

**Government of Jammu & Kashmir**  
**Directorate of School Education Kashmir**

**Sub: Un-authorized absence case of Mtr. Nargis Ara, Teacher, MS Kralweth, Zone Kunzer Baramulla and issuance of termination order thereof.**

Order No: 03 DSEK of 2023

Dated: 03 /01/2023

Whereas, **Mtr. Nargis Ara, Teacher MS Kralweth Zone Kunzer District Baramulla** applied for voluntary retirement w.e.f 01/03/2021 and the case was forwarded by the Chief Education officer Baramulla to this office vide letter No. CEO/Bla/Estt/T/3739 dated: 15/06/2021 for necessary action; and

Whereas, upon examination of the case, it was observed that she remained frequently absent from her legitimate duties viz October 2010 to March 2015 and from **March 2015** till elected date of voluntary retirement (viz **01/03/2021**) un-authorizedly; and

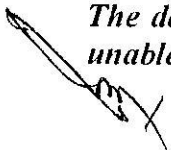
Whereas, the teacher was served a show cause notice by this office on 28/08/2021 for remaining un-authorizedly absent from her legitimate duties and was provided an opportunity to be heard asking therein to submit her statement of defence within 10 days from the date of issuance of the said notice, failing which action shall be initiated against her without further notice; and

Whereas, the teacher replied the said show cause notice (though e-mail on 03/09/2021), wherein she admitted not only that she is out of station but also remained frequently absent from duties from October 2010 to March 2015 & from March 2015 onwards. Besides stated that she has applied for voluntary retirement w.e.f 01/07/2018; and

Whereas, the matter was got enquired by a committee comprising of three members viz **Deputy Chief Education Officer Baramulla, District Vigilance Officer Baramulla headed by Chief Accounts Officer, DSEK** vide order No. 668 DSEK of 2021 dated: 07/10/202; and

Whereas, the enquiry committee after conducting a detailed enquiry in the matter furnished its findings/report on 25/01/2022 and reported that

*“teacher has been found guilty of remaining un-authorizedly absent from her duties w.e.f 22/06/2014 till date. The cursory perusal of her service records from 12/10/2009 to 01/07/2018 indicates that out of 09 years, she has attended office only for 07 years, remaining absent un-authorizedly for more than 07 years, which speaks volumes about the seriousness of the subject teacher towards Govt. duties for which she has drawn emoluments from Govt. Exchequesr. There are no records to show her presence at her place of posting for the duties that were assigned to her w.e.f 22/06/2014. As per service records the subject teacher has availed herself of leaves that were not due to her. The plea taken by her in reply to the charge sheet is not tenable as voluntary retirement can be considered only if it has been applied for in writing at least 03 months before the date on which an employee wants to retire which has not been followed in the instant case. It was also found that she has conveniently omitted the fact that she had already applied for voluntary retirement in 2018. The delinquent official in the personal hearing session has replied that she is unable to resume her duties owing to her personal problems”.*



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Whereas, the committee recommended that the official, Mtr. Nargis Ara be removed from services in terms of **Article 128 & 113** of J&K Civil Services Rules (Volume I) of 1956 and **Rule 30(VII), 33, 35 of J&KCCA rules 1956**; and

Whereas, remaining absent from duties un-authorizedly by a Govt servant attracts action as warranted in terms of **Article 128** of J&K CSR Volume-I and continuous absence for five years or more attracts action as warranted under **Article 113** of J&K Civil Services Rules (Volume I) of 1956, which reads as under:-

**Article 128**

*'Absence without leave or after the end of leave involves loss of appointment'.*

**Article 113**

*"After five years of continuous absence on leave an officer is considered to be out of state employee."*

Whereas, the issue was also placed before the Review Committee in its meeting held on 07/02/2022 and the committee recommended **"to initiate process of termination of teacher"**.

Now, therefore, in view of the recommendations of the Enquiry Committee and the decision of the Review committee, **Mtr. Nargis Ara, Teacher, MS Kralweth, Zone Kunzer Baramulla** who remained continuously absent from her legitimate duties for more than 05 years un-authorizedly, is hereby removed from the Government service in terms of **Article 128 & Article 113** of J&K Civil Services Rules (Volume I) of 1956 and **Rule 30(VII), 33, 35 of J&KCCA rules 1956**.

Sd/-

**Director,**

School Education Kashmir

Dated: 03/01/2023

No.: DSEK/Estt/B-Trs/MZ/Vol-Redire / 09/02/2022 / 5797

**Copy to the:**

1. Principal Secretary to Govt., School Education Department, Civil Secretariat Srinagar for favour of information.
2. Chief Education Officer, Baramulla for information and necessary action.
3. Zonal Education officer, Kunzer for information and necessary action
4. **Mtr. Nargis Ara, Ex-teacher, MS Kralweth, zone Kunzer Baramulla** for information.
5. Order/stöck file.
6. I/C website for hoisting the same on the official website of the Department.

**Joint Director (EE),**

Directorate of School Education,  
Kashmir