

**GOVERNMENT OF JAMMU AND KASHMIR  
JAL SHAKTI DEPARTMENT  
CIVIL SECRETARIAT, JAMMU/SRINAGAR**

**Subject:-** Un-authorized absence of Smt. Nuzhat Shanoo, I/C Assistant Executive Engineer (Civil)---removal from service thereof.

**Government Order No. 135 -JK (JSD) of 2022**

**Dated:- 01.07.2022**

Whereas, on the recommendation of J&K Public Service Commission, vide Govt. Order No. 419- PW (R&B) of 2007 dated 31.12.2007 among others, Smt. Nuzhat Shanoo D/o M.S. Salmani R/o 183 Govt. Housing Colony Sanat Nagar, Rawalpura, Srinagar have been appointed as Assistant Engineer( Civil); and

Whereas, she availed study leave for 24 months w.e.f. 01.01.2011 to 31.12.2012 followed by an extension of one (01) year w.e.f. 01.01.2013 to 31.12.2013 for pursuing Master of Science course in Geotechnical Engineering outside the Country from the University of Dayton School of Engineering, 300 College Park, OH United States of America which was sanctioned in her favour vide Govt. Order No 26-PW(Hyd) of 2011 dated 17.01.2011 read with Govt. Order No 03-PW (Hyd) of 2013 dated 02.01.2013 respectively ; and

Whereas, the extension of leave was subject to the condition that she immediately join back her duties after expiry of the leave and no further extension shall be granted to her. Instead of joining back the duties she availed a maternity leave of 180 days w.e.f. 01.01.2014 to 29.06.2014 which was also sanctioned in her favour vide Govt. Order No. 392-PW(Hyd) of 2014 dated 20.02.2014, on post facto basis; and

Whereas, 22 days commuted leave w.e.f 01.01.2015 to 22.01.2015 was also sanctioned in her favour vide Govt. Order No. 21-PW (Hyd) of 2015 dated 19.01.2015 with permission to leave the country to see her family in California as well as for her medical check-up; and

Whereas, on the recommendation of Chief Engineer, PHE, Kashmir, extra ordinary leave w.e.f 23.01.2015 to 29.06.2016 (524 days) without pay and allowances, in terms of Rule 32(4) of J&K Civil Services(Leave) Rules, 1979 was also been sanctioned in her favour on post- facto basis, vide Govt. Order No. 92- PW ( Hyd.) of 2017 dated 16.03.2017; and

Whereas, Chief Engineer, PHE Kashmir vide letter No. PHE/Estt/1867-69 dated 26.04.2017 intimated that the lady officer remained un- authorized absent from duties w.e.f. 27.10.2016. Vide letter No. PHE/Estt/30200-03 dated 20.03.2017, she were asked by the Chief Engineer, PHE Kashmir to resume her duties within 10 days. Despite issuance to the notice, she failed to resume her duties and instead applied for Child Care Leave for two (02) years w.e.f. 01.04.2017 which was not sanctioned in her favour; and

Whereas, SRO 232 dated 22.07.2015 provides that:-

"Child Care leave cannot be claimed as a matter of right.  
Under no circumstances can any employee proceed on Child



Care leave without prior approval of the leave sanction authority”.

Whereas, vide this department's letter dated 29.08.2019, a notice was served to her through concerned Chief Engineer, to present and explain her position before the Commissioner/Secretary, PHE,I&FC (now Jal Shakti Department) within a period of 15 days from the date of issuance of the said notice failing which action as warranted under rules shall be initiated against her; and

Whereas, Chief Engineer, PHE Kashmir vide letter No. PHE/Estt/17745 dated 16.09.2019 intimated that the said notice was sent to her last known address viz. 183 Govt. Housing Colony Sanat Nagar, Rawalpura, Srinagar and received by Dr. B.A. Beig, who is reportedly her father in law; and

Whereas, vide this department's letter dated 23.10.2019, 2<sup>nd</sup> notice was also served to her through concerned Chief Engineer, to present and explain her position before the Commissioner/ Secretary, PHE,I& FC(now Jal Shakti Department) failing which action as warranted under rules shall be initiated against her in terms of Article 128 of J&K CSR Volume- I. However, no response has been received in the department on her part; and

Whereas, the case has been examined in the department accordingly vide this letter dated 04.12.2021, Final notice was also served to Smt. Nuzhat Shanoo D/o M.S. Salmani R/o 183 Govt. Housing Colony Sanat Nagar, Rawalpura to give the last and final opportunity to present herself before the Commissioner/ Secretary to the Govt., Jal Shakti Department within a period of 15 days from the date of issuance of said notice, as to why her services shall not be terminated under rules for her unauthorized absence from duty, failing which, it shall be presumed that she is not interested and the department shall take action as warranted under relevant rules against her without any further notice; and

Whereas, Director, Information, J&K were also requested to get the Notice published in two Leading newspapers of UT for information of the concerned. The said notice was published in the “Daily Excelsior” in Jammu on 06.12.2021 and “Daily Rising Kashmir” in Srinagar on 30.11.2021 respectively; and

Whereas, neither she had presented herself before the department nor she resumed her duties back, instead of the department received a reply from her, wherein she has submitted unjustified reasons for not presenting herself before the department and also requested to extend more timeline to her; and

Whereas, Finance Department vide endorsement No. A/ 46 (2017)-I-862 dated 21.02.2019, issued circular instructions regarding proceeded outside by the Govt. Employees which provides that;:-

“when a Govt. employee intends to visit a foreign country on private affairs during the period of leave, prior permission of the competent authority to leave the station is required”.

Whereas, Article 113 of J&K Civil Services Regulations Volume-I provides as under:-

"After five years continuous absence on leave, an officer is considered to be out of State employment."

Whereas, after her appointment into Govt. Service as Assistant Engineer (Civil), she hardly had served 04 years in the department and remained on leave upto 2016 and thereafter, un-authorized absent from duty w.e.f. 27.10.2016, which indicates that she is not interested in continuing the services in the department; and

Whereas, the case was examined in the department and Competent Authority has decided to take action against the lady officer in terms of Articles 113 of J&K Civil Service Regulations Volume-I, 1956 readwith Rule 30 (vii) of J&K Civil Services (Classification, Control and Appeal) Rule,1956.

**NOW, THEREFORE**, in terms of Articles 113 of J&K Civil Service Regulations Volume-I, 1956 readwith Rule 30(vii) of J&K Civil Services (Classification, Control and Appeal) Rule,1956, Smt. Nuzhat Shanoo, Incharge Assistant Executive Engineer (Civil) D/o M.S. Salmani R/o 183 Govt. Housing Colony, Sanat Nagar, Rawalpura, Srinagar is hereby terminated from the service of the State for her unauthorized absence from duty with effect from 27.10.2016 .

**By Order of the Government of Jammu and Kashmir.**

Sd/-


(Ashok Kumar Parmar) IAS  
Principal Secretary to the Government  
Jal Shakti Department

No. JSD-GS06/29/2021-A-JSD

Dated: - 01.07.2022

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer Jal Shakti (PHE) Kashmir.
3. Director, Archives, Archeology and Museums, J&K.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
5. Private Secretary to the Principal Secretary to the Government, Jal Shakti Department.
6. Concerned
7. I/C Website.
8. Govt. Order file/Stock file/w.2.s.c.

  
(Sahil Mahajan) 01/07/22

Under Secretary to the Government