HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

SWP No. 2078/2013
MP No. 01/2015

Date of order: 31/03/2018

Shaista Banoo
Vs.
State of J&K and others

Coram:

Hon'ble Mr. Justice M. K. Hanjura, Judge

Appearing Counsel:
For Petitioner(s): Mr. G. Q. Bhat, Adv.
For Respondent(s): Mr. B. A. Dar, Sr. AAG

i)	Whether approved for reporting in Law journals, etc.	Yes/No
ii)	Whether approved for publication In press.	Yes/No

1. The petitioner, a lady constable, has contented in her petition that she came to be appointed as such in the J&K Police Department, District Doda, vide order no. 2204 of 1999 dated 09.10.1999. She applied for the grant of leave for a period of 30 days commencing from 14.8.2004 on the ground that her mother has taken seriously ill and there is no one to look after her welfare. Besides this, the petitioner had a dispute with her husband which had frustrated her. The petitioner applied for the grant of maternity leave with effect from 14.09.2004 for a further period of six months and communicated the same to the respondents through registered post. She labored under the bona fide belief that her leave has been sanctioned by the competent authority. The petitioner on the completion of the period of maternity leave reported before the respondent no. 4 and laid a motion for the resumption of her duties but to her dismay the respondent no. 4 did not

allow the petitioner to resume her duties for the reasons not known to the petitioner. The petitioner made a detailed representation to the respondent No. 5 for allowing her to resume duties but no order was passed on it. No notice was served upon the petitioner by the respondent no. 4 or any other officer from 14.08.2004 to 22.07.2013 and finally she came to know that she has been dismissed by Order No. 586 of 2005, dated 11.10.2005 impugned in the petition, which order she obtained from the competent authority after making an application under the J&K Right to Information Act. The petitioner has proceeded to state that the impugned order of dismissal is illegal and bad in the eyes of law. The petitioner was a permanent employee of the respondent department and it was the legal obligation of the respondents to put the petitioner on notice before initiating any inquiry against her and to give her a reasonable opportunity of being heard. She was also required to show cause orally and in writing for the action proposed to be taken against her but to her disillusionment this was not done and in that context the impugned order has been passed in violation of the principles of natural justice and the inquiry has not been conducted fairly and freely. The police rules have been given a goby in the conduct of the inquiry and the petitioner has been dismissed from the service on unjustified and unwarranted grounds.

2. The respondents filed their response to the petition of the petitioner wherein they stated that the petitioner was informed through SHO P/s

Doda, at her home address, to resume her duty vide District Police officer, Doda's letter Nos. OASI/17472 dated 28.05.2003, OASI/13959-61 dated 03.05.2003, OASI/26635/36 dated 31.03.203 and Dy. SP DAR DPL Doda's Letter No. DE/DAR/03/2527-28 dated 30.07.2003 and No. DE/03/2533-90/DAR dated 05.08.2003, respectively, but the petitioner failed to resume duty and was accordingly placed under suspension vide DPO Doda's Order No. 663 of 2003 dated 23.07.2003. The petitioner was also informed through Commandant JKAP 5TH Bn. Vide DPO Doda's wireless message No. OASI/32465 dated 10.09.2013 regarding her suspension as at the relevant point of time, her husband, namely, Mr. Manzoor Ahmad was posted as PSO with the then Commandant JKAP 5th Bn, Srinagar, and it was learnt that the petitioner has been putting up with her husband at his place of posting i.e. Srinagar. Despite repeated communications, the petitioner did not resume her duty and as such, a show cause notice was issued to the petitioner vide DPO Doda's No. OASI/869 dated 09.01.2004, which was published in the daily newspaper "Kashmir Times" dated 15.01.2004, directing her to resume duty within 15 days, as otherwise she would be discharged from services.

3. The petitioner resumed her duty in District Police Lines, Doda on 03.08.2004 i.e. after an unauthorized absence of 699 days. The petitioner was reinstated into service vide DPO Doda's Order No. 926 of 2004 dated 06.08.2004 pending enquiry and a regular departmental enquiry was

directed to be initiated against the petitioner. The respondent No.6 was appointed as the Enquiry officer to enquire into her unauthorized absence from duty. The petitioner again absented herself from District Police Lines, Doda w.e.f. 14.08.2004 and never reported back till her dismissal from service on 11.10.2005. The petitioner was asked by the respondent No.6 vide office signal No. SPD/DE/5/2566-67 dated 13.06.2005 and No. SPD/DE/51 2781 dated 27.06.2005 to resume her duty. She did not turn up. The presence of the petitioner was also sought through a show cause notice bearing No. OASI/352 dated 04.01.2005, which was published on 09.01.2005 in a newspaper running under the name and style of **"Kashmir Times"**. A Copy of said show cause notice was also sent to the then SSP Counter Intelligence (CI), Kashmir, for informing the petitioner as at the relevant point of time her husband was posted as PSO with the then SSP CI, Kashmir, but the petitioner did not bother to resume her duty and resultantly, the petitioner was again placed under suspension vide DPO Doda's Order No. 146 of 2005 dated 04.04.2005 and another departmental enquiry (DE) was ordered for her absence from duty and this enquiry was also entrusted to the respondent No.6.

4. The petitioner did not turn up to resume her duty and to face the departmental enquiries initiated against her for unauthorized absence from duty for a prolonged period of 1123 days (669 days + 424 days) and the enquiry officer (Respondent No.6) was left with no option, but to proceed

ex-parte against her and recommended her discharge from services in both the enquiries. Keeping in view the conduct of the petitioner and the findings of respondent No.6, the petitioner was dismissed from service vide DPO Doda's Order No. 586 of 2005 dated 11.10.2005, which is impugned in this petition. The enquiries regarding the unauthorized absence of the petitioner from her duty have been conducted as per the rules/law governing the subject and the impugned order has been passed after due and proper application of mind by the answering respondent to the facts and circumstances of the case and thus the order under challenge, does not suffer from any illegality or infirmity. The petitioner has arisen from the deep slumber after an inordinate and unexplained delay of about 08 years and that is why the appeal, preferred by the petitioner against the impugned order, has been rejected by respondent No.4 vide Range Police Headquarters (RPHQ), Batote's Order No. 354 of 2013 dated 30.12.2013. It was incumbent upon the petitioner to wait for the disposal of the appeal and not to file the instant writ petition, which has now become infructuous in light of the above-mentioned order passed by the respondent No.4, whereby the petitioner's appeal has been rejected.

5. In the rejoinder the petitioner has stated that she has never received any information or notice from the department. The respondents have squarely relied upon the notice which is allegedly being sent through the then SSP Counter Intelligence (CI), Kashmir as alleged by them. The husband of the

petitioner was posted as PSO with the then SSP (CI). Respondents have nowhere claimed to have sent any notice to the petitioner at her permanent residence which is the basic requirement of law and by no stretch of imagination, notice/show cause could have been sent at the office address of her husband. The petitioner belongs to very far-flung area and the newspaper in which the show cause notice is alleged to have been published by the respondents has virtually no circulation in the area where the petitioner is residing. The petitioner was confined to her house on account of the serious ailment of her mother during the relevant time and no notice whatsoever was sent to her. The disciplinary authority has not recorded the reasons for his impracticability to hold the enquiry before passing the impugned order.

6. Since the respondents raised a plea that the petitioner has preferred an appeal before the statutory authority and it was incumbent upon her to wait for its disposal and not to file the instant writ petition, therefore, the petitioner filed the amended writ petition in which she carved the indulgence of this Court for the grant of following reliefs:-

> ***I. WRIT OF CERTIORARI, thereby quashing of the impugned order of dismissal issued by the respondent No.5 against the petitioner, vide No. 586 of 2005, dated 11.10.2005, forming Annexure "C" to the main writ petition.***
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> ***II. WRIT OF CERTIORARI, thereby quashing the impugned order bearing No. 354 of 2013, dated 30.12.2013 passed by the Deputy Inspector General of Police Doda, Kishtwar-Ramban Range Hqrs,***

Batote, whereby the appeal filed by the petitioner has been rejected, forming Annexure "E" to this amended writ petition.

III. WRIT OF MANDAMUS, thereby commanding the respondents to reinstate the petitioner into services with all the consequential benefits of pay and other allowances as admissible under rules.

IV. WRIT OF MANDAMUS, thereby commanding the respondents to pay the arrears of pay in favour of the petitioner after her reinstation in the services.

V. ANY OTHER WRIT, order or direction which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be passed in favour of the petitioner and against the respondents.

7. Heard and considered.

8. The respondents have failed to file the counter affidavit in the amended petition despite directions. It is a settled principle of the law of pleadings that an averment made by the petitioner is expected to be specifically denied by the replying party and if there is no such specific denial, in that eventuality such an averment is deemed to have been admitted by the respondents. In the case on hand, it is evident that the pleadings of the petitioner which are relevant and material to the case and on which the case of the petitioner is constructed had to be replied by the respondents specifically by making a proper reference to the records relevant to the case. Since the respondents have omitted to do so by reference to the relevant records and have failed to specifically deny the averments made

by the petitioner, it can, therefore, be said that the petitioner has been able to make out a case for interference.

9. Looking at the instant case from another perspective that is, whether any inquiry as provided under Rule 359 of the Police Rules Manual been conducted against the petitioner, resort can be had to the order no. 586 of 2005 dated 11.10.2005 issued by Senior Superintendent of Police, Doda, Paras 5 to 7 of which are relevant for the determination of the issue and these reads as follows:

> *"5. The said lady constable again absented herself unauthorisedly from DPL Doda w.e.f. 14.8.2004 and vide Addl. SP Hqrs Doda wireless message no. SPD/DE/05/2781 dated 27.6.2005, SPD/DE/05-2566-67 dated 13.6.2005 SHO P/S Ram Munshibagh, Srinagar, was directed to inform the said lady constable at her home address to report back for duty. When the said lady constable did not report back for duty, a show cause notice vide no. OASI/352 dated 04.1.2005 was issued to her through print media providing her last opportunity to resume duty within 15 days failing which she shall be discharged from service. Copy of the said notice was also sent to SSP CI Kashmir vide no. OASI/05/711 dated 10.1.2005 for handing over the same to her. The said lady constable was later on placed under suspension vide Dy. SP DAR DPL Doda's order no. 11 of 2005 dated 31.3.2005 for her prolonged absence and the same was confirmed vide DPO Doda's order no. 146 of 2005 dated 4.4.2005 with a DE to be conducted by Addl. SP Hqrs Doda.*
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> *6. Whereas keeping in view her prolonged absence, Addl SP Hqrs Doda has recommended in both the enquiries that lady constable Shaista Banoo no. 830/D may kindly be discharged from the service and period of her absence may kindly be treaed as diesnon on the principle of no work no pay.*

7. The said lady constable is continuously absent w.e.f. 14.8.2004 which indicates that the notices served upon the delinquent lady constable has received a deaf ear by her and she has acted in a most indisciplined manner least caring for the orders of senior officers as well as her own interest. She has not even bothered to put her reply as well as circumstances which compelled her to desert from duty unauthorisedly which clearly indicates that she is not interested to serve in the department anymore. She has willingly kept silent despite issuance of show cause notice through print media.

10. Rule 359 of the Jammu and Kashmir Police Manual, running under the head "**Procedure in Departmental Enquiries**" under the cover of which the order of discharge has been passed, provides as under:

*"**359. Procedure in Departmental Enquiries** - (1) The following procedure shall be followed in departmental enquiries: -*

a) The enquiry shall, whenever, possible be conducted by a Gazetted Officer empowered to inflict a major punishment upon the accused officer. Any other gazette officer or an Inspector specially empowered by the Minister I/C Police Department, to hold departmental enquiries (Vide order No. 636-C dated 27-6-1945) may be deputed to hold an enquiry or may institute an enquiry on his own initiative against an accused police officer who is directly subordinate to him, except that in the case of a complaint against a constable the enquiry may be conducted by an Inspector. The final order, however, may be passed only by an officer empowered to inflict a major punishment upon the accused police officer.

(2) The officer conducting the enquiry shall summon the accused police officer before him and shall record and read out to him a statement summarizing the alleged misconduct in such a way as to give notice of the circumstances in regard to which evidence is to be recorded.

(3) If the accused police officer at this stage admits the misconduct alleged against him the officer conducting the enquiry may proceed forth with to record a final order if it is within his power to do so or a finding to be forwarded to an officer empowered to decide the case.

Whenever a serious default is reported and the preliminary enquiry is necessary before a definite charge can be framed, this is usually best done on the spot and might be carried out by the Sub-Inspector of the particular Police Station in the case of head constables and constables

serving under him or by the Inspector of the circle in the case of Sub-Inspectors within his charge. At the same time it must be left to Superintendent of Police to select the most suitable officers for the purpose or to do it themselves when such a course appears desirable.

When the preliminary enquiry indicates a criminal offence, application for permission to prosecute should at once be made to the authority competent to dismiss the officer and permission should be promptly granted if that authority agrees that there is prima facie case for prosecution.

(4) If the accused police officer does not admit that misconduct the officer conducting the enquiry shall proceed to record such evidence oral and documentary in proof of the accusation as is available and necessary to support the charge. Whenever possible witnesses shall be examined direct and in the presence of the accused who shall be given opportunity to cross-examine them. The officer conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot in the opinion if such officer be produced without undue delay and expense or inconvenience if he considers such statement necessary and provided that it has been recorded and attested by a Magistrate and is signed by the person making it. The accused shall be bound to answer questions which the enquiring officer may see fit to put to him, with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.

(5) When the evidence in support of the allegations has been recorded, the enquiring officer shall -

a) if he considers that such allegations are not substantiated either discharge the accused himself if he is empowered to punish him, or recommend his discharge to the Superintendent or other officer who may be so empowered, or
b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.

(6) The accused officer shall be required to state the defence witnesses whom he wishes to call and may be given time in no case exceeding 48 hours to prepare a list of such witnesses together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specified charge framed in which case he shall record the reason for his refusal. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them the answers to which shall be recorded, provided that the enquiring officer may cause to be recorded by any other officer not below the rank of Inspector the statement of any such witness whose presence cannot be secured without undue delay or inconvenience and

may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers except such as form part of the record of the confidential office of the Superintendent of Police as the enquiring offices. The supply of copies of documents to the accused shall be subject to the ordinary rules regarding copying fees.

(7) At the conclusion of the defence evidence or if the enquiring officer so directs at any earlier stage, following the framing of a charge the accused shall be required to state his own answer to the charge. He may be permitted to file a written statement and may be given time not exceeding one week for its preparation but shall be bound to make an oral statement in answer to all questions which the enquiring officer may see fit to put to him arising out of the charge, the recorded evidence or his own written statement.

(8) The enquiring officer shall then proceed to pass orders of acquittal or punishment if empowered to do so or to forward the case with his finding and recommendations to an officer having the necessary powers.

(9) Nothing in the foregoing rules shall debar a Superintendent of Police from making a causing to be made a preliminary investigation into the conduct of a suspected officer. Such an enquiry is not infrequently necessary to ascertain the nature and degree of misconduct which is to be formally enquired into. The suspected police officer may or may not be present at such preliminary enquiry as ordered by the Superintendent of Police or other gazette officer initiating the investigation but shall not cross-examine witnesses. The file of such a preliminary investigation shall form no part of the formal departmental record but may be used for the purposes of sub-rule (4) above.

(10) This rule shall also not apply where it is proposed to terminate the employment of a probationer whether during or at the end of the period of probation.

(11) (1) As laid down in Section 126 of the Constitution of Jammu and Kashmir, no officer shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No police officer shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause orally and also in writing against the action proposed to be taken in regard to him, provided that this clause shall not apply :-

a) where a person is dismissed or removed or reduced in rank on the ground of conduct which led to his conviction on a criminal charge,
b) where an authority empowered to dismiss or remove an officer or to reduce him in rank is satisfied that for some reason to be

recorded by that authority in writing it is not reasonably practicable to give to that person an opportunity of showing cause; or

c) where the Sadar-i-Riyasat is satisfied that in the interest of the security of the State it is not expedient to give to that officer such an opportunity.

(3) If any question arises whether it is reasonably practicable to give to any officer an opportunity of showing cause under clause (2) above, the decision thereon of the authority empowered to dismiss or remove such officer to reduce him in rank, as the case may be, shall be final."

What comes to the fore from the above rule is that the procedure for imposing the major penalty, i.e. an order of discharge passed here in this case, involves:

i. The delivery of a charge sheet;
ii. Appointment of an enquiry officer;
iii. Providing opportunity to the delinquent official to submit his defence and to be heard;
iv. The enquiry where oral and documentary evidence is produced by both sides;
v. The preparation of a report after the conclusion of the enquiry and forwarding of the same to the disciplinary authority (where the disciplinary authority is not itself the enquiring Authority);
vi. Action on the enquiry report by the Disciplinary Authority;
vii. Notice to the delinquent official to show cause on the penalty proposed;
viii. Meaning of the order imposing penalty; and
ix. Communication of the orders.

11. In case titled ***'Jehangir Ahmad Mir v. State of J&K'***, reported in '***1998 SLJ 134'***, this Court had the occasion to examine the range, limits and the scope of Rules 337 and 359 of the Jammu and Kashmir Police Rules read with Section 126 of the Constitution of Jammu and Kashmir and Article 311 of the Indian Constitution and it held as under:

"It is a matter of common knowledge by now that no member of a State service or a person holding post under the State can be removed from service save otherwise in accordance with the requirements of Section 126(2) of the State Constitution read with Article 311 of the Indian Constitution which contemplates conveying the specific charges to the delinquent and providing him a reasonable and adequate opportunity of being heard and then his removal from service after an enquiry. Section

126(2) of the State Constitution provides for an additional safeguard of a second show cause notice regarding the proposed punishment to be imposed.

This position is supplemented by the police Rules, Rule 359 whereof prescribes procedure for conducting departmental enquiry against police personnel. Similarly Rule 336 lays emphasis on the suitability of punishment and cautions the Authority to be careful by taking in regard the character of the delinquent and his past service. Similarly Rule 337 places a constraint on the exercise of the power of dismissal and illustrates the cases though not exhaustively wherein this power was exercised, regard being had to the length of service of the offender and his claim to pension. All this pointed to the checks imposed by law for exercise of the power of dismissal against a delinquent police employee.

Under Rule 359, the enquiry officer is required to summon the delinquent officer before him and read out a statement summarizing his alleged mis-conduct in such a way as to give him full notice of the circumstances in regard to which evidence was required to be recorded in the matter. Thereafter depending upon the denial if any made by the delinquent, the enquiry officer was required to proceed to record such evidence as would be available and necessary to support the charge. The witnesses were required to be examined in presence of the delinquent and after this he was granted an opportunity to lead his defence evidence or to file his documentary evidence and to state his own answer to the charge. The enquiry officer was then to submit the recommendations or topics order of acquittal or punishment, if he was competent to do so."

12. An almost identical view has been taken by this Court in the case of '***Ghulam Mohammad v. State of J&K'***, reported in ***'1998 SLJ 273***', the relevant excerpts of which are reproduced below, *verbatim et literatim*:

> *"Rule 359 of Police Rules postulates two-fold stages of the enquiry, one preliminary and another after framing the charge. As regards preliminary enquiry, the Enquiry Officer is required to follow the procedure as laid down under sub-rules (1) to (5) of Rule 359 of Police Rules. Perusal of the chargesheet does not depict the names of the witnesses who have been examined during the preliminary enquiry, so much so it does not even depict as to whether he was ever summoned, recording and reading out a statement of summary of allegations, is therefore, ruled-out. The chargesheet depicts that a communication was sent to the petitioner and was provided an opportunity to question the witnesses which he did not but it does not indicate that the basic requirement was observed which makes it obligatory upon the enquiry officer to summon the petitioner and read out the statement of summary of allegations to him and after observing the said requirement question,*

of recording evidence would arise. Having failed to follow the mandate of rule, the preliminary enquiry vitiates, for, same has not been in accordance with the mandate of Rule 359 of Police Rules and on this count the impugned order is liable to be set aside.

The procedure which the Enquiry Officer has to follow after framing the charge is envisaged in sub-rules 6 and 7 of Rule 359 of Police Rules. Sub rule 6 makes it obligatory upon the enquiry officer to provide an opportunity to the accused official to give a list of such witnesses whom he would like to produce in defence and record their statements. It further provides that the statements of such witnesses can be recorded even at the places of their availability, of course, for the reasons detailed in the sub-rules. The said sub-rule further provides that even access to the files, excepting the confidential record, can also be permitted and the object is to allow sufficient opportunity of defence to the delinquent official/ officer.

After receiving the evidence, oral and documentary, yet another opportunity is to be made available to the delinquent official at conclusion of the defence evidence under sub-rule 7 to make a statement in reply for the charge, so much so the delinquent official can seek permission to file a written statement in his defence after the conclusion of the evidence in defence."

13. In view of the aforesaid enunciations of law, the condition precedent for initiating a disciplinary action against a police officer/ official is not only the conduct of an enquiry, but it should also appear that due adherence and strict compliance to the manner and procedure as laid down under Rules 337 and 359 has been followed. Any deviation thereof will render the order imposing penalty bad and liable to be set aside.

14. In ***'Ghulam Ahmad & Ors. v. Sr. Superintendent of Police***', reported in ***'1988 JKLR 1367***', although a departmental enquiry was conducted into the alleged callousness in duty on the part of the petitioners, who were Police Constables, yet the Court came to the conclusion that the provisions of Rule 359 of the Jammu and Kashmir Police Manual had not been complied with while conducting the enquiry and, therefore, the Court opined that the impugned order imposing penalty of dismissal upon the petitioners was unconstitutional, illegal and bad in law.

15. In ***'Syed Hussain v. State of J&K & Ors.'***, reported in ***'1988 JKLR 1047***', where a Head Constable had been removed from services after conducting an enquiry, but without issuing the show cause notice to him against the proposed punishment, the Court came to the following conclusion:

> *"10. From the reading of this rule petitioner was to be given an opportunity of showing cause against the proposed action against him. This course can be dispensed with if he was found guilty on a criminal charge which led to his conviction or the officer competent to punish him could have recorded in writing that it was not reasonable to give the person an opportunity of showing cause or when it is not practicable for the security and interest of the state.*
>
> *11. In the instant case petitioner was not convicted by a criminal court nor had the punishing authority recorded his reasons as to why he did not give show cause notice against the proposed punishment nor was it mentioned that it is not in the interest and the security of the state. Therefore, he was entitled to be given a show cause notice against the proposed punishment under Rule 359 (11) (2) of the J&K Police Manual Vol. II that has not been given. As such order of dismissal suffers from serious infirmity and cannot be sustained in the present form."*

16. Looking at the instant petition from the perspective of the law evolved on the subject no record has been placed by the respondents before this Court to show and suggest that any inquiry was conducted into the matter in accordance with the rules governing the field. There is no evidence on record to state and show that the statement summarizing the alleged misconduct on the part of the petitioner has been read over and explained to her. Not even a murmur has been made to state that any evidence was recorded in the case. The procedure laid down to conduct an enquiry in the rules cited above does not appear to have been followed at any stage, as a consequence of which, the impugned order of discharge cannot survive and sustain in the eyes of law. The order dated 11.10.2005 cited above is a sequel to the fact that it has been issued in a rough shod manner and no enquiry has been conducted into the matter. No charge sheet appears to have been framed against the petitioner and no notice to show cause against the penalty proposed to be imposed on her has been issued. What is the evidence that has formed the base line of the order of the dismissal of the

petitioner has not come forward. The rules appear to have been flouted with impurity.

17. Viewed in the above context, the penalty imposed upon the petitioner, being contrary to the law and reason, cannot be upheld, as a consequence of which, the impugned order bearing No. 1037 of 2002 dated 16.10.2002, is quashed.

18. The respondents shall, however, be free to hold a regular enquiry against the petitioner strictly in accordance with the provisions of the Jammu and Kashmir Police Manual. However, since a lot of water has flown down the Jehlum, since the date of passing of the order of the discharge of the petitioner, therefore, if the Respondents decide to hold any enquiry, the same shall be initiated and brought to its logical conclusion, within a period of two months from the date the copy of this order is served on them. The quashment of the impugned order as above shall not entitle the petitioner to claim any salary/ remuneration or wages during the period she was out of service. The Respondents shall deal with this issue after the final report of the enquiry is received by them and shall decide the same in view of the conclusions drawn by the enquiry Officer.

19. The writ petition alongwith connected MP(s) is **disposed** of as above.

(M. K. Hanjura)
Judge

SRINAGAR
31/03/2018
N Ahmad