

GOVERNMENT OF JAMMU AND KASHMIR
FOREST, ECOLOGY & ENVIRONMENT DEPARTMENT
Civil Secretariat, J&K, Jammu /Srinagar

Subject: - Initiation of RDA against Shri. Humayun Kabir Qadri, then DFO Lidder Forest Division District Anantnag and Sh. Suhail Younis Shikari, then Range Officer Forest Range Bijbehara Anantnag (Ver-No-APKS-09/2018).

Government Order No: - 176- JK (FST) of 2024
Dated: - 22 .07.2024

Whereas, the General Administration Department vide OM No. GAD-VIGORDA/27/2021-02-GAD dated 14.07.2021 has forwarded a copy of communication No. ACB/Veri-APKS-09/2018/6519-21 dated 22.03.2021 alongwith enclosures as received from the Anti Corruption Bureau, J&K and requested for initiation of Regular Departmental Action (RDA) against Sh. Humayun Kabir Qadri, the then DFO, Lidder Forest Division, District Anantnag and Sh. Suhail Younis Shikari, the then Range Officer, Forest Range Bijbehara District Anantnag, as recommended by the Bureau, in terms of J&K CS(CCA) Rules, 1956 and circular instructions issued vide Circular No. 06-JK(GAD) of 2020 dated 03.02.2020;

Whereas, the department initiated RDA against the above mentioned delinquent Officers and served Articles of Charges, Statement of Imputations and Gist of Evidences to these delinquent Officers, as per the guidelines;

Whereas, in the meantime, the General Administration Department vide OM No. GAD-VIGORDA/27/2021-02-GAD dated 22.09.2021, in continuation to their earlier OM dated 14.07.2021 forwarded a copy of letter No. ACB-Veri-APKS-09/2018-17437-38 dated 05.08.2021, along with revised Draft Articles of Charge, Statement of Imputation and Gist of Evidences as received from Anti Corruption Bureau to be served upon Shri. Humayun Kabir Qadri, then DFO, Lidder Forest Division, District Anantnag;

Whereas, the charges levelled by the Anti Corruption Bureau, J&K against Sh. Humayun Kabir Qadri, then DFO, Lidder Forest Division, District Anantnag and Sh. Suhail Younis Shikari, then Range Officer, Forest Range Bijbehara District Anantnag were as under:-

- i. The demolition/construction of structures at Ashmuqam, Yanard Phalagam etc, were found to be executed in violation to codal formalities.
- ii. No embezzlement of funds/misappropriation of material so obtained from demolition of structures has been found.
- iii. The delinquent officers/officials were failed to protect the property of department as 03 marlas of land has been found to be encroached.

Whereas, the department sought the opinion of the General Administration Department w.r.t serving revised Articles of Charges, statement of

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Imputations and Gist of Evidences upon Sh. Humayun Kabir Qadri, then DFO, Lidder Forest Division, District Anantnag

Whereas, the General Administration Department vide UO No. GAD-VIGORDA/27/2021-02-GAD dated 28.10.2021 conveyed as under:-

Returned. 'The Department is advised to serve the revised charge-sheet to Sh. Humayun Kabir Qadri, the then DFO Lidder Forest Division, District Anantnag, as furnished by Anti Corruption Bureau vide letter dated 05-08-2021 and forwarded to the Department of Forest, Ecology & Environment vide this Department's O.M No GAD-VIGORDA/27/2021-02-GAD dated 22-09-2021. The Department is further advised to conclude the RDA in the specified time period.'

Whereas, the Articles of Charges, Statement of imputations and Gist of Evidences as received from the Anti Corruption Bureau, J&K were served upon Shri Humayun Kabir Qadri, the then DFO Lidder Forest Division, District Anantnag and Sh. Suhail Younis Shikari, then Range Officer, Forest Range Bijbehara District Anantnag and they were directed to submit reply within a period of 15 days failing which further proceedings would follow;

Whereas, Shri Humayun Kabir Qadri, the then DFO Lidder Forest Division, District Anantnag and Sh. Suhail Younis Shikari, then Range Officer, Forest Range Bijbehara District Anantnag, denied all the allegations/charges levelled against them and upon examination, the reply of these officers was not found to be satisfactory and, as such, as per the guidelines, a need was felt to appoint an Inquiry officer in the matter;

Whereas, vide Government Order No. 164-JK(FST) of 2021 dated 15.12.2021, Mr T. S Ashok Kumar, IFS (AGMUT:1992), APCCF/Director, Soil & Water Conservaton, J&K was appointed as Inquiry Officer in the matter and Divisional Forest Officer , Anantnag was appointed as the Presenting Officer in the case;

Whereas, the Inquiry Officer vide letter No. ATS/Inquiry-1/2021 dated 18.04.2022 submitted the enquiry report and recommended as under on the basis of findings:-

- i. **Both the officers (Mr. H.K Quadri and Mr. S.Y Shikari) may be exonerated from the charge that they failed to prevent encroachment of 3 Marlas of land at Aishmuqam, Sheikh Mohalla.**
- ii. **An advice to be careful in future may be issued to Mr. H. K. Quadri w.r.t execution of works without AA and TS at Yanner and clearing of old structures at Aishmuqam and Yanner without following proper procedures.**

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- Singh, A.C.
- iii. An advice to remain careful in future may be issued to Mr. S.Y Shikhari w.r.t clearing of old structures at Aishmuqam without following proper Procedures.
 - iv. Circular instructions may be issued to all the officers to desist from issuing verbal instructions to subordinates regarding implementation of work or any other action. If any verbal instructions are issued in unavoidable circumstances the instructions should be issued/confirmed in writing at the earliest by the officer issuing verbal instructions.

Whereas, in the meanwhile, in a separate development, Mr. Suhail Younis Shikari, Forester(I/c Range Officer) was arrested by ACB, Anantnag and he was placed under suspension by Conservator of Forests, Kashmir, South Circle w.e.f., 02.07.2022 which case is being decided separately;

Whereas, the matter was referred to the General Administration Department, who in response vide GAD-VOGORDA/27/2021-02-GAD dated 01.12.2023 conveyed as under:-

Returned. After examination of the case in General Administration Department, it has been observed that the Charged Officers of Forest Department have been found negligent in performing their legitimate duties as they have demolished the existing dilapidated old structure/executed the fresh work without prior AA and TS, which is reported to have been done on the verbal directions of higher Authorities at that time and for such delinquency, the Forest department has proposed imposition of minor penalty. It has been also observed that no embezzlement have been reported by the Inquiry Officer, besides, the allegations of causing encroachment of Forest Land measuring 1 Kanal 3 Marlas at Aishmuqam Sheikh Mohalla have not substantiated as the land has been found intact. On further examination, it has been found that one of the delinquent namely Suhail Younis Shikari, then I/C Range Officer had been arrested on 30.06.2022 in case FIR No. 10/2022 P/S, ACB Anantnag, while demanding and accepting Rs. 10,000/- as bribe (Trap Case), The officer has been placed under suspension w.e.f 02.07.2022 and is presently on bail. The case is under investigation with ACB and final report is yet to be submitted by the Bureau. While considering the case of Suhail Younis Shikari, then I/C Range Officer, it has been observed that the two cases, one the RDA case and another the Trap Case in which the officer is involved, are separate and one case may not have the bearing on the other case but it speaks about the misconduct on part of the officer who was caught red handed accepting the bribe. In the RDA case, the Inquiry Officer has recommended for exoneration of Shri Suhail Younis Shikari with the advice to remain careful in future, however, for the negligence in

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performing duties in his capacity as I/C Range Officer, he deserves to be imposed a minor penalty similar to that of another co-accused Humayun Kabir Qadri, then DFO.

On consideration of the case, the Competent Authority has observed that the delinquent officers have been found negligent in performing duties, as such, a minor penalty of 'Censure' is warranted against them under CCA Rules. It was further observed that the Trap Case shall not be having any bearing on the closure of the instant RDA case w.r.t. Suhail Younis Shikari after imposition of a minor penalty.

The Competent Authority has further directed that the report of the Inquiry Officer alongwith the proposal of imposition of minor penalty upon the delinquents, shall be accepted after the Forest Department certifies that the Works in question have been executed as per the specifications with no embezzlement of funds, besides certifying that no encroachment of the land in question has taken place and the land is intact as on date.

Consequent upon the above observations/directions, the Department of Forest, Ecology & Environment is advised to take further necessary action, accordingly, and submit the response, at the earliest.

Whereas, the department accordingly vide letter No. FST-RDA/1/2021-02 dated 28.12.2023 requested Principal Chief Conservator of Forests/HoFF, J&K to certify that the works in question have been executed as per the specifications, with no embezzlement/misappropriation of funds and also to certify that the encroachment of land in question (3 Marlas of Land) at Aishmuqam, Sheikh Mohalla has not taken place and is intact;

Whereas, the Principal Chief Conservator of Forests/HoFF, J&K vide letter No. PCCF/Estt/G/7377265/600 dated 01.07.2024 forwarded a copy of report submitted by the DFO Anantnag Forest Division wherein he has intimated that the work has been done quantitatively and qualitatively as per norms/estimates and financial bookings made for the same and no encroachment of land has taken place. DFO Anantnag has further certified that as per enquiry reports, records perused and field inspection that:-

- i. All works have been done quantitatively as well as qualitatively as per norms/estimates and financial bookings made for the same.
- ii. No encroachment of land has taken place.

Whereas, after examining the Inquiry Report, the recommendations made thereof were placed before the Competent Authority, who, after consideration, accepted the report and approved dropping of charges leveled against Shri Humayun Kabir Qadri, the then DFO Lidder Forest Division, District Anantnag. However, a minor penalty of Censure in terms of Article 30 of J&K CCA Rules, 1956, has been approved to be imposed against him with the directions to remain careful in future; and

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Now, therefore, the charges levelled against Shri Humayun Kabir Qadri, the then DFO, Lidder Forest Division, District Anantnag, In verification No. ACB/Veri-APKS-09/2018/6519-21 dated 22.03.2021, served upon him, are hereby dropped and the officer is, accordingly, exonerated of the said charges. However, a minor penalty of Censure in terms of Article 30 of J&K CCA Rules, 1956, is imposed upon the officer with the directions to remain careful in future, in view of the procedural delinquency exhibited by the officer.

By Order of the Government of Jammu and Kashmir.

Sd/-
(Dheeraj Gupta), IAS
Financial Commissioner (Additional Chief Secretary)

No: FST-RDA/01/2021-02

Dated:-22.08.2024

Copy to the:-

1. Principal Chief Conservator of Forests/HoFF, J&K.
2. Commissioner/ Secretary to the Government, General Administration Department.
3. Principal Secretary to the Hon'ble Lieutenant Governor, J&K
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
5. Director, Archives, Archaeology and Museums, J&K.
6. Concerned Officer
7. PS to Chief Secretary, J&K.
8. PS to Financial Commissioner, (Additional Chief Secretary), Forest, Ecology & Environment Department
9. I/c Website.
10. Government Order file (w.3.s.c)/Stock file.

Raj Kumar Sharma
(Raj Kumar Sharma)
Under Secretary to the Government