

45

DOS-I

Daily Order Sheet for
Preliminary Hearing

Disciplinary Proceeding against Shri K.K. Tardia,
(Proceeding on 30th June, 2022)

Present:-

1. Shri Upendra Chandra Joshi, Joint Secretary
2. Shri Manish K. Maindiratta, Regional Controller of Mines, IBM
3. Shri K.K. Tardia, Regional Controller of Mines, Indian Bureau of Mines.

The charged officer has received the Charge Sheet. He pleads not guilty.

1. The charged officer vide his E-mail dated 07.06.2022, has requested to engage Shri Prava Ranjan Mishra, Advocate, Bar Council Enrollment No. 0-303/2000 as Defense Assistant during the proceedings. As the said request is without approval of Disciplinary Authority, the said request is not permissible.
2. Accordingly, the Charged officer should intimate the name, designation and addresses of the employee, if any who will assist him during the enquiry. In case he has been allowed the assistance of a Legal Practitioner by the Disciplinary Authority, the name and address of such legal practitioner should be intimated together with a copy of the letter of permission.
3. The Charged officer is requested to furnish the details of his Defense Assistant as mentioned in para 2 above vide e-mail within 15 days.

The next date of hearing will be intimated in due course.

m/01/22/2022
.....
30/6/22

(Presenting Officer)

K.K.Tardia
.....
30/6/2022

(Charged Officer)

Upendra Joshi
.....
30/6/2022

(Inquiring Authority)

Daily Order Sheet for
Regular Hearing

**Disciplinary Proceeding against Shri K.K. Tardia,
(Proceeding on 21st July, 2022)**

Present:-

1. Shri Upendra Chandra Joshi, Joint Secretary & Inquiring Authority
 2. Shri Manish K. Maindiratta, Regional Controller of Mines, IBM & Presenting Officer
 3. Shri K.K. Tardia, Regional Controller of Mines, Indian Bureau of Mines & Charged Officer.
 4. Shri Sharad S. Sapkal, Dy. Controller of Mines (Retd.) & Defense Assistant.

The Scheduled inquiry commenced today as per the notice dated 13.07.2022.

1. The Presenting Officer was asked to arrange for inspection of listed documents cited in the list of documents annexed in the charge sheet issued to the delinquent officer. In this connection, the charged officer submitted a letter dated 30.06.2022 that he had personally verified the listed documents. The Defense Assistant also today, verified the listed documents as mentioned in the charge sheet issued to the delinquent officer.
 2. The Presenting officer stated that he has no any further documents and witnesses to produce before the inquiry, in this case.
 3. Thereafter, the charged officer was asked to submit a list of additional documents, he wishes to inspect and a list of witnesses, he would like to examine in his defense. He was also requested to give the full particular of the documents showing the custody and relevance to the charges. Likewise, he was also requested to inform the details of the witnesses i.e., their complete postal address, the name and designation of their controlling authorities, if they are in public employment and their relevance to the charges. In this regard, the charged officer/Defense Assistant, submitted the list of documents dated 21.07.2022.
 4. The next date of inquiry shall be intimated in due course.

2022-02-17 *2022-02-17* *Lallende* *2022-02-17*
.....
(Presenting Officer) (Charged Officer) (Defense Assistant)


Jennifer P. Miller
21/7/2022

247

Daily Order Sheet**Departmental Enquiry Proceedings against Shri K.K. Tardia, C.O.****Date of Enquiry: 10/08/2022****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 02.08.2022.

At the outset, the IA, briefed the details of the proceedings held on 21/07/2022, mentioning that the charged officer submitted a letter dated 21/07/2022, as regards list of documents, along with its details, which he wishes to inspect and examine in his defense. As some of the documents have been received from the concerned authorities, the said documents are handed over to the C.O. and P.O. The said documents are recorded during the proceedings (Marked as Ext-D-1, Ext-D-2 etc.

Thereafter, I.A. asked P.O. to present the case by way of producing the original documents and witnesses, in support of the Articles of charges and Statement of Allegations against the C.O., as per the charge-sheet.

The P.O. stated that the listed documents, which are annexed with the Articles of charges are the only documents, on the basis of which he wishes to prove the charges Levelled against the C.O. The said documents are marked as Ext-P-1, Ext-P-2, etc. Thereafter, the P.O. stated that there is no witness in this case. The P.O. presented the case on the basis of the documents as under;

(contd. ...Page 2)

(2)

Article I: -

PO stated that the C.O. violated the MMDR(Amendment) Act, 2015. The C.O. has processed the cases and he has not complied with the advice of the IBM Headquarter. He further explained that state government executed the leases, prior to the approval of the Mining plan, which is not as per the MMDR Act. He also explained the documents (P1)&(P2).

Article II: -

PO explained the charges mentioned in Article II. He also mentioned that Graphite is not a Minor Mineral. In this regard he mentioned about the document (P/5) and stated that Section 5(2)(b) of MMDR Amendment Act 2015 is applicable for Graphite.

Article III: -

PO explained Article III along with the letter issued by IBM on 30/11/2021 (P/6).He also stated that letter from Government of Arunachal Pradesh are available as P/3 &P4.

C.O. was asked to respond the P.O.'s presentation regarding the charges levelled against him as per the Articles of charges and statements of allegations.

CO mentioned that he does not agree with the charges. However, he had approved the mining lease plan as per the Section-5(2)(b) of the MMDR (Amendment) Act, 2015.

Further CO defended by saying that IBM Headquarter, Nagpur had issued an order dated 09/04/2021, in which it was mentioned that all mining plan will be approved according to the rules of Law. Again, on 13/04/2021, IBM Headquarter, Nagpur advised that those mining plan which were already approved may be revoked. He informed that in total, 5(Five) mining plans were approved provisionally on 19/20 May, 2021 and finally on 17/18 August, 2021.

The C.O. submitted that on 30/11/2021, he was asked by the IBM, Headquarter, Nagpur for remedial action. In response to that the C.O. explained that he sought advice from Headquarter time to time but no reply was received. State Government can grant lease even after submission of mining plan as per section-5 of act and how can he challenge the action of State Government. Further the amendments do not expect any legal action from RCoM, IBM. It is information and for necessary action for State Government's.

mtt m/s 2-C/T

Malik / Sandeep
10/8/2021

249

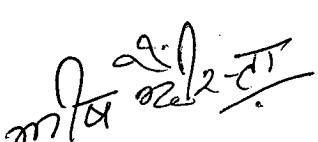
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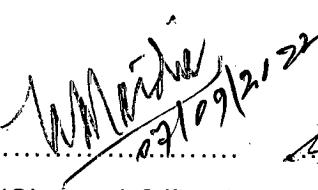
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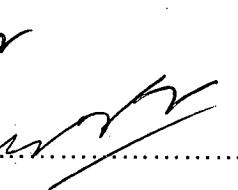
The C.O./DA further submitted that prior to being posted as RCOM, Guwahati, he was posted for 10 years in the Zonal Office, where he had only dealt with administrative matters and that's why he was facing difficulties in understanding the latest Amendments and rules. He also mentioned that in 2015, there were so many Amendments in the MMDR Act, that it was difficult to comprehend technically, in absence of any guidance from seniors. Secondly, there are separate provisions to grant of mining leases in North East States as gathered from Meghalaya. There in Meghalaya the owner of the land himself allots mining leases. In additions to this, the C.O./DA explained that due to compliance of govt. guidelines regarding on set off covid-19 pandemic, he was unable to run the office business properly and was in a confusion as to whether mining plan under process should be approved or not.

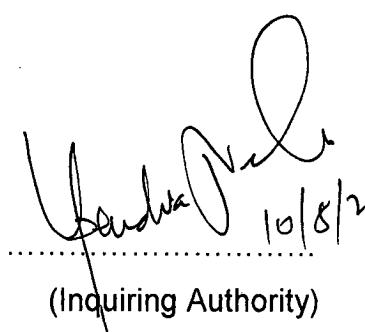
Further the C.O./DA explained that IBM Headquarter, Nagpur was appraised of the situations and asked for guidance vide letter dated 10/05/2021 and 19/05/2021 in the matter but no reply/instructions were received from the IBM Headquarter. Rather as per letter dated 19/05/2021 pending status of one of these 5 mines was viewed seriously (despite their knowledge about the controversial status of lease as informed vide our letter dated 10/05/2021). In view of the provisions for the grant of mining leases within 90 days, he was under compulsion to approve the mining plan in time. IBM headquarter, Nagpur issued a letter in which there was no clear instructions/directions about the revocation of mining plan and this was a major reason for his misunderstanding.

The proceeding of the day closed and will continue on 11/08/2022.

 2022-21
(Presenting Officer)

 09/09/2022
(Charged Officer)


(Defense Assistant)

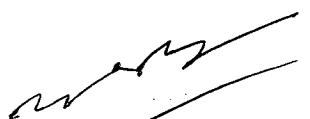
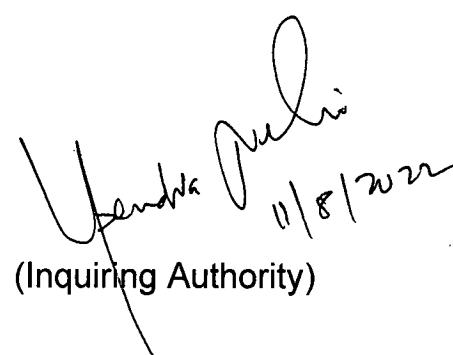
 10/8/2022
(Inquiring Authority)

Daily Order Sheet**Departmental Enquiry Proceedings against Shri K.K. Tardia, C.O.****Date of Enquiry: 11/08/2022****Present: -**

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

The enquiry was scheduled for today at 10.30.00 pm, as per the notice dated 02.08.2022.

It was informed that Manish K. Maindiratta RCoM, IBM working as P.O. is medically unfit therefore not available to today's inquiry proceeding. In absence of P.O., the inquiry could not be conducted. The next date for inquiry will be communicated soon.


11/08/22
(Charged Officer)
(Defense Assistant)
11/08/2022
(Inquiring Authority)

Daily Order Sheet**Departmental Enquiry Proceedings against Shri K.K. Tardia, C.O.****Date of Enquiry: 06/09/2022****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 03.00 pm, as per the notice dated 29.08.2022.

Shri U.C. Joshi, I.A. initiated the enquiry and asked PO regarding his submission on additional documents which were called from Guwahati and Nagpur offices. On this, the P.O. submitted that the six documents called for, seems to have no direct relation to this case, as out of 6, 5 documents are lease deeds, which were signed by the State Government and Lessee.

Afterwards, I.A. asked C.O. Sh. Tardia, to submit his defense on the allegations leveled against him.

*Upendra Joshi
6/9/2022*

*Manish K. Maindiratta
6/9/2022*

*Sharad S. Sakpal
6/9/2022*