

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

Subject: CPSW No. 69/2017 titled Mohd. Shafi Dar Vs. Sanjeev Sharma-
Constitution of a fact-finding committee thereof.

Government Order No: - 209 JK (FST) of 2023
Dated: - 31 .10.2023

Whereas, the petitioner, was facing criminal trial on account of having entered into the department on the basis of a fake appointment order accordingly the Chief Conservator of Forests vide communication dated 12.05.2001 directed Divisional Forest Officer, Pirpanjal forest Division, Budgam to with-held his pay and attach him to Divisional Office forthwith;

Whereas, the petitioner being aggrieved of communication dated 12.05.2001 of Chief Conservator of Forests, Kashmir, had approached the Hon'ble Court, seeking therein direction upon the respondents to release his salary on a post commensurate with his status, which was stopped on account of his fake appointment order.;

Whereas, the petitioner was acquitted by the trial Court vide judgment dated 20.07.2012, as not proved;

Whereas, the writ petition was disposed of by the Hon'ble Court vide its order dated 11.11.2013, operative part whereof reads as under: -

"...This petition can be disposed of at this stage without issuing notice to respondents, as no departmental enquiry has been conducted against the petitioner, who stand acquitted in criminal case lodged against him allegedly for seeking appointment on a fake and false order.

This petition, along with connected CMP is disposed of by directing respondents to release unpaid salary of petitioner and also to adjust him on a post commensurate with his status..."

Whereas, an inquiry committee was conducted by the Chief Conservator of Forests Kashmir vide Order dated 01.11.2016, to submit fact finding report in the matter and the said inquiry committee concluded in its report that the

petitioner was never appointed in Forest Department but had managed to enter in the department either by manipulating records or by producing fake and fictitious orders;

Whereas, LPA and SLP filed in the matter have been dismissed by the Competent Courts and with the dismissal of SLP, this department vide communication dated 03.03.2020 advised the PCCF, J&K to implement the judgment dated 11.11.2013;

Whereas, the petitioner was allowed to join by the DFO concerned on 19.08.2020, as mentioned in communication dated 16.10.2021 from the PCCF, J&K and concurrence to the payment of salary arrears amounting Rs. 66.09 lakh (approx.) for the period w.e.f. 01.05.2001 up to 18.08.2020 was also sought in the aforesaid communication dated 16.10.2021;

Whereas, vide this department's communication dated 07.07.2022, PCCF, J&K was asked to inform whether or not, petitioner was actually performing his duties during the aforesaid intervening period;

Whereas, in response, office of PCCF, J&K vide its communication dated 21.07.2022 forwarded a report dated 14.07.2022 furnished by the DFO concerned, wherein DFO concerned had stated that no such record available in this division proves that the official was performing his duties w.e.f. 13.05.2020 till his re-joining date viz., 19.08.2020;

Whereas, on the aforesaid report of DFO concerned, compliance report was filed by this department in the contempt petition and the Hon'ble Court was pleased to close the contempt petition vide order dated 25.11.2022;

Whereas, after the contempt proceedings were closed by the Hon'ble Court, the department received an order dated 01.09.2023 passed by the Hon'ble Court in the same contempt petition, rejecting therein the earlier compliance report that was filed by this department and further directing the respondent No. 1 to file a fresh compliance report in accordance with the letter and spirit of the impugned judgment failing which respondent No. 1 was directed to appear in person on 20.10.2023;

Whereas, on 20.10.2023, the Hon'ble Court has directed to file fresh compliance report to the judgment in terms of order dated 01.09.2023, failing which respondent No. 1 has been directed to appear in person on the next date of hearing viz., 03.11.2023; and



Whereas, keeping in view the above stated position, sanction is hereby accorded to the constitution of a fact-finding committee, comprising the following, to determine the “*unpaid salary due to the petitioner*” in terms of the orders of the Hon’ble Court: -

- | | |
|---|------------|
| 1. Pr. Chief Conservator of Forests (HoFF), J&K | (Chairman) |
| 2. Chief Conservator of Forests, Kashmir | (Member) |
| 3. Director Finance, FE&E Department | (Member) |
| 4. Divisional Forest Officer, Budgam | (Member) |
| 5. Dy. Legal Remembrancer, FE&E Department | (Member) |

Whereas, the aforesaid committee shall submit its recommendations, along with justification and documents, in support of its findings and recommendations within a week, by 06/11/2023, after affording a reasonable opportunity to the petitioner to present his case and be heard.

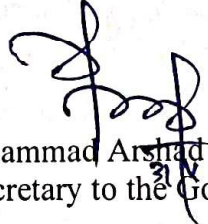
Sd/
(Dheeraj Gupta) IAS
Principal Secretary to the Government

No. FST-Lit/137/2021-02-Forest Deptt.

Dated: - 31.10.2023

Copy to the: -

1. Pr. Chief Conservator of Forests (HoFF), J&K.
2. Chief Conservator of Forests, Kashmir.
3. Director Finance, Forest, Ecology & Environment Department.
4. Divisional Forest Officer, Budgam.
5. Dy. Legal Remembrancer, Forest, Ecology & Environment Department.
6. G.O./Office file.


(Mohammad Arshad Jan)
Under Secretary to the Government