

I/192837/2023

**Government of Jammu and Kashmir
Civil Secretariat, Cooperatives Department**

Subject:- Treatment of Intervening period of suspension in
respect of Shri Jamshaid, Alam Khan, Orderly.

**Government Order No. 11 -JK(Coop) of 2023
Dated: - 14-03-2023.**

Whereas, Shri Jamshaid Alam Khan, Orderly was placed under suspension vide Order No. 28-Coop of 2016 dated 26-5-2016 for remaining un-authorizedly absent from duties;

Whereas, a notice was issued to the suspended official under endorsement No. Coop/Naz/PFJAK/2007 dated 26-8-2016 where under he was directed to present himself in the office failing which it shall be presumed that he is not interested to serve the department and accordingly further action as warranted under rules shall be ensured against him;

Whereas, Shri Qadir Hussian, the then Under Secretary was appointed as Inquiry Officer vide this department's Office Order No. 56-Coop of 2016 dated 30-11-2016;

Whereas, the inquiry Officer has neither submitted any report nor does the file reveals any relevant document about conducting of an inquiry in the matter ;

Whereas the suspended official rejoined his duties after the opening of offices at Jammu on the eve of Annual Darbar Move on 10.11.2016;

Whereas, subsistence allowance was granted to the said official to the extent of 50% vide order No.3-coop of 2017 dated 19-1-2017 read with addendum dated 27-1-2017. thereafter vide order No.40-Coop of 2018 dated 28-11-2018 the subsistence allowance was enhanced to 75% ;

Whereas, subsequently the official was reinstated vide Office Order No.22-Coop of 2019 dated 19-6-2019 with immediate effect;

Whereas, a Review Committee was constituted vide Office Order No. 30-Coop of 2019 dated 17-7-2019, however as per record no decision has been taken by the review committee on the subject;

Whereas, the official approached the Hon'ble Central Administrative Tribunal in O.A.No. 136/2022 with the prayer for settlement of his suspension period;



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Whereas, the Hon'ble Central Administrative Tribunal (CAT) disposed of the original application of the applicant vide order dated 04-03-2022, operating part of the order is as follows:-

"Considering the limited prayer made by the learned counsel for the applicant, O.A. is disposed of at the admission stage with direction to the respondents/ competent authority to dispose off the pending representation of the applicant dated 19-2-2021 by passing a reasoned and speaking order, within a span of four weeks from the date of receipt of a certified copy of this order and decision so taken shall be communicated to the applicant forthwith".

Whereas, in pursuance to the above order of the Hon'ble CAT, a fresh Enquiry committee was constituted vide Office Order No. 20-Coop of 2022 dated 06.07.2022 headed by Director Finance of this Department. The said committee held its meeting on 28.06.2022 wherein, besides deliberating on the subject, it was decided to appoint an Inquiry Officer for conducting an enquiry regarding unauthorized absence of Shri Jamshed Alam Khan, Orderly. Accordingly, Smt. Asifa Jan, Deputy Secretary (now retired) was appointed as Inquiry officer vide order No 27-JK-Coop of 2022 dated 26.07.2022;

Whereas, the Inquiry Officer submitted her report on 18.10.2022, which reveals as under :-

That a notice has been served to the said Orderly vide No. Coop/Naz/PF/JAK/2007 dated 21.9.2022 to explain his position for remaining absent w.e.f.12.5.2016 to 10.11.2016 and in response to the said notice, the official has submitted his reply for absenting himself from duty w.e.f.12-5-2016 to 10-11-2016 along with documentary proof stating therein that his father was admitted in Florence Hospital on 07.05.2016 and was discharged on 10.07.2016. In addition, due to the unrest in the valley from 08-07-2016 onwards, it was beyond his control to join the duties.

Whereas, on the basis of the record available, statement of the official as well as the facts and circumstances of the case, the Inquiry Officer submitted her report/recommendations as under:-

1. That period of unauthorized absence of the official w.e.f 12.5.2016 till the date of rejoining the duty i.e. 10.11.2016 may be treated as leave whatever kind due.
2. To regularize the period as active duty w.e.f. 10-11-2016 i.e. the date of his re-joining the duties till the date of re-instatement i.e 19.06.2019 as the official was in active service as per the records available.



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Whereas, the Review Committee in its meeting held on 27.12.2022 decided to uphold the recommendations of the Inquiry Officer and place the same before the Competent Authority for approval/decision in the matter;

Now therefore, as recommended by Departmental Review Committee and approval of the Competent Authority, sanction is hereby accorded to the treatment of intervening period of unauthorized absence of the official till the date of his rejoining of duties i.e. 10.11.2016 as leave whatever kind due and regularization of the period from re-joining of the duties by the official till his re-instatement i.e. w.e.f. 10-11-2016 to 19.06.2019 as active duty.

By order of the Government of Jammu and Kashmir.

Sd/-
(Yasha Mudgal) IAS
Commissioner/Secretary to the Government
Cooperative Department

No: - Coop/5/2022 (179845)
Copy for information to the:-

Dated: *14*-03-2023

1. Secretary, J&K, Public Service Commission.
2. Director Finance, Cooperative Department
3. Private Secretary to Commr/Secretary to the Government,
Cooperative Department for information of the Commr/
Secretary.
4. Concerned Official.
5. Government Order file.(w2sc.....)

[Signature]
Under Secretary to Government
Cooperative Department.

14/3/2023