



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

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Subject: Re-instatement of Mr. Shakeel Ahmad Shah, I/C Assistant Sanitary Inspector/ I/c Executive Officer, Urban Local Bodies, Kashmir.

Government Order No: 19 - HUD of 2019  
D a t e d: - 14 - 01 - 2019

Whereas, among others Shri Shakeel Ahmad Shah S/O Ghulam Hassan Shah R/o Gundpora Bandipora was appointed as Sanitary Inspector by the Director, Urban Local Bodies, Kashmir vide Order No. DLB/Estt/1931/52 of 1991 Dated 18.05.1991;

Whereas, Shri Shakeel Ahmad Shah was placed as I/C Assistant Sanitation Officer by the Director, Urban Local Bodies, Kashmir vide Order No. DULB/Estt/1977/838 Dated 29.12.2009;

Whereas, Shri Shakeel Ahmad Shah was again placed as I/c Executive Officer by the Director, Urban Local Bodies Kashmir vide Order No. DULB/Estt/471 of 2010 dated 24.08.2010 and posted in Municipal Committee Uri. Subsequently, he was transferred and posted as I/C Executive Officer, Municipal Committee, Bandipora;

Whereas, a compliant was received from educated unemployed youth from District Bandipora alleging therein that Sh. Shakeel Ahmad Shah has managed his job in a fake certificate which was forwarded to the Director, Urban Local Bodies, Kashmir for thorough investigation;

Whereas, the Director, Urban Local Bodies, Kashmir appointed Deputy Director(Adm), Urban Local Bodies, Kashmir as an Inquiry Officer to enquire into the complaint lodged by the Educated Unemployed Youth of District Bandipora;

Whereas, the Inquiry Officer submitted his enquiry report on 8.1.2015 wherein he has reported as under:-

**"To conclude it is obvious, that the official Shri Shakeel Ahmad Shah is using delaying tactics to conceal the facts on one pretext or the other. Therefore, I submit my preliminary report with the remarks that an in-depth enquiry needs to be got made in the instance case either through Crime Branch or matter needs to be referred to Administrative Department to nominate an Officer who will make in-depth enquiry into the matter."**

Whereas, the Vigilance Organization, J&K, Jammu vide No. VO-FIR-07/2016-K-4319-20 dated 11.3.2016 intimated that on 4.3.2016 case FIR No.07/2016 under Section 5(1) (d) r/w J&K PC Act 2006 and section 420,467,468 and 471 RPC was registered by Police Station Vigilance Organization, Kashmir into

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the allegations that Shri Shakeel Ahmad has managed a "Fake Diploma Certificate" by dishonestly, fraudulently and resultantly secured his entry in the Department of Urban Local Bodies, Kashmir;

Whereas, Director, Urban Local Bodies, Kashmir, vide Order No. BULB/Estt/1975/PS/436 of 2016 dated 28.3.2016 on the basis of FIR lodged by the Vigilance Organization, Kashmir placed Shri Shakeel Ahmad Shah, I/C Sanitation Officer/ I/C Executive Officer under suspension;

Whereas, the Department vide Government Order No. 190-HUD of 2016 dated 20.9.2016 appointed Mr. Bashir Ahmad Khan, Commissioner, Srinagar Municipal Corporation as an Inquiry Officer to hold an enquiry into the matter with regard to allegation of submitting fake certificate by Shri Shakeel Ahmad Shah, I/C Sanitation Officer/ I/C Executive Officer under suspension;

Whereas Shri Bashir Ahmad Khan, Commissioner, SMC (Inquiry Officer) intimated that another enquiry cannot be initiated as the Vigilance Organization has already registered a FIR against the said official and investigation is going on in VOK;

Whereas, the Department vide Government Order No. 47-HUD of 2017 dated 3.3.2017 appointed Shri Shabir Ahmad Raina, KAS, Secretary, Srinagar Development Authority as an Inquiry Officer to hold an enquiry into the matter of submitting fake certificates by Shri Shakeel Ahmad Shah, I/C Sanitation Officer/ I/C Executive Officer under suspension;

Whereas, Inquiry Officer vide No. SDA/Sec-Enq/2017/138 dated 14.9.2017 submitted his enquiry report, concluding para of which reads as under:

"After perusal of the documents provided by the Principal GMC/Vice President J&K State Para Medical and Nursing Council, Srinagar, director, Local Bodies, Kashmir, Director Health Services, Jammu, and the relevant papers provided by Mr. Shakeel Ahmad Shah (Complaintee), it has been observed that the official could not qualify the examination in the first instance for passing the diploma in Sanitary Inspector and subsequently re-checked the answer sheet and secured the pass marks for which notification, "D" has been issued vide No. SMF/Ex-24/6662 dated 11.2.1989 and the official is figuring at S.No. 83 as trainees of RFPTC Barzulla Srinagar under Roll No. S-II/SUP/1290 issued by the Secretary J&K State Medical Faculty, Jammu and also highlighted in the verification report of Registrar J&K State Medical Faculty Jammu under No. SMF/Verf./482 dated 22.10.2012 wherein it has been mentioned that entries in the result register has shown pass in the rechecking column and secured following marks as:

S.No.	Theory	Practical	Total	Result
01	100	80	180	Pass

As such, after enquiring into the matter it is established that Mr. Shakeel Ahmad I/C Ex.Officer has qualified the Diploma in Sanitary Inspector under Roll No. S-II/SUP/1290 after re-evaluation/re-checking of the marks sheet, in session August, 1988; however, original Notification "D" issued in this behalf vide No. SMF/EX-24/6662 dated 11.2.1989 by the concerned institute may be sought from the Vigilance Organization, if required.

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Whereas, the Vigilance Organization vide No. VO-FIR-07/2016-K-7459-60 dated 21.5.2018 intimated as under:-

"During the course of investigation, the allegations leveled against Shakeel Ahmad Shah S/O Ghulam Hassan R/O Gundpora Bandipora the then I/C Executive Officer, MC Bandipora/Hajan could not be substantiated and the case u/s 5(2) J&K PC Act and section 420,476,468,471 RPC was not made out against him. Subsequently the case was closed as not proved in Police Station VOK after proper approval of competent authority vide this office communication No. VO-FIR-07/2016-k-3157 dated 22.02.2018 and Hon'ble SVC has also concurred with the recommendations of closure of case as "Not Proved".

The Final report (Ikhtitami) of the instant case is yet to be produced before the Hon'ble Court of Law for further course of action and acceptance thereof."

Whereas, the Vigilance Organization, Kashmir filed the final report (Ikhtitami) before the Court of Additional Session's Judge Baramulla, Special Judge Anti Corruption for Baramulla, Kupwara and Bandipora. The Hon'ble Court on 29.10.2018 delivered final decision, the operative part of which reads as under:

"Keeping in view the above stated facts and circumstances that diploma certificate of the accused person has been found genuinely obtained.

I agree with the conclusion arrived at by the I/O. Accordingly, the final report is accepted and the file after due completion shall go to records."

Now, therefore, in view of the report of the Inquiry Officer and closure of the case by the Vigilance Organization as not proved and acceptance of the final report (Ikhtitami) by the Additional Session's Judge Baramulla, Special Judge Anti Corruption for Baramulla, Kupwara and Bandipora, Shri Shakeel Ahmad Shah, I/C Sanitation Officer/ I/C Executive Officer, Urban Local Bodies, Kashmir placed under suspension by the Director Urban Local Bodies, Kashmir vide Order No. DULB/Estt/PS/436 of 2016 Dated 28.03.2016 is hereby re-instated with immediate effect. The period of suspension will be decided separately.

By order of the Government of Jammu & Kashmir.

Sd/  
(K.B. Agarwal), IAS  
Financial Commissioner  
Housing & Urban Dev. Department

No: HUD/LSG/ULBK/130/2015

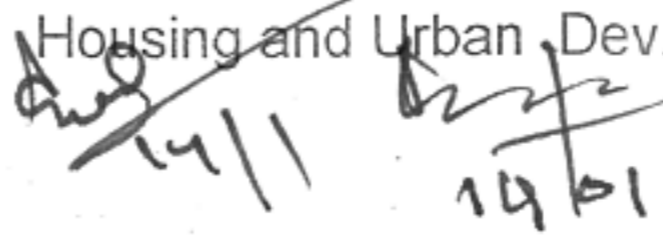
Dated: 14 -01-2019

Copy to the:-

1. Director, Urban Local Bodies, Kashmir.
2. OSD to Hon'ble Advisor (S).
3. Pvt. Secretary to Financial Commissioner, H&UDD.
4. Pvt. Secretary to Secretary, H&UDD.
5. Concerned Officer.
6. Government Order/stock file.

  
(Syed Nazir Ahmad)

Under Secretary to Government  
Housing and Urban Dev. Department

  
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