



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

Subject: Accord of sanction to the prosecution of the in-service accused public servant namely; (1) Shri Ab. Rashid Shah S/o Noor-U-Din Shah R/o Papchan Bandipora, the then Executive Officer, MC – Hajin and (2) Shri Imtiyaz Ahmad Bhat S/o Ab. Rehman Bhat R/o Bandipora, Plan, the then Establishment Incharge, MC – Hajin in Case FIR No. 13/2013, P/S VOK (now ACB).

Government Order No: 119 -HUD of 2019
Dated: - 25 -04-2019

Whereas, a case vide FIR No. 13/2013 was registered in P/S VOK Srinagar on the outcome of verification conducted into the allegations that during the period 2009-10, the officers / officials of MC - Hajin namely Imtiyaz Ahmad Parray and Ab. Rashid Shah President and I/C Executive Officer M.O Hajin respectively in league with beneficiaries have by abuse of their official position and in gross violation / utter disregard to the standing Govt. order / rules, without any competence made 13 illegal appointments of beneficiaries including their relatives on regular pay scale and their salary was drawn by Ab. Rashid Shah I/C Executive Officer who also attested service particulars of these illegal appointees namely (1) Imtiyaz Ahmad Parray S/o Ab Rehman Parray R/o Hajin (2) Sameer Mushtaq Wani S/o Mushtaq Ahmad Wani R/o Mader Bandipora (3) Saima Iqbal D/o Mohd Iqbal Kochay RIO Nowpora Bandipora (4) Mohd Tohah S/o Mohd Musa R/o Silmoo Kargil (5) Mohd Ayaz Malla S/o Mohd Sultan Malla R/o Hajin (6) Manzoor Ahmad Wani S/o Ab Ahad Wani R/o Zoonipora Hajin (7) Rameez Hafiz Mir S/o Hafiz Ullah Mir R/o Bandipora (8) Nasrullah Parray Sic) Qamardin Parray R/o Hajin (9) Mohd Ishfaq Wani S/o Bashir Ahmad Wani R/o Hajin (10) Ishfaq-un-Nabi S/o Gh. Nabi Paray R/o Hajin (11) Hilal Ahmad Wani S/o Gh. Mohd Wani R/o Hajin (12) Feroz Ahmad Bhat Sic) Mohd Afzal Bhat R/o Kamad Anantnag (13) Shah Umer S/o Ab. Rashid Peerzada R/o Bandipora.; and

Whereas, it was also alleged that the aforementioned appointees were lacking eligibility criteria as laid down in the recruitment rules / orders governing appointments. By acting in such a manner, the officers / officials of Municipal Committee Hajin have by abuse of their official position conferred undue pecuniary

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[Signature]

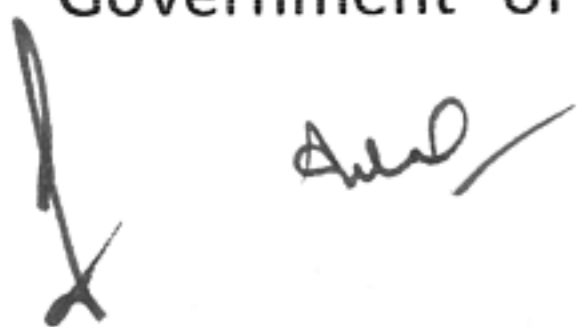
advantage upon the above mentioned beneficiaries with corresponding loss to the state exchequer. Accordingly case FIR No. 13/2013 was registered in P/S VOK and investigation taken up.; and

Whereas, during the course of investigation, enquiry file along with the allied records obtained during the verification were seized. The record / documents in the shape of service books, appointment orders along with the personal files of the illegal appointees and pay acquaintance roll for the period 2009-11 of M.C. Hajin have also been collected from the concerned quarters and seized in the instant case, however dispatch register for the said period was not provided by the office concerned.; and

Whereas, on the basis of scrutiny of records, it surfaced that during the period 2009-10, the accused namely Imtiyaz Ahmad Parray and Ab Rashid Shah, in league with Establishment Incharge Imtiyaz Ahmad Bhat and the beneficiaries, by abuse of their official position and in gross violation/ disregard to the standing Govt. order / rules / notification, without any competence made 15 illegal appointments on regular pay scale. Out of the 15 illegal appointees, 12 orders have been issued by the then President Municipal committee Hajin Imtiyaz Ahmad Parray and appointment orders in respect of 03 illegal appointees have been issued by the then Executive Officer Municipal committee Hajin Ab Rashid Shah. It has further surfaced that Ab. Rashid Shah in league with Imtiyaz Ahmad Baht, Establishment In-charge was instrumental in preparation of the documents in question which eventually paved the way for conferment of undue pecuniary advantage upon the beneficiaries (in the form of salary) with corresponding loss to the state ex-chequer, besides he has also attested the service particulars of these illegal appointees.; and

Whereas, during the course of investigation, documents bearing the admitted signatures/initials of accused persons namely Imtiyaz Ahmad Paray, Ab Rashid Shah and Imtiyaz Ahmad Bhat were obtained from the concerned office of M.C. Hajin and seized in the instant case. The questioned as well as the admitted signatures/initials of the above mentioned accused persons were referred to FSL Srinagar for examination and opinion. The expert opinion in this regard was received vide Report No. FSL/92-DOC/Sgr. dated 27-06-2014 and Report No. FSL/27-DOC/Sgr. dated 29-04-2015 has confirmed the signatures/initials of the above mentioned accused persons on the questioned documents; and

Whereas, during the course of investigation attested Copy of Notification of Government of 3&K dated 18th of December 2008 issued by Commissioner /

Handwritten signature and initials in black ink, located at the bottom left of the page. The signature appears to be 'A. Bhat' and the initials are 'AB'.

Secretary to Government, Housing and Urban Development Department Vide No. LSG/3/67/07 dated 18-12-2008 governing the appointments in Municipal Councils / Committees of the state which was in force during the period 2009-10, 2010-11 was obtained and seized in the instant case. Rule 5 clause 2 of this Notification reveals that "the Competent Authority for making appointments to the posts under these rules shall be the Government in the case of Class-I and Class-II posts and respective Heads of Department in other cases.; and

Whereas, during the course of investigation attested copy of the notification whereunder the accused Imtiyaz Ahmad Parray has been elected as president of MC Hajin was also obtained from the office of Director Urban and Local Bodies Kashmir and seized in the instant case wherein it surfaced that the accused namely Imtiyaz Ahmad Parray has remained as president of MC Hajin during the period under investigation; and

Whereas, during the course of investigation the statements of the witnesses acquainted with the facts of the case I investigation were also recorded U/s 161 CrPC which corroborate the commission of offences by the aforementioned accused persons.; and

Whereas, the Government after considering the records and evidence collected by investigating agency and taking into account all the facts and circumstances of case is satisfied that prima facie case for commission of offences punishable U/S 5(1)(d) r/w 5(2) PC Act, Svt. 2006 and section 120-B RPC is made out against in-service accused public servants and beneficiaries namely (1) Imtiyaz Ahmad Parray S/o Mohd Yousuf Parray R/o Hap Bandipora, the then President MC Hajin, (2) Ab. Rashid Shah Noor-u-Din Shah R/o Papchan Bandipora, the then Executive Officer MC Hajin, (3) Imtiyaz Ahmad Bhat S/o Ab Rehman Bhat R/o Bandipora Plan, the then Establishment Incharge MC Hajin, (4) Imtiyaz Ahmad Parray S/o Ab Rehman Parray R/o Hajin, (5) Sameer Mushtaq Wani S/o Mushtaq Ahmad Wani R/o Mader Bandipora, (6) Saima Iqbal D/o Mohd Iqbal Kochay R/o Nowpora Bandipora, (7) Mohd Tohah S/o Mohd Musa R/o Silmoo Kargil, (8) Mohd Ayaz Malla S/o Mohd Sultan Malla R/o Hajin, (9) Manzoor Ahmad Wani S/o Ab Ahad Wani R/o Zoonipora Hajin, (10) Rameez Hafiz Mir S/o Hafiz Ullah Mir R/o Bandipora, (11) Nasrullah Parray S/o Qamardin Parray R/o Hajin, (12) Mohd Ishfaq Wani S/o Bashir Ahmad Wani R/o Hajin, (13) Ishfaq-un-Nabi S/o Gh. Nabi Paray R/o Hajin, (14) Hilal Ahmad Wani S/o Gh. Mohd Wani R/o Hajin, (15) Feroz Ahmad Bhat S/o Mohd Afzal Bhat R/o Kamad Anantnag, (16) Shah Umer S/o Ab. Rashid Peerzada R/o Bandipora, (17) Majid

Hussain Bhat S/o Bashir Ahmad Bhat R/o Delina Baramulla and (18) Shariq Nadeem Wani S/o Gh. Mohi-u-Din R/o Bandipora for which they should be prosecuted;

Whereas, no such prosecution can be launched against an in-service public servant without prior sanction from the competent authority as envisaged under Section 6 of J&K P C Act, 2006.

Now therefore, in pursuance of Section 6 of J&K P C Act, 2006, sanction is hereby accorded for prosecution of in-service accused public servants namely Shri Ab. Rashid Shah S/o Noor-u-Din Shah R/o Papchan Bandipora, the then Executive Officer MC Hajin, and Shri Imtiyaz Ahmad Bhat S/o Ab Rehman Bhat R/o Bandipora Plan, the then Establishment Incharge MC Hajin, for commission of offences punishable U/S 5(1)(d) r/w 5(2) PC Act, Svt. 2006 and section 120-B RPC in case FIR No. 13/2013 P/S Vigilance Organization Kashmir.

By order of the Government of Jammu & Kashmir.

Sd/-

(Dheeraj Gupta)IAS

Principal Secretary to Government
Housing & Urban Dev. Department

No: HUD/LSG/ULBK/108/2019

Dated: 25 -04-2019

Copy to the:

1. Commissioner/Secretary to Government, General Administration Department for information.
2. Director, Anti Corruption Bureau, J&K, Jammu for information and necessary action.
3. Director, Urban Local Bodies, Kashmir.
4. Pvt. Secretary to Principal Secretary to Govt., H&UDD.
5. Pvt. Secretary to Secretary, H&UDD.
6. Shri Ab. Rashid Shah, S/o Noor-U-Din Shah, R/o Papchan, Bandipora, Executive Officer, MC – Magam.
7. Shri Imtiyaz Ahmad Bhat, S/o Ab. Rehman Bhat, R/o Bandipora, Plan, Senior Assistant, MC - Hajin
8. Government Order/stock file.



(Syed Nazir Ahmad)

**Under Secretary to Government
Housing & Urban Dev. Department**