



सत्यमेव जयते

(S) 0194-2506205, 2506054(F)
(J) 0191-2562531, 2546185(F)
E-mail compwd@rediffmail.com

Government of Jammu and Kashmir
Public Works (R&B) Department
Civil Secretariat, J&K

Subject: Registration of Case FIR No. 06/2019, P/S ACB Kashmir- Reinstatement of Er. Nazir Ahmad Kujwal, Junior Engineer- Reinstatement thereof.

Government Order No: 93 -PW(R&B) of 2021
D a t e d: 24 -02- 2021

WHEREAS, Anti Corruption Bureau vide their letter No. ACB-FIR-06/2019-K-4483-87 dated 03.04.2019 intimated that a case FIR No. 06/2019 U/S 5(1) (d) r/w 5(2) of J&K P.C Svt. 2006 and section 4-A PC Act was registered against Mohamad Ramzan, Nazir Ahmad Kujwal, Mohammad Hanief Pampori, Sahibzada Mohammad Ilyas by Police Station ACB Kashmir, on the outcome of a verification conducted to look into allegation that SMC authorities in connivance with beneficiary Farooq Ahmad Sofi S/o Ab. Gafar Sofi, R/o Malikyar Fateh Kadal Srinagar has issued fraudulent building permission in his favour vide order No. 704 of 2015 dated 20.01.2015; and

WHEREAS, it was further intimated that for assessment of damage to immovable property due to floods of September 2014, a committee was constituted by Dy. Commissioner Srinagar for the said area which included:

- (1) Patwari Tashwan Srinagar – Sh. Safdar Hussaine
- (2) Girdawar Tashwan Srinagar – Sh. Mohammad Hanief.
- (3) Junior Engineer R&B – Sh. Nazir Ahmad Kujwal
- (4) Naib Tehsildar LAWDA – Sh. Mohd. Ramzan
- (5) Agriculture Extension Officer Brain – Sahibzada Mohammad Ilyas.

WHEREAS, ACB mentioned that the name of beneficiary was fraudulently included in the list of flood victims who consequently received compensation to the tune of Rs. 5,41,400/- from State/Central Government resulting in corresponding loss to the State Exchequer; and

WHEREAS, among others, Sh. Nazir Ahmad Junior Engineer of R&B Department was found involved in the instant case and upon request of ACB Kashmir, the Engineer was placed under suspension vide Government Order No. 240-PW(R&B) of 2019 dated 14.05.2019; and

WHEREAS, subsequently, the department initiated an inquiry into the matter and vide Govt. Order No. 429-PW(R&B) of 2019 dated 10.10.2019, Er. Mufti Imran Shah, I/c Superintending Engineer PW(R&B) Circle Anantnag was appointed as an Inquiry officer; and

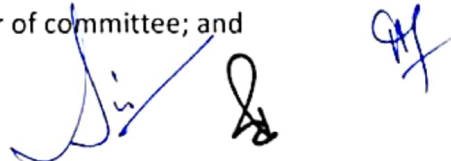
WHEREAS, the inquiry officer furnished its report vide endorsement No. 6569 dated 12.12.2019 submitting therein that among others Sh. Nazir Ahmad Kujwal, the then JE (R&B) Landscaping Division Srinagar was deputed for assessment of damages caused to the public property in the designated area due to floods of Sept. 2014 vide S.E (R&B) Circular Road Project Sgr. Order No. SE/CRP/7473-36 dated 15.10.2014 appearing at S.No. 12 Annexure A to the said order; and

WHEREAS, the damaged residential house belonging to Sh. Farooq Ahmad Sofi, S/o Abdul Gaffar Sofi, R/o Malikyar Fateh Kadal Srinagar was reportedly identified by the owner and locals of the area to the constituted committee and accordingly, Sh. Nazir Ah. Kujwal, JE assessed the damages caused to the immovable property (residential house) belonging to Farooq Ahmad Sofi including the immovable property of the locals as well in the area; and

WHEREAS, as per the valuation list obtained from Tehsildar South Srinagar, one residential house shown belonging to Sh. Farooq Ahmad Sofi S/o Sh. Abdul Gaffar Sofi, R/o Malikyar Fateh Kadal Srinagar has been assessed under the category of "Partially Damaged" and the 2nd house has been assessed under the category of "Severely Damaged". However, it was neither confirmed nor denied whether Sh. Farooq Ahmad Sofi S/o Sh. Abdul Gaffar Sofi R/o Malikyar Fateh Kadal Srinagar was owning one or two houses; and

WHEREAS, regarding occurrence of floods, Tehsildar South Srinagar vide his No. 250/Jud/Ems dated 25.11.2019 confirmed that Malika Fateh Kadal was hit by floods of September 2014. Besides, the concerned Police Station viz Bona Mohallah Srinagar registered FIR No. 14 of 08.09.2019 authenticating the damages caused to the residential house of Sh. Farooq Ahmad Sofi S/o Sh. Abdul Gaffar Sofi R/o Malikyar Fateh Kadal Srinagar; and

WHEREAS, the inquiry officer further reported that since, Sh. Nazir Ah. Kujwal, JE was deputed for assessment of damages caused to Public property due to floods of Sep. 2014 in the said area, as such it was his legitimate duty to assess the damaged property of the affected people which he has performed as a member of committee; and



WHEREAS, after examination of the inquiry report, the matter was referred to Development Commissioner Works for his comments who returned the case file with the request to kindly get the specific recommendations from the inquiry officer through the Chief Engineer as to whether the said accused Junior Engineer is involved in the case or otherwise with subsequent recommendation for his reinstatement depending upon the merit of the case; and

WHEREAS, the matter was taken up with Chief Engineer PW(R&B) vide this departments letter dated 09.09.2020 and in response, Chief Engineer (R&B) Kashmir vide his letter No. CE/RBK/ADM/14628-29 dated 08.10.2020 furnished the report of inquiry officer as:

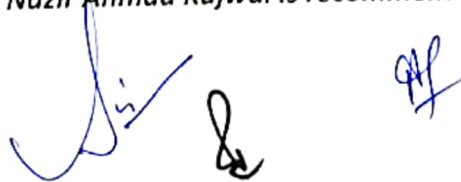
"on the basis of records furnished earlier by Tehsildar South Srinagar vide No. 250/Jud/Ems dated 25.11.2019 and No. 460/Jud/Ems dated 03.03.2020 regarding the case and subsequent examination of the records annexed with the file forwarded to the SE R&B Circle Ang/Kgm H.Q Khanabal for the purpose of conducting inquiry, it is learnt that Sh. Nazir Ahmad Kujwal, JE is not involved in the case as such it is recommended that the official is exonerated from the charges and subsequently reinstated"

WHEREAS, subsequently, the case was again referred to Development Commissioner Works for his comments. The Development Commissioner Works returned the file with the following remarks:

"The report of inquiry officer is clear to the extent that the JE Sh. Nazir Ahmad Kunjwal was deputed for assessment of damages only and is not involved in the fraudulent inclusion of beneficiaries in the list of flood victims, for which the following team has been constituted by the Deputy Commissioner Srinagar:-

1. Patwari Tashwan, Srinagar, Safdar Hussian.
2. Girdawar Tashwan Srinagar, Mohammad Hanief.
3. Naib Tehsildar LAWDA, Mohammad Ramzan.
4. Sahibzada Mohammad Ilyas, AEO, Brain Nishat Srinagar.

Therefore, this office, agrees with the recommendation of the inquiry officer bearing No. 3369, dated 23-09-2020 and the JE Sh. Nazir Ahmad Kujwal is recommended to be reinstated."



WHEREAS, the matter was placed before the Departmental Review Committee for review of Suspension Cases on 15-01-2021 and the decision of committee is reproduced as under:

"The Committee unanimously decided to re-instate Er. Nazir Ahmad Kujwal, Junior Engineer, Left River Circular Road Division (R&B) Srinagar as he was part of the Committee to assess damages and not to identify house owners whose houses were reportedly damaged due to 2014 floods in Srinagar"

Now, therefore, Sh. Nazir Ahmad Kujwal, Junior Engineer, Left River Circular Road Division (R&B) Srinagar is hereby re-instated with immediate effect. The period of his suspension shall be decided separately after receiving recommendations of Chief Engineer PW(R&B) Kashmir.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shailendra Kumar)IAS

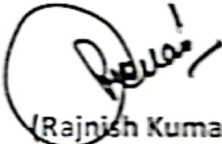
Principal Secretary to the Government

Dated: 24-02-2021

No: PW(R&B)/HRM/16/2019-FIR.

Copy to the:-

1. All Administrative Secretaries.
2. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
3. Joint Secretary J&K, Ministry of Home Affairs Government of India.
4. Director Archives, Archaeology & Museums, J&K Jammu.
5. Development Commissioner (Works), PW(R&B) Department.
6. Chief Engineer PW(R&B) Department, Kashmir.
7. Director, ACB J&K, Jammu.
8. OSD to Advisor (B) for information of the Hon'ble Advisor.
9. Private Secretary to Principal Secretary to the Government, PWD (R&B) Department.
10. Concerned Engineer.
11. In-charge Website PW(R&B) Department.
12. Government Order file/Stock file/Monday Return.


(Rajnish Kumar)KAS

Additional Secretary to the Government