



File No.22931

Dated. 30.10.2019

### FINAL ORDER IMPOSING A MAJOR PENALTY ORDER

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, control and Appeal) Rules 1965 read with Service Rule of National Productivity Council-Chapter-VII – Conduct and Disciplines-Rule 56 (b) were instituted against Shri U. Chandra Kumar, Assistant Director-AIP Chennai vide this office Memorandum No. 22931 dated 16<sup>th</sup> January, 2019 on the following articles of charge:-

#### Article 1

Shri U. Chandra Kumar, AD posted at AIP Chennai was deputed by NPC to TEDA and joined as Sr. Manager w.e.f. 1.11.2017 initially for a period of one year. However, before completion of one year deputation period Shri U. Chandra Kumar was suspended by CMD Tamil Nadu Energy Development Agency, Chennai w.e.f. 4.4.2018 with passing order that Thiru (Thiru is used in Southern Part of India as title for male while northern part of India Shri is used) (Shri) U. Chandra Kumar, Sr. Manager, TEDA is placed under suspension with immediate effect. The individual is directed to be in Chennai and thereafter has been surrendered back to parent organization i.e. NPC vide TEDA letter dated 4.5.2018 requesting NPC to take appropriate disciplinary action against Shri U. Chandra Kumar on the charges of forgery, impersonation and misrepresentation. Accordingly, TEDA has forwarded photocopies of relevant documents based under which suspension was ordered by CMD. It is to be mentioned here that TEDA vide their letter NO. 3770/ADMN./TEDA/Deputation/2017 dated 04.05.2018 has explained the sequence of events leading to the suspension of Shri U. Chandra Kumar. TEDA has informed that there was an invitation from National Institute of Wind Energy (NIWE) with a request to nominate 2 to 3 officials from TEDA to attend a special training programme for State Nodal Agencies on Wind and Solar Resource Assessment Technology from 28<sup>th</sup> February to 7<sup>th</sup> March, 2018. No officials were deputed for the above training from TEDA. But it was brought to the notice of TEDA that Thiru (Shri) U. Chandra Kumar, Sr. Manager, TEDA attended the above training alongwith another unknown person to TEDA i.e. Ms. G. Shanmugapriya with the designation as Dy. Senior Manager/TEDA. Thiru (Shri) U. Chandra Kumar absented himself from duty from 28.2.2018 to 7.3.2018 without any proper intimation.

In this connection, TEDA requested National Institute of Wind Energy (NIWE) vide e-mail dated 24.3.2018 to intimate whether any officials from TEDA had attended the above training programme from 28.2.2018 to 07.03.2018. In response to this NIWE vide their e-mail dated 04.04.2018 has intimated that the following officials had attended the training programme from 28<sup>th</sup> February to 7<sup>th</sup> March 2018.

1. Thiru (Shri) U. Chandra Kumar  
Senior Manager
2. Ms. G. Shanmuga Priya  
Dy. Senior Manager



They have also enclosed the scanned copy of the nomination letter of TEDA, registration forms submitted by both the above mentioned officers, participants list, registration and the programme schedule of the course.

From the documents furnished by NIWE, the following were observed:

1. A fabricated letter in the letterhead of TEDA signed by Thiru (Shri) U. Chandra Kumar using the designation of Chief Consultant was sent to NIWE on 26.2.2018 with the mention that the following officials are nominated for the training programme.

1.	Name & Designation of the Official 1	1. U. Chandra Kumar Senior Manager
2.	Name & Designation of the Official 2	2. G. Shanmugapriya Dy. Senior Manager

## Article 2

TEDA further informed that Thiru (Shri) U. Chandra Kumar has taken another person with him in the name of G. Shanmuga Priya with designation as Deputy Sr. Manager who is not any employee of TEDA. This charge of TEDA has been corroborated by Registration Form filled in as personal information of Shanmuga Priya G. by the applicant herself whereas signature of nominating authority and with seal is absent. In the similar manner the TEDA letter No. 0495/WE/TEDA/2018 dated 26.2.2018 addressed to Dr. Rajesh Katyal, National Institute of Wind Energy, Chennai by nominating officer for the SNA officials training programme mentioning the name of Shri U. Chandra Kumar, Sr. Manager and Shanmuga Priya G., Dy. Sr. Manager duly signed by Chief Consultant which is forged as per assessment of TEDA. It is also observed that the participants list for special training programme w.e.f. 29<sup>th</sup> February to 7<sup>th</sup> March, 2018 vide SI No. 24 & 25 the two names i.e. Shri U. Chandra Kumar, Sr. Manager TEDA and Shanmuga Priya G. Dy. Sr. Manager, TEDA duly signed by both of the nominated person.

Statement of Imputations of Misconduct in support of the Articles of Charge framed against Shri U. Chandra Kumar, Charged Officer together with a list of documents by which and a list of Witnesses by whom, the charges were proposed to be sustained, were also forwarded to him alongwith aforesaid Memorandum No. 22931 dated the 16<sup>th</sup> January, 2019.

2. Shri U. Chandra Kumar denied the charge(s) and requested to be heard in person. Accordingly, Shri R. Suryanarayanan, Director Grade-II AIP, NPC, Chennai was appointed as the Inquiring authority to inquire into the charges vide letter no. 22931 dated 05.04.2019.

3. AND WHEREAS a copy of the report of inquiry has been forwarded to Shri U. Chandra Kumar, Charged Officer and he was given an opportunity of making such submissions on the report of inquiry as he desired. His submissions have been received. However the submissions are not found to be tenable as per merit.



# राष्ट्रीय उत्पादकता परिषद्

(वाणिज्य एवं उद्योग मंत्रालय, भारत सरकार के अन्तर्गत)

उत्पादकता भवन, 5-6, इंस्टीट्यूशनल एरिया,  
लोदी रोड, नई दिल्ली -110 003



National Productivity Council


## NATIONAL PRODUCTIVITY COUNCIL

(Under Ministry of Commerce & Industry, Govt. of India)

Utpadakta Bhavan, 5-6, Institutional Area,  
Lodi Road, New Delhi - 110 003

4. AND WHEREAS on careful consideration of the report of the Inquiry Officer and other records of the case in the light of the submissions made by Shri U. Chandra Kumar, Charged Officer in his observation on report of the Inquiry, the undersigned has decided that charges have been proved beyond doubt based on his acceptance of all the charges as well as the corroborative documentary evidences.

5. NOW, THEREFORE, after considering the record of the inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri U. Chandra Kumar Charged Officer has committed grave misconduct by contravention of NPC Service Rule 56 (b) (IV). The act of forgery committed by him by forging the signature of TEDA Officials and unauthorized nominating not only himself but also bringing another woman impersonating as TEDA employee. This act of forgery committed by him attracts criminal proceedings against him as per Law and is unbecoming of a Government Servant. The undersigned is of the view that ends of justice would be met if the penalty of Removal from service is imposed on him under Rule 56(b) (IV) of Service Rule of National Productivity Council read with Rule 14 CCS (CCA) Rules 1965.

  
(Arun Kumar Jha)  
Director General

Shri. U. Chandra Kumar  
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Temple Road  
Jawahar Nagar  
Chennai-600 082.



राष्ट्रीय उत्पादकता परिषद्  
(राज्य एवं उद्योग मंत्रालय, भारत सरकार के अन्तर्गत)  
उपादकता भवन, 5-6, इंस्टीट्यूशनल एरिया,  
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File No 25015  
Dated 30.09.2019

**FINAL ORDER IMPOSING A MAJOR PENALTY  
ORDER**

WHEREAS disciplinary proceedings under Rule 14 of the Central Civil Services (Classification, control and Appeal) Rules 1965 read with Service Rule of National Productivity Council-Chapter-VII – Conduct and Disciplines-Rule 56 (b) were instituted against Shri Prakash Chand, Clerk-cum-Typist vide this office Memorandum No. 25015 dated 25/26 September, 2017 on the following articles of charge:-

**Article 1**

It is observed that Shri Prakash Chand, during substantial period of his service career, have neither informed nor sought prior permission from National Productivity Council (NPC) for borrowing personal loans from various Banks/Co-operative Societies/Garmin Bank as also for furnishing Personal Surety/Guarantee in favor of Third Party in repeated number of cases, in contravention of mandatory provisions of Circular No. 26061 dated 18.05.1995 as well as Office Order No. 117/2002/PT.II dated 02.03.2002 respectively, issued by National Productivity Council read with Rule 17 Central Civil Services (Conduct Rules) 1964. In this connection, Shri Prakash Chand have manipulated/forged salary slip, Authority Letters from NPC, by forging signatures of NPC Officials, which is clear and undoubtedly criminal breach of trust.

**Article 2**

It is also observed that conviction of Shri Prakash Chand by criminal court was sufficient ground, the acts and conduct which amount to Misconduct (Rule 51-vii-Chapter-VII Conduct And Discipline Service Rules of NPC) to initiate Disciplinary Proceedings and consequential imposition of Penalties under Rule 53 (b) (iii to v) of the Service Rules of NPC read with Rule 14 CCS-(CCA) Rules 1965.

**Article 3**

It has been observed that during your service career with National Productivity Council, Head Office, New Delhi, Shri Prakash Chand has been making various representations through Public Grievance Portals of Chief Minister, National Capital Territory, Delhi, PMO and Grievance Portals of Department of Industrial Policy & Promotion, Ministry of Commerce & Industry, Government of India, attempting to bring political and/or outside influence of various political parties without adhering to the official decorum/directions/circulars i.e. by-passing proper channel system to bear upon influence on superior authority of NPC, about service matter of Shri Prakash Chand. This act of Shri Prakash Chand is in gross violation of the NPC Service Rules-53 read with Rule 20(2) of CCS (Conduct Rules) 1964.

**Article 4**

It has also been witnessed that Shri Prakash Chand been making false, unfounded, unscrupulous, baseless allegations and casting aspersions on the Senior Officers of the Council, which tantamount to attracting the provisions of NPC Service Rules and CCS (Conduct Rules) 1964

**Article 5**

Apart from raising frivolous query through the mode of RTI Act, 2005 to divert & stall the disciplinary proceedings and instead of replying to the Show-cause notice, Shri Prakash Chand is writing letters to Director General, the competent authority, seeking forgiveness & taking lenient view on the matter. The modus- operandi adopted by Shri Prakash Chand tantamount to disobedience & misconduct. Statement of Imputations of Misconduct in support of the Articles of Charge framed against Shri Prakash Chand, Clerk-Cum-Typist, NPC, H.Q. Together with a list of documents by which and a list of Witnesses by whom, the charges were proposed to be sustained, were also forwarded to Shri Prakash Chand along with aforesaid Memorandum dated 25/26 September, 2017.

2 Since Shri Prakash Chand, Clerk-Cum-Typist denied all the charge(s) framed against him, the Disciplinary Authority, DG NPC, nominate Inquiry Officer(IO) & Presenting Officer (PO) to inquire into the charges vide Order. dated 10/15 November, 2017.



# राष्ट्रीय उत्पादकता परिषद्

उद्योग एवं उद्योग मंत्रालय, भारत सरकार के अन्तर्गत  
उत्पादकता भवन, 5-6, इंस्टीट्यूशनल एरिया,  
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3 AND WHEREAS the enquiry proceedings could not be proceeded due to unauthorized long absent of Shri Prakash Chand from office.

4 AND WHEREAS new incumbent Shri Prashant Srivastava has been nominated as new Inquiry Officer (IO) with effect from 01.07.2019, consequent to the transfer of earlier IO to RD Guwahati on administrative exigency. Shri Prakash Chand was duly informed by Shri Prashant Srivastava (new IO) about his nomination & the next date fixed for hearing. The IO has categorically mentioned that in the absence of Shri Prakash Chand the proceeding will be conducted Ex-Parte.

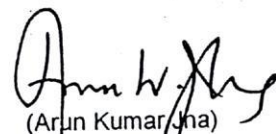
5. AND WHEREAS the Inquiry Officer (IO) vide his Report dated 11.09.2019 gave a finding that by going through the article of charges and imputation of charge along with corroborative documents, proved all the charges beyond doubts. The Disciplinary Authority accepted the enquiry report submitted by the IO.

6. AND WHEREAS a copy of the report of Enquiry vide NPC Letter No. 25015 dated the 13.09.2019 has been delivered by hand in the residence of Shri Prakash Chand, H-15, Pocket A-I Mayur Vihar Phase-III Delhi 110096. The above Letter dated 13.09.2019 has been received by W/o Shri Prakash Chand, Smt. Lalita Devi. Shri Prakash Chand was given an opportunity of making such submissions on the report of Enquiry as he desired. He has also desired personal hearing with Director General. Accordingly he has been requested to meet Director General in person on or before 20<sup>th</sup> Sept, 2019 after seeking time from DG Secretariat. However Shri Prakash Chand has not visited NPC Office. A Letter Dated 20.09.2019 from Smt. Lalita Devi, W/o Shri Prakash Chand has been received in NPC, wherein She has submitted not to penalize her husband Shri Prakash Chand. At the same time She has also submitted to give employment to Shri Amit Kumar on the basic of humanitarian and sympathetic ground. The submissions made by Smt Lalita Devi W/o Shri Prakash Chand have been perused and are not found to be tenable as per merit.

7. AND WHEREAS on careful consideration of the report of the Inquiry Officer and other records of the case in the light of the submissions made by Shri Prakash Chand-Clerk Cum Typist in his observation on report of the Inquiry officer, the undersigned has decided that charges have been proved beyond doubt based on the corroborative documentary evidences, facts & circumstances of the case.

8. NOW, THEREFORE, after considering the record of the inquiry and the facts and circumstances of the case, the undersigned has come to the conclusion that Shri Prakash Chand, Clerk-Cum-Typist has committed grave misconduct by contravention of NPC circular No. 26016 dated 18.05.1995 & Office order no.117/2002/PT.II dated 02.03.2002 by borrowing loans and furnishing guarantee to third party read with Rule 17 CCS (Conduct Rules) 1964. The act of forgery committed by him by forging the signature of NPC Officials and submitting forged NPC salary slip while availing loans and furnishing guarantees, with number of banks /cooperative societies. This act of forgery committed by him attracts criminal proceedings against him as per Law and is unbecoming of a Government Servant. Apart from this, Shri Prakash Chand has been making false, unfounded, unscrupulous, baseless allegations and casting aspersions on the senior officers of NPC and also bringing undue influence from VIPs & VVIPs against the Service Rules of NPC. The undersigned is of the view that ends of justice would be met if the penalty of Dismissal from service is imposed on him under Rule 56(b) (V) Service Rule of National Productivity Council read with Rule 14 CCS (CCA) Rules 1965.

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(Arun Kumar Jha)  
Director General  
30/9/19