

No.AERB/NG/426/2021/398

February 19, 2021.

MEMORANDUM

The undersigned proposes to hold an inquiry against **Shri S. Ajeesh, Scientific Assistant/C, Emp. No.426, RSD, AERB** under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the Inquiry is proposed to be held is set out in the enclosed statement of articles of charge (**Annexure-I**). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (**Annexure-II**). A list of documents by which, and a list of Witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (**Annexures-III and IV**).


2. **Shri Ajeesh** is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. **Shri Ajeesh** is further informed that if he does not submit his written statement of defence on or before the date specified in Para.2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 Of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him *ex parte*.

5. Attention of **Shri Ajeesh** is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that **Shri Ajeesh** is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

6. The receipt of the Memorandum may be acknowledged.


16.2.2021
(D.K. Shukla)
Executive Director &
Disciplinary Authority

To,

(1) Shri S. Ajeesh, -- Through: Head, RSD
Scientific Assistant/C,
Emp. No.426, RSD, AERB.

Contd...Pg.2/-

- (2) Shri S. Ajeesh, -- By Registered Post with A/D
Flat No.1303, Serena, C-Tower,
Lodha Casa Bella,
Dombivili (E), Thane,
PIN - 421 204.
- (3) Shri S. Ajeesh, -- By Registered Post with A/D
Thodiyal Padinjattathil,
Pinackal, Valathungal P.O.,
Kollam, KERALA - 691 018.

Copy to:

- (1) Vigilance Officer, AERB
- (2) Head, RSD, AERB
- (3) Dy. Controller of Accounts, AERB

ANNEXURE-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.

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

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.

- (1) Head, RSD letter No.AERB/RSD/5.2/2019/60 dated 11/02/2019 addressed to CAO, AERB.
- (2) APO(E) Memorandum No.AERB/Admn./NG/426/2019/556 dated 25/02/2019 addressed to Shri Ajeesh.
- (3) Head, RSD letter No.AERB/RSD/4/2019/195 dated 30/05/2019 addressed to CAO, AERB.
- (4) APO(E) Memorandum No.AERB/Admn./NG/426/2019/1634 dated 02/07/2019 addressed to Shri Ajeesh.
- (5) Remarks dated 05/07/2019 of Head, RSD addressed to APO (E) on the copy of the Memorandum dated 05/07/2019 which was addressed to Shri Ajeesh
- (6) APO(E) Memorandum No.AERB/Admn./NG/426/2019/1683 dated 08/07/2019 addressed to Shri Ajeesh.
- (7) APO(E) Memorandum No.AERB/Admn./NG/426/2019/2127 dated 30/08/2019 addressed to Shri Ajeesh.
- (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.
- (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.
- (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.
- (11) CAO, AERB letter No.AERB/Adm/XI/16/Vol-II/2020/185 dated 21/01/2020 addressed to District Collector, Mumbai Suburban.
- (12) Copy of letter dated 05/11/2019 issued by the office Assistant Returning Officer Kandivali East, Division 160 addressed to CAO, AERB.
- (13) Memorandum No. AERB/Admn./NG/426/2020/610 dated 11/03/2020 addressed to Shri Ajeesh.
- (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.

- (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.
- (16) APO(E) Memorandum No. AERB/Admn./NG/426/2020/774 dated 14/07/2020 addressed to Shri Ajeesh.
- (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.
- (18) Email dated 15/09/2020 addressed to Sub Postmaster (LSG), Anushaktinagar Post Office.
- (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 PO email dated 16.09.2020.
- (20) Head, RSD, AERB letter No. AERB/Admn./NG/426/2020/137 dated 21/09/2020 addressed to Administrative Officer – III, AERB.

ANNEXURE-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.

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