

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

Subject:- Involvement of Shri Noor Mohammad Sheikh, Gang Coolie, Ferozpora Basin, Irrigation Division, Tangmarg in Narcotic Drugs and Psychotropic Substance (NDPS) cases in FIR No. 20/2020 u/s 8/20 NDPS- Police Station Tangmarg and FIR No. 32/2021 u/s 8/20 NDPS - Police Station Kunzer - Dismissal from the service under Article-311(2) of the Constitution of India.

Government Order No. 78 -JK (JSD) of 2025
Dated: - 24.03.2025

Whereas, Shri Noor Mohammad Sheikh, Gang Coolie, Ferozpora Basin, Irrigation Division, Tangmarg, was involved in FIR No. 20/2020 P/S Tangmarg under NDPS Act 08/2022 in connection with the recovery of 129 gms Charas and was arrested for narcotic related crimes and remained in judicial custody with effect from 11.03.2020 to 21.04.2020 (01 month 10 days); and

2. Whereas, the said official was placed under suspension by the Executive Engineer, FBI Division Tangmar vide Order No. 01 of 2020 dated 28.03.2020, in terms of Rule 31(2) of J&K Civil Service (Classification, Control and Appeal) Rules, 1956; and

3. Whereas, Shri Noor Mohammad Sheikh, Gang Coolie, was again found involved in FIR No. 32/2021 u/s 8/20 NDPS-Police Station Kunzer in connection with recovery of 210 gms Charas and 05 Kg Charas Powder and was re-arrested for narcotic-related crimes, and remained in judicial custody with effect from 08.04.2021 to 17.08.2021 (04 month 09 days) and 21.04.2022 to 20.04.2023 (one year); and

4. Whereas, the Home Department vide OM No. HOME-ISA/239/2024 (CC No 7495780) Dated 02.07.2024 has forwarded Communication of Crime Branch, J&K vide No. CHQ/39/9th-NCORD/7010-1 Dated 04.06.2024 with the advice to initiate departmental action against Shri Noor Mohammad Sheikh, Gang Coolie, involved in NDPS cases (figuring at Sr. No. 02 in the aforesaid list); and

5. Whereas, vide this department letter dated 02.07.2024 Chief Engineer, I&FC Kashmir was requested to initiate the action taken against the said employee involved in Narcotic Drugs and Psychotropic Substance case and furnish a detailed report in the matter; and

6. Whereas, Chief Engineer, I&FC Kashmir vide No.CE/IFCK/Estt./15553-55 dated 17.12.2024 served Memorandum, Article of Charges and Statement of Imputations to Shri Noor Mohammad Sheikh, Gang Coolie to furnish the written statement of defense within a period of 15 days on the charges leveled against him. The charged official furnished his reply in defense; and

7. Whereas, Chief Engineer, I&FC Kashmir vide Order No. CE/IFCK/Estt/17822-26 dated 25.01.2025 appointed an Inquiry Officer to enquire into the charges levelled against Shri Noor

Mohammad Sheikh, who was found involved in Narcotic Drugs and Psychotropic Substance; and

8. Whereas, Inquiry Officer provided the opportunity of being heard to the Charged Official vide letter No. I&FCD/GBL/8802-04 dated 19.02.2025, to present himself before the Inquiry Officer on 21.02.2025 at 11:00 AM in the office of Chief Engineer, I&FC Kashmir to provide clarification, if any and defend his position regarding the charges leveled against him; and

9. Whereas, Shri Noor Mohammad Sheikh appeared before the Inquiry Officer on the said date, and verbally denied the charges but failed to provide any written submission in his defense; and

10. Whereas, the Inquiry Officer submitted the enquiry report and the findings as well as the final recommendations are reproduced as under:-

Case FIR No.20 /2020 U/S 8/20 NDPS- Police Station Tangmarg:

"On 11.03.2020, during a routine Naqa duty near Baba Reshi Crossing, Tangmarg Police personnel from the Baba Reshi Police Post, while performing their official duties, intercepted and detained two individuals, namely Noor Mohammad Sheikh, son of Gh. Nabi Sheikh, resident of Kunzer, and Mohd Iqbal Ganie, son of Mohd Ramzan Ganie, resident of Yall Pattan, for alleged possession of contraband substances suspected to be 'Charas'.

A subsequent search operation led by Head Constable Abdul Rashid (No.315-B) resulted in the recovery of six sticks of charas-like substance wrapped maize husk from the possession of Noor Mohammad Sheikh. Additionally, five sticks of similar material were retrieved from his accomplice, Mohd Iqbal Ganie. In accordance with legal provisions, the substances were seized on the spot, and an FIR (No.20/2020) under Section 8/20 of the NDPS Act was duly registered at Police Station Tangmarg, initiating the requisite legal proceedings.

A formal assessment of the seized contraband established that Noor Mohammad Sheikh was in possession of 129 grams of Charas (inclusive of packaging), while Mohd Iqbal Ganie was found with 122 grams. The confiscated materials were accordingly forwarded to the Forensic Science Laboratory (FSL) in Srinagar for expert analysis. Pursuant to the registration of the case, Noor Mohammad Sheikh was taken into custody on 11.03.2020 and remained in detention at sub Jail, Baramulla until 21.04.2020. Subsequent to his release on bail, he was rearrested on 08.04.2021 and detained until 17.08.2021, as corroborated by official correspondence from the Executive Engineer, FBI Division Tangmarg (e office No.5662215).

Meanwhile, the FSL Srinagar confirmed through expert examination that the seized material was 'Charas'. The chargesheet (challan) was formally submitted before the Sessions Court, Baramulla, on 20.11.2023.

Case FIR No. 32/2021U/s 08/20 NDPS Act-Police Station Kunzer

On 09.04.2021, acting on credible intelligence, Police Station Kunzer conducted a targeted raid at the residence of Noor Mohammad Sheikh. The search operation led to recovery of seven sticks of Charas like substance wrapped in maize husk

Mohammad Sheikh, who was found involved in Narcotic Drugs and Psychotropic Substance; and

8. Whereas, Inquiry Officer provided the opportunity of being heard to the Charged Official vide letter No. I&FCD/GBL/8802-04 dated 19.02.2025, to present himself before the Inquiry Officer on 21.02.2025 at 11:00 AM in the office of Chief Engineer, I&FC Kashmir to provide clarification, if any and defend his position regarding the charges leveled against him; and

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13. Whereas, it is relevant to mention that the department in terms of Article 311(2) of the Constitution of India, dismissed Shri Nikhil Gandral, Senior Assistant (the then Cashier), PHE City Division-I, Jammu, from service vide Government Order No. 215-JK(JSD) of 2023 dated 09.09.2023, after obtaining the opinion from the Department of Law, Justice and Parliamentary Affairs conveyed vide their U.O. No. Law/Opn1/125/2023-10, dated 09.09.2023 in the relevant file (Computer No. 7284777), reproduced as under:-

“Returned. The delinquent incumbent pursuant to the departmental inquiry has been informed of the charges against him and he has been given a reasonable opportunity of being heard in respect of those charges. All the necessary procedural requirements outlined in the extant service rules governing the inquiry process have been adhered to. Additionally, the department has stated that the Advisor in charge, in the capacity of Competent Authority, has interalia proposed to inflict the penalty of dismissal from the service, which ordinarily disqualifies from future employment.

Article 311 of the Constitution relating to the All India Services, provides as under:-

“311. Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State. –(1) No person who is a member of a civil service of the Union or an all – India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) 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.

The first proviso to clause (2) of article 311 of the Constitution clearly explain that after affording a person a reasonable opportunity to be heard regarding the charges, if it is proposed, following such an inquiry, to impose any penalty, that penalty can be imposed based on the evidence presented during the inquiry, without the need to provide the person with an opportunity to make representation regarding the proposed penalty.

Therefore, in view of the import of article 311(2) of the Constitution, there is no requirement to offer the incumbent an opportunity to represent himself on the proposed penalty. The departmental proposal in this regard holds good”.

14. Whereas, the case of Shri Noor Mohammad Sheikh, Gang Coolie was placed before the Competent Authority for acceptance of the report of the Inquiry Officer and the Competent Authority has, after due consideration, in exercise of the powers vested under Article 311(2) of the Constitution of India, decided to impose the penalty of dismissal from the service of the State which ordinarily disqualifies him from future employment, as his continued employment poses a grave risk to public welfare and erodes trust in government institutions.

Now, therefore, it is hereby ordered that in terms of Article 311(2) of the Constitution of India, Shri Noor Mohammad Sheikh S/o Ghulam Mohammad Sheikh R/o Kunzer, Gang Coolie, Ferozpora Basin, Irrigation Division, Tangmarg, presently under suspension, is hereby dismissed from service, with immediate effect. He is also disqualified from future employment with the government.

By order of the Government of Jammu and Kashmir.


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

No: JSD-HRM04/13/2025-G-JSD (CC.No. 7625635)

Dated: - 24.03.2025

Copy to the:-

1. Additional Chief Secretary to the Hon'ble Chief Minister, J&K.
2. Director General of Police, J&K.
3. Principal Secretary to the Government, Home Department, J&K.
4. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
5. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
6. Commissioner/Secretary to the Government, General Administration Department, J&K.
7. Divisional Commissioners, Jammu/ Kashmir.
8. Inspectors General of Police, Jammu/ Kashmir.
9. Inspector General of Police, Crime Branch, J&K.
10. District Magistrate, Baramulla / Sr. Superintendent of Police, Baramulla.
11. All Chief Engineers of Jal Shakti Department.
12. Director Archives, Archaeology and Museums, J&K.
13. OSD to the Hon'ble Minister, Jal Shakti Department, J&K.
14. PS to the Chief Secretary, J&K.
15. PS to the Financial Commissioner (Additional Chief Secretary), Jal Shakti Department, J&K.
16. Shri Noor Mohammad Sheikh S/o Ghulam Mohammad Sheikh R/o Kunzer.
17. I/c Website.
18. Government Order file (w.2.s.cs).


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