

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

**Subject:-** SWP No.2294/2018, IA No.01/2018 titled **Mohammad Shafi Wani V/s State of J&K & Others.**  
**Ref:-** U.O No. FD-Code/294/2021-03-50 dated 03.02.2022 from Finance Department

**Government Order No:- 94 - JK(FST) of 2023**  
**Dated:- 19.04.2023**

**Whereas,** Principal Chief Conservator of Forests, (HoFF), J&K, intimated that that due to cloud bursts and heavy rainfall on 11.08.2008, the brick wall of Forest complex at Zangli, Kupwara, got damaged which led to washing away of the seized timber stock lying in the Depot; and

**Whereas,** during the course of investigation, 6743.34 cft of timber were recovered and retrieved and it surfaced that 2553.70 cft of timber stocks of TSD Zangli and 242 quintals of firewood were lost in cloud burst and the value of washed away timber, worked out at 'C' zone rates, was found to be Rs. 9,48,533/- (Rupees Nine Lac Forty Eight Thousand Five Hundred and Thirty Three only); and

**Whereas,** a report has also been received from the Police Station Kupwara, vide No. 238/5A/KP/09, dated 31.03.2009, in which it has been informed that enquiry conducted in the matter reveals that due to heavy rain/cloudburst on 11.08.2008, large number of timber logs/scants and firewood were washed down from Forest Complex, Zangli, out of which most of the logs were retrieved and rest could not be traced in the Nalla as the incident took place during the night hours, besides the southern side of boundary wall of the complex was also damaged; and

**Whereas,** pending investigation in the matter, the gratuity of Mr. Mohammad Shafi Wani, Ex Block Forest Officer (Hqr) was withheld till conclusion of the proceedings; and

**Whereas,** the officer approached the Hon'ble High Court in the meantime and filed a writ petition SWP No. 2294/2018 IA No.01/2018 titled Mohammad Shafi Wani V/s State of J&K & Others and the Hon'ble High Court in its order dated 26.09.2019 directed as under:-

**Learned Counsel for the petitioner submits that the gratuity of the petitioner has been un-necessarily withhold, causing prejudice to his rights. It is submitted that the failure of respondents to take decision with reference to the writing-off of the items cannot form a ground to punish the petitioner with reference to withholding the gratuity.**

**Notice returnable within four weeks.**

**Notice in MP as well returnable within the same period.**

**In the meantime, respondents are directed to consider the case of the petitioner for release of withheld gratuity".**

**Whereas,** the matter was taken up with the Finance Department for advice and the Finance Department, vide U.O. No. FD-Code/294/2021-03-50, dated 03.02.2022, has conveyed as under:-

*S.D.*  
*19/04/23*

Returned. Finance Department conveys its concurrence to the departmental proposal of writing off the loss of timber amounting to Rs. 9.48 Lacs from TSD Zangli caused due to cloud burst during the year 2008, in terms of S.O 226 dated 09.07.2021, subject to the following conditions:-

1. A formal investigation report has been obtained from the Police Station in terms of Rule 34 of GFR 2017.
2. Approval of the Competent Authority is obtained in terms of S.O 226 dated 09.07.2021

Whereas, a formal investigation report submitted by the Police authorities, which, *inter-alia*, reported that the loss cannot be attributed to the Officer, Mr. Mohammad Shafi Wani, Ex Block Forest Officer, as the case is related to the destruction of UT property by extraordinary calamity, and, as such, gratuity in his favour also needs to be settled, as per the directions of Hon'ble High Court in its order dated 26.09.2019.

Now, therefore, in terms of powers conferred under S.O 226 dated 09.07.2021, sanction is hereby accorded to the:-

- (i) writing off of an amount of Rs. 9.48 (Nine Lac Forty Eight Thousand only) on account of loss of seized timber in Zangli, washed due to cloud burst during the year 2008 and adjustment of accounts in relevant records of the department accordingly under rules/norms.
- (ii) exoneration of Mr. Mohammad Shafi Wani, Ex-Block Forest Officer (Rtd.), of the charges leveled against him with regard to the above mentioned losses, *ab-initio*.
- (iii) The pending emoluments/dues shall be paid after fulfilling all codal formalities and NOCs/NDCs required under Rules.

**By order of the Government of Jammu and Kashmir**

*Sd/-*  
**(Dheeraj Gupta), IAS**  
**Principal Secretary to the Government**  
Dated: - 19.04.2023

No. FST-Lit/56/2021-02

**Copy to the:-**

1. Administrative Secretary, Finance Department.
2. Commissioner/Secretary to the Government, General Administration Department.
3. Joint Secretary, (J&K), Ministry of Home Affairs, Govt.
4. Principal Chief Conservator of Forests, J&K for information and necessary action.
5. Director, Archives, Archeology and Museums, J&K, Jammu.
6. Director Finance, Forest, Ecology and Environment Department
7. Deputy Legal Remembrancer, Forest, Ecology and Environment Department.
8. Pvt. Secretary to Chief Secretary, J&K.
9. PS to Principal Secretary to Government, Forest, Ecology & Env't. Department, J&K.
10. Government Order file (w.2.s.c.) /Stock file/ In charge Website.

*Suhail-ul-Islam*  
**(Suhail-ul-Islam) JKAS,**  
Deputy Secretary to Government