



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

Subject: Accord of sanction for prosecution of in service accused persons namely (1) Shabir Ahmad Wani S/O Kh. Gulam Mustafa R/O lower Munda Tehsil Dooru present Sant Nagar, Srinagar, (2). Farooq Ahmad Bhat S/O Mohd Kamal R/O Kadalbal, Pampore, (3) Abdul Rashid Peer S/O Noordin R/O Bagendar, Pampore, (4) Abdul Majid Bhat S/O Abli Bhat R/O Khankahbagh, Pampore for commission of offences punishable u/s u/s 5(2) PC Act r/w 120-B, 419, 420,468,471 RPC in case FIR No.35/2009 P/S Vigilance Organization, Kashmir.

Ref:- O.M. No.GAD(Vig)31-SP/2013 dated 06.02.2014 received from GAD.

**Government Order No 133 -HUD of -2016**  
**D A T E D: 05 -04 -2016.**

Whereas, the instant case was registered in P/S Vigilance Organization Kashmir in compliance to directions of Hon'ble Court of Special Judge Anti-Corruption dated 20.10.2009 and also in light of enquiry conducted on earlier directions of Hon'ble Court dated 12-06-2008 into the matter by this Organization regarding the bungling in implementation of a centrally sponsored scheme VAMBAY ( Valmiki Ambedkar Awas Yojna) by the Department of Urban Local Bodies in Town Pampore;

Whereas, a complaint was lodged in the Court of Special Judge Anti Corruption Srinagar by one Sh. Abdul Hamid Wani s/o Sh. Gh. Hassan Wani R/o Khankah-Bagh Pampore alleging that the officers/ officials of Municipal Committee Pampore & others without following the criterion laid down under the Central Govt. Sponsored Scheme granted financial assistance to undeserving persons for construction of dwelling houses who happened to be kith and kin of the officials involved in distribution of funds. The Court vide order dated 12-06-08 forwarded the complaint to the Vigilance Commissioner for enquiry. The enquiry was conducted and on 30-09-09 the report was submitted to the Hon'ble Court. The Court vide order dated 20-10-2009 asked the Commissioner of Vigilance to register a case in the matter. The Court, interalia, observed in the above referred order and on the basis of enquiry report of



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Vigilance Organization that the officers/officials of Revenue Department/ Municipal Committee Pampore and others in league with each other have misused their official position to confer undue advantage to their blue eyed persons and as such the offences under PC Act are attracted:

Whereas, During course of investigation it was revealed that Directorate of Urban Local Bodies Kashmir has received two lists containing 20 and 21 number of beneficiaries respectively. Whereas, during investigation it was revealed that the lists were somewhat identical but the one on which action was undertaken by Directorate of Urban Local Bodies Kashmir had not originated from the said MLA, but was having forged signatures of the said MLA Pampore Sh. Zahoor Ahamd Mir .Moresoever, the list was subject to verification by the Public Servants. On this count MLA, Zahoor Ahmad Mir's culpability worth judicial determination was not made out Thus Zahoor Ahmad Mir was deleted from array of accused persons;

Whereas, similarly it was revealed that the four beneficiaries had taken only one installment each when they were falling within the category and have not raised any construction thus no criminal liability was found with respect to the said beneficiaries and they were deleted from array of accused:

Whereas, During the course of investigation the documents/ files related to the scheme called VAMBAY- Valmiki Ambedkar Awas Yojna, were collected and seized from the Directorate of Urban Local Bodies Kashmir and the office of Municipal Committee Pampore:

Whereas, the seized documents were perused. The persons familiar with the facts of the case were examined under relevant provisions of law. The investigation conducted revealed that a Centrally Sponsored Scheme VAMBAY was in force in various Urban Local Bodies. The scheme was aimed at improving the living conditions of down-trodden people of slum urban areas. Among



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other things the scheme provides assistance for construction of dwelling houses to the persons falling under target groups as those who are slum dwellers and are either falling below poverty line or hailing from economically weaker sections who do not possess adequate shelter. However, the preference may be given to below poverty line people as per provisions of the scheme. As per the scheme, the identification of beneficiaries was to be made by the state Urban Development Agencies and District Urban Development Authority in consultation with the concerned Municipal bodies. Consequently, the Director Urban Local Bodies Kashmir vide his letter No. DULB/W/414-II/5856-90 dated. 30-08-2004 had requested the Administrator Municipal council/ Committee Pampore to-furnish a list of 40 beneficiaries for the scheme who fulfill the requisite conditions.:

Whereas, investigation has found that there was no elected municipal body in Pampore during the course of the instant scheme. It was found that a list comprising 21 beneficiaries was purportedly submitted by MLA concerned Zahoor Ahmad Mir to the Director Urban Local Bodies Kashmir. The Director Local Bodies vide No. DULB/STS/05/2913-14 dated. 26-07-2005 addressed to the Executive Officer MC Pampore which interalia, revealed that the beneficiaries will be paid Rs. 45,000/- each as assistance for construction of dwelling units and it further revealed that as per the details received from MC Pampora from time to time and through local representative, it has been decided to release Rs. 15,000/- each as first installment to 21 beneficiaries of enclosed list for construction of dwelling units. The Director in the said letter directed the said Executive Officer to release first installment subject to the following conditions:-

- i. That the beneficiary shall belong to economically weaker section.
- ii. The title of land must be in the name of beneficiary.
- iii. Second installment of Rs. 15,000/- shall be released after raising the construction upto plinth level.



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- iv. The third installment shall be released after the construction is raised upto roof level;

Whereas, It was also revealed that the Director Urban Local Bodies Kashmir vide his order No. DU LB/STS/470 of 2005 dated 26-07-2005 has accorded sanction to release of funds to the tune of Rs. 3.15 Lacs in favour of Executive Officer MC Pampore under VAMBAY Scheme as subsidy amount of Rs. 15,000/- each by way of first installment to 21 beneficiaries. The list of beneficiaries is as follows:-

1. Abdul Rashid Sheikh S/o Abdul Kari R/o Shiekh Mohalla.
2. Bashir Ahmad Wani S/o Ali Mohd. R/o Tangmohalla.
3. Mushtaq Ahmad Sofi S/o Mohd. Sultan R/o Bagendar.
4. Peer Hafizulla S/o Gh. Mohd. Peer R/o Bagendar.
5. Ramzan Hajam S/o Sidiq Hajam R/o Gousia Colony.
6. Ab. Hamid Lone S/o Gaffar R/o Lalwani Mohalla.
7. Miss Mehmooda Akhtar D/o Gh. Rasool R/o Lalwani Mohalla.
8. Ab. Rashid Sofi S/43 Gh. Rasool R/o Mir Mohalla.
9. Gh. Qadir Bhat S/o Gh. Hasan R/o New Colony.
10. Ab. Rashid Bhat S/o Abli R/o Khankahbagh.
11. Gh. Nabi Dar S/o Ahad Dar R/o Gadhanji.
12. Mst. Rehti W/o Mohd. Ramzan Dar r/o Gadhanji.
13. Mohd. Idress Bhat S/o Ab. Majid Bhat R/o KK Bagh.
14. Ab. Rashid Mir S/o Khazir Mir R/o Dhobi Mohalla.
15. Firdous Ahmad Wani S/o Gh. Nabi R/o Khankahbagh.,
16. Ashur Dar S/o Rahim Dar R/o Nambalbal.
17. Gul Bhat S/o Khaliq R/o Nambalbal.
18. Mst. Amina begum W/o Gh. Mohd. Wani R/o Nambalbal.
19. Mst. Nabla Begum W/o Gh. Mohd. R/o Nambalbal.
20. Mohd. Ashraf Bhat S/o Rahim Bhat R/o Frestbal.
21. Ab. Rahim Bhat S/o Nabir Bhat R/o Frestbal.

Whereas, The seized documents revealed that the accused executive Officer Sh. Shabir Ahmad had endorsed list of 21 beneficiaries received from the Director Urban Local Bodies to the accused Secretary MC Pampore namely Sh. Ab. Rashid Peer for verification through field agency. The field staff comprising of accused Khilafwarzi Inspr. Sh. Farooq Ahmad and Khilafwarzi Assistant Sh Ab Majeed had submitted the verification report to the accused Secretary. The above report was subsequently endorsed by the



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accused Secretary to the accused Executive Officer MC Pampore with the submission for releasing of relief cheques under the scheme for distribution among the beneficiaries. However, while endorsing the field verification report, the secretary has requested for keeping in abeyance the case of beneficiary figuring at serial No. 21 namely Abdul Rahim Bhat. Seized documents further revealed that on the basis of verification, the beneficiary falling at serial No. 21 was subsequently dropped and replaced by Sh. Noor Mohd. Bhat and thus an amount of Rs. 3.15 Lac @ Rs. 15,000/- each as first installment was found released / paid to the beneficiaries through the payees A/C Cheques under the signatures of the accused Executive Officer. The payment made through the payees a/c cheques was confirmed from J&K Bank Pampore via letter No. JKB/ SAFRON/10-TRP-89 dated 24-04-10. The seized cheques were subjected to expert opinion which was found positive;

Whereas, Investigation has further revealed that after the release of first installment, the accused Executive officer vide his letter No. MCP/05/833 dated 19-11-2005, had requested the Director ULB for release of second installment in respect of 13 beneficiaries certifying that these beneficiaries have completed the construction of their dwelling units upto plinth level supported by the photographs. In response, the Director ULB vide his order No. DULB/STS/1509 dated 18-01-2006, has accorded sanction of Rs. 1.95 lacs in respect of 13 beneficiaries @ Rs. 15,000/- each as second installment. The sanctioned amount of Rs. 1.95 Lacs was subsequently found released in favour of below mentioned 13 beneficiaries @ Rs. 15,000/- as second installment:

1. Bashir Ahmad Wani S/o Ali Mohd. R/o Tengsheikh Mohalla.
2. Ab. Rashid Sheikh S/o Ab. Kari r/o Tengsheikh Mohalla.
3. Mohd. Ashraf Bhat S/o Ab. Rahim R/o Frestbal.
4. Gh. Qadir Bhat S/ogh. Hasan R/o New colony Frestbal.
5. Miss Mehmooda d/o Gh. Rasool r/o Lalwani.
6. Ab. Hamid Lone S/o Ab. Gaffar R/o Lalwani.
7. Peer Hafizulla S/o Peer Gh. Rasool.
8. Mushtaq Ahmad Sofi S/o Mohd. Sultan R/o Bagendar.



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9. Ab. Rasid Mir S/o Khazir r/o Kadalbal
10. Ab. Rashid Bhat S/o Abli R/o KK Bagh.
11. Mohd. Idress Bhat S/o Ab. Majid R/o K K Bagh.
12. Gh. Nabi Dar S/o Ahad dar R/o KK Bagh.
13. Gull Bhat S/o Khaliq Bhat R/o Nambalbal.

Whereas, the mode of payment was again found made through payees a/c cheques in respect of these beneficiaries. These cheques ( seized ) were found issued under the signatures of the accused Executive Officer credited to the accounts of the beneficiaries as confirmed by FSL and concerned Bank respectively;

Whereas, Investigation further revealed that subsequent .to the release of I & II installment in respect of 21 beneficiaries & 13 beneficiaries respectively, the accused Executive Officer had requested the Director ULB to release III installment in respect of the beneficiaries as indicated in table below:-

S.No	Name of beneficiary	Installment	Installment
1.	Mst. Amina Begum W/o Gh. Mohd Wani R/o Nambalbal	II	
2.	Nor Mohd. Bhat S/o Ab. Samad R/o KK Bagh	II	
3.	Bashir Ahmad Wani S/o Ali Mohd. R/o Nambalbal		III
4.	Mustaq Ahmad Sofi S/o Mohd. Sultan R/o Nambalbal Pampore		III
5.	Peer Hafizullah S/o Gh. Mohd. R/o Badendar		III
6.	Ab. Hamid Lone S/o Ab. Gaffar R/o lalwani		III
7.	Miss Mehmooda D/o Gh. Rasool R/o Lalwani		III
8.	Ab. Rashid Mir S/o Khazir R/o Kadalbal.		III

Whereas, On the basis of recommendations of the accused Executive Officer as mentioned above, the Director ULB was found to have released an amount of Rs. 1.20 Lacs ( @ 15000) released in favour of the above 8 beneficiaries as II & III installment vide his order No. DULB/STS/460 dated. 24-06-



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06 & DULB/STS/495 dated. 04-07-06. The released amount was also found paid through payees a/c cheques in respect of these beneficiaries. The investigation revealed, that an amount of Rs. 6.30 Lacs in total has been sanctioned under VAMBAY Scheme and subsequently disbursed among 21 beneficiaries and is elucidated in the table given below:

S. No	Beneficiary	Category	Installment received	Cheque No.	Amount Rs.	Construction raised or not
1.	Gh. Qadir Bhat S/o Gh. Hassan	BPL	2	5635658 13947767	30,000	No
2.	Ab. Rashid Bhat S/o Abli	BPL	2	5635659 13957177	30,000	Yes
3.	Ashraf Bhat S/o Ab. Rahim	Nil	2	5635669 13947766	30,000	No
4.	Mst. Rehti W/o Ramzan Dar	BPL	1	5635661	15,000	Yes
5.	Ramzan Hajan S/o Sidiq	EW	1	5635654	15,000	No
6.	Gh. Nabi Dar S/o Abdul Ahad	BPL	2	5635660 13947774	30,000	Yes
7.	Mohd. Idress Bhat S/o Ab. Majid	Nil	2	5635662 23947773	30,000	No
8.	Amina W/o Gh. Mohd	BPL	2	5635667 09285706	30,000	Yes
9.	Noor Mohd. S/o Ab. Samad	BPL	2	13947776 09285712	30,000	No
10.	Gul Mohd. S/o Gh. Khaliq	EW	2	5635666 13947775	30,000	No
11	Mehmooda D/o Gh. Rasool	BPL	3	5635656 13947768 09285710	45,000	Yes
12.	Ab. Rashid Mir S/o Khazir	BPL	3	5635663 13957772 09285708	45,000	No
13.	Bashir Wani S/o Ali Mohd.	EW	3	5635651 13957765 09285711	45,000	Yes
14.	Mustaq Ahmad Sofi	BPL	3	5635652 13957771	45,000	Yes

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	S/o Mohd. Sultan			09285713		
15	Peer Hafizullah S/o Gh. Mohd.	BPL	3	5635653 13947769 09285709	45,000	Yes
16	Ab. Hamid Lone S/o Ab Gaffar	BPL	3	5635655 13947769 09285709	45,000	Yes
17.	Ab Rashid Sheikh S/o Karim	EW	2	5635650 13957186	30,000	No
18.	Ab. Rashid Sofi S/o Gh. Rasool	Nil	1	5635657	15,000	No
19.	Firdos Amad Wani S/o Gh. Nabi	EW	1	5635664	15,000	No
20.	Ashur Dar S/o Ab. Rahim	BPL	1	5635665	15,000	No
21.	Nabla Begum W/o Gh. Mohd.	BPL	1	5635668	15,000	No

Whereas, with reference to the guidelines of the scheme, investigation revealed that out of 21 beneficiaries, 13 were falling under BPL as confirmed by CAPD Department and as confirmed by the concerned revenue department officials, it was found that 05 beneficiaries were having monthly income less than Rs.2,000/- and were eligible for getting benefit under the scheme and the remaining 03 were not genuine:

Whereas, In order to ascertain the genuineness of the beneficiaries to claim the benefit under the scheme, it was found that the list of beneficiaries verified by the accused public servants S/Shri Abdul Rashid Peer-Secretary, Farooq Ahmad, Khilafwarzi Inspector & Abdul Majid, Khilafwarzi Assistant was manipulated in respect of three beneficiaries namely Mohd. Idrees Bhat S/o A ul Majid, Mo d Ashraf Bhat S/o Abdul Rahim and Abdul Rashid Sofi S/o Gh. Rasool on the count of following evidence:

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1. The beneficiaries were neither BPL nor EWS and as such were lacking the primary condition of the scheme.
2. Spot verification conducted revealed that these 3 beneficiaries have not even raised the structures / dwelling units.
3. Statements recorded u/s 161 & 164 CrPC are conversant with the facts of the case.

Whereas, on the strength of the discussed evidence, it was found that these accused Public servants including the accused Executive Officer, Shabir Ahmad in league with these three beneficiaries had resorted to manipulation of records and have thereby drawn / released an amount of Rs. 75,000/- / as relief /cash assistance in favour of these beneficiaries. The accused public servants were found to have dishonestly under a well knit conspiracy prepared fake and fictitious documents to confer undue benefit upon themselves and the beneficiaries;

Whereas, regarding the beneficiaries namely Gh. Qadir Bhat\Sio Gh. Hassan, Noor Mohd. Bhat S/o Ab. Samad, Gul Bhat S/o Khaliq Bhat, Ab. Rashid Mir S/o Khazir, Ab. Rashid Sheikh Sic) Ab. Karim falling at serial No. 1,9,10 &12 in the above table, it was found that these beneficiaries were eligible for the scheme but have not raised dwelling units and have taken two installments each except serial No. 12 who has taken three installments. In this manner the accused public servants S/Shri Shabir Ahmad, Executive Officer Ab. Rabid Peer-Secretary, Farooq Ahmad - Khilafwarzi Inspr. and Abdul Majid Khilafwarzi Assistant by the abuse of their official position and in league with these beneficiaries had processed their claims for second and third installment after resorting to the falsification of documents . The accused public servants were found to have dishonestly drawn/ disbursed an amount of Rs. 1,65,000/- among these beneficiaries as discussed in the table above;

Whereas, Regarding the beneficiaries namely Ramzan Hajam S/o Sidiq Hajam, Firdous Ahmad Wani S/o Gh. Nabi, Ashur Dar S/o Ab. Rahim and Mst Nabla Begam W/o Gh. Mohd. falling at S. No. 5,19,20 & 21 in the above



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table, were qualifying for the scheme but have not raised the dwelling units. Since these beneficiaries have taken only first installment and in respect of these beneficiaries, no criminal liability was found on them. Besides it may be in place to mention here that in case of one of the accused beneficiaries namely Mohd. Idress Bhat falling at Sr. No. 7 in the table, the disbursed amount has been recovered by the department concerned in pursuance to verification No. SVO/ABP/Veri./59/06-11798 dated 25-09-06 P/S VOK. However, the said recovery cannot exonerate him from criminal liability. As regards the other 9 beneficiaries, it was found that all of them were eligible for the scheme and have raised their structures;

Whereas, it was also revealed during investigation that Sb. Munir Ahmad then Tehsildar , Pampore has issued BPL certificates in favour of accused Idrees Ahmad Bhat , without competence and ascertaining the same, thus he was also included into the array of the accused ;

Whereas, role of Secretary, Khilafwarzi Inspector and Assistant:- The accused Public servants S/Shri Farooq Ahmad, Khilafwarzi Inspr., Abdul Majid Bhat, Khilafwarzi Assistant and Abdul Rashid Peer Secretary, who remained posted in Municipal Committee Pampore from 09-05-01 to 16-06-07, 17-08-04 to 17-01-07 and 13-06-02 to 28-12-05 respectively, have by abuse of their official position prepared and submitted a fictitious report in respect of the beneficiaries namely Abdul Rashid Sofi S/o Gulam Rasool Sofi, Mohd. Ashraf Bhat S/o Ab. Rahim Bhat and Mohd. Idress Bhat S/o Ab. Majid Bhat Khilafwarzi Assistant. Investigation has found that none of these beneficiaries was eligible for the scheme nor they have raised the structures. These accused public servants have dishonestly and fraudulently submitted false reports in respect of these beneficiaries and in this manner have, under a conspired plan facilitated drawl and disbursement of Rs. 75,000/- in respect of these persons and other beneficiaries;



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Whereas, Role of Executive Officer:- The officer remained posted as Executive Officer Municipal Committee Pampore from 02/2005 to 08/2007 resorted to the falsification of records in the colour of his official position, submitted false reports and wrong photographs for releasing second and third installment in favour of the accused beneficiaries namely Gh. Qadir Bhat S/o Gh. Hasan , Mohd. Ashraf Bhat S/o Ab. Rahim, Noor Mohd. S/o Ab. Samad, Gul Bhat S/o Ab. Khaliq, Mohd. Idrees S/o Ab. Majid, Ab. Rashid sheikh S/o Karim and Ab. Rashid Mir s/o Khazir and dishonestly disbursed / paid cheques to the tune of Rs. 2.25 Lacs under a conspired plan;

Whereas, as such on the strength of oral as well as documentary evidence a prima facie case is made out against the accused persons under section 5(1) (c) r/w 5(2) P.C Act Svt. 2006 and Section 120-B, 419, 420, 468, 471 RPC. It is recommended that sanction as envisaged u/s 6 of J&K P.C. Act Svt. 2006 has been prima facie established against the accused public servant and they should be prosecuted accordingly: and

Whereas, no such prosecution can be launched against in-service public servants without prior sanction from the competent authority as envisaged under section 6 of P.C Act, 2006;



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Now therefore, in pursuance of section 6 of J&K P.C. Act 2006 sanction is hereby accorded to the prosecution of accused persons namely (1) Shabir Ahmad Wani S/o Kh. Gulam Mustafa R/O Lower Munda Tehsil Dooru, present Sant Nagar Srinagar, 2. Farooq Ahmad Bhat S/O Mohd Kamal R/O Kandalbal, Pampore, 3. Abdul Rashid Peer S/o Noordin R/o Bagendar, Pampore, 4. Abdul Majid Bhat S/o Abli Bhat R/O Khankahbagh, Pampore, for commission of offences punishable under section 5(1) (c), 5(2) J&K, P.C. Act, 2006 and section 120-B, 419, 420, 468, 471 RPC in case FIR No. 35/2009 P/S Vigilance Organization, Kashmir.

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

Sd/-

(Bipul Pathak) IAS

Commr/Secretary to Government  
Housing & Urban Dev. Department.

Dated: 05-04-2016

No: HUD/ULBK/102/2012

Copy for information to the:

- 1 Commissioner/Secretary to Government, General Administration Deptt.
- 2 Director Urban Local Bodies, Kashmir.
- 3 Pvt. Secretary to Financial Commissioner, Planning & Dev. Deptt.
- 4 Private Secretary to Commissioner/Secretary H&UDD.
- 5 I/C Website H&UDD.
- 6 Government Order file ( w.2.s.c.)

  
(Nissar Ahmed)

Under Secretary to Government  
Housing & Urban Dev. Department.





