



क.रा.बी.नि.
E.S.I.C.

कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE
CORPORATION
(Ministry of Labour & Employment, Govt. of
India)



सत्यमेव जयते

मुख्यालय/HEADQUARTER

पंचदीप भवन, सीआईजी मार्ग, दिल्ली -110002
Panchdeep Bhawan, CIG Marg, New Delhi- 110002
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Email: ac-vig@esic.nic.in
Website: www.esic.nic.in / www.esic.in

No. C-14/13/10/2023-Vig.

Dated: 05/07/2023

MEMORANDUM

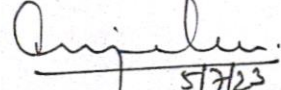
It is proposed to hold an Inquiry against Smt. Sarada Kedaginamane, Nursing Officer, ESIC Hospital, Peenya, Bengaluru under Regulation 12 & 13 and Second Schedule of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 2023. The substance of the imputations of misconduct or misbehavior, in respect of which, the inquiry is proposed to be held is set out in the statement of article of charge (Annexure-I). A statement of imputations of misconduct and misbehavior in support of article of charge is enclosed (Annexure-II). A list of documents by which the article of charge and a list of witnesses by whom, the article of charge is proposed to be sustained are also enclosed (Annexures-III & IV) respectively.

2. Smt. Sarada Kedaginamane is directed to submit within 10 days of the receipt of the 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 if the article of charge, is not admitted. She should, therefore, specifically admit or deny each of the Article of Charge.
4. Smt. Sarada Kedaginamane 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 or otherwise, fails or refuses to comply with the provisions of Regulation 12 & 13 and Sl. No.80 of Second Schedule of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 2023 or the orders/directions issued in pursuance of the said Regulations, the inquiry authority may hold the inquiry against her, ex-parte.
5. Attention of Smt. Sarada Kedaginamane is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which, no employee 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 service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt

[Signature]

with in these proceedings, it will be presumed that Smt. Sarada Kedaginamane 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 CCS (Conduct) Rules, 1964, which are applicable to Corporation employees by virtue of Regulation 9 (2) of the ESIC (Staff and Conditions of Service) Regulations, 2023 from time to time.

6. The receipt of the Memorandum along with its enclosures may please be acknowledged.


(Dr. RAJENDRA KUMAR)
DIRECTOR GENERAL

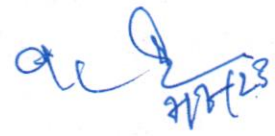
Smt. Sarada Kedaginamane, Nursing Officer,
ESIC Hospital, Peenya,
55-1-11, Plot No.1, 5th Main Road (FTI Campus),
Survey No.11, Yeshwanthapur,
Bengaluru-22.

(Through the Medical Superintendent, ESIC Hospital, Peenya, Bengaluru-22.)

Copy to: -

- 1164 - 1. The A.C. & R.D., Regional office, Panchdeep Bhavan, Bengaluru.
1163 - 2. The Medical Suptd., ESIC Hospital, Peenya, Bengaluru-22.
4305 - 3. Medical Commissioner, ESIC, Hqrs. Office, Medical-VI/DPC Cell.
4306 - 4. Vigilance Clearance seat, Vigilance Branch, Hqrs. Office
5. Guard file


DEPUTY DIRECTOR (VIG)


11/7/23
28/7/23
11/7/23

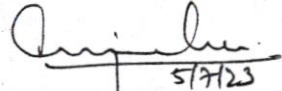
ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SMT. SARADA KEDAGINAMANE, NURSING OFFICER, ESIC HOSPITAL, PEENYA, BENGALURU.

Article of Charge-I:

Smt. Sarada Kedaginamane, Nursing Officer, ESIC Hospital, Peenya while posted and working as Nursing Officer at ESIC Hospital, Peenya has committed misconduct in as much as she in gross violation of Rule 25 of CCS (Leave) Rules, 1972 absented herself unauthorizedly with effect from 05.04.2022 to till date without prior permission of the higher authorities and without sanction of leave of any kind due to her.

By the aforesaid act, Smt Sarada Kedaginamane has exhibited lack of devotion to duty and a conduct unbecoming of a Corporation employee and thereby, violated Rule 3(1) (ii) & (iii) of the CCS (Conduct) Rules, 1964 read with Regulation 9(2) of ESIC (Staff & Conditions of Service) Regulations, 2023.


5/7/23
(Dr. RAJENDRA KUMAR)
DIRECTOR GENERAL

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SMT. SARADA KEDAGINAMANE, NURSING OFFICER, ESIC HOSPITAL, PEENYA, BENGALURU:

The Medical Superintendent, ESIC Hospital, Peenya, Bengaluru vide Letter No. 492/A/20/11 (165744)/Estt. dated 23.08.2022 has informed that Smt. Sarada Kedaginamane, Nursing Officer has been on unauthorized absence from duty since 05.04.2022 to till date.

1. Smt. Sarada Kedaginamane, Nursing Officer has applied for Half Pay Leave from 05.04.2022 to 24.06.2022 on the premise of being sick. Since the leave application was under consideration for sanction by the competent authority, she was instructed to submit documentary proof of sickness vide ESIC Hospital, Udyogmandal Letter No. 492/A/20/11(165744)/Estt. Dated 09.06.2022, but she failed to submit the documentary proof of sickness leading to her leave was not sanctioned by the Competent Authority.
- 2.. After no response was received from her to the ibid letter dated 09.06.022, a Show Cause Notice under File No. 492/A/20/11 (165744)/Estt. dated 19.07.2022 was issued by the Medical Superintendent, ESIC Hospital, Peenya to Smt. Sarada Kedaginamane, Nursing Officer for her act of remaining absent unauthorizedly from duty.
5. The said letter dated 09.06.2022 and Show Cause Notice dated 19.07.2022 as part of disciplinary action against Smt. Sarada Kedaginamane for unauthorized absence sent by the Medical Superintendent, ESIC Hospital, Peenya at her local and native address available in the office was returned by the postal department with remark "Left" & "Enquiry."
6. However, despite the aforementioned exercise, Smt. Sarada Kedaginamane fail to report for duty at ESIC Hospital, Peenya till today.
7. As per Rule 7 of CCS (Leave) Rules, 1972:

Right to leave

(1) Leave cannot be claimed as of right.

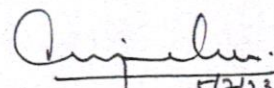
(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

And, as per GOI decision 4 (3) under Rule 25 of CCS (Leave) Rules, 1972:

"a Government servant who remains absent without any authority should be proceeded against immediately..... In all such cases of unauthorized absence by a

Government servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately/within a specified date, say within three days, failing which he would be liable of disciplinary action under CCS(CCA) Rules, 1965. If the Government servant does not join duty by stipulated date, the Disciplinary Authority should initiate disciplinary action against him....."

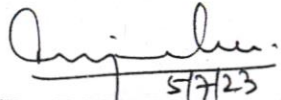
By remaining absent unauthorizedly Smt. Sarada Kedaginamane, Nursing Officer had not only caused hardships to the patients but also hampered the smooth functioning of the hospital. The said acts of omission and commission on the part of the said Smt. Sarada Kedaginamane thus construed as a conduct unbecoming of a Corporation employee and also in defiance of Rule 25 of CCS (Leave) Rules, 1972.


(Dr. RAJENDRA KUMAR)
DIRECTOR GENERAL

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SMT. SARADA KEDAGINAMANE, NURSING OFFICER, ESIC HOSPITAL, PEENYA, BENGALURU IS PROPOSED TO BE SUSTAINED.

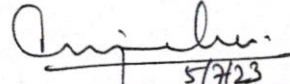
1. Letter No. 492/A/25/12/1-Estt. dated 09.06.2022 issued to Smt. Sarada Kedaginamane, Nursing Officer by Medical Supdt., ESIC Hospital, Peenya, Bengaluru.
2. A Show Cause Notice issued to Smt. Sarada Kedaginamane, Nursing Officer under file No. 492/A/20/11 (165744)/Estt. dated 19.07.2022 by the Medical Supdt., ESIC Hospital, Peenya, Bengaluru.
3. No. 492/A/20/11 (165744)/Estt. dated 23.08.2022 issued by Medical Supdt., ESIC Hospital, Peenya, Bengaluru to Director (Vigilance), ESIC Hqrs. Office, New Delhi.
4. Letter issued under F.No.C-11014/16/2022-Medical-VI (Computer No.99778) dated 25.11.2022 by Assistant Director (M.A.), Hqrs. Office to the Medical Superintendent, ESIC Hospital, Peenya, Bengaluru.
5. No. 492/A/20/11 (165744)/Estt. dated 01.12.2022 issued by Medical Supdt., ESIC Hospital, Peenya, Bengaluru to Director General, Medical-VI, ESIC Hqrs. Office, New Delhi.
6. Letter No.C-11014/16/2022-Vigilance dated 02.01.2023 issued by the Dy. Director (M.A.), Hqrs. Office to the Medical Superintendent, ESIC Hospital, Peenya, Bengaluru.
7. Rule 7 of CCS (Leave) Rules, 1972.
8. GoI decision 4 under Rule 25 of CCS (Leave) Rules, 1972.


5/7/23
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ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SMT. SARADA KEDAGINAMANE, NURSING OFFICER, ESIC HOSPITAL, PEENYA, BENGALURU IS PROPOSED TO BE SUSTAINED.

1. Dr. Veena Kumari K, Medical Superintendent, ESIC Hospital, Peenya, Bengaluru.
2. Mr. Robert L Guite, the then Dy. Director (Admin.), ESIC Hospital, Peenya, Bengaluru.
3. Shri Sanjeev Kumar, the Dy. Director (Admn.), ESIC Hospital, Peenya, Bengaluru.
4. Shri Jai Prakash Sharma, the then Dy. Director (Medical Administration), ESIC Hqrs. New Delhi.
5. Sh. Sanjay Kumar Gupta, the then Assistant Director (M.A.), ESIC Hqrs. Office, New Delhi.


5/7/23
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