



भारतीय विज्ञान कांग्रेस संस्था

1

(विज्ञान और प्रौद्योगिकी विभाग के अंतर्गत एक व्यावसायिक संस्था,
विज्ञान और प्रौद्योगिकी मंत्रालय, भारत सरकार)
14, डॉ० बिरेश गुहा स्ट्रीट, कोलकाता - 700 017, भारत

THE INDIAN SCIENCE CONGRESS ASSOCIATION

(Professional Body under Department of Science & Technology,
Ministry of Science & Technology, Government of India)

14, Dr. Biresh Guha Street, Kolkata - 700 017, INDIA

Telephone : (033) 2287-4530, 2281-5323
Website : <http://sciencecongress.nic.in>

Fax : 0091-33-2287-2551
E-mail : es.sciencecongress@nic.in
iscacal_2004@yahoo.com

No. 04/24/2022-23

Date: 9.05.2022

ORDER

Sub: Appeal filed by Dr. Arun Kumar Pandey, Assistant Executive Secretary (U/s) against penalty imposition – Disposal of Appeal – Reg.

WHEREAS after holding a Departmental Inquiry Ex-Parte against Dr. Arun Kumar Pandey, Assistant Executive Secretary (u/s) of Indian Science Congress Association, Kolkata, under Rule 14 of Central Civil Services (Classification, Control and Appeal) Rules, 1965, and as per the Executive Committee's decision to impose the Major Penalty of "Removal from Service" from Indian Science Congress Association, Kolkata, on the said Dr. Arun Kumar Pandey, Assistant Executive Secretary, (u/s) with immediate effect, which shall not be a disqualification for future employment under the Government for good and sufficient reasons. Dr. Arun Kumar Pandey was informed of the quantum of punishment vide Order No 04/24/2022-23 Dated 5th April, 2022.

(2) WHEREAS aggrieved by the quantum of the penalty imposed on him that has been stated above, Dr. Arun Kumar Pandey, Assistant Executive Secretary (u/s) has filed an Appeal vide petition dated 6th April, 2022 wherein he has pleaded non-guilty and has sought to exonerate him from the imputation by setting aside the Penalty imposed viz. "Removal from Service", and requested for reinstatement to service by considering his past service and conduct on humanitarian and sympathetic grounds.

(3) AND WHEREAS Clause 8.8.1 of Service Conditions of Indian Science Congress Association provides that the appeal "shall be heard, decided upon and disposed of by

an Appellate Body". Accordingly the Appellate Body was formed and the said appeal filed by Dr. Arun Kumar Pandey, Assistant Executive Secretary (u/s) was placed before the Appellate Body which met on 5.05.2022, for Adjudication.

(4) Dr. Arun Kumar Pandey (u/s) appeared before the Appellate Body for personal hearing at 11.30 AM on 5th May 2022. The committee members asked him the reason for not having appeared before the Enquiry Committee and about its consequences and accordingly he has been asked to make his submissions if any in writing, The reply dated 3.05.2022 submitted by him against the order dated 5.04.2022 fixing the penalty has been made as his submission in the personal hearing. He insisted that he has submitted in writing whatever he has to say. He requested to exonerate him on humanitarian ground.

(5). However, he says in the said reply-

"... I submit the Written Reply with the humble reservation of my right to approach the Hon'ble Revisionary Authority in view of the fact that constitution of the Appellate Committee in itself is in gross violation of the Principles of Natural Justice as it comprises of the Disciplinary Authority or her nominee, her another Nominee and a third member being the General Secretary who happens to be the Inquiry Officer and therefore the entire proceedings of the so called Appellate Committee is non-est and void"

(6) However, preliminary objections made by Dr. Arun Kumar Pandey (u/s), and the clarifications are as under:

A. *Direct conflict between Regulations & Bye-laws of ISCA vis-à-vis Rules under which the departmental proceedings have been initiated.*

There is no conflict as stated above, as per Note-2 below Clause 2.20.0 of ISCA service conditions that Government of India Rules: mean rules as are applicable to autonomous bodies on issues unspecified in the rules of ISCA. Hence, CCS (Conduct) Rules 1964 of Government of India rules shall also apply to ISCA *mutatis mutandis* on such issues.

B. *Wrongful Delegation of Power*

As alleged, it is not wrongful delegation. General Secretary (Membership Affairs) will be the executing authority of the decisions/approvals conveyed in the Executive Committee.

C. *Violation of Principles of Natural Justice.*

As alleged, Enquiry Officers, and Disciplinary Authority were not the same, but different with each other. However, some Executive Committee (EC) Members were listed witnesses in the departmental proceedings, those are all eyewitnesses.

D. *Disciplinary Authority and Appellate Authority being the same.*

Though Disciplinary Authority and Appellate Authority were the same, but there is a separate Appellate Body consisting of three members as per Clause 8.8.1 of ISCA Service Conditions. The EC is the Disciplinary Authority of the ISCA in context of Clause 8.2.0 of the ISCA Service Condition rules.

E. *Issue of Applicability of CCS(CCA) Rules, 1965 and other Concomitant Instruction /Rules of ISCA/Gol.*

As per Note-2 below Clause 2.20.0 of service conditions of ISCA that Government of India Rules mean rules as are applicable to autonomous bodies on issues unspecified in the rules of ISCA. Hence, CCS (Conduct) Rules 1964 of Government of India rules shall also apply to ISCA *mutatis mutandis* on such issues.

F. *Infirmities in the issuance of Charge Memorandum in blatant Violation of the Provisions of CCS(CCA) Rules, 1965.*

As alleged, there was no violation of any provisions contained in CCS (CCA) Rules, 1965.


(7) In view of the above, all the observations made by Dr. Arun Kumar Pandey (u/s) are denied fully and are not acceptable.

(8) The Appellate Body after considering the appeal of submissions made and hearing the appellant and after holding the meeting on the basis of documentary

evidences adduced before them submitted its findings on date 05.05.2022 wherein the Appellate Body concurred with the quantum of Penalty imposed on Dr. Arun Kumar Pandey, Assistant Executive Secretary (u/s)

(9) Now therefore, the Appellate Authority, taking into consideration the recommendation of the Appellate Body and after having made a thorough examination of the issues involved in the case as a whole, on having had application of mind on the entire facts and circumstances of the Case with reference to all the relevant documents/records and on the averments made by the Appellant in the Appeal and also against the backdrop of the detailed observations which are made in pre-paras, it is of the view that such a grave misconduct warrants imposition of the extreme Penalty of Dismissal / Removal from Service. **Therefore, the Disciplinary Authority was justified in imposing the punishment of removal from service.**" This has also been concurred by Appellate Body.

(10) The Executive Committee at its meeting on 7.05.2022 finally decided to implement the penalty imposed upon him with immediate effect. Accordingly, I, (Appellate Authority) hereby concur and confirm the implementation of the quantum of penalty of **Removal from Service** of Indian Science Congress Association, Kolkata, imposed on the said Dr. Arun Kumar Pandey, Assistant Executive Secretary (u/s) with immediate effect. This order will come into effect from the date of this order.


(Dr. S. RAMAKRISHNA)
General Secretary (Membership Affairs) &
Disciplinary & Appellate Authority.

To
Dr. Arun Kumar Pandey,
Assistant Executive Secretary (u/s)
No.42/185 Mouboni Apartment, 1st Floor,
Bediadanga 2nd Lane,
New Ballygunge Road, P.S. Kasba,
KOLKATA-700 039. West Bengal.

Copy to 1. Secretary, Department of Science & Technology, New Delhi for kind
information.
2. ISCA Website.