CSIR-NATIONAL ENVIRONMENTAL ENGINEERING RESEARCH INSTITUTE, NEHRU MARG, NAGPUR- 440020

No. 34(164)/2017/P&V

Date: November 14, 2019

ORDER

WHEREAS, Disciplinary proceedings under Rule 14 of CCS (CCA) Rules 1965 were instituted against the charged officer Sh. Pramod N. Bharati, Security Guard, CSIR-National Environmental Engineering Research Institute (NEERI), Nagpur vide OM No. 34(164)/2017/P&V dated 28.04.2017. The misconduct on the part of the Charged Officer, Sh. Pramod N. Bharati, Security Guard at CSIR-NEERI, Nagpur is that after entering gate No. 1 he rushed his four-wheeler inside the campus in a great speed and was about to hit the Director, CSIR-NEERI, Dr. Rakesh Kumar and the dignitaries who were walking on the other side (right side of the road) at around 10.40 pm on 30.01.2017 (Monday) and thereafter upon asking about his rash and reckless driving, Sh. Bharati also misbehaved with the Director and replied to him in a rude manner and in a loud voice. Thereby, his conduct was totally unbecoming of a council servant and highly subversive of discipline.

AND WHEREAS, the undersigned was appointed as Adhoc Disciplinary Authority since the Appointing Authority i.e. Director, CSIR-NEERI himself was the material witness in this case.

AND WHEREAS, Sh. Y. Ramakrishna, Senior Controller Administration, CSIR-AMPRI, Bhopal (presently working at CSIR-NGRI, Hyderabad) was appointed as Inquiry Officer vide Order No. 34(164)/2017/P&V dated 14.08.2017.

AND WHEREAS, the Inquiry Officer submitted its Inquiry Report dated 13.04.2019 on 15.04.2019, giving his findings in respect of the article of charge mentioned in the OM No. 34(164)/2017/P&V dated 28.04.2017.

AND WHEREAS, a copy of inquiry report dated 13.04.2019 was forwarded to Charged Officer, Sh. Pramod N. Bharati on 26.04.2019, asking him to make his representation/submission if any within 15 days of its receipt, in writing.

AND WHEREAS, the Charged Officer, Sh. Pramod N. Bharati has submitted his representation dated 13.05.2019 on the report of Inquiry Officer dated 13.04.2019, wherein, he has categorically denied the findings of Inquiring Officer's Report and prayed that he may be exonerated of the Article of Charge Levelled against him, which in his opinion has been framed with biased and preconceived mind against him.

AND WHEREAS, all the points raised by the Charged Officer in his representation dated 13.05.2019 have been carefully considered by the undersigned along with the Inquiry Report and evidences adduced during the inquiry.

1. The main points to be examined as per the article of charge are as under:

   a) Whether the charged officer had rushed his vehicle after entering gate no. 1 of the campus leading to the porch of main building and was about to hit the Director and others?
   b) Whether the charged officer misbehaved with the Director when asked about his driving?

2. I have noted that the Charged Officer was given fairly adequate opportunity to defend himself though the Charged Officers chose not to produce any defence documents or defence witnesses and has not presented himself as witness as well.

3. In the depositions given by Sh. Abhishek R. Choudhari (SW-1), Sh. Yogesh Madhukar Budhbaware (SW-2), Sh. Anant Dorliker (SW-3) Sh. Devendra Warthi (SW-4), Sh. Y.S. Narayanpure (SW-6), Dr. Rakesh Kumar (SW-7), Prof. Mukesh Khare (SW-8) and Sh. S.K. Maiti (SW-9), they have confirmed that they saw the vehicle coming from Gate No. 1 towards the Porch and the Charged Officer was driving the vehicle recklessly which came very close to the Director and other dignitaries and nearly missed the hit.

4. Though, Dr. Rakesh Kumar (SW-7), Prof. Mukesh Khare (SW-8) and Sh. S.K. Maiti (SW-9) could not guess the numerical value of the speed of the vehicle, but it is amply clear from the cross examination of the concerned witnesses that the vehicle crossed/approached to them at a very high/great speed and passed from very near distance which made them frightened and they somehow managed to retreat back in self defence as a natural response.

Sh. Y.S. Narayanpure (SW-6), Security-In-charge in his deposition also stated that he has observed from CCTV footage that a white colour vehicle coming from gate No. 1 and going toward main building in rush and one of the guard got afraid by that and jumped to the footpath.

7. The Inquiry Officer in his report has also concluded from the statements of various witnesses and the Charged Officer as well as Presenting Officer's brief that the charged officer was driving his vehicle recklessly and needlessly took a sudden right turn and passed his vehicle very near to the Director and other dignitaries.

8. I am in agreement with the evaluation/conclusion of the inquiry officer that the argument of the C.O. that since no witnesses could exactly tell speed of the vehicle or there was absence of any speed limit board in the campus or no damage was done to the vehicle or to the gate or to the persons, therefore he was driving safe, hold no water. These are not the only parameter to judge whether a vehicle was driven rashly/recklessly or not. As long as the persons standing/walking on the roadside get frightened or feel unsafe when the vehicle approaches or pass through them is good enough to conclude the rash driving.

9. The witness given by Prof S. K. Maiti, Prof. Mukesh Khare and Dr. Rakesh Kumar is a value because it is they who faced the traumatic experience. Further, the two persons, Prof S. K. Maiti, Prof. Mukesh Khare, who are in responsible position of the Institution of higher learning and research of national repute would probably not have any malicious intentions of making frivolous/imaginary complaints on a person who they never met earlier or would have been influenced to do so by any persons.

10. **Therefore, I find that the charged officer was driving his vehicle rash and recklessly.**

11. Further, the depositions/statements given by Sh. Devendra Warthi (SW-4), Sh. Ashish Doifode (SW-5), Dr. Rakesh Kumar (SW-7), Prof. Mukesh Khare (SW-8) and Sh. S.K. Maiti (SW-9), commonly confirms that the charged officer was very loud, rude and angry while talking to the Director of the Institute in front of official guests, when he was asked by the Director about his driving.

12. I agree with the conclusion of I.O. that the charged officer chose to speak in a loud and angry way without controlling his emotions/language/tone and tenure with his

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Director without any provocation. Being an Ex-serviceman, working as permanent security guard in the office, should have been an embodiment of discipline in all walks of life and it was the even more incumbent upon him to have shown reasonable respect to the office of Director.

13. **Therefore, I find that the charged officer misbehaved and replied to the Director in a rude manner and loud/angry voice and had shown total indiscipline.**

14. I have also noted that (i) the procedure laid down for the disciplinary proceedings has been followed in the conduct of the inquiry. (ii) Adequate opportunity has been given to the charged officer and (iii) findings of the inquiry officer are based on the evidence on record.

NOW THEREFORE, I find that the article of charge levelled against Sh. Pramod N. Bharati, Security Guard, CSIR-NEERI vide OM No. 34(164)/2017/P&V dated 28.04.2017 stand proved.

The charged officer being an Ex-serviceman and working a permanent security guard was expected to observe a very high standards of discipline and conduct. By misbehaving with Director and dignitaries he has conducted a gross misconduct which is high subversive of discipline, which not only disturb the piece and working environment of the Institute but also created atmosphere of insecurity of the minds of other staff members. As such, the misconduct committed by the charged officer is very grave and warrants severe penalty.

Therefore, I feel that the end of the justice would be met, if a penalty of compulsory retirement with two-third of his full pension is imposed on Mr. Pramod N. Bharti, Security Guard with immediate effect.

Now, therefore, I impose the said penalty of **compulsory retirement with two-third of his full pension** on Mr. Pramod N. Bharti, Security Guard with immediate effect.

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(Satish Chandra)
Ad-hoc Disciplinary Authority &
Director, CSIR-CRRI

To,

Sh. Pramod N. Bharati
Plot No. 102, Diamond Nagar,
Siddheshwar Wadi, Kharbi Road,
Nagpur-440 024

Copy to:
Director,
CSIR- National Environmental Engineering Research Institute (NEERI)
Nehru Marg, Vasant Nagar,
Nagpur, Maharashtra 440020

सीएसआईआर–राष्ट्रीय पर्यावरण अभियांत्रिकी अनुसंधान संस्थान
नेहरू मार्ग, नागपुर–440 020

नीरी NEERI

सं. 9(2610)/2001/स्थापना दिनांक 02 दिसम्बर, 2019

उपर्युक्त की प्रति आपके अवलोकन, जानकारी एवं आवश्यक कार्रवाई के लिए प्रेषित की जा रही है।

(एस. मजूमदार)
प्रशासन अधिकारी

प्रतिलिपि :

01. सभी अनुभाग/प्रभाग/एकक एवं क्षेत्रीय केन्द्र के प्रमुख
02. वित्त एवं लेखा अधिकारी
03. भंडार एवं क्रय अधिकारी
04. सुरक्षा अनुभाग