

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU  
(Chief Justice's Secretariat)**

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**Subject:- Imposition of penalty upon Shri Wahid Iqbal, Jr. Assistant (Under Suspension), presently attached in the Court of Pr. District & Sessions Judge, Samba.**

**ORDER**

**No.:** 1405 of 2023/PSJ

**Dated:** 04/12/2023

Whereas, pursuant to High Court Order No. 756 dated 24.12.2013 Shri Wahid Iqbal was appointed as Junior Assistant and joined as such in the Court of 3<sup>rd</sup> Addl. Munsiff, Jammu on 11.01.2014 and attended his duties upto 16.04.2014 and thereafter remained continuously absent from the duty;

Whereas, two show cause notices, one under No. 123/ 3<sup>rd</sup> AMJ dated 02.05.2014 through S.O Tamilat, PDJ Court, Jammu and another under No. 131/3<sup>rd</sup> AMJ dated 15.05.2014 through Registered Post, were issued to Shri Wahid Iqbal for submitting his reply within seven days and salary for the month of April 2014 was directed to be withheld, however delinquent official did not respond to these Notices. The delinquent official on 17.05.2014 applied for grant of one year leave on medical grounds without mentioning any justifiable medical ground in his application;

Whereas, on 15.04.2015, a show cause notice followed by another show cause notice dated 29.09.2014, were issued to delinquent official by Presiding Officer 3<sup>rd</sup> Addl. Munsiff, Jammu, directing delinquent official to give explanation for his absence from duty and was directed to resume his duties within 15 days, otherwise legal action under CSR would be taken against him, but delinquent official neither resumed his duties nor submitted any explanation regarding his continues absence from duty;

Whereas, again Presiding Officer 3<sup>rd</sup> Addl. Munsiff, Jammu issued Notice under No. 66/3<sup>rd</sup> AMJ dated 22.09.2015, through Registered Post informing the delinquent official that his application for Medical Leave is deemed to be rejected retrospectively and asking him to explain his unauthorized absence from duty;

Whereas, vide this Secretariat letter No. 2518/PSY-355 dated 29.08.2014, Pr. District & Sessions Judge, Jammu was requested to enquire into the matter and submit a report. PDJ, Jammu vide communication No. 2893/PDSJ-J dated 04.12.2015 submitted the report to this Secretariat;

Whereas, the matter was placed before the Competent Authority (Hon'ble the Chief Justice), His Lordship was pleased to direct as under:

***"(a) The Delinquent Official may be placed under suspension with immediate effect; and***

**(b) Registrar Vigilance may be directed to conduct Regular Enquiry against the delinquent official for his continuous unauthorized absence from duty”.**

Whereas, vide High Court Order No. 1254 dated 18.02.2017, delinquent official were placed under suspension with immediate effect and a departmental enquiry was initiated against him;

Whereas, charges were framed against delinquent official and sent to him through PDJ Jammu. As per report of PDJ Jammu many endeavors were made for service of Charge Sheet upon the delinquent official, but due to his deliberate absence at home proper service of Charge Sheet could not be affected. For service of Charge Sheet upon him properly, the Competent Authority directed to publish Charge Sheet in Daily News paper having wide circulation in Jammu Division. The Charge Sheet were published in daily excelsior in its publication date 02.08.2017 and reply to the charge sheet by the delinquent official was required to be submitted to this Secretariat within 15 days. Delinquent official did neither submit his reply to Charge Sheet within the stipulated time nor resume his duties;

Whereas, delinquent official continued to remain absent from your duties w.e.f 17.04.2014 till he submitted an application before 3<sup>rd</sup> Addl. Munsiff, Jammu, seeking revocation of his suspension order and permission him to join his duties on 26.02.2019;

Whereas, vide High Court Order No. 196/Psy dated 22.09.2019, 3<sup>rd</sup> Addl. Munsiff, Jammu was directed to accept his joining subject to the outcome of the pending regular enquiry against him and delinquent official was attached in the Court of PDJ, Samba;

Whereas, the Registrar Vigilance High Court of J&K and Ladakh and later Joint Registrar, Inspection, Jammu has conducted inquiry against the delinquent official. The Inquiry Officer completed the regular enquiry and final inquiry report of the was placed before the Competent Authority (Hon'ble the Chief Justice). His Lordship considered the final enquiry report on 13.09.2022, and has been pleased to pass the following orders:

**“Major punishment is proposed. Do to make representation”.**

Accordingly, a notice in terms of Rule 34 of Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules 1956 was issued to the delinquent official whereby he was asked to show cause by or before 07.10.2022, as to why a major punishment as provided under Rule 30 of J&K Civil Services (Classification, Control

and Appeal) Rules, 1956, may not be imposed upon you, failing which appropriate order under rules shall follow.

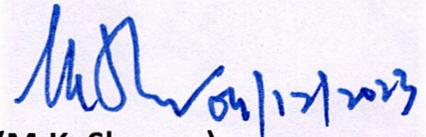
Whereas, a detailed note along with representation of the delinquent official Sh. Wahid Iqbal and whole record was placed before the Competent Authority;

Whereas, the Competent Authority (Hon'ble the Chief Justice) after considering the representation of delinquent official has been pleased to approve as under:

***"His services may be terminated."***

Therefore, a major punishment of termination from services W.e.f. 04.07.2023 under Rule 30 Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules 1956 is imposed upon the delinquent official namely Shri Wahid Iqbal, Jr. Assistant (Under Suspension) posted in the Court of 3<sup>rd</sup> Additional Munsiff, Jammu, presently attached in the Court of Pr. District & Sessions Judge, Samba.

**By order of Hon'ble the Chief Justice.**



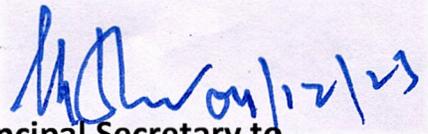
(M.K. Sharma)

Principal Secretary to  
Hon'ble the Chief Justice

No.: 1191-97/Psy-355 Dated: 04/12/2023

**Copy to the:**

1. Registrar General, High Court of J&K and Ladakh, Jammu
2. Registrar Vigilance, High Court of J&K and Ladakh, Jammu
3. Joint Registrar (Inspection) High Court Wing, Jammu.  
.... for information
4. Pr. District & Sessions Judge, Jammu / Samba for information and necessary action
5. Chief Librarian, High Court wing, Srinagar/Jammu for keeping record.
6. Shri. Wahid Iqbal, S/o Mehmood Elahi R/o H. No. 288/114, Mohalla Ustad, Jammu for information
7. Order Book.
8. CPC. e-Court, High Court of J&K and Ladakh for uploading the same on High Court website.



Principal Secretary to  
Hon'ble the Chief Justice