

Daily Order Sheet**Departmental Enquiry Proceedings against Shri K.K. Tardia, C.O.****Date of Enquiry: 07/09/2022**

Present: -

1. Shri Upendra Chandra Joshi, Joint Secretary and Inquiring Authority (I.A).
2. Shri Manish K. Maindiratta, Regional Controller Mines, IBM and Presenting Officer (P.O).
3. Shri K.K. Tardia, Regional Controller of Mines, IBM and Charged Officer (C.O).
4. Shri Sharad S. Sakpal, Dy. Controller of Mines (Retd.) and Defense Assistant (D.A).

The enquiry was scheduled for today at 10.30 am, as per the notice dated 29.08.2022.

Shri U.C. Joshi, Joint Secretary initiated the departmental enquiry and asked Sh. Tardia, C.O. to place his view points and his submission regarding additional documents which were called as per his request.

D.A. submitted that the additional document (AD-1) is having two annexures which are directions received from IBM/Nagpur regarding transparent and expeditious disposal of mining plans and also the procedure for dealing such cases due to prevailing pandemic situation. He further stated that it shows that there was continuous monitoring for timely disposal of pending cases. The remaining additional documents (AD-2 to AD-6) 5 documents are Lease deeds executed by Govt. Arunachal Pradesh and Lessee and only shows that lease deed were executed prior to approval of mining plan by RCOM/Guwahati.

D.A. further told usually when the State Government approves any mining lease, the information is given to RCOM/IBM. However, in these five cases no information was given to RCOM in the month of January/February 2021 when these lease deeds were executed. The information regarding grant of lease was received only in the month of May 2021.

D.A. further qualified that when C.O. came to know about lease execution in May 2021, C.O. had asked the advise from IBM for further action but no reply was received. He also mentioned that C.O. was being asked frequently by IBM Headquarter about the pendency and there was also condition of disposed within 90 days and if not disposed off it entails further complications. So, C.O. had approved the mining plans provisionally and later on final approval was given.

I.A. asked that if C.O/D.A. has any further inputs in support of their contention. D.A. replied that C.O. has not violated the rule of law by his actions. Wherever C.O. has committed any mistake or lapse, he has accepted it. However he stated that there was no clarity in the order dated 9.4.2021 but order dated 13.04.2021 from

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Headquarter clearly instructs to revoke the approved mining plan for which leases were not granted before 28/03/202.

Thereafter, I.A. asked P.O. for his submission, if any, on the submission made by C.O/D.A.

The P.O. countered that in the orders dated 9.4.2021 and 13.04. 2021, there is specific mention about the Amendment of the Act along with further clarification and action to be taken by RCOM. When an action is required to be taken, it should be under the ambit of law, then the question of clarity does not arise and the action should be taken under the law as specified therein.

Regarding no reply from Chief Controller of Mines/IBM, P.O. told that RCOM had power to dispose off the cases on the basis of his jurisdiction as per rule.

P.O. also argued that C.O. was told to take remedial action but he did not accede to. He is again and again saying about the pressure on him. This pressure is in every office for disposal of the pending cases this does not mean he has to take wrong action.

D.A. further added that the two paras of order dated 09.04.2021 created confusion. The cases were finally approved when no reply was coming and there was continuous monitoring for disposal of the pending cases. Also, in the letter dated 30<sup>th</sup> Nov 2021 in which it was clearly advised that remedial action may be there but no word "revoke" was mentioned and it was not possible to presume that the case may was to be revoked. The case can be revoked in case of the lease not executed only. But in this case lease was executed earlier.

I.A. finally asked to C.O. Sh. Tardia if he wishes to submit anything further.

Sh. Tardia, C.O., stated that he was posted in Guwahati and the work was new for him and due to Covid-19, the office was not running properly with full strength. Also he was not keeping good health and he had no support from subordinate officials. Due to this reason he could not execute work with full capacity. However, performed his duties with honesty and integrity and in support of this, his past service record may be seen.

I.O. advised to P.O. as well as C.O./D.A. to submit their written briefs by 19.09.2022. P.O. is further advised to furnish his written brief to the C.O. also. Thereafter, C.O. may submit his rejoinder by 26.09.2022 to I.O.

The proceedings of the day closed.

20/9/22  
(Presenting Officer)

Sh. Tardia  
(Charged Officer)

(Defense Assistant)

7/9/22  
(Inquiring Authority)