

भारत सरकार Government of India
परमाणु ऊर्जा नियामक परिषद ATOMIC ENERGY REGULATORY BOARD

Niyamak Bhavan,
Anushaktinagar,
Mumbai - 400094.

सं./Ref. AERB/NG/426/2022/ 646

दिनांक/Date March 15, 2022

**Sub : Disciplinary proceedings against Shri S. Ajeesh, Emp. No.426, RSD, AERB
for unauthorized absence from duty.**

Shri S. Ajeesh may please refer to the Memorandum No. AERB/NG/426/2021/398 dated February 19, 2021 on the subject mentioned above and order dated July 22, 2021 appointing Shri K. Venkat Subramanian, CAO, AERB as Inquiring Authority to enquire into the charges leveled against him.

2. The Inquiring Authority has since submitted his report, holding the charge that Shri S. Ajeesh, while functioning as Scientific Assistant/C had remained on unauthorized absence from duty intermittently from October, 2018 and continuously w.e.f. 06.11.2019 to till date. Thereby the said Shri S. Ajeesh had exhibited lack of devotion to duty and behaved in a manner unbecoming of a Government Servant in contravention to the provisions of Rule 3 (ii) & (iii) of CCS (Conduct) Rules, 1964, as **PROVED**. The undersigned is tentatively in agreement with the findings of the Inquiring Authority.

3. A copy of the Inquiry Report dated February 16, 2022 submitted by the Inquiring Authority is enclosed. A final decision on the inquiry report will be taken after considering the submission/representation, which Shri S. Ajeesh, may wish to make. Shri S. Ajeesh is, therefore, required to send his representation/submission **within 15 days from the date of receipt of this communication** failing which it will be presumed that he has no representation/submission to make and further action will be taken in the matter.

4. Shri S. Ajeesh should acknowledge receipt of this communication.

Encl: as above.


(C.S. Varghese)
Executive Director, AERB
Disciplinary Authority

Shri S. Ajeesh
SA/C, Emp. No.426, AERB
Flat No.1303, Serena, C-Tower,
Lodha Casa Bella, Dombivili (E),
Thane – 421 204.

Shri S. Ajeesh
SA/C, Emp. No.426, AERB
Thodiyal Padinjattathil, Pinackal,
Valathungal P.O. Kollam,
Kerala – 691 018.

**INQUIRY REPORT IN THE DISCIPLINARY PROCEEDINGS AGAINST
SHRI S. AJEESH, SCIENTIFIC ASSISTANT 'C', RSD, ATOMIC ENERGY
REGULATORY BOARD.**

I. INTRODUCTION :

I was appointed as an Inquiry Officer by the Disciplinary Authority vide Order No. AERB/Admn/2021/1568 dated July 22, 2021 and Shri Mohan Kumar, APO, was appointed as Presenting Officer by the Disciplinary Authority vide Order No. AERB/Admn/2021/1569 dated July 22, 2021.

II. PRELIMINARY HEARING

<u>Sl.No.</u>	<u>Date of Preliminary Fixed</u>	<u>Remarks</u>
1.	August 24, 2021	Charged Officer was absent
2.	September 08, 2021	Charged Officer was absent

The preliminary hearing of the case was fixed on August 24, 2021, the Charged Officer was absent to give the Charged Officer one more chance the preliminary hearing was adjourned to September 08, 2021. The Notice of adjourned Preliminary hearing alongwith the Daily Order Sheet No.1 was sent to the Charged Officer's Local and Permanent Address available as per the Official records by Speed Post and Registered A/D. However the same were returned back by the Postal Authorities stating that the addressee is not staying the said address/Addressee has left the address. . The adjourned preliminary hearing fixed on September 08, 2021 was held exparte.

III. INSPECTION OF DOCUMENTS:

PO vide his letter No. AERB/PO/2021 2040 dated 22.9.2021 has intimated to IO that Inspection of Documents was scheduled on 21.09.2021. The CO was instructed to inspect the original copies of the list of documents mentioned in the Annexure-III to the Memorandum of Charge bearing No. AERB/NG/426/2021/398 dated 19.02.2021, which were in his custody. However the Charged Officer was absent CO on 21.09.2021 without any intimation.

IV. REGULAR HEARINGS:

The events of regular hearing are as follows:

<u>Sl. No.</u>	<u>Date of Regular Hearing</u>	<u>Remarks</u>
1.	October 18, 2021	The Charged Officer remained absent in the hearing. IO after recording reasons proceeded with inquiry Exparte . Prosecution Witness were examined and List of Documents were taken on records. The hearing was adjourned
2.	November 25, 2021	The Charged Officer remained absent in the hearing. The hearing was adjourned
3.	December 20, 2021	The Charged Officer once again remained absent in the hearing. <u>The PO was also absent as he had met with an accident in Hyderabad.</u> The hearing was adjourned for General Examination of CO under Rule 14(18) of CCS(CCA) Rules 1965.

IV. REGULAR HEARINGS:

<u>Sl. No.</u>	<u>Date of Regular Hearing</u>	<u>Remarks</u>
4.	January 04, 2021	The Charged Officer once again remained absent in the hearing. The hearing was scheduled for General Examination of CO under Rule 14(18) of CCS(CCA) Rules 1965. The hearing was adjourned
5	January 24, 2021	The Charged Officer was absent in the hearing. The exparte Inquiry concluded and PO was directed to submit his written brief.

V. Contents of charge framed against Shri S. Ajeesh, SA/C, RSD, AERB vide Memorandum No. No. AERB/NG/426/2021/398 dated February 19, 2021.

ANNEXURE-I

V.(i) Statement of articles of charge framed against Shri S. Ajeesh, Scientific Assistant/C, RSD, Emp. No.426, Atomic Energy Regulatory Board, Mumbai.

Article I

That the said Shri Ajeesh while functioning as Scientific Assistant/C had remained on unauthorized absence from duty intermittently from October 2018 and continuously w.e.f.06.11.2019 to till date.

By the aforesaid act, the said Shri Ajeesh had exhibited lack of devotion to duty and behaved in a manner unbecoming of a Government Servant in contravention to the provisions of Rule 3 (ii) & (iii) of CCS (Conduct) Rules 1964.

V. (ii) Statement of imputation of misconduct or misbehaviour in support of the article of charge framed against Shri Ajeesh, Scientific Assistant/C, Emp. No.426, RSD, AERB.

Article I

Shri Ajeesh had joined in Nuclear Fuel Complex, Hyderabad on 09/09/2010 as Scientific Assistant/B and subsequently on mutual transfer basis had joined Atomic Energy Regulatory Board on 06/04/2015.

Head, RSD vide his letter dated 11/02/2019 addressed to CAO, AERB has intimated that Shri Ajeesh is repeatedly asked to apply for the leave to regularize his absence from duty but he prefers to get his salary deducted instead of applying for the leave and requested Administration to take necessary action. The period of absence from duty by Shri Ajeesh as mentioned by Head, RSD vide his letter dated 11/02/2019 is detailed below:

S. No.	Month	Dates
1	October 2018	5, 15, 22, 23, 24, 29, 30, 31.
2	November 2018	1, 2, 13, 14, 15, 16, 26, 29, 30.
3	December 2018	3, 7, 12, 14, 17, 18, 19, 24, 27, 28.
4	January 2019	1, 2 (Half day-F/N), 4, 10, 16, 17, 18, 21, 22, 23, 28, 29, 30 & 31 (Half day-F/N).

APO (E) vide Memorandum dated 25/02/2019 advised Shri Ajeesh to regularize the period of his absence from duty by applying leave. He was further advised to show improvement in his attendance and also to obtain prior permission before proceeding on leave, which was received and acknowledged by Shri Ajeesh on 01/03/2019.

Head, RSD vide his letter dated 30/05/2019 addressed to CAO, AERB informed that Shri Ajeesh had joined duty on 13.05.2019 after attending the election duty from 05/03/2019 to 10/05/2019 and he has also informed that after coming to office for three (03) days, he again was on unauthorised absence from duty. During February and May 2019 Shri Ajeesh was on unauthorized absence, as detailed below:

S. No.	Month	Dates
1	February 2019	6, 7, 8, 14, 15, 18, 26, 28.
2	May 2019	16, 17, 20, 21, 22, 23, 24, 27, 28, 29.

Head, RSD had further informed vide letter dated 30.05.2019 that Shri Ajeesh is neither regularising his leave nor attending office and requested to initiate action as deemed fit against him.

APO(E) vide Memorandum No.AERB/Admn./NG/426/2019/1634 dated 02/07/2019 addressed to Shri Ajeesh informed that he is absent from duty since 16/05/2019 without prior permission of the Competent Authority and advised to resume duty forthwith and regularize his below mentioned absence from duty by applying leave:

S.No.	Month	Dates
1	October 2018	5,15,22,23, 24, 29, 30, 31
2	November 2018	1, 2, 13, 14, 15, 16, 26, 29, 30
3	December 2018	3, 7, 12, 14, 17, 18, 19, 24, 27, 28
4	January 2019	1, 2 (Half day-F/N), 4, 10, 16 to 23, 28, 29, 30 & 31(Half day-F/N)
5	February 2019	06, 07, 08, 14, 15, 18, 26, 28
6	May 2019	16 to 31
7	June 2019	1 to 30

He was also informed that his unauthorised absence from duty constitute break in service adversely affecting the prospects of LTC, Permanency, Increment, Leave etc., and also that he is liable for action deemed fit in case he does not show improvement in attendance and fails to obtain prior permission before proceeding on leave.

Head, RSD vide his note dated 05/07/2019 addressed to APO (E) on the aforesaid copy of Memorandum dated 05/07/2019 had informed that Shri Ajeesh is not attending office and requested to take necessary action against him.

APO(E) vide Memorandum No.AERB/Admn./NG/426/2019/1683 dated 08/07/2019 addressed to Shri Ajeesh informed him that he has been absenting from duty without prior permission since 16/05/2019 and directed to regularize the below mentioned days on which he remained absent from duty, by applying leave:

Sr.No.	Month	Dates
1	October 2018	5,15,22,23, 24, 29, 30, 31.
2	November 2018	1, 2, 13, 14, 15, 16, 26, 29, 30.
3	December 2018	3, 7, 12, 14, 17, 18, 19, 24, 27, 28.
4	January 2019	1, 2(Half day), 4, 10, 16 to 23, 28, 29, 30, 31(Half day).
5	February 2019	6, 7, 8, 14, 15, 18, 26, 28.
6	May 2019	16 to 31
7	June 2019	1 to 30

He was also informed the consequences of unauthorised absence and advised to resume duty forthwith and regularize his aforesaid absence from duty by applying leave. The aforesaid Memorandum dated 08/07/2019 sent to his local address and permanent address were returned as "unclaimed" and "n.c." respectively by the postal authorities.

Memorandum No.AERB/Admn./NG/426/2019/2127 dated 30/08/2019 was issued to Shri Ajeesh at his both local & permanent addresses advising him to join duty forthwith and regularize his absence from duty, referring to previous Memorandum dated 08/07/2019. The Memorandum from both the addresses were returned by the postal authorities with remarks "Addressee out of station" from Kerala address and "Unclaimed" from Thane address.

District Collector, Mumbai suburban vide order dated 05/09/2019 nominated Shri Ajeesh for carrying out election duty in connection with general election 2019 held on 21/10/2019 for the State of Maharashtra. Shri Ajeesh has received the aforesaid Order dated 05/09/2019 on 13/09/2019 and acknowledged the receipt of the same. CAO, AERB vide his letter dated 21/01/2020 addressed to District Collector, Mumbai suburban requested to confirm whether Shri Ajeesh is relieved from election duty and if so to provide the details of the period of election duty performed by him.

On checking with the records of Assistant Returning Officer Kandivali East, Division 160, it is noticed that Shri Ajeesh had reported for election duty on 16/09/2019 and got relieved on 05/11/2019. A copy of letter dated 05/11/2019 issued by the aforesaid office addressed to CAO, AERB, was already handed over to Shri Ajeesh by the Assistant Returning Officer which was acknowledged by him. Shri Ajeesh has not submitted the said letter dated 05.11.2019 to Administration.

APO(E) vide Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 directed Shri Ajeesh to report for duty on or before 18/03/2020 informing him about his periods of absence from duty from October 2018 and advised him that in case he is sick, he should report to Head, Medical Division, BARC for thorough medical check-up on or before 23/03/2020 and submit leave application indicating period of leave. The aforesaid Memorandum dated 11/03/2020 which were addressed to the local and permanent address of Shri Ajeesh were returned by the postal authorities with the remarks that "not residing in the address" and "absent", respectively.

APO (E) vide Memorandum No. AERB/Admn./NG/426/2020/774 dated 14/07/2020 informed Shri Ajeesh about his aforesaid unauthorised absence and the communications so far forwarded to him and directed him to explain why he could not get his leave sanctioned in advance or if he was sick, why he could not inform about his aforesaid absence from duty and why the said period should not be treated as unauthorised for all purposes.

The aforesaid Memorandum dated 14/07/2020 sent to the permanent address of Shri Ajeesh were returned by the postal authorities with the remarks "addressee left India".

Sub Postmaster (LSG), Anushaktinagar Post Office vide this office E-mail dated 15/09/2020 was requested to clarify whether the aforesaid Memorandum dated 14/07/2020 sent to the local address of Shri Ajeesh was delivered to him. Sub Postmaster (LSG) Manpada P.O. Dombivali East on 16/09/2020 provided a copy of delivery slip dated 22/07/2020 wherein at Sr. No. 16 it is reflecting that one person "Chandrakant" has received the aforesaid Memorandum dated 14/07/2020 sent to the local address of Shri Ajeesh.

Head, RSD, AERB vide his note No. AERB/Admn./NG/426/2020/137 dated 21/09/2020 addressed to Administrative Officer – III, AERB recommended to initiate disciplinary action against Shri Ajeesh enclosing the attendance schedule (October 2018 to August 2020) in respect of him.

It is evident from the above that Shri Ajeesh did not respond to the various communications sent by this office directing him to report to duty despite informing him that unauthorised absence from duty shall constitute break in service for the purpose of LTC, Leave, Permanency, Increment and Pension etc and also liable for disciplinary action. The unauthorized absence of Shri Ajeesh from duty has resulted in dislocation of work in his Division.

By the aforesaid act, the said Shri Ajeesh has exhibited lack of devotion to duty and behaved in a manner unbecoming of a Government Servant in contravention of the provisions of Rule 3 (ii) & (iii) of CCS (Conduct) Rules, 1964

ANNEXURE- III

V.(iii) List of documents by which the article of charge framed against Shri S. Ajeesh, Scientific Assistant/C, Emp. No.426, AERB is proposed to be sustained.

<u>Sl.No.</u>	<u>Description of Document</u>	<u>Document Marked as</u>
(1)	Head, RSD letter No. AERB/RSD/5.2/2019/60 dated 11/02/2019 addressed to CAO, AERB.	P-1
(2)	APO(E) Memorandum No.AERB/Admn./NG/426/2019/556 dated 25/02/2019 addressed to Shri Ajeesh.	P-2
(3)	Head, RSD letter No.AERB/RSD/4/2019/195 dated 30/05/2019 addressed to CAO, AERB.	P-3
(4)	APO(E) Memorandum No.AERB/Admn./NG/426/2019/1634 dated 02/07/2019 addressed to Shri Ajeesh.	P-4
(5)	Remarks dated 05/07/2019 of Head, RSD addressed to APO (E) on the copy of the Memorandum dated 02/07/2019 which was addressed to Shri Ajeesh	P-5
(6)	APO(E) Memorandum No. AERB/Admn./NG/426/2019/1683 dated 08/07/2019 addressed to Shri Ajeesh.	P-6
(7)	APO(E) Memorandum No.AERB/Admn./NG/426/2019/2127 dated 30/08/2019 addressed to Shri Ajeesh.	P-7
(8)	Cover containing the Memorandum No.AERB/Admn./NG/426/2019/2127 dated 30/08/2019 issued to Shri Ajeesh at his local address and returned by postal authorities.	P-8

V. (iii) List of documents by which the article of charge framed against Shri S. Ajeesh, Scientific Assistant/C, Emp. No.426, AERB is proposed to be sustained.

<u>Sl.No.</u>	<u>Description of Document</u>	<u>Document Marked as</u>
(9)	Cover containing the Memorandum No.AERB/Admn./NG/426/2019/2127 dated 30/08/2019 issued to Shri Ajeesh at his permanent address and returned by postal authorities.	P-9
(10)	Copy of District Collector, Mumbai suburban Order dated 05/09/2019 nominating Shri Ajeesh for carrying out election duty in connection with general election 2019 held on 21/10/2019 for the State of Maharashtra.	P-10
(11)	CAO, AERB letter No.AERB/Adm/XI/16/Vol-II/2020/185 dated 21/01/2020 addressed to District Collector, Mumbai Suburban.	P-11
(12)	Copy of letter dated 05/11/2019 issued by the office Assistant Returning Officer Kandivali East, Division 160 addressed to CAO, AERB.	P-12
(13)	Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 addressed to Shri Ajeesh.	P-13
(14)	Cover containing the Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 sent to the local address of Shri Ajeesh which was returned by the postal authorities.	P-14
(15)	Cover containing the Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 sent to the permanent address of Shri Ajeesh which was returned by the postal authorities.	P-15
(16)	APO(E) Memorandum No.AERB/Admn./NG/426/2020/774 dated 14/07/2020 addressed to Shri Ajeesh.	P-16
(17)	Cover containing the Memorandum No.AERB/Admn./NG/426/2020/774 dated 14/07/2020 sent to the permanent address of Shri Ajeesh which was returned by the postal authorities.	P-17
(18)	Email dated 15/09/2020 addressed to Sub Postmaster (LSG), Anushaktinagar Post Office.	P-18
(19)	Photo copy of the delivery slip received from Sub Post Master (LSG), Manpada P.O., Dombivili (E) endorsing on the copy of Sub Postmaster (LSG), Anushaktinagar P.O email dated 16.09.2020.	P-19
(20)	Head, RSD, AERB letter No. AERB/Admn./NG/426/2020/137 dated 21/09/2020 addressed to Administrative Officer – III, AERB.	P-20

V (iv) List of witnesses by whom the article of charge framed against Shri S. Ajeesh, Scientific Assistant/C, Emp. No.426, RSD, AERB is proposed to be sustained.

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- (1) Dr. P.K. Dash Sharma, Head, RSD, AERB. PW-1
 - (2) Shri S. Ranganathan, CAO, AERB. PW-2

VI. Reasons for proceeding the inquiry exparte on the charge framed against Shri S. Ajeesh, SA/C, RSD, AERB issued vide Memorandum No. No. AERB/NG/426/2021/398 dated February 19, 2021 are as follows:

The Presenting Officer during oral hearing held on 18.10.2021 requested to proceed with Inquiry exparte and made following submission to Inquiry Officer which were recorded in Daily order sheet No.3 :

- (i) The copy of Charge Sheet Memorandum containing Article of Charge Memorandum No.AERB/NG/426/2021/398 dated 19.02.2021 was sent to the local address and permanent addresses of CO. However, the same were returned by the postal authorities with the remarks that "Addressee is not residing in the given address" and "Address left in outstation" respectively. Further, copy of the aforesaid Memorandum was placed in the AERB website.
- (ii) A notice was published on 02.07.2021 in the local newspaper of Mumbai i.e. "The Indian Express" and the regional newspaper of Kerala i.e. "matrubhumi" (in the regional language i.e. malayalam) directing CO to collect the copy of Charge Sheet Memorandum containing Article of Charge from Administrative Officer-III, AERB within ten (10) days from the date of publishing of the notice and submit his written statement of defence within ten (10) days thereafter, failing which, inquiry proceedings will be initiated against him ex-parte. However CO has not collected the aforesaid Memorandum dated 19.02.2021 till date from Administrative Officer-III, AERB. The aforesaid extracts of newspapers may be taken on records.
- (iii) The Orders No.AERB/Admn/2021/1568 dated 22.07.2021 & AERB/Admn./2021/1569 dated 22.07.2021 of the Disciplinary Authority appointing the Inquiry Officer and Presenting Officer respectively were forwarded to Shri S. Ajeesh by registered post to both his permanent and present addresses. However, both the aforesaid Memoranda were returned by the postal authorities with the remarks that "Addressee left Kerala" and "Addressee is not

residing in the given address“. A copy of the Order No.AERB/Admn/ 2021/1568 dated 22.07.2021 of the Disciplinary Authority appointing the Inquiry Officer was placed in the AERB website.

- (iv) The preliminary hearing was fixed on 24/08/2021 by giving notice to CO. However CO was not present,. Notices were issued at the local and permanent address. However the covers were returned by Postal Authorities undelivered. The preliminary hearing was adjourned on 08/09/2021. Fresh notices were issued to CO regarding adjourned dates of Preliminary Hearing of Inquiry to be conducted on 08/09/2021. Also, a notice was published in the local English newspaper of Mumbai Free Press Journal of India dated 31.8.2021 and regional Malayalam newspaper of Kerala Mathrubhumi, Kollam dated 31.8.2021 directing CO to be present for adjourned preliminary hearing on 8.9.2021 . A copy of the notice was also placed in the AERB website. However despite all above efforts CO was not present on 8.9.2021..

It was decided to proceed with Inquiry, Regular hearing exparte due to following reasons:

- (i) Taking into consideration the submission of PO.
- (ii) The copy of Charge Sheet Memorandum No. AERB/NG/426/2021/398 dated 19.02.2021 containing Article of Charge was deemed to have been served on Charged Official due to following reasons:

Rule position under CCS(CCA) Rules, regarding service of memorandum is if the document sent by Registered Post, Acknowledgement due is not accepted by the addressee and is returned by the Post Office to the sender, further action may be taken as if the document has been served and due notice has been given to the employee concerned.

- (iii) In this case copies of the Charge sheet memorandum No. AERB/NG/426/2021/398 dated 19.02.2021 containing Article of Charge have been returned by postal authorities, Notice of initiation of Disciplinary proceeding was published in local Newspaper Indian Express at Mumbai and Regional Newspaper Matrubhumi at Kerala date 2.7.2021 directing the CO to collect the copies of Charge Sheet containing Article of Charge alongwith Annexures. A copy of the order was also placed in the AERB website. However for reasons best known to CO, he failed to submit his written statement of defence before the specified dates. He failed to comply with the notice to appear in person before the Inquiring Authority. Reasonable opportunities have been given to Charged Official to be present. He has been absconding without intimating his whereabouts.
- (iv) His movements are not known. He has failed to intimate office about his residence and address for communication

Which leaves no other option but to proceed with Inquiry Exparte.

Hence it was decided that it was a fit case to proceed with Inquiry exparte.

VII. Steps taken informing Shri S. Ajeesh, SA/C, RSD, AERB (CO) about disciplinary proceedings and action taken for intimating COs to participate in the Inquiry Proceedings :

Sl. No.	Date	Subject	Action
1.	19.2.2021	Serving Charge sheet	Memorandum. No. AERB/NG/426/ 2021/ 398 dated February 19 , 2021. sent to Local address and Permanent address available as per office records- Covers returned by postal authorities undelivered.
2.	1.6.2021	Charge Sheet Placed on AERB website	Memorandum. No. AERB/NG/426/ 2021/ 398 dated February 19 , 2021.Placed on AERB website
3.	2.7.2021	Publishing in Newspaper about Disciplinary Proceeding	Notice of initiation of Disciplinary proceeding was published in local Newspaper Indian Express at Mumbai and Regional Newspaper Matrubhumi at Kerala date 2.7.2021
4.	22.7.2021	Appointment of IO & PO to inquire into Charges	Order No. AERB/Admn/2021/569 dated 22.7.2021 sent to Local address and Permanent address of CO as per office records- Covers were returned by postal authorities undelivered.
5.	22.7.2021	Appointment of IO & PO	Appointment of IO & PO to inquire into Article of Charge against CO placed in AERB website
6.	23.7.2021	Notice of Preliminary Hearing	Notice of Preliminary hearing sent vide No. AERB/Admn/2021/ 1569 dated 22.7.2021 to Local address and Permanent address of CO as per office records- Covers were returned by postal authorities undelivered.
7	24.8.2021	Forwarding of Daily Order Sheet No.1 and intimating next date of adjourned Preliminary hearing	Daily Order Sheet No.1 and Notice of next date of adjourned Preliminary hearing on 8.9.2021 was sent vide letter No. AERB/Admn/2021/ 1569 dated 22.7.2021 to Local address and Permanent address available as per office records of CO- Covers were returned by postal authorities undelivered.
8	24.8.2021	Placed on AERB website	Daily order Sheet No.1 and Notice of adjourned date of Preliminary hearing on 8.9.2021 Placed on website
9.	31.8.2021	Publishing about next date of hearing	Notice of initiation of Disciplinary proceeding, absence of CO on 24.8.2021 for inquiry and next date of hearing on 8.9.2021 was published in local Newspaper Free Press Journal Express at Mumbai and Regional Newspaper Matrubhumi at Kollam, Kerala on 31.8.2021
10	8.9.2021	Forwarding of Daily Order Sheet No 2 and intimating next date of Regular hearing of the Inquiry on 18.10.21	Daily Order Sheet No.2 and Notice of next date of Regular hearing on 18.10.2021 was sent to CO vide letter No. AERB/Admn/2021/ 1936 dated 08.9.2021 to his Local address and Permanent address available as per office records- Covers were returned by postal authorities undelivered.

VII. Steps taken informing Shri S. Ajeesh, SA/C, RSD, AERB (CO) about disciplinary proceedings and action taken for intimating COs to participate in the Inquiry Proceedings :

Sl. No	Date	Subject	Action
11.	8.9.2021	Placed on AERB website	Daily order Sheet No.2 and Notice of fixing of date of Regular hearing on 18.10..2021 Placed on AERB website
12.	23.9.2021	Intimating CO that he was not present for inspection of document and giving one more opportunity for inspection of documents	Forwarding letter No. AERB/PO/2021/2040 dtd 22.9.201 of PO intimating that CO did not have inspection of document and giving one more opportunity for inspection of document vide letter No. AERB/Admn/2021/2045 dated 23.9.2021 to Local address and Permanent address of CO as per office records- Covers were returned by postal authorities undelivered.
13.	19.9.2021	Forwarding of Daily Order Sheet No 3 and intimating next date of Regular hearing of the Inquiry on 25.11.21	Daily Order Sheet No.3 and Notice of next date of Regular hearing on 25.11.2021 was sent to CO vide letter No. AERB/Admn/2021/ 2366 on 19.10.2021 to Local addresses and Permanent address available as per office records- Covers were returned by postal authorities undelivered.
14.	29.11.2021	Forwarding of Daily Order Sheet No 4 and intimating next date of Regular hearing of the Inquiry on 29.11.21	Daily Order Sheet No.4 and Notice of next date of Regular hearing on 20.12.2021 was sent to CO vide letter No. AERB/Admn/2021/ 2517 on 29.11.2021 to Local addresses and Permanent address available as per office records- Covers were returned by postal authorities undelivered
15	20.12.2021	Forwarding of Daily Order Sheet No 5 and intimating next date of hearing of the Inquiry General Examination on 29.11.21	Daily Order Sheet No.5 and Notice of next date of Regular hearing General Examination under Rule 14(18) of CCS (CCA) Rules 1965 on 04.1.2022 was sent to CO vide letter No. AERB/Admn/2021/ 2717 on 20.12.2021 to Local addresses and Permanent address available as per office records- Covers were returned by postal authorities undelivered
16	05.01.2022	Forwarding of Daily Order Sheet No 6 and intimating next date of hearing of the Inquiry General Examination on 24.01.2022	Daily Order Sheet No.6 and Notice of next date of Regular hearing General Examination under Rule 14(18) of CCS (CCA) Rules 1965 on 24.1.2022 was sent to CO vide letter No. AERB/Admn/2021/28 on 05.01.2022 to Local addresses and Permanent address available as per office records- Covers were returned by postal authorities undelivered

VII. Steps taken informing Shri S. Ajeesh, SA/C, RSD, AERB (CO) about disciplinary proceedings and action taken for intimating COs to participate in the Inquiry Proceedings :

Sl. No.	Date	Subject	Action
17	24.01.2022	Forwarding of Daily Order Sheet No 7 and intimating conclusion of oral Inquiry	Daily Order Sheet No.7 and intimation of conclusion of oral Inquiry with direction to PO to submit his written brief sent to CO vide letter No. AERB/Admn/2021/184 on 24.01.2022 to Local addresses and Permanent address available as per office records- Covers were returned by postal authorities undelivered
18.	28.1.2022	Forwarding of Presenting Officer's written brief on 28.1.2022	Presenting Officer's written brief was sent to CO vide letter No. AERB/Admn/2021/212 on 28.01.2022 to Local addresses and Permanent address available as per office records with directions to submit his brief within 15 days - Covers were returned by postal authorities undelivered on 1.2.2022

VIII. Brief statement of the case of the disciplinary authority in respect of the charges enquired into :

The charge vide Memorandum dated 19.02.2021 against Shri S. Ajeesh was that he was on unauthorized absence from duty intermittently from October 2018 and continuously w.e.f.06.11.2019 till the date of issue of charge sheet by the Disciplinary Authority i.e. 19.02.2021.

The Charged Officer did not submit his written statement of his defence to the aforesaid Memorandum dated 19.02.2021 despite the fact that the same was forwarded to the local and permanent addresses of the Charged Officer, notice dated 02.07.2021 was published in the local newspaper of Mumbai (Indian Express) and regional newspaper of Kerala (Matrubhumi) directing him to collect aforesaid Memorandum dated 19.02.2021. Further, it is pertinent to mention that the aforesaid Memorandum dated 19.02.2021 was published in AERB website for the information of the Charged Officer. It is evident from above that all the possible efforts were made to serve the charge sheet to the Charged Officer.

On 18.10.2021, in the examination-in-chief of PW-1 i.e. Dr. P.K. Dash Sharma, Head, RSD, AERB to whom Shri Ajeesh was reporting, had deposed that CO was absenting from duty unauthorisedly.

Several times he was requested to regularize the absence but he never regularized his absence.

After getting transferred to RSD, Shri Ajeesh was remaining absent without leave for around 8 to 10 days every month. Thereafter, he went for election duty. His last attendance to office was on May 15, 2019. Thereafter, he never attended office.

During deposition, PW-1 had acknowledged issue of letter No.AERB/RSD/5.2/2019/60 dated 11.02.2019 (i.e. P-1) wherein while addressing to CAO, AERB he had indicated that the Charged Officer was absent from duty intermittently during October 2018 to January 2019.

During deposition, PW-1 had acknowledged issue of letter No. AERB/Admn./NG/426/2020/ 137 dated 21.09.2020 (i.e.P-20) by him wherein addressing to Administrative Officer-III, AERB he had informed that the Charged Officer was on unauthorized absence from duty intermittently w.e.f.05.10.2018 and continuously w.e.f.06.11.2019 and recommended to initiate disciplinary action against the Charged Officer.

For a further specific query whether Shri Ajeesh has reported for duty after the issue of letter dated 21.09.2020 by him addressed to Administrative Officer-III, AERB (P-20), PW-1 had submitted that as already stated earlier, Shri Ajeesh attended duty on 15.05.2019 and thereafter he never attended duty.

From the deposition of the PW-2 i.e. Shri S. Ranganathan, Ex-CAO, AERB, it is evident that Shri Ajeesh had carried out election duty in connection with general election 2019 held on 21.10.2019 for the State of Maharashtra which is corroborated from the Copy of District Collector, Mumbai Suburban Order dated 05.09.2019 nominating the Charged Officer for carrying out the said election duty i.e. P-10 which was collected and acknowledged on 13.09.2019 by the Charged Officer inspite of the fact that he is on unauthorized absence from duty. On corroborating with P-12 dated 05.11.2019 issued by the office of Assistant Returning Officer, Kandivali East. Division 160 addressed to CAO, AERB (PW-2), it is further evident that the Charged Officer had reported for election duty on 16.09.2019 and got relieved on 05.11.2019. However, based on the depositions of the PW-1, he had not reported for duty after completion of the election duty i.e. from 06.11.2019.

It is evident from the above that Shri Ajeesh did not respond to the various communications sent by this office directing him to report to duty despite informing him that unauthorised absence from duty shall constitute break in service for the purpose of LTC, Leave, Permanency, Increment and Pension etc and also liable for disciplinary action. The unauthorized absence of Shri Ajeesh from duty has resulted in dislocation of work in his Division.

By the aforesaid act, the said Shri Ajeesh has exhibited lack of devotion to duty and behaved in a manner unbecoming of a Government Servant in contravention of the provisions of Rule 3 (ii) & (iii) of CCS (Conduct) Rules, 1964

IX. Brief statement of the case of the Charged Official in respect of the charges enquired into:

NIL : He did not submit any representation

X. The list of documents produced by Shri S. Ajeesh in support of his defence:

NIL: He did not participate in the inquiry and did not submit any representation

XI. GENERAL EXAMINATION OF CO:

As the Charged Officer was absent throughout the hearings, examination could not be done. After the closure of case of Prosecution i.e. Examination of Chief of PW-1 and PW-2 and production of documents P1 to P20 the inquiry was adjourned to give opportunity to CO to produce his documents and witness. On 25.11.2021, and 2012,2021 CO was not present. The inquiry proceedings were specifically adjourned on 4.1.2022 for General Examination of CO under Rule 14(18) of CCS (CCA) Rules 1965. However on 4.1.2022 also CO did not attend the hearing. To give CO one more final opportunity under Rule 14(18) of CCS (CCA) Rules 1965 the hearing was adjourned to 24.1.2022. However on 24.1.2022 also CO did not present himself. Therefore it was decided to conclude the Oral Inquiry.

XII. Written Brief of Presenting Officer and Comments of CO on written brief submitted by PO:

PO submitted his written brief on 28/01/2020. In his written brief he has brought out the facts of case like issue of charge sheet, documents P1 to P-20 in support of the charge, and deposition of the witnesses PW-1 and PW-2 and how the charge is proved based on the documents and depositions of witnesses. The written brief of Presenting Officer was sent vide letter No. AERB/Admn/2021/212 on 28.01.2022 to Permanent and local addresses available as per office records with directions to submit his brief within 15 days - Covers were returned by postal authorities undelivered on 1.2.2022

XIII. Analysis of evidence :

Dr. P.K. Dash Sharma, Head, RSD, AERB **PW-1** in his deposition has stated that Shri Ajeesh (CO) got transferred to RSD from DRAC in October 2018. Since then he was reporting to him. After getting transferred to RSD, Shri Ajeesh was remaining absent without leave for around 8 to 10 days every month. Several times he was requested to regularize the absence for the period of absence on 5,15,22,23, 24, 29, 30, 31 in the month of October 2018, absence on 1, 2, 13, 14, 15, 16, 26, 29, 30 in the month of November 2018, absence on 3, 7, 12, 14, 17, 18, 19, 24, 27, 28 in the month of December 2018, absence on 1, 2(Half day), 4, 10, 16 to 23, 28, 29, 30, 31(Half day) in the month of January 2019. However CO never regularized his absence but preferred to get his salary deducted instead of applying for leave. This statement is corroborated by **P-1** letter No.AERB/RSD/5.2/2019/60 dated 11.02.2019 by Head, RSD, AERB addressed to Chief Administrative Officer, AERB. **PW-1** further stated in inquiry that they tried to convince CO through various colleagues that, CO should attend office regularly and express any issues if he is facing. But he never revealed any fact. A memorandum No. AERB/Admn./NG/426/2019/556 dated 25.02.2019 **P2** was issued by Asstt. Personnel Officer, AERB to CO through Head, RSD, **PW-1** and CO had acknowledged the receipt. of **P2** on 1.3.2019. **PW-1** further stated that he had issued letter No. AERB/RSD/4/2019/195 dated 30.05.2019 addressed to CAO, AERB **P-3** where in it was conveyed that CO remained absent on 6, 7, 8, 14, 15, 18, 26, 28 of February 2019, March 2019 to May 10, 2019 on election duty. Thereafter again unauthorisedly absent from

duty on 16,17, 20, 21,22,23,24,27,28,29 May 2019. A memorandum No. AERB/Admn./NG/426/2019/1634 dated 02.07.2019 **P4** was issued by Asstt. Personnel Officer, AERB to CO through Head, RSD, **PW-1**, for CO's absence from duty on following dates:

Sr.No.	Month	Dates
1	October 2018	5,15,22,23, 24, 29, 30, 31.
2	November 2018	1, 2, 13, 14, 15, 16, 26, 29, 30.
3	December 2018	3, 7, 12, 14, 17, 18, 19, 24, 27, 28.
4	January 2019	1, 2(Half day), 4, 10, 16 to 23, 28, 29, 30, 31(Half day).
5	February 2019	6, 7, 8, 14, 15, 18, 26, 28.
6	May 2019	16 to 31
7	June 2019	1 to 30

The above memorandum could not be served on Shri Ajeesh (CO) as he was absent from duty unauthorisedly. Therefore it was returned back to APO, AERB (**P-5**). APO, AERB vide memorandum No. AERB/Admn./NG/426/2019/1683 dated 08.07.2019 (**P-6**) issued the memorandum conveying the above said absence to his local address Flat No.1303, Serena, C-Tower, Lodha Casa Bella, Dombivili (E) Thane – 421 204, and his permanent address Thodiyal Padinjattathil, Pinackal Valathungal P.O. Kollam, Kerala – 691 018. Another memorandum No. AERB/Admn./NG/426/2019/2127 dated 30.08.2019 (**P-7**) was issued to local and permanent address, these covers were returned by postal authorities. The Memorandum from both the addresses were returned by the postal authorities with remarks "Addressee out of station" from Kerala address and "Unclaimed" from Thane address. The undelivered covered were marked as **P-8** and **P-9**. The document **P-10** is order dated 05.09.2019 issued by District Collector, Mumbai suburban wherein it is intimated that Shri Ajeesh was nominated for carrying out election duty in connection with general election 2019 for the State of Maharashtra which was held on 21.10.2019. As per Administration records, Shri Ajeesh had received the same from Administration on **13.09.2019** and acknowledged it. Shri S. Ranganathan, Ex-Chief Administrative Officer, AERB, **PW-2** in his Examination-in-Chief corroborated the statement.. **PW-2** further stated that to confirm whether Shri Ajeesh was relieved from Election Duty and details of period for which he had attended the election duty and the date of his relief from election duty, he had written a letter No.AERB/Adm/XI/16/Vol-II/2020/185 dated 21.01.2020 **P-11** to the District Collector, Mumbai Suburban, however he had not received any communication from District Collector, Mumbai in reply to his aforesaid letter dated 21.01.2020. However **PW-2** could obtain a copy of relieving order dated 05.11.2019 issued by Assistant Returning Officer, Kandivali East, Division 160, addressed to CAO, AERB. relieving Shri Ajeesh w.e.f. 5.11.2019. The document in support of the statement was marked as **P-12**. In the document CO's acknowledgement /signature could be seen on the aforesaid order dated 05.11.2019. One more Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 **P-13** addressed to Shri Ajeesh, was issued for his unauthorized absence on 5,15,22,23, 24, 29, 30, 31 in the month of October 2018, absence on 1, 2, 13, 14, 15, 16, 26, 29, 30 in the month of November 2018, absence on 3, 7, 12, 14, 17, 18, 19, 24, 27, 28 in the month of December 2018, absence on 1, 2(Half day), 4, 10, 16 to 23, 28, 29, 30, 31(Half day) in the month of January 2019 absence on 6, 7, 8, 14, 15, 18, 26, 28, in the month of February and further absence without permission or intimation from 16/5/2019 to 15/9/2019. The Memorandum No. AERB/Admn./ NG/426/2020/610 dated 11/03/2020 was sent to the local address **P-14** and Cover containing the Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 **P-15** was sent to the permanent address of Shri Ajeesh which were returned by the postal authorities undelivered **P-14 and P-15** . APO(E) issued Memorandum No.AERB/Admn./NG/426/2020/774 dated 14/07/2020 **P-16**. addressed to Shri Ajeesh informing him about his unauthorized absence on 5,15,22,23, 24, 29, 30, 31 in the month of

October 2018, absence on 1, 2, 13, 14, 15, 16, 26, 29, 30 in the month of November 2018, absence on 3, 7, 12, 14, 17, 18, 19, 24, 27, 28 in the month of December 2018, absence on 1, 2(Half day), 4, 10, 16 to 23, 28, 29, 30, 31(Half day) in the month of January 2019 absence on 6, 7, 8, 14, 15, 18, 26, 28, in the month of February and further absence without permission or intimation from 16/5/2019 to 15/9/2019 thereafter from 6th November 2019 till the date of issue of the Memorandum i.e. July 14th, 2020. The Memorandum dtd. 14.7.2020 **P-16** were sent to his local as well as permanent address. The cover containing the Memorandum No.AERB/Admn./NG/426/2020/774 dated 14/07/2020 sent to the permanent address of CO was returned by the postal authorities. **P-17**. Photo copy of the delivery slip received from Sub Post Master (LSG), Manpada P.O., Dombivili (E) endorsing on the copy of Sub Postmaster (LSG), Anushaktinagar P.O email dated 16.09.2020. was produced as **P-18** and **P-19**. Head, RSD, **PW-1** has deposed that the letter No.AERB/Admn./NG/426/2020/137 dated 21.09.2020 addressed to Administrative Officer-III, AERB **P-20** recommending to initiate disciplinary proceedings against Shri Ajeesh for his aforesaid unauthorized absence from duty was issued by him.

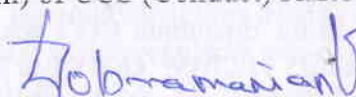
From the deposition of the PW-1 and PW-2 and documents (P1 to P20) produced during the enquiry it can be seen that CO while functioning as Scientific Assistant/C had remained on unauthorized absence from duty intermittently from October 2018 and continuously w.e.f.06.11.2019 to till date without prior permission/intimation to the office which caused dislocation of work.

XIV. Assessment of the evidence in respect of Article of Charge for determination:

It is evident from the documents P-1 to P-20 and deposition of **PW-1** and **PW-2** that CO did not respond to the various communications sent to him by the office directing him to report to duty. He was informed from time to time that his unauthorised absence from duty shall constitute break in service for the purpose of LTC, Leave, Permanency, Increment and Pension etc and also liable for disciplinary action. Despite to the notice he has remained absent unauthorisedly. It is also case of the disciplinary authority that the unauthorised absence from duty of CO has resulted in dislocation of work in his Division.

XV. FINDINGS: Charges Proved:

The Article of Charge that Shri Ajeesh while functioning as Scientific Assistant/C had remained on unauthorized absence from duty intermittently from October 2018 and continuously w.e.f.06.11.2019 to till date. Thereby the said Shri Ajeesh had exhibited lack of devotion to duty and behaved in a manner unbecoming of a Government Servant in contravention to the provisions of Rule 3 (ii) & (iii) of CCS (Conduct) Rules 1964 **stand Proved.**


(K. Venkat Subramanian) 16/2/2022

Inquiry Officer &

Chief Administrative Officer, AERB

Date : February 16, 2022.

To,
Executive Director &
The Disciplinary Authority,
Atomic Energy Regulatory Board,
Niyamak Bhavan, Anushakti Nagar,
Mumbai 400 094.