

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

\*\*\*\*\*

**Subject:-** Unauthorized absence of Sh. Fulail Singh S/o Radha Krishan R/o Village Garh, District Kishtwar, the then Junior Assistant in the Court of CJM, Reasi

**O R D E R**

**No. 1178 of 2025/Psy-473**

**Dated: 18 / 08 / 2025**

**WHEREAS**, Sh. Fulail Singh S/o Radha Krishan R/o Village Garh, District Kishtwar was appointed as Jr. Assistant vide High Court order No. 1060 Dated 28.12.2016 and was posted in the office of Assistant Commissioner Revenue, Reasi and later on transferred to the Court of CJM Reasi.

**WHEREAS**, the said official remained unauthorisedly absent from duty w.e.f. 17.04.2017 and consequently CJM Reasi issued show cause notice to him under No. 3-5/CJMR Dated 02.05.2017 calling him to resume duty within three days and he resumed his duty on 15.05.2017 but remained again unauthorisedly absent from duty w.e.f. 02.06.2017.

**WHEREAS**, on 02.06.2017 Shri Fulail Singh submitted an application with the request that he has '*already taken admission in Jawahar Lal Nehru University in the Urdu Department for pursuing research study in Urdu Language*' as such study leave application without pay may be sanctioned in his favour for completion of his PhD. The said leave application further maintained that if his request for study leave is not accepted, ***his application may be treated as resignation from the Department.***

**WHEREAS**, Delinquent Official had applied for study leave at the time when he was on probation having merely 3 months' service at his back while as Rule 61(4)(i) of the J&K Civil Services (Leave) Rules, 1979 provides for rendering of at least three years service to be eligible for such leave. Without waiting for the outcome of his application he proceeded for further studies that too without seeking permission from the competent authority required under rules.

**WHEREAS**, The Chief Judicial Magistrate Reasi vide his No. 117-2-/CJMR Dated 04.07.2017 issued another show cause notice and directed delinquent official to resume his duty within 7 days and also to furnish proper reason along with proper evidence in support of his un-authorized absence, failing which proceedings under rules would be initiated against him. However, he did not resume his duty and continued to remain unauthorisedly absent from duty till date.



**WHEREAS**, the continuous unauthorized absence from duty of the delinquent official led to initiation of enquiry by the Registrar Vigilance under relevant service rules. The delinquent official was called by the office of Registrar General as per the direction of the competent authority to clear his position with regard to his resignation from service but he did not appear.

**WHEREAS**, during the enquiry, the Delinquent Official appeared before Registrar Vigilance and recorded his statement on 16.01.2019 in which he stated that he got admission in Jawahar Law Nehru University Delhi in Urdu Department and had applied for study leave before the concerned Judge and in case the leave could not be granted then his resignation be accepted.

**WHEREAS**, the case was transferred to Registrar Inspection for further inquiry into the matter. Meanwhile, it has come to light that the official in question completed his Ph.D. at JNU New Delhi in September 2022.

**WHEREAS**, the learned Registrar Inspection, after conclusion of enquiry, submitted her report as under:

***"Therefore, while considering all the facts what have been discussed hereinabove and, in my view, it has been made out in this preliminary enquiry that delinquent official namely Sh. Fulain Singh has remained unauthorized absent from duty from 17.04.2017 and joined duty on 16.05.2017 in compliance to notice issued by CJM Reasi and remained discharging his duty till 02.06.2017 and thereafter again remained absent till date."***

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

***"This commission would agree with the report of Registrar Inspections Jammu and suggests that the report may be accepted. She has found in the preliminary inquiry that the DO has unauthorisedly remained absent from duty first w.e.f. 17.04.2017 to 15.05.2017 and then w.e.f. 03.06.2017 till date and that he has proceeded to pursue higher education without permission or formal sanction of the competent authority. The unauthorized absence of the DO from duty for such a long period of more than 7 years would speak of his prima facie indifference and lack of devotion towards duty. His omissions and commissions would prima facie fall within the purview of misconduct which render him liable to disciplinary action which may be directed to be initiated against him."***

**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,"***

*18/08/25*

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

**WHEREAS**, the perusal of the enquiry report and the relevant record and rule position in the matter it is established that Shri Fulail Singh, the then Jr. Assistant remained unauthorisedly absent from duty for more than 7 years and did not resume duty despite providing of several opportunities which suggest that he is no more interested in District Judiciary service.

**WHEREAS**, the matter was placed before the Competent Authority (Hon'ble the Chief Justice) and his lordship was pleased to order the termination of services of the delinquent official in accordance with CSR.

**THEREFORE**, keeping in view the continuous unauthorized absence from duty for a period of more than 7 years, Sh. Fulail Singh S/o Radha Krishan R/o Village Garh, District Kishtwar, the then Jr. Assistant is terminated from District Judiciary w.e.f. 17.04.2017, the date he remained unauthorisedly absent from duty, in terms of Article 128 of the J&K Civil Services Rules, Vol-I of 1956 r/w Rule 30(vii) of the JKCCA Rules of 1956.

By order

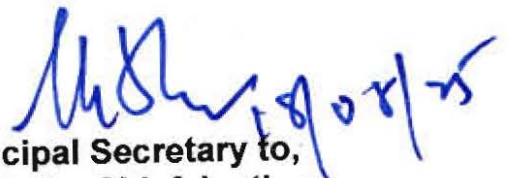


(M. K. Sharma)  
Principal Secretary to,  
Hon'ble the Chief Justice

No : 1089-95/Ry-473 Dated : 18/08/2025

**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, Reasi, for information and n/a.
4. CPO e-Court, High Court of J&K and Ladakh, Srinagar for uploading the same on the High Court website.
5. Chief Judicial Magistrate, Reasi 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