



Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat J&K

Subject: Initiation of Regular Departmental Action against Ms. Muzamil Mustafa, CDPO Khag, Ms. Misra Jabeen, CDPO Khag, Mr. Javid Ahmad Dar, Jr. Assistant/Dealing Assistant and Mr. Muhammad Iqbal Bhat, Sr. Assistant/Dealing Assistant.

Reference: O.M No. GAD (Vig)64-RDA/2017 dated 24.07.2017 from General Administration Department.

Government Order No. 72 -JK(SWD) of 2024
Dated: 04 .04.2024

Whereas, General Administration Department vide O.M No. GAD (vig) 64-RDA/2017 dated 24.07.2017 had forwarded a copy of Vigilance Organization's letter No. VO-Seri-ABP-03/2015/2015-8781-82 dated 18.05.2021 alongwith Article of charges, Statement of imputation, Gist of Evidence and a copy of complaint regarding drawl of Honorarium in favor of Ms. Safiya Bano, Anganwari Worker in Anganwari Centre Mohalla Sothern, Budgam during the period when she was outside the country and advised to initiate Departmental Action against the delinquent officers/officials viz Ms. Muzamil Mustafa, CDPO Khag, Ms. Misra Jabeen, CDPO Khag, Mr. Javid Ahmad Dar, Jr. Assistant/ Dealing Assistant and Mr. Muhammad Iqbal Bhat, Sr. Assistant/ Dealing Assistant in accordance with J&K Civil Services (Classification, Control & Appeal) Rules, 1956;

Whereas, vide Government Order No. 31-SW of 2018 dated 24.01.2018, Mr. Mohd Yusuf, then District Programme Officer, ICDS Project, Srinagar was appointed as Inquiry Officer to conduct in-dept enquiry into the matter and the Inquiry Officer vide letter No. DPO/ICDS/Srinagar/2018/600-601 dated 28.06.2018 furnished the report, the abstract of outcome of enquiry is given as under:-

"After scrutinization the factual reports submitted by CDPO Khag to different agencies, the amount to the tune of Rs 12,300/- which has been drawn in favor of Anganwari Worker Ms. Safiya Bano, who was reportedly outside the country at the period, has been recovered from the concerned Anganwari Worker and remitted into Government Treasury "

Whereas; upon reviewing the inquiry report, it was deemed necessary to conduct a fresh investigation in the matter, as the report submitted by DPO was vague in nature and lack clarity. Therefore, as per Government Order No. 30-JK(SWD) of 2019 dated 20.12.2019, Ms. Rukhsana Gani, JKAS, the then Director General, Social Welfare, Kashmir, was appointed as the Inquiry Officer to revisit and conduct a comprehensive investigation into the matter. The Inquiry Officer, through letter No. DSWK/Estt/M-991/2020/9413 dated 14.02.2020, submitted the report with the following recommendations:

"The amount was remitted, after the matter came to the notice of the Vigilance and Crime Organization, this was a case of "too little, too late". Even the then District Programme Officer, Budgam acted in contravention of rules, when instead of referring the matter to the State Mission Director ICDS/

Administration Department, he/she asked the CDPO Khag to extend the leave of the officer, knowing full well, that the employee was in Saudi Arabia, without the sanction of the Government. As such, exemplary punishment must be meted out to the accused, although Ms. Misra Jabeen is since retired but the two clerks are still in service and Ms. Muzamil Mustafa is CDPO, Khanyar Srinagar”.

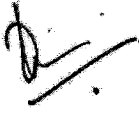
Whereas, based on the aforementioned inquiry report, Articles of Charges were issued to the delinquent officers/officials, namely Ms. Muzamil Mustafa, CDPO, Mr. Javid Ahmad Dar, Jr. Asstt, and Mr. Mohd Iqbal Bhat, Sr. Asstt. Vide Government Order No. 14-JK (SWD) of 2021 dated 03.02.2021. Mr. Anil Dogra, Director Finance, Social Welfare Department, was appointed as the Inquiry Officer to conduct an investigation based on the Articles of Charges. The Inquiry Officer submitted the report with the following recommendations:

“From the above background, it is clear that both the officers namely Ms. Muzamil Mustafa and Ms. Misra Jabeen, CDPOs have acted beyond their authority in sanctioning prolonged leave to the AWW knowing fully-well that she is out of the country and drawing honorarium shows the dishonestly of the then CDPO and her assistants, by which they caused loss to the state exchequer, although the amount was remitted later on after the matter came to the notice of the vigilance and crime organization. This was a case of too little, too late. The following course of action is recommended as under:

- a) May censure Ms. Muzamil Mustafa, the then CDPO Khag to remain careful in future.
- b) With regard to Mr. Javid Ahmad Dar and Mr. Mohammad Iqbal Bhat (Jr. Assistant/ Sr. Assistant), may ask Mission Director (ICDS), J&K to seek explanation, why they did not reply to the charge sheet and to withhold the salaries of said employees till the replies of charge sheet already served by the Administrative Department is examined.

Whereas, the Inquiry Officer's report was reviewed in the Department, and through letter No. SW/Gen/Compt/RDA/26/2017 dated 26.04.2021, the Mission Director, ICDS, was requested to seek explanations from Mr. Javid Ahmad Dar, Jr. Assistant/Dealing Assistant, and Mr. Muhammad Iqbal Bhat, Sr. Assistant/Dealing Assistant, regarding their failure to respond to the charge sheet. Furthermore, MD, ICDS, was asked to withhold the salaries of these officials until their responses to the charge sheet were received and reviewed;

Whereas, in response, Mr. Javid Ahmad Dar, Jr. Assistant, and Mr. Mohammad Iqbal Bhat, Sr. Assistant, submitted their replies to the charge sheets, which were referred to the Inquiry Officer. The Inquiry Officer recommended the following:

- a. Though, the officials under reference have accepted their fault, fraudulent withdrawal of money from the treasury, is simply unpardonable.
 - b. Secondly, the amount in question got remitted into the treasury only when the fact came to light & an inquiry got initiated.
 - c. Thirdly, the reply of the charge sheet was submitted only after their salary was stopped.
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The Inquiry Officer recommended withholding one increment without cumulative effect for both officials, Mr. Javid Ahmad Dar and Mr. Mohammad Iqbal Bhat.

Whereas, all officers/officials except Mr. Javid Ahmad Dar, Jr. Assistant, have retired from government service. Therefore, recommended penalties as per rule 30 of CCA Rules, 1956, are not deemed feasible upon the retirees except Mr. Javid Ahmad Dar, Jr. Assistant, who is still in service and is subjected to penalty as recommended by the Inquiry Officer.

Now, therefore, in terms of Rule 30 of the Civil Services (Classification, Control & Appeals) Rules, 1956, it is hereby ordered that:

1. The RDA against the following retired officers/officials is closed:
 - i. Ms. Muzamil Mustaffa, (retd) CDPO, Khag.
 - ii. Ms. Misra Jabeen (retd) CDPO, Khag.
 - iii. Mr. Mohammad Iqbal Bhat, (retd) Sr. Assistant, Khag.
2. Withholding of one increment without cumulative effect for Shri Javid Ahmad Dar, Jr. Assistant, Khag (presently posted in Mission Poshan, B.K Pora). Further he is warned to remain careful in future while discharging his official duties. The case is closed at the departmental level.

By Order of the Government of Jammu and Kashmir.

Sd/-

Sheetal Nanda, IAS
Commissioner/Secretary to the Govt.
Social Welfare Department

No: SWD-COM/17/2021 (e-33604).

Dated: 04.04.2024

Copy to the:

1. Commissioner/Secretary to the Government, General Administration Deptt.
2. Joint Secretary (JKL), Ministry of Home Affairs, GOI.
3. Mission Director, Mission Poshan J&K, with the advise to make necessary entries in the service book of the official, under intimation to this department.
4. District Programme Officer, Budgam.
5. CDPO, Khag.
6. Pvt Secy to Commissioner/Secretary to the Govt., Social Welfare Department.
7. Concerned.
8. I/C website.

(Mohd Imran Naik) JKAS

Under Secretary to the Govt.
Social Welfare Department