

NOTICE-CUM-SUMMARY OF DISMISSAL ORDER (REF.WM-I/PPF/1538/AG's Secretariat/117, dated 09-12-2015)

110

Shri Subhendu Manna, son of Shri Pramatha Nath Manna (last known address: 5/2A/2, Hem Dey Lane, Block-C, Flat-2, Ground Floor, Kolkata-700 050), while serving as Senior Accounts Clerk in the Office of the Executive Engineer, Kangsabati Canal Division No. IV, Midnapore continuously absented himself unauthorizedly from 16.11.1987. He neither reported at his earlier place of posting nor at his new place of posting (Office of the Executive Engineer, North Calcutta Division, P.W.D., 11/A, Free School Street, Kolkata - 700 016, to which he was released vide Memo No.799/P-241. dated 10-03-1988 by the Executive Engineer, Kangsabati Canal Division-IV).

Shri Manna did not reply to the communications dated 12-05-1988, issued by the Senior Accounts Officer, WM-I section of this Office. All attempts to communicate with Shri Manna at his last known address have failed.

Finally, a newspaper notice was given in the Pratidin (23-11-2015) and the Statesman (24-11-2015) directing Shri Manna to appear before the Deputy Accountant General (Accounts & VLC) or submit his written representation by 30/11/2015, failing which action as deemed fit will be taken without further notice. Shri Manna did not respond even to this newspaper notice.

Shri Manna was absent unauthorizedly from duty for almost 28 years. Even after the expiry of the leave period applied for, i.e., 25-03-1988, there was a lapse of more than 27 years, without any further intimation or communication from Shri Manna. Shri Manna has also failed to: (i) give prior intimation to his office about his absence; (ii) provide medical reports/certificates or physician's advice even though the leave applied for amounted to as much as 103 days (this casts a doubt on the genuineness of the medical reasons adduced); (iii) report at the place of posting, even after the expiry of the leave period applied for; and (iv) keep the office informed about his contact address and changes to his current/permanent address. This is grave misconduct and highly reprehensible. Under Rule 34(1) of the West Bengal Service Rules (Part I), unless the Governor, in view of the exceptional circumstances of the case, otherwise determines, no Government employee shall be granted leave of any kind of a continuous period exceeding five years.

In terms of Rule 11 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971 (WBSCCA Rules, in short) read with clause (b) of second proviso to Article 311(2) of the Constitution of India, it is not reasonably practicable to hold an inquiry or follow the procedure as envisaged by Rule 10 of the WBSCCA Rules, in view of the following reasons.

- (i) Shri Manna has failed to keep the office informed about his contact address and changes to his current/permanent address.
- (ii) Shri Manna has failed to report at the place of posting, even after the expiry of the leave period applied for;
- (iii) Shri Manna was unauthorizedly absent for more than 27 years without any communication from his side;
- (iv) All efforts to contact / communicate with Shri Manna have failed;
- (v) Even police could not locate the permanent address of Shri Manna;
- (vi) Shri Manna has not responded even to the newspaper notices given by this office in English and Bengali newspapers.

Under the circumstances, Shri Subhendu Manna is held guilty of grave misconduct warranting dismissal from Government Service. Accordingly, the penalty of dismissal from Government Service with immediate effect is imposed on Shri Subhendu Manna under Rule 8 (viii) of the WBSCCA Rules.

M.S. Subrahmanyan
09/12/15

Accountant General (A&E) & Disciplinary Authority