



मुख्यालय
कर्मचारी राज्य बीमा निगम
पंचदीप भवन, कामरेड इंद्रजीत
गुप्ता मार्ग,
नई दिल्ली - ११०००२

Website - www.esic.nic.in



HEADQUARTERS OFFICE
Employees' State Insurance Corporation
Panchdeep Bhawan: C.I.G Marg,
New Delhi-110002
Website - www.esic.nic.in

No. C-14/14/12/2023-Vig. /337

Dated 28/02/2024

MEMORANDUM

It is proposed to hold an Inquiry against Smt. Mithu P. Chandran, Nursing Officer (Level-7), ESIC Hospital, Asramam, Kerala under Regulation 12 & 13 and Second Schedule of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 2023. The substance of the imputations of misconduct or misbehavior, in respect of which, the inquiry is proposed to be held is set out in the statement of article of charge (Annexure-I). A statement of imputations of misconduct and misbehavior in support of article of charge is enclosed (Annexure-II). A list of documents by which the article of charge and a list of witnesses by whom, the article of charge is proposed to be sustained are also enclosed (Annexures-III & IV) respectively.

2. Smt. Mithu P. Chandran is directed to submit within 10 days of the receipt of the memorandum, a written statement of her defence and also to state whether she desires to be heard in person.

3. She is informed that an inquiry will be held only if the article of charge, is not admitted. She should, therefore, specifically admit or deny each of the Article of Charge.

4. Smt. Mithu P. Chandran is further informed that if she does not submit her written statement of defence, on or before the date specified in para 2 above, or does not appear in person or otherwise, fails or refuses to comply with the provisions of Regulation 12 & 13 and Second Schedule of the Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 2023 or the orders/directions issued in pursuance of the said Regulations, the inquiry authority may hold the inquiry against her, ex-parte.

5. Attention of Smt. Mithu P. Chandran is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964 under which, no employee shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further her interests in respect of matters pertaining to service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Smt. Mithu P. Chandran is aware of such a representation and that it has been made at her instance and action will be taken against her for violation of Rule 20 of the CCS (Conduct) Rules, 1964, which are applicable to Corporation employees by virtue of Regulation 9(2) & 23 of the ESIC (Staff and Conditions of Service) Regulations, 2023.

6. The receipt of the Memorandum along with its enclosures may please be acknowledged.



(Dr. RAJENDERA KUMAR)
DIRECTOR GENERAL

✓ Smt. Mithu P. Chandran, Nursing Officer,
(Employee No. 445756)
ESIC Model and Super Specialty Hospital,
Asramam, Kollam,
Kerala - 691 002.

***(Through the Medical Superintendent, ESIC Model and Super Specialty Hospital,
Asramam, Kerala)***

Copy to: -

1. The Medical Suptd., ESIC Model and Super Specilty Hospital, Asramam, Kollam, Kerala - 691 002 for information and with the request to arrange delivery of Charge Memorandum to Smt. Mithu P. Chandran, Nursing Officer under proper receipt and forward the acknowledgement to this office for records. In case of non delivery of this memorandum then proper drill may be followed by issuing a notice in the local newspaper only in the district where the candidate resided and on the website/notice board of the hospital and the Regional Office, ESIC.
2. The Regional Director, ESIC Regional Office, Thrissur, Kerala - 680 020 for information and necessary action.
3. The Medical Commissioner, ESIC, Hqrs. Office, Medical-IV/DPC Cell.
4. Vigilance Clearance seat, Vigilance Branch, Hqrs. Office
5. Guard file

DEPUTY DIRECTOR (VIG)

**STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SMT. MITHU P. CHANDRAN,
NURSING OFFICER, ESIC MODEL AND SUPER SPECIALITY HOSPITAL, ASRAMAM,
KERALA.**

Article of Charge-I

Smt. Mithu P Chandran, Staff Nurse, ESIC Model and Super Specialty Hospital, Kollam while posted and working as Staff Nurse at ESIC Model and Super Specialty Hospital, Kollam has committed misconduct in as much as she in gross violation of Rule 25 of CCS (Leave) Rules, 1972 absented herself unauthorizedly with effect from 01.12.2022 to till date without prior permission of the higher authorities and without sanction of leave of any kind due to her.

By the aforesaid act, Smt. Mithu P. Chandran has exhibited lack of devotion to duty and a conduct unbecoming of a Corporation employee and thereby, violated Rule 3(1) (ii) & (iii) of the CCS (Conduct) Rules, 1964 read with Regulation 9(2) & 23 of ESIC (Staff & Conditions of Service) Regulations, 2023.



(Dr. RAJENDERA KUMAR)
DIRECTOR GENERAL

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SMT. MITHU P. CHANDRAN, NURSING OFFICER, ESIC MODEL & SUPER SPECIALTY HOSPITAL, KOLLAM KERALA.

The Medical Superintendent, ESIC Model and Super Specialty Hospital, Kollam vide letter dated 13.05.2023 has forwarded the matter of unauthorized absence of Smt. Mithu P Chandran, Nursing Officer without prior permission of the competent authority. On perusal of the same it is revealed that:

1. Smt. Mithu P. Chandran, Nursing Officer was on unauthorized absence from duty from 01.12.2022 to till date without sanction of any kind of leave due to her from the competent authority.
2. A Show Cause Notice under E File No. 445756 dated 11.04.2023 was issued to Smt. Mithu P Chandran, Nursing Officer directing her to show cause why disciplinary action may not be initiated against her for her unauthorized absence from duty since 01.12.2022 and was sent to her two available addresses as per office records by Post No. RL489610240IN and RL489610125IN at Smt. Mithu P Chandran, Shivam, Karicode, TKMC P.O., Kollam, Kerala - 691005 and Smt. Mithu P Chandran, Pottakkatt House, Kizhuppillikara P.O., Thrissur, Kerala - 680 704 respectively. These letters were returned with remark that the remarks "**Door Locked**" and "**Left**".
3. As per Rule 7 of CCS (Leave) Rules, 1972:
Right to leave
(1) Leave cannot be claimed as of right.
(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

And, as per GOI decision 4 under Rule 25 of CCS (Leave) Rules, 1972:

"....a Government servant who remains absent without any authority should be proceeded against immediately. In all such cases of unauthorized absence by a Government servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately/ within a specified date, say within three days, failing which he would be liable of disciplinary action under CCS(CCA) Rules,

1965. If the Government servant does not join duty by stipulated date, the Disciplinary Authority should initiate disciplinary action against him....."

4. Smt. Mithu P Chandran belongs to Nursing Cadre and her service is an essential service. Unauthorized absence of Nursing personnel leads to deficiency in providing medical care to the patients. Thus, by committing the above said misconduct, Smt. Mithu P Chandran, Nursing Officer (Level-7) has not only caused hardships to the patients but also hampered the smooth functioning of the hospital. The said acts of omission and commission on the part of the said Smt. Mithu P Chandran are thus construed as a conduct unbecoming of a Corporation employee and also in defiance of Rule 7 of CCS (Leave) Rules, 1972.



(Dr. RAJENDERA KUMAR)
DIRECTOR GENERAL

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SMT. MITHU P. CHANDRAN, NURSING OFFICER, ESIC MODEL & SUPER SPECIALTY HOSPITAL, KOLLAM KERALA IS PROPOSED TO BE SUSTAINED.


1. Letter dated 13.05.2023 alongwith enclosures issued by Dr. L Dhanasekaran, Medical Superintendent, ESIC Model & Super Specialty Hospital, Kollam to Medical Commissioner, Medical Branch-IV, ESIC Hqrs. Office, New Delhi.
2. Rule 7 of CCS (Leave) Rules, 1972.
3. GoI decision 4 under Rule 25 of CCS (Leave) Rules, 1972.



**(Dr. RAJENDERA KUMAR)
DIRECTOR GENERAL**

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SMT. MITHU P. CHANDRAN, NURSING OFFICER, ESIC MODEL & SUPER SPECIALTY HOSPITAL, KOLLAM KERALA. IS PROPOSED TO BE SUSTAINED.

1. Dr. L Dhanasekaran, the Medical Superintendent, ESIC Model and Super Specialty Hospital, Kollam.
2. Sh. Pramod Kumar, Assistant Director, Medical Branch-VI, ESIC Hqrs. Office, New Delhi.


(Dr. RAJENDERA KUMAR)
DIRECTOR GENERAL