Subject:- Acceptance of Enquiry Report submitted by the Enquiry Officer in respect of charges framed against Shri Atul Kumar Goel, IPS (JK: 2004) and treatment of intervening period thereof.

Government Order No. 1548 – Home of 2018

Dated 30.09.2018

Whereas, an application for grant of 02 years of study leave in favour of Shri Atul Kumar Goel, IPS SP City South Srinagar was received from PHQ vide letter dated 23.04.2009, mentioning therein that the officer has not completed the requisite length of service for grant of study leave under AIS (Study Leave) Regulations, 1960, but a request was made for consideration in relaxation of rules, citing that the course is from a reputed Institute; and

2. Whereas, vide Home Department’s letter dated 29.05.2009, PHQ was conveyed that no public interest is involved in granting the officer study leave before he is eligible in terms of the said Regulations; and

3. Whereas, PHQ, vide letter dated 01.07.2011, informed that Shri Atul Kumar Goel applied for 45 days earned leave w.e.f. 18.05.2009 with permission to proceed abroad on personal grounds and this leave was sanctioned in favour of the officer vide PHQ order No. 1804 of 2009 dated 14.05.2009 from 18.05.2009 to 01.07.2009 with permission to leave for abroad. The officer was pursuing a study course in USA and did not resume his duties after the expiry of the leave period of 45 days. It was also stated that the officer joined at PHQ on 28.06.2011 after a period 726 days of absence; and

4. Whereas, the Home Department, inter-alia, served a Memorandum dated 18.05.2015 alongwith Articles of the Charge and Statement of Imputations to the officer to which the officer was directed to submit a response within 21 days; and

5. Whereas, the following Articles of Charge were firmed up by the department against the officer:-
“Whereas, Shri Atul Kumar Goel, IPS has flagrantly violated the provisions of the All India Services (Study Leave) Regulations, 1960, the All India Services (Leave) Rules, 1955, exhibited conduct which is unbecoming of a senior police officer, lack of devotion to duty for which he is liable for disciplinary action in terms of the All India Services (Discipline and Appeal) Rules, 1969 and the all India Services (Conduct) Rules, 1968”; and

6. Whereas, Shri Atul Kumar Goel, IPS, submitted his reply dated 05.06.2015 and inter-alia made a plea that he had proceeded for the course in public interest and that his period of study from 02.07.2009 to 27.06.2011 may be treated as extraordinary leave under Rule 15 of the All India Services (Leave) Rules, 1955; and

7. Whereas, notwithstanding the above, vide Government Order No. 279-Home of 2015 dated 21.07.2015, the Home Department instituted an enquiry against the officer to be conducted by Shri V.K Singh, IPS, the then ADGP, Security; and

8. Whereas, the Inquiry Officer completed the enquiry and submitted his report vide communication No. SHQ/PS/Enq/AG/16/1412 dated 21.01.2016 with the following findings/conclusion:-

"i) Shri Atul Kumar Goel, IPS (JK; 2004) the then SP City South Srinagar, at present Superintendent of Police, National Investigation Agency, applied for two years Study leave to DGP, J&K for pursuing two years degree course in “Public Administration” at John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts, USA and the study leave was not admissible to him before completion of seven years of service in terms of Rule 3 of All India Service (Study Leave) Regulations, 1960.

ii) That Shri Atul Kumar Goel, IPS was sanctioned 45 days earned leave by the DGP J&K w.e.f. 18.05.2009. DGP J&K was not competent to permit the officer to visit abroad nor any permission had been granted for the two years study programme.

iii) The Home Department categorically conveyed to the DGP J&K that there was no public interest involved in permitting the charged officer to proceed on study leave before he is eligible in terms of the IPS Regulations. Despite these clear cut instructions, Shri Atul Kumar Goel, IPS chose to proceed abroad to pursue the study course, continued with his study programme and remained willfully absent for 726 days (i.e. from 02.07.2009 to 27.06.2011).
iv) Shri Atul Kumar Goel, IPS in this was has flagrantly violated the provisions of the All India Services (Study Leave) Regulations, 1960, exhibited conduct which is unbecoming of a senior Police Officer, lack of devotion to duty for which he is liable for disciplinary action in terms of All India Service (Discipline and Appeal) Rules, 1963.

While, the Articles of Charge stand established to the extent as listed above, however, there is a need to take a dispassionate view in regard to disciplinary action against the Charged Officer for the following reasons:-

a). Rules notwithstanding the knowledge and the work-related skills acquired by the officer at prestigious institution like Jhon F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts, USA would empower the officer in the discharge of his duties.

b). The officer was in the formative stage of his career. There is no doubt that the reputation and dedication of the officer, barring this instance, has been of high order and he has been entrusted with challenging responsibilities both by the Government of J&K and the Government of India; and

9. Whereas, having regard to the above, and the fact that Shri Atul Kumar Goel, IPS on his return from USA on 27.06.2011, was allowed to join the Department and has served in various capacities, including his posting on Central deputation, the matter was placed before the Hon’ble Governor through Chief Secretary in coordination.

10. Whereas, GAD vide OM No. GDC-154/CM/2018 dated 22.09.2018, has conveyed the approval of the Hon’ble Governor on the following:-

“ i). The Report of the Enquiry Officer is accepted.

ii). No Penalty is imposed on the officer in terms of Rule 9 of All India Services (disciplinary & Appeal) Rules, 1969.

iii). The period absence of Shri Atul Kumar Goel, IPS (JK; 2004) from 02.07.2009 to 27.06.2011 is converted into extraordinary leave in terms of Rule 15 (2) of All India Services (leave) Rules, 1955.

iv). MHA, GoI may be informed of the action taken.”

11. Now therefore, the report of the Enquiry Officer is accepted and the period of absence of Shri Atul Kumar Goel, IPS (JK; 2004), from
02.07.2009 to 27.06.2011 is treated as **extraordinary leave** in terms of Rule 15 (2) of All India Services (Leave) Rules, 1955. Accordingly, enquiry instituted against Shri Atul Kumar Goel, IPS (JK: 2004) vide Government Order No. 279-Home of 2015 dated 21.07.2015 is hereby closed.

Sd/-

(R.K. Goyal), IAS  
Principal Secretary to the Government  
Home Department

No: Home/PB-I/PF/AGK/2009  
Dated: 24-09-2018

Copy to the:-

1. Secretary, Ministry of Home Affairs, Government of India, New Delhi
2. Principal Secretary to the Hon’ble Governor.
3. Director General of Police, J&K Srinagar.
4. Director, Department of Archives, Archaeology and Museums.
5. OSD to Advisor (K) to the Hon’ble Governor.
6. Concerned officer.
7. Private Secretary to the Chief Secretary.
8. Private Secretary to Principal Secretary to Government, Home Department.
9. Incharge Website, Home Department.

(Syed Yasir Farooq) RAS 24-09-18
Under Secretary to Government  
Home Department