



सत्यमेव जयते

E-mail:- Compwd@rediffmail.com
Phone No. 0194-2506205-2506054-F-Srinagar
0191-2502531-2540185-F-Jammu

Government of Jammu and Kashmir
Civil Secretariat Public Works (R&B) Department
Jammu/Srinagar

Subjet: Unauthorised absence of Shri Asif Iqbal Zargar, I/c Executive Engineer (Civil), under Hon'ble Court orders, presently attached with Chief Engineer, PW(R&B) Kashmir.

Government Order No. 131-PW(R&B) of 2023
Dated: 28.03.2023

Whereas, Er. Asif Iqbal Zargar, then Junior Engineer had applied for two months leave w.e.f 05-10-1995 to 03-12-1995 during his posting as Junior Engineer in the office of Executive Engineer (R&B) Kashmir as was sanctioned vide order dated 02.11.1995; and

Whereas, Mr. Zargar was supposed to join back his duties on 04.12.1995 but he applied for extension of leave which was not sanctioned in his favour. The engineer instead of joining his duty chose to remain on unauthorized absence for a long period of more than four years. The engineer joined his duty on 06.09.2000 without intimating his superiors, the reasons of remaining on unauthorized absence; and

Whereas, the officer was deputed to JKPCCLtd. vide Govt Order No 286-(PW) Hyd. of 2004 dated 12-07-2004 as I/c Assistant Executive Engineer, where he had applied for three months earned leave w.e.f 29-09-2009 on medical grounds being a patient of SARCODOSIS which was sanctioned by DGM unit 11th Kulgam of JKPCCLtd.; and

Whereas, instead of resuming his duties, Mr. Zargar applied for extension in his leave on various occasions out of which some spells were sanctioned as reported by MD, JKPCCLtd. (29.09.2009 to 29.06.2010) vide different orders from time to time with the result all the leave at his credit including half pay leave exhausted till 29.06.2010, whereafter he again remained absent without any leave at his credit; and

Whereas, the officer, remained again on unauthorized absence from duty with effect from 30.06.2010 to 03.08.2014. He continued to undertake foreign visits without seeking prior permission of the Competent Authority which is pre-requisite in case of any government servant; and

Whereas, the officer again submitted his joining report in the office of Deputy General Manager, JKPCCLtd. Unit 11th Kulgam on 04-08-2014 as reported by General Manager, JKPCCLtd. vide letter dated 06.08.2014; and

Whereas, the Managing Director, JKPCCLtd. repatriated Er. Asif Iqbal Zargar with the directions to report in his parent department and requested

[Handwritten signature]

[Handwritten signature]

-1-

the Administrative Department to consider post-facto sanction in favour of the engineer for the leave period whatever is due under rules; and

Whereas, the case of Er. Asif Iqbal Zargar got examined in the Administrative Department and the matter was taken up with Home Department vide OM dated 12.01.2018 to furnish the status of the vocation or occupation of Sh. Asif Iqbal Zargar, the then AEE undertaken during the period of his absence; and

Whereas, in response, the Criminal Investigation Department vide letter No.CID/GB/Ans/2018/05/11784-86 dated 16.11.2018 has reported as under:

"The subject is actually residing of Firdous Colony Buchpora and presently residing at Budshah Colony Sanat Nagar, Srinagar since 2014. He is aged about 55 years, B.tech by qualification and has been appointed as JE in R&B Department in the year 1988, presently attached with PW(R&B) Department, Civil Secretariat as AEE. The wife of the subject is working as private Doctor at Saudi Arabia and subject was also working there with a private company during absentee period.

Report further reveals that the subject and his family members are not involved in any subversive activities so far."

Whereas, subsequently vide Government Order No.444-PW(R&B) of 2019 dated 17.10.2019, it was ordered with the prior approval of the Competent Authority that Er. Asif Iqbal Zargar shall remain attached in the office of Chief Engineer PW(R&B) Kashmir and the period of his absence w.e.f. 29.09.2009 till December, 2018 shall be decided separately; and

Whereas, the officer during the period i.e. 30.06.2010 to 03.08.2014 had undertaken foreign assignment the fact of which stand established in the report of CID; and

Whereas, the officer has been found leaving outside country to visit Saudi Arabia even during his joining period between 04-08-2014 to 30.11.2018 without prior permission of the Competent Authority, as the fact established from the status of emigration dates on his passport; and

Whereas, the officer's conduct has proved that he has failed to maintain absolute integrity & sincerity in the discharge of official duties by acting in the aforesaid manner and has brought discredit to his service by this misdemeanor; and

Whereas, for remaining on unauthorized absence from duty, a Memorandum and Article of charges was served to the officer vide No. PWD-ADM/21/2021-05 dated 31.8.2021 with the direction to submit written statement of defense; and

Whereas, the reply submitted by the officer substantiates the fact that he had taken foreign visits to Saudi Arabia with effect from 04.12.1995 to 05.09.2000, 30.06.2010 to 03.08.2014 and during the period of his joining



between 04.08.2014 to 30.11.2018 without proper permission from the Competent Authority; and

Whereas, the officer had requested and was granted opportunity of being heard in person during which he accepted the charges of unauthorized absence from the duty and going abroad (Saudi Arabia) without prior permission and also having taken the gainful employment there and did not deny the charges leveled against him neither in his written reply nor during his personal hearing at the time of being heard in person; and

Whereas, the officer was placed under suspension vide Government Order No.309-PW(R&B) of 2021 dated 18.10.2021 in terms of Rule 31 of J&K Civil Service (Classification, Control & Appeal) Rules, 1956; and

Whereas, vide Government Order No. 336-PW(R&B) of 2021 dated 03.11.2021, Shri Rajnish Kumar, Additional Secretary to Government, PW(R&B) Department was appointed as Inquiry Officer to conduct the indepth inquiry into the matter; and

Whereas, the Inquiry Officer submitted its detailed report vide dated 13.06.2022, as established the charges leveled against the engineer; and

Whereas, the matter was placed before Departmental Review Committee Meeting in the department on 12.08.2022, under the chairmanship of Principal Secretary to Government, PW(R&B) Department and the Committee decided refer the case of Er. Asif Iqbal Zargar to the GAD for opinion, as the case involves long period of absence of the Engineer; and

Whereas, the General Administration Department vide UO No.GAD-SERONKAS/24/2022 dated 23.01.2023 returned the case with the following opinion:

"The department is advised to conclude the disciplinary proceedings against the engineer in view of the findings of Inquiry Officer and consider the case in terms of Rule 33 of J&K CCA Rules, 1956, as the same will have impact on the decision relating to period of un-authorized absence, depending upon the outcome of the disciplinary proceedings"

Whereas, the case was again examined by the department and a view was taken to treat the unauthorized absence period from duty by Er. Asif Iqbal Zargar as "Dies Non"; and

Whereas, a final opportunity of being heard was provided on 10.03.2023 to Er. Asif Iqbal Zargar before deciding his case to treat his unauthorized absence period of spells i.e. 04.12.1995 to 05.09.2000, 30.06.2010 to 03.08.2014 and 04.08.2014 to 30.11.2018 as "Dies Non" as per Article 163 of J&K CSRs; and

Whereas, the officer submitted his reply dated 11.03.2023 and requested for taking lenient view on his unauthorized absence from duty

Kayh

Atm

and the reply was examined in the department and found no justification for taking lenient view for remaining unauthorized absent from duty; and

Whereas, it has been established by the records pertaining to the case of unauthorized absence from duty, admitting the fact that the officer had visited a foreign country without prior permission of the competent authority and obtaining gainful employment in a private company in Saudi Arabia; and

Whereas, Er. Asif Iqbal Zargar has not only failed to maintain absolute integrity & sincerity in the discharge of duties but is guilty of misconduct for breach of service laws and therefore has made himself liable for action to be taken against him in accordance with Article -163 of J&K CSR Volume-I.

Now therefore, it is hereby ordered with the prior approval of the competent authority that the period of unauthorized absence of Er. Asif Iqbal Zargar, I/c Executive Engineer (under Hon'ble Court orders) from duties w.e.f. 04.12.1995 to 05.09.2000, 30.06.2010 to 03.08.2014 and 04.08.2014 to 30.11.2018 is treated as "**Dies Non**" which shall not be counted for any service benefit in terms of Article-163 of J&K CSR Volume-I.

By order of the Government of Jammu & Kashmir.

Sd/-

(Shailendra Kumar) IAS

Principal Secretary to the Government

Dated: 28.03.2023

No:PWD-ADM/21/2021-05

Copy to:

1. Joint Secretary(J&K), Ministry of Home Affairs, Govt. of India.
2. Principal Secretary to the Hon'ble Lieutenant Governor, UT of J&K.
3. Director, Archives, Archaeology & Museums, J&K.
4. Engineer-in Chief, PW(R&B) Department.
5. Chief Engineer, Public Works (R&B) Kashmir.
6. OSD to Hon'ble Advisor (B) for information of Hon'ble Advisor.
7. Private Secretary to Principal Secretary to Government, PW(R&B) Department.
8. Concerned Engineer.
9. Monday Return/Government Order file (w.2.s.c).
10. I/c Website, PW(R&B) Department.



(Karan Singh Aithmia)

Under Secretary to the Government

