

NATIONAL PROJECTS CONSTRUCTION CORPORATION LIMITED  
( A GOVT. OF INDIA ENTERPRISE )  
PLOT NO. 67-68, SECTOR-25, FARIDABAD

BY SPEED POST

Ref. No. 500220/Disc/2005/11/312

Dated :- 7<sup>th</sup> March, 2013

ORDER

WHEREAS, a charge sheet was issued to Shri D. Neelakantam, Sr. Assistant Gr.I(F) vide Memorandum No. 500220/Disc/2005/11/17 dated 22.9.2005 for the following articles of charge :-

ARTICLE OF CHARGE-I

"Shri D. Neelakantam, Sr. Accountant, N.P.C.C. Ltd., Corporate Office committed misconduct of deliberate breach of the lawful order circulated vide ref. no. 500187/P/7136 dated 29.4.2005 for office timing framed to meet the statutory requirement of 40 hours in a week and participated in gherao of CMD by instigating fellow staff employees to join him in the gherao and attempted for forcible entry into the chamber of CMD without permission on 15.6.2005 at 10.15 am with a motive to pressurize him to amend the above said order dated 29.4.2005 to match the morning office starting time with the morning EMU train timing by ignoring the statutory requirement of 40 hours in a week. Shri Neelakantham committed the misconduct of unauthorized absence from work on account of gherao of CMD on 15.6.2005 F.N.

By the afore-said act Shri D. Neelakantham exhibited lack of devotion to duty and an act unbecoming of a Corporation employee, misconduct of willful disobedience of lawful order of his superior, an act subversive to discipline and good behavior and misconduct of instigating others for joining him in participating in gherao and attempting forcible entry into chamber of CMD and thus violated rule 3 (1) (ii) (iii), 4(6), 4(21) & 7 of NPCC Employees Service (Conduct) Rule, 1979".

AND WHEREAS, Shri A.K. Garde, Secretary CVC (Retd.) was appointed as Inquiry Officer and Shri S.C. Garg, SE(M), now GM was appointed as Presenting Officer vide Order dated 08.12.2005. Shri A.K. Maiti was appointed as Inquiry Officer in place of Shri A.K. Garde, vide order dated 19.3.2008, as Shri Garde could not conclude the department proceedings. Again Shri Inder Singh was appointed as Inquiry Officer in place of Shri A.K. Maiti & Smt. Rekha Ghuman, M(P&A), now SM(P&A) was appointed as Presenting Officer in place of Shri S.C. Garg, vide Office Order dated 04.01.2010. Shri D.B.R. Munshi, DGM(M &P) was

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appointed as Presenting Officer in place of Shri Rekha Ghuman, Presenting Officer, vide Order dated 16.4.2012. Again, Shri O.P. Pokhriyal, Manager (P&A) was appointed as Presenting Officer vide Office Order dated 22.8.2012 in place of Shri D.B.R. Munshi, in this case.

AND WHEREAS, Inquiry Officer has submitted his report vide letter No. NPCCL/INQ/4/2010 dated 08.10.2012 and proved articles of charge.

AND WHEREAS, the said Inquiry Report was sent to Shri D. Neelakantam, Sr. Assistant Gr.I(F)/Charged Officer vide letter No. 500220/Disc/2005/11/290 dated 26.10.2012 for making submission if any on the inquiry report.

AND WHEREAS, instead of submitting his representation, he vide his letter dated 31.12.2012 requested for extension of time for 30 days on the inquiry report. The Disciplinary Authority had granted extension of time upto 31.01.2013, vide letter No. 500220/Disc/2005/11/298 dated 24<sup>th</sup> January, 2013. Shri D. Neelakantam again requested vide his letter dated 31.1.2013 for extension of time for two months. The Disciplinary Authority has again agreed for extension of time upto 20.2.2013, vide letter No. 500220/Disc/2005/11/304 dated 8<sup>th</sup> February, 2013. He has submitted his reply vide his letter dated 20.2.2013, which does not absolve him from the articles of charge.

AND WHEREAS, having applied my mind objectively, considering the report of Inquiry Officer, facts and circumstances of the case. I agree with the report of Inquiry Officer and find that Shri D. Neelakantam, Sr. Asstt. Gr.I(F) participated in gherao of the then CMD by instigating fellow staff employees to join him in the gherao of CMD and committed misconduct as contained in Annexure-I of Memo No. 500220/Disc/2005/11/17 dated 22.9.2005, in contravention of NPCC Employees Service (Conduct) Rules, 1979 and as amended from time to time, which cannot be expected from an employee of the rank of SA-I(F).

AND WHEREAS, considering the facts of the case and having objectively assessing all material evidence on record as brought out in the inquiry proceedings and his past record of service as well as length of service in the Corporation, I have come to the conclusion that no useful purpose would be served by retaining him in service any longer since, he is not amenable to discipline as is evident from his willful and gross misbehavior towards his Sr. Officers.

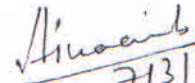


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NOW THEREFORE, after careful consideration of Inquiry Report, taking into account the explanation, facts and circumstances of the case the undersigned has come to the conclusion that ends of justice will be met if the penalty of Compulsory Retirement from the service is imposed on Shri D. Neelakantam, Sr. Asstt. Gr.I(F). The undersigned, in exercise of powers conferred under rule 9(vii) of NPCC (CC&A) (First Amendment) Rule, 2005 hereby, imposes the penalty of Compulsory Retirement from the service on Shri D. Neelakantam, Sr. Asstt. Gr.I(F) with immediate effect and taking a lenient view, I order that he may be paid his statutory retrial benefits such as CPF accumulations, gratuity dues as admissible under rules, but without the benefits of Leave Encashment as provided under Rule 9(d) of the NPCC Encashment of Earned Leave Rules etc. for the sake of sustenance of his dependent family members.

I order accordingly.

  
7/3/13  
( A.K. JHAMB )

CMD/DISCIPLINARY AUTHORITY

To  
Shri D. Neelakantam,  
Sr. Assistant Gr.II(P&A),  
N.P.C.C. Limited,  
Chennai.

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