

Government of Jammu and Kashmir
Department of Social Forestry
J&K-Jammu

S.F. Order No: 25 of 2021

Dated: 17 -06-2021

Whereas, Shri Ravinder Pandita was appointed as Jr. Mali in Social Forestry Division, Jammu on 30.05.1994 and promoted as Social Forestry Worker on 08.11.1999;

Whereas, the official had applied for three months earned leave w.e.f. 01.07.2003 on medical grounds but did not join back after availing leave;

Whereas, the official was placed under suspension by the DFO, Social Forestry Division, Jammu for unauthorized absence issued vide Forest Order No. 02 of 2004-05 dated:- 21.05.2004 after giving him notices vide No: 1405-07/DFO/J dated: 07-01-2004, No: 1581/DFO/J dated: 29-01-2004, No: 1922/DFO/J dated: 18-03-2004, No: 06/DFO/J dated: 03.04.2004 and final notice vide No: 288-89/DFO/J dated: 13.05.2004 w.e.f. 01.10.2003;

Whereas, the official resumed his duties on 03.06.2004 & was reinstated vide Forest Order No. 09 of 2004 dated:- 28.07.2004.

Whereas, the official was deputed for Forest Guard Training at Doomi. Akhnoor vide Forest Order No. 123 of 2004 dated:- 28.12.2004.

Whereas, the official was relieved by Divisional Forest Officer, Social Forestry Division, Jammu vide No: 2044/DFO/J dated: 20.01.2005 to join Forest Training School;

Whereas, meanwhile the suspension period of the official (from 01.10.2003 to 27.07.2004) was settled by the DFO, S.F. Jammu vide No. 2057-59/DFOJ dated:- 20.01.2005 by treating (234) days as Earned Leave and (67) days on duty by the DFO;

Whereas, the Principal Training School informed vide letter No: 1040/FGTSD dated: 12.02.2005 informed the Department that the official has not joined the training;

Whereas, the official was again placed under suspension for not joining the training and unauthorized absence w.e.f 17.01.2005;

Whereas, the official was charge sheeted by the DFO, S.F. Jammu vide No. 2381-84/DFOJ dated:- 14.03.2005;

Whereas, the official instead of replying to the charge sheet approached Direction Office (SF) with a representation, dated:- 24.02.2005 received in Direction Office on 15.03.2005 that he may be retired voluntary or else his said representation may be treated as his resignation from the services;

Whereas, the said representation was marked to DFO, S. F. Jammu for remarks/recommendations on dated: 16.03.2005 by the Director, Social Forestry Department;

Whereas, the concerned DFO vide No. 2439-41/DFO/J dated:- 23.03.2005 had reported that the case of Shri Ravinder Pandita, SFW cannot be considered for voluntary retirement as neither he had put in 22 years of service nor he had attained the age of 48 years as was required for the purpose on that day in terms of Act 230 of J&K CSR, Volume-I. It was further reported by him that the official is unfit for government service and almost remains absent from duty and try to get idle pay with manipulation and is burden on the government exchequer;

Whereas, the case was referred/submitted to Administrative Department by the then Director vide No. DIR/DSF/Estt/09 dated:- 01.04.2005 with details for accord of sanction to the acceptance of the resignation or to consider the official for pensionery benefits for the service rendered by him in the Department;

Whereas, no correspondence on the issue in any of the offices is available from 02.05.2005 till 11.01.2019;

Whereas, during the year 2019, the Department received legal notice served by Shri Kapil Gupta, Advocate J&K High Court for release of subsistence allowance in favour of Shri Ravinder Pandita;

Whereas, the case was again taken up with the Administrative Department for favouring appropriate instructions as to how to proceed in the matter at this stage;

Whereas, this office received following interim court order in the writ petition WP (C) No. 2037/2019 & CM No. 4228/2019 titled Ravinder Pandit V/S State:-

"In the meantime, if the petitioner is still under suspension, he shall be paid the subsistence allowance as is admissible under rules"

Whereas, an enquiry was ordered by the PCCF/Director, Social Forestry vide letter No. DIR/DSF/Estt/656-57 dated:-25.09.2020 through Regional Director, Department of Social Forestry, Jammu;

Whereas, the Regional Director, Department of Social Forestry, Jammu submitted enquiry report vide his letter No. 2115-RD-SFJ dated:- 20.10.2020.

Whereas, while going through the details narrated by the Regional Director, Department of Social Forestry, Jammu in his report furnished under No. 2115-RD-SFJ dated:- 20.10.2020, it was stated that :-

"the official did not attend to his duties w.e.f. 17.01.2005 and submitted his representation on 24.02.2005 for VRS or Resignation whichever was applicable under rules and hence was not paid any salary since then. The

official after submitting his resignation left the services and never turn back during the period of 14 years (from the date of his said application i.e 24.02.2005 to January, 2019) never ever approached the o/o DFO, SF, Jammu or any other office in the Department of Social Forestry for any claim whatsoever, from his conduct it was apparent that he never intended to work in the Department”.

Whereas, under Article 113 of the J&K Civil Services Regulations (CSR), the said official was supposed to lose his services otherwise for his unauthorized absence from duty for more than five years.

Now, in view of above circumstances, the resignation tendered by Shri Ravinder Pandita (SFW), Social Forestry Division, Jammu vide his application dated: -24.02.2005 is treated as accepted with effect from 24.02.2005 in terms of prevailing Rules under Article 200 of J&K CSR and the official is deemed to have been relieved from Government service from the said date. The official is not entitled for any monetary or other benefits from the Government/Department and in case any outstanding against him is found in the Department (*which will be communicated to him separately*), he shall be liable to pay the same.

Heelugers

PCCF/Director,
Department of Social Forestry
J&K, Jammu

DIR/DSF/Estt./103-106

Dated: 17 -06-2021

Copy for information and necessary action to the:-

01. Commissioner/Secretary to Govt., Department of Forest Ecology Environment, Civil Secretariat, Jammu/Srinagar.
02. Regional Director, Department of Social Forestry, Jammu.
03. Dy. Conservator of Forests (C&E), Department of Social Forestry, Jammu.
04. Divisional Forest Officer, Social Forestry Division, Jammu.
05. I/c Website for uploading the order on departmental website.
06. S.F Order File.