



GOVERNMENT OF JAMMU AND KASHMIR
DIRECTORATE OF FISHERIES, J&K

Tourist Reception Centre, Srinagar/Nowabad Canal Road, Jammu
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Sub Unauthorized absence of Sh. Mohan Singh S/o. Sh. Munshi Ram R/o. Village Seela Panasa Tehsil and District Reasi (Field Supervisor Fisheries Reasi) from duties—Termination of Services thereof.

Ref: i. Article 128 and Article 113 of J&K Civil Service Regulations 1965
ii. Order No; 353-Fisheries of 2025 dated:20.06.2025

Order No: 402 of Fisheries of 2025

Dated: 04-07-2025

- 1. Whereas,** Sh. Mohan Singh S/O Munshi Ram R/O Village Seela Panasa Tehsil and District Reasi was initially appointed as Chowkidar/Equivalent in the Department of Fisheries w.e.f. 01.04.1994 and subsequently promoted as Fisheries Guard w.e.f. 01.02.1995 and Field Supervisor w.e.f 01.01.2002 respectively.
- 2. Whereas,** initially Sh. Mohan Singh while posted as Field Supervisor Reasi left his headquarter / place of posting unauthorizedly without submitting any leave whatsoever or seeking necessary permission from the competent authority and as such remained on unauthorizedly absent from his duties for a period of 27 months and 26 days intermittently between 01.06.2005 to 26.05.2008.
- 3. Whereas,** during the period of his unauthorized absence, as detailed out hereinabove, the delinquent official namely Sh. Mohan Singh Field Supervisor, Reasi was served upon number of explanations/warnings/notices vide Nos; POF/T/80-83 Dated:30-08-2006, POF/T/96-98 Dated: 30-10-2006, POF/T/162-63 Dated:10-02-2007, POF/T/I21-22 Dated: 30-05-2007 and POF/TI/52-53 Dated: 30-07-2007 enjoying upon him to join the duties forthwith and explain reasons with valid justification for his unauthorized absence from duties and was also intimated through these communications that in case of his failure to report for duties and explain cause of unauthorized absence from duties, appropriate action in terms of the

relevant provisions of CSR will be invoked against him. However, despite these notices, the delinquent official did not respond to these notices instead opted to remain continuously /unauthorizedly/ willfully absent from duties between 01.06.2005 to 26.05.2008.

4. **Whereas**, the delinquent official Sh. Mohan Singh after being served upon repeated notices, ultimately reported to duties on 27.05.2008 i.e after remaining on unauthorized absence from duties for a period of 27 months and 26 days intermittently between 01.06.2005 to 26.05.2008. On reporting back to duties on 27.05.2008, the delinquent official submitted an undertaking/ affidavit the contents whereof reveal that he will perform his duties with dedication and shall not repeat such earlier practices of remaining unauthorizedly absent from duties in future. The delinquent official in terms of the said undertaking also affirmed that he will be liable for an appropriate disciplinary action in case he repeats the said conduct and does not perform his duties delicately henceforth.
5. **Whereas**, the Project Officer Fisheries Thanpal reported vide his communication bearing No: POF/T/2010/134 dated: 05.02.2011 & POF/T/2010-11/73-76 dated: 05.08.2011 addressed to the Joint Director Fisheries Jammu that Sh. Mohan Singh has again absented himself unauthorizedly from duties w.e.f 05.10.2009 to 30.11.2009 (for 56 days) and for a further period of 06 months and 20 days w.e.f 11.12.2009 to 30.06.2010.
6. **Whereas**, the delinquent official namely Sh. Mohan Singh, Field Supervisor after remaining unauthorizedly absent from duties w.e.f. 05.10.2009 to 30.11.2009 and 11.12.2009 to 30.06.2010 again reported back to his duties on 01.07.2010. However, repeating his past practice / conduct /behavior again willfully absented himself from duties w.e.f 18.12.2010 till date.
7. **Whereas**, the Project Officer Thanpal served upon notices/ warning upon the delinquent official Sh. Mohan Singh vide his letters No POF/T/2010/04 dated: 03.04.2011, POF/T/2010/82-85 dated: 16.08.2011 & lastly POF/T/2010/191-93 dated: 03.03.2012 in term of which he was instructed /advised to report for duties forthwith failing which action under rules will be taken against him. Despite, these notices the delinquent official did not respond and has been on unauthorized and willful absence from duties w.e.f.18.12.2010 till date.



8. **Whereas**, in the meanwhile, the delinquent official Sh. Mohan Singh was temporarily adjusted as Deputy Inspector on stop gap arrangement basis for a period of six months only vide Fisheries Order-197 of 2011 Dated: 18.06.2011 issued under endorsement. No: DF/Adm/2011/1654-58 Dated 15.06.2011, but the delinquent official did not respond to the order dated 18.06.2011 and thus failed to join his duties instead remained on continuous unauthorized willful absence from duties w.e.f. 18.12.2010 till date.
9. **Whereas**, the records, the facts and circumstances mentioned hereinabove, reflect without any ambiguity that Sh. Mohan Singh Field Supervisor Reasi has acted as a habitual absconder, remaining on willful unauthorized absence from duties and has never performed his duties regularly in the Department. Thus has miserably failed to serve the purpose for which he was appointed in the Department.
10. **Whereas**, the delinquent official Sh. Mohan Singh despite being served upon several notices as also detailed hereinabove to comply with the orders of Department, and join his duties besides explaining the cause of his willful unauthorized absence from duties has shown scant regard to these notices served upon him and has all along disobeyed the orders of superior officers and remained on unauthorized absence from duties and is still absconding for the last more than 14 years now since 18.12.2010. It is worth to point out here that the delinquent official has already backed out from the undertaking / affidavit given by him regarding his duties and showing due regard and compliance to the instructions / orders of the competent authority in future.
11. **Whereas**, the delinquent official Sh. Mohan Singh instead of showing due regard and compliance to the orders / notices served upon him by the Department from time to time, filed a writ petition bearing No OA No. 61/90/ 2022 before the Hon'ble Central Administrative Tribunal, Bench Jammu. **The Hon'ble CAT was pleased to dispose of the above OA** in terms of order dated 30-08-2024. The operative part which is reproduced herein as under;

"Keeping in view the aforementioned facts and circumstances of the case, the present Original Application is disposed of with the direction to the respondents to release the due and admissible salary of the applicant, intermittent period for which he has worked from September 2009 to August, 2014. But he cannot be given any benefit for the mistake committed by the Department

by showing his name in the seniority list issued on 29.04.2023.

12. Whereas, in compliance to the Hon'ble High Court Order dated: 29.04.2023, a fact finding committee was constituted by the Department vide Order No. 624-Fisheries of 2024 dated; 30-12-2024 for ascertaining the exact number of days (period of duty) for which Sh. Mohan Singh has worked in the Department during his willful unauthorized absence from duty between September 2009 to August 2014.
13. **Whereas**, being aggrieved of the Hon'ble CAT order dated: 30.08.2024 passed in OA No 61/90 /2022 (Supra), the Department filed a writ petition (WP(C) No. 1030/2025 titled UT of J&K and others V/S Mohan Singh before the Hon'ble High Court J&K at Jammu. The Hon'ble High Court was pleased to **dispose of the writ petition** in terms of order dated 29-04-2025. The operative part is reproduced herein as under;

The Tribunal after considering these facts in para 14 of its order has directed the petitioners to release the due and admissible salary of the respondent Sh. Mohan Singh for the intermittent period for he has worked from September 2009 to August 2014 i.e. only for a period respondent has worked and which was due to him was to be released. The petitioners, thus, are directed to release the salary which is due and admissible in accordance with rules, only for the intermittent period i.e. for the short spell he has actually worked from September 2009 to August 2014.

14. **Whereas**, the fact finding committee submitted its report vide No JDF/J/C/2025/ 154 dated 08-01-2025 which discloses that the delinquent official Sh. Mohan Singh has intermittently worked for 175 days between 01-10-2009 to 17-12-2010 and has been on continuous unauthorized/ willful absence from duties **w.e.f. 18.12.2010** till date as already indicated hereinabove.

15. **Whereas**, from the above mentioned facts and circumstances, the total period of unauthorized willful absence from duties of the delinquent official Sh. Mohan Singh, Field Supervisor Reasi, has been computed as under which will if so facto disclose the nature of delinquency committed by Sh. Mohan Singh Field Supervisor during his service and has established the facts that the unauthorized willful absence from duties of the official and his non response to the

instructions/orders/ warning communicated to him from time to time has been willful deliberate act of the delinquent official.

Sr. No	Period of unauthorized absence from	To	Total
1	01.06.2005	26.05.2008	27 Months & 26 Days
2	05.10.2009	30.11.2009	56 days
3	11.12.2009	30.06.2010	202 days
4	18.12-2010	Till Date	14 years 06 months 16 days

16. **Whereas**, the disciplinary authority, after considering all the facts and circumstances of the case was satisfied that an appropriate action as per the relevant provisions of CSR and Classification Control and Appeal Rules of 1956 is warranted in the case, prepared the articles of charges along with the statement of imputation of charges and were accordingly served upon the delinquent official Sh. Mohan Singh Field Supervisor vide this office letter No. DOF-LGL/ 20/2024-05 dated 15-03- 2025 calling upon him to explain the cause / valid justification /reasons for remaining on willful unauthorized absence from duties, for showing scant regard to the warnings /notices backing out from the undertaken given by the delinquent official and why action under Article 128 of J&K CSR read with Article 203 should not be taken against him.
17. **Whereas**, in compliance to the official communication bearing No DOF-LGL/ 20/2024-05 dated 15-03- 2025, the delinquent official Sh. Mohan Singh submitted his reply dated;26.03.2025 to the charges. From the perusal of reply submitted by Sh. Mohan Singh, it was observed that the delinquent official has failed to explain and substantiate his continuous willful / deliberate unauthorized absence from duty since 18-12-2010, the date he has been continuously absconding his duties (till date).
18. **Whereas**, while considering the article of charges alongwith imputation of charges served upon the delinquent Sh. Mohan Singh Field Supervisor, reply thereof submitted by him and the facts and circumstances of the case, the disciplinary authority was satisfied to initiate the appropriate action against the delinquent official Sh. Mohan Singh in accordance with the provisions of CSR/ CCA Rules. However, before any action in the matter could be taken, it was deemed expedient, upholding the Principles of Natural Justice requiring to provide full opportunity to the delinquent official of being heard, the disciplinary authority appointed Sh. Gopal Krishan,



Joint Director Fisheries, Chenab Valley as enquiry officer vide this office order No; 353-Fisheries of 2025 dated: 20.06.2025 for conducting a detailed enquiry in the matter. The enquiry officer was instructed to provide ample opportunity to the delinquent official of being heard to explain the cause /reason for remaining on willful prolonged unauthorized absence from duties w.e.f. 18.12.2010 till date and submit his report to the Directorate of Fisheries for further necessary action in the matter within a period of 07 days.

19. **Whereas**, the enquiry officer has submitted his report vide No. JDF/CV/2025-26/1694 dated: 24.06.2025, wherein he has observed as under;

From the facts and circumstances aforementioned, it has been without any ambiguity established that the delinquent Sh. Mohan Singh has remained on willful unauthorized absence from duties on various occasions as indicated in the records of the case, the latest being since 18.12.2010 till date. (prolonged absence) The delinquent was provided full opportunity of being heard and explain his position viz-a-viz willful unauthorized absence from duties. However, the delinquent official failed to substantiate the same in his reply and in view of this, the case squarely falls within the ambit of Article 128, & Article 113 of J&K CSR.

Recommendation:

It is recommended that action warranted under Article 128, & Article 113 of J&K CSR may be taken against the delinquent official namely Sh. Mohan Singh, Field Supervisor, Reasi in the interest of the Department.

20. **Whereas**, while perusing the whole subject matter including the report of the inquiry officer and recommendations thereof same is accepted. It is fully established beyond any reasonable doubt that the delinquent Sh. Mohan Singh Field Supervisor Reasi (absconding) has remained on willful continuous unauthorized absence from duties from 18.12.2010 till date and has stayed away from his official duties. The case of the delinquent official squarely falls within the ambit of relevant rules of J&K CSR regarding prolonged and willful unauthorized absence from duties as an employee. However, before action as warranted under rules is initiated /contemplated against Sh. Mohan Singh, it was deemed expedient and in the interest of Natural Justice **to provide last and final opportunity** to the



delinquent official to explain his position supported by valid justification regarding his unauthorized absence from duty w.e.f. 18.12.2010 till date. Accordingly, **last and final notice was served** upon the delinquent official vide this office communication No; DOF-LGL/20/2024-05 dated: 25.06.2025 calling upon him to explain his position in the matter with regard to his continuous willful unauthorized absence w.e.f. 18.12.2010 within a period of five days positively. The delinquent official was also informed that in case he fails to submit his response to the final notice action as warranted under rules shall be taken.

21. Whereas, in compliance to the **last and final notice** served upon the delinquent official vide letter No DOF-LGL/20/2024-05 dated: 25.06.2025 (Supra), submitted his reply to the Department of Fisheries vide his application dated 01.07.2025.
22. Whereas, while perusing the reply submitted by the delinquent official, it has transpired that the delinquent official has again failed to explain the cause of willful unauthorized absence from duties w.e.f. 18.12.2010 till date. In view of this, it was observed that his case squarely falls under relevant rules.
23. Whereas, such matters of unauthorized absence are dealt as per Article 128 & Article 113 of J&K CSR which envisage as under: -

Article 128 J&K CSR, Absence without leave or after the end of leave involves loss of appointment, except as provided in Article 203 (b) or when due to ill-, health in which case the absentee must produce the certificate of Medical Officer.

Article 113 CSR, after five years of continuous absence on leave an officer considered to be out of state employment, Article 113 of the Jammu & Kashmir Civil Service Regulations (CSR), 1956, deals with the consequences of a government employees on unauthorized absence from duty for an extended period. Specifically, it states that an employee absents without leave for more than five years is considered to be out of state employment. This essentially means they are deemed to have resigned or their service is terminated due to their prolonged absence.



24. **Whereas**, on the basis of the facts and circumstances, charges and the replies submitted, report of the enquiry officer, it is fully established that the delinquent official Sh. Mohan Singh Field Supervisor Reasi has been on prolonged willful absence from duty since 18.12.2012 till date.

Now, therefore, in terms of Article 128 read with Article 113 of J&K Civil Service Rules, the services of Shri Sh. Mohan Singh S/O Munshi Ram R/O village Seela Panasa Tehsil and District Reasi (Field Supervisor, Reasi) are terminated w.e.f 18-12-2010 the date from which he has been on unauthorized absent from Government duty.

(Ab. Majid Tak)

Director Fisheries J&K

Dated: 04-07-2025

No: DOF-LGL/20/2024-05

Copy to the;

1. Principal Secretary to Government, Agriculture Production Department, Civil Sectt Srinagar / Jammu for information please.
2. Joint Director Fisheries (all) for information.
3. Assistant Director Fisheries District Reasi for information.
4. Accounts Officer Fisheries Department for information.
5. Assistant Director Fisheries (Hqrs) Jammu for information.
6. I/C website for necessary action.
7. Sh. Mohan Singh S/O Munshi Ram R/O village Seela Panasa Tehsil and District Reasi for information.
8. Order file.