



**Government of Union territory of Jammu & Kashmir**  
**Office of the Financial Commissioner (Revenue)**

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**Subject:-** Regular Departmental Action against Sh. Tariq Ahmed Shah, then Patwari, Patwar Halqa Hathbura, Tehsil Tullamulla, District Ganderbal (CBI Case No.RC123023A0001)- imposition of penalty thereof.

**Order No. 628-FC (Rev) of 2024**

**Dated: 25.01.2024**

1. Whereas, prosecution sanction has been granted under Government Order No.29-JK-GAD (Vig) of 2023 dated 16.06.2023, against Sh. Tariq Ahmed Shah, the then Patwari, Patwar Halqa Hathbura, Tehsil Tullamulla, District Ganderbal, for demanding Rs. 1.80 lacs and accepting a part of amount of bribe to the tune of Rs. 50000 /- from the complainant namely Mr. Abdul Rashid Dar S/o Late Ghulam Qadir Dar R/o Hathbura, Tehsil Tullamulla, for issuance of three separate Naqsha Intikhab (Revenue extract); and
2. Whereas, during the course of investigation, all the exhibits collected during the pre-trap and post trap proceedings were sent to CFSL, New Delhi for chemical examination and expert opinion. The CFSL has tendered a positive opinion, thus corroborating the facts emerged during the investigation; and
3. Whereas, Revenue Department vide communication No. REV/Vigl/63/2023-(7223142) dated 27.06.2023, has advised to initiate simultaneous Regular Departmental Action (RDA) against the then Patwari, Patwar Halqa Hathbura, Tehsil Tullamulla, District Ganderbal, Sh. Tariq Ahmed Shah, in terms of The J&K Civil Services (CCA) Rules, 1956, for commission of offences punishable under section 7 of the Prevention of Corruption Act, 1988 in CBI Case No.RC123023A0001 dated 25.01.2023 ;and
4. Whereas, the matter was forwarded to Deputy Commissioner Ganderbal for further action who vide order No. 544 DCG/Estt. of 2023 dated

17.06.2023, appointed Assistant Commissioner Revenue, Ganderbal as enquiry officer; and

5. Whereas chargesheet was served upon Mr. Tariq Ahmed Shah vide No. DCG/Estt./F-515/2023 dated 17.06.2023 stating therein:-

*"Whereas; the DIG/Head of Branch CBI, Anti-Corruption Bureau Srinagar vide No:- 156/RC1232023A0001/CBI/ACH/Sgr Dated; 25.01.2023 has confirmed your arrest on 25/01/2021 and lodging of FIR No. RC1232023A0001 Dated; 25.01.2023 on account of demanding Rs. 1.80 Lakh and accepting a part of amount of bribe to the tune of Rs. 50,000/- as part of the demanded bribe amount by you from the complainant namely Abdul Rashid Dar S/o Late Ghulam Qadir Dar R/o Hathbura Tehsil Tullamulla for issuance of Naqsha Intikhab.*

*Whereas, based on records and material evidence collected by the investigating Agency during the course of investigation a prima-facie case for commission of offences punishable under section-7 of the Prevention of Corruption Act-2006 has been established against you.*

*Whereas, a public servant is said to commit the offence of criminal misconduct under section-5 of Prevention of Corruption Act-2006, if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward.*

*Whereas, the charges leveled against you are serious and grave in nature and warrants punishment under Rule (30) of J&K Civil Services (CC&A) Rules, 1956.*

*Now, therefore, you are directed to furnish your reply on the article of charges with in a period of 10-days from the date of issuance of charge sheet, failing which it shall be deemed you have nothing to say in your defense and action as warranted under law will be initiated against you."*

6. Whereas, the charged official furnished his reply to the effect that this was a false and frivolous case where he was falsely implicated in tussle of two groups and due to animosity of the complainant; and
7. Whereas, on the reply not being found satisfactory, the matter was inquired into by the inquiry officer who, gave opportunity to the charged official to present his case before him. For this purpose, the Inquiry Officer directed the charged official to give clarity in respect of the point that the



complainant has been harboring animosity against him and mention example/ evidence of hatching of conspiracy. However, he failed to submit the comprehensive clarity/ evidence in respect of above referred points. The charged official was given ample opportunity to defend the case personally or through legal practitioner / advocate and he preferred to appear before the Inquiry Officer personally rather than through legal practitioner / advocate; and

8. Whereas, after conducting detailed inquiry, the Inquiry Officer submitted his report under endorsement No. DCG/Estt./F-515/2023 dated 8.11.23, to the Deputy Commissioner, Ganderbal, who forwarded the same vide his letter No. DCG/Estt/F-515/2023-dated 28.12.2023, concluding therein:

*a. The accused has partially followed the procedure for issuance of Fard, as he has simply taken the signature of land owner on the "Roznamcha Wakati". The accused Patwari has neither sought an application from the land owner/complainant nor copy of receipt on account of deposition of prescribed fee;*

*b. The accused is involved in receiving an amount of Rs.50000/- from the complainant and he had no domain to receive it from the complainant in the capacity of being a public servant;*

*c. The charges against the accused are serious and grave in nature, which warrants punishments as may be deemed fit, in addition to the orders which will be passed by the Hon'ble Court of law where the matter is under trial.*

9. Whereas, upon consideration of all relevant aspects, the undersigned, exercising the powers as competent authority, has found the charged official guilty of misconduct as charged, and, taking into account the gravity of the misconduct as also to obviate further opportunities to the official to indulge in such activities, decided to impose penalty of reduction to a lower post, namely, to the post of Orderly in the pay scale of SL1 - (14800-47100), in terms of Rule 30 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956; and

10. Whereas, the Article 311(2) of the Constitution of India provides that:

"No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges;



Provided that where it is proposed after such inquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed...."

11. Whereas, in view of the aforementioned constitutional provision, there is no necessity to give the charged official any opportunity of making representation on the penalty proposed; and
12. Now, therefore, in terms of Rule 30 of J&K Civil Services (Classification Control and Appeal) Rules, 1956, the following penalty is hereby imposed upon the charged official namely, Sh. Tariq Ahmed Shah, then Patwari, Patwar Halqa Hathbura, Tehsil Tullamulla, District Ganderbal:

"reduction to a lower post, namely, to the post of Orderly in the pay scale of SL1 -(14800-47100)"




(Shaleen Kabra) IAS  
**Financial Commissioner (Revenue)**  
**J&K.**

No: FCR/Cord/292/2023(7230088)

Dated: 25 .01.2024

Copy to the:-

1. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
2. Principal Accountant General, J&K.
3. Joint Secretary (J&K) Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner / Secretary to the Government, General Administration Department.
5. Secretary to the Government, Revenue Department, J&K.
6. Divisional Commissioner, Kashmir.
7. Director Anti-Corruption Bureau, J&K
8. Head of Branch, CBI:SPE:ACB, Srinagar.
9. Director Archives, Archaeology and Museums, J&K.

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10. Deputy Commissioner, Ganderbal who shall ensure that the necessary effect is carried out in the Pay and any other dues, in accordance with this order.
  11. OSD with Advisor (B) to Hon'ble Lieutenant Governor.
  12. Concerned.
  13. Incharge website.
  14. Office order file.