

**Government of Jammu and Kashmir
Directorate of School Education Kashmir**

**Abdul Rehman Khadim,
Teacher, PS Veeri,
Anantnag**

No: DSEK/Estt/III/B-Trs/25/54/02/10913

Dated: 33 /12/2023

Pre-Termination Notice

Whereas, you were appointed in the Department as Teacher pursuant to the selection made by JKSSB in compliance to the directions passed by Hon'ble Court in SWP No. 2222/97 dated: 28/07/1997 and joined on the post on 07/08/1997 in Zone Bijbehara District Anantnag; and

Whereas, you continued on the post till April, 2005 and thereafter remained un-authorizedly absent from your legitimate duties and therefore was placed on suspension by the Dy. Chief Education Officer Kulgam on 30/01/2006; and

Whereas, again after your suspension, your whereabouts were not known and accordingly you were served several notices by the Drawing & Disbursing Officer concerned on 17/07/2009 & 21/04/2010 duly published in print media also, but you failed to response these notices; and

Whereas, after a gap of more than a decade, you approached the Hon'ble Central Administrative Tribunal, Srinagar under OA No. 61/83/2021 titled Ab Rehman Kahdim Vs UT of J&K, praying therein for resumption of duties and the Hon'ble Central Administrative Tribunal, Srinagar while dismissing the said OA on 21/01/2021 passed the directions, operative part of which is reproduced below:

"In the light of the aforesaid settled principle of law and facts of the case as noted above, we are of the view that the applicant has failed to make out a sufficient cause for not making the original application within the period of limitation as envisaged by Section 21 of the act. Accordingly, the OA being barred by period of limitation is dismissed. There shall be no order as to costs".

Whereas, remaining un-authorizedly absent from duties attracts action as warranted under Article 128 and continuous absence for more than 05 years attracts action as warranted in terms of Article 113 of J&K Civil Services Rules (Volume I) of 1956, which reads as under:-

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Article 128

'Absence without leave or after the end of leave involves loss of appointment'.

Article 113

"After five years of continuous absence on leave an officer is considered to be out of state employee."

Whereas, the issue was placed before the Designated Committee in its meeting held on 07/12/2023, and a committee after thread-bare discussion took the following decision:

"Issue pre- termination notice under Article 128 & Article 113 of J&K Civil Services Rules (Volume I) of 1956";

Now, therefore, through the medium of this notice, you are hereby given an opportunity to explain as to why the action as warranted in terms of Article 128 & Article 113 of J&K Civil Service Rules (Volume-I) of 1956 shall not be initiated against you, and the reply of which should reach this office within a period of 10 days, failing which it will be presumed that you have nothing to say in your defense and action as warranted under Article 128 & Article 113 of J&K Civil Services Rules (Volume I) of 1956 shall be initiated against you without giving any further notice.

Sd/-

Director

School Education Kashmir

Copy to the:

1. Principal Secretary to Govt., School Education Department, Civil Secretariat Jammu/Srinagar for favour of information.
2. Director Information & Public Relation, Kashmir for information and with the request to publish the Notice for information of the concerned in two leading Newspapers concerned Kashmir based .
3. Chief Education Officer, Anantnag for information and with the request to serve the Notice to the Teacher at his last known address against a proper receipt. The compliance of the same shall be shared with this Directorate within two days positively.
4. I/C website for hoisting the same on the official website of the Department.

Personnel Officer

Directorate of School Education

Kashmir

23/12/23 JK

23/12/23