



ABSTRACT

Establishment - TWAD Board Subordinate Service - Thiru
A.Kamaludeen, Superintendent - Long leave - Charges framed -
Enquiry conducted - Final Orders issued - Appeal preferred -
Board's Orders on appeal - Issued.

TWAD (Estt.DP) WING

B.P.(Ms.) NO. 371

Dated: 8.12.98

Read:

- 1) M.D's Proc.No.49524/C5/97/dt.22.4.98
- 2) From Thiru A.Kamaludeen, Superintendent
appeal dt.21.5.98
- 3) Board's Resolution No.6.10/dt.30.11.98

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ORDER:

Thiru A.Kamaludeen, Superintendent while working at RWS Division, Nagercoil has submitted an application dated 30.4.1993 requesting to issue 'No Objection Certificate' for taking employment abroad. The application was returned back to furnish certain additional particulars. The Executive Engineer in his letter dated 26.5.93 has submitted a revised application with the details of purpose of visit and requested to issue 'No Objection Certificate'. In the meantime, the Superintendent in his Letter dated 6.5.93 has requested Earned Leave for 15 days from 26.5.93 to attend to some personal works. He was relieved on 26.5.93 AN and a substitute joined duty in his place on 31.5.93. The Superintendent again requested to grant leave for the first spell as per G.O.Ms.No.196/dt.20.5.91 without quoting period of leave, purpose, etc., He has not remitted the outstanding advance pending to the Board before entering into long leave to go abroad as per rule. 'No Objection Certificate' was not issued to him. The Executive

Engineer, TWAD Bd., RWS Division, Nagercoil has framed the following charges under Regulation 9(b) of TWAD Board Employees' (Discipline and Appeal) Regulations, 1972.

- Charge No.1 that the said Thiru A.Kamaludeen, Superintendent while working as Superintendent during 5/93 was under unauthorised absence from 26.5.93.
- Charge No.2 that during the aforesaid period and while working in the aforesaid office the said Thiru A.Kamaludeen, Superintendent for not obtaining 'No Objection Certificate' from TWAD Bd. for seeking employment in abroad.
- Charge No.3 that during the aforesaid period and while working in the aforesaid office, the said Thiru A.Kamaludeen, Superintendent for not informing the whereabouts even after a lapse of 12 months from the date of relief.

(2) Thiru A.Kamaludeen, Superintendent has submitted his replies to the charges. An enquiry was conducted. In the findings, the Enquiry Officer has not specifically stated whether each charge has been proved or not but stated to consider the case sympathetically. But the disciplinary authority has viewed that the charge of unauthorised absence was proved though the Enquiry Officer requested to consider it sympathetically. The non-obtaining of the 'No Objection Certificate' from Board for seeking employment abroad was also a proved fact. The 3rd charge was also a fact and thus all the charges were proved. Considering the circumstances, and taking a lenient view for the proven charges he was awarded a punishment of stoppage of increment for two years without cumulative effect.

(3) He was permitted to prefer an appeal. In his appeal, Thiru A.Kamaludeen, Superintendent has stated that the content of the charge was that he was on unauthorised absence from 26.5.93. The main point is that he was relieved properly on 26.5.93 FN vide Executive Engineer, TWAD Bd., RWS Division, Nagercoil Lr.No.EA/3960/93/dated 26.5.93 based on the Earned Leave applied on 6.5.93 and the relieving order itself the reason has given as to proceed on Earned Leave as requested. Before that, he has approached the Board for issuing fresh 'No Objection Certificate' to go abroad which was under correspondence. Therefore with the intention that the leave is likely to be extended, a substitute has been posted to RWS Division, Nagercoil where he worked before proceeding on leave and joined duty on 31.5.93 based on the order issued by the Superintending Engineer, TWAD Bd., T.K.Circle, Tirunelveli. After joining

the substitute on 31.5.93, he has again applied leave as per G.O.Ms.No.196/dt.20.5.91. He has submitted that he was relieved only on 26.5.93 properly based on the leave applied and not unauthorised absence from 26.5.93. In case of dues he has not received any order for remitting the outstanding dues and before proceeding on leave he has applied GPF part final withdrawal for adjusting the outstanding balances.

(4) The appeal of Thiru A.Kamaludeen, Superintendent was placed before the Appeal Sub Committee for consideration and its recommendations to Board. The Appeal Sub Committee in its Resolution No.7/dt.20.11.98 has resolved as follows:

"Resolved after careful consideration to recommend to Board to confirm the punishment of stoppage of increment for two years without cumulative effect awarded to Thiru A.Kamaludeen, Supdt. in Managing Director's Proc.No.49524/C5/97/dt.22.4.98."

(5) Based on the recommendation of the Appeal Sub Committee, the appeal of Thiru A.Kamaludeen, Superintendent was placed before the Board. The Board in its Resolution No. 6.10/dt.30.11.98 has resolved as follows:

"Resolved, after accepting the recommendations of the Appeal Sub Committee to confirm the punishment of stoppage of increment for two years without cumulative effect awarded to Thiru A.Kamaludeen, Superintendent in Managing Director's Proc.No.49524/C5/97/dt.22.4.98."

(6) The Board accordingly orders that the punishment of stoppage of increment for two years without cumulative effect awarded to Thiru A.Kamaludeen, Superintendent in Managing Director's Proc.No.49524/C5/97/dated 22.4.98, be confirmed.

(BY ORDER OF THE BOARD)

S.MADASAMY,
GENERAL MANAGER

To

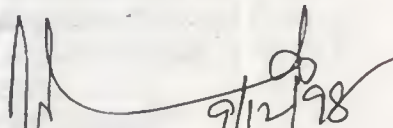
Thiru A.Kamaludeen,
Superintendent
(through the Superintending Engineer, TWAD Bd.,
Salem Circle, Salem)
(in duplicate. The served copy to be returned immediately)

Copy to:

The Superintending Engineer, TWAD Bd., Salem Circle, Salem.

The Chief Engineer, TWAD Bd., Western Region, Coimbatore
The Joint Chief Engineer (Gl.), TWAD Bd., H.O., Chennai-5
The 'C' Section, TWAD Bd., H.O., Chennai-5
The Board Cell, TWAD Bd., H.O., Chennai-5 (3 Copies)
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SECTION OFFICER

9/12/98

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