hence Shri Mahale's pay shall be reduced to initial grade of his posting in MCGM.
7.	Smt. Bhagyashree Kapse, Asstt. Commissioner, G/South Ward	30.10.2015 to 08.03.2017	Charges No. 1A, 1B, 2,A, 2B are not proved directly, however, lack in supervision is observed.	Though charges are not proved directly against Smt. Kapse. However, lack of adequate supervision is apparent. Therefore, one increment of Smt. Kapse be stopped with permanent effect.
8.	Shri Prashant Sakpale, Asstt. Commissioner, G/South Ward	09.03.2017 to 30.12.2017	Charges No. 1A, 1B, 1C, 2, 3, 4, & 5 are not proved directly, however, lack in supervision is observed.	Though charges are not proved directly against Shri Sakpale. However, lack of adequate supervision is apparent. Therefore, one increment of Shri Sakpale be stopped with permanent effect.

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9.	Dr. Rajesh Madan, DEHO (Zone-II)	31.08.,2015 till the date of incidence	Charges No. 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B, 3C, 4 & 5 are proved	Dr. Madan, DEHO has failed to supervise the activities of MOH, G/South. Lack in supervision is serious lapse. He has forwarded the proposal of granting license to Mojo and One-Above Restaurants under section 394 of MMC Act without verifying the compliance of Fire NOCs. He has not also timely directed to MOH to cancel the license inspite of various irregularities in the license premises. In view of this, one increment of Dr. Madan be stopped with permanent effect.
10.	Shri Pradip M. Shirke, Sanitary Inspector, G/South	04.03.2014 till the date of incidence	Charges No. 1, 2, 3, 4C, 7, 10, 11, 12, 15 not proved. Charges No. 4A, 4B, 5, 6, 9, 13, & 14 are partly proved. Charge No.8 not proved.	Shri Shirke, Sanitary Inspector has submitted a proposal to MOH, G/South to grant the license to Mojo and One-Above Restaurant without verifying the illegal construction and without observing the compliance of Fire NOCs. He also failed to submit the report to higher authority to cancel the license on account of various irregularities in license premises. This act of Shri Shirke is dereliction of duty and severe negligence. Hence his pay shall be reduced to initial grade of his posting.
11.	Shri Rajendra B. Patil, Station Officer (Suspended)	28,05.2017 till todate	Charges No.1, 2, 3, 5, 6, 7 & 8 proved. Charge No.4 partly proved.	Shri Patil, Station Officer failed to submit correct report to higher authorities. He has submitted the report to issue NOC to serve food on open terrace when the terrace was not open to sky. He has failed to implement the guidelines of Maharashtra Fire Prevention and Life Safety Measure Act. This act of Shri Patil amounts to dereliction of duty and severe negligence. Therefore, his pay shall be reduced to initial grade of his posting in MCGM.

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12.	Shri Sandip S. Shinde, Asstt. Divisional Fire Officer / Designated Officer (Suspended)	07.06.2017 till todote	Charges No. 3 and supplementary charges No. 1C, 2A, 2B, 3A, 3B, 4, 5 6 are proved. Charges No. 1 & 2 and supplementary charges No. 1A and 1B are partly proved. Supplementary charge No.7 not proved.	Shri Shinde, ADFO has failed to implement the provision of Maharashtra Fire Prevention and Life Safety Measure Act. He has issued NOC for Open to Air Terrace for serving food even-though terrace was covered. He has failed to ensure the compliance of fire NOC issued to Mojo and One-Above Restaurant and also not taken the cognizance of Hookah Parlour. He has also wrongly issued NOC to Building Proposal Deptt. for change of activity from office to restaurant. This act of Shri Shinde is dereliction of duty and severe negligence with malafide intention. Hence Shri Shinde be demoted to the post of Station Officer.

The above order be placed in public domain only after Code of Conduct is over.

Ajoy Mehta
(Ajoy Mehta) 25/3/19
Municipal Commissioner