

**Government of Jammu and Kashmir
Agriculture Production Department
Civil Secretariat- Jammu/ Srinagar.**

Subject: T.A No. 5492/2021, Riyaz Ahmad Tibet Bakal Vs State of J&K and Ors.

**Government Order No: 472-JK(APD) of 2023
Dated: 13.09.2023**

WHEREAS, the villagers of Wadipora, Chadoora - Budgam, lodged a complaint before the Vigilance Commission, submitting therein that Government in the Department of Rural Development and Agriculture has launched various schemes for development of communities in the rural areas like construction of lane/drain, protection walls, latrine points, small roads, tube wells etc. However, as per the guidelines of these schemes all such works have to be executed for community benefits and not for individual benefits, but some unscrupulous elements of their village by misusing their political influence and greasing the palms of the executing agencies have succeeded in allotment/completion of such works in their favour;

WHEREAS, complainant namely Mr. Gh. Hassan Sheikh & Ors intimated that all these works executed are in violation of the norms/ rules/ regulations with the sole motive to grab the government funds and deprive the community for which such funds are released by the Government. Therefore, requested all these works needs to be investigated thoroughly by the Vigilance Organization so that such unscrupulous elements of the society are brought to book;

WHEREAS, the case was thoroughly examined in the Department and an in-depth inquiry was ordered in the matter;

WHEREAS, during the process, a charge sheet was served upon Mr. Riyaz Ahmad Tibet Bakal, Ex. SDAO, Chadoora and he was asked to explain his position, who in turn defended his case with a plea that in no case any financial indiscipline has been exercised or he has not indulged in any such activity which has caused loss to Government exchequer. Hence the charges leveled against him are baseless and are requested to be dropped;

WHEREAS, while concluding the inquiry proceedings, following recommendation were made by the committee:-

- 1. Recover excess amount of Rs. 0.335 lacs from the delinquent officer as only 50% of the cost was to be given to the beneficiary.*
- 2. Imposition of fine to the tune of one month's salary as per Rule 2.5 of JK Financial Code Vol-I and Rule 30(2) of JK Civil Services Classification Control and Appeal Rules, 1956.*
- 3. Officer be divested of the post of important nature and having DDO powers.*

4. A reprimand to be issued to the officer for his non seriousness in discharging his obligatory duty.

WHEREAS, on the basis of report/recommendations and in terms of Rule 30(2) of JK Civil Services Classification Control and Appeal Rules, 1956, a penalty of fine not exceeding one month's pay was imposed upon Shri Riyaz Ahmad Tibet Bakal, the then Incharge SDAO Chadoora for not maintaining the integrity and honesty in discharging official duties and violating the provisions of J&K Employees Conduct Rules, 1971, vide Govt. Order No. 70-Agri of 2017 dated 28.02.2017. Further ordered that an amount of Rs. 0.355 lacs (Thirty Three Thousand and Five Hundred only) shall be recovered from Shri Riyaz Ahmad Tibet Bakal immediately;

WHEREAS, the officer aggrieved of the aforesaid order approached the Hon'ble High Court of Jammu and Kashmir through a medium of SWP No. 862/2016, and the Hon'ble Court while passing an interim order dated 25.04.2018 directed that the impugned order shall not form any impediment in processing the case of the petitioner for release of his post retrial benefits;

WHEREAS, said case on being transferred to the Central Administrative Tribunal (CAT) was diarized and numbered as TA No. 5492/2021, Riyaz Ahmad Tibet Bakal Vs State of J&K and Ors and the Hon'ble CAT vide order dated 31.01.2022 disposed of the case with the following directions:

".....In these circumstances, without going into the merits of the case, we dispose of the present case with a direction to the applicant to furnish a copy of the TA to the respondents within 15 days from the date of receipt of a copy of this order. On receipt of such TA from the applicant within the stipulated time, the respondents treating it as comprehensive representation, shall consider and dispose of the same by passing a reasoned and speaking order thereon in accordance with law within two months thereafter.

With the above directions, the present TA stands disposed of. There shall be no order as to costs....."

WHEREAS, the Department having already served a charge sheet upon the petitioner/ applicant and in response he filed the detailed reply stating therein that in no case any financial indiscipline has been exercised or has indulged in any such activity, which has caused loss to Government Exchequer. Hence, the charges leveled against him are baseless and requested to be dropped and;

WHEREAS, upon considering the matter in the light of relevant records, it has been found that the petitioner has already been given an opportunity of being heard, as such, the claim of the petitioner is devoid of merit and deserves rejection;

Now, therefore, in pursuance to the directions passed by the Hon'ble Central Administrative Tribunal, dated 31st January 2022, the claim of the petitioner having been considered in view of discussions herein above with reference to the

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relevant records and the rules governing the subject, is found to be devoid of any merit and hence rejected.

By Order of the Government of Jammu and Kashmir.

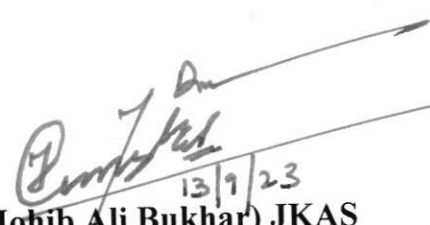
**Sd/-
(Shailendra Kumar), IAS
Principal Secretary to the Government**

No: Agri/Legal/150/2022(E7090801)

Dated: | 3 .09.2023

Copy to the:-

1. Joint Secretary (J&K) Ministry of Home Affairs, Government of India.
2. Director, Archives, Archaeology and Museums, J&K, Jammu.
3. Director, Agriculture Kashmir.
4. Private Secretary to Principal Secretary to the Government, Agriculture Production Department for information of the Principal Secretary.
5. Private Secretary to Secretary, Agriculture Production Department.
6. Concerned.
7. In-charge Website, APD.
8. Government order file(w.2.Sc)/Stock file.


13/9/23
(Mohib Ali Bukhar) JKAS
Under Secretary to the Government

