



Sub: Dispensing with the Services of Smt. Naiyer Amin, Assistant Faculty.

Order No.: JKEDI/HR - 229 of 2024

Dated: 09.11.2024

Whereas, Smt. Naiyer Amin, was appointed on contractual basis against a substantive position vide Order No. JKEDI/HR-599 of 2017, Dated: 09.11.2017 for a period of one year and the said official joined JKEDI on 13.11.2017.

Whereas, Smt. Naiyer's services were regularized as Assistant Faculty vide Order No. JKEDI/HR-612 of 2019, dated 14.11.2019.

Whereas, Smt. Naiyer Amin remained absent on eve of foundation stone laying ceremony of ESIC Hospital, Ompura, Budgam by the august hands of Hon'ble Minister of State for Labour & Employment, Government of India along with Hon'ble Lieutenant Governor, UT of J&K on 23-12-2020 and a censure in this regard was issued vide No. EDI/DIR-180 of 2020, dated: 23-12-2020.

Whereas, the Office of the Deputy Commissioner, Budgam vide Order No. DCB/ESTT/42 of 2022, dated: 19-01-2022 sought to initiate departmental action against Smt. Naiyer Amin for remaining absent from duties, as per the rules in vogue and not to release her salary until departmental enquiry is concluded.

Whereas, an inquiry committee was constituted vide Order No. EDI/DIR-241 of 2022, Dated: 21-01-2022. The inquiry committee submitted a detailed enquiry report and recommended that *"Ms. Naiyer be transferred to some other district and be served a strong warning/caution to uphold her official conduct and behaviour by respecting the chain of command while being in office"*.

Whereas, based on the recommendation of the enquiry committee, the institute vide No. EDI/DIR/12/2022/631-36, Dated: 22-02-2022 *"warned/cautioned Smt. Naiyer Amin to be punctual in her duties, maintain official decorum and respect the chain of command/hierarchy failing which action warranted under Service Conduct Rules, read with JKEDI Service & Recruitment Rules 2013 III(g) Chapter VIII, shall be initiated against her."*

Whereas, vide order No. JKEDI/HR-290 of 2022 Dated: 16.11.2022, 91 days Maternity Leave was granted in favour of the said official w.e.f 17.10.2022 to 16.01.2023, with further extension of 89 days vide order No. JKEDI/HR-16 of 2023 Dated: 17.01.2023, w.e.f 17.01.2023 to 15.04.2023.

Whereas, after availing 180 days maternity leave, the said official availed 420 days of Child Care Leave and 18 days Earned Leave sanctioned vide different orders.

Whereas, the fifth extension in Child Care Leave w.e.f 16.01.2024 to 30.06.2024 granted in favour of Smt. Naiyer Amin for a period of 167 days vide order no: JKEDI/HR-17 of 2024 dated 02.02.2024 read with order no: JKEDI/HR-21 of 2024 dated 03.02.2024, was partially modified vide order no. JKEDI/HR-52 of 2024 dated 29.04.2024 and the said Child Care Leave was cancelled in view of certain observations made by the DDO, JKEDI with respect to Child Care Leave (CCL) Rules and Smt. Naiyer was directed to resume her duties immediately.

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Whereas, Smt. Naiyer Amin challenged the said order in the Hon'ble High Court, J&K (WPC No. 1112/2024) and the Hon'ble High Court was pleased to stay the order No. JKEDI/HR-52 of 2024, dated 29-04-2024. Accordingly, Smt. Naiyer Amin continued to remain on CCL till 30-06-2024.

Whereas, Smt. Naiyer Amin resumed her duties at CWE (K) Srinagar on 01.07.2024 and consumed all available 15 days (Casual / Special Casual) leaves within the month of July 2024.

Whereas, Smt. Naiyer Amin, Assistant Faculty, was deployed to District Centre Bandipora vide No. JKEDI/HR-149 of 2024 dated: 24-07-2024 and the said official joined her new place of posting (JKEDI District Centre, Bandipora) in the afternoon on 27-07-2024, submitted her joining report via e-mail to the Human Resource (HR) Section of the institute.

Whereas, Smt. Naiyer Amin, Assistant Faculty did not attend to her legitimate duties at JKEDI District Centre, Bandipora since 29-07-2024 and remained on unauthorized absence.

Whereas, Smt. Naiyer Amin, Assistant Faculty requested for an appointment with the Director JKEDI to discuss her leave request submitted by her and accordingly had a meeting with the Director in his office chamber at JKEDI Head Office Sempora on 08-08-2024. Smt. Naiyer Amin was directed to attend to her legitimate duties at her 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 favour of Smt. Naiyer Amin during her tenure at JKEDI, submits its report.

Whereas, Smt. Naiyer Amin, ignored the directions of the Competent Authority and continued to remain on an unauthorized absence, and as such a show cause notice dated 12-08-2024 vide No: JKEDI/HR/MISC/2024/163-167 was served to her.

Whereas, Smt. Naiyer Amin, replied to the show cause notice on 14-08-2024. The reply was examined and found unsatisfactory, thereby showed dereliction of duties and willful disregard to the official instructions by Smt. Naiyer Amin.

Whereas, a three-member committee was constituted to conduct an in-depth inquiry regarding the unauthorized absence, conduct and dereliction of duties by Smt. Naiyer Amin, Assistant Faculty w.e.f 29-07-2024 onwards vide Order No. JKEDI/HR-171 of 2024, dated: 16.08.2024. By virtue of the same order Smt. Naiyer Amin, Assistant Faculty was placed under suspension and attached to District Centre, Bandipora.

Whereas, the said committee put forth their recommendations as "*In view of the aforesaid circumstances, the committee recommends action under relevant provisions of the J&K Civil Services Rules (Volume I) of 1956, against Smt. Naiyer Amin, for unauthorized absence from her legitimate duties, dereliction of duties and willful disregard of the official instructions*".

Whereas, a Final Notice was served to the said official vide No. JKEDI/HR/MISC/2024/177-183, dated 12.09.2024, and was directed to explain her position within 10 days from the date of issuance of the said notice. The said notice was also published in two leading local dailies of Kashmir through the Department of Information & Public Relations (DIPR), J&K on 14.09.2024. The said official showed her presence at District Centre, Bandipora on September 17 & 18, 2024.



Whereas, Smt. Naiyer Amin again remained away from office on 19.09.2024, and marked her presence on 21.09.2024 which was followed by holidays on 22nd and 23rd September 2024.

Whereas, on 24-09-2024, Smt. Naiyer Amin again remained away from office on the pretext that she had to present herself before the Registrar Judicial at the Hon'ble High Court of J&K and Ladakh.

Whereas, an In-House committee for reviewing the suspension case of the said official was constituted vide order no: JKEDI/HR-195 of 2024, dated 26-09-2024.

Whereas, the said official submitted her response to the final notice via email dated 23.09.2024, which was found unsatisfactory, misleading and complete misrepresentation & misinterpretation of the facts by the Review Committee.

Whereas, the committee submitted its report/findings on 04-10-2024 to the Competent Authority, with following recommendation:

"I) In view of the aforesaid circumstances, the committee recommends action under relevant provisions of Rule 30, of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956, against Smt. Naiyer Amin, AF for unauthorized absence from her legitimate duties, dereliction of duties and wilful disregard of the official instructions.

*II) The suspension order dated 16-08-2024 be revoked and the period w.e.f 27-07-2024 (afternoon) to 16-09-2024, may be treated as "not spent on duty".
The period September 19, 24 & 30, 2024 be converted into leave of whatever kind becomes available to Smt. Naiyer Amin in due course of time after putting in the requisite number of days on duty.*

III) The suspension period for which Smt. Naiyer Amin has shown her presence at her place of attachment be treated as "on duty"."

Whereas, keeping in view the recommendations of the said committee Smt. Naiyer Amin, Assistant Faculty was reinstated vide order No. JKEDI/HR-205 of 2024, dated 14.10.2024 with period of suspension treated as unauthorised absent from 27.07.2024 to 16.09.2024 and on duty w.e.f 17.09.2024 except for those days for which she has not shown her presence at her place of posting, and the same was treated as leave whichever is due (Earned / Half pay).

Whereas, Censure was issued to Smt. Naiyer Amin, accompanied by a warning to remain cautious in future and if the said official resorts/demonstrates habitual dereliction/negligence towards her lawful duties, disciplinary action shall be taken against her without any further notice; consequently relevant entry was recorded in her service records.

Whereas, Smt. Naiyer Amin did not resume her legitimate duties on 15-10-2024 at JKEDI Bandipora and continued to remain unauthorisedly away from office on 16.10.2024 & 17.10.2024 as well.

Whereas, Smt. Naiyer Amin forwarded an e-mail communication to the HR Section on 17.10.2024 reading, "I am writing to inform you that, unfortunately, I am unable to attend the office due to aggravated backache and a recent fall. The discomfort has



escalated, making it challenging for me to commute. I am currently under medical supervision and undergoing treatment. My doctor has advised me to refrain from any kind of exertion for a week to recover and avoid exacerbating the condition."

Whereas, the HR Section of the institute informed Smt. Naiyer Amin via a return e-mail communication dated 17.10.2024 that prior approval from the Competent Authority is required before proceeding on any kind of leave to avoid any repercussions. Smt. Naiyer Amin had already exhausted her allotted quota of Casual/Special Casual Leaves.

Whereas, Smt. Naiyer Amin via another e-mail communication dated 18.10.2024 to HR Section requested for a medical leave till 26.10.2024.

Whereas, the HR Section of the institute informed Smt. Naiyer Amin via a return e-mail communication dated 18.10.2024 to submit the necessary medical certificate for processing of medical leave.

Whereas, Smt. Naiyer.Amin failed to submit the necessary medical certificate under rules and on 28-10-2024, Smt. Naiyer Amin again forwarded an e-mail to the HR Section, reading, "On October 26, 2024, I attended a scheduled appointment with my doctor and have been advised to continue resting and undergoing medication for an additional 10 days."

Whereas, on 29-10-2024, Smt. Naiyer Amin was again directed by the HR Section to shun habitual absenteeism and resume her legitimate duties by 31.10.2024, failing which stringent action under rules shall be taken against her.

Whereas, Smt. Naiyer Amin in utter disregard to the instructions did not resume her legitimate duties at JKEDI Bandipora.

Whereas, on 31.10.2024, Smt. Naiyer Amin was again directed to resume her legitimate duties without fail, as she failed to submit the necessary medical certificate.

Whereas, Smt. Naiyer Amin in utter disregard to the instructions, again failed to resume her duties at JKEDI Bandipora.

Whereas, Smt. Naiyer was asked to provide the requisite copy of the notice received from the Registrar Judicial, Hon'ble High Court of J&K and Ladakh, seeking her in-person appearance on 24-09-2024.

Whereas, Smt. Naiyer Amin submitted an order dated 18-09-2024 passed by the Hon'ble High Court J&K and Ladakh in CRM(M) 605/2022, to the HR Section of the institute as justification for remaining away from duties/presence at JKEDI Bandipora on 24-09-2024. Smt. Naiyer claimed that she was directed by the Hon'ble High Court vide order dated 18-09-2024 to present herself before the Registrar Judicial, J&K High Court. However, as per the records available on the official website of the Hon'ble High Court J&K and Ladakh regarding CRM(M) 605/2022, Smt. Naiyer Amin is neither a petitioner nor a respondent in the instant matter.

Whereas, Smt. Naiyer Amin failed to submit the requisite copy of the order/notice passed by the Hon'ble High Court or issued by the Registrar Judicial, J&K and Ladakh High Court respectively, directing her in-person appearance on 24-09-2024.



Whereas, on 05-11-2024, Smt. Naiyer Amin submitted a letter dated 04-11-2024 issued by her advocate, to the HR Section JKEDI stating that she was physically present before the Hon'ble High Court of J&K and Ladakh at Srinagar on 24-09-2024 in the matter bearing CRM(M) No. 605/2022, which cannot be held to be a valid proof of her presence before the Hon'ble Court.

Whereas, Smt. Naiyer Amin in her email communication dated 05-11-2024 threatened to seek legal action against the institute in case any disciplinary action is initiated against her, which is unbecoming of a government official.

Whereas, Smt. Naiyer Amin has availed a total of 751 days of different kinds of leave, since the regularization of her services in JKEDI as Assistant Faculty on 14.11.2019.

Whereas, Smt. Naiyer Amin has been habitual of remaining unauthorizedly absent on one pretext or the other. The said official was also informed that leave cannot be claimed as a matter of right under rules and no medical leave can be approved without a medical certificate. However, ignoring the repeated instructions time and again to discharge her legitimate duties shows utter disregard, disrespect and dereliction by the said official which has disrupted the workflow at her place of posting, JKEDI Bandipora, and has also placed an additional strain on the rest of the employees who are fulfilling their duties in her continued absence.

In backdrop of the above facts it is clear that the aforementioned employee despite repeated reminders/directions to resume assigned duties has remained on unauthorizedly absent from duties thereby compelling the organization to invoke this stringent and harsh step of dispensing with her services. Moreover this step is absolutely required to be taken in the interest of the administration to ensure discipline and work ethics in the organization.

Therefore in terms of "Rule (g) Chapter-VIII of The Jammu & Kashmir Entrepreneurship Development Institute Organizational Structure, Strategic Plan & Service and Recruitment Rules -2013", the services of Smt. Naiyer Amin, (Assistant Faculty), D/o Mohammad Amin Bhat are hereby dispensed with and accordingly the said official stands discharged from the services of JKEDI with immediate effect.

Sd/-

Rajinder Kumar Sharma (JKAS)
Director

No. JKEDI/HR/GO/2024/1059-1063

Dated: 09.11.2024

Copy to the:

1. Commissioner/Secretary to the Govt., Industries & Commerce Department, J&K.
2. Accounts Officer/DDO for information & necessary action.
3. Director's Secretariat for kind information of the Director.
4. I.T Section for information & necessary action.
5. Order/Concerned File.


09/11/2024
Manager HR