

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

Subject: Dismissal from service of Mr. Thakur Dass I/c Executive Officer, Municipal Council, Reasi, the then I/c Executive Officer, Municipal Committee, Katra.

Government Order No. 61 JK(HUD) of 2022
Dated: 28.04.2022

Whereas, Mr. Thakur Dass I/c Executive Officer, Municipal Council Reasi, remained posted as Secretary, Municipal Committee, Katra, from 07.02.2011 to 21.12.2012 and as I/c Executive Officer, Municipal Committee, Katra, from 11.07.2014 to 16.12.2014;

Whereas, the Audit Team while conducting the audit of Municipal Committee Katra for the years 2012-13 to 2016-17 pointed out a large scale financial mismanagement against laid down norms in their audit reports dated 02-09-2016 and 16-06-2017. In the said reports, the money/ amount has been shown as advance/imprest lying with various functionaries/officials of Municipal committee Katra which is un-adjusted till date;

Whereas, pursuant to the submission of the reports by the Audit team, the Administrative Department vide letter dated 26-02-2021 directed the Director, Urban Local Bodies, Jammu to constitute a fact finding committee in the matter;

Whereas, in pursuance to the directions, Director, Urban Local Bodies, Jammu vide order No 183-DULBJ of 2021 dated 18-03-2021 constituted a fact finding committee to inquire into the issue of temporary advance/imprest given to the functionaries/officials of Municipal committee Katra and non-adjustment of same in the records of committee till date;

Whereas, the Director Urban Local Bodies, Jammu vide letter No. DULBJ/2021/11923-25 dated 22.09.2021 stated that the committee vide No. DULBJ /2021/ 10199 dated 19-07-2021 submitted its part report to his office, wherein, the committee, after detailed exercise has submitted the details of accounts of the officials against whom the amount is still outstanding in the records and is Un-adjusted till date. As per the report of the fact finding committee and the records of Municipal committee Katra, amongst others. Mr Thakur Dass, I/C Executive officer Municipal Council ,Reasi has remained posted in Municipal committee Katra during the period as Secretary/ I/c Executive officer Municipal committee Katra. The said officer has himself taken and also disbursed huge amount of advance/imprest from the Municipal Committee Katra, in violation of the norms and thereafter have not submitted/ maintained the accounts for the same and as such the said amount is still outstanding/unadjusted in the records of Municipal committee Katra. The failure on part of officer is an act of fraud that has caused

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committee Katra. The failure on part of officer is an act of fraud that has caused financial loss to the Municipal committee Katra and is in violation of Rule 3(1) of Jammu and Kashmir Employees civil service conduct Rules, 1971 and therefore liable for departmental action in terms of J&K CCA Rules, 1956.

Whereas, the Director Urban Local Bodies, Jammu has submitted that the details of the outstanding/un-adjusted amount against Mr Thakur Dass I/c Executive Officer, Municipal Council, Reasi is Rs 2.00 lacs and Rs 90, 59,629/- given in advance / imprest as DDO of Municipal Committee Katra;

Whereas, vide this Department's office memo No. HUD/28/2022-01 Dated 17.03.2022, Memorandum along with Article of Charges and Statement of Imputations were served upon Mr. Thakur Dass I/c Executive Officer, Reasi through Director Urban Local Bodies, Jammu. The delinquent officer has submitted his reply vide No. MC/R/2022-23/17 dated 06.04.2022, which was forwarded to this Department by Director Urban Local Bodies, Jammu vide his letter dated 18.04.2022;

Whereas, the reply was examined and Director, Urban Local Bodies, Jammu was appointed as Inquiry Officer and Deputy Director, ULB, Jammu as Presenting Officer in the matter vide Government Order No 57-JK(HUD) of 2022 dated 23.04.2022;

Whereas, vide Government Order No. 58-JK(HUD) of 2022 dated 23.04.2022, Mr Thakur Dass, I/c Executive Officer, Municipal Council, Reasi, among others was placed under suspension in terms of Rule 31(1)(a) of the Jammu and Kashmir, Civil Services (Classification, Control and Appeal) Rules, 1956 ;

Whereas, as per the enquiry report submitted by the Inquiry Officer vide letter No.DULBJ/2022/385 dated 26.04.2022 has given his findings on all the three charges leveled against the delinquent, Mr Thakur Dass, I/c Executive Officer, Municipal Council, Reasi.

- (i) As regards the charge of non-adjustment/ embezzlement of imprest/ advance of Rs 2.00 lacs by him , the Inquiry Officer has observed that the action of Mr. Thakur Dass of non-clearance, reconciliation and closure of the imprest amount at his transfer and non-submission of bills for proper maintenance of cashbook, as brought out by the Audit Committee, which is a conclusive proof, is violative of Rule 4-7 (i) of J&K Financial Code, Vol I. & Rule 2-50 of the J&K Financial Code, Vol I. the charge of violation of Rule 2-50 of the J&K Financial Code, Vol I, against Sh. Thakur Dass, the then Secretary, Municipal Committee, Katra, at present under suspension, is established.
- (ii) As regards, the charge of disbursement of advances/imprest of Rs. 90,59,629 to various functionaries of Municipal Committee Katra without following any procedure and norms in the capacity of the then DDO which is still outstanding/un-adjusted from the persons whom he had extended this advance / imprest. The Inquiry Officer has observed that all the advances have been made in utter disregard to the financial norms. In addition, at the time of transfer of the delinquent officer, no effort has been made as per Rule 4-7 of the J&K

Financial Code to settle/ reconcile/close the ab-initio irregular and malafide imprest releases. The Inquiry Officer has finally concluded that in view of the above narrations, and preponderance of evidence based on the observations recorded in the Audit reports and his own written submission, the charge of violation of Rule 2-50 of the J&K Financial Code, Vol-I, against Sh. Thakur Dass, the then I/C Executive Officer, Municipal Committee, Katra, at present under suspension, is established.

- (iii) As regards, the charge that he has not discharged his duties with integrity which is unbecoming of a government employee and is in violation of Rule 3(1) of Jammu & Kashmir Government Employees(Conduct)Rules-1971. The Inquiry Officer has observed that The delinquent officer has accepted release of imprest amount of Rs. 90,03,363/- to different officials in absence of any contingency plan in utter disregard to the financial norms. Even at the time of transfer the imprest amount has neither be reconciled/ closed nor any effort made towards that direction. The audit reports (**Annexure – XIII & XIV**) are conclusive proof of the involvement of the delinquent officers in financial embezzlement of Rs. 92,03,363/- while serving as Secretary MC Katra from 07.02.2011 to 21.12.2012 and as Executive Officer MC Katra from 11.07.2014 to 16.12.2014. As mentioned in the said Audit Report issued by Deputy Director, Local Fund Audit and Pensions vide their No. FD/LFAPJ/2016-17/968-71 dated 02.09.2016 it is specifically mentioned that the records for the period 01.04.2012 to 31.03.2015 were not available with the committee. Further in the audit report issued by Indian Audit and Accounts Jammu and Kashmir vide No. LBs/AIR/1(4)/2016-17/21-23 dated 16.06.2017, there is clearly mentioned the Records were not produced. The officer while submitting some bills/vouchers, which are not authenticated by Chief Executive Officer MC Katra vide his communication no. MC/K/2021/1426 dated 08.02.2021, has appreciated recovery proceedings against other officers/officials involved in the financial embezzlement. It is worth to mention here that the matter is at present under scrutiny of the ACB as well. Nothing on record has shown any demand projected by the subordinate staff to the Executive Officer for release of imprest. Record was neither produced to the audit parties nor to the Fact-Finding Committee. It seems that the all the officers / officials have colluded for creating a mess for illegal pecuniary gains and looting the public finances through slip shod methods. In view of the above narrations, and preponderance of evidence based on the observations recorded in the Audit reports and his own written submission, the charge of violation of Rule 3(i) of the J&K Employees Conduct Rules against Sh. Thakur Dass, the then Secretary/ I/C Executive Officer, Municipal Committee, Katra, at present under suspension, is established.

Whereas, perusal of the Inquiry report reveals that the charges leveled against the accused Mr. Thakur Dass I/c Executive Officer, Reasi, the then Secretary/I/c Executive Officer, Municipal Committee, Katra have been established and his financial mismanagement has caused huge Financial loss to the Municipal Committee Katra;

Whereas, the matter has been examined in light of the aforesaid and in terms of provision of the Jammu and Kashmir CCA Rules,1956 and the Competent Authority has approved for imposing Major penalty of "Dismissal from service" in terms of Rule 30 (viii) of J&K CCA Rules,1956 upon the accused Mr. Thakur Dass, I/c Executive Officer, Reasi, the then Secretary/I/c Executive Officer, Municipal Committee, Katra;

Now, therefore, in terms of Rule-30 (viii) of Jammu and Kashmir, Civil Services, (Classifications, Control, Appeal) Rules, 1956, it is ordered that Mr. Thakur Dass I/c Executive Officer, Municipal Council, Reasi, the then Secretary I/c Executive Officer, Municipal Committee, Katra is hereby dismissed from the service.

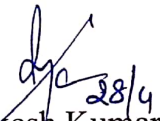
By order of the Government of Jammu & Kashmir.

Sd/-
(Dheeraj Gupta) IAS
Principal Secretary to the Government
Housing & Urban Development Department

File No:- HUD/28/2022-01C.N 15223)
Copy to the:-

Dated: 28.04.2022

1. Joint Secretary, J&K, Ministry of Home Affairs, Government of India.
2. Principal Secretary to the Government, General Administration Department
3. Director, Urban Local Bodies, Jammu.
4. Director Archives, Archaeology & Museums.
5. Prpl. Private Secretary to the Chief Secretary, J&K.
6. Private Secretary to Principal Secretary to the Government, Housing & Urban Development Department.
7. Concerned Officer.
8. In-charge Website, Housing & Urban Development Department.
9. Government Order file/Stock file/departmental website.


(Rakesh Kumar) JKAS
Additional Secretary to the Government