

F.No. 250-4/2019-Estt-III

Dated : 16.05.2019

To,

All Heads of Telecom Circles/Projects/Region &
Other Administrative Units of BSNL

Subject: - Model guidelines/operating procedure for dealing with cases of unauthorized absence, absconding and long absentee officers/officials-regarding

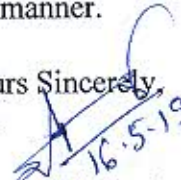
During processing of cases arising out of unauthorized absence or overstaying of leave received from different Circles, it has been noticed that such cases are being dealt differently by their controlling officers and administrative units without following the due procedure mandated by the relevant rules in vogue, thereby leading to prolonged delay in their settlement and causing several administrative problems.

2. It has been noticed that in most of these cases, disciplinary proceedings had been initiated against the official after their long period of absence from duty, mostly just before retirement and/or after absence period ranging from 3 to 15 years. Finalization of such cases also got prolonged for years together either willfully by the official or due to slackness on the part of disciplinary authority and/or IO/PO and as a result cases are finalized not only just before retirement but some cases continued even 3-4 years after retirement. Prolonged delay in settlement of such cases not only promotes an atmosphere of indiscipline amongst the other officials, which has very strong demonstrative effect but also vitiates the entire proceedings leading to the advantage to the concerned officials at later stage and also in subsequent judicial cases.

3. In order to deal such cases, model guidelines/operating procedure as given in the enclosed Annexure has been approved by the competent authority and forwarded herewith for strict compliance across all the Circles/SSAs and other administrative units of BSNL so as to maintain uniformity across the organization and finalization of such cases as per these model guidelines in time bound manner.

Encl: As above

Yours Sincerely,


16.5.19
(G.P. Vishnoi)

Assistant General Manager (Estt-III)

Copy to:- 1. PGM/Sr.GM/GM Pers/Electrical/BW/Architect/Estt. BSNL CO for similar action please.
2. SDE (OL) for Hindi version

Subject: Model guidelines/operating procedure for dealing with cases of unauthorized absence, absconding and long absentee officers/officials-regarding

With the approval of competent authority following model guidelines are prescribed for dealing with cases of unauthorized absence, absconding and long absentee officers/officials:

1. Relevant disciplinary rules applicable to the employee working in BSNL is as under:
 - (a) BSNL CDA Rules is applicable for BSNL absorbed and BSNL Recruited employees
 - (b) CCS (CCA) Rules is applicable for all DOT employee including employees who have not opted for BSNL and/or in respect of whom Presidential order for absorption has not yet been issued.
 - (c) Industrial Employment(Standing Order)Act 1946 is applicable for Industrial employees.

Hence while initiating disciplinary proceedings, the applicable disciplinary rules should only be invoked and proceedings should be done and completed as per applicable provisions of the relevant rules.

2. If any officer/official working in BSNL (herein after referred as employee) remain absent from duty without approved leave for more than 60 days then his controlling officer, not below the rank of SDE, should issue a show cause notice at his last known address in office records for resuming his duty immediately and/or explain his absence from duty within a period of 15 days from the date of issue of letter.
3. (a) If employee does not resume duty and/or no reply is received, then 2nd letter should also be issued by the controlling officer/next higher officer (not below the rank of AGM) in next 15 days, at his last known address as well as his previous address or home town address, for immediate resuming of duty and also for explaining the circumstances of his absence from duty. It should also contain the information that if no reply is received within next 15 days then department will be forced to initiate the appropriate disciplinary proceedings as per applicable rules and a copy of this letter should also be sent to the disciplinary authority, if different from the letter issuing authority and also to the employee's administrative unit. Administrative unit should keep a watch on the further proceedings of the case till its final conclusion.

(b) If employee resumes duty after absence from duty after expiry of leave then his leave period shall be regulated as per provisions of FR 17-A & Rule 25 of CCS (Leave) Rules dealing with absence after expiry of leave.
4. If even after issue of two letters, as given above, employee did not resume duty, then appropriate disciplinary authority should initiate the process for issue of charge sheet for imposing major penalty under Rules applicable to him.
5. Once a charge sheet is issued, then further proceedings should be completed as per the provisions of applicable disciplinary rules and every efforts must be made to get it completed in least possible time, prescribed under the applicable Rules: preferably within 6 months but it should not exceed one year from the date of issue of charge sheet.
6. Time limits for completing the inquiry prescribed under sub-rule 24(a) of Rule 14 of CCS (CCA) Rules are given as under:

The Inquiring Authority should conclude the inquiry and submit his report within a period of six months from the date of receipt of order of his appointment as Inquiring Authority. (b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the disciplinary authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiring, at a time. (c) The extension for a period not exceeding six months at a time may be allowed for an good and sufficient reasons to be recorded in

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writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his behalf.

These time limits should also be scrupulously followed in Inquiries conducted under other applicable rules, unless otherwise prescribed or till these are further modified by the competent authority.

7. In case employee does not participate in the disciplinary proceedings and relevant documents could not be served upon him either in person and/or by post during inquiry then publication of notice in two newspapers should be resorted. However, it may be noted that publication of notice in newspapers or making a report to police authorities about the unauthorized absent employee is neither required before the issue of charge sheet nor during the disciplinary proceedings, except after conclusion of proceedings but before deciding about the quantum of punishment.
8. If during the course of disciplinary proceedings employee comes for rejoining duty, he should be allowed to do so without prejudice to the disciplinary action already initiated against him (unless he is placed under suspension) and the disciplinary action concluded as early as possible. The question of regularization of the period of overstay of leave be left over for consideration till the finalization of the disciplinary proceedings. {GOI Decision No. 3 below Rule 25 of CCS(Leave) Rules}
9. In case proceedings have been initiated for DOT employee working in BSNL i.e. under CCS (CCA) Rules, then these shall be governed by Rule 21 of CCS (CCA) Rules and instructions issued by DOT in this regard which provides that in the cases of unabsorbed Group C/D employees, the issue of charges sheet, appointment of IO/PO and thereafter completing the final stage of inquiry i.e. obtaining the comments of the charged employee on the inquiry report, the case along with complete records of the case is required to be transferred to the appropriate disciplinary authority i.e. Director (Staff), DOT HQ New Delhi through respective cadre controlling authority in BSNL Corporate Office for deciding about the quantum of punishment and issue of final order.
10. In case of BSNL absorbed employee, if on conclusion of disciplinary proceedings, competent disciplinary authority decides to impose the penalty of Dismissal or Removal from Service, then the complete case along with relevant records as per prescribed checklist and draft order proposing the penalty of Dismissal or Removal from service should be sent to the respective Cadre Controlling Authority of employee in BSNL Corporate office for seeking ratification from DOT under sub-rule 25(c) of Rule 37-A of CCS(Pension) Rules and penalty order shall be issued only after the same is ratified by DOT.
11. Timely completion of Disciplinary proceedings is the prime responsibility of the Disciplinary Authority. Therefore, Disciplinary Authority should regularly monitor the progress of inquiry on regular basis and ensure that inquiry/disciplinary proceedings are completed within the time limit prescribed. In appropriate cases, wherein the Inquiry Officers delays the proceedings, Disciplinary Authority may not hesitate to take necessary and appropriate action against the Inquiry Officer.
12. While deciding about the quantum of punishment, Disciplinary Authority should also keep in view the implementation aspect of the penalty specifically in the cases where disciplinary proceeding initiated during service of the employee is continued after retirement of the employee concerned.


16.5.19.