

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

Subject:- Involvement of Shri Gulzar Ahmed, Assistant Motorman, Hydraulic Division Ramban in Narcotic Drugs and Psychotropic Substance (NDPS) case in FIR No. 50/2012 u/s 8/20 NDPS Act and FIR No. 120/2023 u/s 8/20 NDPS-Police Station Gool-Dismissal from the service under Article - 311(2) of the Constitution of India.

Government Order No. 79-JK(JSD) of 2025

Dated: - 24.03.2025

Whereas, Shri Gulzar Ahmed, Assistant Motorman, Hydraulic Division, Ramban was involved in FIR No. 50/2012 u/s 8/20 NDPS Act in connection with the recovery of 01 Kgs Charas from his possession and was arrested for narcotic-related crimes, and remained in judicial custody with effect from 06.08.2012 to 17.03.2022 (09 years, 07 months, 11 days) and released on the directions of Hon'ble Court of Chief Judicial Magistrate, Ramban; and

2. Whereas, Shri Gulzar Ahmed, Assistant Motorman, Hydraulic Division, Ramban was again found involved in FIR No. 120/2023 u/s 8/20 NDPS Act in connection with the recovery of 30 grams Charas from his possession and was again arrested for narcotic-related crimes, and remained in judicial custody with effect from 15.10.2023 to 18.10.2023 (03 days); and

3. Whereas, the said official was placed under suspension by the Executive Engineer, Hydraulic Division Ramban vide Order No.53-E of 2023-24 Dated 20.10.2023 in terms of Rule 109 of J&K Civil, Services, Regulation Vol-I from the date the official was arrested viz. 15.10.2023; 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 to initiate departmental action against Shri Gulzar Ahmed, Assistant Motorman, involved in NDPS cases (figuring at Sr. No. 08 in the aforesaid list); and

5. Whereas, vide this department letter dated 02.07.2024, Chief Engineer, PHE, Jammu was requested to initiate the action 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, PHE, Jammu vide No. PHEJ/GE/15426-28 Dated 24.12.2024 served Memorandum, Article of Charges and Statement of Imputations to Shri Gulzar Ahmed, Assistant Motorman to furnish the written statement in his defense within a period of 15 days on the charges leveled against him. In response, the charged official furnished his reply in defense; and

7. Whereas, Chief Engineer, PHE, Jammu vide Order No PHEJ/GE/17269-76 dated 27.01.2024 appointed an Inquiry officer to enquire into the charges levelled against Shri Gulzar

Ahmed, Assistant Motorman, who was found involved in Narcotic Drugs and Psychotropic Substance; and

8. Whereas, Inquiry Officer provided the opportunity of hearing to the Charged Official vide letter No. JS/HDK/22-25/8040-43 dated 18.02.2025 and asked him to appear/present himself before the Inquiry Officer on 22.02.2025 to provide clarification, if any, and defend his position regarding the charges leveled against him. The Charged official appeared before the Inquiry Officer on the said date, and submitted his reply. Thereafter, the Inquiry Officer has submitted the enquiry report, the operative part of which is reproduced as under: -

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In view of the aforementioned findings, it is evident that Mr. Gulzar Ahmed S/o Mohd. Abdullah has not only failed to uphold the standards of integrity and conduct expected of the Public Servant but has also actively engaged in activities detrimental to public welfare his arrest, seizure of substantial quantities of narcotics from the charged official demonstrate a clear intent to operate within an illegal drug network. His action poses a grave risk to society, undermining law enforcement efforts and contributing to the spread of Narcotics. His action constitutes a direct violation of rule 3 of the J&K employees conduct rules, 1971, and he poses a significant risk to societal well-being. It is therefore, recommended that the termination proceeding be initiated against him following the due process of law.”

9. Whereas, Chief Engineer, PHE, Jammu vide letter No. PHEJ/GE/19018 dated 25.02.2025, endorsed the recommendations of the Inquiry Officer and has recommended that termination proceedings be initiated against the said employee; and

10. Whereas, the matter has been examined in detail in the department and in light of the irrefutable evidence, including forensic confirmations, Police investigations, repeated arrest, custodial detention, and pending criminal trial, it has become evident that Shri Gulzar Ahmed, Assistant Motorman has persistently engaged in illegal narcotic activities, making his continued association with the government untenable and detrimental to public interest; and

11. 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 (P-64-69), 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".

12. Whereas, the case of Shri Gulzar Ahmed, Assistant Motorman 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 Gulzar Ahmed S/o Mohd. Abdullah R/o Gool Tehsil Gool, District Ramban, Assistant Motorman, Hydraulic Division Ramban, 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

Financial Commissioner (Additional Chief Secretary)

Jal Shakti Department

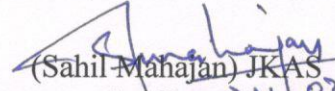
No: JSD-HRM04/10/2025-G-JSD (CC. No. 7625131)

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, Ramban/ Superintendent of Police, Ramban.
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 Gulzar Ahmed S/o Mohd. Abdullah R/o Gool Tehsil Gool, District Ramban.
17. I/c Website.
18. Government Order file (w.2.s.cs).


(Sahil Mahajan) JKAS
24/03/19
Under Secretary to the Government
Jal Shakti Department
