



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

Subject: Cancellation of placement order of I/C Executive Engineer (Civil) of Public Works (R&B) Department.

Government Order No: ~~262~~ PW(R&B) of 2021

Dated: ~~31~~ /08/2021

Whereas, vide Government order No. 196-PW(R&b) of 2021 dated 14.6.2021, Er. Asif Iqbal Zargar, I/c Assistant Executive Engineer (Civil) was placed as I/c Executive Engineer (Civil) in his own pay and grade subject to the following conditions:-

- That they shall not have any preferential right for promotion at the time of his regularization/confirmation through DPC/PSC.
- The outcome of writ petition(s) pending, if any, before any competent Court(s) of law.

Whereas, another file was in the process to decide the fate of the period of absence from duty as shown below in respect of the said engineer:-

04.12.1995 to 15.9.2000

30.9.2010 to 03.08.2014

03.8.2014 to 30.11.2018 attachment (not paid).

During the period the engineer took foreign visit without administrative permission.

Whereas, the matter was taken up with the Home Department vide OM dated 12.01.2018 to furnish the status of the engineer with respect to the assignments taken during the period of absence at the location/country he had stayed during such period.

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

"The subject is actually resident 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, the case was further examined in the department in light of The Jammu and Kashmir Civil Services (Leave) Rules, 1979:

Rule 25, Sub-Rule-2, and Rule 14(ii) which states as under:-

"Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action".

Rule 14 (ii) (a) states

"A Government servant while on leave shall not take up any service or employment elsewhere, including the setting up of a private professional practice as an Architect, Accountant, Consultant or legal or medical practitioner etc without obtaining the previous sanction of the authority competent to appoint him if the employment/profession lies within the country and of the Government, in case it outside the country.

Exception---Government servants who have been permitted to undertake private practice employment or any casual literary work or any similar employment are exempted from the operation of the above rule.

As per Rule 14(ii)

a) J&K Civil Services (Leave) Rules, 1979 no permission for private employment shall ordinarily be allowed during leave other then leave preparatory to retirement.

b) A Government servant desirous of taking up service or employment under a non-Government employer may be required to resign his appointment before taking up any other service or employment except where grant of permission to serve elsewhere is considered desirable in any exceptional case.

Whereas, as per the report of criminal investigation department the engineer has violated the above rules and proceeding against the engineer has been initiated by the department.

Now, therefore, in view of the above, the placement of Er. Asif Iqbal Zargar, I/C Assistant Executive Engineer (Civil) as I/C Executive Engineer (Civil) issued vide Government order No. 196-PW(R&B) of 2021 dated 14.6.2021 , is hereby revoked ab-initio.

The said Engineer shall report to the Chief Engineer, R&B, Kashmir immediately till further orders.

By order of the Government of Jammu & Kashmir.

Sd/-

(Shailendra Kumar)IAS

Principal Secretary to the Government

Public Works (R&B) Department

Dated: - 31.08.2021

No:-PWD-ADM/21/2021-05



Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Managing Director /CEO _____
3. Director Archaeology & Archieves, J&K, Srinagar.
4. Director _____
5. Chief Engineer, _____
6. Special Assistant to the Hon'ble Advisor (B) for information.
7. Concerned Engineers _____
8. Private Secretary to the Accountant General, J&K, Srinagar.
9. Pvt. Secretary to Principal Secretary to the Government, PW(R&B) Department
10. Concerned
11. Incharge Website, PW(R&B) Department.
12. Government order file/Monday Return.

(Naseema Nazir)

Under Secretary to Government
Public Works (R&B) Department