

Government of Jammu and Kashmir
Housing and Urban Development Department
Civil Secretariat, Jammu / Srinagar.

Subject: Accord of sanction for prosecution of in-service accused public servants namely (1) Shri Abdul Latief Shah S/o Sayed Hussain Shah R/o Nagri Doda, the then Junior Assistant (now Senior Assistant), Municipal Committee, Doda (2) Shri Zakir Ali S/o Ghulam Mohd R/o Nagri Doda, the then Nigran (now Sanitary Supervisor), Municipal Committee, Doda and (3) Shri Sukesh Kumar S/o Dharam Parkash R/o Ghata, Bhaderwah, the then Sanitary Inspector, Municipal Committee, Doda (now posted at Municipal Committee Office, Bhaderwah) for commission of offences punishable under section 5 (2) of the Prevention of Corruption Act, Samvat, 2006 and sections 120-B, 409, 420, 467, 468 and 471 RPC in Case FIR No. 153/2012 P/S Doda.

- Reference: (i) O.M. No. GAD(Vig)08-SP/2020-P/S Doda dated 26.08.2020 from the General Administration Department.
- (ii) Government Order No. 34-JK-GAD(Vig) of 2020 dated 24.06.2020 of General Administration Department

Government Order No. 169 -JK(HUD) of 2020
Dated: 16 -12-2020

WHEREAS, a written complaint was lodged in Police Station Doda by one namely; Dr. Rehmatullah Khuda S/o Habibullah Khuda R/O Doda alleging therein that he had sought information from the Executive Officer, Municipal Committee, Doda pertaining to various works executed between the year 2009 to 2012 by Municipal Committee, Doda under RTI Act, which was provided to him and on perusal serious nature of offences committed by the public servants of Municipal Committee, Doda came to surface. The complainant further alleged that the employees of Municipal Committee, Doda in connivance with higher authorities had swindled lacs of rupees in executing various works executed during the year 2009-2012 under Municipal Committee, Doda. It was further alleged that the Executive Officer, Municipal Committee Doda had engaged/appointed many incumbents against different category of posts during past five (05) years at the behest of higher authorities and also by the Executive Officer himself for their personal gains with ulterior motives. It was also alleged that the said Officer had engaged 78 Safai Karamcharies for maintaining the cleanliness and sanitation of Municipal areas of Doda against non-existing posts and wages to the tune of ₹ 72,21,000/- have been drawn during the period 2008-2012 against these non-existing posts. It was further alleged that amounts to the tune of ₹ 5,78,518/-, ₹ 12,98,797/- and ₹ 3,09,420/- shown to have been drawn for purchase of disinfectant, purchase of fuel (POL) and drawing of TA in respect of officials of the Municipal Committee, respectively have actually been embezzled by the Municipal Committee, Doda in connivance with the concerned officials. Also, the computer repairs had been carried out at ₹ 48,758/- which is higher than the cost of a new computer thereby amounting to embezzlement. Upon this, case FIR No. 153/2012 was registered at Police Station Doda and investigation taken up; and

WHEREAS, during the course of investigation, it emerged that the officers/officials of Municipal Committee, Doda had engaged twenty six (26) non-existent persons as need base labourers from time to time and had drawn an amount of ₹ 1,30,790/- as their wages. During investigation, it has further transpired that 240 litres of diesel amounting to ₹ 9309/- have been drawn without issuing the vehicles engaged by Municipal Committee, Doda, for which the role of accused Shri Sheikh Abdul Hafiz S/o Abdul Karim Sheikh R/o Bhaderwah, the then Executive Officer, Municipal Committee, Doda was substantiated. With regard to drawing the wages of non-existent Safaiwalas/bills of fictitious diesel

vouchers, the role of accused Shri Mohd Ashraf Zargar S/o Ghulam Hassan Zargar R/o Doda, the then Food Inspector, incumbent Executive Officer, Municipal Committee, Doda (Presently posted at Municipal Committee Office, Bhaderwah) was also substantiated during investigation. The role of accused employees namely Shri Abdul Rashid Dar S/o Wali Mohd Dar R/o Seel Doda, the then Sanitary Supervisor, Municipal Committee, Doda, Shri Zakir Ali S/o Ghulam Mohd R/o Nagri Doda, the then Nigran (now Sanitary Supervisor), Municipal committee, Doda and Shri Sukesh Kumar S/o Dharam Parkash R/o Ghata Bhaderwah, the then Sanitary Inspector, Municipal Committee, Doda (now Posted at Municipal Committee Office, Bhaderwah) was established for preparing attendance sheets of non-existent Safaiwalas. Further, role of the accused employees namely Shri Shoket Ali S/o Mohd Abdullaha R/o Bathi Mohalla, Doda, the then Accountant, Municipal Committee, Doda and Shri Abdul Latief Shah S/o Sayed Hussain Shah R/o Nagri Doda, the then Junior Assistant (now Senior Assistant), Municipal Committee Doda in preparation of bills of fictitious Diesel Vouchers and the bills of non-existent Safaiwalas has been established; and

Whereas, the expert opinion obtained from Forensic Science Laboratory (FSL) and statements recorded under section 161 and 164-A Cr. PC during the course of investigation further corroborated the facts which emerged during the investigation. The investigation conducted by the Investigating Agency established that a prima-facie case of criminal conspiracy against the accused public servants is made out; and

WHEREAS, the Government on the basis of material/evidence collected by Investigating Agency during the course of investigation and considering the facts and circumstances of the case is satisfied that prima facie case for commission of offences punishable under section 5 (2) of the Prevention of Corruption Act, Samvat, 2006 and sections 120-B 409, 420, 467, 468 and 471 RPC is made out against accused employees of Municipal Committee, Doda namely; (1) Shri Sheikh Abdul Hafiz S/o Abdul Karim Sheikh R/o Bhaderwah, the then Executive Officer, Municipal Committee, Doda (now retired) (2) Shri Mohd Ashraf Zargar S/o Ghulam Hussain Zargar R/O Doda, the then Executive Officer, Municipal Committee Doda (Presently posted at Municipal Committee Office Bhaderwah) (3) Shri Abdul Rashid Dar S/o Wali Mohd Dar R/o Seel Doda, the then Sanitary Supervisor, Municipal Committee, Doda (now retired) (4) Shri Shoket Ali S/o Mohd Abdullaha R/o Bathi Mohalla, Doda, the then Accountant, Municipal Committee, Doda (now retired) (5) Shri Abdul Latief Shah S/o Sayed Hussain Shah R/O Nagri Doda, the then Junior Assistant (now Senior Assistant), Municipal Committee, Doda (6) Shri Zakir Ali S/o Ghulam Mohd R/o Nagri Doda, the then Nigran (now Sanitary Supervisor), Municipal Committee, Doda and (7) Shri Sukesh Kumar S/o Dharam Parkash R/o Ghata Bhaderwah, the then Sanitary Inspector, Municipal Committee, Doda (now posted at Municipal Committee Office, Bhaderwah), for which they should be prosecuted; and

WHEREAS, the accused employees namely Shri Sheikh Abdul Hafiz, the then Executive Officer, Municipal Committee, Doda, Shri Abdul Rashid Dar, the then Sanitary Supervisor, Municipal committee, Doda and Shri Shoket Ali, the then Accountant, Municipal Committee, Doda have retired from the Government Service, as such, prior sanction for their prosecution is not required; and

WHEREAS, no such prosecution can be initiated against an in-service public servant without prior sanction from the Competent Authority as envisaged under section 6 of the Prevention of Corruption Act, Samvat, 2006, however, prosecution in respect of Shri Mohd Ashraf Zargar S/o Ghulam Hussain Zargar R/o Doda, the then Executive Officer, Municipal Committee, Doda, has already been accorded by the General Administration Department, vide Government Order No. 34-JK-GAD(Vig) of 2020 dated 24.08.2020.

Now, therefore, in pursuance of Section 6 of the Prevention of Corruption Act, Samvat, 2006, sanction is hereby accorded for prosecution of accused in-service public servants namely (1) Shri Abdul Latief Shah S/o Sayed Hussain Shah R/o Nagri Doda, the then Junior Assistant (now Senior

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Assistant), Municipal Committee, Doda (2) Shri Zakir Ali S/o Ghulam Mohd R/o Nagri Doda, the then Nigran (now Sanitary Supervisor), Municipal Committee, Doda and (3) Shri Sukesh Kumar S/o Dharam Parkash R/o Ghata, Bhaderwah, the then Sanitary Inspector, Municipal Committee, Doda for commission of offences punishable under section 5 (2) of the Prevention of Corruption Act, Samvat, 2006 and sections 120-B, 409, 420, 467, 468 and 471 RPC in Case FIR No. 153/2012 P/S Doda.

By order of the Government of Jammu & Kashmir.

Sd/-

(Dheeraj Gupta) IAS

Principal Secretary to the Government
Housing & Urban Development Department

Dated: 16-12-2020

No: HUD/RDA/05/2020/Sgr

Copy to the:

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Principal Secretary to Lieutenant Governor.
3. Commissioner / Secretary to Government, General Administration Department
4. Director, Anti Corruption Bureau, J&K, Jammu.
5. Director, Urban Local Bodies, Kashmir with the advise to initiate RDA against the four accused namely (1) Shri Mohd Ashraf Zargar, (2) Shri Abdul Latief Shah, (3) Shri Zakir Ali and (4) Shri Sukesh Kumar in terms of Rule 33 of the Jammu and Kashmir Civil Services (Classification Appeal and Control) Rules, 1956, prelude to which they may also be placed under suspension, if not already done.
6. Private Secretary to the Chief Secretary.
7. Private Secretary to Principal Secretary to the Government, Housing & Urban Development Department.
8. Concerned.
9. Government Order file (w.2.s.c).
10. Stock file.

Ok

(Signature)

(Saroj Khah)

Under Secretary to the Government
Housing & Urban Development Department

(Signature)
16/12/20

(Signature)
16/12/2020

File No. HUD/SGDU/BK/10/2021 O/o Clerical Hall-H&UDD

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Reference: Letter No. ACB-Misc-FIR-153/2012-D-19854 dated 31.12.2020 from Anti Corruption Bureau, J&K, Jammu.

Corrigendum to Government Order No. 189-JK (HUD) of 2020 dated 16.12.2020

Please read the following in the endorsement of Government Order No. 189-JK (HUD) of 2020 dated 16.12.2020:

By Principal Secretary to the Government, Home Department at SI 2-A

By the word "Jammu" instead of word "Kashmir" after Director, Urban Local Bodies at SI No. 5

By order of the Government of Jammu and Kashmir.


16.02.21

Under Secretary to the Government
Housing & Urban Development Department

No. HUD/RDA/06/2020/Sgr.



Dated: 16.02.2021

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Principal Secretary to the Lieutenant Governor.

- 1. Principal Secretary to the Government Home, Department along with a copy of Government Order No. 189 JK(HUD) of 2020 dated 16.12.2020
- 2. Commissioner/Secretary to the Government Housing & Urban Development Department
- 3. Director, Anti Corruption Bureau, J&K, Jammu
- 4. Director, Urban Local Bodies, Jammu alongwith a copy of Government Order No. 189 JK(HUD) of 2020 dated 16.12.2020 with the advice to initiate RDA against the four accused named, (1) Shri Mohd Ashraf Zagar, (2) Abdul Latief Shah, (3) Shri Zakir Ahsan and (4) Shri Sukesh Kumar in terms of Rule 33 of the Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules 1956 prelude to which they may also be placed under suspension if not already done.
- 5. Private Secretary to the Chief Secretary.
- 6. Private Secretary to Principal Secretary to the Government Housing & Urban Development Department
- 7. Concerned
- 8. Government Order file
- 9. Stock file