

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

Subject:- Disciplinary proceedings against Mr. Mohammad Muzaffar Wani S/o Late Ghulam Mohammad Wani, the then Junior Engineer, PHE Division, Srinagar (now retired) in case FIR No 12/2015 P/S VOK i.e. ACB - imposition of penalty reg.

Government Order No. 251-JK(JSD) of 2023

Dated:- 14.10.2023

1. Whereas, vide Government Order No.32-JK-GAD (Vig) of 2021 dated 07.06.2021, issued by the General Administration Department, among others, prosecution was sanctioned against Mr. Mohammad Muzaffar Wani S/o Late Ghulam Mohammad Wani, the then Junior Engineer, PHE Division, Srinagar (now retired) and Mr. Feroz Ahmad Mir S/o Late Abdul Rahman Mir, the then AEE, J&K LAWDA; and

2. Whereas, General Administration Department vide OM No. GAD-VIGOSP/1/2021-02-GAD dated 07.06.2021 recommended the initiation of simultaneous departmental action (RDA) against Mr. Mohammad Muzaffar Wani, the then Junior Engineer, PHE Division, Srinagar for commission of offences punishable u/s 5(1) (d) r/w section 5(2) of the Prevention of Corruption Act, Samvat, 2006 and Section 120-B RPC, in case FIR No. 12/2015 P/S VOK (ACB) and also recommended to place the accused public servant under suspension with immediate effect, pending enquiry; and

3. Whereas, vide Government Order No. 179-JK(JSD) of 2021 dated 06.09.2021, Mr. Mohammad Muzaffar Wani, the then Junior Engineer, PHE Division, Srinagar was placed under suspension with immediate effect and attached in the office of Chief Engineer, I&FC Kashmir; and

4. Whereas, the Anti Corruption Bureau, J&K vide letter No. ACB-FIR-12/2015-K-12271-72 dated 24.06.2021 forwarded requisite documents whereupon vide Memorandum dated 27.10.2021, the Article of Charges, Statement of Imputation and Gist of Evidence were served to the charged official with the direction to submit written statement of his defense within a period of 15 days from the date of receipt. The charges framed against the charged official are summarized as under:-

In 2008, Mohammad Muzaffar Wani, the then Junior Engineer, PHE Division Srinagar, attended a meeting of the Building Operations Controlling Authority (BOCA) in Srinagar Municipal Corporation as a proxy for the Executive Engineer from Water Works Division, Srinagar. During this meeting, he along with others, signed the Agenda Memo No. 19 of 19.04.2008 as a mark of approval to the decision of BOCA to the revised building plans of a building, which was later found to grossly violate the Master Plan Srinagar 2000-2021 despite objections from the Town Planning Section. Being a qualified Engineer, he



endorsed BOCA's decision and did not raise concerns about the Master Plan violation.

These actions constituted an abuse of his official position, granting undue advantages to private beneficiaries, a criminal offense and a serious dereliction of duty

5. Whereas, the charged official submitted his written statement on 15.11.2021 which was examined in the department and the Competent Authority decided to appoint an Inquiry Officer to conduct enquiry into the charges framed against the charged official and, accordingly, vide Government Order No. 28-JK(JSD) of 2022 dated 21.02.2022, was issued; and

6. Whereas, the Inquiry Officer vide letter No. IFCD/Sgr/325 dated 11.04.2022 submitted the enquiry report with the recommendation that the Regular Departmental Action against Sh. Mohammad Muzaffar Wani, then Junior Engineer, PHE Division Srinagar, be closed with forfeiture of one Annual Increment as a punishment for expressing ignorance in the meeting; and

7. Whereas, the General Administration Department, upon being requested by the department to intimate the latest status of the case FIR No. 12/2015 P/S VOK (ACB), forwarded copy of ACB letter No. ACB-FIR-12/2015-k-358 dated 06.01.2023 and informed that chargesheet in the instant case has been produced before the Hon'ble Court of Special Judge Anti Corruption Srinagar which is sub-judice; and

8. Whereas, examination of the case reveals that while the official attended the meeting of Building Operations and Control Authority on the verbal directions of Executive Engineer, Water Works Division Srinagar, however, the charge of maintaining silence while signing as a proxy does get proved since ignorance is no defence when the official, even if not properly authorised and ineligible, takes it upon himself to sign; and

9. Whereas, the matter was placed before the Competent Authority who has decided to accept the report of the Inquiry Officer and recommendation to impose penalty upon the charged official in terms of Rule 30(iii) of J&K Civil Services (Classification, Control and Appeal) Rules, 1956.

10. Now, therefore, penalty of “withholding of one Annual Increment” is hereby imposed upon Mr. Mohammad Muzaffar Wani S/o Late Ghulam Mohammad Wani, the then Junior Engineer, PHE Division, Srinagar (now retired).



By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

**Financial Commissioner (Additional Chief Secretary)
Jal Shakti Department**

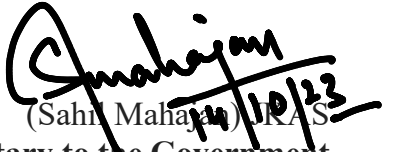
No: JSD-8/2021-NGJ (CC. No. 50721)

Dated: - 14.10.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.

2. Commissioner/Secretary to the Government, General Administration Department.
3. Director Archives, Archaeology and Museums, J&K.
4. Director, Anti Corruption Bureau, J&K.
5. Chief Engineer, Jal Shakti (PHE) Department, Kashmir.
6. Chief Engineer, I&FC, Kashmir **with the request to take n/a as per the penalty awarded above, under intimation to the Administrative Department.**
7. All Chief Engineer, Jal Shakti Department.
8. OSD to Advisor (B) to the Hon'ble Lieutenant Governor, J&K.
9. Pvt. Secretary to the Financial Commissioner (ACS), Jal Shakti Department.
10. Concerned.
11. I/c Website.
12. Government Order file (w.2.s.cs).


(Sahil Mahajan) J&K S

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