

Government of Jammu and Kashmir
School Education Department
Civil Secretariat, J&K, Srinagar.

Subject: O.A No.62/450/2021 titled as Rohila Tabasum Vs UT of J&K and Others.

Reference: i. Government Order No. 1676-Edu of 2021 dated 01.12.2021.
ii. DSEK/PS/PO/2022/21 dated 05.01.2022 from Directorate of School Education, Kashmir.

Government Order No: 1346 - Edu of 2022
Dated: 27.05.2022

WHEREAS, the Department of School Education received a copy of Order dated 15.03.2021 passed by Central Administrative Tribunal Jammu Bench at Jammu, the operative part of which is reproduced as under:-

“as of now, this OA is premature, if not without any cause of action. We, therefore, dismiss the same, leaving it open to the applicant to approach this Tribunal, in case the respondents pass any order which visits him with adverse consequences contrary to law”
; and

WHEREAS, the case was under examination in the Department and in the meantime, Department received another Court Order dated 26.03.2021 passed by the Hon'ble High Court of Jammu and Kashmir, the operative part of which is reproduced as under:-

“We have considered the matter and are agreed with the disposal of the O.A No. 62/450/2021 by CAT Bench, Jammu but with one modification that the CAT Bench, Jammu should have avoided the observation made leaving the scope to the respondents for passing the adverse orders as has been recorded in Paragraph No. 10. Therefore, we set aside paragraph No. 10 and modify it to the extent by granting liberty to the applicant to approach the Tribunal, in case, the respondents pass any order which visits him with adverse consequence contrary to law with further observation that the proceedings initiated by the respondents shall be taken to its logical conclusion, by adhering to the law.” and.

WHEREAS, after examination, it emerges that the case is related to unauthorized absence of Mtr Rohilla Tabasum from 01.08.2017 till 28.06.2021 and accordingly, the Department vide letter No. Edu/HRM/18/2021-01 dated 11.06.2021 forwarded the copy of the Court Order dated 26.03.2021 to Director, School Education Kashmir with the request to furnish the detailed report in the matter; and

WHEREAS, the Director, School Education Kashmir vide letter No. DSEK/Estt-III/B-Trs/MZ/114/520/1146 dated 07.07.2021 has furnished the requisite detailed report in the matter for favour of necessary action; and

WHEREAS, after examining the report received from Director School Education, Kashmir, the Department vide Government Order No. 1676-Edu of 2021 dated 01.12.2021, constituted a Committee comprising of Personnel Officer, Directorate of School Education, Kashmir and Chief Education Officer, Srinagar to conduct an enquiry for unauthorized absence from duty of Smt. Rohilla Tabasum I/c Lecturer in the discipline of Chemistry. It was ordered that the committee shall submit the enquiry report within the 15 days alongwith its specific recommendations; and

WHEREAS, the Personnel Officer, Directorate of School Education Kashmir vide communication No. DSEK/PS/PO/2022/21 dated 05.01.2022 has submitted the enquiry report in the matter. The recommendations put forth by the enquiry committee are reproduced as under:

- (i) **Period of unauthorized absence from 01.08.2017 till 28.06.2021 be treated as "Dies Non".**
- (ii) **Imposing of penalty of 05 annual increments henceforth against the official.**
- (iii) **The official may be asked to seek post facto sanction for all the visits done outside the country.**
- (iv) **Proceedings against Principal HSS Drung be initiated for acting outside his legitimate authority in sanctioning child care leave w.e.f 03.08.2015 to the official.**
- (v) **Principal, DIET Beerwah may be asked to explain the circumstances under which the official was allowed to join on 28.06.2021.**

Whereas, the inquiry report furnished by the enquiry committee was examined in the department and accordingly, the recommendations in the report have been considered and accepted by the competent authority; and

Now, therefore, in terms of J&K, Civil Service Regulations and Rule- 30 of Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, sanction is hereby accorded to the following:

1. Period of unauthorized absence from 01.08.2017 till 28.06.2021 is treated as "Dies Non".
2. Withholding of 05 annual increments henceforth against the official.

By order of the Government of Jammu and Kashmir.

Sd/-
(B.K.Singh)
Principal to the Government
School Education Department.

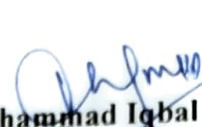
No:Edu-HRM/18/2021-01

Dated: 27 .05.2022

Copy to:

1. Advocate General, J&K.
2. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
3. Director School Education Kashmir.

4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K.
5. Private Secretary to Principal Secretary to the Government, School Education Department.
6. Concerned.
7. I/c website.
8. Government Order file (w.2.s.c).


(Mohammad Iqbal Mir) JKAS
Under Secretary to the Government.

