

**COMMITTEE ON PETITIONS**

**(FIFTEENTH LOK SABHA)**

**TWENTY EIGHTH REPORT**



**सत्यमेव जयते**

**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2013 / Shravana, 1935 (Saka)**

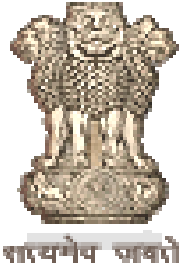
**COMMITTEE ON PETITIONS**

**(FIFTEENTH LOK SABHA)**

**TWENTY EIGHTH REPORT**

**MINISTRY OF PETROLEUM & NATURAL GAS**

**(Presented to Lok Sabha on 20.8.2013)**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**August, 2013 / Shravana, 1935 (Saka)**

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**COMPOSITION OF THE COMMITTEE ON PETITIONS**  
**(2012-13)**

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2. **Shri Sai Prathap Annayyagari**
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10. **Shri Adhi Sankar**
11. **Prof.(Dr.) Ram Shankar**
12. **Shri Rakesh Singh**
13. **Shri Yashveer Singh**
14. **Shri Adagooru Vishwanath**
15. **Vacant**

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2. **Smt. Sudesh Luthra** - **Joint Secretary**
3. **Shri Shiv Kumar** - **Director**
4. **Md. Aftab Alam** - **Deputy Secretary**
5. **Smt. Jagriti Tewatia** - **Under Secretary**
6. **Shri Soumik Roy** - **Executive Assistant**

TWENTY EIGHTH REPORT OF THE COMMITTEE ON PETITIONS  
(FIFTEENTH LOK SABHA)

*INTRODUCTION*

I, the Chairman, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Twenty-eighth Report (Fifteenth Lok Sabha) of the Committee to the House on the representation of Dr. G. John and forwarded by Shri Joseph Toppo, MP, Lok Sabha and other Members of Parliament (Lok Sabha) alleging illegal and unjustifiable termination of his service by ONGC Ltd.

2. The Committee considered and adopted the draft Twenty-eighth Report at their sitting held on 15 July, 2013.
3. The observations / recommendations of the Committee on the above matters have been included in the Report.

**NEW DELHI ;**

**ANANT GANGARAM GEETE**

Chairman,  
**Committee on Petitions**

*15 July, 2013*  
**25 Asadha, 1935 (Saka)**

## REPORT

### **REPORT ON THE REPRESENTATION RECEIVED FROM DR. G. JOHN AND FORWARDED BY SHRI JOSEPH TOPPO, MP, LOK SABHA AND OTHER MEMBERS OF PARLIAMENT (LOK SABHA) ALLEGING ILLEGAL AND UNJUSTIFIABLE TERMINATION OF HIS SERVICE BY OIL & NATURAL GAS CORPORATION.**

The representation dated 17.11.2010 of Dr. George John alleging his illegal and unjustifiable termination from service in Oil & Natural Gas Corporation Ltd.(ONGC) was forwarded by Shri Joseph Toppo, MP, Lok Sabha *vide* letter 27.11.2010 addressed to the Chairman, Committee on Petitions. The Petitioner through this representation apprised the Committee about the alleged victimization by the ONGC Ltd. The Petitioner in his various letters and representations sent, over a period of time, has drawn the attention of the Committee to various matters relating to his alleged illegal and unjustifiable termination from service as well as eviction from Government quarter in Dehradun the details of which are given as under:

- (i) The Petitioner has stated that he was employed with ONGC Ltd. at Dehradun for the last 27 years and was arbitrarily terminated vide order No.151/3/2007-D&A dated 25.05.2009- without giving a fair and equitable opportunity to him to defend himself and the life supporting source of his eight directly dependent family members was snatched away by the Company.
  
- (ii) The Petitioner has raised various issues relating to his termination. In his representation he has stated that job service termination can only be done by the Appointing Authority who in the Petitioner case is Chairman and Managing Director ONGC Ltd. and not by any other unauthorized person like Director(HR) who issued the aforesaid termination order. The Petitioner has also stated that illegal and arbitrarily service termination of 25.05.2009 followed by reappointment effecting reinstatement order dated 16.08.2009 having 52 days service brake period deprived him service length linked financial benefits and other such monetary gains at the time of retirement by virtue of the aforesaid service break.

- (iii) The Petitioner has also brought into the knowledge of the Committee the arbitrary transfer order in the mid school time affecting the education of his school going children.
- (iv) The Petitioner has also brought into the knowledge of the Committee about the salary denials to him when he was physically and personally present in the office and was not physically relieved and technically removed from the local worksite.
- (v) Shri Joseph Toppo, MP *vide* a subsequent letter dated 02.02.2011 brought into the knowledge of the Committee as under:-

"Even when the matter is pending before the our Committee on Petition (Lok Sabha) and without any further communication the Oil and Natural Gas Corporation Ltd. (ONGC) has issued the notice No.DDN/E&H/9/17/95-96 (C/6-3) dated 27.01.2011 to Dr. John to vacate the Quarter i.e. C-6-3, ONGC Quarters (N), IPE PO; Dehardun, Uttarakhand with immediate effect."

2. The Committee on Petitions took up the matter for detailed examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation was referred to the Ministry of Petroleum and Natural Gas for furnishing their comments on the issues/points raised in the Petition in his various letters. The Ministry of Petroleum and Natural Gas in correspondence dated 3 January 2011 furnished the comments prepared on the basis of inputs of ONGC, the details of the comments furnished therein are as follows:-.

"Dr. George John Ex- Suptdg. Geophysicist ID no. 54234 joined ONGC in 1983 and was initially posted at Nazira. In June 1990 he was transferred to Mumbai and thereafter in the year 2000 he was posted ONGC, GEOPIC, Dehradun.

2. Ever since his posting at GEOPIC, Dehradun Dr. John had not only been a constant non-performer and indiscipline officer but has also been habitually using impertinent and insolent language for his superiors in official communications. He had been showing utter disregard for the rules and regulations of the company as well as for his superiors. In his letters he always questioned the Authority of Director (HR) as his Disciplinary Authority, though the same is clearly specified in the ONGC Conduct, Discipline & Appeal Rules, 1994.



3. As a consequence of a disciplinary case of major penalty against Dr. George John he was dismissed from service by the Competent Disciplinary Authority (CDA) i.e Director (HR) vide order dated 25.05.09. The above said order was passed on a regular departmental enquiry conducted in respect of Dr. George John under Rules in which he was given adequate opportunity to present his case in order to defend him.

4. Against his above dismissal Dr. George John preferred an appeal. The Appellate Authority i.e CMD in consideration of the said appeal set aside orders of dismissal issued by the CDA and imposed penalty of "Reduction in Rank" on Dr. George John .However while passing such orders the Appellate Authority had specifically mentioned that such orders lenient decision was not because of any merit in the appeal of Dr. George John but purely on humanitarian grounds of livelihood of his family. However, considering that retaining Dr.George John at his present location was not in the interest of the Corporation, the Management decided to transfer him from his location i.e. from Dehradun to Karaikal. He was given one month time before being relieved from Dehradun on 09/10/09. However, in utter disregard to the orders, Dr. George John did not join at his transferred location.

5. It is further to add that Dr. George John neither applied for any kind of leave nor replied to the communications issued by the work center. Thus since October 2009 he remained in unauthorized absence from his duty at the transferred location and in this regard action as per the Service Rules/ Leave Rules of the Company was initiated against him which culminated in his termination on 25.11.2010."

3. In response to a query by the Committee as to whether the Administrative Procedures laid down were fully complied with in the case of the Petitioner, the Ministry in their written reply submitted that the Petitioner was not put under suspension. However, in respect of disciplinary proceedings against him the laid down procedures as per rules of ONGC rules was followed.

4. On being asked by the Committee to give a chronological order the details of the charge-sheets given by the Company and the reply of the Petitioner thereto and the final action taken on the same the Ministry in their written reply submitted:

"There have been four charge sheets issued to Dr. George John in the last few years under ONGC CDA Rules, 1994 are as follows:-

**Charge Sheet (1).** For Minor Penalty vide Memorandum dated 23.02.2004 for the following misconduct:-

- I. Bringing political influence in matters pertaining to service
- II. Addressing letters directly to superior of ONGC without routing through proper channel
- III. Use derogatory, impertinent and insolent language against ONGC
- IV. Trying to exploit ONGC for personal benefits
- V. Non compliance of law full orders of his superior.

In this case Disciplinary Authority imposed minor penalty of censure on Dr. John vide Memorandum no.GEOPIC/P&A/8(107)/99.E.I dated 28.09.2004.

**Charge Sheet (2).** For RDA (Major) For declining to take up specific official assignments and disobey of lawfull orders of Superior(File no:151/3/GJ/2007-D&A)

01.08.2007	Charge Sheet issued
07.11.2008	On Inquiry all Charges proved against Dr. John
25.05.2009	Orders of disciplinary authority (Dismissal from service)
10.06.2009	Appeal dt. 03.06.2009 received through MOP&NG
06.08.2009	CMD set aside order of dismissal and imposed penalty of reduction in rank to Dy. SG. CMD further ordered his transfer from Dehradun.
11.09.2009	Transferred to Karaikal
22.9.2009	Another representation for review of Appellate authority's order
09.10.2009	Relieved from Dehradun
22.01.2010	Representation dt. 22.09.2009 rejected on merit.

**Charge Sheet (3).** For RDA (Major) Use of impertinent and insolent language in official communication with Superior(File no:229/07/GJ/2008-D&A)

16.09.2008	Charge sheet issued
27.07.2009	Inquiry report submitted by inquiring authority. Charges proved.
05.02.2010	Copy of inquiry report sent to Karaikal Asset for service upon Dr. John under rule 37(2) of ONGC CDA Rules.
06.10.2010	CDA imposed penalty of 'Censure' on Dr. John

**Charge Sheet (4).** For RDA (Major) Disobedience of Lawful orders of Superiors and Unauthorized absence from duty by not joining on transfer."

11.09.2009	Transferred from Dehradun to Karaikal
09.10.2009	Relieved from Dehradun for Karaikal
09.12.2009	Letter issued to him by O/o I/C HR ER Karaikal
02.02.2010	Memorandum issued by Karaikal Asset advising him to join duty.
04.03.2010	Final Show cause notice issued by GM i/c HR-ER Karaikal advising him to immediately join duty.
March 2010	Attempts to send show cause notice dt 4.3.10 at his residence

	through speed post failed. xxx
07.04.2010	Notice delivered at his residence through a team. Received by him daughter. Dr. John threatened the team members over telephone. Later complaints with false allegations against these officials were lodged with Judicial Magistrate DDN and Governor of UK and Women and Child Development Ministry.

## Post Charge Sheet

19.08.10	Charge sheet issued (No. KKL/CA/54234/D&A/2010)
13.09.10	Charge sheet despatched from Karaikal to ONGC Colony, Dehradun addressed to Dr. John
28.09.10	Letter returned to sender with remarks of Postal department refused to accept.
08.10.10	Vide letter 28.09.10, GM, HR KKL Asset intimated Corp. D&A Section Dehradun about non acceptance of charge sheet by Dr. John.
24.10.10	A press notification was published in 3 National Newspapers intimating him contents of charges and directed him to submit his reply to the CDA within 15 days. No reply was received from Dr. John till November, 25, 2010.
25.11.10	CDA invoking rule 41(b) imposed penalty of Dismissal from Service.
26.12.10	Orders were sent at his residential address by Speed Post. However, letter returned to sender with remarks of Postal department refused to accept.
05.12.10	A press notification was published in 3 national newspapers intimating him contents of the orders and advising him to contact i/C HR, ER Karaikal to settle his terminal dues.

5. To a further query by the Committee as to whether the Company provided an opportunity to the Petitioner to put forth his case during his service period and post termination of his service the Ministry in its reply submitted:-

"The contention of the individual that he was not provided any opportunity to defend himself is completely incorrect. xxxxxxxx He was given ample opportunity at every stage during enquiries as provided under Rules. In respect to Charge sheet no 4 the Petitioner was at the outset issued a letter dated 09.12.2009 followed by a Memorandum on 02.02.2010 advising him to join his duties. Getting no response or cooperation from the Petitioner the management finally had to resort to issue a chargesheet to him on 19.08.2010. Consequent upon issuance of the charge sheet the Petitioner was having an opportunity to put forth his defence which he did not choose to avail. Instead he kept on refusing

to accept all such communications sent to him. Under Rule 56(2) of ONGC CDA Rules 1994 refusal to accept an official communication amounts to delivery to the addressee. Notwithstanding the above referred Rule 56(2) with a view to provide him yet another opportunity a press notification dated 24/10/2010 (published in three national newspaper) indicating the fact of his unauthorized absence from duty and subsequent actions thereon including issuance of the instant Charge Sheet dated 19.08.2010 was notified with the directions to Dr. John to submit his reply/defence statement against the aforementioned charge sheet within 15 days of appearance of the notice in the newspapers."

6. When the Committee sought the response of the Ministry on the claim made by the Petitioner that he was arbitrarily transferred to Karaikal which was against the Company's own transfer Policy issued on 15.09.2009 as his children were studying in schools and had not completed their academic year the Ministry submitted as under:-

"Dr. George John was dismissed from service by his Disciplinary Authority i.e Director (HR) vide orders dated 25.05.2009 as a consequence of disciplinary case of major penalty. Against his above dismissal Dr. George John preferred an appeal which was received through MOP&NG letter no.O-31018/1/09/ONG-III dated 10.06.2009. The Appellate Authority i.e CMD in consideration of the said appeal, set aside orders of dismissal issued by the CDA and imposed penalty of Reduction of Rank on Dr. George John. However, while passing such orders the Appellate Authority had specifically mentioned that such orders lenient decision was not because of any merit in the appeal of Dr. George John but purely on humanitarian grounds of livelihood of his family. However, considering that retaining Dr.George John at his present location was not in the interest of the Corporation, the Management decided to transfer him from his location i.e. from Dehradun to Karaikal. His transfer from Dehradun vide order dated 11.09.2009 was therefore a well considered administrative decision. So far as the timing of his transfer is concerned it is to mention that transfers on administrative ground are not necessarily to coincide with the annual transfer season and are made on need basis."

7. The Ministry in response to a query by the Committee regarding the deferment of transfer orders of an employee submitted:-

"Company consider for deferment of transfer on following grounds:

-Work requirement

-Children education whose child is in IX,XI,XII std.

-Medical Grounds based on merit of case.

-Compassionate grounds based on merit of case.

Deferment period ranges from 4 months to 1 year based on merit of the case."

8. On the issue of retention of the ONGC Accommodation, the Ministry submitted as under:

"The Company stand is to follow the standard practice and the rules on the subject. A dismissed employee of the Company is allowed a maximum of one month retention of ONGC accommodation from date of dismissal from service xxxxxx Such retention is not at all linked to any appeal/representation or case filed by dismissed employee before a forum/court.

The instructions on allotment of residence were never relaxed in case of Dismissed employees. The only exception in case of Dr. G. John who was dismissed from ONGC service on 24.11.2010 and as per Rules could retain ONGC accommodation till 24.12.2011 but has been granted seven months retention of ONGC accommodation beyond Rules, in order to facilitate examination of his child."

9. When the Committee specifically desired to know if any relief can be given to the Petitioner giving a sympathetic consideration to his case and keeping in view the studies and future of his children, the Ministry submitted as under:-

"As per Rule 5(6)(i) of the instructions, Dr. G . John was to be afforded a maximum period of one month from the date of dismissal from service i.e upto 24.12.2010 to vacate the ONGC residential accommodation provided by the company. There could be no comparison between the case of Dr. John having dismissed from service and those cited by him in his representation. All other cases cited by Dr. John are employees of Company and are covered in the definition as prescribed under Rule 2(f) of the Allotment of Residence-instruction referred to above."

Present circumstances i.e Dr. John who was an officer in the company was imposed penalty of dismissal on 25.05.2009 after found guilty of serious charges of misconduct and misdemeanor on his appeal reinstated in service on by competent authority who did not agree with any of the contentions of Dr. John but purely taking a lenient view in the matter on humanitarian ground of livelihood of his family. But Dr. John continued to behave in manner of unbecoming of an officer of the company and was imposed penalty of dismissal from service of the company again on 24.11.2010. The Petitioner has been a consistent non-performer in the habit of bringing outside influence of using derogatory insolent and impertinent language against superior authority of company in his official communications of making false and frivolous complaints against ONGC officials/authorities by himself and through his family members and habitually indulging into unauthorized absence from duty. The applicable Rules of the company do not permit any relaxation in matter of retention of ONGC accommodation by a dismissed employee for reasons that such sympathy

would severely and seriously damage the work culture in the company and would have adverse impact on the employee morale and employee attitude so far as other resident employees in the ONGC Colony are concerned.

Any sympathetic consideration precede reasonably good conduct and behavior on part of an employee and in case of a non-employee or dismissed employee such sympathy is un called for and would send wrong signals to all other employees and would jeopardize general discipline in the company.

Though the Petitioner has himself to blame for the present situation yet it is relevant to mention that his wife is gainfully employed as medical practitioner in a local hospital. Hence it would be totally incorrect to say that there is any economic hardship as made out by Dr. John."

10. The Committee took oral evidence of the representatives of the Ministry of Petroleum and Natural Gas and ONGC Ltd. at their sitting held on 10 June, 2011. The representatives of the Ministry and ONGS Ltd. placed before the Committee the facts of the case as elaborated in their written note the details of which have been given in the preceding para of the report. While summarizing the justification in the action taken by ONGC Ltd. in the case of Dr. John, the Petitioner, the then CMD, ONGC Ltd. stated that Dr. John did not cooperate with the Inquiry Officers. The inquiry in the second time was given to an outsider independent Inquiry Officer. When Dr. John (the Petitioner) called for in the charged against him he (Dr. John) attended only once and refused in the later hearings. Accordingly, Inquiry Officer gave the report against him. Based on that, the ONGC management considered the case of his dismissal from service. Thus he has been found guilty and ultimately a decision of termination from service was taken against him. The Committee after hearing the representatives of the Ministry of Petroleum and Natural Gas and ONGC on the matter requested ONGC to reconsider the case of Dr. John on humanitarian grounds.

11. The Committee also asked the representatives to call Dr. John alongwith his wife. The Committee also suggested to find out ways to offer VRS to Dr. John just to give him some benefit only on sympathetic consideration. With regard to the issue of retaining accommodation provided by ONGC Ltd. to enable the children of Dr. John who are studying at Dehradun to complete the schooling, the Committee requested

representatives of the Ministry and ONGC to permit Dr. John to retain ONGC accommodation at Dehradun for a further period of six months from the date of the sitting of the Committee i.e. 10 January, 2011 on humanitarian grounds so as to enable his children to complete schooling from the school at Dehradun.

12. When the Committee sought to know about the nature of dereliction of duties on the part of the Petitioner, the Chairman and Managing Director of the ONGC in his disposition before the Committee submitted that as per the ACR Records of the Petitioner, his performance reports from 1992 nowhere Dr. John has got above average ratings in the ACR.

13. The Ministry of Petroleum and Natural Gas vide correspondence dated 3 October, 2011 forwarded a copy of the letter dated 26.9.2011 of ONGC containing the status with regard to the suggestions made by the Committee in the aforesaid case. ONGC in the said letter stated that following actions have been taken in the aforesaid matter on the suggestions given by the Committee:-

"(a) Dr. George John was advised to meet Director (HR), ONGC (alongwith his wife) on a pre fixed date. However, he met Director (HR) at Delhi on 23.6.2011 alone and he was informed of the proceedings held on 10.6.2011 by the 'Committee on Petitions' and recommendations of the Committee in the above matter. Despite the best efforts to counsel him, he remained irresponsive and insisted that he shall take any further step only after receiving the recommendations of the Committee. Additionally, he only requested to grant further extension of colony accommodation, which was agreed to.

(b) Another attempt to counsel him was made by Director (HR), ONGC on 14.8.2011 at Dehradun, but again he did not show any willingness to consider the course of action proposed by the Committee.

(c) It is to inform that the recommendation of the 'Committee on Petitions' regarding six months extension of colony accommodation to Dr. George John has already been acted upon and now he has been permitted to stay in ONGC colony up to 31.03.2012."

14. Dr. John, the Petitioner in the subsequent letter dated 30 January, 2013 while drawing the attention of the Committee to the plight he is suffering requested the Committee to give him a hearing.

15. ONGC vide correspondence dated 4 March 2013 as forwarded by the Ministry of Petroleum and Natural Gas vide correspondence dated 14 March 2013 again submitted about the action taken by ONGC in respect of the case of Dr. John. It was elaborated in the correspondence that Dr. John was permitted to stay in official accommodation upto March 2012 subject to applicable payments. However, Dr. John did not vacate the official accommodation even after 31.03.2012. Thus even after two years after his dismissal from service Dr. John has neither vacated the accommodation nor made any payment towards rent, electricity, water charges etc. Accordingly, eviction proceedings under the Public Premises(Eviction of Unauthorised Occupants)Acts 1971 were initiated against Dr. John by the concerned Estate Officer. The Committee was further apprised that Dr. John approached Hon'ble High Court against the above said eviction proceedings. However Hon'ble High Court of Delhi vide orders dated 09.01.2013 was pleased to dismiss his petition on the grounds that the Petitioner has misrepresented the facts so far as ONGC accommodation was concerned. Consequent upon the dismissal of petition by High Court of Delhi, eviction proceedings against Dr. John were resumed and completed on 19.2.2013. Orders in the matter by the concerned authority under Public Premises Act are awaited. The copy of the judgement of Hon'ble High Court as furnished by the Ministry/ONGC subsequently is given at appendix.

**16. The Committee thereafter afforded an opportunity to the Petitioner Dr. George John to present his views before the Committee during the sitting of the Committee held on 04.04.2013.**

17. During the sitting, the Petitioner submitted before the Committee that he was working in Dehradun and was transferred to Karaikal-when his son was studying in Class XII. The Petitioner alleged that this transfer was in violation of the standing rule



of the Company that the employees whose wards are studying in Class X and Class XII may not be disturbed. Therefore, he requested the Company for the deferment of his transfer till last day of his son's examination. However, while all others who were also transferred along with him were given a deferment despite the fact that their children were studying in Class I, V & XII, he was singled out and asked to proceed to his transferred location - without assigning any plausible reason therefor. He further submitted before the Committee that initially he got verbal orders on the basis of which he had applied for Transfer Grant. Subsequently, when he had asked for a copy of his transfer orders, the Company did not provide him with a copy even after keeping him to wait for 20 days. Thus, he returned the Transfer Grant to the ONGC Ltd. on the same day it was credited in his salary account by the Company and did not proceed on his transfer. He was, therefore, Charge- sheeted for disobeying the orders of the Committee.

18. When the Committee categorically asked the Petitioner as to whether he was in a position to substantiate allegations made by him against the Company/any official with documentary evidence, the Petitioner informed the Committee that he does not have proof of it. The Committee then desired to know if he was served any notice before the transfer for lapse in duty, the Petitioner submitted before the Committee that only one disciplinary proceeding by then, had taken place against him.

19. When the Committee pointed out to the Petitioner that ONGC maintained that they had issued an advertisement in a Newspaper about the unauthorized absence of Shri John, the Petitioner submitted that he was attending office regularly and had also submitted application dated 23.10.2009 for the deferment of his transfer. In acknowledgement, it was signed and stamped by the Office. The Petitioner also stated that he had written to the ONGC requesting them to defer his transfer but the ONGC officials didnot consider his request and had accordingly terminated his service as the reason for his not reporting to the transferred location i.e. Karaikal. The Petitioner further submitted that he was seeking postponement of his transfer order till 2011 but

the ONGC had terminated his service on 25 November 2010. The Petitioner again maintained before the Committee that he was allowed to attend office even after being terminated from service. The Petitioner produced copies of the documents like the CISF logs of entry and exit to prove this fact and substantiate his aforesaid submissions.

20. The Ministry of Petroleum and Natural Gas/ONGC thereafter were again requested to furnish the Comments on the various issues raised by the Petitioner in his deposition before the Committee as well as his written submission. The Ministry accordingly vide their OM dated 9 May, 2013 made the following submission in response to the issues raised in the representation:-

"Dr, John was transferred from Geo Data Processing & Interpretation Centre (GEOPIC), Dehradun to Cauvery Asset, Karaikal vide Office Order dated 11.09.2009 in order to provide him an opportunity to work in a different work environment, after completion of nine years tenure at Dehradun. As per the Job Rotation & Transfer Policy of ONGC, an executive is liable to be transferred on completion of five years at a work centre. As such, the order of transfer was not at all against the spirit of Article-14, Article.-16 and Article.-21 of the Constitution of India. Further, it is brought out that CMD, ONGC had set aside an earlier order dated 25.05.2009 of Director (HR) dismissing him from service and also assigned a different work centre probably with the intention of enabling him start his career afresh in the lower post to which he was reduced. As such, his case of transfer is not comparable with the cases of normal deferments of transfer quoted by him as none of these cases have any similarity with his case. Based on the said transfer order Dr. George had applied for and obtained an advance of Rs 1.41 Lakhs from ONGC towards Transfer TA, thus indicating his inclination to move on transfer by accepting the order of transfer.

The order dated 06.08.2009 of CMD, ONGC was a speaking order setting aside the penalty of dismissal from service imposed earlier on Dr. John and imposing the penalty of reduction in rank, as a part of the disciplinary case. However, decision of CMD recorded in his own hand for effecting a change in his place of posting was not a part of the disciplinary proceedings. It was purely an administrative action to provide him an opportunity to work in a different work environment. As such, there was no provision to communicate the decision on change in place of posting in the order dated 6.8.2009 since transfer is not a punishment. Since the transfer order dated 11.09.2009 was issued on the basis of approval by CMD who is the ultimate individual administrative authority, the said order has legal validity.

The penal action against the complainant was taken under ONGC CDA Rules 1994 according to which, the Competent Disciplinary Authority for imposing of major penalty including the penalty of Dismissal from Service, on any E-3 level (the complainant's level) executive was Director (HR). The said order of dismissal dated 25.11.2010 was also issued by Director (HR) since the Disciplinary Powers of Director (HR) were vested with Director (Onshore) since at the relevant time, the position of Director (HR) in ONGC was vacant. As such, the order issued under the signature of Director (Onshore) is legally tenable.

The contention of the complainant is not based on facts. A charge-sheet dated 19.08.2010 was issued to Dr. George John by the Competent Disciplinary Authority on charges of:

- (i) disobeying the transfer order and not moving to the transferee location;
- (ii) un-authorized absence from duty for more than 180 days; and
- (iii) not utilising the Transfer TA advance for the intended purpose.

Dr. John refused to receive the charge-sheet issued to him.

A Press Notification dated 24.10.2010 was issued in three leading National Dailies viz., Indian Express, Hindustan and The Hindu, informing Dr. George John regarding issuance of charge-sheet and advising him to submit his written statement of defence within 15 days of date of publication of the notices. However, no response was received from him.

Since he did not respond to any communication from ONGC and after exhausting all possible avenues, the case was decided ex-parte by the CDA based on his own inquiry and evidence on record.

It was only the complainant who came in the way of the Principle of Natural Justice as he did not cooperate with the enquiry.

The advance against the transfer TA was granted to the Petitioner after receiving his application for the same. As such, his contention that the money was forcefully credited to his account is not borne out by facts on record. DR. George John is misleading the Hon'ble Committee on Petitions by presenting incorrect facts.

As per practice the executives on transfer are given opportunity to give a convenient date of relieving before the last date mentioned in the transfer order. In case an executive does not request for a specific date, he would automatically stand relieved through the SAP System as per Company's policy and his personnel data would get transferred to his new place of posting. In the case of Dr, John, the last date given in his transfer order was 09.10.2009. He stood relieved on the said date and was supposed to join at his new place of posting which he failed to do.

As regards his contention that he attended office at Dehradun is incorrect as once he stood relieved, he was no more on the strength of Dehradun. The CISF register which he has presented in support of his claim indicates a record of only entry and exit to the office premises and is in no manner a proof of attending official duties assigned to him. Dr. George John has

attached a few visitors' passes using which he entered ONGC premises. This also proves that he did not enter ONGC premises with the authority of an employee posted at Dehradun. Similar entries would be available for any known ONGC visitor as well.

Dr George John was relieved from Dehradun on 09.10.2009 for joining at Karaikal. As regards continuance of medical facilities, ONGC permits availing of medical facilities at old station till the employee joins the new place, as a humanitarian gesture in order to ensure uninterrupted medical facilities to its employees. Continuance of medical facilities at Dehradun, thus, doesn't prove that he was not relieved from Dehradun. As stated above Dr George John was Dismissed from Service on 25.05.2009, in an earlier case and was taken back in service with a reduced penalty by CMD, the Appellate Authority, on 06.08.2009, exclusively on humanitarian grounds of providing livelihood to his family and not because of any merit in the case, as recorded in the Appellate Authority's decision. He was transferred out of Dehradun purely an administrative action to provide him an opportunity to work in a different work environment.

His subsequent dismissal w.e.f. 25.11.2010 was only due to his wilful refusal to move to Karaikal on reinstatement and on transfer and absenting from duties un-authorizedly. He was given ample opportunity to report for duty but in vain. He did not respond to any of the three notices sent to him on 09.12.2009, 02.02.2010 and 04.03.2010.

He refused to accept the charge-sheet dated 19.08.2010.

He also did not respond to any of the three Press Notifications dated 24.10.2010 was issued in three leading National Dailies viz., Indian Express, Hindustan and The Hindu, as mentioned above.

Since he did not respond to any communication from ONGC and after exhausting all possible avenues, the case was decided ex-parte by the CDA based on his own inquiry and evidence on record.

As regards retention of colony accommodation, it is submitted that normally, an employee is allowed to retain colony accommodation at the previous station for a period of two months from date of his relieving. Additional relief is granted based on merits of the case after giving due consideration to the constraints of the employees.

Ideally, Dr. John should have vacated the accommodation before 25.06.2009, i.e. within a period of one month from the date of his first dismissal on 26.05.2009. but he was allowed to continue on humanitarian grounds.

Later, he was reinstated on 06.08.2009 and was relieved from Dehradun on his transfer to Karaikal on 09.10.2009. In this case he was to vacate the accommodation within two months of his relieving i.e. on or before 08.10.2009. But he was allowed to continue on humanitarian grounds for facilitating education of his children.

He was again Dismissed from Service on 25.11.2010 but he continued to occupy the accommodation un-authorized.

He was thereafter allowed to continue in the flat till 31.07.2011, based on the recommendations of Shri Kodikunnil Suresh, Hon'ble MP.

Thereafter, based on verbal recommendations of Hon'ble Chairman, Committee on Petitions (Lok Sabha) during the hearing of the case on 10.06.2011 to provide him six months' extension, he was allowed to retain the quarter for another ten months till 31.03.2012.

However, even despite all such consideration shown by ONGC, Dr. John did not vacate the quarter.

Being no more an employee, when he continued occupying the accommodation un-authorisedly, eviction proceedings were initiated by ONGC under Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and a notice under the provisions of the said Act was issued to him on 13.06.2012.

Dr. John filed a writ petition challenging the order of dismissal as well as the show- cause notice dated 13.06.2012 sent to him under eviction proceedings. His petition was however, rejected by the Hon'ble High Court of Delhi on 09.01.2013. Copy of the Order of the Hon'ble Court is at.

Thereafter, the eviction proceedings were concluded with issuance of Eviction Order on 06.03.2013 giving him 20 days' notice to vacate.

On his failure to comply with the above Eviction Order, the quarter was got vacated with due process in presence of Estate Officer, ONGC, Security personnel of ONGC and State Police personnel including Mahila Police.

His averment that he was kept in captivity inside a room along with his minor daughter is not factual. The eviction was conducted in presence of local police including Mahila Police and in the presence of Dr John and his family members.

Averments of the Petitioner are not borne out by facts on record. All the enquiries conducted into the charges against him were carried out as per procedure laid down in ONGC CDA Rules, 1994. ONGC had provided every possible opportunity to Dr. George John, time and again, to defend the charges levelled against him. As brought out above, all the relevant communications were sent by ONGC to him on his addresses recorded with ONGC. When he did not respond and refused to accept these communications, newspaper notifications were also issued at places including his address at ONGC Colony, Dehradun where he was residing along with his family. The Management of ONGC has shown maximum restraint and has not committed injustice of any kind. The Management had also duly complied with the recommendations of the Committee on Petitions and had also made every possible effort to counsel Dr. John. He had also been permitted to retain his residential accommodation in ONGC Colony, Dehradun till 31.03.2013. As such, ONGC has followed the Principles of Natural Justice.

As mentioned above, based on verbal recommendations of Hon'ble Chairman, Committee on Petitions (Lok Sabha) during the hearing of the case on

10.06.2011, Dr. John was permitted by ONGC to continue occupation of the residential accommodation till 31.03.2012 i.e. even beyond the period recommended by the Hon'ble Committee, which was for six months only. This was done only to facilitate the education of his children till the end of the academic year.

When he continued occupying the accommodation unauthorisedly, even after the said period, being no more an employee of ONGC, eviction proceedings were initiated under the provisions of the Act was issued to him on 13.06.2012.

During the pendency of the eviction proceedings Dr John had filed a Writ Petition before the Hon'ble High Court of Delhi challenging the order of dismissal and also the eviction proceedings. His petition was dismissed by the Hon'ble High Court of Delhi on 09.01.2013.

Thereafter, the eviction proceedings concluded after providing him due opportunity and finally an Eviction Order was issued on 06.03.2013 asking him to vacate the Qtr. No C/6-3, ONGC Colony, Dehradun within 20 days of publication of the order. Since Dr John failed to vacate the accommodation even beyond the period mentioned in said order, the accommodation was got evacuated by the designated Estate Officer of ONGC on 01.04.2013 with the assistance of local police.

ONGC did not receive any communication regarding hearing of the petition of Dr, George John by the Hon'ble Committee on Petitions on 04.04.2013."

21. Thereafter, the Committee took further oral evidence of the representatives of the Ministry of Petroleum and Natural Gas and Officials from the ONGC on 14 May 2013.

22. On seeking an explanation regarding unauthorized absence as the ground for the termination service the representative from the ONGC submitted that:-

" Sir, this is not the first time that Dr. John had come under CDA inquiry. This is the fifth time—though it is not part of the question—he had to face the CDA inquiry and certain punishment. Earlier he had to face it in Assam, in Bombay and in Dehradun. So, this is the fifth time. His termination was not a one time thing. I will have to read out the dates and all that but I am sure that information has already been given. Earlier he had disobeyed the instruction of the Company and used derogatory language against his superiors. He was not attending office. There was unauthorized absence, etc. So, there was a charge-sheet given to him. A due process of inquiry was done and finally, after the due process of inquiry, his services were terminated because the charges were major penalty charges. Later he had appealed and the appeal was heard by the appellate authority. I am only saying the last part of it. There are lots of other things.

The appellate authority, who is the Chairman, heard him and reduced his punishment from dismissal to reduction in level to one post below. So, he was reduced from E4 to E3 level. At the same time, you would appreciate that it is a loss of prestige to anybody. Normally, when we give such a punishment, we also give a change of place because it is very difficult for a person to work at the lower level at the same place. Therefore, he was given a change of place in the same order. The Chairman, as the hon. MP had mentioned, instructed that his place of posting should be given to Karaikal. That is the speaking order. By the time, he stood terminated. Now any order can be served only if he joins back at the reduced scale. Though this was a speaking order, a formal proposal was put through the office of the Director."

23. In response to a further query by the Committee on the issue of termination on 25 May, 2009 the representative of the Ministry of Petroleum and Natural Gas /ONGC submitted before the Committee as under:-

"Termination had happened in two stages. The first termination was on 25<sup>th</sup> May, 2009. While restoring only, he was transferred. So, while restoring, he was given one scale below and transferred. It is a normal practice. He cannot work in the same place in a lower scale. Maybe, a different circumstance would help him. Then, a formal process of issuing the transfer order and where to post him, etc., was there. So, the Director (HR) has moved a note and it was processed and the Chairman has formally accorded approval on that note. So, based on that, the Administration, which is empowered to do so, issued a formal transfer order. So, that order was issued through the SAP system."

24. While elaborating upon the transfer order and the transfer grant released to the Petitioner the representative made following submissions:-

" Our entire HR process is on SAP system. When the SAP system goes, it goes to the concerned HR, meaning the person in GEOP, HR/ER GEOP, and also a small message goes to the individual. In the meantime, he had joined back at the lower scale because once he joins back only, he can get access to the system. The moment he is terminated, he is disconnected from the system. So, he should have got that message. Notwithstanding that, once this order is formally issued, the concerned in-charge HR-ER of his work centre issued a formal transfer order on paper. He says he has not received it but in his application for transfer grant, he has quoted the number of his transfer order. So, it is not possible that he has not seen it. So, he is misguiding us on that count. So, based on that, he has applied for transfer grant.

An amount of Rs.1.41 lakh plus amount was given to him. This amount was drawn by him and he claims he has returned the money but as per our records that money has not been credited back to the ONGC. It is still outstanding as per our records. We checked with our SAP system. We checked with our Finance

Headquarters in Dehradun. It says it is still outstanding though Dr. John claims he has refunded back but our SAP system is extremely reliable and the entire commercial transaction of the Company happens through that. That is one side of it.

Then, the transfer order takes effect after he joins back at the lower scale. So, this transfer order was there. He was given nearly 20 days, not immediately, to join at the new place. He refused to move and after 20 days, the system automatically terminates him from the system because once the relieving date is given on the system, the system disconnects and nobody can do any work in the system. You cannot log in. You cannot do any work. He is a Geophysicist. Without working in the system, there is no work he can do. Though the hon. Member mentioned instances, he had been staying in Dehradun and he was trying to enter our office premises as a visitor. So, any visitor can enter the premises. He enters the office and takes a pass. The CISF registration is there and as a visitor, he has shown there and he comes back. It does not anywhere prove that he is working because it is impossible for him to work. There are some gate passes. So, any third party also can show this document. It is nowhere saying that he has worked for the Company."

25. In response to a specific query by the Committee as to whether the Petitioner was physically relieved from his present work the Ministry submitted the relieving happens in two ways. One is he gets disconnected from the system and the paper order says you are relieved on so and so date. That is the only way for physical relieving. It means he still stands relieved. He is supposed to move.

26. In continuing with their explanation on the basis of the action taken against the Petitioner the representatives of the Ministry further submitted as following:-

" .....he refused to join in his new place of posting. Once he has done his personal file and everything, then all authority goes to the next place of posting, that is, Karaikal. The Karaikal Work Centre has been writing to him to please come and join as so many days have expired; several letters and reminders have been sent, but he refused to acknowledge. We have also sent registered post, etc. Finally, they sent newspaper advertisement, which he did not respond. He refused to acknowledge. Finally, this was taken as disobedience of the instructions to join back, and again major penalty charges were initiated based on which he was terminated again. In the background of this is the history of a habitual complainant or somebody who is a non-conformist, that is, who does not obey the process of the company. Thereafter, he had again represented in various forums.

Any employee who is transferred or even terminated for that matter is allowed to stay for a few days. On transfer, he can stay with his family for about four



months and on termination for one month. So, we agree to that. Meanwhile, he had approached several VIPs. We have a list of them, and we do not want to read it out. We have agreed to allow him to continue based on their request. Now, nearly three years have passed, and as a responsible company we are custodians of public property and we are not expected to allow any unauthorised person to stay in our colony. Our Estate Officer tried several times to contact him saying please come as there are some processes, etc. He refused to comply. This is his history.

The Committee also last time had suggested to us that unofficially you please call him and counsel him and tell him that if you join back we would like to give VRS so that he gets so much of money, etc. I personally called him. The Committee also said that call him along with his wife. Shri Gurudas Dasgupta was also there. I called him, and he used derogatory language against me and asked why do you want my wife to come. I do not want to go into that issue. Still, he came and I counselled him. I asked, why are you acting in this way as you stand to gain so much of money because we have got Rs. 60 lakh of termination benefit. But he did not agree. He was only talking one language that I want to stay in the colony. I said, okay, that can be done, but I am following the directive of the Committee. I made one more effort subsequently in Dehradun. He came and he was in a belligerent mood and he was not listening to reason. But again we did not evict him all this time, and in the meanwhile he approached the court for quashing his order of termination as well as eviction or expected eviction. The court heard him fully and found that he has misguided the court, and the court had over-turned his request. The Committee also gave us a time limit of six months, but we kept him much beyond that time limit, and once that time had expired and the court also ruled otherwise, we had no option but to start eviction proceedings. The eviction proceedings are done as per the law of the company and as per the public law. So, we have served him notice; after he failed to respond, we sent *mahila* police and everything; and the entire process was followed. There was no option left to us than to do it because at the end of the day we are representing a company of this country."

27. When the Committee desired to know about the High Court ruling wherein the Hon'ble Court had ruled that since the appeal is pending before the Chairman / Appellate Authority, they cannot entertain his Writ Petition on the matter the representatives from the Ministry submitted:-

"Sir, by the time the court had ruled accordingly, there was no appeal pending."

28. When the Committee categorically asked whether any appeal is pending the representative deposed before the Committee as under:-

"Sir, after the order of the court came, he filed an appeal and that too after the normal time limit of 45 days. He appealed nearly after more than two years. So, technically it is not an appeal. But still the Chairman's office is considering it, but then there was a view that we should wait for a formal order or minutes from ...

Sir, earlier there was an appeal, but the appeal was not given to us, but given through a VIP and the VIP forwarded it to us. This cannot be treated as an appeal. He has not appealed to us directly.

The court in its very ruling has said that he has misguided the court. I would not like to comment on the quality of the statement. So, the fact of the matter is that at that point of time there was only an indirect appeal through a VIP. This cannot be technically treated as an appeal. After the direction of the court has been given, he has filed an appeal, which had a time limit, that is, it had to come within 45 days. But notwithstanding that, the Chairman's office is considering it. But technically, we are waiting for the ruling from this hon. Committee, which we have not got yet. So, we are not able to proceed with it. The moment a direction is given, we can self-dispose it and there is no issue though it is not technically admissible because 45 days have passed."

29. When the Committee pointed out that the submission of the Ministry regarding the basis of transfer of the Petitioner is not based on solid reasoning and that perhaps the ONGC authorities had shown undue haste in carrying out the eviction proceeding in spite of the fact the matter was being examined by the Parliamentary Committee the witness replied as under:-

" Sir, let me respond to the points raised by the Hon. Members. What was the basis of this transfer? ONGC as an administrative action is free to transfer anybody on work requirements. I do not say that this is exactly a work requirement. At the same time our policy says that after five years anybody as per normal course is liable for transfer. We have a tentative transfers list which we publish every year and anybody who has served for more than five years appears in the list."

30. When the Committee enquired about the transfer policy and the norms of not transferring employees whose children are studying in class 10<sup>th</sup> or 12<sup>th</sup> and also sought the response of the Committee on the fact that while 22 persons were restored back to their normal position, the Petitioner had been transferred, the witness submitted:-

".....Normal transfers happen in April-May because that synchronises with the normal school term etc. The process starts sometimes in October-November. We call it annual transfer. This is not a case of annual transfer. We agree that because this happened much later. This was a part of the administrative decision given by the chairman along with a lenient view taken on it. What was

exactly in his mind I cannot say but one of the possible reasons which we believe is a change of place so that he can start afresh. That is normally done in such cases. The Chairman has not recorded in his order why he is transferring him. Probably he is not expected to record that. So, it is an administrative decision given. His case is different from the normal regular transfers.

Secondly, you have asked about our policy regarding children studying in 9<sup>th</sup> or 10<sup>th</sup> standard. Since the transfer action happens five six months ahead, we say that when these applications are being processed anybody whose child is currently in 9<sup>th</sup> or 11<sup>th</sup> standard, meaning thereby that by the time the transfer gets effect child would be in 10<sup>th</sup> or 12<sup>th</sup> standard, such people – it is not a policy, it is a practice, administrative decision – can be considered for deferment. For example, my twin children were in 10<sup>th</sup> standard, I was transferred. Again, they were in 12<sup>th</sup> standard I was transferred. It is not a policy. It is a practice, an administrative decision. So, there are many exceptions. I am giving my personal case. I was transferred twice. The point is, it is not a matter of right. It is a practice and we follow it. John's case was an exceptional case and when the transfer order was issued he never represented. There was no representation from him during 20 days time. So, there was no way we could do it."

Further, his child was just entering 11<sup>th</sup> standard. So, technically if this is a practice he is not covered under that policy. The other child was in 7<sup>th</sup> Standard and there is no policy which covers that. So, we have acted exactly as per the policy and to the best of our ability."

### **Observations/Recommendations**

**31. In his representation, the Petitioner, Dr. George John has stated that after working in ONGC for 27 years, he was arbitrarily terminated from service on 25.05.2009 without being given any opportunity to defend himself. The Petitioner has also stated that illegal and arbitrarily service termination of 25.05.2009 followed by reappointment effecting reinstatement order dated 16.08.2009 having 52 days Service Break period deprived him of his service length linked financial benefits and other such monetary gains at the time of retirement by virtue of the aforesaid Service break. The Petitioner has also brought to the knowledge of the Committee that the arbitrary transfer order in the mid- school time affected the education of his school going children. The Petitioner has thus approached the Committee for considering his case.**

**32. The Ministry of Petroleum and Natural Gas and ONGC during the course of examination apprised the Committee that Dr. George John was working as Superintendent Geophysicist (S) at the time of his termination from service. As per the submissions made by the Ministry of Petroleum and Natural Gas and ONGC, the Competent Disciplinary Authority i.e. Director (HR), after conducting the Departmental enquiry, in which, Dr. John was given adequate opportunity to present his case and defend himself, vide order dated 25.5.2009 dismissed him from service in a disciplinary case of major penalty against him. Subsequently, on an appeal by Dr. John, the appellate authority i.e. CMD set aside orders of dismissal issued by the CDA and imposed penalty of "Reduction in Rank" on Dr. John on humanitarian ground of livelihood of his family. So far as the transfer of Dr. John from Dehradun to Karraikal is concerned, the Committee have been apprised by the Ministry that retaining Dr. John at Dehradun that was the location of his posting at the time of reinstatement was not in the interest of the Corporation and as such the**

management decided to transfer him from his location i.e. Dehradun to Karaikal. Even when one month was given to Dr. John before being relieved from Dehradun, Dr. John did not join at his transferred location and remained on unauthorized absence since October, 2009 from his duty at the transferred location. As such action as per rules was initiated against him which culminated in his termination on 25.11.2010.

33. The Committee were also apprised that a press notification dated 24.10.2010 indicating fact of his unauthorized absence from duty and subsequent action thereon including issuance of the instant charge sheet dated 19.8.2010 was Notified with the directions to Dr. John to submit his reply/defence statement against the aforementioned charge sheet within 15 days of appearance of the notice in the news papers.

34. The Committee examined the aforesaid case at length in the light of the pleas of Dr. John and the written submission made by the Ministry of Petroleum and Natural Gas and ONGC as well as the submissions made during the course of oral evidence held on 10 June 2011. The Committee while considering the plight of Dr. John due to his termination from service which deprived him of the financial benefits arising out of retirement as well as his family responsibilities observed that the case needed sympathetic consideration. The Committee as such suggested to consider to give VRS to Dr. John just to give him some monetary benefits only on humanitarian basis. With regard to the issue of retaining accommodation provided by ONGC at Dehradun to enable the children of Dr. John who were studying at Dehradun to complete the schooling, the Committee further suggested to permit Dr. John to retain ONGC accommodation at Dehradun for a further period of 6 months and thereto purely on humanitarian grounds so as to enable his children to complete schooling from the school at Dehradun.

**35. The Committee note that while honouring the suggestions of the Committee, the ONGC made efforts to counsel Dr. John to accept VRS as suggested by the Committee. The Committee note from the response given by the Ministry of Petroleum and Natural Gas that Dr. John remained irresponsive which indicate that VRS was not acceptable to him. Further the Committee were informed that Dr. John was allowed to retain the accommodation as suggested by the Committee in ONGC Colony Dehradun upto 31 March, 2012.**

**36. The Committee, however, further note that Dr. John filed a writ in the High Court of Delhi challenging his termination order. However, the writ was dismissed by the Hon'ble Court on technical grounds that the Statutory Appeal of the Petitioner remains still pending with the ONGC. Thereafter, eviction proceedings were initiated by the ONGC on 06.03.2013 with a 20 days' Notice period. The Petitioner once again approached the Committee with the request to stop the eviction proceedings till the Committee dispose the matter. The Committee observe that it was not proper on the part of ONGC to evict the petitioner in a hasty manner when the petitioner remained to be heard by the Committee and when the Statutory Appeal of the Petitioner was still pending with the ONGC. Therefore, the Committee decided to afford an opportunity to Dr. John to hear his views in the matter and also call the Ministry of Petroleum and Natural Gas to depose before the Committee.**

**37. From the deposition of Dr. John and the ONGC, the Committee are of the view that the actions of the Petitioner can perhaps be better explained and understood from the fact that when he was transferred from Dehradun to Karaikal his son was studying in class XI and entering class XII, an important phase in child's career. The Committee note that as per the practiced norm followed in cases of transfer of employees, those employees**

**whose wards are studying in class X or XII are exempted from transfer during the middle of the session so as to prevent any disturbance in their studies. The Committee are informed that the Petitioner had approached the authorities for the deferment of his transfer orders till the completion of his son's examination thus seeking the postponement of his transfer order till 2011. The Committee note that while transfer orders in respect of others in the same batch of transferees were deferred the Petitioner was only singled out and asked to proceed to the transferred location. The Committee are of the opinion that this action further impacted on the decision of the Petitioner not to report to his duty post – which only led to unauthorized absence culminating finally in his termination. The Committee observe that his order of termination was issued on 25.11.2010 while the Petitioner sought a deferment of his transfer order till 2011 i.e. till his son's examination. The Committee are of the opinion that ONGC acted in a hasty manner in dealing with the situation. The Committee are of the firm opinion that the whole episode could have been averted had the Petitioner been given a deferment till the completion of his son's examination. Furthermore the Committee feel that singling out the Petitioner to reject his request for deferment of transfer appears to have caused hardships to the Petitioner and the Authorities failed to manifest the principle of equity and fair play. Moreover, the ONGC Officials themselves acknowledged before the Committee that the Petitioner continued to avail of the medical facilities at the Dehradun Work Center for two years after deemed relieving date of 9 October 2009. The Committee also note that the Petitioner claims to have documentary proof of the fact that he continued to attend office even after relieving- which is evident from the records of the CISF register.**

**38. One of the contradictions noted by the Committee during the course of deliberations is regarding an advance of Rs. 1.4 Lakhs towards Transfer Travelling Allowance given by the ONGC to Dr. John to facilitate his**

movement to the transferred location. Dr. John, during the sitting held on 4 April 2013 made the submission before the Committee that he had applied for a Transfer Grant on the basis of a verbal order of Transfer and subsequently on not receiving a written order to this effect even after requesting, he returned the same to the ONGC Ltd. On the same date it was credited to the account of ONGC against acknowledgement by the Finance Officer and did not proceed with the Transfer. However, on the contrary the Ministry in its submission have stated that this amount was drawn by him and the claim that he has returned the money is not correct because as per their records that money has not been credited back to the ONGC and remains outstanding in the SAP system through which the entire commercial transaction of the Company takes place. In the view of the Committee, the matter is of grave importance for the fact that it is one of the charges in the termination order and that it points to a serious case of financial impropriety. The Committee further note that the Petitioner has claimed to have documentary proof of the acknowledgement. The Committee, therefore, recommend that a thorough investigation may be conducted to bring out the truth in the matter.

39. The Committee were informed that eviction proceeding were initiated against Dr. John and a notice was issued to him on 13.06.2012. During the pendency of the eviction proceedings Dr. John had approached the Hon'ble High Court of Delhi with a Writ Petition challenging the order of dismissal and the show cause notice sent to him under the eviction proceedings. However, on 09.01.2013 the Hon'ble Court rejected his petition on the ground that a Statutory Appeal was still pending before the Appellate Authority i.e CMD ONGC and only after he exhausts all the appeals he may approach the Court. However, during the sitting of the Committee held on 14 May 2013, the ONGC Authorities did not acknowledge in clear terms on the issue of pendency of the appeal of Dr. John before the CMD, ONGC.



**According to the submission made by the ONGC, the appeal of the Petitioner was made two years after termination when under normal practice the time allotted for such appeals is of 45 days. Furthermore the Appeal was not made directly to the Appellate Authority but through a VIP reference which according to the Authorities cannot be technically treated as an Appeal. However, the Authorities are considering it. The Committee are of considered opinion that the matter has been drawn for a longer than usual period causing untold misery and hardships not only upon the Petitioner but also to his family. The Committee feel that the best course of action would be to dispose of the Appeal at the appropriate level in ONGC - thereby enabling the Petitioner to approach the Court for adjudicating the dispute. The Committee therefore recommend that ONGC should dispose of the Statutory Appeal of the Petitioner expeditiously as per the rule and adhering to the principles of natural justice - without causing any further delay. The Committee also feel that while disposing of the Statutory Appeal, the Petitioner should be heard.**

**The Committee would like to be apprised of the final conclusive action taken by the Authorities concerned in this regard within three months from the date of presentation of this Report to the House.**

**NEW DELHI;**

**15 July, 2013  
25 Asadha, 1935 (Saka)**

**Anant Gangaram Geete,  
Chairman,  
Committee on Petitions**