



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

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**Subject: Regular Departmental Action in case FIR No. 23/2011  
P/S Vigilance Organization Kashmir (ACB) - reg.**

**Government Order No. : 212-JK (FST) of 2023  
Dated : 01.11.2023**

**Whereas,** the General Administration Department (GAD) sanctioned prosecution for commission of offenses punishable U/S 5(1)(c)(d), r/w 5(2) of the Prevention of Corruption Act, Samvat, 2006 and Section 120-b, 468, 471 RPC in case FIR No. 23/2011 P/S-Vigilance Organization Kashmir {now called Anti-Corruption Bureau (ACB)}, vide Government Order No. 50-JK(GAD)Vig of 2020 dated 07.10.2020; and

**Whereas,** the said FIR was registered on the basis of outcome of verification conducted by Vigilance Organization, Kashmir (ACB), sustaining the allegations of criminal misconduct by the officers/officials of Soil and Water Conservation, Division, Puhru, Langate, Handwara, during September, 2009-2010, in construction of 81 Farm ponds under *Micro Watershed Scheme* in the Ranges of Lolab, Talri, Hamal and Kehmil; and

**Whereas,** the GAD, vide O.M. No. GAD(Vig)25-SP/2019, dated 07.10.2020, asked this Department to:

- i) Initiate Regular Departmental Action (RDA) against the following  
24 (Twenty Four) Officers/officials of the  
Department of Forest, Ecology and Environment, in terms of the  
J&K Civil Services (Classification, Control and Appeal) Rules, 1956  
and circular instructions notified by the GAD in this regard, and**
- ii) to place the delinquent officers and officials under  
suspension, pending inquiry; and**

**Whereas,** in pursuance of the instructions so received from the GAD, this Department, vide Government Order No. 06-JK(FST) of 2021, dated 19.01.2021, placed only 20 (Twenty) officials from amongst the list of following 24 (Twenty four) officers/officials, under suspension, as the RDA/suspension could not be ordered against 04 (four) officers/officials, as 03 (three) officials had retired from Government Service and 01 (one) had expired:

S.No	Name of official	Parentage	Residential address	Designation
1.	Mohd Muzamil Shah	Abdul Salam Shah	Lawoosa Nowgam, Handwara.	Mali
2.	Mohd Sultan Wani	Mohd Afzal Wani	Mawar Payeen Handwara.	Forest Guard
3.	Ab. Rashid Malik	Habibullah Malik	Drungroosa Mawar, Handwara.	Watcher
4.	Bashir Ahmad Peer	Ghulam Rasool Peer	Dhirhama, Lach Mawar, Handwara.	Watcher
5.	Manzoor Ahmad War	Ab. Jabbar War	R/o Shirhama, Mawar, Handwara.	Mali
6.	Parvaiz Ahmad Bhat	Late Ghulam Ahmad Bhat	Mundigam, Handwara.	Block Officer, Cherhar
7.	Parvaiz Ahmad Bhat	Khazir Mohd Bhat	Handwara Partly	Watcher
8.	Javid Ah Wani	Sonauallah Wani	Mawar Handwara.	Block Officer, Moori
9.	Gh. Nabi Lone	Kahwaja Asaddulah Lone	Dardsun.	Helper
10.	Mohd Yaseen Mir	Mohd Abdullah	Thayan Kalaroos Kupwara.	Helper
11.	Ab. Hamid Malik	Mohd Yaqoob Malik	Thayan Kalaroos Kupwara	Helper
12.	Mohd Anwar Malik	Faqir Mohd. Malik	Kalaroos Kupwara.	Helper
13.	Noorul Amin Malik	Gh. Rasool Malik	Handwara.	RO Kehmil
14.	Syed Mohd Farooq Indrabi	Syed Sonauallah	Dooniwari Kupwara.	Block Officer, khurhama
15.	Manzoor Ahmad Hurray	Mohd Sadiq Hurray	Gagal Lolab.	Helper
16.	Wali Mohd Khan	Haji Ghulam Hassan Khan	Dooniwari Lolab Kupwara.	Block Officer Varnow
17.	Habibullah Ganie	Ab. Subhan Ganie	Khunmriyal.	Helper

18.	Mohd Anwar Lone	Ab. Ahad Lone	Khumriyal Kupwara.	Helper
19.	Mohd Yousuf Peer	Sonaullah Peer	Dedikoot Kupwara.	Helper
20.	Gh. Mohi-ud-Din Rather	Ab Aziz Rather	Neelipora Magam Handwara.	Mali
21.	Khazir Mohd Mir	Ab. Satar Mir	Khumriyal Kupwara.	Helper
22.	Bashir Ahmad Ganie	Ab. Rahim Ganie	Handwara (Bandi Mohallah).	Forest Guard
23.	Ab. Rashid Mir	Ab. Ahad Mir	Khumriyal Kupwara	Helper
24.	Bashir Ahmad Mir	Ghulam Hassan Mir	Khumriyal kupwara.	Helper

**Whereas**, following officials, out of the aforesaid list, were found to have retired/expired before the institution of the inquiry:

1	Mohd Muzamil Shah	Abdul Salam Shah	Lawoosa Nowgam, Handwara.	Mali	Retired
2.	Gh. Mohi-ud-din Rather	Ab Aziz Rather	Neelipora Magam Handwara.	Mali	Retired
3	Wali Mohd Khan	Haji Ghulam Hassan Khan	Dooniwari Lolab Kupwara.	Block Officer, Varnow	Retired
4.	Gh. Nabi Lone	Kahwaja Asaddulah Lone	Dardsun.	Helper	Expired

**Whereas**, the suspended officers/officials were simultaneously attached in the office of the Chief Conservator of Forests, Kashmir, vide Government Order *ibid*; and

**Whereas**, the Department, in the meantime, received revised Charge-sheets from the ACB which were served upon the accused Officers/officials through the office of the PCCF (HoFF), J&K. Subsequently, the replies were received in the department through PCCF (HoFF), J&K. The accused, while replying to the Charge-sheets, denied their charges. However, on examination of the same, the replies were found unconvincing/unsatisfactory, which necessitated appointment of Inquiry Officer in the matter; and

**Whereas**, this Department, vide Government Order No. 47-JK(FST) of 2021, dated 22.04.2021, appointed Mr. Irfan Rasool Wani, IFS, as Inquiry Officer to institute enquiry against the delinquent officers/officials. Further, vide

Government Order No. 60-JK(FST) of 2022 dated 05.05.2022, Mr. Mohammad Maqbool Bhat, Administrative Officer, in the Office of Chief Conservator of Forests (CCF), Kashmir, was appointed as Presenting Officer in the matter; and

**Whereas**, the Inquiry Officer has submitted his inquiry report along with recommendations, vide No. FD/CFN/2022-23/PS/370 dated 05.09.2022; and

**Whereas**, on perusal of the inquiry report, it was found that Inquiry Officer has squarely held responsible all the Officers/Officials for omission/commission. Meanwhile, the recommendations were made in each case separately by the IO, and are summed up as under:-

*The Officers/officials under inquiry have displayed serious negligence, inefficiency and impropriety in the conduct of official duties amounting to misconduct, not willful in the execution of works and processing of financial statements pertaining to said works under question. Appropriate necessary action is, therefore, recommended to be taken commensurate with the degree of delinquency against the said government servants and the case be disposed of, accordingly.*

**Whereas**, the Inquiry Officer, in **unequivocal terms**, has concluded that **the concerned Forest Division has seriously erred** in implementing the said project on ground. The exorbitance in work done estimate and deviations from design are established, as the evidences on record proves lack of conformity in model executed on ground and corresponding amount chargeable. Thus, it can be safely concluded that there has been commission of financial irregularities. Due to said irregularities, an exorbitant rate of Rs.19428/- @ Rs. 8428.00/- exorbitance per Pond, the government has evidently suffered losses amounting to Rs. 8428.00 x 81 farm ponds = Rs. **6,82,668.00/-** ;

**Whereas**, the loss to the State exchequer, working out to the tune of Rs. 6,82,668.00/- in the execution of said project, is detailed as under:-

#### Calculation of Exorbitance

Analyzed rate per pond	Rs. 10985.00
Paid Rate per pond	Rs. 19428.00
Therefore, excess paid Per pond	Rs. 8428.00
Aggregate Loss (81 Ponds)(8428x81)	Rs. <b>6,82,668.00</b>

**Whereas**, the PCCF(HoFF), J&K vide his letter No. PCCF/NG/Estt/2841, dated 19.12.2022, informed that Mr. Bashir Ahmad Mir S/o Ghulam Hassan Mir, Watcher of Soil & Water Conservation Division Pohru, died on 27.01.2022, during the period of suspension and recommended to reinstate the official from the date of his suspension i.e. 19.01.2021 to 26.01.2022, in terms of Article 108-BB of J&K CSRs;

Whereas, in light of the findings/report, and evidences of serious negligence, inefficiency and impropriety in the conduct of official duties, amounting to misconduct, and consequent loss to the Government exchequer matter with regard to imposition of penalty in terms of Rule 30 of the J&K CS (CCA) Rules, 1956, and recovery of losses to the tune of Rs.6,82,668/-from all the accused officials, as per the quantum specified in each case was taken up with the Finance Department for opinion.

Whereas, the Finance Department returned the file, vide their U. O. No. FD-Codes/66/2022-03-576, dated 14.02.2023, with the following advice:

*"The Department is advised to place the report of the Inquiry Officer before the Competent Authority (Appointing Authority) for consideration and further action. Since the matter is sub-judice, the Department may also obtain the opinion of Law Department."*

Whereas, in light of the advice of the Finance Department, the matter was referred to the Department of Law, Justice and PA for opinion. Vide U.O No. Law-SerL/6/2023-10 dated 03.03.2023, the Department of Law, Justice and PA has opined as under:

*"Returned: Rule-32 of the Jammu and Kashmir Civil Services (Classification Control & Appeal) Rules, 1956, provides that Government may impose any of the penalties specified in Rule-30 on any Member of Service. It further stipulates that subject to such conditions, if any, as Government may prescribe, it may delegate to any subordinate authority power to impose any of the penalties specified in Rule-30. Therefore, the Administrative Department is empowered to impose penalties on the delinquent officials notwithstanding the fact that HoD concerned is their appointing authority. More so in the present case the officials have been put under suspension by Administrative Department, as such, it would be fair if the inquiry report is considered for acceptance or otherwise by the Administrative Department, which is an authority superior to their appointing authority.*

*Department may, therefore, take steps for acceptance or otherwise of the report submitted by the Inquiry Officer and imposition of appropriate penalty in terms of the provisions of the J&K Civil Services (Classification, Control & Appeal) Rules, 1956."*

Whereas, simultaneously, the case was placed before the Suspension Review Committee of General Administration Department and the Committee, in its meeting held under the Chairmanship of the Chief Secretary on 06.02.2023, deliberated on the issue and decided as under:-

*"The Committee noted that the proceedings in the criminal case are sub-judice and the departmental proceedings are also at final stage, and, as such, the Committee decided to reinstate the officials with a*

*rider that they shall be given non-sensitive posting. Forest Department was advised to conclude the RDA proceedings immediately”.*

**Whereas**, in light of the advice of the Finance Department, opinion tendered by the Department of Law, Justice and PA, and, in view of recommendations of the Suspension Review Committee, the case was placed before the Competent Authority for concluding the RDA against the delinquent officers/officials and acceptance of Inquiry Report submitted by the Inquiry Officer and recovery of Rs 6,82,668/-and imposition of penalty, including reinstatement of the accused; and

**Whereas**, in terms of Rule 35 of the J&K Civil Services (CCA) Rules, 1956, the Department, through PCCF/HoFF, J&K, provided adequate opportunity to the accused officers/officials, before imposing penalty, to respond as to why the proposed penalty should not be imposed upon them; and

**Whereas**, the PCCF/HoFF vide letter No. PCCF/Coord I Damage/RDF-7250879/2485, dated 03.10.2023, has furnished the response of these officers/officials; and

**Whereas**, all the officers/officials have submitted that the proposed imposition of penalties are not only harsh but also arbitrary in nature and against the principles of natural justice and requested that the case may kindly be closed and their services may be re-instated and the intervening period may be treated as on duty in the interest of Justice; and

**Whereas**, the response was examined in the Department and it was observed that the reply is without any merit and is the same as has been given in response to the charge sheets served earlier upon them and Inquiry report was received after examining these replies. Therefore, there is no substance to revisit the decisions taken in the matter or no grounds have been made out which would warrant reconsideration of the penalty being proposed to be imposed.

**Now, therefore**, as per the approval of the Competent Authority, communicated vide General Administration Department's O.M.No.GAD-VIGORDA/36/2023-02 dated 26.05.2023, it is hereby ordered that:-

- i. **The enquiry report submitted by the Inquiry Officer in the matter *ibid* is accepted.**
- ii. **Recovery of Rs. 6,82,668/- shall be made proportionally from all the accused, quantum of which will be decided by the PCCF (HoFF), J&K, in each case depending upon the charges on each official and no. of ponds in each sector.**
- iii. **Two annual increments in respect of the delinquent officials shall be withheld (from the date of suspension), in terms of Rule 30 of the J&K CS (CCA)Rules, 1956.**
- iv. **A record of the recovery, penalty as well as displeasure in the service book of all the delinquents be made.**
- v. **The officers/officials who were placed under suspension vide Government Order No. 06-JK(FST) of 2021, dated 19.01.2021,are**

hereby reinstated with immediate effect, on the recommendations of the Suspension Review Committee, with the stipulation that they shall be posted at non-sensitive places. The period of suspension in each case shall be treated as *on leave whatever kind due* to the official except in case of the deceased official, Mr. Bashir Ahmad Mir, Watcher, whose intervening period shall be treated as *on duty*, in terms of provisions of Article 108-BB of J&K CSRs.

- vi. All the above penalties shall be subjected to outcome of Hon'ble Court orders, if any pending.

By Order of the Government of Jammu and Kashmir.

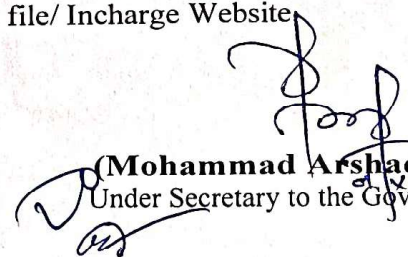
Sd/-  
(Dheeraj Gupta) IAS  
Principal Secretary to the Government

No: FST-Comp/3/2021-02

Dated: 01.11.2023

**Copy to the:-**

1. Principal Secretary to the Government, Finance Department, J&K.
2. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary, (J&K), Ministry of Home Affairs, GoI.
4. Commissioner/Secretary to the Government, General Administration Department, J&K for favour of information and n/a.
5. Principal Chief Conservator of Forests & HoFF, J&K. He is requested to decide the **quantum of recovery in each case depending upon the charges on each official and no. of ponds in each sector and furnish Action Taken Report to this department.**
6. Secretary to the Government, Department of Law, Justice and Parliamentary Affairs.
7. Director, Anti Corruption Bureau, J&K.
8. Director, Soil & Water Conservation Department, J&K for n/a.
9. Pvt. Secy. to the Chief Secretary, J&K.
10. Pvt. Secretary to Principal Secretary to the Government, Forest, Ecology & Environment Department, J&K.
11. Government Order file (w.2.s.c.)/Stock file/ Incharge Website

  
(Mohammad Arshad Jan)  
Under Secretary to the Government