



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

Subject:- Accord of sanction for prosecution of in-service accused public servant namely (1) Ch. Nabi Wani S/o Gh. Rasool Wani R/o Koil Puiwama presentl Jr. Assistant M.C. Shopian, (2) Nazir Ahmad Khanday S/o Mohammad Ahsan Khanday R/o Baba Mohaila Shopiart (Beneficiary), (3) Gulzar Ahmad Allie S/o Gh.Moh-ud-din Ai lie R/o Allie pora Puiwama, Orderly MC Shopian (Beneficiary), (4) Mohammad Pandith S/o Ab. Gard Pandith R/o Baba Mohalla Shopian (Beneficiary), (5). Javid Ahmad Sheikh S/o Habib Sheikh R/o Mimender Shopian, Sweeper MC Shopian. (Beneficiary), (6) Shabir Ahmad Sheikh S/o Ashur Sheikh R/o Mimender Shopian, Sweeper MC Shopian. (Beneficiary), (7) Muma Sheikh S/o Shabir Sheikh R/o Pinjoora Shopian , Sweeper MC Shopian. (Beneficiary), (8) Mohammad Shafi Shiekh S/o Rahman Sheikh R/o Mimender Shopian, Sweeper MC, Shopian. (Beneficiary), (9) Manzoor Ahmad Sheikh Sic) Ambir Sheikh R/o Waterpora Shopian, Sweeper MC Shopian. (Beneficiary), (10) Reyaz Ahmad Shiekh S/o Ahmad Sheikh R/o Mimend,:r Shopian, Sweeper MC Shopian,(Beneficiary) (11) Gulla Sheikh S/o Amma Sheikh R/o Shirmall Shopian presently Batapora Shopian (Beneficiary), (12) Nadeem Mangnoo S/o Gh. Rasool R/o Bongam Shopian, Driver MC Shopian (Beneficiary), (13) Shakeel Ahmad Bhat S/o Ali Mohammad Bhat R/o Babamohalla Shopian, Driver MC Shopian (Beneficiary), (14) Mohammad Saleem Shah S/o Ab. Gani Shah R/o Bongam Shopian Orderly MC Shopian (Beneficiary) for commission of offences punishable u/s 5(2) P.C. Act Svt. 2006 r/w section 120-B RPC in case FIR No.16/2011 P/S VOK.

Ref:- O.M. No. GAD(Vig)39-SP/2016 dated 7.02.2016 from GAD

Government Order No. 126 -HUD of 2017
D A T E D 22 05. 2017.

1. Whereas, it is alleged that the instant case was registered in P/S Vigilance Organization Kashmir on the basis of a verification conducted into allegations of illegal appointments of Class IV employees made by the officers/officials of Municipal Committee Shopiar, without any competence and in violation of rules and regulations; and
2. Whereas, it is further alleged that the officers/officials of Municipal Committee Shopian had made illegal appointments of class IV employees without competence and disregard to the rules and the regulations. Ten (10) causal labours have been engaged in M.C Shopian by the president/Executive officer. Out of these, 10 causal labours, 07 have been regularized as sweepers, 01 as gardener, 01 as driver and 01 as orderly in the year 2009 by president namely Majid Hassan Khan in connivance with Executive Officer Mohd Ashraf Pandith unauthorizedly in contravention of standing orders/rules governing such



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appointments and without competence conferring undue pecunrary advantage upon the beneficiaries namely 1. Nazir Ahmad Khanday S/o Mohd R/o Shopian 2. Guizar Ahmad Allie S/o Gh. Mohi-ud-din 3. Mohd Rafiq Pandith S/o Ab. Gani R/o Shopian 4. Javid Ahmad Sheikh S/o Habibullah R/o Meemander 5. Shabir Ahmad Sheikh S/o Ashur Sheikh R/o Meemander Shopian 6. Mumma Sheikh S/o Saba Sheikh R/o Pinjurah 7. Mohd Shafi Sheikh S/o Rahim R/o Meemander Shopian 8. Reyaz Ahmad Sheikh S/o Ahmad Sheikh R/o Meemander Shopian 9. Manzoor Ahmad Sheikh S/o Ambir Aheikh R/o Meemander Shopian 10. Gulla Sheikh S/o Ama Sheikh R/o Batapora Shopian causing loss to the state exchequer and subsequently case was registered and investigation of the case was taken up and

3. Whereas, it is further alleged that the scrutiny of the records of MC Shopian the fact that during the period 2007-2008, as many as 13 casual labours who were on the rolls of MC Shopian have been regularized as class-iv employees in contravention of rules, while as 08 persons have been appointed afresh in contravention of standing orders/rules governing such appointments and without competence conferring undue pecuniary advantage upon these beneficiaries. Besides during the period 2009 and 2011, the accused Executive officer MC Shopian, Shri Mohd Ashraf Pandith in connivance with his junior Assistant Gh. Nabi Wani had fraudulently drawn salary in respect of 04 officials who have no appointment orders; and
4. Whereas, it is further alleged that during the course of investigation, the regularizan and appointment orders along-with service Books and pay bills were referred to FSL, Srinagar. The FSL opinion sought has substantiated the allegations leveled against accused persons and had also established authorship of appointment/regularization orders and officials responsible for drawal of salaries in respect of beneficiaries; and
5. Whereas, accounts experts of VOK has initially worked-out Rs. 3945516 as salary drawn in-respect of accused 25 beneficiaries on account of illegal regularization and appointments including salary drawn in favour of 04 beneficiaries who had no appointment orders. As per information submitted by MC Shopian and other Committee where some accused beneficiaries were transferred, there accused beneficiaries have received Rs. 9845887 as salary on account of their regularizations/appointments till December 2014; and
6. Whereas, Bashir Ahmad Malik S/o Gh. Nabi Malik Rio Shopian the then president Shopian w.e.f 3/2005 to 14-06-2007 in league with public servants and accused beneficiaries has regularized service of casual labours MC Shopian

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namely Nazir Ahmad Khanday S/o Mohammad Ahsan Rio Baba Mohalla Shopian, vide order No. MC/SPN/2007/2832-33 dated 31-3-2007 as Mali (Gardner). The order under reference has been issued by Bashir Ahmad Malik himself disregard to rules governing such regularization orders. In terms of SRO 64 dated 24-03-1994, SRO 417 dated 18-12-2008 and other circulars issued from Govt. and Directorate of Urban Local Bodies Kashmir from time to time, the accused in the capacity of President MC Shopian was not competent authority to regularize services of casual Labours or daily wager of Municipal Committee. By confirming services of casual labour Nazir Ahmad Khanday, he has abused his official position as he has conferred pecuniary benefits in the shape of monthly salary which the beneficiary Nazir Ahmad Khanday has obtained w.e.f Feb. 2009 regularly from MC Shopian, while as said beneficiary was not entitled for such monetary benefits. As per financial experts, who have scrutinized records and have furnished their expert opinion regarding loss caused to state exchequer, the said beneficiary has received Rs. 457402/= as excess salary as he was entitled for wages only; and

7. Whereas, Majjid Hassan. Khan in the capacity of President MC Shopian (13-8-2007 to 31-3-2010), in league with public servants and accused beneficiaries has regularized services of 12 casual labours of MC Shopian through 05 orders. Besides he has made 08 appointments by issuing 08 fresh appointment orders. The accused, beneficiaries who have been appointed were not previously working in the MC Shopian. regularization orders and appointment orders have been issued by the accused president MC Shopian Shri Majjid Hassan Khan in violation to SRO 64 dated 24-03-1994 by virtue of which blanket ban has been imposed on all kinds of appointments and engagements consolidated/ daily wage basis etc & SRO 417 dated 18-12-2008 where under it is laid down that no appointment or promotion shall be made at Municipal Committee level but shall be made by the Govt. and HODS and SRO 417 dated 18-12-2008. Hese regularization orders have been also issued in violation to circular DULB/Estt/1826/04/8928-29 dated 3-11-04 issued by Director. Urban Local Bodies, Kashmir where under instruction have been passed to all Administrators and Executive officers not to order any promotion in Municipal Committees and other circulars issued by the competent authorities from time to time; and

8. Whereas, the accused Majjid Hassan Khan in league with the then Executive Officer Mohammad Ashraf Pandith has conferred pecuniary benefits upon 20 beneficiaries which they were not entitled for, by acting so the accuse

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has caused wrongful gain to these 20 beneficiaries and subsequent loss to state exchequer; and

9. Whereas, Mohammad Ashraf Pandith in the capacity as Executive officer MC Shopian (w.e.f 06-06-2008 to 22-12-2010) has drawn salary of incumbent Nazir Ahrnad Khanoav w.e.f. 02/2009 to 07/2011 even knowing that said order was illegal as the initial regularization order No. MC/SPN/2007/2832-33 dated 31.03.2007 in favour of casual labour namely Nazir Ahmad Khanday S/o Mohammad Ahsan Khanday R/o Baba Mohalla Shopian has been issued by the then president MC Shopian Shri Bashir Ahmad Malik during which Syed Noor-uddin was Executive Officer of MC Shopian, but said E. O being conscious of the fact that regularization order under reference is illegal and in violation of rules he has not implemented same nor has released salary of beneficiary namely i.e Nazir Ahmad Khanday. But the salary in favour of Nazir Ahmad Khauday has been drawn by the Executive officer late Mohammad Ashraf Pandith w.e.f 2/2009 7/2011, amounting to Rs. 2294291/- in league with the said beneficiary; and
10. Whereas, the Mohammad Ashraf Pandith has also implemented more (13) regularization cum appointment orders in respect of above mentioned (20) beneficiaries and has drawn salaries of these (20) beneficiaries in addition to Nazir Ahmad Khanday (Gardner) Moreover, the said EO has also found responsible for release of salaries in respect of further (04) persons/Individuals who had no service records/appointment orders; and
11. Whereas, FSL opinion substantiates that pay bills, drawl acquaintance roll in respect of above mentioned (25) beneficiaries bears signatures of Late Mohammad Ashraf Pandith; and
12. Whereas, Gh. Nabi Wani (Jr. Assistant) S/o Gh. Rasool Wani R/o Koil Pulwama as per records has remained posted in MC Shopian w.e.f 01-01-2007 to 30-06-2011 as Jr. Assistant in Account Section. As per evidence, he was dealing with accounts with preparation of salary bills and allied records including maintenance of drawls and pay acquaintance rolls of employees posted in MC Shopian. The said Jr. Assistant in connivance with the then executive officer late Mohammad Ashraf Pandith has facilitated drawl of salaries of all 25 beneficiaries; and
13. Whereas, he has also prepared/taled salary bills in respect of following (04) beneficiaries among 25 beneficiaries who have no service records including appointment orders

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S. No.	Name of beneficiary	Designation Shown	Salary W.e.f	drawn	Amount
1.	Nisar Ahmad War	Asst. Tax Collector	5/2009 to 8/2009, 03/2010		545185/-
2.	Ab. Rashid Rather	Sanitary Supervisor	08/2010 to 10/2010		22725/-
3.	Tabasum Ashraf	MPW	08/2010 to 10/2010		22725/-
4.	Ishfaq Mohi-Ud-din Bhat	Khilafwarzi Assistant	08/2010 to 10/2010		523954/-
Total					11,14,589/-

14. Whereas, it is further alleged that the investigation conducted has revealed that the accused officers/officials of MC Shopian mentioned in column 3 at S.No. 1 to 4 by abuse of their official position in convince with accused beneficiaries have regularized ser of 13 casual labrouers and had made 8 illegal appointment of Class-IV Employees in volition of rules and without competence; and

15. Whereas, the competent authority after considering the records and evidence collected by the investigating agency and applying its mind to the facts and circumstances of the case is satisfied that prima-facie a case for commission of offences punishable u/s 5(2) JK P.C Act Svt. 2006 r/w 120-B RPC has been prima-facie established against the public servants and beneficiaries namely (1) Bashir Ahmad Malik S/o Gh. Nabi Malik R/o Shopian then President MC Shopian presently Advocate High Court Kashmir Srinagar, (2) Masjid Hassan Khan S/o Gh. Hassan Khan R/o Shopian Near Jamia Masjid then President MC Shopian /presently dealing in business of pesticides etc., (3) Mohammad Ashraf Pandiith S/o Ab. Aziz Pandith R/o HIG colony Qamarwari then Executive Officer MC Shopian (Expired), (4) Gh. Nabi Wani S/o Gh. Rasool. Wani R/o Koil Pulwama presently Jr. Assistant MC Shopian, (5) Nazir Ahmad Khanday S/o Mohammad Ahsan Khanday R/o Baba Mohalla Shopian (Beneficiary), (6) GuLzar Ahmad Allie S/o Gh. Moh-ud-din Allie Rio Allie pora Pulwama, Orderly MC Shopical (Beneficiary), (7) Mohammad Rafi Pandith S/o Ab. Gani Pandith R/o Baba Mohalia Shopian (Beneficiary), (8) Javid Ahmad Sheikh S/o Habib Sheikh Rio Mimendie Shopian, Sweeper MC Shopian. (Beneficiary), (9) Shabir Ahmad Sheikh S/o Ashur Sheikh R/o Mimender Shopian, Sweeper MC Shopian. (Beneficiary), (10) Muma Sheikh S/o Shabir Sheikh R/o Pinjoora Shopian , Sweeper MC Shopian. (Beneficiary), (11) Mohammad Shafi Shiekh S/o Rahman Sheikh R/o Mimender Shopian, Sweeper M.C. Shopian. (Beneficiary), (12)

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Manzoor Ahmad Sheikh S/o Ambir Sheikh R/o Waterpura Shopian, Sweeper MC Shopian. (Beneficiary), (13) Reyaz Ahmad Shielch S/o Ahmad Sheikh R/o Mimender Shopian, Sweeper MC Shopian. (Beneficiary), (14) Culla Sheikh S/o Amma Sheikh R/o Shirmall Shopian presently Batapora Shopian (Beneficiary), (15) Nadeem Rasool Mangnoo S/o Gh. Rasool R/o Bongam Driver MC Shopian (Beneficiary), (16) Shakeel Ahmad Bhat S/o All Mohammad Bhat R/o Babamohalla Shopian, Driver MC Shopian (Beneficiary), (17) Mohammad Saleem Shah S/o Ab. Gani Shah R/o Bongam Shopian Orderly MC Shopian (Beneficiary), (18) Sajad Hussain Bhat S/o Mohammad Yousuf Bhat R/o Khanpora Budgam then W. Supervisor MC Shopian (Beneficiary), (19) Mrs. Amina Akhter D/o Gh. Moharnimad Mir R/o Jawaharnagar Shopian then Jr. Assistant MC Shopian (Beneficiary), (20) Imran Ahmad Wani S/o Gh. Nabi Wani R/o Koil Pulwama then Khilafwarzi Assistant MC Shopian (Beneficiary), (21) Khalid-ul-Islam Wani S/o Gh. Mohammad Wani R/o Nayan Pulwama then Tax Collector MC Shopian (Beneficiary), (22) Muzaffer Ahmad S/o Ab. Gani Parry R/o Kamad Anantnag then Tax Helper MC Shopian transferred to MC Pahalgam (Beneficiary), (23) Shabir Ahmad Ganie S/o Ali Mohammad Ganie R/o Prichoo Pulwama the Sanitary Supervisor MC Shopian (Beneficiary) transferred to MC Khrew, (24) Pir Muzffer Ahmad S/o Late Pir Ali Mohammad R/o Reyi-TangKhanyar, Srinagar Demolition Guard MC Shopian (Beneficiary), (25) Shamim Nissar Kawa S/o Nissar Ahmad Kawa R/o S.R. Gung Aali Kadal Srinagar ladder man MC Shopian (Beneficiary), (26) Nisar Ahmad War S/o Gh Rasool War R/o Badampora Ganderbal then Assistant Tax Collector MC Shopian (Beneficiary), (27) Ab. Rashid Rather S/o Gh. Ahmad Rather R/o Payer Pulwama then Sanitary Supervisor MC Shopian (Beneficial): (28) Tabasum Ashraf D/o Mohammad Ashraf Sheikh R/o Chare-i-Sharuief Budgami then MPW MC Shopian (Beneficiary) and (29) Ishfaq Mohi-ud-din Bhat S/o Gh Moh-ud-din Bhat R/O Litter Pulwama then Khilafwarzi Assistant MC Shopian (Beneficiary).

16. Whereas, no such prosecution can be launched against an in-service public servants without prior sanction from the competent authority as envisaged u/s 6 of J&K P.C. Act, 2006; and

17. Whereas, Shri Mohammmad Ashraf Pandith S/o Ab. Aziz Pandith R/o HIG Qumarwati, Srinagar, then Executive Officer MC Shopian has been expired and Bashir Ahmad Malik S/o Gh. Nabio Malik R/o Shopian then President MC Shopian and Majid Hassan Khan S/o Gh. Hassan Khan R/o SHopian near Jamia Masjid then President M.C. Shopian are not in active service, as such their sanction is not required for prosecution.

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18. Whereas, the accused beneficiaries namely Sajad Hussain Bhat S/o Mohammad Yousuf Bhat R/o Khanpora, Budgam then Works Supervisor MC Shopian (Beneficiary), Amina Akhter D/o Gh. Mohammad Mir R/o Jawaharnagar Shopian then Jr. Assist., MC Shopian (Beneficiary), Imran Ahmad Wani S/o Gh. Nabi Wani R/o Koil Pulwama then Khilafwarzi Assistant MC Shopian (Beneficiary), Khalid-ul-Islam Wani S/o Gh. Mohammad Wani R/o Nayan Pulwama then Tax Collector MC Shopian (Beneficiary), Muzaffer Ahmad Parry S/o Ab. Gani Parry R/o Kamad Anantnag then Tax Helper M.C. Shopian transferred to MC Pahalgam (Beneficiary), Shabir Ahmad Ganie S/o Ali Mohammad Ganie R/o Prichoo Pulwama the Sanitary Supervisor MC Shopian (.Beneficiary) transferred to MC Khrew, Pir Muzffer Ahmad. S/o Late Pir Ali Mohamr. R/o Reyi-TangKhanyar Srinagar, Demolition Guard MC Shopian (Beneficiary) Shamim Nissar Kawa S/o Nissar Ahmad Kawa R/o S.R. Gung Aali Kadal Srinagar ladder man MC Shopian (Beneficiary) have been appointed directly by the accused public servants and as such were not the public servants at the point of time of commission of offence by the public servants and accused beneficiaries namely Nisar Ahmad War S/o Gh. Rasool War R/o Badampora Gandcrbal, then Assistant Tax Collector MC Shopia , (Beneficiary), Ab. Rashid Rather S/o Gh. Ahmad Rather R/o Payer Pulwama than Sanitary Supervisor MC Shopian ((Beneficiary), Tabasum Ashraf D/o Mohamad Ashraf Sheikh R/o Chare-i-Sharuief Budgam then MPW MC Shopian ((Beneficiary) Ishfaq Mohi-ud-din Bhat S/o Gh Moh-ud-din Bhat R/o Litter Pulwama then Khilafwail Assistant MC Shopian (Beneficiary) in whose favour salary has been drawn fraudulently and without any engagement/ appointment order by Shri Mohamina Ashraf Pandith then Executive Officer, Shopian were also not considered as public servant as such there sanction is not required for prosecution.

Now therefore, in pursuance of Section 6 of J&K P C Act, 2006, sanction is hereby accorded for prosecution of accused public servants namely (1) Gh. Nabi Wani S/o Gh. Rasool Wani R/o Koji Pulwama presently Jr. Assistant MC Shopian, (2) Nazir Ahmad Khanday S/o Mohammad Ahsan Khanday R/o Baba Mohalla Shopian (Beneficiary), (3) Gulzar Ahmad Alie S/o Gh. Moh-ud-din Allie R/o Al1ie pora Pulwama, Orderly MC Shopian (Beneficiary), (4) Mohammad Rafi Pandith S/o Ab. Gani Pandith Rio Baba Mohalla Shopian (Beneficiary), (5) Javid Ahmad Sheikh S/o Habib Sheikh R/o Mimender Shopian, Sweeper MC Shopian. (Beneficiary), (6) Shabir Ahmad Sheikh S/o Ashur Sheikh R/o Mimender Shopian, Sweepai-MC Shopian. (Beneficiary), (7) Muma Sheikh S/o Shabir Sheikh R/o Pinjoora ShopiaH Sweeper MC Shopian. (Beneficiary), (8) Mohammad Shafi Shiekh S/o Rahman Sheikh R/o Pinjoora Shopian, Sweeper MC

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Shopian. (Beneficiary), (9) Manzoor Ahmad Sheikh S/o Ambir Sheikh R/o o Waterpora Shopian, Sweeper MC Shopian. (Beneficiary), (10) Reyaz Ahmad Shiekh S/o Ahmad Sheikh R/o Mimender Shopian, Sweeper MC Shopian (Beneficiary), (11) Gulla Sheikh S/o Amma Sheikh R/o Shirmall Shopian presently Batapora, Shopian (Beneficiary), (12) Nadeem Rasool Mangnoo S/o Gh. Rasool R/o Bongam Shopian Driver MC Shopian (Beneficiary), (13) Shakeel Ahmad Bhat S/o Ali Mohammad Bhat R/o Babamohalla Shopian, Driver MC Shopian (Beneficiary), (14) Mohammad Saleem Shah S/O Ab. Gani Shah R/o Bongam Shopian, Orderly MC Shopian (Beneficiary) for commission, of offences punishable under 5(2) J&K P C Act, 2006 r/w Section 120-B RPC in case FIR 16/2011 P/S Vigilance Organization Kashmir.

By Order of the Government of Jammu and Kashmir.

Sd/-

(Hirdesh Kumar Singh) IAS
Commissioner/Secretary to Government,
Housing & Urban Development Department.

Dated; 22 05. 2017.

N0:- HUD/ULBK/ 54 /2017

Copy to the:-

1. Commr/Secretary to Govt. General Administration Department (Vig).
2. Director Urban Local Bodies, Kashmir.
3. OSD to Hon'ble Dy. Chief Minister(Minister I/C &UDD).
4. Spl. Assistant to Hon'ble Minister of State (&UDD).
5. Pvt. Secretary to Commr/Secretary to Govt. H&UDD.
6. Govt. Order File.

(Nissar Ahmad)

Under Secretary to Government