

**LBS CENTRE FOR SCIENCE & TECHNOLOGY,  
THIRUVANANTHAPURAM**

**PROCEEDINGS**

LBS Centre for Science and Technology, Thiruvananthapuram – Shri.Abdul Salam.A., Lecturer in Electronics & Communication Engineering, LBS Institute of Technology for Women, Poojappura – unauthorized absence – disciplinary action – removal from service – show cause notice issued.

No:B7/587/1997-Vol.II

Dated, Thiruvananthapuram 08/05/2018

- Read:-
1. Proceedings No:B7/587/1997 dated 03/07/2003 of the Director, LBS Centre for Science & Technology, Thiruvananthapuram
  2. Proceedings No:B7/493/2004 dated 22/02/2006 of the Director, LBS Centre for Science & Technology, Thiruvananthapuram
  3. Memo of charges and statement of Allegations No:B7/587/1997 dt. 9/11/2010 from the Director, LBS Centre for Science & Technology issued to Shri. Abdul Salam.A
  4. Notice No:B7/587/97/vol.II dt.3/12/2017 published in the website of LBSITW, Poojappura
  5. Notice published in Indian Express daily dt 29/12/2017 and Madhyamam daily dt. 29/12/2017
  6. Explanation of Shri.Abdul Salam.A. dt.05.01.2018 to the Director received through post on 17/01/2018
  7. Lr.No.B7/587/97/vol.II dated 20/02/2018 of the Director, LBS Centre for Science & Technology, Thiruvananthapuram
  8. Report of Enquiry dt.06/04/18 submitted by Shri.Prem dilip P.N., Administrative Officer, LBSITW, Poojappura, Thiruvananthapuram

**ORDER**

Shri Abdul Salam.A., Velampuzha Kizhakkethil, Panmana, Puthenchantha P.O., Kollam was appointed as Lecturer in Electronics & Communication Engineering in the LBS Institute of Technology for Women, Poojappura, Thiruvananthapuram- vide the order referred to as first above. He joined duty on 09.07.2003 FN. His probation was declared as satisfactorily completed on the FN of 09.07.2005- vide the order referred to as 2<sup>nd</sup> above. He had availed leave without allowance from 04.10.2006 to 03.10.2008 for doing M.Tech course at DOEACC Centre, NIT Campus, Calicut and rejoined on 04.10.2008.

2. While continuing so, he had applied for leave without allowances for 90 days with effect from 05.12.2008 in continuation of Half pay leave sanctioned from 06.10.2008 to 04.12.2008. The leave was rejected and application returned with direction to report for duty- vide letter dated 03.01.2009. But he did not report for duty. Instead of joining duty, he applied for leave without allowances for two years from 05.12.2008 for completing his project- vide his application dated 06.02.2009.

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3. It is seen that on 13.01.2009 the Principal had written a letter to the Coordinator, DOEACC Centre, NIT Campus, Calicut to inform the status of the study of M.Tech course by Shri.Abdul Salam.A. Shri.K.M.Martin (M.Tech Course Co-Ordinator)-vide his letter dated 22.01.2009 had reported that Shri.Abdul Salam. A had submitted the project thesis on 15.07.2008 and his viva-voice was completed on 14.08.2008 and he has completed M.Tech. Course. He rejoined on 04.10.2008. Since his M.Tech Course was over by 14.08.2008, a request for Leave without Allowances for a period of two years with effect from 05.12.2008 for study purpose was not justifiable.

4. Since his leave applications were rejected, in letters dated 10/7/2009 and 21/8/2009 the Principal, LBS Institute of Technology for Women has requested him to report for duty. He did not respond and not joined duty. A show cause notice dated 13/05/2010 was issued to him against his unauthorized absence for showing cause as to why disciplinary action should not be taken against him. He has submitted his written statement on 23.06.2010 stating that he has submitted leave application for leave without allowances for 2 years from 05.12.2008 and he shall join duty soon after the project work is completed which is expected to be completed within two months. He did not join duty even after 23.08.2010.

5. A Memo of charges and Statement of Allegations was again issued-vide reference at 3<sup>rd</sup> above. In that Memo of charges it was stated that he was absenting from duty with effect from 05.12.2008 and that his written statement of defence was not at all satisfactory. It was also stated in the Memo of charges that the Principal, LBSITW has not recommended the leave application and he was continuing his absence and the college is facing much difficulty with the shortage of senior faculty members. The Principal has forwarded the same to him through Registered post and the same was returned by postal authorities noting "unclaimed, Referred to sender".

6. A Notice referred to as fourth above as provided in Para 53 of the Manual for Disciplinary proceedings was published in the website of LBSITW, Poojappura and in two dailies – ie; Indian Express daily dated 29-12-2017 and Madhyamam daily dated 29-12-2017 to submit his explanation before 15-1-2018.

7. His explanation dt 5-1-2018 was received at LBS Centre for Science & Technology on 17-1-2018. It was belated and he stated that his project for M.Tech is still going on and will complete within 8 months from 5-1-2018. He has to complete his project and requested that his action may not be treated as unauthorized absence. He has further requested in his explanation to grant Leave Without Allowances till 30-9-2018 and permission to rejoin duty w.e.f 1-10-2018.



8. It is proven fact that his M.Tech with all formalities was over by 14-8-2008. Since his explanation was not satisfactory the Director, LBS Centre for Science and Technology has entrusted Shri.Premdilip, Administrative Officer, LBSITW, Poojappura to enquire into the charges against Shri.Abdul Salam.A and submit enquiry report within one month – vide letter referred to as 7<sup>th</sup> above. He has submitted his report-vide reference at 8<sup>th</sup> above.

9. The Enquiry Officer has reported that though he has called Shri.Abdul Salam. A. for a personal hearing at 11 am on 5-4-2018, at LBSITW, Poojappura he did not report. He has concluded the enquiry report with following recommendations:-

“On the light of the above I can conclude that;

1. The leave taken by Shri.Abdul Salam A, Lecturer, ECE from 5-12-2008 is not for study purpose and it may be treated as unauthorized absence.
2. He has not revealed the name of institution in which he has undergone the post M.Tech. project and the project thesis. So there is no documentary proof whether he has engaged the project.
3. All the letters forwarded to his residential address are returned noting that “unclaimed Referred to Sender”. From this we can assume that Sri.Abdul Salam.A. was out of station during the period of absence.
4. He has not reported for duty even after completion of leave period from 5-12-2008 to 4—2—2010 and again requested to extend the leave merely saying for the completion of the post M.Tech project.

So the absence from duty of Shri.Abdul Salam.A. from 5-12-2008 may be treated as unauthorised absence and the action taken by him is irregular, indisciplined and warranting disciplinary action”.

10. I have gone through the whole records of the case and carefully considered the written statement of defence submitted by Shri.Abdul Salam.A. It was not satisfactory. The report of enquiry submitted by the Enquiry Officer appointed as per Rule 15(1) and (2) of the K.C.S (C.C.&A) Rules, 1960 reveals that Shri.Abdul Salam.A did not cooperate with the Enquiry Officer in this regard. He has recommended to treat the absence of Shri.Abdul Salam.A from 5-12-2008 as unauthorized absence.

11. Since it is not reasonably practicable to follow all the procedures prescribed in Rule 15 of the K.C.S (C.C. & A) Rules, due to non-cooperation of Shri.Abdul Salam.A. and the Enquiry Officer has recommended to treat the period of absence from 5-12-2008 as unauthorized absence, in terms of Rule 15(12) read with rule 18(ii) of the K.C.S (C.C.&A) Rules, 1960, I fully agree with the findings of the Enquiry Officer and hold that charges framed against him have been proved and therefore tentatively decide to remove Shri.Abdul Salam.A, Lecturer, ECE, from the service of the LBSITW, Poojappura under LBS Centre for Science and Technology, Trivandrum w.e.f 5-12-2008 as provided in Rule 11(1) (vii) of the K.C.S.(C.C.&A) Rules, 1960.

12. Shri.Abdul Salam A is required to show cause as to why the above action should not be taken against you. You are allowed 15days from the date of receipt of this notice or date of publication of this notice in the website of LBSITW, Poojappura, whichever is earlier, to submit such representation as you may wish to make against the proposed action. If your written representation is not received within the specified time, the matter will be proceeded further on the presumption that you have no representation to submit.

A Copy of Enquiry Report referred to as 8<sup>th</sup> above is enclosed herewith.

  
DIRECTOR

To

- 1) Shri.Abdul Salam.A.  
Lecturer, ECE, LBSITW, Poojappura (By Regd.Post.A/D)  
Residing at Velampuzha, Kizhakkathil, Panmana, Puthenchantha P.O, Kollam.
- 2) The Principal, LBSITW, Poojappura – for publishing in the website of the Institute
- 3) Stock File
- 4) OC.