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GOVERNMENT OF JAMMU AND KASHMIR

Directorate of State Motor Garages Department

Bemina Bypass Srinagar / New Plot Jammu

Shri Gunwant Singh,
S/o Dedar Singh,
R/o Ward No. 1 Bhour Camp, Jammu Pin Code 180003,
Multi Tasking Staff (MTS), EC No. 1174,
State Motor Garages Department, Jammu.

No. MF-1174/ **4550-54** /DSMG Dated: **30** /11/ 2022
Subject: Charge Sheet- Extension of time for filing written statement of defense.

The Disciplinary Authority/ Director State Motor Garages Department J&K proposes to hold an inquiry against you under J&K Civil Services (Classification Control and Appeal) Rules, 1956. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed charge sheet already issued to you vide No. MF-1174/3640-42/DSMG dated 11.10.2022, the reply of which is still awaited.

You are as such again provided with an opportunity to submit a written statement of your defense and also to state whether you desires to be heard in person, **of the enclosed charge sheet within 15 days of the issuance** of this Letter. In case, if you fail to do so, it will be presumed that you have nothing to say in your defense and inquiry proceedings will be held ex-parte against you under the provisions of J&K Civil Services (Classification Control and Appeal) Rules, 1956.

(Malik Tahir Gani)
Director

Disciplinary Authority,
State Motor Garages Department,
J&K, Srinagar.

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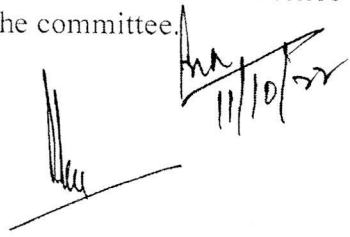


1. Secretary to Government, Transport Department, J&K, Jammu/ Kashmir for favour of kind information.
2. Joint Director, Information Department, J&K Srinagar/Jammu for information with the request that the above Charge Sheet may be published in local leading Newspapers Jammu/Srinagar.
3. Deputy Director, State Motor Garages Department Jammu for information.
4. Incharge website, State Motor Garages Department J&K, Srinagar for information to upload the charge sheet on the Departmental website.

CHARGE SHEET

ANNEXURE-I (Charges)

**Articles of charge framed against Mr. Gunwant Singh, Cleaner
Employee Code No. 1174.**

1. That you while functioning as cleaner on 15-08-2018 in the State Motor Garages Department Jammu, committed **Dereliction of Duty/ in-subordination**.
2. That you while functioning as cleaner on 30-01-2019 in the State Motor Garages Department Jammu found **un-authorized absent from duty**.
3. That you while functioning as cleaner on 19-03-2019 in the State Motor Garages Department Jammu have used **un-parliamentary language and man handled the supervisory staff**.
4. That you while functioning as cleaner on 13-10-2020 in the State Motor Garages Department Jammu found **un-authorized absent from duty** for six days.
5. That you while functioning as cleaner on 09-01-2021 in the State Motor Garages Department Jammu marked your last attendance in the office and since then **Absconding /Un-authorized absent** from duties till date.
6. That you were served a notice vide No. Estb/SMGJ/2329-30 dated 11-08-2021 to resume your duties but you did not comply the notice.
7. That on 05-05-2022 you were asked to appear personally before the Departmental Enquiry Committee on 17-05-2022 for seeking explanation from you with regard to your un-authorized absence from duties but you failed to appear before the committee.
8. That on 20-05-2022 you were again asked to appear personally before the Departmental Enquiry Committee on 28-05-2022 for seeking explanation from you with regard to your un-authorized absence from duties but again you failed to appear before the committee.

ANNEXURE- II

**Statement of imputations of misconduct or misbehavior in support of
the articles of charge framed against Mr. Gunwant Singh, Cleaner
Employee Code No. 1174.**

1. Dereliction /Insubordination of Duty.

That on **15-08-2018** you were deputed for cleaning ceremonial Gypsy for Independence day but you refused to perform your duty even during the probation period which counts as **indiscipline/ dereliction/ in-subordination** on your part and accordingly you were suspended by the Deputy Director, SMG Jammu vide Order No. 85 of 2018 dated 16-08-2018 and a charge sheet was served vide No. GR-90/SMGJ/4258-59 dated 11-09-2018. In response you tendered an apology in writing on 12-09-2018 and requested for forgiveness. On the basis of reply furnished by you, the Department re-instated you vide order No. 117 of 2018 dated 25-09-2018 with a warning to remain careful in future, while performing your legitimate duties.

2. Un-authorized absence from duty.

That on **30-01-2019** you were found **un-authorized absent** from duties and accordingly explanation was sought from you by the Deputy Director, SMG Jammu vide No. Estb (Ec-1174)/SMGJ/8142-44 dated 30.01.2019 and you furnished your reply on 01-02-2019 and requested for one more chance to improve yourself which was considered by the Deputy Director, SMG Jammu and you were accordingly provided an opportunity vide No.26 of 2019 dated 21-02-2019.

3. Un-parliamentary language/Manhandled with the supervisory staff..

That on **19.03.2019** it was reported by the supervisory staff of the Department that you had used **un-parliamentary language** and tried to **manhandle them**. The misconduct was viewed seriously by the Administration and you were placed under suspension by the Deputy Director SMG Jammu vide Order No. 44 of 2019 dated 19-03-2019. Later on, Charge sheet was served upon you by the Department vide No. Estb/SMGJ/1737-40 dated 27-05-2019 and on the basis of reply furnished by you, Deputy Director, SMG Jammu again provided you a chance and re-instated you vide No. 75 of 2019 dated 21-06-2019 on the following conditions:-

- The period of suspension shall be decided on the basis of biometric attendance report.
- The probation period shall be recommended to be extended for further period of six months.

4. Un-authorized absence from duty.

That on **13-10-2020** you were found **un-authorized absent from duty** for six days without any leave application or any prior permission from the competent authority and accordingly explanation was served upon you by the Deputy Director, SMG Jammu vide No. PF-1174/2529-32/SMGJ dated 13-10-2020 and in response you furnished a reply that you were not feeling well from 13-10-2020 and was not in a position to inform the Department.

5. Absconding/ Un-authorized absent.

That on **09-01-2021** you marked your last biometric attendance and thereafter submitted two days casual leave followed by two days Gazetted holidays. After that you never came to office and your whereabouts are not known till date.

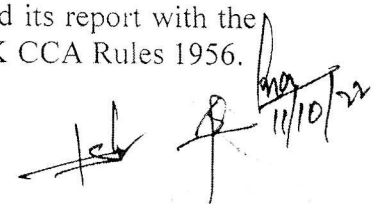
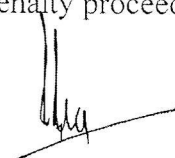
That on 11-08-2021, Deputy Director, SMG Jammu vide No. Estb/SMGJ/2329-30 dated 11-08-2021 you were served a notice to resume your duties within 07 days but you did not comply the notice.

That on 10-03-2022 Deputy Director, SMG Jammu vide No. Estb/SMGJ/6029 dated 10-03-2022 submitted a detailed report to this Directorate regarding your un-authorized absence with the recommendations that action as warranted under Article-128 JK CSR may be taken against you. On the report of Deputy Director SMG Jammu this office has taken cognizance regarding your un-authorized absence and constituted a Departmental enquiry Committee vide order No. 193-DSMG of 2022 dated 11-04-2022 to conduct in depth enquiry against you for un-authorized absence from duties and violating the J&K Employees (Conduct) Rules 1971.

6. Non-Compliance of Enquiry Committee directions.

That the Departmental Enquiry Committee constituted by this Directorate vide Order No. 193-DSMG of 2022 dated 11-04-2022 during their investigations called you vide No. PF-1174/SMGJ/813 dated **05-05-2022** with the direction to appear before the committee on **17-05-2022 at 02.00 PM** for seeking explanation from you with regard to your un-authorized absence/unbecoming behavior towards your duties but you failed to avail the opportunity and remained un-authorized absent from duties with effect from 14-01-2021.

Again the Departmental Enquiry Committee provided you one more chance vide No. PF-1174/SMGJ/1189-90 dated **20-05-2022** with the directions to appear before the committee on **28-05-2022**, but you again failed to appear before the committee. The constituted committee called your brother telephonically for knowing your whereabouts and your brother intimated that you were admitted in Rehabilitation Centre at Kathua but could not produced any documentary evidence thereof. As such, the Departmental Enquiry Committee submitted its report with the recommendations to initiate major penalty proceedings under J&K CCA Rules 1956.

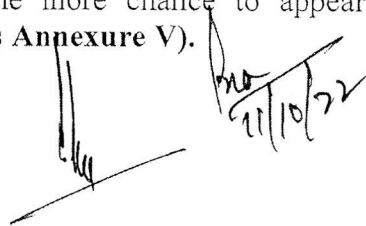



ANNEXURE III

List of Documents by which the Articles of Charge framed against Mr. Gunwant Singh, Cleaner Employee code No. 1174 are proposed to be sustained.

1. Suspension order issued by the Deputy Director, SMG Jammu vide No. 85 of 2018 dated 16-08-2018 **(copy enclosed as Annexure A).**
2. Charge Sheet issued by the Deputy Director SMG Jammu vide No. 90/SMGJ/4258-59 dated 11-09-2018 **(copy enclosed as Annexure B).**
3. Apology in writing dated 12-09-2018 **(copy enclosed as Annexure C).**
4. Re-instatement order issued by the Deputy Director, SMG Jammu vide No. 117 of 2018 dated 25-09-2018 **(copy enclosed as Annexure D).**
5. Attendance sheet dated 30-01-2019 **(copy enclosed Annexure E).**
6. Explanation sought by the Deputy Director, SMG Jammu vide No. Estb(Ec-1174) / SMGJ/8142-44 dated 30-01-2019 **(copy enclosed as Annexure F).**
7. Reply furnished by Shri Gunwant Singh, Cleaner dated 01-02-2019 **(copy enclosed as Annexure G).**
8. Order No.26 of 2019 dated 21-02-2019 issued by Deputy Director SMG Jammu for giving opportunity to Shri Gunwant Singh, Cleaner **(copy enclosed as Annexure H).**
9. Suspension order issued by Deputy Director SMG Jammu vide order No. 44 of 2019 dated 19-03-2019 **(copy enclosed As Annexure I).**
10. Charge sheet served by the Deputy Director SMG Jammu vide No. Estb/SMGJ/1737-40 dated 27-05-2019 **(copy enclosed as Annexure J).**
11. Reply furnished by Shri Gunwant Singh, Cleaner dated 29-05-2019 **(copy enclosed as Annexure K).**
12. Re-instatement order No. 75 of 2019 dated 21-06-2019 **(copy enclosed as Annexure L).**
13. Attendance sheet for six days from 13-10-2020 **(copy enclosed as Annexure M).**
14. Explanation sought by the Deputy Director SMG Jammu vide No. PF-1174/2529-32/SMGJ dated 13-10-2020 **(copy enclosed as Annexure N).**
15. Reply furnished by Shri Gunwant Singh, Cleaner dated 17-10-2020 **(copy enclosed as Annexure O).**
16. Biometric Attendance sheet from 09-01-2021 till date **(copy enclosed as Annexure P).**
17. Notice for resumption of duties vide No. Estb/SMGJ/2329-30 dated 11-08-2021 **(copy enclosed as Annexure Q).**
18. Report of the Deputy Director SMG Jammu to this Directorate vide No. Estb/SMGJ/6029 dated 10-03-2022 **(copy enclosed as Annexure R).**

19. Constitution of Departmental Enquiry Committee vide No. 193-DSMG of 2022 dated 11-04-2022 **(copy enclosed as Annexure S).**
20. Report of the Departmental Enquiry Committee **(copy enclosed as Annexure T).**
21. Vide letter No. PF-1174/SMGJ/813 dated 05-05-2022 Shri Gunwant Singh, Cleaner was directed to appear before committee on 17-05-2022 **(copy enclosed as Annexure U).**
22. Vide letter No. PF-1174/SMGJ/1189-90 dated 20-05-2022 Shri Gunwant Singh, Cleaner was again given one more chance to appear before committee on 28-05-2022 **(copy enclosed as Annexure V).**

ANNEXURE IV

List of witnesses by whom the articles of charge framed against Shri Gunwant Singh, Cleaner Employee Code No. 1174 are proposed to be sustained.

1. Foreman, State Motor Garages Department Jammu.
2. Then supervisory Staff of State Motor Garages Department Jammu.

