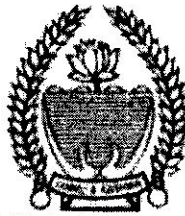


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GOVERNMENT OF JAMMU AND KASHMIR
Directorate of State Motor Garages J&K
New Plots Jammu.

.....
O R D E R No:- 23 - DSMG of 2017.
D A T E D:- 12 : 01 : 2017.

Whereas, Shri Pashori Lal, Chauffeur Employee Code No. 550 of this Department was arrested by the Police in FIR No. 53/09 U/S 342/376 RPC in the Police Station Nawabad Jammu and seized the Departmental vehicle under his charge bearing No. JK02P 1409 (Ambassador Car) in which the offence was committed;

Whereas, Shri Pashori Lal, Chauffeur Employee Code No. 550 was immediately placed under suspension by the Deputy Director, State Motor Garages Department Jammu vide Order No. 25 of 2009 dated 11.04.2009;

Whereas, after the completion of investigation made by the Police, offence under sections 342/354/376 RPC were established against the accused incumbent and final report under section 173 Cr.P.C was presented in the Court of Ld. CJM Jammu on 05.06.2009. Since the offence under section 376 RPC was triable by the Court of Session as such presented the challan to the Court of Special Judge (Fast Track 3rd Additional Sessions Judge Jammu) for trial. On the basis of statement of witnesses prima facie found the commission of offence being committed by incumbent Shri Pashori Lal, Chauffeur Employee Code No. 550 as such framed the charges under Sections 342/354/376 RPC. After full dressed trial the Hon'ble Court passed the judgment dated 25.02.2014 whereunder Shri Pashori Lal, Chauffeur Employee Code No. 550 has been convicted U/S 376/363/342 RPC and sentenced to undergo rigorous imprisonment of 12 years for the commission of offence U/S 376 and 05 years rigorous imprisonment U/S 363 and 01 year rigorous imprisonment U/S 342;

Whereas, the matter with regard to conviction of Shri Pashori Lal, Chauffeur Employee Code No. 550 of this Department was brought to the kind notice of the Administrative Department for seeking necessary opinion / advise of Department of Law, Justice & Parliamentary Affairs regarding termination of services of the accused or otherwise who intern opined as under:-


"As per section 126 of the State Constitution, no member of Civil Service can be dismissed or reduced in rank unless an opportunity of being heard is provided to him. However, an exception has been carved out by way of proviso to sub-section (2) that a person who is convicted by a court of law for commission of an offence can be removed from service without holding any enquiry. In present case, employee has been convicted u/s 376/363/342 RPC by court of Ld. 3rd Additional Sessions Judge Jammu. He can be removed / dismissed from service by the department without holding any enquiry by invoking proviso to sub-section (2) of section 126 of the State Constitution provided that order of conviction has not been stayed or punishment has not been suspended by the Competent Court of Law"

[Handwritten signature]

Whereas, neither any appeal has been filed by the accused nor the order of conviction has been stayed or punishment has been suspended by the Competent Court of Law in the instant case;

Keeping in view of the final judgment dated 25.02.2014 of the Ld. 3rd Additional Sessions Judge Jammu and legal opinion of the Department of Law, Justice & Parliamentary Affairs, J&K, the services of Shri Pashori Lal, Chauffeur Employee Code No. 550 of State Motor Garages Department is liable for dismissal.

Now, therefore, I, Z. H. Choudhary, Director, State Motor Garages Department, J&K hereby dismiss the services of Shri Pashori Lal, Chauffeur Employee Code No. 550 of State Motor Garages Department from the date of judgment passed by the Ld. 3rd Additional Sessions Judge Jammu.


(Z. H. Choudhary)
Director,
State Motor Garages Department,
J&K, Jammu.

No. RCD-857/4273-78 /DSMG

Dated: - 12:01:2017.

Copy to the:-

1. Principal Secretary to Government, Transport Department, J&K Jammu for favour of kind information.
2. Deputy Director, State Motor Garages Department, Kashmir / Jammu for information.
3. Shri Pashori Lal S/o Prithvi Raj R/o H. No. 52, Krishna Nagar Jammu for information.
4. Incharge Website, SMG J&K Jammu for information and necessary action.
5. O. B. File.