



विष्णुगाड़-पीपलकोटी जल विद्युत परियोजना
VISHNUGAD-PIPALKOTI HYDRO ELECTRIC PROJECT
टीएचडीसी इंडिया लिमिटेड
THDC INDIA LIMITED

(भारत सरकार एवं उत्तर प्रदेश सरकार का संयुक्त उपक्रम)
(A Joint Venture of Govt. of India & Govt. of U.P.)

No. THDCIL/VPHEP/P&A/PF-131/122

Date : 03/06/2017

ORDER

WHEREAS Shri P. Subhaiah, Sr. Stenographer, Emp. No. 1192272 was found indulging in acts of misconduct by leaving work or place of work without permission or being habitually absent from duty without leave or without sufficient cause. By his acts and attitude he has failed to maintain absolute integrity and committed act, which are unbecoming of an employee of THDC India Limited.

AND WHEREAS the said conduct of Shri Subhaiah was found in violation of the provisions of clause 14.10, 23.4, 23.32 of the Certified Standing Order and clause 5.18 and 20.13 of THDCIL Leave Rules.

AND WHEREAS based upon the above act, disciplinary proceedings were initiated against Shri P. Subhaiah, Sr. Stenographer Emp. No. 1192272, VPHEP, THDC India Limited vide Memorandum No. THDCIL/VPHEP/PF-131/340 dated 18.07.2016 whereupon Shri P. Subhaiah neither submitted any reply nor joined the duty.

THEREBY, upon his failure in replying to the articles of charges, Memorandum and complying Order No. THDCIL/VPHEP/PF-131/903 dated 16/01/2017 by not participating in the enquiry proceedings alongwith all necessary documents, evidence and witness without sufficient cause, on the appointed date(s), time and venue, the said inquiry was finally proceeded and held ex-parte against him.

AND WHEREAS the Inquiry Authority conducted and concluded the departmental inquiry after examining the records and submitted his report dated 11/05/2017 establishing that all the ingredients of Article of Charges stood proved against Shri P. Subhaiah.

AND WHEREAS Disciplinary Authority after perusing the entire records of the case was of the view that the acts committed by Shri P. Subhaiah warranted imposition of major penalty as stipulated in Rule 24.2 (b) of Certified Standing Orders i.e. removal from service which does not disqualifies for future employment. However, the Disciplinary Authority sent the case of Shri P. Subhaiah to Appointing Authority for his consideration and approval, in terms of clause (3), Section II, Personnel Power, of Delegation of Power issued by THDC India Ltd., since imposition of penalty of Removal from service which does not disqualify for future employment was recommended by the undersigned.

AND WHEREAS the Appointing Authority vide its order dated 02/06/2017 after considering the case of Shri P. Subhaiah in detail, duly accepted the penalty proposed by the Disciplinary Authority and consequently has imposed the major penalty of removal from service of Shri P. Subhaiah, Sr. Stenographer under Rule 24.2 (b) of Certified Standing Orders, which does not disqualify for future employment, which order was thereafter forwarded to undersigned for information and necessary action.

AND WHEREAS in terms of order passed by the Appointing Authority i.e. General Manager (Project), dated 02/06/2017 Shri P. Subhaiah now stands removed from service under Rule 24.2 (b) of Certified Standing Orders, which does not disqualify for future employment. The penalty of removal from service shall be effective from the date of Order passed by undersigned on 25/05/2017.

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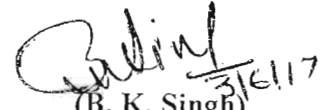
In terms of Rule 29 of Certified Standing Orders, an appeal can be preferred by Shri P. Subhaiah to the Appellate Authority within one month from the date of communication of the present order. The Appellate Authority in respect of Shri P. Subhaiah would be the Executive/Authority in the higher scale which imposed the penalty. Since the penalty considered by the undersigned Disciplinary Authority happened to be removal of Shri P. Subhaiah from service under Rule 24.2 (b) of Certified Standing Orders, the case was put up to the Appointing Authority for consideration who was the General Manager (Project).

As the Appointing Authority, being the General Manager (Project) passed the order imposing the major penalty specified under Rule 24.2 (b) of Certified Standing Orders the Appellate Authority in the case of Shri P. Subhaiah would be the Director (Personnel), THDC India Ltd.

Hence, if Shri P. Subhaiah wishes to file appeal against instant order, the appeal shall be addressed to the Director (Personnel), THDC India Ltd., being Appellate Authority and submitted to the undersigned in the capacity of Disciplinary Authority on or before one month from the date of communication/publication in THDC website of this order (whichever is earlier).

Now therefore, it is also ordered that in the event no appeal is received from Sh. P. Subhaiah against the order passed by the Appointing Authority dated 02/06/2017, the concerned officer of THDC India Ltd. Pipalkoti shall compute all the payment due to and due from Sh. P. Subhaiah and should finally settle/square up his account in THDC India Ltd.

Pipalkoti
03.06.2017


(B. K. Singh)
3/6/17
Disciplinary Authority

Encl : Order passed by the Appointing Authority dated 02/06/2017

To :

1. **Shri P. Subbaiah**, S/o Late Shri Yeshuratnam
- a. H.No. 26-11-8, Krupu Nilayam, Maszid Line, Nagarpalum (P.O.), 4th Line , District Guntur-522004 Andhra Pradesh (A.P.)
- b. H.No. 26-13-35, Agustus Garden, Nagarpalum (P.O.), District Guntur-522004 Andhra Pradesh (A.P.)
- c. H.No. 259, Flat No. 3, First Floor, Rear East Side, Hauz Rani, New Delhi-110017
- d. josasi50@yahoo.com
2. General Manager (Project), VPHEP
3. General Manager (P&A), Rishikesh
4. Sr. Manager (F&A), VPHEP
5. ES to Director (Personnel), THDCII, Rishikesh

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THDC INDIA LIMITED

(भारत सरकार एवं उत्तर प्रदेश सरकार का संयुक्त उपक्रम)
(A Joint Venture of Govt. of India & Govt. of U.P)

No. THDCIL/VPHEP/GM(P)/179

Date : 02/06/2017

ORDER

Sh. P. Subhaiah, Sr. Stenographer, Employee No. 1192272, THDCIL, VPHEP, is alleged for being unauthorized absent from his work place, without sanctioned leave and prior permission in accordance to the Certified Standing Order of the Corporation.

Shri P. Subhaiah was transferred from Noida to Pipalkoti, for joining the Unit on December 27th, 2014, but after joining the Unit on the said date, he proceeded on transfer leave (i.e. for seven consecutive days) and thereafter did not join the unit after expiry of his leave. THDC India Ltd. served a Notice No. THDCIL/VPHEP/P/Koti/251 dated 20.04.2015 upon Shri P. Subhaiah asking him to directly report for duty within seven days of receipt of letter dated 20.04.2015, failing which appropriate action for willfully absents from duty would be taken as per rules. In furtherance to the notice dated 20.04.2015, an email dated 21.04.2015 was also sent to Shri P. Subhaiah, upon the same subject, for which Shri P. Subhaiah through its email dated 03.05.2015 responded by stating that he will report for duty on 30.05.2015. However, he did not join duty. Therefore, another notice dated 19.06.2015 was served upon Shri P. Subhaiah vide letter no. THDCIL/VPHEP/P.Koti/440 dated 19.06.2015, wherein last chance was granted to him and was directed to report for the duty within 7 days of receipt of the Notice. Further, Shri P. Subhaiah was further informed vide Notice dated 19.06.2015, that non-compliance to the said notice, would attract Clause 14.10 of the Certified Standing Order and in respect to which further actions can be initiated against him.

Shri P. Subhaiah rejoined the unit on 01.07.2015. However, he neither gave any reason for his absence nor provided any medical certificate for his unauthorized absence from the duty. Thereafter, upon serving 15 days in the month of July, 2015 he again preceded on leave in the form of Flexi Off by ensuring the ED (P) that he will report back on his duty on 21.07.2015. Despite the said false assurance, Shri P. Subhaiah did not report back.

Shri P. Subhaiah was served Memorandum No. THDCIL/VPHEP/P&A/767 dated 09.10.2015 for being unauthorized absent from work place without sanctioned leave and prior permission from 27.12.2014 to 30.06.2015 and from 21.07.2015 onwards. The aforesaid conduct of Shri P. Subhaiah was found to be in violation of Clause 14.10 of Certified Standing Order and Clause 5.18 and Clause 20.13 of THDCIL Leave Rules, and was informed about the same through Memorandum No. THDCIL/VPHEP/P&A/767 dated 09.10.2015. He was directed to submit a written explanation within 15 days of receipt of the Memorandum, stating the reason as to why disciplinary proceedings should not be initiated against him in accordance to the THDCIL certified Standing Order for which no response was received from him.

Contd. 2

अलकनन्दापुरम, सियासैण पीपलकोटी, चमोली (उत्तराखण्ड) फोन: 01372-256200 (का), फैक्स: 01372-256203
Alaknanda Puram, Siyasain Pipalkoti, Chamoli (Uttarakhand) Tel.: 01372-256200, Fax: 01372-256203

Shri P. Subhaiah through its email dated 22.02.2016 requested for reporting for his duty from 03.03.2016 on the ground that his father-in-law left for heavenly abode on 21.02.2016. Shri P. Subhaiah was granted an opportunity. Subsequently, again through email dated 03.03.2016 Shri P. Subhaiah sought another Ten (10) days and for resuming the duty from 13.03.16. However, he failed to resume his duties.

Therefore, a second Memorandum No. THDCIL/VPHEP/ PF-131/340 dated 18. 07.16 was issued to Shri P. Subhaiah for being unauthorized absent from the duty, along with statement of imputations of misconduct and also statement of Articles of Charges stating the intention for holding an inquiry against Shri P. Subhaiah under Clause 24.2 of the Certified Standing Order of the Corporation on following Article of Charges:-

ARTICLE I

Shri P. Subhaiah, Sr. Stenographer was transferred from Noida to Pipalkoti on 27.12.2014. Shri P. Subhaiah joined the Unit on 27.12.2014 and proceeded on transfer leave i.e. for seven consecutive days and did not join the Unit after the expiry of leave till 30.06.2015. Thus committed misconduct as per Clause 23.32 the Certified Standing Order of the corporation by remaining in continuous absence without permission and without satisfactory cause for more than 7 days.

ARTICLE – II

Shri P. Subhaiah, Sr. Stenographer remained absent from duty without any sanctioned leave from 27.12.2014 to 30.06.2015 and from 21.07.2015 to till date i.e. more than 590 days. Despite serving notice dated 20.04.2015 upon him and email dated 21.04.2015. Shri P. Subhaiah replied to the email dated 21.04.2015 and assured reporting for duty on 30.05.2015, due to its ill health. Later Memorandum dated 09.10.2015 was served upon him and was further directed to submit written explanation within 15 days of receipt of the Memorandum. Therefore, in reply to the Memorandum no communication was made and he joined the Unit on 01.07.2015, without submitting any "fitness Certificate" from the attending Doctor. Subsequently, he proceeded on leave after serving for 15 days, without obtaining any approval from the Competent Authority. Therefore, vide its email dated 22.02.2016, he informed about his joining on 03.03.2016 and subsequently, again through his email dated 03.03.2016, he sought extension of 10 days and assured about his joining on 13.03.2016. Thereby, Shri P. Subhaiah violated the Clause 14.08 of the Certified Standing Order of the corporation by not submitting his application along with certificate from medical Officer of the Company and/or Medical Officer of Govt. Hospital. Further, Clause 14.10 of the Certified Standing Order of the corporation was violated by remaining in continuous absence without permission exceeding 10 consecutive days and is unable to explain his absence to the satisfaction of the Sanctioning Authority and also Clause 5.18 and 20.13 of THDCIL Leave Rules.

ARTICLE – III

Shri P. Subhaiah, Sr. Stenographer, was issued a memorandum dated 18.07.2016, alongwith statement of imputations of misconduct alongwith Statement of Articles of Charges upon the Charged Officer, for holding inquiry against him for remaining absent from duty without sanctioned leave from i.e. 16.10.2014 to 15.11.2014, 27.12.2014 to

30.06.2015 and from 21.07.2015 to till date. Therefore, despite serving ample of notices on all his three addresses and email id, he made no proper representation on any of the date fixed for Preliminary Hearing i.e. 30.01.2017, 21.02.2017, 07.03.2017 and 07.04.2017. Thereby Shri P. Subhaiah has committed misconduct as per Clause 23.4 of the Certified Standing Order of the corporation by leaving work or place of work without permission or habitual absence from duty without leave or without sufficient cause.

Shri P. Subhaiah was directed to submit within 10 days of the receipt of the Memorandum a Written Statement. However, Shri P. Subhaiah did not submit any reply to the said Memorandum.

Based upon the above acts and omissions constituting misconduct an inquiry under Rule 27.2 of THDC Certified Standing Order was held against Shri P. Subhaiah by DGM(P&A) & Disciplinary Authority and in lieu of which vide order dated 16.01.2017, Shri P. Subhaiah was directed to attend and participate in the inquiry proceeding.

As per records Preliminary hearing of the case was held on 30th January, 2017, Shri P. Subhaiah was informed by Order No. THDCIL/VPHEP/Disc-1/911 dated 18.01.2017 but due to his non-appearance on 30.01.2017, another opportunity was granted on 21st February, 2017. Upon non-appearance of Shri P. Subhaiah even on 21.02.2017, he was further granted third opportunity in the principle of justice and was asked to appear on 07.03.2017.

Despite having three opportunities, Shri P. Subhaiah neither came to attend the inquiry nor sent any communication about his absence. Despite the same another fair and reasonable opportunity to defend himself was given to Shri P. Subhaiah, to attend the next date of hearing of inquiry on 7th April, 2017. Notices for hearing were also pasted on THDCIL, VPHEP notice boards. Notice for appearing in the Inquiry were also published in 02 newspapers in Indian express (Delhi edition) and Guntur (Sakshi-Guntur edition) on 22nd March, 2017.

Shri P. Subhaiah did not appear on any of the dates at given time and venue. Shri P. Subhaiah deliberately avoided participating in the Inquiry Proceedings and subsequently inquiry was concluded ex-parte. The inquiry Authority conducted and concluded the departmental inquiry and submitted his report dated 11.05.2017 establishing that all the Articles of Charges stood proved against Shri P. Subhaiah.

As per findings of the Inquiry Officer, all the Article of Charges were proved to the satisfaction of the Inquiry Officer and Shri P. Subhaiah was found to have conducted misconduct as per records enclosed. Exhibit No.1 i.e. Biometric Attendance for the Period of January, 2015 to November 18, 2016 and also Exhibit No. 2 i.e. Copy of emails dated 21.04.2015 & 03.05.2015. through which Shri P. Subhaiah submitted that he will resume duties from 30.05.15, undoubtedly proves that Shri P. Subhaiah was absent from his place of duty since January, 2015.

Exhibit 2, 3, 4, and 5 categorically shows and proves that Shri P. Subhaiah was absent from duty without sanction of authorized leave from 27.12.2014 onwards and further from 21.07.2015 onwards. The said Exhibits 1, 2, 3, 4, 5, 6 & 7 clearly shows that Shri P. Subhaiah was in a habitual of remaining in absence from duty without leave and is not entitled for any lenient view as regards the imposition of penalty for such acts.

A perusal of complete records of the case shows that despite being given so many opportunities for joining duty Shri P. Subhaiah did not join duty. In the past also he has indulged in habitual indiscipline and is of unbecoming of a public sector employee.

It is also observed that Memorandums were sent at all his 3 available addresses through registered letters and mail. He also responded once by mail dated 30.01.2017 seeking 10 to 13 days time for attending the enquiry. After this three more opportunities were given to him for attending the enquiry. However, neither he attended the enquiry nor informed anything in this regard.

From the records I am convinced that Shri P. Subhaiah has indulged in habitual indiscipline which is a serious misconduct under the Rules of Certified Standing Orders therefore warrant imposition of a major penalty upon him. In fact the misconduct as contemplated under Rule 23.4 and 23.32 above duly stands proved by his acts and the said misconduct itself warrants imposition of a major penalty.

I have perused the report of Inquiry Authority and action taken report on and proposed penalty recommended by Disciplinary Authority. Moreover, having been said that it takes years to maintain the discipline and culture in an organization but such instances if not punished lead to damage the discipline and culture of the organization. There appear to be sufficient evidence against Shri P. Subhaiah in relation to charge leveled against him. Although the acts of Shri P. Subhaiah appear to have been proved beyond reasonable doubt, looking into facts of the case, the Disciplinary Authority was in any case legally entitled to proceed and punish Shri P. Subhaiah on the basis of preponderance of possibilities also.

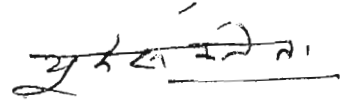
In the view of the entire facts and circumstances, I am of the view that Shri P. Subhaiah deserves no leniency or sympathy. Shri P. Subhaiah has neither joined on duty till date nor sent any correspondence regarding the same even till date i.e. after 869 days. There was no violation of principle of Natural Justice.

Undersigned is of the considered opinion that condoning above act of Sh. Subhaiah would be detrimental to the interest of Corporation and adversely impact the discipline in the organization. Letting such acts go unpunished would encourage other employees to follow the same.

THEREFORE, I, being Appointing Authority, in exercise of powers conferred upon me, in terms of clause (3), Section II, Personnel Power, of Delegation of Power issued by THDC

India Ltd., have duly considered the major penalty of removal of Shri P. Subhaiah from the service of THDC India Ltd., as recommended and put up to me by the Disciplinary Authority. Looking at the gravity of the acts of misconduct indulged into by Shri P. Subhaiah and repetitive nature of the same which I have no reason to disbelieve, I approve the penalty recommended by Disciplinary Authority and order imposition of the major penalty of removal from services of Shri P. Subhaiah under Rule 4.2(b) of the THDC Certified Standing Orders, which shall not be a disqualification for future employment. The said penalty of removal from services shall be effective from the date of the order passed by the Disciplinary Authority.

The Disciplinary Authority be informed of the present order forthwith.



(U. K. Saxena)
General Manager (Project) &
(Appointing Authority)

Disciplinary Authority/
Dy. Gen. Manager (P&A), VPHEP



3/2/17