

Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.5522/2021
(SWP No.2007/2009)

Tuesday, this the 29th day of June, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Chirag Din, age 27 years
s/o Shah Mohd.
r/o Pangara, Tehsil & Distt. Udhampur,
Jammu Province

..Applicant

(*Nemo* for applicant)

VERSUS

1. The State of Jammu & Kashmir through
Chief Secretary
J & K Govt. Civil Sectt. Srinagar (Kashmir)
2. The Commissioner/Secretary Home,
Civil Sectt. Srinagar (Kashmir)
3. The Director General of Police J&K
Srinagar (Kashmir)
4. The Inspector General of Police
JKAP 7th Bn. Kupwara (Kashmir)
5. The Commandant JKAP 7th Bn.
Kupwara Kashmir

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)



Mr. Justice L. Narasimha Reddy:

The applicant was appointed as Constable in IRP 4th Bn. on 02.11.1997. Disciplinary proceedings were initiated against him by issuing a charge memo dated 09.09.2006. He did not respond to the same and ultimately, the inquiry was conducted. It was provisionally decided to remove the applicant from service on account of his unauthorized absence. Finally, a show cause notice dated 26.05.2007 was issued to him, but it did not evoke any response. Ultimately, the disciplinary authority passed an order dated 30.06.2007 dismissing the applicant from service. It was mentioned that the applicant remained absent on as many as 13 occasions and each time, the punishments were awarded and even that did not have any impact upon him. The applicant filed SWP No.2007/2009 before the Hon'ble High Court of Jammu & Kashmir, challenging the order of dismissal.

2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.5522/2021.



3. Today, there is no representation for the applicant. Since it is one of the oldest cases, we perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The applicant was employed as Constable in an important organization, like IRP. Unauthorized absence of even a small period would constitute an act of serious misconduct. The record discloses that between 07.11.1998 and 02.03.2006, the applicant remained unauthorizably absent on 13 spells, on an average, one month on each occasion. The corresponding punishments were also imposed. Unauthorized absence from 14.05.2006 was the final one. Apart from making efforts to trace the applicant, notices were issued on 4 occasions and in all these years, he did not respond at all. Even after the final notice was issued to him by serving it physically, he did not choose to respond.

5. Under these circumstances, the Disciplinary Authority was left with no alternative, except to dismiss the applicant from service. Whatever maybe the reason, a person, who remains absent unauthorizably on so many spells, does not deserve any place in a disciplined force, like IRP.

6. We do not find any merit in the T.A. It is accordingly dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

June 29, 2021
/sunil/vb/dsn/sd/