

Government of Jammu and Kashmir  
Higher Education Department  
Civil Secretariat, Srinagar.

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**Subject:** Un-authorized absence from duty by Mrs. Usha Sharma, Assistant Professor (Botany), Govt. Degree College, for boys Kathua.- termination thereof.

Government Order No:-345 -JK (HE) of 2020.

Dated: 16 -09-2020.

Whereas, Mrs. Usha Sharma, Assistant Professor (Botany), Govt. Degree College, for boys Kathua; was granted ex-post facto station permission for proceeding to Canada, w.e.f. 16-07-2012 to 12-03-2013 to see her husband, vide Govt. Order No. 187-HE of 2014 dated 01-04-2014 ;and

Whereas, Extra Ordinary Leave for a period of one year and two months without pay /allowance w.e.f. 01-04-2014 to 31-05-2015 with permission to leave the Country for proceeding to Canada was also granted in her favour vide above said Order; and

Whereas, she submitted an undertaking to the effect that she would not take any job or assignment at Canada during her leave period and would not resign after expiry of extra ordinary leave and further not to make visit to Canada an annual feature; and

Whereas, Principal, Govt. Degree College, Kathua vide letter dated 22-03-2018 intimated that she was supposed to join her duties on 01-06-2015 but failed to do so and is absent from duty w.e.f. 01-06-2015. She has applied for extension of leave w.e.f. 01-06-2015 to 31-03-2016 on medical grounds by e-mail. The extension of leave, however, was not granted and she was intimated about this; and

Whereas, no response was received and it can be presumed that she has not interested in continuing her job as she has living with her family in Canada; and

Whereas, she did not again respond the notice dated 17-04-2018 served by the Higher Education Department in her favour in terms of Article 128 of the J&K Civil Service Regulation .

Whereas, the Department referred the matter to Department of Law, Justice and Parliamentary Affairs vide UO No.HE-Coll/PF/AP/Bot/2014/55 dated 06.07.2020 for obtaining the advice in respect of termination of the Services of Ms. Usha Sharma, Assistant Professor (Botany) Government Degree College Boys Kathua. The Department of Law, Justice and Parliamentary Affairs vide UO No.LD(Opb)2020/99-Hr.Edu Part-file dated 20.08.2020 has returned the file with the following observation:-

*Returned. Department is advised that the approval to the termination of Mrs. Usha Sharma, Assistant Professor, (Botany) Government Degree College Boys Kathua on account of her unauthorized absence by the competent authority at note para (44) of DNF still holds good. As far the legality of the approval for termination is concerned, Article 113 of Jammu and Kashmir Civil Service Regulation 1956 is manifestly clear that an employee is considered to be out of employment if he/she remains continuously absent for more than five years.*

*In view of the said rule position, the termination becomes sine-qua-non once the employee is absent for more than five years.*

Now, therefore, keeping in view the continuous unauthorized absence of more than five years Ms. Usha Sharma, Assistant Professor (Botany), Governemnt Degree College Kathua is deemed to have been terminated from the services w.e.f. 01-06-2015 in terms of Article 113 of J&K Civil Service Regulation 1956.

**By order of the Government of Jammu and Kashmir.**

**Sd/-**

(Talat Parvez Rohella)  
Commissioner/Secretary to Government,  
Higher Education Department.

Dated: 16-09-2020.

No: HE-Coll/PF/AP/Bot/2014/04

Copy to the:-

1. Principal Secretary to Lt.Governor J&K, Srinagar.
2. Director Colleges, J&K Srinagar.
3. Secretary to Governemnt, Department of Law Justice and Parliamentary Affairs.
4. Director, Archives, Archaeology & Museum, J&K Srinagar.
5. Principal Govt. Degree College for boys Kathua with the request to get the termination order of Mrs. Usha Sharma, Assistant Professor (Botany), published in the two leading local news papers of Jammu Division, under intimation to this department.
6. Pvt. Secretary to Advisor (S).
7. Mrs. Usha Sharma, Assistant Professor (Botany), Govt. Degree College, for boys Kathua.
8. PS to Commissioner/Secretary, Higher Education Department
9. I/C Web Site Higher Education Department.
10. Government Order file. (w.2.s.c.).

(Shabir Ahmad Baba)

Under Secretary to Government  
Higher Education Department. *ty*