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HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED

(A State Government Undertaking)

No. HPSEBL(SECTT)(V&I)/8-1975/2011- 2326 Dated:- 30-11-2011

*** NOTICE ***

WHEREAS Er. Rajinder Gupta, AEE (E) was charge sheeted vide memo No. HPSEB (SECTT)/PF-9-1584/07-42440-44 dated 24-7-2007 for unauthorized absence from duty while on visit to Canada, resulting in violation of Rule-3 of CCS (Conduct) Rules. Charge framed against him was as under: -

Charge No.1:-

Er. Rajinder Gupta, while functioning as AEE (E) in the office of Board Sectt. HPSEB, Shimla during December, 2006 applied for earned leave w.e.f. 4-12-2006 to 16-12-2006 with permission to prefix/suffix holidays on 3-12-2006 & 17-12-2006 respectively on the grounds "Domestic affairs" which was sanctioned vide office order No. HPSEB (SECTT)PF-9-1584/06-95082-83 dated 16-12-2006 with the conditions that on expiry of the above leave he will likely to join the same post/station from which he has proceeded on leave. But instead of joining in the same place, he left abroad Toronto (Canada) by putting an application that his wife is ill there.

AND WHEREAS Er. Rajinder Gupta, AEE (E) had submitted written a statement of defence denying the charges vide his letter dated 5-8-2007. In his defence, he has stated that he had overstayed in Canada due to the illness of his wife. In this written defence he has referred to his Medical illness but apart from this statement, there is nothing on record to show that he was medically ill.

AND WHEREAS Er. Sunil Grover, Sr. XEN, SLDC, Totu Shimla-11 was appointed as the Inquiry Officer to inquire into the charges framed against Er. Rajinder Gupta, AEE (E) vide order No. HPSEB (SECTT)/PF-9-1584/07-68229-33 dated 29-9-2007.

AND WHEREAS the said Inquiry officer (presently S.E) o/o Chief Engineer (P&M), HPSEBL, Shimla-4 has submitted his brief one page report vide his letter dated 15-11-2011. In his report, the Inquiry officer has stated as follows:-

The officer has left for abroad without prior permission and also without getting his leave sanctioned by the competent Authority. The leave was sanctioned subsequently i.e. earned leave only w.e.f. 4-12-2006 to 16-12-2006 by the leave sanctioning authority. The officer is thus presumably absconding from his duties w.e.f. 17.12.2006 to date as no other record is available in respect of the officer in the context of his leave therefore. Further from the correspondence exchanged by the officer with the office, it is revealed that the delinquent officer is presently residing in Toronto (Canada) and presumably permanently settled there. Also from the personal inquiry conducted by the undersigned, it is learnt that he has sold his property viz flat, Car and other belongings etc in Shimla/ India. Therefore further inquiry can not be conducted by the undersigned against him in the normal circumstances as he is not likely to come back from abroad and participate himself in the inquiry. It is thus abundantly clear from the conduct of that the Officer is no more interested in the services of the Board.

AND WHEREAS on a careful consideration of report the Disciplinary Authority is satisfied that Er. Rajinder Gupta, AEE (E) is presently residing Toronto (Canada) and is presumably permanently settled there. He is not likely to come back from Abroad and participate in the inquiry. This is also evident in the letter dated 12-3-2008 of Sh. Rajinder Gupta AEE (E) in which he has stated as under:-

I thankfully acknowledge the receipt of your above letter regarding the above inquiry. I hope you might have received my above letter to clear my position in this regard.

However I would like to inform you that I don't have any objection to attend the hearing in person. But in order to meet up the expenses of traveling I request your good self to arrange about Rs.70,000/- each hearing.

Given the aforesaid position it is evident that this is a fit case to be considered under Rule-19 (ii) of CCS (CC&A) Rules-1965. It is clear from the above position that it is not reasonably practical to hold any further inquiry in the matter under Rule-14 of CCS (CC&A) Rules, since the charged officer by his acts and omission has clearly indicated that he will not associate himself in the disciplinary proceedings and he is unauthorizedly absent from duty for nearly 5 years and there is no intention to resume duties.

In view of the aforesaid position, it is evident that this is a fit case to proceed against Sh. Rajinder Gupta AEE (E) under Rule-19 (ii) of CCS (CC&A) Rules-1965 and it would be in public interest and in the Company's interest that he should be removed from services of the Board, since he is deliberately absenting from duty and his conduct

is unbecoming of the Company's servant, which is a violation of Rule-3 of CCS(Conduct) Rule.

NOW, THEREFORE, through this notice Er. Rajinder Gupta, AEE (E) is hereby given notice as to why he should not be removed from the services of the HPSEB Ltd. for willful absence from duty and deliberate disobedience of the HPSEB Ltd. Rules and regulation as provided under Rule-11 (viii). Er. Rajinder Gupta, AEE (E) may send his reply to this office by 25th December, 2011 failing which it shall be presumed that he has nothing to say in the matter and the competent authority would take further necessary action as proposed in this notice.

The memorandum is sent to his address in Canada.

For and on behalf of the
Disciplinary Authority.

G. N. Singh
30/11/2011
Executive Director (Pers.)
H.P. State Electricity Board,
Vidyut Bhawan, Shimla-4. *2*

✓ Er. Rajinder Gupta, AEE (E),
Kailash Niwas Ward No.7
Attar Mandi, Nurpur-176202,
Distt. Kangra.