

PROCEEDINGS OF DISCIPLINARY AUTHORITY
-CUM-
PRINCIPAL DISTRICT JUDGE, KURNOOL

PRESENT: Sri G.Kabardhi,
Disciplinary Authority -cum-
Principal District Judge, Kurnool

Departmental Enquiry No.01 of 2023

Dis. No. 7562 /Estt/2024

Dated: 13-12-2024.

SUB: PUBLIC SERVICES – Disciplinary proceedings initiated against Sri B.Ugandhar, Process Server, District Court, Kurnool for his unauthorized and willful absence from duty from 30-11-2020 onwards - Inquiry held by the Principal Civil Judge (Senior Division), Kurnool - Inquiry report dated 14-12-2023 received from the Inquiring Authority -cum- Principal Civil Judge (Senior Division), Kurnool - Show Cause Notice to the government servant published in Kurnool District Gazette dated 06-08-2024 - Final Orders - Passed - Regarding.

- REF: 1. Office Note dated 02-12-2020 of the Chief Administrative Officer, District Court, Kurnool and orders passed thereon dated 02-12-2020 passed by the District Judge, Kurnool.
2. Proceedings of the Principal District Judge, Kurnool in Dis. No.486/Estt/2023, dated 18-01-2023.

3. Proceedings of the Principal District Judge, Kurnool in Dis. No.4799/Estt/2023, dated 01-08-2023.
4. Inquiry Report dated 14-12-2023 submitted by the Inquiring Authority -cum- Principal Civil Judge (Senior Division), Kurnool.
5. Show Cause Notice dated 06-01-2024 issued by the Disciplinary Authority -cum- Principal District Judge, Kurnool to the government servant/Sri B.Ugandhar, Process Server.
6. Letter of this Office in Dis. No.2760/DE-01-2023/2024, dated 09-05-2024 addressed to the Collector and District Magistrate, Kurnool.
7. Show Cause Notice issued by the Disciplinary Authority -cum- Principal District Judge, Kurnool in Dis. No.97/Estt/2024, dated 06-01-2024, which was published in Kurnool District Gazette Extraordinary on 06-08-2024.
8. Office Note dated 19-10-2024 and orders passed thereon dated 13-12-2024.

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Upon considering the references cited and upon perusal of the material available on record, the undersigned is pleased to pass the following:

FINAL ORDER

A regular Departmental Enquiry, vide reference 2nd cited proceedings was initiated against the government servant/ Sri B.Ugandhar, Process Server, District Court, Kurnool for his misconduct in absenting himself from duty from 30-11-2020 onwards without proper leave, thereby causing much inconvenience

in the Office of the District Court, Kurnool. A Charge was framed against the government servant/Sri B.Ugandhar, Process Server for his misconduct. The Articles of Charge could not be served upon the government servant/Sri B.Ugandhar, as his whereabouts are not known.

2. Thereafter, through the reference 3rd cited proceedings, Principal Civil Judge (Senior Division), Kurnool was appointed as the Inquiring Authority to conduct inquiry as per the procedure laid down in Andhra Pradesh Civil Services (C.C.A.) Rules, 1991 against the government servant/Sri B.Ugandhar, Process Server.

3. After conducting inquiry, the Principal Civil Judge (Senior Division), Kurnool submitted her report dated 14-12-2023, opining that the evidence adduced by the Department in the form of PW1 to PW6 and Ex.P1 to Ex.P20 clinchingly establishes that the government servant/Sri B.Ugandhar, Process Server has been unauthorizedly absent from his duties from 30-11-2020 onwards and his whereabouts are not known to his family members.

4. The report of the Inquiring Authority -cum- Principal Civil Judge (Senior Division), Kurnool has been accepted by the Disciplinary Authority on 06-01-2024 and thereupon, a show cause notice in the reference 5th cited was issued to the government servant/Sri B.Ugandhar, Process Server, directing him to show cause as to why major penalty, i.e., "Removal from Service", as contemplated under Rule 9 (ix) of The Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, should

not be imposed against him and further giving him an opportunity to make a written representation, if he wishes to make, against the said proposal within 15 days from the date of receipt of the said show-cause notice. The said show cause notice sent to the government servant/Sri B.Ugandhar at his residential address H.No.87-1285-124-A, Near Water Tank, Somisetty Nagar, Kurnool City and District, was served on his wife on 10-02-2024, as per the endorsement of the Superintendent, Central Nazareth, District Court, Kurnool and Smt. S.Suneetha Bai, wife of the government servant/Sri B.Ugandhar, Process Server endorsed on the said show cause notice dated 06-01-2024 that the government servant/Sri B.Ugandhar, who is her husband, is not residing in H.No.87-1285-124-A since May 2020. Whereas the show cause notices sent to the government servant/Sri B.Ugandhar, Process Server at his residential address H.No.87-1285-124-A, Near Water Tank, Somisetty Nagar, Kurnool City and District and his another residential address H.No.50/348-M-28-1, B.Camp, Aroranagar, Kurnool City and District through registered post were returned unserved. The Postal Authorities have returned the registered cover containing the show cause notice dated 06-01-2024 addressed to the government servant/Sri B.Ugandhar at his residential H.No.50/348-M-28-1, B.Camp, Aroranagar, Kurnool City and District, with an endorsement "No such addressee in this house, hence returned to sender". Likewise, The Postal Authorities have returned the registered cover containing the show cause notice dated 06-01-2024 addressed to the government servant/

Sri B.Ugandhar at his residential H.No.87-1285-124-A, Near Water Tank, Somisetty Nagar, Kurnool City and District, with an endorsement "Addressee refused, hence returned to sender".

5. Finding no alternative, this Office on 09-05-2024, addressed a letter in the reference 6th cited, to the Collector & District Magistrate, Kurnool by enclosing a copy of show cause notice dated 06-01-2024 issued to the government servant/Sri B.Ugandhar, Process Server and requested her to instruct the Deputy Director, Regional Government Printing Press, Kurnool to publish the said show cause notice in Kurnool District Gazette. In pursuance of the said requisition, on the instructions of the Collector & District Magistrate, Kurnool, the said show cause notice to the government servant/Sri B.Ugandhar, Process Server was published in Kurnool District Gazette on 06-08-2024 and copies of the said Kurnool District Gazette were received in this Office on 25-09-2024. In spite of such publication, the government servant/Sri B.Ugandhar, Process Server did not turn up and did not choose to file any written representation against the said proposal of "Removal from service".

6. Now, the point for consideration is:

Whether the delinquent is liable for the proposed penalty of "Removal from service", if not, to what penalty?

7. **POINT:**

As could be seen from the material available on record, the then Chief Administrative Officer, Principal District Court, Kurnool

placed an office note dated 02-12-2020 before the then Principal District Judge, Kurnool, reporting that the government servant/ Sri B.Ugandhar, Process Server has been absconding from duty from 02-12-2020 onwards. The said act of the government servant/Sri B.Ugandhar, Process Server has been causing much inconvenience in the Office of District Court, Kurnool.

8. During the course of inquiry, the Inquiring Authority -cum-Principal Civil Judge (Senior Division), Kurnool has examined PW1 to PW6 and marked Ex.P1 to Ex.P20. I have gone through the oral evidence of PW1 to PW6 and documentary evidence under Ex.P1 to Ex.P20. The evidence of PW1 goes to show that the government servant/Sri B.Ugandhar, Process Server has been absconding from duty from 30-11-2020 onwards, thereby caused inconvenience for smooth functioning of respective Court Halls, where he was allotted to discharge his duties. The evidence of PW2 goes to show that the government servant/Sri B.Ugandhar, Process Server has been unauthorizedly absent from his duties since 30-11-2020 onwards and he did not apply for any kind of leave. The evidence of PW4 goes to show that he was entrusted to serve the show cause notice to the government/Sri B.Ugandhar, Process Server, accordingly, when he went to the house of the government servant/ Sri B.Ugandhar, Process Server to cause service of the said show cause notice, Smt. S.Sunitha Bai, who is the wife of the said government servant informed him that the whereabouts of her husband are not known to her since many months. PW6, who is the wife of the government servant/Sri B.Ugandhar, is the crucial

witness in this case. She deposed before the Inquiring Authority that her husband Sri B.Ugandhar left her house in the month of May 2020 and took a room at B.Camp, Kurnool near the house of his sister and stayed in the said room for six months and thereafter, she came to know through her husband's sister's husband by name Sri T.Prabhakar that her husband/Sri B.Ugandhar left the said room and on that, the said Sri T.Prabhakar lodged a report with the police of Kurnool III-Town Police Station, which was registered as Crime No.709 of 2020 under Ex.P14 She specifically stated before the Inquiring Authority that since May 2020, she does not know the whereabouts of her husband Sri B.Ugandhar.

9. On perusal of the evidence – both oral and documentary available in the record of inquiry and the inquiry report submitted by the Inquiring Authority -cum- Principal Civil Judge (Senior Division), Kurnool, I find that the Department has clearly established by way of cogent and convincing evidence that the government servant/ Sri B.Ugandhar, while functioning as Process Server in District Court, Kurnool, has been absent to official duty since 30-11-2020 onwards and caused much inconvenience in the Office of District Court, Kurnool. The said act of the government servant suggests that he has no inclination to work and his act of willful and prolonged absence from duty without proper leave from official duty from 30-11-2020 onwards amounts to “misconduct”.

10. As already stated, the report of the Inquiring Authority dated 14-12-2023 had already been accepted by one of my learned

predecessors in Office and issued final show cause notice to the government servant/Sri B.Ugandhar, Process Server, proposing major penalty of "Removal from Service". As the said final show cause notice proposing major penalty could not be served on the government servant/Sri B.Ugandhar, Process Server, as his whereabouts are not known, the same has been published in Kurnool District Gazette Extraordinary dated 06-08-2024. In spite of it, the government servant/Sri B.Ugandhar, Process Server did not respond. As the act of willful and prolonged absence from duty without proper leave from 30-11-2020 by the government servant/Sri B.Ugandhar, Process Server has been causing much inconvenience in the Office of District Court, Kurnool, I feel that this is not a fit case where lenient view should be taken against the said government servant.

11. In G.O.Ms. No.260, General Administration (SER.C) Department, dated 04-09-2008, the Government of Andhra Pradesh passed order that in all cases of unauthorized absence to duty for a continuous period exceeding "one year", the penalty of removal from service shall be imposed on the government employee, after duly following the procedure laid down in the Andhra Pradesh Civil Services (CCA) Rules, 1991.

12. In the present case, the period of unauthorized absence of the government servant/Sri B.Ugandhar is more than four years by now and it is evident that the government servant/Sri B.Ugandhar, Process Server has no interest in Government

Service, as confirmed by his long unauthorized absence and also the Government Service Rolls. His absence affected public interest by limiting manpower available and he committed a misconduct by leaving his post for long period without permission. Therefore, I am inclined to impose major penalty on the government servant/ Sri B.Ugandhar, Process Server.

13. After careful examination of the inquiry report submitted by the Inquiring Authority and the entire case of the government servant/Sri B.Ugandhar, Process Server, District Court, Kurnool, I have come to a conclusion that Sri B.Ugandhar, Process Server, District Court, Kurnool has no interest in the Government Service, as confirmed by his long unauthorized absence and keeping his name on Government Service Rolls is affecting public interest by limiting the manpower available. Further, the said Sri B.Ugandhar, Process Server, District Court, Kurnool committed misconduct by leaving his post for long period, i.e., more than four years by now without permission and therefore, he is liable to be removed from service.

14. After careful examination of the entire matter, I decided to impose major penalty of "Removal from Service" against Sri B.Ugandhar, Process Server, District Court, Kurnool, for his misconduct and unauthorized absence continuously to duty for more than four years by now and is not covered by grant of any leave, and it may be treated as "Dies-non" for all purposes.

15. Therefore, as per G.O.Ms. No.260, General Administration (SER.C) Department, dated 04-09-2008, major penalty of "Removal from Service" is hereby imposed against Sri B.Ugandhar, Process Server, District Court, Kurnool, for his misconduct and unauthorized absence to duty for more than four years by now and his entire unauthorized absence is treated as "Dies Non".

This order shall come into force from the date of its communication.

The Office is directed to take immediate steps for publishing this Final Order in Kurnool District Gazette Extraordinary, as the whereabouts of the government servant/Sri B.Ugandhar, Process Server are not known.

The Senior Superintendent, Central Nazarath Section, District Court, Kurnool is directed to cause necessary entries in the Service Register of the Government Servant/Sri B.Ugandhar, Process Server.



DISCIPLINARY AUTHORITY
-CUM-
PRINCIPAL DISTRICT JUDGE,
KURNOOL

To

Sri B.Ugandhar, Process Server, District Court, Kurnool (Through publication in Kurnool District Gazette).

"TRUE COPY/BY ORDER"
J. R. Ramana
Chief Administrative Officer
Principal District Court,
KURNOOL

Copies to:

1. The Collector & District Magistrate, Kurnool - with a request to direct the Deputy Director, Government Regional Press, Kurnool to publish this Final Order in Kurnool District Gazette and send a copy of the said Gazette to this Office immediately.
2. The Senior Superintendent, Central Nazareth Section, District Court, Kurnool - with a direction to cause necessary entries in the Service Register of the Government Servant/Sri B.Ugandhar, - Process Server.
3. The System Officer, District Court, Kurnool – with a direction to place these proceedings in the official website of District Court, Kurnool for wide publicity.