

**GOVERNMENT OF JAMMU AND KASHMIR  
JAL SHAKTI DEPARTMENT  
CIVIL SECRETARIAT, JAMMU/ SRINAGAR**

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Subject: - Representation of Shri Ajay Kumar Gupta, I/c Assistant Executive Engineer (currently under Suspension) for enhancement of his subsistence allowance from 50% to 75%.

**Government Order No. 195-JK(JSD) of 2024**

**Dated: - 17.08.2024**

Whereas, Shri Ajay Kumar Gupta, I/c Assistant Executive Engineer (currently under Suspension) has submitted a representation dated 14.05.2024 along with the copy of Order dated 01.05.2024 passed by the Hon'ble Central Administrative Tribunal in Original application No. 476/2020 for reinstatement and enhancement of his subsistence allowance from 50% to 75%. The operative part of the Order of the Hon'ble Tribunal reads as: -

*"Keeping in view the afore stated limited prayer made by learned counsel for the applicant, I deem it appropriate to dispose of the present Original Application at admission stage itself without expressing opinion on the merits of the case directing the respondents to treat a copy of this O.A. as representation of the applicant along with the pending representation and consider his case for enhancing subsistence allowance from 50% to 75% and decide it by passing a reasoned and speaking order and the order so passed, shall also be communicated to the applicant. The whole exercise shall be undertaken within a period of four weeks from the date of receipt of certified copy of this order. With these directions the Original Application stands disposed of. However, there shall be no orders so as to costs."*

2. Whereas, Vide Govt. Order No. 51 JK(JSD) of 2021 dated 26.02.2021, Shri Ajay Kumar, Gupta I/c AEE was placed under suspension w.e.f 01.06.2020, in pursuance of sub rule (2) of Rule 31 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956 on account of his arrest by the police of Police Station Nagrota in FIR No. 226/2020 under section **302/IPC**; and

3. Whereas, vide Government Order No. 155-JK(JSD) of 2022 dated 20.07.2022, an Inquiry Officer was appointed to conduct inquiry into the matter and the Inquiry Officer submitted his report dated 08.08.2022, the operative part of which reads as:

*"In the instant cases law takes its own course of action. The official was to be deemed to have been placed under suspension from the date of his arrest. That was the action to be taken by the department otherwise also since he was/is under custody he was/is deemed to have been placed under suspension in terms of Rule 31(2) of J&K CCA Rules."*

4. Whereas, vide letter dated 06.02.2023, Chief Engineer, I&FC Jammu was requested to furnish current status of the case under which Shri Ajay Kumar Gupta, I/c Assistant

Executive Engineer (under suspension) has been arrested and the Chief Engineer, Irrigation & Flood Control Jammu vide his letter No. IFCJ/E/19294-96 dated 27.01.2024 while forwarding the application dated 25.01.2024 of Shri Ajay Kumar Gupta, I/c AEE has intimated that the suspended officer is requesting for his reinstatement and enhancement of subsistence allowance to 75% on the plea that he has been released on interim bail till 17.01.2024 and further extended till 26.02.2024 by the Hon'ble 2<sup>nd</sup> Additional Sessions Judge, Jammu in the case FIR No. 226/2020 U/s 302/IPC P/S Nagrota; and

5. Whereas, it was observed that the officer who is currently under suspension has been **released only on interim bail** which was extended till 26.02.2024 by the Hon'ble 2<sup>nd</sup> Additional Sessions Judge, Jammu in the case FIR No. 226/2020 U/s 302/IPC P/S Nagrota and he is already getting 50% of the subsistence allowance; and

6. Whereas, the case examined in the department and it was decided that in view of the nature of the crime, it is not suitable to increase the subsistence allowance at this time. The individual in question was already receiving 50% of the allowance while imprisoned and has only recently been released on interim bail.

7. Now, therefore, in pursuance of above facts, claim of the applicant for enhancement of his subsistence allowance has been considered and found devoid of any merit, in terms of Article 108 of J&K CSR Volume-I, hence rejected.

**By Order of the Government of Jammu and Kashmir.**


Sd/-  
(Shaleen Kabra) IAS  
**Financial Commissioner (Additional Chief Secretary)**  
**Jal Shakti Department**

No. PHE-PHE/47/2021-A-PHE (CC No. 16052)

Dated: - 17.08.2024

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, Irrigation & Flood Control, Jammu.
3. Director, Archives, Archaeology and Museums, J&K.
4. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
5. Senior Law Officer, Jal Shakti Department.
6. Concerned officer.
7. Private Secretary to the Financial Commissioner (Additional Chief Secretary), Jal Shakti Department.
8. I/c Website.
9. Government Order file (w.2.s.c.).

  
(Sahil Manojan) IAS  
**Under Secretary to the Government**  
**Jal Shakti Department**