

AGENDA FOR THE 152ND GOVERNING BODY MEETING TO BE HELD ON 13TH APRIL, 2015 AT 3:00 PM IN THE CONFERENCE ROOM OF THE HON'BLE HFMS OFFICE IN NIRMAN BHAWAN, NEW DELHI.

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NOTE FOR THE GOVERNING BODY

ITEM NO. GB-152/17

To consider the proposal to fill up the post of Chief Procurement Officer (on deputation) against the vacant post of educationalist to strengthen the stores services cadre at the AIIMS, New Delhi and to fill up the post of Chief Security Officer as per the provision of existing recruitment rules

TO CONSIDER THE PROPOSAL TO FILL UP THE POST OF CHIEF PROCUREMENT OFFICER (ON DEPUTATION) AGAINST THE VACANT POST OF EDUCATIONALIST TO STRENGTHEN THE STORES SERVICES CADRE AT THE AIMS, NEW DELHI AND TO FILL UP THE POST OF CHIEF SECURITY OFFICER AS PER THE PROVISION OF EXISTING RECRUITMENT RULES.

INTRODUCTION

A proposal to take a DS/Director level officer of the Indian Supply Service on deputation from Directorate General of Supply & Disposals as Chief Procurement Officer against the vacant post of Chief Security Officer was approved by the Standing Finance Committee in its meeting held on 04.07.2011. Accordingly, the post was filled by inviting nominations of Officers from DGS&D. However, consequent upon the repatriation of the incumbent w.e.f. 27.10.2014 (FN), the post of Chief Procurement Officer is lying vacant.

The post of Chief Procurement Officer was filled against the post of Chief Security Officer which is also a deputation post in the PB-4 Rs.37400-67000 plus Grade Pay of Rs.8700. There has been expansion of the Institute Services and many new Centres have been opened/are being opened. As such, the services of Chief Security Officer are required and hence the post may be filled up on deputation basis as prescribed in the Recruitment Rules of the post.

The Institute deals with procurement of high-tech diagnostic equipments, drugs and other materials, which require the services of persons trained in various aspects of Material Management/Inventory Control from organizations such as DGS&D.

The post of Educationalist in the PB-4 Rs.37400-67000 + Rs.8900 Grade Pay is lying vacant since 01.05.2012. The post was advertised, however, no candidate was found suitable in light of the qualification/experience prescribed in the Recruitment Rules of the post.

NOTE FOR THE GOVERNING BODY

NO.GB/152/17

No.F.3-2/2014-Estt.(RCT)

JUSTIFICATION

There has been tremendous increase in procurement of equipment, pharmaceutical consumables and services and the expansion of Institute is still underway. Presently, the stores cadres is structured in such a manner that there is lack of expertise on procurement procedures. The post of Educationalist is a Direct Recruitment post in the PB-4 Rs.37400-67000 + Rs.8900 Grade Pay. Hence, its diversion would not adversely affect any officer of the Institute.

ADMINISTRATIVE COMMENTS

In the above context, it is submitted that the Cadre of Stores at the Institute is as under:-

S. No.	Name of post and Pay Scale	Sanctioned Strength	Mode of Recruitment
1.	Senior Stores Officer PB-3 Rs.15600-39100 + Rs.6600 Grade Pay	01	100% by promotion
2.	Stores Officer PB-3 Rs.15600-39100 + Rs.5400 Grade Pay	04	100% by promotion
3.	Assistant Stores Officer PB-2 Rs.9300-34800 + Rs.4600 Grade Pay	02	33% by Direct Recruitment
		07	66% by promotion
4.	Junior Stores Officer PB-2 Rs.9300-34800 + Rs.4200 Grade Pay	05	By promotion
5.	Store Keeper (Drugs)/ Store Keeper (General) PB-2 Rs.9300-34800 + Rs.4200 Grade Pay	30	By Direct Recruitment

Since the highest post in the cadre is in the pay scale of PB-3 Rs.15600-39100 + Rs.6600 Grade Pay and the post of Chief Procurement Officer is being proposed in the Pay Band-4 Rs.37400-67000 + Rs.8900/Rs.8700 Grade Pay, it needs to be filled up on deputation basis so that suitable officer with requisite expertise and experience can be appointed to oversee the procurement matters in the Institute. Ideally an officer of the appropriate level from the Indian Supply Service of Directorate General of Supply-& Disposals may be appointed by seeking nominations from DGS&D. However, in case no nomination is received within the stipulated time, the post may be advertised for filling up on deputation basis with following essential eligibility criteria:-

- (i) An Officer of All India Services or Central Services holding analogous post on regular basis; or with 5 years of experience in the pay scale of PB-3 Rs.15600-39100 + Rs.7600 Grade Pay; and
- (ii) having experience in Store Purchase and Inventory management.

In view of above, the proposal to utilize the vacant post of Educationalist as Chief Procurement Officer on deputation basis initially for a period of three years is placed before the Governing Body for their consideration and approval.

APPROVAL SOUGHT

The above proposal to utilize the vacant post of Educationalist as Chief Procurement Officer on deputation basis initially for a period of three years with above mentioned eligibility conditions and to fill up the post of Chief Security Officer as per the provision of existing Recruitment Rules may be approved.

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-152/18

To consider the proposal for mercy appeal against the
penalty imposed to Ms. Sushil, Sister Grade-II, Main
Hospital, AIIMS



M.S. OFFICE
(HOSPITAL ESTABLISHMENT SECTION)

No.F.17-88/2000-Estt.(H)

Ansari Nagar, New Delhi-29
Dated

NOTE FOR THE GOVERNING BODY

ItemNo./GB-152/18

TO CONSIDERATION THE PROPOSAL FOR MERCY APPEAL
AGAINST THE PENALTY IMPOSED TO Ms. Sushil, Sister Grade-II, Main
Hospital, AIIMS

INTRODUCTION:

To consider the appeal dated 31.01.2014 filed by of Ms. Sushil, Sister Grade-II
against the penalty of "Salary is reduced to four times lower stage in time scale for a
period of four years, which shall ordinarily be a bar to the promotion during such
period, but not after the said period and she will not earn the annual increment during
these four years". The said punishment order was issued on 04.01.2014

Article of Charge:-

"Ms. Susil, Sister Grade-II is working as Sister Grade-II since 30.11.2000 was
proceeded on 15 days earned leave w.e.f.18.03.2010 to 01.04.2010. She was due to
resume her duty on 02.04.2010 after expiry of afore said leave. But she did not resume
her duty and requested for extension of earned leave again and again upto 25.06.2010.
Extension of earned leave beyond 01.06.2010 was not recommended by the Chief
Nursing Officer. She was directed to report for duty immediately failing which action
as deemed fit under the CCS(CCA)rules, 1965 should be taken against her on account
of her unauthorized willful absence from duty vide this office memorandum No.F17-
88/2000-Estt.(H) dated 29.11.2010, 21.01.2011, 30.04.2011 and 30.06.2011. The
Registered A.D. notices sent to her has been received back undelivered by the postal
authority with the remarks that "Unclaimed" and "Not Known" returned to sender. She
remained absent from duty w.e.f.01.06.2010 without prior permission/ sanctioned of
leave to her by the competent authority.

The official has thus, failed to comply with the orders of the office and
continued to be remain absent from her duty unauthorizedly without any intimation.
Miss. Sushil, Sister Grade-II, is thus, responsible for her willful and unauthorized
absence from duty and disobedience of orders issued to her.

She was also chargesheeted under rule 14 of the CCS(CCA)Rules, 1965 vide
memo No.F.17-88/2000-Estt.(H) dated 11.07.2006 for unauthorized absent from duty
and penalty was awarded "reduction to a lower stage in the time scale of pay for a
period of one year, without cumulative effect on Ms. Sushil, Sister Grade-II.

Miss. Sushil, Sister Grade-II by her above stated conduct has failed to maintain
devotion to duty and is not amenable to discipline and has thereby contravened Rule
3(1) (ii) & 3(1) (iii) of the C.C.S.(Conduct)Rules, 1964 as read with Regulation 33(2)
of the AIIMS Regulations, 1958(as amended from time to time). "

Ms. Sushil Sister Grade-II was charge sheeted under the Rule 14 of the
C.C.S.(C.C.A.) Rules, 1965 on account of her unauthorized willful absence from duty
vide this office memorandum dated 15.09.2011.

Sh. Inder Singh, Retired Deputy Secretary/CDI, CVC was appointed as a
Inquiring Authority to inquire into the charge framed against Ms. Sushil, Sister Grade-
II vide office order No.F.17-88/2000-Estt.(H) dated 12.11.2011. After completion of
the enquiry, the Inquiring Authority submitted the report wherein the article of charge
held as Proved.

The President & Disciplinary Authority has imposed the penalty "Salary is reduced to four times lower stage in time scale for a period of four years, which shall ordinarily be a bar to the promotion during such period, but not after the said period and she will not earn the annual increment during these four years" Ms. Sushil, Sister Grade-II vide this office order No.F.17-88/2000-Estt.(H) dated 04.01.2014.

Ms. Sushil, Sister Grade-II submitted mercy appeal U/s Rule 23(iv) of CCS(CCA) Rules, 1965 for setting aside the impugned order dated 4 January, 2014 passed by the Disciplinary Authority.

Ms. Sushil, Sister Grade-II was directed to specifically provide justification/disclose her location (whether you are within country of outside) for the period from 01.06.2010 to 03.08.2011 vide this office memo. of even number dated 22.04.2014, 03.06.2014 and 21.07.2014. But she failed to submit her reply.

And the case was put up before the President on 07.01.2015. The authority has directed to put up the case in Governing Body. Therefore, it is put up for further consideration with the following details:

- 1) Charge sheet issued on 15.09.2011 placed on - F/A
- 2) Copy of inquiry Report - F/B
- 3) Penalty Order - F/C
- 4) Copy of Appeal - F/D
- 5) Memorandum dated 22.04.2014, 03.06.2014 - F/E
- and 21.07.2014 issued where about of the charged official during the absence from 01.06.2010 to 03.08.2014. - F/F
- 6) Copy of the Note sheet dated 20.01.2014 - F/F

ADMINISTRATIVE COMMENTS:

Now two issues are pending for decision:-

- i) Consideration of mercy appeal against the penalty imposed "Salary is reduced to four times lower stage in time scale for a period of four years, which shall ordinarily be a bar to the promotion during such period, but not after the said period and she will not earn the annual increment during these four years" Ms. Sushil, Sister Grade-II vide this office order No.F.17-88/2000-Estt.(H) dated 04.01.2014.
- ii) Decision on the period of unauthorized absence from 01.06.2010 to 03.08.2011 for 439 days.

APPROVAL SOUGHT:

- i) Consideration of mercy appeal against the penalty imposed "Salary is reduced to four times lower stage in time scale for a period of four years, which shall ordinarily be a bar to the promotion during such period, but not after the said period and she will not earn the annual increment during these four years" Ms. Sushil, Sister Grade-II vide this office order No.F.17-88/2000-Estt.(H) dated 04.01.2014.
- ii) Decision on the period of unauthorized absence from 01.06.2010 to 03.08.2011 for 439 days.

Case is submitted alongwith the required documents 01 to 06 as mentioned above for consideration in General Body meeting as directed by the President, AIIMS, New Delhi.(F/F)

By Regd. Post (3)

MEMORANDUM

1. The Director, AIIMS proposes to hold an inquiry against Miss Sushil, Sister Grade-II, under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviors in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III & IV).

2. Miss Sushil, Sister Grade-II, is directed to submit within 10 days of the receipt of this memorandum a written statement of her defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

4. Miss Sushil, is further informed that if she does not submit her written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, or the orders/directions issued in pursuance of the said Rule, the inquiring authority may hold the inquiry against her ex-parte.

5. Attention of Miss Sushil is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Miss Sushil, Sister Grade-II is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 20 of the C.C.S (Conduct) Rules, 1964.

6. The receipt of this Memorandum may be acknowledged.

For & on behalf of the
Disciplinary Authority

(VINLET CHAWHERRY)
DEPUTY DIRECTOR (ADMN.),

Miss Sushil,
2-C, D.D.A. Flats,
Mansarovar Park, Shahdara, Delhi-110032
Miss Sushil,
12, Defence Colony, Dum-Dum,
Calcutta-59.

STATEMENT OF ARTICLE OF CHARGE AGAINST MISS SUSHIL, SISTER GRADE-II,
AT THE AIMS, NEW DELHI.

ARTICLE OF CHARGE

That the said Miss Sushil, while functioning as Sister Grade-II in this Institute, has been willfully and unauthorisedly absenting herself from duties w.e.f. 2.4.2010 without prior permission or sanction of leave by the competent authority.

Miss Sushil, Sister Grade-II, was advised to report for duty immediately vide this office memo. No. F. 17-88/2000-Estt. (H) dated 29.11.2010, 21.1.201, 30.4.2011 and 30.6.2011 but she failed to comply with the orders and continued to remain absent from duty unauthorisedly without citing any valid reason. The official failed to comply with the orders and continues to remain absent from duty unauthorisedly without any valid reasons and in gross violation of orders.

Miss Sushil, Sister Grade-II, has, thus, failed to maintain absolute devotion to duty and is not amenable to discipline and has acted in a manner unbefitting of an Institute employee thereby contravened Rule 3 (1) (ii) & Rule 3 (1) (iii) of the C.C.S.(Conduct) Rules, 1964 as applicable to the employees of this Institute.

For & on behalf of the
Disciplinary Authority

(VINETA CHAWHRY)
DEPUTY DIRECTOR (ADMN.),

It has been reported that Miss Sushil, Sister Grade-II, proceeded on 15 days earned leave w.e.f. 18.03.2010 to 01.04.2010. The official was due to resume her duty on 02.04.2010 after expiry of above mentioned leave. But she did not resume her duty and requested for extension of earned leave again and again upto 1.6.2010. Her request for further extension of leave beyond 1.6.2010 was not recommended by the Chief Nursing Officer. She was directed to report for duty immediately failing which action as deemed fit under the C.C.S. (C.C.A.) rules, 1965 should be taken against her on account of her unauthorized will full absence from duty vide this office memorandum No. F.17-88/2000-Estt (H.) dated 29.11.2010, 21.1.2011, 30.4.2011 and 30.6.2011. The Registered A.D. notices sent to her has been received back undelivered by the postal authority with the remarks that "Unclaimed" and "Not know" returned to sender.

The official has thus, failed to comply with the orders of the office and continued to be remain absent from her duty unauthorizedly without any intimation. Miss Sushil, Sister Grade-II, is thus, responsible for her willful and unauthorized absence from duty and disobedience of orders issued to her.

She was also charged under rule 14 of the CCS (CCA) Rules, 1965 vide memo No. 17-88/2000-Estt(H) dated 11th July 2006 for unauthorized absent from duty. In this chargesheet the penalty was imposed the penalty of reduction to a lower stage in the time scale of pay for a period of one year, without cumulative effect imposed on Ms. Sushil, Sister Grade-II.

Miss Sushil, Sister Grade-II, by her above stated conduct has failed to maintain devotion to duty and is not amenable to discipline and has thereby contravened Rule 3 (1) (ii) & 3 (1) (iii) of the C.C.S. (Conduct) Rules, 1964 as read with Regulation 33 (2) of the AIMS Regulations, 1958 (as amended from time to time).

For & on behalf of the
Disciplinary Authority

(VINET CHAWHRY)

DEPUTY DIRECTOR (ADMN.),

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MISS SUSHIL, AIMS, NEW DELHI, IS PROPOSED TO BE SUSTAINED.

LIST OF DOCUMENTS

1. Leave application received from Ms. Sushil, Sister Gd-II dated 16.03.2010
2. Leave application received from Ms. Sushil, Sister Gd-II dated 01.04.2010
3. Leave application received from Ms. Sushil, Sister Gd-II dated 30.04.2010
4. Leave application received from Ms. Sushil, Sister Gd-II dated 31.05.2010 with remarks by C.N.O.
5. Absenting Report received from Ms. Ansamma Neelkantam, A.N.S. dated on 30.6.2010 P-203
6. Memorandum No.F.17-88/2000-Estt.(H.) dated 29.11.2010.
7. Memorandum No.F.17-88/2000-Estt.(H.) dated 31.12.2010
8. Memorandum No.F.17-88/2000-Estt.(H.) dated 21.01.2011.
9. Memorandum No.F.17-88/2000-Estt.(H.) dated 30.04.2011.
10. Memorandum No.F.17-88/2000-Estt.(H.) dated 30.04.2011 undelivered Registered letter with postal remarks.
11. Memorandum No.F.17-88/2000-Estt.(H.) dated 30.06.2011.
12. Memorandum No.F.17-88/2000-Estt.(H.) dated 30.06.2011 undelivered Registered letter with postal remarks.
13. Copy of previous penalty order vide No. F.17-88/2000-Estt.(H) dated 06.05.2010

For & on behalf of the
Disciplinary Authority

(VINAY CHAUDHRY)
DEPUTY DIRECTOR (ADMN.),

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST MISS
SUSHIL, AIMS, NEW DELHI, IS PROPOSED TO BE SUSTAINED.

LIST OF WITNESSES

- 1 The Chief Nursing Officer, AIMS
- 2 Mrs. Ansamma Neelkantam, ANS, AIMS
- 3 Sh. Ravinder Rana, U.D.C. M.S. Office, AIMS

For & on behalf of the
Disciplinary Authority



(VINET CHAWDHRY)
DEPUTY DIRECTOR (ADMN.),

Inquiring Authority
&
Retired Deputy Secretary/CDI, CVC
Inder Singh

By

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

MISS SUSHIL, SISTER, GRADE-II,

In respect of

INQUIRY REPORT

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(CONFIDENTIAL)

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No. AIMS/INQ/6/2011
Office of the Inquiring Authority
C/o All India Institute of Medical Sciences,
New Delhi

INQUIRY REPORT

Sub: Departmental Inquiry against Miss Sushil, Sister Grade-II, AIMS.

1. INTRODUCTION

The undersigned was appointed as the Inquiring Authority by the Disciplinary Authority, AIMS, vide Order No. F.17-88/2000-Estt.(H) dated 12.11.2011. Sh. Ashok Kumar Gupta, Office Supt., AIMS, New Delhi was appointed as Presenting Officer (P.O.) in this case by the Disciplinary Authority.

2. BRIEF HISTORY

2.1 The Preliminary Hearing (PH) in this case was held on 12.12.2011, which was attended by the PO, CO and her Defence Assistant. The CO denied the charges leveled against her. The PO was directed to provide inspection and certified copies of the prosecution documents, and also certified copies of the statements of witnesses, if any, recorded during investigation of the case, to the CO, latest by 12.12.2011. The CO was directed to submit her list of defence documents and witnesses, latest by 2.1.2012.

2.2 The Regular Hearing was held on 31.1.2012, which was attended by the PO, CO and her defence assistant. 13 prosecution documents were taken on record and marked as Ex.S.1 to S.13. 12 defence documents were also taken on record and marked as Ex.D.1 to D.12. SW-1 to SW-3 were examined and cross-examined and their depositions were recorded. With this and with the consent of the PO, the prosecution case was closed.

2.3 On denial of the charges, the defence case was taken up. The CO neither asked for any defence witness, nor produced during the inquiry. She also did not offer herself to be her own defence witness. With this and with the consent of the CO, the defence case was closed. The CO was however, examined generally and the inquiry proceedings were closed on 31.1.2012.

The CO in her written brief has *inter alia* stated that due to continued sickness of her parents and their deteriorating condition, and she being the only member in the family to look after them, had to apply for and was sanctioned leave for the period 18.3.2010 to 31.5.2010. As the condition of her parents was still not stable and they needed her continued care and presence with them, she had to apply for extension of leave from 1.6.2010 to 25.6.2010 vide application dated 31.5.2010, which she came to know, was not recommended, and her seniors also stopped entertaining any further leave application from her. The continued unavoidable compelling domestic circumstances prevented her from attending duty till 3.8.2011. However, on recovery of her parents from their sickness, she immediately resumed her duty on 4.8.2011 and has been attending duty regularly since then. She has submitted copies of medical records of her parents as her defence documents. In view of above, the CO has averred that her absence from duty for the period in question was legitimately due to compelling

4.2 The CO in his written brief has stated that there is variation of dates in the application given by the CO and in the written statement submitted by her on 26.9.2011 and her application dated 4.8.2011. Further, it appears that she never applied for leave for the period from 26.6.2010 to 3.8.2011 and instead joined her duties on 4.8.2011 straightway. *Corrected from 63/06/2010*

4. ASSESSMENT AND ANALYSIS OF EVIDENCE

Miss Sushil, thus, failed to maintain absolute devotion to duty, and is not amenable to discipline and has acted in a manner unbecoming of an Institute employee, thereby contravening Rule 3(1)(ii) & (iii) of the CCS (Conduct) Rules, 1964, as applicable to the employees of the Institute.

She was advised to report for duty immediately vide office memo No. F.17-88/2000-Estt. (H) dated 29.11.2010, 21.1.2011, 30.4.2011 and 30.6.2011 but she failed to comply with the orders and continued to remain absent from duty unauthorisedly without citing any valid reason. The official failed to comply with the orders and continues to remain absent from duty unauthorisedly without any valid reasons and in gross violation of orders.

Ms. Sushil, while functioning as Sister Grade-II has been willfully and unauthorisedly absenting herself from duties w.e.f. 2.4.2010 without prior permission or sanction of leave by the competent authority.

3. ARTICLE OF CHARGE

2.4 The PO was directed to submit his written brief with a copy to the CO latest by 10.2.2012. The CO was also directed to submit her written brief latest by 20.2.2012. The PO's & CO's written briefs have been received on 27.2.2012 and 24.2.2012 respectively.

(17)

unavoidable domestic circumstances, and not at all willful. She got leave duly sanctioned in advance for the period 18.3.2010 to 31.5.2010 and also applied for leave for the later period.

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4.3 It is seen from Ex.S.1 that the CO vide her application dated 16.3.2010 applied for 15 days EL from 18.3.2010 to 1.4.2010, which was recommended and forwarded by the officer incharge. Ex.S.2 is an application dated 1.4.2012 for EL from 2.4.2010 to 1.5.2010 for 30 days of the CO, duly recommended and forwarded by officer incharge. She further applied for leave for 30 days from 2.5.2010 to 31.5.2010 vide application dated 30.4.2010 [Ex.S.3], which was also recommended and forwarded by the officer incharge. It is also seen from Ex.S.4 that the CO applied for 25 days EL w.e.f. 1.6.2010 to 25.6.2010 on 31.5.2010, which was not recommended by the officer incharge. It is seen from Ex.S.5 that ANS Ortho OT informed the Chief Nursing Officer, AIMS, about the absence of the CO since 1.2.2010, vide letter dated 30.6.2010. Vide Memo dated 29.11.2010 [Ex.S.6] the CO was informed by the AO, AIMS, that she has been absenting from her duty without prior permission of the competent authority, and was directed to rejoin her duty immediately failing which action as deemed fit under the rules will be taken against her on account of unauthorized willful absence from duty. As the CO did not join her duty, vide memorandum dated 21.1.2011 [Ex.S.8], she was again directed to rejoin her duty immediately. Vide memos dated 30.4.2011 [Ex.S.9] and dated 30.6.2011 [Ex.S.11], she was again directed to join her duty immediately. However, both the memorandums were returned undelivered by the postal authorities.

(r) SW-1, Mrs. S.B. Samuel, Chief Nursing Officer, AIMS, in her deposition during inquiry has stated that as per Ex.S.5, the CO was absent from duty on 26.6.2010. However, she has joined the duty on 4.8.2011 and continuously working satisfactorily. SW-2, Mrs. Anamma Neelkantan, DNS, AIMS, in her deposition has stated that the CO was required to join her duty on 26.6.2010, but she remained absent, and accordingly the matter was reported to CNO by her on 30.6.2010 for necessary action vide Ex.S.5.

The CO in her defence brief has stated that due to continued sickness of her parents and their deteriorating condition, and she being the only member in the family to look after them, had to apply for and was sanctioned leave for the period 18.3.2010 to 31.5.2010. As the condition of her parents was still not stable and they needed her continued care and presence with them, she had to apply for extension of leave from 1.6.2010 to 25.6.2010 vide application dated 31.5.2010, which she came to know, was not recommended, and her seniors also stopped entertaining any further leave application

New Delhi
5/3/2012

Inquiring Authority

&

Retired Deputy Secretary/CDI, CVC
[INDER SINGH]

Article of Charge

Held as 'proved'

FINDINGS

5.

From the above discussion of evidence, it is well established that the CO has remained absent w.e.f. 1.6.2010 without the prior sanction of the competent authority, as the earlier applications were duly recommended by the controlling authority/officer incharge vide endorsement on the said applications, and hence that cannot be construed to be absence without prior intimation/sanction. The CO has contended that due to illness of her parents, she remained on leave till they fully recovered, and in support of her contention she also submitted medical records of her parents [Ex.D.1 to D.11]. However, it is seen that in the applications for EL, she has mentioned the reasons as work at home/domestic work. Had this been the case, she could have appropriately mentioned the reason as illness of parents. Further, when the memorandum 29.11.2010, advising her to join duty immediately was issued, she was expected to report for duty and explained the reasons for not joining her duty (due to illness of her parents), but she has failed to do so. As such, the CO has remained on unauthorized absence from 1.6.2010 (as against 2.4.2010 mentioned in the article of charge) till she joined her duty on 4.8.2011. The contention of the CO is untenable, unconvincing and seems to be an afterthought, and hence unacceptable. The article of charge, is therefore, held as 'proved' against the CO.

The continued unavoidable compelling domestic circumstances prevented her from attending her duty till 3.8.2011. However, on recovery of her parents from their sickness, she immediately resumed her duty on 4.8.2011 and has been attending duty regularly since then. She has submitted copies of medical records of her parents as her defence documents. In view of above, the CO has averred that her absence from duty for the period in question was legitimately due to compelling and unavoidable domestic circumstances, and not at all willful. She got leave duly sanctioned in advance for the period 18.3.2010 to 31.5.2010 and also applied for leave for the later period.

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Ansari Nagar, New Delhi-110029.

Dated the:-

- 4 JAN 2014

ORDER

No.F.17-88/2000-Estt. (H.)

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965 were initiated against Ms.Sushil, Sister Grade-II vide memorandum of even number dated 15-09-2011 on the following article of charge:-

ARTICLE OF CHARGE

"That the said Ms. Sushil, while functioning Sister Grade-II in this Institute was willfully and unauthorisedly absenting herself from duties w.e.f. 02-04-2010 without prior permission or sanction of leave to her by the competent authority. She was advised to report for duty immediately vide this office memo. of even number dated 29-11-2010, 21-01-2011, 30-04-2011 and 30-06-2011. But she had failed to comply with the order and continued to be absent from duty unauthorisedly without any valid reason. Thus she failed to comply with the order and continued to be remain absent from duty unauthorisedly without any valid reasons and in gross violation of orders."

Ms. Sushil, Sister Grade-II has, thus, failed to maintain absolute devotion to duty and is not amenability to discipline and has acted in a manner of unbecoming of an Institute employee thereby contravened Rule 3 (1) (ii) & 3 (1) (iii) of the C.C.S. (Conduct) Rules, 1964 as applicable to the employees of this Institute.

A statement of imputation of Misconduct or Misbehavior on which the article of charge was based together with a list of documents by which, and a list of witnesses by whom the charge was proposed to be sustained were also forwarded to her alongwith the aforesaid Memorandum of even No. dated 15-09-2011.

AND WHEREAS Ms.Sushil, Sister Grade-II denied the charge and hence an inquiry was ordered. Sh. Inder Singh, Retired Dy. Secretary/CDI, CVC, was appointed as the Inquiring Authority to inquire into the charge vide order of even number dated 12-11-2011. The Inquiry Officer conducted the Inquiry and submitted his report wherein the charge framed against Ms Sushil, Sister Grade-II was held as proved.

AND WHEREAS a copy of the Inquiry report was sent to Ms. Sushil, Sister Grade-II vide office memorandum dated 14-05-2013 and she was given an opportunity of making such submissions on the report of the inquiry as she desired. Her submissions on the report of Inquiry were received vide her letter dated 28-05-2013. Ms. Sushil, Sister Grade-II again denied the charge and represented against

Cont.....2...

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MPT

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the finding of the Inquiry Officer. On careful consideration of the report of the inquiry Officer and other relevant facts of the case in the light of the submission made by Ms. Sushil, Sister Grade-II, the President, AIMS, being Disciplinary Authority in exercise of the powers conferred by Rule 15 of the CCS(CCA) Rules, 1965 read with regulation 33(2) of the AIMS regulation(as amended), 1999, now for good and sufficient reasons has decided to impose the major penalty as stipulated at (v) of Rule 11 of the CCS (CCA) Rules, 1965 i.e. "Salary is reduced to four times lower stage in time scale for a period of four years, which shall ordinarily be a bar to the promotion during such period and she will not earn the annual increment during these four years" on Ms. Sushil, Sister Grade-II which shall meet the ends of justice.

NOW, THEREFORE, the President, AIMS in exercise of the powers vested as the Disciplinary Authority under Rule 15 of the CCS(CCA) Rules, 1965 read with regulation 33(2) of the AIMS regulation, 1999 (as amended), hereby to impose the major penalty as stipulated at (v) of Rule 11 of the CCS (CCA) Rules, 1965 i.e. "Salary is reduced to four times lower stage in time scale for a period of four years, which shall ordinarily be a bar to the promotion during such period, but not after the said period and she will not earn the annual increment during these four years" on Ms. Sushil, Sister Grade-II which shall meet the ends of justice.

A copy of this order may be added to the Confidential Rolls of Ms. Sushil, Sister Grade-II.

By orders and for & on behalf of the
President & Disciplinary Authority

(ATTAR SINGH)
CHIEF ADMIN. OFFICER

AS
06-01-14

Ms. Sushil, Sister Grade-II,
Through: Chief Nursing Officer

Copy to:-

1. The Accounts Section II & III.
2. The Chief Nursing Officer.
3. A.C.Rs' dossier of the person concerned.
4. The dealing Assistant

Handwritten notes at the top of the page, including dates like 3/1/14, 2.2.14, and initials. There is also a signature and some illegible text.

Immediately vide this office memo. Of even number dated

further stated that she was advised to report for duty of leave to her by the competent authority. It has been willfully and unauthorised absent herself from duties functioning Sister Grade-II Nurse in this institute was

2. That it was alleged that the said respondent while number dated 15-09-2011.

Ms. Sushil, Sister Grade-II vide memorandum of even Appeal) Rules 1965 were initiated against the appellant Central Civil Services (Classification, control and 1. That the disciplinary proceedings under Rule 14 of the

BRIEF FACTS

MOST RESPECTFULLY SHOWN:-

DISCIPLINARY AUTHORITY.

APPEAL U/S RULE 23 (IV) OF CCS (CA) RULES, 1965 FOR SETTING ASIDE THE IMPUGNED ORDER DATED 4 JANUARY 2014 PASSED BY THE

... RESPONDENT

NEW DELHI-110029
ANSARI NAGAR,
OF MEDICAL SCIENCES,
OF ALL INDIA INSTITUTE
DISCIPLINARY AUTHORITIES

VERSUS

Shardara Delhi-110032
Mansarovar Park,
house no. 2-C, DDA Flats,
As. Sushil

In the matter of:

BEFORE THE APPELLATE AUTHORITY, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, ANSARI NAGAR, NEW DELHI-110029

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Date 02/02/14
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Director's Secretary, A.I.M.S.
Director's Office No. 65538
Date/Date



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21-11-2010, 21-01-2011 30-04-2011 and 30-06-2011, but she had failed to comply with the order and continued to be absent from the duty unauthorised without any valid reason. It has been further stated that thus she failed to comply with the order and continued to be remained absent from the duty unauthorisedly without any valid reason and in gross violation of orders.

3. That Ms. Sushil, Sister Grade-II has, thus, failed to maintain absolute devotion to duty and is not amenability to discipline and has acted in a manner of unbecoming of an institute employee thereby contravened Rule 3(1)(ii) & 3 (1) (iii) of the C.S. (Conduct) Rules, 1964 as applicable to the employee of this institute

4. That a statement of imputation of misconduct or misbehavior on which the article of charge was based together with a list of document by which, and a list of witness by whom the charge was supposed to be sustained were also forwarded to her alongwith the aforesaid memorandum of even no. dated 15-09-2011.

5. That Ms. Sushil, Sister Grade-II denied the charge and hence an inquiry was ordered. Sh. Inder Singh, retired Dy. Secretary/CDI, CVC, was appointed as the Inquiring authority to inquire into the charge vide order of even no 12-11-2011. The inquiry officer conducted the enquiry and submitted his report wherein the charge

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Justice.

Ms. Sushil, Sister Grade-II which shall meet the end of earn the annual increment during these four years" on period, but not after the said period and she will not shall ordinary be a bar to the promotion during such stage in time scale for a period of four years, which Rules, 1965 i.e. "Salary is reduced to four times lower penalty as stipulated at (v) of Rule 11 of CCS(CCA) sufficient reason has decided to impose the major AIMS regulation (as amended), 1999, now for good and CCS(CCA) Rules, 1965 read with regulation 33(2) of the exercise of the power conferred by Rule 15 of the President AIMS, being disciplinary authority in submission made by Ms. Sushil, Sister Grade-II, the other relevant facts of the case in the light of the consideration of the report of the inquiry officer and against the finding of the inquiry officer. On careful Grade-II again denied the charge and represented vide her letter dated 28-05-2013. Ms. Sushil, Sister desired. Her submissions on the inquiry were received submissions on the report of the inquiry as she and she was given an opportunity of making such Sister Grade-II vide office memorandum dated 14-05-2013 6. That a copy of inquiry report was sent to Ms. Sushil,

proved.

named against Ms. Sushil, Sister Grade-II was held as

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Sushil

4

2010 to 01-04-2010 (15 days), 02-04-2010 to 01-05-2010

2010, 01-04-2010 and 30-04-2010 for the periods 18-03-

03-2010 to 31-05-2010 vide her application dated 16-03-

had also enclosed a copy of her defence brief dated 18-

submitted all the medical records. The appellant herein

in support of which the appellant herein had already

04-08-2011 it was on account of sickness of her parents

06-2010 till the appellant herein joined the duty on

01- That regardless of her absence from her duty from 01-

prior intimation/sanction.

cannot be construed to be absence from duty without

endorsement on the said application and hence that

controlling authority/ officer incharge vide

the same time her application were recommended by the

remained absent from her duty w.e.f. 02-04-2010 but at

explained in her submission that she admits that she

appreciate that Ms. Sushil, Sister Grade-II had

01- That the Disciplinary Authority has failed to

material of the above said suit.

order mechanical way without considering the facts and

02- That the Disciplinary Authority has passed impugned

the principle of law.

03- That the order of the Disciplinary Authority is against

be set aside.

04- That the order of the Disciplinary Authority is based

on surmises and conjectures and the same is liable to

05- That the order of the Disciplinary Authority is against

the laws and the facts of the case.

GROUND OF APPEAL

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Handwritten mark or signature in the top right corner.

whatsoever.

~~never took the leave from her services in any manner~~

after the recovery of her parent's sickness and had

(1) That the appellant herein was regular on her services

same.

the concerned authorities failed to appreciate the

was mentioned time by time to each and every person but

emergence for the leave taken by the appellant herein

informed about the same to the concerned person and the

appellant herein was on the leave she immediately

notice from the concerned authorities and whenever the

that the appellant herein had never got the show cause

(h) That the disciplinary authorities failed to appreciate

appellant herein.

circumstances into consideration and penalized the

judicial mind and did not take all the facts and

disciplinary authorities also failed to apply the

and documents on record put before it and the

the correctness and submission of the various witnesses

(g) That the disciplinary authorities failed to appreciate

all.

sickness of her old parents which was no willful at

herein was compelled to be on leave due to acute

unavoidable circumstances due to which the appellant

Id Inquiry officer which rightly explains in detail the

respectively, submitted by the appellant herein to the

(30 days) and 02-05-2010 to 31-05-2010 (30 days)

(107)

Dated: 31/1/14

Delhi

Sukhvi
Appellant
Sukhvi

Through

It is prayed accordingly.

passed in the interest of justice.

Any other order (s) which your Lordship deems fit and proper in the facts and circumstances of the case may also be

circumstances and submissions, in the interest of justice, disciplinary authorities, in view of the above said facts, aside the impugned order dated 04.01.2014 by the Hon'ble appellate authority may kindly be pleased to set It is therefore most respectfully prayed that this

PRAYER

the appellant herein.
appellant herein and passed the impugned order against disciplinary authorities did not heard the plea of the has also submitted her reasons thereof but the that the appellant herein has not denied her leave and (k) That the disciplinary authorities failed to appreciate justified and improper in the eyes of law.
harsh penalty upon the appellant herein which is not circumstances of this particular matter and imposed an strict consideration while judging the facts and (j) That the disciplinary authorities has taken a very

SPEED POST

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Ansari Nagar, New Delhi-29

No.F.17-88/2000-Estt.(H.)

Dated the:

22 APR 2014

OFFICE MEMORANDUM

Subject: Appeal u/s Rule 23(iv) of CCS(CCA), Rules, 1965 for setting aside the impugned order dated 04.01.2014 passed by the Disciplinary Authority:- Ms. Sushil, 2-C, DDA Flat, Mansarovar Park, Shadra, New Delhi-32. *****

With reference to your mercy appeal dated nil on the subject cited above, Ms. Sushil, Sister Grade-II is informed that the Competent Authority has directed to specifically provide justification/disclose her location (whether you are within country or outside) for the period from 01.06.2010 to 03.08.2011.

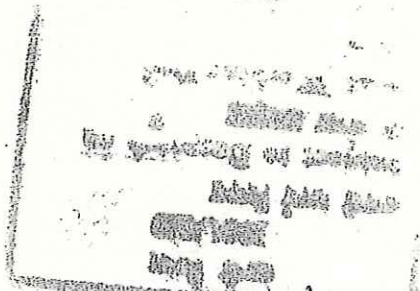
(S. K. AGARWAL)
ADMINISTRATIVE OFFICER(H)

22/4/14

22/4/14

Ms. Sushil
House No-2-C, D.D.A. Flats,
Mansarovar Park,
SHAHDARA
DELHI - 110032

Ms. Sushil, Sister Grade-II
Th: The Chief Nursing Officer



SPEED POST

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ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Ansari Nagar, New Delhi-29

No.F.17-88/2000-Estt.(H.)

Dated the:

3 JUN 2014

OFFICE MEMORANDUM

Subject: Appeal u/s Rule 23(iv) of CCS(CCA), Rules, 1965 for setting aside the impugned order dated 04.01.2014 passed by the Disciplinary Authority:- Ms. Sushil, 2-C, DDA Flat, Mansarovar Park, Shandra, New Delhi-32. *****

With reference to this office memo, dated 22.04.2014 on the subject cited above, Ms. Sushil, Sister Grade-II is informed that the Competent Authority is not satisfied with the genuineness of reply submitted by her on dated 22.05.2014. Therefore the Competent Authority has again directed to specifically provide justification/disclose her location (whether you are within country or outside) for the period from 01.06.2010 to 03.08.2011. Till that her appeal may not be considered.

(S. K. AGARWAL)
ADMINISTRATIVE OFFICER(H)

S.K. Agarwal
3/6/14

S.K.

Ms. Sushil
House No-2-C, D.D.A. Flats,
Mansarovar Park,
SHAHADARA
DELHI - 110032

S.K.
3/6/14

Ms. Sushil, Sister Grade-II
Th: The Chief Nursing Officer

SPEED POST

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REMINDER

ALL INDIA INSTITUTE OF MEDICAL SCIENCES

Ansari Nagar, New Delhi-29

Dated the:

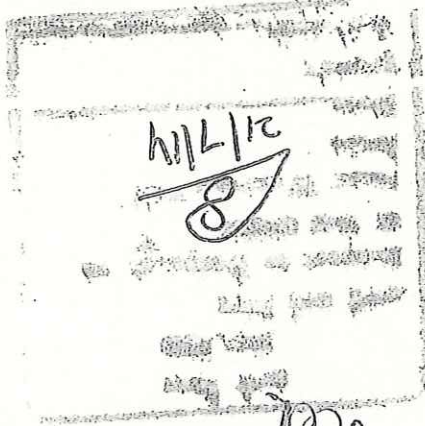
21 JUL 2014

OFFICE MEMORANDUM

Subject: Appeal u/s Rule 23(iv) of CCS(CCA), Rules, 1965 for setting aside the impugned order dated 04.01.2014 passed by the Disciplinary Authority:- Ms. Sushil, 2-C, DDA Flat, Mansarovar Park, Shadra, New Delhi-32. *****

With reference to this office memo. dated 03.06.2014 on the subject cited above(copy enclosed), Ms. Sushil, Sister Grade-II. was directed to submit her reply regarding specifically provide justification/ disclose her location (whether you are within country or outside) for the period from 01.06.2010 to 03.08.2011, but she failed to submit her reply till date. Miss. Sushil, Sister Grade-II is once again directed to specifically provide justification/ disclose her location(whether she was within country or outside) within a period of 7 days, from the receipt of the instant memorandum, failing which her appeal will be decided, on the basis of available records.

21/7/14
B.K. SINGH
ADMINISTRATIVE OFFICER(H)



Ms. Sushil
House No-2-C, D.D.A. Flats,
Mansarovar Park,
SHAHADARA
DELHI - 110032
Ms. Sushil, Sister Grade-II
Th: The Chief Nursing Officer

ORDER

WHEREAS an inquiry under rule 14 of the Central Civil Services (Classification, Control and Appeal), Rules, 1965 is being held against Miss Sushil, Sister Grade-II

AND WHEREAS Director AIMS considers that a presenting officer should be appointed to present the case in support of the article of charge on behalf of the Institute.

NOW, THEREFORE, Director AIMS, in exercise of the powers conferred by sub rule (5) (c) of Rule 14 of the said Rules hereby appoints Sh. Ashok Kumar Gupta, Office Superintendent, AIMS, as the Presenting Officer.

For & on behalf of the
Disciplinary Authority

[Signature]
24/10/11

DEPUTY DIRECTOR (ADMN.)

Shri Ashok Kumar Gupta,
Office Superintendent & Presenting Officer,
M.S.U, AIMS

(Alongwith documents listed in the chargesheet)

Copy to:-

Shri Inder Singh,
Retired dy. Secretary/CDI, CVC
A/2/157, Sector-3, Rohini,
New Delhi-110058
(Alongwith copy of Chargesheet)

Miss Sushil,
2-C, D.D.A. Flats,
Mansarovar Park, Shahrda,
Delhi-110032

Miss Sushil,
Sister Grade-II
(Thorough Chief Nursing Officer)
AIMS

NOTE FOR THE GOVERNING BODY

ITEM NO. GB-152/19

To consider the request for grant of extension in service –
Dr. P.K. Julka, Professor of Radiotherapy and Dean
(Academic) at the AIIMS, New Delhi!

NOTE FOR THE GOVERNING BODY

Item No. GB/152/19

TO CONSIDER THE REQUEST FOR GRANT OF
EXTENSION IN SERVICE - DR. P.K. JUlKA,
PROFESSOR OF RADIO THERAPY AND DEAN
(ACADEMIC) AT THE AIIMS, NEW DELHI.

1. INTRODUCTION

1.1 Dr. P.K. Julka, Professor of Radiotherapy and Dean (Academic) vide his

letter dated the 4th April, 2015 has stated that he is due for superannuation on 31st May, 2015 and requested to consider for extension in service for a period of two years beyond 31st May, 2015 in the interest of the Institute and the country as the National Cancer Institute (NCI) at Jhajjar (Haryana) is under-way and his vast expertise in the field of cancer research and treatment is being utilized to execute the project. Also the Department of Radiotherapy at this Institute having shortage of senior level faculty/expertise and his retirement will adversely affect the NCI project as well as teaching/patient care services of the Department of Radiotherapy at this Institute. A copy of the request submitted by Dr. Sushma Vashisht in this connection is enclosed.

2. ADMINISTRATIVE COMMENTS

2.1 Dr. P.K. Julka joined the Institute as Assistant Professor of Radiotherapy on 4.4.1984 and at present holding the posts of Professor of Radiotherapy at this Institute. He is also holding the non-substantive position of Dean (Academic). On attaining the age of 65 years, he is due for superannuation on 31.05.2015.

2.2 The present faculty strength of the Department of Radiotherapy is as under:-

Sl. No.	Name of the post	Sanctioned strength	In position	Vacancy
1	Professor	02	03	--
2	Additional Professor	--	03	--
3	Associate Professor	03	--	01
4	Assistant Professor	12	04	06
	Total	17	10	07

Out of three Professors in position, one is promotee under Assessment Promotion Scheme (without linkage to vacancies). Similarly, three Additional Professors shown as in position are also promotees under Assessment Promotion Scheme (without linkage to vacancies).

2.3 It may also be stated that, the Regulation 30 of the AAIMS Regulations, 2009 (as amended) to be read with the Principal Regulations of AAIMS 1999, regarding superannuation of faculty provides as under:-

"30 Superannuation:-"

(1)	xxxx	xxxx	xxxx
(2)	xxxx	xxxx	xxxx

The age of superannuation of a member of the teaching faculty of the Institute shall be 65 years.

Provided that this provision shall not apply in the case of a person who is on extension in service."

2.4 In the past, a proposal for enhancement of the age of superannuation of teaching faculty and Director of AAIMS from the present 65 years to 70 years was placed before the 147th meeting of the Institute Body held on 12th May, 2014 keeping in view that the services of the talented and experienced senior faculty members could be retained, which could be utilized for training of the students so as to produce good medical graduates in the country and also for better patient care services. However, consideration of the aforesaid agenda was deferred by the Institute Body.

2.5 It is also pertinent to mention here that there is no provision in the Section 30 of the AIIMS Regulations to grant extension to teaching faculty members of the Institute.

2.6 However, shortage of senior and experienced medical teaching faculty has been felt not only in the AIIMS, New Delhi but also in other Central Government funded higher educational medical institutions across the country due to retirement/resignation of the existing faculty as well as spurt of private medical institutions, which attract the retired faculty. The reasons for this are higher age of retirement and pay package in such institutions compared to Government Institutions. Thus, the strength of the medical faculty, particularly senior faculty, available for the Central Government institutions is getting depleted continuously and rapidly.

2.7 The shortage of senior and experienced faculty results in an adverse impact on the education on the higher educational institutions. Accordingly, in the year 2007, the retirement age of teaching faculty of IIT was enhanced from 60 years to 65 years. Further, the Union Human Resource Development Ministry through an order authorized that the Board of Governors of an IIT can give extension of three years initially and another two years later to any faculty member. In accordance with the decision of the Secretariat of Council of IIT's D.O. No.2-5/2010-TS-I dated 26.08.2011, appointment of the Director of IIT, Delhi shall be a period of five years till he attains the age of 70 years (copy enclosed).

2.8 Several other Central Government Funded Educational Institutions

had raised the retirement age of its teaching faculty up-to the extent of 70 years, so that the vast experience of these senior teaching faculty could be utilized for the best training and education of the students, research activities and patient care services. Keeping in view the facts, the Medical Council of India has also permitted to raise the retirement age up-to 70 years in the medical colleges under their purview.

2.9 In view of the position explained in foregoing paragraphs, the request of Dr. P.K. Julka for grant of extension in service in the post of Professor of Radiotherapy for a period of two years beyond 31st May, 2015 is placed before the Governing Body for consideration and a decision.
