



**EASTERN COALFIELDS LIMITED**  
Chairman-cum-Managing Director's Office  
SANCTORIA, PO: DISHERGARH, DIST: BURDWAN (WB)

**NOTICE**

It is notified that, one Shri. Ashutosh Kumar Sinha while functioning as Executive Engineer (Excv.), at Rajmahal OCP, Eastern Coalfields Ltd., was with a memorandum No. ECL/C-5(D)/113A/2461/824, dated 10-03-2006, for absenting/ overstaying sanction leave from duty since 07-06-04 without prior permission for leave and without seeking prior permission to leave the station from his controlling officer, which constituted commission of misconduct under Rule 5.7, 5.20 & 5.26 of Coal India Executives, Conduct, Discipline and Appeal Rules, 1978.

All possible, for causing service of the above memorandum dated 10-06-06, upon Shri Ashutosh Kumar Sinha, including that of sending by Registered Post, was duly taken. Shri Sinha has not yet responded neither submitted any representation within the stipulated period of 10 days.

Shri Ashutosh Kumar Sinha, is hereby informed that, as last opportunity, a further time of 10 days is hereby allowed to submit his representation, failing which departmental enquiry will be initiated and proceeded against Shri Sinha, as per provision of CDA Rules, 1978.

It is further informed that all possible opportunity will be extended to Shri Ashutosh Kumar Sinha, to defend his case during the course of departmental enquiry. However, if Shri Sinha, fails to participate in the disciplinary proceedings, the departmental proceedings will be initiated and proceeded Ex-parte. For details at the chargesheet you may visit ECL's, Website [www.easterncoal.gov.in](http://www.easterncoal.gov.in).

**By Order of the Competent Authority**  
**Eastern Coalfields Limited**

**EASTERN COALFIELDS LIMITED**  
Chairman-cum-Managing Director's Office  
SANCTORIA, PO: DISHERGARH, DIST: BURDWAN (WB)

Ref.No.ECL/C-5(D)/113/

Dated:

MEMORANDUM

1 The undersigned proposes to hold an inquiry against Shri Ashutosh Kr. Sinha, EE (Excv.), Rajmahal OCP, ECL, under Rule 29 of the Conduct, Discipline & Appeal Rules, 1978 of Coal India Ltd. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure: I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure: III & IV).

Shri Ashutosh Kr. Sinha is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defense and also to state whether he desires to be heard in person.

He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge. Shri Ashutosh Kr. Sinha is further informed that if he does not submit his written statement of defense on or before that date specified in Para 2 above or does not appear in person before that date specified in Para 2 above or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of Rule 29 of the Conduct, Discipline & Appeal Rules, 1978 of CIL or the orders/directions issued in pursuance of the inquiry against him, the inquiry will be held ex-parte.

Attention of Shri Ashutosh Kr. Sinha, is invited to Rule 21.1 of the Conduct, Discipline & Appeal Rules, 1978 of CIL under which no public servant shall bring or attempt to bring any outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to the service under the Company. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Shri Ashutosh Kr. Sinha is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 21.1 of the Conduct, Discipline and Appeal Rules, 1978 of CIL.

The receipt of the Memorandum may please be acknowledged.

CHAIRMAN/MANAGING DIRECTOR.

To,  
Shri Ashutosh Kr. Sinha, EE (Excv.)  
Rajmahal OCP, ECL,

- c.c. 1. Director (P), ECL.
- c.c. 2. CGM, Rajmahal Area

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI ASHUTOSH KR. SINHA, EE (EXCV.), RAJMAHAL OCP, RAJMAHAL AREA.

ARTICLE- I

That the said Shri Ashutosh Kr. Sinha, while posted and functioning as EE (Excv.) at Rajmahal OCP, during the year 2004, failed to discharge his duties and responsibilities by absenting/ overstaying the sanctioned leave himself from his duty since 01.06.2004 without prior permission for leave and without seeking prior permission to leave station from his Controlling Officer.

The above act, alleged to have been committed by him, amounts to misconduct of “absence without leave or overstaying the sanctioned leave for more than 4 consecutive days without sufficient grounds or proper or satisfactory explanation” in accordance with clause/ rule 5.7 of Conduct, Discipline and Appeal Rules, 1978.

ARTICLE- II

That during the aforesaid year and while functioning in the aforesaid place, Shri Ashutosh Kr. Sinha failed to regulate to behave in accordance with set rules governing conduct in a given situation or to behave with such propriety and decorum as the particular system demands by absenting himself without giving any information to his Controlling Officer or without taking prior permission for leave from the leave sanctioning authority.

The above conduct of Shri Sinha amounts to misconduct of “commission of an act subversive of discipline or of good behavior” in accordance with clause/ rule 5.20 of Conduct, Discipline and Appeal Rules, 1978.

ARTICLE- III

That during the aforesaid year and while functioning in the aforesaid place, Shri Sinha, did not take care to observe the provisions of various Company’s rules/ regulations applicable to an executive and he also acted in violation of terms and conditions of his employment by committing the offence of unauthorized absence from his duty since 01.06.2004.

The above lapse alleged to have been committed by Shri Ashutosh Kr. Sinha amounts to misconduct of ‘any breach of any of the provisions of these rules or any other statutes or rules’ in accordance with clause/ rule 5.26 of Conduct, Discipline and Appeal Rules, 1978.

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SHRI ASHUTOSH KR. SINHA, EE (EXCV.), RAJMAHAL OCP, RAJMAHAL AREA.

ARTICLE- I

That Shri Sinha, while posted and functioning as EE (Excv.) at Rajmahal OCP, during the year 2004, was supposed to apply for leave with permission to leave station as every employee Executive (T) should either be on duty or on leave except on days declared as Company Holidays which he deliberately ignored and preferred to commit the offence of unauthorized absence/ overstaying sanctioned leave from his duty since 01.06.2004 (still continuing) according to the relevant records of the company.

Thus, it is well evident from the above stated wrongful acts that Shri Sinha has committed the gross misconduct of “absence without leave or overstaying the sanctioned leave for more than 4 consecutive days without sufficient grounds or proper or satisfactory explanation” in accordance with clause/ rule 5.7 of Conduct, Discipline and Appeal Rules, 1978.

ARTICLE- II

That Shri Sinha, while posted and functioning as EE (Excv.) at Rajmahal OCP, failed to show conformity to a pattern of behaviour set forth in a particular system or to regulate his behaviour in consistence with set rules governing conduct or to behave with such propriety and decorum as a particular system demands, by absenting himself from his duties since 01.06.2004 (still continuing) without giving any application for leave with permission to leave station from his Controlling Officer. Not only that but he miserably failed to give any information to his Controlling Officer before leaving the place of work on 01.06.2004

The above lapses on his part have made him liable of commission of misconduct of “commission of the act subversive of discipline or of good behaviour”.

ARTICLE- III

That the said Shri Sinha, while posted and functioning as EE (Excv.) at Rajmahal OCP, failed to observe the provisions of various Company’s Rules such as Leave Rules, Conduct, Discipline & Appeal Rules, 1978 of Coal India Limited, Common Coal Cadre and also the terms and conditions of his employment by committing the offence of unauthorized absence from his duty since 01.06.2004. The said Shri Ashutosh Kr. Sinha/ concerned surety is also liable to refund the expenditure incurred by ECL for imparting his training in ECL because he did not adhere to the relevant terms and conditions of his employment in ECL which were accepted by him before joining in ECL.

The above failures have made him liable for commission of misconduct of ‘any breach of any of the provisions of these rules or any other statutes or rules’ in accordance with clause/ rule 5.26 of Conduct, Discipline and Appeal Rules, 1978

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SHRI ASHUTOSH KR. SINHA, EE (EXCV.), RAJMAHAL OCP, RAJMAHAL ARE PROPOSED TO BE SUSTAINED

1. Noting Sheet no. P& IR/1765 dated 08.03.205 of Dy. Chief Personnel Manager duly forwarded by CGM, Rajmahal Area.
2. Any other documents to be found relevant.

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SHRI ASHUTOSH KR. SINHA, EE (EXCV.), RAJMAHAL OCP, RAJMAHAL ARE PROPOSED TO BE SUSTAINED

1. Colliery Personnel/ Welfare Officer
2. Any other witness to be found relevant.