

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

Subject: - Complaint regarding illegal appointment and Promotion of Smt Neelu Sharma, Scientist 'B' in Pollution Control Committee.

Government Order No:- 72 - JK(FST) of 2022

Dated: - 20.05.2022

Whereas, this department received a complaint on 1st February, 2016, regarding to the illegal appointment and promotion of Mrs. Neelu Sharma without fulfilling the qualifications/experiences as per the advertisement notice dated 2nd of June, 1999 by the Pollution Control Board;

Whereas, the main issues raised in the complaint are: (i) that Smt. Neelu Sharma does not have the requisite qualifications and experience of 03 years, as prescribed for the post of Scientist-B, in the advertisement made by the State Pollution Control Board for the purpose, (ii) that Smt. Neelu Sharma is having a degree of M.Sc in Ecology from Pondicherry University whereas the post required a qualification of M.Sc Chemistry or M.Sc Environmental Science with 55% marks and experience of 03 years in trade; and (iii) that she was illegally promoted to the post of Principal Scientist Officer in the year 2010, by wrongly showing her qualification as M.Sc Environmental Science;

Whereas, taking cognizance of the preliminary report, a preliminary report was sought from the then J&K State Pollution Control Board and based on the said report, it was felt necessary to conduct enquiry in the matter;

Whereas, accordingly Mr. Reyaz Ahmad, KAS, the then Special Secretary to the Government, Forest, Ecology and Environment Department, was appointed as Inquiry Officer vide Government Order No. 119-FST of 2016 dated 04.04.2016 to conduct in-depth enquiry into the matter;

Whereas, the said Inquiry Officer submitted his Enquiry report and concluded as under:-

1. The qualification of Ms. Neelu Sharma is M.Sc. Ecology and not M.Sc. Environment;
2. M.Sc. Ecology is not an equivalent degree to M.Sc. environmental science and has never been declared as such;
3. Qualification of Ms. Neelu Sharma has been deliberately and wrongly shown as M.Sc. Environment Science, while as her qualification is M.Sc. Ecology;
4. It is not clear whether she has in fact applied for Scientist B, to which she was appointed in the year 2000;
5. As per advertisement, she was not neither eligible for the post of Scientist B nor Scientist C;
6. Her appointment to the post of Scientist B is as such illegal.

Whereas, the case was examined in the department and in the meantime, the file was called by the then Hon'ble Minister of Forest, Ecology and Environment Department, who passed the following directions:-

"The appointment of Ms. Neelu Sharma made long back pursuant to selection and no further action is required to be taken in the backdrop of above however enquiry ordered vide Order No. 119-FST of 2016 Dated- 04.04.2016 is not in consonance with the law needs to be withdrawn".

m/efel
[Signature]

Whereas, Anti Corruption Bureau vide letter No. ACB-PCB-G-06/2020-13389-20 dated 09.07.2021 had also taken cognizance of the said matter and has requested this department to take appropriate action as deemed fit in the matter;

Whereas, due to the contradiction between the enquiry report submitted by the Inquiry Officer and the observations/directions passed by the Hon'ble Minister, Forest, Ecology and Environment Department the case file was referred to the General Administration Department for advise who in turn vide U.O No. GAD-VOGORDA/83/2021-02- GAD dated 03.12.2021, observed as under:

"GAD examined the case in consultation with Secretary (law) and stated that pursuant to the orders of the then Hon'ble Minister, the department was required to formally withdraw the inquiry ordered in the matter, which however has not been withdrawn.

Further ACB, J&K has also requested GAD to take appropriate action with regard to appointment of Ms. Neelu Sharma. On consideration of the matter, it has been decided that before taking any action, it would be relevant that the Inquiry conducted and the report submitted in the department of Forest, Ecology and Environment should be brought to a logical conclusion by the department and a decision should be taken on the findings of the inquiry and ATR should be shared with GAD."

Whereas, given the diametrically different findings/observations of Enquiry Officer and the then Hon'ble Minister, Forest, Ecology and Environment Department in the case and in order to reach at a definite conclusion, it was felt appropriate to conduct a fresh enquiry in the matter;

Now, therefore, in light of the circumstances referred heretofore coupled with the advise of the General Administration Department, sanction is hereby accorded to the appointment of Dr. Neelu Gera, IFS, Chairman, J&K Pollution Control Committee as Inquiry Officer to conduct fresh inquiry into the alleged illegal appointment and promotion of Ms. Neelu Sharma, Scientist-B in Pollution Control Committee, within a period of 30 days.

It is further ordered that Mr. Vivek Phonsa, JKAS, Deputy Secretary to the Government, Forest, Ecology and Environment Department shall be the Presenting Officer in the case.

By order of the Government of Jammu and Kashmir.

Sd/-

(Sanjeev Verma)IAS

Commissioner/Secretary to Government
Forest, Ecology & Environment Department

Dated: - 20.05.2022


No. FST-PCB/7/2021-02


Copy to the:-

1. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
2. Principal Secretary to the Government, General Administration Department.
3. Joint Secretary, (J&K), Ministry of Home Affairs, Government of India.
4. Principal Chief Conservator of Forests, J&K.
5. Chairman, Pollution Control Committee, J&K



6. Director, Archives, Archeology and Museums, J&K
7. Mr. Vivek Phonsa, JKAS, Deputy Secretary to the Government, Forest, Ecology & Environment Department, J&K.
8. Pvt. Secretary to Chief Secretary, J&K.
9. PS to Commissioner/Secretary to Government, Forest, Ecology & Env't. Department, J&K.
10. Government Order file (w.2.s.c.). /Stock file/ In charge Website


20/5/22
(Fayaz Ahmad Qureshi)
Under Secretary to Government
Forest, Ecology & Environment Department


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