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District and Sessions Judge Faridkot

Enquiry against Sh. Harjot Singh. Peon of the Court of Ms. Harpreet kaur Nafra, CJ(JD), Shaheed Bhagat Singh Nagar (since under suspension) for remaining absent from duties.

From : DSJ SBS Nagar <dsjsbsnagar@aij.gov.in>
Subject : Enquiry against Sh. Harjot Singh. Peon of the Court of Ms. Harpreet kaur Nafra, CJ(JD), Shaheed Bhagat Singh Nagar (since under suspension) for remaining absent from duties.

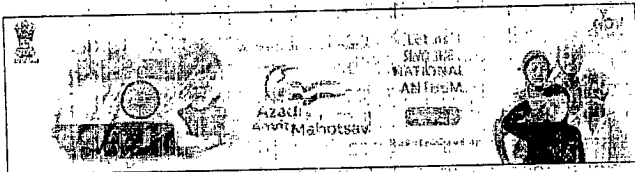
Thu, Aug 26, 2021 12:27 PM

1 attachment

To : District Sessions Judge Amritsar <djasr@chd.nic.in>, SYSTEM OFFICER TARN TARAN <so.tarnataran@aij.gov.in>, Ramesh Kumari <djgds@chd.nic.in>, Amarjot Bhatti <djhmr@chd.nic.in>, Kishore Kumar <djfr@chd.nic.in>, District and Sessions Judge Jalandhar <dsj.jalandhar@aij.gov.in>, Djldh-chd <djldh@chd.nic.in>, District Sessions Judge Kapurthala <djkpt@chd.nic.in>, Harpreet Kaur Jeewan <djrop@chd.nic.in>, DISTRICT AND SESSION COURT SAS NAGAR <ecourts-pbsa01@indiancourts.nic.in>, Rajinder Aggarwal <djpat@chd.nic.in>, Sh. Harpal Singh <djsan@chd.nic.in>, Navjot Kaur <djman@chd.nic.in>, District Moga <dsj.moga@aij.gov.in>, District and Sessions Judge <djbtd@chd.nic.in>, RANJAN SHRIVASTVA <ecourts-pbbr01@indiancourts.nic.in>, Kamalpreet Singh <djfgs@chd.nic.in>, District and Sessions Judge Faridkot <djfdk-chd@nic.in>, DISTRICT COURT FAZILKA <dsj.fazilka@aij.gov.in>, dsj.muktsar-phc <dsj.muktsar@indianjudiciary.gov.in>, Sangeet Pal Singh Addl. Civil Judge (SD), Balachaur <acjsd.balachaur@aij.gov.in>, harpreetkaur0902@gmail.com, raman soham <raman.soham@hotmail.com>, Ashok Kapoor Addl. Civil Judge (SD), Abohar <kapoor.ashok@aij.gov.in>, Jagbir Singh Mehndiratta ACJSD <jsmehndiratta@aij.gov.in>, KS Cheema <cheema.kuldeeps@aij.gov.in>, Kanwaljit Singh Bajwa <ksbajwa@aij.gov.in>, Radhika Puri <radhikapuri@aij.gov.in>, Servesesh Singh <serveesh.singh@aij.gov.in>, randhirvermapcs@gmail.com, kavita rgnul <kavita.rgnul@gmail.com>, seemavdsharma@gmail.com, balwinderdhalwal123@gmail.com

Sir,

Please find the attachment.



172.pdf
387 KB

Endst. No. 7464 /EB dated 26/8/2021
 Seen. Office to note. Copy be also given to Incharge Computer Section/System Officer with the direction to upload the same on the official website of this court.

District & Sessions Judge,
Faridkot. 26.08.2021

Attested
 [Signature]
 District & Sessions Judge
 Faridkot

27/8/21

Office of District & Sessions Judge
Faridkot

Receipt No. 7464
Date 26/8/21

**OFFICE OF THE DISTRICT & SESSIONS JUDGE
SHAHEED BHAGAT SINGH NAGAR.**

Subject:- Enquiry against Sh. Harjot Singh, Peon of the Court of Ms. Harpreet Kaur Nafra, Civil Judge (Jr. Divn.), Shaheed Bhagat Singh Nagar (since under suspension) for remaining absent from duties.

Order:-

1. Ms. Harpreet Kaur Nafra, Civil Judge (Jr. Divn), Shaheed Bhagat Singh Nagar vide different letters has reported regarding the absence of Sh. Harjot Singh, Peon (since under suspension), without any intimation or permission for the period from 15.02.2021 to 19.02.2021; from 08.03.2021 to 10.03.2021; on 12.03.2021; from 15.03.2021 to 19.03.2021; on 22.03.2021; from 24.03.2021 to 26.03.2021; from 31.03.2021 to 02.04.2021; from 05.04.2021 to 07.04.2021; on 08.04.2021, 09.04.2021, 12.04.2021, 15.04.2021, 16.04.2021, 19.04.2021, 20.04.2021, 22.04.2021.

2. On receipt of above said information, keeping in view the previous service record of Sh. Harjot Singh, Peon, vide this office order dated 30.04.2021 conveyed vide endst. No. 3510-13/DSJ-37 dated 30.04.2021, he was placed under suspension with immediate effect. His headquarter during suspension was fixed in the Court of Chief Judicial Magistrate, SBS Nagar. Vide this office Memo No. 3514/DSJ-37 dated 30.04.2021, he was charge sheeted with the direction to submit his reply to the same within a period of 21 days from the receipt of same. Thereafter, Ms. Harpreet Kaur Nafra, CJ(JD).

SBS Nagar vide letter No. 943 dated 30.04.2021 further intimated about his absence on 23.04.2021, 27.04.2021 to 30.04.2021 without any intimation. The delinquent official failed to submit any reply to the charge sheet, and ultimately vide this office order dated 31.05.2021 a Regular Departmental enquiry was marked against him to the Court of Sh. Jagbir Singh Mehndiratta, Chief Judicial Magistrate, SBS Nagar with the direction to submit his Enquiry report to this

office, within a period of one month positively.

3. On conclusion of enquiry, Sh. Jagbir Singh Mehndiratta, Chief Judicial Magistrate-cum-Enquiry Officer, SBS Nagar vide letter No. 398 dated 01.07.2021 submitted its Enquiry report holding that the delinquent official is negligent in the performance of his duties and that he has not acted diligently, but is guilty of dereliction in performing his duties.

4. On receipt of above said Departmental Enquiry report, the same was perused by the undersigned and after concurring with the same, it was proposed to impose one of the major penalties, as embodied in clauses (v) to (ix) of Rule 5 of the Punjab Civil Services (Punishment and Appeal) Rules 1970 read with Rule 12 sub rule 2 (iv-a) to (ix) of Punjab Subordinate Courts, Establishment (Recruitment and General Condition of Services) Rule 1997 and vide this office Memo No. 5330/DSJ-37 dated 13.07.2021 a show cause notice was issued to the delinquent official, with the direction to submit his reply within a period of 15 days from the receipt of same. In response thereto, the delinquent official submitted his reply on 06.08.2021 stating therein that on account of his illness, he could not attend his duties. He further stated that his mother is also a heart patient. He is in dire need of job and thus requested that keeping in view his family circumstances, a lenient view be taken in his favour.

5. The delinquent official was also called for affording him an opportunity of personal hearing and during personal hearing, he got recorded his statement wherein the delinquent official admitted his guilt and stated that his family condition is very pitiable as his mother is a heart patient and have to take care her physically and financially. He further stated that he is the only earning member of family and due to adverse family condition, his wife has left his house and is residing with her parents. He thus requested that he be given a chance to serve the department.

6. I have perused the the Enquiry report as well as the other relevant record.

7. The charge against the delinquent official is that he remained absent from duty on various dates i.e. 15.02.2021 to 19.02.2021; from 08.03.2021 to 10.03.2021; on 12.03.2021; from 15.03.2021 to 19.03.2021; on 22.03.2021; from 24.03.2021 to 26.03.2021; from 31.03.2021 to 02.04.2021; from 05.04.2021 to 07.04.2021; on 08.04.2021, 09.04.2021, 12.04.2021, 15.04.2021, 16.04.2021, 19.04.2021, 20.04.2021, 22.04.2021, without any intimation or permission of his Presiding Officer. Perusal of Enquiry report shows that when the circumstances appearing against him were put to him by the Inquiry Officer, he stated that due to illness he remained under treatment and further he was having dispute with his wife, therefore, could not attend his duties. He did not lead any evidence in his defence to justify his absence for such a long period. During personal hearing before the undersigned, the delinquent official taken the plea that his mother is a heart patient and he has to take her care. Further due to adverse condition of his family, his wife has also left him. However, the delinquent official has failed to produce any medical record of his mother. The plea taken by the delinquent official seem to be concocted. Therefore, I am of the considered view that the delinquent official remained absent from his duties wilfully and unauthorisedly particularly when firstly he did not submit any explanation regarding his absence and secondly when he failed to submit any reply to the charge sheet dated 30.04.2021.

8. In the present enquiry, the absense of delinquent official is for such a long period as stated above, without any permission or intimation. As per office record, the delinquent official joined Sessions Division, Rupnagar on 14.08.2014 and thereafter, on his request, he was transferred to this Sessions Division by the Hon'ble High Court and joined his duties on 14.10.2016.

Perusal of his service record shows that he remained on earned leave and leave without pay leave for a long period on different intervals. Not only this, on previous occasion, he also remained absent from his duties for a long period and thus vide this office order dated 13.09.2019 passed by the then learned District & Sessions Judge, SBS Nagar, he was placed under suspension. However, keeping in view his family circumstances and by taking a lenient view in the matter, vide this office order dated 29.09.2020, he was imposed a minor penalty of withholding of one increment of pay without cumulative effect and his suspension was revoked and he was reinstated into service.

9. The aforesaid facts and circumstances as well as act and conduct goes to show that the delinquent official is a habitual absentee. Habitual absence from duty amounts to misconduct. The delinquent official has been given full opportunity during the course of enquiry to defend himself. It is not a case that there was any violation of principle of natural justice. Even otherwise, the delinquent official has not bothered to submit any explanation and reply to the charge sheet. The findings recorded by the Enquiry Officer are based on correct appreciation of un rebutted evidence brought on record and accordingly, I do not find any reason to differ with the same. Thus, unauthorised absence of delinquent official namely Harjot Singh, Peon for such a long period continuously is established on record, which constitute misconduct of grave nature. The delinquent official belongs to Judicial Department, in which discipline and obedience is paramount importance, which defines nature of duties of Govt. servant. Such like official required to be kept away from the system to avoid shadow on other officials. Public interest in relation to public administration means that only efficient officials are to be retained in service, while services of officials, like the delinquent official, who are inefficient or those who are almost deadwood, are to be dispensed with. Retention in

Government service of official, like delinquent official, is bound to encourage others having similar tendencies while his ouster is bound to have a deterring effect on those who tend to indulge in similar activities. On similar occasion previously by taking a lenient view, the delinquent official was reinstated into service but if again a lenient view with regard to the misconduct of the delinquent official is taken, it will have bad effect upon the other employees of this department. From his previous service record, I am left with no other alternative, from which any sympathy can be shown to the delinquent official.

10. In view of the above said facts and circumstances, particularly when the delinquent official has not bothered to submit any explanation or to submit any reply to the charge sheet, there can be no escape from the conclusion that the delinquent official had remained continuously absent from his duty for above stated long period willfully, intentionally and without any justifiable reason. The conduct of the delinquent official shows that he has no regard to his duties and it is established on record that he is totally indisciplined official, so he does not deserve any leniency.

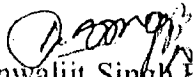
11. Keeping in view the aforesaid facts and circumstances, I, Kanwaljit Singh Bajwa, District and Sessions Judge, Shaheed Bhagat Singh Nagar, being competent Punishing Authority, award punishment of "**Dismissal**" from Government service w.e.f. 25.08.2021, as envisaged by the provisions of Rule 5 (ix) of Punjab Civil Services (Punishment and Appeal) Rules, 1970 read with Rule 12 (2) (ix) Chapter 18-A of Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 upon Sh. Harjot Singh, Peon, of the Court of Ms. Harpreet Kaur Nafra, Civil Judge (Jr. Divn.), Shaheed Bhagat Singh Nagar. His dismissal from Government service shall ordinarily be a disqualification for future employment under the Government. Necessary entry be made in the service book of the official concerned.

The particulars as per service record of the delinquent official as appended below:-

1	Name	Harjot Singh
2	Father's Name	Sh. Gurninder Singh
3	Date of Birth	15.05.1985
4	Parmanent Address	Mohalla Rajputan, Rahon, District Shaheed Bhagat Singh Nagar.

All other concerned be also informed accordingly.

Dated: 25.08.2021.

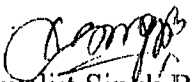

(Kanwaljit Singh Bajwa)
District & Sessions Judge,
Shaheed Bhagat Singh Nagar.

Endst. No. 6558-6565/DSD-37/14 Dated 25-08-2021

Copy forwarded to the followings:-

1. The Registrar General, Hon'ble Punjab and Haryana High Court, Chandigarh.
2. The Chief Secretary, Government of Punjab, Chandigarh.
- ~~3. All the District & Sessions Judges in the State of Punjab.~~
4. The Accountant General (A&E), Punjab, Chandigarh.
5. All the Commissioners of Divisions in the State of Punjab.
6. All the Deputy Commissioners in the State of Punjab.
7. All the Judicial Officers posted in SBS Nagar Sessions Division.
8. The Bill Clerk/GPF Clerk/Nazir/System Officer of this office.

For information and necessary action.


(Kanwaljit Singh Bajwa)
District & Sessions Judge,
Shaheed Bhagat Singh Nagar.