

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

Subject: - Unauthorized absence of Shri Anwar Anjum Khan S/o Gulzar Ahmad Khan R/o Janipur, Jammu, Orderly, (under suspension) posted in the Court of Additional Special Mobile Magistrate, Ramban.

O R D E R

No. 1548 of 2025/Psy

Dated: 27 / 10 / 2025

WHEREAS, Shri Anwar Anjum Khan S/o Gulzar Ahmad Khan R/o Janipur, Jammu, (hereinafter referred as Delinquent Official) was appointed as Orderly on compassionate grounds under SRO-43 vide Order No. 410 dated 06.05.2015, consequent upon the death of his father and was initially posted in the Court of Sub Judge, Batote. He was later on transferred to the Court of Addl. Special Mobile Magistrate, Ramban, vide Order No. 50 dated 28.04.2017.

WHEREAS, the delinquent official joined new posting on 11.05.2017 and availed 15 days earned leave. Thereafter, he remained unauthorisedly absent from duty from 26.07.2017 onwards. Despite issuance of show cause notices, both through registered post and publication in the *Daily Excelsior* dated 14.11.2017, he neither responded to these show cause notices nor resumed his duties.

WHEREAS, the delinquent official was placed under suspension by Principal District & Sessions Judge, Ramban, vide Order No. 150 dated 20.12.2017. A preliminary inquiry was conducted by the Principal District & Sessions Judge, Ramban, which found him guilty of misconduct and the matter was placed before the Competent Authority and his lordship was pleased to direct as under:

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"Charges may be framed against the delinquent official in the matter and he may be asked to furnish written statement of defense within a reasonable time so that further action in the matter may be taken".

WHEREAS, the Articles of Charge were framed against the delinquent official and duly served upon him on 04.05.2020 through the District Court, Jammu, against proper receipt; however, he neither submitted any reply to the Charge Sheet nor resumed his duties, despite a reminder having been issued to him subsequently, but to no avail.

WHEREAS, the matter was again placed before the Competent Authority for soliciting orders in the case and his lordship was pleased to direct the holding of Regular Enquiry, whereupon, Registrar Inspection, Jammu was appointed as Enquiry Officer in the matter.

WHEREAS, the enquiry officer issued several notices to the delinquent official to participate in the enquiry. However, despite issuance of multiple notices and telephonic intimation by the Enquiry Officer, the *Delinquent Official* failed to appear in the enquiry proceedings; whereafter, a final notice was published in the newspaper "Daily Excelsior" on 02.08.2023, providing him a last opportunity to participate in the enquiry.

WHEREAS, despite publication of notice as above, the delinquent official did not appear in person before the enquiry officer nor filed any reply. Eventually in order to arrive at the logical conclusion and culminate the regular enquiry the matter was posted for the evidence.

WHEREAS, the Registrar Inspection, upon conclusion of the Regular Enquiry, established that the delinquent official remained absent from duty continuously from 26.07.2017 till date. The enquiry officer further observed that the delinquent official is absent for more than five years without any plausible cause thereby implying that his absence from duty is willful and intentional and he has exhibited lack of devotion to duty and behaved in contravention to Civil Services Regulations which amount to dereliction of duty, misconduct, negligence and unbecoming of government servant.

WHEREAS, the above report of Registrar Inspection was duly affirmed by learned Registrar Vigilance in the following terms:

"The fact and circumstances of the case and the evidence that the Registrar Inspections has collected would thus establish that the delinquent official has remained on unauthorized leave w.e.f. 06.06.2017 onwards till date except on 25.07.2017. His unauthorized absence from duty for such long period of more than five years would prima facie speak of his casualness, indifference and lack of devotion towards his official duties. His long and unauthorized absence from duty cannot be explained on any premise that that is prima facie intentional, deliberate and willful. It may be inferred from the evidence that he is aware of the consequences of his long and unauthorized absence. His behavior, conduct and attitude towards his duty is such which is unbecoming of a Government Servant and renders him unfit for the post. His acts and omissions fall within the purview of misconduct which renders him liable to the penalty under Rule 30 of Jammu & Kashmir (CCA) Rules, 1956. This Commission would agree with the report that the learned Registrar Inspections has submitted."

WHEREAS, the report of Registrar Inspection and Registrar Vigilance, was placed before Hon'ble the Chief Justice and His Lordship was pleased to direct as under:

"Delinquent Official to file representation, why he should not be dismissed from services"

WHEREAS, the notice by way of communication No. 509/Psy-517 dated 17.04.2025, was forwarded to Pr. District & Sessions Judge, Ramban requesting him to intimate the delinquent official to file representation before this Secretariat as above but it could not be served due to non availability of the delinquent official at the known address.

WHEREAS, since the aforesaid notice could not be served personally upon the delinquent official, the same was published in the newspaper 'Daily Excelsior' in its issue dated 09.09.2025, calling upon him to submit his representation within 15 days from the date of publication of notice, showing cause as to why he should not be dismissed from service. Failure to respond within the stipulated period shall be deemed to indicate that the delinquent official has nothing to state in the matter, and action as warranted under law shall be initiated accordingly.

WHEREAS, despite publication of the notice as aforesaid, the delinquent official failed to respond thereto, which indicates that he has nothing to state in the matter and has, thereby, rendered himself liable for action to be taken in accordance with law.

WHEREAS, the continuous absence from duty by the Government servant attracts an action and tantamount to the loss of service in terms of Articles 128 and 113 of the CSR, which is reproduced in *verbatim* as under:

"Article 128: Absence without leave or after the end of leave involves loss of appointment,"

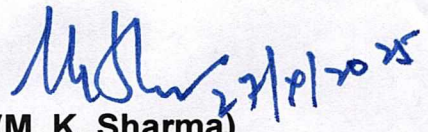
"Article 113: After five years continuous absence on leave, an officer is considered to be out of State employ."

WHEREAS, upon perusal of the enquiry report, relevant records, and the applicable rule position, it stands established that Shri Shri Anwar Anjum Khan, the then Orderly, remained unauthorisedly absent from duty for a period exceeding five (5) years and has failed to resume duties despite being afforded several opportunities, which clearly indicates that he is no longer interested in the service of the District Judiciary;

AND WHEREAS, the matter was accordingly placed before the Competent Authority and his lordship was pleased to order the termination of services of the delinquent official in accordance with the provisions of the Civil Service Regulations (CSR)/CCA Rules of 1956.

NOW, THEREFORE, keeping in view the continuous unauthorized absence of Shri Anwar Anjum Khan S/o Gulzar Ahmad Khan R/o Janipur, Jammu, Orderly in the Court of Addl. Special Mobile Magistrate, Ramban, from duty for a period of more than seven years, his services are hereby **terminated** from the District Judiciary with effect from 26.07.2017, i.e., the date from which he remained unauthorisedly absent from duty, in terms of Article 128 of the Jammu and Kashmir Civil Services Rules, Volume I of 1956 read with Rule 30(vii) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956.

By order.

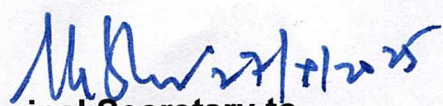

(M. K. Sharma)

Principal Secretary to,
Hon'ble the Chief Justice

No : 1417-23/Psy-517 Dated : 27/10/2025

Copy to :

1. Registrar General, High Court of J&K and Ladakh, Srinagar for information.
2. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar for information.
3. Pr. District & Sessions Judge, Ramban, for information and n/a.
4. CPC, e-Court, High Court of J&K and Ladakh, Srinagar for uploading the same on the High Court website.
5. Court of Addl. Special Mobile Magistrate, Ramban for information and n/a.
6. Incharge Librarian, high Court of J&K and Ladakh, Srinagar/Jammu for keeping record of the same.
7. Office file.


Principal Secretary to,
Hon'ble the Chief Justice