



**Government of Jammu and Kashmir
PHE/I&FC Department
Civil Secretariat, Srinagar/Jammu**

Subject: - Simultaneous action of prosecution in a court and initiation of departmental proceedings in case FIR No. 08/2007- closure of the case thereof:

Government Order No: 267 -PW (Hyd) of 2019

Dated: 17 .07.2019

Whereas, the State Vigilance Organization registered a case FIR No. 08/2007 in Police Station Vigilance Organization Jammu (VOJ), involving fraudulent drawal of Rs. 5.08 lacs by Zonal Educational Officer (ZEO), Drabshalla, Doda in league with Sh. Majid Hussain Bhat, the then Junior Engineer, I&FC Department and other co-accused officials, against repair/ renovation works of Government Middle School, Patnazi, Doda which had actually been executed by locals of the area with the help of 26 R.R Army deployed in the area; and

Whereas, vide Government Order No. 81-GAD (Vig) 2008 Dated:- 16.12.2008 issued by General Administration Department, sanction was accorded for the prosecution of accused Shri Majid Hussain Bhat S/o Ghulam Hassan Bhat R/O Shaktinagar Kishtwar, the then Junior Engineer Irrigation & Flood Control Department; and

Whereas, vide Government Order No. 81-PW (Hyd) of 2009 dated: 18-03-2009, Shri Majid Hussain Bhat, JE Irrigation and Flood Control Department, was placed under suspension and attached with District Superintending Engineer Doda and subsequently reinstated vide Government Order No. 324-PW(Hyd) of 2010 dated: 31-08-2010; and

Whereas, departmental enquiry was initiated against Sh. Majid Hussain Bhat the then Junior Engineer, I&FC Department and articles of charge was served upon him vide No. PHE, IFCJ/NG/236/2008, Dated 02-06-2016; and

Whereas, the reply to the charge sheet furnished by the accused official namely Sh. Majid Hussain Bhat was examined and vide Government Order No. 72-PW (Hyd) of 2017 dated: 03.03.2017, a committee comprising Sh. B.L Bhardwaj, I/C Superintending Engineer, Hydraulic Circle Doda and Sh. Abdul Wahid Zargar, I/C Executive Engineer, PHE Division Kishtwar, was constituted to enquire into the charges framed against the accused official; and

Whereas in the case titled State through VOJ, Jammu v/s Majid Hussain Bhat and others, Special Judge Anticorruption, Doda passed a judgement on 24-05-2018 the operative part of which is reproduced as under:

"In view of the aforesaid discussion made herein above, this court is of the considered opinion that prosecution agency has miserably failed to establish the guilt of the accused persons beyond reasonable shadow of doubt. Accordingly, this challan is dismissed and all the accused persons are acquitted of the charges leveled against them. Record seized in the case be released in favour of the respective departments."

Whereas, vide communication dated 11.10.2018 the enquiry committee submitted its report stating therein that the charges leveled against the accused Junior Engineer are not based on facts and nothing adverse has been found against him; and

Whereas, vide letter dated 15.02.2019, the fresh status of the case was sought from Director, Anti-Corruption Bureau, J&K Jammu who vide letter dated 08.04.21019 stated that:

"It is submitted that on legal scrutiny of the Judgment dated 24.05.2018 passed by the Hon'ble Court of Special Judge Anti Corruption Doda, it was decided that it is not fit case to prefer appeal and consequently Anti Corruption Bureau, J&K (then Vigilance Organization) has accepted the judgment as final."

Now, therefore it is hereby ordered that charges leveled against Sh. Majid Hussain Bhat, the then Junior Engineer, I&FC Department are dropped and the case is accordingly closed.

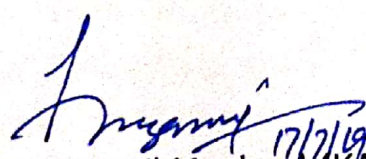
By Order of the Government of Jammu and Kashmir.

Sd/-
Ajeet Kumar Sahu (IAS)
Commissioner/Secretary to the Government

Dated: 17.07.2019

No: PW/I&FC/NG/236/2008
Copy for information to the:-

1. Commissioner/Secretary to Government, General Administration Department (Vigilance) for information.
2. Director, Anti Corruption Bureau, J&K Srinagar.
3. Chief Engineer I&FC Jammu/Kashmir.
4. Chief Engineer PHE, Jammu/Kashmir.
5. Pvt. Secretary to Commissioner/Secretary to the Government, PHE, I&FC Department.
6. Concerend.
7. Govt. Order file/Stock file.


Dr. Muzamil Maqbool (KAS)
Deputy Secretary to the Government