



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
Maha Nagar Door Sanchar Bhavan,
Jawahar Lal Nehru Marg, (Old Minto Road),
New Delhi – 110002



No. 2-Driver (2)/2004 – A&P (Part-1)

Dated: 17th October, 2018

OFFICE ORDER

WHEREAS, Shri Om Prakash Giri, Driver in TRAI cadre was charge sheeted under **Rule 14** of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 vide this office Memorandum No. 2-Driver(2)/2004- A&P (Pt.) dated 22nd Feb., 2018 for the following article of charge:

Article-1 Shri Om Prakash Giri, Driver has submitted 3 applications for grant of Earned Leave (1) for one day i.e. 23rd May, 2017, (2) for 6 days i.e. from 24th to 29th May, 2017 citing personal work and thereafter (3) for 11 days i.e. from 30th May 2017 to 9th June, 2017 citing "have to go to Home Town to arrange funds for clearing his debts". On expiry of leave, Shri Giri was supposed to resume his duties but he absented himself / remained away from duty till date (22nd February, 2018) without authorization / grant of leave by the competent authority. This is in violation of proviso of FR-17 (1), FR 17-A, Central Civil Services (Leave) Rules, 1972, and Central Civil Services (Conduct) Rules 1964.

By his aforesaid acts, Shri Om Prakash Giri has failed to maintain absolute integrity and acted in a manner unbecoming of a Government servant thereby contravened the provisions of Rule 3 (1) (iii) & Rule 17 of CCS (Conduct) Rules 1964.

2. **AND WHEREAS**, since Shri Om Prakash Giri, Driver was absent from duty, the Office Memorandum No. 2-Driver(2)/2004- A&P (Pt.) dated 22nd Feb., 2018 was sent to his residential address (B-14, Type-II, BSNL Staff Quarter, Vivek Vihar, Delhi-95) through speed post with direction to submit a written statement of his defence within 10 days of the receipt of the Memorandum. It was also informed therein that "an inquiry will be held only in respect of those articles of charge as are not admitted". But no response was received from Shri Om Prakash Giri.

3. **THEREFORE**, in exercise of the powers conferred by sub-rule (2) of rule 14 of the CCS (CCA) Rules, 1965 I appointed Shri G.S. Panwar, Deputy Advisor (CA) as the Inquiry Officer to inquire into the charge framed against Shri Giri, Driver and also in exercise of the powers conferred by sub-rule (5) (c) of Rule 14 of the said rules Shri Kundan Kumar-I, Assistant as the Presenting Officer in the aforementioned case.

पृष्ठ संख्या 2 पर जारी

4. **AND WHEREAS**, the Inquiry Officer (IO) after conducting the inquiry in the aforementioned case as per the procedure & provisions contained in CCS (CCA) Rules, 1965 submitted his report on 20th August, 2018. The Inquiry Officer in his Report has concluded that:

On the basis of evidence produced and the inquiry conducted, it is concluded that Shri Giri has violated the provisions of FR 17 (1), FR 17-A, CCS (Leave) Rules 1972 and CCS conduct Rules, 1964 regarding unauthorized absence w.e.f 10.06.2017 till date. By his acts, therefore, Shri Om Prakash Giri has acted in a manner unbecoming of a Government Servant thereby contravening the provisions of Rules 3 (1) (iii) of CCS (Conduct) Rules, 1964.

With regard to violation of provisions of Rule 17 and Rule 18(3) of CCS conduct Rules which relate to 'insolvency and habitual indebtedness' and 'transaction regarding immovable property', as stated in para 2 of the Article of charges, it was informed by the presenting officer that these are not the subject matter of inquiry. Accordingly, this inquiry has not gone into the charges of violation of Rule 17 and Rule 18 (3) of CCS (conduct) Rules, 1964 by Shri Giri and is limited to the issue of unauthorised absence of the Charged official and violations of provisions related thereto.

5. **AND WHEREAS**, the report of the Inquiry Officer was attempted to be served upon Shri Om Prakash Giri through speed post via Memorandum dated 20th September, 2018 as well as via special messenger, but same could not be delivered as whereabouts of Shri Om Prakash Giri was not known to this office. Simultaneously, in order to give him a fair opportunity, a notice was pasted on the door of the residence of Shri Giri on 20th September, 2018 besides sending it to his known home town address in Ranchi, Jharkhand through speed post. The notice clearly stated that "Shri Giri is directed to obtain the copy of the inquiry report and may submit his written representation or submission, if any, to the disciplinary authority i.e. Secretary, TRAI within 15 days".

6. **AND WHEREAS**, the matter has been placed before me for the decision. I have carefully gone through the file dealing with disciplinary proceedings against Shri Om Prakash Giri, Driver in TRAI under Rule 14 of CCS (CCA) Rules, 1965 and the Inquiry Report. I am convinced that due opportunity has been given to the official viz., Shri Om Prakash Giri, Driver in TRAI to represent against the report of Inquiry Officer. I have also noticed that in spite of several opportunities to Shri Om Prakash Giri, Driver in TRAI, no representation has been received from him so far.

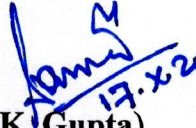
पृष्ठ संख्या 3 पर जारी

7. **AND WHEREAS**, on the facts and circumstances mentioned above, I am of the firm view & belief that Shri Om Prakash Giri, Driver has violated the provisions of FR 17 (1), FR 17-A, CCS (Leave) Rules 1972 and Rules 3 (1) (iii) of CCS (Conduct) Rules, 1964.

8. **THEREFORE**, I, S.K. Gupta, Secretary, TRAI being the Appointing / Disciplinary Authority in exercise of powers conferred upon me under CCS (CCA) Rules, 1965 and other statutory rules, hereby order that:

“Shri Om Prakash Giri, Driver is removed from the services of the Authority”.

9. **AND NOW THEREFORE**, it is ordered that Shri Om Prakash Giri, Driver is dismissed from the services of the Telecom Regulatory Authority of India (TRAI) with immediate effect and this dismissal shall not be a disqualification for future employment under the Government.


(S.K. Gupta)
Secretary, TRAI

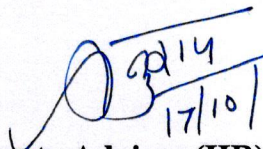
Shri Om Prakash Giri,
S/o of Shri Sita Ram Giri,
House No. 101, Old A.G. Colony, Kadru,
Ranchi-834002, Jharkhand

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JA (IT) with the request to upload the same at TRAI's official website.

Copy for information to:

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- (2) Secretary (CPF), Trust, TRAI
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- (4) SROs (GA) / (Comm.) / CPIO / (IT) / (Library) / (Finance), TRAI
- (5) TO (IA) / (MR&RTI)/SO (OL) /Reception Desk
- (6) TRAI We


17/10/2018
Deputy Advisor (HR)