No.79/25/2012-Vig.(Vol.I)
Government of India
Ministry of Labour & Employment
Labour Bureau
(Vigilance Unit)

SCO 28-31, Sector 17-A
Chandigarh 160 017
Dated: 28.3.2014

O R D E R

WHEREAS Shri P.L. Gill, Investigator Grade-I, working in Labour Bureau Chandigarh was charge sheeted vide Memorandum No.79/25/2012-Vig dated 14.1.2013 under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 for the following Articles of Charges:

ARTICLE I : That Shri P.L. Gill, while working as Investigator Grade I in Labour Bureau, Chandigarh was temporarily transferred for a period of six months or till further orders with immediate effect to Regional Office (Southern Region), Labour Bureau, Chennai due to exigencies of work. Shri P.L. Gill did not comply with the orders of the competent authority which is a violation of Rule 3, Sub-rule 1(i)(ii)&(iii) of the CCS (Conduct) Rules, 1964.

ARTICLE II : That Shri P.L. Gill, while working as Investigator Grade I in Labour Bureau, Chandigarh was temporarily transferred for a period of six months or till further orders with immediate effect to Regional Office (Southern Region), Labour Bureau, Chennai due to exigencies of work, did not comply with the orders of the competent authority and remained absent wilfully from duties unauthorisedly w.e.f. 15.8.2012 to till date, which is a violation of Rule 3, Sub-rule 1(ii)&(iii) of the CCS (Conduct) Rules, 1964 *and* Fundamental Rule 17-A.

ARTICLE III : That Shri P.L. Gill, while working as Investigator Grade I in Labour Bureau, Chandigarh was temporarily transferred for a period of six months or till further orders with immediate effect to Regional Office (Southern Region), Labour Bureau, Chennai due to exigencies of work, forwarded representations to the Secretary, Ministry of Labour & Employment without exhausting the prescribed channels of communication for redressal of his grievances which is a violation of Rule 20 *ibid* Rule 3, Sub-rule 1 (iii) of the CCS (Conduct) Rules, 1964.

ARTICLE IV : That Shri P.L. Gill, while working as Investigator Grade I in Labour Bureau, Chandigarh was temporarily transferred for a period of six months or till further orders with immediate effect to Regional Office (Southern Region), Labour Bureau, Chennai due to exigencies of work, has made wild, frivolous and baseless allegations against the officers of Labour Bureau and the Ministry of Labour & Employment in his representations which is a violation of Rule 3, Sub-rule 1(iii) of the CCS (Conduct) Rules, 1964.

WHEREAS Shri P.L. Gill (Charged Officer – in short CO) submitted his statement of defense on 23.01.2013 whereby he had denied all the charges framed against him in the four Articles of Charges and after considering the same, Shri Amit Verma, Deputy Director, Labour Bureau, Chandigarh was appointed as Inquiring Authority to inquire into the charges levelled against the said CO, while Shri Deepak Kumar, Assistant Director, Labour Bureau, Chandigarh was appointed as Presenting Officer vide this office orders of even number dated 31.01.2013.

WHEREAS Shri Amit Verma, Inquiring Authority was replaced vide this office order of even number dated 04.11.2013 by the competent authority on the request of CO and in his place, Shri H.S. Raghav, Joint Director, Labour Bureau, Shimla was duly appointed a new Inquiring Authority to inquire into the alleged charges of misconducts of CO as set out in the four Articles of Charges *(supra)*.

WHEREAS due and ample opportunities of being heard and defending the alleged charges were given to Shri P. L. Gill by the Inquiring Authority but he attended only first three hearings and did not turn up in the four subsequent hearings without cogent reasons/ justification to the satisfaction of the IO in spite of the fact that proper notices of hearing after following due procedure of law were communicated to him for attending the inquiry proceedings in due process of the inquiry.

WHEREAS the Inquiry Officer in its *ex parte* report submitted on 13.12.2013 on the basis of material on record, statement of witnesses and submission made by the PO held that the articles of charges I, II, III & IV framed against the said Shri P. L. Gill stand to be correct.

WHEREAS the report of the Inquiring Authority was carefully and dispassionately considered by the undersigned and the findings of the IO were accepted *in toto*.

WHEREAS the decision of the undersigned on the inquiry report was duly communicated to Shri P. L. Gill along with a copy of the inquiry report vide this office Note of even number dated 19.02.2014 to give him an opportunity to submit representation / comments on the inquiry report.

WHEREAS the said Shri P. L. Gill submitted his representation on 24.02.2014 which was duly considered by the undersigned.

WHEREAS after considering Inquiring Authority's report in which the charges leveled against said P. L. Gill are found proved based on evidences on record, relevant facts and circumstances of the case, the undersigned came to the conclusion that Shri P. L. Gill, Investigator Grade-I, while functioning as Investigator Grade-I, did not comply with the orders of the competent authority which is a violation of Rule 3, Sub-rule 1(i)(ii)&(iii) of the CCS (Conduct) Rules, 1964, did not comply with the orders of the competent authority and remained absent wilfully from duties unauthorisedly w.e.f. 15.8.2012 to 04.09.2013, which is a violation of Rule 3, Sub-rule 1(ii)&(iii) of the CCS (Conduct) Rules, 1964 *and* Fundamental Rule 17-A, had forwarded representations to the Secretary, Ministry of Labour & Employment without exhausting the prescribed channels of communication for redressal of his grievances which is a violation of Rule 20 *ibid* Rule 3, Sub-rule 1 (iii) of the CCS (Conduct) Rules, 1964 and had made wild, frivolous and baseless allegations against the officers of Labour Bureau and the Ministry of Labour & Employment in his representations which is a violation of Rule 3, Sub-rule 1(iii) of the CCS (Conduct) Rules, 1964.

WHEREAS taking into account the gravity of aforesaid misconducts on the part of Shri P. L. Gill (CO), the undersigned holds that there are good and sufficient reasons to impose a penalty specified u/r 11 of CCA(CCA) Rules, 1965 on such Government servant and that the ends of justice would be met in this case if the penalty of "Reduction to a lower stage in the time scale of pay by one stage" as prescribed under Rule 11 *(v) in the aforementioned disciplinary Rules,* is imposed on Shri P. L. Gill.

NOW THEREFORE, in exercise of the powers conferred on the undersigned by Rule 15(4) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the undersigned hereby imposes the penalty of reduction to a lower stage in the time scale of pay by one stage specified u/r 11(v) of CCS (CCA), Rules 1965 on Shri P. L. Gill, Investigator Grade-I *w.e.f.* 28.3.2014. The undersigned also decides that the period of wilful and unauthorised absence of Shri P. L. Gill from duty *w.e.f.* 15.8.2012 to 4.9.2013 be treated as *dies non* under FR 17-A of Fundamental Rules and Supplementary Rules and this will not constitute break in service for his pensionary benefits.

(DALJEET SINGH)
DIRECTOR GENERAL

Copy to:

1. Shri P. L. Gill, Investigator Grade I, Labour Bureau, Chandigarh.
2. Director (Administration), Labour Bureau, Chandigarh.
3. Shri Harpreet Singh, Under Secretary, ESA Section, Ministry of Labour & Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi.
4. Head of Office/DDO, Labour Bureau, Chandigarh.
5. Pay and Accounts Officer Labour Bureau, Chandigarh.
6. Section Officer, Pension Unit, Labour Bureau, Chandigarh.
7. Section Officer (Adm.I), Labour Bureau, Chandigarh
8. Service Book/Personal file/APAR dossier of Shri P. L. Gill, Investigator Grade I.
9. Dr. A. S. Tanda, EDP Manager for uploading the order in the official website.
10. PS to Director General, Labour Bureau, Chandigarh.
11. Guard File.
12. Hindi Section for Hindi version.