

E.O. No. 639

Dated:- 18/08/2023

ORDER

WHEREAS it was proposed to hold an inquiry against Sh. Amit Dagar, JSA (LDC) (UID No.0212359) (hereinafter referred as C.O.) under Regulation 25 of DDA Conduct, Disciplinary & Appeal Regulations, 1999 vide Memorandum No. F7(247)2013/PB-III/LDC/1584 dated 03.11.2020 on the following Article of charge:

"Sh. Amit Dagar S/o Sh. Bijender Singh, Junior Secretariat Assistant (UID-0212359) was posted in O/o DD/Horticulture Division-8 vide E.O. No. 974 dated 15.07.2016.

During his posting in O/o Dy. Director (Horticulture Division -8), he kept himself absent from duty since 15.03.2019 without any intimation and permission of his Competent Authority. He was transferred vide E.O. No. 364 dated 28.03.2019 from Hort. Div.-8 to Unauthorized Colonies Cell with the direction to report to the Commissioner (LM) and his relieving order was issued by DD/Hort. Div.-8 on 02.04.2019, he did not report for duty to new place of posting till date and keeping himself absent unauthorisedly.

By his above acts, he has exhibited lack of devotion to duty and acted in a manner unbecoming of a government servant, thereby contravened Regulation 4(1)(i)(iii) with Regulation-5(7)(8)(9) & (20) of DDA Conduct, Disciplinary and Appeal Regulations] 1999."

AND WHEREAS the above memorandum dated 03.11.2020 was received back undelivered from the postal authorities with the remarks 'लेने से इंकार किया अतः वापिस'. Consequently, the said memorandum was sent through the special messenger which was received by the father of C.O. on 23.12.2020.

AND WHEREAS the C.O. failed to submit the written statement of his defence within the stipulated period mentioned in the aforesaid memorandum dated 03.11.2020.

AND WHEREAS Sh. Rajendra Nath Srivastava, Executive Director (HR) (Retired), Airports Authority of India, was appointed as Inquiry Officer vide Order no. 466/F7(247)13/PB-III/1126 dated 23.04.2021 to inquire into the charges framed against the C.O.

AND WHEREAS the Inquiry Officer gave sufficient opportunities to the C.O. to appear and defend himself. However, the C.O. appeared only on 11.02.2022 before the I.O. and remained absent thereafter. The copy of memorandum dated 03.11.2020 alongwith the copies of documents mentioned in Annexure-III of the said memorandum was handed provided to C.O. on 11.02.2022.

AND WHEREAS the Inquiry Officer submitted the Inquiry Report vide his letter dated 06.01.2023 and held the above mentioned Article of Charge as 'Proved'.

AND WHEREAS a Notice along with the copy of the Inquiry Report was provided to C.O. vide No. F7(247)2013/PB-III/LDC/401 dated 16.03.2023 for making representation or submission against the findings of Inquiry Officer. This Notice was delivered on 22.03.2023.

AND WHEREAS the department deputed a Welfare Inspector (W.I.) to visit the residence of the C.O. to ascertain the reasons for his long absence from duties and for not submitting any response to the above Notice dated 16.03.2023. The W.I. inspected the residence of the C.O. on 14.07.2023 and it has been reported that the C.O. was not available at his residence and it was intimated by the other family members that C.O. had gone for 'Kawad' in Haridwar. The relative informed the C.O. about the visit of W.I. but the C.O. did not show any interest in talking to the W.I.

AND WHEREAS the undersigned has gone through the facts on record, the inquiry report and also the report submitted by W.I. and observe that the C.O. did not attend the inquiry proceedings despite notices from the I.O. except his presence on 11.02.2022 when the copy of charge sheet and listed documents were handed over to him. During the proceedings on 11.02.2022, the C.O. admitted that he had been on unauthorized absence since 15.03.2019 when he was posted in the Office of DD (Hort.) Div.-8 and also admitted that he was transferred to Unauthorized Colony Cell on 28.03.2019 with the direction to report to Commissioner (LM) and also confirmed that he did not report to Commissioner (LM) after he was relieved and was so directed. The copy of inquiry report was also provided to him vide notice dated 16.03.2023 to make any representation or submission against the findings of I.O. within 15 days of the date of receipt of the notice. The said notice was delivered at his given address on 22.03.2023 by speed post as per the report of postal authorities. However, he did not submit any representation or submission against the findings of I.O.

AND WHEREAS the undersigned has also observed that the special provisions made in Regulation 30-A(c) mandate that notwithstanding anything contained to the contrary in any other Regulation, the service of an employee may be terminated by the Authority if he remains on unauthorized absence for 60 days or more. A show cause notice dated 03.03.2020 was served on the C.O. for explaining the reasons as to why action under the said Regulation should not be taken against him for the aforesaid lapse on his part. However, it was decided to issue a major penalty charge sheet instead so that C.O. may have an opportunity to defend himself. However, he continued with his misconduct and deliberately abstained from participating in the inquiry proceedings. The conduct of the C.O. and report of the W.I. establishes that the C.O. is not interested to serve DDA.

AND WHEREAS the undersigned, on a careful consideration, has come to the conclusion that the said Sh. Amit Dagar, JSA has failed to maintain absolute devotion to duty and has acted in a manner which is unbecoming of a servant of the Authority. The charge of contravening the provisions of Regulation 4(1)(i) & (iii) r/w Regulations 5 (7) (8) (9) & (20) of DDA Conduct, Disciplinary and Appeal Regulations, 1999 is fully established.

AND WHEREAS the undersigned, being the competent authority as per Schedule of Disciplinary Authority annexed to the DDA Conduct, Disciplinary and Appeal Regulations, 1999, is of the considered view that the ends of the justice would be met if the penalty of 'removal from service' is imposed on the said Sh. Amit Dagar, JSA.



NOW THEREFORE, the undersigned, in exercise of the powers conferred by the Regulations *ibid*, imposes the penalty of 'removal from service' upon Sh. Amit Dagar, JSA (LDC).


(Vineet Jain) 18/8/23
Commissioner (P)

To

Sh. Amit Dagar, JSA (LDC)
S/o Sh. Bijender Singh,
R/o House No. 250, Near Pole No. 52,
Mohalla Patti, Village Malik Pur,
South-West Delhi,
Delhi-110073.

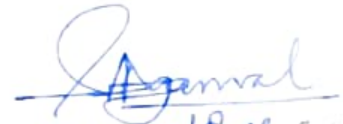
o/c

No. F7(247)2013/PB-III/LDC/1218

Dated: 18/08/2023

Copy to:-

1. PS to Commissioner (P)
2. Director (LM) Coordn./Hort.
3. Dy. Director (P)-III/CR Cell/Hort. Division-8/LM (Coord.)/Vig.-I
4. Chief Security Officer
5. Sr. AO(Estt.) NG-II/CAU (Dwarka)/Medical
6. AD (PMIS)/Vig. (Admn.)
7. E.O. Book


18.08.2023
Director (P)-II