



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

Final Notice

Subject: Un-authorized absence from duties by Er. Shazia Hassan, Junior Engineer (Civil) of erstwhile R&B Landscape Division, Srinagar.

WHEREAS, on the recommendations of the Chief Engineer, PW (R&B), Kashmir, 4 months Earned Leave w.e.f. 01.09.2020 to 29.12.2020 along with permission to visit the United Kingdom was sanctioned in favour of Er. Shazia Hassan, Junior Engineer (Civil), subject to the condition that she shall not take up any assignment/job outside the country during the leave period and shall not seek extension in her leave as sanctioned vide Government Order No. 254-PW of 2020 dated 10.09.2020;

AND WHEREAS, the official vide application dated 05.12.2020 and 21.12.2020, requested for extension of leave on medical grounds w.e.f. 30.12.2020 to 30.06.2021, stating therein that she is suffering from Seizure disorder (Epilepsy);

AND WHEREAS, the application was examined in this department and it was observed that the medical prescription does not reflect any medical conclusion for considering request of the official for extension of the leave and accordingly the application was forwarded to the Chief Engineer, PW (R&B) Department, Kashmir vide letter No. PW(R&B)NG/37/2020 dated 19.01.2021, with the advice to ask the official to resume duties immediately and copy of the same was endorsed to the official through email;

AND WHEREAS, the Chief Engineer, PW (R&B) Department, Kashmir vide letter dated 28.12.2021, reported that the official was directed by the Executive Engineer, Landscape Division Srinagar to resume duties but there was no compliance on her part;

AND WHEREAS, a notice was served to the official by the Chief Engineer vide No. CE/RBK/ADM/29983-56 dated 27.11.2021 and in response the attorney of the official vide application dated 02.12.2021 conveyed that aggrieved of the rejection of extension of leave, the communication issued by the Public Works (R&B) Department vide letter No. PW(R&B)/NG/37/2020 dated 19.01.2021, stands challenged before the Hon'ble Central Administrative Tribunal, Jammu Bench in OA No. 355/2021;

AND WHEREAS, perusal of the medical prescriptions/ certificates issued by the doctors, it has been observed that the official is suffering from 'Epilepsy', for which adequate medical treatment is available within the Union Territory of Jammu and Kashmir and as such, the *ibid* medical condition cannot be the reason for allowing the official to stay outside the country at the cost of public interest;

AND WHEREAS, the unauthorized absence of the official has been examined in terms of the Rule 25 of J&K Civil Services (Leave) Rules, 1979 which provides as under:-

"Rule 25. Absence after expiry of leave:-

- 1. Unless the authority competent to grant leave extends the leave of a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that*

period shall be debited against his leave account as though it were half-pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

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

AND WHEREAS, Government instructions (1) below sub rule 5 of Rule 31 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, provides that in case where a Government servant has unauthorizedly absented from duty, the proper course to initiate action against him/ her is under Article 128 of Jammu and Kashmir Civil Service Regulations, 1956;

AND WHEREAS, Article 128 of the Jammu and Kashmir Civil Service Regulations, 1956, provides as under:-

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

AND WHEREAS, four years have been passed after expiry of sanctioned leave in favour of Er. Shazia Hassan, Junior Engineer (Civil), however, the concerned Engineer has not joined back/resumed her duties affecting the departmental working badly at the cost of public interest and she shall not be allowed to absent herself from official duties;

NOW THEREFORE, before proceeding ahead in terms of above rules against the absentee, final opportunity is hereby afforded to Er. Shazia Hassan, Junior Engineer (Civil) of erstwhile R&B Landscape Division, Srinagar, through the medium of this final notice/ opportunity of being heard/ compliance to immediately resume her duties without any further delay and explain her position for remaining unauthorizedly absent from official duties, failing which action under Article 128 of the Jammu and Kashmir Civil Service Regulation, 1956, shall be initiated, without any further notice and in case of failure on her part, the matter shall be decided as ex-parte.

Sd/-

(Bhupinder Kumar) IAS
Secretary to the Government

Dated: 07.01.2025

No.PWD-NGAZOCIV/2/2022-05

Copy to the:

1. Director Information, J&K with the request to kindly publish this 'Notice' in two leading Newspapers in Srinagar and one leading National Level Newspaper.
2. Chief Engineer, PW(R&B) Department, Central Kashmir with the request to deliver the notice to the official through email linked to her eHRMS/ JKPWDOMS account under intimation to this Department.
3. OSD to the Hon'ble Deputy Chief Minister.
4. Private Secretary to Secretary to the Government, Public Works (R&B) Department.
5. **Er. Shazia Hassan, Junior Engineer (Civil) of erstwhile R&B Landscape Division Srinagar.**
6. Incharge Website, PW (R&B) Department.

(Hamid Hameed)

Under Secretary to the Government