

Jammu & Kashmir Entrepreneurship Development Institute (JKEDI)

Sempora, Pampore, Kashmir-01933-224362/IE, Bari Brahmna, Jammu/01923-222413

No. JKEDI/HR/MISC/2024/177-183

Dated: 12.09.2024

Smt. Naiyer Amin,
Assistant Faculty,
J&K Entrepreneurship Development Institute (JKEDI)

Subject: Unauthorized absence from duty - **FINAL NOTICE**

WHEREAS, after availing a maternity leave of 180 days followed by Child Care Leave of 420 days, earned leave of 18 days, you resumed your duties at your place of posting (Centre for Women Entrepreneurship-Kashmir, Srinagar) on July 01, 2024; and

WHEREAS, on perusal of the attendance records you remained present for only seven (07) days in the month of July 2024 and availed 15 days of casual and special casual leaves during the period 04-07-2024 to 26-07-2024; and

WHEREAS, you applied for 120 days extraordinary leave without pay w.e.f July 24, 2024 to November 20, 2024 via e-mail on 23-07-2024, which was not approved by the competent authority in terms of J&K CSR (Leave) Rules 1979, Rule 8 (i); and

WHEREAS, you were deployed to JKEDI District Centre, Bandipora vide Order No. JKEDI/HR-149 of 2024 dated: 24-07-2024, for further duties; and

WHEREAS, you joined JKEDI District Centre, Bandipora on 27-07-2024 at 12:44 PM and submitted your joining report via e-mail to the Human Resource (HR) Section of the institute; and

WHEREAS, as per the biometric attendance records, you left the JKEDI District Centre, Bandipora on 27-07-2024 at 2.38 PM and have been on unauthorized absence ever since; and

WHEREAS, as per the biometric attendance records available with the HR Section of the institute, and as informed by the District Nodal Officer, JKEDI Bandipora you have not attended your duties and have remained on unauthorized absence; and

WHEREAS, you requested for an appointment with the Director JKEDI to discuss your leave request and accordingly had a meeting with the Director in his office chamber on 08-08-2024; and

WHEREAS, you were directed by the Director JKEDI to attend to your legitimate duties at your place of posting till the time the Fact Finding Committee constituted vide No. JKEDI/HR-125 of 2024, dated: 09-07-2024 to enquire into the various leaves sanctioned in your favour during your tenure at JKEDI, submits its report; and

WHEREAS, you assured the Competent Authority that you would resume your duties at JKEDI District Centre Bandipora, positively w.e.f 09-08-2024; and

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WHEREAS, in utter disregard of the instructions of the Competent Authority, you continued your unauthorized absence and failed to resume your duties at JKEDI District Centre, Bandipora; and

WHEREAS, a show cause notice was served upon you vide No. JKEDI/HR/MISC/2024/163-167, Dated: 12-08-2024 to explain your position for remaining absent from duties in writing within two days, and as why disciplinary action shall not be initiated against you as per the norms/rules; and

WHEREAS, the written reply given by you through e-mail communication dated: 14-08-2024 was examined by the competent authority which was not found satisfactory, thereby showing dereliction/ disregard by you; and

WHEREAS, in terms of Rule 31 of the Jammu & Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 and pending enquiry, you were placed under suspension and attached to District Centre, Bandipora, vide Order No. JKEDI/HR-171 of 2024, dated: 16.08.2024. A three-member committee was constituted by virtue of the same order (JKEDI/HR-171 of 2024, dated: 16.08.2024) to conduct an in-depth inquiry regarding your unauthorized absence, conduct and dereliction of duties; and

WHEREAS, the committee via e-mail communication dated 21-08-2022 asked you to submit a written response regarding your unauthorized absence from duties; and

WHEREAS, the committee received your response via-return email on 21-08-2024 at 5.13 PM. The committee perused your explanation/response and found it unsatisfactory; and

WHEREAS, you were given another opportunity to explain your position in front of the Inquiry Committee as to why action under JKEDI Service & Recruitment Rules-2013, J&K CSR 1956 & J&K CSR 1971 be not recommended against you for unauthorized absence and dereliction of duties; and

WHEREAS, you appeared before the Inquiry Committee on 23-08-2024 at JKEDI Head Office, Sempora, Pampore, but again failed to justify your unauthorized absence from duties; and

WHEREAS, the committee counseled and informed you about the JKEDI Service & Recruitment Rules-2013 and relevant provisions of the J&K CSR 1956 & J&K CSR 1971. You were also made aware of the repercussions of your willful unauthorized absence from your legitimate duties under Rule 128 of J&K CSR (Vol-I), 1956; and

WHEREAS, the Inquiry Committee advised you to resume your duties at JKEDI District Centre Bandipora within next three days without any further unauthorized absence from your duties, to which you agreed; and

WHEREAS, you again failed to resume your duties and continued to remain on unauthorized absence from your duties; and

WHEREAS, as per the biometric attendance records available, you are still unauthorized absence from your duties in JKEDI District Centre Bandipora; and

WHEREAS, the aforesaid circumstances is quite unbecoming of a government servant and liable for punitive action as warranted under rules including termination of services; and

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WHEREAS, the Inquiry Committee has recommended disciplinary action against you under relevant provisions of the J&K Civil Services Rules (Volume I) of 1956, for unauthorized absence from duties and willful disregard of the official instructions; and

WHEREAS, unauthorized absence attracts action in terms of Article 128 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"

Now, therefore, a final notice is hereby served upon you to explain your position as to why action as warranted in terms of Article 128 of J&K CSR (Volume-I) of 1956 shall not be initiated against you for remaining unauthorizedly absent from your legitimate duties after joining your new place of posting on July 27, 2024, within 10 days from the date of issuance of this notice, failing which it shall be construed that you have nothing to say in your defense and action as warranted under rules shall be initiated against you without any further notice.

By Order of the Director J&K EDI.


12/09/2024
Manager HR

No. JKEDI/HR/MISC/2024/177-183

Dated: 12.09.2024

Copy to the:

1. Director Information and Public Relations, J&K Government, Srinagar for information with the request to publish the notice for information of the concerned in two leading newspapers of the Kashmir division.
2. Pvt. Secretary to the Commissioner Secretary, Industries & Commerce Department for kind information.
3. I/C Legal Section JKEDI for information.
4. Director's Secretariat for kind information of the Director JKEDI.
5. In-charge IT Section, JKEDI for hoisting/uploading the same on the official website of the institute.
6. Concerned file.