

Government of Jammu and Kashmir
Jal Shakti Department
Civil Secretariat, Jammu/ Srinagar

Subject:- Departmental proceedings against Shri Bashir Ahmad Dar, the then Executive Engineer, PHE Division Handwara (now retired) in pre-litigation application titled Mohd Abdullah Mir V/s Executive Engineer PHE Division Handwara.

Government Order No. 229-JK(JSD) of 2024

Dated: - 10.10.2024

Whereas, Chief Engineer, PHE, Kashmir informed that during the year 2002-03, the then Executive Engineer, Jal Shakti, PHE Division Handwara had constructed a Water Treatment Plant at Langate under NRDWP and the land was acquired from one Shri Fateh Mir S/o Rustum Mir R/o Langate under survey No: 3677 measuring 04 Kanal and 05 Marlas and vide letter dated 03.12.2004 the revenue abstracts were submitted to the Tehsildar Handwara. The land owner namely Shri Fateh Mir S/o Rustum Mir R/o Langate passed away in the year 2005 and his legal heirs namely Shri Mohd. Abdullah Mir & his Sister has taken over the possession of movable and immovable property; and

Whereas, the land owner preferred to file an application before the Legal Services Authority Handwara and the case was referred to Lok Adalat for conciliation and adjudication. In the LokAdalat/National LokAdalat held at Court Complex Handwara on 21.10.2022, the following has been decided:-

At the instance of the parties the above titled pre-litigation matter was referred to the Lok Adalat for conciliation and adjudication. The matter was taken up today the 21st October 2022. As agreed by the parties, the following compromise was arrived at amicably.

The Department of PHE (Jal Shakti) non-applicant shall pay an amount of rupees 90 Lacs (ninety lakhs) to the applicant as compensation for land of the applicant under survey No: 3677 measuring 04 Kanal and 05 Marlas at Langate under the occupation of the non-applicant (PHE Division Handwara) within a period of six months, failing which the department shall be liable to pay the interest @ 8%.

Whereas, the matter was examined in the department and accordingly, memorandum alongwith chargesheet and statement of imputation were served upon Mr. Bashir Ahmad Dar, the then Executive Engineer, Jal Shakti (PHE) Division Handwara (now retired); and

Whereas, Shri Bashir Ahmad Dar, the then Executive Engineer, Jal Shakti (PHE) Division, Handwara has submitted his reply in his defense, which was examined in the department, and accordingly, with the approval of the Competent Authority, in terms of Rule 33(4) of J&K Civil Services (Classification, Control and Appeal) Rules 1956, Inquiry Officer was appointed vide Government Order No.120-JK (JSD) of 2024 dated 04.06.2024 in the matter; and



Whereas, the Inquiry Officer submitted his enquiry report with the recommendation that “the misconduct established against the accused officer is not so grave as there is no preliminary loss so as to warrant a major penalty. The officer is on the verge of retirement, it is as such recommended that a fine not exceeding one month’s pay be imposed on him in terms of Rule 30(ii) of the J&K Civil Services (Classification, Control and Appeal) Rules”; and

Whereas, the case was examined in the department and it was observed that Shri Bashir Ahmad Dar was posted in the PHE Division Handwara as Executive Engineer from 06.04.2022 to 14.11.2022. The case was instituted in the Lok Adalat on 02.03.2022 before the date of joining of the officer in said Division. Further, the committee constituted by the Sub-Judge Handwara for assessing the entitlement of compensation to the applicant on 23.06.2022 (i.e. after the joining of the officer), Mr. Bashir Ahmad Dar was neither the member nor part of the Assessment Committee for compensation; and

Whereas, the report of the Inquiry Officer alongwith the findings of the department was placed before the Competent Authority who has accepted the report of the Inquiry Officer and decided that the charges leveled against the charged officer be dropped and the case be closed at the Departmental level.

Now, therefore, in view of the above, the charges leveled against Mr. Bashir Ahmad Dar, the then Executive Engineer, PHE Division Handwara (now retired) are hereby dropped and the instant case is closed at the departmental level.

Sd/-

(Shaleen Kabra) IAS

**Financial Commissioner /Additional Chief Secretary,
Jal Shakti Department**

No. JSD-HRM04/22/2023-A-JSD (C. No. 7376718)

Dated: - 10.10.2024

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Director Finance, Jal Shakti Department, J&K.
3. Chief Engineer, Jal Shakti (PHE) Department, Kashmir.
4. Director, Archives, Archaeology and Museums, J&K,
5. Concerned.
6. Pvt. Secretary to the Financial Commissioner (Additional Chief Secretary), Jal Shakti Department
7. I/c Website.
8. Government Order file (w.2.s.cs)

(Sahil Mahajan) JKAS

**Under Secretary to the Government
Jal Shakti Department**