

C-14012/1/2020-Admn.I(LD)
Government of India
Ministry of Law and Justice
Legislative Department

Dated 30th May, 2022

MEMORANDUM

Ms. Tushti Chopra, Superintendent (Legal) in the Legislative Department was issued charge sheet vide Memorandum of even number dated 13th December, 2021 for initiating disciplinary proceedings under Rule-14 of Central Civil Service (Classification, Control and Appeal) Rules, 1965 for her omission and commission committed while functioning as Superintendent (Legal).

2. Since no written statement of defence was submitted by Ms. Tushti Chopra, Superintendent (Legal) within the prescribed time-limit, Dr. K V Kumar, Additional Legislative Counsel, vide this Department's order dated 21.01.2022, was appointed as Inquiring Authority (IO) to inquire into the charges framed against Ms. Tushti Chopra, Superintendent (Legal). On completion of the departmental inquiry proceedings, the Inquiry Officer has submitted the Inquiry Report. The Inquiry Report has been accepted by the Disciplinary Authority.

3. A copy of Inquiry Report, is hereby forwarded to Ms. Tushti Chopra, Superintendent (Legal) for her representation/reply, if any, in terms of rule 15(2) of Central Civil Service (Classification, Control and Appeal) Rules, 1965 with the direction to submit reply within 15 days of receipt of this Memo failing which it will be construed that she has nothing to say and appropriate action as deemed fit will be taken.


(R K Sharma) 30/5/22

Under Secretary to the Government of India

To

Ms. Tushti Chopra,
Superintendent (Legal),
GSRO Section, Legislative Department.
Email ID - chopratushti@gmail.com

Qtr. No. 0172, First Floor,
Type II, Lodhi Road Complex,
New Delhi-110003

Qtr. No. 1039, Sector A,
Pocket A, Vasant Kunj,
New Delhi-110070.

MINISTRY OF LAW AND JUSTICE
Legislative Department

Room No: 415D, Shastri Bhawan,
New Delhi-110001.
Dated 6th May, 2022.

REPORT

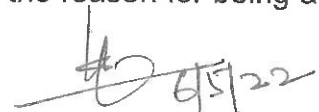
Subject: Inquiry under Rule-14 of the Central Civil Service (Classification, Control and Appeal) Rules, 1965 against Ms. Tushti Chopra, Superintendent (Legal) in the Department-Reg:

I. INTRODUCTION:

The Disciplinary Authority in the Legislative Department, decided to hold an inquiry against Ms. Tushti Chopra, working as Superintendent (Legal) in the G.S.R.O Section of the Legislative Department under rule 14 of Central Civil Service (Classification, Control and Appeal) Rules, 1965 [CCS (CCA) Rules, 1965] and *vide* Memorandum No. C-14012/1/2020-Admn.I (L.D), dated 13th December, 2021, a charge sheet has been issued to Ms. Tushti Chopra and has been directed to submit a written statement of her defence within 15 days of the receipt of the said memorandum and also to state whether she desires to be heard in person. *Vide* the said memorandum, Ms. Tushti Chopra has been informed that an inquiry will be held only in respect of those articles of charge as are not admitted and therefore, she should specifically admit or deny each article of charge. Ms. Tushti Chopra has also been informed that if she does not submit her written statement of defence on or before the date specified therein, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of rule 14 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against her *ex-parte*.

2. It may be recalled that Ms. Tushti Chopra while functioning as Superintendent (Legal) of G.S.R.O Section, the periods as stated in the Memorandum has been on unauthorised absence from duty. In this regard a memorandum dated 9-09-2020 was issued seeking explanation why action may not be taken against her for being absent from duty and why salary paid to her during this period should not be recovered and she was asked to submit her explanation with three working days. A memorandum dated 18-09-2020 was again issued to her directing to explain why action may not be initiated to impose major penalty against her as per the CCS (CCA) Rules, 1965. Even though both memorandums were delivered to her by hand in the office on 21-09-2022 but not submitted any written explanation.

3. Since Ms. Tushti Chopra continuously remained absent from 28-12-2020, a memorandum, dated 30-06-2021 was again issued to her to join the duty with in three days of receipt of the memorandum and was also asked to explain the reason for being absent



for the said period and why this period may not be treated as dies-non. The said memorandum was sent to her through her e-mail tustichopra@gmail.com and by speed post at the addresses available on record. The said memorandum from both addresses returned with the endorsement that 'no such person' at first address and 'house locked & unclaimed' at second address. This memorandum was also sent to her through email tustichopra@gmail.com on 8-07-2021. However, there was no reply from her.

4. In view of the above, the Disciplinary Authority *vide* Order No. C-14012/1/2020-Admn.I(L.D), dated 21st January, 2022 appointed Dr. K.V. Kumar, Addl. Legislative Counsel as the Inquiring Officer (I.O) and Shri. Shanti Bhushan, Deputy Legislative Counsel as the Presenting Officer (P.O) for conducting Inquiry under rule 14 of the CCS (CCA) Rules, 1965 against Ms. Tusti Chopra, Superintendent (Legal) in the Department, the charged officer (C.O). The administration section *vide* its Note 31st January, 2022 informed that the C.O has not submitted any reply to the charge sheet issued to her within the stipulated time.

5. Accordingly, after discussion with the P.O, it has been decided to hold the preliminary hearing of Ms. Tusti Chopra, the charged officer (C.O) on 21st February, 2022 at 11 am and examination of Shri. G. Panmei, Deputy Legislative Counsel & Branch Officer of the G.S.R.O Section as a witness at 2:30 pm in Room No. 415 D, Shastri Bhawan, New Delhi. A communication, dated 10th February, 2022 has been sent to the C.O by the personal staff. However, the C.O refused to accept the copy of said communication. Requested Administration Section also serve a copy on C.O which was also not accepted by the C.O. Thereafter, e-mailed the said communication to the e-mail id provided by the Administration Section.

6. On 11th February, 2022, the I.O, in partial modification of the aforesaid communication dated 10th February, 2022 issued another communication and forwarded therewith a copy of the charge sheet and intimated the C.O to attend the proceedings on the appointed date, time and place failing which the proceedings shall be held in ex-parte. The C.O refused to receive the said copy of intimation and the charge sheet. A copy of the said communication was also sent to the e-mail id of the C.O and residential addresses as provided by the administration section (as available in the personal records of the C.O) with a view to give a fair chance to C.O to represent her case.

7. Copies of aforesaid communication has been forwarded to the Deputy Secretary, Administration-I Section with a request that—

- (i) the copies of communication along with its enclosures may be dispatched to all the known addresses of the charged official, available with the Legislative Department;
- (ii) the copies of communication and its enclosures (the Charge sheet or the gist thereof) may be published in the local newspaper;
- (iii) the copies of communication and its enclosures may be published in the web site of the Legislative Department and pasted in the notice board of the Department.

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8. Accordingly, the administration-I Section *vide* its Note date 25th February, 2022 informed that letters sent through speed post to all three addresses available in the Department have returned with remarks "unclaimed" and "addresses not available". As regards publishing in the local news paper, a window advertisement was published in two national dailies (Indian Express and Jansatta) on 22nd February, 2022 and the notice along with charge sheet has been uploaded on the web site of the Department under sub-heading "orders/circulars" under heading "Documents and also pasted on the notice board.

9. The inquiry proceedings effectively stated with effect from 21st February, 2022 and continued till 4th May, 2022. The daily proceeding were held on 21-02-2022, 2-03-2022, 7-03-2022, 9-03-2022, 17-03-2022, 24-03-2022, 30-03-2022, 5-04-2022, 6-04-2022, 7-04-2022, 12-04-2022, 18-04-2022, 25-04-2022, 29-04-2022 and 4-05-2022. All the proceedings were held in Room No. 415D, Shastri Bhawan, New Delhi. **Throughout the proceedings a fair chance (enough time) has been given to the C.O to defend her case. However, she did not attend a single proceeding and remained *ex-parte*.**

II. STATEMENT OF ARTICLE OF CHARGE SHEET:

In the Charge sheet, dated 13th December, 2021 served to the C.O, the Annexure-I contains the Statement of article of charge sheet framed against the C.O. The following are the articles of charge sheet:—

Article - I

That Ms. Tushti Chopra while functioning as Superintendent (Legal) during the period from 2018 to till date has failed to create her NIC e-mail ID intentionally. She has also demanded Rs. 10,000/- for creation of NIC e-mail ID.

Article-II

That Ms. Tushti Chopra while functioning as Superintendent (Legal) since March, 2020 has been on unauthorised absence from duty for the following period:-

- (i) From 24.03.2020 to 31.05.2020.
- (ii) whole month of June, 2020 and upto third week of July, 2020 except few days (about ten days) in between (Since she was not marking her attendance nor giving any leave application specific date could not be given).
- (iii) From 20.07.2020 to 18.09.2020.
- (iv) 29.10.2020, 02.11.2020, (on 03.11.2020 she attended office at 2:30 PM without seeking permission), 04.11.2020, 05.11.2020 (on 09.11.2020 she attended office at 12:40 PM without seeking permission), 10.11.2020, 12.11.2020, 13.11.2020, 17.11.2020, 18.11.2020, 23.11.2020, 24.11.2020, 26.11.2020, 27.11.2020, 01.12.2020 to 09.12.2020, 14.12.2020 (on 16.12.2020 she attended office at 11:30 AM without seeking permission and was not available on her seat from 2:30 PM to 5:10 PM), 18.12.2020, 21.12.2020.
- (v) From 28.12.2020 to till date.

Article-III

That Ms. Tushti Chopra while functioning as Superintendent (Legal) during the period from March, 2020 to till date has failed to mark her attendance in the Attendance Register.

Article-IV

That Ms. Tushti Chopra while functioning as Superintendent (Legal) has failed to follow instructions to attend office as per roster. Being a supervisory officer, she has also failed to ensure devotion of herself to duty.

III. STATEMENT OF THE IMPUTATION OF MISCONDUCT ON WHICH INQUIRY IS PROPOSED BY THE DISCIPLINARY AUTHORITY:**Article -I**

That Ms. Tushti Chopra while functioning as Superintendent(Legal) from 2018 has failed to create her NIC e-mail ID intentionally. She also demanded Rs. 10,000/- for creating NIC e-mail ID.

For implementation of various online platforms/schemes launched by the Government viz. Employee Master Detail (EMD), SPARROW, e-Office & eHRMS etc. NIC e-mail ID is mandatorily required.

2. All the officers/staff of the Department were requested *vide* Note dated 16.05.2018 to provide their Employee Master Details (EMD) along with their NIC e-mail ID in the prescribed proforma for implementation of e-Office in the Department. The officers/Staff who did not submit their details were issued reminders *vide* Note dated 17.07.2018, 21.08.2018, 12.09.2018 and 19.02.2019.

3. For online recording of APARs on SPARROW Portal for self and Staff working under them, NIC e-mail ID is mandatorily required. In this regard Note dated 23.04.2019 was issued by the Department to provide NIC e-mail ID.

4. The e-HRMS project is also being implemented in the Department and the service records of all employees of the Department are being digitized. After digitization process is completed, the services viz. personal information, leave, LTC, advances, tour, reimbursements etc. will be available online to the employees of the Department. For authentication of data on e-HRMS and to e-sign forms for online services, Government e-mail ID (gov.in/nic.in) and linking of Aadhar number with mobile number are mandatory. Accordingly, all the employees of the Department *vide* this Department's Note dated 26.07.2019 were requested to ensure that they have active Government e-mail ID and linked their Aadhar number with present mobile number by 30th July, 2019.

5. All the officers / staff of Legislative Department have provided the NIC mail. However, Ms. Tushti Chopra, Superintendent (L) has not provided NIC e-mail ID. It may be mentioned that in addition to the written directions mentioned above, Ms. Tushti Chopra, Superintendent (L) had been directed orally by the then Director (Admn.) as well as Under Secretary (Admn.) several times to provide NIC e-mail ID. It has also been reported that

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she was also called in the meeting relating to e-Office by JS&LC (Shri Udaya Kumara), in-charge of IT related matters and asked to create NIC e-mail ID. But she has not followed these instructions.

6. She was issued a Memorandum dated 28.08.2019 for not providing NIC e-mail ID to the Administration Section in spite of several written and oral directions. She was also directed to intimate NIC e-mail ID within 3 days. *Vide* letter dated 02.09.2019 she submitted that sincere efforts are being taken and enclosed a communication sent to NIC Cell of the Department by speed post. Since her reply dated 02.09.2019 was evasive and not acceptable, Memorandum dated 12.09.2019 was issued to her. She was warned that if she failed to intimate NIC e-mail ID within 2 days, disciplinary action would be initiated against her as per CCS (Conduct) Rules, 1964.

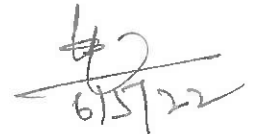
7. However, Ms. Tushti Chopra *vide* letter dated 13.09.2019 demanded a grant Rs. 10,000/- for expenses to be incurred for making NIC e-mail and also asked to depute someone to guide her. She was informed that no financial assistance is permissible for creation of NIC email and directed to take immediate action to create NIC mail. In spite of above warnings she has not intimated her NIC mail ID till date. Creation of NIC mail ID is responsibility of individual and it appears that she has not intimated NIC e-mail intentionally.

Article-II

That Ms. Tushti Chopra while functioning as Superintendent(Legal) during the period since March, 2020 has been on un-authorized absence from duty for the following period:-

1. Branch Officer, GSRO Section *vide* note dated 08.05.2020, 24.09.2020 and 14.06.2021 has informed that Ms. Tusti Chopra was not attending office from a long time without any permission or intimation. It has been informed that Ms. Chopra was absent during the following period :-

- (i) From 24.03.2020 to 31.05.2020.
- (ii) whole month of June, 2020 and upto third week of July, 2020 except few days (about ten days) in between (Since she was not marking her attendance nor giving any leave application specific date could not be given).
- (iii) From 20.07.2020 to 18.09.2020.
- (iv) 29.10.2020, 02.11.2020, (on 03.11.2020 she attended office at 2:30 PM without seeking permission), 04.11.2020, 05.11.2020 (on 09.11.2020 she attended office at 12:40 PM without seeking permission), 10.11.2020, 12.11.2020, 13.11.2020, 17.11.2020, 18.11.2020, 23.11.2020, 24.11.2020, 26.11.2020, 27.11.2020, 01.12.2020 to 09.12.2020, 14.12.2020 (on 16.12.2020 she attended office at 11:30 AM without seeking permission and was not available on her seat from 2:30 PM to 5:10 PM), 18.12.2020, 21.12.2020.
- (v) From 28.12.2020 to till date.



2. Ms. Chopra attended office in July, 2020 for a few days only to earn annual increment. She did not attend office after that without any permission or intimation. In this regard, a memorandum dated 09.09.2020 was issued seeking explanation as to why action may not be taken against her for being absent from duty and why salary paid to her during this period should not be recovered. She was asked to submit explanation within three working days. The memorandum dated 09.09.2020 could not be delivered at her Government accommodation as door was locked and at other address it could not be delivered as addressee refused to accept.

3. A memorandum dated 18.09.2020 was again issued to her directing to explain why action may not be initiated to impose major penalty against her as per Central Civil Services (Classification, Control and Appeal) Rules, 1965. Both memorandums dated 09.09.2020 and 18.09.2020 were delivered to her by hand in the office on 21.09.2020.

4. Since she continuously remained absent from 28.12.2020, Ms. Tushti Chopra was again issued Memorandum dated 30.06.2021 asking her to join the duty within 03 days of receipt of this Memorandum. She was also asked to explain the reason for being absent for the said period and why this period may not be treated as dies-non.

5. The memorandum was sent to her through email tushtichopra@gmail.com and at following two address, by speed post, available in the records of the Department :-

- (i) Qtr. No. 0172, First Floor, Type II, Lodhi Road Complex, New Delhi-110003 and
- (ii) Sector A, Pocket A, 1039, Vasant Kunj, New Delhi – 110070.

5. Memorandum from both the address returned with the endorsement that '*no such person*' at first address and '*house locked & unclaimed*' at second address. This Memorandum was also sent to her via email address chopratushti@gmail.com on 08.07.2021. However, no reply has been received till date.

Article -III

That Ms. Tushti Chopra while functioning as Superintendent(Legal) during the period from March, 2020 to till date has failed to mark her attendance in the Attendance Register.

1. DoP&T vide their OM No. C-13014/1/2020-Vig. dated 06.03.2020, in view of the novel corona virus (COVID-19), exempted the employees to mark biometric attendance in Aadhar based biometric attendance system and directed to mark attendance in attendance register. The Department vide note dated 09.03.2020 also circulated these instructions to all concerned. Branch Officer, GSRO Section vide order dated 24.09.2020 also issued instructions to the staff of GSRO Section to mark attendance. However, she has not marked her attendance in the attendance register.

Article-IV

That Ms. Tushti Chopra while functioning as Superintendent(Legal) has failed to follow instructions to attend office as per roster. Being a supervisory officer, she has also failed to ensure devotion of herself to duty.

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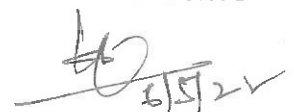
1. MHA *vide* their order dated 15.04.2020 issued instructions regarding 33% attendance of the staff (below DS level) in the Central Govt. Office and remaining to work from home. DoP&T *vide* their OM dated 23.04.2020 also issued similar instructions. Further, DoP&T *vide* their OM dated 18.05.2020 stated to ensure 50% attendance of staff on alternate days and remaining 50% to work from home. The staff who are not required to attend office and work from home should be available on telephone or electronic means of communication all the time. DoP&T *vide* their OM dated 13.02.2021 decided that all the employees shall attend office on regular basis. DoP&T *vide* their OM dated 19th April, 2021 further issued instructions to attend office on roster basis which were applicable till dated 30th June, 2021. These instructions were also circulated by the Department *vide* note dated 19.03.2020, 16.04.2020, 19.04.2021, 01.05.2021, 07.05.2021, 10.05.2021 and 16.06.2021.

2. Ms. Tusti Chopra is holding a supervisory level posts. She neither attended the office nor communicated to her superior officers during this period. As per instructions, a duty roster dated 04.05.2020 was issued for GSRO Section and it could not be delivered to her address available in the Department. The peon who went to deliver duty roster on 12.05.2020 reported for one address that house was locked and for other address that they didn't open the door. She has not provided her telephone/mobile number and email to her Superior Officer or Administration Section. Subsequently, duty roster dated 20.05.2020, 21.07.2020, 07.08.2020 were also issued for GSRO Section. However, she failed to attend office as per these instructions.

3. The Controlling Officer GSRO Section *vide* note dated 21.10.2021 informed that Ms. Chopra is highly irregular in attending the office and to the work of GSRO Section and she has been given necessary caution and advise to correct her actions *vide* e-mail dated 21.10.2021. Branch Office, GSRO Section *vide* note dated 20.10.2021 stated that due to dereliction of duty on the part of Ms. Tushti Chopra, the work of GSRO Section has been gravely affected. She is not showing any inclination to work and is constantly abstaining from office. Further, Branch Officer *vide* note dated 25.10.2021 has informed that a meeting was called by the Controlling Officer of GSRO Section regarding work of the Section. All the staff were present except Ms. Chopra. Since Ms. Chopra was available in Office, she could have attended meeting. Instead of attending meeting she sent a note stating that '*throat & ear problem. kindly communicate in writing*'. It has been informed that Ms. Chopra is not doing any work of the Section. Therefore work of the section has been seriously affected.

4. Ms. Tushti Chopra, Superintendent (Legal) while committing above administrative negligence that is serious in nature, has attracted the contraventions relating to Rule 3 – General Provisions – of CCS (Conduct) Rules, 1964 as below :-

- (i) maintain absolute integrity;
- (ii) maintain devotion to duty; and
- (iii) do nothing which is unbecoming of a Government servant.
- (xv) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;

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- (xix) maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;
- (xxi) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.
- **Rule 3A.** Promptness and Courtesy- No Government servant shall in the performance of his official duties, act in a discourteous manner; adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him. If an act or conduct is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master and/or if the act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to this master; if an act or conduct of a servant makes it unsafe for the employer to retain him in service; if an act or conduct is inconsistent or incompatible with the due or peaceful discharge of his duty to his master; if he is habitually negligent in respect of the duties for which he is engaged; willful insubordination or disobedience to any lawful and reasonable order of a superior as well as for her unauthorised absence attracted the provisions of FR 17. A(iii)-General conditions of service –which states that in the case of an individual employee remaining absent unauthorised or deserting the post shall be deemed to cause an interruption or break in the service or the employee unless otherwise decided by the authority competent.

5. Thus she has violated Rule 3(1)(i),(ii),(iii),(xv),(xix),(xxi) and Rule 3A of CCS(Conduct) Rules, 1964.

6. Therefore, action is proposed to be taken against Ms. Tushti Chopra under Rule-14 of CCS(CCA) Rules, 1965.

IV. DAILY PROCEEDINGS, EXAMINATION OF WITNESSES AND DOCUMENTS ADMITTED:

Date: 10-02-2022

1. Letter issued to Ms. Tusti Chopra, Superintendent (Legal),G.S.R.O. Section, Legislative Department, forwarding therewith the appointment order of the IO, intimating her to attend the preliminary inquiry to be held on Monday, the 21st February, 2022 in my room at 11 a.m failing which the proceedings shall be held *ex-parte*.

2. Letter issued to Shri. G. Panmei, Deputy Legislative Counsel, Legislative Department requiring him to personally appear before the inquiring authority 21-02-2022 at 2:30 p.m Place: 415, D-wing.

Date: 11-02-2022

1. Revised Letter issued to Ms. Tusti Chopra, Superintendent (Legal),G.S.R.O. Section, Legislative Department forwarding therewith a copy of the charge sheet and the appointment order of the IO, intimating her to attend the preliminary inquiry to be held on

 21/02/22

Monday, the 21st February, 2022 in my room at 11 a.m failing which the proceedings shall be held *ex-parte*.

2. Revised Letter issued to Shri. G. Panmei, Deputy Legislative Counsel, Legislative Department requiring him to personally appear before the inquiring authority 21-02-2022 at 2:30 p.m Place: 415, D-wing,

3. Copies of aforesaid letters also marked to Admn-I Section for information.

4. As regards the letter cited at serial No. 1, the Deputy Secretary, Admn-I Section, Legislative Department requested that—

- (i) the copies of this Letter along with its enclosures may be dispatched to all the known addresses of the charged official, available with the Legislative Department;
- (ii) this letter and its enclosures (the Charge sheet or the gist thereof) may be published in the local newspaper;
- (iii) this letter and its enclosures may be published in the web site of the Legislative Department and pasted in the notice board of the Department.

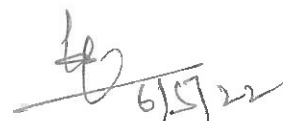
Date: 21-02-2022

1. The matter was fixed for the appearance of CO. She didn't turned-up. Earlier notice for appearance was given to her by her email; requested administration section to send copies of notice and charge sheet to residential addresses provided by her, to make newspaper publication requesting her appearance before the IO and to upload on the website of the Legislative Department. Apart from the above, also displayed copies of notice on the notice board as well.

2 It has been decided to give the CO one more chance to appear before the IO. The administration section is again asked to serve the notice of hearing to CO with a view to appear before the IO on 2-03-2022 at 11 am. Accordingly, proceedings were adjourned to 02-03-2022.

3. The Deputy Secretary, Admn-I Section, Legislative Department, is also asked to serve a copy of notice to –

- (i) Ms. Tusti Chopra, Superintendent (Legal);
- (ii) email to chopratushti@gmail.com;
- (iii) upload on the web site of the Legislative Department; and
- (iv) paste a copy in the notice board of the Department.

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Date: 2-03-2022

1. The case is fixed for the appearance of C.O. She did not turn up again. In the last hearing on 21-02-2022, Ms. Tusti Chopra, Superintendent (Legal) didn't turned-up also. Hence, it has been decided to adjourn proceedings to 02-03-2022 so as to give C.O one more chance for appearance. Accordingly, notice for appearance was issued to C.O and asked D.S (Admn-I) to serve a copy to C.O by email to her on chopratushti@gmail.com; publish in the web site of the Legislative Department; and paste a copy in the notice board of the Department.

2. On the previous occasion notice for appearance was given to her by her email; requested administration section to send copies of notice and charge sheet to residential addresses provided by her, to make newspaper publication requesting her appearance before the IO and to upload on the website of the Legislative Department. Apart from the above, also to display copies of notice on the notice board as well.

3. In reference to above, the D.S (Admn-I) submitted the compliance report dated 25th February, 2022 (marked as Exhibit), wherein it has been stated that—

- (i) a copy of the letter along with its enclosures (including the copy of the charge sheet) was sent to C.O on the addresses available with the Department through speed post and letters from all three addresses have returned with remark "unclaimed" and "addressee not available".
- (ii) in so far as publishing it in the local news paper, it is informed that a window advertisement was published in two national dailies (Indian Express and Jansatta) on 22-02-2022 and copy of advertisement is enclosed.
- (iii) notice along with charge sheet has been uploaded on the website of the Department under sub-heading "orders/circulars" under heading "Documents". The notice has also been passed on the notice board.

4. The facts and circumstances of the case and the material available on record compel to conclude a view that all steps have been taken to reach out the C.O and ample opportunity has been given to her for personal appearance and presenting her case. But she knowingly remained absent.

5. In view of the above, proceedings have been adjourned to 7-03-2022 at 11 am to examine witness no. 1 Shri. G. Panmei.

6. Accordingly, the Deputy Secretary, Admn-I Section, Legislative Department, is asked to serve a copy of notice of next date of hearing to –

- (i) Ms. Tusti Chopra, Superintendent (Legal);
- (ii) email to chopratushti@gmail.com;
- (iii) upload on the web site of the Legislative Department; and
- (iv) paste a copy in the notice board of the Department.

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6/5/22

Date: 7-03-2022

1. The case is fixed for the examination of witness on behalf of disciplinary authority, namely, Shri. G. Panmei, Deputy Legislative Counsel.

2. In the last two hearings (21-02-2022 and 2-03-2022), the C.O, namely, Ms.Tusti Chopra, Superintendent (Legal) did not turn up.

3. The P.O submitted that since the CO didn't appear for hearing even after giving her sufficient time, it is better to expedite the proceedings *ex-parte* and hence to call witnesses provided by the Disciplinary authority for examination and as a first witness to call Shri. G. Panmei, Deputy Legislative Counsel. Hence, notice in this regard was issued in the name of Shri. G. Panmei to appear on 7-03-2022 for examination. Today said shri. G. Panmei is in attendance. He has been partly examined in chief by the Presenting Officer.

4. For further examination of the witness, shri. G. Panmei, the proceedings have been adjourned to 9-03-2022 at 11:30 am. Accordingly, oral intimation has been given to Shri. G. Panmei to appear for the aforesaid.

The Deputy Secretary, Admn-I Section, Legislative Department, is also asked to serve a copy of notice of next date of hearing to—

- (i) Ms. Tusti Chopra, Superintendent (Legal);
- (ii) email to chopratushti@gmail.com;
- (iii) upload on the web site of the Legislative Department; and
- (iv) paste a copy in the notice board of the Department.

Date: 9-03-2022

1. The case is fixed for further examination of witness on behalf of disciplinary authority, namely, Shri. G. Panmei, Deputy Legislative Counsel. shri. G. Panmei was in attendance today. He has been partly examined in chief by the Presenting Officer. The said witness identified some documents and the same were marked as Exhibits 1 to Exhibits 5/2.

2. For all the hearings held so far, the C.O, namely, Ms.Tusti Chopra, Superintendent (Legal) did not turn up. On the last occasion too, the Deputy Secretary, Admn-I Section, Legislative Department, asked to serve a copy of notice of next date of hearing to (i) Ms. Tusti Chopra, Superintendent (Legal); (ii) email to chopratushti@gmail.com; (iii) upload on the web site of the Legislative Department; and (iv) paste a copy in the notice board of the Department. Accordingly, administration section taken action and intimated the same *vide* their endorsement dated 8-03-2022.

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3. For further examination of the witness, Shri. G. Panmei, the proceedings have been adjourned to 17-03-2022 at 11:30 am. Accordingly, oral intimation has been given to Shri. G. Panmei to appear for the aforesaid.

4. Keeping in view of continuous non-appearance of the C.O, the Deputy Secretary, Admn-I Section, Legislative Department, also directed to—

- (i) serve a copy to Ms.Tusti Chopra, Superintendent (Legal)-by speed-post and by a special messenger at all addresses provided by her/available in office records;
- (ii) to send a copy of adjournment intimation by email to Ms. Tusti Chopra;
- (iii) publish a copy of this adjournment intimation in the web site of the Legislative Department;
- (iv) paste a copy in the notice board of the Department-; and (report the aforesaid actions taken in writing on or before the next date of hearing).
- (v) provide original documents at the time of hearing on 17-03-2022.

Date: 17-03-2022


1. The case is fixed for further examination of witness on behalf of disciplinary authority, namely, Shri. G. Panmei, Deputy Legislative Counsel. Shri. G. Panmei was in attendance today.

2. The administration section forwarded a copy of email dt 14-03-2022 sent by Shri. D.K. Chopra, father of C.O to Secretary, LD at email id: secyoffice-ld@gov.in enclosing therewith a CGHS medical prescription, dated 14-03-2022 issued by the wellness centre, Vasant Kunj endorsing that "ADV FOR 8 REST BY D SHRI RAM GARG, RHEUMATOLOGIST, INDIAN SPINAL INJURY CENTRE". The said email states that the C.O is not medically fit till now, and the medical prescription enclosed there with states that she will be on leave for a period of 8 days with effect from 14-03-2022.

3. Hence, with a view to give further opportunity to the C.O to attend the proceedings, the proceedings were adjourned to 24-03-2022 (The said copy of email is kept on record).

4. Keeping in view of continuous non-appearance of the C.O, on the last hearing day, i.e., on 9-03-2022, the Deputy Secretary, Admn-I Section, Legislative Department requested to take actions mentioned thereat to reach out the C.O.

5. Accordingly, administration section *vide* their note dated 15-03-2022 intimated that a copy of the notice dated 9-03-2022 was sent to the C.O. on 3 address available in the Department through speed post and by special messenger. However, the special messenger informed that at first address, house was locked; at second address, Government quarters have been demolished; and at third address, the person who met at this place informed that no such person reside there and as such the said notice could not be delivered by hand on these addresses. Regarding speed post it has been informed by


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the administration that the report for speed post is yet to be received. Apart from the following actions have also been taken by the administration section:

- (i) email has been sent to C.O. on 10-03-2022;
- (ii) notice has been uploaded on the website of the Department;
- (iii) notice has been pasted on the web site.

6. For further examination of the witness, Shri. G. Panmei, the proceedings have been adjourned to 24-03-2022 at 11:30 am. The Deputy Secretary, Admn-I Section, Legislative Department, also directed to—

- (i) serve a copy to Tusti Chopra, Superintendent (Legal);
- (ii) email to Ms. Tusti Chopra (a copy of proceedings may also be mailed to the email id of the father of the C.O., Shri. D.K. Chopra);
- (iii) publish in the web site of the Legislative Department;
- (iv) paste a copy in the notice board of the Department- and report the aforesaid actions taken in writing on or before the next date of hearing.
- (v) provide original documents at the time of hearing on 24-03-2022.

Date: 24-03-2022

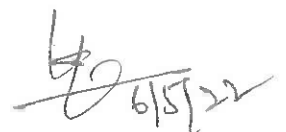
1. The case is fixed for further examination of witness on behalf of disciplinary authority, namely, Shri. G. Panmei, Deputy Legislative Counsel. Shri. G. Panmei was in attendance today.

2. For all the hearings held so far, the C.O, namely, Ms. Tusti Chopra, Superintendent (Legal) did not turn up. Keeping in view of continuous non-appearance of the C.O, on the last hearing day, i.e., on 17-03-2022, the Deputy Secretary, Admn-I Section, Legislative Department, also directed to take steps mentioned therein to reach out the C.O and report the steps taken to the I.O. Accordingly, administration section *vide* their note dated 23-03-2022 intimated that a copy of the notice dated 17-03-2022 was sent to the C.O. on the following addresses available in the Department through speed post:

- (i) Qtr. No. 0172, First Floor, Type-II, Lodhi Road Complex, New Delhi-110003.
- (ii) Qtr. No. 1039, Sector A, Pocket A, Vasant Kunj, New Delhi-110070.
- (iii) It is also informed that since the Government Accommodation at Netaji Ngar, Delhi has been demolished, letter has not been sent to the address-Qtr. N. 2590, Block-F, Netaji Nagar, South West Delhi-110023.
- (iv) Apart from the above, the administration section intimated that the following actions have also been taken by it:
 - (iv) email has been sent to C.O. and her father, Shri. D.K. Chopra on 23-03-2022
 - (v) notice has been uploaded on the website of the Department;
 - (vi) notice has been pasted on the web site.

3. For further examination of the witness, Shri. G. Panmei, the proceedings have been adjourned to 30-03-2022 at 11:30 am. The Deputy Secretary, Admn-I Section, Legislative Department, also directed to—

- (i) serve a copy to Tusti Chopra, Superintendent (Legal);

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- (ii) email to Ms. Tusti Chopra (a copy of proceedings may also be mailed to the email id of the father of the C.O., Shri. D.K. Chopra);
- (iii) publish in the web site of the Legislative Department;
- (iv) paste a copy in the notice board of the Department- and report the aforesaid actions taken in writing on or before the next date of hearing.
- (v) provide original documents at the time of hearing on 30-03-2022..

Date: 30-03-2022

1. The case is fixed for further examination of witness on behalf of disciplinary authority, namely, Shri. G. Panmei, Deputy Legislative Counsel.

2. Shri G Panmei is in attendance. The admin. I Section also submitted a compliance report of the notice previously issued by the undersigned. On the perusal of the said compliance report dated 28.03.2022, it reveals that a notice in this regard has also been sent to the email Id of her father, i.e., internationaldkchopra@yahoo.com. On perusal of material available on record, it also appears that her father had previously sent the medical prescription to this Department through the email ID internationaldkchopra@yahoo.com.


3. On perusal of other material available on record and the facts and circumstances in the matter, there is every reason to conclude a view that C.O. is deliberately evading processes and proceedings and now there is no need to wait for C.O. rather there is every reason to continue the proceedings on day to day basis.

4. The departmental witness, namely, Shri G Panmei has been examined and his statement has been recorded accordingly. He has been discharged.

5. Accordingly, the proceedings adjourned to 05.04.2022 at 11:30 AM and Admn.I Section is requested to deliver the copy of notice, etc., to C.O Accordingly, the Deputy Secretary, Admn-I Section, Legislative Department, is directed to—

- (i) serve a copy to Ms.Tusti Chopra, Superintendent (Legal)-by speed-post and by a special messenger at all addresses provided by her/available in office records;
- (ii) to send a copy of adjournment intimation by email to Ms. Tusti Chopra to appear on 05-04-2022 to 12-04-2022;
- (iii) publish a copy of this adjournment intimation in the web site of the Legislative Department;
- (iv) paste a copy in the notice board of the Department-; and
- (v) (report the aforesaid actions taken in writing on or before the next date of hearing).
- (vi) provide relevant original documents before I.O at the time of hearing on 05-04-2022.

6. The proceedings have been adjourned to 5-04-2022 at 11:30 am for examination of remaining witnesses.


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Date: 5-04-2022

1. The case is fixed for examination of witness on behalf of disciplinary authority, namely, Ms. Veena Kothavale, Joint Secretary & Legislative Counsel. Accordingly, Ms. Veena Kothavale, Joint Secretary & Legislative Counsel, who is also Controlling Officer of the GSRO Section under whom the C.O is working is in attendance today and her statement has been recorded.

2. P.O suggested to call Shri. Shri B.M. Sharma, Retired Director (Admn) as witness on 12-04-2022 at 11: 30 am to appear before the I.O. while continuing the examination of remaining Departmental witnesses on day to day basis.

3. As directed in the last hearing, the administration section *vide* their note dated 04-04-2022 intimated that a copy of the notice dated 30-03-2022 was sent to the C.O. on the following addresses available in the Department through speed post:

- (i) Qtr. No. 0172, First Floor, Type-II, Lodhi Road Complex, New Delhi-110003.
- (ii) Qtr. No. 1039, Sector A, Pocket A, Vasant Kunj, New Delhi-110070.

4. Apart from the above, the administration section intimated that the following actions have also been taken by it:

- (i) email has been sent to C.O. and her father, shri. D.K. Chopra on 4-04-2022
- (ii) notice has been uploaded on the website of the Department;
- (iii) notice has been pasted on the web site.

5. The Deputy Secretary, Admn-I Section, Legislative Department, is also directed to—

- (i) serve a copy to Tusti Chopra, Superintendent (Legal);
- (ii) email to Ms. Tusti Chopra (a copy of proceedings may also be mailed to the email id of the father of the C.O., Shri. D.K. Chopra);
- (iii) publish in the web site of the Legislative Department;
- (iv) paste a copy in the notice board of the Department- and report the aforesaid actions taken in writing on or before the next date of hearing.
- (v) provide original documents at the time of hearing on 12-04-2022.

Date: 6-04-2022

The case is fixed for examination of witness on behalf of disciplinary authority, namely, Shri. Raman Kumar Sharma, MTS, Administration-I Section. Accordingly, Shri. Raman Kumar Sharma is in attendance today. He recorded his statement.

Date: 7-04-2022

1. The case is fixed for examination of other necessary witness Shri. Rajesh Kumar working as MTS and attached with Dr. K. V. Kumar, Addl. Legislative Counsel (I.O).



Accordingly, Shri. Rajesh Kumar is in attendance today. He recorded his statement. He stated that the documents /letters given by I.O of the case was not received by Ms. Tusti Chopra and she refused.

Date: 12-04-2022

1. The case is fixed for examination of witness on behalf of Disciplinary Authority, namely, Shri. B.M. Sharma, Director (Retired), Administration Section. Accordingly, Shri. B.M. Sharma is in attendance today. He recorded his statement.

2. The administration section *vide* its note dated 11-04-2022 intimated that the intimation calling Shri. B.M. Sharma, Retired Director as witness, dated 5-04-2022 has been e-mailed to Ms. Tusti Chopra and her father, Shri. D.K. Chopra on 5-04-2022. Administration section further intimated that the said intimation has also been uploaded on the website of the Department and pasted on the notice board. (A copy of said note of Administration section is kept on record).

3. Proceeding adjourned to examine the Deputy Secretary (Administration), the witness on behalf of the Disciplinary Authority on 18-04-2022 at 11:30 AM.

Date: 18-04-2022

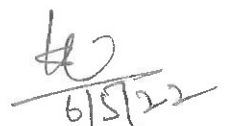
The case is fixed for examination of witness on behalf of disciplinary authority, namely, Shri. Uttam Prakash, Deputy Secretary (Admn). He is present. He has been examined and proved the substance alleged in the article of charge and statement of the imputation of misconduct. He identified and exhibited various documents.

2. The P.O. made the submission that while examining the departmental witness on 30-03-2022 and exhibiting Exhibit-30, inadvertently the attendance register for the period October, 2020 to till date has been recorded instead of, October, 2020 to December, 2021. The P.O. also made a submission to correct the same for the just decision of the case. The submission of P.O. is allowed and correction thereof is made.

3. The Presenting Officer further made the submission that all the relevant witnesses have been examined in the matter and more than sufficient time has been given to the C.O. and she is knowingly evading the process of law. Such conduct of the C.O. also gives a bad message amongst the employees of the Government of India.

4. The submission made by the Presenting Officer with regard to pressing the matter for passing the order is allowed. However, the C.O. is again given a last opportunity to represent her matter within three days, otherwise the necessary orders will be passed based on the material available on record and the evidences adduced by the witnesses.

5. The P.O is also directed to submit the written note of argument on or before 25th April, 2022. Accordingly, Admn.I Section is asked to deliver the recorded statement of Departmental witnesses and the copy of order sheets to C.O with a view to serve her the


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same. Accordingly, the Deputy Secretary, Admn-I Section, Legislative Department, is directed to—

- (i) serve a copy to Ms. Tusti Chopra, Superintendent (Legal)-by speed-post and by a special messenger at all addresses provided by her/available in office records;
- (ii) serve a copy of the recorded statements of the witnesses and the copy of order sheet to her as well as her father through email also;
- (iii) publish all aforesaid copies in the web site of the Legislative Department;
- (iv) Paste a copy in the notice board of the Department; and report the aforesaid actions taken in writing on or within one week.

6. The case is fixed for passing order 25-04-2022 at 11:30 am.

Date: 25-04-2022

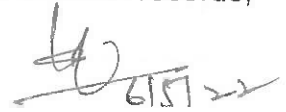
1. The case is fixed for submission of the written note of argument. The Presenting Officer (P.O) appeared in the matter today and submitted two sets of written note of arguments. The same was kept on record. The Presenting Officer was directed to argue the case also. The Presenting Officer argued his case and discussed each and every relevant fact of the case. The P.O also made the submission that more than sufficient opportunities have been granted to the Charged Officer (C.O). He also made the submission to pass the necessary orders in accordance with the provisions of service legislation.

2. During the last hearing on 18-04-2022, the Admn-I Section was directed to deliver the recorded statement of Departmental witnesses and the copy of order sheets to C.O with a view to serve them to the Charged Officer. Accordingly, the Admn-I Section has taken steps and intimated the following:-

- (i) sent copies to Ms. Tusti Chopra, Superintendent (Legal)-by speed-post;
- (ii) tried to deliver copies by a special messenger at all addresses provided by her/available in office records, however, the same could not be delivered due to non-opening of the door from inside;
- (iii) emailed all copies of recorded statements of the witnesses and the copy of order sheets to the C.O and her father;
- (iv) published all aforesaid copies in the web site of the Legislative Department;
- (v) pasted a copy in the notice board of the Department.

3. Further, the Admn.I Section is hereby asked to deliver the copy of today's order sheet and a copy of the written note of argument submitted by the P.O to the Charged Officer (C.O). Accordingly, the Deputy Secretary, Admn-I Section, Legislative Department, is directed to—

- (i) serve copies of notice, the daily order sheet and the written note of argument to Ms. Tusti Chopra, Superintendent (Legal)-by speed-post;
- (ii) serve copies of notice, the daily order sheet and the written note of argument by a special messenger at all addresses provided by her/available in office records;

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- (iii) serve copies of notice, the daily order sheet and the written note of argument to C.O as well as her father through email also;
- (iv) publish all aforesaid copies in the web site of the Legislative Department;
- (v) paste aforesaid copies in the notice board of the Department; and
- (vi) report the aforesaid actions taken in writing.

4. The case is fixed for passing the order on 29-04-2022.

Date: 29-04-2022

1. The case is fixed for passing the order/submission of report.

2. In the meantime, the Administration-I Section had submitted some reports. On perusal of said reports, it appears that these are the reports with regard to the delivery of the written note of argument and other relevant documents to deliver them to the C.O. The reports are dated 26-04-2022 where one is with regard to the compliance report dated 18-04-2022 whereas the other compliance report dated 25-04-2022. These records clearly states that these documents have been forwarded to the C.O. on her email ID, uploaded the notice on the website of the Department as well as also pasted on the notice board. It also appears that these documents could not be physically delivered to the C.O. as nobody opened the door despite repeatedly knocking the door by the process server. Again, it is revealed that the C.O. is evading the process and she has not challenged any of the notice or any statement of the witnesses yet.

3. One report has been separately filed by Sh. Uttam Prakash, DS(Admn.). He has stated that his statement was recorded before the I.O. on 18-04-2022 as witness but he could not state certain facts which he wants to bring in the knowledge of the I.O. His submitted report/statement is accepted and made a part of the earlier recorded statement. He has also submitted certain documents along with the written statement which is also kept on record and the same shall be analysed at the time of passing the order.

4. The proceedings have been adjourned to 04-05-2022 at 11:30 am.

Date: 4-05-2022

1. The case is fixed for passing the order/submission of report.

2. The P.O. appeared in the matter and made the submission to pass the order/submit the report. He also made the submission that earlier he has filed a written note of argument but there are certain typographical errors in the list of Exhibits at few places. He also submitted the fresh list of Exhibits. The same was allowed.

3. In the meantime, Sh. Raman Kumar Sharma, MTS submitted a written statement in the form of application in Hindi with regard to C.O. Following is the gist of his application:-

"He had been given one sealed envelope by the Administration-I Section to deliver Ms. Tushti Chopra, Suptd (Legal). In the month of December, 2021, he delivered this

[Handwritten signature]
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sealed envelope to the C.O. This sealed envelope was bulky. The C.O received this document but did not give any acknowledgement. Since, the C.O did not give any acknowledgement in spite of receiving the documents, he requested her repeatedly but the C.O did not give any attention. At last, he made necessary entry in the Peon Book in this regard and also informed to Sh. Uttam Prakash, Deputy Secretary (Admn). He also informed D.S. (Admn) that he made necessary entry in this regard in the Peon Book."

4. The aforesaid letter of Sh. Raman Kumar Sharma, MTS is kept on record. Thereafter, the proceedings have been adjourned to 06-05-2022 at 11:30 a.m for passing orders and submission of report.

V. ANALYSIS OF STATEMENTS OF DEPARTMENTAL WITNESSES:

1. Sh. G. Panmei, Deputy Legislative Counsel:

1. The statement of said Sh. G. Panmei, Deputy Legislative Counsel was recorded on 07-03-2022, 09-03-2022, 24-03-2022 and 30-03-2022. He stated that he has been the in-charge of Branch Officer of GSRO Section where Charged Officer has been posted during the relevant period. During his examination, the witness officer identified the number of documents and these documents were marked as Exhibit-1, 1/1, Exhibit-3, 4, 4/1, 4/2, 5 and 5/1 to 5/2, 6 and 6/1, 7 and 7/1, 8, 9, 10, 10/1 to 10/3, 11 to 11/1, 12, 13, etc. He also stated that the Charged Officer has been on unauthorised absence from duty for long period. He also made oral as well as written complaints against the Charged Officer as the work of GSRO Section was gravely affected due to her unauthorised absence. He had also orally instructed her to be punctual and regular in office. In spite of several instructions, the Charged Officer did not comply with the instructions thereafter he made written complaints against her with regard to her unauthorised absence, not marking the attendance, disobedience, etc. He also identified the written complaints dated 08-05-2020, 24-09-2020, 14-06-2021, 20-10-2021, etc made by him. He also identified the attendance register that reflects the unauthorised absence of the Charged Officer from duty, not marking her attendance in the attendance register in spite of instructions of senior officers, etc. Apart from this, the witness officer, identified the number of documents during inquiry and all of them have been marked as Exhibits. He also identified the duty roaster and the same was violated by the Charged Officer by way of not attending the office in spite of instruction and intimation.

2. In brief, the witness officer stated that the Charged Officer has been on unauthorised absence from duty for the period 24-03-2020 to 31-05-2020, whole month of June, 2020 and up to third week of July, 2020 except few days (about ten days) in between (Since the Charged Officer was not marking her attendance nor giving any leave application specific date could not be given), from 20.07.2020 to 18.09.2020, 29.10.2020, 02.11.2020, (on 03.11.2020 she attended office at 2:30 PM without seeking permission), 04.11.2020, 05.11.2020 (on 09.11.2020 she attended office at 12:40 PM without seeking permission); 10.11.2020, 12.11.2020, 13.11.2020, 17.11.2020, 18.11.2020, 23.11.2020,

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24.11.2020, 26.11.2020, 27.11.2020, 01.12.2020 to 09.12.2020, 14.12.2020 (on 16.12.2020 the Charged Officer attended office at 11:30 A.M. without seeking permission and was not available on her seat from 2:30 PM to 5:10 PM), 18.12.2020, 21.12.2020 and from 28.12.2020 to 13-12-2021.

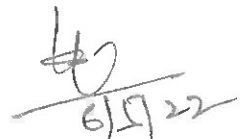
3. Thus, in view of materials available on record and the evidence adduced so far, it is clear that the Charged officer has been on unauthorised absence from the office for the period more than one year and four months. The Charged Officer neither attended the office for such a long period nor marked her attendance in the attendance register during the relevant period, etc. Such conduct of the Charged Officer gravely affected the functioning of the GSRO Section. It is also proved that the Charged Officer completely violated the instructions of her senior officers. It clearly establishes the charge made out in Article-II, Article-III and Article-IV.

4. It is also important to note that, since the beginning of the Inquiry proceedings, till today, the C.O not attended the office.

2. Ms. Veena Kothavale, Joint Secretary and Legislative Counsel:

1. Ms. Veena Kothavale, Joint Secretary and Legislative Counsel is serving as Joint Secretary and Legislative Counsel in Legislative Department of Ministry of Law and Justice. The Witness Officer deposed that she had taken the charge as Controlling Officer of GSRO Section with effect from 12-10-2021 and during the relevant period the Charged Officer was posted in that section as Superintendent (Legal). The Witness Officer also stated that the Charged Officer has been highly irregular in attending the office and to the work of GSRO Section. The Charged Officer is responsible for misconduct, dereliction of duty, disregard for higher officers, etc. and does not auger well for conducive work atmosphere. The Charged officer never attended the meeting when the Witness Officer called with regard to GSRO Section. The Witness Officer also informed to the Deputy Secretary (Admn) with regard to her misconduct. In this regard, the witness Officer had also emailed to the Charged officer and advised to improve her conduct and give attention to the work in the section whole-heartedly and also to maintain regular attendance and punctuality. During examination, the witness officer also identified the note dated 21-10-2021 addressed to Deputy Secretary (Admn), the copies of email sent to the Charged Officer on her email ID chopratushti@gmail.com, etc. These documents were marked as Exhibit-11/1, 14, 14/1 and 14/2. Till date, the statement of the aforesaid witness officer or any of the witness has not been challenged by the Charged officer.

2. From the evidence adduced by aforesaid witness officer, the documents identified and exhibited by her, it is clearly proved that the Charged Officer is irregular, responsible for unauthorised absence from duty, misconduct, dereliction of duty, disregard for higher officers, etc., as established the charge made out in Article-II, Article-III and Article-IV of the charge sheet.


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3. Sh. Raman Kumar Sharma, MTS:

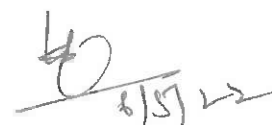
1. The said Sh. Raman Kumar Sharma, MTS has been working in the Legislative Department for the last 15 years. As per the direction of the Administration-I Section, he went to the Charged Officer, to deliver her the documents given to him by the Administration-I Section. He requested the Charged Officer to receive the said documents but she refused the same. He also stated that, he attempted to deliver the same continuously on two dates i.e., 10-02-2022 and 11-02-2022. When Charged Officer did not receive thereafter he reported the same to the Department by way of making necessary entry on 10-02-2022 in the Peon Book-1 and on 11-02-2022 Peon Book-2. The above witness also identified the said entries and the pages of the Peon Books. These were marked as Exhibit-15 and 15/1. He also identified the envelope and the same was marked as Exhibit-15/2. When the sealed envelope was opened during the inquiry, he also identified the letters kept therein. These letters were marked as Exhibit-15/3 and 15/4. These documents were with regard to intimation to the Charged officer to attend the inquiry. He also stated that he had been given four sealed envelopes also bearing Diary No. 591/2022-Admn.I(L.D.) to deliver her but these sealed envelopes/letters were also refused to receive by the Charged Officer. He identified these sealed envelopes and the same was marked as Exhibit-16, 16/1, 16/2 and 16/3.

2. He also identified those documents which were refused to receive by the Charged Officer. He identified the said sealed envelope containing the documents. He also identified the documents which were kept out from the said sealed envelope during his examination before the I.O. of the case. He identified that these documents are with regard to the notice of the Charged Officer, Memorandum, article of charge, etc. The said documents were marked as Exhibit-16/4 to 16/115. It clearly establishes that the Charged Officer refused to receive the documents pertaining to the case which were forwarded to her.

3. It is also established that at each stage; even before framing the charge sheet, after issuing the charge sheet and during the entire inquiry proceedings. the Charged Officer has been given opportunity to be heard.

4. From the materials available of record, it is also clear that this witness has delivered the requisite documents to the Charged Officer with regard to the inquiry. The Charged Officer received those requisite documents but refused to give the acknowledgement.

5. On 4-05-2022 Sh. Raman Kumar Sharma, MTS submitted a written statement in the form of application in Hindi with regard to C.O. The gist of his application is that he had been given one sealed envelope by the Administration-I Section to deliver Ms. Tushti Chopra, Suptd (Legal). In the month of December, 2021, he delivered this sealed envelope to the C.O. This sealed envelope was bulky. The C.O received this document but did not give any acknowledgement. Since, the C.O did not give any acknowledgement in spite of receiving the documents, he requested her repeatedly but the C.O did not give any attention. At last, he made necessary entry in the Peon Book in this regard and also

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informed to Sh. Uttam Prakash, Deputy Secretary (Admn). He also informed D.S. (Admn) that he made necessary entry in this regard in the Peon Book.”

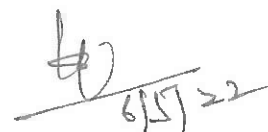
6. The aforesaid written statement of Shri. Raman Kumar Sharma has been made as part of his witness statement.

7. In nutshell, it is submitted that the aforesaid witness Sh. Raman Kumar, MTS has clearly proved that the Charged Officer has received the documents with regard to her case on 14-12-2021 though, the Charged Officer refused to give acknowledgement. However, on 10-02-2022 and 11-02-2022, the copies of exhibited documents sent to the Charged Officer were refused to receive by her. **The condition of the right to be heard has been fully complied by the Department but the Charged Officer knowingly evaded the process of law.**

4. Sh. Rajesh Kumar, MTS:

1. Sh. Rajesh Kumar, has been working as MTS in this Department since 2017 and he has been attached with Inquiry Officer of this case since 2017. The above Said Sh. Rajesh Kumar had stated that on 11-02-2022, he has been given one sealed envelope and a letter of few pages and directed by Inquiry Officer, to deliver these items to the Charged Officer and also to take the acknowledgement of the receipt from her. As per direction, he went to the Charged Officer in her office room and reported her that he has been directed by the Inquiry Officer of the case to deliver this sealed envelope and letter to her. He further stated that the Charged Officer refused to receive the same and lastly, at 3:00 P.M, he returned. He also identified this sealed envelope and the letters. The three pages letter were marked as Exhibit-17, 17/1 and 17/2. He also identified the sealed envelope and his remarks also appearing on the sealed envelope. During inquiry and his examination, the said sealed envelope was opened as per the direction of I.O. He also stated that the sealed envelope contain the pages. The envelope, his remarks appearing on the envelope and the documents kept out from the said envelope was marked as Exhibit-18. It is pertinent to mention here that subsequently, during the examination of Departmental witness Sh. Uttam Prakash, Deputy Secretary identified these documents including its total number of pages. He also stated that Exhibit-18 includes the documents with regard to the inquiry of Ms. Tushti Chopra, Superintendent (Legal). These documents are copy of Memorandum, statement of article of charge, statement of misconduct on which action is proposed, list of documents by which the article of charge framed against her and the copies of documents mentioned in the list of documents. It contains total number of one hundred and seven pages.

2. The evidence of witness Sh. Rajesh Kumar, MTS has clearly proved that the Charged Officer knowing fully that an Inquiry proceeding have been against her, refused to accept the documents sent by the Inquiry Officer **The condition of the right to be heard has been fully complied by the Department and the I.O, but the Charged Officer knowingly evaded the process of law.**


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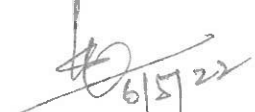
5. Sh. B.M. Sharma, Director (Retd.):

1. Sh. B.M. Sharma had been working and posted as Deputy Secretary for the period 16-11-2012 to 26-09-2018 and thereafter, serving as Director from 27-09-2018 to 30-11-2019. Subsequently, he served as Consultant in Legislative Department upto 30-11-2020. He looked after the work of administrative matters. He has stated that the Charged Officer had been on unauthorised absence for a long period. He also stated that the Charged Officer neither provided her NIC email ID nor submitted the requisite form in this regard in spite of number of instructions. The Charged Officer has been issued various reminders and show cause notices with regard to her unauthorised absence as well as for the creation of NIC email ID. The Charged Officer also illegally demanded for Rs. 10,000/- for the creation of the said NIC email ID. He identified the Exhibit-12 and also identified various documents which were marked as Exhibit-19 to 19/11, 20, 21, 22, 23, 24, 25 to 25/22, etc. He also stated that the Charged Officer completely disobeyed the instructions of the senior officers as well as her conduct adversely affected the working of the Department.

2. Through Sh. B.M Sharma's evidence it is clearly established that the C.O while functioning in the service of the Government of India clearly failed to obey the directions of the authorities, and failed to create the NIC email-id and always evasive in one pretext or the other. Best example for this is, knowing fully well that NIC email-id for a government servant is free, demanding Rs. 10,000/-for creation of NIC email-ID. Through the aforesaid actions, it is clearly established the charges made against her as stated in Article-I, Article-II, Article-III and Article IV of the charge sheet.

6. Sh. Uttam Prakash, Deputy Secretary (Admn.):

1. Sh. Uttam Prakash has been working in the Legislative Department on the post of Deputy Secretary (Admn.) since January, 2021. He has stated that after the due approval by the disciplinary authority, the inquiry has been proposed against the Charged Officer. All the requisite documents have been delivered to the Charged Officer by hand in her office room on 14-12-2021, however, the Charged Officer refused to give the acknowledgement. Subsequently, all the documents have also been sent to her on her email ID available in the office record on 21-12-2021. He also stated with regard to the illegal demand of Rs. 10,000/- of the Charged Officer. He also stated that the notice with regard to her appearance before the Inquiry Officer to represent her case had also been published in the newspapers, hosted on the official website of this Department, continuously affixing the notice on the notice board of the Department, etc. **The Charged Officer is highly irregular in attending the office and to the work of GSRO Section in spite of several show cause notices and**


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reminders issued to her. The conduct of the Charged Officer has gravely affected the working of the Department and constantly abstaining from office. The notices in due course to inform her to represent her case has also been delivered to her father's email also. He identified the various documents which were marked as Exhibit-26, Exhibit-26/1 to Exhibit-26/106, Exhibit-27, Exhibit-28, Exhibit-29 to Exhibit-29/2, Exhibit-30, Exhibit-31, Exhibit-32 to Exhibit-32/5, Exhibit-33 to Exhibit-33/61. He also confirmed the earlier exhibits in the capacity of Deputy Secretary (Admn.).


2. Shri. Uttam Prakash submitted a written statement, dated 26-04-2022 and brought the following facts to the knowledge of the I.O which he had missed earlier:

3. A complaint had been received against the C.O in the month of July, 2021 from someone alleging that she was working somewhere else also. As per procedure, such complaints are treated as anonymous complaints until verified, hence, a letter was sent at the address of the complainant for verification of the complainant. However, when the complaint sent through speed post, it returned back with the remark of the postal authority that "address is incomplete", then, since the complaint could not be verified, as per rules, the Department did not proceed further on the complaint.

4. The C.O had given a self-certificate on 26-08-2021 stating that she has performed work from 1st July, 2021 to 31st July, 2021 for which her salary is due and same may be paid to her immediately. She also come to my room thereafter demanding that since she ha attended the office in July, 2021 hence, her salary for the month of July, 2021 may be released. She was asked to give proper leave applications and get it forwarded by his Officer, for the period she had remained absent during the last around 1½ years, then a lenient view could be taken by the Administration. But she did not paid any heed to my advise. **This is like a self certification by the C.O that except the stated period, she was on unauthorised absence for the remaining period.**

5. The aforesaid written statement of Shri. Uttam Prakash has been made as part of his witness statement.

6. **In nutshell, the evidence of Sh. Uttam Prakash categorically asserts that all efforts have been made to reach out the C.O, by physical delivery of all relevant documents and notices to the C.O, by sending all documents and notices through email, by sending all documents and notices through email to the father of the C.O; publication of relevant information on news papers intimating the C.O about the initiation of Inquiry Proceedings; uploading all relevant documents and notices on the website of the Department and pasting same on the notice board of the Department at each stage of the inquiry proceeding. It clearly establishes that the C.O is completely evasive of the processes and habituated for such kind of activities, which are unbecoming to a government servant under various provisions of the CCS (Conduct) Rules, 1964, in particular, rule 3 by not maintaining absolute integrity, lack of devotion to duty and doing such acts which are unbecoming of a government servant; as well as rule 3A of said rules by resorting to discourteous manner and by adopting dilatory tactics or will fully cause delays in disposal of the**

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work assigned to her. Hence, the charges framed in Article-I, Article-II, Article-III and Article-IV have been proved beyond doubt.

VI. LIST OF DOCUMENTS IDENTIFIED BY THE WITNESSES AND MARKED AS EXHIBITS:

SI.No	Documents	Exhibit No.
1.	Note sheet/letter dated 08-05-2020 with regard to the unauthorised absence of the Charged Officer since 24-03-2020.	Exhibit-1
2.	Reverse side of the note sheet/letter dated 08-05-2020	Exhibit-2
3.	Note sheet dated 12-05-2020	Exhibit-3
4.	The first envelope containing the duty roaster dated 04-02-2020.	Exhibit-4
5.	The copies kept in the envelope with regard to the duty roaster of the Charged Officer.	Exhibit-4/1 and Exhibit-4/2
6.	The second envelope containing roaster dated 04-05-2020	Exhibit-5
7.	The copies dated 11-05-2020 kept in the envelope with regard to the unauthorised absence of the Charged Officer since 20-04-2020.	Exhibit-5/1 and 5/2
8.	The letter dated 24-09-2020 with regard to unauthorised absence of the Charged Officer for the period 24-03-2020 to 21-05-2020, whole month of June, 2020 and upto 3 rd week of July, 2020 except 10 days and for the period 20-07-2020 to 18-09-2020.	Exhibit-6
9.	Memorandum dated 18-09-2020 issued to the Charged Officer with regard to her unauthorised absence since 24-03-2020.	Exhibit-6/1
10.	The letter dated 11-06-2021	Exhibit-7
11.	The letter dated 14-06-2021 with regard to unauthorised absence of the Charged Officer for the period 24-03-2020 to 31-05-2020, whole month of June, 2020, and upto 3 rd week of July, 2020, 20-07-2020 to 18-09-2020, 29-10-2020 to 21-12-2020(except few days) and 18-12-2020 14-06-2021.	Exhibit-7/1
12.	The separate letter dated 24-09-2020 with regard to mark the attendance in the attendance register kept in Room NO. 430-A of the Branch Officer, GSRO Section.	Exhibit-8
13.	The letter dated 05-11-2020	Exhibit-9
14.	The letter dated 20-10-2021 of the B.O, GSRO Section with regard to unauthorised absence of the Charged Officer.	Exhibit-10

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15.	The letter dated 20-05-2020 with regard to the duty roaster of the Charged Officer to attend office on 28-05-2020.	Exhibit-10/1
16.	The letter dated 21-07-2020 with regard to the duty roaster of the Charged Officer to attend office on 30-07-2020.	Exhibit-10/2
17.	The letter dated 07-08-2020 with regard to the duty roaster of the Charged Officer to attend office on 21-08-2020.	Exhibit-10/3
18.	The letter dated 25-10-2021 of the B.O, GSRO Section with regard to unauthorised absence of the Charged Officer.	Exhibit—11
19.	The paper in landscape form containing the writing of Ms. Tushti Chopra	Exhibit-11/1
20.	The attendance register for the period of January, 2019 to September, 2020 confirming the unauthorised absence of the Charged Officer.	Exhibit-12
21.	The attendance register for the period of October, 2020 to December, 2021 confirming the unauthorised absence of the Charged Officer.	Exhibit-13
22.	The letter dated 21-10-2021 forwarded to Administration-I Section by the Controlling Officer with regard to conduct of Charged Officer.	Exhibit-14
23.	The copy of the email of Ms. Tushti Chopra dated 21-10-2021	Exhibit-14/1
24.	The copy of email dated 20-10-2021 forwarded to Administration-I Section by the Controlling Officer with regard to conduct of Charged Officer.	Exhibit-14/2
25.	The page of the Peon Book-2 of Admn.I(L.D)	Exhibit-15
26.	The page no. 35 of Peon Book-1 of Admn.I(L.D)	Exhibit-15/1
27.	The sealed envelope attempted to deliver to Ms. Tushti Chopra on 10-02-2022	Exhibit-15/2
28.	Two letter in the envelope addressed to Ms. Tushti Chopra and Sh. G. Panmei	Exhibit-15/3 and Exhibit-15/4
29.	Four sealed envelopes bearing Diary No. 591/2022-Admn.I(L.D)	Exhibit-16, 16/1, 16/2 and 16/3
30.	The envelope bearing no. C-14012/1/2020-Admn.I(L.D) addressed to Ms. Tushti Chopra	Exhibit-16/4
31.	Remarks of process server namely Sh. Raman Kumar with regard to refusal of documents by Ms. Tushti Chopra on the back side of the envelope on 11-02-2022.	Exhibit-16/5

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32.	Documents kept out from the sealed envelope dated 11-02-22 i.e., copies of notice to appear before I.O., the copy of Memorandum, Statement of article of charge framed against her, Statement of the imputation of misconduct on which action is proposed to be taken against her, list of documents by which the article of charge framed against her, copy of relied upon documents mentioned in the list of documents, etc.	Exhibit-16/6 to 16/113
33.	Refusal of notice by Ms. Tushti Chopra on 11-02-2022 containing three pages.	Exhibit-17, 17/1 and 17/2 respectively.
34.	The envelope including 107 pages	Exhibit-18
35.	The letter dated 16-05-2018 with enclosure, 17-07-2018, 21-08-2018 and 12-09-2018 issued by Administration-I Section to provide NIC email ID.	Exhibit-19 to 19/4
36.	Reminder dated 19-02-2019 to the Charged Officer to provide NIC email ID.	Exhibit-19/5 to Exhibit-19/6
37.	Office Memorandum dated 23-04-2019 to provide the personal details in the enclosed format.	Exhibit-19/7
38.	Letter dated 26-07-2019 to provide the government email ID and to link it with Aadhar.	Exhibit-19/8
39.	Memo dated 28-08-2019 to the Charged Officer to provide the NIC email ID and if she fails, action may be taken by the Administration-I Section.	Exhibit-19/9
40.	Memo dated 12-09-2019 to the Charged Officer to provide the NIC email ID and if she fails, action may be taken by the Administration-I Section.	Exhibit-19/10
41.	Letter dated 13-09-2019 of the Charged Officer and the remarks of Administration-I Section with regard to her demand of Rs. 10,000/- for creation of NIC email ID.	Exhibit-19/11
42.	Memo dated 09-09-2020 to the Charged Officer to submit the explanation for her absence for the duty since 24-03-2020 and why salary paid to her should not be recovered.	Exhibit-20
43.	Memorandum dated 18-09-2020 issued to the Charged Officer with regard to her unauthorised absence since 24-03-2020.	Exhibit-21
44.	Receiving dated 21-09-2020 of the Charged Officer with regard to Memorandum dated 18-09-2020 issued for her unauthorised absence since 24-03-2020.	Exhibit-22
45.	Copy of email dated 08-07-2021 confirming the delivery of the Memorandum dated 30-06-2021 to the Charged Officer.	Exhibit-23

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46.	The letter dated 09-03-2020 with regard to exemption to employee to mark biometric attendance.	Exhibit-24
47.	The letter dated 06-03-2020, 15-04-2020 along with copy of COVID-19 guidelines dated 23-04-2020, 18-05-2020, 13-02-2021, 19-04-2021, 03-05-2021, 28-05-2021 and 14-06-2021	Exhibit-25 to Exhibit-25/25
48.	The copy of the print out where Sh. Uttam Prakash emailed the documents to Ms. Tushti Chopra	Exhibit-26
49.	The documents attached with Exhibit-26	Exhibit-26/1 to 26/104
50.	Entry in Peon Book dated:14-12-2021 (Sl.No. 5)	Exhibit-27
51.	Memorandum dated 30-06-2021	Exhibit-28
52.	Both sides of the envelope and a copy of Memorandum dated 09-09-2020	Exhibit-29 and Exhibit-29/1
53.	The copy of print out of track consignment obtained from the official site of India Post reflecting refused to receive the letter.	Exhibit-29/2
54.	The letter dated 19-03-2020 with regard to COVID-19 guidelines.	Exhibit-30
55.	The letter dated 16-04-2020 with regard to COVID-19 guidelines.	Exhibit-31
56.	Official Memorandum dated 19-04-2021 with regard to preventive measure to contain the spread of COVID-19.	Exhibit-32 to Exhibit-32/1
57.	Official Memorandum dated 31-05-2021 with regard to preventive measure to contain the spread of COVID-19-Attendance.	Exhibit-32/2
58.	Official Memorandum dated 07-05-2021 with regard to preventive measure to contain the spread of COVID-19-Attendance.	Exhibit-32/3
59.	Official Memorandum dated 10-05-2021with regard to preventive measure to contain the spread of COVID-19-Attendance.	Exhibit-32/4
60.	Official Memorandum dated 16-06-2022 with regard to preventive measure to contain the spread of COVID-19 and the attendance of the employees.	Exhibit-32/5
61.	Documents pertaining to service of notice and delivery of documents identified by Shri. Uttam Prakash, DS (Admn).	Exhibit-33, 33/1 to 33/61.

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VII. WRITTEN ARGUMENTS OF THE PRESENTING OFFICER:

1. The Presenting Officer (P.O) in his written arguments, submitted that the C.O has been posted in the GSRO Section of the Legislative Department, M/o Law and Justice during the relevant period. The C.O joined the Department as Assistant (Legal) on 26-05-2014 and subsequently promoted as Superintendent (Legal), (Level-08 in the Pay Matrix). Several written and oral complaints were received in the Department against the C.O including the complaints with regard to her unauthorized absence from the duty, failed to create the NIC email ID, disobedience to the orders of the senior officers, etc. The C.O had been issued several Memorandums including Memorandum dated 28-08-2019, 12-09-2019, 09-09-2020, 18-09-2020, 30-06-2021, etc., calling for her explanations, but the C.O neither responded nor made any improvement in her conduct. The C.O replied to only one Memorandum dated 28-08-2019 where after considering the reply submitted by the C.O was not accepted by the Department as the said reply was evasive and unsustainable. After giving sufficient opportunities to the C.O and obtaining no reply at her end, an inquiry was proposed against her with regard to the complaints received to the Department. After the due approval, an inquiry was proposed *vide* dated 13-12-2021 against the C.O and the charges were framed. The C.O was delivered the copy of Memorandum, Statement of article of charge framed against her, Statement of the imputation of misconduct on which action is proposed to be taken against her, list of documents by which the article of charge framed against her, copy of relied upon documents mentioned in the list of documents, etc. The C.O was physically delivered the copies of the said documents in her office room through the process server namely Shri Raman Kumar Sharma, MTS on 11-12-2021. However, the C.O refused to acknowledge the receipt of said documents. Apart from the above, the copies of these documents were also emailed to the C.O on her email ID available with office on 21-12-2021 at 11:36 A.M. by Shri Uttam Prakash, Deputy Secretary (Admn.). In spite of, service/delivery of these documents, the C.O did not reply whereas the C.O was directed to submit her reply within 15 days after the receipt of the documents.

2. Apart from above service, even after the appointment of the Inquiry Officer on 31-01-2022, the said documents were separately attempted to deliver to the C.O in her office room through the process server on 14-02-2022 sent by the Inquiry Officer. The C.O refused to receive the same. The C.O also refused to receive the notice issued by the Inquiry Officer to attend/represent her case before the Inquiry Officer. Apart from this, these documents were also forwarded to her through speed post but at one address it was returned as the door was locked and on another address these documents were refused to receive.

3. The P.O submitted that it is clear from the materials exhibited during the Inquiry that the C.O was delivered more than two times the copies of the requisite documents apart from her refusal at many times and the C.O is well within the knowledge that inquiry has been proposed against her and in spite of this knowledge she has been knowingly evading the process. In spite of, the service of notice and delivery of all the requisite documents to the C.O but the C.O never turned up before the Inquiry Officer and there

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was no representation for her so far. The notice with regard to appearance of the C.O and to represent her case before the inquiry officer were also published in the Newspapers, hosted on the website of the Department, affixed on the notice Board of the Department, etc. With a view to give her proper opportunity, all the required processes were exhausted to ensure her presence and to represent her case in the proceeding. Thereafter, after giving sufficient opportunity to the C.O, the proceeding was started. During the whole inquiry the C.O neither appeared nor represented her case through counsel or any person till date.

4. The P.O relied on the documents provided by the Department and identified by the witnesses during their examination. All such documents identified by the witnesses have been marked as exhibits. After discussing at length, the P.O clearly substantiated the following charges:

- (i) The Charged Officer while functioning as Superintendent (Legal) during the period from 2018 to till date has failed to create her NIC e-mail ID intentionally. The Charged Officer has also demanded Rs. 10,000/- for creation of NIC e-mail ID. (Article -I)
- (ii) The Charged Officer while functioning as Superintendent (Legal) since March, 2020 has been on unauthorised absence from duty for the period from 24.03.2020 to 28-12-2021, except few days. (Article-II)
- (iii) The Charged Officer while functioning as Superintendent (Legal) during the period from March, 2020 to December,2021 has failed to mark her attendance in the Attendance Register as well as she did not attend the office in spite of instructions. (Article-III)
- (iv) The Charged Officer while functioning as Superintendent (Legal) has failed to follow instructions to attend office as per roster. Being a supervisory officer, the Charged Officer has also failed to ensure devotion of herself to duty. (Article-IV).

5. The P.O while concluding his arguments submitted that the Articles of Charges are proved beyond reasonable doubts and the Charged Officer may be dealt with in accordance with the provisions of service legislation.

VIII. FACTS ON THE POINT OF NOTICE:

The evidences adduced during the Inquiry and the facts and circumstances available on record, no doubt, during the period mentioned in the charge sheet and thereafter, even during the period of inquiry proceedings, ample opportunity has been given to the C.O to appear in the matter and to defend her case but in spite of receiving the requisite documents and notices and full knowledge of the inquiry proceedings against her, the C.O did not turn up. The statement of the witnesses and the evidence adduced so far clearly prove the charges/case beyond doubt. It has not been contested or denied by the Charged Officer and never challenged the contents of the documents supplied by the Inquiry Officer of the case as well as supplied by the Administration-I Section of the Department. This alone shows that the Charged Officer impliedly admitted the charges levelled against her.

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Keeping in view the refusal of taking or acknowledging the notices, documents, etc., and whenever attempts are made to serve such copies or documents at the addresses given in the office records, there arises a suspicion that whether the Charged Officer intentionally avoiding processes and want to gain advantage to remain in unauthorised absence to duty.

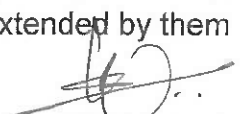
IX. CONCLUSION:

The materials available on record as well as facts and circumstances of the case clearly reveal that the C.O has been given opportunity to represent and defend her case at each and every stage of proceeding. She was intimated and delivered the requisite documents by personal messenger, by speed-post, by email, etc. Notice in this regard was also published in daily newspapers. But she neither represented her case nor challenged and it is evident that she has admitted the allegations levelled in the charge sheet as in spite of, full knowledge of inquiry proceeding going against her, receiving of requisite documents and giving opportunities, she never challenged the charge sheet delivered to her or the statement of any of the witnesses, etc.

Based on entire facts and circumstances and materials made available on record, there is every reason to conclude a view that all the articles of charges made out against the C.O in the statement of the imputation of misconduct on which action is proposed to be taken against her i.e., Ms Tushti Chopra, Superintendent (Legal), GSRO Section of Legislative Department have been proved beyond doubt. Thus, the Charged Officer—

- (i) while functioning as Superintendent (Legal) during the period from 2018 to till date has failed to create her NIC e-mail ID intentionally. The Charged Officer has also demanded Rs. 10,000/- for creation of NIC e-mail ID (Article -I);
- (ii) while functioning as Superintendent (Legal) since March, 2020 has been on unauthorised absence from duty for the period from 24.03.2020 to 28-12-2021, except few days (Article-II);
- (iii) while functioning as Superintendent (Legal) during the period from March, 2020 to December,2021 has failed to mark her attendance in the Attendance Register as well as she did not attend the office in spite of instructions (Article-III); and
- (iv) The Charged Officer while functioning as Superintendent (Legal) has failed to follow instructions to attend office as per roster. Being a supervisory officer, the Charged Officer has also failed to ensure devotion of herself to duty. (Article-IV).

Finally, I wish to place on record, my sincere thanks to the Disciplinary Authority, Administration-I Section and the Presenting Officer for the co-operation extended by them for successful completion of this Inquiry.


(Dr. K.V. Kumar)
Inquiring Officer

Date: 6th May, 2022