



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

Subject: Unauthorized absence of Sh. Nazir Ahmad Malik, I/C Assistant Engineer
(Civil)- Termination of Services thereof.

Reference:- Letter No.CE/RBK/ADM/39847-49 dated 18-03-2022 from Chief
Engineer PW(R&B) Kashmir

Government Order No. 123 -PW(R&B) of 2022
Dated:- 6 .04.2022

Whereas, Sh. Nazir Ahmad Malik was appointed as Junior Engineer in the year 2007 vide Govt. Order No. 148-PW(R&B) of 2007 dated 16.04.2007 and was subsequently promoted as I/C Assistant Engineer; and.

Whereas, Sh Nazir Ahmad Malik proceeded on Earned leave of 113 days w.e.f. 07.02.2014, sanctioned by the Superintending Engineer PW(R&B) Circle Baramulla vide Order No. 01 of 2014 dated 03.02.2014 for pilgrimage at Saudi Arabia; and

Whereas, Sh Nazir Ahmad Malik applied for six months extra ordinary leave for private affairs but only three months extra ordinary leave was sanctioned in his favour in terms of Rule 32 (2) (a) of J&K civil services (Leave) rules 1979 w.e.f. 01.06.2014 vide Govt. Order No. 111-PW(R&B) of 2014 dated 13.03.2014; and

Whereas, during his leave period, the officer was transferred to REW (RDD) vide Govt. Order No. 362-PW(R&B) of 2014 dated 14.08.2014, where he did not join after expiry of 3 months extra ordinary leave. His Extra Ordinary leave ended on 30.08.2014 and his request for extension of extra ordinary leave was not acceded to; and

Whereas, the Executive Engineer PW(R&B) Division Baramulla vide his office No. 4461-62 dated 18.09.2014 served a notice to the officer to resume his duties at the new place of posting; and

Whereas, in response to the aforementioned Notice, Sh Nazir Ahmad Malik applied for grant of extra ordinary leave till 11.02.2019; and followed by another application dated 21.07.2015 for extension of extraordinary leave up to 11.02.2019; and

Whereas, the Chief Engineer PW(R&B) Department Kashmir vide communication No. CE/RBK/ES/30868-71 dated 26.12.2015 forwarded the case to Administrative Department alongwith all connected documents including leave application for taking further necessary action in the matter; and

Whereas, his unauthorized absence was examined in the department and it was found that his case does not fall under exceptional circumstances as he has initially applied for pilgrimage purposes and thereafter he applied for extraordinary leave on private affairs; and

Whereas, vide Govt. Order No. 145-PW(R&B) of 2017 dated 12.04.2017, Deputy Secretary to the Government, Public works (R&B) Department (HRM Branch) was appointed as Inquiry officer to enquiry into unauthorized absence of Sh. Nazir Ahmad Malik; and

Whereas, the Inquiry officer, vide his communication No. PW/HRM/32/2017-absence dated 07.07.2017, submitted his enquiry report; and

Whereas, the Inquiry officer while concluding the enquiry has mentioned that it has been established that the officer absented himself from duties with his own will and has served abroad with private firm in a private capacity for financial benefits/salary from the said firm; and

Whereas, after examination of the report of the Inquiry officer, the Home Department vide this department's letter No. PW(R&B)G/26/2014 dated 30.08.2017 was requested to verify the activities of the officer during his willful absence from duties and furnish a complete details of employments, remuneration received to be corroborated by evidence of unimpeachable value, admittedly undertaken by the officer outside country as revealed during the course of inquiry conducted by the department; and

Whereas, in response, to the above quoted letter, Criminal Investigation Department, vide letter no CID/GB/Abs/2017/13/12708 dated 23-11-2017 has communicated the Home Department, the verification was conducted through field formation which reveals that during the authorized/unauthorized leave Nazir Ahmed Malik went to Saudi Arabia on Indian Passport and was working with some private company for two years. He returned in the month of 2016 but didn't joined his duties; and

Whereas, the Chief Engineer, Public Works (R&B) Kashmir vide communication No.. CE/RBK/ADM/39847-49 dated 18-03-2022 submitted that Nazir Ahmed Malik not attended his office duties since September 2014 and despite notices, no communication has been received from him since 2019; and

Whereas, the said officer namely Sh. Nazir Ahmad Malik, I/c Assistant Engineer has remained absent from the duty since 2014 i.e for more than 07 years and has failed to resume duties despite the fact that he was served notices from time to time; and

Whereas, the matter has been examined by the department in terms of the rule position governing the subject and it was found that he didn't resume his duties despite repeated notices, the action on his part is willful and intentional and squarely falls under the preview of Article 113 and 128 of J&K CSR; and



Article 113 of J&K CSR envisage as under ;

“After five year continuous absence on leave an officer is considered to be out of state employee.”

and

Article 128 of J&K CSR envisage as under;

“Absence without leave or after the end of the leave involves loss of appointment, except as provided in Article 203(b) or when due to ill health in which the case the absentee must produce the certificate of Medical officer.’

Whereas, in the instant case the continuous unauthorized absence period of the delinquent official is more than seven years i.e since 01.09.2014 to till date; and

Whereas this department didn't find it suitable to issue any more notice to the delinquent engineer for giving him any further chance for resumption of his duties,

Now, therefore, in terms of Article 113 and 128 of J&K CSR vol-I read with rule 30 of J&K CCA Rules 1956, the services of Shri Nazir Ahmad Malik, I/c Assistant Engineer PW(R&B) Division Baramulla S/O Muneer Ahmad Malik R/O Dewan Bagh Baramulla are terminated w.e.f. 01.09.2014 i.e. the date of his unauthorized absence from duty.

By order of Government of Jammu & Kashmir.

Sd/-


(Shailendra Kumar)IAS

Principal Secretary to Government

Dated:- 6 -04-2022

No.PWD-GAZZ/44/2022-05
Copy to the

1. Principal Secretary to the Government, General Administration Department.
2. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
3. Director, Achieves, Archaeology and Museum Department, J&K Jammu.
4. Chief Engineer, PW(R&B) Department Kashmir.
5. Concerned.
6. I/C Website, PW(R&B) Department.
7. Government Order file/ Monday return.


(Dr. Zeba Suleman)

Under Secretary to the Government

