



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

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- Subject:- Reinstatement of Er. Asif Iqbal Zargar, the then I/C Executive Engineer (under Hon'ble Court Orders) now retired.
- Reference:- 1. Minutes of Departmental Review Committee Meeting dated 06.04.2023 constituted vide Government Order No. 68-PW(R&B) of 2022 dated 18.02.2020.
2. U.O No. Law-Serl/18/2023-10 dated 30.05.2023.

Government Order No: 231 -PW(R&B) of 2023
Dated: 05 -06-2023

Whereas, Er. Asif Iqbal Zargar, the then I/C Executive Engineer (now retired) was placed under the 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;

Whereas, 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 and in reply submitted by the officer, it 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 was granted opportunity of being heard, in person, during this course, the charges of un-authorized absence from the duty and going abroad (Saudi Arabia) without prior permission and also having taken the gainful employment there the officer, did not deny the charges levelled against him neither in his written reply nor at the time when he was heard in person; and

Whereas, vide Government Order No. 336-PW(R&B) of 2021 dated 03.11.2021, an Inquiry Officer was appointed in the department to conduct the indepth inquiry into the matter. The Inquiry Officer submitted its detailed report dated 13.06.2022, and established the charges levelled against the officer; and

Whereas, the Case was referred to General Administration Department 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 in the department and a view was taken to treat the unauthorized absence period from duty of Er. Asif Iqbal Zargar as "Dies Non" with prior approval of the competent authority; and

Whereas, a final opportunity of being heard was provided to Er. Asif Iqbal Zargar vide notice dated 10.03.2023 before treating 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 and the reply was examined in the department and no reasonable justification was found for taking lenient view for remaining unauthorized absent from duty; and

Whereas, the matter was placed before the competent authority and it was decided to place the case before departmental review committee for deciding the period of unauthorized absence of Er. Asif Iqbal Zargar, the then I/C Executive Engineer (now retired) 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, and the same has been treated as Dies Non vide Government Order No. 131-PW(R&B) of 2023 dated 28.03.2023.

Whereas, the case was placed before the Departmental Review Committee at its meeting held on 06.04.2023 and the Committee has made the following recommendations:-

"The Committee observed that Er. Asif Iqbal Zargar has already superannuated from government service on 31.03.2023 and unauthorized absence period of said engineer treated as 'Dies Non' vide Govt. Order No. 131-PW(R&B) of 2023 dated 28.03.2023. The committee after deliberations has decided to re-instate the said Engineer namely Er. Asif Iqbal Zargar w.e.f. 30.03.2023 i.e. one days prior to his retirement on superannuation and the Committee also decided to treat the period of his suspension w.e.f. 18.10.2021 to 30.03.2023 as on duty."

Whereas, the case has ben examined threadbare and as approved by the competent authority, it has been decided to accept the recommendations of the Review Committee.

Now, Therefore, it is ordered that Er. Asif Iqbal Zargar, the then Executive Engineer is hereby reinstated in service w.e.f. 30.03.2023 i.e. one days before his retirement and further his intervening period of suspension from 18.10.2021 to 30.03.2023 is treated as on duty.

By Order of the Government of Jammu & Kashmir

Sd/

(Shailendra Kumar)IAS

Principal Secretary to the Government

Public Works (R&B) Department

Dated: 05.06.2023

No: PWD-ADM/21/2021-05

Copy to the:-

10. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
11. Commissioner Secretary to the Government, General Administration Department.
12. Chief Engineer, Public Works (R&B) Department.
13. Additional Secretary to the Government, Public Works (R&B) Department.
14. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
15. Private Secretary to the Principal Secretary to the Government, Public Works (R&B) Department.
16. Concerned Engineer.
17. In-charge, Website, PW(R&B) Department.
18. Government order file (w.3.s.c.s).


(Farooq Ahmad Malik) JKAS

Deputy Secretary to the Government
Public Works (R&B) Department

