

1/198503/2023



Government of Jammu and Kashmir
Directorate of Sheep Husbandry Jammu
Rail Head Complex, Jammu-180004

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Subject: Enquiry into Non-Drawal of Salaries of Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants of the organization of District Sheep Husbandry Officer Udhampur - Settlement of absence period thereof.

ORDER NO. 136 -SHDJ of 2023
DATED 31 -03-2023

Whereas, on the recommendations of Jammu & Kashmir Services Selection Board duly forwarded by the Administrative Department of Animal/Sheep Husbandry Department J&K, Ms. Fozia Qazi and Ms. Gulshan Bano were appointed as Stock Assistants in the organization of District Sheep Husbandry Officer Udhampur vide this Directorate's Order No. 57-SHDJ of 2019 dated 15.02.2019 and Order No. 60-SHDJ of 2019 dated 21.02.2019 and posted at SEC Karrian and SEC Marothi respectively; and

Whereas, District Sheep Husbandry Officer, Udhampur vide Office Order bearing No. DSHO/Udh/Esstt-NG/2019-20/102(288-293) dated 20.11.2019 treated the absence period w.e.f 20.02.2019 to 14.07.2019 and 22.02.2019 to 14.07.2019 in respect of Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants respectively as Dies-Non; and

Whereas, on the basis of representation of Ms. Gulshan Bano, Stock Assistant dated 24.11.2019, District Sheep Husbandry Officer, Udhampur has drawn her salary for the period i.e. 22-02-2019 to 14-07-2019 which was earlier treated as Dies-Non; and

Whereas, Administrative Department vide Govt. Order No. 31-ASH of 2020 dated 06.03.2020 appointed Dr. Sanjeev Kumar, the then I/C Director Sheep Husbandry Department Jammu as Inquiry Officer to enquire into non-drawal of salaries during unauthorized absence/settled period of absence of Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants of District Cadre Udhampur during their probation vide Office Order bearing endorsement No. DSHO/Udh/Esstt-NG/2019-20/102(288-293) dated 20.11.2019 issued by District Sheep Husbandry Officer, Udhampur; and

Whereas, the then Director Sheep Husbandry Department Jammu vide communication No. DSHJ-Esstt-NG/F-248(G-1)/2020-21/5161

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[Signature]

1/198503/2023 dated 27.07.2020 submitted the enquiry report to the Administrative Department; and

Whereas, on the basis of attendance statements received from Assistant Director, Govt. Sheep Breeding Farm Thathri w.e.f 13.03.2019 to 15.04.2019 and District Sheep Husbandry Officer Doda w.e.f 16.04.2019 to 12.07.2019, District Sheep Husbandry Officer, Udhampur vide No. DSHO/Udh/Esstt-NG/2020-21/903-04 dated 08.12.2020 treated the above mentioned period of Ms. Fozia Qazi, Stock Assistant on duty but pay dues were not released; and

Whereas, Administrative Department vide Govt. Order No. 110-JK(ASH) of 2021 dated 29.07.2021 appointed Director, Sheep Husbandry Department Jammu as Inquiry Officer to conduct final inquiry into the non-drawal of salaries of Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants of the organization of District Sheep Husbandry Officer, Udhampur for their unauthorized absence/settled period of absence during their period of probation; and

Whereas, the detailed report into the matter was submitted to the Administrative Department vide communication No. DSHJ/Esstt-NG/F-248/2021-22/8061 dated 14.08.2021 wherein recommendations in respect of unauthorized absence period of Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants was submitted which is reproduced as under: -

"Remaining absent from duties during the period of probation tantamount to break in service and the cases should have been referred to Administrative Department for appropriate orders but the then DSHO Udhampur has not done this, rather settled the case of one absentee and did not take any action with regard to the other. Since both the employees are similarly situated and have already completed more than 02 years 04 months service and have also drawn regular salaries during this period (except in the case of Ms. Fozia Qazi for the period of 16.02.2019 to 31.07.2019), it will not be appropriate to invoke provisions of Article 128 of J&K Civil Service Regulations which may lead to loss of employment. The pay of Ms. Fozia Qazi for the period she has undergone field training/assignments by the orders of competent authority i.e. w.e.f 11.03.2019 to 31.07.2019 may be drawn by the concerned DDO as the attendance certificate by the Controlling

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Officers in her favour having attended the respective offices/institutions are available on record. With regard to drawal of her pay w.e.f 16.02.2019 to 20.02.2019, the said period may be treated as on duty as she remained in DSHO Office Udhampur. For the period 21.02.2019 to 10.03.2019 the official has remained absent as it can be made out from the statements of the then Incharge SEC Karrian and Assistant Stockman namely Mr. Kuldeep Singh and material facts available on record. This period of absence may be treated as Leave without Allowances as permissible under Article 163.

With regard to Ms. Gulshan Bano, though all her claims have been settled but material facts available on record indicates that she has also remained on unauthorized absence w.e.f 23.02.2019 to 10.03.2019, the said period may also be treated as Leave without Allowances on the pattern the leave period of Ms. Fozia Qazi is to be settled."

Whereas, Administrative Department vide communication No. ASHF-SHONGAZ/08/2021-03 dated 10.03.2023 has intimated that the inquiry report alongwith recommendations submitted by the Director, Sheep Husbandry Jammu dated 14.08.2021 has been accepted and directed to proceed further and also censure both the officials with strict warning to remain careful in future.

Now, therefore, sanction is hereby accorded to: -

- i. treat the period of unauthorized absence from duties w.e.f 21.02.2019 to 10.03.2019 in favour of Ms. Fozia Qazi, Stock Assistant of District Cadre Udhampur as Leave without Allowances (Dies-Non) in terms of Article 163 of Jammu & Kashmir Civil Services Regulations, 1956. The period 16-02-2019 to 20-02-2019 is treated on duty as she has remained present in DSHO office Udhampur and the period she has undergone field trainings/assignments by the orders of competent authority i.e. w.e.f 11-03-2019 to 31-07-2019 is also treated on duty. The pay dues of the official for the period 16.02.2019 to 20.02.2019 and 11.03.2019 to


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- 31.07.2019 has to be drawn by the concerned DDO as per norms.
- ii. treat the period of unauthorized absence from duties w.e.f 23.02.2019 to 10.03.2019 in favour of Ms. Gulshan Bano, Stock Assistant of District Cadre Udhampur as Leave without Allowances (Dies-Non) in terms of Article 163 of Jammu & Kashmir Civil Services Regulations, 1956. The pay dues paid to the official for the period 23.02.2019 to 10.03.2019 has to be recovered from her by the concerned DDO as per rules.

Moreover, in terms of Rule 30(i) of Jammu & Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956, a penalty of censure is imposed upon Ms. Fozia Qazi and Ms. Gulshan Bano, Stock Assistants with the strict warning to remain careful in future while performing their legitimate official duties.


(Krishan Lal) JKAS,
Director,
Sheep Husbandry Department,
Jammu.


31.03.23
Dated: 31.03.2023

No. DSHJ-ESTTONG/16/2022/19851-56

Copy to the: -

1. Financial Commissioner (Additional Chief Secretary), Agriculture Production Department, J&K for kind information please.
2. Joint Director (Extension), Sheep Husbandry Department, Jammu for information.
3. District Sheep Husbandry Officer, Udhampur for information and necessary action. He shall also record necessary entry into service books of the officials.
4. Incharge Website, Sheep Husbandry Department, Jammu for necessary action.
5. Concerned officials for information.