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THE ANDHRA PRADESH GAZETTE
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W.No.8

AMARAVATI, THURSDAY, FEBRUARY 25, 2021

G.499

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
COMMANDANT, HQRS,
A. P. SPECIAL PROTECTION FORCE, TIRUPATI.

Rc.No.08/A3/Comdt.Hqrs/APSPE/TPT/2020-21.

Date: 22.01.2021.

SHOW CAUSE NOTICE

O. E. AGAINST Sri K. SWAMYNADH, CT-5176 OF APSPF, UCIL THUMMALAPALLE -
FORWARDING OF MINUTES COPY - FINAL EXPLANATION CALLED FOR.

- Ref: 1) T.O. Procs. Rc.No.08/A3/Comdt.Hqrs/APSPE/TPT/2020,
O.O.No.1528/2020, dated:23.11.2020.
- 2) Charge Memo: This Office Rc.No.08/A3/Comdt.Hqrs/APSPE/TPT/2020, dated:21.09.2020.
- 3) OE report: C.No.13/AC/SPF/SDSTPS/NLR/OE/CT-5176/
D.No.13/2021, dated:19.01.2021 of the Asst. Commandant,
APSPF, SDSTPS, Nellore.

-:O:-

In the reference 1st cited, an Oral Enquiry was ordered against you in connection with the Article of Charge framed vide reference 2nd cited. Now the Enquiry Officer Sri P.V.S.A.D. Prasad Rao, Asst. Commandant, APSPE, SDSTPS, Nellore has submitted Oral Enquiry report duly "**proving**" the Article of Charge vide reference 3rd cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

Sd/-.,
Commandant,
Head Quarters, APSPF,
Tirupati.

To

Sri K. Swamynadh, CT-5176 of APSPF, UCIL Thummalapalle.
thro' the Asst. Commandant, APSPF, UCIL Thummalapalle.

**ENQUIRY REPORT OF INQUIRY AUTHORITY
FOLDER NO: 09**

**IN THE DEPARTMENTAL ORAL ENQUIRY HELD AGAINST
SRI K.SWAMYNADH, CT- 5176 OF APSPF UCIL, THUMMALAPALLE**

Submitted by: **Sri P.V.S.A.D. Prasada Rao**
Enquiry Officer/Asst. Commandant,
APSPF, SDSTPS, AP Genco, Nellore vide
C.No:13/AC/SPF/SDSTPS/NLR/OE/
CT-5176/D.No:13/2020, dt:19.01.2021.

- 1) Under sub-rule (02) of Rule 20 of A.P. Civil Services(CC&A)) Rules 1991, I was appointed as Inquiring Authority by the Commandant, HQrs, APSPF, Tirupati to enquire into the charge framed against Sri K.Swamynadh, CT- 5176 of APSPF, UCIL, Thummalapalle vide proceedings Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020, O.O.No.1528/2020, dated: 23.11.2020. I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under:-
- 2) No presenting officer has been appointed.
- 3) The Charged Officer Sri K.Swamynadh, CT-5176 of APSPF, UCIL, Thummalapalle has not attended to the OE on 16.12.2020.
- 4) The following Article of Charge has been framed against Sri K. Swamynadh, CT-5176 of APSPF, UCIL, Thummalapalle vide Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2020, dated:21.09.2020 by the Commandant, Hqrs., APSPF, Tirupati.

ANNEXURE-I

Statement of Article of Charge framed against Sri K. Swamynadh, CT-5176 of APSPF, UCIL Thummalapalle.

ARTICLE-I

That the said Sri K. Swamynadh, CT-5176 was passported to avail Medical Leave for a period of (30) days w.e.f.02.06.2020 AN to 02.07.2020 AN and again he has extended Medical Leave for (21) more days i.e., from 02.07.2020 to 22.07.2020 AN.

After expiry of the said leave, he did not turn-up for duties and absented the duties unauthorizedly w.e.f. 22.07.2020 AN by over staying from Medical Leave without any intimation to his superiors. Further, the Asst.Commandant, APSPF, UCIL Thummalapalle sent a Recall Memo dated: 14.08.2020 to the native address of the said Constable by Reg. Post instructing him to report back for duties immediately or approach nearby SPF Unit to obtain sick passport for availing medical treatment, if he was really suffering with ill health. However, the said postal cover containing the Recall Memo has been returned with postal remarks that, "*Addressee refused to take, hence retuned to sender*". Therefore, his act of unauthorized absence amounts to willful absence.

By the above act, he has exhibited gross misconduct and negligence towards his legitimate duties, which is un-becoming of a Government servant thereby violating Rule-3 of APCS (Conduct) Rules-1964.

ANNEXURE - II

List of Documents:

- 1) ML intimation: C.No.05/SPF/AC/UCIL/ML-Intim/D.No.2040/2020, dated:03.06.2020 of the AC, APSPF, UCIL Thummalapalle.
- 2) ML extension: C.No.11/AC/SPF/KKD/ML/2020/D.No.421, dated:03.07.2020 of the AC, APSPF, Kakinada.
- 3) OSL Report: C.No.06/SPF/AC/UCIL/OSL/2020/D.No.2241, dated:23.07.2020 of the AC, APSPF, UCIL Thummalapalle.
- 4) Recall Memo: C.No.06/SPF/UCIL/Recall Memo/2020/D.No.2315, dated:14.08.2020 of the AC, APSPF, UCIL Thummalapalle.
- 5) C.No.06/SPF/UCIL/Recall Memo/2020/D.No.2314, dated:14.08.2020 of the AC, APSPF, UCIL Thummalapalle.
- 6) C.No.06/AC/SPF/UCIL/OSL/CT-5176/2020/D.No.2405, dated:08.09.2020 of the AC, APSPF, UCIL Thummalapalle.

ANNEXURE - III

List of witness:

- 1) The Asst. Commandant, APSPF, UCIL Thummalapalle.

5) CASE OF DISCIPLINARY AUTHORITY:

The Charged Officer Sri K. Swamynadh, CT-5176 submitted a representation to the Asst.Commandant, APSPF, UCIL Thummalapalle on 02.06.2020 requesting to issue sick passport for medical treatment as he has been suffering from right hand shoulder and right ear pain. Accordingly, the Asst.Commandant, APSPF, UCIL Thummalapalle has issued sick passport dated:02.06.2020 to the said CT-5176 to report before the Medical Officer, Govt. Area Hospital, Pulivendula for necessary medical treatment. Subsequently, as advised by the concerned Medical Officer, he was passported to avail (30) days Medical Leave from 02.06.2020 AN to 02.07.2020 AN. Accordingly, the Asst.Commandant, APSPF, UCIL Thummalapalle has submitted a report to the Commandant, APSPF, Hqrs, Tirupati, vide C.No.05/SPF/AC/UCIL/ML-

Intim/D.No.2010/2020, dated:03.06.2020 (**Marked as Exhibit- PE-1**). Further, the said CT-5176 Sri K.Swamynadh, appeared before the AC, APSPF, Kakinada on 02.07.2020 and requested to issue fresh sick passport for further medical treatment as he has not recovered from ill health. Accordingly, his medical leave has been extended for (21) days w.e.f. 02.07.2020 AN to 22.07.2020 AN as advised by the Medical Officer, Govt. General Hospital, Kakinada. In this connection the AC, APSPF, Kakinada has submitted a report to the Commandant, APSPF, Hqrs, Tirupathi vide C.No.11/AC/SPF/KKD/ML/2020/D.No.421, dated:03.07.2020 (**Marked as Exhibit - P.E.II**). After availing the said Medical Leave, the Charged Officer was supposed to report back for duties with MFC on 22.07.2020 AN. But he failed to do so and became OSL from ML w.e.f. 22.07.2020 AN. Accordingly, the AC, APSPF, Thummalapalle has submitted a report to the Commandant, Hqrs, APSPF, Tirupathi vide C.No.06/SPF/AC/UCIL/OSL/2020/D.No.2241, dt:23.07.2020 (**Marked as Exhibit-PE-III**). As the charged officer has been continued on OSL/Unauthorized absence from ML without informing his whereabouts to this superiors officers, the Asst. Commandant, APSPF, UCIL Thummalapalle has sent a Recall Memo vide C.No.06 /SPF/ UCIL/ Recall.Memo /2020/D.No.2315, dt:13.08.2020 (**Marked as Exhibit-PE-IV**) to the native address of the Charged Officer by Registered post, with instructions to report for duties immediately, failing which necessary disciplinary action will be initiated. Accordingly, the AC, APSPF, Thummalapalle has sent a report to the Commandant. APSPF, Hqrs, Tirupathi vide C.No.06/SPF/UCIL/ Recall.Memo/2020/D.No.2314, dt:13.08.2020. Further, the Recall Memo which was sent to his native address by Registered post, has been returned to O/o the Asst.Commandant, APSPF, UCIL Thummalapalle on 02.09.2020 with the postal remarks that "the addressee refused to take, hence returned to sender". The refused recall memo was sent to the Commandant, APSPF, Hqrs, Tirupathi vide C.No.06/AC/SPF/UCIL/OSL/CT-5176/2020, D.No.2405/2020, dated:08.09.2020 (**Marked as Exhibit-PE-V**). Further, a Memorandum of Charge has been framed against Sri K. Swamynadh, CT-5176 by the Commandant, Hqrs, APSPF, Tirupathi vide Rc.No:08/A3/Comdt.Hqrs/APSPF/TPT/2020, dt:21.09.2020. But the same could not be served to the charged officer as the registered postal cover containing the memorandum of charge, which was sent to the native address of charged officer by Registered Post with acknowledgement due, was received back with the postal remarks that "the addresses refused to take, hence returned to sender". The un-served Memorandum of Charge was sent to the Commandant, APSPF, Hqrs, Tirupathi vide C.No.06/ AC/SPF/ UCIL/ OSL/ CT-5176/ 2020/ D.No.2530/ 2020, dt: 08.10.2020 (**Marked as Exhibit-PE-VI**). Subsequently, the Commissioner, Printing Stationary & Stores purchase, Vijayawada was requested vide Rc.No: 08/A3/Comdt.Hqrs/APSPF/ TPT/2020, dated:26.10.2020 (**Marked as Exhibit-PE-VII**) to publish the said Memorandum of Charge in the A.P. Gazette. Accordingly, the Memorandum of Charge was published in the A.P. Gazette notification vide W.No.45, G.289, dated:06.11.2020 (**Marked as Exhibit- PE-VII**). Even though, the Memorandum of Charge has been published in the A.P. Gazette, the Charged Officer Sri K. Swamynadh, CT-5176 did not respond and not submitted any explanation to the Memorandum of Charge.

Subsequently, the disciplinary authority i.e., Commandant, Hqrs, APSPF, Tirupathi has issued proceedings vide Rc.No:08/A3/Comdt.Hqrs/APSPF/TPT/2020, O.O.No.1528/2020, dated:23.11.2020 duly appointing me as an Inquiring Authority

to enquire in to the charge framed against Sri K.Swamynadh, CT-5176 of APSPF, UCIL Thummalapalle. Accordingly, the Oral Enquiry date was fixed on 16.12.2020 vide Memorandum C.No.13/APSPF/SDSTPS/NLR/OE/CT-5176/D.No:573/2020, dated: 03.12.2020.

Since the Charged Officer did not attend the OE held on 16.12.2020 at O/o the Asst.Commandant, APSPF, Thummalapalle, I have conducted an ex-parte enquiry and recorded the statement of the P.W i.e., Assistant Commandant, APSPF, UCIL Thummalapalle who deposed his statement as follows:-

Statement of Sri D.Hussenaiah, Asst.Commandant, APSPFUCIL Thummalapalle,
Aged: 56 Years, S/o D.Rosaiah, recorded on 16.12.2020.

I solemnly stated that, I, D. Hussenaiah, am working as Asst. Commandant at APSPF UCIL, Thummalapalle w.e.f. 26.12.2019. As per the records available in the office, I depose my statement as follows:-

Sri K. Swamynadh, CT-5176 of APSPF, UCIL Thummalapalle has reported sick on 02.06.2020 and he was passported to avail (30) days ML w.e.f. 02.06.2020 AN to 02.07.2020 AN as advised by the Medical Officer, Govt.Area Hospital, Pulivendula. The same was informed to the Commandant, Hqrs, APSPF, Tirupati vide C.No.05/SPF/AC/UCIL/ML-Intim/D.No.2040/2020 dated:03.06.2020. Further, he has approached the Asst. Commandant, APSPF, Kakinada and extended (21) days ML w.e.f.02.07.2020 (AN) to 22.07.2020 (AN) as advised by the Medical Officer, Govt. General Hospital, Kakinada and the same was reported by the Asst. Commandant, APSPF, Kakinada vide C.No.11/AC/SPF/KKD/ML/2020/D.No.421, dated:03.07.2020. Even after availing so called ML, he failed to report back for duties and became OSL from ML we.f. 22.07.2020 AN. Accordingly, a report was sent to the Commandant, Hqrs, APSPF, Tirupati vide C.No.06/SPF/AC/UCIL/OSL/2020/D.No.2241, dated: 23.07.2020. During his continuous absence, neither he extended ML nor informed his whereabouts to his superiors. In this connection a Recall Memo vide C.No.06/ SPF/ UCIL/Recall Memo/2020/D.No.2315, dt:14.08.2020 was sent to his native address through registered post with acknowledgement due with instructions to report for duties. But the same was received back to this office on 02.09.2020 with the postal remarks that **“the addressee refused to take, hence returned to sender”**. The same was informed to the Commandant, Hqrs, APSPF, Tirupati vide C.No.06/SPF/AC /UCIL /CT-5176/2020.D.No.2405 dated: 08.09.2020. The Memorandum of Charge framed against the CT-5176 has been received to this office and the same was sent to the native address of CT-5176 Sri K.Swamynadh through registered post with acknowledgment due. But the registered post containing Memorandum of Charge has been received back to this unit on 08.10.2020 with the postal remarks that **“the addressee refused to take, hence returned to sender”**. The un served Memorandum of Charge has been sent to the Commandant, Hqrs, APSPF, Tirupati vide C.No.06/SPF/AC/UCIL/CT-5176/2020/ D.No.2530 dated:08.10.2020 to publish the same in the AP Gazette. Further vide proceedings Rc.No.08 /A3/ Comdt.Hqrs/ APSPF

/TPT/2020. O.O.No.1528/2020, dt: 23.11.2020, the Disciplinary Authority i.e., the Commandant Hqrs, APSPF, Tirupati has ordered for Departmental Oral Enquiry duly appointing Sri P.V.S.A.D. Prasad Rao, Asst. Commandant, APSPF, SDSTPS, Nellore as Inquiring Authority to enquire into the charge framed against the charged officer Sri K. Swamynadh, CT-5176, APSPF, Thummalapalle. Subsequently, the Enquiry Officer i.e., Sri P.V.S.A.D. Prasad Rao, Asst. Commandant, APSPF, Nellore vide Memo C.No.13/AC/APSPF/ SDSTPS/NLR/OE/CT-5176/D.No:573/2020, dt.03.12.2020 has fixed to conduct OE against the said charged officer at O/o the Asst. Commandant, APSPF, UCIL Thummalapalle on 16.12.2020. Further, both the copies i.e., proceedings of appointing enquiry officer and OE intimation Memo have been sent to the native address of the charged officer through register post with acknowledgement due on 04.12.2020. But it is not known whether the charged officer has received both the documents or not as the acknowledgement card of the registered postal cover was not received to the office so far.

CROSS EXAMINATION BY THE CHARGED OFFICER

The Charged Officer has not attended to the Oral Enquiry.

6) CASE OF THE DEFENDANT:

The Charged Officer neither submitted any explanation to the Memorandum of Charge nor attended the Oral Enquiry.

7) ANALYSIS AND ASSESSMENT OF EVIDENCE

I have carefully gone through the entire OE file, documentary evidence and the evidence adduced during OE. I have analyzed the entire case as follows:-

- 1) It is fact that, the Charged Officer Sri K. Swamynadh, CT-5176, has reported sick on 02.06.2020 and availed Medical Leave for a period of (30) days w.e.f.02.06.2020 AN to 02.07.2020 AN. Further, he has extended Medical Leave for (21) more days i.e., from 02.07.2020 AN to 22.07.2020 AN. Subsequently, he became OSL w.e.f.22.07.2020 AN without any intimation to his superiors.
- 2) Since the charged officer was continued on OSL/un-authorised absence w.e.f. 22.07.2020 AN, the Recall Memo and Memorandum of Charge have been sent to his native address i.e., S/o Kamaraju, Challapalli (Vill&Post, Amalapuram, East Godavari Dist. by Registered Post with Ack due. However, the said copies were returned back as the Charged Officer refused to take them.
- 3) Further, the O.E intimation letter has been sent to the Asst. Commandant, APSPF, ONGC Rajahmundry to serve the same on the Charged Officer. Accordingly, Inspector Sri N.Satyanarayana, HC-1667 Sri K.Tejeswara Rao, CT-3095 Sri P.Prasad, CT-2918 Sri A.Sambaiah of APSPF, ONGC Rajahmundry were tried to serve the copies on the Charged Officer by obtaining his whereabouts and mobile number. But, the Charged Officer refused to take the copies and abused them in filthy language, besides threatening them not to come to his house for serving the same. Thus, it clearly shows that, he intentionally evade official communication from the department.

4) As the charged officer failed to attend the OE on 16.12.2020, **an ex-parte enquiry was conducted** and recorded the statement of the P.W. i.e., the Assistant Commandant, APSPF, UCIL Thummalapalle.

8) FINDINGS:

On the basis of the documentary and oral evidence adduced in the case before me, it is established that, the Charged Officer Sri K. Swamynadh, CT-5176 has wilfully absented for duties w.e.f 22.07.2020 AN to till date by becoming OSL from ML. Hence, the Article of charge levelled against the Charged Officer is "**PROVED**" beyond any reasonable doubt.

9) Annexure-I containing list of Executive documents and **Annexure-II** containing list of witnesses Examined are enclosed.

Certified that the procedure laid down in the Rule 20 of APCS (CC&A) Rules, 1991 has been followed in conducting Oral Enquiry.

P.V.S.A.D. PRASADARAO,
Inquiring Authority,
Assistant Commandant,
A.P. Special Protection Force,
SDSTPS, AP Genco, Nellore.

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