

Government of Jammu and Kashmir
Forest, Ecology & Environment Department
Civil Secretariat, Jammu

Subject: - SWP No. 331/2016 titled Showkat Hussain Mintoo V/s State of J&K & Others.

Government Order No. : 79 - JK (FST) of 2021
Dated : 08.07.2021

Whereas, a complaint was lodged before the then vigilance organization (now ACB) in the year 2011 against S/Sh. S.H Mintoo, the then Divisional Manager, Extraction Division Bhandarwah, Mohd Ayoub Zargar, Dy. Manager and Mohd Ramzan Butt, the then in charge compartment 22/Kellar, regarding embezzlement of timber extracted from Comptt. 22/Kellar; and

Whereas, based on the allegations levelled against the officers/officials in the complaint, a departmental enquiry was ordered against the aforesaid officers/officials and articles of charges were served to the officers/officials inter-alia on the grounds, viz. (a) Causing wilful damage to corporation property, (b) Causing loss to SFC exchequer and (c) Gross negligence in supervision of Corporation stocks; and

Whereas, on receipt of the reply to the charge sheet, a formal enquiry was ordered to be conducted vide SFC Order No. 110 of 2012 dated 22.03.2013; and

Whereas, the enquiry committee upon taking evidence submitted a report dated 25.04.2013, wherein, charges of embezzlement against the Officers/Officials were found baseless, but, the committee came to the conclusion that there were administrative lapses on the part of the petitioner. What was stated in its observations in paragraphs (vi), (vii), (x) & (xi) is as under:-

(vi) *Losses reported at both the occasions viz. in February 2008 and March 2009 have been taken very lightly by the authorities, i.e., DM/GM/RM concerned who were directly responsible for the execution of the works and not pursued seriously with the authorities at Head Office i.e. GM(R&B) responsible for monitoring and advising the MD SFC on the working of SFC in each Division.*

(vii) *The DM of the time failed to conduct the inspection of the reported lost stocks and take any preventive or recovery measures. As such, administrative is lapse on his part.*

(x) *The official functionaries including the DM/GM of the time failed to discharge their duties seriously and in right earnest of supervisory obligations as well as in stopping the GREF agency from inflicting losses to SFC timber if it was actually being done*

by the GREF. They (SFC functionaries) should have even registered the FIR's in this case.

- (xi) *During the spot inspection by Sh. D.L. Sharma, Ex. G.M. (V&S) (as per his report) alongwith DM Audit-I and others at Senai on 20-21/04/2012 about 9 logs were found fully and partly buried under boulders and debris was observed which clearly indicated that the loss to the timber by way of bulldozing and slides too have taken place. Extent of and quantum of losses occurred due to this cannot be assessed at this moment.*

Whereas, consequent to the aforesaid Enquiry Committee report, the Managing Director, SFC vide his office communication No. 4749/Bx/SFC dated 12.03.2014, recommended that allegations of misappropriation of SFC stocks against the officers/officials be dropped and proposed that the royalty loss suffered by the J&K State Forest Corporation amounting to Rs. 92,922.41 shall be recovered from S/Shri S.H. Mintoo the then Divisional Manager Bhandarwah and Mohammed Ramzan Butt, Supervisor Grade-I in equal proportion; and

Whereas, the recommendation was accordingly, submitted for appropriate orders before the SFC Management Committee. The SFC Managing Committee in its meeting held on 01.08.2015 after considering the entire matter arrived at a conclusion to uphold the recommendations of the then MD with regard to dropping of the charges as well as writing off the royalty. Thereafter, the matter was, referred to the Administrative Department for approval; and

Whereas, the Administrative Department examined the recommendations of the Management Committee and taking cognizance to the report of the enquiry committee and the recommendation of the then Managing Director, State Forest Corporation furnished vide NO. 13/GM/V&S/SFC dated 24.04.2013 and No. 4779-50/Bix/SFC dated 12.03.2014, directed to effect recovery of loss of royalty amount to Rs. 92,922.41 suffered on this account by the SFC from Sh. S.H. Mintoo the then Divisional Manager Bhandarwah and Mohammed Ramzan Butt, Supervisor Grade-I in equal portion; and

Whereas, the Managing Director, SFC vide his order No. 16 of 2016 Dated 02.02.2016 ordered for recovery of the amount of Rs.92,922.41/- from Sh. S.H. Mintoo and Sh. Mohammad Ramzan Butt, in equal proportion; and

Whereas, Sh. S.H. Mintoo challenged the said order before the Hon'ble High Court at Jammu by filling writ petition bearing SWP No.331/2016, the said writ petition was disposed of by the Hon'ble Court on 16.05.2018 by quashing the impugned order and directed the Government to re-look on the entire issue and take an independent view of the matter, after considering in its correct prospective the recommendations made by the SFC, Managing Committee; and