

Standard Operating Procedure for Unauthorized / Wilful Absence

Rule Position:

As per para 2 (2)- Rule 25 of CCS (Leave) Rule, 1972 of OM.13026/3/2010-Esstt (Leave) dated 22.06.2010 of DoPT; Wilful absence of duty after expiry of leave liable to disciplinary action. The action to be taken by the Leave sanctioning Authority (LSA)/ Disciplinary Authority (DA) in case of Unauthorized / Wilful Absence is listed below

S. No.	Reason for initiating action against wilful and unauthorized absence	Action to be taken	Timeline
1	i) If an employee who has taken leave and after expiry of the leave has not joined his duties. OR ii) If an employee does not join duty at his new place of posting after being transferred and relieved from old station and after expiry of joining time. OR iii) If an employee suddenly disappears from his posting place without any intimation or information	OM to be issued by the Leave sanctioning Authority (LSA) at his local residence address for joining duty immediately. (Annexure I: sample)	10 days
2	If he does not respond to the OM issued to him by LSA	Second OM to be issued by LSA at his local and permanent residence address, wherein he should be informed that his absence period will be treated as wilful and unauthorized and he would be liable for disciplinary action under CCS (CCA) rules 1965. It should be incorporated in the OM that his wilful and unauthorized period of absence will be treated under FR 17(1) and 17-A. The consequence of rule position regarding FR 17(1) and 17-A to be explained in the OM. (By hand/e-mail/pasting at the residence). Annexure-II: sample	05 days
3	If government servant does not join duty after serving two OM's to him and his whereabouts are not traceable.	Letter may be sent to Commissioner of Police/Sr.Suptd of Police(SSP) by LSA stating that the govt servant is absent from duty wilfully and unauthorizedly and request to inform the whereabouts of him and request him to ensure the joining of govt servant at his work place immediately. (Annexure III: sample)	10 days
4	If Police unable to trace the whereabouts of the govt servant.	The department should insist the family of govt servant to file missing person complaint in the police station.	
5	If the government servant's whereabouts reported through sources or by Police but he does not turn up for joining even after two OM's/ Police action/information.	A Show Cause Notice to be served to the concerned government servant asking him to join duty within a stipulated period failing which he may be suspended and disciplinary action as deem fit would be initiated as per CCS (CCA) Rules 1965, after serving a Charge Sheet by Disciplinary Authority (DA). If the government servant does not respond to the Charge Sheet within the given time, then the disciplinary action would be conducted in absentia. Annexure-IV- Sample	05 days
6	If the government servant does not join duty after all above efforts.	Disciplinary Authority may impose major penalty and issue a charge sheet through which Article of Charges to be framed against him. Sample:- As per format given in the disciplinary proceeding book.	Disciplinary proceeding to be completed as per CVC manual.
7	If the government servant does not join the after the Disciplinary Proceeding closure, and remains absconding/absent	Advertisement to be made through leading newspapers about the absconding person with the details of all earlier opportunities provided to him and that in case he does not join by a stipulated time period. Annexure-V- sample	30 days
8	In case the concerned govt servant appears before the disciplinary authority and submits a case of his defence.	The disciplinary proceeding will continue. The leave sanctioning Authority shall not regularise the leave. His absence will be considered as wilfully. The government servant shall not be entitled for any leave salary for such absence, as per Rule 25 of CCS Leave Rules,1972 and the entire wilful and unauthorised period of absence may be treated as dies non.	As per Rule 25 of CCS Leave Rules,1972.

Enclosed:

1. Annexure-I to V
2. OM No. 1/17/2011-P&PW(E) dated 25.06.2013 by Ministry of Personnel, PG & Pensions
3. OM No. OM.13026/3/2010-Esstt (Leave) dated 22.06.2010
4. OM No. OM.13026/3/2012-Esstt (Leave) dated 28.03.2013

ANNEXURE-1

No. /2022
Government of India
Ministry of Water Resources
Central Ground Water Board
..... Region/Division

BY REGISTERED POST
Address of Region/Division
.....

Dated:

MEMORANDUM

Shri, Post held.....proceeded ondays E.L.w.e.f.to
Thereafter he sent an application datedseeking extension of leave initially upto and
subsequently upto.....on _____ grounds. But on the expiry of above leave, neither he has reported for
duty nor sent any intimation or application in this regard, thus remaining absent willfully and unauthorisedly
from duty continuously for a long period, due to which government work is suffering badly.

He is, therefore, directed to report for duty immediately, failing which deem fit action shall be initiated
against him under CCS (Conduct) Rules, 1964.

(.....)
Regional Director/Executive
Engineer/Officer Incharge

To
REGISTERED POST WITH A.D
Shri
.....
.....

Copy to:

1. The Director (Admn.), CGWB, NH IV, Faridabad
2. DDO, CGWB, for information and with the direction to immediately stop the salary of
Sh..... till further order.

(.....)
Regional Director/Executive
Engineer/Officer Incharge

No. /2022
Government of India
Ministry of Water Resources
Central Ground Water Board
..... Region/Division

BY REGISTERED POST
Address of Region/Division
.....

Dated:

MEMORANDUM

Attention of Shri, Post held.....is invited towards this office memorandum issued under even no.... dated....., vide which he was directed to report for duty immediately, but no response is received from his end till date. Shri..... is found to be absent from duty w.e.f._____ till date without any intimation, which tantamount to gross misconduct on his part as per CCS (Conduct) Rules 1964. It is further informed that remaining absent from duty willfully and unauthorisedly and without any information, attracts the provisions of FR 17(1) and 17-A.

The provisions of FR 17(1) stipulates that “an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence”.

Further, the provisions of FR 17-A inter alia provides that “where an individual employee remains absent unauthorisedly or deserts the post, the period of such absence shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession and eligibility for appearing in departmental examinations, for which a minimum period of service is required”.

He is, therefore, once again, directed to report for duty immediately with an explanation as to why the disciplinary action should not be taken against him for his willful and unauthorized absence from duty without any intimation or application, failing which disciplinary action as deem fit shall be taken against him under CCS (Conduct) Rules 1964. He is further informed that No leave will be considered for sanction and the entire willful/unauthorized absence period will be treated as Dies-Non.

(.....)
Regional Director/Executive
Engineer/Officer Incharge

To

REGISTERED POST WITH A.D

Shri Present Address as per office record	Shri Permanent Address as per Service Book	Shri Any other address available
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Copy to:-

1. The Director (Admn.), CGWB, NH IV, Faridabad. This is in continuation to this Memo of even no dated.....
2. Smt.Wife of Shri address.....
3. DDO, CGWB, -----

(.....)
Regional Director/Executive
Engineer/Officer Incharge

No. /2022
 Government of India
 Ministry of Water Resources
 Central Ground Water Board
 Region/Division

BY REGISTERED POST
 Address of Region/Division

Dated:

To
 The Commissioner of Police/Sr.Suptd of Police,

(State)

Sub : Absconding from duty by Shrifor more than - Request for locating-out his whereabouts-
 regarding.

Sir,

It is informed that one of our employee Shri, presently posted at.....on the post of proceeded ondays E.L.w.e.f.to Thereafter he had sent an application datedseeking extension of leave initially upto and subsequently upto.....on domestic grounds, but did not join duty after expiry of above leave. It is informed that two office memorandums have been issued to the concerned government servant on dated and dated.... through Regd Post with A/D on the below mentioned addresses to report for duty immediately, but no response is received from him till date. The Regd Post letters which were sent to his address, received back undelivered.

The office is unable to locate the whereabouts of Sh....., inspite of all possible efforts. It is therefore, requested to kindly inform the whereabouts of Sh..... at the earliest, as the government work is suffering badly. The local and permanent address of the concerned govt servant is mentioned below for your kind perusal and necessary action please.

Shri Present Address as per office record	Shri Permanent Address as per Service Book	Shri Any other address available
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It is also requested to advise Sh.....to report for duty immediately under intimation to this Office.

.....
 Regional Director/Executive
 Engineer/Officer Incharge

N.O.O.

Copy to:

1. The Director (Admn), CGWB, Faridabad
2. Smt.Wife of Shri adresss..... with reference to her application dated
3. DDO, CGWB

.....
 Regional Director/Executive
 Engineer/Officer Incharge

No. /2022
Government of India
Ministry of Water Resources
Central Ground Water Board
..... Region/Division

BY REGISTERED POST
Address of Region/Division
.....

Dated:

SHOW CAUSE NOTICE

Whereas, Shri..... working as in CGWB was proceeded on leave from..... To, vide his application dated.....Further he extended his leave period from..... To

Whereas, two office memorandums were issued to him on dated and dated..... vide which he was informed that he was found to be absent from duty from..... willfully/unauthorisedly and without any information or application to the office, for which his absent period could be treated as Dies-Non and disciplinary action could be initiated against him for the misconduct. He was directed to join duty immediately with an explanation as to why disciplinary action should not be initiated against him for his misconduct under CCS (Conduct) Rules 1964.

Whereas, the above memorandums were returned back undelivered, this office requested the concerned police authorities to locate the whereabouts of Sh..... and advise him to join duty immediately. The report of police authorities, vide letter dated.....indicates that Sh. is available at his local residential address and deliberately avoiding the government directions for joining duty, for the reasons best known to him. The police report also reveals that the advice of police to Sh..... to report immediately at his posting location, went in vain.

Whereas, it is observed that Shri..... did not complied with government orders and remained absent from duty without any intimation and without replying to communication from CGWB.

Whereas, Sh..... is hereby directed once again to report for duty at CGWB,..... Latest byfailing which he will be suspended from Govt service without any further notice and disciplinary action as deem fit under CCS (Conduct) Rules 1964 will be initiated against him.

(.....)
Disciplinary authority

To
Shri....
Local/pmt address

Copy to:- Director (Admn), CGWB/Vigilance Officer, CGWB

No. /2022
Government of India
Ministry of Water Resources
Central Ground Water Board
..... Region/Division

BY REGISTERED POST
Address of Region/Division
.....

Dated:

To
The Director
Advertisement and Publicity
DAVP
New Delhi

Sub:- Publication of advertisement for absconding government employee- regarding

Sir

Please find enclosed herewith a press advertisement matter for publication in the leading newspapers in respect of an employee of this office who is absconding from duty w.e.f..... till date. It is requested to kindly publish the enclosed matter in the leading newspapers at the earliest under intimation to this office please.

It is further informed that ours is a no profit no loss subordinate department under Ministry of Jal Shakti, Deptt of Water Resources, RD& GR, Govt.of India.

Yours faithfully

Encl:- as above

(.....)
RD/XEN

Copy to:- Director (Admn), CGWB

“MATTER FOR PUBLICATION”

ANNEXURE-6

No. /2022
Government of India
Ministry of Water Resources
Central Ground Water Board
..... Region/Division

BY REGISTERED POST
Address of Region/Division
.....

Dated:

“ Show Cause Notice”

You, Shri,S/o- Shri....., resident ofworking as.....in the office of, have been found absent from duty without any intimation or application w.e.f..... till date. You were directed vide CGWB Memorandum letter No....., dated..... and letter No....., dated..... to join duty immediately but no response was received from your end.

Whereas, consequent upon approaching the police authorities by CGWB vide letter No....., dated.....to inform about your whereabouts, it has been informed by the police authorities vide their letter No....., dated..... that you are available at your residence and deliberately avoiding government orders/instructions for joining duty at your workplace.

AND, Whereas, it was informed to you vide show cause notice issued under letter No..... dated..... that you will be suspended from government service in case you fail to join the duty by..... and disciplinary action will be initiated against you, under CCS (CCA) Rules 1965. AND, consequent upon non-joining by you at your duty place by, the disciplinary authority has placed you under suspension w.e.f.....vide letter no..... dated.....and constituted an inquiry against you vide letter No..... dated.....for willful and unauthorized absence from duty without any information.

Whereas, it has been reported by the inquiry officer vide letter No..... dated.....that you remained absent from the entire proceedings of the inquiry due to which inquiry could not be conducted as per the procedure. The opportunity in your defense to be heard was given to you by the Inquiry officer vide letter No. dated... and letter No.....dated....., but you failed to appear before the inquiry committee.

Whereas, the disciplinary authority in exercise of the powers conferred upon under CCS (CCA) Rules, 1965, has decided to give you a last chance to join your duty and appear before the inquiry committee or the disciplinary authority in your defense, within 30 days after the publication of this show cause notice, failing which ex-parte decision will be taken and you will be terminated/ dismissed from government service.

(Signed)
Disciplinary authority

To
Shri.....
Local/pmt address