

GOVERNMENT OF JAMMU AND KASHMIR
HEALTH & MEDICAL EDUCATION DEPARTMENT
HUMAN RESOURCE MANAGEMENT BRANCH
Civil Secretariat, Srinagar/Jammu

**Subject:-Imposition of Penalty on Public Servants involved in case
FIR No.22/2011 P/S VOK (Now ACB).**

**Government Order No.256 -JK (HME) of 2024
Dated: 29 -03-2024.**

Whereas, the General Administration Department vide communication OM No.GAD-VIG0SP/52/2021-09-GAD dated 10.09.2021 forwarded Government Order No. 48-JK-GAD(Vig) of 2021 dated 10.09.2021, wherein, prosecution was sanctioned against below mentioned public servants with regard to illegal appointments of Class-IV employees in block Medical Office, Beerwah for commission of offences punishable under section5(1)(d) r/w 5(2) of the Prevention of Corruption Act, Samvat, 2006 and Section 120-B RPC in case FIR No.22/2011 P/S VoK (now ACB):

1. Mr. Khursheed Ahmad Wani S/o Mohammad Ramzan Wani R/o Nawabazar Srinagar, the then Senior Assistant, SDH Beerwah
2. Mr. Nisar Ahmad Bhat S/o Gh. Mohammad Bhat R/o SDA Colony 267-Sector-1, Bemina, the then Senior Assistant, Block Beerwah.
3. Mr. Muneer Ahmad Chashoo S/o Late Gh. Mohi-ud-din R/o Rawalpura Bank Colony, the then Senior Assistant, S.D.H. Charar-i-Sharief.

Whereas, the General Administration Department advised this Department for initiation of following course of action in case FIR No.22/2011 P/S VOK (now ACB) into the allegations of illegal and un-authorized appointments of Class-IV employees of Block Medical Office, Beerwah:

- i. Initiation of simultaneous Regular Departmental action (RDA) against the accused public servants in terms of provisions contained in Jammu and Kashmir Civil Services (Classification, Control & Appeal) Rules, 1956 and Circular instructions notified vide Circular No.49-GAD of 2018 dated 12.12.2018 r/w Circular No.24-JK(GAD) of 2021 dated 17.07.2021.
- ii. Placing the accused public servants under suspension, pending enquiry, if not already suspended;
- iii. Initiating the process of termination of illegal appointees, immediately, if not already done.

Whereas, vide Memorandum No.dated 15.09.2022 ,Articles of charges along with the Statement of Imputations in support of charges and other connected documents in terms of Rules 33 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 were served upon above

mentioned in-service, public servants for submitting a written statement of defense within a period of 15 days;

Whereas, Director Health Services, Kashmir vide Order No.346/NG of 2022 dated 12.10.2022, among others placed these officials under suspension with immediate effect and attached them with different offices;

Whereas, all the alleged officials submitted their replies/statement of defense, wherein, all of them denied the charges/ allegations leveled against them;

Whereas, the replies/written statements of defense submitted by these alleged officials were examined and it was observed that the matter is required to be enquired through an Inquiry Officer; and

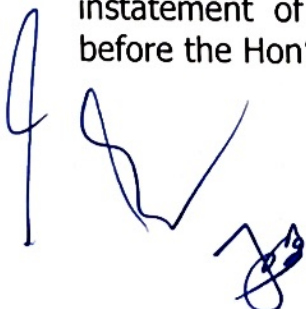
Whereas, vide Government Order No. 209-JK(HME) of 2023 dated 10.03.2023, Mr. Arshid Ahmad Lone, the then Chief Accounts Officer, Directorate of Health Services Kashmir was appointed as Inquiry Officer to enquire into the matter in light of the charges leveled against each official involved in case FIR No. 22/2011;

Whereas, Inquiry Officer vide letter No. DHSK/Acctt/4598-99 dated 21.09.2023 submitted his detailed report, stating therein, that CMOs and BMOs (DDOs) involved in alleged illegal appointments/regularization are mainly responsible who have caused huge loss to the Government exchequer and have discredited the reputation of Health Department by these fraudulent appointments for their vested interests, but these officers are either terminated/retired or expired;

Whereas, inter alia, the Inquiry officer has concluded/recommended as following:-

"These employees appear to be NOT actively/intentionally involved in the process of alleged illegal appointments/regularization and are facing RDA. They might have recorded routine entries like increment entries, leave entries, etc. in the Service books prepared by their predecessors during the normal course of their duties".

Whereas, in view of this, the Inquiry Officer has recommended re-instatement of these officials till outcome of the proceedings pending before the Hon'ble Court of law;-



- I. Mr. Khursheed Ahmad Wani, the then Senior Assistant, SDH Beerwah.
- II. Mr. Nisar Ahmad Bhat, the then Senior Assistant, Block Beerwah and
- III. Mr. Muneer Ahmad Chashoo, the then Senior Assistant, S.D.H. Charar-i-Sharief.

Whereas, the matter was examined in detail and it was observed by the competent authority that, though unintentionally, but wrong has been done by these officials in performance of their duties.

Now, therefore, after approval of the Competent Authority, sanction is hereby accorded to impose a penalty of "**Censure**" as provided under Rule 30(i) of J&K Civil Services (Classification, Control & Appeal) Rules, 1956 in favour of following officials so that they shall remain careful in future while discharging their duties:-

- I. Mr. Khursheed Ahmad Wani S/o Mohammad Ramzan Wani R/o Nawabazar Srinagar, the then Senior Assistant, SDH Beerwah.
- II. Mr. Nisar Ahmad Bhat S/o Gh. Mohammad Bhat R/o SDA Colony 267-Sector-1, Bemina, the then Senior Assistant, Block Beerwah and
- III. Mr. Muneer Ahmad Chashoo S/o Late Gh. Mohi-ud-din R/o Rawalpura Bank Colony, the then Senior Assistant, S.D.H. Charar-i-Sharief.

Sd/-

(Dr. Syed Abid Rasheed Shah) IAS
Secretary to the Government
Health and Medical Education Department
Dated: 29-03-2024

No. HME/HRM/83/2021 E-59614
Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. Commissioner Secretary to the Government, General Administration Department.
4. Director, Archives, Archaeology & Museums, J&K, Jammu.
5. Director, Health Services, Kashmir.
6. OSD to the Advisor (B) to Lieutenant Governor, J&K.
7. Additional Secretary to the Government (HRM) H&ME Department.
8. Private Secretary to the Secretary to the Government, Health & Medical Education Department.
9. Concerned officials.
10. Government Order file/Stock file/Website H&ME/Monday Return file.

(Mushaq Ahmad Khan)
Under Secretary to the Government
29-03-2024