GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION (VIGILANCE BRANCH)
OLD SECRETARIAT, DELHI-110 054.

No.DE.7/1054/MT/Vig/HQ/13/ Dated: 

ORDER

WHEREAS, Smt. Sunita Srivastava, TGT (Music) was charge sheeted under Rule 14 of CCS (CCA) Rules, 1965 vide Memorandum No. DE.50(10)/Vig./VB/2012/459 dated 17.08.2012 on the following articles of charge: -

"Article-I

Smt. Sunita Srivastava, TGT (Music) while working in SKV No. II, Kalkaji, New Delhi was absent from duties w.e.f. 05.07.2010 to 22.04.2011 without approval of the competent authority. Thus she has violated Rule 3 of CCS (CCA) Conduct Rules, 1964 which tantamount to unbecoming of a govt. servant.

Article-II

Smt. Sunita Srivastava, TGT (Music) is on unauthorized absence from duties w.e.f. 06.08.201 without approval of the competent authority. Thus she has violated Rule 3 of CCS (CCA) Conduct Rules, 1964 which tantamount to unbecoming of govt. servant.”

AND WHEREAS, Smt. Kamlesh Malik, Principal, SKV No. 2, East of kailash, New Delhi and Sh. Emmanuel Lal, Head Clerk, Govt. Co-ed SSS, Lodhi Road, New Delhi were appointed as Inquiry Officer and Presenting Officer vide order No. DE.50(10)/VB/Vig./2012/630-632 dated 03.11.2012. The Inquiry Officer submitted the report on 29.12.2012 concluding that both the above referred Articles of charges not having been contested by the Charged Officer stand proved.

AND WHEREAS, the copy of the inquiry report was forwarded to the CO vide memorandum DE.7/1054/MT/Vig./HQ/13/6262-63 dated 21.10.2013 by Speed Post on 25.10.2013. Further, the DDO of the school vide letter dated 15.01.2014 has informed that no reply has been received from the CO till date.

AND WHEREAS, The IO held the inquiry ex-parte as the CO failed to appear despite several notices and observed that “since the inquiry was being held ex-parte and there was no written statement of any defence it was incumbent on the Inquiry Officer to examine and go through the reply
submitted by the Charged Officer in response to various memoranda issued by the office of DDE (South) seeking her explanation about the alleged misconduct. After minutely going through the relevant documents/records including the Charged Officer’s replies in this regard, I have come to the conclusion that Charged Officer, has violated the relevant Service Rule of CCS (CCA) Conduct Rules and both the above referred article of charges not having been contested by the Charged Officer stand proved.”

AND WHEREAS, the CO remained absent from duties w.e.f. 05.07.2010 to 22.04.2011 and another spell of unauthorized absence w.e.f. 06.08.2011 to till date. Further, it is noticed from the record that the CO preferred to stay away from duty on one ground or the other despite various memoranda and show cause notices.

AND WHEREAS, the CO had tendered resignation on 18.10.2011 wherein it was stated that since the department is not satisfied with her explanation she has no alternative except to tender resignation. The explanation of the CO was not found satisfactory and therefore she was directed to tender unconditional resignation or join duties immediately vide letter dated 27.01.2012.

AND WHEREAS, it is observed that the CO again submitted her resignation on 26.09.2012 wherein she tendered her resignation with immediate effect due to family circumstances. Further, the CO reiterated her stand again and again vide letters dated 30.11.2012 & 18.12.2012.

AND WHEREAS, it is observed from the available record that the CO is not willing to join her duties. Therefore it is not in the interest of the department to retain the unwilling government servant.

Now, therefore, after considering the totality of the case in the light of the foregoing observations, I, Padmini Singla, Director (Education) being the Disciplinary Authority, hereby accept the resignation tendered by Smt. Sunita Srivastava, TGT (Music) vide her application dated 26.09.2012 and order the closure of Disciplinary Proceeding initiated vide memorandum dated 17.08.2012. The period with effect from 05.07.2010 to 22.04.2011 and 06.08.2011 to till date be treated as Dies non for all purposes.

(PADMINI SINGLA)
DIRECTOR (EDUCATION)

Smt. Sunita Srivastava, TGT (Music)
Through DDE (South)
Copy for information and necessary action to:

1. DDE (South), Dte. of Education.
2. ADE (E-IV), Dte. of Education.
3. The HOS/DDO/PAO concerned through DDE (South).
4. OS (IT) with the direction to upload the order on website.
5. Guard File.

DEPUTY DIRECTOR OF EDN.(VIG)