

भारतसरकार GOVERNMENT OF INDIA
अंतरिक्षविभाग DEPARTMENT OF SPACE
भारतीयअंतरिक्षअनुसंधानसंगठन INDIAN SPACE RESEARCH ORGANISATION
सतीशधवनअंतरिक्षकेंद्रशार SATISH DHAWAN SPACE CENTRE SHAR

No: SCF/F&AD(C)/Sr.IFA/IO/2023

Dated the 08th January, 2024

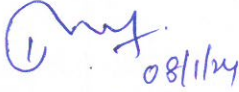
ORDER

Sub: Inquiry Proceedings under Rule 11 of DoS Employees' (CCA) Rules against Shri Rameshwar Kumar, SH 14653, Sci/Engr-SE—Statement of Defence.—reg.

Vide order of even number dated 20-10-2023, the CO was extended an opportunity to explain the circumstances that are appearing against him in the evidence adduced during the Inquiry proceedings. The CO had not responded to the communication issued to him. He had also not contacted the undersigned at any time —neither over phone or by way of email or written communication. Consequently, the PO was directed to submit his written brief.

The written brief has since been submitted by the PO, a copy of which is enclosed herewith. The CO is hereby extended an opportunity to submit his Statement of Defence and is directed to submit his written 'Statement of Defence' within a period of 15 days from today, i.e. **latest by 17:00 hrs of 23-01-2024.**

In the event of non-submission of 'Statement of Defence' as aforesaid, without informing in writing to the undersigned within the due date specified, valid reasons for such non-submission, the CO will forego his opportunity for submission of the same, and **no further opportunity will be extended.**



(Davender Dutt Baloni)
Inquiry Officer

To

Shri Rameshwar Kumar
Sci./Engr-SE
Charged Official.

Copy to :

1. Presenting Officer
2. LDS Section - to place a copy of this Order in SDSC SHAR website.
3. Office file.

BRIEF OF THE PRESENTING OFFICER

Sub : Inquiry Proceedings under Rule 11 of DoS Employees' (CCA) Rules against Shri Rameshwar Kumar, SH 14653, Sci/Engr-SE – reg.

DoS had issued a Charge Sheet, vide Memorandum dated 27.06.2022, against Shri Rameshwar Kumar, SH 14653, Sci/Engr-SE, (hereinafter referred to as CO), SDSC SHAR, on the charge of un-authorisedly absenting from duty, from 09.04.2019 to till date.

2. The CO continued to remain un-authorisedly absent from duty, did not respond to the notices for hearing issued to him by IO, and absented from the inquiry proceedings. However, the following steps were inter alia, taken to ensure extension of 'more than reasonable' opportunity of defence to the CO:-

- i) Charge-sheet was forwarded by registered post to his local address in Sriharikota and permanent address in Sitamarhi Dt, Bihar, as duly declared by the CO and entered in office records.
- ii) A Press Notice dated 18.06.2023 was published in 2 leading dailies – i.e Times of India & Dainik Jagran – all India editions – notifying the conduct of Preliminary Hearing on 22.06.2023, at 11 AM, in the office of IO. It was further notified therein that "The CO is directed to attend the hearing and to contact the IO at Mob No: 9409284064." The above details were provided to enable CO to contact the IO at any point of time, even after office hours.
- iii) Daily Order Sheet dated 18.06.2023 details the exhaustive steps taken by the IO to extend all opportunity of defence to the CO.
- iv) The Preliminary Hearing that was scheduled on 22.06.2023, itself was a deferred hearing, in order to extend more than reasonable opportunity to the CO. Earlier, the IO had fixed and intimated the CO, of the Preliminary Hearing scheduled on 04.05.2023. Since CO did not respond, the Preliminary Hearing was re-scheduled to 22.05.2023, to which also, the CO had not responded.
- v) Charge-sheet dated 27.06.2022, Press Notice dated 18.06.2023 and Daily Order Sheet dated 18.06.2023 were uploaded in SDSC SHAR website - home-page, under the caption "inquiry" and accessible to the general public.
- vi) In the said Press Notice dated 18.06.2023, it was stipulated that in the event of his non-appearance at the Preliminary Hearing scheduled on 22.06.2023, regular hearings would commence from 26.06.2023



onwards. It was further stipulated therein, that the dates of Regular Hearings would be notified in website www.shar.gov.in, and that the CO is directed to attend all such hearings so notified.

- vii) Accordingly, as notified in the Press Notice, each stage of the Inquiry Proceeding was hosted in SDSC SHAR website in advance, to enable CO to respond and attend the scheduled proceedings.
- viii) The proceedings of the inquiry, i.e Daily Order Sheet, Orders of IO, examination of state witnesses etc, were also promptly hosted in SDSC SHAR website for information and necessary action on the part of CO.

3. Preliminary Hearing & Inspection of Listed Documents

- a. As duly notified, the Preliminary Hearing was held at 11.00 hrs of 22.06.2023, in the office of IO. The CO did not attend the hearing. IO directed PO to make available the Original documents for inspection, and directed the CO to avail of the opportunity of inspection of original documents at 11 AM on 26.06.2023, in the office of IO. These were inter alia, recorded in the Daily Order Sheet dated 22.06.2023 and hosted in SDSC SHAR website.
- b. The CO did not respond and failed to avail of the duly extended opportunity to inspect the listed documents in original. In the Daily Order Sheet dated 26.06.2023, the following were inter alia, recorded:-
 - i. 13 documents as listed at Annexure-III of the Charge Sheet dated 27.06.2022 are taken on record of the inquiry, and marked as State Exhibits S-1 to S-13.
 - ii. CO to furnish the list of his additional defence documents, if any, duly stating the relevance and names of custodian of such documents, latest by 11.00 hrs of 28.06.2023.
 - iii. CO to furnish the particulars of his defence assistant, if any, latest by 11.00 hrs of 28.06.2023.
 - iv. Examination of State Witnesses will commence on 28.06.2023, at 15.00 hrs.

4. Additional State Document & State Witnesses

- a. PO vide letter dated 26.06.2023, requested IO for introduction of 1 additional document & 3 additional witnesses as under, duly stating the relevance thereof to the subject-matter of this inquiry :-
 - i) Access Report of the CO for the period from 09.04.2019 to 26.06.2023.
 - ii) Shri Nagendra Kumar Sannidhiraju, Dy Manager, Security Systems /MSA.



- iii) Smt T Jayalakshmi, Admn Officer, SDSC SHAR.
- iv) Shri G V Mahesh, Sr Admn Officer(Estt), SDSC SHAR.

A copy of the request letter was endorsed to CO and was uploaded in SDSC SHAR website.

- b. IO issued a Notice dated 27.06.2023 directing the CO to report immediately if he has any objection to the stated request of PO, and latest by 28.06.2023 (2 PM), failing which the matter would be considered and decided ex-parte. The Notice was promptly hosted in SDSC SHAR website.
- c. IO vide Order dated 28.06.2023, inter alia, directed the following :-
 - i) Access Report of the CO for the period from 09.04.2019 to 26.06.2023 is accepted as an additional State document and marked as Exhibit S-14.
 - ii) The 3 officials as stated, are accepted as additional State Witnesses, i.e SW-3, SW-4 & SW-5.
 - iii) Examination of the said additional State Witnesses will be scheduled on a date after 03.07.2023 to extend adequate opportunity to the CO.

5. Evidence adduced in the Inquiry

- A. In his deposition dated 28.06.2023, SW-1, Shri Sreeram Banarjee, Deputy Head, Quality Division, SMPC (Process), SDSC SHAR, inter alia, stated the following :-
 - i) He had issued the Exhibit S-2 letter dated 23.04.2019 and confirm his signature thereon. He also identifies the signature of the Group Head, through whom the said letter was forwarded to Sr Admn Officer (Estt).
 - ii) The CO was working under him in Quality Division.
 - iii) The CO is absenting from duty since 09.04.2019, and hence the said letter was issued by him.
 - iv) The CO did not attend duty in Quality Division on any day from 09.04.2019 to till date.
- B. In her deposition dated 28.06.2023, SW-2, Smt P Aruna, Administrative Officer, Estt-1 Section, inter alia, stated the following:-
 - i) She identifies Exhibit-S-1 document, i.e leave sanctioned to the CO for the period from 01.01.2019 to 08.04.2019.
 - ii) She identifies Exhibit-S-2 letter dated 23.04.2019, i.e the letter issued by controlling officer of CO informing about the un-authorized absence of the CO from 09.04.2019 onwards.



- iii) She identifies Exhibit-S-3 letter dated 26.04.2019, i.e the letter issued from Estt-1 Section to the CO directing him to report for duty immediately. She also confirms that this letter was sent to his local address as well as his permanent address in Bihar as per office records.
- iv) She identifies Exhibit-S-4 letter dated 14.05.2019, i.e the reply letter received from the father of the CO after receipt of Exhibit S-3 letter.
- v) She identifies Exhibit-S-5 letter dated 17.05.2019, i.e the reminder letter issued from Estt-1 section to the CO directing him to report for duty.
- vi) She identifies Exhibit-S-6 letter dated 30.05.2019, i.e the reply letter received from the father of the CO after receipt of Exhibit S-5 letter.
- vii) She identifies Exhibit-S-7 letters dated 10.07.2019 & 25.07.2020, i.e communications issued from Estt-1 section to the police authorities.
- viii) She identifies Exhibit-S-8 letter dated 12.08.2020, i.e the reply received from police stating that the 'missing person complaint' filed by the wife of the CO has been closed based on her request, as she had met her husband at Rishikesh.
- ix) She identifies Exhibit-S-9 letter dated 05.10.2020, i.e the letter issued from Estt-1 section to the wife of the CO.
- x) She identifies Exhibit-S-10 letter dated 12.11.2020, i.e reminder letter issued from Estt-1 section to the CO directing him to report for duty.
- xi) She identifies Exhibit-S-11 letter dated 03.12.2021, i.e the letter issued from Estt-1 section to the CO directing him to report for duty, with a medical certificate of fitness.
- xii) She identifies Exhibit-S-12 as 3 speed post communications sent to the CO from Estt-1 section, that were returned un-delivered by Postal authorities.
- xiii) She identifies Exhibit-S-13 letter dated 30.11.2021, i.e the letter issued to District Hospital, Sitamarhi Dt, Bihar, requesting to arrange medical examination of the CO, due to his long absence from duty.
- xiv) She also confirmed that as per office records, the CO had not joined duty on or after 09.04.2019 to till date.

C. In his deposition dated 03.08.2023, SW-3, Shri Nagendra Kumar Sannidhiraju, Deputy Manager, Security Systems, SDSC SHAR, inter alia, stated the following:-



- i. Biometric based Access Control System is operational in SDSC SHAR to regulate entry/exit of employees into office, by way of swipe-in / swipe-out through the turn-stile gates installed with ACS readers.
- ii. All such entry & exit details of employees in office premises are captured through ACS system and stored in the ACS data-base.
- iii. As Deputy Manager (Security Systems), he is responsible to keep the ACS systems operational. He also generates various Reports from ACS for day-to-day monitoring and on need basis.
- iv. He identifies Exhibit-S-14 document as the Access Report of the CO for the period from 09.04.2019 to 26.06.2023. He confirmed that this document has been generated from ACS data-base and that it is authentic & genuine.
- v. As per S-14 document, the CO had entered office only on two days (i.e on 27.01.2021 & 29.01.2021) during the period from 09.04.2019 to 26.06.2023.
- vi. On 27.01.2021, his presence in office was for about 21 minutes and on 29.01.2021, his presence in office was for about 1 hour & 18 minutes.
- vii. He had entered only Admin building on the said 2 days.
- viii. He had not entered his assigned place of duty – i.e 'Quality Division-SPP of Solid Motor Production & Testing Group (SMPT-SR)' during the period from 09.04.2019 to 26.06.2023, as no entry to that effect is available in the ACS data-base.
- ix. He also stated the name(s) of the ACS Gate(s) that would have necessarily reflected in the Exhibit S-14 Report had the CO entered his assigned work-place during the period from 09.04.2019 to 26.06.2023.

D. In her deposition dated 03.08.2023, SW-4, Smt T Jayalakshmi, Administrative Officer, Estt-2 Section, SDSC SHAR, inter alia, stated the following :-

- i. She was earlier working as Admn Officer, Estt-1 Section, SDSC SHAR.
- ii. She recognised and identified State Documents marked as Exhibits S-1 to S-13 from office records of Estt-1 Section.
- iii. She confirmed her signature as appearing on 5 State documents – i.e Exhibits S-3, S-5, S-9, S-10, S-11, and short-signature on S-7.



- iv. She stated that as per Exhibit S-1 document, the last date of sanctioned leave of the CO was on date 08.04.2019.
 - v. She stated that since the CO did not join duty even after issue of Exhibit S-5 OM, his salary was stopped w.e.f May, 2019, and the same continues to this day.
 - vi. With regard to Exhibits S-6 to S-8, she stated that the 'missing person complaint' lodged by the wife of the CO has been disposed off on 28.07.2020 as "further action dropped". This was based on the request of the complainant dated 28.07.2019, that she had met her husband at Rishikesh on 24.07.2019.
 - vii. She further stated that as per office records, the CO has not joined duty on or after 09.04.2019 to till date.
- E. In his deposition dated 03.08.2023, SW-5, Shri G V Mahesh, Sr Admn Officer (Estt), SDSC SHAR, inter alia, stated the following :-
- i. He recognised and identified State Documents marked as Exhibits S-1 to S-12, based on office records of Estt-1 section.
 - ii. He confirmed his signature on Exhibit S-13 letter.
 - iii. As per office records, the CO is un-authorisedly absenting from duty from 09.04.2019 to till date.

6. Evaluation of Evidence

- a. The Charge Memorandum dated 27.06.2022 detailed the following Article of Charge against the CO :-

".....(CO) is remaining absent from duty un-authorisedly from 09.04.2019 till date by overstaying beyond the period of sanctioned leave."
- b. It is established from Exhibit S-1 document that the period of sanctioned leave of the CO was from 01.01.2019 to 08.04.2019 only. SW-4 in her deposition, has confirmed that the last date of sanctioned leave of the CO was on date 08.04.2019.
- c. SW-1, the controlling officer of the CO, has confirmed his issuing the Exhibit S-2 document reporting the un-authorised absence of the CO from 09.04.2019 onwards, to the Administration. He has also confirmed that the CO has not attended duty in Quality Division on any day from 09.04.2019 to till date. He has further confirmed that the CO had not reported to him in Quality Division on any day from 09.04.2019 to till date.



- d. Exhibit S-14 Access Control Report of the CO for the period from 09.04.2019 to 26.06.2023 establishes beyond doubt that the CO had not entered his assigned work-place on any date during this time-frame.
- e. SW-3, in his capacity as Deputy Manager (Security Systems), has confirmed that Exhibit S-14 – Access Control System Report of the CO for the period from 09.04.2019 to 26.06.2023 - is authentic and genuine. He stated that an employee can enter / exit office only by way of swipe-in / swipe-out through the turnstile gates installed with ACS readers. He stated that the CO had not entered 'Quality Division-SPP of Solid Motor Production & Testing Group (SMPT-SR)' during the period from 09.04.2019 to 26.06.2023. He stated that as per S-14 Report, the CO had entered only Admin building on 2 dates- i.e on 27.01.2021 & 29.01.2021 – for limited period of time as indicated in the Report (about 21 minutes & 78 minutes respectively). He further stated the names of ACS Gate(s) that would have necessarily figured in S-14 Report, had the CO entered his assigned place of duty, i.e 'Quality Division-SPP of Solid Motor Production & Testing Group (SMPT-SR)'.
- f. SW-2, SW-4 and SW-5 in their respective depositions, have confirmed that the CO is un-authorisedly absenting from duty, from 09.04.2019 onwards to till date.
- g. SW-2 and SW-4, in their depositions, have confirmed issue of State Documents S-3, S-5, S-10 and S-11, being official communications addressed to the CO stating inter alia, that his absence from duty is treated as 'unauthorised' and directing him to report for duty.
- h. SW-2, SW-4 and SW-5 in their respective depositions, have identified the State Documents, S-1 to S-13, based on office records of Estt-1 section, thereby confirming the un-authorised absence of CO from 09.04.2019 onwards.
- i. The above facts have been inter alia, recorded by the IO in the course of his 'general examination of CO', vide proceedings dated 20.10.2023.

7. Conclusion :

- a. From the analysis at para - 6 supra, it is clear and established that the CO had indeed "absented from duty un-authorisedly from 09.04.2019 to till date (26.06.2023) by overstaying beyond the period of sanctioned leave."

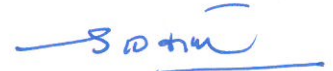


- b. As against the `standard of proof` required to hold an article of charge as proved in a departmental inquiry being `preponderance of probability`, in this case, the article of charge stands proved by the `higher standard` of `proof beyond reasonable doubt`.
- c. In view of the above, it is submitted that the article of charge against Shri Rameshwar Kumar, SH 14653, Sci/Engr-SE, as issued vide DoS Memorandum dated 27.06.2022, may please be held as "Proved".

26.12.2023

To

Shri Davender Dutt Baloni
Sr Head, Accounts & IFA
SDSC SHAR /
Inquiry Officer.



(Sree Kumar V)
Head, P & GA /
Presenting Officer